

**FRIDAY, 29 MAY 2009**

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

**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, 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 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, Afioga Vui Tupe Ioane, Afioga Vaeolenofoa 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 Moefaauro Lufilufi, Tofa Tiata Sili Pulufana Saunua, Afioga Aiono Tile Gafa, Afioga Patu Aivalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko.**

**2. MEMBERS ABSENT:**

**Tofa Hon Taua Tavaga Kitona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Susuga Laauli Leuatea Polataivao.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. MESSAGE FROM THE HEAD OF STATE**

The Speaker communicated the text of the Message from Le Ao o le Malo permitting the Legislative Assembly to consider the following Bill:

- (i) Public Service Amendment Bill 2009
- (ii) Unit Titles Bill 2009
- (iii) Broadcasting Bill 2009
- (iv) Patents Amendment Bill 2009
- (v) Narcotics Amendment Bill 2009
- (vi) SEG International Enterprises Bill 2009
- (vii) Supplementary Appropriation Bill (No.2) 2008/2009
- (viii) Appropriation Bill 2009/2010

**6. ORBITUARY SPEECH**

1. Mr Speaker announced the passing away of Tofa Toi Aukuso who was a former Member of Parliament for the Constituency of Faleata West from Parliament VII up to Parliament XII, from the year 1979-2000. This means, he was a Member of Parliament for 21 years.

Tofa Hon Toi Aukuso was a member of the Finance and Expenditure Committee, Works Committee, Petitions Committee and was a member for the Commonwealth Parliamentary Association (CPA) Committee.

Tofa Hon TOI Aukuso was the Minister of Agriculture in 1985, he was also the Minister for Post Office from 1991 – 1995.

2. Mr Speaker also announced the passing away of Afioga Vagana Peleiupu Tamate, who was a Member of Parliament for the Constituency of Gagaifomauga No.3 from March 2001-2006. He was a member for the Petitions Committee and the Health Committee. Afioga Vagana Peleiupu Tamate was also the Parliamentary Under-Secretary for the Minister of Lands, Survey & Environment.

Members observed a minute of silence to show their respect.

**7. PRESENTATION OF PAPERS**

1. Mr Speaker tabled before the Parliament in line with Clause 99 of the Constitution of the Independent State of Samoa:

- (i) P.P.2009/2010 No.9, Report of the 2008 Conference of the Pacific Parliamentary Assembly on Population and Development (PPAPD).

(ii) P.P.2009/2010 No.16, Report of the Controller and Chief Auditor to the Legislative Assembly Period 1 July 2007 to 30 June 2008.

2. The Clerk read out the following Papers tabled before Parliament (In line with (S.O.48):

- i. S.R.2009/1, Tobacco Control Act 2008, Appointment of Enforcement Officers.
- ii. S.R.2009/2, Road Transport Reform (Familiarisation Programme) Regulations 2009.
- iii. S.R.2009/3, Land Titles Registration Act 2008, Notice of Commencement.
- iv. S.R.2009/4, Notice of Additional Charge for the Supply of Electricity (No.1) 2009.
- v. S.R.2009/5, Notice of Additional Charge for the Supply of Electricity (No.2) 2009.
- vi. S.R.2009/6, Notice of Fees under the Land Titles Registration Act 2008.
- vii. S.R.2009/7, Notice of Additional Charge for the Supply of Electricity (No.7) 2008.
- viii. S.R.2009/8, The Immigration Act 2004 Section 14(1)(2) –Public Notice.
- ix. S.R.2009/9, Notice of Additional Charge for the Supply of Electricity (No.3) 2009.
- x. P.P.2009/2010 No.3, Agriculture Store Corporation Annual Report and Financial Statements for Year Ending 30 June 2007.
- xi. P.P.2009/2010 No.4, National Kidney Foundation Annual Report for the Years 2005-2007.
- xii. P.P.2009/2010 No.5, Samoa Life Assurance Corporation Annual Report for the year 2008.
- xiii. P.P.2009/2010 No.6, Central Bank of Samoa Annual Report for the Financial Year July 2007-June 2008.
- xiv. P.P.2009/2010 No.7, Samoa National Provident Fund Annual Report for the year 2008.
- xv. P.P.2009/2010 No.8, Robert Louis Stevenson Museum/Preservation Foundation Inc. Financial Information for the Year 2007.
- xvi. P.P.2009/2010 No.9, Report on the Conference of the Pacific Parliamentary Assembly on Population and Development (PPAPD).
- xvii. P.P.2009/2010 No.10, Government Responses to P.P. 2007/2008 No.86, Finance and Expenditure Committee Report on P.P. 2007/2008 No.44, Financial Statements of Robert Louis Stevenson Foundation for the Year 2005 & P.P.2007/2008 No.45, Robert Louis Stevenson Foundation Financial Statements for the Year 2006.
- xviii. P.P.2009/2010 No.11, Government Responses to P.P.2007/2008 No.38, Health and Social Services Committee Report on P.P. 2007/2008 No.21, Ministry of Health Annual Report for the Year 2004-2005.

- xix. P.P.2009/2010 No.12, Government Responses to P.P.2007/2008 No.91, Finance and Expenditure Committee Report on P.P.2007/2008 No.73, Samoa Life Assurance Corporation Annual Report for the Year ending 30 June 2007.
- xx. P.P.2009/2010 No.13, Government Responses to P.P. 2008/2009 No.36, Report of the Business, Standing Orders, Electoral and Officers of Parliament Committee on P.P.2007/2008 No.58, Report of the Legislation Review Committee on the Samoan Parliamentary Pension Scheme.
- xxi. P.P.2009/2010 No.14, Government Responses to P.P.2008/2009 No.42, Finance and Expenditure Report on P.P.2007/2008 No.106, Annual Report of the Samoa National Provident Fund for the Year ending 30 June 2006.
- xxii. P.P.2009/2010 No.15, Government Responses to P.P.2007/2008 No.96, Finance and Expenditure Report on P.P. 2007/2008 No.28, Annual Report of the Samoa National Provident Fund for the Year Ending 30 June 2006.
- xxiii. P.P.2009/2010 No.16, Report of the Controller and Chief Auditor to the Legislative Assembly Period 1 July 2007 to 30 June 2008.
- xxiv. P.P.2009/2010 No.17, Annual Report of the Samoa Tel Limited for the Financial Year Ended 30th June 2007.
- xxv. P.P.2009/2010 No.18, Annual Report of the Samoa International Finance Authority for the Year 2006.
- xxvi. P.P.2009/2010 No.19, Annual Report of the Ministry of Agriculture and Fisheries for the Financial Year July 2007-June 2008.
- xxvii. P.P.2009/2010 No/20, Annual Reports of the Polynesian Airlines for the year 2008.
- xxviii. xxviii.P.P.2009/2010 No.21, Annual Report of the Office of the Regulator for the period 30 June 2008.
- xxix. P.P. 2007/2008 No.22, Government Responses to P.P.2007/2008 No.84, Government Administration Committee Report on P.P.2007/2008 No.42, Annual Report of the Public Trust Office of the Year ending 30<sup>th</sup> June 2006.

#### **8. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Reports of the Select Committees tabled before Parliament pursuant to S.O. 51:

1. P.P.2009/2010 No.23, Finance and Expenditure Committee Report on the Value Added Goods and Services Tax Amendment Bill 2009.
2. P.P.2009/2010 No.24, Works, Transport and Environment Committee Report on the Road Traffic (Payment of Fines) 2009.

**BUSINESS, STANDING ORDERS, HOUSE, ELECTORAL AND OFFICERS OF PARLIAMENT COMMITTEE MOTION**

Hon Le Mamea Ropati moved, *“That pursuant to Standing Order 46, Lapsed Business from the 2008/2009 Session as listed in the Supplementary Order Paper 2009/2010 No.1 be carried forward.”* Seconded by Hon Lealailepule Rimoni Aiafi.

Motion approved, the lapsed Business from the 2008/2009 Session as presented in the

Order Paper 2009/2010 No.1 resumed.

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

Government Order of the Day No.1 called.

**1. Public Service Amendment Bill 2009 – first reading**

Hon Fiamē Naomi Mataafa moved, *“That the Public Service Amendment Bill 2009 be now read the first time.”* Seconded by Hon Safuneituuga Paaga Neri / Hon Faumuina Tiatia Liuga.

Motion approved, the Bill was read the first time

Government Order of the Day No.2 called.

**2. Unit Titles Bill 2009 – first reading**

Hon Faumuina Tiatia Liuga (Minister of Natural Resources and Environment) moved, *“That the Unit Titles Bill 2009 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau

Motion approved, the Bill was read the first time.

Government Order of the Day No.3. called.

**3. Broadcasting Bill 2009 –first reading**

Hon Safuneituuga Paaga Neri (Minister of Communications and Information Technology) moved, *“That the Broadcasting Bill 2009 be now read the first time.”* Seconded by Hon Fiamē Naomi Mataafa.

Motion approved, the Bill was read the first time.

Government Order of the Day No.4. called.

**4. Patents Amendment Bill 2009 –first reading**

Hon Misa Telefoni (Minister of Commerce, Industry and Labour) moved, *“That the Patents Amendment Bill 2009 be now read the first time.”* Seconded by Fiamē Naomi Mataafa / Hon Faumuina Tiatia Liuga.

Motion approved, the Bill was read the first time.

**Government Order of the Day No.5. called.**

**5. Narcotics Amendment Bill 2009 –first reading**

**Hon Gatoloaifaana Amataga Alesana Gidlow (Minister of Health) moved, “*That the Narcotics Amendment Bill 2009 be now read a first time.*”** Seconded by Hon Faumuina Tiatia Liuga.

**Motion approved, the Bill was read the first time.**

**6. SEG International Enterprises Bill 2009 – first reading**

**Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “*That the SEG International Enterprises Bill 2009 be now read a first time.*”** Seconded by Hon Faumuina Tiatia Liuga.

**Motion approved, the Bill was read the first time.**

**Government Order of the Day No.7 called**

**7. Supplementary Appropriation Bill (No.2) 2008/2009 –first reading**

**Hon Niko Lee Hang (Minister of Finance) moved, “*That the Supplementary Bill (No.2) 2008/2009 be now read a first time.*”** Seconded by Hon Tuisugaletaua Sofara Aveau.

**Motion approved, the Bill was read a first time.**

**Government Order of the Day No.8 called.**

**8. Supplementary Appropriation Bill (No.2) 2008/2009 – Tabling**

**Hon Niko Lee Hang tabled the Supplementary Appropriation Bill (No.2) 2008/2009 pursuant to Standing Orders 131.**

**Government Order of the Day No.9 called.**

**9. Supplementary Appropriation Bill 2008/2009 – second reading**

**Hon Niko Lee Hang moved, “*That the Supplementary Appropriation Bill 2008/2009 be now read a second time and the Scheduled Supplementary will be included in the Main Estimates 2009/2010.*”** Seconded by Hon Tuisugaletaua Sofara Aveau.

**Motion approved, the Bill was read a second time.**

**Pursuant to Standing Order 32, debate on the Supplementary Appropriation Bill (No.2) 2008/2009 will be adjourned not less than 14 days after the Supplementary Appropriation Bill (No.2) 2008/2009 stands referred to the Committee of Finance and Expenditure Committee before reporting back to the Legislative Assembly.**

**Government Order of the Day No.10 called.**

**10. Appropriation Bill 2009/2010 – first reading**

**Hon Niko Lee Hang moved, “*That the Supplementary Appropriation Bill 2008/2009 be now read a first time.*” Seconded by Hon Tuisugaletau Sofara Aveau.**

**Motion approved, the Bill was read a first time.**

**Government Order of the Day No.11 called.**

**11. Main Estimates 2009/2010 – tabling**

**Hon Niko Lee Hang tabled the Main Estimates 2009/2010 pursuant to Standing Orders 131.**

**Government Order of the Day No.12 called.**

**12. Appropriation Bill 2009/2010 – second reading**

**Hon Niko Lee Hang moved, “*That the Appropriation Bill 2009/2010 be now read a second time.*” Seconded by Hon Faumuina Tiatia Liuga.**

**Pursuant to Standing Order 32, debate on the Supplementary Appropriation Bill (No.2) 2008/2009 will be adjourned not less than 14 days after the Supplementary Appropriation Bill (No.2) 2008/2009 stands referred to the Committee of Finance and Expenditure Committee before reporting back to the Legislative Assembly.**

**STATEMENT ON ESTIMATES FOR THE 2009/2010 FISCAL YEAR 2009/2010 AND SUPPLEMENTARY (NO.2) 2008/2009**

**Mr Speaker, as required under Standing Orders 124, I wish to present on behalf of Government, the statement on the Estimates for the 2009/2010 fiscal year, tabling before Parliament.**

**1. BUDGET SETTING**

**The 2009/2010 budget is framed against a background of great economic uncertainty. The global financial crisis has reached unprecedented levels and has now transmitted to the real economy across the US, Europe, Japan, Asia and our neighboring markets; Australia and New Zealand. The crisis is having a devastating impact on the daily lives of millions of people around the world. It is also proving to be a threat to achievement of the Millenium Development Goals for many low income countries. For small Pacific states like Samoa, we cannot avoid being affected given our highly open economy and weak fiscal resilience which combined leaves us with little protection to cushion the impact of an economic downturn.**

**These are difficult times – where responsible governments need to make bold decisions to navigate its way out of an economic downturn**

of devastating proportions as we are now experiencing. These are times where governments could easily risk their medium to long term objectives in the interest of short term solutions and where 'living within your means' may be the best strategic response.

There is no doubt the global financial crisis has now impacted on the Samoan economy. As shown in Graph 1 below, after showing strongly with a 4% annual average growth rate in the past four years, Gross Domestic Product (GDP) has shown signs of contraction for the first time in over a ten year period. GDP in the first six months of 2008/09 dropped by 7.6% when compared to the same period in the previous year. Imports have slowed down resulting in 15% downturn revision of revenues expected for 2009/2010. Private remittances expanded 4% and tourist receipts rose 15% in the first nine months of 2008/2009 compared to the corresponding period a year earlier.

However, both are expected to decline as a result of the financial crisis on the travel industry and loss in incomes from increasing employment in those countries such as Australia, New Zealand and the US where much of our remittances and travel receipts originate. Inflation remains a key concern which now hovers around 13% but indicators are that it is beginning to gradually subside.

#### **GRAPH**

It is worth noting however, that Samoa is fortunate the devastating impact of the crisis seen in other countries is not being felt strongly as yet. The existence of informal social protection mechanisms and the strength of the subsistence economy has provided to some extent, a cushioning effect on the direct impact of the crisis on the economy. Without this, I believe, the inter-play between the key drivers of the economy would have been unmanageable by now, if our macroeconomic framework was in disarray.

Mr Speaker and Honourable Members, I want to emphasise this point. The strength of sound economic policy fundamentals and macroeconomics stability that the government has maintained over the years have provided a firm platform to ease and slow down the pace of the shock from this global financial calamity. This underscores the significance of maintaining fiscal discipline and macroeconomic stability, which is what this government has done over the past fifteen years. The enabling environment built for the private sector to develop and grow, strengthening Government institutions, reforming state owned enterprises (SOEs) raising service delivery standards, increased partnership with the community, as



well as continuing the development agenda promised in the SDS, have combined to moderate the impact of the crisis.

No doubt the crisis is expected to impact on the business community, the government and the wider community, especially the disadvantaged in varying degrees. I would point out however, that in times of an economic downturn of this magnitude, Government revenues follow a similar trend which unfortunately limits policy options the Government can effectively adopt to stimulate economic activity.

At a time when the economy is expected to continue contracting over the medium term, the obvious way to boost GDP is to increase government spending. Unfortunately the 2009/10 budget cannot achieve these objectives without additional revenue. At the same time the ability of the government to raise revenue through tax increases is limiting given the depressed economic conditions. The optimal policy option therefore is look to the donor community to provide some form of budget support to assist us in meeting the gap in receipts, to ensure our people's needs can be met, while also investing in capital projects that will help stimulate growth, especially in the construction sector. Such external assistance will have the positive dual impact of mitigating the effects of the recession on GDP without putting undue pressure on the balance of payments or fuelling inflation.

Mr Speaker and Honorable Members, I am pleased to inform honourable members that we have received positive feedback from the donor community who are ready to lend support. This is an enviable position not enjoyed by other countries desperate for donor support. This in fact is the result of good macroeconomics management over the years as donors realise Samoa has a solid framework in place to absorb and effectively utilise their assistance. I would stress however that as we strive to find short term solutions to the crisis, we can not afford to lose sight of our medium term objectives. Responsible fiscal management and macroeconomic stability must form the core of the 2009/2010 budget strategy.

## **II. BUDGET STRATEGY**

Mr Speaker and Honorable Members, the 2009/2010 budget year is an abnormal year. We are in a very difficult financial position and in designing the fiscal strategy for the period ahead, we have to be cognizant of the medium term macroeconomic targets that underpin economic stability clearly set out in the 2008-12 Strategy for the Development of Samoa.

In view of expected economic contraction over the medium term used the need to maintain economic stability, it is inevitable that the 2009/10 budget is expansionary. In preparing the budget, the government has been extremely careful in prioritizing expenditures to ensure the priorities stated in the SDS are not overly compromised. At the same time, the government has no intention of raising additional revenue through tax increases as that will further disadvantage businesses and consumers alike.

The environment on which the fiscal strategy is framed is as follows:

Real GDP is forecast to fall by 0.8% in 2009/10 as lower private consumption, private investment and exports outweigh a rise in government spending. Consumption is forecast to drop by 4.1% due to falls in earned incomes including a drop in remittances resulting from the closure of the tuna cannery in American Samoa in September 2009, and weak employment in New Zealand and Australia. Private investment is forecast to be 5% lower as the global financial crisis makes it harder to borrow overseas, with business confidence falling from depressed conditions, and construction returns to previous average levels. Government spending will be 12.7% higher as development expenditure stays at high levels with current expenditure also increasing slightly. Exports are forecast to fall by 2.5% from the impact of the world recession on export demand. Tourism receipts will also be affected similarly.

Inflation is forecast to drop to 1½% in 2009/10 and to rise to 4% in the following two years. World oil prices are expected to stabilise at levels far below the peak price of \$US140 a barrel. Food prices have fallen from the 2008 peak and are forecast to grow at about 4%.

In essence, the 2009/10 budget is expected to realise a deficit that is equivalent to 11% of GDP, gradually declining to 9% in 2010/11 and to 8% in 2011/12. This exceeds the SDS target range of 3.5 to -3.5% and presents a challenging situation where both current expenditures and development expenditures are expected to peak in 2009/2010 and then reduce thereafter. Total current revenue is also expected to reduce to 2% and will remain at that level as external grants peak and then reduce thereafter. This situation is expected to continue given the implication of the global recessions on remittances, tourism receipts and imports.

It presents a challenging scenario in the medium term for more funding to support the budget which underscores the need to prioritise and current expenditures, or raise more revenue in the medium term.

Financing the deficit is sourced largely from a highly concessional loan from the Asian Development Bank and great funding from our traditional development partners. Domestic financing remains an option in view of the excess liquidity in the banking system. In this regard crowding out the private sector should the government resort to borrowing from the banking system will not be a concern.

### III. BUDGET MEASURES

Mr Speaker and Honorable Members, the situation explained above translates to the main aggregate of the 2009/2010 budget as follows:

Revenues	\$551,731,389
Ordinary Revenues	\$398,930,675
External Grants	\$152,800,714
Expenditures	\$741,163,437
Statutory Expenditures	\$75,345,217
Expenditure Programs	\$383,125,598
Development Expenditures	\$271,198,854
Unforeseen Expenditures	\$11,493,768
Overall Budget Deficit	\$189,432,048

Financed by:

Soft Term Financing	\$171,998,140
---------------------	---------------

Cash Surplus / Deficit after Borrowing (\$17,433,908)

The 2009/10 budget is projected to realise an overall deficit of \$189.4m which is equivalent to 11% of GDP when expressed in Government Finance Statistics format. As discussed earlier, the deficit is financed largely by highly concessional borrowings and grant funding from our development partners. Whilst the deficit may seem high, this is inevitable given the global recession, however, it is still within a responsible framework that is expected to realise macroeconomic stability over medium term.

### IV. REVENUE MEASURES

The expected economic downturn in 2009/10 and 2010/11 severely limits growth in Government revenue and places undue pressure to increasing spending from the 2008/209 levels in order to boost economic activity. This means it is not possible to responsibly finance large increases in spending from domestic sources particularly when tax revenue is expected to fall further in 2009/10.

Having said that, I am pleased to inform Members that the government does not propose any revenue raising measures through increased taxes. As a responsible government, we have carefully considered this policy stance and we are convinced that any increased taxes at this point in time will be detrimental to businesses with devastating effect on consumers.

Instead we look for budget support from highly concessional loans and grants to bridge the revenue gap. As has been said before, this has the dual advantage of mitigating the effects of the world recession on GDP without putting undue pressure on the balance of payments or fuelling inflation. This we believe forms the basis for gradual achievements of macroeconomic stability over the medium term.

Total ordinary revenues projected for 2009/10 is \$398.9m representing an 8% increase over 2008/09. In determining the proposed expenditure program, government undertook a re-prioritising exercise which means cutting down on operating expenditures in order to allow for priority developments identified in the SDS.

I will now highlight the proposed expenditure program for 2009/10.

**Education Sector:**

The government will commit \$65.35 million excluding sporting events provisions as part of its investment in the sector. The reduction of 11% compared to the FY2008/2009 allocation of \$72.32 million is a reflection of the winding down of several major one-off initiatives. This reduction in the total allocation has not in any way hindered the provision of core initiatives as follows:

- \$5.0m tala provided as grants to non-government schools, an additional \$1.0m compared to the FY2008/2009;
- \$2.6m tala provided for the supply of village school stationery;
- \$3.0m tala is to support the Government Scholarship Scheme, whilst \$0.80m is provided for sponsoring new and continuing students to attend NUS's School of Education;
- \$9.88m to be granted to the National University of Samoa
- \$1.39m is provided to support the Samoa Qualification Authority
- \$0.28m is set aside to assist in the provisions of resources for schools in the areas of Agriculture Science, Food & Textiles and Design Technology.

In addition to the Education sector program, Government with the joint support of AusAID and NZAID will implement a targeted

scheme focusing on the vulnerable groups to meet the cost of primary school fees over the medium term.

This immediate initiative by Government will not only aid in alleviating the hardships now made more pronounced as an impact of the global recessions we are experiencing, but will also be a measure to underpin our continuous commitments to achieving the MDG Universal Primary Education goal by the year 2015.

We would like to acknowledge the joint financial assistance of the Australian and New Zealand Governments to implement this initiative.

**Health Sector:**

A total allocation of \$59.6million is earmarked for the Health Sector for the 2009/2010 budget. The following major provisions are included to support the ongoing initiatives of this sector;

- \$48.9m for the operation of the Samoa National Health Services
- \$6.2m to support the ongoing regulatory function of the Ministry of Health
- \$4.4m is earmarked for the National Kidney Foundation of Samoa
- \$0.4m has been provided for the preparatory work of the Swine Flu outbreak
- \$8.5m is provided to cover the cost of overseas medical scheme
- \$0.33m to support the Sleep Apnoea initiative
- \$0.02m is provided to support the Diabetes Association Clinic

In support of this priority sector, \$12.4million tala is anticipated to be disbursed in financial year 2009/2010 for the Health Sector Wide Approach Program financed from the pooled resources of the donors and Government.

**Agriculture Sector:**

The Agriculture Sector is allocated a budget of \$11.11million tala. At this time of uncertainty in the global economy this sector should be providing a buffer to withstand adversities to the economy and the following provisions will assist in achieving their proposed initiatives:

- \$0.2m for the purchase of cattle as breeding stock
- \$0.3m provided to support the Talomua Agriculture showcase
- \$0.15m to assist with the agriculture census in collaboration with the Bureau of Statistics
- \$0.20m provided for government's contribution to the Agriculture Project.

The Government is also consulting closely with the World Bank on a substantial investment of US\$18.0million to revitalise this important sector. In addition to this major support, we are also working closely with our other development partners to prioritise resources that can further support private sector participation and growth in this sector. In this connection also, Aus AID is funding the implementation of the agriculture census.

## **INFRASTRUCTURE**

### *Electricity:*

The Government will commit \$2.25 m tala to cover the cost of rural electrification as part of the community service obligation arrangement with EPC. Furthermore, \$7.84m tala is provided as a subsidy to EPC for paying VAGST on diesel fuel.

A total of \$5.0m tala is expected to be disbursed within the next financial year for the Power Improvement Sector Project now in its second year of implementation.

### **Water:**

The budget of \$4.24m tala will be provided to cover the costs to Samoa Water Authority, relating to community service obligations. A provision of \$7.02m is committed as counterpart funds to the ADB funded Drainage and Sanitation Project now nearing completion of the first phase. AusAID is providing additional assistance of \$1.52m through the Pacific Regional Infrastructure Facility.

During the next financial year, \$16.5m tala will be disbursed from the EU financed Water Sector Support Programme (WASSP) which will see the rehabilitation and upgrade of rural water schemes in Upolu and Savaii. Approximately 70 villages will benefit with improved water supplies from this investment. An additional \$1.7m tala will go into supporting the rehabilitation and upgrade of independent community-managed water schemes with another \$2.4m to be invested in improving sanitation facilities for over 100 primary schools in both Upolu and Savaii.

The next year will be the final year of implementation of the WaSSP program following which the EU has agreed to providing funding for the sector through direct budget support.

### **Roads and Bridges:**

The budget allocation of \$8.5m tala will support the regulatory role of the Ministry of Works, Transport and Infrastructure.

The next financial year will see the official separation of the Land Transport Authority from the Ministry of Works with Government investing \$4.6m tala in support of the operations, in addition to infrastructure developments that will be overseen by the new Authority.

In support of the ongoing developments projects, a budget of \$11.4m tala is allocated as counterpart cost for the Vaitele Street widening project now underway as part of the Samoa Infrastructure Asset Management Phase II (SIAMP II) project. A provision has also been made of \$0.61m tala for developing access roads within government land subdivision available for leasing by the Government Land Board.

An additional \$6.3m tala is provided for road alteration and safety awareness campaign in preparation for the switch to drive on the right hand side of the road which will come into effect in September 2009.

**Airlines:**

A provision of \$1.0m tala is included as capital injection from Government to Polynesian Airlines. This will assist the airline with servicing the debt with Westpac Bank for the purchase of the Twin Otter.

**Telecommunications:**

The Telecommunication Sector will be provided with a budget of \$4.3m tala. A total appropriation of \$2.9m tala will be provided for the Ministry of Communication and Information Technology to cover the following areas:

- \$0.78m tala is provided for counterpart costs to the World Bank funded Telecommunications & Postal Sector Reform Project
- \$0.24m tala is provided to support the work of the Information, Communication and Technology Secretariat
- \$0.20m tala for church services as an ongoing community service obligation

Furthermore, the introduction of the ASH Cable this year is a landmark as this development will assist in improving international access and connectivity at affordable prices.

**Tourism Sector:**

To ensure the ongoing development of the tourism sector, government has set aside \$7.5m tala. The bulk of this budget will go into implementing smart marketing strategies that are cost effective,

and potential destination to be targeted come the new financial year include North America, Europe and Germany.

I would also like to make mention that Samoa has been fortunate to have secured the host nation bid for the Survivor Reality Show this year, which adds extra stimulus to the local economy at a time when the tourism industry in other countries are at a downturn because of the crisis. The Survivor reality Show is a popular 14episode TV programme that is shown throughout America on CBS and in 154 countries around the world. The short term economic benefits of our hosting this reality show is estimated over the period April to September 2009, at US\$6million (SAT\$17.4million) spent locally on direct production costs; an estimated 200 job opportunities for our people over the 6 month period and an injection of about US\$1million 'tourist spend' by the 220 international crew that would be based in Samoa for the production period. In addition, while it is difficult to estimate the promotional value that the reality show offer Samoa, the potential long term benefits are considered significant.

#### **Hotel Development:**

The government has been working closely with a number of overseas investors who have expressed interest in investing in the hotel industry. These additional rooms together with new hotel investments and other small scale accommodation projects by our local entrepreneurs will further support the steady growth in the tourism industry, and provide a mixed choice in accommodation to offer our overseas visitors. The most recent of these developments are:

- The government has signed recently with the Reddy Group which owns the Tanoa hotel franchise in Fiji, a lease of Government lands on which Kitano Tusitala Hotel stands, in support of the Reddy Group's purchase of the hotel which they will renovate to international standards at a cost in excess of \$20m tala. They are also committed to building another resort at Pilot Point in the next phase of their investment in Samoa. The Warwick Group has committed to building a new resort at Vavau.
- Aggie Grey's Resort Hotel is committed to building an additional 36 rooms.
- Sinalei resort will be investing further funds of around \$0.5m to develop new rooms for their resort.

These new developments will provide much needed assistance to the industry while also providing the necessary stimulus to boost our economy further.



**Business Development:**

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. A total budget allocation of \$3.4m tala will be provided to the Development Bank of Samoa in the next financial year. The provision of \$2.4m tala is to service the debt with ANZ Bank for the next financial year, with the additional \$1.0m tala to go towards micro-financing for small businesses as a response to the call for assistance to help develop and expand small businesses. This will further aid the call for financial stimulus of a small but often disadvantaged sector whose access to financial resources are often denied because of the usual security requirements of the financial institutions that are often beyond the means of our people.
- ii. The annual grant of \$0.2m tala is provided to assist the Small Business Enterprises Centre (SBEC) with its operations. NZAID has also doubled its support for SBEC operations this year of \$900,000tala
- iii. A provision of \$40,000tala is once again provided as a direct contribution from Government to the development of the Private Sector.
- iv. A further provision of \$50,000 is Government's contribution to the Private Sector Support Facility, a pooled resource, which is largely funded by New Zealand and Australia to assist our local entrepreneurs in the development of their businesses. It is expected that the PSSF will see an increase in resource with the contribution of new donors.
- v. A grant of \$0.5m will go forward meeting the cost of certification of organic enterprises in close collaboration with Women in Business Development.

**Sports Development:**

The Government will support the following events and activities for the next financial year:

- \$500,000 for international and national sports which has increased by \$250,000 compared to the FY2008/2009
- \$350,000 for the Samoa Rugby Union to support the development of rugby in the country.
- \$100,000 to support the Paralympics.
- \$700,000 to support the hosting of the Judo Championships.
- \$300,000 to support Samoa's participation to the Mini Games.

**Senior Citizens Pensions Scheme:**

The provision for the Senior Citizens Pensions Scheme has increased by \$0.1m from its current provision of \$15.4 m to cover the increasing number of pensioners as well as running costs incurred by SNPF for administering the scheme.

**Foreign Relations:**

The newly established embassies in Japan and China will be allocated a budget of \$3.3m tala for their operations.

Additional external assistance following the finalization of a Partnership agreement between Samoa and Australia in August 2008, will look at further investment to develop the implementation of essential strategies in the priority sectors in the SDS as follows:

- Private Sector Growth and Employment through Agriculture and fisheries as the intervention sector
- improved education services
- improved health outcomes
- improved governance which covers Law & Justice and enhanced capacity development particularly in Public Finance Management, Statistics and Public administration.
- Climate Change

This agreement translates into additional funds of at least \$15m Australian dollars over the next three years, in addition to Australia's regular bilateral assistance program.

**Salaries and Wages:**

The Government will be examining a report by the Salary Review Tribunal for implementation in the next financial year. This review of salaries and wages of the public sector has been delayed as a result of the current depressed state of the economy, but also to allow the government to examine carefully the impact of any such increases on the private sector to ensure this will be sustainable, and not translate to additional cost to the economy overall with ramifications for the rest of the country.

**VI. UNFORESEEN EXPENDITURES**

The provision of \$11.5m tala has been incorporated to cover unforeseen expenditure that may arise during the financial year.

This provision has been increased by \$7.4m tala compared to the FY2008/2009 as a result of the amendment to the Constitution now

passed by Parliament, to increase the provision from 1% to 3% of the total expenditure program allocation.

With the increasing intensity and frequency in changing climate conditions in the region and worldwide, the availability of such an allocation ensures government has available resources that may be required to manage the effects of any natural disaster that may affect our economy during the year.

#### **VII. SECOND SUPPLEMENTARY ESTIMATES 2008-2009**

The Government is also proposing to table together with the Main Estimates 2009/2010 a Second Supplementary Budget for this Financial Year . This supplementary budget includes a total of \$7.7m of additional unforeseen expenditures and commitments. These are financed by reallocation of resources within and between Ministries budgets of \$4.6m and additional revenue of \$3.0 m tala from SIFA. With these additional expenditures, the overall deficit has increased slightly to 6.5 m from \$6.4m after the First Supplementary Budget.

#### **VIII. FORWARD ESTIMATES**

Mr Speaker and Honourable Members, last year the government presented the Statement on Forward Estimates for the first time as required under the Public Finance Management Act 2001. At the time these estimates were determined, there were already signs of consideration uncertainty unfolding in the global economy, with external pressures from the high prices of fuel and food stuff impacting on the local economy. These were taken into account in the preparation of first forward estimates, however what has changed since is that the strong performance of the economy weakened relatively rapidly as a result of the impact of the global financial crisis, which at the time could not be determined in scope and extent and is still unfolding. The exact magnitude of the impact of the weak economy on the fiscal position, and the extent to which it represents a long term structural change remain uncertain.

The forward estimates for the next three years without adjustment to policy settings, show that the projected increases in debt and declines in the State's net worth, are outside of the range considered prudent in the medium term.

Additionally, the accumulation of cash deficit, whilst necessary in the short term to boost economic activity, will put macroeconomic stability at risk if not managed prudently over the medium term. In this context, while managing our way through the economic turmoil at present, the government will vigilantly monitor the fiscal risk that

exist and where appropriate, adjust its policy settings. Over the medium term, the Government's focus remain on taking policy actions to strengthen the economy, limiting expenditure growth and continue to ensure that its assets are managed as effectively as possible.

#### **IX. CONCLUSION**

**Mr Speaker and Honorable Members, the next three years will be extremely challenging for the government and people of Samoa. We are uncertain as to whether the global recession has bottomed out or will continue to have second and third round effects on small economies like ours. Against this background of uncertainty, the government believes the framework on which the 2009/10 budget is based, is a sound one that is necessary to help us recover from the effects of the economic downturn, and gradually get back to a modest recovery that will strengthen in the medium term, provided the global economy will respond quickly to the various financial and economic initiatives that the major economies are putting into effect to support early recovery, given the wider implication of these efforts for the rest of the world.**

**In our case, we have not resorted to increased taxes to stimulate economic activity. Instead we have solicited the support of the external community to help us. The government believes this is the optimal policy option in the context of these difficult times.**

**The tight fiscal situation means Ministries may find it difficult to improve let alone maintain the current levels of service delivery. However, the current situation calls for special effort by all, both public and private to work together to rebuild our economy using the resources we have available, and the gifts God has granted to each and everyone of us. Your Government seeks your patience and understanding in the years ahead as we struggle to face the adversities that have been brought about by a global recession of unprecedented proportion. May God's grace be upon us to help sustain during these challenging times. Mr Speaker, I commend the 2009/2010 Budget to the House.**

**May God Bless Samoa and her people. Soifua.**

**OTHER ANNOUNCEMENTS BY MR SPEAKER/SPEAKER'S DECISION**

Mr Speaker announced the decision made for the Tautua Samoa Political Party on 29 May 2009. Pursuant to Standing Orders made by the Speaker on the 21<sup>st</sup> January 2009, to these Parliamentary members and their Constituencies listed below:

1. Faleata West	-	Lealailepule Rimoni Aiafi
2. Safata	-	Palusalua Faapo II
3. Gagaemauga No.2	-	Levaopolo Talatonu
4. Falealupo	-	Aeau Peniamina
5. Falealili	-	Fuimaono Naoia Tei
6. Aiga i le Tai	-	Mulipola Oliva
7. Palauli West	-	Taua Falaimo
8. Vaisigano No.1	-	Vaai Papu Vailupe
9. Vaisigano No.2	-	Motuopuaa Aisoli
10. Palauli	-	Toluono Feti

To confirm your status as a member for the new Tautua Samoa Party, members must submit within 21 days from the date mentioned above – 21 January 2009, a signed letter of consent stating his/her affiliation with the Tautua Samoa Party.

Members complied with this order bar one (Tofa Taua Falaimo) who signalled his intention as not being a member for the Tautua Samoa Party which means he is still a representative of the SDUP.

The other nine (9) members have indicated clearly that they are members of the Tautua Samoa Party. However, not only have they stated their status as forming the Tautua Samoa Party but they have also admitted that their Political Party is unregistered, it is only their preparations for the next General Elections.

From their action, it is quite apparent that they want to take up the role of the Speaker, only the Speaker has the authority to interpret the Standing Orders of the House. The concern of the chair is that they have admitted to one thing and misled the other.

Standing Orders is not a playground for the wanting to be smart people or for those who intend to mislead the dignitaries of the House.

This is mentioned because Standing Orders 20(3) is very clear, the Speaker must be notified of any changes which is established under (2) of the same Clause of the Standing Orders. Under (2) it unveils in detail – a party must inform the Speaker of:

- a) The name of the party;
- b) The identity of the leader and the deputy leader;
- c) It's Parliamentary membership.

The sure thing is that the Tautua Samoa Party has been formed without registration. To satisfy Standing Order 20(1):

*“At the commencement of each Parliamentary any group of members of not less than eight shall be recognized as a party in Parliament on its leader notifying the Speaker.”*

However, the procedure is to satisfy Clause 15(A) of the Electoral Act 1963. Clause 15(A) and Clause 15(B) of the Electoral Act are very clear, the registration of a Party, it is not a requirement enforced by the law, unless the Party chooses not to be registered, thereby making this political party bound by other conditions for registration at the Office of the Electoral Commissioner. This process is done following General Elections before the Oath of Allegiance.

The records of the Office of the Legislative Assembly as well as confirmation from the Office of the Electoral Commissioner – members affected are, the member for Falealupo, one of the members for Falealili, Afioga Fuimaono Naoia Te'i. Gagaemauga No.2 and Aiga i le Tai who took their oaths as members for the SDUP. One of the members for Safata, Hon Palusalua Faapo II took his oath as a member for the HRPP. Members for Vaisigano No.1, Vaisigano No.2, Palauli and Faleata West took their oaths as Independent members.

Subject to their signed letters of notification submitted to the Speaker, they have revealed their status as representatives of the newly formed Tautua Samoa Party. These admissions are confirmed by the comments of their leader who at times is referred to as their chairman, in his announcement before Parliament in its meeting on the 20<sup>th</sup> January 2009 – it is recorded on page 1047 of the Hansard records.

As of this morning it is recorded that some members still abide, comply and respect the Parliamentary Standing Orders, and the Electoral Act 1963 like the Hon Le Mamea Ropati who took his oath as a member for the SDUP and was the leader of the Opposition Party but has stepped aside and is now an Independent member.

The Hon Muagututia Siaso took his oath as a member for the HRPP but has decided to become independent. The reason being is out of respect and in compliance with the Standing Orders of the

Parliament of Samoa, especially the Electoral Act 1963. The Constitution of the Independent State of Samoa is unambiguous Article 46(2)(d):

*“The seat of a member of Parliament shall become vacant – if he becomes disqualified under the provisions of this Constitution or of any Act.*

*The Electoral Act 1963 states under Clause (10):*

*“The seat of a member of Parliament shall become vacant on the occurrence of any of the events specified in Article 46 of the Constitution....”*

Whereas Clause 10(j) of the Electoral Act 1963 states:

*“The seat of a member of Parliament shall become vacant – if the Member acts in accordance with the provisions of section 15F(4)(a) and (b) of the Electoral Act 1963.”*

Clause 15F (4)(a) and (b) makes it lawful for the Speaker to disqualify any member who ceases to be an Independent member, or any other member who has transferred to another Political Party different from the Political Party he/she took the oath of allegiance during such Parliamentary term.

Article 48 of the Constitution also provides for the filling of such vacancies under Clause (2) of Article 46 of the Constitution which gives the Speaker the opportunity to give a signed notice to His Highness, Le Ao o le Malo and such vacancy can only be filled by a bi-election as provided by law.

In relation to a Party being unregistered, that is up to the party. Another person is that the political party must comply with the Electoral Act 1963 to ascertain which is the ruling party and which party is the opposition, especially this aspect was emphasised following the General Elections before the Oath of Allegiance.

This guideline is stressed under Standing Order (2) – which states all the areas not covered under Parliamentary Standing Orders of Samoa. This allows the Speaker to follow precedence established by the New Zealand House which the Speaker has already taken into consideration.

The Speaker is of the view that the non-compliance with Standing Orders 20(3) by the Tautua Samoa Party satisfies Standing Order 20(2) it is an attempt to escape breaching the Sections of the Electoral

Act 1963 along with Standing Orders mentioned above, and that is their own choosing.

Nevertheless, in order to uphold the truth, justice and appropriateness, I am of the opinion that to be in line with good intentions which established it, not only by the Constitution but also the legislation which guides Parliament proceedings, it is deemed justifiable to re-visit the views of the Constituencies that voted for their representatives during the General Elections to verify their decisions.

For this amendments made to the Standing Orders and the Electoral Act respectively, has an overall objective to make the Parliament of Samoa as solid and without hypocrisy. The purpose of this Decision is to stamp out unethical Parliamentary practice, unlawful and one which breaches the foundation of Government. Perhaps this step will provide a guideline for the future, because when something new happens, it is destined to repeat itself. The answer is now.

For the information of Parliamentarians, the Speaker has accepted this Political party in accordance with the facts, and for this reason the decision made on the 13<sup>th</sup> November 2006 has changed.

To all members of this side of the House, excluding the supporters of HRPP, together with those whose names have been mentioned above as still Independent members.

For the above reasons announced earlier, I hereby give the announcement:

To the nine (9) members whose names have been mentioned, you have ordered to return to your respective Constituencies for bi-elections, and I will inform His Highness, Le Ao o le Malo regarding this decision.

Proceedings of the Legislative Assembly now adjourned at 10.55am until 9.00am on Monday 15<sup>th</sup> June 2009 pursuant to Parliamentary Sitting Programme 2009/2010.

**Hon Tolofuaivalelei Falemoe Leiataua**  
**SPEAKER**

**Fepuleai Attila M. Ropati**  
**CLERK**



**MONDAY, 15 JUNE 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 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**

**Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi LetoaAfioga Muagututia Siasia S. Meredith, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoa 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 Moefaaui Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Tofa Leao Talalelei Tuitama, Susuga Laauli Leuatea Polataivao.**

**2. MEMBERS ABSENT:**

**Afioga Hon Misa Telefoni, Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim.**

**3. The Legislative Assembly met at 9.00am. pursuant to the Adjournment motion moved on the 29<sup>th</sup> May 2009.**

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

5. **PRESENTATION OF PAPERS**  
The Clerk read out the Papers tabled in accordance with Standing Orders 48.
- i. S.R.2009/10, Declaration of a Public Holiday for Samoa's Independence Day 2009
  - ii. S.R.2009/11, Notice of Additional Charge on Base Tariff for the Supply of Electricity (No.4) 2009.
  - iii. S.R.2009/12, Samoa Finance Authority Amendment Act 2008, Notice of Commencement.
  - iv. S.R.2009/13, Land Transport Authority Act 2007 Ministerial Decision
  - v. P.P.2009/2010 No.25, Government Responses to P.P.2008/2009 No.65, Report of the Government Administration Committee on P.P.2008/2009 No.32, Annual Report of the Unit Trust of Samoa Ended 30 June 2007
  - vi. P.P.2009/2010 No.26, Financial Statement of the Betting (Totalisator) Agency Board for the Year Ended 30 June 2008.
  - vii. P.P.2009/2010 No.27, Annual Report for the Ministry of Women, Community and Social Development for the Financial Year 1 July 2006 – 30 June 2007.
6. **PRESENTATION OF SELECT COMMITTEE REPORTS**  
The Clerk read out the list of Select Committee Reports tabled in accordance with Standing Orders 51(5):
- i. P.P.2009/2010 No.28, Report of the Finance and Expenditure Committee on P.P.2009/2010 No/1, Supplementary Estimates (No.2) 2008/2009 on the Finance and Expenditure of the Government of Samoa for the Year Ended 30 June 2009.
  - ii. P.P.2009/2010 No.29, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.2, Supplementary of Finance and Expenditure of the Government of Samoa Ended 30 June 2010.
7. **GOVERNMENT ORDERS OF THE DAY**  
Government Order of the Day No.1 called  
1. Supplementary Appropriation Bill (No.2) 2008/2009 and Supplementary Appropriation Bill 2009/2010 – debate on second reading
- Debate continued on the bill
- The Speaker instructed the remark by the member of Palauli Sisifo be substituted for Parliament reference: *“Tago le tagata i mea na tapena i ona lava lima ma fua o ana galuega.”*

**Proceedings of the Legislative Assembly now suspended at 10.44am  
for normal recess and resumed at 11.15am.**

**Debate ensued.**

**Proceedings of the Legislative Assembly now adjourned at 1.00pm  
until 9.00am on Tuesday, 16 June 2009.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

**TUESDAY, 16 JUNE 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 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**

**Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi LetoaAfioga Muagututia Siaosi S. Meredith, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoa 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 Moefaauro Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Tofa Leao Talalelei Tuitama, Susuga Laauli Leuatea Polataivao.**

**2. MEMBERS ABSENT:**

**Afioga Hon Misa Telefoni, Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF SELECT COMMITTEE REPORT**

The Clerk read out the Select Committee's reports pursuant to Standing Orders 51(5)

- i. P.P.2009/2010 No.30, Regulations Review Committee Report on S.R.2008/26, S.R.2008/27, S.R.2008/28, S.R.2008/29, S.R.2008/30, S.R.2008/31 & S.R.2008/32.

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

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.2) 2008/2009 & Appropriation Bill 2009/2010 – resumption of debate on second reading

Debate continued

Tuia Pua Fuatogi Letoa (Safata) moved, *“That 5 minutes be extended for the member’s speech.”* Seconded by Asiata Saleimoa Vaai.

Leave not granted

Debate continued

Proceedings of the Legislative Assembly now suspended for normal recess at 10.43am and resumed at 11.13am.

**MOTION TO AMEND SITTING HOURS**

Hon Tuilaepa Sailele Malielegaoi moved, *“That we meet again tonight from 7.00pm to 11.00pm, it could be tonight only depending on how much work we have left before we move back to our normal sitting hours.”* Seconded by Hon Toleafoa Apulu Faafisi.

Motion approved for Sitting Hours amendment.

*Sitting Hours amended:*

*9.00am – 1.00pm*

*7.00pm – 11.00pm*

Second reading debate on the Supplementary Appropriation Bill (No.2) 2008/2009 and Appropriation Bill 2009/2010 now resumed.

**Proceedings of the Legislative Assembly now suspended at 1.00pm  
and resumed at 7.00pm.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

WEDNESDAY, 17 JUNE 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 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**

**Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi LetoaAfioga Muagututia Siasia S. Meredith, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoa 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 Moefaaauo Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Tofa Leao Talalelei Tuitama, Susuga Laauli Leuatea Polataivao.**

**2. MEMBERS ABSENT:**

**Afioga Hon Misa Telefoni, Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim.**

**3. The Legislative Assembly met at 9.00am. pursuant to the Adjournment motion moved on the 29<sup>th</sup> May 2009.**

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

5. **GOVERNMENT ORDERS OF THE DAY – Reading of Bills**  
**Government Order of the Day No.1 called**  
**1. Supplementary Appropriation Bill (No.2) 2008/2009 – and**  
**Supplementary Appropriation Bill 2009/2010 – debate resumed**

**Debate continued**

**Proceedings of the Legislative Assembly now suspended at 10.45am**  
**for normal recess and resumed at 11.20am**

**The question was put and second reading of the bill now stood**  
**approved.**

**Government Order of the Day No.2 called**  
**2. Supplementary Appropriation Bill (No.2) 2008/2009 –**  
**consideration in detail**

**FIRST SCHEDULE**  
**ADDITION IN APPROPRIATION**

<b>MINISTRY</b>	<b>TOTAL</b>
<b>EDUCATION, SPORTS &amp; CULTURE:</b>	<b>\$402,300</b>
<i>Approved.</i>	
<b>FINANCE:</b>	<b>\$1,547,427</b>
<i>Approved.</i>	
<b>PRIME MINISTER:</b>	<b>\$29,951</b>
<i>Approved.</i>	
<b>WORKS, TRANSPORT &amp; ENVIRONMENT:</b>	<b>\$5,677,665</b>
<i>Approved</i>	
<b>WOMEN, COMMUNITY &amp; SOCIAL DEVELOPMENT:</b>	<b>\$64,704</b>

*Approved.*



**LEGISLATIVE ASSEMBLY: \$4,370**

*Approved.*

**TOTAL ADDITIONAL EXPENDITURES 2008/2009: \$7,726,417**

*Approved.*

**SECOND SCHEDULE  
REDUCTION IN APPROPRIATIONS**

**MINISTRY:                      REDUCTION IN APPROPRIATION:**

**EDUCATION, SPORTS & CULTURE:                      \$(490,574)**

*Approved*

**POLICE & PRISONS:                      \$(113,849)**

*Approved.*

**WORKS, TRANSPORT & INFRASTRUCTURE:                      \$(3,870,000)**

*Approved.*

**WOMEN, COMMUNITY & SOCIAL DEVELOPMENT:  
\$ (105,294)**

*Approved.*

**PUBLIC SERVICE COMMISSION:  
\$ (59,749)**

*Approved.*

**TOTAL REDUCTION IN EXPENDITURES 2008/2009: \$(4,639,466)**

*Approved.*

*Second Schedule was approved as part of the Act.*

**CLAUSE 2:                      Grant and Appropriation of \$7,726,417 from the Treasury fund.**

*Approved.*

**CLAUSE 3: Reduction of amount earlier appropriated and relocation to other outputs and sub outputs.**

*Approved.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Supplementary Appropriation (No.2) 2008/2009**

*Approved.*

**The Supplementary Appropriation Bill (No.2) 2008./2009 be progressed without amendments.**

**Government Order of the Day No.3 called**

**3. Supplementary Appropriation Bill (No.2) 2008/2009 – third reading**

**Hon Niko Lee Hang moved, “*That the Supplementary Appropriation Bill (No.2.) 2008/2009 be now read a third time.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Taua Tavaga Kitiona Seuala / Hon Toomata Alapati Toomata.**

**Motion approved and the bill was read a third time.**

**Government Order of the Day No4 called.**

**4. Appropriation Bill (No.2) 2009/2010 – second reading**

**Question put and the bill was read a second time.**

**Government Order of the Day No.5 called.**

**5. Appropriation Bill 2009/2010 – consideration in detail**

**FIRST SCHEDULE  
VOTES AND APPROPRIATIONS**

<b>MINISTRY</b>	<b>TOTAL EXPENDITURES</b>
<b>AGRICULTURE:</b>	<b>\$11,214,887</b>

*Approved*

**COMMERCE, INDUSTRY & LABOUR: \$12,629,534**

*Approved*

**COMMUNICATION & INFORMATION TECHNOLOGY:  
\$4,306,262**

*Approved*

**EDUCATION, SPORTS & CULTURE: \$68,573,473**

*Approved*

**FINANCE: \$59,965,737**

*Approved*

**FOREIGN AFFAIRS & TRADE: \$18,659,152**

*Approved*

**HEALTH: \$58,985,691**

*Approved*

**Proceedings of the Legislative Assembly now adjourned at 12.58pm  
until 9.00am on Thursday 18 June 2009.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

THURSDAY, 18 JUNE 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 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, Tofa Hon Taua Tavaga Kitiona Seuala.**

**MEMBERS**

**Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi LetoaAfioga Muagututia Siaosi S. Meredith, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofaafia 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 Moefaaui Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Tofa Leao Talalelei Tuitama, Susuga Laauli Leuatea Polataivao.**

**2. MEMBERS ABSENT:**

**Afioga Hon Misa Telefoni, Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Afioga Vui Tupe Ioane, Hon Keil Hans Joachim.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. CERTIFICATE OF URGENCY**

In accordance with Standing Orders 99(2) I, TUIATUA TUPUA TAMASESE EFI, O LE AO O LE MALO, hereby issue the Certificate of Urgency to the Legislative Assembly to consider the Bill listed hereunder in the meeting on Monday, 15<sup>th</sup> June 2009:

- i. **SEG International Enterprise Bill 2009**

**6. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Select Committee Reports tabled pursuant to Standing Order 51(5):

- i. **P.P.2009/2010 No.31, Report of the Education, Science, Communication & Information Technology Committee on the Education Bill 2008.**

**7. GOVERNMENT ORDERS OF THE DAY – reading of Bills**

**FIRST SCHEDULE  
VOTES AND APPROPRIATIONS**

<b>MINISTRY</b>	<b>TOTALS</b>
<b>JUSTICE &amp; COURTS ADMINISTRATION:</b>	<b>\$7,426,366</b>
<i>The Appropriation of \$7,426,366 for the Justice &amp; Courts Administration approved.</i>	
<b>NATURAL RESOURCES &amp; ENVIRONMENT:</b>	<b>\$16,888,476</b>
<i>Approved.</i>	
<b>POLICE &amp; PRISONS:</b>	<b>\$17,808,164</b>
<i>Approved.</i>	
<b>PRIME MINISTER:</b>	<b>\$6,477,591</b>
<i>Approved</i>	
<b>REVENUES:</b>	<b>\$8,154,138</b>

*Approved*

**WOMEN, COMMUNITY & SOCIAL DEVELOPMENT: \$,259,936**

*Approved*

*The estimates expenditure of \$7,253,936 for Women, Community & Social Development was approved*

**Business suspended for 5 minutes for a correction to be made on Order Paper.**

**WORKS, TRANSPORT & INFRASTRUCTURE: \$69,297,315**

*Approved*

*The Appropriation of \$69,297,315 for Works, Transport & Infrastructure now approved.*

**ATTORNEY GENERAL: \$2,928,482**

*Approved*

**AUDIT: \$2,416,510**

*Approved*

**ELECTORAL COMMISSIONER: \$1,297,094**

**Debate**

*The Appropriation of \$1,297,094 for the Electoral now approved*

**LEGISLATIVE: \$3,006,962**

*Approved*

**OMBUDSMAN: \$379,083**

*Approved*

**PUBLIC SERVICE COMMISSION: \$2,622,397**

*The Appropriation of \$2,622,397 for Public Service Commission now approved*

STATISTICS: \$2,783,347

*Approved*

TOTAL ESTIMATED DEPARTMENTAL EXPENDITURE  
2009/2010: \$383,125,598

*Approved*

*The Schedule stands part of the Act*

CLAUSE 2: Grant and Appropriation of \$383,125,598 out of Treasury Fund

*Approved*

CLAUSE 3: Grant and Appropriation of \$11,493,768 out of Treasury fund

*Approved*

CLAUSE 1 & TITLE

CLAUSE 1: Short Title and Commencement

TITLE: Appropriation Bill 2009/2010

The Appropriation Bill 2009/2010 now progressed with amendments.

Government Order of the Day No.2 called.

2. Appropriation Bill 2009/2010 - third reading

Hon Lee Hang Niko moved, "*That the Supplementary Appropriation Bill 2009/2010 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.3 called.

3. Value Added Goods and Services Tax Amendment Bill 2009 – consideration in detail

Hon Tuiloma Lameko moved, "*That this Assembly now considers the Report of the Committee which allows the consideration of the Value*

*Added Goods and Services Tax Amendment Bill 2009 with corrections to the Samoan version.*” Seconded by Laauli Leuatea Polataivao.

Question put and the report was approved.

**CLAUSE 2: Zero-rating**

Hon Tuiloma Lameko moved a motion to Clause 2 for the Samoan Version of the bill only:

**Fuaiupu 2 – Oloa e le tatau ona faatatauina (Na o le Lomiga Samoa):**

To insert in paragraph “(p)” the word “(lotto)” following the word “lulu” to read “(p)” as follows:

“CORRECTIONS:

Fuaiupu 2(p) o le tuuina atu o masini e faamaumauina ai peti taitasi o tuuga pe faia i totonu poo fafo atu o Samoa, o le tauaveina pea o le masini po o le galuega o le faia o tusi, le faafocina o le taalgoa o le lulu (lotto) po o soo se isi auunaga faapena ua tuuina atu e le Komiti Faatino o Petipetiga, Sooupu o Masini e Faamaumau ai Peti Taitasi e tusa ai ma le Tulafono o Petipetiga (Sooupu o Masini e Faamaumau ai Peti Taitasi) 1990.””

Debate

*Correction approved*

*Clause 2 now approved with corrections.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Value Added Goods and Services Tax Amendment Bill 2009**

Approved

The Value Added Goods and Services Tax Amendment Bill 2009 now progressed with corrections.

Government Order of the Day No.4 called.

**4. Road Traffic (Payment of Fines) Bill 2009 – Consideration in detail**  
Muagututagata Peter Ah Him moved, “*That the Assembly approves the Report of the Committee to the Road Traffic (Payment of Fines) Bill 2009 without amendment.*” Seconded by Lafaitale Patrick Leiataualesa.



**Question put and the report of the Committee now stood approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Application**

**Debate**

*Clause 3 was pproved*

**CLAUSE 4: Traffic Offence Notice**

*Approved*

**CLAUSE 5: Procedure**

*Approved*

**CLAUSE 6: Effect of payment of fine**

*Approved*

**CLAUSE 7: Amount of fine**

**Debate**

*Clause 7 now approved*

**CLAUSE 8: Powers may be exercised by officers of the Authority**

*Approved*

**CLAUSE 9: Offences**

*Approved*

**CLAUSE 10: Limitation**

*Approved*

**CLAUSE 11: Amendment**

*Approved*

**CLAUSE 12: Regulations**

*Approved*

**SCHEDULE**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Road Traffic (Payment of Fines) Bill 2009**

*Approved*

**The Road Traffic Bill (Payment of Fines) 2009 now progressed without amendments.**

**Government Order of the Day No.5 called.**

**5. SEG International Enterprises Bill 2009 – second reading**

**Hon Tuilaepa Sailele Malielegaoi moved, “*That the SEG International Enterprises Bill 2009 be now read a second time and I would like to briefly clarify it.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Toomata / Ho Tuuu Anasii Leota.**

**The Minister clarified the bill.**

**Motion approved and the bill was read a second time.**

**Government Order of the Day No.6 called.**

**6. SEG International Enterprises Bill 2009 – consideration in detail**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Act to bind the Government**

*Approved*

**CLAUSE 4: Object of the Act**

*Approved*

**CLAUSE 5: Permits for Employees etc of the Overseas Company**

*Approved*

**CLAUSE 6: Income Tax Exemption**

*Approved*

**CLAUSE 7: Departure Tax Exemption**

*Approved*

**CLAUSE 8: value Added Goods and Services Tax exemption**

*Approved*

**CLAUSE 9: Restriction on sale or gift of exempt goods by Local Company**

*Approved*

**CLAUSE 10: Exemption on Imported Goods**

*Approved*

**CLAUSE 11: restriction on sale or gift of imported goods**

*Approved*

**CLAUSE 12: Reports and Accounts**

*Approved*

**CLAUSE 13: Repeal of Act**

*Approved*

**SCHEDULE**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: SEG International Enterprise Bill 2009**

*Approved*

*Clause 1 and Title now approved.*

The SEG International Enterprise Bill 2009 now progressed without amendments

Government Order of the Day No.7 called.

7. SEG International Enterprises Bill 2009 – third reading

Hon Tuilaepa Sailele Malielegaoi moved, “*That the SEG International Enterprises Bill 2009 be now read a third time.*”

Seconded by Hon Faumuina Tiatia Liuga / Hon Toomata Alapati Toomata.

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

Government Order of the Day No.8 called.

8. Public Service Amendment Bill 2009 – second reading

Hon Fiame Naomi moved, “*That the Public Service Amendment Bill 2009 be now read a second time and I would like to briefly elaborate on it.*”

Seconded by Hon Safuneituuga Paaga Neri / Hon Faumuina Tiatia Liuga.

The Minister elaborated the bill.

Debate

Motion approved and the bill was read a second time

Proceedings of the Legislative Assembly now suspended at 10.45am for normal recess and resumed at 11.20am.

Government Order of the Day No.9 called.

9. Unit Titles Bill 2009 – second reading

Hon Faumuina Tiatia Liuga moved, “*That the Unit Titles Bill 2009 be now read a second time and I would like to briefly clarify it.*”

Seconded by Hon Tuuu Anasii Leota / Hon Toomata Alapati Toomata.

The Minister elaborated the bill.

Debate

Motion approved and the bill was read a second time

**Government Order of the Day No.10 called**

**10. Broadcasting Bill 2009 – second reading**

**Hon Safuneituuga Paaga Neri moved, “*That the Broadcasting Bill 2009 be now read a second time and I wish to speak briefly on it.*”**

**Seconded by Hon Toleafoa Apulu Faafisi.**

**The Minister elaborated the bill.**

**Debate**

**Motion approved and the bill was read a second time**

**Proceedings of the Legislative Assembly now adjourned at 12.56pm until 9.00am on Friday, 19 June 2009.**

**Hon Tolofuaivalelei Falemoe Leiatua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

FRIDAY, 19 JUNE 2009

**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 Faumuina Tiatia Liuga, Afioga Hon Safuneituuga Paaga Neri, Tofa Hon Tuuu Anasii Leota, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Afioga Hon Toomata Alapati Poese Toomata, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Tofa Moefaauro Lufilufi, Tofa Hon Tuuu Anasii Leota, Hon Keil Hans Joachim, Afioga Anauli Pofitu Fesili, Tofa Leao Talalelei Tuitama, Afioga Muagututagata Peter Ah Him, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Muagututia Siasoi S. Meredith, Afioga Le Mamea Ropati, Tofa Tiata Sili Pulufana Saunoo, Afioga Galuvao Viliamu, Tofa Solamalemalo Keneti Sio, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea, Afioga Vaeolenofoa Tapasu, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Afioga Lafaitete Patrick Leiataualesa, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siasoi S. Meredith, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Laauli Leuatea Polataivao.**

**2. MEMBERS ABSENT:**

**Tofa Taua Tavaga Kitiona Seuala, Tofa Toluono Feti, Afioga Hon Vaai Papu Vailupe, Susuga Mulipola Oliva, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Afioga Vui Tupe Ioane.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk announced the Select Committee Reports as presented in accordance with the Standing Orders 51(5):

- i. P.P.2009/2010 No.32, Report of the Finance and Expenditure Committee on P.P.2008/2009 No.18 on the Report of Operations and Statements of Accounts of the Senior Benefit Fund for the Financial Year Ending 30 June 2007.

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

Government Order of the Day No.1 called.

**1. Value Added Goods and Services Tax Amendment Bill 2009 – third reading**

Hon Tuuu Anasii Leota moved, *“That the Value Added Goods and Services Tax Amendment Bill 2009 be now read a third time.”* Seconded by Hon Faumuina Tiatia Liuga.

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. Road Traffic Bill (Payment on Fines) 2009 – third reading**

Hon Tuisugaletaua Sofara Aveau moved, *“That the Road Traffic Bill (Payment on Fines) 2009 be now read a third time.”* Seconded by Hon Faumuina Tiatia Liuga.

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. Education Bill 2008 – consideration in detail**

Hon Lafaitale P. Leiataualesa moved, *“That Parliament approves the Report of the Committee which recommends the consideration of this bill with corrections and amendments.”* Seconded by Patu Ativalu Togi II.

Question put and the report of the Committee stood approved.

**CLAUSE 2: Interpretation**

**“CORRECTION:**

- i. “approved organisation”

Omit the figure “64” which appears after the word “and” and before the symbol “;” and substitute thereby the figure “66” thus to read:

“approved organisation means an organisation approved by the Minister under sections 28 and 66;”

ii. “inspector”

Omit the figure 71 which appears after the word “section” and before the symbol “;” and substitute thereby the figure 72 to read the meaning of the word ‘inspector’ as:

“inspector” means a person or class of persons authorised by the Minister to carry out inspections of schools and early childhood education centres under section 72:”

*Correction approved*

*Clause 2 as corrected approved*

**CLAUSE 3: Act to bind the State**

*Approved*

**CLAUSE 4: Enrolment**

*Approved*

**CLAUSE 5: Exemption from enrolment**

*Approved*

**CLAUSE 6: Attendance**

*Approved*

**CLAUSE 7: Exemption from attendance without application**

*Approved*

**CLAUSE 8: Application for exemption from attendance**

*Approved*

**CLAUSE 9: Certificate of exemption**



*Approved*

**CLAUSE 10: Withdrawal from school**

*Approved*

**CLAUSE 11: Schools to keep enrolment at list for section**

*Approved*

**CLAUSE 12: Schools to keep attendance registers**

*Approved*

**CLAUSE 13: Principal's responsibility when a compulsory school-aged child is withdrawn from a school.**

*Approved*

**CLAUSE 14: Principal's responsibility when a compulsory school-aged child fails to attend school regularly**

*Approved*

**"AMENDMENT:**

**i. Omit the words "regularly attend school" which appears at the end of the word "attend to" and before the expression "-" and substitute thereby the words "not attending school regularly" thus to read as:**

**"14. Principal responsibility when a compulsory school-aged child fails to attend school regularly."**

**ii. That clause 14(4)(a), (b) and (c)" be omitted as it is not required. The term 'appropriate person' is not used throughout clause 14.**

*Amendment approved.*

*Clause 14 as amended was approved.*

**CLAUSE 15: Attendance officers to supervise students' attendance**

*Approved*

**CLAUSE 16: Attendance officers' powers and responsibilities to supervise students' attendance.**

**“AMENDMENT:**

**Clause 16(9)**

**To insert at the end of the clause 16(9) the words “to produce upon request, evidence of attendance officer’s appointment to supervise students’ attendance and thus clause 16(9) reads:**

**(9) It shall be a defence for any person charged under this section to prove that the attendance officer failed to produce upon request, evidence of the attendance officers’ appointment.”**

*Amendment approved*

*Clause 16 approved with amendments*

**CLAUSE 17: Removal of attendance officers**

*Approved*

**CLAUSE 18: Additional responsibilities of Sui o le Nuu for enrolment and school attendance**

*Approved*

**CLAUSE 19: Establishing the suitability of education**

*Approved*

**CLAUSE 20: Employment of compulsory school-aged child**

*Approved*

**CLAUSE 21: Caretakers not to permit employment for compulsory school-aged child**

*Approved.*

**CLAUSE 22: Disciplinary management**

*Approved*

**CLAUSE 23: Discipline**

*Approved*

**CLAUSE 24: Intoxication of teachers**

*Approved*

**CLAUSE 25: Behaviour of members of the public**

*Approved*

**CLAUSE 26: Exclusion of students with diseases and infestation**

**“AMENDMENT:**

**Clause 26:**

**Omit the word ‘contagious illness’ which appears at the end of Clause 26 and substitute thereby with the words ‘infected with disease’ where Clause 26 reads as:**

**“26. Exclusion of students with diseases and infestations.”**

*Amendment approved*

*Clause 26 approved as amended.*

**CLAUSE 27: Requirement for registration**

*Approved*

**CLAUSE 28: Approved organisation for mission schools and private schools**

*Approved*

**CLAUSE 29: Cancelling of Approval**

*Approved*

**CLAUSE 30: Application for registration**

*Approved*

**CLAUSE 31: Criteria for registering a school**

*Approved*

**CLAUSE 32: Probationary Registration**

*Approved*

**CLAUSE 33: register of private schools and mission schools**

*Approved*

**CLAUSE 34: Returns by proprietors of registered schools**

*Approved*

**CLAUSE 35: Restriction or cancellation of registration by the Minister**

*Approved*

**CLAUSE 36: Restriction or cancellation of registration by an approved organisation for mission schools and private schools**

*Approved*

**CLAUSE 37: Reservation of the right to establish a registered school**

*Approved*

**CLAUSE 38: Establishment of village schools**

*Approved*

**CLAUSE 39: Responsibility for managing Village Shools**

*Approved*

**CLAUSE 40: Power to set collect school fees**

*Approved*

**CLAUSE 41: Payments to school committee members**

*Approved*

**CLAUSE 42: Provision of staff for village schools**

*Approved*

**CLAUSE 43: responsibility for staff management**

*Approved*

**CLAUSE 44: Closure of school villages**

*Approved*

**CLAUSE 45: Establishment of Ministry schools**

*Approved*

**CLAUSE 46: responsibility for management of a Ministry school**

**Approved**

**CLAUSE 47: Capacity to set and collect school fees**

*Approved*

**CLAUSE 48: Provision of staff for Ministry schools**

*Approved*

**CLAUSE 49: Responsibility of management of staff**

*Approved*

**CLAUSE 50: Amalgamation and closure of Ministry schools**

*Approved*

**CLAUSE 51: School calendar**

*Approved*

**CLAUSE 52: Maximum and minimum number of students**

*Approved*

**CLAUSE 53: Waiver of school fees**

*Approved*

**CLAUSE 54: Temporary closure of schools**

*Approved*

**CLAUSE 55: School records and reports**

*Approved*

**CLAUSE 56: School disciplinary policy**

*Approved*

**CLAUSE 57: Suspension and expulsion**

*Approved*

**CLAUSE 58: Minimum curriculum**

**“CORRECTION:**

**Clause 58(4):**

**Omit the figure ‘60’ which appears after the word ‘section’ and before the word ‘of’ and substitute thereby the figure ‘61’ thus Clause 58(4) reads:**

**“(4) Schools and early childhood education centres may modify the curriculum or implement individual education programs for students with special needs, subject to any policy or guidelines the Executive Officers issues under section 61 of this Act.”**

*Correction approved*

*Clause 58 approved as amended*

**CLAUSE 59: Delivery of curriculum in schools and childhood education centres.**

*Approved*

**CLAUSE 60: Chief Executive Officer’s powers and functions.**

*Approved*

**CLAUSE 61: Chief Executive Officer to establish guidelines**

*Approved*

**CLAUSE 62: Minister's power to specify an accreditation system for teachers**

*Approved*

**CLAUSE 63: Certification of Teachers**

*Approved*

**CLAUSE 64: Regulations to register teachers**

*Approved*

**CLAUSE 65: Requirement for registration**

*Approved*

**CLAUSE 66: Approved organisation for early childhood education centres.**

*Approved*

**CLAUSE 67: Cancelling approval**

*Approved*

**CLAUSE 68: Criteria for registering an childhood education centre**

*Approved*

**CLAUSE 69: Approved organisation's power to withdraw registration**

**“CORRECTION:**

**Clause 69:**

Omit the figure '67' which appears after the word 'section' and before the word 'of' and substitute thereby with figure '68' thus clause 69 reads:

**“69. Approved organisation’s power to withdraw registration – If an approved organisation reasonably believes that an early childhood education centre is no longer meeting one or more of the criteria for registration under section 68 of this Act, the approved organisation may withdraw the early childhood education centre’s registration subject to the following conditions.”**

*Correction approved.*

*Clause 69 as corrected was approved.*

**CLAUSE 70: Right to appeal to the Minister**

*Approved*

**CLAUSE 71: Minister’s power to cancel registration**

**“CORRECTION:**

**Clause 71:**

To omit the figure '67' as written after the word 'section' and before the sign ', and substitute thereby the figure '68' thus Clause '71' reads:

**“71 Minister’s power to cancel registration – If the Minister’s reasonably believes that an early childhood education centre is no complying with the criteria for registration under section 68, the Minister may cancel the early childhood education centre’s registration subject to the following conditions.”**

*Correction approved*

*Clause 71 approved as corrected*

**CLAUSE 72: Inspection of schools and early childhood education centres**

*Approved*

**CLAUSE 73: Powers and responsibilities of inspectors**



*Approved*

**CLAUSE 74: Regulations**

*Approved*

**CLAUSE 75: Repeals**

*Approved*

**CLAUSE 76: Savings and transitional provision**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Education Bill 2008**

**“CORRECTION:**

**i. Clause 1(1) Amendment:**

To omit the figure “2008” which appears at the end of sub clause (1) and substitute thereby with figure “2009” thus clause 1 reads:

**“(1) This Act may be cited as “The Education Act 2009”**

**ii. Clause 1(2) Correction**

Omit the figure “64” which appears after the word “and” and before the word “which” substitute thereby the figure “65” thus to read (2) as follows:

**“(2) This Act shall commence on a date nominated by the Minister save for sections 27 and 65 which shall commence 12 months later.”**

*Corrections approved*

*Clause 1 and Title approved as corrected*

**The Education Bill 2008 now progressed with Corrections and Amendments.**

**Government Order of the Day No.4 called.**

**4. Patents Amendment Bill 2009 – second reading**

**Hon Misa Telefoni moved, “*That the Patents Amendment Bill 2009 be now read a second time and I propose to give an explanation.*”**

**Seconded by Hon Safuneituuga Paaga Neri.**

**The Minister clarified the bill.**

**Motion approved and the bill was read a second time.**

**Government Order of the Day No.5 called.**

**5. Narcotics Amendment Bill 2009 – second reading**

**Hon Gatoloaifaana Amataga Gidlow moved, “*That the Narcotics Amendment Bill 2009 be now read a second time and I would like to explain it.*”** Seconded by HonTuisugaletaua Sofara Aveau.

**The Minister clarified the bill.**

**Proceedings of the Legislative Assembly now suspended for normal recess at 10.26am ad resumed at 10.55am.**

**Debate continued**

**Proceedings of the Legislative Assembly now adjourned at 12.00noon until 9.00am on Monday 22 June 2009.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

MONDAY, 22 JUNE 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 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**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa Afioga Muagututia Siaso S. Meredith, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofaia 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 Moefaauo Lufilufi, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Afioga Patauave Etuale.**

**2. MEMBERS ABSENT:**

**Alioga Hon Misa Telefoni, Tofa Hon Taua Tavaga Kitiono Seuala, Afioga Hon Vaai Papu Vailupe, Tofa Toluono Feti, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naolia Tei, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Le Mamea Ropati, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Susuga Laauli Leuatea Polataivao, Tofa Tiata Sili Pulufana Saunoa.**

**3. The Legislative Assembly met at 9.00am. pursuant to the Adjournment motion moved on the 29<sup>th</sup> May 2009.**

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

**5. MESSAGE FROM THE HEAD OF STATE**

The Speaker announced the Message from the Head of State consent that the Legislative Assembly to proceed upon consideration of the below bill:

**i. Road Traffic (Breathalyser) Amendment Bill 2009**

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

**Government Order of the Day No.1 called.**

**1. Road Traffic (Breathalyser) Amendment Bill 2009 – first reading**

**Hon Toleaofo Apulu Faafisi moved, “*That the Road Traffic (Breathalyser) Amendment Bill 2009 be now read a first time.*”**

**Seconded by Hon Tuisugaletaua Sofara Aveau/Hon Safuneituuga Paaga Neri.**

**Motion approved and the Bill was read a first time.**

**Government Order of the Day No.2 called.**

**2. Education Bill 2009 – third reading**

**Hon Toomata Alapati Toomata moved, “*That the Education Bill 2009 be now read a third time.*”** Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Safuneituuga Paaga Neri.

**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. Narcotics Amendment Bill 2009 – resumption of debate on second reading**

**Debate continued**

**Motion approved and the bill was read a second time.**

**7. CONSIDERATION OF SELECT COMMITTEE REPORTS**

**Order of the Day No.1 called.**

**1. P.P.2008/2009 No.70, Report of the Health & Social Services, Internal Affairs & Community & Social Development on P.P.2008/2009 No.38, Annual Report of the Development Bank of Samoa for the Year 2007 – Consideration**

**Galuvao Viliamu moved, “*That the Assembly takes note of the Report of the Committee containing its Findings, Recommendations and Resolutions.*”** Seconded by Lafaitale Patrick Leiatuaalesa.

**The Chairman presented the Committee’s report.**

Debate.

Question put and the report was approved.

Order of the Day No.2 called.

2. P.P.2009/2010 No.30, Report of the Regulations Review Committee on S.R.2009/26, SR 2009/27, SR2009/28, SR2009/29, SR2009/30, SR2009/31 & SR2009/32.

Hon Leao Talalelei Tuitama moved, *“That the Assembly confirms the report of the Committee containing its Findings, Recommendations and Resolutions.”* Seconded by Moefaauo Lufilufi.

The Chairman presented the Committee’s report.

Debate.

Question put and the report was approved.

## 8. CONSIDERATION OF PAPERS

Order of the Day No.1 called

1. P.P.2009/2010 No.10, Government Responses to P.P.2007/2008 No.86, Report of the Finance & Expenditure Committee on P.P.2007/2008 No.44, Finance Statement of the Robert Louis Stevenson Foundation for the Year 2—5 & P.P.2007/2008 No.45, Robert Louis Stevenson Foundation Financial Statement for the Years 2006.

Hon Toleafoa Apulu Faafisi moved, *“That this Assembly approves the report of the Committee to be in line with Standing Orders 54.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Safuneituuga Paaga Neri.

The Chairman presented the report of the Committee.

Question put and the report of the Committee stood approved.

Order of the Day No.2 called.

2.P.P.2009/2010 No.11, Government Responses to P.P.2007/2008 No.38, Report of the Health & Social Services, Internal Affairs & Community & Social Development Committee on P.P.2007/2008 No.21, Annual Report of the Ministry of Health 2004/2005.

Hon Gatoloaifaana Amataga Gidlow moved, *“That this Assembly approves the report of the Committee to be in line with Standing Orders 54.”* Seconded by Hon Lee Hang Niko.

The Chairman presented the report of the Committee.

Question put and the report of the Committee stood approved.

Order of the Day No.3 called.

3. P.P.2009/2010 No.12, Government Responses to P.P.2007/2008 No.91, Report of the Finance and Expenditure Committee on P.P.2007/2008 No.73, Annual Report of the Samoa Life Assurance Corporation for the Year Ending 30<sup>th</sup> June 2007.

Hon Niko Lee Hang moved, *“That this Assembly approves the report of the Committee to be in line with Standing Orders 54.”* Seconded by Hon Tuuu Anasii Leota.

The Chairman presented the report of the Committee.

Question put and the report of the Committee stood approved.

Order of the Day No.4 called.

4. P.P.2009/2010 No.13, Government’s Responses to 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, Report of the Legislation Review Committee on the Samoa Parliamentary Pension Scheme.

Hon Niko Lee Hang moved, *“That this Assembly approves the report of the Committee to be in line with Standing Orders 54.”* Seconded by Hon Tuuu Anasii Leota.

The Chairman presented the report of the Committee.

Question put and the report of the Committee stood approved.

Order of the Day No.5 called.

5. P.P.2009/2010 No.14, Responses of Government to P.P.2008/2009 No.42, Report of the Finance & Expenditure Committee on P.P.2007/2008 No.106, Annual Report of the National Provident Fund for July 2006-June 2007.

Hon Niko Lee Hang moved, *“That this Assembly approves the report of the Committee to be in line with Standing Orders 54.”* Seconded by Hon Tuuu Anasii Leota.

The Chairman presented the report of the Committee.

Question put and the report of the Committee stood approved.

**Order of the Day No.6 called.**

**6. P.P.2009/2010 No.15, Government Responses to P.P.2007/2008 No.96, Report of the Finance and Expenditure Committee on P.P.2007/2008 No.28, Annual Report of the National Provident Fund for the Year Ending 30 June 2006.**

**Hon Niko Lee Hang moved, “*That this Assembly approves the report of the Committee to be in line with Standing Orders 54.*” Seconded by Hon Tuuu Anasii Leota.**

**The Chairman presented the report of the Committee.**

**Question put and the report of the Committee stood approved.**

**Order of the Day No.7 called.**

**7. P.P.2009/2010 No.22, Government Responses to the Recommendations in the Report of the Government Administration Committee on P.P.2007/2008 No.42, Annual Report of the Public Trust Office for the Year Ending 30 June 2006.**

**Hon Tuuu Anasii Leota moved, “*That this Assembly approves the report of the Committee to be in line with Standing Orders 54.*” Seconded by Hon Faumuina Tiatia Liuga.**

**The Chairman presented the report of the Committee.**

**Question put and the report of the Committee stood approved.**

**Order of the Day No.8 called.**

**8. P.P.2009/2010 No.25, Government Responses to P.P.2008/2009 No.65, Report of the Government Administration Committee on P.P.2008/2009 No.32, Annual Report of the Public Trust Office for the Year Ending 30 June 2007.**

**Hon Tuuu Anasii Leota moved, “*That this Assembly approves the report of the Committee to be in line with Standing Orders 54.*” Seconded by Hon Faumuina Tiatia Liuga.**

**The Chairman presented the report of the Committee.**

**Question put and the report of the Committee stood approved.**

**Proceedings of the Assembly adjourned at 11.35am until 9.00  
Tuesday 23 June 2009.**

**Hon Tolofuaivalelei Falemoe Leiatua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**



**TUESDAY, 23 JUNE 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 Faumuina Tiatia Liuga, Afioga Hon Safuneituuga Paaga Neri, Tofa Hon Tuuu Anasii Leota, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Afioga Hon Toomata Alapati Poese Toomata, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Tofa Moefaauro Lufilufi, Tofa Hon Tuuu Anasii Leota, Hon Keil Hans Joachim, Afioga Anauli Pofitu Fesili, Tofa Leao Talalelei Tuitama, Afioga Muagututagata Peter Ah Him, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Muagututia Siasii S. Meredith, Afioga Le Mamea Ropati, Tofa Tiatia Sili Pulufana Saunoa, Afioga Galuvao Viliamu, Tofa Solamalemalo Keneti Sio, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo, Susuga Papalii Samuelu Petaia, Tofa Tuiloa Anitelea, Afioga Vaeolenofa Tapasu, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa.**

**2. MEMBERS ABSENT:**

**Tofa Taua Tavaga Kitona Seuala, Tofa Toluono Feti, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Muagututia Siasii 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 Motuopuaa Uifagasa Aisoli, Susuga Laauli Leuatea Polataivao, Afioga Levaopolo Talatonu.**

**3. The Legislative Assembly met at 9.00am.**

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

5. **GOVERNMENT ORDERS OF THE DAY – Reading of Bills**  
**Government Order of the Day No.1 called**  
**1. Road Traffic (Breathalyser) Amendment Bill 2009 – second reading**  
**Hon Toleafoa A. Faafisi moved, “That the Road Traffic (Breathalyser) Amendment Bill 2009 be now read a second time and I would like to briefly clarify it.” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Safuneituuga Paaga Neri / Hon Taua Tavaga Kitiona Seuala.**

**The Minister clarified the bill.**

**Debate.**

**Proceedings of the Legislative Assembly suspended at 10.43am and resumed at 11.15am.**

**Debate continued**

**Motion approved and the bill was read a second time.**

**Government Order of the Day No.2 called.**  
**2. Road Traffic (Breathalyser) Amendment Bill 2009 – consideration in detail**

**CLAUSE 2: Interpretation**

*Approved.*

**CLAUSE 3: Driving when drunk or dragged**

*Approved*

**CLAUSE 4: Insertion of new provision**

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Road Traffic (Breathalyser) Amendment Bill 2009**

*Approved*

*Clause and Title approved.*

**The Road Traffic (Breathalyser) Amendment Bill 2009 now progressed without amendment.**

**Government Order of the Day No.3 called.**

**3. Road Traffic (Breathalyser) Amendment Bill 2009 – third reading**  
Hon Toleafoa Apulu Faafisi moved, *“That the Road Traffic (Breathalyser) Amendment Bill 2009 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.**

**6. CONSIDERATION OF SELECT COMMITTEE REPORTS**

**1. P.P.2009/2010 No.32, Report of the Finance & Expenditure Committee on the P.P.2008/2009 No.18, Report of the Operations and Statement of Accounts of the Senior Benefit Fund for the Financial Year Ending 30 June 2007.**

Hon Tuiloma Lameko moved, *“That the Assembly confirms the report of the Committee containing its Findings, Recommendations and Resolutions.”* Seconded by Tapuai Sepulona Moananu.

**The Minister clarified the bill.**

**Debate.**

**Question put and the report was approved.**

**MOTION TO ADJOURN**

Hon Tuilaepa Sailele Malielegaoi moved, *“That Proceedings of the Assembly now adjourned until the next ensuing meeting.”* Seconded by Hon Toomata Alapati Toomata / Hon Tuisugaletaua Sofara Aveau.

**Motion approved.**

**Proceedings now adjourned at 12.27pm until the next ensuing meeting.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

MONDAY, 17 AUGUST 2009

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

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

**MEMBERS**

**Tofa Hon Tuiloma Lamēko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Hon Le Mamea Ropati, Tofa Moefaauo Lufilufi, Hon Keil Hans Joachim, Afioga Anauli Pofitu Fesili, Tofa Leao Talalelei Tuitama, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Afioga Muagututagata Peter Ah Him, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lamēko, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulfana Saunoa, Tofa Taua Falaimo, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Solamalemalo Keneti Sio, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo, Afioga Motuopuaa Uifagasa Aisoli, Susuga Papalii Samuelu Petaia, Tofa Toluono Feti, Tofa Tuiloa Anitelea, Afioga Vaeolenofoa Tapasu, Afioga Aiono Tile Gafa, Afioga Muagututia Siaosi S. Meredith, Afioga Patauave Etuale.**

**2. MEMBERS ABSENT:**

**Afioga Hon Misa Telefoni, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa.**

**3. The Legislative Assembly met at 9.00am. pursuant to the Adjournment motion moved on the 29<sup>th</sup> May 2009.**

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

**5. MESSAGE FROM THE HEAD OF STATE**

The Speaker announced the Message from the Head of State consent that the Legislative Assembly to proceed upon consideration of the following Bills:

- i. Daylight Savings Bill 2009
- ii. Accident Compensation Corporation Amendment Bill 2009
- iii. Customs Amendment Bill 2009
- iv. International Transfer of Prisoners Bill 2009
- v. Internal Affairs Amendment Bill 2009
- vi. Ministry of Women Affairs (Sui Tamaitai o le Nuu) Amendment Bill 2009
- vii. Electoral Amendment Bill 2009

**6. OTHER ANNOUNCEMENT BY MR SPEAKER**

Speaker announced as per his instruction and decision, that eight members of the Tautua Samoa Party should take the floor one by one and offer their apologies to Parliament, given their rejection to perform the orders as instructed by the Speaker and infringed Clause 21 of the Legislative Assembly Powers and Privileges Ordinance 1960, moreover, it also breached Standing Orders 188 and 189.

Pursuant to the Supreme Court Decision given on 1 July 2009 in relation to a claim filed by members of the Tautua against the Speaker's decision on the 29 May 2009, the Speaker's decision was for the members to vacate their seats and return to their respective Constituencies for bi-elections. The decision by the court is final and should not be pursued further.

**7. PRESENTATION OF PAPERS**

The Clerk read out the Papers presented pursuant to SO48.

- i. SR2009/14, Samoa Ports Authority, Declaration of Ports Order 2009
- ii. SR2009/15, Samoa Water Authority (Sewerage and Waste water) Regulations 2009.
- iii. SR2009/16, Notice of Additional Charge on Base Tariff for the Supply of Electricity (No.5).
- iv. SR2009/17, Fair Trading Act 1998, Central Price Order for Upolu, Savaii, Manono and Apolima.
- v. P.P.2009/2010 No.33, Annual Report of the National Kidney Foundation from July 2007-June 2008.
- vi. P.P.2009/2010 No.34, Accident Compensation Corporation Annual Report for the Year 2008.

- vii. P.P.2009/2010 No.35, National University of Samoa Annual Report for 2007-2008./
- viii. P.P.2009/2010 No.36, Samoa Senior Citizens Benefit Fund Report of Operations and Statement of Accounts 2007/2008.
- ix. P.P.2009/2010 No.37, Government Responses to P.P.2007/2008 No.33, Report of the Works, Transport & Environment Committee on P.P.2006/2007 No.76, Annual Report of the Ministry of Natural Resources and Environment for the Year 2004-2005.
- x. P.P.2009/2010 No.38, Annual Report of the Development Bank of Samoa 2008.
- xi. P.P.2009/2010 No.39, Annual Report of the Electric Power Corporation 2007-2008.
- xii. P.P.2009/2010 No.40, Annual Report of the Office of the Electoral Commissioner for the Year 2006-2007.
- xiii. P.P.2009/2010 No.41, Annual Report of the Office of the Electoral Commissioner for the Year 2007-2008.
- xiv. P.P.2009/2010 No.42, Government Responses to P.P.2007-2008 No.80, Report of the Health and Social Services, Internal Affairs Committee on P.P.2007/2008 No.55, Annual Report of the Housing Corporation for the Year 2006.
- xv. P.P.2009/2010 No.43, Government Responses to P.P.2008/2009 No.44, Report of the Health and Social Services Committee on P.P.2008/2009 No.27, Annual Report of the Housing Corporation for the Year 2007.
- xvi. P.P.2007/2008 No.64, Report of the Works, Transport & Environment Committee on P.P.2007/2008 No.10, Annual Report of the Samoa Water Authority for the Year Ending 30 June 2006.
- xvii. P.P.2009/2010 No.45, Government Responses to P.P.2007/2008 No.83, Report of the Business, Standing Orders Committee on P.P.2007/2008 No.54, Report of the Office of the Electoral Commissioner on the General Elections 2006 & Annual Report of the Office of Electoral Commissioner for 2005-2006.
- xviii. P.P.2009/2010 No.46, Government Responses to P.P.2008/2009 No.53, Report of the Education, Science, Communication & Info-Tech Committee on P.P.2008/2009 No.30, NUS Annual Report for the Years 2005-2006 & 2006-2007.
- xix. P.P.2009/2010 No.47, Government Responses to P.P.2007/2008 No.85, Report of the Government Administration Committee on P.P.2007/2008 No.57, Annual Report of the Central Bank of Samoa for July 2005-June 2006.
- xx. P.P.2009/2010 No.48, Government Responses to P.P.2008/2009 No.34, Health and Social Services Committee on P.P.2008/2009 No.74, Ministry of Health Annual Report for 2005/2006 &

- P.P.2008/2009 No.15, Ministry of Health Annual Report July 2006 - June 2007.
- xxi. P.P.2009/2010 No.49, Government Responses to P.P.2007/2008 No.49, Report of the Primary Production, Commerce, Industry and Labour Committee on PP.2007/2008 No.8, Annual Report of the Agriculture Store Corporation for the Years Ending 30 June 2006.
- xxii. P.P.2009/2010 No.54, Ministry of Police Annual Report for the Financial Year 2006/2007.

## 8. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Reports of the Committee presented pursuant to SO 51(5):

- i. P.P.2009/2010 No.50, Report of the Justice, Police & Prisons Committee on Police Services Bill 2008.
- ii. P.P.2009/2010 No.51, Report of the Foreign Affairs, Trade and Revenue Committee on the Patents Amendment Bill 2009.
- iii. P.P.2009/2010 No.52, Report of the Government Administration Committee on the Public Service Amendment Bill 2009.
- iv. P.P.2009/2010 No.53, Report of the Regulations Review Committee on SR 2008/33, SR2008/34, SR2008/35, SR2008/36, SR2008/37, SR2008/38, SR2008/39, SR2008/40, SR2008/41, SR2008/42, SR200843, SR2008/44.
- v. P.P.2009/2010 No.55, Report of the Health and Social Services Committee on P.P.2008/2009 No.40, Statement of Corporate Objectives and Corporate Plan of the Samoa Water Authority for 2009-2011.
- vi. P.P.2009/2010 No.56, Report of the Health and Social Services Committee on P.P.2009/2010 No.4, Annual Report of the NKF for July 2005-June 2006 & July 2006-June 2007.
- vii. P.P.2009/2010 No.57, Report of the Finance and Expenditure Committee on P.P.2008/2009 No.39, Annual Report of the CBS for the Year 2006/2007.
- viii. P.P.2009/2010 No.58, Report of the Finance and Expenditure Committee on P.P.2008/2009 No.72, Annual Report of the Polynesian Airlines Ending 30 June 2007.

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

Government Order of the Day No.1 called.

1. Daylight Savings Bill 2009 – first reading

Hon Tuilaepa Sailele Malielegaoi moved, *“That the Daylight Saving Bill 2009 be now read a first time.”* Seconded by Hon Taua Tavaga Kitiona Seuala / Hon Tuisugaletaua Sofara Aveau.

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.2 called.**

**2. Accident Compensation Corporation Amendment Bill 2009 – first reading**

**Hon Tuilaepa Sailele Malielegaoi moved, “*That the Accident Compensation Corporation Amendment Bill 2009 be now read a first reading.*” Seconded by Hon Faumuina Tiatia Liuga/Hon Taua Tavaga Kitiona Seuala.**

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.3 called.**

**3. Customs Amendment Bill 2009 – first reading**

**Hon Tuuu Anasii Leota moved, “*That the Customs Amendment Bill 2009 be now read a first reading.*” Seconded by Hon Faumuina Tiatia Liuga/Hon Tuisugaletaua Sofara Aveau.**

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.4 called.**

**4. International Transfer of Prisoners Bill 2009 – first reading**

**Hon Tuilaepa Sailele Malielegaoi moved, “*That the International Transfer of Prisoners Bill 2009 be now read a first reading.*” Seconded by Hon Faumuina Tiatia Liuga.**

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.5 called.**

**5. Internal Affairs Amendment Bill 2009 – first reading**

**Hon Fiame Naomi moved, “*That the Internal Affairs Amendment Bill 2009 be now read a first reading.*” Seconded by Hon Faumuina Tiatia Liuga & Hon Safuneituuga Paaga Neri.**

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.6 called.**

**6. Ministry of Women Affairs (Sui o Tamaitai o le Nuu) Amendment Bill 2009 – first reading**

**Hon Fiame Naomi moved, “*That the Ministry of Women Affairs (Sui o Tamaitai o le Nuu) Amendment Bill 2009 be now read a first reading.*” Seconded by Hon Faumuina Tiatia Liuga & Hon Safuneituuga Paaga Neri.**



**Motion approved and the bill was read a first time.**

**Government Order of the Day No.7 called.**

**7. Electoral Amendment Bill 2009 – first reading**

**Hon Unasa Mesi Galo moved, “*That the Electoral Amendment Bill 2009 be now read a first reading.*” Seconded by Hon Gatoloaifaana Amataga Gidlow/Hon Taua Tavaga Kitiona Seuala.**

**Motion approved and the bill was read a first time.**

**Proceedings now adjourned at 10.20am until 9.00am on Tuesday 18 August 2009.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

**TUESDAY, 18 AUGUST 2009**

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

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Hon Le Mamea Ropati, Tofa Moefaaau Lufilufi, Hon Keil Hans Joachim, Afioga Anauli Pofitu Fesili, Tofa Leao Talalelei Tuitama, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Afioga Muagututagata Peter Ah Him, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulufana Saunoa, Tofa Taua Falaimo, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Solamalemalo Keneti Sio, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo, Afioga Motuopuaa Uifagasa Aisoli, Susuga Papalii Samuelu Petaia, Tofa Toluono Feti, Tofa Tuiloa Anitelea, Afioga Vaeolenofoa Tapasu, Afioga Aiono Tile Gafa, Afioga Muagututia Siaosi S. Meredith, Afioga Patauave Etuale.**

**2. MEMBERS ABSENT:**

**Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Afioga Hon Aeau Peniamina.**

**3. The Legislative Assembly met at 9.00am. pursuant to the Adjournment motion moved on the 29<sup>th</sup> May 2009.**

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

5. **GOVERNMENT ORDERS OF THE DAY – Reading of Bills**  
**Government Order of the Day No.1 called**  
**1. Police Service Bill 2008 – consideration in detail**  
 Hon Fonotoe Nuafesili Pierre Lauofo moved, *“That this Assembly approves the Committee’s report which recommends that Parliament proceeds with the Police Services Bill 2008 together with amendments.”*  
 Seconded by Moefaaau Lufilufi / Leao Talalelei Tuitama.

**Question put and the report of the Committee now approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Continuation of the Samoa Police Service**

*Approved*

**CLAUSE 4: References to the Police in other Acts**

*Approved.*

**CLAUSE 5: Functions of the Service**

*Approved*

**CLAUSE 6: Members of the Service**

*Approved*

**CLAUSE 7: The Oaths of Service**

*Approved*

**CLAUSE 8: Role of sworn members**

*Approved*

**CLAUSE 9: Identity cards for members**

*Approved*

**CLAUSE 10: Commissioner is deemed to be employer of members**

*Approved*

**CLAUSE 11: Code of conduct to apply to all members**

*Approved*

**CLAUSE 12: Appointment of the Commissioner**

*Approved*

**CLAUSE 13: Eligibility for appointment as Commiositioner**

*Approved*

**CLAUSE 14: Terms and conditions of appointment of Commissioner**

*Approved*

**CLAUSE 15: Appointment of Acting Commissioner**

*Approved*

**CLAUSE 16: Duties and Powers of the Commissioner**

*Approved*

**CLAUSE 17: Delegation of powers by the Commissioner**

*Approved*

**CLAUSE 18: Appointment of Deputy Commissioner**

*Approved*

**CLAUSE 19: Elegibility for appointment as a Deputy Commissioner**

*Approved*

**CLAUSE 20: Terms and conditions of appointment of a Deputy Commissioner**

*Approved*

**CLAUSE 21: Duties and Powers of a Deputy Commissioner**

*Approved*

**CLAUSE 22: Appointment of Assistant Commissioners**

*Approved*

**CLAUSE 23: Eligibility for appointment as an Assistant Commissioner**

*Approved*

**CLAUSE 24: Terms and conditions of Assistant Commissioner**

*Approved*

**CLAUSE 25: Duties and Powers of the Assistant Commissioner**

*Approved*

**CLAUSE 26: Appointment of an Assistant Commissioner as Director of Prisons**

*Approved*

**CLAUSE 27: Appointment of other Commissioned Officers**

*Approved*

**CLAUSE 28: Terms and conditions of Assistant Commissioners**

*Approved*

**CLAUSE 29: Non-commissioned officers and constables.**

*Approved*

**CLAUSE 30: Appointment of Recruits**

*Approved*

**CLAUSE 31: Auxillary members of the service**

*Approved*

**CLAUSE 32: Appointment of non-sworn members**

*Approved*

**CLAUSE 33: Change of status of positions**

*Approved*

**CLAUSE 34: Approved staffign structure**

*Approved*

**CLAUSE 35: Salaries and allowances**

*Approved*

**CLAUSE 36: Acting Appointments**

*Approved*

**CLAUSE 37: Probation period to be served**

*Approved*

**CLAUSE 38: Appointment and promotion process**

*Approved*

**CLAUSE 39: Rights of Appeal**

*Approved*

**CLAUSE 40: Board of Appeal**

*Approved*

**CLAUSE 41: Procedure for Boards and Board of Appeal**

*Approved*

**CLAUSE 42: Transfer of members within the Police and Prison Services**

*Approved*

**CLAUSE 43: Temporary exchange of members with overseas Services**

*Approved*

**CLAUSE 44: Status of Officers on overseas mission**

*Approved*

**CLAUSE 45: Resignation from the Service**

*Approved*

**CLAUSE 46: retirement from the Service**

**Debate.**

*Clause 46 approved*

**CLAUSE 47: Retirement as medically unfit**

*Approved*

**CLAUSE 48: Processes to address poor work performance**

**Debate**

*Clause 48 was approved*

**CLAUSE 49: Appeals against dismissal for poor work performance**

*Approved*

**CLAUSE 50: Conduct amounting to breach of duty**

*Approved*

**CLAUSE 51: Inquiries into breach of duty and punishments**

*Approved*

**CLAUSE 52: Suspension of members for breach of duty**

*Approved*

**CLAUSE 53: Appeals involving breach of duty**

*Approved*

**CLAUSE 54:**      **procedures for Tribunals and Boards of Appeal  
Debate.**

*Clause 54 approved*

**CLAUSE 55:**      **Termination of the Commissioner, Deputy  
Commissioners and Assistant Commissioners.**

*Approved*

**CLAUSE 56:**      **Suspension of the Commissioner, Deputy  
Commissioner and Assistant Commissioners.**

*Approved*

**CLAUSE 57:**      **Termination of other members from the Service.**

*Approved*

**CLAUSE 58:**      **Powers cease on Termination**

*Approved*

**CLAUSE 59:**      **Return of Official Property**

*Approved*

**CLAUSE 60:**      **Execution of Process**

*Approved*

**CLAUSE 61:**      **Powers to be in addition to other lawful powers**

*Approved*

**CLAUSE 62:**      **Members may call for assistance**

*Approved*

**CLAUSE 63:**      **Identifying persons in custody**

*Approved*



**CLAUSE 64: Dealing with seized property**

*Approved*

**CLAUSE 65: Sale of unclaimed goods**

*Approved*

**CLAUSE 66: Protection for members**

*Approved*

**CLAUSE 67: Limitation of Actions**

*Approved*

**CLAUSE 68: Possession of Official Property**

**“AMENDMENTS:**

**Insert after Clause 67 a new Clause 68 as follows:**

**PART VII  
PROFESSIONAL STANDARDS UNIT**

**68. Professional Standards Unit**

- i. A Professional Standards Unit is hereby established as part of the Police Service.**
- ii. The Professional Standards Unit shall receive and shall investigate complaints about:**
  - a. any neglect of duty or alleged misconduct by any Police Officer;**
  - or**
  - b. any allegation of corrupt or improper practice through to exist within the Police Service, even if no specific officer has been identified in relation to the alleged activity.**
- iii. All complaints to be Professional Standards Unit shall be provided in writing and may be substituted to the Commissioner of Police and copies to the head of the Unit.**
- iv. The Members of the Professional Standards Unit shall be protected form disciplinary proceedings for any act taken bona fide in the course of any investigation underken *in accordance with the Act.***
- v. The Professional Standards Unit shall be protected reviewed by the Office of the Ombudsman on a regular basis and the details of any such review shall be contained in a written agreement between**

the Commissioner of Police and Ombudsman approved by the Attorney General or regulations made pursuant to subsection (8)

vi. Any irregularity or issues not resolved pursuant to the agreement in the preceding subsection or regulations shall be brought to the immediate attention of the Minister

vii. The Attorney General, unless he or she decides otherwise, shall undertake all criminal prosecutions against any Police Officer.

viii. The Head of State, acting on the advice of the Cabinet, may make regulations in relation to the powers, proceedings and immunities of the Unit, and its officers and staff, including regulations which provide for:

a. the establishment, administration, staffing and operations of the unit;

b. the powers of investigation of the unit, including powers to require that information, documents and records relevant to any matter under the investigation be provided;

c. the procedures for reporting the findings of the unit, and for implementing or auctioning any recommendations made in the findings of the Unit;

d. protections for officers and staff of the Unit from interference disciplinary proceedings and other immunities;

e. procedures for the regular review of the Professional Standards Unit in accordance with sub-section (5), including powers to undertake such reviews and process for implementation of recommendation made under such review.”

Debate

*Amendment approved*

*Clause 68 approved as amended.*

“AMENDMENT:

That Clauses starting from Clause 68 be renumbered as follows:

#### PART VII PROFESSIONAL UNIT

68. Professional Standards Unit

#### PART VIII OFFENCES

69. Possession of official property

70. Impersonating a member of the service

- 71. Bribing member of the service
- 72. Gaining admission to Service by false representation
- 73. Member of Service not to engage in politics

**PART IX  
MISCELLANEOUS**

- 74. General Instructions
- 75. Minister may inquire into the Service
- 76. Police Service Fund
- 77. Recovery of Fines
- 78. Long Service and good conduct awards
- 79. Regulations
- 80. Repeal and Savings

*Amendments approved*

*The rearranging of Clauses as amended was approved*

**CLAUSE 69: Possession of official property**

**Approved**

**CLAUSE 70: Impersonating a member of the Service**

**Approved**

**CLAUSE 71: Bribing member of the Service**

*Approved*

**CLAUSE 72: Gaining admission to Service by false representation**

*Approved*

**CLAUSE 73: Member of Service not to engage in politics**

*Approved*

**CLAUSE 74: General instructions**

*Approved*

**CLAUSE 75: Minister may inquire into the service**

*Approved*

**CLAUSE 76: Police Service Fund**

*Approved*

**CLAUSE 77: recovery of Fines**

*Approved*

**CLAUSE 78: Long Service and good conduct awards**

**Debate**

*Clause 78 was approved*

**CLAUSE 79: Regulations**

*Approved*

**CLAUSE 80: Repeal and savings**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Police Services Act 2008**

**“AMENDMENT:**

**Omit the year 2008” and substitute thereby ‘2009’ thus Short Title reads:**

**“POLICE SERVICES ACT 2009”**

*Amendment approved*

*Clause 1 and Title as amended approved*

*The Police Services Act 2009 be progressed with amendments.*

**Government Order of the Day No.2 called.**

**2. Patents Amendment Bill 2009 – consideration in detail**

**Hon Tuiloma Lameko moved, “That Parliament approves the Committee’s report which recommends that the bill now progressed with amendments.” Seconded by Laauli Leuatea Polataivao.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Validation of Actions**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Patents Amendment Bill 2009**

**“AMENDMENT:**

**Clause 1(1):**

**Omit Clause 1(1) and substitute thereby the Clause 1(1) thus to read:**

**“1. Short Title and Commencement –(1) This Act may be cited as the Patents Amendment Act 2009, and shall be read together with and form part of the Patents Act 1972.**

*Amendment approved*

*Clause 1 and Title approved with amendments.*

**The Patents Amendment Bill 2009 now progressed with amendments.**

**Government Order of the Day No.3 called**

**3. Public Service Amendment Bill 2009 – Consideration in detail**

**Hon Joachim Hans Keil moved, “That Parliament approves the Committee report which recommends that Assembly proceeds with the Public Service Amendment Bill 2009 with corrections to the Samoan Print.” Seconded by Laauli Leuatea Polataivao.**

**Question put and the report was approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Breach of Code of Conduct**

**“CORRECTION:**

Clause 3(5):

Omit from (5) the word ‘aiai’ and substitute thereby ‘aiaia’ after the word ‘e ao one’ before the words ‘e le taualumaga e faapea’ thus to read sub-section (5) as follows:

**(5) O le taualumaga mo le sueina ma le faia o le faaiuga i se moliaga e faasaga i se tagata ofisa ua faamaoti mai i Tulafono Faatonutonu, peitai i se tulaga aupito itiiti, e ao ona aiaia e le taualumaga e faapea.”**

*Correction approved*

*Clause 3 approved as corrected.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Public Service Commencement Bill 2009**

*Approved*

The Public Service Amendment Bill 2009 now progressed with Corrections.

## **6. CONSIDERATION OF SELECT COMMITTEE REPORTS**

Order of the Day No.1 called.

**1. P.P.2009/2010 No.53, The Regulations Review Committee Report on the following Regulations SR2008/33, SR2008/34, SR2008/35, SR2008/36, SR2008/37, SR2008/38, SR2008/39, SR2008/40, SR2008/41, SR2008/42, SR2008/43 & SR2008/44**

Leao Talalelei Tuitama moved, *“That the Assembly considers the Report of the Committee containing its Findings, Recommendations and Resolutions.”* Seconded by Moefaauro Lufilufi.

The recommendations and findings were presented by the chairman.

Order of the Day No.2 called.

**2. P.P.2009/2010 No.55, Health and Social Services Committee Report on P.P.2008/2009 No.40, Statement on Corporate Objectives and Corporate Plan of the Samoa Water Authority for Years 2009-2011.**

Palusalue Faapo II moved, *“That the Assembly considers the Report of the Committee containing its Findings, Recommendations and Resolutions.”* Seconded by Galuvao Viliamu.

The chairman presented the Committee’s report.

**Business suspended at 10.40am and resumed at 11.20am.**

**Debate.**

**Question put and report was approved.**

**Order of the Day No.3 called.**

**3. P.P.2009/2010 No.56, Health and Social Services Committee Report on P.P.2009/2010 No.4, Annual Report of the NKF for July 2005-June 2006 and July 2006-June 2007**

**Aeau Peniamina Leavai moved, “*That the Assembly considers the Report of the Committee containing its Findings, Recommendations and Resolutions.*”**

**The chairman presented the Committee’s report.**

**Debate.**

**Question put and report was approved.**

**Order of the Day No.4 called.**

**4. P.P.2009/2010 No.57, the Finance and Expenditure Committee Report on the P.P.2008/2009 No.39, CBS Annual Report for the Financial Year 2006/2007.**

**Hon Tuiloma Lameko moved, “*That the Assembly considers the Report of the Committee containing its Findings, Recommendations and Resolutions.*”**

**The chairman presented the Committee’s report.**

**Debate.**

**Proceedings now adjourned at 12.58pm until Wednesday 19 August 2009 at 9.00am.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

WEDNESDAY, 19 AUGUST 2009

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

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Hon Le Mamea Ropati, Tofa Moefaauro Lufilufi, Hon Keil Hans Joachim, Afioga Hon Aeau Peniamina, Afioga Anauli Pofitu Fesili, Tofa Leao Talalelei Tuitama, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Afioga Muagututagata Peter Ah Him, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulufana Saunoo, Tofa Taua Falaimo, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Solamalemalo Keneti Sio, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Laufofo, Afioga Motuopuaa Uifagasa Aisoli, Susuga Papalii Samuelu Petaia, Tofa Toluono Feti, Tofa Tuiloa Anitelea, Afioga Vaeolenofoa Tapasu, Afioga Aiono Tile Gafa, Afioga Muagututia Siaosi S. Meredith, Afioga Patauave Etuale.**

**2. MEMBERS ABSENT:**

**Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa.**

**3. The Legislative Assembly met at 9.00am.**

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



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

**Government Order of the Day No.1 called.1**

**1. Police Service Amendment Bill 2009 – third reading**

Hon Toleafoa Apulu Faafisi moved, *“That the Police Service Bill 2009 be now read a third time.”* Seconded by Hon Tuisugaletaua Sofara Aveau/ Hon Tuuu Anasii Leota.

**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. Patents Amendment Bill 2009 – third reading**

Hon Misa Telefoni moved, *“That the Patents Amendment Bill 2009 be now read a third time.”* Seconded by Hon Toleafoa Apulu Faafisi.

**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. Public Service Amendment Bill 2009 – third reading**

Hon Fiaame Naomi moved, *“That the Public Service Amendment Bill 2009 be now read a third time.”* Seconded by Hon Safuncituuaga Paaga Neri / Hon Toleafoa Apulu Faafisi.

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

**Government Order of the Day No.4 called.**

**4. Daylight Savings Bill 2009 – second reading**

Hon Misa Telefoni moved, *“That the Daylight Savings Bill 2009 be now read a third time.”* Seconded by Hon Toleafoa Apulu Faafisi.

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

**Government Order of the Day No.5 called.**

**5. Accident Compensation Amendment Bill 2009 – second reading**

Hon Misa Telefoni moved, *“That the Accident Compensation Amendment Bill 2009 be now read a second time and I would like to explain it.”* Seconded by Hon Niko Lee Hang / Hon Joachim Hans Keil.

**The Minister clarified the bill.**

**Debate.**

**Business now set aside for normal recess at 10.40am and resumed at 11.20am.**

**Debate resumed.**

**Motion approved and the bill was read a second time.**

**Government Order of the Day No.6 called.**

**6. Customs Amendment Bill 2009 – second reading**

**Hon Tuuu Anasii Leota moved, “*That the Customs Amendment Bill 2009 be now read a second time and I wish to clarify 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.**

**Government Order of the Day No.7 called.**

**7. International Transfer of Prisoners Bill 2009 – second reading**

**Hon Tuilaepa Sailele Malielegaoi moved, “*That the International Transfer of Prisoners Bill 2009 be now read a second time and I would like to briefly clarify it.*” Seconded by Hon Fiame Naomi Mataafa.**

**The Prime Minister clarified the bill.**

**Debate.**

**Motion approved and the bill was read a second time.**

**Proceedings now adjourned at 1.00pm until Thursday 20 August 2009 at 9.00am.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

THURSDAY, 20 AUGUST 2009

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

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Hon Le Mamea Ropati, Tofa Moefaaau Lufilufi, Hon Keil Hans Joachim, Afioga Hon Aeau Peniamina, Afioga Anauli Pofitu Fesili, Tofa Leao Talalelei Tuitama, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Afioga Muagututagata Peter Ah Him, Afioga Patu Aivalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalue Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulufana Saunoa, Tofa Taua Falaimo, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Solamalemalo Keneti Sio, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Laufofo, Afioga Motuopuaa Uifagasa Aisoli, Susuga Papalii Samuelu Petaia, Tofa Toluono Feti, Tofa Tuiloa Anitelea, Afioga Vaeolenofoa Tapasu.**

**2. MEMBERS ABSENT:**

**Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Afioga Aiono Tile Gafa, Afioga Muagututia Siaosi S. Meredith, Afioga Patauave Etuale.**

**3. The Legislative Assembly met at 9.00am.**

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

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

**Government Order of the Day No.1 called.**

**1. Internal Affairs Amendment Bill 2009 – second reading**

Hon Fiame Naomi moved, *“That the Internal Affairs Amendment Bill 2009 be now read a second time and I would like to provide a short explanation on it.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Safuneituuga Paaga Neri.

**The Minister clarified the bill.**

**Debate**

**Motion approved and the bill was read a second time.**

**Government Order of the Day No.2 called.**

**2. Ministry of Women Affairs Amendment Bill 2009 – second reading**

Hon Fiame Naomi moved, *“That the Ministry of Women Affairs Amendment Bill 2009 be now read a second time and I would like to provide a short explanation on it.”* Seconded by Hon Safuneituuga Paaga Neri.

**The Minister clarified the bill.**

**Debate**

**WORDS WITHDRAWN**

Words ordered by Mr Speaker to be omitted from Parliamentary Records by member for Palauli West: *“.....and representative of Faafafine in the villages.”*

**Proceedings now suspended at 10.45am until 11.20am.**

**MOTION TO ADJOURN SITTING HOURS**

Hon Tuilaepa Sailele Malielegaoi moved, *“That proceedings do now adjourn to return on Monday and continue with our work.”* Seconded by Hon Fiame Naomi/Hon Toleafoa Apulu Faafisi/Hon Faumuina Tiatia Liuga.

**Motion approved.**

**Proceedings ensued on second reading of Women Affairs Bill 2009.**

**Motion approved and the bill was read a second time.**

**Government Order of the Day No.3 called.**

**3. Electoral Amendment Bill 2009 – second reading**

**Hon Unasa Mesi Galo** moved, *“That the Electoral Amendment Bill 2009 be now read a second time and I wish to elaborate on it.”*  
**Seconded by Hon Gatoloaifaana Amataga Gidlow / Hon Taua Tavaga Kitiona Seuala.**

**The Minister clarified the bill.**

**Debate**

**Proceedings now adjourned at 1.00pm until Monday 24 August 2009.**

**Hon Tolofuaivalelei Falemoe Leiataua**  
**SPEAKER**

**Fepuleai Attila M. Ropati**  
**CLERK**

MONDAY, 24 AUGUST 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 Faumuina Tiatia Liuga, Afioga Hon Safuneituuga Paaga Neri, Tofa Hon Tuuu Anasii Leota, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Afioga Hon Toomata Alapati Poese Toomata, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Tofa Taua Tavaga Kitiona Seuala.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaoisi S. Meredith, Afioga Hon Le Mamea Ropati, Tofa Moefaauro Lufilufi, Hon Keil Hans Joachim, Afioga Hon Aeau Peniamina, Afioga Anauli Pofitu Fesili, Tofa Leao Talalelei Tuitama, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Afioga Muagututagata Peter Ah Him, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaoisi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulufana Saunoa, Tofa Taua Falaimo, Afioga Patauaue Etuale, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Solamalemalo Keneti Sio, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo.**

**2. MEMBERS ABSENT:**

**Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Afioga Aiono Tile Gafa, Afioga Motuopuaa Uifagasa Aisoli, Susuga Papalii Samuelu Petaia, Tofa Toluono Feti, Tofa Tuiloa Anitelea, Afioga Vaeolenofoa Tapasu.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF PAPERS**

The Clerk read out the Select Committee Reports pursuant to Standing Orders 48:

- i. SR2009/18, Maritime Wildlife Protection Regulations 2009
- ii. P.P.2009/2010 No.59, Samoa Housing Corporation Report 2008.

**6. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Select Committee's Reports pursuant to Standing Orders 51(5):

- i. P.P.2009/2010 No.60, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P.2008/2009 No.48, Samoa Trust Estates 45<sup>th</sup> Annual Report for the Year Ending 30 June 2007.
- ii. P.P.2009/2010 No.61, Report of the Foreign Affairs, Trade & Revenue Committee on the Daylight Savings Bill 2009.

**7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills**  
Government Order of the Day No.1 called.

1. Electoral Amendment Bill 2009 – second reading debate

Debate resumed from 20/8/2009

Proceedings now suspended at 10.43am and resumed at 11.35am.

Tofa Taua moved, *“That five minutes be granted for member of Faleata West to complete his speech.”* Seconded by member of Aiga i le Tai.

Leave not granted.

Tuia Pua Fuatogi Letoa (Safata) moved, *“That five minutes be extended for member of Lefaga & Faleaseela.”* Seconded by Asiata Saleimoa Vaai / Lealailepule Rimoni Aiafi.

Leave not granted.

Debate continued.

Proceedings now suspended at 10.43am until 11.35am.

Debate continued.

Motion approved and the Electoral Amendment Bill 2009 was now read a second time.

Government Order of the Day No.2 called.

2. Daylight Savings Bill 2009 – consideration in detail

Hon Tuiloma Lameko moved, “*That this Assembly approves the report of the Committee which recommends that this bill progresses with amendments.*” Seconded by Hon Faumuina Tiatia Liuga / Hon Lealailepule Rimoni Aiafi.

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Daylight Savings**

*Approved*

**“CORRECTION:**

**Clause 3(1)(c):**

Omit the word ‘of’ after the word ‘subject’ before the word ‘subsection (3)’ and substitute with the word ‘to’ thus (c) will be read as follows:

‘subject to subsection (3), specify the date and time in which the daylight saving period starts and ends.’

**“CORRECTION 2:**

**Clause 3(4):**

Omit the word ‘and’ after the word ‘whilst’ before the word ‘Order remains’ and substitute with the word ‘an’ thus reading (4) as follows:

“An order under subsection (1) may by a similar order be revoked or varied or be substituted by a further order and whilst and order remains in force it shall have effects in respect of the daylight period as specified in the Order or as varied.”

*Corrections approved.*

*Clause 3 approved as amended.*



**CLAUSE 4: Effect on pay and allowances**

*Approved*

**CLAUSE 5: Exceptions**

*Approved.*

**CLAUSE 6: Non-liability of Government**

*Approved.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Daylight Savings Act 2009**

*Approved*

**Daylight Savings Bill 2009 now progressed with corrections.**

**MOTION TO SUSPEND STANDING ORDERS**

**Hon Tuilaepa moved, “*That Standing Orders be suspended to allow the Daylight Savings Bill 2009 to be read a third time.*” Seconded by Hon Faumuina Tiatia Liuga.**

**Motion approved.**

**MOTION FOR ADJOURNMENT**

**Hon Tuilaepa moved, “*That proceedings of Parliament do now adjourned until Monday 19 October 2009 according to Parliamentary Schedule 2009/2010.*” Seconded by Hon Faumuina Tiatia Liuga.**

**Motion approved.**

**Proceedings now adjourned at 11.50am until Monday 19 October 2009.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

**MONDAY, 19 OCTOBER 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, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Afioga Hon Toomata Alapati Poesē Toomata, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Tofa Taua Tavaga Kitiona Seuala.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siao Si Meredith, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Tofa Moefaauo Lufilufi, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siao Si Meredith, Afioga Hon Palusalua Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulufana Saunoa, Tofa Taua Falaimo, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Tofa Solamalemalo Keneti Sio, Afioga Lafaitale Patrick Leiataualesa, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo, Afioga Motuopuaa Uifagasa Aisoli, Tofa Toluono Feti.**

**2. MEMBERS ABSENT:**

**Afioga Hon Misa Telefoni, Tofa Hon Tuuu Anasii Leota, Afioga Vaeolenofoa Tapasu, Hon Keil Hans Joachim, Afioga Hon Aeau Peniamina, Afioga Anauli Pofitu Fesili, Afioga Hon Faumuina Tiatia Liuga, Tofa Leao Talalelei Tuitama, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Afioga Muagututagata Peter Ah Him.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. MESSAGE FROM THE HEAD OF STATE**

Mr Speaker communicated the Message from the Head of State permitting the Assembly to proceed upon consideration of the following bills:

- i. Taking of Land Amendment Bill 2009
- ii. Constitution Amendment Bill 2009
- iii. National Provident Fund Amendment Bill 2009

**6. CERTIFICATE OF URGENCY**

Pursuant to Standing Orders 99(2) I, TUIATUA TUPUA TAMASESE EFI, HEAD OF STATE, hereby issue the Certificate of Urgency to the Legislative Assembly to consider the Bill listed hereunder in the Meeting commencing on Monday, 19 October 2009.

- i. Taking of Land Amendment Bill 2009

**7. OTHER ANNOUNCEMENT BY MR SPEAKER**

I wish to convey the messages of condolence from the Parliament Associations around the Pacific, the Commonwealth member countries and Samoa's overseas partners. These messages of sympathy follows the devastation caused by the natural disaster that has severed relationships between parents and children and children and their parents due to the Tsunami which affected the Southern coast of our country.

I would like to read the following messages of condolences:

“Mr Speaker

**1. CONDOLENCES FROM THE OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES WELLINGTON NEW ZEALAND**

On behalf of the New Zealand Parliament and the people of New Zealand I wish to extend deepese sympathy to you and your people over the tragic loss of life and property following the recent earthquake and tsunami.

New Zealand's offer of assistance in your hour of need is a reflection of our dep friendship and the close ties between our two countries.

Our thoughts and spirit are with you all.

Kindest regads,

Yours Sincerely,

(Signed): Dr Lockwood Smith

**SPEAKER**

**2. CONDOLENCES FROM THE OFFICE OF THE LEGISLATIVE OF SLOVENIA.**

**Your Excellency Mr Speaker,**

**We were hereby deeply shocked and grieved to learn about the powerful earthquake on 29 of September 2009 and the devastating consequences of the tsunami waves that hit the population of your country. I would therefore like to convey, on behalf of the National Assembly of the Republic of Slovenia and in my own name, sincere condolences to you, your colleagues parliamentarians and all families who forever lost their next of kin in this natural disaster, and wish the victim who suffered injuries a speedily recovery.**

**We share in the grief and mourn with you and all affected people for such tragic and irreplaceable loss.**

**With all due respect,**

**(Signed): Dr Pavel Gantar.**

**2. CONDOLENCES FROM THE COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA) BRANCH PARLIAMENT, TASMANIA**

**Mr Speaker,**

**Both Houses of the Tasmanian Parliament have passed resolutions which will convey to the Samoan Parliament in an official sense our deep shock and sadness at the terrible loss sustained by your people through the devastating tsunami on 29 September 2009.**

**But the words in the resolutions cannot adequately express the personal feelings and sympathy all Tsunamis CPA members have for you, your members, staff and people. Those of us who were so privileged to be taken along the South cost of Upolu in May 2008 by Graeme have so many happy memories of a beautiful and unspoiled place, filled with happy and friendly villagers. We can hardly believe our eyes to see on the news the obvious appalling devastation wrecked through such a cruel blow and the suffering of so many of your people through this event.**

**Our hearts, thoughts and prayers go out to Samoan members, staff and the people of your lands and we stand ready to do what we can**

to assist. Our CPA Branch Executive met today and unanimously agreed to make a donation from our own funds of \$5000 to help the relief effort. Rebuilding will take a long time, but as your partner we want to offer ongoing solidarity and determination in the task of rebuilding and to find practical ways of support.

So to you our friends, be assured of every personal good wish from each of the members of the Tasmanian Parliament and staff.

Regards,

(Signed): Afioga Lin Thorp MLC  
CPA BRANCH PRESIDENT (CPA), TASMANIA

**4. CONDOLENCES YANG DI-PERTUA DEWAN PAKYAT  
(SPEAKER) HOUSE OF REPRESENTATIVES, PARLIAMENT  
MALAYSIA KUALA LUMPUR**

Mr Speaker,

I learn with distress and sorry, Your Excellency the news of the natural catastrophe that has hit your country hard, causing many victims and severe material losses.

In this painful circumstances, allow me to convey our deepest condolences for the victims of this great tragedy.

Please accept the renewed assurance of my highest consideration.

Yours Sincerely,

(Signed): Tan Sri Datuk Seri Utama Pandikar Amin HJ. Mulia  
SPEAKER HOUSE OF REPRESENTATIVES OF PARLIAMENT  
MALAYSIA KUALA LUMPUR

**5. CONDOLENCES FROM PARLIAMENTARIANS FOR  
GLOBAL ACTION ACCION MUNDIAL DEPARLIAMENTARIOS  
ACTION MONDIALE DES PARLIAMENTAIRES**

Mr Speaker

On behalf of Parliamentarians for Global Action, I am writing to express our deep concern and sorry following the recent tsunami in Samoa and the ensuing loss of life occasioned by it regarding which we are also profoundly saddened.

Nature often moves in mysterious and tragic ways and we are often left wondering why it is so. These 'uninvited' forces also so often seem to impact most those countries and regions which least deserve them and who already face more than their own share of challenges.

Please be assured that you and all of the people of Samoa are in our thoughts at this most difficult time.

I very hope that you will still be able to join us for PGA's Annual Forum in Washington D.C. next month at which you can brief us further on the situation.

With all due respect,

(Signed): Hon Dr Ruth Wijdenbosch, MP(Surname)  
CHAIRMAN OF PARLIAMENTARIANS FOR GLOBAL ACTION  
ACCION MUNDIAL, DEPARLIAMENTARIOS ACTION  
MONDIALE DESPARLIAMENTARIES

**2. CONDOLENCES FROM THE OFFICE OF THE SPEAKER OF THE PARLIAMENT OF THE COOK ISLANDS.**

Mr Speaker,

On behalf of the Parliament of the Cook Islands, I convey to you, your Parliament and people of Samoa our heartfelt sympathies to you, your Parliament and the people of both Samoa and her people for the devastation and loss of lives during the recent tsunami that hit our countries.

We cannot adequately express our sorry and grief for we know Samoa and its people in many ways and ties.

We can only pray for God's divine intervention and comfort to cheer us up in these trying hours.

We will always be with you in our prayers and in whatever ways we can do to help you.

(Signed): Mapu Taia, OBE

**OFFICE OF THE SPEAKER OF THE PARLIAMENT**

With the assurance of my highest regard and esteem, I remain.

Sincerely Yours,

**(Signed): Juan Ponce Enrile**  
**PRESIDENT OF SENATE**

**7. CONDOLENCES OF JAPAN:**

Mr Speaker,

We are deeply saddened to learn of the huge loss of life and the devastating damage caused by the massive earthquake and tsunami that have struck the islands of Samoa. On behalf of the Japanese House of Representatives, I express our sincere condolences for the victims and their family members, and send our prayers for the recovery of the devastated areas.

**Signed: Takahiro Yokomichi**  
**MR SPEAKER-HOUSE OF REPRESENTATIVES OF JAPAN**

**8. CONDOLENCES FROM THE SOUTH ISLAND OF AUSTRALIAN (SOUTH AUSTRALIA)**

Mr Speaker,

I want to express the profound sorrow John and I felt when we heard of the devastation to Samoa. Please accept our personal condolences and those of my constituents.

I am pleased that Australia is able to assist your people at this time of immense loss. Locally, I will try to assist any Samoan constituents I might have who are shattered by the loss of family, friends and country.

Please call on me if there is anything I can do to assist, I think generally our disaster response programs are well set up but there may be a time when personal contact is useful.

Our thoughts with you, your constituents and your country, I know Australians will be generous as a nation and as individuals in helping our neighbours get on their feet again even though with heavy hearts for a very long time.

Yours in sorrow,

(Signed): Gay Thompson  
MEMBER FOR REYNELL, DEPUTY SPEAKER, CHAIR OF  
COMMITTEE OF AUSTRALIAN PARLIAMENT

**9. CONDOLENCES FROM THE APPU CENTRAL  
SECRETARIAT ASIAN AND THE PACIFIC**

Mr Speaker,

Please allow me to express my heartfelt sympathy and condolences to those who lost family members or friends as a result of the recent disaster as well as to you and your colleagues.

Your sincerely,

(Signed): Tetsuya Hirose  
SECRETARY-GENERAL APPU CENTRAL SECRETARIAT OF  
ASIAN AND THE PACIFIC, TOKYO JAPAN.”

Mr Speaker, those are the condolences have been translated into Samoan language for the information of our country. That is empathy shared by our overseas.



**8. OBITUARY SPEECH**

Mr Speaker announced the passing away of Afioga Fepuleai Samuelu who was a member of Parliament.

Afioga Fepuleai Samuelu was elected to be a representative for the constituency of Gagaemauga No.2 in the VI Parliament for the period 1973-1975.

He was a Minister for the Post Office and Broadcasting in the Year 1973-1975. The late Fepuleai Samuelu was also a member for the House Committee and the Bills Committee.

On behalf of the member of Parliament, I extend our condolences to the member's constituency especially his widow and family.

For now, I call on the members to be uprising to observe a one-minute silence as a gesture of respect to the late memory of the member who has passed on. I also request Parliament to pay our respect to all parents especially children who have fallen victims in the Tsunami of last month.

Members of the Legislative Assembly remained upstanding for one minute as a sign of respect not only in remembrance of the late Fepuleai Samuelu but also for the people who lost their lives due to the tsunami.

**9. PRESENTATION OF PAPERS**

The Clerk read out the Papers pursuant to Standing Orders 48:

1. SR2009/19, Notice of Charge on Base Tariff for the Supply of Electricity (No.6) 2009.
2. SR2009/20, Ministry of Revenue, Customs Port of Entry Order 2009-Port of Aleipata.
3. SR2009/21, Road Traffic (Breathalyser) Regulations 2009
4. SR2009/22, Customs Valuation Amendment Regulations 2009
5. SR2009/23, Road Transport Reform Act 2008, Notice of Speed Limits.
6. SR2009/24, Road Traffic Amendment Order 2009.
7. SR2009/25, Notice of Charge on Base Tarrif for the Supply of Electricity (No.7) 2009
8. SR2009/26, Notice of Charge on Base Tarrif for the Supply of Electricity (No.8) 2009
9. SR2009/27, Public Notice, Immigration 2004.
10. SR2009/28, Ministerial Directive under Land Titles Registration Act 2008
11. SR2009/29, Declaration of Public Holiday (Half Day) for National Mourning
12. P.P2009/2010 No.62, Samoa Water Authority of Corporate Objectives Corporate Plan 2010-2012.
13. P.P.2009/2010 No.63, SNPF-Parliamentary Pension Scheme Audited Financial Accounts, June 2008

14. P.P.2009/2010 No.64, Government Responses to P.P.2008/2009 No.37, Report of the Primary Production Commerce, Industry and Labour Committee on P.P.2008/2009 No.17, Annual Report of the Samoa Trust Estates Corporation for the Year Ending 30 June 2006.
15. P.P.2009/2010 No.65, Annual Report of the Samoa Tourism Authority for July 2007-June 2008.
16. P.P.2009/2010 No.66, Government Responses to P.P.2008/2009 No.37, Report of Primary Production, Commerce, Industry and Labour Committee on P.P.2008/2009 No.17, Annual Report of the Samoa Trust Estates Corporation for the Year Ending 30 June 2007.
17. P.P.2009/2010 No.67, Ministry of Communication & Information Technology Annual Report for the Year 2005/2006.
18. P.P.2009/2010 No.68, Ministry of Communication & Information Technology Annual Report for the Year 2006/2007.
19. P.P.2009/2010 No.69, Government Responses to P.P.2008./2009 No.22, Report of the Works Transport & Environment Committee on P.P.2007/2008 No.26, Annual Report of the Ministry of Natural Resources & Environment for the Year 2005/2006.

#### 10. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports pursuant to SO51(5):

1. P.P.2009/2010 No.70, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P.2008/2009 No.48, the 45<sup>th</sup> Annual Report of the Samoa Trust Estates Corporation for the Year Ending 30<sup>th</sup> June 2007.
2. P.P.2009/2010 No.71, Report of the Finance & Expenditure Committee on the Accident Compensation Amendment Bill 2009
3. P.P.2009/2010 No.72, Report of the Justice Police & Prisons Committee on International Transfer of Prisoners Bill 2009.
4. P.P.2009/2010 No.73, Report of the Regulations Review Committee on SR2009/1, SR2009/2, SR2009/3, SR2009/4, SR2009/5, SR2009/6, SR2009/7, SR2009/8, SR2009/9, SR2009/10, SR2009/11, SR2009/12 & SR2009/13.
5. P.P.2009/2010 NO.74, Foreign Affairs, Trade and Revenue Committee Report on the P.P.2008/2009 No.54, Airport Authority Statement of Corporate Objectives 2009-2011.
6. P.P.2009/2010 No.75, Report of the Health and Social Services Committee on Narcotics Amendment Bill 2009.
7. P.P.2009/2010 No.76, Report of the Health and Social Services Committee on the Ministry of Women (Sui Tamaitai o le Nuu) Amendment Bill 2009
8. P.P.2009/2010 No.77, Report of the Justice, Police & Prisons Committee on the Unit Titles Bill 2009.

**11. GOVERNMENT ORDERS OF THE DAY - Reading of Bills**

**Government Order of the Day No.1 called.**

**1. Taking of Land Amendment Bill 2009 – first reading**

Hon Faumuina Tiatia Liuga moved, *“That the Taking of Land Amendment Bill 2009 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.2 called**

**2. Constitution Amendment Bill 2009 – first reading**

Hon Tuilaepa moved, *“That the Constitution Amendment Bill 2009 be now read a first time.”* Seconded by Hon Fiame Naomi / Hon Faumuina Tiatia Liuga

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.3 called.**

**3. National Provident Fund Amendment Bill 2009 – first time**

Hon Niko Lee Hang moved, *“That the National Provident Fund Amendment Bill 2009 be now read a first time.”* Seconded by Hon Taua Tavaga Kitiona Seuala.

**Motion approved and the bill was read a first time.**

**Government Order of the Day No.4 called.**

**4. Taking of Land Amendment Bill 2009 – second reading**

Hon Faumuina Tiatia Liuga moved, *“That the Taking of Land Amendment Bill 2009 be now read a second time and I wish to elaborate on it.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

**The Minister clarified the bill.**

**Debate**

**Motion approved and the bill was read a second time.**

**Business suspended at 10.40am and resumed at 11.05am.**

**Government Order of the Day No.5 called.**

**5. Taking of Land Amendment Bill 2009 – consideration in detail**

**CLAUSE 2: Power to take particular estates or interests or land subject thereto**

*Approved*

**CLAUSE 3: Minister may make offer, procedure if offer not made or refused.**

**Debate.**

*Clause 3 approved.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE:**

*Approved*

**Taking of Land Amendment Bill 2009 now progressed without Amendment.**

**Government Order of the Day No.6 called.**

**6. Taking of Land Amendment Bill 2009 – third reading**

**Hon Faumuina Tiatia Liuga moved, “*That the Taking of Land Amendment Bill 2009 be now read a third time.*” Seconded by Hon Tuisugaletau Sofara Aveau / Hon Niko Lee Hang.**

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

**12. CONSIDERATION OF SELECT COMMITTEE REPORTS**

**1. P.P.2009/2010 No.57, Report on the Finance and Expenditure Committee on 2008/2009 No.39, Annual Report of the Central Bank of Samoa for the Year 2006/2007**

**The Speaker resumed reporting on the report that was adjourned on August 18 2009.**

**Question put and the report stood approved.**

**2. P.P.2009/2010 No.58, Report of the Finance and Expenditure Committee on P.P.2008/2009 No.72, Annual Report of the Polynesian Airlines Company Limited for the Year Ending 30 June 2007.**

**Hon Tuiloma Lameko moved, “*That this Assembly approves the report of the Committee which contains its Findings, Resolutions and Recommendations.*” Seconded by Tapuai Sepulona Moananu.**

**Chairman presented the report.**

**Report was approved.**

**3. P.P.2009/2010 No.60, Report of the Primary Production, Commerce and Industry Committee on P.P.2008/2009 No.48, Samoa Trust Estates 45<sup>th</sup> Annual Report for the Year Ending 30 June 2007**  
**Hon Tuiloma Lameko moved, “That this Assembly approves the report of the Committee which contains its Findings, Resolutions and Recommendations.”** Seconded by Hon Tuisugaletaua Sofara Aveau.

**Chairman presented the report.**

**Report was approved.**

**13. CONSIDERATION OF PAPERS**

**1. P.P.2009/2010 No.37, Government Responses o P.P.2007/2008 No.33, Report of the Works, Transport & Environment Committee on P.P.2006/2007 No.76, Annual Report of the Ministry of Natural Resources and Environment for the Year 2004-2005.**

**Hon Faumuina Tiatia Liuga moved, “That this Assembly approves the report of the Committee pursuant to Standing Orders 54.”** Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi.

**The Minister presented the report**

**Report stood approved.**

**2. P.P.2009/2010 No.42, Government Responses to P.P.2007./2008 No.80, Report of the Health and Social Services Committee on P.P.2007/2008 No.55, Annual Report of the Housing Corporation for the Year 2006.**

**Hon Niko Lee Hang moved, “That this Assembly approves the report of the Committee pursuant to Standing Orders 54.”** Seconded by Hon Faumuina Tiatia Liuga.

**The Minister presented the report**

**Report stood approved.**

**3. P.P.2009/2010 No.43, Government Responses to P.P.2008/2009 No.44, Report of the Health and Social Services Committee on P.P.2008/2009 No.27, Annual Report of the Housing Corporation for the Year 2006.**

Hon Niko Lee Hang moved, *“That this Assembly approves the report of the Committee pursuant to Standing Orders 54.”* Seconded by Hon Faumuina Tiatia Liuga.

The Minister presented the report

Report stood approved.

4. P.P.2009/2010 No.44, Government Responses to P.P.2007/2008 No.64, Report of the Works, Transport & Environment Committee on P.P.2007/2008 No.10, Annual Report of the Samoa Water Authority for the Year Ended 30 June 2006.

Hon Tuisugaletau Sofara Aveau moved, *“That this Assembly approves the report of the Committee pursuant to Standing Orders 54.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Niko Lee Hang.

The Minister presented the report

Report stood approved.

5. P.P.2009/2010 No.45, Government Responses to the Electoral Committee Report on P.P.2007/2008 No.83, Report of the Works, Standing Orders Committee on P.P.2007/2008 No.54, Office of the Electoral Commissioner on General Elections 2006 & Annual Report of the Office of the Electoral Commissioner on General Elections for the Year 2005-2006.

Hon Unasa Mesi Galo moved, *“That this Assembly approves the report of the Committee pursuant to Standing Orders 54.”* Seconded by Hon Gatoloaifaana Amataga Gidlow / Hon Niko Lee Hang.

The Minister presented the report

Report stood approved.

6. P.P.2009/2010 No.46, Government Responses to PP2008/2009No.53, Report on Education, Science, Communication & Information Technology Committee on P.P.2008./2009 No.30, Annual Report of the NUS for 2005/2006 & 2006/2007.

Hon Toomata Alapati Toomata moved, *“That this Assembly approves the report of the Committee pursuant to Standing Orders 54.”* Seconded by Hon Niko Lee Hang.

The Minister presented the report

Report stood approved.

**7. P.P.2009/2010 No.47, Government Responses to P.P.2007/2008 No.85, Report of the Government Administration Committee on P.P.2007/2008 No.57, Annual Report of the Central Bank of Samoa for 2006-2007.**

**Hon Niko Lee Hang moved, “*That this Assembly approves the report of the Committee pursuant to Standing Orders 54.*” Seconded by Hon Gatoloaifaana Amataga Gidlow.**

**The Minister presented the report**

**Report stood approved.**

**8. P.P.2009/2010 No.48, Government Responses to P.P.2008/2009 No.34, Health and Social Services Committee on P.P.2007/2008 No.74, Annual Report of the Ministry of Health for July 2006-June 2007.**

**Hon Gatoloaifaana Amataga Gidlow moved, “*That this Assembly approves the report of the Committee pursuant to Standing Orders 54.*” Seconded by Hon Niko Lee Hang.**

**The Minister presented the report**

**Report stood approved.**

**Proceedings of the Assembly now adjourned at 12.55pm until Tuesday, 26 October 2009 at 9.00am.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

TUESDAY, 20 OCTOBER 2009

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

**Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Afioga Hon Toomata Alapati Poese Toomata, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Tofa Taua Tavaga Kitiona Seuala.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Tofa Moefaauro Lufilufi, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Hon Keil Hans Joachim, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulufana Saunua, Tofa Taua Falaimo, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Tofa Solamalemalo Keneti Sio, Afioga Lafaitale Patrick Leiataualesa, Afioga Muagututagata Peter Ah Him, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo, Afioga Motuopuaa Uifagasa Aisoli.**

**2. MEMBERS ABSENT:**

**Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Faumuina Tiatia Liuga, Tofa Hon Tuuu Anasii Leota, Afioga Vaeolenofoa Tapasu, Tofa Leao Talalelei Tuitama, Afioga Anauli Pofitu Fesili, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Tofa Toluono Feti.**

**3. The Legislative Assembly met at 9.00am.**

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



**5. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Reports of the Select Committee pursuant to SO51(5):

1. P.P.2009/2010 No.78, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on the Electoral Amendment Bill 2009.

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

Government Order of the Day No.1 called.

**1. International Transfer of Prisoners 2009 – consideration in detail**  
 Hon Fonotoe Nuafesili Pierre Lauofo moved, *“That the Assembly considers the report of the Committee which recommends that the International Transfer of Prisoners 2009 be progressed with amendments.”* Seconded by Moefaauo Lufilufi / Aiono Tile Gafa.

Motion approved.

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Act to bind the Government**

*Approved*

**CLAUSE 4: Objects of the Act**

*Approved*

**CLAUSE 5: Appropriate Cabinet consent to transfer**

*Approved*

**CLAUSE 6: Prisoner consent to transfer**

*Approved*

**CLAUSE 7: Application of Act to transfer countries**

*Approved*

**CLAUSE 8: When a prisoner may be transferred**

*Approved*

**CLAUSE 9: Eligibility for transfer from Samoa of prisoners**

*Approved*

**CLAUSE 10: Eligibility for transfer to Samoa of prisoners**

*Approved*

**CLAUSE 11: Transfer conditions for a transfer from Samoa**

*Approved*

**CLAUSE 12: Transfer conditions for transfer to Samoa**

*Approved*

**CLAUSE 13: Applications for transfer from Samoa**

*Approved*

**CLAUSE 14: Preliminary consideration of Application for transfer**

*Approved*

**CLAUSE 15: Formal request for transfer**

*Approved*

**CLAUSE 16: Information to accompany a formal request**

*Approved*

**CLAUSE 17: Government consent to transfer from Samoa**

*Approved*

**CLAUSE 18: Issue of warrant for transfer from Samoa**

*Approved*

**CLAUSE 19: warrants for transfer from Samoa**

*Approved*

**CLAUSE 20: Cancellation of warrant for transfer from Samoa**

*Approved*

**CLAUSE 21: Transfer request from outside Samoa**

*Approve*

**CLAUSE 22: Information to accompany request**

*Approved*

**CLAUSE 23: Enforcement of foreign sentence**

*Approved*

**CLAUSE 24: Government consent to transfer to Samoa**

*Approved*

**CLAUSE 25: Formal consent to transfer**

*Approved*

**CLAUSE 26: Issue of warrant for transfer to Samoa**

*Approved*

**CLAUSE 27: Warrants for transfer to Samoa**

*Approved*

**CLAUSE 28: Cancellation of warrant**

*Approved*

**CLAUSE 29: Effect of warrant on prisoner's sentence**

*Approved*

**CLAUSE 30: Sentence enforcement in Samoa**

*Approved*

**CLAUSE 31: Duration and nature of enforced sentence**

*Approved*

**CLAUSE 32: Directions concerning enforcement of sentence.**

*Approved*

**CLAUSE 33: Appeal and review of sentences of imprisonment imposed by transfer country and sentence enforcement decisions of the Minister.**

*Approved*

**CLAUSE 34: Prisoner transferred to Samoa taken to be a Samoan prisoner**

*Approved*

**CLAUSE 35: Prisoner transferred from Samoa taken to be prisoner of transfer country**

*Approved*

**CLAUSE 36: Pardon, amnesty or communication of sentences of imprisonment for prisoners transferred from Samoa**

*Approved*

**CLAUSE 37: Pardon, amnesty or communication of sentences of imprisonment for prisoners transferred to Samoa**

*Approved*

**CLAUSE 38: Recovery of cost and expenses of transfers**

*Approved*

**CLAUSE 39: Prisoner and prisoner's representative to be kept informed**

*Approved*

**CLAUSE 40: Arrest of persons escaping from custody**

*Approved*

**CLAUSE 41: Application of Prisons Parole Board Act 1977**

*Approved*

**CLAUSE 42: Regulations**

*Approved*

**CLAUSE 43:**

**“AMENDMENT:**

**Insert new Clause 43 after Clause 42 to read as:**

**“43. Repeal – The transfer of Offenders Act 1995 is repealed.”**

*Amendment approved*

*New Clause 43 now approved as amended.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: International Transfer of Prisoners Bill 2009**

*Approved*

**The International Transfer of Prisoners Bill 2009 now progressed with amendments.**

**Government Order of the Day No.2 called.**

**2. Narcotics Amendment Bill 2009 – consideration in detail**

**Hon Palusalua Faapo II moved, “That the Assembly confirms the report of the Committee which recommends that this bill be now progressed with amendments.” Seconded by Taua Falaimo.**

**Motion was approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Classification of narcotics**

*Approved*

**CLAUSE 4: Head of State may amend lists of narcotics or prohibited plants**

*Approved*

**CLAUSE 5: Unlawful cultivation of prohibited plants**

*Approved*

**CLAUSE 6: Possession and use of narcotics**

*Approved*

**CLAUSE 7: Supplies of narcotics or controlled precursors for ships, aircraft and first kit.**

*Approved*

**CLAUSE 8: Restrictions on the Import and Export of narcotics and controlled precursors**

*Approved*

**CLAUSE 9: Licenses to deal with narcotics or any controlled quantity of any controlled precursors.**

*Approved*

**CLAUSE 10: Miscellaneous offences**

*Approved*

**CLAUSE 11: Insertion of 'controlled precursors'**

*Approved*

**CLAUSE 12: Penalty for illegal import or export of narcotics**

*Approved*

**CLAUSE 13: Penalty for illegal import or export of controlled precursors**

*Approved*

**CLAUSE 14: Penalty for unlawful supply of possessions of narcotics**

*Approved*

**CLAUSE 15: Unlawful manufacture of a narcotic**

*Approved*

**CLAUSE 16: Unlawful sale, manufacture, supply or possession of a controlled precursor**

*Approved*

**CLAUSE 17: General penalty for breach of Act**

*Approved*

**CLAUSE 18: Confiscation and forfeiture of tainted property**

*Approved*

**CLAUSE 19: Mandatory reporting of suspicion of illegal use of a narcotic controlled precursor**

*Approved*

**CLAUSE 20: Insertion of controlled precursor or ‘controlled quantity of a controlled precursor’**

*Approved*

**CLAUSE 21: Schedules**

*Approved*

**CLAUSE 22: Consequential amendments**

**“AMENDMENT:**

**Long title of the Bill:**

**Insert at the end of the long title of the bill the words, “and for related purposes thus the long title reads:**

**‘AN ACT to amend the Narcotics Act 1967 and for related purposes.’**

*Amendment approved*

*Long Title of the bill as amended was approved.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Narcotics Amendment Bill 2009**

*Approved*

**Narcotics Amendment Bill 2009 now progressed with amendments.**

**Government Order of the Day No.3 called.**

**3. Ministry of Women (Sui Tamaitai o le Nuu) Amendment Bill 2009  
– consideration in detail**

**Hon Palusalue moved, “That the Assembly approves the report of the Committee which recommends that the bill now progressed with amendments.” Seconded by Lealailepule Rimoni Aiafi/Taua Falaimo.**

**Report was approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Insertion of new section**

*Approved*

**CLAUSE 4: Duties of Sui Tamaitai o le Nuu**

*Approved*

**CLAUSE 5: Salaries and Allowances**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Ministry of Women (Sui Tamaitai o le Nuu) Amendment Bill 2009**

*Approved*

**The Ministry of Women (Sui Tamaitai o le Nuu) Amendment Bill 2009 now progressed without amendments.**



**Government Order of the Day No.4 called.**

**4. Unit Trust Bill 2009 – consideration in detail**

**Fonotoe Nuafesili Pierre Lauofo moved, “That the Assembly approves the report of the Committee which recommends that the bill now progressed with amendments.” Seconded by Aiono Tile Gafa/Moefaaau Lufilufi.**

**Report was approved.**

**CLAUSE 2: Interpretation**

**“AMENDMENT:**

**Clause 2(1):**

**For the definition of ‘Register of Lands’ means the Land Register established under the Land Titles Registration Act 2008.’**

**Insert after the definition of ‘rules’ the new definition:**

**‘supplementary record sheet’ means a folio of the Register for the common property of a unit development.**

*Amendment approved*

*Clause 2 as amended was approved*

**CLAUSE 3: Application**

*Approved*

**CLAUSE 4: Subdivision of land into units.**

*Approved*

**CLAUSE 5: Subdivision affected when plan deposited.**

**“AMENDMENT:**

**Clause 5(1):**

- a) specifies the units in their relation to the building on the land; and**
- b) includes;**
  - i. the boundaries of the land being subdivided; and**
  - ii. the allotments and their areas and dimensions; and**
  - iii. any existing roads and road reserves; and**

- iv. any existing easements; and
- v. any existing easements; and
- vi. any proposed roads and proposed road plays or proposed road widening; and
- vii. adequate access to all parcels of lands depicted in a plan; and
- viii. any other participants subdivision plan.”

*Amendment approved*

*Clause 5 approved as amended.*

**CLAUSE 6:**

**“AMENDMENT:**

*Clause 6 is amended as follows:*

- a) in sub clause 1 in paragraph (a) and (b) omit the expression ‘computer folio certificate issued under the Land Titles registration Act 2008’ and substitutes thereby the expression ‘folio of the Registers’
- b) in sub clause (2) for (1) (b) and (c)’ substituting (1)(a) and (b)
- c) omitting sub clause (4)’

*Amendment approved*

*Clause 6 approved with amendment*

**CLAUSE 7:           Responsibility of the Attorney etc.**

*Approved*

**CLAUSE 8:           Unit entitlement**

*Approved*

**CLAUSE 9: Existing easements or restrictions affecting land**

**“AMENDMENT:**

**Clause 9(2) is amended by substituting paragraph (b) as follows:**

**‘not note the easements or restrictions on a folio of the register for the unit plan.’**

*Amendment approved*

*Clause 9 approved with amendment*

**CLAUSE 10:** Issue of computer folio certificate in respect of unit

**“AMENDMENT:**

**Clause 10 and 11 shall be substituted with the following Clauses:**

**10. Folios of the Register for the unit plan – (1) On the deposit of a unit plan, the Register shall create a new folio of the Register for each unit estate in freehold or leasehold, in all of the units shown on the unit plan.**

**2. The Register shall enter a memorial of:**

- a) **All unsatisfied mortgages, leases and other estates and interests, outstanding or otherwise to which the land is subject at the time of deposit of the unit plan; and**
- b) **In the case of a minor or a person under any other legal disability holding the unit estates of any units shown on the unit plan, state the particulars of that disability so far as the Registrar has notices or knowledge of it, in the relevant folio or folios of the Register in such manner as to preserve their priority.**

**3. A folio of the Register created under this section shall be deemed to be a folio of the Register created under the Land Titles Registration Act 2008.**

**4. It shall not be necessary in a folio of the Register created under this section to record the quantum of the undivided share in the common property to which the proprietor is entitled by virtue of section 11(1).”**

*Amendment approved*

*Clause 10 approved with amendment*

**CLAUSE 11:** Common property

**“AMENDMENT:**

**Clause 11 is amended as follows:**

**“11. Common Property (1) On the deposit of a unit plan, the Registrar shall create a new folio of the Register for the common property, either in freehold or leasehold shown on the unit plan.**

**2. The common property shall be held by the proprietors of all the units as tenants in common in shares proportional to the nit entitlements in respect of their respective units.**

**3. Nothing in subsection (2) shall effect the interests amongst themselves of the proprietors of the unit respective units.**

**4. while the same person can be the proprietor of more than one unit, subsection (2) shall apply as if there were a different proprietor of each unit.**

**(5) The proprietors of all the units may:**

- (a) Sell or lease part of the common property; or**
- (b) grant an easement over the common property or part of it.”**

*Amendment approved*

*Clause 11 approved with amendment*

**CLAUSE 12: Independent dealings with accessory units restricted**

**“AMENDMENT:**

- a) in sub clause (2) for “which has included in its computer folio certificate an accessory unit” substitute therewith:**

**“that includes an accessory unit in its folio of the Register”.**

- b) for subclause “(3) and “(4)” substitute the following subclause:**

**“Where the folio of the Register for a principal unit includes an accessory unit, an interest in that principal unit, shall not be sold, lease, mortgage, disposition, or dealing which includes the accessory unit or a corresponding interest in the accessory unit.”**

- c) in subclause (5):**

- i. by renumbering this sub clause as “(4)”;** and
- ii. for “(4) substituting “(3);**
- iii. in subclause (6);**

- iv. by renumbering this subclause as “(5);
- v. for “(5)” substituting “(4)”

*Amendment approved.*

*Clause 12 approved with amendment.*

**CLAUSE 13: Incidental rights**

*Approved*

**CLAUSE 14: Proprietors to constitute body corporate**

*Approved*

**CLAUSE 15: Actions by and against the body corporate**

*Approved*

**CLAUSE 16: Liability in tort**

*Approved*

**CLAUSE 17: Duties of body corporate**

*Approved*

**CLAUSE 18: Powers of body corporate**

*Approved*

**CLAUSE 19: Dealings affecting the common property**

*Approved*

**CLAUSE 20: registration of transfer of common property**

**“AMENDMENT:**

**a) in subclauses (1), for “memorandum of transfer” substitute thereby:**

**“transfer in the approved form under the Land Titles Registration Act 2008”.**

**b) in subclause “(2), for “and” or “substitute “and on”;**

(c) for subclause “(3)” substituting;

“(3) The Registrar shall register a transfer to which subsection (1) applies by entering an appropriate memorial relating to the transfer on the new unit plan and on the supplementary record sheet.”

*Amendment approved.*

*Clause 20 as amended was approved.*

**CLAUSE 21: Addition to common property**

**“AMENDMENT:**

**Clause 21 (5) is amended:**

- a) omitting paragraph (a);
- b) remaining paragraph “(b) as paragraph “(a)”;
- c) remaining paragraph “(c) as paragraph “(b)”;
- d) Remaining paragraph “(d)” as paragraph “(c).

*Amendment approved*

*Clause 21 as amended was approved.*

**CLAUSE 22: Supplementary record sheets and new unit plans.**

**“AMENDMENT:**

**Clause 22(2) is amended by substituting the expression “field in the same manner as a computer folio certificate” with the expression:-**

**“maintained in the same manner as a folio of the Register.”**

*Amendment approved*

*Clause 22 as amended was approved.*

**CLAUSE 23: Approval of Registrar to transfer etc**

*Approved*

**CLAUSE 24: Application of Part 3**

*Approved*

**CLAUSE 25: Preservation of leaser's interest**

*Approved*

**CLAUSE 26: Powers of body's corporate in respect of lease**

**"AMENDMENT:**

- **Omitting subclause "(2);**
- **renumbering sub clause "(3) as "(2)";**
- **renumbering sub clause "(4)" as "(3)"**

*Amendment approved*

*Clause 26 approved as amended.*

**CLAUSE 27: Dealing with unit estate in leasehold**

*Approved*

**CLAUSE 28: restriction on surrenders and releases.**

*Approved*

**CLAUSE 29: Implied guarantee by unit proprietors**

*Approved*

**CLAUSE 30: Exclusion of powers of forfeitures, re-entry and distress**

*Approved*

**CLAUSE 31: Leaser may apply for appointment of administrator or cancellation of unit plan.**

**Approved**

**CLAUSE 32: Expiry of lease**

**"AMENDMENT:**

**Clause 32(4) Omit the expression "and the leaser's duplicate compute folio certificate, "thereby subclause (4) be read as follows:**

“(4). for the purposes of sub section (3) (e), the counter part of the lease of every duplicate of the computer folio certificates be submitted on Registrar expiry.”

*Amendment approved*

*Clause 32 approved as amended.*

**CLAUSE 33: Renewal of expiry of leases and purchasing of returned rights**

*Approved*

**CLAUSE 34: Merger**

“AMENDMENT:

**Clause 34(5):**

**Omit the expression “and for every duplicate of the computer folio certificates referred to in subsection (4)” and subclause (5) to be read as follows:**

“(5). For the purposes of subsection (4), the counter part of the leases of every duplicate of the computer folio certificates referred to in subsection (4) shall be delivered to the Registrar at the time of the deposit of the declaration under sub section (1) or (2)(b).”

**Debate**

*Amendment approved*

*Clause 34 as amended was approved.*

**CLAUSE 35: recovery of contribution**

*Approved*

**CLAUSE 36: Recovery of Money expended for repairs and other work**

*Approved*

**CLAUSE 37: recovery of money expended where person at fault**

*Approved*



**CLAUSE 38: Interest on money owing to body corporate**

*Approved*

**CLAUSE 39: Limitation of liability of proprietorship**

*Approved*

**CLAUSE 40: Certificate of proprietor's liability**

**Debate**

*Clause 40 approved*

**CLAUSE 41: Rules**

*Approved*

**CLAUSE 42: Insurance**

*Approved*

**CLAUSE 43: Additional insurance**

*Approved*

**CLAUSE 44: Appointment of administrator**

*Approved*

**CLAUSE 45: Excess of voting rights**

**Debate**

*Clause 45 approved*

**CLAUSE 46: Relief where unanimous resolution required.**

*Approved*

**CLAUSE 47: Relief for minority**

*Approved*

**CLAUSE 48: Redevelopment**

**“AMENDMENT:**

**In Clause 48” omits sub clause “(8).**

*Amendment approved*

*Clause 48 as amended was approved*

**CLAUSE 49: Cancellation of plan on application of proprietors**

**“AMENDMENT:**

**Clause 49 as amended as follows:**

**(a) In sub clause (2):**

- i. omitting “subject to subsection (3)”;**
- ii. omitting paragraph “(b) as “(a);**
- iii. renaming paragraph “(c) as “(b);**
- iv. renaming paragraph “(d) as “(c);’**

**b. omitting sub clause “(3)”;**

**c. renumbering sub clause “(4)” as sub clause “(3)”;**

**d. renumbering sub clause “(5)” as sub clause “(4)”;**

**e. renumbering sub clause “(6)” as sub clause “(5)”;**

**f. renumbering sub clause “(7)” as sub clause “(6)”;**

**g. renumbering sub clause “(8)” as sub clause “(7)”;**

**h. renumbering sub clause “(9)” as sub clause “(8)”;**

**i. renumbering sub clause “(10)” as sub clause “(8)”;**

**j. renumbering sub clause “(11)” as sub clause “(9)”;** and within that sub clause substituting “(10)” (b) with the expression “(9)(b)”.

**Debate**

*Amendment approved*

*Clause 49 as amended was approved*

**CLAUSE 50: Application to Court for order for cancellation of plan**

*Approved*

**CLAUSE 51: Cancellation of plan following decision of Court**

**“AMENDMENT:**

**Clause 51 to be amended as:**

- In sub clause (2) by omitting paragraph “(a)”;
- renaming paragraph “(b)” as “(a)”;
- renaming paragraph “(c)” as “(b)”;
- omitting “duplicate computer certificate or”;
- in sub clause “(3); omitting the expression “duplicate computer certificate or”
- where ever it appears;
- in sub clause “(4)”;
- in paragraph “(a), for (4)” substitute thereby “(3)”;
- in paragraph “(b)”, for “(6) and “(7)” substitute thereby “(5)” and “(6)”;
- in paragraph “(c)” for “(5)”, (8) and (9)” substitute thereby “(4), (7) and (8)”.

*Amendment approved*

*Clause 51 as amended was approved*

**CLAUSE 52:                   Scheme following destruction or damage**

*Approved*

**CLAUSE 53:                   Joiner of actions**

*Approved*

**CLAUSE 54:                Service of documents**

*Approved*

**CLAUSE 55:                Default by body corporate**

*Approved*

**CLAUSE 56:                Register of proprietor**

*Approved*

**CLAUSE 57:                Regulations**

*Approved*

**CLAUSE 58: Consequential amendment**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Unit Titles Bill 2009**

*Approved*

*Clause 1 and Title now approved as amended.*

**The Unit Trust Bill 2009 now progressed with amendments.**

**7. CONSIDERATION OF SELECT COMMITTEE REPORTS**

**Order of the Day No.1 called.**

**1. Report of the Regulations Review Committee on:**

- i. **SR2009/1, Tobacco Control Act 2008, Appointment of Commencement**
- ii. **SR2009/2, Road Transport Reform (Familiarization Programme) Regulations 2009**
- iii. **SR2009/3, Land Titles Registration Act 2008, Notice of Commencement**
- iv. **SR2009/4, Notice of Additional Charge for the Supply of Electricity (No.1) 2009**
- v. **SR2009/5, Notice of Additional Charge for the Supply of Electricity (No.1) 2009**
- vi. **SR2009/6, Notice of Fees under the Land Titles Registration Act 2008**
- vii. **SR2009/7, Notice of Additional Charge for the Supply of Electricity (No.7) 2008**
- viii. **SR2009/8, The Immigration Act 2004 Section 14(1)(2) – Public Notice**
- ix. **SR2009/9, Notice of Additional Charge for the Supply of Electricity (No.3) 2009**
- x. **SR2009/10, Declaration of Public Holiday for Independence Day 2009**
- xi. **SR2009/11, Notice of Additional Charge for the Supply of Electricity (No.4) 2009**
- xii. **SR2009/12, Public Finance Management Amendment Act 2008, Notice of Commencement.**
- xiii. **SR2009/13, Land Transport Authority Act 2007, Ministerial Determination.**

*Lealailepule Rimoni Aiafi moved, "That the Assembly considers the Report of the Committee which contains its Findings, Resolutions and Recommendations."* Seconded by Hon Palusalua Faapo II.

Chairman presented the Report of the Committee.

Report was approved.

Proceedings suspended at 10.38am and resumed at 11.16am.

Order of the Day No.2. called.

2. P.P.2009/2010 No.74, Report of the Foreign Affairs, Trade & Revenue Committee on P.P.2008/2009 No.54, Airport Authority Statement of Corporate Objectives 2009-2011.

Hon Tuiloma Lameko moved, *"That the Assembly considers the Report of the Committee which outlines its Findings, Recommendations and Resolutions"*. Seconded by Lealailepule Rimoni Aiafi.

Chairman presented the Report of the Committee.

Report was approved.

Order of the Day No.3 called.

3. P.P.2009/2010 No.49, Government Responses to P.P.2007/2008 No.49, Report of the Primary Production, Commerce, Industry & Labour Committee on P.P.2007/2008 No.8, Annual Report of the Agriculture Store Corporation for the Year Ending 30 June 2006.

Hon Taua Tavaga Kitiona Seuala moved, *"That the Assembly considers the Report of the Committee pursuant to Standing Orders 54"*. Seconded by Hon Niko Lee Hang/Hon Gatoloaifaana Amataga Gidlow.

Chairman presented the Report of the Committee.

Report was approved.

Order of the Day No.4 called.

4. P.P.2009/2010 No.64, Government Responses to P.P.2008/2009 No.37, Report of the Primary Production, Commerce, Industry Committee on P.P.2008/2009 No.17, Annual Report of the Samoa Trust Estates Corporation for the Year Ending 30 June 2006.

Hon Tuilaepa Sailele Malielegaoi moved, *"That the Assembly considers the Report of the Committee pursuant to Standing Orders 54"*. Seconded by Lealailepule Rimoni Aiafi.

**Chairman presented the Report of the Committee.**

**Report was approved.**

**Order of the Day No.5 called.**

**5. P.P.2009/2010 No.66, Government Responses to P.P.2008/2009 No.62, Report of the Health and Social Services, Internal Affairs and Community Development Committee on P.P.2008/2009 No.19, Annual Report of the Ministry of Women, Community and Social Development Committee for the Year Ending 30 June 2006.**

**Hon Tuilaepa moved, “*That the Assembly considers the Report of the Committee pursuant to Standing Orders 54*”. Seconded by Hon Gatoloaifaana Amataga Gidlow/ Taua Tavaga Kitiona Seuala.**

**Chairman presented the Report of the Committee.**

**Report was approved.**

**Order of the Day No.6 called.**

**6. P.P.2009/2010 No.69, Government Responses to P.P.2008/2009 No.22, Report of the Works, Transport & Environment Committee on P.P.2007/2008 No.26, Annual Report of the Ministry of Natural Resources and Environment Committee for the Year 2005/2006.**

**Hon Tuilaepa moved, “*That the Assembly considers the Report of the Committee pursuant to Standing Orders 54*”. Seconded by Hon Tuisugaletaua Sofara Aveau.**

**Chairman presented the Report of the Committee.**

**Report was approved.**

**Proceedings now adjourned at 12.20pm until Wednesday, 21 October 2009.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

WEDNESDAY, 21 OCTOBER 2009

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

**Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Hon Lee Hang Niko, Afioga Hon Toomata Alapati Poese Toomata, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Tofa Taua Tavaga Kitiona Seuala.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Tofa Moefaauro Lufilufi, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Hon Keil Hans Joachim, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Tofa Tiata Sili Pulufana Saunua, Tofa Taua Falaimo, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Hon Aea Peniamina, Tofa Solamalemalo Keneti Sio, Afioga Lafaitale Patrick Leiataualesa, , Afioga Muagututagata Peter Ah Him, Tofa Toluono Feti.**

**2. MEMBERS ABSENT:**

**Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Faumuina Tiatia Liuga, Afioga Vaeolenofa Tapasu, Tofa Leao Talalelei Tuitama, Afioga Anauli Pofitu Fesili, Afioga Asiata Saleimoa Vaai, Susuga Laauli Leuatea Polataivao, Afioga Sala Fata Lisati Pinati, Tofa Fonotoe Nuafesili Pierre Lauofo, Afioga Motuopuaa Uifagasa Aisoli, Tofa Hon Tuuu Anasii Leota.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Select Committee Reports pursuant to Standing Orders 51(5):

- i. P.P.2009/2010 No.79, Report of the Justice, Police & Prisons Committee on P.P.2008/2009 No.47 & P.P.2009/2010 No.54, Annual Report of the Ministry of Police & Prisons, Fire Services for the Financial Years 2005/2006 & 2006/2007.
- ii. P.P.2009/2010 No.80, Report of the Health and Social Services, Internal Affairs & Community and Social Development Committee on P.P.2009/2010 No.8, Robert Louis Stevenson Museum/Preservation Foundation Financial Information for the Year 2007.

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

**Government Order of the Day No.1 called.**

**1. International Transfer of Prisoners Bill 2009 – third reading**

Hon Tuilaepa moved, *“That the International Transfer of Prisoners Bill 2009 be now read a third time.”* Seconded by Hon Safuneituuga Paaga Neri / Hon Tuisugaletaua Sofara Aveau.

Motion approved and the bill was read a third time.

**Government Order of the Day No.2.called.**

**2. Narcotics Amendment Bill 2009 – third reading**

Hon Tuilaepa moved, *“That the Narcotics Amendment Bill 2009 be now read a third time.”* Seconded by Hon Safuneituuga Paaga Neri.

Motion approved and the bill was read a third time.

**Government Order of the Day No.3 called.**

**3. Ministry of Women Affairs (Sui Tamaitai o le Nuu) Amendment Bill 2009 – third reading**

Hon Tuilaepa moved, *“That the Ministry of Women (Sui Tamaitai o le Nuu) Amendment Bill 2009 be now read a third time.”* Seconded by Hon Safuneituuga Paaga Neri.

Motion approved and the bill was read a third time.

**Government Order of the Day No.4 called.**

**4. Unit Titles Bill 2009 – third reading**

Hon Tuilaepa moved, *“That the Unit Titles Bill 2009 be now read a third time.”* Seconded by Hon Safuneituuga Paaga Neri / Hon Faumuina Tiatia Liuga.

Motion approved and the Bill was read a third time.



**Government Order of the Day No.5 called.**

**5. Accident Compensation Amendment Bill 2009 – Consideration in detail**

**Hon Tuilaepa moved, “That this Parliament considers the report of the Committee which recommends that this bill be progressed without any amendments.” Seconded by Tapuai Sepulona Moananu.**

**Report was approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Continuation of Corporation**

*Approved*

**CLAUSE 4: Functions and duties in relation to safely and rehabilitation**

*Approved*

**CLAUSE 5: Workers**

*Approved*

**CLAUSE 6: Insertion of new section**

*Approved*

**CLAUSE 7: Accidents occurring outside Samoa**

*Approved*

**CLAUSE 8: Insertion of new section**

*Approved*

**CLAUSE 9: Compensation for temporary incapacity resulting in economic loss**

*Approved*

**CLAUSE 10: Permanent injury compensation**

*Approved*

**CLAUSE 11: Compensation for occupational diseases**

*Approved*

**CLAUSE 12: Compensation in the case of death**

**Debate**

*Clause 12 approved*

**CLAUSE 13: Medical expenses and funeral grant**

*Approved*

**CLAUSE 14: Provisional of artificial limbo or aid**

**Debate**

*Clause 14 approved*

**CLAUSE 15: Treatment overseas in special cases**

*Approved*

**CLAUSE 16: Insertion of new section**

*Approved*

**CLAUSE 17: Limitation of time for submitting claims**

**Debate.**

*Clause 17 approved*

**CLAUSE 18: Insertion of new section**

*Approved*

**CLAUSE19: Insertion of new schedule**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Accident Compensation Amendment Bill 2009**

*Approved*

*Clause 1 and Title now approved as amended.*

**The Accident Compensation Amendment Bill 2009 now progressed without amendments.**

**Government Order of the Day No.6 called.**

**6. Electoral Amendment Bill 2009 – consideration in detail**

**Hon Le Mamea Ropati moved, “That this Assembly considers the Committee report recommending that the Electoral Amendment Bill 2009 progressed with amendments.” Seconded by Lealailepule Rimoni Aiafi.**

**Report was approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Responsibilities, functions, duties and powers of the Commissioner.**

*Approved.*

**CLAUSE 4: Who may be candidates for election as members vacancy**

*Approved*

**CLAUSE 5: Vacancy**

**Debate**

*Clause 5 approved*

**CLAUSE 6: Proof of disqualification**

*Approved*

**CLAUSE 7: Registrar of Court to notify cause of vacancy in certain cases.**

*Approved.*

**CLAUSE 8: Registration of Political Parties**

*Approved*

**CLAUSE 9: Application for registration**

*Approved.*

**CLAUSE 10: Election of Candidates**

**Debate**

*Clause 10 approved.*

**CLAUSE 11: Qualification of electors**

*Approved*

**CLAUSE 12: Insertion of new provision**

*Approved.*

**CLAUSE 13: Qualification of voters**

*Approved*

**CLAUSE 14: Repeal of sections**

*Approved*

**CLAUSE 15: Corrupt Practices List**

**Debate**

*Clause 15 approved*

**CLAUSE 16: Rolls closed by the Commissioner**

**“AMENDMENT:**

**a. Substitute every mention of the expression “six (6) months” with the words “four (4) months”;**

b. Substitute the expression “two(2) months” with “four (4) months” thus 34(1) to read:

“34. Rolls closed by the Commissioner –(1) In every year in which a general election is to be held, all rolls shall be temporarily closed on a date to be fixed by the Commissioner which shall not be less than four (4) months before the last possible date for general elections, and after such date no name shall be added to the roll to which it related until after that election. PROVIDED THAT, despite section 25D, for electors and voters turning 21 of age within four (4) months up to polling day, their names may be added to the rolls if they apply for registration before the four (4) months period preceding polling day.”

*Amendment approve*

*Clause 16 approved as amended.*

**CLAUSE 17: Head of State’s warrant for issue of writs.**

*Approved*

**CLAUSE 18: Acceptance or rejection of nomination**

**“AMENDMENT:**

**Insertion of New Section 18:**

**New Clause 18 insertion after Clause 17 as follows:**

**“18. When Deputy Speaker to act for Speaker – Section 47 of the Principal Act is amended by deleting “Head of State” and substituting thereby “Deputy Speaker.”**

*Consequential Amendment:*

**To renumber all Clauses of the Bill commencing with Clause 19 which was previously Clause 18 as follows:**

**Clause 19: Acceptance or rejection of nomination**

**Clause 20: Withdrawal of nomination**

**Clause 21: Hours of polling**

**Clause 22: Insertion of new section**

**Clause 23: Employees to have time off to vote**

**Clause 24: Counting of votes**

**Clause 25: Declaration of result of poll**

**Clause 26: Insertion of new provision**  
**Clause 27: Illegal activities during period of election**  
**Clause 28: Punishment for corrupt or illegal practice**  
**Clause 29: Time limit for prosecution**  
**Clause 30: Electio petitions**  
**Clause 31: Time for presentation of election petition**  
**Clause 32: Insertion of new section**  
**Clause 33: Consequential amendments**  
**Clause 34: Repeal**  
**Clause 35: Amendments to First Schedule.”**

*Consequential Amendments approved*

Proceedings suspended at 10.46am until 11.20am.

**CLAUSE 19: Acceptance or rejection of nomination**

*Approved*

**CLAUSE 20: Withdrawal of nomination**

*Approved*

**CLAUSE 21: Hours of polling**

*Approved*

**CLAUSE 22: Insertion of new provision**

*Approved*

**CLAUSE 23: Employees to have time off to vote**

*Approved*

**CLAUSE 24: Counting votes**

*Approved*

**CLAUSE 25: Declaration of results of poll**

*Approved*

**CLAUSE 26: Insertion of new provision**

**“AMENDMENT:**

Delete the words following “90 days.... and substitute thereby the following:

“prior to the expiry of Parliament at five (5) years from the date of the last preceding General Elections or given after the close of Poll on polling day”;

**CLAUSE 27:      Illegal activities during period of election**

*Approved*

**CLAUSE 28:      Punishment for corrupt or illegal practice**

*Approved*

**CLAUSE 29:      Time limit for prosecutions**

*Approved*

**CLAUSE 30:      Election petitions**

*Approved*

**CLAUSE 31:      Time for presentation of election petition**

*Approved*

**CLAUSE 32:      Insertion of new positions**

*Approve*

**CLAUSE 33:      Consequential amendments**

*Approved*

**CLAUSE 34:      Repeal**

*Approved*

**CLAUSE 35:      Amendments to First Schedule**

**“AMENDMENT:**

**Amendment to First Schedule:**

**a. In Form 1C, omit the following expression:**

**“Member of Parliament (current financial member)”**

**In Part B, in the Political party declaration, the expression “100” is deleted and substituted by “8”.**

**b. In Form 1D in the Declaration of Personal Details for Application to be registered as an Elector, in Clause 4, the following expressions is deleted:**

**“Have you been convicted in Samoa or American Samoa of an offence punishable by death or by imprisonment for a term of two (2) years or upwards or have you convicted in Samoa or its.” and substitute thereby with:**

**“Have you been convicted in any jurisdiction within the previous eight (8) years, of an offence punishable by death or by imprisonment for a term of four (4) years or more or have you been convicted in Samoa or.”**

*Amendment approved*

*First Schedule approved as amended.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Electoral Amendment Bill 2009**

*Approved*

*Clause 1 and Title now approved.*

**The Electoral Amendment Bill 2009 now progressed with amendments.**

**Government Order of the Day No.7 called.**

**7. Constitution Amendment Bill 2009 – second reading**

**Hon Tuilaepa moved, “That the Constitution Amendment Bill 2009 be now read a second time and I wish to speak briefly on it.” Seconded by Hon Safuneituuga Paaga Neri / Hon Tuisugaletaua Sofara Aveau.**

**The Prime Minister clarified the bill.**

**Debate**



**WORDS WITHDRAWN**

Words instructed by the Speaker to be omitted from the Official Parliamentary Records by member of Falealupo: “.....*ia pe faavalevlea foi*” (*it is also stupid*)

**7. MOTION TO AMEND SITTING HOURS**

Hon Tuilaepa moved, “*As it is close to 1.00pm our standard adjournment time, I call for an extension of our proceeding time until our work in our Order Paper is completed today, before we end our Session for this month.*” Seconded by Hon Niko Lee Hang / Hon Unasa Mesi Galo / Hon Toomata Alapati Toomata.

Motion approved.

Debate resumed on second reading of the Constitution Amendment Bill 2009.

Debate.

Proceedings suspended at 1.00pm until 1.40pm.

Motion approved.

Government Order of the Day No.8 called.

**8. National Provident Fund Amendment Bill 2009 – second reading**

Hon Niko Lee Hang moved, “*That the National Provident Fund Amendment Bill 2009 be now read a second time.*” Seconded by Hon Toomata Alapati Toomata / Hon Taua Tavaga Kitiona Seuala.

Debate

Motion approved and the bill was read a second time.

**MOTION TO SUSPEND STANDING ORDERS**

Hon Tuilaepa moved, “*To suspend Standing Orders 107(4) to allow the third reading of the Electoral Amendment Bill 2009 today.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

Motion approved.

Government Order of the Day No.9 called.

**9. Electoral Amendment Bill 2009 – third reading**

Hon Unasa Mesi Galo moved, *“That the Electoral Amendment Bill 2009 be now read a third time.”* Seconded by Hon Toleafoa Apulu Faafisi / 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.10 called.

**10. Accident Compensation Amendment Bill 2009 – third reading**

Hon Misa Telefoni moved, *“That the Accident Compensation Amendment Bill 2009 be now read a third time.”* Seconded by Hon Safuneituuga Paaga Neri.

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

Proceedings now adjourned at 3.20pm until Monday 7<sup>th</sup> December 2009 pursuant to Parliamentary Sitting Schedule 2009/2010.

Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER

Fepuleai Attila M. Ropati  
CLERK

MONDAY, 7 DECEMBER 2009

**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 Aveau, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Tofa Taua Tavaga Kitona Seuala.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaoisi S. Meredith, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Tofa Moefaaauo Lufilufi, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Hon Keil Hans Joachim, Afioga Hon Vaai Papu Vailupe, Tofa Hon Tuuu Anasii Leota, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaoisi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Asiata Saleimoa Vaai, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Susuga Laauli Leuatea Polataivao, Tofa Tiata Sili Pulufana Saunoa, Tofa Taua Falaimo, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Galuvao Viliamu, Tofa Toluono Feti.**

**2. MEMBERS ABSENT:**

**Afioga Hon Toomata Alapati Poesse Toomata, Afioga Motuopuaa Uifagasa Aisoli, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Hon Aeau Peniamina, Tofa Solamalemalo Keneti Sio, Afioga Lafaitale Patrick Leiataualesa, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Leao Talalelei Tuitama.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. MESSAGE FROM THE HEAD OF STATE**

Mr Speaker announced the Message from His Highness, the Head of State permitting the Legislative Assembly to proceed upon consideration of the following Bills:

- i. Supplementary Appropriation Bill (No.1) 2009/2010
- ii. Development Bank of Samoa Bill 2009
- iii. Yazaki Samoa Enterprises Bill 2009
- iv. Waste Manament Bill 2009
- v. Samoa Qualification Authority Bill 2009

**6. PRESENTATION OF PAPERS**

The Deputy Clerk read out the Papers pursuant to Standing Orders 48;

- i. SR2009/30, Notice of Charge on Base Tariff for the Supply of Electricity (No.9) 2009
- ii. SR2009/31, Road Traffic (Amendment) Regulations 2009
- iii. P.P.2009/2010 No.81, Samoa Water Authority Annual Report July 2007-June 2008
- iv. P.P.2009/2010 No.82, Samoa Trust Estates 46<sup>th</sup> Annual Repot and Accounts for the Financial Year Ended 30 June 2008.
- v. P.P.2009/2010 No.83, Government Responses to P.P.2009/2010 No.32, Report of the Finance and Expenditure Committee on P.P.2008/2009 No.18, Senior Citizenship Benefit Fund Report for the Year Ending 30 June 2007.
- vi. P.P.2009/2010 No.84, Government Responses to 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.
- vii. P.P.2009/2010 No.85, Government Responses to P.P.2008/2009 No.66, Report of the Works, Transport & Environment Committee on P.P.2008/2009 No.8, Electric Power Corporation Annual Report for the Year Ended 30 June 2007.
- viii. P.P.2009/2010 No.86, Governmet Responses to P.P.2009/2010 No.57, Finance and Expenditure Committee Report on P.P.2008/2009 No.39, Annual Report of the Cental Bank of Samoa for the Year 2006/2007.
- ix. P.P.2009/2010 No.87, Samoa Fire & Emergency Services Authority Annual Report for Financial Years 2006/2007 & 2007/2008.

**7. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Deputy Clerk read out the Select Committee Reports pursuant to Standing Order 51(5):

- i. P.P.2009/2010 No.89, Report of the Finance & Expenditure Committee on P.P.2008/2009 No.31, Samoa National Provident Fund Statement of Corporate Objectives 2009-2011.
- ii. P.P.2009/2010 No.91, Report of the Foreign Affairs, Trade and Revenue Committee on the Customs Amendment Bill 2009.
- iii. P.P.2009/2010 No.92, Report of the Business, Standing Orders, House, Electoral & Officers of Parliament Committee on P.P.2009/2010 No.16, Report of the Controller and Chief Auditor to the Legislative Assembly period 1 July -30 June 2008.
- iv. P.P.2009/2010 No.93, Health and Social Services, Internal Affairs, Community and Social Development Committee on the Internal Affairs Amendment Bill 2009.
- v. P.P.2009/2010 No.94, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.7, National Provident Fund Annual Report for the Year 2008.
- vi. P.P.2009/2010 No.95, Report of the Health and Social Services, Internal Affairs, Community & Social Development Committee on P.P.2009/2010 No.27, Annual Report of the Ministry of Women, Community and Social Development for 1 July 2006-30 June 2007.
- vii. P.P.2009/2010 No.95, Report of the Justice, Police & Prisons Committee on P.P.2008/2009 No.73, Ministry of Justice and Courts Administration Annual Report for 2007.
- viii. P.P.2009/2010 No.97, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P.2008/2009 No.57, Ministry of Natural Resources and Environment Annual Report for the Year 2006/2007.
- ix. P.P.2009/2010 No.98, Report of the Government Administration Committee on P.P.2009/2010 No.6, Central Bank of Samoa Annual Report for July 2007 – June 2008.

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

Government Order of the Day No.1 called.

**1. Supplementary Appropriation Bill (No.1) 2009/2010 – first reading**  
 Hon Niko Lee Hang moved, *“That the Supplementary Appropriation Bill (No.1) 2009/2010 be now read a first time.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

Motion approved, the bill was read a first time.

**Government Order of the Day No.2 called.**

**2. Supplementary Appropriation Bill (No.1) 2009/2010 – Tabling  
Hon Niko Lee Hang laid on the table of Parliament the  
Supplementary Appropriation Bill (No.1) 2009/2010.**

**Government Order of the Day No.3 called.**

**3. Supplementary Appropriation Bill (No.1) 2009/2010 – second  
reading**

**Hon Niko Lee Hang moved, “*That the Supplementary Appropriation  
Bill (No.1) 2009/2010 be now read a second time.*” Seconded by Hon  
Faumuina Tiatia Liuga / Hon Tuisugaletau Sofara Aveau / Hon  
Taua Tavaga Kitiona Seuala.**

#### **2009/2010 FIRST SUPPLEMENTARY BUDGET ADDRESS**

**Mr Speaker and Honorable members,**

**On behalf of the Government, I would like to table the First  
Supplementary Appropriation Estimates for the Financial Year  
2009/2010 for the consideration of the House.**

**Mr Speaker and Honorable members, the tsunami that hit Samoa on  
September 29, 2009 has been the worst natural disaster since  
independence. We lost 143 lives and over 5,000 people lost their  
homes and other properties. Beyond the human suffering the fiscal  
cost of infrastructure rehabilitation, resettlement, and maintain  
access to social services represents a substantial cost to the country.  
The onset of the tsunami and its devastating impact could not come  
at a worst time when the economy is already under stress from the  
global financial crisis.**

**Mr Speaker and honourable members, you will recall the 2009/2010  
main estimates was framed against an environment of great  
uncertainty and the main estimates reflected the need to ground a  
framework that will stimulate economic activity and trigger growth.  
The tsunami however has added another layer of trouble to our  
economic woes.**

**This supplementary budget therefore is framed against a  
background of economic strife. The tsunami has undercut Samoa’s  
economic resilience and prospects for a quick recovery from the  
global recession. But we cannot afford to lose sight of our longer term  
objectives as we deal with short term solutions to address these  
shocks. Even in these difficult times we need to strive for  
macroeconomic stability in the medium term. That is what this  
budget aims to achieve.**

**Mr Speaker and honourable members, the Supplementary Budget is for those who were affected by the tsunami. It is intended to clear all the emergency relief expenses and the reconstruction costs.**

**It also provides the opportunity to declare all monetary donations received from governments, multilateral and regional organisation, non government organisations, Samoans living abroad and may individuals in line with best practice.**

**Mr Speaker and honourable members, I am pleased to announce the Supplementary Budget does not involve any reallocation of resources. That means its financing comes from grant and concessional borrowing which are additional and new resources. This is important as many reallocation of resources would seriously compromise the achievement of outcomes especially the delivery of social services pursued under the main estimates.**

**The Supplementary Budget allocation is drawn from what was spent on the emergency and relief works and more importantly from the assessment jointly conducted by the ADB, World Bank, UNDP and government agencies. It is therefore well grounded on a plan that takes into account the emergency and relief needs, the financing available as well as the absorptive capacity of government ministries and corporations in the next six months.**

**In line with its objective of achieving macroeconomic stability, this budget and the next three years are expected to continue to be expansionary due to reconstruction works and then slowly get back to the Samoa Development Strategy targets over the medium term. As a consequence the debt levels will rise to over 40% of GDP and then gradually subside to the target level in 2012/13. GDP growth will continue to slow down this fiscal year but is expected to recover to a sustainable growth level in 2010/11 and beyond.**

**Supplementary Budget:**

**I will now turn to the details of the First Supplementary Estimates for fiscal year 2009/2010:**

**Receipts:**

**Mr Speaker and Honorable members, the First Supplementary Estimates for the Financial Year 09/10 are being financed mainly from new and additional project grants from our bilateral and multilateral donor as well as from concessional borrowing extended to the government in response to the devastation by the tsunami. The**

total grant is \$69.9m additional concessional financing amounts to \$45.0m.

In this regard I wish to acknowledge with appreciation the contribution from the government of Australia, New Zealand, United States of America, Japan and China as well as the World Bank, Asian Development Bank, European Union and the United Nations whose support has facilitated the early implementation of the recovery plan.

As well I would like to make mention of the contribution of the international community and in particular the publics' contribution, locally and abroad to the Tsunami Relief Fund which forms a significant part of the financing package.

These grants and their utilization are being channelled through budget support for all sectors that were involved with relief, transitional arrangements and reconstruction activities in the recovery phase as well as through increased existing project funding facilities. A \$5.8million tala grant funded by the Governments of Australia and New Zealand is for a targeted school fee relief scheme which was originally planned as a response mechanism to cushion the impacts of the global recession; the tsunami has triggered the fast tracking of the scheme which now encompasses the needs arising there from. The unprecedented response by our development partners and their willingness to forego their systems and procedures in order to facilitate delivery and disbursement reflects the strength and maturity in the partnership arrangements that we have with our partners.

**Expenditure:**

This Supplementary Budget as stated earlier largely encompasses priority tsunami relief and recovery expenditure totalling \$78.0million tala including VAGST. These include:

- Additional \$2.5million tala to finance the rehabilitation program of the Agriculture and Fisheries sector.
- Additional \$3.5million tala to support the recovery of the Commerce and Tourism sector.
- Additional \$2.0million tala to support the recovery of the Commerce and Tourism sector.
- Additional \$11.3million tala appropriated for the Ministry of Education of which \$5.0million will be set aside for the reconstruction of government schools damaged by the tsunami. The financial assistance from the Australian and New Zealand government's to \$5.8million tala is appropriated to fund the targeted school fee relief scheme.



- **Additional \$8.0million provided under the Ministry of Health’s budget of which \$6.5 million will be set aside for the recovery program of the Health Sector. Furthermore, \$1.4million will be disbursed directly to the National Health Services to cover cost overruns incurred as a result of the tsunami relief program and the post even treatment of those in affected areas.**
- **Additional \$6.3million tala is appropriated under the Ministry of Natural Resources and Environment’s budget for its recovery program which in the short term would be solid waste removal and ecosystem restoration in general. Of this normal \$1.6million tala will go directly towards the improvement of the national capacity of the disaster risk management sector to ensure preparedness of the communities in the event of any disaster occurring in the future is addressed.**
- **Additional \$39.7million tala is reflected under the Ministry of Works, Transport & Infrastructure’s budget to support the tsunami recovery efforts of the sector. I would like to provide the details of this allocation as follow:**
  - **\$9.0million tala will go towards government’s housing scheme which is targeted at supporting private housing in the affected areas.**
  - **\$5.5million tala is provided to the Samoa Water Authority for its reconstruction work to ensure the water supply reaches the affected areas.**
  - **\$47.4million tala is appropriated for the Electricity sector rehabilitation costs which maninly involve the restoration of services and the immediate provision of power to new location.**
  - **\$15.6million tala is provided to the Land Transport Authority to cover cost overruns associated with the immediate clearance of roads. This allocation will see the construction of new roads and the restoration of bridges an seawalls at the affected areas.**
  - **\$2.0million tala is appropriated to assist the Samoa Ports Authority is restoring the wharf at Satitua Aleipata.**
  - **An additional \$0.92million tala is provided under the Ministry of Women, Community and Social Development which includes cost overruns associated with the immediate tsunami response efforts and the funding of its anticipated community livelihood restoration and development program.**

**Conclusion;**

**Mr Speaker and Honorable Members, I have outlined above the key features of the First Supplementary Budget for the fiscal year 2009/2010.**

**It is a responsible budget premised on the need for emergency and relief works, reconstruction needs, available financing and the absorptive capacity of the government to implement these within the**

next six months. 2009/2010 is an extremely difficult year and the path we have taken will place the economy on a sustainable footing over the medium term.

Mr Speaker and Honorable members, in closing I would like to again acknowledge the overwhelming support of the international community, our development partners, partner governments, international and local NGOs, Samoan living abroad, friends of Samoa and many individuals. We cannot manage without your support. I would also like to take this opportunity to honor those who lost their lives and those who survived the tsunami.

Last but not least, I would like to applaud the tremendous support by our own people and communities in response to the disaster. To the National Disaster Council, Disaster Advisory Committee, Disaster Management Office and the Operations Centre, and all those who work tirelessly in ensuring help is delivered on time, we say thank you very much.

On behalf of the Government, I wish you all an enjoyable Christmas and a great start for 2010. Soifua.

To be in line with Standing Orders 132, debate on Supplementary Appropriation Bill (No.1) 2009/2010 will have to be delayed for no more than 14 days while it is referred to the Expenditure and Payments Committee and subsequently report back to Parliament.

Government Order of the Day No.4. called  
**4. Development Bank of Samoa Bill 2009 – first reading**  
 Hon Niko Lee Hang moved, *“That the Development Bank of Samoa Bill 2009 be now read a first time.”* Seconded by Hon Taua Tavaga Kitiona Seuala.

Motion approved and the bill was read a first time.

Government Order of the Day No.5 called.  
**5. Yazaki Samoa Enterprises Bill 2009 – first reading**  
 Hon Tuuu Anasii Leota moved, *“That the Yazaki Samoa Enterprises Bill 2009 be now read a first time.”* Seconded by Hon Toleafoa Apulu Faafisi/ Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau.

Motion approved and the bill was read a first time.

Government Order of the Day No.6 called.  
**6. Waste Management Bill 2009 – first reading**

Hon Faumuina Tiatia Liuga moved, *“That the Waste Management Bill 2009 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tuuu Anasii Leota.

Motion approved and the bill was read a first time.

Government Order of the Day No.7 called.

7. Samoa Qualification Authority Bill 2009 – first reading

Hon Tuilaepa moved, *“That the Samoa Qualification Authority Bill 2009 be now read a first time.”* Seconded by Hon Fiame Naomi / Hon Safuneituuga Paaga Neri.

Motion approved and the bill was read a first time.

9. **CONSIDERATION OF SELECT COMMITTEE REPORTS**

1. P.P.2009/2010 No.79, Report of the Justice, Police & Prisons Committee on P.P.2008./2009 No.47 & P.P.2009/2010 No.54, Annual Report of the Ministry of Police, Prisons & Fire Services for the Financial Years 2005/2006 & 2006/2007.

Moefaauro Lufilufi moved, *“That this House approves the Report of the Committee which contains its Findings, Recommendations and Resolutions.”* Seconded by Sili Pulufana Saunoa.

Deputy Chairman presented the Committee’s report.

Debate.

Proceedings suspended at 10.38am and resumed at 11.20am.

Hon Tuilaepa moved, *“That this matter be referred to the Privileges and Ethics Committee for findings, examine the tapes and make appropriate decision and any decision has to come through this House for consideration.”* Seconded by Hon Faumuina Tiatia Liuga / Laauli Polataivao Leautea Fosi.

Motion approved.

Debate continued.

Report was approved.

2. P.P.2009/2010 No.80, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.8, Robert Louis Stevenson

**Museum/Preservation Foundation Financial Information for the Year 2007.**

**Hon Palusalua Faapo II moved, “*That this House approves the Report of the Committee which contains its Findings, Recommendations and Resolutions.*” Seconded by Lealailepule Rimoni Aiafi.**

**Deputy Chairman presented the Committee’s report.**

**Report was approved.**

**MOTION FOR ADJOURNMENT**

**Hon Tuilaepa moved, “*That Proceedings of the Legislative Assembly do now adjourned until Monday, 18 January next year (2010) at 9.00am.*” Seconded by Hon Faumuina Tiatia Liuga / Laauli Polataivao Leautea Fosi.**

**Motion approved.**

**Proceedings now adjourned at 12.20pm until Monday 18 January 2010.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

MONDAY, 18 JANUARY 2010

**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, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Tofa Taua Tavaga Kitona Seuala.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaoisi S. Meredith, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Tofa Moefaauo Lufilufi, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Hon Keil Hans Joachim, Afioga Hon Vaai Papu Vailupe, Tofa Leao Talalelei Tuitama, Tofa Hon Tuuu Anasii Leota, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaoisi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Susuga Laauli Leuatea Polataivao, Tofa Tiata Sili Pulufana Saunoo, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Tofa Solamalemalo Keneti Sio, Afioga Galuvao Viliamu, Tofa Toluono Feti.**

**2. MEMBERS ABSENT:**

**Afioga Motuopuaa Uifagasa Aisoli.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF PAPERS**

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

- i. P.P.2009/2010 No.99, Ministry of Justice and Courts Administration Annual Report for the Year 2007-2008.
- ii. P.P.2009/2010 No.100, Government Responses to P.P.2009/2010 No.74, Report of the Foreign Affairs, Trade & Revenue Committee on P.P.2008/2009 No.54, Airport Authority Statement of Corporate Objectives for 2009/2010.

**6. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Select Committee Report tabled pursuant to Standing Orders 51(5):

- i. P.P.2009/2010 No.101, Report of the Finance & Expenditure Committee on the First Supplementary Estimates of Receipts and Payments of the Government of Samoa for the Year Ending 30 June 2010.

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

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.1) 2009/2010 – second reading debate (Day 1)

Debate

**WORDS WITHDRAWN**

The Speaker instructed the removal of the following expression by the member of Safata, Hon Palusalua Faapo II: *“pla pla pla pla”*

Debate continued

Lealailepule Rimoni Aiafi moved, *“That five minutes be granted to the member of Safata, Hon Palusalua Faapo II.”* Seconded by Leavaopolo Talatonu.

Motion not granted.

Debate continued.

Business suspended at 10.45am and resumed at 11.30am.

**MOTION TO AMEND SITTING HOURS**

Hon Tuilaepa moved, *“To suspend Standing Order 31(1) to amend sitting hours starting today at 9.00am until 1.00pm to reconvene at 7.00pm until 11.00pm.”* Seconded by Hon Faumuina Tiatia Liuga/Laauli Leuatea Polataivao.

<i>Month</i>	<i>Sitting Day</i>	<i>Month</i>	<i>Sitting Day</i>
January	18	August	9
March	15	October	4
May	28	December	6
June	14		

**Motion approved.**

*Daily Sitting Hours Schedule:*

*9.00am -1.00pm*

*7.00pm- 11.00pm*

**MOTION BY THE BUSINESS, STANDING ORDERS, HOUSE, ELECTORAL AND OFFICERS OF PARLIAMENT**

Laauli moved, *“That the Assembly approves the Schedule of the Parliamentary meeting for the Year 2010 as per scheduled.”* Seconded by Lafaitale Patrick Leiatualesa.

**Motion approved and Programme of Parliament Sitting 2010 stood approved**

**Debate resumed on second reading**

**Debate.**

Levaopolo Talatonu moved, *“That 5 minutes be granted for the Member of Aiga i le Tai.”* Seconded by Hon Palusalua Faapo II.

**Motion denied.**

**Debate continued.**

**Proceedings of the Assembly suspended at 1.00pm and resumed at 7.00pm.**

**Debate resumed on second reading of the Supplementary Appropriation Bill (No.1) 2009/2010.**

**Hon Palusalue Faapo II moved, “*That an extension of time be permitted for the member of Palauli West to complete his address.*”  
Seconded by Lealailepule Rimoni Aiafi.**

**Motion not granted.**

**WORDS WITHDRAWN**

**Speaker instructed the following words to be omitted from  
Parliamentary Records: “*E ui ina o ifo taulelea o le matou nuu ma  
fuli taavale ma tog ii le sami.*”**

**Proceedings now suspended at 8.45pm until 9.15pm.**

**Debate resumed.**

**Proceedings now adjourned at 10.50pm until 9.00am on Tuesday, 19  
January 2010.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**



**TUESDAY, 19 JANUARY 2010**

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

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

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Tofa Moefaauro Lufilufi, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Hon Keil Hans Joachim, Afioga Hon Vaai Papu Vailupe, Tofa Leao Talalelei Tuitama, Tofa Hon Tuuu Anasii Leota, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Susuga Laauli Leuatea Polataivao, Tofa Tiata Sili Pulufana Saunoo, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Tofa Solamalemalo Keneti Sio, Tofa Toluono Feti.**

**2. MEMBERS ABSENT:**

**Afioga Motuopuaa Uifagasa Aisoli, Afioga Galuvao Viliamu.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF PAPERS**

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

- i. P.P.2009/2010 No.102, Government Responses to P.P.2009/2010 No.58, Report of the Finance and Expenditure Committee on P.P.2008/2009 No.72, Annual Report of the Polynesian Airlines for the Financial Year Ending 30 June 2007.
- ii. P.P.2009/2010 No.103, Annual Report of the Samoa Life Assurance Corporation for the Year 2009.

**6. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Select Committee Reports tabled according to Standing Orders 51(5):

- i. P.P.2009/2010 No.104, Report of the Justice, Police & Prisons Committee on the Constitution Amendment Bill 2009.

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

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.1) 2009/2010 – resumption of debate on second reading (Day 2)

Debate.

Proceedings now suspended for normal recess at 10.44am and resumed at 11.18am.

Debate continued.

Motion approved and the Supplementary Appropriation (No.1) Bill 2009/2010 was read a second time.

Government Order of the Day No.2 called

2. Supplementary Appropriation Bill (No.1) 2009/2010 – consideration in detail

**FIRST SCHEDULE  
VOTES AND APPROPRIATIONS  
SUPPLEMENTARY APPROPRIATIONS**

<b>MINISTRY</b>	<b>TOTAL EXPENDITURES</b>
<b>AGRICULTURE &amp; FISHERIES:</b>	<b>2,500,000</b>

**Debate**

*Approved \$2,500,000 for Agriculture and Fisheries.*

**COMMERCE, INDUSTRY & LABOUR: \$2,500,000**

*Approved \$2,500,000 for Commerce, Industry and Labour.*

**COMMUNICATION & INFORMATION TECHNOLOGY:  
\$2,075,400**

**Debate****MOTION TO EXTEND SITTING HOURS**

Hon Tuilaepa Sailele Malielegaoi moved, *“That Standing Orders be suspended to permit the consideration in detail of the Supplementary Appropriation and continue tonight with other matters.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Toleafoa Apulu Faafisi / Laauli Leuatea Polataivao.

**Motion approved.**

*Approved \$2,075,400 for Education, Sports & Culture.*

**EDUCATION, SPORTS & CULTURE:**

**Debate**

*Approved \$11,321,222 for Education, Sports & Culture.*

**FINANCE: \$3,782,868**

*Approved.*

**HEALTH: \$8,090,926**

*Approved*

**NATURAL RESOURCES & ENVIRONMENT: \$6,358,805**

**Debate.**

*Approved \$6,358,805 for Natural Resources & Environment.*

**PRIME MINISTER: \$363,528**

*Approved*

**POLICE & PRISONS: \$39,703,735**

**Debate**

*Approved \$39,703,735 for Works, Transport and Infrastructure*

**WOMEN, COMMUNITY & SOCIAL DEVELOPMENT:  
\$920,987**

*Approved \$920,987 for Women, Community & Social Development*

**LEGISLATIVE ASSEMBLY: \$32,563**

**Debate**

*Approved \$32,563 for Legislative Assembly.*

**TOTAL OVERALL EXPENDITURES: \$78,022,785**

*Approved*

*First Schedule approved as part of the Act.*

**SECOND SCHEDULE  
REDUCTION IN APPROPRIATIONS**

**MINISTRY APPROPRIATION:**

**EDUCATION, SPORTS & CULTURE: \$(275,650)**

*Approved*

**FINANCE: \$(1,000,000)**

*Approved*

**TOTAL REDUCTION OVERALL EXPENDITURES: \$(1,275,650)**

*Approved*

*Second Schedule approved as part of the Act.*

**CLAUSE 2: Grant and Appropriation of \$78,022,650 out of Treasury Fund.**

*Approved*

**CLAUSE 3: Reduction of amounts earlier appropriated and re-allocation to other outputs and sub-outputs**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Supplementary Appropriation Bill (No.2) 2009/2010.**

*Approved.*

*Clause 1 and Title approved.*

**Supplementary Appropriation Bill (No.2) 2009/2010 now progressed without amendments.**

**Government Order of the Day No.3 called.**

**3. Supplementary Appropriation Bill (No.1) 2009/2010 No – third reading**

**Hon Lee Hang Niko moved, “*That the Supplementary Appropriation Bill (No.1) 2009/2010 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.**

**Proceedings now suspended at 1.42pm and resumed at 7.00pm.**

**Debate resumed**

**Government Order of the Day No.4 called.**

**4. Customs Amendment Bill 2009 – consideration in detail**

**Hon Tuiloma Lameko moved, “*That the Assembly approves the report of the Committee which recommends that the Customs Amendment Bill 2009 now progressed with amendments.*” Seconded by Lafaitale Patrick Leiataualesa / Hon Tuisugaletaua Sofara Aveau.**

**Motion approved.**

**CLAUSE 2:** Special provisions as to valuation of goods for assessment of duties

*Approved*

**CLAUSE 3:** Insertion of new Part VIIIA

*Approved*

**CLAUSE 4:** Obstructing Customs officer or interfering with Customs property.

**“AMENDMENT:**

**Hon Tuiloma Lameko moved the Amendment to Clause 4 (c):**

**“To add “po o ia faasalaga uma e lua” at the end of subclause (c) thus to read as:**

**“(c) ua faia so o se gaoioiga ma le faamoemoe e faaleagaina le aoga o so o se meafaigaluega, taavale, galuega taulima, taifau, faiga tau fesootaiga, po o isi fesoasoani ua faaaoga, po o ua faamoemoe e faaaoga, e le Ofisa o Tiute, ua faamaonia se solitulafono i luga o se moliaga ua faamaonia faaletulafono ma e noatia i le nofosala i le falepuipui mo se vaitaimi e le silia le tolu (3) masina po o i se sala tupe e le silia i le 100 iunite tau faasalaga po o ia faasalaga uma e lua.””**

*Amendment approved.*

*Clause 4 approved as amended.*

**CLAUSE 1 & TITLE**

**CLAUSE: Short Title & Commencement**

**TITLE: Customs Amendment Bill 2009**

**“AMENDMENT:**

**To omit the numeral “2009” and thereby substitute with numeral “2010” thus to read as:**

**“CUSTOMS AMENDMENT ACT 2010.””**

*Amendment approved.*

*Clause 1 and Title approved as amended.*

**Government Order of the Day No.5 called.**

**5. Internal Affairs Amendment Bill 2009 – consideration in detail**

**Hon Aeau Peniamina moved, “That this Assembly approves the report of the Committee recommending the Internal Affairs Amendment Bill 2009 to progress with amendments.” Seconded by Lealailepule Rimoni Aiafi.**

**Motion approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Application**

*Approved*

**CLAUSE 4: Savings**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Internal Affairs Amendment Act 2009**

**“AMENDMENT:**

**To omit the numeral “2009” and substitute thereby with numeral “2010” thus the bill reads as:**

**“INTERNAL AFFAIRS AMENDMENT ACT 2010.””**

*Amendment approved*

*Clause 1 and Title was approved as amended.*

**Government Order of the Day No.6 called.**

**6. Development Bank of Samoa Bill 2009 – second reading**

**Hon Niko Lee Hang moved, “That the Development Bank of Samoa be now read a second time and I would like to briefly clarify it.” Seconded by Hon Taua Tavaga Kitiona Seuala.**

**The Minister clarified the bill.**

Debate.

Motion approved and the bill was read a second time.

Government Order of the Day No.7 called.

7. Yazaki Samoa Enterprises Bill 2009 – second reading

Hon Tuuu Anasii Leota moved, *“That the Yazaki Samoa Enterprises Bill 2009 be now read a second time and I would like to provide a brief explanation on it.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Safuneituuga Paaga Neri.

The Minister clarified the bill.

Debate.

Motion approved and the Yazaki Samoa Enterprises Bill 2009 was read a second time.

Government Order of the Day No.8 called.

8. Waste Management Bill 2009 – second reading

Hon Faumuina Tiatia Liuga moved, *“That the Waste Management Bill 2009 be now read a second time and I wish to speak on it.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tuuu Anasii Leota / Hon Toomata Alapati Toomata.

The Minister clarified the bill.

Debate.

Motion approved and the Waste Management Bill 2009 was now read a second time.

Government Order of the Day No.9 called.

9. Samoa Qualification Authority Bill 2009 – second reading

Hon Toomata Alapati Toomata moved, *“That the Samoa Qualification Bill 2009 be now read a second time and I would like to speak briefly on it.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Niko Lee Hang.

The Minister clarified the bill.

Debate.

Motion approved and the Samoa Qualification Authority Bill 2009 was now read a second time.



**Proceedings of the Assembly now adjourned at 10.47am until 9.00am  
on Wednesday, 20 January 2010.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

WEDNESDAY, 20 JANUARY 2010

**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, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tuuu Anasii Leota, Afioga Hon Toomata Alapati Poesē Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Tofa Taua Tavaga Kitiona Seuala.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Tofa Moefaauro Lufilufi, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Hon Keil Hans Joachim, Afioga Hon Vaai Papu Vailupe, Tofa Leao Talalelei Tuitama, Tofa Hon Tuuu Anasii Leota, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Susuga Laauli Leuatea Polataivao, Tofa Tiata Sili Pulufana Saunoa, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Tofa Solamalemalo Keneti Sio, Tofa Toluono Feti.**

**2. MEMBERS ABSENT:**

**Afioga Motuopuaa Uifagasa Aisoli, Afioga Galuvao Viliamu.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF PAPERS**

The Clerk read out the Papers tabled in accordance to Standing Orders 48:

1. P.P.2009/2010 No.105, Annual Report of the Ministry of Natural Resources and Environment for 2007-2008.

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

**Government Order of the Day No.1 called.**

**1. Customs Amendment Bill 2010 – third reading**

Hon Tuuu Anasii Leota moved, *“That the Customs Amendment Bill be now read a third time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Faumuina Tiatia Liuga / Hon Toleafoa Apulu Faafisi

Motion approved and the Customs Amendment Bill 2010 was now read a third time and had passed the Legislative Assembly.

**Government Order of the Day No.2 called.**

**2. Internal Affairs Amendment Bill 2010 – third reading**

Hon Fiame Naomi moved, *“That the Internal Affairs Amendment Bill 2010 be now read a third time.”* Seconded by Hon Safuneituuga Paaga Neri / Hon Toleafoa Apulu Faafisi / Hon Faumuina Tiatia Liuga.

Motion approved and the Internal Affairs Amendment Bill 2010 was read a third time and had passed the Legislative Assembly.

**Government Order of the Day No.3 called.**

**3. Constitution Amendment Bill 2009 – consideration in detail**

Fonotoe Nuafesili Pierre Lauofo moved, *“That this Assembly considers the Report of the Committee which recommends that the Constitution Amendment Bill 2009 be now progressed with Amendments.”* Seconded by Moefaauro Lufilufi /Hon Leao Talalelei Tuitama.

Motion approved.

**CLAUSE 2: Tenure of office members.**

**Debate.**

**WORDS WITHDRAWN**

**Laauli Leuatea Polataivao (Deputy Speaker) moved:**

*“That the words “oti taliaga” (die facing up) should be removed from Hansard as it is inappropriate with Parliamentary Records.”*

Speaker ordered the following words spoken by the member of Palauli West to be removed from Hansard/Official Parliamentary Records: *“A maua atu o tanumia i le faavae, ia e maua atu o oti taliaga i luga o le faavae.”*

**Debate resumed.**

*Approved.*

*Clause 2 approved as part of the Act.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Constitution Amendment Bill 2010**

**“AMENDMENT:**

**To omit the numeral “2009” and substitute thereby with the numeral “2010” thus to bill reads as:**

**CONSTITUTION AMENDMENT BILL 2010”**

**Debate**

*Amendment approved*

*Clause 1 and Title approved as amended*

**Government Order of the Day No.4 called.**

**4. Constitution Amendment Bill 2010 – third reading**

**Hon Tuilaepa moved, “That the Constitution Amendment Bill 2010 be now read a third time.”** Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi.

**The Speaker announced that motion moved by the Prime Minister is seconded and the requirement pursuant to the Constitution is satisfied. i.e. the required period of time between the second reading and third reading.**

The last provision to be met is the approval of the third reading by a 2/3 majority of the members of the House. This will be done by way of the Division.

Speakerr instructed the Clerk to ring the bell.

Question put: Shall the Constitution Amendment Bill 2010 be now read a third time?

**DIVISION (S.O.93(1))**

1. Susuga Hon Tuilaepa Sailele Malielegaoi
2. Afioga Hon Misa Telefoni
3. Afioga Hon Fiamē Naomi Mataafa
4. Afioga Hon Safuneituuga Paaga Neri
5. Afioga Hon Toleafoa Apulu Faafisi
6. Tofa Hon Tuuu Anasii Leota
7. Afioga Hon Faumuina Tiatia Liuga
8. Afioga Hon Tuisugaletaua Sofara Aveau
9. Afioga Hon Toomata Alapati Poese Toomata
10. Hon Lee Hang Niko
11. Tofa Hon Taua Tavaga Kitiona Seuala
12. Afioga Hon Unasa Mesi Galo
13. Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow
14. Afioga Tuia Pua Fuatogi Letoa
15. Susuga Papalii Samuelu Petaia
16. Afioga Vui Tupe Ioane
17. Afioga Vaeolenofoaia Tapasu
18. Tofa Solamalemalo Keneti Sio
19. Afioga Patauave Etuale
20. Tofa Tuiloa Anitelea
21. Afioga Muagututagata Peter Ah Him
22. Afioga Lafaitale Patrick Leiataualesa
23. Afioga Galuvao Viliamu
24. Afioga Anauli Pofitu Fesili
25. Afioga Sala Fata Lisati Pinati
26. Afioga Tapuai Sepulona Moananu
27. Tofa Moefaaauo Lufilufi
28. Tofa Tiatia Pulufana Saunoa
29. Afioga Aiono Tile Gafa
30. Afioga Patu Ativalu Togi II
31. Tofa Fonotoe Nuafesili Pierre Lauofo
32. Tofa Leao Talalelei Tuitama
33. Hon Keil Niko Lee Hang
34. Tofa Hon Tuiloma Lameko

AYES - 35

1. Afioga Asiata Saleimoa Vaai
2. Afioga Hon Aeau Peniamina
3. Afioga Fuimaono Naoia Tei
4. Afioga Hon Palusalua Faapo II
5. Afioga Muagututia Siasia S. Meredith
6. Afioga Levaopolo Talatonu
7. Susuga Mulipola Oliva
8. Tofa Taua Falaimo
9. Afioga Lealailepule Rimoni Aiafi
10. Tofa Toluono Feti
11. Afioga Hon Vaai Papu Vailupe

**NOES - 11**

**Member from Lefaga and Faleseela did not vote**

**Motion approved and the Constitution Amendment Bill 2010 was now read a third time and had passed the Legislative Assembly.**

**MOTION FOR ADJOURNMENT**

**Hon Tuilaepa moved, “*That Proceedings do now adjourn until 9.00am on Monday 13 March 2010 in accordance with the Parliament Sitting Program for 2010.*” Seconded by Hon Toleafoa Apulu Faafisi / Hon Faumuina Tiatia Liuga.**

**Motion approved.**

**Proceedings do now adjourned at 10.35am until Monday, 15 March 2010 pursuant to Parliamentary Sitting Schedule 2010/2011.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

**MONDAY, 15 MARCH 2010**

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

**Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, 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**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Lafaitale Patrick Leiataualesa, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Tofa Moefaauro Lufilufi, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Laufofo, Tofa Hon Tuiloma Lameko, Hon Keil Hans Joachim, Afioga Patauave Etuale, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Le Mamea Ropati, Afioga Levaopolo Talatonu, Susuga Laauli Leuatea Polataivao, Tofa Tiata Sili Pulufana Saunoa, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Aiono Tile Gafa, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Tofa Solamalemalo Keneti Sio, Tofa Toluono Feti.**

**MEMBERS ABSENT:**

**Afioga Hon Fiamē Naomi Mataafa, Tofa Leao Talalelei Tuitama, Tofa Hon Tuuu Anasii Leota, Tofa Taua Tavaga Kitiona Seuala, Afioga Motuopuaa Uifagasa Aisoli.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. MESSAGE FROM THE HEAD OF STATE**

The Speaker communicated the text of the Message from the Head of State which permits the Legislative Assembly to consider the below bill:

1. **Casino and Gambling Control Bill 2010.**

**6. OBITUARY SPEECH**

Mr Speaker announced the passing away of Tofa Faamatuainu Tala Mailei, former Member of Parliament.

Faamatuainu Tala Mailei was first elected as member of Parliament for the Territorial Constituency of Anoamaa West in the VIth Parliament in the Years 1976-1979. He was again elected for the IXth Parliament in the Years 1985-1988 and he was a member of the Coalition.

Faamatuainu Tala Mailei was the Chairman of the Priveleges and Ethics Committee and was the Deputy Chairman of the Bills Committee in the Years 1986.

Members were upstanding for a minute to pay their respect.

**7. PRESENTATION OF PAPERS**

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

1. SR2010/1, Notice of Charge on Base Tariff (Sui Tamaitai o le Nuu) Amendment Act 2009.
2. SR2009/2, Daylight Savings Act 2009, Public Notice.
3. SR2009/3, Ministry of Women Affairs (Sui Tamaitai o le Nuu) Amendment Act 2009, Notice of Commencement.
4. SR2010/4, Notice of Charge on Base Tariff for the Supply of Electricity (No.1) 2010.
5. SR2010/5, Notice of Charge on Base Tariff for the Supply of Electricity (No.2) 2010.
6. SR2010/6, Educatino Act 2009, Notice of Commencement.
7. SR2010/7, General Price Order (No.4) 2009.
8. SR2010/8, Fire and Emergency Service (Levy and Financial Contribution) Regulations 2009.
9. SR2010/9, Notice of Charge on Base Tariff for the Supply of Electricity (No.3) 2010.
10. SR2010/10, Prohibited Imports (Amendment) Order 2010 – Section 49 Customs Act 1977.



11. P.P.2009/2010 No.106, SamoaTel Limited Annual Report for the Years 2007-2008.
12. P.P.2009/2010 No.107, Samoa National Provident Fund Annual Report 2008/2009.
13. P.P.2009/2010 No.108, Polynesian Airlines Annual Report for the Year Ending 30 June 2009.
14. P.P.2009/2010 No.109, Ministry of Agriculture & Fisheries Annual Report for the Financial Year July 2008-June 2009.
15. P.P.2009/2010 No.110, Report of the Operations and Statement of Accounts Samoa Senior Citizens Benefit Fund 2008/2009.
16. P.P.2009/2010 No.111, Central Bank of Samoa Annual Report for the Financial Year July 2008-June 2009.
17. P.P.2009/2010 No.112, Accident Compensation Corporation Annual Report 2009.
18. P.P.2009/2010 No.113, Public Accounts for the Financial Year Ended 30 June 2007.
19. P.P.2009/2010 No.114, Government Responses to P.P.2009/2010 No.56, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.4, Annual Report of the National Kidney Foundation of Samoa for July 2005-June 2006 & July 2006-June 2007.

#### 8. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports tabled pursuant to Standing Orders 51(5):

1. P.P.2009/2010 No.115, Report of the Education, Science, Communication & Information Technology Committee on the Broadcasting Bill 2009.
2. P.P.2009/2010 No.116, Report of the Finance and Expenditure Committee on the Development Bank of Samoa Bill 2009.
3. P.P.2009/2010 No.117, Report of the Finance and Expenditure Committee on the Yazaki Samoa Enterprises Bill 2009.
4. P.P.2009/2010 No.118, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on the National Fund Amendment Bill 2009.
5. P.P.2009/2010 No.119, Report of the Government Administration Committee on the Samoa Qualification Authority Bill 2009.
6. P.P.2009/2010 No.120, Report of the Regulations Review Committee on SR2009/15, SR2009/16, SR2009/17, SR2009/18, SR2009/19 & SR2009/20.
7. P.P.2009/2010 No.121, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.39, Annual Report of the Electric Power Corporation for the Year Ending 30<sup>th</sup> June 2008.
8. P.P.2009/2010 No.122, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on

**P.P.2009/2010 No.33, Annual Report of the Samoa National Kidney Foundation for the Year Ending 30<sup>th</sup> June 2008.**

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

**Government Order of the Day No.1 called.**

**1. Casino and Gambling Control Bill 2009 – first reading**

**Hon Tuilaepa moved, “*That the Casino and Gambling Control Bill 2009 be now read a first time.*” Seconded by Hon Unasa Mesi Galo / Hon Faumuina Tiatia Liuga.**

**Motion approved and the Bill was read a first time.**

**10. CONSIDERATION OF SELECT COMMITTEE REPORTS**

**Order of the Day No.1 called**

**1. P.P.2009/2010 No.89, Report of the Finance & Expenditure Committee on P.P.2008/2009 No.31, Samoa National Provident Fund Statement of Corporate Objectives 2009-2011.**

**Hon Tuiloma Lameko moved, “*That this Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions.*” Seconded by Laauli Leuatea Polataivao / Tapuai Sepulona Moananu.**

**The Chairman presented the report of the Committee.**

**Debate.**

**Proceedings suspended at 10.13am until 11.14am.**

**Debate resumed.**

**Report approved.**

**Order of the Day No.2 called.**

**2. P.P.2009/2010 No.92, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P.2009/2010 No.16, Report of the Controller and Chief Auditor to the Legislative Assembly Period 1 July – 30 June 2008.**

**Laauli Leuatea Polataivao moved, “*That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions.*” Seconded by Leaillepule Rimoni Aiafi.**

**The Chairman presented the report of the Committee.**

**Debate.**

**Report approved.**

**The Legislative Assembly now adjourned at 1.00pm until Tuesday,  
16<sup>th</sup> March 2010 at 9.00am.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

**TUESDAY, 16 MARCH 2010**

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

**Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, 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, Tofa Taua Tavaga Kitiona Seuala.**

**MEMBERS**

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

**2. MEMBERS ABSENT:**

**Tofa Hon Tuuu Anasii Leota, Afioga Vaeolenofoa Tapasu, Afioga Tapuai Sepulona Moananu, Afioga Galuvao Viliamu, Tofa Toluono Feti.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Select Committee Reports pursuant to Standing Orders 51(5):

1. P.P.2009/2010 No.30, Committee's Report for Consideration of Regulations SR2009/26, SR2008/28, SR2008/29, SR2008/30, SR2008/31 &SR2008/32.
2. P.P.2009/2010 No.124, Report of the Privileges and Ethics Committee on the Prime Minister's Motion dated 7/12/2009.
3. P.P.2009/2010 No.125, Report of the Business, Standing Orders, House, Electoral and Community and Social Development Committee on P.P.2009/2010 No.40 & P.P.2009/2010 No.41, Electoral Commissioners Office Annual Reports for the Years 2006/2007 & 2007/2008.
4. P.P.2009/2010 No.126, Report of the Health & Social Services, Internal Affairs and Community & Social Development Committee on P.P.2009/2010 No.59, Samoa Housing Corporation Annual Report for the Year Ended 30 June 2008.

**6. CONSIDERATION OF THE SELECT COMMITTEE REPORTS**

Order of the Day No.1 called.

1. P.P.2009/2010 No.124, Report of the Privileges and Ethics Committee moved, *"That the Assembly takes note of the Committee Report giving its Findings, Recommendations and Resolutions."* Seconded by Leaillepule Rimoni Aiafi.

The Chairman presented the report of the Committee.

Debate.

Report approved.

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

Government Order of the Day No.1 called.

1. Development Bank of Samoa Bill 2009 – consideration in detail

Hon Tuiloma Lameko moved, *"That this Assembly approves the Committee Report recommending that the Development Bank of Samoa Bill 2009 now progressed with amendments."* Seconded by Laauli Leuatea Polataivao.

Motion approved.

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Continuation of the Development of Bank**

*Approved*

**CLAUSE 4: Offices of the Bank**

*Approved*

**CLAUSE 5: functions of the Bank**

*Approved*

**CLAUSE 6: Operating principles.**

*Approved*

**CLAUSE 7: Bank to follow general economic policy of Government**

*Approved*

**CLAUSE 8: Powers of the Bank**

*Approved*

**CLAUSE 9: Appointment of directors**

*Approved*

**CLAUSE 10: Terms of office of appointed directors**

*Approved*

**CLAUSE 11: Renumeration of appointed directors**

*Approved*

**CLAUSE 12: Meetings of directors**

*Approved*

**CLAUSE 13: Disclosure of interests**

*Approved*

**CLAUSE 14: Contracts by the Bank**

*Approved*

**CLAUSE 15: Committees**

*Approved*

**CLAUSE 16: Delegation of powers**

*Approved*

**CLAUSE 17: Chief Executive Officer**

**Debate**

*Clause 17 approved*

**CLAUSE 18: Acting Chief Executive Officer**

*Approved*

**CLAUSE 19: Bank staff**

*Approved*

**CLAUSE 20: Other staffing provisions**

*Approved*

**CLAUSE 21: Capital of the Bank**

*Approved*

**CLAUSE 22: Shares to be held by Government**

*Approved*

**CLAUSE 23: Disposition Of profits**

*Approved*

**CLAUSE 24: Management of Funds by the Bank**

*Approved*

**CLAUSE 25: Powers of the Auditor**

*Approved*

**CLAUSE 26: Accounts, audit, and annual report**

*Approved*

**CLAUSE 27: Director's responsibilities in relation to accounts and reports**

*Approved*

**CLAUSE 28: Raising of funds.**

*Approved*

**CLAUSE 29: Obligations of Directors**

*Approved*

**CLAUSE 30: Directors with loans in arrears**

**Debate**

*Clause 30 approved*

**CLAUSE 31: Audit Committee and Risk Management Committee**

*Approved*

**CLAUSE 32: Inquiries into malpractice**

*Approved*

**CLAUSE 33: Protection of informants**

*Approved*

**CLAUSE 34: Protection from liability**

*Approved*

**CLAUSE 35: Write-offs**



**Debate**

*Clause 35 now approved*

**CLAUSE 36: Application of the Public Bodies (Performance and Accountability) Act 2001 to the Bank.**

*Approved*

**CLAUSE 37: Application of the Companies Act 2001 to the Bank**

*Approved*

**CLAUSE 38: Modification of the Credit Union Ordinance 1960**

*Approved*

**CLAUSE 39: Agencies**

*Approved*

**CLAUSE 40: Liability for tax and other duties**

*Approved*

**CLAUSE 41: Liabilities of directors and employees**

*Approved*

**CLAUSE 42: Confidentiality of customer's financial information**

*Approved*

**CLAUSE 43: Repeal of the Development Bank Act 1974.**

*Approved*

**CLAUSE 44: Savings and Transitional Provision**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Development Bank of Samoa 2009**

Hon Tuiloma Lameko moved, “To omi the number ‘2009’ and substitute thereby the number “2010” thus the bill reads:

**“DEVELOPMENT BANK OF SAMOA BILL 2010”**

*Amendment approved*

*Clause 1 and Title approved as amended*

**Government Order of the Day No.2 called.**

**2. Broadcasting Bill 2009 – consideration in detail**

Levaopolo Talatonu moved, “*That this Assembly approves the Report of the Committee recommending the Broadcasting Bill 2009 to progress with amendments.*” Seconded by Mulipola Oliva.

**Motion approved.**

**CLAUSE 2: Interpretation**

**“AMENDMENT:**

Levaopolo Talatonu moved, “To insert a new definition for ‘contract employees’ after the definition of ‘commencement date’ in Clause 2 as follows:

“contract employees” has the same meaning as in Public Service Act 2004.”

*Amendment approved*

*Clause 2 approved as amended.*

**CLAUSE 3: Objectives of this Act**

*Approved*

**CLAUSE 4: Application of this Act**

*Approved*

**CLAUSE 5: Appointment of Regulator**

**“AMENDMENT:**

**i. To omit sub clause (2) and substitute thereby the new schedule (2) as follows:**

**“(2) The Regulator shall be appointment for a term up to three years which the term may be renewed by the Head of State, acting on the advice of the Cabinet”.**;

**ii. In sub clause (4), to omit the expression “this sub clause” which appears after the word “under” and before the word “shall” and substitute thereby the expression “subsection (3) thus to read:**

**“(4) An appointment made under subsection (3) shall be on such terms and for such period as Cabinet approves, and may be revoked by Cabinet at any time if the arrangement is no longer required or considered to be unsatisfactory in meeting the objectives of this Act”.**

**iii. In sub clause (6), to omit the expression “three (3) year term of an appointment” which appears after the words “of a” and before the word “unless” and substitute thereby the expression “term of up to three (3) years” thus to read:**

**“(6) A person may not be removed as Regulator prior to the completion of a term of up to three (3) years unless the person”.**

**iv. To omit sub clause (10) and substitute thereby the new subclause (10) as follows:**

**“(10) For the purpose of removing doubt, a person appointment under subclause (1) shall concurrently be the person who holds the position of Regulator pursuant to the Telecommunications Act 2005.”**

**Debate**

*Amendment approved*

*Clause 5 was approved as amended.*

**CLAUSE 6:           Disqualification**

*Approved*

**CLAUSE 7:           Responsibilities, functions and powers of the Regulator**

*Approved*

**CLAUSE 8: Office of the Broadcasting Regulator**

**“AMENDMENT:**

**i. To omit sub clause (4) and substitute thereby the new sub clause (4) as follows:**

**“(4) The Regulator and the Office of the Broadcasting Regulator’s shall comply with all laws governing the public service and the finance of the Government’s of Samoa subject to the provision of this Act.”**

**ii. To renumber sub clause (5) to become sub clause (7) and insert the new sub clause (5) as follows:**

**a. contract employees shall be appointed under the Public Service Act 2004; and**

**b. the Regulator shall appoint other staff of the Office of the Broadcasting Regulator who are not contract employees.**

**iii. To renumber subclause (6) to become subclause (8) and insert a new subclause (6) as follows:**

**“(6) The Regulator shall establish an annual budget for the operations of the Office of the Broadcasting Regulator in line with the fiscal year of the Government of Samoa and taking into account any fees collected pursuant to regulations made under section 9; and**

**iv. To renumber the following subclause in clause 8 as follows:**

- 1. “Renumber subclause (7) to become a new subclause (9);**
- 2. Renumber subclause (8) to become a new subclause (10);**
- 3. Renumber subclause (9) to become a new subclause (11);**
- 4. Renumber subclause (10) to become a new subclause (12);**
- 5. Renumber subclause (11) to become a new subclause (13);**
- 6. Renumber subclause (13) to become a new subclause (15);**
- 7. Renumber subclause (15) and substitute thereby the new subclause (15) as follows:**

**“(15) The office of the Regulator established under the Telecommunications Act 2005 shall be the same as the Office of the Broadcasting Regulator established under this Act.”**

*Amendment approved*

*Clause 8 approved as amended.*

**CLAUSE 9: Licenses to license fees**

*Approved*

**CLAUSE 10: Appeals of orders of the Regulator to the Broadcasting Tribunal**

*Approved*

**CLAUSE 11: The establishment of a Broadcasting Tribunal**

*Approved*

**CLAUSE 12: Presiding member**

*Approved*

**CLAUSE 13: Convening Tribunal members**

*Approved*

**CLAUSE 14: Convening Tribunal hearings**

*Approved*

**CLAUSE 15: Tribunal proceedings**

*Approved*

**CLAUSE 16: Government may be represented in any proceedings**

*Approved*

**CLAUSE 17: Tribunal decisions**

*Approved*

**CLAUSE 18: Government Ministries and Agencies to assist Tribunal**

*Aprproved*

**CLAUSE 19: Appeal shall bar litigation**

*Approved*

**CLAUSE 20: Enforcement of orders**

*Approved*

**CLAUSE 21: Requirement to hold license**

**“AMENDMENT:**

**Levapolo Talatonu moved, “To omit subclause (2) and substitute thereby the new subclause (2):**

**“(2) A person shall not use programs received from a subscription service provider for commercial use or personal gain.”**

*Amendment approved*

*Clause 21 approved as amended*

**CLAUSE 22: General provision related to licenses**

*Approved*

**CLAUSE 23: Exemption orders**

*Approved*

**CLAUSE 24: Types of licenses**

*Approved*

**CLAUSE 25: Licensing procedures**

*Approved*

**CLAUSE 26: License conditions**

*Approved*

**CLAUSE 27: Amendment and revocation of licenses**

*Approved*

**CLAUSE 28: Terms and renewal**

*Approved*

**CLAUSE 29: Broadcasting policies**

**“AMENDMENT:**

**Leavaopolo Talatonu moved, “To omit every mention of the word “Regulator” from subclause (2) to (9) and substitute thereby the word “Ministry.”**

**CLAUSE 30: Broadcasting policy funds**

*Approved*

**CLAUSE 31: Functions and duties of Regulator regarding competitions**

*Approved*

**CLAUSE 32: Designation of dominant service providers**

*Approved*

**CLAUSE 33: Abuse of dominance**

*Approved*

**CLAUSE 34: Other anti-competitive practices**

*Approved*

**CLAUSE 35: Determination of abuse of dominance and anti-competitive practices**

*Approved*

**CLAUSE 36: Remedies for abuse of dominance and anti-competitive practices**

*Approved*

**CLAUSE 37: Transfer of control of service providers.**

*Approved*

**CLAUSE 38: Imposition of surcharge**

*Approved*

**CLAUSE 39: Procedure for imposition of surcharge**

*Approved*

**CLAUSE 40: Appeal against surcharge**

*Approved*

**CLAUSE 41: Surcharge payable to Treasury Fund**

*Approved*

**CLAUSE 42: Application**

*Approved*

**CLAUSE 43: Fair dealing practices**

*Approved*

**CLAUSE 44: Confidentiality of customer information**

*Approved*

**CLAUSE 45: Protection of personal information**

*Approved*

**CLAUSE 46: Access by Government Authorities**

*Approved*

**CLAUSE 47: Audience and customer complaints**

*Approved*

**CLAUSE 48: No unjustified discrimination**

*Approved*

**CLAUSE 49: Terms of services**

*Approved*



**CLAUSE 50: Information on terms of service**

*Approved*

**CLAUSE 51: Program directories**

*Approved*

**CLAUSE 52: Quality of service**

*Approved*

**CLAUSE 53: Access to customer premises**

*Approved*

**CLAUSE 54: Liability, refunds and damages**

*Approved*

**CLAUSE 55: Broadcasting facilities**

*Approved*

**CLAUSE 56: Access to Government land and facility**

*Approved*

**CLAUSE 57: Access to private land and facilities**

*Approved*

**CLAUSE 58: Access to customary land and facilities**

*Approved*

**CLAUSE 59: Co-location**

*Approved*

**CLAUSE 60: National security**

*Approved*

**CLAUSE 61: Public disaster and state of emergency**

*Approved*

**CLAUSE 62: Service provider disputes**

*Approved*

**CLAUSE 63: Audience and customer disputes**

*Approved*

**CLAUSE 64: Alternative dispute resolution**

*Approved*

**CLAUSE 65: Broadcasting and computer offences**

*Approved*

**CLAUSE 66: Other offences and penalties**

*Approved*

**CLAUSE 67: Divulging personal information obtained in the course of duties**

*Approved*

**CLAUSE 68: Judicial enforcement**

*Approved*

**CLAUSE 69: Monitoring and enforcement**

*Approved*

**CLAUSE 70: Civil liability**

*Approved*

**CLAUSE 71: Jurisdiction of the Supreme**

*Approved*

**CLAUSE 72: Civil protection of the Regulation**

*Approved*

**CLAUSE 73: Regulation**

*Approved*

**CLAUSE 74: Evidence by certificate**

*Approved*

**CLAUSE 75: Service of Notice etc**

*Approved*

**CLAUSE 76: Repeal of Act**

*Approved*

**CLAUSES 77: Savings and transitional provisions**

*Approved*

**CLAUSE 78: Transitional provisions for prior licenses**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Broadcasting Bill 2009**

**“AMENDMENT:**

**Levaopolo Talatonu moved the Amendment to Clause 1 and Title as follows:**

**To omit the numeral “2009” and substitute thereby the numeral “2010” thus to read:**

**BROADCASTING BILL 2009”**

*Amendment approved*

*Clause 1 & Title was approved as amended*

**Proceedings now set aside at 10.35am until 11.14am.**

**Government Order of the Day No.3 called.**

**3. Yazaki Samoa Enterprises Bill 2009 – consideration in detail**

**Hon Tuiloma moved, “That this Assembly considers the Report of the Committee which recommends that the Yazaki Samoa Enterprises Bill 2009 now progressed with amendments.” Seconded by Laauli Leuatea Polataivao.**

**Motion approved.**

**CLAUSE 2: Interpretation**

*Approved*

**CLAUSE 3: Act to bring the Government**

*Approved*

**CLAUSE 4: Object of this Act**

*Approved*

**CLAUSE 5: Income tax exemption**

*Approved*

**CLAUSE 6: Value added goods and services tax exemption**

*Approved*

**CLAUSE 7: Restriction on disposal of goods acquired exempt from tax**

*Approved*

**CLAUSE 8: Records and inspections**

*Approved*

**CLAUSE 9: Accounts and reports**

*Approved*

**CLAUSE 10: Repeal of Act**

*Approved*

**CLAUSE 11: Transitional**

*Approved*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Yazaki Samoa Enterprises Bill 2009**

**“AMENDMENT:**

**Hon Tuiloma Lameko moved the amendment as follows:**

**To omit the number “2009” and substitute thereby the number “2010” thus the bill reads as:**

**YAZAKI SAMOA ENTERPRISES BILL 2010”**

*Amendment approved*

*Clause 1 and Title approved with amendments.*

**The Yazaki Samoa Enterprises Bill now progressed with amendments.**

**Government Order of the Day No.4 called.**

**4. National Provident Fund Amendment Bill 2009 – consideration in detail**

**Hon Aeau Peniamina moved, “*That the Assembly considers the report of the Committee recommending the National Provident Fund Bill 2009 now progressed with amendments.*” Seconded by Hon Palusalua Faapo II.**

**Motion approved.**

**CLAUSE 2: Substitution of section 2**

*Approved*

**CLAUSE 3:**

**“AMENDMENT:**

**Clause 3, Part V:**

In subclause 29(4), omit the word ‘justifiable’ which appears after the word ‘otherwise’ and before the word ‘in’ and substitute thereby the word ‘justifiable’ thus to read:

“(4) In its decision to revoke a certificate or impose conditions, the Board is required to act in accordance with the regulations but otherwise not required to act in accordance with the rules of natural justice and its decision is not otherwise justifiable in a court.”

**Clause 3 Part VII**

i. To insert the new subsection (5) in section 37 as follows:

“(5) This section is deemed to commence on 1 January 2007.”

ii. In section 39, insert the number “(1)” at the beginning of the subclause after the sign “-“ thus to read:

“39. Special payment – (1) The Board shall have power to declare and pay a special bonus or payment to members or categories of members in such amount and on such conditions as it sees fit, after it is first satisfied of the financial ability of the Fund to provide fully for its obligations under section 33(3) and (b) and also as to the ability of the Fund to pay the bonus or payment under this section.”

iii. In Section 39, insert the new subsection (2) as follows:

“(2) This section is deemed to commence on 1 January 2007.”

*Amendment approved*

*Clause 3 approved with amendments*

**CLAUSE 4: Insertion of Part XV.**

Hon Niko Lee Hang moved an Amendment to Clause 4 as follows:

“AMENDMENT:

1. Insert new Section as follows:

“Other Entitlements – In section 81(1)(b) of the Principal Act omit the words, “and between Samoa and American Samoa.”

2. Insert Clause 111 after Clause 110 as follows:

**“111. Validation of refusal or failure to provide- Any refusal or failure to provide to be a beneficiary under Part XII an entitlement to free travel between in Samoa and American Samoa on any passenger ferry operated by the Government, between 1 July 2007 and immediately prior to the commencement of the National Provident Fund Amendment Act 2010 by a member of the Board or the Board’s staff is taken for all purposes to have been a lawful refusal or failure, despite any law to the contrary.”**

*Amendment approved*

*Clause 4 approved as amended.*

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: National Provident Fund Amendment Bill 2009**

**Hon Aeau Peniamina moved the Amendment to Clause 1 and the Title as follows:**

**“AMENDMENT:**

**Clause 1(1):**

**To omit the number “2009” and substitute thereby the number “2010” thus the Bill reads as:**

**NATIONAL PROVIDENT FUND AMENDMENT BILL 2010.”**

**Clause 1(2):**

**To omit the words “Section 37 and 39 which are deemed to commence on 1 January 2007” which appear at the end of (2) and substitute thereby the words “section 4 which is deemed to commence on 1 July 2007” thus to read:**

**“(2) This Act commences on a date to be nominated by the Minister except section 4 which is deemed to commence on 1 July 2007.”**

*Amendment approved*

*Clause 1 and the Title approved as amended*

**Government Order of the Day No.5 called.**

**5. Samoa Qualification Authority Bill 2009 – consideration in detail**

Hon Hans Joachim Keil moved, “That this Assembly considers the Report of the Committee recommending the Samoa Qualification Authority Bill 2009 now progressed with Amendments.” Seconded by Laauli Leuatea Polataivao.

Motion approved.

**CLAUSE 2: Interpretation**

**“CORRECTION:**

**In Samoan Print only:**

**Hon Hans Joachim Keil moved the Correction as follows:**

*i. Ina ia aveese upu “faalapotopotoga aloaia e tuuina atu Aoaoga Faaauau ‘ina ua tuanai le faamatalaga’ faalapotopotoga mo le atinae o faailoga ma tusi pasi taualoa a le atunuu’ ma suia i upu ‘faalapotopotoga e tuuina atu aoaoga faaauau i faatulagaga masani’ ina ia faitauina ai e faapea:*

“Faalapotopotoga e tuuina atu aoaoga faaauau i faatulagaga masani’ o lona uiga o se faalapotopotoga e tuuina atu Aoaoga Faaauau lea o lo o i lalo o se tasi (1) po o le sili atu o vasega ua taua e faapea:

*ii. Ia aveese le faamatalaga “faalapotopotoga le aloaia e tuuina atu Aoaoga Faaauau ‘ina ua tuanai le faamatalaga ‘taunuuga o le aoaoaina’ ma suia i le Faamatalaga ‘isi faalapotopotoga e tuuina atu aoaoga faaauau i faatulagaga masani’ ma faitauina ai e faapea;*

“isi faalapotopotoga e tuuina atu aoaoga faaauau i faatulagaga masani’ o lona uiga o se faalapotopotoga e tuuina atu aoaoga faaauau e le aloaia e avea o se faalapotopotoga e tuuina atu Aoaoga Faaauau:

*iii. Ia aveese upu ‘ata faataitai’ ma suia i upu ‘mataupu pupuu faaleaoaoga’ mai le faamatalaga o le upu ‘polokalame’ ma faitauina e faapea:*

“polokalame” o lona uiga o se faatulagaga ogatasi o mataupu, mataupu pupuu faaleaoaoga, pepa poo ni iunite ua fuafua e faamalieina ai manaoga o se faailoga tusi pasi taualoa.”

*Correction approved*

*Clause 2 approved with corrections.*



**CLAUSE 3: Continuation of the Samoa Qualification Authority (SQA).**

*Approved*

**CLAUSE 4: Functions of the Authority**

**“CORRECTION:**

**Hon Hans Joachim Keil moved**

**“Ia aveese upu ‘e le aloaia’ o lo o aliae mai i le faaiuga o le faafuaiupu ma suia i upu ‘ a isi faalapotopotoga e tuuina atu aoaoga faaauau i faatulagaga masani’ ina ia faitauina ai le (1) e faapea:**

**“(1). uunaia le faamaoniga o tulaga aupito manaomia i polokalame o aoaoga a isi faalapotopotoga e tuuina atu aoaoga faaauau i faatulagaga masani.”**

*Correction approved*

*Clause 4 approved as corrected.*

**CLAUSE 5: Powers of the Authority**

*Approved*

**CLAUSE 6: Board Members**

**Debate**

*Clause 6 approved*

**CLAUSE 7: Deputies of members**

*Approved*

**CLAUSE 8: Remuneration of members**

**Debate**

*Clause 8 approved*

**CLAUSE 9: Meetings of the Board**

*Approved*

**CLAUSE 10: Disclosure of interest**

*Approved*

**CLAUSE 11: Board may establish Committees.**

*Approved*

**CLAUSE 12: Delegation**

*Approved*

**CLAUSE 13: Chief Executive Officer**

*Approved*

**CLAUSE 14: Appointment of employees of the Authority**

*Approved*

**CLAUSE 15: Samoa Qualifications Framework**

**“CORRECTION:**

**Clause 15(2): In Samoan Print Only:**

**Hon Hans Joachim Keil moved the following:**

**“Ia aveese le upu “maualuga” i le tuanai ai o le upu “tulaga” ma faitauina ai le (2) e faapea:**

**“(2) O le Faatulagaga o Faailoga ma Tusi Pasi Tauloa a Samoa o se faiga ua faavasegaina e iloa ai le tulaga a ituaga o faailoga ma tusi pasi tauloa ua faamaonia o latou tulaga manaomia ia e mafai ona aofai ai i le faavasegaga e pei ona mafai ona faatonutonu e Tulafono faatonutonu:**

**Debate**

*Correction approved*

*Clause 15 now approved as amended.*

**CLAUSE 16: Registration of Qualification**

**“CORRECTION:**

**i. Clause 16(5)(a): In Samoan Print Only:**

**Hon Hans Joachim Keil moved the following:**

**Ia aveese le upu “faamoemoe” o loo aliai mai ina ua tuanai le upu “le” a o lumanai le upu “igoa” ma suia i le upu “faamoemoe” ma faitauina ai le (a) e faapea:**

**(a) tuuina atu o soo se faamatalaga e taufaasese ai le faamoemoe, igoa, taunuuga poo le maualuga o se faailoga ma tusi pasi taualoa ua faamauina e le Pulega:**

**ii. Fuaiupu 16(5)(c):**

**Ia aveese upu “ua iloa lelei e le mafai ona talosaga” o loo aliae mai i le amataga o le faafuaiupu ma suia i upu “ua le talosaga ma lona iloa lelei” ma faitauina ai le (c) e faapea:**

**(c) ua le talosaga ma lona iloa lelei mo le faamauina i luga ole Faatulagaga o Faailoga ma Tusi Pasi Taualoa a Samoa i lalo o lenei Vaega pe afai e manaomia ina ia faapea ona fai i lalo o le faafuaiupu (2).”**

*Correction approved.*

*Clause 16 approved as corrected.*

**CLAUSE 17: Record of achievement**

**“CORRECTION:**

**Clause 17(1)(b): In Samoan Print Only:**

**Hon Hans Joachim Keil moved the amendments to the following:**

**“Ia aveese le faafuaiupu (b) o loo i ai ma suia i le faafuaiupu (b) fou e faapea:**

**(b) taunuuga ua ausia tau aoaoga poo agavaa talafeagai o gaioiga o le aoaina i tulaga aupito manaomia ua faamaonia e le Pulega.”**

*Correction approved.*

*Clause 17 approved as corrected.*

**CLAUSE 18: Application for registration as a provider**

*Approved*

**CLAUSE 19: Grant, refusal and cancellation of an application for registration as a provider**

*Approved*

**CLAUSE 20: Application for registration to be mandatory in certain cases.**

**“CORRECTION:**

**i. Fuaiupu 20(1): In Samoan Print Only:**

**Hon Hans Joachim Keil moved the amendments to the following:**

**Fuaiupu 20 – Talosaga mo le faamauina ina ia faamalosiā i nisi tulaga**

**ii. Fuaiupu 20(1)(a): In Samoan Print Only:**

**Ina ia aveese le faafuaiupu (a) e oo i le (f) o loo i ai ma sia i faafuaiupu (a) e oo i le (f) fou e faapea:**

**“(a) tuuina atu se polokalame faaleaoaoga e mafai ona ausia ai se faailoga ma tusi pasi taualoa ua faamauina i lalo o le Faatulagaga o Faailoga ma Tusi Pasi ma Tusi Pasi Taualoa a Samoa:**

**(b) ua mauaina poo ua talosaga mo se faatupega mai le Malo po o mai se isi faalapotopotoga fesoasoani e ala atu i le Malo e tusa ai o soo se polokalame a faalapotopotoga e tuuina atu aoaoga faaaauau ua faamoemoe ina ia ausia ai manaoga o faailoga ma tusi pasi taualoa;**

**(c) Ua faaaoga poo ua faamoemoe ina ia faaaoga se fuaitau puipuia i le igoa o le faalapotopotoga e tuuina atu aoaoga poo igoa o soo se mataupu o aoga, polokalame, faailoga ma tusi pasi taualoa lea e tuuina atu e le Faalapotopotoga e tuuina atu aoaoga faaaauau;**

**(d) faaulufale ina o tagata aoga mai fafo mo se vaitaimi poo le sili atu i le lua (2)**

masina, i le tuufaatasiga i tausaga faakalena i soo se polokalame faaleaoga e tuuina atu e le faalapotopotoga e tuuina atu aoga faaaauau;

(e) o se faalapotopotoga e tuuina atu aoga faaaauau i Samoa e tuuina atu ai polokalame poo ni mataupu i Samoa e ala atu i faatulagaga o tuaoi feotai e pei o le galulue faatasi, soofaatasi, faapaaga poo faatulagaga ua faatagaina ma faalapotopotoga e tuuina atu aoga faaaauau i fao; poo

(f) o se faalapotopotoga e tuuina atu aoga faaaauau i se atunuu i fao o loo faamoemoe ina ia tuuina atu aoga faaaauau i Samoa.”

Debate

*Correction approved*

*Clause 20 approved as corrected.*

**CLAUSE 21: Accreditation of program**

*Approved*

**CLAUSE 22: Only registered providers to provide accredited programs**

*Approved*

**CLAUSE 23: Application for consent for use of protected terms**

**“CORRECTION:**

**Clause 23(1): In Samoan Print Only:**

**Hon Hans Joachim Keil moved the Corrections to the following:**

- i. Ina ia aveese upu “o le tofa manino” i le tuanai ai o upu “tikeri tau fomai” ma aveese le upu “mamao” ma suia i le upu “manino”
- ii. Ia aveese upu “a le tagata faapitoa” i le tuanai ai o upu “gagana masani” ma faitauina ai le faafuaiupu (1) e faapea:

“(1) I le noatia ma le fai fuafua i le faafuaiupu (2) e tatau i le faalapotopotoga faamauiina e tuuina atu aoga faaaauau ona talosaga i le Pulega mo lana maliega ia faaogaina ai fuaitau “tikeri” o faatufagaga”, fomai o le tofa manino”, “matua o faiva o

faatufagaga”, Iunivesite”, “Samoa”, tau Samoa” e aofia ai faaliliuga o nei fuaitau i totonu o le gagana masani, pe afai ua faamoemoe le faalapotopotoga e tuuina atu aoaoga faaaauau.”

*Corrections approved*

*Clause 23 approved as corrected.*

**CLAUSE 24: Authority to conduct quality audit.**

**“CORRECTION:**

**Clause 24(2): In Samoan Print Only:**

**Hon Hans Joachim Keil moved the Corrections to the following:**

“Ia aveese le upu “faatupulaia” o loo aliae mai ina ua tuanai le upu “e le” ma suia i upu “faaee atu” ma aveese le upu “Silafia” ma suia i upu “faaee atu” ma aveese le upu “silafia” ma suia i le upu “totogi” ma faitauina ai le faafuaiupu (2) e faapea:

“(2) So o se tau ua faaee atu e le Pulega mo le tauaveina o se suesuega o tulaga aupito manaomia i lalo o le faafuaiupu (1) e tatau ona totogi e le Faalapotopotoga e tuuina atu aoaoga faaaauau ma e tatau ona avea ma aitalafu e totogi atu i le Pulega pe afai ua le mafai e le Faalapotopotoga e tuuina atu aoaoga faaaauau ona totogiina i totonu o le lua (2) masina i le maea ai o le suesuega.”

*Correction approved.*

*Clause 24 approved with corrections.*

**CLAUSE 25: Compliance notice**

*Approved*

**CLAUSE 26: Revenues and fees of the Authority**

*Approved*

**CLAUSE 27: Financial Year**

*Approved*

**CLAUSE 28: Accounts, audit and Annual Report**

*Approved*

**CLAUSE 29: Exemption from Taxation**

*Approved*

**CLAUSE 30: Authority to obtain information**

*Approved*

**CLAUSE 31: Power to approve forms**

*Approved*

**CLAUSE 32: Research**

*Approved*

**CLAUSE 33: Evidence**

*Approved*

**CLAUSE 34: Application for Government funds by providers**

*Approved*

**CLAUSE 35: Appeal**

*Approved*

**CLAUSE 36: Protection from liability**

*Approved*

**CLAUSE 37: Regulations**

**“CORRECTION:**

*Clause 37(2)(j): In Samoan Print Only:*

**Hon Hans Joachim Keil moved:**

**“Ia aveese upu “suega faasuetusi” ma suia i upu “le sueina o tulaga aupito manaomia” ma faitauina ai le parakalafa (j) e faapea:**

“(j) Faatonuina o le faiga manaomia mo le faatinoina o le sueina o tulaga aupito manaomia.”;

*Corrections approved*

*Clause 37 approved as amended.*

**CLAUSE 38: Repeal**

*Approved*

**CLAUSE 39: Savings and Transitionals**

**CLAUSE 1 & TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Samoa Qualification Authority Bill 2009**

**“AMENDMENT:**

**Hon Tuiloma moved the Amendment to Clause 1 and Title as follows:**

*“To omit the number “2009” and thereby substitute with number “2010” thus the bill reads as:*

*Amendment approved.*

*Clause 1 and Title approved as part of the Act.*

*The Samoa Qualification Authority Bill 2010 now progressed with Amendments and Corrections.*

**Proceedings now adjourned until Wednesday 17 March 2010.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**



WEDNESDAY, 17 MARCH 2010

**1. MEMBERS PRESENT:**

**MR SPEAKER**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua**

**CABINET**

**Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, 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, Tofa Taua Tavaga Kitiona Seuala, Afioga Hon Misa Telefoni.**

**MEMBERS**

**Tofa Hon Tuiloma Lameko, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Afioga Vaeolenofaafia Tapasu, 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, Afioga Aiono Tile Gafa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Laufofo, Tofa Hon Tuiloma Lameko, Tofa Leao Talalelei Tuitama, Hon Keil Hans Joachim, Afioga Patauave Etuale, Afioga Hon Vaai Papu Vailupe, Afioga Lealailepule Rimoni Aiafi, Susuga Mulipola Oliva, Afioga Muagututia Siaso S. Meredith, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Le Mamea Ropati, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Susuga Laauli Leuatea Polataivao, Tofa Tiata Sili Pulufana Saunoo, Tofa Toluono Feti.**

**2. MEMBERS ABSENT:**

**Tofa Toluono Feti, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Afioga Fuimaono Naoia Tei, Afioga Hon Fiamé Naomi Mataafa, Tofa Hon Tuuu Anasii Leota, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Tofa Solamalemalo Keneti Sio.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF SELECT COMMITTEE REPORTS**

The Clerk read out the Select Committee Reports tabled pursuant to Standing Orders 51(5):

- i. P.P.2009/2010 No.127, Committee Report of the Primary Production, Commerce, Industry and Labour Committee on P.P.2008/2009 No.58, Ministry of Agriculture and Fisheries Annual Report for Financial Year July 2006-June 2007.

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

**Government Order of the Day No.1 called.**

**1. Broadcasting Bill 2010 – third reading**

Hon Safuneituuga Paaga Neri moved, *“That the Broadcasting Bill 2010 be now read a third time”* Seconded by Hon Toleafoa Apulu Faafisi.

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. Development Bank of Samoa Bill 2010 – third reading**

Hon Niko Lee Hang moved, *“That the Development Bank of Samoa Bill 2010 be now read a third time.”* Seconded by 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. Yazaki Samoa Enterprises Bill 2010 – third reading**

Hon Tuilaepa moved, *“That the Yazaki Samoa Enterprises Bill 2010 be now read a third time.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Safuneituuga Paaga Neri.

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

**Government Order of the Day No.4 called**

**4. National Provident Fund Amendment Bill 2010 – third reading**

Hon Niko Lee Hang moved, *“That the National Provident Fund Amendment Bill 2010 be now read a third time.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Safuneituuga Paaga Neri.

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

**Government Order of the Day No.5 called**

**5. Samoa Qualification Authority Bill 2010 – third reading**

Hon Toomata Alapati Toomata moved, *“That the Samoa Qualification Authority Bill 2010 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.6 called**

**6. Casino and Gambling Control Bill 2010 – second reading**

Hon Tuilaepa moved, *“That the Casino and Gambling Control Bill 2010 be now read a second time and I would like to briefly clarify it.”* Seconded by Hon Toleafoa Apulu Faafisi / Hon Safuneituuga Paaga Neri.

**The Minister clarified the bill.**

**Debate.**

Mulipola Oliva moved, *“That five minutes be extended for the member of Faleata West.”* Seconded by Levaopolo Talatonu.

**Motion not granted.**

**Debate resumed.**

**Proceedings now suspended at 10.22am until 11.14am.**

**Debate continued.**

**Speaker instructed the removal of the following words spoken by the Leavapolo Talatonu: “O le kagaka e tao i kamaivae ae ka.”**

**Motion approved and the Bill was read a second time.**

**7. ANNOUNCEMENT BY MR SPEAKER**

Speaker announced that this will be the last meeting for two members of the Tautua Party namely Lealaillepule Rimoni Aiafi and Hon Palusalua Faapo II who will go on bi-elections in compliance with our Constitution and the Electoral Act. Speaker gave the opportunity to these two members to state their farewell speeches.

**MOTION FOR ADJOURNMENT**

**Hon Tuilaepa moved, “*That Proceedings do now adjourned until 28<sup>th</sup> May 2010.*” Seconded by Hon Faumuina Tiatia Liuga.**

**Motion approved.**

**Proceedings now adjourned at 11.12am until 9.00am on Friday, 28 May 2010 pursuant to Parliamentary Sitting Schedule 2010.**

**Hon Tolofuaivalelei Falemoe Leiataua  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**