



January
2020

PARLIAMENTARY SITTING SUMMARY

DISCLAIMER

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Monday 27th January 2020

9:03am

ANNOUNCEMENT BY MR SPEAKER

The Hon Speaker informed the House of the motion by the Prime Minister for the Member for Gagaifomauga No.3 to table documents as proof of the costings of a generator that was mentioned by the Member on Friday, 24 January 2020.

Member for Gagaifomauga No.3 tabled the required documents as requested by the Prime Minister and approved by the Assembly. The total costings of the Generator enlisted in the tabled documents totalled at least \$SAT72,000. He therefore, put forth a motion for the Prime Minister to table the three contractors that bid for a Generator which was reported on the Budget at \$SAT300,000.

Hon Prime Minister - interjection

The Hon PM clarified that this matter will be referred to the Finance & Expenditure Parliamentary Committee. He then mentioned on the normal process of the Government in terms of bidding-whereby all interested Contractors or Businesses to propose their bids and then the government will choose the appropriate bidder based on outlined procedures. Furthermore, he emphasised that there are also conditions to be considered, such as for the responsible Committee to investigate whether there were any close relations of the Member and the supplier, provide evidence whether the purchased generator was a brand new one or a second-hand machine. He then asserted that this matter will also determine the integrity of the responsible Minister. The PM put forth a motion that the tabled document be referred to the Finance and Expenditure Committee for further investigation.

- **Susuga Hon LAAULI Leuatea Polataivao - Member for Gagaifomauga No.3**

The member asserted that he is questioning the papers that were provided by the Finance Committee and therefore referring it to them will hinder the process of justice and fairness. He therefore proposes that a Special Committee be established to review these documents if not refer this to the Privileges Committee. The member then requested for the Chairperson of the FEC to table the three quotes for the Generator as stated in its report.

- **Afioga ALIIMALEMANU Alofa Tuuau - Chairperson, Finance and Expenditure Committee**

The Chairperson reassured the Assembly that Committee will look into the issue. She then reminded the Assembly that the numbers in the report are only estimates as per any other financial document prepared for the budget and based on quotes provided by the Prisons.

SPEAKER

Announced the House to proceed with other matters provided in the Order Paper and the tabled documents will be referred to the Finance and Expenditure Committee for further investigation and to report back to the Assembly in due time.

i. PRESENTATION OF PAPERS

1 Annual Report was tabled in Parliament.

ii. HON DEPUTY PRIME MINISTER'S MOTION- Minister for Natural Resources and Environment

Pursuant to section 14(2) of the *Customary Land Advisory Commission Act 2013*, the Hon Deputy Prime Minister moved a motion for the Assembly to extend the Customary Land Advisory Commission term to three (3) years so as to conclude its work.

Motion seconded

Motion approved

iii. MOTION TO SET ASIDE S.O 102(1)

Hon Prime Minister put forth a motion to set aside S.O 102(1) to permit the consideration of the Bills to its second reading and third reading on the same day.

Motion seconded and approved.

I. GOVERNMENT ORDERS OF THE DAY – Reading of Bills cont.

1. PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2019- *second reading*

The Minister of Finance, Hon SILI Epa Tuioti put forth a motion for the Public Finance Management Amendment Bill 2019 to be second read and would like to speak on the Bill.

Motion seconded by: Minister for Education, Sports and Culture and Minister for Customs and Revenue

Motion approved

Afioga Hon SILI Epa Tuioti – Minister of Finance

Hon SILI Epa clarified that the bill essentially provides for the inclusion of a representative from the Chamber of Commerce into the National Revenue Board (which currently consists of only members of Government Ministries). In the absence of the President of the Chamber of Commerce a substitute member from the Chamber may attend (however has to be of someone of seniority). The amendment would further strengthen the relationship between Government and Private Sector.

i. SULAMANAIA Fetaiai Tauiiili Tuivasa Fetaiai - Member for Vaimauga East

The Member interjected to acknowledge the Bill put forth by the Ministry however, in regards to a requirement to have the President of the Chamber of Commerce (CoC) seated in the Board is a proposal which he supports. However, the CoC only involves developed businesses, it does not include retailers who are at the weaker end of the spectrum in terms of competition in the market. In this sense the Member recommended the inclusion of retailers (local shop owners) in this Board to challenge government decision making.

• **Hon SPEAKER**

Mr Speaker informed the Member that the amendment only proposes to include a representative from the Chamber of Commerce – please do not complicate the matter.

Afioga Hon SILI Epa Tuioti – Minister of Finance

The Hon Minister clarified that CoC has a Committee which represents small business enterprises, such as handicrafts, etc (businesses at the grass root level); and asserted that Government cannot solve all matters, however it is Government's intention to work together with private sectors to ensure all parties contributing to the development of Samoa are all aware of plans and policies for the benefit of the business community and the nation at large.

• **Hon Prime Minister**

The PM noted that the Revenue Board was established in the Parliamentary Term 1988 – 1991 and recollected that it was the same year which brought about various positive changes for the development of the nation. Changes included the Fiscal Year reporting system from calendar year (January – December) to Financial Year (July 1st – June 30th) so as to be aligned with the systems of our foreign partners. It was also during this

parliamentary term that the amendment was made to the terminology of Associate Ministers who were previously referred to as Cabinet Secretaries.

Hon Prime Minister encouraged all Heads of Government (CEO's) to attend these meetings and not send their deputies or managers as they (CEO's) have the complete knowledge and understanding. PM elaborated that the recommendations proposed by the Revenue Board are essential to Cabinet and impact greatly on the operations of private and public sector.

Question was put by Hon Speaker and the PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2019 was read a second time.

2. AGRICULTURE AND FISHERIES SECTOR BILL 2019- second reading

The Minister of Agriculture and Fisheries, Hon LOPAOO Natanielu Mua moved a motion for the second reading of the Agriculture and Fisheries Sector Bill 2019 and would like to clarify the objects of the; *Motion seconded and approved.*

Afioga Hon LOPAOO Natanielu Mua – Minister of Agriculture and Fisheries

The Hon Minister informed the House that the Bill was thoroughly explained by the CEO of the Ministry during Members Pre-Sitting and that he was pleased with various Members who raised issues and queried the purpose of the Bill; given this the Minister was of the opinion that not many issues will be raised on his clarification.

Hon LOPAOO stated that the Agricultural and Fisheries sector is also one of Samoa's main contributors to the economy and clarified that the Bill will guide and facilitate the management and development of a sustainable agriculture and fisheries sector. He further added, due to numerous changing circumstances in the Agriculture and Fisheries market, the Bill replaces the old Act- *Agriculture and Fisheries Ordinance 1959* and includes factors that were not provided by the Ordinance.

Question was put by Hon Speaker and the AGRICULTURE AND FISHERIES SECTOR BILL 2019 was read a second time and referred to the ECONOMIC SECTOR COMMITTEE.

3. TAX ADMINISTRATION (ELECTRONIC SYSTEM) AMENDMENT BILL 2019 - second reading (COU)

The Minister for Customs and Revenue, Hon TIALAVEA Fea Leniu Tionisio Hunt moved a motion for the second reading of the Tax Administration (Electronic System) Amendment Bill 2019 and spoke to clarify the objects of the Bill; *Motion seconded and approved.*

Afioga Hon TIALAVEA Fea Tionisio Hunt – Minister of Agriculture and Fisheries

The Hon Minister clarified that the Bill provides for a power of the Commissioner of Inland Revenue (Commissioner) to implement electronic systems in the hopes of obtaining and monitoring accurate records relating to the imposition of tax.

i. Susuga Hon LAAULI Polataivao Leuatea - Member for Gagaifomauga No.3

The Member emphasised the importance of accurate records of duty tax and fees; acknowledged the progress of current systems and proposed to categorise different types of commercialisation and voiced support for the amendment in garnering more revenue for the country.

Afioga Hon TIALAVEA Fea Tionisio Hunt – Minister of Agriculture and Fisheries

The Hon Minister clarified that the Ministry will conduct a research when there is a notable issue, for instance when received invoices do not match the amount of goods imported on record; in order to monitor the service and revenue coming in the Ministry will be able to look at sales of the day. The Hon Minister asserted that there are penalties and fines imposed when such matters brought to the Ministry's attention are proven.

Hon Prime Minister – further clarified

The Hon Prime Minister gave an example to clarify the amendment proposed, saying that any tax charged on goods and services should be transferred to the Ministry for Revenue and the new installed system can assist the Ministry in picking up such valuable information.

ii. OLO Fiti Afoa Vaai – Member for Salega East

Voiced support for the Bill and advised the Minister to look at acquiring services from a reputable and genuine company which can provide the machines needed for accurate monitoring of sales of local shops and companies.

Afioga Hon TIALAVEA Fea Tionisio Hunt – Minister for Customs and Revenue

The Hon Minister clarified that the importance of the amendment as it ensures a stable process.

Question was put by Hon Speaker and the TAX ADMINISTRATION (ELECTRONIC SYSTEM) AMENDMENT BILL 2019 was read a second time

4. POLICE POWERS AMENDMENT BILL 2019 - second reading (COU)

The Hon Prime Minister moved the second reading of the Police Powers Amendment Bill and spoke to clarify the objects of the Bill; *motion seconded*.

Susuga Hon TUILAEPA Lupesoliai Neioti Sailele Malielegaoi – Prime Minister

The Hon PM clarified that the Bill proposes to transfer the responsibilities that were operated under the Land Transport Authority to the Ministry such as the registration of drivers' license and the registration and licensing of vehicles.

Question was put by Hon Speaker and the POLICE POWERS AMENDMENT BILL 2019 was read a second time

5. TELECOMMUNICATIONS AMENDMENT BILL 2019 - Second Reading (COU)

The Hon Minister for Communication and Information Technology, AFAMASAGA Rico Tupai moved a motion for the Bill to be second read and clarified on it.

Afioga Hon AFAMASAGA Rico Tupai – Minister of Communications and Information Technology

The Bill specifies that the responsibilities, functions and powers of the Regulator are subject to the approval of Cabinet or the responsible Minister in accordance with Article 32 of the Constitution.

i. SULAMANAIA Fetaia Tauilili Tuivasa, Memebr for Vaimauga East

The Member noted his support on the Bill and expressed his shock with the rapid advancement of technology and its influence which has been challenging to families and children; the paramount aim for the Ministry is the safety of the public from the impacts of technology.

- **Hon Prime Minister**

The PM clarified that the Bill does not propose a consequential amendment towards the Constitution rather it is proposed to align with the related provisions of the Constitution.

Afioga Hon AFAMASAGA Rico Tupai – Minister of Communications and Information Technology

The Hon Minister continued his clarification by assuring Members that there are filters to control sites coming in. The Minister also emphasised that the Government has no say in the operations of

private businesses. The Minister asserted that by the end of May, Samoa will have three cables (for faster and more stable internet services)

Question was put by Hon Speaker and the TELECOMMUNICATIONS AMENDMENT BILL 2019 was read a second time

Proceedings were suspended at 10:49am

Proceedings reconvened at 11:34am.

6. MISCELLANEOUS (BOARDS OF PUBLIC BODIES) AMENDMENT BILL 2019 - Second Reading (COU)

The Hon Minister, Lautafi Fio Selafi Purcell moved a motion for the Bill to be second read and spoke to clarify the purpose of the Bill; motion seconded and approved.

The Hon Minister clarified that the Bill has three main objectives;

(i) reduce the number of Membership of Boards;

(ii) to permit the CEO for all Public Bodies to be ex-officio of their Boards; and

iii) give discretion to Cabinet to appoint a CEO for a Government Ministry or a Public Body to become a director on the Board of Director.

The Hon Minister stated that a review was conducted where they identified the duplication of duties and responsibilities of those seated on the Board of Public Bodies which is why the amendment is made for consistency in the selection of the members for (Board of Public Bodies) and also for the purpose of reducing the number of members within these Boards.

i. Tofa OLO Fiti Afoa Vaai, Member for Salega East

The Member queried whether some Ministers are exempt from being Chairpersons to Committees, and suggested whether it was more appropriate to appoint qualified candidates to be Chairpersons for the aforementioned Committee

ii. Afioga SULAMANAIA Fetaiai Tuiliili Tuivasa – Member for Vaimauga East

The Member for Vaimauga East noted his concern with the number of Boards for one Ministry, he stated that this was a waste of tax-payers monies and suggested to dissolve Boards which are not needed.

iii. Afioga ALIIMALEMANU Alofa Tuuau – Member for Alataua West

The Member for Alataua West noted the rationale behind the establishment of Boards and noted the selection criteria for those in Boards. The Member stated that more minds bring more ideas for the progress and betterment of the Boards and Ministries they serve.

Hon Prime Minister – Point of Clarification

The Government makes decisions for the betterment of the nation – that is Government’s overall intention.

Question was put by Hon Speaker and the MISCELLANEOUS (BOARDS OF PUBLIC BODIES) AMENDMENT BILL 2019 was read a second time**7. INTELLECTUAL PROPERTY AMENDMENT BILL 2019 - Second Reading (COU)**

The Hon Minister for Commerce Industry and Labour, LAUTAFI Fio Selafi Purcell moved a motion for the Bill to be second read and spoke to clarify the purpose of the Bill; motion seconded and approved

The Bill seeks to amend the Principal Act 2011 and proposes 2 main objectives

To elucidate the three monitoring requirements under the Act and to simplify the process of registration of properties to be more easily administered and effectively monitored by the Ministry. The Hon Minister elaborated that there are conditions and requirements by the World Intellectual Property Organisation which the Bill proposes to ensure Samoa’s mandated laws for intellectual property are aligned with international requirements. The Hon Minister stressed the importance of such practice and stated that since the registration of Samoa’s main designs and trademarks, the Ministry has earned quite a lot of money from these and further encourages that the designs be registered through the Ministry’s system.

Question was put by Hon Speaker and the INTELLECTUAL PROPERTY AMENDMENT BILL 2019 was read a second time**8. ELECTORAL AMENDMENT BILL 2020 - Second reading**

Hon FAAOLESA Katopau Ainuu moved a motion for the second reading of the Bill and to clarify on the merits of the Bill; seconded and approved

The Hon Minister clarified that the Bill amends the Act recently passed in 2019; consists of 13 clauses. The Hon Minister elaborated on the important changes proposed by the Bill such as the empowerment of the Office of the Commissioner to disqualify a nomination when the candidate does not satisfy the requirements. The Bill also omits religious contributions as defined under the term 'Monotaga' so as to only have cultural/village monotaga as a requirement of candidacy.

Another amendment is the period for the presentation of the traditional O'o or momoli from 2 years to 3 years.

i. Susuga Hon LAAULI Polataivao Leuatea – Member for Gagaifomauga No.3

This legislation guides elected Members for each constituency. However, the amendment does not reflect the hardships faced by Members prior and post general elections. The Member noted that a total of 1,020 of the population did not vote during the 2016 General Elections.

- **Hon Prime Minister**

The PM elucidated that after any general election, a Commission of Inquiry will be established to conduct a research on the integrity of our people to control petitions and from people perceiving our government as being corrupted. The Hon PM informed the House that the Government continues to deliberate on methods to control any issues raised after General Elections.

- **Susuga Hon LAAULI Polataivao Leuatea – Member for Gagaifomauga No.3**

In regards to omitting religion contributions, a Member should be ready on piling up his/her plate when registering to be a candidate for elections as our normal practice given that its tradition that our culture collaborates with religions. The O'o is not compulsory in the legislation therefore; Members should not heavily interpret the need to do one.

- **Mr SPEAKER**

Mr Speaker advised Members that the Bill will be referred to Committees where all are welcome to voice their concerns and raise issues on the Bill for the Committee's consideration.

- **Hon Prime Minister - MOTION**

The Prime Minister moved the motion to have the Electoral Amendment Bill 2020 read a second time and referred to the Parliamentary Committee so that CoU Bills may be considered in detail and third read before the adjournment of the Assembly's proceedings; *motion seconded and approved.*

Question was put by Hon Speaker and the ELECTORAL AMENDMENT BILL 2020 was read a second time and referred to the Standing Orders, Electoral, Petitions and Constitutional Offices Committee.

9. PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2019- consideration in detail

Clause 2 - *Approved*

Clause 1 & Short Title – Hon Minister moved to amend the year from **2019** to **2020**

Clause 1 and Short title Approved as amended

The Public Finance Management Amendment Bill 2020 progressed through Consideration in Detail with amendment.

10. TAX ADMINISTRATION (ELECTRONICS SYSTEM) AMENDMENT BILL 2019 – consideration in detail

Clause 2 - *Approved*

Clause 1 & Short Title – Hon Minister moved to amend the year from **2019** to **2020**

Clause 1 and Short Title Approved as amended

The Tax Administration (Electronics Systems) Amendment Bill 2020 progressed through Consideration in Detail with amendment.

11. POLICE POWERS AMENDMENT BILL 2019 – consideration in detail

Clause 2 - *Approved*

Clause 3 - *Approved*

Clause 4 - *Approved*

Clause 1 & Short title: Hon Prime Minister moved to omit the numeral '**2019**' and substitute with '**2020**'

Clause 1 and Short Title Approved as Amended

The Police Powers Amendment Bill 2020 progressed through Consideration in Detail with amendment.

12. TELECOMMUNICATIONS AMENDMENT BILL 2019 - consideration in detail

Clause 2 - *Approved*

Clause 3 - *Approved*

Clause 4 - *Approved*

Clause 1 & Short Title - Hon Minister moved to omit **2019** and substitute with **2020**

Clause 1 & Short title approved as amended

The Telecommunications Amendment Bill 2020 progressed through Consideration in Detail with amendment.

13. MISCELLANEOUS (BOARDS OF PUBLIC BODIES) AMENDMENT BILL 2019 - consideration in detail

Clause 2 - *Approved*

Clause 3 - *Approved*

Clause 4 - Approved

Clause 1 & Short Title; Hon Minister moved to amend the Title by omitting **2019** and substitute therewith **2020** to be read as **Miscellaneous (Boards of Public Bodies) Amendment Bill 2020**.

Clause 1 and Title Approved as amended

The Miscellaneous (Boards of Public Bodies) Amendment Bill 2020 progressed through Consideration in Detail with amendment.

14. INTELLECTUAL PROPERTY AMENDMENT BILL 2019- consideration in detail

Clauses 2-20; Approved

Clause 21 – 31; Approved

Clause 1 & Short Title; amended

The Hon Minister moved to amend the Title by omitting **2019** and substitute with **2020** for the Bill to be read as **Intellectual Property Amendment Bill 2020**.

Clause 1 and Title Approved as amended

The Intellectual Property Amendment Bill 2020 progressed through Consideration in Detail with amendment.

15. PUBLIC FINANCE MANAGEMENT BILL 2020 - third reading

The Hon Minister, SILL Epa Tuioti moved a motion for the Bill to be third read; *motion seconded*

The Public Finance Management Bill 2020 was third read and officially passed the Legislative Assembly.

16. TAX ADMINISTRATION (ELECTRONIC SYSTEM) AMENDMENT BILL 2020 - third reading

Hon TIALAVEA Fea Leniu Tionisio Hunt moved a motion for the Bill to be third read; seconded and approved

The Tax Administration (Electronic System) Amendment Bill 2020 was third read and officially passed the Assembly.

17. POLICE POWERS AMENDMENT BILL 2020 - third reading

The Hon. Prime Minister moved a motion for the third reading of the Bill; motion seconded and approved

The Police Powers Amendment Bill 2020 was third read and officially passed the Assembly

18. TELECOMMUNICATIONS AMENDMENT BILL 2020 - third reading

Hon AFAMASAGA Rico Tupai moved a motion for the Bill to be read a third time; motion seconded and approved

The Telecommunications Amendment Bill 2020 was third read and officially passed the Legislative Assembly

19. Miscellaneous (Boards of Public Bodies) Amendment Bill 2020 - third reading

A motion was moved by the Hon Minister, LAUTAFI Fio Selafi Purcell for the Bill to be third read; seconded and approved

The Miscellaneous (Boards of Public Bodies) Amendment Bill 2020 was third read and officially passed the Legislative Assembly

20. Intellectual Property Amendment Bill 2020 - third reading

The Hon Minister, LAUTAFI Fio Selafi Purcell moved a motion for the third reading of the Bill; seconded and approved

The Intellectual Property Amendment Bill 2020 was third read and officially passed the Assembly.

**Proceedings were adjourned at 1:30pm;
and will reconvene at 9:00am Tuesday 17th March 2020**