



**Monday 14<sup>th</sup> December 2020**  
**MEMBERS PRE-SITTING BRIEFING**

A total of 27 Members convened at the Conference Room of Maota Tofilau Eti Alesana (MTEA), Mulino on Monday 14<sup>th</sup> December 2020 for the final Members Briefing for this year. The Hon Speaker took lead of the Briefing with four Bills on the agenda;

1. Accident Compensation Amendment Bill 2020;
2. Tobacco Control Amendment Bill 2020;
3. Internal Affairs Amendment Bill 2020; and
4. Ministry of Women Affairs Amendment Bill 2020.

Respective Chief Executive Officers for the administering Ministries presented on the background and objects of the Bills and provided clarification to concerns and queries raised by Members.

**(1) ACCIDENT COMPENSATION AMENDMENT BILL 2020**

**Presenter:** *Muliagatele Makelita Matafeo*  
*Chief Executive Officer - ACC*

The CEO opened her presentation with a brief history of how sport-related injury was handled; Muliagatele explained that compensation of injury resulting from sports was a matter handled by the Ministry of Education, Sports and Culture. The requirement for one to be eligible for cover during an injury from sport was that the tournament had to be registered to the Ministry of Sports; this was carried out by each participant paying \$1.00 per sport. If however, an individual was injured and the tournament was not registered, the individual affected would not be entitled to any compensation/cover.

In November 2019, Cabinet decided that it was time for the administration and implementation of all compensation related matters to be handled by the Accident Compensation Corporation (ACC). Upon the transferral of duties to the Corporation, Cabinet directed the ACC to draft up a regulation to incorporate sports-related injury to the list of injuries eligible for cover. Muliagatele explained that the Corporation sought assistance from the Office of the Attorney General for the drafting of appropriate regulation, and the Office of the AG responded that such a regulation could not be drafted as it was not provided for in its principal act. Therefore, one of the rationale for the amendment bill is to provide the powers to the Corporation to make regulations to cater for any other matter necessary in giving effect to the new scheme of sports-related injury.

Furthermore, the CEO explained that the Bill also provides for how this new scheme will be sourced and funded.

**The following were issues and concerns raised by Members:**

- Afioga Faalogo Iosefa Sopi queried whether sports-related injuries from the past before the enactment of this amendment will be considered by the Corporation.

*The CEO clarified that if the injury was compensated by the Ministry of Education, Sports and Culture then it has already been covered, furthermore, not all injuries will be considered, only individuals who took part in a tournament registered with the Ministry of Education may be eligible for cover.*

- Hon Faumuina Tiatia Liuga noted that there were 2 forms of injury; physical injury which is covered by the Corporation and mental injury. The Member suggested that the Corporation should include all forms of injury for compensation.
- Tofa Mulipola Laki noted his concerns on the Bill as being too broad and vague and needed more details and specifications as to the criteria for those eligible for cover. The Member also expressed disappointment that the Corporation did not look at all individuals fairly, as there were certain injuries inflicted to fishermen in his constituencies, and some were compensated while others were not.

*The CEO clarified the difference between eligibility; she elaborated that injury which occur from fishing vessels have a full cover because the Corporation receives money from the petrol levy paid and utilised by such vessels. However, fishing 'alia' is not covered as there is no source of funding to cater for this cost, if the injured fisherman is an employee then he/she is entitled to full cover as all employees receive full cover for 24hours.*

- Lealailepule Rimoni Aiafi suggested that the Corporation looked into setting a standard amount for a 'general cover' for all students to be included in school fees as this can provide students and parents the assurance that their child is eligible for compensation if any sport-related injury occurred during school tournaments. The Member elaborated that this is a positive initiative that can provide parents ease of mind when and if their child participates in any sporting tournament at school.

*The CEO acknowledged the suggestion made by the Member for Faleata and stated that this would be one of the Corporation's objectives; to provide cover for all students of Samoa. However, the current Bill is but a stepping stone to achieve such an initiative for the future as the Corporation works toward including sports-related injuries into the Act, then we can expand further and include a scheme which covers all students/children of Samoa.*

- Afioga Gatoloaifaana Amataga Alesana Gidlow queried whether an individual was eligible to be covered/compensated twice, as a registered member of a sporting tournament and as an employee who pays regular ACC to the Corporation?

*The CEO stated that the Corporation has taken note of all comments made by the Members. Furthermore, Muliagatele stated that funding of such covers are limited, noting figures from previous years only 2,000 students registered. The figures from MESC shows that since 2005 to the current date, there have only been 8 injuries that have been covered.*

- Afioga Tafua Maluelue Tafua queried whether there was any possibility that the Corporation returns 10% of the individual's contribution to the Corporation if by retirement age and has not once needed cover by ACC?

*The CEO clarified that the Corporation continues to indirectly give back to MP's as 10million was appropriated in the 2020/2021 budget to assist with funding salaries for Members of Parliament.*

- The Deputy Speaker, Tofa Nafaitoa Talaimanu Ketu expressed his concerns regarding the impacts of covid19 on individuals of his constituency, raising unemployment levels, thus requesting assistance from the corporation whether a portion from the ACC contribution can be afforded to the unemployed individual.
- The Associate Minister for Women, Community and Social Development, Afioga Salausa Dr. John Ah Ching expressed concerns with the process of formulating regulations and asserted that it should be deliberated in Parliament to ensure the intention of the Act is not misunderstood and portrayed incorrectly by subsequent Regulations.

*The CEO acknowledged Members for their views and concluded her presentation by wishing the Hon Speaker and Members a Merry Christmas and prosperous 2020.*

## (2) TOBACCO CONTROL AMENDMENT BILL 2020

**Presenter:** *Leausa Dr. Take Naseri*  
*Director General - Ministry of Health*

The Director General explained that the Bill is straight forward with the following objectives: to allow the payment in advance of 3 years licence for tobacco manufacturing company. Furthermore, it prohibits the sale of any tobacco products to

any person under the age of 21 years. The CEO explained that the issue of child labour was raised by international organisations, thus the amendment of age for individuals who can sell tobacco products, thus the amendment from 15 years to 21years.

**The following notes issues and concerns raised by Members:**

- Afioga Fuimaono Teo noted his objections for the Bill as tobacco products have great health risks and is a major expense to the individual. Fuimaono acknowledged the Bill for providing the eligibility age on the sale of tobacco but not the age of those who consume it, as there have been instances where students and youngsters are consuming tobacco. He then sought clarification on the penalties listed for the sale of tobacco which states 'not less than 1000 penalty units'.
- Afioga Peseta Vaifou Tevagaena commented on the Bill and stated that imported tobacco products should be prohibited while local tobacco permitted for sale as this does not have similar associated health risks as imported tobacco.
- Afioga Namulauulu Sami Leota commented on the granting of license for tobacco manufacturing companies. A total of \$55million was contributed by the industry into the economy of Samoa, \$23million solely from excise tax on tobacco products. The Member noted the health risks associated to tobacco products and stated that it is the individual choice to consume tobacco or not.
- Afioga Alaiasa Moefaaouo Sepulona Moananu argued that the lapse was in the implementation and policing of the Act, as he has seen people smoking on buses again, which is prohibited as this is public transport.
- Afioga Salausa Dr John Ah Ching commented on the Bill and stated that the processes for issuing and granting licenses to tobacco manufacturing companies should be made more simple and easy whilst the sale of tobacco be restricted to 21years and above.
- Afioga Lenatai Victor Faafoi Tamapua noted the importance of employment opportunities for school leavers who are usually between the age group of 15 - 20years. The Member is concerned with employment opportunities available to school leavers to earn an income.

The Director General concluded his presentation on the Bill and conveyed well wishes to the Members of Parliament for a happy Christmas and prosperous New Year.

### (3) INTERNAL AFFAIRS AMENDMENT BILL 2020

**Presenter:** *Afamasaga Faauiiga Mulitalo*  
*CEO - Ministry of Women, Community and Social Development*

The CEO presented an overview of the objects of the Bill and stated that the amendment essentially provides for the removal of the duty to consult the Village Fono on the removal of their Sui o le Nu'u representative on grounds as listed in the Act, but requires the CEO of the Ministry to "inform" the Village Fono for their nomination of a Sui o le Nuu; and secondly, to provide for due process when dealing with the removal of a Sui o le Nuu under the Act. To practice the principle of natural justice, to ensure all sides are heard.

Members expressed similar concerns and views on the Bill; that village matters and decision making should be left solely to the Village Fono without any political influence and involvement from the Government. Members expressed concerns with the removal of consultation with Village Fono, as this is part and parcel of Samoa's customs and traditions to reach an agreement on any matter.

*The CEO clarified that the determination of the Sui o le Nuu representative is the decision of the Village Fono based on the people they choose. The Ministry is not involved in any decision making process; the Ministry only intervenes to inform the Village Fono when the Sui o le Nuu designation is removed/revoked from the representative upon breach of the requirement of the Act.*

### (3) MINISTRY OF WOMEN AFFAIRS AMENDMENT BILL 2020

**Presenter:** *Afamasaga Faauiiga Mulitalo*  
*CEO - Ministry of Women, Community and Social Development*

The CEO presented an overview of the objects of the Bill and stated that essentially the Bill aims to encourage "inclusivity" of women in decision making and aims to promote gender equality through the composition of Women's Committee. Furthermore, the Bill amends the Ministry of Women Affairs Act 1990 to define the term "Village Women's Committee" ("Committee") and to recognize this Committee under the Act, and to stipulate their composition, role and responsibilities.

The CEO explained that the Committee must be registered under the Ministry, to avoid any doubt as to the Nomination of a Sui Tamaitai o le Nuu under the Act. Furthermore, the Bill intends to amend the Act by clarifying the appointment of appointed members of the Advisory Committee, whom are those appointed by Cabinet under the Act. The CEO elaborated that it is mandatory for women to hold 60% of the Committee's composition

to ensure women's views are expressed on matters pertaining to development of women. Moreover, Afamasaga explained that if 60% of the Committee are present, a Committee meeting may proceed as this is the set quorum for the Committee.

***Queries raised by Members:***

- Members queried whether the policy/regulation around the Women Representative be re-defined accordingly, as there are some villages with growing populace of female representatives with only one Women Representative 'Sui Tamaitai' thus requesting to have a Women Representative for each village and sub-village to ensure the objective of the bill 'to include all women' is achieved.

*The CEO responded that the only Women Reps' who are recognised are those who come from a registered village with traditional salutation 'nu'u mavae e iai se faalupega'. These are the only villages who entitled to have 1 representative in the Women's Committee. The CEO acknowledged the Members for their time and concluded her presentation.*

The Hon Speaker concluded with a prayer and the Members Briefing adjourned at  
1:20pm