

*MONDAY, 13 NOVEMBER 2017*

*The Speaker took the Chair at 9.00am.*

Prayer.

### **OPENING REMARKS BY THE SPEAKER**

**MR SPEAKER:** I wish to announce that Proceedings of the Legislative Assembly resumed.

Respectfully I greet everyone in good health this morning. Welcome Hon Prime Minister and the respectable Cabinet, the dignity of Parliament assembled here to achieve our work.

I further acknowledge the presence of the various Government Heads of Ministries and Enterprises here with us to witness our Sitting through the merciful love of God. Your significant status remains undivided even the Speaker himself cannot alter anything to it as the divisional status of Samoa remains forever.

### **MESSAGE FROM O LE AO O LE MALO**

*The Speaker read out the Message from His Highness, O Le Ao O le Malo.*

**“MEMORANDUM for:**

**Mr Speaker:**

Pursuant to Article 59 of the Constitution of the Independent State of Samoa, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bill:

1. [Foundation Amendment Bill 2017.](#)
2. Gaming Control Bill 2017.

**GIVEN UNDER** this 8th day of November 2017.

Signed: Tuimalealiifano Vaaletoa Sualauvi II  
**O LE AO O LE MALO.**

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**NOTICE FROM THE LEADER OF THE HOUSE**

*The Speaker read the Notice from the Leader of the House.*

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

1. Constitution Amendment Bill (No. 3)2017.
2. Fire and Emergency Services Amendment Bill 2017
3. Trustee Companies Bill 2017
4. Honours and Awards Amendment Bill 2017

**GIVEN UNDER** my Hand this 8th day of November 2017.

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

**OBITUARY SPEECH**

*The Speaker announced the passing away of the three gentlemen who were former Members of Parliament for Samoa in the past years.*

- i) ***Afioga LEILUA MANUAO**, was the member for the Territorial Constituency of Salega for the Parliamentary terms 1979-1982, 1988-1991, 1996-2001 & 2001-2006.*
- Afioga LEILUA MANUAO** was a member of the following Parliamentary Committees for the following Parliamentary Terms:*
- 1979-1982 - Standing Order Committee and Bills Committee*
- 1988-1991 - Bills Committee*
- 1991-1996 - House Committee and Bills Committee*
- 1996-2001 - Bills Committee and Trade Committee, Business Committee, Industry and Labour Committee*
- 2001-2006 - Bills Committee, Health and Social Services, Internal Affairs, Community and Social Development Committee, Officers of Parliament Committee, Business.*

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### Presentation of Papers

ii) *Afioga FEO NEMAIA was a member of the Territorial Constituency for Gagaiifomauga No.2 and was sworn in as a Member of Parliament on the 14th of May 1996 until 2001. He was a member of the House Committee, Transport Committee and the International Relations Committee.*

iii) *Afioga Hon ULUALOFAIGA TALAMAIVAO NIKO, was a member of the Territorial Constituency for Vaa o Fonoti. He was initially elected in the Parliamentary term 1976 – 1982, and re-elected in 1979-1982; 1988 – 1991 and 1991 – 1996.*

*In 1979 – 1982, Afioga ULUALOFAIGA TALAMAIVAO NIKO was elected as the former Minister of Justice and a former member of the Human Right Protection Party (HRPP).*

*Afioga ULUALOFAIGA TALAMAIVAO NIKO was re-elected in 1991- 1996 and was a member of the Samoa National Development Party (SNDP) which opposed the Government.*

*On behalf of this Parliament I wish to convey our sincerest sympathies and condolences to the respectable Constituencies, partners and families of the dear and beloved passing members for their wise decisions and services in Parliament in the past.*

*Members of the House stood for a minute of silence to show their respects to the passing Members.*

### PRESENTATION OF PAPERS

*The Clerk read out the list of the Papers pursuant to Standing Order 48.*

1. S.R. 2017/8, Coroners Act 2017 – Notice of Commencement.
2. P.P. 2017/2018 No.58, Annual Report of the National University of Samoa for July 2015 to June 2016.
3. P.P. 2017/2018 No.59, Report of the State of Human Rights for period ending 30 June 2017 of the Ombudsman Office.
4. P.P. 2017/2018 No.62, Land Transport Authority Annual Report for the Year ending 30 June 2016.
5. P.P. 2017/2018 No. 63, Ministry of Works, Transport and Infrastructure Annual Report 2015-2016.

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### **Presentation of Parliamentary Committee Reports**

6. P.P. 2017/2018 No. 64, Office of the Regulator Annual Report for the Year ending 30 June 2016.
7. P.P. 2017/2018 No. 65, Annual Report of the Office of the Electoral Commissioner for 2013/2014.
8. P.P. 2017/2018 No. 66, Ministry of Women, Community & Social Development Annual Report for 2015/2016.
9. P.P. 2017/2018 No. 67, Public Accounts of the Government of Samoa for the Year ending 30 June 2016.
10. P.P. 2017/2018 No. 68, Annual Report of the Samoa Ports Authority for the Year 2015/2016.
11. P.P. 2017/2018 No. 69 Office of the Electoral Commissioner Annual Report for the year 2014/2015.
12. P.P. 2017/2018 No.70, Ministry of Communications and Information Technology Annual Report 2011-2016.
13. P.P. 2017/2018 No.71, Report of the Study Group on Public Accounts Committees and Oversight of Government Responses to National Crisis – Held in British Columbia, 12-15 July 2017.
14. P.P. 2017/2018 No.100, Samoa Law Reform Commission Final Report on Pule a le Matai Sa’o (FR 18/17) February 2017.
15. P.P. 2017/2018 No.101, Delegation Report on the 48th Conference of the POCC in New South Wales Australia, 2-7 July 2017.
16. P.P. 2017/2018 No. 102, Delegation Report on the 3rd Meeting of the Asia-Pacific Parliamentarian Forum on Global Health, held in Tokyo, Japan, 24-25 August 2017.

### **PRESENTATION OF PARLIAMENTARY COMMITTEES REPORTS**

*The Clerk read out the tabling Parliamentary Committee Reports pursuant to S.O.51(5).*

1. P.P. 2017/2018 No. 72, Report of the Social Sector Committee on the Sex Offenders Registration Bill 2017.
2. P.P. 2017/2018 No. 73, Report of the Social Sector Committee on the Police Service Amendment Bill 2017.
3. P.P. 2017/2018 No. 74, Report of the Social Sector Committee on the Conventional Arms Bill 2017.
4. P.P. 2017/2018 No. 75, Report of the Economic Sector Committee on the Film Production (Tax Incentives) Bill 2017.

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### Presentation of Parliamentary Committee Reports

5. P.P. 2017/2018 No. 76, Report of the Infrastructure Sector Committee on the Energy Efficiency Bill 2017.
6. P.P. 2017/2018 No. 77, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 189, Samoa Post Annual Report for the Year 2016.
7. P.P. 2017/2018 No. 78, Report of the Finance and Expenditure Committee on P.P. 2017/2018 No. 4 Annual Report of the Samoa International Finance Authority 2016.
8. P.P. 2017/2018 No. 79, Report of the Finance and Expenditure Committee on P.P. 2017/2018 No. 10, Annual Report of the Unit Trust of Samoa 2016.
9. P.P. 2017/2018 No. 80, Report of the Finance and Expenditure Committee on P.P. 2017/2018 No.7 & No. 11, Annual Report of the Samoa Tourism Authority 2015 & 2016.
10. P.P. 2017/2018 No.81, Report of the Finance and Expenditure Committee on P.P. 2017/2018 No.12, Annual Report of the Samoa Life Assurance Corporation 2016.
11. P.P. 2017/2018 No.82, Report of the Finance and Expenditure Committee on P.P. 2017/2018 No. 40, Annual Report of the Samoa Life Assurance Corporation 2016.
12. P.P. 2017/2018 No.84, Report of the Standing Orders Committee on P.O. 2017/2018 No. 47, Ministry of Justice Annual Report 2014/2015.
13. P.P. 2017/2018 No.85, Report of the Standing Orders Committee on P.P. 2016/2017 No. 134, No.135, No. 136 & No. 139, Auditor General's Report on Irregularities for the Years 2012-2013, 2013-2014, 2014-2015 & 2015-2016.
14. P.P. 2017/2018 No. 86, Report of the Standing Orders Committee on P.P. 2017/2018 No. 155, Annual Report of the Samoa Law Reform Commission 2016.
15. P.P. 2017/2018 No. 87, Report of the Standing Orders Committee on P.P. 2017/2018 No. 9, Annual Report of the MPMC 2015.
16. P.P. 2017/2018 No. 88, Report of the Standing Orders Committee on P.P. 2017/2018 No. 13, Annual Report of the [Public Service Commission for the Year 2015](#).
17. P.P. 2017/2018 No. 89, Report of the Standing Orders Committee on P.P. 2017/2018 No. 110, Report of the Parliamentary Pension 2016.
18. P.P. 2017/2018 No. 90, Report of the Standing Orders Committee on P.P. 2017/2018 No. 5 & No. 6, Annual Report of the ministry of Police for Years 2014 & 2015.

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**Constitution Amendment Bill (No.3) 2017  
– first reading**

19. P.P. 2017/2018 No. 91, Report of the Social Sector Committee on P.P. 2017/2018 No.2, Annual Report of the Ministry of Health 2015.
20. P.P. 2017/2018 No. 92, Report of the Economic Sector Committee on P.P. 2017/2018 No.8, Annual Report of the Ministry of Commerce Industry and Labour 2016.
21. P.P. 2017/2018 No. 93, Report of the Economic Sector Committee on P.P. 2017/2018 No.8, Annual Report of the Samoa Land Corporation for the Year 2016
22. P.P. 2017/2018 No.94, Report of the Infrastructure Sector Committee on P.P. 2017/2018 No. 3, Annual Report of the Samoa Shipping Services for the Year 2016.
23. P.P. 2017/2018 No. 95, Report of the Infrastructure Committee on P.P. 2017/2018 No. 46, Annual Report of the Ministry of Natural Resources and Environment for 2016.
24. P.P. 2017/2018 No. 96, Report of the Infrastructure Committee on S.R. 2017/4-Electricity (Fees) Regulations 2017, & S.R. 2017/6 – Telecommunications (Customer Protection) Rules 2017.

**CONSTITUTION AMENDMENT BILL (No. 3) 2017  
- first reading**

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Palemia):** First and foremost, I wish to greet the honourable Speaker and the dignity of Parliament.

Thank you for your constant prayers and support upon me during my medical treatment in New Zealand. As you can see, I am standing here strong and fit wearing this very heavy ula which reflects the full strength of the Leader of the Government. Thank you wholeheartedly for your prayers.

I also greet His Highness O Le Ao O le Malo, Members of the Council of Deputies, the Three Arms of Government and Samoa in all your honorific salutations. Our previous Sitting that was in schedule did not go through yet we have managed to achieve this Sitting day. May God be glorified for guiding everyone here to fulfil our duties we were sworn in within this Parliament.

Mr Speaker I move a motion, *That the Constitution Amendment Bill (No.3) 2017 be read a first time.*

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**Fire and Emergency Services Amendment Bill 2017**  
– first reading

*Seconded by the Minister of Revenue, Minister of Health and Minister of Commerce, Industry and Labour.*

*Motion approved and the Bill was read a first time.*

**FIRE AND EMERGENCY SERVICES AMENDMENT BILL**  
2017 – first reading

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the Fire and Emergency Services Amendment Bill 2017 be read a first time.*

*Seconded by the Minister of Commerce, Industry and Labour, Minister of Health, Minister for Revenue, and Minister of Tourism.*

*Motion approved and the Bill was read a first time.*

**HONOURS AND AWARDS AMENDMENT BILL 2017**  
– first reading

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker I move a motion *That the Honours and Awards Amendment Bill 2017 be read a first time.*

*Seconded by the Minister of Commerce, Industry and Labour and Minister for Revenue.*

*Motion approved and the Bill was read a first time.*

**Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Gambling and Gaming):** Thank you Mr Speaker before I make a submission I first of all greet the esteemed Members of Parliament, Hon Prime Minister, Cabinet Ministers, Associate Ministers gathered here this morning.

I also greet the people of Samoa who are listening in from senior citizens to the young ones. I also greet my constituency of Satupaitea, thank you for your constant prayers, I feel very well and blessed.

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**Income Tax Amendment Bill (No.2) 2017**  
– first reading

Mr Speaker I move a motion *That the Gaming Control Bill 2017 be read a first time.*

*Seconded by the Minister of Health, Minister of Finance, and Minister of Revenue.*

*Motion approved and the Bill was read a first time.*

**INCOME TAX AMENDMENT BILL (No.2) 2017**  
– first reading

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue):** Thank you Honorable Speaker for the opportunity. I like to greet the Speaker, Hon Prime Minister, Cabinet, Associate Ministers, respectable Members and Heads of Government Ministries and Public Enterprises this morning. I further greet our Samoan people tuning in especially the constituency for Vaa o Fonoti.

Mr Speaker I move a motion, *That the Income Tax Amendment Bill (No.2) 2017 be read a first time.*

*Seconded by the Minister of Commerce, Industry and Labour, Minister of Women, Community and Social Development, and the Minister of Agriculture and Fisheries.*

*Motion approved and the Bill was read a first time.*

**TRUSTEE COMPANIES BILL 2017**  
– first reading

**Afioga Hon SILI EPA TUIOTI (Minister of Finance):** Thank you greatly for the chance.

Mr Speaker I move a motion, *That the Trustee Companies Bill 2017 be read a first time.*

*Seconded by the Minister of Women, Community, and Social Development, Minister of Education, Sports and Culture, and the Minister of Justice Courts Administration.*

*Motion approved and the Bill was read a first time.*



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**MOTION TO SET ASIDE STANDING ORDER 101(1)**

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker with respect I move a motion *To set aside Standing Order 101(1) to allow the second reading of the following Bills which have had its first readings this Sitting day.*

*Seconded by the Minister of Commerce, Industry and Labour, Minister of Education, Sports and Culture, Minister of Health.*

*Motion approved and Standing Order 101(1) was set aside.*

**CONSTITUTION AMENDMENT BILL (No. 3) 2017**

**– second reading**

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker I move a motion *That the Constitution Amendment Bill (No.3) 2017 be read a second time and I wish to speak briefly on it.*

*Seconded by the Minister of Commerce, Industry and Labour, Minister of Health and the Minister for Revenue.*

**MR SPEAKER:** Hon Prime Minister, this is your opportunity to speak on the Bill.

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker in regards to this new provision of the Constitutional Amendment on the appointment of the O Le Ao O Le Malo of Samoa is a crucial subject matter brought to light by the 47 members of the Human Rights Protection Party or HRPP out of 50 seats in Parliament. They spoke about it during the newly appointed *O Le Ao o le Malo, Afioga Tuimalealiifano Vaaletoa.*

The Cabinet and I were advised or were instructed to prepare an Amendment to the Constitution now tabled before the House this Sitting day. If we recount the history of *O Le Ao o le Malo* Office holders and the approved Constitution by the House in 1960 where Tupua Tamasese Meaole and Malietoa Tanumafili II became Joint Heads of State for a term of life, this appointment is held until death.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

If one passes away, the other will carry on as the Head of State until God calls him too. And if the current officer holder also passes away, Parliament is then responsible to appoint an individual to take over the Head of State position for Samoa for a term of 5 years before the next appointment was conducted.

If we reflect back to the *Fono Faavae* or the Constitutional Convention, where all the decisions and review of the Constitution was discussed with the involvement of 4 top representatives from all the Samoan districts who became the decision-makers of their constituencies and integrated a thorough review of the Samoan Constitution spearheaded by the Tama Aiga, Tupua Tamasese Meaole, Malietoa Tanumafili II and Mataafa Faumuina Mulinuu II. All provisions were thoroughly reviewed and were incorporated in the Constitution. Tupua Tamasese Meaole was the first to depart this life and Malietoa carried on as the O Le Ao o le Malo.

Malietoa Tanumafili II passed away in 2007 and Parliament appointed Tupua Tupuola Efi as the first elected O Le Ao O le Malo by Parliament for the first 5 year term in accordance to the Constitution.

In 2012 Tupua Tamasese Efi was re-appointed for another additional 5 years. This consecutive 5 year term ended this year 2017 when Tuimalealiifano Vaaletoa took over this year for the next 5 year term. In 2022, Parliament will again appoint another O Le Ao o le Malo pursuant to the Constitution.

As discussions by the caucus of the HRPP on the appointment of O Le Ao o le Malo at the duration period and in compliance with the Constitution, majority voted to constitutionalize the new duration for this office. As such it would be disrespectful to our custom if Parliament elects another individual into office for the next five year period. If a new person is appointed, then the former Head of State will think/say, 'they have voted me out'. And if the appointment is renewed/continued, the other candidates will be also feel disappointed and say, 'Parliament did not recognize them'. In regards to a small country like Samoa, all families are related somehow. It brings an uneasy feeling to the current holders or members of this House. Briefly just to shed light on this, majority of the Parliament Members have familial ties to Tui Atua and the Tui Aana families. For me, I hold titles from 4 large families of Samoa; three of these titles are connected to Tui Atua and one with the Aiga Sa Malietoa.

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**Constitution Amendment Bill (No. 3) 2017**  
**– second reading**

These are recurring feelings. The Constitution should bear amendments to avoid uncomfortable feeling in the future. It is the reason why amending the Constitution is the only way to resolve forthcoming issues. Just this morning I put forward a motion for Samoa to hear in regards to Tuimalealiifano and his God given calling as the O Le Ao o le Malo. I also submitted my word of appreciation to Tupua Tamasee o le Tuiatua for his appointment the last ten years which he carried with sincere honour. I have also stated in that speech the intention of the 47 Members of this Party which won the majority out of the 50 Seats in Parliament that a constitutional amendment must be set to clearly stipulate this office holder for a period of five year term such as the current stipulation.

After the initial 5 year period and should Parliament decides to reinstate the current member to carry on the next five years, then this will be his/her final term in office. After the last 5 year term, he/she is automatically omitted at the end of the term. With that in mind, Parliament will no longer decide but we will follow the Constitution. Parliament will no longer have to debate on this matter as this decision is well versed under the Constitution. The appointment for the O Le Ao o le Malo is similar to that of the Members of the Council of Deputies whereby you sit silently with pride, honour and dignity. This is far different from the appointment process for the Prime Minister, Speaker of the House and the Chief Justice. All three of these appointments work together in order for the Government to function. And together has the support of the public servants. All these people from the Prime Minister, Speaker, Chief Justice and public servants work hard in the sun, rain, mud, elevate sinking grounds, repair broken things destroyed by the Tsunamis and cyclones, raise the flag of hope, and not just idly sit around and say. ‘oh my, to some things that are inappropriate. The appointment of the O Le Ao O Le Malo is clearly stipulated under the Constitution whereby an individual must sit in dignifying silence (*faamaepaepa, faamalumalu ma silamaimoa*).

Mr Speaker, this tabling Constitutional Amendment is not new in Parliament as deliberations were also on it by the 47 Members during [their caucus before it was submitted to me and the Cabinet for our directive to initiate this legislation.](#)

I have submitted this to Parliament and have officially informed all for the sake of the remaining three members who have not heard this during our caucus meeting and for the sake of Samoa as a whole including the present O le Ao o le Malo.

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**Constitution Amendment Bill (No. 3) 2017**  
 – second reading

This is a very respectable 10 years appointment which is not a short period of time. This position has had so much respect from the Parliament of Samoa which pertains to a position where you just sit and watch with pride and dignity (*faamalumalu, faamaepaepa, and silamaimoa*). It is stipulated under the Constitution that after deliberation, it is referred to the Committee for review to allow the public to make further submissions before it is reported back to Parliament for a final decision.

Mr Speaker, that is in depth explanation on this Bill.

**MR SPEAKER:** Well done. The Hon Prime Minister has thoroughly explained the Constitution Amendment Bill which perhaps is now understood by everyone. This is nothing new as it was set out from the past yet it is being amended in our time based on the necessary concerns clarified by the Prime Minister.

If no one wishes to take the floor, I will put the question and this Bill will be referred to the Committee for review within 90 days and report back to Parliament for further discussion, this is democratic system which allows further opportunities for the public especially Parliament members to make further submissions. I will give the first chance to the member for Falealati and Samatau.

**Afioga TAEFU LEMI (Falelatai and Samatau):** I greet the Speaker of the House, Members of Parliament of Samoa, Leader of the House, Cabinet Ministers, and everyone gathered here.

Greetings also to our Samoan people listening in, His Highness O Le Ao Mamalu o le Malo, and Members of the Council of Deputies. *O paia lava ia aua le tapuaiga a Aiga ma Tama, o Tama foi ma Aiga, le Usoga a Tumua ma Pule, Ituau ma Alataua, Aiga i le Tai ma le Vaa o Fonoti.*

Mr Speaker I wish to speak on the support of the clergymen upon our Sitting and the listening public regarding this very significant matter raised by the Hon Prime Minister. Since the start, Samoa is a country of significance and divisional status through its traditional honorifics, *Aiga o Samoa, Aiga o Tupu, Aiga o Nofo, Aiga o Papa, Aiga na Tafaiifa*. The words of the country remain unalterable. As the saying goes, *'E lavelave foi le vaofilifili, ae iloga lava ala o aliiseu. E maualuga ma manino le vateatea, ia ua iloga lava matagi ma ona itulagi'*.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

Listening intently this morning, this constituency wishes to extend appreciation to the legislation at hand. This Constituency is indebted to you for your great support and priority to this 5 year term for the O Le Ao o le Malo.

I like to extend my appreciation to my constituency of Aiga Tauaana in all its honorific salutations. The tabling Amendment before the House is appropriate this morning and has our full support. As I have stated before Samoa is distinguished by its divisional status and I appreciate the Government for its patience and genuine support as well as upholding dignity for the *Tama-a-Aiga*. Such is the spirit of warmth as our Government is still in good hands and is Founded on God and the course of life should be in accordance to God's will for our people. Henceforth thank you for this legislation.

Mr Speaker in regards to the appointment of the *O Le Ao o le Malo*, we often think of it as a matter pertaining to political influence. This Amendment therefore will help improve our work and will allow peacefulness and respect upon the people of Samoa. The proposed changes would promote national peace when the Office becomes vacant as headed by Parliament. Those were the days and times of warfare whereas God's timing is now. The proposed amendment would address these issues and would not hinder members of the *Tama-a-Aiga* from the Office of the *O Le Ao o le Malo* in the future. With that, thank you Mr Speaker for this amendment to allow all those who are connected to the *Tama-a-Aiga* the opportunity to share and allow this legislation to ease the appointment process for the *Tama-Aiga*.

Thank you for this legislation Mr Speaker to promote peace in our work and to avoid any misconception with the work of Parliament during this appointment process.

Mr Speaker, this is my word of appreciation this morning together with my full support to the legislation before the House. Have a blessed Sitting.

**MR SPEAKER:** Very well, thank you. Perhaps this is the only Member who wanted to speak.

*I will give the opportunity to one of the eldest Members of the House, the Member for Falealupo.*

**Afioga Hon AEAU PENIAMINA LEAVASEETA (Falealupo):** Mr Speaker and respectable Members of Parliament with much respect I move to convey an opinion on the tabling matter before the House. It is a matter the whole country is listening to thus it is a matter that is quite significant.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

These are matters that are not so important to our young people that should be considered, I thank God for his guidance and His peace upon this House.

Hon Prime Minister and Members of that side, thank you, why? This is where it all starts, this is where the dignity of the country lies through its decision-making processes, praise God for His peace.

Thank you Hon Prime Minister, this matter is precisely clarified for everyone's interest which is very significant for me alone for this Parliamentary term given the detailed views we make on this amendment in terms of cultural respects/dignity. Such is my interpretation of this with a peaceful mind in hope to achieve; we support it, thank you.

**MR SPEAKER:** Thank you to one of the senior members of the House for your speech.

Respectfully, I call the respectable member for Salega East.

**Tofa OLO FITI AFOA VAAI (Salega East):** Thank you Mr Speaker for the opportunity given to voice an opinion on such important matter. First I take this time to acknowledge the Speaker, Hon Prime Minister, Cabinet and the respectable members of the House.

I thank the Hon Prime Minister for the detailed clarification; it is a very important matter considering the overall agreement by the 47 representatives by the Government of the day. In the country's saying, '*e leai se faiva e asa ma se maumau*' meaning, 'even with the greatest desire there can never be no fishing free or error', we too have different views.

I do not intend to object rather it is view to further our thoughts for Government's review.

Mr Speaker I will start with a summary of the Bill since it is relatable to this constituency. Since the start and the appointment of the O Le Ao o le Malo, this appointment is clearly stated in the Constitution such that, the Legislative Assembly carried by no less than two-thirds of the total number of Members of Parliament acting on the advice of Parliament as the Constitution requires, the last statement here says, on the advice of the Government/ Party, this is the part I am referring to.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

The truth is Mr Speaker we have not been able to carry out the true provisions of the Constitution. Mr Speaker special appointments of the State are made in this House. The only initiative we undertook was to approve the decision/appointment made by the Party which was not done by Parliament; these decisions were in fact made by the Government and not Parliament. This is the provision Mr Speaker that is evident in this Bill I thought we were supposed to make this decision within the House.

**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.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** We have to correct this wrong statement by the Member. After the appointment process, the emphasis on this ‘appointment process’ by this Party is the only extent of power for this Party, and not the appointment itself, that is where this Parliament comes in, that is the legislation.

After the appointment process, I think it was around 6:00pm when I got to the house of Afioga Tuimalealiifano Sualauvi II, I was approached by the media to comment on the issue, they asked, ‘*we heard you have already appointed the O Le Ao o le Malo.*’ I responded, no we have not made the appointment yet. I talked to them for about an hour. ‘*We received sources that you have appointed Tuimalealiifano,*’ I said the appointment has not been made yet. The appointment could not be made until a motion is moved and passed, because this decision is done by all of us.

Mr Speaker in some countries the Prime Minister decides for the Ao o le Malo as he is the Leader of the major Party and the leader of the country and therefore, the decision is made by the Prime Minister and the Cabinet, period.

*As for us, as required under the Constitution, it is submitted to the House.* After the House approved this appointment I called the media to further clarify the statement on the appointment process since yesterday, because this appointment was not made last night because we never know if this decision will be changed in the House through deliberations for members to freely decide or change their respective votes, therefore, this appointment was not made last night.

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**Constitution Amendment Bill (No. 3) 2017  
– second reading**

Mr Speaker, this is the real meaning behind the words ‘voting within the House and approval of this appointment’.

**MR SPEAKER:** Thank you, I believe the matter has been clarified. I call on the Member to continue with his speech.

**Tofa OLO FITI AFOA VAAI:** Thank you Mr Speaker but I will not argue any further. If the decision was made within the House and the vote was carried out based on democratic principles it would have been better, but it was made outside of Parliament House. Mr Speaker I wish to speak of this Amendment, pardon the House.

**MR SPEAKER:** I allow the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker the Government has the final decision after a debate, that’s final. If the Member attempts to take the floor a thousand times to make irrational opinions then I will respond a thousand and one times to correct this mistake. The House as a whole made this decision.

**MR SPEAKER:** I will not allow the Member from this side to argue the matter further. The word spoken by Government is final. It is not dependent on you alone based on your belief. I am giving you the opportunity to take the floor but you should be aware of such measures considering you have been in politics for a long time. I call on the Member to please be mindful and move away from this issue.

**Tofa OLO FITI AFOA VAAI:** Thank you Mr Speaker I will let the country be the judge to our deliberation.

I will speak on to the Amendment, I beg tolerance as this legislation hardly has any submission from the public as the amendments is quite complex.

As such, I beg indulgence to the honourable Speaker and notable members of the House, this is not the decision of Salega East, we do not support the tabling Amendments.

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

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



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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker another point of order, on the statement that the country did not make any decision on this Amendment.

As I said before, after consultations, the Bill is then referred to the Committee through a public notice for the members of the public to make submissions on this Bill. We are the representatives of our villages and heads of our districts to speak for them in Parliament. If you were not elected by your constituency but came on your own will then this statement is true. The country is fully represented in the House by each Member of Parliament. We are here because of the calling we were given through the vote of the country meaning we are the country.

**MR SPEAKER:** Very well. Just to assist, perhaps the matter has been clarified. For your information I will not tolerate such manner or favour to the Member for Salega East and that the Government has the right to amend a statement when it is wrong. It is stated within the Standing Orders that once a Member speaks out of order the Government has the right to make corrections. It is alright for the Member to speak of his own opinion but not on behalf of other Members. We have yet to make the decision on this matter and we are still under deliberation process and this legislation will be referred to the Committee for further discussions for 90 days and report back to the Assembly for a final decision by Parliament. This is how the process works. It is alright for the Member to state his/her own opinion but do not include other the views of other Members. How can you convey an opinion when you have only one, two three Members on that side compared to the majority of members to the Human Rights Protection Party. That is the reminder to that side; there is a difference between individual opinion and united opinions. I call on the Member.

**Tofa OLO FITI AFOA VAAI:** Thank you Mr Speaker I am speaking from my own perspective. I have been interrupted several times by the Hon Prime Minister while trying to voice my opinion. *Maybe he can respond to my opinion another time.* However, Mr Speaker...

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker I do think the Member understands, he has been a Member for three terms now but he still does not know that once there is an error we move to a point of order.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

It is true that you have the right to voice your opinion but if it is wrong when the Government cannot ignore it, point of order is not restricted under Standing Orders. Every time a Member is wrong we move a point of order, why? To give clarification for the sake of the country in case they are mistaken by your wrong statements made in this House, rather they must be corrected while you are at it.

**MR SPEAKER:** I call on the Member perhaps your confusion has been clarified. A clarification has been given, I call on the Member.

**Tofa OLO FITI AFOA VAAI:** Thank you Mr Speaker. I do not think there was a time when we said anything right; it is always wrong.

Firstly, this Amendment is not of this constituency because it is not cheap to the country. Mr Speaker if we are going to change *O Le Ao O le Malo* every ten years, this will mean for every new office holder, the *O Le Ao o le Malo's* silhouette is placed on national currency and therefore constant changes would be expensive according to the records of the Central Bank because it is minted all the way from Britain.

This is the reason why I strongly believe that this appointment should be made for life otherwise, amend the title *O Le Ao O le Malo* to Governor General or whatever suits best. The reason for saying this is because this not only involves the Tama Aiga but will further include other eligible persons. Secondly, the time duration of the office *O Le Ao o le Malo* whether it is five or ten years according to the requirements of the Bill that says, the *Le Ao O le Malo* is not permitted to act without the advice of the Government of the day. Even if the *O Le Ao o le Malo* were to refuse his or her assent of the Bill, the Government is permitted to enact the Bill within a 7 day timeframe, *sans* a signature. Also if the *O Le Ao O le Malo* does not agree or approve a certain matter, the sign is carried out by Cabinet. The question is, what are the actual duties/functions of the Members of the Council of Deputies? I am confused whether they are called Members of the Council of Deputies or just Deputies. Or whether the Office was merely designed as a retirement position for former Government members? I wish to gain understanding on this.

This is the exact reason why Salega East will not accept these amendments together with the Bill which does not recognize the respects of this country.

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**Constitution Amendment Bill (No. 3) 2017  
– second reading**

A recommendation I strongly believe that the position of O Le Ao o le Malo should be given a life term timeframe as words of love and work go hand in hand together in assistance to the role of the O Le Ao o le Malo to carry out his duties independently and not what's happening now. For your consideration, that is the short submission from this Constituency to the Hon Prime Minister and the 47 Members who are supporting this Amendment.

With due respect thank you.

**MR SPEAKER:** Thank you, any other member wishing to speak? Well... I give the opportunity to the member for Faasaleleaga No.4.

**Afioga PESETA VAIFOU TEVAGAENA (Faasaleleaga Nu. 4):** I want to thank the Speaker and the Hon Prime Minister. Although you were away due to sickness I trust you were in the prayers of your people, now you have returned in replenished health and full energy, well done.

I also want to thank Ministers of Cabinet especially the notable Members of Parliament. I acknowledge the Heads of Government Ministries and Corporations, also the support of all Samoa and my constituency. This morning I am grateful for the Constitution Amendment Bill (No.3) 2017. I believe the implementation of this Amendment was not easy considering the Constitution that was drafted by our forefathers. It was a tiresome journey tasked with diligent efforts and spilt blood in strive to gain self-government for Samoa and her people.

This Parliament has heard the clarification made by the Hon Prime Minister on this appointment which specifically implies for sitting in silence with dignity and respect. Other members have voiced the assent of the O Le Ao o le Malo and if he is unable to give his assent, this means it will come back to the discretion of the Hon Prime Minister and the Cabinet. The mind queries, what is the purpose of this position? I beg tolerance. Isn't it time for this Parliament to think again given these three Government positions which are O Le Ao o le Malo, [Member of Council of Deputy and the Hon Prime Minister](#). Is it possible for Government to review and make one appointment from these three positions? One is enough to save public funds. We should envision and see whether it is Parliamentary, Presidential or whether or not we should have a Prime Minister position or a Council of Deputy position but let the Government decide. This is the opinion of this constituency.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

In the Constitution there is a saying that goes, “Samoa is founded in God.” The word from the prophet Isaiah Chapter 42 verse 8, ‘I am the Lord, that is My name....’

**MR SPEAKER:** I interrupt the Member. Who is this Isaiah, Isaiah’s surname?

**Afioga PESETA VAIFOU TEVAGAENA:** He is a Prophet of God.

**MR SPEAKER:** What, a Prophet. Very well then.

**Afioga PESETA VAIFOU TEVAGAENA:** The account of Isaiah says....

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

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker considering you are an Elder Deacon of your village in Fasitoo, can you check in your Bible if the verse mentioned by the Member is correct.

**Tofa Olo Fiti Afoa Vaai:** Mr Speaker point of order.

**MR SPEAKER:** There is no matter to amend because the Member is not addressed, you...

**Tofa Olo Fiti Afoa Vaai:** There is no prophet called a prophet of God, it only says Isaiah there.

**MR SPEAKER:** Is Isaiah a prophet of God? I recommend the Member to keep his statement brief. The Amendment in the Constitution is small but is being prolonged. I ask that you keep it short as we still have a lot of work.

**Afioga PESETA VAIFOU TEVAGAENA:** I beg your pardon Mr Speaker, OLP, the Member for Faasaleleaga No.4 is talking about the Bible. The speech of Faasaleleaga No.4 cannot be misleading because this is our means of direction.

**Tofa Olo Fiti Afoa Vaai:** Mr Speaker I will amend the statement made by the Member.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

**MR SPEAKER:** Go on member of Salega East.

**Tofa Olo Fiti Afoa Vaai:** This is not OLP it is OLO. If I am OLP, then it will include both of us, because O- is Olo, L- Levao and P- Peseta. Thank you.

**MR SPEAKER:** I ask the Member to stop interrupting the old men's speeches. I call on the Member for Faasaleleaga No.4 to conclude.

**Afioga PESETA VAIFOU TEVAGAENA:** I am nearly finished. Mr Speaker it is important that I finish this verse from the Bible.

**MR SPEAKER:** Alright make it brief.

**Afioga PESETA VAIFOU TEVAGAENA:** The verse states, "*I am the Lord that is my name and my glory will I not give to another.*" See Mr Speaker? But we are calling this title Ao Mamalu. Only God is given such respect and He is also Head or Le Ao. This is also our foundation. Samoa is founded on God. This is the point of view of Faasaleleaga No.4. The Parliament should review this matter and appoint only one authority to lead Government. It is true that there are many titles but the Prime Minister holds all the power, so it is meaningless to appoint others. Perhaps this will also save more the public funds. With respect, bless our Proceedings.

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

**Afioga Hon Faumuina Tiatia Faaolatane Liuga (Palauli le Falefa):** Mr Speaker the Associate Prime Minister seems to be aggravated it is their Bill that is being considered. He should have understood the contents. I just want to remind the House that such matters should be discussed by the Hon Prime Minister and his Associate outside of Parliament but not argue it here. This is just prolonging our sitting. Thank you.

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

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker the view voiced by the Member is quite true. The trouble is, ever since the Member attended his court cases I have not been able to talk with him. Also the Member does not want to listen to me. I have been giving him advice on his court case to consult this matter elsewhere rather he wants to take it to the Court. He is carrying out his own free will but I am grateful for the recommendation I will try and talk with him soon.

**MR SPEAKER:** Thank you. This is exactly what I was worried about. You speak and hold the Bible yet you are filing legal orders. Nevertheless, we bear love, Lealailepule the member has not yet finished, he is about to conclude. If you want to speak then you will have the chance. I call the Member to conclude.

**Afioga PESETA VAIFOU TEVAGAENA:** Mr Speaker the views of this constituency has concluded, thank you for all the support. Soifua and blessed Sitting.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Before the Member takes his seat I wish to make a huge point of order on his statement regarding Presidential Government, that is the Government system in America. No one elects the President as mentioned by the Member. The President is the Head of State, the Prime Minister and the Council of Deputy. This means there are four authorities here but in America it is only held by one person. The Member stated that this position is elected by Parliament but the President for America is not elected by Parliament but by the people. This is the amendment to the statement on Presidential Government whilst another member mentioned Governor General. A lot of concerns are not being voiced out properly.

**MR SPEAKER:** Thank you. Perhaps the clarification made by the Hon Prime Minister has been understood. I apologize to Members taking the floor. The opinions of the Members are important for future scrutiny. The Hon Prime Minister has already stated that the views of the Member for Faasaleleaga No.4 and the member for Salega East are all important.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

I see the Member for Faleata West wants to take the floor perhaps this will be the last Member to speak of this matter. Now it seems the Member for Faasaleleaga No.2 also wants to speak, alright we will conclude with you...

**Tofa LEALAI PULE RIMONI AIAFI (Faleata West):** Thank you Mr Speaker for the opportunity. I humbly greet the respects of the House especially the support of respectable *O Le Ao o le Malo* and all of Samoa.

Once the Constitution is reviewed it is important to express opinions as this is a matter that is rarely discussed. It is a foundation that will remain the same even after we pass from this life. The Constitution of Samoa was not lightly drafted by a few people or mediocre people it was written by Samoa through its forefathers under a collective agreement. Unfortunately, our Government has grown old, it is now 55 years yet there are times when our laws are out-dated and they should be reviewed to be in line with the changes of today. I am grateful to the views of the majority noting that we rarely amend the Constitution.

However, it would be appropriate to make changes whenever time permits. The proposed amendment before the House concerns the term in office however I appreciate the Constitution in its dignity/honour and all the more reason why this doing was initiated when the Tama-a-Aiga and the entire Samoa were united in pure hearts to draft this Constitution. There is no Article in the Constitution where the eligibility of candidates is restricted for the Office of *O Le Ao o le Malo* to members of the *Tama-a-Aiga*. In terms of this appointment it is clear that it requires no change as it is a State appointment not a cultural one. Thirdly, this position does not specify any special requirements or conditions for a particular person or persons.

The appointment of the *O Le Ao o le Malo* in my understanding and in comparison to Democratic Government derives these reasons, they are appointments made for those who have retired from work, one who has ended his/her services and one who has done very well in terms of contribution which deserves honour and dignity in the Government. These are my reasons and belief for this position as practiced in other countries. It is not an easy decision to be accepted by our country this is the Constitution we have been using for 55 years. Otherwise perhaps it is about time we review and make relevant changes accordingly. I beg your pardon but following remarks this morning, some said the familial ties to the *Tama-a-Aiga* will take turn after another; well that is not the true contents of this Constitution.

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– second reading

Furthermore, if we are changing the Office term for the *O Le Ao o le Malo* then we should also consider the same for the Council of Deputies. If it is expected for Le Ao o le Malo to take up two terms which is equivalent to ten years then the Council of Deputy should also be the same. I support the matter raised by the previous Member, we should think of the future with respect to these title holders, there should be one *O Le Ao o le Malo* and one Council of Deputy.

I strongly believe these are the necessary changes for the future such as the changes made in democratic countries in regards to titles, perhaps we can leave this matter for later. We will constantly observe and make changes as we move along but I support this Amendment.

The only advise I wish to point out in regards to the current time for Afioga Tuimalealiifano Sualauvi II and whatever decision given whether he is reinstated the second time or whether to take the election process again or even draft a letter based on his health to see if he able to continue given that this is his remaining term in office.

This is my own opinion on the matter and for future consideration times in accordance to necessary changes however I wholly support this legislation to strengthen us despite the dignifying status in the title as this is not specific to anyone. The only positive thing for me is the time span or term in office for the Le Ao o le Malo as well as the Council of Deputy.

With utmost respect, thank you.

**MR SPEAKER:** Very well thank you. I apologize to the Member for Faasaleleaga No.2, perhaps an opportunity will be given when we come back from recess. Since we have arrived at our usual recess hour, Proceedings of the Legislative Assembly is set aside for a 15 minute recess.

*Proceedings of the Legislative Assembly set aside for usual recess at 10:43am until 11:26am.*

*Proceedings recommenced with the second reading debate of the Constitution Amendment Bill (No.3) 2017.*

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



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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

I believe refreshments provided this morning has given us strength to continue our work. This will be the last Member to speak on the matter, I call on the Member for Faasaleleaga No.2.

**Afioga PAU SEFO TAUMATA PAU (Faasaleleaga No.2):** Thank you Mr Speaker for the opportunity. I believe Members of Parliament have returned to resume business moreover we have been strengthened. I move with respect Mr Speaker to convey an opinion on the Constitutional Amendments.

If we recall, this Constitution had the involvement of some chiefs and orators from this Constituency like the prominent Namulauulu Lauaki. This is the reason why I have taken this opportunity to contribute to this change. The Constitution stated by the Hon Prime Minister is about 57 or is it 55 years old. This is the initial Constitution from the start until now. And therefore this amendment is appropriate today. This is the norm between changing Governments from time to time. I have thought that these amendments should have been given in the past to avoid criticism from the country. However, this amendment is given in time to carry on for the next Parliamentary terms. It is now stipulated/required that the appointment of the *O Le Ao O Le Malo* will be made once. It is specified that after two terms covering the ten year period, that person will automatically finish his term in office. The Constitutional Amendment is very specific.

I thank the Hon Prime Minister because I had no idea and have lacked insight of this provision. Whoever will be appointed to this position is aware that they are only given two terms meaning once it is over they know what to expect. I thank the Government for this amendment. Some have stated further amendments such as the using of the *O Le Ao o le Malo* but in time there will be other amendments and other appointment as mentioned by the Hon Prime Minister like the President or Governor General possibly in the future. In the meantime, the ten year term in office is specified.

I want to convey thanks that the Hon Prime Minister has returned safely. I believe it is our prayers that have resulted to his safe return also with the new aircraft that will be launched soon. Perhaps if we did not let go of our airline company in the past we would have had fifteen airplanes by now. With regards to our airfares considering no change on prices, I request to lower it a bit and next year, get another aircraft to make it two. Look for aircrafts for a small country like us it would be record if we get ten airplanes for this Parliament term.

Mr Speaker I express my full support of this Amendment to the Constitution. Blessed Sitting.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

**MR SPEAKER:** Very well thank you.

**Afioga Tapulesatele Mauteni Tamasone Metuli II Esera (Vaisigano No.2):** Mr Speaker...

**Afioga Faumuina Asi Pauli Wayne Fong (Urban Seat West):** Mr Speaker...

**MR SPEAKER:** I apologize to the respectable Members I have already made my ruling. We should note that this Bill will be referred to a Committee which I trust you are both in it.

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

**MR SPEAKER:** I permit the Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** I see that the Speaker has made his ruling. Allow me one minute to respond to some of the matters raised by the members.

**MR SPEAKER:** It is good to be clarified of some of the blurring matters. I appease the two Members do not bear disappointment. We aim to progress our work accordingly before it is referred to the respective Committee. I call the Hon Prime Minister.

**Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker I am grateful to Members for their views. I did not think that our deliberations would reach other forms of Governments and their practices. Levaopolo has clearly clarified it. This is a very dear name to me. Levaopolo and Peseta and the different forms of Governments. The Government chosen by our forefathers is a Parliamentary system whereby the O Le Ao o Le Malo sits notably at the top aside from the Government Leader, Judiciary and the Speaker of the Parliament which are the Government arms that involves no corruptive system.

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**Constitution Amendment Bill (No. 3) 2017**  
– second reading

Therefore, whatever problem the Judiciary have can be questioned by this Parliament such as matters brought into the House and the establishment of Special Inquiry Committee to investigate the works of the Court. This goes for all of us if we breach the law. The same with the Executive should problems arise. That is how this system works. I am shocked to hear the far-sighted wisdom and expressions of other members this morning on the possibility of having a Governor or a Presidential system. We all know that Tutuila (American Samoa) follows the American system as explained by the Member for Faasaleleaga No.3 that is voted by the people. This means that the two Houses will make no further action. Governor General and Presidential system is another form of government where it includes the O Le Ao o le Malo, Council of Deputy and the Prime Minister. These four positions falls under categories whereas Presidential system is all covered in one paramount title. This will save money as one member said. There is a saying in the Bible that goes, ‘there is a season for everything under the sun.’

In the revered adage of the country, “*o le taeao ma le filiga o le taeao ma le mataigatila, o le fuata ma lona lou,*” meaning, time and season comes with changes. Perhaps the Lord will provide a lamb to make this sacrificial offering and the time to achieve all this and perhaps these proposed changes can be implemented by future Governments. In the meantime, this is the wisdom and secret whisper from the Holy Spirit upon this Political Party made up of the majority, to implement this initiative through long and deep view. There is further opportunity for further review when this Bill is referred to the Special Inquiry Committee of Parliament. This is the opposing view of the member in relation to the budget which truthfully is very pathetic. If we look at the most traded currency in the world, it is the American dollar with the picture of the first President of America, George Washington who was present in the first established American Government. This is no serious matter. But if you have the chance to be the Leader of the Government because you never know, you too can put your picture on the currency until forever. This will not affect the appointment voiced by other members. Another view pointed out is the need for independency but the truth is you can never make the Ao o le Malo independent because he will never support such motive and will even make him sick because of that.

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**Fire and Emergency Services Amendment Bill 2017**  
– second reading

We have in the House fifty leaders on this side with in depth wisdom who will elect the most suitable individual who is not easily affected by these things due to the independency of the person given the duration period which seems to reflect the untrustworthiness of members of this Parliament and their decision in regards to the most fitting person for this position. This position is meant for good people not bad people. In regards to the point by the member of Faleata West on appointments based on impartiality, in query who initiated the Constitution? They were the Tamaaiga and district members. We should tolerate consideration into that, the only common point of concern is the timespan, length of time and if appointed, give glory to God for the five year term and if additional term is earned, give God praise because we believe, despite the length of time, it is not our knowledge but the secret whisper from God.

Mr Speaker this is further clarification on the matter.

*Motion approved and the Constitution Amendment Bill (No.3) 2017 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Order the Bill will be referred to the Standing Orders, Electoral, Petitions and Constitutional Offices for consideration and report back to the Assembly after 90 days.

**FIRE AND EMERGENCY SERVICES AMENDMENT BILL**  
**2017 – second reading**

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker I move the motion, *That the Fire and Emergency Services Amendment Bill 2017 be read a second time and I want to clarify the matter further.*

*Seconded by the Minister of Commerce, Industry and Labour and the Minister of Tourism.*

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker the Bill is short and the objectives are well defined. The tank explosion incident was a shock.

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**Fire and Emergency Services Amendment Bill 2017**  
– second reading

The Government and members of the public were questioning what happened and where the Fire Emergency Services was when this event occurred? In truth, the whole town would have been on fire if it was petrol, luckily it was diesel. After investigation a report was submitted to Cabinet indicating no restrictions of the law for a person based on the instruction given by the company to this person to weld the tank at any point in time. This is a very important aspect.

I strongly believe if petrol was the cause, the town area could have done more damage. Not only that but we do not have the necessary equipment and resources to withstand huge incidents like this. The intention of the State is not to wait until things like this happen rather we must take action, as the saying goes, 'prevention is better than cure'. This is why investigation was carried out with the assistance of the Ports management, to stop welding and the sort of wielding to take place and get permit from the Fire Services. It is hard to undertake safety works without a permit because as soon as the Fire Services receives a request, this is their chance to see and check the entire work to ensure the safety of the people and the entire country.

This is what happens in our every day life, whenever we see accidents; the Government should have in place strategic planning to avoid these incidents from happening in the future.

Mr Speaker this is the reason why any company is no longer allowed to execute wielding work in secret on the respective area without obtaining an endorsement from the Fire and Emergency Services. It is important to await the clearance assessment by the Fire Services before any work is carried out on site.

Mr Speaker that is the amendment on this legislation.

**MR SPEAKER:** Thank you, I do not think any Member wants to speak on this Bill.

I call on Members who wish to speak on this matter in accordance to our business order. Alright I believe we only have the Member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you, I support this Bill. The only part of the Bill I wish to get clarification on is, 'any work of this kind'. We all want safety considering the recent gas station incident in case this affects other kinds of work because mind you, other people also work daily on wielding for insured vehicles.

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**Honors and Awards Amendment Bill 2017**  
– second reading

Does this legislation mean that every time work is undertaken, an approved document is required from the Fire Emergency Services or is this strictly made for major projects that involve Public Safety because this is the only given statement here, any sort of welding work.

This is what I wish to gain understanding from. With respect.

**MR SPEAKER:** Very well, perhaps this matter will be clarified by the Minister and Leader of Government considering that you are the only Member commenting on this Bill.

**Susuga Hon Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** I believe the matter has been clarified, but there is a difference between the explanation I gave and the one in the seminar. The statement made is accurate, there is a saying that goes, “it is good to be content with good things”.

It is generally stated in the Bill because we will never know what might happen, there are many other incidents involving fire whereby consent is required before work is carried out.

**MR SPEAKER:** Very well thank you.

*Motion approved and the Fire and Emergency Services Amendment Bill 2017 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Order the Amendment Bill will be referred to the Finance Committee for consideration and report back to the Legislative after 90 days from the day this Bill was received. That is the opportunity for Members and the Public to provide submission.

**HONORS AND AWARDS AMENDMENT BILL 2017**  
- second reading

**Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker I move the motion *That the Honours and Awards Amendment Bill be read a second time and I wish to clarify it.*

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**Honors and Awards Amendment Bill 2017**  
– second reading

*Seconded by the Minister for Commerce, Industry and Labour, Minister for Finance and the Minister for Education Sports and Culture.*

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker this is quite an old law that needs to be amended. I remember deliberations on this legislation back in 1984 until it became effective in 1985. The main objective behind this bill is to set a mandate for the State to present Awards to those whose services have been well recognized and honoured for the country. Like other Governments, this is for those people who have achieved excellent services through sports in the professional level and/or other achievements met during the times of suffering.

We are following the laws practiced by other countries. Up to now, perhaps this is the only way for us to showcase and recognise our achievements especially those from overseas. It all started off with the chief titles bestowed for those who are foreigners, I call it ‘international chiefs’ especially for those who are non-Samoans as these titles are not incorporated under our Lands and Titles Law. This is called honours where we can arrange a chief title name and put it in records to officially verify their services for the Government of Samoa, which was the only endeavour we proposed to achieve. Up to date, we are still getting more people who want a matai title.

However, the traditional respects (faaaloaloga) is not covered under the Lands and Titles law. Just a small example, when I was at the United Nations Conference, a person came up to me and said ‘I am the one who spearheaded the push to the United Nations who managed to recognize a special day for world toilets’. The reason the United Nation accepted this was because most of the people in the world do not have toilets and over 30 million people die because of no toilets especially the developing countries. This is reason why the United Nations has selected this special world toilets day which I think is the 19th of [November where the Government will advertise and by then we should all be there](#). Then I gave him my appreciation. I asked him about his name? He replied, ‘this is the name I go by now but I have lost my real name, I am named after Falevao of the world.’ So I said to him, ‘Hey that is the matai title for the village of Falevao in Samoa, so it means that we have the same title, why don’t you go and get another title from my village?’

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**Honors and Awards Amendment Bill 2017**  
– second reading

I was giving him a fatherly advice, but I was surprised when he came to see me the other day for his Matai title, so I ended up giving him the Title Tuifalevao. He blessed the village with a lot of blessings and gifts. So, the reason why I'm saying all this is because it is important to recognize people such as the sole purpose of this Bill.

To amend the Act we have decided to repeal the Chief Titles categorization to avoid conflicts between people over chiefs in first class, second class and third class, because I believe that we all want to sit in first class in the airplanes. So this is one of the purposes for this Amendment to strengthen and to provide further improvement to officially reward those who have done very well in their services and those who have passed away. Mr Speaker this is the purpose for this amendment which is simple and not too complex. Thank you.

**MR SPEAKER:** I call upon the member of Salega East.

**Tofa OLO FITI AFOA VAAI:** Mr Speaker, just a short one for clarification, thank you Hon Prime Minister for the detailed clarification. Thank you for this legislation which aims to award and officially recognize the long services of those who have served our Government. In regards to foreign chief title bestowment mentioned by the Prime Minister, I wish to know if this involves all foreigners are covered under this legislation or is this amendment specific for foreigners to sit in dignifying silence *faamaepaepa*. Or is Tuifalevao affected directly under this Lands and Titles law?

The concern is in regards to...

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, I believe it be better for me to reply on this, there is nothing like that in the Amendment. If we keep talking about these things, we are wasting time talking nonsense when there is nothing like that in the amendment.

**Tofa OLO FITI AFOA VAAI:** I have already talked about it.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** No I have mentioned this as it is like our own custom and our own foreign relations. This is an old practice which we still undertake and does not concern this Bill.



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**Tofa OLO FITI AFOA VAAI:** Do you mean to say that your clarification was false. Thank you.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** No, the intention is the practices that we still carry out before we had this legislation and that was the only event we went through during the President of Nauru's visitation in Samoa whereby his matai title was given and had taken with him a traditional gift or *sua* while another CEO of Nauru came and told me, 'Hey the very fine mat that was gifted from your Government is used as a doormat (in Nauru). That is why whenever we have traditional gifts (*sua*), do not give things like this, instead give him a pig and a *tanoa* or kava bowl to make his fruit juice.

Mr Speaker, that is clarification as we did not have any laws like this before which is why we proceeded to bestow chief titles. Until today, we are still getting people who want to be given matai titles. Such is reason why I gave a title to the recent gentleman who is the world champion, Lupesoliai, this is the only Samoan who has succeeded world championship from the village of Aufaga.

That is the clarification.

**MR SPEAKER:** Very well.

**Tofa OLO FITI AFOA VAAI:** Mr Speaker, I do not wish to quarrel rather, I support the Prime Minister's clarification on matai title bestowment or presenting awards for our locals living overseas, however, the main concern I have is that these chief titles has no barriers under the law as opposed to those that are under the law.

Because if they we were to run in the election, they are entitled, because this is the only requirement they need which is getting a chief title in order to run for the election. On the other hand, we have the members, Ministers and the Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, point of order, the titles I addressed are called diplomatic titles, they cannot be used in the election and cannot be used when speaking of rights of another Samoan matai. The only thing that this title carries is honour on the international level that is it.

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**Honors and Awards Amendment Bill 2017**  
– second reading

The importance of this, we now have a Samoan who is the Prime Minister of New Zealand, we have Vaovasamanaia Winston Peters who is the Deputy Prime Minister. Trump could have also received a title if he was here. The more we give titles to these foreigners, the faster we get more Samoans earning higher positions in other countries. These things are not covered under this legislation.

**MR SPEAKER:** Very well thank you. I apologize to the current speaker, your time is up. You are aware of that too...

**Tofa OLO FITI AFOA VAAI:** Pardon me your honor, I only want to say this last bit before I conclude.

**MR SPEAKER:** The Prime Minister has already given clarification.

**Tofa OLO FITI AFOA VAAI:** This is what I was referring to respectable Members, Hon Ministers and Hon Prime Minister. I think we do not have a special award for retired services. This is not specified in this Bill. Is it possible to provide a special category as we have a lot of...

**MR SPEAKER:** Lend the State your faith...

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker we have that in the Bill in the statement that says, greater service, a service is a service whilst the other kind of service is deceitful service. The service that is greater and consistent in reports is the kind of service that is eligible under this legislation. That is the short clarification.

**MR SPEAKER:** Very well thank you. Apologies to the member, perhaps you are satisfied...

**Tofa OLO FITI AFOA VAAI:** Yes, thank you. The most important thing is hearing greater service. Thank you Mr Speaker for the opportunity.

**MR SPEAKER:** Thank you. I believe the Prime Minister has cleared the air and the attempt of the member is also very helpful.

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**Motion to set aside Standing Orders 102 (1)**

*Motion approved and the Honours and Awards Amendment Bill 2017 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Order, the Amendment Bill will be referred to the Standing Order, Electoral, Petitions and Constitutional Offices Committee for consideration and report back to the Legislative in the next Sitting.

With respect I ask the Leader of the House for the motion.

**MOTION TO SET ASIDE STANDING ORDER 102 (1)**

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker, since we have two very important Amendment Bills that needs to go through, I move the motion *to set aside standing order 102(1) so to allow the Trustee Companies Bill 2017 and the Foundation Amendment Bill 2017 to progress under the state of urgency.*

*Seconded by the Minister for Commerce, Industry and Labour, Minister for Education, sports and Culture and the Minister of Tourism Authority.*

*Motion approved and Standing Order 102(1) was set aside.*

**TRUSTEE COMPANIES BILL 2017**

**-second reading**

**Afioga Hon SILI EPA TUIOTI:** Mr Speaker I move the motion *To read the Trustee companies Bill 2017 in its second reading and I wish to clarify on the matter.*

*Seconded by the Minister for Education, Sports and Culture, Minister for Justice and Courts Administration and the Minister for Women, Community and Social Development.*

**Afioga Hon SILI EPA TUIOTI:** Mr Speaker this Amendment Bill serves to repeal the existing Trustee Companies Act 1988. The main objectives of this Bill is to repeal the standing Act of almost 3 years to raise regulatory standards for Samoa to be in line with new international requirements and in compliance with protecting and operating a smooth operation of international funds.

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**Foundation Amendment Bill 2017**  
– second reading

The aim of this legislation is to ensure prevention or suppression of money laundering, secondly prevention of terrorism and thirdly prevention of money paid to the countries of business entrepreneurs.

Another objective is to raise the total of license offered by the Authority. The 1988 Principal Act provided only one type of license. As for the new legislation, it will cover 4 types of services that will be offered. This legislation also allows extensive power under the Samoa International Finance Authority for the implementation of its main responsibilities to thoroughly assess and ensure the enactment of our legislations and services to retain the protection and the good reputation of the country. Respectfully.

**MR SPEAKER:** Very well thank you. Since no Member wants to speak, I will ask a Question.

*Motion approved and Trustee Companies Amendment Bill 2017 was read a second reading.*

**FOUNDATION AMENDMENT BILL 2017**  
- second reading

**Afioga Hon SILI EPA TUIOTI:** Mr Speaker, I move the motion *That the Foundation Amendment Bill 2017 be read a second time and I wish to clarify it.*

*Seconded by the Minister for Women, Community and Social Development, Minister for Education, Sports and Culture and the Minister for Justice and Court Administration.*

**Afioga Hon SILI EPA TUIOTI:** Thank you Mr Speaker for the opportunity. This Bill has a few amendments to further improve and provide clarity to the implementation of foundations in accordance to the law that was passed in October 2016. For your information these foundations is the same as trusts. The amendment before this Parliament will attract and receive the great support of people through these services and also to monitor and improve the services for SIFA so that provisions and services are monitored at the international level to guide financial services and improve revenue earnings in accordance to the law.

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**Trustee Companies Bill 2017  
– consideration in detail**

As this notable Parliament know, revenue earned through the Samoa International Finance Authority or SIFA is used to fund project developments for the economy of Samoa and to contribute financial support to the sports of the country. I submit this explanation to support and provide further clarification on this proposed legislation. With respect.

*Motion approved and the Foundation Amendment Bill was read a second time.*

**TRUSTEE COMPANIES BILL 2017  
- consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order, the consideration in details commences with Clause 2.

**CLAUSE 2: Interpretation.**

*Approved.*

**CLAUSE 3: Functions of the Regulator.**

*Approved.*

**CLAUSE 4: Deputies**

*Approved.*

**CLAUSE 5: Directions.**

*Approved.*

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**Trustee Companies Bill 2017**  
– consideration in detail

**CLAUSE 6: Approved Foundations for definition of “private trustee company”.**

*Approved.*

**CLAUSE 7: Prohibition.**

*Approved.*

**CLAUSE 8: Maintain Capital.**

*Approved.*

**CLAUSE 9: Monitoring of Capital and Liquidity.**

*Approved.*

**CLAUSE 10: Insurance.**

*Approved.*

**CLAUSE 11: Name.**

*Approved.*

**CLAUSE 12: Powers.**

*Approved.*

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**Trustee Companies Bill 2017  
– consideration in detail**

**CLAUSE 13: Trustees etc.**

*Approved.*

**CLAUSE 14: Indemnity.**

*Approved.*

**CLAUSE 15: Delegation to TCSP.**

*Approved.*

**CLAUSE 16: Delegation by TCSP**

*Approved.*

**CLAUSE 17: Acting through Subsidiary Companies.**

*Approved.*

**CLAUSE 18: Removal from Office.**

*Approved.*

**CLAUSE 19: Affidavit of Order.**

*Approved.*

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**Trustee Companies Bill 2017**  
– consideration in detail

**CLAUSE 20: Power of Attorney.**

*Approved.*

**CLAUSE 21: Fees, charges and expenses.**

**Afioga ALIIMALEMANU ALOFA TUUAU (Alataua West):** Mr Speaker, I Wish for an opportunity...

**MR SPEAKER:** I call upon the Chairperson of the Finance Committee.

**Afioga ALIIMALEMANU ALOFA TUUAU:** I bring greetings to the Speaker, respectable members of the House, Samoa listening in and the Constituency of Alataua West.

The proposed legislation before the House on Clause 21 states that the Trust Company Service Providers or TCSP is eligible to fees and so forth; is it appropriate to include fees and grants from the approved law in the start of this year, I cannot recall the exact wordings, the process has it that we go through the Revenue Control Board before fees are made public instead of allowing the TCSP to set fees and so forth. Thank you.

**MR SPEAKER:** Very well thank you. I call upon the Minister of Finance for clarification on the matter that has been put forward by the Chairperson of the Finance Committee.

**Afioga Hon SILI EPA TUIOTI:** Thank you Mr Speaker and Chairperson for the question. For your information, the Samoa International Financial Authority is responsible for international finance services in the country and so far, Samoa is one of the least countries with the least financial organisation compared to larger ones like British Virgin Islands, Bermuda and others. The initiative is to try and speed up changes to sustain the reliability of the Bill for the registration of new companies and to generate more revenue. This type of work is carried out by solicitors and accountant companies in the country to earn more revenue.



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**Trustee Companies Bill 2017  
– consideration in detail**

In regards to the absence of process with the National Revenue Board instead and can use myself for this change and through to the Cabinet, in my belief, it is significant to make swift decision on this process to rapidly attract people to this legislation. With respect, thank you.

**MR SPEAKER:** Very well thank you.

*Clause 21 approved.*

**CLAUSE 22: Management Fees.**

*Approved*

**CLAUSE 23: Director's Fees.**

*Approved*

**CLAUSE 24: Prohibition.**

*Approved*

**CLAUSE 25: Choice of Different licenses.**

*Approved*

**CLAUSE 26: Application.**

*Approved.*

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**Trustee Companies Bill 2017**  
– consideration in detail

**CLAUSE 27: Particulars.**

*Approved.*

**CLAUSE 28: Approval.**

*Approved.*

**CLAUSE 29: Reporting.**

*Approved.*

**CLAUSE 30: Professional Duties.**

*Approved.*

**CLAUSE 31: Professional Conduct.**

*Approved.*

**CLAUSE 32: Records.**

*Approved.*

**CLAUSE 33: Data Protection.**

*Approved.*

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**Trustee Companies Bill 2017  
– consideration in detail**

**CLAUSE 34: Money laundering**

*Approved.*

**CLAUSE 35: Inspection.**

*Approved.*

**CLAUSE 36: Examination of Books and Accounts.**

*Approved.*

**CLAUSE 37: Search.**

*Approved.*

**CLAUSE 38: Other Actions.**

*Approved.*

**CLAUSE 39: Revocation of License.**

*Approved.*

**CLAUSE 40: Winding-up.**

*Approved.*

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**Trustee Companies Bill 2017  
– consideration in detail**

**CLAUSE 41: Appeals.**

*Approved.*

**CLAUSE 42: Information sharing.**

*Approved.*

**CLAUSE 43: Other forms of Cooperation.**

*Approved.*

**CLAUSE 44: Taxation.**

*Approved.*

**CLAUSE 45: Monetary sanctions.**

*Approved.*

**CLAUSE 46: Statistics.**

*Approved.*

**CLAUSE 47: Immunity.**

*Approved.*

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**Trustee Companies Bill 2017  
– consideration in detail**

**CLAUSE 48: Procedure where non-laid down.**

*Approved.*

**CLAUSE 49: Regulations.**

*Approved.*

**CLAUSE 50: Repeal.**

*Approved.*

**CLAUSE 51: Transition and saving.**

*Approved.*

**CLAUSE 52: Consequential Amendments.**

*Approved.*

**SCHEDULES**

*Approved.*

**CLAUSE 1 & TITLE:**

**CLAUSE 1: Short Title and Commencement.**

**TITLE: Trustees Companies Act 2017**

*Approved.*

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**Foundation Amendment Bill 2017  
– consideration in detail**

*The Trustees Companies Act 2017 progressed without Amendments.*

**FOUNDATION AMENDMENT BILL 2017  
– consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order, consideration in detail commences with Clause 2.

**CLAUSE 2: Section 2 amended.**

*Approved.*

**CLAUSE 3: Section 12 Amended.**

*Approved.*

**CLAUSE 4: Section 67 amended.**

*Approved.*

**CLAUSE 5: Section 89 Amended.**

*Approved.*

**CLAUSE 6: New Part 7A inserted.**

*Approved.*

**CLAUSE 7: New Part 8A inserted.**

*Approved.*

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**Trustee Companies Bill 2017  
– third reading**

**CLAUSE 8: New Section 90A inserted.**

*Approved.*

**CLAUSE 9: General Amendments.**

*Approved.*

**CLAUSE 10: Schedule 4 Amended.**

*Approved.*

**CLAUSE 1 & TITLE:**

**CLAUSE 1: Short Title and Commencement**

**TITLE: Trustees Companies Act 2017.**

*Approved.*

*The Trustee Companies Bill 2017 progressed without Amendments.*

**TRUSTEE COMPANIES BILL 2017  
– third reading**

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

**Afioga Hon SILI EPA TUIOTI:** Mr Speaker before I move the motion, I first of all extend great thanks to the dignity of this Parliament for supporting this legislation which I trust would be very useful for us.

Mr Speaker, I move the motion, *That the Trustee Companies Bill 2017 be read a third time.*

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**Foundation Amendment Bill 2017**  
– third reading

*Seconded by the Minister of Education, Sports and Culture, Minister of Justice and Court Administration and the Minister of Women, Community and Social Development.*

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

**FOUNDATION AMENDMENT BILL 2017**  
– third reading

**Afioga Hon SILI EPA TUIOTI:** Mr Speaker I again wish to thank the notable members for your support on this bill.

I take this opportunity to extend a big thank you to the Chief Executive Officer and staff of SIFA or Samoa International Finance Authority for initiating this vital project development and they also are monitoring if there are any required changes needed to be made to our laws and policies to be in line with global changes and to retain companies like this. Well done, I would also like to acknowledge with much appreciation the support of the High Chiefs and the village of Salelologa for the successful end to the deliberation of this legislation.

Mr Speaker I move, *That the Foundation Bill 2017 be now read a third time.*

*Seconded by the Hon Minister for Revenue, Minister of Agriculture, Minister of Education, Sports and Culture and the Minister of Justice and Court Administration.*

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

**GAMING CONTROL BILL 2017**  
– second reading

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Mr Speaker I move, *That the Gaming Control Bill 2017 be read a second time and I wish to speak briefly on it.*



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**Gaming Control Bill 2017**  
**- second reading**

*Motion approved by the Minister of Health and the Minister of Education, Sports and Culture.*

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** I beg indulgence Mr Speaker, I am not intruding in the House, but just an error of judgement on my behalf, I humbly apologise to the House and Samoa listening in, I would like to continue my explanation on the main contents of this legislation, on how to govern and control all the games coming into the country. It is starting to become uncontrollable. The Government is concerned in case anything out of the ordinary occurs in the operations of these games as well as the impact these games have on our people. Now that this legislation is before us, it looks very easy from every angle. It is very clear how to control these games practiced in the country and be mindful that they are not operated illegally for the wellbeing of those playing these games.

As such there are six parts to this Act, which are the main objectives to this Amendment Bill, firstly, to prevent the occurrence of any harm as a result of gaming and gambling activities; secondly, to promote responsible and fair gambling and gaming activities; thirdly, authorize gambling and gaming activities and prohibit others; fourthly, limit opportunities for crime and dishonesty associated with gambling ventures and gaming activities and lastly, to ensure that money acquired from gambling and gaming activities is injected back into the community. There are fourteen sections that are fully explained in this Bill. The amendment would afford more power of control to Chief Executive of the Gambling Control Authority. Permits would also be issued by the Authority for prospective gaming/gambling vendors. Due to the growth in technological advancements, there are now more avenues for people to gamble such as via one's phone, online and so forth. For this reason, it is necessary to employ an investigator to ensure that 'winnings' are disbursed to charitable organisations, as stated by many gambling providers.

The bill also provides the Office (TAB) the authority to issue permits and licenses for all gaming and gambling activities, and that the Office would also be responsible for monitoring the implementation of these activities within the community. The Authority has the final approval of the various gaming activities to ensure that funds go directly to where it is supposed to go. The Authority also has the power to audit books of these organisations to see whether funds raised by gaming activities have been allocated directly to the authorised recipient.

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**Gaming Control Bill 2017**  
**- second reading**

All those who apply will have to supply vital information like the date and venue, proposed prizes and where the funds will go whether it is a House or a Church building and so forth. All these things must be clear which the main purpose of this legislation.

Other changes to be introduced by the Bill includes the enforcement of a minimum age 21 and over which would include games such as bingo, horse racing betting and so forth. The Authority would also be authorised to decline and revoke licenses. This bill also covers other gaming activities including those aired on television namely the Samoan lotto and so forth.

That is the overall summary and more chances will be given when this legislation is referred to the Committee. Those are some of the thoughts to generalise the purpose for this bill to protect our citizens in case their lives are affected by the increasing gaming activities in the country. With all due respect.

**MR SPEAKER:** Thank you. I call the member for Faasaleleaga No.1 West.

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Faasaleleaga No.1 West):** Thank you Mr Speaker. I would like to extend gratitude to the Hon Minister for proposing the tabled amendments and one we have longed for in terms of gambling or the use of funds for various gaming activities. Parts of this legislation has my support and must be monitored accordingly especially the fitting persons to be given permits and the gaming activities that are appropriate.

The main thing is controlling people under the age of 21 and whether this would include phone text competitions and it would be difficult to monitor the usage. The mobile phones have no protection for the players of these gaming activities. I feel that majority of these players are those 21 years and there is no control in that regard. Money spent is something we should also consider because this will impact the lives of the youths under the age of 21 in regards to where they get the money from and whether it is legal. On this note, the Authority should consider appropriate ways to limit or stop these activities from giving free and easy access to playing these games. The new game on television, TV Bingo is easy for the children to play in their own homes whilst parents are watching, but out of the crux of this Amendment Bill is to try and prevent a culture of gaming and gambling being nurtured in the lives of our children and the result of addiction.

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**Gaming Control Bill 2017**  
**- second reading**

I plead Hon Minister, what are the conditions and whether are any protective ways for our children to avoid them from using money and even of their parents to quench their desire from playing these games and to avoid them from making ill-informed decisions. That is the main concern for those 21 years and under. Thank you Mr Speaker. Well let's hear the member from the Urban Seat West.

**Afioga FAUMUINA ASI PAULI WAYNE FONG:** Thank you for the opportunity. I acknowledge the presence of the Hon Prime Minister and that side, this Side and its leaders. I wish to make a statement on this legislation. Thank you Hon Minister for the clarification on this Bill.

My biggest concern is that there are many churches and organisations that depend on these gaming activities for funding community projects and activities and to meet obligations. Just a humbly advice, Hon Minister if you can look into the matter of money made or received if they are looking at making more than what is needed by a church organisation. There should be no reason for small organisation to be affected because it is not as if they will be getting \$10,000 during a night session from a game.

Mr Speaker, you would be lucky to make any money, and even more so if proceeds reached \$1000, now there is going to be a license to prohibit those who are still persistent in carrying on so they can get funding assistance through gaming activities. As you can see Hon Minister, no we are the very ones who approved this legislation to allow these gaming activities to be played in Samoa. Now, it is good that there are certain conditions. But the rest of Samoa will be protected as they are reliant on these games. I still believe that these gaming activities are very beneficial to the community as a whole; the Minister for Revenue is also present here.

**MR SPEAKER:** I beg tolerance since we have arrived at our recess hour, a motion will be moved in accordance to our normal procedures and in terms of time extension and with great concern to our speakers. But be brief when we have the motion.

I call the Prime Minister for the motion.

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### MOTION TO EXTEND SITTING HOURS

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** I trust that our Sitting will not proceed any longer, and have therefore thought that we should visit this next small Act before we adjourn. That is why I stand to move the motion, *To ensue with this Bill until we finish the second reading of the Income Tax Amendment Bill (No.2) 2017.*

*Seconded by the Minister of Commerce, Industry and Labour and the Minister of Finance.*

*Motion approved.*

**MR SPEAKER:** I call the member for the Urban Seat West whom I trust will make his conclusion shortly.

**Afioga FAUMUINA ASI PAULI WAYNE FONG:** This is the intention Mr Speaker considering that we look into this Bill and to look into the revenue received so that they can be licensed and distributed to the organisations and churches that rely on this. This fundraising activity will also be beneficial for other organisations in the rural areas. That is my only opinion Mr Speaker, and may we have a blessed Sitting today. Thank you.

**MR SPEAKER:** Very well thank you. We have the member for Vaimauga East who wants to speak. I call the member for Vaimauga East before we conclude with the member of Falealili. We have two more speakers. It will be good if you keep it short as we have passed our adjourning time.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East):** Thank you I will be brief. Thank you Mr Speaker and Members of the House. I greet the Leader or the Hon Prime Minister for his safe journey back to our country. May God be praised for the duly renewed strength upon you.

I would like to greet the distinguished members this morning and would also like to express some views with regards to the matter at hand. I would like to thank you Hon Minister and the Chief Executive Officer for introducing this Amendment Bill for the protection of our country and our revenue. Truthfully of all things, money is the most important thing.

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**Gaming Control Bill 2017**  
**- second reading**

All the other gaming activities I wish not to talk about, but in regards to bingo, I thank the member who still bears understanding and still gives the chances to the churches because this is what the churches are depending on through fundraisings for development purposes. It has also been made clear that all registrations must be made to your Ministry that is the only concern for this member such that bingos are also being handled by the Ministry for Revenue. But do take into consideration affordable fees for the churches.

Another thing is bingo where we made a lot of noise on setting up casino and its impact on the kids, so looking at the new TV Bingo pardon me, and the name of the company that initiated this new game on television, that is the major concern with another member as our bingos are now using Television and radios to broadcast and advertise notices on them. Some churches totally have a ban on their adherents playing bingo whereas some churches play secretly in their homes in the sight of the church whilst God is watching at this transgression.

An old lady would pass her bingo tickets to some child to play and the church cannot see it. The concern I have is whether your Hon Minister can close down these live broadcastings given that these communications are made public throughout the country. Further more the legislation I submitted for the 21 age group states that having a Casino is alright because children cannot go there. Now we have a game that is being played in homes which is the major concern. There are church halls and buildings owned by church groups for these games to be announced on radio. I plead for it to be stopped.

The other reason I support this legislation is in regards to mobile phone companies where I hear that you must text 444 in order to bear eligibility, well something to look into. The country is being tricked into this saying that you will make several hundred and thousand bucks for just one car. I also ask the Hon Minister for Revenue to assist in this regard and the using of our people. Some people have bought credits to call their children so they can use this text.

In addition, part of this matter is the car dealers, they also use raffles to sell their vehicles but it is good that this has been addressed. By request given the various registrations on bingos of churches and whether this fees can be reduced and if they could just come to your Ministry and register for free because they are also paying a fee at the Ministry of Revenue.

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**Gaming Control Bill 2017**  
**- second reading**

This is one reason this power was removed from the Ministry of Police despite our need to achieve this under the support and auspices of the police so that police officers could conduct site visits in the villages where these games are being held. Now this Act will be repealed which saw permits issued from the Ministry of Police when you are not the Police because the process before, whenever there's a fire, the Fire Services and Police would respond accordingly or when there was a fight or people brawling and you people are looking after our revenue as we also notice that you do auditing for revenue, but that is the objective of the Ministry of Police. If there's a sports going on, the Police are there to provide protection.

That is all other than gaming activities on the overall level, I support it whereas for bingo pertaining to churches, I plead not to have any payments for registration fees through your Ministry. Have a blessed Sitting.

**MR SPEAKER:** Thank you, I call the member for Falealili West. This is the final speech on this matter.

**Tofa AUMUA ISAIA LAMEKO (Falealili West):** Thank you for the opportunity. I wish to thank the honourable Speaker for this vital chance. I thank the respective Minister for this legislation and it seems that this Act has been with us for quite some time now. On behalf of this Constituency we fully support this Bill with very few parts to comment on in regards to Part 55 where it says restrictions for individual persons to operate bingo games.

Another one is by a humble request please if possible to have a notice released in general like the ones done in relation to recent development projects by the Government, so if you need to start a project development, you can announce it through the Lands Transport Authority how this development is done. The good thing about this is so that the public is aware of the various games played in regards to promotions of different subject material from the work places/businesses. With that our mobile telecommunications companies are also playing their own games. In my opinion, it is the choice of the person alone where they want to play to make profit on the money they spent. The only thing that I gauged from the remarks of other members is in regards to the issue of people playing aged 21 years and under. This is the parents' responsibility not just adults and in regards to the kids playing these games.

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I would also acknowledge the support of my constituency in your honorific salutations. I am grateful to your support for both your representatives who are Fuimaono and myself in Parliament, thank you.

**MR SPEAKER:** Very well. I beg indulgence to the member of Faleata West, I have made my ruling.

**Tofa LEALAILEPULE RIMONI AIAFI:** I only need a minute please. Just a brief one. Thank you. I will not make my half an hour speech as this is a very important legislation. Because what is happening with us is that we all grew up in a background which involved gambling so when our children were born, they learn from us how to gamble. Well never mind about this matter rather the issue I would like to point out is Part

43 which states, sales promotion scheme in the buying of and services but I think it has become too broad. We should look... that there should be an exemption and areas to permit grocery products and wholesale and retail products, and hardware products. This is in specific to competitions which benefit us all as long as there are no barriers and restrictions. Whereas for games that uses the phones for gambling and making money out of these gaming activities, that is what we should look into considering my own point of view. Other than that, these are the things that will be if of great benefit for us who do not gamble but go to the stores and see the drop in prices for some food items and other purchasing items and promotions, this is what should be allowed under this Bill which is becoming aware now unless there is still a valid reason that a license can be granted to an individual to operate a game specifically bingo and those types of games. Because what is the use of us having these discussions because it seems we are not fully understand what constitutes a bingo fundraising for profit to be given for a good purpose. Otherwise, I extend great thanks to the Hon Minister and the Ministry for this means that it is just the management fee to pay and furthermore means that the rest of the money will go to charitable organisation or other areas where money assistance is needed like sports bodies and so forth.

This is all from me emphasis to Part 43 of the Bill where it says promotion for sales of goods and services; have a look again Hon Minister on this part of the legislation for it will benefit the public as a whole in terms of trading of goods and products generally. Thank you.

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**Income Tax Amendment Bill (No.2) 2017**  
**- second reading**

**MR SPEAKER:** Very well thank you. I call the Hon Minister for further clarifications that needs to be made before we have the question.

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Thank you Mr Speaker and all the other members for their thoughts and comments. As said, there is more chance to make further submissions on this legislation when it is referred to the Committee. Rather, great thoughts relayed today. In regards to the detailed comments, the Ministry will review accordingly in relation to this Bill.

Other views on this legislation are already in this Bill, I suppose if they were to read it clearly again in detail, there are no bans as such, like we are banning bingos, but we are stressing the need for their games to be licensed. I like the view regarding the lowering of the fee for church bingo license fees and for other similar organisations too. That is what the Ministry will be looking at once this process will eventually begin. And we will advise on what applicable fees to be paid.

We are all aware that bingos are our churches life so to speak notwithstanding other money making games that are not currently being operated or run with any valid reasons, and that is what we are trying to address and protect our people from. These various sales promotions the main concern and objective is to protect those who are participating in these promotions to protect customers. These are the views today as the Ministry will look into them thoroughly to improve the legislation going forward. That's all from me with all due respect.

*Motion approved and the Gaming Control Bill 2017 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Orders this Bill will be referred to the Revenue and Expenditure Committee for their review and report back to the Legislative Assembly after 90 days.

**INCOME TAX AMENDMENT BILL (NO. 2) 2017**  
**- second reading**

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Mr Speaker I move, *That the Income Tax Amendment Bill (No.2) 2017 be now read a second time and I wish to clarify it.*



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**Income Tax Amendment Bill (No.2) 2017  
- second reading**

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

*Motion approved and the Bill was read a second time.*

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Thank you Mr Speaker, this is a short Bill. The main objective of this Bill is to put back the deadline date for payment of taxes from the 30 June that was approved on the 1<sup>st</sup> of December. This is the only purpose of this Bill.

**MR SPEAKER:** Very well thank you. I call the member of Alataua West to speak on this Bill.

**Afioga ALIIMALEMANU ALOFA TUUAU:** Thank you Mr Speaker for the chance. Briefly and a question to you Hon Minister in regards to this Tax Amendment Bill based on observation that this tax credit had a deadline on the 30 June 2017 after the Budget 2016/2017. We are currently on the 2017/2018 Budget.

In query, what is the purpose of the current financial year's Budget to this Bill? Seeing that we may not have a Supplementary, what is the impact and how is it related to this Bill? Thank you.

**MR SPEAKER:** Very well. I call the Hon Minister of Finance for your clarification.

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Thank you, this is the Hon Minister for Revenue. Thank you for the question.

In regards to tax credit, it does not have anything to do with our Budget. These are funds invested by local companies in hotels reflected in their annual reports. If they have expenditure with the Customs Office, they could use these investments or revenue they get rather than the Budget.

The only impact would be that the Customs Office would not be earning any taxes in the future due to the use of this tax credit. I do not know who initiated this Bill, but trust that it should be changed. Try and change this law so it will not be enacted again.

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**Income Tax Amendment Bill (No.2) 2017**  
**- second reading**

We have not had any new hotel applications for this scheme since June, except for those who still has investments with the local hotels that have had the approval of the Investment Committee. They approved the new hotels and were referred to the Ministry for registration under hotels where people could invest in. This was the only thing that was put back was the investment for people to re-invest because it was cut instantly.

This scheme started back in 2003, renewed in 2008 and 2013. This renewal is valid for every five year and the current one expires in June 2018, and so I spoke with the Minister of Finance and the issue was, our Ministry is building hotels where these people are investing in, because of the taxes they are supposed to pay and now they are also investing and now that the bill is tabled and this investment is cut off until the first of December. This is the clarification.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** Mr Speaker please can I get a chance since this is a very critical matter? Thank you Hon Minister for bringing this subject matter into the House which had my support during the time that ended the services for tax credit on the concern that only the companies who invested in hotels were benefiting from it and then withdraw...For example when a company invests \$100,000 in a hotel, this company will still have this credit with the Ministry for Revenue however, they have no money paid there because they are investing in hotels. So I thoroughly support this alert by this Minister and the Minister of Finance to omit this doing as these funds are invested in hotels and are not crediting their accounts or...for the Ministry for Revenue. I am relieved that the deadline is on the 30 of June but my concern is that I can see why it has been extended to the 31<sup>st</sup> of December when this system should be stopped. I therefore do not support this delay, if it is meant to stop then it should be ceased and no one should invest with the hotels again but they should credit their accounts or remove them from the Ministry for Revenue.

That is my intention however I fully support this now that the deadline is on the 30<sup>th</sup> of June however the Minister has pleaded again which means that the Minister still has people that have not invested in this scheme that will be taken away by the Ministry.

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**- second reading**

That was the support at that time, which is done. With due respect. Thank you.

**MR SPEAKER:** Very well. I call the Minister of Finance.

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Thank you to the member who was with the Ministry for Revenue when this legislation was enacted where he was not yet caught.

Mr Speaker the member is correct. The reason it was put back was due to the request from the Chamber and the Hotels who were affected when this scheme was abruptly ceased in June, and so the Chamber requested for a deadline extension to the 1<sup>st</sup> of December. This is why we had this extension. That is the main reason for this extension because we have had hotels who requested that they were shocked when they heard the notices in the beginning of June about the deadline which was at the end of June. That is the whole intention and a chance to the Chamber for the request which for us is also a fair request given this instant cut... rather that does not apply to new hotels who were applying under this scheme except for those hotels that received the approval of the Investment Board, Cabinet and the head of the Ministry.

This is the clarification.

**MR SPEAKER:** Very well thank you.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** Mr Speaker I do not oppose the Minister's statement except for a few points he made which he said he did not obtain, you had a good look at the records of the man at the Ministry who oversees these matters, it is not good listening to the ending remarks of his statement. The main concern is because the Minister has already clarified the matter for those who have already registered but what about the new ones who want to be included now that the opportunity is given. If the date has been extended to the 31<sup>st</sup> of December, then give the chance to those *who wants to receive this benefit. That is the concern when I gave my support on the first deadline and not the extended timeframe we now have because it is said that opportunity is now open for all those who have had their registration when this is new that the scheme is soon to close off.*

This is my concern with all due respect.

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

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**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, that is the mindset of those who are unaware of what's happening. Even those who received this assistance today, it has taken years since we saw no establishment of a hotel. Nothing like that can happen, these businesses clamour to apply for this government assistance and when they get it you get tired of waiting for them.

There are businesses even at this point in time who go directly to the Minister and see that when an Act is passed soon, they come directly at me. My only answer to them 'go eat your delay response', because if these hotels were built, we would have had several hotels and we would not have any worry like the time when we had to bring the Cruise ship to accommodate the many guests that attended the United Nations SIDS Conference on our shores.

Mr Speaker there is no other choice for the people to make a quick move when they hear that the deadline is sooner. I have told one hotel developer that it is hopeless to hear them again saying that they will build a hotel, they came for assistance and after it was given; it took us a while of waiting. When I got to the site where this hotel was proposed, it was filled with overgrown grass.

Mr Speaker, the world that we live in is full of outgrown wheat and tares and in that regard, the new proposed legislation is very important.

**MR SPEAKER:** Very well, I trust that all matters discussed have had the clarifications of the Government. I beg your pardon me, let us not allow our passionate pleas as a way for us to hurt each other's feelings for as the leaders of the country we must learn to uphold high esteem by making wise decisions for the sake of our people.

It would be good if we still use respectful language bearing reverence in all our discussions to enable our work to proceed successfully.

*Motion approved and the Tax Amendment Bill (No.2) 2017 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Order the Bill was referred to the Economic Sector Committee for review and report back to the Legislative Assembly in a future time.

I call the Hon Prime Minister, Leader of the Government for the motion to end our business.

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**MOTION FOR ADJOURNMENT**

**Susuga Hon TUILAEPA AUUEA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker, I move, *That Proceedings of the Legislative Assembly adjourned until Tuesday, 19 December this year at 9.00am.*

*Seconded by the Minister of Commerce, Industry and Labour and the Minister of Health.*

*Motion approved.*

**MR SPEAKER:** Before we adjourn, I wish to extend great thanks to you everyone for achieving a huge task today.

The purpose is to go in line with our scheduled time to enable us to fulfil our work before comes the holiday season this year.

As such I convey sincere appreciation for your perseverance and dedication. The works of Parliament is not an easy one but with hope in God, He can assist us in making wise and just decisions through these Parliamentary Sittings.

Before we adjourn, I call one of the members for Falealili West to end our sitting today with a prayer.

*Proceedings of the Legislative Assembly adjourned at 1.30pm until 9.00am on Tuesday, 19 December 2017.*

