

THURSDAY, 30TH MAY 2013

The Legislative Assembly met at 9.00am pursuant to the Parliamentary Sitting Program 2013.

Mr Speaker took the Chair at 9.00am.

Prayer.

MESSAGE FROM THE O LE AO O LE MALO

Mr Speaker read the Message from His Highness the O 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. Telecommunications Amendment Bill 2013.
2. Trade, Commerce and Industry Amendment Bill 2013.
3. Supplementary Appropriation Bill (No. 2) 2012/2013.
4. Appropriation Bill 2013/2014.

GIVEN UNDER my Hand this Wednesday 29th May in the year 2013.

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

MR SPEAKER: I believe we have gathered here in the best of health. I would like to welcome the dignity of this House; the honorable Leader of the government and the Cabinet, Leader of the Opposition and all the honorable members.

30TH MAY 2013

Obituary Notices

I cannot forget the on-going support of Samoa. I offer greetings this new morning and we must convey our thanks to our Heavenly Father for His guidance upon us despite the many obstacles we face continuously.

To the church leaders who participated in their annual conference; thank you for your support and prayers for the success of Samoa and our Parliament.

I also acknowledge the support of our neighboring islands; the honorable Governor General, the Speaker of the two Houses; thank you for your support.

Furthermore, I extend greetings to Chief Executive Officers of the Government Ministries and Corporations who are able to be with us today.

OBITUARY NOTICES

1. *Mr Speaker announced the passing away of Tofa Hon SEUALA Taua Tavaga Kitiona Seuala on April 2013.*

Tofa Hon SEUALA Taua Tavaga Kitiona Seuala was an elected Member of Parliament for the territorial Constituency of Aleipata Itula i Luga for Parliament XII in 1996-2001 and was re-elected for Parliament XIV from 2006-2011.

He was a Parliamentary Under Secretary to the Minister of Land, Survey and Environment from 1996-2001, and Parliamentary Under Secretary to the Minister of Transport from 2001-2006.

In the 2001-2006 Parliamentary Term, Tofa Hon SEUALA Taua Tavaga Kitiona Seuala was appointed a Deputy Chairman for the Transport Committee and Education Committee. He was also a member for the Public Accounts Committee and the Primary Production Committee and Special Posts Committee.

He was then elected as Minister of Agriculture & Fisheries for Parliament XIV in 2006-2011.

2. *Mr Speaker also announced the passing away of Afioga Hon LENIU Tofaeono Avamagalo on May 2013.*

Afioga Hon LENIU Tofaeono Avamagalo was an elected Member of Parliament for the territorial constituency of Vaimauga Sasae in Parliament XI from 1991-1996 and he was re-elected in Parliament XII from 1996-2001.

He was appointed as the Chairman of the Bills Committee from 1992-1996; Minister for the Ministry of Women Affairs in 1996-1998 and Minister for Internal Affairs, Broadcasting, TV Samoa Corporation, Pulenuu Committee and Savali Newspaper from 1999-2001.

To pay their respects, the House observed a minute of silence.

30TH MAY 2013

PRESENTATION OF PAPERS

Clerk read out the list of Papers pursuant to S.O. 48

1. S.R. 2013/5, General Price Order (No. 2) 2013.
2. S.R. 2013/6, Casino and Gambling Control (Fees) Regulations 2013.
3. P.P. 2013/2014 No. 1, Annual Report of the Ministry of Women, Community and Social Development for the Financial Year ending 30th June 2012.
4. P.P. 2013/2014 No. 2, Annual Report of the Parliamentary Pension Scheme for the Year 2012.
5. P.P. 2013/2014 No. 3, Annual Report of the Unit Trust of Samoa (Management) Ltd for the Year ended 30th June 2012.
6. P.P. 2013/2014 No. 4, Statement of Corporate Objectives of the Electric Power Corporation for 2013-2015.
7. P.P/ 2013/2014 No. 5, Annual Report of the Samoa Airport Authority for 2010.
8. P.P. 2013/2014 No. 6, Annual Report of the Samoa Airport Authority for 2010.
9. P.P. 2013/2014 No. 7, Samoa Water Authority Statement of Corporate Objectives 2013-2015.

MR SPEAKER: I give the opportunity to the Hon Prime Minister for his ministerial statement.

MINISTERIAL STATEMENT BY THE HON PRIME MINISTER – LAUNCHING OF PARLIAMENT NEWSPAPER

Susuga Hon TUILAIPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister): Mr Speaker I rise to officially announce to our Parliament as well as Samoans tuning in that today; Thursday 30th May 2013 is the launching of our Parliament Newspaper which will publish Assembly and Committee business with the objective to enhance parliamentary services so that parliamentary obligations can be achieved.

Before I continue about the Newspaper, I wish to congratulate all the members for the effort to participate this morning; and we give grace to the Almighty for His love, guidance and protection upon us.

The power of His Holy Spirit has strengthened our minds and souls to continue our mission regardless of our different beliefs and temptations which weaken our faith. Mr Speaker and our Parliament, I firmly believe that God whom we worship continues to care for us as promised by our ancestors with the adage that Samoa is founded on God. We have witnessed on televisions the wars and natural disasters that happen in other countries affecting their economies.

30TH MAY 2013

Ministerial Statement by the Hon Prime Minister – Launching of Parliament Newspaper

Even our neighboring countries have accepted the beliefs which contradict with our Christian values which was the cause of the fall of Sodom and Gomorrah.

As such Mr Speaker and members of the House, we must believe in the power of prayer so that no matter how the enemies try to harm us, we have the strength to stand against them because we are founded on God.

Mr Speaker, that is a special reminder and words of encouragement for us that we may know that the Lord lives and he is the shield against temptations. Such is the nature of this Newspaper which is to remind our people of the work of the Legislative Assembly.

Modern technology records this information but it is only accessible to a few of the population and it is not affordable. However, this is a great opportunity to publish the business of the Legislative Assembly for public awareness and also for public contribution.

All Bills tabled in the Parliament will be published in this paper so that our people will be aware of the purposes of these legislations. This will cease the common practice of some members who when dissatisfied with a bill may lead the public astray with incorrect statements on the bill.

Moreover, publishing Select Committee reports on Bills and Government entities annual reports will inform the public on how approved funds are spent. The public are being informed of Assembly business but they are also encouraged to make submissions. The Office of the Clerk of the Legislative calls for submissions on matters considered in the Committees but only a few reply. Perhaps, the majority have entrusted us with these decisions however the opportunity to contribute is there. The vision is that legislations will not be regarded as the Governments or for an elite few; they are established for our people and the betterment of our country and this is one avenue the Office of the Legislative Assembly has provided to enable any person to submit their views and opinions on controversial issues.

There is a fishing proverb “ole tele o sulu e maua ai figota” (the more the lamps, the bigger the catch). Collective responsibility is complete when everyone contributes, likewise for the success of any democratic parliament. Success is achieved through collective bargaining and mutual understanding and this will assist the Government in the execution of its responsibilities. This opportunity for the public to contribute is important because a Member may not be able to voice all the needs of the constituency and I believe that the newspaper will make this possible and provide an insight of parliamentary services to the citizens.

Furthermore, a member has different roles such as being a member of a political party, a member of a select committee or an electorate representative. Despite the numerous responsibilities or the political affiliation, it should not be forgotten that being an elected leader comes with a professional attitude and they should not be the initiators of violence and their constitutional rights should be upheld.

30TH MAY 2013

**Ministerial Statement by the Hon Prime Minister – Launching
of Parliament Newspaper**

Mr Speaker and members of the House, I am mindful of the needs and challenges of the various constituencies but with the publication of this newspaper, I believe constituents will be aware of the flexible duties of members and they will deter from asking members to provide what they can do for themselves. So this morning I am proud to announce the first publication of our Parliament Newspaper.

Mr Speaker, we have just begun our journey since the celebration of our 50 years of Independence and together with our God to lead the way, I believe this newspaper is a great achievement for the journey into another 50 years of Independence. Our prayers, may the Lord continue to guide and protect us always and may He bless this newspaper as well as all the public servants.

Best wishes for the celebration of our 51st year of Independence and may God bless our meeting and our whole country who are tuning in. Soifua.

MR SPEAKER: Thank you Hon Prime Minister for your statement. I call on the Hon Minister of Women, Community and Social Development.

**MOTION FOR TABELING OF THE MINISTERIAL STATEMENT BY
THE HON PRIME MINISTER – LAUNCHING OF THE
PARLIAMENT NEWSPAPER**

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA (Minister of Women, Community and Social Development): Mr Speaker, dignitaries of the House and Samoa tuning in, I rise with due respect to move, *That the Ministerial Statement by the Hon Prime Minister be printed and laid on the table as a Paper for Consideration pursuant to Standing Order 62(3).*

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

Motion approved.

MR SPEAKER: I believe the Ministerial Statement by the Hon Prime Minister is understandable and well informative as it highlighted the achievement of one of our goals. As such, I congratulate and acknowledge the support of the House and Samoa as a whole. Copies have been distributed and you are most welcome to donate monetary gifts to the Clerk for publication of the second edition.

PRESENTATION OF SELECT COMMITTEES REPORTS

Clerk read the Select Committees Reports tabled in Parliament in accordance to S.O.51(5).

30TH MAY 2013

Presentation of Select Committees Reports

1. P.P.2013/2014 No. 10, Report of the Justice, Police & Prisons and Land & Titles Committee on the Constitution Amendment Bill 2012.
2. P.P. 2013/2014 No. 11, Report of the Foreign Affairs, Trade and Revenue Committee on the Income Tax Amendment Bill 2012.

MOTION OF THE BUSINESS, STANDING ORDERS, HOUSE AND ELECTORAL COMMITTEE

Tofa AGAFILI PATISELA ETEUATI TOLOVAA (Deputy Chairman of the Business, Standing Orders, House and Electoral Committee): Thank you for the opportunity Mr Speaker. I also extend greetings to the Cabinet Ministers, Leader of the Opposition, Members of Parliament, the Office of the Legislative Assembly and the Chief Executive Officers gathered here this morning. Mr Speaker I move , *That in accordance with Standing Order 46, Lapsed Business from the 2012/2013 session be carried forward as printed in the Supplementary Order Paper 2013/2014 No. 1.*

Seconded by one of the members for the Individual Voters, Susuga Hon Papaliitele Niko Lee Hang and one of the members for Faasaleleaga No. 1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

Motion approved.

TRADE, COMMERCE AND INDUSTRY AMENDMENT BILL 2013 - first reading

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Deputy Prime Minister): Mr Speaker I move, *That the Trade, Commerce and Industry Amendment Bill 2013 be read a first time.*

Seconded by the Minister of Finance.

Motion approved and the Trade, Commerce and Industry Amendment Bill 2013 was read a first time.

MR SPEAKER: Pursuant to Standing Orders, the Bill will be second read on the third sitting day following.

30TH MAY 2013

TELECOMMUNICATIONS AMENDMENT BILL 2013
– first reading

Afioga Hon TUISUGALETAUA SOFARA AVEAU (Minister for Communications, Information and Technology): Mr Speaker I move, *That the Telecommunications Amendment Bill 2013 be read a first time.*

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

Motion approved and Telecommunications Amendment Bill 2013 was read a first time.

MR SPEAKER: Pursuant to Standing Orders, the Bill will be second read on the third sitting day following.

SUPPLEMENTARY APPROPRIATION BILL (No. 2) 2012/2013
– first reading

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Minister for Finance): Mr Speaker I move, *That the Supplementary Appropriations Bill (No.2) 2012/2013 be read a first time.*

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

Motion approved and the Supplementary Appropriation Bill (No. 2) 2012/2013 was read a first time.

SUPPLEMENTARY ESTIMATES (No. 2) 2012/2013
–Tabling

Afioga Hon Faumuina Tiatia Faaolatane Liuga, Minister of Finance tabled the Supplementary Estimates (No. 2) 2012/2013.

SUPPLEMENTARY ESTIMATES (No. 2) 2012/2013
– Address

Financial statements of the Supplementary Estimates (No. 2) 2012/2013 will be included in the Budget Address 2013/2014 (Standing Order 131(2) & S.O 137).

MR SPEAKER: Pursuant to Standing Order 132, debate on the Supplementary Appropriation Bill (No. 2) 2012/2013 will be adjourned no less than 14 days after the Supplementary Appropriation Bill (No. 2) 2012/2013 stands referred to the Finance and Expenditure Committee before reporting back to the Legislative Assembly.

30TH MAY 2013

APPROPRIATION BILL 2013/2014 – first reading

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

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Mr Speaker I move, *That the Appropriation Bill 2013/2014 be read a first time.*

Seconded by the Deputy Prime Minister, Minister of Revenue, Minister of Communication and Information Technology and the Minister of Women, Community & Social Development.

MR SPEAKER: I call on the Hon Minister of Finance to elaborate on the Main Estimates.

Afioga Hon Palusalue Faapo II (Leader of the Opposition): Mr Speaker a point of clarification before the Hon Minister gives his address.

MR SPEAKER: What is it that you need clarification for Leader of the Opposition?

Afioga Hon Palusalue Faapo II: Thank you for the opportunity. A direct query to the Hon Prime Minister. We are all aware that the majority of the HRPP is questioning the integrity of the Hon Minister.

MR SPEAKER: It is noted. I appease the Leader of the Opposition. I am asking you to take your seat. This is not the right time to ask about that issue. You are aware that there is no debate or any issues to clarify during the Budget address. The Chair will not allow this pursuant to our Standing Orders.

I call on the Hon Minister of Finance to continue your address.

BUDGET ADDRESS 2013/2014

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Mr Speaker, as required under Standing Order 124, it is with great pleasure that I present on behalf of the Government, the Statement on the Estimates for the 2013/2014 fiscal year.

I. BUDGET SETTING

The 2013/2014 budget is formulated against a background of positive but slow economic growth. Real GDP is expected to grow by only 1.3% in 2012/2013 which is lower than pre-cyclone forecasts reflecting the significant damages and losses sustained as a result of cyclone Evan. Over the medium term, GDP is expected to stabilize at around 2.5% per annum as reconstruction and expected recovery in agriculture and tourism sectors takes hold.

30TH MAY 2013

Budget Address 2013/2014

Internationally, there is optimism that things have finally turned for better. World output growth is forecast to reach 3.3% in 2013 and 4 percent in 2014. Global recovery is driven by emerging and developing economies expected to grow by 5.3% in 2013 and 5.7% in 2014. Growth in the US economy is forecast to be 1.9% in 2013 and 3.0% in 2014. While the euro area is forecast to contract by 0.3% in 2013 it is expected to rebound in 2014 to post a 1.1% positive growth.

With global recovery driven largely by the Asian economies (China, India & Indonesia), Samoa stands a better chance to benefit from it given the strong association of the Asian market and the Australian and New Zealand economies – Samoa's key trading partners. That scenario do reinforce the positive outlook for the Samoan economy in the medium term.

II. BUDGET STRATEGY

The expected slowdown in economic activity in the immediate term and the need to rebuild after Cyclone Evan form the basis for an expansionary 2013/2014 budget. The fiscal deficit is expected to be around 4.8% of GDP. Whilst this level is considered unsustainable, it is appropriate given the need to rebuild following the cyclone as well as to provide the financial stimulus to generate economic activity. This policy option is consistent with the monetary indicators. The underlying annual average inflation is 0.2% in March 2013, at the same time official reserves is equivalent to 5.3 months of import.

On the revenue side the government will not resort to raising any taxes or tariff. Instead the fees and charges for the service provided by a selected number of Ministries and SOEs will be adjusted to reflect the true cost of providing that service. I would also like to note that we have received tremendous support from our development partners in terms of scaling up resources and options to provide more grants in response to our rebuilding efforts. This reflects the partners' confidence and respect that Samoa will manage these funds and its economy in a prudent manner. The 2013/2014 budget deficit is expected to be fully funded by highly concessional borrowings.

Going forward, the government intends to gradually claw back to its long term goal of 3.5% of GDP in the medium term.

III. BUDGET SUMMARY

Mr Speaker, I would now like to summarize the main aggregates of the 2013/2014 budget as follows:

Revenue	\$760,393,859
Ordinary Revenues	\$538,290,566
External Grants	\$222,103,293

30TH MAY 2013**Budget Address 2013/2014**

<u>Expenditures</u>	\$841,240,564
Statutory Expenditures	\$85,588,385
Expenditure Programs	\$549,702,468
Development Expenditures	\$189,458,637
Unforeseen Expenditures	\$16,462,454
<u>Overall Budget Deficit</u>	(\$80,846,705)
Financed by:	
Soft Term Financing	\$120,340,939
<u>Cash Surplus after Borrowing</u>	\$39,494,234

The 2013/2014 financial year budget is projected to achieve a deficit of \$80.84 million tala, largely due to the implementation of the Cyclone Recovery Program and preparation for Samoa's hosting of the Small Island Developing States (SIDS) conference to be held in 2014. This overall deficit expressed in the GFS format is equivalent to 4.8% of GDP and will be financed through concessional borrowings and soft term loans totaling \$120.3 million tala.

The reduction in the budget deficit from 6.1% in 2012/2013 to 4.8% in 2013/2014 is a reflection of the government's commitment to meeting its fiscal deficit target in the medium term of 3.5% of GDP. Simultaneously, the continuous support from the development partners and the international community through increased grant financing and support for the budget further ease the pressure on the fiscal position.

IV. REVENUE MEASURES

Mr Speaker, I am pleased to note that the government will not entertain raising taxes and tariff to finance the reconstruction program. As a responsible government we are very conscious of the impact of such a policy on the public and it is considered inappropriate to do so at this point in time. Instead government is proposing to review the fees and charges for eight (8) pilot Ministries and SOEs to reflect the true cost of providing that service. It must be noted that careful consideration was given to ensure that access to essential services is not restricted for everyone. The proposed adjustments to non tax revenues for the pilot ministries will apply from the 1st July 2013 and is estimated to collect an additional \$5.3 million tala for government.

In total, ordinary revenues is projected to increase by about 1.6% to \$538.2 million tala in 2013/2014. Receipts from grants are expected to grow by 45% (\$68.78 million) to \$222.1 million in 2013/2014. This includes a total of \$130.3 million of direct budget support from our bilateral and multilateral partners.

30TH MAY 2013

Budget Address 2013/2014

V. EXPENDITURE PRIORITIES

Mr Speaker and Honorable members, the proposed total expenditure program for the 2013/2014 budget amounts to \$841.2million tala representing an increase of 7% over the previous year. Despite the changing economic circumstances following the immense devastations of Cyclone Evan, Government will continue to support the key priority sectors identified in the 2012-2016 Strategy for the Development of Samoa.

I will now highlight the key expenditure priorities the Government will implement during 2013/2014.

1. Cyclone Recovery Program

Cyclone Evan has been considered the worst tropical cyclones to hit Samoa since Cyclone Val in 1991, causing widespread destruction around the country. To underscore Government's commitment to facilitating an early recovery from the impact of Cyclone Evan, major budget allocations have been earmarked in the 2013/2014 budget towards the following sectors under the Cyclone Recovery Programme, made possible through the kind assistance and continuous support from the development partners:

• Samoa Water Authority	\$4.0m
• Ministry of Women	\$1.0m
• Housing	\$7.5m
• Ministry of Environment	\$3.0m
• Ministry of Agriculture	\$5.66m
• Land Transport Authority	\$4.52m
• Electric Power Corporation	\$8.68m
• Ministry of Education	\$9.46m
• National Health Services	\$7.97m
• Ministry of Health	\$0.66m
• Samoa Tourism Authority	\$7.57m
• Samoa Ports Authority	\$4.0m

2. Education Sector

The Government will commit \$95.7million tala in education as part of its investment in the sector. This allocation represents an increase of 12.7% when compared to FY 2012/2013. In support of Government's ongoing commitment towards the development of education, the following key allocations have been incorporated in the 2013/2014 budget:

- \$51.0million to the Ministry of Education Sports and Culture for daily operations
- \$6.0million grant for Private and Mission Schools

30TH MAY 2013

Budget Address 2013/2014

- \$2.4million for Samoa Qualifications Authority
- \$10.9million grant for the National University of Samoa
- \$2.2 million to fund stationeries for all Government Schools
- \$2.03million government contributions towards the Scholl Fee Relief Scheme which is jointly funded by the Australian and New Zealand governments with earmarked funds to be channeled through budget support.

3. Health Sector

A total allocation of \$87.6million tala is earmarked for the Health Sector, being one of the priority sectors of Government. The following major provisions are included to support the ongoing activities of this sector:

- \$6.million is provided towards the Ministry of Health operations
- \$72.9million grant (including cyclone rehabilitation costs) to support the National Health Services, representing an increase of 21% compared to the previous year.
- \$50million has been provided to cover the cost of the overseas medical treatment scheme.
- \$0.960million government contributions towards the Oceania University of Medicine (OUM).
- The Diabetes Association Clinic will receive \$50,000 grant for its operations. Similarly, the Samos ids Foundation and the Samoa Cancer Society will each receive grants from government to the amount of \$30,000 and \$40,000 respectively.

4. Agriculture Sector

The 2013/2014 Budget continues to support government's commitment to revitalizing the Agriculture Sector. To reinforce this focus, the budget for the Agriculture Sector has been increased by \$6.37 million (including cyclone rehabilitation costs) compared to 2012/2013. The total of \$19.34 million budget allocation includes the following:

- \$10.78million is provided to support the Ministry's daily operations.
- \$300,000 is provided for the continuation of the Agriculture stimulus program.
- The budget allocation for the Agriculture Show has increased from \$300,000 in 2012/2013 to \$550,000 in 2013/2014.
- \$500,000 for construction of a packhouse at the Matautu Wharf

30TH MAY 2013

Budget Address 2013/2014

5. Infrastructure

Electricity:

A total of \$10.54 million is allocated to EPC to support ongoing developments. Of this amount, \$6.5 million is provided to compensate EPC for VAGST payments on fuel with the balance of \$4.04 million earmarked for community service obligations (CSO).

Water:

The Samoa Water Authority will receive a budget allocation of \$16.32 million. Of this amount \$3.46 million will go towards community service obligations (CSO) with \$12.86 million financing for key water investment priorities under the EU budget support.

Roads and Bridges:

Total Government grant to the Land Transport Authority (LTA) in the 2013/2014 budget is \$39.2 million representing an increase of 21% compared to the previous year's allocation. This investment will further reaffirm government's continuous commitment in the improvement of roads and bridges around the country.

Telecommunications:

Telecommunications is another key priority sector to Government. To reinforce this commitment to the telecommunication sector, the following budget allocations have been confirmed for 2013/2014:

- A \$2.34 million budget is allocated to meet the Ministry of Communication's operations.
- \$1.23 million is allocated to fund the operations of the Office of the Regulator.
- \$0.50 million has been earmarked as government contribution to the National Broadband Highway Project.

6. Tourism

As a key priority sector and in recognizing of the tourism sector's contribution to Samoa's economy, Government will allocate a total grant of \$19.44 million (including cyclone rehabilitation costs) to the Samoa Tourism Authority to support its operations in 2013/2014 financial year.

7. Small Islands Developing States Conference (SIDS 2014)

Following Samoa's successful bid to host the 2014 Small Islands Developing States meeting, Government is allocating a budget of \$1.5 million in the 2013/2014 to prepare the facilities and complete all necessary arrangements.

30TH MAY 2013

Budget Address 2013/2014

8. Cost of Living Adjustment

The government is in the process of reviewing the impact of inflation on the salaries and wages and all other benefits across the public service including the Senior Citizens' pension scheme. The last adjustment was done more than five years ago and a review is long overdue. With the results available, government will consider implementation and funding towards the second half of 2013/14.

VI. UNFORESEEN EXPENDITURES

A provision of \$16.4 million tala has been provided to cover unforeseen expenditures that may arise during the course of the next fiscal year.

VII. SECOND SUPPLEMENTARY ESTIMATES 2012/2013

The Government is also proposing to table a Second Supplementary Budget for the financial year 2012/2013. The supplementary budget includes a total of \$0.702 million tala of additional expenditures and will be financed through reallocation of existing resources within Ministries' budget of \$0.755 million tala. With the second supplementary estimates included, the overall movement in cash balances will improve by \$0.053 million tala.

VIII. FORWARD ESTIMATES

Mr Speaker, the forward estimates for the next three years show that the projected debt level increase and the continuous decline in the State's net worth are outside the range that is considered prudent in the medium term. However it is worth noting that Government will have to be vigorous in monitoring the fiscal risks where appropriate and adjust policy measures where necessary to counter any macroeconomic risks that may arise. Also, it is important for government to vigilantly monitor the fiscal risks associated with the policy actions it decides upon to drive its cyclone rehabilitation program and at the same time strengthen the economy by promoting efficiency and containing government spending.

IX. CONCLUSION

Mr Speaker and Honorable members, this Budget has been framed along the theme "Rebuilding our Economy". This is the reality of today's global economy that despite the economic challenges we face every day, we have to rebuild and move on.

Against this backdrop, government will continue to build economic resilience through the realignment of its policies to underpin macroeconomic stability.

30TH MAY 2013

Budget Address 2013/2014

This budget provides the means for stimulating economic activity through increased funding towards capital development.

On the revenue side, we need to look at revenue measures that will not only realize our revenue objectives, but at the same time does not impose hardship on the community and business development.

These are some of the challenges for 2013/2014. What is clear though is that the implementation will not be an easy task for us all. It may require sacrifices on both the weak and the strong and I call on your support as we strive to put our economy back to pre-cyclone growth levels.

Mr Speaker, in closing I would like on behalf of the Government and the people of Samoa, to express our sincere gratitude to our development partners for their generosity and continuous support during our time of need.

To the people of Samoa, we thank you for your support and may God continue to bless you as we prepare to celebrate our 51st Independence Anniversary.

Mr Speaker, I commend the 2013/2014 Budget to the House.

Soifua.

MR SPEAKER: Thank you. Pursuant to Standing Order 132, debate on the Appropriation Bill 2013/2014 will be adjourned no less than 14 days after the Appropriation Bill 2013/2014 stands referred to the Finance and Expenditure Committee before reporting back to the legislative Assembly.

PRISONS AND CORRECTIONS BILL 2012 –consideration in detail

MR SPEAKER: Pursuant to Standing Order 106 the Legislative Assembly must first approve the Select Committee report before consideration in detail. I call on the honorable Chairperson of Justice, Police & Prisons and Lands & Titles Committee.

Afioga TUISA TASI PATEA (Chairman of Justice, Police & Prisons and Lands & Titles Committee): Mr Speaker I move, *That the Legislative Assembly approve the Report of the Justice, Police & Prisons and Lands & Titles Committee that recommends amendments and corrections for the Prisons and Corrections Bill 2012.*

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

Seconded by one of the members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua and member for Gagaifomauga No. 2.

Motion approved.

MR SPEAKER: I declare that the Legislative Assembly has approved the Report of the Justice, Police & Prisons and Lands and Titles Committee on the Prisons and Corrections Bill 2012.

The Legislative Assembly will proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102 consideration in Detail commences on Clause 2.

CLAUSE 2: Interpretation

Approved.

CLAUSE 3: Guiding principles under this Act.

Approved.

CLAUSE 4: Samoa Prisons and Corrections Service.

Approved.

CLAUSE 5: Commissioner of Prisons and Corrections and Deputy Commissioner.

MR SPEAKER: The Committee has an amendment as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Justice, Police & Prisons and Lands and Titles Committee.

30TH MAY 2013

Prisons and Corrections Bill 2012
–consideration in detail

Afioga TUISA TASI PATEA: Mr Speaker I move the amendment in Clause 5 to be as follows:

“AMENDMENT:

To delete the expression “Deputy Commissioner” as it appears in Clause 5 and any other part of the Bill and substitute therewith the expression “Assistant Commissioner” thus the new clause (5)(1) reads:-

“5(1) Commissioner of Prisons and Corrections and Assistant Commissioner-(1) The O Le Ao o le Malo, acting on the advice of Cabinet, may appoint a qualified and fit and proper person to be:

- (a) The Commissioner of Prisons and Corrections, and;
- (b) The Assistant Commissioner of Prisons and Corrections, if the Commissioner recommends to Cabinet that the appointment is necessary for the proper management of the Service”.

Amendment approved.

Clause 5 approved as amended.

CLAUSE 6: Members of the Service.

Approved.

CLAUSE 7: Termination of Commissioner or Deputy Commissioner.

Approved.

CLAUSE 8: Suspension of the Commissioner and Deputy Commissioner.

Approved.

30TH MAY 2013

Prisons and Corrections Bill 2012
–consideration in detail

CLAUSE 9: Termination of other members.

Approved.

CLAUSE 10: Other employment related provisions.

Approved.

CLAUSE 11: Uniforms, insignias and identity cards.

Approved.

CLAUSE 12: General obligations of members.

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East): Mr Speaker....

MR SPEAKER: I call on the member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Thank you Mr Speaker for the opportunity and I offer warm greetings to all the Members of Parliament. A query on Clause 12(a) please which states that no sworn member may resign without the approval of the Commissioner. Does that mean even if that member wants to resign, he or she cannot without the approval from the Commissioner? Also subsection (d) states that no member may engage in any employment or business venture. Why is a sworn member affected if a business is operated in his own house or in partnership with another person? Could you please provide clarifications with all due respect?

MR SPEAKER: Such questions should have been asked during the committee hearings, but with respect to the member's query, I give the opportunity to the honorable Chairperson to respond.

Afioga TUISA TASI PATEA: Thank you. With regards to the query on subclause (a) I believe that this part is in line with other legislations. It is clearly defined that the Commissioner needs to know the reason for resignation of any member. This also corresponds with other Corporations policies because the Commissioner needs to clearly understand the reasons before the approval is given.

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

As for subsection (f), there is a reason why it is part of the bill. There are sworn members who are not allowed to operate or have any business dealings while in the Service.

MR SPEAKER: Thank you.

Clause 12 approved.

CLAUSE 13: Powers, protections and privileges of sworn members.

Approved.

CLAUSE 14: Disciplining members.

Approved.

CLAUSE 15: Prisons and Corrections Officers Associations.

Approved.

CLAUSE 16: Establishment of prisons, temporary prisons and corrections facilities.

Approved.

CLAUSE 17: Appointment of officers-in-charge and senior officers.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker....

MR SPEAKER: Which Clause?

Afioga Hon PALUSALUE FAAPO II: Clause 17.

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

30TH MAY 2013

Prisons and Corrections Bill 2012
–consideration in detail

Afioga Hon PALUSALUE FAAPO II: Thank you for the opportunity. The appointment of officers-in-charge of the Prison is very important, given that the son of the current officer-in-charge is involved in criminal acts and the public is questioning the conflict of interest in his case. Therefore I ask the Hon Minister and the management to look into this matter.

MR SPEAKER: The point is noted. I give the opportunity to the government to respond.

I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I am not fully aware of the issue raised by the member. These might just be rumors but the appointments have not been made. When this bill is passed, vacancies will be advertised for 6 months and eligible applicants will be selected. An invalid accusation made in the House is a serious matter that reflects on the Commissioner and the Minister. Rumors are not to be discussed in this Parliament.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker...

MR SPEAKER: The opportunity is given to the honorable Chairman to respond.

Afioga TUISA TASI PATEA: Thank you. I want to elaborate more on the issue. As previously explained by the Hon Prime Minister such comments are unsubstantiated and the question given does not even relate to Clause 17 which is the appointment of officers-in-charge and senior officers. So there is no relation between those in charge and those in the officer level.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, point of order on the statements by the Chairman and Hon Prime Minister.

MR SPEAKER: I grant the opportunity to the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: I enjoy watching television and listening to news items on this particular issue.

MR SPEAKER: Please sit down, the Chair must give clarification. I appease the Hon Prime Minister. I give interruption on this matter because our Standing Orders protect those who cannot respond to allegations made against them. For this reason I will not allow any further comments on this matter. Clause 17 is very clear. This legislation will set the direction for the future.

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

Clause 17 approved.

CLAUSE 18: Authorization of members to act in other positions within prisons.

Approved.

CLAUSE 19: Appointment of Visiting Medical Officers.

Approved.

CLAUSE 20: Prisons Inspections.

Approved.

CLAUSE 21: Visits by Visiting Medical Officers.

Approved.

CLAUSE 22: Visiting Justices.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Mr Speaker...

MR SPEAKER: Which Clause?

Tofa LEALAILEPULE RIMONI AIAFI: Thank you for the opportunity. Clause 21 please.

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

Tofa LEALAILEPULE RIMONI AIAFI: Visits by Visiting Medical Officers; the Bill states that medical officers visit once every three months which means that it would be three to four times a year. Perhaps the Chairman could reconsider one visit per month? Also, is there another medical officer or nurse at the prison for medical care? With respect.

30TH MAY 2013

Prisons and Corrections Bill 2012
–consideration in detail

MR SPEAKER: I call on the Chairman. I apologize, in the interest of time I give this opportunity to the member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, my question is regarding Clause 20 please. This clause states the Commissioner must inspect the prison at least once a year. Perhaps the inspection could be at least two or three times in a year?

MR SPEAKER: I call on the Chairman.

Afioga TUISA TASI PATEA: Thank you for the questions. I believe you would not be asking these questions if you were present during the Committee hearings or had you asked members of your party that are in our Committee.

Concerning clause 21, our Committee decided that visits every three months is appropriate.

As for clause 20, it is clearly stated in the Bill “at least once a year...” and the Commissioner has planned for the implementation of these plans. With respect.

MR SPEAKER: Thank you honorable Chairman. I call upon the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, for clarity, the phrase is “at least” which simply means visits can be made more than once if need be.

Those members are knowledgeable in the English language but they pretend not to understand, or perhaps they did not read the Bill. So if 200 visits are needed, then 200 will be conducted as long as it is not less than one.

Mr Speaker, the issue is crystal clear and I do not know why the member is continuously taking the floor; it is only prolonging our meeting.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, zero is the number before one; how about at least five...

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker he takes the floor to show his arrogance but the phrasing of the Bill is transparent.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: A point of clarification Mr Speaker.

MR SPEAKER: I appease the member for Faleata East, I believe....

30TH MAY 2013

Prisons and Corrections Bill 2012
–consideration in detail

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Just a minor clarification Mr Speaker on the Chairman's comment about non participation. Remember that a member has two opportunities incase a member may be hesitant to express their views.

MR SPEAKER: That was your second opportunity member for Faleata East. The Chairman was concerned at the lack of submissions to the committee however the matter is clear.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker point of order. A member would be hesitant to express their views in the House because they should have done so during the Committee sittings. With all due respect, that is not our view and member's opinions should be expressed.

MR SPEAKER: The concern by the Leader of the Opposition is understood. Two opportunities were given to the members for Faleata East and Faleata West. Do not be irritated by the Chairman's comments because his task is not an easy one.

Otherwise I deem the issue is clear. I call on the Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker it is important to note that our country is listening.

The Bills were distributed to the members about two or three months ago and this particular clause is very simple "at least once" which means visits can be more than once.

This continuous interruption is in breach of proceedings rules.

MR SPEAKER: Thank you Hon Prime Minister.

Clause 22 approved.

CLAUSE 23: Other arrangements for official visits.

Approved.

CLAUSE 24: Investigation by Ombudsman and other agencies.

Approved.

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

CLAUSE 25: Role of Chaplain, church ministers and community leaders.

Approved.

CLAUSE 26: Power to order prison inquiries.

Approved.

CLAUSE 27: Admission of prisoners.

Approved.

CLAUSE 28: Arrangements for certain prisoners upon admission.

Approved.

CLAUSE 29: Information to be provided on admission.

Approved.

CLAUSE 30: Medical examination.

Approved.

CLAUSE 31: Initial classification.

Approved.

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

CLAUSE 32: Remission sentence.

Approved.

CLAUSE 33: Diet and food rations.

Tofa LEALILEPULE RIMONI AIAFI: Mr Speaker, Clause 33 on Diet and Food rations.

MR SPEAKER: I call on the honorable member.

Tofa LEALAILEPULE RIMONI AIAFI: This clause provides that the rations must reflect religious observances and dietary habits of certain prisoners. In my opinion, prisoners should not be distinguished this way.

MR SPEAKER: The member's concern is noted and the Chairman will reply when we come back from our usual recess.

I declare that proceedings of the Legislative Assembly will adjourn for its normal recess hour.

Proceedings of the Legislative Assembly were set aside for its usual recess at 10.45am.

Proceedings of the Legislative Assembly resumed at 11.22 am.

MR SPEAKER: I believe we have all been refreshed in body, mind and spirit from our morning tea provided and I congratulate you all for your patience.

We adjourned while one of the members was commenting on Clause 33: Diet and food rations. I believe that the honorable Chairman deems the clause understandable and clear.

Clause 33 approved.

CLAUSE 34: Transfers from prison.

Approved.

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

CLAUSE 35: Provision of medical treatment.

Approved.

CLAUSE 36: Access to other medical and related services.

Approved.

CLAUSE 37: Keeping of medical records.

Approved.

CLAUSE 38: Dealing with infectious diseases.

Approved.

CLAUSE 39: Objectives in classifying prisoners.

Approved.

CLAUSE 40: Prisoner classification procedures.

Approved.

CLAUSE 41: Prison offences.

Approved.

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

CLAUSE 42: Impermissible penalties.

MR SPEAKER: The Committee has an amendment for Clause 42 as printed in the Supplementary Order Paper.
I call on the honorable Chairman.

Afioga TUISA TASI PATEA: Mr Speaker I move the amendment for Clause 42 (1)(f) as follow:

“AMENDMENT:

To delete paragraph “(F)” as it appears in Clause 42(1) which reads:-

“(f) solitary confinement;”.

Amendment approved.

Clause 42 approved.

CLAUSE 43: Proceedings for prison offences.

Approved.

CLAUSE 44: Use of force.

Approved.

CLAUSE 45: Firearms not to be kept or used by the Service.

Approved.

CLAUSE 46: Use of instruments of restraint.

Approved.

30TH MAY 2013

Prisons and Corrections Bill 2012
–consideration in detail

CLAUSE 47: Approved prison labour.

Approved.

CLAUSE 48: Work for unconvicted prisoners.

Approved.

CLAUSE 49: Prison enterprises.

Approved.

CLAUSE 50: Early release and pre-release programmes.

Approved.

CLAUSE 51: Weekend and short term release.

Approved.

CLAUSE 52: Discharge of prisoners.

Approved.

CLAUSE 53: Parole of prisoners.

Approved.

CLAUSE 54: Support for prisoners after release.

Approved.

30TH MAY 2013

**Prisons and Corrections Bill 2012
–consideration in detail**

CLAUSE 55: Offences by members.

Approved.

CLAUSE 56: Inciting and harbouring.

Approved.

CLAUSE 57: General offences concerning prison management.

Approved.

CLAUSE 58: Transfer of assets, records, etc.

Approved.

CLAUSE 59: Prisons and Corrections Service Fund.

Approved.

CLAUSE 60: Regulations, Commissioner's Orders etc.

MR SPEAKER: The Committee has an amendment as printed in the Supplementary Order Paper.

I call on the honorable Committee Chairman.

Añoga TUISA TASI PATEA: Mr Speaker I move the amendment in Clause 60(1) as follow:

“AMENDMENT:

To insert new paragraph “(w)” after paragraph “(v)” which reads:

“(w)” to impose solitary confinement”.

30TH MAY 2013

Prisons and Corrections Bill 2012
–consideration in detail

Amendment approved.

Clause 60 approved as amended.

CLAUSE 61: Repeal.

Approved.

CLAUSE 62: Transitional arrangements and savings.

Approved.

CLAUSE 63: Amendments to other laws.

Approved.

SCHEDULE.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Prisons and Corrections Act 2012.

MR SPEAKER: The Committee has an amendment for Clause 1 and title as printed in the Supplementary Order Paper.

I call on the honorable Chairman of the Justice, Police & Prisons and Land & Titles Committee.

30TH MAY 2013

Prisons and Corrections Bill 2012
 –consideration in detail

Afioga TUISA TASI PATEA: Mr Speaker I move a correction on Clause 1 and Title as follows:-

“CORRECTION:

To omit the figure “2012” and substitute thereby the figure “2013” thus the title of the Act reads:

“Prisons and Corrections Act 2013”.

Corrections approved.

Clause 1 and Title approve as corrected.

The Prisons and Corrections Bill 2013 progressed with Amendments and Corrections.

MR SPEAKER: I call on the Hon Prime Minister for a motion.

MOTION TO SET ASIDE STANDING ORDER 107(4)

Susuga Hon TUILAPEA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That Standing Order 107(4) be set aside to allow for the third reading of the Prisons and Corrections Bill 2013 on this sitting day.*

Seconded by the Deputy Prime Minister, Minister of Revenue, Minister of Finance, Minister of Communication, Information & Technology and Minister of Women, Community & Social Development.

Motion approved and Standing Order 107(4) was set aside.

MR SPEAKER: I call on the Hon Minister of Police, Prison and Fire Emergency Services.

30TH MAY 2013

PRISONS AND CORRECTIONS BILL 2013
- third reading

Afioga Hon SALA FATA LISATI PINATI (Minister of Police, Prisons and Fire Services): Mr Speaker I move, *That the Prisons and Corrections Bill 2013 be read the third time.*

Seconded by the Minister of Finance, Minister of Natural Resources & Environment and Minister of Works, Transport & Infrastructure.

Motion approved and the Prisons and Corrections Bill 2013 was read the third time and therefore passed by the Legislative Assembly.

OMBUDSMAN (KOMESINA O SULUFAIGA) BILL 2013
- second reading

MR SPEAKER: For the information of this Parliament, this Bill was first read on the 26th day of March 2013. I call on the Hon Minister responsible for the Ombudsman.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA (Minister of Women, Community and Social Development): Mr Speaker and members of Parliament I rise with respect to move, *That the Ombudsman Bill 2013 be read the second time and I want to elaborate on it.*

Seconded by the Minister of Finance, Minister of Communication, Information & Technology and Minister of Agriculture & Fisheries.

MR SPEAKER: I call on the Hon Minister for the elaboration.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: I humbly greet you Mr Speaker, members of Parliament, our country tuning in; His Highness the O Le Ao o le Malo and your good lady, members of the Three Arms of the State, church leaders, CEOs of the Government Ministries and Corporations, public servants and the private sector; it is with respect that I rise to elaborate on this Bill.

Mr Speaker the purpose of this Bill is to repeal the Ombudsman Act 1988. Provisions for human rights protections as instituted in our Constitution will also be provided for in this legislation. It is a long term goal of our government to recognize human rights in order to be in line with the United Nations declarations.

Samoa is a democratic country and under the leadership of the Hon Prime Minister, the Cabinet has decided that this Bill include all the duties and functions pertaining to the Ombudsman as provided for in the 1988 Act to investigate public grievances against decisions made by the Management of Government Corporations and Ministries.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga) Bill 2013
 – second reading

To further encompass the entirety of the powers and duties of the Ombudsman's Office, this Bill will also provide for the establishment of the National Human Right Institute within the Office to look into civil and human rights violations.

The Ombudsman will also investigate cases involving the Police and the new Prisons and Corrections Ministry. We are all aware that most cases involving police officers are investigated by themselves but with this proposed Act, the Ombudsman will carry out the investigations and inquiries and report to Cabinet.

The Ombudsman was only able to investigate public grievances against a few government entities since 1988. Now the Bill will extend the duties of the Ombudsman to include the whole country. If this bill is passed, it is proposed that the new Office will officially open in July of this year.

Mr Speaker and dignitaries of the House, this 2013 Bill will expand the reach of the Ombudsman's Office in terms of its responsibilities since its establishment in 1988. This Bill also clearly illustrates the Offices independence in making decisions and providing recommendations.

Lastly, the bill will increase the term of office of the Ombudsman from three to six years to be in line with international standards. These are some of the optimistic features of this Bill and I congratulate you for giving priority to this Bill for the benefit of our people.

May God bless our meeting and yourself Mr Speaker, thank you.

MR SPEAKER: Thank you for your elaboration Hon Minister and I feel that the Members are aware of the purpose of this Bill.

The floor is now open. I give the opportunity to the member for Gagaemauga No. 2.

Tofa LEVAOPOLO TALATONU (Gagaemauga No. 2): Thank you Mr Speaker for the opportunity. I congratulate the Hon Minister for the elaboration on the Bill which outlines the functions of the Ombudsman office. I have a query regarding the results of the investigations made by the Ombudsman office.

The procedure of handling public grievances and submitting reports to Cabinet is understood. However my question focuses on grievances against mismanagement within the Government Corporations. I note that a recommendation is given to the Management and the report is left unaddressed. Is there a relationship between the Ombudsman office and the Attorney Genral in regards to such matters? With all due respect.

MR SPEAKER: Well done. It seems this is the only query; I call on the Hon Minister.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga) Bill 2013
– second reading

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Thank you for the given opportunity. First of all, I congratulate the Hon Minister for this important Bill, which helps those who seek help from the Ombudsman particularly on human rights issues. Mr Speaker, we have read and understood the Ombudsman's report on the MNRE land saga and how one citizen was a victim of poor consultation by the Ministry. We appreciate with gratitude the recommendations included in the Ombudsman's report and the ministry must compensate this respected person of our community. We are glad that the Ombudsman has responded to this issue.

MR SPEAKER: I give the opportunity to the government to respond.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: A quick response to the concern of the Leader of Opposition. I should respond since most of the issues circulating around end up on my desk and then I refer it to the Ombudsman. The fact is that many recommendations on issues that I forward to the Ombudsman are implemented.

Grievances from the service against decisions made by the Ministries are investigated by the Ombudsman and some decisions were found to be accurate however some were not. Such was the case with the issue mentioned by the Leader of the Opposition. I gave the order to the CEO of one ministry about three weeks ago to make a submission to the Cabinet to officially action the recommendations by the Ombudsman as a result of their investigations. Therefore you must be aware that all matters handled by the Ombudsman are in line with our standard procedures.

MR SPEAKER: Thank you for the clarification Hon Prime Minister. I call on the honorable member to conclude.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I thank the Hon Prime Minister for the notification, but for the Bill itself I thank the Hon Minister because it clearly outlines the independence of the Ombudsman's office. I am also grateful that the term of office for the Ombudsman will be six years.

MR SPEAKER: I appease the Leader of Opposition I give the opportunity to the government.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: The Oppositions views are similar to the Governments intention which is why the government is taking the lead to implement ways to solidify its independence through the establishment of the Ombudsman office.

30TH MAY 2013

**Ombudsman (Komesina o Sulufaiga) Bill 2013
– second reading**

I thought the member would oppose however he agrees therefore we must proceed.

MR SPEAKER: Please conclude.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I am not finished yet; this Bill is very important. In regards to the term of office; the amendment has been made to the term of office for the Chief Auditor from 6 years to 12 years. However the Attorney General and other CEOs still have a term of office of 3 years. I suggest that it is relevant that there be an increase in the term of office for these positions to 6 years especially for the Attorney General.

MR SPEAKER: Leader of the Opposition we are considering the Office of the Ombudsman not the Attorney Generals.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, perhaps you are still thinking of the earlier session. I am giving an example on the terms of Office to be considered.

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

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: The two issues are different and are poles apart. The attorney general reports directly to the government and that is the difference.

MR SPEAKER: I call on the member to conclude.

Afioga Hon PALUSALUE FAAPO II: I am expressing my own views and opinions. The government has its own view and we only give advice.

MR SPEAKER: The government has responded and we are not here to satisfy you and your views. The advice is with the responsible Minister for improvement on the Bill. I believe you have understood.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker with all due respect I am not suggesting that my views should be implemented. They are only recommendations but it seems you have replied to my concerns. Despite that I can see you are eager to end my time although there is much to be said on this thick Bill.

MR SPEAKER: You will have another opportunity when we consider the Bill in detail. I only assist if the Hon Prime Minister has difficulty making you understand. Who explains if an issue is hazy? It is the Speaker.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga) Bill 2013
 – second reading

I assumed from your ties and uniforms that there would be a full on attack but it seems it is a mismatched bull and goat fight.

I call on the member standing.

Tofa LEALAILEPULE RIMONI AIAFI: I apologize Mr Speaker; a quick concern on this important Bill. I was under the impression that a new office and new positions would be established to undertake the additional duties however I am grateful that the Ombudsman will carry out all the important duties as stated. Regarding the term of 6 years, I suggest a minimum of two terms be considered dependent on the physical health and duties performed by that person. The term of office for the Chief Auditor is 12 years and the terms in office should be standardized; if it is to be 6 years than it should be similar across the board to uphold the sanctity of these positions.

In addition, the Ombudsman office has started to promote their services on the media for public awareness.

Finally, we have had human rights in our country for a long time. The Human Rights Protection Party has existed for more than 30 years now. Perhaps there are issues now with human rights but if not thank you for the opportunity.

MR SPEAKER: The Bill protects against human rights violations and that is the clarification. I call on the Hon Minister.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: Mr Speaker, I thank the members of the Opposition for their views. I was very eager to respond to the Leader of Opposition while he was taking the floor, however I wanted him to show his own weaknesses and lack of understanding on this Bill. The answer is found in here. The Attorney General is very different from this position...

Afioga Hon Palusalue Faapo II: A point of order Mr Speaker.

MR SPEAKER: I will give you another opportunity later, have patience.

Afioga Hon Palusalue Faapo II: We express views to strengthen and promote our Acts.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: You took with you many things yesterday...

MR SPEAKER: Please continue Hon Minister.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga) Bill 2013
 – second reading

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: This is the norm in our parliamentary proceedings. I thank the honorable member for the views expressed. The Hon Prime Minister has responded on the matter raised regarding the appointments and terms in office. I believe the Attorney General is happy with the way things are.

Concerning the query from the member for Gagaemauga No.2; for issues referred to the Ombudsman by the Government, a reply must be presented to the Cabinet. For public grievances on poor management within ministries and corporations, the Ombudsman's office is empowered by this Act to investigate them.

The Ombudsman is an Officer of Parliament and is fully independent.

As mentioned earlier the Ombudsman will respond to complaints made to his office concerning administration. Other matters referred by the Prime Minister or the Cabinet are also investigated for example the complaint against the Commissioner of the Fire and Emergency Services.

Therefore the Act empowers the Commissioner to investigate issues as provided for under this Act.

The matter mentioned by...

Tofa Levaopolo Talatonu: Mr Speaker, a minor point which needs clarification please.

MR SPEAKER: I appease the Hon Minister, I give the opportunity to the member for Gagaemauga No. 2.

Tofa Levaopolo Talatonu: Thank you Hon Minister for clarifying the independence of the Ombudsman's office. However I questioned the outcome of their recommendations on an investigation concerning poor management. The report is more or less like advice given to the Management and nothing else is done.

The Hon Prime Minister clearly explained that there is no connection between the Ombudsman and the Attorney General as the latter is under the government. I suggest that the Ombudsman present its reports to the Parliament to be considered by a Committee. The concern is where the reports end up but there should be results because there would be no purpose of the investigation with all due respect.

MR SPEAKER: The Chair will clarify the issue. This entity reports to Parliament similar to the Chief Auditor and the Audit Office and these reports are referred to a parliamentary committee for investigation.

That is the clarification. I now call on the Hon Minister to conclude his response.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga) Bill 2013
– second reading

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: Thank you Mr Speaker.

The issues investigated are not presented individually to Parliament. That is a poor reporting system. They are consolidated in the Annual Report and presented to Parliament. The member has had three opportunities...

Tofa Levaopolo Talatonu: Point of order Mr Speaker. How about urgent matters which require an urgent response from the Government? Annual reports are presented every five years at the moment which will result in a delayed response to the matter.

MR SPEAKER: We have our policies to follow. Bear in mind that there are legislations and then there are policies that guide the relationship between the Ministries and the Ombudsman and Parliament. Do not be concerned. The Ombudsman and I are able to deal with the matters that may arise. The true intention of the Bill is to provide for the powers of the Ombudsman to perform his duties. Is there anything else Hon Minister.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: To conclude Mr Speaker, one member was concerned on the terms of office and I must respond...

MR SPEAKER: Continue Hon Minister.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: Mr Speaker, the Parliament has the authority to make changes. If the current Ombudsman is physically and mentally fit for the position then there is no need for change.

Finally, thank you for the reminder but the Human Rights Protection Party protects the rights of our people as is the main purpose of this Bill. We must acknowledge the rights of all Samoans, all the best with our meeting.

MR SPEAKER: Thank you. I call on the member.

Tofa Lealailepule Rimoni Aiafi: Thank you Hon Minister for the response. However, be mindful that the Chief Auditor is also an officer of Parliament and benchmarking the terms of office of these positions guarantees independence. The term of office for Chief Auditor is 12 years therefore in my own opinion; other similar positions must have the same term of office to guarantee their independence. Thank you.

MR SPEAKER: Congratulations. I deem the issue is understandable. I call on the Hon Prime Minister.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga) Bill 2013
– second reading

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, the member will better understand when we consider the Bill in detail under clauses 18 and 19. I can also refer other matters for investigation and clause 28 provides for the procedures after investigation.

Mr Speaker, all the concerns raised are in the Bill and we will provide more information for those who did not read it during the consideration stage.

MR SPEAKER: Congratulations and thank you Hon Prime Minister for the clarification on the Bill.

Motion approved, the Ombudsman (Komesina o Sulufaiga) Bill 2013 was read the second time.

OMBUDSMAN (KOMESINA O SULUFAIGA) BILL 2013
– consideration in detail

MR SPEAKER: The Legislative Assembly will consider the Ombudsman (Komesina o Sulufaiga) Bill 2013 in detail.

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

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Objectives.

Approved.

CLAUSE 4: Act binds Government.

Approved.

CLAUSE 5: Continuation and legal personality.

Approved.

30TH MAY 2013

**Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail**

CLAUSE 6: Independence.

Approved.

CLAUSE 7: Appointment.

Approved.

CLAUSE 8: Selection and Criteria.

Approved.

CLAUSE 9: Oath of office.

Approved.

CLAUSE 10: Terms of office.

Approved.

CLAUSE 11: Remuneration.

Approved.

CLAUSE 12: Ombudsman to hold no other office.

Approved.

CLAUSE 13: Acting Ombudsman.

Approved.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail

CLASUE 14: Resignation.

Approved.

CLAUSE 15: Removal and Suspension.

Approved.

CLAUSE 16: Automatic vacation of office.

Approved.

CLAUSE 17: Vacancy.

Approved.

CLAUSE 18: Powers to investigate administrative decisions.

Approved.

**CLAUSE 19: Referral of matters by parliamentary committees or Prime
Minister.**

Approved.

CLAUSE 20: Overriding powers.

Approved.

30TH MAY 2013

**Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail**

CLAUSE 21: Matters not to be investigated.

Approved.

CLAUSE 22: Mode of complaint.

Approved.

CLAUSE 23: Refusal to investigate complaint.

Approved.

CLAUSE 24: Proceedings.

Approved.

CLAUSE 25: Right to be heard and consultation.

Approved.

CLAUSE 26: Referral of matters to appropriate authority.

Approved.

CLAUSE 27: Other procedures.

Approved.

CLAUSE 28: Procedures after investigation.

Approved.

30TH MAY 2013

**Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail**

CLAUSE 29: Right to be heard on any adverse comments.

Approved.

CLAUSE 30: Complainant to be informed of result of investigation.

Approved.

CLAUSE 31: Proceedings not to be questioned or to be subject to review.

Approved.

CLAUSE 32: Ombudsman not to give evidence.

Tofa LEVAOPOLO TALATONU: Mr Speaker...

MR SPEAKER: Which clause?

Tofa LEVAOPOLO TALATONU: Last clause Mr Speaker; Clause 32.

MR SPEAKER: Well, you are too late; I already put forward the question so I apologize to the member for Gagaemauga No. 2.

Tofa LEVAOPOLO TALATONU: Thank you, I will my seat.

Clause 32 approved.

CLAUSE 33: Functions.

Approved.

CLAUSE 34: Initiating inquiries.

Approved.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail

CLAUSE 35: No inquiry on matters before the courts.

MR SPEAKER: I call on the member for Faasaleleaga No. 2.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No. 2): Mr Speaker and members of the House Clause 35 only refers to matters before the courts. How about cases which have already been decided upon as well as matters before the Lands and Titles Court?

MR SPEAKER: It is noted; I call on the Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker we passed that part which is provided for under Clause 21.

MR SPEAKER: Anything to add Hon Minister? The query of the member is provided for under Clause 21. Make time to talk with the Hon Minister responsible for this particular Bill.

Clause 35 approved.

CLAUSE 36: Inquiry reports.

Approved.

CLAUSE 37: Parliamentary scrutiny.

Approved.

CLAUSE 38: Complaints.

Approved.

CLAUSE 39: Advisory groups and experts.

Approved.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail

CLAUSE 40: State of human rights report.

Approved.

CLAUSE 41: Establishments and functions.

Approved.

CLAUSE 42: Application.

Approved.

CLAUSE 43: Production of documents, information and evidence.

Approved.

CLAUSE 44: Secrecy protected.

Approved.

CLAUSE 45: Privileges and immunities.

Approved.

CLAUSE 46: Allowances and fees.

Approved.

CLAUSE 47: Disclosure of certain matters not to be required.

Approved.

30TH MAY 2013

**Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail**

CLAUSE 48: Power to enter premises.

Approved.

CLAUSE 49: National interest matters.

Approved.

CLAUSE 50: Confidentiality of information.

Approved.

CLAUSE 51: Directives for non-disclosure of information.

Approved.

CLAUSE 52: Delegation of powers.

Approved.

CLAUSE 53: Establishment.

Approved.

CLAUSE 54: Appointment and remuneration of staff.

Approved.

CLAUSE 55: Guidelines for employment.

Approved.

30TH MAY 2013

Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail

CLAUSE 56: Funds.

Approved.

CLAUSE 57: Annual reports.

Approved.

**CLAUSE 58: Offences of obstruction, non-compliance, false statements,
etc.**

Approved.

CLAUSE 59: Offence of failure to attend or provide documents.

Approved.

CLAUSE 60: Offence of refusal to give evidence.

Approved.

CLAUSE 61: Perjury.

Approved.

CLAUSE 62: Contempt.

Approved.

30TH MAY 2013

**Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail**

CLAUSE 63: Victimisation.

Approved.

CLAUSE 64: Exemption from fees.

Approved.

CLAUSE 65: Exemption from personal liability.

Approved.

CLAUSE 66: Non-derogation.

Approved.

CLAUSE 67: Regulations.

Approved.

CLAUSE 68: Repeals, savings and transitional.

Approved.

SCHEDULES.

Approved.

30TH MAY 2013

**Ombudsman (Komesina o Sulufaiga BILL 2013
- consideration in detail**

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Ombudsman (Komesina o Sulufaiga) Act 2013.

Approved.

The Ombudsman (Komesina o Sulufaiga) Bill 2013 progressed without Amendments.

MR SPEAKER: The Chair is satisfied with the significance of this Bill to our country, and for that the Legislative Assembly will now proceed with its third reading.

**OMBUDSMAN (KOMESINA O SULUFAIGA) BILL 2013
-third reading**

Tofa Hon TOLOFUAIVALELEI FALEMEOE LEIATAUA: Mr Speaker and Members of Parliament, it is with respect that I move, *That the Ombudsman (Komesina o Sulufaiga) Bill 2013 be read the third time.*

Seconded by the Minister of Finance, Minister of Communication, Information & Technology and the Minister of Agriculture and Fisheries.

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

ADJOURNMENT

MR SPEAKER: It is half past 12 and our usual recess time is 1 so we have completed our work 30 minutes early. As such, I congratulate and thank you all for a successful meeting as well as your opinions and wisdom in today's session. Thank you to the Hon Prime Minister and the Cabinet, to the Hon Leader of Opposition and the support of all the Members of Parliament.

I also acknowledge the support of the Chief Executive Officers of the various Government Ministries and Corporations for your on-going support to the Cabinet Ministers and providing them with relevant and effective information to guide their responses to the queries raised by the members.

30TH MAY 2013

Adjournment

To members of the clergy in various denominations, may God's blessings be upon you all as you continue to spread the word of God. We must pray that He also guide and protect our special guests from overseas who will be with us for our Independence celebration.

A friendly reminder; that our proceedings will be adjourned until the 18th of June to consider the Supplementary Appropriation Bill (No. 2) 2012/2013 as well as the Appropriation Bill 2013/2014.

I now call on the Deputy Speaker to conclude our meeting with a word of prayer.

Prayer.

Proceedings of the Legislative Assembly were adjourned at 12.30pm until 9.00am, June 18th, 2013 pursuant to the Parliamentary Sitting Program 2013.