

27 JUNE 2019

THURSDAY, 27 JUNE 2019

The Speaker took the Chair at 9.00am.

Prayer.

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

I greet the dignity of the House gathered here today to resume our works. I greet Samoa in support of our Sitting. God bless your support.

PRESENTATION OF PAPERS

The Clerk read out the Papers tabling, pursuant to *S.O.49 (2)*.

1. P.P.2019/2020 No.89, Annual Report for the Accident Compensation Corporation for the year 2017.

PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

The Clerk read out the Parliamentary Committee Reports tabling pursuant to S.O.52 (5).

1. P.P.2019/2020 No.86, Report of the Parliamentary Special Enquiry Committee on the Findings of the Judicial Service Commission and provisions of Article 68(5) of the Constitution of Samoa.

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Miscellaneous (Ministerial Assignment) Amendment
Act 2019 - consideration in detail

CLAUSE 8: Transitional and Savings provision.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

**TITLE: Miscellaneous (Ministerial Assignment)
Amendment Act 2019.**

Approved.

The Miscellaneous (Ministerial Assignment) Amendment Bill progressed without Amendment.

MR SPEAKER: I believe that we have come to our adjournment hour. On that note, I am of the thought that we should end our orders for the day here. Let us hope that good health will see us here tomorrow, to continue our orders and forum. Well, not only for us but also for the Chief Executive Officers of Ministries and Organisations here with us, after all they are the executors of Government decisions. In addition, I extend the same thought to the country at large.

I will say to our people that if this Assembly may have erred to the extent, which breaches our mutual relationship, may the Lord forgive the voice of this Parliament.

Before we adjourn for tomorrow, I will conclude our Meeting with a prayer.

Proceedings of the Legislative Assembly were adjourned at 12:55pm until 9am on Thursday, 27th June 2019.

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CUSTOMS TARIFF AMENDMENT BILL 2019
– consideration in detail

MR SPEAKER: Pursuant to Standing Order, the consideration will commence with Clause 2.

National Provident Fund Amendment Bill 2019
– third reading

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Substitution of the First Schedule.

Approved.

CLAUSE 4: Second Schedule amended.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Customs Tariff Amendment Bill 2019.

Approved.

The Customs Tariff Amendment Bill 2019 progressed without Amendment.

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**NATIONAL PROVIDENT FUND AMENDMENT
BILL 2019 – third reading**

MR SPEAKER: I allow the Hon Minister of Finance with respect.

Afioga Hon SILI EPA TUIOTI (Minister of Finance): Mr Speaker I move, *That the National Provident Fund Amendment Bill 2019 be now read a third time.*

Seconded by the Minister for Revenue and the Minister of Education, Sports and Culture.

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

**TRUSTEES COMPANIES AMENDMENT BILL 2019
– third reading**

MR SPEAKER: I call the Hon Minister of Finance.

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move, *That the Trustees Companies Amendment Bill 2019 be read a third time.*

Seconded by the Minister of Education, Sports and Culture and the Minister for Revenue.

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

**FOUNDATIONS AMENDMENT BILL 2019
– third reading**

MR SPEAKER: I call the Hon Minister of Finance.

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move, *That the Foundations Amendment Bill 2019 be read a third time.*

Seconded by the Minister of Education, Sports and Culture and the Minister for Revenue.

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Companies Amendment Bill 2019
– third reading

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

COMPANIES AMENDMENT BILL 2019
– third reading

MR SPEAKER: I recognize the Hon Minister of Commerce, Industry and Labor.

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Commerce, Industry and Labor): Thank you honorable Speaker. I firstly greet the dignity of Parliament today, in your perseverance. I also greet the Heads of Government Ministries especially Samoa tuning in to our Sitting. I rise with respect to move the motion, *That the Companies Amendment Bill 2019 be read a third time.*

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

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

ARMS AMENDMENT BILL 2019
– third reading

MR SPEAKER: I call with respect the Hon Prime Minister.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker with respect, I move, *That the Arms Amendment Bill 2019 be read a third time.*

Seconded by the Minister of Public Enterprises and the Minister of Works, Transport and Infrastructure.

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**Law Reform Commission Amendment Bill 2019
- consideration in detail**

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

**LAW REFORM COMMISSION AMENDMENT BILL 2019
– third reading**

MR SPEAKER: I call with respect the Hon Prime Minister.

Susuga Hon TUILAEPA AUELUA FATIALOFA
LUPESOLIAI LOLOFIETEELE NEIOTI AIONO
GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr
Speaker I move, *That the Law Reform Commission Amendment
Bill 2019 be read a third time.*

*Seconded by the Minister of Commerce, Industry and Labor and
the Minister of Works, Transport and Infrastructure and the Minister
of Tourism.*

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

**MISCELLANEOUS (MINISTERIAL ASSIGNMENT)
AMENDMENT BILL 2019 – third reading**

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAEPA AUELUA FATIALOFA
LUPESOLIAI LOLOFIETEELE NEIOTI AIONO
GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr
Speaker I move, *That the Miscellaneous (Ministerial Assignment)
Amendment Bill 2019 be read a third time.*

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

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Custom Amendment Bill 2019
– third reading

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

CUSTOM AMENDMENT BILL 2019
– third reading

MR SPEAKER: I call the Hon Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue): Mr Speaker I move, *That the Custom Amendment Bill 2019 be read a third time.*

Seconded by the Minister of Health, Minister for Revenue and the Minister of Education, Sports and Culture.

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

HEAD OF STATE AMENDMENT BILL 2018
– consideration in detail

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

I call the honorable Chairperson of the Standing Order, Electoral, Petition and Constitutional Offices Committee.

Tofa NAFOITOA TALAIMANU KETI (Chairperson of the Standing Order, Electoral, Petition and Constitutional Offices Committee): Mr Speaker I move the motion, *That the Legislative Assembly approves the Report of the Committee that recommends the Head of State Bill 2018 be progressed together with Amendments and Corrections.*

Seconded by the member for Falealili East and the member for Lefaga and Faleaseela.

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Head of State Amendment Bill 2018
– consideration in detail

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Committee on the Bill and the Assembly will now proceed with the consideration in detail.

Pursuant to Standing Order, the consideration will start with Clause 2.

CLAUSE 2: Insert new section 2A.

Approved.

CLAUSE 3: Section 3 amended.

Approved.

CLAUSE 4: Section 7 substituted.

Approved.

CLAUSE 5: Section 8 amended.

MR SPEAKER: There is an amendment by the Committee to Clause 5. I call on the honorable Chairperson of the Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move the Amendment to Clause 5 in the Samoan Print as follows:

“AMENDMENT:

Add the word “Alii” after the word faletua to read the new clause 5(2) as:

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– consideration in detail

“le Faletua po o le Alii o le Ao o le Malo.”

Amendment approved.

Clause 5 approved as amended.

CLAUSE 6: Section 9 substituted.

Approved.

CLAUSE 7: Section 10(2) repealed.

Approved.

CLAUSE 8: Section 11 repealed.

Approved.

CLAUSE 9: Section 12 amended.

Approved.

CLAUSE 10: Section 13 repealed.

Approved.

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Head of State Amendment Bill 2018
– consideration in detail

CLAUSE 11: Section 14 amended.

Approved.

CLAUSE 12: Section 15 substituted.

Approved.

CLAUSE 13: Insert new section 15A.

Approved.

CLAUSE 14: Section 16 amended.

Approved.

CLAUSE 15: Section 16A amended.

Approved.

CLAUSE 16: Section 16B substituted.

Approved.

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Head of State Amendment Bill 2018
– consideration in detail

CLAUSE 17: Insert new section 16C.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Head of State Amendment Bill 2018.

MR SPEAKER: There is a Correction from the Committee on Clause 1 and the Title.

The Chairperson may take the floor with due respect.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move the Correction to Clause 1 and Title as follows:

“CORRECTION:

Omit the number 2018 to be substituted with the number 2019 to read the Title of the Bill as:

Head of State Amendment Bill 2019.”

Correction approved.

Clause 1 and Title approved as Corrected.

Head of State Amendment Bill 2019 progressed with Amendment and Correction.

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**UNIVERSITY OF THE SOUTH PACIFIC SCHOOL OF
AGRICULTURE AMENDMENT BILL 2019
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders, the Assembly must first approve the Committee report on the Bill before consideration in detail.

I call upon the Chairperson of the Social Sector Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Chairperson, Social Sector Committee): Mr Speaker I move a motion, *That the Legislative Assembly approves the Report of the Committee that recommends the progress of the University of the South Pacific School of Agriculture Amendment Bill 2019 without Amendments.*

With respect.

Seconded by the member for Aleipata Itupa i Luga.

Motion approved.

MR SPEAKER: The Legislative Assembly has approved the report of Committee on the Bill, therefore we will now proceed with the consideration.

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

CLAUSE 2: Title of the Principal Act amended.

Approved.

CLAUSE 3: Long title of the principal Act amended.

Approved.

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Head of State Amendment Bill 2018
– consideration in detail

CLAUSE 4: New Part 1 heading inserted.

Approved.

CLAUSE 5: Section 1 amended.

Approved.

CLAUSE 6: Section 2 amended.

Approved.

CLAUSE 7: New provisions inserted.

Approved.

CLAUSE 8: New Part 3 heading inserted.

Approved.

CLAUSE 9: New Part 4 heading inserted.

Approved.

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**Head of State Amendment Bill 2018
– consideration in detail**

CLAUSE 10: New Part 5 heading inserted.

Approved.

CLAUSE 11: New section 9 inserted.

Approved.

CLAUSE 12: Transitional provision.

Approved.

CLAUSE 13: Schedule amended.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title & Commencement.

**TITLE: University of the South Pacific School of
Agriculture Amendment Bill 2019.**

Approved.

*The University of the South Pacific School of Agriculture
Amendment Bill 2019 progressed without Amendments.*

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**ALIENATION OF CUSTOMARY LANDS AMENDMENT
BILL 2017 – consideration in detail**

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

I call upon the Chairperson of the Infrastructure Sector Committee.

Afioga TAFUA MALUELUE TAFUA (Chairperson of Infrastructure Sector Committee): Greetings honorable Speaker, I commend you for administering our Proceedings this morning. I also greet the Hon Prime Minister and Cabinet, members of the House and our country listening in today.

Mr Speaker I move a motion, *That the Legislative Assembly approves the Committee Report, which recommends the progress of the Alienation of Customary Lands Amendment Bill 2017 with Amendments and Corrections.*

With respect.

Seconded by the member for Vaisigano No.2.

Motion approved.

MR SPEAKER: The Legislative Assembly has approved the Report of Committee on the Bill; therefore, we will now have the consideration.

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

CLAUSE 2: Clause 4 amended.

MR SPEAKER: There is an Amendment to Clause 2 in the Supplementary Order Paper. I call upon the Chairperson.

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Alienation of Customary Lands Amendment Bill 2017
 – consideration in detail

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I move an Amendment as follows:

"AMENDMENT:

CLAUSE 2(a)

- (a) in the proposed section 4(1A)(a) substitute the word "lease" with "leasehold interest"; and
- (b) Insert new proposed paragraph (g) after proposed paragraph (f) as follows:

"(g) the right to seek legal representation to undertake legal proceedings on matters arising from the lease or license granted ";
 and

MR SPEAKER: Apologies Chairperson it seems you have stated all matters on the Amendments proposed. Let us move first to Clause 4.

Afioga TAFUA MALUELUE TAFUA: I apologize Mr Speaker, I was following what the Hon Prime Minister stated, once given the opportunity, state everything. Nonetheless, I will try to hold back.

MR SPEAKER: Very well but this is not a race. I will now put a question to Clause 2.

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: Insert new Section 5A.

Approved.

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**Alienation of Customary Lands Amendment Bill 2017
– consideration in detail**

CLAUSE 4: Section 6 amended.

Approved.

CLAUSE 5: Section 8 amended.

MR SPEAKER: There is an Amendment from the Committee on Clause 5 in the Supplementary Order Paper.

I call the honorable Chairperson of the Committee. State everything in your statement.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I move the Amendment to Clause 5 as follows:

“AMENDMENT:

1. Insert new section 5A.

“5A. Insertion of new section 9A- The Principal Act is amended by inserting, after section 9, the following new section:

“9A. Register of leases or licenses of customary land or legal rights contained in the Principal Act- (1) The Registrar must establish and maintain a register for the registration of customary land leases or licenses of customary land and legal rights contained in the Principal Act.

- (2) The registration by the Registrar of customary land leases or customary land licenses and interest [therein onto the Register established in subsection \(1\)](#), does not:

- (a) Permit the alienation of customary land in a manner prohibited by Article 102 of the Constitution; or

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– consideration in detail

(b) Permit or deem ownership on any customary land to be vested in any person.”

2. Insert new section 5B as follows:

“5B. Repealed section 11(2) - Section 11(2) of the Principal Act is repealed.”

MR SPEAKER: Well done, thank you.

Amendment approved.

Clause 5 approved as Amended.

CLAUSE 6: Section 16 substituted.

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

Tofa LEALAIPOLE RIMONI AIAFI: Thank you. First, I would like to thank the Chairperson and his Committee for their hard work. All I want to ask about is regarding the lease, because now the emphasis is on the lease and not the land. This is the only thing the Committee reiterates that a lease cannot press through unless there is a development on the lease. In further, keep in mind that you have to lease the land before the development takes place. What is the Committee’s real intention, whether the lease can be finalized when there is development on customary land? If this is the correct interpretation of the amendment put forth by your Committee? With all due respect, thank you.

I allow the Chairperson.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker, thank you to the member for the question. I thought that the honorable member would not question this issue; you yourself have many leases and are well aware of these kinds of situations.

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– consideration in detail

For example, a hotel construction, preparations process is finished and the construction is in progress and phase 1 is completed with phase 2 to be underway with additional condominiums and rooms. This is the time to insert this section. That is the purpose of this part of the Law, Thank you.

Clause 6 approved.

CLAUSE 7: Insert new Part 3.

MR SPEAKER: There is an Amendment by the Committee in Clause 7. I call on the Chairperson.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I move the Amendment to Clause 7 as follows:

“AMENDMENT:

The amended new Part 3 as follows:

- (a) (a) For section 19 (1) it is recommended that paragraphs (b) & (c) be substituted as follows:

“(b)” must not be created, unless the lessee has made improvements to the customary land leased and such improvements must be made in accordance with the approved purpose under the lease; and

- (c) must be registered under this Act and such a registration does not confer a right of the customary land.” and
- (b) To be inserted after section 20 the new section 20A as follows:

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Alienation of Customary Lands Amendment Bill 2017
– consideration in detail

“20A. Discharge of Mortgage- (1) when a mortgage under this Act is to be discharged, the mortgagee shall execute a discharge in the approved form.

(2) Upon registration of a discharge of mortgage the mortgaged interest shall, to the extent specified in the discharge, cease to be charged with any money secured by the mortgage.” and

(c) for proposed Section, substitute:

“21. Regulation-(1) The Head of State may, acting on the advice of Cabinet, make regulations to give effect to this Part.

(2) Without limiting the generality of the subsection (1), Regulations may be made to provide for the treatment of leases upon default of mortgage.”; and

(d) For the proposed section 22, substitute as follows:

“22. Act not to apply. – None of the following Acts apply to customary land leases, customary land licenses or interest therein:

(a) Land and Titles Registration Act 2008;
and

(b) Property Law Act 1952”; and

(e). (e) In the proposed section 23, insert “(1)” before “Section 34” for the current clause and insert the following after the renumbered subclause.

“(2) The land Titles Registration Act 2008 is amended as follows:

(a) In Section 2:

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– consideration in detail

- (i) To repeal the definition of “customary land”, “customary land lease”, “customary land license”, “lessee”, “record of customary land”; and
 - (ii) omit “but does not include customary land for the purpose of registration of land under this Act, other than registration of license of leases of customary land” from the definition of “land”; and
 - (iii) Omit “but does not include a record of customary land” from the definitions of “land”; and
 - (iv) To repeal subsection (3); and
- (b) In section 5, repeal subsections (1) (1), (7) and (8);
- (c) In section 9:
- (i) Omit “or customary land leased or licensed under the provisions of the Alienation of Customary land Act 1965”, and “or customary land lease or license” respectively; and
 - (ii) Repeal subsection (4) and (5)”, and
- (f) (f) Insert new proposed section 23A after proposed section 23 as follows:

“23A. Savings and transitional-

- (1) At the commencement of this Act, any existing signed lease, license, sub lease, sub license or assignment made under the **Principal Act continue and is considered validly made.**

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Alienation of Customary Lands Amendment Bill 2017
– consideration in detail

(2) This Act does not apply to any lease, license, sub-lease, assignment or securities created before the commencement of this Amendment Act.”

With due respect Mr Speaker.

MR SPEAKER: Thank you.

Afioga TAFUA MALUELUE TAFUA: There is the commencement for this Amendment Bill to come into effect, with due respect Mr Speaker.

MR SPEAKER: Very well thank you.

Amendment approved.

Clause 7 approved as amended.

CLAUSE 8: Section 19 renumbered.

Approved.

CLAUSE 9: Amendment to the Title of the Principal Act.

MR SPEAKER: I call on the Chairperson to introduce the new Section 9.

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**Alienation of Customary Lands Amendment Bill 2017
– consideration in detail**

Afioga TAFUA MALUELUE TAFUA: Mr Speaker, this is section 9 of the Amendment to the Title of the Principle Act.

“AMENDMENT:

Amendment to the name of the Principle Act –

- (1) The name of the Principle Act is substituted to leasing and Licensing of Customary land Act 1965 wherever occurring.
- (2) any reference in any enactment to the Alienation of Customary Land Act 1965 is substituted with Leasing and Licensing of Customary land Act 1965.”

MR SPEAKER: Good work, thank you.

Amendment approved.

Clause 9 approved as amended.

CLAUSE 1 AND TITLE

CLAUSE 1: Short Title and commencement

TITLE: Alienation of Customary Land Amendment Act 2017.

MR SPEAKER: There is a correction from the Committee on Clause 1 and Title as given in the Supplementary Order Paper. The Chairperson may take the floor.

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Alienation of Customary Lands Amendment Bill 2017
– consideration in detail

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I propose the correction on Clause 1 and Title of the Bill as follows:

“CORRECTION:

1. Omit number 2017 and substitute with the number 2019, to rename the Title of the Bill “Leasing and Licensing of Customary Land Amendment Bill to read the Title of the Bill as:

**Leasing and Licensing of Customary
Land Amendment Act 2019.**

2. Insert new sections 1A and 1B after clause 1 of the Bill:

“1A. Section 2 amended– Section 2 of the Principal Act amended as:-

- (a) For the definition of “beneficial owner” substitute with “beneficial customary land owner” in the entire Principal Act;
- (b) For the definition of “Chief Executive Officer” means the Chief Executive Officer of the Ministry responsible for lands, who is also the Registrar of Land,”

“1B. Section 3 Repealed- Section 3 of the Principal Act is repealed.

MR SPEAKER: Alright.

Correction approved.

Clause 1 and Title approved as amended.

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Head of State Amendment Bill 2019
– third reading

The Leasing and Licensing of Customary Land Amendment Bill progressed with Amendments and Corrections.

HEAD OF STATE AMENDMENT BILL 2019
– third reading

MR SPEAKER: I respectfully call upon the Prime Minister.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr SAILELE MALIELEGAOI: Mr Speaker I move, *That the Head of State Amendment Bill 2019 be read the third time.*

Seconded by the Deputy Prime Minister.

The motion was approved and the Bill was read a third time and had passed the Legislative Assembly.

USP SCHOOL OF AGRICULTURE AMENDMENT BILL
2019 – third reading

MR SPEAKER: I call upon the Minister for Education, Sports and Culture.

Afioga Hon LOAU SOLA KENETI SIO (Minister of Education, Sports and Culture): I move, *That the USP School of Agriculture Amendment Bill 2019 be read a third time.*

Seconded by the Minister for Justice and Courts Administration, Minister for Finance and Minister for Revenue.

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

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**LEASING AND LICENSING OF CUSTOMARY LAND
AMENDMENT BILL 2019 – third reading**

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

Afioga Hon FIAME NAOMI MATAAFA (Deputy Prime Minister): Thank you Mr Speaker, but before I move the motion, I must convey a statement from the government regarding the role undertaken by the Committee. I applaud the Chairperson and the Committee for this service which I think has been done over the course of a year and rightly so as this deals with our traditions. Parliament must carefully consider it in light of our laws.

Mr Speaker, the Government cordially accepts the report presented just as Parliament have accepted it and I just want to make an overview statement on the purpose of this law. The fact of the matter is, this is to do with strengthening the legislation in light of leasing and licensing and particularly the mortgaging of customary land. Especially the safeguarding of the benefits or the rights of landowners.

Mr Speaker, another important development brought about by this law is the registering of customary lands being on lease. I guess you do realize honorable Speaker and members that this is another factor, which created a stir with the public; it is the lease registrations under the Land Titles Registration Act 2008. This has therefore prompted us, and it goes to say that the work of the Committee has been rather constructive for it has brought about this vital change, which is this particular registration under the customary land legislation.

Mr Speaker that is my explanation, also to emphasize the Government's appreciation in particular from this Ministry, for the arduous task undertaken by the Committee.

I rise with respect to move, *That the Leasing and Licensing of Customary Land Amendment Bill 2019 be read a third time.*

Seconded by the Minister for Women, Villages and Social Development, Minister for Commerce, Business and Labor, and the Minister for Tourism.

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

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**Leasing and Licensing of Customary Land Amendment Bill
2019 – third reading**

MR SPEAKER: I am of the view that I should let the Hon Prime Minister have this moment before carrying on with our orders of the day.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr SAILELE MALIELEGAOI (Prime Minister): Mr Speaker, the Deputy Prime Minister has just given a defined account of the law that we have just passed and I also would like to record my appreciation.

The importance of this Law is such that it has separated the registration of customary land leasing from customary land licensing as normally done by people to set up shops. It is separable to avoid people who refuse to understand.

The Principal Act passed in 2008 was tailored specifically for freehold land. The reason for attaching this is for the purpose of principal records, the decisions from other court decisions you are aware about. There are many customary land court cases when looking up the transferring of boundaries. I recall the time when we had the proposing of the Freehold Land Registration, which created a fuss. A judge told me how wonderful this was as it avoids the complexities with the old system of using deeds. It became a common occurrence where lawyers found it hard to attain and they would wait on clients to produce these deeds only to be told that it could not be found. In one case, an old woman traveling to New Zealand refused to leave the deed with the children for they may sell their freehold land. Some deeds were sought in the banks only to realize that it is lost and thus created a lot of hassle for lawyers. As such, this led us to adopt this new system used in New Zealand and Australia. This is specifically pertained to freehold land although we have sorted to include this registration of court decisions as records since there are a vast number of boundaries relating to customary land for when they are looked up the boundaries are gone. I had a court case back in 1994 relating to our family land boundary in Saleaamua that was given to the CCCS for their church building and three old men decided to exercise their authority on it.

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**Leasing and Licensing of Customary Land Amendment Bill
2019 – third reading**

Therefore, when I surveyed the boundary, one of the points pardon me, was situated at a post of a toilet in the coast. It was fortunate that no one had removed it for firewood; I beg the pardon of this House.

This is the type of reckless behavior used by our people to define their land boundaries. A lot of court cases are lost when looking up the boundary lines, particularly when the boundary marks are rocks or trees. Strong gusts can blow a tree over and 20 years down the line families will fight over the dividing line. So now, the judges of the courts are saying that it is best to use this registering system, which also records the Judges decisions, and not to be taken as registration of a final sale.

Your honor, the strategy they used to oppose the law is very wrong. I commend the Deputy Prime Minister and her Ministry for removing these aspects avoiding the complexities applied by those in the law profession who do understand. So to have a division that specifically deals with leasing of customary lands and the licensing of lands, for the purpose of setting up shops, will surely put things in a much transparent perspective and will surely avoid our people's acquisitions especially those overseas who are completely misled with the information from here.

It is why I applaud the Chairperson, despite the lengthy period, for this reflects the thoroughness applied to their work. I realise that we have come to our normal recess hour, I feel sympathetic towards that side which I think is 19, who seem to look fatigue. That is understandable considering the two weeks you have been occupied with, in consideration of the Budget and these sizeable legislations, which may soon have an effect on a member. In saying that I advise you Mr Speaker to set aside Proceedings for our refreshments this morning before resuming for other matters to come.

MR SPEAKER: Thank you, the Prime Minister has advised me to change our Standing Orders in relation to our usual recess hour out of sympathy towards the members, particularly the Chairperson of the Committee responsible for this Legislation, the senior orator from Aleipata Itupa i Lalo.

Proceedings of the Legislative Assembly set aside for normal recess.

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Motion for Adjournment

Proceedings of the Legislative Assembly set aside for normal recess at 10:19am until 11:17am.

MR SPEAKER: I announce that Proceedings of the Legislative Assembly resumed. I commend you for your patience and your participation. I will pass it over to the Prime Minister for his statement.

MOTION FOR ADJOURNMENT

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker and respectable members of this Assembly, we also have amongst us the Chief Executive Officers of Ministries in their capacity and service to Parliament and the Government. We have gained new strength to continue our work and may I say that the Lord always provide us with days.

As aware tomorrow will be the official opening of another major project the government have been engaged in, particularly the Ministry in charge of those people that are in incarceration. The official opening will take place tomorrow. My commendations to the Minister and his Ministry for taking up the challenge, which has achieved their purpose. They have managed to improve and strengthen the building to safely, house these people from possibly affecting the safety of the country's citizens. Such is the purpose of prisons, to keep these people inside and to ensure the safety of the public to rehabilitate themselves. This event will eventuate tomorrow, followed by a huge undertaking by the public service who will be advocating the massive clean-up of our town area for the games which will be flocked by participants from overseas and locals who will witness these sporting events at the end of next week and the official opening of the Pacific games. This huge event will serve as proof to the countries abroad following the progress of our youths competing for the good name of our country.

27 JUNE 2019

Motion for Adjournment

Mr Speaker it is the reason for the thought that we should take today off as the Lord continues to grant us days. We do have a few matters to cover and we will be attending to them on Tuesday and so let us take Monday off to greet the first day of July and achieve anything else that needs be done. Before returning to complete our remaining works in Parliament which must be wrapped up before we concentrate on what actually needs to be done. The Main Budget has been passed and so we must continue the projects for the public waiting on their requests.

Mr Speaker, that is the motion, *To suspend our proceedings and resume on Tuesday of next week at 9.00am to continue with the important matters left before we adjourn our meeting.*

MR SPEAKER: Thank you, the Prime Minister has spoken, he is the Leader of the House and the Government, to allow leave for Parliament and Cabinet, and also the Chief Executive Officers for the several government developments which must take place tomorrow before continuing on with our other programmes for next week God willing.

Seconded by the Deputy Prime Minister, Minister for Commerce, Industry and Labour and the Minister for Works, Transport and Infrastructure.

Motion was approved.

MR SPEAKER: Thank you, I call upon the member for Falealili East to conclude our proceedings with a short prayer.

Proceedings of the Legislative Assembly adjourned at 11:30am until 9:00am Tuesday, 2nd July 2019.

2 JULY 2019

TUESDAY, 2 JULY 2019

Mr Speaker took the Chair at 9:19am.

Prayers.

MR SPEAKER: I declare the Proceedings of the Legislative Assembly resumed.

I would like to take this opportunity to greet the dignity of Parliament, the Honorable Prime Minister, Deputy Prime Minister, members of the Cabinet, furthermore, greetings to the Parliamentary Chairpersons, Associate Ministers, Chief Executive Officers of the Government Ministries and Public Enterprises and Samoa in support.

MESSAGE FROM THE HEAD OF STATE

“MEMORANDUM to:

Mr Speaker:

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

1. Excise Tax Rates Amendment Bill 2019.

GIVEN UNDER my own Hand this Monday 1st July 2019.

Tuimalealiifano Vaaletoa Sualauvi II
O LE AO O LE MALO

2 JULY 2019

NOTICE FROM THE LEADER OF THE HOUSE

Pursuant to Standing Order 100 (2), the Notice is hereby given to the Legislative Assembly for consideration of the Bill referred under a **Certificate of Urgency**.

1. Excise Tax Rates Amendment Bill 2019.

GIVEN UNDER my Hand on Monday 1st July 2019.

Hon TUILAEPA Dr. Sailele Malielegaoi
LEADER OF THE HOUSE

EXCISE TAX RATES AMENDMENT BILL 2019
– first reading

MR SPEAKER: I call on the Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue): Thank you Mr Speaker for the opportunity. We are all in support of the prayer of offering delivered this morning by your honor. Greetings to the Hon Prime Minister and the Cabinet, Associate Ministers, Chairpersons and Deputy Chairpersons of each Committee as well as the Chief Executive Officers of Government Ministries and Corporations as well as our country listening.

Mr Speaker, I move the motion, *That the Excise Tax Rates Amendment Bill 2019 be read a first time.*

Seconded by the Minister of Finance and the Minister of Health.

Motion approved and the Excise Tax Rates Amendment Bill 2019 was read a first time.