

FRIDAY, 30th MAY 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiatua

CABINET

Susuga Hon Tuilaepa Sailele, Afioga Hon Misa Telefoni, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Safuncituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poesé Toomata, Tofa Hon Taua Kitona Seuala, Afioga Hon Unasa Mesi Galo, Tofa Hon Tuuu Anasii Leota, Hon Lee Hang Niko.

MEMBERS:

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Levaopolo Talatonu, Afioga Muagututia Siasoi S Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea, Afioga Lafaitale Patrick Leiatuaalesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Tofa Tiata Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao, Susuga Mulipola Oliva, Afioga Muagututagata Peter Ah Him, Tofa Solamalemalo Keneti Sio.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow, Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofaia Tapasu, Afioga Patauave Etuale, Afioga Vui Tupe Ioane.

3. The Legislative Assembly met at 9.00am.

4. Mr. Speaker took the Chair and said the Prayers.

5. MESSAGE FROM LE AO O LE MALO:

Mr. Speaker read out the Message from Le Ao o le Malo permitting the Legislative Assembly to consider the following Bills: -

- i) Supplementary Appropriation Bill (No.2) 2007/2008.
- ii) Appropriation Bill 2008/2009.

6. PRESENTATION OF PAPERS:

1. Mr. Speaker tabled P.P.2007/2008 No.7, Report of the Controller and Chief Auditor on the Legislative Assembly for the period 1st January – 30th June 2007 in accordance with Clause 99 of the Constitution of the Independent State of Samoa.

2. The Deputy Clerk read out the following Papers tabled in accordance with Standing Order 48: -

- (i) S.R.2008/12, International Mutual Funds Act 2008, Notice of Commencement.
- (ii) S.R.2008/13, Order of Prohibited Imports - Section 49, Customs Act 1977.
- (iii) S.R.2008/14, International Mutual Funds (Fees) Regulations 2008.
- (iv) S.R.2008/15, International Mutual Funds (Forms) Regulations 2008.
- (v) P.P.2008/2009 No.3, Annual Report of the Ministry of Justice and Courts Administration 2000 – 2003.
- (vi) P.P.2008/2009 No.4, Annual Report of the Ministry of Justice and Courts Administration 2003 – 2004.
- (vii) P.P.2008/2009 No.5, Annual Report of the Ministry of Justice and Courts Administration 2004 – 2005.
- (viii) P.P.2008/2009 No.6, Annual Report of the Ministry of Justice and Courts Administration 2005 – 2006.
- (ix) P.P.2008/2009 No.7, Report of the Controller and Chief Auditor to the Legislative Assembly Period 1st January – 30th June 2007.
- (x) P.P.2008/2009 No.8, Annual Report of the Electric Power Corporation for the Year 2006 – 2007.

7. BUSINESS, STANDING ORDERS, HOUSE, ELECTORAL AND OFFICERS OF PARLIAMENT COMMITTEE MOTION:

Susuga Laauli Leuatea Polataivao (Deputy Chairman of Business, Standing Orders, House, Electoral and Officers of Parliament Committee) moved, *“That in accordance with Standing Order 46 lapsed business from the 2007/2008 Period be carried forward.”* Seconded by Lafaitale Patrick Leiataualesa.

Motion approved and the lapsed business in 2007/2008 was carried forward.

8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

- 1. Supplementary Appropriation Bill (No.2) 2007/2008 – first reading.

Hon Lee Hang Niko (Minister of Finance) moved, “That the Supplementary Appropriation Bill (No.2) 2007/2008 be now read a first time.” Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved and the Bill was read a first time.

Government Order of the Day No.2. called.

2. Supplementary Appropriation Bill (No.2) 2007/2008 – tabling.

Hon Lee Hang Niko tabled the Supplementary Appropriation (No.2) Bill 2007/2008 pursuant to Standing Order 131.

Government Order of the Day No.3. called.

3. Supplementary Appropriation Bill (No.2) 2007/2008 – motion for second reading.

Hon Lee Hang Niko moved, “That the Supplementary Appropriation Bill (No.2) 2007/2008 be now read a second time.” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Poese Toomata.

Pursuant to Standing Order 132 debate on the Supplementary Appropriation Bill (No.2) 2007/2008 was suspended while the Supplementary Appropriation Bill (No.2) 2007/2008 was referred to the Finance and Expenditure Committee for consideration and to report back to the Legislative Assembly after 14 days.

Government Order of the Day No.4. called.

4. Appropriation Bill (Main Estimates) 2008/2009 – first reading.

Hon Lee Hang Niko moved, “That the Appropriation Bill 2008/2009 be now read a first time.” Seconded by Hon Tuisugaletaua Sofara Aveau/ Hon Toomata Alapati Poese Toomata.

Motion approved and the Bill was read a first time.

Government Order of the Day No.5. called.

5. Main Estimates 2008/2009 – tabling.

Hon Lee Hang Niko tabled the Main Estimates 2008/2009 pursuant to Standing Order 131.

Government Order of the Day No.6. called.

6. Appropriation Bill 2008/2009 – motion for second reading.

Hon Lee Hang Niko moved, “That the Appropriation Bill 2008/2009 be now read a second time.” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Poese Toomata.

The Minister of Finance, Hon Niko Lee Hang spoke on the Main Estimates 2008/2009.

A copy of this speech is attached herein below: -

2008/2009 BUDGET ADDRESS

“Mr. Speaker,

As required under Standing Order 124, I wish to present on behalf of Government, the statement on the Estimates for the 2008/2009 fiscal year.

I. BUDGET SETTING

Mr. Speaker and Honourable Members,

The Government’s economic vision for the medium-term is to improve the quality of life for all, premised on the goal of sustainable economic development and social progress that promotes sustained macroeconomic stability, private sector growth and employment, and improved education and health outcomes. This is the goal for the next four years as envisioned in the Government’s new Statement for the Development of Samoa. Fiscal policy is a key driver for delivering on this goal, as you will see from the investment programme laid out in the Budget 2008/2009.

The Budget for 2008/2009 is set against one of the most challenging times in the world economy and indeed for Samoa’s economy, in the past decade. This year, we are beginning to feel the effects of a challenging global environment. The most obvious of these is the continued increases in the prices of fuel and some basic commodities.

International oil prices have increased from \$20 US a barrel at the end of 2001 to \$91 US at the end of 2007 and over US \$135 a barrel recently. Latest forecast sets the cost of fuel as much as US \$200 a barrel by the year 2010.

Unprecedented price increases internationally for some important foodstuffs such as wheat, rice, sugar and dairy products over the last few years have been attributed to severe drought conditions in producing countries, increased use of farmland for fuel production and a growing world population which have all combined to exert strong pressures on food supplies. Extreme hunger because of unaffordable food prices is now a serious international issue.

At home, we have seen the impact of the combined increased in fuel and food prices on inflation. The annual headline inflation rate rose to 6.0% in March 2008 from 4.5% at end June 2007 and 3.7% in the same period last year. The underlying inflation rate similarly accelerated to 6.9% from 4.1% in the same period last year.

While these challenges are significant, we have a responsibility to manage our way through these difficulties. The Samoan economy and fiscal position are at the moment relatively strong and well placed to deal with these challenges. Real GDP grew by 6.1% in 2007, significantly higher than the 1.9% growth in 2006, and the highest growth rate in the past decade. Except for food and beverage manufacturing, all sectors were responsible for this remarkable economic performance in the 12 months to December 2007. The Budget for 2008/2009 whilst delivered at a time of considerable uncertainty in

the unfolding global market, is also delivered from a position of strength in the performance of the Samoan economy.

In essence, while this Government is mindful of the inflationary pressures emerging in the economy, it is also mindful that when growth is expected to slowdown in the medium term as the country absorbs external pressures from the high prices of fuel and foodstuffs, a call for reduction of government services and support at such a time can lead to a genuine contraction of the economy and subsequently hurt the most vulnerable. The Budget for 2008/2009 therefore sees the highest investment budget this government has ever had in a decade, to build the public infrastructure our country needs and provide for new health and education investment commitments.

II. BUDGET STRATEGY

Mr. Speaker,

This Budget coincides with the first year of the new Statement for the Development of Samoa 2008 – 2012; it is also the first Budget of the Government implemented through a new medium-term fiscal framework (the forward estimates) designed to improve economic stability, budget sustainability and better prioritization of resource allocation by Government. Sustainable fiscal settings are a key aim of our economic policy. The fiscal strategy for the medium-term from which this budget and the forward estimates was based envisaged.

Constraining aggregate current expenditure within the range of 36% - 38% of GDP; Maintaining total debt outstanding to less than 40% of GDP; and Constraining personnel cost expenditures to the range of 30% - 32% of total current expenditures. The objectives are consistent with the principles of responsible fiscal management in the Public Finance Management Act 2001.

In keeping with this new budget framework with close linkage to the Statement for the Development Bank of Samoa (SDS), the Government is tabling for the first time together with the Budget Statement, a Statement of the Forward Estimates 2008/2009 – 2010/2011: and a Statement on its Fiscal Strategy. These are key requirements of the Public Finance Management Act 2001 which have taken time to evolve in view of the delayed implementation of the medium term framework of the budget, and the linking of the budget process of the SDS. Future budget documentation to be tabled in Parliament other than the Budget Statement, will include the Statements on the Forward Estimates and the Fiscal Strategy. These will replace the economic statement normally appended to the budget statement. These documents will provide clarity on the government's economic policy and fiscal strategy to support its national goals of development as provided for in the SDS.

These two key statements are appended to the Budget Statement.

III. BUDGET MEASURES

Mr. Speaker, Honourable Members,

I would like to briefly summarize the main aggregates of the 2008/2009 budget.

Amounts	Total Amounts
Revenues	\$580,653,051
Ordinary Revenues	\$496,963,805
External Grants	\$110,689,246
Expenditures	\$684,826,397
Statutory Expenditures	\$60,095,517
Expenditure Programs	\$404,595,677
Development Expenditures	\$216,089,246
Unforeseen Expenditures	\$4,045,957
Overall Budget Deficit	\$104,173,34
Financed by:	
Soft Term Financing	\$105,400,000
Cash Surplus after Borrowing	\$1,226,654

The 2008/2009 budget is projected to achieve an overall deficit of \$104.2 million which is being financed from soft term loans of \$105.4 million. The overall deficit expressed in government finance statistics is equivalent to 6.0% of GDP. The unprecedentedly large overall deficit is a result of a large injection in capital spending, towards development projects in public and social infrastructure, including large education and health investments. Whilst seemingly high, the overall deficit is financed largely by borrowings from our international development partners on highly concessional terms; and is consistent with the growth in GDP. The Government is committed to observing prudent fiscal management to ensure the large overall deficit does not add pressure to the imbalances emerging in the economy because of external pressures.

IV. REVENUE MEASURES

Mr. Speaker,

To ensure that the overall expenditures of the Government are not more than its total overall receipts (inclusive of borrowings), and to further sustain a positive cash position, I am proposing a 10% increase on the rates of excise on soft drinks, alcoholic beverages and cigarettes. At the same time, this will further support the Government's drive to improve health outcomes for the community, by imposing additional excise on these products.

The increased revenue expected to be generated from these excise measures is about \$5.0 million in 2008/2009.

Mr. Speaker,

Other than this proposed indexation of excise rates for soft drinks, alcoholic beverages and cigarettes by 10%, the Government does not propose to implement any other new

revenue measures in 2008/2009 for financing the budget. Rather, efforts will continue to focus on consolidating the ongoing measures with the ultimate goal being improved compliance. To support the development of manufacturing and export processing industries become more competitive, adjustments of tariffs from 8% to zero % for raw materials and inputs for poultry farming, agricultural processing, handicraft production and commercial fishing are proposed to become effective 1 July 2008. The revenue impact of this assistance is an estimated loss of about \$0.5 million which would be offset by revenue gains in increased employment and investment in these industries.

Total ordinary revenue for 2008/2009 is estimated to be around \$469.9 million representing a reduction of 2.2% over last year, reflecting the slowdown in economic activity following the peak associated with the South Pacific Games.

External grants have increased substantially by 44% from this year's level of about \$65.6 million to \$110.7 million mainly towards strengthening the education, health and water sectors, as well as capacity building across a number of Ministries. The strong growth in funding from grants also reflects the willingness of the Government to bring all its influence to bear to bring about sustainable growth for Samoa, as well as the strength of our relationships with our development partners.

V. EXPENDITURE PRIORITIES

Mr. Speaker,

I would now like to highlight the key expenditure priorities the Government will implement in 2008/2009. The proposed total expenditure amounts to \$684.83 million Tala, representing an increase of 16% over the 2007/2008 financial year. The increase in expenditure reflects Government's commitment to ensure development projects are fully supported as well as implementing strategies in the key priority sectors, as identified in the 2008-2012 Strategy for the Development of Samoa.

Education Sector:

Investment in education remains a priority area. The total budget for the Ministry excluding provisions for sporting events and activities is \$72.30 million representing an increase of 11% over the allocation for FY2007/2008 of \$64.99 million.

Support for education development will continue with the following provisions reflecting the Government's ongoing commitment to this priority sector.

- \$2.6m Tala for Village schools stationery supply
- \$4.0m Tala provided as grants to non-government schools
- \$3.0m Tala is to support the Government scholarship scheme, while the other \$0.99m Tala is earmarked for new and continuing students at NUS's school of Education under the sponsorship scheme of the Ministry.
- \$1.5m Tala as Government counterpart costs to support more refurbishment of school facilities, as well as service deliveries, and on-going strengthening of management capacity in the Ministry of Education under the Education Sector Wide Approach Programme.

- \$10.0m Tala to the National University of Samoa.
- \$1.5m Tala towards the Samoa Qualification Authority
- \$0.23m Tala for establishment costs of Aele primary School.

With respect to the last development, the contribution by the Government of the People's Republic of China through grant financing for the construction of new school buildings for Aele Primary School is acknowledged.

The importance of our language and culture is highlighted in this Budget. A provision of \$0.05 million is included in the Education budget for the Samoan Language Commission's groundwork for a major review of the Samoan language, and \$0.32 million for funding Samoa's participation in the 10th Pacific Arts Festival in American Samoa.

Health Sector

The total budget for the Health Sector is \$70.07 million representing a substantial increase of 17.11% over the appropriation for FY2007/2008.

In support of the health sector, which continues to be a key strategic sector in the SDS, the following provisions have been incorporated in the 2008/2009 budget.

- \$8.0m to meet the cost of overseas medical scheme, in addition to the assistance provided under the NZODA of \$1.0m Tala.
- \$0.38m has been provided for essential capital requirements for the Samoa Health Service
- \$0.27m is again provided to support the Sleep Apnoea Unit.
- \$5.34m to support the work of the Samoa Kidney Foundation
- \$58.47m to cover all costs of services delivered by the Samoa National Health Service and
- \$6.26m for the Ministry of Health.

Various development partners will be providing assistance towards further improvement of health facilities, service delivery and strengthening health management as promoted under the new Health Sector Plan using a new Sector Wide Approach (SWAP) arrangement. This will involve the pooling of resources from our partners including Government's contribution over a five year period:

Australia	US\$12.60 million
New Zealand	US\$7.20 million
Samoa	US\$1.50 million
World Bank	US\$3.00 million
Total	US\$24.30 million

These resources will cover three main components over five years, with Component 1 covering health promotion and prevention activities: Component 2 will be on enhancing

quality health care service delivery: while Component 3 will be for strengthening policy and regulatory functions.

Total Government contribution to the earmarked health developments, in the new financial year is \$5.13m Tala.

Agriculture Sector:

Total appropriation for the Agriculture Sector is \$12.37m Tala, representing an increase in appropriation of 6% over the current financial year. The increase in the Agriculture sector budget represents renewed efforts toward ensuring national food security in light of increasing food prices in the world market, and the revival of the coconut industry in response to new and higher demand for coconut products as an alternative source of fuel and for pharmaceutical products. The appropriation includes the following major expenditures.

\$0.38m for the contribution and expansion of the Talomua agricultural initiative.

\$0.10m has been provided to purchase breeding cattle from local farmers by the Ministry of Agriculture, to ensure the supply of breeding cattle meets the local demand.

\$0.09m is earmarked for the coconut replanting program being initiated by the Ministry.

INFRASTRUCTURE

Electricity:

The Government is committing \$5.36 million Tala for EPC to cover the cost of community service obligations carried out by the Corporation for rural electrification, consumption of streetlights and capital works. An additional \$6.25 million Tala is provided as subsidy to the VAGST EPC pays on diesel fuel for its generators.

The new financial year will also see the start of the new Power Improvement Sector Project whereby US \$100 million has been approved by our development partners, the Asian Development Bank (ADB), the Japan Bank for International Cooperation (JBIC), the Australian Government through AusAID with the Samoan Government also providing financial assistance to this vital project over a period of eight years. The focus of the project will be to improve the supply and efficient management of electricity to meet growing demand, while also improving the policy and regulatory framework to ensure EPC remains financially sustainable.

Water:

A total of \$3.68 million Tala has been included in the budget for community service obligations carried out by the Samoa Water Authority. In addition, a provision of \$3.6 million Tala is included for counterpart costs of the ADB funded drainage and sanitation project, where construction works will commence in the first half of the new financial year.

The Government has developed a water sector plan, “Water for Life”, for the period 2008-2012. This plan aims to secure sustainable water resource management, increased access to safe and reliable water supplies, maximizing the benefits of other water users and improved sanitation, drainage and waste water disposal. The European Union has committed to continue providing financial assistance to the sector. Construction works have already commenced under the current EU-financed programme to extend the provision of reliable and treated water supplies to 30,000 people in Savaii and Upolu. Under the new programme, which is planned to commence in 2009/2010 the EU has indicated its preference to provide sector budget support with annual releases of funds to the Treasury during the period 2009-2013. The total amount available for provision of EU budget support to the Treasury is approximately \$90 million Tala.

Roads & Bridges:

Infrastructure developments will again be supported through counterpart costs of \$7.04 million Tala for the remaining construction works, environment rehabilitation and protection activities as well as infrastructure management capacity under phase two of the Samoa Infrastructure Asset Management Project (SIAM – 11). The construction works for the Vaialele Road Widening (Malifa to Vailoa) component of the project will start within the next financial year.

A provision of \$0.5 million Tala is again provided in the new budget for school access roads. Routine maintenance of roads around the country with a budget of \$11.1m and \$3.8m for general maintenance will continue to support agriculture development and ensure safe traveling for the general public.

The establishment of the new Land Transport Authority in support of on-going Public Sector Reform for better public services delivery, is supported by a provision of \$1.3 million Tala.

A provision of \$4.0 million is earmarked for compensation of landowners whose lands will be taken by Government for the extension of Convent Street. A provision has also been made of \$0.5 million Tala for developing access roads within government land subdivisions available for leasing by the Government Land Board.

Following the passage of the right hand drive shift bill into law by Parliament, a provision of \$3.5m is provided in the new budget for educational campaigns and road related alterations. Additional provisioning will be made in subsequent years to ensure any necessary remedial works to strengthen and reinforce safety are addressed.

Ports:

The Government is providing \$0.4 million Tala under community service obligations to Samoa Ports Authority in support of reconstruction works carried out for Manono and Apolima wharves.

Airlines:

The Government is continuing its restructuring of Polynesian Airlines to ensure its financial independence. A provision of \$1.0 million Tala is included as capital injection from Government to Polynesian Airlines. This will assist the airline with servicing the

costs that it has incurred due to the purchasing of a Twin Otter to meet demand while also ensuring its viability with the additional Twin Otter, given the draining impact financially of a one plane operation. Provision has also been made to service to former airline debts with ANZ and the Samoa National Provident Fund.

Telecommunications:

Total appropriation for the Telecommunications Sector is \$5.8 million Tala, including the following provisions:

- \$2.75 million Tala to cover costs of the Regulator's Office.
- \$3.08 million Tala has been appropriated for the Ministry.

The \$3.08 million Tala for the Ministry includes a \$0.78 million Tala allocation in counterpart costs to World Bank funded Telecommunications & Postal Sector Reform Project: \$0.27 million Tala for the Information, Communication & Technology Secretariat (ICTS), \$0.56 million Tala as a provision for transition costs of the AM Radio (2AP) and \$0.2 million Tala for church services under telecommunications community service obligations (CSOs).

The privatization process of the state-owned Samoa Broadcasting Corporation (SBC) is now completed as announced in this year's budget address. The 2AP will be retained and operated by the Government under the auspices of the Ministry of Communication and Information Technology.

The Government is also working with the World Bank to start the process of privatizing SamoaTel. In the Government's view, there are certain activities which are best left to be operated by the private sector, and telecommunications is one such area given the openness of the sector to competition and market forces. The issuance by Government in October 2006 of a second mobile license has seen fierce competition between the two existing companies with the public benefiting from wider penetration of mobile services, throughout the country, a range of products never before experienced and a fall in particular of the cost to the consumers of such telephony services, especially in international traffic. It remains for the Government to ensure such competition continues on a level playing field.

Building Construction:

Included in this Budget are counterpart costs (0.25m) towards the construction of an office complex and convention centre, which altogether cost about US \$40 million. In this regard, I would like to record our deep appreciation to the Government of the People's Republic of China for their generosity in providing concessional financing to fund these buildings. The office complex for members of Parliament will be completed in the second hand of this year, while the Justice and Courts Administration building is scheduled to be completed early next year. These buildings have been financed similarly by the Chinese Government.

Tourism Sector

Tourism development as one of the potential sectors of the economy is again being strongly supported with an allocation of \$7.7 million Tala. A major portion of this

allocation goes toward promoting Samoa overseas, in particular in the Australasian market. The combined efforts of the Samoa Tourism Authority, PolyBlue, Air New Zealand, our Visitors Association and individual hotels and resorts to market Samoa in partnership with overseas wholesalers and other key stakeholders is a commendable one, testifying to the increasing stream of visitors to our shores, despite the fierce competition from our neighbouring countries who have been involved with the industry far longer than Samoa.

On hotel development, the proposed new hotel by the Warwick Group now under discussion will add to the first class accommodations on offer. There are also proposals that are likely to benefit Savaii, with one such proposal by a group of investors to develop on a long term basis a hotel and marina on lands owned by Sasina and Puapua. This will provide more choice for our overseas visitors while also benefiting local communities from lease income, employment opportunities and growth in support services to these areas.

Business Development

The Small Business Development Project which was started in 2002 under a loan of US \$5.0 million from the Asian Development Bank will close at the end of this year. This project has seen the growth in small loans under the facility small loans guarantee scheme through the Small Business Enterprise Centre (SBEC) in association with a number of participating banks; a micro credit scheme with the Development Bank; and new initiatives such as the review of the potential for economic use of customary land; development of a registry for companies in close link with the implementation of the new amended companies act and coming into effect of the personal properties securities (PPS) legislation. This latter development of the PPS will provide a wider basis for collateralization that will enable our people access for funds with financial institutions to develop their businesses further where traditional means of security may not be so readily available to many of our people. The project has helped a considerable number of people, including training of small business operators in proper business practices, and legal requirements for the establishment of any business. There are a number of initiatives which will still be ongoing even after closure of the project as some of these activities will wind down after the closing date. These will include the establishment of the registry of companies, final conclusion of the review by a Task Force of the economic use of customary land, and implementation of the new personal properties securities legislation. To maintain some of the ongoing services in support of the development of small businesses, the following provisions have been incorporated in the budget.

- (i) The annual grant for the Small Business Enterprise Centre (SBEC) has increased to \$200,000 to assist with its operations,
- (ii) A provision of \$40,000 is once again provides as a direct contribution from Government to the development of the Private Sector,
- (iii) \$0.5 million Tala has been included as counterpart costs for the Small Business Development Project now in its final year of implementation.

National and International Security

In support of the Safer Campaign implemented by the Ministry of Police & Prisons to promote both tourism development and ensure national security, the Government has earmarked a provision of \$17.12 million Tala, net of the provision for the Fire Services, for the Ministry of Police, included in the said provisions are the following activities;

- **\$0.20 million Tala for overseas peacekeeping missions to honor Government's obligations to the United Nations,**
- **\$0.18 million Tala for setting up 3 new police outposts in the rural areas, to ensure police officers are able to response within a reasonable time frame to requests from the general public.**
- **\$0.10 million Tala has also been included in the Ministry of Police's budget to host the annual Pacific Island Chief of Police Conference.**

An amount of \$2.66 million Tala is included for the Samoa Fire Services Authority, representing an increase of 24% over its current budget.

Sports Development

Last year our country rose to the challenge and hosted the best South Pacific Games spectacle every witnessed not only by our Pacific brothers and sisters but also the whole world. The resounding success of the South Pacific Games was a true demonstration of what Samoa can do through collective hard work, support and a firm belief in God's guidance.

The Challenge now for the Government is how to maintain the high standard of facilities used during the games, and ensure that the facilities are used to their optimal level.

The Samoa Sports Facilities Authority was established to consider these challenges, and it is being supported by Government through a provision of \$3.5 million Tala in the upcoming budget.

Other allocations are also earmarked to support specific sporting events and activities;

- **\$200,000 for international and national sports.**
- **\$350,000 for the Samoa Rugby Union to support the development of rugby in the country.**
- **\$100,000 for the Samoa Games**
- **\$100,000 for the development of rural sports fields**
- **\$40,000 for procurement of sports equipment for schools.**

Senior Citizens Pension Scheme

The provision for the Senior Citizens Pension Scheme has increased by \$0.1m from its current provision to \$15.3m to cover all expenses related to the increasing number of eligible pensioners, which has now reached 8,852.

Foreign Relations

The new budget includes provisions for the establishment of embassies in Japan and China in recognition of our increasing relations with both countries. The provisions are estimated at \$1.6m Tala for the Japanese Embassy and \$1.4m Tala for the Chinese Embassy. The Government will announce later the full details relating to these new embassies once these have been finalized.

VI. ASSISTANCE TO THE PRIVATE SECTOR

In keeping with the stated economic goal in the current SDS for private sector led growth, the government continues to pursue the strengthening of its partnership with the private sector through appropriate interventions that allow the growth of this important sector.

Earlier this year, the final stages of a tax and tariff review was completed to ensure compliance with the WTO requirements. In addition, in response to a request from the private sector, the Trade Commerce and Industry Development Board conducted a review to address the anomalies in the current tariff structure, which resulted in the approval by Cabinet of the following tariffs review structure for manufacturing and export processing industries:

1. **Fisheries:** removal of current duty of 8% on fishing gears, baits and safety equipment.
2. **Agriculture:** removal of current duty of 8% on animal feed and value adding agriculture processing inputs.
3. **Handicrafts:** removal of current duty of 8% on tools.
4. **Manufacturing:** removal of current duty of 8% on raw materials for garment and textile manufacturing.

This restructure of tariffs will come into effect on 1 July 2008.

VII. RESTRUCTURING OF DUTIES AND TARIFFS ON MOTOR VEHICLES

Following the passage of the bill to change the side of the road we drive on, the Government will implement a new policy to ensure more Samoans can afford to bring vehicles into the country. The new policy will involve lowering the rate of duty and excise applicable to most passenger cars, and to lower the minimum duty, excise and VAGST payable on the lowest value cars. The rates and minimums for other vehicles such as pickups, vans and buses will not alter.

In addition, it is proposed to abolish import duty for all motor vehicles and instead impose an excise at the rates to be specified – which will come into effect on 1 June 2008. These changes will not only be favourable for WTO purposes, but will also simplify the calculation and administration of taxes on vehicles.

The rate of excise to be imposed on cars will escalate as the engine capacity increases. For example, for cars with an engine size of up to 1 litre, the rate will be 10% cars from 1 litre up to 1.3 litres will be 13% with further rate band ranging up to 50% for cars with engines greater than 5 litres. For a car up to 1 litre, with a landed cost of \$50,000 the new rates will result in savings in duty, excise and VAGST of \$5,750 for a 2 litre car, the rates are unchanged and for a 3 litre car, the saving is \$8,050.

In line with the decision to allow older cars to be imported, combined with the reduction in rates, the Government will also lower the minimum excise payable on the lowest value cars. For example, for a car under 1 litre, the minimum excise will be \$600, instead of the current \$2,000 duty minimum. The combined amount of duty, excise and VAGST payable will be \$1,590 instead of the current \$3,800 – a saving of \$2,210. For a 2 litre car, the minimum drops from \$3,800 to \$2,280 – a saving of \$1,520, whilst for a 3 litre car, the saving is \$3,060.

Mr Speaker, these changes to tax arrangements for motor vehicles are substantial and again demonstrate the Government's commitment to improving opportunities for Samoans. The estimated cost to revenue of these changes is \$2.1 m per annum.

VIII. UNFORESEEN EXPENDITURES

In line with the provision of Section 29 of the PFMA 2001, an allocation of \$4.0 million has been incorporated to cover unforeseen expenditures that may arise during the course of the financial year.

IX. SECOND SUPPLEMENTARY ESTIMATES 2007/2008.

The Government is also proposing to table together with the Main Estimates 2008/2009 a Second Supplementary Budget for this financial year. This supplementary budget includes a total of \$7.7 million of additional expenditures for additional commitments and unauthorized expenditures. These are financed by reallocation of resources within and between Ministries' budgets of \$3.5 million, reduction in Statutory provisions of \$1.63 million from the Civil List provision and exchange rate fluctuations, as well as additional declared revenue of \$2.5 million Tala from Income Tax and VAGST. With these additional expenditures, the overall deficit has increased slightly to \$30.8 million from \$30.7 million after the First Supplementary. Though reduced from the first supplementary, we have however been able to post a small cash surplus of \$390,222 in the Revised Estimates within this Second Supplementary.

X. CONCLUSION

Mr. Speaker and Honourable Members,

It is a fact of life that we live in a world of uncertainties; there is always some uncertainty in the economic outlook, but the level of uncertainty in the period ahead is currently greater than it has been in recent years. Moreover, there is little we can do about the main source of this uncertainty. Nevertheless, we can attempt to responsibly offset some of the impact of this uncertainty through appropriate policy settings. This Budget provides the means, through a higher level of investment in capital development

and development projects earmarked to stimulate increased production to counter some of these uncertainties. It is also your Government's task to be more vigilant in the planning of our development and prudent in the management of our limited resources.

Mr. Speaker,

In closing I would like on behalf of our Government and the people of Samoa, to express our sincere appreciation and gratitude to our partners in development. To our people, we thank you for your support as full partners in developing our country. We strongly believe that Samoa is moving forward, and we continue to count on your support as we strive to improve the quality of life for all.

Mr. Speaker,

I commend the 2008/2009 Budget to the House.
May God bless Samoa and her people.
Soifua.”

With accordance to Standing Order 132, debate on the Appropriation Bill 2008/2009 was suspended to 14 days as it referred to the Finance and Expenditure Committee for consideration and to report back to the Assembly.

MOTION FOR ADJOURNMENT:

Hon Tuilaepa Sailele Malielegaoi moved, *“That the Assembly commences on Tuesday 10th June 2008.”* Seconded by Hon Tuuu Anasii Leota / Hon Tuisugaletaua Sofara Aveau.

Motion approved.

9. Proceedings of the Legislative Assembly adjourned at 10.35am until 9.00am on Tuesday, 10th June 2008.

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Mase Dr Toia Alama
CLERK

TUESDAY, 10th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiatua

CABINET:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamie Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poesé Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS:

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagutututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiatuaalesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Tofa Tiata Pulufana Saunua Moananu, Tofa Moefaauro Lufilufi, Tofa Tiata Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Tuia Pua Fuatogi Letoa, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9:00am pursuant to adjournment from 30th May 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. MESSAGE FROM LE AO O LE MALO:

Mr Speaker communicated the Message from Le Ao o le Malo permitting the Legislative Assembly to consider the following Bills:-

- i) Customs Tariff Amendment Bill 2008.
- ii) Excise Tax Amendment Bill 2008.
- iii) Passports Bill 2008.
- iv) Miscellaneous Fees Amendment Bill 2008.

6. CERTIFICATE OF URGENCY:

Mr Speaker communicated the Certificate of Urgency from His Highness, Le Ao o le Malo permitting the Legislative Assembly to treat the following Bills with urgency:-

- i) Customs Tariff Amendment Bill 2008.
- ii) Excise Tax Amendment Bill 2008.
- iii) Telecommunication Amendment Bill 2008.

7. OTHER ANNOUNCEMENTS BY MR SPEAKER.

Mr Speaker announced that he has a letter from the Canadian Parliament, expressing their gratitude on the inter-parliamentary relationship between the Parliament of Samoa and the Parliament of Canada.

8. PRESENTATION OF PAPERS:

The Deputy Clerk read out the Papers tabled pursuant to Standing Order 48:-

- i) S.R.2008/16, Electric Power Corporation (Further Amended Imposition of Temporary Additional Charges) Regulation 2008.
- ii) P.P.2008/2009 No.12, Samoa Water Authority Annual Report for the Year 2007.

9. PRESENTATION OF SELECT COMMITTEES REPORTS:

The Deputy Clerk read out the following Select Committees Reports tabled pursuant to Standing Order 51(5):-

- i) P.P.2008/2009 No.9, Report of the Justice, Police & Prisons and Land & Titles on the Land and Titles Amendment Bill 2008.
- ii) P.P.2008/2009 No.10, Report of the Justice, Police & Prisons and Land & Titles on the Police Offences Amendment Bill 2008.
- iii) P.P.2008/2009 No.11, Report of the Works, Transport and Environment Committee on the Land Titles Registration Bill 2007.

10. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:-

Government Order of the Day No.1 called.

1. Excise Tax Amendment Bill 2008 – first reading.

Hon Tuuu Anasii Leota (Minister for Revenue) moved, *“That the Excise Tax Amendment Bill 2008 be now read a first time.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Tuisugaletaua Sofara Aveau.

Motion approved and Bill was read a first time.

Government Order of the Day No.2 called.

2. Customs Tariff Amendment Bill 2008 – first reading.

Hon Tuuu Anasii Leota (Minister for Revenue) moved, *“That the Customs Tariff Amendment Bill 2008 be now read a first time.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Tuisugaletaua Sofara Aveau.

Government Order of the Day No.3. called.

3. Telecommunications Amendment Bill 2008 – first reading.

Hon Safuncituuga Paaga Neri (Minister for Telecommunications and Information Technology) moved, *“That the Telecommunications Amendment Bill 2008 be now read a first time.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Tuisugaletaua Sofara Aveau.

Motion approved and Bill was read a first time.

Government Order of the Day No.4. called.

4. Passports Bill 2008 – first reading.

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That the Passports Bill 2008 be now read a first time.”* Seconded by Hon Toleafoa Apulu Faafisi.

Motion approved and Bill was read a first time.

Government Order of the Day No.5. called.

5. Miscellaneous Fees Amendment Bill 2008 – first reading.

Hon Lee Hang Niko (Minister of Finance) moved, *“That the Miscellaneous Fees Amendment Bill 2008 be now read a first time.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Tuisugaletaua Sofara Aveau.

Motion approved and Bill was read a first time.

Government Order of the Day No.6 called.

6. Excise Tax Amendment Bill 2008 – second reading.

Hon Tuuu Anasii Leota (Minister for Revenue) moved, *“That the Excise Tax Amendment Bill 2008 be now read a second time and I would like to clarify briefly on it.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Poese Toomata.

The Minister clarified the Bill.

Debate.

Motion approved and Bill was read a second time.

Government Order of the Day No.7 called.

7. Customs Tariff Amendment Bill 2008 – second reading.

Hon Tuuu Anasii Leota (Minister for Revenue) moved, “*That the Customs Tariff Amendment Bill 2008 be now read a second time and would like to comment briefly on the Bill.*” Seconded by Hon Tuisugaletaua Sofara Aveau.

The Minister clarified the Bill.

Debate.

Motion approved and Bill was read a second time.

Proceedings of the Legislative Assembly was suspended at 10:45am and resumed at 11:16am.

Government Order of the Day No.8 called.

8. Telecommunications Amendment Bill 2008 – second reading.

Hon Safuneituuga Paaga Neri (Minister for Communications and Information Technology), moved, “*That the Telecommunications Amendment Bill 2008 be now read a second time and I would like to speak briefly on it.*” Seconded by Hon Fiame Naomi Mataafa.

The Minister clarified the Bill.

Debate.

Motion approved.

- 11. Proceedings of the Legislative Assembly was adjourned at 1.00pm and resumed at 9:00am on Wednesday, 11 June 2008.**

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

TUESDAY, 11th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poesē Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoafia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauo Lufilufi, Tofa Tiata Pulfana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Afioga Tuia Pua Fuatogi Letoa, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9:00am pursuant to adjournment from the 11th of June 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Order of the Day No.1 called.

1. Excise Tax Rate Amendment Bill 2008 – consideration in detail.

CLAUSE 2: Amendment to the Schedule.

Approved

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Excise Tax Rate Amendment 2008.

Approved.

The Excise Tax Rate Amendment Bill 2008 was progressed without amendment.

Government Order of the Day No.2 called.

2. Customs Tariff Amendment Bill 2008 – consideration in detail.

CLAUSE 2: Amendment to the First Schedule.

Approved.

CLAUSE 3: Amendment to the Second Schedule.

Approved.

CLAUSE 4: Consequential amendment to the Value Added Goods and Services Tax Act 1992/1993.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short Title and Commencement.

TITLE: Customs Tariff Amendment Bill 2008.

Approved.

The Customs Tariff Amendment Bill 2008 was progressed without amendment.

Government Order of the Day No.3 called.

3. Telecommunications Amendment Bill 2008 – consideration in detail.

CLAUSE 2: Alternative arrangements for appointment of a Regulator.

Approved.

CLAUSE 3: Appeal of orders of the Regulator.

Approved.

CLAUSE 4: Telecommunications Tribunal.

Approved.

CLAUSE 5: Additional grounds for revoking or refusing renewal of licence.

Approved.

CLAUSE 6: Interim interconnection charges.

Approved.

CLAUSE 7: Consequential amendments.

Approved.

CLAUSE 8: Civil liability.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Telecommunications Amendment Bill 2008.

Approved.

The Telecommunications Amendment Bill 2008 was progressed without amendment.

Government Order of the Day No.4 called.

4. Excise Tax Rate Amendment Bill 2008 – third reading.

Hon Tuuu Anasii Leota (Minister for Revenue) moved, “*That the Excise Tax Rate Amendment Bill 2008 be now read a third time.*” Seconded by Hon Taua Tavaga Kitiona Seuala.

Motion approved, Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.5 called.

5. Customs Tariff Amendment Bill 2008 – third reading.

Hon Tuuu Anasii Leota (Minister for Revenue) moved, “*That the Customs Tariff Amendment Bill 2008 be now read a third time.*” Seconded by Hon Taua Tavaga Kitiona Seuala.

Motion approved, the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.6 called.

6. Telecommunications Amendment Bill 2008 – third reading.

Hon Safuncituuga Paaga Neri (Minister for Communication and Information Technology) moved, “*That the Telecommunications Amendment Bill 2008 be now read a third time.*” Seconded by Hon Gatoloaifaana Amataga Alesana-Gidlow.

Motion approved, the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.7 called.

7. Land and Titles Amendment Bill 2008 – consideration in detail (Report of the Justice, Police & Prisons and Land and Titles Amendment Bill 2008, P.P.2008/2009 No.9).

Tofa Fonotoe Nuafesili Pierre Lauofo (Chairman) moved, “*That this Assembly approves the Committee Report that recommends the Bill to be progressed without amendment.*” Seconded by Aiono Tile Gafa / Moefaauro Lufilufi.

Motion approved.

CLAUSE 2: Land deemed customary land.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Land and Titles Amendment 2008.

Approved.

The Bill was progressed without amendment.

Government Order of the Day No.8.

8. Police Offences Amendment Bill 2008 – consideration in detail – (Report of the Justice, Police & Prisons and Land and Titles Committee on the Police Offences Amendment Bill, P.P.2008/2009 No.10).

Tofa Fonotoe Nuafesili Pierre Laufofo (Chairman) moved, “*That this Assembly approves the Committee Report recommending the Bill to be progressed without amendment.*”
Seconded by Leao Talalelei Tuitama / Aiono Tile Gafa.

Motion approved.

CLAUSE 2: Principal Act.

Approved.

CLAUSE 3: Wilful trespass.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Police Offences Amendment 2008.

Approved.

The Police Offences Amendment Bill 2008 was progressed without amendment.

Government Order of the Day No.9 called.

9. Land Titles Registration Bill 2007 – consideration in detail – (Report of the Works, Transport and Environment Committee on the Land Titles Registration Bill 2007, P.P.2008/2009 No.11).

Hon Vaai Papu Vailupe moved, “*If Parliament can be given one more day to study the Amendments proposed by the Committee.*” Seconded by Toluono Feti / Vaeolenofaofia Tapasu.

Question not put.

Hon Tuilaepa Sailele Malielegaoi moved an amendment motion, “*That if the intention is to adjourn for some tea before we continue with our business, I accept the amendment motion. If not, then that is my amendment to the motion.*” Seconded by Hon Fiame Naomi Mataafa / Hon Taua Tavaga Kitiona Seuala.

**6. MINISTERIAL STATEMENT (Standing Order 62(2)).
Hon Tuilaepa Sailele Malielegaoi – Prime Minister.**

“Mr Speaker, I commend you and the members for partaking of the morning tea in the hope to recharge our strength as we head towards the consideration of the Bill.

I also wish to convey my gratitude to the Chairman and Members of the Committee for their Reports which have been tabled in Parliament. I have noted with care that this is one of the controversial Bills of which a lot has been said reflecting the concern of the country as it might affect the customary lands or Samoan lands in relation to land sales.

The issue concerning the sale of Samoan lands is prohibited under the Constitution of the Independent State of Samoa. As for the Constitution of the Government, I shall stress this aspect. That is why any prohibition in the Constitution cannot be removed or abolished by any other Act, meaning that this prohibition cannot be enforced and that such part of the said Act cannot be recognized or it may be completely enforced or revoke the same. Why? The reason being the Constitution of the Government of Samoa is the supreme Law of the country and its political government. It is for this reason that every Act that comes before the House should be drafted with caution and in compliance with the Constitution, for whenever an Act contravenes the Constitution, the Constitution supersedes that Act. This prohibition can only be done away with when the Constitution has been amended.

Mr Speaker that is why it is extremely difficult to change or amend the Constitution of Government. The normal procedure to make it difficult to amend an iota of the Constitution is to increase the votes for a Division in Parliament to two thirds majority in support of an amendment to the Constitution. Why is it that this number has been substantially increased to that level? The answer is that nowadays, there is hardly a Government with two thirds of its members supporting a Government in control unless and until such is a country that is loved by the people by reason of its policies being well coordinated and is eager to implement its long term plans that are beneficial to its people, would acquire two thirds of the members in its Party.

Our Parliament has 49 members. Two thirds of the 49 members is 33 members but this Party, Mr Speaker, has 35 members after two members resigned intending to move to the other side of the House to sit and watch this Party. So if the Chair has been observing these movements I can vouch for the fact that this Party still has the two thirds majority to effect substantial and effective amendment to the Constitution. As members are fully aware there are existing amendments to the Constitution such as increasing the Unauthorised Expenditure from 1% to 3% to be used by Government without the approval of Parliament to fund its significant programmes that were not provided for previously.

So the prohibition is still enshrined in the Constitution to ensure that it is strictly prohibited to sell Samoan lands. If Government in future has any such plans aimed at removing this taboo from the Constitution, the country should first of all be consulted through a plebiscite to be held for such purpose.

Mr Speaker, it is for that reason that the Office of the Attorney General should seriously consult the Constitution whenever drafting the legislations for Government to ensure that their provisions are not contradictory to the Constitution of the Independent State of Samoa. Whenever contradictions arise, such legislations will be discarded to avoid wasting Government's time. Only the Office of the Attorney General was established under the Constitution of Government and Government recognizes its advice. For the information of the members, there are close to 30 lawyers working in the Office of the Attorney General to thoroughly and carefully prepare the Bills that are tabled in Parliament.

Mr Speaker, the very crux of protecting customary lands is precisely the function of our Government and Parliament. Why? Because it is embodied and jealously protected under the Constitution of Samoa. We also are Samoan matais (titleholder) who should be extra careful with our cherished belongings being our heritage from God. Therefore our forefathers who are being interned in tombs had made this provision for customary lands to be adequately protected in the Constitution for no reason, the aim was to ensure its safe protection by making provisions that will make it extremely difficult to sell any customary land.

The Bill before Parliament, Mr Speaker, deals specifically with freehold land. These are not Samoan lands nor customary lands, however, the new method proposed by this Bill is to apply the system where once any land is registered in the Land Registry the person to whom it pertains is recognized, he or she is the owner of a quarter or half acre of freehold land or European land. This system is known as the Torrens System to replace the existing system, even if one is in possession of deeds or documents to prove that he or she is the owner of the land. Legal interpretations are being provided to disqualify ownership of European land and disqualifying the documents or deeds of the land under the existing Deed System as opposed to the Torrens System which recognizes the owner of the land once that land is registered in the Land Registry. The Bill proposes simplicity of the paper work involved under the new system compared to the old system thereby facilitating the sale of European lands in overseas countries like New Zealand and Australia under the proposed new system to be adopted.

The registration of title to land or Samoan land is provided for under the Land and Titles Act 1981. Hence, I would remind members that this Government only came into power in 1982 which means that Samoan lands have for a long time been registered under the Land and Titles Act 1981 before the present Government came into power. These are lands affected by the decisions of the Land and Titles court where customary control has been confirmed or subjected to Pulefaamau where the name and boundaries have been delineated between titleholders.

For instance, "The Court has confirmed the Pulefaamau of the orator Kokoesi on land known as Suaeleni bordering Faapapa by the Malili to the North and bordering the Pamaa to the Malili in the south; bordering Maafala to the huge Tufaso tree to the west with Malaulau and Mautofu to the east where the Iao bird are in season at Falealupo."

Mr Speaker, that is how the decisions of the Land and Titles court are made, it determines and registers the title to Samoan land in its decisions. The registration therefore of Samoan land is determined by the Land and Titles Court Act 1981 before this Government came into power. This was the significant basis that gave rise to the

Bill at the time to ensure that the decisions of the Court are final doing away with any differences and misunderstanding amongst the titleholders of our villages. That was a fine system at the time which should be insisted upon and being administered for the registration of the Pulefaamau on Samoan lands. It is because of this mix up that the Attorney General has come to our aid to clearly explain this Bill through various advertisements in the media to the effect that sale of any Samoan lands is prohibited. This means Samoan lands are also fully protected under the Constitution and the sale thereof is equally banned under this Bill.

As well as that the Bill before Parliament again provides for land leases, lease of Samoan lands and those of European lands. Mr Speaker, the point that I wish to emphasize here is that which is allowed under the Constitution in relation to the leasing of customary lands a system by which a lot of leases of Samoan lands had been implemented long before Samoa attained nationhood.

I seem to have always noted two reasons that contribute to this confusion or concern due to public notices and discussions held concerning this Bill. First there seems to be some concern that a Bank can take Samoan land under lease that is mortgaged to the Bank. That, Mr Speaker, has been fully discussed by Government to the effect that such land may be mortgaged for a loan, but when a loan is not repaid, the Bank will only take the right to the lease without interfering with the ownership of the customary land.

For instance, if the titleholder of Saleapaga has 200 acres to be leased out as the area is idle, and someone from Town comes along and talks to him and then an agreement is reached that the area will be leased for 20 years lease expire, and the titleholder of Saleapaga refuses to renew the lease then it is immediately terminated and the land is returned to him. It is to be remembered that the said lease realized \$10,000 per annum if it were to continue for the full tenure of the lease.

Mr Speaker that was the concept that contributed to the confusion as some were of the view that the end result would be the loss of lands. That is precisely not the case, it cannot be done as it is prohibited under the Constitution and it is for this reason that the question of land leases was raised in the Constitution as our forefathers being the authors of the Constitution were fully versed with the complications of foregoing any land, and that leasing land would be the only safeguard after which the land is returned to the titleholder who is the beneficial owner.

Mr Speaker the second view that I am accustomed to is the concern of other than the Chief looking after the family might use all the proceeds of the lease for himself. Mr Speaker I would say these are weaknesses that may be remedied. The reason why some of the heirs have chosen someone to be the Chief was due to his being fair. By that I mean the heirs would normally be looking for a good and fair person to be their Chief. This means that when a person becomes the Chief of a family, he should be able to make the right decisions. The reason being we are in the world where the wheat and the thistles grow together. There are of course times when one goes astray. Whenever one goes wrong that is when the family is expected to decide and strip the chief of the title because he has gone corrupt. The Family Assembled is still vested with the powers to remove the title if the chief is found to be corrupt.

Mr. Speaker I wish to remind members that Samoa is controlled by the titleholders (matais). Why threaten the heirs with leasing the lands when a Chief has been appointed

to look after the family? The remedy is that they should be the ones talking to the Chief, “Sir, when we get money from the lease share it amongst ourselves instead of you and your wife and children using all the monies.” Mr. Speaker, those are some of the reasons why the others object, but what about the lands that are idle and unused for any work?

This week I went with the Minister of Works, Transport and Infrastructure to inspect a water tank that was built for the other Constituency. The water source is far inland where lands have been cultivated but the water tank is sited thereon to supply water to the coastal area where water was needed. What I have actually seen is that the coconut trees have grown old and are lower than the Tavai trees in the area as the land is no longer cultivated. What I am saying is that in most villages and families ever since the Protocol with New Zealand allowing 1,100 Samoans to migrate to New Zealand annually in addition to the temporary workers, there seems to be no young men around to till the land. This means that during the inspection visits that we are making we have seen that in some of the environmental lands affected by the programme of access roads, there are many lands that are not being cultivated to the fullest extent. These are the essential areas to the Bill which is being promoted in that it serves to remind the country that if there are lands that are not being used, leasing the same is one way of putting those lands into good use delivering monetary returns for those in the villages especially those who are eager to develop the said lands that will benefit the whole country through the produce from these developments for export.

Mr Speaker there are still observations that say, “Do not touch issues affecting the lands, do not touch fire.” Mr Speaker, if these are not to be touched and nothing is done to the lands, and the members from time to time will talk publicly about the Estimates and say, “You are doing nothing about the expansion of the country’s developments, you are doing absolutely nothing.” I submit that Government is promoting the Bill to enable us to operate and lead us to think about the lands that are not being used, and yet there are many others residing in Apia who are keen to make developments but it is impossible for them to get these lands given the problems that the Bill attempts to simplify, removing not even an iota from the jurisdiction of the Chiefs and Orators. If this opposition somehow stems from an environment where a Chief rules with an iron fist, there are procedures in place to correct the Chief. Do not let him do his own thing for the Chief needs your advice. This is rather important to the heirs when the time for the deliberation for a Chief comes about, that the heirs should apply vision and farsightedness in selecting a person who will make good and wise decisions for the development of the family.

Mr Speaker, our family in Lepa has a three square feet land being leased as site for the telephone transmitter. The annual rent we get for that three square feet land is \$1000. When we get this lease payment of \$1000, we will come together for a toonai on Sunday and equally divide the rent amongst the 16 sections of my family. Mr. Speaker if this can be done with our three square feet land, it should also be possible for the Chief with a lease of 100 acres to a person who is keen asking their families in New Zealand to send money as there is a lot of unused land around.

Mr. Speaker it is for that reason that Government is strongly supporting the amendments contained in the Bill which protect the holding of our customary lands as

are fully protected under the Constitution and that no provision of the Bill will take away any iota of that protection which is safely guarded in the Constitution.

Mr. Speaker that is why I had to take the floor, to further clarify this issue which for long has been wrongly discussed in the advertisements in order to promote opposition to what is good that the Government is attempting to do. Anyhow I wish the exchange of ideas to follow will be fruitful and hope that the Independent members have finished reading their copies of the Bill to fully understand its contents. That was also the other reason why I had to rise, and that is to offer another clarification to facilitate the discussion of this Bill.

All the best to you Mr. Speaker and the members of Parliament.

Government Order of the Day No.9 called.

9. Land Titles Registration Bill 2007 – consideration in detail – (Report of the Works, Transport and Environment Committee on the Land Titles Registration Bill 2007, P.P.2008/2009 No.11).

Muagututagata Peter Ah Him (Chairman) moved, “*That this Assembly approves the Committee Report proposing Amendments to the Bill.*” Seconded by Lafaitale Patrick Leiaataulesa / Motuopuaa Uifagasa Aisoli.

Motion approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Registrar and Assistant Registrar.

Approved.

CLAUSE 4: Functions of the Registrar.

Approved.

CLAUSE 5: Power of the Registrar.

Approved.

CLAUSE 6: Power to serve notice of proposed action.

Approved.

CLAUSE 7: Indemnity of officers.

Approved.

CLAUSE 8: The Register.

Approved.

CLAUSE 9: Inclusion of land.

Amendments:

Muagututagata Peter Ah Him moved,

“That new subsections (4) and (5) be inserted as follows:

- “(4) No provision of this Act may be construed or applied to –*
- (a) Permit or imply the alienation of customary land in a manner prohibited by Article 102 of the Constitution; or*
 - (b) Permit or deem ownership in any customary land to vest in a person otherwise than as determined of title to customary land.*
- (5) Nothing in this Act shall permit the exercise of any power or affect any interest in customary land that could have been applied by law prior to the Commencement of this Act.”*

Amendment approved.

Clause 9 approved as amended.

CLAUSE 10: Folios of the Register.

Approved.

CLAUSE 11: Change of name of proprietor.

Approved.

CLAUSE 12: Manual folio to be considered evidence of title.

Approved.

CLAUSE 13: Computer folio to be considered evidence of title.

Approved.

CLAUSE 14: Land deemed to be qualified title land.

Approved.

CLAUSE 15: Cautions.

Approved.

CLAUSE 16: Recording of existing interests.

Approved.

CLAUSE 17: Caveat against lapsing of cautions.

Approved.

CLAUSE 18: Lapsing of cautions.

Approved.

CLAUSE 19: Application of provision of this Act to qualified folio and land therein.

Approved.

CLAUSE 20: Execution of instruments.

Approved.

CLAUSE 21: Execution of instruments by agent.

Approved.

CLAUSE 22: Seal of corporation substituted for signature.

Approved.

CLAUSE 23: Unregisterable instruments.

Approved.

CLAUSE 24: Multiple ownership.

Approved.

CLAUSE 25: Certificate of correctness.

“AMENDMENTS:

Muagututagata Peter Ah Him moved,

“That the current Clause 25 be omitted and substitute thereby with the following:-

“25. Certificate of correctness – (1) Subject to subsection (2), any instrument affecting any estate or interest in land must be endorsed by the solicitor acting for the party claiming under or in respect of that instrument with a certificate of correctness in the form approved by the Chief Executive Officer and signed by the solicitor, and which certifies that –

- (a) The matters attested to in the instrument true;**
 - (b) the instrument is correct in form;**
 - (c) the instrument may safely be acted upon by the Registrar;**
 - and**
 - (d) the instrument and the transaction to which it relates does not contravene any Act or Regulation then in force.**
- (2) Notwithstanding the provision of subsection (1), where no solicitor acts or has acted in respect of the preparation of an instrument referred to in subsection (1), the certificate of correctness shall in the form required under subsection (1) and may be signed by the party.**
- (3) When a person signs a certificate of correctness pursuant to subsection (2), he or she is deemed to certify that the instrument –**
- (a) is correct in form;**
 - (b) was not prepared in contravention of sections 2(2) and 5 of the Law Practitioners Act 1976;**

- (c) may safely be acted upon by the Registrar; and
 - (d) does not contravene any Act or Regulation then in force.
- (4) Before being entitled to sign a certificate under subsection (2), the person must –
- (a) in the case of a natural person signing on behalf of himself or herself, submit a statutory declaration to the Registrar identifying who prepared the instrument and must attach originals or certified true copies of –
 - (i) a current and official document evidencing his or her age and identity, and include a recent photograph of that person; and
 - (ii) a statutory declaration from his or her Pulenuu or the Member of Parliament of his or her constituency that he or she has resided continuously in Samoa for not less than 2 ½ years during the period of 3 years immediately preceding the date of presentation of instrument for registration; or
 - (iii) the consent of the Head of State given for the purposes of the Alienation of Freehold Land Act 1972, if such a consent is required by that law in that case; and
 - (iv) any other matter as required by the Chief Executive Officer to be produced; and
 - (b) in the case of a corporation, the person signing the certificate of correctness must submit to the Registrar a statutory declaration identifying who prepared the instrument and attaching originals or certified true copies of –
 - (i) the corporation’s certificate of incorporation; and
 - (ii) a joint statutory declaration from 2 members of the corporation’s board or executive that the corporation’s rules have been compiled with, and that the person signing the certificate of correctness has been duly authorised to do so; and
 - (iii) the corporation’s rules; and
 - (iv) written confirmation from the relevant Registrar that not more than 25% of the shares or voting power is controlled by non-resident citizens as defined under the Alienation of Freehold Land Act 1972; or
 - (v) the consent of the Head of State for the purposes of the Alienation of Freehold Land Act 1972, if such a consent is required by that law in that case; and
 - (vi) any other matter as required by the Chief Executive Officer to be produced.
- (5) Every person who signs a certificate of correctness containing any false information or which fails to comply with the requirements of this section, commits an offence and is liable upon conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding 10 penalty units, or both.
- (6) The imposition of penalty under subsection (5) shall not prevent any person who may have sustained any damage or loss as a consequence of a false certificate having been given under this section from recovering damages against the person who has prepared or provided the certificate.
- (7) For the purposes of this section:
- (a) “corporation” includes a company, incorporated society, charitable trust, statutory corporation or cooperative society or such other legal entity capable of owning property;

- (b) “relevant Registrar” means the registrar responsible for the register where the corporation is incorporated and registered; and
- (c) “rules” means the Articles and Memorandum of Association, rules, constitution or by-laws (whatever the case may be) that governs the operations of the corporation;

(8) Nothing in this section shall be deemed to repeal or modify any provision of the Alienation of Freehold Land Act 1972, or any requirements applying under that Act.”

Amendment approved.

Clause 25 approved as amended.

CLAUSE 26: Lodgment and registration of documents.

Approved.

CLAUSE 27: Transaction effecting subdivision of land.

Approved.

CLAUSE 28: Registrar may require plan.

Approved.

CLAUSE 29: Recording of instrument.

Approved.

CLAUSE 30: Treatment of instrument that do not comply with requirements.

Approved.

CLAUSE 31: Instruments not effectual until recorded in the Register.

Approved.

CLAUSE 32: Estate of registered proprietor paramount.

Approved.

CLAUSE 33: Purchaser from registered proprietor not to be affected with notice.

Approved.

CLAUSE 34: Registered proprietor suing for specific performance.

Approved.

CLAUSE 35: Bona fide purchasers and mortgagees protected.

Approved.

CLAUSE 36: Transfers.

Approved.

CLAUSE 37: Interest and rights of transfers to pass the transferee.

Approved.

CLAUSE 38: Transfer of mortgage or lease and transferee's rights to sue.

Approved.

CLAUSE 39: Form of lease.

Approved.

CLAUSE 40: Registration of variation of lease.

Approved.

CLAUSE 41: Sub-leases.

Approved.

CLAUSE 42: Lease may be surrendered by execution of surrender in approved form.

Approved.

CLAUSE 43: Registrar to note particulars of re-entry in Register.

Approved.

CLAUSE 44: Lands under this Act: how mortgaged and encumbered.

Approved.

CLAUSE 45: Mortgages under the general law deemed to be mortgages under this Act.

Approved.

CLAUSE 46: Application of Law of Property Act 1952 to mortgages under this Act.

Approved.

CLAUSE 47: Registration of mortgagor as proprietor.

Approved.

CLAUSE 48: Variation of mortgage.

Approved.

CLAUSE 49: Postponement of mortgage.

Approved.

CLAUSE 50: Discharge of mortgage.

Approved.

CLAUSE 51: Caveat.

Approved.

CLAUSE 52: Registrar's Caveat.

Approved.

CLAUSE 53: Effect of caveat.

Approved.

CLAUSE 54: Notice of removal of caveat.

"AMENDMENTS:

Muagututagata Peter Ah Him moved,

"That a new paragraph (d) be inserted to Clause 54 as follows:-

"(d) If a caveat has been removed no second caveat may be lodged by or on behalf of the same person in respect of the same interest except by order of the Supreme Court."

Amendment approved.

Clause 54 approved as amended.

CLAUSE 55: Notice by Registrar.

Approved.

CLAUSE 56: Compensation for lodging caveat without reasonable cause.

Approved.

CLAUSE 57: Lapse of caveat.

Approved.

CLAUSE 58: Caveat may be withdrawn.

Approved.

CLAUSE 59: Transmission of bankruptcy.

Approved.

CLAUSE 60: Transmission of death of proprietor.

Approved.

CLAUSE 61: Trusts protected.

Approved.

CLAUSE 62: Registration of survivor of joint proprietors.

Approved.

CLAUSE 63: Registration of public documents and Orders of Land and Titles Court.

Approved.

CLAUSE 64: Registration as proprietor of person who is entitled by operation of statute.

Approved.

CLAUSE 65: Easements.

Approved.

CLAUSE 66: Construction of expressions used to create easements.

Approved.

CLAUSE 67: Restriction as to user.

Approved.

CLAUSE 68: Release and extinguishment of easements and restrictions as to user.

Approved.

CLAUSE 69: Enforcement and modification of easements and restrictions as to user.

Approved.

CLAUSE 70: Enforcement of judgments, etc. against land.

Approved.

CLAUSE 71: Cancellation of recording.

Approved.

CLAUSE 72: Access to the records.

Approved.

CLAUSE 73: Search of computer folio.

Approved.

CLAUSE 74: Search of historical record.

Approved.

CLAUSE 75: Certified copies to be furnished by Registrar and to be evidence.

Approved.

CLAUSE 76: Registered proprietor except in certain cases.

Approved.

CLAUSE 77: Proceedings for compensation.

Approved.

CLAUSE 78: Definitions.

Approved.

CLAUSE 79: Circumstances in which compensation payable.

Approved.

CLAUSE 80: Administrative proceedings for recovery of compensation.

Approved.

CLAUSE 81: Court proceedings for recovery of compensation.

Approved.

CLAUSE 82: Subrogation of rights to claim compensation.

Approved.

CLAUSE 83: Payment by the Government.**Amendment:**

Muagututagata Peter Ah Him moved,

“That current Clause 83 be omitted and substitute thereby with the following:-

“83. Torrens Assurance Fund – (1) There is established in the Ministry a Fund called the Torrens Assurance Fund.

(2)The following amounts are to be paid into the Torrens Assurance Fund:

- (a) any amounts that the Minister or Chief Executive Officer directs to be paid from fees paid to the Registrar under this Act;**
- (b) any amounts recovered by the Registrar under this Act;**
- (c) any amounts advanced by the Minister of Finance for payment into the Fund;**
- (d) any amounts appropriated by Parliament for payment into the Fund; and**
- (e) any amounts required by or under this or any other Act or law to be paid into the Fund.**

(3)The following amounts are payable out of the Torrens Assurance Fund:

- (a) any compensation payable under or in connection with Part 131;**
 - (b) any amounts required to be repaid and advances made by the Ministry of Finance for payment into the Fund;**
 - (c) any costs and expenses incurred by the Registrar in connection with any claim for compensation from the Fund, including the payment of compensation in settlement of any such claim;**
 - (d) any costs and expenses incurred by the Registrar in, or incidental to, the administration of the fund; or**
 - (e) any other amounts required by or under this or any other Act or law to be paid out of the Fund.**
- (4) The fees payable to the Registrar under this Act may be prescribed so as to include the amount to be paid into the Torrens Assurance Fund.**
- (5) Any shortfall in the Torrens Assurance Fund is to be met from the General Revenue Fund or as directed by the Minister of the Ministry of Finance.**
- (6) The Torrens Assurance Fund is to repay the General Revenue Fund.**
- (7) The regulations may prescribe a maximum amount payable as compensation under this Part.”**

Amendment approved.

Clause 83 approved as amended.

CLAUSE 84: Measure of damages.

Approved.

CLAUSE 85: Registrar to provide reasons for certain decisions.

Approved.

CLAUSE 86: Review of decisions by Court.

Approved.

CLAUSE 87: Court may direct cancellation of folios and other action related to Folios.

Approved.

CLAUSE 88: Fees.

Approved.

CLAUSE 89: Certain fraudulent acts to be deemed indictable offences.

Approved.

CLAUSE 90: Conviction not to affect civil remedy.

Approved.

CLAUSE 91: Prosecutions and recovery of penalties.

Approved.

CLAUSE 92: Regulations.

Approved.

CLAUSE 93: Land and Titles Act 1981.

Approved.

CLAUSE 94: Repeal of the Land Registration Act 1992/1993.

Approved.

CLAUSE 95: Instruments executed prior to commencement of Act.

Approved.

CLAUSE 96: Superseded references.

Approved.

CLAUSE 97: Consequential amendments.

Approved.

CLAUSE 98: Non-liability to continue.

New Clause

Muagututagata Peter Ah Him moved,

“That a new clause 98 be inserted:

“98. Non-liability to continue – The immunity from civil proceedings afforded to Government and the Registrar of any subordinate under the Land Registration Act 1992/1993 shall continue for any act, omission or default of the Registrar or any subordinate that occurred before this Act came into force.”

New Clause 98 approved.

FIRST SCHEDULE.

Approved.

SECOND SCHEDULE: Clause 98A

“AMENDMENTS:

Muagututagata Peter Ah Him moved,

“That subsection (2) be inserted as follows:-

“(2) This section shall only apply to mortgages registered on or after the commencement of the Land Titles Registration Act 2008.”

Amendment approved.

Second Schedule approved as amended.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Land Titles Registration 2007.

“AMENDMENTS:

Muagututagata Peter Ah Him moved,

“That the number “2007” be omitted as written in Clause 1 and Title and substitute thereby the number “2008”, thus to read:-

“LAND TITLES REGISTRATION ACT 2008”

Amendment approved.

Clause 1 and Title approved as amended.

Bill was progressed with amendments and corrections.

MOTION FOR ADJOURNMENT:

Hon Tuilaepa Sailele Malielegaoi moved, “That the Assembly adjourns until 9.00am, Friday 13th June 2008.” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi.

Motion approved.

7. The Legislative Assembly adjourned at 1.00pm.

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

WEDNESDAY, 13th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safunietuuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Afioga Vaeolenofaia Tapasu, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Tofa Tiata Pulufana Saunoo, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Afioga Tuia Pua Fuatogi Letoa, Afioga Levaopolo Talatonu, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Sala Fata Lisati Pinati, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9:00am pursuant to adjournment from the 11th June 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. PRESENTATION OF PAPERS:

The Deputy Clerk read out the Papers tabled pursuant to Standing Order 48:-

- (i) **S.R.2008/17, International Criminal Court Act 2007, Notice of Commencement.**

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Land and Titles Amendment Bill 2008 – third reading.

Hon Unasa Mesi Galo (Minister of Justice) moved, “*That the Land and Titles Amendment Bill 2008 be now read a third time.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

Motion approved and the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.2 called.

2. Police Offences Amendment Bill 2008 – third reading.

Hon Tuilaepa Sailele Malielegaoi moved, “*That the Police Offences Amendment Bill 2008 be now read a third time.*” Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved, the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.3 called.

3. Land Titles Registration Bill 2008 – third reading.

Hon Tuilaepa Sailele Malielegaoi moved, “*That the Land and Titles Registration Bill 2008 be now read a third time.*” Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved, the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.4 called.

4. Passports Bill 2008 – second reading.

Hon Tuilaepa Sailele Malielegaoi moved, “*That the Passports Bill 2008 be now read a second time and I would like to comment briefly on it.*” Seconded by Hon Tuisugaletaua Sofara Aveau.

The Prime Minister clarified the Bill.

Debate.

Motion approved, the Bill was read a second time.

Pursuant to Standing Orders the Bill stood referred to the Foreign Affairs, Trade and Revenue Committee for consideration and to report back to the Assembly in the next ensuing meeting.

Government Order of the Day No.5 called.

5. Miscellaneous Fees Amendment Bill 2008 – second reading.

Hon Lee Hang Niko moved, *“That the Miscellaneous Fees Amendment Bill 2008 be now read a second time and I would like to comment briefly on it.”* Seconded by Hon Tuisugaletau Sofara Aveau / Hon Tuuu Anasii Leota.

The Minister clarified the Bill.

Debate.

Motion approved, the Bill was read a second time.

Pursuant to Standing Orders the Bill stood referred to the Finance & Expenditure Committee for consideration and to report back to the Legislative Assembly in the next ensuing meeting.

7. **ORDERS OF THE DAY – CONSIDERATION OF PAPERS:**

Order of the Day No.1 called.

1. P.P.2007/2008 No.105, Ministerial Statement by the Hon Prime Minister Tuilaepa Sailele Malielegaoi.

Debate.

Mr. Speaker instructed the removal from the records of the following words by the member for Satupaitea:-

“O faiga na faa-Zimbabwe.”

The Prime Minister responded to issues raised by some of the members of Parliament.

MOTION TO EXTEND SITTING HOURS:

Hon Fiame Naomi Mataafa moved, *“That sitting hours be extended until the Prime Minister finishes his Statement.”* Seconded by Hon Toomata Alapati Poese Toomata / Hon Tuisugaletau Sofara Aveau / Hon Safuneituuga Paaga Neri.

Motion approved and sitting hours stood extended until the end of the Prime Minister’s speech.

Question put and when the Ayes have it, the P.P.2007/2008 No.105, Ministerial Statement by the Prime Minister stood approved.

8. **Proceedings of the Legislative Assembly adjourned at 12.25pm until 9:00am on Monday, 16 June 2008.**

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Mase Dr. Toia Alama
CLERK

MONDAY, 16th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiame Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poesé Toomata, Afioga Hon Unasa Mesi Galo, Tofa Hon Tuuu Anasii Leota, Hon Lee Hang, Niko, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow, Tofa Hon Taua Kitiona Seuala, Afioga Hon Faumuina Tiatia Liuga.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Muagututia Siaso S Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Tofa Tiata Pulfana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao, Susuga Mulipola Oliva, Afioga Muagututagata Peter Ah Him, Tofa Solamalemalo Keneti Sio, Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofoaia Tapasu, Afioga Patauave Etuale, Afioga Levaopolo Talatonu, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Tuia Pua Fuatogi Letoa, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim, Afioga Sala Lisati Pinati.

3. The Legislative Assembly met at 9.00am. pursuant to adjournment from the 13th June 2008.

4. Mr. Speaker took the Chair and said Prayers.

5. PRESENTATION OF SELECT COMMITTEE REPORTS:

The Deputy Clerk read out the Select Committees Report tabled pursuant to Standing Order 51(5):-

- (i) P.P.2008/2009 No.13, Finance and Expenditure Committee Report on the Second Supplementary Estimate of Receipts and Payment of the Government of Samoa for the Year Ending 30th June 2008, P.P.2008/2009 No.1.
- (ii) P.P.2008/2009 No.14, Finance and Expenditures Committee Report on the Main Estimate of Receipts and Payments of the Government of Samoa for the Year Ending 30 June 2009, P.P.2008/2009 No.2.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.2) 2007/2008 and Appropriation Bill 2008/2009 – debate on second reading.

Debate.

Muagututagata Peter Ah Him moved, *“That a five minute extension be granted to Tofa Tuiloa Anitelea.”* Seconded by Lafaitale Patrick Leiataualesa.

Motion denied.

Lealailepule Rimoni Aiafi moved, *“That a five minute extension be granted to Palusalua Faapo II.”* Seconded by Motuopuaa Uifagasa Aisoli / Mulipola Oliva.

Motion denied.

Debate continued.

Motuopuaa Uifagasa Aisoli moved, *“That debate on the Supplementary Appropriation (No.2) 2007/2008 and Appropriation Bill 2008/2009 be now closed.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi.

Motion denied.

Debate interrupted at adjournment.

7. The Legislative Assembly adjourned at 12.50pm until 9.00am on Friday, 17th June 2008.

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Mase Dr. Toia Alama
CLERK

TUESDAY, 17th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiame Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Avea, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Muagututia Siaosi S Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Tofa Tiata Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao, Susuga Mulipola Oliva, Afioga Muagututagata Peter Ah Him, Tofa Solamalemalo Keneti Sio, Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofa Tapasu, Afioga Levaopolo Talatonu, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea, Afioga Sala Lisati Pinati.

2. MEMBERS ABSENT:

Afioga Tuia Pua Fuatogi Letoa, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim, Afioga Motuopuaa Uifagasa Aisoli, Afioga Patauave Etuale.

3. The Legislative Assembly met at 9.00am pursuant to adjournment from the 16th June 2008.

4. Mr. Speaker took the Chair and said the Prayers.

5. PRESENTATION OF PAPERS:

The Deputy Clerk read out the Papers tabled pursuant to Standing Order 48:-

(i) P.P.2008/2009 No.15, Annual Report of the Ministry of Health for the period July 2006 – June 2007.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.2) 2007/2008 and Appropriation Bill 2008/2009 – debate on second reading.

Debate.

Mulipola Oliva moved, *“That an extension of five minutes be granted to the member for Palauli i Sisifo.”* Seconded by Levaopolo Talatonu.

Motion denied.

Debate continued.

Hon Vaai Papu Vailupe moved, *“That an extension of five minutes be granted for the member of Palauli.”* Seconded by Lealailepule Rimoni Aiafi.

Motion denied.

Debate interrupted at adjournment.

7. The Assembly adjourned at 1.00pm

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Mase Dr. Toia Alama
CLERK

WEDNESDAY, 18th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang, Niko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Tofa Motuopuaa Uifagasa Aisoli, Tofa Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Muagututia Siaso Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaaau Lulilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Susuga Laauli Leuatea Polataivao, Susuga Mulipola Oliva, Afioga Muagututagata Peter Ah Him, Tofa Solamalemalo Keneti Sio, Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofoaia Tapasu, Afioga Levaopolo Talatonu, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea, Afioga Sala Fata Lisati Pinati, Hon Keil Hans Joachim, Afioga Motuopuaa Uifagasa Aisoli, Afioga Patauave Etuale.

2. MEMBERS ABSENT:

Afioga Tuia Pua Fuatogi Letoa, Afioga Vui Tupe Ioane, Tofa Tiata Pulufana Saunoa, Tofa Hon Tuiloma Lameko.

3. The Legislative Assembly met at 9.00am pursuant to adjournment from the 17th June 2008.

4. Mr. Speaker took the Chair and said the Prayers.

5. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.2) 2007/2008 and Appropriation Bill 2008/2009 – debate on second reading.

Debate.

MOTION FOR CHANGE OF SITTING HOURS:

Hon Tuilaepa Sailele Malielegaoi moved, “*That sitting hours be changed commencing this sitting day from 9.00am to 1.00pm and to resume from 7.00pm until 10.00pm.*”. Seconded by Hon Tuisugaletaua Sofara Aveau / Tofa Hon Taua Tavaga Kitiona Seuala.

Motion approved.

Debate continued.

Mr Speaker instructed removal of the following words from the members of Sagaga le Usoga’s speech:-

“e faailoga tagata le Fofoga Fetalai”

Debate continued.

Hon Palusalua Faapo II moved, “*That an extension of five minutes be granted to the member for Satupaitea.*”. Seconded by Lealailepule Rimoni Aiafi.

Motion denied.

Debate continued.

Proceedings suspended at 1.00pm and resumed at 7.00pm.

Debate on the Supplementary Appropriation Bill (No.2) 2007/2008 and Appropriation Bill 2008/2009 continued.

Hon Palusalua Faapo II moved, “*That an extension of five minutes be granted to the member speaking.*”. Seconded by Levaopolo Talatonu.

Motion denied.

Debate continued.

Tapuai Sepulona Moananu moved, “*That an extension of five minutes be granted to the member speaking.*”. Seconded by Leuatea Polataivao.

Motion denied.

Debate continued.

Ministerial Replies started in response to Government matters after the general debates.

MINISTERIAL REPLIES:

1. Minister of Health.

6. The Assembly adjourned at 10.00pm.

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

THURSDAY, 19th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang, Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana- Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Muagututia Siasoi S Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaaauo Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Susuga Laauli Leuatea Polataivao, Susuga Mulipola Oliva, Afioga Muagututagata Peter Ah Him, Tofa Solamalemalo Keneti Sio, Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofoa Tapasu, Afioga Levaopolo Talatonu, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea, Afioga Sala Fata Lisati Pinati, Hon Keil Hans Joachim, Afioga Motuopuaa Uifagasa Aisoli, Afioga Patauave Etuale, Susuga Tuia Pua Fuatog Letoa, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT:

Afioga Hon Aeau Peniamina, Afioga Vui Tupe Ioane, Tofa Tiata Sili Pulufana Saunoa.

3. The Legislative Assembly met at 9.00am pursuant to adjournment from the 18th June 2008.

4. Mr. Speaker took the Chair and said the Prayers.

5. PRESENTATION OF SELECT COMMITTEE REPORTS:

The Deputy Clerk read out the Select Committees Reports tabled pursuant to Standing Order 48:-

- (i) P.P.2008/2009 No.16, Education, Science, Communication and Information Technology Committee Report on the Samoa Broadcasting Repeal Bill 2008.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.2) 2007/2008 and Appropriation Bill 2008/2009.

MINISTERIAL REPLIES:

1. Minister of Health.
2. Minister of Justice and Courts Administration.
3. Minister of Agriculture and Fisheries.
4. Minister of Finance.

7. OTHER ANNOUNCEMENTS BY MR SPEAKER

Mr Speaker announced the establishment of the Commonwealth Women Parliamentarian Association in Samoa under the umbrella of the CPA this morning during normal recess.

MOTION FOR CHANGE OF SITTING HOURS

Hon Tuilaepa Sailele Malielegaoi moved, *“That sitting hours be back to normal as provided for in the Standing Orders.”* Seconded by Hon Faumuina Tiatia Liuga.

Motion approved.

MINISTERIAL REPLIES CONTINUE

5. Minister of Education, Sports and Culture.

MOTION TO EXTEND SITTING HOURS

Hon Tuilaepa Sailele Malielegaoi moved, *“That all Ministerial Replies be completed before adjournment.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Tuuu Anasii Leota.

Motion approved.

MINISTERIAL REPLIES CONTINUE

6. Minister of Works, Transport and Infrastructure.
7. Minister of Natural Resources and Environment.

8. **Minister of Revenue.**
9. **Minister of Police, Prisons and Fire Services.**
10. **Minister of Communications and Information Technology.**
11. **Minister of Women, Community and Social Development.**
12. **Minister of Commerce, Industry and Labour.**
13. **Prime Minister.**

Government Order of the Day No.2 called.

2. Supplementary Appropriation Bill (No.2) 2007/2008 – second reading.

Question put to the Motion moved on the 30th May 2008 for second reading, and when the Ayes have it, the Supplementary Appropriation Bill (No.2) 2007/2008 was read a second time.

8. **Proceedings of the Legislative Assembly adjourned at 3.23pm. until 9:00am on Friday, 20 June 2008.**

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

FRIDAY, 20th JUNE 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Susuga Laauli Leuatea Polataivao, Susuga Mulipola Oliva, Afioga Muagututagata Peter Ah Him, Tofa Solamalemalo Keneti Sio, Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofoaia Tapasu, Afioga Levaopolo Talatonu, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea, Afioga Sala Fata Lisati Pinati, Hon Keil Hans Joachim, Afioga Motuopuaa Uifagasa Aisoli, Afioga Patauave Etuale, Susuga Tuia Pua Fuatogi Letoa, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT:

Afioga Muagututia Siaso S Meredith, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Tiata Sili Pulufana Saunoa, Tofa Leao Talalelei Tuitama.

3. The Legislative Assembly met at 9.00am pursuant to adjournment on 19th June 2008.

4. Mr. Speaker took the Chair and said Prayers.

5. PRESENTATION OF PAPERS:

- The Deputy Clerk read out the Papers tabled pursuant to Standing Order 48:-
 (i) S.R.2008/19, Companies Act 2001 – Notice of Commencement.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.2) 2007/2008 – Consideration in Detail

**FIRST SCHEDULE
 APPROPRIATION ESTIMATES
 ADDITION IN APPROPRIATIONS**

MINISTRY:

ADDITIONAL EXPENDITURES:

COMMERCE, INDUSTRY & LABOUR:

\$40,000.

Approved.

COMMUNICATIONS & INFORMATION TECHNOLOGY: \$180,000

Approved.

EDUCATION, SPORTS & CULTURE:

\$237,900.

Approved.

FINANCE:

3,065,362

Approved.

FOREIGN AFFAIRS & TRADE:

\$452,737.

Approved.

HEALTH:

\$10,150.

Approved.

PRIME MINISTER:

\$520,407.

Approved.

POLICE SERVICES & PRISONS: \$305,513.

Debate

Output of \$305,513 for Police and Prisons was approved.

REVENUE: \$130,000

Approved.

WORKS, TRANSPORT & INFRASTRUCTURE: \$824,607.

Debate

Output of \$824,607 for Works, Transport and Infrastructure was approved.

ATTORNEY GENERAL: \$12,994.

Approved.

**TOTAL ADDITIONAL OVERALL EXPENDITURES 2007/2008:
\$5,779,669.**

Approved.

Schedule approved as part of the Bill.

CLAUSE 2: Grant and appropriation of \$5,779,669 from Treasury Fund.

Approved.

CLAUSE 3: Reductions of amount earlier appropriated and re-allocation to other outputs and sub-outputs.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

TITLE: Supplementary Appropriation (No.2) 2007/2008.

Approved.

The Supplementary Appropriation Bill (No.2) 2007/2008 was progressed without Amendments.

Government Order of the Day No.2 called.

2. Supplementary Appropriation Bill (No.2) 2007/2008 – third reading.

Hon Lee Hang Niko moved, *“That the Supplementary Appropriation Bill (No.2) 2007/2008 be now read a third time.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Toleafoa Apulu Faafisi.

Motion approved and Bill was read a third time and has passed the Legislative Assembly.

Government Order of the Day No.3 called.

3. Appropriation Bill 2008/2009 – consideration in detail (together with P.P.2008/2009 No.14, Finance and Expenditure Committee Report on the Main Estimates of Receipts and Payments of the Government of Samoa for the Fiscal Year Ending 30th June 2009, P.P.2008/2009 No.2).

**FIRST SCHEDULE
ADDITION IN APPROPRIATION**

MINISTRY:

TOTAL EXPENDITURE:

AGRICULTURE:

\$12,366,124

Approved.

COMMERCE, INDUSTRY & LABOUR:

\$13,087,534.

Approved.

COMMUNICATIONS & INFORMATION TECHNOLOGY: \$5,836,111.

“AMENDMENTS:

Hon Tuiloma Lameko (Chairman of the Finance and Expenditure Committee) moved the amendment:

“To reduce the Vote for Output 3.0 under Output Provided by Third Parties of the Office of the Regulator by \$1,058,058.”

Seconded by Hon Tuisugaletau Sofara Aveau / Tapuai Sepulona Moananu / Laauli Leuatea Polataivao.

The Chairman clarified the Amendment.

Amendment was approved.

Vote of \$4,778,053 for Communications and Information Technology approved as amended.

EDUCATION, SPORTS & CULTURE: \$75,627,642.

Debate

Output of \$75,627,642 for Education, Sports and Culture was approved.

FINANCE: \$53,397,348.

Debate.

Output of \$53,397,348 for the Ministry of Finance was approved.

FOREIGN AFFAIRS & TRADE: \$19,395,087.

Debate.

Output of \$19,395,087 for Foreign Affairs and Trade was approved.

HEALTH: \$70,074,380.

Debate

Approved.

JUSTICE, COURTS & ADMINISTRATION: \$8,380,486.

Approved.

NATURAL RESOURCES & ENVIRONMENT: \$22,115,704.

Debate.

Output of \$22,115,704 for Natural Resources & Environment was approved.

POLICE, PRISONS & FIRE SERVICES: \$19,776,546.

Approved.

PRIME MINISTER: \$7,683,470.

Debate.

Output of \$7,683,470 for Prime Minister Approved was approved.

Business of the Legislative Assembly were interrupted for normal recess at 10:40am and resumed at 11:10am.

REVENUE: \$8,900,943.

Debate.

Output of \$8,900,943 for Revenue was approved.

WOMEN, COMMUNITY & SOCIAL DEVELOPMENT: \$8,251,011.

Approved.

WORKS, TRANSPORT & INFRASTRUCTURE: \$63,085,206.

Debate.

Output of \$63,085,206 for Works, Transport and Infrastructure was approved.

ATTORNEY GENERAL: \$3,267,191.

Approved.

AUDIT: \$2,593,988.

Approved.

ELECTORAL COMMISSIONER: \$1,298,243.

Approved.

LEGISLATIVE: \$2,776,991.

Approved.

OMBUDSMAN: \$415,053.

Approved.

PUBLIC SERVICE COMMISSION: \$3,007,564.

Approved.

STATISTICS: \$3,268,058.

Debate.

Output of \$3,268,058 for Statistics was approved.

**TOTAL ESTIMATED DEPARTMENTAL EXPENDITURES 2008/2009:
\$403,537,619.**

Schedule approved as amended.

Mr Speaker clarified:

“Due to the Reduction of \$1,058,058 to the Ministry of Communications and Information Technology, the total Estimated Departmental Expenditure 2008/2009 be \$403,537,619.”

Amendment approved.

Clause 2: Grant and Appropriation of \$403,537,619 out of Treasury Fund.

Approved.

CLAUSE 3: Grant and Appropriation of \$634,000 out of the Public Trustees Account.

Approved.

Consequential Amendment:

Mr Speaker announced that:-

“Due to the reduction of \$1,058,058 to the Ministry of Communications and Information Technology the total should be changed to \$4,035,376.”

Amendment approved.

Clause 4 approved as amended.

CLAUSE 4: Grant and Appropriation of \$4,035,376 out of Treasury Fund.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Appropriation Bill 2008/2009.

Approved.

The Appropriation Bill 2008/2009 was progressed with Amendments.

Government Order of the Day No.4 called.

4. Appropriation Bill 2008/2009 – third reading.

Hon Lee Hang Niko moved, “That the Appropriation Bill 2008/2009 be now read a third time.” Seconded by Hon Tuisugaletau Sofara Aveau / Hon Tuuu Anasii Leota.

Motion approved, the Appropriation Bill 2008/2009 was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.5 called.

5. Samoa Broadcasting Corporation Repeal Bill 2008 – consideration in detail

The Chairman, Levaopolo Talatonu moved, “That the Assembly approves the Committee Report which recommends the Assembly to progress the Samoa Broadcasting Corporation Repeal Bill 2008 with Amendments.” Seconded by Mulipola Oliva.

Motion approved.

Clause 2: Dissolution of Corporation.

Amendment:

Levaopolo Talatonu moved the Amendment to Clause 2(1):

“That the expressions in brackets “(real or personal)” after the word “property” and after the words “and the Corporation’s ...” be omitted thus Clause 2 reads:-

“2. Dissolution of the Corporation – (1) The Samoa Broadcasting Corporation established under the Samoa Broadcasting Corporation Act 2003 is dissolved and subject to subsection (2), all of the Corporation’s assets and property and Corporation’s

rights and liabilities are vested in the Samoa Broadcasting Corporation Limited, being a company incorporated under the Companies Act 1955.”

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: Validation of actions.

Approved.

CLAUSE 4: Validation of incorporation.

Approved.

CLAUSE 5: Repeal.

Approved.

SCHEDULE

“AMENDMENT:

Levaopolo Talatonu moved an amendment:-

“That the whole SCHEDULE be omitted and substitute thereby the SCHEDULE shown herein.” Seconded by Mulipola Oliva.

Amendment approved.

Schedule approved as amended.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: Samoa Broadcasting Corporation Repeal 2008.

Approved.

The Samoa Broadcasting Corporation Repeal Bill 2008 was progressed with Amendments.

MOTION FOR SUSPENSION OF STANDING ORDERS:

Hon Tuilaepa Sailele Malielegaoi moved, “That Standing Order 107(4) be suspended to permit the third reading of the Samoa Broadcasting Repeal Bill 2008.” Seconded by Hon Safuneituuga Paaga Neri.

Motion approved, the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.6 called.

6. Samoa Broadcasting Corporation Repeal Bill 2008 – third reading

Hon Lee Hang, Niko moved, “That the Samoa Broadcasting Corporation Repeal Bill 2008 be now read a third time.” Seconded by Hon Tuuu Anasii Leota / Hon Taua Tavaga Kitiona Seuala / Hon Safuneituuga Paaga Neri.

Motion approved, the Bill was read a third time and had passed the Legislative Assembly.

- 7. Proceedings of the Legislative Assembly adjourned at 11.58am until 9.00am 14th July 2008 to be in line with the Parliamentary Sitting Programme 2008.**

**Hon Tolofuaivalelei Falemoe Leiatua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

MONDAY 14TH JULY 2008

1. MEMBERS PRESENT:

SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiatua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Le Mamea Ropati, Susuga Papalii Memea Samuelu Petaia, Afioga Vaeolenofoaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiatuaalesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Pierre Lauofo, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Unasa Mesi Galo, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Vui Tupe Ioane, Tofa Tiata Sili Pulufana Saunoa.

3. The Legislative Assembly met at 9:00am pursuant to adjournment motion on the 20th June 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. MESSAGE FROM LE AO O LE MALO:

Mr Speaker communicated the Message from Le Ao o Le Malo permitting the Legislative Assembly to consider the following Bill:-

- (i) Road Traffic Amendment Bill 2008.

6. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled in accordance with Standing Order 48:-

- (i) S.R.2008/18, Customs Tariff (Alteration to Nomenclature) Order 2008.
- (ii) S.R.2008/20, Securities Act 2006, Notice of Commencement.
- (iii) S.R.2008/21, Receiverships Act 2006, Notice of Commencement.
- (iv) S.R.2008/22, Company Law Reform (Transitional Provisions) Act 2006, Notice of Commencement.

7. PRESENTATION OF SELECT COMMITTEES REPORTS:

The Clerk read out the Select Committees Reports tabled in accordance with Standing Order 51:-

- (i) P.P.2008/2009 No.20, Finance and Expenditure Committee Report on the Miscellaneous Fees Amendment Bill 2008.
- (ii) P.P.2008/2009 No.21, Health and Social Services Committee Report on the Tobacco Control Bill 2008.
- (iii) P.P.2008/2009 No.22, Works, Transport and Infrastructure Committee Report on P.P.2007/2008 No.26, Annual Report of the Ministry of Natural Resources and Environment 2005 - 2006.

8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Order of the Day No.1 called.

- 1. Road Traffic Amendment Bill 2008 – first reading.

Hon Tuisugaletaua Sofara Aveau (Minister of Works, Transport and Infrastructure) moved, *“That the Road Traffic Amendment Bill 2008 be now read a first time.”* Seconded by Hon Faumuina Tiatia Liuga.

9. CONSIDERATION OF SELECT COMMITTEES REPORTS:

1. P.P.2007/2008 No.101, Officers of Parliament Committee Report on P.P.2007/2008 No.29, Report of the Controller and Chief Auditor’s Report to the Legislative Assembly for the Period 1st July 2004 to 31st December 2006.

Susuga Laauli Leuatea Polataivao moved, *“That the Assembly takes note of the Officers of Parliament Committee Report summarising its Recommendations and Resolutions.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Leao Tuitama Talalelei
Debate.

Proceedings of the Legislative Assembly was suspended at 10:45am and resumed at 11:07am.

Debate continued.

Question was put and was carried in the Affirmative, Report was approved.

2. P.P.2007/2008 No.102, Regulations Review Committee Report on S.R.2007/64, 2007/65, 2007/66, 2007/67, 2007/68, S.R.2008/1 and S.R.2008/2.

Tofa Leao Talalelei Tuitama moved, “*That the Assembly takes note of the Committee Report summarising its Findings, Recommendations and Resolutions.*” Seconded by Tofa Fonotoe Nuafesili Pierre Lauofo / Tofa Moefaaau Lufilufi / Susuga Laauli Leuatea Polataivao.

Debate.

Report approved.

3. P.P.2007/2008 No.104, Regulations Review Committee Report on S.R.2008/3, 2008/4, 2008/5, 2008/6, 2008/7, 2008/8, 2008/9 and 2008/10.

Tofa Leao Talalelei Tuitama moved, “*That the Assembly takes note of the Committee Report Summarising its Findings, Recommendations and Resolutions.*” Seconded by Tofa Fonotoe Nuafesili Pierre Lauofo.

Report approved without debate.

10. The Assembly adjourned at 12:25pm until 9:00am Tuesday 15th July 2008.

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

TUESDAY, 15th JULY 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiatua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimomi Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Afioga Vaeolenofaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiatualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Tofa Toluono Feti, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Tofa Tiata Pulufana Saunoa.

3. The Legislative Assembly met at 9:00am pursuant to adjournment motion of 14th July 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. PRESENTATION OF PAPERS:

The Deputy Clerk read out the Papers tabled pursuant to Standing Order 48:-

- (i) P.P.2008/2009 No.17, Annual Report of the Trust Estates Corporation for the Year Ending 30 June 2006.
- (ii) P.P.2008/2009 No.18, Senior Citizens Benefit Fund Report for Year Ending 30 June 2007.
- (iii) P.P.2008/2009 No.19, Annual Report of the Ministry of Women, Community and Social Development for the Period Ended 30 June, 2006.
- (iv) P.P.2008/2009 No.26, Office of the Regulator Annual Report for the Financial Year 2006/2007.
- (v) P.P.2008/2009 No.27, Annual Report of the Housing Corporation for the Year 2007.

6. MINISTERIAL STATEMENT (Standing Order 62(2))

Hon Tuilaepa Sailele Malielegaoi – Prime Minister.

Hon Tuilaepa Sailele Malielegaoi gave a Ministerial Statement. Copy of said Statement is printed hereunder:-

“I rise to join the Members in the endorsement of the thanksgiving you offered – however I am concerned with the Reports duly read out. These Reports are noted and they pertain to the year 2007 yet this is 2008. I know of quite a number of Reports yet to be considered in Parliament because they have been referred to Select Committees.

In this case, the Committees are reminded to ensure their reports on these Papers be submitted as soon as possible. Your sitting allowances have been increased meaning your Reports must be submitted in due time to avoid unnecessary allegations against the CEOs whilst their Annual Reports are timely and up to date.

It is Cabinet’s responsibility to prevent such unfounded accusations made against Heads of Departments whilst they are performing their work to the required standard. Yet, the delay is caused by the Select Committees of Parliament. Mr Speaker, that is my Statement with due respect.”

7. PRESENTATION OF SELECT COMMITTEES REPORTS:

The Deputy Clerk read out the Select Committees Reports tabled pursuant to Standing Order 51:-

- (i) P.P.2008/2009 No.23, Justice, Police and Prisons and Land and Titles Committee Report on the Constitution Amendment Bill 2008.
- (ii) P.P.2008/2009 No.24, Finance and Expenditure Committee Report on the Public Finance Management Amendment Bill 2008.
- (iii) P.P.2008/2009 No.25, Works, Transport and Environment Committee Report on P.P.2008/2009 No.27, Samoa Water Authority Statement of Corporate Objectives for the years 2008 – 2010.

8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:-

Government Order of the Day No. 1 called.

1. Miscellaneous Fees Amendment Bill 2008 – consideration in detail – (together with the Finance and Expenditure Committee Report).

Tofa Hon Tuiloma Lameko (Chairman) moved, “That the Assembly approves the Committee Report which recommends that the Miscellaneous Fees Amendment Bill 2008 be progressed without Amendment.” Seconded by Tapuai Sepulona Moananu.

Motion approved.

CLAUSE 2: Film Control Act 1978.

Approved.

CLAUSE 3: Business Licence Act 1998.

Approved.

CLAUSE 4: Electric Power Corporation Act 1980.

Approved.

CLAUSE 5: Fees prescribed by regulations.

Approved.

CLAUSE 6: Fee or charge changed or collected for a licence or a service rendered deemed to be valid.

Approved.

CLAUSE 7: Validation of fees or charges in regulations.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Miscellaneous Fees Amendment 2008.

Approved.

The Miscellaneous Fees Amendment Bill 2008 was progressed without amendment.

Government Order of the Day No.2 called.

2. Tobacco Control Bill 2008 – consideration in detail (Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee).

Hon Palusalue Faapo II (Deputy Chairman) moved, “That the Assembly approves the Committee Report recommending the Legislative Assembly to progress the Bill with amendments.” Seconded by Fuimaono Naoia Tei.

Motion approved.

CLAUSE 2: Interpretation.

Hon Palusalue Faapo II moved an amendment to Clause 2 as follows:

“Insert the following interpretation after the interpretation of “loose tobacco” and before the interpretation of “other message” in that order:

“Minister” means the Minister of Health;

“Ministry” means the Ministry of Health.

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: Act to bind the Government.

Approved.

CLAUSE 4: Purpose of this Part.

Hon Palusalue Faapo II moved the Amendment as follows:

“Omit the expression “inside any workplace or in public enclosed area” after the expression “or who does not wish to smoke,” and substitute thereby the expression “in a smoke-free area” thus Clause 4 reads:

“4. Purpose of this Part – The purpose of this Part is to prevent, so far as is reasonably practicable, the detrimental effects of smoking on the health of any person who does not smoke, or who does not wish to smoke, in a smoke-free area.””

Debate.

Amendment denied.

Clause 4 approved.

CLAUSE 5: Smoking prohibited in smoke-free area.

Approved.

CLAUSE 6: Occupier not to allow smoking in smoke-free area.

Approved.

CLAUSE 7: Occupier to display signs.

Approved.

CLAUSE 8: Exempt premises.

Approved.

CLAUSE 9: Regulations for, and review of exempt premises.

Approved.

CLAUSE 10: Removal of exemption for premises.

Approved.

CLAUSE 11: Smoking prohibited in the workplace.

Approved.

CLAUSE 12: Employer not to allow smoking in the workplace.

Approved.

CLAUSE 13: Employer to display signs.

Approved.

CLAUSE 14: Exemptions.

Approved.

CLAUSE 15: Liabilities of a body corporate.

Approved.

CLUASE 16: Purpose of this Part.

Approved.

CLAUSE 17: Advertising of tobacco products.

Approved.

CLAUSE 18: Exceptions for retailers.

Approved.

CLAUSE 19: Use of trade marks, etc. on goods other than tobacco products, or in relation to sponsored events.

Approved.

CLAUSE 20: Organising or promoting activity using trade marks, etc. of tobacco products.

Approved.

CLAUSE 21: Free distribution and rewards prohibited.

Approved.

CLAUSE 22: Tobacco products not to be advertised or labeled as suitable for chewing.

Approved.

CLAUSE 23: Sale of tobacco products to persons under 21 prohibited.

Approved.

CLAUSE 24: Restrictions on sale of certain tobacco products in small quantities.

“AMENDMENTS:

Hon Palusalua Faapo II moved:

- (i) *That the number “20” in subclause (1)(b) and subclause (2)(a) be omitted and substitute thereby the number “10”.*
- (ii) *That the number “30” in subclause (2)(b) be omitted and substitute thereby the number “15”, thus Clause 24 reads:*

“24. Restrictions on sale of certain tobacco products in small quantities:-

(1) No person shall:

- (a) **sell by retail;**
- (b) **offer for sale by retail;**
loose cigarettes in amounts of fewer than 10 cigarettes.

(2) No manufacturer, importer, distributor or retailer may sell or offer for sale:

- (a) **cigarettes in a package that contains fewer than 10 cigarettes; or**
- (b) **loose tobacco in a package that contains less than 15 grains of loose tobacco.**

(3) Every person commits an offence and is liable to a fine not exceeding 1,000 penalty units who permits any tobacco product to be sold in contravention of this section.”

Debate.

Amendment approved.

Clause 24 approved as amended.

CLAUSE 25: Sale of tobacco via vending machines and other methods of unsupervised sales prohibited.

Approved.

CLAUSE 26: Labeling and health messages.

Approved.

CLAUSE 27: Misleading labeling prohibited.

Approved.

CLAUSE 28: Controls on the contents of tobacco products.

Approved.

CLAUSE 29: Testing required.

Approved.

CLAUSE 30: Reports of constituents, additives, and certain business information required.

Approved.

CLAUSE 31: Further Court orders on conviction for an offence.

Approved.

CLAUSE 32: Appointment of enforcement officers.

Approved.

CLAUSE 33: Inspection and investigative powers of enforcement officers.

Approved.

CLAUSE 34: Duties of enforcement officers.

Approved.

CLAUSE 35: Regulations.

Approved.

CLAUSE 36: Evidence by Certificate.

Approved.

CLAUSE 37: Service of notices etc.

Approved.

CLAUSE 38: Transitional provisions.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Tobacco Control 2008.

Approved.

The Tobacco Control Bill 2008 was progressed with Amendments.

9. CONSIDERATION OF SELECT COMMITTEES REPORTS:

1. P.P.2008/2009 No.22, Report of the Works, Transport and Environment on P.P.2007/2008 No.26, Annual Report of the Ministry of Natural Resources and Environment for the Year 2005 - 2006.

Muagututagata Peter Ah Him moved, “That the Assembly takes note of the Works, Transport and Environment Committee Report summarising its Recommendation and Resolutions.” Seconded by Lafaitale Patrick Leiatuaalesa.

Debate.

Report approved.

10. Proceedings of the Legislative Assembly adjourned at 11:55am until 9:00am Wednesday, 16th July 2008.

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Mase Dr. Toia Alama
CLERK

WEDNESDAY, 16th JULY 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poesē Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Afioga Vaeolenofaia Tapasu, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitela Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Vaai Papu Vailupe, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Tofa Solamalemalo Keneti Sio, Tofa Tiata Pulufana Saunoa, Tofa Leao Talalelei Tuitama.

3. The Legislative Assembly met at 9:00am pursuant to the adjournment motion of 15th July 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. PRESENTATION OF PAPERS:

The Deputy Clerk read out the Papers tabled pursuant to Standing Order 48:-

- (i) P.P.2008/2009 No.30, Annual Report of the National University of Samoa for the Years 2005/2006 and 2006/2007.

6. PRESENTATION OF SELECT COMMITTEES REPORTS:

The Deputy Clerk read out the Regulation Reviews Committee Report on S.R.2008/11, S.R.2008/12, S.R.2008/13, S.R.2008/14, S.R.2008/15, S.R.2008/16 & S.R.2008/17.

7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Miscellaneous Fees Amendment Bill 2008 – third reading.

Hon Lee Hang Niko moved, *“That the Miscellaneous Fees Amendment Bill 2008 be now read a third time.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau.

Motion approved and the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.2 called.

2. Tobacco Control Bill 2008 – third reading.

Hon Gatoloaifaana Amataga Alesana-Gidlow moved, *“That the Tobacco Control Bill 2008 be now read a third time.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Taua Tavaga Kitiona Seuala.

Motion approved and the Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.3 called.

3. Constitution Amendment - consideration in detail (Report of the Justice, Police and Prisons and Land and Titles Committee).

Tofa Fonotoe Nuafesili Pierre Lauofo (Chairman of the Justice Committee) moved, *“That the Assembly approves the Committee Report recommending the Constitution Amendment Bill 2008 to be progressed with amendment.”* Seconded by Laauli Leuatea Polataivao / Moefaaauo Lufilufi.

Motion approved.

CLAUSE 2: Expenditure in anticipation of appropriation.

Approved.

CLAUSE 3: Unauthorized expenditure.

Fonotoe Nuafesili Pierre Laufofo moved a correction to Clause 3 as follows:

“Clause 3: Corrections to English Print:

In line 8:

- (i) *Omit the word “extend” and substitute thereby the word “extent.”*
- (ii) *Omit the word “authorise” and substitute thereby “authorises”*
- (iii) *After the word “authorises,” insert the comma sign, and words omitted during the printing as follows:
“, the Minister responsible for Finance may authorise”, thus clause 3 reads:*

“3. Unforeseen expenditure – A vote for unforeseen expenditure not exceeding 3% of the total Appropriation Bill shall be included in the annual estimates laid before the Legislative Assembly. Where, during the period between the passing of the Appropriation Act for any financial year and the end of the year, it is desirable that money should be expended in excess of or without appropriation of the Legislative Assembly, Cabinet or, to the extent that Cabinet so authorizes, the Minister responsible for finance may authorize the transfer of funds to one or more nominated votes from the unforeseen expenditure vote.”

Corrections approved.

Clause 3 approved as corrected.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Constitution Amendment 2008.

Approved.

The Constitution Amendment Bill 2008 approved with Corrections.

Government Order of the Day No.4 called.

4. Public Finance Management Amendment Bill 2008 – consideration in detail – (Finance and Expenditure Committee Report).

Hon Tuiloma Lameko (Chairman of Finance and Expenditure Committee) moved, “That the Bill be progressed with corrections.” Seconded by Tapuai Sepulona Moananu.

Motion approved.

CLAUSE 2: Adjustment for unforeseen expenditure.

Hon Tuiloma Lameko moved the following corrections to Clause 2:

“CORRECTIONS – Samoan Print Only.

Clause 2(b):-

(i) *Omit the words “E le i faatagaina” and substitute thereby the words “e le i fuafuaina”, thus Clause 2(b) reads:*

(ii) *Omit the words “Le fuafuaina:” and substitute thereby the words “e le i fuafuaina”, thus Clause 2(b) reads:*

“(b) to omit the words “e le i faatagaina” from subsection (2) in brackets and substitute thereby the words “e le i fuafuaina”.

Corrections approved.

Clause 2 approved with Corrections.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Public Finance Management Amendment 2008.

Approved.

The Public Finance Management Amendment Bill 2008 was progressed with Corrections.

Government Order of the Day No.5 called.

5. Road Traffic Amendment Bill 2008 – second reading.

Hon Tuisugaletaua Sofara Aveau (Minister of Works, Transport and Infrastructure) moved, “That the Road Traffic Amendment Bill 2008 be now read a second time and I would like to speak briefly on it.” Seconded by Hon Faumuina Tiatia Liuga / Hon Toleafoa Apulu Faafisi.

The Minister clarified the Bill.

Debate.

Motion approved and the Bill was read a second time.

8. CONSIDERATION OF SELECT COMMITTEES REPORTS:

1. P.P.2008/2009 No.25, Report of the Works, Transport and Environment Committee of Corporate Objectives of the Samoa Water Authority for the years 2008 – 2010.

Muagututagata Peter Ah Him moved, “*That the Assembly approves the Committee Report summarising its Findings and Resolutions as follows.*” Seconded by Lafaitale Patrick Leiatuaalesa / Anauli Pofitu Fesili.

Report approved without debate.

9. Proceedings of the Legislative Assembly adjourned at 12:05pm until 9:00am Thursday, 17th July 2008.

**Hon Tolofuaivalelei Falemoe Leiatua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

THURSDAY, 17th JULY 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naolia Tei, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Afioga Vaeolenofoa Tapasu, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Muagututia Siao S. Meredith, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Tofa Tiata Pulufana Saunoo.

3. The Legislative Assembly met at 9:00am.

4. Mr Speaker took the Chair and said the Prayers.

5. PRESENTATION OF SELECT COMMITTEES REPORTS:

1. P.P.2008/2009 No.29, Report of the Foreign Affairs, Trade and Revenue Committee on the Passports Bill 2008.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Constitution Amendment Bill 2008 – third reading.

Hon Tuilaepa Sailele Malielegaoi, Prime Minister moved, “*That the Constitution Amendment Bill 2008 be now read a third time.*” Seconded by Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi.

Question put: Shall the Constitution Amendment Bill 2008 be now read a third time?

DIVISION (Standing Order 93(1)).

Susuga Hon Tuilaepa Sailele Malielegaoi.

Afioga Hon Misa Telefoni.

Afioga Hon Fiamé Naomi Mataafa.

Afioga Hon Safuneituuga Paaga Neri.

Afioga Hon Toleafoa Apulu Faafisi.

Tofa Hon Tuuu Anasii Leota.

Afioga Hon Faumuina Tiatia Liuga.

Afioga Hon Tuisugaletaua Sofara Aveau.

Afioga Hon Toomata Alapati Poese Toomata.

Hon Lee Hang, Niko.

Tofa Hon Taua Tavaga Kitiona Seuala.

Afioga Hon Unasa Mesi Galo.

Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

Afioga Hon Vaai Papu Vailupe.

Tofa Toluono Feti.

Afioga Motuopuaa Uifagasa Aisoli.

Afioga Lealailepule Rimoni Aiafi.

Tofa Taua Falaimo.

Afioga Tuia Pua Fuatogi Letoa.

Susuga Mulipola Oliva.

Afioga Levaopolo Talatonu.

Afioga Hon Palusalua Faapo II.

Afioga Fuimaono Naoia Tei.

Afioga Hon Le Mamea Ropati.

Susuga Papalii Samuelu Petaia.

Afioga Vui Tupe Ioane.

Afioga Vaeolenofaia Tapasu.

Tofa Solamalemalo Keneti Sio.

Afioga Patauave Etuale.

Tofa Tuiloa Anitelea.
Afioga Muagututagata Peter Ah Him.
Afioga Lafaitale Patrick Leiatuaalesa.
Afioga Galuvao Viliamu.
Afioga Anauli Pofitu Fesili.
Afioga Sala Fata Lisati Pinati.
Afioga Tapuai Sepulona Moananu.
Tofa Moefaauo Lufilufi.
Afioga Aiono Tile Gafa.
Afioga Patu Ativalu Togi II.
Tofa Fonotoe Nuafesili Pierre Lauofo.
Tofa Leao Talalelei Tuitama.
Hon Keil Hans Joachim.
Tofa Hon Tuiloma Lameko.
Susuga Laauli Leuatea Polataivao.

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No one objected.

Motion approved and the Constitution Amendment Bill 2008 was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.2 called.

2. Public Finance Management Bill 2008 – third reading.

Hon Lee Hang Niko (Minister for Finance) moved, “That the Public Finance Management Amendment Bill 2008 be now read a third time.” Seconded by Hon Taua Tavaga Kitiona Seuala / Hon Tuisugaletaua Sofara Aveau.

Motion approved and the Bill was read a third time and had passed the Legislative Assembly.

7. CONSIDERATION OF SELECT COMMITTEES REPORTS:

1. P.P.2008/2009 No.28, Regulations Review Committee Report on S.R.2008/11, S.R.2008/12, S.R.2008/13, S.R.2008/14, S.R.2008/15, S.R.2008/16, S.R.2008/17.

Tofa Leao Talalelei Tuitama moved, “That the Assembly takes note of the Committee Report summarising its Findings, Recommendations and Resolutions.” Seconded by Tofa Fonotoe Nuafesili Pierre Lauofo.

Report approved without debate.

8. ANNOUNCEMENT BY MR SPEAKER:

Mr Speaker announced that this sitting day is Mase’s last day as Clerk of the House. She will retire on the 31st July 2008.

MOTION FOR ADJOURNMENT:

Hon Tuilaepa Sailele Malielegaoi moved, “That the Assembly meeting be now adjourned until Monday, 18th August 2008 at 9:00am in accordance with the Parliament Sitting Program for 2008.

Motion approved.

- 9. Proceedings of the Legislative Assembly adjourned at 10:15am until 9:00am on Monday, 18 August 2008.**

**Hon Tolofuaivalelei Falemoe Leiatua
MR SPEAKER**

**Mase Dr. Toia Alama
CLERK**

MONDAY, 18th AUGUST 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Motuopuaa Uifagasa Aisoli, Afioga Hon Palusalua Faapo II, Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofaia Tapasu, Afioga Patauave Etuale, Afioga Tapuai Sepulona Moananu, Tofa Fonotoe Nuafesili Pierre Lauofo, Susuga Laauli Leuatea Polataivao.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. OTHER ANNOUNCEMENTS BY MR SPEAKER:

Mr Speaker used “Other Announcements by Mr Speaker” to announce the appointment of Afioga Fepuleai Attila Manutoipule Ropati as Clerk of the Legislative Assembly and is now presiding in today’s sitting.

6. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled in accordance with Standing Order 48:-

(i). P.P.2008/2009 No.31, Statement of Objectives of the Samoa National Provident Fund for the years 2009 - 2011.

(ii). P.P.2008/2009 No.32, Annual Report of the Office of the Public Trustee for the Financial Year Ending 30 June 2007.

(iii). P.P.2008/2009 No.33, Annual Report of the Ministry of Agriculture and Fisheries for the Financial Year July 2005 – June 2006.

7. PRESENTATION OF SELECT COMMITTEES REPORTS:

The Clerk read out the Select Committees Reports tabled in accordance with Standing Order 51(5):-

(i) P.P.2008/2009 No.34, Report of the Health and Social Services, Internal Affairs, Community and Social Development on P.P. 2007/2008 No.74, Annual Report of the Ministry of Health for the Period July 2005 – June 2006 and P.P. 2008/2009 No.15, Ministry of Health Annual Report for the Period July 2006 – June 2007.

(ii) P.P.2008/2009 No.35, Primary Production Committee Report on P.P.2007/2008 No.89, Samoa Tourism Report for the Period July 2006 – June 2007.

(iii) P.P.2008/2009 No.36, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P.2007/2008 No.58, Samoa National Provident Fund – Report of the Legislative Review Committee of the Samoa Parliamentary Pension Scheme.

8. Mr Speaker used “Other Announcements by Mr Speaker” to welcome Parliament, particularly members who have returned from overseas conferences.

9. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Order of the Day No.1 called:

1. Passports Bill 2008 – consideration in detail.

Hon Tuiloma Lameko (Chairman) moved, *“That the Assembly approves the Committee Report recommending the Bill to be progressed with Amendments and Corrections.”*

Seconded by Hon Tuisugaletaua Sofara Aveau / Lafaitale Patrick Leiatuaalesa.

Motion approved.

CLAUSE 2: Interpretation.

Hon Tuiloma Lameko moved a correction to Clause 2 to read:

“CORRECTION:**i) Clause 2 – Samoan Print Only**

Under the Definition “tusi folau”, omit the words “tusi folau” after the words “...tusi folau Samoa,” and before the words “tusi folau aloaia faale-malo....” To read: - “tusi folau” e aofia ai tusi folau Samoa, tusi folau aloaia faale-malo o Samoa, tusi folau tau sui o malo...”

Correction approved.

Clause 2 approved and corrected.

CLAUSE 3: Delegation by Minister.

Approved.

CLAUSE 4: Act binds Government.

Approved.

CLAUSE 5: Issue of passports.

Approved.

CLAUSE 6: Life of passports.

Approved

CLAUSE 7: Renewal of passports.

Approved.

CLAUSE 8: Endorsement of passport.

Approved.

CLAUSE 9: Cancellation of passports where holder ceases to be entitled to passport.

Approved.

CLAUSE 10: Cancellation of passports on other grounds.

Approved.

CLAUSE 11: Retention of passport by Minister on other grounds.

Approved.

CLAUSE 12: Delivery of passport required to be returned.

Approved.

CLAUSE 13: Surrender of passport where proceedings for deprivation of citizenship commenced

Approved.

CLAUSE 14: Extension of time to hold surrendered passport.

Approved.

CLAUSE 15: Return of surrendered passports if person not deprived of citizenship.

Approved.

CLAUSE 16: Issue of certificate of identity

Debate

Approved

CLAUSE 17: Life of certificate of identity

Approved.

CLAUSE 18: Cancellation of certificate of identity.

Approved.

CLAUSE 19: Issue of document of identity.

Debate

Approved.

CLAUSE 20: Life, renewal and replacement.

Approved.

CLAUSE 21: Endorsement of document of identity.

Approved.

CLAUSE 22: Cancellation of document of identity.

Approved.

CLAUSE 23: Retention of document of identity by Minister on other grounds.

Approved.

CLAUSE 24: Delivery of recalled document of identity.

Hon Tuiloma Lameko moved the following Amendment to Clause 24:

“AMENDMENT:

Clause 24(1):

Omit the words... “Section 20 or Section 21”, after the words... “documents of identity under”, and before the words : “...the holder or other person” and substitute thereby the words “Section 22 or Section 23”, thus Clause 24(1) reads:-

“24. Delivery of recalled document of identity – (1) Where the Minister recalls any document of identity under Section 22 or Section 23, the holder or other person who has the document in their possession or under their control shall, on demand by an officer, deliver the document to the officer.”

Amendment approved.

Clause 24 approved as amended.

CLAUSE 25: Appeals.

Approved.

CLAUSE 26: Landing without passport.

Approved.

CLAUSE 27: Passports may be required to be delivered.

Approved.

CLAUSE 28: Minister may authorize issue of passports by overseas representatives.

Debate.

Clause 28 approved.

CLAUSE 29: Notice of decision

Approved

CLAUSE 30: Notification of loss or theft of passports.

Hon Tuiloma moved the following Amendments to Clause 30:

“AMENDMENT

Clause 30(a) & (b):

(i) *In (a), omit the word “of”, after the word “Officer”, and before the words “The Police Service; or” thus (a) reads:-*

“(a) where the passport is lost or stolen within Samoa, report the loss or theft to an officer or the Police Service;”

(ii) *In (b) omit the full stop sign “.” at the end of the paragraph and substitute thereby the comma sign “,” immediately after the word “mission” and insert the words “overseas representatives or the Police Service within the country in which the passport is lost or stolen” thus (b) reads:-*

“(b) – if the passport is lost or stolen outside Samoa, report the loss or theft to an officer of, or a person employed at, a Samoa diplomatic or consular mission, overseas representatives or the Police Services within the country in which the passport is lost or stolen.”

Debate.

Amendment approved.

Clause 30 approved as amended.

CLAUSE 31: Attorney General to file suit.

Approved.

CLAUSE 32: Travel documents are property of Samoan Government.

Debate.

Clause 32 approved.

CLAUSE 33: Forged and false Samoa travel documents.

Approved.

CLAUSE 34: Falsifying foreign passports.

Approved.

CLAUSE 35: Offences relating to passport information and material

Approved.

CLAUSE 36: Improper issue of Samoan travel documents

Approved.

CLAUSE 37: Other offences.

Hon Tuiloma Lameko moved an Amendment to Clause 37 that:

“AMENDMENT:

Clause 37(4):

Insert after subsection (3) the new subsection (4) as follows:-

“37 (4) Every person who fails to comply with a provision of this Act for which a penalty is not provided commits an offence and shall be liable upon conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding 20 penalty units or to both such fine and imprisonment.”

Amendment approved.

Clause 37 approved as amended.

CLAUSE 38: False representation.

Approved.

CLAUSE 39: Regulations.

Debate.

Clause 39 approved.

CLAUSE 40: Repeal and consequential amendments.

Approved.

CLAUSE 41: Savings.

Approved.

CLAUSE 42: Transitional Provisions.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: Passports Bill 2008.

Approved.

The Passports Bill 2008 now progressed with Amendments and Corrections.

MOTION FOR ADJOURNMENT:

Hon Misa Telefoni moved, “*That the Assembly adjourns until tomorrow morning.*”

- 9. The Assembly adjourned at 10:50am until 9.00am Tuesday 19th August 2008.**

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

TUESDAY, 19th AUGUST 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitete Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Tofa Tiata Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Toomata Alapati Poesé Toomata, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siasia S. Meredith, Afioga Fuimaono Naoia Tei, Afioga Vui Tupe Ioane, Afioga Vaeolenofa Tapasu, Tofa Solamalemalo Keneti Sio, Tofa Fonotoe Nuafesili Pierre Laufofo, Susuga Laauli Leuatea Polataivao.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled in accordance with Standing Order 48:-

- (i) S.R.2008/23, Fair Trading Act 1998, Special Price Order (No.3) 2008.
- (ii) S.R.2008/24, Fair Trading Act 1998, Special Price Order (No.4) 2008.
- (iii) S.R.2008/25, Fair Trading Act 1998, Special Price Order (No.5) 2008.

6. PRESENTATION OF SELECT COMMITTEES REPORTS:

The Clerk read out the Select Committees Reports tabled in accordance with Standing Order 51(5):-

- (i) P.P.2008/2009 No.37, Primary Production Committee Report on P.P. 2008/2009 No.17, Annual Report of the Samoa Trust Estates Corporation for the Year Ending 30 June 2006.

7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:-

Government order of the Day No.1 called.

1. Passports Bill 2008 – third reading.

Hon Misa Telefoni moved, *“That the Passports Bill 2008 now be read a third time”*.
Seconded by Hon Faumuina Tiatia Liuga / Hon Toleafoa Apulu Faafisi / Hon Safuneituuga Paaga Neri.

Motion approved and the Passports Bill 2008 was read a third time and had passed the Legislative Assembly.

8. CONSIDERATION OF SELECT COMMITTEES REPORTS:

1. P.P.2008/2009 No.34, Health and Social Services Committee Report on P.P.2007/2008 No.74, Annual Report of the Ministry of Health for the Period July 2005 – June 2006 and P.P. 2008/2009 No.15, Ministry of Health Annual Report for the Period July 2006 – 2007.

Hon Aeau Peniamina moved, *“That the Assembly approves the Committee Report summarising its Findings, Recommendations and Resolutions.”* Seconded by Leavaopolo Talatonu

Debate.

Report approved.

2. P.P.2008/2009 No.35, Primary Production Committee Report on P.P.2007/2008 No.89, Annual Report of the Samoa Tourism Authority for July 2006 – June 2007.

Hon Tuiloma Lameko moved, *“That the Assembly approves the Committee Report outlining its Findings, Recommendations and Resolutions.”* Seconded by Lafaitale Patrick Leiatuaalesa.

Debate.

Report approved.

3. P.P.2008/2009 No.36, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P 2007/2008 No.58 Samoa National Provident Fund – Report of the Legislative Review Committee of the Samoa Parliamentary Pension Scheme.

Hon Le Mamea Ropati moved, “*That the Assembly approves the Committee Report outlining its Findings, Recommendations and Resolutions.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Lealailepule Rimoni Aiafi.

- 9. Debate interrupted when Proceedings adjourned at 1.00pm until 9.00am Wednesday, 20th August 2008.**

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

WEDNESDAY, 20th AUGUST 2008

1. MEMBERS PRESENT:

SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Afioga Patauave Etuale, Tofa Tuioa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Tofa Moefaauro Lufilufi, Tofa Tiata Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamē Naomi Mataafa, Afioga Tuia Pua Fuatogi Letoa, Afioga Vaeolenofoa Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Tapuai Sepulona Moananu, Tofa Fonotoe Pierre Laufo, Susuga Laauli Leuatea Polataivao.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. OBITURARY SPEECHES:

Mr Speaker announced the passing away of Tofa Ulufia Nofoaiga who was a representative for the Territorial Constituency of Fealata Sisifo during Parliament of 1973 – 1975 and 1976 – 1978. Tofa Ulufia Nofoaiga was a member of the Public Accounts Committee in 1973 – 1975. He was also a member of the National Provident Fund Board in 1976.

The Assembly was upstanding observing a minute of silence to pay their last respects to the member who had passed away.

6. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled in accordance with Standing Order 48:-

1. P.P.2008/2009 No.38, Annual Report of the Development Bank of Samoa for the year 2007.

7. CONSIDERATION OF SELECT COMMITTEE REPORTS:

1. P.P.2008/2009 No.36, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P.2007/2008 No.58, National Provident Fund – Report of the Legislative Review Committee of the Samoa Parliamentary Pension Scheme.

Debate.

Report approved.

2. P.P.2008/2009 No.37, Primary Production, Commerce, Industry and Labour Committee Report on P.P.2008/2009 No.17, Annual Report of the Samoa Trust Estates Corporation for the Year Ending 30 June 2006.

Hon Tuiloma Lameko moved, *“That the Assembly approves the Committee Report outlining its Findings, Recommendations and Resolutions.”* Seconded by Lafaitale Patrick Leiatuaalesa.

Debate.

Report approved.

8. MOTION FOR ADJOURNMENT:

Hon Misa Telefoni moved, *“That Proceedings of the Legislative Assembly be now adjourned until 9.00am 15th September 2008.”* Seconded by Hon Faumuina Tiatia Liuga.

Motion approved and Proceedings of the Legislative Assembly stood adjourned.

9. Proceedings of the Legislative Assembly was adjourned at 10.15am until 9:00am on Monday, 15th September pursuant to Parliamentary Sitting Schedule 2008.

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Fepuleai Attila M. Ropati
CLERK

MONDAY, 15th SEPTEMBER 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailue, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofolia Tapasu, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Sala Fata Lisati Pinati, Tofa Tiata Pulufana Saunoa, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT;

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Toomata Alapati Poesé Toomata, Afioga Hon Le Mamea Ropati, Afioga Muagututagata Peter Ah Him, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaauo Lufilufi, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Susuga Laauli Leuatea Polataivao, Afioga Hon Faumuina Tiatia Liuga.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. OTHER ANNOUNCEMENTS BY MR SPEAKER:

Mr Speaker announced in Parliament that Democracy is today celebrated worldwide especially in Commonwealth countries and Governments.

6. OBITURARY SPEECHES:

1. Mr Speaker announced the passing away of Tofa Fuataga Laulu, a former member for the Territorial Constituency of Vaimauga East in the Parliament of 1979 - 1982, 1982 - 1985 and 1985 t- 1987.

Tofa Fuataga Laulu was Minister for Education some time in 1982 and the Minister of Lands and Survey in 1982 – 1985.

He was also a member of the Bills Committee as well as the Business Committee.

2. Mr Speaker also announced the passing away of Tofa Tamala Uilisona Leuluaialii, a former member of Parliament for the Territorial Constituency of Palauli West in the 1991 - 1995 Parliament.

He was a member of the House Committee and the Primary Production, Commerce, Industry and Labour Committee.

7. PRESENTATION OF PAPERS:

1. Mr Speaker tabled the P.P.2008/2009 No.46, Report of the Samoa Delegation to the 54th Conference of the CPA and the 28th Meeting of the small branches of the CPA held in Kuala Lumpur, Malaysia. (In accordance with the Speaker's Instructions on 17th October 2000).

2. The Clerk read out the Papers tabled in accordance with Standing Order 48:-

(i) S.R.2008/26, Companies Regulations 2008.

(ii) S.R.2008/27, EPC (Further Amended Imposition of Temporary Additional Charge) Repeal Regulation 2008.

(iii) S.R.2008/28, Notice of Additional Charge for the Supply of Electricity (No.1) 2008.

(iv) S.R.2008/29, Notice of Additional Charge for the Supply of Electricity (No.2) 2008.

(v) S.R.2008/30, Road Transport Reform Act 2008, Notice of Commencement of Sections 4 to 7.

(vi) S.R.2008/31, Road Transport Reform Act 2008, Change of the Side of the Road that Vehicles will Travel on.

(vii) P.P.2008/2009 No.39, CBS Annual Report for the Twelve Months July 2006 – June 2007.

(viii) P.P.2008/2009 No.40, Statement of Objectives, Corporate Plan 2009 – 2011 of the Samoa Water Authority.

(ix) P.P.2008/2009 No.47, Annual Report of the Police, Prisons and Fire Services for the Financial Year 2005 – 2006.

8. PRESENTATION OF SELECT COMMITTEE REPORTS:

The Clerk read out the Select Committees Reports tabled in accordance with Standing Order 51(5):-

1. **P.P.2008/2009 No.41, Report of the Works, Transport and Environment Committee on the Road Traffic Amendment Bill 2008.**
2. **P.P.2008/2009 No.42, Finance and Expenditure Committee Report on P.P.2007/2008 No.106, Samoa National Provident Fund Annual Report for July 2006 – June 2007.**
3. **P.P.2008/2009 No.43, Regulations Review Committee Report on the following S.Rs:-**
 - (i) **(i).S.R.2008/18, Custom Tarriff (Alteration to Nomenclature) Order 2008.**
 - (ii) **S.R.2008/2009 No.19, Companies Act 2001, Notice of Commencement.**
 - (iii) **S.R.2008/20, Securities Act 2006, Notice of Commencement.**
 - (iv) **S.R.2008/21, Receiverships Act 2006, Notice of Commencement.**
 - (v) **S.R.2008/22, Company Law Reform (Transitional Provisions) 2006, Notice of Commencement.**
 - (vi) **S.R.2008/23, Fair Trading Act 1998, Special Price Order (No.3) 2008.**
 - (vii) **S.R.2008/24, Fair Trading Act 1998, Special Price Order (No.4) 2008.**
 - (viii) **S.R.2008/25, Fair Trading Act 1998, Sepcial Price Order (No.5) 2008.**
4. **P.P.2008/2009 No.44, Health and Social Services Committee Report on P.P.2008/2009 No.27, Annual Report of the Housing Corporation for the Year 2007.**

9. **Proceedings of the Legislative Assembly adjourned at 9.35am until 9.00am Thursday, 18th September 2008.**

**Hon Tolofuaivalelei Falemoe Leiatua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

THURSDAY, 18th SEPTEMBER 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poesé Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuála, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siao Si Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Susuga Papalii Memea Samuelu Petaia, Afioga Vaeolenofoaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Lafaitale Patrick Leiataualesa, Afioga Sala Fata Lisati Pinati, Tofa Tiata Sili Pulufana Saunoa, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamé Naomi Mataafa, Afioga Fuimaono Naoia Tei, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Afioga Muagututagata Peter Ah Him, Afioga Vui Tupe Ioane, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled in accordance with Standing Order 48:-

(i) S.R.2008/32, Planning and Urban Management (Development Consent Application and Fees) Regulation 2008.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:-

Government Order of the Day No.1 called.

1. Road Traffic Amendment Bill 2008 – consideration in detail.

Motuopuaa Uifagasa Aisoli (Deputy Chairman of the Works, Transport and Environment Committee) moved, *“That the Assembly approves the Committee Report recommending that the Bill be progressed without amendments.”* Seconded by Mulipola Oliva.

Motion approved.

CLAUSE 2: Definition of the “Board”

Approved.

CLAUSE 3: Definition of “prescribed fee”

Approved.

CLAUSE 4: Amendments to references to fees.

Approved.

CLAUSE 5: Fees for endorsement of international licence.

Debate.

Clause 5 approved.

CLAUSE 6: Period of validity of vehicle licences.

Debate.

Clause 6 approved.

CLAUSE 7: Period of validity of driving licences.

Approved.

CLAUSE 8: Repeal of the First Schedule.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Road Traffic Amendment 2008.

Approved.

The Road Traffic Amendment Bill 2008 progressed without amendment.

7. CONSIDERATION OF SELECT COMMITTEE REPORTS:

1. P.P.2008/2009 No.42, Finance and Expenditure Committee Report on P.P.2007/2008 No.106, Samoa National Provident Fund Annual Report July 2006 – June 2007.

Hon Tuiloma Lameko (Chairman of Finance and Expenditure committee) moved, “*That the Assembly takes note of the Committee Report outlining its Findings, Recommendations and Resolutions.*” Seconded by Leao Talalelei Tuitama.

Debate.

Report approved.

8. OTHER ANNOUNCEMENTS BY MR SPEAKER:

Mr Speaker announced for the information of Parliament the presence of the delegation from the Congress of the Government of China, which is headed by Lady Deputy Speaker or the Deputy Chairman of the Main Committee of the Parliament of the Chinese Government, Lady Yan Jungi.

The Parliament showed respect by applauding.

2. P.P.2008/2009 No.43, Regulations Review Committee Report on S.R.2008/18, S.R.2008/19, S.R.2008/20, S.R.2008/21, S.R.2008/22, S.R.2008/23, S.R.2008/24, S.R.2008/25.

Leao Talalelei Tuitama (Chairman of the Regulation Review Committee) moved, “*That the Assembly takes note of the Committee Report outlining its Considerations and Resolutions.*” Seconded by Aiono Tile Gafa / Lafaitale Patrick Leiatualesa.

Debate

Report approved.

MOTION FOR SUSPENSION OF STANDING ORDERS:

Hon Misa Telefoni moved, “That the Standing Orders be suspended permitting Third reading of the Road Traffic Amendment Bill 2008.” Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved and Standing Orders stood suspended.

2. Road Traffic Amendment Bill 2008 – Third Reading.

Hon Tuisugaletaua Sofara Aveau moved, “That the Road Traffic Amendment Bill 2008 be now read a third time.” Seconded by Hon Faumuina Tiatia Liuga / Hon Toleafoa Apulu Faafisi.

Motion approved and the Road Traffic Amendment Bill 2008 was read a third time, and had passed the Legislative Assembly.

MOTION FOR ADJOURNMENT:

Hon Misa Telefoni moved, “That the Proceedings of the Assembly do now adjourn until 9.00am Monday, 20th October 2008 according to the Parliament Sitting Program for 2008.” Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved.

- 9. Proceedings of the Legislative Assembly adjourned at 11:28am until Monday, 20th October 2008 at 9.00am pursuant to Parliamentary Sitting Schedule 2008.**

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

MONDAY, 20th OCTOBER 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaaauo Lufilufi, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Unasa Mesi Galo, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Vui Tupe Ioane, Afioga Vaeolenofofia Tapasu, Tofa Tuiloa Anitelea, Tofa Tiata Pulufana Saunoa, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9.00am pursuant to the Adjournment motion on the 18th of September 2008.

4. Mr. Speaker took the Chair and said the prayers.

5. MESSAGE FROM THE HEAD OF STATE:

Mr. Speaker communicated the message from Le Ao o le Malo permitting the Legislative Assembly to consider the following Bills:-

- (i).Scientific Research Organisation of Samoa 2008.
- (ii) Police Services 2008.

6. OBITURARY SPEECHES:

Mr. Speaker announced the passing away of Tofa Hon Laufofo Meti on the 29th of September 2008, who was a member of the Territorial Constituency of Anoamaa Sisifo during the Vth Parliament 1973 – 1975; the VIIIth Parliament 1982 – 1984 and the IXth Parliament 1985 – 1987.

He was a Minister for the Department of Economics, Fisheries, Statistics and Transport in 1982. He was also Minister for Foreign Affairs, Broadcasting, Post Office and Wireless in 1983 and 1984.

He was also a member of the Public Accounts Committee in 1973, a member of the Business Committee in 1982, 1983 and 1984 and a member of the Standing Orders Committee in 1986. He was also Secretary to the Steering Committee of the Constitutional Convention and the Executive Committee.

The Members were upstanding for one minute to pay final respects for the member who had passed away.

7. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled in accordance with Standing Order 48:-

- (i) P.P.2008/2009 No.48, STEC 45th Annual Report for the Year Ending 30 June 2007.

8. PRESENTATION OF SELECT COMMITTEES REPORTS:

The Clerk read out the Select Committee Reports tabled in accordance with Standing Order 51(5):-

- (i) P.P.2008/2009 No.49, Report of the Works, Transport and Environment Committee on the Water Resources Management Bill 2008.
- (ii) P.P.2008/2009 No.50, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P 2008/2009 No.33, Annual Report of the Ministry of Agriculture and Fisheries for the Financial Year July 2005 – June 2006.
- (iii) P.P.2008/2009 No.51, Report of the Justice, Police and Prisons and Land and Titles Court Committee on P.P.2008/2009 No.3, Annual Report of the Ministry of Justice and Courts Administration for the Financial Years 2000 – 2003 and P.P 2008/2009 No.4, Annual Report of the Ministry of Justice, Police and Prisons and Land and Titles Courts for the Financial Year July 2005 – June 2006.
- (iv) P.P.2008/2009 No.52, Report of the Justice, Police and Prisons and Land and Titles Court Committee on P.P.2008/2009 No.5, Annual Report of the Ministry of Justice and Courts Administration, Police and Prisons and Land and Titles Court for the Financial Year 2004-2005, & P.P.2008/2009 No.6, Annual Report

of the Ministry of Justice and Courts Administration for the Financial Year July 2005 – June 2006.

9. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

2. Police Services Bill 2008 – first reading.

Hon Toleafoa Apulu Faafisi (Minister of Police, Prisons and Fire Services) moved, *“That the Police Services Bill 2008 be now read a first time.”* Seconded by Hon Tuuu Anasii Leota / Hon Safuneituuga Paaga Neri.

Motion approved and Bill was read a first time.

Government Order of the Day No. 2 called.

2. Scientific Research Organisation of Samoa Bill 2008 – first reading.

Hon Faumuina Tiatia Liuga (Minister for Natural Resources, Environment and Meteorology) moved, *“That the Scientific Research Organisation of Samoa Bill 2008 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tuuu Anasii Leota / Hon Taua Tavaga Kitiona Seuala.

Motion approved and the Bill was read a first time.

10. CONSIDERATION OF SELECT COMMITTEES REPORTS:

1. P.P.2008/2009 No.44, Health and Social Services, Internal Affairs and Community and Social Development Committee Report on P.P.2008/2009 No.27, Annual Report of the Housing Corporation for the Year 2007.

Hon Palusalua Faapo II (Deputy Chairman of the Health and Social Services, Internal Affairs, Community and Social Development Committee) moved, *“That the Assembly takes note of the Committee Report which gives its Findings, Recommendations and Resolutions.”* Seconded by Fuimaono Naoia Tei / Lealailepule Rimoni Aiafi.

Debate

Report approved.

11. Proceedings of the Legislative Assembly adjourned at 11:28pm until 9:00am Tuesday, 21st October 2008.

Hon Tolofuaivalelei Falemoe Leiataua
MR. SPEAKER

Fepuleai Attila M. Ropati
CLERK

TUESDAY, 21ST OCTOBER 2008

1. MEMBERS PRESENT:

MR. SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu, Afioga Vaeolenofoa Tapasu, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Vui Tupe Ioane, Tofa Tiata Pulufana Saunoa, Afioga Aiono Tile Gafa, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9:00am.

4. Mr. Speaker took the Chair and said the Prayers.

5. OTHER ANNOUNCEMENTS BY MR SPEAKER:

Mr. Speaker announced, for the information of Parliament, that the LEGISLATIVE DRAFTING HANDBOOK has been written and launched.

6. PRESENTATION OF SELECT COMMITTEE REPORTS:

The Clerk read out the Select Committee Report tabled in accordance with Standing Order 51(5):-

(i) P.P.2008/2009 No.53, Report of the Education, Science, Communication & Information Technology Committee on P.P.2008/2009 No.30, Annual Report of the National University of Samoa for the Years 2005/2006 and 2006/2007.

7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Water Resources Management Bill 2008 – consideration in detail.

Muagututagata Peter Ah Him (Chairman of the Works, Transport & Environment Committee) moved, “That the Water Resources Management Bill 2008 be progressed with Amendments and Corrections.” Seconded by Lafaitale Patrick Leiatuaalesa.

Motion approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act to bind the State.

Approved.

CLAUSE 4: Water resources to be managed on a sustainable basis.

Approved.

CLAUSE 5: Application of the precautionary principle.

Muagututagata moved a correction to Clause 5 in the Samoan Print only which reads:-

“CORRECTION:

Clause 5(1) line 4, Samoan Print only:

“Omit the word “pulega” which appears after the word “le” and before the words “o punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (1) reads:

“(1) O tagata ma lala sooupu uma e i ai a latou matafaioi i lalo o lenei Tulafono, po o a latou galuega tauave ma malosiaga e mafai ona fesootai i so o se mataupu po o se mea e aafia ai le faafoega o le faasoasoina tatau o punaoa tau suavai i Samoa, po o le faatonutonuina, faafoega, po o le pulega o so o se vailaau, meafaitino po o se mea e mafai ona aafia tele ai punaoa tau suavai a Samoa, e tatau ona faaaoga le faiga o lapataiga tau puipuiga pe a faatino a latou matafaioi ma galuega tauave, po o le faatinoga o o latou malosiaga.””

Correction approved.

Clause 5 approved as corrected.

CLAUSE 6: State control of water resources.

Muagututagata Peter Ah Him moved a correction to Clause 6 in the Samoan Print only which reads:

“CORRECTION:

Clause 6(3) line 3 & 4, Samoan Print only:

“(i) (3) line 3:- omit the words “o le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoega o le faasoasoina tatau” ma:

(ii) (3) line 4: - omit the word “pulega” which appears after the word “ma le” and before the words “o punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (3) reads:

(3)O malosiaga o le Malo i lalo o lenei fuaiupu o le a faatinoina i se e aofia ai aia tatau e faaaoga ai punaoa tau suavai o aloaia i totonu o le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa e pei ona aiaia i le fuaiupu 12(7), ma le faafoega o le faasoasoina tatau o punaoa tau suavai i nuu i tua e tusa ai ma tulafono laiti ua faia i lalo o le fuaiupu 33.””

Muagututagata Peter Ah Him moved an Amendment to Clause 6 to read:

“AMENDMENTS:

Clause 6:

Insert new subsections (4) & (5) as follows:

“(4) Nothing in this Act affects any rights of customary ownership of land in Samoa, and no action may be taken under this Act to deprive existing rights to land and resources held in accordance with the customs and traditions of Samoa.

(5)The regulatory controls exercised by government under the Authority of this Act shall be applied so as to ensure that the benefits of the water resources of Samoa are maximized and enjoyed fairly by all persons having needs of water.”

Debate.

Correction and Amendments approved.

Clause 6 approved as corrected and amended.

CLAUSE 7: The rights of State Utilities and Independent Water Schemes.

Muagututagata Peter Ah Him moved a correction to Clause 7 in the Samoan Print only to read:

“CORRECTION:

Clause 7(2) line 4, Samoan Print only:

Omit the words “o le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau faafoega o le Faasoasoina tatau”, thus (2) reads:

“(2) E tatau i le Matagaluega ona i ai le aia tatau e faaaoga ai le punaoa tau suavai mo so o se faamoemoe e fesootai ma le puipuiga po o le pulea o le siosiomaga, pe afai o se faaaogaina o lo o ogatasi ma le Fuafuaga tau Faafoega o le Faasoasoina tatau o Punaoa tau Suavai o Samoa.”

Muagututagata Peter Ah Him moved an Amendment to Clause 7 which reads:

“AMENDMENT:

Clause 7:

Insert new subsection (3) as follows:

“(3) The Ministry shall recognize the rights of individuals and communities to access water for the purposes of supplying water to meet the needs of those individuals and communities, and the provisions of this Act shall be applied accordingly.”

Debate.

Corrections and Amendments approved.

Clause 7 approved as corrected and amended.

CLAUSE 8: Rights of the Fire Service to access and use water for fire prevention and response.

Muagututagata Peter Ah Him moved a correction to Clause 8 in the Samoan Print only to read:

“CORRECTION:

Clause 8(2) line 4, Samoan Print only:

Omit the words “o le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoega o le Faasoasoina tatau”, thus (2) read:

“(2) O le faaaogaina o le suavai mai punavai e le Galuega Tinei Mu ma Faalavelave Tutupu Faafuasei mo gaoioiga e faasino i le puipuiga mai mu e tatau ona faatinoina e tusa ai ma le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa.”

Correction approved.

Clause 8 approved as corrected.

CLAUSE 9: Objectives of water resource management.

Muagututagata Peter Ah Him moved a correction to Clause 9 in the Samoan Print only:

“CORRECTION:

Clause 9 (Introductory Note) Samoan Print Only:

Omit the word “pulega” which appears after the word “o le” and before the words “o punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus the Introductory note reads:

“9. O Sini o le faafoega o le faasoasoina tatau o punaoa tau suavai –”

Clause 9(c)(iii) line 3 – Samoan Print only:

Omit the word “pulega” which appears after the word “ma le” and before the words “o punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (iii) reads:

“(iii) le faamaumauina o taunuuga, o le mataituina ma le tausia o faamaumauga o isi mataupu e fesootai ma le faafoega o le faasoasoina tatau o punaoa tau suavai; ma”

Correction approved.

Clause 9 approved as corrected.

CLAUSE 10: Powers of the Minister

Approved.

CLAUSE 11: Offences against this Part.

Approved.

CLAUSE 12: Licenses and permits to take water.

Muagututagata Peter Ah Him moved a Correction to Clause 12 in the Samoan Print only:

“CORRECTION:

(i) Clause 12(2)(d)(ii) line 2, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoga o le Faasoasoina Tatau”, thus (ii) reads:

“(ii) suesuega po o saililiga faasaienisi – e tatau ona tusa ai ma aiaiga o Fuafuaga tau Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa ma manaoga o lenei Tulafono.”

(ii) Clause 12(3)(a) line 1, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoga o le Faasoasoina Tatau”, thus (a) reads:

“(a) tusa ai ma aiaiga o Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa,””

(iii) Clause 12(7) line 1, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoega o le Faasoasoina Tatau”, thus (7) reads:

“(7) E mafai e le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa ona faaoga faagasologa mo le faatagaina o tagata e avea le suavai mai punavai e maua ai le suavai e aunoa ma se laisene po o pemitā ua tuuina atu i ai i lalo o leni fuaiupu, pe afai o le tagata-””

(iv) Clause 12(7)(a) line 5, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoega o le Faasoasoina Tatau”, thus (a) reads:

“(a) ua agavaa i se aia tatau e avanoa ai le punaoa faapitoa o suavai e tusa ai ma leni Tulafono po o se faiga faavae ua faamaonia i luga o aia tatau e avanoa ai i punaoa tau suavai, ia e tatau ona avea ma vaega o Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa; po o”.

(v) Clause 12(7)(b) line 3, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoega o le Faasoasoina Tatau”, thus (b) reads:

“(b) ua faamoemoe e toesea se tele o le suavai lea e i lalo ifo o le faatapulaa o le suavai ua faatulaga e le fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa e avea ma aofaiga maua luga o le suavai lea e mafai ona aveesea e aunoa ma se laisene.””

(vi) Clause 12(8) line 4, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa”, and substitute thereby the words “faafoega o le Faasoasoina Tatau”, thus (8) reads:

“(8) So o se tagata o ia lea ua aveesea faasolitulafono le suavai e aunoa ma se laisene e ala i le mafuaaga o le faafuaiupu (7), e ao ona tausisia isi aiaiga o leni Tulafono

ma manaoga ua faaee atu e le Fuafuaga tau Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa.”

Debate.

Correction approved.

Clause 12 approved as corrected.

CLAUSE 13: Requests for a review of a decision.

Muagututagata Peter Ah Him moved the correction to Clause 13 as follows:

“CORRECTIONS:

Clause 13(1)(a)(i) line 1, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the word “Faafoga o le Faasoasoina Tatau”, thus (i) reads:

“(i) e ogatasi ma fuafuaga tau Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa; ma””

Correction approved.

Clause 13 approved as corrected.

CLAUSE 14: Environment and health standards applying to water.

Approved.

CLAUSE 15: Offences against this part.

Muagututagata Peter Ah Him moved the correction to Clause 15 that:

“CORRECTION:

Clause 15(1)(d) line 1, Samoan Print only:

Omit the word “Pulega” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoga o le Faasoasoina Tatau”, thus (d) reads:

“(d) ua le tausisia so o se manaoga o Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa ua faaaogaina i le aveva o le suavai mai se punavai”.

Corrections approved.

Clause 15 approved as corrected.

CLAUSE 16: The Samoa Water Resources Board.

Debate.

CLAUSE 16 approved.

CLAUSE 17: Functions and Powers of the Board.

Muagututagata Peter Ah Him moved the Correction to Clause 17 that:

“CORRECTIONS:

Clause 17(1)(h) line 2, Samoan Print only:

Omit the words “le Pulea” which appear after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoega o le Faasoasoina Tatau”, thus (h) reads:

“(h) tapena mo le saunia, faamaonia ma le faatinoina o Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa e tusa ai ma le Vaega VII, ma mo iloiloga ma teuteuga faavaitaimi; ma”

Debate.

Corrections approved.

Clause 17 approved as corrected.

Muagututagata Peter Ah Him moved the Correction to Part VII that:

“CORRECTIONS:

PART VII (Introductory Note): Samoan Print only:

Omit the words “LE PULEA” which appear after the word “TAU” and before the words “O PUNAOA” and substitute thereby the words “FAAFOEGA O LE FAASOASOAINA TATAU”, thus the Introductory Note reads:

**“VAEGA VII
FUAFUAGA TAU FAAFOEGA O LE
FAASOASOAINA TATAU O PUNAOA
TAU SUAVAI A SAMOA”**

Correction approved.

Part VII approved as corrected.

CLAUSE 18: Elements of the Samoa Water Resource Management Plan.

Muagututagata Peter Ah Him moved the corrections to Clause 18 in the Samoan Print only that:

“CORRECTIONS:

(i) Clause 18 (Introductory); Samoan Print only

Omit the words “le Pulea” which appears after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoga o le Faasoasoina Tatau”, thus the Introductory Note of Clause 18 reads:

“18. O elemeni e aofia i le Fuafuaga tau Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai o Samoa”.

(ii) Clause 18(1) line 1; Samoan Print only:

Omit the words “le Pulea” which appear after the word “tau” and before the words “o Punaoa” and substitute thereby the words “Faafoga o le Faasoasoina Tatau”, thus (1) reads:

“(1) O fuafuaga tau Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa e tatau ona faailoa ai mataupu e faapea””

(iii) Clause 18(2) line 1; Samoan Print only:

Omit the words “a le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoga o le Faasoasoina Tatau”, thus (2) reads:

“(2) I le saunia ma le faamoania o le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa, e tatau i le Komiti Faatino ona faaaoaga taiala faavae ua taua””

(iv) Clause 18(4) line 1; Samoan Print only:

Omit the words “a le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoega o le Faasoasoina Tatau”, thus (4) reads:

“(4) A o faavaeina le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa, po o i le tulaga e faapea o so o se mataupu e taua i le pulega lelei o punaoa tau suavai e le i avea ma vaeaga o le Fuafuaga, e mafai e le Minista ona faia Poloaiaga e faasino i so o se mataupu ua taua i le faafuaipu (1), ma o lea Poloaiaga e tatau ona faatatauina o se vaega o le Fuafuaga mo faamoemoega uma o leni Tulafono””

Corrections approved.

Clause 18 approved as corrected.

CLAUSE 19: Environment Impact Assessments, Planning Schemes and other plans to be consistent with the Plan.

Muagututagata Peter Ah Him moved the correction to Clause 19 in the Samoan Print only that:

“CORRECTIONS:

(i) Clause 19(1) line 2, Samoan Print only:

Omit the words “a le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoega o le Faasoasoina Tatau”, thus (1) reads:

“(1) O aiaiga o le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa e ao ona iloiloina ma lipoti e faasino i suesuega uma o aafiaga i le siosiomaga, mai atinae ua fuafuaina e faia i lalo o le pule faataga a le Tulafono o Fuafuaga ma Pulega o Nofoga i Taulaga, ma so o se isi tulafono talafeagai””

(ii) Clause 19(2) line 3, Samoan Print only:

Omit the words “a le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoega o le Faasoasoina Tatau”, thus (2) reads:

(2) O faiga uma tau fuafuaga o le taulaga ma nuu i tua na saunia e tusa ai ma so o se tulafono e tatau ona ogatasi ma aiaiga o le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa, ma e tatau i ia faiga tau fuafuaga uma ona i ai le sini o le puipuia ma le faasaoina o punaoa tau suavai e tusa ai ma sini ua taua i le fuaiupu 9”

(iii) Clause 19(3) line 4, Samoan Print only:

Omit the words “a le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoega o le Faasoasoina Tatau”, thus (3) reads:

“(3) E le mafai ona tuuina atu se faamaoniga i lalo o so o se tulafono o lo o tagofia ai le faafoega o atinae ma suesuega o aafiaga o le siosiomaga, pe afai o le taunuuga o le faamaoniga ua solia ai so o se aiaiga o le Fuafuaga tau Faafoega o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa””

Correction approved.

Clause 19 approved as amended.

CLAUSE 20: Interpretation in this Part.

Debate.

Clause 20 approved.

CLAUSE 21: Functions of the Board in relation to watershed management.

Approved.

CLAUSE 22: Power of the Board in relation to watershed management.

Debate.

Clause 22 approved.

CLAUSE 23: Preparation of a watershed management plan.

Approved.

CLAUSE 24: Contents of plans.

Approved.

CLAUSE 25: Process of Plan Preparation.

Approved.

CLAUSE 26: Finalisation of a watershed management plan.

Approved.

CLAUSE 27: Publication of a plan.

Approved.

CLAUSE 28: Variation of a plan.

Approved.

CLAUSE 29: Reserves and Closed Areas.

Approved.

CLAUSE 30: Offences to breach a management plan.

Approved.

CLAUSE 31: Responsibilities of officers, etc.

Muagututagata Peter Ah Him moved the correction to Clause 31 in the Samoan Print only that:

“CORRECTIONS:

Clause 31(1) line 3, Samoan Print only:

Omit the word “pulega” which appears after the words “faasino i le” and before the words “o punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (1) reads:

“(1) O tagata ofisa faatagaina ma tagata ofisa uma o lala sooupu a le Malo e i ai a latou matafaioi e faasino i le faafoega o le faasoasoina tatau o punaoa tau suavai, e tatau ona faia ia gaoioiga ma faatino ia malosiaga e pei ona tatau ai e faamautu ai e faapea o lo o tausisia manaoga o se fuafuaga tau le pulea o elele apovai”

Correction approved.

Clause 31 approved as corrected.

CLAUSE 32: Powers of Government agencies.

Approved.

CLAUSE 33: Village and community by-laws.

Muagututagata Peter Ah Him moved the Correction to Clause 33 in the Samoan Print only that:

“CORRECTIONS:

(i) Clause 33(1) line 4, Samoan Print only:

Omit the words “pulea” which appears after the words “ma le” and before the words “o punaoa”, and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (1) reads:

“(1) E mafai e le Matagaluega ona faatalanoa Sui o nuu ma vaega o tagata lautele, ma saunia ma tuufaatasia tulafono laiti e ogatasi ma le Tulafono leni mo le faasoina ma le foafoega o le faasoasoina tatau o punaoa tau sauvai i nofoaga faapitoa ma ia aofia ai vaega o tagata lautele i faiga e faasao ma pulea ai, e aofia ai manaoga po o tapulaa e faasino i”

(ii) Clause 33(4) line 2, Samoan Print only:

Omit the word “pulea” which appears after the word “ma le” and before the words “o punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (4) reads:

“(4) O tulafono laiti taitasi uma ua tusia e aafia ai po o e faaaogaina i le faasoina ma le faafoega o le faasoasoina tatau o punaoa tau sauvai e tatau ona tuuina atu i le Pulenuu o nuu tuaoi a o faagasolo le vaitaimi o faatalatalanoaga e oo atu i le taimi e saunia ai le tulafono laitiiti”

(iii) Clause 33(8) line 3, Samoan Print only:

Omit the words “le Pulea” which appear after the word “Tau” and before the words “o Punaoa” and substitute thereby the words “Faafoga o le Faasoasoina Tatau”, thus (8) reads:

“(8) E ao i tulafono laiti uma ona faaee atu na o tapulaa ma manaoga talafeagai e ogatasi ma lenei Tulafono, le Fuafuga tau Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai a Samoa ma faiga faavae faamaonia uma ma polokalame e faasino i punaoa tau suavai””

Debate.

Corrections approved.

Clause 33 approved as corrected.

CLAUSE 34: Other community based programs and initiatives.

Muagututagata moved the Correction to Clause 34 in the Samoan Print only that:

“CORRECTIONS:

Clause 34(2) line 6, Samoan Print only:

Omit the word “pulega” which appears after the word “ma le” and before the words “o punaoa” and substitute thereby the words “faafoga o le faasoasoina tatau”, thus (2) reads:

“(2) Mo faamoemoega mo lenei fauiupu, e mafai e le Matagaluega ona faia se gaoioiga e galulue faatasi ai po o e galulue soosootauau ai ma se isi lava tagata po o se faalapotopotoga ua tuufaatasia faaletulafono pe leai foi, i totonu o Samoa po o se isi nofoaga, mo so o se faamoemoega e fesootai i le faasaoina o le suavai ma le faafoga o le faasoasoina tatau o punaoa tau suavai”.

Correction approved.

Clause 34 approved as corrected.

CLAUSE 35: Appointment of authorised officers.

Muagututagata Peter Ah Him moved the Correction to Clause 35 of the Samoan Print that:

“CORRECTIONS:

Clause 35(1)(b) line 6, Samoan Print only:

Omit the word “pulega” which appears after the word “ma le” and before the words “o punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (b) reads:

“(b) Faatino galuega tauave a so o se tagata ofisa faatagaina, tagata asiasi, tagata poto faapitoa tau sailiiliga, tagata ofisa e faamalosia tulafono laiti po o isi tagata ofisa talafeagai e faatinoina so o se galuega tauave e faasino i le faasaoina ma le faafoega o le faasoasoina tatau o punaoa tau Suavai a Samoa.”

Corrections approved.

Clause 35 approved as corrected.

CLAUSE 36: Powers of authorised officers.

Muagututagata Peter Ah Him moved the Correction to Clause 36 of the Samoan Print that:

“CORRECTIONS:

(i) Clause 36(1)(b) line 3, Samoan Print only:

Omit the word “pulea” which appears after the word “ma le” and before the word “punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau o le”, thus (b) reads:

“(b) Suesueina le faia o so o se soligatulafono po o le solia o so o se moliaga faaletulafono i le faasaoina ma le faafoega o le faasoasoina tatau o le punaoa tau sauavai”

(ii) Clause 36(2)(i) line 4, Samoan Print only:

Omit the words “pulega” which appears after the word “ma le” and before the word “o le punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau”, thus (i) reads:

“(i) faoa soo se mea ua faaaogaina i le faiga o se soligatulafono e faasaga I lenei Tulafono po o so o se tulafono e faasino I le faasaoina ma le faafoega o le faasoasoina tatau o le punaoa tau suavai””

(iii) Clause 36(3)(a) line 5, Samoan Print Only:

Omit the words “pulea o” which appear after the word “ma le” and before the word “punaoa” and substitute thereby the words “faafoega o le faasoasoina tatau o le”, thus (a) reads:

“(a) taofiofia po o ua faalavelaveina se tagata ofisa faatagaina i le faatagaina i le faatinoga o ona tiute tauave, po o le faatinoina o se malosiaga, i lalo o lenei Tulafono po o so o se isi lava tulafono e faasino i le faasaoina ma le faafoega o le faasoasoina tatau o le punaoa tau suavai.””

Corrections approved.

Clause 36 approved as corrected.

CLAUSE 37: Precautionary Notice.

Muagututagata Peter Ah Him moved the Correction to Clause 37 in the Samoan Print that:

“CORRECTIONS:

(i) Clause 37(2)(a) line 3 & 4; Samoan Print only:

Omit the words “Sui Ofisa Sili o Pulega – Matagaluega Punaoa tau Suavai” which appear after the word “le” and before the words “e faapea” and substitute thereby the words “Ofisa Sili Lagolago o Pulega – Vaega o Punaoa tau Suavai a le Matagaluega”, thus (a) reads:

“(a) ia tuuina atu faamatalaga e faasino i le galuega po o se gaoioiga ina ia faamalieina ai le Ofisa Sili Lagolago o Pulega – Vaega o Punaoa tau Suavai a le Matagaluega e faapea, e leai se solitulafono, se aafiaga lē lelei, se tulaga e tulai mai ai se feteenaiga po o se tulaga e tulai mai e lamatia ai punaoa tau suavai e ono aliae mai;”

(ii) Clause 37(2)(c) line 2, Samoan Print only:

Omit the words “Sui Ofisa Sili” which appear after the word “le” and before the words “o Pulega” and substitute thereby the words “Ofisa Sili Lagolago”, thus (c) reads:

“(c) ia faaleleia ma fesuiaia ni faiga e faatatau i galuega po o gaoioiga ina ia faamalieina ai le Ofisa Sili Lagolago o Pulega – Vaega o Punaoa tau Suavai a le Matagaluega, ina ia alofia ai le solia o se tulafono po o le faaitiitia ai o le aafiaga lē lelei, i se tulaga feteenai e lamatia ai po o se lamatiaga i punaoa tau suavai; ma”

(iii) Clause 37(2)(d) line 1, Samoan Print only:

Insert the word “Lagolago” after the word “Ofisa Sili” and before the words “o Pulega”, thus (d) reads:

“(d) so o se isi manaoga e pei ona fuafuaina e le Ofisa Sili Lagolago o Pulega – Vaega o Punaoa tau Suavai a le Matagaluega, ina ia faamautuina ai le tausisia lelei o so o

se manaoga, ua alofia le aafiaga lē lelei, feteenaiga po o se tulaga e lamatia ai i se mea ua faalegaina o punaoa tau suavai”

(iv) **Clause 37(3)(c) line 4, Samoan Print only:**

Omit the words “Sui Ofisa Sili” which appear after the word “le” and before the words “o Pulega” and substitute thereby the words “Ofisa Sili Lagolago”, thus (3) reads:

“(3) e tatau i so o se tagata ua faaooina atu i ai se faasilasilaga i lalo o lenei fuaiupu ona faamautu mai ua ia tausisia manaoga o lo o taua i totonu o le faasilasilaga i totonu o se taimi ua aiaia, ma e tatau ona faamlieina ai le Ofisa Sili Lagolago o Pulega – Vaega o Punaoa tau suavai a le Matagaluega, a o lumanai ai le mutaaga o lenei taimi, e faapea o lea gaoioiga, mataupu po o se mea e le aafia ai i se tulaga matuia punaoa tau suavai.””

Corrections approved.

Clause 37 approved as corrected.

CLAUSE 38: Notice to cease an activity.

Approved.

CLAUSE 39: Offences and penalties related to notices.

Approved.

CLAUSE 40: Prosecution of offences.

Approved.

CLAUSE 41: Requirement to provide information, data etc.

Approved.

CLAUSE 42: General offences.

Approved.

CLAUSE 43: Fees.

Approved.

CLAUSE 44: Protection of persons performing duties under this Act.

Approved.

CLAUSE 45: Regulations.

Muagututagata Peter Ah Him moved the Correction to Clause 45 in the Samoan Print which reads:

“CORRECTIONS:

Clause 45(2)(d) line 2, Samoan Print only:

Omit the words “a le Pulega” which appear after the word “Fuafuaga” and before the words “o Punaoa” and substitute thereby the words “tau Faafoga o le Faasoasoina Tatau”, thus (d) reads:

“(d) tuuina atu mo le sauniuniga, faamaoniga, faatinoga ma le faamamaluina o le Fuafuaga tau Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai, ma le aafiaga o afioaga ma alaalfaga i vaega taua o le faagasologa fuafuaina;”

Corrections approved.

Clause 45 approved as corrected.

CLAUSE 46: Emergency Regulations.

Approved.

CLAUSE 47: Savings provisions.

Approved.

CLAUSE 48: Repeals and consequential amendments.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: Water Resources Management 2008.

Muagututagata Peter Ah Him moved the corrections to Clause 1 and Title in the Samoan Print which reads:

“CORRECTIONS:

Omit the word “Pulega” which appears after the word “o le” and before the words “o Punaoa” and substitute thereby the words “Faafoga o le Faasoasoina Tatau”, thus Clause 1(1) and Title reads:

“(1) E mafai ona taua leni Tulafono o le Tulafono o le Faafoga o le Faasoasoina Tatau o Punaoa Tau Suavai 2008”.

Title – Faafoga o le Faasoasoina Tatau o Punaoa tau Suavai 2008.””

Correction approved.

Clause 1 and Title approved as corrected.

The Water Resources Management Bill 2008 was progressed with Amendments and Corrections.

Government order of the Day No.2 called.

2. Police Services Bill 2008 – second reading.

Hon Toleafoa Apulu Faafisi (Minister of Police & Prisons) moved, *“That the Police Services Bill 2008 be now read a second time and I would like to comment briefly on it.”*
Seconded by Hon Faumuina Tiatia Liuga / Hon Safuneituuga Paaga Neri.

The Minister clarified the Bill

Debate.

MOTION TO CONTINUE SITTING HOURS:

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That sitting hours be continued until Government Orders of the Day set for today’s sitting is completed.”*
Seconded by Hon Faumuina Tiatia Liuga / Laauli Leuatea Polataivao.

Motion approved.

Debate on second reading of Police Services Bill 2008 resumed.

Motion approved and Bill was read a second time.

Pursuant to Standing Orders the Bill shall be referred to the Justice, Police & Prisons and Land & Titles Committee for consideration and to report back to the Assembly in a future meeting.

Government Order of the Day No.3 called.

3. Scientific Research Organisation of Samoa Bill 2008 – second reading.

Hon Faumuina Tiatia Liuga (Minister for Natural Resources & Environment) moved, *“That the Scientific Research Organisation of Samoa Bill 2008 be now read a second time and I would like to comment on it.”* Seconded by Hon Lee Hang Niko / Hon Taua Tavaga Kitiona Seuala.

The Minister clarified the Bill.

Debate.

Motion approved and the Bill was read a second time.

Pursuant to Standing Orders the Bill shall be referred to the Primary Production, Commerce, Industry and Labour Committee for consideration and to report back to the Assembly in a future meeting.

MOTION FOR SUSPENSION OF STANDING ORDERS:

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That Standing Orders be suspended so that the Bill that was considered in detail today is available for third reading this sitting day.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Faumuina Tiatia Liuga.

Motion approved.

Government Order of the Day No.4 called.

4. Water Resources Management Bill 2008 – third reading.

Hon Faumuina Tiatia Liuga (Minister of Natural Resources & Environment) moved, *“That the Water Resources Management Bill 2008 be now read a third time.”* Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved and the Bill was read a third time and had passed the Legislative Assembly.

MOTION FOR ADJOURNMENT:

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That the Assembly Proceedings do now adjourn until Monday, 17th November 2008 at 9.00am.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Faumuina Tiatia Liuga.

Motion approved.

8. **The Assembly adjourned at 2.05pm until 9.00am Monday, 17th November 2008 in accordance with the Parliamentary Sitting Program of 2008.**

Hon Tolofuaivalelei Falemoe Leiataua
MR. SPEAKER

Fepuleai Attila M. Ropati
CLERK

MONDAY, 17th NOVEMBER 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiatua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiame Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Liuga, Afioga Hon Toomata Alapati Poese Toomata, Afioga Hon Unasa Mesi Galo.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiatuaalesa, Afioga Galuvao Viliamu, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaaauo Lufilufi, Afioga Aiono Tile Gafa, Tofa Fonotoe Nuafesili Pierre Laufofo, Tofa Hon Tuiloma Lameko, Susuga Laauli Leauatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow, Afioga Motuopuaa Uifagasa Aisoli, Afioga Fuimaono Naoia Tei, Afioga Vui Tupe Ioane, Afioga Vaeolenofaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Anauli Pofitu Fesili, Tofa Tiata Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9:00am pursuant to the Adjournment Motion of 21st October 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. MESSAGE FROM THE HEAD OF STATE:

Mr Speaker communicated the Message from Le Ao o le Malo permitting the Legislative Assembly to consider the following Bills:-

- (i) Export – Import Bank of China Loan Bill 2008.
- (ii) Trustee Companies Amendment Bill 2008.
- (iii) Education Bill 2008.
- (iv) International Companies Amendment Bill (No.2) 2008.

6. CERTIFICATE OF URGENCY:

Mr Speaker communicated the Certificate of Urgency permitting the Legislative Assembly to consider the following Bill:-

- (i) Export – Import Bank of China Loan Bill 2008.

7. OTHER ANNOUNCEMENTS BY MR SPEAKER:

Mr Speaker announced Standing Order 161 for the information of Parliament: “Evidence not to be publicized or given elsewhere”.

8. OBITURARY SPEECHES:

Mr Speaker announced the passing away of Susuga Peter McDonald Paul, who was one of the Members for the Individual Voters in the IIIrd Parliament, 14 March 1967. He was a member of the Public Accounts Committee as well as the Bills Committee.

The Members were upstanding for a minute of silence to pay their respects.

9. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled in accordance with S.O.48:

- (i) P.P.2008/2009 No.54, Airport Authority Statement of Corporate Objectives 2009-2011.
- (ii) P.P.2008/2009 No.55, Government Responses to P.P.2007/2008 No.61, Health & Social Services, Internal Affairs, Community and Social Development Committee Report on P.P.2006/2007 No.51, Ministry of Women, Community and Social Development Annual Report for the Financial Year Ending 30 June 2005.
- (iii) P.P.2008/2009 No.56, Government Responses to P.P.2007/2008 No.31, Finance & Expenditure Committee Report on P.P.2006/2007 No.82, Samoa Life Assurance Annual Report for the year 2006.
- (iv) P.P.2008/2009 No.57, Annual Report of the Ministry of Natural Resources & Environment for the Year 2006/2007.
- (v) P.P.2008/2009 No.58, Ministry of Agriculture & Fisheries Annual Report for the Financial Year July 2006-June 2007.
- (vi) P.P.2008/2009 No.59, Government Responses to P.P.2007/2008 No. 71, Report of the Works, Transport and Environment Committee on P.P.2007/2008 No.7, Annual Report of the Samoa Ports Authority for the Financial Year Ending 30th June 2006.

- (vii) P.P.2008/2009 No.60, Government Responses to P.P.2007/2008 No.60, Report of the Health & Social Services, Internal Affairs, Community & Social Development Committee on P.P.2007/2008 No.25, Annual Report of the Development Back of Samoa for the Year 2006.

10. PRESENTATION OF SELECT COMMITTEE REPORTS:

The Clerk read out the list of Select Committees Reports tabled in accordance with Standing Order 51 (5):

- (i) P.P.2008/2009 No.61, Primary Production, Commerce, Industry & Labour Committee Report on the Scientific Research Organisation of Samoa Bill 2008.
- (ii) P.P.2008/2009 No.62, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2008/2009 No.19, Annual Report of the Ministry of Women and Community Services Development for the Period Ended 30th June 2006.
- (iii) P.P.2008/2009 No.63, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P.2008/2009 No.7, Controller and Chief Auditor Report to the Legislative Assembly for Period 1 January – 30 June 2007.
- (iv) P.P.2008/2009 No.64, Report of the Education, Science, Communication and Information Technology Committee on P.P.2008/2009 No.26, Annual Report of the office of the Regulator for the year 2006/2007.
- (v) P.P.2008/2009 No.65, Report of the Government Administration Committee on P.P.2008/2009 No.32, Annual Report of the Office of the Public Trustee for the year ending 30th June 2007.
- (vi) P.P.2008/2009 No.66, Report of the Works, Transport & Environment Committee on P.P.2008/2009 No.8, Annual Report of the EPC for the year 2006/2007.

11. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 Called.

1. Export – Import Bank of China Loan Bill 2008 – first reading.

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “*That the Export-Import Bank of China Loan Bill 2008 be now read a first time.*” Seconded by Hon Faumuina Tiatia Liuga / Hon Tuuu Anasii Leota.

Motion approved and Bill was read a first time.

Government Order of the Day No.2 Called.

2. Trustee Companies Amendment Bill 2008 – first reading.

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “*That the Trustee Companies Amendment Bill 2008 be now read a first time.*” Seconded by Hon Faumuina Tiatia Liuga / Hon Tuuu Anasii Leota.

Motion approved and Bill was read a first time.

Government Order of the Day No.3 called.

3. Education Bill 2008 – first reading.

Hon Toomata Alapati Poes Toomata (Minister of Education, Sports and Culture) moved, “*That the Education Bill 2008 be now read a first time.*” Seconded by Hon Faumuina Liuga / Hon Tuuu Anasii Leota.

Motion approved and Bill was read a first time.

Government Order of the Day No.4 called.

4. International Companies Amendment Bill (No.2) 2008 – first reading

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “*That the International Companies Amendment Bill (No.2) 2008 be now read a first time.*” Seconded by Hon Tuuu Anasii Leota / Hon Faumuina Liuga.

Motion approved and Bill was read a first time.

Government Order of the Day No.5 called.

5. Export-Import Bank of China Loan Bill 2008 – second reading.

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “*That the Export –Import Bank of China Loan Bill 2008 be now read a second time and I would like to comment briefly on it.*” Seconded by Hon Faumuina Tiatia Liuga / Hon Tuuu Anasii Leota.

The Prime Minister clarified the Bill.

Debate.

Mr Speaker instructed removal of the following words spoken by the Member for Aiga i le Tai from Hansard: “*Ia o le tatou Tulafono la lea, e mataga ma sina tiga laitiiti lea e i ai.*”

Motion approved and the Bill was read a second time.

Government Order of the Day No.6 called.

6. Export –Import Bank of China Loan Bill 2008 – consideration in detail.

CLAUSE 2: Interpretation

Approved.

CLAUSE 3: Authority to borrow from the Bank.

Debate.

Clause 3 approved.

CLAUSE 4: Implementation of obligations under agreement.

Approved.

CLAUSE 5: Arbitration.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

TITLE: Export-Import Bank of China Loan 2008

Approved.

The Export-Import Bank of China Loan Bill 2008 was progressed without Amendment.

12. CONSIDERATION OF SELECT COMMITTEES REPORTS:

1. P.P.2008/2009 No.50, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P.2008/2009 No.33, Ministry of Agriculture and Fisheries Annual Report for the financial year July 2005 – June 2006.

Hon Tuiloma Lameko moved, “That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions.” Seconded by Lealailepule Rimoni Aiafi / Lafaitale Patrick Leiataualesa.

Debate.

Report approved.

2. P.P.2008/2009 No.51, Report of the Justice, Police & Prisons and Land & Titles Court Committee on P.P.2008/2009 No.3, Ministry of Justice and Courts Administration Annual Reports for the Years 2000-2003.

Fonotoe Nuafesili Pierre Lauofo moved, “That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions.” Seconded by Moefaaau Lufilufi.

13. Debate interrupted at adjournment time and the Legislative Assembly adjourned at 12:59p.m until 9:00am on Tuesday, 18 November 2008.

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

TUESDAY, 18th NOVEMBER 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Toomata Alapati Poese Toomata, Afioga Hon Unasa Mesi Galo.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Laufofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow, Afioga Fuimaono Naoia Tei, Afioga Vui Tupe Ioane, Afioga Vaeoloenofoa Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Anauli Pofitu Fesili, Tofa Tiata Pulufana Saunoa, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9.00am.

4. Mr. Speaker took the Chair and said the Prayers.

5. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Order of the Day No.1 called.

1. Export-Import Bank of China Loan Bill 2008 – third reading.

Susuga Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That the Export-Import Bank of China Loan Bill 2008 be now read a third time.”* Seconded by Hon Faumuina Tiatia Liuga.

Motion approved and Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.2 called.

2. Scientific Research Organisation of Samoa Bill 2008 – consideration in detail.

Hon Tuiloma Lameko (Chairman of the Primary Production Committee) moved, *“That the Assembly approves the Committee Report recommending the Assembly – to progress the Scientific Research Organisation of Samoa Bill 2008 with amendments.”* Seconded by Susuga Laauli Leuatea Polataivao.

Report approved.

CLAUSE 2: Title of the Principal Act.

Approved.

CLAUSE 3: Interpretation.

Hon Tuiloma Lameko moved an Amendment to Clause 3 as follows:

“AMENDMENT:

Clause 3:

Insert the following definitions in the correct alphabetical order:

“eligible person” means any of the following:

- (a) an officer;**
- (b) a director or employee of another research organization where -**
 - (i) the Organisation and other research organizations are partners in a partnership; or**
 - (ii) the Organisation holds a controlling interest in another research organization;**
- (c) any person engaged by the Organisation to carry out work for or on behalf of the Organisation”**

Amendment approved.

Clause 3 approved as amended.

CLAUSE 4: Establishment of the Organisation.

Approved.

CLAUSE 5: Deletion of the word “Institute”

Approved.

CLAUSE 6: Objectives of the Organisation.

Approved.

CLAUSE 7: Functions of the Organisation.

Debate.

Clause 7 approved.

CLAUSE 8: Scope of the Organisation’s activities.

Approved.

CLAUSE 9: Board of Directors.

Approved.

CLAUSE 10: Insertion of new section.

Debate.

Clause 10 approved.

CLAUSE 11: Chief Executive Officer of the Organisation.

Approved.

CLAUSE 12: Insertion of new section.

Hon Tuiloma Lameko moved an Amendment to Clause 12 as follows:

“AMENDMENT:

Clause 12:

Omit clause 10B(6):”

Amendment approved.

Clause 12 approved as amended.

CLAUSE 13: Staff and other personnel.

Approved.

CLAUSE 14: Intellectual Property Rights held by the Organisation.

Approved.

CLAUSE 15: Insertion of new section.

Approved.

CLAUSE 16: Format of Principal Act.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Scientific Research Organisation of Samoa Act 2008.

Approved.

The Scientific Research Organisation of Samoa Act 2008 progressed with Amendments.

Government Order of the Day No.3 called.

3. Trustee Companies Amendment Bill 2008 – Second reading.

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That the Trustee Companies Amendment Bill 2008 be now read a second time and I would like to comment briefly on it.”* Seconded by Hon Faumuina Tiatia Liuga.

The Prime Minister clarified the Bill.

Debate.

Motion approved and Bill was read a second time.

Pursuant to Standing Orders the Bill shall be referred to the Foreign Affairs, Trade and Revenue Committee for consideration and to report back to the Assembly in a future meeting.

Government Order of the Day No.4 called.

4. Education Bill 2008 – second reading.

Hon Toomata Alapati Poesé Toomata (Minister of Education, Sports & Culture) moved, *“That the Education Bill 2008 be now read a second time and I would like to clarify the Bill.”* Seconded by Hon Tuuu Anasii Leota.

The Minister clarified the Bill.

Debate.

Motion approved and the Bill was read a second time.

Pursuant to Standing Orders the Bill shall be referred to the Education, Science, Communication and Information Technology Committee for consideration and to report back to the Assembly in a future meeting.

MOTION TO EXTEND SITTING HOURS:

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That Proceedings be continued until the Second Reading of Bills is finished.”* Seconded by Hon Faumuina Tiatia Liuga.

Motion approved.

Government Order of the Day No.5 called.

5. International Companies Amendment Bill (No.2) 2008 – second reading.

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That the International Companies Amendment Bill (No.2) 2008 be now read a second time and I would like to clarify the Bill.”* Seconded by Hon Fiamé Naomi Mataafa.

The Prime Minister clarified the Bill.

Debate.

Motion approved and Bill was read a second time.

Pursuant to Standing Orders the Bill shall be referred to the Foreign Affairs, Trade and Revenue Committee for consideration and to report back to the Assembly in the next ensuing meeting.

MOTION TO SUSPEND STANDING ORDERS:

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “*That Standing Orders be suspended so that the Bill considered in detail this sitting day be available for third reading today.*” Seconded by Hon Faumuina Tiatia Liuga.

Motion approved.

Government Order of the Day No.6 called.

6. Scientific Research Organisation of Samoa Bill 2008 – third reading.

Hon Faumuina Tiatia Liuga (Minister of Natural Resources and Environment) moved, “*That the Scientific Research Organisation of Samoa Bill 2008 be now read a third time.*” Seconded by Hon Tuuu Anasii Leota.

MOTION FOR ADJOURNMENT:

Susuga Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “*That Proceedings be now adjourned until December.*” Seconded by Hon Faumuina Tiatia Liuga.

Motion approved.

- 6. Proceedings of the Legislative Assembly adjourned at 1.10pm until 9.00am Monday, 15th December 2008 pursuant to Parliamentary Sitting Schedule 2008.**

**Hon Tolofuaivalelei Falemoe Leिताua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

MONDAY, 15th DECEMBER 2008

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Safuncituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Hon Lee Hang Niko, Tofa Taua Tavaga Kitona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Hon Aeau Peniamina, Afioga Palusalua Faapo II, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Muagututia Siaosi S. Meredith, Afioga Vaeolenofaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Tofa Tuiloa Anetelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Lisati Pinati, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Pierre Laufofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Tofa Moefaauro Lufilufi.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Afioga Motuopuaa Uifagasa Aisoli, Tofa Taua Falaimo, Afioga Fuimaono Naoia Tei, Afioga Asiata Saleimoa Vaai, Afioga Vui Tupe Ioane, Afioga Lafaitale Patrick Leiataualesa, Afioga Tapuai Sepulona Moananu, Hon Keil Hans Joachim, Susuga Laauli Leuatea Polataivao.

3. The Legislative Assembly met at 9.00am pursuant to the adjournment motion on 18th November 2008.

4. Mr. Speaker took the Chair and said the Prayers.

5. MESSAGE FROM THE HEAD OF STATE:

Mr. Speaker communicated the Message from Le Ao o le Malo permitting the Legislative Assembly to proceed with the consideration of the following Bills:-

- (i) Road Traffic (Payment of Fines) Bill 2008.
- (ii) Supplementary Appropriation Bill (No.1) 2008/2009.

6. OBITUARY SPEECHES:

1. Mr Speaker announced the passing away of Afioga Toeolesulusulu Siueva, who was first elected as Member of Parliament for the Territorial Constituency of Aana Alofi No.3 in the VIIIth Parliament 1982 - 1985 on the 11th of March 1982. He was sworn in in April 1982 and was a member of the HRPP

He was again elected by the Territorial Constituency of Aana Alofi No.3 during the IXth Parliament in 1985 – 1987 and was a member of the Coalition Party.

Toeolesulusulu Siueva was appointed Cabinet Minister for the Ministry of Health on the 30th of December 1985 until 12th April 1988.

He was also a member of the Public Accounts Committee and the Privileges and Ethics Committee.

2. Mr. Speaker also announced the passing away of Afioga Leaupepe Uili, who was a member of Parliament for the Territorial Constituency of Aana Alofi No.1 during the Xth Parliament in 1988 – 1991 on the 22nd March 1988. He was sworn in on the 7th April 1988. Leaupepe Uili was a member of the Petitions Committee and was a member of the Samoa National Development Party.

The Assembly was upstanding observing a minute of silence to pay their last respects to the members who had passed away.

7. PRESENTATION OF PAPERS:

1. The Speaker tabled the P.P.2008/2009 No.71, Report of the Samoa Delegation to the 29th Regional Meeting of Australia and the Pacific held in Tasmania, Australia.
2. The Clerk read out the Papers tabled pursuant to Standing Order 48:-

- (i) S.R 2008/33, Tobacco Control Act 2008 – Notice of Commencement.
- (ii) S.R 2008/34, Notice of Additional Charge for the Supply of Electricity (No.3) 2008.
- (iii) S.R 2008/35, Notice of Additional Charge for the Supply of Electricity (No.4) 2008.
- (iv) S.R. 2008/36, Notice of Additional Charge for the Supply of Electricity (No.5) 2008.
- (v) S.R. 2008/37, Land Transport Authority Act 2007, Notice of Commencement.

8. PRESENTATION OF SELECT COMMITTEE REPORTS:

The Clerk read out the Select Committee Reports tabled pursuant to Standing Order 51(5):-

- (i) P.P.2008/2009 Nu.68, Report of the Foreign Affairs, Trade and Revenue Committee on the Trustee Companies Amendment Bill 2008.

- (ii) P.P.2008/2009 Nu.69, Report of the Foreign Affairs, Trade and Revenue Committee on the International Companies Amendment Bill (No.2) 2008.
- (iii) P.P.2008/2009 Nu.70, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on P.P.2008/2009 No.38, Annual Report of the Development Bank of Samoa for the year 2007.

9. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.1) 2008/2009 – first reading.

Hon Niko Lee Hang (Minister of Finance) moved, “That the Supplementary Appropriation Bill (No.1) 2008/2009 be now read a first time.” Seconded by Hon Toleafoa Apulu Faafisi.

Motion approved and Bill was read a first time.

Government Order of the Day No.2 called.

2. Supplementary Estimates (No.1) 2008/2009 – Tabling.

Hon Lee Hang Niko tabled the Supplementary Estimates (No.1) 2008/2009.

Government Order of the Day No.3 called.

3. Supplementary Appropriation Bill (No.1) 2008/2009 – motion for second reading.

Hon Lee Hang Niko moved, “That the Supplementary Appropriation Bill (No.1) 2008/2009 be read a second time.” Seconded by Hon Toleafoa Apulu Faafisi.

2008/2009 FIRST SUPPLEMENTARY BUDGET ADDRESS

Mr Speaker and Honourable Members,

On behalf of the Government, I would like to table the First Supplementary Budget for the financial year 2008/2009 for consideration of the House.

Mr Speaker,

In framing this supplementary budget, the Government considered prudently the economic and fiscal performance of the budget in the first half of the financial year, as well as the broad implications of the delayed global impact of increases in the prices of fuel and food items on Samoa’s economy.

Mr Speaker, as Honourable Members will note, this supplementary budget again underscores the Government’s commitment to maintaining a sustainable budget deficit that is manageable to support macroeconomic stability, a prerequisite for sustained economic growth.

In this context, this supplementary budget is targeted largely to financing a limited number of priority expenditures that can be sustained fiscally.

The Supplementary Budget

I would now like to provide you with the details of the First Supplementary Estimates for fiscal year 2008/2009:

Revenue

A total of \$11.7 million Tala additional revenue is declared in this first supplementary budget for the financial year 2008/2009. The additional revenue will be sourced from the following items:

- \$2.0m – VAGST Private Sector
- \$4.0m – VAGST Imports
- \$1.0m – Import Excises
- \$2.0m – Income Tax-Company Provisional Tax
- \$2.7m – Dividend from PolyBlue

Despite this substantial increase in additional tax revenues, overall revenue is budgeted to decrease due entirely to the non-realization of the expected receipts from the privatization of SamoaTel in this financial year because of the delays in implementation of the programme.

Expenditure

As stated earlier, this supplementary budget is intended largely to accommodate a limited number of priority expenditures, totaling \$7.3 million Tala including VAGST. These include:

- Additional provision of \$0.14m to finance salaries of approved new essential positions within the Bureau of Statistics.
- Additional provision of \$0.32m for site clearance of the Aele Primary School project being Government's counterpart contribution under this Chinese funded initiative.
- Additional \$3.8m required in the Ministry of Finance's budget for the financing of the prayer house re-roofing work, purchase of the government land (1.6 hectares) in Auckland, New Zealand and to cover a shortfall in counterpart costs for the Petroleum Tank Farm Project (financed by OPEC) and the Small Business Development Project. A provision is also included for the hosting of the proposed visit by the President of the Asian Development Bank, in March 2009.
- Additional \$0.01m for the Ministry of Revenue's information technology operations.
- Additional \$2.7m required by the Electric Power Corporation as a result of the high cost of fuel. This is to ensure its essential service to the country is not hindered at any time.
- Additional \$0.3m required in the Legislative Assembly's budget for the financing of the new parliamentary building electrical connection, maintenance of the Parliament House and for inter-parliamentary relations' operations.

Conclusion

Mr Speaker and Honourable members, I have outlined above the key features of the first supplementary budget for the financial year 2008/2009.

As you may have noted, the government has closely scrutinized additional expenditures that can be absorbed against expected revenues. In spite of the favourable fiscal conditions and promising signs of recovery in the economy in the first few months of this financial year, it is a fact of life that we live in a world plagued by uncertainties.

In this regard, the Government will continue to exercise great prudence in closely monitoring its budget and the economy overall to ensure macroeconomic stability is maintained.

Mr Speaker, Honourable members,

On behalf of the Government, I wish you Mr Speaker, Honourable members and every citizen of Samoa a ‘Merry Christmas and a Prosperous 2009’.

Soifua.

MOTION FOR ADJOURNMENT:

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That Proceedings of the Assembly do now adjourn until 9.00am Monday, 19th January 2009.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Tuuu Anasii Leota.

Motion approved.

10. The Assembly adjourned at 9.48am until 9.00am Monday, 19th January 2009.

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Fepuleai Attila M. Ropati
CLERK

MONDAY, 19th JANUARY 2009

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaoisi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropait, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow, Tofa Toluono Feti, Tofa Taua Falaimo, Afioga Vui Tupe Ioane, Tofa Moefaaau Lufilufi, Tofa Tiata Pulufana Saunoa, Susuga Laauli Leuatea Polataivao.

3. The Legislative Assembly met at 9.00am pursuant to the Adjournment Motion of 15th of December 2008.

4. Mr Speaker took the Chair and said the Prayers.

5. MESSAGE FROM THE HEAD OF STATE:

Mr Speaker communicated the Message from Le Ao o le Malo permitting the Legislative Assembly to proceed with the consideration of the following Bills:-

(i) Value Added Goods and Services Tax Amendment Bill 2009.

6. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled pursuant to Standing Orders 48:-

(i) P.P.2008/2009 No.72, Annual Report of the Polynesian Airlines Company for the year 2007.

(ii) P.P.2008/2009 No.73, Annual Report of the Ministry of Justice and Courts Administration July 2006 – June 2007.

(iii) P.P.2008/2009 No.74, Government Responses to P.P.2007/2008 No.82, Report of the Works, Transport and Environment Committee on P.P.2007/2008 No.20, EPC Annual Report for the Year Ending 30 June 2005 and P.P.2007/2008 No.43, EPC Annual Report for the Year 2005 – 2006.

(iv) P.P.2008/2009 No.77, Public Accounts for the Year Ended 30 June 2004.

(v) P.P.2008/2009 No.78, Public Accounts for the Year Ended 30 June 2005.

(vi) P.P.2008/2009 No.79, Public Accounts for the Year Ended 30 June 2006.

7. PRESENTATION OF SELECT COMMITTEE REPORTS:

The Clerk read out the Select Committee Report tabled pursuant to Standing Order 51(5):-

(i) P.P.2008/2009 No.75, Report of the Finance and Expenditure Committee on the First Supplementary Estimates of Receipts and Payments of the Government of Samoa for the Year Ended 30th June 2009, P.P.2008/2009 No.67.

MOTION OF THE BUSINESS, STANDING ORDERS, HOUSE, ELECTORAL AND OFFICERS OF PARLIAMENT COMMITTEE – PARLIAMENT SITTING PROGRAM FOR 2009.

Hon Le Mamea Ropati (Member of the Committee) moved, *“That the Assembly approves the Parliament Sitting Program for the year 2009 as set out by the Business, Standing Orders, House, Electoral and Officers of Parliament Committee as provided for in the Standing Orders. Hereunder is the Sitting Program.”* Seconded by Hon Toleafoa Apulu Faafisi.

Month	Date	Month	Date
January	19	August	17
May	29	October	19
June	15	December	7

Motion approved and Parliament Sitting Program for the Year 2009 stood approved.

8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Orders of the Day No.1 called.

1. Supplementary Appropriation Bill (No.1) 2008/2009 – debate on the second reading (Day 1).

Debate.

MOTION FOR CHANGE OF SITTING HOURS:

Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, *“That the Assembly sits at night from 7.00pm to 10.00pm and we will find out then what will happen tomorrow.”*
Seconded by Hon Toleafoa Apulu Faafisi.

Motion approved and Sitting Hours stood changed as follows:

Sitting Hours each day:

9.00 am – 1.00 pm.

7.00 pm – 11 at night.

Debate on second reading on the Supplementary Appropriation Bill (No.1) 2008/2009 resumed.

Debate.

Proceedings of the Assembly suspended at 12:39pm until 7.00pm.

Debate continued.

9. **Proceedings of the Legislative Assembly adjourned at 11.00 at night until 9.00am
Tuesday, 20th January 2009.**

**Hon Tolofuaivalelei Falemoe Leिताua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

TUESDAY, 20th JANUARY 2009

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poses Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Samuelu Petaia, Afioga Vaeoloenofoaia Tapasu, Tofa Solamalemalo Keneti Sio, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moannu, Tofa Tiata Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Faumuina Tiatia Liuga, Afioga Vui Tupe Ioane, Afioga Patauave Etuale, Tofa Moefaauo Lufilufi, Susuga Laauli Leuatea Polataivao.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. OBITUARY SPEECHES:

1. Mr Speaker announced the passing away of Afioga Tofilau Tauvaga and Afioga Leituala Tone Tuuaga who were members elected of Parliament.

Afioga Tofilau Tauvaga was first elected as member of Parliament for the Territorial Constituency of Faasaleleaga No.1 during the XIth Parliament 1991 – 1995, and he was a member of the HRPP. He was re-elected during the XIIth Parliament of 2001 – 2006 and was an Independent Member.

Tofilau Tauvaga was a member of the House Committee, the Public Accounts Committee as well as the Petitions Committee.

He was a Parliamentary Under-Secretary in the Ministry of Health as well as the Ministry of Transport.

2. Afioga Leituala Tone Tuuaga was first elected as member of Parliament for the Territorial Constituency of Palauli during the XIIth Parliament in 1996 – 2001. He was re-elected in the XIIIth Parliament 2001 – 2002. He was a member of the HRPP.

Afioga Leituala Tone Tuuaga was a Minister of the Ministry of Women and the Statistics Department on the 13th August 1999 – 2001.

Afioga Leituala Tone Tuuaga was appointed Parliamentary Under-Secretary to the Ministry of Agriculture, Forestry, Fisheries and Meteorology. He was a member of the Bills Committee, the Education Committee, the Primary Production Committee, the Justice, Police & Prisons Committee and the Trade, Commerce and Industry Committee.

The Assembly were upstanding to observe a minute of silence to pay their last respects for the members who had passed away.

6. PRESENTATION OF PAPERS:

The Clerk read out the Papers tabled pursuant to Standing Orders 48:-

- (i) S.R.2008/38, Fair Trading Act 1998, General Price Order (No.6) 2008.**
- (ii) S.R.2008/39, Fair Trading Act 1998, General Price Order (No.7) 2008.**
- (iii) S.R.2008/40, Fair Trading Act 1998, General Price Order (No.8) 2008.**
- (iv) S.R.2008/41, Fair Trading Act 1998, General Price Order (No.9) 2008.**
- (v) S.R.2008/42, Fair Trading Act 1998, General Price Order (No.10) 2008.**
- (vi) S.R.2008/43, Fair Trading Act 1998, General Price Order for Upolu, Savaii, Manono & Apolima 2008.**

- (vii) **S.R.2008/44, Notice of Additional Charge for the Supply of Electricity (No.6) 2008.**

7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Orders of the Day No.1 called.

1. Supplementary Appropriation Bill (No.1) 2008/2009 – debate on second reading continued from last sitting day – (Day 2).

Debate.

- 8. Proceedings of the Assembly adjourned at 12.50pm until 9.00am Wednesday, 21st January 2009.**

**Hon Tolofuaivalelei Falemoe Leiatua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

WEDNESDAY, 21st JANUARY 2009.

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiautau

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siao S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofa Tapasu, Tofa Solamalemalo Keneti Sio, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiautalesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Tiata Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotote Pierre Lauofo, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Faumuina Tiatia Liuga, Afioga Vui Tupe Ioane, Afioga Patauave Etuale, Tofa Moefaauo Lufilufi.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.1) 2008/2009 – resumption of debate on second reading continued from last sitting day – (Day 3).

Debate continued.

The Minister for Health was the first to respond to issues raised by members during their general submissions on the second reading debate of the Supplementary Appropriation Bill (No.1) 2008/2009.

6. Proceedings of the Assembly adjourned at 1.00pm until 9.00am Thursday, 22nd January 2009.

**Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

THURSDAY, 22nd JANUARY 2009

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Tuisgualetaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuleu Petaia, Afioga Vaeolenofoa Tapasu, Tofa Solamalemalo Keneti Sio, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaauro Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Afioga Tuia Pua Fuatogi Letoa, Afioga Levaopolo Talatonu, Afioga Hon Aeau Peniamina, Afioga Vui Tupe Ioane, Afioga Patauave Etuale.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. OTHER ANNOUNCEMENTS BY MR SPEAKER:

1. The Speaker's ruling given on the 13th November 2006 still stands. It clearly states that other than the HRPP which satisfies the provisions of Standing Order 20, all other members are recognized as Independent Members. This ruling was made due to the reduction of the number of members of the SNDP to 8, being the minimum number to recognize a Political Party in Parliament.

2. Since yesterday's sitting, all members involved in the establishment of the said political party are required to state clearly in writing within 21 days from today, that he/she is a member of the Tautua Party. If after 21 days and still no notice to the Speaker, you shall be considered a registered member of the Tautua Party. This Announcement does not include the member for Lefaga and Faleaseela, the member for Safata, Afioga Tuia Pua Fuatogi Letoa and the member from Aleipata Itupa i Lalo.

Yesterday, I received a copy of Afioga Muagututia Siaosi Meredith's letter to the Leader of the Tautua Party, informing him of his resignation from the Tautua Party. He has decided to remain an Independent Member.

The Speaker's ruling is final and no debate is permitted.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills.

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.1) 2008/2009 – resumption debate on second reading continued from last sitting day (Day 4).

MINISTERIAL RESPONSES CONTINUED:

The Minister of Works completed his responses, followed by the Minister for Revenue, the Minister of Police, Prisons & Fire Services, then the Minister of Communication and Information Technology, the Minister of Women, the Minister of Trade, Commerce and Labour and the Prime Minister being the last to respond.

QUESTION FOR SECOND READING:

Question put on the Motion for second reading of the Supplementary Appropriation Bill (No.1) 2008/2009 moved on the 15th December 2008 and motion approved.

The Supplementary Appropriation Bill (No.1) 2008/2009 was read a second time.

Government Order of the Day No.2 called.

2. Supplementary Appropriation Bill (No.1) 2008/2009 – consideration in detail.

**FIRST SCHEDULE
ADDITION IN APPROPRIATIONS**

MINISTRY:	DESCRIPTION:	APPROPRIATIONS:
EDUCATION, SPORTS & CULTURE:	Additional Expenditure	\$320,342
<i>Approved without debate.</i>		
FINANCE:	Additional Expenditure	\$3,821,053
<i>Approved without debate.</i>		
REVENUE:	Additional Expenditure	\$11,500
<i>Approved without debate.</i>		
WORKS, TRANSPORT & INFRASTRUCTURE:	Additional Expenditure	\$2,700,000
<i>Approved without debate.</i>		
LEGISLATIVE:	Additional Expenditure	\$305,961
Debate.		
<i>Approved \$305,961 for the Legislative Assembly.</i>		
STATISTICS:	Additional Expenditure	\$146,640
<i>Approved</i>		
TOTAL ADDITIONAL OVERALL EXPENDITURE 2008/2009:		\$7,305,495

**SECOND SCHEDULE
REDUCTIONS IN APPROPRIATIONS**

MINISTRY:	DESCRIPTION:	REDUCTION IN APPROPRIATIONS:
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EDUCATION, SPORTS & CULTURE:	Reduction in Expenditure	\$(340,264)
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Approved.

FINANCE	Reduction in Expenditure	\$(1,500, 00)
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Approved.

TOTAL REDUCTIONS IN OVERALL EXPENDITURE 2008/2009:	\$(1,840,264)
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Approved.

Schedule approved as part of the Bill.

CLAUSE 2: Grant and Appropriation of \$7,305,495 out of Treasury Fund.

Approved.

CLAUSE 3: Reduction of amounts earlier appropriated and re-allocation to other outputs and sub-outputs.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Supplementary Appropriation (No.1) 2008/2009.

Approved.

The Supplementary Appropriation (No.1) 2008/2009 was progressed without amendment.

Government Order of the Day No.3 called.

3. Supplementary Appropriation Bill (No.1) 2008/2009 – third reading.

Hon Lee Hang Niko moved, “*That the Supplementary Appropriation Bill (No.1) 2008/2009 be now read a third time.*” Seconded by Hon Tuuu Anasii Leota.

Motion approved and Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.4 called.

4. Road Traffic (Payment of Fines) 2009 – first reading.

Hon Tuisugaletaua Sofara Aveau moved, “*That the Road Traffic (Payment of Fines) Bill 2009 be now read a first time.*” Seconded by Hon Tuuu Anasii Leota.

Motion approved and Bill was read a first time.

Government Order of the Day No.5 called.

5. Value Added Goods & Services Tax Amendment Bill 2009 – first reading.

Hon Tuuu Anasii Leota moved, “*That the Value Added Goods & Services Tax Amendment Bill 2009 be now read a first time.*” Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved and Bill was read a first time.

Government Order of the Day No.6 called.

6. Trustee Companies Amendment Bill 2008 – consideration in detail.

Hon Tuiloma Lameko moved, “*That the Assembly approve the Committee Report recommending the Trustee Companies Amendment Bill 2008 to be progressed with amendments.*” Seconded by Tofa Leao Talalelei Tuitama.

Report approved.

CLAUSE 2: Acting through subsidiary company.

Approved.

CLAUSE 3: Trustee companies may be relieved of certain obligations.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: Trustee Companies Act Amendment Bill 2008.

Tofa Hon Tuiloma Lameko moved an Amendment to Clause 1 and Title as follows:-

“AMENDMENT:

Omit the number “2008” as written in Clause 1 and Title and substitute thereby the number “2009”, thus the Title of the Bill reads:

“TRUSTEE COMPANIES AMENDMENT BILL 2009.””

Amendment approved.

Clause 1 and Title approved as amended.

The Trustee Companies Amendment Bill 2009 was progressed with amendments.

Government Order of the Day No.7 called.

4. International Companies Amendment Bill (No.2) 2008 – consideration in detail.

Hon Tuiloma Lameko moved, *“That the Committee Report be approved which recommends the International Companies Amendment Bill (No.2) 2008 to be progressed with amendments.”* Seconded by Tofa Leao Talalelei Tuitama.

Report approved.

CLAUSE 2: Subscribers to a Memorandum of Association

Approved.

CLAUSE 3: Filing of charges

Approved.

CLAUSE 4: Register of members

Approved.

CLAUSE 5: Confidentiality

Debate.

Clause 5 approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: International Companies Amendment (No.2) 2008.

Hon Tuiloma Lameko moved an Amendment to Clause 1 and Title as follows:

“AMENDMENT:

Clause 1 and Title

- (i) **Omit the number “2008” as written in Clause 1 and Title and substitute thereby the number “2009”.**
 - (ii) **Omit the (No.2), thus the Title of the Bill reads:-**

“INTERNATIONAL COMPANIES AMENDMENT BILL 2009.”

Amendment approved.

Clause 1 and Title approved as amended.

The International Companies Amendment Bill 2009 was progressed with amendments.

Government Order of the Day No.8 called.

8. Trustee Companies Amendment Bill 2009 – third reading.

Hon Lee Hang Niko moved, “That the Trustee Companies Amendment Bill 2009 be now read a third time.” Seconded by Hon Tuuu Anasii Leota.

Motion approved and Bill was read a third time and had passed the Legislative Assembly.

Government Order of the Day No.9 called.

9. International Companies Amendment Bill 2009 – third reading.

Hon Lee Hang Niko moved, “That the International Companies Amendment Bill 2009 be now read a third time.” Seconded by Hon Tuuu Anasii Leota.

Motion approved and Bill was read a third time and had passed the Legislative Assembly.

MOTION FOR ADJOURNMENT:

Hon Tuilaepa Sailele Malielegaoi moved, *“That the meeting be now adjourned until Monday. Tomorrow there will be a special occasion pertaining his Highness the Head of State. We will try and finish Parliament Business left on Monday and then adjourn for the rest of this financial year.”* Seconded by **Hon Tuuu Anasii Leota**.

Motion approved.

7. **The Assembly adjourned at 12.05pm until 9.00am Monday, 26th January 2009.**

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Fepuleai Attila M. Ropati
CLERK

MONDAY, 26th JANUARY 2009

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoaia Tapasu, Tofa Solamalemalo Keneti Sio, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaietel Patrick Leiataualesa, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Tiata Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Asiata Saleimoa Vaai, Afioga Vui Tupe Ioane, Afioga Patauave Etuale.

3. The Legislative Assembly met at 9.00am pursuant to the adjournment motion of 22nd January 2009.

4. Mr Speaker took the Chair and said the Prayers.

5. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:

Government Order of the Day No.1 called.

1. Road Traffic (Payment of Fines) Bill 2009 – second reading.

Hon Tuisugaletaua Sofara Aveau (Minister of Works, Transport & Infrastructure) moved, *“That the Road Traffic (Payment of Fines) Bill 2009 be now read a second time and I would like to clarify the Bill.”* Seconded by Hon Faumuina Tiatia Liuga.

The Minister clarified the Bill.

Debate.

Motion approved and the Road Traffic (Payment of Fines) Bill 2009 was read a second time.

The Bill was then referred to the Works, Transport and Environment Committee for consideration and to report back to the Assembly in a future meeting pursuant to Standing Orders.

Government Order of the Day No.2 called.

2. Value Added Goods and Services Tax Amendment Bill 2009 – second reading.

Hon Tuuu Anasii Leota (Minister for Revenue) moved, *“That the Value Added Goods & Services Tax Amendment 2009 be now read a second time and I would like to comment briefly on it.”* Seconded by Hon Toleafoa Apulu Faafisi.

The Minister clarified the Bill.

Debate.

Motion approved and the Value Added Goods & Services Tax Amendment Bill 2009 was read a second time.

Pursuant to Standing Orders the Bill stood referred to the Finance and Expenditure Committee for consideration and to report back to the Assembly in a future meeting.

6. CONSIDERATION OF PAPERS:

1. P.P.2008/2009 No.55, Government Responses to the P.P.2007/2008 No.61, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P..2007/2008 No.51, Annual Report of the Ministry of Women, Community and Social Development for the Financial Year Ended 30th June 2005.

Hon Fiame Naomi Mataafa (Minister of Women, Community and Social Development) moved, *“That this Assembly approves the P.P.2008/2009 No.55 containing Responses to the Recommendations in the P.P.2007/2008 No.61, Report of the Health & Social Services, Internal Affairs, Community & Social Development Committee on P.P.2007/2008 No.51, Annual Report of the Ministry of Women, Community and Social Development for the Financial Year Ending 30th June 2005, pursuant to Standing Orders 54.”* Seconded by Hon Safuneituuga Paaga Neri.

The Minister of Women, Community and Social Development read out the Government Responses to Recommendations written in P.P.2007/2008 No.61, Report of the Health & Social Services, Internal Affairs, Community & Social Development Committee on P.P.2007/2008 No.51.

Motion approved and P.P.2008/2009 No.55 stood approved by the Assembly.

2. P.P.2008/2009 No.56, Government Responses to P.P.2007/2008 No.31, Report of the Finance & Expenditure Committee on P.P.2006/2007 No.82, Samoa Life Assurance Corporation Annual Report for the year 2006.

Hon Lee Hang Niko (Minister of Finance) moved, “*That this Assembly approves the P.P.2008/2009 No.56 giving Responses to Recommendations written in P.P.2007/2008 No.31, Report of the Finance and Expenditure Committee on P.P.2006/2007 No.82, Annual Report of the Samoa Life Assurance Corporation for the year 2006, pursuant to Standing Orders 54.*” Seconded by Hon Taua Tavaga Kitiona Seuala.

The Minister read out the Government Responses to Recommendations written in P.P.2007/2008 No.31, Report of the Finance and Expenditure Committee on P.P.2006/2007 No.82, Annual Report of the Samoa Life Assurance Corporation for the year 2006.

Motion approved and P.P.2008/2009 No.56 stood approved by the Legislative Assembly.

3. P.P.2008/2009 No.59, Government Responses to P.P.2007/2008 No.71, Report of the Works, Transport & Environment Committee on P.P.2007/2008 No.7, Annual Report of the Samoa Ports Authority for the Year Ending 30th of June 2006.

Hon Tuisugaletaua Sofara Aveau (Minister of Works, Transport & Infrastructure) moved, “*That the Assembly approves P.P.2008/2009 No.59 giving responses to written recommendations in P.P.2007/2008, Report of the Works, Transport and Environment Committee on P.P.2007/2008 No.7, Annual Report of the Samoa Ports Authority for the year ending 30th June 2006, pursuant to Standing Order 54.*” Seconded by Hon Faumuina Tiatia Liuga.

The Minister of Works, Transport & Infrastructure read out the Government Responses to Recommendations written in P.P.2007/2008 No.71, Report of the Works, Transport & Environmental Committee on P.P.2007/2008 No.7, Annual Report of the Samoa Ports Authority for the year ending 30th June 2006.

Motion approved and P.P.2008/2009 No.59 stood approved by the Legislative Assembly.

4. P.P.2008/2009 No.60, Government Responses to P.P.2007/2008 No.60, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2007/2008 No.25, Annual Report of the Development Bank of Samoa for the Year 2006.

Hon Lee Hang Niko (Minister of Finance) moved, *“That this Assembly approves P.P.2008/2009 No.60 that gives Government Responses to written recommendations in P.P.2007/2008 No.60, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2007/2008 No.25, Annual Report of the Development Bank of Samoa for the Year 2006, pursuant to Standing Orders 54.”* Seconded by Hon Tuisugaletaua Sofara Aveau.

The Minister read out the Government Responses to P.P.2007/2008 No.60, Report of the Health & Social Services, Internal Affairs, Community & Social Development Committee on P.P.2007/2008 No.25, Annual Report of the Development Bank of Samoa for the year 2006.

Motion approved and the P.P.2008/2009 No.60 stood approved by the Legislative Assembly.

5. P.P.2008/2009 No.74, Government Responses to P.P.2007/2008 No.82, Report of the Works, Transport and Environment Committee on P.P.2007/2008 No.20, Annual Report of the Electric Power Corporation for the Year Ending 30th June 2005 & P.P.2007/2008 No.43, Annual Report of the Electric Power Corporation for the year 2005 – 2006.

Hon Tuisugaletaua Sofara Aveau (Minister of Works, Transport & Infrastructure) moved, *“That the Assembly approves P.P.2008/2009 No.74 that gives Government Responses to Written Recommendations in P.P.2007/2008 No.82, Report of the Works, Transport & Environment Committee on P.P.2007/2008 No.20, Annual Report of the Electric Power Corporation for the Year Ending 30th June 2005 & P.P.2007/2008 No.43, Annual Report of the Electric Power Corporation for the Years 2005 – 2006, pursuant to Standing Order 54.”* Seconded by Hon Faumuina Tiatia Liuga.

The Minister of Works, Transport & Infrastructure read out the Government Responses to P.P.2007/2008 No.82, Report of the Works, Transport & Environment Committee on P.P.2007/2008 No.20, Annual Report of the Electric Power Corporation for the Year Ending 30th June 2005 & P.P.2007/2008 No.43, Annual Report of the Electric Power Corporation for the year 2005/2006.

Motion approved and P.P.2008/2009 No.74 stood approved by the Legislative Assembly.

7. CONSIDERATION OF SELECT COMMITTEE REPORTS:

Order of the Day No.1 called.

1. P.P.2008/2009 No.51, Report of the Justice, Police & Prisons and Land & Titles Court Committee on P.P.2008/2009 No.3, Annual Report of the Ministry of Justice and Courts Administration for the Years 2000 – 2003, consideration continued from 17th November 2008.

Tofa Fonotoe Nuafesili Pierre Laufo (Chairman of the Justice, Police & Prisons Committee) moved, *“That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions as follows:”* Seconded by Tofa Leao Talalelei Tuitama.

Mr Chairman read out the Committee Findings, Recommendations and Resolutions.

Debate.

Question put and when the Ayes have it, the P.P.2008/2009 No.51 stood approved by the Assembly

Pursuant to Standing Orders the Government must present to the Assembly a Paper responding to Recommendations as given to the Government from the Select Committee Report within 90 days since approval of the Report by the Assembly.

Order of the Day No.2 called.

2. P.P.2008/2009 No.52, Report of the Justice, Police & Prisons Committee on P.P.2008/2009 No.5 & P.P.2008/2009 No.6, Annual Reports of the Ministry of Justice and Courts Administration for the Years 2004, 2005 & 2006.

Tofa Fonotoe Nuafesili Pierre Laufofo (Chairman of the Justice, Police & Prisons Committee) moved, *“That the Assembly takes not of the Committee Report giving its Findings, Recommendations and Resolutions.”* Seconded by Tofa Leao Talalelei Tuitama.

The Chairman read out the Committee Findings, Recommendations and Resolutions

Debate.

Question put and when the Ayes have it, the P.P.2008/2009 No.52 stood approved by the Legislative Assembly.

Pursuant to Standing Orders the Government must present to the Assembly a Paper responding to Recommendations given to the Government from the Select Committee Report within 90 days since approval of the Report of the Assembly.

8. Proceedings of the Legislative Assembly adjourned at 12.55pm until 9.00am Tuesday, 27th January 2009.

Hon Tolofuaivalelei Falemoe Leiataua
MR SPEAKER

Fepuleai Attila M. Ropati
CLERK

TUESDAY, 27th JANUARY 2009

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telfoni, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoafia Tapasu, Tofa Solamalemalo Keneti Sio, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Tofa Moefaaauo Lufilufi, Tofa Tiata Pulufana Saunoa, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Tofa Taua Tavaga Kitona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Afioga Asiata Saleimoa Vaai, Afioga Vui Tupe Ioane, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9.00am pursuant to the motion for adjournment on the 22nd January 2009.

4. Mr Speaker took the Chair and said the Prayers.

5. CONSIDERATION OF SELECT COMMITTEE REPORTS:

Order of the Day No.1 called.

1. P.P.2008/2009 No.53, Report of the Education, Science, Communication and Information Technology Committee on P.P.2008/2009 No.30, Annual Report of the National University of Samoa for the Years 2005/2006 & 2006/2007.

Afioga Levaopolo Talatonu (Chairman of the Education Committee) moved, “That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions as follows:” Secoded by Afioga Lealailepule Rimoni Aiafi.

Mr Chairman read out the Committee Findings, Recommendations and Resolutions.

Debate.

Question put and when the Ayes have it, the P.P.2008/2009 No.53 stood approved.

Pursuant to Standing Order 54, the Government must present a Paper to the Assembly responding to the Recommendations given to the Government from the Select Committee Report within 90 days since approval of the Report by the Assembly.

Order of the Day No.2 Called.

2. P.P.2008/2009 No.62, Report of the Health, Social Services, Internal Affairs, Community & Social Development Committee on P.P.2008/2009 No.19, Annual Report of the Ministry of Women, Community & Social Development for the Period Ended 30th June 2006 - consideration.

Afioga Hon Aeau Peniamina (Chairman of the Health, and Social Services, Internal Affairs. Community & Social Development Committee) moved, “That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions.” Secoded by Afioga Hon Palusalua Faapo II.

The Chairman read out the Committee Findings, Recommendations and Resolutions.

Debate.

Question put and when the Ayes have it, the Report of the Committee stood approved.

Pursuant to Standing Order 54, the Government must present a Paper to the Assembly responding to the Recommendations given to the Government from the Select Committee Report within 90 days since approval of the Report by the Assembly.

Order of the Day No.3 called.

3. P.P.2008/2009 No.63, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P.2008/2009 No.7, Report of the Controller and Chief Auditor to the Legislative Assembly for the Period 1 January to 30th June 2007.

Susuga Laauli Leuatea Polataivao (Vice Chairman) moved, “That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions.”
Seconded by Hon Tuiloma Lameko.

The Vice Chairman read out the Committee Findings, Recommendations and Resolutions.

Debate.

Question put and when the Ayes have it the P.P.2008/2009 No.63 stood approved.

Pursuant to Standing Order 54 the Government must present a Paper to the Assembly responding to the recommendations given to the Government from the Select Committee Report, within 90 days since approval of the Report by the Assembly.

- 6 . Proceedings of the Legislative Assembly adjourned at 1.02pm until 9.00am Wednesday, 28th January 2009.**

Hon Tolofuaivalelei Falemoe Leiatua
MR SPEAKER

Fepuleai Attila M. Ropati
CLERK

WEDNESDAY, 28th JANUARY 2009

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Afioga Hon Misa Telefoni, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana–Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Levaopolo Talatonu, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naolia Tei, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofaia Tapasu, Tofa Solamalemalo Keneti Sio, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Tapuai Sepulona Moananu, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Motuopuaa Aisoli, Afioga Vui Tupe Ioane, Afioga Patauave Etuale, Afioga Asiata Saleimoa Vaai, Afioga Lafaitale Patrick Leiataualesa, Hon Keil Hans Joachim, Afioga Tuia Pua Fuatogi Letoa, Tofa Tiata Pulufana Saunoo, Afioga Moefaauo Lufilufi.

3. The Legislative Assembly met at 9.00am.

4. Mr Speaker took the Chair and said the Prayers.

5. CONSIDERATION OF SELECT COMMITTEE REPORTS:

Order of the Day No.1 called.

1. P.P.2008/2009 Nu.64, Report of the Education, Science, Communication and Information Technology Committee on P.P.2008/2009 No.26, Annual Report of the Office of the Regulator for the Year 2006/2007.

Afioga Levaopolo Talatonu (Chairman of the Education, Science, Communication & Information Technology Committee) moved, “That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions as follows:”
Seconded by Afioga Lealailepule Rimoni Aiafi.

The Chairman read out the Committee Findings, Recommendations and Resolutions.

Debate.

Hon Safuncituuga Paaga Neri (Minister for Communications) moved, “That a number of errors in page 6 of the Committee Report be corrected before any further actions.”
Seconded by Hon Toleafoa Apulu Faafisi / Hon Fiame Naomi Mataafa.

Debate ensued.

Hon Le Mamea Ropati moved an amendment motion, “That the Report be returned to the Committee for corrections referred to by the Minister and then re-submit the Report to the Assembly.” Seconded by Afioga Lealailepule Rimoni Aiafi.

Question was not put to the Amendment motion by the member for Lefaga and Faleaseela.

Motion by the Minister of Communication & Information Technology approved and the Committee Report stood returned to the Committee for resubmission to the Assembly at a later date.

Order of the Day No.2 called.

2. P.P.2008/2009 No.65, Report of the Government Administration Committee on P.P.2008/2009 No.33, Annual Report of the Public Trust Office for the Year Ending 30th June 2007.

Tofa Toluono Feti (Vice Chairman of the Government Administration Committee) moved, “That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions as follows:” Seconded by Afioga Lealailepule Rimoni Aiafi.

The Vice Chairman read out the Committee Findings, Recommendations and Resolutions.

Debate.

Question put and when the Ayes have it, the P.P.2008/2009 No.65 stood approved by the Assembly.

Pursuant to Standing Order 54, the Government must present a Paper to the Assembly responding to the Recommendations given to the Government from the Select Committee Report within 90 days since approval of the Report by the Assembly.

Order of the Day No.3 called.

3. P.P.2008/2009 No.66, Report of the Works, Transport and Environment Committee on P.P.2008/2009 No.8, Annual Report of the Electric Power Corporation for the Year 2006/2007.

Afioga Muagututagata Peter Ah Him (Chairman of the Works, Transport & Environment Committee) moved, *“That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions as follows:”* Seconded by Susuga Mulipola Oliva.

The Chairman read out the Committee Findings, Recommendations and Resolutions.

Debate.

Question put to the motion and when the Ayes have it, the P.P.2008/2009 No.66 stood approved by the Assembly.

Pursuant to Standing Order 54, the Government must present a Paper to the Assembly responding to the Recommendations given to the Government from the Select Committee Report within 90 days since approval of the Report by the Assembly.

Order of the Day No.4. called.

4. P.P.2008/2009 No.70, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2008/2009 No.38, Annual Report of the Development Bank of Samoa for the Year 2007.

Hon Aeau Peniamina (Chairman of the Health and Social Services, Internal Affairs, Community and Social Development Committee) moved, *“That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions as follows:”* Seconded by Hon Palusalue Faapo II.

The Chairman read out the Committee Findings, Recommendations and Resolutions.

The Chairman was interrupted by Mr Speaker due to the lack of Quorum, thus the Assembly adjourned.

6. Proceedings of the Legislative Assembly adjourned at 12.50pm until 9.00am Friday, 29th May 2009 in accordance with the Parliament Sitting Program 2009.

Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER

Fepuleai Attila M.Ropati
CLERK