

DISCLAIMER

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Tuesday 18th August 2020

9:10am

I. NOTICE FROM THE LEADER OF THE HOUSE

Pursuant to S.O 76 Notice is given to permit the introduction of the following Bills:

- ❖ Customs Tariff Amendment Bill 2020; and
- ❖ Immigration Bill 2020

II. OTHER ANNOUNCEMENTS BY THE SPEAKER

a) OFFICIAL NOTICE OF VACANCY OF SEAT

As stipulated under Article 46 of the Constitution of the Independent State of Samoa 1960, Mr Speaker declared that there was a vacancy in the House. Mr Speaker noted the merits of Article 46 whereby a vacancy can be declared 1) resigns or changes his or her Party 2) Verbal resignation in Parliament.

Mr Speaker further expressed disappointment with how the aforementioned issue was handled i.e. (Member of Gagaifomauga No.3 verbally resigning from Parliament and then later changed his mind). He then cautioned Members of the House to refrain from being too political as the Law is not something to be played with. He then reiterated to the Members to ensure that all facts stated in the House is factual and true & not tailored to suit their personal agendas.

Mr. Speaker acknowledged the Minister of Health and the Ministry for carrying out health screenings for Parliamentarians and staff of the Legislative Assembly after Pre-sitting yesterday.

b) AMENDMENTS TO THE STATE OF EMERGENCY ORDERS

The Clerk of the Legislative Assembly read out the Amendments to the State of Emergency orders which were tabled in Parliament. Amendment is as follows:

- ❖ Petroleum Products Supplies Limited (PPS) permitted to carry out refills on Sunday and is to be effective this Thursday;
- ❖ Permitting the entry of vessels shipping in petroleum to harbour into Samoa as we are in dire need of such supply;
- ❖ Permitting PPS to transport petroleum to the Electric Power Corporation (EPC) on Sundays where needed.

c) WELCOMING NEWLY APPOINTED ATTORNEY GENERAL

Acknowledged the presence of the new Attorney General, Ms. Savalenoa Mareva Betham Annandale and wished her well on this calling as it was a calling from God.

III. PRESENTATION OF PAPERS

A total of 5 Parliamentary Papers were tabled; All 5 are Annual Reports.

IV. PARLIAMENTARY COMMITTEE REPORTS TABLED

A total of 13 Parliamentary Committee reports were tabled; 6 reports from the Finance and Expenditure Committee; 1 report from the Standing Orders, Electoral, Petitions and Constitutional Offices Committee; 2 reports from the Economic Sector Committee and 4 reports from the Infrastructure Sector Committee.

V. MOTION BY PARLIAMENTARY COMMITTEE TO EXTEND TIME TO DELIBERATE ON BILLS

Chairperson for the Special Committee, Gatoloaifaana Amataga Alesana-Gidlow moved a motion for extension so that the Committee will have enough time to deliberate on the three controversial Bills as follows:

1. Constitution Amendment Bill 2020;
2. Land and Titles Bill 2020; and
3. Judicature Bill 2020.

*Seconded by Member for Aleipata Itupa I Lalo and the Member for Falealili
Motion approved*

VI. GOVERNMENT ORDERS OF THE DAY- READING OF BILLS

1. CUSTOMS TARIFF AMENDMENT BILL 2020- FIRST READING

Minister for Revenue moved a motion for the Bill to be first read.

Point of Clarification- PM

Hon PM clarified on his title as Leader of the House and elaborated that in Parliament he is the Leader of the House whilst in Cabinet he is the Prime Minister. He stated that he is clarifying the issue as there are unsubstantiated claims made by certain people regarding the separation of powers.

Motion approved.

2. IMMIGRATION BILL 2020- FIRST READING

The Hon Prime Minister moved the motion for the Bill to be first read

Motion approved.

3. MISCELLANEOUS (SALARIES CONDITIONS UPON SUSPENSION) AMENDMENT BILL 2020- SECOND READING

The Hon PM moved a motion for the Bill to be second read and spoke to clarify on the purpose of the Bill.

Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi- PM

The primary purpose of the Bill is to provide stipulations of time period where a public servant (CEO/ACEO) is eligible to receive salaries for 1 month after suspension only. Any suspension exceeding 1 month that person will not receive their salary until their innocence is proven. Where they are found innocent he/she may be reinstated to his/her position and will be paid his/her salary commencing from the day his/her salary ceased.

He noted that times have changed hence the inception of the Bill; there has been a surge in the number of Public service cases the Judiciary has to deal with. He further noted that there are some cases that take up to 2 years and if appeals are taken into account, proceedings will be even lengthier (and this happens when the public servant being indicted is receiving their salaries and travel using Government vehicles which is an unnecessary expenditure for government). The PM further reiterated that the public servant being indicted (CEO/ACEO) if proven their innocent they will get their salaries back and will be paid from the date in which their salaries were ceased.

i. OLO Fiti Afoa Vaai- Member for Salega East

The Member noted that he wished to respond to the sentiments echoed by the Leader of the House pertaining to those querying the Separation of Powers.

SPEAKERS RULING: Orders the Member for Salega East to refrain from speaking on the statement made by the Leader of the House as it was not a Ministerial Statement but only a clarification on his role as a Leader of the House to prevent criticism on the misuse of his powers.

The Member for Salega East further reminded the House that he raised this issue in 2017. Noted that the PM has now implemented what he had raised in 2017. He further stated that other government assets utilized by the CEOs/ACEOs (such as vehicle and telephones, etc.) should also be included in this Act.

ii. FAUMUINA ASI PAULI Wayne Fong- Member for Urban West

The Member conveyed support for the Bill however put forth two suggestions in regards to the Bill. There have been others who have been proven to be innocent however have been terminated regardless. He suggested that these people should be rehired.

PM- Point of Clarification

PM stated that there are processes and procedures to go through and powers afforded to the Ministry of Police which the Public Sector takes into account.

The Member touched upon the current recruitment process for CEOs/ACEOs whereby Public Service Commission conducts the interview and submits recommendation to Cabinet for final approval however there have been cases where Cabinet overlooks what had been recommended by the Panel and selects someone else. He pinpointed that the recruitment selection for these positions have not been dealt with truthfully by Cabinet.

PM- Point of Clarification

PM clarified on the process of selecting (CEOs and ACEOs) of the different Ministries and Government Agencies. He clarified on the different levels of authority and asserted that panels conduct the interview process but the authority to select the applicable or most suitable candidate rests with the Cabinet. He further called on the Member to present an Appointment of a CEO/ACEO that was conducted in a corruptive manner.

Speakers Reminder: Members to ensure statements made in the Chamber are factual as there are merits in the governing Act of the Legislative Assembly which can reprimand or suspend a Member as we have seen in past occurrences.

iii. AUMUA Isaia Lameko- Member for Falealili West

The Member conveyed support for the Bill and explained that there are two factors that permits the termination of a public servant. 1) Conduct of the public servant and 2) Confirmation of an offence in the public service. He further queried circumstances where after 1-month payment of salary on suspension of a CEO/ACEO, he decides to step down on his or her own terms? He suggested that if this occurs, his/her salary should be ceased but should still be afforded the benefits of the position accordingly.

PM- Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi

The Hon PM responded that section 12 of the Public Service Act 2004, provides that Cabinet holds the authority to make the final decision. He further noted that in the scenario raised by the Member for Falealili, where an offence has been confirmed, the Public servant is prohibited to resign and will be terminated immediately by Cabinet without an acceptance of an apology. This is to show that Government will not tolerate such behaviour as well as make a record on this particular person for future reference if he or she decides to apply to future positions in any Government Ministry.

The Miscellaneous (Salary Conditions upon Suspension) Amendment Bill 2020 was second read and referred to the Standing Orders, Electoral, Petitions and Constitutional Offices Committee.

4. ENERGY MANAGEMENT BILL 2020- CONSIDERATION IN DETAIL

Chairperson for Finance and Expenditure Committee moved a motion for the Assembly to approve its report with amendments.

Motion approved.

Clause 2-	amended and approved
Clauses 3- 9	approved
Clause 10	amended and approved
Clauses 11-12	approved
Clause 13	amended and approved
Clauses 14-18	approved
Clause 19	amended and approved
Clause 20	approved
Clause 21	amended and approved
Clauses 22-27	approved
Clause 28	amended and approved
Clauses 29-31	approved
Clauses 32-35	approved
Clauses 36-39	approved
Clauses 40-42	approved
Clauses 43-44	approved
Clauses 45-46	approved
Clause 47	amended and approved

Proceedings were suspended at 10:53am
Proceedings reconvened at 11:46 am.

ENERGY MANAGEMENT BILL 2020- CONSIDERATION IN DETAIL (cont'd)

Clauses 48-49 approved
Clauses 50-51 approved
Clauses 52-53 approved
Clauses 54-56 approved
Clauses 57-61 approved
Clauses 62- 65 approved
Clauses 66- 69 approved

Clause 1 and Short Title: amended and approved

Energy Management Bill 2020 progressed through its Consideration in Detail stage with amendments

5. FABRIC OF LAWS (MISCELLANEOUS REPEAL) BILL 2019- CONSIDERATION IN DETAIL

Chairperson for Standing Orders, Electoral, Petitions and Constitutional Offices Committee, NAFOITOA Talaimanu Ketu moved a motion for the Assembly to approve its report.
Motion approved

Clause 2 approved
Clause 3 approved
Clause 1 and Short title: amended and approved.

Fabric of Laws Miscellaneous Repeal Bill 2020 progressed through its Consideration in Detail stage without amendments

- **MOTION TO SET ASIDE S.O 101(1) TO PERMIT THE SECOND READING OF BILLS WHICH WERE FIRST READ IN THE CHAMBER THIS MORNING**
Motion approved

6. CUSTOMS TARIFF AMENDMENT BILL 2020- SECOND READING

Minister for Ministry of Customs and Revenue, Hon TIALAVEA FEA LENIU Tionisio Hunt moved the motion for the Bill to be second read and spoke to clarify the intent of the Bill.

Hon TIALAVEA FEA LENIU Tionisio Hunt- Minister of Customs and Revenue

Stated that the excise tax of 5% for imported electrical vehicles has been removed. This is done to encourage the importation of such vehicles as they are eco-friendly. He further clarified that all Businesses and Car Businesses are permitted to purchase such electric cars and noted that the exemption is only for 2 years.

Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi- PM

PM recounted that 8 years ago a prominent businessman requested to halt the importation of fossil fuel powered vehicles and encourage electrical vehicles however the governing legislation at the time did not permit the importation of such thus such Bill today. He reiterated that the countries whom are susceptible to the calamitous effects are the Pacific. It is a matter of national security. The main aim of the Paris Agreement is to keep the temperature to below 1.5 Celsius increase per year. This Bill is therefore Samoa's contribution to complying with the agreement as well as minimizing the impacts of climate change.

i. OLO Fiti Afoa Vaai- Member for Salega East

Member stated that he is seeking answers to his questions regarding the Bill as he cannot debate with the CEO's during Pre-sittings.

PM- Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi

Expressed disappointment with the Member looking down at CEO's or Public servants whom participate in Pre-sittings. He further stated that these people are important and have a tremendous workload however make time to be present in Parliament pre-sittings just so Members are informed well on the Bills.

OLO Fiti Afoa Vaai- cont'd

The Member stated that the Covid Supplementary Budget is included under the Bill and questioned which business will benefit from the proposed Bill due to the expensive cost of electrical vehicles. He stated that the electrical vehicles are more expensive than the fossil fuel powered vehicles.

He further called the ministry to clarify the approval process and labelled it vague. He further argued that the carbon emission released in the atmosphere from Samoa alone accounts for a small percentage and that the importation of such vehicles is a response to climate change argument does not suffice.

Furthermore, introducing electrical vehicles and making it free of tax will see Samoa loose another source of revenue for its economy.

PM- Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi

The Prime Minister called on the Member to lead by example. He further argued that there are immense environmental benefits once the Amendment Bill is passed.

Hon TIALAVEA FEA LENIU Tionisio Hunt- Minister of Customs and Revenue

In regards to the Member's question as to who benefits from the importation of such electrical vehicles, the Minister responded that EPC supports the proposed amendments as it was them who requested for the permission to purchase and import an electric vehicle. The Minister refuted the member's argument that the Bill will halt revenue coming in for Government and clarified that if anything EPC will benefit in terms of revenue as they will purchase more fuel.

Hon AFAMASAGA Lepuiai Rico Tupai- Minister of Ministry of Communication and Information Technology

Member stated that prices upon closer examination online, electrical vehicles are reasonable and affordable.

Hon LOPAOO Natanielu Mua- Minister of Ministry of Agriculture and Fisheries

Clarified that in regards to assistance for the Agricultural sector, the Ministry for Revenue has also amended the Tariff schedule to include exemption and reduction tax on equipment, machinery and vehicles imported for agricultural developments (referred to Code 121).

PM- Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi

Further reiterated the rationale of the Bill- it is geared towards the immense Environmental benefits that can be reaped. Accentuated his point that Samoa is not the only country who is placing emphasis on Electrical vehicles rather this is the current trend for the world. The PM stated that he has a vision for Samoa in the near future to use such vehicles that are charged by solar energy and less usage of fossil fuel vehicles. He noted that this same subject was the agenda at a meeting in Abu Dubai in which he attended.

OLO Fiti Afoa Vaai- cont'd

OLO stated that he is also suspicious with the timeframe of 2 years given in the Bill.

PM- Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi

The PM responded that the timeframe is a trial period so as to monitor its practicality.

ii. LEALAILEPULE Rimoni Aiafi- Member for Faleata i Sisifo

Member queried the distance in which electrical vehicles can travel. He stated that collective effort/negotiations/collaborations should have been made before the amendment was proposed because it affects different factors such as the cost of diesel/fuel and energy consumption. He also mentioned the fuel levy which all fossil fuel vehicles pay to contribute to road infrastructures- therefore querying how electrical vehicles would contribute to road developments.

Hon TIALAVEA FEA LENIU Tionisio Hunt- Minister of Customs and Revenue

In regards to levy, the levy is payable to EPC.

Customs Tariff Amendment Bill 2020 was second read and referred to the Economic Sector Committee

7. IMMIGRATION BILL 2020- SECOND READING

The Hon PM moved a motion for the second reading of the Bill and wishes to speak on the merits of the Bill.

Motion approved

PM- Hon AUELUA Fatialofa Lupesoliai Tuilaepa Dr Sailele Malielegaoi

The Bill repeals the Immigration Act 2004. He noted the importance of the collaboration amongst Samoa and immigration services across the Pacific region in cases of 'Persons of Interest' to ensure the safety of the nation is maintained. The Bill also ensures to make entry ports in Samoa more secure.

The current Act existed for 16 years, therefore the Bill was necessary to incorporate new systems and processes for the improvement and effectiveness of services delivered by the Immigration department. The Hon PM referred to past events that occurred in neighbouring countries such as the Mosque shooting in Christchurch and social media used as a weapon to spread hate thus the introduction of legislation in those countries that enhances national security. The Bill discussed serves exactly the same purpose, to protect our people from people who seek to cause harm to our nation. He then emphasized that the government DOES NOT and WILL NOT introduce legislation that is detrimental to the members of the public or to Samoa as a whole. He concluded by reciting a phrase in the Bible, 'if one knows what should be done, then it should be done'. The Bill is such the same.

MOTION BY THE LEADER OF THE HOUSE

PM moves the motion that the time be extended so as to make way for the Bills that were second read to date to be third read before conclusion of the sitting and adjournment to October.

i. FUIMAONO TEO Samuelu Teo- Member for Falealili Sasae

Referred to Clause 29 of the Bill and asserted that Samoa's monitoring system is weak. He stated that non- skill employment such as cashiers, babysitters and night watchman etc. are currently occupied by foreigners yet this can be performed by locals. He suggested that only skills lacking in Samoa should be occupied by foreigners.

Immigration Bill 2020 was second read and referred to the Standing Orders, Electoral, Petitions and Constitutional Offices Committee.

MOTION BY THE PM TO SET ASIDE S.O 108(4) TO PERMIT THE THIRD READING OF BILLS THAT WERE CONSIDERED IN DETAIL TO DATE.

8. ENERGY MANAGEMENT BILL 2020- THIRD READING

The Minister of Finance moved a motion for the Bill to be third read.

Seconded and approved

❖ *Energy Management Bill 2020 passed the Assembly*

9. FABRIC OF LAWS (MISCELLANEOUS REPEAL) BILL 2019- THIRD READING

The Hon PM moved a motion for the Bill to be third read.

Seconded and approved

❖ *Fabric of Laws (Miscellaneous Repeal) Bill 2020 passed the Assembly.*

**Proceedings were adjourned at 1:23pm;
and will reconvene on Tuesday 6th October 2020 at 9am.**