



Monday 18th January 2019
MEMBERS PRE-SITTING BRIEFING

A total of 27 Members of Parliament including the Honourable Speaker met at the Tui Atua Tupua Tamasese Efi Conference room for its Pre-Sitting Briefing for its second sitting for the year 2019. There were 2 Bills on the agenda; presenters included the CEO for the Land Transport Authority and ACEO for the Ministry of Education Sports and Culture. A summary of these presentations and main issues raised by Members is provided.

(1)University of the South Pacific of Agriculture Amendment Bill 2019

Presenter: *Vau-Peseta Afamasaga - ACEO*

Responsible Ministry: *Ministry of Education Sports and Culture*

Due to the CEO being off island for work commitments, the ACEO presented on the Bill on behalf of the Ministry. The ACEO presented on the objects and reasons of the Bill noting that the aim was to amend the University of the South Pacific Agriculture Act 1977. The ACEO elaborated that the Bill was a result of consultations between the Attorney General's Office, the Ministry of Agriculture and Fisheries and the Ministry of Education, Sports and Culture to consolidate the University as a legal entity in Samoa and to recognize the University of the South Pacific Convention.

The ACEO elaborated that the Bill consisted of 13 Main Parts and generally noted each Part and its provisions:

Part 1 - Preliminary (consisting of the short title and commencement date);

Part 2 - Administration of the Act;

Part 3 - Long Title of the Principal Act amended;

Part 4 - New part 1 inserted: insert "PART 1- PRELIMINARY"

Part 5 - Section 1 amended;

Part 6 - Section 2 amended;

Part 7 - New provisions needed;

Part 8 - New Part 3 heading inserted- "Part 3- Establishment of Schools of the University;

Part 9 - New Part 4 heading inserted- "Part 4- Leases and Assets"

Part 10 - New Part 5 heading inserted- "Part 5- Miscellaneous"

Part 11 - New Section 9 inserted- After section 8 of the principal act; insert section 9 Regulations";

Part 12- Transitional Provision- At the commencement of this Act, any reference in any document must be read as the University of the South Pacific Act 1977;

Part 13- Schedule amended- “for Schedule substitute Schedule 1”

Various queries were made by Members pertaining to the presentation of the Bill by the ACEO:

The Chairperson for the Finance and Expenditure Committee and Associate Minister for Communications and Information stated that the ACEO has not clearly identified what is the rationale and aim of the Bill and queried whether the ACEO has jurisdiction to answer questions by the members pertaining to the Bill.

The ACEO responded by clarifying that the Principal Act used to be governed by Ministry of Agriculture, Forestry and Fisheries as initially it was intended to be an Agriculture School. However, USP has grown exponentially and now accommodates all courses hence why the amendments to the Principal Act have been proposed.

The Chairperson for Infrastructure, TAFUA Maluelue Tafua queried why the date has been 4 years in the making and queried whether there is a copy of the Convention for members of Parliament’s use.

The ACEO responded that the date is 9 Jan 2019 not 2015 and further stated that the Convention is set out in the Bill.

The Honourable Minister for the Ministry of Agriculture and Fisheries, LOPAOO NATANIELU MUA queried whether 77 acres appropriated for use by the University was being properly utilised.

The ACEO stated that due to the growth of the University, these acres are necessary for the expansion of the University via building of new facilities.

The Member for Falealili East, FUIMAONO Samuelu Teo queried why the bill is only being introduced recently while USP has been functional for a number of years now. Moreover, the Member for Falealili West queried the date in which Samoa signed the USP convention and queried once again whether the full 77 acres allocated for the use by the University has been used.

The ACEO stated that the convention was signed in 2017 and although not all of the land has been utilised there are plans in the pipeline for its effective utilization in the future.

(2) Road Traffic Amendment Bill 2019

Presenter: *Galumalemana Taatialeoititi Tutuvanu- Schwalger* - CEO

Responsible Ministry: *Land Transport Authority*

The CEO provided a brief background on the Bill, noting that it seeks to amend the Road Traffic Ordinance 1960 (Principal Act). The Bill comes in response to the high number of motor vehicle accidents in the past year. Furthermore, the CEO stated that to date; the statutes do not criminalize boy-racer activities and this Act aims to amend and incorporate that into the statutes.

The CEO then elaborated that the Bill consisted of 3 main parts;

Part 1- Short title and Commencement

Part 2- Section 37 amended: insert “disaster and emergency works” after “fire brigade”

Part 3- New Section 38 C inserted after section 2 of the Principal Act: criminalising people whom partake in drag racing, ii) punishment for those charged and convicted under the Act iii) the minimum standard of punishment for those whom are convicted of causing death while partaking in drag racing

Members’ comments and queries towards the Bill includes:

The Hon Minister for Revenue, TIALAVEA Seigafolava Tionisio Hunt queried the course of action by the Authority on a Minister if in breach of section 38 while partaking in visitations exempt from this.

The CEO stated that this is a special case and usually the LTA will not stop this as the visitations are a government responsibility.

The Committee Chairperson for the Social Committee; GATOLOAIFAANA Amataga Gidlow made a comment on the punishments for those in breach of the law and called to raise the punishment. Furthermore, the Member requested that the Authority look into the issue of cars cutting in lanes and cited it as a potential calamity waiting to happen. Moreover, the Member called for bus stops to be erected more nearer as this is what causes the public to just illegally wait anywhere for the bus causing congestion in traffic and being a potential hazard for drivers. The Member called for more awareness programs.

The Associate Minister of Health, SALAUSA John Ah Ching queried whether traction refers to burnouts.

The CEO clarified that the punishment in the Bill is the minimum and it is at the discretion of the judge for sentencing. She pledged support for more awareness programs and these will be in full swing in the future. She elaborated that the current awareness programmes are ongoing, such as the theory test conducted during the license workshop as well as awareness programmes to schools (upon request). In response to Salausa; the CEO confirmed that it refers to burnouts and wheelies.

The Chairperson for Infrastructure, TAFUA Maluelue Tafua called for two sections to be added to the Bill with i) to incorporate the term DRAG RACING and ii) to criminalize the adding-on of new car accessories to a vehicle such as spotlights and air horns.

Member for Falealili West AUMUA Isaia Lameko- queried what the definition of reasonable grounds is.

The Deputy Speaker, NAFOI Talaimanu Keti called for heavier fines and suggested that power be vested to authorised officers to ARREST individuals on the spot when found in breach of Clause 5 of the Bill.

The CEO noted that they would take into consideration matters and comments made by the members and gave an example of “reasonable grounds” in the scenario of finding a drunk driver through the usual breathalyser testing and confiscating the car on the spot. In regards to the Deputy Speaker, the CEO stated that they will look into this.

Member for Vaimauga West, SULAMANAIA called to consolidate the speed limit required for cars to be classified as partaking in racing and further suggested the banning of the importation of V8 cars. Furthermore, the member called for speed indicators to be erected around the nation. Moreover, the member stated that there is an overlap in functions for traffic between the LTA and Ministry of Police.

The Minister for Works, Honourable Papaliitele Niko Lee Hang responded by stating that the rationale behind establishing the LTA is to deal with civil issues such as issuing of licenses. The Hon Minister pledged that there will be more speed indicators erected around the island. In regards to the criminalization of V8 vehicles; the Hon Minister stated that this is not the right of the Government the law deals with the criminalizing of the misuse of these vehicles for detrimental activities such as racing.

The Member for Falealili East FUIMAONO Samuelu Teo, called for the banning of spot lights installed on vehicles and air horns. The member then called for better indicators on the road specifically on narrow bridges. Moreover, the Member then called for old indicators on the road to be erased as this can cause confusion for the members of the public.

The Hon. Speaker concluded with a Prayer and the Briefing was adjourned.