

Day 1: Tuesday 26 May 2015

9:20am

I. MOTION

1. Revival of Lapsed Bills 2014/2015

AGAFILI Patisela Eteuati Tolovaa, Deputy Chairman of the Business, Standing Orders, House and Electoral Committee moved that all lapsed Bills from the 2014/2015 session be carried forward to the current session. The motion was approved by the Assembly.

2. Suspension of Standing Orders

The **Hon PRIME MINISTER**, moved a motion to suspend Standing Orders 100(1) that all Bills introduced under Message from Le Ao o le Malo be second read on the next sitting day and to suspend Standing Orders 106 & 107 that the Electoral Amendment Bill (No.2) 2015 and the Constitution Amendment Bill (No.2) 2014 be considered in detail and third read. The Assembly approved the motion.

II. GOVERNMENT ORDERS OF THE DAY

1. Food Bill 2015 (Third Reading)

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** at the absence of the **Hon MINISTER OF HEALTH** moved a motion that the Bill be third read. The motion was approved and the Bill was read a third time.

The **Food Bill 2015** passed the Assembly.

2. Slaughter and Meat Supply (Third Reading)

The **Hon MINISTER OF AGRICULTURE AND FISHERIES, LE MAMEA Lemalu Suá Leatuavao Tuiletufuga Ropati Mualia**, moved motion that the Bill be read a third time. Upon the motion being approved by the Assembly, the Bill was read a third time.

The **Slaughter and Meat Supply Bill 2015** passed the Assembly.

3. National Provident Fund Amendment Bill 2015 (Third Reading)

The **Hon PRIME MINISTER, TUILAÉPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved a motion that the Bill be third read. The motion was approved and the Bill was read a third time.

The **National Provident Fund Amendment Bill 2015** passed the Assembly.

4. National Provident Fund Amendment Bill 2015 (Consideration in Detail)

- a. **P.P. 2014/2015 No. 246, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on the National Provident Fund Amendment Bill 2015.**

The Chairperson, **Hon GATOLOAIFAANA Amataga Alesana Gidlow** moved for Committee Report to be approved by the Assembly. The Committee Report was approved by the Assembly.

The Bill was considered in detail with the Committee Report.

The **National Provident Fund Amendment Bill 2015** progressed without amendments or correction.

5. Infants Amendment Bill 2015 (First Reading)

The **Hon MINISTER of Justice and Courts Administration, FIAME Naomi Mataafa** moved a motion for the Bill to be read a first time. Upon the motion being approved, the Bill was read a first time.

6. Tax Information Exchange Amendment Bill 2015 (First Reading)

The **Hon MINISTER FOR REVENUE, TUILOMA Lameko** moved a motion for the Bill to be read a first time. Upon the motion being approved, the Bill was read a first time.

7. Police Service Amendment Bill 2015 (First Reading)

The **Hon MINISTER OF POLICE, SALA Fata Pinati** moved a motion for the Bill to be read a first time. Upon the motion being approved, the Bill was read a first time.

8. Income Tax Amendment Bill 2015 (First Reading)

The **Hon MINISTER FOR REVENUE, TUILOMA Lameko** moved a motion for the Bill to be read a first time. Upon the motion being approved, the Bill was read a first time.

9. Constitution Amendment Bill (No.2) 2015 (First Reading)

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi**, moved a motion for the Bill to be read a first time. Upon the motion being approved, the Bill was read a first time.

10. Value Added Goods and Services Tax Bill 2015 (First Reading)

The **Hon MINISTER FOR REVENUE, TUILOMA Lameko** moved a motion for the Bill to be read a first time. Upon the motion being moved, the Bill was read a first time.

11. Electoral Amendment Bill (No.2) 2015 (Consideration in Detail)**a. P.P. 2015/2016 No. 14, Report of the Primary Production, Commerce, Industry and Labour Committee on the Electoral Amendment Bill (No.2) 2015.**

The Chairperson, **Hon LEAUPEPE Toleafoa Apulu Faafisi** moved for Committee Report to be approved by the Assembly.

The **Hon FIAME Naomi Mataafa**, moved motion to amend committee motion as there are issues in the Report that warrant further scrutiny therefore it should not be generally approved.

Hon SPEAKER ruled that the Committee's motion stands and the Hon Minister may move her motion or amendment when the particular clause is called for consideration in detail.

The Committee Report was approved by the Assembly.

The Bill was considered in detail with the Committee Report.

CLAUSE 3

The **Chairperson**, moved motion for Clause 3 to be amended and approved by the Assembly.

- i. **Hon MINISTER OF JUSTICE AND COURTS ADMINISTRATION, FIAME Naomi Mataafa** supported the Committee report in relation to conditions which a person is to be a resident within the constituency.
- ii. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West** queried as to requirements by voters and candidates. Furthermore, as to whether the current status of the individual roll. Noted that those who reside outside the boundaries of the proposed constituencies should no longer be in the roll. That the roll should only focus on those who are residing within the Boundaries.
- iii. **Hon FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa**, made note of the right of a person to vote. Stated that a person who wishes to run for election needs to reside within the constituency.
- iv. **MAUALAIVAO Pat Ah Him, Individual Voter** stated that for the sake of his constituency he wanted to clarify that there is still a representative. Stated how sad he was on the fact that this roll is being removed.
- v. **MOTUOPUAA Uifagasa Aisoli Vaai, Member for Vaisigano No. 2** queried the freehold land residency requirement and whether this means that the person needs to own the freehold land that they are required to reside on for 6 months or whether it can be any other person's freehold land. The members

is concerned with how this could be open to many legal interpretation if it is raised in a court case.

The Amendment was approved by the Assembly.

CLAUSE 5

The Chairperson moved motion for Clause 5 to be amended.

- i. **Hon MINISTER OF JUSTICE AND COURTS ADMINISTRATION, FIAME Naomi Mataafa** stated that as raised earlier in her motion, this is the specific clause that she wished to address. The Minister stated that the Committee has expanded the boundaries of Vaimauga East and Vaimauga West of which the Cabinet have agreed on these boundary, however, she did not wish to make any further comments or it will raise more issues as what was witnessed in the previous sitting which required the Bill to be referred to another Committee. Furthermore, the Minister stated that the Standing Orders gives power to the Committee to express their opinion whereas the recommendation by the Committee is presented as if it were an amendment or draft law, stating that only the Attorney General has the power to draft a law. If the Committee wishes to make recommendations or amendments they should do so in a way that shows that an issue is being raised.

Proceedings were suspended for its usual morning break at 10:45am

Proceedings resumed at 11.23am.

- ii. **Hon MINISTER OF JUSTICE AND COURTS ADMINISTRATION, FIAME Naomi Mataafa** continued, made reference to the Committee report on its Resolution that “the declaring Committee Members may comment and be involved during the Committee investigations on all aspects of the Bill however, they will not be permitted to attend the Committee hearings discussing decisions on Clause 5 of the Bill”, queried as to the validity of the Committee Report as more than 5 of its members were not present for consideration of this particular clause.

Hon PRIME MINISTER stated that the Bill should have been passed if the majority rules principle was enacted however stated his Government is adhering to its name of protection of human rights and that the democratic system may not be perfect, however as it is the one system that has the least issues if compared to other systems.

Hon SPEAKER stated that the Assembly proceedings are guided by the Standing Orders and subject to final decisions made by the Chair. Mr Speaker emphasized the supremacy of Parliament as the Law Making body which supersede drafting powers of any lawyer as stated by the Minister. Parliament is the only entity prescribed by the Constitution to make Laws for Samoa.

A Division was called, 30 Members voted to support the Committee’s amendment and 16 voted against.

The Committee Amendment was approved by the Assembly.

The **Hon MINISTER** reiterated her concern on the wording and phrasing of the Amendments by the Committee as passed by the Assembly.

- iii. **Hon AEAU Peniamina Leavaiseeta, Member for Falealupo** stated that he is sympathetic to the work of the Committee in the consideration of Government Bills and commends the Prime Minister for his leadership in calling for conscience votes instead of a party vote for this Division.

The **Electoral Amendment Bill (No.2) 2015** progressed with amendments.

- 12. Constitution Amendment Bill (No.2) 2014 (Consideration in Detail)**
a. P.P. 2015/2016 No. 14, Report of the Primary Production, Commerce, Industry and Labour Committee on the Constitution Amendment Bill (No.2) 2014.

The Chairperson, **Hon LEAUEPE Toleafoa Apulu Faafisi** moved for Committee Report to be approved by the Assembly. The Committee Report was approved by the Assembly.

The Bill was considered in detail with the Committee Report.

CLAUSE 12

The **Chairperson**, moved motion for Clause 12 to be amended and approved by the Assembly.

The motion was approved by the Assembly.

CLAUSE 1

The **Chairperson**, moved motion for correction to Clause 1 of the Bill that the year “2014” be corrected to “2015”.

The motion was approved by the Assembly.

13. Electoral Amendment Bill (No.2) 2015 (Third Reading)

The **Hon MINISTER OF JUSTICE AND COURTS ADMINISTRATION, FIAME Naomi Mataafa**, moved a motion for the Bill to be read a third time.

Upon the motion being approved the Bill was read a third time.

The **Electoral Amendment Bill (No. 2) 2015** passed the Assembly.

14. Constitution Amendment Bill (No.2) 2014 (Third Reading)

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved motion for the Bill to be read a third time.

A Division was called as per Constitutional requirement for a 2/3 majority for any amendment to the Constitution. The 2/3 majority was satisfied when 36 voted for the amendment and 10 voted against. Upon the motion being Approved the Bill was read a third time.

The **Constitution Amendment Bill (No.2) 2015** passed the Assembly.

Proceedings were suspended at 12.30pm

Proceedings resumed at 1:23pm.

15. Supplementary Appropriation Bill (No.2) 2014/2015 (First Reading)

The **Hon PRIME MINISTER & MINISTER OF FINANCE, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved for the Bill to be read a first time. Upon the motion being approved the Bill was read a first time.

16. Supplementary Estimates (No.2) 2014/2015 (Tabling)

The **Hon PRIME MINISTER & MINISTER OF FINANCE, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved motion for the Supplementary Estimates to be tabled.

17. Supplementary Appropriation Bill (No.2) 2014/2015 (Second Reading)

The **Hon PRIME MINISTER & MINISTER OF FINANCE, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved motion for the Bill to be read a second time. Upon the motion being approved the Bill was read a second time.

18. Appropriation Bill 2015/2016 (First Reading)

The **Hon PRIME MINISTER & MINISTER OF FINANCE, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved for the Bill to be read a first time. Upon the motion being approved the Bill was read a first time.

19. Main Estimates 2015/2016 (Tabling)

The **Hon PRIME MINISTER & MINISTER OF FINANCE, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** tabled the Main Estimates 2015/2016.

20. Appropriation Bill 2015/2016 (Second Reading)

The **Hon PRIME MINISTER & MINISTER OF FINANCE, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** moved for the Bill to be read a second time.

21. BUDGET ADDRESS

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi** read out the budget address. Stating that the macroeconomic performance over the past five years was greatly affected by natural disasters and global financial crisis. Made note that despite these difficulties recovery started to take hold in 2010 with real GDP growth reaching 5.6% in 2010/11. However, the country was struck by Cyclone Evan in December 2012 causing significant damage and substantial losses totaling \$470.0 million tala. This resulted in a decrease of growth by 1% in 2011/12 followed by negative 2% in 2012/13. But with the cyclone recovery program, growth rebounded by 1.2% in 2013/14. With the hosting of the SIDS Conference and the construction of major hotels such as Lamana Hotel, Aggie Grey's Beach Resort, Aggie Greys Hotel, Aga Reef Resort and Return to Paradise Resort of which economic growth to reach 2.3% in 2014/15. GDP is expected to grow by 1.9% and will reach the level of \$2.0 billion tala in 2015/16. Revenue (\$689, 013, 681) and Expenditure (\$785, 357, 784). Key developments that will be prioritized for 2015/2016 include to the Health Sector \$79.3million (\$7.6million to the Ministry of Health, \$6.1million to the National Kidney Foundation, \$63.8million grant to National Health Services for the hospitals operations, \$2.5million to cover the cost of the overseas medical treatment scheme), Education Sector \$79.07million (\$50.4million to the Ministry of Education, Sports and Culture, \$6.0million grant for Private and Mission Schools, \$2.76million for the Samoa Qualifications Authority, \$11.05million to the National University of Samoa and \$1.5million to fund stationaries for all Government Schools), this does not include \$5.7million for the implementation of the School Fee Grant Scheme for Primary and Secondary Education. For Infrastructure Sector: - Electricity \$11.3million, Water \$12million, Roads grant of \$19.9million to Land Transport Authority for maintenance works of bridges and road. For Telecommunication,

\$4.23million is allocated to the Ministry of Communications, \$1.74million to fund operations of the Office of the Regulator, \$1.2million to the National Broadband Highway and \$7.4million a grant from the Asian Development Bank and the World Bank for submarine cables. For the Agriculture Sector it is allocated \$13.6million (11.3million to the Ministry of Agriculture and \$0.50million for the implementation of Agriculture Shows) this does not include support provided by the World Bank through the Samoa Agriculture Competitiveness Enhancement Project which provides an additional \$4.9million, as well as \$3.7million to support Cyclone Recovery efforts. The Asian Development Bank is also supporting Agribusiness Project with an assistance valued at \$370, 000. For the Trade, Commerce and Manufacturing Sector, \$3.98million to the Ministry of Commerce, \$9.32million to the Samoa Tourism Authority, \$450, 000 to Small Business Enterprise Centre, \$200, 000 to the Private Sector and \$125, 300 to the continuous apprenticeship training under the National University of Samoa. For the Commonwealth Youth Games the Government has allocated \$5million to the hosting of the Games in September. A provision of \$14.35million has been provided to cover unforeseen expenditures that may arise during the course of the next fiscal year.

The **Supplementary Estimates (No.2) 2014/2015** and the **Main Estimates 2015/2016** stood referred to the Finance and Expenditure Committee for scrutiny and in compliance with Standing Order 132.

Proceedings were suspended at 2.06pm

Proceedings to resume at 9.00am on the 18th June 2015.