

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

THURSDAY, 14TH SEPTEMBER, 2023

[CORRECTED COPY]

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THURSDAY, 14TH SEPTEMBER, 2023

The Parliament resumed at 9.39 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.

MINUTES

HON. RO F.Q. TUISAWAU.- Mr. Speaker, Sir, I move:

That the Minutes of the sitting of Parliament held on Wednesday, 13th September, 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.

COMMUNICATION FROM THE SPEAKER

I welcome all honourable Members to today's sitting and all those joining us in the gallery and those watching the live proceedings on television and the internet. Thank you for taking interest in your Parliament.

PRESENTATION OF REPORTS OF COMMITTEES

Consolidated Review Report - Fiji Police Force 2017-2018 and 2019-2020 Annual Reports

HON. V. NAUPOTO.- Mr. Speaker, Sir, I am pleased to present the Consolidated Review Report of the Fiji Police Force 2017-2018 and 2019-2020 Annual Reports. These were tabled on 14th July, 2023, and it was referred to the Standing Committee on Foreign Affairs and Defence to review and report back to Parliament.

Mr. Speaker, Sir, the Committee conducted a joint submission and consultation with the Fiji Police Force and the Ministry of Home Affairs and Defence when we were dealing with these Reports. You will notice that a year is missing from those two Reports (2018-2019), but that was the Report that we had debated earlier in the week, and these are the two Annual Reports in between.

In these deliberations, we also tracked the live comments that were coming in on the *Facebook* page as they were watching the deliberation and we put forward to the Committee two of those very good points that were raised during the discussion.

Mr. Speaker, Sir, the Report is written in a way for ease of reading. If you just go straight to the recommendations, we referenced a paragraph in the recommendation, and you can go straight to the paragraph, and we have provided an explanation as to why the recommendation is there.

Thank you, Mr. Speaker, Sir.

(Report handed over to the Secretary-General)

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

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

HON. L.S. QEREQERETABUA.- I second the motion, Mr. Speaker.

Question put.

Motion agreed to.

Review Report – OAG Performance Audit on the Monitoring of Implementation of the Sugar Development and Farmers Assistance Programme from 2016-2019

HON. E.Y. IMMANUEL.- Mr. Speaker, Sir, on behalf of the Committee, I am pleased to present the Review Report on the Performance Audit of the Office of the Auditor-General on the Monitoring of Implementation of the Sugarcane Development and Farmers Assistance Programme from 2016-2019.

Mr. Speaker, Sir, the audit was limited to evaluation and checking of the Grant Policy and Management Framework, administration of the Grant, monitoring and reporting and evaluation. From 2016 to 2019, there were around 22 Grant programmes and the Sugar Development Fund (SDF) alone, received the second highest funding of around \$39.8 million after the fertilizer subsidies component of \$46 million.

At the outset, the Committee recommended the audit work carried out by the Office of the Auditor-General in examining whether the SDF from 2016 to 2019 was efficiently and effectively administered, and if the objectives of the Grant were met.

Mr. Speaker, Sir, the Committee reviewed this Performance Audit Report and conducted a round of consultations with all the relevant stakeholders, including the Ministry of Sugar, the Fiji Sugar Corporation (FSC), Sugarcane Growers Council, Sugarcane Growers Fund, Fiji Sugar Research Institute, South Pacific Fertilizers Limited and selected sector farms. The Committee noted and agreed with the audit findings of the Office of the Auditor-General during the implementation of the SDF Grant from 2016 to 2019.

On the Grant Policy and Management Framework Administration, it was found that there was no formal written one during the audit and the Ministry was in the drafting process, the audit was carried out in 2021.

On the administration of the grant, accountability and transparency in grant management was generally weak, grant allotment lacked a transparent system, grant agreements and payment vouchers were found missing in some cases, and some conflicts of interest were not being declared by FSC, and farmers do not always receive funds on time.

On monitoring, it was not performed to the requirements in an Annual Work Plan at farm level, there was absence of proper system, processes and resources for effective monitoring, plus independent checks were not carried out by the Ministry.

On Reporting and evaluation, the programme has yet to be evaluated and reported against its objectives when the audit was conducted.

The Committee, in its review, agreed with the recommendations of the Auditor-General, that the findings were bad and appalling, and we were surprised. However, the wording was timely, considering the funds of around \$39.8 that was disbursed at the time the SDF Grant had been in place from 2016 to 2019. There were instances of cheating or defaulted farmers, fraud and misuse of funds. It brought memories of the agriculture scam that happened in the past.

At this juncture, it is pleasing to note that most of the audit recommendations are currently put in place and being implemented by the Ministry and in FSC, however, there is still a hurdle of having the appropriate number of human and technical resources to carry out the administration of the Grants.

Mr. Speaker Sir, there were 22 programmes then, and now it has increased. In addition, the Committee found that there is lack of close and full collaboration and assistance and sharing of information between the main stakeholders in the sugar industry.

I am pleased to state that the current honourable Minister for Sugar has taken necessary and positive steps, not only to improve back-office functions in the sugar industry, but to improve sugar production and provide tangible returns including profitability, to all the stakeholders including Government. Overall, Mr. Speaker, Sir, I thank the Permanent Secretary of the Ministry of Sugar and the CEO of those stakeholders, who were consulted during the interview, as well as providing written response at that time.

I wish to extend my appreciation to all the honourable Members of the Committee who were part of the successful compilation of this bipartisan Report namely, honourable Sakiusa Tubuna, honourable Jovesa Vocea, honourable Alvick Maharaj and honourable Hem Chand. I also wish to thank the Alternate Members of the Committee who took part in the consultations namely, honourable Ratu Rakuita Vakalalabure and honourable Naisa Tuinaceva.

Most importantly, in view of the Committee's findings, Sir, the Standing Committee on Public Accounts recommends that Parliament takes note of its recommendations in this Report. With those few words, I commend this Report to Parliament.

(Report handed over to the Secretary-General)

HON. E.Y. IMMANUEL.- 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. H. CHAND.- Mr. Speaker, Sir, I second the motion.

Question put.

Motion agreed to.

COMMUNICATION FROM THE SPEAKER

Clarification on Deferment of Parliamentary Business

Honourable Members, before we move on to the next Agenda item for today, I would like to make a clarification only.

There have been some rumblings in the corridors of Government as to the agreement that was reached yesterday, which saw the deferment of the outstanding issues in our Agenda of yesterday to the November Sitting. However, it seems that the communication that was brought to me yesterday was not probably taken down to the level of the Chairperson of the Standing Committee. This has nothing to do with the Opposition but more so to do with the Government.

The honourable Prime Minister and the Leader of the Government in Parliament may have taken that initiative on her own without consulting the Chairpersons of the two respective Committees yesterday on the deferment. In that respect, I apologise to the Chairs of the respective Committees, and hopefully you can iron that out amongst yourselves in Government as to what really is the role of the Leader of the Government in Parliament and that of the Whip.

I hope this has been well clarified in your attending that attachment to the State Government of Victoria where the Whips were invited to attend so that they can better understand their role. There are two roles - one as Government Whip and the other one as Leader of the Government in Parliament, quite distinct and quite separate. I hope that clarifies the issue and we shall now move on.

MINISTERIAL STATEMENT

MR. SPEAKER.- The Minister for Agriculture and Waterways has given notice to make Ministerial Statement under Standing Order 40. The Minister may speak up to 20 minutes and after the Minister, I will invite the Leader of the Opposition or his designate, to speak on the Statement for no more than five minutes. There will be no other debate.

I now call on the honourable Minister for Agriculture and Waterways to deliver his Statement.

Dredging and Engineering Works

HON. V.T.T.K. RAYALU.- Mr. Speaker, Sir, I rise to make a Ministerial Statement on Dredging and Engineering Works on major rivers and creeks in Fiji, to control flooding and obtain low value minerals and/or for construction works.

The honourable Prime Minister, honourable Deputy Prime Ministers, the honourable Leader of the Opposition, honourable Cabinet Ministers, honourable Members of Parliament, ladies and gentlemen; our waterways are a major source of livelihood for our people. However, they also often cause hazards to our people during periods of extreme weather conditions. In particular, during increased rainfall periods, sediments and silt are washed into rivers and creeks which lead to flooding in low lying areas. Our communities are exposed to these flooding events on an annual basis, and it is a challenge that requires addressing most effectively and efficiently at all times.

The irony of it all, Mr. Speaker, Sir, is that we, as a nation, have to prepare ourselves for nature's onslaught in the form of natural disasters like floods, et cetera, every year regardless of whether we like it or not. The Department of Waterways is committed to providing a safe and secure environment from flooding, through the desilting, dredging and river engineering works of major river systems in Fiji. The Department has already undertaken many activities to address these crucial issues and will continue to do so in this financial year. We have many rivers and creeks to be looked after and these become important prior to the rainy season.

Mr. Speaker, Sir, at the end of the 2021 to 2022 financial year, a total of 41,870 metres of drains were desilted; 15,911 metres of creeks were desilted in the Central, Western and Northern Divisions, while 400 metres of new drains were excavated in the Western Division with an estimated

investment of close to half a million dollars. For non-municipal area drainage, a total of 95 drainage schemes have benefitted from this initiative with a total cost of more than \$180,000. Further to the 2021 to 2022 financial year, a total of 165,828 metres of farm drains were desilted, while 270,197 metres of creek were desilted, benefitting a total of 72 communities in the Central, Western and Northern Divisions with an investment close to half a million dollars.

Mr. Speaker, Sir, for the current financial year, the Department of Waterways has committed \$3 million for the dredging of the Ba River mouth channel, the Labasa River mouth channel and the Environmental Impact Assessment (EIA) of the Nadi River Diversion near Yavusania Village in the Province of Ba. From the dredging works, a large number of communities in the greater Ba and Labasa areas are expected to benefit from this project.

Additionally, the Department has allocated \$200,000 for the National Waterways Programme which involves survey and flood mapping exercise of five major river systems, including the Rewa, Ba, Sigatoka, Nadi and Navua Rivers.

Mr. Speaker, Sir, the Department of Waterways has committed \$3.8 million for contractors to carry out riverbank protection of the following Villages - Matainoco Village in Tailevu, Bua Lomanikoro Village in the Province of Bua, Matanisivaro Settlement near Qauia River, Wainimakutu Village in Namosi, Waciwaci Village in Lakeba, the upper Sigatoka River and Naivilaca Village in Noco, Rewa.

Mr. Speaker, Sir, the Department of Waterways is currently in the process of formulating a Memorandum of Agreement (MOA) between the Government stakeholders to be tabled to Cabinet for approval, and the stakeholders include the Department of Environment, the Ministry of Lands and Mineral Resources, the Ministry of iTaukei Affairs and iTaukei Lands Trust Board on a programme called 'Public Private Partnership (PPP) - Emergency Desilting of Rivers and Creeks'.

Mr. Speaker, Sir, this Programme will look after the desilting and dredging works of more than 130 identified rivers and creeks around Fiji. Government stakeholders will facilitate all necessary approvals and permits on behalf of the private contractors who will be carrying out the flood mitigation work on the ground. To recover costs, the private contractors will sell the dredge spoils to construction companies and authorities.

Mr. Speaker, the desilting of rivers and creeks will benefit our communities in many ways. It will reduce flooding events, as well as ensuring the protection of livelihoods and infrastructure since the rivers and creeks are an integral part of our ecosystems, they need to be restored and maintained. The risk of flooding is predicted to be high in the future due to the modification of the environment from development activities. Therefore, the Department is monitoring these activities and implementing mitigation strategies to reduce those risks.

Mr. Speaker, Sir, to assist with the current waterways' programmes and to further assist stakeholders as the sugar and now the non-sugar areas, we need to re-establish the Drainage Board. I had alluded to this during my Maiden Speech in this august Parliament and to enable this to happen, we will need to review the current Drainage Act 1961. To-date, we have made a submission to Cabinet and that submission has been approved.

The Drainage Act for Fiji was enacted in 1961 which is quite archaic and does not meet our current needs for the development of the agriculture sector. The Act provides for the declaration of drainage areas, authorise the execution of drainage works and provides for the establishment of drainage boards for the maintenance and improvement of certain drainage areas. However, due to certain amendments, some of those powers have changed.

Mr. Speaker, Sir, in the past, three Drainage Boards was set up in three Divisions namely; the Central, Northern and Western Divisions. The Central Division Drainage Board comprise of 40 drainage schemes, covering an area of 10,428 hectares; the Western Division Drainage Board comprise of 40 drainage schemes, covering an area of 247,000 hectares; and the Northern Division Drainage Board comprise of 20 drainage schemes, covering an area of 211,000 hectares.

Mr. Speaker, Sir, in the past, Drainage Subsidy Funds, through the grant, were budgeted for and provided to the three Drainage Boards through the then Land and Water Resource Management Division to administer and undertake the following:

1. Drainage improvement works of the existing drainage schemes and waterlogged areas; and
2. Drainage infrastructure development maintenance and rehabilitation within our drainage scheme programmes, these include the establishment of seawalls and outfall structures such as floodgates to reduce saltwater intrusion into farming areas.

Mr. Speaker, Sir, previously, the main purpose of drainage improvement works within the drainage schemes was to clear waterlogged areas and reduce the impacts of flooding. Our situation now, in addition to drainage, is to look at irrigation to improve farming areas, as well as the use of nature-based interventions for the restoration and maintenance of watershed areas in Fiji.

Mr. Speaker, Sir, the review of the current Drainage Act 1961 will enable us to re-establish the Drainage Boards and ease the workload for the Waterways Division under the Ministry of Agriculture. This will also outline the scope of work to be covered by the Drainage Board and other stakeholders and it will provide the necessary legal powers for the Drainage Board and Waterways Division to carry out their work effectively.

Mr. Speaker, Sir, I thank you for giving me the opportunity to deliver this Statement.

MR. SPEAKER.- Honourable Members, before I call on the honourable Leader of the Opposition or his designate for their response, honourable Minister, for clarification's sake, is Matainoco Village part of Rewa or Tailevu?

HON. V.T.T.K. RAYALU.- Mr. Speaker, Sir, Matainoco Village is part of Tailevu but it is called Matainoco and is directly opposite Noco.

MR. SPEAKER.- Thank you.

HON. I.B. SERUIRATU.- Mr. Speaker, Sir, before I respond to the Ministerial Statement, I again convey my apology through you, for leaving Parliament early yesterday on an urgent and rather serious matter that I need to attend to. I did receive the call during dinner and consulted the Caucus so no disrespect of Parliament and to Government as well, given the importance of the motion that was before Parliament.

I wish to thank the honourable Minister for his Ministerial Statement and I hope that this will be the last Ministerial Statement from the honourable Minister that I will respond to. I am asking my members of the Caucus if they can also stand up and talk about agriculture and waterways issues.

Mr. Speaker, Sir, the honourable Minister has correctly highlighted the importance of maintenance of our drains in Fiji. I know for a fact that as the former Minister for Disaster Management, I remembered the 2018 Easter flooding in Ba that caught everyone by surprise. Changing weather patterns in Fiji, particularly the pattern of rainfall, what we are experiencing in

Fiji now as a result of climate change, we can easily be bombarded with three months of rainfall in five to six hours.

We can say that this overwhelms the capacity because most of our infrastructure and let us except the fact that most of the infrastructure that we have now was designed for that period but what we are experiencing now will take time and it is going to cost money as well. We need to start working on improving these infrastructure because of the change in weather patterns as a result of climate change, particularly.

The honourable Minister has justified the reasons behind these dredging works but, perhaps what is, sort of, missing, honourable Minister, from your Statement is about the iron ore that will be used for the construction or probably I have missed it, but it is an opportunity as well. He has talked about the private contractors that are given the spoils - I think this is under the current arrangement. In fact, those spoils are owned by the Ministry of Lands, but I think under the current arrangement because of the lack of capability, I will talk about that as well and maybe if the honourable Minister of Finance can help the honourable Minister for Agriculture on this, that is why they have the current arrangement.

Again, Mr. Speaker, Sir, we are looking at it in two ways. Firstly, we need the investment and the opportunities out of the iron ore. I will use Ba River, for example, it is rich in magnetite which is an element for iron, and we negotiated with the Land and Water Resource Management LAWRM back then to hold dredging, although we were experiencing flooding in the Ba River, particularly the first few kilometres from the Ba River Mouth because it is rich in magnetite. Although they were asking for the mining licence, but the difficulty in that ore is because it needs to be separated - sand that has the component of magnetite and the normal sand. The easiest way to separate them is when it is still wet and that is why there was a bit delay.

It is also present in the Sigatoka River, Sir, but you will recall that we had a bit of argument about the Sigatoka River a few years back. So, it is about mitigating and adaptation that we need to take up. We are aware of the environmental implications but there are opportunities in there that the honourable Minister of Finance needs to look into.

While still with the Minister of Finance, Mr. Speaker, Sir, I have stated that the honourable Minister for Agriculture and Waterways needs support. He does not have a dredger on his own Ministry now.

HON. PROF. B.C. PRASAD.- First time, increase the budget.

HON. I. B. SERUIRATU.- The budget is only \$3 million for this year, it is insufficient, Mr. Speaker, Sir, but get him a dredging equipment. The *Dauqueu* has done its time, it is gone. We used to have two. We did the Qawa River and the Labasa River in 2008 and that is why Labasa was safe for the last few years. If you delay the dredging, Labasa will come under water again. Mr. Speaker, Sir, that is why he needs the support.

Another thing we need in order to support dredging is a reactive measure, but we need to be proactive as well. I am going to talk about Sustainable Land Management Practices, particularly to our farmers. That is something that we need. We have talked about environmental issues, I remind the honourable Deputy Prime Minister again, do not bring environmental issues and then run away as well under cover. This is an environmental issue, it is also a husbandry practice issue, but for us to avoid.

There are reports of soil erosion in Fiji which most people are not aware of. We are losing a

lot of our good soils because of unsustainable land management practices. I will continue to support the Ministry of Agriculture in its efforts on sustainable land management practices because this is a proactive measure to reduce soil erosion so that we can also minimise drainage works. Therefore, Mr. Speaker, Sir, we need to provide all the support for deforestation and reforestation.

The honourable Minister for Forestry needs to look into this. The honourable Minister for Rural Development, on the other day, talked about Tukuraki. If you go back to the study on Tukuraki, it is when we change the forestry practice, when we brought in pine, pine has needle leaves whereas native Fijian trees have canopies, and that is one of the contributing factors to the landslide in Tukuraki way back in 2012. That is why we need to minimise reforestation and deforestation and, of course, sustainable land practices. These are proactive measures that will help us minimise drainage works and save cost for the Government, which we can use for other benefits. I thank you for the opportunity.

MR. SPEAKER.- Before we proceed, I would like to take this opportunity to welcome the Australian delegation visiting us today, especially, when it is led by the Minister for Foreign Affairs, honourable Senator Paddy Wong, and Australia's High Commissioner to Fiji and Special Envoy to the Pacific, Mr. Ewen McDonald.

(Acclamation)

We warmly welcome you to the Parliament of Fiji and hope you will enjoy your visit to the Fiji Islands during your visit here. May God bless the cordial relationship (a cordial one) that the great Government of Australia has with our Fiji Government. Thank you, Madam.

QUESTIONS

MR. SPEAKER.- Honourable Members, please take note of the following:

1. I am allowing honourable Maharaj to ask Oral Question No. 126/2023.
2. Oral Question No. 130/2023 for the Minister for Women, Children and Social Protection will be the last Oral Question to be asked today, since she is attending another Government engagement.
3. Oral Question No. 131/2023 will be omitted from the Order Paper, given that the honourable Minister for Agriculture and Waterways has delivered a Ministerial Statement on the same subject matter.

Oral Questions

Plans for Resolving Breakdowns at Rarawai Sugar Mill (Question No. 126/2023)

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

Can the honourable Minister for Multi-Ethnic Affairs and Sugar Industry inform Parliament if there are plans in place, along with a proper timeline, to solve the numerous breakdowns at the Rarawai Sugar Mill, which is affecting farmers, lorry drivers and national productivity?

HON. C.J. SINGH.- Mr. Speaker, Sir, I have an eight-page reply.

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. C.J. SINGH.- Listen!

Mr. Speaker, Sir, I thank the honourable Bala for raising his concerns regarding the Rarawai Mill. Unfortunately, he has not been here yesterday and today, and I am not sure whether he is seriously questioning me.

HON. A.A. MAHARAJ.- It is not your concern.

HON. OPPOSITION MEMBER.- Frivolous answer.

(Chorus of interjections)

HON. C.J. SINGH.- Mr. Speaker, Sir, I am sure honourable Bala knows the very answer, it is more of a heritage and an inherent issue that this Coalition Government has to resolve, unfortunately, due to many decades of neglect.

HON. GOVERNMENT MEMBER.- Hear, hear!

HON. C.J. SINGH.- Mr. Speaker, Sir, the Rarawai Mill is some 137 years old, older than all of us here.

HON. V. PILLAY.- We all know.

HON. C.J. SINGH.- Unfortunately, this old icon did not have a comprehensive or preventative maintenance plan. All maintenance was more of a responsive one and on a piecemeal basis. Apart from that, the Mill has been hit by a number of natural disasters over the past many years.

It is no secret, Mr. Speaker, Sir, that the Mill's frequent breakdowns are causing significant disruption to our farmers, lorry drivers and ultimately, our national productivity. I want to state that these issues are not only with Rarawai Mill, the other two Mills as well - Lautoka and Labasa Mills are no exception. Both are similarly aged. Let me repeat, the issues are longstanding and have not just appeared now since we are in Government.

Previous Governments did not take any feasible measures to address these issues effectively and here we are with the legacy issues of the past to deal with.

HON. A.M. RADRODRO.- Yes.

HON. C.J. SINGH.- During the prime days of the sugar industry with the preferential price from the European Union, new modern mills should have been built decades ago. However, Mr. Speaker, Sir, since we are in Government, we will clean up the mess and build this industry.

HON. F.W.R. VOSAROGO.- Hear, hear!

HON. C.J. SINGH.- To address some of these issues and ensure uninterrupted operations of the Rarawai Sugar Mill, we are working on a plan that incorporates both, short-term and long-term measures.

The pressing issue at hand revolves around the two boilers that are dubbed as the heart of the sugar mill. These two boilers were originally installed way back in 1958 and 1976 respectively. Given

the advanced age of these boilers, they are in urgent need of replacement. Currently, we just cannot push these boilers to their optimum operating capacity but to run well below its intended capacity. As a result, the Mill's efficiency gets affected and so is its productivity.

Our challenges are impaired by the failed Sugar Technology Mission (STM) project, which was aimed at modernising the Rarawai Mill. The installation of a new cane-carrier equipment as part of this project has created more issues than modernising the increasing and overall efficiency of the Mill. The flaw in the design has led to inconsistent cane feeding, especially with the billet (mechanical harvested cane). As such, the Mill cannot run to its full potential as the input (raw cane) load has to be limited.

Mr. Speaker, Sir, to promptly address some of these ongoing issues, the FSC is implementing a regular furnace cleaning procedure and maintenance programme. This proactive measure is aimed at maintaining stable boiler pressure during each shift, ultimately reducing the frequency of breakdowns.

To reduce the hours of repairs, Mr. Speaker, Sir, scheduled work such as fixing air heater, tubing leaks and replacement of air heater tubes are carried out during Mill cleaning days. The complete replacement of air heater tubes is scheduled for the 2024 maintenance season.

Mr. Speaker, Sir, regrettably, we must anticipate the persistence of some of these issues in the short to medium term. Despite our efforts to implement strategies aimed at reducing breakdowns, it is inevitable to install a new boiler to replace both existing boilers at the Rarawai Mill. This decisive need should address ongoing breakdown problems.

Mr. Speaker, Sir, it is crucial to understand that a substantial investment is required for the success of this project. We cannot ignore the fact that all these three Mills are more than 100 years old, highlighting the pressing need for the modernisation and upgrading of the century-old technology to improve performance, increase the production rate and energy efficiency. Additionally, we intend to have more environmentally friendly systems and processes in the Mills to reduce our carbon footprint as well. Moreover, Sir, FSC is actively exploring various avenues to secure necessary funding and technology for the comprehensive upgrade and refurbishment of critical Mill components.

Mr. Speaker, Sir, we are in consistent and continuous consultations with our sugarcane farmers, truck drivers and other stakeholders to fully understand their concerns and incorporate their valuable feedback. While I cannot provide an exact timeline for the resolution of these challenges or legacy issues, I want to emphasise our unwavering commitment to finding a lasting solution.

HON. A.A. MAHARAJ.- Who wrote it?

HON. C.J. SINGH.- As you know, Mr. Speaker, Sir, there will be a complete review of the sugar industry as per the provisions made in the 2023-2024 Budget. We fully comprehend the immense significance of the sugar industry to our nation's economy, and we remain steadfast in our dedication to safeguarding the livelihoods of our farmers and those associated with the industry.

As I had explained on Monday, Mr. Speaker, Sir, the sugar industry still brings in more than \$200 million of foreign dollars to the country. Rest assured, we will continue to work tirelessly to overcome the challenges of these Mills and we are deeply grateful for the support and understanding of all stakeholders, more importantly our hardworking farmers. I thank them for their contribution to the economy.

Before I sit, Mr. Speaker, this is interesting - I had a fortunate conversation with a Singaporean Consortium, a multi-billionaire Consortium, that is willing to come in to assist our sugarcane industry. So, wait for some good news in time to come.

(Chorus of interjections)

HON. C.J. SINGH.- One at a time. Thank you.

HON. I.B. SERUIRATU.- Sir, we have not heard anything new from the honourable Minister. When he talked about the Ministry of Multi-Ethnic Affairs, there was no plan. Now, when he is talking about the sugar industry and Rarawai Mill, again, there is no plan. We all know that you do not have a plan, honourable Minister. My question to you is this, we have talked about the magnetite this morning in Ba River. Rarawai Mill is also a big polluter to the Rarawai River. Are you aware of that, and if so, what are you going to do to fix it?

MR. SPEAKER.- Take your seat, honourable Minister. I think this is the second time I am saying this to your good self, Sir, so as to allow us to go over the question that has been raised. Now, you can stand up and give your reply.

HON. C.J. SINGH.- Mr. Speaker, Sir, the supplementary question is a new one. The plans that we have for Rarawai Mill is something that you have made a blunder of. We are trying to correct that, and it will take some time.

HON. P. TIKODUADUA.- Hear, hear!

HON. M.S.N. KAMIKAMICA.- 16 years and nothing done.

MR. SPEAKER.- I will allow one more before I ask the honourable Members if we could adjourn soon after this supplementary question, so as to allow the honourable Prime Minister to join the honourable Minister for Foreign Affairs from Australia in having tea together.

HON. F.S. KOYA.- Do not worry, honourable Minister, I am not going to derail your train.

(Laughter)

Honourable Minister, in light of the fact that you acknowledged that there are issues with Rarawai Sugar Mill, do you anticipate in this particular season that we are in now, what is the percentage that you anticipate in terms of productivity out of that particular Mill, bearing in mind that there are considerable breakdowns at the moment?

HON. C.J. SINGH.- Mr. Speaker, I will probably get that answer to him later because I have to get back to the Mill and the Management for that.

HON. K.K. LAL.- You should have done it.

MR. SPEAKER.- Honourable Members, you may have noted how he makes his reply. He has it written down, very detailed, so as to try and provide more information to you.

HON. A.A. MAHARAJ.- But it is not relevant.

MR. SPEAKER.- Come again?

HON. A.A. MAHARAJ.- Not relevant.

MR. SPEAKER.- Is the question not relevant or the reply?

(Laughter)

Honourable Members, I intend now to adjourn Parliament so that we may have morning tea.

The Parliament adjourned at 10.30 a.m.

The Parliament resumed at 11.13 a.m.

Housing Assistance to Fire Victims Grant
(Question No. 127/2023)

HON. A.V.B.C. BAINIVALU asked the Government, upon notice:

Can the honourable Minister for Housing and Local Government update Parliament on the approved changes to the Policy for Housing Assistance to Fire Victims Grant?

HON. M.K. NALUMISA.- Mr. Speaker, Sir, I rise to response to the question posed by the honourable Member before this august Parliament this morning.

Mr. Speaker, Sir, as we are all aware, accidental fires can have devastating consequences for homeowners, leaving them without a place to call home and struggling with the financial burden of rebuilding. I believe that it is the responsibility of any government to assist homeowners in such difficult times.

Mr. Speaker, Sir, in 2015, a programme was established to provide housing grant assistance on first come first served basis to low or middle income earners or families to rebuild their homes destroyed by accidental fires. Sir, under this assistance, households with an annual income of \$50,000 or below can access the payable grant of \$5,000 per applicant. The programme initially assisted affected families in urban areas until the 2020-2021 financial year when it was extended to rural and maritime areas.

Since the inception of the programme, a total of 260 families have been assisted with a total payment of \$1.3 million. However, Mr. Speaker, Sir, there was a need to further extend this assistance as families who had their homes destroyed by accidental fires were declined because they had agricultural lease titles. The criteria then was for residential lease title holders only. Additionally, following Cabinet's decision in 2020, housing assistance to fire victims was extended to rural and maritime areas but only for households within registered village boundaries.

Mr. Speaker, Sir, it is very pleasing to note that just recently in July 2023, there was a fire that happened in one of the villages in the district of Dreketi in Rewa – Nadoria Village, where five houses were accidentally destroyed. With this assistance, the Ministry was able to assist the families whose homes had been destroyed by fire.

Furthermore, Mr. Speaker, Sir, there are also households that belong to landowning units registered in the Vola ni Kawa Bula (VKB) and residing on their respective land that are not within the village boundary. These families were not considered eligible for assistance due to the current eligibility criteria for rural and maritime areas, hence the need to extend the assistance to include them. Therefore, Mr. Speaker, Sir, a review was undertaken on the existing policy and assistance have been extended to applicants with agricultural lease titles and households residing on their *mataqali* land.

Mr. Speaker, Sir, the grant assistance will continue to be on a first come first served basis. Further extension of this assistance is within the Ministry's intended number to be assisted in the financial year with a total allocated budget of \$150,000.

HON. A.V.B.C. BAINIVALU.- Mr. Speaker, my supplementary question to the honourable Minister, can he inform Parliament of the requirements in place for those five victims who can been assisted under this policy?

HON. M.K. NALUMISA.- Mr Speaker, Sir, I will just outline some of the major criteria on the reason that was made to those who wanted to apply if their houses got accidentally burnt by fire. These are homes that are within the urban, as well as now extended to maritime and rural areas. There are about eight criteria altogether:

1. The applicant must be above the age of 18 years.
2. Household must earn an income of at least below \$50,000.
3. Those that have agricultural lease titles, make sure that you provide ownership that the property belongs to you and that the applicant occupies the property. There must be evidence to support the ownership of the damaged property and the applicant occupying the property.
4. For those on *mataqali* land, the applicant is a member of the landowning unit, whose land has a damaged property located on it.
5. The property must not be insured.
6. A property search will be done to confirm that the applicant does not own any other property within Fiji and this is normally done through the Registrar of Titles.
7. Very important, the cause of the fire must be unintentional, accident fire not through arson and there should be a report lodged with the Police and also from the National Fire Authority.
8. For those houses that are affected in rural and maritime areas, they must have these confirmations:
 - (i) the Provincial Administrator and Office of the Roko Tui must confirm the house ownership rightfully belongs to the landowning unit on which the damaged property is located and on its *mataqali* land; and
 - (ii) the Provincial Administrator (PA) as well as the Office of the Roko Tui to confirm the cause fire in consultation with the National Fire Authority for incidents reported in the maritime areas.

HON. N.T. TUINACEVA.- Mr. Chairman, just a question to the honourable Minister pm, *mataqali* land. I think you said only those who are members of that *mataqali* will be eligible or qualify to apply for that assistance. What about those living on the *mataqali* land in the VKB but from somewhere else? There is a case in Sawani where this particular family is from Gau but living in a *mataqali* land given to them by the landowners. The house was completely destroyed and until now they are still waiting for assistance maybe because of this policy. How can we deal with those kind of cases, honourable Minister?

HON. M.K. NALUMISA.- Through you, Mr. Speaker, that is a very valid question and I thank the honourable Member for raising this question. That is a very practical example because there are instances of settlements where some even their *vasu*, the village where their mother is from had given them that piece of land. The most important thing here is, there must be a confirmation or consent from the *mataqali* owner that they have given consent to whoever that resides on that *mataqali* land. The confirmation must come from the *mataqali* or the head of the *mataqali* to confirm that they have given consent or permission for those who want to reside on their *mataqali* land.

HON. RO F.Q. TUISAWAU.- Mr. Speaker, my question is on Fire Education Awareness. Can you describe some measures currently being undertaken with households and members of the public in terms of awareness and safety?

MR. SPEAKER.- Honourable Minister, there are five cases from Nadoria, Rewa, and the honourable Minister is seeking explanation again on how to

HON. M.K. NALUMISA.- Mr. Speaker, this is something that my Ministry has been liaising very closely with the National Fire Authority to provide a strategy that is going to help, not only property owners but people at large or the public on how we can prevent fires. Just recently, there was a fire that

took place in Labasa that really damaged few spaces there, which was really catastrophic.

While talking to the Fire Officers who were actually there to assist to douse off the fire, I was told that it started from the kitchen and if only the Kitchenhand had applied the basic training skills that they were taught, the fire would have been contained. It was in a spur of the moment, they started running out and they forgot to apply the basic firefighting skills. These are some of the areas that we have also discussed with the Director of National Fire Authority, to do more educational awareness on how best we can prevent fires. It is not only that we wait for the fire to happen and then we start fighting fires.

Before I came this morning, I even asked the Chief Executive Officer of National Fire Authority for us to come up with a national strategy on how best we can prevent fires from happening. They have been invited by schools and they have been conducting consultation and awareness on some of the fire prevention techniques.

Hopefully, in the future, they are also going to conduct more awareness and training and also in terms of those who live in the rural and maritime areas, they need to liaise with the Roko Tui and the Provincial Administration Office on how best they can reach out to all the villages and settlements in Fiji so that if fire happens, at least, those who live around those surrounding areas are able to assist in fighting against the fire.

Extramarital Affairs and Family Breakdown
(Question No. 128/2023)

HON. A.N. TUICOLO asked the Government, upon notice:

Extramarital affairs and marriage/family breakdown have been an issue affecting Fijians contracted under the Pacific Australia Labour Mobility (PALM) and the Recognised Seasonal Employer (RSE) Schemes. Can the honourable Minister for Employment, Productivity and Industrial Relations inform Parliament on the Ministry's plan to address the problem?

HON. A.D. SINGH.- Mr. Speaker, Sir, I thank the honourable Member for asking that question.

Mr. Speaker, Sir, extramarital affairs and marriage/family breakdown is a two-way occurrence, in our case. It can either happen on the location where the worker is involved abroad at work or with the spouse back at home but for us, our information is that most of them have happened abroad where the workers are based.

Mr. Speaker, Sir, research shows that marriage breakdown or extra-marital affairs stem from poor communication, lack of intimacy, money issues and growing apart, as life takes different twists and turns. Sir, issues such as this, dealing with human values and behaviour, are beyond our control. However, the concerns raised require an understanding of such human behaviour.

Addressing this issue also requires multi-disciplinary approaches and multi-stakeholder collaboration. No government can resolve this alone but together, Sir, we can take preventive and corrective measures to improve and minimise such painful incidents. I will outline some preventive measures that our Ministry is now taking.

Mr. Speaker, Sir, since the inception of the PALM Scheme in 2019, 1.5 percent or 65 out of 4,351 Fijian workers engaged under the Scheme have been involved in extramarital affairs. While

the percentage is insignificant, even one family abandoned by the breadwinner or the head of the family should be a matter of deep concern to all of us.

The number of reported cases received on welfare issues around this, Sir, under the Scheme began in 2021. It is a major social impact faced by workers' families here in Fiji, including related issues such as non-communication and no remittance.

Mr. Speaker, Sir, a vast majority of them, when they get involved in such affairs, they abscond. They are not at their work site where they were, they run away from the employers and hide somewhere else, so we lose contact with them and our High Commission Officials - our counterparts in Australia and DFAT Officials tried to locate them, but it becomes very, very difficult. So far, through intervention by the employers and through intervention by our diaspora there, we have been able to resolve three cases.

Mr. Speaker, Sir, since we came into Government, my Ministry and this Coalition Government have achieved a lot in ensuring that the wellbeing and welfare of the workers under the Scheme comes first. We visited our workers in both, Australia and New Zealand, within three months of coming into Office, to assure them of our commitment, to hear their concerns, to talk to our bilateral partners, to talk to their employers and their Unions, and to make them feel that they are cared for, Sir, to make them feel important. They were, indeed, thrilled to see us, Sir, and many got emotional because it was the first time in four years that any Government Official had ever visited them.

Mr. Speaker, Sir, we are now strengthening our collaborative efforts, we have established a Senior Officials Working Group between the Fiji Government and the Australian Government, which is shared by my Permanent Secretary and collectively, discussing and continuously exploring solutions.

Sir, in improving collaboration with our local community, we have signed a Memorandum of Understanding (MOU) with the Ministry of iTaukei Affairs, to support my Ministry in sharing information and also in preparation of potential Fijian workers through their community connections for communal support and identification of potential leaders of the groups that go out and work there. We feel that connection of our workers with the *Vanua* through the Chiefs, the Turaga-ni-Koro and the community and Church leaders could help minimise the concerns raised.

Mr. Speaker, Sir, for extensive understanding about work in Australia, including managing the culture shock, we will be expanding our Pre-Departure Training Programme from four days to two weeks, and we will also take this out now to the communities, to districts where families and spouses can also come together for the better understanding of the whole programme and what to expect out there, as well as the expectations of their families here. We will also involve other stakeholders when we are conducting this Pre-Departure Training Programme.

Sometimes there is over-expectation from the family back home and workers get frustrated when all they earn has to be sent home and they save nothing. I have met some of them and they have shared this with me, and that is why we impress upon families to make sure that the culture of saving is observed. The workers know that they are going to benefit from their savings at the end of the period they are working there.

Mr. Speaker, Sir, pastoral care and welfare support is the key to addressing vulnerability, and this is being done through the appointment of our first ever Country Liaison Officer. I wish to thank the Australian Government for allocating funds for a Country Liaison Officer in 2021. Unfortunately, it took us more than two years and a change in Government to appoint a Country

Liaison Officer. We have just appointed one and he is on the ground.

Mr. Speaker, Sir, I would also like to thank the honourable Minister of Finance for allocating funds for a second Liaison Officer in Australia because it is a vast country, and our workers are spread all over. We are now in the process of advertising and appointing the second Liaison Officer. We are now in conversation with the Australian Government to provide funding for one more. If they do not, then I will come back to the honourable Minister of Finance because we need three in Australia and one in New Zealand.

Mr. Speaker, Sir, with our new Country Liaison Officer now on the ground, he will be the key contact person. He will be visiting workers, workplaces, talking to employers, solving problems and ensuring that any communication from families coming here to us will be forwarded to him to make sure that our workers out there are not behaving in a manner that is undesirable. So, that is one major step that we have taken, Sir, and we also have our High Commission Officials who are now continuously assisting us as well.

Mr. Speaker, Sir, other avenues that the Ministry is embarking on is ensuring transmission of funds directly. We are now in the process of discussion with the employers to get a Deed of Consent between the employer and the worker done, so that the employer can deduct a certain amount and send it directly to the spouse at home.

What happens now, Sir, is that the fare is paid by the employer, and they deduct that slowly from the wages. So, what we want to do now is to ask them to deduct a little more so that the return fare is also available. If any worker who gets involved or misbehaves, all we will need to do is to get their ticket, put them on the plane and send them back home. Of course, they will not be able to go back again.

Mr. Speaker, Sir, on family accompaniment and Pacific Engagement Visa, the Australian Government has committed to piloting a visa arrangement, allowing PALM workers on long-term placements to bring their families to Australia. This is aimed at addressing the social impact of long periods of family separation. We hope that this will work well, it is a scheme that is being piloted now with a limited number from the entire Pacific and hopefully, the numbers will increase.

Mr. Speaker, Sir, allow me also to acknowledge the work and dedication of our Church leaders through the Pacific Council of Churches, including our very own Fiji Council of Churches. These stakeholders play a very crucial role in enhancing the spiritual aspect of our workers to remain faithful, committed to their colleagues and families.

Last month, I participated in their *talanoa* session here in Suva on pastoral and practical care of our migrant workers, to have a better understanding of how we could collaborate more closely to support our workers and their families. And, Sir, they have now got a plan on how our Churches are going to assist our workers out there in Australia and New Zealand with pastoral care.

Mr. Speaker, Sir, on the other developments as part of the way forward, the strengthening of our people to people links to review the Vuvale Partnership Agreement was held last week between Fiji and Australia Senior Officials here in Suva. Now, this will lead, Sir, to the review of the Labour Mobility Agreement and will address a number of the current issues and concerns that now have emerged.

Mr. Speaker, Sir, as I have highlighted earlier on the Coalition Government's commitment to address emerging issues, during our Ministerial visit to both, Australia and New Zealand, we also had several community engagements organised by our Fijian communities. And these *talanoa*

sessions were very fruitful, Sir, because we were able to extract a lot of information from them regarding how our workers are faring there. At the same time, they are assisting us in making sure that our workers, in connection with them, are having church service together with the communities and they are able to see that they do not fall on the wayside.

Mr. Speaker, Sir, in acknowledging the concerns raised by some of the key stakeholders, as alluded to earlier that we need a multi-stakeholder approach to address welfare concerns holistically, my Ministry is currently discussing on the establishment of an inter-agency committee to tackle these concerns.

Mr. Speaker, Sir, while there have been issues of performance and welfare concerns for some of our workers and their families, I would like to also acknowledge that most of the workers who have remained focussed have been able to benefit immensely from the Scheme. We know about the remittances that have been coming, we know of the success stories that have come through the social media, d through the mainstream media and from the workers themselves who have come back, that they have either started their own businesses, they have improved their living standards and improved their homes, and they have also improved their villages, and the like.

Sir, enhanced labour mobility is a shared priority of the economic relationship. We commit to working together with the Australian Government and their representatives, to ensure that the Scheme is mutually beneficial and also to ensure that our workers get fair treatment and are in good spirits and even connected to their families back home so that we are able to reduce and eradicate the problem on hand.

Mr. Speaker, Sir, I have given a list of all those preventive and corrective measures that we are taking, and we are hopeful that we will be able to resolve this problem, going forward. Thank you very much, Sir.

HON. A.N. TUICOLO.- Mr. Speaker, I thank the honourable Minister for his response and I would also like to commend the Ministry and all its staff for the facilitation work they are currently doing for our youth and fellow Fijians. My supplementary question is, apart from those community pre-departure programme and pastoral care that the honourable Minister has spoken about, are there plans to introduce some form of predeparture couples therapy?

HON. A.D. SINGH.- I must apologise, Sir, I missed the last part of the question.

MR. SPEAKER.- I think the honourable Tuicolo is asking therapy for couples before they depart.

HON. A.D. SINGH.- Mr. Speaker, Sir, as I have alluded to earlier, we are now expanding the period from four days to two weeks and we are getting other stakeholders to come in and one of them will be that.

HON. N.T. TUINACEVA.- Mr. Speaker, Sir, honourable Minister you have mentioned something on country liaison officers. I think that is a great idea, but who are these people and which side of the ocean do you recruit them from? Are they our locals whom you take to the other side, or these are the people from the other side, who are experienced and know about the country and all the problems that are engaged in this? I know there is a lot of talk going on the social media regarding those who are doing the job right now, saying that they lack capacity to do the job.

HON. A.D. SINGH.- Mr. Speaker, Sir, the country liaison officers whom we are appointing would be those former Fijians now living in Australia who have the correct qualifications, experience

and skills.

HON. R.R. SHARMA.- Mr. Speaker, Sir, when growing up, we heard in schools that on the other side the pasture is always greener, but the pasture is greener where we water it. I think that is the message to the youth to the possibilities in Fiji that we can invest in. Thank you, honourable Minister for your quantitative assessment and the multi-disciplinary approach in prioritising and characterising the degree of issues that we have. But ever since this has been in the media, some family members are a bit worried.

What if they have a family member engaged in these kinds of matters, and somehow some of the family members, who were intending to take up this scheme to go on this Pacific Australia Labour Mobility Scheme are sort of being discouraged not to do so. How is your Ministry working to mitigate this aspect of social stigma and demoralisation factor amongst the Fijian people and families?

HON. A.D. SINGH.- Mr. Speaker, Sir, let me share this information through you, that we have some 20,000 plus applications pending, and right now we are actually processing those applications from mid-2021. I am not aware of the lack of interest in people wishing to go and work abroad.

HON. V. LAL.- Mr. Speaker, Sir, these workers are granted Visa 403, in which, there is no provision for the workers to take their partners with them. We know as married men and married women, when we do not have our partners, it is highly likely that people get involved in these kinds of activities. As alluded to by the honourable Minister, how long will it take for the talks so that there is a provision for the workers to take their partners with them?

HON. A.D. SINGH.- Mr. Speaker, Sir, we are now six months into these discussions. If we had started these discussions two years earlier, by now we probably would have had it already. So, we hope to have it in place as soon as possible. We are discussing with our Australian counterparts.

MR. SPEAKER.- The question has generated a lot of interest from the honourable Members.

HON. S.T. KOROILAVESAU.- Mr. Speaker, Sir, my question to the honourable Minister is very simple. During my term in the Ministry, I carried out two visits around New Zealand and Australia. One of the issues that had been realised at that time was the Fijian communities in these areas were quite a very bad influence on the workers were coming from Fiji - being raw from the rural areas and they were very easily influenced by our Fijians living around the area. At that time, I had decided to create half-way houses which basically means that there is a community within the town closest to them that will advise them if they do fall off the line. I just wanted to ask the honourable Minister if that problem of interference from our local communities that now reside in Australia and New Zealand have much influence on our workers?

HON. A.D. SINGH.- Mr. Speaker, Sir, we know that there are those that do influence our people negatively, they encourage them to abscond, encourage them to get away, encourage them to hide and they probably later on will be able to obtain a visa to stay back, but the vast majority I must say that we have met are great people and they are there to assist us. This is my experience in our last visit.

HON. F.S. KOYA.- Mr. Speaker, Sir, my question is actually quite simple but I just want to remind the honourable Minister that discussion with respect to partners travelling with them began with us many moons ago. Sir, the question really is that we have to tread very carefully with respect to how we deal with the situation especially with respect to extramarital matters, et cetera, that is

being spoken about.

Why I say this, Mr. Speaker, Sir, is because within the Constitution we have a particular provision that guarantees your right to privacy and that also guarantees respect for your private and your family life. My question is that in all that you do with respect to this specific matter Sir, please let us know whether you are consulting with the Solicitor-General's Office and the necessary legal authorities. Be mindful because our intentions are good (it does not matter which side of the Parliament we are) but we cannot tread and interfere in people's personal lives. So, have you made arrangements whether it is overseas or whether it is our own Solicitor-General's Office?

HON. A.D. SINGH.- Mr. Speaker, Sir, I would like to thank the honourable Member for the question. Of course, we have our own legal officers, our legal team in the ministry and we have the Solicitor-General's office to advise us on any matter of legality in any anything at all.

HON. F.S. KOYA.- Have you done it though?

HON. A.D. SINGH.- Yes.

Black Spot Areas in Fiji
(Question No. 129/2023)

HON. J.R. VOCEA asked the Government, upon notice:

Can the honourable Deputy Prime Minister and Minister for Trade, Co-operatives, Small and Medium Enterprises and Communications inform Parliament on the Ministry's workplan to address the Black Spot areas in the country?

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, Sir, and I would like to thank honourable Vocea for his question. Before I respond, Sir, I think the honourable Minister for Labour was actually very polite. Before we became Government, I actually spent some time moving around Australia and worked in New South Wales and Victoria, and one of the things that was unprompted from all those workers was "we have not had a visit from Government".

I am glad that honourable Koroilavesau mentioned that he did visit four times apparently and so when honourable Koya was touting the Scheme as an initiative of the Government, I think I would urge them to just reflect on how they executed the Scheme.

HON. K.K. LAL.- Answer the question – you are just wasting time.

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, Sir, they did not actually have the infrastructure to support the whole thing. The initiatives that the honourable Minister for Labour mentioned - he did it in six months so he should be praised and credited for taking care of that matter.

Mr. Speaker, Sir, I rise to respond to the question raised by the honourable Member of the Ministry's work to address blackspot areas in the country. Before I begin and for the benefit of all members of the public, please, let me explain what blackspots are. These are areas where there is essentially no internet activity, and the other common technology is grey areas, and this is where internet connectivity is somewhat intermittent.

Internet connectivity, Mr. Speaker, Sir, as we agreed is now the backbone of the modern world and has becoming separable part of our daily lives. Reliable and stable internet to connectivity provides a gateway to access for information, education, economic opportunities and connecting our

loved ones in a way that was unimaginable a few years ago. Access to good quality affordable secure internet connectivity is crucial and the Government Ministries are fully commitment to bridging the digital divide.

Mr. Speaker, Sir, there are already 240 declared sites which have been identified as having poor or no connectivity. I just seek the indulgence of both sides of Parliament. When I saw that list, I was not happy with it because I felt it did not address the whole needs of the country. It was selective. It only picked on certain Provinces, and it did not look in an all-encompassing way across the provinces.

As a result, Mr. Speaker, Sir, I have put the programme on hold or slowed it down just to make sure that we consult a bit more broadly and make sure when we roll out (I am hoping to start seriously rolling out at the very latest in the first quarter next year) that we are able to actually start genuinely addressing connectivity needs across the community.

Apart from that, Mr. Speaker, Sir, the Ministry has also been receiving feedback from Provincial Councils just to ensure again that when connectivity is rolled out that we address everyone. So, essentially, I am hoping what we will do is actually publicly announce provinces where internet is going to be rolled out and then start systematic covering the provinces. I will keep this august Parliament informed particularly as I know both sides of Parliament have elected Members in there whereas electors are important that this is done.

We do have a trust account, Mr. Speaker, Sir, that has funds in it, and what I am hoping to do once we start spending the money, I will be reaching out to the stakeholders namely Vodafone, Telecom and Digicel whether to see where they can start addressing the grey spots as part of the overall exercise, because one of their contentions has been that the money that has been sitting in the Trust Account has not been used and so they are holding off on addressing the grey spots.

In terms of other things that we are doing, Mr. Speaker, Sir, we are maintaining a programme from the previous Government which is maintaining telecentre programmes for 26 schools partnering with the Ministry of Education. We will see whether we can continue to expand that initiative.

In terms of connectivity issues, it is not only an issue for Fiji, but also an issue around the world. In fact, the International Communications Union (ICU) which is the arm of the UN, estimates that over 2.7 billion are not connected to the online world. On a regional level, we recognise the need to connect all our people to good quality and affordable secure internet and to this effect, the ICT Ministers of the Pacific met in Port Moresby on 27th and 28th August, 2023 where we endorsed the *Lagatoi Declaration* which focuses on digital transformation across the Pacific.

On a global level, we are working very closely with the UN Technologies Specialist Agencies such as International Telecommunications Union (ITU), the World Bank and Asia-Pacific Telecommunity (APT) and other multilateral partners on the need to improve internet connectivity in Fiji. We are actively participating in discussions on emerging standards and regulations in the connectivity space.

The emergence of Low Earth Orbiting Satellites has come as a blessing for geographically sparse countries like Fiji as they do not require upfront investment by the Government and service providers to provide connectivity. Our service providers currently utilise these types of technologies to provide connectivity to the remote areas and there are more opportunities to connect communities directly using these technologies.

The last point I would like to make Mr. Speaker, Sir, is that improving internet connectivity

is not just a matter of convenience anymore. It is essential for the livelihoods of our people. It is a matter of national development and progress. It is about creating a level playing field for all our citizens regardless of their background or location. It is about harnessing the power of technology to propel our nation forward into a brighter and more prosperous future.

Mr. Speaker, Sir, I thank you for the opportunity to answer the question.

HON. I.B. SERUIRATU.- Mr. Speaker, Sir, I got confused. Honourable Vocea asked the question about blackspots, but the honourable Deputy Prime Minister has talked about grey spots. Can the honourable Deputy Prime Minister explain to me what is the difference between the black spots and the grey spots?

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, Sir, I had already explained that a black spot is where there is no connectivity and a grey spot is where there is intermittent connectivity. In terms of what we are endeavouring to do, the honourable Leader of the Opposition is to ensure when we roll out the programme, it is equitable and fair. The previous programme was like moving around Fiji in an inefficient way. We need to have a structured programme that moves through provinces and then actually executes.

Once we go through a province, the province actually experiences the benefit of the internet connectivity. That is really it has been slowed down and I take responsibility for that, but from where I sit, we need to do this properly. The list that was compiled before, I am not sure honourable Members on the other side had a good look at it, parts of Ra were not included in it, so that is why I am re-looking at it.

HON. F.S. KOYA.- Mr. Speaker, Sir, if I remember correctly, I think this has something to do with the 2021-2022 Budget and there were about 317 sites that were poorly connected. Within that budget, there was an allocation of about \$570,000 and also the Universal Service Fund was going to be used. My question really is, all of that have been identified under the tower sharing idea that was happening. Honourable Minister, would you not say that that particular programme has actually alleviated the problem somewhat that most of it has gone? I am not sure if you are saying that you have slowed down this particular programme or is it some other programme? Just a clarification on that.

HON. M.S.N. KAMIKAMICA.- Thank you honourable Koya for your question. It is really slowing down the current programme just to make sure that we have wider penetration when we roll it out. I am not too familiar with the previous programme, but I will certainly check up on it as well. If there is any omission from there, we will include it in this rollout. Telecom is very keen to move so as soon as we finalise the list, we will share it widely with everyone because it is in the interest of the country on both sides of Parliament.

Vunisei Kavala Road – Completion of
(Question No. 132/2023)

HON. J. USAMATE asked the Government, upon notice:

With the people of Naceva and Nakasaleka in Kadavu anticipating the completion of the Vunisei upto Vacalea and on to Kavala Road, can the honourable Minister for Public Works, Meteorological Services and Transport update Parliament on those roads' progress and when they are likely to be completed and commissioned?

MR. SPEAKER.- The question is on a very specific road. It is a bit different from now what

we used to face in the past. You cannot ask about this, so we are allowing this.

HON. RO F.Q. TUISAWAU.- Mr. Speaker, Sir, I thank the honourable Member for the question. The Vunisei to Vacalea Access Road takes construction of about 32 kilometres of unsealed road from Vunisei Village to Vacalea within the Districts of Kadavu and Nakasaleka on Kadavu Island.

The scope of road works consists of 7.8 kilometres design and build section from Vunisei Village Junction to Vukavu Village Junction, which includes construction of nine rural level crossing and pilot cut section of 24.2 kilometres of road, alignment from Vukavu Junction to Vacalea Village which includes the culvert crossing as mentioned.

For the pilot cut section, access road has been constructed for Vukavu Village, Niudua Village, Jioma Village, Nacomoto Village, Kadavu Village, Namajiu Village, Lavidu Village and Vacalea Village. However, all these road constructions are only currently accessible during favourable weather as pilot sections are yet to be gravelled. This project has experienced comprehensive challenges such as adverse weather, COVID-19 delays, physical site conditions and land issues that has vastly contributed to the challenging progress.

The overall progress is 77 percent complete, whereby the design and build section is completed including the low level crossings. Hence road is fully accessible for Vunisea School, Dravuvalu Village, Dravuvalu District School, Yavitu Government Youth School, Yavitu Village, Soso Village and Naceva District School. The programme is envisaged to be completed in January 2024 with the provision of basic all weather road access for the mentioned villages, schools and health centres hence reducing rural transport cost for Naceva and Nakasaleka. *Vinaka.*

HON. I.B. SERUIRATU.- Thank you, honourable Minister for the answer. You did mention about the need for gravel on these roads. One of the challenges is the crusher output is insufficient to provide for the volume that is needed. The honourable Minister has started with this was the carting of materials from Viti Levu to Kadavu. What is the current situation now, is that going to continue, or have you got sufficient materials on the two crusher sites that are available in Kadavu?

HON. RO F.Q. TUISAWAU.- I thank the honourable Leader of the Opposition on that. The situation regarding crushers is also under current consideration by the Fiji Roads Authority (FRA) regarding the availability of aggregates as you mentioned, that is the challenge. But one of the major costs in terms of maritime road construction is the cartage from Viti Levu. So, we are now engaging with some landowners to expand the cartage operations and assist them to set up, working closely with Ministry of iTaukei Affairs through the iTaukei Trust Fund in terms of their programme to enhance indigenous businesses.

HON. J. USAMATE.- Mr. Speaker, Sir, just in relation to that issue, there are currently two crushers in Kadavu, one in Yawe, it is the softer rock and the other one is in Kiobo in Namara and that is the rock that is being used for the road up from Vunisei to go up to Kavala. I think if you are going to look for another source of rock, it would be at the North end of Kadavu, around Nakasaleka, to bring the rock down.

My question, Sir, is in relation to the roads that we have in Kadavu now and with the completion of this road, you will be able to travel from the Jetty in Kavala all the way down to Nabukelevu-i-Ra. But from Nabukelevu-i-Ra there is another road that comes from Vunisea down to Naqalotu. There is also the idea of making that road a loop road. Are there any plans now to join up the roads from Naqalotu to the one that comes from Nabukelevu so that to the South end of Kadavu where we can have a loop? After that there will be just two or three more of this. That is the question

about completing that loop around South end of Kadavu.

MR. SPEAKER.- You probably have to go around Ului Nabukelevu to do that.

HON. RO F.Q. TUISAWAU.- Mr. Speaker, Sir, I will need to check on that information, but definitely, when we look at the planning, that is one of the emphasis where the loop roads could be joined, or enhanced that is what we will be focusing on too. If not in this budget, then in the upcoming budget. Also, after the next election, when we come in, we can continue expanding it really intensively in terms of the rural roads.

HON. N.T. TUINACEVA.- Mr. Speaker, Sir, I know in Kadavu there is no bus operating or running, but in places like Vanua Levu we have some roads where we are forcing buses to run, but they are not PSV accredited, which is supposed to be done by the FRA. Does the Ministry look into that kind of case or situation because, you need to build the road if you are going to introduce heavy PSVs, then it needs to be done to that standard? I know a couple of roads like in Wailevu West, Natuvu and Vunidamoni, we are just running the buses there because people are demanding for that, but it is not accredited. The problem is, if there is going to be an accident then it is going to be something against the bus company for doing that.

HON. RO F.Q. TUISAWAU.- Mr. Speaker, Sir, I note that and we are also with the FRA Team in the North, currently working on the programme regarding the North roads. I have seen the bus companies, yes, there definitely is a lot of work that needs to be done and that is something we will be focusing on as we move forward, especially, for road conditions where in terms of the small inclement weather, the vehicles cannot move. So that is what I have asked the FRA Team in the North to focus on.

MR. SPEAKER.- Honourable Members, please note that I have been allowing questions to run like this from Kadavu to the North, and the roads are not accredited.

HON. PROF. B.C. PRASAD.- They never allowed it, Sir, before.

MR. SPEAKER.- Never.

(Laughter)

MR. SPEAKER.- Order, order!

Enhancing Quality and Accessible TVET Programmes
(Question No. 133/2023)

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

Can the honourable Minister for Education inform Parliament on the measures being undertaken to enhance the quality and accessibility of Technical and Vocational Education and Training (TVET) programmes in the country?

HON. A.M. RADRODRO.- Mr. Speaker, Sir, I thank the honourable Member for the question and I think we can all acknowledge and appreciate the role that the Technical and Vocational Education Training (TVET) has provided for Fiji to fill the skills gap in the Fijian job market. Trade-related skills that have been provided through TVET has also provided workforce that has also been recognised in Fiji, in the region and also in the international arena.

Mr. Speaker, Sir, we acknowledge that over the years, special category of learning has been affected by the various competing interests in terms of the policy changes due to political directions and through changes in government and this has also led to institutional braindrain, as has been experienced in our tertiary institutions. At one stage, we had the Fiji National Training Centre and the former Director is the honourable Member sitting on the other side, the Fiji Institute of Technology that led the training of our vocational studies and also supported by various secondary schools, such as Ratu Kadavulevu School, Queen Victoria School and other schools around Fiji.

Mr. Speaker, Sir, the Ministry of Education is working with relevant stakeholders to enhance the quality of technical and vocational education training by revising curriculums of all the programmes under this umbrella and the TVET Section under the Ministry of Education is working with the Fiji Higher Education Commission, and other necessary training institutions to conduct skills survey to assess the current needs of all industries in Fiji and also identify where our strengths and weaknesses lie. The findings of this survey will be used to address the various educational needs which will be discussed with implementing tertiary institutions to be able to focus the subjects and ensure sufficient students are attracted to take up training in this skill sets for the job markets in Fiji and abroad.

The education curriculum over the years has undergone various changes and it continues to evolve to allow for areas of need that are identified, Mr. Speaker, Sir. I also would like to inform Parliament that this is also part of the thematic areas that will be discussed at the Fiji National Education Summit which will be convening next week.

Mr. Speaker, Sir the Ministry of Education has done various outreach programmes and incentives to attract students for TVET and educate communities on the important role of the sector and we are working not only to furnish our domestic markets with professional workers, but we are also fast becoming a country that provides workers for the international job markets. The outreach programmes undertaken addresses the socio-economic wellbeing of the Fijian communities and the scholarships and loan scheme play its part by publishing and launching its booklet on the scholarships, grants and the loan schemes that Government is providing for TVET.

Mr. Speaker, Sir, I am also pleased to state that to promote TVET learners of all income categories and locations, the Ministry of Education continues to provide Vocational Tuition Grants of \$610 per vocational students across its 32 Vocational Centres. We are also exploring ways to also restore 31 of the 66 Vocational Centres that were attached to our own secondary schools in all the four Divisions.

HON. H. CHAND.- Can the honourable Minister inform Parliament how the Ministry is using GPE Technical Financial Assistance to enhance TVET Programme.

HON. A.M. RADRODRO. - I think we have covered that in the Ministerial Statement that I did on Monday. It is also part of the discussions that will be undertaken in the Fiji National Education Summit.

HON. R.R. SHARMA. - Mr. Speaker, Sir, education is paramount to eradicate poverty. While I highly encourage the participation at this Technical and Vocational Education in schools, the youths of today have a range of options where they want to get education. To stay in competition, you need a competitive edge. So, what would a young person want after school is get a scholarship, get educated and enter the workforce.

You have spoken about the quality and access to being educated. Can you inform us and the people especially the youths if there are direct and indirect collaborations to the workforce or work

sector so that students feel more encouraged that if I get educated this is the path I can take, and I will be able to get a job? Those are some of the indirect and direct collaborations for the students to graduate and get a job.

HON. A.M. RADRODRO. - That is a very good question from the honourable Member. This is something that will be part of the Fiji National Education Summit to consider because that is all covered in the thematic areas that has already identified.

HON. I.B. SERUIRATU.- I really thank the honourable Minister for his responses and, of course, the focus that the Government has now on TVET Education.

Mr. Speaker, Sir, through you, my simple question to the honourable Minister is, you have talked about the 31 out of 66 schools that used to have TVET Programmes but currently I know that some of this work have been outsourced. What proportion of the whole training is under the current arrangement that is, sort of, outsourced as opposed to those currently run by the Ministry and, of course, most importantly is the consistency in the assessment criteria? I hope those from the schools will be in terms of their achievements and can be cross credited as well, perhaps something I think that other institutions are providing for the Ministry.

HON. A.M. RADRODRO.- The Ministry has already undertaken steps to sign Memorandum of Understanding (MOU) with the Fiji National University to ensure that all the courses that have been undertaken will be accredited by the Fiji National University and private providers like Pacific Polytech, Monfort Boys Town, Montfort Institute and Vivekananda Technical College. These are some of the private institutions that has also been recognised through the Fiji Higher Education Commission to be providing technical vocational education training.

MR. SPEAKER.- I think we have allowed more. Sorry about that, honourable Usamate. Now, we will move on to the last question since the honourable Minister for Women, Children and Social Protection was busy in the morning.

Child Care Centres
(Question No. 130/2023)

HON. H. CHAND asked the Government, upon notice:

Can the honourable Minister for Women, Children and Social Protection inform Parliament if the Ministry has any plans to establish Child Care Centres for three to five year-olds?

HON. L.D. TABUYA.- Mr. Speaker, Sir, I thank the honourable Member for the question. The question is asking if the Ministry has any plans to open any Child Care Centres for three to five years old and the short answer to that is, no. The Ministry is not in the business of operating Child Care Centres. However, the Ministry's current focus is looking at regulating the standards of Child Care Centres that open around the country.

As you all recall, the Early Childhood Care Policy and Regulatory Framework Guidance Note received unanimous approval of this Parliament in May 2023. This Regulatory Framework is designed to set forth the norms and standards that will govern both existing and new Early Childhood Care (ECC) services within the country.

Consequently, all Child Care Centres both existing and those yet to be established will be required to adhere to the standards outlined in this Guidance Note. Once again, I thank the Gender

and Social Inclusion Division of IFC who has worked with the Ministry to come up with this Guidance Note.

Mr. Speaker, Sir, the setting up of the Department for Children, one of its core functions is to become the central regulatory authority to ensure that Child Care Centres meet the standards. As I had mentioned in an answer earlier this week, we have some employers who have opened Child Care Centres in their locations as well as other Child Care Centres that are around the country. This will ensure that there is one central regulatory authority under the Director for Children to ensure that they have to check up on them.

There are also policies in other ministries as you are aware of, honourable Members. We have got the Early Childhood Development Policy in the Ministry for Health that looks at the health of children from one to thirteen years old, but it does include the age you have mentioned. We have the Early Childhood Education Policy that is existing within the Ministry for Education. These policies currently complement each other. Again, the opening of the Child Care Centres are currently done privately but are guided by these policies.

HON. K.K. LAL.- Mr. Speaker, Sir, I understand the Ministry is not in the business of opening Child Care Services and there are some privately owned Child Care Services in Fiji. How are their operations monitored and how do you ensure quality childcare services?

HON. L.D. TABUYA.- Mr. Speaker, Sir, I had mentioned about the Department for Children and one of their core functions is to become the central regulatory authority which includes monitoring and ensuring that there are certain standards that are met. That will be the role of that. As you know, we have established it and have the budget for it, so we hope to roll that out as soon as possible.

HON. R.R. SHARMA.- Mr. Speaker, Sir, we know that you are not in the business of it, but they are established centres. So, there is the establishment and let us say for parents to access it, is another question. Yesterday, in Parliament, we had spoken about single mothers. My question honourable Minister, in your policy framework, do you have any support subsidies in terms of single mothers, let us say working parents who are below the income bracket, who want to go and work but they have a responsibility to take care of a child because if they are not able to get assistance, they are trapped in the cycle of poverty? With your policy framework, do you have any subsidies for them to get their child at the centres or to even get to the centre, the logistics of it? Do you have something or initiative of this sort to support these families?

MR. SPEAKER.- Honourable Minister, before you issue your reply to that, another interesting question was raised yesterday to also include single fathers. Whenever we address single mothers now, we have to address single fathers as well. That was raised by the Opposition yesterday.

HON. L.D. TABUYA.- Single parents.

MR. SPEAKER.- Single parents, that includes both father and mother?

HON. S.D. TURAGA.- Gender neutral.

MR. SPEAKER.- We are being educated here.

HON. L.D. TABUYA.- Mr. Speaker, Sir, as you know, single parents who need assistance from the Ministry are receiving Social Welfare Allowance, not just for Family Assistance Scheme but also for their children. There are certain categories in terms of what is given out with the

allowance with their age group. Of course, the expenses are incurred more as the kids get older because when they are in high school, they need more. There is a whole certain amounts that apply to a child that is under Child Protection Allowance.

What you are asking in terms of assisting single parents, we are currently really appealing to employers to provide this as part of a worker's compensation package, and we find employers who are coming forward that are willing to do this. This Guidance Note that will help us to regulate these places will assist us to ensure that we still meet the standards.

There are willing partners from the community. As you know, our Voluntary Grants from any Ministry is really for voluntary organisations, it is not for private institutions like running a Child Care Centre. There are no plans here to subsidise a private institution because at the end of day, it is still for profit and that is something this Government we do not do. But there are voluntary organisations who assist women with young children, like HART community who, as I mentioned yesterday, have come forward to help those mothers who are attending APTC courses. So, we can help them out with things like groceries as they look after those children. Again, it is not for profit, it is a community service that we can offer.

Written Question

2023-2024 Budgetted Projects and Programmes (Question No. 134/2023)

HON. J. USAMATE asked the Government, upon notice:

Can the honourable Minister for Public Works, Meteorological Services and Transport inform Parliament on the following:

- (a) a detailed breakdown of the list of projects and programmes that will be implemented to utilise the Ministry's budget for the 2023 to 2024 budget; and
- (b) the targeted cost of each programme and project, together with planned completion dates?

HON. RO F.Q. TUISAWAU.- Mr. Speaker, Sir, I will table my response at a later date as permitted under the Standing Order.

MR. SPEAKER.- Honourable Members, that bring us to the end of Questions, both Oral and Written. I understand that few of our honourable Members have important appointments to attend to, since the Madam Minister for Foreign Affairs of Australia, as well as New Zealand, are here. As such, I intend to adjourn Parliament now for lunch and we will return when the bell is sounded.

The Parliament adjourned at 12.34 p.m.

The Parliament resumed at 2.38 p.m.

MR. SPEAKER.- Honourable Members, there will be five Bills for Third Reading phase and we will deal with them progressively. I also remind honourable Members that pursuant to the resolution of Parliament on Monday, 11th September, 2023, debate on each of the five Bills will be limited to one hour only.

HIGH COURT (AMENDMENT) BILL 2023

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

That the High Court (Amendment) Bill 2023 (Bill No. 20/2023) 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 of the High Court (Amendment) Bill, 2023 which was tabled in Parliament on Monday, 11th September, 2023. The High Court Act 1875 provides for the establishment of the High Court of Justice for Fiji. In 2021, the High Court (Amendment) Act 2021, amended the Act and the Magistrate Court Act of 1944 to establish the Anti-Corruption Division of the High Court and the Anti-Corruption Division of the Magistrate Court respectively.

Mr. Speaker, Sir, by way of background, Fiji had ratified the United Nations Convention Against Corruption in 2008. Consequently, we all set up the Fiji Independent Commission Against Corruption (FICAC) committed to effectively combat corruption in order to promote transparency and accountability for the attainment of zero tolerance of corruption, set the foundation for good governance and create sustainable development for the benefit of all citizens of Fiji.

As mentioned by my predecessor in this august Parliament when the 2021 amendment was being updated upon, the 2021 amendment was to allow the consistent application of anti-corruption Jurisprudence in relation to corruption cases, the specialisation of Judges and Magistrates in anti-corruption law and the adherence to international norms and standards to anti-corruption.

Mr. Speaker, Sir, with regards to the consistent application of anti-corruption jurisprudence in relation to corruption cases, what is to say that it would not be developed if the anti-corruption matters were not presided over in the normal courts. If anything, by allowing all normal courts to consider anti-corruption matters, this would allow for Judges and Magistrates to further learn and develop the jurisprudence and learning on any anti-corruption matter, as the current case as it be. For example, all Magistrates hear family, civil matters and they also hear criminal matters. There is no distinction in the type of criminal matters whether it is anti-corruption or any other offences that is covered under the Crimes Act.

Mr. Speaker, Sir, while the 2021 amendment was to provide for the establishment of the specialised Anti-Corruption Division of the High Court and Magistrate Court in Fiji, in practice, this has not been the case. There are currently two specialised anti-corruption courts, and both of these are in Suva. This has meant that for the jurisdictions where there are no specialised courts, such as the outer jurisdictions, the same Judges and Magistrates who hear general, criminal or civil matters will also preside over anti-corruption matters. This essentially defeats the whole purpose of having specialised and anti-corruption courts.

As mentioned during the debate in the 2021 amendment, 17 countries had established specific anti-corruption courts. While we, as a country should always strive for the development and betterment of our legal system and its jurisprudence, it is also important to contextualise the application of international legal norms and the standards of our national legal systems noting its peculiarity to a country.

Mr. Speaker, Sir, while we do not have specialised courts in Fiji, such as, Family Courts, Tax Tribunal and Employment Relation Courts, these courts were established by reason of necessity, and more so, the volume of matters that had to be specifically considered within these specialised courts. The same cannot be said for the Anti-Corruption Division of the High Court and the Magistrate Court Act.

From 1st May to 31st July this year, during the fourth quarter, the Investigation Department of FICAC recorded a total of 280 matters. Of these 280 matters, 265 matters were carried forward from previous quarters, the Legal and Prosecution Department of FICAC had also provided that as of 31st July this year, there are 180 cases pending before the courts.

Essentially it is this, Mr. Speaker, Sir, there is less corruption-related cases being filed on a day-to-day basis. With 180 pending cases before the courts, this is not a great number that it warranted the establishment of a specialised court. If anything, there should have been consideration for the establishment of specialised courts for serious sexual offences. For instance, as per the rape and sexual offences statistics released by the Office of the Director Public Prosecution in 2020, 246 people were charged with a total of 531 counts of sexual offences. In 2021, 203 people were charged with a total of 461 counts of sexual offences. In 2022, 302 people were charged with a total of 768 counts of serious sexual offences.

Mr. Speaker, Sir, if anything, this alarming statistics should have warranted the establishment of a specialised sexual offences court. While the 2021 Amendment was purportedly to address issues of inefficiencies, lengthy litigation and backlog of cases clearly as per the statistics provided by FICAC, unfortunately, this has not been the case.

Mr. Speaker, Sir, another point to note is that while the 2021 Amendment established the Anti-Corruption Division of the High Court and the Magistrate Court, with the matters appealed to the Court of Appeal and Supreme Court, it would still be heard with other matters by the same appellate Judges, as other Appellate Judges have not been specialised to reflect the Anti-Corruption Division as established for the lower courts. There is also the argument that the Anti-Corruption Courts duplicate the already existing courts that have potentially led to a wastage of what is already much needed resources in our courts system. Corruption matters can be handled within our existing court framework without the need of specialised courts.

The resources that had been used for the maintenance of the anti-corruption court could be and should be used to strengthen the justice system as a whole, including the training of judges, prosecutors as the case may be. Accordingly, the Bill seeks to amend the High Court Act 1875 to disestablish the Anti-Corruption Division of the High Court and the Magistrate Court respectively. As already stated on Monday, 11th September, 2023, Mr. Speaker, Sir, there has been consultations with the Office of the Chief Registrar, Office of the Solicitor-General and also public consultations were held in Suva, Nadi and Labasa.

Mr. Speaker, Sir, noting the intention of the 2021 Amendment, it has not provided specific improvement. May I say again, it has not provided specific improvement to the administration for dealing with anti-corruption matters. For this reason, it is imperative that the Anti-Corruption Division of the High Court and the Magistrate Court should be disestablished. Accordingly, Mr.

Speaker, Sir, I commend this Bill to Parliament.

MR. SPEAKER.- Honourable Members, the floor is now open for debate and the debate will be limited to one hour only. The Secretary-General of Parliament will be doing the timing, as usual, and I think we each will be provided seven minutes at least, six minutes first bell sounds and then the balance will be sounded on the second bell.

We have one speaker from Government and three from the Opposition. Honourable Bulitavu will lead the batting followed by honourable Ratu Niudamu before the honourable Minister for Lands will be making his contribution and then the honourable Leader of the Opposition could be rounding it off.

HON. M.D. BULITAVU.- Mr. Speaker, Sir, I rise to provide a brief contribution to the motion that is before Parliament and that is the High Court (Amendment) Bill 2023.

Again, Sir, FICAC has been subject to plenty political debates in the past and in the present. We have heard and I have quoted the honourable Attorney-General from a few months ago after he had labelled FICAC as being weaponised by the previous government. But again, FICAC has got a purpose and as he had rightly stated, it was part of the 2008 United Nations Convention Against Corruption when we ratified that. It was part of the 2013 Constitution and also moving forward like other jurisdictions, there are 17 jurisdictions around the world that have special Anti-Corruption Courts.

We followed suit in 2021 with the idea that has been alluded to by the honourable Attorney-General and as stated by the mover of the motion then the former Attorney-General, which was to improve consistency in the jurisprudence of the Court and also the backlog. But the honourable Attorney-General has stated that administratively, from what they have seen after implementation, there is no problem. But again, from this side of Parliament, I would suggest we give it a time again given that we could see other jurisdictions - how they move forward after taking that second step we did in 2021 after domestication, and our commitment to those international treaties. Now we can put more resources into a court system so as to improve the deliverables of a FICAC.

Also, as part of the functions of the Standing Committee on Justice, Law, and Human Rights, we deal with the Fiji Independent Commission Against Corruption Annual Reports. We have also heard from the former Commissioner for FICAC and the various developments that is happening in FICAC, and how to achieve its vision and mission and that is to provide an anti-corruption society. We have various programmes like the Good Kiddo Programmes and other awareness programs that is done in public with members of the public. Various Government Ministries have also developed their own Anti-Corruption Policies and Booklets. These are all measures in place that have helped awareness on how to reduce corruption.

As the honourable Attorney-General said that the number of cases that is gone before the Court has really gone down. It also shows the hard work that is being done by FICAC. And how to take FICAC to another level is the duty that the honourable Minister is tasked to do given this independent body reports under him. But again, more resources can be put there and we can develop jurisprudence in this particular Division of the Court where we can get more specialist Judges, Magistrates and other technical aspects of that. Look at how other jurisdictions have developed after they have established this specialised Division of their Courts.

If that analysis can be done and assessment, then we will be in a better position after you have taken this bold step. Again, he has mentioned there could be other areas we can move into like the Sexual Offences Court and other special Courts but those are things that should improve our Court

system, that the honourable Attorney-General after this consultation will know that there is much needed resources in the Court system in order for cases to be dealt with much more quicker.

Those are a few things that I would like to share but this side of Parliament is of the view that is to give more time to this independent institution given our commitment to the United Nations Concession for Corruption. Also, we can resource this more but one of the reasons is stated in the background of the Bill - the difficulties that they have in this particular Anti-Corruption Division and proceedings in outer islands - that could be improved by putting more budget in this particular institution.

HON. RATU J.B. NIUDAMU.- Thank you Mr. Speaker, Sir, I rise to make my contribution on Bill No. 20 of 2023 regarding an amendment to the High Court Act 1875.

Mr. Speaker, Sir, with respect to the honourable Attorney-General's submission to this august Parliament this afternoon regarding the background of this Bill, I have some reservations. As alluded to earlier by honourable Bilitavu it is not only the first time for a specialised court to be established in Fiji. We understand that there is a Family Division of the High Court, the Court of Review which was established under the Customs Act, the Tax Court which was established under the Tax Administration Act of 2009 and most recently, the Employment Relations Court which is under the Employment Relations Act.

However, it is not only about the specialisation of Judges and Magistrates, but I believe it is the workload of Judges and Magistrates. To date, we have seen that pending cases are still in Court backdated to 2019 and some to 2016. With this Bill being enacted, all these cases will be transferred back to the normal courts, and it will create more workload for the Judges and Magistrates.

I have read the Background of this Bill and one of the main issues which came up in the background which I have read, is the instances which were dealt with outside the respective Anti-Corruption Division, such as proceedings in the outer islands. I believe there are not many FICAC cases because offenders of this nature are white collar crimes, mostly in our towns and cities. Therefore, for example, someone staying in Rakiraki would have to travel from Rakiraki to Lautoka High Court which is the only High Court in the Western Division, just for his anti-corruption case to be heard in the normal courts. There are already pending criminal cases. Magistrates already have pending family, civil, criminal cases and on top of that, these anti-corruption cases will come up again.

I agree with honourable Bilitavu that the honourable Attorney-General should review this Bill again or, if he can, give some more time for this Bill to be considered, particularly if the views of the Judges and Magistrates can be heard. From my experience in going to Court nowadays, accused persons are also complaining. Mr. Speaker, Sir, there is a legal maxim that "justice delayed is justice denied". If the Government comes up with this Bill to be enacted, I ask the honourable Attorney-General to consider the backlog which is currently in our normal courts so that the accused or the suspects are not affected by these changes. That is my contribution, Mr. Speaker, Sir.

HON. F.W.R. VOSAROGO.- Mr. Speaker, the honourable Prime Minister, the honourable Leader of the Opposition, honourable Deputy Prime Ministers and Cabinet Ministers and honourable Members of Parliament and people of Fiji; we started off with a very serious Bill this afternoon, so before I participate on that Bill, I have been told that I have about seven minutes.

Firstly, let me take some time, Mr. Speaker, with your leave. I know we have had some special mentions this week at Parliament, with birthdays of two of our Members of Parliament - the honourable Prime Minister and the honourable Minister for Home Affairs and Immigration; not to mention the acknowledgement and congratulatory remarks made by honourable Bainivalu to the

winning QVS Deans team and acknowledging Natabua. For the first time and historically, Natabua reached the Deans final, which is an achievement on its own, so we congratulate them, and I think the honourable Prime Minister also congratulated the Natabua Team and its management.

Today, Mr Speaker, I would like to acknowledge and congratulate Suva Grammar School for their feat in winning the four netball titles that was available in the girl's grade under 14, under 15, under 17 and under 19, which is a clean sweep for Suva Grammar in 2023. I do not know whether it has happened in the past and I do declare my interest because my daughter plays in one of those teams. I take this time to acknowledge both the players, the support of the Principal and the staff, master Navi specifically and not forgetting the SGS rise up and the old scholars. In my next contribution I will mention Suva Grammar again so I think I will leave that for then.

Mr Speaker, on the 3rd of March 2021, I wrote an opinion soon after I think, this amendment took its passage through Parliament in February, if I am not wrong, of that year. I mentioned that the Anti-Corruption Division of the High Court and the Magistrates Court was not warranted in 2021, and I did not see any significant reason why it is even warranted now. I will explain, Mr Speaker, to the benefit of this Parliament, the reason why I say those comments.

Firstly Mr Speaker, when that Bill went into Parliament or came through Parliament in 2021, I suspected that no one who really practiced in the criminal corridors, was ever consulted. Fiji Law Society (FLS) was not consulted which was at that time, the only body that a lot of lawyers were a part of, not to mention that there was a separate criminal bar that was not formerly an association, but we would meet quite often - normally across the coffee house at the FBC building.

Because it didn't have, Mr Speaker, the wide consultation that this Bill has had in this Parliament today, as explained by the honourable Attorney General, at that time (in my view) it lacked the energy it needed for that Bill to take its course through Parliament in 2021. As I mentioned, and as alluded to by the honourable Attorney General this Bill has had consultation. The Fiji Law Society has been consulted, practitioners have been consulted and various stakeholders had also been consulted before Government decided to bring this into Parliament.

Mr. Speaker, Sir, FICAC was also established as a Decree No. 11 in 2007 and it commenced on 4th April, 2007. So contrary to the belief that was held by the two previous speakers we did that because we ratified the anti-corruption convention by the UN. The UN Anti-Corruption ratification came in 2008, we started FICACA in 2007. What was really the reason for the establishment of FICAC as an anti-rot body? It was seen to be a flagship of the Bainimarama Government at that time.

As you remember Mr. Speaker, Sir, at that time, it seemed to have been one of the things they had to check off, that they had now satisfied one of the reasons why the overthrow of a properly elected government was done in the previous year in the month of December. Two years later in 2009, they threw away a properly consulted Constitution of 1997.

Yet, Mr. Speaker, even way, way back then in 2007, they did not see it fit, even at that time, to establish the accompanying specialised courts. It took the FijiFirst Government almost 14 years later to finally decide (wait hold on a minute, we have got an anti-rot body) we need anti-rot courts. That is what happened in 2021. Mr. Speaker, Sir, fourteen years later, it is flabbergasting for the government in 2021 to cook up an anti-corruption court to supplement the work of the anti-corruption body that they established 14 years previously.

Mr. Speaker, Sir, why do we need specialised courts? What usually triggers a country to set up these specialised courts? We have specialised courts and the two previous speakers have alluded

to that - the Family Court and the Employment Court. We also have the Juvenile Court, but what is peculiar about these courts is when the enabling issue legislation is enacted, it brings the courts with it. That is what happened and that is what did not happen in these anti-corruption regime that we are talking about today.

One of the reasons why specialised courts are usually established is because there has to be a *bona fide* reason, not just reason. A *bona fide* reason why it should be established. For example, one of the reasons why specialised courts are established is because a government might find if there is an increase in offending of a type of offence or similar offences of similar nature. For example, when a Bill to introduce the Anti-Corruption Division of the High Court at that time in 2021, Fiji was facing horrendous statistics on sexual offences, rapes, indecent assault and even minor acts, domestic violence against women, young girls and the vulnerable of our society.

The second reason I want to express here today, Mr. Speaker, Sir, is when there is a need for specialised courts, there has to be trainings that has to accompany the setting up of those courts and respective judges, staff, prosecutors and all the players that are involved. Again, for example, when a child complainant in a sexual offence is giving evidence, there has to be special mechanism built around the courts to ensure that a degree of sensitivity is afforded to those who are participating in the trial.

Special playrooms, for example, Mr. Speaker, Sir, here in Suva have to be set up so that young victims are able to be accommodated next to their best environment when they are giving evidence. Other issues like recordings and camera or proceedings in camera, and separators to stop the line of 3.09:31 from victims to see the perpetrators. These are all things that specialised courts have to go through.

MR. SPEAKER.- Could you round off, honourable Minister?

HON. F.W.R. VOSAROGO.- The long and short answer to this, Mr. Speaker, Sir, is that there is no justification for the establishment of anti-corruption division of courts. And I say this out of experience Mr. Speaker, Sir. When someone, for example, from Rakiraki is charged fresh by FICAC, that person has to be taken to Ba or if the Ba Magistrates Court is not sitting, all the way to Lautoka just for a five-minute appeal. Who does it cost? It cost taxpayers because they have to be transported all the way to Ba. If Ba Magistrates Court is not sitting all the way to Lautoka. Nadi for example Mr. Speaker, if someone is charged in Nadi all the way to Lautoka Magistrates Court who is authorised to sit at Anti-Corruption magistrate, not there but all the way to Ba. It costs to set-up these specialised courts.

For that reason, Mr. Speaker, these offences are not new, they have always been there in the penal code, in the prevention of bribery offences, always been there nothing special about these cases. They can be prosecuted like every other offence and so there is no reason why Mr. Speaker, the Anti-Corruption division of the High Court and the Magistrate Court should be maintained, it should be returned back as normal. All the Magistrates and the judges can deal with them and also will be able to accumulate the experience that is needed in their own personal development as judicial officers. I support the Bill Mr. Speaker.

HON. I.B. SERUIRATU.- Three lawyers have spoken and thank you for allowing a bush lawyer to also contribute to the motion in the Parliament. My simple question is, is it a problem of the law itself, the act itself or is it the process that enables this law to operate effectively? I ask that question again, is it a question about the law itself or is it a question about the effectiveness of the administrative system that is to support this law so that it can be effective.

Let me assure the honourable Minister for Lands that this is not something that was just cooked up by the Fiji First Government in 2021 and I will refer to this consultation document that was done in 2007 before the establishment of FICAC and of course it talks about the effectiveness of Fiji's legal system as well. So, it is nothing that was cooked up by the Fiji First Government.

HON. PROF. B.C. PRASAD.- Consultation was cooked up.

HON. I.B. SERUIRATU.- This consultation is more reliable than the last economic summit where you only have one, two, sometimes no attendance at all Mr. Speaker, Sir, this is more than a thousand consultations throughout Fiji.

HON. PROF. B.C. PRASAD.- False participation. Justify the coup.

HON. I.B. SERUIRATU.- The effectiveness of Fiji's legal system, I will not go into the details.

HON. M.S.N. KAMIKAMICA.- Why did it take 14 years?

HON. I.B. SERUIRATU.- Mr. Speaker, Sir, I hope the honourable Minister for Lands is aware of the BT 1994 report, the Commission of enquiry report by Justice John Corners. These are some of the reference materials used in this document that led to the formation of the Anti-Corruption Court.

HON. F.W.R. VOSAROGO.- Anti-Corruption Community, what did they recommend?

HON. I.B. SERUIRATU.- You have talked about the rectification, I will not go into the rectification Mr. Speaker, Sir, but this is what I want to read to the honourable Minister and the honourable Attorney General, page 121 of this document, if you are interested, I suggest you read this document. It talks about specialised courts. This is what it says, the issue of creating specialised courts has also been raised as one way of assisting the people of Fiji by giving particular and specialised attention to specific sorts of legal cases.

HON. M.S.N. KAMIKAMICA.- 14 years took too long.

HON. I.B. SERUIRATU.- But nothing cooked up.

HON. L.D. TABUYA.- Domestic violence cause.

HON. I.B. SERUIRATU.- You focus on environmental issues.

(Laughter)

There is already a specialised division of the Courts to deal with family and juvenile matters. This gave birth to the Charter ...

HON. PROF. B.C. PRASAD.- Charter did not ...

HON. I.B. SERUIRATU.- The recent Employment Promulgation establishes a separate division for employment matters. This is it, Sir, FICAC supports the creation of a corruption division of the High Court. In relation to specialisation in the High Court Beattie concluded that administrative divisions in the High Court stating that the better approach" this is, why I asked is it about the law or is it about the processes and systems and the resources that have to support it in order for it to be

effective? This is what Beattie said, ‘that it was not desirable to create a separate civil, criminal, commercial, family and administrative division in the High Court stating that the better approach was that a reasonable degree of specialisation should be encouraged whenever practicable on an administrative basis. On an administrative basis whenever it is practicable, Mr. Speaker, Sir.

My simple question is, again, is it about the law or is it about the processes and the resources as already alluded to by honourable Bulitavu. Because it was just during FijiFirst days that we are dismantling it. We are here for the future of Fiji. We need that effective court systems to support investment in the country and these are avenues that bring investor confidence into the country, Mr. Speaker, Sir.

(Chorus of interjections)

HON. I.B. SERUIRATU.- Let us not be short-sighted.

(Hon. M.S.N. Kamikamica interjects)

HON. I.B. SERUIRATU.- Cut out the politics.

MR. SPEAKER.- Order, order! Carry on, honourable Member.

HON. I.B. SERUIRATU.- Mr. Speaker, Sir, let us look at the national interest. Let us look at how this will benefit every Fijian at most particularly creating that environment that investor friendly environment so that we can grow the economy, so that we can employ more people, so that we can do more development and most importantly create that better Fiji that we want. Thank you, Mr. Speaker, Sir.

HON. S.D. TURAGA.- Mr. Speaker, Sir, if I may first reply to the issue of delay. Yes, the issue of delay in our court system is systematic, it is chronic because it is based on the resources, it is based on the system and processes. As for the Western Division there is a new Court in Ba which will be opened this year and honourable Niudamu is fully aware that there will be a High Court sitting in Ba for the first time, that will be addressed in terms of the issue of delay.

The honourable Chief Justice is putting in place processes into improving the disposition of matters. Mr. Speaker, Sir, if I may address this, this is the first time ever for a Chief Justice in his Acting capacity has personally audited the files of all judicial officers in this nation. He is fully aware how many pending matters Justice A has, the length of those matters and some of these processes have been put in place. Some of them have been directed to finish those pending matters.

Yes, we all know at the Summit it was clearly outlined that it can only have confidence in a judicial system if there is a rule of law, if people can see that the matters are concluded. Government is trying its best, of course, you have seen there is a new Justice of Court of Appeal and Supreme Judges who have been sworn in and there will be more. But what I can tell you is this, this side of Parliament have localised emergency. That is the achievement we have made because I firmly believe and we also believe that we cannot allow to pay exorbitant salaries to people who are not residents when we have oversupply of lawyers and experienced lawyers.

That is a fact, and if you ask about poverty that is one simple reason and I can tell you, I really do not want to divulge the details but it is so unfair. I say this because I am the one who was affected, we found out that the local Judges, Magistrates terms and conditions of employment are not as the same as those who are from overseas. Yes, data Mr. Speaker, Sir, specialize court is only warranted if there is data it is simple, if there is not data to justify a special court, Mr. Vosarogo has outlined

clearly the issue of people traveling from one end of the town to the other.

I actually had a personal experience, first I was told I have a client in Nadi to be produced in Nadi, as I was getting ready I was told 'you have to go to Lautoka' then in 10 minutes' time I was told 'go to Ba', and I had to rush from Nadi to Ba and I have had to go and wait for the FICAC Officers to arrive, about two vehicles and it did not last than five minutes for that matter, so these are the problems. And mind you, my colleagues from the other side, there has been a consultation within the Judiciary, support from the Judges and also from the Chief Justice.

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

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

Question put.

Votes cast

Ayes - 29

Noes - 24

Noted Voted - 2

Motion agreed to.

[High Court (Amendment) Bill 2023 (Bill No. 20/2023), moved under Standing Order 51 passed and enacted by Parliament of the Republic of Fiji. (Act No. ... of 2023)]

LOCAL GOVERNMENT (AMENDMENT) BILL 2023

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

That the Local Government (Amendment) Bill 2023 (Bill No. 21/2023), 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 of the Local Government (Amendment) Bill 2023 which was tabled in Parliament on Monday, 11th September, 2023.

As mentioned on Monday, Sir, the Bill seeks to amend the Local Government Act 1972, to increase the retirement age of officers appointed to municipal councils from 55 years to 60 years. Simply put, this is to align to Government policy and to the retirement age of civil servants.

Furthermore, the Bill seeks to amend the Act to remove the requirement of the calculating interest on overdue rates using the Compound Interest Method. It also removes the interest rates as this would be prescribed by regulation moving forward. The amendment will enable the Ministry of Local Government to enact regulations in relation to overdue rates. The Ministry intends to change the method of calculating interest to simple interest methods as this will reduce the burden of taxpayers. Furthermore, the current interest rate of 11 percent will also be reduced.

Mr. Speaker, Sir, may I assure this Parliament, there has been wider consultation on this matter between the Ministry of Local Government and the Office of the Solicitor-General. There

were also public consultations in Suva, Nadi, Nausori, Lami, Lautoka, Labasa and Savusavu. I have explained the clauses of the Bill on Monday and I do not intend to do so. If you may recall this under Stading Order 41, there were enormous support from the other side for this to be tabled under Standing Order 51, and I hope that the Opposition will support the Bill.

MR. SPEAKER.- Just a reminder honourable Members, the debate is limited to one hour, and please abide by that ruling and timing when the bell is sounded by the Madam Secretary-General. Just before I offer the floor, there are three speakers from the Government side and one from the Opposition. As such, I offer the floor to the honourable Premila Kumar to lead the batting before the three others from the Government that have asked to make their contributions.

HON. P.D. KUMAR.- Mr. Speaker, Sir, I rise to contribute to the debate on Bill No. 21 of 2023. The law of any country cannot be static. There is a need to capture the realities on the ground, which is driven by the ever-changing nature of our world after post-pandemic period. It is imperative to respond effectively to new challenges emerging post COVID-19. What may have worked in the past may not be effective or appropriate for the current situation after COVID-19.

Mr. Speaker, Sir, policy flexibility and adaptability are essential to ensure that policies remain relevant and impactful. We understand there is a shortage of skilled and unskilled workers in Fiji. The municipal councils are also facing this issue and as a Government, one has to respond to such challenges. One way to do that is by increasing the retirement age.

Many governments globally have increased the retirement age to address the challenges in the labour market, including upskilling and reskilling. The FijiFirst policy on retirement age then was to give jobs to youth. Our youth are migrating in big numbers for greener pastures. Many have moved on, on student visas. So, looking at the current labour shortages in Fiji, there is a need to increase the retirement age even beyond 60, provided the workers are in good health. We need workers to keep the business and the economy going.

Mr. Speaker, Sir, this particular Bill has two components as the honourable Attorney-General has mentioned. One is the retirement age, and the other component is the compound interest. Let me just give the reasons why these changes were brought in, in regards to the Local Government Act.

In 2009, an amendment was made to the Local Government Act to establish compulsory retirement age for municipal council staff. This was introduced based on a High Court ruling in favour of a council employee, because the Local Government Act did not specify the retirement age. Hence, the Ministry of Local Government decided to introduce 60 years to be the compulsory retirement age across the board. Later, it was changed to 55 years to bring uniformity with the national government policy, and that was mainly the reason.

Now, moving on to the compound interest, this was initiated by me when I was the Minister for Local Government. The Ministry had prepared the Cabinet Paper but we needed more information from town and city councils, that is what is the principal amount owed by the ratepayers and what is the interest amount. This information was very important because the idea was to write-off the interest amount and recover just the principal amount.

This exercise was done and we also noticed that most Councils had aged debt that needed to be written-off, taken care of and we had to clean up all their books as we had done previously with Water Authority of Fiji because it does not give a good impression to an organisation when you go through the financial statement that shows that a lot of money is being owed. Besides that, Mr. Speaker, Sir, as you know if that is not reflected well in the financial statement then there is a problem in making decisions. Business decisions cannot be made with such accounts, so the accounts had to

be cleaned.

Mr. Speaker, Sir, above all, in my view then and still is, we had to look at the consumer protection fee. Compound interest is not fair to consumers and in this case, not fair to the ratepayers. Over the years we have seen financial institutions, for example, banks and hire purchase companies, they moved away from applying compound interest and they moved to simple interest. We saw the need to move in that direction as well.

Mr. Speaker, Sir, compound interest can be highly beneficial when you are saving or investing money but definitely not beneficial when you owe money because at the end of the day, one will accumulate more debt. So, unfortunately, Mr. Speaker, Sir, with compound interest, the amount you owe will simply grow faster and it becomes extremely difficult then to pay it off and that was the situation with the ratepayers then.

Ratepayers who owed rates made arrangements with town council, they went on the payment plan with the hope that they will be able to clear their arrears, but they found that the compound interest rate of 11 percent on overdue rates did not reduce their arrears, so they were more frustrated, that here I am trying to make some payments but yet at the end of the day, nothing is moving. I had consultations with ratepayers and they simply discussed then that they were facing financial stress caused by compound interest, and compound interest of 11 percent, that is extremely high.

Mr. Speaker, Sir, the Ministry had to consider moving away from compound interest to simple interest simply because of the plea made by the ratepayers then and it was the right thing to do. Above all, the idea was as I mentioned, to clean up the accounts and provide this relief that the ratepayers really needed.

Mr. Speaker, Sir, the write-off debt we knew can never be recovered. Some debts were as old as 15 years, 20 years, 30 years while some ratepayers had passed on and there was no chance of recovering any of these debts. One of the critical components when we considered this policy of writing-off debt, we had to develop other policies to make sure that we do not have similar issues in the future, and that was to improve the collection policy and the credit policy of each and every municipality.

One of the exercises that the CEOs of municipal councils and the Special Administrators had to carry out was rate profiling. They had to understand who the ratepayers were, how much money they owed, why they owed that money, can they pay that money or not, do they live in Fiji or do they live abroad? That was a massive exercise to get the details and to create a database for all those information. The Municipal Council managed to complete all that and that is when the decision was made to move on to the next step which was the writing-off of the debt as well as moving from compound interest to simple interest. Mr. Speaker, Sir, I support the motion before Parliament.

HON. M.K. NALUMISA.- Mr. Speaker, Sir, I rise to make a contribution on the Bill before Parliament. I sincerely thank the honourable Kumar for supporting the Bill this afternoon. It is a very important Bill, not only important for the municipal councils, it is going to benefit everyone that lives within the 13 municipalities around our country.

I wish to say a few issues, Mr. Speaker, just to support the Bill before Parliament. The Local Government (Amendment) Bill 2003 represented not just a change in law but a transformation in the lives of our people driven by unwavering commitment, empathy and the desire to progress. Mr. Speaker, Sir, let us be clear about the essence of these amendments. They are not just about words on paper, they are about the hopes and dreams of our fellow citizens, hardworking 1,184 municipal council employees and 44,749 diligent ratepayers who keep our communities

thriving. As alluded earlier by honourable Attorney-General, the Ministry in consultation with his office as well as the Supervisor of Elections travelled around to all the 13 municipalities around our country from 24th April to 10th May, 2023. We embarked on a journey to listen, engage and truly understand the needs to desires of our people. What we found was nothing short of inspiration.

The feedback received from these consultations resounded with positivity and hope, our people the backbone of our nation stand united in support of raising the retirement age for municipal council employees from 55 years to 60 years.

In unison, Mr. Speaker, Sir, they also champion the transition from compound to simple interest calculations for overdue town rates and city rates applauding the reduction of the interest rate from 11 percent to 5 percent. It is a relief. Harmony of financial freedom that will ease the burden carried out by our ratepayers.

Mr. Speaker, Sir, this amendment to the retirement age is not just a mere adjustment of numbers. It is about fairness. It harmonises the retirement age ensuring that every public officer regardless of their role is granted the dignity of the retirement age of 60 years. It is unity that transcends disparities and enforce the sense of togetherness.

The amendment to change the interest rate, Mr. Speaker, Sir, seeks to transition from the complex web of compound interest as alluded to earlier by honourable Kumar to the simplicity of straight forward calculation. It does not just reduce the interest rate. It liberates the ratepayers from the shackles of excessive financial burdens. It simplifies their lives, allowing them to plan with clarity and ease.

Behind the amendment lies the rational. It is very important to know that in increasing the retirement age, it is about fairness, erasing disparities and about ensuring that every public officer is treated with respect that they truly deserve.

For change of interest rate, it is about financial predictability for our Municipal Councils about fostering compliance, lightening the administrative load and above all, about relieving our ratepayers. For our ratepayers, it is about lessening their financial burden given the clarity they need to ensuring that their debts do not become insurmountable mountains.

In conclusion, I stand before you, not just a Minister but as a fellow citizen, someone who believes in a brighter future for all. These amendments underscore our unwavering commitment to harmonious policies, operational efficiency and a symbiotic relationship with our people. I urge all Members of Parliament to support this Bill with all your heart. Let us rally behind the course of transparency, fairness and progress within our local governance framework. With those few words, Mr. Speaker, Sir. I fully support the Bill before Parliament this afternoon.

HON. A.D. SINGH.- Mr. Speaker, Sir, I rise to contribute briefly in support of the motion and I just want to reflect a little bit on the retirement age. First of all, I wish to thank the honourable Prime Minister and my Cabinet colleagues that as soon as we came into Government, extending the retirement age of the civil servants to 60 and at the same time taking away the contractual appointments and replacing them with tenure.

The contractual appointments and the reduction of the retirement age were imposed unilaterally, there was no consultation with the representatives of the workers and the trade unions were completely ignored. The whole motive was union busting because once you have contractual appointments, there is no collective bargaining. They never entered into collective bargaining anyway and at the same time instil fear in the workers because you do not know whether your contract will be renewed or not, you just

have to keep quiet and do what you are told. So, it was a bullying tactic, Sir. That is how people were treated.

HON. J. USAMATE.- Hogwash!

HON. M.S.N. KAMIKAMICA.- Shame!

HON. A.D. SINGH.- Mr. Speaker, Sir, the civil servants are now a very happy lot of workers and as the saying goes, a happy worker is a productive worker.

HON. K.K LAL.- No back door!

HON. A.D. SINGH.- It is hurting, I know, it is hurting them, Sir.

HON. I.B. SERUIRATU.- No back door!

HON. A.D. SINGH.- Mr. Speaker, Sir, they have to repent.

(Laughter)

They need repentance. Unfortunately, municipal workers had to wait because the Act had to be amended and I am so thankful to honourable Nalumisa for bringing this Bill to Parliament together with the honourable Attorney-General for introducing the Bill. Now the municipal workers who have been eagerly waiting for the retirement age to be extended to 60 and also being put on tenure, will be happy as well.

My only request to the honourable Minister is to please include all those who have turned 55 after we effected the civil servants' retirement age to 60. I am hoping that they will be included, Sir. I know for fact, as a former trade unionist that all the Ministries and most of the other employers are now negotiating with the unions, talking to the unions, collective bargaining and the like.

(Chorus of interjections)

HON. I.B. SERUIRATU.- Minimum wage!

HON. M.S.N. KAMIKAMICA.- Democracy!

HON. A.D. SINGH.- Some municipalities have already received their salary pay increases, so thank you very much to the Coalition Government.

MR. SPEAKER.- The honourable Minister sounded a very humble advice and that is to repent.

(Laughter)

HON. F.W.R. VOSAROGO.- Mr. Speaker, Sir, I rise to contribute to the Bill that is before Parliament. As I mentioned in my last participation, one more acknowledgement of Suva Grammar School, we talked about Julius Caesar yesterday and yesterday afternoon there was mention of the plays.

Recently over the break, Mr. Speaker, the Suva Grammar School Language Department successfully exhibited Julius Caesar, the play after a very long time. Our time at Queen Victoria

School, they played Julius Caesar and Hamlet but no more. Suva Grammar has started a good thing! We encourage the good thing and so it is something that now occupies students who are not into sports and not into other extra-curricular activities that we traditionally know schools for. So it is a good thing that they have started that this year and I congratulate Suva Grammar School for a wonderful exhibition of Julius Caesar over this school break.

My contribution, Mr. Speaker, to the Bill is going to be very short and it will only relate to a case that I handled a year ago for and on behalf of a handful of former Suva City Council workers who obviously had to be retired off at the age of 55. They had issues, they had outstanding loans, they had outstanding hire purchases that they needed to pay simply because the date of their retirement was changed as alluded to by honourable Premila Kumar. We are happy, Mr. Speaker, that we have obtained support from the honourable Premila Kumar on the Bill that is before Parliament and hopefully that is going to be same attitude that we will receive from the Opposition this afternoon. I support the Bill that is before Parliament, Mr. Speaker.

MR. SPEAKER.- I now call upon the honourable Attorney-General to speak in reply.

HON. S.D. TURAGA.- Mr. Speaker, Sir, today is really a historic day. It is the first Bill that is fully supported by both sides. This week must be so special, we had the honourable Tikoduadua's birthday and yesterday, happy belated birthday, honourable Prime Minister. We thank the Opposition that hopefully

MR. SPEAKER.- And honourable Bulitavu as well.

HON. S.D. TURAGA.- Oh, honourable Bulitavu!

We hope, Mr. Speaker, that in the future we will see wisdom in terms of the law that we reform because it just to ease everything; ease of business, ease of administration, of course, in this case, as articulated by honourable Vosarogo, there was a substantial number of people who were affected by the retirement at 55. They had commitments, bank commitments and this Bill will address that. I commend the Bill, Sir.

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

Question put.

Motion agreed to.

[Local Government (Amendment) Bill 2023 (Bill No. 21/2023), moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. of 2023)]

MR. SPEAKER.- Before we continue with the other Bills that are before us, just for the purposes of complying with Standing Orders with respect to sitting times, I now call upon the Leader of the Government in Parliament to move her Suspension Motion.

SUSPENSION OF STANDING ORDERS

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

Under Standing Order 6 that so much of Standing Orders 23(1) is suspended so as to allow Parliament to sit beyond 4.30 p.m. today to complete the remaining items listed on the Order Paper.

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

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Mr. Speaker, we still have three Bills to be debated that was already moved by the honourable Attorney-General and I believe he also has a couple more Bills to move in Parliament. We are hoping to get the cooperation of all honourable Members to speak succinctly so we can be out of here by 6.00 p.m.

Question put.

Motion agreed to.

DRAINAGE (AMENDMENT) BILL 2023

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

That the Drainage (Amendment) Bill 2023 (Bill No. 22/2023), be debated and 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 Drainage (Amendment) Bill 2023 which was tabled in Parliament on Monday, 11th September, 2023. The Drainage Act 1961 was enacted and provides for the execution of the drainage work amongst other things.

The Act is administered by the Ministry of Waterways which was established in 2017 to address the threats of flooding to Fijian communities. In 2018, the Act was amended to allow the Ministry to assume the responsibility of drainage systems and functions of Drainage Board under the Act.

Regrettably, adequate consultation and planning had not been undertaken prior to the removal of the Drainage Boards. This morning Mr. Speaker, Sir, the Minister for Agriculture spoke at length on the need for drainage board and this has also been discussed in previous discussions. There has been noticeable decline in the overall production of sugar cane as well as non-sugar cane commodities produced from the drainage scheme areas attributed to the transfer of responsibilities of drainage systems to the Ministry.

It does not make sense, Mr. Speaker, Sir, when this responsibility is vested with an independent body of individuals in the specific divisions. Four divisions in Fiji than we amend that to be directed by the Ministry which is based in Suva. It is anticipated that the re-establishment of the Drainage Boards will improve the service and maintenance of the drainage scheme areas whilst contributing towards the increase in the production of sugar and of course non-sugar commodities produced in these areas.

The Drainage (Amendment) Bill 2023 accordingly seeks to amend the Act to revert the responsibility of drainage systems to the Drainage Boards. The Bill is urgent for the government, given that the Ministry of Waterways has put in place plans for the financial year, for the Drainage Boards to undertake this responsibility and shift the burden from the Ministry.

There has been widespread consultation with the Office of Solicitor General, Ministry of Finance, Strategic Planning, National Development and statistics, the Ministry of Lands and Mineral

Resources, the Ministry of Local Government, Municipal councils, Ministry of Sugar and the Sugarcane Growers Council. Mr. Speaker, Sir, I have outlined in detail the 30 provisions of the Bill, and I cordially commend this Bill to Parliament.

MR. SPEAKER.- Mr. Speaker.- honourable members the floor is now open for debate on the motion. Just before I offer the floor, three speakers that have been identified by the honourable Whips. The debate will be led by honourable Maharaj and then should be followed by honourable Tuisawau and later on by honourable Tunabuna.

HON. A.A. MAHARAJ.- Mr. Speaker, we supported the second motion that came to this floor but then we were asked to repent on our decisions to support the motion. So unfortunately, after repenting for a while I need to tell the government a little bit of background on how the Ministry of Waterways came into the picture and why the Fiji First government back then, had to repeal the Drainage Act of 1961.

Mr. Speaker, in 2017 a new Ministry of Waterways was formed and was responsible for dredging Waterways, realigning drainage system, managing river banks, mitigating floodings and managing storms and rain water. The new Ministry was responsible for co-ordinating smart agriculture irrigation system as well.

Many of our waterways flood frequently, not just the river mouth but up-stream and beyond. This flooding reaches towns and makes roads and our highways impassable. We see floods as an act of God but often they are direct results of human activity and human negligence. Heavy silting is a result of decades of neglect, illegal development, land degradation and changed weather patterns. And we are experiencing heavy flooding because these waterways have not been dredged or maintained for years. The Land and Water Resource Management Division within the Ministry of Agriculture was transferred to a new Ministry.

This was done back then to go away from the bureaucratic process imposed by the Drainage Board. Government back then allocated \$24.2 million in the budget for functioning of the Ministry and the Green Climate Fund was providing funds as well. However, Mr. Speaker, we needed more than funding to fix our waterways. We also needed technical expertise and in this context, there were discussions with Global Green Growth Institute.

Through this Ministry government tackled head-on, issues of flooding in Nadi. Nadi is Fiji's gateway to the world and the fastest growing urban centre. After a framework was developed by the Ministry of Waterways, the Japanese Government committed \$385 million to fix the flooding issues in Nadi.

Mr. Speaker, furthermore, the repealed Drainage Act in 1961 provided for the declaration of drainage areas authorised in the execution of drain works and provided for the establishment of the Drainage Board for the maintenance and improvement of certain drainage areas.

In 2017, the Ministry of Waterways was established by the Fijian Government to address the growing threat that flooding posed to Fijian communities – a threat that is projected to worsen as a result of the effects of climate change and of course, to have a holistic approach to water management issues in Fiji. Mr. Speaker, since its establishment the responsibility of maintenance and drainage system and management of waterways has been handled by Ministry of Waterways.

Mr. Speaker, the Ministry and the Drainage Board shared the same function of maintaining the drainage system. The Drainage (Budget Amendment) Bill 2023 amended the Act to facilitate the transfer of the roles of Drainage Board to the Ministry. What it did was, essentially all the

responsibilities of the Drainage Board went to Ministry of Waterways and Environment. The Bill was actually quite explicit in the responsibilities that actually got transferred across the ministries.

Furthermore, the Drainage Board through the experience lacked expertise. It was confined to drains only, hence the reason we actually developed a Ministry of Waterways so that not just drains but other aspects of water and drains were also captured. I will give a common example. If you look at USA in the State of California, there is North California and there is South California. There is very low amount of rain in South California. What the Californian State Government has done is to capture any rainfall that goes into the sea. It only goes if it is allowed by the State Government. Otherwise, they have catchments to capture the rainfall.

Having said that, as I said the Drainage Board did not actually have the expertise and looking at Fiji, with the amount of rainfall that we have, it is still a very bad scenario for us that we still have issues around Fiji whereby people they do not have clean drinking water. It was a holistic approach back then not just look after the drain but to actually come up with the Ministry which can look after all these aspects.

Mr. Speaker, in fact we upgraded the Board to a Ministry. There was not any Ministry previously for Waterways, it was just a Board because expertise was lacking in the Drainage Board and that is why we came up with the Ministry.

HON. PROF. B.C. PRASAD.- Clean water?

HON. A.A. MAHARAJ.- So that expertise can come and help the Ministry of Waterways to see what the problem is? That does not mean, Mr. Speaker, if it come up with an institute we need to give it time. If it is not working we need to look at the mechanism, it does not mean we dismantle the institute itself. That is what the current Government is doing.

HON. PROF. B.C. PRASAD.- Ministry is still there?

HON. K.K. LAL.- Listen.

HON. A.A. MAHARAJ.- What is the use of being a Board when it will have the same ...

(Chorus of interjections)

HON. A.A. MAHARAJ.- ... function as to what the Ministry is doing. It does not make sense, Mr. Speaker. The issue is, these people want to start operating where from where they left back in 1997 or 1998...

(Chorus of interjections)

HON. A.A. MAHARAJ.- We are looking at the modern world, we are looking at the modern nation, Mr. Speaker, we are looking at modern ways of doing things.

HON. PROF. B.C. PRASAD.- Blocked drains.

HON. A.A. MAHARAJ.- ...that is how we want things to be done. However, Mr. Speaker...

HON. S. TUBUNA.- We received complaints everywhere.

HON. A.A. MAHARAJ.- Dismantling all the institute will not help, Mr. Speaker. What kind

of urgency is there to bring this Bill under Standing Order 51? It can be sent to the Committee for further consultation and be brought back to Parliament...

HON. PROF. B.C. PRASAD.- To the farmers.

HON. A.A. MAHARAJ.- Mr. Speaker, what was happening when the Drainage Board was there it was full of corruption, nepotism and favouritism. Drain was done without a mouth to the drain.

HON. S. TUBUNA.- Who?

HON. A.A. MAHARAJ.- On both sides there used to be a dead end. If I am in the Drainage Board if you go to places and you talk to farmers the people who are actually sitting in the Board they were the ones they were the farms...

HON. S.R. DITOKA.- Drainage what kind of Board?

HON.A.A. MAHARAJ.- Drains used to be done first, Mr. Speaker,.

HON. PROF. B.C. PRASAD.- Speak to the farmers...

HON. A.A. MAHARAJ.- ...that is why we actually had to go away from the Drainage Board. We brought a consolidated team together, form the Ministry with the Permanent Secretary to ensure that this system does operate, Mr. Speaker.

Mr. Speaker, we do not see there is a reason that we need a Drainage Board back, all we need to do if the mechanism is not working to improve the mechanism, so that farmers and all those people who are affected by floods are helped. With that contribution, Mr. Speaker, I do not support the motion

HON. RO F. Q. TUISAWAU.- I rise to contribute to the motion, to amend the Drainage Act 1961. What the Honourable Members has mentioned is not really the purpose of this Bill. It is basically to rejuvenate the Drainage Board, in addition to the functions of Waterways - it is not really replacing one for the other. It is basically to enhance.

I thought at the beginning you said you were supporting the Bill. If you look at the provisions of the Bill, it is very clear. There are some critical elements of the Bill, for example, if you look at 3(2)(a) on survey, that is very important in terms of baseline data. I mentioned earlier that baseline data is always critical in planning, as alluded to by our former Ministers. That is something we will continue to improve on. Not only that but when we are looking at this, we are also looking at the ecologically vulnerable areas, taking into account climate change so that is important.

What drainage measures are desirable? That again, is a critical area. and there are elements of compensation there. In my province the contractors just came and dug up everything including the mangroves, the plantations and everything, so that is an example of what we are talking about. In some cases, there has not been proper supervision in some cases of the work done in Waterways.

In Rewa, some of the work which was done resulted in river blockage. For example, there is the Naqio River towards the bank of the Rewa River. They buried it and replaced it with small culverts, so that resulted in worse flooding that is just an example.

The other one is near Waivou Village - the work resulted in more flooding in that village, so

people are questioning the work of waterways - is it resulting in improvement or deterioration. So that is why it is very important to bring it back to complement the Waterways, not only that but in some areas such as Rewa, Tailevu South if you look at the roads, some of the roads there have been affected by the raising seawater or climate change, but it has been made worse by the neglect of the drains near those roads the irrigation and all that. I refer in particular year to Cautata, Nadali and Dreketi in Rewa. Again, this would be really specific - it is not general Ministry-wide but specific areas which the Drainage Board will be focused on.

You mentioned that the Board was plagued by corruption – where is the evidence, you do not have any evidence. You cannot just make general accusations my friend. The Board needs to include those at the ground level like the *Mata ni Tikina* who know the waterways, drains and the movement of the tides, etc. I saw some of the works the result is just the total opposite.

If you look at clause 7 on drainage funds, that again is very important – you have to do the assessment, survey plan, consult scope, implementation plan, programming and budgeting. That is what this is about, which is very critical in moving forward so that there is a systematic rational plan to do the work. Right now, it is a very urgent issue because there is a lot of blocked drains there, Bro, if you come, I will show you. If you look at the explanatory note, regrettably, let me quote that: “Adequate consultation and planning had not been undertaken.”

MR. SPEAKER.- Did you say, Bro?

(Laughter)

HON. RO F.Q. TUISAWAU.- Sorry, I did not mean to insult anyone. Honourable Maharaj, my apologies.

Finally, there is a need, as explained, you have mentioned Green Government Fund, yes, that is an area where we need to utilise opportunities for climate financing, incorporating lowlands, rivers, climate resilient infrastructure, and as I have mentioned, blocked drains and poor roads, it has impacts the roads. We all need to work together in close collaboration with the PM’s Climate Change Office, Ministry of Finance, Ministry of Agriculture and Public Works Department in planning that.

Those are some of my comments and I commend the Bill to Parliament and thank the other side for the support. I have to admit something, today, there is a change in the whole atmosphere of this environment in Parliament. I know a lot of us know that and I acknowledge that. Some of us were in the last Parliament. Honourable Veena Bhatnagar was in our Committee and she asked me, “Why you always oppose everything, even the good things?” I told her, “No, I just oppose for the sake of opposing because I am in the Opposition.”

(Laughter)

HON. A.A. MAHARAJ.- Thanks for saying that publicly.

HON. RO F.Q. TUISAWAU.- Wait, I have not finished. But that was the reaction, I suppose the dialogue from this side. It was negative and negative reaction, but now, it is positive and you people are responding positively, and I am so happy about that. Sorry, I called you Bro, because of that.

(Laughter)

HON. RO F.Q. TUISAWAU.- So we look forward to further dialogue and working together.

Thank you, very much for some of the Bills that you have supported, and I believe that we have a very positive future for Parliament going forward, even though we will be wining the next Election.

(Laughter)

MR. SPEAKER.- Honourable Members, before I offer the floor to honourable Tunabuna, I would like to acknowledge at this time those who are in the gallery - a gentleman by the name of Mr. Rami Sherman, who is a retired Israeli Defence Officer who took part in the rescue mission of the hostages at a terminal in Uganda, sitting there with Ana Rokomokoti, who is a lawyer and her husband and others, especially Tarai from Sydney. Thank you so much for listening to the debate in Parliament and for your presence here.

(Acclamation)

MR. SPEAKER.- I now offer the floor to honourable Tunabuna, our lone ranger sitting on this side.

HON. T.N. TUNABUNA.- Mr. Speaker, Sir, I rise to contribute to the debate before Parliament this afternoon on the Drainage (Amendment) Act. The part that I am going to speak on is on the establishment of the Drainage Board. Before I proceed, I would like to thank the honourable Minister for Agriculture for the Ministerial Statement given this morning, which had covered a lot of technical areas of the work that is done in the Ministry of Agriculture and Waterways. That also covered the part that I wanted to contribute to in today's session.

I also wish to thank the honourable Leader of the Opposition for the support given to the Statement that was given this morning by the honourable Minister for Agriculture. I will be very short and brief and also will only focus on the experiences that I faced when I served at the Ministry of Agriculture for close to 35 years as a staff of the Ministry of Agriculture. I have had a lot of experience not only in the livestock sector, but we had close collaboration with the Land and Water Resources Management (LAWRM) Division which was then transferred to the Ministry of Waterways. I thank honourable Maharaj for some of the developments that he has mentioned but I believe he can get a fair bit of what had happened at the Ministry of Waterways Office so that we can brief him more on why we had wanted the change that we have in the Bill.

Mr. Speaker, Sir, in the close to 35 years that I worked with the Ministry, I had a lot of experiences with damages that we normally experience in terms of natural disaster. One in particular, the floods that we have had in the last 30 years. We assessed a lot of damages and the losses; it was so high that some people had thought of relocated and moved away from agricultural areas. We had a lot of losses in the agriculture production, both for crops and for livestock and livestock feed. We had a lot of infrastructural damages, roads, waterways which include culverts, floodgates and we also had damages to homes, their belongings, farmhouse and farm sheds and as I mentioned, farmland who are normally badly affected with the floods.

Even then we had the Drainage Board, now when the Drainage Board was removed unfortunately, we had seen an increase in saltwater intrusion into agricultural lands and this included lands under sugarcane, lands under rice, those that were used commercially for other root crops and those that were also used for home consumptions. We had an increase in water logging condition for low-lying areas, this was not from salt water but from fresh water down from rain side areas due to clogging rains. We had a lot of risks to losses, and we had an increase in unavailability of lands suitable for agriculture.

I have a very bad experience when I was in Labasa two and three years back when we had

hurricanes when Labasa Town was under water, and this was mainly due to flooding water that could not go through the bypass drainage system that we have in Labasa due to non-existence of the Drainage Board and the support that is normally given to the Drainage Board. The same would have happened to few of the towns and cities here in Viti Levu. Currently, we received a lot of complaints with damages due to increase in high water level due to clogging drains that are not maintained, and they used to be maintained under the Drainage Board.

The Bill before the Parliament Mr. Speaker, Sir, affects farming families. It affects people who live out in the rural and also affect those who live in towns and cities that are situated in flats. I respect the Statement given this morning and the support given by the honourable Leader of the Opposition that climate change is here to stay. All we need to do is to mitigate the risks that are associated with climate change and as mentioned by the honourable Minister and the honourable Leader of the Opposition, we need to address sustainable land management systems. We will need to work together, and we will need to formulate policies that best address our current situation. I, therefore, support the Bill before Parliament.

HON. S.D. TURAGA.- I think the gist of the speakers, Mr. Speaker, is basically the cause an effect. The cause when the Drainage Board was taken away and what is the result. And that is being articulated very well by, honourable Tunabuna, from a technical point of view. Mr. Speaker, Sir, with this respect, honourable Tunabuna started his career in the Ministry of Agriculture and finished off in the Ministry of Agriculture probably more than 30 years. So, he is speaking from experienced likewise from the honourable Minister for Agriculture.

MR. SPEAKER.- And the Pacific too.

HON. S.D. TURAGA.- Very well, Sir, I fail to acknowledge that.

The more important point, Mr. Speaker, is the issue of independence. Agriculture is a very big Ministry with a lot of responsibilities. Now the Government thinks that it is best that we vest this authority to people we are going to empower but we have expertise and also have a good understanding of the localities and they are based throughout the four Divisions of Fiji. We need to address the issue of flooding in drainage. This Coalition Government has taken aboard listening to our supporters and true to all our promise we have delivered this. This is not only for our people but for the people of Fiji. I commend this Bill before Parliament.

Question put.

Votes cast

Ayes	-	29
Noes	-	23
Not voted	-	3

Motion agreed to.

[Drainage (Amendment) Bill 2023 (Bill No. 22/2023), moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. of 2023)]

MR. SPEAKER.- Thank you, honourable Members. Now, I intend to adjourn Parliament for afternoon tea before we continue with the other Bills.

The Parliament adjourned at 3.23 p.m.

The Parliament resumed at 5.07 p.m.

STATE LANDS (AMENDMENT) BILL 2023

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

That the State Lands (Amendment) Bill 2023 (Bill No. 23/2023), be debated and 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 of the State Lands (Amendment) Bill 2023 which was tabled in Parliament on Monday, 11th September, 2023. The State Lands Act 1945 provides for the administration of State land.

Mr. Speaker, Sir, Section 13 of the Act deals with protection leases. At the outset, this should be a clear indication of the sensitivities surrounding leases under the Act. What was done through the State Land (Budget Amendment) Act 2021 was to remove the requirement of obtaining consent from the Director of Lands for any mortgage, charge, pledge, caveat or for any such lease to be dealt with by any court of law or under the process of any court of law with the least amount of consultation ought not to have been done.

Mr. Speaker, Sir, the 2021 Amendment Act also amended section 13 of the Act to provide the consent of the Director can only be refused where there is a breach of any lease condition or where such application to deal with the land is not in accordance with the law.

Mr. Speaker, in 2022, section 16 of the Act was amended. It deals with who may now be lessee or lessors. The State Lands (Amendment) Act 2022 amended the Act to empower the Director to re-enter land and cancel any lease, licence or approval notice of lease in instances where occupants of the land have as a result of dispossession of land or due to political upheaval or cancellation or non-renewal of their leases or licenses resorted to seek refuge on the land for which they were not lessees under the Act.

In these instances, Mr. Speaker, Sir, the lessees permitted such persons to use the land it did not obtain the consent of the Director, making the arrangement unlawful under the Act. In effect, this amendment in a way regularises what in fact were illegal arrangements by allowing the Director to re-enter land and cancel the lease license or approve the notice of lease.

Mr. Speaker, Sir, it would be remiss of me not to state this fact outright. A Committee then was set up to confirm the contravention of section 16 when in fact the Act provides for the process to be followed. Let me repeat again, Mr. Speaker, Sir, a Committee was setup to confirm the contravention of section 16 when in fact the Act already has a process to be followed. This Committee has not sat nor heard any such application to-date and therefore have no added value.

The Bill, therefore, seeks to ensure that the amendment made in 2021 and 2022 are removed to respect the status quo that existed prior to these amendments. Sir, from the Government's end, there were wider consultations on the Bill and based on the outcome of these consultations, this Bill is now being introduced in Parliament. On Monday, Mr. Speaker, Sir, I had highlighted the key provisions or salient provisions of the Bill.

Mr. Speaker, Sir, I commend this Bill to Parliament.

MR. SPEAKER.- Honourable Members, the floor is now open for debate on the motion. As usual, just take note of the one hour and the seven minutes allocated for each speaker as well. I have in front of me a list of speakers who have been identified by the Whips. There are two speakers from the Government side – honourable Vosarogo and honourable Kamikamica. From the Opposition is honourable Kirpal and honourable Koya. We will try and alternate the speakers before the Right of Reply is given.

HON. S.S. KIRPAL.- Mr. Speaker, Sir, I rise to contribute to Bill 23 of 2023 for an Act to amend the State Lands Act which was introduced to this august Parliament. In fact, the two Bills which were introduced, one was Bill No. 26 of 2022 and the was Bill No.16 of 2021. Firstly, I will be speaking on Bill No. 16 of 2021 which is introduced by Bill No. 23 of 2023. This Bill was supposed to help the poor Fijian in a proactive manner to secure mortgage from financial institutions and caveat without any hindrance or running around.

Mr. Speaker, Sir, the lessee secures the lease from the Ministry of Lands that is the custodian of all State lands in Fiji. Once the registered lease is given to an individual, the leasehold title is an interest in land entitles the lessee an indefeasible right to use and hold the property; right to use or occupy the property for a specific period and the lessees of the said property has all the right to enjoy the term of lease.

Mr. Speaker, Sir, if the lessees of State land wishes to get a loan from financial institutes or banks, Bill No. 16 of 2022 made it easier as the lessee can mortgage their lease to the lending institute and get the loan in the short period of time, without running around to the solicitors to act for them, and also save money in the form of fees from the Ministry of Lands. For the poor State land agricultural farmers like sugarcane farmers who take a few thousand dollars of loan for a short period of time due to some urgent need were given relief of not paying unnecessary consent fee of \$115. It was a burden on the poor lessees.

Mr. Speaker, Sir, I just have learnt that even though this Bill has not been enacted or passed, there has been a fee schedule already with the Ministry of Lands which was sent to me. It seems that the Government is more of getting revenue than helping the poor farmers or the poor people. This is between the lessee and the lending institute, nothing to do with the lessors of the land.

Lessees take the loan as per lessee's interest in the remaining term of the lease. If the lessee fails to repay, the onus will be on the lending institute to recover, but it does not affect the Government being the lessor, as they will get the rental, premium as per in the lease condition and reassessment of rental will take place normally. It does not affect or decrease the value of the land, if you do not take consent for mortgage.

Mr. Speaker, Sir, as you know very well being a Minister for Lands, I was a junior staff in the Ministry, both of us are valuers by profession and not forgetting politician too. Is the Coalition Government giving extra burden to our Fijian people by amending the State Lands Act to make money in the form of fees when the price of goods have increased and the increase in VAT is already affecting the poor people.

HON. V. PILLAY.- Hear, hear!

HON. S.S. KIRPAL.- The Bill also boosts investor confidence level in State lands since no investor wants to waste time. They want to get on with the investment project. The consent takes weeks and months, and it is a waste of time. The other consents are still intact such as transfer, rezoning, subletting, sale, subleasing, building, et cetera, as these have a direct impact on the Director of Lands being the lessor.

The other Bill which is the amendment where the Committee was formed to regularise the informal settlements on State land. Regarding informal tenants and houses, majority of the houses are on agricultural land, and we have seen that they have been living there for ages. They have water metre and EFL connections. To regularise them and give them a title which will benefit them, they can take a loan to have a good house, and with a good title means they will be living healthy lives because they will have a house which they can build in accordance with the building plan.

That was the reason for having the Committee to regularise the informal settlements. If you go anywhere in the Western Division, you will see that in the agricultural holdings there are more than two houses where one house is for the owner. The lessees have sold the land illegally. So, it was to regularise the tenants who were sitting there to give them good tenants. In that way, the Government will get revenue in the form of rental when it is regularised and subdivided, and a good title is given to them. This was a wise thing which the government was doing.

Mr. Speaker, Sir, I urge the Government to reconsider the Bill No. 23 of 2023 as it does not have any adverse effect to any stakeholders, but in fact it encourages other Fijians to lease land. It increases the value of the land and in return, the State benefits in land rental which is a Government revenue. The current Act reduces unnecessary running around for any Fijian lessee and for the betterment of all stakeholders.

Mr. Speaker, Sir, if you want the real truth and reconciliation, it should start from this Bill if the Government wants to serve the people of Fiji. With those views, I oppose the motion before this Chamber.

HON. F.W.R. VOSAROGO.- Again, thank you, Mr. Speaker, Sir, for the opportunity to address Parliament on the Bill that is presently being debated. I mentioned that my acknowledgment for this afternoon has finished, I was just reminded Mr. Speaker, Sir, and I apologise by honourable Tuisawau, I am sure that I am going to be supported by honourable Naivalurua to acknowledge again in basketball, Suva Grammar School wining the three girls' titles that was fought over the school break.

Mr. Speaker, Sir, the honourable Prime Minister, the honourable Leader of the Opposition, honourable Deputy Prime Ministers, Ministers in Cabinet and Members of Parliament, I rise to present my contribution to the State Lands (Amendment) Bill tabled before Parliament. This Bill is fundamental to the effective and efficient administration of State Land in Fiji whereby the safety mechanism is reinstated to safeguard not only the State Land leases but also to ensure that financial institutions have given money or lent money for investments are protected.

The amendment made by Act No. 21 of 2021 have lessen the authority of the Director of Lands as provided for under section 13(1) and that section essentially prohibits any lessees from dealing with any leases without the consent of the Director of Lands first being obtained. By background Mr. Speaker, Sir, this is the other side of Act No. 22 which we have appealed on the previous sitting of Parliament, so this cousin of that Act needs to go out as well because you cannot have two land tenure and management system at the same time.

Mr. Speaker, Sir, the amendment made by Act No. 21 of 2021 allows for lessees to go directly to the banks, lending institutions without the Director's consent to use lease as a collateral for their borrowing. Therefore, that Amendment brought about by section 21 has impeded or affected the Director of Lands' powers under the Act.

Mr. Speaker, Sir, since the commencement of Act No. 21 of 2021, revenue generated from fees that are paid for application of consent have really taken a drastic turn. For example, if I can

take two years of each, post the introduction of the Act and two years up until now. In 2019 and 2020, the Ministry of Lands and Mineral Resources was able to receipt \$48,087 from 109 consent applications received from lessees. In the two years post the 2021 Act coming into force, just below \$8,000 was recorded as revenue. So, a total loss to Government coffers of \$40,000.

It is also important Mr. Speaker, Sir, to note that lending institutions have now assumed risks of verifying companies and individuals who have come to them for mortgages. Furthermore, after the implementation of Act No. 21 of 2021 lending institutions raised their concerns with the Office of the Director of Lands in relation to the security in their investments.

Mr. Speaker, Sir, the Ministry in consultation with Association of Banks in Fiji then agreed to formulate a Memorandum of Understanding to facilitate data sharing through an online portal daily so that they could both understand the dealings that are taking place between those who lease and the banks who provide the funds over the lease.

There is justification, Mr. Speaker, for repealing the State Lands (Amendment) Act 2022, in particular, the insertion of section 16(4) by Act No. 26 of 2022 effectively meant that the Director can re-enter land and or cancel lease provided there are no encumbrances on the land. This was in contradiction to the previous process of the Ministry whereby if there is even encumbrance on the land, the Director of Lands could still re-enter the land and recover what is owed to the State.

The Committee to this date, Mr. Speaker, has not resolved any issues or cleared any case presented for its consideration. This august House needs to be informed that even after being tabled before the Committee, applications still need and require the Director of Lands' endorsement and following through with the relevant process. So, it is just an addition to bureaucratic processes that are not good for good governance. Sir, it does not really streamline the processes but indirectly add another layer of bureaucracy to the existing process that was there before.

Mr. Speaker, we often say this, "when it is not bad, do not fix it". There was nothing wrong with the processes that were there before. The Director of Lands was capable and indeed carried out the job. When there, he or she finds that there are illegal occupation of land and if there needs to be rectification or regularisation, that was processed before because it was within the Director of Lands' powers to decide what to do in order to regularise them. So, we say, Sir, that because it was totally unnecessary to begin with, it is not necessary to maintain it. Mr. Speaker, Sir, I fully and wholeheartedly support the Bill that is before Parliament this afternoon.

HON. F.S. KOYA.- Mr. Speaker, just a little comment in response to the honourable Minister of Lands, he said there were some \$40,000 that was being collected with respect to consent fees and then when this amendment came about, it was reduced to \$8,000. It is a small price to pay with respect to facilitation in terms of investment and in terms of those that were dispossessed off their land. I think that is a small price to pay if you really, really look at it.

Mr. Speaker, you will be well aware of this Bill because you made a very historical contribution on this when it was on the floor. For those who were not here in Parliament when that took place, this was borne out of the proposition that a lot of people were dispossessed off their land whose leases were not renewed and, essentially, they became refugees.

A lot of farmers who own State Land had made arrangements with these people and said, "look give me \$1,000 or so and you can put your house in the corner of that land." There are a lot of these cases especially in Nadi, as you are well aware, Sir, being a former Minister and also being quite aware of that particular circumstance, but you did make some references which I will refer to.

Mr. Speaker, what this amendment had done or sort to do was, for example, give the Director of Lands the ability to cancel the head lease or the lease itself to be able to issue separate leases for those people who had been living there *bona fide* since the land was given to them. Again, obviously there was a particular system put in place that everyone is referred to with respect to a Committee that was chaired by the Permanent Secretary for Housing and Community Development and consisted of the Permanent Secretary for Lands, Office of the Solicitor-General and anyone else, for example, who they wished to include in that Committee, maybe the Director of Town and Country Planning, et cetera.

Once they established this in a particular area and sold off the land to these people, albeit illegally under the law as technically speaking, they had been occupying this particular piece of land for maybe 30 or 40 years, they will then be able to cancel the original lease and be able to issue these leases with the Director of Lands. He or she will be able to do that, so it is being facilitated to those that were actually living on the land.

This is essentially what this did, Mr. Speaker. Obviously, we cannot cancel the lease if there is an encumbrance on it. If there is a mortgage on it, or a caveat on it, then those legal issues need to be taken care of before any new leases were issued. Consultations did take place at that time when the amendment was done, with many groups and various people made submissions.

There was a lot of frustration on the ground with respect to this particular situation that is being referred to but what transpired was at that time the Director of Lands hands were tied. She could not do anything, she could not move because the current law would not allow her to do it. A lot of people who actually just sold the land on that basis are nowhere to be found. They had moved on or migrated so what are you supposed to do as they had allowed these people to build these houses on a particular piece of land.

Now, let me just refer this Parliament to a lot of wisdom, we all know that. He contributed at that time and said that in the introduction of the motion that is to do with this particular motion, we are trying to amend and provide areas of redress for people that are already there or to check out how they have come upon that particular piece of land. Specific reference was made to Malolo and other places that the honourable Speaker was actually quite aware of. I think in the end, there was stark realisation as this needed to be done, it was facilitative and it is facilitative for those that become landers because of the law having also being out of pocket because they paid the person who actually had the lease.

As I have said, the honourable Speaker showed a lot of wisdom at that particular time by saying that the Committee would need to do a lot of investigation - he supported the idea. As you can see, it was very bipartisan in terms of what was being done at that time. You cannot portray that they did something wrong. You have to look at the reasoning by which it was done. There are also supposed to be regulations - these things take time the former Minister for Lands is here. Little bit more consultations and conversations and he would have been able to tell you how far things could have gone. There are a lot of findings that needed to come before everything was complete and hunky dory, so to speak.

Mr. Speaker, in fact, what the amendment did then was give the Director of Lands the ability to issue another lease to these people lawfully whereas before, the hands of the female Director of Lands hands were tied. She would get a lease done on that reject piece of land which they were occupied. Under the law because a person who owns his parcel of land, owns his lease under the law, they have to cancel the lease so no one can actually occupy that piece of land so literally they would be thrown out of that piece of land before anything could be done, you have to issue another lease over that whole land.

Mr. Speaker, for this, the Director for Lands can actually cancel the lease and these people would still be protective because it does say so in the Bill itself. I will actually quote what it says:

“For the avoidance of any doubt, any occupant of the land referred to under this section including the lessee shall remain on the land, subject to any terms and conditions of any lease, license or approval notice of a lease granted after the enactment of the State Land Act.”

There is no sinister move behind it, honourable Attorney General - nothing at all. It was just being facilitative. I think that is what the honourable Speaker, who was an MP then in the Opposition, caught on too - that it was being facilitative. It was being of assistance to those who were basically lead up the garden path.

Mr Speaker, just to qualify it also, this was not to do with squatters. This was actually to do with people who had gone to occupy the land because the original lessee allowed them to do so. It was not that situation and that committee is useful. We have to be very independent when we think about this. What was it for? there's nothing sinister about it no power taken away from the Director of Lands like you might want to see it as. It was not but in fact, it was empowering her more to do the right thing.

Mr Speaker, with those few words, I do not support the motion before Parliament.

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, Sir, three words come to mind when I am listening to the other side - grasping at straws. The reason why I say that is very simple. As alluded to by honorable Vosarogo, the truth is this change was brought in on the back of the will go out at the back of Bill 17. It was hidden in the Consequential Bill. It was never discussed and all of a sudden, the change happened.

HON. V.R. GAVOKA.- Yes, true! True!

HON. M.S.N. KAMIKAMICA.- As the honourable Vosarogo mentioned, this is the cousin or the brother or the sister of the other Bill and so in some respects Mr Speaker, Sir, the destination of this Bill or this Act that we have, would follow the same way as Bill No. 17.

I would just like to read to them what His Excellency the President said in his maiden speech, and I quote:

“The views of all communities must be heard and I urge the people's coalition Government to ensure all initiatives, draft legislations, must go thorough consultation, process for better outcomes, to ensure inclusiveness, foster greater ownership. Government must ensure that draft laws are deliberated in consultation with relevant stakeholders particularly through the standing committee process, petitions must be accommodated so that the views of the people must be heard in Parliament.”

Mr Speaker Sir, we on this side of Parliament are doing our best to try and consult unlike that side of Parliament. It is reflected in the statistics in terms of Standing Order 51. As an example of our desire to consult, we heard the honourable Members on the other side about the need to look at the Heritage bill in a bipartisan manner, so we withdrew it.

And so, Mr Speaker, before we talk about the detail of the Bill, the very fact that they did not consult is actually something we will need to bring out in this type of debate. I can assure those on that side, for those of us, that might have Bills are coming through, we will endeavour to consult properly. Apart from being the new Fiji, this is a new democracy that we are trying to promote in Fiji.

Sir, it is strange what they have done in the first amendment in section 13, and for the life of me, I am still trying to wonder why this was brought in. I hope, in this term of Government, we will find out the real reason why this thing happened. They were talking about poverty, but the irony is that the ITLTB process was a lot faster than this process. I hope that they disclose the real reason before this side of the Parliament finds out the real reason. We have some inkling...

HON. K.K. LAL.- No consultation.

HON. M.S.N. KAMIKAMICA.- But I am encouraging them to self-disclose before we disclose to the people of Fiji of what actually happened.

Secondly Mr. Speaker, Sir, in terms of the Director of Lands as alluded to as well by honourable Vosarogo, perhaps we had given too much power to the Director of Lands through this amendment, and we are regularising that as well. As we know Sir, too much power in one person's hand can be very risky.

Finally, Mr. Speaker, Sir, in terms of ease of doing business, like I said this is a classic example of what they try and talk about, but they do not follow through. This amendment created an extra process or additional process for the banks to follow through a Memorandum of Understanding (MOU), so this nonsense about being efficient, they are overlaying it with additional process.

Mr. Speaker, Sir, when this Act came into being, it was full of contradictions. There was no transparency, no consultation so like Bill 17 – it is gone.

HON. S.S. KIRPAL.- Mr. Speaker, Sir, knows about it. He was the former Minister for Lands.

HON. S.D. TURAGA.- Mr. Speaker, Sir, I just forgot to highlight but I will do so now. During the discussion of this Bill on 30th July, 2021, this august Parliament actually congratulated our seven gladiators winning the Olympics in Japan. I also note there was a reference made by the other side that it was not part of the budget. This is what I read about what the former Attorney-General said:

“Mr. Speaker, Sir, pursuant to the resolution of Parliament of the Friday 6th of July, 2022,

I move that the following Consequential Bills be debated, voted upon and passed ...

(9) State Land (Budget Amendment) Bill 2021”

HON. F.S. KOYA.- ...Who said that - a Point of Order, Sir...

MR. SPEAKER.- Yes.

HON. F.S. KOYA.- Mr. Speaker, Sir, no one said that it was not part of the Budget.

MR. SPEAKER.- What is the Point of Order honourable Koya?

HON. F.S. KOYA.- SO 74(1)(a) – there is an alleged breach of Standing Orders or practices of Parliament. He is trying to mislead Parliament, because no one on this side said that it was not in the Budget. I think either you misheard it...

MR. SPEAKER.- I am still looking at this Standing Order, honourable Koya.

HON. M.S.N. KAMIKAMICA.- He is reading what is in the *Daily Hansard*.

HON. F.S. KOYA.- Practice of Parliament, I may raise a Point of Order? There is a breach of Standing Order or practice of Parliament and that is a breach of Parliament practice that you mislead the Parliament.

MR. SPEAKER.- Carry on.

HON. F.S. KOYA.- Sir, the point here is that, I think maybe the Attorney-General was misguided here, no one on this side of Parliament said that it was not part...

HON. M.S.N. KAMIKAMICA.- ...he is reading the *Daily Hansard*.

HON. S.D. TURAGA.- I am reading the *Daily Hansard*.

HON. F.S. KOYA.- No, the statement before that, Sir, you said that.

HON. PROF. B.C. PRASAD.- *Are yaar*, not a Point of Order.

HON. F.S. KOYA.- Not *Are yaar*, *suno re...thora suno bhai...*

HON. PROF. B.C. PRASAD.- Not a Point of Order, you are making a mountain out of a molehill. All he did was pointing out a fact that it was part of the Consequential Bill.

(Honourable Members interject)

HON. PROF. B.C. PRASAD.- You made your point.

MR. SPEAKER.- Order, order!

HON. F.S. KOYA.- I love the mountain out of a molehill - for eight years we sat here and he made so many mountains, Sir.

(Laughter)

HON. S.D. TURAGA.- Mr. Speaker, Sir, the point is this - because it came as part of the Consequential Bill for Budget purposes, there was no consultation.

HON. PROF. B.C. PRASAD.- The point is this, because it came as part of the consequential for the Budget, there was no consultation, simple as that.

HON. J. USAMATE.- Yes, there was.

HON. S.D. TURAGA.- If you look through my brief there was wider consultation, and may I refer to the honourable Usamate's comment. Give me the opportunity and I will do so.

HON. J. USAMATE.- Where is this? What did I say?

HON. S.D. TURAGA.- The *Daily Hansard* of 30th July, 2021, if we take a moment, honourable Usamate said, and I quote:

“I fully support this Bill Mr. Speaker, Sir, because it does two things. First it benefits the government and it benefits lessees in a short of time for them to process their dealings and also reduce backlog. Two, at the same time it does not compromise the status of government of the state as a landowner.”

We just listened to honourable Vosarogo, we lost income, we created a committee, we did not deliberate, it did not work.

HON. J. USAMATE.- This is ridiculous.

HON. S.D. TURAGA.- Fiji being a small island State cannot have two jurisprudence or two types of land dealings. When you have *i Taukei* and land, it is too small - this Act has to be amended. This is what we campaigned for, and we are doing it today. I commend this Bill to Parliament.

Question put.

Motion agreed to.

[State Land (Amendment) Bill 2023 (Bill No. 23/2023), moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. of 2023)]

HIGHER SALARIES COMMISSION BILL 2023

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

That the Higher Salaries Commission Bill 2023 (Bill No. 24/2023), be debated, voted upon and 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 Higher Salaries Commission Bill 2023, which was tabled in Parliament on Monday 11th September, 2023. Before I begin, I would like to highlight that since tabling the Bill a minor anomaly has been identified.

(Chorus of interjections)

HON. S.D. TURAGA.- In Clause 16(4) was wrongly referred to as subsection 3. I would like to bring this to the attention of Parliament to clarify the reference that is to delete 3 and substitute 4.

HON. A. BIA.- How come?

(Chorus of interjections)

HON. S.D. TURAGA.- Mr. Speaker, Sir, a precedent has already been set in this Parliament on the 29th July, 2022.

HON. PROF. B.C. PRASAD.- We are just doing what you people did.

HON. S.D. TURAGA.- The former Attorney-General was speaking on the 11th Bill said, and

I quote:

“In respect of the first Budget amendment (Bill No. 28/2022) before I do speak on the Bill itself, Sir, I would like to point out a typesetting error” which is similar in this case. “If honourable Members could look at Clause 5 of the Bill and the heading is “*Sections 115A and 115B*” inserted.”

If you read Clause 5 it says, and I quote: “The principal Act is amended after section 115 by inserting the following new sections”.

He further said and I quote: “You will see the next heading, “*Investigation or complaint by the Fiji Revenue and Customs Service*”.

As the heading above suggests, you have ‘15A’ but it should be ‘115A’, so I dropped off by typesetting - apologies for the typesetting error”.

Mr. Speaker, Sir, a precedent has been said it is only referenced to ‘3’ supposed to be ‘4’ and I asked for the leave of this Parliament before we move on.

MR. SPEAKER.- Honourable Members, that amendment has been put forward as well and what we will do is that by virtue of the precedent case we will continue and we will take both the amendments when the approval has been finalised and given.

HON. S.D. TURAGA.- Mr. Speaker, Sir, if I may continue, as mentioned on Monday, the Higher Salaries Commission Act together with subsidiary legislations was repealed by the Higher Salaries Act 2011. As a result, the Higher Salaries Commission was abolished.

Pursuant to the Act of 2011, the salaries which used to be considered and determined by the Commission is determined as the case maybe by a Minister, authority or body prescribed under any written law which appoints or has authority over any such Board, corporation, government-controlled company, authority or body following the approval of the Minister responsible for Public Enterprise and the Prime Minister.

Mr. Speaker, Sir, it is essential to establish the Higher Salaries Commission to ensure that the salaries of Chief Executive Officers or any other similar titled position of any Board, corporation, authority or board of any government-controlled company is not so excessive and lavish that it shocks the ordinary people of Fiji.

Mr. Speaker, Sir, allow me to quote one good example. I will not name the officer but someone who is actually paid more than the honourable Prime Minister. We also have to the shock of this side of Parliament that some people are being paid \$350,000 a year, some are half a million, someone a million dollars ...

HON. K.K. LAL.- Who?

HON. S.D. TURAGA.- unheard of in the history of this nation.

(Chorus of interjections)

Mr. Speaker, Sir, establishing the Higher Salaries Commission does not mean we want to reduce everyone’s salary. The intention is to ensure that taxpayers’ money is not being wasted that is the bottom line. Establishing the Higher Salaries Commission, we have to consider the pay

disparities caused by the current practice by the former administration of Government in the last 16 years between Chief Executives and other Staff Members, which is not a good practice for any workplace. We will not deprive anyone of their rightful pay and the Higher Salaries Commission will conduct all necessary consultation needed to make the best decision, not only for top executives but also for the people who pay for their salaries, the taxpayers.

Therefore, the intention of High Salaries Commission Bill is to re-establish the Higher Salaries Commission and guide the determination of salaries of top executive positions of prescribed bodies. There have been a consultation with the Ministry of Civil Service, Ministry of Public Enterprise, and the Office of Solicitor-General. I have touched all the salient provisions of the Bill and I will not repeat it again. I commend this Bill before the Parliament.

HON. A.A. MAHARAJ.- Mr. Speaker, ever since we received this particular Bill on Monday we have been trying to figure out the intent of bringing this Higher Salaries Commission back into play and as Attorney General has elaborated just a while ago it seems like when they got to know that some of the CEOs who are best fitted for a particular job are getting more than what Ministers and Prime Ministers are getting led to actually coming up with this particular Bill which will be enacted by the Parliament because they have the numbers so that they can actually reduce the salaries of the CEOs.

This Bill has been done in haste and I will be explaining why some of the things are still missing from the particular Bill that is before us. Mr. Speaker, as alluded to by the Attorney General there is no such laws in place that actually states that the Prime Minister's salary should be the highest compared to others.

(Chorus of interjections)

We heard what he said honourable Deputy Prime Minister. There was a reason back in 2011 as to why the Higher Salaries Commission was removed. The Higher Salaries Commission was empowered to consider and determine the remuneration of every senior officer, holder in any public office, including statutory entities, public corporations and Government commercial companies.

Unfortunately, the Higher Salaries Commission which had been in existence since 1983, led economical understanding and sufficient knowledge of the market force and used to apply public service approach and comparison in determining the remuneration of these entities. The lack of commercial knowledge, Mr. Speaker, Sir, is forcing this Government to actually come up with this Bill to get the Commission back.

Furthermore, the establishment and the process of the Higher Salaries Commission was very cumbersome, bureaucratic and time insensitive. In addition, the process followed by the Higher Salaries Commission in determining the remuneration of the senior positions, failed to obtain a proper independent assessment of these salaries by professionals who had the necessary expertise in making such analysis.

By removing Higher Salaries Commission by Decree 2011, the salaries of the Chief Executive Officers of any board, corporation, authority or body and the salaries of the holders of such other offices in those board, corporation, authorities, or bodies, would have been determined by the members or Directors of the board, corporation, authority or body, appointed under any written law establishing any such board, corporation, authority or body, following approval of the honourable Minister responsible for Public Enterprise and the honourable Prime Minister.

It further went on to say, the salaries of the Executive Officers of every government controlled

companies and salaries of the holders of such other office in those companies, as prescribed back then in Schedule 2, would have been determined by the Board of Directors of any such company following the approval of the Minister responsible for Public Enterprises and the Prime Minister.

The salaries of every Permanent Secretary or other officer who manages a Ministry or department for which a Minister responsibility, and such other person, again as prescribed in Schedule 3 back then, would have been determined by Public Service Commission following approval of the Prime Minister. The salaries of the Executive Officer of every city, town and district council constituted under Local Government Act and salaries of holders of such office and those council would have been determined by the Minister responsible for Local Government following approval of the Prime Minister.

When honourable Premila Kumar used to be the Minister for Local Government, she used to actually engage PWC as an independent analyst to determine which particular CEO of which particular town council should be getting what amount. What was required by the members or Directors of any board, corporation, company, commission or authority to conduct an independent assessment of remuneration sought to be reviewed before submitting any recommendation. Mr. Speaker, Sir, such an independent assessment would have brought necessary transparency and impartiality in the determination of remuneration of senior officers of these commercial entities. These were the reasons why the Higher Salaries Commission was removed.

Now going on to the Bill, Mr. Speaker, Sir, we see that the Commission is going to consist of a chairperson appointed by the Minister, again something that the Opposition, for the past eight years have been harping on that Ministers should not be appointing members of the board. And now, in this particular Bill, they are doing the same thing they had been advocating against.

(Chorus of interjections)

HON. A.A. MAHARAJ.- Listen, listen!

Again, a nominee from the Minister responsible for Finance, a nominee of the Minister, and only two out of five, only two to be the experts in economics, financial, industrial or commercial matters appointed by the Minister.

Moving further on, “Powers of the Commission”, I have been the Chair of the previous Standing Committee on Justice, Law and Human Rights, never did we actually see, under section 8(1), for the purpose of this Act, the Commission has the same powers and authority to summon, witness and to admit and receive evidence as are conferred on Commissioners of the Commission of enquiry under section 9 of the Commission of Enquiry Act 1946. Why are such powers actually given to this Commission? No other Commission receives this kind of powers - Commission of Inquiries initiated by President.

HON. MEMBER.- Why?

HON. A.A. MAHARAJ.- So that these people can call all the Chief Executive Officers and inquire about their salaries, reduce it and there will be a big question mark, Sir.

Again, Mr. Speaker, if we go back and see - Functions of the Commission 7(1)(b): Conduct Consult with the:

- (i) Board of Government;
- (ii) Commercial Companies;

- (iii) Commercial Statutory Authorities;
- (iv) Statutory Organisations; and
- (v) any other body when reviewing and determining salaries.

If you go to Schedule No. 1, there are lists of prescribed bodies from 1-27. Now, what happens to Head 9 of the Budget Estimates - Independent bodies?

Head 13 - Independent Commission

Mr. Speaker, Office of the Auditor-General, Fijian Elections Office, Judiciary, Office of the Director of Public Prosecutions, and Media Industry Development Authority, Fijian Competition and Consumer Commission, Electricity Fiji Limited, Fiji Ports Corporation Limited, Fiji Teachers Registration Authority, Tertiary Scholarship and Loan Board and Public Rental Board - these are not even in the list. Why the rush to bring this kind of Bill under 51 that these entities are missing?

HON. P.D. KUMAR.- Very poor.

HON. A.A. MAHARAJ. - As I said it just rang the bell in the ears after hearing what the Chief Executive Officer of FCCC is getting, Mr. Speaker.

Mr. Speaker, before I conclude, the last one is Annual Report No. 25. Without limiting the Right of the Commission to report at any time the Commission must as soon as practicable after the end of each financial year publish an Annual Report on the Performance of the Commission functions under this Act during the year and must submit a copy to the Minister who must table it in the Parliament.

Mr. Speaker, we have seen in the past we have been recommending that all the Annual Reports should be tabled and presented within three months once the financial year comes to an end. So why is this Commission being given a privilege that they can prevent an Annual Report whenever they like or has it been overlooked not to give a timeframe of three months?

With those words, Mr. Speaker, I do not think we support the Bill that is presented to us.

HON. S.L. RABUKA.- Mr. Speaker, Sir, I will be very short, and I speak in support of the motion. Obviously, it is a Government Bill moved by the honourable Attorney-General.

Mr. Speaker, Sir, for a long time we have had the Higher Salaries Commission. The last Chairman died a few months ago, the late Taufa Vakatale, who was the last Chair of that Commission. It is important in a developing country like ours surrounded by many developing countries and also watched by developed countries that we maintain some rationale in the way we deal with our Senior Executives and also recruit and correctly remunerate them when they come and do the work that we advertise for them to come to do.

It is very important then that we get the right calibre of people and get from them what we expect of them as we recruit them. So, I feel that having a Higher Salaries Commission that has the freedom to survey and research what people in those similar positions are getting other jurisdictions in other economies and try and scale that to the economy of the country. That is all it is. It is not giving all CEOs in this sort of industry in the same level of salaries applicable to the other jurisdictions around us. That is simply what this is for, Mr. Speaker, Sir, and I support the motion.

HON. J. USAMATE.- Mr. Speaker, Sir, I thank the honourable Prime Minister for his contribution to this motion and also to the Attorney-General for the motion itself in looking at the

Higher Salaries Commission. One of the most fundamental things about the success of any organisation, of any country or of any entity is the capacity of its leadership and this is true for any ministry, country and community and it is also true for a lot of the organisations that we have that come under the banner of what we wanted to come under the Higher Salaries Commission. Here, I am talking about statutory bodies, I do not know whether it covers the Government Commercial Companies but I think from the list, it is about the statutory bodies.

One of the things that we had problems in the past, especially before we came into election was the difficulty of getting people to take up these appointments that had the right calibre that is required to innovate and transform these organisations that we have. We had a lot of these problems, I think, in the aftermath of 2006 where many people were reluctant to take up the jobs because of travel bans that affected not only themselves and their families. Of course, if you are not able to get the right people into the jobs, it is going to have an impact on how well that organisation does.

This was one of the problems that we had, the difficulty of getting the best people with the right competencies, experiences and capabilities to be able to run the organisation that we have. All the statutory bodies that we have in the schedule listing on page 11, it is very important that we get the right people. I think one of the adages that we have in talking about managing organisations and running organisations that the most important job, the most important thing is to get the right people into the bus.

If you get the right person on the bus, the bus will go in the right direction. If you have the wrong person in the bus, no matter what you do, the bus will go in the wrong direction; that is an adage that people have. If you want to move in the right direction, you have to do that, so it is always important that we get fit for purpose executives - the right set of competencies, the right abilities and very important, the right experience in a variety of situations.

If you want to move an entity that is working in a country where other people in that sector are only used to certain levels of performance to what they have seen around them, and if you want to transform that to a levelled performance that you see in other countries, you need people that have experience in those kinds of settings because they have that understanding of what it means to take an entity from this level to that level. If you have people that ever only work in this level of entity, they have never had the experience of moving an entity from this level to that one, you need that sort of experience. You need the ability to innovate. We need people to have the opportunity to work in modern competitive environments to take these organisations forward.

One of the problems that we have when we do this, even under the old Higher Salaries Commission was the kind of barriers that were inbuilt in the people who lived in these Commissions. A lot of the people who were working in the old Higher Salaries, they lacked that commercial knowledge and sufficient understanding of market forces and how competitive it is to get the kind of people that we can look for the right kind of person because as I said, you must be able to get the right kind of person for the job.

There was a tendency to apply a public service approach in determining salaries. Traditionally, we based remuneration on inputs rather than outputs. We really need to base it on outputs rather than just inputs. Today we have heard the commentaries about the high pays of CEOs and we have heard the comment from the Attorney-General which I think demonstrates that archaic way of thinking. The archaic way of thinking that a Prime Minister in a country should earn the highest salary – that is very archaic thinking.

I have worked in organisations where the CEO gets less than someone in that organisation. That is very archaic thinking. If you are thinking about where you want to take the organisation, then

all of those archaic ways of thinking need to go out the backdoor. You need to come up with new ways of thinking to be able to move this organisation to deliver the kind of performance that we want; it happens everywhere. In Fiji, we have the Governor of the Reserve Bank of Fiji, specialist expertise is required.

Specialist expertise must be compensated, you can keep that person. If you are going to get a group of people then to determine salaries who are not able to take these sorts of forces and needs into understanding, then they will be archaic in the way that they are to apply that salary. If you apply the wrong salary, you will get the wrong person and they say, if you pay peanuts, you will get

HON. MEMBER.- Monkeys.

HON. J. USAMATE.- Of course, this is it!

This is the issue that we always face. We have seen the success of this approach that we have used here without the Higher Salaries Commission. We have seen the phenomenal performance of Airports Fiji Limited.

(Chorus of interjections)

HON. J. USAMATE.- The improvement in Airports Fiji Limited. The low dividends that they used to get to Government and the phenomenal explosion when you get the right people in ...

(Chorus of interjections)

HON. J. USAMATE.- ...they build in new ways of doing things. That is what happens when you get the right person on the bus and you have the right way of appointing salaries for these people. We have seen what happened in Fiji Pine. People are talking about FBC. Yes, you have seen what happened in FBC....

(Chorus of interjections)

HON. J. USAMATE.- Can you remember the FBC of the past?

(Chorus of interjections)

HON. J. USAMATE.- Look at the FBC of today. That is an example of what I am talking about. When you have the right way of allocating salaries, you attract the right person, you get the right performance.

HON. OPPOSITION MEMBERS.- Yes!

HON. J. USAMATE.- Traditionally in Fiji, Mr. Speaker, Sir, low level jobs in the Civil Service are always paid higher than the private sector, low level jobs always presented higher. But the higher-level jobs, it is a complete difference, complete reversal. So, what do you have? You have a lot of people who work in the Civil Service, when they move up they want the higher salaries, where do they go? They jump outside.

Here, a trend around the world, we want governments to be smaller so that they maintain the policy and the regulatory component of their jobs, you move your direct operations outside of government and you want them to be nimble, agile and move fast. When you do that, you need CEOs who can make things grow and if you are hampered by a system which limits the amount of money

that you can pay to these people, you will get what you pay for. The system that we have had so far ...

(Hon. L.D. Tabuya interjects)

HON. J. USAMATE.- ... how are salaries determined now? We have Boards...

HON. K.K. LAL.- Look at Fiji Airways.

HON. J. USAMATE.-...whose job, they have a fiduciary duty to do their best for their organisation. In these Boards you always have a human resource subcommittee, you have experts that are there, lawyers, HR people and they will then bring in the PriceWaterHouseCoopers of this land to look at the salary things that you are talking about, the relativity of salaries and looking at salaries here and offshore. So if a company like Water Authority of Fiji had decided, we want to move Water Authority of Fiji from here to become something like a company that you find in Singapore, you need to find the right kind of person....

HON. PROF. B.C. PRASAD.- Why Singapore?

HON. J. USAMATE.- Yes, why not? Why not? What is wrong with you people? Why not?

HON. L.D. TABUYA.- We are locals.

HON. J. USAMATE.- Then you need to attract the kind of person, they will come up with the salary package and then under the current system offer that to the Ministry of Public Enterprises.

(Chorus of interjections)

HON. J. USAMATE.- So what I am saying, Mr. Speaker, Sir,....

HON. F.W.R. VOSAROGO.- LTA CEO.

HON. L.D. TABUYA.- Our locals.

HON. J. USAMATE.- These Boards of these statutory bodies give professional scrutiny and due diligence in everything that they do. They have the accounting companies that help them.

The other thing, maybe my time is going up, but what I want to say, I am sitting here, listening and thinking that the problem with the Government is that you are caught in a time warp.

(Chorus of interjections)

HON. J. USAMATE.- You keep thinking that whatever worked in the past is best for the future.

(Chorus of interjections)

HON. J. USAMATE.- The honourable Deputy Prime Minister for Civil Aviation and Tourism always used to tell us...

HON. S.D. TURAGA.- Righting wrongs.

HON. J. USAMATE.- ... Boeing is better than Airbus; always. Now, we are happy with Airbus.

HON. L.D. TABUYA.- Do you really know him?

HON. J. USAMATE.- Now, I am sure that he is happy with Airbus. All the time you are talking to us about looking back, but one of the other things that I find funny, there is a contradiction to what they are saying, Sir. They are saying we should apply this to all of these organisations but then there are some organisations that they do not include. Why are they not included?

HON. RO F.Q. TUISAWAU.- They will be included.

HON. J. USAMATE.- Does that mean they will have a different set of rules? The organisation that is not included here is Fiji Roads Authority. Where is Fiji Roads Authority?

(Chorus of interjections)

HON. J. USAMATE.- I also want to know if No. 2, the Agricultural Marketing Authority is different from No. 27 the Fiji Agro Marketing Authority. Are these two different entities or they are the same? This thing is full of errors.

HON. P.D. KUMAR.- Full of errors.

HON. J. USAMATE.- Full of errors, it is a sign of incompetent drafting.

(Chorus of interjections)

HON. K.K. LAL.- Blunder after blunder.

HON. J. USAMATE.- Blunder after blunder after blunder.

Mr. Speaker, Sir, the Government also needs to get over this ever-driving need that they that bites them inside to get rid of everything that FijiFirst has done. Get over it! At the beginning of the year they talked about scraping FICAC, now eight months or nine months into the job they realised FICAC is good for this country. They used to talk about, and my very good friend, the honourable Tuisawau was always asking about *waqavuka*, *waqavuka*, *waqavuka*! Who is the shareholder? Now, they buy an aeroplane through exact the same mechanism.

(Laughter)

Always talking about Walesi, no good, Walesi no good, Walesi, no good! Now, they praise Walesi and want to use Walesi.

HON. OPPOSITION MEMBER.- Watch the rugby on Walesi.

(Laughter)

HON. J. USAMATE.- Honourable Filipe Tuisawau commented about the change in the way the Opposition is carrying out its role, the much more enlightened Opposition.

HON. V. NAUPOTO.- Hear, hear!

HON. J. USAMATE.- The reason for this is clear. When we were in government, I always called the Opposition to come into the light, be enlightened, do things in the best interest of Fiji, rather than opposing, opposing, opposing, opposing. Every single thing - oppose, oppose, oppose!

HON. L.D. TABUYA.- That is what you people are doing. Now we are doing it.

HON. J. USAMATE.- To be an enlightened Opposition, we are now showing you how an Opposition that is in the light acts. When there are things that we believe that we need to agree with, we will agree. We do not disagree for the sake of disagreeing. You have just shown, you are so enlightened that in this State Land Bill that you have passed, you have taken away the hope from the dispossessed people.

People who are living on no other land, you have taken their hope away from them. Even though they got into the land in an illegal fashion, you have taken that away from them. That is your enlightenment, to let such people, what you are basically saying to them, “sink or swim, I do not care about you.” This is the freedom that you are talking about that you bring to this country. Mr. Speaker, Sir, I do not support this motion.

(Laughter)

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir,

(Chorus of interjections)

MR. SPEAKER.- Honourable Members, he has not even started.

HON. PROF. B.C. PRASAD.- They are fearful, they are fearful.

(Laughter)

HON. S.D. TURAGA.- Please, do not bomb them!

PROF. B.C. PRASAD.- ... earlier this morning, the honourable Minister for Employment and Industrial Relations talked about the fact that they need to repent. I was wondering if you look at the military government, the Bainimarama Government and the FijiFirst Government, you are looking at 15 years to 16 years. Some of them with the Bainimarama Government, some of them were the FijiFirst Government, so essentially, they need to repent for 14 years to 15 years or at least a minimum of eight years, but we will give them a discount, they should repent for four years.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- This is why honourable Usamate, he has got a favourite word, “hogwash”. What he said just a while ago is an example of real hogwash.

(Laughter)

HON. S.D. TURAGA.- *Isa*.

HON. PROF. B.C. PRASAD.- Mr. Speaker, usually my friend honourable Usamate makes sense, but today he was full of contradiction. He talked about Airports Fiji. Airports Fiji, Mr. Speaker, Sir, if you increase the departure tax to \$200, even honourable Kumar would have probably made better profit than the CEO who was there. There is no comparison to what he was saying and

both, honourable Maharaj and honourable Usamate, were totally confused.

They went on and talked about the Higher Salaries Commission, a very good example of the contradiction. He actually did not understand what the Higher Salaries Commission was. He should have gone and did some research on what it used to do. He said, “Higher Salaries Commission did not have people who have the commercial acumen or who are not going to be able to understand what happens.”

HON. J. USAMATE.- Go and check the *Daily Hansard*.

HON. PROF. B.C. PRASAD.- He is not saying, that is, the people who appoint the Higher Education Commission. The things that they did, Mr. Speaker, and I tell you what happened. There are two things that happened with the FijiFirst and the Bainimarama Government. There is a fundamental difference between Rule of Law and Rule by Law. They did not follow the Rule of Law...

HON. GOVERNMENT MEMBER.- Really.

HON. PROF. B.C. PRASAD.- ... right from 2006, their Decrees, even when they got into government, they did not follow the Rule of Law but they Ruled by Law.

Every time something did not work, they will come with the law because the former Attorney-General, the former Prime Minister and some of them who were there they were so used to Rule by Decree. So, when they did the 2013 Constitution under Section 174, they made sure that all the Decrees that they made during the military government was actually preserved in the 2013 Constitution and they got so used to it. So, when they came as a democratic government, they continued to Rule by Law. I will tell you the fundamental difference between Rule of Law.

Following the Rule of Law, Mr. Speaker, means fairness.

HON. F.S. KOYA.- Point of Order.

HON. PROF. B.C. PRASAD.- What is your Point of Order?

(Laughter)

HON. PROF. B.C. PRASAD.- Quote the Point of Order.

HON. RO F.Q. TUISAWAU.- What number?

HON. F.S. KOYA.- Mr. Speaker, I stand under Standing Order 60, the speech must be relevant and Standing Order 61 basically says, “... when speaking Members must confine their observations to the subject under consideration.”

Mr. Speaker, I think it has been about four minutes.

HON. J. USAMATE.- Two minutes left.

HON. F.S. KOYA.- Please ask him to be relevant. The diatribe we have heard over and over again, Sir. It is like a broken record.

(Laughter)

Please, ask him to be relevant. We have heard what he wants to say. He already said it a million times. Stick to the topic. Mr. Speaker, Standing Order 61 is what we are objecting under, please ask him to be relevant.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, let me just explain why what I am saying is very relevant because that is what the Higher Salaries Commission is going to do.

HON. S.D. TURAGA.- Preach it out.

HON. PROF. B.C. PRASAD.- When you have arbitrary and discretionary powers, removal of the Higher Salaries Commission, Mr. Speaker, Sir, allowed the Ministers, honourable Kumar said that someone gave her a reference honourable Maharaj that honourable Kumar used to hire. Some Ministers, even when they discretionary powers, even if they can be arbitrary about who they appoint, they used independent people to do that, but the power without the Higher Salaries Commission that Ministers and boards had was arbitrary and discretionary. Any situation where there is arbitrary discretionary power, it is bound to be misused at some point in time, Mr. Speaker. That is exactly what happened.

HON. L.D. TABUYA.- Yes.

HON. J. USAMATE.- What are you saying?

HON. PROF. B.C. PRASAD.- The boards were ruled by the Ministers

HON. J. USAMATE.- No.

HON. PROF. B.C. PRASAD.- The boards were appointed by the Ministers. The boards were dictated by the Ministers because the power was arbitrary about the salaries.

So, Mr. Speaker, the Higher Salaries Commission...

HON. J. USAMATE.- Point of Order.

HON. PROF. B.C. PRASAD.- What is your Point of Order?

HON. J. USAMATE.- Point of Order, Standing Order 62 – Improper Motives. When speaking, a member must not impute improper motives to any other member.

(Honourable Members interject)

HON. J. USAMATE.- The honourable Deputy Prime Minister is trying to say that the Boards appoints the Minister. He is trying to say that as if there is something wrong. The Boards are always appointed by Ministers, what is wrong with that? This is improper motive, trying to say that there is something sinister in a Board appointed by the Minister.

MR. SPEAKER.- Thank you, you may continue honourable Minister.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I am actually flabbergasted and surprised with the level of intervention, I mean, Point of Order. They are actually misusing the Parliamentary time. They sound so irrelevant because they know that what I am saying is correct.

HON. J. USAMATE.- It is hogwash.

HON. PROF. B.C. PRASAD.- This is how they did that and we were on record in this Parliament pointing out to them. Whenever they found that things were not working, if a Board that they appointed was not working, then they bring a law and change it.

HON. I.B. SERUIRATU.- Your Board at Fiji Airways.

HON. PROF. B.C. PRASAD.- They are saying, “Oh, because the system is not working”, just like the Land Transport Authority.

(Honourable Members interject)

HON. PROF. B.C. PRASAD.- The Lands Department is not working and if it is not working, you do not look at why it is not working.

Mr. Speaker, Sir, when something does not work, their approach was, bring a law, change it. That was ruled by law because they were so used to rule by law and rule by law is unfair, it is not accountable and not transparent.

The re-instatement of the Higher Salaries Commission will bring about that accountability and transparency and allow the Higher Salaries Commission to do its own. It does not mean that they cannot hire experts or independent bodies to determine the market, this is the kind of logic that they used.

The other point, Mr. Speaker, Sir, that I want to make is when the Higher Salaries Commission was there, they were able to look at the market. Honourable Usamate suddenly said that we need to hire good people. He is assuming that the members of the Higher Salaries Commission that this Government is going to appoint will not have that kind of experience. That is the assumption he is making.

HON. J. USAMATE.- How do you know?

HON. PROF. B.C. PRASAD.- Because they were practising cronyism and nepotism. They were appointing people who were not qualified .

HON. OPPOSITION MEMBERS.- Fiji Airways Board.

HON. PROF. B.C. PRASAD.- They were so used to discretionary powers.

HON. L.D. TABUYA.- FSC.

HON. I.B. SERUIRATU.- You should be ashamed of yourself.

HON. PROF. B.C. PRASAD.- And they cannot stomach the fact that this Government is doing the right thing. This Government is getting rid of all the stupidity in laws that we saw then. This is just one example, where they removed good laws and replaced them with what I call, “stupid laws”. This Government will systematically, one by one, with consultation and dialogue, change the laws and we will make sure that we do not rule by law. We follow the rule of law.

HON. F.S. KOYA.- We know the law.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, they do not understand the difference between “rule by law” and “rule of law”.

HON. V.T.T.K. RAYALU.- Tell them, tell them!

HON. PROF. B.C. PRASAD.- They are enjoying their role in the Opposition because we are following the law.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- They are enjoying the Opposition because we are transparent and capable. They are enjoying the Opposition because we allow Parliament and we do not dictate to Parliament.

HON. S.D. TURAGA.- Yeah!

HON. PROF. B.C. PRASAD.- Mr. Speaker, the appointment of an independent body such as the Higher Salaries Commission is one example of what we are doing and the people of this country know.

HON. S.D. TURAGA.- Yes.

HON. PROF. B.C. PRASAD.- In fact, Mr. Speaker....

HON. K.K. LAL.- That is nonsense.

HON. PROF. B.C. PRASAD.- Before I finish.

HON. OPPOSITION MEMBER.- Hey, do not point at the Speaker.

HON. PROF. B.C. PRASAD.- Before I finish, in fact many of them, those who were there in the previous Parliament they did not feel free. They had to crawl.

(Laughter)

HON. PROF. B.C. PRASAD.- They had to go like this (illustrates)

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- They had to do this. We are different, Mr. Speaker, we have the freedom. We have the Ministers who are capable, who are able to stand up and say things.

HON. K.K. LAL.- *Levu na vosa.*

HON. PROF. B.C. PRASAD.- In fact, the change of Government has freed them.

(Laughter)

HON. PROF. B.C. PRASAD.- They have the freedom.

HON. RO F.Q. TUISAWAU.- Freedom after them.

HON. PROF. B.C. PRASAD.- We can have the debate, we can go and enjoy ...

(Laughter)

HON. F.S. KOYA.- Point of Order, Mr. Speaker.

HON. PROF. B.C. PRASAD.- He cannot stomach the truth.

MR. SPEAKER.- Point of Order.

HON. F.S. KOYA.- Once again, Sir, I rise on Standing Order 74(1)(a). The man is becoming so irrelevant with his irrelevance that is ridiculous, Mr. Speaker. He has gone beyond his time, now he is attacking us. Let me tell you something there is a difference between discipline and what you are saying. We are a disciplined party, thank you very much.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- Let the people judge.

MR. SPEAKER.- Honourable Members...

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- Mr. Speaker, I will finish now.

(Chorus of interjections)

MR. SPEAKER.- ...I have allowed honourable Members going beyond the time that we have agreed to and stick by. Honourable Deputy Prime Minister has been given that as well because I provided that allowance to the Opposition as well. Please continue and if you feel that you can round off ...

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I will finish now. I know honourable Koya cannot stomach the truth. He just gets up, makes an irrelevant Point of Order and then you know the things he is doing.

HON. K.K. LAL.- Sit down.

HON. PROF. B.C. PRASAD.- He talked about FijiFirst being a disciplined Party.

HON. OPPOSITION MEMBERS.- Yes.

HON. PROF. B.C. PRASAD.- FijiFirst, Mr. Speaker, ...

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- I have said this and now that he talked about FijiFirst, let me tell you - FijiFirst is almost like a Chinese Communist Party.

(Laughter)

HON. F.S. KOYA.- Point of Order, Mr. Speaker.

MR. SPEAKER.- Yes.

HON. F.S. KOYA.- I understand you, Standing Order 74 (1)(a) again. We understand you

have given a bit of leeway, we give as good as we get but, Sir, ...

HON. PROF. B.C. PRASAD.- What is your Point of Order?

HON. F.S. KOYA.- But he is really now going overboard and beyond the fact that he should be speaking on what is before him, he has completely forgotten it. Sir, some decorum, honourable Minister for Finance.

HON. K.K. LAL.- He should resign.

HON. F.S. KOYA.- We have had our afternoon session, Sir. I think, Mr. Speaker has given us a lot of leeway - ask him to be relevant, please, Mr. Speaker.

MR. SPEAKER.- Are you rounding it off, Sir?

HON. PROF. B.C. PRASAD.- Yes I am rounding it off Mr. Speaker, Sir. If they had some decorum, if they give me the respect, if they allowed me to speak.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- And if they stopped yelling, Mr. Speaker, Sir, I could have finished earlier but the way they are behaving in a disrespectful manner they deserve that kind of response.

HON. OPPOSITION MEMBER.- You are Minister now.

HON. PROF. B.C. PRASAD.- I understand that but we have to...

HON. M.S.N. KAMIKAMICA.- Listen, listen!

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, the reestablishment of the Higher Salaries Commission ...

HON. V. NAUPOTO.- Finally.

HON. PROF. B.C. PRASAD.- ...is the right thing to do and I urge the honourable Opposition Members, as part of their strategy to repent, support this Bill.

HON. S.D. TURAGA.- Mr. Speaker, Sir, first of all, I thank the diverse discussion and conversation on this topic. It is very important. It is sad that honourable Maharaj was able to make some comments into some of the provisions of the Bill, not knowing this is exactly what a replica of the previous Bill, it is nothing new.

Also, in terms of drafting, honourable Usamate commented, it is the same drafting that served your Party, and it is the same that they were working on. There were some comments on the Schedule, why some entities are not scheduled. It is basic, you do not put Schedule if there is no confirmed agreement into the existence and formation. Once that has been done through the formal process of Public Enterprises, then they will be....

(Chorus of interjections)

HON. S.D. TURAGA.- Well, as I said, they will be further added to the Schedule.

(Chorus of interjections)

HON. S.D. TURAGA.- Normally, that is why they are listed in the Schedule, Mr. Speaker, Sir, because the Schedule can be increased. That is the whole purpose.

I just want to respond to honourable Usamate's comment regarding the right people, but relatively how do you justify someone who was paid \$1 million to work here, it was supposed to be for three years, and before the tenure, they go, then we get another one and another one.

HON. OPPOSITION MEMBERS.- Who, who?

HON. S.D. TURAGA.- That is the whole purpose of getting the Higher Salaries Commission. There were some reference made as to the powers of the Minister. The honourable Prime Minister is the Minister for Public Enterprises and covers Public Service Commission. So, we have someone who has gone through life, mature enough who is going to look at the setup as to the membership and how Higher Salaries Commission is administered. It is not someone who has just graduated from high school or college. It is for a good purpose, it was there, it served the nation well. Our supporters, the policy of this Government to make it right and that is why we are here. Mr. Speaker, Sir, I commend this Bill to Parliament.

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

Question put.

Votes cast:

Ayes	-	28
Noes	-	23
Not voted	-	4

Motion agreed to.

[Higher Salaries Commission Bill 2023 (Bill No. 24/2023), moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. of 2023)].

MR. SPEAKER.- Honourable Members, that was quite a lively exchange. I did not want to interrupt nor stop the momentum that was going on, but somewhere or rather you are bound to sit and listen once more.

I would like to thank honourable Members for today's sitting and the number of observations you put into the very things that you said in Parliament and that brings us to the end of the sitting today. Once again, I thank you so sincerely for your contributions. Parliament is now adjourned until tomorrow at 9.30 a.m.

The Parliament adjourned at 6.45 p.m.