

FRIDAY, 5TH OCTOBER 2018

Proceedings of the Legislative Assembly commenced at 9:00am pursuant to the 2018 Parliamentary Sittings Program Schedule.

Mr Speaker took the Chair at 9:00am.

Prayers.

OPENING STATEMENT BY MR SPEAKER

MR SPEAKER: I announce that Proceedings of the Legislative Assembly commence.

I take this opportunity to acknowledge the presence of the Hon Prime Minister, Deputy Prime Minister and Cabinet also the Associate Ministers, I also acknowledge other Members of the House, Chairpersons and Members of the Parliamentary Committees. Welcome to our Proceedings this morning. I also greet and welcome the Heads of Government Ministries and Corporations as well as the Legislative Office and your duties in preparing and administering the Proceedings this morning.

NOTICE FROM THE LEADER OF THE HOUSE

Mr Speaker read the Notice from the Leader of the House.

Pursuant to Standing Order 76 notice is hereby given to the Legislative Assembly to consider the following Bills as given:

1. Head of State Amendment Bill 2018
2. Alcohol Control Bill 2018.
3. [Intellectual Property Amendment Bill 2018.](#)

GIVEN THIS day under my Hand this Thursday 4th October 2018.

(Signed): **Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai
Lolofietele Neioti Aiono Galumalemana Dr. Sailele
Malielegaoi.**
LEADER OF THE HOUSE.

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NOTICE FROM THE LEADER OF THE HOUSE

Pursuant to Standing Order 100(2) notice is hereby given to the Legislative Assembly to consider the Bill under the state of urgency.

1. Intellectual Property Amendment Bill 2018.

GIVEN THIS day under my Hand this Thursday, 4th of October 2018.

**(Signed): Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai
Lolofietele Neioti Aiono Galumalemana Dr. Sailele
Malielegaoi.
LEADER OF THE HOUSE.**

ANNOUNCEMENT BY MR SPEAKER

MR SPEAKER: I want to inform the House the Hon Prime Minister, Cabinet and Members of the Parliament that we have with us today representatives of the Parliament College program 2018.

I will not go into detail to inform Members of such Parliamentary programs carried out for the benefit of our children. The main objective of this program is for our children to know our Parliament.

The program aims to inform them about the functions and work of Parliament especially the work carried out by the Office of the Legislative.

On behalf of the Members of Parliament here today I welcome the Principals and teachers of schools attending this program especially to all students chosen for the Parliamentary College Program 2018.

I also want to inform Members that with us today are representatives of the Samoa Youth Olympic Team who will be representing our country at the international games in Argentina.

On behalf of Parliament I want to take this opportunity to wish our team the best of luck for the games. I pray the Lord bless you all and guide you to victory.

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OBITUARIES SPEECH

Mr Speaker read out obituaries for some of the past Members of Parliament who passed away.

- i) *Afioga PATEA Satini Epati passed away on the 21 August 2018. Afioga PATEA Satini Epati was a Member for the constituency of Sagaga le Falefa in the 13th Parliament from the year 2001-2006. He was an independent Member. He was Vice Chairman of the Foreign Affairs Committee, he was also a Member of the Health, Ethics and Education Committee.*
- ii) *Susuga Hon KEIL Hans Joachim passed away on the 31st of August 2018. Susuga Hon KEIL was a Member of Individual Voters for five Parliamentary terms starting from the 10th Parliamentary term 1988-1991 until the 14th Parliament 2006-2011. He was a Member of the Human Rights Protection Party (HRPP). He was the Minister of Works in the 11th Parliamentary term from 1996-2001. He was again chosen as Minister of Commerce, Industry and Labour and of Tourism in the 12th Parliament from 2001-2006. He was a Member of the Inquires Committee in 1988-1991. He was also Vice Chairman of the Bills Committee, Inquires Committee and Ethics Committee in 1991-1996. He was a Member of the House Committee and Vice Chairman of the Government Committee in 2006-2011. He was also the Parliament Secretary for the Ministry of Commerce, Industry and Labour from 2006-2011.*

On behalf of Parliament I take this opportunity to convey sincere condolences to the wives and families especially the constituencies for the passing of Afioga PATEA Satini Epati and Susuga Hon KEIL, Hans Joachim.

Members of the House stood silently for one minute to convey respect to Members who have passed away.

PRESENTATION OF PAPERS

The Clerk read out papers presented to the House pursuant to Standing Order 49.

1. S.R.2018/4, Conventional Arms Act 2017 – Notice of Commencement.

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Presentation of Parliament Committee Reports

2. S.R.2018/5, Telecommunications License Regulations 2018.
3. P.P.2018/2019 No.51, Samoa Prisons and Corrections Services Annual Report Period Ending 30 June 2017.
4. P.P.2018/2019 No.52, Samoa Law Reform Commission Review of the Fabric of Laws of Samoa Project December 2017 – Final Report 22/17.
5. P.P.2018/2019 No.53, Electric Power Corporation Annual Report 2016/2017.
6. P.P.2018/2019 No.54, Samoa Life Insurance Corporation Annual Report 2017.
7. P.P.2018/2019 No.55, Samoa Bureau of Statistics Annual Report 2016/2017.
8. P.P.2018/2019 No.56, Land Transport Authority Annual Report 30 June 2017.
9. P.P.2018/2019, No.57, Samoa Fire and Emergency Services Authority Annual Report 2016-2017.
10. P.P.2018/2019 No.58, Ministry of Communication and Information Technology Annual Report 2016-2017.
11. P.P.2018/2019 No.59, Samoa Shipping Corporation Limited Annual Report 2017.
12. P.P. 2018/2019 No. 60, Samoa Land Corporation Annual Report 2016-2017.
13. P.P.2018/2019 No. 61, Ministry of Foreign Affairs Annual Report 2016-2017.
14. P.P.2018/2019 No. 62, Office of the Public Trustee Annual Report 2017.
15. P.P.2018/2019 No.63, Office of the Ombudsman Report on National Public Inquiry into Family Violence in Samoa, June 2018.
16. P.P. 2018/2019 No.89, Ministry of Works Annual Report 2016/2017.
17. P.P. 2018/2019 No.91, Annual Report MWCSA 2016/2017.
18. P.P. 2018/2019 No. 92, Samoa Law Reform Commission Report on Civil Procedure Rules Supreme Court (Civil Procedure) Rules 1980 and Magistrate Court rules 1971.

PRESENTATION OF PARLIAMENT COMMITTEE REPORTS

The Clerk read out Parliament Committee Reports presented to the House pursuant to Standing Order 51(5).

1. P.P.2018/2019 No.64, Report of Standing Orders Committee on P.P 2017/2018 No.100, Samoa Law Reform Commission Report on Pule a le Matai Sa’o (Final Report 18/17, February 2017).

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Presentation of Parliament Committee Reports

2. P.P. 2018/2019 No. 65, Report of Standing Orders Committee on P.P.2017/2018 No.156, Public Service Commission Annual Report 2015/2016 & P.P.2018/2019 No.6, Public Service Commission Annual Report 2016/2017.
3. P.P.2018/2019 No.67, Report of Standing Orders Committee on P.P.2018/2019 No.17, Annual Report of the Ministry of Justice and Courts Administration 2016/2017.
4. P.P.2018/2019 No.69, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No.4, Annual Report of the Office of the Regulator 2016/2017.
5. P.P.2018/2019 No.70, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No.7, Public Accounts for 2016/2017.
6. P.P.2018/2019 No.71, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No.13, Annual Report of the Scientific Research Organization of Samoa 2016/2017.
7. P.P.2018/2019 No.72, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No. 14, Annual Report of the Unit Trust of Samoa 2016/2017.
8. P.P.2018/2019 No.73, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No.15, Annual Report of the National University of Samoa.
9. P.P.2018/2019 No.74, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No.16, Strategic Plan of the National University of Samoa 2017/2018 -2020/2021.
10. P.P.2018/2019 No.75, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No.18, Annual Report of the National Health Services 2016/2017.
11. P.P.2018/2019 No.76, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No.31, P.P.2018/2019 No.32, P.P. 2018/2019 No.33, P.P.2018/2019 No.34, Annual Report of the Samoa Qualifications Authority 2013/2014, 2014/2015, 2015/2016 & 2016/2017.
12. P.P.2018/2019 No.80, Report of the Finance and Expenditure Committee on P.P. 2018/2019 No. 37, Annual Report of the Ministry of Public Enterprises 2016/2017.
13. P.P.2018/2019 No.81, Report of the Social Sector Committee on THE Tobacco Control Amendment Bill 2018.
14. P.P. 2018/2019 No. 82, Report of the Social Sector Committee on P.P. 2018/2019 No.3, Annual Report of the Ministry of Education, Sports and Culture 2017.
15. P.P.2018/2019 No. 83, Report of the Social Sector Committee on the Education Amendment Bill 2018.

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Presentation of Parliament Committee Reports

16. P.P. 2018/2019 No. 84, Report of the Economic Sector Committee on P.P.2018/2019 No.8, P.P 2018/2019 No.9 & P.P. 2018/2019 No.10, Annual Reports of the Ministry of Agriculture and Fisheries 2014/2015, 2015/2016 & 2016/2017.
17. P.P. 2018/2019 No.87, Report of the Economic Sector Committee on P.P. 2018/2019 No. 118, Annual Report of the Ministry for Revenue 2016/2017.
18. P.P. 2018/2019 No.88, Report of the Infrastructure Committee on P.P. 2017/2018 No.152, Annual Report of the Samoa Water Authority 2016/2017.
19. P.P. 2018/2019 No.90, Report of the Infrastructure Committee on P.P. 2018/2019 No.5, Annual Report of Samoa Ports Authority 2016/2017.

HEAD OF STATE AMENDMENT BILL 2018

– first reading

Susuga Hon TUILAIPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker I move a motion, *That the Head of State Amendment Bill 2018 be read for the first time.*

Seconded by the Deputy Prime Minister and Minister of Commerce Industry and Labour.

Motion approved and the Head of State Amendment Bill 2018 was read for the first time.

ALCOHOL CONTROL BILL 2018

– first reading

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister of Revenue): Mr Speaker I move a motion, *That the Alcohol Control Bill 2018 be read for the first time.*

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

Motion approved and the Alcohol Control Amendment Bill 2018 was read for the first time.

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INTELLECTUAL PROPERTY AMENDMENT BILL 2018
– first reading

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Commerce Industry and Labour): Mr Speaker I move a motion, *That the Intellectual Property Amendment Bill 2018 be read for the first time.*

Seconded by the Minister of Works, Transport and Infrastructure, Minister of Agriculture and Fisheries and the Minister of Revenue.

Motion approved and the Intellectual Property Amendment Bill 2018 be read for the first time.

INTELLECTUAL PROPERTY AMENDMENT BILL 2018
– second reading

MR SPEAKER: Since I have with me the Notice of Urgency already signed by the Leader of the House we will now start with the second reading of the Bill.

I call on the Minister of Commerce, Industry and Labor.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I move a motion, *That the Intellectual Property Amendment Bill 2018 be read for the second time and I want to speak on the matter.*

Seconded by the Minister of Works, Transport and Infrastructure, Minister of Agriculture and Fisheries and Minister of Revenue.

MR SPEAKER: I call on the Hon Minister for his clarification.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Thank you Mr Speaker. First I take this opportunity to acknowledge Members the Hon Mr Speaker, the Hon Prime Minister and Ministers of Cabinet, Associate Ministers and all Members of the House.

I take this opportunity to also welcome the public especially the school students participating in the Parliamentary program and also to our children who will be representing our country in the upcoming international games. I acknowledge the presence of Directors and CEOs of Government Ministries.

I want to thank all of Samoa for the support from the highest mountain to the smallest.

Mr Speaker I take the floor with respect to voice clarification on the Intellectual Property Amendment Bill 2018. This Bill seeks to amend the Intellectual Property Act 2011.

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Intellectual Property Amendment Bill 2018
– second reading

The Amendment will allow us to be part of the Madrid Agreement signed in 1981. New guidelines were implemented in 1989 and titled Madrid Protocol since it was drafted in Madrid. The amendments implemented details the Madrid Protocol. This arrangement Mr Speaker protects intellectual property for everyone included in this agreement. These properties are used by traders with similar trademarks, names that are all under the term intellectual property. This agreement protects more than a hundred countries using this agreement for trade. These countries include some of the biggest countries in the world and some of our trade partners like New Zealand, Australia, America and some countries in Europe and Asia. We are trying to use this new approach to integrate the registration of our Intellectual Properties to the existing international system now registered with our registry office.

At present Samoa has limited protection over intellectual properties given that we are the only registered country and therefore other registered countries can also have access to our property information. If we were to adopt the Madrid Protocol and register our intellectual properties under it, we will get the necessary respect from countries under this Agreement. As mentioned earlier there are more than hundred countries under in this agreement. If our properties are registered, these countries will comply by this agreement. At the moment our properties are only protected within Samoa alone to assist businesses and manufacturers so that their products are recognized locally.

At the moment some of our retailed businesses are travelling to New Zealand since it is under this agreement. This is quite costly. If we go under this system one payment is only required in order to register so that we are protected from other people especially the 100+ countries. No doubt some of Samoa intellectual properties have had the copyrights of other countries due to limited protection. This is why we are signing the agreement, to protect our properties. Samoa will be able to earn more revenue with the registration of properties under this agreement from the 100 countries that are also registered here. At the moment there are 700,000 trading marks under this agreement, however only 7,300 have been registered in Samoa. If we join this agreement I believe 600,000+ trading marks will be registered in this accord. If we calculate the cost, I think it is \$300 a mark multiply by 600,000 marks perhaps we will get an overall total of \$200 million. The purpose for this agreement is to make trade easier with overseas partners and to protect our local trademarks.

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Intellectual Property Amendment Bill 2018
– second reading

Mr Speaker this is an overall summary but there are only two provisions of the Principal Act implemented in the Bill outlining the Madrid Protocol since it has not been included. There are a lot of amendments that needs to be done in our statutory provisions. An example for Members, I was in Fiji in the previous week and I saw in their newspaper that there was a dispute over someone in America using the term ‘Bula’ to generate their business. Unfortunately, the Fijians cannot do anything about it since they are not under this agreement. If they were under this agreement they would have been protected, if someone used the word Samoa or Manu Samoa they are not permitted to use or copy this trademark because it is protected. Unfortunately for Fiji someone used their greeting Bula to advertise their business. If Samoa were to sign this agreement, we will be the first country in the Pacific to be part of this Protocol.

Mr Speaker this is a clarification on the Bill, it is very simple because this agreement will protect our intellectual properties also it will increase the revenue for our country.

MR SPEAKER: Thank you. I see the Hon Prime Minister is upstanding. I call on the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I want to clarify further the matter stated and the importance of this Bill. Firstly, Mr Speaker on behalf of everyone and as Leader of the country I want to wish our team the best, soon they will depart for the airport to represent our country in sports.

The sports team chosen you will be representing your country Samoa. It will be worthless to show the Samoan flag if you return without any achievements. I pray that you return with medals. We do not want small medals but a lot of gold medals, especially with our country hosting the Games next year; it is not an easy task. There are a lot of areas where the decision of Cabinet was based on in relation to our country hosting the South Pacific Games. Not only will it promote Samoa and our businesses but also showcase the talent our people have through sports. Therefore, participation in these games will prepare our athletes for the Games next year. Since the establishment of the South Pacific Games Samoa has never been placed first only in 2007 we came second but we have never been first, hence we will again be hosting these games.

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Intellectual Property Amendment Bill 2018
– second reading

This means a majority will be able to participate because if it is hosted overseas only a few are selected considering the budget. Since it will be carried in our country the number of athletes should not be less than a thousand. Those who will participate should acquire medals and make our country proud.

I want say a few words to the coaches as well. A decision for the participants travelling was just made last night. Why? Why is this? It has not happened once, twice but more times to submit documents for athletes travelling last minute, this portrays negligence of management. Moreover, to make excuses that you are taking them so they can observe and be acquitted with the sport. 40 years have passed since we have participated and this is the same excuse we get over and over. This is a complete waste of time. This is my recommendation to the coaches, I ask that you do your work well and be honest because funding such trips is not cheap especially if we consider Russia where most of these games are hosted. Why can we not go to places that are closer? I recommend that you all abide by your roles and clearly state to the Cabinet the reason why you need to participate but not be ambivalent on the purpose of the trip. If you are not able to state the purpose it will only portray that the coaches are the ones that want to go on these trips. The important aspect here is our youth to get opportunities to compete in overseas competitions and return with success. I pray that you do well for the games, take it to heart.

Mr Speaker the clarification given on the Bill by the Hon Minister outlines the importance to registered properties, Samoan copyrights. This includes the goods produced and sold by our people for a living which can be water or songs. A person can register a song they produced to sustain copyright for artists' lyrics and tune. I recall one incident 48 years ago, a scientist named Petrana was in charge of putting coconut cream into cans without it being spoiled. Other countries have tried this but did not succeed. This scientist used a method to ensure that coconut cream will not spoil henceforth the success of our coconut cream factory.

The only concern was that our factory was unregistered as a property of Samoa which we could have earned a lot from it. The majority of coconut cream seen now is from Thailand and Philippines and they are using the Samoan term *peepee* unfortunately we failed to claim it back. This was the problem back then. This was also the case with the plant we had available here to cure Aids, when it was sent overseas another country already had it under copyright to make it their own. Mr Speaker what surprises me is when you go to the South of China and Brazil where it is tropical all the plants found here is also available in those countries namely the *misiluki* banana and mangoes.

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Intellectual Property Amendment Bill 2018
– second reading

This is the same for Ethiopia; all the plats are found in warm countries. We get excited thinking we are the only country that has these rare plants/trees when other countries have it too.

This is the purpose of the Bill stated, I thank the Minister for being vigilant hence there are such international agreements that we miss thus I am grateful to the Hon Minister for noting them. This will stop such issues from happening in the country.

I recommend that we move on since the matter has already been discussed yesterday. Bless our proceedings for today.

MR SPEAKER: Very well thank you. The Bill has now been clarified, it seems this Bill should have been tabled a long time ago. Nevertheless, I am glad we have now considered it for the betterment of our country. I trust all of us have understood the clarification made in relation to the Bill.

I call the Chairperson of the Finance and Expenditure Committee the Member for Alataua West.

Afioga ALIIMALEMANU ALOFA TUUAU (Alataua West): I humbly greet the Hon Mr Speaker and respectable Members of Parliament. I move with respect to speak briefly upon the Bill and show support on such important accord the Madrid Agreement already clarified.

I voice an opinion because it is important to consider the consistency of current practices in the registration of words, names and other trademarks. This portrays the significance of the Bill.

The important aspect heard yesterday is that all of these changes are being funded by the World Intellectual Property Organization. Our Government will only be funding our locals undertaking these registration properties. This is important since such Samoan terms like *talofa* and *Manu Samoa* as stated by the Hon Prime Minister are significant.

Carrying out this task is important since it is related to climate change. I just want to add on that the process of registering intellectual properties is noted as paper less IP Registry. The funding of such services is being carried out by the World Intellectual Property Organization. This is reason enough to support the Bill so we could use the paperless method and stand together to eliminate climate change.

Mr Speaker this is a brief statement that has our full support for the purpose of the Bill. Thank you for the opportunity.

MR SPEAKER: Very well thank you. I see that the Member for Urban West is upstanding. I call on the Member to take the floor.

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Intellectual Property Amendment Bill 2018
– second reading

Afioga FAUMUINA ASI PAULI WAYNE FONG (Urban West): First I want to thank the Hon Mr Speaker furthermore I take this opportunity to greet the Hon Prime Minister, Ministers and Associate Ministers and also Members of this side. I move with respect to voice a few matters in relation to the Bill considered today.

Firstly, I thank the Chair for accepting the request made yesterday for this Bill to be tabled in a state of urgency since it is an important Bill. I am glad that we are now considering the Bill and hopefully pass it today.

A few recommendations Mr Speaker on aspects to protect this Bill within Samoa, it seems only when the person registers their trademarks then it they are accepted by the office.

A suggestion is there a way for the office to protect our people like the case in Fiji. They cannot be protected unless they are registered under this regulation. I recommend that the Ministry of Commerce, Industry and Labor lead in protecting our Samoan terms and words.

A recommendation to the Hon Minister of Communication and Technology, Afioga Afamasaga, we should establish our own mark or a Facebook page, Facebook Pacific or Facebook Samoa. We should use this method, see how much we have to pay for registration this way our trademarks will be protected especially our Samoan songs.

Our Human Rights Protection Party should be registered as well. We have reached a major milestone, I recommend that we register our Party before someone else uses it Mr Speaker we were the first ones to establish it.

I now conclude my thoughts on the matter and pray blessings be upon our proceedings this morning. Thank you.

MR SPEAKER: Very well. Perhaps opinions on the matter have concluded the matter will now be given to the Hon Minister and Government. I see the Member for Salega East is upstanding, I call upon the Member.

Tofa OLO FITI AFOA VAAI (Salega East): This constituency thanks the Lord above together with the praises voiced by the Chair in his protection and guiding us all here safely today. I acknowledge the presence of the Hon Prime Minister, Cabinet; Associate Ministers and respectable Members of the House, the Heads of Government Ministries and our children present here today.

Mr Speaker I wish an opportunity would be given to thoroughly go through the Bill. It is a very important Bill and it is quite interesting and will be beneficial in the future.

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Intellectual Property Amendment Bill 2018
– second reading

It seems this Madrid Agreement correlates together with regulations stated by the World Trade Organization of which we are a part off. I can see that such agreement have already been introduced in our country yet it is just now being imposed under this Bill. I strongly believe that it is important to implement, as stated by the Hon Minister such Acts have already been exercised within the country which involves the World Trade Organization. The Bill tabled is not being taken seriously considering we are only reading it and not putting it to good use. An example within Samoa some of our vendors at the flea market, some people have complained about the printing of Samoan designs brought in from overseas and sold in Samoa.

Another matter if you visit the flea markets in New Zealand majority of the people are using Samoan prints. We have been a partner of the World Trade Organization for some time but the implementation of the provisions are not being enforced which is a fault of the Ministry.

These are just a few recommendations to review, as for the Bill tabled Mr Speaker this constituency supports it. With respect thank you.

MR SPEAKER: Thank you. I call on the Member for Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa): Thank you Mr Speaker for the opportunity. I move to support the Bill tabled. The Hon Minister earlier stated that this agreement was established in 1981, the founding country is a country of people who find new ventures and are voyagers like us. This Bill is very important in safeguarding intellectual properties. The capital whereby this agreement was established Madrid is one where you find happy and talented people. This is also where the saying “get rid of madness” derives. I understand the amendment mentioned by the Hon Minister is to align our legislation to the agreement towards international standards. Nevertheless, I thank the Hon Minister for implementing this measure to protect our trademarks especially with our breadfruit. The Hon Prime Minister stated that our breadfruit is being protected, there was another time when they said *maafala* is the breadfruit of Samoa. I strongly believe it is the duty of Government to protect our products especially the rights of our producers.

Thank you Hon Mr Speaker for the opportunity also I thank the Hon Minister for tabling such important Bill.

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Intellectual Property Amendment Bill 2018
– second reading

MR SPEAKER: Thank you. I call on the Hon Minister for his response on some of the matters raised, I believe Members have understood the clarification made clearly. The House supports the Bill tabled hence it should have been tabled long ago for the development of our country, also it could protect our intellectual properties from overseas countries. The Hon Minister I give you an opportunity to speak upon the matter before a question is put forward.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I just want to voice my sincere gratitude to the opinions given. The opinions voiced in support of the Bill, the Member is right there are provisions in the World Trade Organization but this Bill is restricted on trademarks. If the World Trade Organization legislation is in collaboration with this Bill it will do great things for our country. I thank Members for their support voiced on the Bill this morning. Thank you.

MR SPEAKER: Thank you.

Motion approved and the Intellectual Property Amendment Bill 2018 was read for a second time.

INTELLECTUAL PROPERTY AMENDMENT BILL 2018
– consideration in detail

MR SPEAKER: Pursuant to Standing Orders consideration in detail starts with Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Section 55 amended.

Approved.

CLAUSE 4: Section 137 amended.

Approved.

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**Intellectual Property Amendment Bill 2018
– third reading**

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Intellectual Property Amendment Bill 2018.

Approved.

The Intellectual Property Amendment Bill 2018 progressed without amendments.

**INTELLECTUAL PROPERTY AMENDMENT BILL 2018
– third reading**

MR SPEAKER: I respectfully call on the Hon Minister of Commerce, Industry and Labor.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I move a motion, *That the Intellectual Property Amendment Bill 2018 be read a third time.*

Seconded by the Minister of Works, Transport and Infrastructure, Minister of Women, Community and Social Development and the Minister of Agriculture and Fisheries.

Motion approved and the Act was read for the third time and was passed by the Legislative Assembly.

MOTION TO SET ASIDE STANDING ORDERS

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I take this opportunity to move a motion, *To set aside Standing Order 101 for the Bill to be read for the second time today.*

Seconded by the Minister of Commerce Industry and Labour.

Motion approved.

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HEAD OF STATE AMENDMENT BILL 2018
 – second reading

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

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That the Head of State Amendment Bill 2018 be read a second time and I wish to discuss the Bill further.*

Seconded by the Minister of Commerce, Industry and Labor and the Deputy Prime Minister.

MR SPEAKER: With utmost respect I call on the Hon Prime Minister for his clarification.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker it is noted that after every second reading the Bill must be referred to the Committee for consideration before it is reported back to the House. The Bill has already been well clarified by the Chief Executive of the Ministry to the Members of the House at sitting yesterday. Mr Speaker for clarification of the House this is a new arrangement. The inclusion of pre sittings is something new and I thank the Legislative Office for giving Members an opportunity to discuss and get an idea of these legislations. Although these Bills have our approval but really we must understand the full details and purposes for these Bills and those who drafted them. We only uphold the law and principles but they are the ones that write the terms of the Bills.

Mr Speaker I am grateful for such measures. As I earlier mentioned this is something initiated in previous Parliamentary terms for Members to get an insight of the details to these legislations and our approval once they are tabled. Our duty is to further scrutinize these Bills. The first time I became a Member of the House we did not have time to go through the Bill, we just came into the Chamber and discussed it right away. During that time the Leader of our Party who should be the longest serving member is the one to speak on the Bill. During the speech the readings for all legislations starts from 2, 3, and 4 and once the clarification is done the readings of the legislations is also at rest. This was an opportunity that was rare those days, today the process is much easier. Only a Member born yesterday who does not want to understand these things will end us up in a prolonging session.

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Head of State Amendment Bill 2018
 – second reading

Mr Speaker Samoa has been independent for 56 years. The authority of Government was given to a joint Head of State. This was a milestone in the history of Samoa to have not one but two Heads of State. This was a decision made by more than 160 high chiefs and orators, our ancestors who founded our Constitution.

The joint Head of State were addressed as Afioga Tupua Tamasese Meaole and Susuga Malietoa Tanumafili II; provisions were implemented especially for the two Head of State. If one passed away the other will carry on the duty until he is called by the Lord Almighty. Since the passing of the last joint Head of State the amendment in the constitution suggests for the next Head of State to be appointed by the House to a 5 year term. A lot has changed and now the tenure is limited to five years. This means the conditions at the time were specifically for the first two Head of States, Susuga Malietoa and Afioga Tupua Tamasese. This is why we are moving to amend the Act. The amendments also touch on how to address the Head of State. It proposes that instead of “His Highness”, it should be the Afioga i le Ao o le Malo.” The same goes for the Masiofo. There are no provisions stated in the Constitution that says, only fair skin or brown skin people can become Ao o le Malo. It is clearly stated that candidacy must be a chief regardless of the color of skin color.

This amendment is made so that our country will go in line with international standards bearing no discrimination. What does this mean? If a woman is elected by the House, then that woman will be Ao o le Malo. Also it is stated the term given to the wife of the Ao o le Malo is Good Lady. This term can be amended later by the Committee because if this term Good Lady is used it will mean only men can be chosen as Ao o le Malo.

The English translation is correct but in Samoan the term spouse is incorrect. If elected, she should be addressed as the Good Lady.

Mr Speaker this is the issue concerning the Amendments made, some of the provisions are not relevant anymore because the use of the term Good Lady was referred to Afioga Tupua Tamasese and Susuga Malietoa Tanumafili II wives. Amendments had to be made in the Constitution such as the process of electing a new candidate.

Everyone is aware that this Constitution was drafted in 1962, the election process then was one would nominate a candidate and another can second the candidate to be elected Ao o le Malo.

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– second reading

The Human Rights Protection Party has fifty Members, therefore if each person nominates a candidate stated in the old method it means that there will be fifty nominees. The candidate is also seconded by another Member so by the end all fifty Members will have their own candidate. This was done during the time there were no parties, today we have parties therefore we should carry out election with respect.

If there is only one Party then they can only elect one candidate, Simi and Sione will not have the power to pick their own candidate like we did in 1962. This provision has already been amended. The Human Rights Protection Party has made changes gradually so that the election of Le Ao o le Malo is successful. One of the main reasons for these amendments is to seek and bring the entitlements and salaries of the Head of State and the Council of Deputy to be in line with the public service salary scale. They are also entitled to such benefits. Mr Speaker the role of the Council of Deputy is important. A lot of the articles in the Constitution in relation to the Head of State no longer apply which is why the amendments are necessary.

The Act will be administered by the Ministry of the Prime Minister and Cabinet. What is the significance of these amendments? Since the beginning and up until yesterday the allocation of allowances was done differently. The salary of Le Ao o le Malo is appraised through an Enquiry Commission since it is different. There is a different authority that allocates salaries for Parliament, even for the Public Servants, Judiciary and also private organizations.

Our Government made a decision considering how despicable this method was in 2000. This is the reason why protests arise because there were different authorities taking over. This is a result of Government establishing a Tribunal to undertake duties of allocating salaries. They overlook certain areas and base the allocation of funds on this outcome.

What happened was, Government officials had higher salaries than Members of the House. I am sure there are Members present who knew that every time HRPP mentioned a pay rise the Opposition would always support. This resulted to public servants being paid more than Members, we all know that there are different salary grades for public servants. The salary grade is dependent on the performance of the person as well, if you perform well you will be moved up to another step. Although there are also some people who do not perform but still get a pay rise, this is called corrupt practices.

These were the practices used by Government after it became independent until 2000 when the HRPP amended it. These amendments made by Government are to ensure that no further problems will arise and stop protesters from complaining about pay grades.

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A solid structure has now been set which includes everyone starting from the Le Ao O Le Malo. This means there will only be one authority that will be overlooking salaries for Public Servants. The important aspect here is to consider other employees as well those working in private sectors.

The implementation of a 42% pay increase in 2005 for public servants greatly affected our private sector. A lot of people complained, there was a deal made by Government since it did not have enough funds for this increase to be paid out on a 3 year term. This was done and everyone received such benefits. However, what happened? Even though we have set the foundation there are Committees that want to ruin it. This is exactly why Government is being cautious. We have to ensure that salary allocation abide by the provisions set, why? It is where most problems started to occur, some might assume that others are treated better than others.

This matter has already been set, also Cabinet has informed me base on the cost of living today there is a need for further amendment. Cabinet has already made a decision concerning this matter nevertheless if it is something that needs to be done then it must. The Committees were established to investigate and overlook such matters if they cannot do this work then there is no use. There should be equal allocation of salaries for Government public servants including Le Ao O le Malo.

This is a clarification on the matter thus I heard some saying others having higher pay, this is a history also this resolution was not just implemented in 2000. It was a resolution that resulted from the 1981 Government strike. This strike occurred because of Government negligence. I am certain that if this was resolved there would not be a strike.

Mr Speaker, it is stated in part of the Bill the appointment of those who will be working at Le Ao o le Malo office. In the past there was barely any work but today there is a lot to be done. It is the duty of Le Ao o le Malo to sign every Bill tabled in the House. There are a lot of Bills and some are signed without reading which should not be an excuse. It the duty of the chosen Ao o le Malo to adhere to his duties such as reading all Bills submitted. I want to recommend that Le Ao o le Malo listen in to deliberations on the Bill during sittings.

This is the reason why proceedings are broadcasted so that every entity of Government will know what is happening. Even Heads of Government Ministries were ordered to attend in November 1984 why? There is no higher authority than Members of Parliament. If I need an answer or the Deputy Prime Minister needs assistance on a matter they will be able to assist in addressing the issue.

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It is disrespectful if we do not give a detailed response especially to Members and the country. This is why it is important for Heads of Government Ministries to always be present. I know there are times when such matters are discussed but we cannot take note of everything at one time. It is important to adhere to such matters if Government officials are present and also answer queries voiced by Members. There is no other Parliament but this one in Samoa, and all respectable Members of Samoa are within this House. We are considering matters for the benefit of our country and our future.

Mr Speaker, the matter concerning the appointment of a secretary for Le Ao O le Malo, the Government now has a lot of work to do. Therefore, the work carried out for the office of Le Ao o le Malo should not be family oriented but carried out professionally. What does this mean? For positions to be publicly advertised, also provide better services for Le Ao o le Malo in hosting overseas delegates. Such services should be carried out in a diplomatic manner. Most of overseas delegates are well educated individuals others professors. If they do visit Le Ao o le Malo they will be greeted professionally together with a cup of tea. If there is a matter Le Ao o le Malo wishes to communicate with delegates, the secretary will follow up this matter with the Foreign Affairs office for them to relay the message. Le Ao o le Malo cannot write directly to the delegate. It will only complicate matters hence it is not his duty to do so, it is the responsibility of the Ministry of Foreign Affairs. This is the reason why we set up the Foreign Affairs office to communicate with foreign partners. They are able to communicate using different languages and methods of negotiation. Le Ao o le Malo does not have to communicate directly, he can relay his message to the Foreign Affairs Office as it is the usual practice stated in our Constitution.

Mr Speaker this is the significance of the matter, this is also the reason why I always recommend Ministers to find drivers. Let us not do what I saw in the past where they employed their sons to drive. There was a Ministers son who got into an accident and was treated overseas for a long time. The work should be carried out in a professional manner.

Mr Speaker I already clarified the matter concerning salaries. The amendment states the inclusion of Le Ao O Le Malo whether it be a man or woman. The English translation is very clear with the use of the noun spouse, although the Samoan context is wrong, it should use the term '*toalua*'. Lastly, our honorary salutation, if we look at it we are emphasizing the importance of our language. It took more than 20 years to consider our Samoan Language, discussion was carried out by educators from New Zealand, America, Hawaii, Tutuila and Samoa.

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These experts came to understand the language more with discussions because in the past they did not sort the opinion of Government. They later realized that the language of a country cannot be significant unless a Bill is tabled by the country regarding their language. This means only the Independent country of Samoa has the right to emphasize the importance of the Samoan language. This resulted to the implementation of a Bill regarding our language and the establishment of a Commission. There are a lot of countries who have lost their native language. People have lost or have forgotten how to speak their language. If we are not careful our language will also be lost, especially today majority of our people are teaching the English language. Thus our Samoan language should be strongly emphasized. Who should be the first to emphasize it? It is us the Parliament especially O Le Ao O Le Malo. Our language should be emphasized in our honorary salutations even if it is stated that we use both languages. On emphasizing the use of our language the Cabinet made a decision led by Afioga Tofilau Eti Alesana to use only the Samoan language and not to consider papers printed in English.

The Ministry I noted that had major problems was the hospital. A document was submitted for the Minister of the hospital to be taken overseas because he had urinary problems. The hospital translated this term into Samoan. Our Leader lectured the Minister for almost an hour over it. ‘You are going to be taken overseas yet you do not know how to translate your illness...I suggest you use another appropriate term.’ This is why the hospital is trying so hard nowadays to use appropriate terms but still there has been no change. This is also why when I speak, even doctors they do not know the language. I have constantly been speaking of non communicable diseases and in the Samoan translation, *mai le pipisi*. I told them that it should be translated directly from the English to Samoan as *‘faamaioti*.’ I recommend that this term *mai le pipisi* should not be used, I told some of the old men in Lepa and their response was, ‘it is alright because this disease is not transmittable, let us keep on eating.’ We should look at the broader context to these terms and comes up with easier translations. If you listen at some of my programs I am reluctant to use complex terms, those aged 18, 19, 20 and 21 in the next elections they can vote for HRPP because they understand. This is why I do not use complex terms it is for them to understand, I only use complex terms during oratory. Although this is how it is with our elders they always have to address us based on honorary salutations. I am tired of saying all that because it will only confuse the message our Government intends to convey to the 19 year olds and fa’afafine to vote for HRPP in the next elections.

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I apologize Afioga Aeau Peniamina Leavaiseeta, such matters regarding the clarification of the Bill should be discussed in simple terms so that the people can understand. We should not use complex terms to let people know that we are well versed in such dignified terms. If we were to ask them what they thought of the Bill, they would not respond because they did not understand anything.

Mr Speaker this is the reason why it is important to consider well our language. This is also the reason why our honorary salutations are now in Samoan removing the term “His Highness”. If translated into Samoan should be *Afioga Hainesi*. No other terms are more respectful than our Samoan terms. We should follow the precedents set by other countries to signify their own language. The Arabs use Shriek, the Germans Kaiser, the Russians Tsar and Malaysians Abdullah. They are using their own languages. If a Chinese or European speaks to us they would use these terms other than using make up phrases and terms that will only complicate matters resulting in us losing our own language.

If you were to converse with someone from Spain or China they would respond using their own language. Even if a Chinese or a Spanish delegate is fluent in English once an important matter is considered they will not speak English. Majority of those with PhD from Universities such as Cambridge and Harvard, they never speak English but Chinese or Japanese. This is why we are now using Le Ao O Le Malo which is a term that precedes our salutation Afioga i Le Ao O le Malo.

Mr Speaker the objective of this Bill is to emphasize our language. Perhaps some are tired of hearing this term but this is the clarification by the Chief Executive of the Ministry yesterday. We are trying to emphasize the importance of the terms implemented by our forefathers who initiated the Constitution. It is noted that our Constitution can be amended overtime if the younger generation deems it necessary. Such amendments will apply to the changes they face during their time.

Mr Speaker this is a detailed explanation of the Bill.

MR SPEAKER: Very well thank you. The speech made by the Hon Prime Minister clearly states the reasons why amendments have been made to the Bill. An opportunity will be given to Members who wish to speak upon the Bill after recess.

Since we have arrived at our usual recess hour, I announce that proceedings of the Legislative Assembly be set aside for our usual recess.

Proceedings of the Legislative Assembly were set aside at 10:47 until 11:32am.

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MR SPEAKER: I believe Members have found strength with the refreshments provided by the office.

Before recess the Hon Prime Minister had just concluded his clarification speech in regards to the Bill. The clarification given was clearly understood and I can see that the Member for Vaimauga wants to speak. I call on the Member for Vaimauga East to speak on the Bill.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East): Thank you Mr Speaker. I am certain refreshments have given the Hon Prime Minister, Cabinet and Members of the House much needed strength. There is a matter this constituency wants to voice in relation to the Bill tabled, which is a very important one.

There are a lot of important matters discussed by the Hon Prime Minister this morning. This constituency humbly greets the Hon Prime Minister in all respects. I have noted that he has returned back to our country in good health whilst travelling overseas for meetings, praise the Lord.

I now speak upon the Head of State Amendment Bill. It is known that anyone born within this country is proud of their lineage and environment, especially their family and village. This is the same opinion of this Member for Vaimauga East. The Bill implements a change of addressing the Head of State, I support the Samoan translation made to the term. Nevertheless, there is a major change made from *Le Ao Mamalu o le Malo* to *Afioga i le Ao o le Malo*. The Member for Vaimauga East strongly believes that all respect should be given to *Le Ao o le Malo*. The Hon Prime Minister earlier emphasized the importance of our Samoan language, this Member accepts the insertion of the Samoan term and the removal of the term His Highness. Nevertheless, I am concerned with the use of the Samoan word, *AfiogaAo o le Malo*, I liked the former term which was *Afioga I le Ao Mamalu* but now ‘*mamalu*’ has been removed. It does not reflect the sacredness of the title as used before with His Highness. The new term applied does not really have much significance or respect, it is like addressing the Head of the Tokelauan people. It does not have any feeling or respect.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker...

MR SPEAKER: Pardon the Member, I call on the Hon Prime Minister.

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Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: The significance and respect of the Head of State cannot be taken away. I also asked those who drafted the Bill but they said that this will make it consistent with the salutation, *Le Ao o le Malo*. Therefore, whether it will be *Le Ao Mamalu* or *Le Ao o le Malo*, it is all the same to me. Mr Speaker we are all aware that this matter will be referred to Committee if they wish to amend this and insert ‘*Mamalu*,’ then that is alright. The significance of *Le Ao o le Malo* will still remain as it is a respect we all know, therefore whether it is termed *mamalu* or not *Le Ao o le Malo* will still be respected. This is the same for us Members of the House, whether you are given the term *mamalu* or not you are still given the respect as a Member.

Mr Speaker in case we spend too much time on this matter, there is no difference. If the Committee adds the term *mamalu* once or twice, *O Le Ao Mamalu Mamalu o le Malo*, the meaning will not change.

Mr Speaker I can see that the Member has ran out of breath over this minor issue, it is minor yet he is already breathless.

MR SPEAKER: I call on the Member, I recommend that you not complicate simple matters.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: The message given by our leader, I will not speak further on it because this Member is here to serve his village and constituency. This is the reason why I wanted to highlight the importance of *Le Ao o le Malo*. The use of the term ‘*mamalu*,’ thus the Father of the House has spoken I humbly adhere to your advice. We can just apply this to his Good Lady, the Samoan term *faletua* is not scared as the term *Masiofo*. I strongly believe that the term *Masiofo* is more suitable than the term *faletua*.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker this is another area the Committee should be considering. A further clarification on the matter the Samoan translation is following the English term, which is spouse. If we say *Masiofo*, for example if the Member for Gagaifomauga No.1 is chosen as *Le Ao ole Malo* her husband will be called *Masiofo*, which is not appropriate. This is why we are using simpler terms because if we use ‘*masiofo*,’ and it is a man it is not valid.

Mr Speaker the terms are applied based on relevance.

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Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker this morning is a great morning especially with the Hon Prime Minister wearing his ulafala. This Member for Vaimauga East has been preparing his speech until this morning. I am concerned with the term *faletua* over ‘*masiofo*’ that sounds too low. *Masiofo* is more appropriate as the Good Lady of the *LeAo o le Malo* and the Member for the Council of Deputy whereas for us Members ‘*faletua*’ is well suited.

The secretary to the Head of State, I see in Clause 14 that this person is elected by Cabinet. We all know that secretaries Cabinet Ministers are chosen by them alone. If we look at the election of *Le Ao o le Malo* it is now contracted and is elected by Parliament. The Member for Vaimauga East is questioning, why would the Cabinet elect the secretary for *Le Ao o le Malo*?

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker for the clarification of the Member, the Executive is paying for the salaries therefore the selection must come from them. This is the same for Chief Executive Officers and the Chief Justice because salaries are approved from Cabinet. If not for the decision made by Cabinet to approve funds nothing will ever work. There are certain aspects that need to be considered in decisions made upon finances.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker, this Member for Vaimauga East does not care about money but care about the respect of positions. The secretaries of Cabinet Ministers are not chosen...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker it is important that I amend such statement. There are no people today that work for free. No one works for free, even our Pastors, they do not work for free. Are you working for free? No because you are being paid. This is the situation nowadays we do not have any more free lunches.

Mr Speaker this is an amendment on the matter.

MR SPEAKER: Perhaps the matter is now understood, I call on the Member to move onto another issue, you have a few more minutes of your time.

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Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: This Member is only voicing this matter out of concern, this Party is dear to me. The country is concerned over the Cabinet appointing a secretary for *Ao o le Malo*; everyone has the right in choosing their secretary. The Head of State is appointed by Parliament, then there are Cabinet Ministers who appoint their own Secretaries. Why can't the Head of State appoint his own secretary? This is an area that must be revised so that it will not jeopardize our Government.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui: Mr Speaker a Point of Order for the major mistake stated.

MR SPEAKER: The Hon Prime Minister will amend the matter.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui: The executive are paying for these salaries therefore the selection must come from them. Mr Speaker this is an amendment on the issue because the Member has not sat in Cabinet so he is not aware of such practices. It is important to note this because all the decisions made are from Cabinet.

MR SPEAKER: The matter is understood, I will not allow the Member to reiterate the matter further. Once the response is given by Government that is the decision we will accept. There are thirteen Members making this decision nevertheless the Member has his own opinion of the Bill.

I call on the Member.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: If a speech is constantly interrupted opinions are forgotten. Therefore, I want to take this opportunity to voice a few recommendations to the Hon Prime Minister. When issues arise we will all be in it together. I apologize for any unruly behaviour, I only wish to contribute to our Government in any way.

The amendment to substitute Legislative Assembly with Ministry, I thought the services of the Legislative was not going to be acceptable anymore. Nevertheless, it only notes that the Ministry of the Prime Minister and Cabinet will be administering the Bill and allocating allowances. I just now understood the meaning although the statement is unclear, it only substitutes Legislative Assembly to Ministry. I thought the Legislative Assembly was to be removed and be replaced by a Ministry under the Public Commission.

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Motion for Adjournment

Mr Speaker I will conclude an opinion on the matter, bless our proceedings for the day.

MR SPEAKER: Thank you. There was a statement made that the Chair wishes to clarify, with respect to the Member for Vaimauga East, the use of the term interruption.

The Government has the right to interrupt and clarify Bills considered on issues that are raised by Members. This is clearly stated within our Standing Orders.

This is the clarification, I appease the Member on this matter, Afioga Taefu Lemi do you wish to speak? Pardon the Member, I will give the opportunity to the Hon Prime Minister for a motion...

MOTION FOR ADJOURNMENT

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That proceedings of the Legislative Assembly be adjourned until Tuesday 22nd December 2018 as the usual start time.*

Seconded by the Deputy Prime Minister and Minister of Commerce, Industry and Labour.

Motion approved.

Debate resumed on the second reading of the Head of State Amendment Bill 2018.

MR SPEAKER: Our proceedings will conclude today at 12 noon and will adjourn pursuant to Parliament Sitting Schedule on the day the Hon Prime Minister moved in a motion that was passed today.

We have a few more minutes left to conclude our work. I call on the Member for Faasaleleaga No.4.

Afioga PESETA VAIFOU TEVAGAENA (Faasaleleaga No.4): Thank you Mr Speaker for the opportunity, I am happy in hearing about this Bill considered this morning. It is a Bill that is significant hence the amendments implemented are relevant. Also it should emphasize the Constitution and Samoa being founded in God.

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– second reading

Mr Speaker I want to thank the Hon Prime Minister also the Ministry in preparing the Amendments in the Bill since this is not a minor matter to the people of Samoa. All of Samoa is listening in to the amendments made towards our Constitution in relation to *Le Ao o le Malo*.

The amendment repeals the term ‘*mamalu*.’ I thank the Lord above for our respect has been given back to him. The term ‘*mamalu*’ cannot be referred to any person because it is only given to our Lord. The amendment made is relevant and is consistent with our Constitution, it is clear...

Afioga Sulamanaia Fetaiai Tauilili Tuivasa: Mr Speaker I wish to assist the Member on this matter since...

MR SPEAKER: I call on the Member for Vaimauga East.

Afioga Sulamanaia Fetaiai Tauilili Tuivasa: It seems the Associate Minister is responding on behalf of the Hon Prime Minister. Moreover, he is speaking about the Bill, why not wait until later then he can go and thank his Ministry for the Bill.

I just want to clarify to the Member the meaning of the term ‘*mamalu*.’ The term ‘*mamalu*’ can be applied to a sitting of chiefs but it does not mean that it is holy. There can be respect (*mamalu*) but not holiness.

Therefore, the term ‘*mamalu*’ is an address given to Le Ao o le Malo and holiness is given to the servants of God which the Member stated. I believe the Member carries around a different bible, a reason why the Hon Prime Minister is proud of him. Unfortunately, it is not true because his Minister is using the wrong bible. With respect.

MR SPEAKER: Very well, thank you. I call on the Member I believe it will not take long.

Afioga PESETA VAIFOU TEVAGAENA: I am not unhappy about the comment made by the Member. I recommend that the Member read the Bible thoroughly.

A word from the New Testament, from the Book of Isaiah Chapter 42, verse 8, it says, “*I am Lord, and that is my name, and I will be my glory.*”

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Afioga Sulamanaia Fetaiai Tauiliili Tuivasa: Mr Speaker a Point of Order, Isaiah is in the Old Testament, but he stated it is in the New Testament. This is exactly why I said he is using the wrong bible. This is evident in the Associate Minister saying that Isaiah is in the New Testament but it is in the Old Testament. With respect.

MR SPEAKER: Thank you. It seems the Member is now in the state you were in before; he has forgotten what he had from being interrupted constantly.

Nevertheless, I call on the Member to conclude.

Afioga PESETA VAIFOU TEVAGAENA: This is the reason why I have forgotten what I wanted to say, the Member keeps on interrupting. Nevertheless, I am glad that he has heard the verse, “*I am Lord, and that is my name, and I will be my glory.*” This reiterates how clear the Bill is in relation to the bible. If we look at the Book of Rome, Paul states that no being can experience the glory of God, why? We are people who have sinned. Rome 3 verse 23...

MR SPEAKER: Very well, I advise the Member to take it easy...

Afioga PESETA VAIFOU TEVAGAENA: I must stress the importance of the matter and clarify this issue to the Member. Mr Speaker this is also the reason why I took to explain the Bill since it is quite important.

The Bill elaborates on *Le Ao o le Malo*, Members of the House are also aware that not only tama aiga are chosen to this position. The position can be given to anyone, it can be anyone even the Head of churches.

This means this amendment made should be significant considering we have seen a lot of changes today. As the Hon Prime Minister usually says, let us not be afraid to make changes. This means Hon Mr Speaker this constituency supports this change, with respect.

MR SPEAKER: Thank you. I call on the Hon Prime Minister for a motion in accordance to the matter considered.

I call on the Hon Prime Minister.

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MOTION TO CONTINUE SITTING HOURS

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker since I have noted that there might be other Members who wish to preach today, I ask, *That an opportunity be given to them to conclude their speeches which they prepared for Sunday before we adjourn proceedings today.*

MR SPEAKER: Thank you, perhaps there are only a few more Members that wish to speak since the Bill is quite clear and understood. I call on the Member for Falelatai and Samatau.

Afioga TAEFU LEMI (Falelatai & Samatau): Thank you Mr Speaker, I take this opportunity to acknowledge respectable Members of the House in all its honorary salutations. It has been a year, two months and 17 days since the swearing in of the new *Ao o le Malo*. Since that day there has been some Bills and matters discussed in relation to the matter. There are times where I am timid over such matters. Nevertheless, we all aim to ensure that we have a stable office for the Head of State.

Mr Speaker I move with respect to say a few words in relation to the Bill tabled. I am certain that the amendments made are done for the improvement of the Office of the Head of State.

As we have noted through television on the duties carried out by the Head of State the signing of agreements with foreign delegations. I have noted that carrying out of these matters are usually done while standing. I am not sure if they are not allowed to sit down especially with it being performed on the front porch. This is not respectful especially with a background of old chairs within the house. I am quite embarrassed of such affair.

MR SPEAKER: I apologize to the Member taking the floor perhaps the Hon Prime Minister will be leaving soon in regards to unforeseen businesses. It was moved in the motion that deliberation be continued to pass the second reading of the Bill before we adjourn until the 18th of December 2018.

I call on the Hon Minister of Commerce, Industry and Labor to second the motion so that we will be able to second and pass the Bill. Also for the Bill to be referred to Committee for consideration and reported back to the House. We should continue discussions and we will follow with the first motion moved that the next sitting be the 18th, I advise that Members adhere to this request.

Seconded by the Minister of Commerce, Industry and Labor.

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Head of State Amendment Bill 2018
– second reading

Afioga TAEFU LEMI: Thank you, I will conclude... I only hope that amendments will benefit the state of the office and the Office of the *Le Ao o le Malo*.

As to how *Le Ao o le Malo* is addressed this is a matter long set in our Constitution. If put into the English context, it is Head of State nevertheless we are now trying to change it to the Samoan context. This term *Ao o le Malo* will be inserted into the English version of the Bill.

If we look at Part 3, definition, we have to define the term *Ao o le Malo*. However as seen in this part of the Bill the term Head of State is used again, therefore we are using two languages. Even though we have amended it to the Samoan term, the English translation of the Bill for definitions still uses the term Head of State.

Mr Speaker these are just a few areas recommended to Committee for their consideration with respect. *Le Ao Mamalu o le Malo* is one of those always listening in and support proceedings of Parliament. This is evident when you go to his office, the radio is tuned in to proceedings broadcasted.

Bless our proceedings today also I pray our Lord guide us throughout the next months until we meet again at the date of adjournment. Thank you.

MR SPEAKER: Thank you. I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker it is now clear as stated by the Member that this term is in our Constitution. This portrays that the terms drafted in the Bill are being standardized especially from the Principal Act. As mentioned now by the previous Member these are the terms stated in the Constitution, both Samoan *Ao o Le Malo* and English term Head of State. We are still following the terms implemented by our forefathers those who drafted our Constitution. We can always make amendments to the Constitution but it will not change the meaning and respect. One of the Members was surprised about such changes but these terms are not new because it was implemented by our forefathers. We are using both the English and Samoan terms as the Member for Falelatai clarified just now.

MR SPEAKER: Thank you. Perhaps this will be our last Member to speak on the matter before a question is put forward. I call on the Member for Salega East.

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Head of State Amendment Bill 2018
– second reading

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker, this constituency will be brief with an opinion in relation to the Amendment Bill. I heard that some Members have other duties to attend too.

Even though some might joke and not take these changes made to the Bill seriously especially amending the Constitution, electing of *Le Ao Mamalu o le Malo* should be cautiously considered. An opportunity should be given for us to speak on the matter but not be done urgently.

MR SPEAKER: I just want to clarify the matter to the Member and to our country listening, it is the duty of the Chair to follow Standing Orders in administering orders in Chamber. The Hon Prime Minister earlier stated in the past when I was also the Speaker of the House that Bills were read once the House sits for the day. Although today there is a Pre sitting which is carried out the day before proceedings clarifying Bills that are tabled. The Bill was clarified yesterday but I did not see the Member yesterday. This does not mean your absence gives you the right to complain about the Bill.

I apologize to the Member but each person has their own excuse on the matter. I call on the Member to continue.

Tofa OLO FITI AFOA VAAI: Thank you. The Member for Salega always respects the advice given by the Chair but it is within the House that gives us another opportunity to question certain matters. I respect the advice given by the Speaker hence this constituency emphasizes the importance of individual titles of respect. It seems the term ‘*mamalu*’ is now being removed from, ‘*Afioga Ao Mamalu o le Malo.*’ This implements the significance given is now the same with Members. If we look at the honorary salutations within our villages there is a different address for ‘Sao’, ‘Maopu’ and ‘faleupolu.’ Mr Speaker if we look at our statutory provisions the Parliament must follow our culture therefore I personally do not accept what has been done.

Another matter I am worried about Mr Speaker is the change of the term Head of State to Ao o le Malo. I strongly believe that a lot of work will do with other Acts in amending this term Head of State to the Samoan context. This means there will be a lot of work to change this term within every Act it is used. Mr Speaker this will be the issue due to changing it.

The matter concerning the Office of the Head of State or Ao o le Malo, just a humble recommendation why not make the Law Reform an arm of the Office to assist with duties. There are a lot of lawyers in that office who review most Acts submitted to the House.

05 OCTOBER 2018

Head of State Amendment Bill 2018
– second reading

Lastly Mr Speaker I want to ask, are these the last amendments made to Le Ao o le Malo, it is known throughout the world during this Parliamentary term that every time we sit there is an amendment. Is this the last amendment or there are still a few more. This can be compared to a tree being pruned several times it can later result to only the roots left. With respect thank you.

MR SPEAKER: Thank you. The Member must know that every pruned tree in the Bible will bear many fruits. It is like a tree planted beside the waterfall despite the hot sun, its leaves will not fall because of the water from the riverside. This is the difference, I recommend that the Member get used to reading, I do not know if you are reading from the right Bible.

We have heard the last Member who wanted to speak on the Bill also clarification has been given together with the response of Government. The clarification made by the Hon Prime Minister addressed the queries made by Members. If the Deputy Prime Minister wants to speak upon anything further...

Pardon the Member taking the floor since the Chair has made its decision, the last Member was the one from Salega East. I voice this decision with respect to the response given in case the Chair is blamed...

Tofa Lealailepule Rimoni Aiafi (Faleata West): There is no harm done Mr Speaker but I just wanted to say that we barely change the Constitution. It is important for our country to hear that we support and give recommendations on such matter. I will abide with your recommendation because you are like a father to me not a brother. God Bless the Chair.

MR SPEAKER: Thank you. The Lord will award you for your kindness. I pray the Lord bless the Member.

I call on the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA (Deputy Prime Minister): Thank you Mr Speaker, our Leader has taken his leave to tend to other businesses. I believe the reading of the Amendment Bill has now progressed to the next stage. As it is stated under our Standing Orders Bills will be referred for Committee consideration and be reported at the time allocated. This will be another opportunity for Members and also the public to voice their concerns on the Bill.

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– second reading**

Mr Speaker I believe our orders of the day will conclude here, moreover a motion has already been approved for our next sitting day. With respect thank you.

MR SPEAKER: Thank you Deputy Prime Minister. I apologize to some of the Members who wish to speak on the Bill. As stated by the Deputy Prime Minister there will be another opportunity during Committee considerations to voice concerns. This will not only include Members but the public as well.

I sincerely apologize to respectable Members in relation to this matter.

Motion approved and the Head of State Amendment Bill 2018 was read for the second time.

MR SPEAKER: Pursuant to Standing Orders the Head of State Amendment Bill 2018 will be referred to the Standing Orders, Electoral, Petitions and Constitution Committee for consideration before reporting back to the House in the next sitting.

Since a motion has been moved and passed, proceedings of the Legislative Assembly will be adjourned until Tuesday 18th December 2018.

Before we adjourn for today I will conclude our proceedings with a prayer.

Proceedings of the Legislative Assembly adjourned at 12.14pm until 9.00am Tuesday 18th December 2018.