

**THURSDAY 31 MAY 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi.**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Afioga Hon Fonotoe Nuafesili Pierre Lauofo, Afioga Hon Fiamé Naomi Mataafa, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivalelei Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Faamoetaulua Ulaitino Faale Tumaalii, Afioga Hon Sala Fata Pinati.**

**MEMBERS**

**Afioga Hon Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Motuopuaa Aisoli Vaai, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaio manu Taeu Masipau, Afioga Afualu Wood Uti Salele, Afioga Levaopolo Talatonu, Tofa Lefau Harry Schuster, Afioga Hon Aeau Peniamina Leavaiseeta, Afioga Hon Palusalua Faapo II, Tofa Fagaaivalu Kenrick Samu, Afioga Tufuga Gafotele Faitua, Tofa Lautafi Fio Selafi Purcell, Tofa Alo Fulifulu Taveuveu, Tofa Tuiloa Anitelea, Afioga Lafaitale Patrick Leiataualesa, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Faafoi Tamapua, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Tofa Tusa Misi Tupuola, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututaga Faamausili Peter Ah Him, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow, Susuga Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa.**

**2. MEMBERS ABSENT:**

**Afioga Hon Magele Mauiliu, Afioga Hon Manualesagalala Enokati Posala.**

**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, Le Ao o le Malo given the consent to the Legislative to proceed upon consideration of the following Bills:

1. Supplementary Appropriation Bill (No.2) 2011/2012.
2. Appropriation Bill 2012/2013.
3. Samoa Institute of Accountants Amendment Bill 2012.

**6. PRESENTATION OF PAPERS**

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

1. S.R. 2012/5, Stamp Duty Amendment Act 2012 – Notice of Commencement.
2. S.R.2012/6, Composition of Boards of Public Bodies Act 2012 – Notice of Commencement.
3. S.R.2012/7, Notice of Charge in Tariff per Unit of Electricity – Order of the Regulator (No.1) 2012.
4. S.R.2012/8, General Price Order (No.2) 2012.
5. S.R.2012/9, Customs Tariff Amendment Act 2012 – Notice of Commencement.
6. S.R.2012/10, Excise Tax Rate Amendment Act 2012 – Notice of Commencement.
7. P.P.2012/2013 No.3, Samoa Tourism Authority Annual Report for July 2010-June 2011.
8. P.P.2012/2013 No.4, Samoa Law Reform Commission Report on the Coroners Ordinance 1959, Report 02/11.
9. P.P. 2012/2013 No.5, Annual Report Parliamentary Pension Scheme 2011.
10. P.P.2012/2013 No.6, Ministry of Education, Sports and Culture Annual Report July 2008-June 2009.
11. P.P. 2012/2013 No.7, Ministry of Education Sports and Culture Annual Report July 2009 –June 2010.
12. P.P. 2012/2013 No.8, Ministry of Education Sports and Culture Annual Report 1 July 2010 – 30 June 2011.
13. P.P. 2012/2013 No.9, Government Responses on P.P.2011/2012 No.69, Report of the Primary Production, Commerce, Industry and Labor on P.P.2011/2012 No.35, Annual Report of the Samoa Trust Estates Corporation for the year 2009/2010.
14. P.P.2012/2013 No.10, Government Responses on P.P.2011/2012 No.72, Report of the Works, Transport and Environment Committee on P.P. 2011/2012 No.42, Annual Report of the Samoa Airport Authority for Years July 2001 – June 2008.
15. P.P. 2012/2013 No.11, Scientific Research Organisations of Samoa Annual Report 2010-2011.
16. P.P.2012/2013 No.12, Annual Report of the National Kidney Foundation of Samoa 1 July 2010-30 June 2011.

**MOTION OF BUSINESS, STANDING ORDERS, HOUSE AND ELECTORAL COMMITTEE.**

Hon Agafili Patisela Eteuati Tolovaa (Chairman) moved, *“That in accordance with Standing Order 46 Lapsed Business from the 2011/2012 session be carried forward as printed in the Supplementary Order Paper 2012/2013 No.1.”* Seconded by Hon Papaliitele Niko Lee Hang / Lafaitale Patrick Leiatuaalesa.

Motion approved and the continuation of the Lapsed Business proceedings as stated in the Supplementary Order Paper 2012/2013 No.1.

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

**Government Order of the Day No.1 called.**

**1. Supplementary Appropriation Bill (No.2) 2011/2012 – first reading**

**Hon Faumuina Tiatia Liuga (Minister of Finance) moved, “*That the Supplementary Appropriation Bill (No.2) be now read the first time.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leiataua.**

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No.2 called.**

**2. Supplementary Estimates (No.2) 2011/2012 – Tabling**

**Hon Faumuina Tiatia Liuga tabled the Appropriation Bill (No.2) 2011/2012.**

**Government Order of the Day No.3 called.**

**3. Supplementary Appropriation Bill (No.2) 2011/2012 – second reading**

**Hon Faumuina Tiatia Liuga moved, “*That the Supplementary Appropriation Bill (No.2) be now read the second time and I would like to briefly clarify it.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leiataua.**

**Pursuant to Standing Order 132, debate on the Supplementary Appropriation Bill (No.2) 2011/2012 is adjourned in not more than 14 days and is referred to the Finance and Expenditure Committee and report back to the Legislative in the future.**

**Government Order of the Day No.4 called.**

**4. Appropriation Bill 2012/2013 – first reading**

**Hon Faumuina Tiatia Liuga moved, “*That the Supplementary Bill 2012/2013 be now read the first time.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leiataua.**

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No.5 called.**

**5. Main Estimates 2012/2013 – Tabling.**

**Hon Faumuina Tiatia Liuga (Minister of Finance) tabled the Main Estimates 2012/2013.**

**Government Order of the Day No.6 called.**

**6. Appropriation Bill 2012/2013 – second reading**

**Hon Faumuina Tiatia Liuga moved, “*That the Appropriation Bill 2012/2013 be now read the second time.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leiataua / Hon Tuiloma Lameko.**

**The Minister presented the Statement on the Estimates for the 2012/2013 fiscal year, and this is a copy of his statement:-**

## **“STATEMENT ON THE ESTIMATES FOR THE YEAR 2012/2013**

**Honorable Speaker, Pursuant to Standing Orders 124, it is with great pleasure that I present on behalf of the Government, the Statement on the Estimates for 2012/2013 fiscal year tabling in Parliament.**

### **I. BUDGET SETTING**

**The 2012/13 budget is framed against an environment of weak economic condition. This is largely the result of the continuing financial turmoil in the Euro zone, US and across the world. This unfortunately has adversely affected our key markets; Australia and New Zealand leading to a slowdown in both remittances and tourist arrivals as well as exports to these markets. At the same time, inflation is rising and foreign reserves is sliding to 4 months import cover.**

**The economy is slowly recovering albeit at a slow pace. After two consecutive years of contraction, GDP grew 2.0 percent in 2010/11, largely the result of the fiscal stimulus and monetary easing as well as post-tsunami reconstruction. GDP growth however, slowed considerably in the last quarter of 2011 and is expected to remain subdued until the second quarter of 2012.**

**It is forecasted that GDP will grow by around 1% in 2011/12. Over the medium term, growth will depend largely on how the debt crisis in the euro area plays out. There is a possibility that if it worsens, then this could lead to a worsening global and regional environment which could further reduce demand for Samoan exports, less tourist arrivals and slowdown in remittances flows into the country.**

### **II. OUTLOOK**

**The continued uncertainty and possible slowdown expected in the medium term, provides a challenging situation for the government in its efforts to achieve its longer term macroeconomic targets stated in the 2012-16 SDS. Such a scenario underscores the importance of building economic resilience through implementation of appropriate reforms that underpin growth and stability. As well there is need for close coordination between fiscal and monetary policies to ensure there is an enabling environment to support growth and realizing our medium term objectives.**

**Fiscal consolidation is required in the short term. Samoa’s external competitiveness appears to have been weakened by external shocks and real exchange rate appreciation. This calls for a gradual realignment to protect foreign reserves and to improve export performance. Furthermore SOE reforms will continue with the aim of improving SOE financial performance.**

### **III. BUDGET STRATEGY**

**The expected weak economic conditions coupled with rising inflation and falling reserves present a key challenge for both fiscal and monetary policies.**

**On the fiscal side, the 2012/13 budget will remain expansionary. This is considered appropriate in order to provide the financial stimulus to generate economic activity. On the revenue side, there is no revenue raising measure being planned. The 2012/13 budget deficit therefore is expected to be around 6% of GDP. Monetary policy is expected to continue easing to encourage credit demand and promote investment.**

The financing gap in the 2011/2012 budget is expected to be fully funded through external grants and highly concessional borrowing.

#### IV. BUDGET SUMMARY

This is the summary of the main aggregates of the 2012/2013 budget as follows:

<b>Revenue:</b>		<b>\$670,531,938</b>
<b>Ordinary Revenues</b>	<b>\$517,214,352</b>	
<b>External Grants</b>	<b>\$153,317,586</b>	
<b>Expenditures</b>		<b>\$774,270,967</b>
<b>Statutory Expenditures</b>	<b>\$76,436,225</b>	
<b>Expenditure Programs</b>	<b>\$454,967,161</b>	
<b>Development Expenditures</b>	<b>\$229,218,566</b>	
<b>Unforeseen Expenditures</b>	<b>\$13,649,015</b>	
<b>Overall Budget Deficit</b>		<b>(\$103,739,029)</b>
<b>Financed by:</b>		
<b>Soft Term Financing</b>	<b>\$116,852,890</b>	
<b>Cash Surplus (Deficit) after Borrowing</b>		<b>\$13,113,861</b>

The 2012/2013 budget projects budget deficit of \$103.7m, down from \$118.3m after supplementary budget adjustments in 2011/12. This represents a fall in the budget deficit from approximately 7.3% of GDP in the current fiscal year, to approximately 6.1% of GDP next year. This demonstrates government's commitment to gradually claw back to the medium term target of less than 3.5% of GDP.

The financing gap is expected to be fully funded through external grants and highly concessional borrowing, which will limit the adverse impact on debt sustainability. I am pleased to confirm that Samoa continues to demonstrate a leadership role in the aid and debt management area through the formulation of the Aid Policy and Debt Management Strategy. This provides the platform for development partners to deliver aid through direct budget support, which is in my view, the most cost effective vehicle for channeling assistance.

#### V. REVENUE MEASURES

Mr Speaker, on the revenue side, the continuing weak economic growth expected in 2012/2013 and two forward years limit the degree to which revenue raising measures can be entertained. Having said that, I am pleased to inform Members that government does not propose any revenue raising measure through increased taxes to finance the 2012/2013 budget. Rather efforts will continue to focus on consolidating the ongoing revenue measures with the ultimate goal of improved collection through better policing and improved compliance.

Total ordinary revenue is projected to increase by about 5.6% which is broadly in line with expected inflation.

Receipts from grants are expected to grow by \$19.6m, increasing from \$133.7m in 2011/12 to \$153.3m in 2012/13. This includes a total of \$41.0m of direct budget support from our bilateral and multilateral partners.

## VI. EXPENDITURE PRIORITIES.

Mr Speaker, the proposed total expenditure budget amounts to \$774.27 million representing an increase of 4% over the previous year. In determining the proposed expenditure program a re-prioritization exercise was undertaken to trim current expenditure in order to allow for priority developments to be implemented in line with the theme and strategies in the 2012-2016 Strategy for the Development of Samoa.

I will now highlight the key expenditure priorities the Government will implement in the 2012/2013 budget.

### i. Education Sector

The investment in human resource development and capacity building continues to be pursued by the government with an ultimate objective of ensuring all children of Samoa receive good education through enhanced quality and improved teaching materials and facilities. In support of education development, the education sector budget has been raised to reflect the ongoing support and commitment of government in this sector. The following key provisions have been incorporated in the 2012/2013 budget:

- \$50.4m is provided to support the Ministry's daily operations. A slight increase compared to the previous year.
- \$5.0m has been provided as government assistance to private and mission schools.
- \$11.5m grant allocation is earmarked for the National University of Samoa's operations
- \$2.09m has been allocated to support the work of the Samoa Qualification Authority.
- 2.2m is provided to fund the supply of school stationery for all government schools for the 2012 school year.
- \$1.2m is allocated as government's contribution to fund the continuation of the Samoa School Fee grant scheme which is jointly funded by the Australia and New Zealand governments with earmarked funds of \$3.9m to be channeled through budget school.

### ii. Health Sector

The 2012/2013 budget continues to support government's commitment to a "Healthy Samoa". Mr Speaker and Honorable members, to reinforce this focus, the budget for the health sector has been increased by over \$2.0million tala compared to the previous year. The \$7.1m total budget allocation for the sector includes the following key measures for implementation.

- \$6.1 million is provided to support the Ministry's core function which is the regulatory and monitoring of the health sector performance. This increase of 11% compared to the previous year represents the commitment of government in strengthening health promotion and preventative health services and to assure the quality of our medical and allied professions.
- A grant of \$59.3m is allocated for the National Health Services, this represents an increase of 2% compared to the previous year.
- \$5.0million grant is earmarked for the National Kidney Foundation.
- \$10.5million has been provided to meet government's commitment to the rising overseas medical treatment scheme. The medical treatment budget has increased by 173% in the last ten years.

- The Diabetes Association Clinic will receive \$50,000 grant for its operations. Similarly, the Samoa Aids Foundation and the Samoa Cancer Society will each receive grants from government to the amount of \$30,000 and \$40,000 respectively.
- Government will continue to support the Oceania University of Medicine by providing a grant of \$100,000.

### iii. Agriculture Sector

To reaffirm government's commitment to revitalizing the Agriculture Sector, major allocations for 2012/2013 includes the following:

- A total budget of \$12.8mis allocated to support the Ministry's operations with increased funding to its core services namely the crops and research advisory services, the animal production and health services and the fisheries management, planning and research services. Key highlights of this provision are provided as follows:
- \$329,000 is provided for the continuation of the Agriculture stimulus program encouraging the replanting of cocoa, coconut and coffee.
- \$300,000 is allocated for the annual agriculture show.

### iv. Infrastructure

The provision of adequate and quality infrastructure continues to be a key priority of government. The total budget allocation for the sector has increased by \$3.1m compared to the current budget allocation.

#### *Electricity:*

A total of \$11.6 million is allocated to EPC which includes \$5.1m for community service obligations (CSO).

#### *Water:*

In support of the Water Sector for 2012/2013, a total budget of \$12.8million is earmarked for the Samoa Water Authority. A 3% budget increase compared to the current year. Out of this allocation, \$8.4million will go towards the financing of key water investment priorities under the EU budget support funds. \$4.4million is allocated for CSO related costs.

#### *Roads and Bridges:*

Investments in the improvement of roads and bridges prioritized for implementation next year will continue through a grant from government of \$32.4million. A 4% increase compared to the previous year's allocation.

#### *Telecommunications:*

Government's commitment to the telecommunication sector will see the allocation of the following budget resources for 2012/2013.

- 1.8million is allocated to fund the operations of the Office of the Regulator. The 15% increase is provided to accommodate the cost of establishing the new Multi-Sector Regulator.
- a \$2.6 million budget is allocated to meet the Ministry's operations.

#### v. Business Development

To support small businesses and private sector development, government will continue to provide grants to the following organizations.

- \$400,000 to support the initiatives of the Small Business Enterprise Center (SBEC) and \$100,000 as government's contribution to the Private Sector.
- In support of research into value added manufacturing initiatives, a grant of \$3.7m is allocated to fund the operations of the Scientific Research Organisation of Samoa (SROS).

#### vi. Tourism

Government in recognizing the tourism sector's contribution to growing Samoa's economy continues to support the sector as follows:

- A total grant of \$11.6 million is provided to the Samoa Tourism Authority for its operations. A large portion of STA's budget which is estimated at 42% of the total allocation will go towards the funding of the marketing and promotion of Samoa in the Australian and New Zealand markets.

#### vii. Law & Justice

Key expenditures earmarked in the 2012/2013 budget to support the Law and Justice sector are listed as follows:

- \$9.3million is provided to support the Ministry of Justice and Courts Administration operations.
- The Office of the Attorney's budget \$3.4million has increased by 29%.
- The Samoa Law Reform Commission's budget of \$851,308 for 2012/2013 represents an increase of 31% compared to the current budget allocation.
- \$25.6million will go towards the Ministry of Police and Prisons operations.

#### viii. Climate Change/Environment

A total budget of \$24.9 m is allocated to fund the Ministry of Natural Resources and Environment's operations. Included in this allocation are the following key contracts to be implemented in 2012/2013.

- 2.3m will be earmarked for waste management services contracts.
- \$1.89m is provided to fund the construction of seawalls for coastal protection in identified areas.
- \$1.0m is allocated to improve road access to government leased land. In addition to government allocation, a total of US\$10million is being disbursed over the next 4 years to enhance the climate resilience of coastal resources and communities under the Pilot Program for Climate Resilience and US\$8 million under the Adaptation Fund Enhancing resilience of coastal communities of Samoa to climate change project.



## **VII. UNFORESEEN EXPENDITURES**

A provision of \$13.6million is provided to cover unforeseen expenditures that may arise during the course of the year.

## **VIII. SUPPLEMENTARY ESTIMATES.**

The Government will be tabling at this session a Second Supplementary Budget for the current financial year. The supplementary budget includes a total expenditure of \$15.8 to be offset by total ordinary receipts of \$15.1m. With the second supplementary estimates included, the overall cash deficit for 2011/12 will increase to \$118.3m.

## **IX. FORWARD ESTIMATES.**

Mr Speaker and Honorable Members, the forward estimates for the next three years, without adjustment to policy settings, show that the projected increases in debt and rising declines in the State's net worth are beyond the range that is considered prudent in the medium term. The accumulation of cash deficits over the years whilst necessary in the short term to boost economic activity will undermine efforts to maintain macroeconomic stability in the medium to long term. It is therefore imperative for government to vigilantly monitor the fiscal risks where appropriate and adjust policy measures where necessary to counter any macroeconomic risks that may arise. The forward estimates does provide the basis for government to start looking at options to reduce its expenditure growth as well as effectively managing its assets.

## **X. STATE OWNED ENTERPRISE (SOE) REFORMS**

Mr Speaker, following the passing by Parliament of the new Composition of SOE Act 2012, the appointments of all directors to take up their positions in their assigned SOE Boards became effective on the 25<sup>th</sup> April 2012. With the new directors now in office, SOEs performance in terms of delivering effective and efficient services to the community and financially sound is expected in the medium term.

## **XI. CONCLUSION**

Mr Speaker and Honorable Members,

As I said earlier, the continuing uncertainty in the world economy in particular the worsening global debt crisis will have a direc impact on Samoa's economy. Against this background, government will continue to build economic resilience through the realignment of its policy framework to ensure macroeconomic stability at the same time supporting growin in the medium term. This Budget provides the means for stimulating economic activity through increased level of investment in capital development.

At the same time, Government has not resorted to increasing taxes to fund the budget program. Instead efforts will continue to focus on improved collection through better policing and improved compliance. We will also continue to work closely with our development partners through their individual aid programs to assist finance our development program.

Mr Speaker, In closing, I would like on behalf of the Government and the people of Samoa, to express our sincere gratitude to our development partners for their generous ongoing support.

To the people of Samoa, we thank you for your support and may God continue to bless you as we celebrate Samoa's 50<sup>th</sup> Anniversary of Independence.

Mr Speaker, it with deepest respect, I commend the 2012/2013 Budget to the House.

God bless Samoa and its people.

Soifua.

**MOTION FOR ADJOURNMENT**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi (Prime Minister moved, *"That the Proceedings of the Legislative Assembly be now adjourned until 12 June 2012 pursuant to our approved Parliament Sitting Scheduled Program."* Seconded by Hon Faumuina Tiatia Liuga / Hon Tolofuaivalelei Falemoe Leiataua.

Motion approved and the Proceedings of the Legislative Assembly was now adjourned until 9:00am on Tuesday, 12 June 2012.

9. The Proceedings of the Legislative Assembly was now adjourned at 10:00am until 9:00am on Tuesday, 12 June 2012.

**Susuga Hon Laauli Leuatea Polataivao Fosi**  
**SPEAKER**

**Fepuleai Attila M. Ropati**  
**CLERK**

**TUESDAY 12 JUNE 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi.**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati.**

**MEMBERS**

**Afioga Hon Leapepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaioamanu Taeu Maseapu, Tofa Sooalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Hon Tusa Misi Tupuola, Tofa Lenatai Victor Faafoi Tamapua, Afioga Tuisa Tasi Patea, Afioga Lafaitale Patrick Leiataualesa, Afioga Afualo Wood Uti Salele, Tofa Tuiloa Anitelea, Tofa Lefau Harry Schuster, Afioga Aeau Peniamina Leavaiseeta, Tofa Fagaaivalu Kenrick Samu, Afioga Tufuga Gafualeata Faitua, Tofa Lautafi Fio Selafi Purcell, Tofa Alo Fulifulu Taveuveu, Afioga Hon Gatoaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa, Afioga Hon Palusalua Faapo II, Tofa Levaopolo Talatonu.**

**2. MEMBERS ABSENT:**

**Afioga Hon Fiamé Naomi Mataafa, Tofa Hon Tolofuaivaleleli Falemoe Leiatua, Tofa Motuopuaa Uifagasa Aisoli Vaai.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF PAPERS**

The Speaker tabled the P.P.2012/2013 No.13, Report of the Controller and Chief Auditor to the Legislative Assembly, Report on the operation of the Audit Office July 2009 - June 2010 pursuant to the law.

**NOTICE OF MOTIONS (STANDING ORDER 47)**

**FIRST MOTION – SUSPENSION OF STANDING ORDERS**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi (Prime Minister) moved, *“That the Standing Orders 134 be set aside to permit for the early tabling and consideration of the Finance and Expenditure Committee Reports on the Supplementary Estimates (No.2) 2011/2012 and the Main Estimates 2012/2013 to 13/6/2012.”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo/ Hon Faumuina Tiatia Liuga.

Motion approved and the Standing Order 134 was suspended.

**SECOND MOTION – CHANGE OF DATE FOR SUBMISSION OF NOMINATION FOR THE APPOINTMENT OF THE HEAD OF STATE.**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *“That the date of submission of candidates for the appointment of the Head of State be changed to 20<sup>th</sup> July 2012.”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau.

Motion approved for change of date for submission of candidates for the appointment of the Head of State.

**6. GOVERNMENT ORDER OF THE DAY – Reading of Bills**

Government Order of the Day No.1 called.

**1. Samoa Institute of Accountants Amendment Bill 2012 – first reading**

Hon Faumuina Tiatia Faaolatane Liuga (Minister of Finance) moved, *“That the Samoa Institute of Accountants Amendment Bill 2012 be read the first time.”* Seconded by Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau.

Motion approved and the Bill was read the first time.

Government Order of the Day No.2 called.

**2. Proceeds of Crime Amendment Bill 2012 – second reading**

Hon Faumuina Tiatia Faaolatane Liuga moved, *“That the Proceeds of Crime Amendment Bill 2012 be now read the first time and I wish to briefly clarify it.”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuisugaletaua Sofara Aveau.

Debate.

Motion approved and Proceeds of Crime Amendment Bill 2012 was now read the second time.

To be in line with Standing Orders the Bill will be handed to the Justice, Police & Prisons and Lands & Titles Committee for consideration and report back to Legislative Assembly in the future.

**Government Order of the Day No.3 called.**

**3. Personal Property Securities Bill 2012 – second reading**

Hon Fonotoe Nuafesili Pierre Lauofo moved, *“That the Personal Property Securities Bill 2012 be now read the second time and I wish to briefly clarify it.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga.

The Minister clarified the Bill.

Debate.

Debates were interrupted for one minute due to the disconnection of the power supply.

Debate continued.

Motion approved that the Personal Property Securities Bill 2012 be now read the second time.

Pursuant to our Standing Orders the Personal Property Securities Bill 2012 will be referred to the Primary Production, Commerce, Industry and Labour Committee for consideration and report back to the Legislative Assembly in the future.

Proceedings of the Legislative Assembly were suspended at 10:43am and resumed at 11:17am.

**Government Order of the Day No.4 called.**

**4. Labour and Employment Relations Bill 2012 – second reading**

Hon Fonotoe Nuafesili Pierre Lauofo moved, *“That the Labour and Employment Relations Bill 2012 be now read the second time and I wish to briefly elaborate on it.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tuitama Talalelei Tuitama.

The Minister clarified the Bill.

Debate.

Motion approved and the Labour and Employment Relations Bill 2012 was now read the second time.

Pursuant to Standing Orders, this Bill was now referred to Works, Transport and Environment Committee for their consideration and report back to Legislative in the future.

**Government Order of the Day No.5 called.**

**5. Electric Power Corporation Amendment Bill 2012 – second reading**

Hon Manualesagalala Enokati Posala (Minister of Works, Transport and Infrastructure) moved, *“That the Electric Power Corporation Amendment Bill 2012 be now read the second time and I wish to briefly clarify it.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga.

The Minister clarified the Bill.

Debate.

Motion approved and the Electric Power Corporation Amendment Bill 2012 was read the second time.

Pursuant to our Standing Orders, the Bill will be referred to the Works, Transport and Environment Committee for consideration, and will report back to the Legislative Assembly in our next meeting.

Government Order of the Day No.6 called.

6. Tax Administration Bill 2012 – second reading

Hon Tuiloma Lameko (Minister for Revenue) moved, *“That the Tax Administration Bill 2012 be now read the second time and I wish to briefly elaborate on it.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga.

The Minister clarified the Bill.

Debate.

Motion approved and the Tax Administration Bill 2012 was now read the second time.

#### MOTION FOR CHANGING OF SITTING HOURS

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *“That the Standing Orders 31(1) be set aside so that Sitting Hours be changed commencing tomorrow to be as follows: 9:00am to 1:00pm, followed by the recss and resume at 2:00pm until 6:00pm, followed by the evening recess and resume at 7:00pm until 11:00pm.”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuisugaletaua Sofara Aveau.

Motion approved and Sitting Hours now changed starting tomorrow, Wednesday 13 June 2012 as follows:-

#### *Sitting Hours Schedule*

*9:00am – 1:00pm*

*2:00pm – 6:00pm*

*7:00pm – 11:00pm*

7. Proceedings of the Legislative Assembly now adjourned at 1:00pm until 9:00am Wednesday, 13 June 2012.

**Susuga Hon Laauli Leuatea Polataivao Fosi**  
**SPEAKER**

**Afioga Fepuleai Attila M. Ropati**  
**CLERK**

**WEDNESDAY 13 JUNE 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Sailele Neioti Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Faumuina Tiatia Liuga, Tofa Afioga Hon Tuisugaletaua Sofara Aveau, Hon Tuiloma Lameko, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Sala Fata Pinati.**

**MEMBERS**

**Afioga Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaionu Taeu Masepau, Afioga Afualo Wood Uti Salele, Tofa Levaopolo Talatonu, Tofa Lefau Harry Schuster, Afioga Hon Aeau Peniamina Leavaiseeta, Afioga Hon Palusalua Faapo II, Afioga Tufuga Gafaleata Faitua, Tofa Lautafi Fio Selafi Purcell, Hon Tusa Misi Tupuola, Tofa Alo Fulifuli Taveuveu, Tofa Tuiloa Anetelea, Afioga Lafaitale Patrick Leiatuaalesa, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Faafoi Tamapua, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Tofa Fagaaivalu Kenrick Samu, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Maualaivao Pat Ah Him, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Hon Gatoaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele**

**Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa, Tofa Motuopuaa Uifagasa Aisoli Vaai, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him.**

**2. MEMBERS ABSENT:**

**Tofa Hon Tolofuaivalelei Falemoe Leiataua.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. PRESENTATION OF SELECT COMMITTEES REPORTS**

**The Clerk read out the Select Committees Reports tabled pursuant to S.O. 51.**

- 1. P.P.2012/2013 No.14, Report of the Finance and Expenditure Committee on the Second Supplementary Estimates 2011/2012 of the Receipts and Payments of the Government of Samoa for the Year Ending 30<sup>th</sup> June 2012, P.P.2012/2013 No.1.**
- 2. P.P. 2012/2013 No.15, Report of the Finance and Expenditure Committee on the Main Estimates of Receipts and Payments of the Government of Samoa for the Financial Year Ending 30<sup>th</sup> June 2013, P.P.2012/2013 No.2.**

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

**Government Order of the Day No.1 called.**

**1. Supplementary Appropriation Bill (No.2) 2011/2012 and the Appropriation Bill 2012/2013 – debate on second reading**

**Debate.**

**Tofa Levaopolo Talatonu moved “To add 10 minutes to member of Aana Alofi No.3. speech”.**

**Motion was not granted.**

**Debate continued.**

**Proceedings of the Legislative Assembly were now suspended at 10:45am for its usual recess and resumed at 11:15am.**

**Debate continued.**



**Speaker instructed that the following words be removed from Hasard by the member of Gagaemuga No.2:**

*“we are right on the valley of the dead I le Tala o le Tupe lea”.*

**Debate continued.**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “That an extension of 2 minutes be added for member of Faleata West.” Seconded by Hon Palusalue Faapo II.**

**Question was not put to motion.**

**Debate continued.**

**Proceedings of the Legislative Assembly were suspended at 12:55pm and resumed at 2:00pm.**

**Debate continued over second reading of Supplementary Appropriation Bill (No.2) 2011/2012 and Appropriation Bill 2012/2013.**

**Proceedings of the Legislative Assembly were suspended at 3:37pm and resumed at 4:14pm.**

**Debate continued.**

**Proceedings of the Legislative Assembly were suspended at 6:00pm and resumed at 7:00pm.**

**Debate over second reading of the Supplementary Appropriation Bill (No.2) 2011/2012 and Appropriation Bill 2012/2013.**

**Afioga Tafua Maluelue Tafua moved, “That the statement of “not once but twice that the member has referred to the CEO of the Water Authoirty as a liar”be removed from the official records of Parliament.”**

**Leave was not granted.**

**Proceedings of the Legislative Assembly were suspended at 8:45pm and resumed at 9:15pm.**

**Debate continued.**

- 7. Proceedings of the Legislative Assembly were adjourned at 11:00pm until 9:00am on Thursday, 14 June 2012.**

**Susuga Laauli Leuatea Polataivao Fosi**  
**SPEAKER**

**Fepuleai Attila M. Ropati**  
**CLERK**

**THURSDAY 14 JUNE 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi.**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati.**

**MEMBERS**

**Afioga Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Afioga Afualo Wood Uti Salele, Tofa Levaopolo Talatonu, Tofa Lefau Harry Schuster, Afioga Hon Aeau Peniamina Leavaiseta, Afioga Hon Palusalua Faapo II, Afioga Tufuga Gafualeata Faitua, Tofa Lautafi Fio Selafi Purcell, Hon Tusa Misi Tupuola, Tofa Alo Fulifuli Taveuveu, Afioga Lafaitale Patrick Leitaualesa, Afioga Tuisa Tasi Patea, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Hon Gatoaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Tofa Fagaivalu Kenrick Samu.**

**2. MEMBERS ABSENT:**

**Tofa Motuopuaa Uifagasa Aisoli Vaai, Susuga Papalii Lio Faavaivaiomanu Taeu Masepau, Tofa Tuiloa Anetelea, Tofa Lenatai Victor Faafoi Tamapua, Afioga Afoafouvale John Moors.**

**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) 2011/2012 and the Appropriation Bill 2012/2013 – second reading debate continued**

**Debate continued.**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “*That when the Chairman of Finance and Expenditure Committee finishes his comments then all debates must be closed.*”**

**Motion was not seconded.**

**Debate continued.**

**Proceedings of the Legislative Assembly were suspended at 10:40am and recommence at 11:12am.**

**Debate continued.**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “*That half an hour be granted to member since its over an hour since the member has spoken*”**

**Motion was not seconded.**

**Debate continued.**

Proceedings of the Legislative Assembly were suspended at 1:00pm and resumed at 2:00pm.

Debate continued.

Proceedings of the Legislative Assembly were suspended at 3:46pm and resumed at 4:13pm.

Debate continued.

Proceedings of the Legislative Assembly were suspended at 6:00pm and resumed at 7:00pm.

Speaker took the chair and proceedings resumed at 7:00pm.

Debate continued on second reading of Supplementary Appropriation Bill (No.2) 2011/2012 and the Appropriation Bill 2012/2013.

Proceedings of the Legislative Assembly were suspended at 8:45pm for its usual recess and resumed at 9:15pm.

Debate continued.

Motion approved dated on the 31<sup>st</sup> of May 2012 and the second reading of the Supplementary Appropriation Bill (No.2) 2011/2012 and the Appropriation Bill 2012/2013 was also approved.

Government Order of the Day No 2. called.

2. Supplementary Appropriation Bill (No.2)2011/2012 – consideration in detail

Parliamentary proceedings were interrupted for 11 minutes due to disconnection of electricity.

Proceedings resumed and the Legislative Assembly will now proceed to consider in detail the Supplementary Appropriation Bill (No.2) 2011/2012.

**FIRST SCHEDULE  
VOTES AND APPROPRIATIONS  
ADDITIONAL APPROPRIATIONS**

**MINISTRY**

**TOTAL EXPENDITURE**

**FINANCE:**

**\$17,000,284**

*Approved.*

**NATURAL RESOURCES: \$603,443**

*Approved.*

**LEGISLATIVE ASSEMBLY: \$74,780**

*Approved.*

**TOTAL ADDITIONS IN EXPENDITURE 2011/2012: \$17,678,507**

*Approved.*

**SECOND SCHEDULE  
REDUCTIONS IN APPROPRIATIONS**

<b>MINISTRY</b>	<b>REDUCTIONS IN EXPENDITURES</b>
<b>FINANCE:</b>	<b>\$(1,150,000).</b>

*Approved.*

<b>NATURAL RESOURCES</b>	<b>\$(642,463)</b>
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*Approved.*

<b>LEGISLATIVE ASSEMBLY:</b>	<b>\$(74,780)</b>
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*Approved.*

<b>TOTAL REDUCTIONS IN EXPENDITURE 2011/2012:</b>	<b>\$(1,867,243).</b>
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*Approved.*

*The Bill was approved and now progressed as part of the Act.*

**CLAUSE 2: Grant and Appropriation of \$17,678,507 out of the Treasury Fund.**

*Approved.*

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

*Approved.*

**CLAUSE 1 AND THE TITLE****CLAUSE 1: Short Title and Commencement.****TITLE: Supplementary Appropriation Bill (No.2) 2011/2012.***Approved.***The Supplementary Appropriation Bill (No.2)2011/2012 progressed without Amendment.****Government Order of the Day No.3 called.****3. Supplementary Appropriation Bill (No.2) 2011/2012 – third reading****Hon Faumuina Tiatia Faaolatane Liuga moved, “*That the Supplementary Appropriation Bill (No.2) 2011/2012 be now read a third time.*” Seconded by Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau.****Motion approved and the Bill was read the third time and had passed the Legislative Assembly.****Government Order of the Day No.4 called.****4. Appropriation Bill 2012/2013 – consideration in detail****FIRST SCHEDULE  
VOTES AND APPROPRIATIONS****MINISTRY TOTAL EXPENDITURE****AGRICULTURE: \$12,779,202***Approved.***COMMERCE, INDUSTRY AND LABOUR: \$18,515,687.****Debate***The appropriation of \$18,515,687 was approved for the Ministry of Commerce, Industry and Labour.***COMMUNICATIONS AND INFORMATION TECHNOLOGY: \$5,124,733.****Debate***The appropriation of \$5,124, 733 was approved for the Ministry of Communication and Information Technology.*

**EDUCATION, SPORTS AND CULTURE: \$84,916,987**

*Approved.*

**FINANCE: \$66,658,069.**

**Debate**

*The appropriation of \$66,658,069 was approved for the Ministry of Finance.*

**FOREIGN AFFAIRS AND TRADE: \$21,056,182.**

*Approved.*

**HEALTH: \$71,626,906.**

*Approved.*

**JUSTICE AND COURTS ADMINISTRATION: \$9,308,934.**

*Approved.*

**NATURAL RESOURCES AND ENVIRONMENT: \$24,904,527.**

*Approved.*

**POLICE & PRISON: \$25,597,395.**

*Approved.*

**PRIME MINISTER: \$7,754,096.**

*Approved.*

**REVENUE: \$11,578,188.**

*Approved.*

**WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT: \$10,790,395.**

**Debate**

*Approved \$10,790,395 for Women, Community and Social Development.*

**WORKS, TRANSPORT AND INFRASTRUCTURE: \$62,498,835.**

**Debate**

*The appropriation of \$62,498,835 was approved for the Ministry Works, Transport and Infrastructure.*

**ATTORNEY GENERAL: \$3,572,526.**

*Approved.*

**AUDIT: \$3,213,559.**

*Approved.*

**OFFICE OF THE COMMISSIONER: \$1,412,833.**

*Approved.*

**LEGISLATIVE ASSEMBLY: \$4,681,833**

*Approved.*

**OMBUDSMAN: \$641,742.**

*Approved.*

**PUBLIC SERVICE COMMISSION: \$3,596,832.**

**Debate**

*Approved \$3,596,832 for Public Service Commission.*

**STATISTICS: \$3,886,392.**



*Approved.*

**KOMISI O LE TOEFUATAIGA O TULAFONO /COMMISSION: \$851,308.**

*Approved.*

**TOTAL APPROPRIATION FOR MINISTRIES 2012/2013: \$454,967,161.**

*Approved.*

*The Schedules were Approved.*

**CLAUSE 2: Grant and Appropriation of \$454,967,161 out of the Treasury Fund.**

*Approved.*

**CLAUSE 3: Grant and Appropriation of \$681,894 out of the Public Trustee's Account.**

*Approved.*

**CLAUSE 4: Grant and Appropriation of \$13,649,015 out of the Treasury Fund.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Appropriation Bill 2012/2013**

*Approved.*

**The Appropriation Bill 2012/2013 progressed without amendment.**

**Government Order of the Day No.5 called.**

**5. Appropriation Bill 2012/2013 – third reading**

**Hon Faumuina Tiatia Faaolatane Liuga moved, “*That the Appropriation Bill 2012/2013 be now read the third time.*” Second by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau.**

**Motion approved that the Bill was now read the third time and was therefore passed by the Legislative Assembly.**

**ANNOUNCEMENT BY MR SPEAKER**

**The Speaker announced that all members must fill up the questionnaires that have been distributed and return them to the Office. These questionnaires seek your opinions on additional training. Professionals from the Victoria University will be here some time next month for training on politics, programs of the UN and the Parliamentary Strengthening Program. Hence it is important that these questionnaires are completed and be brought in to the office of the Clerk of the Legislative Assembly.**

- 6. Proceedings of the Legislative Assembly now adjourned at 10:40pm until Friday, 15<sup>th</sup> June 2012 at 9:00am.**

**Susuga Laauli Leuatea Polataivao Fosi.  
SPEAKER**

**Fepuleai Attila M. Ropati.  
CLERK**

**FRIDAY 15 JUNE 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Sailele Neioti Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Laufofo, Afioga Hon Fiamé Naomi Mataafa, Afioga Hon Faumuina Tiatia Liuga, Tofa Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivalelei Falemoe Leiataua, Hon Tuiloma Lameko, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetaulua Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Sala Fata Pinati.**

**MEMBERS**

**Afioga Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Tofa Levaopolo Talatonu, Afioga Hon Aeau Peniamina Leavaiseeta, Afioga Hon Palusalua Faapo II, Afioga Tufuga Gafualeata Faitua, Tofa Lautafi Fio Selafi Purcell, Hon Tusa Misi Tupuola, Tofa Alo Fulifulu Taveuveu, Afioga Lafaitete Patrick Leiataualesa, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Faafoi Tamapua, Tofa Sooalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Hon Gatoaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Tofa Fagaivalu Kenrick Samu.**

**2. MEMBERS ABSENT:**

**Tofa Motuopuaa Uifagasa Aisoli Vaai, Susuga Papalii Lio Faavaivaio manu Taeu Masepau, Tofa Lefau Harry Schuster, Tofa Tuiloa Anetelea, Afioga Afualo Wood Uti Salele.**

**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. Income Tax Bill 2012 – second reading**

**Hon Tuiloma Lameko moved, “That the Income Tax Bill 2012 be now read the second time and I wish to briefly clarify it.” Seconded by Hon Faumuina Tiatia Faaolatane Liuga.**

**The Minister clarified the Bill.**

**Motion approved and the Income Tax Bill 2012 was now read the second time.**

**CLAUSE 2: Interpretation.**

*Approved.*

**CLAUSE 3: Acts binds the Government.**

*Approved.*

**CLAUSE 4: Inland Revenue Services**

*Approved.*

**CLAUSE 5: Commissioner of Inland Revenue.**

*Approved.*

**CLAUSE 6: Absence or vacancy in the office of Commissioner.**

*Approved.*

**CLAUSE 7: Appointment of tax officers and other staff.**

*Approved.*

**CLAUSE 8: Delegation.**

*Approved.*

**CLAUSE 9: Official secrecy.**

*Approved.*

**CLAUSE 10: Seal and authentication of documents.**

*Approved.*

**CLAUSE 11: Annual report.**

*Approved.*

**CLAUSE 12: Issue of Taxpayer Identification Number**

*Approved.*

**CLAUSE 13: Cancellation of Taxpayer Identification Number**

*Approved.*

**CLAUSE 14: Quotation of Taxpayer Identification Number.**

*Approved.*

**CLAUSE 15: Application for registration of tax agents.**

*Approved.*

**CLAUSE 16: Registration of tax agents.**

*Approved.*

**CLAUSE 17: Renewal of tax agent registration.**

*Approved.*

**CLAUSE 18: Tax agents that are partnerships or companies.**

*Approved.*

**CLAUSE 19: Cancellation of tax agent registration.**

*Approved.*

**CLAUSE 20: Only tax agents to accept fees and advertise as tax agent.**

*Approved.*

**CLAUSE 21: Approved form.**

*Approved.*

**CLAUSE 22: Forms and notices.**

*Approved.*

**CLAUSE 23: Manner of lodging documents.**

*Approved.*

**CLAUSE 24: Service of notices by Commissioner.**

*Debate*

*Clause 24 approved.*

**CLAUSE 25: Electronic returns and notices.**

*Approved.*

**CLAUSE 26: Due date for document and tax payments.**

*Approved.*

**CLAUSE 27: Power to enter and search.**

*Approved.*

**CLAUSE 28: Administrative summons.**

*Approved*

**CLAUSE 29: Records.**

*Approved.*

**CLAUSE 30: Filing of tax returns.**

*Approved.*

**CLAUSE 31: Extension of time to file a tax return.**

*Approved.*

**CLAUSE 32: Commissioner may require taxpayer to file a tax return.**

*Approved.*

**CLAUSE 33: Presumption as to authority.**

*Approved.*

**CLAUSE 34: Self-assessments.**

*Approved.*

**CLAUSE 35: Default assessments.**

*Approved.*

**CLAUSE 36: Advance assessments.**

*Approved.*

**CLAUSE 37: Amendment of tax assessments.**

*Approved.*

**CLAUSE 38: Validity of tax assessment or document.**

*Approved.*

**CLAUSE 39: Finality of tax decisions.**

*Approved.*

**CLAUSE 40: Rectification of mistakes.**

**Debate**

*Clause 40 approved.*

**CLAUSE 41: Liabilities and obligation of representatives.**

*Approved.*

**CLAUSE 42: Liability for tax payable by a company in financial difficulties.**

*Approved.*

**CLAUSE 43: Objection to tax decision.**

*Approved.*

**CLAUSE 44: Review of objection decision by the Tax Tribunal.**

*Approved.*

**CLAUSE 45: Appeal to Supreme Court.**

*Approved.*

**CLAUSE 46: General provisions relating to objections and appeals.**

*Approved.*

**CLAUSE 47: Late payment interest.**

**Debate**

*Clause 47 was approved.*



**CLAUSE 48: Late filing penalty.**

*Approved.*

**CLAUSE 49: Late payment penalty.**

*Approved.*

**CLAUSE 50: Failure to maintain records penalty.**

*Approved.*

**CLAUSE 51: Tax shortfall penalty.**

*Approved.*

**CLAUSE 52: General provisions relating to penalty.**

*Approved.*

**CLAUSE 53: Tax is a debt due to the Government.**

*Approved.*

**CLAUSE 54: Extension of time to pay tax.**

*Approved.*

**CLAUSE 55: Recovery of unpaid tax.**

*Approved.*

**CLAUSE 56: Proceedings not affected by vacancy or change in office of Commissioner.**

*Approved.*

**CLAUSE 57: Government Proceedings Act 1974 not affected.**

*Approved.*

**CLAUSE 58: Recovery of tax paid by a person on behalf of another.**

*Approved.*

**CLAUSE 59: Security.**

*Approved.*

**CLAUSE 60: Seizure of goods.**

*Approved.*

**CLAUSE 61: Collection of tax from third party.**

*Approved.*

**CLAUSE 62: Tax a charge on property.**

**Debate**

*Clause 62 was approved.*

**CLAUSE 63: Collection of tax by distraint.**

*Approved.*

**CLAUSE 64: Duties of receivers.**

*Approved.*

**CLAUSE 65: Temporary closure of business.**

*Approved.*

**CLAUSE 66: Refund of tax.**

*Approved.*

**CLAUSE 67: Power of Commissioner in respect of small amounts.**

*Approved.*

**CLAUSE 68: Relief in cases of serious hardship.**

*Approved.*

**CLAUSE 69: Appropriation of refunds.**

*Approved.*

**CLAUSE 70: Offence for failure to file a tax return.**

*Approved.*

**CLAUSE 71: Offence for failure to withhold tax.**

*Approved.*

**CLAUSE 72: Offence for failure to comply with obligations under this Act.**

*Approved.*

**CLAUSE 73: Offence for failure to maintain records.**

*Approved.*

**CLAUSE 74: Offence for improper use of taxpayer identification number.**

*Approved.*

**CLAUSE 75: Offence for making false or misleading statement.**

*Approved.*

**CLAUSE 76: Offence for obstruction of tax officer.**

*Approved.*

**CLAUSE 77: Offence for rescuing seized goods.**

*Approved.*

**CLAUSE 78: Offences in relation to tax officers.**

*Approved.*

**CLAUSE 79: Offences by companies.**

*Approved.*

**CLAUSE 80: Compounding of offences**

*Approved.*

**CLAUSE 81: Proceedings for offences.**

*Approved.*

**CLAUSE 82: Information may be laid within 10 years.**

*Approved.*

**CLAUSE 83: Publication of names of tax offenders.**

*Approved.*

**CLAUSE 84: Binding public rulings.**

*Approved.*

**CLAUSE 85: Making a public ruling.**

*Approved.*

**CLAUSE 86: Withdrawal of a public ruling.**

*Approved.*

**CLAUSE 87: Binding private things.**

*Approved.*

**CLAUSE 88: Refusing an application for a private ruling.**

*Approved.*

**CLAUSE 89: Making a private ruling.**

*Approved.*

**CLAUSE 90: Withdrawal of a private ruling.**

*Approved.*

**CLAUSE 91: Establishment of Tax Tribunal.**

*Approved.*

**CLAUSE 92: Appointment of members of the Tribunal.**

*Approved.*

**CLAUSE 93: Application for review of objection decision.**

*Approved.*

**CLAUSE 94: Commissioner required to lodge documents with the Tax Tribunal.**

*Approved.*

**CLAUSE 95: Proceedings of the Tax Tribunal.**

*Approved.*

**CLAUSE 96: Discontinuance dismissal, or reinstatement of application to the Tax Tribunal.**

*Approved.*

**CLAUSE 97: Agreement between the parties to a proceeding before the Tax Tribunal.**

*Approved.*

**CLAUSE 98: Tax Tribunal may remit the matter to the Commissioner.**

*Approved.*

**CLAUSE 99: Decision of Tax Tribunal.**

*Approved.*

**CLAUSE 100: Offences relating to the Tax Tribunal.**

*Approved.*

**CLAUSE 101: Regulations**

*Approved.*

**CLAUSE 102: Repeal of Income Tax Administration Act 1974.**

*Approved.*

**CLAUSE 103: Value Added Goods and Services Tax Act amended.**

*Approved.*

**CLAUSE 104: Transitional and savings.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and commencement**

**TITLE: Tax Administration Act 2012.**

*Approved.*

**The Tax Administration Bill 2012 progressed without amendments.**

**Proceedings of the Legislative Assembly were set aside at 10:07am and resumed at 10:50am.**

**Government Order of the Day No.3 called.  
3. Income Tax Bill 2012 – consideration in detail**

**CLAUSE 2: Interpretation**

*Approved.*

**CLAUSE 3: Approved fund.**

*Approved.*

**CLAUSE 4: Associate.**

*Approved.*

**CLAUSE 5: Fair market value.**

*Approved.*

**CLAUSE 6: Resident individual.**

*Approved.*

**CLAUSE 7: Sources in Samoa.**

*Approved.*

**CLAUSE 8: Act binds the Government.**

*Approved.*

**CLAUSE 9: Income tax imposed.**

*Approved.*

**CLAUSE 10: Non-resident withholding tax imposed.**

*Approved.*

**CLAUSE 11:**      **Non-resident international income transportation tax imposed.**

*Approved.*

**CLAUSE 12:**      **General provisions relating to taxes imposed under sections 10 and 11.**

*Approved.*

**CLAUSE 13:**      **Taxable income.**

*Approved.*

**CLAUSE 14:**      **Amounts included in assessable income.**

*Approved.*

**CLAUSE 15:**      **Business income.**

*Approved.*

**CLAUSE 16:**      **Property income.**

*Approved.*

**CLAUSE 17:**      **Exempt income.**

*Approved.*

**CLAUSE 18:**      **Allowable deductions.**

*Approved.*

**CLAUSE 19:**      **Deduction not allowed.**

*Approved.*

**CLAUSE 20:**      **Bad debts.**

*Approved.*



**CLAUSE 21: Repairs.**

*Approved.*

**CLAUSE 22: Expenditure in borrowing money or obtaining lease**

*Approved.*

**CLAUSE 23: Scientific research.**

*Approved.*

**CLAUSE 24: Contribution to an approved fund.**

*Approved.*

**CLAUSE 25: Retiring allowances payable to employees.**

*Approved.*

**CLAUSE 26: Pensions to former employees.**

*Approved.*

**CLAUSE 27: Education and other beneficial gifts.**

*Approved.*

**CLAUSE 28: Carry forward of losses.**

*Approved.*

**CLAUSE 29: Depreciation of depreciable assets.**

*Approved.*

**CLAUSE 30: Straight-line depreciation.**

*Approved.*

**CLAUSE 31: Declining balance depreciation.**

*Approved.*

**CLAUSE 32: Disposal of a depreciable asset.**

*Approved.*

**CLAUSE 33: Amortisation of intangibles.**

*Approved.*

**CLAUSE 34: Substituted tax year.**

*Approved.*

**CLAUSE 35: Method of tax accounting.**

*Approved.*

**CLAUSE 36: Simplified tax accounting for small business.**

*Approved.*

**CLAUSE 37: Cash basis accounting.**

*Approved.*

**CLAUSE 38: Accruals-basis accounting.**

*Approved.*

**CLAUSE 39: Trading stock.**

*Approved.*

**CLAUSE 40: Change in tax accounting method.**

*Approved.*

**CLAUSE 41: Income of joing owners.**

*Approved.*

**CLAUSE 42: Benefits-in-kind.**

*Approved.*

**CLAUSE 43: Classes of income.**

*Approved.*

**CLAUSE 44: Cessation of source of income.**

*Approved.*

**CLAUSE 45: Life insurance.**

*Approved.*

**CLAUSE 46: Short-term insurance.**

*Approved.*

**CLAUSE 47: Taxable income of individuals.**

*Approved.*

**CLAUSE 48: Principles of taxation for partnerships.**

*Approved.*

**CLAUSE 49: Computation of taxable income and loss of partnership.**

*Approved.*

**CLAUSE 50: Taxation of partners.**

*Approved.*

**CLAUSE 51: Principles of taxation of trusts.**

*Approved.*

**CLAUSE 52: Taxation of beneficiaries.**

*Approved.*

**CLAUSE: 53: Taxation of trustees.**

*Approved.*

**CLAUSE 54: Taxation of companies.**

*Approved.*

**CLAUSE 55: Change in control of a company.**

*Approved.*

**CLAUSE 56: Co-operatives.**

*Approved.*

**CLAUSE 57: Foreign tax credit.**

*Approved.*

**CLAUSE 58: Thin capitalization.**

*Approved.*

**CLAUSE 59: Salary and wage income tax imposed.**

*Approved.*

**CLAUSE 60: Salary and wage income tax a final tax.**

*Approved.*

**CLAUSE 61: Salary and wage income.**

*Approved.*

**CLAUSE 62: Interpretation.**

*Approved.*

**CLAUSE 63: Capital gains tax imposed.**

*Approved.*

**CLAUSE 64: Net capital gain or loss.**

*Approved.*

**CLAUSE 65: Capital gain and capital loss.**

*Approved.*

**CLAUSE 66: Exempt capital gain or loss.**

*Approved.*

**CLAUSE 67: Foreign capital gain.**

*Approved.*

**CLAUSE 68: Joint owners.**

*Approved.*

**CLAUSE 69: Acquisition.**

*Approved.*

**CLAUSE 70: Disposal.**

*Approved.*

**CLAUSE 71: Cost.**

*Approved.*

**CLAUSE 72: Consideration.**

*Approved.*

**CLAUSE 73: Deferral of recognition of gain or loss.**

*Approved.*

**CLAUSE 74: Non-arm's length transaction.**

*Approved.*

**CLAUSE 75: Foreign currency exchange gains and losses.**

*Approved.*

**CLAUSE 76: Foreign currency translation.**

*Approved.*

**CLAUSE 77: Income splitting.**

*Approved.*

**CLAUSE 78: Transfer pricing.**

*Approved.*

**CLAUSE 79: Tax avoidance schemes.**

*Approved.*

**CLAUSE 80: Filing of income tax returns**

*Approved.*

**CLAUSE 81: Income tax records.**

*Approved.*

**CLAUSE 82: Due date for payment of income tax.**

*Approved.*

**CLAUSE 83: Collection of non-resident international transportation income tax in relation to ships.**

*Approved.*

**CLAUSE 84: Collection of non-resident international transportation income tax in relation to aircraft.**

**Debate**

*Clause 84 was approved*

**CLAUSE 85: Liability for provisional tax.**

*Approved.*

**CLAUSE 86: Taxpayer's estimate of provisional tax payable.**

*Approved.*

**CLAUSE 87: Commissioner's estimate of provisional tax payable.**

*Approved.*

**CLAUSE 88: Provisional tax under-estimated.**

*Approved.*

**CLAUSE 89: Filing of capital gains tax return.**

*Approved.*

**CLAUSE 90: Capital gains tax records.**

*Approved.*

**CLAUSE 91: Due date for payment of capital gains tax.**

*Approved.*

**CLAUSE 92: Collection of capital gains tax payable by partnerships or trusts.**

*Approved.*

**CLAUSE 93: Withholding of tax from salary and wage income.**

*Approved.*

**CLAUSE 94: Withholding of tax from interests.**

*Approved.*

**CLAUSE 95: Withholding of tax from personal (including professional) services income.**

**Debate**

*Clause 95 was approved.*

**CLAUSE 96: Withholding of Tax from Payments to Non-resident persons.**

*Approved.*

**CLAUSE 97: No Withholding from Exempt Income.**

*Approved.*

**CLAUSE 98: Time of Withholding.**

*Approved.*

**CLAUSE 99: Payment of Tax Withheld.**

*Approved.*



**CLAUSE 100: Recovery of Withholding Tax.**

*Approved.*

**CLAUSE 101: Tax Withholding Certificate.**

*Approved.*

**CLAUSE 102: Annual Withholding Tax Statement.**

*Approved.*

**CLAUSE 103: Credit for Withholding Tax.**

*Approved.*

**CLAUSE 104: Withholding Tax a Final Tax.**

*Approved.*

**CLAUSE 105: Arrangements for the relief of double tax and exchange of tax information.**

*Approved.*

**CLAUSE 106: Regulations.**

*Approved.*

**CLAUSE 107: Repeal and savings.**

*Approved.*

**CLAUSE 108: Transitional.**

*Approved.*

**SCHEDULE 1: Rates of Tax**

**Debate**

*Schedule 1 approved.*

**SCHEDULE 2: Exempt Income**

*Approved.*

**SCHEDULE 3: Valuation of Fringe Income.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and commencement**

**TITLE: Income Tax Act 2012.**

*Approved.*

**The Income Tax Act 2012 progressed without any amendment.**

**Government Order of the Day No.4 called.**

**4. Tax Administration Bill 2012 – third reading**

**Hon Tuiloma Lameko moved, “That the Tax Administration Bill 2012 be now read a third time.”** Seconded by Hon Faumuina Tiatia Faaolatane Liuga.

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

**Government Order of the Day No.5 called**

**5. Income Tax Bill 2012 – third reading**

**Hon Tuiloma Lameko moved “That the Income Tax Bill 2012 be now read the third time.”** Seconded by Hon Faumuina Tiatia Liuga.

**Motion approved and the Income Tax Bill 2012 was read the third time and had passed the Legislative Assembly.**

**MOTION FOR ADJOURNMENT**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Saillele Malielegaoi moved, “That the proceedings of the Legislative Assembly be adjourned until Friday, 20<sup>th</sup> July 2012.”** Seconded by Hon Fonotoe Nuafesili Pierre Lauofo.

**Motion approved and the proceedings of the Legislative Assembly was adjourn until Friday, 20<sup>th</sup> July 2012.**

**RESPONSE BY THE LEADER OF THE OPPOSITION SIDE**

**The leader of Opposition Party delivered a speech in response to the Prime Minister’s speech.**

**Member showed their support by applauding following the address by the Leader of the Opposition.**

- 6. Proceedings of the Legislative Assembly were adjourned at 11:55am until 9:00am on Friday, 20 July 2012 pursuant to the motion.**

**Susuga Laauli Leuatea Polataivao Fosi.  
MR SPEAKER**

**Fepuleai Attila M. Ropati.  
CLERK**

**FRIDAY 20 JULY 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi.**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Afioga Hon Fiame Naomi Mataafa, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetaulua Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati.**

**MEMBERS**

**Afioga Hon Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Motuopuaa Uifagasa Aisoli Vaai, Tofa Tuileutu Alavaa Voi, Susuga Papalii Lio Faavaivaio manu Taeu Masepau, Tofa Sooalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Hon Tusa Misi Tupuola, Tofa Lenatai Victor Faafoi Tamapua, Afioga Tuisa Tasi Patea, Afioga Afualo Wood Uti Salele, Tofa Tuiloa Anitelea, Tofa Lefau Harry Schuster, Afioga Aeau Peniamina Leavaseeta, Tofa Fagaavalu Kenrick Samu, Afioga Tufuga Gafualeata Faitua, Tofa Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa, Afioga Hon Palusalua Faapo II, Tofa Levaopolo Talatonu.**

**2. MEMBERS ABSENT:**

**Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Lealailepule Rimoni Aiafi, Afioga Lafaitale Patrick Leiataualesa, Afioga Hon Gatoaifaana Amataga Alesana Gidlow.**

**3. The Legislative Assembly met at 9.00am.**

4. Mr Speaker took the Chair and said Prayers.

5. **MESSAGE FROM THE HEAD OF STATE**

The Speaker read out the message permitting the Legislative Assembly to consider the following Bills:-

1. Casino and Gambling Control Amendment Bill 2012
2. Financial Institutions Amendment Bill 2012.

**2. CERTIFICATE OF URGENCY**

Mr Speaker announced the Certificate of Urgency for the following Bills:-

1. Casino and Gambling Control Amendment Bill 2012.
2. Financial Institutions Amendment Bill 2012.

6. **OTHER ANNOUNCEMENT BY MR SPEAKER**

Mr Speaker announced the presence of the delegates from Africa, Carribean, Pacific European Union Joint Parliamentary Assembly in the House this morning.

As known, the 8<sup>th</sup> Meeting (Pacific Region) of the ACP-EU Joint Parliamentary Assembly is being held in Samoa at our Parliamentary Chamber. The honorable member of Parliament, Tofa Lenatai Victor Faafoi Tamapua is Samoa's permanent representative in this body.

Mr Speaker welcomed the delegation joining us this morning.

**ELECTION OF THE HEAD OF STATE**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi (Prime Minister) moved, *“That this Legislative Assembly elect and appoint Afioga Tui Atua Tupua Tamasese Efi as Head of State for the next five years commencing on the date of inauguration”*. Seconded by the Leader of the Opposition Party, Hon Palusalua Faapo II.

Motion approved was approved and the Legislative Assembly elected and appointed Afioga Tui Atua Tupua Tamasese Efi as Head of State for the next five years.

The members of the Legislative Assembly applauded the re-appointment of Afioga Tui Atua Tupua Tamasese Efi as Head of State.

Speaker announced the reinstatement of the Afioga TUI ATUA TUPUA TAMASESE EFI as Head of State.

**STATEMENT BY THE PRIME MINISTER**

Mr Speaker, honorable members of the Legislative Assembly and the dignity of Samoa in all your honorific salutations.

This is a blessed day which has been in the prayers of the leaders of the various denominations, asking for blessings for Samoa and its government. This day was chosen for this Parliamentary sitting to elect a worthy candidate through the

guidance of the spirit to become the Head of State for the Independent State of Samoa for the next five years commencing from the date of inauguration pursuant to our Constitution. It is not a morning that was unforeseen. I believe that the Lord can never desert or forsake us as we continuously pray for blessings and answers. It is days like this that he pours out blessings and provides answers to our persistent pleas so that we can make decisions on issues that may seem difficult.

Today, there is only one name that has been proposed to take up this prestigious position of the Head of State of the Independent State of Samoa for the next five years ending in 2017; Afioga Tui Atua Tupua Tamasese Efi. This signifies that this House is united in re-appointing Afioga Tui Atua. This also signifies that the sanctity of this title of Head of State is upheld when one candidate is chosen.

Mr Speaker and honorable members of the House, I must express my gratitude and congratulations to the Leader of the Opposition and that side of the House for your support this morning.

I also congratulate the members of this side of the House; the Human Rights Protection Party, for your support in keeping the peace and upholding the dignity of your posts. It did not take more than half an hour to come to the conclusion of an able candidate.

Honorable Afioga Tui Atua, look forward to better things for the future. What trials you were faced with during the last five years, persevere and tarry on. Even our Savior was visited and tempted by the devil – peace be with you.

Without further ado, I announce that the inauguration of the Honorable Head of State will be held on Wednesday of next week, the 25<sup>th</sup> of July at 10.00 in the morning here in the Parliament House.

God bless this meeting.

#### **STATEMENT BY THE LEADER OF THE OPPOSTION SIDE**

Before I comment, with due respect, I rise to second the motion by the Prime Minister for the inauguration date for the Afioga Head of State.

Mr Speaker, I also would like to add to the remarks by the Hon Prime Minister; the Leader of the government. Before I do so I would like to greet the dignity of the House; Mr Speaker, Hon Prime Minister and his Deputy, Cabinet Ministers and members of that side; Hon Associate Ministers, Deputy Leader of the Opposition and members of this side. I also humbly greet the Heads of the various Ministries and Corporations of the government, Afia will also not be forgotten in the bush; Your Excellency Le Ao o le Malo, Tui Atua Tupua Tamasese Efi and your Good Lady, Honorable member of the Council of Deputies, Afioga Tui Aana Tuimalealiifano Vaaletoa and your Good Lady, Hon Attorney General and your Good Lady. We cannot forget the support of the various denominations of Samoa. This is your honorific salutation Aiga ma Tama, o Tama ma Aiga, le mamalu ia Tumua ma Pule, Ituau ma Alataua, Aiga i le Tai ma le Vaa Fonoti.

We cannot forget the support of Tutuila and Manua and the government of Eastern Samoa; Hon Governor General and Lieutenant Governor, Hon Speaker, Hon President and the members of the two Houses, Hon Attorney General and the Judiciary. These are your honorific salutations Sua ma le Vaifanua, Fofa ma Aitulagi, Ituau ma Alatau, Saole ma Saleaamua ma le Launiu na Saelua, le Laau na

**Amotasi ma Tootoo o le Faleula, Faatui o le Motu ma le Tama a le Manuatele. This is the traditional setup of Samoa from the beginning.**

**Mr Speaker, we have already given thanks and praises to our Heavenly Father for His gracious love that has allowed us to be here this morning in good health. This is a clearly set out day that was preconceived and the Parliament members as well as Samoa prayed for its forthcoming. Days and nights were spent in preparation and now we have arrived at this day because of the continuous love of our Lord. All the members are united in this decision to re-appoint Hon Tui Atua Tupua Tamasese as the Head of State for the next five years. It states in Psalm “Bless the Lord, O my Soul; and all that is within me, bless his holy name”. This is the praise that we give to our Heavenly Father however I would like to refer to the Daily Bible Reading for today “Jesus is the leader, he is also the Savior, the head of the Church, he is also the Holy Trinity”. For the purpose of this day and this Parliament, the Head of State is the overall head of the Three Arms of the Independent State of Samoa pursuant to the Constitution. He is the head of the Parliament, the Cabinet and the Judiciary; the Ao Mamalu of Samoa and its people.**

**With all due respect I congratulate the Hon Head of State for the duties carried out during his last term. It was not an easy task as Samoa’s government is continuously growing and developing with the different works being carried out by the different Ministries and Corporations, especially the public servants and the whole of Samoa. This has also added to your duties and responsibilities and it is not been without its trials but I applaud your patience and am grateful on behalf of Samoa. Our sincere prayer is that our Heavenly Father will continue to be generous in blessing you abundantly physically, mentally especially spiritually.**

**To your Good Lady Masiofo Filifilia, I congratulate you for fulfilling your duty by being supportive and acting as advisor. May God also bless you in carrying out your duties in supporting His Excellency, the Head of State.**

**Mr Speaker, we have all heard the clear wonderful speech by the Hon Prime Minister. All the ends of Samoa and this House have heard and support your remarks however I would like to make additional comments to those that have already been spoken in this House.**

**Our two sides have agreed on the appointment of the Head of State and even though we are two separate political parties we are one in our customs and traditions and our religious standings as is the Constitution of Samoa. Taking heed of the Constitution and respect for the dignity of the post of Head of State we have arrived with exaltation on this day. Why? It is because of the foresight of the Hon Prime Minister and the Cabinet and the Human Rights Protection Party. We uphold the dignity and follow in the footsteps of our forefathers because we have a regard for Samoa’s support and the notion throughout the Pacific and various Governments that Samoa is a peaceful and nonviolent country. This is a very important day. With the current structure of Political parties at the moment with that side at the helm of the government and this side as an opposition, we have united in the appointment of the Head of State; the leader of the Parliament. This indicates that there is no bias, no prejudice, no party sides but we have cooperated and acknowledged the good relationship in this House pursuant to the principles of democracy.**

**Because of this Mr Speaker, we must applaud and congratulate the Hon Prime Minister, his Deputy, the Cabinet as well as the members of that side. The truth is we**

were uncertain on the outcome of this day as Samoa prayed and Aiga and Tumua ma Pule awaited a reply from God. I congratulate and applaud your efforts as well as your care for the country. I am grateful for your reliance on our Heavenly Father's silent whispers. I pray that He continues to bless the Hon Prime Minister and your government in leading our country and may this Parliament continue to cooperate.

I also extend my gratitude and congratulations to the Deputy Leader of the Opposition and the members of the Opposition. There was no dispute against the decision today and may our Heavenly Father continue to bless you all with the wisdom and foresight to oppose the government.

Mr Speaker, I cannot forget the support of our member of the Council of Deputies and his Good Lady, the Attorney General and his Office, the support of the leaders of the various denominations and the whole of Samoa; the young and old. Thank you for your prayers and encouragement and may the Lord continue to bless and keep you in his grace.

Mr Speaker, you probably would like me to end my speech however it is extensive because of the importance of this day, it is one for the history books of Samoa. May the Lord bless you graciously Mr Speaker in carrying out your duty to this Legislative Assembly and with that I end my speech. God bless and may His Excellency the Head of State prosper and this old man live on.

#### **PRIME MINISTER'S ANNOUNCEMENT**

The Prime Minister announced the Inauguration date for his Highness the Head of State to be held on the 25<sup>th</sup> July 2012 at 10:00am at the House of Parliament. Seconded by the Leader of the Opposition Side, Hon Palusalua Faapo II.

Hon Faumuina Tiatia Faaolatane Liuga moved, *"That the speeches of the Leader of the Government and the Leader of the Opposition be tabled before Parliament."* Seconded by Hon Tuitama Talalelei Tuitama.

The motion was approved for the speeches by the Hon Prime Minister and the Leader of the Opposition to be tabled.

#### **7. GOVERNMENT ORDERS OF THE DAY – Reading of Bills**

Government Order of the Day No.1 called.

##### **1. Casino and Gambling Control Amendment Bill 2012 - first reading**

Hon Faumuina Tiatia Faaolatane Liuga moved, *"That the Casino and Gambling Control Amendment Bill 2012 be now read the first time."* Seconded by Hon Tuiloma Lameko, Hon Tuisugaletaua Sofara Aveau, Hon Tuitama Talalelei Tuitama.

Motion approved and the Bill was read the first time.

Government Order of the Day No. called.

##### **2. Casino and Gambling Control Amendment Bill 2012 – second reading**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *"That the Casino and Gambling Control Amendment Bill 2012 be now read the second time and I would like to briefly comment on it."* Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tolofuaivalelei Falemoe Leiatatau.



**The Minister clarified the Bill.**

**Debate.**

**Motion approved and the Casino and Gambling Control Amendment Bill 2012 was read the second time.**

**Government Order of the Day No.3 called.**

**3. Financial Institutions Amendment Bill 2012 – second reading**

**Hon Faumuina Tiatia Faaolatane Liuga moved, “That the Financial Institutions Amendment Bill 2012 be now read the second time and I wish to briefly clarify it.”**

**Seconded by Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau.**

**The Minister clarified the Bill.**

**Debate.**

**Motion approved and the Bill was read the second time.**

**Proceedings of the Legislative Assembly were set aside at 10:14am for its usual recess and recommenced at 10:55am.**

**Government Order of the Day No.4 called.**

**4. Casino and Gambling Control Amendment Bill 2012 – consideration in detail**

**CLAUSE 2: Insertion of new Section**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Casino and Gambling Control Amendment Bill 2012**

*Approved.*

**The Casino and Gambling Control Amendment Bill 2012 now progressed without Amendment.**

**Government Order of the Day No.5 called.**

**5. Financial Institution Amendment Bill 2012 – consideration in detail**

**CLAUSE 2: Amendment to Clause 2.**

*Approved.*

**CLAUSE 3: Amendment to Clause 4.**

*Approved.*

**CLAUSE 4: Amendment to Clause 6.**

*Approved.*

**CLAUSE 5: Addition to New Clause 16A up to 16G.**

*Approved.*

**CLAUSE 6: Consequential Amendment.**

*Approved.*

**CLAUSE 7: Transitional**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Financial Institutions Amendment Bill 2012.**

*Approved.*

**The Financial Institutions Amendment Bill 2012 had progressed without any Amendments.**

**Government Order of the Day No.6 called.**

**6. Casino and Gambling Control Amendment Bill 2012 – third reading**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “That the Casino and Gambling Control Amendment Bill 2012 be now read the third time.”** Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Faumuina Tiatia Faaolatane Liuga / Hon Tolofuaivalelei Falemoe Leiatua.

**The motion was approved and the bill was read a third time thus the Casino and Gambling Control Amendment Bill 2012 was passed by the Legislative Assembly.**

**Government Order of the Day No.7 called.**

**7. Financial Institutions Amendment Bill 2012 – third reading**

**Hon Faumuina Tiatia Faaolatane Liuga moved, “That the Financial Institutions Amendment Bill 2012 be now read the third time.”** Seconded by Hon Fonotoe Nuafesili

**Pierre Lauofo / Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leiataua.**

**The motion was approved and the bill was read a third time thus the Financial Institutions Amendment Bill 2012 was passed by the Legislative Assembly.**

**MOTION FOR ADJOURNMENT**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “*That the Parliamentary Proceedings of the Legislative Assembly be adjourned until Tuesday, 21 August 2012 pursuant to the Program for Parliamentary Proceedings that has been approved.*” Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuiloma Lameko / Hon Faumuina Tiatia Faaolatane Liuga.**

**The motion was approved and the Parliamentary Proceedings of the Legislative Assembly was adjourned until the 21 August 2012 pursuant to the Program of Parliamentary Proceedings.**

- 8. Proceedings of the Legislative Assembly adjourned at 11:00am until 9:00am on Tuesday, 21<sup>st</sup> August 2012 pursuant to confirmed Parliamentary Sitting Schedule Program 2012.**

**Susuga Laauli Leuatea Polataivao Fosi.  
SPEAKER**

**Fepuleai Attila M. Ropati.  
CLERK**

**TUESDAY, 21 AUGUST 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi Schmidt**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetaulua Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati.**

**MEMBERS**

**Afioga Hon Leapepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Susuga Papalii Lio Faavaivaiomanu Taeu Masepau, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Aeau Peniamina Leavaiseeta, Afioga Hon Palusalua Faapo II, Tofa Fagaaivalu Kenrick Samu, Afioga Tufuga Gafualeata Faitua, Tofa Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Tofa Tuiloa Anitelea, Afioga Lafaitale Patrick Leiataualesa, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Fafoi Tamapua, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea FeaTionisio Seigafolava, Afioga Tusa Misi Tupuola, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Afioga Hon Gatoaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa.**

**2. MEMBERS ABSENT:**

**Afioga Hon Fiamé Naomi Mataafa, Tofa Motuopuaa Uifagasa Aisoli Vaai, Tofa Levaopolo Talatonu, Tofa Lealailepule Rimoni Aiafi.**

**3. The Legislative Assembly met at 9.00am.**

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

**5. MESSAGE FROM LE AO O LE MALO:**

Mr Speaker communicated the text of the Message from Le Ao o le Malo permitting the Legislative Assembly to consider the following Bills: -

- (i) Attorney General's Office Bill 2012.
- (ii) Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012.
- (iii) Customary Land Advisory Commission Act 2012.
- (iv) Prisons and Corrections Bill 2012.

**6. PRESENTATION OF PAPERS:**

The Clerk read out the following Papers tabled in accordance with Standing Order 48:

- (i) S.R 2012/11, Cluster Munitions Prohibition Act- Notice of Commencement
- (ii) S.R. 2012/12, Declaration of a Public Holiday for the 50<sup>th</sup> Independence Day Celebrations 2012.
- (iii) P.P. 2012/2013 No. 16, Annual Report of the Ministry of Women, Community and Social Development for the Financial Year ending 30<sup>th</sup> June 2011.
- (iv) P.P. 2012/2013 No. 17, Annual Report of the Office of the Prime Minister and Cabinet for the Financial Year July 2010- June 2012.
- (v) P.P. 2012/2013 No. 18, Annual Report of the Accident Compensation Corporation for the Year 2011.
- (vi) P.P. 2012/2013 No.19, Government Response to P.P 2011/2012 No. 50, Report of the Finance and Expenditure Committee on P.P 201/2013 No. 8, Annual Report of the Polynesian Airlines for the Financial Year ended 30 June 2010.
- (vii) P.P. 2012/2013 No.20, Government Response to P.P 2011/2012 No. 43, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P 2011/2012 No. 12, Annual Report of the Samoa Life Assurance Corporation for the Year ended 30 June 2010.
- (viii) P.P. 2012/2013 No. 21, Central Bank of Samoa Annual Report for the Twelve Months July 2010- June 2011.
- (ix) P.P. 2012/2013 No. 22, Government Responses to P.P. 2012/2013 No. 80, Report of the Business, Standing Orders, House and Electoral Committee on Reports of the Supreme Court on Elections Petitions for the Territorial Constituencies of Vaisigano No.1, Anoamaa Sasae, Sagaga le Falefa, Aleipata Itupa i Luga, Faasaleleaga No.1, Palauli le Falefa and Satupaitea.
- (x) P.P. 2012/2013 No.24, Samoa Water Authority Annual Report July2009- June 2010.
- (xi) P.P. 2012/2013 No.24, Samoa Water Authority Annual Report July 2009- June 2010.
- (xii) P.P. 2012/2013 No.25, Office of the Electoral Commissioner Annual Report for the year 2008-2009.
- (xiii) P.P. 2012/2013 No. 26, Government Responses to P.P. 2011/2012 No. 53, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2011/2012 No. 9, P.P 2011/2012 No. 10, & P.P. 2011/2012 No.11, Annual Reports of the Scientific Research Organisation of Samoa for the Years ending 30<sup>th</sup> June 2007, 30<sup>th</sup> June 2008 and 30<sup>th</sup> June 2009.
- (xiv) P.P. 2012/2013 No. 27, Government Response to P.P. 2011/2012 No. 68, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2011/2012

**No.16, Annual Report of the Development Bank of Samoa for the Financial Year 2009/2010.**

- (xv) **P.P.2012/2013 No.28, Government Responses to P.P. 2011/2012 No.52, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on P.P. 2011/2012 No. 17, Annual Reports of the Ministry of Health for the Financial Year ending 30 June 2009.**
- (xvi) **P.P. 2012/2013 No. 29, Government Responses to P.P.2011/2012 No. 44, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2011/2012 No. 15, Annual Report of the Ministry of Commerce, Industry and Labour for Financial Years July 2007- June 2008 and July 2008- June 2009.**
- (xvii) **P.P. 2012/2013 No. 36, Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control on Non-communicable Diseases.**

#### **7. PRESENTATION OF SELECT COMMITTEE REPORTS:**

The Clerk read out the Select Committees Reports tabled in accordance with Standing Order 51(5).

- (i) **P.P. 2012/2013 No. 30, Reports of the Works, Transport and Environment Committee on P.P. 2011/2012 No.36, Annual Report of the Samoa Ports Authority for the Financial Year ended 30<sup>th</sup> June 2010.**
- (ii) **P.P. 2012/2013 No. 31, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2011/2012 No. 97, Annual Report of the Development Bank of Samoa for the Financial Year ended 30<sup>th</sup> June 2011.**
- (iii) **P.P. 2012/2013 No. 32, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2011/2012 No. 102, Annual Report of the Samoa Tourism Authority for the Financial Year ended 30<sup>th</sup> June 2010.**
- (iv) **P.P.2012/2013 No. 33, Report of the Financial and Expenditure Committee on P.P. 2011/2012 No. 30, Financial Statement of the Betting (Totalisator) Agency Board for the Financial Year ended 30<sup>th</sup> June 2010.**
- (v) **P.P. 2012/2013 No. 38, Annual Report of the Ministry of Justice and Courts Administration for the Financial Year ended 30<sup>th</sup> June 2010.**
- (vi) **P.P. 2012/2013 No. 35, Report of the Foreign Affairs, Trade and Revenue Committee on P.P. 2011/2012 No. 31, Annual Report of the Samoa International Finance Authority for the Financial Year ended 30<sup>th</sup> June 2008 and P.P. 2011/2012 No. 45, Annual Report of the Samoa International Finance Authority for the Financial Year ended 30<sup>th</sup> June 2009.**

#### **MINISTERIAL STATEMENT BY THE PRIME MINISTER - SUSUGA HON TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (STANDING ORDER 62)**

The Prime Minister delivered a Ministerial Statement and a copy is attached below:

“Honorable Mr. Speaker and to the dignity of the Legislative Assembly of the Independent State of Samoa, we thank the amazing love, grace and blessings of our Master upon us on this beautiful morning. The Holy Bible is right “God’s loving-kindness always new”.

We also acknowledged the support of Samoa, His Highness O le Ao ole Malo, member of council of deputies, the chief justice of the Supreme Court, the President

of the Land and Title Court, members of the judiciary and let's not forget Mr. Speaker the members of the parliament, this Party, to the Cabinet and all public servants who have been serving us for a successful of the state.

Nevertheless to members of the clergy who pray and serve God's will of finding lost souls because our duties is a failure if we lack blessings and support from them.

I also salute the dignity of Tama ma o latou Aiga, ule ma Tumua, Ituau ma Alataua, Aiga i le Tai ma le Vaa o Fonoti, Sua ma le Vaifanua, Fofō ma Aitiulagi, Ituau ma Alataua, Saole ma le Launiu Saelua, Faatui ma Tootoo ma upu i le Manuatele. Those are the dignities of Samoa.

Samoa have been attentive to what had happened last week and it is my duty to elucidate on the issue to get rid of any doubts in regards to same issue affecting government lands.

The early morning of last Thursday, 15 August 2012 at 2.00am, the plane from New Zealand landed at the airport and I was on it. Some chiefs and untitled men from Satapuala blocked the road from the airport with rocks, some stood at the roadside with guns and knives, faces covered, stopped cars and flashed switched torches on peoples' faces as if they were looking for someone to assault.

The untitled men performed such outraged actions to our people who travelled by while the chiefs of Satapuala stood there giving orders to release a car or held some whom they do not have a right to so and persisted on doing such unlawful acts. Many people who travelled from overseas, some from Salafai, and also tourists witnessed these hostile actions. As a result, a return trip to New Zealand was delayed due to this disrespectful move from a certain village that had been ruled over by supercilious attitudes. I have to pardon the village as a whole, le afio o le Saoalii ma Sa Tuala, le Laau na Fausia ma le Lauti na Laulelei ma le fale-Aana as the majority were not involved in the attempt. Only a few of them who have their pictures taken, publicized and broadcast on televisions and radios to witness by the whole country how idiotic they were and disgraced the village name. The most saddened part, the Member of Parliament and Afioga Leao Akeripa lead this illegal and terrorist move.

Even some members of the clergy who planned to travel to Savaii for the opening of the church building at Sili were stopped there and did not make it. I have heard of Mr. Speaker and the Chief Justice were held there too, which means even heads of three arms, the honorable Speaker, the Chief Justice and the Leader of the government were affected and Satapuala continued until Thursday afternoon when police arrived with machines to clear rocks blocking the road.

As the village was the first to use dangerous weapons for their illegal move, police too should consider their safety in accordance with conditions set under the law on discretion of chief police officers so they took weapons for their protection and the reason why people were unharmed when police shot guns in the air. That sent them a message that police had powerful weapons unlike their toy guns and prevents the group of untitled men from retaliation. We saw on televisions that their move was well planned by creating weapons such as kerosene bomb throwing to the police.

The police proceed on surveying the government land opposite the international airport for purpose of building a hospital for any emergency cases that may happen at the airport after removing the blockage. This was a long-term plan not only for our whole country but in particular for the benefits of Satapuala and yet they resisted.

For the information of our country in regards to these ill mannered actions from some people of Satapuala I have to make announcement that, during the New Zealand colonial times, 865 acres of Satapuala land were legally taken for the purpose of building the airport. In return, New Zealand gave 1070 acres to Satapuala to relocate their village as it is now and further inland.

So if 865 acres in exchanged with 1070 hectares from the government that means 205 hectares were excessively given to Satapuala and up until now, the village are unable to cultivate those lands and yet they are still against and intervenes with government's developments.

We met with some matais from Satapuala about 20 of them three weeks ago, those who were involved and began reconciliations. The Member of Parliament was absent but this is one of the requests he declared in one of our parliament meeting.

We have arranged our next meeting however they proceed to block the public road; again, it reflects that they do not have any sense to adhere an agreement with the government.

The government persists on meeting with them and plays our part of providing explanations because of immature knowledge of a minority group and ruined the name of Aiga Sa Tuala.

Mr. Speaker, the Parliament must be sensitive that any agreements made in the past pertaining to customary lands allocated for developments is still maintain and appreciate by us and future parliaments as did so by previous governments.

Any Court decision made in regards to these lands causing disputes between some people, it is the government responsibility to ensure that a court order is abide by people, meaning the government has no intention to reclaim those lands based on groundless facts. Be aware also that nothing can hold government developments for the well being of Samoa because of any contradictive issues. The government will not rest but to take those matters to the Court because once we ignore it, others will mislead and follow on unsupported ideas. We are not ignorant of those who commit such offence which may interrupts peace and security of people especially ruining the image of Samoa to the outside world.

I believe this is a great opportunity to talk to other members about their duties and responsibilities pursuant to our Standing Orders in the Oath of Allegiance and we swear by Almighty God that we will be faithful and bear true allegiance to the Independent State of Samoa, and that we will justly and faithfully carry out our duties as a Member of the Parliament of Samoa, and conclude with a prayer to God to help us.

Under the Constitution, the Independent State of Samoa comprised of Le Ao o le Malo, the Cabinet, the Parliament, Executives and other institutions established under the law. That means, your responsibility as a member, family, church denomination, village, constituency or others should not contradict with the Oath of Allegiance where you claimed that "I swear by the Almighty God that I will be faithful and bear true allegiance to the Independent State of Samoa", whereas the Independent State refers to the country as a whole. Therefore no other duty as a member for your constituency or village exceeds your faithfulness and loyalty to the Independent Sate of Samoa.

If we look at the Code of Parliamentary Ethics under Standing Order 14, it identifies the expected behavior of all members. It is the members' responsibility to maintain highest standards of ethical behaviour to maintain integrity of Parliament of Samoa



and to make endeavour to uphold the principles of the Constitution. The principles provide guidance to each Member of Parliament while fulfilling their duties and responsibilities.

These are the Principles:

1. Loyalty to the nation and its people. Every member shall uphold the contents of the Oath of Allegiance at all time and maintain the dignity and integrity of the Independent State of Samoa; its institutions and its people.
2. Every member shall uphold the laws of Samoa and safeguard the principles contained in the Constitution.
3. Every member shall treat other members, the public and officials with respect and dignity honestly, fairly and acting with integrity at all times. It is disrespect to other people to block roads with rocks, forbidding them from the right to pass through in this free country.

Every member shall also arrange their private affairs, use any and all information obtained from their public office, exercise any influence or authority obtained from Public Office only to advance the public interest. So if any conflict of interest arises whether in the member's private, financial, pecuniary or any interest the member shall be required to declare that interest and take any steps to remove the conflict or withdraw from the particular process of transaction. Breaches of this Code maybe dealt with by the Privileges and Ethics Committee or as determined by Parliament.

Samoa know well that Members of Parliament are leaders who have been selected from a majority and that the Parliament is purposely deal with establishing and consultation of laws to guide and safeguard the well being of our people from any other illegitimate power.

Honorable Mr. Speaker, from the beginning, the Parliament cannot ignore by any means any member or members who take lead in any action that violates peace of Samoa, and the image of this House occupied by Leaders of the country especially the breaching of the Oath of Allegiance before God whom the Independent State of Samoa is founded on.

All members must aware that any matters pertaining in the House and without interference of the Court depend on an order from the Legislative Assembly or a selected committee, so no member is to escape from any offence committed outside the parliament. There are principles where some members were terminated; others were put in jail because of abusing the power. Our parliament responsible to make laws for the country and when the law-maker breaks the law, he should be charged and give appropriate punishment.

So Mr. Speaker and members of the House I wish to announce the referral of the issue lead by the member for Aana Alofi No. 3 involving the village of Satapuala to the office of the Attorney General to make charges against this member as well those involved in the blocking of the road and using of dangerous weapons to threaten members of the public. We are not oblivious of Parliament having the power to set aside the Standing Orders and make its decision concerning an issue. As the Bible said, ""whence come war and fightings? It's from the heart of people". Therefore we should not be ignorant of the issue, we had seen it on televisions, and what happened today will happen again tomorrow. Our government doesn't turn from anything for good wealth fare of our country, we have limited natural resources and to make better use of those is your input in our development. A request, may we Samoa have

a peaceful journey and whatever may happen, our Lord Almighty is always be and guiding us from the last 50 years.  
May God bless the support of Samoa from the eldest to the youngest. Soifua and ia manuia le Fono.

Hon Tuisugaletaua Sofara Aveau (Minister of Communication & Information Technology) moved, *“That the Hon Prime Minister’s Statement be tabled before Parliament”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Faumuina Tiatia Liuga / Hon Tolofuaivalelei Falemoe Leiataua / Hon Palusalua Faapo II.

**8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:**

**Government Order of the Day No.1 called.**

**1. Attorney General’s Office Bill 2012 – first reading.**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Prime Minister moved, *“That the Attorney General’s Office Bill be read a first time.”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo.

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No. 2 called.**

**2. Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012 – first reading.**

Hon Tolofuaivalelei Falemoe Leiataua, Minister of Women, Community and Social Development moved, *“That the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012 be now read a first time.”* Seconded by Hon Le Mamea Ropati / Hon Tuisugaletaua Sofara Aveau / Hon Fonotoe Nuafesili Pierre Lauofo.

**Motion approved and the Bill was read a first time.**

**Government Order of the Day No. 3 called.**

**3. Customary Land Advisory Commission Act 2012 – first reading.**

Hon Faamoetaulua Ulaitino Faale Tumaalii, Minister of Natural Resources and Environment moved, *“That the Customary Land Advisory Commission Act 2012 be now read a first time.”* Seconded by Hon Manualesagalala Enokati Posala / Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuisugaletaua Sofara Aveau.

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No. 4 called.**

**4. Prisons and Corrections Bill 2012 – first reading.**

Hon Sala Fata Pinati, Minister of Police and Prisons moved, *“That the Prisons and Corrections Bill 2012 be now read a first time.”* Seconded by Hon Manualesagalala Enokati Posala / Hon Faamoetaulua Ulaitino Fale Tumaalii / Hon Tuiloma Lameko.

**Motion approved and the Bill was read a first time.**

**Government Order of the Day No.5 called.**

**5. Samoa Institute of Accountants Amendment Bill 2012 – second reading.**

Hon Faumuina Tiatia Faaolatane Liuga, Minister of Finance moved, *“That the Samoa Institute of Accountants Amendment Bill 2012 be now read a second time and I*

*would like to clarify on it.*” Seconded by Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leiatua.

The Minister clarified the Bill.

Motion approved and the Bill was read the second time.

In accordance with Standing Order 101, the Bill was referred to the Finance and Expenditure Committee for consideration and to report thereon to the Assembly in the future.

## 9. CONSIDERATION OF SELECT COMMITTEES REPORTS

Order of the Day No. 1 called.

1. P.P.2011/2012 No. 73, Report of the Works, Transport and Environment Committee on P.P. 2011/2012 No. 14, Annual Report of the Samoa Ports Authority 2008-2009 – debate resumed from 30/03/2012.

Question put and was carried in the Affirmative, the Committee Report now stood approved.

Order of the Day No. 2 called.

2. P.P. 2011/2012 No. 104, Report of the Business, Standing Orders, House and Electoral Committee on P.P. 2011/2012 No. 88, Report of the Office of the Electoral Committee on the 2011 General Election.

Tofa Agafili Patisela Eteuati Tolovaa, Deputy Chairman of the Business, Standing Orders, House and Electoral Committee moved, *“That the Assembly takes note of the Report with its Findings and Recommendations.”* Seconded by Papalii Lio Faavaivaiomanu Taeu Masepau / Lafaitete Patrick Leiatuaalesa.

The Deputy Chairman read out the Findings and Recommendations of the Committee.

Debate.

Question put and was carried in the Affirmative, the Committee Report stood approved.

## 10. CONSIDERATION OF PAPERS

Order of the Day No.1 called.

1. P.P. 2011/2012 No. 57, Government Responses to P.P. 2011/2012 No. 39, Report of the Government Administration Committee on P.P. 2011/2012 No. 5, Annual Report of the Public Service Commission for Years 2008-2010.

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Lupesoliai Malielegaoi moved, *“That the Legislative Assembly approves the Committee’s report giving its Recommendations pursuant to Standing Orders 54.”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Faumuina Tiatia Liuga / Hon Tolofuaivalelei Falemoe Leiatua.

Question was put and when the Ayes have it, the Committee’s report stood approved.

Order of the Day No. 2 called.

2. P.P. 2011/2012 No. 62, Government Responses to P.P. 2011/2012 No. 40, Report of the Works, Transport and Environment Committee on P.P. 2011/2012 No. 21, Samoa Water Authority Annual Report for the Year 2008-2009 and P.P. 2011/2012 No. 3, Samoa Water Authority Statement of Corporate Plan 2011-2013.

Hon Manualesagalala Enokati Posala (Minister of Works, Transport and Infrastructure) moved, *“That the Legislative Assembly takes note of the Committee’s report pursuant to Standing Orders 54.”* Seconded by Hon Tuitama Talalelei Tuitama / Hon Faamoetauloa Ulaitino Faale Tumaalii.

Question was put and when the Ayes have it, the Committee’s report stood approved.

Order of the Day No. 3 called.

3. P.P. 2012/2013 No. 9, Government Responses on P.P. 2011/2012 No. 69, Report of the Primary Production, Commerce, Industry and Labour on P.P. 2011/2012 No. 35, Annual Report of the Samoa Trust Estates Corporation for the Year 2009/2010.

Hon Faamoetauloa Ulaitino Faale Tumaalii moved, *“That the Legislative Assembly approves the Committee’s report pursuant to Standing Orders 54.”* Seconded by Hon Tuitama Talalelei Tuitama / Hon Tolofuaivalelei Falemoe Leiatava / Hon Faumuina Tiatia Liuga.

Question was put and when the Ayes have it, the report of the Committee was approved.

Order of the Day No. 4 called.

4. P.P. 2012/2013 No.10, Government Responses on P.P. 2011/2012 No. 72, Report of the Works, Transport and Environment committee on P.P. 2011/2012 No.42, Annual Report of the Samoa Airport Authority for Years July 2001-June 2008.

Hon Manualesagalala Enokati Posala moved, *“That this Legislative Assembly approves the Report of the Committee containing its Recommendations pursuant to Standing Orders 54.”* Seconded by Hon Faamoetauloa Ulaitino Faale Tumaalii / Hon Faumuina Tiatia Liuga.

Question was put and when the Ayes have it, the Committee’s report was approved.

**MOTION FOR ADJOURNMENT:**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *“That Proceedings of the Legislative Assembly adjourned until 9:00am on Tuesday, 23<sup>rd</sup> October 2012 in accordance with our Schedule of Parliamentary Sittings.”* Seconded by Tuisugaletava Sofara Aveau / Fonotoe Nuafesili Pierre Lauofo.

Question was not put to motion.

11. Proceedings of the Legislative Assembly adjourned at 10:45am until 9:00am on Tuesday, 23<sup>rd</sup> October 2012 pursuant to Parliamentary Sitting Programme 2012.

**Hon Laauli Leuatea Polataivao Fosi**  
**SPEAKER**

**Fepuleai Attila M. Ropati**  
**CLERK**

**TUESDAY 23 OCTOBER 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi.**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Afioga Hon Fiame Naomi Mataafa, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati.**

**MEMBERS**

**Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaionanu Taeu Maseapu, Tofa Sooalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Hon Tusa Misi Tupuola, Tofa Lenatai Victor Faafoi Tamapua, Afioga Lafaitete Patrick Leiataualesa, Afioga Afualo Wood Uti Salele, Tofa Tuiloa Anitelea, Tofa Lefau Harry Schuster, Afioga Aeau Peniamina Leavaiseeta, Afioga Tufuga Gafualeata Faitua, Tofa Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Afioga Hon Gatoaifaana Amataga Alesana Gidlow, Tofa Agafili Patisela Eteuati Tolovaa, Afioga Hon Palusalua Faapo II, Tofa Motuopuaa Uifagasa Aisoli Vaai.**

**2. MEMBERS ABSENT:**

**Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Tofa Levaopolo Talatonu, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Leaupepe Toleafoa Apulu Faafisi, Tofa Fagaivalu Kenrick Samu, Afioga Tuisa Tasi Patea, Susuga Hon Papaliitele Niko Lee Hang.**

**ANNOUNCEMENT BY THE CLERK**

The Clerk of the Legislative Assembly announced that in pursuant to the Standing Orders 26, the absence of the Speaker from the country due to unforeseen circumstances, hence the Clerk called upon the Deputy Speaker to take the Chair.

3. The Legislative Assembly met at 9.00am pursuant to Sitting Program of Parliament 2012.

4. The Deputy Speaker took the Chair and said Prayers.

5. **MESSAGE FROM THE HEAD OF STATE**

The Deputy Speaker read out the Message from the Head of State given the consent to the Legislative to proceed upon consideration of the following Bills:

- (i) Constitution Amendment Bill (No.2) 2012.
- (ii) Audit Bill 2012.
- (iii) Samoan Language Commission Bill 2012.

6. **PRESENTATION OF PAPERS**

The Clerk read out the Papers submitted pursuant to S.O.48.

- (i) S.R.2012/2013, Order for the Declaration of the Daylight Saving Period 2012 and 2013.
- (ii) S.R. 2012/14, Intellectual Property Act 2011 – Notice of commencement.
- (iii) S.R.2012/15, Notice of Change in Tariff per Unit of Electricity – Order of the Regulator (No.4) 2012.
- (iv) S.R.2012/16, International Passenger Charge Regulations 2010.
- (v) P.P.2012/2013 No.37, Government Responses on P.P.2011/2012 No.51, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2011/2012 No.6 and P.P. 2011/2012 No.7, Ministry of Women, Community and Social Development Annual Reports July 2007-June 2008 & July 2008-June 2009 and Annual Report for July 2009-June 2010.
- (vi) P.P. 2012/2013 No.38, Public Accounts for the Financial Year ended 30<sup>th</sup> June 2008.
- (vii) P.P.2012/2013 No.39, Public Accounts for the Financial Year ended 30<sup>th</sup> June 2009.
- (viii) P.P.2012/2013 No.40, Public Accounts for the Financial Year ended 30<sup>th</sup> June 2010.

- (ix) P.P. 2012/2013 No.41, Samoa International Finance Authority Annual Report for the Year 2011.
- (x) P.P. 2012/2013 No.42, Samoa Post Annual Report for the Year 2009-2010.
- (xi) P.P. 2012/2013 No. 43, Samoa Law Reform Commission Annual Report July 2010 – June 2011.
- (xii) P.P. 2012/2013 No.44, Unit Trust of Samoa Statement of Corporation Objectives.

**7. PRESENTATION OF SELECT COMMITTEES REPORTS**

The Clerk read out the Select Committees Reports tabled in pursuant to S.O.51.

- (i) P.P.2012/2013 No.45, Report of the Justice, Police & Prisons and Land & Titles Committee on the Proceeds of Crime Amendment Bill 2012.
- (ii) P.P.2012/2013 No.46, Report of the Finance and Expenditure Committee on the Samoa International Finance Authority Amendment Bill 2012.
- (iii) P.P.2012/2013 No.47, Report of the Finance and Expenditure Committee on the Samoa Institute of Accountants Amendment Bill 2012.
- (iv) P.P. 2012/2013 No.48, Report of the Finance and Expenditure Committee on P.P. 2012/2013 No.93, Unit of Trust of Samoa (Management) Limited Annual Report for the 16 months ended 30<sup>th</sup> June 2011.
- (v) P.P.2012/2013 No.49, Report of the Justice, Police & Prisons and Land & Titles Committee on P.P. 2011/2012 No.81, Annual Report of the Fire & Emergency Services Authority for the Financial Year 2009/2009.

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

Government Order of the Day No.1 called

**1. Constitution Amendment Bill (No.2) 2012 – first reading**

Hon Tuilaepa Fatialofa Lupesoliai Aioono Neioti Saillele Malielegaoi (Prime Minister) moved, *“That the Constitution Amendment Bill (No.2) be now read a first time.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tuiloma Lameko / Hon Tolofuaivalelei Falemoe Leiataua.

Motion approved and the Bill was read a first time.

Government Order of the Day No.2 called

**2. Audit Bill 2012 – first reading**

Hon Faumuina Tiatia Faaolatane Liuga (Minister of Finance) moved, *“That the Audit Bill 2012 be now read the first time.”* Seconded by Hon Tolofuaivalelei Falemoe Leiataua / Hon Tuiloma Lameko.

Motion approved and the Bill was read the first time.

Government Order of the Day No.3 called.

**3. Samoan Language Commission Bill 2012 – first reading**

Hon Magele Mauiliu (Minister of Education, Sports and Culture) moved, *“That the Samoan Language Commission Bill 2012 be now read the first time.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tuitama Talalelei Tuitama / Hon Faamoetaulua Ulaitino Faale Tumaalii.

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No.4 called.**

**4. Attorney General's Office Bill 2012 – second reading**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “*That the Attorney General's Office Bill 2012 be now read the second time and I wish to briefly clarify it.*” Seconded by Hon Tuiloma Lameko / Hon Faumuina Tiatia Faaolatane Liuga.**

**The Prime Minister clarified the Bill.**

**Debate.**

**Motion approved and the Attorney General's Office Bill was read the second time.**

**Government Order of the Day No.5 called.**

**5. Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012 –second reading**

**Hon Tolofuaivalelei Falemoe Leiataua moved, “*That the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012 be now read the second time and I would like to comment on it.*” Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Le Mamea Ropati / Hon Tuitama Talalelei Tuitama.**

**The Minister clarified the Bill.**

**Debate.**

**Proceedings of the Legislative Assembly were suspended at 10:40am and resumed at 11:12am.**

**ANNOUNCEMENT BY THE SPEAKER**

**The Deputy Speaker announced that a Seminar will be conducted after today's proceedings to commence at 1:00pm.**

**Debate continued on second reading.**

**Motion approved and Komesina o Sulufaiga (Ombudsman) Amendment Bill was read a second time.**

**Government Order of the Day No.6 called.**

**6. Customary Land Advisory Commission Bill 2012 – second reading**

**Hon Faamoetaulua Ulaitino Faale Tumaalii (Minister of Natural Resources and Environment) moved, “*That the Customary Land Advisory Commission Bill 2012 be now read the second time and I wish to briefly clarify it.*” Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tolofuaivalelei Falemoe Leiataua / Hon Manu'alesagalala Enokati Posala.**

**The Minister clarified the Bill.**

**Debate.**



**ANNOUNCEMENT BY THE SPEAKER.**

The Speaker announced that there will be a Seminar by the Parliamentary Taskforce Committee on Census and Development at the Luafatasaga Club House at 1:00pm today.

9. Proceedings of the Legislative Assembly at 1:00pm until 9:00am on Wednesday, 24 October 2012.

Susuga Laauli Leuatea Polataivao Fosi  
SPEAKER

Fepuleai Attila M. Ropati.  
CLERK

**WEDNESDAY 24 OCTOBER 2012**

1. **MEMBERS PRESENT:**

**MR. SPEAKER**

Susuga Hon Laauli Leuatea Polataivao Fosi

**CABINET**

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Afioga Hon Fiamé Naomi Mataafa, Tofa Hon Tuiloma Lameko, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati.

**MEMBERS**

Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaio manua Taea Maseapu, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Maualaivao Pat Ah Him, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Hon Tusa Misi Tupuola, Tofa Lenatai Victor Faafoi Tamapua, Afioga Lafaitale Patrick Leiataualesa, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Aeau Peniamina Leavaiseeta, Afioga Tufuga Gafualeata Faitua, Tofa Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Afioga Hon Gatoaifaana Amataga Alesana Gidlow, Tofa Agafili Patisela Eteuati Tolovaa, Afioga Hon Palusalua Faapo II, Tofa Levaopolo Talatonu.

2. **MEMBERS ABSENT:**

Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Afioga Hon Leaupepe Toleafoa Apulu

Faafisi, Tofa Motuopuaa Uifagasa Aisoli Vaai, Tofa Fagaivalu Kenrick Samu, Tofa Tuiloa Anitelea, Afioga Tuisa Tasi Patea, Afioga Peseta Vaifou Tevaga, Susuga Hon Papaliitele Niko Lee Hang.

3. The Legislative Assembly met at 9.00am.
4. Deputy 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. Customary Land Advisory Commission Bill 2012 – second reading**

Debate continued over second reading of Customary Land Advisory Commission Bill 2012.

Hon Tolofuaivalelei Falemoe Leiataua moved, *“That the Leader of the Opposition Party prepares confirmation to prove his accusations stating that Committee members collected leases. Secondly he accused the Hon Prime Minister and Cabinet of responding and providing confirmation therefore he must provide proof of this and if not Mr Speaker you should provide ruling.”* Seconded by Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi.

Motion approved.

Debate continued.

Hon Tolofuaivalelei Falemoe Leiataua moved, *“That the motion be withdrawn”.* Seconded by Hon Lafaitale Patrick Leiataualesa.

Motion approved and the motion was withdrawn.

Debate continued.

Motion approved and the Customary Land Advisory Commission 2012 was now read the second time.

**Government Order of the Day No.2 called.**

**2. Prisons and Corrections Bill 2012 – second reading**

Hon Sala Fata Pinati (Minister of Police, Prisons and Fire Services) moved, *“That the Prisons and Corrections Bill 2012 be now read the second time and I wish to briefly clarify it”.* Second by Hon Tolofuaivalelei Falemoe Leiataua / Hon Manu’alesagalala Enokati Posala / Hon Faamoetauloa Ulaitino Faale Tumaalii.

The Minister clarified the Bill.

**Debate.**

Proceedings of the Legislative Assembly were suspended at 10:40am for its usual recess and resumed at 11:10am.

**MOTION FOR ADJOURNMENT**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *“That our proceedings adjourn today and resume on the 18<sup>th</sup> December 2012 in accordance with our Parliamentary Sitting Program.”* Second by Hon Le Mamea Ropati / Hon Falemoetaulua Ulaitino Faale Tumaalii.

Motion approved and the Proceedings of the Legislative now adjourned until 18<sup>th</sup> December 2012 as scheduled in Parliamentary Sitting Program 2012.

Debate continued on second reading of Bill.

Motion approved and Prisons and Corrections Bill 2012 was read a second time.

Government Order of the Day No.3 called.

**3. Proceeds of Crime Amendment Bill 2012 – consideration in detail**

Hon Afoafouvale John Moors (Deputy Chairman Report of the Justice, Police & Prisons and Land & Titles Committee) moved, *“That the Legislative approves the Report of the Committee so that the Proceeds of Crime Amendment Bill 2012 progresses without Amendment”*. Second by Hon Taefu Lemi / Hon Tofa Tusa Misi Tupuola / Hon Soalo Mene / Hon Lenatai Victor Faafai Tamapua.

Question put and when the Affirmative have it, the Report of the Committee stood approved.

**CLAUSE 2: Forfeiture order on conviction.**

**Debate**

*Clause 2 approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Proceeds of Crime Amendment Bill 2012.**

*Approved.*

Proceeds of Crime Amendment Bill 2012 progressed without any Amendments.

6. Proceedings of the Legislative Assembly adjourned at 1:00pm until 9:00am on Tuesday, 18 December 2012 pursuant to Parliamentary Sitting Scheduled Program 2012.

**Susuga Laauli Leuatea Polataivao Fosi.  
SPEAKER**

**Fepuleai Attila M. Ropati.  
CLERK**

**TUESDAY, 18 DECEMBER 2012**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi Schmidt**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Afioga Hon Fiamé Naomi Mataafa, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati, Afioga Hon Tuitama Talalelei Tuitama.**

**MEMBERS**

**Afioga Hon Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Tofa Motuopuaa Uifagasa Aisoli Vaai, Afioga Toelesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaioamanu Taeu Maseapu, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Hon Palusalua Faapo II, Tofa Fagaavalu Kenrick Samu, Tofa Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Tofa Tuiloa Anitelea, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Faafoi Tamapua, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia Filisi, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Tusa Misi Tupuola, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Afioga Hon Gatoloaifaana Amataga Alesana-Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa.**

**2. MEMBERS ABSENT:**

**Afioga Levaopolo Talatonu, Afioga Aeau Peniamina Leavaiseeta, Tofa Tuileutu Alavaa Voi, Afioga Tufuga Gafualeata Faitua, Afioga Lafaitale Patrick Leiataualesa**

3. The Legislative Assembly met at 9.00am. pursuant to Parliamentary Sitting Scheduled Program 2012.

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

5. **MESSAGE FROM LE AO O LE MALO:**

Mr Speaker communicated the text of the Message from Le Ao o le Malo permitting the Legislative Assembly to consider the following Bills: -

(i) **Supplementary Appropriation Bill (No.1) 2012/2013.**

(ii) **Income Tax Amendment Bill 2012.**

(iii) **Lawyers and Legal Practice Bill 2012.**

6. **OBITUARY SPEECH:**

Mr Speaker announced the passing away of Afioga Masoe Filisi, who was elected as Member of Parliament of Samoa for many years.

Afioga Masoe Filisi was initially elected as Member of Parliament XI in the year 1993-1995 for the Territorial Constituency of Vaisigano No.1. Masoe Filisi was again elected as member of Parliament XII of Samoa by the Territorial Constituency of Vaisigano No.1. in 1996-2000. Masoe Filisi was again re-elected as a member of the Parliamentary term XIII of Samoa for the Territorial Constituency of Vaisigano No.1. for the years 2001-2005.

In 1996-2001, Afioga Masoe Filisi was elected as a member of the Petitions Committee, Internal Affairs & Environment and Foreign Affairs Committee; Justice, Police & Prisons, Land & Titles Committee and Primary Production Committee.

The House observed a minute of silence as a mark of respect for the member.

7. **PRESENTATION OF PAPERS:**

The Clerk read out the following Papers tabled in accordance with Standing Order 48:

(i) **S.R.2012/17, General Price Order (No.4) 2012.**

(ii) **S.R.2012/18, General Price Order (No.3) 2012.**

(iii) **S.R.2012/19, Dental Practitioners Regulations 2012.**

(iv) **S.R.2012/20, Pharmacy Regulations 2012.**

(v) **P.P.2012/2013 No.50, Government Responses on P.P.2011/2012 No.70, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P.2011/2012 No.54, Annual Report of the Ministry of Agriculture and Fisheries for the Year 2009/2010.**

(vi) **P.P. 2012/2013 No.51, Betting (Totalisator) Agency Board Statement of Income and Expenditure for the Year Ended 30<sup>th</sup> June 2011.**

(vii) **P.P.2012/2013 No.52, Government Responses on P.P.2011/2012 No.104, Report of the Business, Standing Orders, House and Electoral Commissioner on the General Elections 2011.**

- (viii) P.P.2012/2013 No.53, Annual Report of the Office of the Electoral Commissioner 2009-2010.
- (ix) P.P.2012/2013 No.54, Office of the Electoral Commissioner Annual Report 2010-2011.
- (x) P.P.2012/2013 No.55, Samoa National Provident Fund Annual Report 2012.
- (xi) P.P.2012/2013 No.56, Government Responses on P.P.2011/2012 No.73, Report of the Works, Transport and Environment Committee on P.P.2011/2012 No.14, Annual Report of the Samoa Ports Authority for the Financial Year Ending 30 June 2009.
- (xii) P.P.2012/2013 No.57, Samoa Post Corporate Plan 2013-2015.
- (xiii) P.P.2012/2013 No.58, Samoa Post Statement of Corporate Objectives 2013-2015.
- (xiv) P.P.2012/2013 No.59, Samoa Senior Citizens Benefit Fund Report of Operations and Statement of Accounts 2011/2012.

**MINISTERIAL STATEMENT BY THE HONORABLE PRIME MINISTER, SUSUGA HON TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (S.O.56)**

**The Prime Minister delivered a Ministerial Statement and a copy is attached below:-**

**Mr Speaker and Hon Members of the Legislative Assembly, Mr Speaker has conveyed our prayer to the Almighty. We are gathered here on this fine morning to deliberate our Supplementary Appropriations for the purpose of overseeing our objectives for the remainder of the current Financial Year that will end in June of next year. The Hon Minister of Finance will give his address at a later time.**

**Mr Speaker, our faith was again tested by Cyclone Evans on Thursday last week adding more challenges upon this Parliament. We should not be flabbergasted at the occurrence of such disasters because we are used to them from our past experiences. Meaning, a sudden occurrence of a natural disaster should not be treated as rare phenomenon. We issued warnings but there is also that trait of carelessness. The Almighty foretells all, there are times we experience periods of drought and there are times we experience periods of torrential rain. We are in the early stages of the wet season and coincidentally, a cyclone has hampered our journey at the outset.**

**We all know that questioning the will of God will entail more calamities. It is true that we sleep in peace unaware of the obstacles that awaits us in the break of dawn.**

**The Disaster Management Committee are working hard to administer post cyclone aid to victims as well as collecting data of families that have become homeless as a result of the extensive damage caused by the Cyclone. Areas located near rivers such as Vaisigano leading to Lelata, Magiagi, Siumu, Safata and Lefaga were among the worst affected. However, the whole country suffered because plantations including breadfruit trees and bananas were overturned. The damage was also recorded to our infrastructure with the severing of power lines, electricity poles being tipped causing a nationwide blackout to the Island of Upolu with the exception of Savaii that suffered minor damages.**

**We also have water connection problems which the Authority is working hard to restore. I extend my gratitude to people who donated food and clothes to victims staying in permanent refugee camps. I beg patience while the Government endeavors to provide assistance as soon as possible. It takes a collective effort from the**

Government, Organisations, Village councils of Alii ma Faipule and Churches to ensure the burden is not onerous.

It also needs to be said that the sooner we replant and re-cultivate our crops and land, the sooner we are able recover and replenish our food supply. I also offer condolences to families who lost loved ones during the cyclone. May they find permanent places and everlasting happiness in our Lord's Kingdom.

Mr Speaker, the Minister of Finance will clarify funds that have been collected to continue our developments for the remainder of the current Financial Year as we await financial assistance to continue mitigating our losses from Cyclone Evans.

God bless the remainder of our proceedings. Soifua.

**8. GOVERNMENT ORDERS OF THE DAY – Reading of Bills:**

**Government Order of the Day No.1 called.**

**1. Supplementary Appropriation Bill (No.1.) 2012/2013 - first reading.**

**Afioga Hon Faumuina Tiatia Faaolatane Liuga, Minister of Finance moved, “*That the Supplementary Appropriation Bill be now read a first time.*” Seconded by Afioga Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivaleleli Falemoe Leiataua.**

**Motion approved and the Bill was read a first time.**

**Government Order of the Day No. 2 called.**

**2. Supplementary Estimates Bill (No.1.) 2012/2013 – Tabling.**

**Hon Faumuina Tiatia Faaolatane Liuga, Minister of Finance tabled the Supplementary Estimates (No.1.) 2012/2013.**

**Government Order of the Day No. 3 called.**

**3. Supplementary Appropriation Bill (No.1.) 2012/2013 – motion for second reading.**

**Hon Faumuina Tiatia Faaolatane Liuga, Minister of Finance moved, “*That the Supplementary Appropriation Bill 2012 be now read a second time.*” Seconded by Hon Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau.**

**STATEMENT ON THE SUPPLEMENTARY APPROPRIATIONS (NO.1) 2012/2013**

**A copy of the Statement on the Supplementary Appropriations (No.1) 2012/2013 is given below, by the Minister of Finance - Hon Faumuina Tiatia Faaolatane Liuga.**

**Mr Speaker and members of Parliament, I am honored to table before the Legislative Assembly the First Supplementary Budget for the financial year 2012/2013.**

**Mr Speaker, our First Supplementary Budget 2012/2013 was formulated to reflect our present challenges. For Samoa alone, the primary focus of our Government is to boost economic activity and to foster a supporting environment for private businesses to flourish.**

**The devastation left by Cyclone Evans last week added pressure on the Government to take into account remedial works to repair our damaged infrastructure,**

rehabilitation initiatives for our affected people as well as remedying damages to our environment. All those areas have been included in this Supplementary Budget.

Mr Speaker, our Government is still determined to maintain its 3.5% deficit for the next three years. Based on this principle, the Supplementary Appropriation is prepared to ensure the continuation of our developments and continuous stimulation of our Economy.

Because of this, there is no recorded change in collected funds as passed in our Main Estimate 2012/2013. The funds allocated to Ministries are sourced from Government revenue distributed by the Ministry of Finance as well as the deferring of funds within Ministries budgets to continue their objectives for the remaining months of the Financial Year.

#### **FIRST SUPPLEMENTARY BUDGET**

I would like to provide in details some of the priority areas of the First Supplementary Estimates for the fiscal year 2012/2013.

#### **REVENUE.**

About \$12.56million additional revenue declared in this first supplementary estimate and will be sourced from the following:

1. \$1.86million from the sale of the government Quarry Company at Alafua.
2. \$9.8million government savings in the Central Bank of Samoa.
3. \$0.90million monetary gift from Chinese government for Samoa's 50 years Independence celebration.

#### **EXPENDITURE**

Mr Speaker a total of \$14.086million is intended for expenditures including taxes and I would like to provide in details as follow:

##### *(i). Ministry of Agriculture and Fisheries:*

- A provision of \$293,000 for the Ministry of Agriculture and Fisheries to host the Pacific Region Minister of Agriculture & Fisheries Meeting to be held in April 2013 in Samoa.
- To establish a main office for the ministry's communication services and payment of rent & leases of the Minister's office at the Government Building, Matagalalua.

##### *(ii). Ministry of Communication, Information and Technology:*

- A provision of \$730,000 for the Ministry of Communication, Information and Technology to finance the building of 2AP headquarter and the National broadband highway project in Samoa.

##### *(iii). Ministry of Finance.*

- A provision of \$2.7million reserve for the Ministry of Finance to build a car park and for the management of Tui Atua Tupua Tamasese Efi Building
- Government assistance to fund works; operational costs for PFL and payment of arrears of the Agriculture Store.

##### *(iv). Ministry of Foreign Affairs & Trade.*



- Additional provision of \$471,000 Establishment Costs for Consulate Office in Australia.
- (v). *Ministry of Health.*
- \$835,000 provision to finance additional works of the Oceania University of Medicine (OUM)
  - To fund new employment posts within the ministry and building of a metallic fence for the Health headquarter at Motoootua.
- (vi). *Ministry of Revenue.*
- A provision totaling \$127,000 to finance new employments within the ministry.
- (vii). *National Health Services.*
- \$1,000,000 to furnish the new national hospital at Motoootua.
- (viii). *Ministry of Natural Resources and Environment.*
- A provision of \$3.056million to finance additional works include compensations for land reserves at Malololelei
  - To build landfill areas at Tafaigata and Vaiaata, workers' overtime allowances, payment of internet costs for the Meteorological Office, purchase of water tanks under the Samoa Red Cross programme and a new office for Vaiaata station.
- (ix). *The Ministry of Natural Resources and Environment heads the reconstruction programme for Disaster Management or DMO:*
- A provision of \$5.1million for recovery and reconstruction works of Cyclone Evans.

Members of Parliament are hereby informed that funds allocated to our Supplementary Appropriations for the remainder of the Fiscal Year will facilitate recovery programs for cyclone victims as well as reconstruction works to our roads, restore water and electricity supply that were affected by Cyclone Evans.

Mr Speaker, these funds supplements the Main Estimates 2012/2013. We are also proposing a three year plan of recovery similar to the plan we effected following the 2009 tsunami.

In addition, we will use the 3% Unforeseen Expenditure inclusive of the Main Estimates approved by the House to remedy priority areas.

The Government is also expecting financial assistance from our overseas partners and I am delighted to inform the House that our Government has signed a contract with the Australian Government for AUSD\$50,000 for first response efforts while we await the arrival of financial assistance and aid from our other International partners.

I also acknowledge aid donated by the Government of Tutuila and Manua.

Mr Speaker those are the main areas targeted by our Supplementary Appropriations (No.1) 2012/2013.

I also wish to direct the attention of members to the fact that these funds are supplementary to the funds approved in our Main Estimates.

Suffice to say, the remaining six months of the current Financial Year will see the continuous monitoring of objectives performed by Government Ministries with the intention of creating an enabling economic environment that is beneficial for everyone. We also are wary of the effects of climate change and its implications on

small island states such as Samoa. Our Government is also prepared to strengthen financial policies for the purpose of ensuring that our journey is without complications.

Mr Speaker, on behalf of Government, I take this opportunity to extend our well wishes to you Mr Speaker and our Country for a Merry Christmas and a prosperous New Year. Soifua.

**Debate.**

**Pursuant to Supplementary Appropriation Bill (No.1) 2012/2013 for a period of not less than 14 days, and report back to the Main Estimates (No.1) 2012/2013 for the consideration of the Finance and Expenditure Committee and report back to the Legislative Assembly.**

**Government Order of the Day No. 4 called.**

**4. Income Tax Amendment Bill 2012 – first reading.**

**Hon Tuiloma Lameko, Minister of - moved, “*That the Income Tax Amendment Bill 2012 be now read a first time.*” Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Afioga Hon Tolofuaivaleleli Falemoe Leiataua.**

**Motion approved and Bill was read the first time.**

**Government Order of the Day No. 5 called.**

**5. Lawyers and Legal Practice Bill 2012 – first reading.**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “*That the Lawyers and Legal Practice Bill 2012 be now read a first time.*” Seconded by Hon Fonotoe Nuafesili Pierre Laufofo / Hon Faumuina Tiatia Faaolatane Liuga / Afioga Hon Tolofuaivaleleli Falemoe Leiataua.**

**Motion approved and Bill was read a first time.**

**Government Order of the Day No. 6. called**

**6. Samoa International Finance Authority Amendment Bill 2012 – consideration in detail.**

**Hon Papaliitele Niko Lee Hang (Chairman of Revenue and Expenditure Committee) moved, “*That the Assembly approves the Committee Report which recommends that the Samoa International Finance Authority Amendment Bill 2012 progresses with Amendments.*” Seconded Agafili Patisela Eteuati Tolovaa / Hon Magele Mauiliu / Hon Tafua Maluelue Tafua.**

**Question put and when the Ayes have it, the Report of the Committee stood approved.**

**CLAUSE 2: Interpretation.**

*Approved.*

**CLAUSE 3: Board of Directors.****“AMENDMENT:**

1. *To omit the expression “five” and substitute therewith the correct expression “four” thus Clause 3(1)(d) reads:-*

**“(1)(d) four other directors appointed by the Head of State, acting on the advice of Cabinet”.**

2. *To omit the expression “any” appearing in line two of clause 3(5) and substitute thereby the correct word “a” thus sub clause (5)*

**“(5) The Board may co-opt a person to assist it at any of its meetings, provided that such co-opted person shall have no right to vote at any Board meeting”.**

3. *To omit the word “any” which appears at the beginning of Clause 3(7) and substitute thereby the correct word “A” thus subclause 3(7) reads:-*

**“(7) A director appointed under subsection “(1)(d), may be removed from office by Cabinet for:**

- (i) Disability;*
- (ii) Inefficiency;*
- (iii) Neglect of duty;*
- (iv) Misconduct; or*
- (v) Permanent departure from Samoa”.*

*Amendment Approved.*

*Amendment for Clause 3 approved.*

**NEW CLAUSE 4: Board Members****“AMENDMENT:**

**To insert new clause 4 after clause 3 to read:**

**“4. Deputies of Directors – In section 7(1) of the Principal Act, for section “6(2)(e)”, substitute “6(1)(d)” to read:-**

**“7. Deputies of Directors- (1) If any director of the Board, other than a director appointed under section 6(1)(d), is temporarily incapacitated for any sufficient cause from attending a meeting of the Board, such director may authorize a senior officer from their Ministry, agency, firm or corporation, as the case may be, to attend that meeting as the deputy of such director.”**

*Amendment approved.*

*Amendment for New Clause 4 now approved.*

**“CONSEQUENTIAL AMENDMENTS**

**To rearrange the Arrangement of Provisions as follows:-**

- 1. Clause 4 to become Clause 5**
- 2. Clause 5 to become Clause 6**
- 3. Clause 6 to become Clause 7**
- 4. Clause 7 to become Clause 8**

*Amendment approved.*

*Consequential Amendment approved as amended*

**CLAUSE 5: Remuneration of Directors.**

*Approved.*

**CLAUSE 6: Meetings of the Board.**

*Approved.*

**CLAUSE 7: Chief Executive Officers.**

*Approved.*

**CLAUSE 8: Disclosure of interest.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and Commencement.**

**TITLE: Samoa International Finance Authority Amendment Bill  
2012.**

*Approved.*

**The Samoa International Finance Authority Amendment Bill 2012 progressed with Amendments.**

**Government Order of the Day No.7 called.**

**7. Samoa Institute of Accountants Amendment Bill 2012 – consideration in detail**

**Hon Papaliitele Niko Lee Hang moved, “*That the Legislative confirms the Report of the Committee recommending Parliament to proceed with the Samoa International Finance Authority Amendment Bill 2012 without amendments.*”** Seconded by Hon Gatoloaifaana Amataga Alesana Gidlow / Hon Tafua Maluelue Tafua.

**Question put and when the Ayes have it, the Report of the Finance & Expenditure Committee on the Samoa International Finance Authority Amendment Bill 2012 stood approved.**

**CLAUSE 2: Interpretation.**

*Approved.*

**CLAUSE 3: The term “chartered accountant’ to replace ‘public accountant’**

*Approved.*

**CLAUSE 4: Improper use of terms implying membership of Institute**

*Approved.*

**CLAUSE 5: Saving and transitional provision**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Samoa Insitute of Accountants Amendment Bill 2012**

*Approved.*

**The Samoa Institute of Accountants Amendment Bill 2012 proceeded without amendments.**

**Government Order of the Day No. 8 called.**

**8. Constitution Amendment Bill (No.2)2012 – second reading**

**Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, “*That the Constitution Amendment Bill (No.2) 2012 be now read the second time and I wish to clarify it.*”** Seconded by Hon Faumuina Tiatia Faaolatane Liuga.

**The Prime Minister clarified the Bill.**

Debates were interrupted for 3 minutes due to a transmission fault with the recording system.

Debate ensued.

Motion approved and the Constitution Amendment Bill 2012 was read the second time.

Government Order of the Day No.9 called.

9. Audit Bill 2012 (No.2.) – second reading

Hon Faumuina Tiatia Faaolatane Liuga moved, *“That the Audit Bill 2012 be now read the second time and I would like to briefly clarify it.”* Seconded by Hon Fonotoe Nuafesili Pierre Lauofo / Hon Tuiloma Lameko / Hon Tuisugaletaua Sofara Aveau.

The Minister clarified the Bill.

Debate.

Motion Approved and the Audit Bill 2012 was read the second time.

Government Order of the Day No. 10 called.

10. Samoan Language Commission Bill 2012 – second reading

Hon Mauiliu Magele, (Minister of Education, Sports & Culture) moved, *“That the Samoan Language Commission Bill 2012 be now read the second time and I would like to briefly clarify it,”* Seconded by Hon Faamoetaulua Ulaitino Faale Tumaalii / Hon Faumuina Tiatia Faaolatane Liuga / Hon Fonotoe Nuafesili Pierre Lauofo.

Proceedings of the Legislative Assembly were suspended at for its usual recess at 10:43am and resumed at 11:14am.

The Minister clarified the Bill.

Debate.

Debates were interrupted for 4 minutes due to difficulties with the recording system.

Debate resumed.

Motion approved and the Samoan Language Commission Bill 2012 was read the second time.

Order of the Day No. 11. called

11. Proceeds of Crime Amendment Bill 2012 – third reading

Hon Faumuina Tiatia Faaolatane Liuga moved, *“That the Proceeds of Crime Amendment Bill 2012 be now read the third time,”* Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leiataua.

**Motion approved and the Proceeds of the Crime Amendment Bill 2012 was now read the third time.**

**9. OTHER ANNOUNCEMENT BY MR SPEAKER**

**The Speaker announced that there is lapsed businesses, hence he reminded members to be extra prudent in contributing to delegated responsibilities for the upcoming year. He summed up that there at least 10 Bills that have been tabled. 36 Regulations, 53 Committee Reports are yet to be deliberated. He further advised all members for each Committee to be mindful of their responsibilities to ensure an efficient progress on Bills and in particular, Regulations and Reports and report back to Parliament proceedings of the Legislative Assembly.**

**that we have several matters that have not been reported back before Parliament, hence a reminder to all Committee members to be mindful of their responsibilities to ensure an efficient progress to Parliament proceedings in the upcoming year.**

**A thank you statement was delivered by the Prime Minister to all members of Parliament for the all the businesses and efforts contributed into Parliament throughout the year.**

**The Leader of Opposition responded by extending his gratitude to all members and in response to the Prime Minister's address.**

**10. Proceedings of the Legislative adjourned at 12:10pm until 9:00 am on Tuesday, 22<sup>nd</sup> January 2013 pursuant to Parliament Sitting Program Schedule 2012/2013.**

**Hon Laauli Leuatea Polataivao Fosi Schmidt  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

TUESDAY, 22 JANUARY 2013

1. MEMBERS PRESENT:

**MR. SPEAKER**

Susuga Hon Laauli Leuatea Polataivao Fosi Schmidt

**CABINET**

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati Afioga Hon Fiame Naomi Mataafa

**MEMBERS**

Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaomanu Taeu Masepau, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Hon Palusalua Faapo II, Afioga Aeau Peniamina Leavaiseeta, Tofa Motuopuaa Uifagasa Aisoli Vaai, Afioga Levaopolo Talatonu, Tofa Fagaaivalu Kenrick Samu, Afioga Tufuga Gafualeata Faitua, Afioga Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Tofa Tuiloa Anetelea, Afioga Lafaitete Patrick Leiataualesa, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Faafoi Tamapua, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Tusa Misi Tupuola, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa.

2. MEMBERS ABSENT:

Afioga Hon Leaupepe Toleafoa Apulu Faafisi.

3. The Legislative Assembly met at 9.00am.



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

5. **MESSAGE FROM LE AO O LE MALO:**

Mr Speaker communicated the Message from His Highness, O Le Ao o le Malo permitting the Legislative Assembly to consider the Bills as follows:-

- (i) Canine Control Bill 2013.
- (ii) Unit Trust of Samoa Loans Bill 2013.

6. **CERTIFICATE OF URGENCY:**

Pursuant to Standing Order 99(2), Mr Speaker communicated the Certificate of Urgency permitting the Legislative Assembly to consider the following Bills: -

- 1. Unit Trust of Samoa Loans Bill 2013.

7. **PRESENTATION OF SELECT COMMITTEE REPORTS:**

The Clerk read out the Papers tabled in accordance with S.O. 51(5):

- (i) P.P. 2012/2013 No. 62, Finance & Expenditure Committee Report on P.P. 2012/2013 No. 60 – First Supplementary Estimates of Receipts and Payments of the Government of Samoa for FY 2012/2013.
- (ii) P.P. 2012/2013 No. 63, Primary Production, Commerce, Industry & Labour Committee Report on the Personal Property Securities Bill 2012.
- (iii) P.P. 2012/2013 No. 64, Primary Production, Commerce, Industry & Labour Committee Report on the Labour and Employment Relations Bill 2012.
- (iv) P.P. 2012/2013 No. 65, Health and Social Services, Internal Affairs, Community and Social Development Committee Report on the Family Safety Bill 2012.
- (v) P.P. 2012/2013 No. 66, Works, Transport and Environment Committee Report on the Customary Land Advisory Commission Bill 2012.

**BUSINESS STANDING ORDERS, HOUSE AND ELECTORAL COMMITTEE MOTION:**

Tofa Agafili Patisela Eteuati Tolovaa, Deputy Chairman moved, *“That the Assembly approves the following Sitting Programme for 2013/2014 as approved by the Business, Standing Orders, House and Electoral Committee.”* Seconded by Lafaitale Patrick Leiataualesa / Hon Faumuina Tiatia Faaolatane Liuga / Hon Gatoloaifaana Amataga Alesana Gidlow.

<i>Month</i>	<i>Date</i>	<i>Month</i>	<i>Date</i>	<i>Month</i>	<i>Date</i>
<i>January</i>	<i>22</i>	<i>June</i>	<i>18</i>	<i>December</i>	<i>17</i>
<i>March</i>	<i>26</i>	<i>August</i>	<i>06</i>	<i>January</i>	<i>21</i>
<i>May</i>	<i>30</i>	<i>October</i>	<i>08</i>		

**Motion approved and Parliament Sitting Program for the Year 2013 stood approved.**

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

**Government Order of the Day No.1 called.**

**1. Canine Control Bill 2013 – first reading**

**Hon Sala Fata Pinati (Minister of Police, Prisons and Fire and Emergency Services) moved, “*That the Canine Control Bill 2013 be now read a first time.*” Seconded by Hon Lafaitale Patrick Leiataualesa / Hon Tolofuaivalelei Falemoe Leiataua.**

**Motion approved and the Canine Control Bill was read a first time.**

**Government Order of the Day No. 2. called.**

**2. Unit Trust of Samoa Loans Bill 2013 – first reading.**

**Hon Faumuina Tiatia Faaolatane Liuga (Minister of Finance) moved, “*That the Unit Trust of Samoa Loans Bill 2013 be now read a first time.*” Seconded by Hon Tuisugaletau Aveau Sofara / Hon Tolofuaivalelei Falemoe Leiataua**

**Motion approved and the Unit Trust of Samoa Loans Bill 2013 was read a first time.**

**Government Order of the Day No.3 called**

**3. Supplementary Appropriation Bill (No.1.) 2012/2013 – debate on second reading.**

**Debate continued.**

**Proceedings of the Legislative Assembly were set aside at 10:45am for its morning recess and resumed at 11:20am.**

**Debate ensued.**

**9. Proceedings of the Legislative Assembly were adjourned at 1:00pm until 9.00am on Wednesday, 23<sup>rd</sup> January 2013.**

**Hon Laauli Leuatea Polataivao Fosi Schmidt  
SPEAKER**

**Fepuleai Attila M. Ropati  
CLERK**

WEDNESDAY 23, JANUARY 2013

1. MEMBERS PRESENT

MR. SPEAKER

Susuga Hon Laauli Leuatea Polataivao Fosi Schmidt.

CABINET

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati Afioga Hon Fiamé Naomi Mataafa.

MEMBERS

Afioga Hon Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaiomanu Taeu Masepau, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Hon Palusalua Faapo II, Afioga Aeau Peniamina Leavaiseeta, Tofa Motuopuaa Uifagasa Aisoli Vaai, Afioga Levaopolo Talatonu, Tofa Fagaavalu Kenrick Samu, Afioga Tufuga Gafaleata Faitua, Afioga Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Tofa Tuiloa Anetelea, Afioga Lafaitale Patrick Leiataualesa, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Fafoi Tamapua, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Tusa Misi Tupuola, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa.

2. MEMBERS ABSENT:

Tofa Motuopuaa Uifagasa Aisoli Vaai

3. The Legislative Assembly met at 9.00am.

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

**5. GOVERNMENT ORDER OF THE DAY**

**Government Order of the Day No.1 called**

**1. Supplementary Appropriation Bill (No. 1.) 2012/2013 - Debate on second reading continued - Day 2.**

**Debate continued.**

**Proceedings of the Legislative Assembly suspended for its usual recess at 10.45am and resumed at 11.20am.**

**6. MOTION TO AMEND SITTING HOURS:**

**Hon Tuilaepa Sailele Malielegaoi (Prime Minister) moved, “That the Assembly continues proceedings from 3.00pm to 7.00pm today and complete final session/proceedings tomorrow, 24<sup>th</sup> January 2013.” Seconded by Hon Fonotoe Nuafesili Pierre Laufo / Hon Faumuina Tiatia Faaolatane Liuga / Hon Tolofuaivalelei Falemoe Leaitaua / Hon Le Mamea Ropati / Hon Tuisugaletaua Sofara Aveau.**

**Motion approved and Sitting Hours stood changed starting today Wednesday 23 January 2013 as follows:**

*Scheduled Sitting Hours:*  
*9:00am – 1:00pm*  
*3:00pm – 7:00pm*

**Debate continued on Supplementary Appropriation Bill (No.1.) 2012/2013 second reading.**

**Proceedings of the Legislative Assembly were suspended at 1:00pm until 3:00pm.**

**Debate continued.**

**Proceedings of the Legislative Assembly suspended at 4.43pm and resumed at 5.10pm.**

**Debate continued.**

**7. Proceedings were interrupted for adjournment of the Legislative Assembly at 7.00pm until 9.00am of Thursday, 24<sup>th</sup> January 2013.**

**Hon Laauli Leuatea Polataivao Fosi Schmidt**  
**SPEAKER**

**Fepuleai Attila M. Ropati**  
**CLERK**

**THURSDAY 24, JANUARY 2013**

**1. MEMBERS PRESENT**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi Schmidt.**

**CABINET**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati Afioga Hon Fiamé Naomi Mataafa.**

**MEMBERS**

**Afioga Hon Leaupepe Toleafoa Apulu Faafisi, Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaiomanu Taeu Masepau, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Hon Palusalua Faapo II, Afioga Aeau Peniamina Leavaiseta, Tofa Motuopuaa Uifagasa Aisoli Vaai, Afioga Levaopolo Talatonu, Tofa Fagaavalu Kenrick Samu, Afioga Tufuga Gafaleata Faitua, Afioga Lautafi Fio Selafi Purcell, Tofa Alo Fulifuli Taveuveu, Tofa Tuiloa Anetelea, Afioga Lafaitale Patrick Leiataualesa, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Fafoi Tamapua, Tofa Soalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Tusa Misi Tupuola, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa.**

2. **The Legislative Assembly met at 9.00am.**
3. **Mr Speaker took the Chair and said the Prayers.**
4. **GOVERNMENT ORDER OF THE DAY – Debate over second reading resumed - Day 3**
  1. **Supplementary Appropriation Bill (No.1) 2012/2013 – debate over second reading.**

Debate resumed.

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *“That two minutes be added to the speech of member as he comes to the end of his speech”*.

The motion was not seconded.

Debate continued.

Proceedings of the Legislative Assembly was suspended for its usual recess at 10.45am and resumed at 11.20am.

**MOTION TO AMEND SITTING HOURS:**

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi Prime Minister) moved, *“That the Assembly approves amendment of sitting hours for today. The following hours are followed: we will have recess at 1.00pm and will resume at 2.00pm to 6.00pm, recess again and continue at 7.00pm until 8:00pm. The point is that we need to complete our proceedings, but when we reach 6:00 in the morning, it will be good that we all attend the 6:00am morning service that is rung every morning.” This means, I move the motion that until 1:00pm we break, resume at 2:00pm until 6:00pm break, resume at 7:00pm until proceedings are over and thereon we can rest.”* Seconded by Hon Fonotoe Nuafesili Pierre Laufo / Hon Faumuina Tiatia Faaolatane Liuga / Hon Tolofuaivalelei Falemoe Leiataua.

Motion approved and Sitting Hours stood changed starting today, Thursday 24 January 2013 as follows:

*Sitting Hours Schedule:*

*9:00am – 1:00pm*

*2:00pm – 6:00pm*

*7:00pm until proceedings are completed as scheduled*

Debate resumed on the second reading of Supplementary Appropriation Bill (No.1) 2012/2013.

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *“That a minute and a half minute be extended to the Leader of Opposition’s time”* Seconded by Levaopolo Talatonu.

Motion was not granted.

Debate continued.

Proceedings of the Legislative Assembly was suspended for its normal recess at 1:00pm and resumed at 2.00pm.

Debate resumed.

Proceedings of the Legislative Assembly was suspended for its normal recess at 3.45pm and resumed at 4.20pm.

Debate resumed.

Proceedings of the Legislative Assembly was suspended for its normal recess at 6.00pm and resumed at 7.00pm.

Debate resumed.

Proceedings of the Legislative Assembly was suspended for its normal recess at 8.30pm and resumed at 8:45pm.

Debate resumed.

Motion approved as moved on the 18 December 2012 and the Supplementary Appropriation Bill (No.1.) 2012/2013 was read a second time.

Government Order of the Day No.2. called.

2. Supplementary Appropriation Bill No.1.) 2012/2013 – consideration in detail.

**FIRST SCHEDULE  
VOTES AND APPROPRIATIONS  
ADDITION IN APPROPRIATION**

MINISTRY	APPROPRIATION
AGRICULTURE, FORESTRY & FISHERIES	\$293,558
<i>Approved</i>	
COMMUNICATION & INFORMATION TECHNOLOGY	\$730,000
<i>Approved</i>	
FINANCE	\$2,705,000
Debate	
<i>\$2,705,000 was approved for the Ministry of Finance</i>	
FOREIGN AFFAIRS & TRADE	\$471,154
<i>Approved</i>	

**HEALTH** **\$1,835,748**

**Debate**

*\$1,835,748 was approved for the Ministry of Health.*

**NATURAL RESOURCES & ENVIRONMENT** **\$869,184**

**Debate**

*\$869,184 was approved for the Natural Resources & Environment.*

**REVENUE** **\$127,200**

*Approved*

**TOTAL ADDITIONAL OVERALL EXPENDITURE 2012/2013:**  
**\$14,855,844**

*Approved.*

**First Schedule approved and stands part of the Bill.**

**SECOND SCHEDULE  
 REDUCTION IN APPROPRIATION**

**AGRICULTURE, FISHERIES & FORESTRY** **\$(100,000).**

*Approved.*

**FINANCE** **\$(525,000).**

*Approved.*

**NATURAL RESOURCES & ENVIRONMENT** **\$(664,035).**

*Approved.*

**WORKS, TRANSPORT & INFRASTRUCTURE** **\$(1,000,000).**

*Approved.*

**TOTAL REDUCTION OVERALL EXPENDITURE 2012/2013:**  
**\$(2,289,035).**



*Approved.*

**Second Schedule approved and stands part of the Act.**

**CLAUSE 2: Grant and Appropriation of \$14,855,844 out of the Ministry of Finance.**

*Approved.*

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

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Supplementary Appropriation Bill (No.1.) 2012/2013.**

*Approved.*

**Supplementary Appropriation Bill (No.1.) 2012/2013 progressed without amendments.**

**Government Order of the Day No. 3. called.**

**3. Supplementary Appropriation Bill (No.1.) 2012/2013 – third reading**

**Hon Faumuina Faaolatane Liuga Tiatia moved, “*That the Supplementary Appropriation Bill (No.1.) be now read a third time.*” Seconded by Hon Tuisugaletau Sofara Aveau / Hon Faamoetaulua Ulaitino Faale Tumaalii / Hon Tolofuaivalelei Falemoe Leiataua.**

**Question was put and the Supplementary Appropriation Bill was read the third time and had passed by the Legislative Assembly.**

**Government Order of the Day No. 4. called.**

**4. Unit Trust of Samoa Loans Bill 2013 – second reading**

**Hon Faumuina Faaolatane Liuga Tiatia moved, “*That the Unit Trust of Samoa Loans Bill 2013 be now read the second time.*” Seconded by Hon Tuisugaletau Sofara Aveau.**

**Debate.**

**Motion approved and the Unit Trust of Samoa Loans Bill 2013 was read the second time.**

**Government Order of the Day No.5 called.**

**5. Unit Trust of Samoa Loans Bill 2013 – Consideration in detail**

**Clause 2: Interpretation**

*Approved.*

**Clause 3: Authority to borrow from UTOS**

*Approved.*

**Clause 4: Implementation of obligations under agreements**

*Approved.*

**Clause 5: Statutory expenditure.**

*Approved.*

**Clause 6: Arbitration.**

*Approved.*

**CLAUSE 1 AND THE TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Unit Trust of Samoa Loans Bill 2013**

*Approved.*

**The Unit Trust of Samoa Loans Bill 2013 has progressed without amendments.**

**Government Order of the Day No. 6. Called**

**6. Unit Trust of Samoa Loans Bill 2012/2013 – third reading**

**Hon Faumuina Liuga Faaolatane Tiatia moved, “*That the Unit Trust of Samoa Loans Bill 2013 be now read a third time.*” Seconded by Hon Tuisugaletaua Aveau Sofara.**

**Motion approved and the Unit Trust of Samoa Loans Bill 2013 was read a third time and had passed the Legislative Assembly.**

**Government Order of the Day No. 7. Called.**

**7. Income Tax Amendment Bill 2012 – second reading**

**Hon Tuiloma Lameko moved, “*That the Income Tax Amendment Bill 2012 be now read the second time and I wish to briefly clarify it.*” Seconded by Hon Faumuina Liuga Faaolatane Tiatia / Hon Tolofuaivalelei Falemoe Leaiataua.**

**Minister clarified the Bill.**

**Debate.**

Motion approved and the Income Tax Amendment Bill 2012 was read a second time.

Government Order of the Day No. 8. called.

8. Lawyers and Legal Practice Bill 2012 – second reading

Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved, *“That the Lawyers and Legal Practice Bill 2012 be now read the second time and I would like to clarify the Bill.”* Seconded by Hon Faumuina Liuga Faaolatane Tiatia.

The Prime Minister clarified the Bill.

Proceedings of the Legislative Assembly were suspended for its usual recess at 11:00pm and resumed at 11.45pm.

Debate.

Mr Speaker instructed removal of the following words from Hansard, comments made by the Member of Aleipata Itupa i Lalo: *“Accounts and lawyers are the biggest crooks under the sun.”*

Motion approved and the Lawyers and Legal Practice Bill 2012 was read a second time.

Government Order of the Day No. 9. Called

9. Samoa International Finance Authority Amendment Bill 2012 – third reading

Hon Faumuina Tiatia Faaolatane Liuga moved, *“That the Samoa International Finance Authority Amendment Bill 2012 be now read the third time”*. Seconded by Hon Tuisugaletau Sofara Aveau / Hon Tolofuaivalelei Falemoe Leaitaua.

Motion approved and the Lawyers and Legal Practice Bill 2012 was read the third time and had passed the Legislative Assembly.

Hon Papaliitele Niko Lee Hang moved, *“That there is a correction on Clause 1 and Title as follows:*

**“CORRECTIONS:**

*That the year “2012” be substituted to “2013” and Bill shall be read as follows:-*

**“SAMOA INTERNATIONAL FINANCE AUTHORITY AMENDMENT  
BILL 2013”**

*Correction approved.*

*Clause 1 and Title approved with Corrections.*

Motion approved and the Samoa International Finance Authority Amendment Bill 2012 progressed with Corrections.

**Government Order of the Day No. 10. called.**

**10. Samoa Institute of Accountants Amendment Bill 2012 – third reading**

**Hon Faumuina Tiatia Faaolatane Liuga moved, “That the Samoa Institute of Accountants Amendment Bill 2012 be now read the third time”. Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Tolofuaivalelei Falemoe Leaitaua.**

**Hon Papaliitele Niko Lee Hang moved, “That there is a correction on Clause 1 and title as follows:**

**“CORRECTIONS:**

**That the numerical “2012” be substituted with “2013’ hence the Bill shall be read as follows:-**

**“SAMOA INSTITUTE OF ACCOUNTANTS AMENDMENT BILL 2013”.**

*Correction approved.*

*Clause 1 and Title approved as corrected.*

**The Samoa Institute of Accountants Amendment Bill 2013 progressed with the Corrections.**

**Government Order of the Day No. 11. called.**

**11. Personal Property Securities Bill 2012 – consideration in detail**

**Hon Leaupepe Toleafoa Apulu Faafisi moved, “That the Legislative Assembly approves the Report of the Committee recommending the Assembly to progress with the Personal Property Securities Bill 2012 together with amendments”. Seconded by Hon Maualaivao Pat Ah Him.**

**CLAUSE 2: Interpretation.**

*Approved.*

**CLAUSE 3: Overview**

*Approved.*

**CLAUSE 4: Act binds Government.**

*Approved.*

**CLAUSE 5: Application**

*Approved.*

**CLAUSE 6: Obligations**

*Approved.*

**CLAUSE 7: Security interest in consumer goods.**

*Approved.*

**CLAUSE 8: Description of collateral.**

**Debate.**

*Clause 8 approved.*

**CLAUSE 9: Attachment of security interest.**

*Approved.*

**CLAUSE 10: Notice to account debtors not required.**

*Approved.*

**CLAUSE 11: Continuity of security interest.**

*Approved.*

**CLAUSE 12: Request for accounting or statement of account.**

*Approved.*

**CLAUSE 13: Security agreement.**

*Approved.*

**CLAUSE 14: Perfection of security interest.**

*Approved.*

**CLAUSE 15: Means of perfection in special cases.**

*Approved.*

**CLAUSE 16:      Meaninig of ‘possession’ in certain cases.**

*Approved.*

**CLAUSE 17:      Perfection by different means.**

*Approved.*

**CLAUSE 18:      Assignment of security interest.**

*Approved.*

**CLAUSE 19:      Lapse of perfection.**

*Approved.*

**CLAUSE 20:      General priority rules.**

*Approved.*

**CLAUSE 21:      Priority continues in proceeds.**

*Approved.*

**CLAUSE 22:      Purchase of secured sales contracts or instruments.**

*Approved.*

**CLAUSE 23:      Transferee exceptions.**

*Approved.*

**CLAUSE 24:      Puchase money security interest.**

*Approved.*

**CLAUSE 25:      Priority in fixtures.**

*Approved.*

**CLAUSE 26:      Crops.**

**Debate.**

*Clause 26 approved.*

**CLAUSE 27: Right in retention.**

*Approved.*

**CLAUSE 28: Priority in accessions.**

*Approved.*

**CLAUSE 29: Commingled goods.**

*Approved.*

**CLAUSE 30: Subordination.**

*Approved.*

**CLAUSE 31: Meaning of “knowledge.”**

**Approved.**

**CLAUSE 32: Establishment of electronic filing Registry.**

*Approved.*

**CLAUSE 33: Public record.**

*Approved.*

**CLAUSE 34: Initial notice.**

*Approved.*

**CLAUSE 35: Name of debtor and secured party**

*Approved.*

**CLAUSE 36: Effectiveness of notice.**

*Approved.*

**CLAUSE 37: Effects of change of circumstances.**

*Approved.*

**CLAUSE 38: Amendment of notice.**

*Approved.*

**CLAUSE 39: Continuation.**

*Approved.*

**CLAUSE 40: Termination.**

*Approved.*

**CLAUSE 41: Notice of objection.**

*Approved.*

**CLAUSE 42: Appointment of Registrar.**

*Approved.*

**CLAUSE 43: Registrar duties.**

*Approved.*

**CLAUSE 44: Refusal to file notice.**

**Debate.**

*Clause 44 approved.*

**CLAUSE 45: Search of filing office records and certified report**

*Approved.*

**CLAUSE 46: Fees set by regulation**

*Approved.*

**CLAUSE 47: Secured party rights upon default by debtor.**

*Approved.*



**CLAUSE 48: Recovery without judicial process in certain cases.**

*Approved.*

**CLAUSE 49: Expedited possession by secured party.**

*Approved.*

**CLAUSE 50: Right to dispose of collateral.**

*Approved.*

**CLAUSE 51: Commercial reasonableness required.**

*Approved.*

**CLAUSE 52: Secured party possession of collateral**

*Approved.*

**CLAUSE 53: Secured party possession by collateral.**

*Approved.*

**CLAUSE 54: Notice and claim of distribution**

*Approved.*

**CLAUSE 55: Application of proceeds and clear title of buyer**

*Approved.*

**CLAUSE 56: Retention of collateral by secured party.**

*Approved.*

**CLAUSE 57: Debtor's right to reinstate security agreement**

*Approved.*

**CLAUSE 58: Consequences of reinstating agreement.**

*Approved.*

**CLAUSE 59: Redemption**

*Approved.*

**CLAUSE 60: Remedies for secured party non-compliance**

*Approved.*

**CLAUSE 61: Pre-emption of conflicting Acts.**

*Approved.*

**CLAUSE 62: Regulations and orders**

*Approved.*

**CLAUSE 63: Offences**

*Approved.*

**CLAUSE 64: Repeal and transitional**

*Approved.*

**CLAUSE 65: Consequential amendments.**

*Approved.*

**CLAUSE 1 AND TITLE**

**CLAUSE 1: Short Title & Commencement**

**TITLE: Personal Property Securities Bill 2012**

**Hon Leaupepe Toleafoa Apulu Faafisi moved the Correction to Clause 1 as follows:**

**“CORRECTION:**

**Remove numerals “2012” and thereby substitute with “2013” to be read as follows:-**

**“PERSONAL PROPERTY SECURITIES BILL 2013”**

*Amendment approved.*

*Clause 1 and Title was approved with corrections.*

**The Personal Property Securities Bill 2013 has progressed with corrections.**

**MOTION FOR ADJOURNMENT:**

**Hon Tuilaepa Fatialofa Lupesoloai Aiono Neioti Sailele Malielegaoi (Prime Minister)** moved, “*That the Proceedings of the Legislative Assembly adjourn until Tuesday, 26<sup>th</sup> March 2013 pursuant to the Parliament Sitting Program 2013/2014*”. Seconded by **Hon Fonotoe Nuafesili Pierre Lauofo / Tolofuaivalelei Falemoe Leiaataua**.

**Motion approved.**

5. **Proceedings of the Legislative Assembly were adjourned at 1:20am until Tuesday, March 26<sup>th</sup> 2013 at 9:00 pursuant to Parliamentary Sitting Schedule Program 2013.**

**Susuga Hon Laauli Leuatea Polataivao Fosi**  
**SPEAKER**

**Fepuleai Attila M. Ropati**  
**CLERK**

**TUESDAY, 26<sup>th</sup> MARCH 2013**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi Schmidt**

**CABINET**

**Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Tofa Hon Tuiloma Lameko, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetaulua Ulaitino Faale Tumaalii, Afioga Hon Manualesagalala Enokati Posala, Afioga Hon Sala Fata Pinati Afioga Hon Fiamé Naomi Mataafa**

**MEMBERS**

**Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavava Voi, Tofa Lealailepule Rimoni Aiafi, Susuga Papalii Lio Faavaivaiomanu Taeu Masepau, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Hon Palusalua Faapo II, Afioga Aeau Peniamina Leavaiseeta, Afioga Levaopolo Talatonu, Tofa Fagaaivalu Kenrick Samu, Afioga Tufuga Gafualeata Faitua, Afioga Lautafi Fio Selafi Purcell, Tofa Tuiloa Anetelea, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Faafoi Tamapua, Tofa Sooalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Tusa Misi Tupuola, Afioga Maualaivao Pat Ah Him, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Susuga Hon Papaliitele Niko Lee Hang.**

**2. MEMBERS ABSENT**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Motuopuaa Uifagasa Aisoli Vaai, Tofa Alo Fulifuli Taveuveu, Afioga Lafaitale Patrick Leiataualesa, Tofa Agafili Patisela Eteuati Tolovaa.**

**3. The Legislative Assembly met at 9.00am pursuant to Parliament Sitting Schedule 2013.**

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

5. **MESSAGE FROM THE HEAD OF STATE**

Mr Speaker communicated the Message from His Highness, O Le Ao o le Malo permitting the Legislative Assembly to consider the following Bills:

- (i) Road Traffic Amendment Bill 2013.
- (ii) Ombudsman (Komesina o Sulufaiga) Bill 2013.
- (iii) National Health Service Bill 2013.

6. **PRESENTATION OF PAPERS**

The Clerk read out the Papers tabled pursuant to Standing Orders 48:

- (i) S.R.2013/1, General Price Order (No.1) 2013.
- (ii) S.R. 2013/2, Forestry Management Act 2011-Order for Fees.
- (iii) S.R. 2013/3, Notice of Change in Tariff per Unit of Electricity-Order of the Regulator No. 2013/E10.
- (iv) S.R. 2013/4, Casino and Gambling Control Act 2010 – Notice of Commencement.
- (v) P.P. 2012/2013 No.67, Ministry of Revenue Annual Report for the Year 2008-2009.
- (vi) P.P. 2012/2013 No.68, Ministry for Revenue Annual Report for the Year 2009-2010.
- (vii) P.P. 2012/2013 No.69, Ministry for Revenue Annual Report for the Year 2010-2011.
- (viii) P.P. 2012/2013 No.70, Ministry for Revenue Annual Report for the Year 2011-2012.
- (ix) P.P. 2012/2013 No.71, Samoa Ports Authority Annual Report for the Year 2011.
- (x) P.P. 2012/2013 No.72, Ministry of Commerce, Industry and Labour Annual Report for the Financial Year July 2010-June 2011.
- (xi) P.P. 2012/2013 No. 73, Land Transport Authority Annual Report July 2009-June 2010.
- (xii) P.P. 2012/2013 No.74, Update Report to Parliament of the Komesina o Sulufaiga (Ombudsman) to 30th June 2012.
- (xiii) P.P.2012/2013 No.75, Ministry of Agriculture and Fisheries Annual Report for July 2010-June2011.
- (xiv) P.P.2012/2013 No.76, Samoa Trust Estates Corporation 49th Annual Report and Accounts for Year Ended 30 June 2011.
- (xv) P.P. 2012/2013 No.78, Samoa Sports Facilities Authority Annual Report 2009/2010.
- (xvi) P.P. 2012/2013 No.79, Samoa Sports Facilities Authority Annual Report 2010/2011.
- (xvii) P.P.2012/2013 No.80, Samoa Qualitification Authority Statement of Corporate Objectives 2013-2015.
- (xviii) P.P. 2012/2013 No.91, Samoa Law Reform Commission Report on the Village Fono Act 1990, Report 09/12.
- (xix) P.P. 2012/2013 No.92 Corporate Plan of the Office of the Legislative Assembly for the years 2013-2015.
- (xx) P.P. 2012/2013 No.93, Samoa Law Reform Commission Report on the Commission of Inquiry Act 1964-Report 06/11.

**7. CONSIDERATION OF SELECT COMMITTEES REPORTS**

The Clerk read out the Reports of the Select Committees tabled pursuant to Standing Orders 51:

- (i) P.P. 2012/2013 No. 81, Report of the Justice, Police & Prisons and Land & Titles Committee on the Crimes Bill 2012.
- (ii) P.P. 2012/2013 No. 82, Report of the Justice, Police & Prisons and Land & Titles Committee on the Prisons and Corrections Bill 2012.
- (iii) P.P. 2012/2013 No. 83, Report of the Justice, Police & Prisons and Land & Titles Committee on the Attorney General's Office Bill 2012.
- (iv) P.P. 2012/2013 No. 85, Report of the Government Administration Committee on the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012.
- (v) P.P. 2012/2013 No. 86, Report of the Government Administration Committee on the P.P. 2012/2013 No.17, Annual Report of the Ministry of the Prime Minister and Cabinet, July 2010- June 2011.
- (vi) P.P. 2012/2013 No. 87, Report of the Works, Transport and Environment Committee on P.P. 2011/2012 No. 61, Statement of Corporate Objectives of the Samoa Water Authority for the Period 2010-2014.
- (vii) P.P. 2012/2013 No.88, Report of the Works, Transport and Environment Committee on P.P. 2011/2012 No. 87, Annual Report of the Ministry of Natural Resources and Environment for 2008-2009.
- (viii) P.P. 2012/2013 No.89, Report of the Health and Social Services, Internal Affairs Community and Social Development Committee on P.P. 2011/2012 No. 29, Annual Report of the National Kidney Foundation of Samoa for the Financial Year ended 30th June 2010.
- (ix) P.P. 2012/2013 No. 90, Report of the Health and Social Services, Internal Affairs Community and Social Development Committee on P.P. 2011/2012 No.33, Statement of Corporate Objectives of the National Provident Fund for 2012-2014.

**GOVERNMENT MOTION:**

Hon Fonotoe Nuafesili Pierre Lauofo moved, *“To defer P.P.2012/2013 No.85, Committee Report of the Government Administration Committee on the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012 from orders of the day”*. Seconded by Hon Tolofuaivalelei Falemoe Leिताua.

Motion carried in the affirmative to defer Report the Committee's report on the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012.

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

Government Order of the Day No.1 called.

**1. Road Traffic Amendment Bill 2013 – first reading**

Hon Manualesagalala Enokati Posala moved, *“That the Road Traffic Amendment Bill 2013 be now read the first time.”* Seconded by Hon Faamoetaulua Ulaitino Faale Tumaalii / Hon Tuitama Leao Talalelei Tuitama / Hon Tolofuaivalelei Falemoe Leिताua.

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No.2 called.**

**2. National Health Services Bill 2013 – first reading**

**Hon Tuitama Leao Talalelei Tuitama moved, “*That the National Health Services Bill 2013 be now read the first time.*” Seconded by Hon Faamoetaulua Ulaitino Faale Tumaalii / Hon Le Mamea Ropati / Hon Tolofuaivalelei Falemoe Leiataua.**

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No.3. called.**

**3. Ombudsman (Komesina o Sulufaiga) Bill 2013 – first reading.**

**Hon Tolofuaivalelei Falemoe Leiataua moved, “*That the Ombudsman (Komesina o Sulufaiga) Bill 2013 be now read the first time.*” Seconded by Hon Tuisugaletaua Sofara Aveau / Hon Le Mamea Ropati.**

**Motion approved and the Bill was read the first time.**

**Government Order of the Day No.4 called.**

**4. Personal Property Securities Bill 2013 – third reading**

**Hon Fonotoe Nuafesili Pierre Lauofo moved, “*That the Personal Property Securities Bill 2013 be now read a third time.*” Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tolofuaivalelei Falemoe Leiataua.**

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

**Government Order of the Day No.5 called.**

**5. Labour and Employment Relations Bill 2012 – consideration in detail**

**Hon Leaupepe Toleafoa Apulu Faafisi (Chairman) moved, “*That the Report of the Primary Production, Commerce, Industry and Labour Committee on the Labour and Employment Relations Bill 2012 be now considered in detail.*” Seconded by Hon Tuisa Tasi Patea.**

**Motion approved.**

**CLAUSE 2: Interpretation**

**Hon Leaupepe Toleafo Apulu Faafisi moved the correction to Clause 2 as follows:**

**“CORRECTION: (Samoan Version Only):**

*To remove “Faaleatunuu a Vaega Auai e Tolu” which appears in the Title and thereby substitute with “Aoao Faatafatolu” thus to be read as follows:*

**“Fono” o lona uiga o le Fono Aoao Faatafatolu ua faavaeina I lalo o le fuaiupu 4;”**

*Correction approved.*

*Clause 2 approved as corrected.*

**CLAUSE 3: Application of Act and existing legislation**

**Hon Leaupepe Toleafoa Apulu Faafisi moved the Correction to Section II as follows:**

**“CORRECTION:**

**To remove “FAALEATUNUU A VAEGA AUAI E TOLU” which appears in the Title and thereby substitute with “AOAO FAATAFATOLU” thus to be read as follows:**

**“VAEGA II  
FONO AOAO FAATAFATOLU”**

*Correction Approved*

*Section II approved as corrected.*

**CLAUSE 4: Establishment of the National Tripartite Forum**

**Hon Leaupepe Toleafoa Apulu Faafisi moved the Correction to Clause 4 as follows:**

**“CORRECTION (Samoan Version Only):**

***To remove the Title “Faaleatunuu a Vaega Auai e Tolu” which appears in the Title “Aoa Faatafatolu” which thus to be read as:***

**“4. Faavaeina o le Fono Aoa Faatafatolu.”**

***To remove the Title “Faaleatunuu a Vaega Auai e Tolu” which appears after the word “Fono” and before the word “to include” and thereby substitute thereby with “Aoa Faatafatolu” which thus to be read as follows:***

**(1) Ua faavaeina le Fono Aoa Faatafatolu e aofia ai sui auai e 12 nei.””**

**Debate**

*Correction approved.*

*Clause 4 approved as corrected.*

**CLAUSE 5: Terms of office of appointed members**

*Approved.*



**CLAUSE 6: Meetings of the Forum**

*Approved.*

**CLAUSE 7: Duties and functions of the Forum**

*Approved.*

**CLAUSE 8: Remuneration of Forum members**

**Debate.**

*Clause 8 approved.*

**CLAUSE 9: Powers of investigation and inquiry**

**Debate.**

*Clause 9 approved.*

**CLAUSE 10: Minister responsible for labour and employment relations**

*Approved.*

**CLAUSE 11: Ministry responsible for labor and employment relations**

*Approved.*

**CLAUSE 12: Functions of the Ministry**

*Approved.*

**CLAUSE 13: Duties of the Ministry**

*Approved.*

**CLAUSE 14: CEO and other officers**

**Debated**

*Clause 14 Approved.*

**CLAUSE 15: Delegation of powers by Minister**

*Approved.*

**CLAUSE 16: Powes of the CEO**

*Approved.*

**CLAUSE 17: Powers of Labour Inspectors**

*Approved.*

**CLAUSE 18: Forced labour**

*Approved.*

**CLAUSE 19: Prohibition of sex discrimination in employment**

**Debate**

*Clause 19 Approved.*

**CLAUSE 20: Fundamental rights and principles**

*Approved.*

**CLAUSE 21: Right to bargain collectively**

*Approved.*

**CLAUSE 22: Freedom of association**

*Approved.*

**CLAUSE 23: Wage period and payment**

*Approved.*

**CLAUSE 24: Time and payment of wages**

*Approved.*

**CLAUSE 24: Part-time employee protection**

*Approved.*

**CLAUSE 25: Mode of payment of wages**

*Approved.*

**CLAUSE 26: Part-time employee protection**

*Approved.*

**CLAUSE 27: Authorized deductions**

*Approved.*

**CLAUSE 28: Advances to employee**

*Approved.*

**CLAUSE 29: Remuneration other than wages**

*Approved.*

**CLAUSE 30: Transfer of employees**

*Approved.*

**CLAUSE 31: Employer not to stipulate mode of spending wages**

**Debate**

*Clause 31 Approved.*

**CLAUSE 32: Minimum wages**

*Approved.*

**CLAUSE 33: Illegal terms of a contract of service**

*Approved.*

**CLAUSE 34: Contract of service for wage periods longer than one month**

*Approved.*

**CLAUSE 35: Written contract of service**

*Approved.*

**CLAUSE 36: Employees appointed on probation**

*Approved.*

**CLAUSE 37: Contract of service involving person living with a disability**

*Approved.*

**CLAUSE 38: Work on Sunday**

**Debate**

**9. OTHER ANNOUNCEMENTS BY SPEAKER:**

**Speaker announced and welcomed the dignitaries who are here to strengthen our Parliamentary ties. The purpose of their visit is to contribute to a series of seminars we are hosting this week as part of our Parliamentary Strengthening Programme.**

**Members showed appreciation and approval by applauding to welcome the delegates from the Federal Parliament of Australia.**

**Debate continued on Clause 38.**

*Clause 38 approved.*

**CLAUSE 39: Public holidays**

*Approved.*

**CLAUSE 40: Annual leave**

*Approved.*

**CLAUSE 41: Payment in lieu of annual leave**

**Debate**

*Clause 41 approved.*

**CLAUSE 42: Sick leave**

*Approved.*

**CLAUSE 43: Maternity leave**

*Approved.*

**CLAUSE 44: Options for payment of maternity leave**

**Debate**

**Proceedings of the Legislative Assembly suspended at 10:45am for its usual recess and resumed at 11:20am.**

**Debate resumed.**

*Clause 44 approved.*

**CLAUSE 45: Maternity protection**

*Approved.*

**CLAUSE 46: Paternity leave**

**Debate.**

*Clause 46 approved.*

**CLAUSE 47: Hours of work**

*Approved.*

**CLAUSE 48: Overtime for extra work**

*Approved.*

**CLAUSE 49: Shift work**

*Approved.*

**CLAUSE 50: Piece of work**

*Approved.*

**CLAUSE 51: Employment of children**

*Approved.*

**CLAUSE 52: Termination of a contract of service**

*Approved.*

**CLAUSE 53: Termination of a contract of service for an unspecified period or task**

*Approved.*

**CLAUSE 54: Termination of a contract of service for an unspecified period.**

*Approved.*

**CLAUSE 55: Payment to be made in lieu of notice**

*Approved.*

**CLAUSE 56: Notice period not required in certain cases**

*Approved.*

**CLAUSE 57: Misconduct and abuse**

*Approved.*

**CLAUSE 58: Employment permit required**

*Approved.*

**CLAUSE 59: Application for employment permit**

*Approved.*

**CLAUSE 60: Granting of employment permit**

**Debate.**

*Clause 60 approved.*

**CLAUSE 61: Revocation of employment permit**

*Approved.*

**CLAUSE 62: Register of employment permit**

*Approved.*

**CLAUSE 63: CEO may conciliate**

*Approved.*

**CLAUSE 64: Conciliation committee**

*Approved.*

**CLAUSE 65: Employers' panel of assessors**

*Approved.*

**CLAUSE 66: Employees' panel of assessors**

*Approved.*

**CLAUSE 67: Panel of chairperson**

*Approved.*

**CLAUSE 68: Publication of panels**

**Debate**

*Clause 68 Approved.*

**CLAUSE 69: Vacancies in panels**

*Approved.*

**CLAUSE 70: Procedure and remuneration of a conciliation committee**

*Approved*

**CLAUSE 71: Conciliation committee meetings to be private**

*Approved.*

**CLAUSE 72: Agreements to be registered**

*Approved.*

**CLAUSE 73: Registered agreements**

*Approved.*

**CLAUSE 74: CEO to keep register of agreements**

*Approved.*

**CLAUSE 75: Inspection of agreements**

*Approved.*

**CLAUSE 76: Jurisdiction and powers of Supreme Court**

*Approved.*

**CLAUSE 77: Civil proceedings**

*Approved.*

**CLAUSE 78: Offences and penalties**

*Approved.*

**CLAUSE 79: Fees**

*Approved.*

**CLAUSE 80: Forms**

*Approved.*

**CLAUSE 81: Protection from liability**

**Debate.**

*Clause 81 approved.*

**CLAUSE 82: Offences relating to Labor Inspectors**

*Approved.*



**CLAUSE 83: Regulations**

**Debate.**

*Clause 83 approved.*

**CLAUSE 84: Repeal**

*Approved.*

**CLAUSE 85: Savings and transitional**

*Approved*

**SCHEDULES**

*Approved*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short and Title Commencement**

**TITLE: Labour and Employment Relations Act 2012**

**Hon Leaupepe Toleafoa Apulu Faafisi moved the Correction to Clause 1 and title as follows:**

**“CORRECTIONS:**

**To omit the number “2012” and substitute thereby the number “2013” thus the Bill reads:-**

**“LABOUR AND EMPLOYMENT RELATIONS ACT 2013.”**

*Approved with Corrections.*

*Clause 1 approved as corrected.*

**The Labour and Employment Relations Act 2013 progressed with Corrections.**

**Government Order of the Day No.6 called.**

**6. Family Safety Bill 2012 – Consideration in detail**

**Hon Tuitama Leao Talelei Tuitama moved, “That the Legislative Assembly approves the Report of the Committee recommending the progress of the Family Safety Bill 2012 together with Corrections and Amendments.” Seconded by Hon Tafua Maluelue Tafua / Hon Mauaivaio Peter Ah Him.**

**Motion approved.**

**CLAUSE 2: Interpretation**

*Approved.*

**CLAUSE 3: Act to bind the Government**

*Approved*

**CLAUSE 4: Application for protection order**

*Approved.*

**CLAUSE 5: Interim protection orders**

*Approved.*

**CLAUSE 6: Protection orders where respondent does not appear on due date**

*Approved.*

**CLAUSE 7: Protection orders where respondent appears on due date**

*Approved.*

**CLAUSE 8: Court procedures for protection of complainant**

*Approved.*

**CLAUSE 9: Protection Orders available to the Court**

*Approved.*

**CLAUSE 10: Court's power to impose conditions on protection order**

*Approved.*

**CLAUSE 11: Breach of protection order**

*Approved.*

**CLAUSE 12: Variation or setting aside of protection order**

*Approved.*

**CLAUSE 13: Seizure of arms and dangerous weapons**

*Approved.*

**CLAUSE 14: Attendance of proceedings and prohibition of publication of certain information**

*Approved.*

**CLAUSE 15: Duty to assist and inform complainants of rights**

**Hon Gatoloaifaana Amataga Alesana Gidlow moved the Amendment to Clause 15 as follows:**

**“AMENDMENT:**

**Clause 15:**

**To omit subclause (3) where it appears”.**

*Amendment approved.*

*Clause 15 approved with Amendment*

**CLAUSE 16: Duty to Prosecute**

**Hon Gatoloaifaana Amataga Alesana Gidlow moved the Amendment to Clause 16 as follows:-**

**“AMENDMENT:**

- i. To omit subclause (2)**
- ii. Renumber subclauses (3), (4) and (5) as follows:**

**Subclause (3) to become subclause (2)**

**Subclause (4) to become subclause (3)**

**Subclause (5) to become subclause (4)**

*Amendment approved.*

*Clause 16 approved with Amendment.*

**CLAUSE 17: Sentencing**

*Approved.*

**CLAUSE 18: Offences and Penalties**

*Approved.*

**CLAUSE 19: Evidence and Procedure**

*Approved.*

**CLAUSE 20: Police Officers to assist Registrar**

*Approved.*

**CLAUSE 21: Application for Restraining Orders under the Divorce and Matrimonial Causes Ordinance 1961.**

*Approved.*

**CLAUSE 22: Forms**

*Approved.*

**CLAUSE 23: Fees**

*Approved.*

**CLAUSE 24: Protection from liability**

*Approved.*

**CLAUSE 25: Regulations**

*Approved.*

**CLAUSE 26: Consequential amendments**

*Approved.*

**CLAUSE 1 AND TITLE**

**CLAUSE 1: Short and Title Commencement**

**TITLE: Family Safety Act 2012”**

**Hon Gatoloifaana Amataga Alesana-Gidlow moved the correction to Clause 1 and title as follows:**

**“CORRECTION:**

**Clause 1:**

*To omit the numeral “2012” and substitute thereby the number “2013” thus the Act reads:*

**“FAMILY SAFETY ACT 2013.”**

*Correction approved.*

*Clause 1 and Title approved with Corrections.*

**The Family Safety Act 2013 progressed with Amendments and Corrections.**

**Government Order of the Day No.7 called.**

**7. Customary Land Advisory Commission Bill 2012 - Consideration in detail**

**Hon Tusa Misi Tupuola moved, “That the Legislative Assembly confirm the Report of Works, Transport and Environment Committee on the Customary Land Advisory Commission Bill 2012 be progressed with Amendments and Corrections.” Seconded by Hon Afoafouvale John Moors.**

**Motion Approved.**

**CLAUSE 2: Interpretation**

*Approved.*

**CLAUSE 3: Act to bind the Government**

*Approved.*

**CLAUSE 4: Establishment**

**Debate**

*Clause 4 approved*

**CLAUSE 5: Removal, resignation and vacancy**

*Approved.*

**CLAUSE 6: Functions and powers**

**Debate**

*Clause 6 approved.*

**CLAUSE 7: Meetings and committees**

*Approved.*

**CLAUSE 8: Fees, allowances and other conditions**

*Approved.*

**CLAUSE 9: Reports**

*Approved.*

**CLAUSE 10: Staff**

*Approved.*

**CLAUSE 11: Funds and accounts**

*Approved.*

**CLAUSE 12: Exemption from liability**

*Approve.*

**CLAUSE 13: Regulations**

*Approved.*

**CLAUSE 14: Dissolution**

**Debate**

*Clause 14 approved.*

**CLAUSE 15: Consequential amendment**

*Approved*

**CLAUSE 1 AND TITLE**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Customary Land Advisory Commission Act 2012**

Hon Tofa Tusa Misi Tupuola moved the Amendment to Clause 1 and Title as follows:

**“CORRECTION:**

**Clause 1:**

To omit the numeral “2012” and substitute thereby the number “2013” thus the Act reads:-

**“CUSTOMARY LAND ADVISORY COMMISSION ACT 2013.”**

*Correction approved.*

*Clause 1 and Title approved as corrected.*

**The Customary Land Advisory Commission Bill 2012 progressed with Corrections.**

**Government Order of the Day No.8 called.**

**8. Canine Control Bill 2013 – second reading**

**Hon Sala Fata Pinati moved, “That the Canine Control Bill 2013 be now read the second time and I wish to clarify it.” Seconded by Hon Manualesagalala Enokati Posala / Hon Faamoetauloa Ulaitino Faale Tumaalii.**

**The Minister clarified the Bill.**

**Debate**

**SPEAKER’S ANNOUNCEMENT**

**Speaker announced that pursuant to the event to launching of the the Office of the Legislative Assembly Website and Corporate Plan at 1:00pm today, hence Parliament proceedings will now be adjourned until 9:00am Wednesday, 27 March 2013. The invitation is also extended to the Australian Delegation and members to witness this very important event.**

- 10. Proceedings of the Legislative Assembly were interrupted at 1:00pm until 9:00am Wednesday, 27 March 2013.**

**Hon Laauli Leuatea Polataivao Fosi  
SPEAKER**

**Fepuleai Attila Ropati  
CLERK**

**WEDNESDAY, 27<sup>th</sup> MARCH 2013**

**1. MEMBERS PRESENT:**

**MR. SPEAKER**

**Susuga Hon Laauli Leuatea Polataivao Fosi Schmidt.**

**CABINET**

**Tofa Hon Fonotoe Nuafesili Pierre Lauofo, Afioga Hon Faumuina Tiatia Liuga, Afioga Hon Tuisugaletaua Sofara Aveau, Tofa Hon Tolofuaivaleleli Falemoe Leiataua, Afioga Hon Le Mamea Ropati, Afioga Hon Tuitama Talalelei Tuitama, Afioga Hon Magele Mauiliu, Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii, Afioga Hon Sala Fata Pinati Afioga Hon Fiamé Naomi Mataafa.**

**MEMBERS OF PARLIAMENT**

**Tofa Hon Tuuu Anasii Leota, Afioga Toeolesulusulu Cedric Pose Salesa Schuster, Tofa Tapuai Toese Ah Sam, Tofa Aveau Nikotemo Palamo, Tofa Tuileutu Alavaa Voi, Tofa Lealailepule Rimoni Aiafi, Afioga Afualo Wood Uti Salele, Tofa Lefau Harry Schuster, Afioga Hon Palusalua Faapo II, Afioga Aeau Peniamina Leavaiseeta, Afioga Levaopolo Talatonu, Tofa Fagaaivalu Kenrick Samu, Afioga Tufuga Gafualeata Faitua, Afioga Lautafi Fio Selafi Purcell, Tofa Tuiloa Anetelea, Afioga Tuisa Tasi Patea, Tofa Lenatai Victor Faafoi Tamapua, Tofa Sooalo Mene, Afioga Taefu Lemi, Afioga Afoafouvale John Moors, Afioga Ifopo Matia, Afioga Tialavea Fea Tionisio Seigafolava, Afioga Tusa Misi Tupuola, Afioga Peseta Vaifou Tevaga, Afioga Tafua Maluelue Tafua, Afioga Muagututagata Faamausili Auimatagi Peter Ah Him, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Susuga Hon Paliitele Niko Lee Hang, Tofa Agafili Patisela Eteuati Tolovaa.**

**2. MEMBERS ABSENT:**

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi, Tofa Hon Tuiloma Lameko, Afioga Hon Manualesagalala Enokati Posala, Tofa Motuopuaa Uifagasa Aisoli Vaai, Susuga Papalii Lio Faavaivaomanu Taeu Masepau, Tofa Alo Fulifuli Taveuveu, Afioga Lafaitale Patrick Leiataualesa, Afioga Maualaivao Pat Ah Him.**

**3. The Legislative Assembly met at 9.00am.**

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



**5. PRESENTATION OF SELECT COMMITTEES REPORTS**

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

1. P.P. 2012/2013 No. 94, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2011/2012 No. 66, Report of Operations and Statement of Accounts of the Samoa Senior Citizens Benefit Fund 2010/2011 and P.P. 2012/2013 No. 59, Samoa Senior Citizens Benefit Fund Report of Operations and Statement of Accounts 2011/2012.
2. P.P. 2012/2013 No. 95, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2011/2012 No. 94, Ministry of Health Annual Report for the Financial Year 2009-2010.
3. P.P. 2012/2013 No. 96, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2011/2012 No. 64, National Provident Fund Annual Report for the Year 2011.

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

Government Order of the Day No.1 called.

1. Canine Control Bill 2013 – Debate Continued on second reading from Day 1.

Debate resumed.

Proceedings of the Legislative Assembly were set aside at 10:40am for its normal recess and resumed at 11:20am.

Debate continued on Canine Control Bill 2013.

Motion approved and the Canine Control Bill 2013 was now read a second time.

**MOTION TO SET ASIDE STANDING ORDERS**

Hon Fonotoe Nuafesili Pierre Lauofo moved, *“That the Standing Orders 31(1) be set aside to allow for the extension of our sitting times until the third reading of the Crime’s Amendment Bill 2013”*. Seconded by Hon Fiame Naomi Mataafa / Hon Tolofuaivalelei Falemoe Leiatua / Hon Tuitama Talalelei Tuitama.

Motion approved and the Standing Orders 31(1) was suspended.

Government Order of the Day No.2 called.

2. Canine Control Bill 2013 – Consideration in Detail

**CLAUSE 2: Interpretation**

*Approved.*

**CLAUSE 3: Service to administer this Act**

*Approved.*

**CLAUSE 4: Recognition of roles of non-government bodies**

**Debate**

*Clause 4 approved.*

**CLAUSE 5: Delegation of powers**

*Approved.*

**CLAUSE 6: Commencement of this Part**

**Debate**

*Clause 6 approved.*

**CLAUSE 7: Canines to be registered**

**Debate**

*Clause 7 approved.*

**CLAUSE 8: Mode of registration to extend over Samoa**

**Debate**

*Clause 8 approved.*

**CLAUSE 9: Registration to extend over Samoa**

*Approved.*

**CLAUSE 10: Change of ownership**

*Approved.*

**CLAUSE 11: Liability of owner failing to produce registration receipt**

**Debate**

*Clause 11 approved.*

**CLAUSE 12: Registration marks, badges etc**

*Approved.*

**CLAUSE 13: Penalty for canines not wearing approved marks, badges etc**

**Debate**

*Clause 13 approved.*

**CLAUSE 14: Powers of Canine Control Officers to deal with canines**

**Debate**

*Clause 14 approved.*

**CLAUSE 15: Offences against this Part**

*Approved.*

**CLAUSE 16: Civil liability for breaches of this Part**

*Approved.*

**CLAUSE 17: Diseased and neglected canines**

*Approved.*

**CLAUSE 18: Diseased canines at large**

*Approved.*

**CLAUSE 19: Female canines on heat**

**Debate**

*Clause 19 approved.*

**CLAUSE 20: Owner commits offence for canine attack, etc**

**Debate.**

*Clause 20 approved.*

**CLAUSE 21: Owner commits offence for canine attack**

**Debate**

*Clause 21 approved.*

**CLAUSE 22: Canines seen attacking persons etc**

*Approved.*

**CLAUSE 23: Canines running at large among cattle**

*Approved.*

**CLAUSE 24: Bans and controls on certain species**

*Approved.*

**CLAUSE 25: Bans or controls on canines in certain places and limits on numbers**

*Approved.*

**CLAUSE 26: Village by-laws for canine control**

**Debate**

*Clause 26 approved.*

**CLAUSE 27: Programs of de-sexing and birth control**

**Debate**

*Clause 27 approved.*

**CLAUSE 28: Protection from liability**

*Approved.*

**CLAUSE 29: Regulations**

*Approved.*

**CLAUSE 30: Repeal and savings**

*Approved.*

**CLAUSE 1 AND TITLE**

**CLAUSE 1: Short Title and Commencement**  
**TITLE: Canines Control Act 2013.**

*Approved.*

The Canine Control Bill 2013 progressed without any amendments.

Government Order of the Day No.3. called.

**3. Canine Control Bill 2013 – third reading**

Hon Sala Fata Pinati moved, *“That the Canine Control Bill 2013 be now read the third time.”* Seconded Hon Faamoetaulua Ulaitino Faale Tumaalii / Hon Le Mamea Ropati.

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

Government Order of the Day No.4 called.

**4. Labour and Employment Relations Bill 2013 – third time**

Hon Fonotoe Nuafesili Pierre Lauofo moved, *“That the Labour and Employment Relations Bill 2013 be now read the third time.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga.

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

Government Order of the Day No.5 called.

**5. Family Safety Bill 2013 – third reading**

Hon Fiamē Naomi Mataafa moved, *“That the Family Safety Bill 2013 be now read the third time.”* Seconded by Hon Faumuina Tiatia Liuga / Hon Gatoloaifaana Amataga Alesana-Gidlow.

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

Government Order of the Day No.6 called.

**6. Customary Land Advisory Commission Bill 2013 – third reading**

Hon Faamoetaulua Ulaitino Faale Tumaalii moved, *“That the Customary Land Advisory Commission Bill 2013 be now read the third time.”* Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tolofuaivalelei Falemoe Leiataua.

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

Government Order of the Day No.7 called.

**7. Crimes Bill 2013 – Consideration in detail**

Hon Tuisa Tasi Patea moved, *“That the Legislative Assembly confirms the Report of the Committee to allow for the Crimes Bill 2013 to proceed with Amendments and Corrections.”* Seconded by Hon Lenatai Victor Tamapua / Hon Sooalo Mene / Afioga Afoafouvale John Moors

**Motion approved.**

**CLAUSE 2: Interpretation**

**Afioga Tuisa Tasi Patea moved the Amendment to Clause 2 as follows:**

**“AMENDMENT:**

**“Interpretation “obtain a material benefit”**

**To insert the expression “or omitting to do” before the expression “in relation to doing” thus the new explanatory for “obtain a material benefit” reads:-**

**“obtain a material benefit” in relation to doing or omitting to do a thing, mean obtain, directly or indirectly, any goods, money, pecuniary advantage, privilege, property, or other valuable consideration of any kind for doing or omitting to do the thing (or taking or omitting to take an action that forms part of doing or omitting to do the thing);**

*Clause 2 Approved with Amendment*

**CLAUSE 3: Meaning of Samoa**

*Approved*

**CLAUSE 4: Application**

*Approved.*

**CLAUSE 5: Persons not to be tried in respect of things done outside of Samoa**

*Approved.*

**CLAUSE 6: Place of commission of offence**

*Approved.*

**CLAUSE 7: Jurisdiction in respect of crimes on ships or aircraft beyond Samoa**

*Approved.*

**CLAUSE 8: Extraterritorial jurisdiction**

*Approved.*

**CLAUSE 9: Offences not to be punishable except under Samoan Acts**

*Approved.*

**CLAUSE 10: Offence under more than one enactment.**

*Approved.*

**CLAUSE 11: General rule as to justifications**

*Approved.*

**CLAUSE 12: Infancy**

*Approved.*

**CLAUSE 13: Insanity**

*Approved.*

**CLAUSE 14: Compulsion**

*Approved.*

**CLAUSE 15: Ignorance of the law**

*Approved.*

**CLAUSE 16: Consent to death**

**Debate**

*Clause 16 approved.*

**CLAUSE 17: Self-defence**

*Approved.*

**CLAUSE 18: Defence of dwelling house**

**Debate**

*Clause 18 approved.*

**CLAUSE 19: Defence of land or building**

**Debate**

*Clause 19 approved.*

**CLAUSE 20: Defence of moveable property**

*Approved.*

**CLAUSE 21: Excessive force**

*Approved.*

**CLAUSE 22: Execution of warrant**

*Approved.*

**CLAUSE 23: Arrest by a constable pursuant to statutory powers**

**Debate.**

*Clause 23 Approved.*

**CLAUSE 24: Arrest by a constable of person believed to have committed an offence**

**Debate**

*Clause 24 approved.*

**CLAUSE 25: Arrest by other officers or persons pursuant to statutory powers**

*Approved.*

**CLAUSE 26: Persons assisting constable or officer in arrest**

*Approved.*

**CLAUSE 27: Arrest of persons found committing crime by night**

*Approved.*

**CLAUSE 28: Arrest of person believed to be committing crime by night**

*Approved.*

**CLAUSE 29: Arrest after commission of certain crimes**



*Approved.*

**CLAUSE 30: Arrest during flight**

*Approved.*

**CLAUSE 31: Force used in executing process**

*Approved.*

**CLAUSE 32: Preventing escape or rescue**

**Debate**

*Clause 32 approved.*

**CLAUSE 33: Parties to offences**

*Approved.*

**CLAUSE 34: Party to crime outside Samoa**

*Approved.*

**CLAUSE 35: Party to offences other than that intended**

*Approved.*

**CLAUSE 36: Accessory before the fact**

*Approved.*

**CLAUSE 37: Accessory after the fact**

*Approved.*

**CLAUSE 38: Conspiracy to commit offence**

*Approved.*

**CLAUSE 39: Attempt to commit or procure commission of offence**

*Approved.*

**CLAUSE 40: Treason**

*Approved.*

**CLAUSE 41: Inciting to hostility**

*Approved.*

**CLAUSE 42: Unlawful assembly**

*Approved.*

**CLAUSE 43: Disorderly assembly**

**Debate.**

*Clause 43 approved.*

**CLAUSE 44: Riot**

*Approved.*

**CLAUSE 45: Forcible entry**

*Approved.*

**CLAUSE 46: Unlawful intimidation**

*Approved.*

**CLAUSE 47: General dishonesty against the Government**

*Approved.*

**CLAUSE 48: "Sexual intercourse" defined**

**Afioga Tuisa Tasi Patea moved the Amendment to Clause 48 to be as follows:-**

**"AMENDMENT:**

**To insert the expression "of the female's genitalia by male penis"  
after the word "penetration" thus the new clause 48 reads:-**

**“48- For the purposes of this Part, sexual intercourse is complete upon penetration of the female’s genitalia by male penis and there shall be no presumption of law that any person is by reason of his or her age incapable of such intercourse:.**

*Amendment approved.*

*Clause 48 approved with amendment.*

**CLAUSE 49: “Sexual violation” defined**

*Approved.*

**CLAUSE 50: “Sexual connection” defined**

**Afioga Tuisa Tasi Patea moved the amendment on Clause 50 (b) to be as follows:-**

**“AMENDMENT:**

**Clause 50(b):**

**To delete the expression “or breasts” after the expression “anus or” as it appears in “paragraph (b)” thus the new paragraph (b) reads:**

**“(b) connection between the mouth or tongue or any part of the body of any person and any part of the genitalia or anus of any other person;”**

*Amendment approved.*

*Clause 50 approved with Amendment.*

**CLAUSE 51: Circumstances which do not in themselves amount to consent**

**Afioga Tuisa Tasi Patea moved the Amendment on Clause 51 to be as follows:-**

**“AMENDMENT:**

**To insert new subclause (3) to provide justification or excuse to read:-**

**“Option 2**

**(3) it is a defence for the offence of rape that the accused honestly and reasonably believed that the consent was given”.**

*Amendment approved.*

*Clause 51 approved with amendment.*

**CLAUSE 52: Penalty for sexual violation**

*Approved.*

**CLAUSE 53: Attempted sexual violation and assault with intent to commit sexual violation**

*Approved.*

**CLAUSE 54: Sexual conduct with a family member**

*Approved.*

**CLAUSE 55: Incest**

**Afioga Hon Tuisa Tasi Patea moved the amendment on Clause 55 (3) to be as follows:-**

**“AMENDMENT:**

**To delete the figure “14” and substitute thereby the correct figure “20” thus new subclause 55(3) reads” –**

**“(3) A person who is or over the age of 16 years who commits incest is liable to imprisonment for a term not exceeding 20 years”.**

*Amendment approved.*

*Clause 55 approved with Amendment.*

**CLAUSE 56: Sexual conduct with a family member**

**Tuisa Tasi Patea moved the Amendment to Clause 56 as follows:**

**“AMENDMENT:**

**Clause 56:**

**To insert the expression “with or” after the expression “indecent act” as it appear in subclause (3) and subclause (6), thus new subclause 56(3) & (6) reads:**

**“(3) A person is liable to imprisonment for a term not exceeding 14 years who does an indecent act with or on a dependant family member under the age of 21 years”.**

**“(6) Indecent act with or on a dependent family member includes indecently assaulting the dependant family member.”**

*Amendment approved.*

*Clause 56 approved with Amendment.*

**CLAUSE 57: “Dependent family member” defined**

*Approved.*

**CLAUSE 58: Sexual conduct with a child under 12**

**Tuisa Tasi Patea moved the Amendment to Clause 58 as follows:**

**“AMENDMENT:**

**1. To delete number “10” as it appears in subclause (3) and substitute therewith the correct figure “14” thus the new subclause (3) reads:**

**“(3) a person who does an indecent act with or on a child is liable to imprisonment for a term not exceeding 14 years.”**

**2. To insert the expression “with or” after the expression “ indecent act” as it appears in subclause (3) and subclause (6), thus the new subclause (6) reads:**

**“(6) In this section:**

**“child” means a person under the age of 12 years doing an indecent act with or on a child includes indecently assaulting the child”.**

*Amendment approved.*

*Clause 58 approved with Amendment*

**CLAUSE 59: Sexual conduct with young person under 16**

**Tuisa Tasi Patea moved the Amendment to Clause 59 as follows:-**

**“AMENDMENT:**

**To insert the expression “with or” after the expression “indecent act” as it appears in subclause (3) and subclause (5), thus the new subclause 59(3) & (5) read:-**

“(3) A person who does an indecent act with or on a young person is liable to imprisonment for a term not exceeding seven (7) years”.

“(5) In this section;  
“young person” means a person who is 12 years or over and under the age of 16 years; and  
“doing an indecent act with or on a young person.”

*Amendment approved.*

*Clause 59 approved with Amendment.*

**CLAUSE 60: Indecent assault**

*Approved.*

**CLAUSE 61: Defence to charge unde section 59**

**Debate**

*Clause 61 Approved.*

**CLAUSE 62: Using threats of intimidation for the purpose of sexual conduct**

*Approved.*

**CLAUSE 63: Sexual conduct with severely intellectually disabled person**

*Approved.*

**CLAUSE 64: Voyeurism**

*Approved.*

**CLAUSE 65: Adultery by married persons**

**Debate**

*Clause 65 Approved.*

**CLAUSE 66: Adultery with married person**

**Debate.**

*Clause 66 approved.*

**CLAUSE 67: Sodomy**

*Approved.*

**CLAUSE 68: Attempts to commit sodomy**

*Approved.*

**CLAUSE 69: Criminal nuisance**

*Approved.*

**CLAUSE 70: Brothel keeping**

*Approved.*

**CLAUSE 71: Keeping place of resort for homosexual acts**

*Approved.*

**CLAUSE 72: Prostitution**

*Approved.*

**CLAUSE 73: Solicitation**

*Approved.*

**CLAUSE 74: Living on earnings of prostitution**

*Approved.*

**CLAUSE 75: Procuring sexual intercourse**

*Approved.*

**CLAUSE 76: Indecent act in a public place**

**Debate**

*Clause 76 approved.*

**CLAUSE 77: Indecent act with intent to insult or offend**

*Approved.*

**CLAUSE 78: Bigamy**

*Approved.*

**CLAUSE 79: Fegned marriage**

*Approved.*

**CLAUSE 80: Misconduct in respect of human remains**

*Approved.*

**CLAUSE 81: Distribution or exhibition of indecent matter**

*Approved.*

**CLAUSE 82: Publication, Distribution or exhibition of indecent material on child**

*Approved.*

**CLAUSE 83: Standard of care required of persons under legal duties**

*Approved.*

**CLAUSE 84: Duty to provide the necessary of life**

*Approved.*

**CLAUSE 85: Duty of parent or guardian to provide necessities.**

**Afioga Tuisa Tasi Patea moved the Amendment to Clause 85 to be as follows:-**

**“AMENDMENT:**

**To delete the number “16” and substitute thereby the figures “18” thus the new subclause 85(1) reads:-**



“(1) A person who as a parent or person in place of a parent is under a legal duty to provide necessaries for any child under the age of 18 years, being a child in his or her actual custody, is criminally responsible for omitting without lawful excuse to do so, whether the child is helpless or not, if the death of a child is caused, or if his or her life is endangered or his health permanently injured, by such omission.”

*Amendment approved.*

*Clause 85 Approved with Amendment.*

**CLAUSE 86: Abandoning child under 6 years**

*Approved.*

**CLAUSE 87: Duty of persons doing dangerous acts**

*Approved.*

**CLAUSE 88: Duty of persons in charge of dangerous things**

*Approved.*

**CLAUSE 89: Duty to avoid omissions dangerous to life**

*Approved.*

**CLAUSE 90: Homicide defined**

*Approved.*

**CLAUSE 91: Killing of a child**

*Approved.*

**CLAUSE 92: Culpable homicide**

*Approved.*

**CLAUSE 93: Death must occur within a year and a day**

*Approved.*

**CLAUSE 94: Killing by influence on the mind**

*Approved.*

**CLAUSE 95: Acceleration of death**

*Approved.*

**CLAUSE 96: Causing death that might have been prevented**

*Approved.*

**CLAUSE 97: Causing injury the treatment of which causes death**

*Approved.*

**CLAUSE 98: Indirect cause of death**

*Approved.*

**CLAUSE 99: Murder defined**

**Afioga Tuisa Tasi Patea moved the Amendment to Clause 99 to be as follows:-**

**“AMENDMENT:**

**To delete paragraph “(c)” and substitute the new paragraph to read:-**

- “(c) if the offender-**
  - (i) means to cause death; or**
  - (ii) means to cause bodily injury known to the offender to be likely to cause death, and is reckless whether death ensues or not- to one person, and by accident, mistake or otherwise kills another person, through he or she does not mean to hurt the person killed, or”**

*Amendment approved.*

*Clause 99 approved with Amendment.*

**CLAUSE 100: Further definition of “murder”**

*Approved.*

**CLAUSE 101: Provocation**

*Approved*

**CLAUSE 102: Manslaughter**

*Approved.*

**CLAUSE 103: Punishment**

*Approved.*

**CLAUSE 104: Attempt to murder**

*Approved.*

**CLAUSE 105: Conselling or attempt to procure murder**

*Approved.*

**CLAUSE 106: Conspiracy to murder**

*Approved.*

**CLAUSE 107: Accessory after the fact to murder**

*Approved.*

**CLAUSE 108: Punishment of manslaughter**

*Approved.*

**CLAUSE 109: Killing unborn child**

*Approved.*

**CLAUSE 110: Infanticide**

*Approved.*

**CLAUSE 111: "Miscarriage" defined**

*Approved.*

**CLAUSE 112: Procuring abortion by any means**

**Debate**

*Clause 112 approved.*

**CLAUSE 113: Female procuring her own miscarriage**

*Approved.*

**CLAUSE 114: Supplying means of procuring abortion**

*Approved.*

**CLAUSE 115: Effectiveness of means used immaterial**

*Approved.*

**CLAUSE 116: Meaning of “unlawfully”**

*Approved.*

**CLAUSE 117: Concealing dead body of a child**

*Approved.*

**CLAUSE 118: Causing serious bodily injury with intent**

*Approved.*

**CLAUSE 119: Causing injury**

*Approved.*

**CLAUSE 120: Injuring by reckless endangerment**

*Approved.*

**CLAUSE 121: Injuring in the course of criminal conduct**

*Approved.*

**CLAUSE 122: Aggravated assault**

*Approved.*

**CLAUSE 123: Common assault**

*Approved.*

**CLAUSE 124:   Disabling**

*Approved.*

**CLAUSE 125:   Setting traps**

*Approved.*

**CLAUSE 126:   Impeding rescue**

*Approved.*

**CLAUSE 127:   Using firearm against law enforcement officer**

*Approved.*

**CLAUSE 128:   Using firearm in commission of crime**

*Approved.*

**CLAUSE 129:   Threats to kill or do grievous bodily harm**

*Approved.*

**CLAUSE 130:   Kidnapping**

*Approved.*

**CLAUSE 131:   Abduction of child under 16 years**

*Approved.*

**CLAUSE 132:   Interpretation**

*Approved.*

**CLAUSE 133:   Judicial corruption**

*Approved.*

**CLAUSE 134: Bribery of judicial officer etc**

*Approved.*

**CLAUSE 135: Corruption and bribery of a Minister of the Government of Samoa**

**Debate**

*Clause 135 approved with Amendment*

**CLAUSE 136: Corruption and bribery of member of Parliament**

**Debate**

*Clause 136 approved with Amendment*

**CLAUSE 137: Corruption and bribery of law enforcement officer**

*Approved*

**CLAUSE 138: Corruption and bribery of official**

*Approved.*

**CLAUSE 139: Perjury**

*Approved.*

**CLAUSE 140: Fabricating evidence**

*Approved.*

**CLAUSE 141: Conspiring to defeat justice**

*Approved.*

**CLAUSE 142: Breaking prison**

*Approved.*

**CLAUSE 143: Escape**

*Approved.*

**CLAUSE 144: Rescue**

*Approved.*

**CLAUSE 145: Threatening words or behavior to member of Parliament or Officer**

*Approved*

**CLAUSE 146: Participating in organized criminal group**

*Approved.*

**CLAUSE 147: Corrupt use of official information**

*Approved.*

**CLAUSE 148: Use or disclosure of personal information**

*Approved.*

**CLAUSE 149: Bribery of foreign public official - definitions**

*Approved.*

**CLAUSE 150: Bribery in Samoa of foreign public official**

*Approved.*

**CLAUSE 151: Bribery outside Samoa of foreign public official**

*Approved*

**CLAUSE 152: Exception for lawful acts in country of foreign public official**

*Approved.*

**CLAUSE 153: Terms used in this Part of the Act**

*Approved.*

**CLAUSE 154: Smuggling migrants**

*Approved.*

**CLAUSE 155: Trafficking in people by means of coercion or deception**

*Approved.*

**CLAUSE 156: Aggravating factors**

*Approved.*

**CLAUSE 157: Dealing in people under 18 for sexual exploitation**

*Approved.*

**CLAUSE 158: Attorney General's consent to prosecutions required**

*Approved.*

**CLAUSE 159: Interpretation**

*Approved.*

**CLAUSE 160: Matters of ownership**

*Approved.*

**CLAUSE 161: Theft or stealing**

*Approved.*

**CLAUSE 162: Theft by person in special relationship**

*Approved.*

**CLAUSE 163: Theft of animals**

*Approved.*

**CLAUSE 164: Theft by spouse or partner**

*Approved.*

**CLAUSE 165: Punishment of theft**

*Approved.*

**CLAUSE 166: Ineffectual defences to charge of theft**



*Approved.*

**CLAUSE 167: Receiving**

*Approved.*

**CLAUSE 168: Punishment of receiving**

*Approved.*

**CLAUSE 169: Dishonestly taking or using document**

*Approved.*

**CLAUSE 170: Criminal breach of trust**

*Approved.*

**CLAUSE 171: Taking, obtaining or copying trade secrets**

*Approved.*

**CLAUSE 172: Obtaining by deception or causing loss by deception**

*Approved.*

**CLAUSE 173: Punishment of obtaining by deception or causing loss by deception**

*Approved.*

**CLAUSE 174: Burglary**

*Approved.*

**CLAUSE 175: Aggravated Burglary**

*Approved.*

**CLAUSE 176: Robbery**

*Approved.*

**CLAUSE 177: Aggravated Robbery**

*Approved.*

**CLAUSE 178: Unlawful entry of building by night**

*Approved.*

**CLAUSE 179: Assault with intent to rob**

*Approved.*

**CLAUSE 180: Demanding with intent to steal etc**

*Approved.*

**CLAUSE 181: Blackmail**

*Approved.*

**CLAUSE 182: Arson**

*Approved.*

**CLAUSE 183: Attempted Arson**

*Approved.*

**CLAUSE 184: Intentional Damage**

*Approved*

**CLAUSE 185: Endangering transport**

*Approved.*

**CLAUSE 186: Causing disease or sickness in animal**

*Approved.*

**CLAUSE 187: Contaminating food, crops, water or other products**

*Approved.*

**CLAUSE 188: Threatening to kill or do grievous bodily harm**

*Approved.*

**CLAUSE 189: Threatening to destroy property**

*Approved.*

**CLAUSE 189: Threats of harm to people or property**

*Approved.*

**CLAUSE 190: Threats of harm to people or property**

*Approved.*

**CLAUSE 191: Threatening acts**

*Approved.*

**CLAUSE 192: Conspiring to prevent collection of rates or taxes**

*Approved.*

**CLAUSE 193: Interpretation**

*Approved.*

**CLAUSE 194: Forgery**

*Approved.*

**CLAUSE 195: Using forged documents**

*Approved.*

**CLAUSE 196: Altering, concealing, destroying, or reproducing documents with intent to deceive.**

*Approved.*

**CLAUSE 197: Using altered or reproduced documents with intent to deceive**

*Approved.*

**CLAUSE 198: False accounting**

*Approved.*

**CLAUSE 199: Counterfeiting public seals**

*Approved.*

**CLAUSE 200: Counterfeiting corporate seals**

*Approved.*

**CLAUSE 201: Possessing forged bank notes**

*Approved.*

**CLAUSE 202: Paper or implements or forgery**

*Approved.*

**CLAUSE 203: Imitating authorized or customary marks**

*Approved.*

**CLAUSE 204: Offences involving coinage**

*Approved.*

**CLAUSE 205: Interpretation**

*Approved.*

**CLAUSE 206: Accessing electronic system without authorization**

*Approved.*

**CLAUSE 207: Accessing electronic system for dishonest purpose**

*Approved.*

**CLAUSE 208: Illegal remaining in an electronic system**

**Debate**

*Clause 208 approved with Amendment*

**CLAUSE 209: Illegal interception**

*Approved.*

**CLAUSE 210: Damaging or interfering with electronic data**

*Approved.*

**CLAUSE 211: Illegal acquisition of electronic data**

*Approved.*

**CLAUSE 212: Illegal devices**

*Approved.*

**CLAUSE 213: Illegal devices**

*Approved.*

**CLAUSE 214: Making, selling, distributing or possessing software for committing a crime**

*Approved.*

**CLAUSE 215: Identity fraud**

*Approved.*

**CLAUSE 216: Forgery of electronic data**

*Approved.*

**CLAUSE 217: SPAM**

*Approved.*

**CLAUSE 218: Solicitation of children**

*Approved.*

**CLAUSE 219: Harrasment utilizing means of electronic communication**

*Approved.*

**CLAUSE 220: Consequential amendments to the Telecommunications Act 2005.**

*Approved.*

**CLAUSE 221: Consent of Attorney General to prosecution**

*Approved.*

**CLAUSE 222: Contempt of Court**

*Approved.*

**CLAUSE 223: Regulations**

*Approved.*

**CLAUSE 224: Repeal of the Crimes**

*Approved.*

**CLAUSE 225: Proceedings pursuant to the repealed Ordinance**

*Approved.*

**CLAUSE 226: Repealed Ordinance continue to have effect**

*Approved.*

**CLAUSE 227: Consequential Amendments.**

**Tuisa Tasi Patea moved the Amendment to Clause 227 as follows:**

**“AMENDMENT:**

**To insert new subclause “(3) to cover sending of indecent messages through SMS:**

**“(3) The Indecent Publication Ordinance 1960 is amended: (a)**

**In section 2:**

**(i) in the definition of “indecent document” by inserting “electronic device after film”**

**(ii) By inserting the following new definition:**

**“electronic device” means any device capable of storing, transmitting, communicating or transferring data, voice, images or any other matter; and**

**(iii) In the definition of “film” by adding the following new paragraph;**

“(ba) a video clip; and;

**In Section 3:**

(i) in subsection (1), by adding “or any other means” after “post);

(ii) in subsection (4)(a), by deleting “3 months” and substituting “2 years”.

*Approved amendments.*

*Clause 227 approved with Amendments.*

**CLAUSE 228: Savings and transitional provisions**

*Approved.*

**CLAUSE 1 AND TITLE**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Crimes Bill 2012**

Afioga Tuisa Tasi Patea moved the Correction to Clause 1 and the title to be as follows:

“CORRECTION:

To remove the numbers “2012” and thereby substitute with “2013” which thus to read the name of the title as:-

“CRIMES ACT 2013”

*Corrections approved.*

*Clause 1 and title now approved with corrections.*

**The Crimes Bill 2013 now progressed with Amendments and Corrections.**

**MOTION TO SUSPEND STANDING ORDERS**

Hon Fonotoe Nuafesili Pierre Laufofo moved, “*That the Standing Orders 107(4) be set aside, to allow for the third reading of the Crimes Bill 2013.*” Seconded by Hon Faumuina Tiatia Faaolatane Liuga / Hon Tuisugaletaua Sofara Aveau.

**Motion approved and the Standing Orders 107(4) was now set aside.**

**Government Order of the Day No.8 called.**

**8. Crimes Bill 2013 – third reading**

Hon Sala Fata Pinati moved, “*That the Crimes Bill 2013 be now read the third time.*” Seconded by Hon Faumuina Tiatia Faaolatane Liuga.

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

**ACKNOWLEDGEMENT AND MOTION FOR ADJOURNMENT**

The Deputy Prime Minister, Hon. Fonotoe Nuafesili Pierre Laufo acknowledged everyone's presence in today's proceedings and wished everyone a safe Easter celebration.

Hon Fonotoe Nuafesili Pierre Laufo moved, "*That the Proceedings of the Legislative Assembly be adjourned until 9:00am Thursday, 30 May 2013 pursuant to Parliament Sitting Schedule Program 2012/2013.*" Seconded by Hon Faumuina Tiatia Liuga / Hon Tuisugaletaua Sofara Aveau.

**RESPONSE BY THE LEADER OF OPPOSITION SIDE**

The Leader of the Opposition Side, Hon Palusalua Faapo II rose to offer a responsive speech on behalf of the Opposition members to extend their gratitude and appreciation towards the Deputy Prime Minister, Cabinet and Associate Ministers and everyone present in the House today and Samoa as a whole.

Question was put and was carried in the Affirmative, the proceedings of the Legislative Assembly were adjourned until 9:00am on Thursday, 30 May 2013.

**MR SPEAKER'S ANNOUNCEMENT**

Speaker reminded everyone that a Government Prayer Meeting that is held on a weekly basis every Wednesdays will be held tonight at the Prayer House, Palisi at 7:00pm. All members are welcomed to join, to be followed by a farewell cocktail for the Australian delegates at Monalisa Hotel Vaitele.

7. Proceedings of the Legislative Assembly now adjourned at 2:50pm until 9:00am on Thursday, 30<sup>th</sup> May 2013.

Hon Laauli Leuatea Polataivao Schmidt  
SPEAKER

Fepuleai Attila M. Ropati  
CLERK