

# **PARLIAMENT OF THE REPUBLIC OF FIJI**



## **PARLIAMENTARY DEBATES**

### **DAILY HANSARD**

**THURSDAY, 28TH MAY, 2020**

**[CORRECTED COPY]**

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**THURSDAY, 28TH MAY, 2020**

The Parliament met at 9.30 a.m. pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

**PRESENT**

All Honourable Members were present except the Honourable Major-General (Ret'd) S.L. Rabuka, Honourable Ro T.V. Kupa, Honourable Ratu N.T. Lalabalavu, Honourable N. Nawaikula, Honourable L.D. Tabuya, Honourable V.R. Gavoka, Honourable A.M. Radrodro, Honourable M.R. Leawere, Honourable Ratu S. Matanitobua, Honourable S.V. Radrodro, Honourable Dr. Ratu A.R. Lalabalavu, Honourable Adi L. Qionibaravi, Honourable M.D. Bulitavu, Honourable A. Jale, Honourable Ro F. Tuisawau, Honourable I. Kuridrani, Honourable M. Bulanauca, Honourable P.W. Vosanibola, Honourable Ratu T. Navurelevu, Honourable S.R. Rasova and Honourable J. Saukuru.

**MINUTES**

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

That the Minutes of the sitting of Parliament held on Wednesday, 27th May, 2020, as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

**COMMUNICATION FROM THE CHAIR**

Welcome

HON. SPEAKER.- I welcome all Honourable Members to today's sitting of Parliament. I also welcome all those watching the live broadcast and the live streaming of today's proceedings from the Committee Room, and those from the comfort of their homes, offices and mobile phones. Thank you for taking an interest in your Parliament.

**PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS**

HON. SPEAKER.- I now call upon the Attorney-General and Minister for Economy, Civil Service and Communications, the Honourable Aiyaz Sayed-Khaiyum, to table his Report. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. In accordance with Standing Order 38, I present to Parliament the Energy Fiji Limited 2019 Annual Report. Thank you.



HON. SPEAKER.- Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

HON. SPEAKER.- Under Standing Order 38(2), I refer the Energy Fiji Limited 2019 Annual Report, to the Standing Committee on Economic Affairs.

I now call upon the Minister of Agriculture, Waterways and Environment, the Honourable Dr. Mahendra Reddy, to table his Reports. You have the floor, Sir.

HON. DR. M. REDDY.- Mr. Speaker, Sir, in accordance with Standing Order 38, I present the Ministry of Agriculture 2014 and 2015 Annual Report to Parliament.

HON. SPEAKER.- Please, hand the Reports to the Secretary-General.

(Reports handed to the Secretary-General)

HON. SPEAKER.- Under Standing Order 38(2), I refer the Ministry of Agriculture 2014 and 2015 Annual Reports to the Standing Committee on Natural Resources.

Thank you, Honourable Members, we will now proceed to the next Item.

### **PRESENTATION OF REPORTS OF COMMITTEES**

#### Fiji Corrections Service Annual Report 1st August, 2016 to 31st July, 2017 - Standing Committee on Justice, Law and Human Rights

HON. SPEAKER.- Honourable Members, I now call on the Chairperson of the Standing Committee on Justice, Law and Human Rights, the Honourable Alvick Maharaj, to table his Report. You have the floor, Sir.

HON. A.A. MAHARAJ.- Thank you, Honourable Speaker. Honourable Speaker, the Fiji Corrections Service is a key component in the Government's administration of Criminal Justice whereby it is responsible for persons who are being referred by the courts. The Fiji Corrections Service's key accomplishment is to emphasise the principle of good governance, transparency and accountability.

The Standing Committee on Justice, Law and Human Rights was referred the Fiji Corrections Service Annual Report for the period 1st August 2016 to 31st July 2017, on 21st June 2019 for review and to report back its findings to Parliament.

The objectives of the review were to analyse the overall functions of the institution and its accomplishments towards achieving good governance, transparency and accountability, and its newly adopted vision of "Effectively rehabilitate all inmates that they will become lawful abiding citizens, who contribute positively to the country". While reviewing the Annual Report, the Committee noted pertinent issues which were discussed extensively with the representatives of the Fiji Corrections Service. Some of the main areas of discussion included:

- (i) the substantial progress made by the institution in terms of service provided that are of international standards which include new programmes for inmate rehabilitation and the

- (ii) improvement of the human resources to carry out the vital service being provided by the Fiji Corrections Service; and
- certain key aspects relating to the overall functioning of the Service, which includes:
    - the outstanding Job Evaluation Exercise for the Human Resources of the Service;
    - the push for the establishment of a Parole Board; and
    - the cost of keeping a person in prison which in turn leads to introduction of programme that promotes the reduction of re-offence.

Consideration was also given to the requirements of the Standing Orders of Parliament pertaining to the impact on gender when deliberating on the Annual Report, therefore, as from the review, it was encouraging to note that the Service has committed itself in responding to the aspiration of being an institution that gives due consideration to gender issues.

The Service has constructed two new Women's Correction Centres and this has also resulted in the recruitment of more female officers. Not only are females recruited for inmates management, there are also female staff that enter the Service as psychologists and counsellors and are engaged in the Service's Headquarters.

Through the review of the Annual Report and the findings of the Committee, it can be inferred that there has been commendable effort and tireless work conducted by the organization in meeting its obligations. However, the Committee, after extensive deliberation has come up with a few recommendations for consideration by the Service and these are captured in this Report.

I would like to take this opportunity to thank Honourable Members of the Standing Committee on Justice, Law and Human Rights, Honourable Rohit Sharma (Deputy Chairperson), Honourable Ratu Suliano Matanitobua, Honourable Dr. Salik Govind and Honourable Mosese Bilitavu for their deliberation and input and Alternate Members who made themselves available when substantive Members could not attend, the Secretariat, and the officials from the Fiji Corrections Service who had assisted in the Committee work.

On behalf of the Committee, I commend the Committee's Report on the Fiji Corrections Service Annual Report for the period 1st August, 2016 to 31st July, 2017 to Parliament and seek the support of all its Members to take note of the recommendations by the Committee. Thank you.

HON. SPEAKER.- Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

HON. A.A. MAHARAJ.- Honourable Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a motion without notice:

That a debate on the contents of the Report is initiated at a future Sitting date.

HON. R.R. SHARMA.- Honourable Speaker, Sir, I beg to second the motion.

HON. SPEAKER.- Honourable Members, the Parliament will now vote.

Question put.

Motion agreed to.

Audit Report of the Office of the Auditor-General on the Effectiveness of the Institutional Framework for Preventing – Standing Committee on Public Accounts

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Public Accounts, the Honourable Alvick Maharaj, to table his Report. You have the floor, Sir.

HON. A.A. MAHARAJ.- Thank you, Honourable Speaker, Sir. Honourable Speaker, I am pleased to present the Public Accounts Committee Report on the review made on the performance audit report of the Office of the Auditor-General on the Effectiveness of the Institutional Framework for Preventing Corruption. The performance audit report looked at the national anti-corruption agency and the sector focus on Corruption Prevention for Free Education Grant.

Corruption is a critical obstacle to achieving the Sustainable Development Goals (SDGs) and the achievement of Fiji's National Development Plan (NDP). Corruption is a main barrier to development and diverts resources away from poverty eradication efforts and sustainable development. The Committee noted that Goal 16 of the 2030 SDGs Agenda recognises that access to justice and building effective, accountable and inclusive institution are essential to attain development outcome.

The objective of the audit was to assess the legal and institutional framework for fighting corruption and the extent to which FICAC has implemented its strategies towards corruption prevention in the education sector. It also assesses the effectiveness of system to prevent corruption in the disbursement of Free Education Grant by the Ministry of Education. The review made on the performance audit on the Effectiveness of Institutional Framework for Fighting Corruption focuses on the preventive side of corruption. It is important to note that the overall audit targeted the whole of Government level on the adequacy of the legal and institutional framework that establishes the Fiji Independent Commission Against Corruption (FICAC), and provides the powers and resources to effectively carry out its functions.

The audit review also looked at the corruption prevention activities undertaken by FICAC. In terms of sector-level, the audit focuses on the corruption preventative mechanisms that were implemented by the Ministry of Education for Free Education Grant. The audit scrutinises relevant activities that were recorded and documents that were maintained by the Ministry of Education with respect to Free Education Grant for the Financial Year 2014 to 2017 in the Year 2018.

In terms of sector-level, the audit focuses on corruption preventative mechanisms that were implemented by the Ministry of Education for the Free Education Grant. Overall, I would like to thank the Ministry of Education, Heritage and Arts, and the FICAC officials for availing themselves to appear before the Committee hearing and not forgetting the support provided by the Office of the Auditor-General.

At the outset, the Committee strongly encourages the two respective agencies to take responsibility for the concerns raised in the audit report and work towards addressing them. The clarification provided to the Committee revealed that the two agencies have taken the Auditor-General's recommendations in a positive manner and are taking necessary action accordingly.

At this juncture, I would like to extend my appreciation to all Honourable Members of the Committee who were part of the successful compilation of this bipartisan Report, namely: Honourable Joseph Nand (the Deputy Chairperson), Honourable Vijendra Prakash, Honourable Aseri Radrodro and Honourable Ratu Naiqama Lalabalavu. On behalf of the Committee, I also extend my appreciation to the Secretariat for their timely support in the compilation and the finalisation of this Report.

With those few words, I now commend this Report to Parliament.

HON. SPEAKER.- Thank you. Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

HON. A.A. MAHARAJ.- Honourable Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a motion without notice:

That a debate on the contents of the Report is initiated at a future sitting.

HON. J.N. NAND.- Honourable Speaker, Sir, I beg to second the motion.

HON. SPEAKER.- Honourable Members, the Parliament will now vote.

Question put.

Motion agreed to.

### MINISTERIAL STATEMENTS

HON. SPEAKER.- Honourable Members, the following Ministers have given notice to make Ministerial Statements under Standing Orders 40:

1. Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources;
2. Minister for Education, Heritage and Arts;
3. Minister for Employment, Productivity, Industrial Relations, Youth and Sports; and
4. Minister for Local Government, Housing and Community Development.

Honourable Members, the Ministers may speak for up to 20 minutes. After each Minister speaks, I will then invite the response from the Leader of the National Federation Party (NFP) or his designate to speak for five minutes. There will be no other debate.

I now call on the first Minister, and that is the Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources, the Honourable Jone Usamate, to deliver his Statement. You have the floor, Sir.

#### The Fiji Meteorological Service

HON. J. USAMATE.- Thank you Mr. Speaker, Sir. I am grateful to be here given this opportunity to make a Ministerial Statement highlighting some of the innovative works undertaken by my Ministry through the Fiji Meteorological Services (MET) which enable better and more effective planning, quick response and sound decisions prior to and during the advent of severe *TC Harold*.

Let me start by reiterating the vision of the Fiji MET Service which is a safe and secure communities through the provision of dynamic and quality weather, climate and hydrological services. Mr. Speaker, Sir, as you are aware that 2019-2020 tropical cyclone season for our region ended on 30th April but nowadays we know sometimes cyclones happen outside the usual cyclone season. Fiji is part of the South West Pacific Region and is a host of one of the six global Regional Specialised Meteorological Centres (RSMCs) and it is known as RSMC in Nadi.



The other five Regional Centres are located in:

- Miami;
- Honolulu;
- New Delhi;
- Tokyo; and
- La Reunion.

The countries which lie on the services provided by the RSMC in Nadi are Vanuatu, Samoa and this extends to French Polynesians to our far East.

The Centre is responsible for detecting tropical cyclone formation, providing basic information about the systems present and their forecast positions, its movement and its intensity. It is also responsible for naming tropical cyclones when they develop within our region.

Having said that Mr. Speaker, Sir, I wish to commend the great work undertaken by the Fiji MET Service in carrying out this role for the region over the past 25 years.

HON. MEMBER.- Hear, hear!

HON. J. USAMATE.- Given the changing in weather patterns and the severity of tropical cyclones, the need for innovative works by service providers such as the Fiji MET Service cannot be overstated. Some of these innovative works have include the upgrading and the use of the radars over the past few years. The Fiji Meteorological Service has three radars, these radars are located at Nadi Airport, Nausori Airport and at Labasa Airport.

During the passage of severe *TC Harold* the position of its eye was tracked using our radars. This is beneficial for the Ministry and for the country as a whole as we are able to effectively track the movement of *TC Harold* using our radars. Mr. Speaker, Sir, the radars and other metrological instruments play a key role in providing accurate estimates of severe weather systems with reasonable lead time for effective implementation of disaster warning systems. With the three radars positioned in the three key geographic points in Fiji, the capability for the Fiji MET Service to accurately track the path of cyclones that enter the Fiji region or the World Meteorological Organisation Region V for that matter is highly improved.

The use of the radars, the competence of the forecasters and the manner in which they organise themselves led to very accurate forecasting. As severe *TC Harold* approached, there were a number of different cyclone tracks that were posted up and made available on various forums. I kept track of these various proposed cyclone tracks, however, at the end of the day the cyclone track developed by the Fiji MET Service was seen to be the most accurate and because of this, the appropriate warnings were issued in a timely manner and the NDMO machinery and the Commissioners were able to effectively prepare their people and their teams and to plan the response effectively.

With better tracking capacity, timely alerts and warnings issued by the Fiji MET Service will always enable us to more efficiently undertake preparatory measures for vulnerable and expose communities in our country. Mr. Speaker, Sir, during the passage of *TC Harold* the Fiji MET Service was able for the first time to operationally use its Storms Surge Model. We know that when we have tropical cyclones this is always usually associated by storm surges raising of wave heights in the ocean and as a result we get coastal inundation. This storm surge model predicted wave heights of 6 meters to 8 meters and this information was used as part of the severe weather bulletins which was issued to

members of the public. In addition to this, the model was developed as part of the coastal inundation forecasting demonstration project for Fiji.

This project started way back in 2014 and is a joint collaboration between the Fijian Government through the Fiji MET Service and the World Meteorological Organisation (WMO). Through this project, a regional storm surge model was developed for the region but a separate storm surge model was developed specifically for Fiji and both of these tools were used during the passage of severe *Tropical Cyclone Harold* and we are seeing the benefits of such tools.

Coastal inundation are an increasing threat to the lives and livelihoods of people living in low lying, highly populated coastal areas. The management of such risks represents a great challenge to scientists and policy makers in the areas of meteorology, hydrology, oceanography, emergency management and coastal planning. Communities that benefit from improved coastal inundation and storm surge modelling include coastal urban and rural communities, the emergency management and response authorities such as the NDMO, industries, businesses and coastal tourism. With storm surge modelling in place, alerts and warnings issued to coastal communities can be disseminated with confidence and the development of critical infrastructure along or near the coast can be tailored to accommodate the wave height predictions produced by the model.

I had the opportunity, Mr. Speaker Sir, to also visit Matuku as part of the Prime Minister's tour to areas that were affected by *Tropical Cyclone Harold* and we could see that these estimates of the surge of the heights of the waves actually was borne out in the island of Matuku, in the villages there that were severely affected by the storm surges that happened on that particular island.

Climate change induce sea level rise may result in the change of frequency and intensity of wave heights. With storm surge modelling software readily available, the Fiji MET Service is able to effectively provide accurate models keeping updated with changing climatic conditions. Additionally, the Fiji MET Service as the Nadi Regional Office will be able to issue real time storm surge guidance to member countries within our region of responsibility.

The third major development that has been seen during the advent of *TC Harold* was the improvement in the briefing quality undertaken by the Fiji MET Service. A critical requirement in the lead up to a cyclone is the quality of communication between technical service providers such as the Fiji MET and the decision makers who sit as part of the NDMO machinery including the National Disaster Management Council and the Emergency Committee.

One apparent ongoing improvement that has been seen since *TC Sarai* and *TC Tino* has been the ability of the Fiji MET Service to present their briefs in simple layperson terms that are very understandable to decision-makers. The other major ongoing improvement has been the trend seen in continually improving the analytical component of the briefs by the Fiji MET Service.

It is not enough to just describe what is happening but also to adequately spell out the impacts of what is happening so that decision makers are effective in decision making. These two developments, the presentation of briefs in simple to understand terms and the analytical nature of the briefs was a tremendous asset in planning before, during and after severe *TC Harold*. I congratulate the Director Metrological Services for a job well done and for their continued focus on innovating their services.

Mr. Speaker Sir, to conclude, Fiji is prone and will continue to be engulfed by tropical cyclones, droughts, flash floods, storm surges, earthquakes and tsunamis and all of these extreme events have an impact on people of our country. The past decade has seen some unprecedented disasters in the wakes of this in the loss of lives and livelihoods. My Ministry through the Fiji MET Service is dedicated to

continue to provide with a critical and relevant data and information services to all Fijians to make sure that we can keep our people as safe as possible. Thank you, Mr. Speaker Sir.

HON. SPEAKER.- I thank the Honourable Minister for his statement and I now give the floor to the Honourable Pio Tikoduadua. You have the floor, Sir.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker. Mr. Speaker, I thank the Honourable Minister for the statement that he has just delivered and I thank the effort that is going into the capability development of our meteorological services as it tries to stay current with the change in the world climatic conditions as we experience climate change and the disruptive weather patterns whereby it becomes very difficult to study weather patterns and then to estimate accurately and, of course, the Meteorological Office to actually track and could affect the timely alert that the people need to make decisions for themselves on the ground. I thank the Honourable Minister for briefing the House today and Fiji particularly about the storm surge model both for the region and for Fiji which is one of the major issues.

I would like to also take this opportunity to thank the meteorological officers in Fiji for all their work in warning the public of Fiji, Mr. Speaker, with regards to the tropical cyclones in particular and the negative weather patterns that affect Fiji as a country in order to be able to be prepared for it as it comes.

Mr. Speaker, I would just like to raise one issue here, the Honourable Minister noted that they have the systems whereby the Meteorological Services in the very simple brief is able to help the decision makers in their decision making with regards to letting the people know to be ready and that is a good thing. I mean, that is for the decision-makers in terms of telling the people what they need to do. But what I would like to raise in particular here though, Honourable Speaker, is the consistency particularly in the translation of the reports that come out of the Meteorological Office. I know that these reports are produced in English but our communities listen to these reports as it is translated into the vernacular both in *Hindustani* and also in the *iTaukei*.

If you are at home listening to these weather reports particularly the two major radio stations like Radio Fiji has got two radio stations and also Communications Fiji Limited has one. But if you go to both stations, you will see slight variations on how they interpret the English weather bulletin. It can be very confusing at times. Now, Government, particularly for the Fijian vernacular, has got *iTaukei* Institute of Language and Culture. So, I am not sure whether they are working with them to be able to have one consistent weather report in the *iTaukei* vernacular for the people to hear and then broadcast the two different radio stations.

Like I said, Mr. Speaker, it can be quite confusing because it is subjected to the translation abilities of the different radio stations. So, that is what I would like to raise. Also, I understand very little of the *Hindi* however I am sure there would be similar variations as well so some consistency of that would be nice and if both stations could announce the weather report in English as very well assessed by our Meteorological Services in Nadi and Suva and for that same weather report in the vernacular to be broadcast in our radio station and of course in the other public media that we have available. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Pio Tikoduadua for his response. We move on and I now call on the Minister for Education, Heritage and Arts, Honourable Rosy Akbar to deliver her statement. You have the floor, Madam.

### Impact of COVID-19 and Tropical Cyclone Harold on Education

HON. R.S. AKBAR.- Thank you, Mr. Speaker, Sir. Honourable Prime Minister and Honourable Members, I rise in this House this morning to present the proactive measures taken by the Ministry of Education to mitigate and minimise the impacts of COVID-19 on our Education Sector. I also wish to update this House on the effects of *TC Harold*, damage sustained by our schools and the rehabilitation programmes underway.

Mr. Speaker, Sir, we live in unprecedented times. The Coronavirus also known as COVID-19, has been plaguing the world since December 2019. When reports came in of an unusual cluster of pneumonia cases in Wuhan, China, in December 2019, little did we realise the impacts of this pandemic would have on the rest of the world.

Fiji's first case was announced in March this year. Fear gripped our beloved nation - fear for our lives, our jobs, our economy and perhaps, the greatest fear of all, the fear for our children. COVID-19 has threatened our vulnerable children in a way never seen before.

Mr. Speaker, Sir, at the Ministry of Education, we could not afford to become paralysed with fear. Even before COVID-19 arrived in Fiji, our Ministry had started to plan strategically to counter this pandemic. On 20th March, 2020, one day after Fiji's first case of COVID-19, we announced the closure of all schools Fiji-wide, bringing the Term 1 school holiday forward from 23rd March, 2020 to 3rd April, 2020. Schools remained closed for another two weeks until 17th April, 2020. The Term holidays have also been extended until 12th June, 2020.

Mr. Speaker, Sir, the health and safety of our children and our teachers was one of the highest priorities of our FijiFirst Government. These past few months have been difficult for our students, parents and teachers, who are filled with uncertainty when it comes to the future. COVID-19 has not spared anyone, every Fijian has been affected in one way or the other. In the middle of all these chaos, the Ministry carefully studied the situation at hand, and assessed the potential risks and fears both, to our children and our teachers. We considered the immense financial burden on parents and guardians, and the uncertainties surrounding families and the livelihoods.

Mr. Speaker, Sir, we then made the final decision to keep schools closed so that all children could stay home and stay safe. We knew the same old strategies would not work. We knew we had to adapt, evolve, and think of innovative ways to ensure our children were not deprived of any form of education. One of our new strategies was the supplementary home-based educational support mechanisms to ensure students are engaged and continue learning while they were still at home and safe.

For the first time ever, Mr. Speaker, Sir, our children can now watch and learn on a new educational channel on *Walesi*. This new channel will be launched on Monday next week, and will allow our students to continue learning while at home and also enable parents to be part of the children's education. The curriculum on the channel will not be tested and when schools reopen, teachers are going to teach the same concepts again.

Mr. Speaker, Sir, the current focus of our Ministry is parental engagement and I would like to thank all our parents, guardians and grandparents for keeping their children engaged and safe.

Mr. Speaker, Sir, the following initiatives were undertaken by my Ministry:

- (1) We prepared and uploaded the first round of worksheets on the Ministry of Education Heritage and Arts (MEHA) website on 21st March, 2020 for all levels from Early Childhood Education (ECE) to secondary schools.
- (2) As of yesterday, 27th May, 2020, a total of 169,161 worksheets had been downloaded from this MEHA website. With an average of 100 daily email queries and 250 weekly phone calls were recorded in regards to our worksheets loaded on to the website.

Mr. Speaker, Sir, this indicates high level of parental engagement which we have experienced at the Ministry in the last two months and, of course, this is commendable. Again, I would like to thank all the parents for their immense support and partnership. It would not have been possible without it.

- (3) Radio broadcasts for four hours per day, three hours daily on two different stations, totalling 23 hours per week, started from 6th April, 2020. As of today, we have aired a total of 66 Vernacular Lessons - 33 Hindi and 33 *Vosa Vaka-Viti*; and 116 Literacy and Numeracy Lessons through these radio stations.
- (4) Heads of Schools with their teachers and Heads of Departments prepared and manually distributed the second round of worksheets on 5th May, 2020. Average data collected from our Divisional Offices which includes, nine Districts and four Divisional Offices, show a success rate of 92.5 percent of parents, who managed to access the school facilities and collect those printed worksheets for their children.

Currently, our schools continue to use *Facebook*, e-mail, *Viber* and *Google* drive to upload such worksheets which are available to our students and parents. Printed copies were also dispatched and are continued to be dispatched to homes and villages through our *Turaga ni Koro*, village representatives, school managers and, of course, anyone who comes and assists the Ministry.

Mr. Speaker, Sir, I would also like to take this opportunity to thank the officials from other Government Ministries, who greatly assisted our officers in this initiative. One team that I would like to put on record that touched my heart, was our team from the Northern Division Education Office. Mr. Speaker, Sir, 96 households with 80 students in the Soasoa community that were under lockdown and 105 households with 108 students in the Vunicagi Settlement, also received immediate attention in the distribution of worksheets.

Mr. Speaker, Sir, if I can also share a story with Honourable Members here; a moving story of Josefa, a fisherman of Kia Island, whose daughter attends Levuka Public School. Confronted with the life he is in and struggling in the island, he was unable to contact the School, let alone make arrangements for EMS of worksheets to the island. He approached the Labasa Office, pleading for assistance, as he was financially challenged and these worksheets were printed and hand delivered to Josefa for his daughter at the jetty. There are numerous stories of how our teachers have gone out of their way to assist our children, who continue to remain home during this COVID-19 closure, and I must say it is indeed an amazing and commendable effort from our teachers.

The Divisional Forestry Team assisted our Northern Office and I would like to thank them also for working with our Team in the Northern Division. Teachers continue to provide psycho-social support through well wishes cards and news to those at isolation facilities. Again, this was also commended by the Commissioner Northern, including the fact that worksheets were delivered to very remote locations, furthering our quest to reach as many children as possible, no matter where they were.

Mr. Speaker, Sir, on 1st June, 2020, as I had mentioned, we will be launching our first Free-to-Air Educational Channel 9 on *Walesi*. Mr. Speaker, 80 lessons have been successfully recorded by the team from the Curriculum Advisory Services, based at the Ministry of Education Headquarters, and we have prepared 500 Lessons to continue the process. Currently, a trial version has been airing from 27th April, 2020 for five weeks and my team has been working tirelessly to prepare the content for our local video production.

I would also like to thank the New Zealand Government, the Indian Government and UNICEF, for assisting us with our valuable educational resources. As special mention goes to UNICEF for providing us with a cartoon for our ECE Centre students titled, *Meena*. *Meena*, a character who has become a household name, from an educational cartoon developed through UNICEF. Even though we have removed that cartoon from our trial version, we continue to receive calls from parents who actually are interested in that version and hopefully we will bring it back after next week.

My one-day tour of 10 villages in Tailevu was a highly emotional affair. We managed to distribute library books and worksheets to our children, and this was followed up in Rakiraki by the Honourable Assistant Minister. The children were not only excited to receive the learning resources, but also showed a willingness to return to school. Of course, the parents for obvious reasons also wanted their children to come back to school.

From the students, we have also received very positive feedback as to how they are engaged while being at home. Parents are advising us that the children are at home using time wisely, doing their chores, engaging themselves in a number of extra-curricular activities, helping their parents, attending to their worksheets and, of course, listening to radio programmes, watching our Channel 9 as well. Ladies and gentlemen, this was a testing time for parental engagements as well. And I also received a lot of comments from parents as to how the Ministry has been able to actively engage their children during this time. That is the long list of adjustments, Mr. Speaker, Sir, our 275,203 children have made during this extended school closure. I am extremely proud of the resilience shown by the youngest quarter of the population and how well they are doing during one of the most difficult times in our nation's history

Mr. Speaker, Sir, COVID-19 has shown us the strength of our fourth pillar of education, parental engagement, and I encourage parents to continue teaching their children values and also help them learn skills that will last them a lifetime. I know it has been a difficult time for our children to continue learning under these extremely stressful situations and informal setups. It has been a challenging time for our parents to access the supplementary activities and academically support their children, especially in rural and maritime schools.

The Ministry is continually engaged in finding ways and means to support those children, who may be disadvantaged due to geographical isolation. Under no circumstance can we allow any child to be marginalised - we can leave no child behind, and that is the instruction that has been given to the Senior Management and, of course, teachers at the ground level, to ensure that we come up with strategies within our own situations to deal with how we can assist our children. Time and again, Mr. Speaker, Sir, the teaching fraternity has come into the limelight mostly for negative but this time, our teachers have taken the social media by storm for a very good reason with positive commendations and response.

Results for the talent quest organized by the Ministry have been highly promising where now teachers will be engaged in producing segments for our *Walesi* channel. Stories of dedicated teachers working from home, sending us interesting online videos and sharing resources with each other on *Facebook*, have been trending and I have been left speechless by their amazing efforts. I am impressed

to see the level of sacrifice and readiness that our teachers have put in during this time, to serve, of putting service before self.

Mr. Speaker, Sir, while the Ministry was still grappling with COVID-19 and coming to terms with this pandemic and the challenges it brought, we were hard hit by *TC Harold*. Four years earlier, 495 schools had devastated damages by *TC Winston* which had cost us a massive \$240 million. The amount is yet to go up further as the completion of some schools, such as Yacata and Laucala District Schools have been affected.

Mr. Speaker, Sir, if I can mention this in response to the question that was put forward by the Honourable Qereqeretabua yesterday, the remoteness of Yacata, Kocoma and Laucala is adding to the delay of the rehabilitation progress and, of course, delaying our efforts in securing a genuine contractor. We have had experiences with contractors abandoning the projects.

So the update Honourable Members, new tender for both Yacata and Kocoma was, again, awarded in February this year, and the new contractors has mobilised the site in March. Yacata is now almost 40 percent complete with Kocoma sitting at 60 percent. The last load of materials for the completion of these two schools left this week and the lead consultant who returned from the project site yesterday has indicated that continuous rainfall is actually affecting these projects.

In terms of Laucala District School, Honourable Members, this School is another challenge for us, but now we have a new contractor re-looking at the site because the whole village was devastated by landslide after *TC Winston*. Those are some of the challenges. The other schools from *TC Winston* are mostly completed, or are on the verge of completion, and we hope to see these schools build back to better standards.

Mr. Speaker, Sir, *TC Harold*, a Category 4 system reared its head and took us years back. But the Ministry of Education Offices and the Construction Implementation Unit of the Ministry of Economy, together with other partners are looking to ensure how we can build back better.

Rehabilitation in maritime areas can feel like building a sand castle. A lots of challenges with us rebuilding there. Mr. Speaker, Sir, Category 4 *TC Harold* devastated parts of Western Viti Levu, Kadavu and Southern Lau from 7th April, 2020 to 8th April, 2020. Sir, 123 schools were affected in Viti Levu, Kadavu, Lomaiviti and Southern Lau. An estimated 11,837 students at all levels are now affected because of the damages sustained by *TC Harold*.

I will refrain from giving out minor details, Mr. Speaker, Sir, but I can say that the Ministry estimates a damage of close to \$12 million that has been sustained by the education sector alone, not only in terms of buildings but damage to teachers quarters, resources, hostel facilities and, of course, other logistics that goes into rebuilding them. Obviously, we will have to plan better. We are meeting with stakeholders, and cluster meetings are going on with our bilateral partners who want to come up and assist us in rebuilding, and hopefully I will be able to update the House in the near sitting.

Mr. Speaker, Sir, like I said, we will only be able to return students to school, given the extensive damage experienced through co-ordinated response of all Government Departments with the generous assistance of donors and other humanitarian agencies.

A major focus here, Mr. Speaker, Sir, is the WASH support, since we always need to remember what we are currently fighting. We are currently fighting a dual battle, damages sustained from, actually three-way battle, still rehabilitating *TC Winston* projects, fighting COVID-19, and now *TC Harold* damage, so this will definitely need a coordinated effort.

Mr. Speaker, I would like to inform the House that during our investigation into school infrastructure damage, we found that there were cases of weaknesses, especially in construction methodology used by school managements and construction companies in the past. These weaknesses occur over many years but it just takes one natural disaster to expose poor management and poor construction. In the best interest of our people, the Government has been building and continues to build back better facilities.

Mr. Speaker, Sir, we often get questioned on the timeframe of a building. What people do not realise is that the build back better concept has been consistently employed, leading to improved construction methodologies and a higher compliance level. We cannot compromise, we must not compromise and we should not compromise when it comes to quality with such high investments.

After assessing the current situation, Mr. Speaker, Sir, on education because of COVID-19 and *TC Harold*, the decision to reopen schools in a timely manner is one that requires great thought and consideration. As the Honourable Prime Minister said, we will only return to schools when things normalise.

In an effort to normalise formal education in Fiji, the decision to reopen schools will be one that will be made in consultation with all our stakeholders, including the Ministry of Health, keeping in mind the safety and wellbeing of our children and, of course, our teachers. Keeping the current situation and the uncertain future in mind, the decision to reopen schools on the 15th of June will again, if I can re-emphasise, will be made in consultation with all our partners. Currently, only Year 12 and Year 13 are earmarked to sit for the external examinations. If I can mention, currently, all the other levels will sit for either internal or standard national examinations when we return to schools. Some levels may sit for diagnostic literacy and numeracy assessments but like I said, we will decide that if we have a definite date to reopen our schools.

Mr. Speaker, Sir, in conclusion, our world and our country have evolved phenomenally in the last few months and it is up to us fellow Fijians as to how quickly we as individuals and the nation as a whole are ready to pick up the pieces.

Finally, Mr. Speaker, Sir, I would also like to thank all agencies, all individuals, all NGOs and all officers who have been on the ground trying to assist the Government and my Ministry, in trying to bring back things to normalcy. With these words, Mr. Speaker, Sir, I thank you for giving me the opportunity. Thank you.

(Acclamation)

HON. SPEAKER.- I thank the Honourable Minister for her Ministerial Statement. I now give the floor to the Honourable Lenora Qereqeretabua. You have the floor, Madam.

HON. L.S. QEREQERETABUA.- Thank you, Honourable Speaker and I thank the Honourable Minister for her Ministerial Statement. To begin with, Honourable Speaker, I just want to pay tribute to the Ministry, all the staff at the Ministry, especially all the teachers (and I think this has been one time when parents have finally realised the value of the calling that is upon teachers). Constantly, we see on *Facebook*, parents asking, “I cannot thank the teachers enough” so on behalf of the NFP and indeed everyone here, I want to say “thank you, very, very much” to all the teachers of the Ministry of Education and all the Ministry staff. *Vinaka vakalevu* for the work that you have done over the past few months. Thank you.



Now, the Honourable Minister talked about the *Walesi* platform being a place where families can access the Ministry of Education's curriculum, but as you would know, Mr. Speaker, not everyone has access to *Walesi* and parents who want to access *Walesi* indeed have to pay \$149 per box which is not easy money these days. Also, I just want to ....

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

HON. L.S. QEREQERETABUA.- Sorry! Thank you, Mr. Speaker. We have parents asking on social media when COVID-19 started to spread throughout the world whether the Ministry of Education was going to supply soap in schools, for example, and some schools did, many schools did not. I want to say "thank you" to the Ministry for closing the schools. It was absolutely the right thing to do at the right time and I want to say "thank you" as well to the schools that I visited myself, because I had to go around to the schools to go and pick up the curriculum to take to the village upon request of the parents in the village. So may I, Mr. Speaker, at this time say "thank you very much" to all the teachers, in particular the teachers from the following schools that I visited which are: Tamavua Primary, Jeremiah College, CMFI College, Ballantine Memorial School, Nasinu Secondary and Lelean Memorial School for the way they organised the papers and had them ready, and just how friendly they were at the time when parents and guardians were running around the place trying to get as much curriculum material as possible.

I thank the Minister for her Statement yesterday and I know that you have had a lot of challenges, Honourable Minister, but as I heard yesterday in reply to my questions about the laptops and devices, there had been a lot of instances where we have had a lot of innovative plans planned, big announcements, but then you had to reprioritise your funding.

To end, Mr. Speaker, I just wanted to again ask after 10 years of unprecedented growth, surely we should have been better prepared for such a disaster. Thank you.

HON. SPEAKER.- I thank the Honourable Member for her response to the Ministerial Statement.

(Honourable Members interject)

HON. SPEAKER.- Order, order! I now give the floor ....

(Honourable Members interject)

HON. SPEAKER.- Now there are so many of you talking, I do not know who is going to make the statement.

(Laughter)

I see the podium being taken across, so it must be the Minister for Employment, Productivity, Industry Relations, Youth and Sports, the Honourable Parveen Bala. You have the floor, Sir.

#### 2020 Nationwide Workplace Survey on the effect of COVID-19 Pandemic

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. The Honourable Prime Minister, fellow colleague Ministers and Honourable Members of this august House: Mr. Speaker, Sir, I rise to update this august House on the 2020 Nationwide Workplace Survey on the Effect of Coronavirus, COVID-19 Pandemic in Fiji's workplace that commenced on Wednesday, 13th May 2020.

Mr. Speaker, Sir, before I turn to my address, allow me to make a few remarks on Opposition calls for review and enquiries on Monday and Tuesday Sittings. Mr. Speaker, Sir, the general tone from the Opposition has been to play politics instead of making genuine bipartisan contribution to the debate.

(Honourable Members interject)

HON. P.K. BALA.- Motions like to set up a committee for social /economic impact of COVID-19 to review the cost of living or inquiries into the health sector are very much unhealthy contributions, Mr. Speaker, Sir, to the current crisis. And as the Honourable Attorney-General had mentioned the other day that there will be a time to conduct reviews and enquiries towards better response and capacity-building, but, Mr. Speaker, Sir, ...

(Honourable Member interjects)

HON. P.K. BALA.- ... I am just trying to remind you so that you do not bring it. But, Mr. Speaker, Sir, this is not the time, not in the middle of the crisis ...

HON. GOVERNMENT MEMBER.- Hear, hear!

HON. P.K. BALA.- ... that requires all our efforts and attention as a united Fiji.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. P.K. BALA.- Mr. Speaker, Sir, the efforts by the FijiFirst Government, under the leadership of the Honourable Prime Minister, has ensured that no Fijian lives have been lost during this pandemic.

HON. GOVERNMENT MEMBER.- Hear, hear!

HON. P.K. BALA.- And, Mr. Speaker, Sir, Government has managed this pandemic well, where so many larger and better resource countries globally have failed. This is the time to build our capacity and resources to us first, a healthy recovery and then towards economic recovery. This is not the time for cheap political point-scoring in this august House.

HON. GOVERNMENT MEMBER.- Hear, hear!

HON. P.K. BALA.- Mr. Speaker, Sir, on the employment front, we continue to negotiate where workers were affected to re-instate hourly rate on the minimum wage as per the sector, and for some redundant workers to be supplied with groceries for a period of time apart from their entitlements.

In addition, Mr. Speaker, Sir, Government has given assistance through FNPF and in many cases topped up by Government and, Mr. Speaker, Sir, just a few days ago, the Honourable Attorney-General announced financial support for micro, small and medium enterprises. This is taking a pro-active approach to protect jobs and taking all Fijians towards recovery by building capacity and resources.

Mr. Speaker, Sir, building capacity and resources is in fact the basis of the nation-wide survey that I will now speak on. Mr. Speaker, Sir, the purpose of the survey is to measure the direct effect of COVID-19 in Fiji's workplaces. The survey is to collect data to assist Government in providing the best response in the employment sector. The information derived is important input for policy formulation

and review and for planning purposes for workers and employers in workplaces in response to the pandemic.

It also improves the understanding of the Ministry in respect of the issues, Mr. Speaker, Sir, faced by the employers and workers alike, as this COVID-19 pandemic is something the world of work did not anticipate. This includes, among others, the reduction of work hours, to leave without pay, to working from home, layoffs, redundant and other measures taken, Mr. Speaker, Sir, and I take this opportunity to thank all the workers and employers who have continued to move forward during these difficult times.

As we have rolled out the survey, Mr. Speaker, Sir, we have done so in recognition of the fact that like all crises, these to shall pass and we must be prepared to fast-track the economic recovery and the workplace will be the ending room of this recovery for our beloved country.

Mr. Speaker, Sir, I also take this opportunity to ask that our valued employers and corporates to begin to think of ways and means of continuing or re-configure their operations. As the COVID-19 pandemic continues and current medical projections do not give us a concrete timeline, we need to continue to re-think how we do business and to create lines of employment that work within the health realities and guidelines currently in place, Mr. Speaker, Sir.

We have in place useful examples from our neighbours in Australia and New Zealand to create new lines and products to meet the pandemic needs. Mr. Speaker, Sir, it is important that we continue to innovate within the ambit of current health regulation and the realities of COVID-19 pandemic. As supply chains open, Mr. Speaker, Sir, it is important that we continue to re-think and think forward towards new and expanded market opportunities regionally among our Pacific Island neighbours for manufacturing and value-added goods. We already have an established pathway in this area and we should now look to expand this.

Mr. Speaker Sir, while the current survey is to provide data to meet current needs for planning during this COVID-19 pandemic, we are not limiting it to just that. The survey will also provide the basis moving forward towards better planning for other crises dictated periods as this crisis has shown us that we can be better prepared in a range of areas in the workplace, Mr. Speaker, Sir. For a start, we have already had to re-think how OHS regulations will work in pandemic situation.

Mr. Speaker, Sir, we know that while we have better times, happier times ahead, we will always have to deal with bad times as well and this survey provides an opportunity to be prepared for all that cases, Mr. Speaker, Sir. For current purposes, this nation-wide workplace survey will also assist in updating the employers' base figures which is currently at 24,169 and how COVID-19 has affected this base figure. The exercise, as some of you may be aware of, involves the door-to-door survey of workplace establishment for 30 days.

Mr. Speaker, Sir, it covers the Central Division, Western Division and Northern Division in the formal and informal sectors. Each enumerator conducts the workplace survey face-to-face and inputs the data directly into the tablets templates which generates the real time data at our National Data Centre. Mr. Speaker, Sir, the survey is in line with the Provision of the Employment Relations Act 2007 in obtaining information both from the employers and workers in relation to employment. Mr. Speaker, Sir, both my ministries, Ministry of Employment and Ministry of Youth and Sports have been working in collaboration with the Fiji Bureau Statistics, the International Labour Organisation and our tripartite partners on the rolling out of this Nationwide Workplace Survey.

I wish to place on record my sincere gratitude to our stakeholders for their assistance and support towards this important national exercise. This exercise would not have been possible without the technical

assistance of our partners. Mr. Speaker, Sir, the International Labour Organisation played a very important role in this Nationwide Workplace Survey and we are very grateful with their technical and financial assistance in supporting this Survey. On 15th May, 2020, Mr. Speaker, Sir, my Ministry and the International Labour Organisation signed a grant of US\$35,000 to assist in the rolling out of this nationwide survey.

On a similar note, Mr. Speaker, Sir, I also wish to express my sincere appreciation to ILO towards the necessary support that they have provided to our tripartite partners in assessing the impact of the pandemic on their membership. Mr. Speaker, Sir, the Fijian Government, ILO and our social partners will benefit from this exercise and will develop employment related programmes for our tripartite partners in response to the COVID-19 pandemic as well as sharing the learning from this survey across the Pacific.

Mr. Speaker, Sir, on 7th May, my Ministry and the Fiji Bureau of Statistics formalised an agreement through the signing of the Memorandum of Understanding (MOU) to conduct the rapid assessment on the effect of COVID-19 on jobs and businesses. The MOU allows the Ministry to access the assistance provided by the team through the issuance of 160 survey tablets. The Ministry is indeed very thankful to the assistance rendered. Once again, Mr. Speaker, Sir, this exercise will provide a platform beyond the current crisis enabling us to better resource ourselves with the real time data to enable faster economic recovery and bounce back after the crisis.

Mr. Speaker, Sir, I also wish to thank the Ministry of Youth and Sports for assisting the Employment Ministry with the provision of 36 officers to be part of this nationwide survey as enumerators and for the provision of other survey logistical arrangements. On that note, Mr. Speaker, Sir, I also wish to commend those 40 volunteers that we contracted as Project Officers in this survey.

Mr. Speaker, Sir, my Ministry engaged a total 147 enumerators for this nationwide workplace survey. A total of 34 teams were deployed and of these, 16 teams are for the Central Division whereby a total of 13 teams for the Western Division and five teams for the Northern Division.

Mr. Speaker, Sir, from my workplace perspective, the survey looks at the various means used to address the impact of COVID-19. Moreover, Mr. Speaker, Sir, the survey will also look at how prepared are our workplaces for such a pandemic in regards to their OHS planning and general workplace, readiness on issues such as workplace policy, hygiene, personal protective equipment and safe work procedures.

Mr. Speaker, Sir, to date the enumerators have completed the survey of 10,133 employers in all Divisions. This Nationwide Workplace Survey will among other things validate our current employer based figure of 24,169. Mr. Speaker, Sir, the Ministry has raised awareness on this Nationwide Workplace Survey with media houses through public notices, press conference and statements, social media platforms and flyers.

Mr. Speaker, Sir, the COVID-19 pandemic is having a significant effect on Fiji's workplace affecting both employers and workers hence this national exercise so that we can make informed decisions in our workplace and employment relations during this COVID-19 pandemic. And to do so, Mr. Speaker, Sir, we must all work together and I urge all stakeholders to put Fiji first.

As I had maintained during this address, it will also provide us a solid foundation to continue with innovative solutions as we work our way out of this pandemic. Mr. Speaker, Sir, despite the difficult times it is important to note that Fiji has responded in a timely manner to minimise the health impact of this pandemic. Thankfully, we have had no deaths and have no new cases for over a few weeks now.

Mr. Speaker, Sir, at this juncture allow me to add to the appreciation of the grand leadership of our Honourable Prime Minister during this pandemic. I add my congratulations to that of other Honourable Members of this august House and Fijians generally for the Honourable Prime Minister's considered and remarkable leadership during this very difficult time. A leadership of now and a leadership for all Fijians and for our beloved Fiji well into the future.

Mr. Speaker, Sir, all sectors must employ plans to stay strong and put in place mechanisms that will place our various sectors resilient once the global economic machinery begins to move once again. Mr. Speaker, Sir, this nationwide survey on the effect of COVID-19 will better place us to do so.

Mr. Speaker, Sir, workplaces are the engine room of any economy. Having strong workplace relations is the best protection for any economy. During these difficult times again, as I have maintained during this address, it is important to think ahead and plan as we go through these difficult times with COVID-19 pandemic. It too shall come to pass and we will have new economic opportunities.

Mr. Speaker. Sir, once again, I wish to thank all those workers and employers who had participated in this survey and I urge all other employers and workers to participate in this important national exercise to help shape the voice of Government and theirs. I thank this august House for your attention and I also thank you, Mr. Speaker, Sir. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Minister for that statement. On that note, we will break for morning tea and we will take the response when we resume. We adjourn for morning tea.

The Parliament adjourned at 10.42 a.m.

The Parliament resumed at 11.10 a.m.

HON. SPEAKER.- Honourable Members, we will resume from where we left off, and I give the floor to the Honourable Professor Biman Prasad.

HON. PROF. B.C. PRASAD.- Thank you, Honourable Speaker. The introductory remarks by the Honourable Minister for Employment, unfortunately Mr. Speaker, reflects this deep-seated fear of the Government of the Opposition.

(Honourable Members interject)

HON. PROF. B.C. PRASAD.- This deep-seated fear of criticism, this deep-seated fear that you are losing power!

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- That is why they keep blaming the Opposition for politicising the issues.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. PROF. B.C. PRASAD.- In fact, Mr. Speaker, on top of that, they never stop praising themselves even in this crisis. That is the kind of introductory remark that the Minister made.

Let me just get on to the survey. I think Mr. Speaker, only time will tell whether the survey will help in the protection of worker's rights and the interest of employers because what we have heard Mr. Speaker, we have had many reports to our office that show that there is chaos and confusion in the Ministry of Employment and the Honourable Minister should look at that.

Let me give some examples, Mr. Speaker, in the way they are trying to enforce the employment laws. I know of a public transport company which was paying about \$4 an hour to its drivers. Because of the crisis, they reduced it to \$3.46, we are told that it is the minimum stipulated rate for drivers. But then the Ministry of Employment officials were saying, "no, no, you cannot reduce the rate" and the employer said "well, I cannot just leave the buses on the way, I cannot reduce the hours. The buses have to run for the full five, six or seven days". That is just one example.

Another example, Mr. Speaker, that I want the Minister to take into account, there is a garment factory company which has reduced both the hours of work and also the rate at which they are paying. These are the issues that the Honourable Minister should concentrate on and look at how his officials are dealing with these issues.

On this issue, Mr. Speaker, I also want to suggest, as I said the other day, we are in a middle of this huge crisis and the impact on our economy, as I said, Mr. Speaker, the contraction of the economy this year could be between the range of 15 percent to 20 percent and that would be a huge contraction. That would mean that thousands of workers would be without jobs in this country, Mr. Speaker. That is why we need to have some very clear plan and that is why I had also suggested that we should create a workers solidarity fund. The Government reduced the FNPF contribution from 18 percent to 10 percent, 5 percent for the employers contribution and 3 percent, of course, the employees contribution which goes to the employees, but out of that 5 percent contribution, if you look at the total salaries and wages of about

\$1 billion in the revised Budget, and if we work that out, on average the Government is going to save about \$4 million per month. What we are suggesting, Mr. Speaker, Sir, is Government should put that money into a workers solidarity fund because I think the situation is going to get worse.

There are many people, in fact, I said the other day that while we have about 28 percent to 30 percent of the households below the poverty line, we could see, Mr. Speaker, in the next six months, given the crisis that we have that the poverty rate could reach about 50 percent. Those 20 percent on the margins of poverty line could fall well below the poverty line. That is why many of these would be workers who would be losing jobs, who would be on reduced hours, reduced days and this is where I think the workers solidarity fund, Mr. Speaker, Sir, would be very, very important.

I also think that some of the direct budget support that we are getting from the donors, for example, from the Australians, from the New Zealanders, we should look at how we can use some of those funds, because in a crisis, Mr. Speaker, it is very important for the Government and for us in Parliament, to ensure that the most vulnerable and those who are expected to fall into that vulnerable group are helped. That is the kind of things we should be talking about here. Not coming out here and blaming the Opposition for raising legitimate criticism and forgetting about all the suggestions that we have given. This is politicising the issue. Mr. Speaker, Sir, and then they keep on praising themselves that they are doing everything right; they are not doing everything right. That is the point I want to make.

I need to remind the Government, especially the Honourable Ministers, please do not come here and say, "The Opposition is politicising the issue." The Opposition is raising legitimate issues and legitimate concerns that the people, Mr. Speaker, the people come to our office on a daily basis. I know they go to the Honourable Ministers as well, so what we are doing is reflecting the people's views in this Parliament on the issue and that is what we are trying to do. We are also, in doing so, making suggestions, Mr. Speaker, Sir. Thank you very much.

HON. SPEAKER.- I thank the Honourable Professor Biman Prasad for his response. I now give the floor to the Minister for Local Government, Housing and Community Development, the Honourable Premila Kumar to deliver her statement. You have the floor, Madam

#### Update - Impact of Business Licence Reforms

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir, for the opportunity to take the floor to provide an update on the impact of the Business License Reforms that came into effect on 1st January, 2020. Together with the Ministry of Commerce, Industry, Trade and Tourism, the Ministry of Local Government introduced these reforms with a goal of significantly streamlining business licensing in Fiji. By doing so, we aimed not only to increase Fiji's standing in the World Bank's Ease of Doing Business ranking, but bring real and meaningful change that would help encourage new entrepreneurs and formalise existing ones.

We are aggressively pursuing a more streamlined, business-friendly climate here in Fiji, and by doing so we are encouraging more Fijians to become entrepreneurs, attracting more foreign business people to invest in our country, and in effect, cultivating more economic growth. Amid the economic uncertainty of COVID-19, I think we can all agree, these steps to streamline Fijian business are more crucial than ever, particularly when we are encouraging Fijians to be a job creator.

Mr. Speaker Sir, previously, a number of challenges faced Fijian businesses, challenges that these reforms have tackled head-on.

Firstly, we prioritised standardisation. Previously, the processes in place around the country differed, with different requirements and timelines. Now, our reforms have established a single standard process to be used all throughout Fiji. Thanks to this newfound standardisation, any Fijian who wishes to obtain a business licence can now expect a decision within 48 hours of lodging their application.

Secondly, we re-aligned the approval process. Previously, it took some time to obtain all the necessary clearances from several regulatory authorities before a business licence was issued. Understandably, this could prove frustrating, or even discouraging for entrepreneurs and investors. Adding to the confusion, municipalities were held accountable for any delays, even those that were out of their control.

Now, under the new system, a business licence is issued to low-risk businesses that can start business and then have six months to ensure full legal compliance. This means that individual regulatory authorities will be directly accountable for their service turnaround time, adding efficiency and accountability across both, Government and the private sector. For example, any new low-risk business operating from a premises which is already OHS and fire compliant, did not obtain compliance certification again. That saves time and money. Similarly, if the businesses want to renew their business licence and, in fact, the nature of the business or premises have not changed, again, they do not have to obtain the compliance certificates from the various approving agencies.

Finally, we shed unnecessary paperwork. Previously, the costs of excessive documentation for a business licence may have proven prohibitive to Fijians who were interested in starting a small business from home. Now, our reforms have reduced the necessary documentation. In doing so, we have recognised the value and importance of facilitating small, home-based businesses that can operate safely without the undue burden of excessive documentation.

Mr. Speaker, Sir, in addition to addressing these challenges, we put a particular focus on reforming our business licensing regulations and processes, knowing very well that complex licensing procedures discourage individuals to turn a great business idea into a reality.

Rolling out on 1st January, 2020, the following changes to business licensing were substantial:

- Business licence applicants need to only complete a simple application form and submit two documents - registration of business name and tax registration.
- Business licences are now issued within 48 hours (or advice will be received if document is missing).
- Businesses can get up to three years' renewal.
- Start-ups and micro enterprises with up to three employees are exempt from the business licensing fee for the first year of operation.
- Micro enterprises with one to three employees are given a 50 percent discount when renewing their business licences.
- Home-based businesses are now recognised under the Regulation and can operate subject to certain conditions.



- Low-risk businesses are given the green light to start far more quickly, while those businesses classified as high-risk (like food handling, use of chemicals or manufacturing businesses) cannot start operations until they comply with all the relevant regulatory requirements, so as to ensure the health and safety of all Fijians. Of course, efforts are in place to improve coordination among Government agencies to facilitate compliance.

Mr. Speaker, Sir, considering the various flaws in the previous practices, the new process is more than a modernised approach, it is a step into the future.

Fiji now reflects some of the changes which have taken place globally in highly-developed countries. The new licensing system is faster, simpler, and allows any type of business of any size to apply for a licence to operate in a way that vastly improves the ease and cost of starting a business in Fiji. These benefits are being directly felt across Fiji.

Municipal Councils are directly issuing licences to businesses within their respective town boundaries. Businesses are actively taking advantage of the 48-hour business application processing period to register new businesses and renew existing ones.

Small businesses that have less than three employees are reaping the benefits, with business houses now paying 50 percent less in business licence fees for renewing their businesses and new businesses are exempt from paying any fee at all.

Mr. Speaker, Sir, reforming business licensing is a starting point for improving the investment climate. We have already seen real results from these reforms, with more business licences issued in the first three months of 2020 than over the same period last year.

There were a total 15,069 business licences issued from 1st January, 2020 to 31st March, 2020, compared to 14,121 business licences issued over the same period in 2019. This illustrates an increase of 948 business licences issued and shows that our new business licencing reforms spearheaded by the Ministry of Local Government and Municipal Councils have received a warm reception among Fijian businessmen and businesswomen.

There is also a significant increase in the number of new businesses registered in 2020, compared to the same period in 2019. Municipal Councils have been receiving extremely positive feedback from the communities and business people on the changes in the business licencing, and we hope that we will continue to build on this momentum when word of mouth spreads.

I also want to share with you, Mr. Speaker, Sir, that early this year, we had the Australian Fiji Business Council Meeting and during that forum, we took feedback from the business people on how they found the reforms and what changes need to be made, and they gave us some very positive feedback and, of course, some suggestions in terms of our second round of reforms that we intend to undertake.

Mr. Speaker, Sir, now that it is quick and easy to obtain a business licence, Fiji has immediately become a much more attractive and welcoming place for aspiring businesspeople. For Fijians, these changes mean that there is very little hindrance from having a go at being businesspeople and tapping into their true potential. Many small businesses can be launched from home with very low start-up costs, and we can truly feel the excitement about what this will mean for people all over the country.

Despite all these good news, Mr. Speaker, Sir, it is clear that we must prepare for a very different picture for the remainder of 2020. With COVID-19 taking devastating toll on the global economy, Fijian businesses are already feeling the impacts.

Mr. Speaker, Sir, the COVID-19 pandemic has obviously had an adverse effect on Fijian businesses, with some already being forced to close due to the ongoing economic fallout. Physical checks were made by the Councils in their respective municipalities to comprehend the nature and number of businesses in the Central Business District (CBD) area that were closed down due to the pandemic.

The on-the-ground survey carried out by Municipal Councils showed that the economic impact of COVID-19 is evident throughout our Municipalities. A total of 25 businesses in Suva, 14 businesses in Nausori, 16 businesses in Labasa, seven businesses in Lautoka and four businesses in Nadi have closed down due to COVID-19 to date. I must emphasise that this was simply checking the shops, whether the shops were empty, fit outs were taken off and we found that those shops were closed. A more detailed study is being undertaken by municipal councils by looking at the business licences they have issued.

The Councils' damage assessment showed that most of the businesses closed are restaurants and liquor shops. This is simply because most of those businesses relied on the disposable income of Fijians and, of course, the tourism industry which is in a coma due to the COVID-19 crisis.

The economic hit delivered by the virus has been severe for both, Fiji and the world. Meanwhile, we can find promise in the fact that there were such strong indications that our efforts to streamline businesses in Fiji were already yielding results before this unfortunate turn of events.

Mr. Speaker, Sir, we can all take comfort in knowing that (thanks to our licensing reforms) more Fijians than ever have access to their dreams of business ownership. Wherever possible, I encourage Fijians to take advantage of this enhanced ease of doing business now, finding opportunity in these trying times. The fact that it is now so easy to start a business means that many more people will be able to take that plunge. Knowing that the first step is so often the hardest, we have eased that burden as much as possible.

Mr. Speaker, Sir, the special consideration to home-based businesses will be especially helpful to vulnerable groups, including older people, single mothers and people with disabilities. Now, the most substantial barrier is psychological, so I ask Fijians directly; think big, find opportunity in hardship, and consider entrepreneurship.

Mr. Speaker, Sir, despite this virus, we expect that Fiji's reputation as a destination for investors and businesspeople will continue to improve, and that the business licence reform will strengthen Fiji's status as the hub of the Pacific. With that immense potential in our future, I look forward to the day that Fijian businesses return to prosperity and make our towns and cities vibrant again. Thank you, Mr. Speaker, Sir, for allowing me to take the floor.

HON. SPEAKER.- I thank the Honourable Minister for her Ministerial Statement. I give the floor to the Honourable Professor Biman Prasad. You have the floor, Sir.

HON. PROF. B.C. PRASAD.- Thank you, Mr. Speaker, and I thank the Honourable Minister for her very detailed and the kind of Ministerial Statements that we should hear. So, I really want to thank her for that detailed and very informative statement on the issuance of business licence.

The reforms, Mr. Speaker, Sir, that has been outlined by the Honourable Minister, in my view, was long overdue because we have had these constant problems with the ease of doing business. In

fact, our ease of doing business, I understand, would have been from last year and the reforms have been implemented from January. But just to make a point that for a number of years, we have raised this issue. Last year, our ease of doing business ranking out of 190 countries was 101, in fact, we have gone down by one. In 2019 it was 102.

This kind of reforms are very welcoming and I think it is the first step, Mr. Speaker, to addressing this very serious issue because if we want to attract foreign investment and the first thing the foreign investors are going to look at is this benchmark indices from international organisations, like the World Bank. They look at our institutions and the destination as a whole as to whether they want to invest or not, and these indicators, Mr. Speaker, are very, very important. I am glad that we are taking some steps to deal with it.

However, I would like to also remind the Honourable Minister and perhaps, request her to look at in more detail, the cost of doing business in these Municipalities because there are costs which are external to what the municipalities and administrators can do, but they are costs, Mr. Speaker, that are internal that are determined by towns and city councils and this is where I want to suggest to the Honourable Minister that they need to look at. For example, I heard this information that taxi drivers in Nadi, who have business were complaining to me about the Nadi Town Council, raising the taxi base rate from \$300 to something like \$600. I am not sure whether that has been increased recently but they are complaining about it, and I am sure the Honourable Minister is going to look at that.

Yesterday, the Honourable Minister for Economy talked about the Trans-Tasman Bubble and how we want to be in it and we should be in it, and the sooner the better, but he also talked about the broader benefits that we can get out of that Bubble, not just tourism but also businesses.

I think for that, Mr. Speaker, we need to look at all our processes and procedures, particularly our immigration processes as well. It is alright to get a business licence but then, if you get a business licence, you need to have other things. You need to have an immigration permit, you have to have a business permit and there are many other things involved in getting foreign businesses to actually start.

There has always been confusion about the level of investment and I know business licence have been revoked off foreigners at the time of the registration, at the time of their starting the business, the requirement was different then the rules were applied retrospectively and said “you need to invest this amount in 3 years”.

Some running businesses, Mr. Speaker, that I know of had to close and leave the country. These are the kinds of things that would send very, very wrong signals to our investor community outside of Fiji.

There are many things that we are doing to promote domestic investment and that is the right thing to do but we need to also, in this crisis and this situation, look at this thing in a holistic manner because otherwise the Minister for Local Government may be streamlining all the processes here, business licence would be granted in 48 hours but then there would be bottlenecks after that, and that needs to be looked at as well.

So, we need to have a very holistic picture of where the bottlenecks are, where the blocks are and to remove all those blocks and constraints from one stage to the last stage so that investors do not have that difficulties. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Professor Biman Prasad for his response to the Ministerial Statement. We move on.

### CONSIDERATION OF BILLS

Honourable Members, pursuant to resolution of Parliament on Tuesday, 26th, May, 2020, the Legal Practitioners (Amendment) Bill 2020, will now be debated, voted upon and be passed today. The debate will be limited to one hour, and I now call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

### LEGAL PRACTITIONERS (AMENDMENT) BILL 2020

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir, pursuant to the resolution of Parliament on Tuesday, 26th May, 2020 I now move:

That the Legal Practitioners (Amendment) Bill 2020, be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, I now call on the Honourable Attorney-General to speak to his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, when we moved this motion at the beginning of the week, we did talk a lot about the actual provisions in the Act itself for the Amendment that we are proposing, and essentially, Mr. Speaker, Sir, it proposes that we replace the person or the Dean of the School of Law at the Faculty of Law at the University of the South Pacific, to be replaced together with the Dean, appointed by the Attorney-General of the school of the Faculty of Law of a University in Great Britain, Australia and New Zealand to be replaced by essentially members to be appointed by the Attorney-General but keeping the Solicitor-General, the Chief Justice and the Chief Registrar of the High Court of Fiji still in place, that was one, and the reason we had given, Mr. Speaker, Sir, is to ensure that we can choose from a broader selection of people given the fact from the University's perspective, we now have two other universities that actually have law courses available in the University.

The second reason, of course, is that in respect of the overseas jurisdictions that we should not only be limiting ourselves to Australia, New Zealand and United Kingdom but there are other common law jurisdictions too, for example, the prominent ones that come to mind are South Africa, India, Singapore, Canada and other jurisdictions, Mr. Speaker, Sir.

The second Amendment, Mr. Speaker, Sir, of course, is that those people who are appointed should actually come to the meetings themselves or at least now with the digital age, appear in the meetings themselves whether it is through Zoom or any other type of facility. What we have found in the past is that we have had their delegates appearing for them, when they sometimes do not necessarily have the right level of competency. So, these are the Amendments that are sought, Mr. Speaker, Sir, and, of course, we would like to carry this out at the soonest, Mr. Speaker, Sir.

Mr. Speaker, Sir, the other jurisdictions, of course, have, for example, in the United Kingdom, the Legal Services Board consists of the following members: the Chairman appointed by the Lord Chancellor, CEO of the Board and at least 7 but more than 10 other persons appointed by the appointing authority which, in this case, is the Lord Chancellor. So, you know it is open, they are not specific and again you need to appoint the right competent people to that.

Mr. Speaker, Sir, similarly, we have in other jurisdictions like in Singapore, for example, because they have the three universities that actually carried out the law services or provide law courses with the National University of Singapore, Singapore Management University, the Singapore University of Social Sciences. Then again the appointment is done by other members of the public. These are the very simple amendments that are sought, Mr. Speaker, Sir, and we believe, of course, it will give us a better choice of people to choose from, and as highlighted by the Honourable Minister Reddy also it could get rid of the perceived or real conflicts of interest that may exist when you actually have only one person representing only one university and the other universities are missed out. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. The floor is now open for debate on this motion. Honourable Biman Prasad, you have the floor.

HON. PROF. B.C. PRASAD.- Thank you, Mr. Speaker. I realise that this is a critical time for the people of Fiji who are suffering under a contracted economy and sometimes, you know, facing a Government which is determined in blaming the Opposition, changes to the Board of Legal Education probably is not at the top or in the minds of the people. But I do want to comment briefly on this change in the law because this is not because we oppose the change, Mr. Speaker. I can understand the reasons given behind the change but just looking at the Bill, it just worries me that the powers are given to the Honourable Attorney-General and I have seen, Mr. Speaker, on many occasions where we have had changes in law that all the discretion is given to the Honourable Minister. I want to say a couple of things on that, Mr. Speaker.

The Board of Legal Education, of course, that is the legal framing available to Fiji lawyers. I remember this being an important aspect of the curriculum and the law programme approved by various universities' senates and especially at the University of the South Pacific (USP) when I was there. Lawyers have to go, you know, as I understand it, 10 hours of continuous legal education every year. The content of this must also be approved by the Board. In other words, much of the training is actually, Mr. Speaker, offered by the lawyers themselves so to that extent it is the Board which controls what essentially the Fiji lawyers learned.

So, the fact of the Bill to replace two members of the Board of Legal Education, previously the Honourable Attorney-General as the relevant Minister, was required by the law to appoint the Dean of the USP Law School and the Dean of Nominated Overseas Lawyer Schools to the Board.

So, this is what the Honourable Attorney-General wants to change. It is true that times have changed. I mean, there are three universities. At that time when this was there, there was only one University. It is also true that we have fewer overseas trained lawyers, most of them are trained locally now. But now the Bill seeks to replace these appointments by giving the Honourable Minister the power to appoint whoever he wants. Now, there is no restriction or definition of these two positions. The current Attorney-General, Mr. Speaker, may do the right thing. He may appoint people with legal background. I have no doubt that he would do that but as I have always said, Mr. Speaker, when you change a law, you ought to look at not who is the current Minister in charge of doing that, but those who will come after, and it is very important, I mean, sometimes this kind of discretion, you do not want the hairdresser to go and sit in the Legal Education Board, but in countries, this has happened. That is why, it is very important that there is always a restriction on the discretionary powers of Ministers in some of these legislations where the designated type of individuals who should be on this kind of boards are stipulated in the legislation and that was the reason why it was there in the previous legislation that you must have at least the Dean of Law of a Law School at that time, the only Law School in Fiji.

Mr. Speaker, for example, and I want to raise this, there has been a significant comment about the way in which the Acting Chief Justice, for example, has reverted the decision by Magistrates and another Judge about curfew breakers. It is clear that these decisions are controversial.

(Honourable Government Member interjects)

HON. PROF. B.C. PRASAD.- Listen to it, I am coming to that. If the Fiji Law Society, for example, wishes to hold a continuing education session on these decisions, if they are concerned because I have seen that they have issued a statement, then it is important.

HON. DR. M. REDDY.- Who wrote them?

HON. PROF. B.C. PRASAD.- I can write things myself, Honourable Reddy.

(Laughter)

The law societies in many countries, bar associations and law societies have a very, very important role and I am told that this legislation, Mr. Speaker, there was no consultation even with the Law Society. In fact, if there is any change that needs to come into this legislation, Mr. Speaker, Sir, I would say that a representative of the Fiji Law Society should be on the Board and that should be stipulated in the law itself. It is very important, Mr. Speaker, for the Government to consult with the appropriate legal fraternity and in this case, the Fiji Law Society. So, as I said, Mr. Speaker, these are important considerations that we need to have when we change legislations in this manner.

What I have seen, Mr. Speaker, with this Government, and some of the laws that we have changed in the past, it is kind of about control. Having the discretion to control things is not always a good thing. It does not inspire confidence in the law that is implemented.

Therefore, Mr. Speaker, it is a bit disappointing that we are changing this law without, of course, consulting the major stakeholder, the Fiji Law Society and replacing that designated representation with an open designation which says “two people”. It could have said “two people” with absolute legal background or two legal academics, or two professors of law. It is not in the Bill so, Mr. Speaker, these are some serious concerns I have with the amendment and I would urge the Attorney-General to rethink about this and ensure that there is a designated representation within the legislation.

Obviously, the Honourable Attorney-General will appoint but will have to appoint within those parameters, for example, in the previous case with the Dean of Law. We could say “one Dean of Law chosen from the three universities” or something like that, which then makes it very clear that the appointment will be within that ambit or within that definition. It will not be an open check for the Honourable Minister to appoint the two people that he or she wants according to the proposed amendment to the legislation, Mr. Speaker.

Once again, I think it is a very important point, it may seem minor, it is not a reflection on what the current Attorney- General might be doing, but it is about the law that we are changing here in Parliament and we need to ensure that what we are changing is appropriately reflected in the nature of what the Legal Education Board is going to do, Mr. Speaker. Thank you.

HON. SPEAKER.- I thank the Honourable Professor Biman Prasad for his contribution to the debate. Anyone else wishing to take the floor? There is a lot of talking. Does anyone want to take the floor? You have the floor. Honourable Minister Waqainabete.

HON. DR. I. WAQAINABETE.- Honourable Speaker, I would like to contribute to the debate and say that I support the Bill before the House. Very simply, we have been talking yesterday about the Fiji National University and how we must be immensely proud of the work that has been done to be able to bring this university together, culmination of many colleges over the years and making sure that they all come together to be able to develop into the Fiji National University. We also have the University Fiji across on the western side. From the medical perspective, they have been very helpful in also supporting the provision of education for doctors, and also as we know they also have a School of Law.

The opportunities that exist by being able to open this up is to open it up so that the Honourable Minister and his team will be able to also see the calibre of professors at the other two universities that are available, not only at USP, but also in those other areas and as he alluded to, also in other countries in which we share common law.

What is very apparent in this day and age is that the days of everyone “knows it all” sort of professor, and I am saying this coming from an academic background, is no longer there. We now know that certain professors and certain academics have specific areas in which they have knowledge of, and they have expertise in, and that is something that is very profound in medicine. So in medicine now, it is now known that you may have a background in a certain area, but a certain area you have the expertise in. It also open the opportunity for the board to consider a professor who may have capabilities in certain areas that may be useful to the learnings of our new cohort or the development of the next legal fraternity in this country. I support the motion before the House, Honourable Speaker, *vinaka*.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Members, there being no further Member wishing to take the floor, I give the floor to the Honourable Attorney-General to speak in reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I would like to just highlight again what is the role of the Board of Legal Education. If you look at the role of the Board of Legal Education, under Section 4, it says,

- “4 (1) The Board shall ensure, so far as is practicable, that the educational qualifications, both academic and practical, of persons wishing to be admitted to practice as legal practitioners in Fiji are of a high quality and sufficient to meet the needs of the consumers of legal services in Fiji.”

A hair-dresser will not know that.

- “(2) The Board may approve such –
- (a) courses in the study of law at tertiary and educational institutions (whether within or outside Fiji); and
  - (b) programmes or courses of practical legal instructions and training, as it considers are appropriate educational qualifications for persons wishing to be admitted to the practice as legal practitioners in Fiji.
- (3) Any approval made by the Board may be reviewed by it at any time and may be withdrawn by it.

- (4) In determining whether or not to grant or withdraw any approval, the Board may take into consideration:
  - (a) qualifications for entry into the course or programme; the subjects to be successfully undertaken for graduation;
  - (b) the language in which the course or programme is undertaken;
  - (c) the course curriculum;
  - (d) the means by which instruction and training is provided;
  - (e) differences between the law of Fiji and the law in which the instruction takes place;
  - (f) lecture and tutorial sizes;
  - (g) nature and standard of assessment procedures;
  - (h) teaching profiles, including number, qualifications, standing and teaching loads;
  - (i) computer and library resources, and such other matters as it may think fit.
- (5) The Board shall notify the Registrar of any approval or withdrawal of approval made pursuant to this section. These notifications shall be available for inspection by the public and may be accepted by the Chief Justice as evidence of the matters set out therein.
- (6) In case of a person who is desirous of being admitted to practice as a legal practitioner, but whose educational qualifications have not been approved in all necessary respects, the Board may if it considers appropriate advise the applicant of the further educational qualifications it considers necessary to qualify the applicant for admission.
- (7) The application shall be accompanied by such fee as the Board from time to time considers appropriate. This fee shall be paid to the Board to defray in part the costs and expenses of the Board.
- (8) In considering the application, the Board shall take into account in respect of the applicant -
  - (a) all tertiary academic qualifications;
  - (b) the nature and extent of professional legal training;
  - (c) the nature and extent of professional experience;
  - (d) proficiency in the English language; and
  - (e) such other matters as the Board may in respect of a particular application, or generally, think fit.
- (9) Should the Board decide to refuse the application, it may, if it considers appropriate, advise the applicant of the further education qualifications it considers necessary to qualify the applicant for admission.”

Mr. Speaker, Sir, we can see that the purpose of the Board and the role of the Board is significantly tied in, in respect of the recognition of qualifications and that particular section lays out in detail the requirements of it. Therefore the people who will be appointed on the Board need to have basic competency and indeed we want to appoint people who have huge levels of competency in those areas. Mr. Speaker, Sir, just to put it into context this actual provision came into effect in 1997, the then Legal



Practitioners Act which is then, of course, amended subsequently. Mr. Speaker, Sir, and the new Legal Practitioners Act, in fact, that was repealed and a new Legal Practitioners Act was put in place. Since 1997 the appointing authority has always been the Attorney-General, it is not a new aspect that has been brought in – number one.

Mr. Speaker, Sir, number two, the reality of the matter as we have seen, when you actually over prescribe, as we have seen in the Fiji National University where a prescribed one member from a trade union, one member from the business association. Similarly, as we had in the FNPF, two members from the union, two members from employer groups does not necessarily mean they bring the level of competency that is required to ensure that, that organisation will actually function to its fullest and indeed live up to its mandate.

Mr. Speaker, Sir, similarly by saying the Fiji Law Society should be represented and formalised, we know that the Fiji Law Society appoints people a lot of the time on political basis. The competency of the person who may hold a particular official position in the Fiji Law Society may not be commensurate with the requirement of the competency that is required to be on the Legal Education Board. So a very short-sighted way of looking at it.

I will juxtapose that with the Judicial Services Commission (JSC). The Judicial Services Commission says that you must have a legal practitioner but it does not say in Fiji Law Society because what you will end up getting is the same old people with the officials being appointed. Since the JSC has been setup, we have been appointing lawyers, some of them have been members of the Fiji Law Society but not all because now the Fiji Law Society is not a compulsory organisation to belong to for you to practice law. It is a voluntary organisation. To say that they represent all lawyers is completely incorrect. We have competent lawyers in the Judicial Services Commission and they have been doing good job .

Mr. Speaker, Sir, if I want to go back to the good old days when the Fiji Law Society was actually the compulsory organisation and as a lawyer that actually belonged to the Fiji Law Society because in those days, we had no choice. We had in excess of 300 complaints against lawyers pending before the Fiji Law Society and they never moved an inch because you have what you called peer review. See, if all of us were lawyers in this room and some member of the public came and complained about me, then we will get together and put three of them together and say, “alright why not just assess me.” Therefore over 300 complaints were pending. Today we have the Independent Legal Services Commission where people can go independently and raise their complaints. We are getting similar calls from members of the public in respect of engineers, accountants, architects to have independent bodies to have complaints being assessed about those particular professions.

So, Mr. Speaker, Sir, to say the Law Society is the be-all of everything is not correct. Honourable Prasad actually went into talking about the judiciary. Unfortunately, he started talking about cases by magistrates and high court judges. It has got nothing to do with this; absolutely nothing! But what I can tell you, it kind of resonates with the tweets and the messaging by some of the lawyers that represent him and *Fiji Times* and all the others; very common in what they are tweeting, what they are saying is what he is saying. This is why we question who writes what you are saying. We are questioning the stuff that you say, obviously not representing your view necessarily.

Mr. Speaker, Sir, the reality of the matter is that this Government under this Prime Minister since 2007, 2014 and 2018 has never backed off on appointing the right people for the right positions; on merit. Previously there used to be the good old boys club or girls club, whatever it may be. We, today, now have more females appointed on boards and various other statutory organisations. It is a fact. We now have people appointed on merit. Before they used to have people appointed on ethnicity. They used to do this

balancing, three of this, three of that, just do the balancing act. In the same way, two employers, two employees but what are they doing for that organisation today, this is why Mr. Speaker, Sir, all of these organisations where people have been appointed on merit, those organisations are doing well. They are yielding more profits. There is a lot more accountability, a lot more transparency and that Mr. Speaker, Sir, is where we are coming from. We will be appointing the right people on merit for those right positions. It is a very simple matter. Unfortunately, Honourable Prasad started off alright but he kind of got wayward by what has been sent to him, I think, by people of the law society and other lawyers that do tweets and all those types of things.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I am assuming and it is a very good assumption.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- My assumption is absolutely a hundred percent because you started off talking about the judiciary. You started talking about the judiciary, Mr. Speaker, Sir.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, if he read those judgements ....

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- If he read those judgements, Mr. Speaker, Sir, then he would see the anomalies that exist and he would not have raised those issues because he does not have the competence to be able to look at the ratios in those cases and how the Honourable Chief Justice has held those matters not to be appropriate law and he is talking about that. He is making a political issue.

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- And venturing into an independent arm of the State. This Board of Legal Education matter has got nothing to do with the judiciary, they are day-to-day functioning, cases delivered, magistrates, high courts.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, when he was talking about the Honourable Acting Chief Justice, the Board of Legal Education did not exist then, so what are you talking about, when he got admitted to the bar? What are you talking about?

The law came into effect in 1997. Under the current form, it came into effect in 1997. He was admitted before 1997.

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- See this is the problem. Mr. Speaker, Sir, the Legal Practitioners Act came into effect ....

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Listen, please. The Legal Practitioners Act, Mr. Speaker, Sir, came into effect in 1997.

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- You just raised it.

Mr. Speaker. Sir, this is the problem. When people come to this Parliament and start raising these issues, Mr. Speaker, Sir, of which they do not actually read the material, he talked about cases, he has not read those cases in full. That is the problem. I have read those cases. That is why I can talk about those cases. It is my job to read those cases and if he wanted to read that, the cases are available. Those cases are available but he has not read them.

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- So, Mr. Speaker, Sir, this is the problem. When we are talking about a very simple matter, all we need to do is to be able to focus on that matter and when you try (and this is precisely the point we are saying) and politicise those issues, you actually get wayward.

HON. GOVERNMENT MEMBER.- Very poor!

HON. A. SAYED-KHAIYUM.- You get wayward. So again if I can reiterate, Mr. Speaker, Sir, there are only two amendments and one of them says that we will now open up the appointments so we can choose people from different universities at different jurisdictions. It does not, in any way, preclude the appointment of any legal practitioner in Fiji. In fact, at the moment, it does. If you look at it, the Board comprises the:

- (a) Solicitor-General;
- (b) Dean of the School or Faculty of Law of the University of the South Pacific;
- (c) Chief Registrar of the High Court of Fiji;
- (d) the Chief Registrar;
- (e) Dean appointed by the Attorney-General of the School of Faculty of Law of the University of Great Britain, Australia and New Zealand; and
- (f) person having legal qualifications....

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Oh! That is where you are going. Maybe, that is your objection to it.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Now, you come on to it, now you hit the bell.

(Honourable Member interjects)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- Finally, the curtain has come down, Mr. Speaker, Sir!

It continues, I quote:

“f) a person having legal qualifications, appointed by the Attorney-General who shall be the Board’s Chairperson. The appointment shall not exceed 3 years in duration but maybe renewed.”

And that person is the Solicitor-General, or it could be some other lawyer. That is my point, but it is not necessarily a Fiji Law Society member. That is my point, Mr. Speaker, Sir.

I think Honourable Professor Prasad is finally, sort of, let the veil down and he has now gone into the crux of it because he is concerned....

(Honourable Member interjects)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- ... that the current person who is the Dean of Law in USP is probably his mate, who he does not want replaced.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Honourable Professor Prasad, we know you have very, very close connection with the current administration of USP, we know that.

(Honourable Professor B.C. Prasad interjects)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Honourable Professor Prasad, Mr. Speaker, Sir, is continuously embarrassing himself by contradicting himself continuously.

Mr. Speaker, Sir, I would urge all Honourable Members to vote for this amendment to the Legal Practitioners Act so we can get on with the act of appointing the Board of Legal Education. Thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed.

[A Bill for an Act to amend the Legal Practitioners Act 2009 (Bill No. 10 of 2020), enacted by the Parliament of the Republic of Fiji. Act No.        of 2020]

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his motion. You have the have the floor, Sir.

### **EMPLOYMENT RELATIONS (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 51, I move:

That -

- (a) the Employment Relations (Amendment) Bill 2020 (Bill No. 12/2020) be considered by Parliament without delay;
- (b) the Bill must pass through one stage at a single Sitting of Parliament;
- (c) the Bill must not be referred to Standing Committee or any other Committee of Parliament;
- (d) the Bill must be debated and voted upon by Parliament today, Thursday, 28th May, 2020; and
- (e) one hour be given to debate the Bill, with the Right of Reply given to me as the Member moving this motion.

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

HON. SPEAKER.- Honourable Members I now call on the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the Employment Relations Act was promulgated in 2007, as it had already been drafted in 2006, and sets out the framework for employment law in Fiji with the view to promoting the welfare and prosperity of all Fijians in the modern workforce.

The Bill before us, Mr. Speaker, Sir, seeks to amend the Act to achieve two key policy objectives, both of which are intended to provide a more realistic work environment and conditions to ensure sustainability of jobs and businesses, and provides clarification on the meaning of ‘an act of God’ during the COVID-19 period.

Mr. Speaker, Sir, consultations were held with the Office of the Prime Minister, Ministry of Employment, Productivity and Industrial Relations, Ministry of Commerce, Trade, Tourism and Transport, the Office of the Solicitor-General and in various other business houses and organisations related to the economic sector in Fiji.

Mr. Speaker, Sir, firstly, the Bill clarifies that ‘an act of God’ includes a pandemic as declared by the World Health Organisation. Although a general statutory precedent exists in section 2 of the Natural Disaster Management Act 1998 for during a pandemic as a natural disaster, the Employment Relations Act does not clarify whether pandemics constitute an act of God in the context of the rights and obligations of workers and employers. Section 24 of the Employments Relations Act sets out an

employer's duty to provide work, unless the worker has broken his or her contract, the contract is frustrated, or the performance of the contract is prevented by an act of God.

The lack of clarity on whether pandemics constitute an act of God, results in employer and worker uncertainty as to whether the duty to provide work continues during the COVID-19 period. Employers will also bear the burden of paying their workers despite COVID-19, has prevented them from providing work in the first place. Although this matter may be clarified by the courts if a case arises, such process may be lengthy and thus, it is in the public interest that clarity be provided as soon as possible.

The Bill also seeks, Mr. Speaker Sir, to amend the Employment Relations Act to establish a new framework for COVID-19 response measures by providing temporary relief to employers in relation to Family Care Leave and Paternity Leave Entitlements under the Act. Mr. Speaker, Sir, paid Family Care Leave and Paternity Leave Entitlements was established in 2008, commencing on 1st January, 2019. By way of background, this was not something that was done by way of some long protracted negotiations between Government and unions.

The Government itself decided unilaterally that the workers of Fiji needed Paternity Leave which is a recognition that fathers actually play a key role in providing parental care in particular after the birth of the child and secondly, that there were instances where workers needed what we call Family Care Leave because it did not neatly fall into Sick Leave, nor it deprive them from having full access to their Annual Leave because they have to sometimes take Annual Leave because someone else in the family was sick.

So, we introduced that, Mr. Speaker, Sir. In fact, a number of employers at that point in time did not like Government for doing that because they felt we were too generous to the employees or workers of Fiji because they said that the productivity rates did not increase, yet we were, by statute, giving these workers additional paid leave, or opportunity to stay home to attend to the sick in the family or to be able to rear the child after the birth of the child.

At that point in time, Honourable Members would also remember we had also increased the number of Maternity Leave days. We gave an additional two weeks, Mr. Speaker, Sir. That Maternity Leave increment is not being reduced. What we are reducing though, Mr. Speaker, Sir, and the Bill seeks to amend the Act to reduce these entitlements from the current entitlement of five working days each to two working days each. So, we are not completely taking it away, but we are reducing it.

Mr. Speaker, Sir, to facilitate these amendments, the Bill also provides the transition into the reduced leave entitlements during the COVID-19 period. The Bill clarifies that workers who had already used more than their reduced leave entitlement will not be made to reimburse the employers, or waive any other leave entitlements. In other words, if someone has already taken five days Family Care Leave, just because now it has been reduced to two day, it does not mean they have to pay back for the three days. That is gone. You have taken that, that is fine. Workers who have used at least two days of Family Care Leave or Paternity Leave will not be able to claim an added two days during the COVID-19 period or added three days.

After the COVID-19 period ends, workers entitlement to Family Care Leave and Paternity Leave will resume as normal. So it is an interim measure, and it is at the discretion of the employer whether to approve more than two days Family Care Leave or Paternity Leave, particularly where the employer approved such leave prior to the reduced entitlement.

Mr. Speaker, Sir, as I have said, Maternity Leave, Annual Leave, Sick Leave, none of that is being affected nor reduced. We have already instances, Mr. Speaker, Sir, and I know the Opposition only talks about Fiji Airways or Air Terminal Service (ATS), they hardly talked about the garment workers or the construction workers. Mr. Speaker, Sir, the reality of the matter is that, there are some garment workers, even though their hours have been reduced for the days, their work have reduced to even two days because some of the garment factories are struggling because of lack of demand, some workers are still taking Family Care Leave or the two days of work that they have. So the employer actually has to pay them or take five days leave, Mr. Speaker, Sir, so that is an issue.

Mr. Speaker, Sir, the Bill, of course, then says that the resumption of the five days back into action will be decided upon by the Minister for Employment. The Honourable Minister for Employment will decide as to when these two days period will end and when he can bring back the five days, Mr. Speaker, Sir.

With those introductory remarks, Mr. Speaker, Sir, we see that as a necessary but temporary measure to take this through this particular period, and then we will be able to get back to the current provision that do exists.

HON. SPEAKER.- I thank the Honourable Attorney-General. The floor is now open for debate on this motion. You have the floor, Sir.

HON. P.K. BALA.- Mr. Speaker, Sir, I rise to contribute towards the Employment Relations (Amendment) Bill 2020. Mr. Speaker, Sir, this amendment is very, very timely. In fact, this demonstrates the Government's political will to do the right thing at the right time.

Mr. Speaker, Sir, at the outset, I fully support the amendment as this ensures that during this critical COVID-19 period, all employers and workers must come together, work together in good faith to ensure sustainability of businesses, including retaining employment where possible so that both parties have a win-win situation.

Mr. Speaker, Sir, this pandemic is affecting everyone around the world and Fiji is no exception. Given our small economy, we need to ensure that we take all these measures to protect and promote our economic growth and ensure that we work hand in hand during these trying times.

COVID-19 has taken the global economy by surprise, Mr. Speaker, Sir, and some of the more developed economies, like Australia and New Zealand, are now implementing measures to protect their economy as well. The provision of the amended law allows the reduction on the leave entitlement for this COVID-19 period, and also clarifies that pandemic is an act of God.

Mr. Speaker, Sir, the reduction of leave from five days to two days will not have any major impact on the workers as they still have their annual leave, sick leave and bereavement leave which they can utilise for their families. Mr. Speaker, Sir, with this brief contribution, I support the Bill that is before us.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Professor Biman Prasad, you have the floor.

HON. PROF. B.C. PRASAD.- Thank you, Mr. Speaker. I am a bit confused, I think the motion is right now before us to look at whether we should debate the Bill under SO 51, so I am assuming that

the debate will be after lunch, but hearing the Honourable Minister of Employment, of course, he was talking about the substantive Bill. The only concern I have, we could have been given this Bill on Monday, I do not know why we chose to just bring it today and debate it today. That is a concern but we will, of course, be making our contribution when we will have the debate. Thank you, Mr. Speaker.

HON. SPEAKER.- Thank you, any other Member wishing to participate in the debate? There being none, I give the floor to the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, we look forward to the debate, but when the Opposition Members go off and think about this and get advice from the people they normally get advice from, they need to understand that this is actually a time to have a balancing act. We could have been very, very radical and completely got rid of this leave which we actually brought in place, which many worker organisations in Fiji, in fact for decades actually have been asking for paternity leave. We are the ones that gave the five days. All we are saying now, Mr. Speaker, Sir, and indeed many of them have been asking for family care leave.

Mr. Speaker, Sir, all we are saying for this interim period that we reduce the hours or reduce the number of days that they can take this leave and once it is over, as highlighted on page 2 of the Bill, the COVID-period means the period commencing on from the operative date and ending on a date that the Minister shall prescribe by notice in the Gazette after undertaking consultation with the Ministry responsible for health and stakeholders in key economic sectors, including:

- (1) The Office of the Prime Minister;
- (2) The ministries responsible for finance, public enterprise, commerce, trade, tourism and transport; and
- (3) The Reserve Bank of Fiji

Obviously, they will be talking to a whole plethora of stakeholders and then they will come to a decision where the Minister makes the decision as we have discussed, Mr. Speaker, that the impact of COVID-19 is not just simply the lifting of the so-called 'official designation of pandemic', but the deleterious effect of COVID-19 that could prolong for a period of time as most of the speakers have highlighted in Parliament, and we look forward to the contribution from the Opposition later this afternoon. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Members, the Parliament will now vote.

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, the point brought up by the Honourable Biman Prasad, you were quite right. The Bill will be debated on after lunch, and in that connection, the Honourable Minister Bala having already participated in the debate, I hope you are not going to participate in the debate again. Otherwise I will have you up for repetition.



(Laughter)

Honourable Members, on that note, we will adjourn for lunch.

The Parliament adjourned at 12.25 p.m.

The Parliament resumed at 2.30 p.m.

HON. SPEAKER.- Honourable Members, pursuant to the resolution of Parliament earlier today, 28th May, 2020, the Employment Relations (Amendment) Bill, 2020 will now be debated, voted upon and be passed. The debate will be limited to one hour.

I now call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Pursuant to the resolution of Parliament earlier today, 28th May, 2020, I now move:

That the Employment Relations (Amendment) Bill, 2020 be debated upon, voted upon and be passed.

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

HON. SPEAKER.- I now call on the Honourable Attorney-General to speak to his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Before I actually get on to the, start talking about the Bill itself which we have elucidated earlier on, I just want to correct myself. I had said earlier on about the admission of the Acting Chief Justice being before 1997, it was in fact, not before 1997, I just checked that and in fact, it was post-1997, although it is not a substantive issue to what we were discussing. It was post-1997 and I correct myself.

Mr. Speaker, Sir, as highlighted earlier on before lunch, the Bill itself speaks for itself. Mr. Speaker, Sir, as I highlighted, there are two critical issues. They emanate from the fact that we, like all countries in the world, are currently facing a phenomenon that has brought the world to its knees in respect of our ability to travel, our ability to trade, our ability to interact with each other, not just within our countries itself but also globally. As a result of that, Mr. Speaker, Sir, we now have a huge level of unemployment and indeed challenges to supply chains to workplace environment. The ability of certain workplaces to actually continue because essentially there being no business, there is no demand for the services they had, no demand for the products that they used to produce and as a result of which we have come to a standstill and indeed as we have talked about in the past three days, there has been subsequent unemployment.

Some industries, of course, have suffered quite dramatically and quite significantly and almost instantaneously, some, of course, have had a stagnated approach or a gradual approach to those businesses that actually come into a haul.

Mr. Speaker, Sir, on the other hand, of course, we also are providing very social safety networks that currently were not provided (we need to provide that as highlighted earlier on) that Government has allocated funding in the COVID-19 Budget Response; you will see in Head 50, directly \$40 million was allocated for unemployment benefits and, of course, of that in the second wave, over \$30 million will be used. In the first wave, we have used, to date about \$6 million to \$7 million.

Of course, Mr. Speaker, Sir, as it pans out, we will be forging out a lot more funds to provide for unemployment benefits for those people who were involved in the informal sector. We have also concurrently launched a number of other initiatives to help business houses, to help micro-enterprises, small enterprises and the medium enterprises.

Part of this initiative and in particular with COVID-19 Response and the subsequent policy announcements, essentially, Mr. Speaker, Sir, is to preserve jobs or at least maintain some form of sustainable livelihoods for those people who were employed in the various sectors in the economy throughout Fiji. Part of the challenges, of course, Mr. Speaker, Sir, as I highlighted is that there are some businesses, whilst they continue to operate, they operate in some of their very minimum levels. Some or all of them, of course, not all of them are operating at the levels at which they operated prior to COVID-19, and therefore, there is the need to be able to create a workplace environment that provides the balance where there is continued employment but at the same time, the businesses, the factories, the assembly lines, the workplaces that actually create employment and indeed pay people's salaries are able to sustain themselves. And as a result of that, Mr. Speaker, Sir, we have brought about this particular Amendment, in summary, the Employment Relations Act to carry out two particular Amendments. One of them, of course, is simply to provide clarity as to what an act of God entails.

Mr. Speaker, Sir, as we will see that in the business world now, many business houses, not just in Fiji but throughout the world, are now within the definition, an act of God is a pandemic for them, and indeed one would argue that within the common law jurisprudence, pandemic will also be an act of God. However, in order to give certainty, to give clarity and to ensure that we remove any type of instability in the workplace environment, we are for the purposes, for the safeguard of the employer, for the safeguard of the employee, for the safeguard of the continuation of businesses and indeed sustainable livelihoods, we have clarified that the act of God also involves a pandemic.

The second Amendment, Mr. Speaker, Sir, is the reduction in the number of days that one would be now entitled to take under Paternity Leave and the other under the Family Care Leave.

As highlighted before lunch, Mr. Speaker, Sir, Paternity Leave and Family Care Leave was a sole initiative of the Government. The Government, Mr. Speaker, Sir, introduced this particular provision about two years ago, Mr. Speaker, Sir, where we said that the workers of Fiji should be entitled to Paternity Leave. Paternity Leave, of course applies to male workers because as we have seen we have had Maternity Leave which we again at that same time when we brought about Paternity Leave and Family Care Leave. But we increased the number of weeks that a mother giving birth would be entitled to, for Maternity Leave which is full-paid Maternity Leave.

Mr. Speaker, Sir, Paternity Leave recognises the fact that fathers of children are also important for the rearing of the child. Fathers of the children are also important to give support to the mothers of the child and so we introduced five days of Paternity Leave that the workers of Fiji irrespective which sector they worked in would be entitled to. We also at the same time, Mr. Speaker, Sir, introduced five days of Family Care Leave that any worker in Fiji would be entitled to and just to reiterate the reason for this was that we find, in particular, in a country like Fiji where we still have very deep extended family style of living or some may argue, or call it communal living, where we still do not live in completely nuclear style family households, we normally look after not just your spouses and your children but also your parents, your brothers and sisters and your cousins or those who live in your home. And at times, for example, just bringing it closer to home, I need time off work because my son or my daughter has had an accident and they require the parents to be there, prior to the introduction of the Family Care Leave, a person if they wanted to be paid for work or take paid leave, they would normally eat out of their annual leave. Some would actually try to bypass the system by getting a false medical certificate and say they were ill but in fact, the actual intended reason was to actually stay at the hospital or stay at home to look after their loved ones.

So, we recognised that, we recognised the fact that this was a very practical issue and we therefore introduced the Family Care Leave which every worker in Fiji is entitled to five days a week. Of course, it does not mean you have to take those days off but as and when the need arises and we have seen that some people now do take it as a matter of course.

We were very much criticised by numerous sectors within the employer organisations and employer groups and individual businesses saying that it was too premature for Fiji and that the workers in Fiji were not productive enough for them to be entitled to such leave, in particular, the Family Care Leave and in fact, we need to increase productivity prior to them being awarded this particular mandatory Family Care Leave provision. We disagreed and we said that it would provide a lot more conducive environment for employees and employers to work together. The employees would feel very much part and parcel of the workplace environment and then we did not relent and we continued with that. In fact, we have had continuous representations from employer organisations saying to remove it.

COVID-19, of course, fast track into that now, has presented a new set of challenges as highlighted earlier on. Jobs, in fact, are hard to come by. Many sectors actually that were dependent on demands by overseas markets, no longer have those demands and therefore, it has a negative impact on the amount of time a person can be employed in their workplace.

Highlighted earlier on, a couple of days ago and also yesterday, the garment industry. When Australia and New Zealand is on lockdown, people do not actually go out and shop and when you have a garment industry that predominantly supplies to the Australia and New Zealand markets, the retail sector there is closed down so there will be no demand for our garments. So, obviously the factory does not need to produce it. We have one particular factory in Fiji in Kalabo that actually makes rugby jerseys, sports jerseys. When competitive sports throughout the world - they actually supply jerseys to the UK, when all of those sports events have stopped, there is obviously no need for jerseys. So, that is a real practical implication of what is happening.

Some garment factories, we had a meeting, about three weeks ago I was in Lautoka, they are saying, "we have seen a little bit of demand increase." We now, what we are trying to do is give everyone some hours off work so they feel engaged and they have some form of living and so they have stopped, for example, they have four production lines, they only now have two production lines and people get two days of work per week. But the challenge was that some people were still taking family care leave on the days when they were supposed to work, and as we know when you take family care leave, you actually do get paid.

So, Mr. Speaker, Sir, in order to ensure that productivity levels do not go down and that our employers feel confident to continue to invest in their employees, continue to give them work and do not actually start discriminating between those who take family care leave and those who do not, those who do not take paternity leave and those who do. We have, Mr. Speaker, Sir, as an amendment that only during this COVID-19 crisis that will reduce the statutory available number of days for those with respective leaves to two until such time as we get over this pandemic. And as provided for under the amendment, Mr. Speaker, Sir, the COVID-19 period as defined in this particular amendment means and I quote:

"the period commencing on and from the operative date of this amendment and ending on a date that the Minister and the Minister being defined to be the Minister for Employment shall prescribe by notice in the Gazette after undertaking consultations with the Ministry responsible for health..."

Of course, because Health is the Ministry that deals with WHO and is able to tell us what is the situation on the ground and regarding the spread of this particular disease and illness and I quote:

“...and the stakeholders in key economic sectors including the Office of the Prime Minister, the Ministers responsible for finance, public enterprise, commerce, trade, tourism and transport and the Reserve Bank of Fiji.”

The way it is worded, Mr. Speaker, Sir, it says, “including” which means others will also be consulted, but they are the key ministries that needs to be also consulted because Government will be able to say, the Ministry of Employment will be able to say, the Tourism Ministry will be able to know how many hotels are still operating and how many people are still not working.” Mr. Speaker, Sir, once the Minister for Employment makes a determination that we have gotten over the COVID-19 period then these statutory provisions of five days paternity leave and five days family care leave kick back in. So it is only for this interim period, Mr. Speaker, Sir, and I urge all Members of Parliament to vote for this particular amendment because it will instil a lot of confidence in the private sector and also it will ensure that the rights and obligations of both the employer and the employee is actually safeguarded, it is not just only a one way traffic. And based on that, we can then with the current measures in place including the budget that will be announced, we will be able to provide a lot more conducive environment to ensure that our economy starts chugging along. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General for his motion. The floor is now open for debate on this motion. Anyone wishes to take the floor? Honourable Biman Prasad you have the floor.

HON. PROF. B.C. PRASAD.- Thank you, Mr. Speaker. Before I speak on this Bill, I just wanted to remind the Honourable Attorney-General when he said that I have friends in the administrative, yes, I do have friends in a lot of places but not where he assumes I have friends. And I know some friends use my name to curry favours against others with him and so maybe I should say that as well.

Mr. Speaker, as I said before we went for lunch break, I think the Bill could have been presented on Monday, that would have given us a bit of time. So I find this a bit devious in terms of getting the Bill today and then having the debate soon after because when I looked at the Bill when the Honourable Attorney-General was talking, Mr. Speaker, I thought it was those issues only related to leave. But I, Mr. Speaker, have some serious questions to ask. First of all I think this idea of act of God, I know it is a legal term which can be used to kind of excuse performance under whatever the contract is but I am not sure whether the COVID-19 pandemic could be attributed to act of God because there are, Australia moved a motion in the WHO for an investigation and there are a lot of issues there so I am not sure whether the idea of act of God in this Bill is a correct one. But I know in legal terms, the term “force majeure” is used in contracts and is used when things beyond the control of both parties, then obviously it is alright. So I am not sure whether the use of the words “act of God” or the legal term “act of God” in this Bill is the correct one.

Now, the question I want to ask, Mr. Speaker, but before that this Bill is another example or the continuation from the COVID-19 Response Budget which actually put the burden, which actually asks the employers and the employees to endure the burden. For example, apart from the \$40 million that the Honourable Attorney-General just pointed out for unemployment benefits, in fact, if you look at the \$40 million as I said this morning, the reduction in the employer contribution or the Government contribution to the civil service by 5 percent and if you worked that out on the basis of the total salaries and wages bill for all the Government workers, then the civil servants are actually contributing roughly more than that \$40 million to the Government coffers, in other words, in terms of savings.

So, already the civil servants in my view have contributed to the Government support to the COVID-19 Response. Additionally Mr. Speaker, a lot of these workers who have been laid off have been using their FNPF, of course, Government is topping up for those who have very low balances but what I want to ask the Government is where is the Government in this? Where is the Budget that we can source to help some of these entities directly including businesses and I think Government does not have that space and this is what, Mr. Speaker, I was always saying to the Honourable Minister of Economy, “let’s leave some fiscal space.” When we have the rainy day, like what we have now and I agree with all the explanations he has given about the impact of COVID-19 in the economy; absolutely correct. We have disruptions to almost everything from supply chains to tourism to businesses locally; I understand that. Many employers, his right, if you do not have business, if you are not making any money, you cannot pay rent, you cannot pay employees. That is what it is. But, Mr. Speaker, it is absolutely vital in this kind of crisis when people cannot help themselves, it is the Government.

But what we see so far is the people are actually helping themselves in many ways, Mr. Speaker. By sacrificing their savings, their leave, their FNPF, that is the point I am trying to make. So, Government needs to and I hope when they get the next budget, that there would be something very very comprehensive and something which is reasonable in amount and the breadth and scope that is going to help the vulnerable especially the workers in this country for a long period of time because this crisis is going to be a long haul, Mr. Speaker.

I want to ask the Honourable Attorney-General because when I look at the amendment to section 24 of ERP, it appears that that amendment is going to take away the right of workers to redundancy of one week for each year of service. I am not sure whether that amendment can be used especially by those employers where workers are not unionised. With unionised workers, Mr. Speaker, they have collective bargaining, they have contracts and these are all negotiated - redundancy packages, et cetera. So, I am worried about those workers who could fall under this amendment and employers will use the opportunity. Again, Mr. Speaker, the employers can abuse this amendment, if we are not careful.

The other point that I want to make or the other question that the Honourable Attorney-General might want to address in his response, Mr. Speaker, is what guarantee or what measures are there that others who are not involved directly in terms of employing people, can use this idea of act of God to ensure that they do not provide the service, they do not act in a way that is contrary to what they are required to do?

Mr. Speaker, it is very important for us to have this clarification. First, I think whether using the term ‘act of God’ is right because act of God to my understanding as a layman, Mr. Speaker, is to do with natural disasters, floods, earthquakes, tsunamis, volcanoes, et cetera. I know it is like Mother Nature’s wrath on people and countries, so whether putting that as act of God. I cannot remember, if you look at pandemics in the past, I do not think they were all categorised as acts of God. So, again, it is something that the Honourable Attorney-General would like to explain, Mr. Speaker. The option that the Government has taken, to me from what I have seen in the amendment on this Bill, the question is, again, whether employers who are not governed by collective agreement will be able to summarily dismiss workers?

The fourth question, Mr. Speaker, is that it is not very clear when the Honourable Attorney-General was talking about the date on which this is going to start, whether the amendment is backdated to 11th February, 2020 when COVID-19 was declared by World Health Organisation (WHO) as a pandemic. So, the question is whether this amendment will be backdated to 11th February, 2020, or it will start on 8th April, 2020 when the Honourable Minister for Health passed those Health Regulations in respect of restrictions due to the pandemic? So we need clarification on that because that would have implications on a lot of people, a lot of employers, as well as employees, Mr. Speaker.

I heard the Honourable Attorney-General say that we are only worried about Fiji Airways workers, yes. We did raise matters about them as well, Mr. Speaker, but the point is that those workers are governed by collective agreement. So, they would have some negotiations there. They can have a recourse, if they want to. But I am worried and, of course, we are worried, we have talked about workers who are not unionised and this is why, Mr. Speaker, I did suggest and I want to repeat and keep repeating that the Government needs to come out with a very comprehensive Workers Consolidative Fund or whatever they want to call it so that we are able to deal with the issue of helping those workers in a systematic way and holistic manner until such time that we are able to recover from this pandemic and the economy is back on track.

It is a very good suggestion, Mr. Speaker, and I hope that the Government will take that into account because that will be a specific targeted effort where the Government would allocate money to employers. Not all employers are going to run out of business, some will still keep on making money. We can ask some of those employers to contribute and others who want to contribute. There might be foreign governments who would be willing to contribute, specifically to a worker's fund to look after the workers of this country. Those are some of the more imaginative innovative things that this Government should be thinking about, not this cosmetic thing about helping the employers through taking away a few days of leave that workers will have.

Mr. Speaker, again, I would say that the Government needs to look at this legislation very carefully, the definition of the 'act of God', the amendment to Section 24 and ensure that this is not misused, or does not become a vehicle through which employers can dismiss workers without any benefit to them.

Finally, Mr. Speaker, again, I want to reiterate the point and as I said at the beginning, we know that we are in this for a long haul. It is not a short term or medium term issue, but is a long haul for us and we expect, especially for 2020 that the economy is going to contract drastically and I am putting a figure of something between 15 percent to 20 percent contraction.

If that happens, Mr. Speaker, that will be a huge contraction and that will throw many workers and many families into poverty. And it is possible that by the end of this year, we could have 50 percent of the households in this country struggling to make ends meet. So we need to ensure that we have a very comprehensive targeted package that we need to have the workers.

This Bill, as I have said, Mr. Speaker, is not going to address those big issues. It might be a little bit of saving out of the reduction in the leave that they had to pay for workers, but it is not going to solve the big impending crisis on our hand which is thousands of workers unemployed without income, struggling to make ends meet in this environment.

So, from that point of view, Mr. Speaker, and until we get a very clear explanation on Section 24, we are not ready to support this Bill. Thank you.

HON. SPEAKER.- I thank the Honourable Professor Biman Prasad for his contribution to the debate. I give the floor to the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources. You have the floor.

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir. I rise to support the Bill that is before the House. I think there is nothing devious about this Bill and that is the terminology that was used by Honourable Prasad, there is nothing devious about this. I think it shows decisiveness.

The comments being made by the Honourable Professor Prasad saying that this Bill will not address the issues of stimulating the economy which is what we will have to do, of course, that is correct. This is not designed to stimulate the economy.

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

HON. PROF. B.C. PRASAD.- Mr. Speaker, in no place I said anything about stimulating the economy. All I said was, “this leave provision is not going far enough to help the workers in this country.” The Minister should stop misleading Parliament.

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir. When you say in the course of your deliberations that this Bill is not going to do anything about helping the economy revive itself, you are implying, which is saying that this Bill was supposed to be designed to stimulate the economy, it is not designed to do that.

We know, as Honourable Professor Prasad had said, that this event, COVID-19, has shown us a number of things. First, it has shown that there is a very close relationship with economy and public health. You can have a massive public health issue that can have a huge impact on the economy. I am not too sure, I think the last one that we thought of is Spanish Flu, back in 1918 which had a huge impact on the economy and had a huge impact on the lives of everyone in the world.

I think the other big event that would have been similar around the world would have been the Great Depression of 1929. There are people around the world talking about the major changes that happened in the world as a result of 1929, and the depression that took place and it led to the changes in the way we see how to run this world. It took us away from unilateralism where Governments looked at their own affairs and it led to the development of the League of Nations and United Nations, which got all Governments to work together to try to address the issues of the world. That is the same sort of thing that is happening here.

We agree entirely with the fact that COVID-19 and its effects will be here for the rest of this year and for next year, but we need to do a number of things. First of all, when we have events like this, there is a going to be a call for austerity, for us to see about things that we can give up and there is a need for sacrifice on everyone in the world and in all economies. There will have to be a sacrifice on us as individual citizens, there will have to be sacrifices for us as Members of Parliament, there will have to be some sacrifice by workers and also sacrifices by our entities. But at the same time, as we are going through this process of austerity, we always want to preserve those parts of our economy that can lead to greater employment. So Government needs to be mindful of the needs of our micro, small and medium, and even our large enterprises.

In one of my Ministries, the Ministry of Works, we have a lot of contractors who work for us and we are getting a lot of electrical contractors, for instance. We hear that some of them now are not able to do the kinds of jobs that they are doing. Some of them are thinking now of selling their assets and equipment. These are some things that Government is worried about, because right now, the economy is in a bit of stalemate, but there will come a time after the Budget, hopefully with stimulus packages, that Government will put in place that these enterprises will be able to pick themselves up again, start running, start expanding and start employing people so that we can have money circulating in the economy. So, it is very important for Government as much as possible to look at the kinds of things that we can do to assist these enterprises.

Obviously, the Ministry of Employment and the Ministry of Economy has looked at some of these things, the Family Care Leave and Paternity Leave. These are some of the things that we can do to



give some space to these small companies, the micro, small, medium and even the large enterprises. What can we do to make sure that when the economy does turn around that they have not totally disintegrated?

So this, I believe that this is a very decisive policy input from the Ministry of Economy and the Ministry of Employment to make sure that we can look after our enterprises so that when the time comes for them to be able to create employment and when global travel starts opening up again, that they will be in a position to take advantage of that.

With that, Mr. Speaker, Sir, I totally support the Bill and I hope that all the Honourable Members of this House will support it because when you do that, you are sending a message out to the whole of Fiji that we support enterprises in this country. We want them to revive and to be strong when they need to take that place in the revival of the economy of this country. *Vinaka vakalevu*, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his contribution to the debate. Honourable Minister for Commerce, Trade, Tourism and Transport, you have the floor.

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I wish to contribute to the discussion on the Bill to amend the Employment Relations Act 2007.

Honourable Speaker, Sir, first and foremost, I think it is quite unfair for Honourable Professor Prasad to say that this is a cosmetic thing, and it is only there to help employers. As a matter of fact it is quite reckless to actually say that, Sir.

Honourable Speaker, Sir, the amendments that are being proposed are imperative at this point in time, as Fiji prepares for economic recovery. The reduction of Family Care Leave and Paternity Leave, on both two days for the period identified as the COVID-19 period will assist businesses in restructuring the way that they actually operate, control their overheads, et cetera, and basically for survival, Mr. Speaker, Sir.

Mr. Speaker, Sir, a measure which is a very balanced approach and that looks at the interest of both the employer and the employee and these are unprecedented times and whilst we acknowledge that leave is a very important entitlement, the Amendment will ensure that Fijians keep their jobs whilst businesses continue to reduce their operational cost.

Mr. Speaker, Sir, we all know what the pandemic has done and what it continues to do and in sectors such as tourism and manufacturing which employ thousands of Fijians, they also had to contemplate these decisions on a daily basis.

Mr. Speaker, Sir, employers are actually struggling at the moment and as I said earlier, a very balanced approach to everything across the board with more business operations still operate, our recovery will be a lot faster because they will still be able to employ these particular workers.

The proposed Amendment also and quite importantly, Mr. Speaker, Sir, is not a decision that the Government has made on its own, Sir. It is after careful deliberation and discussion with our keys stakeholders. It is not a single decision just made by Government, Sir, and through this we are giving Fijian businesses a life line and an opportunity to re-think their business models and they will need to re-engineer as I said earlier on and re-purpose their operations and essentially change their entire outlook.

Most of all, Sir, as Honourable Usamate pointed out, this is such an important measure with respect to our small, medium and large enterprises, this is the actual engine for our growth and it will always be, Sir. It is the system that is being offered at a very opportune moment.

Mr. Speaker, Sir, I support the proposed Amendments to the Bill to amend the Employment Relations Act, 2007. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Minister for your support. Honourable Tikoduadua.

HON. LT. COL. P. TIKODUADUA.- Mr. Speaker, thank you for the opportunity to contribute to the Bill before the House. Mr. Speaker, before I make this short contribution, I would like just to say a few words in response to what Honourable Koya has just said in terms of the attitude behind what the Honourable Leader of NFP had just mentioned.

Mr. Speaker, there is nothing sinister about the issues that Honourable Professor Biman Prasad has raised before the House. These are issues that actually affect the workers and we are standing here trying to create a balance between the employers and the workers by trying to find the best solution but it seems to appear all the time that it is the workers that pay for it. So I do not think that there is anything wrong with that.

Mr. Speaker, I would like to say though that the Bill is legally casualising the whole workforce. For example, we believe that teachers can be told that they will be paid for only the days that they are required to be at school. In other words, there is a real risk that workers may be paid only for the days that they work. The question that we would like to ask also to the Honourable Minister, will it be applied to the Civil Servant in terms of getting no pay cuts but at the same time, the whole civil service workforce suffer massive reduction under this legislation, so I hope that is not what this is trying to do. I thank you, Mr. Speaker.

HON. SPEAKER.- Honourable Members, we have come to the hour that we have allocated for this debate and I now give the floor to the Honourable Attorney-General for your right of reply. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, just to provide some clarification that was raised by Honourable Prasad. Firstly he said “about the act of God” being applied in universally across the Act”. It is not a carte blanche approach. If you look, Mr. Speaker, Sir, I refer the Honourable Prasad to clause 2, section 24 amendment, and it says in (b) in subsection (1) – (i) in the chapeau after “must”, “inserting” .... Then if you turn the page, firstly, under (c), it says in (2) - In this section, “act of God” includes a pandemic declared by the World Health Organisation.” So, it is in relation to that section, not a carte blanche approach across the Act itself. Number 1.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Secondly, Mr. Speaker, Sir, again as we have said that this provides certainty. In some jurisdictions, “acts of God” have been dragged through the court system, it becomes very arduous for both the parties. At this point in time, as we have said that COVID-19 has presented us and the only certainty about COVID-19 is the uncertainty.

So, wherever we can, we need to provide certainty for ourselves, the different stakeholders, the employers and the employees. So, by having this definition, we are actually telling both the parties, this is what will happen in respect of not being able to provide work under the contract that has been put in place, and an “act of God” which the employer actually has to prove.

If you read the Act, that particular section, the burden of proof is on the employer because should it be debated, should it be challenged, the burden of proof is on the employer to prove that it was an act of God and the act of God in this case is the pandemic. They cannot, for example, assume that their

business is going well and because he wakes up one morning and says “I am going to fire all 50 of them now because, you know, I do not like their faces” or something, he or she cannot do that. He or she has to prove it is because of the pandemic, if he or she is going to use the pandemic argument, so that is the safeguard that has been provided in that particular section.

Honourable Prasad has got two ideas that he has been clinging on to, notwithstanding the fact of the fragility of those arguments. The Honourable Member is saying that because of the decrease in the superannuation contribution by the employer, the Government is saving all this money because it has got all its money lying around. As an economist, he should understand that revenue has depleted by over a billion dollars. So it is not like revenue . . . .

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- The revenue has decreased by a billion dollars yet, Mr. Speaker, Sir, if he looks at the 19/20 National Budget and the 19/20 COVID-19 (Response) Budget, expenditure has only decreased by \$300 million because we have maintained the services that are required by Government to the members of the public. Infrastructure is still being carried out, other operations of Government is still being carried out. The statutory bodies that received the grants still get the grants. There has been a reduction in expenditure by over \$300 million, notwithstanding the fact that revenue has plummeted. No more tourists, finish. Revenue has gone from that area, nightclubs finished, the Value-Added Tax (VAT), Service Turnover Tax (STT), Environment & Climate Adaptation Levy (ECAL), gone, garment industry, three-quarters gone. Whatever the case maybe, revenue has decreased. This is why that by only reducing expenditure by \$300 million, your deficit has gone up by 9 percent, that is why. Therefore, you know, the Opposition Members have been saying but they need to understand the maths of it. I saw, again you know, the erstwhile *Fiji Times* in today’s front page, another former governor has got his maths wrong. Again, because he has missed the fact that revenue has decreased by a billion dollars.

Now, the other thing, Mr. Speaker, Sir, that Honourable Prasad has talked about - the Workers Solidarity Fund. I mean they have grabbed on to this idea and said “Oh the Australians gave, put it into their Workers Solidarity Fund.” The workers do not want some fund set up, the workers actually want money given to them on a regular basis. The COVID-19 (Response) Budget, in the budget estimates, Mr. Speaker, Sir, as has been allocated and he is absolutely right.

As the weeks and months go ahead, things will be getting tougher if the economy does not bounce back, if the bubble does not open, which is what we have said throughout. Even when we were accused previously of saying, “Oh, you are allowing people to take up the \$1,000”, we are saying - we will be the one that will be holding the can because we know that most people, firstly, even the upfront did not have \$1,000 and in the second wave, less people have \$1,000. As I mentioned in the second wave, we are paying over \$30 million, first wave, pay \$6 million, huge jump to \$30 million, what will be the third wave? Maybe \$60 million, maybe \$90 million, but at least we are doing it in a progressive, sustainable and deliberate manner, Mr. Speaker, Sir.

HON. GOVERNMENT MEMBER.- Hear, hear!

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Not setting up some funds, you see, we are . . .

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- No, actually, it is not the workers' money, it is from the General Account, Honourable Tikoduadua, please, get that right. And the \$30 million that we are giving is not coming from FNPF, it is the budgetary allocation, please, read the Budget book.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- And, Mr. Speaker, Sir, let me highlight that Head 50, Line 13:

- (1) Ministry of Health - \$40 million;
- (2) Fiji Police Force – additional \$700,000;
- (3) RFMF - \$150,000;
- (4) Agriculture – additional \$1 million;
- (5) FCCC - \$100,000;
- (6) Unemployment Benefit, Tourism Sector - \$5.6 million;
- (7) Unemployment Benefit in Lockdown Areas, Formal Sector - \$7 million;
- (8) Unemployment Benefit in Lockdown Areas, Informal Sector - \$3 million;
- (9) Unemployment Benefit, General - \$5 million;
- (10) Assistance to SMEs - \$5 million;
- (11) Contingency Funds, Unemployment - \$5 million; and
- (12) Contingency Funds, General - \$27.45 million.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the reality of the matter is, I mean, God willing, in 2, 3 months' time, things may change, who knows, but if it does not change, Mr. Speaker, Sir, obviously the Budget will make the fiscal space for Government to continue these unemployment benefits. And as we have said, Mr. Speaker, Sir, we are not going for this gimmicky thing, solidarity fund, et cetera, we will make sure that people get money on a regular basis.

HON. GOVERNMENT MEMBER.- Hear, hear!

HON. A. SAYED-KHAIYUM.- We have said at this point in time, \$220 a fortnight for anyone in the formal sector. As announced the other day and also announced last week, Mr. Speaker, Sir, we are currently now working out mechanisms as to how to assist those people who are still employed but at extremely reduced hours.

You cannot, for example, expect a person to survive on one day's work. You can only expect a person to necessarily survive on two days' work if there is any sole breadwinner, but on the other hand, Mr. Speaker, Sir, there are some other people who have reduced hours of only one day in short now, they are working four days. So should the person who is working four days be paid the same amount of unemployment benefit as the person who is working only one day? Obviously not, so we need to work out the mechanism, these things are not necessarily easy but once we get the policy right, it will be sustainable, it will be fair, it will be accountable and all those people receiving the benefits will say, "Yes, okay, we have been treated fairly and justly, that is what we want."

Believe me, Mr. Speaker, Sir, after the announcement of this, we have got a lot of positive reports, a lot of positive feedback from people, saying, “Thank you for this” because some people also complained, “We do not like lump sum payments” because someone may go off and buy a TV set. We were told stories of people receiving funds from FNPF in Ellery Street and going straight to some of the duty free stores. Now obviously we do not want that because at the end of the day, they spend their money on a TV or a stereo, they will depend on Government for the money to buy food. So we are now depositing \$220 a fortnight into their bank accounts and this is why we are working with FNPF.

So, Mr. Speaker, Sir, I think there is a lot of talk about it regarding this, I just want to clear that up, Mr. Speaker, Sir. Again Honourable Tikoduadua said, “It looks like we are always getting the workers to give in their rights”, that is not true. These two leaves, the days of which we are reducing, was introduced by Government.

HON. GOVERNMENT MEMBER.- Hear, hear!

HON. A. SAYED-KHAIYUM.- There was no specific submission made on this, we did it unilaterally. All we are saying that it is only for a specific period of time. The reality of the matter is, Mr. Speaker, Sir, if the garment factory owners say, “look this is all too difficult and I have got all these people taking Family Care Leave and Paternity Leave, why don’t I shut down this factory?” What are we going to do? What are we going to do? We cannot force him or her legally to open the factory. We do not give them any funding, we do not give them operating expenditure. In fact, our announcements are only for small and medium enterprises. Medium enterprises threshold being from \$300,000 to \$1.25 million. They will shut down and they will go. So, it is unfair to say that, and Mr. Speaker Sir, most people are not going to, for example, just fire people for the sake of it.

Honourable Prasad on one hand says, he was lamenting this morning about some bus company wanting to reduce the hourly rate from over \$4 to \$3.50 and saying that how the Ministry of Labour was harassing them, on the other hand he is going to bring a motion tomorrow to say that we should have a minimum wage. These are the challenges of our time, this is the kind of contradiction that is coming from him, Mr. Speaker Sir.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- Whatever it is, your End of Week Statement. But it is the same argument, the logic is not there. Today he is lamenting about the fact that he is praying the bus operator cannot bring down the bus hourly rate for the bus drivers from \$4 to \$3.50 and tomorrow he is going to argue for making it \$5. If the minimum wage is going to be \$5, all the other people’s minimum wage is \$3.50 will ask for \$8 to \$9. Mr. Speaker Sir, I would urge Members of Parliament to please support this Bill which will provide certainty and sustainability and as we said it is a temporary measure and where the employer, employees get a particular level of camaraderie in respect of working together, getting the certainty so we can then progress and bring ourselves out of this pandemic. Thank you, Mr. Speaker Sir.

HON. SPEAKER.- Thank you Honourable Attorney-General for your Right of Reply. Whoever’s telephone is ringing there, make sure you keep in good relations with your mother-in-law, because that is the person who is ringing.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Employment Relations Act 2007 (Bill No. 12 of 2020) enacted by the Parliament of the Republic of Fiji (Act No. ....2020)]

(Acclamation)

### **REFERRAL OF TREATIES**

HON. SPEAKER.- I now call upon the Honourable Attorney-General and Minister for Economy, Civil Service and Communications, the Honourable Aiyaz Sayed-Khaiyum to move his motion. You have the floor Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker Sir. Mr. Speaker, I move that the Standing Committee on Foreign Affairs and Defence to review the following:

- (a) Madrid Agreement Concerning the International Registration of Marks 1981 (Madrid Agreement);
- (b) Protocol Relating to the Madrid Agreement (Madrid Protocol)

(together known as the Madrid System); and

- (c) Paris Convention for the Protection of Industrial Property.

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

HON. SPEAKER.- The Honourable Attorney-General has moved the motion to refer the treaties to the Standing Committee on Foreign Affairs and Defence. I confirm that the Honourable Attorney-General has provided me with copies of the treaties and written analysis as required by Standing Order 130(2). Therefore, pursuant to Standing Order 130 (3), the treaties and analysis stand referred to the Standing Committee on Foreign Affairs and Defence for consideration and review. The Committee may table a report to Parliament no later than 30 days from today.

### **REFERRAL OF TREATY – OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (OPAC)**

HON. SPEAKER.- I now call on the Attorney-General, the Honourable Aiyaz Sayed-Khaiyum to move his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, I move that the Standing Committee on Foreign Affairs and Defence review the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict (OPAC).

HON. SPEAKER.- Is there a seconder?

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

HON. SPEAKER.- The Honourable Attorney-General has moved a motion to refer the Treaty to the Standing Committee on Foreign Affairs and Defence.

I confirm that the Hon. Attorney-General has provided me with copies of the Treaty and written analysis as required by Standing Order 130 clause (2).

Therefore, pursuant to Standing Order 130 clause (3), the treaty and its analysis stand referred to the Standing Committee on Foreign Affairs and Defence for consideration and review. The Committee may table a report to Parliament no later than 30 days from today.

### **TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS**

HON. SPEAKER.- I now call on the Attorney-General and Minister for Economy, Civil Service and Communications, the Honourable Aiyaz Sayed-Khaiyum to move his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, I move:

That Parliament approve that Fiji ratify the Treaty on the Prohibition of Nuclear Weapons.

HON. SPEAKER.- Is there a seconder?

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

HON. SPEAKER.- I now invite the Honourable Attorney-General to speak to his motion. You have the floor, Sir.

HON. A. SAYED-HAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I will not be too long on this particular treaty. As we know that the Committee has recommended that Parliament actual approve the ratification of the treaty without reservations and we are, of course in concurrence with this recommendation, Mr. Speaker, Sir.

Just very briefly, the treaty sets out a comprehensive set of prohibitions against participating in any nuclear weapon activities. These include undertakings by member-states to the treaty do not develop, test, produce, acquire process, stock pile, use or threaten to use nuclear weapons.

The treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any state in the conduct of prohibited activities. It puts an obligation on us, Mr. Speaker, Sir, to not have those nuclear weapons on our soil even though those nuclear weapons may not actually belong to us.

Mr. Speaker, Sir, the state parties are obliged to prevent and suppress any activity prohibited under the treaty undertaken by a person or territories under his jurisdiction or control.

The treaty also obliges state parties to provide adequate assistance to individuals affected by the use or testing of nuclear weapons as well as to take necessary and appropriate measures of environmental remediation in the areas under his jurisdiction or control which are contaminated as a result of activities related to the testing or use of nuclear weapons.

We know, Mr. Speaker, Sir, that many of the colonial powers pre-World War II and post-World War II used a number of their Pacific territories to do a lot of nuclear testing and indeed hydrogen bombs were also tested in the Northern Pacific too, Mr. Speaker, Sir.

I would like to, Mr. Speaker, Sir, just highlight by way of background. There are already 81 signatories to the treaty including Fiji. We signed the treaty at the 72nd Session of the United Nations General Assembly on 20th September, 2017. The treaty is currently not in force, it will enter into force 90 days after the 50th instrument of ratification acceptance approval or accession has been deposited. There are currently only 37 States, Mr. Speaker, Sir, that are actual parties to the treaty.

The treaty complements the existing nuclear disarmament instruments namely the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaties (CTBT) that established general prohibitions.

Mr. Speaker, Sir, I will not necessarily go into details but just to also highlight, Mr. Speaker, Sir, there is one particular provision that obliges states to provide remedy to those that have actually been affected by nuclear testing, et cetera.

Mr. Speaker, Sir, Fiji, of course has had a history of that where our people were actually exposed to that and there has been for decades a number of soldiers who were actually taken to these testing sites who have been clamouring for some form of compensation both through the British Government and of course with subsequent post-Independence governments. Fijian soldiers who participated in the 9 UK Nuclear Weapon Test at Malden and Kiritimati or Christmas Island now part of the Republic of Kiribati.

Test veterans including Fijians and civilians survivors trying to help as well as the descendants who were adversely affected by exposure to ionizing radiation. Though the UK Government assured coverage of Fijian troops service where they had health problems, during the test, it has offered them no assistance or compensation. Instead, Mr. Speaker, Sir, this Government under the leadership of our Prime Minister stepped in to offer a one-off grant to veterans to support medical and welfare cost in 2015. The 24 survivors who attended the ceremony each received US\$4,788 or FJD\$9,855 from a compensation pool of \$2.95 million.

As you know, Mr. Speaker, Sir, you, yourself would know this that this was a very lingering sore and this was actually put to rest despite all those decades of recognition firstly of what our people went through and secondly for them to receive some form of compensation. Mr. Speaker, Sir, Article 7 requires all state parties to co-operate, to facilitate the implementation of the treaty including seeking and receiving assistance from other parties to fulfil the treaty obligations and at the state parties in the position to do so providing technical and financial assistance to state parties.

Mr. Speaker, Sir, the requirements for implementation on this, I will just very quickly go into that and I am sure the Minister for Defence would also have some comments in respect of this particular treaty. Obligations for state parties expressly articulate in Article 1 on the treaty as such the treaty is a broad prohibition provision that specifically obligates each state party to never under any circumstances assist, encourage or induce in any way or anyone to engage in an activity prohibited to a state party under the treaty.

Mr. Speaker, Sir, the impact of the Convention. Fiji has continued to support regional disarmament platforms such as the South Pacific Nuclear Free Zone Treaty of Rarotonga which bans the manufacture acquisition, possession or control of nuclear devices within the Pacific.



Mr. Speaker, Sir, it also is an extension of Fiji's acceptance of the regional and international nuclear disarmament instruments that seek to rid this planet of any nuclear threats. This includes the Treaty and Non-Proliferation Nuclear Weapons which Fiji acceded to in 1972 when the Comprehensive Nuclear Test Ban Treaty which Fiji ratified in 1996. Fiji, Mr. Speaker, Sir, clearly supports the initiative to ban nuclear weapons and to reduce the risk of its accidental, mistaken, unauthorised or intentional use on this planet given its catastrophic and humanitarian consequences as we have seen whether it is Chernobyl or whether it is in Japan. It should be noted that Fiji's position is a result of our first-hand experience of the destruction and long lasting effects that nuclear weapons have had on Fijians who remain without victim assistance and reparations from the state that actually carried out the testing itself.

Ratifying the treaty, Mr. Speaker, Sir, would promote cooperation, strengthen international relations with other state parties, but also signal to the world that Fiji is very much concerned about ensuring that we have a peaceful global climate, that we are working hand in hand with all those who want to further that agenda and that we want to ensure that more focus is on humanitarian aspects of living in this global community on ensuring sustainable livelihoods and ensuring that we arrest the problems associated and the effects of climate change, and not squander state and global resources on such things such as nuclear weapons.

Mr. Speaker, Sir, I recommend that Parliament approve the ratification of this treaty without reservations. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General.

The floor is now open for debate on this motion. Honourable Minister for Defence, you have the floor.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. I rise to support the motion of Fiji ratifying the Treaty on the Prohibition of Nuclear Weapons.

Mr. Speaker, Sir, as alluded to by the Honourable Attorney-General, Fiji had signed the Treaty on the Prohibition of Nuclear Weapons on the 72nd Session of the United Nations General Assembly on 20th September, 2017, and the Treaty complemented the existing nuclear disarmament instruments, namely the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear Test Ban Treaty (CTBT).

Mr. Speaker, Sir, Government supports the initiative to ban nuclear weapons and all related materials to reduce the risk of their accidental, mistaken or unauthorised or intentional use on this planet, given its catastrophe and humanitarian consequences.

Mr. Speaker, Sir, it is important to note that Fiji's position is the result of our firsthand experience on these destructions and long lasting effects that nuclear weapons have had on Fijian personnel who served in *Operation Grapple* during the 1957 and 1958 period.

Mr. Speaker, Sir, again, as alluded to already by the Honourable Minister, the Treaty on the Prohibition of Nuclear Weapons includes a comprehensive set of prohibitions on participating in any nuclear weapon activities, and this includes, not only to develop, but the testing, producing, acquiring, processing and stockpiling their use, transshipment, or threaten to use nuclear weapons. The Treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any State in the conduct of prohibited activities.

Mr. Speaker, Sir, the ratification also reinforces our commitment to the Comprehensive Safeguards Agreement, as I have alluded to earlier which Fiji signed with the International Atomic Energy Agency (IAEA) in 1973, given that Fiji is a state party to the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. Speaker, Sir, the ratification will ensure Fiji's obligation, as well as our political commitment to achieve and maintain a nuclear weapon free world. Let me quickly summarise, Mr. Speaker, Sir, again nuclear weapons pose a threat to humanity and as I had alluded to earlier, Fiji has nuclear survivors and, of course, it did not only affect those who operated during *Operation Grapple*, but this also had effects on their families as well.

Mr. Speaker, Sir, let me also state, before I conclude that for us particularly in the Pacific, I am sure most Honourable Members of this Honourable House would be aware of the *Rarotonga Treaty*, if I remember correctly, before the Pacific Islands Forum (PIF), it was still during the days of the South Pacific Forum. I think it was way back in 1985 when they had started because of the reasons that the Pacific Region witnessed an extensive period of nuclear weapons testing. And of course, our leaders, because of that first-hand experience, as I have mentioned, in 1985, our leaders have come together with the document on the South Pacific Nuclear Free Zone Treaty which is commonly known as the *Rarotonga Treaty* and I will not go into the details. But it gives us fair understanding of why this is so important not only for Fiji but, of course, the region as well.

Mr. Speaker, Sir, again, for us as an influential Pacific Island state with the leading role in the region as well and of course our responsibility to the United Nations to ratify this Treaty, we hope that this will set the platform for the universalisation and, of course, for the other parties to ratify this as well.

Therefore, Mr. Speaker, Sir, the ratification will ensure, as I have stated, Fiji's obligations and of course our political commitment and, therefore, my Ministry fully supports Fiji's ratification of the Treaty. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Honourable Lenora Qereqeretabua. You have the floor.

HON. L.S. QEREQERETABUA.- Thank you, Honourable Speaker. Just very quickly, I think as a bigger ocean State with the leading role in the region, I agree with the Honourable Minister and the Honourable Attorney-General that Fiji must ratify as quickly as possible this Treaty without reservations and to become the 37th Signatory.

I commend the Report and I thank the Honourable Committee Members. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Qereqeretabua. Honourable Attorney-General, you have the floor for your Right of Reply.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I do not have any further comments and I look forward to Parliament ratifying this. Thank you.

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

Question put.

Motion agreed to.

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

**INTERNATIONAL LABOUR ORGANIZATION (ILO) VIOLENCE  
AND HARASSMENT CONVENTION 2019**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I move:

That Parliament approve that Fiji ratify the International Labour Organization Violence and Harassment Convention 2019.

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

HON. SPEAKER.- I now invite the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, the Standing Committee on Foreign Affairs and Defence, earlier this week, tabled their Report on the ILO Violence and Harassment Convention 2019.

The Report tabled by the Standing Committee provides the summary examination of the submissions made to the Standing Committee and, in fact, Mr. Speaker, Sir, the submissions received by the Standing Committee called for the ratification of the Convention.

Mr. Speaker, Sir, just by way of a very quick background regarding the Convention, the Convention was adopted on 21st June, 2019 and came into force 12 months after the date of its ratification. Two members have been registered with the ILO Director-General.

Given that this is a new Convention, Mr. Speaker, Sir, to-date, no country has ratified this Convention. So Fiji may well be the first country to ratify this Convention, pending Parliamentary approval.

Mr. Speaker, Sir, I am sure the Honourable Minister for Women will also speak on the more intrinsic details of this Convention itself where it contains the definition of violence and harassment. It also protects workers and other persons at work, including employees as defined by national laws.

Article 3 of the Convention sets out the application of violence and harassment at the workplace.

Mr. Speaker, Sir, one thing I also wanted to mention about this particular Convention vis-à-vis our Constitution, is that the equality provisions of the Fijian Constitution, no other Constitution has hitherto provided those types of protections in particular for women.

Mr. Speaker, Sir, if I could read Section 26 of the Fijian Constitution, just to highlight the far-reaching impact of this Constitution, it says, and I quote:

- “(1) Every person is equal before the law and has the right to equal protection, treatment and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms recognised in this Chapter or any other written law.
- (3) A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her –

- (a) actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression..., (including Mr. Speaker, Sir) marital status or pregnancy; ...”

So, it has a very expansive scope in respects of those provisions which predominantly, Mr. Speaker, Sir, of course, go towards gender identity and predominantly also to women, as we know that most victims of sexual harassment and the related violence is directed towards women. That is a hard-core fact.

Fiji has put in place a number of laws both, in our Crimes Act and in other areas where we have actually recognised the deleterious effect, the grotesque effect of violence and sexual harassment, not just in workplaces but also in various other public spaces. By Fiji and the Parliament giving the approval for ratification of this Convention, it will be another signal to the rest of the world but moreso also to our citizens, in particular women that the Government and this Parliament is serious about protecting people from sexual harassment and about protecting people from violence. So with those introductory remarks, Mr. Speaker, Sir, I would like to open the floor for debate. Thank you.

HON. SPEAKER.- I give the floor to the Honourable Minister for Employment, Productivity and Industrial Relations and Youth and Sports. You have the floor, Sir.

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. I rise to briefly contribute towards the motion that is before us and in particular, on the Committee’s Recommendations 2 and 3.

Mr. Speaker, Sir, at the outset, I wish to thank all Government and Non-Government Organisations that made valuable contribution and supported the ratification of the ILO Convention 190. Sir, the Employment Relations Act 2007 provides mechanism to deal with violence and harassment in the workplaces, including sexual harassment where workers have the right to raise employment grievances for discrimination, disadvantage and dismissal.

Mr. Speaker, Sir, the Employment Relations Act provides for mechanism to ensure that these grievances at the workplace are dealt with in accordance with individual contract using Schedule 4 of the Act, which outlines the process and standard procedures on settlement of employment grievances.

Mr. Speaker, Sir, the Employment Relations Act also provides clear mechanism and procedures in referring the grievances to the Ministry which is dealt through the mediation services. Any worker, Mr. Speaker, Sir, who has his or her grievances referred to the Employment Relations Tribunal has the right to request for legal representation from the Ministry which is free of cost to the worker.

Mr. Speaker, Sir, the proactive arm of the Ministry through the labour inspection system is equipped with the necessary tools to deal with employment grievances and promote good faith employment relations at all workplaces.

Mr. Speaker, Sir, on the Recommendations 2 and 3, as I have mentioned earlier on of the Committee, I wish to state that the Employment Relations Act is currently undergoing review where we will consider to broaden the definition of “harassment” that will be in line with Convention 190.

Mr. Speaker, Sir, as mentioned earlier on by Honourable Attorney-General, if we approve the ratification and submit all these necessary documents to ILO, Mr. Speaker, Sir, we may be the first country to ratify the ILO Violent and Harassment Convention 2019.

Mr. Speaker, Sir, Government has stated numerous times in this House that the Fijian Constitution and our national laws and policies make it easy for us to ratify Conventions like this, and this is one example, Mr. Speaker, Sir. The Honourable Prime Minister has stated publicly a number of times that any form of violence, physical or sexual, especially against women in any place will not be condoned. Mr. Speaker, Sir, the Committee's Recommendation No. 4 is noted and I once again would like to thank the Standing Committee and urge all Members to support the motion before the House, that is for Fiji to ratify the ILO Violence and Harassment Convention 2019. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his Statement. The Honourable Pio Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Yes, thank you, Mr. Speaker. I rise to say a few words with regards to the motion before the House and I rise also as a Member of the Standing Committee that reviewed this Treaty, and much of what I had wanted to say, Mr. Speaker, has been alluded to earlier by the Honourable Minister for Employment, so I do not want to go further into that, and that I take his word that he is going to look at the review to broaden the definition of "harassment" in the Employment Relations Act (ERA), which is one of the Recommendations (No. 2 in particular), so that it is consistent particularly with Article 1 of the Treaty as noted in the Recommendation.

Also I take his commitment, particularly to Recommendation No. 4, and I thank him that he has noted that and so perhaps I would like to ask the Minister also not only to note it but also to take progressive action with regards to that because the consistency of the application of ERA should apply to all workplaces in Fiji, so that it is actually consistent with the Constitution that we are all governed by - the same set of legislations and laws.

I understand because during the submissions to the Committee, the Disciplined Services did make reservations with regards to not to be covered under ERA in this regard, and so I take the Minister's commitment on that and I would like to urge him to actually see to that, that it happens that all the workplaces in Fiji are included within the Employment Relations Act, without any exceptions to any. Now, Mr. Speaker, I would like to say also that violence and harassment continue to be a part of the norm in all workplaces. And the most vulnerable become the victims of violence and harassment in the workplace. Now we stand to be as the Honourable Attorney-General and the Minister for Employment had mentioned, to become the first nation perhaps to accede to this Treaty.

And this is a good thing for Fiji, but it is good enough to accede to it but what is even more important for us is to actually take the first step and to be leaders and examples of fighting against violence and harassment of people in their own workplaces, particularly, for the leaders of the nation and the leaders of workplaces to be the first people to advocate for this Treaty, and that would probably lift us even further as being the first nation to be able to accede to this in our global community. So, with those interventions, I thank you.

HON. SPEAKER.- I thank the Honourable Pio Tikoduadua. I give the floor to the Honourable Minister Vuniwaqa, you have the floor.

HON. M.R. VUNIWAQA.- Thank you, Honourable Speaker. I rise in support of the motion by the Honourable Attorney-General "that Parliament approves that Fiji ratifies the International Labour Organization Violence and Harassment Convention 2019."

Fiji signing the Violence and Harassment Convention 2019 is the move in the right direction. It complements Fiji's national laws and Constitutional obligations in relation to violence. Violence and harassment in the world of work deprives people of their dignity, is incompatible with decent work and a threat to equal opportunities and to safe, healthy and productive working environments. It remains a widespread phenomenon present in all countries and disregarding sectors, occupation and work arrangements.

According to a recent finding of a study by the International Finance Cooperation of the World Bank done in Fiji, named, *The Business Case for Workplace Responses to Domestic and Sexual Violence in Fiji* which surveyed 563 staff from 3 private companies.

Over 20 percent of women and men have experienced harassment when at work. The same study made findings on employees who have experienced domestic and sexual violence outside of the workplace which translated in to loss of staff time and reduced the productivity that is equivalent to almost 10 days of loss of work per employee each year, 10 days each year is lost by employees therein reducing the productivity of companies in Fiji.

We ought to realise the benefits of this Convention to all workers and particularly women in Fiji and the Ratification of the Convention recognises the right of everyone to a world of work free from violence and harassment, including gender-based violence and sexual harassment. Research shows that universally, harassment ranks as a second biggest challenge for working women following unequal pay.

Over the past years, the number of women in the workforce in Fiji has seen an increase, 39 percent of Fijian women are economically active as per the latest census. More women than men are graduating from universities and are consequently acquiring jobs in the formal sector. Fijian women are also being encouraged to study and look for work in traditionally male-dominated fields in our quest for gender equality and the empowerment of women and girls.

For an equitable and vibrant workforce that is geared towards high productivity that is unhindered by violence and harassment, it is imperative that employers put in place work policies against harassment and violence with grievance procedures that are transparent, inclusive and user-friendly. Whilst we as a nation can put in place relevant laws and sign up to International Conventions to address violence and harassment in the world of work, it is our individual commitment to the course that will make a difference.

Government has set the policy and facilitated our commitment as a nation to eradicate violence and harassment in the world of work. It is now upon employers to put in place the necessary mechanisms within workplaces to address violence and harassment. Let it not be a legal mandate, let it be a personal mandate, a challenge on all employers to take this up for their employees. It is upon us as employees to continue to protect and uphold our places of work free from violence and harassment. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Minister. The Honourable Prime Minister, you have the floor. Do you wish to speak?

HON. J.V. BAINIMARAMA.- Thank you, Honourable Speaker. Honourable Speaker, I want to speak on the motion by the Honourable Attorney-General, just to say that this Convention is important because as you have heard, it contributes to the holistic Protection of Workers Rights. Fiji is leading the

way in the Region and as we have also heard and in support of all 8 Core Labour Conventions and Subsequent Conventions. My Government, of course, will continue to effectively operationise them into our national context.

The other issue, Honourable Speaker, is that this Convention is aligned with various International Principles in Sustainable Development Agenda.

Importantly, Mr. Speaker, Sir, the Convention works along the Fundamental Human Rights Conventions that Fiji has ratified and with the 17 Sustainable Development Goals (SDGs) of which SDG 8 specifically addresses the theme of this Convention.

Based on those brief remarks, I therefore support the motion.

HON. SPEAKER.- I thank the Honourable Prime Minister. Honourable Faiyaz Koya.

HON. F.S. KOYA.- Thank you, Honourable Speaker. Honourable Speaker, Sir, as we can see from all the support that has actually been given to this motions, Sir, there were many parts to the equation that leads us today to this particular motion with respect to Ratification of the ILO Violence and Harassment Convention of 2019.

Honourable Speaker, Sir, just to put a few more other things in perspective, we have within our Constitution as the Honourable Attorney-General has spelt out, enshrined in our Constitution the principles of equality and non-violence.

Honourable Speaker, Sir, these principles are further taken into policies and initiatives of the Fijian Government and obviously to create a robust economy, Sir. Our 5-Year and 20-Year National Development Plan specifically provides for the inclusion of women in development in the growth of regional and maritime areas in supporting the grassroots community. The Government has undertaken a number of programmes and initiatives, have created economic resilience and as individuals did not earn before, they are now earning a living.

Such interventions, Honourable Speaker, Sir, promote better lives that leads into a reduction in violence. I do not say that lightly, Honourable Speaker, Sir, you would have seen the advertisements regarding domestic violence, et cetera, recently because of the downturn in the economic activity, there is a correlation with domestic violence with respect to that, Sir.

Our Ministry, my Ministry has, through its various programmes and initiatives, promoted equality in all the facets in an empowered or otherwise marginalised community. We have had the Micro, Small Business Grant, Sir, over 38,000 Fijians were given the opportunity for economic independence and to support their families and approximately 42 percent of those recipients, Honourable Speaker, Sir, were women. We strongly believe in order to create a modern economy, it is also important to empower women as we are ensuring that the benefits are actually spread further.

In addition, Sir, even our co-operatives each member has an equal number of shares and equal votes as part of being a member of the co-operatives, and we have got about 23 percent of membership of our co-operatives that are females, Sir.

Even in the tourism industry, Sir, there are more women than men employees. By ratifying this particular Convention, Sir, Fiji is reaffirming its commitment to eliminating violence and harassments of all forms, whether at home or at work, Sir.

Mr. Speaker, Sir, by ratifying the Convention also, we are giving a signal to international investors also that Fiji is committed to gender equality eliminating all forms of violence and harassments. With those small few words, I support the motion, Sir.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Minister Seruiratu, you have the floor.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. I will be very brief but thank you for the opportunity. Again, I rise to support the motion and let me also thank the Honourable Members of the Committee for scrutinising the various work that they undertook.

I just wish to again assure this august House, I heard the Honourable Tikoduadua mentioned about the comments that were made by the Disciplinary Services but I am here to assure everyone that once Fiji ratifies this, we have no option. Every place of employment has to comply and put measures and policies in place. But let me assure this august House, Sir, that as the Honourable Minister responsible for Defence, National Security and Policing, which includes both the Republic of Fiji Military Forces and the Fiji Police Force, we strongly support the ratification of this Convention.

Mr. Speaker, Sir, in operationalising the above the Ministry, the RFMF, the Fiji Police Force have policies in place already. Let me mention a few:

- (1) Gender-Based Violence Policy;
- (2) Sexual Harassment Policy;
- (3) No Dropt Policy;
- (4) Zero Tolerance Policy; and even
- (5) Use of Force.

In addition, the Fiji Police Force has prioritised this agenda through its organisational KPIs in reducing crimes against women and children. Similarly, the RFMF has made strong commitments to the respective missions. Fiji is deployed to as reinforced under the Kigali Principles and you would recall, Mr. Speaker, Sir, that this was exactly the theme of last year's Sukuna Bowl which was on "Violence Against Women" particularly.

Mr. Speaker, Sir, my Ministry and its line agencies, the RFMF and the Fiji Police Force have no reservations to the intent or provisions of the International Labour Organisation - Violence and Harassment Convention 2019 and therefore again my Ministry fully supports the ratification of the Convention. I thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Honourable Attorney-General for his Right of Reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I would like to thank all the Members who have commented on this particular treaty and it would appear that we all unanimously support this, to stop the insidious nature of violence and sexual harassment. Just before I sit down, I just wanted to also refer Honourable Members to Section 11 of the Fijian Constitution which



says everyone has the right to freedom from torture of any kind whether physical, mental or emotional. This is the first time that any Constitution in Fiji has brought the emotional aspect of being free from cruel and inhumane degrading or disproportionately severe treatment or punishment which includes a person's right to security of the person which includes the right to be free from any form of violence from any source - at home, school or work or in any other place.

This very much fits in well with the very broad and liberal definitions that we have put in the Fijian Constitution and as highlighted by the Honourable Minister who has just spoken before that it will mean that Government through this ratification will be obligated to ensure that in every facet of public life, in work places, in any of the institutions, statutory bodies, disciplined forces, et cetera where we will need to be fully compliant with the provisions of this Convention. Thank you Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Attorney-General. Honourable Members, the Parliament will now vote.

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, we will have an interruption here while we move a Suspension motion and I call on the Leader of the Government in Parliament for the purposes of complying with the Standing Orders with respect to sitting times. I have allowed a Suspension motion to be moved and I now call upon the Leader of the Government in Parliament to move his motion. I hope I have not caught you by surprise.

### **SUSPENSION OF STANDING ORDERS**

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I move:

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. today to complete the remaining items as listed on today's Order Paper.

HON. SPEAKER.- Is there a seconder?

HON. A.A. MAHARAJ.- Honourable Speaker, Sir, I second the motion.

HON. SPEAKER.- I now call upon the Leader of Government in Parliament to speak on the motion. You have the floor, Sir.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Mr. Speaker, Sir. As already agreed to by the Business Committee, we have under Schedule 2 two outstanding items and of course under Schedule 3 the four questions and thus the request for sitting beyond 4.30 p.m. today. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- The floor is open for debate on this motion.

Since no one wishes to take the floor, Honourable Minister Seruiratu, you have the floor on Right of Reply.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Sir. I have no further comments.

HON. SPEAKER.- Honourable Members Parliament will now vote.

Question put.

Motion agreed to.

HON. SPEAKER.- Thank you, Honourable Members. We move on.

**INTERNATIONAL LABOUR ORGANISATION (ILO) PROTOCOL 2002 AND  
OCCUPATIONAL SAFETY AND HEALTH CONVENTION 1981**

HON. SPEAKER.- Honourable Members, I call upon the Attorney- General and Minister for Economy, Civil Service and Communications, the Honourable Aiyaz Sayed-Khaiyum, to move his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I move:

That Parliament approve that Fiji ratify the International Labour Organisation Protocol 2002 and the Occupational Safety and Health Convention 1981.

HON. SPEAKER.- Is there a seconder?

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

HON. SPEAKER.- I now invite the Honourable Attorney- General to speak to his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. On 20th June, 2002, the ILO adopted the protocol to implement the provisions of Article 4 and Article 11 - The Occupational Safety and Health Convention 1981. Fiji ratified this Convention on 20th May, 2008. Mr. Speaker, Sir, this particular protocol of 2002 to the Occupational Safety and Health Convention 1981, if Fiji ratifies this, of course it will bring us in compliance with not just international standards and international recognition, but also it gives substance or I should say complements the already existing provision in the Fijian Constitution. Under Section 20, Mr. Speaker, Sir, of the Fijian Constitution under the Bill of Rights:

“Every person has the right to fair employment practices, including humane treatment and proper working conditions.”

Mr. Speaker, Sir, of course, the provisions in this particular Convention, which I am sure the Minister for Employment and other Ministers will speak on, does ensure that we have to be able to put in place various mechanisms and laws, that we comply with the various provisions of the Convention, including of course the various provisions pertaining to the injuries and the nature of injuries at the workplace and circumstances of the accident or the dangerous occurrence in the case of occupational diseases.

Mr. Speaker, Sir, the ratification of the protocol also further strengthens Fiji's national laws and policies, some of which include the Employment Relations Act, as we discussed earlier on, the Health and Safety at Work Act, Control of Hazardous Substance Regulation 2006, Health and Safety at Work (Diving) Regulations, Health and Safety at Work (Administration) Regulations and of course, Mr. Speaker, Sir, the Accident Compensation Regulation 2018 which I would like to very briefly touch upon.

The ACCF was setup by the Government to ensure firstly to address the issue of Third Party Insurance, in other words, those who died on the roads or actually got injured on the roads. And then, Mr. Speaker, Sir, we extended the scope of ACCF to include workers or what was known as Workmen's Compensation. Mr. Speaker, Sir, today in Fiji now as the law stands, we have a what we call a "No Fault Provision". So, in other words people who get injured at the workplace can go through a very seamless process. This no fault provision where there is no fault attributed to the person who is injured, and, without necessarily the aid of lawyers, etcetera, can get access to compensation through workplace injuries.

It also, Mr. Speaker, Sir, provides or ensures that many of the employers who previously actually had to engage the services of private sector insurance companies to have worker's compensation insurance. They no longer actually have to and therefore even if you work for a small company, even if the company does not earn much money or have much revenue, you are still protected as a worker and this Convention, of course, Mr. Speaker, Sir, gives substance to that. With those introductory remarks, Mr. Speaker, Sir, I urge Members to support this particular Convention.

HON. SPEAKER.- Honourable Members, the floor is open for debate on this motion. I give the floor to the Honourable Minister Parveen Bala, you have the floor.

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I rise to contribute to the motion moved by Honourable Attorney-General.

Mr. Speaker, Sir, I thank the Standing Committee on Foreign Affairs and Defence in the provision of this Report. In saying this, Mr. Speaker, Sir, I also wish to state the importance of the Committee's Report to be referred back to the line Ministry for clarifications before tabling it to this august House. Therefore, Mr. Speaker, Sir, I wish to state these clarifications on some of the following recommendations in the Report.

Mr. Speaker, Sir, Recommendation No. 2 – The current Health and Safety at Work Act is inclusive and applies to both the informal and formal sector and all workplaces except mining where health and safety issues are covered separately in the mining legislation. Furthermore, Mr. Speaker, Sir, the Employment Relations Act 2007 covers all workplaces including the informal sector such as domestic workers.

Mr. Speaker, Sir, Recommendation No. 3 – I wish to add that the Health and Safety at Work (Administration) Regulation 1997 provides procedures under Regulation 7(2) for the employer to maintain the particulars of every occupational disease which occurs at the workplace. In addition, Mr. Speaker, Sir, the employers must retain these records, however, records will also be available at the Ministry of Employment for occupational diseases which are reported. Mr. Speaker, Sir, I also wish to inform the House that workers have the alternative to seek re-address under the common law.

Mr. Speaker, Sir, Recommendation No. 4 – I wish to inform this august House that occupational diseases are listed in the fifth schedule of the Health and Safety at Work (Administration) Regulation 1997 and the revised Workmen’s Compensation Occupational Diseases Regulation 2017.

Mr. Speaker, Sir, to-date my Ministry in partnership with the Ministry of Health and Medical Services has trained 187 doctors from the Government and the private sector with the assistance of the Occupational Medical Consultant from Australia. These trained doctors are based in our Divisional Medical Centres.

Mr. Speaker, Sir, Recommendation No. 5 – I wish to inform this august House that we already have in place the National Occupational Health and Safety Advisory Board since 1996. The Board is mandated under the Health and Safety Act 1996 to facilitate the development of regulations, standards and codes of practice. Other roles including formulating policies to promote occupational health and safety.

Mr. Speaker, Sir, in addition the mandated functions of the Health and Safety Inspectors under section 42(c) of the Health and Safety at Work Act 1996 also includes providing information, advice, education and training to employer and worker group and Government departments and authorities on matters to which this Act relates.

Mr. Speaker Sir, section 26 of the Health and Safety at Work provides systems of notification and recordings of occupational accidents, occupational diseases, accidents and suspected cases of occupational diseases by the employers in Fiji. My Ministry has maintained records of workplace accidents and injuries since the enactment of Health and Safety at Work in 1996.

Mr. Speaker, Sir, Recommendation No. 6 – I commend this recommendation and wish to inform that the impact assessment is covered under the functions of the National Occupational Health and Safety Advisory Board through its advisory committees.

Mr. Speaker, Sir, briefly I wish to touch on the Committee’s concern on current laws and policies focussed only on occupational injuries and diseases and not on overall health and wellness and physical fitness in schools and workplaces.

Mr. Speaker, Sir, I wish to state that the work is underway in collaboration with the Ministry of Health, WHO, ILO, FNU and the National Occupational Health and Safety Advisory Board on the development of the National Occupational Health Services Plan 2020 – 2024. This Policy will address issues on health and wellness in the workplace, including our schools.

On the OHS and Workplace Survey on COVID-19, Mr. Speaker, Sir, on 28th April, 2020, we have marked the World OHS Day, noting the COVID-19 restrictions. My Ministry, together with ILO, issued a press statement based on this year’s theme – ‘Stop the pandemic: Safety and health at work can save lives’. Mr. Speaker, Sir, in addition to this, my Ministry since 9th March, 2020, before Fiji’s first case on 19th March, has been conducting COVID-19 workplace awareness to both, workers and employers. In total, the Ministry covered 1,536 employers and 9,989 workers, covering all the essential and non-essential industries.

Mr. Speaker, Sir, I reflect on the ratification and its advantages; the ratification of the Protocol will further strengthen and complement Fiji’s national laws and policies, some of which I have already mentioned.

Moving forward, Mr. Speaker, Sir, my Ministry will formulate the following national laws to address high-risk industries, as follows:

- (1) Construction Regulation;
- (2) Plant Regulation;
- (3) Noise Code of Practice; and
- (4) Biological Hazards Code of Practice.

Mr. Speaker, Sir, in conclusion, I would like to urge all the Honourable Members to support the motion that is before us, that Fiji ratifies the ILO Protocol of 2002 to the OHS Convention 1981. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his contribution to the debate. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Honourable Speaker. I would like to speak on the motion by the Honourable Attorney-General.

As we have all heard, as alluded to by the Attorney-General, Fiji ratified the ILO Occupational Safety and Health Convention of 1981 in 2008 and this is in line with Fiji's international commitment to ensuring the health and safety of every person at the workplace.

As already mentioned, this Convention aligns with Sustainable Development Goal (SDG) 8, on the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. In particular, Mr. Speaker, SDG8 focuses on the protection of labour rights and a safe and secure working environment for all workers, including migrant workers, in particular women migrants and those in precarious employment.

Mr. Speaker, workers' rights are recognised in Fiji's Constitution so in keeping with this commitment, the ratification of this Convention is timely.

Based on those remarks, Honourable Speaker, I, therefore, support this motion. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister. Honourable Pio Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker. I will be very brief. I rise on our behalf to support the motion that is before the House. I would like to thank the Honourable Minister, but I would like to note also on behalf of the Committee that deliberated on the Treaty, we were given submissions from your Ministry as well with regards to those issues. Of course, if those were the pertinent points and they raised that with the Committee, I am sure we would have included them with those which are in the Report.

However, I thank you for those commitments that you have made. The recommendations somehow have already been factored into the policies that you have and the measures that you have within your own Ministry. Perhaps, one thing that I would like to ask the Honourable Minister to do is, for the record, particularly the right kind of complaints that come before the Board that looks at complaints about the workplace, on how you maintain this data, particularly for the long term which is one of the recommendations here.

I know there is a statutory limitation to it, but, I would like to ask that maybe in the future that should be considered because some health factors actually do appear much later when people have actually left their work beyond the statutory limitations. I thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Lt. Col. Tikoduadua for his contribution to the debate. I now give the floor to the Honourable Attorney-General for his right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Sir. I have no further comments to make. Thank you.

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

Question.

Motion agreed to.

HON. SPEAKER.- Honourable Members, on that note, we will take an afternoon tea break. We adjourn for tea.

The Parliament adjourned at 4.31 p.m.

The Parliament resumed at 5.01 p.m.

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights, the Honourable Alvick Maharaj, to move his motion. You have the floor, Sir.

**CONSOLIDATED REVIEW REPORT ON THE  
OFFICE OF THE PRESIDENT ANNUAL REPORTS 2011- 2013**

HON. A. A. MAHARAJ.- Honourable Speaker, I move:

That Parliament debates the Consolidated Review Report on the Office of the President Annual Reports 2011 to 2013 which was tabled on 3rd April 2019.

HON. R.R. SHARMA.- Honourable Speaker, I beg to second the motion.

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Justice, Law and Human Rights, the Honourable Alvick Maharaj, to speak on the motion. You have the floor, Sir.

HON. A. A. MAHARAJ.- Thank you, Mr. Speaker, Sir. On behalf of the Honourable Members of the Standing Committee on Justice, Law and Human Rights Standing, I take this opportunity to speak on the motion in reference to the Committee's Consolidated Review Report on the:

- (1) Office of the President Annual Report 2011;
- (2) Office of the President Annual Report 2012; and
- (3) Office of the President Annual Report 2013.

These Reports were tabled in Parliament on 3rd April 2019.

Mr. Speaker, the Committee's role in being mandated to review these mention Reports gives a clear indication of the democratic progress that our beloved Fiji has come to enjoy. This progress should be equally credited to both sides of this august House as portrayed by the work of the Standing Committee.

Mr. Speaker, Sir, as a way of background, the Office of the President Annual Report 2011, Office of the President Report Annual Report 2012 and Office of the President Annual Report 2013 were initially tabled in the last term of Parliament and the same Reports have been reinstated to this new Parliament.

According to the Constitution of Republic of Fiji, the President of Fiji is the Head of State and is vested with the Executive Authority of the State. This, therefore, requires the best possible support to be provided, to ensure the fulfilment of the Constitutional role entrusted to the President.

Support service provided to the President comes in various forms, but none surpasses that which is provided by the Office of the President. That is why Mr. Speaker, Sir, you were shining and doing wonders as your good-self held the Office during those specified period.

The Office of the President has a mandate to provide support to the President of the Republic of Fiji in carrying out such functions as speculated by the Constitution and to ensure that the responsibilities of the President are carried out effectively and efficiently, and that various key outputs are achieved which are in line with that of the Government.

The Office of the President is headed by the Official Secretary, who is responsible for co-ordinating all forms of direct support for the President. As part of the role, an Annual Report of the financial year is prepared by the Official Secretary, which follows the provision of the Financial Management Act 2004 and is tabled in this august House.

Honourable Speaker, Sir, there were few main issues noted from the Annual Reports and these were all discussed by the Committee and the representatives of the Office of the President. The Office had numerous highlights for the reported period but I would respectfully like to draw the attention of the august House to the key achievements of the Office.

The Office faced a lot of challenges during the reported period which included infrastructure maintenance and the lack suitably qualified staff to take the challenges of running one of the most important institutions of our country.

The Committee during the review was encouraged by the high standard of professionalism shown by the Officials of the Office of the President. The professionalism was reflected in how the Office took responsibility of all the challenges faced and meeting them head-on with efforts to addressing these through corrective measures.

Honourable Speaker, Sir, the Office has since put in place risk management strategies to ensure that all its accounts are managed in accordance with the Financial Management Act 2004, the Financial Instruction 2010 and the Office's Financial Manual.

Mr. Speaker, Sir, necessary steps were immediately taken to fill all vacant positions. From 2014 onwards, the Office has been able to fulfil 100 percent of its entire staffing establishment. Additionally, the Office established a fully-fledged accounts section and recruited a qualified and experienced accountant in 2014. By 2016, the Office had cleared all its outstanding accounts.

Mr. Speaker Sir, with those few comments, as a Member moving the motion, I thank you for this opportunity.

HON. SPEAKER.- I thank the Honourable Chairperson for the motion. Honourable Members, the floor is now open for debate on this motion. Honourable Prime Minister, you have the floor Sir.

HON. J.V. BAINIMARAMA.- Thank you, Honourable Speaker. Honourable Speaker, I would like to speak on the motion by Honourable Maharaj.

As everyone know, Honourable Speaker, under Section 127 of the 2013 Constitution, any Government Department that is not part of a Ministry will be under the administration of the Permanent Secretary of the Office of the Prime Minister.

In order to respond to the issues raised by the Standing Committee on Justice, Law and Human Rights on the Office of the President Annual Report 2011 to 2013, Honourable Speaker, these are issues that you would certainly be familiar with during your years of service as our President and Head of State. But I respond to this in the interest of the Honourable Members of the House and the public.

Honourable Speaker Sir, the Office of the President provides direct administrative support to His Excellency the President, to enable His Excellency to successfully fulfil all his Constitutional and ceremonial responsibilities, in addition to carrying out his very active calendar of community engagements.



The Office provides the support by working in close consultation with relevant Government agencies aiming to share the feeling of immense patriotism and prestige embodied by the President with Fijians and international guests alike.

Mr. Speaker, the Office's Annual Reports for the years 2011 to 2013 were tabled in Parliament and were subsequently referred to the Standing Committee on Justice, Law & Human Rights in 2018.

Issues arising out of the Reports, Honourable Speaker, the Committee raised several issues from three Reports which, of course, included:

- Non-submission of VAT returns to the then Fiji Revenue and Customs Authority from March 2011 to December 2011;
- The need for additional clarification on the statement of receipts and expenditure, particularly regarding the special expenditure incurred in 2011;
- The need for additional clarification on the status of fixed assets at the Taunovo House and Tavakubu House respectively as presidential properties, the Operating Trust Account and the changes to the Office's Human Resources Management from 2011, the operation of the Revolving Fund Account, the construction of the additional staff quarters and the non-implementation of a Board of Survey in 2012.

In response, Honourable Speaker, most, if not all, of the issues raised by the Committee were capacity-related caused by staff movement through retirement and transfers. This affected the Office ability to successfully fulfil all its operational and reporting requirements.

For instance, the Office did not have a dedicated accountant or a fully-fledged accounts section for the 16 years prior to 2014, as its accounting functions were handled by the Senior Administration Officer who also attended to other administrative duties. The senior administrative officer's retirement had an impact on the Office's ability to manage its accounts.

I am pleased to advise Parliament that the Office of the President has implemented our Civil Service Reforms over the years leading to the recruitment of appropriately qualified, competent and meritorious staff, including an Accountant and two Accounts Clerks to ensure that the Office fully complies with the Financial Management Act 2004 and the Financial Regulations 2010.

In conjunction with the Fiji Revenue & Customs Services and the Ministry of Economy, the Office subsequently cleared its outstanding VAT Returns from 2011. The special expenditure in 2011 related to the purchase of stationeries and administrative costs for the Fiji College of Honour which manages Fiji's Honours and Awards System. The Office has also updated the Operating Trust and Revolving Fund Accounts and the Board of Survey is now held annually with the items boarded as appropriate.

Additional staff quarters were constructed to cater for the staff who are commuting to the Office due to the lack of quarters within the Presidential Compound which they are entitled to. The construction of the masonite quarters was done in two phases. The first being the site preparatory works and the second being the construction of the quarters. Construction has since been successfully completed.

In conclusion, Honourable Speaker, I am pleased to advise that the Office of the President has significantly improved this facilitative role for His Excellency the President. This includes improving its overall operational and financial management practices.

It has also improved its obligatory reporting requirements to the extent that it achieved unqualified financial reports from the OAG in 2016 and 2017. This unqualified audit reports are part of wider conscious efforts to transform and elevate the Office's operational support to His Excellency the President, the momentum that the Office plans to build upon in the years ahead.

It is my hope, Honourable Speaker, that this support will further enable His Excellency to serve our beloved nation with decorum and dignity. That being said, Honourable Speaker, I therefore support the motion. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister for his contribution to the debate. I give the floor to the Honourable Chairperson for your Right of Reply. You have the floor, Sir.

HON. A.A. MAHARAJ.- Thank you, Honourable Speaker. Honourable Speaker, I would like to thank the Honourable Prime Minister for his contribution towards the debate and I have no further comments.

HON. SPEAKER.- Honourable Members, the Parliament will now vote to note the contents of the Report.

Question put.

Motion agreed to.

### **RESERVE BANK OF FIJI AUGUST 2017 - JULY 2018 ANNUAL REPORT**

HON. SPEAKER.- I now call upon the Chairperson on the Standing Committee on Economic Affairs, the Honourable Vijay Nath to move his motion. You have the floor, Sir.

HON. V. NATH.- Honourable Speaker, Sir, I move that the Parliament Debates the Reserve Bank of Fiji August 2017 to July 2018 Annual Report which was tabled on 4th of April, 2019.

HON. V.K. BHATNAGAR.- Honourable Speaker, Sir, I beg to second the motion.

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Economic Affairs, the Honourable Vijay Nath, to speak on the motion. You have the floor, Sir.

HON. V. NATH.- Thank you, Honourable Speaker, Sir. Honourable Speaker, the Standing Committee on Economic Affairs, while deliberating on the Report, was pleased to note that the foreign reserve remained above the benchmarks. With the foreign reserve level being 2.16, \$1.9 million at the end of July, 2018. It was also noted that Reserve Bank of Fiji has made a profit of \$31.5 million in the 2017 to 2018 financial period.

The Committee focussed on various key areas, one of them being Small Medium Enterprises (SMEs), considering that about 95 percent of the businesses in Fiji are SME businesses. The Members supported the Government's statement of the need to gather data of Small Medium Enterprises in Fiji.

The Committee noted that Reserve Bank of Fiji had embarked on many important projects and welcomed one such initiative of introducing e-services which aim to provide customers greater ease to access the service provided by the Bank as ideal to see, it has significantly improved amongst the population. It is also worth noting that in June 2018, tourism earning grew by 4.6 percent to \$838.5 million compared to 6.1 percent growth in the same period in June 2017.

We are all on a mission to achieve our Sustainable Development Goals (SDGs). The Reserve Bank of Fiji also works in alignment with the SDGs. For instance, the Green Bond Project aligns perfectly with SDG13 on Climate Action.

Further to this, SDG5 on Gender Equality was evident. Taking into consideration the principle of Gender Equality, the Committee noted that the Reserve Bank of Fiji has taken the initiative to be more gender-inclusive. This has been done through calculating desegregated data from all licensed financing institutions, including insurance companies in order to better understand and design products and services that are suitable to the financial needs of Fijian women.

Further to this, the Reserve Bank of Fiji has also made a commitment under the National Financial Inclusive Strategic Plan 2016-2020 to include an additional 65,000 women in the formal financial system.

The Committee, upon the completion of its deliberation, was certified with the Reserve Bank of Fiji as the Financial System Regulatory Authority in Fiji continues to undertake relevant supervisory activities to ensure the safety and soundness of Fijian Financial Systems.

Honourable Speaker, Sir, with those few comments to enlighten the House as the Member moving the motion, I thank you for the opportunity.

HON. SPEAKER.- I thank the Honourable Chairperson and Honourable Members. The floor is now open for debate on the motion. I now give the floor to the Honourable Bhatnagar.

HON. V.K. BHATNAGAR.- Thank you, Mr. Speaker, Sir. Being one of the Members of the Economic Affairs Standing Committee, Mr. Speaker, Sir, I rise to make a very small contribution to the motion on the floor.

In response to Recommendation 2; Drafting of the Sustainable Finance Roadmap, it is well-noted that RBF administered their workshop on Sustainable Finance Initiatives on 1st of September, 2017 at the Holiday Inn in Suva. This workshop formed the foundation of Fiji's roadmap to a sustainable financial system through awareness and discussions with various financial institutes and RBF.

Mr. Speaker, Sir, it is vital for our country to venture into sustainable finance as Fiji is familiar to tropical cyclones, flash floods and droughts and the issuance of Fiji's First Green Bond is amongst the efforts in this direction.

Mr. Speaker, Sir, I would like to highlight a success story which roots to the sound strategies and policies administered through RBF. On 25th May, 2020, *Fiji Sun* reported that sole proprietor, Mr. Salim Buksh, owns the biggest boiler contract shell in Fiji. His farm in Ba holds the capacity of 45,000 chickens in one batch and 345,000 chickens in a year and he employs 22 people and provides them their source of income. Mr. Speaker, Sir, Mr. Buksh was able to do this through the FDBs Imports Substitution and Export Financial Facility (ISEF), and financed this project in 2017.

An ISEF is a facility of the Reserve Bank of Fiji. I was happy to note, Mr. Speaker, Sir, that amidst the COVID-19 pandemic till now, the farm's operations were and are normal as it continues to contribute to the local market proving the importance of local SMEs as advocated by the Honourable Attorney-General and also in reducing our dependency on imports and our move to a sustainable investment and most importantly, in these times of difficulties, it provides food security which is a major concern worldwide. This is my short contribution, Mr. Speaker, Sir. Thank you very much.

HON. SPEAKER.- I thank the Honourable Members for her contribution. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Just some very quick comments in respect of this particular Report and given the fact that we are going through this pandemic and, of course, Reserve or Central Banks throughout the world are now playing a very pivotal role in respect of not only providing the micro-economic stability to the affected countries throughout the world, but also in respect of providing an avenue for financing as was highlighted by the Honourable Member, who just spoke about a business person.

I would also like to highlight as we discussed in Parliament that under the Import Substitution Programme, Reserve Bank of Fiji is providing finance through FDB to Fiji Airways to ensure that our national carrier actually keeps its nose above water.

In respect of the micro-economic commodities, the GDP growth estimated for 2017 was about 3 percent and the forecast for 2018 was 3.2 percent. The actual growth numbers, Mr. Speaker, Sir, released by the Bureau of Statistics was higher with the 5.4 percent growth in 2017 and 3.5 percent for 2018.

In 2017 and 2018 Financial Year, inflation average was 3.1 percent while the foreign reserve was \$2.2 billion, sufficient to cover five months of retain imports.

Mr. Speaker, Sir, just very quickly, I think, one of the key roles that the RBF does play and as announced last week, which will continue to play, is the MSME Credit Guarantee Scheme, where for example, if you take out a loan through one of the commercial banks under this Guarantee Scheme, should you default, the RBF will pay 50 percent of the defaulted amount up to \$50,000. That, Mr. Speaker, Sir, has now changed with the new policy. What it does now, with the COVID-19 phenomena in place, Mr. Speaker, Sir, we now have the, guarantee being upgraded to 60 percent of the principal outstanding on the defaulted amount. So, any limit of \$60,000 per business, 50 percent of \$50,000 previously was the amount but now it is \$60,000.

More importantly, Mr. Speaker, Sir, in order to encourage women entrepreneurs, and also to encourage investment in agriculture, fisheries and the forestry sectors, Government will, through the RBF, guarantee to pay 75 percent of the principal outstanding on the defaulted loans up to a limit of \$75,000 per business. This, Mr. Speaker, Sir, will, of course, encourage women entrepreneurs.

Also, recently some studies show that with the COVID-19 crisis, a lot more women are actually being affected by, in fact, job losses and various other impact of COVID-19. This is to encourage them to get into business or continue to remain in business but also provide investment in our primary sectors which are agriculture, fisheries and forestry sector.

Mr. Speaker, Sir, businesses with an annual turnover of up to now \$1.25 million will also now qualify as they are being reclassified as medium enterprises from \$300,000 to \$1.25 million. Mr. Speaker, Sir, the RBF of course plays a very pivotal role in respect of the green finance that we talked about and is working to ensure that Fiji's sustainable finance roadmap currently in draft considers all possible implications in the 2019 Climate Change. I think someone from the Opposition was questioning the Climate Change Bill. It is very much there if you go to the website. We are still receiving submissions on that and we, of course, hope to bring it to Parliament very soon. We have just had another look at it and brought in some more amendments to it that will make it a lot more attractive for businesses and also for others to invest in that space. I think it was said, Honourable Qereqeretabua in the context of the REDD+ Initiative and of course, Mr. Speaker, Sir, it provides a national office through which with carbon credits actually can be traded, that is a lot better way of doing so.

The Green Bond, of course, Mr. Speaker, Sir, was issued through the RBF, sovereign green bond raising a FJD\$100 million. We received very good feedback on that. We, of course, now had the Prime Minister then go to the London Stock Exchange where it was also launched and we were listed there. In February when we were in London, we also talked about a Blue Bond and the London Stock Exchange was extremely excited about that. We recently had some discussions also with the British Prime Minister responsible for the Pacific. Of course, the market may not necessarily be conducive to raising funds in that respect but a lot of the work will continue in the background and we hope to carry out a bond release of the Blue Bond within a year or so.

Mr. Speaker, Sir, again the e-Services, I think, it is very critical to ensure that the Reserve Bank of Fiji also which is the clearing house for a lot of these transactions embarks fully on e-Services. We have had numerous discussions with them and there is a particular project that they are working on with the World Bank to ensure that the RBF provides a lot more efficient clearing of the financial transactions.

Mr. Speaker, Sir, as of 27th May, 2020 our foreign reserves were around \$2.2 billion as sufficient to cover 6.9 months of retained imports of goods and services. This implies that Fiji's external position remains stable at this stage despite the negative impacts of COVID-19, of course, vis-à-vis the foreign exchange records we have.

Mr. Speaker, Sir, we of course noted and concur with the recommendation of the Committee to attract local investors and other local investors including resource owners into the tourism sector, and of course, as we know, Mr. Speaker, Sir, currently that is not a very good space to be in if the people are trying to survive to remain in that space. But our Provident Fund, of course, owns a majority of the large hotel assets in Fiji. The hotels across the road including the InterContinental Fiji, Fiji Marriott Resort Momi Bay and of course now the Westin Denarau Resort and the Sheraton Fiji Resort.

Mr. Speaker, Sir, again actually at lunch time today I had some discussions with the New Zealand High Commissioner regarding the travel bubble and what are some of the works that we can do in the background to ensure that we are able to open this up. The Reserve Bank, of course, will play a pivotal role in that respect as you know with the funds that get repatriated from offshore, many of the Fijians who live in places like Australia, New Zealand and USA themselves are affected so the inflows from, in particular, those jurisdictions even those in the Middle East has slowed down which is an impact of course on our foreign reserves. But we are hoping that with the travel bubble, with some of the work that needs to be done in the next few months, we will be able to resuscitate that aspect of our economy.

Mr. Speaker, Sir, I do not necessarily want to go into all these things that the RBF is doing in terms of its Financial Literacy Programmes, *Noda i Lavo* programmes like that that appear on the FBC TV and various other United Nations Pacific Financial Inclusion Programme, that is what RBF is actually involved in.

Mr. Speaker, Sir, the RBF of course is a critical partner in particular in this stage of the COVID-19 crisis. It also brings the fact that the RBF needs to be stronger. I mean, of course, in jurisdictions like Australia, their \$15.6 billion funding, the bulk of it is essentially coming from the Reserve Bank of Australia. They are essentially printing money, the Australian Government is giving out bonds, the yield rate of 0.08 percent. We, of course, do not have the luxury of our Central Bank or Reserve Bank of Fiji (RBF) printing money and the Government accessing those funds at 0.08 percent. People need to understand the realities of when, in particular those people who carry out analysis of our economy and the accessibility to finance, et cetera but that is the reality in a jurisdiction like Australia and the reason why they talk about 0.08 percent or have that rate because they do not want it to have an inflationary impact on the economy itself and it will also have a spill-over and residual impact on the interest rates in the general market itself.

Mr. Speaker, Sir, of course, as has been highlighted and acknowledged, there will be a massive contraction in the economy. The IMF expects nine out of 10 countries worldwide to contract and some of them will have the largest contraction ever as seen in the last century. Again, it is very critically important to ensure that the Government with its fiscal policy framework works in conjunction with the RBF, whose roles are the monetary policy framework and we are working in conjunction with them and to complement each other regarding our game plan and strategic plan to be able to navigate our way through this particular period.

Just for the information of the Honourable Members too, Mr. Speaker, Sir, the commercial banks liquidity stands currently just below \$800 million, so there is no shortage of liquidity, but of course, there is a shortage of confidence. When there is no demand for business, when the consumer appetite is reduced and when the supply chains are affected, of course, there is less appetite for investment and of course, people will borrow less. But with the fiscal policy announcements and we are working with a number of the business organisations, sector organisations to encourage them to actually invest, that this is a good time to invest, for example, the construction sector. The rates have come down dramatically, the quotes that people were giving on various structures, you know at \$4 million to \$5 million last year or the year before last, they are now giving quotes of about \$3 million because people are actually hungry for work so the opportunity to build, of course, it is a good time to build if you have the access to credit. So, there are these kind of challenges but the liquidity is there and we hope to make some further fiscal announcements and at the same time the Reserve Bank of Fiji will work with us. I would like to thank the Committee for the Report including of course, the Governor and the Board of the Reserve Bank of Fiji. Thank you.

HON. SPEAKER.- I thank the Attorney-General for his contribution to the debate. I now give the Chairperson the Right of Reply. You have the floor.

HON. V. NATH.- Thank you, Honourable Speaker, Sir. I thank all Honourable Members for their contribution and I also take this opportunity to thank the Governor and his team for their hard work and accommodating the Committee.

One point very much noted, Honourable Speaker, I would like to also highlight the vigorous planning and consultations undertaken by the RBF in formulating their strategic plan. They also invited the former Governor and all the employees who contributed towards their strategic plan. I would like to thank the Governor for the hard work. Thank you, Sir.

HON. SPEAKER.- I thank the Chairperson. Honourable Members, the Parliament will now vote to note the content of the report.

Question put.

Motion agreed to.

## QUESTIONS

### Oral Questions

#### Expanding Fiji's Livestock Sector (Question No. 81/2020)

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

Can the Honourable Minister for Agriculture, Waterways and Environment highlight how is the Ministry expanding on the livestock sector in Fiji and what can be expected to be achieved in the next 12-18 months?

HON. DR. M. REDDY (Minister for Agriculture, Waterways and Environment).- Mr. Speaker, Sir, I wish to thank the Honourable Member for asking this question. Mr. Speaker, the livestock sector is very important for the Fijian economy.

At the farm gate level, at the moment the cost of livestock sector is about \$200 million and over 60 percent of the rural population participates in the livestock sector either are part time or subsistence level or some of them are engaging their full time activity in the livestock sector.

Mr. Speaker, Sir, let me comment briefly taking into consideration the time limitations on each of the sector. Mr. Speaker, Sir, the dairy sector approximately 64.5 megalitres of milk is needed annually to meet the demand for local milk and milk products. The total liquid milk demand is around 24 million litres of which only 6 million is being produced locally.

Mr. Speaker, Sir, there are a number of things we are doing in terms of raising the supply of milk and milk products locally, so that overtime progressively we can reduce reliance on imported milk products. But, Mr. Speaker, Sir, our quest to raise milk and milk production locally is being affected by :

- (1) Disease in the dairy sector; and similarly in the
- (2) Beef cattle sector.

We are trying our best to test the cattle for TB and brucellosis, cull them and brand the farms as TB and brucellosis-free farms and then assist the farms to developed back. So we have not really completed testing of the entire Fiji herd, so it will take time to do that. When the testing is done and we find an animal to be positive with TB and brucellosis, then you cull that animal and therefore that raises the number of animals engaged in dairy production. So that is affecting our efforts but we are working very diligently and meticulously on trying to do that work so that we can eventually get to a status where our farms are free of TB and brucellosis. It will take time, Mr. Speaker, Sir. In Australia it took them 40 years to eradicate TB and brucellosis.

Mr. Speaker, Sir, while we are doing that, simultaneously it was started by my predecessor where we are developing a new breed of both for beef cattle and dairy. The Senepol for beef and Brown Swiss for dairy which will give us at least double the amount of carcass meat and milk production.

In the same time from last year we have embarked on providing fencing material to farmers so that we gradually move those farmers who have got more than ten stocks from subsistence to medium and large holding. That work is progressing well, we were able to get some money from donor agencies and development partners.

We recently got \$600,000 from an Environment Fund to protect biodiversity by fencing the animals so that we are in the progress of now giving out the fencing material. So that fencing material will be given out to both, beef cattle and dairy cattle as well as goat and sheep. Mr. Speaker, Sir, similarly we are also, for our beef cattle we are developing the former Yalavou Scheme, the nuclear farm. In another three months to four months' time, we will be able to formally commission that particular project. The place is infested with large piece so we are trying to depart them and clear the pasture. We have done quite a bit of work in double fencing because we do not want outside animals to come because we will be putting our nuclear shed there, either dairy or beef cattle there. We do not want outside cattle infected with TB and brucellosis to come and infect them.

We have got staff posted there, we are cleaning up the places, we have good grade quarters there, unfortunately we do not have electricity in that place so we are fixing that up. So, work is currently underway to get the Yalavou Scheme back into shape and we will be able to utilise that to get into beef cattle farm.

Mr. Speaker Sir, simultaneously, we have updated the House that we are improving pasture. As of now, we probably have provided Juncao planting material to about 2,000 farms in Fiji just over the last 18 months. So the farmers will have their own pasture material which will support them during drought. It is drought-tolerant pasture, high in protein, high in yield, and is a cut and carry pasture.

Mr. Speaker Sir, we are about to provide sheep breeders for crossbreed Dorper and Fiji Fantastic in the second round but we were hampered a little bit. We found out some of them were infected with some new diseases. We do not want it to go to the farms so we were trying to clean them up, so that has delayed us to get the new breeder stock.

We want to clean up the herd that we have outside on the farms. There have been a lot of inbreeding and they have lost their genetic traits. So, that work is underway, but despite that our sheep population has increased from 2009 to 2018, from 394 farms to 685 farms to nearly double, and the sheep numbers have also doubled from 10,800 to 28,000.

We are producing at the moment over 80 tonnes of lamb meat locally but as you know, that is just one percent of it, 99 percent of lamb meat is imported. So there is huge potential to save on our foreign reserves by expanding production locally.

Mr. Speaker, Sir, simultaneously we are also promoting goat. There is a huge market for goat meat locally and sheep farms were expanding the goat production as well.

Mr. Speaker Sir, I just want to let you know in summary that we are working very hard to expand our livestock sector because we will be basically saving massive amounts of money through basically import substitution. Our climatic condition is ideal for livestock production locally, soil conditions are good, pasture is good, except for the drought season, but otherwise we have got very conducive climatic condition. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his reply to the Question.



We move on to the second Oral Question for today and I call on the Honourable Joseph Nand to ask his question.

Measures for Processing Building Applications  
(Question No.82/2020)

HON. J.N. NAND asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing and Community Development explain what measures has the Ministry put in place to process building application and the timelines during COVID-19?

HON. P.D. KUMAR (Minister for Local Government, Housing and Community Development).- Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, in the midst of COVID-19 and the stringent lockdown measures that were in place, it was business as usual for the Department of Town and Country Planning when it came to granting of approvals.

Mr. Speaker, Sir, the Department has minimised contact with the general public by restricting face-to-face meetings. Instead, developers and investors have been encouraged to enquire about the status of their application through emails and phone calls. Teleconferencing and video conferencing calls were made to discuss applications, and face-to-face meetings were only held where necessary.

Mr. Speaker Sir, the Ministry in ensuring fast turnaround time for applications, has strategically implemented out-of-station processing whereby Officers from the Department of Town and Country Planning go to Municipal Councils and process applications. By this change the processing time has been shortened for building applications and the applicants pay fees to only one institution which is the Municipal Council. Applications which are complex in nature or in size are brought back to the Ministry for further assessment and processing within seven working days.

Mr. Speaker, Sir, during the peak of COVID-19, that is from February to April 2020, Department of Town and Country Planning received a total of 278 new building applications and granted 321 approvals, inclusive of 43 pending applications from the previous month.

In comparison to the same period last year, only 223 building applications were received. This represents a notable increase in the number of applications received and approved, particularly at a time when the country is feeling the effects of COVID-19. So, it is good for our economy and it is good for our people. They will be creating jobs if they intend to build houses, factories and offices.

Mr. Speaker, Sir, of all those applications that were approved, 95 percent of the approvals granted during this period were mainly for the residential dwellings. The value of the residential buildings to be constructed is approximately \$60.8 million. Only 5 percent of the approvals were for the commercial and industrial buildings. The Department granted 12 major building approvals with the total value of \$30.1 million.

Mr. Speaker, Sir, my Ministry understands that the long term effects of COVID-19 crisis will be prevalent in the building industry with some delays in the construction due to disruptions and the supply chain.

To assist our developers and investors who are trying to build their homes, shops, factories or offices, my Ministry will ensure that building approvals that had lapsed pre, during and post COVID-19 are facilitated and renewed for further two years with immediate effect. This measure will ensure that further delays are not caused, and local and foreign investors alike can move on with their developments. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for the reply to that question.

We will move on and I give the floor to the Honourable Selai Adimaitoga to ask her question. You have the floor, Madam.

Addressing Water Problems - Groundwater and Borehole Development  
(Question No. 83/2020)

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

Can the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources explain to Parliament how will the Ministry, through its groundwater and borehole development, contribute to addressing water problems faced in the country?

HON. J. USAMATE (Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources).- Thank you, Mr. Speaker, Sir. I would like to thank the Honourable Adimaitoga for her question on the work of the Ministry of Lands and Mineral Resources.

As we know, provision of water in Fiji is largely the purview of two Ministries - the Ministry for Infrastructure, it works together with the Water Authority of Fiji in terms of surface water and for groundwater, it is the purview of the Department of Mineral Resources under the Ministry of Lands and Mineral Resources.

This is one of the critical things that we need to do and we know that the provision of water is something that is in our Constitution. There is also an SDG on water and sanitation.

In terms of the Ministry of Lands and Mineral Resources' objectives for groundwater, there are two basic objectives in terms of groundwater in making sure that people get access to water. First of all the Ministry has to identify and make available groundwater resources where present. So, it has to go around and identify whether there are potential groundwater resources – aquifer, et cetera, identify this because this will be needed for human consumption and also for development. They need to conduct hydrological investigations and assessments, and as a result of this, then provide quality boreholes to supply that clean and safe water to all Fijians.

The second objective of the Ministry of Lands and Mineral Resources in relation to groundwater is then to manage the groundwater resources, to ensure sustainability and contribution to socio-economic growth with minimum impact to the environment because we do not want to over-extract expect but want to extract groundwater to a level that allows it to be sustainable, so that it can last for a longer term.

Mr. Speaker, Sir, the Government has, in fact, invested around \$9.5 million on groundwater development projects and in return, has drilled 213 boreholes. Out of these 213 boreholes, 152 boreholes were successful, 44 boreholes reticulated and this has benefitted around 17,206 Fijians since 2010. That, in itself, is an achievement.

In the year 2019-2020, this particular financial year, on the groundwater development programme, the Ministry has now successfully completed another 23 groundwater surveys, 17 groundwater drillings, 7 boreholes reticulation and work is in progress until the end of June.

Next year, we are looking in the Ministry for the 2021 programme. We hope to be able to select 15 communities based on the severity of the problems that they face in terms of access to water. Hopefully, we will be able to carry out groundwater drillings and groundwater surveys and also to have seven communities to have their boreholes reticulated so that people can get the water into their homes.

Additionally, the Ministry of Land and Mineral Resources will continue to work together with request from the Water Authority of Fiji and also the commercial water bottling companies. We will continue to also facilitate the two groundwater programmes that we have, one that is focussed on small islands and the other is focussed on large islands, so that vulnerable communities can have access to clean and safe water.

There are two major concerns that we have in relation to groundwater; one is the over extraction. We want to make sure that we never ever over extract the amount of the resources that is there. And the second issue that we are always worried about is pollution, about contaminants getting into the groundwater that we have.

Groundwater can be contaminated where recharge water carries chemical pollutants usually from agriculture, waste disposal or industry. So groundwater management requires a good understanding of both, contaminant and extraction pressures, including how it interacts with surface water management.

The aim of sustainable groundwater management is to prevent groundwater from becoming severely depleted or highly polluted and to minimise unwanted impacts on others. So there are a number of key technical interventions for groundwater management and this includes; control of groundwater pumping to sustainable levels, control of discharges to groundwater, and in some areas, managing aquifer recharge or the amount of water that gets back into the aquifers.

The remediation of groundwater contaminations, once it has occurred, it is possible but may only be partially successful and it is very costly. Therefore, the Ministry of Lands and Mineral Resources, together with relevant stakeholders will continue to work hand in hand to finalise the Policy that we are working on now, the Groundwater Resources Exploitation Management Policy.

The Policy is in its sixth draft and it has now gone through its fifth consultation to manage the groundwater resources that we do have in this country, so that we can assist those that need access to water especially when we are now moving towards the dry season and there will be a need for us to work hand in hand to make sure that these resources are used for the benefit of the people of our country. *Vinaka vakalevu, Mr. Speaker, Sir.*

HON. SPEAKER.- I thank the Honourable Minister.

I now give the floor on the fourth to the Honourable Alexander O'Connor to ask the fourth Oral Question for today. You have the floor, Sir.

COVID-19 Tracing App.  
(Question No. 84/2020)

HON. A.D. O'CONNOR asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service and Communications update Parliament on the COVID-19 Tracing App?

HON. A. SAYED-KHAIYUM.- (Attorney-General and Minister for Economy, Civil Service and Communications).- Thank you, Mr. Speaker, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I would like to thank the Honourable Member for this question. Mr. Speaker, Sir, we have talked about this Tracing App a couple of times this week. I would like to just give some details.

The App, as announced by the Honourable Prime Minister on 15th May, 2020, will be called the careFiji App, harnesses the use of non-location, tracking technology using Bluetooth Low Energy (LE) with privacy and security central to the App design and, of course, it is combined with other national public health measures, to prevent a resurgence of COVID-19.

The careFiji mobile App, Mr. Speaker, Sir, is based on the open source reference implementation to trace together mobile phone App or Blue Trace Protocol developed by the Singaporean Government and mirrors the COVID-19 safe mobile App widely adopted by millions of Australians when they campaign to eliminate COVID-19.

Mr. Speaker, Sir, we are currently testing through Google Play Store and Apple Store , and after that we hope to finalise that by the end of this week and hope to have the Honourable Prime Minister officially launch it next week some time.

Just before we get into that, I wanted to just very quickly highlight the rationale behind the App tracing. There is a very good article by the Oxford University, Big Data Institute and Nuffield Department of Medicine that this type of digital contact tracing can slow or even stop coronavirus transmission, and I would like to quote from it. It specifically says:

“Delay in contact tracing by even a day from the onset of symptoms could make the difference between epidemic control and coronavirus resurgence. We stimulated coronavirus in a model city of 1 million inhabitants for the wide range of realistic epidemiological configurations to explore options for controlling transmissions. Our results suggested digital contact tracing App, if carefully implemented alongside other measures, has the potential to substantially reduce the number of new coronavirus cases, hospitalisations and ICU admissions. Our model show we can stop the epidemic if approximately 60 percent of the population use the app, and even with lower numbers of app users, we still estimate a reduction in the number of coronavirus cases and deaths.”

It goes on to say that, and I quote again:

“We need the strategies to exit from the lockdown, whilst minimising the risk of resurgence. Combined with other interventions such as community testing, digital contact-tracing can help prevent coronavirus from rapidly re-emerging.”

Mr. Speaker, Sir, as we know that we had talked about Travel Bubble, as you know we have talked about the need to be able to ensure that there is health safety measures put in place, that the Ministry of Health and the contact-tracing teams have the ability to get access to information and data very quickly and on the other hand, of course, to get economic activity returning again.

Mr. Speaker, Sir, the App, very simply, works through Bluetooth technology, so essentially if all of us download the App now, our Bluetooth signals will just bounce off each other.

The Ministry of Health will not have access to that information but assuming when you walk out of this room, two days later if I am confirmed of positive case of COVID-19, then the Ministry of Health would tell me, "Okay, we need to now access all the people you had been around for more than 15 minutes or more and they have been closed to you within a distance of two metres." What the App does, Mr. Speaker, Sir, it stores that information for the past 28 days and every day, of course, the day falls off because you are going into the 29th day, the last day drops off.

From that, once you know you have got COVID-19, you still then have to give your permission to the Ministry of Health, who then are the people at the back end, they will give you an encrypted code and you put in that code and then give the numbers to them. They will then dial those numbers and say, "You have been next to so and so, who has been tested positive, please, come in for a test, or please go into isolation, because the current practice is, people have to remember who they had been in touch with or been around and sometimes people forget. This very quickly mobilises it.

I know there has been some talk and in fact some Members of the Oppositions say, "Oh, do not do this because they will get all the information", which are all nonsense actually, and I have got now, Mr. Speaker, Sir, "What permission?" If you have got an Android Phone and in fact in Fiji 92.5 percent of people who use phones have an Android phone, 7.4 percent of the people who use phones in Fiji have an Apple phone and the others have different systems - 0.08 percent.

In Australia it is very different. In Australia, 45.79 percent of the people have an Android phone, 53 percent have an Apple Phone.

In Singapore, 65 percent have an Android phone and 33 have an Apple Phone. So I know most of you are on *Viber*, for you to be on *Viber* if you have an Android phone, they already have access to your location, they have access to your contact, they have access to your calendar, they have access to your camera, they have access to your microphone, they have access to your storage, they have access to your actual telephone. Those of you who are using *Viber*, all of us are, I think.

If you are using *Messenger*, they have accessed all of that, including SMS. If you are using *WhatsApp*, they have access to everything. If you are using *TikTok*, they have access to your contact, they have access to your camera, access to your microphone, access to the storage facility in your phone.

*Instagram* - location, contact, camera, microphone and storage.

CARE Fiji App., Android, first, for you to get on, simply, turn on your location, the Bluetooth goes on you get off your location. So no one will know who you have been with until you get prompted. No one will know who you actually were in close proximity with. They will not know whether it was under the tree at Albert Park or in some hotel room or in some office place or in the nightclub, golf club or whatever it is. They will not know that, nobody will know that.

So, that is the beauty about this technology, Mr. Speaker, Sir, and therefore it is critically important. What is also interesting, Mr. Speaker, Sir, is that we have got a list of all the countries over here that have got some form of an App. What is really interesting, of the 48 contact tracing Apps being used in 31 countries, from the 48 only 8 Apps use Bluetooth only - 16.6 percent, 26 Apps., Mr. Speaker, Sir, in 17 countries use GPS that will track you through your GPS, 13 Apps in 10 countries use GPS and Bluetooth, 1 App. in one country uses surveillance data, 1 App. in one country uses Submitted Geodata. So they quite actually penetrated in the sense in terms of the information required.

Now we have gone to great lengths, Mr. Speaker, Sir, to ensure that the privacy is maintained at all times. Mr. Speaker, Sir, what we have similarly done and most of the applications are launched, all you have to do is download the App. whilst the testing is done, and lastly for your initial location then you switch it off then the Application is off.

For those of you who use the iPhone, I know the Honourable Prime Minister uses an iPhone, for the App. to be on, it always has to be on the foreground. But for those of you who use Android, it does not need to be in the foreground, it can be at the back.

So, Mr. Speaker, Sir, I do not want to take up too much time but essentially to say that this is a very good product. In fact, when we had the discussion with the New Zealand High Commissioner today at lunch time, they are very excited about this because one of the requirements as you would find in most countries, once you go to those countries, they will also require you to download their App. because then they can also ensure should you come in close contact or you have COVID-19, they can very quickly do the tracing, hospitalise you, et cetera. So we would perhaps also be inclined that way that if any tourist come to Fiji, will actually need to download the App. So everyone is in the same page, it secures them and secures us also.

Mr. Speaker, Sir, we will be rolling this out, we also have been working with our Fiji Care which has been providing insurance to all the Civil Service, they came on board, they are willing to partner with us. We have spoken to the Singaporean Minister, we very quickly arranged with our IT Team, gave his IT personnel and we are able to get the source code. There is a team at the University of the South Pacific, the IT Team worked with the developers, we tweaked it to suit local conditions and then, Mr. Speaker, Sir, Fiji Care is actually funding the entire marketing of this App. because we need to get all Fijians to understand how important it is to get this application. So there will be radio programmes, there will be radio advertisements, TV advertisements and billboard advertisements to get everyone to be on this App which will prove to be beneficial, not just for visitors coming to Fiji but also for Fijians. And more importantly will help the Honourable Minister for Health, the doctors, in particular, Dr. James Fong who does all the logistic side of this to be able to do the tracing really quickly and, of course, the RFMF and the Police that are assisting will make their work a lot easier. It will also put us and we will be able to market ourselves as a safe destination for those intended visitors to Fiji and will be very much part and parcel of the integral game plan going forward. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General for his reply to the question.

Honourable Members, that brings us to the end of question time, and I thank all Honourable Members for your contribution to today's sitting. Parliament is now adjourned until tomorrow morning at 9.30 a.m. We adjourn.

The Parliament adjourned at 6.06 p.m.