

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament on Tuesday 8th October 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 8th October 2019, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

Tuesday 8th October 2019

9:20am

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 Bill:

1. Tax Administration Amendment Bill 2019

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:

- Teachers Amendment Bill 2019;
- Fabric of Laws Miscellaneous Repeal Bill 2019.

iii. OBITUARY

Mr. Speaker acknowledged the passing away of two former Members of Parliament to which the Legislative Assembly proceeded to a minute of silence in honour of their service for the country:

- Afioga Vaatiuola Lautolo Misi, *Member for Aiga i le Tai*, 1996-2001
- Hon Faamoetauloa Lealaiauloto Taito Ulaitino Dr Faale Tumaalii, *Member for Gagaemauga No. 3*, 2011-2016

iv. PAPERS PRESENTED:

A total of 12 Papers were presented in Parliament: 8 Annual reports, 1 report of the Ombudsman Office on the State of HR June 2019, 1 report of the Electoral Commission on

the Faasaleleaga No. 2 By-election 2019, 1 report of the Audit Office Report on the Operations of the Samoa Audit Office, and 1 report of the Audit Office on Irregularities July 2018-June 2019.

v. PARLIAMENTARY COMMITTEE REPORTS TABLED:

A total of 12 Committee reports were tabled in Parliament: 3 reports from the Finance & Expenditure Committee; 3 Reports from the Economic Sector Committee; 4 Reports from the Social Sector Committee; 2 Reports from the Standing Orders, Electoral, Petitions and Constitutional Offices Committee.

I. GOVERNMENT ORDERS OF THE DAY- Reading of Bills

1. FABRIC OF LAWS MISCELLANEOUS REPEAL BILL 2019 – *first reading*

MOTION

Hon Prime Minister, TUILAEPA Auelua Fatialofa Lupesoliai Neioti Aiono Dr. Sailele moved a motion for the Bill to be first read.

Motion seconded by: Minister of Ministry of Agriculture and Fisheries & Deputy Prime Minister
Bill was first read

2. TEACHERS AMENDMENT BILL 2019 – *first reading*

MOTION

Hon LOAU SOLA Keneti Sio, Minister of Education, Sports and Culture moved a motion for the Bill to be first read.

Motion seconded by: Minister for Ministry of Finance & Minister of Ministry of Justice, Courts and Administration
Bill was first read.

3. TAX ADMINISTRATION AMENDMENT BILL 2019 – *first reading*

MOTION

Hon TIALAVEA FEA LENIU Tionisio Hunt, Minister for Customs and Revenue moved a motion for the Bill to be first read.

Motion seconded by: Minister for Ministry of Education, Sports and Culture & Minister for Ministry of Finance
Bill was first read.

4. FABRIC OF LAWS MISCELLANEOUS REPEAL BILL 2019- *second reading*

MOTION

Hon Prime Minister, TUILAEP Auelua Fatialofa Lupesoliai Neioti Aiono Dr. Sailele Malielegaoi moved a motion for S.O 101 to be set aside for the Bill to be second read on the same day and would like to speak on the Bill.

Motion approved.

i. HON PRIME MINISTER, TUILAEP Auelua Fatialofa Lupesoliai Neioti Aiono Dr. Sailele Malielegaoi

The Hon Prime Minister noted that the Bill consists of 3 clauses and a total of 17 Acts will be repealed. The Commission commenced its research from 2017-2018 to consolidate the total number of Acts within that period and noted a total of 287 laws in Samoa.

He then asserted that the Commission consulted 15 Ministries. 58 bodies were consulted with 5 being constitutional bodies; 15 Ministries; 33 SOE's; and 5 Statutory bodies. Cabinet received the Commission's report together with its recommendation and was then passed in Parliament. Today is a result of that report to which 17 Acts will be repealed from the Fabric laws of Samoa.

The Minister further elaborated on clause 3 that any provisions under the repealed Acts will be applicable until it is ended. The Acts Interpretation Act further provides for any repealed Acts.

ii. OLO Fiti Afoa Vaai- *Member for Salega East*

The Member from Salega East suggested that the South Pacific Games Act should have been given 12 months before being repealed so as to enable the responsible Government agencies to compile financial statements.

He further expressed his concern with clause 3 of the Bill and questioned why would such clause give room for implementation when it is being repealed.

• PM- *Interjection*

The PM interjected to clarify the Members statement in regards to Clause 3 stating that Acts Interpretation Act clearly states that any matter in relation to an Act that was repealed can be used under such provision.

The Prime Minister used a scenario to clarify the matter on debt for instance; one can purchase an expensive car from overseas but complains about custom fees which is much less than the cost of the car itself. He addressed some members of the public would come to him for relief but he advices them to talk to the relevant Ministries for relief in payments.

If once they do not meet the terms that was given, Cabinet urges the Ministry to follow up on these people to pay government's money.

The Prime Minister commended the member who raised this issue.

The Bill was second read and referred to the Standing Orders, Electoral, Petitions & Constitutional Offices Committee for consideration and to report in the next sitting.

5. TEACHERS AMENDMENT BILL- second reading

MOTION

Hon LOAU SOLA Keneti Sio moved a motion for the Bill to be second read and believes that what was explained in yesterday's briefing is sufficient for today.

Motion approved

i. LEALAILEPULE Rimoni Aiafi- Member for Faleata i Sisifo

The Member asserted that the Principal Act was introduced in Parliament in 2016 in which he supported it; however, looking back to the Act he has recognized that the Act does not include tertiary level teachers but believes that a teacher is a teacher and therefore suggests that all should be equal.

He further queried why registered teachers are being reviewed every 3 years and that the fees will only take up teacher's invaluable time.

- **PM- Interjection**

The PM noted that the Bill is very simple and ever since the Act was passed, few issues have been put forth especially on the funds. He further stress the fact that everything runs smoothly until it comes to finance. Organizations/Councils are great but government is hesitant to immediately put finance in the hands of organizations/councils because of issues of using the money unwisely. That is why it is suggested that the finance from teacher's fees be reverted to the Treasury Fund until a time where the Council is strong enough to handle its own issues.

ii. HON LOAU KENETI Sio- Minister, Ministry of Education, Sports and Culture.

The Minister reasserted that the Bill is short and simple with the purpose to recognize the service carried out by teachers and in order to develop their skills by setting requirements they must meet hence the proposal for teacher's to register and have a license for teaching.

iii. OLO Fiti Afoa Vaai- Member for Salega East

The Member queried the fees collected from such proposed registrations and license of teachers.

- **PM- Interruption on a point of Clarification**

The Hon Prime Minister read out the purpose and the objective of the Bill:

Clause 1 -title and commencement

Clause 2 - Remuneration to be paid from the funds of the Ministry

Clause 3 - insert new section 44 reflecting where fees are reverted to which is the treasury Fund

Clause 4 – Prescribe fees and charges to be proposed by the Council and approved by the National Revenue Board.

He further stated that any fees collected from respective ministries, it will all be referred to the Ministry of Finance. He then advice the members to only focus on the moral of the bill where it aims for the betterment of teachers in teaching our children.

iv. **HON PAPALIITELE Niko Lee Hang- Minister, Ministry of Works, Transportation and Infrastructure**

The Hon Minister clarified on the differentiation between government schools and private school hence not including the private and other schools that are not governed by the government.

v. **ALIIMALEMANU Alofa Tuuau- Member for Alataua West**

The member mentioned her support for the Bill and then reiterated that we should not compare teachers to other professions such as lawyers and doctors because they are different fields. The member supports the initiative to register teachers as well as granting them licenses after every three years of being reviewed.

vi. **FAAULUSAU Rosa Duffy-Stowers- Member for Gagaifomauga No. 3**

The member stated that she supports the Bill and believes that the proposed Bill safeguards the teachers and will also encourage them to teach effectively.

- **PM- Interjection**

The Hon PM clarified that other organizations that are not under the government are excluded from the Bill but Teachers and doctors are included under the curriculum he stated that the Government also supports congregational schools. He further stated that the aim of improving the children’s education will assist them in getting good jobs in the future.

He suggested to monitor teachers if they are doing their jobs during working hours. He believes that the priority should be focused on Secondarybecause it holds the majority of students and therefore they can start teaching them as they go up.

The Prime Minister further instructed the Ministry to look into the quality of teaching in the local National University so that when students go overseas there is high caliber. This

was one of the reasons why New Zealand hesitated to accept our students in the past due to the lack of the ability of the University to teach students effectively. If we are slack today, then we will have an increase in criminals in the future.

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

The Member suggested to the Ministry to ensure that the funds from fees reverted to Treasury Fund can be withdrawn out easily as procedures for getting funds out of the Treasury Fund is difficult.

- **PM- Interjection**

The only reason why this takes late is because reasons put forth to Cabinet are not clear nor sufficient. When reasons being submitted to Cabinet are not clear then we immediately suspect that something fishy is about.

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

The member clarified that he has no suspicions nor questions Cabinet's decision making, it is the process after Cabinet approval that takes time (referring to Ministry of Finance process and procedures).

**Proceedings were adjourned for
normal Parliament recess at 10:50am and resumed at 11:30am**

ix. LEAANA Ronnie Posini- Member for Safata West

The Member expressed support of the Bill and understands the rationale behind the Bill. He expressed the fact that Principals are on contracts (3 years) and suggested that since licenses are being reviewed after three years, this would be sufficient as a review to renew their contracts as well.

He also suggested that the salary for teachers in government schools should be in line with the salary of those on private schools.

x. FUIMAONO Teo Samuelu Teo – Member for Falealili East

The Member greeted the house in all their honorific salutations and commended the Manu Samoa boys for representing our country. He expressed that he supports the Bill which recognizes teachers and their work.

He expressed that the Bill provides for registration fees but questions there is no provision that provides for what happens when after three years a teacher has not satisfied working performance.

xi. HON LOAU Keneti Sio- Minister, Ministry of Education, Sports and Culture

Will take the suggestion into account so that the Bill will reflect fully how the Ministry should deal with certain issues.

xii. HON Prime Minister

The Hon Prime Minister reminded that the Bill will be referred to the Committee so there is more time for Members to comment on the Bill. He also stressed out the removal of hostels that housed students from rural villages and Savaii as Colleges are now built in each Constituencies so as to make it easier for our children to access education. Furthermore, the PM stressed on the importance of quality of teaching in the National University of Samoa thus develop our nation. This is why the government is serious in looking into further developing and raising the bar for our teachers hence the Bill.

The Bill was second read and referred to the Social Sector Committee for consideration and to report back to the Assembly in the next sitting.

6. TAX ADMINISTRATION AMENDMENT BILL 2019- second reading

MOTION

Hon TIALAVEA LENIU TIONISIO HUNT moved a motion for the Bill to be second read and wishes to speak on the Bill.

Motion approved

i. HON TIALAVEA LENIU TIONISO HUNT, Minister, Ministry for Customs and Revenue

The Minister explained that in a sitting in January this year, he was not able to respond due to information being withheld from him as per current policies at the time. He clarified that before the Bill information was received by the Minister but were coded without providing individual names. The Bill now enables the Minister to view these individual names but cannot release them.

He recognizes that there are business owners that live a luxurious life yet do not pay taxes, this Bill will enable me to look and know these business owners and can make effective advice to the Ministry for a way forward. Overall the purpose of the Bill is enable the Minister to have access to information that will effectively lead to quality advice for the Ministry.

ii. Tafua Maluelue Tafua- Member for Aleipata Itupa I Lalo

The Member supports the Bill but queries as to what are the effects if these information are released. Second, what was the process prior to this amendment?

iii. OLO FITI VAAI – Member for Salega East

The Member expressed that he thinks the Minister is not giving a clear explanation of the Bill. He questioned Clause 3 of the Bill whereby the Minister can access the information and the system where all the information are included. Therefore, he does not accept access of the Minister to the system because he can alter the information being provided.

He raised the issues of using of tax to build the new prison in the hope that prisoners will not escape but lately on news two prisoners have escaped.

iv. SULAMANAIA Fetaiai Tauiliili Tuiavasa

The Member expressed that he does not support granting the Minister access to the information of tax payers. He further queried, why has this Bill been given now but the past 16 years and the past Minister had no concern with this issue. He even questioned why the Minister wants to exercise duties that are performed by CEOs and staff.

- **PM- point of clarification**

The Minister explained to the Member to not worry about the Minister accessing his taxes and business tax because he will do his work well. He gave the example of the pastors paying taxes. These changes are for the development of Samoa and to cater for the needs and the requested work for your Constituencies. He further explained that laws passed in Parliament are Parliamentary laws in which all should comply with, including the Ministers as well.

v. HON TIALAVEA LENIU TIONISO HUNT, Minister, Ministry for Customs and Revenue

The Minister also added that his CEO is professional but he does not trust her fully when she reports on the progress of the work. It is only when he gets two to three witnesses stating the same thing that he would believe the information being given to him.

vi. ALIIMALEMANU Alofa Tuuau- Member for Alataua West

The member stated that she supports the Bill and grateful that the Ministry have accepted the recommendations by the Finance and Expenditure Committee from the advice of Auditor General and Attorney General.

The member suggested to insert a section that enables the Auditor General and Accountants to have access to such information for accounting purposes.

vii. FAUMUINA Tiatia Faaolatane Liuga- Member for Palauli Le Falefa

The Member expressed support of the Bill as he recognizes the importance of such access because now the Minister is able to assist greatly in recovering money in which business owners owe to government.

viii. FUIMAONO TEO Samuelu Teo- Member for Falealili East

He queried check and balances and asked whether there was another step above the Minister that can check the validity of such information. In that case, he suggested that that Controller and Auditor General should have access as well. It was clarified yesterday that the Minister as of now have access to the information but should be further clarified that he now has access to the system.

- **HON TIALAVEA LENIU TIONISO HUNT- point of clarification**

The Minister clarified that he can only access the general information but not the system.

ix. LEALAILEPULE Rimoni Aiafi- Member for Faleata West

The Member stated that he supports the Bill however it does seem right given that he is the Minister and head of the ministry but cannot have access to these information. It is not right that when people come to him for help but he refers them to the CEO because he does not have access to these information, so it is about time that this be solved.

The Bill was second read and referred to the Economic Sector Committee for consideration and to report back to the Assembly in the next sitting.

**Proceedings were adjourned at 12:50pm and
will reconvene on Tuesday 17th December 2019**