

DISCLAIMER

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Day 3: Thursday 28th January 2016
3:00pm

PART B

I. GOVERNMENT ORDERS OF THE DAY – CONTINUED

1. Supplementary Appropriation Bill (No.1) 2015/2016 – debate on second reading continued

44. Hon LAUTAFI Fio Selafi Purcell, Minister for Public Enterprises and Member for Satupaitea

The Hon Minister noted that the main issue raised by Members for his attention was the Savalalo Market fire. He noted that the market stall owners were compensated 7 days after the fire. He also noted his gratitude for the Samoa Land Corporation and its Chairperson, for the rapid response to the market fire situation. In response to the query raised by the Member for Faleata West regarding the response of the Fire Service to the market fire, the Hon Minister stated that a report has been received from the Fire Service which will be reviewed.

He then thanked the Hon Speaker for his patience and dedication during the 5-year term. He also expressed his gratitude to the Hon Prime Minister for entrusting him with his portfolio and thanked his fellow Cabinet Members for their assistance. He thanked the Ministers for Works and Education for the various developments in his constituency. He also thanked the Minister for Health for his support, particularly his assistance with the current developments underway in his constituency.

The Hon Minister then thanked all the Executives of Corporations under his Ministerial portfolio for their hard work, support and dedication throughout the term. He thanked the Office of the Clerk of the Legislative Assembly and referred to the Office as the "unsung heroes" of Parliament. In closing, he thanked his constituency for their support.

45. Hon TUILOMA Lameko, Minister for Revenue and Member for Falealili

The Hon Minister thanked the Minister for Finance and the Ministry for the Bill. He stated that the Bill reflects the progression of Samoa's economy. He then thanked the Hon Prime Minister for his patience and commitment, in addition to honouring him with a Ministerial post and now, an appointment to the Council of Deputies.

TUILOMA continued by stating that the Ministry for Revenue is tasked with generating income for Samoa. He requested that the Minister of Works consider repairs that need to be undertaken in the village of Sapunaoa, which has been affected by river damage. He also stated that all access roads in Falealili need repair. He then thanked the government for prioritising good governance at the village level.

46. Hon FIAME Naomi Mataafa, Minister for Justice and Member for Lotofaga

The Hon Minister thanked the Speaker, Deputy Speaker, Clerk and the Office of the Clerk of the Legislative Assembly for their support and administration services to Parliament this term. She acknowledged and agreed with the Minister for Agriculture's speech, in terms of the importance of adhering to the Articles of the Constitution. She then acknowledged the remarks made by the Minister for Revenue and stated that governance in villages should be subject to the law; laws are enacted to provide citizens with the right to access justice, and to provide legal rights and protection.

FIAME thanked the Ministries that she has worked with under her Ministerial portfolio. She thanked Masinalupe Tusipa Masinalupe (former Chief Executive Officer) for his long-standing

service and commitment to the Ministry. She then thanked the Deputy Electoral Commissioner and staff for their hard work and dedication.

The Hon Minister then acknowledged those Members who have declared that they will not contest their seats in March; Tofa ALO Fulifuli Taveuveu and Tofa TUILEUTU Alavaa Voi. She also acknowledged and congratulated the newly appointed Members of the Council of Deputies. In closing, the Hon Minister stated that she will not address her constituency in the House, but will do so in person at a later time.

47. Tofa Hon FONOTOE Nuafesili Lauofo Pierre Lauofo, Minister for Commerce, Industry and Labour and Member for Anoamaa West

The Hon Minister expressed his gratitude to all the Committees that he has worked alongside during this term, for their hard work and dedication. He thanked the Chamber of Commerce and Samoa's international partners for their valuable contribution to the development of Samoa. He thanked all the Ministries he has worked with for their hard work and dedication, and asked for their forgiveness if he has offended anyone during the term; it was merely his way of pushing them towards excellence.

He thanked all government employees for their service to the development of Samoa. He thanked all Associate Ministers and those who have assisted the government throughout the term. He then made special mention of the development projects carried out in his constituency, such as the construction of seawalls, water tanks and road works. He extended special thanks to the Hon Prime Minister for all the developments in Samoa during this term. He congratulated the two new Members of the Council of Deputies and acknowledged the Members who will not contest their seats in March. In closing, he addressed his constituency with gratitude for their support during this term.

The Hon Minister moved a motion that the Bill be second read; the motion was approved and the Bill was read a second time.

48. Supplementary Appropriation Bill No.1 2015/2016 - consideration in detail

I. First Schedule - Addition in Appropriations

- i. Ministry of Agriculture and Fisheries - \$350,000 – approved
- ii. Ministry of Communication and Information Technology - \$1,100,00 – approved
- iii. Ministry for Education, Sports and Culture - \$2,012,903 – approved
- iv. Ministry of Finance - \$278,544 - approved
- v. Ministry of Foreign Affairs and Trade - \$227, 473 – approved
- vi. Ministry of Justice, Courts and Administration - \$45,900 – approved
- vii. Ministry of Natural Resources and Environment - \$29,400 – approved
- viii. Ministry of Police and Prisons - \$63,805 – approved
- ix. Ministry for Revenue - \$137,849 – approved
- x. Ministry for Women, Community and Social Development - \$1,213,906 – approved
- xi. Office of the Attorney General - \$64,753 – approved
- xii. Ministry of Works, Transport and Infrastructure - \$1,000,000 – approved
- xiii. Office of the Ombudsman - \$34,636 – approved
- xiv. National Health Service - \$1,500,000 – approved
- xv. Land Transport Authority - \$1,000,000 - approved

First Schedule approved

Total Additional Overall Expenditures 2015-2016 - \$9,059,169

II. Second Schedules -Reduction in Appropriations

- Ministry for Revenue - \$77,205

Total Reductions Overall Expenditures 2015-2016 - \$77, 205 - approved

Second Schedule approved

Clause 2 - Approved

Clause 3 - Approved

Clause 1 and Title approved

The Bill progressed without amendment.

3. Supplementary Appropriation (No.1) 2015/2016 - third reading

The Hon Prime Minister moved a motion for the Bill to be third read; the motion was approved and was third read and passed the Assembly.

Proceedings were suspended at 4:51pm and resumed at 5:36pm

2. Yazaki Samoa Enterprise Bill 2015 - first reading

The Hon Minister for Revenue moved a motion for the Yazaki Samoa Enterprise Bill to be first read; the motion was approved.

3. Yazaki Samoa Enterprise Bill 2015 - second reading

The Hon Minister for Revenue moved a motion for the Bill to be second read; the motion was approved. The Hon Minister then proceeded to clarify the purpose of the Bill, stating that it provides tax assistance for Yazaki.

i. PAPANII FaavaivaiomanuLioTaeuMasepau, Member for Faasaleleaga No.2

The Member stated that he supported the Bill because these types of enterprises are needed by Samoa as they create employment opportunities. He proposed that a similar company be established in Savaii, or another for the establishment of another Yazaki branch.

ii. TUSA MisiTupuola, Member for Falealili

Agreeing with the Member for Faasaleleaga No.2, the Member for Falealili noted that Yazaki is essential to the economic growth of Samoa. He queried Clause 6 and suggested that it should be increased to 5 years as opposed to 3 as stipulated in the Bill.

iii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

LEALAILEPULE thanked the Minister for the Bill and recommended that the loss incurred from tax exemptions should be balanced against profits. It must be determined whether it is profitable to have such tax incentives in the first place. He then queried why the stipulated period for tax exemptions is until 8th November 2018. Finally, he proposed that there should be an increase in the number of employees, because at present there are only 850.

iv. Hon TUILOMA Lameko, Minister for Revenue and Member for Falealili

The Hon Minister stated that the purpose of the Bill is to alleviate all doubts about the company's eligibility for tax incentives.

The Question was put and the Bill was second read.

4. Yazaki Samoa Enterprise Bill 2015 - consideration in detail

Clauses 2 - 13 approved.

Clause 1 and Short Title - approved as amended.

The Bill progressed as amended.

5. Yazaki Samoa Enterprise Bill 2015 - third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved and the Bill passed the Assembly.

6. Lands, Survey, and Environment Amendment Bill (No.2) 2015 - first reading

The Hon Minister moved a motion for the Bill to be first read; the motion was approved.

7. Lands, Survey and Environment Amendment Bill (No.2) 2015 - second reading

The Hon Minister moved a motion for the Bill to be second read; the motion was approved.

i. Hon FAAMOETAU LOA Lealaiauloto Ulaitino FaaleTumaalii, Minister for Natural Resources and Environment and Member for Gagaemauga No.3.

The Hon Minister stated that the purpose of the Bill is to amend the 1989 Principal Act. It also seeks to authorise the Board to grant leases not provided for in the Act. Furthermore, it will amend section 23 of the Survey Act 2010 to authorise the Chief Executive Officer of the Ministry to exempt subdivision or definition plans for the purpose of tourism developments.

ii. AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East

The Member stated that if the Board is authorised to grant leases, there should be ample opportunities for competition for those leases. He stated that the Bill stipulates that land may be leased for up to 99 years. These lands are intended for the construction of hotels, which in his opinion, is prejudiced as there is no competition during this period.

iii. LEALALEPULE Rimoni Aiafi, Member for Faleata West

The Member noted that the Bill stipulated the ability to lease government lands that are 10 acres

in size. However, he suggested that consideration should also be given to lands used by the Samoa Trust Estates Corporation, Samoa Land Corporation and the Airport Authority as lands of that size could be utilised for development.

iv. PAPALII LioFaavaivaiomanuTaeuMasepau, Member for Faasaleleaga No.2

The Member stated that there is not much government land which has not been leased, and that a 99 year period is quite long.

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

The Member recommended that the Act be reconsidered in the future, particularly the Clause which prohibits the leasing of "protected lands" or conserved land. Despite lifetime leases being commercially appealing, it must be remembered that the lease will outlive the company. There is therefore a possibility that companies may transfer leases to other companies or possible ownership changes during the life of the lease. He then queried the possibility of offering local business owners different lease options from those offered to foreign investors. He also suggested that a time frame be put in place to permit investments to increase to SAT10million.

vi. Hon PRIME MINISTER

The Hon Prime Minister stated that there is sufficient competition for leases and that the government is seeking to find incentives to increase the number of tourists in Samoa. He noted tourist numbers in Fiji are approximately 500,000 tourists annually. One example of an 'incentive' is the possibility to lease out units. He also noted that Samoa needs more 5 star hotels to cater for more tourists. The Hon Prime Minister continued by stating that the government is considering more ways in which to attract foreign investors that are capable of constructing 5 star hotels. This will also provide more employment opportunities for Samoans, and in particular for graduates who would otherwise relocate overseas in search of employment.

vii. Hon FAAMOETAULOA LealaiaulotoUlaitinoFaaleTumaalii, Minister for Natural Resources and Environment and Member for Gagaemauga No.3.

The Hon Minister stated that the intention of the Bill is to permit investment through the leasing of land.

viii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member continued to seek clarification for lands under government corporations.

ix. Hon FAAMOETAULOA LealaiaulotoUlaitinoFaaleTumaalii, Minister for Natural Resources and Environment and Member for Gagaemauga No.3.

The Hon Minister stated that even if land is under the Samoa Land Corporation, it is government land and therefore subject to the Bill's provisions.

The Hon Minister moved a motion for the Bill to be second read; the motion was approved.

8. Lands, Survey and Environment Amendment Bill (No.1) 2015 - consideration in detail

Clauses 2-5- approved.

Clause 1 and Short Title - approved as amended.

The Bill progressed as amended.

9. Lands, Survey and Environment Amendment Bill (No.1) 2015 - third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved and passed the Assembly.

10. Broadcasting Amendment Bill 2015- consideration in detail

The Chairperson of the Primary Production Committee, Hon LEAUPEPE Toleafoa Apulu Faafisi, moved a motion for Assembly to take note of Committee's Report on the Bill; the motion was approved.

Clause 2 - approved as corrected.

Clause 3 - approved as corrected.

Clauses 4 - 15 approved.

Clause 16

i. LEALALEPULE Rimoni Aiafi, Member for Faleata West

The Member noted that universal access is not defined in the Bill and recommended that it should be in the interpretation clause, to ensure service providers do not cease the service.

Clause 16 - approved.

Clause 1 and Short Title - approved as amended.

Clause 1 and Short Title - approved as amended.

The Bill progressed as corrected and amended.

11. Fisheries Management Bill 2015 - consideration in detail

The Chairperson of the Primary Production Committee moved a motion for the Assembly to take note of its Report; the motion was approved.

Clauses 2 - 94 - approved.

Clause 1 and Short Title - approved as amended.

12. Sentencing Bill 2015 - consideration in detail

The Chairperson of the Finance and Expenditure Committee, Hon PAPALIITELE Niko Lee Hang, moved a motion for the Assembly to take note of its Report; the motion was approved.

Clause 2 – approved.

Clauses 2 - 33 - approved.

Clause 34 - approved was amended.

Clauses 35 - 36 - approved.

Clause 37 - approved as amended.

Clause 38 - approved.

Clause 39 - approved as amended.

Clause 40- approved as amended.

Clause 41- approved as amended.

Clauses 42 - 47 - approved.

Clauses 48 - 51 - approved.

Clauses 52 - 55 - approved.

Clauses 56 - 59 - approved.

Clauses 60 - 63 - approved.

Clauses 64 - 67 - approved.

Clauses 68 - 71 - approved.

Clauses 72 - 75 - approved.

Clauses 76 - 78 - approved.

Clauses 79 - 83 - approved.

Clauses 84 - 86 - approved.

Clauses 87 - 90 - approved.

Clause 91

i. LEALILEPULE Rimoni Aiafi, Member for Faleata West

The Member queried the reasons for the proposed amendments.

ii. Hon Chairperson, Finance and Expenditure Committee

Hon PAPALIITELE Niko Lee Hang stated that he could not comment on the amendments as they were given directly from the Office of the Attorney General.

Clause 91 - approved as amended.

Clause 1 and Short Title - approved as amended.

13. Competition and Consumer Bill 2015- consideration in detail

The Chairperson of the Primary Production Committee, Hon LEAUPEPE Toleafoa Apulu Faafisi, moved a motion for the Assembly to take note of its Report, including the amendments; the motion was approved.

Clauses 2 - 11 - approved.

Clauses 12 - 20 - approved.

Clauses 21 - 28 - approved.

Clauses 29 - 36 - approved.

Clauses 37 - 45 - approved.

Clauses 46 - 54 - approved.

Clauses 55 - 62 - approved.

Clauses 63 - 70 - approved.

Clauses 71 - 79 - approved.

Clauses 80 - 87 - approved.

Clauses 88 - 95 - approved.

Clauses 96 - 104 - approved.

Clauses 105 – 112 – approved.

Clauses 113 – 120 – approved.

Clauses 121 – 129 – approved.

Clauses 130 – 137 – approved.

Clauses 138 – 143 – approved

Schedule – approved.

Clause 1 and Short Title – approved as amended.

The Bill progressed as amended.

Proceedings were suspended at 7:38pm and resumed at 8:20 pm

14. Teachers Bill 2016 - third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Assembly.

15. District Courts Bill 2016 - third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Assembly.

16. Criminal Procedure Bill 2016- third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Assembly.

17. Broadcasting Amendment Bill 2016 - third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Assembly.

18. Fisheries Management Bill 2016 - third read

The Hon Minister moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Assembly.

19. Sentencing Bill 2016 third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Assembly.

20. Competition and Consumer Bill 2016 - third reading

The Hon Minister moved a motion for the Bill to be third read; the motion was approved. The Bill was third read and passed the Assembly.

21. ORDERS OF THE DAY - Consideration of Select Committee Report

The Deputy Chairperson of the Business, Standing Orders, House and Electoral Matters Committee, AGAFILI Patisela Eteuati Tolovaa, moved a motion that the Assembly take note of its Report; the motion was approved. The Deputy Chairperson then proceeded to present the Committee's Report to the Assembly.

The Question was put and the Report was approved.

The Hon Prime Minister delivered his final speech to the Assembly.

(The Leader of the Opposition was given the Honours to Respond, and the Speaker made his final remarks)

Proceedings were adjourned at 10:23pm

