

DISCLAIMER

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9:30am

Tuesday 31st May 2022

I. MESSAGE FROM 'LE AO O LE MALO'

Pursuant to Article 59 of the Constitution, a Message from the 'O LE AO O LE MALO' permitted the introduction of the following Bills:

1. Supplementary Appropriation Bill (No.2) 2021/2022;
2. Appropriation Bill 2022/23.

II. OTHER ANNOUNCEMENTS FROM MR. SPEAKER

The Speaker read out his decision regarding a complaint letter by the Member of Faleata No.3 Tofa Lealailepule Rimoni Aiafi towards the Deputy Prime Minister and Member for Gagaemauga No.1 Afioga Tuala Tevaga Ponifasio that was tabled in Parliament on the 17th May 2022 pursuant to SO 178(1).

He received the response by the Deputy Prime Minister on the 24th May 2022 and pursuant to SO 178(2) The Speaker thoroughly reviewed whether the matter put forth is a matter of privilege.

The Speaker reported to the Legislative Assembly upon his review of the matter he decided that the matter does not affect the privileges of the Parliament and there will be no further actions towards this matter.

• Tofa Hon. LAUOFO Fonotoe Nuafesili Pierre Laufofo- Member for Anoamaa 2

The Deputy Leader of Opposition queried the Speaker on his final decision regarding the complaint put forward by the suspended member of Faleata 3, and whether the assembly will be given a written copy of the Speaker's decision. The member further queried the speaker whether his decision was based on Standing Orders 181.

❖ **SPEAKER**

The Speaker clarified that he has considered all sides and in accordance with the standing orders, his written response has already been given to both the complainant and the member alleged. However, he has considered the Member for Anoamaa's query and copies will be provided to the Assembly for their consideration.

III. PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

A total of 5 Committee reports were tabled in Parliament. All Committee Reports were from the Finance and Expenditure Committee, which are as follows:

1. *P.P. 2022/2023 No. 10, Report of the Finance and Expenditure Committee on P.P. 2020/2021 No. 109 and P.P 2021/2022 No.38, Annual Reports of the Ministry of Public Enterprises for Financial Years 2019/2020 & 2020/2021*
2. *P.P 2022/2023 No.11, Report of the Finance and Expenditure Committee on P.P 2020/2021 No. 106 and P.P 2020/2021 No.24, Annual Reports of the Central bank of Samoa for Financial Years 2019/2020 & 2020/2021*
3. *P.P. 2022/2023 No. 12, Report of the Finance and Expenditure Committee on P.P 2021/2020 No. 17, Annual Report of the Samoa National Provident Fund for the Financial Year 2020/2021*
4. *P.P. 2020/2023 No.13, Report of the Finance and Expenditure Committee on P.P 2020/2021 No.68, Annual Report of the Samoa National Provident Fund for the Financial Year 2019/2020*
5. *P.P 2022/2023 No.14, Report of the Finance and Expenditure Committee on P.P 2020/2021 No. 78 and P.P. 2021/2022 No.33, Report of Operations and Statement of Accounts of the Samoa Senior Citizens Benefit Fund for Financial Years 2019/2020 & 2020/2021*

IV. MOTION FROM CHAIRPERSON OF PARLIAMENTARY COMMITTEE

The Chairperson of the Economic Sector Committee, Niuava Eti Malolo, moved the motion pursuant to SO 166(1), for the Legislative Assembly to grant permission to allow the Committee more time to continue their review of the Income Tax Amendment Bill 2021 and report back to the Legislative Assembly in a forthcoming sitting.

V. GOVERNMENT ORDERS OF THE DAY

1. Supplementary Appropriation Bill (No.2) 2021/2020 - First reading

The Minister of Finance, Hon Mulipola Anarosa Ale Molioo moved a motion for the Supplementary Appropriation Bill (No.2) 2021/2020 to be first read.

Motion was seconded and the Bill was read a first time.

2. Supplementary Estimates (No.2) 2021/2020 – Tabling

The Hon Minister moved a motion for the Bill to be tabled.

Motion was carried.

3. Supplementary Appropriation Bill (No.2) 2021/2022 - Second Reading

The Minister of Finance, Hon. Mulipola Anarosa Ale Molioo, Minister of Finance moved a motion for the Bill to be second read and proceeded to note that the Statement for the Supplementary Appropriation Bill will be included during the Appropriation Bill 2022/2023 statement.

Motion was seconded and the Bill was read a second time.

4. Appropriation Bill 2022/2023 - First reading

The Minister of Finance, moved a motion for the Appropriation Bill 2022/2023 to be read a first time. The motion was seconded and approved and the Bill was read a first time.

5. Main Estimates 2022/2023 – tabling

The Minister of Finance, Hon. Mulipola Anarosa Ale Molioo, moved a motion for the Bill to be tabled.

Motion was carried.

6. Appropriation Bill 2022/2023 - Second reading

Hon Mulipola Anarosa Ale Molioo moved a motion for the Bill to be second read and proceeded to deliver the Budget Statement.

I. Minister of Finance: Hon Mulipola Anarosa Ale Molioo – Member for Palauli No.1

The Minister announced that the tabled budget for 2022/23 has been prepared by the Ministry of Finance, and has the support of the Cabinet. Thus, it is an honor to present the Appropriation Bill in Parliament for the assembly's consideration. The member acknowledged God's grace which has gotten us this far, and emphasized that the tabling of this budget 2022/23 aligned greatly with our country's 60th anniversary.

She further addressed the Leader of the House, Ministers, Associate Ministers, the deputy leader of the Opposition and all members of the assembly, acknowledged and greeted the Head Of State, Council Of Deputies, Chief Justice and Judiciary, as well as clergies from all denominations. Also, acknowledged our neighboring countries. Addressed head of government ministries and corporations.

Pursuant to SO (131) the Minister of Finance proclaimed the Appropriate/Budget for the next financial year 2022/2023. The minister further clarified that the budget was

prepared in accordance with the theme/vision- "Folau faatasi e faamaite le tuputupulaia ole tamaoaig ina ia mausali mo le manuia o Samoa" In addition, the minister further noted the obvious challenges which the world is facing today due to COVID-19. The Minister declared the effects the war between Russia and Ukraine has on the revenue and the cost of living not only for Samoa but worldwide. She declared that this war has impacted the cost of petrol for Samoa and worldwide.

In this case, it is predicted that Samoa's economy will decrease by 3% for the current FY2021/2022. However, it is predicted that the economy will boost again by 0.6% in the coming FY2022/23. In accordance with the vision of enhancing our country's economy in the future, expenses will continue to increase that will comply under government expenditures. Moreover, the Minister noted that the economy is set to increase by 0.6% in the coming FY22/23 which is based on the government's plan to open international borders in August 2022 as well as, the completion of all work within the tabled budget such as include;

1. District Development Plans,
2. Celebrating Samoa's 60th Independence and the NPF's 50th birthday and,
3. Fund given to assist organizations and companies

Furthermore, the minister highlighted that the tabled budget for 22/23 is predicted to have greater expenses by 3.5% than revenue when considering the state of our country's economy. Moreover, the Minister noted that this increase in expenses is in accordance with the government's set expenditure that is in place to help boost the country's economy in the coming FY22/23 as well as, future FYs. In addition, the Ministry will continue to try and achieve planned revenue as well as, noted the continuation of government investment to ensure the country's response to unforeseen emergencies like; natural disasters, pandemic. etc.

In addition, the Minister highlighted the continuation of strictly monitoring the limit on loan based on the country's economic status, and it is planned that 46.2% will be made available towards the end of June 2022, the minister further stressed that there are no plans of loaning money with high interests in the next 3-5 years. The Minister further highlighted that the tabled budget for 22/23 is in accordance with the objective of envisioning a greater future for Samoa 2021/22-2025/26 and achieving of the following goals;

1. Improved Social Development
2. Diversified and Sustainable Economy
3. Security and Trusted Government
4. Secured Environment and Climate Change
5. Structured Public Works and Infrastructure

Government Revenue continues to be based on the continual increase in price of imported goods and services which is affecting all nations including Samoa. The Minister also noted that there are no plans to impose new taxes aside from increasing tax and duties on imported food which are unhealthy for the public. In addition, tax will be reduced from some technological products as a way of promoting the importance of technological communication in Samoa.

In an attempt to ensure the safety of Samoa from natural emergencies/disasters, the tabled budget 22/23 includes an appropriation of money for the following Ministries; Ministry of Health, Ministry of Police, Ministry of Agriculture and Fisheries, Ministry of Prime Minister and Cabinet, Ministry of Customs and Revenue, Ministry of Natural Resources and Environment, Ministry Of Finance, Fire and Emergency Service Authority. The minister also highlighted that there is available fund in the budget appropriated for the country's response to natural disasters from the World Bank and the Asian Development Bank.

The government will continue to ensure the increase in government revenue through strictly monitoring and collecting of taxes and ensuring a good return on appropriated money to government ministries and corporations.

KEY COMPONENTS OF THE 2022/2023 BUDGET

Revenue: \$789,609,085

Ordinary Receipts: \$643,728,051

External Grants: \$146,178,034

Expenditures: \$964,835,276

Statutory Expenditures: \$131,886,101

Expenditure Programs: \$726,982,573

Unforeseen Expenditures: \$21,809,477

Development Expenditures: \$84,157,125

CASH (Deficit)/Surplus: (\$174,929,191)

Financed By: \$85,761,003

Soft Term Financing: \$1,303,441

General Budget Support Financing: \$84,457,562

(89,168,188)

The Minister noted that 2022/23 main estimates is expected to record an overall deficit of approx. \$179.9million tala. In addition, the Minister further clarified that under the Government Finance Statistics format this results in a deficit of \$77.2million tala or 3.5% of GDP.

In addition, the Minister highlighted that the total revenue for the government is expected to drop by 12% in the coming FY22/23 as a result of reclassification of the Government's grant financing. The Government is government is projecting to increase revenue through tax and non-tax revenues by 1.3%

Moreover, the Minister noted that Non Tax Revenues are anticipated to decrease by 36% as a result of the transition of vehicle registration and licensing from the Ministry of Police to the LTA. Furthermore, the Minister clarified the 44% decrease in grants receipts from development partners in the budget summary because of the reclassification of general budget supports of 84.5 million.

The Minister further touched on the aggregate total of expenditures for the FY22/23 which is estimated to be 964,835,276.00 tala. This total is inclusive of development

programmes sourced by Samoa's development partners. In addition, total current payments are anticipated to increase by 5% in the FY22/23 attributed to increases in all 3 categories:

- Increase Statutory Payments by 21%
- Expected Increase in Ministries Expenditures by 21% and,
- the decline in development payments compared to the current FY due to the completion of some grant financed development projects.

Detailed Outline of Estimates per Ministry for the FY22/23;

1. Ministry of Agriculture and Fisheries - \$19,628,783

- \$12,475,116 for outputs delivered by the Ministry
- \$2,597,281 for Transactions on behalf of the States

Outputs provided by Third Parties

- \$4,506,385 for the Scientific Research Organization of Samoa
- \$50,000 for the Animal Protection Society

2. Ministry for Commerce, Industry and Labour- \$20,764,302

- \$5,706,507 for outputs delivered by the Ministry;
- \$2,045,383 for Transactions on Behalf of States;

Outputs provided by Third Parties

- \$9,562,411 for the Samoa Tourism Authority
- \$450,000 for the Samoa Business Hub
- \$3,000,000 as Private Sector Support Financing (MSMEs) this will be implemented by the SBH

3. Ministry of Communication and Information Technology - \$9,389,050

- \$2,976,864 for outputs delivered by the Ministry
- \$3,873,375 for Transactions on Behalf of States

Outputs provided by Third Parties

- \$2,538,811 for the Office of the Regulator

4. Ministry of Education, Sports and Culture- \$132,589,186

- \$76,403,345 for outputs delivered by the Ministry
- \$10,166,697 for Transactions on Behalf of States

Outputs provided by Third Parties

- \$17,726,320 for the One Government Grant for Schools
- \$19,720,627 for the NUS
- \$6,426,232 for the SQA
- \$2,145,965 for the Samoa Sports Facility Authority
- 2m for Sports Development in partnership with the Gaming Control Authority (GCA)
- \$50,000 for the Samoa Arts Council

5. Ministry of Finance- \$104,950,475

- \$15,492,223 for outputs delivered by the Ministry
- \$89,458,252 for Transactions on Behalf of States

- 1million for emergency response operations under SOE Declaration
- 5million for recovery assistance to all businesses through the provision of a highly concessional lending facility with the DBS
- 2million to continue the Shelter Financing and Hygiene initiative
- 15.3m for counterpart costs as Government's contribution to development projects funded by our development partners
- 33.4m for Senior Citizen's Pension scheme

6. Ministry of Foreign Affairs and Trade - \$25,808,267

- \$22,829,013 for outputs delivered by the Ministry including provisions for all overseas missions
- \$2,979,254 for Transactions on Behalf of State

7. Ministry of Health- \$140,443,598

- \$108,414,360 for outputs delivered by the Ministry
- \$16,899,304 for Transactions on Behalf of State

Outputs provided by Third Parties:

- \$9,329,934 for the NKF
- \$5,000,000 for the Country's Overseas Medical Treatment;
- \$250,000 for the Non Communicable Disease Clinic;
- \$550,000 in total for grants to active NGOs within the sector.

8. Ministry of Justice and Courts Administration- \$14,259,844

- \$12,788,399 for outputs delivered by the Ministry
- \$1,471,456 for Transaction on Behalf of States
- \$450,000 for Legal Aid
- \$325,543 for Surveying of Boundaries of Customary Lands

9. Ministry of Natural Resource and Environment- \$26,621,187

- \$13,988,054 for outputs delivered by the Ministry
- \$12,633,133 for Transactions on Behalf of States
- \$200,000 emergency response operations under SOE Declaration
- 4.2m for Waste Management Services
- 2m for Land Compensation

10. Ministry of Police and Prisons- \$51,640,543

- \$34,974,877 for outputs delivered by the Ministry
- \$3,867,317 for Transactions on Behalf of States;

Outputs Provided by Third Parties

- \$12,798,349 for the FESA

11. Ministry of the Prime Minister and Cabinet - \$10,086,514

- \$6,713,221 for Outputs delivered by the Ministry
- \$3,373,293 for Transactions on Behalf of State

12. Ministry of Customs and Revenue- \$12,962,866

- \$10,183,725 for outputs delivered by the Ministry

- \$2,779,141 for Transactions on Behalf of States

13. Ministry of Women, Community and Social Development- \$63,679,430

- \$11,138,908 for outputs delivered by the Ministry
- \$52,540,522 for Transactions on Behalf of State

14. Ministry of Works, Transport and Infrastructure- \$47,541,804

- \$5,504,416 for outputs delivered by the Ministry
- \$1,195,684 for Transaction on Behalf of State

Outputs provided by Third Parties

- \$35,541,704 for the LTA;
- \$3,300,000 for the SWA budget support;
- \$1,000,000 SWA Community Service Obligations (CSO);
- \$1,000,000 EPC CSO

15. Office of the AG- \$5,469,502

- \$4,750,000 for outputs delivered by the Ministry;
- \$719,502 for Transactions on Behalf of State

16. Office of the Controller and Auditor General - \$4,006,672

- \$3,406,343 for outputs delivered by the Ministry
- \$340,671 for Transaction on Behalf of States

17. Office of the Electoral Commission- \$7,355,133

- \$2,589,143 for outputs delivered by the Ministry
- \$340,671 for Transactions on Behalf of State

18. Office of the Legislative Assembly- \$7,355,133

- \$6,060,833 for outputs delivered by the Ministry
- \$1,294,300 for Transaction on Behalf of State

19. Office of the Ombudsman- \$1,653,695

- \$1,426,354 for outputs delivered by the Ministry
- \$227,341 for Transactions on Behalf of States

20. Public Service Commission- \$8,788,431

- \$4,728,299 for outputs delivered by the Ministry
- \$227,341,132 for Transactions on Behalf of State

21. Samoa Bureau of Statistics- \$5,887,995

- \$4,407,376 for outputs delivered by the Ministry
- \$1,480,619 for Transactions on Behalf of State

22. Law Reform Commission- \$1,410,985

- \$1,158,819 for outputs delivered by the Ministry
- \$252,166 for Transactions on Behalf of State

23. Ministry of the Public Enterprises- \$9,114,490

- \$2,485,397 for outputs delivered by the Ministry
- \$6,629,093 for Transaction on Behalf of State;

Unforeseen Expenditure based on the total expenditure program of Government for 22/23 is 21.81million tala.

The Minister also mentioned the second Supplementary Appropriation tabled before the Legislative Assembly for the current FY21/22 is for additional NEOC costs incurred by the MOH and the Min of Police, as well as assistance for the Development Bank of Samoa. These will be financed by additional funding from development partners including Australia and NZ as well as, part of Samoa's Contingent Disaster Facility with AB, and reallocations of unused existing resources.

The Minister further relayed her gratitude for the continuous partnership and assistance by all its development partners in the country's fight against COVID-19 and other natural emergencies. In addition, a total of 82.9m tala is expected to support 52 investment projects and programs that are implemented by the Government agencies. In addition, a total of 24.2m tala in sector budget support is earmarked for four sectors which are; Education, Health, Water and Agriculture and Fisheries. Furthermore, the Minister noted that Samoa's standby facilities with the World Bank (CAT-DDO) and the ADB (CDF) were triggered in March 2022 following the recording of our first COVID-19 community case.

The Minister also mentioned the celebration of the 60th year of independence of Samoa tomorrow with her hopes that we will reach the next 60 years for our country.

❖ SPEAKER

Pursuant to SO 133 debate for the Appropriation Bill will be deferred until after 14 days the Finance and Expenditure committee finalizes their review of the Appropriation and report back to Legislative Assembly.

II. Prime Minister- Afioga Hon Fiame Naomi Mataafa

The Prime Minister stated that the Ministry of Finance on behalf of the Independence Committee has gifted each constituency with monetary gift to commemorate the 60th Independence.

Proceedings were adjourned at 10:54am and reconvened at 11:46am

VI. ORDERS OF THE DAY

1. *P.P. 2022/2023 No.1, Special Inquiry Committee Report on P.P 2021/2022 No.36 on the Outcome of the Internal Investigation Regarding Issues raised by the Attorney General on the Constitution Amendment Act 2020 & Land and Titles Act 2020.*

❖ **SPEAKER:**

The Speaker made note that the Special Inquiry Committee report will be put forth for deliberations today.

1. Tofa AUUAPAAU Mulipola Aloitafua Mulipola: Chairperson for the Special Inquiry Committee

The Chairperson for the Special Inquiry Committee moved a motion for Parliament to approve the Special Inquiry Committee's report regarding issues raised by the Attorney General on the Constitution Amendment Act 2020 and Land and Titles Act 2020.

Seconded by the Minister for Works and Infrastructure.

The Chairperson greeted the Head of State and Council of Deputies, Chief Justice and the Judiciary and Samoa in all her honorific salutations. He also greeted the CEO's of all respective Ministries and clergies and those who are listening near and far.

The Chairperson for the Special Inquiry Committee read out the findings and recommendations from their Committee as follows:

The Chairperson noted that the Committee has thoroughly reviewed the matter and found that there are 4 different versions of the two (2) Acts as reviewed and they are not the same. The Land and Titles Act 2020 and the Constitution Amendment Act 2020 have different versions. He then went to read provisions in the Standing Orders (111-113) that identifies the process one should follow if amendments need to be inserted into an Act that has already been assented to by the Head of State.

The Chairperson of the Special Committee continues to note that the 2 Bills were done in a corruptive manner and that the Legislative Assembly should take full responsibility of this matter. Furthermore, he highlighted that the Committee investigated several witnesses: the Commissioner of the Samoa Law Reform Commission (SLRC), Former AG and President of the Land and Titles Court. He then noted that, they were responsible for the removal of words '**as maybe provided by an act**' for the 2 Bills as mentioned. The Member continues to note that one of the witnesses, mentioned that only the Samoan version of the report was tabled in Parliament. He also mentioned that once the Head of State assented the Bills on the 5th January 2021, they found out that the copy uploaded is not the same with the assented copy.

The Chairperson noted that for 8 to 9 months of consultations, these Bills were still incomplete in its full contents. He noted that the different versions of the Acts would lead to differences in interpretations by those that have matters before the court. The Committee found in its investigation that the Office of the Clerk of the Legislative Assembly (OCLA)

did not follow the process of signing the Certificate of Amendment. The Office used the Certificate of Amendment that was signed on the 5th January 2021 to make the changes later on.

He then went on to argue that the Committee found in its investigation that there were certain individuals who wanted to insert amendments that were not passed in Parliament. He gave the example of a provision in the Constitution Article 40 (4) that gives the President of LTC the discretion to have their court cases be heard if the President agrees. Somewhat implying that the President of the Land and Titles Court made these changes so he could be given more authority. He then stated, that such acts by the President of the Land and Titles court undermines Parliamentary Sovereignty and Supremacy of Parliament has been manipulated due to a person or persons as mentioned above. The Committee recommended that this report be approved by the Parliament, the immediate disposal of these Acts.

Committee recommends that those affected in the changing of these Acts unlawfully be referred to AG and Police for further investigation.

❖ **SPEAKER: The Speaker asked the Chairperson whether he was referring to only the Samoan version of the Bills or was it the Committee report?**

- **Chairperson- Afioga Auuapaau Mulipola Aloitafua Mulipola**

The Chairperson clarified that only the Samoan version for the Bills were tabled.

- i. **Tofa Hon. Lauofo Fonotoe Nuafesili Pierre Lauofo- Member for Anoamaa 2**

The Deputy Leader of the Opposition firstly expressed gratitude to the Hon Prime Minister and Cabinet for the \$1000 monetary gift that they received during the break for independence, however there are two Members of his Constituency yet they only received one cheque.

In addition, he thanked the Chairperson of the Committee for their report and noted that the Committee seemed to go beyond their scope of work. The Member appreciated that the former Clerk of OCLA has agreed that the office was negligent in their duty of work and have taken full responsibility for the alluding problem. The member stated now that the problem has been found, the real question that should be asked in Parliament, is what is the solution to the problem.

He then queried the meaning behind, recommendation 1 of the report which asks for the disposal of the two (2) controversial Bills. He continues to query, what should be a process in such case, whether there should be an amendment Bill or a motion to repeal the Constitution Amendment. He then added that if they should consider repealing, then there should be a 2/3 majority of members in Parliament to pass a Constitutional amendment. Furthermore, he then proposed whether there should be a change in the standing order to cater for situations like this.

- ii. **Afioga PESETA Vaifou Tevagaena: Faasaleleaga No. 5**

The Member queried whether the chairperson noted Part 23 of the Standing Orders and proposed to look at amending the Standing Order.

iii. Tofa Hon OLO Fiti Afoa Vaai – Member for Salega No.2

The Minister responded that the changes to the SO was done during the time when HRPP was government. So the Member asking should know of it.

iv. Prime Minister – Afioga Hon Fiame Naomi Mataafa

The Prime Minister encouraged the Member to focus their speeches on the report as discussed rather than on other un-related matters. She also gave support to the Minister that the changes to the S.O was done by the Former government.

❖ SPEAKER

The Speaker noted that due to preparations for the independence tomorrow, the Cabinet have other important proceedings to attend hence why Parliament will have to be postponed. He then thanked the Legislative Assembly for servicing the parliament and wished Samoa a Happy and safe Independence tomorrow.

Proceedings were adjourned at 1:08pm and to reconvene on Thursday 2nd June 2022 at 9:30am