



[PART 2]

3. National Provident Fund Amendment Bill 2014 (Consideration in Detail)

a. P.P. 2014/2015 No. 228, Report of the Finance and Expenditure Committee on the National Provident Fund Amendment Bill 2014.

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

The Bill was considered in detail with the Committee Report.

CLAUSE 6

The Chairperson moved motion for Clause 6 to be amended.

The Amendment was approved by the Assembly.

CLAUSE 1

The Chairperson moved motion for Clause 1 to be amended.

The Amendment was approved by the Assembly.

The **National Provident Fund Amendment Bill 2015** progressed with amendments and correction.

4. Criminal Procedure Bill 2015 (Second Reading)

The **Hon PRIME MINISTER** moved that the Assembly consider the next order of Business as the Responsible Minister is not present. Motion approved and the next order of business was considered by the Assembly.

5. Central Bank of Samoa Bill 2015 (Second Reading)

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Auelua Lupesoliai Aiono Neioti Sailele Malielegaoi** moved motion for the Bill to read a second time. Made a brief statement of clarification on the Bill, stating that the Bill seeks to continue the establishment of the Central Bank as it regulates other commercial banks in Samoa. This Bill repeals the Principal Act 1984, Banking Ordinance 1960 and the Monetary Board Act 1974. The Hon Minister also made note of the public service strike that took place in 1979 – 1982 and that when the new government came into power thereafter, 23 legislation were drafted which aimed at developing monetary policies and systems for the country. The overall purpose of the Bill is to stabilise fiscal and monetary policies as well as to provide for foreign exchange and reserves. It is a measure to protect Samoa from a repeat of the economic failures of 1979 – 1982 where the public service went on strike due to Government failure to address salary increase requests as there was no cash flow and no foreign reserves. In addition, it is a protection against the flow on effects of global financial crisis in order to minimize the impacts on Samoa. The legislation has enabled Samoa to graduate from least developed country to medium income level country.

- i. **AVEAU Tuala Niko Palamo, Member for Faleata East**, made reference to Audit Committee, there are 4 non-executive members in the Board and these same members can be a member in the Audit Committee.

Hon PRIME MINISTER clarified that the Audit Committee has been a phenomenon throughout the financial world organizations, therefore there is a need for this Committee as they play a vital role in regulating the financial institutions in the country. It is best to use these 4 non-executive members to be involved in the Audit Committee as they are the ones that know the financial system best.

AVEAU queried as to whether this means that the Audit Committee is auditing the Board.

Hon PRIME MINISTER clarified that the Audit Committee will not audit the Board, but it will audit the management.

- ii. **LEVAOPOLO Talatonu, Member for Gagaemauga No. 2** referred to the list of objectives of the Bill as stated in the Explanatory Memorandum, stated that they have just recently been met, queried that whether it is only under this Bill that the objectives will be addressed. Furthermore, as to the practice with auditing before the introduced provision.

Hon PRIME MINISTER highlighted the word “continue” which means that some provisions from the existing 1984 Principal Act will be incorporated into the new legislation, some functions therein therefore will continue unimpeded such as the auditing functions.

The motion for Second Reading of the Central Bank of Samoa Bill 2015 was approved and the Bill was read for a second time.

6. Criminal Procedure Bill 2015 (Second Reading)

The **Hon MINISTER of Justice and Courts Administration, FIAME Naomi Mataafa** moved motion for the Bill to read a second time. Made a brief statement of clarification on the Bill, stating that the Bill will repeal the Principal Act. The Bill is conformed to address modern changes and in order to simplify the process. *

* **NB:** Clarification by the Minister was on the *District Courts Bill 2015* instead of the *Criminal Procedure Bill 2015*.

- i. **LEVAOPOLO Talatonu, Member for Gagaemauga No. 2**, queried on appealed case and stated that this has been a cause of damaged properties of those involved and queries whether the Bill considered these actions.
- ii. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West**, queries whether the two Bills (Criminal Procedure and District Courts) are being debated together as the Minister clarified on the District Courts Bill when it is the Criminal Procedure Bill that is being second read at this time.

Hon PALUSALUE Faapo II, Leader of Opposition, Member for Safata, stated that there are two bills that are being discussed, but this should not be the case. Each Bill should be considered on its own and Government should not muddle the issues put before the House.

LEALAILEPULE supported the Bill, as the Criminal Procedures are hindered due to the provision that there has to be assessors, and recommended that the Bill should provide for the minimum qualifications of assessors. The Bill also provides that any citizen can arrest a person and this can cause conflict especially for criminal offences. Furthermore, there were escaped prisoners, however, as of recent times there are no more public warnings about escapees. The Member also queried the issuing of orders by registers provided for in the Bill as he is under the impression that orders are only issued by the Judges.

- iii. **PAPALI Lio Faavaivaiomanu Taeu Masipau, Member for Faasaleleaga No. 2**, stating that there are 250 assessors that are to be chosen by the Judicial Commission and they should be appointed from all over Samoa, as the majority of assessors are from the town area. The list of assessors should also be reviewed on an annual basis to ensure that there is consultation for a successful outcome.
- iv. **TAFUA Maluelue Tafua, Member for Aleipata Itupa i Lalo**, queried citizens arrest provision, stating that this has been in legislation for a long time. However, common sense should be used in this regard also as the offender and the apprehenders body size should be considered.

LEALAILEPULE stated that the concern is that this will open opportunity to all citizens without the knowledge of the penalties that may be incurred.

TAFUA raised matter regarding disclosure of witnesses, and stated that there should be a provision to protect the witnesses that give evidence.

Hon MINISTER in response to the matter raised regarding citizens arrest, stated that this has been a part of the legislation for many years. Also for the purpose so the matter may be noted in Parliament records, the Bill being considered is the Criminal Procedure Bill 2015. However, all other matters raised will be clarified during Committee consideration of the Bill.

The motion for Second Reading of the Criminal Procedure Bill 2015 was approved and the Bill was read for a second time.

The Bill stood referred to the Justice, Police and Prisons, Land and Titles Committee for consideration and a report thereon within 3 months.

7. District Courts Bill 2015 (Second Reading)

The **Hon MINISTER of Justice and Courts Administration, FIAME Naomi Mataafa** moved a motion for the Bill be read a second time. Stated that since there was a mix up on the Bill that was considered earlier, therefore the clarification given for the first Bill (Criminal Procedure Bill 2015) will suffice.

The motion for Second Reading of the District Courts Bill 2015 was approved without debate.

The Bill stood referred to the Justice, Police and Prisons, Land and Titles Committee for consideration and a report thereon within 3 months.

IV. MOTION

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Auelua Lupesoliai Aiono Neioti Sailele Malielegaoi**, moved a motion that sitting hours revert to normal sitting hours as provided for in Standing Orders 31 (1).

Proceedings adjourned at 12.15pm

Proceedings will resume on Tuesday 26th of May 2015 at 9.00am.