

### DISCLAIMER

This Report provides a brief of the Proceedings of Parliament on Friday 5<sup>th</sup> October 2018. While all efforts have been made to provide an informative brief, this information must not be relied upon as an alternative to the official Hansard record of proceedings of Parliament. If you have any specific questions about the Proceedings of Parliament on Friday 5<sup>th</sup> October 2018, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

**Friday 5 October 2018**

**9:10am**

The Hon Speaker upon taking the Chair, formally addressed Parliament and the participants for the Parliamentary College Programme and members of the Youth Olympic Games who were present in Chambers to observe proceedings of Parliament.

## **I. GOVERNMENT ORDERS OF THE DAY**

### **1. Head of State Amendment Bill 2018 – first reading**

The Hon Prime Minister, TUILAEPA Fatialofa Lupesoliai Dr Sailele Malielegaoi moved for the first reading of the Bill; motion seconded and approved. The Bill was read a first time.

### **2. Alcohol Control Bill 2018 – first reading**

The Hon Minister for Revenue, TIALAVEA Fea Tionisio Seigafolava Hunt moved for the first reading of the Bill; motion seconded and approved. The Bill was read a first time.

### **3. Intellectual Property Amendment Bill 2018 – first reading (C.o.U)**

The Hon Minister for Commerce, Industry and Labour, LAUTAFI Fio Selafi Purcell moved for the first reading of the Bill; motion seconded and approved. The Bill was read a first time.

### **4. Intellectual Property Amendment Bill 2018 – second reading**

The Hon Minister for Commerce, Industry and Labour moved for the second reading of the Bill and spoke to clarify the objects of the Bill; Motion seconded.

The Hon Minister acknowledged Parliament, Executive Officers and Ministries, participants of the Parliamentary College Program and representatives of the Youth Sports Games who were present in the House before elaborating on the Bill. The Hon Minister explained that it is mandatory to prepare proper legislation which provides for the terms and conditions of an international agreement; which in this case is the Madrid Protocol. Hon LAUTAFI elaborated that

the Bill is important as international agreements cannot be effectively enforced if the supporting legislation does not provide for the relevant terms. The Minister emphasised the importance of the Agreement as it provides security of intellectual property.

**CLARIFICATION – Hon Prime Minister**

The Hon Prime Minister addressed the Samoa Youth Team who were present in the House and wished them well for the upcoming Youth games in Russia; Hon TUILAEPa urged the team to take up the opportunity and strive to bring home medals. Hon TUILAEPa then noted the importance of the Bill as it ensures Samoan products, names and terms are used by Samoans on Samoan products; noting an example of the coconut cream processed and manufactured by the Asian countries which is sold internationally as pe'epe'e. It is instances such as this that heightens the need to enforce proper provisions which ensure the protection of local intellectual properties.

**(i) ALIIMALEMANU Alofa Tuuau, Member for Alataua West**

Conveyed her support for the Bill noting its importance in safekeeping the intellectual properties of local people; as well as having no costs in its enforcement as the bulk of the funding is carried by the World Intellectual Property Organisation (WIPO) while government only provides funding to pay the employees of the Registration and Intellectual Property division.

**(ii) FAUMUINA Asi Pauli Wayne Fong, Member for Urban West**

The Member acknowledged the Bill and noted the importance of keeping local marks safe and not easily copied by foreigners; the Member then recommended the Ministry to effectively monitor the issue of local markers, and to safeguard local creations, inventions and designs from foreign imitation.

**(iii) OLO Fiti Afoa Vaai, Member for Salega East**

The Member queried whether the Bill possibly duplicated or contradicted the conditions of the World Trade Organisation.

**(iv) FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa**

The Member acknowledged the Bill and noted the importance of securing local intellectual property for the people of Samoa, as it is Parliaments role to enact legislation which serve to protect the interests and intellectual property of local community.

The Hon Minister for Commerce, Industry and Labour, LAUTAFI Fio Selafi Purcell thanked all Members who spoke on the Bill.

The Intellectual Property Amendment Bill 2018 was read a second time.

**5. Intellectual Property Amendment Bill 2018 – Consideration in Detail**

Clause 2 – *Approved*

Clause 3 – *Approved*

Clause 4 – *Approved*

Clause 1: Short title and commencement – *Approved*

## **6. Intellectual Property Amendment Bill 2018 – Third Reading**

The Hon Minister for Commerce, Industry and Labour moved for the third reading of the Bill; motion was seconded and the Intellectual Property Amendment Bill 2018 was third read and passed the Legislative Assembly.

## **MOTION TO SET ASIDE STANDING ORDER 101**

The Motion was moved by the Hon Prime Minister to allow the second reading of the Bills which were introduced and first read in the House today.

Motion seconded and approved.

## **7. Head of State Amendment Bill 2018 – Second reading**

The Hon Prime Minister moved for the second reading of the Bill; motion seconded.

The Hon Prime Minister informed the House that the Bill will be referred to committee for thorough consideration. He mentioned the importance of Pre-Sitting briefings as another avenue for Members of Parliament to delve into the contexts of the Bill and an opportunity to understand the background details of the Bill.

The Hon Prime Minister elaborated that the Principal Act was formulated when Samoa had joint Heads of State (Malietoa Tanumafili II and Tupua Tamasese Meaole); thus provisions at the time implied that the Head of State title was held until death. However with recent amendments which changed the terms of office for the Head of State to serving 2 five (5) year terms, the amendment Bill proposes changes that are aligned with current practices and regulations.

In regards to the allowances, salaries, and entitlements of the Head of State, in previous times, there were different authorities who determined the salaries for the Head of State, Members of Parliament, Judges and Court Officers, and public servants – this proved to be inconsistent and without appropriate measures to determine the scales; therefore in order to appease the situation and avoid tension, the Assembly provided the establishment of a Salaries Tribunal to ensure consistency across all levels of employment, by setting salaries which reflected the responsibilities and duties of the individual. The Hon Prime Minister advised the Tribunal that the set scale should be followed to avoid conflict from the community. Additionally, Hon TUILAIPA noted the importance to establish an Office of the Head of State and Council of Deputies to ensure the services provided are delivered and performed professionally.

The Hon Prime Minister noted the differences of the terms used in both versions of the Bill (English and Samoa) and advised the translation of legislation to be consistent so as to reflect the true meaning and intent of the provisions, specifically referring to the term “Spouse” in the Bill to ensure gender neutrality.

***Proceedings were set aside at 10:46am and resumed at 11:32am***

**(i) SULAMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East**

The Member conveyed support for the amendment, however did not agree with the new address of "Ao o le Malo" as he believes the term ‘*mamalu*’ should be included to emphasise the honorific status vested with the holder of the position.

**INTERJECTION – Hon. Prime Minister**

The Hon Prime Minister noted that the aura of respect afforded to the Head of State is implicit; whether stipulated in the Bill or not, as Samoans the culture of respect and honour always exists.

**POINT OF CLARIFICATION – Hon Speaker**

The Hon Speaker clarified to the Member that the clarification and explanation provided by the Prime Minister is that of the Government and advised the Member accordingly.

**MOTION – Hon Prime Minister**

The Motion was moved by the Hon Prime Minister to adjourn parliamentary proceedings at 12pm and reconvene at 9am Tuesday 18<sup>th</sup> December 2018.

**(ii) PESETA Vaifou Tevagaena, Member for Faasaleleaga No.4**

The Member acknowledged and conveyed support for the Bill.

**(iii) OLO Fiti Afoa Vaai, Member for Salega East**

The Member stated that in his opinion, the honorary salutations for the Head of State follow the village system, whereby Oratory Chiefs and High Chiefs are differentiated via their honorific salutations. He further recommended that the Head of State be afforded legal advisors for clarification on proposed Bills before ascension. He then proposed the Law Reform Office as another avenue to provide support to the Office of the Head of State.

**Hon Deputy Prime Minister – FIAME Naomi Mataafa**

The Hon Deputy Prime Minister reassured members of the House that the Bill will be referred to the Committee for investigations whereby another opportunity is afforded to express their views and opinions.

The Head of State Amendment Bill 2018 was read a second time and referred to the Standing Orders, Electoral, Petitions and Constitutional Offices Committee to report back to Parliament in a sitting day in the future.

***Proceedings were suspended at 12:12pm and will reconvene at 9:00am on Tuesday  
18<sup>th</sup> December 2018***