

**DISCLAIMER**

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**DAY 4: MONDAY 17<sup>th</sup> AUGUST 2015**

**TIME: 9:10am**

**I. GOVERNMENT ORDERS OF THE DAY**

**1. EXCISE TAX RATES AMENDMENT BILL 2015 – first reading.**

**Hon TUILOMA Lameko, Minister for Revenue and Member for Falealili**, moved a motion for the Bill to be first read; the motion was approved and the Title of the Bill was read out by the Clerk.

**2. ELECTORAL AMENDMENT BILL (No.4) 2015 – first reading.**

**Hon FIAME Naomi Mataafa, Minister for Justice & Courts Administration and Member for Lotofaga** moved a motion for the Bill to be first read; the motion was approved and the Title of the Bill was read out by the Clerk.

**3. EXCISE TAX RATES AMENDMENT BILL 2015 – second reading.**

**i. Hon TUILOMA Lameko, Minister for Revenue and Member for Falealili**

The Hon Minister moved a motion for the Bill to be second read; the motion was approved. The Hon Minister then delivered a Ministerial Speech detailing the purpose and objectives of the proposed amendments. He noted that the Bill seeks to amend the *Excise Tax Rates Act 1984*. Its purpose is to amend the schedules to increase excise tax rates for tobacco, alcohol, bottled water and fuel.

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

The Member for Faleata West noted that there have been recent increases to tax on locally produced goods, as discussed in last week's debates on the *Consumer Competition Bill 2015*. He stated that it is difficult to promote development amongst our local industries if imported goods are available at a cheaper price. He informed the House that he had met with producer of "Fiji Water" who claimed that they intended to sell their products in Samoa. LEALAILEPULE noted that this is shocking as there are already Samoan water suppliers, yet overseas suppliers are looking to operate in Samoa. This would be positive in terms of competition driving down the cost of spring water; however, a foreign presence could hinder the development of our local businesses.

The Member then noted the 3 per cent tax increase on beer, claiming that the Government has failed to take into account the alcohol percentage difference between various beers. For example draught has at least 15 per cent alcohol content as opposed to "light beer". The Member suggested that a tax on "light beer" be lowered; beer with a higher alcoholic percentage may however, be taxed higher.

**iii. Hon PRIME MINISTER**

The Hon Prime Minister noted that the issues raised by the Member for Faleata West are not new. He stated that light beer is taxed the same as regular and

other forms of beer, due to the fact that no one drinks light beer. The Hon Prime Minister then asserted that no matter how high alcohol is taxed, consumers will continue to purchase the products.

**iv. LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

The Member for Faleata West continued to emphasise the differences between light and regular beer, asserting that tax should be decreased for light beer.

**v. Hon PRIME MINISTER**

The Hon Prime Minister suggested that if the Member for Faleata felt strongly about his proposal, he should move a motion to that effect.

**vi. LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

LEALAILEPULE Rimoni Aiafi again reiterated the need to differentiate between beer containing different alcohol contents; the higher the alcohol percentage, the higher the tax should be. The Member then stated that alcohol containing alcohol percentages of 15 per cent or lower are more expensive to produce than beer containing alcoholic content in excess of 30-50 per cent.

**vii. Hon TUITAMA Talalelei Tuitama, Minister for Health and Member for Aana Alofi No.1**

The Hon Minister clarified that there are no similarities between the prices for aerated water<sup>1</sup> which contains added sugar and mineral water.

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<sup>1</sup> Aerated water is water to which air has been added; for example carbonated water.

**viii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

The Member replied that it appeared as if Members of the Government do not understand their own Bills.

**ix. Hon PRIME MINISTER**

The Hon Prime Minister detailed the process for the production of mineral water.

**x. LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

Focusing on a way forward, the Member for Faleata West acknowledged the Government's efforts to discourage the consumption of harmful substances such as alcohol and cigarettes through the increase of tax. He noted that the SPAGHL Committee attempts to encourage healthy living.

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

The Member suggested that instead of increasing taxes for spirits and filtered fuel, that the tax is either reduced or subsidised. He then sought clarification from the responsible Minister as to whether there was to be a decrease in raw fuel tax and an increase to filtered fuel tax. He then questioned whether the Minister foresaw any possible consequences of doubling the tax on filtered fuel.

**xii. Hon TUILOMA Lameko, Minister for Revenue and Member for Falealili**

The Hon Minister stated that the Bill's purpose is to promote the good health of the people of Samoa. He stated that the Ministry strives to encourage industries to do the same. He informed the House that the issues which have been raised by Members were also discussed during the drafting stages of the Bill. The increase of tax on beer is essentially, to discourage the consumption of alcohol generally.

The Question was put and the Bill was second read. The Bill progressed without amendment.

#### **4. ELECTORAL AMENDMENT Bill (No.4) – second reading**

**The Hon Minister for Justice & Courts Administration, Hon FIAME Naomi Mataafa** moved a motion for the Bill to be second; the motion was approved. The Hon Minister then delivered a Ministerial Speech to clarify the objectives and purpose of the Bill.

The Hon Minister noted that as mentioned during last week's proceedings, an amendment would be tabled to provide for the transfer of voters for the urban constituency. She stated that this amendment is necessary to temporarily override the 5 year transfer rule for all constituencies.

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

The Member for Faleata noted his confusion as to who the provision is to specifically apply to. For example, will the 5 year requirement apply to those who have resided in the urban area for less than 5 years? Will pastors who reside temporarily in these areas also be subject to this rule?

##### ***ii. AVEAU Tuala Nikotemo Palamo, Member for Faleata East***

The Member for Faleata East queried Clause 4 and the words "at any time" noting that this has been a recurring problem during past elections; particularly in the Faleata and Vaimauga districts.

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

The Member expressed gratitude for the Minister's attempt to provide for the suggestions put forward by the Opposition. He then queried whether it would be possible that the urban seats would be removed in the future. This could possibly happen as in his opinion the residents of those areas are Samoan citizens with matai titles, not half castes.

**iv. Hon FIAME Naomi Mataafa, Minister for Justice & Courts Administration.**

The Hon Minister again clarified the intention of the Bill. She noted that the transfer rule for urban voters was not set in stone. She clarified that the exemption in the Bill is applicable to those residents who had moved from Territorial Constituencies to Urban constituencies. The law as it currently stands states that one's TC may be changed if the 5 year rule has been fulfilled. The transfer from the Territorial Constituencies to the Urban Constituency may be utilised upon the fulfilment of certain criteria; particularly for those residents who reside on freehold land.

**v. LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

The Member for Faleata West asserted that the proposed amendment will not be effective in resolving the issues discussed. He stated that the provision will in fact permit those registered under the Urban Constituency Roll to register for other Territorial Constituencies (aside from Faleata and Vaimauga), then transfer to the Urban Constituency at a later date. The provision, in the Members opinion, seemed to be biased towards residents and voters of the Urban Constituency and is essentially in breach of the law.

**vi. AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East**

The Member for Faleata East stated that the Bill will permit those residing in the urban areas of Faleata and Vaimauga who had previously voted in other

Territorial Constituencies, to register for the Urban Constituency. The Member stated that the choice should be given to an elector to vote either for the Urban Constituency or their previous Territorial Constituencies, despite living on freehold land. The choice, he asserted, should not be left to the OEC.

***vii. Hon FIAME Naomi Mataafa, Minister for Justice & Courts Administration and Member for Lotofaga***

The Hon Minister clarified that the OECs only responsibility is to facilitate the registration of voters and candidates in the constituency of their choice. The intention behind the introduction of the amendment is to separate those registered under Territorial Constituencies and the Urban Constituency who reside on freehold land.

***viii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West***

The Member stated that it appeared as if the Hon Minister did not fully understand her own Bill. The Member stated that there should be consistency in all amendments; a previous amendment was made for all constituencies now there is a proposal for a separate transfer rule for those registered under the Urban Constituency and Territorial Constituencies.

***ix. Hon FIAME Naomi Mataafa, Minister for Justice & Courts Administration and Member for Lotofaga***

The Hon Minister stated that she was well aware of the contents and implications of the Bill before the House. She then stated that one should not mix their personal interests with the objectives or contents of the Bill (in reference to the Member for Faleata's previous comments), as the law will always prevail and it strives for fairness.

**x. *Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata***

The Leader of the Opposition clarified that the sole issue here was the apparent ease in which a person may transfer his or her registration. For example, one may be registered under Safata today and then the Urban Constituency tomorrow.

**xi. *AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East***

AVEAU further clarified that there is no issue with those residents of the Urban Constituency without kinship ties in Faleata and Vaimauga. The issue lies with those voters living in Territorial Constituency who are now eligible to transfer to the Urban Constituency without fulfilling the 5 year rule; as this, in his opinion, appeared to be the intention of the exemption clause.

**xii. *Hon PAPALIITELE Niko Lee Hang, Individual Voters***

The Member noted his disappointment at the remarks made by the Member for Faleata West, in particular that the Bill was "corrupt". The Hon PAPALIITELE noted that issues were being raised by the Member's for Faleata alone. He further noted that claims that a person registered under a Territorial Constituency today may convert his or her registration to the Urban Constituency tomorrow, are incorrect. The Hon Member stated that the previous amendment provided for the transfer of those registered on the Individual Voters Roll to the Urban Constituency Roll. This amendment, however, applies to those who are registered after the previous amendment and for new registrations.

**xiii. *LEALAILEPULE Rimoni Aiafi, Member for Faleata West***

The Member stated that Hon PAPALIITELE also appears to misunderstand the Bill.

**xiv. MAUALAIVAO Pat Ah Him, Individual Voters**

After reading the Bills contents to the House, the Member noted that upon careful examination it can be seen that the clause provides voters of both Territorial Constituencies and the Urban Constituency the freedom to vote and the freedom to decide *where* they will vote.

**xv. Hon TUUU Anasii Leota, Member for Siumu**

The Hon Member voiced his support for the Member for Faleata West's comments. He stated that the Bill is biased and that the 'exemption' should apply to all constituencies, without exception.

**xvi. AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East**

The Member stated that a correction was necessary to previous comments in relation to clause 2(4). AVEAU stated that "*at any time*" refers to the eligibility of one to transfer from a Territorial Constituency to the Urban Constituency; not the other way around.

- **POINT OF ORDER:** Mr SPEAKER reminded Members that comments should be made in regards to the Bill and not directed personally at Members.

**xvii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West**

The Member stated that he was merely suggesting that one rule be applicable to all Constituencies and that he was not arguing to promote his own personal interests.

**xviii. Hon TOLOFUAIVALELEI Falemoe Leiataua, Minister for Women, Community and Social Development and Member for Aana Alofi No.2**

The Hon Minister stated that the Member accusations in regards to the Bill's purpose are offensive. He clarified that the provision stating "*if the voter is qualified*" will be at the discretion of the OEC.

**xix. MAUALAIVAO Pat Ah Him, Individual Voters**

MAUALAIVAO requested that the Chair's comments made in reference to the Member for Siumu, also be removed as they were in support of the Member for Faleata West's comments.

The Question was put and the Bill was second read.

**5. EXCISE TAX RATES AMENDMENT BILL 2015 - consideration in detail.**

1. Clause 2 approved.
2. Clause 1 and Short Title approved.

The Bill progressed without amendment.

**6. ELECTORAL AMENDMENT BILL No.4 2015 - consideration in detail**

1. Clause 2

- **PRIME MINISTER'S MOTION:** The Hon Prime Minister moved a motion that the words "*individual voter*" be removed from the Samoan text of the Bill as there is only one roll.

1. Clauses 2 - 3 approved.
2. Clause 1 and Short Title approved.

The Member for Faleata East, **AVEAU Tuala Lepale Nikotemo Palamo** moved a motion that sub clause (4) in Clause 2 of the Bill be removed; the motion was seconded by the Member for Faleata East.

The motion was, however, declined by the Government as was the Member for Faleata East's request for a division to be called.

3. Clause 3 approved.

4. Clause 1 and Short Title approved.

The Bill progressed with the amendment put forward by the Hon Prime Minister.

### **7. EXCISE TAX RATES AMENDMENT Bill 2015 - third reading**

The Hon **TUILOMA Lameko, Minister for Revenue** moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Legislative Assembly.

### **8. ELECTORAL AMENDMENT (No.4) Bill - third reading**

Hon **FIAME Naomi Mataafa, Minister for Justice & Courts Administration** moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Legislative Assembly.

- **PRIME MINISTER'S MOTION:** The Hon Prime Minister moved a motion for proceedings to reconvene on Thursday 27th August; the motion was approved.

The Member for Aana Alofi No.3 sought clarification as to the date stated in the motion, which was confirmed by the Hon Prime Minister as being 27th August 2015.

**Proceedings were adjourned at 10:49am to reconvene at  
9:00am on Thursday 27<sup>th</sup> August 2015**