



Lipoti mo le Fono Aoaio Faitulafono.

**“Tulafono Tau Faaofi o Teuteuga o le
Tulafono o le Faaputugatupe mo le
Lumanai Manuia o Tagata 2014”**

**Saunia :-
Komiti o Tupe Maua ma Tupe Totogi.**

1. FAUTUAGA:

E fautuaina e le Komiti o Tupe Maua ma Tupe Totogi le Fono Aoao ina ia faautagia lana Lipoti.

2. FAATOMUAGA:

O le Komiti o Tupe Maua ma Tupe Totogi ua faavaeina i lalo o aiaiga o Tulafono Tumau 170:

Sui Usufono**Filifilia**

Susuga Hon PAPALIITELE Niko Lee Hang	Taitaifono	31/05/2011
Afioga TAFUA Maluelue Tafua	Sui Taitaifono	31/05/2011
Afioga Hon PALUSALUE Faapo II	Sui Usufono	31/05/2011
Tofa LEALAILEPULE Rimoni Aiafi	Sui Usufono	31/05/2011
Afioga TAEFU Lemi Taefu	Sui Usufono	31/05/2011
Afioga AFUALO Dr Wood Uti Salele	Sui Usufono	31/05/2011
Afioga TIALAVEA F Tionisio Seigafolava	Sui Usufono	31/05/2011
Afioga Hon FAUMUINA Tiatia Liuga	Sui Usufono	18/08/2014

3. TULAFONO TUMAU 170:

E tusa ai ma aiaiga o le Tulafono Tumau 170, o le a avea ma tiute o le Komiti o Tupe Maua ma Tupe Totogi :-

- (a) Iloiloina o so o se Tulafono Tu Faaofi, Talosaga po o nisi mataupu e tuuina atu i ai e le Fono Aoao e tusa ai o nei Tulafono Tumau ma ia Tala Faatatau o Tupe po o le toe iloiloga o le faatinoga o galuega a Matagaluega;
- (b) Faasoa atu i so o se Komiti Filifilia na te faatinoina suesuega o so o se Tala Faatatau o Tupe ma so o se iloiloga o le faatinoga o galuega a Matagaluega, ma ia manaomia lea Komiti Filifila ina ia toe lipoti atu a o le i tuuina atu le Lipoti a le Komiti o Tupe Maua ma Tupe Totogi i le Fono Aoao;
- (c) Le suesueina o Faiga Faavae, Faafoga ma tupe alu a Matagaluega ma Faalapotopotoga a le Malo e faasino i tupe a le Malo, Inisiua, supaanueta, Faaputugatupe mo le Lumanai Manuia, Lafoga, sueina faasuetusi o faamatalaga o tupe a le Malo ma Faamatalaga tau tupe a Matagaluega;
- (d) Iloiloga aoao o faafoga tau pulega o tupe i Matagaluega uma ma Matagaluega a le Malo;
- (e) Suesueina ma lipoti atu i faamatalaga o tupe a le Malo.

4. TULAFONO TAU FAAOFI NA ILOILOINA:

Tulafono Tau Faaofi o Teuteuga o le Tulafono o Faaputugatupe mo le Lumanai Manuia o Tagata 2014.

Na iloiloina e le Komiti o Tupe Maua ma Tupe Totogi le Tulafono Tau Faaofi o Teuteuga o le Tulafono o le Faaputugatupe mo le Lumanai Manuia o Tagata 2014, e tusa ai ma le Faatonuga na tuuina mai e le Fono Aoao i le aso 17 Tesema 2014.

5. TAUALUMAGA:

Na valaauina e le Komiti le mamalu o le atunuu e ala i faasalalauga faalauaitetele i luga o le Televisi (S.Q.B. TV 1) ma le leitio faasalalau a le Faalapotopotoga o Faasalalauga (2AP) mo ni finagalo faaalua po o ni finagalo tusitusia e faatatau i lenei Tulafono Tau Faaofi. Sa tapā foi e le Komiti Sui o le Faalapotopotoga o Faaputugatupe mo le Lumanai Manuia o Tagata ma Sui o le Ofisa o le Loia Sili a o faagasolo ana iloiloga.

6. SAILIILIGA A LE KOMITI:

O le Tulafono Tau Faaofi o Teuteuga o le Tulafono o le Faaputugatupe mo le Lumanai Manuia o Tagata 2014, ua aiaia ai teuteuga o le Tulafono Autu sa pasia e le Palemene i le tausaga 1972, e tauala i vaega nei :-

- (a) *o aiaiga mo le tusia o se teugatupe a se sui e ese mai aiaiga e faasino i le toina i tua; ma*
- (b) *ua aiaia ai mo fua faatatau o le tului e tatau ona totogi i luga o teugatupe ma le faagasologa o tinoitupe a le sui ma le fuafuaina o sea tului; ma*
- (c) *saofaga tau tupe e manaomia e agavaa ai i faamanuiaga tau maliu ua siitia (mai le tasi (1) le masina o saofaga tau tupe i saofaga tau tupe e oo atu lona aofaiga a itiiti ifo o le lua (2) tausaga); ma*
- (d) *o le taimi lea e ao ai ona tapa faamanuiaga i le Faaputugatupe o Faamanuiaga a Tagata Matutua; ma*
- (e) *aiaiga e aveesea ai le tulaga o Sui Ofisa Sili o Pulega ma le suiga o tofiga pule i le pulega sinia.*

I le aotelega o sailiiliga a le Komiti sa maitauina ai nisi o vaega o le Tulafono Tau Faaofi e le i lagolagoina e nisi o molimau sa fofogaina o latou finagalo i le Komiti. Aemaise lava i le Fuaiupu 6 lea o lo o aiaia ai e faapea :-

“ua teuteu ai tuutuuga e agavaa ai i se faamanuiaga tau maliu i lalo o le fuaiupu 37(1)(a) o le Tulafono. I le taimi nei ua tatau i se sui ona i ai saofaga tau tupe i lalo o lana teugatupe, i le aofaiga e lua (2) tausaga o saofaga tau tupe na i lo le “1 le masina”.

O le faamanuiaga tau maliu o lo o iai nei mo le Sui Faisaofaga a le NPF e \$5,000, ma e agavaa uma iai le aufaisaofaga i lenei faamanuiaga pe a maliliu. Peitai o le teuteuga ua faatulai mai i lenei Tulafono Tau Faaofi, o le a lē mafai ai ona agavaa le suifaisaofaga faatoa teuina lana saofaga seia vagana ua atoa le lua(2) tausaga o teuina lau faaputugatupe.

I finagalo faaalua ma faamatalaga tusitusia o molimau sa tuuina atu i le Komiti a o faagasolo ana iloiloga, sa fautuaina ai e le Komiti le Pulega ma le Komiti Faafoe a le Faalapotopotoga o le Faaputugatupe mo le Lumanai Manuia o Tagata le NPF, ina ia toe iloilo ma silasila totoa i lenei vaega o le tulafono teuteu. Peitai, o le aso 18 Mati sa tuuina mai ai le Faaiuga a le Kapeneta FK(15)09, e faailoa atu ai i le Pulega o le NPF ma le Ofisa o le Loia Sili, ina ia aveesea aiaiga o le Fuaiupu 6 mai le Tulafono Tau Faaofi. E lagolagoina e le Komiti ma ua talafeagai lenei Faaiuga a le Kapeneta ona e talitonu le Komiti, o le sini autu sa faavaeina ai le Faalapotopotoga o le NPF, e mo le teuina lea o faaputugatupe o saofaga a le atunuu lautele mo le lumanai. E manatu foi le Komiti, o lenei seleni mo faamanuiaga o i latou e maliliu o le a fesoasoani tele i aiga o sui faisafaga aua tapenaga mo a latou falelauasiga.

7. ILOILOINA AUILIILI O LE TULAFONO TAU FAAOFI:

I le iloiloina auiliili o le Tulafono Tau Faaofi i ona Fuaiupu taitasi ua faamalieina le Komiti i ona aiaiga uma seia vagana le teuteuga i le Fuaiupu ua taua i lalo:-

TEUTEUGA.

7.1. Fuaiupu 6.

Ia soloia le “**Fuaiupu 6**” e pei ona faatulai mai i le Tulafono Tau Faaofi ma toe faanumera aiaiga o lo o mulimuli mai ai.

7.2. FAASAOGA.**Fuaiupu 1.**

Ia soloia le tatusaga “2014” ma suia i le tatusaga “2015” ma faitauina ai le Igoa o le Tulafono e faapea:-

**TEUTEUGA O LE TULAFONO O FAAPUTUGATUPE MO LE LUMANAI
MANUIA O TAGATA (Nu.1) 2015.**

8. IUGAFONO:

I le maea ai o le iloiloaina o le Tulafono Tau Faaofi, ua faaiugafonoina ai e le Komiti e fautuaina le Fono Aoao;

Ina ia faagasolo le Tulafono Tau Faaofi o Teuteuga o le Tulafono o Faaputugatupe mo le Lumanai Manuia o Tagata 2014, faatasi ai ma teuteuga ma le faasaoga o le Lomiga.

Pepa Faapipii - A**FESOASOANI (T. T. 156):**

Sa tapā e le Komiti le fesoasoani a i latou nei a o faagasolo ana iloiloga.

Ofisa o le Loia Sili:

Aumua Ming C Leung Wai	-	Loia Sili
Loretta Teueli	-	Loia Sili Lagolago

Faaputugatupe mo le Lumanai Manuia o Tagata Samoa:

Faumuina Esther Lameko-Poutoa	-	Sui Ofisa Sili o Pulega
Tanya Toailoa	-	Ofisa Sili Lagolago- <i>(Vaega o Tulafono)</i>

Sui o le Atunuu.

Moala Panoa Papalii T. Moala	-	Sui o le Atunuu.
------------------------------	---	------------------

Pepa Faapipii - B.

Hon PAPALIITELE Niko Lee Hang.
Taitaifono

TAFUA Maluelue Tafua
Sui Taitaifono.

Hon PALUSALUE Faapo II
Sui Usufono

Hon FAUMUINA T Faaolatane Liuga
Sui Usufono

LEALAILEPULE Rimoni Aiafi
Sui Usufono

AFUALO Wood Dr Uti Salele
Sui Usufono

TIALAVEA F T Seigafolava
Sui Usufono

TAEFU Lemi Taefu
Sui Usufono



Report to the LEGISLATIVE ASSEMBLY

“National Provident Fund Amendment Bill 2014”

**Prepared by :-
Finance and Expenditure Committee**

1. RECOMMENDATIONS:

The Finance and Expenditure Committee recommends the Assembly take note of its report

2. PREAMBLE:

The Finance and Expenditure Committee is constituted by provisions of Standing Orders 170:

<u>Members</u>		<u>Appointed</u>
Susuga Hon PAPALIITELE Niko Lee Hang	Chairperson	31/05/2011
Afioga TAFUA MaluelueTafua	Deputy Chairperson	31/05/2011
Afioga Hon PALUSALUE Faapo II	Member	31/05/2011
Tofa LEALAILEPULE Rimoni Aiafi	Member	31/05/2011
Afioga TAEFU Lemi Taefu	Member	31/05/2011
Afioga AFUALO Dr Wood Uti Salele	Member	31/05/2011
Afioga TIALAVEA F Tionisio Seigafolava	Member	31/05/2011
Afioga Hon FAUMUINA Tiatia Liuga	Member	18/08/2014

3. STANDING ORDER 170:

In accordance with the provisions of Standing Orders 170, it shall be the duty of the Finance and Expenditure Committee:-

- (a) To consider any bill, petition or other matter referred by the Assembly pursuant to these Standing Orders; and any Estimates or review of ministerial and departmental performance;**
- (b) To allocate to any Select Committee the examination of any Estimates and of any review of departmental performance;**
- (c) To examine the policy, administration and expenditure of ministries and government bodies related to government finance, insurance, superannuation, national provident fund, taxation, auditing of public accounts and Ministerial financial statements;**
- (d) To have responsibility for the overall review of financial management in all government ministries and public bodies;**
- (e) To examine and report on the public account.**

4. **BILL CONSIDERED:-**

National Provident Fund Amendment Bill 2014

The Finance and Expenditure Committee considered the National Provident Fund Amendment Bill 2014 pursuant to the instruction by the Assembly on 17th December 2014.

5. **PROCEDURE:**

The Committee called for oral or written public submissions on the Bill through a public notice broadcast on television (S.Q.B. TV 1) and radio (2AP). The Committee also sought the assistance of NPF and the Attorney General's Office during the course of its investigations.

6. **FINDINGS:**

The Bill seeks to amend the National Provident Act 1972. The amendments include provisions for the following:-

- (f) *Provisions for crediting a members account separated from provisions related to withdrawals; and*
- (g) *To provide for the interest rates payable on members accounts and cash flows and the calculation of such interest; and*
- (h) *Contributions required for entitlement to death benefit increased (from one (1) month of contributions to contributions amounting to at least two (2) years); and*
- (i) *The time within which Senior Citizen Benefit Fund entitlements must be claimed; and*
- (j) *Provision to remove the position of Deputy Chief Executive Officer and the substitution of managers with senior management*

The Committee investigations found that the oral submissions on the Bill did not support certain provisions especially Clause 6 which states:-

“In section 37(1)(a) of the Principal Act, for “1 month” substitute “2 years”.

The current death benefit for contributors is \$5,000 and the total amount is the entitlement upon death. However, the proposed amendment provides that the contributor will only be entitled to this benefit if they have been a contributor for two years.

After consideration of the oral and written submissions, the Committee recommended the Management and Board of the National Provident Fund to reconsider this amendment. On the 18th March, a Cabinet Directive FK (15)09, informed the NPF Management and the Attorney General's Office to omit Clause 6 from the Bill. The Committee supports this Cabinet decision as the Committee believes that the purpose of the National Provident Fund is for the contributors future. The Committee also believes that the death benefit would greatly assist the families of the deceased contributors in terms of funeral arrangements.

7. CONSIDERATION OF THE AMENDMENT BILL IN DETAIL:

The Committee considered the National Provident Fund Amendment Bill 2015 in detail and was satisfied with all the provisions except for the amendment and correction as recommended below:-

AMENDMENT.

7.1. Clause 6.

To omit **Clause 6** as stated in the Bill and renumber the following provisions accordingly.

7.2. CORRECTION.

Clause1.

To omit the figure "2014" and substitute thereby the figure "2015", thus the reads:

NATIONAL PROVIDENT FUND AMENDMENT ACT (No.1) 2015.

8. RESOLUTION:

After consideration in detail of the Bill, the Committee resolved to recommend the Assembly:

That the National Provident Fund Amendment Bill 2015 progress together with the amendment and correction to print.

ASSISTANCE (S. O. 156):

During the course of its investigations, the Committee sought the assistance of the following officials:

Attorney Generals Office:

Aumua Ming C Leung Wai	-	Attorney General
Loretta Teueli	-	Assistant Attorney General

National Provident Fund of Samoa:

Faumuina Esther Lameko-Poutoa	-	Chief Executive Officer
Tanya Toailoa	-	Assistant CEO <i>(Legal Division)</i>

Members of the Public.

Moala Panoa Papalii T. Moala	-	Public Representative
------------------------------	---	-----------------------
