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**PARLIAMENT OF FIJI
PARLIAMENTARY DEBATES
HOUSE OF REPRESENTATIVES
DAILY HANSARD**

THURSDAY, 30 SEPTEMBER, 2004

**STANDING COMMITTEE ON CONSTITUTIONAL
REVIEW**

HON. L. QARASE.- Mr. Speaker, Sir, I beg to move:

That this House agrees to establish a 15-Member *Standing Committee on Constitutional Review*, consisting of eight Government Members, the Leader of the Opposition and six Members of the Fiji Labour Party, to scrutinise and deal with amendments expressed as a Bill for an Act to alter the Constitution and to secure passage of such amendments and changes to the Constitution as maybe agreed upon by and between the various parties and groups and/or has deemed necessary or desirable.

HON. M.P. CHAUDHRY.- Mr. Speaker, Sir, I beg to second the motion.

HON. L. QARASE.- Mr. Speaker, Sir, to facilitate the smooth and consistent application of the Constitution, certain changes are necessary. Some are considered desirable, where the strict application of the provisions have led to outcomes or results, which had not been foreseen or intended.

Just as the SVT-led Coalition Government and the People's Coalition Government did when they were in office, the SDL Coalition Government has taken the initiative, through the Constitution (Amendment) Bill (Bill No. 2 of 2004), to propose changes to the Constitution, which, in its view, are necessary, consequential and non-controversial in nature.

Government took this Bill to its *Talanoa* Dialogue with the Fiji Labour Party. In doing this, Government took into account the voting requirements of sections 191 and 192 of the Constitution, relating to the passage of any Bill for the alteration of the Constitution.

Mr. Speaker, Sir, on Government's behalf, I thank the honourable Members from the Fiji Labour Party, who took part in the dialogue on the Constitution review. It is on the basis of the understanding agreed to at this *Talanoa* Dialogue that I table this motion in this august House.

At the *Talanoa* Dialogue, we had considered making the proposed Committee a Joint Parliamentary Select Committee with some Members to be drawn from the Senate, especially from the nominees of the Bose Levu Vakaturaga. However, the Constitution refers specifically to a committee of this august House, to consider proposed alterations and amendments before the House proceeds to the second and third readings of the Bill, for an Act to alter the Constitution.

The first item that will come before the Committee will be the Constitution (Amendment) Bill, Bill No. 2 of 2004. I shall make further reference to this Bill when I introduce the second reading.

The Government will also want the Committee to give consideration to the Terms of Reference, for a more substantive review of the Constitution, focussing especially on those provisions that have created difficulties. This includes, for

example, the Multi-Party Cabinet provisions under section 99.

The people of Fiji will need to think very carefully whether the formation of governments that include representatives from our different communities is better done, as presently provided under section 99 or whether it is better that it is considered in the form of voluntary coalition of willing political parties, as provided for under the Compact Chapter of the Constitution.

This substantive review will also need to consider whether we continue the present provision for political parties to exercise the preferences of voters or whether the exercise of preferences are best left to individual voters for them to determine, in accordance with their democratic rights. Mr, Speaker, Sir, as I have said, it is for the Committee to determine its Terms of Reference. The first step is to establish the Committee through this motion.

Mr. Speaker, Sir, I therefore commend the motion to this august House.

HON. M.P. CHAUDHRY.- Mr. Speaker, Sir, this is another motion, which arises from agreements reached in the *Talanoa* Talks and as the honourable Prime Minister has pointed out, the Constitution requires the Standing Committee of the House to be appointed to deal with any matter relevant to the alteration of the Constitution. So, it is in compliance with that particular provision in the Constitution that this Committee is now proposed to be established.

As indicated, we will deliberate on those amendments or alterations which are considered to be non-contentious and do not, in any way, impinge on the rights or interests of any individual or group or community. I hope that in dealing with this particular matter, we will not open up the debate on the entire Constitution because it is certainly not the intention to do so. It is to avoid creating controversy on the Constitution itself, Mr. Speaker, Sir.

On the honourable Prime Minister's observation or comment that Government's side would want to seek agreement on suitable Terms of Reference for a wider review of the Constitution, we have, as yet, not discussed that. The honourable Prime Minister seems to be anxious to want section 99 amended and as suggested, there may be some other way of providing for the formation of a multiracial Cabinet with members drawn from like-minded political parties.

Mr. Speaker, we are prepared to discuss that without any commitment but my own view on that is, in order to achieve that goal through a different method, it will require significant changes to our electoral system. We will have to move away from an electoral system which is predominantly communal in character. We elect two-thirds of Members of this august House on communal tickets and then there is absolutely no way in which we can promote inter-racial harmony, unity, if we continue to be governed by a political or rather an electoral system which is divided. We have thoughts of our own on this and as will be seen from our records, when the 1997 Constitution was being debated in this august House, the Fiji Labour Party was not happy with the electoral arrangements stipulated therein. We had even moved amendments to secure more democratic electoral arrangements. In fact, we had suggested that we adopt the electoral arrangements which were recommended by the Reeves Commission. Unfortunately, the two political leaders at the time, who decided this issue reversed the electoral arrangements recommended by the Reeves Commission and much of our problem today is because of that.

Sir, we are prepared to discuss other changes to the Constitution with an open mind and we hope that that process will be devoted largely to nation-building rather than working out an arrangement to suit our own political agendas.

With those remarks, Mr. Speaker, we are happy that at last,

we have this Committee appointed and we hope that we will be able to deal quickly with the non-contentious alterations to the Constitution as soon as the Committee has completed its deliberations.

HON. L. QARASE.- Mr. Speaker, Sir, I would like to thank the honourable leader of the Fiji Labour Party for his remarks. I am glad that the honourable Member has agreed that there is a need for some substantial changes to the Constitution. Although we may disagree on which provisions in the Constitution, but at least, I think, we are beginning to talk on the same wave lengths, that there are a few deficiencies in the Constitution that are causing problems, as we all know.

Sir, for the time-being, we are focussing on the particular motion before the House and that motion, of course, will focus on the minor amendments. Most of those amendments we have already agreed to in the *Talanoa* Dialogue and now remains to be discussed at the Select Committee that we are appointing now. They may have some views on further changes as well, so long as they are not controversial.

We will be very keen to go the second step, as we have always said and that is to consider some substantial changes which are causing problems in our political development.

I agree with the honourable leader of the Fiji Labour Party when he said that changes should aim at nation-building but, I want to go further than that. Any changes that we might introduce should ensure political stability. If we do not have political stability then we cannot have the smooth development of our country. I think that is the second aspect to the comment made by the honourable leader of the Fiji Labour Party that I want to stress.

Sir, nation-building is fine, it should be everyone's goal. But equally important, if not more important, is the need to have a

Constitution that will ensure political stability in this country forever.

With those few words, Mr. Speaker, Sir, I commend this motion to the House.

Question put.

Motion agreed to.