

FRIDAY, 28 MAY 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 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, 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 Vaeolenofaia 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 Tapuai Sepulona Moananu, Tofa Moefaaau Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Hon Keil Hans Joachim, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Fiame Naomi Mataafa, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi.

3. The Legislative Assembly met at 9.00am.

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

5. **SWEARING IN OF MEMBERS**

Mr Speaker did not announce the Warrant of Elections of the new members.

“WARRANT OF ELECTIONS:

1. IN PURSUANT to Section 54 of the Electoral Act 1963, I TUI ATUA TUPUA TAMASESE EFI, Head of State, do hereby declare and issue this Warrant of Appointment to the person named herein to serve as a member of Parliament of the Independence State of Samoa:

VAAI Papu Vailupe,

GIVEN under my Hand at Apia this 30th day of April in the Year 2010.

(Signed): Tui Atua Tupua Tamasese Efi
HEAD OF STATE

2. IN PURSUANT to Section 80 of the Electoral Act 1963 and Article 24(b) of the Constitution I TUI ATUA TUPUA TAMASESE EFI, Head of State, do hereby declare and issue this Warrant of Election to the persons named hereunder to serve as members of Parliament in the 14th Parliament of the Independence State of Samoa:

- 1. ALE Vena Ale**
- 2. PALUSALUE Faapo II**

GIVEN under my Hand at Apia this 30th day of April in the Year 2010.

(Signed): Tui Atua Tupua Tamasese Efi
HEAD OF STATE

Speaker presented the new members the Parliamentary Code of Ethics and conducted the swearing in for the above new members.

NEW MEMBERS SWEARING IN FOR THE CODE OF PARLIAMENTARY ETHICS

I.....swear by Almighty God that I will be faithful and bear true allegiance to the Independent State of Samoa, and that I will justly and faithfully carry out my duties as a Member of Parliament of Samoa, So help me God.

The members took their Oaths while the Members of Parliament remained upstanding.

6. MESSAGE FROM THE HEAD OF STATE

Mr Speaker read out the Message from the Head of State given the Legislative Assembly to proceed upon consideration of the following Bills:

1. National University of Samoa Amendment Bill 2010
2. Parliamentary Pension Scheme Amendment Bill 2010
3. Land and Titles Amendment Bill 2010
4. Maintenance and Affiliation Amendment Bill 2010
5. Bankruptcy Amendment Bill 2010
6. Divorce and Matrimonial Causes Amendment Bill 2010
7. Stamp Duty Amendment Bill 2010
8. Electricity Bill 2010
9. Film Control Amendment Bill 2010
10. Supplementary Appropriation Bill (No.2) 2009/2010
11. Appropriation Bill 2010/2011

7. PRESENTATION OF PAPERS

1. Mr Speaker tabled before the Legislative Assembly the P.P.2010/2011 No.7, Report of the Controller and Chief Auditor to the Legislative Assembly-IT Systems Inventory and the P.P.2010/2011 No.14, Report of the Controller and Chief Auditor to the Legislative Assembly for the Period of 1 July 2008-30 June 2009 (Order by Speaker on 17/10/2000)

2. The Speaker read out the Order of Papers presented pursuant to S.O.48:

- i. SR/2010/2011, Electoral Amendment Act 2009 Section 5, Notice of Commencement.
- ii. SR2010/12, Immigration Act 2004, Public Notice under Section 14(1)(2).
- iii. SR2010/13, Prohibition Order on the Importation of Eggs without Sell by date (or best before date or expiration date)

- iv. **SR2010/14, Order of Prohibited Exporters (Sea Cucumbers) 2010-Section 73, Customs Act 1977.**
- v. **SR2010/15, Notice of Charge on Base Tariff for the of Electricity (No.4) 2010.**
- vi. **SR2010/16, Notice of Charge on Base Tariff for the Supply of Electricity (No.5) 2010.**
- vii. **SR2010/17, Land Titles Registration Regulations 2010.**
- viii. **SR2010/18, Road Traffic (Payment of Fines) Regulations 2010.**
- ix. **SR2010/19, Road Traffic (Payment of Fines) Regulations 2010**
- x. **SR2010/20, Public Service Amendment Regulations 2010**
- xi. **SR2010/21, Customs (Tourism and Manufacturing Development) Regulations 2010**
- xii. **P.P.2010/2011 No.3, Parliamentary Pension Scheme Financial Statements for the Year Ended 30 June 2009.**
- xiii. **P.P.2010/2011 No.4, Electric Power Corporation Annual Report 2008-2009.**
- xiv. **P.P.2010/2011 No.5, Samoa Qualification Authority Annual Report July 2006-June 2007.**
- xv. **P.P.2010/2011 No.6, Samoa Qualification Authority Annual Report July 2007-June 2008.**
- xvi. **P.P.2010/2011 No.7, Report of the Controller and Chief Auditor to the Legislative Assembly –IT Systems Inventory 31 March 2010**
- xvii. **P.P.2010/2011 No.14, Report of the Controller and Chief Auditor to the Legislative Assembly for the Period of 1 July 2008 - 30 June 2009.**

8. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports presented pursuant to S.O.51(5):

- i. **P.P.2010/2011 No.8, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.18, Annual Report of the Samoa International Finance Authority for the Year 2006.**
- ii. **P.P.2010/2011 No.9, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.34, Annual Report of the Accident Compensation Corporation for the Year 2008 & P.P.2009/2010 No.112, Annual Report of the Accident Compensation Corporation for the Year 2009.**
- iii. **P.P.2010/2011 No.10, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P.2009/2010 No.63, SNPF- Parliamentary Pension Scheme Audited Financial Accounts June 2008.**
- iv. **P.P.2010/2011 No.11, Report of the Government Administration Committee on P.P.2009/2010 No.65, Annual Report of the Samoa Tourism Authority for July 2007-June 2008.**

- v. P.P.2010/2011 No.12, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.36, Samoa Senior Citizens Benefit Fund Report of Operations and Statement of Accounts 2007/2008.
- vi. P.P.2010/2011 No.13, Report of the Education, Science, Communication and Information Technology Committee on P.P.2009/2010 No.17, Annual Report of the Samoa Tel Limited for the Financial Year Ended 30 June 2007.

9. BUSINESS, STANDING ORDERS, ELECTORAL AND OFFICERS OF PALRIAMENT COMMITTEE MOTION

Laauli Leuatea Polataivao moved, *“That lapsed business from 2009/2010 Session as listed in the Supplementary Order Paper 2010/2011 No.1 be carried forward.”* Seconded by Lafaitale Patrick Leiaataulesa.

Motion approved.

Laauli Leuatea Poataivao moved:

- i. *“That the Legislative approves the re-election of Afioga Hon Palusalue Faapo II and Afioga Vaai Papu Vailupe to the Parliamentary Standing Select Committees in which they were members before they vacated their seats for the bi-election.*
- ii. *That the Assembly approves the election of Tofa Ale Vena Ale to the following Parliamentary Standing Committees:*
 - 1. *Primary Production, Commerce, Industry and Labour Committee;*
 - 2. *Foreign Affairs, Trade and Revenue Committee;*
 - 3. *Regulations Review Committee.”*

Motion approved.

10. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. National University of Samoa Amendment Bill 2010 – first reading
 Hon Toomata Alapati Toomata moved, *“That the National National University of Samoa Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Tuisugaletaua Sofara Aveau.

Motion approved and the bill was read a first time.

Government Order of the Day No.2 called.

2. Parliamentary Pensions Scheme Amendment Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Parliamentary Pensions Scheme Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Tuisugaletau Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

Motion approved and the bill was read a first time.

Government Order of the Day No.3 called.

3. Land and Titles Amendment Bill 2010 – first reading

Hon Unasa Mesi Galo moved, *“That the Land and Titles Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Taua Tavaga Kitiona Seuala. / Hon Gatoloaifaana Amataga Gidlow.

Motion approved and the bill was read a first time.

Government Order of the Day No.4 called.

4. Maintenance and Affiliation Amendment Bill 2010 – first reading

Hon Unasa Mesi Galo moved, *“That the Maintenance and Affiliation Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Gatoloaifaana Amataga Gidlow.

Motion approved and the bill was read a first time.

Government Order of the Day No.5 called.

5. Bankruptcy Amendment Bill 2010 – first reading

Hon Unasa Mesi Galo moved, *“That the Bankruptcy Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Gatoloaifaana Amataga Gidlow.

Motion approved and the bill was read a first time.

Government Order of the Day No.6 called.

6. Divorce and Matrimonial Causes Amendment Bill 2010 – first reading

Hon Unasa Mesi Galo moved, *“That the Divorce and Matrimonial Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Taua Tavaga Kitiona Seuala. / Hon Gatoloaifaana Amataga Gidlow.

Motion approved and the bill was read a first time.

Government Order of the Day No.7 called.

7. Stamp Duty Amendment Bill 2010 – first reading

Hon Niko Lee Hang moved, *“That the Stamp Duty Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Taua Toomata Alapati Poese Toomata.

Motion approved and the bill was read a first time.

Government Order of the Day No.8 called.

8. Electricity Bill 2010 – first reading

Hon Niko Lee Hang moved, *“That the Electricity Bill 2010 be now read a first reading.”* Seconded by Hon Toomata Alapati Poese Toomata.

Motion approved and the bill was read a first time.

Government Order of the Day No.9 called.

9. Land and Titles Amendment Bill 2010 – first reading

Hon Unasa Mesi Galo moved, *“That the Film Control Amendment Bill 2010 be now read a first reading.”* Seconded by Hon Taua Tavaga Kitiona Seuala. / Hon Gatoloaifaana Amataga Gidlow.

Motion approved and the bill was read a first time.

Government Order of the Day No.10 called.

10. Supplementary Appropriation Bill (No.2) 2010 – first reading

Hon Niko Lee Hang moved, *“That the Supplementary Appropriation Bill (No.2) 2010 be now read a first reading.”* Seconded by Hon Taua Tavaga Kitiona Seuala. / Hon Gatoloaifaana Amataga Gidlow.

Motion approved and the bill was read a first time.

Government Order of the Day No.11 called.

11. Supplementary Appropriation Bill (No.2) 2009/2010 – tabling

The Minister of Finance, Hon Niko Lee Hang tabled before Parliament the Supplementary Estimates (No.2) 2009/2010 pursuant to S.O.131.

Government Order of the Day No.12 called.

12. Supplementary Appropriation Bill (No.2) 2010 – second reading

Hon Niko Lee Hang moved, *“That the Supplementary Appropriation Bill (No.2) 2009/2010 be now read a second reading.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Poese Toomata.

Pursuant to Standing Order 132, the debate on the Supplementary Appropriation (No.2) 2009/2010 is adjourned to not more than 14

days following the deliberations of the Revenue and Expenditure Committee on the Supplementary Appropriation (No.2) 2009/2010 where they will report back to the Legislative Assembly.

Government Order of the Day No.13 called.

13. Appropriation Bill 2010/2011 – first reading

Hon Niko Lee Hang moved, *“That the Appropriation Bill 2010/2011 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Poese Toomata.

Motion approved and the bill was read a first time.

Government Order of the Day No.14 called.

14. Main Estimates 2010/2011 – Tabling

The Minister for Finance, Hon Niko Lee Hang laid before Parliament the Main Estimates 2010/2011 pursuant to S.O.131(1).

Government Order of the Day No.15 called.

15. Appropriation Bill 2010/2011 – second reading

Hon Niko Lee Hang moved, *“That the Appropriation Bill 2010/2011 be now read a second time.”* Seconded by Hon Toomata Alapati Poese Toomata / Hon Tuisugaletaua Sofara Aveau.

Government Order of the Day No.16 called.

16. 2010/2011 Budget Address

The Minister of Finance presented the statement on the Estimates for the Year 2010/2011 fiscal year.

Pursuant to Standing Order 132, the debate on the Appropriation Bill 2010/2011 is adjourned to not more than 14 days following the deliberations of the Revenue and Expenditure Committee on the Appropriation Bill 2010/2011 where they will report back to the Legislative Assembly.

I. BUDGET SETTING

Mr Speaker, as required under Standing Orders 124, I wish to present on behalf of Government, the statement on the Estimates for the 2010/2011 fiscal year.

Fiscal Year 2009/2010 is an unforgettable period when Samoa was hit by a tsunami with the worst human losses and substantial physical damage. The death toll was 143 and almost 5,300 people lost their homes. Beyond the human cost, the physical damage in terms of infrastructure rehabilitation, resettlement and maintaining access to social services could well exceed 15% of GDP. The disaster also

undercut the economy's resilience and prospects for a quick recovery from the global recession, in particular through the devastation on Samoa's growing tourism sector. Fiscal year 2009/2010 also saw the need for an expansionary budget with a deficit equivalent to 11% of GDP in view of the need to stimulate economic activity following the global financial crisis. The global economic downturn had adversely affected the economic growth as demonstrated by the consecutive negative growth in 2008 of -3.2% and -1.8% in 2009 following strong growth over the 10-year period prior to 2008.

The tsunami has imposed another layer of cost in terms of reconstruction and rehabilitation as the Samoan economy is recovering from the crisis. The demand for reconstruction and provision of services present enormous costs. However, Samoa has been extremely fortunate that the response from the development partners towards financing the recovery plan has been extremely positive. This has the dual advantage of minimizing the stress on domestic financial resources as well as building foreign reserves to meet increased imports for reconstruction and recovery programs.

Over the medium term, growth is expected to rebound as a result of the reconstruction works and the substantial investment both in infrastructure and marketing to revamp tourism development. GDP is expected to get back to positive growth beginning in 2010/2011 and beyond.

Whilst the outlook appears positive, we are reminded of the global economic environment and their impact on Samoa where things turn for the worse. Therefore we need to remain vigilant in putting in place appropriate measures to ensure the economy can be insulated from economic downturns and continue to maintain macroeconomic stability.

This is the scenario which the 2010/2011 budget is formed. The domestic economic environment remains vulnerable. The 2010/2011 budget parameters will remain expansionary as we strive to trigger economic growth as well as the implementing the tsunami reconstruction plan.

II. ACHIEVEMENTS IN THE PAST FIVE YEARS

Mr Speaker and Honorable Members, I will now provide a brief account of the developments that your government achieved during this Parliamentary term, which forms the basis for sustainability economic and social progress for Samoa.

1. Macroeconomic Performance

On the macroeconomic front, the economy performed well achieving an annual growth rate of over 4% in the 10-year period prior to 2008. That positive growth was reversed in 2008 when the financial

crisis hit affecting every country. This was an event that was entirely out of Samoa's control. In response to the crisis, the government put in place a stimulus package intended to trigger economic activity. The 2009 tsunami imposed huge social and economic costs. It also undercut the prospects for a quick recovery.

Notwithstanding these shocks, the Government has been able to maintain economic stability and growth is expected to rebound next year. This demonstrates that the government has been able to maintain macroeconomic stability over the past five years. And even in times of great difficulty, it has been able to rebound as well as providing the critical service for the benefit of the community.

ii. The Social Sectors, Education and Health remain priority areas for government. I am pleased to announce major achievements made in the Education Sector in the last five years.

1. The Samoa Qualifications Authority (SQA) has been established, to provide policy advice, coordination and quality assurance for post-secondary education and training activities in Samoa.
2. The National University of Samoa (NUS) and the Samoa Polytechnic were merged in 2006, as a means for an effective and efficient sharing of resources. The Australian Pacific Technical Center (APTC) started operations in 2007, and has provided more opportunities for students to gain Australian certification for their trades of study.
3. More than twenty Primary School buildings have been built with assistance from JICA, EU and China. After last year's tsunami, priority has been given to schools in the areas that were affected, with work on Falealili Secondary School due for completion early next year.
4. I am pleased to announce that Samoa's first Mobile Computer Laboratory was launched last year, giving our students access to the growing technologies of our time. The lab is equipped with 6 laptops, a laser printer, a TV set with wise screen and the appropriate furniture and fittings.

iii. Health

Investment in the Health Sector has continued, reflecting Government's commitment to further improve health service. These include the following:

1. Legislation to separate the Ministry of Health and the National Health Services came into effect in 2006. This effectively split the former Ministry of Health into two separate bodies. The Ministry of Health under its Act took on a regulatory monitoring, national policy

and planning role, while the National Health Service took on the responsibilities for all publicly funded hospital based care.

2. Other legislation that came into effect during this period includes the Tobacco Control Act, the Mental Health Act, Nursing and Midwifery Act, Health Care Professions Registrations and Standards Act, Pharmacy Act, Dental Practitioners Act and Medical Practitioners Act.
3. Health facilities and equipment at the National Hospital at Motootua have been upgraded with World Bank assistance and a CT scan now installed with assistance from the Government of the People's Republic of China. The Tuasivi Hospitals in Savaii has been renovated with the assistance from JICA. The 3 District Hospitals at Poutasi, Lalomanu and Safotu were refurbished with World Bank assistance. Birthing units for Lufilufi and Fusi district hospitals have been upgraded, and the construction of the Nurse's home at Foalalo was completed in 2007 with assistance from EU.
4. Health promotion and prevention have been strengthened through ongoing programs under a Sector Wide Approach (SWAP). Other activities that both engaged and health sector and the public are Vegetable Garden Programme and Physical Activity funded by SWAP, which involved community based organisations such as women's committees, youth groups and the community as a whole.

iv. Agriculture

Substantial investment have gone into agricultural developments in the past 5 year

1. The "Talomua" project has been ongoing, providing a timely encouragement for our people to realise the importance of Food Security, putting emphasis on our traditional crops. A stimulus approach in that regard is now underway, through the re-planting of Coconut, Cocoa and Coffee, to improve food security. The Head Treatment Forced Air Facility has been in operation with the objective to increase agricultural exports.
2. The Ministry of Agriculture and Fisheries continued to focus on several areas to improve the fisheries industry. The extension of the community-based fisheries management program has been an ongoing activity as well as the updating and implementing of the Tuna Management and Development Plan 2005-2009. The Ministry continued to deliver public sector, support services for fisheries development. The implementation of tariff reductions on business inputs to support fisheries development was effective on the 1st July 2008. The development of export markets in the European Union and New Zealand have been successful.

v. Infrastructure

The provision of economic infrastructure was catered to improve transport, water and sanitation services, electricity and telecommunications.

1. Road Transport

- Samoa made headlines around the world early September last year, when the Road Switch was implemented. Despite all the criticisms, our country is now beginning to reap the benefits of this initiative.
- The Land Transport Authority (LTA) was established to ensure coordinated planning and regulations of land transport is adhered to. The rehabilitation work for the West Coast Road between Apia and Faleolo Airport and the widening of roads and bridges and footpaths, and continuing. The Vaitele Street Widening Project is at its final stages, providing a remedial solution in easing traffic congestion during peak hours.
- After the tsunami, there was a need to relocate the affected villages inland. The Government was obligated to address these needs especially for the safety of the villages, and the roads to these areas have been approved for constructions.
- To further protect these assets and the coastal environment, seawalls have been constructed along a number of villages.

2. Water & Sanitation

- Strengthening the sector governance as detailed in Water for Life: Sector Plan and Framework for Action has started is an ongoing activity. The Ministry of Health is the leading agency in the Water Sector Support Program (WASP) and focuses on “Sanitation and waste water improvement.” Other developments include:
- Sanitary risk assessments for water catchments have been conducted to assist in identification of risks to help protect drinking water sources
- The improvement of sanitation, drainage and wastewater disposal has been started and is anticipated to complete this year for those connected to Samoa Water Authority sewage systems.
- The National Sanitation Program has been implemented, which includes 119 primary schools and three district hospitals.
- Thirteen new bathroom facilities have been constructed for 13 primary schools in the pilot district of Aleipata. The Sanitation Program includes 3 components – new bathroom building with pan ratios that meets standards, water tanks to ensure there is always water to serve to service bathrooms facilities and septic tanks that meet building code standards.

3. Electricity Supply

- **Development on electricity generation and distribution, include the following:**
- **Providing electricity for Apolima-Tai has been completed, with residents getting electricity on a 24 hour basis from Solar Power.**
- **Power has been restored to the areas affected by the tsunami, and electrification of new settlements has started.**
- **New Bill now with Parliament, to open up electricity generation, and to set up a power and water Regulator.**

4. Telecommunication

- **Some of the developments in information, communication and technology services include the following:**
- **The Telecommunications Regulator's Office was established in 2006, under the Telecommunication Act, with the role of regulating the telecommunication sector to foster competition and at the same time protecting the community from unfair trading.**
- **A second mobile operator, Digicel, entered our local market in 2006. It provided a healthy competition which expanded service delivery to the customers.**
- **The structural separation of Samoa Tel and Samoa Post was completed in December 2008. The privatization of Samoa Tel is underway, and is due to be completed before the end of this year.**
- **International capacity has been improved with the completion of the American Samoa-Hawaii (ASH) submarine fibre cable networks.**

5. Ports

- **Major developments in ports and sea travel, are as follows:**
- **Aleipata wharf was completed in December 2008. Although it suffered substantial damages from the tsunami, rehabilitation works were carried out and the wharf's again operational.**
- **Inter-island services received a boost, when the Samoa Shipping Corporation received the newest addition to their fleet, Lady Samoa III, earlier in the year. The project was funded by the Government of Japan, and is now servicing the Mulifanua –Salelologa route.**

6. Civil Aviation

- **The key developments undertaken in civil aviation were as follows:**
- **A new office for the Meteorological Division has been established at the Faleolo Airport**
- **Fagalii Airport was re-opened last year, to facilitate flights to American Samoa. It was important to re-open the airport, as it is**

more convenient for the travelling public, but also to boost visitor arrival numbers.

- The Fire & Emergency Services Authority was established in 2007, and has enhanced security aspects of the airports, through the acquisition of new fire tenders from Japan, Australia and Germany.

vi. Tourism Development

1. Tourism remains the major foreign exchange earner in the past five years, with contributions of \$204 million in 2005, \$236million in 2006, \$236million in 2007, \$288million in 2008 and \$304million in 2009. Holiday tourists increased from 33,129 in 2005 to 48,782 in 2009 at an average annual increase rate of 11.6% per annum.
2. Investment in the hotel industry has been encouraged through the implementation of the Tourism and hotel Development Incentive Act 2003 and Customs Amendment Act 2007. The relevant Government Ministries, have been closely involved in administering the Duty Concession Scheme, which have benefited a lot of tourism operation.
3. Since 2005, nine new hotels have been set up. These include Tanoa Tusitala, Le Alaimoana, Le Manumea Hotel, Le Vasa Resort, Siufaga Resort, Jetover Motel, Le Lagoto Resort, Siufaga Beach Resort, Seabreeze Resort, and the Green Ridge Motel. Two other major hotels are in the pipeline for development in the near future.
4. Accomodation standards have been developed and approved for the industry, and was implemented earlier this year. The objective of having accomodation standards is to ensure the Samoa Tourism Accomodation sector adheres to truth in advertising and enable with specific reference to the tourist's expectation of Samoa's product and service.
5. Curriculum requirements for tourism courses have been established with close coordination between the Samoa Qualification Authority, NUS, APTC and the Tourism Industry to ensure that sector needs and requirements are addressed.

vii. Business Development

Leveling the playing field to provide the enabling environment for doing business has been improved immensely through the implementation of legal and regulatory reforms. The new Companies Amendment Act 2006 and accompanying regulations have been completed.

I. FINANCIAL SECTOR DEVELOPMENT

- The Private Sector Support Facility (PSSF) was established in 2008, to promote small and medium enterprises development. The scheme was used to channel much needed funding to assist with the rebuilding of operations that were damaged by the tsunami.

- Many small businesses have utilized the services provided by the Small Business Enterprises Center (SBEC). The growing number of businesses accessing finance under the SBEC program has fully utilized SBEC's resources in administering the scheme.

II. TRADE

- Tariffs on specific business inputs of various industries were eliminated on the 1st July 2008 pursuant to the Customs Tariff Amendment Act 2008.
- The application of preferential duty rates to PICTA members from 2008 has commenced, with the first reduction started on the 1 January 2008.

viii. Sports Development

1. The Samoa Sports Facility Authority was established to maintain and operate all sporting facilities built by Government for the promotion of sports and recreational activities, locally and internationally.
2. Samoa successfully hosted the 2007 SPG. We now have world class sports facilities, and we have managed to host quite a number of world events. These include the World Championship in Weight Lifting, East Pacific Cricket tournament, the Oceania Boxing Championships, the Oceania Body Building tournament and the Oceania Judo World Cup that was held last year.
3. The International Judo Executive Committee announced last year that an Oceania Olympic Judo Training Centre will be build in Samoa. This is good news, as it will enhance the development of judo in our country.

Mr Speaker and Honourable members, I have spent a great deal of time highlighting the achievements in the last five years. The progress demonstrates that Samoa has improved on many fronts. The government believes this was made possible through working together of all the different sectors in our community, including church leaders, community leaders, privates sector and civil society, and government.

However, we should not feel contented as a result of these achievements. The impact of the recent economic recession on our country is clearly being felt now. We have also witnessed how vulnerable we are to natural hazards. It is essential that we continue to pursue a response mechanical that would protect the provision of basis social services, and at the same time adopt responsible fiscal policies that will generate growth in the medium to longer term.

III. BUDGET STRATEGY

Mr Speaker and honourable members, the 2010/2011 budget remains expansionary. This is inevitable in view of the need for continued fiscal stimulus following the global financial crisis as well as the infrastructure reconstruction that is the key to resuscitating growth. The higher expenditure will result in a widening of the fiscal deficit to around 9% of GDP in 2010/11. The Government is under no illusion and the current level of deficit is unsustainable. The Government is therefore committed to reduce the fiscal deficit to around 3% of GDP once the tsunami reconstruction is completed by 2013.

The tsunami did set back our hopes for a swift recovery from the global recession. In particular the tourism sector was hit hard, with a quarter of hotel capacity destroyed in some of the most popular destinations.

As a result, the economy experienced a contraction by 1.8% in 2009. This follows a contraction of 3% in real GDP in 2008 as the global recession severely hit the manufacture sector.

To limit the adverse impact on the fiscal position and debt sustainability the tsunami related financing gap is expected to be financed by external grants and highly concessional borrowing.

Over the medium term GDP is expected to rebound in 2010/11 to achieve 3% as economic activity returns to normal with reconstruction spending providing a further boost. Inflation is expected to continue its downward trend and is expected to stay at the target rate of 3-4%pa in tsunami and strong competition from neighboring countries but is expected to rebound towards the end of 2010/11 as the results of aggressive marketing takes hold. Private remittances are expected to rise in 2010/11 as the economies of the source markets like New Zealand and Australia strengthen.

IV. BUDGET MEASURES

Mr Speaker and Honorable members, I would now like to summarise the main aggregates of the 2010/11 budget as follows:

<u>Revenue</u>	\$596,247,276
Ordinary Revenues	\$472,400,569
External Grants	\$123,846,708
<u>Expenditures</u>	\$746,901,013

Statutory Expenditures	\$71,050,530
Expenditure Programs	\$437,884,666
Development Expenditure	\$224,829,277
Unforeseen Expenditure	\$13,136,540
<u>Overall Budget Deficit</u>	(\$150,653,737)
Finance by:	
Short Term Financing	\$149,081,267
<u>Cash Surplus/Deficit after Borrowing</u>	(\$1,572,469)

The projected overall budget deficit for the 2010/11 fiscal year is estimated at \$150.6million which is equivalent to 9.3% of GDP when expressed in Government Finance Statistics format. The deficit is financed by highly concessional borrowings and grant funding from the development partners. Whilst seemingly large, the budget deficit is considered sustainable given the economy is still recovering from the aftershock of the global financial crisis and the recent tsunami.

However in the medium term and a large part of expenditure is investment focused we expect a gradual improvement in the overall fiscal deficit as a percentage of GDP.

V. REVENUE MEASURES

As expected, the tsunami has undercut Samoa's economic prospects for a quick recovery from the global recession. The ability of Government to raise revenues through tax increases is limited given the economy is expected to continue contracting over the medium term and the need to provide stimulus to boost economic activity.

In this respect, for the financial year 2010/2011 I have the pleasure of announcing that Government is not proposing any new revenue measures through increased taxes having carefully considered the implication such a policy stance may have on the business community and the general public.

However, the optimal policy option for bridging the revenue gap is to secure budget support from highly concessional loans and grants to finance capital infrastructure developments.

The total ordinary revenues projected for 2010/2011 is \$472.4m representing an 18.4% increase compared to the financial year 2009/2010.

I. EXPENDITURE POLICIES

The proposed total expenditure program for the 2010/2011 budget amounts to \$746.9 million, which represents an increase of 0.8% over

the 2009/2010 financial year without the one off tsunami recovery allocation of \$70.0m. Despite the changing economic circumstances as a result of the economic crisis and the tsunami devastations, Government continues to support the key priority sectors identified in the 2008 – 2012 Strategy for the Development of Samoa.

Mr Speaker, I would now like to highlight the key priority initiatives the Government will implement in 2010/2011.

NEW POLICY INITIATIVES

I. SALARY ADJUSTMENT AND COST OF LIVING ADJUSTMENT.

The last time a salary increase was implemented was in 2006. Within the last three years, the economy was subjected to the commodity price crisis and the global financial crisis. These external shocks clearly imposed financial hardship on the Samoan people as a result of increased prices. The tsunami added another layer of hardship not only in terms of loss of life but also loss of homes and reduced access to many services.

In that context the Government has decided it is appropriate to provide some form of relief in terms of salary and cost of living adjustments. The adjustments were designed to ensure minimum adverse impact on the private sector as well as ensuring those at the lower salary brackets benefit the most.

The proposed adjustments will see all the salary earners from the Principal Officer level down, receiving 9.7% increase in their salaries. The others covering the Assistant CEO level upward will receive a 2% cost of living adjustment. These new salary levels will take effect from 1 July 2010.

The salary adjustments have taken into account the anomalies that have existed for teachers and the police which were prepared internally by the Police and Education Departments. The adjustments address the anomalies that exist in the current structure in relation to the length of service, competence and qualification of each staff and relativity between positions.

The adjustment of anomalies in the Nurses structure is currently being reviewed and will be implemented once the review is completed. It was initially intended to implement Nurses' salary adjustments together with the teachers. Unfortunately there was insufficient time as there were a number of sensitive issues involved that required a much closer review before a final decision can be made. The adjustment of Nurses' salaries will be auctioned once the review is completed. Notwithstanding that, the Nurses' will still

benefit from the 9.7% increase as their salary levels fall below the Principal Officer level.

2. INCREASED PENSION

The Pension scheme will increase to \$130 a month which represents a 4% increase. This is a lot higher than the 2% for those in the higher salary bracket. This demonstrates that the Government is concerned with the welfare of the Senior Citizens.

3. TOURISM MARKETING

Tourism is the highest foreign exchange earner, yet it was severely damaged as a result of the tsunami. In order to provide the confidence to overseas tourists that Samoa is still safe, a substantial allocation of \$2.54m is earmarked to market Samoa in the Australian market. This demonstrates the priority government has placed on tourism development.

4.

CONTRIBUTION TO THE PRIVATE SECTOR

Contribution to the Private Sector and SBEC will increase substantially. SBEC will receive an allocation of \$0.04m to \$0.10m representing, an increase of 150% over the last budget allocation.

SECTOR EXPENDITURE PRIORITIES

(i) EDUCATION SECTOR

Government's investment in education continues to be a priority. The total budget for Education amounts to \$85.42m representing an increase of 25% compared to the FY2009/2010 allocation without the tsunami recovery costs. In support of government's ongoing commitment to education development, the following key provisions have been incorporated in the 2010/2011 budget:

- \$47.3m provided to the Ministry of Education, Sports and Culture for their daily operations.
- \$5.0m provided as grants to non-government schools.
- \$1.65m has been provided to support the Samoa Qualifications Authority
- \$11.42m grant for the National University of Samoa (NUS)
- \$2.40m is earmarked to meet the cost of stationery for all village schools

- \$1.41m allocated to meet the cost of in-service training and students attending th Faculty of Education at the NUS.
- \$5.60m is provided for the implementation of the second year of the School Fee Relief Scheme under the joint financial assistance of the Australian and New Zealand.
- \$0.14m to support the introduction of Christian Education in schools.
- \$3.0m is earmarked for the education sector's ongoing tsunami recovery program.

(ii) HEALTH SECTOR

The Health Sector is another priority sector. To reinforce this commitment the total health sector budget for 2010/2011 is \$64.89m, an increase of 10% compared to the FY2009/2010 allocation of \$59.0m without the tsunami recovery costs. The key provisions included in support of the health sector for 2010/2011 are provided as follows:

- \$5.3m is provided for the Ministry of Health operations.
- \$54.13 grant is provided to support the National Health Services, an increase of 10% compared to the FY2009/2010 allocation.
- \$4.52m is provided to support the National Kidney Foundation.
- \$0.02m has been allocated for the Diabetes Association Clinic.
- \$0.10m is provided as grant to support the Oceania University of Medicine.
- \$9.30m is allocated to cover the cost of the overseas medical treatment scheme, an increase of \$1.30m compared to FY2009/2010.

(iii) AGRICULTURE SECTOR

The total budget allocated to the Agriculture Sector is \$12.23m, representing an increase of 10% compared to the FY2009/2010 net tsunami costs allocation. With Government's efforts now focused on revitalizing this important sector, the following provisions have been included to kick start this initiative.

- \$0.15m provided to support the initial preparatory phase of the Stimulus Program for Cocoa, Coconut and Coffee intended to improve food security and generate income for rural communities.
- \$0.30m provided to support the Talomua program.

(iv) INFRASTRUCTURE

a) *Electricity.*

A total of \$9.76m is provided to support electricity related developments. Of this amount a total of \$3.17m is earmarked to meet

the cost of Community Service Obligations carried out by EPC. The balance of \$6.59m is provided to compensate EPC for the VAGST payments on fuel.

An additional \$5.0m is provided to support EPC with its tsunami recovery program for 2010/2011.

b) Water and Sanitation.

In support of Government's objective to ensure community access to ensure community access to good quality water, a total of \$8.91m has been allocated to SWA.

Of this amount, \$3.41m is provided to meet the Community Service Obligations performed by the Authority.

With the European Union's grants now being channeled through budget support targeting the Water and Sanitation Sector, an allocation of \$5.49m is made available to meet SWA's objectives under the Water Sector investment plan. In addition \$1.43m is provided for investments in independent water schemes channeled through MWCSD and \$2.0m for widening of the Mulivai channel as a flood control measure by LTA. There will also be smaller investments in water resource management and sanitation.

c) Roads & Bridges.

Government's investment in the improvement of roads and bridges will continue under the Land Transport Authority with the Ministry of Works, Transport and Infrastructure implementing its regulatory role.

The total grant to LTA for 2010/2011 amounts to \$40.95m. Of that total \$14.90m will go towards new capital infrastructure with \$13.06m provided for road routine maintenance for both Upolu and Savaii.

d) Airlines.

A provision of \$1.0m is allocated to the Polynesian Airlines as part of Government's capital injection to the Airline.

e) Telecommunications.

An allocation of \$4.16m is provided for the normal operations of the Ministry of Communications and Information Technology.

f) *Tourism Sector.*

As a key priority sector, government has opted in the new financial year to undertake the following measures as part of its ongoing support to the development of the Tourism Industry.

- A total of \$10.22m has been allocated to STA, representing an increase of 34% compared to the FY2009/2010. Of that amount, \$2.54m will go towards marketing Samoa in the Australian market.
- \$0.15m is provided for the Shanghai Trade Expo preparation.
- \$0.50m is provided as Government's contribution to continue the Air new Zealand flights.

(v) **BUSINESS DEVELOPMENT**

The following provisions are included in the budget as part of Governments ongoing support for small businesses:

- The annual grant of \$0.04m is provided to assist the Small Business Enterprise Centre (SBEC) with its operations.
- The increase in the allocation provided as Government's contribution to the Private Sector from \$0.04m to \$0.10m in the financial year 2010/2011 indicates its support for this sector.

(vi) *SPORTS DEVELOPMENT*

To further improve on the development of sports in Samoa, the Government has always been supportive of regional and international sporting events and activities. The following allocations are included:

- \$0.05m to support the hosting by Samoa of the Judo Championships for the second time later this year.
- \$0.15m for team Samoa to attend the Commonwealth Games in India.
- \$0.10m to support the Special Needs Schools Sports.
- \$0.35m provided to the Samoa Rugby Union for the development of rugby.

II. UNFORSEEN EXPENDITURES

A provision of \$13.14m has been provided to cover unforeseen expenditures that may arise during the course of the fiscal year.

III. SECOND SUPPLEMENTARY ESTIMATES 2009/2010

The Government is proposing to table the Second Supplementary Estimates 2009/2010 with the Main Estimates 2010/2011. This Supplementary budget includes a total of \$5.2m if additional expenditures. Majority of these expenditures are funded from additional revenues of \$5.7m with \$0.069m funded from reallocated resources within the current year. With the Second Supplementary Estimates incorporated, the overall movement in cash balances improves from an estimated \$0.22m cash surplus to \$1.34m.

IV.FORWARD ESTIMATES

Mr Speaker and Honorable Members, the Forward Estimates presented in last year's budget was developed based on the uncertainty of the global economy that was still looming, the depressed economic and social conditions then and of which is still being felt by our economy worsened when the recent tsunami hit parts of the country. These unforeseen events had an impact on the forward estimates to a great extent given a lot have changed in terms of policy setting to ensure government's recovery program is implemented without compromising efforts to maintain macroeconomic stability.

The Forward Estimates for the next three years show that the projected increases in debt and decline in the State's net worth are outside of the range considered prudent in the medium term. However, it is worth noting that Government in the medium term will have to be rigorous in monitoring warily the fiscal risks associated with the mix of policy actions it decides upon to continue its tsunami recovery program for villages who were affected by the tsunami at the same time strengthen the economy by promoting efficiency and limiting government spending.

V. PERFORMANCE FRAMEWORK

Mr Speaker and Honorable Members, from early 2009 Government has been implementing a Public Finance Management Reform Program, aimed to improve the quality and efficiency of public finance management systems through a coherent and holistic approach agreed and developed by the relevant line ministries and stakeholders. One component of this programme is a new "Performance Framework", which has been designed to improve the linkage between funding of services in the Approved Estimates and the desired outcomes agreed in the Sector Plans and the 2008-2012 Strategy for the Development Samoa.

This new performance framework will replace the output definition and performance measures in budget document. However to ensure this initiative is successful when rolled out to all line ministries, Government has identified eight (8) line ministries for piloting the new approach in the FY2010/2011, namely, the Ministry of Health, MESD, MNRE, MWCSA, MJCA, MPP, PSC and the Office of the Attorney General. It is intended that all non-piloted ministries will adopt this new “Performance Framework” in future years, capitalizing on any lessons learned from these eight (8) pilot ministries.

VI.CONCLUSION

As I highlighted earlier, this government has been very responsible in the management of the economy in the past five years.

This is demonstrated by the strong economic performance until the global financial crisis hit in 2008. The tsunami placed further stress as the economy was trying to recover from the crisis.

On the social side, access to health and education has improved compared to five years ago. Infrastructural development has seen significant improvement not only in support of private sector growth but also to raise the quality of life of the community at large.

The global financial crisis and the tsunami remind us that we live in an environment of great uncertainty. Against this background of uncertainty, the government believes the framework on which 2010/2011 budget is based, is a sound one that is necessary to help recover from the effects of the economic downturn and rebound to achieve positive growth in 2010/11.

Despite the expansionary nature of the budget, we have not resorted to any increased taxes to finance the fiscal stimulus and the tsunami reconstruction. Instead we have solicited the support of the external community as well as highly concessional borrowings to help us. The government believes this is the optimal policy option in the context of these difficult times.

In addition, the government believes that an adjustment of salaries for those on the lower salary brackets and cost of living adjustment for everyone else are appropriate at this point in time. We have weathered the adverse impact of the high commodity prices and financial crisis. We have also endured the sad reality of the tsunami. It is therefore an appropriate time to provide some form of relief in terms of increased salaries.

The salary increase was structured taking into account the impact on the private sector so as it does not impose undue burden on them. That is why the emphasis is concentrated on the lower salary grouping. Additionally the increased pension for the senior citizens is

intended to provide some relief for them in meeting their financial obligations.

Mr Speaker and Honorable members, this government will continue to implement responsible fiscal policies to ensure sustainable development that forms the basis for an improved quality of life for everyone. The road ahead in the context of uncertainties will be difficult as we have seen in the recent past. Your government calls for the support and understanding of the community as we rebuild our economy.

Together, nothing is impossible and with the gifts of God, we will rise and succeed over the adversities brought about by external and internal shocks.

Mr Speaker, I commend the 2010/2011 Budget to the House.

May God bless Samoa and her people. Soifua.

MOTION FOR ADJOURNMENT

Hon Tuilaepa moved, *“That the proceedings of the Legislative Assembly be adjourned until 9.00 in the morning of Monday, 7 June 2010.* Seconded by Hon Fonotoe Nuafesili Pierre Laufofo / Hon Tuisugaletaua Sofara Aveau

Motion was carried in the affirmative and the Proceedings of the Legislative Assembly was adjourned till 9.00 in the morning of Monday, 7 June 2010.

ANNOUNCEMENT BY MR SPEAKER

Mr Speaker announced that a program will be conducted by the Parliamentary Committee to promote good health and fitness on Wednesday, 2 June 2010. He further announced that there will a meeting following adjournment today for the Parliamentary Group on Population and Development.

12. Proceedings now adjourned at 10.50am until 9.00am on Monday 7 June 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

MONDAY 7 JUNE 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 Tuisugaletaua Sofara Aveau, Afioga Hon Toomata Alapati Poesse Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Tofa Toluono Feti, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Muagututia Siasosi S. Meredith, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiatauaalesa Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaauro Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Hon Keil Hans Joachim, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Vaai Papu Vailupe, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Vaeolenofaofa Tapasu, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, , Afioga Galuvao Viliamu, Tofa Fonotoe Nuafesili Pierre Lauofo.

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 Paper presented under the Standing Order 48.

1. S.R..2010/22, Notice of Charge on base Tariff for the Supply of Electricity (No.6) 2010.

MOTION BY THE HON PRIME MINISTER

Hon Tuilaepa moved, *“That this Parliament registers and recognizes by Resolution to be announced by the Honorable Mr Speaker while the people of Samoa and its Parliament are listening in, its great appreciation of a remarkable achievement or a record being set by the sons of Samoa by returning victoriously as champions of the IRB Rugby Sevens for the Year 2009/2010.”* Seconded by the Deputy Prime Minister, the Minister for Agriculture and Fisheries and the Minister for Police and Prisons.

Motion approved.

RESOLUTION OF THE LEGISLATIVE ASSEMBLY.

The Legislative Assembly has approved today Monday, 7th June 2010 the motion moved by the Prime Minister, Susuga Hon Tuilaepa Sailele Malielegaoi – that this Parliament registers and recognizes the insurmountable achievement of our Rugby Sevens Team that has been crowned overall champions of the IRB World Sevens Circuit for the year 2009/2010, this must be recognized through a Resolution. Furthermore, Official Records of Parliament should also witness this achievement. As such, I will read out the names of the players and the Management of our Rugby Sevens Team as follows:

Players.

- | | | | |
|-----|--------------------|---|-------------------|
| 1. | Ofisa Treviranus | - | Malie. |
| 2. | Simaika Mikaele | - | Vailele. |
| 3. | Alafoti Faosiliva | - | Afega. |
| 4. | Afa Aiono | - | Leulumoega. |
| 5. | Paletuatoa Toelupe | - | Malie/Vailele. |
| 6. | Uale Mai | - | Vailoa Palauli. |
| 7. | Lolo Lui | - | Moataa (Captain). |
| 8. | Alatasi Tupou | - | Vaipuna. |
| 9. | Reupena Levasa | - | Vailele. |
| 10. | Mikaele Pesamino | - | Vailele. |
| 11. | Timoteo Iosua | - | Vaipuna. |
| 12. | Fautua Otto | - | Saasaai. |
| 13. | Apelu Faaiuga | - | Moataa. |
| 14. | Paul Chan Tung | - | Savalalo. |

Management.

1. Stephen Betham - Vaiala (Coach).
2. Faamaoni Lalomilo - Sinamoga (Manager).
3. Ulima Tofi - Tufulele (Physiotherapist).

MOTION BY PRIME MINISTER

Hon Tuilaepa moved, *“That the Proceedings of the Legislative Assembly be adjourned until 9.00am on Tuesday, 8th June 2010.”*
Seconded by the Deputy Prime Minister and the Minister for Police and Prisons.

Motion was carried in the affirmative and the Proceedings of the Legislative Assembly were adjourned until 9.00am on Tuesday, 8th June 2010.

Proceedings of the Legislative Assembly was adjourned at 9.12am until 9.00am on Tuesday, 8th June 2010.

Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER

Fepuleai Attila M. Ropati
CLERK

TUESDAY 8 JUNE 2010

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, 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 Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Muagututia Siasosi S. Meredith, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaauro Lufilufi, Tofa Tiata Sili Pulfana Saunoo, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Tofa Hon Taua Tavaga Kitona Seuala, Hon Keil Hans Joachim, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Fiame Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Tofa Toluono Feti, Afioga Motuopuaa Uifagasa Aisoli, Afioga Vaeolenofaia Tapasu, Afioga Galuvao Viliamu, Tofa Fonotoe Nuafesili Pierre Lauofo.

3. The Legislative Assembly met at 9.00am.

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

5. MESSAGE FROM LE AO O LE MALO

Mr Speaker announced the Message from His Highness, O le Ao o le Malo

MEMORANDUM for:

Mr Speaker:

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and the Parliament Standing Order 95, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bill:

- 1. Housing Corporation Bill 2010.**

GIVEN UNDER my Hand this Friday 4th day of June in the year 2010.

(Signed): Tui Atua Tupua Tamasese Efi
HEAD OF STATE.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Housing Corporation Bill 2010 – first reading

Hon Niko Lee Hang moved, “*That the Housing Corporation Bill 2010 be now read a first time.*” Seconded by Hon Taulava Tavaga Kitiana Seuala.

Motion approved and the bill was read a first time.

Government Order of the Day No.2 called

2. National University of Samoa Amendment Bill 2010 – second reading

Hon Toomata Alapati Poesee Toomata moved, “*That. National University of Samoa Amendment Bill 2010 be now read a second reading and I would like speak briefly on it.*” Seconded by Hon Tuisugaletau Sofara Aveau / Hon Niko Lee Hang.

The Minister clarified the bill.

Debate.

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

Government Order of the Day No.3 called.

3. Parliamentary Pension Scheme Amendment Bill 2010 – second reading

Hon Tuilaepa moved, “*That Parliamentary Pension Scheme Amendment Bill 2010 be now read a second reading and I would like to elaborate on it.*” Secoded by Hon Faumuina Tiatia Liuga / Hon Taua Tavaga Kitiona Seuala.

The Prime Minister elaborated the bill.

Debate.

Motion approved and the bill was read a second time.

Government Order of the Day No.4 called.

4. Land and Titles Amendment Bill 2010 – second reading

Hon Unasa Mesi Galo moved, “*That the Land and Titles Amendment Bill 2010 be now read a second reading and I would to provide a short explanation on it.*” Secoded by Hon Taua Tavaga Kitiona Seuala/ Hon Niko Lee Hang.

The Minister elaborated the bill.

Debate.

Speaker ordered the following statement by member of Salega be withdrawn from Parliamentary records:

“Many New Zealand teams and teams from other countries have achieved this goal and you never hear those countries making a fuss over such issues, it will only lead players to have that mentality that they are being bribed to perform well. It is because the Country is pessimistic that such an achievement would never be repeated”.

This statement is not relevant.

Resumed debate.

Business suspended at 10.45am and resumed at 11.48am.

Debate continued.

Motion approved and the bill was read a second time.

7. ANNOUNCEMENT BY MR SPEAKER

Mr Speaker announced that a Parliamentary Seminar for all members will be held at 2.00pm at Luafatasaga Hall. This seminar will continue tomorrow and Thursday to discuss the overall Statistics or Demographic of the country.

Proceedings of the Legislative Assembly was adjourned at 12.50pm until 9.00am on Wednesday, 9th June 2010.

**Hon Tolofuaivalelei Falemoe Leiatua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

WEDNESDAY 9 JUNE 2010

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Misa Telefoni, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tuuu Anasii Leota, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Safuneituuga Paaga Neri, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Taua Falaimo, Afioga Tuia Pua Fuatogi Letoa, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Aeau Peniamina, Afioga Asiata Saleimoa Vaai, Afioga Hon Le Mamea Ropati, Susuga Papalii Samuelu Petaia, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaauo Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Tofa Tuiloa Anitelea, Tofa Hon Taua Tavaga Kitiona Seuala, Hon Keil Hans Joachim, Tofa Toluono Feti, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Toomata Alapati Poese Toomata, Afioga Vaeolenofaia Tapasu, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Aiono Tile Gafa, Tofa Fonotoe Nuafesili Pierre Lauofo, 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**

Mr Speaker announced the Message from His Highness, O Le Ao o le Malo

“MEMORANDUM for:

Mr Speaker:

Pursuant to Section 59 of the Constitution of the Independent State of Samoa and Standing Order 95 of Parliament, I give consent to the Legislative Assembly to consider the Bill which is here stated:

1. Electoral Amendment Bill 2010.

GIVEN UNDER my Hand this Tuesday, 8th June 2010.

**(Signed): Tui Atua Tupua Tamasese Efi
O LE AO O LE MALO.”**

OTHER ANNOUNCEMENTS BY THE SPEAKER

Speaker announced the presentation of notice by the leader of the HRPP, Hon Prime Minister in accordance with Standing Orders 20 that Tofa Ale Vena Ale is a now a member of the Human Rights Protection Party (HRPP).

GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Electoral Amendment Bill 2010 – first reading

Hon Unasa Mesi Galo moved, “*That the Electoral Amendment Bill 2010 be now read a first time.*” Seconded by Hon Gatoloaifaana Amataga Alesana-Gidlow / Hon Niko Lee Hang.

Motion approved and the bill was read a first time.

Government Order of the Day No.2 called.

2. Maintenance and Affiliation Amendment Bill 2010 – second reading

Hon Unasa Mesi Galo moved, “*That the Maintenance and Affiliation Amendment Bill 2010 be now read a second time and I wish to clarify*

it.” Seconded by Hon Gatoloaifaana Amataga Alesana-Gidlow / Hon Niko Lee Hang.

The Minister clarified the bill

Debate.

Motion approved and the bill was read a second time.

Government Order of the Day No.3 called.

3. Bankruptcy Amendment Bill 2010 – second reading

Hon Unasa Mesi Galo moved, *“That the Bankruptcy Amendment Bill 2010 be now read a second time and I wish to clarify it.”* Seconded by Hon Gatoloaifaana Amataga Alesana-Gidlow / 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.4 called.

4. Divorce and Matrimonial Causes Amendment Bill 2010 – second reading

Hon Unasa Mesi Galo moved, *“That the Divorce and Matrimonial Causes Amendment Bill 2010 be now read a second time and I wish to clarify it.”* Seconded by Hon Gatoloaifaana Amataga Alesana-Gidlow / 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.5 called.

5. Stamp Duty Amendment Bill 2010 – second reading

Hon Niko Lee Hang moved, *“That the Stamp Duty Amendment Bill 2010 be now read a second time and I wish to briefly elaborate on 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.6 called.

6. Electricity Bill 2010 – second reading

Hon Niko Lee Hang moved, “*That the Electricity Bill 2010 be now read a second time and I wish to briefly elaborate on it.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

The Minister clarified the bill

Debate.

Levaopolo Talatonu moved, “*That the member’s time be extended for 5 minutes since there are points in it that is denied by that side.*” Seconded by member of Aiga ile Tai.

The House was not unanimous in its decision, the motion was lost.

Debate continued.

Proceedings now suspended at 10.37am and resumed at 11.16am.

Motion approved and the bill was read a second time.

Government Order of the Day No.7 called.

7. Film Control Amendment Bill 2010 – second reading

Hon Unasa Mesi Galo moved, “*That the Film Control Amendment Bill 2010 be now read a second time and I wish to briefly elaborate on it.*” Seconded by Hon Gatoloaifaana Amataga Alesana-Gidlow / Hon Taua Tavaga Kitiona Seuala.

The Minister clarified the bill

Debate.

Motion approved and the bill was read a second time.

Proceedings of the Legislative Assembly was adjourned at 12.55pm until 9.00am on Thursday, 10th June 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

THURSDAY 10 JUNE 2010

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

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

MEMBERS

Tofa Taua Falaimo, Afioga Muagututia Siaso S. Meredith, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Lafaitale Patrick Leiataualesa Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaauro Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Tofa Tuiloa Anitelea, Tofa Hon Taua Tavaga Kitona Seuala, Hon Keil Hans Joachim, Tofa Toluono Feti, Susuga Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Hon Fiame Naomi Mataafa, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Toleafoa Apulu Faafisi, Afioga Tuia Pua Fuatogi Letoa, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofaia Tapasu, Afioga Patauave Etuale, Afioga Galuvao Viliamu, Afioga Aiono Tile Gafa, Tofa Fonotoe Nuafesili Pierre Lauofo, Afioga Asiata Saleimoa Vaai, Afioga Muagututagata Peter Ah Him, Afioga Motuopuaa Uifagasa Aisoli, Susuga Mulipola Oliva, Afioga Hon Vaai Papu Vailupe.

3. The Legislative Assembly met at 9.00am.

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

QUORUM CALL

The bell rung and when the required number of members turned up within 3 minutes proceedings resumed (S.O.33(2)).

5. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the list of the Select Committee Report pursuant to Standing Order 51(5).

1. P.P.2010/2011 No.15, Government Administration Committee Report on P.P.2009/2010 No.111, Annual Report of the Central Bank of Samoa for July 2007 – June 2008.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Film Control Amendment Bill 2010 – second reading debate resumed

Debate continued.

Motion approved and the bill was read a second time.

Government Order of the Day No.2 called.

2. Housing Corporation Bill 2010 – second reading

Hon Niko Lee Hang moved, *“That the Housing Corporation Bill 2010 be now read a second time and I would like to talk briefly on it.”*

Seconded by Hon Gatoloaifaana Amataga Alesana-Gidlow.

The Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Proceedings now set aside at 10.40am and resumed at 11.20am.

7. CONSIDERATION OF SELECT COMMITTEES REPORTS

Order of the Day No.1 called.

1. P.P.2009/2010 NO.94, HEALTH AND SOCIAL SERVICES, INTERNAL AFFAIRS, COMMUNITY AND SOCIAL DEVELOPMENT COMMITTEE REPORT ON THE P.P. 2009/2010 NO.7, ANNUAL REPORT OF THE NATIONAL PROVIDENT FUND FOR THE YEAR ENDED 30th JUNE 2008.

Hon Aeau Peniamina moved, *“That the Legislative Assembly considers the Report of the Committee containing its Findings, Recommendations and Resolutions.”* Seconded by Hon Palusale Faapo II.

Aeau presented the Committee’s report.

Report approved.

Order of the Day No.2 called.

2. P.P. 2009/2010 NO.95, REPORT OF THE HEALTH AND SOCIAL SERVICES, INTERNAL AFFAIRS, COMMUNITY AND SOCIAL DEVELOPMENT COMMITTEE ON P.P. 2009.2010 No.27, ANNUAL REPORT OF THE MINISTRY OF WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT FOR THE FINANCIAL YEAR ENDED 30TH JUNE 2007

Hon Aeau Peniamina moved, *“That the Legislative Assembly considers the Report of the Committee containing its Findings, Recommendations and Resolutions.”* Seconded by Hon Palusale Faapo II.

Aeau presented the Committee’s report.

Debate.

Report approved.

Order of the Day No.3 called.

3. P.P.2009/2010 NO.96, JUSTICE, POLICE & PRISONS AND LAND AND TITLES COMMITTEE REPORT ON THE P.P.2008/2009 NO.73, ANNUAL REPORT OF THE MINISTRY OF JUSTICE & COURTS ADMINISTRATION FOR THE YEAR 2006-2007.

Motuopuaa moved, *“That the Legislative Assembly approves the Report of the Committee containing its Findings, Recommendations and Resolutions.”* Seconded by the member for Faasaleleaga No.4 and the member for Sagaga le Falefa.

Motuopuaa presented the Committee’s report.

Report approved.

Order of the Day No.4 called.

4. P.P.2009/2010, No.97, REPORT OF THE PRIMARY PRODUCTION, INDUSTRY AND LABOUR COMMITTEE ON P.P.2008/2009 No.57, ANNUAL REPORT OF THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT 2006-2007.

Tofa Hon Tuiloma Lameko move a motion, “*That the Legislative Assembly approves the Report of the Committee containing its Findings, Recommendations and Resolutions.*” Seconded by Laauli Leuatea Polataivao.

Motuopuaa presented the Committee’s report.

Debate.

Report approved.

Proceedings now adjourned until Friday 11 June at 9.00am.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

FRIDAY 11 JUNE 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 Tuisugaletaua Sofara Aveau, Afioga Hon Faumuina Tiatia Liuga, 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, Susuga Mulipola Oliva, Afioga Muagututia Siasoi S. Meredith, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaaauo Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Hon Keil Hans Joachim, Susuga Laauli Leuatea Polataivao, Afioga Hon Vaai Papu Vailupe, Tofa Hon Tuuu Anasii Leota, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei,

2. MEMBERS ABSENT:

Afioga Hon Fiamē Naomi Mataafa, Afioga Tuia Pua Fuatogi Letoa, Afioga Asiata Saleimoa Vaai, Susuga Papalii Samuelu Petaia, Afioga Vaeolenofoa Tapasu, Afioga Lafaitale Patrick Leiataualesa, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Toluono Feti.

3. The Legislative Assembly met at 9.00am.

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

5. OTHER ANNOUNCEMENT BY MR SPEAKER

Speaker announced that Afioga Hon Palusalua Faapo II has submitted a written statement pursuant to Standing Order 20 stating that he is now a member of the TAUTUA SAMOA Political Party.

For the information of this House a written submission has been handed in and since part of the Standing Orders has not been satisfied for a Political Party to be recognized it must consist of not less than 8 members, therefore this party cannot be recognized in this Parliament.

For that reason, one of the members for Safata, Afioga Hon Palusalua Faapo II will still be recognized as an Independent member during this Parliamentary term and throughout the proceedings of the Legislative Assembly.

6. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Electoral Amendment Bill 2010 – second reading

That the Electoral Amendment Bill 2010 be read the second time and I want to give some clarification on the Bill.” Seconded by the Minister of Finance and the Minister for Health.

The Minister clarified the bill.

Debate

Proceedings now suspended at 10.30am and resumed at 11.00am.

Motion approved and the bill was read a second time.

Government Order of the Day No.2 called.

2. Electoral Amendment Bill 2010 – consideration in detail

Pursuant to Standing Orders 101 (2), I am satisfied that this Bill is a matter of Urgency for the benefit of the general public. Therefore Parliament will proceed with its consideration in details.

Pursuant to Standing Orders 102, we will start consideration in details with Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Qualification of Electors.

Debate

Clause 3 approved.

CLAUSE 4: Revision of Electoral Rolls.

Debate.

Clause 4 approved.

CLAUSE 5: Qualification of Voters.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short Title and Commencement.

TITLE: Electoral Amendment Bill 2010.

Approved.

Clause 1 and the Title now approved without amendments.

The Electoral Amendment Bill 2010 be progressed without Amendment.

Government Order of the Day No.3 called.

3. Electoral Amendment Bill 2010 – third reading

Hon Unasa Mesi Galo moved, “*That the Electoral Amendment Bill 2010 be now read the third time.*” Seconded by the Minister for Health and the Minister for Agriculture, Fisheries and Agriculture Store.

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

7. CONSIDERATION OF SELECT COMMITTEE REPORTS

Order of the Day No.1 called.

P.P.2009/2010 NO. 98, GOVERNMENT ADMINISTRATION COMMITTEE REPORT ON P.P. 2009/2010 NO. 6, CENTRAL BANK OF SAMOA ANNUAL REPORT FOR THE FINANCIAL YEAR JULY 2007 – JUNE 2008.

Hon Hans Keil Joachim moved, *“That the Assembly considers the Committee Report containing its Findings, Recommendations and Resolutions.”* Seconded by the Deputy Speaker.

Hans Keil, Joachim presented the Committee’s report.

Debate.

Report approved.

Proceedings of the Legislative Assembly adjourned at 12:00 in the afternoon until 9:00am on Monday, 14th June 2010.

Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER

Fepuleai Attila M. Ropati
CLERK

MONDAY 14 JUNE 2010

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Faumuina Tiatia Liuga, 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, Susuga Mulipola Oliva, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaauo Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Susuga Laauli Leuatea Polataivao, Afioga Hon Vaai Papu Vailupe, Tofa Hon Tuuu Anasii Leota, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu.

2. MEMBERS ABSENT:

Afioga Asiata Saleimoa Vaai, Afioga Vaeolenofoafia Tapasu, Tofa Fonotoe Nuafesili Pierre Lauofo, Afioga Aiono Tile Gafa, Tofa Toluono Feti, Hon Keil Hans Joachim.

3. The Legislative Assembly met at 9.00am.

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

5. OTHER ANNOUNCEMENT BY MR SPEAKER

Mr Speaker announced and reminded that Standing Orders be clarified on the matter of members attendance during Parliamentary Proceedings as well as the scheduled time members must be seated. He further announced complaints received from some of the Ministries concerning a delay in consideration of bills by the Parliamentary Select Committees with advise that all reports must be completed and submitted as this is the last year for this Parliamentary Term.

6. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Reports of the Selected Committee pursuant to the Standing Orders 51 (5).

- (i) P.P. 2010/2011 NO.16. Finance and Expenditure Committee Report on P.P. 2010/2011 No.1, Supplementary Estimates (2) 2009/2010 of Receipts and Payments of the Government of Samoa for the Year Ending 30th June 2010.
- (ii) P.P. 2010/2011 No. 17, Finance and Expenditure Committee Report on P.P. 2010/2011 No.2, Main Estimates of Receipts and Payments of the Government of Samoa for the Year Ending 30th June 2011.

7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Supplementary Appropriation Bill (No.2) 2009/2010 & Appropriation Bill 2010/2011 – debate on second reading

Maiden Speech

Faleata i Sisifo

Members expressed the approval by clapping their hands after maiden Speech by the member of Faleata i Sisifo.

Debate resumed.

Proceedings now suspended at 10.40am until 11.20am.

MOTION TO AMEND SITTING HOURS

Tuilaepa moved, “That the Standing Order 31(1) be put aside to allow us to change our scheduled Meeting times starting from today and are stated as follow: 9:00am to 1:00pm; interval to be followed and Proceedings are resumed at 6:00pm to 11:00pm.” Seconded by the Minister for Natural Resources and Environment and the Minister for Police, Prisons and Fire Services.

Motion approved and hours of Meeting stood changed commencing from this Meeting Day:

*Hours of each Meetings day:
9:00 am - 1:00 pm.
6:00 in the evening - 11:00pm in the night.*

Debate continued on the second reading of the Supplementary Appropriation Bill (No.2) 2009/2010 and the Main Estimate 2010/2011.

Proceedings now suspended at 12.56pm until 6.00pm.

Debate resumed.

Hon Palusalue Faapo moved, “That 3 minutes be granted for the member.” Seconded Taua Falaimo.

Motion not granted.

Mr Speaker instructed the words by Hon Palusalue Faapo II be removed from Hansard:

“About the Minister who has just spoken, this was the reason why his leg got injured by a car, intervening whilst he was not part of the fight.”

Speaker ordered expressions by member of Falealupo Aeau Peniamina be removed from Hansard:

“This legislation looks dumb.”

Motuopuaa moved, “That time extension be granted to the member.” Seconded by Taua Falaimo / Levaopolo Talatonu.

Motion not granted.

Hon Palusalue Faapo moved, “That 3 minutes be added for the member.” Seconded by Taua Falaimo.

Motion not granted.

Speaker instructed the statement by Vaisigano No.1 be removed from Hansard:

“I am familiar with being a Minister, a liar, excuse the language, constantly making fools.”

Proceedings of the Legislative Assembly adjourned at 11:00 in the afternoon until 9:00am on Tuesday, 15th June 2010.

Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER

Fepuleai Attila M. Ropati
CLERK

TUESDAY 15 JUNE 2010

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, Afioga Hon Faumuina Tiatia Liuga, 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, Susuga Mulipola Oliva, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaauo Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Susuga Laauli Leuatea Polataivao, Afioga Hon Vaai Papu Vailupe, Tofa Hon Tuuu Anasii Leota, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Vaeolenofaia Tapasu.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Asiata Saleimoa Vaai, Afioga Aiono Tile Gafa, Tofa Fonotoe Nuafesili Pierre Laufofo, Tofa Toluono Feti, Hon Keil Hans Joachim.

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. Supplementary Appropriation Bill (No.2) 2009/2010 & Appropriation Bill 2010/2011 – second reading debate

Debate resumed.

Mr Speaker instructed the removal from Hansard of the following expression by member of Palauli:

“muli”

Proceedings now set aside for its usual recess at 10.45am and resumed at 11.17am.

Debate resumed.

Proceedings suspended at 12.55pm until 6.00pm.

Debate continued.

Proceedings suspended at 8.10pm until 8.45pm.

Debate resumed.

Proceedings interrupted at 11.00pm until 9.00am on Wednesday 16 June 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

WEDNESDAY 16 JUNE 2010

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, Afioga Hon Faumuina Tiatia Liuga, 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, Susuga Mulipola Oliva, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Moefaauo Lufilufi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Susuga Laauli Leuatea Polataivao, Afioga Hon Vaai Papu Vailupe, Tofa Hon Tuuu Anasii Leota, Afioga Hon Palusalua Faapo II, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Vaeolenofaia Tapasu.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Asiata Saleimoa Vaai, Afioga Aiono Tile Gafa, Tofa Fonotoe Nuafesili Pierre Laufofo, Tofa Toluono Feti, 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 REPORTS
The Clerk presents the Committees Report being tabled pursuant to Standing Order 51(5)

1. P.P.2010/2011 No.18, Report of the Works, Transport and Environment Committee on the Waste Management Bill 2009.

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

1. Supplementary Appropriation Bill (No.2) 2009/2010 & Appropriation Bill 2010/2011 – debate on second reading resumed

Debate resumed.

Proceedings now set aside at 10.35am and resumed at 11.05am.

MOTION TO AMEND SITTING HOURS

Hon Tuilaepa moved, “That we revert to normal sitting hours.”
Seconded by Hon Toleafoa / Hon Famuina / Hon Taua.

Motion approved.

Deliberations continued.

Question put and the bill was read a second time.

Government Order of the Day No 2 called.

2. Supplementary Appropriation Bill (No.2) 2009/2010 – consideration in detail

FIRST SCHEDULE
ADDITION IN APPROPRIATIONS

MINISTRY	DESCRIPTION	APPROPRIATION
	EDUCATION, SPORTS & CULTURE: -	\$882.665.

Approved.

TOTAL ADDITIONAL OVERALL EXPENDITURES 2009/2010: - \$882,665.

Approved.

**SECOND SCHEDULE
REDUCTION IN APPROPRIATIONS**

MINISTRY	DESCRIPTION	APPROPRIATION
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EDUCATION, SPORTS & CULTURE: - \$(1,500,000).

Approved.

MINISTRY OF HEALTH: - \$(70,000).

Approved.

**TOTAL REDUCTION OVERALL EXPENDITURE 2009/2010:
\$(1,570,000).**

Approved.

Schedule Approved.

**CLAUSE 2: Grant and Appropriation of \$882,665 out of Treasury
Fund.**

Approved.

**CLAUSE 3: Reduction of amounts earlier appropriated and
reallocation to other outputs and sub-output.**

Approved.

CLAUSE 1 & TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Supplementary Appropriation (Nu.2) 2009/2010.

Approved.

**The Supplementary Appropriation Bill (No.2) 2009/2010 be
progressed without amendment.**

Government Order of the Day No.5 called.

5. Supplementary Appropriation Bill (No.2) 2009/2010 – third reading

Hon Niko Lee Hang moved, “That the Supplementary Appropriation Bill (No/2) 2009/2010 be now read a third time.” Seconded by Hon Taua Tavaga Kitiona Seuala / Hon Toomata Alapati Poesé Toomata.

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

Government Order of the Day No.4 called.

4. Appropriation Bill 2010/2011 – consideration in detail

**SCHEDULE
APPROPRIATION ESTIMATES**

MINISTRY:	TOTAL EXPENDITURE
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AGRICULTURE & FISHERIES: -	\$12,327,563.
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Debate

Approved \$12,327,563 for Agriculture.

COMMERCE, INDUSTRY AND LABOUR: -	\$15,994,884.
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Approved.

COMMUNICATION & INFORMATION TECHNOLOGY:	\$4,159,907
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Approved.

EDUCATION, SPORTS & CULTURE: -	\$85,424,538.
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Debate.

Approved \$85,424,538 for Education, Sports & Culture

Output of \$85,424,538 for Education, Sports and Culture was approved.

FINANCE: - \$58,900,399.

Approved.

MINISTRY OF FOREIGN AFFAIRS AND TRADE: - \$18,384,969.

Approved.

MINISTRY OF HEALTH: - \$64,889,154.

Approved.

MINISTRY OF JUSTICE AND COURT ADMINISTRATION: - \$8,193,724.

Approved.

MINISTRY OF NATURAL RESOURCES & ENVIRONMENT: - \$25,131,373.

Approved.

MINISTRY OF POLICE AND PRISON: - \$21,298,526.

Approved.

MINISTRY OF PRIME MINISTER AND CABINET: - \$7,680,647.

Debate

Output of \$7,680,647 for Ministry of Prime Minister and Cabinet was approved.

REVENUE: - \$10,153,364.

Debate

Output of \$10,153,364 Revenue was approved.

**MINISTRY OF WOMEN, COMMUNITY AND SOCIAL
DEVELOPMENT: - \$10,651,044.**

Debate

*Output of \$10,651,044 for the Ministry of Women, Community and
Social Development was approved.*

**MINISTRY OF WORKS, TRANSPORT AND
INFRASTRUCTURE: - \$76,540,426.**

Approved.

OFFICE OF ATTORNEY GENERAL: - \$3,185,784.

Approved.

AUDITOR: - \$2,643,162.

Approved.

ELECTORAL: - \$2,341,295.

Approved.

LEGISLATIVE ASSEMBLY: - \$3,392,637.

Approved.

OMBUDSMAN: - \$488,071.

Approved.

PUBLIC SERVICE COMMISSION: - \$2,997,543.

Approved.

BUREAU OF STATISTICS: - \$3,105,657.

Approved.

TOTAL OVERALL EXPENDITURE 2010/2011: - \$437,884,666.

Approved.

Schedule Approved.

CLAUSE 2: Grant and Appropriation of \$437,884,666 out of the Treasury Fund.

Clause 2 was Approved.

CLAUSE 3: Grant and Appropriation of \$600,000 out of the Public Trustee's Account.

Approved.

CLAUSE 4: Grant and Appropriation of \$13,136,540 out of the Treasury Fund.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.
TITLE: Appropriation Act 2010/2011.

Approved.

The Appropriation Bill 2010/2012 be progressed without amendment.

Government Order of the Day No.5 called.

5. Appropriation Bill 2010/2011 – third reading

Hon Niko Lee Hang moved, “*That the Appropriation Bill 2010/2011 be now read a third time.*” Seconded by Hon Taua Tavaga Kitiona Seuala / Hon Unasa Mesi Galo / Hon Toomata Alapati Poese Toomata.

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

Proceedings now adjourned at 12.50pm until 9.00am on Tuesday, 10 August 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

TUESDAY 10 AUGUST 2010

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, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Toomata Alapati Poesē Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitiona Seuala, Susuga Laauli Leuatea Polataivao, Tofa Hon Tuuu Anasii Leota, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Afioga Asiata Saleimoa Vaai, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Toluono Feti, Hon Keil Hans Joachim, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Vaeolenofaofia Tapasu.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Vaai Papu Vailupe, Afioga Motuopuaa Uifagasa Aisoli, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Tofa Moefaauo Lufilufi, Afioga Aiono Tile Gafa.

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 read the Message from His Highness, O Le Ao o le Malo.

“MEMORANDUM for:

Mr Speaker:

Pursuant to Section 59 of the Constitution of the Independent State of Samoa and Standing Order 95 of Parliament, consent is hereby given to the Legislative Assembly to consider the following Bills:

- 1. Survey Bill 2010.**
- 2. Land Valuation Bill 2010.**
- 3. Spartial Information Agency Bill 2010.**
- 4. Plebiscite Amendment Bill 2010.**

GIVEN UNDER my Hand this Wednesday 16th June, 2010.

**(Signed): Tui Atua Tupua Tamasese Efi
O LE AO O LE MALO.”**

6. OBITUARY SPEECH

Mr Speaker announced the passing away of Afioga Hon Tanuvasa Livigisitone who was an elected member of Parliament.

Afioga Hon Tanuvasa Livigisitone was elected as member for the Territorial Constituency of Aana Alofi No.2 in the X Parliament, from 1988-1991. He was a member of the Human Rights Protection Party.

Afioga Hon Tanuvasa was also a Minister of the Cabinet for the Ministry of Economic Development, Statistic, Tourism Authority and Trade from the year 1988-1991.

Parliament remained standing for one minute of silence in respect of the passing away of the late member.

7. PRESENTATION OF PAPERS

The Clerk read out the Papers as distributed pursuant to Standing Orders 48.

1. S.R.2010/23, National Provident Fund Amendment Act 2010 – Notice of Commencement.
2. S.R.2010/24, Narcotics Amendment Act 2009 – Notice of Commencement.
3. S.R.2010/25, General Price Order (No.1) 2010.
4. S.R.2010/26, General Price Order (No.2) 2010.
5. S.R.2010/27, Notice of Charge on Base Tariff for the Supply of Electricity (No.7) 2010.
6. S.R.2010/28, National Provident Fund Regulations 2010.
7. S.R.2010/29, Daylight Saving Act 2009 – Notice of Commencement.
8. S.R.2010/30, Film Control Regulations 2010.
9. S.R.2010/31, Notice of Charge on Base Tariff for the Supply of Electricity (No.8) 2010.
10. P.P.2010/2011 No.19, Annual Report of the Development Bank of Samoa for the year 2009.
11. P.P.2010/2011 No.20, Annual Report of the Samoa Housing Corporation for the Year 2009.
12. P.P.2010/2011 No.21, Annual Report of the Ministry of Health July 2007 – June 2008.

8. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports as distributed and in accordance with Standing Orders 51(5).

1. P.P.2010/2011 No.22, Report of the Justice, Police & Prisons and Land and Titles Committee on the Maintenance & Affiliation Amendment Bill 2010.
2. P.P.2010/2011 No.23, Report of the Justice, Police & Prisons and Land & Titles Committee on the Bankruptcy Amendment Bill 2010.
3. P.P.2010/2011 No.24, Report of the Justice, Police & Prisons and Land & Titles Committee on the Divorce & Matrimonial Causes Amendment Bill 2010.
4. P.P.2010/2011 No.25, Report of the Justice, Police & Prisons and Land & Titles Committee on the Film Control Amendment Bill 2010.
5. P.P.2010/2011 No.26, Report of the Justice, Police & Prisons and Land & Titles Committee on P.P.2009/2010 No.87, Samoa Fire & Emergency Service Authority Annual Report for Financial years 2006/2007 & 2007/2008.
6. P.P.2010/2011 No.27, Report of the Finance & Expenditure Committee on P.P.2009/2010 No.20 & P.P.2009/2010 No.108, Annual

Reports of the Polynesian Airlines for the Financial Years 2008 & 2009.

7. P.P.2010/2011 No.28, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.62, Statement of Corporate Objectives and Corporate Plan of the Samoa Water Authority for the period 2010-2012.
8. P.P.2010/2011 No.29, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.81, Annual Report of the Samoa Water Authority for the year ended 30th June 2008.

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

Government Order of the Day No.1 called.

1. Survey Bill 2010 – first reading

Hon Faumuina moved, *“That the Survey Bill 2010 be now read a first time.”* Seconded by Hon Tuisugaletaua / Hon Tuuu / Hon Taua.

Motion approved and the bill was read a first time.

Government Order of the Day No.2 called.

2. Land Valuation Bill 2010 – first reading

Hon Faumuina moved, *“That the Land Valuation Bill 2010 be now read a first time.”* Seconded by Hon Tuuu Anasii Leota.

Motion approved and the bill was read a first time.

Government Order of the Day No.3 called.

3. Special Information Agency Bill 2010 – first reading

Hon Faumuina moved, *“That the Special Information Agency Bill 2010 be now read a first time.”* Seconded by Hon Tuuu Anasii Leota / Hon Taua Tavaga Kitiona Seuala.

Motion approved and the bill was read a first time.

Government Order of the Day No.4 called.

4. Plebiscite Amendment Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Plebiscite Amendment Bill 2010 be now read a first time.”* 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. Waste Management Bill 2009 – consideration in detail

Leao Talalelei Tuitama moved, *“That the Assembly approves the Committee Report which recommends that the Waste Management Bill 2009 now progressed with amendments.”* Seconded by Lafaitale Patrick Leiataualesa.

Motion approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act to bind the Government.

Approved.

CLAUSE 4: Functions of the Ministry.

Approved.

CLAUSE 5: Powers of the Minister and Chief Executive Officer.

Approved.

CLAUSE 6: Designation of Wastes.

Approved.

CLAUSE 7: Designation of Waste Management Service Area.

Approved.

CLAUSE 8: Designation of approved waste management operators.

Approved.

CLAUSE 9: Registration and Licensing of waste operators.

Approved.

CLAUSE 10: Special waste related levies.

Approved.

CLAUSE 11: Environmental and Public Health Standards.

Approved.

CLAUSE 12: Obligations to deal with certain wastes.

Approved.

CLAUSE 13: Requirement to provide information etc.

Approved.

CLAUSE 14: Audit of waste generation and disposal.

Approved.

CLAUSE 15: Implementation of relevant international conventions.

Approved.

CLAUSE 16: Appointment of competent authorities.

Approved.

CLAUSE 17: Controls over certain wastes.

Approved.

CLAUSE 18: Regulation of incineration of wastes.

Approved.

CLAUSE 19: Prescribed substances.

Approved.

CLAUSE 20: General offences related to wastes.

Approved.

CLAUSE 21: Offences related to hazardous wastes.

Approved.

CLAUSE 22: Enforcement provisions.

Approved.

CLAUSE 23: Prosecutions under this Act.

Approved.

CLAUSE 24: Functions relating to waste management operations.

Approved.

CLAUSE 25: Powers of waste management operators.

Approved.

CLAUSE 26: Performance of community obligations.

Approved.

CLAUSE 27: Indemnities for staff of approved operators.

Approved.

CLAUSE 28: Protection of assets of approved operators.

Approved.

CLAUSE 29: Fees and charges for waste management services.

Approved.

CLAUSE 30: Remission of fees and charges.

Approved.

CLAUSE 31: Interest on unpaid dues.

Approved.

CLAUSE 32: Collection of fees and charges.

Approved.

CLAUSE 33: Operation Plans.

Approved.

CLAUSE 34: Operating procedures, Codes of Practice etc.

Approved.

CLAUSE 35: Reporting by waste management operators.

Approved.

CLAUSE 36: Contracted waste services.

Approved.

CLAUSE 37: Recycling of wastes.

Approved.

CLAUSE 38: Permit required for any dumping of incineration of wastes at sea.

Approved.

CLAUSE 39: Offences against this Part.

Approved.

CLAUSE 45: Transitional arrangements.

Approved.

SCHEDULE.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: APPLICABLE INTERNATIONAL WASTE RELATED CONVENTIONS.

CLAUSE 40: Village and community by laws.

Approved.

CLAUSE 41: Other community based programs and initiatives.

Approved.

CLAUSE 42: Protection of persons performing duties under this Act.

Approved.

CLAUSE 43: Regulations.

Approved.

CLAUSE 44: Relationship with other Acts.

Approved.

CLAUSE 45: Transitional arrangements.

Approved.

SCHEDULE.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: APPLICABLE INTERNATIONAL WASTE RELATED CONVENTIONS.

Leao Talalelei Tuitama moved the Amendment to Clause 1 & Title as follows:

“AMENDMENT:

Clause 1(1):

Omit the Year “2009” and substitute thereby the Year “2010” thus to read:

“WASTE MANAGEMENT 2010.”

Amendment was approved

Clause 1 and the Title was approved

The Waste Management Bill 2010 be progressed with Amendments.

10. **CONSIDERATION IN DETAIL**

Order of the Day No.1 called.

1. 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.

Report was approved.

Order of the Day No.2 called.

2. P.P.2009/2010 NO.120, COMMITTEE REPORT ON REGULATIONS REVIEW ON S.R. 2009/15, S.R. 2009/16, S.R.2009/17 & S.R.2009/19 TO S.R.2009/29.

Leao Talalelei Tuitama moved, *“That this Parliament approves the Committee Report which contains its FINDINGS, RECOMMENDATIONS and RESOLUTION”* Seconded by the member for Faasaleleaga No.4.

Chairman presented the report.

Debate.

Report was approved.

Order of the Day No.3 called.

3. P.P.2009/2010 NO.121, REPORT OF THE HEALTH AND 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 30TH JUNE 2008.

Fuimaono presented the report.

OTHER ANNOUNCEMENT BY MR SPEAKER

Mr Speaker announced Parliament the presence of the CPA, Members of Parliament from the Parliament of Tasmania Australia visiting due to partnership with the Parliament of Samoa.

Proceedings now suspended at 10.30am until 11.10am.

Resume with report of the Committee.

Debate.

Report was approved.

Order of the Day No.4 called.

4. P.P.2009/2010 NO.122, THE HEALTH AND SOCIAL SERVICES, INTERNAL AFFAIRS, COMMUNITY AND SOCIAL DEVELOPMENT COMMITTEE REPORT ON P.P.2009/2010 NO.33, ANNUAL REPORT OF THE SAMOA NATIONAL KIDNEY FOUNDATION FOR JULY 2007 – JUNE 2008

Fuimaono Naoai Tei moved, “*That this Parliament approves the Committee Report which contains its FINDINGS, RECOMMENDATIONS and RESOLUTION*” Seconded by the member for Palauli West.

Fuimaono presented the report.

Debate.

Report was approved.

Proceedings of the Legislative Assembly adjourned at 12:56 in the afternoon to be resumed at 9:00am on Wednesday, 11th August 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

WEDNESDAY 11 AUGUST 2010

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, Afioga Hon Faumuina Tiatia Liuga, 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 Moefaaauo Lufilufi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Tuia Pua Fuatogi Letoa, Afioga Muagututia Siaso S. Meredith, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Tofa Solamalemalo Keneti Sio, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Tofa Hon Taua Tavaga Kitiona Seuala, Susuga Laauli Leuatea Polataivao, Tofa Hon Tuuu Anasii Leota, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa, Afioga Asiata Saleimoa Vaai, Tofa Fonotoe Nuafesili Pierre Lauofo, Tofa Toluono Feti, Hon Keil Hans Joachim, Tofa Tuiloa Anitelea, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Vaeolenofaofia Tapasu.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Motuopuaa Uifagasa Aisoli, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Aiono Tile Gafa.

3. The Legislative Assembly met at 9.00am.

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

5. MESSAGES FROM THE HEAD OF STATE

Mr Speaker read out the message from His Highness, O Le Ao o Le Malo.

1. “MEMORANDUM for:

Mr Speaker:

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and Parliament Standing Order 95, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bills:

- 1. Ministerial and Departmental Arrangements Amendment Bill 2010.**
- 2. Chemical Weapons Bill 2010.**

GIVEN UNDER my hand this Friday 6th of August in the year 2010.

**(Signed): Tui Atua Tupua Tamasese Efi.
HEAD OF STATE**

2. MEMORANDUM for:

Mr Speaker.

Pursuant to article 59 of the Constitution of the Independent State of Samoa and Parliament Standing Order 95, consent is hereby given to the Legislative Assembly to proceed upon the consideration of the following Bill:

Postal Services Bill 2010.

GIVEN UNDER my hand this Tuesday 10th day of August in the year 2010.

(Signed): Tui Atua Tupua Tamasese Efi
O LE AO O LE MALO".

6. OTHER ANNOUNCEMENTS BY MR SPEAKER

Mr Speaker announced that given the matter of controversy amongst the members as evident in yesterday's proceedings relating to the roles of the Regulations Review Select Committee, this Committee was established to consider Regulations and report to the Legislative Assembly on the following grounds:

1. is not in accordance with the general objects and intentions of the statute under which it is made;
2. trespasses unduly on personal rights and liberties;
3. appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made;
4. unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by judicial or other independent tribunal;
5. contains matter more appropriate for Parliamentary enactment;
6. is retrospective where this is not expressly authorized by the empowering statute;
7. was not made in compliance with particular notice and consultation procedures prescribed by statutes;

Therefore, the Committee does not have the authority to question policies and excise tax prescribed by other Regulations. The primary role of this Committee is to check for inconsistencies between the Regulations and the Principal Act in which they derive from.

That is the announcement to clarify members and to ensure the flow of our Parliamentary businesses.

7. PRESENTATION OF PAPERS:

The Clerk read out the Paper pursuant to Standing Order 48.
 SR 2010/32, Broadcasting Act 2010 – Notice of Commencement.

8. PRESENTATION OF SELECT COMMITTEE REPORTS

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

1. P.P. 2010/2011 No.30, Report of the Foreign Affairs, Trade and Revenue Committee on the Stamp Duty Amendment Bill 2010.

2. P.P. 2010/2011 No.31, Report of the Primary Production, Commerce, Industry and Labour Committee on p.P.2009/2010 No.19, Ministry of Agriculture & Fisheries Annual Report July 2007 – June 2008.
3. P.P. 2010/2011 no.32, Amended Report of the Education, Science, Communications and Information Technology Committee on P.P.2008/2009 No.26, Annual Report of the Office of the Regulator for the year ended 30th June 2007 – pursuant to Assembly Resolution 28th January 2009.
4. P.P. 2010/2011 No.33, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2008/2009 No.21, Annual Report of the Office of the Regulator for the year ended 30th June 2008.

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

1. Waste Management Bill 2009 – third reading

Hon Faumuina Tiatia Liuga moved, *“That the Waste Management 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.

Government Order of the Day No.2 called.

2. Ministerial Departmental Arrangements Amendment Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Ministerial Departmental Arrangements Amendment Bill 2010 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.3 called.

3. Chemical Weapons Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Chemical Weapons Bill 2010 be now read a first time.”* Seconded by Hon Faumuina Tiatia Liuga.

Motion approved and the bill was read a first time.

Government Order of the Day No.4 called.

4. Postal Services Bill 2010 – first reading

Hon Safuneituuga moved, “*That the Postal Services Bill 2010 be now read a first time.*” Seconded by Hon Faumuina Tiatia Liuga/ Hon Tuuu Anasii Leota.

Motion approved and the bill was read a first time.

Government Order of the Day No.5 called.

5. Maintenance and Affiliation Bill 2010 – consideration in detail

Hon Fonotoe moved, “*That this Assembly approves the Report of the Committee which recommends that the Maintenance and Affiliation Amendment Bill 2010 be progressed with amendments.*” Seconded by Leao Talalelei Tuitama.

Motion approved.

CLAUSE 2: Principal Act.

Approved.

CLAUSE 3: Interpretation.

Approved.

CLAUSE 4: Insertion of new Section.

Approved.

CLAUSE 5: Amount and manner of payment of maintenance.

Approved.

CLAUSE 6: Insertion of new Section.

Approved.

CLAUSE 7: Payment of future maintenance.

Approved.

CLAUSE 8: Payment of past maintenance.

Approved.

CLAUSE 9: Insertion of new Section.

Approved.

CLAUSE 10: Security for obedience to maintenance order.

Approved.

CLAUSE 11: Money payable under order to constitute a debt and may be recovered by action.

Approved.

CLAUSE 12: Insertion of new Section.

Approved.

CLAUSE 13: Insertion of new Section.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

**TITLE: MAINTENANCE AND AFFILIATION AMENDMENT
BILL 2010.**

Approved.

The Maintenance and Affiliation Bill 2010 be progressed without Amendments.

Government Order of the Day No.6 called.

6. Bankruptcy Amendment Bill 2010 – consideration in detail

Hon Fonotoe moved, “That this Assembly approves the Report of the Committee which recommends that the Maintenance and Affiliation Amendment Bill 2010 be progressed with amendments.” Seconded by Leao Talalelei Tuitama.

Motion approved.

CLAUSE 2: Principal Act.

Approved.

CLAUSE 3: Interpretation.

Approved.

CLAUSE 4: Insertion of new sections.

Approved.

CLAUSE 5: Composition with creditors.

Approved.

CLAUSE 6: Official Assignee to pay money into the bank.

Approved.

CLAUSE 7: Insertion of new sections.

Approved

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.
TITLE: BANKRUPTCY AMENDMENT BILL 2010.

Approved

The Bankruptcy Amendment Bill 2010 be progressed without Amendment.

Government Order of the Day No.7 called.

7. Divorce and Matrimonial Causes Amendment Bill 2010 – consideration in detail

Hon Fonotoe moved, “That this Assembly approves the Report of the Committee which recommends that the Divorce and Matrimonial Causes Amendment Bill 2010 together with amendments and corrections to the print.” Seconded by member of Vaa o Fonoti.

Motion approved.

CLAUSE 2: Principal Act.

Approved.

CLAUSE 3: Repeal and substitution.

Approved.

CLAUSE 4: Jurisdiction.

Approved.

CLAUSE 5: Judicial Separation.

Approved.

CLAUSE 6: Repeal and substitution.

Fonotoe moved the Amendment to Clause 6 as follows:

“AMENDMENT:

Clause 6 – (New Clause 7).

To omit the number “24” as it appears in sub-clause 7(2) and substitute thereby the number “12” thus new clause 7(2) reads:-

“(2) Subject to subclause (3) and (4), in a proceeding instituted by such an application, the grounds shall be held to have been established, and the divorce order shall be made, if, and only if, the court is satisfied that the parties separated and thereafter lived separately for a continuous period of not less than 12 months immediately preceding the date of the filing of the application for the divorce order.”

Amendment approved.

“CORRECTION:

Clause 6 – subclause 7D

To omit the word where and substitute thereby the word andthus the new clause 7D reads:-

“7D Decree of divorce and children”.

Clause 6 approved as amended and corrected.

CLAUSE 7: Repeal.

Approved.

CLAUSE 8: Discretion of court where collusion proved.

Approved.

CLAUSE 9: Repeal.

Approved.

CLAUSE 10: Alimony and maintenance.

Debate

Clause 10 was approved.

CLAUSE 11: Insertion of new sections.

Approved.

CLAUSE 12: Insertion of new Part.

Approved.

CLAUSE 13: Affidavit verifying petition.

Approved.

CLAUSE 14: Serving petition.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

**TITLE: DIVORCE AND MATRIMONIAL CAUSES
AMENDMENT BILL 2010.**

Approved.

The Divorce and Matrimonial Causes Amendment Bill 2010 be progressed with Amendments and Corrections.

Government Order of the Day No.8 called.

8. Film Control Amendment Bill 2010 – consideration in detail

Fonotoe moved, “That this Assembly approves the Report of the Committee which recommends that the Divorce and Matrimonial Causes Amendment Bill 2010 together with amendments and corrections to the print.” Seconded by member of Vaa o Fonoti.

Motion approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act to bind the Government.

Approved.

CLAUSE 4: Exhibitor's licence.

Approved.

CLAUSE 5: Application for approval of film.

Approved.

CLAUSE 6: Powers of Principal Censor.

Approved.

CLAUSE 7: Certificates of approval or refusal and register of films.

Approved.

CLAUSE 8: Non-liability of Government.

Approved.

CLAUSE 9: Seizure of films.

Approved.

CLAUSE 10: Liability of officers of companies.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: FILM CONTROL AMENDMENT BILL 2010.

Approved.

The Film Control Amendment Bill 2010 be progressed without amendments.

10. CONSIDERATION OF SELECT COMMITTEE REPORTS

Order of the Day No.1 called.

1. P.P. 2009/2010 NO.123, REPORT OF THE GOVERNMENT ADMINISTRATION COMMITTEE ON P.P. 2009/2010 NO.38, ANNUAL REPORT OF THE DEVELOPMENT BANK OF SAMOA 2008

Susuga Hon Tuilaepa moved, “*That the Chairmen of the Select Committee’s only read out their recommendations so that the House may consider their Recommendations.*”

Motion approved and report was read for Parliament’s deliberation.

**Hon Hans moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by the Deputy Speaker.**

The Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.2 called.

2. P.P. 2009/2010 NO.125, REPORT OF THE BUSINESS, STANDING ORDERS, HOUSE, ELECTORAL & OFFICERS OF PARLIAMENT 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.

**Laauli moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by Vaa o Fonoti.**

The Chairman read out the Committee's Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.6 called.

6. P.P. 2009/2010 NO.126, REPORT OF THE HEALTH & SOCIAL SERVICES, INTERNAL AFFAIRS, COMMUNITY AND SOCIAL DEVELOPMENT COMMITTEE ON P.P. 2009/2010 NO.59, SAMOA HOUSING CORPORATION ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2008.

Fuimaono moved, "That *That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*" Seconded by the members for Gagaemauga No.2 and the member for Palauli West.

The Chairman read out the Committee's Resolutions and Recommendations.

Debate.

Motion approved.

Proceedings now suspended at 10.42am until 11.20am.

Order of the Day No.7 called.

7. P.P.2009/2010 NO.127, REPORT OF THE PRIMARY PRODUCTION, COMMERCE, INDUSTRY AND LABOUR COMMITTEE ON P.P.2008/2009 NO.58, MINISTRY OF AGRICULTURE & FISHERIES ANNUAL REPORT FOR FINANCIAL YEAR JULY 2006 – JUNE 2007.

Hon Tuiloma moved, "That *That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*" Seconded by the Deputy Speaker and the member for Anoamaa West.

The Chairman read out the Committee's Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.8 called.

8. P.P.2010/2011 No.8, the Finance and Expenditure Committee Report on the P.P.2009/2010 No.18, Annual Report of the Samoa International Finance Authority for the financial year 2006/2007.

Hon Tuiloma moved, “That *That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*” Seconded by one of the member’s for Salega, Afioga Tapuai Sepulona Moananu and the Deputy Speaker.

The Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.9 called.

9. P.P.2010/2011 No.9, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.34, Annual Report of the Accident Compensation Corporation for the year 2008 & P.P.2009/2010 No.112, Annual Report of the Accident Compensation Corporation for the year 2009.

Hon Tuiloma moved, “That *That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*” Seconded by the Deputy Speaker.

The Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.10 called.

10. P.P.2010/2011 NO.10, REPORT OF THE BUSINESS, STANDING ORDERS, HOUSE, ELECTORAL AND OFFICERS OF PARLIAMENT COMMITTEE ON P.P.2009/2010 NO.63, SNPF – PARLIAMENTARY PENSION SCHEME AUDITED FINANCIAL ACCOUNTS 30 JUNE 2008.

Laauli moved, “That *That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*” Seconded by the Minister for Police, Prisons and Fire Services.

The Chairman read out the Committee's Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.11 called.

11. P.P.2010/2011 No.11, Report of the Government Administration Committee on P.P.2009/2010 No.65, Annual Report of the Samoa Tourism Authority for July 2007-June 2008.

Hon Hans moved, "That *That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*"

Seconded by the Minister for Police, Prisons and Fire Services and one of the members for Faasaleleaga No.1., Afioga Tiata Sili Pulufana Saunoa.

The Chairman read out the Committee's Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.12 called.

12. P.P.2010/2011 No.12, Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.36, Samoa Senior Citizens Benefit Fund Report of Operations and Statement of Accounts for the year ended 30th June 2008.

Fuimaono moved, "That *That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*"

Seconded by the member for Palauli West.

Fuimaono read out the Committee's Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.13 called.

13. P.P.2010/2011 NO.13, REPORT OF THE EDUCATION, SCIENCE, COMMUNICATION AND INFORMATION TECHNOLOGY COMMITTEE ON P.P. 2009/2010 NO.17,

ANNUAL REPORT OF THE SAMOATEL LIMITED FOR THE FINANCIAL YEAR ENDED 30TH JUNE 2007.

Leavapolo moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by the members for Falealili, Afioga Fuimaono Naoia Tei and the member for Aiga i le Tai.

Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.14 called.

14. P.P.2010/2011 No.15, Government Administration Committee Report on P.P.2009/2010 No.111, Annual Report of the Central Bank of Samoa for July 2007 – June 2008.

Hon Hans moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by Faasaleleaga No.2.

Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.15 called.

15. P.P.2010/2011 NO.26, REPORT OF THE JUSTICE, POLICE & PRISONS AND LAND & TITLES COURT COMMITTEE ON P.P.2009/2010 NO.87, SAMOA FIRE & EMERGENCY SERVICES AUTHORITY ANNUAL REPORT FOR FINANCIAL YEARS 2006/2007 & 2007/2008.

Fonotoe moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by Vaa o Fonoti.

Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.16 called.

16. P.P.2010/2011 No.27, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.20 & P.P.2009/2010 No.108, Annual Reports of the Polynesian Airlines for the financial years 2008 & 2009.

Hon Tuiloma moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
 Seconded by the Minister for Police, Prisons and Fire Services, the Minister for Works, Transport and Infrastructure and one of the members for Salega, Afioga Tapuai Sepulona Moananu.

Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.17 called.

17. P.P.2010/2011 NO.28, REPORT OF THE HEALTH AND SOCIAL SERVICES, INTERNAL AFFAIRS, COMMUNITY AND SOCIAL DEVELOPMENT COMMITTEE ON P.P.2009/2010 NO.62, STATEMENT OF CORPORATE OBJECTIVES AND CORPORATE PLAN OF THE SAMOA WATER AUTHORITY FOR THE PERIOD 2010-2012.

Fuimaono moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
 Seconded by the member for Palauli West.

Fuimaono read out the Committee’s Resolutions and Recommendations.

Debate.

Motion approved.

Order of the Day No.18 called.

18. P.P.2010/2011 NO.29, REPORT OF THE HEALTH AND SOCIAL SERVICES, INTERNAL AFFAIRS, COMMUNITY AND SOCIAL DEVELOPMENT COMMITTEE ON P.P.2009/2010 NO.81, ANNUAL REPORT OF THE SAMOA WATER AUTHORITY FOR THE YEAR ENDED 30TH JUNE 2008.

Fuimaono moved, “*That the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
 Seconded by the member for Palauli West.

Fuimaono read out the Committee's Resolutions and Recommendations.

Debate.

Motion approved.

Proceedings now adjourned at 12.45pm until 9.00am on Thursday,12 August 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

THURSDAY 12 AUGUST 2010

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 Tuisugaletaua Sofara Aveau, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Tofa Moefaauro Lufilufi, Tofa Taua Falaimo, Susuga Mulipola Oliva, Afioga Muagututia Siaso S. Meredith, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunua, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao, Tofa Hon Tuuu Anasii Leota, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Tofa Tuiloa Anitelea, Afioga Motuopuaa Uifagasa Aisoli, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Vaeolenofaia Tapasu.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Toleafoa Apulu Faafisi, Afioga Tuia Pua Fuatogi Letoa, Tofa Toluono Feti, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Aiono Tile Gafa, Afioga Asiata Saleimoa Vaai, Tofa Solamalemalo Keneti Sio.

3. The Legislative Assembly met at 9.00am.

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

5. **MESSAGE FROM HIS HIGHNESS, O LE AO O LE MALO**
Mr Speaker announced the Message from His Highness, O le Ao o le Malo.

1. “MEMORANDUM for:

Mr Speaker.

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and Parliamentary Standing Orders 95, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bill:-

1. Electoral Amendment Bill (No. 2) 2010.

GIVEN UNDER my Hand this Wednesday 11th day of August in the year 2010.

(Signed): Tui Atua Tupua Tamasese Efi
HEAD OF STATE.

2. CERTIFICATE OF URGENCY.

Pursuant to Standing Order 99(2) I, TUI ATUA TUPUA TAMASESE EFI, HEAD OF STATE, hereby issue the Certificate of Urgency to the Legislative Assembly to consider the Bill listed hereunder in its Session which is currently in progress.

1. Electoral Amendment Bill (No.2) 2010.

GIVEN UNDER my Hand this Wednesday 11th August in the year 2010.

(Signed): Tui Atua Tupua Tamasese Efi
HEAD OF STATE”.

6. PRESENTATION OF PAPERS

The Clerk read out the list of Papers pursuant to Standing Orders 48.

1. P.P. 2010/2011 No. 34, Annual Report of the National Kidney Foundation of Samoa for July 2008-June 2009.

7. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Report of Select Committee pursuant to Standing Orders 51(5).

1. P.P. 2010/2011 No. 35, Report of the Business, Standing Orders, House, *Electoral and Officers of Parliament Committee on the Parliamentary Pension Scheme Amendment Bill 2010.*

8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Electoral Amendment Bill (No.2) 2010 – first reading

Hon Unasa Mesi Galo moved, *“That the Electoral Amendment Bill (No.2) 2010 be now read a first time.”* Seconded by Hon Niko Lee Hang / Laauli Leuatea Polataivao.

Motion approved and the bill was read a first time.

Government Order of the Day No2 called.

2. Maintenance and Affiliation Amendment Bill (No.2) 2010 – third reading

Hon Unasa Mesi Galo moved, *“That the Maintenance and Affiliation Amendment Bill 2010 be now read a third time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Lafaitale Patrick Leiatuaalesa.

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. Bankruptcy Amendment Bill 2010 – third reading

Hon Unasa Mesi Galo moved, *“That the Bankruptcy Amendment Bill 2010 be now read a third time.”* Seconded by Hon Faumuina Tiatia Liuga / Lafaitale Patrick Leiatuaalesa.

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. Divorce and Matrimonial Causes Amendment Bill 2010 – third reading

Hon Unasa Mesi Galo moved, *“That the Divorce and Matrimonial Causes Amendment Bill 2010 be now read a third time.”* Seconded by Hon Niko Lee Hang.

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. Film Control Amendment Bill 2010 – third reading

Hon Unasa Mesi Galo moved, *“That the Film Control Amendment Bill 2010 be now read a third time.”* Seconded by Hon Niko Lee Hang.

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. Stamp Duty Amendment Bill 2010 – consideration in detail

Hon Tuiloma moved, *“That the Assembly approves the Committee report which recommends that the Stamp Duty Amendment Bill 2010 be now progressed without amendments.”* Seconded by Laauli Leuatea Polataivao.

Consideration in detail for this particular bill was deferred due to missing parts of the Order Paper.

Government Order of the Day No.7 called.

7. Survey Bill 2010 – second reading

Hon Faumuina moved, *“That the Survey Bill 2010 be now read a second time and I wish to elaborate on it.”* Seconded by Hon Tuuu Anasii Leota / Hon Toomata Alapati Poese Toomata.

The Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Government Order of the Day No.8 called.

8. Land Valuation Bill 2010 – second reading

Hon Hon Faumuina moved, *“That the Land Valuation Bill 2010 be now read a second time and I wish to elaborate on it.”* Seconded by Hon Tuuu Anasii Leota / Hon Toomata Alapati Poese Toomata.

The Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Government Order of the Day No.9 called.

9. Special Information Agency Bill 2010 – second reading

Hon Faumuina moved, “*That the Special Information Agency Bill 2010 be now read a second time and I wish to elaborate on it.*”

Seconded by Hon Tuuu Anasii Leota.

The Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Government Order of the Day No.10 called.

10. Plebiscite Amendment Bill 2010 – second reading

Hon Tuilaepa moved, “*That the Plebiscite Amendment Bill 2010 be now read a second time and I wish to elaborate on it.*”

Seconded by Hon Fiaame Naomi/ Hon Tuisugaletaua Sofara Aveau.

The Prime Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Government Order of the Day No.11 called.

11. Electoral Amendment Bill 2010 – second reading

Hon Unasa moved, “*That the Electoral Amendment Bill 2010 be now read a second time and I wish to elaborate on 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.12 called.

12. Electoral Amendment Bill (No.2) 2010 – consideration in detail

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Eligibility of individual voter.

Approved.

CLAUSE 4: Electoral Roll to be closed by the Electoral Commissioner.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Electoral Amendment Bill (No. 2) 2010.

Approved.

The Electoral Amendment Bill (No. 2) be progressed without Amendment.

Government Order of the Day No.13 called.

13. Electoral Amendment Bill (No.2) 2010 – third reading

Hon Unasa Mesi moved, “That the Electoral Amendment Bill 2010 be now read a third time.” Seconded by Laauli Leuatea Polataivao.

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

Proceedings now suspended at 10.46am and resumed at 11.20am.

9. CONSIDERATION OF SELECT COMMITTEE REPORTS

Order of the Day No.1 called.

1. P.P. 2010/2011 No. 31, Report of the Primary Production, Industry and Labour Committee on the P.P.2009/2010 No. 19, Annual Report of the Ministry of Agriculture and Fisheries for the financial year July 2007 - June 2008

Hon Tuiloma moved, “That *the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by the Deputy Speaker.

Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Report approved.

Order of the Day No2. called.

2. P.P. 2010/2011 No. 32, Amended Report of the Education, Science, Communication & Information Technology Committee on the P.P. 2008/2009 No. 26, Annual Report of the Office of the Regulator for the year ended 30TH June 2007 Pursuant to the Resolution of the Legislative Assembly on 28TH January 2009

Levaopolo moved, “That *the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by the the Lafaitale Patrick Leiatuaalesa.

Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Report approved.

Order of the Day No.3 called.

3. P.P. 2010/2011 No. 33, the Education, Science, Communication & Information Technology Committee Report on the P.P.2008/2009 No. 21, Annual Report of the Office of the Regulator for year ended 30th June 2008

Levaopolo moved, “That *the Legislative Assembly considers the Committee Report containing its Recommendations and Resolutions.*”
Seconded by the the Lafaitale Patrick Leiatuaalesa.

Chairman read out the Committee’s Resolutions and Recommendations.

Debate.

Report approved.

10. CONSIDERATION OF PAPERS

Order of the Day No.1 called.

1. 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 ended 30th June 2007

Hon Niko moved, “That *the Legislative Assembly approved the report of the Committee pursuant to Standing Orders 54.*” Seconded by Hon Faumuina/Hon Toomata.

The Minister read out the Government Responses in the report.

Report approved.

Order of the Day No.2 called.

2. P.P.2009/2010 No.84, Government Responses to P.P. 2008/2009 No. 70, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on P.P. 2008/2009 No. 38, Annual Report of the Development Bank of Samoa for the year 2007

Hon Niko moved, “That *the Legislative Assembly approved the report of the Committee pursuant to Standing Orders 54.*” Seconded by Hon Faumuina/Hon Toomata.

The Minister read out the Government Responses in the report.

Report approved.

Order of the Day No.3 called.

3. P.P.2009/2010 No. 85, Government Responses to P.P. 2008/2009 No.66, Report of the Works, Transport and Environment Committee to the P.P.2008/2009 No. 8, Electric Power Corporation’s Annual Report for the year ended 30TH June 2007

Hon Tuisugaletaua moved, “That *the Legislative Assembly approved the report of the Committee pursuant to Standing Orders 54.*” Seconded by Hon Faumuina Tiatia Liuga.

The Minister read out the Government Responses in the report.

Report approved.

Order of the Day No.4 called.

4. P.P.2009/2010 No. 86, Government Response to P.P.2009/2010 No. 57, Finance and Expenditure Committee Report on P.P.2008/2009 No. 39, Annual Report of the Central Bank of Samoa for the year 2006/2007.

Hon Niko moved, “That *the Legislative Assembly approves the report of the Committee pursuant to Standing Orders 54.*” Seconded by Hon Toomata Alapati Poese Toomata.

The Minister read out the Government Responses in the report.

Report approved.

Order of the Day No.5 called.

5. P.P.2009/2010 No. 100, Government Response to P.P. 2009/2010 No. 74, Report of the Foreign Affairs, Trade and Revenue Committee on P.P.2008/2009 No. 54, Airport Authority Statement of Corporate Objectives 2009-2011

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

The Minister read out the Government Responses in the report.

Report approved.

Order of the Day No.6 called.

6. P.P. 2009/2010 No. 102, Government Responses to the Finance and Expenditure Committee Report on the P.P.2008/2009 No. 72, Annual Report of the Polynesian Airlines for the financial year ended 30th June 2007

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

The Prime Minister read out the Government Responses in the report.

Report approved.

Order of the Day No.7 called.

7. P.P. 2009/2010 No. 114, Government Responses to P.P.2009/2010 No. 56, Health and Social Services, Internal Affairs, Community and Social Development Committee Report on P.P. 2009/2010 No. 4,

National Kidney Foundation of Samoa Annual Report for the years July 2005 - June 2006 and July 2006-June 2007.

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

The Minister read out the Government Responses in the report.

Report approved.

OTHER ANNOUNCEMENT BY MR SPEAKER

Speaker announced that a Seminar on Health Education for Parliamentary members will be conducted at 1.00pm today.

11. Proceeding now adjourned at 12.40pm until 9.00am on Friday, 13 August 2010.

Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER

Fepuleai Attila M. Ropati
CLERK

FRIDAY 13 AUGUST 2010

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 Tuisugaletaua Sofara Aveau, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Toomata Alapati Poesē Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Afioga Asiata Saleimoa Vaai, Tofa Moefaauro Lufilufi, Susuga Mulipola Oliva, Afioga Muagututia Siaosi S. Meredith, Afioga Hon Le Mamea Ropati, Afioga Vui Tupe Ioane, Afioga Patauave Etuale, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Tapuai Sepulona Moananu, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Tofa Leao Talalelei Tuitama, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Tofa Hon Tuiloma Lameko, Susuga Laauli Leuatea Polataivao, Tofa Hon Tuuu Anasii Leota, Afioga Fuimaono Naoia Tei, Afioga Lafaitale Patrick Leiataualesa Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Afioga Motuopuaa Uifagasa Aisoli, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Vaeolenofaofia Tapasu.

2. MEMBERS ABSENT:

Afioga Hon Misa Telefoni, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Taua Tavaga Kitiona Seuala, Afioga Tuia Pua Fuatogi Letoa, Tofa Taua Falaimo, Tofa Toluono Feti, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Aiono Tile Gafa, Tofa Tuiloa Anitelea, Tofa Solamalemalo Keneti Sio.

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. Stamp Duty Amendment Bill 2010 – consideration in detail

Hon Tuiloma moved, *“That the Assembly approves the Report of the Committee which recommends that the Stamp Duty Amendment Bill 2010 be now progressed with amendments.”* Seconded by Laauli Leuatea Polataivao.

Motion approved.

CLAUSE 2: Interpretation.

Approved

CLAUSE 3: Inserting of “prescribed officers” in the Act.

Approved.

CLAUSE 4: Stamping instruments

Approved.

CLAUSE 5: Creation, custody and sale of impressed stamps.

Approved

CLAUSE 6: Bills of exchange.

Hon Tuiloma moved the Amendment as follows:

“AMENDMENT:

To omit clause 6 in the Bill and substitute thereby the new “Clause 6” thus to read:-

“6. Bills of exchange- The proviso to Section 7(1) of the Principal Act is amended by substituting “the Bank of Samoa or such other bank as from time to time operating in Samoa,” to “a bank operating in Samoa as nominated by the Ministry.”

Amendment Approved.

Amendment and Clause 6 approved

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Stamp Duty Amendment Act 2010.

Hon Tuiloma moved the Amendment as follows:

“AMENDMENT:

Clause 1(2)

To omit the number “2010” and substitute thereby the number 2011 thus Clause 1(2) reads:-

“(2) This Act commences on the 1 July 2011.”

With due respect.

Amendment was approved.

Clause 1 and Title as amended was approved.

The Stamp Duty Amendment Bill 2010 be progressed with amendments.

Government Order of the Day No.2 called.

2. Parliamentary Pension Scheme Amendment Bill 2010 – consideration in detail

Laauli Leuatea moved, “That the Legislative Assembly approves the Committee Report recommending Parliament to progress with the Parliamentary Pension Scheme Amendment Bill 2010 with Amendments and Corrections.” Seconded by the member for Alataua West.

Motion approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Establishment of Scheme.

Approved.

CLAUSE 4: Board of Directors.

Approved.

CLAUSE 5: Power of the Board.

Approved.

CLAUSE 6: Disclosure of Interest.

Approved.

CLAUSE 7: Adoption of Plan.

Approved.

CLAUSE 8: Necessary Components of the Plan.

Laauli moved the Amendment to Clause 8(c)(a):

To omit the word “or” which appears after the word “retirement age” and before the word “ceasing” ” and substitute thereby the word “and” thus to read:-

“(a) The payment and amount of an annual pension upon a member reaching retirement age and ceasing to be a Member of Parliament,””

Amendment approved.

Laauli moved the Correction to Clause 8 as follows:

“CORRECTION:

Clause 8(d)(b)

To omit the word “for” which appears on the first line of subclause (b) thus to read:-

**“(b) The payment of withdrawal benefits-
(i) for current Members of Parliament; and
(ii) for members who leave parliamentary service prior to the retirement age for any reason other than death;”**

Corretion approved.

Clause 8 as amended and corrected approved.

CLAUSE 9: Amendment of Planning.

Approved.

CLAUSE 10: Administration of the Plan.

Approved.

CLAUSE 11: Government’s contribution.

Debate

Clause 11 approved.

CLAUSE 12: Investment of Scheme’s Funds.

Approved.

CLAUSE 13: Actuarial Surveys of the Scheme.

Approved.

CLAUSE 14: Substitution of Part VII.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Parliamentary Pension Scheme Amendment Act 2010.

Approved.

The Parliamentary Pension Scheme Amendment Bill 2010 be progressed with the amendment and the correction.

Government Order of the Day No.3 called.

3. Ministerial and Departmental Arranements Bill 2010 – second reading

Hon Tuilaepa moved, “*That the Ministerial and Departmental Arranements Bill 2010 be now read a second time and I wish to briely clarify it.*” Seconded by Hon Faumuina Tiatia Liuga.

The Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Government Orderof the Day No.4 called.

4. Chemical Weapons Bill 2010 – second reading

Hon Tuilaepa moved, “*That the Chemical Weapons Bill 2010 be now read a second time and I wish to elaborate on it.*” Seconded by Hon Faumuina Tiatia Liuga.

The Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Proceedings now adjourned at 10.30am until 11.00am.

MOTION TO SUSPEND SITTING HOURS

Hon Tuilaepa moved, “*That Standing Orders be suspended to allow two Bills considered in details by Parliament this morning to be read the third time today.*” Seconded by the Minister for Natural Resources and Environment and the Minister for Women, Social Community and Development and the Deputy Speaker.

Motion approved, Standing Orders was suspended to allow the Bills that were considered in today's proceedings to be third read.

Debates continued on the second reading debate of the Chemical Weapon Bill 2010.

Motion approved, the Chemical Weapons Bill 2010 was read the second time.

Government Order of the Day No.5 called.

5. Postal Services Bill 2010 – second reading

Hon Safuneituuga moved, “*That the Postal Services Bill 2010 be now read a second time and I wish to elaborate on it.*” Seconded by Hon Tolofuaivalelei Falemoe Leiataua / Hon Tuiloma Lameko.

The Minister clarified the bill.

Debate.

Motion approved and the bill was read a second time.

Motion approved, the Parliamentary Pension Scheme Amendment Bill 2010 was read the third time and had passed the Legislative Assembly.

MOTION FOR ADJOURNMENT

Hon Tuilaepa moved, “*To adjourn our Proceedings to be resumed on the date allocated by the Schedule of Parliamentary Sittings.*” Seconded by Hon Faumuina Tiatia Liuga.

Motion approved, the Legislative Assembly do adjourned and resume on the next Sitting Date as per Parliament Sittings Schedule.

Proceedings of the Legislative Assembly were adjourned at 11.55am until 9.00am on Monday, 4 October 2010 pursuant to the Parliamentary Sitting Programme 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

MONDAY 4 OCTOBER 2010

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Afioga Hon Misa Telefoni, Afioga Hon Toleafoa Apulu Faafisi, Tofa Hon Taua Tavaga Kitiona Seuala.

MEMBERS

Afioga Hon Vaai Papu Vailupe, Afioga Asiata Saleimoa Vaai, Tofa Moefaauro Lufilufi, Afioga Muagututia Siaso S. Meredith, Afioga Vui Tupe Ioane, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Levaopolo Talatonu, Afioga Sala Fata Lisati Pinati, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Susuga Laauli Leuatea Polataivao, Afioga Fuimaono Naoia Tei, Tofa Fonotoe Nuafesili Pierre Laufofo, Hon Keil Hans Joachim, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Taua Falaimo, Tofa Toluono Feti, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Tofa Tuiloa Anitelea.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Fiamē Naomi Mataafa, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Afioga Hon Unasa Mesi Galo, Tofa Hon Tuuu Anasii Leota, Afioga Motuopuaa Uifagasa Aisoli, Afioga Hon Le Mamea Ropati, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Afioga Vaeolenofa Tapasu, Afioga Tapuai Sepulona Moananu, Susuga Mulipola Oliva, Tofa Solamalemalo Keneti Sio, Tofa Hon Tuiloma Lameko, Tofa Ale Vena Ale.

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, O Le Ao o le Malo.

“MEMORANDUM To;

Mr Speaker:

Pursuant to Section 59 of the Constitution of the Independent State of Samoa and in accordance with the Standing Orders of Parliament, consent is hereby given to the Legislative Assembly to consider the following Bills:

1. Central Bank of Samoa Amendment Bill 2010.
2. Income Tax Amendment Bill 2010.
3. Public Records Bill 2010.
4. Forestry Management Bill 2010.

GIVEN UNDER my own Hand this Thursday 30th September 2010.

(Signed): Tui Atua Tupua Tamasese Efi
O LE AO O LE MALO.”

6. OTHER ANNOUNCEMENT BY MR SPEAKER

Mr Speaker announced fasting will be observed by the whole country as been made public by the Government. To be part of this important observation, I remind Members to set examples for the country; in respect of that there will be no morning tea as usual in the morning recess. This goes with the Samoan Ava as well. There will also be no water bottles on your tables. The concept is to deny physical sustenance in order to enrich our spiritual encounter with the Divine each day of this week, until we conclude it at the end of the week.

7. OBITUARY SPEECH

1. Mr Speaker announced the passing away of the late Afioga Hon Nonumalo Leulumoega Sofara. He was first elected as Member for the Constituency of Sagaga le Falefa in the VII Parliamentary term,

year 1979-1981. He was re-elected in the VIII Parliamentary term, year 1982-1984; IX Parliamentary term, year 1985-1987 and the XI Parliamentary term, year 1991-1995.

Afioga Hon Nonumalo Leulumoega Sofara was the Speaker of the Parliament of Samoa in the VIII Parliamentary term, year 1982-1984 and the IX Parliamentary term, year 1985-1987. He was a Member of the HRPP.

Afioga Hon Nonumalo Leulumoega Sofara was a Member for the Works Committee, Finance Committee and Standing Orders Committee.

2. Mr Speaker also announced the passing away of the late Afioga Hon Tuala Ainiu Iusitino. He was the Member of Parliament for the Constituency of Gagaemauga No. 1 in the XIII Parliamentary term; year 2001-2006. He was a Member of the HRPP.
For the same Parliamentary term, he was appointed as the Minister for the Ministry of Women, Community and Social Development; and Broadcasting Corporation.

3. Mr Speaker also announced the passing away of the late Afioga Asiata Saleimoa Vaai. He was first elected as Member of Parliament for the Constituency of Satupaitea in the XIII Parliamentary term; year 2001-2006. He was re-elected as Member for the same Constituency of Satupaitea in the XIV Parliamentary term, from 2006 and was still progressing when he passed away on the 2nd September 2010. Afioga Asiata Saleimoa Vaai was an Independent Member.

Afioga Asiata Saleimoa Vaai was a Member of the Business, Standing Orders, House, Officers of Parliament and Electoral Committee; Regulations Review Committee; Government Administration Committee; Bills Committee and Privileges and Ethics Committee.

In a one minute silence, the House remained standing as official declaration of a mark of respect for the late Members who have now rest in God's grace.

8. PRESENTATION OF PAPERS

1. Mr Speaker Tabled P.P.2010/2011 No.55, Declaration Report on the Meeting of Pacific Parliaments held in Auckland New Zealand on the 9th-10th August 2010, pursuant to the decision by Mr Speaker on the 17th October 2000.

2. The Clerk read out Papers being presented pursuant to Standing Orders 48.
 1. S.R.2010/33, Notice of Charge on Base Tariff for the Supply of Electricity (No.9) 2010.
 2. S.R.2010/34, Police Service Regulations 2010.
 3. S.R.2010/35, Police Service Regulations 2010-Notice of Commencement.
 4. P.P.2010/2011 No.36, Government Responses to P.P. 2009/2010 No.95, Report of the Health & Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2009/2010 No.27, Annual Report of the Ministry of Women, Community and Social Development for Financial Year ended 30th June 2007.
 5. P.P. 2010/2011 No.37, Samoa Tourism Authority Annual Report July 2008-June 2009.
 6. P.P. 2010/2011 No.38, Annual Report of the National University of Samoa July 2008-June 2009.
 7. P.P.2010/2011 No.39, Government Responses to P.P. 2010/2011 No.10, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P. 2009/2010 No.63, Financial Report of the Parliamentary Pension Scheme for Year Ended 30th June 2008.
 8. P.P. 2010/2011 No.40, Government Responses to P.P. 2009/2010 No.123, Report of the Government Administration Committee on P.P. 2009/2010 No.38, Annual Report of the Development Bank of Samoa for the Year 2008.
 9. P.P. 2010/2011 No.41, Government Responses to P.P. 2009/2010 No.97, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2008/2009 No.57, Annual Report of the Ministry of Natural Resources and Environment for the Year 2006/2007.
 - 10.P.P. 2010/2011 No.42, Government Responses to P.P. 2010/2011 No.26, Report of the Justice, Police & Prisons and Land & Titles Committee on P.P. 2009.2010 No.87, Annual Report of the Samoa Fire & Emergency Services for the Financial Years 2006/2007 & 2007/2008.
 - 11.P.P. 2010/2011 No.43, Samoa Trust Estates Corporation 47th Annual Report and Accounts for the Year Ended 30th June 2009.
 - 12.P.P. 2010/2011, Report of the Delegation to the Meeting of the Pacific Parliaments held in Auckland New Zealand on the 9th & 10th August 2010.
 - 13.P.P. 2010/2011 No.56, Government Responses to P.P. 2010/2011 No.32, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2006/2007 No.26, Annual Report of the Office of the Regulator for Financial Year ending 30th June 2007.

- 14.P.P. 2010/2011 No.57, Government Responses to P.P. 2010/2011 No.33, Report of the Education, Science, Communication and Information Technology on P.P. 2008/2009 No.21, Annual Report of the Office of the Regulator for the Financial Year ending 30th June 2008.
- 15.P.P. 2010/2011 No.58, Government Responses to P.P. 2009/2010 No.125, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P. 2009/2010 No.40 & P.P. 2009/2010 No.41, Annual Reports of the Office of the Electoral Commissioner for Years 2006/2007 & 2007/2008.
- 16.P.P. 2010/2011 No.59, First Annual Report of the Samoa Reform Commission (Office of the Attorney General) for the period 1st November 2008-30th November 2009.

9. PRESENTATION OF SELECT COMMITTEES REPORTS

The Clerk read out the Select Committees Reports as being tabled. (Pursuant to Standing Order 51(5)).

- i. P.P. 2010/2011 No.44, Report of the Justice, Police & Prisons and Land & Titles Committee on the Casino and Gambling Control Bill 2010.
- ii. P.P. 2010/2011 No.45, Report of the Justice, Police & Prisons and Land & Titles Committee on the Plebiscite Amendment Bill 2010.
- iii. P.P. 2010/2011 No.46, Report of the Health & Social Services, Internal Affairs and Community and Social Development Committee on the Electricity Bill 2010.
- iv. P.P. 2010/2011 No.47, Report of the Health & Social Services, Internal Affairs and Community and Social Development Committee on the House Corporation Bill 2010.
- v. P.P. 2010/2011 No.48, Report of the Works, Transport & Environment Committee on the Survey Bill 2010.
- vi. P.P. 2010/2011 No.49, Report of the Works, Transport and Environment Committee on the Land Valuation Bill 2010.
- vii. P.P. 2010/2011 No.50, Report of the Works, Transport and Environment Committee on the Spatial Information Agency Bill 2010.
- viii. P.P.2010/2011 No.51, Report of the Government Administration Committee on the National University of Samoa Amendment Bill 2010.
- ix. P.P.2010/2011 No.52, Report of the Education, Science, Communication & Information Technology Committee on the Postal Services Bill 2010.
- x. P.P. 2010/2011 No.53, Report of the Foreign Affairs, Trade and Revenue Committee on the Chemical Weapons Bill 2010.

- xi. P.P.2010/2011 No.54, Report of the Government Administration Committee on P.P. 2009/2010 No.106, Annual Report of Samoa Tel for the Financial Year ending 30th June 2008.

10. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called

1. Central Bank of Samoa Amendment Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Central Bank of Samoa Amendment Bill 2010 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi / Laauli Leuatea Polataivao.

Motion approved and the bill was read a first time.

Government Order of the Day No.2 called.

2. Income Tax Amendment Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Income Tax Amendment Bill 2010 be now read a first time.”* Seconded by Hon Toleafoa Apulu Faafisi/ Laauli Leuatea Polataivao.

Motion approved and the bill was read a first time.

Government Order of the Day No.3 called.

3. Public Records Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Public Records Bill 2010 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi / Laauli Leuatea Polataivao.

Motion approved and the bill was read a first time.

Government Order of the Day No.4 called.

4. Forestry Management Bill 2010 – first reading

Hon Tuilaepa moved, *“That the Forestry Management Bill 2010 be now read a first time.”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi / Laauli Leuatea Polataivao.

Motion approved and the bill was read a first time.

PRIME MINISTER’S MINISTERIAL STATEMENT AND

MOTION FOR ADJOURNMENT

Susuga Hon TUILAEPA SAILELE MALIELEGAOI

Mr Speaker, I thank God this morning for His grace by which we managed to assemble once again in this Meeting; indeed it is a fine morning.

I can see you have the best of health; with the exception of the late Afioga Asiata Saleimoa Vaai who was the member for the Constituency of Satupaitea and who passed away while he was still holding seat and being part of us. Our prayer is that he is now rest in God's eternal grace.

This morning we also pay tribute to the late Afioga Hon Nonumalo Leulumoega Sofara who was in the Chair of the Speaker while a Member of the House during some of the past Parliamentary terms. Likewise the late Afioga Tuala Ainiu Iusitino who was a Member of Cabinet in the last Parliamentary term.

It is God's own Grace that His abundance is bestowed upon these servants for what they did as leaders of this country while Members of this House of Parliament here at Tiafau the traditional ground of the Government of Samoa.

Mr Speaker, we also remember all our loved ones who have perished in the tsunami; a mighty act of God's creation. Yesterday at the Government's cemetery in Tafaigata, we paid tribute to all our people who were victims of that natural disaster; we have also held last Sunday as day to remember for the same dark day in the country. The day was appropriate since God rested from all His creation and Divine activity. Many of the country who managed to get there yesterday witnessed this sad event.

The important aspects of this Memorial Day Mr. Speaker is learning a lesson and take heed of the Government's preventive measures which are now put in place to prepare ourselves when such powerful act takes place again. Why? The fact is crystal clear; "history turns to repeat itself." The tsunami and earthquake are not new phenomenon in Samoa.

What is new on the 29th September 2009 is that it was so powerful and catastrophic. Naturally an earthquake comes before the tsunami strikes. All we do is fleeing to higher grounds. Our Government made the effort in giving warnings, drills and safety measures as the aftermath of the disaster. We need to be critical of our usual weakness; we only make haste when we actually see with our eyes the truth. Worst still, we learnt later there were three earthquakes and not two, which took place beneath the ocean floor south of Samoa.

Henceforth major infrastructure such as seawalls and access roads inland were constructed for security and protective measures. This program is still in progress together with population relocation to higher grounds before any major rise of the sea level which could be disastrous for lowland residential areas.

In the case of a major disruption, there is great concern that low islands like Toelau, Kiribati and part of Tonga could be sunk.

May I once again express appreciation on behalf of this Parliament to the generosity of all individual members of the community,

churches, corporations, overseas partners like New Zealand, Australia, Japan, China, the European Union and our neighbor Pacific countries; your precious contributions enabled us to move ahead with the reconstruction of the tsunami damages. Our own Government's tremendous contribution is now printed in a special document which has been publicized and distributed last week; all generous donations and how they were spent are now recorded in a detail report and would be forwarded to Parliament for approval. All donations and funds to have been spent in events of this nature should be brought and acknowledged in Parliament.

This printed document is provided mainly for those who asked for an explanation of all money been donated and the manner in which they were spent. I am also aware that there are those who just look for loopholes but not appreciating the good works which have been put in place. The Government follows policies and guidelines been put in place; there are Biblical sayings which indicate this: "We do not have the reward but still we continue to take care of them." All times we forgive them make them accountable for God's judgment. It means whoever calls good deed bad will for sure live but is doomed already.

Mr Speaker and members of the House, it is good that both the tsunami memorial day and the week of fasting and prayer are celebrated on the same day; you have reminded us of this in the morning. If senior Members of the House could recall it, this week of fasting and prayer and the Parliament's fellowship prayer meeting at the end of the year all began from this House after hurricane Ofa in 1990.

The purpose of this activity, Mr Speaker is for the leaders of the country to set good examples by acknowledging our own failures before God and thereby dedicating this country to the guidance and protection of our Lord God. The implementation of this event is the responsibility of both Government and the Fellowship of Christian Churches as they are the Levites set aside for this task. It is vitally important that prayer goes together with fasting; having no fasting does not make us feel how sweet our sacrifice is before God upon Whom Samoa is founded.

This activity does not have any legal force to get a person to be part of it; participating is left to the Member's own free will.

We need to understand it is denial before God to tell our people to be part of this event and yet some of us who are leaders of Samoa do not follow the decisions we have made. The hope is that we all take part by setting the example and observing this appointed week of spiritual exercise.

I suggest, Mr Speaker members are prepared to meet their Constituencies as the Samoan usual custom is in times like this; Members must understand this is one of the important obligations which is still left to be done for this Parliamentary term. We already

put in place the General Election to be held on Friday, 4th March 2011. Parliament should be dissolved by January 2011 after the last Session of Parliament and to be officially closed with a special service in which the keynote address will be delivered by Lana Afioga Mamalu O Le Ao o le Malo; the essence of the speech is a token of thanks for all the good works been put in place as a Parliament. Having closed the day, Parliament will be dissolved to allow us to prepare for the General Election.

This is the implementation of the new policy; only in the first Assembly of a new Parliament after the General Election and the last Meeting in which dissolution takes place that Lana Afioga Mamalu O Le Ao o le Malo joins in to officially open the new Parliament and at the end of the term when it is dissolved. This is the manner by which all other unnecessary requirements in the process are erased.

It is our hope, Mr Speaker that we would all return back, no member wants to die; we all want to live. There are 4 Bills being tabled this morning for the first readings. It is my opinion that enough time is allowed for the Members to read and attain a clear understanding of these Bills and amendments before their detail consideration on the 2nd reading. We are also aware of the coming event of the White Sunday for the children this Sunday (O lea ua tu i lagi le lagaali a Tama Faiga). Children are precious to parents; such is the reason that we need to prepare ourselves for this important occasion in our country. This is the day our children can have the opportunity to preach to us even though we do not want to know it.

For any other day; I doubt if any of us here escaped the rod which our parents in those days believed as the appropriate manner of teaching. "The straw on the back of the fool is useful lesson." We all learned are all made useful because we went through the same instruction. I guess if those who loved destroying other people's houses have received the same lesson as we had ourselves, I doubt if crime of this nature would happen again in Samoa. Each day is a choice; each season has its own fruit picker (Ole Aso ma le filiga ole fuata foi ma lona Lou).

The purpose of what I am saying is that we need to be well prepared spiritually for the Children's White Sunday and read the Bills starting from now, tomorrow and Monday next week until the day when we come back to resume our work. This is the reason for this lengthy Ministerial Statement this morning; to make crystal clear the motion I am now move, *That our Proceedings be adjourned immediately until next week on Tuesday, 12th October 2010 at 9:00am.* That is the motion with due respect. Soifua.

Seconded by Hon Misa Telefoni, Hon Tuisugaletaua Sofara Aveau & Hon Taua Tavaga Kitiona Seuala.

Hon Toleafoa Apulu Faafisi moved, “*That the Prime Minister’s Ministerial Statement be printed and tabled in Parliament.*” *Seconded by Hon Gatoloaifaana Amataga Gidlow / Hon Taua Tavaga Kitiona Seuala / Hon Tuisugaletaua Sofara Aveau.*

Motion approved, Proceedings of the Legislative Assembly adjourned until the following week on Tuesday, 12th October 2010.

Motion approved, the Prime Minister’s Ministerial Statement be tabled in Parliament was carried in the affirmative.

Proceedings of the Legislative Assembly were adjourned at 10:00am to be resumed at 9:00am on Tuesday, 12th October 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

TUESDAY 12 OCTOBER 2010

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Unasa Mesi Galo, Tofa Hon Tuuu Anasii Leota, Tofa Hon Taua Tavaga Kitiona Seuala.

MEMBERS

Afioga Asiata Saleimoa Vaai, Tofa Moefaauro Lufilufi, Afioga Muagututia Siaso S. Meredith, Afioga Vui Tupe Ioane, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoa, Afioga Patu Ativalu Togi II, Susuga Laauli Leuatea Polataivao, Afioga Fuimaono Naoia Tei, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Taua Falaimo, Tofa Toluono Feti, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Hon Le Mamea Ropati, Afioga Patauave Etuale, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Afioga Tapuai Sepulona Moananu, Susuga Mulipola Oliva, Tofa Hon Tuiloma Lameko, Tofa Ale Vena Ale, Tofa Tuiloa Anitelea.

2. MEMBERS ABSENT:

Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Toomata Alapati Poesé Toomata, Hon Lee Hang Niko, Afioga Hon Vaai Papu Vailupe, Afioga Motuopuaa Uifagasa Aisoli, Afioga Levaopolo Talatonu, Afioga Vaeolenofaia Tapasu, Tofa Solamalemalo Keneti Sio, Afioga Lafaitale Patrick Leiataualesa.

3. The Legislative Assembly met at 9.00am.

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

5. PRESENTATION OF PAPAERS

The Clerk read out the list of Papers pursuant to Standing Order 48.

1. S.R.2010/36, Notice of Charge on Base Tariff for the Supply of Electricity (No.10) 2010.
2. S.R.2010/37, Parliamentary Pension Scheme Regulations 2010.
3. P.P.2010/2011 No.60, Annual Report of the Public Service Commission July 2005 – June 2008.
4. P.P.2010/2011 No.65, Government Responses to P.P.2010/2011 No.27, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.20 & P.P.2009/2010 No.108, Annual Reports of the Polynesian Airlines Company for the years 2007/2008 & 2008/2009.
5. P.P.2010/2011 No.66, Government Responses to P.P.2009/2010 No.96, Report of the Justice, Police & Prisons and Land & Titles Court Committee on P.P.2008/2009 No.73, Annual Report of the Ministry of Justice and Courts Administration for the Year 2006/2007.
6. P.P.2010/2011 No.67, Ministerial Statement by the Hon. Prime Minister.

6. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the list of Select Committee Reports pursuant to S.O.51(5).

1. P.P. 2010/2011 No.61, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.26, Betting (Totalisator) Agency Board Financial Statements for the 12 months ended 30 June 2008.
2. P.P.2010/2011 No.63, Report of the Finance and Expenditure Committee on P.P.2008/2009 No.77, Public Accounts for the Year Ended 30 June 2004, P.P.2008/2009 No.78, Public Accounts for the Year Ended 30 June 2005, & P.P.2008/2009 No.79, Public Accounts for the Year Ended 30 June 2006.
3. P.P.2010/2011 No.62, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.103, Annual Report of the Samoa Life Assurance Corporation for the year 2009.

7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Casino and Gambling Control Bill 2010 – consideration in detail
Fonotoe moved, *“That this Assembly approves the Committee Report recommending that Parliament proceeds with the Casino and Gambling Control Bill 2010 with Corrections and Amendments.”* Seconded by the member for Vaa o Fonoti and the member for Anoamaa East.

Question put and the report stood approved.

Debate.

CLAUSE 2: Interpretation.

“AMENDMENT:

Tofa FONOTOE moved the Amendment to Clause 2 as follow:-

“AMENDMENT

Clause 2(1).

To insert in Clause 2(1) after the definition of “government agency”, the expression-

“hotel” has the same meaning as “Hotel” in section 7A of the Income Tax Act 1974;”

Amendment was approved.

Clause 2 was approved as amended.

CLAUSE 3: Acts binds Government.

Approved.

CLAUSE 4: Objects.

“CORRECTION:

Fonotoe moved the Correction to Clause 4(e) for the English Print Only:

To omit the expression “to promote a balance contribution” as it appears in subclause 4(e) and substitute thereby the correct expression “to promote a balanced contribution” thus (e) reads:-

“(e) to promote a balanced contribution by the gambling industry to tourism and general community benefit and amenity.

Debate.

Correction was Approved.

Clause 8 approved as Corrected.

CLAUSE 9: Membership of the Authority.

Debate.

Clause 9 was approved.

CLAUSE 10: Terms of Office of Members.

Approved.

CLAUSE 11: Remuneration of members.

Approved.

CLAUSE 12: Vacation of Office.

Approved.

CLAUSE 13: Vacancy not to affect powers or functions.

Approved.

CLAUSE 14: Disclosure of interests.

Approved.

CLAUSE 15: Calling of meetings.

Approved.

CLAUSE 16: Meetings of the Authority.

Approved.

CLAUSE 17: Committees of the Authority.

Approved.

CLAUSE 18: Delegation of powers.

Approved.

CLAUSE 19: Annual Reports.

“AMENDMENTS:

Fonotoe moved the Amendment to Clause 19 as follows:

To omit the introductory heading to Clause 19 and substitute the new heading and new subclause (1), thus Clause 19 reads:-

19 Authority monies and annual reports – (1) There are payable to the Authority such monies as are appropriated by the Legislative Assembly for the purposes of this Act.

To renumber subclause (1) of Clause 19 to become subclause (2), subclause (2) to become subclause (3), and subclause (3) to become subclause (4), as consequences of the insertion of the new subclause (1).”

Amendment was approved.

Clause 19 approved as Amended.

CLAUSE 20: Chief Executive Officer.

Approved.

CLAUSE 21: Acting Chief Executive Officer.

Approved.

CLAUSE 22: Authority staff.

Approved.

CLAUSE 23: Number of casino licenses.

Debate.

Clause 23 was approved.

CLAUSE 24: Requirements for a casino.

Fonotoe moved the Amendment to Clause 24 as follows:

“AMENDMENTS:

Clause 24(3):

To omit the expression “hotel complex” as it appears in Clause (3) No person other than a foreign passport holder who is a 24(3), and substitute thereby the expression “hotel casino complex or another hotel” thus (3) reads:-

- (3) **No person other than a foreign passport holder who is a residential guest of the hotel casino complex or of another hotel has a right to enter, remain or participate in casino gaming, other than an officer who may enter and remain when performing duties of his or her employment.”**

Debate.

Amendment was approved.

Clause 24 was approved as Amended.

CLAUSE 25: Authority may invite expressions of interest.

Approved.

CLAUSE 26: Authority may conduct negotiations and enter into agreements.

Approved.

CLAUSE 27: Grant of licence by the Authority

Approved.

CLAUSE 28: Lawfulness of casino operation.

Approved.

CLAUSE 29: Application for a casino licence.

Approved.

CLAUSE 30: Suitability of casino licence.

Approved.

CLAUSE 31: Form of the casino licence.

Approved.

CLAUSE 32: Duration of casino licence.

Approved.

CLAUSE 33: Surrender of casino licence.

“AMENDMENT:

Fonotoe moved the Amendment to Clause 33 as follows:

Clause 33(2):

To omit section “12” or section “13” as appearing in clause 33(2) and substitute thereby the section “36” or section “37”, thus (2) reads:-

- (2) **The casino licensee may not surrender the casino licence if there is an amount payable by the licensee to the Authority under section 36 or section 37”.**

Correction was approved.

Clause 33 approved as corrected.

CLAUSE 34: Suspension or cancellation of casino licence – grounds.

Approved.

CLAUSE 35: Suspension or cancellation of casino licence procedures.

Approved.

CLAUSE 36: Casino licence fee.

Approved.

CLAUSE 37: Commission

Approved.

CLAUSE 38: Payment of fee and commission where casino licence suspended.

Approved.

CLAUSE 39: List of persons excluded from casino.

Approved.

CLAUSE 40: Application of Liquor Act.

Approved.

CLAUSE 41: Powers of officers.

MR SPEAKER: The Committee has a Correction to Clause 41 as presented in the Supplementary Order Paper.

I call on the Chairman of the Committee.

Fonotoe moved the Correction to Clause 42 as follows.

“CORRECTION

To omit subclause (3) from Clause 41 of the Bill.

Correction was approved.

Clause 41 as corrected approved.

CLAUSE 42: Investigations.

Approved.

CLAUSE 43: Self incrimination.

Approved.

CLAUSE 44: Secrecy.

Approved.

CLAUSE 45: Maintenance of facilities.

Approved.

CLAUSE 46: Approval of layout.

Approved.

CLAUSE 47: Approval of gaming equipment and chips.

Approved.

CLAUSE 48: Entry to and exclusion of entry from casino.

Approved.

CLAUSE 49: Grounds.

“CORRECTION:

Fonotoe moved the Correction to Clause 49(1)(c) as follows:

Clause 49(1)(c):

To omit reference numbers 23(4) as it appears in clause 49(1)(c), and substitute thereby the correct number 24(3) thus (c) reads :-

(c) does not have a right to enter under section 24(3).

Correction was approved.

Clause 49 approved as corrected.

CLAUSE 50: Enforcement.

Approved.

CLAUSE 51: Obligations of casino license.

Approved.

CLAUSE 52: Directions of Commissioner of Police.

Approved.

CLAUSE 53: Revocation of direction.

Approved.

CLAUSE 54: Authorised games.

Approved.

CLAUSE 55: Gaming equipment and chips.

Approved.

CLAUSE 56: Conduct of gaming.

Approved.

CLAUSE 57: Gambling by certain persons prohibited.

Approved.

CLAUSE 58: Cheating.

Approved.

CLAUSE 59: Forgery.

Approved.

CLAUSE 60: Restriction on credit.

Approved.

CLAUSE 61: Cheques.

Approved.

CLAUSE 62: Deposit accounts.

Approved.

CLAUSE 63: Redemption of cheques.

Approved.

CLAUSE 64: Proceedings etc. in relation to gaming.

Approved.

CLAUSE 65: Interpretation.

Approved.

CLAUSE 66: Powers of Officers in casinos.

Fonotoe moved the Correction to Clause 66(2) as follows:-

“CORRECTION

Clause 66(2)

To omit the Roman figures (i), (ii) and (iii), and substitute thereby the paragraphs (c), (d) and (e).”

Correction was Approved.

Clause 66 approved as corrected.

CLAUSE 67: Seizure of things not specified in warrant.

Approved.

CLAUSE 68: Consent relating to searches.

Approved.

CLAUSE 69: Search warrants.

Approved.

CLAUSE 70: Police entry.

Approved.

CLAUSE 71: Special powers of officers and police officers.

Approved.

CLAUSE 72: Restrictions affecting search of persons.

Approved.

CLAUSE 73: Disposal of gaming equipment etc. after seizure.

Approved.

CLAUSE 74: Detention of suspected person.

Approved.

CLAUSE 75: Obstructing officer.

Approved.

CLAUSE 76: Compliance with requirement of officer.

Approved.

CLAUSE 77: False information.

Approved.

CLAUSE 78: False representation.

Approved.

CLAUSE 79: Failure to provide information.

Approved.

CLAUSE 80: Conflict of interest.

Approved.

CLAUSE 81: Bribery.

Approved.

CLAUSE 82: Conduct of directors, officers, employees and agents.

Approved.

CLAUSE 83: Bank accounts.

Approved.

CLAUSE 84: Access to banking records.

Approved.

CLAUSE 85: Accounts and records.

Approved.

CLAUSE 86: Statement of accounts.

Approved.

CLAUSE 87: Audit.

Approved.

CLAUSE 88: Retention of records.

Approved.

CLAUSE 89: Regulations.

Approved.

CLAUSE 90: Consequential Amendment.

Debate.

Clause 90 was Approved.

**CLAUSE 91: Amendment to Value Added Goods and Services
Tax Act 1992/1993.**

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Casino and Gambling Control 2010.

Approved.

Government Order of the Day No.2 called.

2. Plebiscite Amendment Bill 2010 – consideration in detail

Fonotoe moved, “That the Legislative Assembly approves the Select Committee’s Report recommending the Legislative Assembly to proceed with the Plebiscite Amendment Bill 2010 without Amendments.”

Seconded by the member for Vaa o Fonoti and the member for Anoamaa East.

Question put and the report was approved.

CLAUSE 2: Long title of the Principal Act.

Approved.

CLAUSE 3: Plebiscite to be held.

Approved.

CLAUSE 4: References to the plebiscite.

Approved.

CLAUSE 5: Notice of poll.

Approved.

CLAUSE 6: Method of voting.

Approved.

CLAUSE 7: Preliminary count of votes.

Approved.

CLAUSE 8: Provisional result of poll.

Approved.

CLAUSE 9: Voting papers, etc. , to be delivered to Returning Officer.

Approved.

CLAUSE 10: Official count.

Approved.

CLAUSE 11: Official declaration of poll.

Approved.

CLAUSE 12: Voter not to be required to disclose how he or she voted.

Approved.

CLAUSE 13: Interfering with voters, etc.

Approved.

CLAUSE 14: Influencing voters, etc.

Approved.

CLAUSE 15: Displaying cards, emblems, etc.

Approved.

CLAUSE 16: Decision of Court.

Approved.

CLAUSE 17: Form 8.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Plebiscite Amendment 2010.

Approved.

The Plebiscite Amendment Bill 2010 be progressed without Amendments.

Government Order of the Day No.3 called.

3. Electricity Bill 2010 – consideration in detail

Hon Aeau Peniamina moved, “That the Legislative Assembly approves the Committee Report recommending the Legislative Assembly to proceed with the Electricity Bill 2010 with Amendments.” Seconded by one of the member’s for Safata, Afioga Hon Palusalue Faapo II.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Objectives of this Act.

Approved.

CLAUSE 4: Appointment of the Regulator.

Approved.

CLAUSE 5: Disqualification.

Approved.

CLAUSE 6: Responsibilities, functions, and powers of the Regulator.

Approved.

CLAUSE 7: Post employment restriction.

Approved.

CLAUSE 8: Office of the Regulator.

Approved.

CLAUSE 9: Budget of the Office of the Regulator.

Approved.

CLAUSE 10: Judicial enforcement.

Approved.

CLAUSE 11: Civil liability.

Approved.

CLAUSE 12: Types of licences.

Approved.

CLAUSE 13: Application and grant of licence.

Approved.

CLAUSE 14: Suspension of licence.

Approved.

CLAUSE 15: Revocation of licence.

Approved.

CLAUSE 16: Offence for operating without a licence.

Approved.

CLAUSE 17: Regulations for issuing of licence.

Approved.

CLAUSE 18: Electricity network services licensee not to sell, transfer or lease assets.

Approved.

CLAUSE 19: The Regulator to set tariffs.

Approved.

CLAUSE 20: Changes to tariffs.

Approved.

CLAUSE 21: Power to review tariffs.

Approved.

CLAUSE 22: Tariff subsidies.

Approved.

CLAUSE 23: Setting tariff regulations.

Approved.

CLAUSE 24: Standards of electricity services to be developed by the Regulator.

Approved.

CLAUSE 25: Regulator to consult with Government for provision of electricity services to rural areas.

Approved.

CLAUSE 26: Regulator's functions relating to disputes between consumers and electricity network services licensee.

Approved.

CLAUSE 27: Power System expansion plan.

Approved.

CLAUSE 28: Review of power system expansion plan.

Approved.

CLAUSE 29: Regulator's prior approval for entering into power purchase agreements with independent power producers.

Approved.

CLAUSE 30: Regulator's prior approval for entering into power purchase agreements with independent power producers.

Approved.

CLAUSE 31: Public input and consultation.

Approved.

CLAUSE 32: Disputes between electricity network services licensee and independent power producers.

Approved.

CLAUSE 33: Disputes between electricity network services licensee and consumers.

Approved.

CLAUSE 34: Appeal of decisions of the Regulator to be filed with the Electricity Tribunal.

Approved.

CLAUSE 35: Notice of Appeal.

Approved.

CLAUSE 36: Electricity Tribunal.

Approved.

CLAUSE 37: Remuneration of Tribunal members.

Approved.

CLAUSE 38: Revocation of appointment of Tribunal members.

Approved.

CLAUSE 39: Ministry to provide necessary administrative support.

Approved.

CLAUSE 40: Convening Tribunal hearings.

Approved.

CLAUSE 41: Tribunal proceedings.

Approved.

CLAUSE 42: Principles of natural justice to be observed.

Approved.

CLAUSE 43: Government may be represented in any proceeding.

Approved.

CLAUSE 44: Tribunal decisions.

Approved.

CLAUSE 45: Decision of Tribunal to be final.

Approved.

CLAUSE 46: Government Ministries and Agencies to assist Tribunal.

Approved.

CLAUSE 47: Appeal to bar litigation.

Approved.

CLAUSE 48: Enforcement of orders.

Approved.

CLAUSE 49: Advice to Minister.

Approved.

CLAUSE 50: Rules and procedures.

Approved.

CLAUSE 51: Annual reports.

Approved.

CLAUSE 52: Offences and penalties.

Approved.

CLAUSE 53: Reporting of offences to the Attorney General.

Afioga Hon Aeau Peniamina moved the Amendment to Clause 53 as follows:-

“AMENDMENT:

Clause 53:

To omit Clause 53 and substitute thereby the new Clause 53 as follows:-

53. **Reporting of offences to the Attorney General – (1) The Regulator shall report all breaches of this Act to the Attorney General and shall advise the Attorney General as to any necessary prosecutions which the Regulator believes ought to be pursued against any person.**
- (2) **Upon the receipt of advice for prosecution under subsection (1), the Attorney General may, subject to resource constraints, consider the laying of charges against such persons.”**

Amendment Approved

Clause 53 approved as amended.

CLAUSE 54: Regulations.

Approved.

CLAUSE 55: Claim for failure of electricity supply.

Debate.

Clause 55 Approved.

CLAUSE 56: Transitional provisions.

Approved.

CLAUSE 57: Consequential Amendments.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Electricity Bill 2010.

Approved.

The Electricity Bill 2010 be progressed with Amendments.

Proceedings now set aside for normal recess at 10.30am and resumed at 11.25am.

ANNOUNCEMENT BY MR SPEAKER

Speaker announced that on Wednesday 13th October 2010 at 9.00am there will be a Special Program conducted at the Luafatasaga Hall for members.

This special program is a collaborative effort by the Parliamentary Secretariat and the Samoa National Kidney Foundation (SNKF) to encourage healthy living. The purpose of this program is to carry out medical examination of members to ensure that they are not susceptible to non-communicable diseases such as diabetes, hypertension and others.

Government Order of the Day No.4 called.

4. Housing Corporation Bill 2010 – consideration in detail

Aeau Peniamina moved, “, *That the Legislative Assembly approves the Committee Report recommending the Legislative Assembly to proceed with the Housing Corporation Bill 2010 with Amendments.*”
Seconded by one of the members for Safata, Afioga Hon Palusalue Faapo II.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Continuation of the Housing Corporation.

Approved.

CLAUSE 4: Offices of the Corporation.

Approved.

CLAUSE 5: Functions of the Corporation.

Approved.

CLAUSE 6: Operating principles.

Approved.

CLAUSE 7: Corporation to follow approved policy of the Government.

Approved.

CLAUSE 8: Powers of the Corporation.

Approved.

CLAUSE 9: The Directors of the Corporation.

Afioga Hon Aeau Peniamina moved the Amendment to Clause 9(6) as follows:-

“AMENDMENT:

Clause 9(6):

To omit the words “1 July 2010” and substitute thereby the words “31 December 2010” thus (6) reads:-

(6) From 31 December 2010.”

Amendment approved.

Clause 9 approved as Amended.

CLAUSE 10: Terms of office of directors.

Approved.

CLAUSE 11: Remuneration of appointed directors.

Approved.

CLAUSE 12: Meetings of directors.

Approved.

CLAUSE 13: Disclosure of interest.

Approved.

CLAUSE 14: Contracts by the Corporation.

Approved.

CLAUSE 15: Committees.

Approved.

CLAUSE 16: Delegation of powers.

Approved.

CLAUSE 17: No gifts etc. to be accepted by directors or officers.

Approved.

CLAUSE 18: Chief Executive Officer.

Approved.

CLAUSE 19: Acting Chief Executive Officer.

Approved.

CLAUSE 20: Corporation staff.

Approved.

CLAUSE 21: Other staffing provisions.

Approved.

CLAUSE 22: Capital of the Corporation.

Approved.

CLAUSE 23: Saving of existing arrangements.

Approved.

CLAUSE 24: Shares to be held by the Government.

Approved.

CLAUSE 25: Corporation may issue securities.

Approved.

CLAUSE 26: Securities issued by the Corporation to be guaranteed by the Government.

Approved.

CLAUSE 27: Investments in securities issued by the Corporation.

Approved.

CLAUSE 28: Other powers to borrow.

Approved.

CLAUSE 29: General Reserve and other funds.

Approved.

CLAUSE 30: Corporation to maintain approved securities.

Approved.

CLAUSE 31: Distribution of profits.

Approved.

CLAUSE 32: Transfer of Government property and securities to the Corporation.

Approved.

CLAUSE 33: Securities from borrowers.

Approved.

CLAUSE 34: Mortgages of leasehold interests.

Approved.

CLAUSE 35: Powers in relation to recover of monies owed by borrowers.

Approved.

CLAUSE 36: Audit Committee and Risk Management Committee.

Approved.

CLAUSE 37: Inquiries into malpractice.

Approved.

CLAUSE 38: Protection of informants.

Approved.

CLAUSE 39: Protection from liability.

Approved.

CLAUSE 40: Accounts, audit, and reports.

Approved.

CLAUSE 41: Powers of the Auditor.

Approved.

CLAUSE 42: Director's responsibilities in relation to accounts and reports.

Approved.

CLAUSE 43: Write-offs.

Approved.

CLAUSE 44: Obligations of Directors.

Approved.

CLAUSE 45: Directors with loans in arrears.

Approved.

CLAUSE 46: Application of the Public Bodies (Performance and Accountability) Act 2001 to the Corporation.

Approved.

CLAUSE 47: Application of the Companies Act 2001 to the Corporation.

Approved.

CLAUSE 48: Indemnities for directors and employees.

Approved.

CLAUSE 49: Confidentiality of financial information.

Approved.

CLAUSE 50: Prohibition of procurement fees.

Approved.

CLAUSE 51: Exemption from income tax.

Approved.

CLAUSE 52: Use of Approved Forms.

Approved.

CLAUSE 53: Regulations.

Approved.

CLAUSE 54: Repeal of the Housing Corporation Act 1989.

Approved.

CLAUSE 55: Savings and Transitional Provisions.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Housing Corporation 2010.

Approved.

Government Order of the Day No.5 called.

5. Survey Bill 2010 – consideration in detail

Muagututagata moved, “That the Legislative Assembly approves the Committee Report recommending the Legislative Assembly to proceed with the Survey Bill 2010 without any Amendments.” Seconded by one of the members for Vaimauga West, Afioga Anauli Pofitu Fesili and one of the member’s for Aana Alofi No.1, Afioga Aiono Tile Gafa.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act to bind the Government.

Approved.

CLAUSE 4: Role of the Ministry.

Approved.

CLAUSE 5: The Land Professionals Registration Committee (Survey).

Approved.

CLAUSE 6: Functions of the Committee.

Approved.

CLAUSE 7: Meetings of the Committee.

Approved.

CLAUSE 8: Delegation of the Minister's powers and functions.

Approved.

CLAUSE 9: Delegation of the Chief Executive Officer's powers and functions.

Approved.

CLAUSE 10: The Samoa Institute of Land Professionals.

Approved.

CLAUSE 11: Functions of the Institute.

Approved.

CLAUSE 12: The Council of the Institute.

Approved.

CLAUSE 13: Disciplinary offences and procedures for land professionals.

Approved.

CLAUSE 14: Register of surveyors.

Approved.

CLAUSE 15: Qualifications of applicants for registration.

Approved.

CLAUSE 16: Applications for registration.

Approved.

CLAUSE 17: Registration of surveyors.

Approved.

**CLAUSE 18: Annual practicing certificates for registered
surveyors.**

Approved.

CLAUSE 19: Subdivision plans.

Approved.

CLAUSE 20: Definition plans.

Approved.

CLAUSE 21: Standard measurement of length.

Approved.

CLAUSE 22: Roads.

Approved.

CLAUSE 23: Reserves.

Approved.

CLAUSE 24: Creation of access and drainage easements.

Approved.

CLAUSE 25: Consideration of subdivision plan.

Approved.

CLAUSE 26: Consideration of definition plan.

Approved.

CLAUSE 27: Reconsideration of Chief Executive Officer's decision.

Approved.

CLAUSE 28: Appeals to Supreme Court.

Approved.

CLAUSE 29: Correction of errors.

Approved.

CLAUSE 30: Subdivision and definition plans to be deposited.

Approved.

CLAUSE 31: Vesting of roads, road reserves and public reserves in the Government.

Approved.

CLAUSE 32: Power of Registrar to create an easement for the benefit of landlocked land.

Approved.

CLAUSE 33: General.

Approved.

CLAUSE 34: Powers of entry for cadastral survey purposes.

Approved.

CLAUSE 35: Entry on land for purposes of survey.

Approved.

CLAUSE 36: Rules for cadastral surveys.

Approved.

CLAUSE 37: Carrying on survey without a licence.

Approved.

CLAUSE 38: Professional misconduct by surveyors.

Approved.

CLAUSE 39: Assault of a licensed surveyor.

Approved.

CLAUSE 40: Interference with survey marks.

Approved.

CLAUSE 41: Protection from liability.

Approved.

CLAUSE 42: Regulations.

Approved.

CLAUSE 43: Repeal and amendment.

Approved.

CLAUSE 44: Savings and transitional provisions.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Survey Bill 2010.

Approved.

The Survey Bill 2010 be progressed without Amendments.

Government Order of the Day No.6 called.

6. Land Valuation Bill 2010 – consideration in detail

Muagututagata moved, “That the Legislative Assembly approves the Committee Report recommending Parliament to proceed with the Land Valuation Bill 2010 without Amendments.” Seconded by one of the members for Vaimauga West, Afioga Anauli Pofitu Fesili and the member for Faleata West.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act to bind the Government.

Approved.

CLAUSE 4: Role of the Ministry.

Approved.

CLAUSE 5: Delegation of the Chief Executive Officer’s powers.

Approved.

CLAUSE 6: Delegation of the Minister’s powers and functions.

Approved.

CLAUSE 7: The Land Professionals Registration Committee (Land Valuation).

Approved.

CLAUSE 8: Functions of the Committee.

Approved.

CLAUSE 9: Register of valuers.

Approved.

CLAUSE 10: Qualifications of applicants for registration.

Approved.

CLAUSE 11: Applications for registration.

Approved.

CLAUSE 12: Registration of valuers.

Approved.

CLAUSE 13: Annual practicing certificates for registered valuers.

Approved.

CLAUSE 14: Disciplinary procedures for registered voters.

Approved.

CLAUSE 15: Professional misconduct by land valuers.

Approved.

CLAUSE 16: Standards, Ethics and Rules of Conduct.

Approved.

CLAUSE 17: Formula Valuation System.

Approved.

CLAUSE 18: Performing land valuations without registration and an annual practicing certificate.

Approved.

CLAUSE 19: Protection from liability.

Approved.

CLAUSE 20: Regulations.

Approved.

CLAUSE 21: Transitional provisions.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Land Valuation Bill 2010.

Approved.

The Land Valuation Bill 2010 be progressed without Amendments.

Government Order of the Day No.7 called.

7. Spatial Information Agency Bill 2010 – consideration in detail

Muagututagata moved, “That the Legislative Assembly approves the Committee Report recommending Parliament to proceed with the SPATIAL Information Agency Bill 2010 without Amendments.”

Seconded by one of the members for Vaimauga West, Afioga Anauli Pofitu Fesili.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Objectives.

Approved.

CLAUSE 4: Establishment of Spatial Information Agency.

Approved.

CLAUSE 5: Administrative Head

Approved.

CLAUSE 6: Appointment of other officers and employees.

Approved.

CLAUSE 7: Officers and employees to act under the direction of the Divisional Head.

Approved.

CLAUSE 8: Powers and functions of the Agency.

Approved.

CLAUSE 9: Powers of the Minister.

Approved.

CLAUSE 10: Functions of the Chief Executive Officer.

Approved.

CLAUSE 11: Functions of the Divisional Head.

Approved.

CLAUSE 12: The Geographic Names Board.

Approved.

CLAUSE 13: Objectives of the Board.

Approved.

CLAUSE 14: Functions of the Board.

Approved.

CLAUSE 15: Powers of the Board.

Approved.

CLAUSE 16: Meetings of the Board.

Approved.

CLAUSE 17: Remuneration of Board members.

Approved.

CLAUSE 18: Guidelines.

Approved.

CLAUSE 19: Delegation.

Approved.

CLAUSE 20: Exemption from liabilities.

Approved.

CLAUSE 21: Regulations.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Spatial Information Agency Bill 2010

Approved.

The Spatial Information Agency Bill 2010 be progressed without Amendments.

Government Order of the Day No.8 called.

8. National University of Samoa Amendment Bill 2010 – consideration in detail

Hon Hans Joachim Keil moved, “*That the Legislative Assembly approves the Committee Report recommending Parliament to proceed with the National University of Samoa Amendment Bill 2010 without Amendments.*” Seconded by the Deputy Speaker and the member for Vaa o Fonoti.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Establishment of the University.

Approved.

CLAUSE 4: Legal status of the University.

Approved.

CLAUSE 5: The functions of the University.

Approved.

CLAUSE 6: Deputy Vice-Chancellors.

Approved.

CLAUSE 7: Composition of Council.

Approved.

CLAUSE 8: Criteria for appointment to Council.

Approved.

CLAUSE 9: Powers of the Council.

Approved.

CLAUSE 10: Powers of Delegation.

Approved.

CLAUSE 11: Establishment of the Senate.

Approved.

CLAUSE 12: Functions of the Senate.

Approved.

CLAUSE 13: Statutes.

Approved.

CLAUSE 14: Performance and Management Report.

Approved.

CLAUSE 15: Annual Report.

Approved.

CLAUSE 16: Repealed provisions.

Approved.

CLAUSE 17: Schedule 1.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: National University of Samoa Amendment Bill 2010.

Approved.

The National University of Samoa Amendment Bill 2010 be progressed without any Amendments.

Government Order of the Day No.9 called.

9. Postal Services Bill 2010 – consideration in detail

Leao Talalelei Tuitama moved, “That the Legislative Assembly approves the Committee Report recommending Parliament to proceed with the Postal Services Bill 2010 without any Amendments.” Seconded by the Deputy Speaker and the member for Anoamaa East.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Object of the Act.

Approved.

CLAUSE 4: Act to bind the Government.

Approved.

CLAUSE 5: Meaning of universal postal services.

Approved.

CLAUSE 6: Meaning of reserved postal services.

Approved.

CLAUSE 7: Meaning of commercial postal services.

Approved.

CLAUSE 8: Minister may give directions to SamoaPost.

Approved.

CLAUSE 9: SamoaPost.

Approved.

CLAUSE 10: Postage stamps.

Approved.

CLAUSE 11: General governmental obligations.

Approved.

CLAUSE 12: Terms and conditions of postal service provided by SamoaPost.

Approved.

CLAUSE 13: Pricing policy.

Approved.

CLAUSE 14: SamoaPost operating procedures.

Approved.

CLAUSE 15: Performance standards to be met by SamoaPost.

Approved.

CLAUSE 16: Reporting requirements.

Approved.

CLAUSE 17: Postal service points.

Approved.

CLAUSE 18: Post-boxes.

Approved.

CLAUSE 19: Separation of reserved postal services and commercial postal services.

Approved.

CLAUSE 20: Accounts of SamoaPost.

Approved.

CLAUSE 21: Immunity from certain actions.

Approved.

CLAUSE 22: Infringing a reserved postal service.

Approved.

CLAUSE 23: Responsibilities, functions and powers of the Regulator.

Approved.

CLAUSE 24: Appeal and Review of Orders of the Regulator.

Approved.

CLAUSE 25: Regulator to report on compliance with prescribed performance standards and other matters.

Approved.

CLAUSE 26: Regulator's independence.

Approved.

CLAUSE 27: Undeliverable postal article.

Approved.

CLAUSE 28: Repair.

Approved.

CLAUSE 29: Postal articles on which customs duty is payable.

Approved.

CLAUSE 30: Articles reasonably believed to consist of drugs or other prohibited items.

Approved.

CLAUSE 31: Postal articles to carry notice of opening.

Approved.

CLAUSE 32: Dealing with dangerous or deleterious things.

Approved.

CLAUSE 33: Disposal following conviction.

Approved.

CLAUSE 34: Samoa Post and employees not liable for actions in good faith under this part.

Approved.

CLAUSE 35: Unauthorised opening of postal article.

Approved.

CLAUSE 36: Divulging information obtained from postal article.

Approved.

CLAUSE 37: Theft of postal article.

Approved.

CLAUSE 38: Wrongful delivery of postal article.

Approved.

CLAUSE 39: Forged postage stamps.

Approved.

CLAUSE 40: Use of previously used, defaced or obliterated stamps.

Approved.

CLAUSE 41: Obstructing carriage of articles by post.

Approved.

CLAUSE 42: Posting of dangerous things etc.

Approved.

CLAUSE 43: Causing narcotics to be carried by post.

Approved.

CLAUSE 44: Tampering with a post-box.

Approved.

CLAUSE 45: Money orders and postal orders.

Approved.

CLAUSE 46: Regulations.

Approved.

CLAUSE 47: Repeal.

Approved.

CLAUSE AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Postal Services Bill 2010.

Approved.

The Postal Services Bill 2010 be progressed without Amendments.

Government Order of the Day No.10 called.

10. Chemical Weapons Bill 2010 – consideration in detail

Hon Tuiloma moved, “That the Legislative Assembly approves the Committee Report recommending Parliament to proceed with the Chemical Weapons Bill 2010 with Amendments.” Seconded by the Deputy Speaker.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Hon Tuiloma moved the Amendment to Clause 2 as follows:

“AMENDMENT:

Clause 2(1)

- 1. To insert in Clause 2(1) after the definition of “Attorney General” the new expression:-**

“chemical weapons” means the following, together or separately:

- (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consisted with such purposes;**
- (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;**
- (c) Any equivalent specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b);**

- 2. To insert in Clause 2(1) after the definition of “OPCW” the new expression”:-**

“precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical and includes any key component of a binary or multi-component system;

“purposes not prohibited under the Convention” means:-

- (a) industrial, agriculture, research, medical, pharmaceutical, or other peaceful purposes;
- (b) protective purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
- (c) military purposes not connected with the use of chemicals as a method of warfare; and
- (d) law enforcement purposes (including domestic riot control purposes);

3. To insert in Clause 2(1) after the definition of “Technical Secretariat” the new expression:-

“toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to human or animals, including any toxic chemical, regardless of its origin or of the method of production and regardless of whether the chemical is produced in facilities, munitions or elsewhere”

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: Application.

Approved.

CLAUSE 4: Purpose.

Approved.

CLAUSE 5: Designation of National Authority.

Approved.

CLAUSE 6: Functions of the Authority.

Approved.

CLAUSE 7: Offences.

Approved.

CLAUSE 8: Riot control agents.

Approved.

CLAUSE 9: Forfeiture and seizure.

Approved.

CLAUSE 10: Old chemical weapon.

Approved.

CLAUSE 11: Tampering with approved equipment.

Approved.

CLAUSE 12: False or misleading statements.

Approved.

CLAUSE 13: Obstruction of inspectors.

Approved.

CLAUSE 14: Confidentiality.

Approved.

CLAUSE 15: Liability of an officer of a corporation.

Approved.

CLAUSE 16: Interpretation.

Approved.

CLAUSE 17: National Authority inspector.

Approved.

CLAUSE 18: OPCW inspector.

Approved.

CLAUSE 19: Identity cards.

Approved.

CLAUSE 20: Power of entry of inspectors in premises etc.

Approved.

CLAUSE 21: Power of entry of inspectors on ships etc.

Approved.

CLAUSE 22: Warrants.

Approved.

CLAUSE 23: Use of force.

Approved.

CLAUSE 24: Power to detain.

Approved.

CLAUSE 25: Interpretation.

Hon Tuiloma moved the Amendment to Clause 25 as follows:

“AMENDMENT:

Clause 25 – Interpretation.

To omit the words (“hereinafter referred to as “PSF-plants” and “PSF- chemical”) that appear after the word “fluorine” and before the word “unless” in (b) of interpretation thus (b) reads:

“(b) comprises one (1) or more plants which produced by synthesis during the previous calendar year more than 30 tonnes of an unscheduled discrete organic chemical containing the elements phosphorous, sulphur or fluorine”.

Amendment Approved.

Clause 25 approved as amended.

CLAUSE 26: Schedule 1 chemical.

Approved.

CLAUSE 27: Duty to declare.

Approved.

CLAUSE 28: Provision of information by operator or owner of Schedule 2 facility.

Approved.

CLAUSE 29: Import and export of Schedule 2 chemicals.

Approved.

CLAUSE 30: Provision of information by operator or owner of Schedule 3 facility.

Approved.

CLAUSE 31: Import and export of Schedule 3 chemicals.

Approved.

CLAUSE 32: Provision of information by operator or owner on Other Chemical Production Facility.

Approved.

CLAUSE 33: Application of Customs Act 1977.

The Deputy Speaker took the Chair (S.O.27).

Hon Tuiloma moved the Amendment to Clause 33 as follows:

“AMMENDMENT:

Clause 33 – Samoan Print only.

To omit the expression “tagata e faapogai, o i latou” where it appears following the word “ma” before the word “ia” and substitute thereby the expression “vailaau e faapogai ai, o oloa” thus Clause 33 reads:-

33. Faaogaing o le Tulafono o le Ofisa o Tiute 1977 – O aiaiga o le Tulafono o le Ofisa o Tiute 1977 lea e faaoga tusa ai o oloa e faasaina ona faaulufaleina mai ma oloa e faasaina ona auina atu i fafo, ae vagana ai faasalaga mo soligatulafono i lalo o lena Tulafono, e tatau ona faalautele atu ma faaoga e tusa ai, o vailaau matautia ma vailaau e faapogai ai, o oloa ia e faasaina ona faaulufaleina mai ma auina atu i fafo, i lalo o lenei Tulafono, i tulaga uma e faapei ai o le faaulufaleina mai poo le auina atu i fafo o oloa, sa faasaina i lalo o le Tulafono o le Ofisa o Tiute 1977.”

DEPUTY SPEAKER: I thank you Hon Chairman.

Amendment approved.

Clause 33 approved as amended.

CLAUSE 34: Analyst’s evidence.

Approved.

CLAUSE 35: Delegation.

Debate.

Clause 35 approved.

CLAUSE 36: Regulations.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Chemical Weapons Bill 2010.

Approved.

The Chemical Weapons Bill 2010 be progressed with Amendments.

Proceedings of the Legislative Assembly were adjourned at 1.00pm until 9.00am on Wednesday, 13th October 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

WEDNESDAY 13 OCTOBER 2010

1. MEMBERS PRESENT:

MR SPEAKER

Susuga Hon Laauli Leuatea Polataivao

CABINET

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Unasa Mesi Galo, Tofa Hon Tuuu Anasii Leota, Tofa Hon Taua Tavaga Kitiona Seuala.

MEMBERS

Afioga Asiata Saleimoa Vaai, Tofa Moefaauro Lufilufi, Afioga Muagututia Siao S. Meredith, Afioga Vui Tupe Ioane, Susuga Papalii Samuelu Petaia, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoo, Afioga Patu Ativalu Togi II, Susuga Laauli Leuatea Polataivao, Afioga Fuimaono Naoia Tei, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Afioga Muagututagata Peter Ah Him, Afioga Galuvao Viliamu, Afioga Tuia Pua Fuatogi Letoa, Tofa Taua Falaimo, Tofa Toluono Feti, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Aiono Tile Gafa, Tofa Leao Talalelei Tuitama, Afioga Tapuai Sepulona Moananu, Afioga Hon Vaai Papu Vailupe Afioga Levaopolo Talatonu, Tofa Solamalemalo Keneti Sio, Susuga Mulipola Oliva, Tofa Hon Tuiloma Lameko, Tofa Ale Vena Ale, Tofa Tuiloa Anitelea.

2. MEMBERS ABSENT:

Tofa Hon Tolofuaivalelei Falemoe Leiataua, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Afioga Motuopuaa Uifagasa Aisoli, Afioga Vaeolenofoafia Tapasu, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa, Afioga Hon Le Mamea Ropati.

3. The Legislative Assembly met at 9.00am.

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

5. ANNOUNCEMENT BY THE CLERK

The Clerk announced with respect that the Speaker of the House will be absent from our Sitting this morning. In pursuant with Standing Orders 26(1), the Deputy Speaker will take the Chair.

The Deputy Speaker took the Chair at 9.15a.m.

6. PPRESENTATION OF PAPERS

The Clerk read out the Paper pursuant to Standing Orders 48.

1. S.R.2010/38, Parliamentary Pension Scheme Amendment Act 2010, Notice of Commencement.

7. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the list of Select Committee Reports pursuant to S.O.51(5).

1. P.P.2010/2011 No. 68, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2009/2010 No. 35, National University of Samoa Annual Report for 2007/2008.
2. P.P.2010/2011 No. 69, Report of the Regulations Review Committee on S.R. 2009/30, S.R. 2010/1, S.R. 2010/2, S.R. 2010/3, S.R.2010/4, S.R. 2010/5, S.R 2010/6, S.R. 2010/9, S.R.2010/11 & S.R. 2010/12.
3. P.P. 2010/2011 No. 70, Report of the Regulations Review Committee on S.R. 2010/15, S.R. 2010/16, S.R. 2010/18, S.R. 2010/22, S.R. 2010/23, S.R. 2010/24, S.R. 2010/27, S.R. 2010/29, S.R. 2010/31 & S.R. 2010/32.

8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

Government Order of the Day No.1 called.

1. Casino and Gambling Control Bill 2010 – third reading

Hon Tuilaepa moved, “That *the Casino and Gambling Control Bill 2010 be now read the third time.*” Seconded by the Minister for Telecommunication and Information Technology, the Minister for Police, Prisons and Fire Services and the Minister for Revenue.

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

Government Order of the Day No.2 called.

2. Plebiscite Amendment Bill 2010 – third reading

Hon Tuilaepa moved, “*That the Plebiscite Amendment Bill 2010 be now read the third time.*” Seconded by the Minister for Telecommunication and Information Technology, the Minister for Police, Prisons and Fire Services and the Minister for Revenue.

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

Government Order of the Day No.3 called.

3. Electricity Bill 2010 – third reading

Hon Tuilaepa moved, “*That the Electricity Bill 2010 be now read the third time.*” Seconded by the Minister for Agriculture, Fisheries and Agriculture Store and the Minister for Telecommunication and Information Technology.

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

Government Order of the Day No.4 called.

4. Housing Corporation Bill 2010 – third reading

Hon Tuilaepa moved, “*That the Housing Corporation Bill 2010 Bill be now read the third time.*” Seconded by the Minister for Police, Prisons and Fire Services, Minister for Telecommunication and Information Technology and the Minister for Agriculture, Fisheries and Agriculture Store.

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

Government Order of the Day No.5 called.

5. Survey Bill 2010 – third reading

Hon Tuilaepa moved, “*That the Survey Bill 2010 be now read the third time.*” Seconded by the Minister for Telecommunication & Information Technology, the Minister for Police, Prisons and Fire Services and the Minister for Agriculture, Fisheries and Agriculture Store.

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

**Government Order of the Day No.6 called
6. Land Valuation Bill 2010 – third reading**

Hon Tuilaepa moved, “*That the Land Valuation Bill 2010 be now read the third time.*” *Seconded by the Minister for Telecommunication & Information Technology and the Minister for Works, Transport and Infrastructure.*

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

**Government Order of the Day No.7 called.
7. Spatial Information Agency Bill 2010 – third reading**

Hon Tuilaepa moved, “*That the Spatial Information Agency Bill 2010 be now read the third time.*” *Seconded by the Minister for Works, Transport and Infrastructure and the Minister for Telecommunication & Information Technology.*

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

**Government Order of the Day No. 8 called.
8. National University of Samoa Amendment Bill 2010 – third reading**

Hon Tuilaepa moved, “*That the National University of Samoa Amendment Bill 2010 be now read the third time.*” *Seconded by the Minister for Works, Transport and Infrastructure, Minister for Revenue and the Minister for Telecommunication & Information Technology.*

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

**Government Order of the Day No. 9 called.
9. Postal Services Bill 2010 – third reading**

Hon Safuneituuga moved, “*That the Postal Services 2010 be now read the third time.*” *Seconded by the Minister for Police, Prisons and Fire Services and the Minister for Works, Transport and Infrastructure.*

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

Government Order of the Day No. 10 called.

10. Chemical Weapons Bill 2010 – third reading

Hon Tuilaepa moved, “*That the Chemical Weapons Bill 2010 be now read the third time.*” Seconded by the Minister for Police, Prisons and Fire Services.

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

Government Order of the Day No. 11 called.

11. Central Bank of Samoa Amendment Bill 2010 – second reading

Hon Tuilaepa moved, “*That the Central Bank of Samoa Amendment Bill 2010 be now read the second time and I wish to speak on it.*” Seconded by one of the members for Falealili, Tofa Hon Tuiloma Lameko and the Minister for Police, Prisons and Fire Services.

The Minister clarified the bill.

Debate.

Proceedings now suspended at 10.45am until 11.25am.

Debate continued.

Motion approved, the Bill was read a second time.

Government Order of the Day No.12 called.

12. Income Tax Amendment Bill 2010 – second reading

Hon Tuuu Anasii Leota moved, “*That the Income Tax Amendment Bill 2010 be read the second time and I want to give clarification of the Bill.*” Seconded by the Minister for Police, Prisons and Fire Services and the Minister for Works, Transport and Infrastructure.

The Minister clarified the bill.

Debate.

Motion approved, the Bill was read a second time.

MOTION FOR ADJOURNMENT

Hon Tuilaepa moved, “*That our meeting adjourned until the scheduled date allocated in our Parliament Session Schedule.*”

Seconded by the Minister for Tourism Authority and the Minister for Police, Prisons and Fire Services.

Motion approved, Proceedings of the Legislative Assembly adjourned until 9.00am on 6th December, 2010.

ANNOUNCEMENT BY MR SPEAKER

Speaker reminded members as well as listeners who have gathered in the House today that today, the SPAGHL Committee will conduct its health program to enhance healthy living. The main objective of this program is for Leaders of this country to be role models to our people in promoting healthy living and exercise regularly. Hence for your information, at 5.00 p.m. we will all assemble in front of the Parliament building and commence with our program.

Proceedings of the Legislative Assembly were adjourned at 12.22pm until 9.00am on Monday 6th December, 2010.

**Hon Tolofuaivalelei Falemoe Leiataua
SPEAKER**

**Fepuleai Attila M. Ropati
CLERK**

MONDAY 6 DECEMBER 2010

1. MEMBERS PRESENT:

MR SPEAKER

**Tofa Hon Tolofuaivalelei Falemoe Leiataua,
CABINET**

Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Misa Telefoni, Afioga Hon Safuneituuga Paaga Neri, Afioga Hon Toleafoa Apulu Faafisi, Afioga Hon Unasa Mesi Galo, Tofa Hon Tuuu Anasii Leota, Afioga Hon Fiame Naomi Mataafa, Afioga Hon Toomata Alapati Poese Toomata, Hon Lee Hang Niko, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

MEMBERS

Afioga Asiata Saleimoa Vaai, Tofa Moefaauro Lufilufi, Afioga Muagututia Siaso S. Meredith, Afioga Vui Tupe Ioane, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoa, Susuga Laauli Leuatea Polataivao, Afioga Fuimaono Naoia Tei, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Afioga Galuvao Viliamu, Tofa Taua Falaimo, Tofa Toluono Feti, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Aiono Tile Gafa, Afioga Tapuai Sepulona Moananu, Afioga Hon Vaai Papu Vailupe Afioga Levaopolo Talatonu, Tofa Solamalemalo Keneti Sio, Susuga Mulipola Oliva, Tofa Hon Tuiloma Lameko, Tofa Ale Vena Ale, Afioga Vaeolenofaia Tapasu, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa, Afioga Hon Le Mamea Ropati, Tofa Tuiloa Anitelea, Susuga Hon Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Susuga Hon Tuilaepa Sailele Malielegaoi, Afioga Hon Faumuina Tiatia Liuga, Tofa Hon Taua Tavaga Kitona Seuala, Afioga Motuopuaa Uifagasa Aisoli, Afioga Tuia Pua Fuatogi Letoa, Susuga Papalii Samuelu Petaia, Afioga Muagututagata Peter Ah Him, Afioga Patu Ativalu Togi II, Tofa Leao Talalelei Tuitama.

3. The Legislative Assembly met at 9.00am.

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

5. **MESSAGE FROM HIS HIGHNESS O LE AO O LE MALO**
Mr Speaker announced the Message from His Highness, O le Ao o le Malo.

“MEMORANDUM for:

Mr Speaker:

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and the Parliament Standing Order 95, consent is hereby given to the Legislative Assembly to proceed upon the consideration of the following Bill:

1. Supplementary Appropriation Bill (No 1) 2010/2011.

GIVEN UNDER my Hand this Friday, 3rd December 2010.

(Signed): Tui Atua Tupua Tamasese Efi
HEAD OF STATE”.

6. **OTHER ANNOUNCEMENTS BY MR SPEAKER**
Mr Speaker respectfully announced for the information of Parliament that the seat for the Constituency of Vaa o Fonoti which is currently occupied by Tofa Leao Talalelei Tuitama is now vacant. Tofa Leao Talalelei has withdrawn his registration from Vaa o Fonoti to the Constituency of Aana Alofi No 1. The Attorney General has endorsed the removal of Tofa Leao Talalelei as the representative for Vaa o Fonoti in which he was the successor in the current Parliamentary Term.
This procedure complies with Section 10 of the Electoral Act 1963. Citing the same Act, a By-Election for Vaa o Fonoti is not necessary given the General Elections is less than six months away.
That is the announcement for the information of the House.

2. To uphold the dignity of Parliament, I make the following announcements:-

1. Flash cameras are prohibited inside the Chamber during Parliamentary proceedings except for special occasions whereby TV Stations subject to the Speaker's permission can record such proceedings.

2. I have already made the announcement for the ban of cell phones inside the House as it disrupts our sound system even if members switch off their cell phones. For that reason, cell phones are strictly prohibited inside the House and I advice members to leave your cell phones with the Officers manning the doors before you enter.

I trust that the dignity of Parliament will comply with those announcements.

3. To the dignity of Parliament Assembled we have witnessed the despair felt by those affected by a coal mine in the South Island of New Zealand. Even though a Samoan citizen was not affected but there is no denying the fact that New Zealand is our second home. I deem it necessary for Parliament to show our respect to the 29 people who lost their lives as a result of this tragic incident as well as our condolences to the New Zealand Government and the aggrieved families of those who perished. As such, I call Parliament to rise and observe a minute's silence to pay our respects.

Parliament observed a one minute silence to pay their respect to the 29 lives that were lost in the coal mine tragedy that occurred in the South Island of New Zealand.

7. PRESENTATION OF PAPERS

The Clerk read out the list of Papers pursuant to Standing Orders 48.

1. S.R.2010/39, General Price Order (No.3) 2010.
2. S.R.2010/40, Notice of Charge on Base Tariff for the Supply of Electricity (No.11) 2010.
3. S.R.2010/41, Chemical Weapons Act 2010. Notice of Commencement.
4. S.R.2010/42, Road Transport Reform Act 2008, Revocation Notice of Speed Limits.
5. S.R.2010/43, Notice of Charge on Base Tariff for the Supply of Electricity (No.12) 2010.
6. P.P.2010/2011 No.71, Government Responses to P.P.2009/2010 No.94, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.7, Annual Report of the National Provident Fund for the Year 2008.

7. P.P.2010/2011 No.72, Government Responses to P.P.2009/2010 No.126, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.59, Annual Report of the Samoa Housing Corporation for the year ending 30 June 2008.
8. P.P.2010/2011 No.73, Annual Report of the Samoa Ports Authority 2006-2007.
9. P.P.2010/2011 No.74, Annual Report of the Samoa Ports Authority 2007-2008.
10. P.P.2010/2011 No.75, Government Responses to P.P.2009/2010 No.98, Report of the Government Administration Committee on P.P.2009/2010 No.6, Report and Statement of Accounts for the Twelve Months of the Central Bank of Samoa July 2007-June 2008.
11. P.P.2010/2011 No.76, Government Responses to P.P.2010/2011 No.15, Report of the Government Administration Committee on P.P.2009/2010 No.111, Annual Report of the Central Bank of Samoa July 2008-June 2009.
12. P.P.2010/2011 No.77, Government Responses to P.P.2010/2011 No.13, Report of the Education, Science, Communication and Information Technology Committee on P.P.2009/2010 No.17, Annual Report of the SamoaTel for the year ending 30th June 2007.
13. P.P.2010/2011 No.78, Government Responses to P.P.2009/2010 No.122, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.33, Annual Report of the National Kidney Foundation of Samoa July 2007-June 2008.
14. P.P.2010/2011 No.79, Government Responses to P.P.2010/2011 No.12, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.36, Report of Operations and Statement of Accounts of the Senior Citizen Benefit Fund for the year ended 30th June 2008.
15. P.P.2010/2011 No.80, Government Responses to P.P.2009/2010 No.121, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.39, Annual Report of the Electric Power Corporation for the year ended 30th June 2008.
16. P.P.2010/2011 No.81, Government Responses to P.P.2010/2011 No.29, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.81, Annual Report of the Samoa Water Authority July 2007-June 2008.
17. P.P.2010/2011 No.82, Government Responses to P.P.2010/2011 No.28, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P.2009/2010 No.62, Statement of Corporate Objectives and Corporate Plans of the Samoa Water Authority for the period 2010-2012.

18. P.P.2010/2011 No.83, Government Responses to P.P.2010/2011 No.8, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.18, Annual Report of the Samoa International Finance Authority for the Financial Year 2006/2007.
19. P.P.2010/2011 No 84, Annual Report of the Robert Louis Stevenson Foundation for the year 2009.
20. P.P.2010/2011 No.85, Annual Report of the Samoa Sports Facilities Authority for the year 2008.
21. P.P.2010/2011 No.87, Report of Operations and Statement of Accounts of Samoa Senior Citizens Benefit Fund for the year 2009/2010.
22. P.P.2010/2011 No.88, Annual Report of the Samoa National Provident Fund for the year 2010.
23. P.P.2010/2011 No.89, Report of the Samoa Law Reform Commission on the Crimes Ordinance 1961, Report 01/10, June 2010.
24. P.P.2010/2011 No.90, Annual Report of the Electric Power Corporation for the year 2009-2010.

8. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the list of Select Committees Reports pursuant to Standing Order 51(5).

1. P.P.2010/2011 No.91, Government Administration Committee Report on the Ministerial and Departmental Arrangements Amendment Bill 2010.
2. P.P.2010/2011 No. 92, Government Administration Committee Report on the Central Bank of Samoa Amendment Bill 2010.
3. P.P.2010/2011 No.93, Foreign Affairs, Trade and Revenue Committee Report on the Income Tax Amendment Bill 2010.
4. P.P.2010/2011 No.94, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.107, Annual Report of the National Provident Fund for the Financial Year 2009.
5. P.P.2010/2011 No.95, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on P.P.2009/2010 No.110, Report of the Operations and Statements of Accounts of the Samoa Senior Citizens Benefit Fund for the Year Ended 30/06/2009.
6. P.P.2010/2011 No.96, Report of the Health and Services, Internal Affairs, Community and Social Development Committee on P.P.2010/2011 No.20, Annual Report of the Housing Corporation for the Financial Year ended 30/06/2009.
7. P.P.2010/2011 No.97, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on

- P.P.2010/2011 No.34, Annual Report of the National Kidney Foundation of Samoa for the Financial Year ended 30/06/2009.
8. P.P.2010/2011 No.98, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P.2009/2010 No.3, Annual Report of the Agriculture Store Corporation for the Year ended 30th June 2007.
 9. P.P.2010/2011 No.99, Report of the Justice, Police and Prisons and Land and Titles Committee on P.P.2010/2011 No.59, Samoa Law Reform Commission First Annual Report for the period ended 1st November 2008- 30th November 2009.
 - 10.P.P.2010/2011 No.100, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on Standing Orders Amendments.
 - 11.P.P.2010/2011 No.101, Report of the Business, Standing Orders, House, Electoral and Officers of Parliament Committee on P.P.2010/2011 No.3, Financial Report of the Parliamentary Pension Scheme for Year ended 30th June 2009.
9. **GOVERNMENT ORDERS OF THE BILL - Reading of Bills**
Government Order of the Day No.1 called.
1. Supplementary Appropriation Bill (No.1) 2010/2011 – first reading
Hon Niko Lee Hang moved, “That the Supplementary Appropriation Bill (No.1) 2010/2011 be now read a first reading.” Seconded by Hon Tuisugaletau Sofara/Hon Toleafoa Apulu Faafisi.

Motion approved and the bill was read a first time.

Government Order of the Day No.2 called.
2. Supplementary Estimates (No.1) 2010/2011 – tabling
Hon Niko Lee Hang tabled the Supplementary Estimates (No.1) 2010/2011, P.P. P.P.2010/2011 No.86

Government Order of the Day No.3 called.
3. Supplementary Appropriation Bill (No.1) 2010/2011 – second reading
Hon Niko Lee Hang moved, “That the Supplementary Appropriation Bill (No.1) 2010/2011 be now read a second reading and I wish to briefly clarify it.” Seconded by the Minister for Police, Prisons and Fire Services and the Minister for Works, Transport and Infrastructure.

Motion approved

The Minister of Finance presented the Supplementary Appropriation Bill (No.1) 2010/2011.

**STATEMENT OF THE FIRST SUPPLEMENTARY
ESTIMATES (NO.1) 2010/2011**

Hon LEE HANG, NIKO: Mr Speaker and honourable members, on behalf of the Government, I am honoured to table the First Supplementary Budget of the financial year 2010/2011 for the consideration of the House.

This Supplementary Budget has been carefully formulated to ensure that it takes into consideration the economic and fiscal performance of the budget in the first half of the financial year, as well as the broad implication of the global financial crisis on Samoa's economy.

Mr Speaker and honourable members, this supplementary budget again underscores the Government's commitment to maintaining a sustainable budget deficit that is manageable to support macroeconomic stability which is a prerequisite for sustained economic growth.

Considering these circumstances, the Government has decided to finance this Supplementary Budget from its own resources, and where necessary, reallocate priorities within its budgetary parameters as set out in the main Budget Estimates.

The Supplementary Budget.

I would now like to provide you with the details of the First Supplementary Estimates for the fiscal year 2010/2011.

Revenue.

A total of \$9.52million tala additional revenue declared in this first supplementary budget for the financial year 2010/2011. The additional revenue will be sourced from the following items:

- \$3.834million Import Duties (Ministry of Revenue)
- \$5.501million VAGST (Ministry of Revenue)
- \$188,427 Miscellaneous Receipts (Ministry of Finance)

Expenditure.

Mr Speaker, this supplementary budget is intended mainly to accommodate a limited number of priority expenditures, totaling \$9.57 million tala including VAGST. These include:

- A provision of \$137,425 for the Legislative Assembly to finance additional costs related to the dissolution of Parliament, renovation of Parliament House in addition to preparatory costs allocated for the first sitting of the new Parliament.

- **Additional provision of \$188,427 for the Ministry of Communication and Information Technology for the purchase of a new motor vehicle for the Ministry under Financial Lease Facility.**
- **Additional \$500,000 for the Samoa Rugby Union to assist with the preparations for next year's World Cup in New Zealand.**
- **Additional \$11,947,302million for the Ministry of Finance to fund additional works required under various projects; payment of Import Duties and VAGST and Aid and Loan Funded Projects; additional ADB Capital Subscription and addition provision for the Unit Trust of Samoa.**
- **\$150,000 required by the Ministry of Women, Community and Social Development to finance additional maintenance work required for the New Ministry Headquarters at Sogi.**
- **\$242,650 additional provision for the National Health Services to finance counterpart costs required for the completion of Lufilufi District Hospital: financial assistance for maintenance of various Villages Committee dwelling used for rural Health programmes and to finance cost overruns.**

Conclusion.

Mr Speaker and honourable members, I have outlined above the key features of the first supplementary budget for the financial year 2010/2011.

As you may have noted, the Government has closely scrutinized additional expenditures that can be absorbed against expected revenues. In spite of the favourable fiscal conditions and promising signs of recovery in the economy in the first few months of this financial year, it is a fact of life that we live in a world plagued by uncertainties.

In this regard, the Government will continue to exercise great prudence in closely monitoring its budget and the economy overall to ensure macroeconomic stability is maintained.

Mr Speaker and honourable members, on behalf of the Government, I wish you Mr Speaker and members of Parliaments and every citizen of Samoa a Merry Christmas and a prosperous New Year. Soifua.

Pursuant to Standing Order 132, debates on the Supplementary Appropriations Bill (No.1) 2010/2011 are suspended in not less than fourteen (14) days following its referral to the Finance and Expenditure Committee for consideration and report back to the Legislative Assembly.

Government Order of the Day No.4 called.

4. Public Records Bill 2010 – second reading

Hon Toomata Alapati Toomata moved, *“That the Public Records Bill 2010 be now read a second time and I wish to talk briefly about it.”*

Seconded by Hon Fiaame Naomi/Hon Tuisugaletaua Sofara Aveau/
Hon Niko Lee Hang.

The Minister clarified the bill.

Motion approved and the bill was read a second time.

ANNOUNCEMENT BY MR SPEAKER

Mr Speaker announced the presence of the Youth participants for Parliament in the House today, in commemoration of the Youth Parliamentary Program Awareness Week, that is administered by the Ministry of Women, Community and Social Development.

Government Order of the Day No.6 called.

6. Ministerial Departmental Arrangements Amendment Bill 2010 – consideration in detail

Hon Hans Joachim Keil moved, *“That the Committee’s Report on the Ministerial and Departmental Arrangements Amendment Bill 2010 is approved by the Legislative Assembly without Amendments.”* Seconded by the Deputy Speaker.

Question put and the motion was approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Chief Executive Officer.

Approved.

CLAUSE 4: Validation of actions.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Ministerial and Departmental Arrangements Amendment 2010.

Approved.

Clause 1 and Title now approved without amendments.

The Ministerial and Departmental Arrangements Amendment Bill 2010 be progressed without Amendments.

Government Order of the Day No.7 called.

7. Central Bank of Samoa Amendment Bill 2010 –consideration in detail

Hon Hans Joachim Keil moved, “That the *Legislative Assembly approves the Committee Report recommending the Legislative Assembly to proceed with the Central Bank of Samoa Amendment Bill 2010 without Amendments.*” Seconded by the Deputy Speaker.

Question put and the bill report was approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Functions of the Bank.

Approved.

CLAUSE 4: Capital.

Approved.

CLAUSE 5: Insertion of new provision.

Approved.

CLAUSE 6: General Reserve.

Approved.

CLAUSE 7: Governor.

Approved.

CLAUSE 8: Power to recall.

Approved.

CLAUSE 9: Operations in gold and foreign exchange.

Approved.

CLAUSE 10: Revaluation Reserve Account.

Approved.

CLAUSE 11: Exchange Rates.

Approved.

CLAUSE 12: Heading of Part VII.

Approved.

CLAUSE 13: Operations with account holders.

Approved.

CLAUSE 14: *Insertion of new provision.*

Approved.

CLAUSE 15: *Supply of information.*

Approved.

CLAUSE 16: **Amendments to the Financial Institutions Act 1996.**

Approved.

CLAUSE 17: **Amendments to the Decimal Currency Act 1966.**

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: **Short title and commencement.**

TITLE: **Central Bank of Samoa Amendment 2010.**

Approved.

Clause 1 and the Title now approved without amendments.

The Central Bank of Samoa Amendment Bill 2010 now progressed without Amendments.

Government Order of the Day No.8 called.

8. Income Tax Amendment Bill 2010 – consideration in detail

Hon Tuiloma moved, “That *Legislative Assembly approves the Committee’s Report recommending Parliament to proceed with the Income Tax Amendment Bill 2010 without Amendments.*” Seconded by the Deputy Speaker.

Question put and the report stood approved.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Tourism Investment Tax Credit.

Approved.

CLAUSE 4: Insertion of new section.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Income Tax Amendment 2010.

Approved.

The Income Tax Amendment Bill 2010 be progressed without Amendments.

MOTION TO SET ASIDE STANDING ORDERS

Hon Misa Telefoni moved, *“That Standing Orders be set aside to allow for the third reading of the Bills that were considered in today’s Proceedings.”* Seconded by the Minister for Police, Prisons and Fire Services and the Minister for Revenue.

Motion approved, Standing Orders be set aside to allow the Bills that were considered earlier to be third read in today’s Proceedings.

Government Order of the Day No.9 called

9. Ministerial and Departmental Arrangements Amendment Bill 2010 – third reading

Hon Misa Telefoni moved, “That the Ministerial and Departmental Arrangements Amendment Bill 2010 to be read the third time.”

Seconded by the Minister for Women, Community and Social Development and the Minister for Police, Prisons and Fire Services.

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

Government Order of the Day No.10 called.

10. Central Bank of Samoa Amendment Bill 2010 – third reading

Hon Niko moved, “

***That the Central Bank of Samoa Amendment Bill 2010 be read the third time.*” Seconded by the Minister for Revenue and the Minister for Police, Prisons and Fire Services.**

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

Government Order of the Day No.11. called.

11. Income Tax Amendment Bill 2010 – third reading

Hon Tuuu moved, “*That the Income Tax Amendment Bill 2010 be read the third time.*” Seconded by the Minister for Police, prisons and Fire Services, the Minister for Works, Transport and Infrastructure and the Minister for Education, Sports and Culture.

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

Proceedings now set aside at 10.44am until 11.20am.

CONSIDERATION OF THE BUSINESS, STANDING ORDERS, HOUSE, ELECTORAL AND OFFICERS OF PARLIAMENT COMMITTEE REPORT

Order of the Day No.1 called.

1. P.P.2010/2011 NO.100, REPORT OF THE BUSINESS, HOUSE, ELECTORAL AND OFFICERS OF PARLIAMENT COMMITTEE ON STANDING ORDERS AMENDMENTS.

**Laauli moved, “*That the Legislative Assembly approves the new Amendments to Standing Orders as resolved by the Business, House, Electoral and Officers of Parliament Committee as listed hereunder:*”
Seconded by the member for Vaisigano No.1.**

Debate.

Question put and report was approved.

FURTHER AMENDMENTS

Based on the approved Amendments, I advice to make further amendments to the renumbering of our Standing Orders starting from Standing Order 179 to Standing Order 196. For the information of the House, the Clerk will insert these new Amendments as passed by the Legislative Assembly in today's proceedings.

MOTION FOR ADJOURNMENT

Hon Misa Telefoni moved, "*That Proceedings be adjourned until Monday, 24 January 2011 at 9:00am.*" Seconded by the Minister for Works, Transport and Infrastructure and the Minister for Police, Prisons and Fire Services.

Motion approved and Proceedings of the Legislative Assembly were adjourned until 9:00 in the morning of Monday, 24 January 2011.

Proceedings of the Legislative Assembly were adjourned at 12:00noon until 9:00am on Monday, 24 January 2011.

Hon Tolofuaivalelei Falemoe Leiatua Ropati SPEAKER	Afioga Fepuleai Attila M. CLERK
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MONDAY 24 JANUARY 2011

1. MEMBERS PRESENT:

MR SPEAKER

Tofa Hon Tolofuaivalelei Falemoe Leiataua

CABINET

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

MEMBERS

Afioga Asiata Saleimoa Vaai, Tofa Moefaauro Lufilufi, Afioga Muagututia Siao S. Meredith, Afioga Vui Tupe Ioane, Afioga Anauli Pofitu Fesili, Afioga Sala Fata Lisati Pinati, Afioga Lealailepule Rimoni Aiafi, Tofa Tiata Sili Pulufana Saunoa, Susuga Laauli Leuatea Polataivao, Afioga Fuimaono Naoia Tei, Tofa Fonotoe Nuafesili Pierre Lauofo, Hon Keil Hans Joachim, Afioga Galuvao Viliamu, Tofa Taua Falaimo, Tofa Toluono Feti, Afioga Hon Palusalua Faapo II, Afioga Hon Aeau Peniamina, Afioga Aiono Tile Gafa, Afioga Tapuai Sepulona Moananu, Afioga Hon Vaai Papu Vailupe Afioga Levaopolo Talatonu, Tofa Solamalemalo Keneti Sio, Susuga Mulipola Oliva, Tofa Hon Tuiloma Lameko, Tofa Ale Vena Ale, Afioga Vaeolenofaia Tapasu, Afioga Patauave Etuale, Afioga Lafaitale Patrick Leiataualesa, Afioga Hon Le Mamea Ropati, Afioga Tuia Pua Fuatogi Letoa, Susuga Papalii Samuelu Petaia, Afioga Muagututagata Peter Ah Him, Tofa Leao Talalelei Tuitama, Tofa Tuiloa Anitelea, Susuga Hon Laauli Leuatea Polataivao.

2. MEMBERS ABSENT:

Afioga Motuopuaa Uifagasa Aisoli, Afioga Patu Ativalu Togi II.

3. The Legislative Assembly met at 9.00am.

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

5. ANNOUNCEMENT BY MR SPEAKER

Mr Speaker announced that some Independent Members breached the Electoral Act 1963 when they declared as members of the Tautua Samoa Party before the end of this Parliamentary term. Speaker however pardoned this action and advised that they should feel remorseful of such doing.

SPEAKER'S RULING

TIME LIMIT OF SPEECHES

Mr Speaker announced that Standing Orders be suspended for the following orders:

1. Proceedings will prolong until the completion of all orders as provided.
2. Time Limit of speeches on the Supplementary Appropriation Bill will be 10 minutes and additional time will not be granted. For the consideration in detail of other Bills where a member usually has 15 minutes and two times to speak will be limited to one time and five minutes.

6. PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports tabled in accordance to Standing Orders 51(5):

1. P.P.2010/2011 No.102, Report of the Finance and Expenditure Committee on the First Supplementary Estimates of Receipts and Payments of the Government of Samoa for the Year Ending 30 June 2011.
2. P.P.2010/2011 No.103, Report of the Justice, Police & Prisons and Land and Titles Committee on the Public Records Bill 2010.
3. P.P.2010/2011 No.104, Report of the Works, Transport & Environment Committee on the Forestry Management Bill 2010.
4. P.P,2010/2011 No.105, Report of the Educaiton, Science, Communication and Information Technology for the Year 2005/2006 & P.P.2009/2010 No.68, Annual Report of the Ministry of Communication & Information Technology for the Year 2006/2007.
5. P.P.2010/2011 No.106, Report of the Education, Science, Communication and Information Technology Committee on P.P.2010/2011 No.5, Annual Report of the Samoa Qualifications Authority for July 2006 – June 2007 & P.P.2010/2011 No.6 Annual Report of the Samoa Qualifications Authority for July 2007-June 2008.
6. P.P.2010/2011 No.107, Report of the Government Administration Committee on P.P.2010/2011 No.4, Annual Report of the Electric Power Corporation for the Year 2008-2009.

7. P.P.2010/2011 No.108, Report of the Regulations Review Committee on SR 2009/14, SR2009/15, SR2009/31, SR2010/7, SR2010/35, SR2010/13, SR2010/14, SR2010/17, SR2010/19, SR2010/20, SR2010/21, SR2010/25 & SR2010/26.
8. P.P.2010/2011 No.109, Report of the Regulations Review Committee on SR2010/28, SR2010/30, SR2010/33, SR2010/34, SR2010/35, SR2010/36, SR2010/37, SR2010/38, SR2010/39, SR2010/40, SR2010.41, SR2010/42 & SR2010/43.
9. P.P.2010/2011 No.110, Report of the Education, Science Communication Committee on P.P.2010/2011 No.85, Annual Report of the Samoa Sports Facilities Authority for the Year 2008.
10. P.P.2010/2011 No.111, Report of the Health Services Committee on P.P.2010/2011 No.21 Annual Report of the Ministry of Health for the Year 2007/2008.
11. P.P.2010/2011 No.112, Report of the Health Services Committee on P.P.2010/2011 No.37, Annual Report of the Samoa Tourism Authority for the Year 2007/2008.
12. P.P.2010/2011No.113, Report of the Health Services Committee on P.P.2010/2011 No.84, Financial Statements of the Robert Louis Stevenson Foundation for the Year 2008/2009.
13. P.P.2010/2011 No.114, Report of the Health Services Committee on P.p.2010/2011 No.87, Report of Operations and Statements of Accounts of the Samoa Senior Citizens Benefit Fund for the Year 2009/2010.
14. P.P.2010/2011 No.115, Report of the Health & Social Services Committee on P.P.2010/2011 No.88, Annual Report of the National Provident Fund for theYear 2009/2010.
15. P.P.2010/2011 No.116, Report of the Works Transport and Environment Committee on P.P.2009/2010 No.105, Annual Report of the Ministry of Natural Resources and Environment for the Year 2007/2008.
16. P.P.2010/2011 No.117, Report of Works, Transport & Environment Committee on P.P.2010/2011 No.43, Annual Report of the Samoa Trust Estates Corporation for the Year 2008/2009.
17. P.P.2010/2011 No.118, Report of the Business, Standing Orders, House and Electoral Committee on P.P.2010/2011 No.7, Report of the Controller and Chief Auditor to the Legislative Assembly – IT Systems Inventory 31 March 2010.
18. P.P.2010/2011 No.119, Report of the Business, Standing Orders, House and Electoral Committee on P.P.2010/2011 No14, Report of the Controller and Chief Auditor to the Legislative Assembly for the period 1 July 2008 – 30 June 2009.
19. P.P.2010/2011 No.120, Report of the Business, Standing Orders, House and Electoral Committee on P.P.2010/2011 No60, Annual Report of the Public Service Commission for July 2005-June 2008.

20. P.P.2010/2011 No.121, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.113, Public Accounts for the Financial Year Ended 30 June 2007.
21. P.P.2010/2011 No.122, Report of the Finance and Expenditure Committee on P.P.2009/2010 No.19, Annual Report of the Development Bank of Samoa for the Year 2009.
22. P.P.2010/2011 No.123, Report of the Justice, Police & Prisons Committee on P.P.2010/2011 No.89, Samoa Law Reform Commission Report on the Crimes Ordinance 1961, Report 01/10 June 2010.
23. P.P.2010/2011 No.124, Report of the Primary Production Committee on P.P.2009/2010 No.82, Samoa Trust Estates 46th Annual Report and Accounts for the Financial Year Ended 30 June 2008.
24. P.P.2010/2011 No.125, Report of the Primary Production Committee on P.P.2009/2010 No.109, Ministry of Agriculture & Fisheries Annual Report for the Financial Year July 2008-June 2009.

**MINISTERIAL STATEMENT by the Hon Prime Minister
Susuga Tuilaepa Sailele Malielegaoi:**

Mr Speaker and Honorable Members I respectfully rise at this point in time to extend to you and members my appreciation of the close cooperation amongst members in dealing with the business transacted during this session, being the very last day of this Parliamentary or as we say the very last dat at Moamoa.

Looking at the Order of Business for today, we need to run a marathon in order to realise the aim of the House by no more than today, before we take recess in place and harmony in brotherly affection to make the necessary preparations for the upcoming General Elections in the next five weeks. However, we should come back tomorrow for the official closing of Parliament by His Highness the Head of State together with his compliments for the hard work by the members for all these years for the development of our country.

Whatever good works we have managed to do are all the good name of this Parliament. Funds have been allocated to various developmental projects aim was none other than the welfare and advancement of our country. I have no doubt His constituencies will elect their representatives for the new Parliament.

This is a custom to the veteran politicians of this Parliament in the final days of this Parliament in constantly recalling the old saying that 'the final batting can also result in deducting points. No one

wants to lose any points and that over confidence can lead to shortcomings.

The Estimates currently before the House this morning is just a Supplementary Estimates to help wind up the works pertaining to the remaining months of this financial year for the current Parliament ending with the month of June. The funds for the whole year as submitted in the Main Estimates have been fully approved by Parliament in June 2010 last year will end in June this year is in progress.

This is quite in our lives and only God knows what will happen tomorrow and in the future. Our plans for the future therefore might turn out to be lacking and then our plan would be subjected to review. That is the whole reason behind the idea of Financial Estimates, which is the embodiment of what we always hear from the pulpit that man's role is to plan but God is responsible for its implementation. As such we should be thanking God for His loving kindness to Samoa. If members have been listening to our observatory and its weather forecasts, you will have realized that these people did not sleep at night due to their efforts to closely monitor the weather patterns and to accordingly inform the country to make the necessary preparations. It has been recorded that the path of the strong winds that blew on Saturday and Sunday morning was heading towards Samoa but it suddenly changed direction heading North and continued towards the North East and back to where it started as if it was heading back to Samoa.

Who knows this could be the time when the praying people of our country have stopped praying just as when the Israelite forces and retreated when Moses hands came down. The Israelite stories of war suggest that when Moses raises his hands that is when he is praying and that is when his warriors became victors, and that when he is weary and his hands came down, that is when the Israelites were defeated. We are in the clear now that the cyclone had been diverted to head towards Tonga we were spared.

At the moment, we have sustained only minor damage that can easily be amended. Just how many times we have witnessed the sharing love of God to us at the time when weather seems rough and unpredictable? We are yet to get over the cyclone season especially when we think back to February 1990 when cyclone Ofa struck let alone the first week of March when cyclone Lyn struck in 1993. This is when a lot of our agricultural cultivations especially the banana industry were destroyed. Anyhow I urge you all that we place our confidence in solely in God's hands. Let us hope that in spite of our

being threatened by the cyclone season the same will eventually head out towards the open sea and the uninhabited islands. That is our token of appreciation to our Supreme Master upon Whom our government is founded.

Mr Speaker and members of Parliament, that is my suggestion for this new day while we are patiently figuratively collecting the sweet smelling flowers for our oil, in relation to the members observations on the Supplementary Estimates which had been tabled some six weeks ago, and were only taken out of the members pile of papers this beautiful morning when the members have returned in the best of health. To conclude my statement, may God be gracious unto the members as they make observations on the Supplementary Estimates which is a minor one to enable our work to proceed for a few months left of this year and after which the new Parliament will be responsible for what lies ahead and after the General Elections.

Soifua and all the best to the members of the House this morning.

Laauli Leuatea Polataivao moved, *“That the Ministerial Statement by the Prime Minister this morning be tabled in Parliament on an appropriate day in the future.”* Seconded by Hon Toomata Alapati Toomata/Lafaitale Patrick Leiatuaalesa.

Motion approved.

Proceedings now suspended at 10.40am until 11.30am.

MOTION TO AMEND SITTING HOURS

Hon Tuilaepa moved, *“To amend sitting hours as announced by the Speaker this morning so that Orders of the Day proceeds after a short break at 1.00pm and resume again until 3.30pm for the break. Proceedings will then resume at 7.00pm onwards until the Supplementary Appropriation Bill is approved thereby concluding the business for the day.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Toleafoa Apulu Faafisi / Laauli Leuatea Polataivao.

Motion approved.

Debate resumed on second reading of bill.

Proceedings suspended at 1.00pm until 1.40pm.

Members showed appreciation by applauding after a speech by one of the Individual voters (Hon Hans Joachim Keil).

Proceedings suspended at 3.30pm until 7.00pm.

Debate continued.

Proceedings suspended at 8.47pm until 9.20pm.

Debate ensued.

Question put and the Supplementary Appropriation Bill (No/1) 2010/2011 was now read a second time.

Government Order of the Day No.2 called.

2. Supplementary Appropriation Bill (No.1) 2010/2011 – consideration in detail

**FIRST SCHEDULE
ADDITION IN APPROPRIATION**

**MINISTRY
APPROPRIATIONS**

**COMMUNICATION & INFORMATION TECHNOLOGY:
\$188,427**

Approved

EDUCATION, SPORTS & CULTURE: \$500,000

Approved

FINANCE: \$11,947,302

Approved

HEALTH: \$242,650

Approved

WOMEN, COMMUNITY & SOCIAL DEV: \$150,000

Approved

LEGISLATIVE: \$137,425

Approved

TOTAL ADDITIONAL OVERALL EXPENDITURE: \$13,165,804

**SECOND SCHEDULE
REDUCTION IN APPROPRIATIONS**

MINISTRY	ADDITIONAL TOTAL
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EDUCATION, SPORTS & CULTURE	(\$150,000)
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Approved

FINANCE:	(\$70,000)
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Approved

WORKS, TRANSPORT & INFRASTRUCTURE	\$(2,500,000)
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Approved

WOMEN, COMMUNITY & SOCIAL DEV:	\$(239,300)
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Approved

TOTAL REDUCTION OVERALL EXPENDITURE: \$(3,589,300)

Approved

CLAUSE 2: Grant and Appropriation of \$13,165,804 out of Treasury Fund

Approved

CLAUSE 3: Reduction of amount earlier appropriated and re-allocation to their outputs and sub-outputs.

Approved

CLAUSE 1 & TITLE

CLAUSE 1: Short Title and Commencement

TITLE: Supplementary Appropriation (No.1) 2010/2011

Clause 1 and Title now approved.

The Supplementary Appropriation Bill (No.1) 2010/2011 progressed without amendments.

Government Order of the Day No.3 called.

3. Supplementary Appropriation Bill (No.1) 2010/2011 – third reading

Hon Niko Lee Hang moved, “*That the Supplementary Appropriation Bill (No.1) 2010/2011 be now read a third reading.*” Seconded by Hon Tuisugaletau Sofara Aveau / Hon Taua Tavaga Kitiona Seuala.

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

The House took a short break for 10 minutes until 11.23pm.

Government Order of the Day No.4 called.

4. Public Records Bill 2010 – consideration in detail

Fonotoe moved, “*That the Assembly approves the Committee report which recommends that the Public Records Bill 2010 be progressed with amendments.*” Seconded by AionoTile Gafa.

CLAUSE 2: Interpretation

Approved

CLAUSE 3: Meaning of Public Entity responsible for a Record

Approved

CLAUSE 4: Act to bind the Government

Approved

CLAUSE 5: National Archives and Records Authority

Approved

CLAUSE 6: Principal functions of the Authority

Approved

CLAUSE 7: Delegation of functions

Approved

CLAUSE 8: Powers of the Authority

Approved

CLAUSE 9: Board of Directors

Approved

CLAUSE 10: functions of the Board

Approved

CLAUSE 11: Remuneration of Directors

Approved

CLAUSE 12: Meetings of the Board

Approved

CLAUSE 13: National Archivist

Approved

CLAUSE 14: Employees of the Authority

Approved

CLAUSE 15: Existing employees of the Ministry responsible for Culture

Approved

CLAUSE 16: Chief Executive Officers to ensure compliance with the Act

Approved

CLAUSE 17: Obligation to protect Public Records

Approved

CLAUSE 18: Obligation to maintain access to equipment or technology dependent Public Records

Approved

CLAUSE19: Authority entitled access to Records to ensure compliance

Approved

CLAUSE 20: Codes of best practice

Approved

CLAUSE 21: records Management Services

Approved

CLAUSE 22: Consent of Authority required before a Public Entity disposes of any Public Record.

Approved

CLAUSE 23: Public Entity to deposit Records over 25 years old to the Authority

Approved

CLAUSE 24: Court action to recover an estray

Approved

CLAUSE 25: No limitation period on action to recover strays

Approved

CLAUSE 26: Authority may acquire Records

Approved

CLAUSE 27: Access may be given to Public Records

Approved

CLAUSE 28: Access restrictions

Approved

CLAUSE 29: Public Entity may authorize earlier public access.

Approved

CLAUSE 30: Withholding access to ensure proper care of Public Records.

Approved

CLAUSE 31: Protection from liability when access granted

Approved

CLAUSE 32: Accounts and Annual Reports

Approved

CLAUSE 33: Audit of Accounts

Approved

CLAUSE 34: Financial Year

Approved

CLAUSE 35: Funds of the Authority

Approved

CLAUSE 36: Management of funds by the Authority

Approved

CLAUSE 37: Exemption from Taxation

Approved

CLAUSE 38: Offences and penalties

Approved

CLAUSE 39: Disputes between Authority and Public Entities

Approved

CLAUSE 40: Records of Court

Approved

CLAUSE 41: Injunctions to prevent contravention of the Act

Approved

CLAUSE 42: Certificate as to loss or destruction of Public Record

Approved

CLAUSE 43: Copying and publishing of Public Archives

Approved

CLAUSE 44: Copyright in Public Archives

Approved

CLAUSE 45: Special provision for secret Records

Approved

CLAUSE 46: Regulations

Approved

CLAUSE 1 & TITLE:

CLAUSE 1: Short Title and Commencement

TITLE: Public Records 2010

Fonotoe moved the amendment to Clause 1 and Title as follows:

“To omit the numerals “2010” and substitute thereby with the numerals “2011” to read:

“AMENDMENT:

“PUBLIC RECORDS 2010”

Amendment approved.

Clause 1 and the Title approved.

The Public Records Bill 2010 progressed with amendments.

Government Order of the Day No.5 called.

5. Forestry Management Bill 2010 – consideration in detail

Muagututagata moved, “That this Assembly approves the Committee Report which recommends that the Forestry Management Bill 2010 now progressed with amendments.” Seconded by Lafaitale Patrick Leiataualesa / Anauli Pofitu Fesili.

CLAUSE 2: Interpretation

Approved

CLAUSE 3: The Ministry responsible for forestry resource management

Approved

CLAUSE 4: The Minister responsible for forestry management.

Approved

CLAUSE 5: The Chief Executive Officer

Approved

CLAUSE 6: Appointment of other officers and employees

Approved

CLAUSE 7: Officers to act under the direction of the Chief Executive Officer

Approved

CLAUSE 8: The Division of the Ministry

Approved

CLAUSE 9: Powers of the Minister

Approved

CLAUSE 10: Powers of the Chief Executive Officer

Approved

CLAUSE 11: Delegation of powers by the Minister and the Chief Executive Officer

Approved

CLAUSE 12: Forestry Board and Technical Committees

Approved

CLAUSE 13: Reporting and other requirements

Approved

CLAUSE 14: General functions of the Ministry

Approved

CLAUSE 15: Management of forestry resources

Approved

CLAUSE 16: Promotion of plantation and farm agro-forestry

Approved

CLAUSE 17: Implementation of international forestry related agreements

Approved

CLAUSE 18: General powers of the Ministry

Approved

CLAUSE 19: Powers in relation to fees

Approved

CLAUSE 20: Certification of certain matters

Approved

CLAUSE 21: Validation of Acts

Approved

CLAUSE 22: Protection of the Chief Executive Officer

Approved

CLAUSE 23: Appointment of authorized officers

Approved

CLAUSE 24: Powers of authorized officers

Approved

CLAUSE 25: Precautionary Notice

Approved

CLAUSE 26: Notice to cease activity

Approved

CLAUSE 27: Offences and penalties related to notices

Approved

CLAUSE 28: Prosecution of offences

Approved

CLAUSE 29: National Forest Plan

Approved

CLAUSE 30: Forestry Resources to be managed on a sustainable basis

Approved

CLAUSE 31: The precautionary principle

Approved

CLAUSE 32: Matters relating to climate change and carbon trading

Approved

CLAUSE 33: The classes of land for forestry

Approved

CLAUSE 34: Public land may be leased for forestry related purposes

Approved

CLAUSE 35: Public lands may be vested in the Ministry for forestry

Approved

CLAUSE 36: Use of State forest lands for forestry related purposes

Approved

CLAUSE 37: Application for Forestry Harvesting Licenses and Forestry Harvesting Permits.

Approved

CLAUSE 38: Assessment reports

Approved

CLAUSE 39: Forestry Harvesting Licenses

Debate

Clause 39 approved

CLAUSE 40: Forestry Harvesting Permits

Debate.

Clause 40 approved

CLAUSE 41: Licence and permit conditions

Approved

CLAUSE 42: Suspension and cancellation of licenses and permits

Approved

CLAUSE 43: Registration of logging, sawmilling and product re-selling operators.

Approved

CLAUSE 44: Forestry harvesting contracts

Approved

CLAUSE 45: Code of Practice

Approved

CLAUSE 46: Forestry harvesting plan

Approved

CLAUSE 47: Protection of the forestry resources

Approved

CLAUSE 48: Returns and provision of information

Approved

CLAUSE 49: Policies and programs to support farm agro-forestry

Approved

CLAUSE 50: Farm forests to enjoy certain benefits.

Approved

CLAUSE 51: Streamlining of planning and development requirements

Approved

CLAUSE 52: Natural Resource fee

Approved

CLAUSE 53: Forestry Application fee

Approved

CLAUSE 54: Forestry levies

Approved

CLAUSE 55: Exemption from fees

Approved

CLAUSE 56: Forestry operations affecting national parks and reserves

Approved

CLAUSE 57: Protected areas on forest lands

Approved

CLAUSE 58: Land may be declared protected land

Approved

CLAUSE 59: Status of protected land

Approved

CLAUSE 60: Restriction of dealings with protected land

Approved

CLAUSE 61: Compensation

Approved

CLAUSE 62: Protected reserves on State forest lands

Debate

Clause 62 approved.

CLAUSE 63: No affect to Fire and Emergency Service Act 2007

Approved

CLAUSE 64: Control of fires during extreme fire hazard

Approved

CLAUSE 65: Causing fire to spread to forest land

Approved

CLAUSE 66: Offence to leave burning or smoldering substance

Approved

CLAUSE 67: Requirement to provide firefighting equipment

Approved

CLAUSE 68: Duty to extinguish fires

Approved

CLAUSE 69: Requisition of assistance to extinguish fires

Approved

CLAUSE 70: Costs of firefighting

Approved

CLAUSE 71: Consequence of breaches of this Part

Approved

CLAUSE 72: General penalty for offences

Approved

CLAUSE 73: Offences relating to unauthorized forestry operations

Approved

CLAUSE 74: Offences for breaches of licenses and permits etc

Approved

CLAUSE 75: Other offences

Approved

CLAUSE 76: Proof of lawful authority

Debate

Clause 76 approved

CLAUSE 77: Liability for loss or damage

Approved

CLAUSE 78: Confiscation of property used in commission of offence

Approved

CLAUSE 79: No limitation of proceedings

Approved

CLAUSE 80: Compounding of offences

Approved

CLAUSE 81: Power to seize forest produce

Approved

CLAUSE 82: Acts that constitute seizure

Approved

CLAUSE 83: Procedure subsequent to seizure

Approved

CLAUSE 84: Disposal of forfeited produce

Approved

CLAUSE 85: Regulations relating to forestry resource management

Debate

Clause 85 approved

CLAUSE 86: Protection of forestry information systems

Approved

CLAUSE 87: Repeal and amendment of laws

Approved

CLAUSE 88: Savings provision

Approved

CLAUSE 89: Transitional provision

Approved

CLAUSE 1 & TITLE

CLAUSE 1: Short Title and Commencement

TITLE: Forest Management Bill 2010

“AMENDMENT:

Muagututagata moved the amendment to Clause 1 and the Title as follows:

Section (1):

To omit the numeral “2010” and substitute thereby with the numeral “2011” to read:

“FORESTRY MANAGEMENT BILL 2011.””

Amendment approved

Clause 1 and Title now approved as amended.

The Forestry Management Bill 2010 progressed with amendment.

MOTION FOR SUSPENSION OF STANDING ORDER

Hon Tuilaepa moved, “That Standing Orders be suspended to allow for the third reading

in this meeting of the bills that were considered in detail in today's meeting." Seconded by Hon Fiamē Naomi / Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Poese Toomata.

Motion approved.

Government Order of the Day No.6 called.

6. Public Records Bill 2011 – third reading

Hon Tuilaepa moved , *"That the Public Records Bill 2011 be now read third time."* Seconded by Hon Toomata Alapati Poese Toomata / Hon Tuisugaletaua Sofara Aveau / Hon Fiamē Naomi.

Motion approved.

Government Order of the Day No.7 called.

7. Forestry Management Bill 2011 – third reading

Hon Faumuina Tiatia Liuga moved , *"That the Forestry Management Bill 2011 be now read a third time."* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Toomata Alapati Poese Toomata / Hon Toleafoa Apulu Faafisi.

Motion approved.

MOTION BY THE PRIME MINISTER

Hon Tuilaepa moved, *"That the Legislative Assembly do now approve all the Select Committee Reports contained in today's Order Paper, Government Responses and all Ministerial Statement by the Prime Minister as submitted as well as taking note o the Annual Reports by the Government Ministries and Corporations tabled in Parliament."* Seconded by Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau / Hon Toleafoa Apulu Faafisi.

Motion approved.

The Sound System for the live broadcast of Proceedings was turned off for 10 minutes by order from the chair until after consultations by members of the House.

WORD OF THANKS BY PM

The Prime Minister delivered a final statement expressing his gratitude for all the hard work done throughout the year particularly for this XVth Parliamentary term.

**Proceedings now adjourned at 1.11pm until 9.00am on Tuesday 25th
January 2011.**

Hon Tolofuaivalelei Falemoe Leiataua	Afioga Fepuleai Atila M.
Ropati	
SPEAKER	CLERK