

Day 1: Tuesday 23 August 2016

9:00am

- The Chairperson for the Infrastructure Sector Committee, TAFUA Maluelue Tafua, moved a motion requesting an extension of time to consider papers referred to the Committee pursuant to Standing Order 52; the motion was approved.

I. GOVERNMENT ORDERS OF THE DAY

1. Citizenship Amendment Bill 2016 – consideration in detail.

- i. **Hon PRIME MINISTER** and Member for Lepa, TUILAEPA Fatialofa Auelua
Lupesoliai Aiono Neioti Dr Sailele Malielegaoi

The Chairperson for the Social Sector Committee, Hon GATOLOAIFAANA Amataga Alesana-Gidlow moved a motion for the Assembly to approve its report on the Citizenship Amendment Bill 2016; the motion was approved.

- **Clause 2 –**

The Committee put forward its amendment to Clause 2 as follows: to amend Section 7 of the Principal Act by inserting a new subsection (4), after subsection (3):

“(4) As an exception to subsections (1) to (3), a person born outside Samoa is a citizen of Samoa by descent provided that at the time of the person’s birth at least 1 grandparent of the person is or was a Samoan citizen by birth.”

ii. OLO Fiti Afoa Vaai, Member for Salega East

The Member for Salega East queried whether the Committee, in drafting its proposed amendment, had taken into account its effect on other laws. For example, how would the provisions of the bill affect a ‘new citizen’s’ ability to run for election under existing electoral laws?

iii. Hon PRIME MINISTER

The Hon Prime Minister reiterated the overall purpose of the bill; noting that it is intended to permit non-citizen Samoan descendants to (*inter alia*), represent Samoa in various sporting events. He noted that the existing policy in regards to citizenship currently bars non-citizens from doing so, which has been evidenced in the restricted pool of athletes able to represent Samoa at the 2016 Rio Olympics.

The Hon Prime Minister then gave the example of rugby league/union superstar Sonny Bill Williams, noting that he had personally requested Samoan citizenship to enable him to take up a rugby league contract in England. The Hon Prime Minister stated that this was one of the primary catalysts for the introduction of the Amendment Bill. He further noted that with the increase of Samoan league players taking up contracts in England, there had subsequently been an increase in requests for Samoan citizenship by overseas Samoan descendants to enable them to represent Samoa when possible.

iv. OLO Fiti Afoa Vaai, Member for Salega East

The Member for Salega East expressed his gratitude for the explanation offered by the Hon Prime Minister, and encouraged him not to use his prime ministerial discretion ‘too lightly’. To this, the Hon Prime Minister replied that the law under

discussion is a 'living' law; therefore 'dead' issues should not be discussed or considered.

- **Clause 2** - approved as amended.
- **Clause 3** – the Committee proposed to amend Clause 2 by substituting with the following:

“3. Transitional – Section 7 of the principal act (as amended by this Act) applies to a person who was born outside of Samoa before the commencement of this Act, and whose grandparent is or was a citizen of Samoa by birth.”

v. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member for Faleata West noted his support for the proposed amendment but queried why lineage entitlements were limited to one's grandparents. He suggested that it be extended to great grandparents also.

vi. Hon GATOLOAIFAANA Amataga Alesana-Gidlow, Chairperson of the Social Sector Committee and Member for Faasaleleaga No.1

The Chairperson noted that to extend the lineage to great grandparents would most likely pose various 'unforeseen complications'. She noted that it would be better to take small, yet effective steps at this point in time, to anticipate possibly more expansive amendments in the future.

vii. Hon PRIME MINISTER

The Hon Prime Minister agreed with the Hon Chairperson and noted that ‘control measures’ must be set in place to ensure the process is not abused. One such control measure, noted the Hon Prime Minister, was the ST\$5,000 application fee for prospective applicants.

viii. Hon AEAU Peniamina Leavaiseeta, Member for Falealupo

The Hon Member noted his concern over the clause, stating that each and every Samoan should be aware of his or her genealogy; therefore, such limits cannot be justified.

ix. Hon PRIME MINISTER

In noting his disagreement with the Member for Falealupo, the Hon Prime Minister made reference to an overseas rugby player who represented Samoa in 1991, and who was able to utilise the process under discussion. He further stated that genealogy remains to be an issue in Samoa, as can be evidenced by the many appeal cases currently before the Lands and Titles Court.

- Clause 3 – approved as amended.
- Clause 1 and the Short Title of the Bill – approved.
- The Citizenship Amendment Bill 2016 progressed as amended.

2. Bankruptcy Amendment Bill 2016 – consideration in detail.

The Chairperson of the Finance and Expenditure Committee moved a motion for the Assembly to approve its report, inclusive of its recommendations; the motion was approved.

- Clause 2 – approved.

- Clause 3:

i. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member queried whether the Committee had taken into account situations wherein declared bankrupts flee overseas and leave the guarantors of their loans behind to pay off their debts.

ii. ALIIMALEMANU Alofa Tuuau, Chairperson of the Finance and Expenditure Committee, Member for Alataua West

The Chairperson stated that the bill seeks to ensure that lenders are protected and that borrowers are retained in the country to ensure they take responsibility for any and all monies owed.

iii. Hon PRIME MINISTER

The Hon Prime Minister noted that there are various ways whereby one can become bankrupt. Amongst the examples he offered, he stated that business owners may have multiple debts owing to various institutions which he or she is then unable to service; which leads to a declaration of bankruptcy and court proceedings. He stated that the bill simply seeks to ensure that declared bankrupts are restricted from leaving the country under certain circumstances. He also noted that the official assignee can establish terms and conditions with respective bankrupts to ensure that debts are paid before he or she attempts to leave the country. He then stated that one common cause of bankruptcy is people's desire to run for general elections, which costs a lot of money resulting in hefty debts that cannot be paid off.

- **Clause 3** – approved.
- **Clause 1 and Short Title** – approved
- The Bankruptcy Amendment Bill 2016 progressed without amendments.

- The Hon PRIME MINISTER moved a motion to set aside Standing Order 108(4) to enable third reading of both bills, which were considered in detail; the motion was approved.

Proceedings were suspended at 10:15am and reconvened at 11: 09am.

3. Citizenship Amendment Bill 2016 – third reading.

The Hon Prime Minister moved a motion that the bill be read a third time; the motion was approved and the bill was third read, subsequently passing the House.

4. Bankruptcy Amendment Bill 2016 – third reading.

Hon FAAOLESA Katopau Ainuu, Minister for Justice, Courts and Administration moved a motion that the bill be read a third time; the motion was approved, the bill was third read and subsequently passed the House.

- The Hon Prime Minister moved a motion that proceedings be adjourned until Tuesday, 18 October 2016; the motion was approved.

**Proceedings of the Assembly were suspended at 11:18am
and will reconvene at 9:00am, Tuesday 18 October 2016.**