

*MONDAY, 26<sup>TH</sup> JANUARY 2015*

*Mr Speaker took the Chair at 9.00am.*

Prayer.

**MR SPEAKER:** I greet the distinguished House with the utmost respect and gratitude to the Lord for guiding us here today. I greet the Leader of Government and Cabinet and also that side of the House; the Leader of Opposition and your side and most especially all the esteemed Members of Parliament. I appreciate your commitment and patience to carry out the deliberation of our work.

We shall continue to praise the Father for His presence and love from the previous week when we approved the Supplementary Appropriation (No.1) 2014/2015. We have come to a new week and it is with high hopes that we set off with smooth sailing so that we can catch up with our delayed work. As I have stated before we have much to complete in terms of Bills, Amendment Bills and Reports yet to be considered which is why we have continued on to this week. I firmly believe that we all have the patience and tolerance for our work and the fulfillment of our calling in Parliament. Therefore we need to proceed with the consideration and approval of these Bills so that we can hand them over to the Leader of Government and Cabinet for implementation. I therefore beseech the dignified Members of Parliament for your cooperation in our Proceedings this week.

I acknowledge the support of Samoa this morning in all its honorific salutations. It is the prayer of the Parliament that you continue to pray for our nation as your Government and Leaders of the Country carry out the orders of the day.

I also acknowledge the servants of the Lord in constant prayer for Samoa; may your prayers be heard so that today's work may proceed with your blessings on all of Samoa.

### PRESENTATION OF PAPERS

*Pursuant to Standing Order 48 the Clerk read out the Orders of the day.*

1. P.P.2014/2015 No.193, National University of Samoa Annual Report for 2013/2014.
2. P.P.2014/2015 No.194, Office of the Electoral Commissioner Annual Report for the year 2012/2013.

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**National Provident Fund Amendment Bill 2014**  
– second reading

**MR SPEAKER:** For the information of the Parliament, this Bill was first read on the 19/08/2014 Sitting day.

I call upon the Hon Prime Minister also the Hon Minister of Finance.

**NATIONAL PROVIDENT FUND AMENDMENT BILL 2014**  
– second reading

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister):** Mr Speaker I stand to move a motion, *That the National Provident Fund Amendment Bill 2014 be read a second time and I would like to clarify it.*

*Seconded by the Deputy Prime Minister and the Minister of Communication and Information Technology.*

**MR SPEAKER:** I grant opportunity to the Hon Prime Minister to clarify the Bill.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker, ever since the establishment of this Act in 1972 the Committee has been constantly consulting on strategies to improve the service for contributors. It means that although it seems that this fund was to improve and increase savings of the retirees but there are constant financial needs from time to time. The Bank of Western Samoa was the only bank that existed in those days. In 1974, a new division was founded within the Bank for developments but was later removed and resulted in the establishment of the Development Bank where people could seek financial assistance for their developments. The processes in the Bank of Western Samoa were not simple because they had conditions especially with regards to land. An applicant had to have land to mortgage as well as guarantors and if the loan went into default, they would be hauled in like cows to pay the debt.

I speak on these things because it is very easy to get a guarantor to guarantee a loan as if it was that simple especially with the Members who are first approached by their constituents. The Banks in turn have begun to be skeptical of Members especially when they are not re-elected then they are hard to find. There are those who even went to prison for failing to pay the loans. Furthermore people are always going to the bank for emergencies but the Bank will say, "Go get a guarantor," so people turn to the Members.

I only make it known that Members are no longer trusted or accepted by the banks especially nearing the Elections because if they are not re-elected, who will repay the loan? But these were the initial stages we came through. Today we now have more banks in Samoa after more than 50 years of being Independent. In 1972 this Fund was established. I remember that whenever the Committee for the NPF would meet it was difficult to promote NPF contributions because the mentality at the time was not on saving but rather spending.

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They were not familiar with the concept of saving for the future because of the many cultural obligations, funerals and childrens school fees. There was then an initiative to set up a Parliamentary Pension Scheme. We witness now that former Members have now succumbed to dawning formal wear and sitting under the tree at the court house dressed in tapa cloths waiting for court cases so that they can personally gain from it. The HRPP Party and the Hon Tofilau Eti Alesana deemed it unfit for previous Members of Parliament to struggle like so and should therefore have their own funding scheme.

At the moment the contribution is 10%. Amendments to be made later will increase the 5 percent that has been the norm for the past 20 years to 6 percent this year and then next year it will be 7 percent. The Amendment following will enable our people to be entitled to an increase from 5% in the 20+ years and 6% this year with an increase of 7% next year. It means that for every tala (\$) there would be an increase of a cent per tala. The Cabinet has approved the Amendment and perhaps the Chambers will be notified if the Cabinet has made further arrangements. The Parliament will be made aware once the calculations have been finalized in terms of contributions. If the contributor does not pay that cent then the employer will not contribute a cent. There is no company that will encourage the increasing of the contributions because they will be bankrupt from the cent from each tala (\$). Only the Government has the vision to ensure that the contributors are protected.

Other Amendments include assisting families with *faalavelave* like funerals. To elaborate more, it will now be possible for members to withdraw the fund under the death benefit. Before the fund was calculated from a month and that is insufficient to buy the goods needed for any obligation but it is now being amended to 2 years or 24 months worth of contribution. It will therefore provide the beneficiary more financial assistance to purchase necessary provisions for the funeral.

The other Amendments provide for contributors to have interest rates payable to the members account. This means that the members account can be credited directly. The importance of this provision is that the earlier the deposit the larger the sum able to be accumulated. Furthermore it will provide for the interest rate payable members accounts and cash flows and calculation of such interests. The members interest rate payable depends on the date and time of transaction so that the charge can be taken into consideration in regards to the movement of cash in and cash out.

The third part as mentioned before is in regards to the death benefit which allows the member to withdraw a larger amount of money for the sole purpose of the funeral arrangements. It will be a great help to those who have nowhere to turn to for money to purchase herring boxes and cattle for funeral arrangements. There is also an amendment for senior citizens to withdraw their entitlements. There are cases when the entitlements sit untouched for a long time in the Fund and the rightful owner is unknown.

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I also recommend the Fund to be proactive in identifying the members that own the entitlements that have been withdrawn. Perhaps the problem stems from citizens traveling overseas and not issuing a statement in relation to their contribution to the Fund. Moreover the other problem arises from businesses using NPF of their employees when they are in a financial setback. Only when the NPF has sought them out do they begin to arrange for repayment. There are fines in place for the small or newly established businesses that have used their employee funds. Therefore the Amendment of the Bill provides for these issues mentioned.

And the last provision as per the Cabinet directive, there will no longer be many Deputy Chief Executive Officers. The Cabinet has decided it would be best to remove the post Deputy Chief Executive Officer because there is a Deputy and also an Assistant. The other issue is the direct appoint of the Deputy to Chief Executive Officer when there is a possibility that Officers in the Assistant level are more efficient for the post. It is the reason why the Cabinet decided that if there is an Assistant then remove the Deputies.

Mr Speaker it is the hope that with clear understanding of the Bill time will enable the Bill to pass through and be approved. However I would like to give notice that a motion shall be moved to change our hours from 3:00pm to 7:00pm if we conclude at 1:00pm. Bless this Meeting.

**MR SPEAKER:** I trust the distinguished Members have noted the explanatory statement on the Bill. Therefore the floor is open for debate on the Hon Prime Ministers statement.

I recognize the Member for Faasaleleaga No.2 followed by the Member for Faleata West and the Member for Aana Alofi No.3.

I call on the Member for Faasaleleaga No.2

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No.2):** Thank you Mr Speaker. I acknowledge the distinguished House and especially the prayers of gratitude for this wonderful new day and beginning of the week. I believe we are united in our gratefulness to the Lord for His guidance upon each Member of Parliament for guiding us today as we begin another week of our duties.

I wish to share my thoughts concerning this very important Bill. I believe the title of the bill speaks for itself and the essence in which it was established. I have observed and listened to the Hon Prime Ministers speech and I support the importance of this Fund for the future of our people. Therefore I wish to implore my thoughts on the percentage of contributions being increased from 5% to 6% in the near future....

**MR SPEAKER:** I beg pardon of the Member, but I recognize the Hon Prime Minister.

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**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the matter mentioned by the Member is not included in the Bill. As I have said there will be a follow up bill which will provide for the aforementioned provisions. Therefore I urge the Member to comment on this Bill as there will come a time for the aforementioned provisions on increases shortly after.

**MR SPEAKER:** I believe the Member has noted the explanation of the Hon Prime Minister. I grant opportunity to the Member for his statement in regards to the elaboration made by the Hon Prime Minister.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** I shall be brief and I wish to note our gratitude for the proposal to increase the percentage for the members.

However my concern lies in the amendment in relation to the death benefit being increased from one month of contributions to contributions amounting to two years. My concern is that the increase may be too harsh for the members. The Act was very important seeing as even though it was it was a short the most important thing was that members were able to benefit from it. The amendment now states for the members to have to be contributing for at least two years in order to be eligible for the death benefit. Funerals are very important parts of our culture which is why it is very important for families to be offered assistance during these hard times....

**MR SPEAKER:** I beg pardon of the Member, I grant opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I stand to slightly amend my statement voiced before.

The amendment in regards to the Death Benefit is specifically for the two year period of contribution for a member. It means that those who have only been contributing for one month are not eligible for this benefit but the \$5,000 remains. For instance if a person is new to the NPF this person will not be entitled to this benefit as they have only paid one payment and then an emergency strikes.

*Mr Speaker that is a brief correction of my statement voiced earlier.*

**MR SPEAKER:** I grant opportunity to the Member to continue his speech.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** Yes, well I suppose I interpreted the matter differently. I assumed that it will now be changed from one month to two years. It means that a month worth of contribution will not be recognized by the Bill.

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Furthermore it will mean that all those who have only been contributing for one month are not entitled to this benefit. However it is times like these Mr Speaker that wives of the deceased who are unemployed need the assistance from the NPF the most. It has always been comforting to hear witnesses of the assistance made available by the NPF to the families of the deceased.

What I mean to emphasize is that it is a waste of an opportunity to our people especially when it comes to funerals, they desperately need this assistance.

I firmly believe Mr Speaker that the NPF is one of the many Corporations with a lot of investments which can be a great help for those less fortunate especially in terms of family emergencies.

It is merely my intention to emphasize the importance of the amendment tabled in Parliament at the moment.

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker perhaps the Member did not fully grasp my speech before when I clearly stated it. To illuminate more, take for instance a person that just started working and earns only \$30. Bear in mind that a cent of the \$1 is your payment thus the payment will only be 23cents multiplied by 5 equals 60cents plus the 60 cents from the Government makes it \$1.20. Therefore they have only made one payment and then suddenly there is a funeral. The provision of the Bill states that the member is entitled only if they have been contributing for at least two years not a month as is the current provision. Additionally it depends on the contribution that you have in the Fund. This is an example of a member that is not entitled for the death benefit due to lack of contributions. The benefit is made only for those who have contributed for more than two years.

**MR SPEAKER:** I trust the Member has understood the Hon Prime Minister. I call on the Member to conclude his statements.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** Thank you. I acknowledge that the \$5,000 will still remain even if the Bill is to be approved. Thank you Mr Speaker.

**MR SPEAKER:** I acknowledge the Member for Faasaleleaga No.2. I call on the Member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI (Faleata West):** Thank you Mr Speaker for this opportunity. First and foremost I acknowledge the Hon Prime Minister or the Hon Minister of Finance for this Bill. I also acknowledge the CEO of the Ministry for the hard work we have observed in the Corporation for not only Samoa but also overseas.

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I wish to comment on the Bill in relation to the statements made by the Hon Prime Minister. The amendment tabled at the moment is the fourth amendment to this Bill from 1972, 2007, 2010 and now 2014 which we are currently debating.

From 1972 the only payment needed in order to be entitled to the death benefit was \$1. In 2007 the provision was the same and it was only in 2010 that the Bill was amended to one month.

Mr Speaker I am aware of the great work and accomplishments of the Ministry, however it is my humble opinion that it is regressing. This is the 43<sup>rd</sup> year of this Fund.

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the accusation is very inaccurate. NPF is indeed progressing forward. Such accusations should not be made so carelessly. The Member was not here in 1972 when the topic was debated, and it was very complex. It is why many of the Members were against this, but there was a way in which the Parliament accepted it. There is a Law that provides for Members to be entitled to the benefit once the third year of the Term ended. It was executed so with the mindset that Members will no longer have any other means of income. Therefore in 1996 the NPF initiated the pension scheme for Members allowing them to withdraw all their contributions in the General Election period.

**MR SPEAKER:** I call on the Member.

**Tofa LEALAILPULE RIMONI AIAFI:** Mr Speaker I thank you. I continue my concerns on the death benefit. A member was still entitled to the benefit even if they had only been working for a month. Now this is being amended to two years of contributions then and only then can a member be eligible for the benefit. Therefore my question is why is it being amended when for 43 years the Fund has been paying out this benefit to members that have been contributing \$1? Why is it now being amended to two years?

**MR SPEAKER:** I grant opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, there are experts that analyze the cash flow and of the Fund and they recommend measures to ensure the preservation of the Fund. The current Committee is not hasty in their decision making because the number of contributors are increasing and the percentage of cash going out is in the millions.

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Therefore the duty of the Committee is to look for ways to preserve and protect the Fund so that it is sustained. The Fund was established for financial assistance to those that need it and not to satisfy temporary wants resulting in the depletion of the Fund.

Mr Speaker this is the matter I... Tuivalea is not in charge of the Fund.

**MR SPEAKER:** I trust the Member has understood the response of the Government as made by the Hon Prime Minister. I beg the Member to move away from this issue.

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker, it is a very crucial issue because this Fund is like insurance where you pay your fees today and if you die tomorrow you are still entitled to your fees. The Fund is a provident fund for our people. The future does not refer to 55 years later. It starts from tomorrow and the day after tomorrow...

**MR SPEAKER:** Tofa Lealailepule your concern is noted, I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatiafola Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker as I have tried to emphasize the common mentality to spend unnecessarily but never to save for the future. It is why the Government has taken steps for the future to ensure there is a chance for loans to continue to be made available. At first, the amount available for loans was only a small amount but over the years it has increased percentage by percentage. At the moment there are some people that have loaned up to 80% and when they truly need it they have run out of money to loan from. Furthermore the children of this generation have begun to rely heavily on the pension money of their parents instead of working. The pension is supposed to be for the senior citizens and their church donations and groceries but instead it is being used to care for their children and their grandchildren.

Mr Speaker we are all Samoans and we are all aware of the reality in our country.

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker everything the Hon Prime Minister has mentioned was not included in my concerns albeit them being very true in terms of percentage. However there was only one matter I wanted to be reviewed and that concerns the death benefit.

**Tofa Hon Tuuu Anasii Leota (Siumu):** Point that needs clarification in reference to the Member for Faleata West speech.

**MR SPEAKER:** I beg pardon of the Member for Faleata West, but I grant opportunity to the Member for Siumu.



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**Tofa Hon Tuuu Anasii Leota:** Mr Speaker I wish to query the Member on the number of members that he is aware of that have worked for one day and had funerals straight after making this a concern for the Government? Thank you.

**MR SPEAKER:** I give opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I direct my statements to the Member speaking. The Member for Siumu is asking ridiculous questions.

Mr Speaker we are starting to stray from the issue here due to the complication of the matter. I have already explained the subject to the Member who queried and the day I used was an example to explain so that the matter can be fully understood.

**MR SPEAKER:** I call on Tofa Lealailepule I trust the matter has been clarified...I recognize the Member for Siumu.

**Tofa Hon Tuuu Anasii Leota:** Mr Speaker with all due respect to the statement of the Hon Prime Minister in regards to the accusations being stupid. I stood because I also wanted to understand the concerns voiced. However I am quite disappointed with the accusations.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I am responding to the Member because Tuivalea is not here. The correction should be directed at the Member speaking. It is why I am directing my explanations to the one who asked. You have been a Minister yet you are still in the dark? You have also left HRPP so have you not resigned already?

**MR SPEAKER:** I beg tolerance of the Member for Siumu...I will clarify the matter.

**Tofa Hon Tuuu Anasii Leota:** Mr Speaker I am very disappointed by the statements made towards me. I do not understand as I am merely directing my question to the Member and not the Hon Prime Minister.

**MR SPEAKER:** Tofa Hon Tuuu I understand your concern. The Chair granted you opportunity in the hopes that the matter may be clarified.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the response to the Members question was clear. He does not have any say in the matter and his questions leave room for unpleasant thoughts. You only just arrived in this House yesterday. Do not think that I do not know what you are up to. The matter is directed at the Member who queried.

**MR SPEAKER:** Well, I implore the Hon Prime Minister, the matter has been cleared. Tofa Hon Tuuu the matter is settled therefore I call upon the Member to continue his query.

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**Tofa Hon Tuuu Anasii Leota:** I will concede out of respect for the Speaker. Thank you.

**MR SPEAKER:** There will come a time to further consult the matter therefore I urge the Member to move away from the topic. The Cabinet has addressed and responded to your concerns raised and I trust the matter has been clearly addressed. The Government has clearly illuminated on the reasons why it has been amended from one month to two years.

Observe the reason and plans of the Fund in the hopes that the contributions are preserved and maintained for the future. I urge the Member to move away from the topic as it already cleared.

**Afioga Hon Palusalue Faapo II (Leader of Opposition):** Mr Speaker....

**MR SPEAKER:** I beg tolerance Afioga Hon Palusalue.

**Afioga Hon Palusalue Faapo II:** Point of Clarification as it is very important.

**MR SPEAKER:** I have already explained that the query has been addressed. If you wish to speak then do so in your own time, as for now Tofa Lealailepule is concluding his speech.

I call on the Member.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you. We started this talk on the death benefit but now its death from the party for some people. Mr Speaker this subject is very important to me because the purpose the Government founded this Fund was for the benefit and future of the public. The Hon Prime Minister is right, I was not here in 1972 but the core of the foundation of this Fund was for the general public.

I persist on the matter because the Fund is for the future of all citizens. If for example I have been working for 55 years and I have not died, then I should be entitled to a bonus because it has been 55 years that my death benefit has been deducted. Nevertheless I shall move away from the matter.

**MR SPEAKER:** Member your concern has been acknowledged and perhaps it will generate wise thoughts in time.

**Tofa LEALAILEPULE RIMONI AIAFI:** There is one more amendment that is provided in the Bill for the Pensioners that states a time frame of one year the Senior Citizen Benefit Fund can be claimed. The amendment states that the contribution should only be claimed within one year. It is my belief that there should not be a barrier for our Senior Citizens as there are many reasons why they may be delayed.

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The seniors have to look for their birth certificates and some may even forget their birth dates and others may have traveled overseas. Therefore opportunity should be open to our senior citizens for whatever time they wish to claim....

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker these things have to be considered in order to safeguard the Fund. When it comes to money there has to be restrictions because people come up with many excuses just to take out the money when it is not even theirs to begin with. It is why the Fund has provisions and restrictions because it is things like this that will cause the Fund to run out.

**MR SPEAKER:** I call on the Member.

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker the Act we have at the moment allows senior citizens of the age 66 or 67 to claim their benefits. However my interpretation of the amendments is that seniors will no longer be able to claim their benefit if the year within entitlement claims has passed. We must consider that the Fund is money from the Government and it is our money and therefore the NPF should not impose a fee to lease the fund.

**MR SPEAKER:** I beg pardon of the Member, but I grant opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker there is no harm in early claiming of benefits. Therefore I do not understand why the Member continues to stay on this topic. As I have mentioned before the devil is amongst us and is very powerful. There are many things that can happen to the money that is left too long because people may be tempted to steal it. Stealing is a common trait that has existed since the beginning of time and will still exist in the end. The sooner the entitlement is claimed the sooner it can be utilized by its beneficiaries and there is nothing wrong with that.

**MR SPEAKER:** I call on the Member.

**Tofa LEALAILEPULE RIMONI AIAFI:** It appears that the Hon Prime Ministers statement and the Act are inconsistent. The current provision provides that once a person is 65 years old or 66 or 67 then they are able to claim their entitlement benefit of \$100 a month. However the amendment Bill now states that these benefits should be claimed within the year of entitlement. I do not understand this change and why it is necessary to restrict entitlement claims within a year.

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**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I have already explained the benefits of claiming the entitlements when it is available. The only people who leave their entitlements unclaimed are the ones that are overseas or those who are not aware of what to do. The timely claims of the senior benefits lighten the NPF officials workload and also allow contributors to claim their money for their own use. What is the reason for the delay? UTOS is available for entrusting your money if you wish to safely store it somewhere.

I am not sure why this is dragging on so long when there is nothing wrong with claiming entitlements on time. It appears the Member does not wish for people to claim their entitlements early. It is best to claim entitlements on time to use for other financial commitments and also prevent the NPF officials from misusing it.

**MR SPEAKER:** I trust the matter is understood, thank you Tofa Lealailepule.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you. It is my personal view Hon Prime Minister but I am trying to better understand the Bill. As the Hon Prime Minister has stated one of the reasons for delay in claiming entitlements are due to seniors travelling. It was one of the things we also debated in terms of the 30 day period in which entitlements were to be claimed but remember other countries grant two or three months. We need to consider that seniors tend to travel overseas for leisure and they usually plan to go for one month or more. When the senior citizen returns to claim the pension, the entitlement is expired automatically. What I mean to infer is that if the entitlement is automatically expired once the contributor has failed to claim it then it should also be reinstated once a fee has been paid because some of our citizens are unaware of these provisions.

Furthermore I lay my support for the Ministry's initiative in the percentage of entitlements for the public servants that interest rates may depend on the rate of wages per annum. In my perspective these are very important aspects. Mr Speaker there is not much left for me to say but I wish to emphasize the importance and reason why our Government initiated the Fund. It was done so to provide for the benefit of our people and so that they do not have to wait 55 years to receive their benefits as citizens need money to develop their families. Therefore I wish to acknowledge the CEO of the Ministry for the good work. Once again I reiterate that the views and opinions are merely for further consideration in constructing our Bill for the future. Thank you.

**MR SPEAKER:** Thank you. I now grant opportunity to the Member for Aana Alofi No.3.

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**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No.3):** Thank you Mr Speaker for this opportunity. I acknowledge and lay my support for the improvement of the NPF services in accumulating money and also the wise expenses on developments for the nation and the general public. Therefore I wish to offer my suggestions to the Management and also the Hon Minister for further consideration.

Firstly Mr Speaker, I would like to briefly go back to the importance of the Death Benefit. In my opinion Mr Speaker two years is a very long time. Perhaps consider 6months or a year and ensure that statistical findings are carried out to record the estimated amount of people that pass away in this time frame. I understand the reason for the amendment due to the loss of the NPF from citizens reaping the benefits; the very same who happen to also have paid less than a years worth of contributions.

Mr Speaker I recommend consideration of pension benefits in the case of pension beneficiaries travelling overseas for a certain period. As we all know the difficulties and unforeseen circumstances our elderly may face in reference to medical checkups and such. Therefore I recommend reconsidering the time period of less than three months; if pension entitlements have not been recovered by more than three months then the account should automatically be frozen. If the pensioner returns then the account will be updated and that way it will be more efficient for the employees to carry out their task as most of our elderly tend to visit for just a few days or a few weeks.

Lastly Mr Speaker is the matter provided in the Bill on the new terms applied on interest. I implore the Bill be considered in terms of the interest being applied on the amount of the loan instead of the total amount of a persons contribution. I believe that if the regular payments are consistent then priority should be focused on the total interest of the contributions.

Mr Speaker I conclude my suggestions.

**MR SPEAKER:** Very well, I observe that two Members have already made statements on the Bill. The Chair also observed the importance of the ideas stated. Therefore the Chair requests Members to refrain from commenting on the same subject mentioned by these Members. It is noted that the subject of Death benefits has already been addressed by the Member for Faleata West. In order to utilize our time the Chair reminds the Chamber to address other areas as the Death benefit has been mentioned already.

I call on the Member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata West):** Thank you Mr Speaker for the recommendation. Thank you as this was the matter I wanted to comment on and I therefore beseech to take into consideration the issue of our benefits.

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Mr Speaker I would like to comment on the statement by the Hon Prime Minister in reference to initiating competition for the Ministries. I merely wish to offer my suggestion whether the Government has perhaps considered another company or Ministry to collect similar funds. Therefore people would have more choices to choose from if the NPF benefits are not satisfactory. Lastly I suggest to the Hon Prime Minister or Hon Minister in reconsidering the two year period as I believe it is quite a lengthy timeframe. Thank you.

**MR SPEAKER:** Thank you. The Chair reiterates the Members to direct comments to the amendments of the bill. I appeal to the Chamber to consider the procedures of our Sitting and to convey recommendations directly on the amendments. I grant the last opportunity to the Leader of Opposition.

**Afioga Hon PALUSALUE FAAPO II:** Mr Speaker my suggestion is brief. However I like to note that this is opportunity for general comments towards the NPF as a whole. Therefore Mr Speaker I shall speak freely.

**MR SPEAKER:** I beg pardon of the Leader of Opposition. I grant opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** Mr Speaker, Point of Order. It is indeed general submissions but they are to be directed at the Bill. If statements voiced are not directed at the Bill then it will be difficult for us to sit still. It is why I interrupted other Members and cautioned to direct comments to the Bill. The proposed plans I stated before will be provided for in a follow-up bill and we will cross that bridge when we get to it. Therefore Leader of Opposition I recommend you direct your statements towards the Bill.

**MR SPEAKER:** Leader of Opposition I know you are a veteran Member of the House are aware of the procedures and comments on the general merits of the Bill. The floor is open to general submissions when it is the Financial Statement but when it comes to Bills then speeches must be specific to the Bill considered. If we are to share ideas generally then we will return to discussing the whole matter of the NPF thus making our work difficult. However I grant opportunity to the Leader of the Opposition to direct statements to the Bill.

**Afioga Hon PALUSALUE FAAPO II:** Thank you. It is the reason why I insist as I am submitting my overview of the Bill. Mr Speaker it seems that the Bill is neglecting the benefits for the people but more focused on protecting the Fund.

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**National Provident Fund Amendment Bill 2014**  
 – second reading

It is my view that the peoples wellbeing is prioritized and both sides are considered. Consider the two year period provided and the possibility that one may die within a year or maybe 11 months. Or perhaps a day before they are entitled to the benefits.

**MR SPEAKER:** I beg pardon of the Leader of Opposition but I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** Mr Speaker the Leader of Opposition is mistaken. The description that I voiced before in relation to a person who has only been contributing for a day will have had contributed less than \$10. Therefore the Bill provides that once you have contributed for the equivalent of two years you are then entitled to this benefit. Before that it was only one month. The Bill is in favor of the contributor and the benefits entitled to them. The amount of \$5,000 is unaltered but only the one month period is changed to two years.

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

**Afioga Hon PALUSALUE FAAPO II:** Mr Speaker I will not dwell further on the matter as the Bill clearly states....

**MR SPEAKER:** Leader of Opposition I trust then that the Bill has been understood....

**Afioga Hon PALUSALUE FAAPO II:** Yes, but I merely wish to recommend that the public will be finding it very difficult to be entitled to this benefit which will conflict with the main reasons why the Bill was established....

**MR SPEAKER:** I beg the Leader of the Opposition....

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** Perhaps the Member has not understood. The 1972 Act was established with these provisions, they have existed since that time. However the provisions at the more are to ensure that the assistance is efficient and appropriate for the continuation of the Fund. It would be very easy to remove the restrictions and allow the members to freely withdraw their contribution but then where would it lead us? It would mean that by the end of the week there would be no money. The provision is there to ensure that when a obligation arises and people sought out the NPF there is money to carry out their plans. But insisting for things to be simple....

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**National Provident Fund Amendment Bill 2014**  
**– second reading**

In our country, if we leave the contributions unattended then it will take less than a week before the money runs out. If we allow withdrawal of money then the opportunity will surely be abused. We all know what should be done and that is that the Fund should be contained.

**MR SPEAKER:** Yes, I recognize the Member for Faleata West.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker I wish to make corrections. Our point should be made clearly.

**MR SPEAKER:** Correct what Lealailepule?

**Tofa Lealailepule Rimoni Aiafi:** The Hon Prime Minister is talking about leaving the Fund unattended.

**MR SPEAKER:** I remind the Member of our Standing Orders. Afioga Hon Palusalue is to make the Point of Order and not you.

**Tofa Lealailepule Rimoni Aiafi:** Afioga Hon Palusalue, a person or contributor is only entitled to the death benefit if they have contributed for the equivalent amount of two years. Therefore if a person dies at 11 months and 29 days they are not entitled to the \$5,000 as stated by the Hon Prime Minister. Bear in mind that if a hundred people were to die each year that would cost the NPF \$500,000 which is nothing to the NPF. Thank you.

**Afioga Hon PALUSALUE FAAPO II:** I wish to clarify before I conclude my speech that this side of the House does not insist for the Fund to be left unprotected. Our Laws are initiated with the objective to achieve a purpose. The reason for this Bill was for the future of our working class. Bless this meeting.

**MR SPEAKER:** Your concern has been noted. Thank you.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker the normal conditions of the Bill provides that the benefits can only be retrieved once a person retires. However the Committee has initiated arrangements so that funds can be available to contributors. The principal Act however does not provide for withdrawal unless a contributor has retired.

The Committee hopes that funds can be cashed out quarterly via loans and other appropriate requirements. For instance if a contributor wishes to leave the country permanently they can retrieve their contributions. Furthermore funds can also be cashed out under serious medical conditions provided that a Doctors report verifies the medical condition.



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There is also the case of a contributor planning to study to be a pastor; they are entitled to cash out their contributions.

There was a person who came up to me and asked if there was a way for him to cash his NPF. I told him the process which was 15 years ago. He asked, “Does that mean I can go to the hospital.” I answered, “Well you are healthy, I see you are very healthy.” And he replies, “I will still go.” A month later I called to check and found out the he managed to cash his contribution. I talked to the doctor and inquired that I am following a man who has taken out his NPF but he is not sick. The doctor replied, “Well what could I have done, he would not leave and continued to persist on the matter until I relented.” The reason why I share this story is because there are people like that; you will tire of explaining to them. In the year 1989 a Member stood up and said, “Tuilaepa I know of a person who has taken their NPF under the pretense that they are sick.” I reminded the Member that he is a plumber and has no expertise in verifying the health of a person. However the plumber insisted that this person was indeed well and healthy. Therefore, who should I believe the plumber or the doctor? I know what the plumber should be doing and that is going with his shovel to dig up holes. However I advised the Member, “If you come across a person that has taken their NPF and is still alive then ask that person why he is not dead as stated by the doctor.”

Mr Speaker, there are many ways provided in the Bill for a contributor to receive their entitlements which differs from the initial Act which provided that only when a person dies are they eligible. The provisions installed are to ensure that the fund is protected from those who make a habit of taking out their contributions under false pretenses. We as Members often experience constituents coming to ask for \$1,000 and we later find out that they have used it for something entirely different. Not everyone is like that. Most of the contributors of the NPF are aware of the rules and the Act. However there are those who understand the Rules yet still manage to find loopholes in order to get what they want. This Bill has been approved by Parliament.

**MR SPEAKER:** I acknowledge the efforts to clarify the matter of this very important Bill. As we all know the Committee will continue the process of consultation on the Bill once it has passed this stage. It is in this forum that I believe will ample time will be available for consideration. The Leader of Opposition has also shared his views and I believe we are in accord with the [hopes of ensuring there are benefits available for our people](#). I trust that when the Committee reports the Bill back to the Chamber there will be another opportunity, but we must proceed forth.

*Motion was approved and the National Provident Fund Amendment Bill 2014 was read a second time.*

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**Petroleum Amendment Bill 2014 – first reading**

**MR SPEAKER:** Pursuant to Standing Order the Bill will be forwarded to the Finance and Expenditure Committee for consideration and shall report back to the Assembly no less than three months.

**PETROLEUM AMENDMENT BILL 2014  
– first reading**

**MR SPEAKER:** I grant opportunity to the Hon Prime Minister.

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I have a very brief Bill. I move a motion, *That the Petroleum Amendment Bill 2014 be read a first time.*

*Seconded by the Deputy Prime Minister and the Hon Minister for Women, Community and Social Development.*

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

**MR SPEAKER:** Pursuant to Standing Order the Bill will be read a second time on the third Sitting day following.

**CREDIT UNION BILL 2014 – first reading**

**MR SPEAKER:** I grant opportunity to the Deputy Prime Minister, the Hon Minister of Commerce, Industry and Labor.

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Minister of Commerce, Industry and Labour):** Mr Speaker I move a motion, *That the Credit Union Bill 2014 be read a first time.*

*Seconded by the Minister of Public Enterprises.*

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

**MR SPEAKER:** Pursuant to Standing Orders, the Bill shall be read a second time on the third Sitting day following.

**CITIZENSHIP INVESTMENT BILL 2014 – first reading**

**MR SPEAKER:** I call on the Hon Deputy Prime Minister and Minister of Commerce, Industry and Labour.

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**Citizenship Investment Bill 2014 – first reading**

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO:** Mr Speaker I move a motion, *That the Citizenship Investment Bill 2014 be read a first time.*

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

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

**MR SPEAKER:** Pursuant to Standing Orders the Bill must be read a second time on the third Sitting day following.

**PORTS AUTHORITY AMENDMENT BILL 2014  
- first reading**

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

**Afioga Hon MANUALESAGALALA ENOKATI POSALA (Minister of Works, Transport and Infrastructure):** Mr Speaker I move a motion, *That the Ports Authority Amendment Bill 2014 be read a first time.*

*Seconded by the Minister of Police, Prisons and Fire Services.*

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

**MR SPEAKER:** Pursuant to Standing Orders the Bill must be read a second time on the third Sitting day following.

**PUBLIC BODIES (PERFORMANCE AND ACCOUNTABILITY)  
AMENDMENT BILL 2014 – first reading**

**MR SPEAKER:** I grant opportunity to the Hon Minister of Public Enterprises.

**Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Public Enterprises):** Mr Speaker I move a motion, *That the Public Bodies (Performance and Accountability) Amendment Bill 2014 be read a first time.*

*Seconded by the Minister of Communication and Information Technology.*

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

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**NATIONAL PROVIDENT FUND AMENDMENT BILL 2015**  
**– first reading**

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

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the National Provident Fund Amendment Bill 2015 be read a first time.*

*Seconded by the Deputy Prime Minister, the Minister of Public Enterprises and the Minister of Women, Community and Social Development.*

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

**MR SPEAKER:** Pursuant to Standing Order the Bill must be read a second time on the third Sitting day following.

**PUBLIC BODIES (PERFORMANCE AND ACCOUNTABILITY)**  
**AMENDMENT BILL 2014 – second reading**

**MR SPEAKER:** I have here a Certificate of Urgency signed by His Highness O Le Ao o le Malo in regards to the Bill, therefore the Assembly will now progress to the second reading of the Bill.

I call upon the Hon Minister of Public Enterprises.

**Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Public Enterprises):** Mr Speaker I move a motion, *That the Public Bodies (Performance and Accountability) Amendment Bill 2014 be read a second time and I wish to clarify it.*

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

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

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Thank you Mr Speaker for the opportunity. Mr Speaker, the Public bodies (Performance and Accountability) Amendment Bill 2001 is the Principal Act and it is under the authority of the Ministry of Finance. The administering and governing of public enterprises are under the Ministry of Finance and the Hon Minister of Finance as provided for in this Principal Act.

The Amendments of this Bill seek to legally recognize the public enterprises of the Government under the authority of the newly established Ministry. Furthermore the Amendments will also secure and encourage the upgrading of work standards not only for the Board but also for the Management and staff.

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**Public Bodies (Performance and Accountability) Amendment Bill 2014  
– second reading**

This Ministry was founded on the 25<sup>th</sup> of April 2014 after the Hon Prime Minister appointed the Minister responsible for the Public Enterprises. The following are parts of the Bill included in the Amendments.

The amendments support and hope to incorporate the new Ministry so that they can monitor operations of all 27 Public Enterprises of the Government. It recommends the Government through shareholding Ministers to improve and achieve objectives so that the Enterprises can contribute to the development of our economy.

Clause 2 substitutes the definition of “responsible Minister” thus changing the responsible Minister to the Minister of Public Enterprises for all 27 public bodies. There are also amendments to the definitions of “chief executive” and “Chief Executive Officer” referring to the Chief Executive Officer of the Ministry, “Financial Secretary”, and also the definition of the “Ministry”.

Clause 3 inserts the new section 22A for Budget and Appropriation of public enterprises to request to Government for grants, subsidies or similar assistance.

The Clause 4 amendment is to Clause 23 of the Principal Act with regards to the chairperson of the Board to immediately advise the shareholding Ministers and the Responsible Minister upon becoming aware of any financial information that may affect the financial position of the public body. It is so that the shareholding Ministers are aware of the financial positions before the likely event that the situation gets worse.

Clause 5: the insertion of Clause 23A and 23B shall ensure the public body keeps proper accounts and records of its transactions and financial position. This Clause also enforces the Clause to ensure the adequate control of its assets or its assets in its custody.

Clause 6: the amendment of Clause 26 of the Principal Act to allow the Financial Secretary or the Chief Executive Officer to carry out performance review or initiate investigations regarding any form of irregularities of the public body.

Clause 7: the insertion of the Clause 27A (1)(2)(3). Clause 2 has sub-clauses (a) and (b) which provides that a person to whom this section applies shall report suspected circumstances to the Financial Secretary and either shareholding Ministers. Sub-clause (b) provides that a copy of the report should be sent also to the Chief Executive Officer. This section provides for the protection of whistleblowers.

Clause 8: inserts a new Part VIIA, with new sections 28A to 28D that provides for Loans by the State. This Part was in the Public Finance Management Act but since it is specific to the public bodies, it has been inserted into this Bill so that the procedures of the respective public bodies are transparent especially in strengthening the legal framework of this new Ministry and their statutory obligation to review the On-Lending by the State so that Government developments can be assured for the benefit of the nation.

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Furthermore Clause 8 provides for contracts that Enterprises were involved in to ensure Public Enterprises are following Ministry of Finance guidelines.

Mr Speaker, the amendments to the Principal Act further empowers the monitoring of transactions of all 27 Public Enterprises at the moment. There have been two additions to the Ministry which include the Gaming Authority and the SIFA thus making it 29 Public Enterprises.

Mr Speaker this Bill was prepared after consideration of other jurisdictions like Tonga, Fiji, New Zealand and Australia which have Ministers specifically responsible for the SOEs or Crown Entities as known in other nations. Our Ministry has been constructed with the adoptions from similar Ministries in other jurisdictions for the wellbeing and development of this Minister. Various contributions were made to the establishment of this new Ministry. This was all under the Treasury portfolio. Now that this new Ministry is established, the relevant part of the Public Finance Management Act has been inserted into the Bill and other amendments inserted to assist in the governing and administration of the 27 public bodies. As it is known the Enterprises were not able to meet standard contributions to the Budget.

Mr Speaker I gather there was a query by one of the Members in regards to the reason why the Airport did not contribute much to the Budget. It is the hope that with this Bill the SOEs will provide satisfactory outcomes. Furthermore, the Airport and other major Enterprises of the State are called Public Trading Bodies.

Mr Speaker there are no problems with this Bill as it is not a new legislation just an amendment. Thank you.

**MR SPEAKER:** Thank you to the Hon Minister responsible for the Bill. I trust the explanation on the Bill has been noted. This has been our prayer to God and it has been answered. The Members concerns and recommendations for Chief Executive Officers of the Ministries to improve their efforts in accumulating income is noted. The income would be used to contribute to the Budget so that there would be an increase in our Budget. I therefore acknowledge the Hon Minister for the Bill.

We have come to the hour of....

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** Mr Speaker the Hon Minister has relayed the legislation to establish the new Ministry. Everyone is aware of the plans of the Government and the intention of the Opposition with their persistence on thoroughly monitoring the operations of the SOEs so that they are efficient. It means the generating of profits, proper utilization of Government Assets to ensure the standard services to the Nation.

Furthermore, other jurisdictions are moving on to specialization. It is so that there is a specific Minister responsible for the duties and careful monitoring of transactions and operations because the Ministry of Finance has grown. Therefore there should be a Minister responsible for this obligation.

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It was the year 1984 that the New Zealand Government also adapted this change as most of our policies imitate the New Zealand system. The Ministry and Minister was established being specifically responsible for the monitoring of State Owned Enterprises especially in regards to saving money and considering their forms of generating income. Members of Parliament are usually questioned on delay in taking appropriate action in regards to the charges of revenue. This is to prevent the delay in addressing the issue to 20 or 30 years. It is why this Bill is very important because it gives full legal authority to the monitoring of these Enterprises.

Mr Speaker I conclude my statement in addition to the wonderful speech voiced by the Hon Minister in regards to the Bill.

**MR SPEAKER:** Thank you. We are nearing our normal recess hour and I believe it is time we take a short morning break. As we all know this week marks 40 years of the Shipping Corporation. I have been asked to notify the Chamber of the meal prepared by the Hon Minister and the Corporation for the Members of Parliament. I thank the Hon Minister and the Corporation for this honor.

I now declare that the Proceedings of the Legislative Assembly be set aside for its normal recess hour.

*Proceedings of the Legislative Assembly was set aside for its normal recess at 10.48 and resumed at 11.21am.*

**MR SPEAKER:** We have come to the second half of our day. Before we go on our break at 1.00pm I trust we have gained energy from our recess that just passed. Therefore I ask the House to bear with us as we are about to proceed with our orders of the day.

We took our break after the Hon Minister made his explanatory speech and the Hon Prime Minister made an additional statement on the Bill. Therefore, this opportunity is open to our normal procedures for Members to comment on the general merits of the Bill.

I recognize the Member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker. I wish to acknowledge the Hon Minister for the Bill. I fully accept the contents of the Bill and would like to acknowledge the Office and the Ministry for constructing the Bill. It seems to me that it is a Bill to protect this department.

There are two parts of the Bill I wish to comment on. The first is the matter of whistleblowers and the protection imposed on this person. My concern is that it gives opportunity for whistle blowers to disrespect the relationship within the Ministry.

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I fear that it may cause conflict within the Ministry. These kinds of situations are not usually legislated. If there is an honest hardworking person that has witnessed a misdemeanors or illegal transactions within the Ministry, there is an opportunity to take it to court but now it is being allowed in this Bill. My concern lies in the protection of the accuser and it is not being provided in the Bill.

It is something worthwhile....

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the Member is right in this circumstance. However there have been cases that have been reported in the media with claims saying that people are too fearful to speak out. There should be no fear to speak up about something that is wrong. The most recent case is that of the Commission of Inquiry on the Police Management. There was also a mother who wrote a letter and had it published without a signature. It is very difficult to substantiate these claims because there is no signature. However there are other ways like the Ombudsman that people can seek help from. Majority of the people are not aware that it is their right. Nevertheless the case continued and I was asked by the media on the matter and I answered, "I personally do not know whether these claims are founded as it is not signed." I referred the matter to the Ombudsman for their review and it took nearly a year to investigate. A second letter emerged and it was signed but the problem was that this man was later on relieved from his job due to his letter. I referred the matter to the Ombudsman and it was the reason why the Commission of Inquiry was established along with the changes. The conclusion of the problem was a Cabinet directive for the man to be reinstated to his job because he did something good. If the letter had not surfaced the Cabinet and the public would not have known what was going on at Tafaigata. There is a good and bad side to this. However there is always high discretion to properly consult so that staff members are not affected. The matter is very sensitive which caused the Commissioner to make a rash decision and thus caused the consideration of this provision in the Bill. There is always the choice of referring to the Ombudsman in cases similar to this. However I acknowledge the Member for raising the matter.

**MR SPEAKER:** Thank you. I call on the Member to continue his statement.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you very much Hon Prime Minister for considering my concerns.

The second part Mr Speaker I wish to comment on is in regards to the loan open to public bodies. The first provision seeking grants or subsidies was appropriate.



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However this provision in the Bill gives full authority to the Board or Ministry to seek out loans for their funds. It is my concern as the Bill states....

**MR SPEAKER:** I beg pardon of the Member but I grant this opportunity to the Hon Minister for his clarification.

**Afioga Hon Lautafi Fio Selafi Purcell:** Mr Speaker I believe it is best to clarify this part first incase the Members interpretation is different. The Public Enterprises use private institutions like a bank for loans. However they must first seek the approval and recommendation of the new Ministry and also the Ministry of Finance. The Ministry then reviews their credibility to repay the loan and advises to proceed or not in regards to the loan application. If both Ministries do not agree or recommend Enterprises to seek the amount they are hoping to acquire then they are recommended to seek other forms of acquiring funds.

Thank you.

**MR SPEAKER:** I trust the matter has been noted. I call on the Member.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker the Hon Minister is right. The first part provides that the public bodies are given the option of seeking assistance from the Government when needed. Under this section the Government is liable. The Ministry of Finance can review the loan application and implications. However in the section I am mentioning, the Government is not liable and the Enterprise can seek funds from private lenders. It is my concern that the Board might find it difficult to....

**MR SPEAKER:** The Members concerns are noted therefore I grant opportunity to the Hon Minister.

**Afioga Hon Lautafi Fio Selafi Purcell:** Mr Speaker, it is best to remember that the Government has multiple shares in public bodies and therefore it does not mean that the Government will not be affected by this. It is the hopes that the new Ministry will enable the development of a framework to monitor the private borrowing of public bodies. The opportunity is being given to lenders if they are able to provide a loan with minimal interest. The opportunity is also given to the Board Members to utilize their initiative instead of relying on the Government for money. The new Ministry will be setting up a monitoring function as a mechanism before final transactions are finalized. Thank you.

**MR SPEAKER:** I call on the Member.

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**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker the Hon Minister is correct as the Bill is quite clear on the matter. However I am curious and concerned as to who will now be responsible for the inability to make repayments if the Government is not liable to this section. Is it the Board or the....

**MR SPEAKER:** Member for Faleata East your concern has been noted. I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the Government policy is that whether or not the Government is bound to the loan transactions the matter is still to be referred to the Cabinet for its conclusion. It is from that provision that the Cabinet will request the Ministry of Finance report to review the ability of the public body to repay the loan. This was approved by the Cabinet in the year 1989.

The intention of the Bill is to encourage the public bodies not to rely on others but to utilize their methods so that they can acquire a loan they are able to repay. It is why the Cabinet requires that studies are carried out on their ability to repay before the loan is serviced. Bear in mind that the majority of the public bodies have plenty of assets that can be used as collateral without a guarantor. The Bank also reviews the income over the years and the assets that money can be drawn from. Most of this money is what we call OD and there is an overdraft limit of public bodies so that operations continue. Not only that but also their profits are considered carefully so that they do not always depend on the Government. The Government has many other responsibilities but the importance of this is to encourage independency of public bodies in accumulating money to contribute to our Budget.

**MR SPEAKER:** Thank you. I trust that the matter is settled Member for Faleata East, please move on to another subject.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you. It was merely my concern whether the Cabinet had a say in the matter and the approval of the Ministry of Finance before the proposed loans are serviced. I was just making sure that the correct procedures were being adhered to. Mr Speaker that is all I wanted to say on the matter. Thank you.

**MR SPEAKER:** I acknowledge the Member. I recognize the Hon Minister.

**Afioga Hon Lautafi Fio Selafi Purcell:** Mr Speaker just an addition, the concerns voiced by the Member is the section of the Bill extracted straight from the Public Finance Management Act so it is not anything new. The Ministry of Finance was managing these transactions but now it is going to be under this new Ministry. This is not a new provision. Thank you.

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**MR SPEAKER:** The Member has now noted and confirmed that the Cabinet has the final say in approval of loans to private lenders. The Leader of Government has also stated that everything must first be approved by the Cabinet. I call on the Member for Gagaemauga No.2 followed by the Member for Salega, Afioga Afualo Wood Uti Salele.

**Tofa LEVAOPOLO TALATONU (Gagaemauga No.2):** Thank you Mr Speaker for the opportunity. I believe our thoughts on the Amendment Bill will not be lengthy as everything has been clarified.

This Bill is something that we should have gone through a long time ago due to the many duties of the Ministry of Finance. In truth we all know of the complaints against the Ministry and the slack in their service. However is now clear that there are many duties and the establishment of this new Ministry is justified.

Mr Speaker the only matter that is of some concern is the provision of reporting illegal activities. I believe that it is better if they are to be reported to the Ombudsman and then report a recommendation to the CEO or Hon Minister. The Ombudsman will carry out the investigations and report to the CEO of the Ministry and the responsible Minister to make recommendations to the Cabinet. It is my observation that there is no provision for a penalty for any persons who falsely accuses another.

Furthermore, I mention this to ensure that we consider the possibility of false accusations towards a Member on illegal activities albeit untrue but time would have been wasted on investigations and such.

Moreover Mr Speaker I would like to comment or offer my suggestions in regards to the recommendation made by the Hon Minister in relation to procurement for our 28 public bodies. I offer my suggestions Mr Speaker as I have gained experience in this area and I see that we are using the CIF system. Many businesses from overseas try to convince us that they are the best at procuring for us. For instance the PVC which is a necessity for the Samoa Water Authority is very costly. With the CIF system, not only do we pay for the cost, we also fork out the insurance and freight costs. However there is a better system called FOB or Free on Board. Mr Speaker the reason why I suggest we use FOB is because they would charge the freight company if any of our imported goods is damaged during the transportation. If we continue using CIF we will be paying for the insurance to the suppliers but they are already receiving money when we should be charging maybe two percent of the custom for our own benefit. Mr Speaker that concludes my recommendations in regards to the Bill so that we are aware of the business people trying to reap off of our nation. Thank you.

**MR SPEAKER:** Thank you. I recognize the Hon Prime Minister.

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**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker FOB is not appropriate; CIF is suitable because it is the basis of the duties. I am aware of the reason for suggesting FOB in regards to the less duty fees. However the reason why we use CIF is because of the ease of access of duty for the Government in terms of reflecting appropriate duty costs. The total cost is calculated from the cost of the goods overseas plus the freight and insurance. If we use FOB then there will be a problem because those two things will not be included as the duty fees will be minimized. We are doing this to ensure the proper duty fees are being paid by the Government.

**Tofa Levaopolo Talatonu:** Mr Speaker the Hon Prime Minister has not quite grasped my meaning. If the supplier comes with a total cost of the order, on the CIF system, the insurance is paid to them. So what our Customs are doing is asking for the cost and freight and then calculating the 2% for our insurance. It means that we have a different insurance for the supplier and a separate insurance for Customs. I am not saying we should not be paying insurance. Thank you.

**MR SPEAKER:** The Members concern has been noted. I grant opportunity to the Hon Minister.

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Just an addition. The Hon Prime Minister has addressed some of the areas questioned. However please observe that this provision has been extracted directly from the Public Finance Management Act. There are provisions intact for entering contracts with suppliers so that it is monitored. The provision allows for the Financial Secretary to construct a framework that will observe or monitor the company in regards to the concerns mentioned. Perhaps then, we will identify the system that should be considered.

Secondly, the protection on those who lodge a complaint as voiced by the Member. It does not necessarily mean that investigation will be carried out immediately once a letter surfaces. There is preliminary work to be considered so that the extent of the accusation can be assessed as they are considered as just rumors initially. It usually stems from suspicions when things are not in accordance with the corporate plan especially when the Management and CEO make different decisions to those in the plan. Furthermore the shareholding Ministers are also made aware so that it can be confirmed whether the claims lodged are accurate. However if the preliminary work is carried out and the claims are unfounded then the shareholding Ministers and the CEO will then meet to discuss what would be the next step. We also have our Ombudsman to refer these matters to. Thank you Mr Speaker.

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

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– second reading**

**Tofa Levaopolo Talatonu:** Mr Speaker, my only concern is the time wasted especially if there is no penalty for making false reports. There can be 2000 or 500 complaints because there are many employees. I am just concerned they may be piling up in your office. Thank you.

**MR SPEAKER:** Very well, I trust we are still in the initial stages of the Bill and we will deal with it when we cross that bridge.

I call on one of the Members for Salega, Afioga Afualo Wood Uti Salele.

**Afioga AFUALO WOOD UTI SALELE:** Thank you Mr Speaker for the opportunity. I acknowledge also the Members who have spoken earlier.

I thank the Hon Minister for the Bill. I believe it has not been easy as some of the responsibility that was under the Ministry of Finance is now transferred to you. Therefore if we are being over critical I ask that you bear with us and our recommendations. As we all know the Hon Prime Minister has also been monitoring the transactions in ensuring that the services carried out are up to standards. I thought that the responsibilities would be minimized but I note the increase in public bodies from 27 to 29 which I trust will be quite a challenge. I believe it shows the Hon Minister of Finances faith in your ability to enforce the Bill efficiently.

Therefore I wish to offer my opinions. The importance of this Bill is to realize the purpose of establishing public bodies which is not only to assist through their 7% contribution but also to provide affordable service delivery to our people. Therefore I wish to acknowledge some of the public bodies that have achieved many accomplishments over the years. For instance there is the Samoa Shipping Corporation currently celebrating 40 years of service. As for the majority of the other public bodies I am not quite sure whether they have been careless or their leader is not being vigilant in their purpose. However these days they should be on top as they are in competition with other Corporations and private businesses.

Therefore I recommend to the Hon Minister to utilize this opportunity and this new found Ministry to monitor and perhaps encourage the public bodies to cooperate and enhance their services so that they are not overridden by the private sector. If there are others that can be allocated some of the services, do not be afraid to make a decision because it will benefit us all. I believe that is some of the work is allocated to the private sector, the partnership can be strengthened and both parties will improve their service delivery. However it is the duty of the Government to spearhead operations so that there is no conflict in the service provided by the Ministry. Regardless of the constant monitoring of operations there is still the need for strict observation and also the need for revision. The Hon Prime Minister clearly mentioned that majority of these Acts should be reviewed and amended so that it is relative to the times and there is a sense of competition amongst public enterprises. It will also ensure that we have something stable to generate income for the benefit of our people.

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One of the main purposes of this Bill is not only to ensure we are monitoring the assets of the nation but are also ensuring they are maintained and upgraded for the upcoming generation. It can be assured when the Bill is efficiently implemented.

I acknowledge the Hon Prime Minister for the discretion. Even though we complain and voice our disagreements at times it is something that is unavoidable especially when the Cabinet issues directives. Nevertheless we understand now objective which is the benefit of our nation in the future.

Mr Speaker I conclude my suggestion on the matter and thank you.

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Mr Speaker, I thank the Member....

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

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** The matter with regards to which the Member addressed in the progress of the Bill to initiate employment I believe is the idea and vision of the Government. The Acts are not constructed to improve a service and not create employment. The main purpose of the Bill is to improve the Ministry in all aspects and in providing employment opportunities.

The query and suggestion on the privatization of other parts is also part of the Government and the Cabinets discretion. There is a document pertaining to these matters. As I have mentioned before the plans the Cabinet are going over will be implemented once the Cabinet has reached its decision.

Thank you Mr Speaker.

**MR SPEAKER:** Thank you. Susuga Papalii do you wish to comment on the Bill?

**Susuga Papalii Lio Faavaivaiomanu Taeu Masipau:** Yes I would Mr Speaker.

**MR SPEAKER:** I beg your pardon but I will soon grant the opportunity.

The same for you Taefu? I will grant first opportunity to the Member Susuga Papalii Lio Faavaivaiomanu Taeu Masipau followed by Susuga Hon Papaliitele Niko Lee Hang, Afioga Taefu and then Afioga Toeolesulusulu.

I call on the Member to stand.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** This Member also supports the Bill. I acknowledge the Hon Minister and also the plans for this Bill and the purpose it was constructed as mentioned by other Members.

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I believe we all have intentions for things to be great but we must also acknowledge the fact there are challenges. My challenge to the Hon Minister, the Associate Minister, Susuga Papaliitele who is persistent on such matters, is to be aware of the challenges. I firmly believe there will be quite a few challenges not only for the Associate Minister but also for the public bodies listening in. It is important to know that whatever the changes we impose, if it is not consistently monitored and carried out with honesty and integrity then we can never truly accomplish anything.

The other Members also mentioned the increase of the number of public bodies from 27 to 29. It is important to bear in mind that a contribution must be made in order to make up for the difference in income earnings and expenses being used on the loan of \$100million per year. I challenge the Hon Minister and all the public enterprises listening in that by the next Parliamentary Term the loans will be serviced by the contribution of the public bodies.

Thank you Mr Speaker.

**MR SPEAKER:** Thank you. I call on the Member for Individual voters, Susuga Hon Papaliitele Niko Lee Hang.

**Susuga Hon PAPALIITELE NIKO LEE HANG (Individual Voters):** I first acknowledge the Speaker of the House for this opportunity. Secondly I thank the Hon Prime Minister and the Cabinet for the discretion to establish this Bill in initiating this new Ministry. As the Hon Prime Minister has stated this Ministry has been founded to specialize in the monitoring of the operations of SOEs. I believe this Bill is very important as it will strictly monitor the performances of public bodies in order to reach its goals.

There is a certain percentage provided in the Bill that must be reached by enterprises most especially the public trading bodies. It is why this Bill is important because the Government aims to encourage the public trading bodies to contribute to the Budget by way of dividends. I know and I am confident that myself and the Hon Minister will be working closely together to ensure that the Enterprises achieve these goals the Government has set out.

The other important aspect of this Bill is that this new Ministry will monitor Heads of Departments not achieving at the expected level. The performances will then be measured so that those who are incompetent can be replaced by a more vigilant and skilled person. I am grateful for this Bill because addresses an issue that I have persisted on in regards to the presentation of Annual Reports and Financial Statements to Parliament. It is crucial for the Parliament to be updated on the transactions and operations of the Enterprises so that the Members can make suggestions in regards to the improvement of these bodies.

It is my observation that all the public bodies that are not bringing in contributions should be contributing dividends. It is clear that the profit attained is not properly invested as there are not enough returns.

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Therefore it is the main reasons why the Hon Minister, the Board and I included will be closely monitoring the operations of the public enterprises so that dividends from the SOEs can be realized.

I like to acknowledge once again the discretion of the Hon Prime Minister and the Cabinet for this very important Bill.

Thank you.

**MR SPEAKER:** Thank you. Well, I call on the Member for Falelatai and Samatau.

**Afioga TAEFU LEMI (Falelatai and Samatau):** Thank you Mr Speaker. I stand to voice my acknowledgement of the Bill and also to thank the Hon Minister.

Mr Speaker the Corporations and Enterprises are not new entities in our Government, the only new establishment being the Hon Minister and the Ministry. It is however something that is highly appropriate. It is a step that has long been anticipated by our Government as there is already a SOEMU or the State Owned Enterprises Monetary Unit. This Unit monitors and maintains the operations of the Enterprises. I believe this change in having a new Ministry will encourage and further maintain the foundation of the SOEMU which will now be renamed to this new Ministry with the same functions. I firmly believe that our Government has prepared a long time for these aspects.

I recall that some of the Enterprises had their own power over the wages of the CEOs of the Corporations which the Government has addressed and resolved. It is a clear sign that the Government has indeed been gradually working towards restructuring this service. Furthermore the Steering Committee has also been altered in relation to the changes in its composition. Mr Speaker I believe that some of the Enterprises have become too independent to the point where they do not consider the discretion of the Government and its authority. Some enterprises have too much focus on numerous other things that they neglect their core function in which they were established. It is why I am very grateful for this Bill and to the Hon Minister for the works carried out for our public enterprises.

I humbly recommend to the Hon Minister in reference to my observation of some of the enterprises being over staffed. There are times when the general public finds it difficult to look for parking space because all the spaces have been occupied by the staff. I trust the Hon Minister will establish a resource utilization plan with the human resources team so that all aspects of the service are addressed. I firmly believe the Hon Minister is well equipped and prepared for the duties ahead. There is no Enterprise without its Regulations, policies and procedures so that the task of monitoring their core functions can be effectively maintained. Furthermore, I believe that all Enterprises should already be incorporating strategic plans, corporate plans and annual plans in order to ascertain the smooth sailing of services being provided to Samoa.



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– second reading**

It is my hope Mr Speaker that there will be a great amount of contribution from the public bodies in our Budget.

Thank you.

**MR SPEAKER:** I grant opportunity to the Member to conclude speeches on the Bill the Member for Aana Alofi No.3.

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:** Thank you Mr Speaker for this opportunity. I first acknowledge my support for the Bill. The urgency in the nature of this Bill as mentioned by the Members is very important so that the duties of the Ministry and that of the Hon Minister can be effective immediately. However Mr Speaker there are a few matters that need some changes and perhaps maybe they will be considered for the future for instance the areas that need improvement for the future.

Firstly, I commend the initiative to include the presentation of a report three months after the end of the financial year. I wish to acknowledge this provision and most especially in reference to the Reports on loans approved by the Government to carry out operations. Perhaps it is appropriate to also include in this provision the matter of presenting Annual Reports. I believe it will be good to directly insert presenting of Annual Reports at this period and also other necessary Reports needed by the Management.

Secondly Mr Speaker, in relation to the part where implementation will take place once this bill is in effect. Mr Speaker I am still unclear on the process as the majority of the SOEs are still under other Ministers. The way I understand it as explained by the Hon Minister, is that if there are decisions that need to be approved for the development of the Administration then it is to be discussed in the Management before it is referred to the Board. The Board will then refer it to the Cabinet. Therefore my query is where in this process would the shareholding Minister be able to review? Or is the shareholding Minister consulted before the Minister of Public Enterprises and then to the Cabinet? Perhaps it has complicated things in the numerous processes it has to go through. Would there be consequences to the complex cycles and especially in considering the different views of Ministers and the Administration. Perhaps consider an alternative to ensure a streamline for each Management in the process of operations as I believe this is the main objective of our Government.

Lastly Mr Speaker, I do not understand the issue with the contracts for upgrading works within the Management as it follows Treasury Instructions. However it is observed that many of the other Managements have carried out their decisions on their own discretion. I believe this matter should be reviewed or maybe insert the tender process used by the Tender Board to for strict enforcement to follow through with the Treasury instructions. The importance of this aspect is to ensure that operations in the past that were unsuccessful can be achieved. Thank you Mr Speaker.

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**Public Bodies (Performance and Accountability) Amendment Bill 2014  
– second reading**

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

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Thank you Mr Speaker. I observe that the queries towards the Bill have concluded and I acknowledge the speeches voiced by the Members. The Ministry will review and consider carefully the concerns raised. As I have stated before the purpose of this Bill is for the effectiveness of the Public Enterprises as a whole. All the mentioned improvements are included in the operations of the Enterprises which the Ministry will be monitoring. It will include the efficiency in the relationship with shareholding Ministers, contracts and loans etc. The core function is to improve efficiency and streamline processes so there is minimum delay or duplication of operations.

I acknowledge the concerns raised by the Members and I can assure the Chamber that all concerns are being noted and being considered. The matter with the Tenders Board is still in operation as all matters are approved by the Cabinet before official implementation. The process and arrangements are being followed as stated by governing legislation.

Mr Speaker I thank you for this opportunity and I acknowledge the concerns raised. Bless this Bill. Soifua.

**MR SPEAKER:** Thank you Hon Minister for the response in accordance to the queries of the Members. I wish you and the Associate Minister all the best with the new appointed duties and the new portfolio.

All the very best for the implementation of this very important Bill.

*The motion was approved and the Public Bodies (Performance and Accountability) Amendment Bill 2014 was read a second time.*

**PUBLIC BODIES (PERFORMANCE AND ACCOUNTABILITY)  
AMENDMENT BILL 2014 – consideration in detail**

**MR SPEAKER:** I have in hand the Certificate of Urgency signed by His Highness, O Le Ao o le Malo regarding this Bill. Therefore the Assembly will now proceed to its consideration in detail.

Pursuant to Standing Order 102, consideration will commence from Clause 2.

**CLAUSE 2: Section 2 amended.**

*Approved.*

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Public Bodies (Performance and Accountability) Amendment Bill 2014  
– consideration in detail

CLAUSE 3: New section 22A inserted.

*Approved.*

CLAUSE 4: Section 23 amended.

*Approved.*

CLAUSE 5: New section 23A and 23B inserted.

*Approved.*

CLAUSE 6: Section 26 Amended.

*Approved.*

CLAUSE 7: New section 27A inserted.

*Approved.*

CLAUSE 8: New Part VIIA inserted.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
Mr Speaker....

MR SPEAKER: What clause?

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
Clause 8 or 6, or 6a or 7A please Mr Speaker because I notice....

MR SPEAKER: It is 7.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
It is 7A.

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**Public Bodies (Performance and Accountability) Amendment Bill 2014**  
– consideration in detail

**MR SPEAKER:** 7A.

*Clause 8 approved.*

**CLAUSE 9:** Consequential amendments to the Public Finance Management Act 2001

*Approved.*

**CLAUSE 10:** General Amendments.

*Approved.*

**CLAUSE 1 AND TITLE:**

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

**TITLE:** Public Bodies (Performance and Accountability) Amendment Act 2014.

**MR SPEAKER:** There is a correction of the Hon Minister for Clause 1 and Title of the Bill, I call on the Hon Minister.

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Mr Speaker I stand to correct Clause 1 as follows:

**“CORRECTION:**

*To omit the number “2014” and substitute thereby the number “2015” thus the Title reads:*

**PUBLIC BODIES (PERFORMANCE AND  
ACCOUNTABILITY) ACT 2015”.**

*Correction approved.*

*Clause 1 and Title approved as Corrected.*

*The Public Bodies (Performance and Accountability) Amendment Bill 2015 progressed with Corrections.*

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**PUBLIC BODIES (PERFORMANCE AND ACCOUNTABILITY)  
AMENDMENT BILL 2015 – third reading**

**MR SPEAKER:** I have in possession the Certificate of Urgency signed by His Highness O Le Ao o le Malo therefore the Bill will now proceed to be read a third time.

I call on the Hon Minister of Public Enterprises.

**Afioga Hon LAUTAFI FIO SELAFI PURCELL:** Mr Speaker I stand to move a motion, *That the Public Bodies (Performance and Accountability) Amendment Bill 2015 be read a third time.*

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

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

**NATIONAL KIDNEY FOUNDATION OF SAMOIA AMENDMENT  
BILL – consideration in detail**

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

I call on the Chairperson of the Health & Social Services, Internal Affairs, Community and Social Development Committee.

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW** (Chairperson of the Health & Social Services, Internal Affairs, Community and Social Development Committee): Mr Speaker I stand to move a motion, *That the Legislative Assembly approve the Committee Report recommending, That the National Kidney Foundation of Samoa Amendment Bill 2013 progress together with Amendments and Corrections.*

*Seconded by one of the Members of Individual voters, Susuga Hon Papaliitele Niko Lee Hang, the Member for Aleipata Itupa i Lalo, the Member for Aiga i le Tai and a Member for Individual Voters, Afioga Maualaivao Pat Ah Him.*

*Motion approved.*

**MR SPEAKER:** I declare that the Legislative Assembly has approved the Committee Report of the Health & Social Services, Internal Affairs, Community and Social Development Committee on the National Kidney Foundation of Samoa Amendment Bill 2013.

The Assembly will now proceed to consider in detail the National Kidney Foundation of Samoa Amendment Bill 2013.

Pursuant to Standing Order 102, consideration begins on Clause 2.

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**National Kidney Foundation of Samoa Amendment Bill  
– consideration in detail**

**CLAUSE 2:** Section 7 amended.

*Approved.*

**CLAUSE 3:** Section 8 substituted.

**MR SPEAKER:** There is a Committee Amendment on Clause 3 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Committee.

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:**  
Mr Speaker I stand to make Amendments on Clause 3 as follows:-

**“AMENDMENTS:**

- i) *To alter clause 8(1)(a) and insert these words “who is appointed by Cabinet in consultation with the Board” after the word “Foundation” thus the new clause reads:*

**“(8) Staff – (1) The staff of the Foundation consists of the following:**

**(a) A General Manager of the Foundation who is appointed by the Cabinet in consultation with the Board.**

- (ii) *To delete the current subsection 8(2) and substitute thereby the new sub clause:-*

**(2) The Board may appoint suitably qualified persons on terms as it thinks appropriate under subsection (1)(b) and (c).”**

*Amendment approved.*

*Clause 3 approved as Amended.*

**CLAUSE 4:** Transitional

*Approved.*

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**National Kidney Foundation of Samoa Amendment Bill  
– consideration in detail**

**CLAUSE 1 AND TITLE:**

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

**TITLE:** National Kidney Foundation of Samoa Amendment Act 2013.

**MR SPEAKER:** There are Corrections, I call on the honorable Chairperson of the Committee.

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:**  
Mr Speaker I stand to make a Correction on Clause 1 and Title as follows:

**“CORRECTION:**

*To omit the number “2013” and substitute thereby the number “2015” thus the title reads:*

**NATIONAL KIDNEY FOUNDATION OF SAMOA  
AMENDMENT ACT 2015”.**

*Correction approved.*

*Clause 1 and Title approved as Corrected.*

*The National Kidney Foundation of Samoa Amendment Bill 2015 progressed with Amendments and Corrections.*

**SCIENTIFIC RESEARCH ORGANISATION OF SAMOA  
AMENDMENT BILL 2014 - consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order 106 the Legislative Assembly must first approve the Committee Report on the Bill before its consideration in detail.

I call on the Deputy Chairperson of the Committee due to the absence of the honorable Chairperson of the Committee.

**Susuga IFOPO MATIA FILISI (Deputy Chairperson of the Education, Science, Community & Information Technology Committee):** Mr Speaker thank you for this opportunity.

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**Scientific Research Organisation of Samoa Amendment Bill 2014  
- consideration in detail**

I first greet the distinguished Members of the House and I embrace the opportunity to be the Chairperson of the Committee of Education, Science, Communication & Information Technology.

Mr Speaker, I stand to move a motion, *That the Legislative Assembly approve the Committee Report recommending, That the Scientific Research Organisation of Samoa Amendment Bill 2014 progress together with Corrections.*

*Seconded by the Member for Palauli, the Member for Falelatai & Samatau, the Member for Sagaga le Falefa, the Member for Vaa o Fonoti, and one of the Members for Falealili, Tofa Tusa Misi Tupuola.*

*Motion approved.*

**MR SPEAKER:** I declare the Legislative Assembly has approved the Report of the Education, Science, Communication & Information Technology Committee on the Scientific Research Organisation of Samoa Amendment Bill 2014.

The Assembly will now proceed to the Consideration in Detail of the Scientific Research Organisation of Samoa Amendment Bill 2014.

Pursuant to Standing Order 102, consideration must begin on Clause 2.

**CLAUSE 2: Section 4 amended.**

**MR SPEAKER:** There are Corrections of the Committee on Clause 2 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Committee.

**Susuga IFOPO MATIA FILISI:** Mr Speaker I move for Corrections on Clause 2 as follows for the Samoan Language only:-

**“CORRECTION:**

**Clause 4(f):**

*Ia soloia upu “tagata e faapogai” o lo o aliae mai ina ua tuanai le upu “po o” a o lumanai le upu “ai” ma suia i upu “vaega e gaosia” ma faitauina ai e faapea:-*

**“(f) ia faia o suesuega auiliili o nakoti po o vaega e gaosia ai mo faamoemoega o suesuega ma moliaga o soligatulafono; ma”**

*Correction approved.*



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Scientific Research Organisation of Samoa Amendment Bill 2014  
- consideration in detail

*Clause 2 approved as Corrected.*

**CLAUSE 3:** Section 5 amended.

**MR SPEAKER:** I call on the Chairperson.

**Susuga IFOPO MATIA FILISI:** Mr Speaker I move to make corrections on Clause 3 as follows.

**“CORRECTION:**

**Fuaiupu 5(v)**

*Ia soloia upu “tagata e faapogai” o lo o aliae mai ina ua tuanai le upu “po o” a o lumanai le upu “ai” ma suia i upu “vaega e gaosia” ma faitauina ai e faapea:*

**“(v) ia faia suesuega auiliili o nakoti po o vaega e gaosia ai mo faamoemoega o suesuega ma moliaga o soligatulafono; ma”**

**(ii) Fuaiupu 5(4)(a) & (b)**

*(a) Ia soloia upu “ma suega faataitai” o lo o aliae mai ina ua tuanai le upu “auiliili” a o lumanai upu “e manaomia” ma faitauina ai le (a) e faapea:*

**“(a) tauaveina suesuega auiliili e manaomia o taumafa i lalo o so o se tulafono o taumafa po o isi tulafono; ma”**

*(b) Ia soloia upu “ma le suega faataitai” o lo o aliae mai ina ua tuanai le upu “auiliili” a o lumanai upu “o taumafa” ma faitauina ai e faapea:*

**“(b) tuuina atu lipoti po o tusi faamaonia e faatatau i suesuega auiliili o taumafa i lalo o le parakalafa (a).”**

*Correction approved.*

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker, I would like to ask a question on Clause 3, please.

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**Scientific Research Organisation of Samoa Amendment Bill 2014**  
**- consideration in detail**

**MR SPEAKER:** I doubt there is anything wrong with that. I will give you opportunity even though Clause 3 has been approved.  
 I will give you opportunity but...

**Tofa LEALAILEPULE RIMONI AIAFI:** It is in regards to the environmental impact assessment.  
 Why is it...remember these are the things that the MNRE deals with.

**MR SPEAKER:** The MNRE is the Minsitry which the SROS is under.

**Tofa LEALAILEPULE RIMONI AIAFI:** What I mean to say Mr Speaker is why this Organization will conduct these assessments when it is the output of another Ministry. I would like to ask the Committee why it is necessary to incorporate duties or these studies under this Organization when there are sufficient resources for it to be carried out by the Minsitry of Natural Resources and Environment. It seems like all that is being done is research without any fruitful bearings.

**MR SPEAKER:** No, I believe it is quite clear that it is referred to food. The SROS deals with research on food and plants that may cause concern. I grant the floor to the Hon Minister of Natural Resources and Environment.

**Tofa Hon FAAMOETAULOA LEALAI AULOTO ULAITINO FAALE TUMAALII (Ministry of Natural Resources and Environment):** Thank you Mr Speaker for this opportunity. I believe I have addressed this matter before. The MNRE carries out an assessment we call EIA or Environment Impact Assessment that is carried out by a third party from the private sector so that the assessment can be credible. SROS deals with the investigation on environmental impacts.

Lastly I discredit the notion that there are too many assessments and research and very little outcomes. Thank you.

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker the Hon Minister has now just stated the flaw within the Bill. The Ministry of Natural Resources and Environment cannot carry out the EIA because they are a Government Ministry. The SROS should also not conduct the assessment as they too are a Government Corporation.

**MR SPEAKER:** The statement has been noted.

**Tofa LEALAILEPULE RIMONI AIAFI:** I take it that the assessment is to be carried out by an independent party and then referred to the MNRE for assessment. Yes. I have done 400 EIAs Mr Speaker I know what I am talking about. So does it mean that once it is completed it is given to PUMA and again referred to the SROS, am I right Hon Minister?

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**Scientific Research Organisation of Samoa Amendment Bill 2014  
- consideration in detail**

**MR SPEAKER:** I call on the Hon Minister of Natural Resources and Environment.

Tofa Lealailepule your concern has been noted.

**Tofa Hon FAAMOETAULOA LEALAI AULOTO ULAITINO FAALE TUMAALII:** Please calm down. The matter with assessment is that the SROS are the experts with special equipment to test the impact on the environment like soil contamination. The SROS are well aware of the nature of the assessments so that the results produced are complete. It is so that there is little or no fall back when the DC or Development Consent is issued and there is contamination in the environment which will surely be blamed on the MNRE. It is why the experts are the ones that should be carrying out the research to ensure the service to the country is efficient.

**MR SPEAKER:** Thank you.

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker I humbly apologize to the Hon Minister and I have no intention of arguing with the Hon Minister. However the mandate of the MNRE clearly states that this is their duty.

Therefore if it is the Hon Ministers discretion to refer these responsibilities to the SROS then it is the duty of the Hon Minister to clarify this matter because there is inconsistency.

**MR SPEAKER:** I believe the matter is understood. I have understood the explanation of the Hon Minister. Do not worry so much anymore the SROS is under the Ministry of Natural Resources and Environment.

*Clause 3 approved as Corrected.*

**CLAUSE 1 AND TITLE:**

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

**TITLE:** Scientific Research Organisation of Samoa Amendment Act 2014.

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

I call on the honorable Chairperson of the Committee.

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**Scientific Research Organisation of Samoa Amendment Bill 2014  
- consideration in detail**

**Susuga IFOPO MATIA FILISI:** Mr Speaker I stand to move a Correction on Clause 1 as follows:

**“CORRECTION:**

*To omit the number “2014” and substitute thereby the number “2015” thus to read:*

**“Scientific Research Organisation of Samoa Amendment Act 2015”.**

*Clause 1 and Title approved as Corrected.*

*The Scientific Research Organisation of Samoa Amendment Bill 2015 progressed with Corrections.*

**FAIR TRADING AMENDMENT BILL 2013  
- consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order 106 the Legislative Assembly must first approve the Committee Report on the Bill before its consideration in detail.

I call on the honorable Chairperson of the Primary Production, Commerce, Industry and Labour Committee.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI (Chairperson of the Primary Production, Commerce, Industry and Labour Committee):** Mr Speaker I stand to move a motion, *That the Legislative Assembly approve the Committee Report recommendation, That the Fair Trading Amendment Bill 2013 progress with a Correction.*

*Seconded by the member for Siumu.*

**MR SPEAKER:** I now declare that the Legislative Assembly has approved the Primary Production, Commerce, Industry & Labor Committee Report on the Fair Trading Amendment Bill 2013.

The Assembly will now proceed to Consider in Detail the Fair Trading Amendment Bill 2013.

Pursuant to Standing Order 102, consideration will begin from Clause 2.

**CLAUSE 2: General Powers and duties of the Board.**

*Approved.*

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**Fair Trading Amendment Bill 2013  
- consideration in detail**

**CLAUSE 3: Board Meetings.**

*Approved.*

**CLAUSE 1 AND TITLE:**

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

**TITLE: Fair Trading Amendment Act 2013.**

**MR SPEAKER:** There is a Committee Correction for Clause 1 and Title as printed in the Supplementary Order Paper.

I call on the Chairperson of the Committee.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI:** Mr Speaker I move a Correction to Clause 1 and Title as follows:

**“CORRECTION:**

*To omit the number “2013” and substitute thereby number “2015” to read:*

**“Fair Trading Amendment Act 2015.””**

*Correction approved.*

*Clause 1 and Title approved as Corrected.*

*The Fair Trading Amendment Bill progressed with a Correction.*

**MARITIME ZONE AMENDMENT BILL 2014  
- consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report on the Bill before consideration of the Bill.

I call on the Deputy Chairperson since the Chairperson is absent.

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**Maritime Zone Amendment Bill 2014**  
 – consideration in detail

**Afioga AFUALO WOOD UTI SALELE (Deputy Chairperson of the Foreign Affairs, Trade and Revenue Committee):** Mr Speaker I stand to move a motion, *That the Assembly approve the Committee Report recommending; That the Maritime Zone Amendment Bill 2014 progress with Amendments and Corrections.*

*Seconded by the member for Faasaleleaga No.2.*

*Motion approved.*

**MR SPEAKER:** I declare that the Legislative Assembly has now approved the Foreign Affairs, Trade and Revenue Committee Report on the Maritime Zone Amendment Bill 2014.

The Assembly will now proceed to the Consideration in Detail of the Bill. Pursuant to Standing Order 102, consideration commences on Clause 2.

**CLAUSE 2: Principal Act.**

*Approved.*

**CLAUSE 3: Interpretation.**

**MR SPEAKER:** There is a Committee Amendment on Clause 3 as printed in the Supplementary Order Paper.

I call on the Deputy Chairperson of the Committee.

**Afioga AFUALO WOOD UTI SALELE:** Mr Speaker I stand to move Amendments on clause 3 as follows:

**“AMENDMENT:**

**Clause 3:**

(i) *To insert new paragraph “(b)” to read:*

**“(b) low water line;” and”**

(ii) *Re-number current paragraph (b) as paragraph (c).*

*Amendment approved.*

*Clause 3 approved as Amended.*

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Maritime Zone Amendment Bill 2014  
– consideration in detail

**CLAUSE 4:** Low-water mark, official charts and publicity.

*Approved.*

**CLAUSE 5:** Suspension of innocent passage.

*Approved.*

**CLAUSE 6:** The contiguous zone.

*Approved.*

**CLAUSE 7:** Continental Shelf.

*Approved.*

**CLAUSE 8:** Regulations.

**MR SPEAKER:** There is a Committee Amendment; I call on the honorable Chairperson of the Committee.

**Afioga AFUALO WOOD UTI SALELE:** Mr Speaker I move an Amendment on Clause 8 as follows:

**“AMENDMENT:**

**Clause 8:**

*To omit the word “EEZ” and substitute with “exclusive economic zone”.*

*Amendment approved.*

*Clause 8 approved as Amended.*

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**Maritime Zone Amendment Bill 2014**  
– consideration in detail

**CLAUSE 1 AND TITLE:**

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

**TITLE:** Maritime Zone Amendment Act 2014.

**MR SPEAKER:** There is a Correction on Clause 1 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Committee.

**Afioga AFUALO WOOD UTI SALELE:** Mr Speaker I move a Correction as follows:

**“CORRECTION:**

**Clause 1 (1):**

*To omit the number “2014” and substitute thereby the number “2015” thus to read:*

**MARITIME ZONE AMENDMENT ACT 2015.”**

*Correction approved.*

*Clause 1 approved as Corrected.*

*The Maritime Zone Amendment Act 2015 progressed with Amendments and Corrections.*

**PERSONAL PROPERTIES SECURITIES AMENDMENT BILL 2014**  
– consideration in detail

**MR SPEAKER:** Pursuant to Standing Order 106 the Assembly must first approve the Committee Report on the Bill before consideration.

I call on the honorable Chairperson of the Primary Production, Commerce, Industry & Labour Committee.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI:** Mr Speaker I stand to move a motion, *That the Legislative Assembly approve the Committee Report recommending, That the Personal Properties Securities Amendment Bill 2014 progress with Corrections.*



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**Personal Properties Securities Amendment Bill 2014  
– consideration in detail**

*Seconded by the Member for Siumu, one of the Members of the Individual Voters and the Member for Sagaga le Falefa.*

*Motion approved.*

**MR SPEAKER:** I now declare that the Legislative Assembly has approved the Primary Production, Commerce, Industry & Labour Committee Report on the Personal Properties Securities Amendment Bill 2014. The Assembly will now proceed to consider in detail the Bill.

Pursuant to Standing Order 102, consideration of the Bill commences on Clause 2.

**CLAUSE 2: Section 34 amended.**

*Approved.*

**CLAUSE 1 AND TITLE:**

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

**TITLE: Personal Properties Securities Amendment Act 2014.**

**MR SPEAKER:** There is a Correction of the Committee as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Committee.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI:** Mr Speaker I move a Correction on Clause 1 as follows:

**“CORRECTION:**

*To omit the number “2014” and substitute thereby the number “2015” thus to read:*

**Personal Properties Securities Amendment Bill 2015.”**

*Correction approved.*

*Clause 1 and Title approved as Corrected.*

*The Personal Properties Securities Amendment Bill 2015 progressed with Corrections.*

26 JANUARY 2015

**CONSIDERATION OF SELECT COMMITTEE REPORTS**

**P.P.2014/2015 NO.58, JUSTICE, POLICE & PRISONS AND LAND & TITLES COMMITTEE REPORT ON P.P.2013/2014 NO.78 & P.P.2013/2014 NO.79, ANNUAL REPORT OF THE MINISTRY OF POLICE & PRISONS FOR THE FINANCIAL YEAR 2007-2008 AND FINANCIAL YEAR 2008-2009 - Consideration**

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

**Tofa TUISA TASI PATEA (Chairperson of the Justice, Police & Prisons and Land & Titles Committee):** Mr Speaker I move a motion, *That the Legislative Assembly take note of the Committee Report with its FINDINGS, RECOMMENDATIONS AND RESOLUTIONS.*

*Seconded by the member for Palauli, the member for Aiga i le Tai and the member for Vaa o Fonoti.*

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

**Tofa TUISA TASI PATEA:** Mr Speaker at the conclusion of its consideration, the Committee resolved to recommend that the Assembly approve P.P.2013/2014 No.78, Ministry of Police & Prisons Annual Report for the Financial Year 2007-2008 and P.P.2013/2014 No.79, Ministry of Police & Prisons Annual Report for the Financial Year 2008-2009.

**“RECOMMENDATIONS:**

At the conclusion of its findings, the Committee recommends that the Government:-

1. To consider looking at the short number of officers working in the Prison Facility at Tafaigata. The Committee believes that there are an increase number of inmates situated in prison but the current number of staff is weakening to secure the area and performing of other services appointed.
2. To consider the situation of its Water Sanitation to be fixed and repaired.
3. Consider to establish a First Aid Station within the prison facility in case of sickness and illness conditions of prisoners as well as officers due to the unhealthy environment of the compound.
4. Recommends the government to provide training abilities overseas for the Firearms Units staff in order to enlarge the skills and knowledge to perform its service. Also to provide funds in order to carry out awareness's to the public so it may alert the consciousness of people about the importance of reporting such issues and situations to the Ministry's office when witnessing illegal arms and weaponries that are imported within the country.

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**P.P.2014/2015 No.58, Justice, Police & Prisons and Land & Titles  
Committee Report on P.P.2013/2014 No.78 & P.P.2013/2014 No.79,  
Annual Report of the Ministry of Police & Prisons for the Financial Year  
2007-2008 and Financial Year 2008-2009 - Consideration**

5. To recommend the government to look into the duties of those who are responsible with the monitoring and controlling of Borders, since illegal, dangerous and unsafe firearms are found in the country.
6. To take into account why huge total of the ministry's budget is returned while there are still many obsessions that still needs to be done. As the Committee noted from both reports, \$2,590,704.00 was the total appropriation of the Ministry that was returned on the 2007-2008 financial year as well as the 2008-2009 financial year which totals \$737,138.00.
7. Since the Ministry does not comply with terms of submitting Annual Reports, it is recommended that the Ministry promptly prepare and submit Annual Reports to Parliament. The Parliament has already started its work for the year 2014, but both reports draws back to the years 2007/2008 and 2008/2009. Therefore the Ministry shall adhere and comply with the timely submission of Annual Reports in accordance with Parliamentary requirements.

**RESOLUTION:**

At the conclusion of its considerations, the Committee resolved to recommend that the Assembly, **Approve P.2013/2014 No.78 Ministry of Police & Prisons Annual Report for the Financial Year 2007-2008.**

**P.P.2013/2014 No.79, Ministry of Police & Prisons Annual Report for the Financial Year 2008-2009."**

With due respect, thank you.

**MR SPEAKER:** Thank you honorable Chairperson.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker....

**MR SPEAKER:** I grant opportunity to the member.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** I acknowledge the honorable Chairperson of the Committee. There are two parts of the Report I would like to question.

First, what is being done on the state of nourishment for the prisoners as visitations have observed the insufficient supply of food?

Second, I wish to follow up a request by one of the policemen on the usage of the building to be used for programmes for victims of abuse.

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**P.P.2014/2015 No.58, Justice, Police & Prisons and Land & Titles  
Committee Report on P.P.2013/2014 No.78 & P.P.2013/2014 No.79,  
Annual Report of the Ministry of Police & Prisons for the Financial Year  
2007-2008 and Financial Year 2008-2009 - Consideration**

**MR SPEAKER:** I grant opportunity to the Hon Prime Minister.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI  
SAILELE MALIELEGAOI:** Mr Speaker I wish to acknowledge the  
Committee Report on its efficiency. This Report is crucial in the  
improvement of the Ministry of Police and Prisons. However I wish to clarify  
that there is no money being returned. The Ministry of Police has money but  
are saving it and so they are left unused.

**MR SPEAKER:** I grant opportunity to the member.

**Tofa TUISA TASI PATEA:** I thank you for clarifying the issue. The only  
concern of the Committee is that there is much needed improvement.

In response to the query by the Member for Faleata East the mentioned  
building is not included in the Report to which I apologize. Perhaps the Hon  
Minister will respond to the query put forth. However in regards to the food  
supply for the prisoners, there has been improvement and especially with the  
new Management. The Management is now aware of the plans and the  
implementation of these operations.

**MR SPEAKER:** Thank you.

*Report approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not  
more than 90 days after a Select Committee Report has been adopted by the  
Assembly present a paper to the Legislative Assembly responding to any  
recommendations contained in the report which are addressed to it.

**P.P.2014/2015 NO.102, REPORT OF THE FINANCE AND  
EXPENDITURE COMMITTEE ON P.P.2014/2015 NO.5, ANNUAL  
REPORT OF THE SAMOA INTERNATIONAL FINANCE  
AUTHORITY FOR THE FINANCIAL YEAR ENDED 30<sup>th</sup> JUNE 2012  
– Consideration**

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

**Susuga Hon PAPALHITELE NIKO LEE HANG:** Mr Speaker I move a  
motion, *That the Legislative Assembly take note of the Committee Report  
presenting its FINDINGS, RECOMMENDATIONS AND RESOLUTIONS.*

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**P.P.2014/2015 No.102, Report of the Finance and Expenditure  
Committee on P.P.2014/2015 No.5, Annual Report of the Samoa  
International Finance Authority for the Financial Year Ended 30<sup>th</sup> June  
2012 – Consideration**

*Seconded by the member for Faasaleleaga No.1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, member for Aleipata Itupa i Lalo and the member for Falelatai and Samatau.*

**MR SPEAKER:** I call on the honorable Chairperson of the Committee to present the Recommendations and Resolutions of the Committee.

**Susuga Hon PAPALIITELE NIKO LEE HANG:** The following are the Committees Recommendations.

**“RECOMMENDATION:**

At the conclusion of its Findings the Committee resolved to recommend:-

1. To prioritize constructing a centralized headquarters for the Samoa International Finance Authority for its normal operations. The Committee acknowledges the efforts by the Management of the Samoa International Finance Authority for its successful Financial performance despite challenging global environment. The Committee also commends the Management and Board for its continuous support to various Sectors’ developments and especially its contribution to the Government’s annual budget.
2. That the Authority to develop and strengthen its online registration system to facilitate electronic connections especially to Asia and other parts of the world promoting Samoa as a center for international finance.

**RESOLUTION:-**

At the conclusion of its Findings, the Committee resolved to recommend the Assembly:-

**To approve P.P.2014/2015 No.5, Annual Report of the  
Samoa International Finance for the Financial Year  
ended 30<sup>th</sup> June 2012.**

Thank you.

*Report approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

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**P.P.2014/2015 NO.103, REPORT OF THE FINANCE & EXPENDITURE COMMITTEE ON P.P.2014/2015 NO.8, SAMOA LIFE ASSURANCE CORPORATION ANNUAL REPORT FOR THE FINANCIAL YEAR ENDED 30<sup>TH</sup> JUNE 2013 - Consideration**

**MR SPEAKER:** I grant opportunity to the honorable Chairman of the Finance and Expenditure Committee.

**Susuga Hon PAPALIITELE NIKO LEE HANG:** Mr Speaker I stand to move a motion, *That the Assembly take note of the Committee Report presenting its FINDINGS, RECOMMENDATIONS AND RESOLUTIONS.*

*Seconded by the member for Palauli West, the member for Aleipata Itupa i Lalo, and a member for the Individual Voters and a member for Vaa o Fonoti.*

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

**Susuga Hon PAPALIITELE NIKO LEE HANG:** These are the Committee Recommendations.

**RECOMMENDATION:**

Based on its Findings, the Committee recommends the Government to:-

1. That Management and board of directors of the Samoa Life Assurance Corporation to assess and develop other insurance schemes such as the medical insurance and others.
2. To prioritize recruiting an Internal Auditor for the Corporation to resolve internal control issues dealing with job identification and assessing working conditions and guidelines being monitored by the Board Sub Committee.
3. That the Internal Auditor upon his or her appointment should be given the task of reviewing all internal controls as well as monitoring other working conditions with the assistance of the Management. The Committee believes that it is unacceptable for a sub-Committee comprising of Members of the Board of Directors to review Guidelines and Manual of Instructions of the Corporation under their own supervision. This should be the core responsibility of the Management.
4. That Management to review and reconsider lowering interest rates on small loans by Policy Holders. The Committee believes that the Corporation is well secured with its financial position and it's about time for the Corporation to offer financial assistance to its customers.

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P.P.2014/2015 No.103, Report of the Finance & Expenditure Committee on P.P.2014/2015 No.8, Samoa Life Assurance Corporation Annual Report for the Financial Year Ended 30<sup>th</sup> June 2013 - consideration

**RESOLUTION:**

At the conclusion of its Findings the Committee resolved to recommend the Assembly:-

**To approve P.P.2013/2014 No.8, Annual Report of the Samoa Life Assurance Corporation for the Financial Year ended 30<sup>th</sup> June 2013.”**

Thank you.

**MR SPEAKER:** We have now come to....

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

**MR SPEAKER:** I grant opportunity to the Hon Prime Minister.

**MOTION FOR EXTENSION OF SITTING HOURS**

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** The Committee Reports are very abundant in good thoughts and since we have just one more Report left, therefore we should conclude all of our Reports and I suppose we will be delayed by just a minute past the hour. I stand to move a motion, *That the Reports be approved before we break.*

*Motion was not seconded.*

*Motion approved and another hour was added to the Sitting until the remaining Reports are all considered.*

*Deliberation resumed on P.P.2014/2015 No.103, The Report of the Finance & Expenditure Committee on P.P.2014/2015 No.8, Samoa Life Assurance Corporation Annual Report for the Financial Year ended 30<sup>th</sup> June 2013.*

**MR SPEAKER:** Yes, well the matter is up to the discretion of the Chamber and if you agree then so be it.

We have come to our deliberation and I see that there is no one who wishes to speak.

*Report was approved.*

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**P.P.2014/2015 No. 109, The Health and Social Services, Internal Affairs,  
Community and Social Development Committee Report on the  
P.P.2012/2013 No.35, Report on the Political Declaration of the High  
Level Meeting of the General Assembly on the Prevention and Control of  
Non-Communicable Diseases – consideration**

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly, present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

I believe we have surpassed the reasons why the motion was moved and since we have arrived on the hour of our break we shall continue on with our work.

**P.P.2014/2015 NO. 109, THE HEALTH AND SOCIAL SERVICES,  
INTERNAL AFFAIRS, COMMUNITY AND SOCIAL  
DEVELOPMENT COMMITTEE REPORT ON THE P.P.2012/2013  
NO.35, REPORT ON THE POLITICAL DECLARATION OF THE  
HIGH LEVEL MEETING OF THE GENERAL ASSEMBLY ON THE  
PREVENTION AND CONTROL OF NON-COMMUNICABLE  
DISEASES – Consideration**

**MR SPEAKER:** I grant opportunity to the honorable Chairperson of the Health Committee.

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:**  
Mr Speaker I move a motion, *That the Assembly take note of the Committee Report with its FINDINGS, RECOMMENDATION AND RESOLUTION.*

*Seconded by the member for Palauli West, one of the members for the Individual Voters, Susuga Hon Papaliitele Niko Lee Hang and the member for Sagala le Usoga.*

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:**  
These are the Committee Recommendations:

**“RECOMMENDATIONS:**

Based on its findings, the Committee recommends the Government to:

1. That the Government support appropriate measures set up by the Ministry of Health for the Promotion of awareness and prevention from Non-Communicable Diseases.
2. That the Promotion of awareness and Prevention of Non-Communicable begin with Government leaders through the engagements of parliamentarians.



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**P.P.2014/2015 No. 109, The Health and Social Services, Internal Affairs, Community and Social Development Committee Report on the P.P.2012/2013 No.35, Report on the Political Declaration of the High Level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases – consideration**

3. That the Samoa Parliamentary Advocacy Group on Healthy Living (SPAHL) be recognized as a Parliamentary Committee to strengthen and indicate the Government support for national development on health.
4. That Parliament approves this agreement for the promotion of awareness and prevention from Non-Communicable Diseases.
5. That the Ministry of Health under take measures set out of the Promotion and Prevention and control of Non-Communicable diseases according to the Objectives set out in the agreement.

**RESOLUTION:**

At the conclusion of its Findings, the Committee resolves to recommend the Assembly to approve:

- P.P.2012/2013 No.36, Political Declaration of High Level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases.

**MR SPEAKER:** Thank you honorable Chairperson. The Chamber is now open for debate.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker for the opportunity and I thank the Chairperson of the Committee for the Report. This Report is very important as it deals especially with non-communicable diseases.

Mr Speaker, I wish to ask the Hon Minister and the Ministry in regards to plans proposed for the centre that was catered to those with non-communicable diseases. The centre which was situated at Matagalalua that was very accommodating for the senior population of our nation. I believe this building was one of the reasons some lives were extended somewhat because doctors were available and their medicine was acquired there too. But now it is shut down. The patients barely find any help at the hospital and it is difficult to access.

Therefore I humbly recommend the Hon Minister and also the Hon Prime Minister to reconsider re-opening this centre. Set aside the differences that arose in the....

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**P.P.2014/2015 No. 109, The Health and Social Services, Internal Affairs,  
Community and Social Development Committee Report on the  
P.P.2012/2013 No.35, Report on the Political Declaration of the High  
Level Meeting of the General Assembly on the Prevention and Control of  
Non-Communicable Diseases – consideration**

**MR SPEAKER:** I beg pardon of the member, but I grant opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the concern has been noted. This aforementioned centre has long been mismanaged as I have been approached many times on the matter. It is why it was decided that it was best to use the hospital as facilities are available there for these treatments.

Mr Speaker that is the issue and there were many other complaints about the cumbersome nature of the service which is why it is best to refer it to the main hospital as there will not be any issues there.

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

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker the Hon Prime Minister is right. However the problem is now the patients are suffering the consequences of the poor management. The patients and purpose of the clinic is being neglected. Therefore I ask the Hon Minister and Government to consider re-opening the clinic and to remove those fraudulent employees who have caused this problem.

**MR SPEAKER:** I grant opportunity to the Hon Minister to respond.

**Afioga Hon Tuitama Talalelei Tuitama (Minister of Health):** Mr Speaker I dare not wish to stretch any further on the issue as it has already been addressed by the Leader of Government. The problems that cause all this conflict was that the Diabetes Clinic was run by the Diabetes Association. The monetary aid from overseas was available and so was the vehicles used to carry out operations. The conflict arose when there was conflict amongst themselves and a Chairperson left with his own vehicle and thus leaving no money to continue the work. The Ministry tried to resolve the issue seeing as the majority of the nation utilized the clinic due to its accessibility and the treatment was very good. It was also great that they did not have to stand in a queue at the hospital with other patients. Furthermore the clinic gained popularity also with patients with high blood pressure and heart diseases.

The specialists were paid and employed; there was no new graduate or nurses. The specialists were compensated by the Ministry but it was costly. We have been waiting for the previous Term to finalize and further prepare an alternative so that the service may be continued.

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**P.P.2014/2015 No. 109, The Health and Social Services, Internal Affairs,  
Community and Social Development Committee Report on the  
P.P.2012/2013 No.35, Report on the Political Declaration of the High  
Level Meeting of the General Assembly on the Prevention and Control of  
Non-Communicable Diseases – consideration**

At the moment arrangements are in progress for officially enabling another Organization which has been approved to continue this service. Perhaps when it is final the Parliament and also the nation may be notified of the success.

Mr Speaker I wish to convey my gratitude for the support issued towards the matter which is not mentioned in the Report. Mr Speaker the intention of the United Nation Political Declaration Report which was supported and initiated by Leaders of Nations in New York 2011 is to ensure the political will is behind its plans and operations. The Committee has recommended the prioritizing of the SPAGHL and its draw towards non-communicable diseases. Therefore I wish to acknowledge the Committee for the recommendations in the Report and I urge the Parliament to enforce and strengthen the SPAGHL.

This initiative is very important because the intention of the United Nation is to minimize the mortality rate caused by non-communicable diseases and other diseases caused due to lifestyle changes. Thank you Mr Speaker.

**MR SPEAKER:** Thank you. I grant opportunity to the member.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker and I acknowledge the Hon Minister for the declaration at the UN in which you took part in and delivered a speech on behalf of our nation. I fully support your declaration. However I will now rest my case for the Hon Minister has stated the Ministry will be continuing the service that the clinic had been providing in regards to NCDs. It is disappointing because it seems that one person drinks the whisky and another gets drunk off of it. What I mean to say is that the evil deed is carried out by these people while the patients in need of the service from the Ministry suffer from it. According to the words of the Hon Minister the clinic has snapped, like you said before the clinic has snapped.

**Afioga Hon Tuitama Talalelei Tuitama:** Point of order.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiotti Sailele Malieiegaoui:** The most important thing is that those who want to assist are not discouraged as there is no slack in the service. These are mere rumors because the service is still ongoing.

Mr Speaker that is my response.

**Afioga Hon Tuitama Talalelei Tuitama:** I believe the Hon Prime Ministers words are the very same as the correction I was about to voice. With all due respect, the accusation is incorrect as they who drank the alcohol got themselves drunk.

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**P.P.2014/2015 No. 109, The Health and Social Services, Internal Affairs,  
Community and Social Development Committee Report on the  
P.P.2012/2013 No.35, Report on the Political Declaration of the High  
Level Meeting of the General Assembly on the Prevention and Control of  
Non-Communicable Diseases – consideration**

The people who drank the alcohol are the ones who are sick and are the same ones in the Association. No one else did this it was themselves who drank and got drunk. Thank you.

**MR SPEAKER:** I grant opportunity to the member to conclude his statement.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Hon Minister for the continuation of the clinical services. It was not slack that I mentioned it was snap. Remember the term SNAP that the Hon Minister used for smoking and things like that.

Mr Speaker I speak and remind you respectively of SPAGHL and I am grateful for the Committee for reminding us and for the continuation of this very important service. Thank you.

**MR SPEAKER:** Thank you.

*Report was approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

**P.P.2014/2015 NO.131, EDUCATION, SCIENCE, COMMUNICATION  
& INFORMATION TECHNOLOGY COMMITTEE REPORT ON  
THE P.P.2014/2015 NO.7, ANNUAL REPORT OF THE SAMOA  
SPORTS FACILITIES AUTHORITY IN THE FINANCIAL YEAR  
2011-2012 – Consideration**

**MR SPEAKER:** I call on the honorable Chairperson of the Education, Science, Communication & Information Technology Committee.

The Chairperson is absent therefore I call on the Deputy Chairperson.

**Susuga IFOPO MATIA FILISI (Deputy Chairperson of the Education, Science, Communication & Information Technology Committee):** Mr Speaker I move a motion, *That the Assembly take note of the Committee Report with its Findings, Recommendation and Resolution.*

*Seconded by the member for Palauli.*

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**P.P.2014/2015 No.131, Education, Science, Communication & Information Technology Committee Report on the P.P.2014/2015 No.7, Annual Report of the Samoa Sports Facilities Authority in the Financial Year 2011-2012 – consideration**

**Susuga IFOPO MATIA FILISI:** Thank you Mr Speaker.

**“RECOMMENDATION:**

At the conclusion of its considerations, the Committee recommends that the Government:

1. The Authority should prioritize the upgrading of sports facilities at Tuanaimato and Apia Park, including the maintenance of its surroundings.
2. The Authority should reconsider Hired payment policies of government sports facilities to raise awareness to all Sports Associations utilizing these facilities.
3. The Committee strong recommended that the Authority should comply with the provisions of the Act in tabling of Annual Reports in Parliament.

**RESOLUTION:**

At the conclusion of its considerations, the Committee resolved to recommend that the Assembly approve:

- **P.P.2014/2015 No.7, Samoa Sports Facilities Authority’s Annual Report, for the financial year ended 30<sup>th</sup> of June 2012.**

**Afioga Muagututagata Faamausili Auimatagi Peter Ah Him:** Mr Speaker.

**MR SPEAKER:** I call on the member for Sagaga le Usoga.

**Afioga MUAGUTUTAGATA FAAMAUSILI AUIMATAGI PETER AH HIM:** Thank you Mr Speaker for this opportunity. I wish to comment on the second recommendation in the Report. I wish to ask the Chairperson what the Committee recommends for the most appropriate formula that can be used by the Management in carrying out periodic payments for the gym and sports fields for hire. It is important to note the recommendation because that is where the Management attains its income. Therefore Mr Speaker I wish to understand the Committees recommendation on this part.

**MR SPEAKER:** The Committee recommends the Ministry to construct appropriate formulas. I believe that is what the Committee intends; to construct formulas that are based on the lease payments.

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

26 JANUARY 2015

**P.P.2014/2015 No. 131, Education, Science, Communication & Information Technology Committee Report on the P.P.2014/2015 No.7, Annual Report of the Samoa Sports Facilities Authority in the Financial Year 2011-2012 – consideration**

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:** Thank you Mr Speaker for the opportunity. I also acknowledge the Committee for the reviewing of this Report. I wish to query the Committee whether they have reviewed the Corporate Plan of the Management as it is something that the Board needs to consider. At the moment many of the professional sports from overseas have seasons. I have observed that many of the sports professionals travel to Fiji for their seasons but I have yet to see them in Samoa. Our facilities are well equipped and affordable not only for rugby, netball, soccer, baseball but other sports as well. Therefore it would be great if the Management put up a package in corporation with the Hotel Association and Tourism Authority so that these professional sports can be attracted to our shores. It will also benefit our youth as it will be a great opportunity for them to be exposed to these professional levels. Thank you.

**Afioga Muagututagata Faamausili Auimatagi Peter Ah Him:** Mr Speaker please....

**MR SPEAKER:** I recognize the member.

**Afioga Muagututagata Faamausili Auimatagi Peter Ah Him:** Mr Speaker I am very much affiliated with the sports association and it is why I had thought the Committee would be recommending an appropriate formula.

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, the concern with Corporate Plans and formulas for payment are corn beef stew to the Association. The important thing is that the Committee covered it. Therefore leave the Association to the Hon Minister. Have you not noticed the Hon Ministers pen busy noting down all that needs to be addressed? The Hon Minister will surely return to his office and call his employees to get the Corporate Plan for review and to create a huge formula for Muagututagata and his team. There is nothing to worry about because Muagututagata and I train for kick boxing. The Hon Minister and his Ministry will address the concerns and has noted the reasons for which the concerns of the Member were raised.

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

**Afioga Hon Lautafi Fio Selafi Purcell:** Mr Speaker I just want to add on to the Hon Prime Ministers speech. There is no such thing as a provision just being initiated.

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It is already in place and the Management and Director have been discussing ways to get the payment so that income earned can be maintained.

Some of the ways as queried by the member is looking at ways in which the facilities can be utilized at all times. Therefore the Management is looking at hiring out to Tourists and the like. The matter I trust will be clarified once the Ministry responds. Thank you.

**MR SPEAKER:** Thank you. I trust the matter has been settled as per the Government response and also the honorable Chairpersons attempt to respond.

*Report was approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

I believe we have come to the end of our orders of the day. The Orders of the Day were supposed to go on all day and continue tonight, but as we have it, we have concluded. Nevertheless I give opportunity to the Hon Prime Minister.

**MOTION FOR ADJOURNMENT**

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker we have approved seven Bills today. I wish to thank the members of the House for we have approved seven Bills and six Reports. We have done a lot. The work we have done today is equivalent to the work of three Sitting days. This is how it is supposed to be. It is why I feel it is best to move a motion, *That the Sitting hours be amended and the Proceedings adjourned until 9.00am, Wednesday 27<sup>th</sup> 2015.*

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

*Motion approved.*

**MR SPEAKER:** I acknowledge the distinguished Members of the House for the work today as mentioned by the Hon Prime Minister. The Chair is grateful for the Proceedings.

26 JANUARY 2015

### **Motion for Adjournment**

I only wish to ask your forbearance so that we may reach Friday. We will no longer be having night Sittings and hopefully we can conclude and have February set for other important things needed to be done.

I acknowledge the Chamber for today. I trust we will all meet here tomorrow morning. Before we depart I call upon the member for Aleipata Itupa i Luga to lead us in a closing prayer.

*Proceedings of the Legislative Assembly were adjourned at 1.33pm until 9.00am, Tuesday 27 January 2015.*