

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament of Tuesday, 20th March 2018. While all efforts have been made to provide an informative brief, this information must not be relied upon as an alternative to the official Hansard record of proceedings of Parliament. If you have any specific questions about the Proceedings of Parliament on Tuesday, 20th March 2018, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly the Legislative Assembly.

Tuesday 20th March 2018
9:30am

Day 1

I. MESSAGE FROM O LE AO O LE MALO:

Pursuant to Article 59 of the Constitution, the Message from O Le Ao o le Malo introduced the following bills and were considered under Certificate of Urgency:

1. Excise Tax Rates Amendment Bill 2018; and
2. Pacific Games Office Bill 2018.

II. NOTICE FROM THE LEADER OF THE HOUSE:

Pursuant to Standing Order 76 the Notice by the Hon PM introduced the following Bills:

1. Tobacco Control Amendment Bill 2018;
2. Electoral Commission Bill 2018;
3. Electoral Bill 2018;
4. Electoral Constituencies Bill 2018; and
5. Constitution Amendment Bill (No. 2) 2018.

III. OTHER ANNOUCEMENT BY MR SPEAKER

Mr Speaker acknowledged the presence of participants for the Parliamentary Primary Program from Vaitele Primary School and welcomed them to the House.

IV. PAPERS PRESENTED:

A total of 3 Regulations and 9 Annual Reports were tabled in Parliament, these annual reports were from: Polynesian Airlines; Samoa Housing Corporation; Ministry of Police;

Samoa Post; Ministry of Justice and Courts Administration; Public Service Commission; Ministry of Finance; and Samoa Law Reform Commission.

V. PARLIAMENTARY COMMITTEE REPORTS TABLED:

A total of 20 Committee Reports were tabled in Parliament: 5 from the Standing Orders, Electoral, Petitions and Constitutional Offices Committee; 10 reports from the Finance and Expenditure Committee; 3 reports from the Infrastructure Sector Committee; and 1 each from the Economic Sector Committee and Social Sector Committee.

VI. MOTIONS FROM PARLIAMENTARY COMMITTEES

1. Standing Orders, Electoral, Petitions and Constitutional Offices Committee

The Hon Chairperson AEAU Peniamina Leavaiseeta moved a motion for an extension period to allow further consideration of one paper referred to the Committee; motion seconded and approved.

2. Infrastructure Sector Committee

The Chairperson, Afioga TAFUA Maluelue Tafua moved a motion seeking more time to complete its report referred to the Committee; motion was seconded and approved.

VII. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

1. Excise Tax Rates Amendment Bill 2018 – first reading (Certificate of Urgency)

The Minister for Revenue, Hon TIALAVEA Fea Leniu Tionisio Hunt moved a motion for the Excise Tax Rates Amendment Bill 2018 to be first read; the motion was seconded and approved, and the Bill was read a first time.

2. Tobacco Control Amendment Bill 2018 - first reading

The Hon Minister for Health, TUITAMA Talalelei Tuitama, moved a motion for the Bill to be first read; the motion was seconded and approved, and the Bill was read a first time.

3. Electoral Commission Bill 2018 – first reading

The Hon Minister for Justice, Courts and Administration, FAAOLESA Katopau T.Ainuu, moved a motion for the Bill to be first read; the motion was seconded and approved, and the Bill was read a first time.

4. Electoral Bill 2018 – first reading

The Hon Minister for Justice, Courts and Administration, FAAOLESA Katopau T.Ainuu, moved a motion for the Bill to be first read; the motion was seconded and approved, and the Bill was read a first time.

5. Electoral Constituencies Bill 2018 – first reading

The Hon Minister for Justice, Courts and Administration, FAAOLESA Katopau T.Ainuu, moved a motion for the Bill to be first read; the motion was seconded and approved, and the Bill was read a first time.

6. Pacific Games Bill 2018 – first reading (Certificate of Urgency)

The Hon Minister for Education, Sports and Culture, LOAU Sola Keneti Sio, moved a motion for the Bill to be first read; the motion was seconded and approved, and the Bill was read a first time.

7. Excise Tax Rates Amendment Bill 2018 – second reading (Certificate of Urgency)

The Minister for Revenue, Hon TIALAVEA Fea Leniu Tionisio Hunt moved a motion for the Excise Tax Rates Amendment Bill 2018 to be first read; the motion was approved and the Hon Minister made his explanatory speech on the Bill. The Hon Minister stated that the Bill proposes to increase the excise tax rates by 3% for sugary products to promote less reliance on sugary drinks and products.

i. Hon PRIME MINISTER

The Hon Prime Minister clarified more on the purpose of the Bill stating that one of the reasons of the introduction of the Bill was because the Pacific has the highest number of Non Communicable Diseases (NCD) mainly obesity which can lead to high blood pressure, cancer etc. especially in our country. He stated that more than \$10 million tala was spent for treating these diseases; therefore, the Government enforced public awareness programs such as 'EAT THE COLORS OF THE RAINBOW' initiated by the Ministry of Health to counter the eating habits of the public in order to prevent NCDs. He further noted that such programmes were presented in the Pacific Forum with hope to influence foreign health sector support. He then concluded that the government are focusing on improving its services in Hospitals especially in District Hospitals in order to save cost for transportation.

ii. Hon LAUOFO Fonotoe Nuafesili Pierre Laufofo, Member for Anoamaa West

The Member firstly conveyed his apologies on behalf of his constituency regarding an incident that occurred yesterday within his constituency. He stated that this has been solved with the help from Police, Chiefs and Orators and further noted that the four (4) villages involved met and had a truce on the incident. The Member then commented on the Bill stating that the health clinics should support the service provided by the Ministry and advised to refuse selling and importing sugary drinks that has no benefit to the people as well as products that are already expired. He then advised the responsible Minister to specify the products the Bill is applicable to.

▪ Hon PRIME MINISTER

The Hon Prime Minister acknowledged with thanks the apology given by the Member for Anoamaa West regarding the aforementioned incident. He stated that 7 police officers were injured and was disappointed with the attitudes conveyed by people involved from Luatuanuu. This depicted that the youth are losing respect and believed it's an outcome of watching too much

movies. He then advised the Chiefs and Orators of the villages involved to take note of the incident that happened yesterday as a lesson to strengthen its role in order to protect the people.

▪ **MR SPEAKER**

Mr Speaker reiterated to the public that ‘Samoa is founded on God’ and we should act accordingly.

iii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member firstly queried the Minister on why water was applicable to the proposed Bill. Secondly, was having the same cost applied for ‘beer that does not exceed 3% by volume of alcohol’ and ‘other beer’. He then advised to charge more tax rates on beer with high volume of alcohol. The member also stated that the products that are good for health shouldn’t be taxed and then queried regarding goods sold within schools whether they are being taxed or not. Lastly, he noted that the Bill only applied tax on sparkling wine of an alcohol strength of 15% volume or less but queried on the rate for sparkling wines that have more than 15 % volume of alcohol.

iv. Minister for Revenue, Hon TIALAVEA Fea Leniu Tionisio Hunt

The Hon Minister clarified that there are tax added on liquor with high percentage of alcohol such as alcohol by volume of 15% as well as alcohol with 3 – 7%.

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

8. Excise Tax Rates Amendment Bill 2018 – consideration in detail.

Clause 2 – Approved

Clause 1 and Short Title – Approved

- The Bill progressed to third reading stage without amendments.

9. Excise Tax Rates Amendment Bill 2018 – third reading.

The Hon Minister for Revenue, TIALAVEA Fea Leniu Tionisio Hunt 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 O Le Ao o le Malo.

10. Pacific Games Office Bill 2018 – second reading (Certificate of Urgency)

The Hon Minister for Education, Sports and Culture moved a motion for the Bill to be read a second time, and spoke to clarify the Bill’s objective. The Minister noted that the Bill contains 40 clauses with the objective to establish an Office for the Pacific Games that we are hosting in

2019 as well as an Executive Committee and a Pacific Games Organising Committee with its functions. He then noted the Bill covers requirements to different games during the event.

i. OLO Fiti Afoa Vaai, Member for Salega East

The Member noted the provision in the Bill which stated that tax and duty are exempted in relation to the 2019 Pacific Games and suggested for the Ministry to reconsider in order to control the number of equipment brought into our country. He also noted that information for this event should be recorded and be kept in a secured place as equipment (laptops) used for the South Pacific Games (SPG) were lost. He then proposed to install advanced recording systems for this event in order to prevent such issue happening again.

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

The Member informed the Member for Salega East that the equipment used to store information for the SPG are well kept as mentioned in the audits report.

ii. Hon LAUOFO Fonotoe Nuafesili Pierre Laufofo, Member for Anoamaa West

The Member stated his appreciation to the government for accepting the Pacific Games to be held in Samoa. As this would have a good impact on the economy of Samoa and will also create job opportunities for our people. He then queried the amount of money that will be appropriated to support this event and also to reconsider a provision that will note when this Bill will be ineffective or repealed.

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

FAUMUINA noted that many buildings were built for the South Pacific Games in 2007 but are not well maintained. He then advised to have it renovated and utilise them for future events. The member also proposed for volunteers to assist the Ministry of Police during the Pacific Games in 2019.

iv. Hon PRIME MINISTER

The Hon Prime Minister supported the member's recommendations; however, he noted that the Sports Complex has been repaired during the Commonwealth Games and are well maintained. He then used America's Bridge as an example stating that the bridge collapsed 5 days after it was built by professional civil engineers, which indicated that such issue may happen. Therefore, he advised the member for Urban West to let the responsible Committee consider such matter.

v. Hon Minister of Education, Sports and Culture, LOAU Keneti Sio

The Hon Minister noted that the Ministry will consider the recommendations and queries from members that spoke on the Bill.

- A motion was moved for the Bill to be second read; the motion was approved and the Pacific Games Office Bill 2018 was read a second time. The Bill then progressed to the consideration in detail stage.

**Proceedings were suspended at 10:45am.
Proceedings reconvened at 11:36am.**

11. Pacific Games Office Bill 2018 – consideration in detail

Clause 2 – 5: Approved.

Clause 6 – 9: Approved.

Clause 10 – 13: Approved.

Clause 14 – 17: Approved

Clause 18 – 21: Approved

Clause 22 – 25: Approved

Clause 26 – 29: Approved

Clause 30 – 33: Approved

Clause 34 – 37: Approved

Clause 38 – 40: Approved

Clause 1 and Short Title: Approved

- The Bill progressed without amendments.

12. Pacific Games Office Bill 2018 – third reading

The Hon Minister for Education, Sports and Culture, LOAU Keneti Sio 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 O Le Ao o le Malo.

13. Constitution Amendment Bill (No. 2) 2018 – first reading

The Hon PRIME MINISTER, AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi moved a motion for the Bill to be first read; the motion was seconded and approved, and the Bill was read a first time.

14. Fire and Emergency Services Amendment Bill 2017 – consideration in detail

The Bill was considered together with its respective Committee Report, P.P.2017/2018 No.131, Finance and Expenditure Committee Report on the Fire and Emergency Services Amendment Bill 2017.

ALIIMALEMANU Alofa Tuuau moved a motion for the Assembly to consider the above report; the motion was approved.

Clause 2 – Approved.

Clause 3 – Approved with amendment.

Clause 1 – correction to Clause 1 and Short Title: “to substitute 2017 with 2018 to be read as Fire and Emergency Services Amendment Bill 2018”.

- The Bill progressed with amendments.

14. Honours and Awards Amendment Bill 2017 – consideration in detail

The Bill was considered together with its respective Committee Report, P.P.2017/2018 No.160, Standing Orders, Electoral, Petitions and Constitutional Offices Committee Report on the Honours and Awards Amendment Bill 2017.

Hon AEAU Peniamina Leavaiseeta moved a motion for the Assembly to consider the above report; the motion was approved.

Clause 2– Approved

Clause 3 – Approved as amended

Clause 4 – 5: Approved

Clause 1 – correction to Clause 1 and Short Title: “to substitute 2017 with 2018 to be read as Fire and Emergency Services Amendment Bill 2018”.

- The Bill progressed with amendments.

15. Casino and Gambling Control Amendment Bill (No.2) 2017 – consideration in detail

The Bill was considered together with its respective Committee Report, P.P.2017/2018 No.161, Finance and Expenditure Committee Report on the Casino and Gambling Control Amendment Bill (No.2) 2017.

ALIIMALEMANU Alofa Tuuau moved a motion for the Assembly to consider the above report; the motion was approved.

Clause 2 – 5: Approved.

Clause 6 – 9: Approved.

Clause 10 – 13: Approved.

Clause 14 – 17: Approved.

Clause 18 – 20: Approved

Clause 21 – approved as amended

Clause 22 – 23: Approved

Clause 1 and Short Title: correction to Clause 1 and Short Title: “to substitute (No.2) 2017 with 2018 to be read as Casino and Gambling Control Amendment Bill 2018”.

- The Bill progressed with amendments.

16. Alienation of Customary Land Amendment Bill 2017 – second reading

- i. **PAU Sefo Taumata Pau, Member for Faasaleleaga No.2**

The Member noted that when this Bill will give the opportunity for the public when it becomes an Act. He further stated that when lands are leased for developments such as Hotels, it will give job opportunities to the public and help reduce the number of unemployment. He then queried if there was a way where people pays mortgage when listing on lands. The Member then stated that his Constituency has a lot of Customary Lands and commented on the coastal area of his Constituency whether it was possible to lease it out to the public for business development.

ii. Hon LAUOFO Fonotoe Nuafesili Pierre Laufofo, Member for Anoamaa West

LAUOFO stated that the public benefits from this Bill in terms of income; however, there are limitations regarding conditions for individuals living on leased lands. The Member then noted that the Principal Act provides protection for the land owner's rights and then proposed for a supplementary law enforcing the security of lands and be placed under the jurisdiction of the Land and Titles Court.

- The Hon Prime Minister interjected noting the concern that was raised by the Member for Anoamaa West and stated that it has been covered by the AG and the CEO of the Samoa Law Reform Commission. He then clarified that the reason why Customary Land and Freehold Lands are both registered under the Land Titles Registration Act was to make it easier for survey purposes and the registry proposed in this Bill is not volatile. The Hon Prime Minister then reaffirmed that regarding the proposed Bill, it still prohibits the selling of Customary Lands and noted that the AG and his Office are well equipped to handle all provisions of the Bill.

iii. SULAMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East

The Member expressed his disappointment stating the lands for his constituency were taken by force by the Germany's and therefore advised to be returned.

- The Hon Prime Minister interjected and clarified to the Member for Vaimauga East that the lands were not taken by force by the Germans but were bought by the Government and Ministry of Justice, Courts and Administration holds records of its paperwork and transaction of the sale. He further noted that the Lands were bought from the New Zealand Administrators when Samoa became independent.

iv. SULAMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East

SULAMANAIA noted that he was against the mortgaging of Lands in accordance to the Constitution and then noted that if the government wishes to mortgage on the lands, they should propose such to the land owners first. The Member also used New Zealand and Australia to illustrate his opinion.

- SALAUSA John Ah Ching interjected to clarify that mortgages are separate from Land as discussed during the pre-sitting.

- The Hon Prime Minister also interjected and informed the Member for Vaimauga East not to use NZ and Australia as they have a different system from us.

v. LEAANA Ronnie Posini, Member for Safata

The Member acknowledged the Minister for his Clarification on the Bill and then requested for the Ministry to consider looking into charging the lawyers to do paperwork for leasing out the lands. He also proposed to look into price for leasing when its leased out for hotels etc.

- In regards to recommendations stated by the Member for Safata, the Hon Prime Minister verified that the Ministry has already considered overseeing the leasing of lands paperwork and noted that the Ministry acts as a mediator for the leaser and the lessee.
- LEAANA took note of the Hon Prime Minister's verification and then advised the Ministry to consider looking into businesses that are eligible for leasing.

Proceedings were adjourned at 1:20pm.

The Assembly will reconvene at 9:00am, Wednesday 21st March 2018.