

DISCLAIMER

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DAY 7: Wednesday 26th June 2019

9:15am

I. PRESENTATION OF PARLIAMENTARY PAPERS:

1. P.P. 2019/2020 No.87, Prime Minister's Ministerial Statement on the 28th May 2019 on the President of the Land and Titles Court Case.
2. P.P. 2019/2020 No.88, Report of the Infrastructure Sector Committee on the Alienation of Customary Lands Amendment Bill 2017

MOTION – Hon Prime Minister:

The Hon PM moved that the Assembly endorse the Committee's reports with recommendations and Government's responses to those recommendations

Motion seconded and approved

II. GOVERNMENT ORDERS OF THE DAY – reading of Bills

A total of 8 Bills were first read by their respective Ministers; these Bills have all been approved to progress through the House under Urgency.

1. National Provident Fund Amendment Bill 2019;
2. Trustee Companies Amendment Bill 2019;
3. Foundations Amendment Bill 2019;
4. Companies Amendment Bill 2019;
5. Arms Amendment Bill 2019;
6. Law Reform Amendment Bill 2019;
7. Miscellaneous (Ministerial Assignment) Amendment Bill 2019; and
8. Customs Tariff Amendment Bill.

9. NATIONAL PROVIDENT FUND AMENDMENT BILL – second reading**Hon Minister of Finance, Afioga SILI Epa Tuioi**

The Hon Minister of Finance moved for the second reading of the Bill and spoke to clarify its objects. The Hon Minister elaborated that the primary objective of the Bill is to progressively increase the minimum employer and employee contribution rates within a period of three (3) years. The purpose of the amendment is to assist in growing contribution balances for members, which would in turn mean more funds available to members or fund a life pension at retirement. Hon SILI explained that the Bill will increase the contribution from 7% (as it is currently at), to 8% in 2019; 9% in 2020; and 10% in 2021.

(i) Hon FONOTOE Laufo Pierre, Member for Anoamaa West

The Hon Member from Anoamaa West commended the purpose of the Bill and was pleased to note that in 2017 the National Provident Fund (NPF) collected a total of \$73 million from its claims; in 2018 NPF recorded \$78 million, also in 2018 a surplus of \$46 million. He then requested the NPF to consider the entitlement percentage for employees/contributors, and encouraged the NPF to seek different avenues to invest in to raise more revenues for the betterment of our people.

(ii) SULAMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East

The Member commended the responsible Minister and the NPF for the initiative to increase the percentage of contribution. The Member also noted the aim of the Bill to cater for the elderly during their retirement years and stated that the community prefers to enjoy their money and benefits now rather than waiting for the future. The Member also requested the Minister to leave the current percentage of 7% for the private sector, while the increase is applied to the public service only, so as to lessen costs for the private sector.

Hon Minister of Finance, Afioga SILI Epa Tuioi

The Hon Minister clarified that the 10% increase is equivalent to \$54 million, this is afforded to all contributors, and this amount was accumulated through the investments of the NPF in various projects, it is not an amount from the contributions of the public. In reference to the request made by the Member for Vaimauga East, the Hon Minister asserted that the differences in percentage is not a fair request, as all contributors should enjoy and reap the same benefits as the public service contributors.

(iii) Tofa OLO Fiti Afoa Vaai, Member for Salega East

The Member suggested to the responsible Minister to determine the percentage of entitlement based on the years of service, for instance, the service of an employee from 5 – 10 years can be afforded 10%, while 9% is applied to the service of those employees who served 10 – 15 years in a Ministry/Office whether private or public service.

(iv) Afioga Hon FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa

The Hon Member expressed concerns in regard to the employee-employer relationship and requested that the interest incurred on small loans be reduced, as this is the most common loan which the people fall back to in emergency cases and urgent needs for families. He then noted his general support for the overall purpose of the Bill.

(v) Tofa LEALAILEPULE Rimoni Aiafi, Associate Minister of Communication and Information Technology

The Member acknowledged the intentions of the Bill to give back to the community, and stated that the NPF is in some way an indirect tax which the people/contributors are paying – however this was the only tax that provides benefits or a return for the people in times of desperate need (which is a great support for the community) especially in times of needs.

Hon Prime Minister – Interjection

The Hon Prime Minister interjected to further clarify on the Bill and stated that the Bill is an important amendment as it aims to increase entitlement for the people by increasing their savings for retirement while reducing contributors' loans.

Hon Minister of Finance, Afioga SILI Epa Tuioti

The Hon Minister iterated on the \$54million dividend from the NPF and clarified that this was donated to the Public service and most private sectors benefit from it. He then urged the CEO for the NPF to consider other strategies to assist the public with loans (especially for Housing) to assist the Development Bank of Samoa (DBS) and the Samoa Housing Corporation (SHC).

In regard to the voluntary contributions, the Hon Minister also advised the NPF to consider possible strategies for the proper implementation of this initiative, so as to provide assistance to pastors and requested that the conditions and requirements for this program be amended.

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

The Member advised the NPF CEO to consider the issue raised by the Minister of Finance regarding the matter whereby clergy members can also be afforded the same benefits as the public and private service; he then requested that a provision be incorporated into the Act or by way of regulation to ensure that pastors can also benefit from its contribution.

Hon Prime Minister - Clarification

The Hon Prime Minister noted the issue put forth by the Member for Palauli le Falefa and requested for workshops and wider consultation sessions with Theological Institutions to discuss the conditions of this Voluntary Contribution Scheme.

Proceedings were set aside at 10:40am
Proceedings reconvened at 11:30am

10. TRUSTEES COMPANIES AMENDMENT BILL – second reading

Hon Minister of Finance, Afioga SILI Epa Tuioti

The Hon Minister of Finance moved the second reading of the Bill and spoke to clarify the Trustee Companies Amendment Bill 2019. The Hon Minister clarified that the Bill seeks to strengthen the provisions of the Principal Act and noted that the proposed amendment is to ensure compliance of Samoa to the requirements and standards put forward by foreign forums such as the Organisation for Economic Co-Operation and Development (OECD) and the European Union (EU). The Hon Minister elaborated that the Bill proposed to amend the Trustee Companies Act 2017 (“principal Act”).

The object of the Bill is to clarify provisions in relation to the revocation or surrender of a licence by a Trust Company Service Provider (TCSP) or Firm. Furthermore, it also provides for general amendments for consistency of references used in the Bill and also to amend the Samoan title of the principal Act to be consistent with the title approved by Cabinet. He then reminded Members that the Bill was also elaborated and explained during Members Pre-Sitting Briefing.

(i) Afioga ALIIMALEMANU Alofa Tuuau, Member for Alataua West

The Member further explained the importance of the Bill and stated that the changing nature of compliance and requirements by international instruments such as the OECD was the underlying reason of the change, and therefore raised the appropriateness of the amendment to ensure Samoa is in alignment and in compliance with these conditions.

The Member also noted that Samoa will be reviewed by the OECD this year hence the need for this Bill to progress through the Assembly; The Member therefore noted her support for the Bill.

The Hon Speaker put forward the question and the Trustee Companies Amendment Bill 2019 was read a second time.

11. FOUNDATIONS AMENDMENT BILL 2019 - second reading

Hon Minister of Finance, Afioga SILI Epa Tuioti

The Minister of Finance spoke to clarify the objects of the Bill and elaborated that the Bill is similar to the Trustee Companies so as to ensure compliance of Samoa to the standards and requirements of international instruments such as the OECD and EU - the Hon Minister stated that Samoa is currently being proactive in the sense that she continues to amend its legislation so as to accommodate for international standards.

The Hon Minister mentioned that the Government through specific Ministries continue to strategize and prepare to ensure that we adapt with the conditions required - it shows that Samoa is growing and continues to adapt with the changes in time. The Hon Minister also touched upon the importance of SIFA's contribution in the development of Samoa.

(i) Afioga Hon FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa

Acknowledged the Minister for the Bill and was pleased to note that SIFA contributed \$15million to the overall budget of Samoa - and therefore commends Government for being proactive and supporting the protocols to ensure SIFA continues to progress with its developments in accordance with international instruments. The Hon Member and also values the importance of such amendments and expressed his support of the urgency in nature the Bill is being progressed in the House.

Hon Minister of Finance, Afioga SILI Epa Tuioti

Hon Minister expressed gratitude to the Members for their support and then raised the need for continuous road-shows and promotional activities by SIFA in the foreign market so as to ensure we attract more investors. The Hon Minister then encouraged the CEO and SIFA to be patient and persistent when seeking foreign investors.

The Hon Speaker put forward the question and the Foundations Amendment Bill 2019 was read a second time.

12. COMPANIES AMENDMENT BILL 2019 - second reading

Hon Minister of Commerce, Industry and Labour; Public Enterprises; Samoa Land Corporation, Afioga LAUTAFI Fio Selafi Purcell

The Hon Minister LAUTAFI Fio Selafi Purcell moved for the second reading of the Bill and spoke to clarify the objects and reasons. He elaborated that the amendment is a necessity to ensure compliance on the standards and requirements of the OECD.

The Hon Minister noted that there were 2 specific changes:

1. The change of time from 1 year to 5 years to ensure broader transparency with companies records who wish to liquidate their assets.
2. to incorporate the interpretation/definition of the term 'beneficial owner'

The overall aim is to ensure Samoa complies with the requirements of international standards for OECD and EU. Furthermore, the Minister explained that it is Government's desire to complete the requirements before the next review from OECD - to portray that Samoa is taking the initiative to make progress and is keeping with the requirements.

The Hon Speaker put forward the question and the Companies Amendment Bill 2019 was read a second time.

13. ARMS AMENDMENT BILL 2019 - second reading

Hon Prime Minister, Susuga TUILAEP Auelua Fatialofa Lupesoliai Neioti Sailele Malielegaoi

The Hon PM spoke to clarify the Bill and noted that the Bill seeks to legalise the age limit for participants below the age of 21 years who will compete in shooting sports for the Pacific Games 2019. It also provides the process in which the firearm will be handled and stored during the Pacific Games - noting that all firearms will be stored in the Armoury Unit of the Police Services. The Hon Prime Minister again encouraged Members to attend Pre-Sitting briefings to ensure the responsible Ministry and authority provided background explanations on the Bill to ensure Members' concerns and issues are explained before the Sitting.

(i) Afioga SULAMANAIA Fetaiai Tuiliili Tuivasa, Member for Vaimauga East

The Member expressed his concern in regard to permitting individuals under the age of 21 to handle firearms. The Member queried where these firearms would be stored once it has entered Samoa.

Hon Prime Minister, Susuga TUILAEP Auelua Fatialofa Lupesoliai Neioti Sailele Malielegaoi

The Hon Prime Minister again encouraged Members to attend Pre-Sitting briefings to ensure the responsible Ministry and authority provided background explanations on the Bill to ensure Members' concerns and issues are clarified and explained before the Sitting.

The Hon Speaker put forward the question and the Arms Amendment Bill 2019 was read a second time.

14. LAW REFORM COMMISSION AMENDMENT BILL 2019 - second reading

Hon Prime Minister, Susuga TUILAEP Auelua Fatialofa Lupesoliai Neioti Sailele Malielegaoi

The Hon Prime Minister moved a motion for the second reading of the Bill; he then spoke to clarify the objects and intents the Bill proposed. The Hon PM elaborated on the functions of the Commission whereby a review is conducted on the legislations of Samoa and submits relevant recommendations on out-dated laws to repeal. The Commission is also tasked with the review of legislation and propose whether it needs to be repealed or amended. Furthermore, the Bill amends the responsibilities of the Commissioner and relevant consultants required for different projects.

The Hon Speaker put forward the question and the Law Reform Commission Amendment Bill 2019 was read a second time.

15. MISCELLANEOUS (MINISTERIAL ASSIGNMENT) AMENDMENT BILL 2019 - second reading

Hon Prime Minister, Susuga TUILAEP Auelua Fatialofa Lupesoliai Neioti Sailele Malielegaoi

The Hon Prime Minister moved the second reading and clarified that the Bill sought to amend various Acts to accommodate for the Ministerial Assignment made by Government to Article 35 of the Constitution of the Independent State of Samoa; furthermore the Bill will clarify the various legal mandates and functions that are to be undertaken by each particular office in order to give effect to Ministerial Assignment and the reshuffle of functions.

The Hon Speaker put forward the question and the Miscellaneous (Ministerial Assignment) Amendment Bill 2019 was read a second time.

16. CUSTOMS TARIFF AMENDMENT BILL 2019 - second reading

Hon TIALAVEA Fea Leniu Tionisio Seigafolava Hunt, Minister for Revenue

Hon TIALAVEA moved a motion for the Bill to be second read and noted that the Bill sought to amend the Customs Tariff Act 1975 (“Principal Act”) to substitute the new Harmonized System 2017 as the new Customs Tariff of Samoa and to create new Parts under Schedule 2 to provide Concessions applicable to Trade Agreements that Samoa is a Party to, in order for Samoa to be in compliance with its international obligations.

The Hon Speaker put forward the question and the Customs Tariff Amendment Bill 2019 was read a second time

17. National Provident Fund Amendment Bill 2019 - consideration in detail

Clause 2 - 3: *Approved*

Clause 1: Short Title and commencement - *Approved*

The National Provident Fund Amendment Bill 2019 progressed without any amendments.

18. Trustees Companies Amendment Bill 2019 - Consideration in Detail

Clause 2 – 6: *Approved*

Clause 7: *Approved as amended*

Clause 1: Short Title and Commencement: *Approved*

The Trustees Companies Amendment Bill 2019 progressed as amended.

19. Foundations Amendment Bill 2019 - Consideration in Details

Clause 2 – 6: *Approved*

Clause 1: Short Title and Commencement - *Approved*

The Foundations Amendment Bill 2019 progressed without amendments.

20. Companies Amendment Bill 2019 - Consideration in details

Clause 2 – 3: *Approved*

Clause 1: Short Title and Commencement – *Approved*

The Companies Amendment Bill 2019 progressed without amendments.

21. Arms Amendment Bill 2019 - Consideration in Detail

Clause 2 – 5: *Approved*

Clause 1: Short Title and Commencement - *Approved*

The Arms Amendment Bill 2019 progressed without amendments.

22. Law Reform Commission Amendment Bill 2019 - Consideration in Details

Clause 2 – 9: *Approved*

Short title and Commencement - *Approved*

The Law Reform Commission Amendment Bill 2019 progressed without amendments.

23. Miscellaneous (Ministerial Assignment) Amendment Bill 2019 - Consideration in Detail

Clause 2 -8 *Approved*

Clause 1: Short Title and Commencement - *Approved*

The Miscellaneous (Ministerial Assignment) Amendment Bill 2019 progressed without amendments.

24. Customs Tariff Amendment Bill 2019 - Consideration in Details.

Clause 2 – 4: *Approved*

Clause 1: Short title and Commencement Date - *Approved*

The Customs Tariff Amendment Bill 2019 progressed without amendments.

**Proceedings adjourned at 1:00pm; and
reconvened at 9:00am on Thursday 27th June 2019**