

*FRIDAY, 21<sup>ST</sup> JUNE 2013*

*Mr Speaker took the Chair at 9.00am.*

Prayers.

**MR SPEAKER:** I would like to express my gratitude to the Lord Almighty for his guidance that has given us strength this morning and throughout our sitting last night. I offer our praises in his name because without him nothing is possible. I thank each one of the dignitaries of the House for your patience and presence in attending our Parliamentary proceedings at the end of this week. I take this opportunity to thank the Hon Prime Minister and his Cabinet, thank you to the Leader of the Opposition and his deputy and all the members of the House.

I trust that we have come to a decision to officially pass the Budget which is the first step in the implementation of the Governments work. I would like to thank all the Government CEOs and their Ministries for the effort in carrying out their duties.

Today I also acknowledge the support of our country and the prayers and blessings from the clergy throughout Samoa.

There are additional orders of the day and we should proceed to complete it as we have important Bills to consider. I believe we should commence in order for the legislations to be passed to the Ministries and Ministers to do their work.

#### **OTHER ANNOUNCEMENTS BY MR SPEAKER**

**MR SPEAKER:** Today, I present for the information of the media the Speakers decision made on Wednesday 19<sup>th</sup> June 2013 - to prohibit the broadcasting of information contradictory to the Official Record of Parliamentary debate. It has been noted by the Chair that some members speeches are broadcast but are not in the official parliamentary record.

*If the decision by the Chair is not adhered to pursuant to the Code of Ethics of the Legislative Assembly 1960 members of the media will be banned from attending Parliament sittings.*

I advise the members of the House to withhold comments while other members are speaking because these words are overheard by the media and broadcast throughout the country but it is not part of the Official Record. The seriousness of this matter is in the fact that the member is unaware of these statements being publicly broadcast and cannot answer to them therefore a decision must be made by the Speaker.

20<sup>TH</sup> JUNE 2013

APPROPRIATION BILL 2013/2014  
– third reading

**MR SPEAKER:** I call on the Hon Minister of Finance.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Mr Speaker, I move a motion, *That the Appropriation Bill 2013/2014 be read a third time.*

*Seconded by the Minister of Communication and Information Technology, Minister of Revenue and the Minister of Women, Community and Social Development.*

*Motion approved and the Bill was read a third time and therefore passed by the Legislative Assembly.*

*Applaud by members.*

**MR SPEAKER:** Why do you applaud when the work is complete?

I thank all the members of the House. We have reached the time in which the Clerk of the Legislative Assembly assumed we would end. A whole hour has been added because of the need to pass the Budget.

The sun has set and we have successfully completed our work for this evening and I convey my gratitude to all the members. Thank you for your recommendations and views on the orders before the House since the beginning of our sittings. The Chair also expresses its gratitude to the Hon Prime Minister and the Cabinet. We have continued to this morning so that the budget can be passed and submitted to the Government for implementation.

No matter the arguments and disagreements, this is the norm of the proceedings of the House and I humbly apologize for any offence that may have been caused. There are bills that will be considered tomorrow as per the certificate of urgencies to enable the Ministry to continue with their work.

Before we adjourn I would like to acknowledge the support of Samoa. Thank you for your prayers and encouragement for this Parliament and its work and I believe success is achieved with your prayers. The prayers of the clergy are also recognized that we may complete our work tomorrow successfully.

I thank all the CEO's present here this evening for being with us. Although you were weary but we completed the work successfully.

Before we adjourn I call upon the honorable member for Faasaleleaga No. 2 to close our proceedings with a word of prayer.

Prayer.

*Proceedings of the Legislative Assembly were set aside at 12.00midnight until 9am Friday, 21<sup>st</sup> June 2013.*

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**Other Announcements by Mr Speaker**

Therefore I recommend that all the Members of Parliament be respectful and not speak when another member is addressing the floor.

I trust that the decision will be adhered to.

**Afioga Hon Palusalue Faapo II (Leader of Opposition):** Mr Speaker, a point of clarification.

**MR SPEAKER:** I call on the Leader of the Opposition.

**Afioga Hon Palusalue Faapo II:** I do not wish to dispute the decision by the Chair regarding the media. Mr Speaker, you have clarified the matter of the respectful behavior during Parliamentary proceedings, however it seems members rights will be suppressed in notifying and informing the public.

Therefore, Mr Speaker I rise to seek clarification on the matter because under the Standing Orders there are provisions regarding any member that broadcasts information that oversteps the boundaries and ill repotes this Parliament. The duties and responsibilities of the media are restricted under legislation and the decision you have given with all due respect Mr Speaker thank you.

**MR SPEAKER:** Your opinion is understood. I call on the Hon Minister of Women, Social development and Communication.

**Tofa Hon Tolofuaivalelei Falemoe Leiataua (Minister of Women, Social Development and Communication):** Thank you Mr Speaker for your words of praise to the Lord for his guidance that has enabled us to be present today for our proceedings. Thank you to all the Members of Parliament and our country of Samoa.

I rise because this is the first time this has happened and it is a serious matter if allowed. The decision of the Speaker is impartial and is not to be questioned. This House is in your able hands. I believe that you are prepared to respond to the matter however this is the first time a decision by the Chair has been questioned with all due respect.

**MR SPEAKER:** Thank you Hon Minister.

**Afioga Hon Palusalue Faapo II:** Point of Order Mr Speaker. We also questioned your decision which was taken to court. I merely ask for the rights of the journalists and us.

**MR SPEAKER:** I ask the Leader of Opposition to be seated. It is because of rights that I have allowed you to take the opportunity to speak even though I would not normally allow it.

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### Other Announcements by Mr Speaker

I want to clarify the reasons for the decision. In this House, the Speaker makes the decisions because statements that are not officially recorded cannot be broadcast. The Hansard records every statement that is made within Parliament but outside of the House you can state whatever opinion you wish. Texting or talking on your phone is not recorded in the Hansard.

The matter voiced by the Hon Minister of Women, Social Development and Communications is clear therefore Leader of the Opposition that is the clarification of the decision. The Chair is being patient and this matter must be addressed to establish precedence. You witnessed the unruly exchange of words yesterday between the members within the House. Thus the Speaker has made an official decision on this matter and compliance is required.

I call on one of the members for Gagaemauga No.2. We are all aware of the matter put forward yesterday concerning the integrity of one of the Heads of Government Ministries and the Ministry of Revenue. Therefore as per the motion in accordance with the Standing Orders, evidence was to be presented. The chair notes the severity of the issue because integrity is being questioned and those accused cannot answer in Parliament. The motion was carried yesterday to present documents supporting these allegations in Parliament today. Therefore I call the member for Gagaemauga No.2 to present the documents as per the motion.

*The member for Gagaemauga No.2 tabled the documents in support of his statements pursuant to the motion moved on Thursday, 20 June 2013.*

**MR SPEAKER:** Thank you. I assume that you are all aware of the events that led to the motion. The member for Gagaemauga No.2 accused the Ministry of Revenue and employees of dishonesty in collection of revenue.

Pursuant to Standing Order 82(6) the member for Gagaemauga No.2 was to present evidence to justify these allegations.

Members of the House and all of Samoa need be aware that the Chair does not take lightly such allegations for the following reasons:

1. The allegations are general which would include all the employees of the Ministry of Revenue, from the Chief Executive Officer to those at the officer level and they are unable to respond to these allegations in Parliament.
2. The Chair must take the lead to protect the rights of individuals especially public servants rendering their service to the Government who cannot defend themselves from allegations made by members.

The members of the House have witnessed the presentation of documents to support the allegations made yesterday. To ascertain the credibility of these documents is another task. By looking at the thickness of the documents presented, the Legislative Assembly would be here till Sunday analyzing these papers. Therefore I am of the opinion – that an opportunity should be afforded to the employees of the Ministry of Revenue to respond to these allegations.

I call on the Minister of Revenue.

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### Other Announcements by Mr Speaker

**Tofa Hon Tuiloma Lameko (Minister of Revenue):** Mr Speaker I rise with respect as I note that your decision has been carried in reference to the presentation of these documents. There is no one to investigate these documents unless there is a decision to examine these findings; then I fully support that decision with respect.

**MR SPEAKER:** I call on the honorable member.

**Tofa Levaopolo Talatonu (Gagaemauga No. 2):** Mr Speaker, to further clarify the matter. Yesterday's statement was to assist....

**MR SPEAKER:** I understand the notion given by the member. The Speaker will finish the announcements and then that matter will be addressed.

**Tofa Levaopolo Talatonu:** Thank you.

**MR SPEAKER:** The Chair is of the opinion, that it is best to establish a Special Inquiry Committee to deliberate on the contents of the documents presented by the member for Gagaemauga No. 2 and decide whether they are true – then the employees of the Ministry will be called to answer to these allegations together with the member for Gagaemauga No. 2 to substantiate his case.

Because of this, I announce the members of this Special Inquiry Committee together with the guidelines in conducting its investigation:

#### MEMBERS:

1. Tofa LAUTAFI Fio Purcell – *Chairperson*
2. Tofa LEFAU Harry Schuster – *Deputy Chairperson*
3. Afioga TIALAVEA Fea Tionisio Sigafolava – *Member*
4. Afioga AFUALO Wood Uti Salele – *Member*
5. Afioga TAEFU Lemi – *Member*
6. Susuga PAPALII Lio Faavaivaianu Taeu Masipau – *Member*
7. Tofa TUISA Tasi Patea – *Member*
8. Fepuleai Letufuga Attila Manutoipule Ropati – *Clerk of Committee*

#### COMMITTEE INVESTIGATION GUIDELINES:

The Committee is to take note of the following and report back to the Legislative Assembly on our next sitting day, the 6<sup>th</sup> August 2013:

1. Whether the Committee confirms the Documents tabled by the Member for Gagaemauga No.2 (Tofa LEVAOPOLO Talatonu) alleging:  
*"...the employees of the Ministry of Revenue were dishonest in collecting funds."*

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### Other Announcements by Mr Speaker

2. Provide recommendations on how the Legislative Assembly will proceed to handle similar matters whereby a Member of Parliament accuses a Samoan citizen especially Government employees.
3. Provide recommendations as to a decision that should be made by the Legislative Assembly against a Member of Parliament who produces evidence supporting his/her claim that turns out to be unsubstantiated.

This decision is in accordance with Standing Order 90:

*“Mr Speaker...shall be responsible respectively for the observance of order in the Assembly and in Committee and of the rules of debate, and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Assembly...”*

Therefore I announce before this Parliament:

1. The investigation into the allegation made by the Member for Gagaemauga No.2 yesterday, the 20<sup>th</sup> of June against the Ministry of Revenue together with the Documents provided by the member on this day the 21<sup>st</sup> of June, is underway;
2. This matter is deferred to the Special Inquiry Committee for its investigations and assessment and will report back to the Legislative Assembly on the 6<sup>th</sup> of August 2013 pursuant to the aforementioned Committee Investigation Guidelines.

After the Legislative Assemblys deliberations on the Special Inquiry Committee Report the Committee will be dissolved.

Sitting allowances for this committee will follow the policy on sitting allowances paid to members of Select Parliamentary Committees.

I therefore order Members of Parliament not to comment on this issue while awaiting the report of the Special Inquiry Committee.

I assume that...I call on the Deputy Prime Minister.

**Tofa Hon Fonotoe Nuafesili Pierre Laufofo (Deputy Prime Minister):** Mr Speaker, I abide by your decision on the matter. With all due respect, the matter is now before the House regarding the Special Inquiry Committee and its duties. It is common knowledge that the member is awaiting his court hearing and that is my concern.

The member may be exploiting this Parliament to compile an argument to present before the Court. The charges against the member are before the court and he has pleaded not guilty. Now this matter is before the House regarding the Customs Department and I need not explain the accusations against him.

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### Other Announcements by Mr Speaker

I just wanted make my concern known Mr Speaker but you have the wisdom and foresight to decide. I only recommend that the Attorney Generals recommendation be sought on the matter in case there is a contradiction between the duties of Parliament and the Courts.

That is the humble request Mr Speaker as the country is listening in and taking note with respect.

**MR SPEAKER:** Thank you Deputy Prime Minister.

**Tofa Lefau Harry Schuster (Vaimauga West):** Mr Speaker...

**MR SPEAKER:** I ask the member to please be seated the Speaker wishes to clarify the matter of concern.

The Chair understands the concern of the Deputy Prime Minister. We are all aware of the motion made yesterday and in accordance with Standing Order 82(6) the member is required to substantiate these accusations regarding the integrity of the Ministry in the collection of funds.

The seriousness of such accusations against the employees and the CEO is the reason for the decision made by the Chair. As for other matters that you are concerned about Deputy Prime Minister, that will not be addressed but will be left to the Courts.

The decision to accept the motion was based on the continuous accusations made by the member against the Customs Office in the collection of funds. It is a serious issue that needs to be clarified. The revenue is more than \$500 million and yet the allegations ill reputes the Ministry which resulted in the motion to present evidence to substantiate these allegations. As for the matter of the members court case, I believe the decision of Parliament will not overlap with the work of the Court.

The Attorney General is advisor to the Chair in this regard and the recommendation of the Deputy Prime Minister will be considered during the consideration of this matter.

**Lefau Harry Schuster:** Mr Speaker.....

**MR SPEAKER:** I call one of the the members for Vaimauga West; Tofa Lefau Harry Schuster.

**Tofa Lefau Harry Schuster:** I thank you for the opportunity. I thank you Mr Speaker and members of the House for selecting me to be a member of the Special Committee. I appreciate the duty put upon me to assist in evaluating the report and it is a duty that I would not take lightly. We all took an oath in Parliament to do the right thing and as a lawyer I also took an oath in a Court of law to abide by the law. It is because of this that I make it transparent that Pitoula Lusua is my relative form Samusu and Amaile.

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### Other Announcements by Mr Speaker

This is my concern so that honesty is reflected and there might be an issue with me being part of this panel. Is it appropriate that I be part of the Committee considering my relationship with Pitolau?

That is my notification Mr Speaker and whatever the instruction, I will carry out my duty but the concern is now before the House.

**MR SPEAKER:** I thank the member. I believe no one can evade the law and our family ties should not affect our duties as leaders of the country.

The Chair believes and trusts that you will be honest in dealing with the matter in question as per the motion moved yesterday. In my opinion there is no problem regarding your concern therefore I beg tolerance as you will remain a member of the Committee to thoroughly investigate the matter and present a report before Parliament for a final decision.

That is the announcement with all due respect to one of the members for Vaimauga West; Tofa Lefau Harry Schuster.

**Tofa Lefau Harry Schuster:** Thank you Mr Speaker.

**Afioga Hon Aeau Peniamina Leavaiseeta (Falealupo):** With respect Mr Speaker.

**MR SPEAKER:** I call upon the member.

**Afioga Hon Aeau Peniamina Leavaiseeta:** Mr Speaker with utmost respect, I am grateful for the love of the Almighty that has allowed us this pleasant day and we have already offered the clubs of victory to Fogaa.

Mr Speaker I rise with respect because I was the member that moved the motion. This act may be questioned by that side of the House because the motion was not supposed to be moved by our side. In clarification, Mr Speaker, in accordance with our Partys founding principles, we take our work as the Opposition seriously.

This is my contribution towards my party; there should also be a party for other independent members. Mr Speaker as for the matter at hand....

**MR SPEAKER:** I beg tolerance of the member for Falealupo while I clarify the matter. The opportunity was given to you because you moved the motion but it is not a matter to be debated. The country is aware that the motion was moved and seconded and the findings have been presented therefore the matter is closed for debate. The Parliamentary proceedings must progress with respect.

**Afioga Hon Aeau Peniamina Leavaiseeta:** There is nothing else Mr Speaker except I want to assist with the motion as you have mentioned...therefore...the issue is that the....



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**Other Announcements by Mr Speaker**

**MR SPEAKER:** I beg tolerance of the member, I understand. I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi (Prime Minister):** Mr Speaker your decision has been made and we should all respect that decision. I rise because of the honorable member that moved the motion as he is trying to make enticing statements. The error or accuracy of the decisions will be known in the end. Mr Speaker has made his decision therefore we must move on to other matters.

**MR SPEAKER:** Member for Falealupo, I have allowed your motion; we must carry on with today's Parliament proceedings.

**Afioga Hon Aeau Peniamina Leavaiseeta:** It was because of my concern that made me convey the motion. However I understand and I will take my opinions elsewhere.

**MR SPEAKER:** The documents have been submitted and I officially accept them and refer them to the Committee for investigation. I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, such statements that he will take his opinions elsewhere are disrespectful. Who are you? Who are you to threaten Parliament?

**Afioga Hon Aeau Peniamina Leavaiseeta:** We are the same. I am a member for Falealupo and you cannot renounce me. Who are you to me?

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** This is a continuous disrespect by the member and misbehavior before Parliament. Are you foolish?

**MR SPEAKER:** I ask the member for Falealupo to please be seated. I apologize to the Hon Prime Minister. The decision by the Chair has been made and I beg tolerance of all the Members. We should uphold the honor and integrity of this House. Please abide by our Standing Orders that guide our proceedings and the relationship between each member.

**CONSTITUTION AMENDMENT BILL 2012  
– consideration in detail**

**MR SPEAKER:** In accordance with Standing Order 106.....

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**Constitution Amendment Bill 2012**  
– consideration in detail

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker.....

**MR SPEAKER:** I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, if the Chair deems it fit to postpone the consideration of the Constitution Amendment Bill until Monday to allow members to read it as it has been with the Committees for a while.

The Bill needs time to be assessed by the members and it also needs to be considered thoroughly in the House. We have today, tomorrow and Sunday to go over the Bill and then we will progress to consider the two amendments to the Constitution on Monday.

**MR SPEAKER:** The opinion given by the Hon Prime Minister is understood.

**Tofa Lealailepule Rimoni Aiafi (Faleata West):** Mr Speaker....

**MR SPEAKER:** I call on the member of Faleata West.

**Tofa Lealailepule Rimoni Aiafi:** I support the notion of the Hon Prime Minister. Our tables were cleared and with it the Bill but we want to read it. I assumed it already had been passed. Perhaps copies can be distributed to read with all due respect, thank you.

**MR SPEAKER:** I have reason to believe that is why you have been going through your papers this morning. When the Bills are distributed, read it and leave it on your tables and do not take it home because this is what happens, you will never understand....

I call on member for Faleata West.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker, I believe if we had considered the Bill today it would be passed instantly because none of us have copies. I feel the Hon Prime Minister has failed in this regard.

**MR SPEAKER:** I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, each one of us has a Bill but we sympathize with you as you do not have the Bill.

**MR SPEAKER:** Thank you. The remarks by the Hon Prime Minister are understood.

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**Constitution Amendment Bill 2012**  
– consideration in detail

The Bill cannot be referred to the responsible Ministry yet because it must be considered thoroughly because it involves the amendment to the Constitution. The Bill has been referred to Committee for a long time but we have been busy with the Budget and other matters.

Therefore the Bill must be assessed thoroughly for clarity. As a result, the Chair accepts the notion by the Hon Prime Minister to postpone the consideration of the Constitutional Amendment Bill until next week.

**ATTORNEY GENERALS OFFICE BILL 2012**  
– consideration in detail

**MR SPEAKER:** Pursuant to Standing Order 106, the Legislative Assembly must first approve the report of the Committee on the Bill before it is considered in detail.

I call on the honorable Chairperson of the Justice, Police & Prisons and Land & Titles Committee.

**Afioga TUISA TASI PATEA (Chairman of Justice, Police & Prisons and Land & Titles Committee):** Mr Speaker I move a motion, *That the Legislative Assembly approve the report of the Committee with recommendation to progress the Attorney Generals Office Bill 2012 together with amendments and corrections.*

*Seconded by the member for Alataua West, one of the members for Vaimauga West; Tofa Lenatai Victor Tamapua, the member for Gagaifomauga No. 2 and the member for Palauli.*

*Motion approved.*

**MR SPEAKER:** The Legislative Assembly will now proceed to consider the Attorney Generals Office Bill 2012 in detail. Pursuant to Standing Order 102, consideration in detail resumes on Clause 2:

**CLAUSE 2: Interpretation.**

*Approved.*

**CLAUSE 3: Establishment, composition and Minister responsible.**

**MR SPEAKER:** There is an amendment on Clause 3 as printed in the Supplementary Order Paper No. 3.

I call on honorable Chairperson of the Committee.

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**Attorney Generals Office Bill 2012**  
– consideration in detail

**Afioga TUISA TASI PATEA:** Mr Speaker I move an amendment on Clause 3 to be as follows:

**“AMENDMENT:**

*To delete “one (1) or more Deputy Attorney General” and substitute the expression “heads of each legal division” thus new Clause 3(1) (b) reads:*

**“(b) Heads of each legal division””.**

*Amendment was approved.*

*Clause 3 approved as Amended.*

**CLAUSE 4: Functions.**

*Approved.*

**CLAUSE 5: Divisions.**

**MR SPEAKER:** There is an amendment on Clause 5 as printed in the Supplementary Order Paper No. 3.  
I call on chairman of the Committee.

**Afioga TUISA TASI PATEA:** Mr Speaker I move an amendment on Clause 5 to be as follows:-

**“AMENDMENT:**

*To delete “Deputy Attorney General” and substitute thereby the expression “legal officer” thus new paragraph (5) (a) reads:*

(5) The Attorney General may:

- (a) Assign a legal officer to head and supervise each of the Civil Division, the prosecution Division, and the Legislative Drafting Division (including any other legal division established under subsection (4); or””

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**Attorney Generals Office Bill 2012**  
– consideration in detail

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER**  
(Aana Alofi No. 3): Mr Speaker....

**MR SPEAKER:** What Clause member for Aana Alofi No. 3?

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:**  
Mr Speaker, clause 5.

**MR SPEAKER:** I call on the member for Aana Alofi No. 3.

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:**  
Thank you for the opportunity Mr Speaker. The matter involves Clause 5 and the Committee Report. There were views mentioned regarding the subdivision of the three Divisions especially the Solicitor General. However it is noted from the report that the Committee did not investigate this matter. The Bill still states that the Division is still under the Attorney General. I humbly ask the Committee if they had investigated this issue because it is not noted within the report. Thank you.

**MR SPEAKER:** I call on the honorable Chairperson of the Committee.

**Afioga TUISA TASI PATEA:** Thank you for the question. The Attorney General was queried on the matter concerning the Solicitor General. The response is that this matter is not provided for in this Bill. That is the brief response.

*Amendment approved.*

*Clause 5 approved as Amended.*

**CLAUSE 6: Functions of Attorney General.**

**MR SPEAKER:** There is a correction on Clause 6 (7) as printed in the Supplementary Order Paper. I call on honorable Chairperson of the Committee.

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**Attorney Generals Office Bill 2012**  
 – consideration in detail

**Afioga TUISA TASI PATEA:** Mr Speaker I move a correction for Clause 6(7) to be as follows:

**“CORRECTION:**

*To delete the word “no” after the expression “will” and substitute thereby to correct word “a” thus new subclause 6(7) (a) reads:-*

*“(a) there is or will be a conflict of interest in giving the Legal service to the agency; or”*

*Correction approved.*

*Clause 6 approved with Corrections.*

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker....

**MR SPEAKER:** What clause?

**Tofa LEALAILEPULE RIMONI AIAFI:** Clause 6, Mr Speaker.

**MR SPEAKER:** I apologize to the member. The question has been put and the Clause approved.

**CLAUSE 7: Independence.**

*Approved.*

**CLAUSE 8: Directions and Delegation.**

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker, my first attempt was not heard but I will comment on clause 8 please.

**MR SPEAKER:** I call on the member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** I propose that the Public Service Commission and the Attorney Generals Office collaborate, especially in regards to returning graduates in providing employment opportunities.

I ask whether the Committee considered such collaboration, with respect.

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**Attorney Generals Office Bill 2012  
– consideration in detail**

**MR SPEAKER:** Do you want to respond chairman?

**Afioga TUISA TASI PATEA:** Mr Speaker, it is evident that there is collaboration between the Attorney Generals Office and the legal services in other ministries. Other matters are in the Bill.

*Clause 8 approved.*

**CLAUSE 9: Legal Officers.**

*Approved.*

**CLAUSE 10: Values, principles and code of conduct.**

*Approved.*

**CLAUSE 11: Appointments.**

*Approved.*

**CLAUSE 12: Secondment, transfer and consultation with the Public Service Commission.**

*Approved.*

**CLAUSE 13: Guidelines for employment.**

*Approved.*

**CLAUSE 14: Salaries, allowances and other terms of employment.**

*Approved.*

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Attorney Generals Office Bill 2012  
– consideration in detail

**CLAUSE 15: Corporate Plan and Annual reports.**

*Approved.*

**CLAUSE 16: Funds and Audit.**

*Approved.*

**CLAUSE 17: Exemption from personal liability.**

*Approved.*

**CLAUSE 18: Manuals and codes of practice.**

*Approved.*

**CLAUSE 19: Regulations**

*Approved.*

**CLAUSE 20: Public Service Act amendment.**

*Approved.*

**CLAUSE 21: Saving and transitional.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short title and commencement.**

**TITLE: Attorney Generals Office Act 2012.**



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**Attorney Generals Office Bill 2012**  
– consideration in detail

**MR SPEAKER:** There is a correction by the Committee on Clause 1 and title as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Committee.

**Afioga TUISA TASI PATEA:** Mr Speaker, I move a Correction to Clause 1 and Title to be as follows:

**“CORRECTION:**

**Clause 1:**

*To omit numeral “2012” and substitute thereby the number “2013” thus Title of Act reads:-*

**“ATTORNEY GENERALS OFFICE ACT 2013”**

*Correction approved.*

*Clause 1 and Title approved as Corrected.*

*The Attorney Generals Office Bill 2012 progressed with Corrections.*

**MR SPEAKER:** Pursuant to Standing Order 106, the Legislative Assembly must first approve the report of the Committee to make the Bill available for consideration.

I call on the honorable Chairperson of the Foreign Affairs, Trade and Revenue Committee.

**INCOME TAX AMENDMENT BILL 2012**  
- consideration in detail

**Tofa SOOALO MENE (Chairperson of the Foreign Affairs, Trade and Revenue Committee):** Mr Speaker I move a motion, *That the Legislative Assembly approve the Committee Report and its recommendation to progress the Income Tax Amendment Bill 2012 with corrections.*

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**Income Tax Amendment Bill 2012**  
- consideration in detail

*Seconded by one of the members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua and member for Palauli.*

*Motion approved.*

**MR SPEAKER:** I announce that the Parliament approves the report of the Foreign Affairs, Trade and Revenue Committee on the Income Tax Amendment Bill 2012.

The Assembly will now consider the Bill in detail.

Pursuant to Standing Order 102, consideration in detail of the Bill resumes on Clause 2.

**CLAUSE 2: Clause 1 Amendment.**

*Approved.*

**CLAUSE 3: Clause 2 Amendment.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short title and commencement.**

**TITLE: Income Tax Amendment Bill 2012.**

**MR SPEAKER:** There is a correction on Clause 1 and Title as printed in the Supplementary Order paper.

I call on chairperson of Foreign Affairs, Trade and Revenue Committee.

**Tofa SOOALO MENE:** Mr Speaker I move a correction to Clause 1 and title as follows:

**“CORRECTIONS:**

*To omit the number “2012” and substitute thereby the Number “2013” thus the Title of the Bill reads:*

**INCOME TAX AMENDMENT BILL 2013.”**

*Correction approved.*

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**Income Tax Amendment Bill 2012**  
- consideration in detail

*Clause 1 and Title approved as Corrected.*

*The Income Tax Amendment Bill progressed with Corrections.*

**ROAD TRAFFIC AMENDMENT BILL 2013**  
– second reading

**MR SPEAKER:** For the information of this Parliament, this Bill was first read on the 26<sup>th</sup> March 2013.

I call on the Hon Minister of Works, Transport and Infrastructure.

**Afioga Hon MANUALESAGALALA ENOKATI POSALA (Minister of Works, Transport and Infrastructure):** Mr Speaker I rise to move, *That the Road Traffic Amendment Bill 2013 be read a second time and I would like to comment on it.*

*Seconded by Minister of Natural Resources and Environment.*

**MR SPEAKER:** I call on the Hon Minister to clarify the Bill.

**Afioga Hon MANUALESAGALALA ENOKATI POSALA:** Mr Speaker, I thank God Almighty for his guidance which has led to our presence here this morning.

The Bill seeks to amend the Road Traffic Ordinance 1960 to revive the offence of driving under the influence of alcohol or drugs in order to apply the sobriety test, as an alternative to the breathalyzer process. It also removes the right of a person found driving under the influence of alcohol to elect to have a blood test to assess the proportion of alcohol in his or her blood.

As we all know 1960 was a long time ago, and there is a lot of new technology that can help us monitor our roads therefore Mr Speaker I commend that amendments be made.

**MR SPEAKER:** I call on anyone in Parliament who wants to take the floor. I call on member for Faasaleleaga No. 2.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No. 2):** Thank you Mr Speaker for the opportunity. Thank you to the Hon Minister for this Bill. I believe that it is very important and it protects the public who drive under the influence of alcohol or drugs.

21<sup>ST</sup> JUNE 2013

**Road Traffic Amendment Bill 2013**  
– second reading

It seems that the enforcement of this legislation will be done by the Police but there is the Land Transport Authority. I strongly believe that enforcement of road traffic legislations are handed over to the Authority and they should also be present during these tests.

They are well aware of what to do and have the knowledge to carry out these duties as I believe the Police have investigations and court hearings to attend to.

I therefore recommend that these duties be solely carried out by the Land Transport Authority. With respect Hon Minister, thank you.

**MR SPEAKER:** Forgive me Hon Minister. So that you respond at one time, I call on member for Aana Alofi No. 3.

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:** Thank you Mr Speaker for the opportunity; thank you to the Hon Minister for clarifying the Bill.

Mr Speaker, when the Bill is referred to committee perhaps they can consider specifying in the legislation the method of testing. It has been mentioned that breathalyzers are used but perhaps there are other methods like those used by the Police in the past.

This would detail the method to be used instead of relying on the Police Officers observations. Thank you.

**MR SPEAKER:** I beg tolerance Hon Minister; I call on member for Faasaleleaga No. 4.

**Afioga PESETA VAIFOU TEVAGA (Faasaleleaga No. 4):** Mr Speaker it seems that the matter involves testing drivers to find out if they are guilty of driving under the influence of alcohol or drugs.

My view is that there has to be honesty and therefore the reports and tests need to be investigated overseas. If it is done locally, personal disputes can affect decision making and charges confirmed. It is a very fragile matter that needs to be considered thoroughly therefore I suggest that these cases be investigated overseas, with respect.

**MR SPEAKER:** I beg leniency of the Hon Minister. The floor will be given to the member for Faleata East followed by the member for Faleata West.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata Sasae):** Thank you Mr Speaker for the opportunity; thank you Hon Minister and your Ministry for the Bill.

21<sup>ST</sup> JUNE 2013

**Road Traffic Amendment Bill 2013**  
– second reading

This Bill is very important and we are all aware that this is one common issue within our country especially with our youth who cannot control the intake of alcohol and drugs. This is the reason for nightclubs closing and being closely monitored. I support the Bill even though it suggests that the right of the individual to undergo blood test and other tests is rejected. It is a must because this problem is the main cause of accidents in Samoa. Alcohol and drugs are seen as the main cause of road accidents. I thank the Hon Minister for proposing the Bill so that this misbehavior can be monitored. Nightclubs that are enjoyed by some members of the HRPP can resume normal hours of operation. The owners can also receive profit for their livelihood.

I move, in support of the Bill and I thank the Hon Minister and the Ministry for the Bill. Thank you.

**MR SPEAKER:** Thank you for the opinion. I call on member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Firstly I thank the Hon Minister for the proposed Bill. It seems that Parliament has been passing a lot of Bills which is excellent, although it saddens me that Bills proposed are not enforced. The new Bill proposes a method of blood test but there is an old legislation providing for the use of the breathalyzer which is not implemented effectively. If the problem was monitored daily throughout the week it would not reoccur. It is the individuals right to do what they want but it is the duty of the Ministry to maintain the law therefore I suggest that the law be enforced and the public will be aware of this enforcement. There was a time when Police checks were done on the weekends and then the public began to go out in taxis. There is a legislation and I recommend the Ministry to.....

**MR SPEAKER:** I beg tolerance of the member, I give the opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** Mr Speaker, the clarification by the Hon Minister to the Cabinet and the Police Commissioner, was that their duties cannot be implemented if the amendments are not made. I believe that your concern is similar to that of the Police. If these amendments are made their duties will be carried out with ease, this is why the Bill has to go through Parliament. Am I correct Hon Minister of Police?

**MR SPEAKER:** Thank you. I call on Minister of Police & Prisons.

**Afioga Hon Sala Fata Lisati Pinati (Minister of Police, Prisons & Fire Emergency):** Thank you Hon Prime Minister.

21<sup>ST</sup> JUNE 2013

**Road Traffic Amendment Bill 2013**  
– second reading

This is an important Bill because it protects the individual and their freedom and movement between hotels and nightclubs. The member is correct but the Bill is for the people to protect them. If the Police were to carry out their duties there will be complaints that their approach is too aggressive. Therefore this Bill must be passed to protect the individual so that they will have the freedom of movement.

If not we should all leave our cars at home and use taxis as suggested by the member. Thank you.

**MR SPEAKER:** I beg tolerance of the member for Faleata West, I give the opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker, in case the member does not fully understand. The legislation will be complete and fully respected when these amendments are passed.

**MR SPEAKER:** Thank you I call on the member.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Hon Minister. I respect the decision. The legislation will always be respected but it is not being implemented. If it is, then it will be completely respected. Samoans are fearful of the Police and they respect them. If the Police monitor Vaitele and the town area even if it means one car this law will surely be complied. Hon Minister, it is the needle that worries me because there are....

**MR SPEAKER:** I call upon the Hon Minister who responsible for the Bill. Perhaps there is something you want to say.

**Afioga Hon Manualesagalala Enokati Posala:** Mr Speaker, I am concerned that the alcohol consumers might think that they have a supporter. **The intention of the Bill is to protect and safeguard our community** because if the work it is not carried out the service will be questioned. When blood tests are needed the Ministry of Police will work together with the Ministry of Health. If the Ministry of Health needs to send tests overseas it will be done.

The main concern is the safety of the drivers and the public. If a blood test needs to be done it should be done, with respect.

**MR SPEAKER:** Thank you. I call on the member for Faleata West to conclude.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you. There is one purpose for the legislations passed and that is for the protection and safety of Samoa.

21<sup>ST</sup> JUNE 2013

**Road Traffic Amendment Bill 2013**  
– second reading

However, my concern is the management of the Bill introduced. The Hon Minister of Works & Transport retires at 9 but we drive around Vaitele and the town area inspecting our roads like security guards. I mention this from experience.

**MR SPEAKER:** I call on the member for Aleipata Itupa i Lalo.

**Afioga Tafua Maluelue Tafua (Aleipata Itupa i Lalo):** Mr Speaker, the remarks are pleasant to hear although I wish to understand his security duties. Does he drive around in the Leader of the Oppositions car patrolling the road and reporting it back to Parliament? With all due respect.

**MR SPEAKER:** I call on the Hon Minister of Works, Transport and Infrastructure.

**Afioga Hon Manualesagalala Enokati Posala:** Mr Speaker the time as mentioned by the member is important because by 9.30 pm all the young people are asleep. For us leaders of the country we do not retire as we still have to monitor the safety of our families and our country but not until past 11. However, like the honorable member taking the floor who is drives around till past 2am or 3am, that is when accidents occur.

**MR SPEAKER:** I call on member for Faleata West to conclude.

**Tofa LEALALEPULE RIMONI AIAFI:** Thank you. Some nights I am a security but most nights I am a tourist. I assist the bar owners and their patrons. Moving on, I understand that it is difficult to detect those who use drugs and I am grateful that there is an opportunity to have blood tests. But how would the Police know that a person is under the influence of drugs. Also regarding individual rights, there are some religious beliefs that do not allow the use of needles; is there another method to be used? With that I support the Bill, thank you.

**MR SPEAKER:** Thank you. I beg tolerance of the Hon Minister but there is one more member to take the floor. I call on one of the members for Vaimauga West. Tofa Lefau Harry Schuster.

**Tofa LEFAU HARRY SCHUSTER:** Thank you Mr Speaker for the opportunity. To the Hon Minister of Works and Transport, this member for Vaimauga West supports this Bill. It is important because it will protect the safety of the public and alcohol or drug influenced drivers.

The only issue Hon Minister is under Subsection 3(C) an information alleging alcohol or drug or both in subsection 3(A)(d) must not be dismissed on the ground of uncertainty or duplicity.

21<sup>ST</sup> JUNE 2013

**Road Traffic Amendment Bill 2013**  
– second reading

There is a rule of law that states the separation of powers. However it seems that under this provision, Parliament is instructing the Judiciary in that if there is duplicity or uncertainty the information cannot be dismissed. It is clear that in the case of separation of powers, Parliament does not instruct the Courts and vice versa. Article 10 of the Constitution provides that an offence cannot be proven if there is uncertainty. There must be certainty as to what offence as defined by law you are being punished for and then an offence can be proven. It is clearly stated in the Bill that a person under the influence of alcohol and drugs is convicted for breaking the law.

There is already an Act of Parliament which provides for a Judge to ask an Officer which duplicated charge should be withdrawn. However, with this Bill, even with uncertainty, cases can proceed but there should be certainty. The defendant should be aware of the charges against him. This goes against human rights and the Constitution. Thank you for the opportunity Mr Speaker.

**MR SPEAKER:** Thank you for the clarification. I beg tolerance Hon Minister. I call on the last member.

**Afioga AFUALO WOOD UTI SALELE (Salega):** Thank you Mr Speaker for the opportunity. I rise in support of Bill. However I also wish to offer recommendations to the Ministry of Health and Liquor Board. It seems that the purpose of the Bill is to control the consumption of alcohol but commercials strongly promotes the purchase of alcohol and this should be looked into. SROS and the Ministry of Health should also test the alcohol concentrations whether it is in line with the label. There are spirits that are consumed within an hour and the effects are as if it had been consumed the whole night and this causes more problems.

That is the assistance on this Bill, thank you.

**MR SPEAKER:** Due to the fact that the Ministry of Health was mentioned I call on the Hon Minister of Health.

**Afioga Hon Tuitama Talalelei Tuitama (Minister of Health):** I thank the members for the support. One of the goals of the Ministry of Health is to collaborate with the Members of Parliament in decreasing Non Communicable Diseases.

Alcohol affects your health as it is one of the risk factors as indicated in the SNAP acronym which stands for; Smoking, Nutrition, Alcohol and lack of Physical activity. Health promotions programs implemented by the Ministry involves the message to stop smoking, stop drinking alcohol, be conscious of your diet and make sure to exercise daily. This is part of the Ministry's manifesto to decrease the risk factors which affects our health.



21<sup>ST</sup> JUNE 2013

**Road Traffic Amendment Bill 2013**  
– second reading

The Ministry also has signs on the sports fields informing the spectators to resist from drinking alcohol. It is all about changes in lifestyle because if it is not changed we will not achieve our health goals.

MR SPEAKER: I apologize Hon Minister of Health but we will continue with your explanation on health matters after recess.

*Proceedings of the Legislative Assembly were set aside for its usual recess at 10.30am.*

*Proceedings of the Legislative Assembly resumed at 11:04 am.*

**MR SPEAKER:** I announce that recess will be at 12.00pm. I believe this is appropriate as we finished late last night and members will now be able to take a break in order to restore their strength so that we can be able to fulfill our duties.

Before the recess the Hon Minister of Health was addressing the House. The Chair values these explanations because our health is important. To acquire such knowledge is costly as you would have to go to University for 90 years but we have the Hon Minister to explain and clarify all these matters. I suggest that all the members consider the Hon Ministers speech because many of you have diabetes, high blood pressure, poor eyesight and other illnesses. I give the opportunity to the Hon Minister of Health to clarify further.

**Afioga Hon Tuitama Talalelei Tuitama:** Thank you Mr Speaker, I trust the meal that was provided was accepted by the members of the house, therefore I thank you and the Office.

There are only two issues I wish to clarify. In reference to the claim by a member on the percentage of alcohol present in beer; as we know there is a lot of competition in this regard. It started with 4% and then 4.5% but now it is 6.9%. It is favorable that the percentage is higher and we are labeling the bottles after animals such as the cow and perhaps we will have a beer named after a lion.

Alcohol is supposed to be consumed for pleasure and conversation but now it contributes to brawls and accidents that end up in overcrowding at the hospital during 10 to 11pm at night. During the Global Conference on Health Promotion which the Speaker and I attended it was encouraged that there is health in all policies.

21<sup>ST</sup> JUNE 2013

**Road Traffic Amendment Bill 2013**  
– second reading

No matter the Ministry or Minister that is responsible for the Bill, health should always be incorporated in the policy. I am glad to encourage the inclusion of health in all policies because even though this is not the Ministry of Healths Bill, it involves the health of the people. I believe it is appropriate that a bill should be drafted to limit the percentage of alcohol so people can drink for pleasure and enjoyment and not to cause conflicts.

Those are some additional clarifications Mr Speaker because of the importance of the matter raised by the member. Bless our sitting and bless the Bill.

**MR SPEAKER:** Is there further clarification Hon Minister before the question is put. I call on the Hon Minister.

**Afioga Hon MANUALESAGALALA ENOKATI POSALA:** Mr Speaker I believe everything has been clarified by the Hon Minister of Police and Prisons and the Hon Minister of Health. I thank everyone for the advice given in order for our progress.

*Motion approved and the Road Traffic Amendment Bill 2013 was read a second time.*

**MR SPEAKER:** In accordance to the Standing Orders the Bill will stand referred to the Works, Transport & Environment Committee for consideration to report back to the Legislative Assembly at a future sitting.

**NATIONAL HEALTH SERVICES BILL 2013**  
– second reading

**MR SPEAKER:** For the information of Parliament, the Bill was first read on 26<sup>th</sup> March 2013.

I call upon the Hon Minister of Health.

**Afioga Hon TUITAMA TALALELEI TUITAMA:** Mr Speaker, I rise to move a motion, *That the National Health Services Bill 2013 be read a second time and I could like to comment on it.*

*Seconded by the Minister of Finance and the Minister of Women, Community and Social Development.*

**MR SPEAKER:** I call on the Hon Minister to clarify the Bill.

**Afioga Hon TUITAMA TALALELEI TUITAMA:** Thank you Mr Speaker. The Bill replaces the National Health Service Act 2006.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

For your information, in 2006 the Ministry of Health and the National Health Services were separated. The latter was governed by the National Health Service Act 2006 and from that year to now, this was a transitional period to monitor the areas which needed improvement and changes. It is believed that this period is enough for monitoring and as a result, the National Health Services Bill 2013 was drafted.

In 2006, there was a Management Board which will now be known as the Board of Directors in this Bill. As a result, the National Health Services will be an established corporate body and it will not be under the PSC but it will be a SOE. This improves accountability of its financial management and the services rendered. Trial operations of the Services began in 2006 which was sufficient in improving the services.

The General Manager was mainly accountable to the Board but now there are provisions to add to the powers of the General Manager to make immediate decisions as necessary. This Bill will enable the achievement of single point accountability.

The purpose of the Bill is to ensure that the Government satisfies the need for health care through the development and management of its national health services.

That is the clarification for the dignity of Parliament on the matter Mr Speaker.

**MR SPEAKER:** Thank you Hon Minister for the clarification on the Bill proposed I assume the House now understands the importance of the Bill and the changes presented. I thank Cabinet and their policies. I assume there are no further opinions; therefore the question will be put.

I assumed the Bill was understood. I call on the member for the Individual Voters; Susuga Hon Papaliitele Niko Lee Hang to take the floor.

**Susuga Hon PAPALIITELE NIKO LEE HANG (Individual Voters):** Thank you for the opportunity. Clause 17(4) states.....

**Afioga Hon Tuitama Talalelei Tuitama:** Mr Speaker, I beg clarification please; are we in the consideration in detail stage of the Bill...?

**MR SPEAKER:** The opportunity was given to comment on the general merits of the Bill. Do not comment on the specific clauses. The Hon Minister is correct. I call on the member.

**Susuga Hon PAPALIITELE NIKO LEE HANG:** In regards to the presentation of annual reports to Parliament, I see there is no given time frame in which the reports ought to be submitted for instance whether it be 6 months. The Bill states ‘as reasonably practicable’ and I do not know if there is a time frame, with respect.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

**MR SPEAKER:** Thank you member for the Individual Voters, Susuga Hon Papaliitele Niko Lee Hang, I call upon the member for Aana Alofi No. 3.

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:** Thank you Mr Speaker for the opportunity, I thank the Hon Minister for the proposed Bill and amendments. I have a few comments which could be discussed during the Committees.

Firstly Mr Speaker, on the number of members on the National Health Board, why are there two persons with experience in management and finance?

Secondly if traditional healers registered as Allied Health Practitioners are able to be in the Board or is it only those who have satisfied proper learning procedures through education?

Mr Speaker, for clarification on the decision making powers of the Board whether there is a link with the Minister and if they have a say within the Management?

Also, is it a policy now with the Government for a Director to be appointed only for two terms in which each term is for three years only?

Thirdly Mr Speaker, why does the Bill specify in detail the number of meetings the Board should have which is at least 10 times in a financial year?

Mr Speaker I come to the issue of finances gained by the Corporation through its services and this is important because it contributes to Government income that sustains the service. I believe the Government has spent a lot of money to equip these services and is there a policy for the National Health Services to recover these finances through dividends as is done by other entities. Perhaps a clarification can be made later.

Lastly Mr Speaker I propose that there should be a part of the Bill that addresses the services of the traditional healers who have already registered because it seems that their services contradict that of the National Health Services. Thank you.

**MR SPEAKER:** Thank you. I beg tolerance of the member for Vaisigano. I give the opportunity to the member for Faasaleleaga No.2. I call on the member.

**Susuga PAPALII LIO FAAVAIAVA IOMANU TAEU MASIPAU:** Thank you Mr Speaker I completely support the Bill, as we note that it is very important for the improvement of the services. I was also confused at the two bodies but now it is clarified, thank you.

There is a recommendation regarding the expenses. Perhaps it is ideal to consider the employee to management ratio for future references that can assist the Hon Minister.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

Nursing students at the National University of Samoa used to receive allowances but now they do not receive this benefit. It is a matter of concern, also for us leaders of the country. I believe the Hon Minister will take this into account, thank you for the opportunity Mr Speaker.

**MR SPEAKER:** Thank you. I call upon the member for Vaisigano No. 2.

**Tofa MOTUOPUAA UIFAGASA AISOLI VAAI (Vaisigano No. 2):** Thank Mr Speaker, I strongly support the Bill proposed. In 2006, the Ministry of Health and the National Health Services were separated and we now have this Bill.

A concern Mr Speaker, concerns conflict of interest in the Board of Directors of the Service as stated in Clause 6(4), A person employed or engaged by the Service is not eligible for appointment as a director.

Therefore the concern Hon Minister is that there is only one doctor and the rest are private practitioners who are employed for weeks and months by the National Health Services from time to time to carry out medical duties. In addition there are un-registered nurses and there is one dental practitioner. My concern is the scope in which a Director can be appointed from.

**MR SPEAKER:** I call upon the member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker there is a minor matter that I wish to understand. I accept the Bill but I wish to understand the Hon Ministers comments stating that the services will be improved when the National Health Services is no longer under the PSC but becomes an SOE. I want to understand which part of the Bill will the services be improved once this change takes place. It is true that the wording has changed but the implementation will still be the same. If the Service becomes a SOE, will there be more income than what is currently generated. I wish to have clarification of this as the PSC is listening in yet the claim is that if they are no longer under PSC, the Services will improve, with respect.

**MR SPEAKER:** Thank you. I call upon the member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker for the opportunity. Thank you Hon Minister for the Bill which is very important because it will regulate and restructure the Services since it became independent. On the matter mentioned by other members regarding the Board, why should there be two members from certain groups and at least seven members of the board? I support the 2 year term for a Director and these are good changes to bring in new ideas which will contribute in the development of the sector.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

I thank the Hon Minister for renaming the position of Director of General Health to General Manager as we all know this is a global term which is easily identifiable. However, I am confused on the exact term given because sometimes it is General Manager and then it is Director General. What is the correction?

The private sector works closely with the National Health Services which is appropriate to share the work load yet I am concerned because the private practitioners are offered a large allowance for their services compared to those providing the services. As is reflected in the name of the Bill, the services are very important.

Every year members emphasize Health and Education and now we know that the problem is that we need more doctors. This is why I support the school of Medicine which has a different model that seems to attract many. We have observed that students who graduate are at the required level to carry out the work. There are problems that the Government must look into regarding the structure and organization which can help us provide better standards that can be offered to other countries of the world and the Pacific.

Hon Minister, I have raised the issue regarding doctors salary structure and you have stated that it is before the salary tribunal. The question is whether the doctors were consulted for a consensus on the matter because the Board might make the decision independently. In my belief everybody wants a salary increase but it is never enough but it is easily accepted if the services are recognized or acknowledged.....

**MR SPEAKER:** I beg lenience of the member but I give this opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegoai:** Mr Speaker, I rise to assist the member. Everything mentioned has already been dealt with and there is nothing new under the sun. We have already gone through those processes but we need to be considerate of our national financial state in regards to the salary ranges and grading. If the member recalls this was the exact problem that contributed to the 1981 strike. The salary structure and the delay in the salary payments by PSC was a factor especially as the doctors had two salary increases and yet the other public servants had not received their salary. This is why the tribunal was established so there would be no repeat of the events in 1981 and that there will not be favoritism in the salaries for the different sectors.

There is the matter you mentioned that needed to be reassessed regarding our doctors. We cannot take away their rights because this all depends on the services and profession they choose to serve in. This was the reason for the 1995 strike. The Government cannot succumb to anything that is prejudice in nature.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

Mr Speaker I would like to advise the Opposition not to make campaigning comments regarding salary increases. Tuivalea is not here. When it comes to such matters, we have to be very careful so that one service is not of the opinion that they are not being acknowledged. In relation to the specialized professions, the Cabinet must ensure in depth consideration.

There were many issues with previous Governments. This Government is ensuring security measures so that there is no repeat of these events in the future. If it does reoccur, I presume it will fail because the government ensures that there is no favoritism.

Mr Speaker that is the assistance. Whenever such matters are before the Cabinet, we are vigilant as we recall the events of 1981.

**MR SPEAKER:** Thank you. Before the opportunity is given to the member, I want to remind all the members that the Bill is not new. We have commented on most of the Bill so direct your comments to the amendments with due respect.

**Tofa LEALAILEPULE RIMONI AIAFI:** Point of Order Mr Speaker, I do not understand what campaigning is. I am commenting on the general merits of the Bill. I stated that although you try to raise the salaries there is never satisfaction but there are ways to put such matters forward. That is what I wanted to understand.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Now it is not campaigning comments but you have presented your personal opinion. If this matter is not handled with care there will be conflict because there is no one within the service who does not want a pay rise and also there is no one who thinks that the pay rise is enough. We must remember that once there is an increase everybody will want it too; therefore it is within the Cabinets power to prevent a repeat of the strike of 1981 that lasted for 3 months. This is why the Government seeks the advice of the tribunal that was set up to consider not only a select few but everyone. I remind the member that everything mentioned has been considered.

**MR SPEAKER:** Thank you. I believe the member is now informed that it is not campaigning but rather the end of an argument.

**Tofa LEALAILEPULE RIMONI AIAFI:** I do not know how to end an argument but I know how to fight and once I start no one can stop me. Hon Minister, you are absolutely right because you have been here for a while and you are also a part of the Cabinet, therefore I leave the matter with you. You are also correct Hon Prime Minister that this is not a new issue. In 1992 we did the initial structure of the hospital with the help of a European. We advised that the doctors be left to their own work and employ those with management and financial experience to manage the Hospital.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

We have achieved that goal. However those in these positions were not effective in the bargaining as I stated, there are ways to solve these matters; there are methods that can guarantee contentment for the workers.

I now arrive at the fees as mentioned within the Bill. I am not certain on how much that needs to be paid but I have seen that the standards of the hospital have improved with the food, care and hygiene. There should be an appropriate fee paid in order for the Ministry to provide patients with towels, sheets, pillow cases and the like and if they lose anything they will have to pay it. The fees that are paid are not able to cover the improved hospital services which results in the caretaker eating the patients meal and becoming fatter while the patient becomes skinnier. The patient will want to get well but the caretaker will not want to go home.

These are some areas that the Hon Minister should look into to assist the Ministry. I know that you like to write and I see that the answers written are thicker than the Bible. You have great knowledge in this area as you have worked in this field for a long time although the member for Vaisigano No 2 started a little before you, you are blessed.

**MR SPEAKER:** I give the last opportunity to the member for Falelatai and Samatau.

**Afioga TAEFU LEMI:** Thank you Mr Speaker, there are three main reasons why I support the Bill which is not because of my admiration for the Hon Minister responsible for the Bill.

Firstly, as stated by some Members, there will be improvements in the Management Structure and internal controls will be implemented to prevent issues such as those mentioned from happening.

Secondly involves the nurses. I thank the Ministry for the initiative to employ the assistance of the Private sector. The only problem Hon Minister is there are times when patients are waiting in endless lines at the hospital and when this is the case I go to the Leulumoega hospital. When you go to the Leulumoega hospital there are certified nurses who examine the patients and prescribe medication. Hon Minister I believe 50% of the patients do not need certified doctors to examine them therefore I request that you look into how nurses are stationed because they are the solution.

Thirdly Mr Speaker is the Health Centers located in most villages. I thank you Hon Minister; however I pray that certified nurses will be available daily in order to improve services.

Those are a few comments on the Bill, with respect.

**MR SPEAKER:** I give this opportunity to the member of Faasaleleaga No. 4. I call on the member.



21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

**Afioga PESETA VAIFOU TEVAGA:** Thank you for the opportunity. Mr Speaker I put forward the same matter that I always comment on Hon Minister of Health. In reference to what the other member mentioned regarding towels and sheets especially linen used by mothers during birth, this is an area that raises a lot of problems. I consulted with one of the doctors and he stated that the ovens used to steam the sheets and towels to get rid of germs have broken down.

I just want to advise the Hon Minister that hopefully when the new hospital is complete, this service will be improved. Also regarding the serving of food, this is very disappointing.

When the food is distributed, the gravy, rice, vegetables and chicken is mixed on the dinner plate and patients lose their appetite looking at this. It would be appropriate Hon Minister that trays with dividers be used with all due respect.

**MR SPEAKER:** I call on the Hon Minister of Health, I believe that all the members have put forward their views.

**Afioga Hon TUITAMA TALALELEI TUITAMA:** I am thankful Mr Speaker for the acknowledgement of the Bill, I am pleased to clarify the services provided by the Ministry in which I believe most are not aware of based on the many questions put forward. This is one of the strategies for the betterment of the Ministry of Health in the future, because the public are not aware of the services.

One of the members for the Individual Voters; Susuga Hon Papaliitele Niko Lee Hang, queried the meaning of 'reasonably practicable'. The Samoan translation should be consulted for clarity which I interpret as within the financial year or before the end of a financial year. We have different interpretations of the term prompt used in the Samoan draft which could mean today, or next week or the next six months. I would assume that this would be before the half of the year.

**MR SPEAKER:** I beg tolerance of the Hon Minister of Health but I would like to give the opportunity to the member who posed the query.

**Susuga Hon Papaliitele Niko Lee Hang:** Thank you for the opportunity Mr Speaker. I did not intent to interrupt the Hon Ministers explanation however I queried this because other Ministries have a set time period of six months.

The concern is that it may be more than the six months which is provided for under the Public Bodies Act. This is why I am persistent on this matter because the drafting of this Clause opens the opportunity to delay the presentation of reports which I believe should be presented six months after the end of a financial year with utmost respect.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

**MR SPEAKER:** I call on the Hon Minister of Health.

**Afioga Hon TUITAMA TALALELEI TUITAMA:** Mr Speaker the period of six months that I mentioned is the legal requirement and I believe it will be done with this Bill.

I now come to the question by the member for Aana Alofi No. 3 querying why there was no member for Allied Health in the Board. For your information the Allied Health Bill is now before Parliament, and they cannot be part of this Bill because the Allied Health Bill has not been passed. Only those who have governing Acts are part of the Board for instance members of the Pharmacy, Dental care and other member of Health Ministry.

This is the reason why there is no member for Allied Health.

**Afioga Tocolesulusulu Cedric Pose Salesa Schuster:** Mr Speaker.....

**MR SPEAKER:** I believe the Hon Minister should continue until his explanation is understood.

I call on the member for Aana Alofi No. 3.

**Afioga Tocolesulusulu Cedric Pose Schuster:** Thank you Mr Speaker I just wanted to remind the Hon Minister that there will be members of the Allied Health Profession on the Board. I queried only if the member of the Allied Health refers to the traditional healers as it states there will only be one member from this sector on Board.

**Afioga Hon TUITAMA TALALELEI TUITAMA:** The member can examine the attached schedule where there is a List of Health Services, Institutions and Bodies for which the Service is responsible and traditional healers are included.

Traditional healers are part of Allied Health, they are represented. Regarding the conflict of interest regarding nurses without doctors; there are nurses employed in NGOs and those from NUS but the doctor is not employed by NUS. They cannot be chosen like GPs. There are 38 GPs working at the OUM which is under the Hospitals administration. Other doctors are part of the mobile clinics, the Outpatient and the OUM.

The interim term for Directors as mentioned by one of the members is acceptable as supported by the member for Faleata West. It is reasonable for the implementation of new initiatives and innovations and based on their performance they can be appointed again. Non Re-appointment after two terms makes way for another person that will bring their own set of ideas and the Ministry feels it is an appropriate management strategy.

21<sup>ST</sup> JUNE 2013

**National Health Services Bill 2013**  
– second reading

Regarding the query made by the member for Faasaleleaga No. 2; currently, the Government is paying for tuition and allowances for the students at NUS and OUM. The benefit is still continuing and that is the response to the query.

The change from PSC towards SOE mentioned was not done to taint the services of the PSC but for future progress, the trend is to be independent of the PSC. There are responsibilities and services that can be carried out efficiently and promptly if the matters are handled internally without having to follow PSC processes. There was no intention to sound as if there was fault with the PSC and its role and I apologize.

The comments by the members for Faleata West and Faasaleleaga No.4 regarding hospital linen were pleasing. The member for Faasaleleaga No.4 spoke on this matter last year and we heed relevant recommendations and remarks made in the House. As a result we tried to implement and enforce this. Presently, we are in the preparation stages for the new hospital which is expected to open in the next two weeks. Sheets, pillow cases and other linen from outside will not be allowed.

Another reason why we strongly enforce this service is because of a germ known as Sarcptes, which is resistant. Research found that the germ originates from outside the hospital. If a patient gets it, it will spread throughout the hospital and it will be uncontrollable because it is resistant towards antibiotics. Therefore a decision was made to use only hospital owned linen. Also if the linen used in hospital by the patient is affected, when the patient returns home the germ will spread within the villages. This is not a good which is why.....

**ADJOURNMENT**

**MR SPEAKER:** I interrupt the speech of the Hon Minister. I believe that the explanation has peaked and as I said earlier the Parliament does not take lightly to health issues because of the importance of health of our country. However, we have now come to our normal recess time therefore I believe the response will continue and the question put during our next sitting.

I take this opportunity to thank the dignity of the House for today. I believe we have reached our goal in carrying out the orders of the day. Praise God for His blessings upon our work. The intention is that lapsed business and other Bills will be discussed on Monday. Whatever plans and duties carried out at the end of the week, I hope all goes well. I wish everybody good health and may the love of God lead you from any misfortune.

21<sup>ST</sup> JUNE 2013

### Adjournment

I convey my gratitude to our country for their support; thank you Samoa for the encouragement and prayers for our Parliament. I thank the CEOs of the various Government Ministries and Corporations, high chiefs and orators, and women committees. I congratulate you all for a work well done. We will gather again next week but until then, God bless your duties and plans for the weekend.

Before we conclude our proceedings, I give the opportunity to the member of Alataua West for a closing prayer.

Prayer.

*Proceedings of the Legislative Assembly were adjourned at 12:00pm until 9.00am on Monday, 24<sup>th</sup> June 2013.*