

MONDAY, 27 JUNE 2016

Mr Speaker took the Chair at 9.00am.

Prayer.

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

MESSAGE FROM LE AO O LE MALO

The Speaker read out the Message from His Highness Le Ao o le Malo.

“MEMORANDUM for:

Mr Speaker:

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and Parliament Standing Order 95, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bills:

1. Excise Tax Rates Amendment Bill 2016.

GIVEN BY my hand on this day 24th June 2016.

(Signed): Tui Atua Tupua Tamasese Efi
O LE AO O LE MALO.”

MR SPEAKER: I believe we have witnessed God’s grace this morning; we have reconvened with the Leaders of the acountry to achieve our duties and responsibilities for the benefit of Samoa.

This is why we must rely solely on God for guidance in order for our proceedings to progress well.

I call upon the Deputy Prime Minister.

24 JUNE 2016

Motion for adjournment

This was a huge task engaged by us to approving this Budget to be utilized before the 1st of July. Now that we have approved it before 1.00pm, we must now take a rest.

I therefore move, *That this Parliament adjourned until next Monday at 9.00am.*
This is the motion.

MR SPEAKER: Well done thank you. The Hon Prime Mnister has moved the motion to adjourn our Sitting until Monday at 9.00am.

Seconded by the Minister of Health and the Minister of Forestry ad Fisheries.

Motion approved.

MR SPEAKER: Well done for today's business is now over and all's well that ends well says the Hon Prime Minister. May we reach the end of this week safe and sound. Before we adjourn, I will finish off with a prayer.

Proceedings of the Legislative Assembly adjourned at 12:51pm and resumed at 9:00am on Monday, 27 June 2016.

27 JUNE 2016

MOTION TO SET ASIDE STANDING ORDERS

Afioga Hon FIAME NAOMI MATAAFA (Deputy Prime Minister): I bring greetings to the honorable Speaker and respective Members of the House.

The reason for this motion is to ensure that we continue our work especially in essence to the Committee. As scheduled in the Order Paper, we have 5 Bills that will have its first reading and in accordance to Standing Order, we have a few days before we have the second reading to these Bills.

So, the purpose of the motion is to set aside Standing Order so that we can allow the second reading to these Bills and in accordance to our Standing Order. So, Mr Speaker I move a *motion*, *To set aside Standing Order 101(1) to firstly allow the second reading of the five Bills that were first read today.*

Seconded by the Minister for Commerce Industry and Labour, Minister for Revenue and Minister for Agriculture and Fisheries

Motion approved and Standing Order 101(1) was suspended.

MR SPEAKER: I call the Deputy Prime Minister.

MOTION BY THE LEADER OF THE HOUSE

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, pursuant to Standing Order 100(2), I move a motion, *That the Legislative Assembly consider the Bills stated under a state of urgency due to very important reasons:*

1. Citizenship Amendment Bill 2016.
2. Excise Tax Rates Amendment Bill 2016.

With respect.

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

Motion approved.

CORONERS BILL 2016 – first reading

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice, Courts and Administration): Mr Speaker I move a motion, *That the Coroners Bill 2016 be read for the first time.*

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Village Fono Amendment Bill 2016
- first reading

Seconded by the Minister for Women, Community and Social Development and the Minister for Agriculture and Fisheries

Motion approved and the Bill was read for the first time.

MR SPEAKER: Pursuant to Standing Order the Bill will be scheduled to have its second reading on the Third Sitting day.

VILLAGE FONON AMENDMENT BILL 2016
- first reading

Tofa Hon FAIMALOTOA KIKA IEMAIMA STOWERS (Minister of Women, Community and Social Development): Mr Speaker I move a motion, *That the Village Fono Amendment Bill 2016 be read a first time.*

Seconded by the Minister for Finance, Minister for Revenue and the Minister for Agriculture and Fisheries.

Motion approved and the Bill was read a first time.

MR SPEAKER: Pursuant to Standing Orders the Bill will be scheduled to have its second reading on the third Sitting day.

CITIZENSHIP AMENDMENT BILL 2016
- first reading

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, I move a motion, *That the Citizenship Amendment Bill 2016 be read for the first time.*

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

Motion approved and the Bill was read a first time.

LANDING LIMITED BILL 2016
- first reading

Afioga Hon TIALAVEA LENIU FEA TIONISIO HUNT (Minister for Revenue): Mr Speaker, I move a motion, *That the Landing Limited Bill 2016 be read a first time.*

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Bankruptcy Amendment Bill 2016
- first reading

Seconded by the Minister for Agriculture and Fisheries.

Motion approved and the Bill was read a first time.

MR SPEAKER: Pursuant to Standing Order the Bill will be scheduled to have its second reading on the third sitting day.

BANKRUPTCY AMENDMENT BILL 2016
- first reading

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker, I move a motion, *That the Bankruptcy Amendment Bill 2016 be read a first time.*

Seconded by the Minister for Communication, Information and Technology and the Minister for Agriculture and Fisheries.

Motion approved and the Bill was read a first time.

MR SPEAKER: Pursuant to Standing Orders the Bill will be scheduled to have its second reading on the third Sitting day.

EXCISE TAX RATES AMENDMENT BILL 2016
- first reading

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker, I move a motion, *That the Excise Tax Rate Amendment Bill 2016 be read a first time.*

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

Motion approved and the Bill was read a first time.

CITIZENSHIP AMENDMENT BILL 2016
- second reading

MR SPEAKER: Since we have approved the motion to consider the Bill under the State of Urgency, the Legislative Assembly will now proceed with the second reading.

I call the Hon Deputy Prime Minister.

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Citizenship Amendment Bill 2016
– second reading

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, the Bill is given under a state of urgency however the Prime Minister has requested the normal process for these Bills and be referred to Committee after its second reading. Therefore Mr Speaker I move a motion, *That the Citizenship Amendment Bill 2016 be read a second time and I wish to clarify the matter.*

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

MR SPEAKER: I call upon the Deputy Prime Minister for clarification on the matter.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker and respective Members of Parliament, as aware, there was a morning I think it was last week whereby I gave clarification on this Bill to the Members of the House. This Bill is the Amendment of the Citizenship Bill and it is not a major change, the purpose for this Amendment is to extend the generation further back to the second generation in terms of record keeping especially for the sake of those living abroad and are requesting for Samoan citizenship and with regards to the old Citizenship Act, it only has the records for the first generation which includes only the parents and children who can request, rather, rather, we are now including/adding grandparents. Mr Speaker that is the purpose of this Amendment Bill to further the chance for those who are requesting on this regard and the spirit is to capture the talented second generation so that we can still keep the youth of Samoa and make good use of the talents they have in the future.

Mr Speaker, this is just a brief clarification of the Bill with respect thank you.

MR SPEAKER: Very well thank you for clarifying the matter. This is the opportunity for the Members to speak on the Bill.

I call upon the Member for Salega East.

Tofa OLO FITI AFOA VAAI (Salega East): Thank you Mr Speaker for this opportunity, we could not agree more on what you said this morning about the love of God and His guidance for good health upon the Members of this House. I will not take long Mr Speaker I clearly understood the clarification on this Bill by the Deputy Prime Minister.

But these are the matters I want to understand, the Amendment Bill states only the second generation so if this Bill is for the future and it only provides authority for the second generation, what happens to the third generation and the generation after that? This Bill will no longer be utilised for a longer period of time.

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Citizenship Amendment Bill 2016
– second reading

Secondly Mr Speaker, this Bill is strictly for the Samoan citizenship only. If you recall Mr Speaker, we also have the Foreign Investment Bill. Therefore, this will allow eligibility for anybody from other countries to apply for amendment to this Samoan citizenship Bill? However, my concern for the sake of the Deputy Prime Minister, a Samoan should be 100% full blooded or half caste given that this bill is now open to people from other countries to apply for Samoan citizenship. However, I believe we should take pre-caution since now that the Bill is opening doors to people to apply for investment in order to gain Samoan citizenship. These are the areas for clarification Mr Speaker with respect thank you.

MR SPEAKER: Very well, I call upon the Member for Aleipata Itupa I Lalo.

Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo): Thank you Mr Speaker, I am also thankful that we have already voiced our thanks and praises to our Heavenly Father. I would also like to thank the Deputy Prime Minister for this important Bill. I stand not to disrupt this Bill by the Deputy Prime Minister. Rather, I only have one concern as I see that the Bill will be referred to the Committee for review. The only question with respect I have for the Deputy Prime Minister, is it possible to change the “second generation” to the “third generation”. The rationale behind this thinking is because there are a lot of half caste couples and families living in Samoa but all their children have moved overseas. So, if their grandparents have lived in Samoa for so many years and have moved abroad to pursue education, sports and so forth, and most of these people have Samoan bloodlines and have become popular not only in pursuing University education as well as sports and so forth that is making a good mark for the country especially in sports. And looking at it carefully at our teams that did not do well in the Olympics games, women’s sevens, weightlifting, shot put, swimming and so forth, many of these representatives are indigenous Samoans. Yet have children who were born from parents of grandparents and most of them have moved abroad with children who are born there. So the third generation is very important to this country in terms of raising the standard of achievements for sports and that they also have special knowledge to visit their home country. An example is the proposed Bill on “Pathologists” or those carrying out the examinations for the deceased as recently mentioned by the Minister of that Ministry that there are currently, a lot of people being educated in this profession.

I strongly believe we will be able to have this kind of expertise if we were to state great grandparents instead of stating only grandparents. With respect blessed proceedings.

MR SPEAKER: Very well, I call on a Member who wishes to speak.

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Citizenship Amendment Bill 2016
– second reading

Afioga PESETA VAIFOU TEVAGAENA (Faasaleleaga No.4): Thank you Mr Speaker, I stand to extend sincere thanks for this Amendment Bill. I believe that we have already deliberated on the matter in the last sitting. What I am thankful for in this Amendment, is that there are dismissed requests at times, particularly our grandparents from American Samoa. Most of us here, our fathers are Samoan and our mothers are part American Samoa. In the past our children received automatic citizenship if either the father or the mother is Samoan and part American Samoa. So with this Amendment Bill, it is very important, given if we tried requesting for citizenship, we still go through the usual process and there is also a fee we have to pay which is \$5000. Even though your grandparents are Samoan but you are a citizen of American Samoa you still have to pay the fee.

This is what I want clarification on with all due respect, since the Amendment states that it has authorized the second generation. A question Deputy Prime Minister, if we pass the Bill, will the half blood children still have to pay the fee of \$5,000 even if they are living in Samoa? Thank you Mr Speaker.

MR SPEAKER: If no one else wants to speak, I call upon the Member for Falealupo, apologies to the Member for Faleata West, I will give you the opportunity after the Member for Falealupo.

Afioga Hon AEAU PENIAMINA LEAVAISEETA (Falealupo): Mr Speaker, thank you for the opportunity but I bring greetings to the House. This Bill is very important given that it affects citizens of the country. So, what I believe is that, for any Bill there is a possible way for those who are from other countries to be citizens of Samoa. There are people from overseas that are entitled to be citizens of the country. Since we have not given it to the Committee for consideration, I just want to voice an opinion for later consideration that we should also be mindful of the citizens of the country, Samoa because the future is very important, I will talk further on the matter when the time comes. Thank you.

MR SPEAKER: I call upon the Member for Faleata West

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you for the opportunity, I support the Amendment but we should have appropriate provisions. When I first read the Bill I could not see how we have the power to deny citizenship of a person of Samoan descent. Whether it is grandparent or great grandparent if you are a relative, because the Amendment states by descent, meaning you are eligible. The only difference is that it also says, citizen of Samoa whether you are not a Samoan born but have been living here for 3 or more years you are also eligible.

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Citizenship Amendment Bill 2016
– second reading

This is the boundary that I looked at when I read the Bill we should review this part and must be very careful with these things. A person who is a Samoan born whether it be in the 1800 or the 1700, I believe that they have a right to be Samoan citizens. The problem now is that we are allowing those who are not Samoan born with no Samoan blood to be Samoan citizens. This is what we have to look at and consider if only Samoan Citizenship was given, it would have been fine.

If we give the term citizenship to anyone, it only means we are giving the title to those who are Samoan and those who are pure Indians, and it will not matter what country you are from. This is a slight difference that we should be looking at because it might be easy now, but we have to look at the future. Our ancestors have been holding on to this for a long time but now we have just opened the door to a lot of complications in the future. I was reading a book called “Island Business” on my way here this morning, it was about China in the Pacific. I read it not because I have something against the Chinese, but because it talks about something that is very important and that can be seen as an example for the countries in the Pacific, given many illegal immigrants. This is an area that should be overlooked for the future of our people. I am a Samoan born myself, descendent of Samoa, so whether it be grandparents or great grandparents, I believe we do not have the rights to deny Samoan citizenship to anyone who comes to claim it. There should be restrictions on protecting these people on different reasons from having Samoan blood. Mr Speaker, there are other people who have been living in Samoa for a long time yet they have not applied for citizenship, by the time they do, the fee will be very high. I humbly ask the Minister for further consideration on this issue, it is relevant to our people living overseas and are here to get a citizenship, there are some who have lived here for 5-10 years, I have a sister in law who has been living here for a long time, but has not applied for citizenship. I asked her, why not? And she said because she has not applied for a citizenship yet because the fee is too high which is \$3000, I believe that this fee is too high for those who have been living and working in Samoa.

This is a good amendment; the intension of the Bill is pure and good for people who want to come back. These are just a few restrictions that should be reviewed considering it is stating the term Samoan after citizenship. We should evaluate every aspect especially for benefit in the future. With respect, thank you.

MR SPEAKER: I believe that, this will be our only Member to speak before we let the Deputy Prime Minister reply. I call upon the Member for Urban West.

Afioga FAUMUINA ASI PAULI WAYNE FONG (Urban West): Thank you Mr Speaker for this opportunity. I would like to say a few words regarding the Amendment Bill that we have tabled. I just have one concern regarding this.

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Citizenship Amendment Bill 2016
– second reading

I have noticed that those who are professional players overseas, they have worked and play there for example New Zealand. When they stop playing for New Zealand and want to go to other countries to play professional, they come to Samoa to get a Samoan passport and citizenship in order to go to other countries. We have to look into this because they are just using the Samoan passport to be able to excel in other countries, it is only when they want the money that they come to claim their citizenship. I fully support the amendment, these are just mere concerns that we should address so that we have provisions for this matter, if we wanted the Manu Samoa to come over, they will come over to play but it is wrong to just claim the Samoa passport when they have contracts signed with other countries, with respect, thank you.

MR SPEAKER: Very well thank you. I call upon the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker and all respected Members of the House for your views and opinions on the Amendment Bill. I understand the matter mentioned to broaden and incorporate provisions 3, 4 and 5 generations. Perhaps this will be a good reason to change the process to consider the Bill more swiftly and be referred to Committee, to consider the opinions voiced in detail. Nevertheless I will clarify the reason why the provision notes second generation. I specifically chose the second generation because I know the more we add the other generations the more it becomes complicated and then other people would claim their rights to be citizens of Samoa. As for the other concerns raised by the recent speaker, there are always two sides to the story. Being open to more opportunities and the other side we should be protective because being a citizen gives you benefit and privileges and so forth. We, the Government have a different view; we have to be considerate of opening more opportunities that could affect us in future. This is a caution amendment for a small country, thus we have broadened this provision to only one generation, in this way we will be able to monitor issues it may indicate. There was a concern raised, whether we have the power and authority to deny the right of a person who was born of Samoan descent no matter which generation.

Mr Speaker and the Members of the House, because these were the exact words used, descent and citizen and we have to differentiate the two. Citizenship is the law. Descendent, we do not have the power to deny this right from a Samoan blood. However there is power within Government or any Government to assign from time to time people who are eligible to become citizens under the law. I believe a great example is the Land and Titles Court, because I know all of us have come through this kind of experience. There are those who are from overseas, I believe that they are way older than the third, fourth, fifth generation, but they still come because of their right and I believe that this is where descendents are identified. As for the Bill that I have put forward, it has its own legal provisions.

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Citizenship Amendment Bill 2016
– second reading

Another matter questioned and mentioned by a Member regarding this Bill and also another Bill that we passed for those who invest into our country, the Investment Citizenship Bill it does not mean that it not officially used...

MR SPEAKER: We understand the matter clarified, alright considering the Deputy Prime Minister has decided to take the interruption. I call upon the Member for Faleata West.

Tofa Lealailepule Rimoni Aiafi: Thank you for the clarification Deputy Prime Minister, the only thing that the Amendment is stating is the Citizenship of descendent, which is the citizenship from your generation. I believe Mr Speaker this change is relevant to those who have Samoan blood, the concern I do have is the citizenship through citizenship. You can get citizenship because of a citizen of someone who is not Samoan, I recommend our Committee to look into this matter or whoever will be deliberating. This matter is too open but if it is intended for the citizens as clarified by the Minister then it is relevant. The only concern though is the term used in the Bill citizenship by descent, in my opinion this should be open because it is descent. It should have stated citizenship to become a Samoan citizen then there will be another amendment on the Bill. With respect thank you.

MR SPEAKER: Very well the clarification is understood, I call on the Deputy Prime Minister once again.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker, it is usual practice that we follow provisions of the Bill tabled before the House. The Bill in front of us is made for those living overseas the second generation who want to be citizens. Mr Speaker incase I elaborate further on other types of citizenships and might make the matter complicated. The importance of this Bill is it gives us ideas. This is relevant to the matter requested for this Bill to be merged with the one already passed to citizenship to those who are investing into our country. Mr Speaker we all know that Bill has its own provisions under foreign investments like an incentive I know all Members understand it. It is not only Samoa who has done this there are other countries as well which we do not know of right now.

We have implemented the Bill but we have yet to find out how many investors will come and invest in our country and get this benefit of becoming a citizen. Mr Speaker this matter is nearly the same as the citizenship we are considering in some ways on how it is carried out. Perhaps...

MR SPEAKER: I call on the Member for Salega apologies Deputy Prime Minister.

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Citizenship Amendment Bill 2016
– second reading

Tofa Olo Fiti Afoa Vaai: I want to thank the Deputy Prime Minister for the clarification, it is true there are provisions under the Foreign Investment Bill that allows these people to become citizens. The term is emphasized within the Citizenship Bill but if this is passed then overseas investors will become citizens of Samoa and they will be eligible to own anything.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker a Point of Order the Member is talking about a different Bill passed by Parliament. This means that Bill cannot be compared to the amendments of the Bill being considered, I ask that you be mindful of the progression of Bills.

Tofa Olo Fiti Afoa Vaai: Mr Speaker...

MR SPEAKER: Pardon the Member interrupting the opportunity is still given to the Deputy Prime Minister. Alright considering the Deputy Prime Minister is showing you respect. I call on the Member.

Tofa Olo Fiti Afoa Vaai: This Bill Mr Speaker I am quite concerned about it because it will allow anyone to become a citizen of Samoa. If this foreign investment Bill allows people to become citizens then they are eligible under this Bill. This is exactly what worries me as for the provision of allowing the second generation if it was only for Samoans then why would we restrict it, allow them if they are true citizens of Samoa.

Mr Speaker...

MR SPEAKER: I understand the concern but just to assist with this matter which is also the opinion of Government as clarified by the Deputy Prime Minister. This is also why the Government believes that it should be referred to Committee for in depth consideration before more ideas is brought into the House especially with witnesses called in by Committee. This will ensure the matter be evaluated further and for the Bill to be deliberated further as mentioned by the Deputy Prime Minister.

I call on the Hon Minister of Agriculture and Fisheries.

Afioga Hon Laauli Polataivao Leuatea (Minister of Agriculture and Fisheries): A point of clarification I now hear that there are two Members who have the same concern. I want to assist with the matter the Deputy Prime Minister is trying to clarify there are two different Bills. The Bill clarified by the Deputy Prime Minister is the Citizenship Bill but the Bill Members are concerned about is the Investment Bill. In these two Bills both have different provisions and guiding principles. Therefore the clarification made by the Deputy Prime Minister is very clear the Citizenship Bill is open ended because they are citizens of Samoa.

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Citizenship Amendment Bill 2016
– second reading

As for the Investment Bill Members are concerned about it has restrictions and set boundaries incase Members are troubled but the boundaries in the Bill is very clear. The two Bills are not relatable. This is assistance on the matter considering it has been drawn out.

MR SPEAKER: Very well thank you. I call on the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker this is also the reason for making a point of order. If we look at the matter of our orders it outlines the Bill of concern has already been considered by the House and it differs from the Bill being deliberated at the moment.

For the clarification of the House there are different ways to get a citizenship, this is stated in the Bill mentioned by the concerned Member. There are people who are not samoans or have a distant lineage to their families here. Nevertheless these people need to be living here for five years to become citizens or people who invest into the country. This is another way for us to get more people and this Bill has long been drafted.

The matter concerning how expensive it is, what would be the appropriate price to give to a person to be a citizen and does not have any Samoan blood. Perhaps we can say in a way it is expensive but in other terms it is cheap especially for these people to come and live in our beautiful and peaceful country.

MR SPEAKER: Pardon the Deputy Prime Minister I will allow the interruption from the Member for Falealupo.

Afioga Hon Aeau PeniaminaLeavaiseeta: Mr Speaker I just want to follow the statement made by the lady Minister whether the concern of Members on this matter is related to the price imposed. Do not allow any citizenship in return for money. Is this right? If it is then this is great. As for any other method used I am worried about such measures.

MR SPEAKER: I call on the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker I do not understand the interruption made the by the Elder Member. I have clarified that there is already a Bill that has been passed for citizenship for those investing into the country. The Bill has been passed therefore we must abide by the act which should be implemented next year.

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Excise Tax Rates Amendment Bill 2016
– second reading

Mr Speaker these are a few responses made upon the queries mentioned by Members, the important aspect here is the progress of Bills have been changed. It will now be referred to Committee for further consideration before it is reported back to the House with recommendations. For this measure to be officially noted Mr Speaker I move a motion, *That the Citizenship Amendment Bill 2016 be referred to the Social Sector Committee for consideration and be reported back in the next sitting.*

Seconded by the Minister of Agriculture and Fisheries, Minister of Commerce Industry and Labor and the Member for Falealupo.

Motion approved and the Citizenship Amendment Bill 2016 was read a second time and was referred to the Social Sector Committee for consideration and be reported back in August 2016.

EXCISE TAX RATES AMENDMENT BILL 2016
– second reading

MR SPEAKER: Since we have already approved the certificate of urgency on the Bill the House will now commence for its second reading.

I call on the Hon Minister of Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I move a motion, *That the Excise Tax Rates Amendment Bill 2016 be read a second time and I wish to speak on the matter.*

Seconded by the Minister of Finance, Minister of Communication, Information and Technology and the Minister of Health.

Motion approved and the Excise Tax Rates Amendment Bill 2016 was read a second time.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker for the opportunity given to discuss the Bill. This Bill looks at amending of excise tax rates I will start with fuel.

An increase of 28sene has been imposed on fuel because we cannot remove excise tax on fuel put on airplane petrol which ends this year. This Bill will not impose an increase on petrol used for airplanes but will be imposed on fuel tanks used by airplanes. This change will ensure that... since we will not be charging an excise tax on the price for airplane petrol. This is the change made on fuel only petrol for airplanes is being changed.

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Excise Tax Rates Amendment Bill 2016
– second reading

Mr Speaker nowadays we all know the many awareness programs implemented by the Ministry of Health for clarification of work carried out in rural communities ensuring healthy lifestyles. This includes non communicable diseases which have crowded our hospital at motootua with diabetes, high blood pressure and dialysis.

Dialysis is one area a lot of funds from Government has been allocated; the main reason is to resolve this issue from increasing. This Bill provides funds for the Government budget which prioritizes the health sector. The main objective of this Bill is to emphasize change to the lifestyle of people to encourage them to eat healthy. This Bill will also portray to the country the changes Government is trying to implement to prioritize healthy lifestyle for our people. The Government strongly believes that the majority of patients are diabetic. Excise tax has now been imposed on sugar products especially tobacco. It was reported that there is a large number of people in the country who smoke and it is stated that more than 50% which is half the population that smokes. This is one deadly disease cancer because of smoking this was noted by the Ministry of Health also food with high fat content.

We are trying to convey a message to the country for everyone to live a healthy lifestyle. If we were healthy our economy would increase not only for our churches villages but also Government. Government will be able to earn more money as well to carry out more developments especially our budget which always priortizes health. Eventhough we do not have much funds considering we do not have minerals but health is the foremost priority of our Appropriation. It is stated within the Bill the products that will be taxed such as noodles, sugary food and canned soda from overseas added excise tax will be 51sene a litre. There is liquor which has contributed too many arguments because of cheap liquor being sold. It is true that the cost has increased but it is not that much even cigarettes it is being increased but it still does not measure to the cost overseas. The important aspect to note is to prioritize our health which is the work currently emphasized by the Ministry of Health. This is a general clarification on the excise tax rates mentioned in the Bill, thank you.

MR SPEAKER: Very well thank you. Opportunity is given to a Member who wants to speak on the Bill. I call on the Member for Salega East.

Tofa OLO FITI AFOA VAAI: I thank the Hon Minister for the clarification given in regards to the Bill. The matter mentioning fuel, I commend you for being vigilant on this matter.

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Excise Tax Rates Amendment Bill 2016
– second reading

MR SPEAKER: Very well, I call on a Member who wishes to speak.

Tofa OLO FITI AFOA VAAI: As for the matter regarding food, it states that there will be an increase of tax rate on products that have sugar and salt this is a great incentive. But the Hon Minister should know that 99% of food products in the country contain salt and sugar. It should have just stated that all food products will be increased because it is not specified within the Bill how high the content is for sugar or salt for the cost to increase.

Third the initiative taken and resolution made to minimize the number of dialysis patients is accurate if we were to increase tax on these products. If we look at the previous budget the funds allocated for the dialysis unit has increased. This only means Mr Speaker that the funds used for our prevention programs are not used correctly. If this will be the method used by the Hon Minister then we will look forward to the next budget if funds will decrease because of this idea. The only request to the Minister is to state the content of sugar or salt in products because it is only stating it generally. If we are to follow with this then it means all food products used in the country will be more costly.

With respect Mr Speaker.

MR SPEAKER: Is there another Member who wants to speak, if not I will give the opportunity to...

I call on the Member for Aleipata Itupa i Lalo.

Afioga TAFUA MALUELUE TAFUA: Thank you Mr Speaker, I will be brief. I apologize to the Hon Minister, I know that we have another opportunity in Committee but I just want to mention a small matter. I support the opinion of the previous Member on the matter my friend Levaopolo.

Mr Speaker...

MR SPEAKER: I want to amend the statement made; the Member is no longer titled as Levaopolo because he has changed his name. It is now Tofa Olo Fiti Afoa Vaai of Salega East.

Afioga TAFUA MALUELUE TAFUA: My apologies Tofa Olo Vaai and my brother from Leone Tutuila, I greet you in good health.

Mr Speaker I move with respect I am worried about the increase imposed because it affects all of the country. This is the significance of taking the floor on this side of chamber to support the Minister and give recommendations together with voicing of concerns. I want to voice a concern.

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Excise Tax Rates Amendment Bill 2016
– second reading

I can see that ordinary bread in part 120 is included in the 8% increase, this also includes instant noodles. These are the goods that are mostly enjoyed by students especially the public there are 70,000 people within the catchment area of Apia. Also there are a lot of people who live in rural areas that love eating bread, salt and sugar as mentioned by the previous Member. People are quite happy as long as they have sugar for tea and bread. I ask that this matter be reviewed especially these basic products frequently consumed by the people because if it is increased it will affect the majority of the country. With respect.

MR SPEAKER: Very well, I call on the Member for Vaisigano No. 1 and followed by the Member for Anoamaa West. I call on the Member.

Tofa LOPAOO NATANIELU MUA (Vaisigano No. 1): Thank you Mr Speaker for the opportunity I also greet respectable Members of the House this new morning. I want to speak briefly on a matter and make recommendations on the explanation or Explanatory Memorandum which is stated in Samoan, *e faaofi le tuutiitia o tupegau i le tala o le tupe a le Malo*. I personally think this statement is too harsh considering we still do not know the outcome of funds collected by Ministries by the end of the year and whether there will be debt. I do not think this term is appropriate. Nevertheless I will not speak further on the matter; a 20 pack of cigarettes today costs NZ\$27.00. Although the cost here does not total up to \$11 how about reviewing this together with the rate imposed on sugar and salt which is the source of living for some communities. In my constituency as long as the people have sugar to make their Samoan cocoa or lemon tea they will be more than satisfied. If more tax is added on a pound of sugar it will be hard for us. I voice these concerns for further consideration this is the same with petrol and fuel there is opportunity to reassess tax rates. A lot of people today own cars and the reason why they have cars is they are able to afford petrol. This is the same for airplanes, buses and other transportations but our people will be greatly affected with tax if put on sugar and salt. I voice these concerns to the Hon Minister for further consideration and review on such matters, I thank you and I pray blessings upon our proceedings.

MR SPEAKER: Very well, I call on the Member for Anoamaa West.

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO (Anoamaa West): Thank you Mr Speaker for the opportunity given to voice a brief opinion of this constituency. I also thank the Hon Minister for the Bill and I support it because the objective is to emphasize the importance of healthy lifestyle. It states that there will be an increase on excise tax rates put on products brought into the country.

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Just a short question on this matter; what is the status for these ongoing health programs that have been carried out for years? Have these programs been helpful or has it not been easily acceptable by the people as a lot of funds are being used on these programs. I also observe continuous exercise programs on television every evening. This is an area that needs clarification whether assistance is further needed on the basis that these programs are not working well.

Secondly, some Members have mentioned the matter related to the percentage and I see that the highest is 8% which is levied on sugary and salty products. Personally I feel that sugary and salty products are 5%.

A request from this constituency, omit the percentage from sugary and salty items as it is mainly consumed by the majority and the Ministry should continuously bring health awareness programs and educate the people about eating healthily. This constituency wants to encourage everyone to make wise choices when eating and do not take in too much lest they get diabetes striking more problems on the Ministry of Health. It also leads to more people being taken overseas for treatment due to ignorance of these initiatives. I wish to ask the Hon Minister, what are the plans for these funds? Is tax collected given to the Ministry of Health or the Ministry of Finance for distribution? Because this assistance is for the Ministry of Health to improve its services and to minimize illnesses of this kind. This is the question Hon Minister, is this fund channelled through the Ministry of Finance before its handed to the Ministry of Health for their health programs. How about allocating this fund to set up a Health Foundation that was in the pipeline for a while to ensure that these programs are implemented well, as the public health is mainly pushing the rural communities to promote healthy living and healthy eating?

Mr Speaker the last bit here on new petrol cost, can you clarify this as I am unclear of this matter.

In accordance to the Budget Address, 28% increase, and I see that the Bill states 31%. It seems that these two statements are stating to different things, the petrol price in the Bill says 31% whilst it says 28% in this Public Statement. These are a few queries put forth in relation to the Bill Mr Speaker, thank you for the opportunity.

MR SPEAKER: Thank you. I call on the Member for Faasaleleaga No. 1 West.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Faasaleleaga No. 1 West): Thank you Mr Speaker for the opportunity, I also thank the Hon Minister. I support the Bill and I am not surprised because these are the objectives set out in the Budget in regards to tax increase on sugary products and liquor. The only question I have is, I want to understand because the Samoan title of the Bill here is *Tulafono Tau Faaofi o Teuteuga o le Tulafono o Fua Faatatau o Lafoga o Oloa e Gaosia i le Atumuu.*

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I want to understand this statement because majority of sugary and salty products are not locally produced. Does this mean that we will focus on locally made products for taxation? This is the question but if this is the case, then I object because if we think of the Samoan cocoa being sold on the roadside; that cocoa is already inclusive of tax. This is the same with cakes baked in the country; it will be affected under this Bill. Why not restrict it to products being imported into the country; this is my question with respect thank you.

MR SPEAKER: I call on the Member for Faasaleleaga No. 4.

Afioga PESETA VAIFOU TEVAGAENA: Thank you Mr Speaker for the opportunity. I move with respect to the opportunity on the matter concerning tax increase on sugary and salty products. This is an important matter although the Minister and the Ministry should be aware that when a person goes to the shop and sees something expensive it can trigger high blood pressure. This means if something is expensive people are pressured and then they get sick and end them up to high blood pressure.

A request to the Minister with respect, if the Ministry is looking at tax increase, is it possible to make it affordable for our people. Yes this is one of the very important matters raised by one of the Members in regards to this tax, or tax given directly to the hospital for further improvement in order to avoid the shortage of medical supplies as there are times when there is a shortage of medicine and so forth but this is important, with respect.

MR SPEAKER: Very well thank you I call on the Member for Falealili East.

Afioga FUIMAONO TEO SAMUEL TEO (Falealili East): Thank you Mr Speaker for the opportunity I also commend the Minister for the Bill tabled. I note the clarification by the Hon Minister that the Bill emphasizes healthy living which is reason in the high increase for some products. The only concern for Falealili East is the products used everyday. If we look at 8% increase for products like bread, sugar and salt, these are the daily items that are used on a daily life. Based on the recommendation from the doctors and the different types of salt, some salt like the Chinese salt are not allowed in the country as it can cause cancer. On to mineral water or vai auli or water that is boiled, it is also said that this water contains sugar. This water will further have an increase to 0.51cent per litre. Please, a humble request to the Hon Minister, if your role is focused on earning more revenue, it would be great if this can be raised to 2%. As for the increase of 5% and 8%, this is too expensive for our people especially for those who do not earn more. If the objective is to promote healthy living for the public, we must look at other factors like cheaper products to minimize addiction.

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Because regardless of our attempts to promote healthy living, even with doctors they too go out for a smoke as soon as they are on break when they know well enough that this is affecting our health. Even with consumption of alcohol which is something that we too must have a look on. Therefore, we should look at things to avoid addiction on smoke, alcohol and food that could lead them to sickness. Some people look healthy and fit but are sick whereas other people look fat like me but are very healthy. With respect.

MR SPEAKER: Very well thank you perhaps that concludes the Members speeches. There are five Members left and we will continue deliberations after we come back from recess.

I announce that Proceedings of the Legislative Assembly be set aside for normal recess.

Proceedings of the Legislative Assembly was set aside for usual recess at 10:47am and recommenced at 11:29am.

Proceedings continued with the second reading debate of the Excise Tax Rates Amendment Bill 2016.

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

I believe strength has been renewed for Parliament to resume our work today.

Before recess, Members were taking the floor to speak on the Bill, and with that, I give the first opportunity to the Member for Alataua West, the Chairperson of the Finance and Expenditure Committee. I call on the Member with respect.

Afioga ALIIMALEMANU ALOFA TUUAU (Alataua West): Thank you Mr Speaker for the opportunity I also thank the Hon Minister of Revenue for the Bill tabled before the House. I am grateful for this Bill as I trust that it is about time for such Bill to take place specifically in protection of our health as Government's first priority in this Budget and development works for the Financial Year 2016/2017.

I trust that although this Budget is channeled from the Ministry of Revenue through this Bill, I trust that this Budget will be in the process of distribution to each Ministry including the Ministry of Health as this is the sole duty of the Ministry of Revenue. The customer has the individual right to see the product before they purchase it, and personally, there is percentage on sugar, percentage on salt and for any other product except for sugar in plastic bags.

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This is where a person plans its shopping well, whether it is more on sugar products or more on salty items, because I know for this legislation, it should include percentage on imported products for the people to make choices before they chose to buy them.

The statement on decrease debit by 3.5%, I believe for any Budget, deficit and surplus should be less and revenue should have some increase, I trust that the total estimate of our income is expected to come from sodium and sugar, and this prevention comes from the Ministry of Health, because of the increase number of locals being taken off island for medical treatment. The Committee of Finance has taken into consideration the effects of this tax increase as approved last Friday and submission to the House. This means if this legislation is passed changes must be made to the Budget and re-submitted into the House for approval.

Under the findings of the Committee, the income from sodium was not close to \$7,000 saying that less revenue is collected from this item, although with higher percentage, less revenue is earned and similarly with sugar products, it is not even close to \$48,000.

Mr Speaker, just a reminder to the Members for this legislation and its passing, excise tax is already included in this Budget as approved last Friday. With respect thank you.

MR SPEAKER: Thank you, I call on the Member of Faleata West, followed by the Member of Urban West.

I call on the Member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker for the opportunity.

Firstly, I like to extend my thanks to the Hon Minister for the Bill with some assistance and concerns. Well we all want additional revenue to assist our Budget. The term Excise Tax Bill from the start and in regards to the variety of imported goods, personally, this Bill can most likely clash with the objectives of the country to promote the locally made products in Samoa as we aim to push the goods produced here to other countries. Another aspect as suggested by the legislation is to increase revenue and lessen deficit. This legislation tends to come from the Ministry of Health and the queries are mainly health related issues for the public.

Thank you Mr Speaker for the opportunity. I would like to extend my thanks to the Hon Minister for the Bill, but I have questions and concerns. Well we all intend to increase our revenue to assist with our Budget. The term Excise Tax Bill from the start and I see that we have a variety of imported goods and personally, this bill can most likely clash with the national objectives as we are also trying to promote our own local products.

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Another aspect given in the legislation is to increase revenue and less the deficit. This legislation tends to come from the Ministry of Health and the queries are mainly health related issues for the public.

You are now reading out percentages for glucose and langose, I doubt you understand any of it. Is this really health related concerns because this is what the Hon Minister of Health is interested in.

Mr Speaker, I humbly ask that the speech given by the Member be reviewed, the percentages is too high, for example daily products like bread, sugar, raw sugar is 5% which is the normal sugar used by the locals whilst other kinds of sugary products are extremely bad. Why do we allow the importation of these goods? We should impose a higher percentage. Another thing is our locally made products such as koko Samoa, banana chips and so forth. These goods should have further consideration whether they should be inclusive of excise tax or not and adjust the imported items that are faulty or risky as we are using them.

Another important matter is water that should have a zero rate, because looking at the wording for normal water or *suavaiauli* and water containing sugar or added sugar, therefore, it should not have...it should have zero rate and encourage people especially school children to drink it whilst tax should be levied on other drinking products.

The point I am trying to get across is when we put our taxes high for basic needs like I mentioned, the person will suffer because of the little income, the biggest load will go to the person who earns less, because when we make a choice it's not so much about the product or how much it is, choices are made by how much money is in your pocket, and what you can buy with the money. We all want good and expensive things, but all of it is measured with what you can afford with the money in your pocket. In all reality when we look at it, the person that suffers the most is the one with less, but it is what we use every day. Even when it comes to supplies, thank you, there are many changes with the bill compared to the first bill, before when the supply is up the excise tax is down, but it is has been corrected, my only question, why the difference in supply? What is the difference between whisky, rum, vodka, and the gin? I believe that all should be the same, spirit is spirit, but it seems some spirits have lower tax than others but it should all be the same. When we speak of food, such as corned beef and salted beef these should be compulsory in regards to tax. I pity the Hon Minister as this is part of your duty, to overlook revenue for the Government. This huge amount aims to push and assist our Health sector.

The question Hon Minister of Health, because almost every year, tax is always on the rise. What is the overall standard for the Health sector is it any useful? Especially with SPAGHL or the Samoa Parliamentary Advocacy Group on Healthy Living...

MR SPEAKER: Pardon the Member speaking, I allow the interjection by the Hon Minister of Health.

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Afioga Hon Tuitama Talalelei Tuitama (Minister of Health): Mr Speaker, the Member is now speaking twice about me on this Bill, but for your information the Bill is not a health Bill but it is important for the health sector. I want to remind the Member that questions are made directly to the Member who owns the Bill. If you have any queries for me then wait until we table a Bill from Health, with respect.

MR SPEAKER: Well done... make it short respectable Member.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Hon Minister of Health for putting the blame on the Minister of Revenue for this Bill.

Another recommendation is the cost of petrol, we worry so much about the cost of living yet the cost of petrol has greatly assisted with the cost of goods. During the time petrol cost is high, the constant excuse we hear from shop owners is, goods are expensive because of the cost of petrol. Now that the cost of our petrol has decreased, it should greatly assist with the cost of local goods, but if it will increase again, it is good because I support the 28% levy on our airport. With 3% on fuel tanks, Hon Minister why not consider a winning bidder for suppliers, it should be included in their payment the cost of using the tanks, instead of having the cost of petrol increased, because when the fuel cost increases the cost of living will go up as well. I support the Bill, but the only concern is to consider the locally produced goods. The cost of bread, normal water should have a zero rating to ease us going forward and to ease unwanted goods. With respect thank you.

MR SPEAKER: Very well I call on the Member for Urban West.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you Mr. Speaker for the opportunity, I wish to share some thoughts on the Bill before this Parliament.

It saddens me to look at the increase cost of goods that is now affecting so many people in the country. The point being made if a person wishes to become healthy and avoid getting sick, they would not buy these things. The way I see it, the increase cost of goods will affect everyone due to the mindset of the minority. The current tax increase on daily products for health and development growth of children and the people, it is relevant to say this for alcohol and cigarette, it is understandable because it does not involve everyone, but the increase on other goods, well unless the Ministry of Finance has a plan to increase revenue. Rather, I believe, it is a matter that needs reconsideration, because it deals mainly with sodium and sugar which is affecting everything and in the end, we will have 4 to 5 pages for this purpose. Thus, I humbly request the Committee to take this into consideration, there are things that has the individual's rights to purchase and will further involve affect the entire country due to the lack of sensitivity of a few in taking good care of themselves. With all due respect thank you.

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MR SPEAKER: Well done, I call on the Member of Falealili West and followed by the Member of Anoamaa East, then that will conclude Members.

Tofa AUMUA ISAIA LAMEKO (Falealili West): Mr Speaker and respectable Members of Parliament, thank you for my opportunity. I like to extend my thanks to the Hon Minister of Revenue for the Bill, also to the Hon Minister of Finance, in his speech he mentioned 5% increase rather it is 8% according to the legislation which means the revenue collected is not enough.

Looking at the increase percentages and cents amount, I firmly believe there must be an increase in the cost of electricity, water, because they use diesel. The cost of cigarettes and beer will decrease because it is under the Excise Tax Rates Taskforce Committee. I only ask if you could reconsider the increase on these items either it is the consumer or the customer if they wish to have a cigarette or drink, so that we may look into getting some revenues for ongoing Government programs. These are a few opinions on the matter, blessed Proceedings.

MR SPEAKER: I call on the Member of Anoamaa East.

Afioga ALAIASA MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU (Anoamaa East): Thank you Mr. Speaker for the opportunity, this Bill has an effect on our people, because it means the cost of living will increase. For this very reason the Hon Minister, we should not be too keen about the revenue, lest we forget about our people who are asking for mercy at the cost of living. The Minister of Health is right, for we must not forget because the bill will cover these issues. In all truth our support is through the cost of petrol, alcohol and cigarettes. These items are needed by our people, and we should reconsider the percentage because 8% to 5% are not small numbers. Our only request as a constituency is that may you reconsider the following, because people transport by cars nowadays, and to look into ways to eliminate diabetes. With diabetes and other illness, it is measured by what you consume, or eat, even when you eat taro by itself for a whole week, you will get sick because the insulin that breakdown the carbohydrates is not enough. Nevertheless if you have a balance diet with exercise, you will not be sick, for this very reason why we banned turkey tails because it deals with health. Where is it now? We have now opened it up again, because before the produce was label as a cause for diabetes and high blood pressure. What I am trying to say is, let's not have it as a scapegoat that it is a health issue, because that is up to the person to take care of himself. With all due respect thank you.

MR SPEAKER: I call the Hon Prime Minister.

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Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE AIONO NEIOTI GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker I believe the Members do not understand the explanation I gave earlier. For your understanding bills put forth by the Cabinet it's not from a certain Minister, to clarify more clearly, the bill is not the Hon Minister of Finance's bill, it's the bill by the Cabinet in general.

I wish to thoroughly explain it, because many things have been brought up about human rights. Whenever the word human right is brought up, I find it ridiculous. Why? The illness Non Communicable Diseases combines 8 diseases, over 75% of people die from it because of what they consume. It is an important factor now for Pacific Health Ministers and they have labelled it non communicable disease. I stopped using the term because many of us coin it wrongly; some say it is a good to be infected by it, because it is not contagious.

However, the rightful term should be the deadly disease because many people die from it. In Sweden everyone from around the world are heading too, to find a cure, and I too went there. It is not diabetes, but it is part of it, together with heart disease and cancer, to everything that has to do with what you consume like cigarettes. Mr Speaker, even with whiskey and cigarette all of it is what we consume, even though we know they are not edible but because we have a curious nation, we consume it and we teach our children to consume at a very young age. We are striving to teach our children at a young age to have a balanced diet.

Mr Speaker this is the reason why we have outlines and procedures. I like to thank respectable Members for looking ahead, every week we have nearly 10 sick people mentioned in Cabinet, seeking help, why? It is due to this matter. This is the reason why we are putting a stop to the cause, and with the life style we have, if a person cannot control their health, it is the responsibility of the Government to take a stand and implement a legislation upon it. The majority of the things happening within our nation have to do with our people not being able to control themselves. This is why the Government is taking a stand in using tariffs as a way of putting a stop to it. As for the percentage, it is no difference from the VAGST, in the beginning we had many people boycotting it, but when it finally passed it was only a couple of cents, the day js nearly over yet we are still considering this Bill.

Mr Speaker we have people who are alive, and yet they cannot control their health, but they come through the Cabinet seeking medical treatment. Our expense for medical treatment is over \$10 million and we are the only country with funds allocated specifically for such circumstance. In other countries like Tonga and Fiji its only \$100,000 and some other countries are not fortunate to have funds to seek medical treatment in New Zealand, but Samoa alone has reached \$10million or more because of the increased number.

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The shameful part of it all is, we are listed as number one in the whole world with the highest number of diabetes and high blood pressure, and that is what we are known as outside of our country. Mr Speaker this is the reason we put forth Bills, it was not drafted lightly but it was considered thoroughly well.

MR SPEAKER: Very well I recognize the Hon Prime Minister, I call on the Minister of Works, Transport and Infrastructure.

Susuga Hon PapaliiteleNiko Lee Hang (Minister of Works, Transport & Infrastructure): Thank you Mr Speaker for the opportunity, some things I wish to get clarification on please, with the Bill being discussed it includes cost for excise tax and yet you are seeking approval, but from my understanding we have already approved everything in the Appropriation Bill. I clearly do not understand where we are heading with our discussion when the Appropriation Bill has been passed together with Excise tax. Just a matter that needs a little more clarification, thank you.

MR SPEAKER: Very well, I call on the Minister for Revenue for your clarification on the matters mentioned by Members, I know the Prime Minister has already clarified and covered most of it.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker, I believe all questions raised concerning the Bill were answered by the Hon Prime Minister, because the Bill can also fall under Health. In all truth the Bill being implemented will assist in the prevention of health issues for our people in future. But only one question I wish to answer, will the money go to the Ministry of Health? The answer is no, all funds go into the Ministry of Finance, which is the reason why Government lends a helping hand to the Ministry of Finance in years passed. With the many thoughts and concerns raised, I believe it was answered by the Hon Prime Minister.

MR SPEAKER: I call the Hon Minister of Finance.

Afioga Hon Sili EpaTuioti (Minister of Finance): Mr Speaker just to add on to the explanation given about the Appropriation the increase is with tax, custom and other matter. There are two reasons, first with the cost of petrol, with expenses and revenue. The changes in custom, or excise in this matter, in relation with food that we discussed, the main focus is targeting health. It was not designed to increase revenue to have more programs. A question was raised, why do we need it when there is ongoing awareness program for the Ministry?

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– second reading

My thought is, the two should align, advertising and taxing the products to decrease the number of people using it, also we are aware of the many researched done in the Pacific, and also with the increasing number of our sick people seeking medical treatment in New Zealand, especially with illnesses related to goods which we are taxing now.

This is just a brief assistance to the clarification of the Hon Minister of Revenue.

MR SPEAKER: Very well thanks that is well stated. I call the member for Anoamaa West.

Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo: Mr Speaker just this one bit I did query the 28% and the 31%, and their difference and whether this needs to be corrected before the legislation is approved on fuel prices.

MR SPEAKER: I beg indulgence Hon Minister, I call on the Member of Falealupo I allowed you the first time and now you have disobeyed my orders.

Afioga Hon Aeau Peniamina Leavaiseeta: Mr Speaker I stand with respect. The topic concerning water considering Samoa will now be a seller of drinking water. This the reason why I am standing, because buying water is a new concept to us, but with the Hon Minister it does not affect him because he is an overseas man. Is there a plan in the future by the Government to improve the quality of water without cost, but only when it is sanitized water then we can drink it? Is there no help from the Government to get access to water, because we now have treatable pipe waters? But for the meantime paying water bills is a new concept.

MR SPEAKER: With all due respect I gave you the opportunity because of our relationship, but I believe the Hon Minister has answered your concern. The Member of Faleata West who is standing, for your information if you are not satisfied with the Government explanation then so be it. The government explanation doesn't cater to your needs, so whatever explanation is given with all due respect that is the explanation.

Tofa Lealailepule Rimoni Aiafi: The only question I raised is to the Hon Minister to reconsider even if he does not reply. We have locally made chips, if they could reconsider, because these are goods being exported out, but with imported goods I don't care too much about it. But have a look at our local products like Koko Samoa etc and make proper arrangements, with all due respect.

MR SPEAKER: Thank you, Hon Minister you may conclude your speech.

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Excise Tax Rates Amendment Bill 2016
– consideration in detail

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker for the opportunity.

With the 31 and 28sene differences, there is an increase of 31 in the Appropriation pages 10, with the 3% add on to the 28% fuel being stored within the terminal where fuel tanks are stored, where the 3cent is added and that's how we get the 31%. That is the increased differences in the 3% add on. As explained earlier, Airline companies will no longer pay Excise Tax but it is included at the terminal where petrol is being stored such as Faleolo, back of Fagalii, and at the Dept.

That is the explanation in differences. The water that was mentioned earlier is boil water, any soft drinks upon opening it has acid in it. With spring waters like the ones we boil, has minerals inside of it, and after adding flavor into it, it becomes soda, or soft drink. Another matter regarding excise tax, with the World Trade Organisation nowadays it is the same with local and imported goods. Our main hope is that the custom for these will decrease, and this is something the Ministry of Tariff will take into consideration, with a decrease and increase in certain items Mr Speaker. With water we are speaking of sweet drink, like soda, soft drinks, which we are affected locally and also, import goods. Thank you.

Motion approved and the Excise Tax Rates Amendment Bill 2016 was read a second time.

EXCISE TAX RATES AMENDMENT BILL 2016
– consideration in detail

MR SPEAKER: Since this Bill is under a matter of urgency the Assembly will now proceed with consideration in detail.

Pursuant to Standing Order 102, consideration in detail starts with Clause 2.

CLAUSE 2: Amendments to the Schedule.

Approved.

CLAUSE 3: Consequential amendments.

Approved.

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Excise Tax Rates Amendment Bill 2016
– third reading

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Excise Tax Rates Amendment Bill 2016.

Approved.

The Excise Tax Rates Amendment Bill 2016 progressed without Amendments.

EXCISE TAX RATES AMENDMENT BILL 2016
– third reading

MR SPEAKER: Since we have approved the Certificate of Urgency on the Bill the Assembly will now commence with the third reading. I call on the Hon Minister of Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I move a motion, *That the Excise Tax Rates Amendment Bill 2016 be read for the third time.*

Seconded by the Minister of Agriculture and Fisheries.

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

MR SPEAKER: Since we have approved a motion to set aside Standing Order 101(1) Government orders has been rearranged for the day on the second reading of Bills.

First I call on the Hon Minister of Justice, Courts and Administration.

CORONERS BILL 2016
– second reading

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker I move a motion, *That the Coroners Bill 2016 be read a second time. I wish to discuss the Bill in detail.*

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

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Coroners Bill 2016
– second reading

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

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker this Bill was discussed before, this Bill amends the legislation titled the Coroners Ordinance 1959. The purpose and objective of the Bill are as follows:

First it is to provide for a coronial system to investigate sudden or unexplained deaths or deaths in special circumstances through inquiries and inquests, to establish the cause and circumstances of deaths.

Second it is to set out functions, powers and duties of coroners.

Third to provide procedures in which the coroners must carry out coronial inquiries and inquests.

It is also stated in the first part of the Bill different parts of the Bill. This outlines the Bill, Part 1 – Preliminary, Part 2 – Coroners, Part 3 – Reporting of deaths and post – mortems, Part 4 – Coronial Inquiries and Inquests, Part 5 – Other duties and powers and Part 6 – Miscellaneous.

Mr Speaker with respect.

MR SPEAKER: Very well thank you to the Minister for the clarification. It is now the opportunity for a Member who wishes to speak on the Bill. If not question will be put forward by the Chair.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I do not want to interrupt, I have one query which was not answered during the workshop, Part 2 page 13 of the Bill, on terms of office. I asked about the 5 years term of the coroner and the eligibility for reappointment. At the moment it is clearly stated eight years is given with a chance for reappointment. Another two or one year is added based on decision by the Judicial Service Commission. Second there are parts that portray differences of terms of office. My question with respect, why has a term of five years being set and why not let them continue until 8 years before additional years? With respect.

MR SPEAKER: I call on the Hon Minister of Justice, Courts and Administration.

Afioga Hon FAAOLESA KATOPAU T. AINUU: These are the plans of Government to minimize the years, thus they are not the usual judges that this Parliament is acquainted too. These people specialize only in investigating of deaths. This is why they are not given many years, I think the correct term mentioned is 8 years, this is the same for normal judges. As for the position of a Coroner their work is specific on a particular task and this where the Bill is based on.

MR SPEAKER: Very well, thank you.

27 JUNE 2016

Village Fono Amendment Bill 2016
– second reading

Motion approved and the Coroners Bill 2016 was read a second time.

MR SPEAKER: Pursuant to Standing Orders the Coroners Bill 2016 will be referred to the Social Sector Committee for consideration and be reported back to the Legislative Assembly in the October Sitting.

VILLAGE FONO AMENDMENT BILL 2016
– second reading

Tofa Hon FAIMALOTOA KIKA IEMAIMA STOWERS: Mr Speaker I move a motion, *That the Village Fono Amendment Bill 2016 be read a second time and I wish to voice a clarification.*

Seconded by the Minister of Agriculture and Fisheries and the Minister of Communications and Information Technology.

MR SPEAKER: I call on the Minister for a clarification.

Tofa Hon FAIMALOTOA KIKA IEMAIMA STOWERS: Thank you Mr Speaker. I believe all Members of the House have received the Bill tabled. The Bill seeks to amend the Village Fono Act 1990 (Act). The object of the Bill is to strengthen our culture to ensure stability in Samoa by strengthening the role of the Village Fono and to ensure that the exercise of the powers of the Village Fono is in accordance with the Constitution. There are four objectives included in this Amendment Bill, the granting of a specific power to impose curfews and banishment in villages.

It also states the inclusion of limited jurisdiction over those living in government, lease or freehold land located within village lands.

Another aspect is, the provision of specific power to Village Fono to make their own *faiga faavae* or *iugafono* and register them at the Ministry of Women, Community and Social Development in order for them to be recognized by the Court. However, the registration of *faigafaavae* or *iugafono* does not necessarily mean that they are consistent with the Constitution.

Fourth the requirement to consult and obtain the approval of the Village Fono before any building or activity can be undertaken - e.g. a shop or a new church. If the Alii and Faipule decline the proposed activity or building, the decision can be appealed to the Land and Titles Court under section 11 of the Act. If it is the will, all village councils listening in should know that such objective is done for our safety. No matter what issue will be brought before the village council everything can be resolved with mutual respect. This is a brief clarification on the matter.

With respect Mr Speaker.

27 JUNE 2016

Village Fono Amendment Bill 2016
– second reading

MR SPEAKER: I thank the Hon Minister for Women, Community and Social Development, opportunity is now given to Members who wish to speak on the Bill.

I call on the Member for Urban West.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you Mr Speaker for the opportunity. Firstly I want to thank the Minister of Women, Community and Social Development for this initiative stated in this Bill.

I want to state the support of this constituency on the Amendment tabled. Let us look at the future especially in maintaining the tranquility within villages with those living on freehold and leased lands.

This is an opinion to note on the matter Mr Speaker but this constituency supports the Bill.

With respect, thank you.

MR SPEAKER: Thank you. I call on the Member for Falealupo.

Afioga Hon AEAU PENIAMINA LEAVAISEETA: Mr Speaker and respectable Members of Parliament I stand to thank the Hon Minister for the Bill tabled, especially this Bill because I strongly believe decisions made by the village council in rural communities are quite important. We are all aware of the matters that are carried out within village councils. Although if it is led by a legislation the implementation will be outstanding which is now in place. I am grateful because a solid framework will portray a life of tranquility within constituencies. Now with its implementation I am certain it will bring great results.

I am thankful for this initiative especially the inclusion of many villages and constituencies which I know is not an easy task. The initiation of such provisions will lead the progress of village councils and in keeping peace amongst each other. Not only the will of faipule, men of the village which at times can be wrong but the incorporation of provisions of Government. I thank the Prime Minister and that side of Chamber for this incentive I believe these provisions will see the progress within village councils in rural areas.

With sincere gratitude, Mr Speaker, thank you.

MR SPEAKER: Thank you. I call on the Minister of Works, Transport and Infrastructure.

Susuga Hon PAPALIITELE NIKO LEE HANG: Thank you Mr Speaker for the opportunity.

27 JUNE 2016

Village Fono Amendment Bill 2016
– second reading

First I want to thank the Hon Minister for the important Bill. There is an issue that I raised during consultation of the Bill, on the initiative stated in section 12. As noted in this section on construction of a building, it does state that the Ministry of Works has to approve a permit that the building structure is stable. It does state in the Bill that the Village Fono has to approve the structure before a building is constructed. This is just a matter of caution in case the Bill supercedes other conditions that are to be noted.

With respect.

MR SPEAKER: Thank you, I call on the Member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you for the opportunity, also I thank the Minister for the Bill. It has taken years for this Bill to be revised and amended in accordance to provisions established in the Principal Act. In drafting such tradition oriented legislation we cannot avoid the inclusion of both Cristian and cultural values. Since this constituency has been settled by many people of our country this Bill is quite important, for people to know common respect especially for those who have moved from traditional villages to live here. Nowadays we Samoans understand that wherever we go and where ever we may reside we have to follow the rules, cultural traditions of the village we live in. This is the majority of those living in this constituency. If there are any problems most families would call me and I would go and resolve the matter by using our traditional methods, most families acknowledge this form of resolution.

The amendment stated in Part 8(5) of the Bill, if someone who not living on customary land does not abide by the rules set out by the council, the village fono has the power to summon that person. If a person fails to appear before the council, it is stated in the Bill that they are liable to a fine not exceeding 5 penalty units. A question to the Minister, how can the village have authority to fine a person if they do not appear before the council. I beleive this is when the village council alii and faipule should work together with the police....we should consider the right of a person. As of now what is important is maintaining peace and reside together in these non traditional villages. Also we should be considerate not use this authority wrongly or abuse it. This is what I want to know, how strong is this authority, also can we fine a person who does not appear before the village council under the Bill.

Another matter is the construction of houses, because there are houses set up in my constituency if you come and see it, the land is one acre but the house is built on a quater acre. This means it reaches the neighbors border, also to the front of the road. How is the authority of Alii and Faipule applied to this situation considering this is built on private land, in the middle of the village. It seems such conditions are dependent on mutual understanding and respect.

27 JUNE 2016

Village Fono Amendment Bill 2016
– second reading

There should a power given to these people as well because what is happening there during funerals, some families call me for assistance because the people do not want to give a helping hand when they need it. But when it is a funeral they turn up, this is the usual process for us Samoans, these lands in Faleata.

This sort of situation is not good at all. We should look into every aspect to be able to protect and avoid such situations. As for the Bill and the intension this Member supports it wholeheartedly especially with residing in this constituency there should be a balance between provisions and what we want accomplished. I know everyone supports this Bill nevertheless the importance of village fono, this is evident as well within the House in our respect to one another.

Another matter Mr Speaker it was mentioned that copies are made, four copies, one for the Legislative Assembly, another for...why not the Ministry make copies and distribute it to the Legislative Assembly, Attorney General... We all know the practice for Samoa, everything is given through word of mouth or by hearing, although the Ministry has decided to record the information and make copies to distribute to certain Ministries, they should have also considered other means. With respect thank you.

MR SPEAKER: Thank you for the recommendations. I believe this will contribute to goods ideas. Perhaps we have one more Member for Falealili before I call on the Minister.

Afioga FUIMAONO TEO SAMUELU TEO: Mr Speaker I want to voice sincere gratitude to the Hon Minister for presenting such important Bill.

There are only two parts this constituency wishes to recommend, this is clause 8 that substitutes section 9 that the Village Fono will have some control over those who are living on freehold land. The term used is control how about changing it to those living on freehold lands to abide and support the authority of Alii and Faipule. An example if the term abide is used they will be able to follow. No matter what the rules within the village they will respect it. This term control should be amended because it might affect those living on freehold lands to participate in village activities and later result to the authroity of alii and faipule to overrule them.

Second a recommendation on construction of a building, the Bill states this provision generally, alii and faipule have the authority to consent on a building whether it is a church or store. Why not amend the use of building but specifically mention in the Bill for families who wish to set up businesses within the village, or construct churches. These are the two areas of importance for every village, business and church. I strongly believe these are the two factors that are important to a village. As for construction of buildings it is too general also it is under the Ministry of Works, this means the family is free to build their house if the criteria is met and approved from the Ministry.

27 JUNE 2016

Village Fono Amendment Bill 2016
– second reading

These are a few queries on the matter Hon Minister, thank you for the Bill. Thank you Mr Speaker.

MR SPEAKER: Thank you. I call on... pardon the Minister I believe there is one more Member, the Member for Sagaga le Usoga.

Susuga SEIULI UELIGITONE SEIULI (Sagaga le Usoga): Thank you Mr Speaker. I want to assist with the matter mentioned on the construction of buildings within villages, for the Village Fono Bill to go inline with the Bill mentioned by the Minister of Works, Transport and Infrastructure.

I want to remind the Minister owning the Bill to consider that there is also the Bill for PUMA on building construction, whatever type of house that is to be built a consent must be attained from PUMA. Thank you Mr Speaker.

MR SPEAKER: Thank you, I ask that the authority be reviewed whether it is eight or more for the clarification of the country.

I call on the Hon Minister.

Tofa Hon FAIMALOTOA KIKA IEMAIMA STOWERS: Thank you Mr Speaker, I believe the majority of Members that spoke stood to convey gratitude for the Bill except for the Minister of Works and the previous Member. It is noted the matter for construction of houses has its own legislation, where you apply for a permit and get approval for building structures. Although the provision noted in the Bill is safety. An example if I want to go to Savaii and set up a business on a freehold property I own. If I am an understanding person, I know that my land is located within the lands of the village. We are all aware of what we constantly hear, being humble brings peace also when finding a purpose we have to be humble. Therefore I should go and consult with the village council, because if my house was thrown with rocks by the children and young men and I do not have the protection of Alii and Faipule I will not be able to do anything. This is a situation I know most of us are aware of in our villages.

The term mentioned on the use of authority, this does not necessarily mean the overall authority is given to Alii and Faipule as stated by the Member. Ever since we were born we grew up in our villages over hearing our elders saying, the authority of Alii and Faipule must be respected.

This is not a measure we should be worried about, this is just a pre caution, a safety measure. In response to the opinions voiced there is only one objective mutual respect, being respectful will result to peace and harmony within villages. Nevertheless we put importance on the role of Alii and Faipule.

Mr Speaker I want to thank all Members for the queries voiced in relation to the Bill, with respect.

27 JUNE 2016

Bankruptcy Amendment Bill 2016
– second reading

MR SPEAKER: Thank you. I will give the opportunity to the Member for Faleata West once again, is there anything further you wish to convey?

Tofa Lealailepule Rimoni Aiafi: The Hon Minister there is only one area I humbly ask you look into again. It is part 5 I believe if the person does not abide by the rules of the village, they should be brought before the Land and Titles Court by the village, it will ensure a fair decision. It is stated here that the village can punish the person if they do not abide by the set rules. This is a provision Hon Minister that should be overlooked with respect.

MR SPEAKER: Thank you. I call on the Hon Minister once again whether a response on the matter has been found.

Tofa Hon FAIMALOTOA KIKI IEMAIMA STOWERS: Thank you Mr Speaker I strongly believe this Member has the mentality to understand certain aspects to resolve such issues. There is a difference between each village, which is something they have the authority over to make their own rules. As I stated if it is made official then it is alright but if not there is the Bill that can be used to make an appeal. If the Member is not satisfied then I know you have a lot of ideas and methods that can be used within your constituency to resolve such problems. With respect.

MR SPEAKER: Very well, thank you.

Motion approved and the Village Fono Amendment Bill 2016 was read a second time.

MR SPEAKER: Pursuant to Standing Orders the Bill will be referred to the Social Sector Committee for consideration and be reported back to the Legislative Assembly in the October Sitting.

BANKRUPTCY AMENDMENT BILL 2016
– second reading

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker I move a motion, *That the Bankruptcy Amendment Bill 2016 be read a second time and I wish to voice a clarification.*

Seconded by the Minister of Women, Community and Social Development, Minister of Education, Sports and Culture and the Minister of Communication and Information Technology.

27 JUNE 2016

Landing Limited Bill 2016
– second reading

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker the main objective of this Bill seeks to amend the Bankruptcy Act 1908. The objective of the Bill is to prohibit adjudicated bankrupts from leaving Samoa without the official assignees approval.

With respect.

MR SPEAKER: Very well go on Hon Prime Minister.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA DR. SAILELE MALIELEGAOI: Mr Speaker, this Bill is specifically for business owners to declare their state of bankruptcy to the courts. The duty of the official assignees is to collect all the assets belonging to this bankrupt person and sell in order to cover the debt. The bill also provides that the person involved would be prohibited from traveling until his debts are paid out in full. The intention of the bill is to ensure honesty in the declaration of bankruptcy, as there are also those who have not declared bankruptcy however, they transfer cash to offshore accounts.

Mr Speaker this is the whole purpose and clarification to this Bill.

MR SPEAKER: Very well thanks. This is the chance for anyone who wishes to speak; otherwise, I will now put the question given that the Hon Prime Minister's clarification is well stated.

Motion approved and the Bankruptcy Amendment Bill 2016 was read a second time.

MR SPEAKER: Pursuant to Standing Orders the Bill will be referred to the Finance and Expenditure Committee for consideration and be reported back to the Legislative Assembly in the October 2016 sitting.

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LANDING LIMITED BILL 2016 –second reading

MR SPEAKER: There is an understanding that the Landing Limited Bill 2016 should be considered under a state of urgency. This is an important Bill to the economy of Samoa, I will use the authority of the Speaker under Standing Order 102(2) for the bill to progress under a state of urgency.
I call the Hon Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker. I move a motion, *That the Landing Limited Bill 2016 be read a second time and I wish to voice a clarification.*

27 JUNE 2016

Landing Limited Bill 2016
 – consideration in detail

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

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker. We are all aware of the production by the Australian company for Survivor which is now being filmed on our shores.

This bill is based on tax, a duty and rebate incentive, return of money used within the country. This Company proposes to use between \$17 million and \$19million for filming with a cash rebate of \$5.7million. These terms were given to the Samoan Government in competition with Fiji and Tonga. The rebate offered by Fiji was higher, 45% however due to the quick response by the Samoan Government in addressing the agreed terms we were chosen. It was also based on the peaceful environment and the work being carried out by the company. A total of more than \$20 million will be spent on shooting the series. The estimated revenue is larger than the expenditure as foreseen by the company as it is audited on a fortnightly basis. The cash rebate is payable within seven working days after the airing of the first episode of the Survivor Samoa in Australia and not to exceed SAT\$5.7million. This will benefit the hotelliers, car rental services, local member crew working for this Company. Hopefully our locals can continue their services for these companies such as the local member crew who undertook employment with the American Survivor Company.

Furthermore this bill exempts a foreign employee from overseas from paying taxes only those employed the country has to pay taxes to the Ministry of Revenue. It is the expectaion of Government for our people to earn benefits based on this amount of \$20million spent on filming with the only \$5.7million cash rebate.

This is the clarification in addition to other clarifications we received from our workshop seminar, thank you.

MR SPEAKER: Very well thank you. I beleive theclarifications made in our seminars on the Bill have been significant in understanding the views of Members. I want to thank all but unless there is a member who still not understands the workshop and seminar, then you can take the floor. If not a question will be put.

Motion approved and the Landing Limited Bill 2016 was read a second time.

LANDING LIMITED BILL 2016
 - consideration in detail

MR SPEAKER: Pursuant to Standing Order 102, consideration in detail starts with Clause2.

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Landing Limited Bill 2016
– consideration in detail

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act binds Government.

Approved.

CLAUSE 4: Cash rebate.

Approved.

CLAUSE 5: Income tax exemption.

Approved.

CLAUSE 6: Exemption on fees for work and immigration permits.

Approved.

CLAUSE 7: Exemption on imported goods.

Approved.

CLAUSE 8: Restriction on the sale or gift imported goods.

Approved.

27 JUNE 2016

Landing Limited Bill 2016
– third reading

CLAUSE 9: Reports and accounts.

Approved.

CLAUSE 10: Consequential Amendment.

Approved.

CLAUSE 11: Expiry of the Act.

Approved.

CLAUSE 1 & TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Landing Limited Bill 2016.

Approved.

The Landing Limited Bill 2016 progressed without Amendments.

LANDING LIMITED BILL 2016
- third reading

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I move a motion, *That the Landing Limited Bill 2016 be read a third time.*

Seconded by the Minister of Education, Sports and Culture, Minister of Women, Community and Social Development and the Minister of Agriculture and Fisheries.

Motion approved and the Landing Limited Bill 2016 was read a third time and passed by the Legislative Assembly.

MR SPEAKER: Alright, we are now arrived at the end of our work schedule, I call on the Hon Prime Minister for a motion.

27 JUNE 2016

MOTION TO EXTEND SITTING HOURS

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA DR. SAILELE MALIELEGAOI: Mr Speaker I move a motion, *to extend sitting hours until orders of the day are completed. We have one more matter to discuss then we will be finish for the day and conclude the last sitting of this month.*
That is the motion Mr Speaker.

Seconded by the Minister for Revenue, Minister of Agriculture and Fisheries and the Deputy Prime Minister.

Motion approved.

MR SPEAKER: I call the Hon Prime Minister.

MINISTERIAL STATEMENT AND MOTION FOR THE APPOINTMENT OF A SPECIAL INQUIRY COMMISSION

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA DR. SAILELE MALIELEGAOI: Mr Speaker and respectable members, Samoa and your support – the House has passed the Main Budget 2016/2017 for the Revenue and Expenditure Committee including other bills under the matter of urgency given appropriate reasons and the referral of other legislation to Parliamentary Committees for review.

I wish to make use of this chance to speak of a very significant matter pursuant to Standing Order and a set motion moved later on.

The House is well aware of the matter I raised during the Induction Programme provided for the Members of Parliament on the 15th March 2016 and during my Presentation (*Structure of the Government of Samoa*) in the XVI Parliamentary Symposium on the 29th of March 2016. Should you wish to look through these statements, they can be found in our ‘Palemene’ newspaper.

The matter under discussion – “*Monitoring Processes for the 3 Arms of the State*”. It monitors the Executive, Parliament and the Judiciary, the Judiciary also monitors the Executive and the Parliament and Parliament also monitors the Executive and the Judiciary.

For the sake of this House and Samoa tuning in this monitoring process has the checks of one arm over another and not something that was done by this Party or any other government. This monitoring principle is derived from one of democratic principles through our custom chosen by our forefathers to guide and lead our Government since its independence in 1962.

27 JUNE 2016

Ministerial Statement and Motion for the Appointment of a Special Inquiry Commission

Therefore, this is not based on a decision by one person, they are monitoring principles at the preamble of the constitution which is the paramount law of the State of Samoa and any other law that contradicts the Constitution – is repealed and abolished.

✻ **Issues:**

Mr Speaker, I recalled a speech I delivered in the first sitting of the XVI Parliament on March 2016 where I spoke about many people who have raised concerns about the performance of the Lands and Titles Court.

Unfortunately, there is a disagreement between the division of the Judiciary and Executive, nevertheless trust has been given to the Chief Justice and Judges of the Court for their contribution also to me and the Cabinet to administer the Executive arm.

There are a few concerns about the Criminal Courts which include the District and Supreme Court. But 99% of the complaints have shown distress from the public because of decisions from the Land and Titles Court.

The truth is no matter how hard we try to make something 100% we cannot make that happen because the good wheat will always grow together with the bad ones. Even a person must try their best to fulfill their duties if they too believe that every appointment is from God. The first original sin stemmed from the first person on earth and the word became flesh and made his dwelling among us to restore this connection between us and God for us to have Salvation. Although grace is a free gift from God we also have a part to fulfill to attain Salvation. Similarly, with this House, although we have many good members, we also have members who are not doing their jobs well.

It is an offense when we are given an appointment by those who own it and we do not fully commit to it and work with all honesty. Even a person must also try their best to fulfill their duties if they too believe that all appointments are from God.

Mr Speaker and the House, those are some of the highlighted matters to this subject matter I wanted to point out. The privilege of being a Lands and Titles Court Judge is being used as a “holiday” by some Judges until they reach the age of 70. There needs to be checks for men and women judges of the Lands and Titles Court.

I do not have to say it but every work place should have its own checks to make sure that they are doing their duties. It's the same with the government Ministries and State-owned enterprises where after three years the contract will be re-advertised to see if there is anyone else better than the boss (of the Ministry).

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Ministerial Statement and Motion for the Appointment of a Special Inquiry Commission

This should not be done out of love because this is public funds we are dealing with that involve matters pertaining to the legacy of descendants and families henceforth these positions should be filled by the most qualified people who are not afraid to speak up the truth and make the right decisions. Because the most disappointing thing with this judgement in rem is that it will affect us at present time, and our generations to come due to us being negligent and abusive which can affect future citizens of Samoa.

This is also happening with the representatives of this House, after five years we will go back to our constituencies who voted us in and find out who the next representative will be. We have also noticed that 50% of these members are new from one parliamentary after another. Because if we want to come back to Parliament after the next five years, this is based on the judgement of the public in accordance to the efforts and works we have achieved because we are upholding the authority of the public. The General Elections is where we will have our checks.

There needs to be checks for men and women judges of the Land and Titles Court. If the Court does not fix its internal issues, there is a duty of the Parliament to make an order with the two third support from the Members of Parliament in the House. Parliament can submit an application to the Head of State to remove any judge who is not performing their role with honesty.

Therefore, Mr Speaker I move the motion to establish a special Parliamentary Committee to investigate the work of the Lands and Titles Court Judges and report to Parliament for October's sitting. The matters they should look into are:

1. Rules and procedures of the Land and Titles Court
2. Appointments and scrutiny of the Land and Titles Court Judges performance

The investigation will look directly into ways to advice the Lands and Titles Court development mainly on:

1. Providing clearer rules and procedures to deal with matters before the Court and to reduce adjourned matters/cases (*wasted time of respondents and the load of work for the Courts where government has also wasted money on*);
2. Provide clearer rules and procedures to ensure that the appointments of the Lands and Titles court judges are contractual so they can be re-interviewed if they are still qualified to continue their duties.

This investigation aims to find assistance for the general public without having to damage the foundation of the work of the Court. Everyone should have equal opportunity in finding justice and right decision.

Committee of Inquiry:

1. *Lopao Natanielu Mua – Chairperson*
2. *Nafotoa Talaimanu Ketu – Deputy Chairperson*
3. *Hon LauofoFonotoe Pierre Lauofo*

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4. *Aliimalemanu Alofa Tuuau*
5. *Faaulusau Rosa Duffy-Stowers*
6. *Faumuina Pauli Wayne Fong*
7. *Ili Setefano Taateo Tafili*

Assisted by:

1. *Attorney General*
2. *Ombudsman*
3. *Chief Executive Officer of the Ministry of Justice & Courts Administration*
4. *Clerk of the Legislative Assembly*

The Committee report is to be tabled in October and referred to the Courts for its response in November to be considered by Cabinet. The Cabinet's response is to be tabled in Parliament in December this year 2016. The sooner this matter is discussed the better the response for the waiting public and their cases.

I am sure all of us have sort of relationship with the existing Judges which is the sole reason why they cannot make decisions on most of these cases and to avoid impartiality of the Court rather retain the dignity of the Court based on the equal rights of the people.

However, we cannot avoid Parliamentary practice and procedure through the Parliamentary Committees and its review processes given in the Reports of the Government Ministries and Enterprises. The works of the Court should also be scrutinized and monitored properly.

This matter has been pending for far too long now given your uneasiness in making any decisions on it, we too sat on it leaving no love or response for the public. What I mean to say is if we were to sit and make no recommendation to the Court then we are agreeing with inappropriate decisions overtime. Rather we might as well step on God's will – because knowing what to do and not do anything about it. As one person says - (*the only way for evil to triumph is for good men to do nothing*).

This is why we amend the Constitution because they were not given by our ancestors to keep in a glass box or for safekeeping. The constitution is to set guidelines for us meaning, plan wisely so that we are in line with the changes of life. It is even more destructive not to do anything about these old guidelines whilst facing problems, its like life is moving forward whilst we are guided by expired principles that were set by those who have passed on.

Samoa depends on God and His wisdom for our Leaders to make wise decisions for the safe journey of its people. This is the meaning of a well planned life it comes with well prepared wellbeing that no one can overcome nor can take away.

Mr Speaker that is the motion with one final bit – to suspend Standing Order and refer this matter to the appointed/selected Committee I have already read out for them to progress their work before referral to the Courts and to us to discuss their resolution in December of this year. With all due respect

27 JUNE 2016

OTHER ANNOUNCEMENTS BY THE SPEAKER

MR SPEAKER: We have a few announcements to make for the information of respectable Members:

1. Firstly, all Parliamentary Committee Reports on Annual Reports to Parliament should be tabled by the month of August in accordance to the new changes within our Standing Orders, please have a look Standing Order 166(2).
2. Secondly, all legislations referred to Parliamentary Committees today should report back in the Sitting of October 2016 except for the Citizenship Amendment Bill 2016 to be report back in the Sitting of August 2016.
3. Also for the sake of Parliament, we have already given out the gifts from our ongoing students' awareness programme like t-shirts, cups and flashdrives that has all the legislations of Samoa up until the sitting on the 31st of December 2015.

Those are some of the announcements for the information of Parliament also take into note the deadline of months for Parliamentary Committees reviews.

We have now arrived at adjournment time and I wish to thank you all for your perseverance...

I call the Minister of Commerce, Industry and Labour.

NOTICE FROM THE MINISTER

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Commerce, Industry and Labour): Thank you for the opportunity I see that we are concluding and as stated by the Prime Minister, this is the Sitting for this month. As the Minister for the Ministry of Commerce, Industry and Labour I wish to make an official announcement about the sudden passing of Chief Executive Officer, Afioga Peseta Margaret Malua who is one of the prominent public figures who has made an immense contribution to the country.

As such I offer my sincerest condolences to the grieving family of Peseta and may God bring comfort upon you all. As known Peseta led the Ministry's march during the Independence day and three weeks later, she is now gone. May we carry on all the good works she's achieved for the Ministry. In the words of the bible, "Blessed is the servant whom his master will find so doing when he comes."

This is the announcement Mr Speaker with all due respect, thank you very much for the opportunity.

27 JUNE 2016

ADJOURNMENT

MR SPEAKER: Thank you. Parliament has heard the statement of the Hon Minister in regards to the loss and services of one of the states public servants with the Ministry. This is God's own will and no one can take that away from the Almighty.

To the dear family of Afioga Peseta Margaret Malua, we all sympathise with you. May God's peace and comfort be upon you and the children most especially the village and Church of Peseta, may his condolences be upon this Cabinet and Parliament and Samoa. May one brave heart departs and another take over.

If I have made any irritating statement I beg your forgiveness, for 'even a wise fisherman will mistakenly pull the bonito up on the outrigger side of the boat' from the Samoan saying, "*E poto lava le tautai ae sese lana atu i ama*. May we all bear forgiveness. As we now come to the end of our session because of God's love and may He be glorified. May God bless Samoa and its support especially the prayer warriors.

Before we adjourn I call the Member for Faasaleleaga No.4 to end our session with a prayer.

Proceedings of the Legislative Assembly adjourned at 1:28pm until 9:00am on Tuesday, 23rd August 2016 pursuant to Parliamentary Sitting Programme 2016/2017.