



# **LIPOTI MO LE FONO AOAQ FAITULAFONO**

**“Tulafono Tau Faaofi o Teuteuga o le Tulafono  
o le Pulega o Taulaga 2014”**

**Komiti o Galuega, Felauaiga & Siosiomaga.**

**1. FAUTUAGA:**

**E fautuaina e le Komiti o Galuega, Felauaiga & Siosiomaga le Fono Aoa ina ia faautagia lana Lipoti.**

**2. TULAFONO TAU FAAOFI NA ILOILOINA:**

*(Tuuina atu 18/02/2015)*

**Tulafono Tau Faaofi o Teuteuga o le Tulafono o le Pulega o Taulaga 2014.**

Na iloiloina e le Komiti o Galuega, Felauaiga & Siosiomaga<sup>1</sup> le Tulafono Tau Faaofi o Teuteuga o le Tulafono o le Pulega o Taulaga 2014, e tusa ai ma le Faatonuga na tuuina mai e le Fono Aoa o Faitulafono i le aso 18 o Fepuari 2015.

**3. TAUALUMAGA:**

Na valaauina e le Komiti le mamalu o le atunuu e ala i se 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.

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

**FESOASOANI (T. T. 156)**

**Ofisa o le Loia Sili:**

Loretta Teueli - Loia Sili Fesoasoani

Leitu Moananu - Loia

**Matagalulega o Tupe**

Lavea Tupaimatuna I.Lavea - Ofisa Sili o Pulega

Sione Foliaki - Ofisa Sili Lagolago o Pulega,  
*Vaega o le Malosiaga*

Salote Peteru - Faufautua Faaletulafono  
*(Legal Consultant).*

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<sup>1</sup> SO 176, TUSA Misi Tupuola, AFOAFOUVALE John Moors, LEALAILPULE R. Aiafi, LEVAOPOLO Talatonu, PESETA Vaifou Tevaga, TOEOLESULUSULU C.P.S.S., FAGAIVALU Kenrick Samu.

## Sui o le Atunuu.

Afioga Le Tagaloa Pita

- Sui o le Atunuu

### **4. SAILILIGA:**

- 4.1 6.1 O le Tulafono Tau Faaofi o Teuteuga o le Tulafono o le Pulega o Taulaga 2014, o le a teuteuina ai le Tulafono o Pulega o Taulaga 1998 (“Tulafono”). O le sini autu o lenei Tulafono Tau Faaofi o Teuteuga o le Tulafono o le Pulega o Taulaga 2014, o le faatagaina lea o le faaliliu atu o le pule e umia ai taulaga i Mulifanua ma Salelologa, mai i le Pulega o Taulaga agai i le Faalapotopotoga o Vaa a Samoa.

O lea Tulafono Tau Faaofi na faave mai lea e ala i se Faaiuga a le Kapeneta i lea mataupu ma na poloaia ai le Ofisa o le Loia Sili ina ia faatinoina lea tulaga, ona o se tulaga ua tatau ma talafeagai.

O nisi o vaega o lo o faamanino mai i lalo o le Tulafono Tau Faaofi lenei, o ituaiga aseta e ono faasee atu faatasi ma uafu nei, i lalo o le Faalapotopotoga o Vaa a Samoa. O lo o auilili mai i le Fuaiupu 3 o le Tulafono Tau Faaofi lea o lo o faaofiina ai le fuaiupu 17A fou, ina ia maioio ai aseta o lea faasee atu i le Faalapotopotoga o Vaa a Samoa.

Na faaalua se atugaluga o le Pulega o Uafu ma Taulaga, i le tulaga i le tatau ai lea ona toe faavasegaina o le faavasegaina o le uafu i Salelologa (declassified), mai i le tulaga faavaomalo o lo o iai nei, ina ia avea o se uafu faa-lotoifale. Ae peitai, ina ua maea ona faatalatalanoa le Tulafono Tau Faaofi ma nisi o Matagaluega o lo o aafia i lenei Tulafono, na matuina ai e le Komiti, o le tulaga e pei ona faaalua ai se atugaluga o le Pulega, o se faafitauli e soalaupule i le lotoifale.

Na tapenaina e le Komiti, se tusi aloaia i le aso 07 me 2015, i le maea ai o lana fonotaga e faailoa ai, le tatau ai lea ona tapenaina e le Pulega o Uafu ma Taulaga se Pepa Aloaia (Declaration), e tuuina atu i le Kapeneta, e talosagaina ai lea tulaga. Na faailoa mai foi e le Matagaluega o Galuega, Felauaiga ma Atinae Eeseese, o se tulaga sa le tatau ona toe teuteuina ai le Tulafono, ae sa tatau ona tapenaina se fautuaga a le Pulega o Uafu ma Taulaga, e tauala atu i le Minisita mo le tuuina atu i le Kapeneta mo lea tulaga.

Na faaalua foi sa iai se Faaiuga a le Kapeneta na tuuina tu i le aso 31 o Ianuari 2014, ma le aso 05 o fepuari 2014 e tofia ai se Soa-Komiti, mo le lloiloina o uafu nei. O lenei Soa-Komiti, e taitaifono ai le Matagaluega o Tupe, ae aafia ai ma le Ofisa o le Loia Sili, Pulega o Uafu ma Taulaga, Faalapotopotoga o Vaa a Samoa ma le Matagaluega o Galuega, Felauaiga ma Atinae Eeseese.

5. **ILOILOGA AUILIILI O LE TULAFONO TAU FAAOFI:**

I le Iloiloina Auiliili o Ienei Tulafono Tau Faaofi, ua faamalieina le Komiti ma o lo o talafeagai aiaiga uma ua faatulaga mai vagana ai le Faasaoga i le Fuaiupu 1 ua fautuaina e faapea:-

6. **FAASAOGA:**

la aveese le fuainumera “2014” ma suia i le fuainumera “2015” ina ia faitauina ai le Igoa o le Tulafono e faapea;

“(1) Tulafono o Teuteuga o le Tulafono o le Penisini 2015”

7. **IUGAFONO:**

I le maea iloiloina o le Tulafono Tau Faaofi na faaiugafonoina ai e le Komiti e fautuaina le Fono Aoao,

Ina ia faagasolo le Tulafono Tau Faaofi o Teuteuga o le Tulafono o le Penisini 2015 faatasi ma le faasaoga.

8. SAINI A SUI O LE KOMITI:

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TUSA Misi Tupuola  
TAITAIFONO

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AFOAFOUVALE John Moors  
SUI TAITAIFONO

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LEALAILEPULE Rimoni Aiafi  
SUI USUFONO

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LEVAOPOLO Talatonu  
SUI USUFONO

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PESETA Vaifou Tevaga  
SUI USUFONO

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TOEOLESULUSULU C. P. S. Schuster  
SUI USUFONO

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FAGAAIVALU Kenrick Samu  
SUI USUFONO



# **REPORT TO THE LEGISLATIVE ASSEMBLY**

**“Ports Authority Amendment Bill 2014”**

**Works, Transport & Infrastructure Committee**

**1. RECOMMENDATION:**

The Works, Transport and Environment Committee recommends that the Assembly take note of its Report.

**2. BILL CONSIDERED:**

**Ports Authority Amendment Bill 2014.**

The Works, Transport & Environment Committee<sup>2</sup> considered the Ports Authority Amendment Bill 2014 pursuant to the Instructions issued by the Legislative Assembly on the 18<sup>th</sup> of February 2015.

**3. PROCEEDINGS:-**

The Works, Transport & Environment Committee called for oral and/or written public submissions on the Bill through a public notice broadcast on radio (2AP) and television (S.Q.B. TV 1).

The Committee sought the assistance from the following officials during the course of its investigations.

**ASSISTANCE**

**Office of the Attorney General:**

Tuatagaloa Aumua M.L.Wai	-	Attorney General
Loretta Teueli	-	Assistant Attorney General
Leitu Moananu	-	Senior Legal Drafter

**Samoa Ports Authority**

Tufuga Fagaloa Tufuga	-	Chief Executive Officer
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**Ministry of Works, Transport & Infrastructure:**

Vaaelua Nofo Vaaelua	-	Chief Executive Officer
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**Samoa Shipping Corporations Limited:**

Papalii Uili Nansen	-	General Manager
Sooalo K. Sooalo	-	AGM - Finance Division
Leiatua Samuel Phineas	-	AGM - Operations

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*1.SO 176, TUSA Misi Tupuola, AFOAFOUVALE John Moors, LEALAILEPULE Rimoni Alafi, LEVAOPOLO Talatonu, PESETA Vaifou Tevaga, TOEOLESULUSULU C.P.S.S., FAGAIVALU Kenrick Samu*

#### **4. FINDINGS:-**

6.1 The Ports Authority Amendment Bill 2014 seeks to amend the Ports Authority Act 1998 (“principal Act”). The main objective of this bill is to authorize the transfer of the ownership of the Mulifanua and Salelologa ports, from the Samoa Ports Authority to the Samoa Shipping Corporations Limited.

This Bill is based on the Cabinet Directive on the subject whereby an instruction was issued to the Office of the Attorney General, to start considering consultations on the subject.

Clause 3 of the bill provides for the insertion of section 17A, to clearly identify the properties that will be transfer and vested to the Samoa Shipping Corporations Limited.

Concern was raised by the Samoa Ports Authority regarding the Salelologa port that is currently classified as an international port. The suggestion is to declassify and to re-register as a domestic port. However, after consultations with various Ministries that are affected by the Bill, the Committee noted that this is an internal matter that should’ve been solved within the Authority.

The Committee then, prepared a letter after its deliberations on the 7<sup>th</sup> of May 2015, to address the solution to the issue raised by the Authority. The Committee stated that, the Authority should prepare and submit a declaration to the Cabinet, with the request attached. The Ministry of Works, Transport & Infrastructure clearly explained that, this issue is an internal matter that does not require an amendment to the Act, but they should have recommended the Minister on such case, so that the Minister could present it to the Cabinet.

A Cabinet Directive was issued on the 31<sup>st</sup> of January and the 5<sup>th</sup> of February, which stated that there should be a Sub Committee where the Ministry of Finance should be the Chairman, also features the Office of the Attorney General, the Ministry of Works, Transport & Infrastructure, the Samoa Shipping Corporations and the Samoa Ports Authority to investigate and review these ports.

#### **5. CONSIDERATION IN DETAIL OF THE BILL:-**

The Committee considered the Ports Authority Amendment Bill 2014 in detail and was satisfied with all the provisions except for the Correction in Clause 1 which reads:-

#### **6. CORRECTION:**

To omit the figure “2014” and substitute thereby the figure “2015” so that the title reads;  
**“(1) Ports Authority Amendment Act 2015”**



**7. RESOLUTION:**

At the conclusion of its considerations, the Committee resolved to recommend the Assembly:

**That the Port Authority Amendment Bill 2015 progress with the correction to print.**

**8. COMMITTEE SIGNATURES:**

TUSA Misi Tupuola  
**CHAIRMAN**

AFOAFOUVALE John Moors  
**VICE CHAIRMAN**

LEALAILEPULE Rimoni Aiafi  
**Member**

LEVAOPOLO Talatonu  
**Member**

PESETA Vaifou Tevaga  
**Member**

TOEOLESULUSULU C.P.S. Schuster  
**Member**

FAGAAIVALU Kendrick Samu  
**Member**