

### **DISCLAIMER**

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**March 2017**  
**9:10am**

#### **▪ GOVERNMENT ORDERS OF THE DAY – READING OF BILLS**

##### **1. Casino and Gambling Control Amendment Bill 2017 – first reading**

The Hon Minister, LAUTAFI Fio Selafi Purcell, moved a motion for the bill to be first read; the motion was carried and the bill was first read.

##### **2. Police Powers Amendment Bill 2017 – first reading**

The Hon Minister, TUILAEP Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galuemalemana Dr. Sailele Malielegaoi, moved a motion for the bill to be first read; the motion was carried and the bill was first read.

##### **3. Tax Information Amendment Bill 2017 – first reading**

The Hon Minister, TIALAVEA Fea Leniu Tionisio Hunt, moved a motion for the bill to be first read; the motion was carried and the bill was first read.

##### **4. Public Service Amendment Bill 2017 – first reading**

The Hon Minister, TUILAEP Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galuemalemana Dr. Sailele Malielegaoi, moved a motion for the bill to be first read; the motion was carried and the bill was first read.

##### **5. Casino and Gambling Control Amendment Bill 2017 – second reading**

The Hon Minister moved a motion for the bill to be second read; the motion was carried and the Hon Minister proceeded to speak on the bill. Hon LAUTAFI noted that the bill is a minor amendment, with its overall objective being to permit the Totaliser Agency Board (TAB) to continue the functions of the authority for an additional 12 months. This extension will cover the interim time period, while an amendment Act for the authority is drafted.

**i. Hon FONOTOE Nuafesili Pierre Lauofo, Member for Anoamaa West**

Hon FONOTOE Nuafesili Pierre Lauofo stated that this is an industry which requires further development in Samoa, as it is a lucrative means of attracting gamblers to our shores to invest. The Member for Anoamaa West continued by stating that there are only a few local residents who hold international passports and that the majority of casino goers are foreigners such as Indians, Filipinos and the Chinese.

Hon FONOTOE Nuafesili Pierre Lauofo noted that when the Principal Act came before the House, many issues were raised by Members but few people presented themselves to the respective Parliamentary Committee to raise such issues. He further noted that since the Act was enacted, the public raised various concerns over permitting gambling in Samoa; however, no such issues have since arisen. The Member therefore suggested that the Government consider other similar initiatives which could attract more international tourists to the island; particularly those in neighbouring American Samoa. Hon FONOTOE then stated that there should be at least 2 licensed casino operators on island to further attract tourists.

**ii. FAUMUINA Asi Pauli Wayne Fong, Member for Urban West**

The Member for Urban West stated that permitting an additional 12 months appears to suggest “bad planning” on the part of the Board. He suggested that the Board consider rewarding residents who return with sporting awards; further to this, he suggested that Olympic silver medallists be afforded an additional 12 months.

**iii. Hon PRIME MINISTER**

The Hon Prime Minister stated that the Government cannot move away from national initiatives or incentives for the public, by encouraging less than the best. He further noted that many of the existing sporting issues were a result of mismanagement. Those who travel abroad to represent

the country for sporting events, do so with a firm understanding of the standards and terms which they must meet and adhere to.

- **MR SPEAKER**

The Hon Speaker reminded Members that comments cannot be made on the floor about persons who are not present in the House.

- iv. **FAUMUINA Asi Pauli Wayne Fong, Member for Urban West**

The Member stated that the bill should be reviewed to take permit local residents without international passports to gamble, noting that this is an untapped form of revenue which is currently being restricted.

- v. **Hon PRIME MINISTER**

The Hon Prime Minister stated that the overarching objective of the Act was to limit the amount of time people spent in the casino to avoid susceptibility to possible gambling addictions. The Hon Prime Minister did however note that 3 Members had noted the same suggestions, and stated that perhaps in the future, such amendments could be looked in to.

- vi. **OLO Fiti Afoa Vaai, Member for Salega East**

The Member for Salega East noted that he had been opposed to the principal Act when it was introduced in the House some years ago; however, he stated that he had been agreeable to having a casino, and testing its initial operations. Similar to the Member for Urban West, OLO suggested that the Act be reviewed to grant Samoan passport holders access to the existing casino.

- vii. **LOPAOO Natanielu Mua, Member for Vaisigano No.1**

The Member for Vaisigano No.1 requested the establishment of a casino facility in his constituency to aid the creation of jobs.

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

The Hon Minister stated that since 5 years have elapsed since the introduction of Samoa's first casino, it would be an opportune time to reassess the Act, including its existing restrictions on local passport holders. LAUTAFI then noted that such reviews were already being considered with the drafting of an amendment bill.

- The Hon MR SPEAKER put the question that the bill be read a second time; the question was agreed to on the voices and the bill was second read.

**6. Police Powers Amendment Bill 2017 – second reading**

The Minister, Hon TUILAIPA, moved a motion for the bill to be second read and spoke to clarify the bill. The Hon Minister stated that the bill sets out the protocols which authorise and restrict sworn constables to be armed while in public, with relevant provisions included aimed at protecting the public. Hon TUILAIPA further stated that the bill requires the advice of the Attorney General to be sought before police officers are armed. He also stated that there is an increasing number of weapons being smuggled into the country, which has resulted in police raids from time to time.

**i. Hon FONOTOE Nuafesili Pierre Lauofo, Member for Anoamaa West**

The Member for Anoamaa West raised concerns over actions to be taken in emergency situations which require urgent responses. The Member stated that there should be an additional provision which covers urgent matters where it would be time consuming, and possibly life threatening, for the set procedure to be enacted in emergency situations.

**ii. FAUMUINA Asi Pauli Wayne Fong, Member for Urban West**

The Member for Urban West noted his support for the bill, but also noted his concern that there could be a situation where permits are issued by the Ministry for officers to carry weapons, which outnumber the total number of weapons in the force's artillery. The Member noted that similar processes are in place for farmers (private licences), stating that it appears to be easier for a member of the public to legally carry/use weapons than police officers.

iii. The Hon Minister (Prime Minister) stated that the bill before the House did not include a requirement for 'permits', but rather 'warrants'.

iv. **FAUMUINA Asi Pauli Wayne Fong, Member for Urban West**

The Member reiterated the need to review previously issued permits and the purposes for which they were issued, emphasising that the proposed processes in the bill should be thoroughly reviewed also.

v. **SULUMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East**

The Member for Vaimauga East stated that in previous years, the Police were armed unnecessarily; however, he stated that times change and sometimes weapons are a necessity. SULUMANAIA suggested that a provision be considered which may permit the *Village Fono* to assist in police raids, when necessary.

vi. **Hon PRIME MINISTER**

The Hon Prime Minister noted that the suggestion put forward by the Member for Vaimauga East has already been implemented. However, the Hon Prime Minister stated that in some cases, the involvement of *Village Fonos* in raids has been counterproductive; for example, at the time of police arrival at a raid scene, a lot of evidence has been removed which defeats the purpose of undercover raids.

vii. **SULUMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East**

The Member for Vaimauga East stated that the involvement of the *Village Fono* in raids would be for the ultimate protection of the police officers. He then noted that if *Village Fono* are to be involved, that it would ideal to first inform the village's Member of Parliament to ensure that peace and harmony is observed. The Member then suggested that the Police Force use tasers instead of guns and also to properly utilise existing K9 unit.

**viii. OLO Fiti Afoa Vaai, Member for Salega East**

The Member noted his support for the bill and stated that in his opinion, the initiative is a positive one. However, the Member stated that the proposed referral to the Attorney General would unnecessarily prolong the process, particularly in urgent situations.

- The Member then noted the use of the phrase ‘or person to be armed’ in clause 2. The Hon Prime minister noted that the bill only empowers police officers to carry weapons, not the general public.
- OLO stated that the phrase which he was referring to is noted at the beginning of Clause 2.
- The Hon Prime Minister stated that his explanation refers to those who would be taking part in the raid; namely, police officers.
- OLO suggested that the phrase in question, ‘or person to be armed’, should make explicitly clear that it refers to ‘police officers’ to avoid confusion. The Member also raised concerns over the terms of warrants, and recommended that the Government should act in accordance with the law.

**ix. FUIMAONO Teo Samuelu Teo, Member for Falealili East**

The Member stated that the bill is clear in regards to warrants for emergencies, stating it should perhaps include an ‘enforcement’ and an ‘expiration’ date ensure a warrant is only used once. He also suggested that warrant’s validity should cease once the purpose for which it was issued is complete.

In regards to issues previously raised by other Members, FUIMAONO noted whether it would be more effective to permit the Officer in charge of a specific matter which requires a warrant, to make the final decision in terms of ‘urgent matters’, as opposed to acquiring the approval of the Minister and/or the Attorney General.

**x. Leana Ronnie Posini, Member for Safata West**

The Member for Safata West noted that he was concerned about the bill possibly increasing the influx of dangerous weapons into the country, and queried how many weapons have been imported into Samoa already.

**xi. AUMUA Isaia Lameko, Member for Falealili West**

The Member for Falealili West suggested that a clause be inserted to clarify the expiration date of warrants.

**xii. Hon PRIME MINISTER**

The Hon Prime Minister noted that issues raised by Members were not new; however, he stated that they would be considered in time.

**7. Police Powers Amendment Bill 2017 – consideration in detail**

Clause 2 – approved.

Clause 1 and Short Title – approved.

The bill was considered in detail, and progressed to third reading without amendments.

**8. Police Powers Amendment Bill – third reading**

The Hon Prime Minister moved a motion for the bill to be third read; the motion was carried and the bill was subsequently third read and passed the Assembly.

**Proceedings were suspended at 10:47am**

**Proceedings resumed at 11.28am**

**9. Tax Information Exchange Amendment Bill 2017 – second reading**

The Hon Minister for Revenue, TIALAVEA Fea Tionisio Hunt, moved a motion for the bill to be second read and spoke to clarify the bill. Hon TIALAVEA noted that the bill was enacted in 2012 and that the current amendment before the House is to permit linkages with the 17 countries (which have signed the multilateral agreement) for the exchange of tax information. The Hon Minister noted that the exchange of tax information will aid the Samoa Information Finance

Authority (SIFA) to monitor any cases of money laundering in Samoa. He stated that the process includes SIFA clearing information received before it is referred to the Ministry for Revenue (MoR) who may then release the information to a foreign partner upon request. The Hon Minister emphasised that tax information will only be released upon request, to those countries which have signed the multilateral agreement; he also noted that all relevant agencies are to be registered with the SIFA.

**i. FAUMUINA Asi Pauli Wayne Fong, Member for Urban West**

The Member for Urban West queried the reliability of the other 17 signatories to the multilateral agreement, and whether they were trustworthy partners to share information with.

**ii. FONOTOE Nuafesili Pierre Laufofo, Member for Anoamaa West**

The Member for Anoamaa West stated that there are two crucial reasons why Samoa should attempt to monitor tax information; namely, to monitor possible cases of money laundering and terrorism funding. The Member then queried whether the accounts which are required for tax information exchanges included *cash* transactions. He queried how we would attempt to monitor the use of cash when such records are not the ones sought by foreign investors. The Member then queried how ‘bulk cash’ will be monitored without hard copy records, noting the difficulty of tracking usage via the current coding standards.

**iii. OLO Fiti Afoa Vaai, Member for Salega East**

The Member noted that in the previous Member’s Pre-Sitting Briefing, the Chief Executive Officer for the MoR noted that tax information held by the MoR would not be available to the public for research/information purposes; the Member queried why this would be the case.

**iv. Hon TIALAVEA Fea Tionisio Hunt, Minister for Revenue and Member for Vaa o Fonoti**

The Hon Minister stated that if Samoa does not exchange its tax information, it will not be able to receive similar information from its partners. He noted that the risk therefore rests on all parties, however, the tax information is required by our partners and Samoa must endeavour to comply with existing international standards. In regards to the availability of information, there are

policies and regulations in place which prohibit the release of tax information to the public. The Minister then noted that there are specialised k9s that can track smuggled cash.

- The Question was put by MR SPEAKER, and the bill was read a second time.

#### **10. Tax Information Exchange Amendment Bill 2017 – consideration in detail**

Clause 2 – approved.

Clause 3 – approved.

Clause 4 – approved.

Clause 5 – approved.

Clause 1 and Short Title – approved.

The bill progressed without amendment to the third reading stage.

#### **11. Tax Information Exchange Amendment Bill 2017 – third reading**

The Hon Minister moved a motion for the bill to be third read; the motion was carried, the bill was read a third time and subsequently passed the Assembly.

#### **12. Public Service Amendment Bill 2017 – second reading**

The Hon Minister TUILAIPA Fatialofa Auelua Lupesoliai Neioti Lolofietele Galumalemana Aiono Dr Sailele Malielegaoi, moved a motion for the bill to be second read, and spoke to clarify the bill's contents. The Hon Prime Minister stated that the amendment proposes that all Assistant Chief Executive Officer (ACEO) positions are appointed by the *O Le Ao o le Malo*, on the recommendation of Cabinet.

##### **i. ALIIMALEMANU Alofa Tuuau, Member for Alataua West**

Based on the clarification provided by the Hon Prime Minister, the Member stated that it appeared as if the Government no longer trusts the Public Service Commission to enact its functions, particularly in regards to appointing ACEOs. The Member stated that if this was the case, it would leave the Commission less than 50% of the work responsibilities to tend to, which is unacceptable.

**ii. FAUMUINA Asi Pauli Wayne Fong, Member for Urban West**

FAUMUINA stated that he understands that amendments to bills are introduced in the House for a reason; however, he suggested that Cabinet trust the Commission to carry it its role and duties and maintain the current practice. The Member further stated that Cabinet should attempt to focus more on major issues, and less on minor responsibilities such as the appointments of ACEOs.

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

The Member for Faleata West noted that he agreed with the purpose of the bill, in that it addressed the weaknesses in the existing recruitment process and also those who are responsible for implementing the process. The Member raised concerns over the lack of right of appeal by those whose contracts have not been renewed; or one's right to question decisions made by Cabinet. The Member stated that independent organisations and bodies are in complete control of their recruitment processes and yet there seem to be fewer issues than those evident in the public service. LEALAILEPULE stated that if the process is dysfunctional, then we should look at fixing the process, or the people who are responsible for decision making, as opposed to changing the entire process completely.

**iv. SULUMANAIA Fetaiai Tauilili Tuivasa, Member for Vaimauga East**

SULUMANAIA voiced his concern at the possible effect of the change of process on the dignity of the office of the *O Le Ao o le Malo*. Furthermore, the Member for Vaimauga East stated that there seems to be one obvious defect in the existing recruitment process, namely the final decision on appointments made by the Chairperson and the Deputy Commissioner. He noted that the interview process did not seem flawed as it stands, as a member of the Commission is part of the panel; however, once the panel decision is referred to the Chairperson, the decision and outcomes become blurred or are overturned. The Member also stated that if Cabinet was looking to make all decisions, they should simply opt to dissolve the Commission or not include a member of the Commission in the interview panel.

**v. AUMUA Isaia Lameko, Falealili West**

The Member for Falealili West spoke briefly as to the history and the development of the Commission, and noted his support for the proposed bill.

- The Hon Prime Minister clarified the bill's objectives before Mr Speaker put the question and the bill was read a second time. The bill now stands referred to the Standing Orders, Electoral, Petitions and Constitutional Offices Committee for scrutiny.

### **13. Fees and Charges (Miscellaneous Amendments) 2016 Bill - consideration in detail.**

ALIIMALEMANU Alofa Tuuau, Chairperson for Finance and Expenditure Committee, moved a motion for the Assembly to consider its report on the *Fees and Charges (Miscellaneous Amendments) 2016 Bill*; the motion was carried.

Clause 2 – approved as amended.

Clause 3 – approved as amended.

Clause 4 – approved as amended.

Clause 5 – approved as amended.

Clause 6 – approved as amended.

Clause 7 – approved as amended.

- The Hon Deputy Prime Minister queried whether there was a reader friendly version of the Committee's amendments available.
- The Hon PRIME MINISTER commended the efforts of all the Members, including those in the Executive and Parliamentary Committees, for their hard work throughout the past months. He then moved a motion for the *Fees and Charges (Amendment) 2016 Bill* to be withdrawn, redrafted and resubmitted to the House; the motion was carried and the bill was withdrawn.

**Proceedings were adjourned at 12.41 pm**

**The House will reconvene at 9:00am on Tuesday, 30<sup>th</sup> May 2017.**