

Day 3: Friday 20 March 2015

## I. GOVERNMENT ORDERS OF THE DAY

### 1. Public Holidays Amendment Bill 2015 (Third Reading)

The **Hon DEPUTY PRIME MINISTER, FONOTOE Nuafesili Pierre Laufo** moved a motion for the Bill be read a third time. Motion approved and the Bill was read a third time.

### 2. Metrology Bill 2015 (Third Reading)

The **Hon DEPUTY PRIME MINISTER, FONOTOE Nuafesili Pierre Laufo** moved a motion for the Bill be read a third time. Motion approved and the Bill was read a third time.

### 3. Health Promotion Foundation Bill 2015 (Third Reading)

The **Hon MINISTER OF HEALTH, TUITAMA Talalelei Tuitama** moved a motion for the Bill be read a third time. Motion approved and the Bill was read a third time.

### 4. Teachers Bill 2015 (Second Reading continued)

The **Hon MINISTER OF EDUCATION, SPORTS AND CULTURE, MAGELE Mauiliu** recommended that after the Member of Faleata West takes the floor then he would respond. All other Members who wish to speak may do so during the Consideration in Detail of the Bill.

The **Hon LEADER OF OPPOSITION** in a point of clarification stated that this Bill is very important therefore the Hon Minister should be patient as it is a Members right to speak on any legislation before the House.

The **Hon MINISTER** clarified that the importance of the Bill would not be affected. The opportunity during Committee consideration is another opportunity as it seems all members are sidetracked with their comments and there is tedious repetition with issues raised.

The **Hon LEADER OF OPPOSITION** reiterated that under Standing Orders, Members can speak generally on the principles and merits of legislation.

**SPEAKER** ruled that the Members would be given the opportunity to comment on the general merits of the Bill.

- i. **LEALAILPULE Rimoni Aiafi, Member for Faleata West** reiterated on his comments from the previous sitting day on how the powers provided for in the Bill will be implemented with regards to contract teachers. The Member recommended that the Teachers Council should also allocate teachers to different schools in order to avoid any contradictions with powers of the Public Service Commission. Made note on the qualifications of the teachers, and stated that there are too many teachers with Diplomas compared to the past when teachers held degree qualifications. The Member also recommended that School Committees should continue to manage schools in the villages and the Ministry will deal with the administration aspects. Concluding his view, the Member stated that he supports the establishment of the Council.

- ii. **LEVAOPOLO Talatonu, Gagaemauga No. 2** assumed that the Bill would open up the opportunity to retired teachers, given that the student-teacher ratio is still 40/1. This should be allowed until the ratio decreases.

The **Hon MINISTER** responded that the Ministry is rehiring retired teachers, and stated that Members should not be concerned about the ratio as the proportionate percentage is not reflective of success as an unqualified teacher would not be productive even with a decreased ratio. Furthermore, there are schools that are bridging the gap in the ratio with some primary schools now with a ratio of 30/1 and colleges at 20/1.

**LEVAOPOLO** reiterated his concern on the student ratio.

- ii. **TUILOMA Lameko, Minister for Revenue and Member for Falealili**

Noted that the Bill provides for the quality of teachers and recommended that the Ministry of Education, should review school allocations from donors and its distribution system as there is a lengthy delay. School committees have been waiting over long periods without a response from the Ministry of Education on where and how they will get this portion.

The **LEADER OF OPPOSITION** noted the Ministers are disagreeing on the Bill and wondered why members of Cabinet are in disagreement over a government bill.

- i. The Prime Minister commented that Hon Tuiloma was commenting as a representative of his constituency, and advised the Minister that the matter raised is being considered.
  
- iii. **TUILEUTU Alavaa Voi, Member for Faasaleleaga No. 3** queried the term 'register' and recommended if the term could be amended to 'approval letter'.
  
- iv. **TAFUA Maluelue Tafua, Member for Aleipata Itupa i Lalo** raised concerns on the privacy of the teachers in regards to the accessibility of other registered teachers to their personal information. Recalled remarks by the Minister regarding a teacher that complained about not having enough time with his spouse, stated that this may be the cause for the slow increase in our population.

The **Hon PRIME MINISTER** referred to the need to increase the population growth (making biblical reference to Abraham and his blessings to have children numbering the grains of the sand and the stars).

The **Hon Minister** responded that the member has misunderstood the intention of the comments, stating that the intention was to show the man's overjoy because of his spouse's commitment to her work.

**TAFUA** noted that there is contradiction between the comments of the Minister of Health, the Prime Minister and the Minister of Education. Making note that the Prime Minister stated that there should be no family planning and yet the Minister of Health supports family planning.

The **Hon PRIME MINISTER** stated that professionalism of a man and woman does not affect their ability to procreate.

The **Minister of Health** clarified that family planning is not to stop reproduction but to space out child birth, due to the fact that some parents are not economically able to raise too many children.

**TAFUA** stated that aside from the professionalism of the teachers, they should also have qualities of discipline and punctuality.

- v. **PALUSALUE Faapo II, Leader of Opposition and Member for Safata** expressed gratitude to the Hon Minister for the Bill. Noted that it has been more than 50 years since Independence and yet this Bill has only been tabled which should have been done in the past therefore credit is given where it is due. Made note that in the beginning of the year, His school was out in the first week and did not start as scheduled as there was yet to be a Principal and teachers. Recommended that there should be an increase to teachers' salaries, stating that priority should be given where it is needed.

The **MINISTER** noted that there is confusion on how to clarify that teachers' salaries have been raised. Stating that teachers' salaries are not similar to entry point of other professions.

The **LEADER OF OPPOSITION** made reference to teachers who had approached him, stated that if teachers' salaries have been raised, it is not enough.

The **Hon PRIME MINISTER** reminded the Leader of Opposition that it was during their time in Cabinet that salary grading was reviewed. In 2006, the Remuneration Tribunal was established to review the salaries of all Ministries to avoid a repetition of the Public Servants strike in 1981. All salaries are standardised across the board, however it is difficult to set salaries for doctors. The Tribunal recommended that there should be a 42% for all services but due to insufficient funds the increase started with a 21% increase in one year and the rest was implemented the following year. The Hon Prime Minister clarified that the Government cannot be bias towards one service in regards to salary increases. Members should refrain from making political comments, as the Government has laid out the framework for salaries.

The **LEADER OF OPPOSITION** agreed that the framework was set out but the salaries for teachers were only increased in the previous year.

The **Hon PRIME MINISTER** clarified that comments which are political in nature refers to the constant referral to past events and this should be avoided as it reflects dirty politics.

**AEAU** requested that the comments made be kept respectful as is required in the Chamber.

The **LEADER OF OPPOSITION** in response to the continuous referral by the Hon Prime Minister to the operation of the Opposition.

The **Hon PRIME MINISTER** stated that a response should be given to the matters raised regarding salaries as it reflects a form of bribery.

The **LEADER OF OPPOSITION** made note that the framework was laid out and he was commenting on the structure of salaries only.

The **Hon PRIME MINISTER** stated that the Leader of Opposition is inciting public servants with his remarks.

**Proceedings were suspended for morning recess at 10.15am**

**Proceedings resumed at 10:58am**

## **MOTION**

The **Hon PRIME MINISTER**, moved a motion to suspend Standing Order 31(1) in order to extend sitting hours until all Bills have been read a second time. The motion was approved.

## **Second Reading Debate of the Teachers Bill 2015 continued.**

The **LEADER OF OPPOSITION** made note that there are a number of graduates who are unemployed and teaching as a career should be considered by these graduates.

The **Hon Minister** stated that teaching is seen as a low profession because of the standard for the Faculty of Education. Under this Bill, teachers from overseas would be required to go through the same process stipulated under the Bill if they are to teach in the country; a license obtained overseas is not valid in Samoa. The Bill will also establish regulations which will prescribe in detail the process or cost of registration. The Regulation will also set out professional standards for teachers, also provisions that will guide contracts of teachers which include the process when a transferal to the Public Service Commission is permitted and on what cases can it be referred to the Council. But for extreme matters it will be transferred to the Police.

The Bill encourages all schools in the country to be registered. 80% of government grants are allocated to support and enhance teaching and is expended on resources such as projectors and computers. With regards to credit point-system, the local University has recently started using this type of system as influenced by other Universities abroad where Level 1 – 10 Certificates are issued to students. At this moment there is no compelling reason to use credit point system in Colleges. As it is the Governments priority is to ensure infrastructure for all schools. There is an attempt to change job descriptions for school inspectors so that there line of work will extend to normal working hours rather than part time or just for a few hours of the day. The Minister recognizes the importance of having school inspectors so as to keep teachers on their feet.

The **Teachers Bill 2015** was second read by the Assembly and referred to the Education, Science, Communication, Information Technology Committee for its consideration and a report thereon to the Assembly in the next ensuing session.

### **5. Geneva Convention Bill 2015 (Second Reading)**

The **Hon PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS AND TRADE, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi**, moved a motion for the Bill to be read a second time and proceeded to present clarification on the Bill. The Bill takes into account world security issues and addresses the incidences of increases in war crimes, protection of civilians from casualties of war which include relief agencies and provides for humane treatment and protection of Prisoners of War. The Bill incorporates the Geneva Conventions Agreement signed in 1949 in which Samoa is a signatory as of 23<sup>rd</sup> August 1984. Furthermore, the Bill is called the Geneva Convention because Geneva is the headquarters of many international

organisations and this is where the Agreement was signed. In addition, during the two World Wars, Switzerland had always declared neutrality hence its capital Geneva became the focal center or city for post war conventions and the United Nations treaties for peace and stability. It is also geographically located near countries who initiated world wars yet it is famous for not taking sides with any of these countries such as Austria in the west, Germany in the south. It is also the founding location for the Red Cross entity and is the city where Ministries of Health meet annually on world health issues. The Bill legitimizes Samoa's support of international initiatives and agreements.

- i. **AVEAU Nikotemo Palamo, Member for Faleata East** queried Part 4 of the Bill concerning International Agreements, questioned as to whether this Bill would allow war victims to seek sanctuary to Samoa, as is the case in Nauru and other Pacific countries.

The **Hon PRIME MINISTER** noted that these refugees intend to travel to Australia and not to other Pacific countries, as the standard of living in Australia is more attractive than in the Pacific.

- ii. **AFOAFOUVALE John Moors, Member for Papalii** expressed gratitude and support of the Bill.
- iii. **TOEOLESULUSULU Cedric Pose Salesa Schuster** recognized that there are a number of Samoan citizens involved in peacekeeping international initiatives such as RAMSI. The Member queried whether there are ways to protect these citizens?

The **Hon PRIME MINISTER** clarified that the Bill seeks to protect our people who are involved in peace-keeping contingents. Any war criminal as ruled by the International Courts if found in the country is a war criminal.

The **Geneva Conventions Bill 2015** was second read by the Assembly and referred to the Foreign Affairs, Trade and Revenue Committee for its consideration and a report thereon to the Assembly in the next ensuing session.

#### **6. Water Schemes Bill 2015 (Second Reading)**

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi**, moved a motion for the Bill to be read a second time. Upon the motion being moved, the Hon Prime Minister presented a brief clarification on the Bill to the House. The Hon Prime Minister made note that there are two ways in which our country can obtain water through the Samoa Water Authority and Independent Water Schemes. The Bill seeks to recognize water that is stored and maintained by villages and will be used by residents of rural areas, this will ensure that these resources are clean for consumption. This Bill gives power to Village Committees to allocate and designate duties to people that will protect these water resources. It also provides for punishment for the overuse and abuse of water as well as any other aspects regarding the usage of water. Furthermore, Village Chiefs are to set punishments to those who do not comply with the Bill.

- i. **TUUU Anasii Leota, Member for Siumu** reminded the Minister about the water in Siumu. Stating that the Minister had promised that work will be done however, this still has not been done.

**DEPUTY SPEAKER PRESIDING** directed Member to discuss issue raised with the Minister as the matter raised is not within the Bill.

- ii. *TUSA Misi Tupuola, Member for Falealili* stated that Independent Water Schemes can be unhygienic and not fit for consumption.

The **Hon MINSITER OF WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT, TOLOFUAIVALELEI Falemoe Leiatua**, clarified that consultations with villages and chiefs have already been conducted in order to ensure that both water provided by the Samoa Water Authority as well as Independent Water Schemes are clean. The Ministry will work together with all villages to ensure that independent water schemes are tested monthly for cleanliness.

The **Hon PRIME MINISTER** stated that water metering is important, if meters are not installed there is a tendency that there will be an overuse of water and other citizens of the country will not be able to have this privilege.

**Hon MANUALESAGALALA** stated that there is a list of villages that have these independent water schemes. The cooperation between the Samoa Water Authority and Independent Water Schemes so as to ensure that access to clean and safe water is available to every resident.

**Hon FAUMUINA** clarified that the statement that independent water schemes is cheaper than the water provided for by the Water Authority is erroneous. As water that is provided by the Authority costs \$20 tala, whereas water from independent water schemes cost about \$20 – \$50 tala.

The **Hon MINISTER** stated that records by the Ministry state that families should pay a total of ST\$10 a month for the provision of water from independent water

schemes. This means that the Member's villages are not complying with Ministry policies.

**Hon FAUMUINA** clarified on the usage of fees for their independent water scheme. Surface water is unhygienic and only drilled water from the ground is safe for consumption and it is only these kinds of water that receive support from projects. The Member also stated that the Villages are able to set their fees however, prior approval must be given by the Ministry.

The **Hon MINISTER** stated that it is the Ministry's role is to remind villages to test their water on a monthly basis to ensure it is suitable for consumption. Policy states fees for usage of independent water schemes for ST\$10 per month, this is different from other fees that may be imposed by the village. Furthermore, the Government policy states that by 2015 all Samoans are to have access to clean drinking water. This framework was introduced in 2010. Government does not control what kind of water people decide to drink but the reality is that the water provided by the Water Authority through the meter process has been treated and is safe for consumption. There is no assurance regarding the safety of water from independent water schemes.

**AGAFILI** stated that his village has just recently implemented their independent water scheme. As part of the project, there was a proposal to implement the pilot metering scheme.

**TUSA** continued his speech and stated the support of this initiative by the Government for independent water source for their constituency.

- iii. **TAFUA Maluelue Tafua, Member for Aleipata Itupa i Lalo** referenced a quote ‘what’s good for the goose is good for the gander’. Stated that he opposed to the different managements of Government water sources and independent water resources, however his is now clarified on the difference. Made note of the independent water scheme in Lutuano that was recently done is a great initiative.

**TUUU** requested that the Member refrain from making request on his behalf as he is present in the House.

**Proceedings were suspended due to technical problems at 12.29pm**

**Proceedings resumed at 12.35pm**

**TAFUA** noted that work requested to the Government for Tiavea to Satitua is still yet to be carried out. The Member also recommended that there should be equity of these services.

- iv. **LEFAU Harry Schuster, Member for Vaimauga West** noted that other villages have options in regards to their water sources, and stated that perhaps Vaimauga should consider having an independent water scheme. The Member expressed his support for the Bill as it recognizes the authority of village chiefs and made note that not all water resources are under the authority of village chiefs as the Bill is silent on this matter.
- v. **LEVAOPOLO Talatou, Gagaemauga No. 2** acknowledged the assistance of donors for the implementation of the scheme as the funds provided is not a small sum. The Member also acknowledges the Authority and the Management for their work and services. Furthermore, the Samoa Water Authority act

provides for functions of the Authority in providing water at a cost. Water Resource Management Act provides for the regulating and managing of water sources. This Bill provides for the independent water schemes. The two legislation mentioned before are in line with each other, however, this Bill contradicts them. Villages that have independent water schemes benefit from funds given to them, however, in our village the Samoa Water Authority drills water from our lands and sell them yet we do not get any funds for this. The Member recognizes an imbalance of privileges granted to villages.

The **Hon MINISTER OF WORKS AND TRANSPORT INFRASTRUCTURE**, clarified that there is nothing that is provided for free anymore. The supply of water by Samoa Water Authority is paid for. The village chiefs are also paid for maintaining water sources, and stated that the accusation from the above Member is erroneous.

**DEPUTY SPEAKER PRESIDING** clarified that there is no favoritism granted to certain villages.

**LEVAOPOLO** clarified that he is not opposing the services provided by the Samoa Water Authority he is only concerned that there is an inconsistency in the provision of the service. Recommends that the private water schemes should be subsidized by Samoa Water Authority and then there would be consistency and equity in the service. Noted that consumers of Samoa Water Authority are at a disadvantage in that they cannot access the donor funds that are available only to villages who have Independent Water Schemes. The Authority should therefore take note of this and consider it.

- vi. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West** raised concerns that should be prioritized by the Government as all citizens should have access to

clean and hygienic water. The Member recommends that there should be in place a legal framework to ensure measures done in independent water schemes are the same across the board. He also recommended that there should be sub-committee within the village council to manage and maintain these schemes. Furthermore, there should be an Independent Water Scheme Association to administer the fees and implementation of the water scheme. The Member then lists out numerous fees that are stated in Clause 30.

The **DEPUTY SPEAKER PRESIDING** rules that the Member should comment generally on the merit and principles of the Bill and not on particular clauses. Clauses can be detailed when the Assembly resolves to the consideration in detail stage. Stating that if the Assembly does not comply with provisions of the Standing Order proceedings will take longer.

**LEALAILEPULE** recognized that there are villages that have divided water supplies, one part of the village is supplied by Samoa Water Authority and the other part is supplied by the Independent Water Scheme. The Ministry should allow donor funds to be accessible to the water suppliers.

- vii. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3** commented on Committees that monitor these independent water schemes, as too many water committees may be a problem, therefore the composition of Committees need to be reduced. In terms of awareness implemented by Samoa Water Authority for protection and conservation of water, this may not be done in Village Committees as they may not have the expertise for awareness. The Member noted Cyclone Evan which saw the instant response from government to improve water in these independent schemes. There

should be trained specialists or experts to improve these Independent Water Schemes sources especially after natural disasters.

**Proceedings were suspended for its usual lunch recess at 1.00pm**

**Proceedings resumed at 1.45pm**

## **MOTION**

The **Hon PRIME MINISTER**, moved a motion to suspend Standing Order 53 in order to allow for consideration of the Committee Reports tabled today on the Electoral Amendment Bill and the Review of the Business, Standing Orders, House and Electoral Committee Report. Motion approved.

## **Second Reading Debate of the Water Schemes Bill 2015 continued.**

The **Hon MINISTER OF WOMEN** expressed gratitude for the support as all legislation is designed for the benefit of our country. The Hon Minister also noted that the remarks made on the general merits of the Bill have been noted and will be considered during Committee Consideration of the Bill.

The **Water Schemes Bill 2015** was read a second time and referred to the Health, Social Services, Internal Affairs, Community and Social Development Committee for its consideration and a report thereon to the Assembly in the next ensuing session.