

DISCLAIMER

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Day5: Monday 29th January 2018

9:00am

I. GOVERNMENT ORDERS OF THE DAY – reading of Bills continued

2. National Health Service Amendment Bill 2018 – second reading continued

i. SULUMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East - *continued*

The Member acknowledged the Hon Minister and Associate Minister of Health. He stated that he was not in favour of the merger as he believed that it was the Ministry's role to monitor the NHS's services. The Member did however commend the various changes that the Government had implemented, while also acknowledging the work of the Attorney General. The Member noted the importance of the Ministry's role in the overall development of Samoa.

The member then noted his concern over the existing NHS employees post merger. In terms of general health issues, the Member noted the need to emphasise the importance of illness prevention. He then queried whether the NKF should remain independent, noting possible conflicts of interest if the Foundation were to be placed under the Ministry of Health. He then reiterated the importance of Doctor professionalism, stating that Doctors should ensure they are not intoxicated while on duty.

In terms of the proposed transitional Board, SULUMANAIA stated that the process for the nomination of Board members should be just. He stated that there are many suitably qualified public servants who could sit on the Board as opposed to Ministers, given that conflicts of interest may arise as Cabinet must endorse referred candidates.

The Member for Vaimauga East acknowledged the good work of the Minister for Women in terms of village cleaning projects, stating that a clean environment aids disease prevention. He also stated that a Deputy Chief Executive should be included in the existing Ministry organisation chart. In regards to health issues, the Member noted the lack of medical practitioners in Savaii, with existing doctors having to commute between Savaii and Upolu owing to the shortage. He further stated that the rate for on-call medical officers is relatively low compared to private practitioners.

ii. Hon LAAULI Polataivao Leuatea, Member for Gagaifomauga No.3

Hon LAAULI conveyed his condolences to the families of those who lost loved ones in the Puipaa traffic accident in the weekend. He urged public transport operators and all drivers to take caution while driving on the roads. He then noted his support for the tabled Bill, noting that it had not been drafted overnight, and was the result of multiple stakeholder consultations. In regards to relevant employees, the Member suggested that appropriate overtime packages are offered to compensate for the time employees must spend away from their families. He then stated that in his personal opinion, the National hospital was in an impeccable state, stating that it was of the highest quality. In regards to national health improvement, the Member emphasised the importance of support from the Alii and Faipule in health programmes. In concluding, the Member noted the works undertaken by himself and the previous Member for Gagaifomauga No.2 to facilitate and assist with the health needs of the members of the constituency.

iii. MULIPOLA Leiatava Laki, Member for Aiga i le Tai

The Member for Aiga i le Tai expressed his condolences for the families of the victims from the Puipaa accident. He acknowledged the Minister, Associate minister and the Ministry of Health employees for their efforts to assist the accident victims, stating that the careless of bus drivers is not new in Samoa. He then noted the importance of reviving hygiene committees (Komiti Tumama) to carry out basic first aid services in villages. He stated that there is unnecessary overcrowding in the hospitals, which can be avoided if these committees are reinstated. The Member then noted that there have been historical issues with public access to the hospitals, noting his hope that the merger will alleviate some of these issues, and that the needs of the 3000 residents of his constituency will be adequately met.

▪ Mr Speaker – point of order

The Member noted the importance of the tabled Bill to enable the merger of the National Health Service and the Ministry of Health. The Member then commented on the value of nurses, noting the many times in which the Government has noted its thanks for their efforts. He also commented that the existing structure of the Ministry of Health should be reconsidered, and that there is a need for nurses' salaries to be revised and increased.

Again focuses on the role of nurses, the Member noted that nurses working in the rural areas have dual roles; namely, that of nurse and also of doctor. He stated that many of the nurses assigned

to the rural areas take instructions over the phone from the Motoootua hospital. The Member suggested that the Minister's office be relocated to Motoootua for the sake of convenience. In concluding his remarks, the Member expressed thanks for the work of the Minister, Associate minister, the Chief Executive and staff of the Ministry of Works for the developments implemented in his constituency; he did however note that the main road servicing Vaitele to Mulifanua required 3 lanes.

- A motion was moved for the Bill to be second read; the motion was approved and the National Health Service Amendment Bill 2018 was read a second time. The Bill then progressed to the consideration in detail stage.

3. National Health Service Amendment Bill 2018 – consideration in detail.

Clause 2 – Approved.

Clause 3 – Approved.

Clause 1 and Short Title – Approved.

- The Bill progressed to third reading stage without amendments.

4. National Health Service Amendment Bill 2018 – third reading.

The Hon Minister of Health, TUITAMA Talalelei Tuitama moved a motion for the Bill to be read a third time; the motion was seconded and approved. The Bill was read a third time and passed the Assembly without amendments. The Bill will become an Act of Parliament upon assent by the Head of State.

5. Constitution Amendment Bill (No.2) 2018 – second reading

The Hon Prime Minister TUILAEPA Auelua Fatialofa Lupesoliai Aiono Neioti Galumalemana Dr Sailele Malielegaoi moved a motion for the Bill to be read a second time, and spoke to clarify the Bill's objectives. The Hon Prime Minister noted that this was the first time the contents outlined in the Bill have been put before the House for discussion in regards to amending the Constitution. He then stated that despite many issues arising over the years regarding changes to, and the development of, electoral constituencies – these issues have never before affected the Constitution. The Hon Prime Minister noted that this was due to the existence of the Commission of Inquiry post general elections – to delve into these types of issues. The Hon Prime Minister stated that, in short, the Bill sought to address an increase in the number of existing constituencies. He stated that changes were made in this regard in the previous term; stating further that there needs to be balance in regards to the appointment of leaders for each constituency. The Hon Prime Minister used the US electoral system as an example to clarify the need for Samoa to take into consideration the division or appointment of members per constituency (for e.g. if there were 200,000 constituents there would be 2 members).

He noted that in 1971, this issue was raised wherein suggested were made for Parliament to be bi-cameral (two houses). He then clarified the rationale the establishment behind the women's reserved seats, in an effort to address the increasing need to raise women's participation in the Parliament. The Hon Prime Minister noted that there were also plans to increase the number of electoral constituencies to 51, noting that the necessary arrangements to enact this would have to be made via legislative change. In terms of the traditional divisions of Samoa as per Samoan custom and tradition, the Hon Prime Minister stated that this would not be affected by the proposed electoral changes.

Proceedings were suspended at 10:54am.

Proceedings reconvened at 11:32am.

i. Hon AEAU Peniamina Leavaiseeta, Member for Falealupo

The Member for Falealupo commented the Hon Prime Minister and the Government on the developments in national health services education. He stated however, that if all constituencies were treated equally in terms of prioritisation for health services, there would be fewer complaints.

ii. Hon FAUMUINA Tiatia Faolatane Liuga, Member for Palauli le Falefa

The Member noted a quote frequently used by the Hon Prime Minister: "If you know is it the right thing to do, do it. Do not be afraid of doing it; if you know what is right and do not act on it, then that is a sin in the eyes of the Lord." The Member then emphasised the need to develop the Salelologa wharf, noting that it would solve many development issues. He stated that cargo ships could dock at the wharf which would permit taro farmers to easily export their produce. Furthermore, he stated that ships would have easier access to Savaii, resulting in an increased number of businesses and therefore increased employment opportunities.

▪ Hon PRIME MINISTER

The Hon Prime Minister stated that a request had already been put to the Chinese Government for financial assistance to develop the Salelologa wharf. He also noted that the Government had instructed Hon LAUTAFI Fio Selafi Purcell to prioritise the development of Salelologa. The Hon

Prime Minister then stated that major developments must meet international standards, and that it was not merely a matter of allocating funds.

▪ **Hon FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa**

The Member noted that there currently 21 seats for Savaii and requested that seats are not removed for certain Savaii constituencies.

▪ **Hon PRIME MINISTER**

The Hon Prime Minister clarified that the changes had yet to be finalised; however, the issues raised by the Member were not relevant to the proposed amendments in the tabled Bill. He then stated that the changes could not be fully considered until the Bill had been passed, noting that further detailed discussions were necessary once the Bill had passed the Assembly.

▪ **Hon FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa**

The member noted the need for only 2 additional members, not 3

▪ **Mr Speaker**

The Hon Speaker noted that the law had yet to be drafted; therefore, discussions in the House regarding the Bill were inappropriate.

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

The Member noted that despite comparisons drawn by the Hon Prime Minister with the US presidential system and others, Samoa was inherently unique. He stated that the Constitution was based on God, noting that changes from “territorial” constituency to electoral constituency would cause Samoa as a nation to lose part of its identity, emphasising the connotations and meaning of the Samoan word “*faaalalafaga*”.

▪ **Hon PRIME MINISTER**

The Hon Prime Minister pointed out that “elections” is not a traditional Samoan practice, but rather one which was adopted from the Western system and incorporated into Samoa’s. He stated that the existing system is intertwined with the *Fa’aSamoa*, and these issues are not new as they were thoroughly considered by our forefathers.

▪ **OLO Fiti Afoa Vaai, Member for Salega East**

The Member noted that these ideas and changes were overlooking the important factors noted by our forefathers in the Constitution’s foreword.

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▪ **Hon PRIME MINISTER**

The Hon Prime Minister noted that proposed changes did not run contrary to the intentions of our forefathers; but rather, they honoured and furthered their efforts. He stated that elections were

one such process introduced and implemented by the founders of the Constitution, stating that Elections were introduced and implemented by our forefathers.

▪ **OLO Fiti Afoa Vaai, Member for Salega East**

The Member for Salega raised a second point; noting that he felt that the amendment should include specific criteria necessary for candidates to run at general elections.

▪ **Mr Speaker**

Mr Speaker noted that these details would be provided when drafting had been complete.

▪ **OLO Fiti Afoa Vaai, Member for Salega East**

The Member queried whether those who had been bestowed “honourary” titles could contest at general elections, noting the difference between a “true” and “false” matai.

▪ **Hon PRIME MINISTER**

The Hon Prime Minister stated that it was good to bring these issues to light as he was still unclear of the laws.

▪ **Hon LAAULI Polataivao Fosi Leauatea**

The Member clarified that the honorary title for Ban Ki Moon (U.N Head) was not a false matai title, as previously noted by the member of Salega East.

▪ **OLO Fiti Afoa Vaai, Member for Salega East**

The Member stated that he did not want to see foreigners sitting in the Chamber within the next 20 years.

▪ **Hon PRIME MINISTER**

The Hon Prime Minister stated that there were currently Members who were of mixed ancestry, noting that this issue had already been addressed in the House.

▪ **Mr Speaker**

The Hon. Speaker advised the Member for Salega East to conclude his statements, as he would not permit statements which create disruption (*'faamatalaga saili masei'*) in the House. Mr Speaker then informed the House that the Bill had yet to be referred to a Committee for deliberations and a Report. (Several Members rose to make statements and were denied by the Chair). The Hon Speaker then stated that questions had been asked of the Prime Minister, which had been answered; noting that the Prime Minister’s answer was sufficient. He then reminded the House that the Chair’s decisions were final.

- The question was put and the Bill was read a second time. The Bill now stands referred to the Standing Orders, Electoral, Petitions and Constitutional Officers Committee.

6. Casino and Gambling Amendment Bill (No. 2) 2017 - second reading

The Minister for Public Enterprises, Hon LAUTAFI Fio Selafi Purcell, moved a motion for the Bill to be read a second time; he then spoke to clarify the Bill's objectives.

The Hon Minister stated that the amendment deals with parts of the Principal Act which have been deemed as "ambiguous"; specifically in regards to casinos. He stated that the Gaming Control Act was passed by the House in 2017; however, the Act did not affect casinos as they were provided for under a separate Act. He stated that the tabled Bill has similarities with the Gaming Control Act; however, the tabled Bill will provide for gaming inspectors and other monitoring mechanisms. Hon LAUTAFI stated that the Bill will ensure that the Authority's services are improved and will afford inspectors the authority to monitor gaming establishments, as was provided to Police Officers. He also stated that the Bill will enforce the age limit for gamblers and outlines that the casinos must pay commissions from their earnings. The Bill also provides for the creation of Regulations and relevant penalties, such as penalties for falsifying financial statements to the Authority.

- The question was put and the Bill was read a second time. The Bill now stands referred to the Finance and Expenditure Committee.

7. Alienation of Customary Land Bill 2017 - second reading.

The Hon Minister for Natural Resources and Environment, FIAME Naomi Mataaafa, moved a motion for the Bill to be read a second time, and then spoke to clarify the Bill's objectives. The Hon Minister stated that the Bill outlines the alienation of customary land, and that the purpose of the Bill was twofold. She stated that it permits the leasing and mortgaging of land. Hon FIAME stated that the Bill will protect customary land and the interests in it, and that the other objective was to increase economic development by providing additional means of income for customary land holders. The Minister noted that it had been more than 10 years since the Advisory Land Committee was established, and that the Government was determined to utilise existing national resources to increase the economic standard in village, particularly for individual and collective families. The Minister noted that more than 81% of Samoan land was customary land. The Minister noted that customary lands cannot be used as security for loans which are required for development projects – despite their existence, families continue to struggle. She stated that land was provided to us for use by God, therefore they should be utilised to assist families for their economic benefit. She noted that there was still concern by Members of the House and the public that these changes would result in the loss of customary land ownership over time; however, she stressed that the relevant provisions are in place to ensure customary land continues to be secure and owned by Samoans. In closing, the Hon Minister stated that there are already families who have opted to lease their customary land and we have seen the increase in their standard of living as a result of these ventures. She then reiterated that the Bill permits for customary land to be used as security for a mortgage for economic purposes.

i. Hon PRIME MINISTER

The Hon Prime Minister supported the clarification provided by the Hon Minister, noting that the concept of land lease has historically been a difficult concept for our people to understand. He stated that customary land cannot be sold as per the provisions in the Constitution. He noted that when land is leased – it is temporary and once the lease ends the land reverts back to the owners; emphasising that ownership remains with the landowners at all times. If however, the lease is not paid – the lease, of say 10 years, is withdrawn by the money lender and the remainder of the lease term is advertised. He stated that once the lease term is complete, the lease cannot be renewed. He noted that leasing customary land for economic development purposes is a good source of revenue for families.

ii. Hon LAAULI Leauatea Polataivao Fosi, Member for Gagaifomauga No.3

The Hon Member stated that the Bill's contents dealt with sensitive issues which were an integral part of each Samoan's life. He noted that his constituency was, in terms of land mass, one of the largest in Samoa. The Member stated that his constituents had begun to plant trees in a 10,000a plot, in their efforts to support the environment. He stated that in 2008, investors had proposed to build a hotel using 60a of land; consultations were carried out between the investors and relevant matai – with the biggest consideration being the effects of such a project to future generations. The Member noted that the timeframe for that lease was about to end, noting examples of several criteria that were put in place such as the restriction for work on Sundays, and dress codes for tourists, lease payment criteria and the requirement that locals would be hired as employees. He stated that more than \$350,000 had been collected, to date, for the lease. In closing, the Member noted that 500a had been leased for a Nonu farm which had produced profits which totalled approximately USD\$100,000. The Member noted his support for the Bill, particularly for the clauses which states that a lease cannot be renewed.

**Proceedings were adjourned at 1.08pm.
The Assembly will reconvene at 9:00am, Tuesday 20th March 2018.**