

**DISCLAIMER**

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**DAY 6: MONDAY 29<sup>th</sup> JUNE 2015****TIME: 9:25pm****[PART D]****I. GOVERNMENT ORDERS OF THE DAY continued****1. MEDIA COUNCIL BILL 2014 – Consideration in Detail continued**

Clauses 33 – 42 were approved. Clause 1 and the Short Title of the Bill were approved.

**2. GENEVA CONVENTION BILL 2015 – Consideration in Detail**

Pursuant to Standing Orders, the Committee Report on the Bill must be approved by the Assembly before it is considered in detail. A motion was moved by the Committee Chair, SOOALO Mene for the report to be approved; the motion was approved.

Clauses 2 – 6 were approved, clauses 7 – 1- were approved, Clauses 11 – 18 were approved.

The Geneva Convention Bill 2015 progressed without amendment.

### **3. INFANTS AMENDMENT BILL 2015 – Second Reading**

The HON PRIME MINISTER moved a motion that the Bill be second read; the motion was approved.

**i. Hon PRIME MINISTER**

The Hon PRIME MINISTER stated that the Bill was drafted to account for Samoan infants adopted by overseas families. He stated that its purpose is to make adoptions difficult for interested parents who both hold overseas citizenship. This Bill will not affect adoptions made by Samoan citizens.

**ii. Hon PALUSALUE Faapo II, Safata, Leader of the Opposition**

Hon PALUSALUE stated that although the Bill was drafted to ensure the adoption process is simplified, the Hon PRIME MINISTER's comments seem to imply that its purpose is to make the process "difficult".

**iii. Hon PRIME MINISTER**

The Hon PRIME MINISTER clarified that the Government's intention was to make the adoption process difficult for non-Samoan citizens. This was to prevent additional issues which have arisen through adoption cases such as prostitution and other illegal acts. He again noted that the provisions of the Bill will not affect cases whereby both parents who wish to adopt are Samoan citizens.

**iv. Hon FAUMUINA Tiatia Faaolatane Liuga, Palauli le Falefa**

Hon FAUMUINA queried whether it is possible for homosexual parents to adopt. The Hon PRIME MINISTER responded by stating that “marriage is marriage”.

**v. TAEFU Lemi, Falelatai & Samatau**

The Member expressed his gratitude for the Amendment Bill as he personally believes that the Principal Act was biased against Samoan nationals. He noted that the proposed Bills have remedied this apparent bias.

The Question was put which was approved by the Assembly and the Bill was read a second time. The Bill now stands referred to the Justice Committee for consideration.

**4. TAX INFORMATION EXCHANGE AMENDMENT BILL 2015 – Second Reading**

The Hon TUILOMA Lameko, Minister for Revenue, moved a motion that the Bill be read a second time; the motion was approved and the Bill was second read.

**vi. Hon TUILOMA Lameko, Falealili, Minister for Revenue**

The Hon Minister noted that the purpose behind the Bill is to allow for a transparent exchange of information for tax related purposes.

**vii. Hon LEALAILEPULE Rimoni Aiafi, Faleata West**

The Member noted that many Greek citizens invest in overseas countries and subsequently suffer financial losses. He also noted that Fiji has enacted legislation which monitors citizens who have offshore investments. These investments also incur tax. He noted that investment is an integral part of a country’s development; therefore the Government should encourage investment.

**viii. TAEFU Lemi, Falelatai and Samatau**

The Member noted what he referred to as a “minor issue” regarding the Infants Amendment Bill 2015. He stated that the Bill was introduced under a Certificate of Urgency but now stands referred to the Justice Committee. He sought clarification in this regard.

**ix. Hon TUILOMA Lameko, Falealili, Minister for Revenue**

The Hon Minister continued with this clarification of the Bill. He stated that before tax information may be released about a company, formal written permission must first be granted. He stated that the law is to protect important information which can only be released under binding and stringent measures.

The Question was put and the Bill was then read a second time. Pursuant to Standing Orders, the Bill now stands referred to the Foreign Affairs, Trade and Revenue Committee.

## **5. POLICE SERVICE AMENDMENT BILL 2015 – Second Reading**

Hon SALA Fata Lisati Pinati, Minister for Police and Prisons moved a motion that the Bill be second read; the motion was approved.

**x. Hon SALA Fata Lisati Pinati, Gagaemauga No.1, Minister for Police and Prisons**

The Hon Minister stated that the purpose of the Bill is to ensure that Senior and more experienced staff are retained within the Police Service. He stated that the average age for police officers is 35 years which highlights a large age gap between officers and senior police officers. He noted that there is an apparent need to retain senior police officials in the service to ensure their knowledge and expertise may be utilised accordingly.

**xi. LEVAOPOLO Talatonu, Gagaemauga No.2**

The Member noted his support for the Amendment Bill. He did however, advise the Minister to enquire into other matters such as the lack of police presence to direct traffic during power outages.

**xii. TUSA Misi Tupuola, Falealili**

TUSA also noted his support for the Bill. He stated that due to the youthful inexperienced characteristics of many police officers, relations between the public and the police have not been harmonious. He noted that younger officers have unpolished public relations skills and encourages the Ministry to retain its senior, more experienced officers.

**xiii. PAPALII Lio Faavaivaiomanu Taeu Masepau, Faasaleleaga No.2**

The Member for Faasaleleaga No.2 spoke in support of the Bill. He noted that 55 years is the retirement age for police officers and that there is a substantial gap between 55 years and 65 years. He recommended that the retirement age for police officers should be between 60 and 65 years; but no less than 65.

**xiv. LEALAILEPULE Rimoni Aiafi, Faleata West**

The Member for Faleata West noted that if the retirement age is increased to 65 years, then the minimum recruitment age should also be increased. Due to the nature of police work, there are many psychological and physical effects; if the retirement age is increased to 65, it seems that police officers would be “too old”. He noted that if the purpose of the Bill was to retain experienced officers in the Service, perhaps a better alternative would be for officers over the age of 60 to remain as “consultants”. Their posts, however, should be reserved for younger officers. In terms of those who have applied within recent years, does an increase

to the retirement age permit retirees to re-apply for their previous positions? Also, the Member stated that the retirement age should be consistent throughout all Government Ministries.

**xv. Hon SALA Fata Lisati Pinati, Gagaemauga No.1, Minister for Police and Prisons**

The Hon Minister noted that the retention of a desired officer is dependent on the services he or she provides for the Ministry.

The Question was put and the motion for the Bill to be second read was approved.

**6. INCOME TAX AMENDMENT BILL 2015 – Second Reading**

A motion was moved by the Hon PRIME MINISTER that the Income Tax Amendment Bill 2015 be withdrawn to permit further corrections to be made. The motion was approved.

**7. CONSTITUTION AMENDMENT BILL (No.2) 2015 – Second Reading**

The Hon PRIME MINISTER moved a motion that the Bill be second read; the motion was approved.

**xvi. Hon PRIME MINISTER**

The Hon PRIME MINISTER stated that the purpose of the Bill was to establish the National Prosecutions Office as separate from the Attorney General's Office. Under the current Constitution, the duties listed for the National Prosecutor were previously under the Attorney General. The Bill seeks to separate these functions in observance of good governance. Additionally, this separation will ensure that the

Government will not become involved in prosecutions matters. The proposed amendments to the Constitution will reflect these changes.

**xvii. LEVAOPOLO Talatonu, Gagaemauga No.2**

The Member expressed his gratitude to the Hon PRIME MINISTER and stated that he had in the past years raised the need for a national prosecutor but this is only being addressed now. To this the Hon PRIME MINISTER replied that he did not remember the Member mentioning this before.

The Member continued by stating that he had recommended the appointment of a Solicitor General but that the Hon PRIME MINISTER has changed the title of the position. He recommended that the police should also become independent so that all decisions made are transparent. He also recommended that the term “solicitor general” be used as it is an internationally recognised term such as “attorney general”. He stated that the title “Director” as used in the Bill is not appropriate.

**xviii. Hon PRIME MINISTER**

The title “general” refers to “general” things (for example a Jack of all trades). The new position created by the Bill must focus on specific matters, namely, on prosecution matters.

**xix. PAPALII Lio Faavaivaiomanu Taeu Masepau, Faasaleleaga No.2**

The Member noted his support for the Bill as the Constitution currently provides for an Attorney General but not a Director.

**xx. LEALAILEPULE Rimoni Aiafi, Faleata West**

The Member noted his support for the Bill and advised that the prosecution branch be independent from the Government. Furthermore, policies should be developed

to guide the work of this new division. He also noted that there is an inconsistency between the role of the Director and other constitutional officers. The new position of Direction does not have a limit as to reappointment terms. The Hon PRIME MINISTER responded that these considerations will be implemented in due time.

The Question was put and the motion that the Bill be second read was approved. The Bill now stands referred to the Primary Production Committee.

## **8. VAGST BILL 2015 – Second Reading**

### ***xxi. Hon PRIME MINISTER***

The Hon PRIME MINISTER, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi moved motion for the Bill to be second read. Upon the motion being moved the Hon PRIME MINISTER stated that the Bill is to replace the VAGST 1992/1993 Act. The Bill is crucial in that it addresses Samoa's membership of the WTO as well as improvements to technology, e-commerce and telecommunication services. The objectives of the Bill are to simply, clarify and modernize GST rules; to ensure alignment with the rules of international best practice; to ensure alignment with similar tax laws recently introduced by other Pacific Nations; to remove primary production from the list of exempt supplies; to increase the registration threshold to an annual turnover of 130,000 and to extend the rules to be applied to certain imported services which are not currently taxed. Despite fears, such as those expressed by the public during the 1982 VAGST changes, the Bill will benefit the public.

### ***xxii. AVEAU Tuala Lepale Niko Palamo, Faleata East***

The Member stated that primary production industries do not pay tax; however, this Bill will require that they do. He noted that this is an attempt to develop the

primary production industry which may conflict with the new requirement that they pay taxes. He urged that this issue be looked in to.

**xxiii. LEVAOPOLO Talatonu, Gagaemauga No.2**

The Member supported the imposition of tax on “taxi drivers” for example. However, he advised that adjustments should be made to tax rates and to how many taxis one person may own.

**xxiv. LEALAILEPULE Rimoni Aiafi, Faleata West**

The Member stated that the Bill is very technical and causes readers to be confused as to its content.

**xxv. Hon PRIME MINISTER**

The Hon PRIME MINISTER queried where this is stated in the Bill, to which the Member replied that it was in the Bill’s “objective” to remove the primary production from the list of exempt supplies.

The Member for Faleata West and the Hon PRIME MINISTER engaged in a debate as to whether or not this provision is incorporated in the Bill.

**xxvi. Hon PRIME MINISTER**

In response to several issues raised by the Leader of the Opposition as to the effect of VAGST on Samoa, the Hon PRIME MINISTER stated that the Bill does not state that VAGST will be increased.

**xxvii. Hon PALUSALUE Faapo II, Safata, Leader of the Opposition**

The Leader of the Opposition stated that VAGST will be incurred if the annual turnover is 130,000.

**xxviii. Hon FONOTOE Nuafesili Pierre Laufo, Anoamaa East, Deputy Prime Minister**

The Hon Deputy PRIME MINISTER stated that the benchmark was 82,000 but has since increased to 130,000 (taxable); this is indeed a benefit not a burden.

**xxix. Hon PRIME MINISTER**

The Hon PRIME MINISTER noted that if the Bill is passed, the amount that will require VAGST payment will increase to the beginning rate of 130,000 compared to the current benchmark of 80,000. There is therefore additional benefit.

**xxx. Hon TUILOMA Lameko, Falealili, Minister for Revenue**

The Hon Minister reiterated that it is only if the annual turnover is 130,000 then VAGST will be incurred. If the turnover is less, there be will no VAGST incurred.

**xxxii. Hon PALUSALUE Faapo II, Safata, Leader of the Opposition**

Hon PALUSALUE reminded the House that exported taro will generate additional profits which will amount to more than the annual turnover; VAGST will therefore be paid.

**xxxiii. Hon FONOTOE Nuafesili Pierre Laufo, Anoamaa East, Deputy Prime Minister**

Hon FONOTOE noted that GST will only be incurred for services which are not currently taxed. For small businesses, this is not a burden but a benefit.

The Question was put and the motion that the Bill to be second read was approved. The Bill now stands referred to the Foreign Affairs, Trade and Revenue Committee.

**Proceedings were adjourned at 11:00pm.**

**Parliament will reconvene at 9:00am, Tuesday 30<sup>th</sup> June 2015.**