

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

TUESDAY, 11TH MARCH, 2025

[CORRECTED COPY]

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TUESDAY, 11TH MARCH, 2025

The Parliament met at 9.40 a.m. pursuant to adjournment.

MR. SPEAKER took the Chair and read the Prayer.

PRESENT

All honourable Members were present.

MINUTES

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

That the Minutes of the sitting of Parliament held on Monday, 10th March, 2025, as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATION FROM THE SPEAKER

Welcome

I welcome all honourable Members to today's sitting and to those who are joining us in the gallery and those watching the live broadcast on television and the internet. Thank you for your continued interest in the workings of your Parliament.

PRESENTATION OF REPORTS OF COMMITTEES

Review Report - Ministry of Civil Service 2021-2022 Annual Report

HON. L.S. QEREQERETABUA.- Mr. Speaker, Sir, the Standing Committee on Foreign Affairs and Defence hereby submits to Parliament the Review Report of the Ministry of Civil Service 2021-2022 Annual Report.

The Ministry of Civil Service's primary responsibility is to provide guidance for consistent implementation of the central regulations governing hiring, evaluation, promotion, compensation, training and discipline of public employees in line with Government's guidelines. To improve the overall standard of performance in the Civil Service, the Ministry provides various training and career development opportunities that are open to all Civil Servants, including courses on leadership, governance, project management and human resources.

The Standing Committee on Foreign Affairs and Defence has fulfilled its mandate approved by Parliament, which was to investigate the contents of the Ministry of Civil Service 2021-2022 Annual Report and provide a report to Parliament. The Committee has conducted its review and formulated findings with regard to the Ministry's performance.

The Committee Report has eight recommendations for consideration and commends the Ministry for being up to date with its Annual Reports. I wish to extend, at this stage, our gratitude to the Permanent Secretary, Mr. Parmesh Chand, and his staff for their timely assistance in this inquiry.

Mr. Speaker, I take this opportunity to thank the Members of the Standing Committee on Foreign Affairs and Defence and the secretariat for compiling this bipartisan report, and the secretariat for their invaluable support. I also wish to acknowledge the immense participation and contributions from honourable Joseph Nand and honourable Alipate Tuicolo, who both sat in as Alternate Members during the deliberations of this review report.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this Report to Parliament.

(Report handed to the Secretary-General)

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

Question put.

Motion agreed to.

Consolidated Review Report -
Parliament of the Republic of Fiji 2019-2020 and 2020-2022 Annual Reports

HON. L.S. QEREQERETABUA.- The Standing Committee on Foreign Affairs and Defence hereby submits to Parliament the Consolidated Review Report of the Parliament of the Republic of Fiji's 2019-2020 and 2020-2022 Annual Reports.

The Parliament of the Republic of Fiji is the country's legislative body, operating under the principles of the Westminster parliamentary system and guided by the 2013 Constitution of the Republic of Fiji.

Parliament is a unicameral legislature, consisting of 51 members (during the time of this reporting), following the 2018 General Elections, and 55 members after the 2022 General Elections. According to Section 46(1) of the Constitution, Parliament holds the authority and power to make laws for the State, which is exercised through the passage of Bills and their assent by the President.

Parliament serves as the voice of the Fijian people, responsible for passing laws to ensure public safety, promote economic opportunity, guarantee equality under the law, provide essential administrative services, and ensure the education, health and welfare of all citizens. It also oversees the operations of the Government and holds it accountable.

The Committee was referred the Parliament of the Republic of Fiji 2020-2022 Annual Report on 6th December, 2024 and the 2019-2020 Annual Report on 29th January, 2025. This referral was made in accordance with Standing Order 38(2), whereby the Committee was tasked with

investigating the contents of the Reports and presenting a report to Parliament at a future sitting. While this Report falls outside the usual scope of this Committee's mandate, the referral was made to assist with managing the workload of other Standing Committees.

The Committee hosted a face-to-face public submission or *talanoa* session from the Parliament of the Republic of Fiji on 14th January, 2025. The session was broadcast live on the Walesi Parliament television channel and streamed on the Parliament *Facebook* page.

Sir, this Report includes six recommendations for consideration of the Parliament of the Republic of Fiji. I would like to express my gratitude to the Secretary-General of Parliament and the staff for their unwavering support during this review.

I also thank the Members of the Standing Committee on Foreign Affairs and Defence for their efforts in compiling this bipartisan report, as well as the Secretariat for their invaluable support.

On behalf of the Standing Committee on Foreign Affairs and Defence, I hereby submit this Report to Parliament, Sir.

(Report handed to the Secretary-General)

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

Question put.

Motion agreed.

Review Report - Access to Business Funding Bill 2024

HON. S. TUBUNA.- Mr. Speaker, Sir, I hereby submit to Parliament Review Report of the Standing Committee on Economic Affairs on the Access to Business Funding Bill 2024. This Report presents the findings of the Committee's review process and outlines the recommended revisions to the Bill to better address the financial challenges faced by Micro, Small and Medium Enterprises (MSMEs).

The primary objective of the Bill is to establish three new funding frameworks aimed at assisting MSMEs in securing financing from alternative sources. Currently, MSMEs depend on commercial banks and credit institutions, and the Government, for financing of their businesses. This initiative seeks to bridge the \$2.2 billion financing gap identified in a study commissioned by the Asian Development Bank (ADB).

Recognising the significance of this legislation, the Committee conducted a comprehensive review of the Bill and had further discussions with key institutions, including the Solicitor-General's Office, the Reserve Bank of Fiji, and the Ministry of Trade, Cooperatives, Micro, Small and Medium Enterprises & Communications.

To ensure transparency and inclusivity, the Committee called for written submissions, which was advertised in the *Fiji Times* and *Fiji Sun* on 11th and 18th January, 2025. The schedule for public consultations and the process for oral and written submissions were also shared through the Parliament's official *Facebook* page. Additionally, invitation letters were sent to relevant Government Departments, statutory bodies and business stakeholders, inviting them to contribute their views on the Bill.

The Committee conducted extensive public consultations across various locations, including Rakiraki, Tavua, Ba, Lautoka, Nadi, Sigatoka, Suva, Nasinu, Nausori, Labasa, Savusavu, and Taveuni. The public, MSMEs, cooperatives and other business stakeholders were invited to present their oral submissions, while written submissions were also received by the Committee. The insights gathered from these consultations were meticulously analysed and incorporated into this Report.

I extend my sincere appreciation to the Deputy Prime Minister and Minister for Trade, Commerce, Micro, Small, and Medium Enterprises and Communications and staff of the Ministry, and the Deputy Solicitor-General and his team, in their timely assistance during the scrutiny of the Bill. I also would like to acknowledge all stakeholders who actively participated in this consultation process. Their valuable contributions have played a crucial role in shaping this bipartisan report and in forming the necessary amendments to the Bill.

I would also like to express my gratitude to the honourable Members of the Standing Committee for their dedication and contributions to the production of this Report. I acknowledge my Committee colleagues, honourable Sashi Kiran (former Deputy Chairperson), honourable Alikhi Bia (former Member), honourable Tomasi Tunabuna, honourable Premila Kumar and honourable Semi Koroilavesau.

Additionally, I extend my appreciation to the Alternate Members of the Committee who participated in the deliberations and consultation processes - honourable Penioni Ravunawa and honourable Alipate Tuicolo, who stood in as Alternate Members pursuant to Standing Order 115(5). I also thank the secretariat for their invaluable support.

On behalf of the Standing Committee on Economic Affairs, I commend this Review Report on the Access to Business Funding Bill 2024 to Parliament and request all Members of this august House to take note of the Report.

(Report handed to the Secretary-General)

MR. SPEAKER.- Honourable Members, pursuant to the resolution of Parliament on Thursday 3rd October 2024, the Standing Committee has now tabled its Report accordingly and the Bill will be debated and voted upon by Parliament on Thursday. 13th March 2025.

Review Report - Sugar Industry (Amendment) Bill 2024

HON. RATU R.S.S. VAKALALABURE.- Mr. Speaker, Sir, the Standing Committee on Justice, Law and Human Rights was referred the Sugar Industry (Amendment) Bill 2024 on 5th December, 2024, to scrutinise and to return a report of its findings to Parliament.

The Sugar Industry Act 1984, also known in this case as the principal Act, primarily governs the administration of the sugar industry and establishes the Sugar Cane Growers Council. The Council's role is to safeguard and promote the interests of the sugar industry, representing all registered cane growers in Fiji.

Prior to 2015, the Council members were elected according to a process defined in the Act. However, the Sugar Industry (Amendment) Act 2015 modified this process, allowing the Minister to appoint Council members instead. Consequently, the Sugar Industry (Amendment) Bill 2024 aims to revise this provision, which will modify the Council's composition and, furthermore, detail the electoral process for selection and qualification of its members.

Mr. Speaker, Sir, the Committee conducted an in-depth deliberation on the Clauses of the Bill, and I would like to take the honourable Members of this august House through the Bill and what the new law aims to introduce.

- (1) Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- (2) Clause 2 of the Bill amends section 2 of the Principal Act to provide for the definition of terms used in the Bill. This saw the introduction of the definitions of the “Board of Directors”, the “General Elections” and the “Minister responsible for Sugar”.
- (3) Clause 3 of the Bill amends section 32 of the principal Act by stating the composition of the Council. Even though the Bill tends to reintroduce the composition of the Council, the Committee notes that only one representative from each sector will be elected to the Council, as compared to three representatives that were initially practiced and mandated in the principal Act.
- (4) Clause 4 of the Bill amends the principal Act by inserting sections 34, 34A and 35, which provides for the “Right to vote at elections”, “Candidate eligibility” and the “General elections for members of the Council”.
- (5) Clause 5 of the Bill amends section 36 of the principal Act to extend the circumstances under which a vacancy in the Council may occur.
- (6) Clause 6 of the Bill amends section 37 of the principal Act to provide for the manner in which a vacancy in the Council is to be filled.
- (7) Clause 7 of the Bill amends the principal Act by inserting sections 38 and 39 to provide for the supervision of an election and how questions of validity of membership to the Council may be determined.
- (8) Clause 8 of the Bill amends the principal Act by inserting section 43 to provide for district and sector committees.
- (9) Clause 9 of the Bill amends the principal Act by inserting sections 46 and 47 in relation to the board of directors of the Council and the manner in which its functions and proceedings are to be regulated.
- (10) Clause 10 of the Bill amends the principal Act by inserting section 129A to provide for the regulation making powers of the Minister, in consultation with the Tribunal.

Mr. Speaker, Sir, in total, there are 13 new amendments that this Bill intends to introduce in this august House.

As part of the review, the Committee conducted public consultations on the Bill, whereby

support on the introduction of the Bill was received from a majority of the public that had participated in the public consultations. However, there were also suggestions for making improvements to the Bill. This part of the review saw the Committee identify the following salient issues:

(1) Clause 34(4) of the Bill

The Committee observed that the provision currently lacks a clear definition of the term “unsound mind”, that is essential for determining the criteria by which an individual may be classified under such a designation. This absence of a definition raises concerns about potential ambiguities in its application, which could lead to inconsistent interpretations in legal context.

(2) Clause 34(5), (6) and (8) with respect to Power of Attorney and Proxy Voting

The Committee is of the opinion that these are two distinct documents that require separate interpretations when it comes to voting. Mr. Speaker, Sir, it is imperative to recognise that the importance of clarity in this matter, and if subclause 8 of the Bill were to convey the ‘Proxy Instrument’ and ‘Power of Attorney’ the same meaning, it would unintentionally create an opportunity for any holder to engage in activities that have not been duly approved by the issuer. This could lead to significant complications, including the potential misuse of an instrument without the necessary and appropriate documentation.

(3) Clause 34A on Candidate eligibility

The Committee noted the open-ended definition of “registered grower”, which may specify that any cane grower registered under the Sugar Industry Tribunal is entitled to stand for Council election, irrespective of whether the person is domiciled in Fiji, and is an active producer. This would mean, Mr. Speaker, Sir, that the definition of ‘registered grower’ allows for any farmer who is registered under the Sugar Industry Tribunal to stand for elections.

Based on these circumstances, Mr. Speaker, Sir, it was suggested that there be a new definition to provide a clear demarcation that would not only enhance the candidate eligibility but also ensure that farmers with appropriate background and expertise are adequately represented within the Council and the Board. This proposal reflects a commitment for more benefits to the sugarcane growers. Henceforth, with respect to “sound mind,” the Committee suggests that the term be clearly defined in the Bill to ensure clarity and misunderstanding.

(4) Clause 34A on the aspect of residency

The Committee noted that one of the fundamental criteria for eligibility to participate in Council election is that an individual must have resided in Fiji for a minimum period of two years. This stipulation is particularly important as it aims to encourage connection between candidates and the local community. Therefore, if a registered grower who currently resides abroad wishes to run for the election, he or she would need to return to Fiji and fulfill this required duration of residency. The Committee believes that this would ensure that prospective candidates are not only familiar with the local agriculture landscape, but also actively involved in the daily operations and challenges of cane production from their farms.

(5) Clause 34A(1)(c) on eligibility criteria for elections

The Committee decided to revise the eligibility criteria for contesting elections and amend Clause 34A(1)(c) by removing the requirement of producing an annual cane amount as prescribed by regulations. Instead, the Committee suggests that an individual must only demonstrate ability to produce any amount of cane to qualify for candidacy. This would

specifically mean, that a person will be deemed eligible if he or she provides evidence of cane production without the required tonnage, as prescribed by regulation.

(6) Clause 35 on General Election for Council Members

This must be conducted every three years. The Committee deliberated this provision extensively, and discussed that it would be both, practical and beneficial, to allow elected councillors a substantial timeframe to effectively execute their work. The suggested extended period, which the Committee have noted in its recommendation for amendments, not only provides the councillors with the necessary time to implement their initiatives but also serves to avoid significant expenses associated with holding elections every three years.

(7) Clause 37 and Clause 38

The Committee believes that the Clauses should be amended to include a provision of awarding the position to the next highest-ranked candidate, if a vacancy arises. This change would ensure that there is a clear alternative for the subsequent next highest-ranked candidate to fill in vacancies within the Council or the Board. Additionally, in a case that the next highest-ranked candidate is not interested to assume office, the Committee suggests that an election should be held. The two-tier approach in this provision offers flexibility and would reduce costs associated with running elections for every vacancy within the Sugar Industry.

With respect to the supervision of elections, the Committee notes that previously, the independent Chairman was the officer responsible for Council elections. However, Mr. Speaker, Sir, the independent Chairman appointed under section 3 of the Act of 1961, has been repealed, giving way to the introduction of the Industrial Commissioner or any independent body appointed by the Minister to supervise the conduct of the general elections.

The Committee thoroughly discussed these changes and is of the view that it would be prudent for one body to serve as the responsible officer tasked with overseeing the general election of councillors. The Committee recognises that opting to engage such external appointment could lead to unnecessary costs, which is something the Committee aims to avoid. By entrusting this critical responsibility to the Independent Commissioner, the Committee seeks to ensure a more efficient and cost-effective process while maintaining the integrity and independence of the election of councillors.

Mr. Speaker, Sir, moving on, consideration was also given to the impact of the Bill on Fiji's efforts in meeting its Sustainable Development Goal (SDG) targets. It was also encouraging to note that the Bill was introduced for the purpose of improving the economy by enhancing the production of cane. Additionally, the objective of the Bill is as such, that it applies equally to all persons, irrespective of gender.

At the conclusion of the review, the Committee acknowledges that there were a few issues identified in addressing the Bill and legal clarifications was sought pertaining to few issues noted from the Bill. Therefore, the Committee believes that the Bill is sufficient with minor amendments needed to fulfil the objective of the Act.

At this juncture, the Committee acknowledges the Ministry of Sugar and Multi-Ethnic Affairs, the Sugar Cane Growers Council, the Sugar Cane Growers Fund, the Sugar Industry Tribunal, Fiji Sugar Corporation and respective stakeholders, who appeared before the Committee, to actually address the issues that were raised during the public consultation.

Mr. Speaker, Sir, I also wish to take this time to thank the Members of the Standing Committee, as follows:

- (1) Honourable Lenora Qereqeretabua;
1. (2) Honourable Iliesa Vanawalu;
2. (3) Honourable Faiyaz Koya;
3. (4) Honourable Jone Usamate; and
4. (5) Honourable Joseph Nand as Alternate Member.

In that regard, Mr. Speaker, Sir, on behalf of the Committee, I commend the Sugar Industry (Amendment) Bill 2024 to Parliament.

(Report handed to the Secretary-General)

MR. SPEAKER.- Honourable Members, pursuant to the resolution of the Parliament on Thursday, 5th December, 2024, the Standing Committee has now tabled its Report accordingly, and the Bill will be debated and voted upon by Parliament on Thursday, 13th March, 2025.

Consolidated Review Report - Nausori Town Council 2016-2018 Annual Reports

HON. I.S. VANAWALU.- Mr. Speaker, Sir, I am pleased to present the Standing Committee on Social Affairs Consolidated Review Report on the Nausori Town Council 2016-2018 Annual Reports. As mandated under Standing Orders 109(2)(b), the Committee looks into issues related to health, education, social service, labour, aviation, culture and media.

Mr. Speaker, Sir, the Committee reviewed the Annual Reports and identified essential issues, which were then brought to the attention of the Nausori Town Council for necessary action.

Mr. Speaker, Sir, the Committee, during its deliberation and site visit, noted that the Nausori Town Council's responsibilities was extended to the Korovou urban centre in 2018. Discussions of Korovou developing to a town have been put on hold.

The Council has plans in place for the development of a park, with amenities (public convenience facility), outdoor sitting areas, proper bus bays and mini-bus bay. Mr. Speaker, Sir, the Committee strongly recommends that this be a priority for the Government.

Apart from its primary function of collecting rates and providing service to its ratepayers, Nausori Town Council now faces other challenges. These include the drug situation, flooding within the Municipality and additional services to the extended rural boundary.

Mr. Speaker, Sir, the Committee believes that given the current situation, the Municipal Council must urgently review its functions and operational procedures to address the serious issues within the Municipality. Furthermore, the Ministry of Local Government must guide and oversee the Council's operations, compliance, efficiency and effectiveness.

I would like to sincerely thank the Acting CEO, Special Administrators of the Nausori Town Council and her team, the Permanent Secretary of the Ministry of Local Government and her Officials, for their valuable contribution to this review process.

Finally, Mr. Speaker, Sir, I would like to thank the current and former Members of the Standing Committee on Social Affairs for their valuable input and support: Honourable Assistant Minister for Defence and Veteran Affairs; Honourable Minister for Women, Children and Social

Protection; Honourable Minister for Policing; Honourable V. Pillay; and Honourable P. K. Bala.

I would also like to thank the following Alternate Members for their assistance on several occasions - honourable T.R. Matasawalevu, honourable J.N. Nand, honourable A.N. Tuicolo and honourable S. Kumar.

On behalf of the Standing Committee on Social Affairs, I commend this Report to Parliament.

(Report handed to the Secretary-General)

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

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

HON. V. PILLAY.- Mr. Speaker, Sir, I second the motion.

MR. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

Consolidated Review Report – Lautoka City Council 2015-2017 Annual Reports

HON. I. S. VANAWALU.- Mr. Speaker, Sir, I am pleased to present the Consolidated Review Report of the Standing Committee on Social Affairs on the Lautoka City Council 2015-2017 Annual Reports.

Mr. Speaker, Sir, as mandated under Standing Order 109(2)(b), the Committee looks into issues related to health, education, social service, labour, aviation, culture and media. The Committee reviewed the Annual Reports and identified important issues which were then brought to the attention of the Lautoka City Council for their necessary action.

Mr. Speaker, Sir, apart from this primary function of collecting rates and providing services to the ratepayers, the Lautoka City Council now faces other challenges which include the drug situation, the flooding issue and the increase of informal settlements within the Municipality.

The Committee is of the view that given the current situation, the Municipal Council must review its functions, and operation procedures as a matter of urgency to address the seriousness of issues within the Municipality.

Mr. Speaker, Sir, the Committee conducted a site visit to the Lautoka City Council on the operations of its Municipality. The Committee noted important issues that are addressed in this Report. Furthermore, the Ministry of Local Government will need to provide guidance and oversight to the Council's operations, compliance, operation efficiency and effectiveness.

Mr. Speaker, Sir, I would like to sincerely thank the CEO of Lautoka City Council and his team, the Permanent Secretary for the Ministry of Local Government and her Officials for their valuable contribution to this review process.

Finally, Mr. Speaker, Sir, I would like to thank the current and former Members of the Committee:

- (1) Honourable Assistant Minister for Defence;
- (2) Honourable Minister for Women, Children and Social Protection;
- (3) Honourable Minister for Policing;
- (4) Honourable V. Pillay; and
- (5) Honourable P. K. Bala

For their valuable input and support during the review process. I would also like to thank:

- (1) Honourable T.R. Matasawalevu;
- (2) Honourable J. N. Nand; and
- (3) Honourable A. Tuicolo

For the assistance they have rendered on several occasions, as alternate Standing Committee members. On behalf of the Standing Committee on Social Affairs, Mr. Speaker, Sir, I commend this Report to Parliament.

(Report handed to the Secretary-General)

HON. I.S. VANAWALU.- 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. V. PILLAY.- Mr. Speaker, Sir, I second the motion.

Question put.

Motion agreed to.

CONSTITUTION (AMENDMENT) BILL 2025

HON. S.L. RABUKA.- Mr. Speaker, Sir, for the purpose of Section 160 of the Constitution and pursuant to Standing Orders 93 and 85(1), I beg to move:

That the Constitution (Amendment) Bill 2025, be now read the second time.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I am very pleased to second the motion.

MR. SPEAKER.- Honourable Members, pursuant to Standing Order 85(1), the debate at this legislative stage shall primarily focus on the principles and the merits of the Bill.

HON. S.L. RABUKA.- Mr. Speaker, Sir, I had asked the staff to prepare copies of my address to those who may not be able to follow in the *iTaukei* vernacular. I do not know whether that has been done, or whether it will be given directly to the translators.

Mr. Speaker, Sir, today is a very special day, not just for the esteemed Members of this august

House, but for our entire nation. Today holds great significance for our people and the future we are shaping together.

Turaga Na i Liuliu ni Bose, dua saka na siga bibi nikua. Au vakanananu lesu saka tiko ki na yabaki 1993.

[Mr. Speaker, Sir, today is a special day. I was reminiscing, Sir, to 1993.]

And this is not in the English version.

Mr. Speaker, Sir, on 14th September of that year, the day after my 45th birthday when, as Prime Minister, I moved the same motion and this is what I said on that day, and I quote from Page 596 of the *Daily Hansard* on Tuesday, 14th September, 1993:

“Mr. Speaker, Sir, I beg to move:

That this House endorses the appointment by His Excellency the President of a Commission to review the Constitution of the Sovereign Democratic Republic of Fiji, in accordance with the provisions of Section 77(6)...”

of the 1990 Constitution.

After introducing the Bill, Mr. Speaker, Sir, the late honourable Jai Ram Reddy, Leader of the National Federation Party, seconded the motion.

At that time, Mr. Speaker, Sir, the Members of the Fiji Labour Party walked back into the House. I then said, and I quote from page 597 of the *Daily Hansard* of Tuesday, 14th September, 1993:

“Mr. Speaker, Sir, may I on behalf of all of us, welcome the honourable Members of the Fiji Labour Party to the honourable Chamber, Sir.”

After more elaboration on the Bill, I said on Page 598 of the *Daily Hansard* of Tuesday, 14th September, 1993, and I quote:

“...the ideal Constitution for Fiji would be the one that is developed from within the country by its own people and suited to our country’s needs; in other words, an autochthonous Constitution; ...”

And I had expressed my wish that the Bill was introduced the day before, which was by 45th birthday.

Turaga na i Liuliu ni Bose, e dua saka na siga bibi nikua, me mai veivosakitaki, saka, tiko kina na Yavu ni Vakavulewa ni noda vanua. Na Yavu ni Vakavulewa, saka, ena bulia na veilawa e so, na veivakatutu eso, na veivakarau ni veiliutaki....

Are the translations coming through? I think they are not. Anyway, Mr. Speaker, Sir, I will continue in English.

Mr. Speaker, Sir, the Constitution is a Supreme Law of our land, the foundation upon which our democracy stands. Yet, for a constitution to be legitimate, it must demonstrate the will of the people, echo their voices, embody their spirit and aspirations, and in its content reflect their dignity in shaping their own future. In 1993, I said it must be autochthonous.

However, the current 2013 Constitution, I believe, Mr. Speaker, Sir, lacks that fundamental principle. It was neither formulated nor adopted through a participatory democratic process, to secure the people's mandate. If a constitution is to reflect the voice of the people, it must be born out of inclusive national dialogue, as seen in successful constitutional democracies worldwide.

May I reiterate, Mr. Speaker, it is the responsibility of the Government to ensure that people participate meaningfully in the formulation of laws that they are required to obey. This is fundamental to ensuring their legitimacy. Mr. Speaker, Sir, the Bill before this august House is not merely a legal exercise, it is a moral and democratic necessity.

On the need for our Constitution Review and Amendment, Mr. Speaker, Sir, let us take a moment to reflect on the foundation of the principles of democracy. Fiji is still a very young nation, having only gained its independence 54 years ago, and like any young nation, we are learning, we are growing, transitioning and refining our path as we move forward.

Let us remember, Mr. Speaker, Sir, and honourable Members the great democracies of the world, those that have endured for centuries, they did not impose their Constitutions upon their people. Instead, their founding documents were carefully crafted by the people, for the people, through robust dialogue consensus, with distinct commitment to freedom and justice.

Those nations with long history of constitutional rule, Mr. Speaker, Sir, have been guided by the principles of political philosophies, social contract theory being one, which reminds us that Government derives its legitimacy from the consent of its people.

Mr. Speaker, Sir, a nation's constitution must not be forced upon its people, it must be born from the voices of its citizens, shaped by national dialogue and owned by the people it seeks to serve. Countries such as South Africa, which engaged in extensive public consultations before adopting its 1996 Constitution, and Kenya, which subjected its 2010 Constitution to a national referendum, offer us valuable lessons. Their constitutional processes fostered national unity, legitimacy, and long-term stability.

The absence of such a process, in our case, with our current 2013 Constitution raises a fundamental question: Can a constitution truly serve the people, if the people it purports to serve were never given a voice in its making?

On bipartisanship, Mr. Speaker, Sir, constitutional reform should not be a partisan issue. Philosophers and ordinary citizens alike believe and have argued that the pathway to national unity is through bipartisanship. I thank the honourable Leader of the Opposition for asking for that last week, and I thank the honourable Deputy Prime Minister for seconding this motion.

As his predecessor, the late honourable Jai Ram Reddy, had done in 1993, we began the journey of bipartisanship that produced our 1997 Constitution. Therefore, Mr. Speaker, Sir, it is very important to understand that constitutional reform is about nation building.

A Dutch Political Scientist, Arend d'Angremond Lijphart, in his work from the 1960s to the 1970s, analysed how deeply divided societies were, and his main countries of study were Switzerland and Belgium. In his study, he concluded that successfully maintained and stable democracy were through power-sharing arrangement. He emphasised that in deeply divided societies, decision-making should be inclusive, with broad agreement across political lines. This model has been successful in countries, like Switzerland and Belgium, where bipartisan approaches have led to stable governments.

In this essence, Mr. Speaker, Sir, it is important that we recognise that a strong democracy is built on cooperation and mutual agreement. It is important to understand that democracy thrives when decisions are made through reasoned debate, inclusive dialogue, and mutual respect. As representatives of the people, it is our duty to engage in meaningful discussions, to listen to diverse voices, and to ensure that this process is transparent, accountable and just.

On the amendment to the Bill, the proposed introduces a more efficient and flexible process of constitutional change, ensuring that necessary updates can be made without undue delay. Section 2 simplifies language in Chapter 11, allowing for greater clarity and adaptability in governance by removing outdated or restrictive provisions.

Section 3 enhances legislative efficiency by lowering the threshold for constitutional amendments from three-quarter to two-thirds and removing the requirement for a nationwide referendum. This ensures that amendments can be passed through elected representatives in Parliament, reflecting the democratic mandate while streamlining the decision-making process. By allowing constitutional updates to be made more efficiently, the amendment ensures that governance structures remain responsive to evolving national needs.

Mr. Speaker, Sir, the Constitution must therefore, be adaptive and able to be moulded to reflect the needs of the people. Through this, we have the assurance that, as a system, it creates a culture that reinstates and sustains our value. Ultimately, the Constitution remains a living document that responds meaningfully to Fiji's needs.

Lowering the approved threshold strikes a balance between stability and adaptability, ensuring that the Constitution can be improved upon when needed while still maintaining a strong two-thirds consensus in Parliament. This constitutional reform modernises the constitutional amendment process, making it more effective, democratic and upholds the tenets of good governance.

In conclusion, Mr. Speaker, Sir, history will judge us, not by the laws we inherit, but by the laws we shape for future generations. Let us not be remembered as a Parliament that depended on an unrepresentative Constitution. Let us be remembered as leaders who put democracy above politics, who embraced dialogue over division, and who gave the people the power to shape their own destiny.

Might I recall the words of Lord Macaulay in the British Parliament on 2nd February, 1835, with regards to enforcing changes to the Indian subcontinent. He said, and I quote:

“I have travelled across the length and breadth of India, and I have not seen anyone who is a beggar, who is a thief. Such wealth I have observed in this country, such high moral values, people of such calibre that I do not think we would ever conquer this country unless we break the very backbone of this nation, which is her spiritual and cultural heritage. And therefore, I propose that we replace the old and ancient education system, her culture. For if the Indian think that all that is foreign and English is good and greater than their own, they will lose their self-esteem, their native culture, and they will become what we want them, a truly dominated nation.”

If you are wondering why we became a dominion, that is probably why. It is said that we earn respect by firstly giving respect. We gain our dignity by giving people theirs. “Do unto others as you want others to do unto you”, that is from the Lord Jesus himself.

This is our moment of history. Let us rise above party lines, act in the spirit of bipartisanship as was proposed to me by the honourable Leader of the Opposition last week. Let us work together to build a constitution by the people, for the people, one that truly reflects the ideals of democracy, justice and unity. Mr. Speaker, Sir, with these words, I commend the motion before the House.

MR. SPEAKER.- I think it is time for us to take our morning tea break. I have a list of speakers both, from Government and Opposition, that we will go through when we resume.

Honourable Members, we will now suspend proceedings for a break. The Parliament will resume in half an hour.

The Parliament adjourned at 10.35 a.m.

The Parliament resumed at 11.10 a.m.

MR. SPEAKER.- Honourable Members, the honourable Prime Minister has already introduced the Constitution (Amendment) Bill 2025 for its Second Reading before the House. The floor is now open for debate.

HON. G.E. LEUNG.- Mr. Speaker, Sir, in times now long past, it would have been argued that the sovereignty of this country, Fiji was held or vested in the British Crown.

Today we accept that sovereignty is held by the people of Fiji, but what does that mean in practice? It should mean that the Constitution under which Fiji is governed, is made, sustained, controlled and altered by the will of the people of Fiji, as expressed by their democratically elected representatives in Parliament.

Mr. Speaker, Sir, the Constitution must be the work of the people and must work for the people by being able to be changed by the people when their wants and needs change. But this is not currently the case. Our popular sovereignty has been subverted by a constitution that was not made by the people, and which no longer adequately serves the people.

HON. J. USAMATE.- Hogwash!

HON. G.E. LEUNG.- It is effectively frozen in time as it is virtually impossible for the people to change it.

Mr. Speaker, Sir, as Members are well aware, the current 2013 Constitution provides that is can only be amended by the passage of a law approved by the very high special Parliamentary majority of three quarters of the Members of Parliament approving, followed by the approval of three quarters of the total number of registered voters in a national referendum.

Mr. Speaker, Sir, this makes it one of the hardest Constitutions in the world to amend. It seeks an impossible level of participation and consensus, and it was meant to be that way to preserve forever the handiwork of those who imposed the 2013 Constitution. It is not a mechanism to support popular sovereignty - it is and was deliberately designed to be a measures to defeat the will of the people and to exercise perpetual control over them.

Mr. Speaker, Sir, excessively high thresholds make a constitution brittle, inflexible and vulnerable to change by illegal means, precisely the kind of events that have so troubled this country in the past – the *coups* of 1987, 2000 and 2006 must never happen again. The last Constitution of Fiji that was established by a democratic process, was the 1997 Constitution and it was the product of a review, chaired by the former Governor General of New Zealand, Sir Paul Reeves, and that Constitution, Mr. Speaker, Sir, was passed unanimously by the bicameral legislature of Fiji at the time.

Mr. Speaker, Sir, Section 191 of that Constitution provided that all amendments to the Constitution had to be passed by both Houses of Parliament, by at least two-thirds of the Members of each House. Mr. Speaker, Sir, built into the system was the opportunity for consideration. This required that in the ordinary course there be a period of 60 days between the Second and Third Reading of the Bill. There was full opportunity for debate prior to the Second and Third Readings and consideration by the relevant Standing Committee. That Committee would be empowered to conduct a process of public consultation. The intention behind this procedure, Mr. Speaker, Sir, was to ensure that there was time and opportunity for proper scrutiny and for public wishes to be made known to Members of Parliament before they voted on the changes.

Mr. Speaker, Sir, the Report of the Reeves Commission said the following about Constitutional Reform. At page 655 and this, Mr. Speaker, Sir, is a copy of the Report of the Reeves Commission. At paragraph 20.9, the Reeves Commission said, and I quote:

“People recognise, however, that as circumstances change, so some change in the rules may become necessary or desirable. The procedure for constitutional change must strike a balance. It should not make it easy for the legislature or the executive to do away with constitutional limitations on governmental power at their whim. At the same time, it should not impede necessary or desirable change.”.

It goes on to say, Mr. Speaker, Sir, at page 656, and I quote:

“Since a constitution should express the broad agreement of the people of a country, the special procedures for its amendment must be such that it cannot be achieved in haste. The procedures must give rise to publicity as well as time for public consideration and debate. They must ensure that all individuals and groups in the community are given the opportunity, either in person or through their representatives, to participate in any discussion and decision on constitutional change. They should also require a significant number of people to consent to any change, either individually or through their representatives.”

Mr. Speaker, Sir, in setting the special parliamentary majority at the level of two-thirds rather than three-quarters as proposed in the Constitution (Amendment) Bill, the Reeves Commission at the time had said that the Commission had borne in mind, and we had used this yardstick as a basis for drafting the Amendment Bill.

The factors that were considered at that time, Mr. Speaker, Sir, were the:

- likely future composition of both Houses of Parliament (is no longer relevant);
- need to maintain an effective separation of powers and accountability;
- need for effective protection of the constitutionally protected rights of the various communities and of individuals;
- need for the popular will to be expressed;
- need for broad support for any change to the Constitution; and
- need for some flexibility.

Mr. Speaker, the 1997 Constitution was declared to be abrogated in 2009 without following its procedures for alteration or repeal. There was no vote of Parliament and no consultation of the people either directly or through their elected representatives. While there was extensive public consultation as part of a process to prepare a new draft Constitution, the government at the time rejected the proposed draft which was put together by Professor Yash Ghai in 2012. It then promulgated a different Constitution in September 2013 by way of Decree. It was neither approved by the people directly or through their democratically elected representatives in Parliament. Mr. Speaker, this undermines the status of the 2013 Constitution as one that gives effect to popular sovereignty.

Mr. Speaker, Section 159 of the Constitution states that the Constitution may only be amended in accordance with the procedures prescribed in Chapter 11. It provides that any provision of the Constitution may be amended or otherwise altered or repealed in accordance with the procedure set out in Chapter 11 and in no other way. This is subject to Section 159(2) which provides that no amendment to this Constitution may ever repeal any provisions in Chapters 10 and 12 of the Constitution. Paragraph 2(c) of that Section provides that no amendment to the Constitution may

ever repeal, infringe or diminish the effect of this chapter.

Mr. Speaker, this is a form of double infringement that seeks to prevent the mechanism for amending the Constitution from itself being repealed, or its restrictive effect from being diminished.

The 2013 Constitution begins with the phrase, “We the people of Fiji”, but it was never itself put to the people of this country nor was it assembled, Mr. Speaker, by elected authorities. It was drawn up in the offices of my predecessor with minimal consultation. Mr. Speaker, in June last year, the Supreme Court of Fiji, which is Fiji’s highest appellate court, said as much in an advisory opinion. This Constitution gave excessive powers to the Prime Minister and to his Attorney-General because it was assumed or hoped that those two individuals remain in power in perpetuity.

HON. J. USAMATE.- Hogwash!

HON. G.E. LEUNG.- Mr. Speaker, Constitutions should not be written with specific personalities in mind, in politics, incumbent office holders change but the institutions, the checks and balances must be designed in such a way that they are able to accommodate new politicians, new political parties and new ideas.

Mr. Speaker, Clause 2 of this Bill proposes to repeal Section 159(2)(c) of the Constitution, seemingly contrary to its own requirements. I will explain shortly why the Government takes the view that such a repeal is valid.

Section 160 in Chapter 11 of the Constitution, as I have mentioned, sets up the procedure for the amendment or repeal of provisions of the Constitution. In summary, sub-section 160(2) requires that the Second and Third Readings of the relevant Bill is supported by at least three-quarters of the Members of Parliament. If a Bill is passed by Parliament, having satisfied both the special majority requirement as well as the procedural requirements concerning timing and scrutiny, the President then refers the Bill to the Electoral Commission for it to conduct a referendum seeking the people’s approval for it. Subsection 160(6) provides that if three-quarters of the total number of registered voters vote in favour of the Bill, then His Excellency the President is obliged to assent to the legislation. It comes into effect on the date of assent or on such other date that is set out in the Bill.

Mr. Speaker, Sir, Clause 3 of the Bill before the House seeks to amend Section 160 so that two-thirds (rather than three-quarters) of Members must approve a Constitutional (Amendment) Bill.

Mr. Speaker, Sir, as our courts have previously held on to another occasion, it is neither practical to turn back the clock and undo the political events that have led us to this current position and predicament. This would create a legal and administrative nightmare and a wholly unacceptable risk to the peace and welfare of the nation. But while we acknowledge that we cannot go back, this should not prevent us from moving forward by establishing a democratically justified and effective method for reforming the Constitution, so that it reflects the will of the people. An illegitimately imposed clause that was aimed at preventing future change should not be permitted to stifle the operation of our democratic system of Government.

Mr. Speaker, in other parts of the world, it has been recognised that there is a point at which the level of a special majority requirement can become so oppressive that it ceases to be a democratic safeguard and instead operates as an unconstitutional renunciation of power. There is nothing democratic about allowing a small cohort from the past to dictate to the people of this country today how the Constitution applies to them.

Mr. Speaker, for example, when the Constitution of Cyprus became dysfunctional due to the

operation of manner and form requirements and the withdrawal of cooperation by part of the community in Cyprus, the Cypriot Supreme Court, relying on the doctrine of necessity, held that the manner and form constraint could be disapplied so that necessary amendments could be passed. The case that I would like to cite, Mr. Speaker, is the Attorney-General of the Republic of Cyprus against Mustapha Ibrahim.

The Court noted that the supremacy of the Constitution is derived from it being founded upon the will of the people, but that the Constitution of Cyprus had been imposed rather than being adopted in accordance with the will of the people. The Cypriot courts also accepted that the capacity to amend a constitution to meet the needs and wishes of the people is a key element of a democracy. The practical unamendability of the Constitution is a barrier to a fully functioning democracy.

HON. M.S.N. KAMIKAMICA.- Hear, hear!

HON. G.E. LEUNG.- Mr. Speaker, Sir, in Fiji, the 2013 Constitution as I have mentioned, was imposed on the nation without democratic approval. The special majority in the Bill is two thirds rather than three quarters and as I have mentioned, is drawn from the report of the Reeves Commission.

Mr. Speaker, Sir, there are some noble features in the 2013 Constitution. We are not saying that it is wholly bad. For example, equal citizenship, non-discrimination, reduction in the voting age to 18, parts of the Bill of Rights and a common name for our citizens.

Mr. Speaker, Sir, these are commendable provisions, and I support them. There is absolutely no intention to change the foundations of the Constitution. But there are other parts, Sir, of this Constitution which are troubling and should be changed. And permit me, if I may, to cite just a few examples.

Chapter 3 which deals with the electoral system really needs a major reset. There is nothing democratic about a constitution which allows for someone with 500 votes to enter Parliament, and yet it shuts the door on a candidate who has received 5000 votes.

This Constitution does not permit the holding of by-election, and it deprives voters of a chance to assess their support of the sitting Government or of the candidate that has vacated the seat. The requirement of a five percent threshold for a political party of a candidate to qualify for a seat is unfair and undemocratic. That needs to be looked at!

Mr. Speaker, Sir, with due respect, 71 references to the office of the Attorney General and the Attorney himself, is unacceptable. It vests power in one individual and could be a potential for abuse in the wrong hands.

Mr. Speaker, Sir, Section 56 of the Constitution prohibits our citizens in the diaspora who may be living abroad in Auckland, Sydney or San Francisco, should they wish to stand for the Fiji Parliament, they have to live in this country for two years preceding the General Elections and I think that is unduly respected. These can be looked at as well.

Mr. Speaker, Sir, if you look at the Section 6(5) of the Bill of Rights, it allows for limitations of human rights that are not specifically laid out in the Constitution. Of course, there will be other Members across the aisle, of that side of Parliament, who will have other views, but these can be discussed in a transparent and cooperative manner through a Constitutional Review Commission which it is proposed to be established.

So, the purpose of the amendments is to open doors to frank and free discussions about the 2013 Constitution. Which parts we would like retained, which parts we may wish to have dropped, and so on. I echo the call of the Prime Minister, who was the first speaker in this debate, and I urge the Members on the other side of the House in a spirit of bipartisanship to support this Bill. It will lay the solid foundation for democratic changes to the Constitution, reflecting the will of all the people in this country.

Mr. Speaker, Sir, I conclude by saying that this a defining moment in our country. This presents each and every one of you honourable Members an opportunity to become a statesman. You can choose alternatively the narrow path of political grandstanding.

Mr. Speaker, Sir, I support the Bill before Parliament and the underlying reasons before it. I urge all Members of Parliament to do so as well.

HON. I.B. SERUIRATU.- Mr. Speaker, Sir, thank you for this opportunity to contribute on the Bill that is before the House. We definitely agree with the two previous speakers, the honourable Prime Minister and the honourable Attorney-General, that this is a defining moment for Fiji.

Mr. Speaker, Sir, given the significance of this Bill that is before us, we from this side of the House, hope that we will continue to engage in a constructive dialogue in the full spirit of bipartisanship, because of the trust and the faith the people, who brought us into this House, have given us such a responsibility.

Again, we, on this side of the House, have made our intentions known and we will continue to speak on the issues and of course the merits of it as well. Hopefully, when the uncertainties and questions that we do have based upon the engagements that we have with the people that we represent are taken care of, it should shed the light into the way forward as well.

Mr. Speaker, Sir, let me begin by perhaps, just to put it into context. There has been a lot of chatter and allegations about the will of the people not reflected in the 2013 Constitution, particularly in the area of consultation and the dialogue that took place. For the benefit of the honourable Members of the House, let me just take us back to September 2007, after the events of 2006, that is history. We had then the interim government, and the government then decided that a National Council for Building a Better Fiji (NCBBF) be established. That was the decision taken in September 2007.

Given our history and the challenges that are there before us, particularly, most importantly, the way forward for sustainable democracy, a strong and sustainable economy and of course the social support that the Government needs to provide to all Fijians. The NCBBF was established and there were three national task teams and nine working groups. These are the national task teams:

- (1) National Task Team 1 was on good governance, which covered the legal, political, institutional and constitutional reforms.
- (2) National Task Team 2 was all about growing the economy.
- (3) National Task Team 3 focused on social, cultural identity and nation-building.

We had nine Working Groups:

- (1) Working group 1 - governance, leadership, constitutional and electoral reform.
- (2) Working Group 2 - responsible for institutional and public sector reform.
- (3) Working Group 3 - the role of Fiji's security forces in national development.
- (4) Working Group 4 - clarifying the respective roles of Government, private sector and civil

- society to achieve stronger growth, creativity and sustainability.
- (5) Working Group 5 - development of the financial services sector.
 - (6) Working Group 6 - development of resourced-based sectors.
 - (7) Working Group 7 - poverty, social justice and human rights.
 - (8) Working Group 8 - meeting basic needs, education, health and housing; and
 - (9) Working Group 9 - national identity and the role of religion and culture in nation-building.

Let me also say, Mr. Speaker, Sir, that the work of the NCBBF was mainly broken down into two phases. Phase 1, or the first step was to prepare a comprehensive fact-based and diagnostic forward-looking report on the State of the Nation and Economy (SNE) Report. This is the blue book that I am holding here, Sir.

The forward-looking SNE Report was to provide a list of recommendations for changes to our system of government and this is what was in the Report, Sir. Our Constitution, our laws, economic and resources development policies, leadership values, community relations and institutional reforms, was the first part of it.

So, the Constitution is included in this, law reforms is also included in this, so when extensive consultations throughout Fiji, of about 1028 consultations, at villages and settlements level, organisations, individuals, you name it, Sir, extensive consultation throughout Fiji. So, when consultations were occurring, they did not only focus on one particular area, as I have said, because we are talking about the Constitution this morning and I want to put this into context.

The other step for the NCBBF was to prepare a draft People's Charter and the preparation of this charter was to be done by drawing upon the findings and recommendations contained in the SNE Report. Just to summarise, Mr. Speaker Sir, the SNE and then the People's Charter.

The honourable Attorney-General mentioned about the Yash Ghai Report. This is where Yash Ghai later came in and his mandate was to work on the findings and recommendations of the SNE Report and the People's Charter. That was to be the basis on which....

(Honourable Member interjects)

Mr. Speaker, Sir, I ask the honourable Deputy Prime Minister if he can listen.

MR. SPEAKER.- Yes, can I just make it clear; it is such an important debate. I request all honourable Members to allow the debate to be carried out in an orderly manner, observing the proper decorum that befits this Parliament. So, I urge all honourable Members to, please, let the honourable Leader of the Opposition continue.

HON. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. That is the context and that is how Professor Yash Ghai came into the country. Then he came up with his draft and was then taken away. Why was it taken away, Mr. Speaker, Sir?

(Honourable Members interject)

HON. I.B. SERUIRATU.- Let me finish. Professor Yash Ghai, before he landed in Fiji, he came through Australia. He had been briefed in Australia before he came into Fiji. When he came into the country, most political parties were not part of the NCBBF. They refused because of the events in 2006. So, these are the people who be-friended Professor Yash Ghai, apart from other lobbyists, interested parties, et cetera, and that shaped the way in which the Yash Ghai Report was formulated. That is the context.

When that happened, Mr. Speaker, Sir, again, the will of the people through the SNE Report and the People's Charter, after extensive consultations, and I know that the honourable Tikoduadua is now laughing because he knows the process that all these went through.

HON. LT. COL. P. TIKODUADUA.- Because it was not true!

HON. I.B. SERUIRATU.- That is how, Mr. Speaker, Sir,

(Honourable Members interject)

MR. SPEAKER.- Order, order!

HON. LT. COL. P. TIKODUADUA.- That is not the truth!

HON. I.B. SERUIRATU.- Mr. Speaker, Sir, we will later talk about the positives and negatives in this document, Mr. Speaker, Sir. I want to put into context how we arrived at the 2013 Constitution. So, if we are saying that the people were not involved, I beg to differ because extensive consultations were already done.

Unfortunately, when the draft that was made by Professor Yash Ghai did not take into consideration the wishes of the people, according to the People's Charter and the State of the Nation and Economy Report, that is how this was drafted Mr. Speaker, Sir.

Secondly, Mr. Speaker, Sir, let us not forget our history. We can talk about other democracies but most of these democracies did not have *coups*. And let us face the facts, Sir, the context for Fiji is different! I will say that again, the context for Fiji is different! Unfortunately, most of the constitutions that we have had probably have not lived their life, Mr. Speaker, Sir.

The 1970 Constitution, the 1990 Constitution, the 1997 Constitution which went through all the processes, all the ticks in the boxes, whatever Mr. Speaker, Sir. What is unethical? What is wrong? So, it's our history that we need to take into serious consideration, as we move forward in this very sensitive document. Because it affects all Fijians, and we are here as representatives of all Fijians. Government may have the numbers, you may have the absolute majority, Mr. Speaker, Sir, but that does not mean riding roughshod on the processes that we need to go through.

Mr. Speaker, Sir, simply because of our history. Let's not forget our history. Mr. Speaker, Sir, I for one, when we look at the processes, I always prefer that we get rid of the Truth and Reconciliation Commission first, not getting rid of it. But we finish with the work of the Truth and Reconciliation Commission and then after that, then, this is the preferable logical process that we need to follow. After that, then we get into the serious business of looking at the Constitution. Again, because of our history.

This is not something that we will run away from, but let's confront it, because the truth and Reconciliation Commission will play a significant role in the well-being of the nation and of course, particularly in moving forward. The truth needs to be revealed. Because otherwise, again the old saying that I used to say, 'we are just dusting cobwebs we are not getting rid of the spider'. If Fiji has to move forward, let's come to an agreement, let's reveal all the truth, that is, killing the spider, then we would be in a better position to move forward, Mr. Speaker, Sir.

Working together Mr. Speaker, Sir, we've offered to the honourable Prime Minister, and of course we will still be open to that but, definitely, as I had stated last week, working together does not mean following blindly. There needs to be this open spirit of dialogue so that we can address all

the issues.

The Bill basically Mr. Speaker, Sir, as already alluded to, seeks two things:

- (1) to reduce the support required of members of Parliament to pass any amendments to the Constitution, and
- (2) to seek to revoke the requirement for a referendum to secure the support of three quarters.

Mr. Speaker, Sir, I have insisted, and this is what we shared with Government last week Mr. Speaker, Sir, we will ensure that we work according to the ambits of the Constitution. I wish to refer to Section 2 of the Constitution, Mr. Speaker, Sir. It talks about the supremacy of this Constitution Supremacy of the Constitution - the Constitution is the supreme law of the State. I'll just refer to 2, 3 and 5 probably. Subject to the provisions of the Constitution, any law that is inconsistent with this Constitution is invalid to the extent of the inconsistency.

Mr. Speaker, Sir, Section 2(3) says, and I quote:

“This Constitution shall be upheld and respected by all Fijians and the State, including all persons holding public office, and the obligations imposed by the Constitution must be fulfilled.”

Mr. Speaker, Sir, Section 2(5) says, and I quote:

“This Constitution cannot be abrogated or suspended by any person and may only be amended in accordance with the procedures prescribed in Chapter 11.”.

I emphasise that, Mr Speaker Sir, “may only be amended in accordance with the procedures prescribed in Chapter 11”. That is what the Constitution says But, very briefly, in terms of reducing the first intent of the Bill is to reduce the support required. I wish to say this, Constitutions are not ordinary laws that can be amended at the convenience of any sitting Government as they represent social contracts requiring the trust and consent of the people.

On the referendum, Mr. Speaker, Sir, without a referendum there is no formal mechanism to ensure that amendments respect the collective voice of all Fijians, including those with limited or no direct representation in Government.

HON. J. USAMATE.- Hear, hear!

HON. I.B. SERUIRATU.- I know that there will be parliamentary committees according to Government. But we all know the public submissions that are made when Committees go out – very low turnout, Mr. Speaker, Sir. But with a referendum, everyone, every Fijian participates. We have always talked about ‘leaving no one behind’. This is a Government that listens. We are saying that it is difficult to amend, Mr. Speaker, Sir, but give it a try! Let' us hear the people!

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. I.B. SERUIRATU.- It can be done and it is possible, Mr. Speaker, Sir. That is why a referendum is very democratic because we are here as representatives of the people. But we need to listen to the people as well. That is why the referendum is there in the initial stage, Sir.

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

HON. I.B. SERUIRATU.- Mr Speaker, Sir, on the issue about the majority, I just wish to say, that it has been there in all our Constitutions.

Mr. Speaker, Sir, let me read out the 1970 Constitution. Section 68 outlines special majorities for the amendment of the Constitution. They are three quarters and two thirds for various amendments. In one case, the majority needed is six out of eight Members of the Senate. So, it is always there, Mr. Speaker, Sir, the 75 percent particularly for the nomination of the Great Council of Chief. That was always there.

In the 1990 Constitution, Mr. Speaker Sir, Section 77 and Section 78. I will not go into the details because of time. In the 1997 Constitution, Chapter 11, Mr. Speaker, Sir, talks about the amendment of the Constitution. And for urgent amendments. I did not hear the honourable Attorney-General say this. There is a requirement to have 53 Members of the House out of 71 Members.

So, in addition, for certain types of legislation, the majority required is also 15 of out 23 because we have the upper House but in the lower House 53. Mr. Speaker, Sir, 53 is the 75 percent. So, it is not difficult to amend this Constitution, according to the provisions that are laid down here. So, is there a need for a constitutional review? Yes, there is a need for constitutional review. We differ on the 'how', and that is why.

That is one of the reasons too I wholly supported the 75 percent because it encourages dialogue. With two-thirds, you can go without the Opposition, but with 75, the threshold is high, so it encourages that spirit of dialogue, which is important for Fiji in the way forward, Mr. Speaker, Sir.

You think that you have the numbers, well go ahead with it! But sustainable democracy, you talk about inclusivity, you have talked about hearing the voices of the people, adherence to the rule of law, those are all tenets of good governance, Mr. Speaker, Sir, and we need to maintain that. So, definitely, there is need for review, but we also recognise the certain provisions as alluded to, particularly Chapter 10 and 12(d), so that has been protected under the Constitution.

However, the question, Mr. Speaker, Sir, and I will end with that; who wants, what provisions to be amended, and why? Those are the big questions that we have, because we talk about amendment. And as I had said last week, there are people who feel safe in the provisions of this Constitution. There are people who are protected in the provisions of this Constitution. There are people who benefit from the provisions of this Constitution. But the amendments that Government is going to bring, is the big question, Mr. Speaker, Sir.

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, the honourable Prime Minister, honourable Deputy Prime Ministers, the honourable Leader of the Opposition, honourable Cabinet Ministers and Assistant Ministers, honourable Members of Parliament and to the people of Fiji; at the outset, let me acknowledge the patriots of Fiji who have cleared the pathway to allow us to arrive at this opportunity to debate the Review of the 2013 Constitution. I am reminded of all the candidates from every political party, including the 55 from Peoples Alliance, who fought hard to bring about change. I cannot name all of you, but we remember you here today.

I recognise our former Head of State, His Excellency Ratu Wiliame Katonivere, *Turaga na Tui Macuata, Taukei Bolatagane*, and the Commander of the Fiji Republic Military Forces, Major-General Ratu Jone Kalouniwai, for their pivotal roles in ensuring a peaceful transition of power.

I also acknowledge the G9 and the four independent honourable Members, who voted on a bipartisan basis, Mr. Speaker, to allow us to debate this Bill. You are patriots of Fiji too.

And to the G12 of the G16, gladly led by the honourable Leader of the Opposition, I thank you too for your patriotism. We fought hard in a contest of ideas in December 2022. And I am reminded of the words of the French Philosopher Voltaire who said, and I quote: “I might disapprove of what you say, but I will defend to the death your right to say”.

Last but not least, Mr. Speaker, the honourable Prime Minister, for his leadership, his vision and guidance which has, undoubtedly, led us to this point. And let me say, Mr. Speaker, he has trod this road before, coming up with the 1997 Constitution.

Today we gather at a defining moment in our nation’s history, at a time which calls for reflection, courage and an unwavering commitment to justice, the rule of law and democracy.

As we chart the path forward, we must acknowledge the fundamental role of our Constitution or any Constitution - the supreme law that governs our nation and defines our collective future. It is in this spirit, Mr. Speaker, that we open the discussion on the need for a thorough, transparent and inclusive review of the 2013 Constitution.

This is not merely a legal or political exercise, Mr. Speaker, it is a matter of national identity, governance and the preservation of democratic principles. It is about ensuring that our Constitution is not just a document of authority, but a living covenant between the people and the State; one that reflects the true will and aspirations of all Fijians.

The Constitution must be an instrument of unity, not division; empowerment, not control; progress, not regression. Our responsibility is to ensure that it serves the people it was meant to protect, and upholds the fundamental values of democracy, inclusivity and the rule of law.

Allow me to talk a bit about the 2013 Constitution. Mr. Speaker, the important question to ask is, how did we get here?

Mr. Speaker, let me be candid, the 2013 Constitution was never truly chosen by the people of Fiji. It was imposed by an unelected regime that seized power in 2006, dismantling the 1997 Constitution - a document borne out extensive national consultation and political consensus.

In an attempt to chart a new Constitution course, the Yash Ghai Commission was tasked with drafting a constitution based on the voices of Fijians from all walks of life. This was also based on laws set out by the regime to create a new Constitution, and I refer to Decree Nos. 57 and 58, which created the Commission and the process to amend the Constitution.

Over 7,000 submissions were collected during the Yash Ghai consultation, Mr. Speaker, reflecting the diverse perspectives of our citizens. However, rather than allowing to see that draft to see the light of day, it was discarded, rejected, and ultimately burnt.

Decree Nos. 57 and 58, Mr. Speaker, were breached. In its place, a new document, drafted behind closed doors without the mandate of the people, was presented and enforced by decree. So, this is how we got here. The facts speak for themselves, that the 2013 Constitution is an imposed Constitution. Mr. Speaker, we, therefore, have no choice but to review and change.

The good news, Mr. Speaker, Sir, is that we have a gold standard in Fiji, which we can use as a template to guide us. The 1997 Constitution was developed through extensive consultation with political parties, civic groups, religious and traditional leaders. It was endorsed by an elected Government and was widely regarded as a legitimate representation of Fiji's diverse population.

Mr. Speaker, the strength of a democracy lies in an ability to listen, adapt and correct when needed. Our people must be given the opportunity to engage in meaningful dialogue, to voice their concerns and participate in shaping a governance framework that is truly reflective of their aspirations.

Our Constitution must be one, therefore, that is built on trust, transparency and legitimacy. One that future generations will look upon with pride, knowing that it was not imposed on them, but it was chosen by them. Mr. Speaker, let me share with the people of Fiji the justification of the amendments before us.

Mr. Speaker, it is important to explain to the people of Fiji what we are trying to do. The Bill before the House merely seeks to find a pathway to renew and change the Constitution in a realistic manner and within the law. The operative word, Sir, is ‘a realistic’.

I will suggest that the change thresholds in the 2013 Constitution were made so hard that the amendments would be virtually impossible. The present amendment provisions are in Chapter 11 whereby the Government must secure 75 percent parliamentary vote, and after that the Government has to secure 75 percent of registered voters in a referendum.

Professor Emerita Anne Twomey, a New Zealand Constitutional expert, in explaining the amendment provisions of the 2013 Constitution, describes it as, ‘A Fiji dilemma - Amending an unamendable Constitution’. She describes how difficult it is to change the Constitution because of the 75 percent threshold in Parliament, followed by the 75 percent of registered voters agreeing to the amendments. Mr. Speaker, Sir, some data.

In the 2022 General Elections, the voter turnout was below the 75 percent threshold - 71.9 percent and 68.3 percent respectively. Overlay this fact, Mr. Speaker, with the fact that voting is not compulsory in Fiji. Mr. Speaker, even if everyone from the 2018 and 2022 vote results, voted to agree to the amendment to the Constitution, it would not reach the referendum threshold. Therefore, the referendum requirement is unreasonable and virtually impossible to achieve. I suggest, it is undemocratic.

Professor Anthony Regan from the Australian National University, who visited us last year to discuss the 2013 Constitution, explains that the Fiji Constitution is probably the hardest to change in the world. As such, we, on this side of the House, are requesting a more realistic amendment to the provisions. We propose, one, that the Parliamentary threshold be lowered to 66 percent and, two, the requirement for a referendum is removed altogether.

I would like to emphasise this point, Mr. Speaker, Sir. In keeping with law and precedence, the Bill before this House does not deviate from previous Constitutions or legal precedent in Fiji. The 1970, 1990 and 1997 Constitutions had a general parliamentary threshold of 66 percent, and I would like to correct the honourable Leader of the Opposition here.

For the 75 percent threshold, Mr. Speaker, it is only for specific provisions in the Constitution such as the entrenched laws that were enshrined in the 1970, 1990 and 1997 Constitutions. For him to say that the Constitutions had those thresholds, is incorrect. None of the first three Constitutions had the 75 percent threshold, which is in the 2013 Constitution.

Mr. Speaker, Sir, I invite us to just use *Google's* AI tool *Gemini*. When you ask it, which Constitution holds the 75 percent majority only? It replies like this, “The super majority of 75 percent in Parliament and a referendum makes constitutional amendments exceptionally difficult.”

Mr. Speaker, Sir, a constitution belongs to the people, not a select few, who seek to consolidate power, or in our case, I think, to rule indefinitely. The 2013 Constitution is a product of a few, that is a fact that we cannot dispute. Therefore, if we truly wish for unity in Fiji, we must review the 2013 Constitution and get the people of Fiji to own the document. We did it in 1997, we can do it again.

The Bill tabled by the honourable Prime Minister is merely the first step. I hope, I have demonstrated to this House and the people of Fiji why the People's Coalition, which is fast evolving into a government of national unity, is seeking an amended pathway to achieve realistic provisions that will allow us to change the Constitution.

Mr. Speaker, Sir, as we embark on this critical journey of a Constitutional Review, it is important to remind ourselves that this process is not a threat to the fundamental rights of every Fijian, but rather an opportunity to enhance and protect those rights. The aim is to build a constitution that safeguards freedom and dignity for every citizen, ensuring that no one is excluded or marginalised.

Mr. Speaker, Sir, I would like to say this to all Fijians: *Vei keda kece na lewe i Viti* (To all of us in Fiji), you all belong here. This is your home.

By revisiting the 2013 Constitution, we are reaffirming our commitment, creating a governance framework that guarantees justice, equality and human rights for all Fijians both, now and for future generations. This process will strengthen the democratic fabric of our nation, empowering the people to have direct and meaningful say in the laws that govern them. Let us be hopeful that through unity and determination, we will forge a constitution that reflects the true aspirations of our diverse and vibrant nation.

Mr. Speaker, Sir, the time has come to correct the wrongs of the past. The time has come to build a constitution that is by the people, for the people. We must not allow fear, intimidation or past oppression to dictate our future.

Fiji is a nation of resilience, courage and unity. Let us stand together and demand a Constitutional Review and chart a new path for our nation and its future generation. Let us not become the generation that clung to *status quo*, while democracy has eroded. Let us be the generation that stood up, organised and demanded better for our people.

Mr. Speaker, Sir, I thank you for this opportunity to contribute and may God bless Fiji.

MR. SPEAKER.- Honourable Members, I am given to understand that the Non-Resident Ambassador of Israel to Fiji and the Pacific, His Excellency Roi Rosenblit, is in the gallery, joining us. Your Excellency, you are warmly welcome to Fiji's Parliament.

(Acclamation)

Before I call on the next speaker, I am given to understand that all the honourable Members of the Opposition will speak on this motion. So, if the Opposition Whip agrees, I will call on each of the Members from my own list of sitting arrangements, beginning from the backbench.

HON. R.R. SHARMA.- Mr. Speaker, Sir, the honourable Prime Minister, the honourable Leader of the Opposition, honourable Members of Parliament, viewers in the gallery and the whole of Fiji; *Ni sa Bula!* A very good evening to you all.

Mr. Speaker, Sir, there has been a Suspension Motion that was tabled last week as it allows for the Second Reading of the Constitution (Amendment) Bill 2025 and if it is passed with majority today, which 75 percent is required, the Bill will be referred to either a Standing Committee or a Special Committee and there is a process.

There is a conflict between the provision of Section 159(2)(c) of the Constitution and the overall objective of Chapter 11 of the Constitution. However, Mr. Speaker, Sir, you have recognised this and approved the tabling of the Constitution (Amendment) Bill 2025, and today three-quarter majority is required. This is something I stood firm on, because I am all about dialogue and debate. Dialogue and debate is necessary for any democratic nation.

Mr. Speaker, Sir, however, if the Government fails to secure these three-quarters of votes in Parliament today, the only recourse that will be left would be the Supreme Court. In the media, it has been highlighted that the Government would take this Constitution issue to Court or to clarity. This is what I saw last night.

Mr. Speaker, Sir, this is something the Government has put out last night. But we must ask ourselves, why are we here today? I agree with the honourable Deputy Prime Minister and Minister for Trade, Co-operatives and Micro, Small and Medium Enterprises and Communications that we are here today because some want to amend it, some want to protect it. But, Mr. Speaker, Sir, I would like to tell the people of this country, why are we here today? As an independent Member of Parliament and Opposition Member of Parliament, I made a decision.

Mr. Speaker, Sir, if the FijiFirst deregistered party management had not resigned, the Party would have been indebted, and this would have been protected, and we would not have been here, very simple.

I would like to say, Mr. Speaker, Sir, that the people who are part of making this had a responsibility, if they had to protect this. And it is left on the shoulders of a few, Mr. Speaker, Sir, who left what we believe should remain here. There is difference of opinions and ideologies.

Mr. Speaker, Sir, as an independent Member of Parliament, I had the right to express my opinion and my vote, because I wanted to hear the Government, especially the honourable Prime Minister's speech this morning, and then I can make a conclusion.

But, Mr. Speaker, Sir, with media freedom, after that vote, a lot of false narrative came on social media, even by some honourable Members on this side of the House as well, and social media just blew things out of proportion. Very interesting, Mr. Speaker, Sir, without knowing the process and the content to amend, I was labelled a lot of things, and my family was labelled a lot of things.

Mr. Speaker, Sir, I made a decision on that day, which was last week. I had two approaches – one, I could vote ‘no’ and, two, I could vote ‘yes’ for the Suspension Motion and hear Government out. Since then, I have been engaging in dialogue, debate, inside Parliament, outside Parliament, with various Ministers, Assistant Ministers, Deputy Prime Ministers, and even some of the lawyers I know, because it is the responsibility of an Opposition to do so, while knowing that the honourable Leader of the Opposition had met the honourable Prime Minister as well, and we all have had the outcomes of it.

Mr. Speaker, Sir, again, I was aware of the process that if Government does not get majority, Government can take this to the Court for their opinion. I was aware of that, and it would be irresponsible on my part if I did not hear Government out on the intended process and the possible content that they want to amend.

Mr. Speaker, Sir, please, allow me to speak in Fiji-Hindi, and I will translate it as well.

Agar sarkar maange jitna majority vote leke, rai leke, ek document banaye ke, they are free to take it to court. Agar hum as an opposition, sarkar se baat nahi kara, jon rights hai, foundation principles hai constitution ke, ensure nahi kar paya ki intact nahi rahe, kon fayda opposition bane ke. Tab bole ke rahe jayi ki opposition mei raha toh tum log ke hak ke liye ladh nahi paya, opposition mei raha, tum log ke zameen ke liye ladh nahi paya, opposition mei raha tum log ke izzat ke liye ladh nahi paya. Bole ke rahe jayi ki haa baitha raha, chuppe raha, na na karte gaya. That is it.

[If the Government is willing to take majority votes and prepare a document, then it is free to take the matter to Court. If we, the Members of Opposition, do not discuss this issue with the Government and are not able to ensure that these remains intact, which, is the rights and principles under the Constitution, then it will mean that there is no benefit in us being in the Opposition.

I want to say that, if I do not take this opportunity to speak out, even being in the Opposition, what you might think, I could not fight for the rights of the people. While being in the Opposition, you could not fight for the land of the people and while being in the Opposition, you could not fight for the dignity of the people.

If I do not speak out, it would mean that it would have been just for the sake of saying that we are not sitting down and keeping quiet and keep saying ‘no’ to everything. This is what it is.]

Mr. Speaker, Sir, after all the deliberations and engagements, I have gone through the analysis of the Fiji Government draft Constitution that was made in 2013. I have gone through the exhaustive list of provisions in the 2013 Constitution that needs to be changed either by human rights standards, good governance and the rule of law. I agree, Sir, that this Constitution protects the rights of the people, but also gives immense power to any government that comes at the end of the day. It gives immense powers to the Attorney-General, who in my opinion is the legislature, the executive and the judiciary, and that does not happen in a democratic society.

Mr. Speaker, Sir, also I have gone through this ruling from the court where it is a reference by Cabinet for the opinion of Supreme Court on matters of interpretation and application of Section 105 (2)(b), 114(2), 116(4), 117(2) of the Constitution of the Republic of Fiji.

I still stand firm with my decision to have dialogue and debate. But, Mr. Speaker, Sir, I have come to a conclusion. After all my deliberations I urge Government to present the entire content of the constitutional amendment for both Parliament and the people of Fiji. So we can revisit this process again and if there is transparency that the people are calling for, we can get more than 75 percent votes. We are here to work for the betterment, but there are needs to be transparency in the content that Government really wants to amend. And who knows?

If a political party may include constitutional amendments in their manifesto, it is up to the general public in the next election to vote for them or not. As stated by the Attorney-General in his press release. Thank you, Attorney-General for sharing this with me. There is no secret that a number of political parties that formed Government had gone to the last general elections in 2022 with the promise to review the 2013 Constitution. So, when you vote for a political party, you are voting for their manifesto – the things that they want to do. Do not vote on face value or other things that you know they will fix your road, put electricity, water and it is just a very small picture. Taking it from my macro-perspective.

Mr. Speaker, Sir, after hearing the honourable Prime Minister today, I have come to a decision and I have shared it with the honourable Leader of the Opposition as well, I think the Coalition Government likes to hear the sound of their voice, but they are not able to comprehend what they articulate.

I heard a lot of contradictions in that speech, Mr. Speaker, Sir, and if we are labelling the 2013 Constitution as not representing the majority or the people of the country, then what is this Government doing here because I heard flaws in your process. You are talking about removing the nationwide referendum. Is that not that removing the voices of the people? Is that not limiting the voices of the people? And then you want to reduce it from three-quarters to two-thirds. We are the voices of the people in Opposition. So, that means that is reviewed as well. And then you talked about the 2013 Constitution not being representative, I hope you are hearing and understanding what you are articulating. It is very surprising.

Mr. Speaker, Sir, constitutional changes can erode public trust as changes must be transparent and inclusive to ensure all voices are heard. So, when you do not want a nationwide referendum and then you are saying it, it is for the people, by the people, do you people understand? Sir, I hope they understand.

Mr. Speaker, Sir, I agree that this Constitution needs amendments, but the correct process....

(Honourable Member interjects)

MR. SPEAKER.- Order, order!

HON. R.R. SHARMA.- You can laugh now, but I hope you understand what you are saying in those papers.

It needs proper process. If they feel it is done wrongly, then let us do it correctly here and leave it for the future generations. So that they say, okay this group of parliamentarians fixed it rather than trying to fulfil some of election promises because elections are not too far.

Mr. Speaker, Sir, again, people are saying Government should focus on improving the welfare of the lives of the people of this country, rather than trying to amend this Constitution.

Mr. Speaker, Sir, I do not support the motion before the House. I do not support the amendments of the Constitution as I have raised questions with the process. If it is for the people, by the people, people's voices need to be represented, and I remain as an independent Opposition member of Parliament until the end of my term.

MR. SPEAKER.- A footnote to my earlier comments on the batting list from the Opposition is that honourable Koya will be the last speaker from their side.

Honourable Members, at this point, we will suspend proceedings for lunch and Parliament will resume proceedings at 2.30 p.m.

The Parliament adjourned at 12.27 p.m.

The Parliament resumed at 2.35 pm.

HON. H. CHAND.- Thank you, Mr. Speaker, Sir for the opportunity to contribute on this very important Bill. The 2013 Constitution amendment is a hot topic of discussion not only in here, but outside of the Parliament at the moment. The Constitution is the supreme law of the State that provides the framework for the conduct of the Government and all Fijians.

Mr. Speaker, Sir, all the Members of Parliament in this House have taken an oath to obey, observe, uphold and maintain the Constitution and will act with integrity and diligently carry out our responsibilities in accordance with the Constitution.

Mr. Speaker, Sir, any amendment in the 2013 Constitution should not be rushed into and should be done according to the procedures set out in the Constitution itself. Rushed constitutional changes would erode public trust as changes must be transparent and inclusive to ensure the voices of all Fijians are heard.

Mr. Speaker, Sir, while we are debating on the amendment of Chapter 11 of the Constitution, ordinary Fijians and, we, the Parliamentarians, are left in the dark, not knowing what exactly this Government is trying to change in the Constitution. Chapter 1, Section 2(5) of the Constitution states, and I quote: “This Constitution cannot be abrogated or suspended by any person and may only be amended in accordance with the procedures prescribed in Chapter 11.”

In fact, Mr. Speaker, Sir, Section 159(2)(c) of the 2013 Constitution prohibits any amendment to Chapter 11. Although I am not a lawyer, I understand the Constitution very well because it is written in simple English and also in the vernacular. The Constitution is not an ordinary law that can be amended at the convenience of any sitting government as it represents a social contract requiring the trust and the consent of the people.

Mr. Speaker, Sir, when it comes to the Constitution’s amendment, there is no shortcut. I understand that this august House must follow the provisions laid out in Section 160 of the Constitution, which is a 75 percent majority vote in Parliament, as well as the mandate needed to conduct a referendum. Without a referendum there is no formal mechanism to ensure that amendments represent the collective voice of all Fijians, including those with limited or no direct representation in Government.

Mr. Speaker, Sir, reforming the law should mean improving it, rather than making regressive changes that weaken our democratic principles. In my view, a referendum is more democratic. People are saying that what this Government is trying to do with the amendment Bill, is to remove the voice and participation of our citizens in the amendments of the Constitution.

Mr. Speaker, Sir, any constitutional amendment must be enacted through a transparent and consultative process that reflects the people's will. The will of the people in this case is through a referendum. The constitutional amendment process hinges on trust. Trust in the system, trust among political parties, trust across the ethnic and political divide, and trust between the Government and the governed. I do not support the motion before the House.

HON. A.M. RADRODRO.- Mr. Speaker, Sir, I stand this afternoon in support of the Bill before the House. I am also, speaking on behalf of the SODELPA Party, as a member of the Coalition Government. I would like to make a brief contribution highlighting the important areas.

The review of the 2013 Constitution is essential for Fiji. It is the supreme law of this country, and it is now before us as Members of Parliament and representatives of the people. This is an ideal

opportunity to get the involvement of the people. There have always been arguments raised about how the 2013 Constitution had come to its present form. We know the debates that have been surrounding it, including that there was a little, or no consultation done with our people. That option. We have heard honourable Members of the House sharing on this.

The principles of any constitution must be one that represents the will of the people, as alluded to by the honourable Prime Minister and the honourable Attorney-General. One that is living. One that is adjustable. One that upholds the necessary guidelines by which our nation is governed. What is very important is that it must not be too rigid and hard to amend the Constitution where necessary. It should also not be a burden to change the Constitution or any law as in this case. And I urge the honourable Members of this House that it is now a great opportunity to amend those elements within the Constitution that may not be progressive for the people of Fiji and for friends who also rely on this principal source of law, to be able to trade and be able to hold diplomatic relations for instance with Fiji.

Mr. Speaker, Sir, there has been criticism with regards to whether land laws are fully entrenched. We have had landowners, landowning units, arguing about the land sales in certain parts of Fiji, as well as the awarding of leases without their approval for lengthy periods of time.

Mr. Speaker, Sir, although this argument has been raised by some Members of this House who have been here since 2014 representing the people, the records will show that I have also raised in various instances, for example, the sale of the land in Vitogo. I think honourable Koroilavesau knows about it and the landowning unit in Ba.

Mr. Speaker, Sir, this Constitution also has provisions that may need to be reviewed to ensure the true independence of the three arms of the State, especially those dealing with the appointing authorities for instance, the role of the COC. For the Social Democratic Liberal Party, our interest will always be to ensure that the people of Fiji are provided the opportunity to be able to live peacefully in an economically stable environment, stable community, to be able to have equal contributions to economic and social development.

Mr. Speaker, Sir, we would also want to see that the various aspects of our inherent rights are captured to reflect the proper rule of law and adherence to the various principles of good governance. So, Mr. Speaker, Sir, having said that, as leader of SODELPA party, I would encourage our people, encourage Members of this honourable House to support the reviewing of this Constitution and the necessary amendments that we need to make to be able to have the documents of our Constitution as one that truly reflects the will of our people, that reflects the various aspects of life for a sustainable Fiji.

HON. K.K. LAL.- Mr. Speaker, Members of Parliament, and my fellow Fijians, I stand before you today not just as the youngest member of parliament but as someone who serves the people. Mr. Speaker, I believe in democracy, fairness, and justice. Most of all I believe in the rights of every Fijian, to have a say in their own future.

Mr. Speaker, honourable Members, this amendment is not just a small change in our laws, it is an attack on our democracy. Sir, it takes power away from the people and gives it to the politicians. It denies Fijians their rights to decide what happens to country and to their Constitution. Honourable Members, I ask, who are we, as leaders, to take away that right from them?

Mr. Speaker, let me make this clear, this is not just an administrative update, it is a serious change that moves power from the people to those in Parliament. The people of Fiji should not wake up one day to find their Constitution changed without their consent. A constitution is not a tool for

those in power to adjust whenever they want. It is the foundation of our democracy. The agreement between the Government and the people, and that agreement must be protected. Mr. Speaker, fellow Fijians, the 2013 Constitution belongs to the people, not the politicians. Right now, any big change in our 2013 Constitution must go through a referendum, which means the people get to decide.

Mr. Speaker, this amendment wants to remove that safeguard allowing the politicians to change the highest law of the land without asking the people. This is not democracy. It is a dangerous move. Mr. Speaker, some may say, this change will make things easier, but democracy is not about making things easy for politicians. It is about giving the people a voice. When a government sees the people's voice is a problem, that is a warning sign. A government that does not listen to its people is a government that has lost its way.

Mr. Speaker, let us be honest about what is happening here. The people of Fiji voted for a government to represent them, protect their interests, and respect their rights. But today, that same government wants to take away their right to decide on their own Constitution.

Mr. Speaker, if these amendments pass, the people of Fiji will lose their voice, and the power will be handed over to a group of politicians. Mr. Speaker, a constitution is not just a set of rules, it is the foundation of our nation. It protects our freedom and guides our government, yet this amendment says that people should no longer have a say in shaping this foundation. Imagine, electing a government today, only to find that tomorrow, they have taken away your right to hold them accountable.

Mr. Speaker, fellow Fijians, this is not about making government more efficient, it is about taking power from people and giving it to the politicians. And history has shown us, that once a government takes such power, they don't give it back. What happens when a future government, strengthened by these amendments, decides to make more changes? Changes that limit our freedom and take away our rights without asking us? When a government stops listening to its people, democracy dies. What replaces it is rule by force, where the people's opinion no longer matters Mr. Speaker. Where decisions are made behind closed doors, and maybe some deals as well, where power belongs to only a few.

Mr. Speaker, honourable Members, so I asked, is this the Fiji we want? A Fiji, where people are ignored while politicians change the rule to suit themselves? A Fiji, where a government can re-write the Constitution without asking the people? Honourable members, the decision will define us. We will be remembered as a Parliament that protected democracy or the one that destroyed it.

Mr. Speaker, the people of Fiji did not vote for a government to take away their rights. They did not cast their votes to be ignored. They did not choose us to betray them. If we pass these amendments, we would have done all three above.

Honourable Members, let me remind you what democracy truly means. Democracy is not about politicians speaking to the people. Democracy is about the people speaking to their government. Mr. Speaker, Sir, if we allow this amendment, what will stop future governments from removing even more rights? Today, it can be seen as a small change. Tomorrow, it could be something even much worse.

If they do not need our consent to change the Constitution today, they will not need it to take away our freedoms tomorrow. History is full of examples where leaders convince their people to give up a little power only to take much more. Countries that were once democratic have lost their freedoms because their leaders and politicians, changed the rules to benefit themselves. We must learn from these mistakes, Mr. Speaker, Sir.

To my colleagues who support this Amendment, I ask - What are you afraid of? If you truly believe this change is good for the people, why not let them decide? If your ideas are right, the people will support you. But, Mr. Speaker, Sir, honourable Members, if you fear their voice, maybe it is because you know they will not approve of what you are doing.

If the people are silenced today, who will speak for them tomorrow?

HON. M.S.N. KAMIKAMICA.- Hogwash.

HON. K.K. LAL.- Mr. Speaker, Sir, a government should serve its people, not control them. Our duty is not to take power, but to share it. When we were elected, we did not swear loyalty to a party, or Opposition, or this seat. We swore loyalty to the people of Fiji and the 2013 Constitution holding our holy books.

Mr. Speaker, Sir, the very people whose voices this Bill seeks to erase. A government that does not trust its people does not deserve their trust. If we take away their say in shaping their own Constitution, we will cross a line that cannot be undone. This is not about politics, honourable Members, it is about principles. It is about whether we still believe that power belongs to the people, not just to a few in Parliament.

It is easy to govern when the people have no voice. It is easy to pass laws when no one can challenge them. But that is not democracy, honourable Members. That is the beginning of dictatorship. And I ask you, honourable Members, is that what we want to be remembered for? A Parliament that shut the people out? The people of Fiji deserve better. They deserve to have a say in how their country is governed, and we must make sure they always do.

Honourable Members, history will judge us for what we do here today. Our children, our grandchildren will look back at this moment and ask –did we defend democracy, or did we betray it? Did we stand for the people, or did we turn our backs on them? Let them say of us that we choose the harder right over the easier wrong.

HON. J. USAMATE.- Hear, hear!

HON. K.K. LAL.- Mr. Speaker, Sir, let them say that we stood firm when it mattered the most. Honourable Members, this Bill is not about efficiency, it is about control, and I refuse to stand by while the people's voice is silenced. To the people of Fiji who are this live session, I say this “this is your country, this is your Constitution, your voice matters, your vote matters. Do not let anyone convince you otherwise.”

To my colleagues, honourable Members of this Chamber, I say this, vote against this amendment. Stand on the right side of history. If you believe in democracy, if you believe in justice, then vote to protect the people's right to decide their own future. And to those who would strip away the people's voice. I say this, you may have the power today, but the people will always have the final say. And if you take their voice away, they will remember 2026 is just around the corner. They will remember who stood with them and who stood against them.

Mr. Speaker and honourable Members, let us not be remembered as the Parliament that turned its back on the people. Let us be remembered as the Parliament that defended democracy, which upheld justice, and that preserved the people's right to shape their own destiny. Mr. Speaker and honourable Members, I urge you all, please, do not silence the people. Let their voices be heard. Let their votes count. Let democracy prevail. With those words, I do not support this Bill before the House.

HON. I. NAIVALURUA.- Mr. Speaker, Sir, I rise to add my voice to the debate in this august House. Mr. Speaker, many responsibilities come before this august House and on rare occasions, a true opportunity comes. This is that true opportunity. As representatives and legislators, we swore an oath to an ongoing obligation and responsibility to the people of Fiji to serve the nation's best interests.

Today, we are debating the Bill that would allow amendments to our current Constitution. This Constitution is the supreme document that seeks to reflect the people voices and provides a framework from which nationhood exists and develops.

Mr. Speaker, I speak in favour of the Bill at the Second Reading. In its short history since Independence, our nation has had four constitutions. Several principles lend weight to this debate today. The first is the legal principle. On Friday, you addressed this august House and identified in the explanation to your ruling the incoherent inconsistencies within Chapter 11, Section 159(2)(c). While Chapter 11 provides for amendments and endorses a process, Section 159(2)(c), as it currently stands, reverses the purposes and in fact parks our Constitution in the blind alley of legal ambiguity. The Bill before this august House, for its second reading, seeks to remove that confusion and bring clarity and alignment to the process. Our people, whose voice this Constitution claims to represent, deserve a document of legal accuracy and clarity.

Mr. Speaker, the explanation was a timely reminder that we must draft, debate and pass clear laws that are legally sound and clearly define their intended purpose. When we find errors and inconsistency, our role is not to look away, but to have the courage to amend them. If we choose to look away, we will be shirking our duty as legislators and placing unnecessary burden on the people. You have also said, Mr. Speaker, Sir, in this House, "laws are made and unmade". Today, we are here to make and unmake some provisions of our Constitution.

Mr. Speaker, the second principle is historical. Our 1970 and 1997 Constitutions were internationally accepted, endorsed and seen as the representative of the people's voice. The consultations in both cases were open and evidentiary in nature and process. The people were invited to make contributions, and the collective voice was heard. The people could see the connection between their voice and the Constitution that emerged. Both constitutions served the people until the tumultuous events in our nation set them aside.

I, like many of my colleagues in this august House, have lived our lives under the four Constitutions. Mr. Speaker, I took my oath as an officer in the Republic of Fiji Military Forces (RFMF) under the 1970 Constitution and served this nation under the 1997 and 2013 Constitution. I stood as a Member of Parliament and won an election under the 2013 Constitution.

However, Mr. Speaker, everyone has the right to comment and sometimes seek to challenge these provisions, while upholding the sanctity of the Constitution. Mr. Speaker, this is what we seek to do here today; acknowledge the critical nature of the Constitution and recognise its primacy.

The merit of the Bill before this august House is that it seeks to align the process with our historical precedent. The 1970 and 1997 Constitutions were endorsed and acknowledged internationally as reflecting the voice of we, the people. Both documents allowed a two-thirds majority as a threshold for change.

A two-thirds majority is in accordance with what many see as the best practice in the democracies around the world. What we seek to do today is not without historical principle and precedent. Mr. Speaker, the third principle is equity.

As a growing and maturing democracy, we have found that our passage as a nation since independence has often navigated difficult waters. Our Constitution has the responsibility of engaging diverse people on a common purpose. It strives to provide a framework that gives confidence to our people.

The confidence to invest, the confidence to believe that we can achieve stability. Our Constitution is to provide the equitable framework in which two cultures can achieve respect, celebrate shared sovereignty and have faith in proper process. Mr. Speaker, regrettably we have had seasons where this has not happened, with fear and turmoil in an outcome that destroys this precious equity.

Equity upholds fairness and justice and so recognise that we all do not start from the same place but allows us to acknowledge that we need to make adjustments to the imbalances. While the *iTaukei* can trace their history to place and people, our Indian family, citizens, have a different starting place and immediately the critical nature of equity. Understanding the imbalances and making adjustments becomes part of our renewed shared way of life.

Mr. Speaker, the Government seeks to pass this Bill to ensure that constitutional amendments are carried out in an open and transparent manner. The 2013 Constitution has been criticised for narrowing the people's ability to contribute and engage in informed debate.

The remedies this Bill seek to address, align with the intent of Chapter 11 amendment provisions and remain in the spirit of the 1970 and 1997 Constitutions. In these ways, this Bill seeks to strengthen our process, remove it from the blind alley of legal ambiguity, align it with recognised historical precedent, return equity, and make our Constitution fit for purpose.

Mr. Speaker, Sir, when we assess the Bill using legal, historical, and equity principles, there is a strong case for voting in the affirmative for the second reading. The need for this change is evident. The change before us does not malign or diminish our past. It does not void this critical document, but it accepts and embraces that we, the people, deserve a constitution that is made for our future.

Mr. Speaker, Sir, in summary, I think the essence of what I have just simply said, is that the subject that we are talking about today, the Constitution, should reflect the will of the people, not the will of two people.

HON. S. KUMAR.- Mr. Speaker, Sir, honourable Prime Minister, honourable Deputy Prime Ministers, Cabinet Ministers, the honourable Leader of the Opposition, and fellow honourable Members of Parliament, ladies, and gentlemen; *ni sa bula vinaka* to you all. I also extend a warm welcome to those joining us through live stream and from across the globe.

Mr. Speaker, Sir, distinguished guests, and my fellow citizens, it is with immense honour and a profound sense of duty that I come before you today to contribute to the debate on the Constitution (Amendment) Bill 2025. The Constitution is the supreme law of the land. It guides our governance, establishes the rights of our people, and outlines the roles and responsibilities of the Government. However, as in all living democracies, circumstances evolve, and we must adapt to meet these challenges.

We do need to amend our institutions, and this starts with the Constitution. To amend the Constitution will allow us to deal with the threats, the misconceptions and the draconian ironclad clauses that exist throughout the Constitution. We must deal with this Constitutional amendment through the very clearly spelt out Chapter 11, Section 160.

Mr. Speaker, Sir, we must amend the Constitution, and we must do so only within the law and along with an abiding confidence in the rule of law and due process in checks and balances, and accountability. I have confidence in the honourable Prime Minister, Members of this Coalition Government and, indeed, I have hope that all the Members of this august House, in that we will do what is right to protect and promote our fundamental human rights. That we will do what is right, and that is not political posturing.

Mr. Speaker, Sir, much has been said over the years, and much has been said about past governments. I will say this here, that I am steadfast in my belief and firm in my conviction that this Constitution (Amendment) Bill means that we will not sacrifice our security for our values, nor sacrifice our values for our security. So, long as we approach difficult questions with honesty and care and a dose of common sense.

Mr. Speaker, Sir, while the concerns about rushed reforms are acknowledged, it is important to note that many of the laws under review are outdated and no longer aligned with the evolving needs of present-day Fiji. The Government is committed to ensuring that these legal reforms reflect contemporary realities, uphold human rights, support national development and lay the basis for our future legal and political developments.

The Constitution prescribes and guarantees due process. The Constitution's guarantee of due process is ironclad, and it is essential. We have an obligation to uphold values that are enduring, and the manner in which our activities should reflect those values, must necessarily adapt to changing societal expectations and norms, and thus, the need for constitutional amendment as per this Constitution Amendment Bill.

Mr. Speaker, Sir, I have full confidence in the statement by the honourable Prime Minister, and that is that, we must be open, honest and intentional. That we will work on gaining the public trust, that we will allow our citizens to vote on these critical issues that will ensure that any changes reflects the will of the people rather than the interests of a selected few.

Mr. Speaker, Sir, the honourable Prime Minister, the honourable Leader of the Opposition and fellow parliamentarians, let us stand together, steadfast in our purpose, resolute in our vision, and unwavering in our service for the benefit of our people.

Mr. Speaker, Sir, I would like to say a few paragraphs in Hindi for the greater audience.

“May Fiji ke har ek naagrik se yah kahena chaha raha hoon ki aap samvidhaaan ke badlao ko achi tarah se samajhne ki koshish kare jisse ki samidhaan mein pariwartan karne ke jo prayaas kiya ja raha hai, usmei aap badhak nahi balki iska samarthak ban. Jo Vishay humare samaksh hai wah bahut hi saral aur siddha hai. Samvidhaan ek aisa mudda hai jo kisi bhi desh ka sanchalan kis tarah se hota hai ke baare mein batata hai. Samvidhan banane ka apna ek prakriya hai aur samidhaan prajatantrik hona chahiye. 2013 samvidhan ko agar dekha jaye to isme sansaad sadasyoun ki koi swikriti nahi hai kyonki us samay sansad tha hi nahi.

Atha samividhaan wahi paripoorn hai jo sansad sadsyon ke mat aur janta ke mat par adharit hota hai nah ki 2013 jaisa jo ki desh par thopa gaya ho. 2025 samvidhanik sanshodhan bideh ki prakriya ko shuru hone deh aur is badlao mein kya kuch badalne ka prastao hai ko sansad ke samaksh rakhne ka aap sarkar ko mauka de taki hum sab milkar isme sakriye roop se bhaag le sake aur ek naya aur ujwal bavishya ka nirmaan kar sake.

Aap sab se mera yahi maang hai ki galat fahemiyon me na rahe, aur Fiji ke samvidhaanik badlao mein bhaag lekar apne bhaawi peedhi ke bhavishya ko surakshit kare. May 2025 samidhaanik

sanshodhan bideh ka Swagat kar raha hoon aur is ko ek sansad sadsya ke naate apna pura samarthan de raha hoon.”

I stand alongside the honourable Prime Minister in fully supporting the motion of Constitutional Amendment Bill 2025. May God bless Fiji.

HON. V. LAL.- Mr. Speaker, Sir, and the esteemed Members of this august House. Today, I stand before you to discuss a matter of great importance to our nation. The proposed amendments to the 2013 Constitution of Fiji. This topic has sparked intense debate across our country, and it is crucial that we carefully consider the implications of such changes.

Mr. Speaker, Sir, the 2013 Constitution is more than just a legal document. It is the foundation of our democracy, embedding the principles and values that unite us as a nation. It guarantees fundamental rights and freedoms, ensures the separation of powers and provides a framework for good governance. Any attempt to amend this Constitution must be approached with the utmost caution and respect for the will of the people.

Firstly, the 2013 Constitution was designed to be a robust and enduring document. It includes stringent requirements for amendments, such as the need for a 75 percent majority in Parliament and a 75 percent approval in a national referendum. These provisions are not obstacles but safeguards, ensuring that any changes reflect a broad consensus and are not driven by transient political interests.

Mr. Speaker, Sir, removing or weakening these requirements risks undermining the very essence of our democratic process. Secondly, the proposed amendments could have far-reaching negative impacts on the people of Fiji. One of the most significant concerns is the potential erosion of public participation in constitutional reform. The current amendment process ensures that the voices of all Fijians, including minority communities, are heard and respected. By bypassing the referendum requirement, we risk marginalising these communities and weakening the protections that the Constitution provides.

Mr. Speaker, Sir, the stability and predictability of our legal system are at stake. The 2013 Constitution has provided a stable framework for governance, which is essential for economic growth and social cohesion. Frequent politically motivated changes to the Constitution could create uncertainty, deterring investment and undermining public confidence in our institutions.

Additionally, the legitimacy of the amendment process itself is in question. With the current composition of Parliament, there are serious doubts about whether it accurately reflects the will of the electorate. The Opposition's limited representation raises concerns about the inclusiveness and fairness of the proposed changes. True legitimacy can only be achieved through a transparent and participatory process that builds trust and consensus among the public.

Mr. Speaker, Sir, while it is essential to adapt and evolve as a nation, we must do so in a manner that upholds the principles of democracy and the rule of law. The 2013 Constitution is a testament to our collective commitment to these values. Let us not undermine this commitment by making hasty or ill-considered changes. Instead, let us work together to strengthen our democracy, ensuring that any amendments reflect the true will of the people and protect the rights and interests of all Fijians.

The 2013 Constitution does not allow the amendment that is actually being brought before Parliament. It is actually very clear that it is not about being able to go to the people to find out what needs to be changed. Any referendum at the end of the day tells you what the public wants.

Mr. Speaker, Sir, every single Constitution contains a provision. The 1987 one had the same thing, where you had to get a particular percentage to change the Constitution. And all of them, there is a procedure you need to follow it.

Mr. Speaker, Sir, Parliament must follow the Constitution. We cannot act contrary to it. The Constitution itself prohibits the amendment of Chapter 11 of the 2013 Constitution. One of the principles of good governance is following the rule of law, and that is one of the major concerns that we have from this side of the House. Are we going to work within the ambits of the provisions that are already there in the law? This side of the House has a responsibility to keep the Government in check, and that we will not compromise. The comments that this Constitution does not reflect the will of the people.

Mr. Speaker, Sir, there are people who really are concerned about the way forward from here. There are some people who have hope in this Constitution. There are people who feel safe under this Constitution.

HON. J. USAMATE.- Hear, hear!

HON. V. LAL.- Whatever amendments you are trying to make, make sure that the interests of all Fijians are taken care of. When we are going to go through the shortcut process of suspending Standing Orders and making changes, there are chances that the next Government that will come in, will follow the same example.

HON. M.S.N KAMIKAMICA.- Point of Order!

MR. SPEAKER.- Yes. I recognise your Point of Order.

HON. M.S.N KAMIKAMICA.- Mr. Speaker, Sir, I have been trying to actually respectfully listen to the debate in process, but Standing Order 74(6). You have made a ruling on this Standing Orders. And I notice that the previous speakers, and I was sharing with Deputy Prime Minister, honourable Biman Prasad, we are tethering close to questioning your ruling.

I think, Mr. Speaker, Sir, you know, we talk a lot about the rule of law and respecting the law. I urge all of us, particularly when we are debating such sensitive topic that we respect the rule of law and also when rulings are made. That was my Point of Order.

MR. SPEAKER.- Thank you. I have taken the Point of Order raised by the Deputy Prime Minister, in fact, I was just going to warn, honourable Lal that you are sailing very close to the wind. You know that expression? That it means that you are almost in breach of my order, that I have made previously. But you may continue to bear in mind what has been raised as a Point of Order.

HON. V. LAL.- Thank you. What I was saying, Mr. Speaker, Sir, is that when we make changes, there are chances that the next Government that will come in, will follow the same precedence. So, every time a new Government will come in, it will suspend the Standing Orders and will change the Constitution the way it likes to move on with it. That is what I was trying to say, Mr. Speaker, Sir.

Mr. Speaker, Sir, for the benefit of our *Hindu* brothers and sisters, I would like to speak in *Hindi*, Sir.

Bhaiyo aur baheno, sansad mei filhal jo prastavik samvidhaan mei prastavik badlao wala jo Bill hai, is par bahes ho rahi hai aur sabhi jo sun rahe hai, samajh rahe hai, aur isme khaas roop se

ya nahi bataya gaya hai ki samvidhaan mei wasto mei kiya badlao hoga. Na toh pradhaan mantri na sarkar na kisi aur se, kahi se, hume ya spasht roop se bataya gaya hai ki samvidhaan ke kis ang ko badla jayega.

Toh isme abhi sunne mei ya baat aa rahi hai ki jo samvidhaan mei jo vyavastha hai teen- chauthai, three- quarter, 75 percent logo ke mat se aisa ho sakta hai. Ab baat aa rahi hai ki ise badal kar ke do tihai yani ki two- third yani ki 66 percent kar diya jayega. Toh isse ya pata chalta hai ki jo kewal 75 percent se ghatakar logo ke mat jo 66 percent kar diya jayega, iske paksh mei hum nahi hai. Ye jo samvidhaan hai, aap jante hai jo 2013 Constitution hai, iske tahet hum log chunao lad sakte hai. Jitne log sansad mei aaj hai ye samvidhaan ke tahet sansad mei aaye hue hai.

Vasto mei Fiji mei aap dekhe, 1970 fir 1990 fir 1997 aur 2013 Constitution, ye kewal 2013 Constitution hi hai jo yaha par sabhi ko jo equal citizenry jo hum kahte hai, samaan adhikar sabko jo Fijians hai, ye kewal ya samvidhaan de raha hai. Pehle kisi samvidhaan mei ye baat ye vyavastha nahi thi. Toh ye hamare liye, aap sabhi jante hai hamare purvaj yaha par aaye, is desh mei unhone bahut vikash kiya, mehnat ki aap sabhi jante hai. Aur kewal 2013 Constitution mein hi ya vyavastha hai ki hum logo ko Fijians kaha ja raha hai. Hamare liye badi baat hai, isi liye hum ye zor de rahe hai ki is samvidhaan ko barkarar rakha jaaye.

Kai aisi baate hai saath-saath hum dekhte hai ki jo secular state ki baat ho rahi hai, ye samvidhaan jo 2013 samvidhaan hai, isme ye vyavastha hai ki yaha par jitne bhi jaati ke log hai, dharam ke log hai, mazhab ke log hai, wo apne dhang se apne taor tareeke se pooja path karne ka sabhi ko adhikaar hai. Is samvidhaan mei hai. Sabhi ko ya adhikaar hai.

Aap jante hai jab, mai thoda se peeche jaata hoon, 1987 mei satta-paltao ke dawraan, aap sabhi dekh chuke hai, jaante hai us dawraan hum logo ko kuch pratibandh lagaye gaye the ki aap unhe nahi kar sakte hai. Lekin, is samvidhaan mein aap dekhe ...

[My fellow brothers and sisters, the Bill to amend the Constitution is being debated in Parliament right now. Everyone who is listening understands that it is not specifically told what exactly is going to be changed, neither the Prime Minister, nor the Government, nor from anywhere, we are not informed which part of the Constitution will be changed.

Now, we are listening, around three-quarters according to the provisions of the Constitution, which is 75 percent votes will enable to make changes to it. We are also hearing that this provision is likely to be changed to two-thirds or 66 percent. This, to me, I think the 75 percent reduced to 66 percent on this issue I do not agree on. The 2013 Constitution under this, we can run the election. Today, whoever is in this House is all because of this Constitution.

In fact, if you look at the 1970, 1990, 1997 and 2013 Constitutions, you will find that the 2013 Constitution gives equal rights to all of us. Fijians have equal rights, this is only what this Constitution is giving. Previously, this provision or system was not in any other Constitution.

You all know this very well that our ancestors did a lot for the development of this country. They worked very hard. It is only in the 2013 Constitution that there is this provision that we are being called 'Fijians'. This is a milestone achievement for all of us. This is the reason why I am emphasising that this Constitution does not have to be changed.

There are many things that we see in the society that the secular State which is being talked about in this 2013 Constitution states that people of whatever caste or religion, everyone has

the right to worship in their own way. Everyone has this right.

At this point, I would like to hint on some history. In 1987, during the power shift, as you all have seen and know, we were imposed with restrictions under which we could not do things. But in this Constitution, you can see....]

HON. S. KIRAN.- A Point of Order, Mr. Speaker, Standing Orders 74(1).

MR. SPEAKER.- I am sorry, what Standing Order are you referring to, honourable Kiran?

HON. S. KIRAN.- Standing Orders 74(1). This is actually openly trying to put fear in people, that you will lose the opportunity to be able to worship in your faith, you will lose secular State and that is not acceptable!

(Honourable Members interject)

MR. SPEAKER.- Order!

I am at a complete disadvantage here, because I cannot understand what was being said by the honourable Member, so my ruling will await the transcription of the records.

HON. S. KIRAN.- Thank you.

MR. SPEAKER.- Proceed, honourable Lal.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I also want to rise on a Point of Order 62(4) which says, “it is out of order for a Member who is speaking, to use words that are likely to promote and provoke feelings of ill-will and hostility between community ethnic groups within Fiji.”

Mr. Speaker, Sir, what the honourable Member was clearly saying, was in fact about secularism, in saying that this attempt to change the Constitution. Even in the 1997 Constitution, the Bill of Rights, secular State, it was his leader who threw out the Constitution. And here he is, as a member, coming out here, trying to speak in Hindi and saying that somehow, people in this country, people of Indian origin, people of other faiths are going to lose their rights to practice. That is exactly what he is saying! Mr. Speaker, Sir.

(Honourable Members interject)

MR. SPEAKER.- Order, order!

HON. PROF. B.C. PRASAD.- Shame on him! This is what they do, Mr. Speaker, Sir.

HON. J. USAMATE.- He did not say that!

HON. PROF. B.C. PRASAD.- He did say that!

MR. SPEAKER.- Order, order! I am going to reprimand people very soon.

Now, as I had stated earlier, I am at a disadvantage because I could not understand what he was saying, and honourable Kiran had already raised a Point of Order in respect to what was said that amounted to some breaches to the Standing Orders. I cannot take what the honourable Deputy Prime Minister has said as the translation, because that is hearsay. I will wait for the transcription,

then I will make my ruling. That is where that matters rests.

Thank you, will you continue honourable Lal? Do bear in mind that you are under caution.

HON. V. LAL.- Thank you, Mr. Speaker, Sir, in fact, what I was saying was, that it is not clear what amendments this Government is trying to make.

MR. SPEAKER.- Please, proceed.

HON. V. LAL.- *Aap sun rahe hai ki baar-baar Point of Order raise kiya ja raha hai, lekin yahi mai batana chah raha hoon ki is samvidhaan mei sabhi ka barabar adhikaar hai. Aap kisi jaati ke ho, kisi mazhab ke ho, aap ko barabar adhikaar diya jayega. Chahe aap gender, ling ke hisaab se bhi aap ke saath koi bhed-bhai nahi barta jayega. Saath-saath mein aap chahe dhanwaan ho ya gareeb ho, kamzor ho ya balwaan ho, ye jo 2013 samvidhaan hai isme kisi ke saath koi bhi bhed bhao nahi barta ja raha hai. Isi liye hum zor de rahe hai ki is samvidhaan ko barkarar rakha jaye.*

Aur agar hume ya pata chal jaye ki samvidhaan mei kiya badalna chahte hai, vasto mei, jab ye prastao shuru shuru mei rakha gaya tha toh hamare virodhi dal ke neta ne pradhaan mantri ke paas ikha aur ya bataya ki samvidhaan ko agar aap badalna chahte hai toh kiyu na hum log baat-chit se badla jaye. Hamare Deputy Leader honourable Parveen Bala ne bhi bahut prathana ki kiyu nahi hum log abhi ise taal diya jaye aur hum log mil kar ke baat-chit kare, aur jab hamare beech samjhaota ho jaaye, tabhi hum isko aage badhaye. Lekin aisa nahi hua, aur is prastao ko hamare beech rakha gaya aur ispar sabhi log apna vichar de rahe hai.

Hum yahi aap se anurodh kar rahe hai ki aap isme bhaag le aur theek tarah se soche ki aap ke liye kiya sahi hai, kiya hume samvidhaan mei badlao karna chahiye ya nahi karna chahiye.

[As you can hear, here is being a Point of Order continuously raised, but I want to tell you that in this Constitution, everyone's rights are intact. Whatever caste or religion you belong to you will be given equal rights. No matter what your gender is, you will not be discriminated against. Whether you are rich or poor, weak or strong, in the 2013 Constitution, no discrimination is being made against anyone. That is why we are insisting that this Constitution be kept intact.

We are kept in the dark as to what changes are going to be made in the Constitution. In fact, when this proposal was initially put forward, our Opposition Party Leader wrote to the honourable Prime Minister and told him that if he wants to change the Constitution, then why not we sit and talk, and change amicably.

Our Deputy Leader, honourable Parveen Bala, also prayed a lot that why not we all should start having discussions and agree when there is consensus and when there is amicable understanding amongst us, only then we can go ahead to do the changes.]

With those words, Mr. Speaker, Sir, I hope good sense prevails and I very strongly object to this Bill before the House to amend the 2013 Constitution.

HON. S.D. TURAGA.- Mr. Speaker, Sir, I want to contribute to the Constitution debate. Before I do so, I do acknowledge that God is in control. Isaiah 60: verse 22: "When the time is right, I the Lord will make it happen."

I do say so, Mr. Speaker, Sir, because the Bill before the House, the previous administration, and the one before that, it is unfavourable for this Bill to be tabled and debated upon.

HON. J. USAMATE.- Hogwash!

HON. S.D. TURAGA.- I must underscore that we find ourselves at a pivotal juncture in the history of our nation. Every decision we make in this august House today, will be judged by history. As a history student, I understand that edges that are failing to learn from history can lead to a repeating previous mistakes.

In history, it is like peeling an eye, Mr Speaker, Sir. As we peel each layer, we shed tears. But we should never be afraid to learn from it. According to the eminent journalist and writer, Percy S. Allen, in his original published book in 1907 titled, *The Cyclopedia of Fiji: A Complete Historical and Commercial Review of Fiji*, the first attempt to design a written constitution occurred in the 1860s. There was a written constitution in 1862.

The 1862 Constitution, based on many charters, only benefited a portion of Fiji's population. That Constitution did not represent the facts on the ground. Historical records indicate that the Constitution was not popular. It had an extremely short lifespan. It did not accurately reflect the Chief's intent at the time. The 2013 Constitution is unique compared to previous constitutions. It was conceived secretly, almost in secret, but its implementation was forced on the public. This Constitution emerged from the remnants of Yash Ghai burnt constitution. There were two distinct reasons for its midwifery.

Firstly, it lionised the position of Prime Minister and Attorney-General. These two positions became very significant in the Constitution. The individuals in these roles became essential for any action or acceptance. For example, judicial officers are recommended for appointment to the present, after consultation with the Attorney-General. In most cases, the Attorney-General assumes he has a veto power over the decision of the Judicial Services Commission. The lionisation of these posts poses challenges at all levels of Government, resulting in hardship for our people.

It would be remiss of me not to mention that some of our countrymen benefited majority suffered. The Constitution fails to acknowledge the role of our Chiefs in Government. The chiefly system has become a significant obstacle for the Government and needs to be eliminated. The 2013 Constitution failed to acknowledge the roles of our Chiefs. Leaders during this period advocated for the elimination of corruption. This line of reasoning asserts that corrupt activities plagued Fiji, necessitating efforts to liberate its people. They portray themselves as liberators of our people.

Mr. Speaker, Sir, leaders who profess to be liberators often suffer from the God-complex syndrome. They exalted themselves to the role of God, believing that they were entitled to occupy the post of leadership eternally. They misled themselves into believing that just their viewpoint counts. They have forgotten that we are only here for a limited time.

There is an end to any trip we embark on. My argument is that we cannot claim these positions permanently. Even the most graceful dancers recognise when it is time to leave the stage. To this goal, the Bible mentions times and seasons - there is a beginning and an end to everything.

The authors of the 2013 Constitution intended it to uphold their authority. However, as I already indicated, they were only here for a season, Mr. Speaker, Sir.

I must declare that Section 159(2)(c) of the Constitution does not fit in with the rest of the Constitution. For example, it goes against Section 160 of the Constitution. While Section 160 allows for constitutional modifications, Section 159(2)(c) limits this power by burying Chapter 11 alterations. These two parts violate the constitutional interpretations that are provided in Section 301 of the Constitution. It does not support the spirit and aim or intent of the Constitution. I will now

speak, Mr. Speaker, on the welfare of the people which is paramount.

The primary goal of any constitution should be to benefit the people it serves. Ancient civilisation used laws to control and protect their citizens with dignity, rights and wellbeing while evaluating the success of the Constitution in question, considering how well it conforms with the ideal of promoting the common good. Thus, we might argue that the highest law is the welfare of the people, which encompasses justice, equality and humanity.

Social compact ideas emphasise the importance of people's welfare as the most important law, highlighting the link between government and their government. Thinkers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau emphasise that legitimate government stems from the agreement of the government with the primary goal of guaranteeing their safety and wellbeing.

Governments that violate the social compact risk losing credibility and power. This concept reminds us that laws are not simply shackles imposed from above but rather representations of social ideals and ambitions aimed at the common good. The welfare of the people is a guiding philosophy that prioritises both, economic and physical wellbeing, as well as emotional and intellectual development.

Mr. Speaker, Sir, a constitution should promote trust, safeguard rights and freedom, and encourage community participation. I emphasise community participation. A society, through its constitutional laws that adopt this idea forces solidarity among its members, ensuring that individual rights are protected, but communal needs are not ignored.

This notion encourages politicians and societies to remember that laws exist to serve people, not the other way round. By emphasising the wellbeing of all members of society, we defend the essence of justice and provide the groundwork for a peaceful and successful future.

Section 159(2)(c) and Section 160(3) to (6) of the Constitution violates our people's wellbeing. It retains power for a select few, while neglecting the misery of our people. Due to the inadequate consultation, our people did not give their agreement to the Constitution.

Mr. Speaker, Sir, I support the Bill to change the Constitution.

HON. V. PILLAY.- Mr. Speaker, Sir, I rise to contribute to the debate at hand.

Mr. Speaker, Sir, the 2013 Constitution promotes unity and equality. It is committed to the recognition and protection of human rights, and is further committed to justice, national security, strong security, social and economic well-being and safeguarding the environment.

Mr. Speaker, Sir, it not only recognises the ownership by the *iTaukei* communities of their land but also their culture, customs, tradition and language.

Mr. Speaker, Sir, the Constitution is based on the People's Charter for Change, Peace and Progress. Most importantly, it is duly committed to protecting human rights, including freedom of speech, assembly and association.

Taking away the referendum from the people, takes away their voice. We are talking about changing the supreme law of the land. The people need to have their own voice. You are all trying to be the people's voice, but so are we, and we have been told by so many people not to change the Constitution.

I only ask this, Mr. Speaker, Sir, why could we not have the Constitutional Review Bill where we go to the people to hear what they really want. We are only seeing a select few have a voice in this Bill.

Mr. Speaker, Sir, is there going to be a referendum or not, as this part is missing? This Bill still needs to follow the prescribed procedure to amend the Constitution and that means, a referendum will need to take place. That is why I asked, Sir, why could we not do a review, and later in the year once we heard from the people, table a proper amendment Bill with all the needed amendments.

Mr. Speaker, Sir, we took an oath under this Constitution to uphold it. We are venturing into uncharted territory without the voice of the people.

The ramifications of rushing this Bill through without proper consultation are profound. The 2013 Constitution, despite differing opinions, has provided a framework for governance and the rule of law. Altering it without the mandate of the people could lead to lack of trust in our institutions.

Mr. Speaker, Sir, imagine our future where the people's voice is no longer heard, where decisions are made by a select few without accountability! This Bill, as it stands, threatens to undermine the very democratic principles we hold dear. The cost of our referendum is substantial but the cost of losing the people's trust is immeasurable.

Mr. Speaker, Sir, with that short contribution, I strongly do not support the motion before the floor. We must not gamble with the future of our nation.

MR. SPEAKER.- I thank the honourable Pillay. I think this is an appropriate time to take a break, but before we do and given the hour, for the purpose of complying with the Standing Orders with respect to sitting times, I now call upon the Leader of the Government in Parliament to move a Suspension Motion.

SUSPENSION OF STANDING ORDERS

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

That under Standing Order 6, that so much of Standing Order 23(1) is suspended so as to allow the House to sit beyond 4.30 p.m. to complete the remaining items in today's Order Paper.

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

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Mr. Speaker, Sir, we have a number of speakers left, and at the end of it, we should be agreeable with the vote and also the schedule for motions for debate on the Reports from the Committees. Thank you.

MR. SPEAKER.- The floor is now open for debate on the motion.

Since there is none, honourable Leader of the Government in Parliament, would you like to reply?

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- I do not have any further comment.

Question put.

Motion agreed to.

MR. SPEAKER.- Honourable Members, we will now suspend proceedings for a break. Parliament will resume in half an hour.

The Parliament adjourned at 3.50 p.m.

The Parliament resumed at 4.30 p.m.

RESUMPTION OF DEBATE ON THE CONSTITUTION (AMENDMENT) BILL 2025

HON. J.N. NAND.- Mr. Speaker, Sir, I rise to contribute to the debate that is before the House. I will be very brief and to the point, Sir.

Mr. Speaker, Sir, to move forward with any constitutional amendment, the Government must ensure and establish that any constitutional reform process is genuinely participatory rather than symbolic. This must include regular consultation with the Opposition and allowing all sectors of the society to participate in the process. It should also include inclusive grassroots consultation as well. There should be adequate civic education to prepare all citizens to take part in this exercise.

Mr. Speaker, Sir, proper digital tools must be in place to engage urban and diaspora population as well, as stakeholder dialogues can also bring diverse perspectives in this process.

On that note, Mr. Speaker, Sir, I strongly oppose this motion.

HON. S.R. DITOKA.- Mr. Speaker, Sir, honourable Members of Parliament and fellow citizens of Fiji; I rise today in support of a critical issue that affects the very foundation of our democracy, the process of amending the 2013 Constitution of Fiji.

While the content of constitutional amendments is undeniably important, the process by which these amendments are made is equally significant. In fact, I argue that the current process is undemocratic in its current form and virtually impossible to navigate. Therefore, it is essential that we reform this process to ensure that our Constitution remains a living document that evolves in line with the needs and will of the people of Fiji.

As outlined in our Constitution, the amendment process is extraordinarily rigorous, involving multiple stages. It includes the passage of a Bill in Parliament, a report by the relevant Parliamentary Committee, and crucially, a referendum that requires approval of three-quarters of all registered voters.

Mr. Speaker, Sir, today, I am reminded of the situation in the Bible several thousand years ago in the Court of the Great King, Xerxes, of the Medo Persian Empire, where his young Queen, the Jewish young lady, Esther, is being reminded by her uncle, Mordecai, of the seriousness of the deadly situation confronting the Jews in all the provinces of the kingdom, as plotted and schemed by the evil Agagite, Haman, that she could choose to be on the right side of history or not, but that the power of God would descend at just the right time and deliver them from the existential threat facing them. His words were, and I quote:

“When Esther's words were reported to Mordecai, he sent back this answer; “Do not think that because you are in the king's house, you alone, of all the Jews, will escape. For if you remain silent at this time, relief and deliverance for the Jews will arise from another place.” And Mordecai, Queen Esther's uncle, ends his message to Esther with these famous words, “And who knows, but that you have come to your royal position for such a time as this.”

The response by this young Jewish girl is just as famous as that of her uncle's pithy lines. Queen Esther, knowing that she risked death by approaching the king's throne uninvited, sent the message back to her uncle Mordecai as follows, “I will go to the king, which is against the law, and if I perish, I perish!”

Leaders only do this when their cause is more important than their lives. I put it to all of us, honourable Members of this august Parliament, that the cause for which we are here is more important than our lives, more important than self-preservation because it means that the moral balance of our beloved Fiji is once again set correctly against true law.

Mr. Speaker, I challenge this august House for such times as this comes only rarely, but when they do, we must rise to the occasion and do what needs to be done. When asked about the 1997 Constitution, after losing the 1999 General Elections, the honourable Prime Minister answered in a very statesman-like manner, that it was worth losing the elections over. Moments like this should push us on to our absolute sterling best where we turn away from the politics of one-upmanship and cheap point scoring, and we choose to do what is right and honourable and of good report.

There is nothing honourable about making one's position unchallengeable, as a former Attorney-General and Prime Minister had done in ring-fencing their positions, and I am sad to say, supported by our honourable friends on the other side.

It is exactly the situation that caused the nobles of England at Runnymede, on a meadow beside the River Thames, to demand from King John a document guaranteeing English political liberties on 15th June, 1215. With that document, the Magna Carta, the King declared himself, the sovereign, to be subject to the rule of law but documenting the liberties held by free men.

By enacting the 2013 Constitution, the former regime reversed all of this and thus, things like people being taken in the darkness of night became the norm for the former Government, or being sacked and told to vacate their offices in a matter of minutes, or being the victim of an assault, like my honourable colleague here, and later became punished by the system while the perpetrator walked free.

On paper, this process may seem like a safeguard, ensuring that constitutional changes are made only with broad public support. However, in practice, it is an obstacle to genuine democratic participation.

The requirement for three-quarters of all registered voters to approve an amendment in a referendum is not only extraordinarily difficult to achieve, but it also undermines the democratic principle of representation.

First, let us consider the challenge of securing three-quarters of all registered voters in favour of a constitutional amendment. This threshold, while seemingly designed to ensure that amendments are broadly supported has, in fact, become an unattainable bar.

In a diverse democracy like ours, where voter turnout is not always uniform across different communities, this requirement places an unrealistic burden on any proposed constitutional change. Even with overwhelming support in Parliament and among the general public, the current process makes it almost impossible to achieve the necessary three-quarters majority of registered voters.

This provision is not merely a procedural hurdle, it is a practical barrier to meaningful constitutional reform set in place by individuals who thought that they would hedge their bets against loss during elections. If the people's representatives in Parliament, elected through a democratic process, cannot even amend the Constitution in a way that reflects the will of the majority, then what are we truly saying about the accessibility of our democratic system?

Mr. Speaker, Sir, the simple reality is that this provision makes the process of constitutional change undemocratic. It potentially gives disproportionate power to a minority of registered voters, disregarding the will of the vast majority who may support a particular amendment.

Secondly, we must also recognise that the referendum process itself, while well-intentioned, places an undue burden on the people of Fiji. Requiring a supermajority of all registered voters to approve an amendment creates a scenario where the amendment process is so difficult to navigate that, in many cases, it could be seen as an insurmountable challenge. This creates a scenario where reforms, which might be vital for the progress of our nation, are blocked simply because of the structural difficulties within the system.

The intent of the referendum is to ensure that the people have a final say on constitutional changes, and while this is important, it is also vital that the process is practical. At present, we risk undermining the people's power by setting a threshold so high that it becomes a mere formality rather than a genuine opportunity for the people to shape the future of their nation. It became quite evident that this threshold was put in place for some individuals.

Mr. Speaker, it is time that we recognise that the process of constitutional amendment must be reformed to reflect the realities of a functioning democracy. To ensure that our Constitution serves the people of Fiji effectively, we must make the process of amendment more achievable, practical, and in line with good governance principles.

The solution is clear. We must lower the threshold for constitutional amendments and reform the process to make it more in tune with democratic norms. This does not mean that we abandon the idea of broad public support for constitutional change. It means that we must make it possible for amendments to pass when they reflect the will of the majority of the people, as expressed through their elected representatives in Parliament.

A reasonable threshold, one that requires a solid majority but does not block change through an unattainable referendum process, would enable us to address critical issues in a timely and democratic manner.

In conclusion, Mr. Speaker, the process for amending the 2013 Constitution of Fiji is currently a barrier to democratic progress. It creates an insurmountable obstacle to meaningful reform, undermining our ability to adapt and improve our governance structures. By making the process more accessible and realistic, we strengthen our democracy, improve the responsiveness of our Government, and ensure that the Constitution remains a living document that serves all Fijians.

I urge my fellow Members of Parliament to support the amendment of this process. Let us make the constitutional amendment process more democratic, more practical, and more aligned with the principles of good governance that we all hold dear.

HON. V. NATH.- Mr. Speaker, Sir, I rise today to address the Constitution (Amendment) Bill 2025, a matter of utmost importance to our nation. This Bill proposes changes that will significantly impact the foundation of our democracy, and it is crucial that we approach it with seriousness and respect it deserves.

The 2013 Constitution, the supreme law, was borne out from the People's Charter, a document that underwent extensive dialogue and consultation with the citizens of Fiji. Mr. Speaker, Sir, it was a testament to the importance of maintaining the voice of the people and our governance.

The People's Charter was not just a set of principles, it was a reflection of the collective inspiration and dreams of our nation. It is imperative that we honour this legacy by ensuring that any amendment to the Constitution is made with the same level of consultation and respect for the people's voice.

Mr. Speaker, Sir, one of the key points of contention in this Bill is the proposal to change the requirement for a 75 percent majority vote in Parliament to amend the Constitution. This requirement has been in place since the 1997 Constitution, and it has served as a safeguard to ensure that any change to the fundamental law is made with broad consensus. Why should we change it now? Why should we get rid of the people's voice in such a critical decision-making process?

It is deeply disturbing that this Bill does not mention the need for a referendum to ensure that the amendment follows the current constitutional provisions. If this Bill is passed, it must still adhere to the existing Constitution and circumventing it would be criminal. The absence of the referendum is a glaring omission that undermines the democratic process and the principle upon which our Constitution was built.

Mr. Speaker, Sir, why could we not do it properly? This Bill should have been about reviewing and taking the Constitution to the people, as the Government often claims to be acting in the people's interest. But which people are we referring to? Why are so many citizens coming to us on this side asking not to change? Are we sure we are representing the majority? The true voice of the people?

Mr. Speaker, Sir, there are far more pressing issues than a quick change in the Constitution. Why can we not have the Committees tasked with the reviewing of the constitution by taking it to the people? The Government is putting the cart before the horse. There is a process, if followed, would have united the people and even gained our support, but this rush makes me question - what game is the Government trying to play?

Mr. Speaker, Sir, we must not undermine the voice of the people and the democratic principle that our Constitution stands for, and we all took an oath under. Any amendment to this Constitution must be made with the same level of consultation and respect that the people's charter embedded. If the Government side is so confident that they have the support of the people, then they only have to work with us as the honourable Leader of the Opposition has pointed out. Yes, we could have fine-tuned the 2013 Constitution that everyone is proud of in a united manner.

Mr. Speaker, Sir, allow me to speak in Hindi.

Mananyevar sansad ke Mr. Speaker, hamare desh ke bhaiyo tatha baheno. Aaj mai khed ke saath yaha par khada hoon, jaha par sarkar dwara jo yojna banaya gaya hai, is samvidhaan ko lekar, jispar aaj hod-baazi ho rahi hai. Humse pahele jo previous speaker the, honourable Virendra Lal ji the, wo aap ko bhali prakar se samjhane ki koshish ki. Hume ye batana hai ki aah se pahele jitne samvidhaan Fiji mei aaye the, sabhi mein, teen-chauthai, jo three quarter hum kahete hai, use mahanta diya gaya tha.

Abhi vartmaan mei jo sarkar ke dwara hamare upar laya gaya hai, is samnvidhaan ko badalne ke liye, usme two third ye chahte hai ki jo sansad mei hai, wo vote kar sakte hai. Agar aap acha se dekho, toh yaha par, vartmaan mei, jo sarkar mei jitne Ministers hai aur Assistant Ministers baithe hai, ko kul jodkar 38 hai, jo already two-third majority hai. Agar hum ise maan lete hai, jaise honourabe Minister for Education ne abhi sanket diya hai zameen ko lekar, ye kisi bhi samay koi badlao is sansad mei la kar is samvidhaan par kar sakte hai.

Isi liye hum chahte hai ki jo three-quarter ka jo humne prstao rakha tha, jo hamare honourable Opposition Leader hai aur ek group banakar honourable Prime Minister ke paas gaye hue the, ki kyu na hum ise vartalap ke dwara, ek se ek pranali ko aaye aur dekhe kaun sa rado-badal chahiye. Parivartan sansaar ka niyam hai. Hum jante hai. Parantu is tarah se jis tarah se abhi ho raha hai, ye nahi hona chahiye. Isi liye jitne sansad sadasiye yaha baithe hue hai, usse hum anurodh karte hai ki ek baar fir aap ise sochiye, kyuki jaise maine pahle kaha, jo two-third hai, sarkar ke paas abhi vartmaan mei ye number hai. Toh kabhi bhi chahenge, jo kuch chahenge, jaise Standing Order 51 ke neeche laate hai, aise samvidhaam mein la kar jo rado-badal ye karna chahenge, karenge.

Isi iye humne socha hai ki jo samvidhaan, jiske rahete hue hum yaha par baithe hue hai, jiske kasam kha kar hum yaha par baithe hue hai, uska bachao karna hamara farz banta hai, aur hum chahte hai ki aap sab hamar saath de.

HON. L.D. TABUYA.- Mr. Speaker, Sir, I stand in full support of the motion to amend Chapter 11 of the 2013 Constitution, particularly the high threshold for constitutional amendments which currently requires 75 percent approval in Parliament, which is about 41 out of the 55 Members of Parliament and 75 percent approval of registered voters which right now stands at close to half a million people.

The 2013 Constitution, Mr. Speaker, Sir, as we have heard from the speakers before us was imposed not chosen by the people. This was created and forced upon Fiji by an unelected military regime, that was 2013, before even the first general election took place under Frank Bainimarama with no public consultation or democratic process.

Mr. Speaker, Sir, since the people never agreed to this Constitution, it is unfair to expect the people to abide by such an extreme amendment process. The Opposition's defence of this high threshold is effectively defending an imposed undemocratic document.

Mr. Speaker, Sir, when the Yash Ghai Commission convened in 2012, this was after six years of unelected military dictatorship, the Yash Ghai Constitutional Review Commission offered a glimmer of hope at that time. Those of us who were here or a democratic process, Mr. Speaker, Sir, we even heard of elections right from 2010 but that did not happen, so people were looking forward to this Commission. This allowed citizens from all walks of life including children to participate in shaping the future of Fiji.

Mr. Speaker, Sir, I recall participating in the process myself, this was at the old Parliament complex in Veiuto and there were children that we took to make submissions to the Commission, and it included Fane Qarase, the granddaughter of the late former Prime Minister, Laisenia Qarase. They were advocating for children's rights, and this participatory approach symbolised the true will of the people, including non-voters like children, their opinions were gauged as well. But it was ultimately discarded and silenced by the then military government.

Mr. Speaker, Sir, the military regime at that time, as we heard burnt the Yash Ghai Commission's final report and ignored the democratic process. This was an act of a betrayal of the will of the people at that time. The people had no say in drafting, consulting on, or passing the 2013 Constitution. So, Mr. Speaker, Sir, the question we have to ask ourselves here including the Opposition, why should Fijians be forced to follow an amendment process they never agree to?

Mr. Speaker, Sir, when I heard the Members of Opposition speaking including the honourable Leader of the Opposition, fortunately, it comes across that they are defending a document from a dictatorship, not from democracy. The two architects of the 2013 Constitution are not even here in Parliament for us to have this conversation with. I think they quit, or they abandoned ship (whatever

you call it) so the honourable Members of the Opposition are left here to defend these two architects who have since bolted.

Mr. Speaker, Sir, yet the Opposition continues to defend their imposed system, their unelected rule. Remember eight years of unelected military dictatorship, let us not forget that! Let us put this Constitution in context. Eight years of unelected rule, Mr. Speaker, Sir, that led up to the first General Elections in 2014, the suppression of democratic freedom and yet I hear the honourable Leader of the Opposition justifying saying, “Fiji is different, we have had *coups*” – yes, so as other countries that have had *coups*. We are not unique because the principles remain the same, the universal democratic principles of legitimacy, inclusiveness and effectiveness still apply. It does not make Fiji any different.

Mr. Speaker, in summary, the motion by the honourable Prime Minister offers a more democratic alternative; replace the referendum with a constitutional review. Why, Mr. Speaker, Sir? The current amendment process is unrealistic and merely impossible to achieve, ensuring no meaningful changes can ever happen. Instead of a referendum, Mr. Speaker, a constitutional review should be the pathway for change. What is the key difference? A referendum forces people to say yes or no. You ask a question, and you put it out to the voters, and they just answer yes or no, and these are changes decided by Parliament, Mr. Speaker, Sir.

So, they talk about it being undemocratic and only being controlled by a few is incorrect. In fact, we would be putting out through a referendum questions where there are yes or no answers and it does not involve children or teenagers, it only involves registered voters. Either way, Mr. Speaker, Sir, if we do a census again, I think a lot of our registered voters have gone overseas on the NEC. How are we going to trace them? How are we going to find them? Is this practical? Is this democratic? We are going to struggle with meeting that threshold.

Mr. Speaker, Sir, a constitutional review asks the people what changes they want. So they go to the people who will put forward their changes. Unlike a referendum, we from Parliament are putting the questions forward to the people to answer yes or no and it excludes a huge portion of the population. Under 18 who would make up about 15 percent of the population, are we listening to them as well? Talk about children's rights in the 2013 Constitution. Guaranteed, right? It means we need to listen to their voices as well. They need to be part of this approach. Mr. Speaker, Sir, this approach of a constitutional review is far more democratic, inclusive, and representative of the people's will.

Mr. Speaker, Sir, I have expected honourable Ketan Lal to have a lack of understanding and a lack of self-reflection as well when he is going on in the House about what a proper constitution needs to be. His whole speech was of his dream of what is undemocratic was the very premise on which the 2013 Constitution was imposed. So, a bit of self-reflection, honourable Ketan Lal. It was unfortunate that honourable Rinesh Sharma changed his stance, claiming he now opposes the motion, that is his right.

Mr. Speaker, Sir, if we are to look at the Opposition's whole rhetoric or their strategy in terms of opposing this amendment, it continues to show what they are used to and that is really just a fear of consultation and exposes a very undemocratic mindset. This is the change that this Government has brought in. You can speak freely, you can now talk, you can now consult, but to keep holding on to this fear of consultation or whatever it is you fear that we are trying to change here, is very simple. It is just really a more consultative approach rather than imposing; imposing what the 2013 Constitution says to do - 75 percent majority and a referendum. By the way, honourable Nath, the 1997 Constitution did not require 75 percent majority for all provisions, it was just for some provisions, key provisions, so you need to qualify that. It was not all of the whole Constitution, but

this 2013 Constitution, even if you change a dot or a comma, guess what you got to do - 75 percent amendment. Yes, you have to, in order to change anything in the Constitution, that is impractical, Mr. Speaker, Sir, and it is also undemocratic.

Mr. Speaker, Sir, again I said there should not be a fear of public consultation. Let us take this out to the people through a constitutional review. It is more engaging, consultative, we did it in our previous constitutions. A referendum is too rigid, it is just unrealistic. That is what we are submitting.

Mr. Speaker, Sir, just to conclude, Parliament holds the key. This is a very historic time for Fiji. As we consider changes to the Constitution, we need every Fijian to understand this. The current 75 percent threshold in a referendum is an impossible barrier. Even if 74 percent of Parliament and 74 percent of voters agree, the amendment still fails making meaningful constitutional reform virtually impossible. Is that practical? Is that democratic for our people will reach 74.5 percent even?

By reducing the threshold to two-thirds in Parliament and replacing the referendum with a constitutional review, we the people regain the power to shape our future. Representatives of the people in Parliament and the constitutional review out there where people make their submissions, we heard about the Yash Ghai Commission - over 7,000 submissions. Would not that be amazing to see that again to engage your people twelve years or thirteen years later for the same process to have our people engaged. That is true unity, that is true reconciliation. Bring the voices of the people forward for us to hear and to bring it for this Parliament.

To conclude, Mr. Speaker, this is a call to restore true democracy. By bringing this motion, we are defending the right of Fijians to have their say in their own constitution. We call out to the Opposition, please if you can just take a step back and have a think, are you defending democracy or are you really defending a document that came out of a dictatorship, an unelected military dictatorship in 2013?

True legitimacy will only come from the people. By supporting this motion, Mr. Speaker, Parliament can finally give Fijians the voice they were denied in 2013. This motion simply asks Parliament to open the door, to allow our people to have a say. So, let us open the door.

I support the motion before the House, Mr. Speaker.

HON. S. NAND.- Mr. Speaker, Sir, I stand before you to make a contribution to the motion before the House. The importance of the Constitution in governance and the future of Fiji cannot be understated. The Constitution represents the foundation work within which our democracy operates, our rights are protected, and our responsibilities are clearly outlined. However, we must recognise that no constitution should be inscribed in stone. It must be a living document, one that evolves with the needs, aspirations and values of the people it governs.

To ensure that we truly have a representative and dynamic system of governance, it is imperative that our Constitution is flexible enough to be amended when necessary. Mr. Speaker, Sir, Fiji, since its Independence in 1970 has had four different constitutions. Each of these was crafted to reflect the changing times, societal values and political realities of the country.

It is vital to recognise that these constitutions, by their very nature are not meant to be static. The need to amend our constitution arises from time to time as the country develops, as the people's need evolves and as the political and social landscape shifts. That is why the Constitution must be a subject of review and, when necessary, amendment in a transparent, inclusive and democratic manner.

Mr. Speaker, Sir, let us first address the question of whether the 2013 Constitution was truly a result of widespread consultation with every citizen. We have heard, and it is claimed, that the Constitution was a product of extensive consultation with the Fijian people. However, let us consider the fact, the people of Fiji were given approximately two weeks to provide feedback on the drafted Constitution before it was implemented. Two weeks, is that sufficient time for the people of a nation to engage meaningfully in processing of a document as important as our constitution? It is clear that the 2013 Constitution was not the product of a truly comprehensive and thorough consultation process.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. S. NAND.- The question therefore is, how widely the 2013 Constitution was consulted. In my view, the process was rushed, and the voices of many Fijians were not adequately heard. It is essential for a constitution to reflect the collective will of the people, but the 2013 Constitution fell short in this regard. The people were not given sufficient time or opportunity to contribute to a document that would shape the future of their nation for generations to come.

Mr. Speaker, Sir, another critical point to consider is the provision in the 2013 Constitution that requires 75 percent votes in Parliament to amend it. Additionally, it also mandates that an amendment must be approved by 75 percent of all registered voters in a national referendum. This provision makes the process of amending the constitution excessively difficult and, in fact, almost impossible to achieve.

HON. M.S.N. KAMIKAMICA.- Hear, hear!

HON. S. NAND.- Let us take a closer look at Fiji's electoral history. Since Independence, no election has ever had a voter turnout of over 75 percent. The highest voter turnout in any election has been well below the 75 percent threshold, required by the 2013 Constitution for a referendum. Mr. Speaker, Sir, this means that 75 percent requirement for voter approval in the referendum creates a situation where constitutional amendments are essentially out of reach for the people of Fiji. We are stuck with a constitution that is unamendable, one that was imposed upon the people without proper consultation, and one that is difficult, if not impossible, to change in future.

Mr. Speaker, Sir, it is said that the 2013 Constitution was the work of an elite few. I strongly disagree. I believe this was the work of an elite one, and the constitution was crafted as his legacy. A constitution is meant to be a living doctrine, evolving with time and with the changing needs of society. To argue that the 2013 Constitution should be left untouched, regardless of the way it impacted the people of Fiji, is to ignore the principles of democracy and good governance. A constitution should be able to be amended as and when the need arises, and the process of amending it should be accessible to all citizens, not just a select few.

This is why the motion to amend the constitution is so critical. It provides an opportunity to restore the Constitution to its rightful place, as a document that belongs to the people, and not one individual or small group. Mr. Speaker, Sir, it is important to note that the process of amending the constitution proposed by the honourable Prime Minister is a democratic one. After the Second Reading of the amendment motion, a special committee will be established to take the proposed amendments to the people. This is the critical point. The people will not be excluded from the process. Instead, they will have an opportunity to participate actively in the discussions and decision-making process. All amendments will be widely consulted with the people through this process, and every Fiji citizen will have a chance to have their say.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. S. NAND.- Mr. Speaker, Sir, some Members of this House and certain individuals outside Parliament have raised concern that any attempt to amend the constitution is an attempt to undermine the rights of the people. This is simply not the case. The proposed amendments are not intended to strip away the rights of the people, but to ensure the constitution is a true reflection of the will of the people. The rights of the people will be protected. The rights enshrined in the Bill of Rights will continue to be upheld. Equal citizenship, the fundamental principle that ensures all Fijians are treated equally before the law will remain paramount.

Mr. Speaker, Sir, what we are doing here today, is to ensure that the Constitution is flexible enough to address the needs of the people and the country. We are not looking at erasing the rights of our people, but rather to ensure that the Constitution is a living and breathing document that responds to the changing needs of our people and our country. This is a process that will involve the people in every step. They will be consulted, and their views will be taken into account.

Mr. Speaker, Sir, I urge all those who are fearmongering and spreading misinformation to stop using the people of Fiji for their own political gain. The proposed amendments are not about political point scoring or seeking to undermine the rights of the people. Rather, they are about ensuring that the Constitution is truly by the people and for the people.

The 2013 Constitution in its current form, was drafted by one individual, for the benefit of one individual, and it does not reflect the true aspirations of all Fijians. The amendments will ensure that the Constitution is representative of the people's need and desires.

Mr. Speaker, Sir, I would like to shift the conversation slightly. Last week, I was called a snake and while I respect the right of the individuals to express their own opinion, this term was used to discredit my integrity, and I want to address this head on. Earlier last year, Parliament voted on a Remuneration Bill, and I voted for it without hesitation, despite knowing that some of my colleagues abstained or chose not to vote at all.

However, when it came time for those colleagues to benefit from the reward or revised salary, many of them who had abstained or voted against, did not hesitate to wriggle their way to the Bank or ATMs and accept the pay. I find this behaviour questionable. Now, let me ask everyone, who is the snake? Is it someone, who, without fear or favour, makes a decision based on principles, or is it someone who lays low, waits for the opportunity and then grabs it? Whatever benefit may come their way, like a coward or an opportunist. Mr. Speaker, Sir, I stand by my vote, and I stand by my commitment in doing so without any hesitation.

Mr. Speaker, Sir, in conclusion, I support the motion to amend the 2013 Constitution, and the Constitution must be a living document, capable of evolving with the times and the needs of the people. The proposed amendments will make this Constitution more flexible, more inclusive and more representative of the people of Fiji. We must not allow ourselves to be bound by a constitution that was imposed on us without adequate consultation. One that is nearly impossible to amend and one that serves the interest of a select few, rather than the entire nation.

I encourage all members of this House and all Fijians to support the motion. Let us work together to create a constitution that is truly by the people, for the people and that which will serve the best interests of Fiji and our people for our generations to come. With that, Mr. Speaker, Sir, I support the motion before the House.

HON. RATU J.B. NIUDAMU.- Mr. Speaker, Sir, I rise today to contribute to the debate on the Constitution Amendment Bill 2025. The Constitution is the supreme law of the land. It guides our governance, establishes the rights of our people, and outlines the roles and responsibilities of the

Government. However, as in all living democracies, circumstances evolve, and we must adapt to meet these challenges.

Mr. Speaker, Sir, the preamble of the 2013 Constitution does not deal with Fiji's constitutional history. This contrasts with the 1997 Constitution, which acknowledged the abrogation of the 1970 Constitution and the making of the 1990 Constitution, and then committed Fijians to living in harmony, unity and strengthening our institutions of Government.

The preamble of the Constitution does not purport to address how the Constitution was made. It opens and closes with phrases similar to those used in many other Constitutions in the past 250 years, and I quote: "We, the people of Fiji, hereby establish this Constitution for the Republic of Fiji." Such phrases are usually employed where there has been significant effort to involve the people, either through their representative, a national Parliament, or directly through consultation by a constitutional commission or through a referendum. Neither of these two methods of participation, was used to make the Fiji 2013 Constitution.

I believe, Mr. Speaker, Sir, the honourable Leader of the Opposition has alluded to the issue of the People's Charter, and I have heard certain honourable Opposition Members have elaborated on this Charter. I believe this consultation, when it came through to our villages in Ra, we were under duress to accept this Constitutional charter, otherwise, development were not allocated to our individual districts.

Mr. Speaker, Sir, these are extraordinary times for our country. As a government, we stand at the threshold of a new era. The doorstep of a decisive turn in our constitutional history, and the call for us as a people to be truly democratic in our way of life, of our governance by having a constitution that is by the people and of the people. The Constitution is a beautiful thing to have, and it is more beautiful when the laws and principles codified into it, are followed.

It is important for modern nation states to have a basic agreement in place, written or not, about the rights and aspiration of her citizens. It is also important that the agreement is followed to the latter. Unfortunately, through the five decades of our existence as an independent nation state, we have had four Constitutions.

Mr. Speaker, Sir, our existence as a sovereign state had some inclusive Constitutions. However, our most recent 2013 Constitution, is a constitution that has been written by one to control many. It has been drafted to ensure permanence of an elite few, and that is more honoured in the breach of fundamental human rights, breach of human decency, breach of economic empowerment than the observance of the fundamental rights to good governance, robust legislative systems, and prosperity of the many. The 2013 Constitution has failed to accurately reflect the aspiration of the majority of our citizens, and Mr. Speaker, Sir, there are aspects in this Constitution that questions the very essence of the structure of the *iTaukei* society.

Mr. Speaker, Sir, it is my intention that through my contribution and the contribution of my colleagues in Government, and my colleagues across the floor of this august House, that we will engage in meaningful debate, constructive dialogue, and put at the centre, and as priority, aspirations of our citizens. That we are resolute in our determination to carefully allow this process of amendment to the 2013 Constitution.

Mr. Speaker, Sir, the amendment process must be followed, and we, as the Government will ensure that we comply with the enduring principles set forth within the Constitution, and what we will do, and that we will do so at every chance and not merely for expediency. Mr. Speaker, Sir, we will chart the way for a modern inclusive state, free of draconian punitive laws that divide our people.

That members of this august House from across the floor, that you too, will join the debate and be part of our journey for the modern era.

Mr. Speaker, Sir, this Constitution recognises every citizen as equal, to be treated without discrimination, and have equal access to all benefits and services. It recognises their basic rights, including freedoms of thoughts, conscience, expression, and assembly, subject to reasonable restrictions, however, which too much be clearly spelled out in relevant laws. It puts people first.

Mr. Speaker, Sir, I remind all of us here in this august House, all my voters and most importantly, our Hindu brothers and sisters and those listening in to this evening live Parliament session, that amending the Constitution does not necessarily mean taking away the rights or discriminating ethnic groups or aligning to the political agendas that suits Ministers. For us, the amendment of the 2013 Constitution is necessary to address the injustices and inequalities, clarify ambiguous provisions and to respond to the new challenges and realities.

May I speak a little bit in Hindi, Mr. Speaker, Sir.

Bhaiyo aur baheno, mai Fiji wasiyo ko ya ashwasan deta hoon ki vartmaan samvidhaan mei jo badao aane wala hai, usme hum dhyaan rakhenge ki aap ka adhikaar, aapki zameen aur aap ka dharma ko Suraksha milega jo 2013 Constitution mein hai. Asha hai aap praja tantrik badlao mei pura sahiyog denge.

[My fellow brothers and sisters, I assure the people of Fiji that in the changes that are going to happen in the current Constitution, we will ensure all your rights, your land and your religion would be fully secured and protected which, at present are in 2013 Constitution. I hope you will fully co-operate in the provisional changes that is intended to be done so.]

Turaga saka nai liuliu ni bose, au tucake saka na yakavi nikua meu tokona saka na lawa vakaturi naba dua ni 2025 me baleta na kena sagai me veisautaki saka na yavu ni vakavulewa ni 2013. Au sa vakavinavinaka saka ni sa ra taura saka nai To ni Veisaga na bibi ni nodra dau vakarogoi na veilawa eso e veisautaki vei ira na lewe ni vanua. Edua saka na ka e yali tu ena loma saka ni 16 saka na yabaki sa oti. Au vakavinavinaka ni ratou sa qai kila na cava na bibi ni lewe ni vanua.

I am really grateful to the Opposition that they can now think of the people, this should have been done in the last 16 years. Mr. Speaker, Sir, changes to a Constitution are typically made through a formal amendment process pursuant to Chapter 11, Section 160 which deals with procedure for amendment, outlines the actual process which will be followed at the time of the amendment.

Mr. Speaker, Sir, the path to amending the Constitution is not and should not be the work of anyone individual or political party, as it appears to have been the case for the 2013 Constitution.

Turaga saka nai Liuliu ni Bose, au kerea saka meu na vosa saka vakaviti vei ira saka na lewe saka ni vanua e Viti ya saka e vakasagai saka tiko na kena veisautaki saka mada e liu na Chapter 11, se na Wase 11 na tabana e 160 ni Yavu ni Vakavulewa. Sagai saka me na veisau saka na veika e tiko ena tabana 160 baleta ni sa rui dredre saraga me veisautaki na yavu ni vakavulewa qo. Tukuna saka tiko na yavu ni vakavulewa ni gadrevi at least three quarters, me 75 na pasede se tolu nai ka va ni bose lawa wili saka kina oira na dauveidigitaki mata. Sa bau dredre saka na turaga saka nai liuliu ni bose me rawati saka ya.

Qo saka e sega saka ni vola tabu se vunau e tini, qo saka na ka e vola saka ga na tamata e dodonu me veisautaka saka ga na tamata. Au sa kerekere saka na turaga nai liuliu ni bose vei ira

saka na lewe saka ni bese lawa na mata bese bibi saka ena noda vanua vakaturaga kei na kena 14 saka na yasana me da na veitauriliga saka meda rawa saka ni tokona na veika sa tukuna saka tiko na turaga na Prime Minisita ena kena veisautaki saka na yavu ni vakavulewa. E so na ka e tiko saka kina meda nanuma talega na kawa itaukei ka nanumi talega oira na veimata tamata eda sa mai tiko vata ena noda vanua. Koya saka e vica na mala ni vosa saka na turaga nai liuliu ni bese sa tokona saka na nodra mosoni saka na turaga na Prime Minisita.

HON. P. K. BALA.- Mr. Speaker, Sir, I rise today to speak on the matter of national significance, the proposed Amendment of the Constitution. Mr. Speaker, Sir, as mentioned earlier on, the Constitution is the supreme law of the land, and any changes, it must be made within the legal framework.

Mr. Speaker, Sir, the 2013 Constitution of Fiji is the fourth Constitution, which was signed into Law, by the then President, Ratu Epeli Nailatikau. So, I am asking, Mr. Speaker, Sir, those who are saying that it is an imposed document, can we also say that he signed on the imposed document? Not only that Mr. Speaker, Sir, earlier on, the People's Charter was endorsed by the Tui Vuda, another High Chief, the then President of Fiji, just for the information of this House.

Mr. Speaker, Sir, as mentioned earlier on, Section 160 of the Constitution lays out the processes for amendment. These safeguards exist to ensure that any amendment reflects the will of the people and not the political interest of a political party. Mr. Speaker, Sir, is this amendment about strengthening democracy or is it about consolidating power?

Mr. Speaker, Sir, we in Opposition will continue to dialogue for a Fiji where democracy is respected, where governance is fair and where leadership is driven by service and not self-interest. At this point Mr. Speaker, Sir, we all have witnessed the backlash faced by our colleagues on the vote of suspending the Standing Orders, and to allow the honourable Prime Minister to table this Bill.

Mr. Speaker, Sir, it shows that our people are looking, listening and reacting to other means of changing the 2013 Constitution. At the same time, Mr. Speaker, Sir, I respect their rights, as Independent Members on different issues. But we are one. The world is watching "*malik dekho*." In this age of global accountability, Mr. Speaker Sir, any move to undermine democracy, will have dire effects. The Government must remember that its economic stability relies heavily on international goodwill and other global partners injecting funds into our budget. And if Fiji is seen moving towards political operation, this type of support will be affected, Mr. Speaker, Sir. Not at the cost of political players, but at the cost of the poor in this country.

Mr. Speaker, Sir, let me remind this house, that those who fund our stability will not fund our downfall. If Government continues down this path, if it chooses to prioritise power over the people, then we must be ready for sanctions. And who will suffer, Mr. Speaker, Sir? The poor, the struggling families, the everyday Fijians trying to make ends meet.

Mr. Speaker, Sir, the silence of Coalition partners is deeply concerning in regard to this approach. Do they endorse this approach? Or has power compromised their principle. And I will leave it at that, Mr. Speaker, Sir.

Mr. Speaker, Sir, the passing of S. Devi of Taveuni a few days ago, first generation of Girmitya descendants, who lived to 106 years, reminds us of the sacrifice of those who built this nation. Her generations endured hardship, discrimination, struggle to create a multiracial Fiji where we all could live with dignity. May her soul rest in peace.

Mr. Speaker, Sir, Fiji is at a crossroads and we as Members of the Opposition are not here, to reject change. For the sake of opposing, we are here to support and ensure that any changes made is in accordance with the law through proper consultation and with the interest of all Fijians in mind. That is why, Mr. Speaker, Sir, the honourable Leader of the Opposition, dished out to the honourable Prime Minister last week, proposing a bipartisan dialogue on this issue, and to which the honourable Prime Minister responded, and we want to thank him for this opportunity.

Mr. Speaker, Sir, in that meeting we also discussed that if any amendments is to be made, then it must be done through transparent discussions with both sides first, agreeing on the need for change before moving forward. In that meeting, Mr. Speaker, Sir, we also proposed if Government can defer the Bill to allow space for this discussion to ensure that the process is guided by consensus. But, as we all know, Mr. Speaker, Sir, the Bill was tabled, put in the cart before the horse.

Mr. Speaker, Sir, we urge Government to reconsider the path, and we propose bipartisan approach where any proposed changes are first discussed and agreed upon through informal dialogue. It has happened before, Mr. Speaker, Sir, only then, should any amendments be tabled.

HON. OPPOSITION MEMBER.- Hear, hear!

HON. P.K. BALA.- To be moved by the honourable Prime Minister and seconded by the honourable Leader of the Opposition with the approval of 100 percent! Forget about 75 percent! That is the approach we are talking about. Mr. Speaker, Sir, that would be the demonstration of national unity.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. P.K. BALA.- Mr. Speaker, Sir, from the time this Bill was tabled. The people of Fiji are asking, what are the changes?

Mr. Speaker, Sir, our response to all those calls was that “we are not aware of it.”

Mr. Speaker, Sir, there are two views before us:

- (1) To reduce the threshold from three quarter to two thirds. In other words from 75 percent to 66.6 percent, and once that is done then you will only need 37 Members of Parliament to change anything and everything; and
- (2) to abolish the consultations with the registered voters.

The other view before the floor, Mr. Speaker, Sir, is to have a bipartisan approach between the Government and the Opposition and to appoint a Joint Parliamentary Select Committee to deal with all these proposed changes from both sides of the House. Have a wider consultation with the people of Fiji, and then bring back to Parliament for approval as per the agreement reached. But the way I see, Mr. Speaker, Sir, we will now have to find a common ground to deal with this matter.

Mr. Speaker, Sir, no constitution is perfect. That is why we give our assurance on the floor of this Parliament that we will support Government, which will benefit the nation and all communities but first, let us see what the changes are.

With that brief contribution, Mr. Speaker, Sir, I want to thank you and may God bless us all.

HON. F.W.R. VOSAROGO.- Thank you very much, Mr. Speaker, for giving me the opportunity to contribute to the Constitution (Amendment) Bill 2025 that has been moved in the

House for Second Reading today by the honourable Prime Minister.

Mr. Speaker, Sir, by way of introduction, I gleamed through today's *Fiji Times*, and it contains a great piece of writing - Letter to the Editor on the constitutional amendment written by one of Fiji's finest and one of Fiji's sharpest legal mind in the former Chief Justice, Daniel Fatiaki, a great son of Rotuma and a proud son of Fiji. And I would urge, Mr. Speaker, that we all take the time, the opportunity, to read up what Chief Justice Fatiaki had written because it is important, it is important in the process that we are now undertaking in this Parliament, and it is also equally important as we move forward from today.

Chief Justice Fatiaki, in his Letter to the Editor, observed that Chapter 11, by any constitutional non-step must be amended, and I quote:

“To avoid its inherent mathematical absurdity and to more realistically reflect our realities as a society and our collective historical voter turnout experience.”

Those two issues are highlighted, Mr. Speaker, Sir, in Chief Justice Fatiaki's writing in today's paper. I will refer to those two issues later on in my speech.

Mr. Speaker, it has been cited, I suppose, once too often in this august House by those who have contributed to this Bill, but allow me, Mr. Speaker, to run a repetition.

The Constitution is a people's document. It is possible to argue, Mr. Speaker, that any other law that we pass in this august House either belongs to this House, if it is done on a bipartisan basis, or it could be claimed by Government, if it does not get the support of the other side. There are statutes in the Medieval England, that is what they are called. Acts of Parliament is what we call them today.

Although, in some manner or form, these Acts of Parliament receive some public consultation and receive some people's element in its making, none of them, none of any other law that we pass in this House has the solemn seal of we, the people. That seal is only reserved for the Constitution. Only one document, Mr. Speaker, one document has the sacred seal of, we, the people, and that is the Constitution. So, what is the Constitution?

The Constitution embodies and encompasses the will, the good will, the handing over of the people's power to a government before they say, “we now give you our ideals, we now give you our identity, our cherished history, our aspirations, our hopes, and even we give you, our rights. Protect it for us, make laws to ensure that it is observed. You can even prohibit the full enjoyment of our rights, but only insofar as it is practicable in a free and democratic society.”

Mr. Speaker, I hope that honourable Members of Parliament on the other side were listening when I was prescribing how constitutions are made - not hideously done, or as proposed by the honourable Leader of the Opposition, through the People's Charter book, that when Professor Yash Ghai was not prepared to follow or was not prepared to accept the compromised of his Terms of Reference in the Constitution, the Commission that he led, his report was burnt, and a group of few wrote the 2013 Constitution at Level 7, or even perhaps, at Level 9.

(Laughter)

HON. F.W.R. VOSAROGO.- But Section 160, Mr. Speaker, as I have said the last time I spoke on the Bill's First Reading, if we break it down, it is a two-tier process. It requires 75 percent of the vote in this august House, and thereafter, your good self, Mr. Speaker, will be mandated to notify His Excellency the President after the Third Reading. His Excellency the President is then

required to notify the Electoral Commission, or a referendum for all registered voters to vote on the Bill.

Now, this form of double entrenchment, Mr. Speaker, defies what we all agree are constitutional ideals, and removes the ability of generations to make amends to the document as they see fit in their lifetime.

Mr. Speaker, in its present form, the Constitution is unamendable. This Constitution, in its form, can never be amended, and I will make a case for that. And I challenge anyone in this House that with the double entrenchment threshold, tell me, how can you amend it?

Let us not entertain the wishy-washy arguments that we have heard in this House from the Opposition this morning. The honourable Leader of the Opposition challenged us this morning, Sir. Let us take it to a referendum. Let us challenge ourselves to a referendum. I say, "Well, do you know how much public funds we need to sink into that process?" Even in, say, the wildest car dream, that 90 percent of people would vote for the referendum, absent 10 registered voters, the entire process falls to the ground. Absent five, the entire process falls to the ground. Absent one, Mr. Speaker, the entire process, all the funds that go with it, falls to the ground. Now, I challenge the Opposition. Tell me, how do you think you could get over that amendment provision without what we are trying to do today.

Mr. Speaker, Sir, this Constitution, as I have said, cannot be changed in its present form. Full stop! Getting 75 percent of the votes in this House is challenging and getting 75 percent of the total number of registered voters is not virtually impossible. I think some of these terms have been floated around today - virtually impossible, extremely hard. I would want to cut the chase, Mr. Speaker, and say that in its present form, it is absolutely impossible to change this Constitution.

Mr. Speaker, Sir, the honourable Members of the Opposition, including the honourable Leader of the Opposition, wants us to go to the substance. What does the Government want to change? That has been the constant call that we hear from all the speakers on the other side.

Mr. Speaker, first, we make the constitutional amendment possible; that is the start. What is the point of organising, give us your list of things that you want changed? We will give you our list of things that we want changed, we can all sit around at the same table and discuss how we can get that done. And let us go together into Parliament and get 100 percent vote, as what honourable Bala has said.

We can get past over that, but if you cannot get through the 75 percent of all the registered voters in Fiji without making the elections or referendum compulsory, it is impossible. Let us not be wishy-washy in this House, Mr. Speaker! You have to stand up for what you think your voters voted you in to this House. So, please, first things first. Ensure that you are able to amend when you want to, that is why we are having this process, Sir, that is this exercise. When we get past this stage, we are free.

We are free with you to have, for example, a Constitutional Review Commission and have a committee that will set up the TOR for that Commission, similar to the Reeves Commission, similar to the Yash Ghai Commission. The Commission will have wide consultation on what the people want as the content of their constitution. You are asking us, give us the content! That is what we have heard today. They, the people, in that Constitutional Review Commission process, will have the opportunity to provide the content to the Commission. They will have their voices heard; they, the people, will then have their constitution.

The other side, Mr. Speaker, Sir, insist on knowing the content of what we want to amend. The honourable Leader of the Opposition, honourable Rinesh Sharma, honourable Hem Chand and, in fact, most of them have asked us, “Give us the content.” In fact, they are infatuated with the content.

Then I realise, Mr. Speaker, that that is in fact the FijiFirst Party way. They provide the content, they passed the content, and they laud over how you can or cannot amend the content. Fellow Parliamentarians do not worry about the content! I am asking you, do not worry about the content. That is the people’s job. Your job is to amend the Constitution so that the people are able to provide that Constitution the content they want.

The point is this Mr. Speaker, Sir, first we need to unshackle and unclutter the impossible threshold so that the people are free to have their Constitution, and not the one written in the Chambers of the State Law Office, which was the product of the mind of a few.

Let me cite, Mr. Speaker, Sir, for everyone’s information, paragraph 22 of the Supreme Court Cabinet referral in April 2020. This is in the Ruling,

“As we understand it, the Fijian Constitution of 2013 was not the result of the type of public process that preceded the adoption of the United States Constitution. Rather, it was the work of a relatively small group of officials of which, Mr. Sayed-Khaiyum was one.”

That is paragraph 22. You can have a read of it. If you want to know the A to Z, beginning and ending of where this document came from, it is in paragraph 22 of that Ruling.

Mr. Speaker, Sir, I am going to resume my seat very shortly, but if honourable Members like honourable Bala vote ‘no’ to this Amendment Bill, what they will be doing is they will be giving credence to the voices of those few officials that the Supreme Court identified were the architects of this book. You will be choosing their constitutional-making way, you will be choosing their *modus operandi*. Their way of Constitution making over and above, we would prefer to have our Constitution by the popular will when the voices of the people are heard.

Mr. Speaker, Sir, I support the Bill moved by the honourable Prime Minister and I also urge the honourable Members of the Opposition G13 to do so on a bipartisan basis.

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, at the outset, I would like to take the cue from honourable Vosarogo, who was talking about, “they will be free”, “we can be included with them to be free to do whatever they want to”. It was interesting that how he actually crept in the Opposition to be free as well with they being free.

Mr. Speaker, Sir, if you look at the number at the moment to change the Constitution, at the moment it is three-quarter, 42 Members of this Parliament need to vote in favour to change the Constitution. Putting it into perspective, if you go for two-thirds, it comes down to 37.

At the moment, Government has 39 Members supporting the honourable Prime Minister and as we expect, two or three Members from the Opposition will also support that will go to 41, may or may not, but it might not reach 75 percent. But if we go down to two-thirds, it will give absolute power to the Government, without consultation with the Opposition, to change whatever they want to do in the Constitution, as per the statistics and as per the mathematics placed by honourable Vosarogo that they will be free to do anything they want and the number states it, Mr. Speaker, Sir. And, if we go on to remove the referendum, Mr. Speaker, that means the Government gets the right

to change the supreme law, just like any other Bill. This Constitution, Mr. Speaker, is there for a reason and that is why it is called the supreme law of the land.

HON. J. USAMATE.- Hear, hear!

HON. A.A. MAHARAJ.- It cannot be easy to change, just like any other law that we debate in this Parliament. So, I am just putting that into perspective.

Mr. Speaker, Sir, let me come back to my opening remarks. Transparency is very important and I believe most of the Opposition Members today are not too sure if the Government is not able to hear us out, or they are able to hear us out, but they are not willing to understand. We are not saying, 'no' to the changing of Constitution. We are not saying, "Do not change the Constitution." I will give a typical example. Even in Hinduism, if you look at the most recited holy book - *Ramayana*, there are two verse of it – one is *Tulsidas Ramcharitmanas* and the other one is *Valmiki Ramayana*. Even if you look at Christianity, there is the Old Testament and there is the New Testament.

Mr. Speaker, Sir, if you look at Islam, there are a lot of versions of *Quran* as well. We are not saying that any particular book is perfect. It comes with a lifetime, the lifetime ends, we need to change it. We need to tweak it, as we go along.

Likewise, for this 2013 Constitution, if we need to change it, we have actually stated that. We are actually willing to support but, Mr. Speaker, Sir, it is not us but it has been them who have been talking about transparency. We still stand here and say, "Please, tell us what is supposed to be changed."

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, Government has its own interpretation and the Opposition has its own interpretation of it.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, this is a very sensitive topic that we are actually discussing this afternoon.

Mr. Speaker, Sir, we need to ensure, and we have been vocal about this, there is a process, let us follow the process. At the moment, Government is trying to drive a car in a one-way road but drive it in the opposite direction. What Opposition is saying, "Let us make it a two-way road first, and then let us drive the car, so that we are still abiding by the law whether the car is driven from this side or from that side."

HON. S.T. KOROILAVESAU.- Hear, hear!

HON. A.A. MAHARAJ.- Not to drive the car in an opposite direction in a one-way road and try to tell us that because there was space, we are trying to take the vehicle that way. It does not operate like that, Mr. Speaker, Sir. We are in a democracy, and we need transparency.

Mr. Speaker, Sir, why we are saying that we need to know the content, and it is not us, it is our people who are asking us. There are a lot of rumours. I also mentioned this in my response when

I was responding to His Excellency's Address about things like, equal citizenry, secular State, land, et cetera.

People are asking, are these issues going to be touched if we give access to Parliament to change anything they want in the Constitution without a referendum? People are asking that, it is not me, and you are here to listen. People are talking to you; people are also talking to us.

Mr. Speaker, Sir, the honourable Attorney-General gave certain examples, and now, we are hearing from other Members as well that we are going to touch this, we are not going to touch that. Honourable Ratu Niudamu has spoken in Hindi, we are not going to touch this. Why can we not make a list and give it to the people?

(Honourable Members interject)

HON. A.A. MAHARAJ.- Let us give the list to the people, what we actually intend to change in the Constitution and what we do not intend to change in the Constitution.

HON. S.T. KOROILAVESAU.- Hear, hear!

(Honourable Members interject)

MR. SPEAKER.- Order, order!

HON. A.A. MAHARAJ.- Mr. Speaker, moving forward, I propose that honourable Prime Minister withdraws this particular Bill and brings in a motion whereby we have a Parliamentary Select Committee - three from Government, three from Opposition, and we allow that particular Committee to have a public consultation throughout Fiji and come up with a report and present it to Parliament.

Mr. Speaker, here we are saying to open the gate, but there are deterrent factors inside. This motion comes with a condition; the condition to change the way the Constitution can be changed. That is not right. What we are saying is, give the Select Committee the powers to get the suggestions from the public to this august House, and from that particular motion, we can work further to determine what and how we can change the constitution.

Mr. Speaker, as I said, we as Opposition Members are ready to engage ourselves, provided things are done in a way that is legal in nature. There was an argument by the honourable Attorney-General this morning, that according to the Electoral System of 2013, there can be a Member sitting in Parliament with 500 votes, but someone with 5,000 votes is not allowed because the electoral system does not allow it. Let us put this thing into perspective whereby we have constituencies.

Let us say for example, a particular constituency has 20,000 registered voters. The winner can come in with 11,000 voters, provided there are two candidates, but the person who got 9,000 votes does not qualify to be in Parliament. However, at the same time, we have another constituency which only has 5,000 registered voters. In that particular constituency, for the candidate to come into Parliament, he only needs 2,501 votes. While this 2,501-vote candidate comes to Parliament, the 9,000 votes that was actually given to another candidate in other constituency does not make it to Parliament. This is the difference.

HON. S.T. KOROILAVESAU.- Hear, hear!

HON. A.A. MAHARAJ.- The logic is, under the 2013 Constitution, you are voting for the Party. The whole electoral system is set in a way that any vote given to a candidate first goes to the Party, and then the Party is allocated the seat. It is not the candidate. The justification this morning did not make sense, Mr. Speaker, because this was also the case when we had constituencies. This is also the case when we have 2013 Constitution.

(Honourable Members interject)

MR. SPEAKER.- Order, order! Please, allow the speaker to offer his views to Parliament.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. We agree that previous constitutions did not have any referendum. However, no one has mentioned that at that point in time, we also had the Upper House. So, any decision that was taken in the Lower House used to get approved by the Upper House. The Lower House was never given an ultimatum power to change the Constitution. If the Lower House passes it, it goes to the Upper House. If the Upper House passes it, then it either goes for a referendum or it gets passed. But now, removing referendum totally gives power to this august House to do anything they want. As simple as that, Mr. Speaker.

HON. S.T. KOROILAVESAU.- Hear, hear!

Mr. Speaker, as I have alluded to earlier, let us withdraw this Bill, bring a motion, take it to the people, let the report come back to Parliament and from thereon, we can decide. Mr. Speaker, we have agreed to even do it in a bipartisan way. We have written to the honourable Prime Minister - let us engage in dialogue. However, at the end of the day, what do we get?

While we expect our leaders to get into a discussion in a bipartisan manner, some of our Opposition Members are being lured to vote in favour of this Bill in order to gain benefit. It is open, everyone knows about that, Mr. Speaker. They have given their allegiance to the honourable Leader of the Opposition now. Why can we not move a motion to formulate a Constitutional Review Committee without any conditions? Without any conditions, let us have a Constitutional Review Committee and let them go out and do public consultation.

Mr. Speaker, in terms of funds, yes, if we go for a referendum, we might need close to around \$40 million. But if we reduce the number of Ministers on the Government side, we will be able to secure the \$40 million very easily because nowadays everyone seems to be a Minister on the other side, so if we reduce the Cabinet size, we can get \$40 million to carry out a referendum.

Mr. Speaker, with those words, I do not support the Bill to change the Constitution, but I would like to reiterate, if there is a chance for a bipartisan approach, and if we are going to sit, we are willing to support the Government.

MR. SPEAKER.- I would invite him to have a look at what is possible in the Second Reading of the Bill.

HON. P. TIKODUADUA.- Mr. Speaker, we are gathered here today, not merely to discuss a piece of legislation, but to address a deep flaw in our nation's constitutional framework, one that has held our democracy captive for over a decade. This is not just about amending a document, it is about restoring the right of the Fijian people to determine their own future. Let us be clear, no constitution is sacred simply because it exists. The constitution derives its legitimacy from the people who live under it. It must serve them, reflect their aspirations and evolve with their needs. When a constitution ceases to do so, when it becomes a tool of entrenchment rather than empowerment, then it must be reformed. This is not a radical idea. It is the foundation of every functioning democracy but here, in

Fiji, we have been denied this fundamental truth.

The 2013 Constitution was not born from the will of the people, it was not ratified through a democratic process, there was no referendum, there was no parliamentary vote, and yet, this same document now demands that any amendment, no matter how necessary, must pass an impossible threshold of 75 percent of all registered voters in a national referendum. This is not democracy, this is a locked door, a deliberate design to ensure that change is nearly impossible.

The will of a future generation is bound by the unilateral decision of the past. No country that calls itself a democracy operates under such constraints. Look at the world, the most established democracies, the United States of America, whose constitution has been amended 27 times in 236 years, Australia which updated the constitution eight times in 125 years. Even Fiji itself, under both the 1970 and 1997 Constitutions allowed amendments through Parliamentary supermajority, without the need for an unattainable public referendum.

What we have now is a system designed not to protect democracy but to prevent it from functioning at all. A system where change is not difficult but practically impossible, where the ability to refine, improve and modernise our governing framework is frozen by the dictates of a military regime that refused to put its own document to the people. We cannot allow this to continue.

The Constitution (Amendment) Bill 2025 does not rewrite Fiji's democracy, it restores it. It proposes that amendments should be sided through a two-third majority in Parliament, as is standard practice in any functioning democracy. It does not take away rights, it does not undermine institutions, it does not alter the fundamental principles upon which this nation stands, it simply unlocks the door to reform, allowing the people, through their elected representatives to make decisions about their own governance.

Mr. Speaker, Sir, the criticism against this Bill has been predictable. Some claim that we are rushing this process, they ignore the reality that this conversation should have happened years ago. Others argue that such a change should be subject to the very same referendum requirements we are trying to remove. That logic is secular, and they know it. If the existing rules make constitutional reform impossible, then their solution to demand we abide by them anyway. That is not democracy, that is obstruction.

Still, we know there will be challenges, that is why this Bill does not seek to impose anything unilaterally. If it passes the House, it is most likely that it will make it to the Supreme Court. We will ask our independent judiciary to determine whether the referendum requirement itself is just, whether it serves democracy, or whether it is an artificial barrier, imposed by an unelected regime. That is the rule of law in action, that is how a mature democracy operates.

Mr. Speaker, Sir, let me clear, we will abide by the ruling. If the Supreme Court upholds the referendum requirement, we will respect the decision. If it rules that Fiji's Constitution must be subject to democratic amendment through Parliament, then we will proceed accordingly. This is what a responsible government looks like.

Mr. Speaker, Sir, this Bill does not dictate what constitutional changes will come next. It does not alter fundamental freedoms. It does not weaken protection for indigenous landowners. It does not dismantle institutions. It simply paves the way for future reform through a process that is democratic, practical and transparent. However, in this House today, to clear all doubt, I want to make a solemn, unequivocal commitment. My commitment that Fiji's minorities will not be forsaken in this reform.

(Honourable Members interject)

HON. P. TIKODUADUA.- The right of every Fijian, regardless of ethnicity, faith or background are not up for negotiation. That is a fundamental truth. Let me repeat what I have said before in an earlier intervention, security is not simply the presence of law enforcement or military forces, it is ensuring that every Fijian, regardless of background, ethnicity or status feels valued, protected and included. We must be honest with ourselves.

There have been times in our recent history where division has been used as a political tool, where one group's rights were pitted against another, where institutions failed to serve all Fijians equally. Now those days must not return. If any further attempt is made to steep away the protection afforded to our people, if any proposal threatens the dignity, security, or rights of any community, as your Minister responsible for Defence, RFMF and National Security, I will stand against it with everything that I am, and that is my promise. A duty under my oath. That is the difference between the then and the now.

The Fiji of today is not the Fiji of the past, of 1987; it is not the Fiji of 2000 and it is not the Fiji of 2006. Never again will this democracy be divided along racial, economic, or political lines. Never again will the rights of minorities be trampled for political gain. This is the commitment of your government today.

Mr. Speaker, the days of imposed rules are over, the days of governing through fear, through silence and through manipulation, those are behind us. We cannot be a democracy only in name. We must be a democracy in function, in spirit, and in practise and that means ensuring that when the people of Fiji wish to refine their constitution, they are not shackled by laws designed to keep them powerless.

Today we make a choice. We can choose to uphold a broken system, one that locks future generations into decisions they never agreed to, or we can choose to trust in democracy, trust in Parliament, and trust in the will of the day. I know where I stand. I stand with the belief that Fiji's future should not be dictated by its past. I stand with the belief that governance must be built on transparency, adaptability and accountability. I stand with the belief that this Parliament, not an impossible referendum threshold, should be the body that decides how Fiji's constitution evolves. That is what we are trying through this Bill. Let this be the moment to reclaim our right to shape our own laws, our own governance and our own destiny. Let this be the moment - Fiji moves forward, unafraid, unshackled and united. May God bless Fiji.

I support the Bill to amend the Constitution as moved by the honourable Prime Minister.

MR. SPEAKER.- Honourable Members, at this point, we will suspend proceedings for dinner. The Parliament will resume proceedings in 45 minutes.

The Parliament adjourned at 6.19 p.m.

The Parliament resumed at 7.15 p.m.

MR. SPEAKER.- Honourable Members, we will continue with the speakers on the Bill before the House. My speaker's batting order which had been meticulously prepared has, unfortunately, been battered by withdrawals and addition to the list of speakers. As a result, we have had speakers and we will have speakers from the same side following one another.

HON. V. NAUPOTO.- Mr. Speaker, Sir, on 9th August, 2024, I stood in this House, occupied that seat in front of me as a Member of Opposition and opened my End of Week Statement with these words and I quote:

“Mr. Speaker, Sir, thank you for this opportunity to make a statement of what I firmly believe as a priority issue for Fiji and that is that the 2013 Constitution must be reviewed.”

And I further added:

“We all know that this process of review will have to commence from this House under your leadership as the head of the legislature where we will have to agree to give our blessings for the review of this book, the 2013 Constitution when the required Bill is tabled in this House.”

Mr. Speaker, Sir, I feel that honourable Vosarogo in his contribution and others who have spoken for the motion have made my case on my plea that day. Those words I said that day, I said with a sense of duty, with a lot of hope, hope that I will see the day when this will happen, and the day has come. Now, we get to do our work, our duty. We do the duty of law makers. I know that regardless of the outcome of today's debate and vote, the work will not stop. It has started and I am not going to be one who is going to shy away from doing this work.

Mr. Speaker, Sir, this Bill is the enabler for what would otherwise be the impossible task to review this Constitution. It is an enabler for us to do our work for the people in their House.

Mr. Speaker, Sir, I support the motion that is before the House.

HON. P.D. KUMAR.- Mr. Speaker, Sir, I stand here today to speak on a Bill that can change the future of our nation forever. This Bill is not just a small technical change, it is a political move that threatens to weaken the process of changing our Constitution which is the supreme law of the land.

This Bill is not just a small technical change. It is a political move that threatens to weaken the process of changing our Constitution which is the supreme law of the land. The Constitution sets the Government structure under which it governs the people and the country and therefore, people should have a say on how or what rules are set in this governing document.

Mr. Speaker, Sir, if we allow this, we risk losing checks and balances that protect our democracy. Right now, changing the Constitution needs 75 percent of Parliament to agree and public vote. But this Bill proposes to scrap the public vote and lowers the approval in Parliament to two thirds from three quarter majority.

Mr. Speaker, Sir, history has taught us painful lessons. Today, we are at a crossroad again. The Coalition Government is trying to change our Constitution without a clear mandate from the people and without following the process outlined in the Constitution. Mr. Speaker, Sir, Fiji has had

too many *coups*, too many constitutional overhauls and too much political instability. Governments come and go, but the Constitution must stand the test of time.

Mr. Speaker, Sir, we can debate this issue endlessly. The Government side may argue that the people want these changes, while we in the Opposition, maintain that they do not. Let us not forget the party, through which I entered Parliament, secured the highest number of votes in the last election and we made a solemn promise to the people, and I took an oath to protect the Constitution and that promise still stands.

Mr. Speaker, Sir, no politician, no government and no political party should have the power to change the Constitution without the people's approval. Just like we are elected by the people, any change to the Constitution must be decided by the people through their vote. At the end of the day, the Constitution matters to them.

Mr. Speaker, Sir, politicians cannot be trusted. A public survey...

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. P. D. KUMAR.- Listen!

(Chorus of interjections)

HON. P. D. KUMAR.- Come on!

A public survey by Transparency International Pacific in 2021 revealed that 68 percent of Fijians did not trust politicians, police and companies extracting our national resources. This highlights a deep and consistent scepticism towards politicians, with many expressing a lack of faith in their ability to act in the people's best interest.

Mr. Speaker, Sir, we have seen people's best interest not protected by this Government. And let me say it, while the people had to deal with 15 percent VAT, the politicians got a pay rise.

(Chorus of interjections)

HON. P. D. KUMAR.- Yes!

Mr. Speaker, Sir, I also want to address this issue about the pay rise. Whatever is discussed, debated in Parliament, when it gets passed, whether it is a law, whether it is the Emolument Committee's Report, whatever it is, it is an opportunity for all of us to make that decision. And if you have decided to get a pay rise, and if that particular law or Emolument Committee Report gets passed, unfortunately it does not apply selectively. It just does not!

Mr. Speaker, Sir, that is how the numbers work. And, I also want to say, that when the constituency allowance was first given to 26 Members of FijiFirst, we had written to the Speaker saying that, "we do not want this money, please give us the account where this money can be deposited." We were told, no, it cannot happen! So, it is all about making that decision when you are elected by the people, the people's interest is paramount!

Given this reality, we must question whether politicians should have the unchecked power to change a constitution, especially when the people cannot trust them. This is why we need a

referendum, and not consultations. Mr. Speaker, Sir, this Government was formed not by people's majority votes, but by SODELPA being the king maker. So, voters have not given this Government any mandate to change the Constitution.

Mr. Speaker, Sir, we heard from the Government side that it is not easy to meet the two requirements of 75 percent parliamentary votes and 75 percent referendum. We have seen how the Government managed to secure nearly 75 percent of the votes through shifting parliamentary alliances and power consolidation, with Opposition Members backing their agenda. So, change is possible. However, it requires negotiation and building trust.

Mr. Speaker, Sir, also we have heard that 75 percent referendum is not possible. But 2014 Election, under this Constitution, the voter turnout was 84 percent, which means it is possible. If you sell your product well! Well, no one can vote if they are not registered, Mr. Speaker, Sir. But you have to register, then you can vote.

Mr. Speaker, Sir, the problem is no one knows, and we have discussed this at length, what they want to change in the Constitution. And I totally agree with the proposal given by honourable Maharaj, that let us put a motion, let us get a committee, let us go to the people, so that we understand what changes people want. The process we are talking about, that we will take it to the people after the second reading, it is just to debate on those two key messages or the two key changes that we want to make to the Constitution. It is not really about the Constitution! What exactly do you want to change?

Mr. Speaker, Sir, if this Bill passes, they will not even need four opposition votes to amend different sections of the Constitution. With the support of G9-bloc, they already have 69 percent vote, which was mentioned by honourable Maharaj, more than what they need to amend the Constitution at their own and use consultation as a rubber stamp.

Mr. Speaker, Sir, people in our communities are worried and even fearful about what is being talked about in the media regarding our Constitution. The 2013 Constitution protects religious freedoms. Every Fijian under this Constitution is guaranteed the freedom of religious worship.

Mr. Speaker, Sir, Fijians still remember the Sunday Observance Decree, or what we know as Sunday Ban of 1987, where people of other faiths were brutally punished. And that is why people fear, Mr. Speaker, Sir.

Mr. Speaker, Sir, we hear the Great Council of Chiefs want to elect...

HON. M.S.N. KAMIKAMICA.- Point of Order.

MR. SPEAKER.- Point of Order, honourable Member!

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, Sir, I have been tried to be measured in terms of listening, but Standing Order 62 (4)(d) prohibited references. We are talking about Sunday Ban and all these things. That is in the past! That is gone! What the Standing Order says, Mr. Speaker, Sir, is that we should not speak of things that will create ill will or promote feelings of hostility. So, I just raise a Point of Order on that, and please let us just look forward.

MR. SPEAKER.- The Point of Order is up held and to be put very frankly, honourable Premila Kumar, in the context, the ground rules for the Second Reading of a Bill, is strictly to the Bill's contents, that is the ground rules, right? So, you may cover circumstances surrounding the making of the Bill, or other options that your colleagues have talked about to arrive at the same

objective which is, that you allow to do. But it should not extend to general criticism of the Administration or policies of the other side. Those are the ground rules of the Second Reading of the Bill, right? And, please, observe that honourable Premila Kumar. Please, proceed.

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir. We hear the Great Council of Chiefs wants to elect the President and rename only indigenous Fijians as Fijians...

(Chorus of interjections)

HON. P.D. KUMAR.- Look! This is about the amendment of the Constitution!

MR. SPEAKER.- Honourable Premila Kumar, it is exactly on the same objection that was made by the honourable Manoa Kamikamica, which you are now delving into. And it is in breach of the Standing Order he previously had quoted. Please desist from making references that you are doing now, that will inflict fear and ill-will amongst our people. Please, proceed.

HON. P.D. KUMAR.- Thank you. Mr. Speaker, Sir, the referendum is the only way to ensure that all Fijians have their say. This will reflect the true will of the people and not the political interest.

The Constitution (Amendment) Bill 2025 now wants to remove the voice of all Fijians, and this is undemocratic. The honourable Prime Minister in his Speech argued, that the Bill introduces a more efficient and flexible process for constitutional change, ensuring that the change can be made with undue delay and that is my worry, Mr. Speaker, Sir. If we remove the referendum, we are paving the way for a dangerous future.

In the past, our Constitution was changed by a military coup. But by passing this Bill, we are giving an elected Government, the unchecked power to change the Constitution for their self-interest. And this is being irresponsible. Mr. Speaker, Sir, the Government argues that people will have their say through public consultation. But public consultations are not the same as referendums! Public consultations are not legally binding. It can ignore what the people say.

Mr. Speaker, Sir, the Government can cherry-pick responses and claim widespread support when people may oppose the changes. Mr. Speaker, Sir, a referendum, on the other hand, is clear, transparent, and democratic. There is no debate, the people vote, and the results are final!

Mr. Speaker, Sir, a constitution is not just another law. It is the foundation of our nation. While Fiji has never had a referendum, that does not mean we should not have one now, when we know a referendum will ensure legitimacy and public mandate. Elected representatives are chosen to govern, but they should never be given a blank check to rewrite the Constitution without direct public consent.

If the Government truly believes these changes are in the people's best interest, why not put it to the people through a referendum? Let the people decide, what is there to fear? The choice is clear, Mr. Speaker, Sir, do we stand for stability and national unity, or do we allow politicians who cannot be trusted by our people to reshape Fiji's future without the people's voice?

Mr. Speaker, Sir, the Prime Minister described the reforms as a step towards modernising Fiji's Governance System, making it more democratic and effective. I question the honourable Prime Minister, how will you make the process more democratic, when the Bill introduced takes away people's democratic right to vote on the Constitutional change?

Mr. Speaker, Sir, I will not support this Bill because it sets a dangerous precedent for the

future.

Mr. Speaker, Sir, I would like to propose the way forward. It is not that it is not possible. I personally do not have an issue of reducing the Parliamentary majority, from three-quarter to two-third. I do not have a problem at all, because that will give us an opportunity to discuss and taking the Bill for referendum. With that, I do not have a problem with. This is my personal view and not the view of the Opposition. I must emphasise that.

But a referendum is the most important component, that we must not lose it. Today you are here, tomorrow you will not be here. You may think that you are very responsible, and you are going to use all this very carefully and in the interest of the people, but you do not know who the leader will be, the next set of leaders. So, we cannot leave this in a vacuum.

Regarding referendum, as I have heard honourable Vosarogo saying that it is not possible. I would suggest that only the referendum part, we can make it a compulsory voting, just for the referendum, that is all. That way, as politicians when we go home, we can sleep peacefully because we tried our best to do the best, but it is the people's vote who made the decision. Not you! Not me! That is the best way forward, Mr. Speaker, Sir.

Besides that, another way forward, honourable Prime Minister, is, we should sit and discuss what is non-negotiable and what are the areas that needs to be changed. At least some discussion in that area, so that we can come to some consensus or some agreement. But to just come here with a Bill to say, what we want is 70 percent to be reduced to 66 percent for Parliamentary vote and let us remove the referendum. Referendum is the highest level of democracy.

HON. J. USAMATE.- Hear, hear!

HON. P.D. KUMAR.- That is the highest level, and politicians should not forget that we are here for them, and they should have the right to decide the rules that governs them.

Mr. Speaker, Sir, I reiterate that Fiji's Constitution, again, does not belong to politicians, it belongs to the people and therefore, people should have a direct say. Just like they directly tell all of us who can be here, who cannot be here. Similarly, they should directly tell us what parts of the Constitution should be changed, and what should not be changed. If changes are to be made, let the people vote. Let them have their final say and that should not be a problem for any one of us sitting on this side of the House.

HON. V.R. GAVOKA.- Mr. Speaker, Sir, I rise to speak in support of the Bill before the House moved by the honourable Prime Minister, to amend the Constitution of the Republic of Fiji.

Mr. Speaker, Sir, we have quite a good number of speakers, speaking very freely, which is quite welcome in our democracy, in our Parliament. It is a historic occasion, and one that we should approach with the highest sense of responsibility. Why the Bill? To make it easy, to make it possible, to try to change the amended Constitution. The other side of the House is saying, let us talk first, and then change, amend the Constitution.

We are saying, amending it is an enabler, to enable us to make the changes we want. I believe the way we are approaching it, Mr. Speaker, Sir, is the way forward. You can imagine going out to the people and saying, let us talk, and then we will amend the Constitution. People ask the question, are you going to make a 75 percent threshold? That is a no-no, so, we need to create an enabler and then go out and talk with the people.

For the referendum, Mr. Speaker, Sir, I agree with the honourable Vosarogo, absolutely impossible. Let us not kid ourselves. It cannot be done. And as we all know, those aspects of the Constitution in the past, that were entrenched, had this 75 percent provision, not the whole Constitution.

We understand that this is the only Constitution in the world, that needs 75 percent votes to change the Constitution. The only one in the world! So, here we have a young democracy, we are evolving, and we need to also see that our Constitution evolves. As the honourable Prime Minister said today, and I paraphrase, “the amendment ensures we hear the voices that were never heard.” It is being determined today that this was a constitution designed and drawn up by very few people. Some people are saying that only one person did it.

Mr. Speaker, Sir, that is something that we need to change. That the voices of the people need to be heard. I look through the old files of my party, Mr. Speaker, Sir, and here is a submission of the Constitutional Commission by the Soqosoqo Duavata ni Lewenivanua (SDL). All of this have been prepared diligently by a team, but never, never ventilated in the way it should have been.

Mr. Speaker, Sir, when I saw the letterhead of the Soqosoqo Duavata ni Lewenivanua (SDL), why I am called SODELPA today? I mean, it is part of the absurd mindset at the time that gave us the Constitution that we have today. I know it is not related to the Constitution, it comes under the Electoral Act, but we must go back to using the vernacular, if you wish for your party. And that is what the amendment of the Constitution will do for us. Enabling us to do what we believe is right and is suitable for us.

Also, I have with me here, Mr. Speaker, Sir, a proposal for free and fair elections in 2018 by the five political parties with 121 recommendations. These have to be ventilated properly and was never allowed under the 2013 Constitution. In that recommendation, Mr. Speaker, Sir, many touch on the Constitution, such as Section 53(3), which says: “A political party or an independent candidate shall not qualify for any seat in Parliament, unless the political party or the independent candidate receives at least 5 percent of the total number of votes cast.” That is the Constitution, but the five political parties had recommended that we bring it down to two. That is the kind of dialogue we need to have, to give us a real democracy, Mr. Speaker, Sir.

Mr. Speaker, Sir, the honourable Leader of the Opposition spoke today about our history. That is one or two guys decided to write a constitution for us because of our history. Mr. Speaker, Sir, we have come a long way, we are a more mature people now. The whole country cannot be dependent on one or two guys to write a constitution for us and because of our checkered history. We are no longer what we were back in the 70s, the 80s and the 90s.

Now, Mr. Speaker, Sir, 54 years or 55 years later, we are a mature person. We understand what needs to be in the Constitution. So, we are denying our people their rights and the opportunities to decide on what is good for them. It was quite ludicrous, learning today that Yash Ghai, his report, as you know, was burnt. One of the reasons was that he spoke to some people in Sydney on the way over. I mean, that is the kind stupidity.

Someone mentioned that Yash Ghai spoke with some people in Sydney, he met with some people in Sydney, so they burnt his report. That is the kind of absurdity, Mr. Speaker, Sir, that we have to live with. I have always said in this Parliament, we are very intelligent people. When I sat on that side of the House, I used to say that across the House. I said, “You are intelligent people, you are treating us like we are not intelligent. You gave us this Constitution.”

Mr. Speaker, Sir, let me touch on the fear factor as honourable Hem Chand had said that the

dialogue on this one is quite hot - a hot topic. One of my colleagues said it is very intense. What we hear today is quite a bit of fear mongering. Let me talk to the people of Fiji today and say, "there is nothing to fear because the three political parties from this side of the House subscribe to very high standards in terms of our nation as a people."

Let me speak on behalf of my party and this is also true with my colleagues in the People's Alliance Party and the National Federation Party regarding principles and values. Mr. Speaker, Sir, I am speaking on behalf of my party now – SODELPA, which is a party that believes in democracy, fairness and justice. We respect the rule of law, good governance and transparency. Our values are rooted in ensuring that every Fijian regardless of ethnicity, background or faith has equal access to opportunities and a fair share in Fiji's progress. We acknowledge that our country is blessed with diverse cultures, traditions and beliefs. This diversity is not a weakness, it is our strength. The prosperity of our nation depends on the prosperity of our people and SODELPA remains steadfast in ensuring that no one is left behind.

Sir, SODELPA says this, People's Alliance say this and NFP says this. The people from this side of the House who are proposing this amendment are people who are guided by principles and values that guarantees to the people of Fiji that their interest will always be paramount. So, please can we keep the conversation civil, no fearmongering, no one is going to take anything away from anyone, we need each other, and we need to change this Constitution or set in place a process to amend the Constitution.

Mr. Speaker, Sir, the Constitution should be amended, and I urge the people of Fiji to stand with us in shaping a better, stronger and more united nation under a Constitution that truly reflects their wishes and their will.

HON. J. USAMATE.- Mr. Speaker, Sir, thank you for the opportunity to talk on this Constitution (Amendment) Bill. I just like to address some of the issues that have been said by the honourable Deputy Prime Minister about the 75 percent. I think as had already been pointed out by the honourable Leader of the Opposition, 75 percent is not new, 75 percent was required for the entrenched provisions. So, it has been there, it was the requirement for the percentage that you need to get from the Upper House in order to endorse the rulings that were done by the Lower House so it is not something new.

The other thing that I would like to say, Mr. Speaker, Sir, I believe that nothing is impossible. Nothing is impossible, there is nothing under the sun that is impossible. If you believe in a God that can create this earth, nothing is impossible. If you put your mind and soul to it, if we are determined that we will do what needs to be done in the best interest of this country, nothing is impossible. That is what I firmly believe, Mr. Speaker, Sir.

One of the problems that we do have here is that we have these animals that change colour. When that happens, you do not really know where they stand. Is it brown, yellow, is it pink? If it is pink all the time, then you know it is pink. This is one of the problems that we have. The way that this has been put into Parliament now, there is a possibility of deceit and trickery, finagling the public.

We are a House of Members of Parliament, we are not charlatans to treat people, and it is very, very important. The Government does not get this fact, does not get the idea that people want to know what a change is. Everyone wants to know what the change is. What you are asking for here is a blanket change to the manner in which change can be done. For what purpose? This is the question that people are worried about. There are things in this Constitution that we do not want to touch. The Bill of Rights from Sections 6 to 45, et cetera, all those things, no one wants them touched.

However, we are not sure that the Government will now do that; why? Because people keep changing colour. It is very, very important.

We, in this House, Mr. Speaker, Sir, we are not a mob of charlatans. We are not unruly, and we are not going to be. Let me say this, I support, personally, I believe there is a need to change the Constitution. There are things in that Constitution that need to be changed, but it must be done in the right way. There are things in this Constitution I do not agree to. If I look at some parts of this Constitution, in a good Constitution there is always check and balance. One of the problems with the Constitution that we have now, too much executive authority in some places. Some of those things need to be amended.

If you look at Sections 104, 106, 107, 114 and 116, some of these things need to be looked at. You need to have checks and balances, but it must be done in a manner that is appropriate. I think the way that it has been done here, the way forward for us is the way that the honourable Maharaj has talked about. We could have sat and discussed it, agree what the changes would be, and then together we go out and get that percentage. Nothing is impossible.

I believe, Mr. Speaker, Sir, some of the things that we have in this Constitution, the Government does not want to change. We also on this side do not want them changed but there are also things there that should be changed. Now, we had the opportunity to be able to discuss.

Mr. Speaker, Sir, we have had a good start. The honourable Leader of the Opposition has written to the honourable Prime Minister, we had a good meeting. And then what we are trying to do is to try to maintain that sense of relationship between the two parties. This morning, I made sure that I went across to the Government side and told them that we would vote no because I do not want to ambush them in Parliament. That is an interest of share, of talking about things face to face and I think this is very important for us.

Mr. Speaker, Sir, one of the things that I am always worried about is this, three things in my mind are the things that we have to hold dear to in this country. One, is the rule of law and order. Now, I have talked at length about that when we were talking about the Suspension Motion, and I will not go there again. That is very important, Mr. Speaker, Sir, I do not want to be yellow carded on that note.

The second thing which I think is very critical for us in this country is strong institutions. Over the past few decades from 1987 onwards, our institutions have suffered. When you lose the integrity of institutions, the impact is going to be generational. We have seen the impact on the military, how it has become fragmented. The institution of the Civil Service. The Civil Service now, we treat it sometimes like a political thing. It should be on its own. It should stand there, immaterial of who is in power. And these other things that we have, independence, we have all these things going on about FICAC, et cetera. Institutions must be strong. You and I go, if the institution is solid, the impact will be positive for the people that follow us.

The rule of law and order. Institutions must be strong. We must not tinker with institutions. Some of the things that we have done, we get our cronies, failed candidates, and we put them into the Civil Service at the expense of those who have spent almost all their lives becoming professional civil servants. This is a sad thing.

The third is governance. I believe, the reason that I am not in favour of this change, the way that it is being carried out, as I said, I believe that there should be change. I also believe that there has been a lot of talk here about how valid and how legal this Constitution is. This Constitution has

gone through three elections. You and I swore an oath on the basis of that Constitution. That shows that it has become a valid document. All of us are here because of this Constitution.

(Honourable Members interject)

MR. SPEAKER.- Order!

HON. J. USAMATE.- You keep talking about it as if nothing happened. It is there. We are all here because of this Constitution and that shows that it has become a living document that governs us. Yes, it has its imperfections. It is our job to be able to address that in a manner in which we can both live with, and I believe that is the way forward. The way that we have already talked about, the things that we need to do here.

As I said, Mr. Speaker, Sir, I believe there needs to be changes. It needs to be done in the manner in which we agree. The honourable Members of this side have said, the way that you want to change it, you can do anything. The current Government might have the right intention. You do not know who comes tomorrow. It is our job to preserve this country immaterial of who is in charge.

You got to think about the generations that follow us. I can see the smirk from that side, think about it. You guys might have the best intentions in the world. If you go and someone else comes in, they can just take out the Bill of Rights like that, they can take all kinds of things out of the Constitution just like that. We cannot afford to do that for the sake of the generations that follow us; we cannot.

Mr. Speaker, Sir, there are all kinds of things, I think after this, if this fails, you are going to go, you will probably take it to the courts and there will be all kinds of arguments about the doctrine of necessity and all of those kinds of things. But that doctrine of necessity, Mr. Speaker, Sir, we can address that. We do not need to go that route.

(Honourable Members interject)

HON. J. USAMATE.- Honourable Maharaj has already talked about the way we can do it. If we can agree to what the changes should be, we can move forward. I have no doubt about that. I have no doubt that we can get the 75 percent or 100 percent here and we together can go out to the public and get them to agree through a referendum or what needs to be changed in this country.

The idea that this Constitution is unamendable, I do not agree. It can be amended if we work together in the manner that I have talked about, in the spirit of true partisanship. I do not think that this Constitution is an example of constitutional dictatorship, it is not. There are avenues there for it to be changed. However, the problem is, you guys see a big mountain and you do not want to climb it. Together we can climb it. If you try to climb it on your own, you might not but together we can. Together we can help each other over that mountain and get things done. I believe that is what we really need. We have the opportunity to work on the basis of true bipartisanship.

Through true bipartisanship, this thing can be done and that is what I believe. Instead, we should not be going through shortcuts because when you go through shortcuts, there is a possibility of trickery, deceit and finagling. We do not want any finagling, no charlatans in what we do. We hear, I was sitting and was astounded. We are talking about democracy, and you want to get rid of a referendum, the purest form of democracy?

When you actually ask people, what is it that you want and then you have the audacity to sit here and say, “let us be democratic.” You have the audacity to do that. Referendum is the pure

unadulterated form of democracy. I challenge you and us to work together. If we can believe what needs to be changed, we can make it happen. Do not look down. We can climb that mountain. Do not worry about that.

I think in this House, we need to make sure there is no trickery, there is no finagling, that we do not act like charlatans, we do not act like chameleons. Let us not get into these things where we are going to our own self-annihilation of ourselves by forgetting about the rule of law and order, forgetting about good governance and forgetting about institutions.

Mr. Speaker, Sir, I think I have spoken for too long. I have nine minutes left but I will keep it short. When you remove the voice and power of the people, you are not governing a democracy, you are ruling a dictatorship.

The honourable Deputy Prime Minister Gavoka, he used to talk about the tyranny of the majority and that is what you are trying to do. You have got the G-9, you have got a few others that you want to come so you can practise the tyranny of the majority. I open my arms. We can work together to make this happen. We can identify the things that need to be changed and together we can make it happen. Do not look down that everything is impossible.

If God created the world, we can make this change. We can make it happen for the betterment of our people, and I ask the honourable Prime Minister, Opposition is prepared to talk. Things that we can agree on, but what you have done here, you have ambushed us. We are in this particular situation, then you want to talk about talking, we should do the talking beforehand. We are willing to do that, and we look forward to the changes in the best possible way, in the right way. As I said, I am for the changes, but not this way and I will vote no against this motion.

HON. S. KIRAN.- Mr. Speaker, *ni sa bula vinaka saka, sakumera pranam*. Mr. Speaker, thank you for this opportunity to contribute to this debate. I stand in support of the motion before the House. We hear a lot of protests about referendum. We hear today from the Opposition that referendum is the people's endorsement. My question is, did the 2013 Constitution come by through any consultation?

HON. GOVERNMENT MEMBERS.- No.

HON. S. KIRAN.- And was it endorsed by any referendum?

HON. GOVERNMENT MEMBERS.- No.

HON. S. KIRAN.- No, it was not. It was imposed. So, let us be clear about that.

Let us also be clear, we are talking about the process for amendment and not changes to the Constitution. This side of the House has been saying that the content of the Constitution should be decided by the people, not by us, politicians. Content will be suggested through the constitutional review process. I know the Opposition keeps asking again and again for the content because they used to talk down decision making. They keep saying that we have to decide on content first. We are not deciding on the content. Let us make it possible for the change to happen. We are the people's Government. We will let the people have their input on what the content should be. It should not be too hard to understand that.

Mr. Speaker, a lot has been said in Hindi in this House today. Some of it was fear mongering, so I request your permission to explain in Hindi, some of what was shared in this House by the honourable Attorney-General and some of the other Members earlier today.

Mr. Speaker, hamari janta ko pahele to ya batana chahenge ki ye sansad ke saamne jo prastao hai, jo prastao par aaj charcha ho rahi hai, ye samadhaan ko kaese badla jaaye. Kiya pranali apnayi ja sakti hai, uspar charcha ho rahi hai. Samvidhaan nahi badla ja raha hai.

Filhal Fiji ke samvidhaan ko badalne ki jo pranali hai, wo sambhavik nahi hai. Vishva mei kahi par bhi aisa kanoon nahi hai ki samadhaan badalne ke liye 75 percent voters ka samarthan ho. Wo sambhavik hi nahi hai. 75 percent mat-data kabhi kisi chunao mein bhi bhaag lene aate, toh ya kaese sambhav hoga ki wo parivartan ka samarthan karenge.

Kisi bhi desh ka samvidhaan jab banaya jata hai, toh jan-samudaye ke raay li jaati hai. Magar jab 2013 constitution ka nirman hua tha, toh sansad radh ho gayi thi. Ye samvidhaan kuch logo ne likh kar hamari janta par thop diya tha. Hamare desh mein bahut baar rajnitik uthal-puthal ho chuki hai. Jab tak hum samvidhaan aur rules janta par thopte rahenge, uthal-puthal ki sambhavna bani rahegi.

Aman aur shanti ke liye samvidhaan jaese mahatvapurn document ke nirma ke liye har mat-data ki awaz sunna zaruri hai. Samvidhaan ek aesa document hai jo ek desh ka sarvaksh / sarvach niyam hai. Aur jab duniya mein Parivartan hota hai, toh isme badlao, halaat ki wajah se lana zaruri hota hai.

Bharat ke samvidhaan mei 106 baar badlao laya ja chuka hai. Samvidhaan badalna bahut asaan nahi hona chahiye, par zaruri padti hai toh badlao lana zaruri hai. Fiji ki lok-tantrata ki maan rakhna zaruri hai. Samvidhaan mei bahut saari achi values hai aur uska maan rakha jayega. Equal citizenry har insaan ka maan, har insaan ko izzat, apni tarah se pooja path karna, dharmik swatantrata, ye sab hamare desh ke mahatvapurn vaules hai aur hamesha jaari rahengi.

Ye values 1997 Constitution mei bhi the, jaha har insaan apne dharm, apni tarah se manate the aur surakshit the, aur ye vaules Fiji mei hamesha bani rahegi.

Agar koi kaheta hai ki ye chhin jayega, toh wo galat hai. 2013 Constitution mein kuch aise ansh hai jisme badlao lana zaruri hai. Jaese ki jo bhi Attorney-General appoint hoga, usko samvidhaan bahut zyada taakat deta hai. Ek insaan ko bahut zyada shakti-shali banane se dur-vyavahar ya abuse hone ke sambhavna hoti hai. Baad mei chal kar ye hamare kom ke gae mein fanda ban sakta hai aur isme tabdili lana zaruri hai.

Samvidhaan ke tahet electoral laws mei aap dekh sakte hai ki rajneta, jinhe panch hazaar se zyada votes mile the, wo sansad se bahar hai, aur paanch sau votes waae sansad ke andar. Chhote parties, independent candidates is samvidhaan ke tahet kabhi sansad mei praves nahi kar sakte hai.

Abhi agar koi Fiji ka nagrik bahar desh mei rahe raha hai, aur wo election mein bhaag lena chahta hai, toh wo nahi kar sakta hai. Is motion ko agar sahiyog milega, toh samvidhaan badalne ki pranali banayi jayegi. Is pranali mei janta ki aawaz suni jayegi. Agar ya pranali hum apnate hai, toh Constitution Review Commission jaese pranali se janta ki aawaz suni jayegi, aur jaese 1997 Constitution banane mei hua tha. Ye pranai desh ke har mat-data ko saath mil kar samvidhaan mei parivartan lane ka avsar dega.

Ye sawaal poocha ja raha hai ki sarkar kiya badlao lana chahti hai? Ye hamari janta par nirbhar hoga. Agar hum pranali suljha lenge, toh nayi pranali ke tahet aap khud nirnay kar sakte hai ki kiya parivartan zaruri hai, aur Constitution Review Commission ko apna sujhao de sakenge.

Fiji desh ke har nagrik ki awaaz suni jayegi. Every citizen will continue to have equal rights. *Is desh ke har nagrik ko samanye adhikaar milega.*

Fiji desh mein hamare kom ke logo ko hamesha maan aur samanye adhikaar milega. *Ye hamari sarkar ka wada hai aur nirnay bhi.*

Mr. Speaker, Sir, let me repeat this, it is the promise of this Government that all minority communities and all citizens of Fiji will always be taken care of as equal citizens.

Hamari janta ab khud anusandhaan kar sakti hai. Wo samay chala gaya jab Fiji mei gandhi rajneeti se janta ko dara- dhamka kar raaj kiya jata tha. Jab pranali badal jayegi, tab janta ki sunwai hogi, tab aap ki awaaz suni jayegi, aapki raay li jayegi. Samvidhaan mei parivartan tabhi hoga jab aapki awaaz suni jayegi.

Aapne pahele dekha hai ki 1997 Consitution banane ke iye ek Review Commission ki sthaapna ki gayi thi, waese hi ek Commission ki sthaapna ho sakti hai, jisse aapki awaaz suni jayegi.

Mai is pranali ko badalne ka samarthan karti hoon aur asha karti hoon har nagrik isko sahiyog dega.

I support the motion moved by the honourable Prime Minister, Mr. Speaker, Sir, and I thank you for the time and opportunity.

HON. RO F.Q. TUISAWAU.- Mr. Speaker, Sir, I rise to contribute to the motion on the Constitution (Amendment) Bill 2025.

Sir, generally, we seem to hear from the other side that they agree that the Constitution needs to be reviewed. So, they are also in agreement that what happened in 2006 was not right, and that we need to move forward. Of course, from that, as I have already mentioned, out of that was borne the 2013 Constitution.

The Government side, contrary to what was raised, that there is no consultation or no bilateral discussion moving forward, and Standing Order 93 is clear. I remind you again of that, that you are not being cast aside in terms of the discussion. The process is there, it is clear, that the Bill if passed will be discussed within a special committee. This will also include your side of the House. It is not really the way you are putting it that there will be no consultation, there will be no opportunity for you to present your views.

The other point is that you are emphasising on what the changes are. There are implications that there is an ulterior motive or something is being hidden. No, this Government is about transparency. If you are speaking as a matter of fact, this Government is not

MR. SPEAKER.- Honourable Members, give the honourable Member his allocated time to offer his views on this very important debate. You have had yours, so give him peace.

HON. RO F.Q. TUISAWAU.- Thank you, Sir.

Mr. Speaker, Sir, as I was saying, the Government in charge of the nation now was not born out of some ulterior motive or conspiracy or a military *coup*. It is an elected Government, a responsible Government, and there is no ulterior motive in terms of what provisions of the Constitution needs to be amended.

I believe that that is something that has to be made clear from the start. Even if you are not part of the, as you are saying, you will be part of the process and we will go through the amendments in detail, as we go through the process. The other part which is mentioned is that we have been pointed at, saying that you will amend. No, it is not us. When we go for public consultations, then the amendments will come from the people. That is the critical point there. We are not amending it, it is the people who are amending it, and that is a point I would like to emphasise today.

The other issue which had been raised by the honourable Leader of the Opposition, even back in history, People's Charter which led to the Constitution, I do not want to regurgitate what has been already mentioned, but that People's Charter was rejected by, I think, 11 of the 14 provinces; about 90 percent of the provinces in Fiji rejected the People's Charter. That is something, just going back. It is a process that as already mentioned that was not inclusive and not taking into account the views of the people and without the consent of the people.

I know that a lot of us have spoken, so I would not speak for long on views from a national perspective. All of us were voted in, so for me, majority of the votes came from my province in Rewa. So, in 2013, let me just read this. This was a letter to the Prime Minister at that time, Commander Bainimarama regarding the Interim Government's Draft 2013 Constitution which resulted in this, and I quote:

“We, the undersigned, in our indigenous traditional roles as *Turaga i iTaukei*, and on behalf of the people of the *vanua* of Rewa hereby register our grievous objection and opposition in the strongest possible terms, and in fact rejection of the Draft 2013 Constitution which was released on 21st March, 2013 on the following grounds.”

Let me just read some of them and I quote:

“Removal of entrenched legislation that has safeguarded indigenous institutions, resources, traditions and culture as well as protection of rights.”

As customary chief, we wish to remind you about the very reason why this country was annexed as a Crown colony in 1874 to Queen Victoria and her heirs and successors for us to protect groups rights of *iTaukei* relating to our customary lands, chiefly and customary institutions. These rights were recognised with a Deed of Cession, Clauses 4 and 7, and have remained entrenched in every Constitution of the country until removed by the Draft Constitution of the Interim Government.

Termination of the GCC and removal of any role it may play. At the 81st Session of the UN Human Rights Committee for the Elimination of Racial Discrimination, members of the esteemed committee had warned that the termination of the GCC and the various amendments to the Fijian Affairs Act and control of these institutions was contrary to the purpose and intent of the ILO Convention and UNDRIP.

Severe limitations on many rights and continuation of many degrees introduced by the Interim Government:

- Concentration of power in various executive positions.
- Key positions that were normally independent would be subject to political interference.
- No transparency in the process adopted by the Interim Government for public consultation.

- Impossible to amend the draft Constitution of the Interim Government. Any amendment will require a support of three-quarters of Members of Parliament can be put to a referendum.

You will no doubt appreciate that our objection to and rejection of the Draft Constitution was based on very good grounds as we had outlined above to reflect the position we have held since 5th December, 2006. We have been consistent and steadfast in saying that the military took over a legally elected Government on that day was illegal.

Signed, these were chiefs of my province: Ro Teimumu Kepa, Marama Roko Tui Dreketi; Ratu Isoa Damudamu, Turaga na Tui Noco, Koya na Takalaiyale, Liuliu ni Sau Turaga, Lomanikoro Rewa; Ratu Meli Toadua Tuitoga, *vanua o* Navala, Naqavoka, Navatuyaba, Toga; Saiasi Navuilagilai Tunidau, *vanua o* Nadilo, Vutia; Kini Mudunavosa, *Turaga na Tui Suva, vanua o* Nadonumai, Suvavou, Suva; Joave Tukitoga Vakabalen, *vanua o* Navukavu, Navukavu, Muaivuso; Ratu Timoci Matanitobua, Tuisawau, Dakuibeqa, Sawau, Beqa, Ratu Keveli Tavanavesi, Tui Raviravi, *vanua* Raralevu, Naiwaisomo, Raviravi.”

I have read that just to remind us of the views at that time and which will be useful as we amend the Constitution going forward. These are some of the views which might still be expressed and the need for us to take this into account as we move forward, and also to express the hope that we as leaders, as Members of Parliament will be understanding of each other’s needs in some of the perspectives that have been raised, not only in the past, but will be raised as we move forward. Of course, taking into account the views of all our communities which are here in Fiji today, in order that we have a prosperous, unified and a nation where there are communities which understand each other and peacefully co-exist as we move forward.

So, as a government, that is the first step which we are putting to you today and it is not something that is meant to dominate. As we move forward, of course, the honourable Leader of the Opposition has already expressed to the honourable Prime Minister the need to co-operate. The door is not closed, after this, there are various opportunities to discuss and move forward. As I have mentioned, the substantial amendments will be from the people and possibly through joint committees as we will move forward after the amendment in front of us.

I support the motion, Mr. Speaker.

HON. F.S. KOYA.- Mr. Speaker, Sir, much has been said today and I think quite a lot of ground has been covered on both sides, but there are certainly some things that either need to be vented or at least the general public need to know.

The complaint that comes, Mr. Speaker, from the other side, is that the Constitution is too hard to amend because the sections that are there, Sections 159 and 160, it is impossible to do. Now, I just want to historically go back and explain what I am about to say. In the spirit of bipartisanship and in the spirit of being Fijian, a constitution was born in 1970, and that Constitution was born out of putting the country first.

I want to relay a very personal story, Mr. Speaker, it was relayed to me by the late Ratu Mara. He had asked us to come across to the President’s House for tea, very emotionally, he told some stories about he and my late father. And he said to me, Mr. Speaker, “Son, I wanted you to remember this.” “Yes, Your Excellency”, I said. He said, “The spirit of bipartisanship exists between your dad and myself. How does it exist? I used to just pick up the phone (and at that time sugar was our major industry) and said, ‘Sid, we are off to Brussels because we need to do this’, and we went. Didn’t have to make hoo-ha and big deal about it, but we did. We sat at the same table, made the decision

at that same table in the best interest of Fiji. We were on opposite political ends, but we did it because it was in the best interest of Fiji.”

That has stuck with me, Mr. Speaker, for my entire political life and since I actually heard that from the great gentleman. Why I say that, Mr. Speaker, this very Constitution that everyone is either being pouring scorn on or saying many things about it, using very elaborate words, questioning its legitimacy, the very thing that has not been spoken about and what needs to be said is that, this provision in the Constitution with respect to the amendment of the Constitution and with respect to 75 percent and with respect to the voting that has to occur within a referendum. Maybe, just maybe we all need to take a step back and think. That is promoting bipartisanship in this House.

However, when I say that, you all need to go check, it is not impossible. It is possible, Mr. Speaker. You have heard a lot from everyone on this side and that side, basically saying the same thing. Yes, you can amend it, there are ways you can do it, but do it correctly. That spirit of bipartisanship is maybe that is how this clause needs to be interpreted. We do not have to be at opposite ends to do this, Mr. Speaker. We can do it if you have that proper spirit of bipartisanship.

To my learned colleague, Sir, the honourable Minister for Lands, about his submission made about it being impossible, it is not. Again, if you look at it like that, it is not. If you believe that you have got enough votes in this House, you can conjure up enough votes in this House, you can also do that by virtue of the referendum. It is just a matter of making sure that people are well informed.

You currently have a spirit in this House of some bipartisanship that can take this and do it correctly like it is in here. That is the way to do it. There is a suggestion by honourable Premila Kumar earlier on that said, “If you really want to, that particular voting that needs to happen in the referendum can be made compulsory.” That is another way to do it. But the way that has been gone about now is incorrect in our opinion.

We cannot support it, Mr. Speaker. This clause, as I have said, creates the true spirit of bipartisanship if it needs to be changed. Mr. Speaker, one of the best ways in the world and I will cite some examples, to gauge public opinion is a referendum. I will give you a quote from and I will give you a quote from where it happened. In the United Kingdom, when they wanted to leave and come out of Brexit, Mr, Speaker, they conducted a referendum in 2016. That this is where public opinion...

(Chorus of interjections)

HON. F.S. KOYA.- Hear me out, please! We have heard all of you.

...directly influence political action. It makes a difference, Sir. The decision to leave the European Union, which was massive, huge impact on the British economy, was driven by a majority vote, leading the politicians to act on it, on this mandate, despite their personal or party preferences.

You said simple majority, that is fine. That is how they did, but remember, we have a huge history. We have a history of four constitutions in 43 years. Sir, 43 years we have had four constitutions. I said it earlier on and I am going to say it again. The only one, if you are going to talk about legitimacy, that even contains a modicum of legitimacy is the 1970 Constitution. The rest, you could go on until you are blue in the face and say that none of them were legitimate.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. F.S. KOYA.- You can say that, we can question the legitimacy of every single one of them post-1970. So, my point is, and I agree with the honourable Kamikamica, do not go back in the past. Stop pouring scorn on those that orchestrated and made this Constitution, because I will tell you what, this Constitution has gone through three elections.

(Chorus of interjections)

HON. F.S. KOYA.- And guess what? You are all sitting here because all of you swore an oath...

(Chorus of interjections)

HON. F.S. KOYA.- ... you picked up this book and you said, “I will be faithful and bear true allegiance to the Republic of Fiji according to law, and I will obey, observe and uphold and maintain the Constitution of the Republic of Fiji.” End of story.

HON. K.K. LAL.- Hear, hear!

HON. F.S. KOYA.- You all swore an oath and I dare the honourable Attorney-General to question that oath that he took also in this House. Mr. Speaker, Sir, no one says that you cannot amend it. There is a procedure laid out and as I said, maybe the spirit needs to be looked at.

The honourable Prime Minister started off and said some great things with respect to the review and he also said that “the voice of the people must be borne out” and I quote him. That is legitimacy at its best. Legitimacy at its best is a referendum. Why is that being taken out? You can tweak it, you can say the referendum should not be 75 percent, it may be less. Those things you can tinker with but why take out the voice of the people? The very thing that you have been harping on about the whole day, about the voice of the people. You have a political party that says, “The People's Alliance.”

HON. K.K. LAL.- Hear, hear!

HON. F.S. KOYA.- You have a political party that has the history of being the longest living party on the Fijian political landscape.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. F.S. KOYA.- You have a history of having fallen down, gotten up, and gone through four constitutions. You ought to know better or you ought to know best.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. F.S. KOYA.- And I am not singing my late father's praises here, but I am telling you that, that party ought to know best having been through thick and thin, you ought to know best about the rule of law. You ought to know best about having picked up a document, sworn on it, and said, “I will protect it and follow the right procedure”, because I tell you what, once again, it can be done, but you do not change it, you do not make it so that successive governments come and willy-nilly, as it was said, change the constitution. No moans, no groans! You and I may not be here in the next session of Parliament, someone else new may come. And guess what?

I found something, Mr. Speaker. I found a little excerpt, and this is the words of our current honourable Attorney-General. I am not saying this is bad, but this is what your thoughts were in

2005. This is also when you were talking about the Reconciliation and Unity Commission, the Presidential approval, and the amnesty provisions that you spoke of. And very, very nicely you put it like this, and I quote:

“Leung said that he and the Law Society supported the Bills purported aims the reconciliation tolerance and unity, but were strongly opposed to the amnesty provisions of the legislation which he said were repugnant and would empower politicians to overturn judicial decisions and is likely to demoralise the judiciary and sever it off the wheel to continue its work.”

He said it would also encourage future generations to regard *coups* as something they could take part in with impugntment. Those are the words of a younger version of the honourable Attorney-General who sits on the other side.

HON. M.S.N. KAMIKAMICA.- What is the point?

HON. F.S. KOYA.- Mr. Speaker, the point is you really need to look at the bigger picture. I know it is long in the day, you need to look at the bigger picture.

Mr. Speaker, he went on around 16th June, a parliamentary submission, honourable Leung called the Bill a recipe for instability when he was talking about truth and reconciliation. Terror and payback and a retrograde step which could threaten the present and future governments, and I quote:

“It would encourage the belief that if people think they have sufficiently good political reason to topple a government, politicians might consider granting a pardon.”

All these things come back and people start reading it and thinking it, et cetera.

My point is that you cannot make the constitution easy to change, especially in light of the fact that we have one of the worst histories imaginable around the world. Comparable to some of the other countries that are like that. Four Constitutions in 43 years. We spoke very highly about the United States of America. We spoke very highly about India. They have not had any *coups*; they had zero *coups*. Yet, they still managed to change their Constitution. We all understand, we all move on with time. There are many things - rules in a household, the way we operate nowadays, all the laws that are in place especially with our children, too. There are different methodologies that we use in bringing them up. All of these things.

The point here, Mr. Speaker, even in the Reeves Commission, the honourable Attorney-General, it said there is a need for a popular will. Why are you taking away the popular will? You are not going there. You are taking it away completely, honourable Minister for Justice.

Mr. Speaker, one of the most important provisions in the Constitution is, we the people. If I remember correctly, I think the honourable Minister of Lands said something along the lines of that was sacrosanct. It is so important to all of us. Yes, I agree with you, it is. And you must remember that the Constitution when it came into being, was born out of necessity; just like 97, just like 90. All of them were born out of necessity. You can nod and say no as much as you like and have a differing opinion, no problem. But I am telling you, it was born out of necessity. There are things in that Constitution that would tell you that it was born out of necessity. It is how you read it, how you interpret it, and remember and do not forget that you are sitting here after having had an election, and three elections. And please, do not say it is unlawful, or it has no basis. I will tell you why!

Mr. Speaker, Sir, 84 percent voters came out and voted in the 2014 Election. It was the wrong figure that was typed, and, if one person, one person alone, Ratu Voreqe Bainimarama could get 200,000 or plus odd votes, why can you not do the same and get the rest to actually do the change? Why not? If you are strong enough as a political party. Remember this, you spoke about if it is 75 percent, it may be one vote that might take it all off. Guess what? You are only sitting on the other side of the House because you had one vote! By the power of one! Remember what the Prime Minister said, by the power of one, you end up there.

(Honourable Members interject)

HON. F.S. KOYA.- I heard a comment uttered by the honourable Minister for Justice when something was mentioned by the honourable Usamate about going to court. He said, you do not worry about it, that does not concern you - something to that effect. Come on, honourable Minister! It does concern you! He is also a Fijian citizen! He also needs to stand up!

HON. J. USAMATE.- Shame on you!

HON. F.S. KOYA.- I heard you, Sir! And yes, you admitted it, but be careful, be wise with your words. The public are listening. You are the Minister for Justice. You ought to know better.

Mr. Speaker, Sir, I have a problem with this, taking away the people's voice is tantamount to shutting them down completely. We have not been given a reason, as to why that very important provision is being taken away. You could have voted it down. You could have come here and said, look, why do we not reduce it to 66 percent, okay, we might have listened. But that was not even done and just like all the other speakers have said before, you know something? We do not know what it is that you want to change.

You can come here and say things until you go in a place, we want to see it in black and white, what you want changed. It needs to be seen! The people need to see it! We are now more answerable on a daily basis. We are now more answerable because of social media. Everyone in here knows that.

Mr. Speaker, Sir, there was mention about places like Kenya and South Africa too. All referendums! Mr. Speaker, Sir, even the issue that was brought earlier on by the honourable Attorney-General, he spoke about Cyprus and necessity. Mr. Speaker, Sir, you must put it into perspective, and I am sure the honourable Prime Minister will understand it. The perspective of Fiji, we are looked at very differently and I can tell you what, when we hosted the COP, we introduced them to *Talanoa*. We introduced the world to *Talanoa*, and we got results out of it!

Why is it that we cannot do it at home, Mr. Speaker, Sir? Why is it that we cannot do that, to get to where you want to right now, because you are in Government?

Mr. Speaker, Sir, I have 57 seconds left and I just wanted to say, some of the speakers said, they were dedicated to bringing peace, liberty, and justice. Let us live by that, Mr. Speaker, Sir. We want peace, every single Fijian citizen wants peace. Every single Fijian wants the liberty that has been afforded to them here, and every single Fijian wants justice. At the same time, we want law and order, which means, we start from the top. Which means, that we must obey the law, which means, we must follow the law. We must, and there is no if and but about it.

It can be changed. Maybe do the things that have been offered and suggested. I urge the honourable Prime Minister, the best way forward for this, is to follow the spirit that I mentioned right from the outset, Mr. Speaker, Sir. I do not support the motion.

HON. PROF. B.C. PRASAD.- Thank you, Mr. Speaker, Sir. Last Thursday, during the debate on the motion to thank His Excellency, the President for his gracious speech. I said the following, and I want to quote: “Political and national leadership, especially entrusted with national responsibility, is similar to driving a vehicle. We must, at all times, look ahead but never forget to look at the rear view and side mirrors to see how we have navigated through the long-winded road and at the same time, avoid the kind of pitfalls that we may have encountered.”

Mr. Speaker, Sir, I listened very carefully to all the speakers, and I wanted to do that very carefully and deliberately as well. I heard a lot of arguments, and I want to begin by thanking all the speakers from the Government side and also the two independent Members, honourable Sachida Nand and honourable Shalen Kumar. I think all of them articulated the need for us to adopt this process that the Bill presented by the honourable Prime Minister seeks to do.

Mr. Speaker, Sir, I also heard all those who said they are not going to support the Bill but also said that we would like to see a change in the Constitution. The more I heard them, the more confused I found in them. Change, do not change, and there are many words that I could use to describe the debate. Confused, bewildered, muddled, disoriented, jumbled, unclear and baffled. And that, Mr. Speaker, Sir, to me, is some sort of identity crisis about governance, about constitutions, about the philosophy, about what we want and what we do not want.

Mr. Speaker, Sir, the tone and manner of the contribution from those who opposed the motion, starting from the honourable Leader of the Opposition, who did ask us to learn from history. This Bill, Mr. Speaker, Sir, is all about learning from history. To avoid the pitfalls because anything that is shoved down the throats of the people without consultation is a recipe for disaster.

HON. M.S.N. KAMIKAMICA.- Hear, hear!

HON. PROF. B.C. PRASAD.- The call that came from across the floor, was a need for a referendum, to hear the voices of the people. But, Mr. Speaker, Sir, I would urge the honourable Opposition Members to ask these questions themselves. Was the provision for the referendum decided by the people or by a selected few?

Did 75 percent of the total number of registered voters agree by way of referendum or consultation that the Attorney- General has immense powers? Did the people agree with the draconian decrees during the Military regime and subsequently turn it into an Act of Parliament without being ratified by the Parliament? Were political parties, civil societies, NGOs consulted? Mr. Speaker, Sir, this is precisely what I want to address and how this Constitution was formulated because that itself, is going to lay out the process that we, as a government, have put in place.

We have heard arguments from both sides about the need to change the 2013 Constitution, as well as remarks about the validity, about the legality of the Constitution. The Bill, Mr. Speaker, Sir, as the honourable Prime Minister and Minister for Foreign Affairs, Civil Service, Public Enterprises and Information said, it is procedural. It lays the foundation for a holistic review of the Constitution, which was imposed on us. Everyone knows it!

I want to state right at the outset, and as honourable Koya said, the 63-year-old National Federation Party as a loyal partner in the People's Coalition Government led by the honourable Prime Minister and Minister for Foreign Affairs, Civil Service, Public Enterprises and Information, and Deputy Prime Minister and, Minister for Tourism and Civil Aviation talked about this. A party that I have been a leader for the last 11 years.

Our belief is unshakeable and firm, that the 2013 Constitution is illegal and totally lacks legitimacy. And anyone, Mr. Speaker, Sir, anyone clinging to the dear life of this Constitution, is endorsing lack of legitimacy. And I want to say this very clearly to the people of Fiji, that the 2013 Constitution, Mr. Speaker, Sir, has the potential to become a diabolical disaster, not only for now but in the future of our nation and every Fijian if it is allowed to reign as our supreme law.

I could, Mr. Speaker, Sir, like honourable Koya, who was referring to, speak for hours about the history of making Constitutions in the lead up to our 55 years of history as a sovereign nation. 1970, 1990, 1997, and 2013 Constitution. But, Mr. Speaker, Sir, let me talk about this argument that is often bandied around and even brought to the floor of this Parliament, that we have taken oath on this Constitution.

Yes, so did the people under the 1990 Constitution. Mr. Speaker, both in 1992 and 1994, the NFP participated in the General Elections under that unjust racist Constitution that was described by many as a facade of democracy, with the sole objective of changing that Constitution within the seven-year time frame stipulated in that Constitution. Mr. Speaker, Sir, let me say this, I heard from the Opposition that they will have two-third majority, 37.

In 1994, when this Prime Minister and Minister for Foreign Affairs, Civil Service, Public Enterprises and Information here, had 37 members on one side, all of them *iTaukei*, five general electors, one Rotuman and 27 Indo-Fijian members were sitting on the other side of the Opposition. This man, this Prime Minister and Minister for Foreign Affairs, Civil Service, Public Enterprises and Information had the guts, the vision to walk across to the Opposition and say, let us review this Constitution. That resulted in him working with the late Justice Jai Ram Reddy as the leader of the National Federation Party and delivering one of the world acclaimed 1997 Constitution.

That is why I trust this man, Mr. Speaker, Sir. That is why I tell the people of Fiji that this is the right time! This is history! This is an opportunity to review this Constitution, change this Constitution, to bring all the good things, the foundational principles that are there, governance principles that is not in this Constitution to fruition.

The honourable Attorney-General, honourable Minister for Lands and Mineral Resources, honourable Minister for Defence and Veteran Affairs, and all the others who spoke from this side, honourable Deputy Prime Minister and Minister for Tourism and Civil Aviation, talked about the foundational principles. The honourable Deputy Prime Minister and Minister for Trade, Co-operatives and Micro, Small and Medium Enterprises and Communications talked about it. Bill of Rights, equal citizenry, common name, these are foundational principles that they have all talked about, Mr. Speaker, Sir.

These principles were also part of the 1997 Constitution. All we are asking, in fact I think there is confusion on the other side about the process. This Second Reading, if it gets through, then there will be a Parliamentary Committee that will be formed. That Parliamentary Committee will go and do the consultation, it will be bipartisan, where we can talk about what we can do, and then there will be a Third Reading. And we can discuss, Mr. Speaker, Sir, say what we, and how we should move from there.

Mr. Speaker, Sir, they have talked about the referendum of 75 percent being removed as dangerous. But more dangerous than that, Mr. Speaker, Sir, is not getting the Constitution changed. To look at the governance processes, the dictatorial provisions in this Constitution. They have talked about, that we are not going to be here all our lives. Yes, we all agree with that, and that is why it is important to change the Constitution now. You have a leader who has the vision. Who is prepared to walk across. Who has got the experience to do that! And if we do not support him in that

mission, in that vision, Mr. Speaker, Sir, we are going to be remembered very, very badly in our history.

We all know about the Reeve's Commission. I was looking at this report. This is a report that the Reeve's Commission prepared. For almost nine months, the 25 Member Joint Parliamentary Select Committee deliberated on this report, Mr. Speaker, Sir, incorporating 90 percent of recommendations of the CRC, or commonly known as the Reeve's Report, which was unanimously adopted in July 1997. And more, Mr. Speaker, Sir, after the Great Council of Chiefs displayed its vast reservoir of goodwill and embodiment of wisdom, to endorse the Joint Parliamentary Select Committee Report on 6th June, 1997 and that, too, after a historic address by honourable Justice Jai Ram Reddy, which will remain a defining moment in our history.

But tragically, Mr. Speaker, Sir, that Constitution was abrogated, first in 2000 by the Commander Josaia Voreqe Bainimarama. Again, on 10th April, 2009, by supposedly the President to enforce a new legal order that resulted in the 2013 Constitution. And a lot of things happened in between, Mr. Speaker, Sir. The Emergency Regulations, sacking of judges, Media Decree, Public Emergency Regulations, Public Order Act, and of course, we all know the history of how the Decrees themselves, 57 and 58. Very important point, Mr. Speaker, Sir. Here you have an illegal regime putting out a Decree, 57 and 58, to say, hey, we are going to follow this law to formulate a Constitution. 57 and 58. And what happened? They did not even follow their own law, their own Decree, which they laid down that this is how the 2013 Constitution will be made!

Mr. Speaker, Sir, the provision for the Constitutional Assembly, provision for a Constitutional Review Commission, all that was thrown out of the window and as a lot of people said, one man or two men, or two officials, came back with a Constitution and imposed it on the people of Fiji. That is what happened, Mr. Speaker, Sir. So, all this confusion about process, about following the law, nobody is breaking the law. This Bill is not unconstitutional!

In fact, the Standing Order that was put in by the previous Government, that was illegal! And, Mr. Speaker, Sir, in your wisdom, in your ruling, you sorted that out because otherwise we would have never been able to bring a Bill into this Parliament and that was deliberate, Mr. Speaker, Sir.

Mr. Speaker, Sir, if we had gone by the argument that Honourable Koya put out about the Standing Orders, we would have never even got to this point of having this debate in Parliament. This is how gagged the previous eight years of Parliament was. And today, I am very happy, that it is this Government, I was very pleased that all these Members spoke in *Hindi* today. But that freedom was given by this honourable Prime Minister, in this Parliament.

HON. M.S.N. KAMIKAMICA.- Hear, hear!

HON. PROF.B.C. PRASAD.- We are able to speak in *Hindi* and *iTaukei* languages now. We can speak to our people. That is the freedom that we have given. Yet, they are coming out, Mr. Speaker, Sir, and saying, we do not know what the intention is. As if there is some kind of big conspiracy. And honourable Biman Prasad, the NFP leader is part of this conspiracy. This is what they are going to tell people out there. Some of these things that they said about, you know, honourable Virendra Lal was talking about not being able to practise your religion or something, Mr. Speaker, Sir, for that there would be some threat to that kind of thing. This is the kind of conspiracy, that they go out and say to our people. Mr. Speaker, Sir.

So, the important point, Mr. Speaker, Sir, that all our speakers have made, and honourable Minister for Lands and Mineral Resources very eloquently talked about the referendum. The

impossibility or the difficulty in getting this Constitution changed. And here is a pathway that the Honourable Prime Minister is putting through to ask for the Opposition's support and we can move on, Mr. Speaker, Sir.

Let me just say a few words in *Hindi*, Mr. Speaker, Sir.

Bhaiyo aur baheno, aap logo ne vishesh roop se, hamare jo mananye Opposition members hai unki baate suni. Unka ya kahena hai ki ye vidhaan ko nahi badalna chahiye. Mai ye kahe raha hoon, ki 1997 Constitution mein hamare logo ki jo adhikaar ki Suraksha bani hui thi, us vidhaan utha kar beega gaya tha.

Is vidhaan ko, 2013 Constitution ko, hamare upar thopa gaya aur is Constitution, is vidhaan ke zariye, hamare logo ke gale mei faasi ka fanda dala gaya hai. Aur is vidhaan ko agar hum aaj nahi badalte hai, toh ye faasi ka fanda hamare logo ke upar rahega.

Desh ki sanchalan karne ke liye jo vishi hai, jo niti hai, wo bhavishye mei theek nahi rahega agar is vidhaan ko hum abhi badalte hai. Aur mai logo se, aap sabhi se ye maang kar raha hoon, ki aap bahekawe mein kat akiye. Dar aur dhamkane ki pratikriya mein na fase. Hum log ye jante hai ki vidhaan naya jab banega, ya isme sansodhan ayege, toh hamari adhikar ki suraksha sadev usme rahegi.

Aur jo ye bakwas log faela rahe hai ki aesa hoga, waesa hoga, ye bebuniyad hai aur jhoot hai. Isi liye main is prastao ka samarthan kar raha hoon aur pradhaan mantri par mera vishvaas hai. Jaese inhone 1997 Constitution dita tha, usi tarah is vidhaan ka sansodhan kar ke hum logo ke adhikar ko fir se sthapit karenge.

Mr. Speaker, Sir, I have full confidence in the process we have laid out. I have full confidence in all our colleagues on the Government side and the honourable Prime Minister. I want to thank honourable Shalen Kumar, honourable Sachida Nand and all our Members who had supported this and I call upon the Opposition, honourable Alvick Maharaj, honourable Parveen Bala and others to vote for this motion. Let us get this First Reading, Second Reading through, let us get into a committee and then we take it from there.

MR. SPEAKER.- Honourable Members, I thank everyone who have contributed. I now invite the honourable Prime Minister to exercise his right of reply.

HON. S.L. RABUKA.- Mr. Speaker, Sir, I have a very long right of reply, yet, but it has been a long day and I would like to thank all the honourable Members who have contributed to this debate.

Mr. Speaker, Sir, honourable Deputy Prime Ministers and Ministers, honourable Leader of the Opposition and honourable Members, thank you all very much for your contributions. We have shared a lot, and we have tried to see whether we are still working with this Constitution.

Mr. Speaker, Sir, I am Prime Minister because of the provisions of this Constitution. We are all here because we have been allowed by the provisions of this Constitution. We were the most popular party tact in the Opposition and three lesser parties formed the Coalition because it is allowed for in this Constitution. We are not going against the Constitution. We are here tabling the Second Reading of this Bill because that is what this Constitution demands.

There will be a Third Reading. In between the Second and the Third, the recommendations, suggestions that are coming up now can be thrashed out because we have the mandate, the same mandate that we are now trying to ask the people to give us. They have already given us the mandate.

We are here on the mandate of the people who voted us to be here in their House. We are their representatives. We have their mandate to speak for them, to make laws according to this or change laws according to this Constitution.

That is my appeal tonight that we still go with this Constitution, with everything it allows us to do, and at the end of the Third Reading, after discussions across the floor about what we would like to see in the final, on what will be enacted and whether we go to the referendum and with what majority, that will be decided here. We are talking about democracy.

I was sitting on the other side of the House when I spoke about democracy and marathon - 26 miles and 385 yards, we have a national representative, athlete in the front here. That is the distance that was run by Pheidippides, the messenger who came from the battlefield of Marathon, to give the message to the Senate in Athens that their system of government, *democragia* in Greek was safe and secure. They had defeated the great army of Persia and this man had to run 26 miles and 385 yards to give that message, "We have won!" - fell over and died. That was about 500 years BC and his address at Gettysburg, we know what that great man had said.

All of these people have died, these people that we are seeing dead here and those who would die of their injuries have died in an attempt to keep this system of governance, representative of the people, by the people and for the people should never perish from the face of the earth. That is the democracy we are talking about, and it is embodied in this Constitution, which we now have said, it was not agreed to by the people.

It was never taken into the House of the people, the House of representatives in Parliament. Now that it is here, some of us stood for elections, just to fight for it to be changed so that it reflects the will of the people. Mr. Speaker, Sir, this Bill (Bill No. 1 of 2025), to amend the Constitution is attempting to do that, that it reflects the will of the people in a practical and practicable way.

Mr. Speaker, Sir, we have heard that some people had some very unfortunate exchanges of words because of their initial stand at the vote to suspend Standing Orders. That was a simple vote that only needed a simple majority, but I am glad that it came up and it came to that because it has given us the opportunity to relook at where we stood here in the House, as representatives of the people. Those who are alleging that we have been unfaithful to this Constitution, I say, we have not been.

We are still working in accordance with the provisions of this Constitution whether we like it or not. We are allowing it to work for us, not only for us, but for the people. We are going to change it, and we are moving that it be changed so that it reflects a more reasonable way of exercising the will of the people through this Constitution. So, please do not accuse us of trying to work *ultra vires* the Constitution.

We are supporting this Constitution, and we are working according to the provisions of this Constitution until we say it should be changed or some other authority according to the Constitution says, it should not be. So, for now, I am proposing this Bill to be changed, and I commend it before the House.

MR. SPEAKER.- The Parliament will now vote.

Question put.

Votes cast:

Ayes - 40

Noes - 14

Not Voted - 1

Motion defeated.

**REVIEW REPORT- RESERVE BANK OF FIJI
INSURANCE 2023 ANNUAL REPORT**

HON. L.S. QEREQERETABUA.- Mr. Speaker, Sir, I move:

That Parliament debates the Review Report of the Reserve Bank of Fiji Insurance 2023 Annual Report which was tabled in Parliament on 3rd December, 2024.

HON. R.R. SHARMA.- Mr. Speaker, Sir, I second the motion.

HON. L.S. QEREQERETABUA.- Mr. Speaker, Sir, I just rise to bring attention to the recommendations outlined in the Committee's recent report. As we know, the Reserve Bank of Fiji (RBF) is responsible for regulating and supervising the insurance industry in Fiji under the Insurance Act 1998 and the Insurance Regulations 1998, with the goal of safeguarding policy holders' interests and ensuring industry stability. In 2023, insurance-related complaints increased to 11 with most relating to life insurance and property issues but the Reserve Bank of Fiji efficiently resolved most within the 21- day guideline.

The Reserve Bank of Fiji is also focusing on expanding parametric insurance to assist vulnerable populations especially with payouts linked to weather data and has recommended expanding weather station coverage in remote areas. Additionally, the Reserve Bank of Fiji continues revising the Insurance Act 1998 to enhance consumer protection and has launched a bundled micro-insurance product covering over 100,000 policy holders, expanding its reach to farmers and social welfare recipients.

The Committee strongly recommends that the Ministry for Public Works, Transport and Meteorological Services work in close collaboration with the relevant stakeholders to install automatic weather stations in remote areas that are currently not covered. The data collected from these stations will play a crucial role in determining the payments for parametric climate insurance but ultimately benefitting low-income householders who are most vulnerable to the impacts of climate change.

Furthermore, the Committee believes that it would be highly beneficial for future insurance annual reports to include gender-desegregated data, particularly the ratio of men and women employed within the insurance sector. This would provide valuable insight into the diversity and inclusivity of the industry. The Committee also suggests that it would be insightful to track the gender ratio of insurance product beneficiaries offering a clearer picture of how these services are reaching different demographic groups.

The Committee commends the Reserve Bank of Fiji for their efficient complaints handling mechanisms, which have been effective in addressing and resolving customer queries in a timely manner. We commend the Reserve Bank for the timeliness of their report ensuring transparency and accountability in the regulatory process.

On that note, I support the motion before House.

MR. SPEAKER.- Honourable Members the floor is now open for debate on the motion. I have a list here with me, at the end of the debate we will have the right of reply from the mover.

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, Sir, I rise to support the motion before the House regarding the review of the Reserve Bank of Fiji Insurance 2023 Annual Report. At the outset, I wish to extend my appreciation to the Reserve Bank of Fiji for ensuring that the regulatory compliance, consumer protection and overall financial security for all Fijians and their contributions in that regard. Also, I would like to acknowledge the Standing Committee on Foreign Affairs and Defence who was previously under the leadership of honourable Viliame Naupoto for their detailed review and contributions and recommendations.

Mr. Speaker, Sir, insurance plays a vital role in securing our economic foundation. It provides a safeguard for individuals, businesses and communities with financial protection from unexpected losses such as natural disasters, accidents and health emergencies, et cetera. This ensures that economic activities remain resilient even in the face of challenges.

I wish to highlight some of the notable achievements in the 2023 Annual Report. The combined gross premiums of the life and general insurance sectors recorded a growth of 7.5 percent in 2023 and stood at \$440.7 million an all-time high. That, of course, means Mr. Speaker, Sir, that the economy is continuing to move to the right direction. All insurance companies reported net tax profits in 2023, combined earnings were \$33 billion which is about 36.2 percent lower than the year before, and the decrease was because of the net claims paid out as well as the overall increase in re-insurance costs.

Mr. Speaker, Sir, my focus today is to speak on parametric insurance, micro-insurance and cyber security risks. The Pacific Islands face some of the highest risks from the climate induced, globally induced disasters, one example of which is, of course, the *TC Winston* in 2016. The product that was designed from this incident, had the aim of protecting communities, micro, small and medium enterprises, from the financial impacts of extreme weather events through immediate response insurance payments. Also again, I wish to thank the RBF for supporting the first ever pilot programme for parametric insurance product in Fiji, to make it affordable for low and middle income earners, households, MSMEs and co-operative businesses.

Following severe floods in early 2023, Mr. Speaker, over 200,000 was paid out to beneficiaries to empower the people of Fiji to recover and rebuild. In collaboration with the UNCDF, the Ministry that I am honoured to lead, has been working tirelessly with MSMEs, co-operatives and communities in conducting research, awareness and trainings on the parametric insurance product to undertake a comprehensive study on the types of risks faced due to climate change and help develop other insurance products that can best address financing needs of MSMEs.

The RBF has also been spearheading risk management in terms of cyber-crime which is also applauded, and we wish to encourage the RBF in its endeavour, to continue to assist particularly our small, medium enterprise sector in running their businesses. With those few words, Mr. Speaker, I support the motion before the House.

HON. P.D. KUMAR.- Mr. Speaker, Sir, I thank the Committee for their Report. The insurance sector is a very important cornerstone of our economy, it is not only a job creator, but it is also an investor, and also provides that protection not only to individuals, businesses as well as to the government. We have seen after the global financial crisis that happened in 2008, Reserve Bank of Fiji undertook a number of initiatives to ensure that the consumers were well protected.

During that process, the first thing they did was that they formed a taskforce and through that, financial literacy was one area they worked on, and Complaints Management Unit was set up in Reserve Bank. And last year, the Government came up with Financial Ombudsman, so there is some progress in that area, and I appreciate the fact that the Financial Ombudsman is there to look at the complaints independently.

Another initiative I must mention here is the establishment of ACCF which had to be done. However, one area that I felt that the Committee did not look at was the surrenders and forfeitures in the insurance sector itself. If you look at the 2008 Insurance Study Report, it came out very clearly that consumers were losing out about \$2 million every year because of this surrender. They surrendered their policies, not within the timeframe. The timeframe is 28 days, but they surrendered it after 28 days and they were not given that money back. So, the insurance companies collected \$2 million just like that. Forfeitures as well, when consumers are not able to continue with their repayments, continue with their premiums and again, in 2008, it was about \$11 million that went into the pockets of the insurance sector.

Unfortunately, for 2003, the Committee did mention about forfeitures and surrenders but they did not give the figure, neither have they made a recommendation. I strongly believe, Mr. Speaker, Sir, this is one area that needs to be tightened so that consumers are very well protected, because initially when we were talking about Third Party Insurance, there was a lot of objections from the insurance sector. There was this belief that we should not touch it because we have to keep the insurance sector viable, profitable and stable. I understand all that. But we have now seen what has happened after the establishment of ACCF, insurance companies are still doing well and, at least, people are very well protected when they meet an accident.

Similarly, we need to work on surrenders and forfeitures so that consumers are well protected. Because it says, if a consumer is able to, I think it is about three years, within three years, if they are not able to continue with their premium, they lose all their premiums. But after three years, then the Insurance company will use their own formula to decide how much they will give back to the consumers and we do not know what their formula is. So, there has been a lot more transparency in the calculation of the return of whatever money they had paid previously.

I also urge that in future, we need to look seriously about the disclosure of information, how the insurance agents disclose information to consumers before they sign up the documents and say, "yes, I am ready to take up this particular policy." At the upfront, it is more of a marketing tool they use to convince consumers, but the details are not disclosed. So, that is another area that we need to improve on, and I suggest that the Insurance ACT needs to be reviewed, so that we can take into consideration some of the new consumer protection mechanisms or measures that are being used around the world. And that is one way we can be updated with the mechanism and at the same time protect our consumers in Fiji.

Thank you, Mr. Speaker, Sir, and I support the motion before Parliament.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I thank the honourable Members for their contribution. As honourable Deputy Prime Minister and Minister for Trade, Co-operatives and Micro, Small and Medium Enterprises and Communications has mentioned, the Insurance Industry in 2023 grew very well. They did very well. I do not want to go into the details. I think the honourable Deputy Prime Minister provided that but let me just make a few observations.

One, I want to say that the performance of the industry in 2024 was also very good and the outlook for 2025 is very similar. 2024 has also been a very good year for the Fijian Insurance Industry, of course you know complemented by the absence of major catastrophes on natural disasters

during the year, and given, Mr. Speaker, Sir, that the Fijian economy is also estimated to have returned to 2019 levels and denoting a growth of 8 percent in 2023, this is expected to contribute to the stable performance of the Insurance Industry in 2024. As I said, the outlook for the industry is very positive for 2025, on the back of projected economic growth and of course, Mr. Speaker, Sir, in 2024 we revised the growth forecast from 2.8 percent to 3.8 percent. It showed that our policies both in the 2023-2024 budget and in the 2024-2025 budget has been working well.

The Insurance Industry, Mr. Speaker, Sir, is also about confidence. It is about the ability of the customers, the consumers to be able to afford premium. So, if you go by the growth in the industry in 2023 and 2024, Mr. Speaker, Sir, it does gel with the economic performance, but it also suggests, contrary to popular misinformation and given the measures that we have put in place in the 2024-2025 Budget, increase in the minimum wages, again going to \$5 from 1st of April, increase in the salaries of the Civil Service since 2017. All that, Mr. Speaker, Sir, has added additional income to households, to people and that is reflected in the growth of the insurance industry.

The other important point that I want to point out, Mr. Speaker, Sir, and that is also what this Government did, and that is to establish the Office of the Financial Services Ombudsman within the Reserve Bank of Fiji. and that serves as an impartial platform for resolving disputes and the Financial Services Ombudsman is tasked with investigating, mediating and ensuring fair resolutions between consumers and financial services, provided that the licence and regulated by the RBF including the insurance industry. So, in 2023, Mr. Speaker, Sir, 11 complaints were received relating to the insurance industry, of which 10 was successfully resolved resulting in pay out for complainants. So, this is an important innovation that we, an important policy decision that this Government made.

Mr. Speaker, Sir, there are still concerns with respect to the health insurance or the medical insurance. Things like upfront payments. Insurance companies moving away from bulk billing. Consumers have to pay out front. Sometimes, you know they have to run around to make the claims. So, these are issues that are still there and the Government, Mr. Speaker, Sir, is going to look at working very closely with the Consumer Council of Fiji to see if there is a need to change the Act to ensure that there is flexibility, efficiency and effectiveness in the service that insurance company's deliver, then we will definitely do that, Mr. Speaker, Sir.

HON. V. NATH.- Mr. Speaker, Sir, I rise to contribute to the Review Report of the Reserve Bank of Fiji's Insurance 2023 Annual Report.

As the Opposition, it is our duty to scrutinise the Government action and ensure that they are held accountable. However, we must also acknowledge the positive steps taken to provide constructive criticism where necessary. Mr. Speaker, Sir, the Report highlights several key areas in the insurance sector including general insurance, life insurance, and insurance brokers. It also outlines the Standing Committees findings and recommendations, as well as the sectors contribution to the Sustainable Development Goals.

Firstly, let us examine the general insurance sector. The Report indicates that general insurance recorded profit despite economic challenges. The gross premium income increased to \$243.9 million with motor vehicle, medical and fire classes been the key contributors. However, there was as notable increase in gross claim paid to \$132.4 million and the net profit after tax declined to \$27.4 million. While it is commendable that the sector remains profitable, we must critically assess the reason behind the decline in net profit and address the underlying issues.

The performance of insurance brokers was positive with total premium transacted at \$236.2 million. The growth was largely driven by fire, medical and term-life classes. This is the testament to the resilience and adoptability of our insurance brokers and we commend their effort.

Mr. Speaker, Sir, the Standing Committee's finding revealed an increased in complaints to 11 in 2023, mainly in life and property classes. While this number may seem small, it is essential that we address these complaints promptly and effectively to maintain public trust in the insurance sector.

The introduction of the Parametric Insurance Product linked to automatic weather station has benefitted low income households. This is a commendable initiative, and we encourage further expansion of such innovative products. The insurance of paramedic supervision policy on cybersecurity risk is a positive step towards safeguarding the Sector from potential threat. However, we must remain vigilant and continuously update our policies to address emerging risk.

Mr. Speaker, Sir, the ongoing revision of the Insurance Act 1998, to strengthen consumer protection is a crucial development. We must ensure that the revised Act addresses the current challenges faced by the Sector and provide the robust framework in the future.

The report also highlighted the insurance sector contributing to six key sustainable development, including:

- (1) Poverty Reduction;
- (2) Food Security;
- (3) Health;
- (4) Gender Equality;
- (5) Economic Growth; and
- (6) Climate Change Action.

This is a significant achievement, and we must continue to support the Sector in this effort to contribute to these goals.

Mr. Speaker, Sir, the Standing Committee made several recommendations, some of which have already been implemented. The installation of automatic weather stations in remote areas is underway, enhancing the determination of the parametric climate insurance payment. This initiative is a positive step towards supporting low income households and providing the accuracy of insurance payouts.

The inclusion of gender ratio data in the latest report, this is another commendable implementation. This data provides valuable insights into the ratio of men and women employed in the insurance sector and those who are beneficiaries of insurance products. It is essential that we continue to promote gender equality and ensure that both men and women have equal access to insurance services.

Mr. Speaker, Sir, the ongoing revision of the Insurance Act 1998, is a crucial step towards strengthening consumer protection. However, we must ensure that the revised Act addresses the current challenges faced by the sector and provide the robust pay framework in the future. That includes, addressing issues such as transparency, accountability and fair treatment to the policy holders.

Mr. Speaker, Sir, one critical area that needs urgent attention is the Acts of God coverage, such as cyclones, floods and other natural disasters. These events have devastating impacts on our communities and many Fijians struggle to recover without adequate insurance coverage. We must find ways to make insurance more accessible and affordable to these high-risk events.

Furthermore, Mr. Speaker, Sir, we need raise awareness about the importance of insurance coverage for national disasters and provide incentives for people to invest in these policies. This can

include Government subsidies, tax breaks and other financial incentives to make insurance more effective, attractive and accessible to all Fijians.

Mr. Speaker, Sir, let us not forget, that the true measure of our success lies in our ability to protect and uplift the lives of our people. We must act decisively and ensure that our insurance sector is equipped to meet the challenges of today and tomorrow. Mr. Speaker, Sir, thank you for allowing me this time speak, and I support the motion.

MR. SPEAKER.- I now call on the Chairperson of the Standing Committee on Foreign Affairs and Defence for her right of reply.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, Sir. I just want to say thank you very much, *vinaka vakalevu* to the honourable Members who spoke in support of the motion, and I have nothing further to add.

MR. SPEAKER.- Parliament will now vote to note the content of the Report.

Question put.

Motion agreed.

CONSOLIDATED REVIEW REPORT – SUVA CITY COUNCIL 2016-2018 ANNUAL REPORTS

HON. I.S. VANAWALU.- Mr. Speaker, Sir, I move:

That Parliament debates the Consolidated Review Report of the Suva City Council 2016-2018 Annual Reports that was tabled on 3rd of December, 2024.

HON. V. PILLAY.- Mr. Speaker, Sir, I second the motion.

HON. I.S. VANAWALU.- Mr. Speaker, Sir, the Consolidated Review Report for the Suva City Council 2016-2018 Annual Reports highlighted the Chairman's challenges encountered by the Council.

The Committee in its deliberations identified significant key findings, to name a few:

- (1) Review of the legislation and bylaws;
- (2) Security plans for the city;
- (3) Drug issues; and
- (4) Street dwellers.

Mr. Speaker, Sir, Suva City is our nation capital. In line of the vision of the Suva City Council, it must demonstrate to be a model of a safe, secure, clean and peaceful city for its dwellers and visitors. Mr. Speaker, Sir, the challenges for the 21st century will demand of the Suva City Council, ambitions, commitment and energy to achieve its noble goals.

The Standing Committee after having reviewed the Suva City Council Consolidated Report, is of the opinion that the directions and plans set by the Council is on track to achieve its intended goals. In summary, the Standing Committee commends the work of the Council, and it needs support from all relevant stakeholders in maintaining the image of our national capital City.

On that note, Mr. Speaker, Sir, I support the motion before the House.

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

HON. M.K. NALUMISA.- Mr. Speaker, Sir, the Ministry of Local Government acknowledges and noted the recommendations highlighted in the Consolidated Review Report of the Suva City Council, Annual Reports for the period 2016-2018. I thank the Chairperson and the honourable Committee Members for their recommendations, that they have highlighted in the report.

This Report has not only provided a comprehensive overview of the performance, of the Suva City Council during this challenging period, but has also highlighted systematic issues that have plagued our municipal financial management system.

Mr Speaker, Sir, the recurring issues identified in the report are indications that extend far beyond the Suva City Council. The indicative of broader challenges in our Local Government system that require immediate and sustained corrective action. It has taken over eight years to bring this report to Parliament. This delay underscores the critical need for a complete overhaul of governance in our municipal councils. However, the leadership of the current team, our new Administrator, we are turning things around.

Mr. Speaker, Sir, as of today, the Office of the Auditor-General has completed the audit of the Suva City Council's third-month financial statements in 2020. The Council is finalising its Annual Reports for 2019-2020. Work is also underway to complete the financial accounts for the last four years, from 2021-2024.

Furthermore, the Ministry of Local Government, in line with Section 7 of the Local Government Act 1972, has issued a directive to all Councils to submit financial accounts for the last two financial years. This is a decisive step towards ensuring accountability, financial discipline and responsible governance across all municipalities.

Mr. Speaker, Sir, since the appointment of our new Special Administrator for Suva City Council in December 2023, significant progress has been made in restoring and improving the core functions of the City Council. The Council has focused on correcting mismanagement, strengthening service delivery and revitalising Suva's public infrastructure, like the Suva bus stand, the upgrade is currently underway, as well as plans to upgrade Thurston Garden, Albert Park and other recreational parks around the city.

Mr. Speaker, Sir, the recommendations by the Standings Committee covers important issues such as operational governance and plans to address social issues within the municipality like drugs and street dwellers, as well as improvement to recreational parks and public convenience. Some recommendations have been considered, as well as actioned by the Suva City Council. I will be sharing a few recommendations that are worth mentioning.

One of the important recommendation put forward by the Committee is for the Municipal Local Government to strengthen its oversight of the four recent policies of the Municipal Municipality.

Mr. Speaker, Sir, in this financial year, the Municipality has established the Corporate and Audit Unit that is independently undertaking internal audits of all the Councils. The unit has undertaken audits of four Councils. To date, it also includes Suva City Council. The audits are of the most important in the financial year and the implementation of the recommendation from the office

of the Auditor-General. In addition, Mr. Speaker, Sir, the Ministry conducts regular informed reviews of the Municipal Councils and the Special Administrators, to assess the effectiveness of meeting community needs, making important projects, as well as responding to challenges.

Another very important issue too, Mr. Speaker, Sir, is, I think this is a very important issue that is now a challenge with the Council, which is the issue of the street dwellers that are now roaming and also using the City as a haven. The Ministry is also working closely with the Suva City Council on how to assist street dwellers in the provision of shelter and support. Mr. Speaker, Sir, a survey done by the Suva City Council noted that there are close to 70 street dwellers around Suva, out of which 30 are street kids.

The Suva City Council is currently working on a proposal of an establishment of a rehabilitation centre, for homeless citizens and street kids. This initiative is in collaboration with various inter-agencies like the Fiji Police Force, Ministry of Social Welfare, Impact Fiji and Inspire Pacific.

The Ministry of Local Government, Mr. Speaker, Sir, is working with all our Municipal Councils to ensure that whatever issues that have been forwarded, as well as discussed by the Standing Committee, that we will take this on board and ensure that all our citizens and ratepayers that live in a city or town, that they respect as well as being managed well by their respective municipalities. I support the motion before the House, Mr. Speaker, Sir.

HON. H. CHAND.- Mr. Speaker, Sir, I rise to make a short contribution on the motion before the House. I wish to thank the Standing Committee on Social Affairs for the comprehensive report. The Standing Committee has come up with some very good findings and based on that, has made very good recommendations which I fully support.

Mr. Speaker, Sir, the Standing Committee has recommended that the Ministry of Local Government, strengthen its oversight and supervision for all Municipal Councils. I fully agree with the Standing Committee's recommendation. The Ministry of Local Government needs to standardise certain operational procedures for all Municipal Councils, starting with the standard accounting software to be utilised by all 13 Councils.

Mr. Speaker, Sir, I understand currently the Council uses different accounting software. An accounting software will support medium to small Councils in strengthening their accounting functions. Mr. Speaker, Sir, for medium to small Councils it may not be cost effective to procure individuals accounting software, therefore if the Ministry of Local Government can procure an accounting software, it will help medium to small Councils.

Mr. Speaker, Sir, a well-functioning accounting software will provide clear accountability, monitoring, real time reporting and compliance to accounting standards and reporting requirements.

Mr. Speaker, Sir, another area which the Ministry of Local Government should have its oversight and supervision on is financial reporting. The Ministry of Local Government should consider the establishment of a robust and capable Audit, Risk and Improvement Committee to specifically look at the quality and timeliness of financial reporting by the Municipal Councils and formulate action plans to resolve governance and internal control deficiencies and significant audit findings reported by the Office of the Auditor- General.

Mr. Speaker, Sir, another critical area where the Ministry of Local Government should strengthen its oversight and supervision is the overview of capital projects being undertaken by

various Municipal Councils. The Ministry for Local Government should strengthen budget monitoring, implementation of budget, tracking of milestone achievements to ensure the capital works gets completed in a timely manner and within the approved budget.

Mr. Speaker, Sir, another recommendation by the Committee is that Suva City Council renovate and improve the current state of Albert Park, and this should be done urgently. I strongly support the Committee's recommendation. Management of the park must ensure that the park is back to the state in which it was a few years ago.

Mr. Speaker, Sir, a huge amount of money was spent to upgrade and maintain the park and there was a time we all were proud of our Albert Park. Today, we are sad to see the poor state of our Albert Park. Do we not have the right people to manage the park? Do we not have strict ground rules? I urge the Ministry for Local Government and the Minister responsible to intervene before the state of Albert Park gets worse. I support the motion.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I just wanted to make a couple of points. Obviously, when you say this, the other side gets a bit upset, but the complete disaster has been left for this Government to deal with...

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- ... in the Local Government. They do not like it when we say that we are dealing with a disaster, they do not like that, because they know that they left a disaster.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- Since 2005, we have had no elections and things have completely gone haywire in the management and the upkeep of town and city councils and the surrounding environment. Key issues such as rate arrears collection, town boundary redefinitions, fees structures, et cetera, Mr. Speaker, Sir, has not been resolved over the last 15, 16 years since 2005.

I know that the Government and not forgetting about disasters such as the Lautoka Swimming Pool, Govind Park and all the rest of it, that this Government is now actually dealing with. The Ministry of Local Government, Mr. Speaker, Sir, has conducted nationwide public consultations in preparation of municipal elections scheduled this year, and I think that is what this Government has promised, and that is what we are going to deliver. We already have a revised budget of \$1.5 million. The Ministry of Local Government is working with the Elections Office on the best approach to start preparations for a smooth and transparent electoral process.

One of the big issues we have, Mr. Speaker, is the arrears, approximately totalling \$79.8 million as of February 2025, whereby Suva City Council has accumulated the most arrears amounting to \$34.6 million. And majority of the default ratepayers, Mr. Speaker, Sir, are residential ratepayers.

If you look at all the Town and City Councils, in fact, all of them have arrears. This also makes it very difficult for municipal councils to deliver on their mandated roles, functions and responsibilities. A lot of the complaints that we hear from towns and city councils about roads, footpaths and drainage because previously when we had elected councils, their budget and everything was managed by them. They took over and honourable Kumar is sitting there, not amused at what I am saying, but they were part of the disaster that we are cleaning now.

Mr. Speaker, Sir, we are confident that once we have the election, once the decision making is devolved down to people who are living there, people who know, things will improve. That is what this Government had promised and that is what we are doing.

The Suva City Council, Mr. Speaker, Sir, we are.....

HON. J. USAMATE.- Hogwash!

HON. PROF. B.C. PRASAD.- For them, Mr. Speaker, Sir, everything is hogwash. This is the fact that I am pointing out; these are the figures. It is this Government, for eight years they promised an election. I remember honourable Parveen Bala when he was Minister of Local Government, in his maiden speech, he promised that there will elections, it never happened for eight years. It is this Government that is going to have the elections.

HON. M.S.N. KAMIKAMICA.- *Vinaka*.

HON. PROF. B.C. PRASAD.- The Government is also contributing about \$4.3 million to Suva City Council. It is a big city; the infrastructure is big, and we have provided additional funding not only to Suva City Council but to other Councils as well including supporting them in terms of solid waste management.

In conclusion, we are looking at 2016 and 2018 Reports. This is another disaster that we are dealing now. Yesterday, we dealt with the Attorney-General's Office Report from 2006. It is a narrative that we have to repeat and repeat, because as I said, Mr. Speaker, we have to learn. We have to make this known because as a government, no one, when you are in Government, it is your responsibility not to leave that kind of disaster for the next government to deal with.

Mr. Speaker, Sir, we are doing the things right. We are putting in processes, policies and structures so that some day when there is another government, they will not face the same disaster as we have faced.

MR. SPEAKER.- I will call on the Chairperson of the Standing Committee on Social Affairs to exercise his right of reply.

HON. I.S. VANAWALU.- Mr. Speaker, Sir, I take this opportunity to thank all the honourable Members, for their constructive contribution to this Report. The Committee looks forward to the Suva City Council in the implementation of the recommendations in this Report.

On that note, Sir, I support the motion before the House.

Question put.

Motion agreed to.

MR. SPEAKER.- Honourable Members, that brings us to the end of today's sitting. It has been a long day, and we are well into the night. Thank you all for your patience in your contributions to the proceedings in the House. I hope you all have a good rest and come back refreshed tomorrow.

The Parliament stands adjourned until tomorrow at 9.30 a.m.

The Parliament adjourned at 10.00 p.m.