

Day 1: Tuesday 17 March 2015
9:00am – 1.00pm

I. GOVERNMENT ORDERS OF THE DAY

1. Ports Authority Amendment Bill 2014 (Second Reading)

The **Hon Minister of Works, Transport and Authority MANUALESAGALALA Enokati Posala** moved a motion for the Bill be read a second time. Upon the motion being moved, the Hon Minister presented a brief clarification of the Bill to the House. The objective of the Bill is to amend the Principal Act of 1998 and sets out the transfer of ownership of the Mulifanua and Salelologa ports from Samoa Ports Authority to Samoa Shipping Corporation Limited. According to the Hon Minister, there are currently 24 daily trips made between these ports and having one body to manage these ports is more feasible for the public and the services rendered.

- i. **PAPALII Lio Taeu Masepau, Member for Faasaleleaga No. 2** acknowledged the Bill and supported the changes to improve services at the ports. Recommended to the Hon Minister to reconsider the operation of the Salelelologa wharf, that it should be developed like the Mulifanua wharf. The Member's overarching concern is the possibility of increased boat fares for the people as the result of any debts that will be transferred upon the Corporation when this legislation is passed.

- ii. **LEAUPEPE Toleafoa Apulu Faafisi, Member for Aana Alofi No. 1** expressed gratitude to the Government for these changes and expressed his view that this change will set precedence for all other bodies with overlapping functions to merge or incorporate into one entity.

The **Hon MINISTER** in response to recommendation by **Member of Faasaleleaga No. 2**, clarified that development of Salelologa wharf is in progress. Furthermore, on the matter raised regarding debts, the Hon Minister clarified that this is provided for in Clause 3 of the Bill. The **Hon PRIME MINISTER** in addition, clarified that the amendments provided for in this proposed bill were a result of occurring problems.

- iii. **LEVAOPOLO Talatonu, Member of Gagaemauga No. 2** acknowledged the Bill and improved services for Savaii. However, the Member raised concerns of competition with the private sector as well as internal audits between the ports and the Matautu Port.
- iv. **IFOPO Matia Filisi, Member of Aiga i le Tai** expressed gratitude for the Bill and reminded the Minister that there is also a wharf at Manano that should be considered.
- v. **Hon GATOLOTAIFAANA Amataga Alesana – Gidlow, Member for Faasaleleaga No. 1** expressed gratitude for the Bill and recommended that there should be a method in which the elderly, postnatal mothers and children are given priority boarding on the ferries as it is a safety hazard, especially during the busy seasons.

- vi. **AVEAU Nikotemo Palamo, Member for Faleata East** noted that Samoa Ports Authority are currently considering an increase in fares and recommended that this should be removed when the ownership is transferred. Furthermore, the Member queried whether the debts would also be transferred as was queried by the Member for Faasaleleaga No.2.
- vii. **LEALAILEPULE Rimoni Aiafi: Member for Faleata West** stated that these amendments go against normal practice in the operation of Shipping Services and Ports Services, however, made note that the amendment is to improve services. The Member also raised concerns about the foresight of Government in regards to privatization. Furthermore, the Member stated that there is a need for specific clarifications as to the operation of the ports, given that Salelologa is now declared an international port whilst Mulifanua port is for domestic travel. Member recommended that the Shipping Act should have been amended to reflect the new functions that are now to be conferred on the shipping company.

The **Hon PRIME MINISTER** clarified that the matter raised by the Member for Faleata West is clarified under the Companies Act as the Shipping Corporation is registered under this Act.

LEALAILEPULE queried the Minister as to the total debts that will be transferred, furthermore, whether there is a provision that will allow other shipping companies to utilize these ports.

- viii. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3** raised concerns of the total debts that are to be transferred. Furthermore, the Member queried as to why only these 2 ports are being transferred and not Satitooa port. The Member recommended that there should be trained specialists within the Samoa Shipping Corporation so as to maintain the ports, and that Annual Reports should be presented to Parliament.
- ix. **AFUALO Wood Uti Salele, Member for Salega** reiterated concerns that were raised by other members earlier regarding the transfer of debts that might result in an increase of fares and queried the Maritime School and raised concerns as to whether there might be a contradiction with the school that is currently operated by the National University of Samoa.
- x. **HON PALUSALUE Faapo II, Leader of Opposition and Member for Safata, Leader of Opposition** queried whether the main purpose of the transfer was due to Samoa Ports Authority being bankrupt.

The **Hon MINISTER** clarified that Samoa Ports Authority is not bankrupt and the transfer of ports is to improve inter-island travels.

The **LEADER OF OPPOSITION** stated that the Samoa Ports Authority could not handle the services and could not make any improvement.

SPEAKER advised the Leader of Opposition that the amendments are for the purpose stated, and all comments should be directed to the Samoa Shipping Corporation and not other entities.

The **LEADER OF OPPOSITION** raised concerns that the issue with SPA Management of the Ports will negatively affect the SSC operations.

Note: Debate between the **Leader of Opposition** and **Prime Minister** on past operation of SPA.

The **Hon MINISTER** stated that a scope study was conducted in 2010, through a visitation to Melbourne, Australia and observed that the operation of their ports. Made note that land and ports are operated by one body whereas shipping services were carried out by a separate body. Samoa is moving towards these changes. He also stated that the Ministry (MWTI) has regulatory roles and addressed that concerns regarding debts are being handled by the review Committee as its role in reviewing regulations. The Minister made note that for 8 years fares have been stable although there has been fluctuations in petrol prices, and reiterated that the price of fares will not be affected by the transfer.

The **LEADER OF OPPOSITION** stated that the improvements to the ports are implemented with finances and the funds will be acquired through the increase in fares.

The **Hon MINISTER** queried the Leader of Opposition as to whether he wants to improve these services?

TOEOLESULUSLU requested a response from the Hon Minister regarding the transfer of debts and assets.

LEALAILEPULE wanted clarification on the regulatory role.

LEVAOPOLO suggested that a single response be given by the Hon Minister for all matters that were raised.

The **Ports Authority Amendment Bill 2014** was read a second time and referred to the Works, Transport and Environment Committee for its consideration.

2. National Provident Fund Amendment Bill 2015 (Second Reading)

The Hon Prime Minister and Minister of Finance, **TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved a motion for the Bill be read a second time. Upon the motion being moved, the Hon Prime Minister presented a brief clarification of the Bill to the House. The objective of the Bill is amend the Principal Act of 1972, and sets out an increase to minimum employer and employee contribution rates by 2% within a period of 2 years. The purpose of the amendment is to assist the growing contribution balances for members, which would ensure more funds will be available to members upon retirement.

- i. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3** stated that an increase in contribution will result in an increase of NPF profit, whereas members will only be entitled to loan less.

PRIME MINISTER explained that loans are not mentioned in the Bill. It only provides for the increase in contributions. He further stated that if Members of Parliament are content with the current 10% subsidy, then they should support this increase for public servants which is only by a 2% increase over 2 years.

SPEAKER interrupted debate in consideration of the PMs condition.

- ii. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West** expressed gratitude for the foresight that initiated the amendment of the Principal Act.

The **Hon PRIME MINISTER** stated that the amendment is simple and straightforward

LEADER OF OPPOSITION queried why the Deputy Prime Minister does not take over the role of the Prime Minister if the Prime Minister is unwell.

DEPUTY PRIME MINISTER clarified in response to the Leader of Opposition, that he is offering moral support for the Prime Minister and that changes cannot be made to the order paper now that proceedings have commenced and if it were permitted by the Standing Orders he would readily take over the Bills that the Prime Minister is responsible for.

LEADER OF OPPOSITION raised concern at the process of debates that would be interrupted due to the inconvenience.

The **National Provident Fund Amendment Bill 2015** was read a second time and referred to the Health, Social Services, Internal Affairs, Community and Social Development Committee for its consideration.

3. Statistics Bill 2014 (Consideration in Detail)

a. P.P. 2014/2015 No. 199, Report of the Government

Administration Committee on the Statistics Bill 2014.

The Chairperson of the Committee, **Hon TUUU Anasii Leota, Member for Siumu** moved for Committee report to be approved by the Assembly. Motion approved.

The Bill was considered in detail along with Committee Report.

CLAUSE 10

- i. **LEVAOPOLO Talatonu, Member for Gagaemauga No. 2** queried Clause 10 sub-clause 3.

- ii. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

The Member queried the amendments by the Committee which will affect the standardization of all Bills. Also made note to functions of the Advisory Board that it has different functions to that of other advisory boards. Furthermore, stating that the terms of members of the Board and the Chairperson should be same, whereas the Chairperson term is for 3 years and members for 2 years.

The **CHAIRPERSON** clarified that the amendments are appropriate.

LEALAILEPULE made reference to comments made by the Attorney General during pre-sitting conducted previous day that there should be consistency with the terms in the Bills.

LEVAOPOLO stated that the Chairperson should clarify all matters raised.

CLAUSE 14

- i. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

The Member queried the purpose for the Committee amendment to delete Clause 14, and stated that this clause is appropriate and expressed support for the clause of Assistant Chief Executive Officer and other officers.

The **CHAIRPERSON** clarified that there is no need for these positions to be provided for in this Bill.

LEALAILEPULE reiterated concern and stated that if the Attorney General recommended the amendments he would like to know the purpose for the amendment.

The **Hon DEPUTY PRIME MINISTER** clarified that the amendment deletes the clause and the positions will be appointed by the Public Service Commission.

CLAUSE 15

i. ***TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3***

The Member raised concerns that the Government Statistician will be given too much power but the powers should be delegated to the Board and others.

The **CHAIRPERSON** clarified that the Committee has already considered the amendments and is satisfied with them.

The **Hon DEPUTY PRIME MINISTER** clarified that the Bill clearly states that the Government Statistician is not given all powers but he also has directive to comply with.

CLAUSE 25

i. ***LEVAOPOLO Talatonu, Member for Gagaemauga No. 2***

The Member requested clarification on the purpose of the Committee Amendment

The **Hon DEPUTY PRIME MINISTER** clarified that the Minister refers matters to the Board for advice only if there are inconsistencies but not for a final decision.

The **CHAIRPERSON** reiterated the explanation given by the Hon Deputy Prime Minister.

LEVAOPOLO raise concerns on the process of decision making as it sounds like it is reversed in this case.

The **CHAIRPERSON** clarified that the matters would only be referred if there were disagreements.

Proceedings were suspended for morning recess at 10:45am

Proceedings resumed at 11:40am

CLAUSE 26

- i. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West** raised concerns that there would be contradictions with the census that is conducted by the Ministry of Agriculture and Fisheries, and recommended that it would be more appropriate to carry out the census together. If not, then to let the agriculture census be carried out by the Minsitry of Agriculture and Fisheries.

The **CHAIRPERSON** reiterated that the Committee has considered the Bill and the amendments needed.

- ii. **LEVAOPOLO Talatonu, Member for Gagaemauga No. 2** raised concerns on the cost of census.

LEALAILEPULE stated that his concern raised earlier was based on the need to conserve Government resources.

- iii. **AVEAU Nikotemo Palamo, Member for Faleata East** stated that the Responsible Ministers should cooperate as to the resources needed for the different census of agricultural and population. This concern is based on the different figures presented by the Ministry of Agriculture and Fisheries and the Bureau of Statistics on the last year's cattle census figures.

Hon LAUTAFI clarified the contradiction in figures presented by the two Bodies and now they are cooperating to avoid a repetition to the different figures presented in Parliament previously.

- iv. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3** reiterated concern on the same matter raised earlier by other Members and recommended whether it is suitable that all the surveys for different Ministries be conducted by the Bureau.

Hon DEPUTY PRIME MINISTER clarified that this is the intention of the Bill, to incorporate all the statistics collection under one body.

CLAUSE 32

- i. **AVEAU Nikotemo Palamo, Member for Faleata East** made reference to Clause 32 subclause 2, and stated that those who will enter under the Foreign Investment Citizenship Bill may refuse to state their religious background. He stated that it be made mandatory for disclosure of this information.

CLAUSE 41

- i. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West** assumed that the Committee would have an amendment to this Clause as it is similar to Clause 14 which has been deleted. Queried as to the purpose in deleting provision in Clause 14 as it is also being provided for in the Clause 41.

The **CHAIRPERSON** stated that the clarification is in the clause.

LEALAILEPULE raised concerns with the inconsistency of the Bill. Stated that the provision for Assistant Chief Executive Officers and other officers to be appointed by the Government Statistician is deleted as if the same for this Clause. Reiterated earlier concerns and stated that the Bill will be amended again because his concern is not being considered.

- ii. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3** queried as to whether it is appropriate to delete subclause 4 in order to avoid further amendments and moved a motion for the omission of this subclause.
- iii. **LEFAU Harry Schuster, Member for Vaimauga Sisifo** stated in relation to the concern raised by the Member for Faleata West, the Registra is able to appoint the Assistant CEO and other officers but in this Clause the Registrar is now able to hire the staff of the Bureau which should be hired by the Public Service Commission. The Registrar is supposed to promote the officers and the other staff is hired by PSC.

AGAFILI stated that in 2008, Births, Deaths and Marriages was merged with the Bureau of Statistics which was formally part of the Ministry of Justice. He further

clarified that since establishment, the Registrar has always been the head of the Births, Deaths and Marriages Division.

The **CHAIRPERSON** clarified that there is no inconsistency.

AFUALO concurred with the concern raised by the Member for Faleata West.

AGAFILI under a point of clarification, there is one position but there are two roles; Government Statistician and Registrar for Births, Deaths and Marriages.

LEALAILEPULE clarified that the deleted clause 14 and this debated clause use the same term which is “appoint”.

The **Statistics Bill 2015** progressed with amendments and correction.

4. Public Finance Management Amendment Bill 2014 (Consideration in Detail)

a. P.P. 2014/2015 No. 200, Report of the Finance and Expenditure Committee on the Public Finance Management Amendment Bill 2014.

The Chairperson of the Committee, **Hon PAPALIITELE Niko Lee Hang, Individual Voters** moved for Committee report to be approved by the Assembly. Motion approved.

The Bill was considered in detail along with Committee Report.

- i. **PAPALII Lio Taeu Masipau, Member for Faasaleleaga No. 2** queried as to whether there is a difference between Statement of Economic Strategy and Strategy for the Development of Samoa.

The **CHAIRPERSON** stated that there is no difference.

The **Hon DEPUTY PRIME MINSITER** that there is no difference. It was known as Statement of Economic Strategy in the past and it has been changed to Strategy for the Development of Samoa.

LEALAILEPULE clarified that there is a difference. Economic is specific and development is general to include all developments.

The **CHAIRPERSON** reiterated that the terms are synonymous.

CLAUSE 7

- i. **PAPALII Lio Taeu Masipau, Member for FAASALELEAGA No. 2** queried the difference between debt and deficit.

The **CHAIRPERSON** clarified that they are synonymous.

CLAUSE 10

- i. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3**

The Member queried whether it is appropriate for the quarterly summaries to be tabled as it is done with the annual reports.

The **Public Finance Management Amendment Bill 2015** progressed with corrections.

5. Teachers Bill (First Reading)

The **Hon MINISTER of Education, Sports and Culture, MAGELE Mauiliu** moved for the Bill to be read a first time. Upon approval of the motion, the Bill was read a first time and progressed to be read a second time on the third sitting day.

6. Geneva Convention Bill 2015 (First Reading)

The **Hon DEPUTY PRIME MINISTER, FONOTOE Nuafesili Pierre Laufo** moved for the Bill to be read a first time. Upon approval of the motion, the Bill was read a first time and progressed to be read a second time on the third sitting day.

7. Water Schemes Bill 2015 (First Reading)

The **Hon DEPUTY PRIME MINISTER, FONOTOE Nuafesili Pierre Laufo** (in the absence of the Minister of Women, Communiy and Social Development) moved for the Bill to be read a first time. Upon approval of the motion, the Bill was read a first time and progressed to be read a second time on the third sitting day.

8. Road Traffic Amendment Bill 2015 (First Reading)

The **Hon MINISTER of Works, Transport and Infrastruture, MANUALESAGALALA Enokati Posala**, moved for the Bill to be read a first time. Upon approval of the motion, the Bill was read a first time and progressed to be read a second time on the third sitting day.

9. Acts Interpretation Bill 2015 (First Reading)

The **Hon DEPUTY PRIME MINISTER, FONOTOE Nuafesili Pierre Laufo** (in the absence of the Prime Minister) moved for the Bill to be read a first time. Upon approval of the motion, the Bill was read a first time and progressed to be read a second time on the third sitting day.

II. ORDERS OF THE DAY (consideration of Select Committee Reports)

1. P.P. 2014/2015, No. 206, Report of the Justice, Police and Prisons, Land and Titles Committee and Prisons Committee on P.P. 2014/2015, No. 38, Samoa Law Reform Commission Report on the Media Regulation, Report 10/12.

The **Deputy Chairperson, AFOAFOUVALE John Moors, Member of Palauli**, moved a motion for the Assembly to take note of its report.

- i. **LEALAILEPULE Rimoni Aiafi, Member for FALEATA WEST** commented on the format of the Committee report and queried why the regulation for the Media is first presented before the Media Council Bill has been deliberated on. However, supported the recommendation by the Samoa Law Reform Commission that the Committee should amend or repeal the Newspapers and Printers Act 1992 and 1993.

The **DEPUTY CHAIRPERSON** reiterated the recommendation by the Committee supporting the recommendations given by the Samoa Law Reform Commission.

- ii. **TOEOLESULUSULU Cedric Pose Salesa Schuster** sought further clarification from the Committee regarding their support of the Samoa Law Reform Commission recommendations. Stating that the Committee does not present their findings nor is there any mention of the visits to the Ministries.

- iii. **LEVAOPOLO Talatonu, Member for Gagaemauga No. 2** sought clarification on why the Regulation has been investigated by the Committee when there is no Principal Act.

LEFAU stated that this Report by the Commission is not on a regulation but rather to allow the Media to regulate itself.

The **DEPUTY CHAIRPERSON** clarified that investigations were carried out of which the media were present.

The **DEPUTY PRIME MINISTER** clarified that the Parliamentary Committee Report investigated the SLRC Report presented to the House and not the Media Council Bill itself.

The **LEADER OF OPPOSITION** raised concerns with the process of deliberations, and stated that the Report should be presented by the Chairperson and not the Deputy Chairperson.

PAPALILI Lio clarified that the Report was investigated by the Committee without the consideration of the Bill as advised by the Committee Clerk.

The Committee Report was approved.

III. ORDERS OF THE DAY (consideration of papers)

- 2. P.P. 2014/2015, No. 203, Government Responses on P.P. 2014/2015 No. 135, Report of the Works, Transport and Environment Committee**

**on P.P. 2014/2015 No. 65, Annual Report of the Samoa Pots Authority
for the Financial Year ending 30 June 2012.**

The **Hon. MINISTER of Works, Transport and Authority, MANUALESAGALALA Enokati Posala**, moved a motion for the Government Response to be approved by the Assembly. Motion approved.

The Minister proceeded to read out the Government Responses in accordance with Standing Orders.

Proceedings adjourned at 1. 02pm

The House will recommence on Thursday 19th March 2015 at 9:00am