



**JANUARY  
2019**

## **PARLIAMENTARY SITTING SUMMARY**

### **DISCLAIMER**

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**Monday 28 January 2019**

**DAY 5**

**[Part B]**

**7:10pm**

### **I. GOVERNMENT ORDERS OF THE DAY**

#### **10. RETURNING OFFENDERS BILL 2019 – second reading**

The Hon Prime Minister, TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi, moved the second reading of the Bill and spoke to clarify; motion seconded

The Hon Prime Minister noted that the Bill aims to mandate the transfer of data on returning offenders; noting the rationale behind the bill, is to monitor and protect the nation from those whom have been deported due to offences committed overseas. Furthermore, the Prime Minister stated that the Bill provides Samoa the same jurisdiction as New Zealand, Australia and United States of America, so as to ensure refusal of entry for deported convicts. Additionally, the PM noted that there were consultations with New Zealand on the returning of offenders and stated that they had already expressed their opinion to withhold these individuals for corporal punishment; however the PM stated that there were some deportees who changed for the good when returning home, whilst others become worse.

#### **(i) TAFUA Maluelue Tafua, Member for Aleipata Itupa i Lalo**

The Member cited figures from the Ministry of Police, which noted 33 returning offenders for the previous year. He then commended the PM and the Ministry for the Bill and stated that deportees escorted by foreign officers should be liable to provide a file containing the offender's history and

full background so as to enable the local authorities to understand the individual who is being deported – and therefore respond accordingly.

The Member also mentioned that before these individuals were convicted, they were employed and therefore were paying taxes of some sort in the countries they were residing in; therefore called for their contributions to be brought back to Samoa (if possible). The Member from Aleipta Itupa i Lalo also noted that the biggest threat these deportees bring into the country is their influence on local citizens.

**(ii) TAPULESATELE Mauteni Tamasone Metuli II Esera, Member for Vaisigano No.2**

The Member commented on the role of the Ministry for Revenue and the Ministry of Prisons, and stated that they were crucial in the enforcement of the law – in terms of border security and customs clearance at the airport.

**(iii) SULAMANAIA Fetaiai Tauiliili Tuivasa, Member for Vaimauga East**

The Member called for an International Bill to be drafted to provide ease of communications between the Ministry of Police and the Police Department in New Zealand (providing records of returnees). SULAMANAIA also advised the Ministry of Health to be included in the implementation and enforcement of the legislation, noting that some returnees may have mental issues, health ailments and impairments.

**(iv) FUIMAONO Teo Samuelu Teo, Member for Falealili East**

In regards to clause 13 of the Bill, the Member stated that the 6 month period provided in this clause is too lengthy, as a decision can be reached sooner than 6 months. He then suggested changing the mandated hours for approval from the Commissioner to 72 hours.

***The Returning Offenders Bill was read a second time and the Hon Speaker referred the Bill to the Social Sector Parliamentary Committee.***

**11. ACCIDENT COMPENSATION CORPORATION AMENDMENT BILL 2019 – second reading**

The Hon Minister of Commerce, Industry and Labour, LAUTAFI Fio Selafi Purcell moved for the second reading of the Bill and spoke to clarify the objects of the Bill; motion seconded.

The Hon Minister elaborated that the Bill amends s.33 of the Principal Act to ensure accidental cases costing more than 150,000 were covered by the Corporation.

**(i) LEALAILEPULE Rimoni Aiafi, Associate Minister of Communication and Information Technology**

The Member for Faleata West called for medicare costs to be included in the ACC fund for its contributors – (ACC fund should pay for all medical expenses of its contributors).

**(ii) FAUMUINA Faaolatane Tiatia Liuga, Member of Palauli le Falefa**

The Member recalled a similar incident whereby a family sought approval from the Cabinet for an operation at the cost of more than \$500,000. He then queried whether the amendment only applied to employed individuals injured locally or locally employed individuals injured overseas. In addition, the Member queried the eligibility of those whom do not work to gain support and assistance from the fund.

**(iii) NONU Lose Niumata, Member for Safata East**

The Member conveyed support for the Bill and called to have ‘cosmetics’ included in clause 33 of the Principal Act.

**(iv) MULIPOLA Leiataua Laki, Member for Aiga i le Tai**

The Member conveyed support for the Bill, then proposed the following amendments to be inserted into the legislation:

First, to place a limitation on the amount for contributors to assist Cabinet’s approval process. Additionally, he stated that most of his constituency utilise ‘paopao’ and therefore suggested that individuals injured on ‘paopao’ during fishing be entitled to claim the ACC fund.

**Hon Minister of Commerce, Industry and Labour, LAUTAFI Fio Selafi Purcell**

The Hon Minister assured Members that Cabinet is equipped to carry out the decision making process effectively (in reference to patients with medical bills more than \$150,000). He further stated that in his opinion ‘paopao’ is not feasible to be included in the range of accidents; however insurance wise, levies will be added.

*The Accident Compensation Amendment Bill 2019 was read a second time and the Hon Speaker referred the Bill to the Finance and Expenditure Committee*

**12. TOBACCO CONTROL AMENDMENT BILL 2018 – consideration in detail**

Hon Chairperson for the Social Sector Committee, GATOLOAIFAANA Amataga Alesana Gidlow moved the committee report to be considered together with amendments and corrections.

- Clause 2 – *Approved*
- Clause 3 – *Approved as amended*
- Clause 4 - *Approved*
- Clause 5- *Approved*
- Clause 6 - *Approved as amended*
- Clause 7- *Approved*
- Clause 8- *Approved*
- Clause 9 - *Approved as amended*
- Clause 10 - *Approved*
- Clause 11 - *Approved as amended*
- Short Title and commencement date – *Approved as corrected.*

***The Tobacco Control Amendment Bill 2018 passed the consideration in detail stage.***

**13. EDUCATION AMENDMENT BILL 2018 – consideration in detail**

The Chairperson of the Social Sector Committee, GATOLOAIFAANA Amataga Alesana Gidlow moved to have the Education Amendment Bill 2018 considered in detail

- Clause 2- *Approved*
- Clause 3- *Approved as amended*
- Clause 4- *Approved*
- Clause 5- *Approved as amended*
- Clause 6- *Approved*
- Clause 7- *Approved*
- Clause 8- *Approved*
- Short title and Commencement date: *Approved with correction*

***The Education Amendment Bill 2018 passed the consideration in detail stage.***

**14. CONSTITUTION AMENDMENT BILL (No. 3) 2017- consideration in detail**

The Chairperson for the Standing Orders, Electoral, Petitions and Constitutional Offices Committee, NAFOITOA moved for the consideration in detail of the Constitution Amendment Bill (No. 3) 2017.

*Clause 2- Approved.*

*Clause 1: Short title and Commencement date – Approved with correction.*

***The Constitution Amendment Bill (No. 3) 2017 passed the consideration in detail stage.***

**15. ELECTORAL BILL 2018 – consideration in detail**

The Chairperson for the Standing Orders, Electoral, Petitions and Constitutional Offices Committee moved for the consideration in detail of the Electoral Bill 2018.

Clause 2 – Clause 7: *Approved*  
 Clause 8 – *Approved as amended*  
 Clause 9 – Clause 15: *Approved*  
 Clause 16 – Clause 20: *Approved*  
 Clause 21 – Clause 25: *Approved*  
 Clause 26 – Clause 30: *Approved*  
 Clause 31 – Clause 40: *Approved*  
 Clause 41 – Clause 50: *Approved*  
 Clause 51 – Clause 60: *Approved*  
 Clause 61 – Clause 65: *Approved*  
 Clause 66 - *Approved as amended*  
 Clause 67 – Clause 70: *Approved*  
 Clause 71 – Clause 80: *Approved*  
 Clause 81 – Clause 90: *Approved*  
 Clause 91 – Clause 100: *Approved*  
 Clause 101: *Approved as amended*

***Proceedings were set aside at 8:45pm and resumed at 9:40pm***

Clause 102 – Clause 110: *Approved*  
 Clause 111 – Clause 120: *Approved*  
 Clause 121 – Clause 130: *Approved*  
 Clause 131 – Clause 140: *Approved*  
 Clause 141 – Clause 150: *Approved*

Clause 151 – Clause 154: *Approved*

**LAAULI Leuatea Polataivao Fosi, Member for Gagaifomauga No.3**

The Member expressed outright disappointment at the Minister and Chairperson not heeding any recommendations made by members of village councils who travelled distance from Savaii to have a say in Committee deliberations on the Electoral Bill 2018. He also stated how discouraging and disheartening it is to know that the voices were unheard and not even considered by government.

**Hon Prime Minister – POINT OF CLARIFICATION**

The Hon PM clarified that the Bill has been 28 years in the making – he cited previous amendments made on the Electoral Act; first amendment was to cater for universal suffrage; second amendment was to increase the number of Cabinet Ministers from 9 to 13; the third amendment, a plebiscite took place to let the people decide whether there be two Houses in Samoa (an Upper House for Tama-a-Aiga and Lower House for representatives); the people voted unicameral; the fourth amendment was to increase parliamentary terms from 3 years to 5 years as it was more feasible to complete development projects within 5 years as opposed to 3 years; the fifth amendment proposed to have 1 member for each constituency; then the amendment that followed called for ‘one person per vote’. The Hon PM iterated that amendments on the Electoral constituencies and boundaries are in response to calls from the public and to ensure the number of constituents per constituency is taken into consideration.

The Hon Prime Minister emphasised that traditions and cultural aspects within each constituency remains untouched, the amendments proposed are merely to accommodate the growing population in each constituency.

Clause 155- *Approved*

Clause 156- *Approved as amended*

Clause 1: Short title and commencement - *Approved with correction*

***The Electoral Bill 2018 passed the consideration in detail stage.***

**16. ELECTORAL COMMISSION BILL 2018 - consideration in detail**

The Chairperson for Standing orders moved a motion for approval of its report with amendments; approved.

Clause 2 – Clause 5: *Approved*

Clause 6: *Approved*

Clause 7:	<i>Approved</i>
Clause 8:	<i>Approved as amended</i>
Clause 9 – Clause 15:	<i>Approved</i>
Clause 16 – Clause 19:	<i>Approved</i>
Clause 20:	<i>Approved as amended</i>

### **Hon Prime Minister - Interjection**

The Hon PM sought clarification on the amendment proposed by the Committee and queried whether the amendment dealt with the petition by Saleaula.

### **CHAIRPERSON Standing Orders, Electoral, Petitions and Constitutional Offices Committee, NAFOITOA Talaimanu Ketu**

The Chairperson stated that the CEO for the Samoa Law Reform Commission recommended that the amendment (proposed by Saleaula) referred to clause 20 of the Bill be moved to the Electoral Constituencies Bill 2018 as it is more fitting (given the mention of boundaries), rather than the Electoral Commission Bill 2018.

Clause 21:	<i>Approved</i>
Clause 22:	<i>Approved</i>
Clause 23:	<i>Approved</i>
Clause 1: Short title and commencement –	<i>Approved with correction</i>

***The Electoral Commission Bill 2018 passed the consideration in detail stage.***

### **17. CONSTITUTION AMENDMENT BILL (No.2) 2018 - consideration in detail.**

The Chairperson for the Standing Orders, Electoral, Petitions and Constitutional Offices moved for the Legislative Assembly to consider its report with amendments; motion seconded and approved.

Clause 2:	<i>Approved as amended</i>
Clause 1: short title and commencement –	<i>Approved with correction.</i>

***The Constitution Amendment Bill (No. 2) 2018 passed the consideration in detail stage.***

### **18. CONSTITUTION AMENDMENT BILL (No.1) 2018 - consideration in detail.**

The Chairperson for the Standing Orders, Electoral, Petitions and Constitutional Offices moved for the Legislative Assembly to consider its report with amendments; motion seconded and approved.

Clause 2-	<i>Approved</i>
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Clause 3- *Approved*

Clause 4- *Approved*

Clause 1: Short Title and Commencement – *Approved with correction.*

*The Constitution Amendment Bill (No.1) 2018 passed the consideration in detail stage.*

## **19. ELECTORAL CONSTITUENCIES BILL 2018- consideration in detail**

The Chairperson for the Standing Orders, Electoral, Petitions and Constitutional Offices moved for the Legislative Assembly to consider its report with amendments; motion seconded and approved.

Clause 2- *Approved with amendments*

### **Hon Minister of Justice and Courts Administration, FAAOLESA Katopau Ainuu**

The Hon Minister noted that the mentioned amendment was not included in the written report submitted, and then declared that Government rejects the recommendation from Committee.

### **Hon Prime Minister – Point of Clarification**

The Hon PM clarified that the constituencies listed were in alphabetical order to avoid the notion of constituencies taking offence in terms of thinking that others have priority above them. The Chairperson was cautioned with the recommendation put forward as the Hon PM elaborated, that the recommendation will cause a huge imbalance of voters which was the whole purpose of this Bill to ensure a balance of some sort is achieved.

The Hon PM opposed the Committee's recommendation and for this to be reverted to the original clause, which reads "Electoral Constituency 37 - Gagaemauga No. 1, to consist of: Mauga, Patamea, Samalaeulu and Saleaula"- omit Safai.

### **FAASOOTAULOA Pati Taulapapa, Associate Minister of Agriculture and Fisheries**

The Member for Gagaemauga No.2 declared opposition for the Bill, and stated that Saleaula should be under Gagaemauga No. 2 as opposed to the provisions of the Bill to incorporate in Gagaemauga No.1

### **Point of Order- Hon Speaker**

The Hon Speaker pleaded with the member to look at the greater good and stated that the needs of the few outweigh the needs of the majority. Furthermore, stated that these were valuable steps to ensure that Samoa upheld democratic practices.

### **Hon Minister of Tourism, SALA Fata Pinati**



The Hon Minister stated that in his first time entering Parliament, he requested an extra seat for his constituency. This was the same case for his predecessors. He then commended the responsible Minister for the Bill and stated that the proposed amendment alleviates accessibility issues (having to travel to Savaii). He assured the Member for Saleaula (FAASOOTAULOA), that the traditional rites (one of paramount chiefly titles) remain with Saleaula and cannot be taken away.

**NAFOITOA Talaimanu Ketii, Member for Gagaemauga No.3, and Committee Chairperson**

The Chairperson stated that this was simply the will of the constituency to be incorporated in the Bill. He stated that the Committee's re-arrangements were done on the basis of consultation amongst the three constituencies; however, he was grateful that the recommendation was discussed, regardless of its being unaccepted by the House.

**SPEAKERS RULING**

Mr Speaker ruled that since Government has already rejected the recommendation this will no longer be a discussion.

Clause 2 - *Approved*

Clause 3 - *Approved*

Clause 4 - *Approved*

Schedule - *Approved*

Clause 1: Short title and commencement - *Approved with amendments*

***The Electoral Constituencies Bill 2018 passed the consideration in detail stage.***

***Proceedings adjourned at 11:03pm and will reconvene at 9am Tuesday  
29 January 2019.***