

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament on Tuesday 28th May 2019. While all efforts have been made to provide an informative brief, this information must not be relied upon as an alternative to the official Hansard record of proceedings of Parliament. If you have any specific questions about the Proceedings of Parliament on Tuesday 28th May 2019, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

Tuesday 28th March 2019

9:10am

I. BUSINESS OF THE ASSEMBLY

i. MESSAGE FROM O LE AO O LE MALO:

Pursuant to Article 59 of the Constitution, a Message from O Le Ao o Le Malo permitted the introduction of the following Bills:

1. Supplementary Appropriation Bill (No. 2) 2018/2019;
2. Appropriation Bill 2019/2020.

ii. NOTICE FROM THE LEADER OF THE HOUSE

Mr Speaker read the Notice from the Leader of the House to permit the progress of the following Bills:

- National Provident Fund Amendment Bill 2019;
- Trustee Companies Amendment Bill 2019;
- Foundations Amendment Bill 2019; and
- Companies Amendment Bill 2019.

Certificate of Urgency-

Speaker declared the following Bills to be under Certificate of Urgency:

- National Provident Fund Amendment Bill 2019;
- Trustee Companies Amendment Bill 2019;
- Foundations Amendment Bill 2019; and
- Companies Amendment Bill 2019.

iii. PAPERS PRESENTED:

A total of 21 Papers were presented in Parliament: 19 Annual Reports, 1 Public Account and 1 Report of the Law Reform Commission.

iv. PARLIAMENTARY COMMITTEE REPORTS TABLED:

A total of 29 Parliamentary Committee reports were tabled in Parliament: 8 reports from the Standing Orders, Electoral, Petitions and Constitutional Office, 10 reports from the Finance & Expenditure Committee, 5 reports from the Social Sector Committee, 2 reports from the Economic Sector Committee and 4 reports from the Infrastructure Sector Committee.

II. MOTIONS

i. MOTION BY THE LEADER OF THE HOUSE PURSUANT TO S.O 47

Hon PRIME MINISTER, Tuilaepa Dr. Sailele Malielegaoi

The Hon Prime Minister acknowledged the hard work by Committees as reflected by the number of Committee reports being tabled today.

The Hon Prime Minister moved a motion in accordance with Standing Orders for Lapsed Business from 2018/2019 session to be carried forward as printed in the Supplementary Order Paper 2019/2020 (No.1).

Motion approved.

ii. MOTION TO WITHDRAW BILL PURSUANT TO S.O 114

Hon PRIME MINISTER, Tuilaepa Dr. Sailele Malielegaoi

The Hon Prime Minister moved a motion to withdraw the Returning Offenders Bill 2019 as it needs redrafting to address additional issues.

Motion approved.

iii. MOTION BY THE PARLIAMENTARY COMMISSION

Deputy Speaker, Nafotoa Talaimanu Ketu

Pursuant to S.O 170 the Deputy Speaker moved a motion to reorganize the membership of Parliamentary Committees as follows:

Standing Orders, Electoral, Petition & Constitutional Offices Committee

- | | |
|-------------------------------|-----------------|
| 1. Nafotoa Talaimanu Ketu | Chairperson |
| 2. Fuimaono Teo Samuelu Teo | Dep Chairperson |
| 3. Aeau Peniamina Leavaiseeta | Member |
| 4. Nonu Lose Niumata | Member |

5. Afoa Amituanai Faleulu Mauli Member

Finance & Expenditure Committee

1. Allimalemanu Alofa Tuuau Chairperson
 2. Faumuina Tiatia Faaolatane Liuga Dep Chairperson
 3. Toomata Aki Tuipea Member
 4. Namulauulu Sami Leota Member
 5. Ili Setefano Taateo Tafili Member

Economic Sector Committee

1. Lauofo Fonotoe Nuafesili Pierre Lauofo Chairperson
 2. Faalogo Iosefa Sopi Dep Chairperson
 3. Laauli Polataivao Leuatea Member
 4. Toleafoa Ken Vaafusuaga Poutoa Member
 5. Ili Setefano Taateo Tafili Member

Social Sector Committee

1. Gatoloaifaana Amataga Alesana-Gidlow Chairperson
 2. Leaana Ronnie Posini Dep Chairperson
 3. Sulamania Fetaiai Tauilili Tuivasa Member
 4. Aumua Isaia Lameko Member
 5. Olo Fiti Afoa Vaai Member

Infrastructure Sector Committee

1. Tafua Malueluea Tafua Chairperson
 2. Olo Fiti Afoa Vaai Deputy Chairperson
 3. Faaulusau Rosa Duffy-Stowers Member
 4. Faumuina Asi Pauli Wayne Fong Member
 5. Tapulesatele Mauteni Tamasone Metuli II Esera Member

Parliamentary Commission

1. Leaupepe Taimaiono Toleafoa Faafisi Chairperson
 2. Nafotoa Talaimanu Ketii Dep Chairperson
 3. Tuilaepa Dr. Sailele Malielegaoi Member
 4. Aeau Peniamina Leavaiseeta Member

OLO Fiti Afoa Vaai, Member for Salega East

The Member queried the Hon Speaker regarding the change and reminded the Speaker that the newly appointed member from Faasaleleaga No. 2 should not be a member of any Parliamentary Committee as he has not been sworn in as a Member of Parliament- this is in accordance to the Standing Orders.

The Member reiterated that the Standing Orders should be followed in all proceedings of Parliament.

POINT OF CLARIFICATION- HON SPEAKER OF PARLIAMENT

The Hon Speaker clarified to the Member and the Legislative Assembly that the Member for Faasaleleaga No. 2 has been sworn in by the Head of State however the main reason to why he cannot be sworn in Parliament today was due to his attendance in an officials meeting held overseas. The purpose of absence is genuine.

Motion approved.

GOVERNMENT ORDERS OF THE DAY- Reading of Bills

1. SUPPLEMENTARY APPROPRIATION BILL (NO.2) 2018/2018- first reading

The Minister of Finance put forth the motion for the Bill to be first read.
Approved by the Legislative Assembly
Bill was first read.

2. SUPPLEMENTARY ESTIMATES (NO.2) 2018/2019- tabling

Minister of Finance laid before the Assembly the Supplementary Estimates (No.2) 2018/2019

3. SUPPLEMENTARY APPROPRIATION BILL (No.2) 2018/2019- second reading

Minister of Finance put forth the motion for the Bill to be second read and his explanation will be included in his financial statement.

Bill was second read

Bill referred to the Finance & Expenditure Committee for consideration and is to report back to Parliament after 14 days.

4. APPROPRIATION BILL 2019/2020- first reading

Minister of Finance moved a motion for the Bill to be first read.
Approved by the Legislative Assembly
Bill was first read.

5. MAIN ESTIMATES- tabling

Minister of Finance laid before the Assembly the Main Estimates.

6. APPROPRIATION BILL 2019/2020- second reading

The Minister of Finance moved a motion for the Bill to be second read.
Approved by the Legislative Assembly

The Minister of Finance was given the opportunity to provide a Financial Statement on the Appropriation Bill 2019/2020 and the Supplementary Appropriation Bill (No. 2) 2018/2019

7. FINANCIAL STATEMENT – Hon. Sili Epa Tuioi, Minister of Finance

The Minister of Finance, stated that the financial years 2015/2016 experienced a growth in the economy to a peak of 8.1%, this growth subdued in 2016/2017 to only 1% with 2017/2018 marking a decline of 2.2% as growth normalized after the grand opening of the two major hotels in Apia, hosting of the Commonwealth Youth Games as well as following the peak in performance of the Fishing industry in 2016. The slowdown was further exacerbated by the closure of Yazaki Samoa in 2017 and the effects of Cyclone Gita in 2018.

The Minister noted that despite the fluctuations in the economy growth for the past financial years, expectations remain high for 2018/2019 fiscal year as Government's investment divert to preparations for the South Pacific Games which is to take place in mid to late July 2019 as well as the construction and completion of the Waterfront Development and much needed road works.

He further stated that themes of the past financial statements: In 2015/2016, the budget was built around the theme "living within our means" a sober reminder that we cannot spend our way into prosperity with money we do not have. The 2016/2017 budget was guided by the theme "Strengthening Foundations: Building for Tomorrow" which acknowledged the need to consolidate public finances, maintain sound financial management and ensure there is a continued strong focus on improving access to essential services, particularly in areas of health and education. In 2017/2018, the budget was driven by "Equity and Fairness" to reflect Government's commitment in ensuring that everyone contributes their fair share to the development of the country. The current financial year underscored the theme "The Right Path" which highlights obtaining the right balance between competing priorities and demands, between providing services for today's generation whilst continuing to build for the longer term. This is strengthened by the government's emphasis on Primary Healthcare and focusing on Early Childhood Education reflected in the current budget. By outlining past and current budget themes the Minister explains that the past tell a story of consistency in which the Government continues to be very clear and committed to addressing the need for improved services and infrastructure across the country.

The Minister also stated that in March 2019, the Government hosted the International Monetary Fund's Annual Article IV Mission and the results of the assessment indicated that Samoa remained at high risk of debt distress despite illustrating high resilience and the expectation for growth to rebound. The assessment was based on risks that Samoa continues to face from exogenous factors such as natural disasters and the global economy. However, the IMF also noted that Samoa was implementing key policies and measures aimed at mitigating and reducing the effects of the mentioned risks.

The Minister stated that the new fiscal budget has been developed and will be implemented around the theme “*a shared vision of prosperity*”. The 2019/2020 Budget comprises a mix of priorities that will push not only the key transformative sectors of the economy but will also strengthen those remaining sectors to provide the necessary support that will drive the implementation of Samoa 2040.

The Minister further announced that for the 2019/2020 Budget, Government will continue its close partnership with the Private sector as they are recognized as the engine of growth. He also announced that the 2019/2020 budget will only register a 1% deficit of GDP, 2.5% lower than the current financial year and in line with the Strategy for the Development of Samoa as well as support the Government’s fiscal targets to reduce its debt ration target within 40% of GDP thus reduce debt distress risks.

The Minister forecasted that the Total Domestic Revenue will increase by \$18.4million (2.9%) in the new fiscal year and will be driven primarily by projected increases in tax collections in line with the anticipated economic activity generated by the hosting of the Pacific Games and other international meetings. Grants are expected to fall by 21% to signify down of some major development projects of Government which are nearing completion. Total expenditures are expected to drop by 3.3% also reflecting the near completion of some projects.

The Minister then went on to present a summary of individual appropriations allocated to Ministries for the new financial year adding also that the priorities of the Government is Education and Health:

Ministries	Approved Appropriations 2019/2020
Ministry of Agriculture and Fisheries	\$18.6 million
Ministry of Commerce, Industry and Labor	\$19.85million
Ministry of Communications and Information Technology	\$7.6million
Ministry of Education, Sports and Culture	\$109.5million
Ministry of Finance	\$98.5million
Ministry of Foreign Affairs and Trade	\$23.6million
Ministry of Health	\$112.1million
Ministry for Justice, Courts and Administration	\$13.1million
Ministry of Natural Resources and Environment	\$25.3million
Ministry of Police	\$32.9million
Ministry of the Prime Minister and Cabinet	\$8.5million
Ministry for Revenue	\$12.5million
Ministry for Women, Social and Community Development	\$10million
Ministry for Works, Transport and Infrastructure	\$47.4million
Office of the Attorney General	\$5.3million
Office of the Auditor General	\$3.9million
Office of the Electoral Commissioner	\$5.97million
Office of the Legislative Assembly	\$6.5million
Office of the Ombudsman	\$1.2million
Public Service Commission	\$4.99million
Public Trust Office	\$0.5million
Ministry for Public Enterprises	\$2.7million
Samoa Bureau of Statistics	\$5.4million

Law Reform Commission	\$1.5million
Ministry for Prisons	\$7.1million

In conclusion, the Minister spoke in regards to the Supplementary estimates 2018/2019 and stated that the government is also proposing to table a second supplementary budget for the financial year 2018/2019 and that the budget is cost neutral as it will be funded from the reallocation of existing resources.

Bill was second read

Speaker referred the Appropriation Bill 2019/2020 to the Finance & Expenditure Committee for its consideration and is to report back in 14 days.

8. MINISTERIAL STATEMENT/MOTION- Hon Tuilaepa Dr. Sailele Malielegaoi

The Prime Minister relayed his gratitude to the Minister of Finance for a well prepared and detailed speech on the forthcoming financial year budget. He again reiterated that the Bill is now with the Finance and Expenditure Committee for its consideration and encouraged members of the Committee to perform the task to the best of their ability.

He then turned to address the issue regarding the President of the Lands and Titles Court and stated that the Judiciary Service Commission (JSC) have not made a final decision as to the sacking or reappointment of the President of the Lands and Titles Court (LTC) after his recent sentencing by the court and are awaiting the Parliament to make a final decision on the President. He recalled the incident is similar to the case not long ago whereby a motion was put forth in Parliament to establish a Special Inquiry Committee to investigate the complaints against the Lands and Titles court. The Special Inquiry Committee put forth diligent and effective recommendations which led to a major amendment to the Courts Act. Another challenge has come to Parliament and it is an integral moment for Parliament and a milestone even.

The Prime Minister reiterated the system of government in which Samoa is governed by and that is its three branches of government (i.e. Parliament, Executive and Judiciary). He further added, theoretically these three branches have different duties and are independent from each other and there is no overstepping of boundaries. However under the Constitution which is the supreme law of Samoa, it grants Parliament the authority to overstep the boundaries on the basis of special duties including positions such as the Speaker, Prime Minister and the Court Judges, thus the initiative for Parliament to make the final decision regarding the position of the LTC President.

He reminded the Members that the President of the LTC was a former Clerk of the Legislative Assembly and is someone in whom Members know well as well as the kind of person he is. Nevertheless, he has been charged due to assaulting a security guard who did not abide with the rules in place at the time (drinking while on duty). The heart of the issue is, he has been charged because his conduct was not in line with the position he holds as President. The PM stated, when one becomes a Judge, they are expected to act angelically, the conduct was not such.

He again asserted to Members that the responsibility put forth on Parliament is integral and a milestone. Parliament is supreme and therefore it must deal with the issue at hand. In saying that

the PM put forth a motion to establish a Special Inquiry Committee to deal with the issue and report back to Parliament for a decision to be made.

Members of the Special Inquiry Committee are as follows:

- Nafaitoa Talaimanu Ketu
- Faumuina Tiatia Faaolatane Liuga
- Aliimalemanu Alofa Tuuau
- Faaulusau Rosa Duffy-Stowers
- Ili Setefano Taateo Tafili
- Toleafoa Ken Vaafusaga Poutoa
- Fuimaono Teo Samuelu Teo
- Clerk, Legislative Assembly
- Attorney General
- Ombudsman
- Representative, Ministry of Justice, Courts and Administration

Motion approved.

MOTION- Fiame Naomi Mataafa

The Deputy Prime Minister put forth a motion for the sitting to be adjourned until the 18th June 2019.

Motion approved.

Proceedings were adjourned at 11:00am.
The Assembly will reconvene at 9:00am, Tuesday 18th June 2019.