

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament of Monday 27th June 2016. While all efforts have been made to provide an informative brief, this information must not be relied upon as an alternative to the official Hansard record of proceedings of Parliament. If you have any specific questions about the Proceedings of Parliament on Monday 27th June 2016, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

Day 4: Monday 27th June 2016

9:00am

I. GOVERNMENT ORDERS OF THE DAY CONTINUED

MOTION:

The Hon Deputy Prime Minister, moved a motion to suspend Standing Orders 100(2) for all the bills set down for its first reading to be second read on the same day.

1. CORONERS BILL 2016 - first reading

Hon Minister of Justice, Courts and Administration FAAOLESA Katopau T. Ainuu moved a motion for the Bill to be first read. The motion was approved and bill read a first time.

2. VILLAGE FONO AMENDMENT BILL 2016 - first reading

Hon Minister of Women, Community and Social Development, FAIMALOTOA Kika Iemaima Stowers moved a motion for the Bill to be first read. The motion was approved and bill read a first time.

3. CITIZENSHIP AMENDMENT BILL 2016 - first reading

Hon Deputy Prime Minister, FIAME Naomi Mataafa moved a motion for the Bill to be first read. The motion was approved and the bill was read a first time.

nb: this bill was set to be introduced by the Prime Minister, however due to his absence it was introduced by the Deputy Prime Minister.

4. LANDING LIMITED BILL 2016 - first reading

Hon Minister for Revenue, TIALAVEA Fea Tionisio Seigafolava Hunt moved a motion for the Bill to be first read. The motion was approved and the bill was read a first time.

5. BANKRUPTCY AMENDMENT BILL 2016 - first reading

Hon Minister of Justice, Courts and Administration FAAOLESA Katopau T. Ainuu moved a motion for the Bill to be first read. The motion was approved and the bill was read a first time.

6. EXCISE TAX AMENDMENT BILL 2016 - first reading

Hon Minister for Revenue, TIALAVEA Fea Tionisio Seigafolava Hunt moved a motion for the Bill to be first read. The motion was approved and the bill was read a first time.

7. CITIZENSHIP AMENDMENT BILL 2016 - second reading

Hon Deputy Prime Minister, FIAME Naomi Mataafa moved a motion for the Bill to be second read, and clarified on the bill.

nb: Bill was introduced under a Certificate of Urgency but was withdrawn to be referred to Parliamentary Committee for its consideration.

The Hon Deputy Prime Minister stated that there are minor amendments to the Principal Act, noting that the intention is to allow for second generations of Samoans who are born overseas to become citizens by descent. The current provisions of the Principal Act only allows for first generation. The Hon Deputy Prime Minister also noted that this will accommodate the skills and knowledge that the second generation possess.

i. OLO Fiti Vaai, Member for Salega East

The Member queried as to why the bill only allows for the second generation, as this limits the intention of the bill. Furthermore, the Member stated that if the bill extends to third generation there should be proper criteria's set in place to avoid granting citizenship to people who may cause problems in Samoa (eg. those declared bankrupt).

ii. TAFUA Maluelue Tafua - Member for Aleipata Itupa i Lalo

TAFUA queried as to whether the Bill can be further amended to include third generation of Samoans. Noting that there are Samoans living abroad for school and other benefits, who have children with the expertise and skills that is needed in our country, such as athletes, pathologists, doctors etc.

iii. PESETA Vaifou Tevaga, Member for Faasaleleaga No. 4

The Member expressed his support for the Bill. However noted that a \$5000 fee is paid by American Samoans who have one parent who is Samoan and wish to be a Samoan citizen. The Member queried whether they would still be required to pay this fee?

iv. Hon AEAU Peniamina Leavaiseeta, Member for Falealupo

The Member expressed the importance of the Bill, noting that it affects people of Samoa. The Member however stated that his views will be further expressed when the Bill is before the Parliamentary Committee.

v. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member queried whether the Government of Samoa has the right to withhold a person who is a Samoan descent from becoming a Samoan citizen regardless of which generation they belong to. Noting that anyone who is of Samoan descent should automatically hold citizenship. The Member noted that there is a lapse between the Bill and the Citizenship Investment Act noting that it allows for anyone to become a citizen by investment. The Member further queried as to the definition of 'samoan citizen', noting that before it was 'citizen by descent' which is defined as those who have blood ties and actual connections or roots in Samoa. The Member further stated that the Bill has good intentions, however, the term 'citizen' should be reconsidered. LEALAILEPULE also made reference to expats who have resided in Samoa for years and have contributed to our economy, yet they cannot hold citizenship as it is expensive, this issue should also be reconsidered.

vi. FAUMUINA Wayne Fong, Member for Urban West

The Member stated that there are athletes that have represented other countries solely to gain contracts for other countries. The Member stated that the criteria's for claiming citizenship under this Bill should be thoroughly outlined to ensure that those who are granted citizenship have the best interests of Samoa at heart and mind.

vii. Hon FIAME Naomi Mataafa - Deputy Prime Minister

The Hon Deputy Prime Minister responded to the issues raised by the Members. In regards to the issue in extending the grant of citizenship to include the third generation. The Hon Deputy Prime Minister clarified that this can be considered by

the Committee during its deliberation when the Bill is referred. However, the rationale for including only the second generation is that Samoa is a small country. The Hon Deputy Prime Minister explained that Members and the general public should understand the differentiation between citizen and citizen by descent. Noting that citizenship is by legal status where as citizenship by descent is through heritage.

a. LEALAILEPULE Rimoni Aiafi - Member for Faleata West

- Interjected and requested for the Committee to thoroughly consider methods that are used by people of other countries to gain Samoan Citizenship
- The Hon Deputy Prime Minister stated that she will not address other types of citizenship as it could complicate the issues raised in the Bill.

b. OLO Fiti Afoa Vaai - Member for Salega East

- Queried the provisions of the Citizenship Investment Act which provides for citizenship of the investor, stating that this would automatically entitle the second generation of the investor to be citizens of Samoa.

c. Hon LAAULI Leuatea Polataivao Fosi - Minister for Agriculture and Fisheries and Member for Gagaifomauga No. 3

- Clarified that the Members should understand, there are two different types of citizenship being discussed. The bill is on the granting of citizenship to second

generation of As the issues raised by the Members are based on the Citizenship Investment Act and not the matter that is before the House.

The Hon Deputy Prime Minister continued by clarifying that a different legislation provides for matters raised by the Members. FIAME noted that citizenship may be obtain through different means, such as citizen by birth, citizen by descent, citizen by investment and so forth.

d. Hon AEAU Peniamina Leavaiseeta, Member for Falealupo

- The Hon Member queried whether citizenship is only granted through payment and whether anything other than payment is not accepted?

The Hon Deputy Prime Minister stated that the query of the Member for Falealupo was unclear and that this matter if addressed would be complicated. However, the Bill will be referred to the Parliamentary Committee for its deliberation.

The motion was approved and bill read a second time and referred to the Social Committee.

8. Excise Tax Amendment Bill 2016 - second reading

Hon Minister for Revenue, TIALAVEA Fea Tionisio Seigaofolava Hunt moved a motion for the Bill to be second read and clarified on the Bill.

The Hon Minister stated that the objective of the bill is to revise the excise rates for Petroleum Levy and terminal fees. In addition, the bill provides for new excise rates

on alcohol, tobacco and health excises on selected salty and sugar products. The Hon Minister, stated that the National Health Services continue to advertise healthy living. Noting that there is an increase in the consumption of unhealthy food and smoking. Quoting that a healthy population is a wealthy population. The Government prioritizes the health of its people, this is the reason for the excise tax on cigarettes, alcohol and products that will greatly affect their health.

i. OLO Fiti Vaai - Member for Salega East

The Member expressed his support for the petroleum levy, however, stated that 99 percent of consumption products have sugar and salt, but there should be an acceptable amount of level in order for excise rates to incur. The Member also stated that if this method is intended to increase revenue for the next financial year, this will be monitor in due time.

ii. TAFUA Maluelue Tafua - Member for Aleipata Itupa i Lalo

The Member raised his concerns on the excise rate, noting that this will affect the country. Ordinary bread has 8 percent excise rate and noodles has a similar rate. These are basic items that are used daily by the public.

iii. LOPAOO Natanielu Mua - Member for Vaisigano No.1

The Member raised concerns with the phrase "lowering the Governments budget deficiit to 3.5 percent" as stated in the Explanatory Memorandum noting that this seems harsh. Noting that there are products such as sugar that will have excise rates, which will affect people of his constitutency, as they need they need sugar to for their lime grass tea. For the increase in petroleum, this will affect the community as fue is need for transportation.

iv. Hon FONOTOE Lauofo Pierre Nuafesili - Member for Anoamaa West

The Member queried the status of awareness programs that are coordinated by the Ministry of Health, noting that excise tax are raised due to awareness programmes being ineffective. The Member also commented on the 5 percent increase on sugar and salt, stated if there is a possibility to remove this tax, but to continue awareness programs on the effects of consumption. Also queried where these tax will be go. Whether these tax will be collected for the Ministry of Health in order to implement their programs as a mechanism to resolve non-communicable diseases or whether it is to establish the Health Promotion Foundation or will they be included into the Ministry of Revenues tax collection. The Hon Member also seeked clarification on the increase price of petroleum.

v. GATOLOAIFAANA Amataga Alesana-Gidlow - Member for Faasaleleaga No.1

The Member queried the samoan name of the Bill stating that if translated it would read as "products tat are produced within Samoa or locally" whereas the products listed in the Bill are imported such as sugar and salt. The Member elaborated querying whether tax will be on products such as cakes which are made in Samoa or for products such as koko samoa which are sold on the roadside.

vi. PESETA Vaifou Tevaga Member for Faasaleleaga No. 4

The Member noted that the issue is important, however if an item is too expensive it can 'pressure' which in turn can lead to high blood pressure and create other health problems.

vii. FUIMAONO Samuelu Teo, Falealili East

The Member raised concerns on the tax as these products are daily consumed such as bread and sugar. The Member noted that there are products that also should be banned such as 'chinese salt' which has been classified as unsafe by doctors as these may lead to cancer. The Member suggested that the increase should only be by 2%

and not 8% if the intention is to create revenue, bearing in mind the low earning population.

Proceedings set aside at 10.47am for recess and resumed at 11.26am

viii. ALIIMALEMANU Alofa Tuuau - Member for Alataua West

The Member stated that it is her belief that the Bill is important in relation to the Minister of Finance Budget address delivered on the 31st of May. The Member noted that the tax will be collected by the Ministry for Revenue and distributed accordingly. Furthermore, the Member stated that for any budget, there should be at least a surplus in revenue and the Appropriation already provides for the increase in taxes. The Member then commented on consumers right to assess any product before purchase. Noting that on the package of any product, ingredients are clearly indicated.

ix. LEALAILEPULE Rimoni Aiafi, Member for Faleala West

The Member clarified that this Bill is for the Revenue and not the Ministry of Health. The Member stated that tax on ordinary bread and raw sugar, koko samoa, banana chips and other locally produced products should be reconsidered. For tax on mineral water, there should not exist any tax. The Member also stated that the decision to purchase products is not based on ingredients but on the price. Noting that low income earners will be the most affected. The Member further queried the difference in tax rates for spirits for instance, whisky 12.48 and gin at 11.34.

a. Hon TUITAMA Talalelei Tuitama, Minister of Health and Member for Aana No. 1

Clarified that the Bill is not the responsibility of the Ministry of Health and that the Member should address the responsible Ministry.

LEALAILEPULE Rimoni Aiafi continued

The Member acknowledged the decrease in the cost of fuel stating that there are a lot of business owners that use the high cost of fuel as an excuse. The Member concluded by acknowledging his support of the Bill and recommended that local products should be categorised under the zero rate products.

x. FAUMUINA Wayne Fong, Member for Urban West

The Member made note of his disappointment, stating that there are only a few of the population who are affected by these diseases yet the entire population will be affected. Noting that the increase in tax for alcohol and cigarettes are adequated as there is only part of the population that consume these products, where as for products such as salt and sugar, tax on these products will affect the population as a whole.

xi. AUMUA Isaia Lameko, Member for Falealili

The Member noted that tax increase will also affect electricity and water due to petrol.

xii. ALAIASA Sepulona Moanau, Member for Anoamaa East

The Member noted his support for tax increase on petroleum levy, cigarettes and alcohol, however, noted his disagreement on the increase of tax on basic necessities, stating thta 5 - 8% increase is not a small amount. Noting that over consumption is the cause of disease, but if a person is responsbile for his or her own diet. Therefore there is no need for such tax.

xiii. Hon TUILAEPA Auelua Fatialofa Lufesoliai Aiono Neioti Dr Sailele Malielegaoi, Prime Minister and Member for Lepa

Noted that the Bill is not the responsibility of the Minister but the Cabinet. Stating that non-communicable diseases is a threat to our health, noting that there are 70 percent of our population that are affected by such diseases. Non-communicable diseases are not contagious but they are deadly, it not only includes diabetes, but also hypertension and others which is all caused by over consumption of these products and drinking of alcohol like whisky and other spirits. The Hon Prime Minister also stated that importance of teaching the young generation of healthy living habits. Referenced that more than 10 cases are referred to Cabinet as request for overseas treatments due to diseases caused by consumption of these products. Noting that Samoa is the only country that spends millions for the transfer of its patients overseas for treatments.

xiv. Hon PAPALIITELE Niko Lee Hang, Minister of Works, Transport and Infrastructure, Member for Urban East

The Hon Minister sought clarification, stating that the Bill is intended to increase excise taxes, yet in the previous week the Assembly had passed the Appropriation.

xx. Hon TIALAVEA Fea Tionisio Seigafolava Hunt, Minister for Revenue and Member for Vaa o Fonoti

The Hon Minister clarified that these tax will be given to the Ministry of Finance for distribution

xxi. Hon SILI Epa Tuiofi, Minister for Finance and Member for Faasaleleaga Nu. 1 East

The Hon Minister further clarified that there are 2 reasons for the increase, firstly for petroleum levy in order to assist the budget, secondly for the excise to products as a solution to the increase in non-communicable diseases.

xxii. Hon FONOTOE Laufo Pierre Nuafesili, Member for Anoamaa West

The Member queried the difference of 2.6 percent as stated in the Estimates and the 3 percent in the Bill.

xxiii. Hon AEAU Peniamina Leavaiseeta, Member for Falealupo

The Hon Member queried the excise on water, whether the Government is proposing to treat or increase the standard and quality of water.

Speaker: The Hon Speaker stated that no member is permitted to raise any more issues as the Minister is currently responding.

α. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member reiterated that local products should be exclusive of any excise tax.

The Hon Minister for Revenue commenced his response and clarified that 2.6 percent plus terminal fees makes up the 3 percent for petroleum levy. On the matter regarding water, this is specifically to mineral water and confectionary drinks that are imported.

The motion for the bill to be read a second time was approved.

9. EXCISE TAX RATES AMENDMENT BILL 2016 - consideration in detail

The Bill was considered in detail. Members did not raise any queries or amendments to the bill.

10. EXCISE TAX RATES AMENDMENT BILL 2016 - third reading

Hon Minister for Revenue, TIALAVEA Fea Tionisio Seigafolava Hunt moved a motion for the Bill to be third read. The motion was approved and the bill was read a third time.

The Excise Tax Amendment Bill 2016 progressed without amendments and passed by the Assembly.

11. CORONERS BILL 2016 - second reading

Hon Minister of Justice, Courts and Administration FAAOLESA Katopau T. Ainuu moved a motion for the Bill to be second read and clarified on the Bill.

The Hon Minister stated that the intention of the Bill is to repeal the Coroner Ordinance 1959, providing for a coronial system to investigate the sudden or unexplained deaths or deaths in special circumstances through inquired inquests to establish the cause and circumstances of death. The Bill also seeks to provide procedures in which coroners must carry out their duties. The Minister further stated that the bill is divided into 6 parts.

i. TAFUA Maluelue Tafua - Member for Aleipata Itupa i Lalo

The Member queried the term of appointment of a coroner. Stating that currently District Court Judges are eligible to be coroners and their duration of appointment is upto 8 - 10 years.

The Hon Minister of Justice clarified that the intention of the Government is to decrease the term of office. Stating that coroners are different from judges.

The motion was approved and the bill was read a second time and referred to the Social Committee.

12. VILLAGE FONO AMENDMENT BILL 2016 - second reading

Hon Minister of Women, Community and Social Development, FAIMALOTOA Kika Iemaia Stowers moved a motion for the Bill to be second read and clarified on the bill. The Hon Minister stated the Bill will amend the Village Fono Act 1990. To ensure that the procedures carried out by the Village Fono are in alignment with the legislation. The bill covers granting specific powers to impose curfews and banishment, inclusion of limited jurisdiction over those living in government, lease or freehold land located within village lands Furthermore, there are provisions that specific powers of the Village Fono to register their resolutions and powers with the Ministry of Women in order to give it recognition in Courts.

i. FAUMUINA Wayne Fong - Urban West

The Member expressed gratitude to the Minister for the proposed bill as it addresses Village Fono practices. The Member further acknowledged his supported the intention of having guidelines and a framework in place to regulate village governance.

ii. Hon PAPALIITELE Niko Lee Hang, Urban East

The Hon Minister queried provisions in the Bill which gives power to the Village Fono to approve any building plans. The Hon Minister noted that there is already an existing authority who carry out such procedures. The Hon Minister queried this provision would affect the existing legislation.

iii. LEALAILEPULE Rimoni Aiafi, Faleata West

The Member noted that village rules are never similar cross the country. The Member raised concerns on clause 8 stating that this may cause an abuse of power. On matters regarding buildings, the member queried whether there is power to prohibit such buildings if the freehold land is quarter acre and the land owner wishes to build a house the same size as the land. For matters on registration of village resolutions and powers, the Member suggested that copies be made available to the Parliament, Attorney General and other relevant ministries.

iv. FUIMAONO Samuelu Teo, Member for Falealili

The Member queried Clause 8 and suggested the removal of the word 'pule' as this would suggest authority of the village fono over those with freehold land. The Member also queried clause 9, suggesting of the provision could be made specific to those who wish to build, set up shop or businesses with the village. Also suggested that the words 'shop' and 'church' be replaced with 'businesses' and 'place of worship'.

v. Hon FAIMALOTOA Kika Iemaia Stowers, Minister for Women, Community and Social Development and Member for Gagaifomauga No. 1

Responded to queried raised by the Hon Minister of Works and clarified that the legislation regarding the building of houses is clear and is not included in this bill. This bill provides for the protection of the building and property, noting that the seeking the approval from the village fono will ensure the safety of your freehold land. In regards to the word 'pule' the Hon Minister clarified that there is no issue with the word as it reflects the authority of the village fono within the village.

vi. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member suggested that the Minister reconsider Clause 5

v. Hon FAIMALOTOA Kika Iemaia Stowers, Minister for Women, Community and Social Development and Member for Gagaifomauga No. 1

The Hon Minister clarified that there is in a place the Crimes Act, which can be used if there are any rules that are breached.

The motion of the bill to be second read was approved. The bill was read a second time and referred to the Social Sector Committee.

13. Bankruptcy Amendment Bill 2016 - second reading

Hon Minister of Justice, Courts and Administration FAAOLESA Katopau T. Ainuu moved a motion for the Bill to be second read and clarified on the bill.

The Hon Minister stated that the bill seeks to amend the Bankruptcy Act 1908. The objective of the bill is to prohibit adjudicated bankrupts from leaving Samoa without the official assignees approval.

i. Hon TUILAEPA Auelua Fatialofa Lupesoliai Aiono Neioti Dr Sailele Malielegaoi, Prime Minister and Member for Lepa

The Hon Prime Minister further clarified that the bill is specifically for business owners to declare their state of bankruptcy to the courts. The duty of the official assignee is to collect all the assets belonging to this bankrupt person and sell in order to cover the debt. The bill also provides that the person involved would be prohibited from travelling until his debts are paid out in full. The intention of the bill is to ensure honesty in the declaration of bankruptcy, as there are also those who have not declared bankruptcy however, they transfer cash to offshore accounts.

The motion for the second reading of bill was approved. The Bill was read a second time and referred to the Finance and Expenditure Committee.

14. LANDING LIMITED BILL 2016 - second reading

Hon Minister for Revenue, TIALAVEA Fea Tionisio Seigafolava Hunt moved a motion for the Bill to be second read and clarified on the bill.

The Hon Minister stated that the Bill mentions that these termw were given both to Samoa, Fiji and Tonga. But Samoa was chosen due to the quick response by the Samoan government in addressing the agreed terms. The Minisiter further stated that all employees of the company are exclusice from paying any taxes. A total of more than 20 million will be spent on shooting the series. The estimated revenue is larger than the expenditure as forseen by the company as it is audited on a fortnightly basis.

The motion for the second reading of the bill was approved and the bill was read a second time.

nb: Pursuant to Standing Orders 102(2), discretion of the Speaker for a bill to be read in the state of urgnecy as he sees it urgently in need for the public interest.

15. LANDING LIMITED BILL 2016 - consideration in detail

The Bill was considered in detail, with no member raising any queries or amendments.

16. LANDING LIMITED BILL 2016 - third reading

Hon Minister for Revenue, TIALAVEA Fea Tionisio Seigafolava Hunt moved a motion for the Bill to be third read. The motion was approved and the bill was read a third time.

The Landing Limited Bill 2016 progressed without amendments and passed by the Assembly.

17. MINISTERIAL STATEMENT

Hon TUILAIPA Auelua Fatialofa Lupesoliai Aiono Neioti Dr Sailele Malielegaoi, Prime Minister and Member for Lepa

The Hon Prime Minister gave a ministerial statement and moved a motion to establish a special committee to consider the following.

1. Rules and Procedures of the Lands and Titles Courts Judges
2. Appointment and scrutiny of the Land and Titles Court Judges performance

Composition of the Committee

- Lopao Natanielu Mua
- Nafotoa Talaimanu Ketu
- Hon Fonotoe Laufo Pierre Laufo
- Aliimalemanu Alofa Tuuau
- Faaulusau Rosa Duffy Stowers
- Faumuina Wayne Fong
- Ili Setefano Taateo Tafili

Assisted by:

- Attorney General
- Ombudsman
- Chief Executive Officer of the Ministry of Justice and Courts Administration; and the
- Clerk of the Legislative Assembly.

The Committee report is to be tabled in October and referred to the Courts for its response in November to be considered by Cabinet. Cabinet response to be table in Parliament in December.

The motion was approved by the Assembly.

18. Obituary Speech

The Hon LAUTAFI Fio Selafi Purcell, Minister for Public Enterprises, acknowledging the work done by the Peseta Margaret Malua, Chief Executive Officer of the Ministry of Commerce, Industry and Labour.

Proceedings adjourned at 1.26pm to reconvene at 9.00am on the 23rd August 2016.