

DISCLAIMER

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Day: Tuesday 18 October 2016
9:00am

MOTIONS:

1. Motion by Deputy Chairperson of the Social Sector Committee

The Deputy Chair for the Social Sector Parliamentary Committee, LEANA Ronnie Posini, moved a motion requesting an extension of time to consider papers referred to the Committee pursuant to Standing Order 52; the motion was approved.

2. Motion by Chairperson of the Special Inquiry Committee

The Chairperson for the Special Inquiries Committee, LOPAOO Natanielu Mua, moved a motion requesting an extension of time to consider issues regarding the Land and Titles Court; the motion was approved.

I. GOVERNMENT ORDERS OF THE DAY

1. Fees and Charges (Miscellaneous Amendments) Bill 2016 – first reading

Hon SILI Epa Tuioti, Minister of Finance and Member for Faasaleleaga No. 1 East

The Hon. Minister of Finance moved a motion to have the bill first read; the motion was approved and the title of the bill was read out by the Clerk.

MOTION:

The Hon Prime Minister and member for Lepa, Tuilaepa Fatialofa Auelua Lupesoliai Aiono Neioti Dr. Sailele Malielegaoi, moved a motion to set aside Standing Orders 102(1) allowing for the Fees and Charges (Miscellaneous Amendments) Bill 2016 to be second read after it is first read; the motion was approved.

2. Fees and Charges (Miscellaneous Amendments) Bill 2016 – second reading**Hon SILI Epa Tuioti, Minister of Finance and Member for Faasaleleaga No. 1 East**

The Hon Minister of Finance moved a motion to have the bill second read and he spoke to clarify the bill; the motion was approved.

The Minister of Finance clarified the bill stating that there are 51 legislation proposed to be amended by the Fees and Charges (Miscellaneous Amendments) Bill 2016, to ensure that fees and charges are standardised across all Government Ministries, Corporations and Public Bodies. Furthermore, the bill provides for a consistent mechanism with regards to the review process of all fees and charges as the bill requires all Ministries, Corporations and Public Bodies to submit all proposed fees and charges to the National Revenue Board (NRB) for proper assessment, before it is referred to Cabinet for their decision and advice to the Ao o le Malo.

The Minister also mentioned that his Ministry has already made necessary changes on behalf of the National Revenue Board, to accommodate for the changes the said bill will bring about, once the bill is passed these changes will be in effect.

1. OLO Fiti Afoa Vaai, Member for Salega East

The Member acknowledged the changes proposed by the bill and queried the Cabinet's recommendation as to why such changes were necessary.

- **Hon Prime Minister Tuilaepa Fatialofa Auelua Lupesoliai Aiono Neioti Dr. Sailele Malielegaoi, Member for Lepa**

The Hon. Prime Minister stated that Pre-Sitting briefings were created to ensure adequate information is provided to Members regarding the background and objectives of the bills. Therefore, the queries raised by the member for Salega East should have been addressed during the briefing had he been there yesterday, in order to save time spent on deliberations in Parliamentary sittings.

The Prime Minister further stated that Cabinet was not careless with its recommendation. Various consultations had taken place to ensure the bill would be successful.

- **OLO Fiti Afoa Vaai**

The Member for Salega East assured the Prime Minister that although he was absent during the pre-sitting briefing, he has never missed a Parliamentary Session. The member then made reference to the Standing Orders and stated that the formal platform for queries on any bill is during second reading stage in Parliament.

- **Hon PRIME MINISTER**

The Prime Minister reiterated that Pre-sitting briefings should be sufficient for members to grasp the background and purpose of bills, thus saving time during Parliament sittings.

- **Hon SPEAKER LEAUPEPE Toleafoa Taimaiono Faafisi**

The Hon Speaker stated that there were important queries raised during yesterday's Pre-Sitting briefing, then further added that there is also the opportune for Members queries when the bill is referred to Parliamentary Committees.

- **OLO Fiti Afoa Vaai**

The member then made reference to the composition of the National Revenue Board, stating that it consists of Chief Executive Officers for Government Ministries and the Attorney General. The Member then suggested to Parliament whether the Office of the Regulator is in a better position to take on the functions of the National Revenue Board.

- **Hon MINISTER OF FINANCE**

The Minister clarified that the National Revenue Board has been in existence for a few years now and it includes Chief Executive Officers from the Ministry of Finance, Revenue, Labour and the Attorney General.

With regards to the Office of the Regulator, their services are specific to EPC and Telecommunications therefore, are not the appropriate office to review fees and charges for all Ministries, Corporations, SOE's and Public Bodies, which include fees for purchasing a birth certificate or immigration fees. The Office of the Regulator is responsible for telecommunication and seeking competition from overseas markets.

- **Hon PRIME MINISTER**

The Hon. Prime Minister stated that the view expressed by the member for Salega East, to merge the National Revenue Board with the Office of the Regulator is not appropriate because they have different functions.

The Hon Prime Minister clarified that the National Revenue Board was established in the Ministry of Finance, as the scope of fees and charges widened, it was necessary to include other Ministries to review and provide another form of verification on fees and charges presented to Cabinet.

- **OLO Fiti Afoa Vaai**

The member mentioned the recent increase in the fees of the Land Transport Authority and stated that Cabinet should wisely consider all proposed changes before giving its endorsement.

2. Hon FONOTOE Nuafesili Pierre Laufo, Member for Anoamaa Sisifo

The Member expressed his agreement with and support to the bill. He mentioned that there are Ministries which have never reviewed their fees and charges, thus heightening the need for the proposed bill to be implemented. The Member then requested that the amount of fees and charges should be set at a reasonable and affordable rate to ensure it is within the cost of living for all Samoans.

Furthermore, the member stated that the review of fees and charges should not be a means for Government to earn an income, but instead, Government should establish a formula as a measuring mechanism to ensure the amount of fees and charges are standardised.

3. FAUMUINA Asi Pauli Wayne Fong, Member for Urban West

The Member expressed his support on the bill and requested for a decrease in the fees of the Ports and Customs Offices at the wharf. He concluded with a request for access to the final list of fees and charges after any changes have been made to it.

4. LEALAILEPULE Rimoni Aiafi, Member for Faleata East

The Member noted the user-pay system whereby Samoa is engaging in, includes services offered by the Government which incur costs. The member then queried the bill, stating that there are clauses which rely on the Public Finance Management Act (PFMA), however PFMA does not go hand-in-hand with other Ministries and Corporations, as other Ministries are mandated by their individual Acts.

The Member further stated that the Head of State should be reserved from any matters regarding fees and charges as these should be particular to the responsible Ministry.

5. AUMUA Isaia Lameko, Member for Falealili West

The Member expressed his support for the Bill.

Hon SPEAKER:

The Speaker stated that the purpose of instigating Pre-Sitting briefings is to ensure members are well informed on the purpose and background of the bill. Members' absence in these pre-sitting briefings is an indication of their neglectful nature towards their duties as Parliamentarians.

6. MINISTER OF FINANCE, Hon. SILI Epa Tuiofi

The Minister of Finance expressed his gratitude to Members for their advice and comments on the bill and stated that he has taken note of them all and will keep them in mind once the bill is in effect.

The Minister further stated that the Ministries do not have the sole responsibility to make their own fees and charges, as all proposals will be given to the National Revenue Board for review before it is referred to Cabinet for approval.

The Question was put and the Bill was read a second time. The **Fees and Charges (Miscellaneous Amendments) Bill 2016** was read a second time.

The Fees and Charges (Miscellaneous Amendments) Bill 2016 was referred to the Finance and Expenditure Parliamentary Committee, which should report back its findings on the next Parliament session.

MOTIONS:

The Hon. Prime Minister moved a motion, to set aside Standing Orders 45(n) allowing the Assembly to consider the next three bills under urgency; the motion was approved.

3. Foundations Bill 2016 – first reading

The **Minister of Finance, Hon SILI Epa Tuiofi** moved a motion to have the bill first read; the motion was approved and the Foundations Bill 2016 was read a first time.

4. Trusts Amendment Bill 2016 – first reading

The **Minister of Finance, Hon. SILI Epa Tuioti**, moved a motion to first read the Trust Amendment Bill 2016 first read; the motion was approved and the bill was first read.

5. International Partnership and Limited Partnership Amendment Bill 2016 – first Reading

The **Minister for Finance, Hon SILI Epa Tuioti**, moved the motion to have the International Partnership and Limited Partnership Amendment Bill 2016 first read; the motion was approved and the bill was first read.

6. Foundations Bill 2016 – second reading

The Minister of Finance, **Hon. SILI Epa Tuioti**, moved for the second reading of the bill and spoke to clarify the bill.

The Minister began clarification on the bill, stating that it accommodates for other services offered by the Samoa International Finance Authority in its efforts to capturing the attention and meeting demands of international investors.

The Minister noted that the bill caters for the creation, registration and establishment of a foundation; duties and powers of the court regarding foundations as well as the registration of overseas foundations in Samoa and vice-versa. The Minister also noted with delight that Samoa may be the first Pacific nation with a Foundations legislation to attract and secure foreign investors to Samoa.

1. OLO Fiti Vaai, Member for Salega East

The Member expressed gratitude to the Minister, the Chief Executive Officer and staff of SIFA for the contribution they have made to the development of the Private Sector. He then encouraged the Authority to develop and look for other ways to seek revenue for Samoa. The Member advised the Authority to implement stringent

policies and regulations to ensure that Samoa is always protected from Money Launderers and Frauds.

2. FUIMAONO Teo Samuelu Teo, Member for Falealili East

The Member expressed gratitude to the Minister and SIFA for the Bill. The member recognised that the purpose of the bill seeks ways to further develop Samoa.

3. Hon LAUOFO Fonotoe Nuafesili Pierre Laufo, Member for Anoamaa West

The Member expressed gratitude to SIFA for its continuous support in the development of Samoa, he then extended his gratitude to the Chairman of the Samoa Rugby Union, the Hon Prime Minister, for appointment of the new sevens rugby coach.

4. LOPAOO Natanielu Mua, Member for Vaisigano No. 2

The Member also expressed his gratitude to the Minister and SIFA for the bill.

5. Toomata Aki Tuipea, Member for Salega West

The Member expressed gratitude to the Prime Minister and Cabinet for the establishment of SIFA. The member then extended gratitude to SIFA and stated that in the past, it was never envisioned that the Authority would contribute greatly to the development of Samoa. However, currently, Samoa has witnessed many contributions of SIFA through various developments, such as sponsoring Sports and Youth programs.

The Member concluded his remarks by advising the Authority to look into sponsoring and assisting with tertiary schooling of students who are unable to pursue tertiary studies due to limited resources.

- **Hon. SILI Epa Tuioti, Minister of Finance**

The Hon. Member expressed his agreement and support on the view that SIFA has immensely contributed to the development of Samoa. The Hon. Member further clarified by stating that in 2014, 17 million surplus funds were received from SIFA. With regards to supporting education and paying school fees, there are scholarship opportunities from the Governments of New Zealand and Australia assisting with tertiary school fees of students.

The Question was put and the Foundations Bill was read a second time

7. Trusts Amendment Bill 2016 – second reading

The Minister of Finance, Hon. SILI Epa Tuioti, moved that the Trusts Amendment Bill 2016 be second read.

The Minister of Finance clarified that the purpose of the bill is to re-define certain terms in the Act, to provide for a new section which caters for additions of property to a Samoan International Special Trust Arrangement (SISTA), as well as amending section 80 of the principal act to address instances whereby a request is properly and legally made for information in respect of a Double Taxation Agreement (DTA) or Tax Information Exchange Agreement (TIEA).

The Question was put and the bill was read a second time.

Parliamentary proceedings adjourned for recess at 10:38am and reconvened at 11:28am.

8. International Partnership and Limited Partnership Amendment Bill 2016 – First Reading

The Hon Minister of Finance, SILI Epa Tuioti, moved a motion for the second reading of the Bill; the motion was approved and the bill was read a second time.

9. Foundations Bill 2016 – consideration in detail

Clause 2 – Clause 9 approved without debate or amendments

Clause 10:

Hon. PRIME MINISTER, TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele Neioti

The Hon. Prime Minister on a point of order, advised the House to voice aloud their ayes and noes, indicating to the public listening to their radios that there are Parliamentarians present in the sitting.

Clause 10 approved

Clause 11 – Clause 60 approved without debate or amendments

Clause 61

1. LEALAILEPULE Rimoni Aiafi: Member for Faleata West

The Member suggested if the Speaker could read out the clauses in sets of two's or three's as it is time consuming to go through individual clauses.

- **Hon Speaker:**

The Hon. Speaker on a point of clarification stated that it is important to consider each clause at a time for clear and proper records of the Office; furthermore every clause serves a different purpose and has a different meaning.

Clause 61 approved

Clause 62 – Clause 90 approved without debate or amendments

Clause 91

1. LEALAILEPULE Rimoni Aiafi: Member for Faleata West

The Member noted the amendment of the Income Tax Act in clause 91, but the amendment is not provided in the bill. The member then advised the Minister that it

would be easier to interpret such amendments if they are mentioned and provided for in the bill for ease of reference.

- **Hon SILI Epa Tuioti, Minister of Finance**

The Hon. Minister made reference to the amendment the member from Faleata West has commented on and stated that it is referring to overseas offshore companies which are exempted from tax in Samoa.

Clause 91 approved

Schedules – approved

Clause 1 – Short title and commencement approved.

Consideration in Detail of the Bill completed without amendments

10. Trusts Amendment Bill 2016 – consideration in detail

Clause 2 – Clause 6 approved without debate or amendments

Clause 1 - Short Title and Commencement - approved

Consideration in Detail of the Bill completed without amendments

11. International Partnership and Limited Partnership Amendment Bill 2016 – consideration in detail

Clause 2 - Clause 15 approved without debates or amendments

Clause 1 - Short Title and Commencement - approved

Consideration in Detail of the Bill completed without amendments

12. Foundations Bill 2016 – third reading

The Minister of Finance, **Hon. SILI Epa Tuioti**, moved a motion for the bill to be third read; the motion was approved and the bill was read a third time and passed by the Legislative Assembly

13. Trusts Amendment Bill 2016 – third reading

The Minister of Finance, **Hon. SILI Epa Tuioti** moved a motion for the bill to be read a third time; the motion was approved. The Bill was read a third time and passed by the Assembly

14. International Partnership and Limited Partnership Amendment Bill 2016 – third reading

The Minister of Finance, **Hon. SILI Epa Tuioti**, moved for the bill to be third read; the motion was approved and the Bill was read a third time and passed by the Assembly

MOTION

The Hon Prime Minister - TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele Neioti Dr. Sailele Malielegaoi, Member for Lepa, moved a motion to adjourn proceedings of the Legislative Assembly until Tuesday 20 December 2016 as per sitting calendar of Parliament; the motion was approved.

The October Parliamentary sitting was concluded with a prayer said by the Member for Faleata West, Tofa LEALAILEPULE Rimoni Aiafi:

Hon SPEAKER

Before adjournment of the sitting, the Speaker reminded Parliamentary Committees of its duties and acknowledged the work that was tabled before Parliament.

***Proceedings adjourned at 12:16pm to reconvene at 9:00am on
Tuesday 20 December 2016.***