

TUESDAY, 17TH NOVEMBER, 2015

The Legislative Assembly met at 9:00am pursuant to the Parliamentary Sitting Program 2014/2015.

Prayer.

GREETINGS BY MR SPEAKER

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

It is with utmost gratitude to our Lord that I greet the dignified gathering of the Chamber in all its honorary salutations. I acknowledge the attendance of the Leader of Government and Cabinet. I also greet the Leader of the Opposition and that side of the House and all the respective Members of the House.

I acknowledge the support of Samoa this morning; I acknowledge the support of the nation as the Leaders of the country proceed to its orders of the day. I acknowledge the servants of God in constant prayer for the blessing of the Parliament. Furthermore, I greet the neighboring nations of Tutuila and Manua and Government listening in. I trust the Lords blessings are extended upon you and families.

Lest I forget the Heads of Government Departments in attendance today and I suppose we should now proceed to our orders.

The Chair begs the Chamber that although we have a Sitting in December, we need to consider our orders. We do not have much left to consider and I have a firm belief that Proceedings will continue every month until the end of the Term.

NOTICE BY MR SPEAKER

SEAT BECOMES VACANT FOR THE TERRITORIAL CONSTITUENCY OF GAGAEMAUGA NO.2

MR SPEAKER: It is with respect that I declare that the Seat for the Gagaemauga No.2 which was occupied by Tofa Levaopolo Talatonu, is now vacant.

Tofa Levaopolo Talatonu has not registered his name in the Voting Poll under the Constituency of Gagaemauga No.2 as confirmed by the Deputy Commissioner of the Electoral Office. The Member has registered his name under the Constituency of Salega East in the Voting Polls.

ADJOURNMENT

MR SPEAKER: Then we say the normal statement by Lavea Levi of the 2AP, the night has come to an end.

20 OCTOBER 2015

Adjournment

I wish to convey appreciation to the dignified House today. We have arrived at the end of today's session. Thank you for your patience. We projected to proceed through a night sitting until our orders are completed otherwise, we have completed (9) Acts in 45 minutes from additional time to our normal schedule.

This is by far the most urgent agenda we had that the Legislative had aimed to achieve for some of the Acts that have been approved for the works of the Ministries.

Sincere appreciation to everyone for your comments and submissions. That is the end of our session for this month. The Select Committee will still proceed with its meetings, hence I heed the Chairpersons and Deputy Chairpersons as well as members to keep note of that for our next sitting in November with belief to clear out all the back log that we currently have.

We have by far the Committees reports plus other tabling documents taking heed of your efforts and commitment in accordance to the request put forward by the Government.

Thank you Samoa for your endless support, we are in the belief that, *e leai lava se faiva e asa ma se maumau*. If any word sounded unpleasant to your hearing, we apologize. Our main objective as chosen representatives is to perform our duty in accordance to our calling. Let us sail on towards the end of the year and may be restored with good health. Thank you your Highness, Lana Afioa Mamalu, O Le Ao o le Malo and your Good Lady, Council of Deputy and your Good Lady, Chief Justice and the Judiciary, Government Ministries and Corporations, Private Sector, congratulations to you all for your commitment and dedication day and night. That is your duty in serving our country.

Most importantly, thank you God's servants for your prayers for the wellbeing of Samoa. Samoa has been blessed due to your faith in the Divine whom Samoa is founded on. Let us resume with our normal duties and responsibilities.

We pray that God's mercy be upon you all. Let us reconvene on the scheduled sitting day. Before we adjourn, I ask the member for Faasaleleaga No. 3 to end us with a prayer.

Proceedings of the Legislative Assembly adjourned until Tuesday, 17th November 2015.

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Other Announcements by Mr Speaker

The Parliamentary Counsel has advised that Tofa Levaopolo Talatonu is no longer eligible for the Seat, as his name is no longer under the Voting Poll for the Gagaemauga No.2 Constituency.

I acknowledge the Constituency of Gagaemauga No.2 in your support and patience in hearing this declaration today. I acknowledge Tautaiiolefue and Tauiliili, and Maopu Fepuleai and Toiaivao; Sa Peseta and Usoalii, distinguished Saleaula and your Faletufuga and Faatufugaga. *O oe o le Tufuga-alofa ma le Tufuga-toatamai, o le sa e folauloa i matagi.*

Talofa, the Seat of the Matua of the Gagaemauga Constituency, an Orator for Usoga a Pule and Tumua. *O le Tootoo o le Malaelae aua le Malae i Vaituutuu e affio ai Tapaau ae leo e le lauga a Saleaula.*

I believe that it was not the will of the Constituency or that of the Parliament, but it was the will of the one who once sat in the Seat, Tofa Levaopolo Talatonu which is why the Orders will be carried out.

Pursuant to the Electoral Act 1963, the Constituency is not eligible for a by-election because it is less than 6 months until the Term ends. We shall await the General Elections.

That is the notice for the Chamber, with respect.

OTHER ANNOUNCEMENTS BY MR SPEAKER

Accusations against the SPAGHL Promotion Programs.

MR SPEAKER: I believe it is time that the matter is cleared. The accusations lodged by the Leader of the Opposition to the media and Newspaper has brought about criticisms. The accusations by the Leader of the Opposition claim misusing of government programs to boost votes for candidates in the upcoming elections. I will respond on behalf of the Ministers of Cabinet. There are policies in place to explain accusations facing them. However, SPAGHL is a Parliamentary Committee for Health advocacy. I am the Speaker of the House and Chairperson and I feel I must respond to the Leader of the Opposition on behalf of the Members of the Committee.

The SPAGHL Committee meets three times for the Ministry of Health program. It is a reflection of great leadership of Samoa in advocating for better health.

The selection of the location to carry out the program was the responsibility of the CEO of the Ministry of Health. It was never a decision of any of the Members of the Committee. The location selected was at the discretion of the Ministry. The mission of the Health is to ensure that the awareness health programs reach the far ends of the island and not just Salelologa and back to Upolu.

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Other Announcements by Mr Speaker

It was why the villages of Sa-Tupua and Sa-Malietoa were notified prior to the day of the program. The constituency hosted the Government graciously in support of the health programs on behalf of Savaii.

The program was for Itu o Tane and it included the constituency of Gagaemauga No.1, Gagaemauga No.2, Gagaemauga No.3, Gagaifomauga No.1, Gagaifomauga No.2, and Gagaifomauga No.3. It means that the program was not only for the constituency of Gagaifomauga No.3 as was claimed by the rumors.

The most disappointing part is that the Committee had met three times and the program was voiced clearly by the Health office. There was no opposition to the sites chosen by the Ministry.

The program has finished as the Committee resolved nonetheless the Opposition have embarrassingly relayed to the newspaper and other media outlets the accusations implying that the Opposition demeans the efforts and good will of the Constituency that was given that day.

To the Leader of the Opposition I regard you as a senior of our Committee. Furthermore, you are also regarded as one of the Leaders of the House that is responsible for Opposing the Government. It is unfitting to have our Committee resolution being opposed and slandered after the Committee resolved to carry out our programs. It is suitable to compare this situation to the saying in the scripture, 'The body of Esau but the voice of Jacob.'

'Do not let your greed for fish be the damage to your fishing net.' The work we do is to be done together as we are the Members of Parliament selected by the nation. Do not let your intentions cloud and tarnish our relations in the House.

The Chamber is important because it encompasses the dignity of Samoa. Respective Members and representatives of the voices of the nation are gathered here in the House of Parliament and it is the responsibility of the Speaker of the House.

I resolve that the accusations voiced by the Leader of the Opposition against the SPAGHL Parliamentary Committee were unfounded and disappointing. It was also disrespectful in consideration of the preparations by Susuga Rev Panapa Fata Too and the Sasina congregation. The preparations made in support of the Government to which they freely and genuinely offered.

I urge and remind our Parliamentary Committee that we should not take lightly to our duty and that you are not the only ones who can throw stones. There are those that observe and critique from behind, but for the support of Samoa, in respect we proceed.

I recommend the Chamber and the Committee that our Committee is an official Parliamentary Committee and our roles are not to be lowly considered. I pray with utmost respect that the prestige of the Parliament is maintained.

Furthermore, I call upon the Leader of the Opposition for a statement of apology to the Chamber in regard to the unfounded statements voiced against the Health advocacy program in Savaii.

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Other Announcements by Mr Speaker

If the Leader of the Opposition does not deliver an apology, the Chair will resolve to invoke other powers of the Speaker.

Afioga Hon PALUSALUE FAAPO II (Leader of the Opposition): Mr Speaker...

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

Susuga Hon TUILAEPA FATIALOFA AUUELOA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI (Prime Minister): Mr Speaker, I believe this morning is an unusual morning for the House. However with consideration of our backlog we must proceed as we are nearing the end of the Term. We shall return to the constituency for their discretion. I acknowledge the patience of the Speaker. There is no difference between your predicament and the accusations against the Ministry of Natural Resources and Environment and their environmental programs in villages with Reserve areas. The intent for these programs was to rotate it between Savaii and Upolu and other times Aiga i le Tai. The aim of the environmental program is in combat of the global warming in which the world is suffering from. The end of the world will come sooner if the environment is not taken care of properly. Furthermore, it is one the topics currently being discussed by the Leaders of the world as many rejected the prediction of damaging impacts that we now face. It is now confirmed that 99.999% of Scientists in the world are in agreement to formulate a project to the global catastrophe.

It is why the Government emphasizes these programs between Savaii and Upolu and even Safata where the Leader of the Opposition resides. The village of Safata has one of the largest Mangrove Conservation areas and I was told that a similar program was initiated there last year. It is why I stand because there are those that are uneducated and are easily swayed by unfounded statements. The same is said for the University of the South Pacific campus in Samoa. The University Board is in Suva, Fiji and no Minister of Samoa has a say in the University operation as was assumed by the accusations against the Government, and now the graduation is now to be carried out in Savaii. Nevertheless, this morning is important as it is an opportunity to clear the rumors and voice official statements in regards to the intent of the program. The statements made are clear and the Government also has responded. Therefore in the spirit of Christmas we shall forgive as I believe you have forgiven the Leader of the Opposition and those who issued such statements.

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Other Announcements by Mr Speaker

We shall exercise the words from the scripture, ‘do not let the sun set on your anger.’ Forgiving is very difficult but we should pray the Lords prayer asking for forgiveness as we forgive those who trespass against us. If a person does not forgive then he curses himself. The mistakes of the past have been cleared and we shall move on. Afioga Hon Palu I urge you to be brief so that our Meeting is not too long.

MR SPEAKER: Thank you.

Afioga Hon PALUSALUE FAAPO II: I stand with respect, the Hon Prime Minister has spoken in the spirit of forgiveness. It is therefore very difficult to counter the statements voiced by the Hon Prime Minister.

Nevertheless the accusations voiced by the Speaker are offensive especially in consideration of the listening public and of my Constituency. The importance of the program is unquestionable, that much is true. The program that was carried out in Sasina the village of the Speaker is indeed important and the same goes for the village of Vaipouli, the village of the Hon Minister of Environment. The other program was in the village of Iva which is the village of the Hon Minister of Education, Sports and Culture. Mr Speaker the accusation that I have defamed the importance of the program is outrageous. The Speaker knows well my support for these programs but when I see something that is a conflict of interest then I cannot sit idly by because Samoa is listening in. The public observes especially as we are nearing the Elections.

Mr Speaker let this be a lesson for the future as the country observes that things are all over the place.

MR SPEAKER: Are you issuing an apology or not? Answer the question. I take it you are mocking the clarification that was voiced. I did not voice my explanation for you to address the Ministers of Cabinet. What I am trying to emphasize is that you were indeed present in our meetings and did not voice any objections. It is not only myself that is offended by this matter but consider those who were approached by the Ministry of Health and consulted with. Leader of the Opposition I urge you to consider my words and not the advice being whispered from behind that is not good for you. Speak on the terms to which you have agreed upon during our meetings. How can you agree in the meeting and then turn around and say it is inappropriate?

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, there was never an intention to present disagreements...

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Other Announcements by Mr Speaker

MR SPEAKER: The Chair will make a determination. Please sit down. The decision was already decided before you sat in the meeting. It was the decision of the Ministry of Health not myself.

I recognize the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Auelua Neioti Aiono Sailele Malielegaoi: Mr Speaker, there is something that needs to be cleared in reference to the work being developed. This Party is an active Party and it is why it was known by the country as workaholics. We have not taken a break since the beginning of each Term. The Parliament was fraught with many changes while we were trying to recover from the destruction of the tsunami, then cyclone Evan struck. The money that was used to repair those damages was loaned from the overseas institutions. The procedure itself takes time. Once the approval is received, consultations on the designs to repair infrastructures and other arrangements need to be finalized.

Furthermore, the plans for the bridge at Maliolio are also being delayed due to the tendering process and funding approval. The preparation takes time as engineers are advertised and sometimes that takes months. And then it is referred to the Tender Board to review and if there is non-compliance then it is re-advertised if applicants are unsuccessful. The process is lengthy but rest assured that it is still ongoing. Therefore, it is important that I reiterate that the Government is working tirelessly for the development of our nation.

Mr Speaker, in 2012 the road construction at Vaitele was approved by the World Bank and it includes the road at Malifa. At the moment the construction of the access road from Malifa to Vailoa is completed. The Vaitele area is next and the initial plan is that it will reach the airport. But it is to be carried out in sections. The reason why I take the time to explain this is because Afioga Hon Palusalua was in the Cabinet. We once worked together and you are aware of these procedures and we worked from the beginning of the Term until the end, yet you did not once say that we need to stop as we neared the General Elections.

Therefore Mr Speaker, the Member of the Opposition clearly voiced his statements implying, that the Executive should slow down the developments. We the Government are doing our work yet the Opposition wishes to stop it. The Party continues to work.

Afioga Hon Palusalua Faapo II: Mr Speaker, Point of Order.

MR SPEAKER: Sit down, your chance will come.

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Other Announcements by Mr Speaker

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: It is why the HRPP is recognized as workaholics. We do not come here to sit and sway in our seats acting privileged, no. The HRPP works because we are carrying the needs of the nation. And perhaps the Leader of the Opposition who was once a Minister has forgotten the nature of the work.

Mr Speaker I have already stated before the nature of the procedures. In reference to the conservations of the Government the Leader of the Opposition never voiced any conflict of interest when the program was held in his Constituency. Furthermore, we cannot let the elected representatives of the constituencies be a hindrance to our programs. We need to carry out our duties regardless of criticisms. It is very disappointing that projects are being conducted in Savaii and the representatives from Savaii are the ones complaining. As Members are always requesting for developments in Savaii, we must also consider the rural parts of Savaii that need to be informed as well.

MR SPEAKER: I have respect for the Committee, therefore I grant opportunity to the Hon Minister of Women, Community and Social Development followed by the Member for Faasaleleaga No.1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

Tofa Hon TOLOFUAIVALELEI FALEMoe LEIATAUA (Minister of Women, Community and Social Development): Mr Speaker, I stand with due respect and even though I did not intend to interrupt but I believe I must in recognition of Samoa. The House of Parliament stands for justice and fairness. It is why Mr Speaker I feel I need to respond to the accusations voiced by the Leader of the Opposition in regards to the Committee resolution.

Mr Speaker and the distinguished Members of the Legislative Assembly of Samoa, I was present in the meeting with one other Minister. The Committee is chaired by the Speaker of the House with members being three Cabinet Ministers, the Leader of the Opposition, Members of that side of the House and Associate Ministers. I was very happy with the program laid out by the Ministry of Health as the Hon Prime Ministers states, what is good for Apia is also good for Savaii. Savaii citizens are in constant support of the Government and all were included in the program. There was no opposition from the Opposition in regards to the program. In my interpretation and we all have our own opinions on the matter, the Leader of the Opposition has just found a loophole to defame the honorable Chairperson of Committee. To the Leader of the Opposition I have deep respect for the Sa Tunumafono family and Alataua. I remind the Leader of the Opposition to heed the Chairs request for an apology. I hope also that the Leader of the Opposition accepts the Leader of Governments advice.

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Other Announcements by Mr Speaker

We are nearing the season of our Lord and Savior to remember the reason for his sacrifice. The accusations issued towards to the Committee were very offensive but this is the most crucial Committee in the Parliament. The Committee was established in 2008 when I was Speaker which was to replace another Committee on Pacific health census in each Parliament. It is why it is important to forgive the accusations and the mistake of the Leader of the Opposition. The Hon Prime Minister has recommended the Leader of the Opposition be forgiven and move forward. Thank you.

Afioga Hon Palusalue Faapo II: Mr Speaker, my Constituency has been mentioned.

MR SPEAKER: Leader of the Opposition, opportunity will be granted. Sit down.

Afioga Hon Palusalue Faapo II: I need to respond to the statements voiced.

MR SPEAKER: Opportunity will be given. I recognize the Member for the Constituency of Faasaleleaga No.1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

Afioga Hon GATOLOAIFAANA AMATAGA GIDLOW (Faasaleleaga No.1): Mr Speaker, I stand on behalf of our village of Iva that was mentioned by the Leader of Opposition. My Constituency is listening and wondering whether their Member representative is wary and safeguarding the reputation of the village.

The Hon Minister is not present but I feel I need to address the distress of the Leader of the Opposition for hosting the program in Iva. Mr Speaker Iva is the ninth family of Malietoa and where the Aiga Salevalasi, distinguished Tofilau and Leauanae reside. Lest I forget the support of the Sasulu and descendants of Tagaloa to Safune and Taulauniu and the Afioga Atitala.

Mr Speaker it saddens me because there should not have been a Government program in the first Constituency of Salafai because it is a Constituency that is resigned for only good things. I am also disappointed in the Leader of the Opposition, I believe he holds a Tofilau title and I am shocked that he has belittled the Constituency and village.

I stand Mr Speaker to voice the disappointment of the Constituency because the accusation implies belittlement of the Constituency in regards to having Government programs hosted there. Thank you for the opportunity.

MR SPEAKER: Thank you. I grant last opportunity to the Member of Committee.

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Other Announcements by Mr Speaker

I call on the Hon Minister of Health.

Afioga Hon TUITAMA TALALELEI TUITAMA (Minister of Health): Thank you Mr Speaker, I stand also as the Ministry was mentioned in the Chamber. I was hesitant to respond due to the fact that the statements are just rumors and gossip with the intention of defaming something that was intended for something done for the good. Nevertheless Mr Speaker, I address some vital facts as the Ministry is in audience and also the nation. The Ministry of Health serves and sweats for Samoa. The Ministry is in constant mode of developing ways to take the service nationwide, so that not only town residents or rich citizens can be accessible to the service. It is why the Ministry hosts programs to ensure health services are carried out to those in need.

Mr Speaker, first of all I second and support the statements of the Hon Minister of Women, Community and Social Development in regards to the discretion of the Committee in the Meeting as I was also present. The Health issue was embraced and supported by all the Members. Another matter we must consider is that if the Health Program is to be conducted then other Ministries with their own programs will then have to be withheld. Nevertheless, I believe that one of the reasons in which the programs was taken to the rural constituencies was that it needs the support of its Member. The Member for the different constituencies where programs will be held need to be present and the Ministry will need their support and attendance. What would be the use of the program if its leaders are not present? Where would the Ministry go then, Members of the constituency are needed. The Leaders of the United Nations speak and emphasize the importance of political will. It is because the programs will cease to be significant without the support of the law making Members of the nation. The Global Health associations are pushing to have this power and authority of political will.

It is why Mr Speaker these programs are held offsite. The Ministry of Health has been trying for years to engage the support of the rural villages. As I have mentioned in the previous meetings, I was invited to attend the Health Committee in discussing ways to engage the support of the rural villages because most of the programs were in the urban areas. It is why the Ministry of Health aims to conduct its programs not only in the urban areas like Apia and Salelologa but also rural villages so that they are engaged and cooperate. The Pacific has now had up to 70% of deaths caused by diabetes, high blood pressure, heart disease and cancer. Therefore the aim of the programs is to ensure awareness and to promote prevention. It is disappointing however that the Leaders of the nation are at the forefront of criticizing as if they do not support the aim of decreasing the number of deaths. As if they intend for those to be left to die from not being informed.

Mr Speaker, I stand to declare that these programs needs the support of constituency representatives, their pastors and the *alii* and *faipule* of each village for the programs to be effective and successful.

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Other Announcements by Mr Speaker

Mr Speaker that is my response on the matter, with due respect. Bless the Meeting.

MR SPEAKER: Thank you. I grant the opportunity to the Hon Minister of Works, Transport and Infrastructure.

Afioga Hon Manualesagalala Mati Tuigamala Enokati Posala (Minister of Works, Transport and Infrastructure): Mr Speaker, it appears the Members speak taking offense to the accusations towards their constituency and to forgive the Leader of the Opposition. The Hon Prime Minister has voiced the state of the projects intended for the villages of Lefaga, Salamumu and Safata. It also seems that the statements of the Leader of the Opposition are also directed towards these projects. These works...

Afioga Hon Palusalua Faapo II: Mr Speaker, Point of Order.

MR SPEAKER: Opportunity will be granted to the Leader of the Opposition, at the moment the issue needs to be clarified.

Afioga Hon Manualesagalala Mati Tuigamala Enokati Posala: In the year 2012 we were hit by cyclones and we hosted international events therefore the Government has been distributing the funds for our works. I am thankful to the Lord for the past year we were not affected by any cyclone or heavy rainfall. It has given us opportunity to proceed with these proposed repair works. However, forgiving the constituency due to the wrongs of the Member I wish to address because unlike the Leader of the Opposition, I am not criticizing especially since it is my Constituency that should be...

Afioga Hon Palusalua Faapo II: Brother you will not gain any votes from that.

Afioga Hon Manualesagalala Mati Tuigamala Enokati Posala: I request forgiveness of the Leader of the Opposition, because our Constituency will suffer. I have sought forgiveness countless times on behalf of the Leader of the Opposition as a shared representative. It is why I ask forgiveness because I too will be affected by his actions. On behalf of our Constituency, I hope to ask the Chamber and Chair to forgive the Leader of Opposition. Thank you.

MR SPEAKER: Thank you.

Afioga Hon Palusalua Faapo II: Mr Speaker this is unacceptable. Why would I need to be forgiven, asking forgiveness on my behalf to seek votes?

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Other Announcements by Mr Speaker

MR SPEAKER: Take your seat. Leader of the Opposition take your seat. I apologize to the Chamber if you have observed this morning commotion. Because this Chamber is where the future of Samoa is decided the main purpose of raising the issue this morning is not in disrespect of the statements by the Hon Prime Minister or that of the Hon Ministers, but in respect of the fact that I am the Chairperson of this very Committee. It is useless to make our decisions and agree upon them and then slander our decision from behind; that is challenging authority. It is inappropriate. Observe the Hon Ministers of the Committee who have voiced their concern. The support of Salafai has also been offended as they are in audience.

To the constituency of Gagaemauga and Gagaifomauga, your contributions in money and service can never be compared to the things presented by the Ministry. It is true that this was not what the constituency came for, but more in supporting the Committee especially with the concern of the sensitive health issues we are facing. Therefore, I beseech the Leader of the Opposition to be humble and I recommend you deliver an apology. The Leader of the Opposition is one of the Senior Members of this Chamber. Therefore in respect of the Chair and Speaker of the House, I recommend the Member of the Opposition to apologize. It is highly inappropriate to defame the purpose of the works that we all agreed upon.

Leader of the Opposition I highly believe you are a man of God, a Deacon of the Church. I pray you consider the stance of your fellow Constituency representative and the relationship that you should consider. The Lord our Savior was crucified and suffered greatly but He forgave. God is my Sheppard so do not concern yourself with my feelings and the Lord continues to grant me love for you and respect. Therefore, this is your last chance for an apology.

I call on the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I stand with all due respect in response to the concerns raised in the Chamber. The matter is quite simple and I leave it to the nation to be the judge of the matter. The program was opened in Sasina but everything else was done in Apia. It begs the question, if it was opened in Sasina why was it not the entire program held and closed there? The matter that I hope to emphasize is the conflict of interest.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, Point of Order.

MR SPEAKER: I recognize the Hon Prime Minister.

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Other Announcements by Mr Speaker

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: This Thursday we celebrate the international Toilet day which includes Samoa. It is a day that marks the importance of toilets in the world. It is one of the health aspects. Four or three toilets have been constructed to kick off the program. The program schedule was handed to me for consideration. I looked it over it over and noted that the location of the toilets were far apart. I instructed pictures be taken of the toilets and have then screened on the Government Building for people to see. I will be standing there also making a speech on behalf of the Government. We are in a time of modernization and technology. We are not spirits that can appear in five different places at the same time. It is why Jesus was resurrected and the Apostles did not believe. Peter said, I do not believe you because you were seen in different areas at the same time; but Jesus said, I am in full spirit. It is the way we are in this day and age. If we cannot attend other programs we should not try to go all the way when they can be done from here. It is not something new. I was present here to open another ceremony. I launched the opening of a business during the initial introduction of cellphones, internet and computers and Savaii was the chosen location for the opening but I spoke from here in Apia. The phone rang and I answered and declared the service open. We have been doing this for a long time and I suppose the Leader of the Opposition cannot understand. It is why I clarify that every project and program has a bigger explanation behind it. We are not spirits that can be present in five different places all at once. Furthermore, we are in the age of computerization and we need to utilize the computer and internet. It is no different from when we watch the games screened live; when the team is good we clap and when it is not, we throw the TV outside.

Mr Speaker, our Party is computer literate and it is why I recommend listening to us because the Government operates on modern technology. Therefore you need to catch up.

Mr Speaker that concludes what needed to be clarified because I see that the Leader of the Opposition is stressing over the issue. However the matter is very simple.

MR SPEAKER: Well, I assume from the statements of the Leader of the Opposition that he will not be voicing an apology. I do not wish to prolong our time on this matter because opportunity has been granted to the Leader of the Opposition three times yet he is still uncooperative. I seek the Lord in this time to bless us with good thoughts and in consideration of the victims of the accusations. Therefore I apologize to the villages of the constituency of Gagaemauga and Gagaifomauga. The Lord observes everything and to the Susuga Rev Panapa Fata Too and the Church. I apologize for your audience this morning and I believe the apology delivered by the Hon Minister of Works, Transport and Infrastructure suffices to conclude the matter this morning.

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Presentation of Papers

The Leader of the Opposition stands firm in opposing and thus brought about other procedures of the House.

Afioga Hon Palusalue Faapo II: Mr Speaker...

MR SPEAKER: Sit down! Sit down! Sit Down...

Afioga Hon Palusalue Faapo II: The statement is wrong, no other Member can apologize on my behalf.

MR SPEAKER: Sit down. The Chair is trying to make things right. Opportunity has been granted and the apology voiced on your behalf is enough for me.

Afioga Hon Palusalue Faapo II: Remove my name from SPAGHL, I resign.

MR SPEAKER: Sit down! Sit down! Sit down! I must apologize to the Alataua for the Speakers failure to bequeath an apology from the Member of the Opposition. However I accept the apology from one of the Members of the Constituency. It is my belief that we must not let the wrongs of one person define the rest of the people. It is why I voiced before that we must not be of material or worldly things because even though the nation observes, we must be cautious. Samoa is in audience and those whom contributed tremendously on the program. I conclude that the matter is settled and leave the defiance of the Leader of the Opposition to God. I will overcome my anger and consider the recommendation of the House and leave the matter aside.

I beg Afioga Hon Aeau I will not grant you opportunity, because if your advice was good the matter would be settled. Sit down, Member sit down.

Afioga Hon Aeau Peniamina Leavaiseeta (Falealupo): Mr Speaker, I will explain my recommendation.

MR SPEAKER: Sit down Member. Respect has been neglected.

PRESENTATION OF PAPERS

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

1. S.R. 2015/8, Civil Aviation (Safety and Security Levy) Regulations 2015.
2. P.P. 2015/2016 No. 62, Samoa Bureau of Statistics Annual Report July 2012- June 2014.

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Presentation of Select Committees Reports

3. P.P. 2015/2016 No. 70, By-Election Report of Sagaga le Usoga Territorial Constituency 17 April 2015.
4. P.P. 2015/2016 No. 71, Samoa Law Reform Commission Report on the Protection of Samoa's Traditional Knowledge, Report 14/15.
5. P.P. 2015/2016 No. 72, Samoa Fire & Emergency Services Authority Annual Report 2013/2014.
6. P.P. 2015/2016 No. 73, Robert Louis Stevenson Museum Financial Information for Year 2014.
7. P.P. 2015/2016 No. 77, Annual Reports of the National Kidney Foundation 1 July 2013- 30 June 2014 & 1 July 2014- 30 June 2015.

PRESENTATION OF SELECT COMMITTEES REPORTS

Clerk read out the list of Reports pursuant to Standing Order 51.

1. P.P. 2015/2016 No. 63, Report of the Education Committee on the Teachers Bill 2015.
2. P.P. 2015/2016 No. 64, Report of the Justice Committee on the District Courts Bill 2015.
3. P.P. 2015/2016 No. 65, Report of the Justice Committee on the Criminal Procedure Bill 2015.
4. P.P. 2015/2016 No. 66, Report of the Primary Production Committee on Broadcasting Amendment Bill 2015.
5. P.P. 2015/2016 No. 67, Report of the Primary Production Committee on the Fisheries Management Bill 2015.
6. P.P. 2015/2016 No. 68, Report of the Finance and Expenditure Committee on the Sentencing Bill 2015.
7. P.P. 2015/2016 No. 69, Report of the Primary Production Committee on the Competition & Consumer Bill 2015.
8. P.P. 2015/2016 No. 74, Report of the Primary Production Committee on P.P. 2015/2016 No. 19, Annual Report of the Ministry of Commerce, Industry and Labour 2013/2014.
9. P.P. 2015/2016 No. 75, Report of the Primary Production Committee on P.P. 2015/2016 No. 25, 51st Annual Report of the Samoa Trust Estates Corporation 30 June 2013.
10. P.P. 2015/2016 No. 76, Report of the Education Committee on P.P. 2015/2016 No. 39, Statement of Corporate Objectives of the Scientific Research Organization of Samoa 2014-2017.

17 NOVEMBER 2015

MOTION TO SUSPEND STANDING ORDERS

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA AUUELOA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, I move a motion, *That Standing Order 106 and 107 (4) be set aside so that this Sitting be available for careful Consideration of the Third Reading of the 7 Bills reported on by the Parliamentary Committee.*

Seconded by the Deputy Prime Minister, Minister of Commerce, Industry and Labor, Minister of Works, Transport and Infrastructure, and the Minister of Women, Community and Social Development.

Motion approved and Standing Order 106 and 107 (4) was set aside.

TEACHERS BILL 2015 – consideration in detail

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the report of the Select Committee on the Bill before Consideration of the Bill.

I call on the Honorable Chairperson of the Committee of Education, Science, Communication and Information Technology.

Tofa LENATAI VICTOR FAAFOI TAMAPUA (Chairperson of Education, Science, Communication and Information Technology): Thank you Mr Speaker for the opportunity. I take this opportunity to greet the Speaker of the House and especially distinguished Members of the Parliament of Samoa. I also acknowledge the presence of the Heads of Government Department and Ministries and also the media. I greet my dear Constituency of Vaimauga West and all of Samoa.

Mr Speaker, I hope to use this opportunity to express sincere condolences to the family and children of Elisapeta Rimoni Lupematasila Ioane Palu. I pray the loved one finds everlasting peace with God.

Mr Speaker I move a motion, *That the Legislative Assembly approve the Committee Report recommending, That the Teachers Bill 2015 proceed with its Amendments.*

Seconded by Member for Aiga i le Tai, Member for Palauli, Member for Falelatai & Samatau, Member for Gagaifomauga No.2 and Member for Alataua West.

Motion approved.

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Teachers Bill 2015 – consideration in detail

MR SPEAKER: I declare that the Legislative Assembly has now approved the Report of the Education, Science and Information Technology Committee on the Teachers Bill 2015.

The Assembly will now proceed to Consideration in Detail of the Teachers Bill 2015. Pursuant to Standing Order 102, Consideration of the Bill commences on Clause 2.

CLAUSE 2: Interpretation

Approved.

CLAUSE 3: Application.

Approved.

CLAUSE 4: Relationship with employment.

Approved.

CLAUSE 5: Teachers to be registered and licensed.

Approved.

CLAUSE 6: Categories of registration.

Susuga Papalii Lio Faavaivaiomanu Taeu Masipau (Faasaleleaga No.2): Mr Speaker...

MR SPEAKER: What clause?

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: It is Clause 6 please.

MR SPEAKER: I grant opportunity to the Member for Faasaleleaga No.2.

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Teachers Bill 2015 – consideration in detail

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Thank you Mr Speaker for the opportunity.

I wish to ask the Honourable Chairperson of the Committee in regards to the categorization of teachers. It was voiced in the second reading of the Bill the inclusion of early childhood teachers in the Bill. I wish to know whether the Committee and Ministry has considered the inclusion of these teachers in the categories of teachers? There are many kindergarten teachers in the rural villages that need to be recognized and also be given an opportunity to further their education and acquire certifications. It is the hope that all persons in rural villages are licensed teachers with appropriate qualifications as provided in the Bill. Thank you.

MR SPEAKER: I grant opportunity to the Honorable Chairperson.

Afioga Hon Palusalue Faapo II: Mr Speaker, I too wish to query Clause 6?

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

Afioga Hon PALUSALUE FAAPO II: In regards to the registering of teachers. What is the state of the senior teachers that have no qualifications but have the experience and capacity? Furthermore, I see a number of Peace Corps volunteers in the rural village. What section of the Bill provides for the recognition of these volunteers so that they too are included in the Bill?

MR SPEAKER: I call on the honorable Chairperson.

Tofa LENATAI VICTOR FAAFOI TAMAPUA: Thank you for the question. I will respond first to the Leader of the Oppositions question in relation to the Peace Corps volunteers. The matter will be clearly notified when we come to the section of the Bill that provides for temporary registration. The question voiced by the first Member is being provided for in clause 3. Thank you.

Clause 6 Approved.

CLAUSE 7: Power to grant registration.

Approved.

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Teachers Bill 2015 – consideration in detail

CLAUSE 8: Restrictions on granting of registration.

Approved.

CLAUSE 9: Criminal Records.

Approved.

CLAUSE 10: Qualifications and experience.

Tofa Lealailepule Rimoni Aiafi (Faleata West): Mr Speaker...

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you for the opportunity. I pray for the peace of the Lord upon you this morning, be brave.

It is clearly stated in clause 10 (a) the minimum qualification that does not recognize the section which the Leader of the Opposition queried. It is good if the issue is covered in the temporary registration. However in section (2) it is stated that there should be two years working experience.

Honourable Chairperson, we have been employing graduates from overseas scholarships as teachers with no experience. The Bill now provides that that is no longer a possibility unless they acquire teachers training for another two years. Therefore I ask the Honourable Chairperson if this could be reconsidered to grant opportunity to these scholars to teach and train for their certificates at the same time so they may be registered as licensed teachers.

MR SPEAKER: Thank you. I call on the Honorable Chairperson.

Tofa LENATAI VICTOR FAAFOI TAMAPUA: Thank you for the question. We have not come to the provision for Discretion of the Council which provides for the discretion to grant licenses to the teachers. Perhaps this is the section whereby a proposal is to be considered and a decision made for temporary license or full license employment while also being educated to receive a certificate for two years, thank you.

Clause 10 approved.

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Teachers Bill 2015 – consideration in detail

CLAUSE 11: Application.

Approved.

CLAUSE 12: Processing of application.

Approved.

CLAUSE 13: Qualifications and experience.

Approved.

CLAUSE 14: Application.

Approved.

CLAUSE 15: Application for extension.

Approved.

CLAUSE 16: Processing of application.

Approved.

CLAUSE 17: Certificate of full registration.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: What Clause?

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Teachers Bill 2015 – consideration in detail

Tofa LEALAILEPULE RIMONI AIAFI: Clause 17.

MR SPEAKER: I call on the Member.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker I am disappointed reading this clause. The clause provides that a teachers license certificate is only officially recognized when the fee is paid. It appears that the priority is stressed on the fee and not recognition of the teacher. Moreover, the Committee may perhaps consider the amount of the fee that is to be paid as it is not mentioned. The only details is the prescribed fee and the fee prior to official recognition. Perhaps the Committee may consider the amount so that it is affordable. Thank you.

MR SPEAKER: The Members concern is noted.

Tofa LENATAI VICTOR FAAFOI TAMAPUA: Thank you. The Committee consulted with the Ministry in regards to the fee and it was noted that the fee is merely a sign of commitment on the teachers part in relation to the service. The amount will be confirmed in the Regulations and it is not a huge amount. Thank you.

Clause 17 approved.

CLAUSE 18: Certificate of temporary registration.

Approved.

CLAUSE 19: Registers.

Approved.

CLAUSE 20: Teaching license for full registration.

MR SPEAKER: There is a Committee Amendment on Clause 20 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

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Teachers Bill 2015 – consideration in detail

Tofa LENATAI VICTOR FAAFOI TAMAPUA: Mr Speaker, I move to Amend Clause 20 as follows:

“AMENDMENT:

Clause 20

To omit the current Clause 20 and substitute thereby the new Clause 20 to read:

20. Teaching license for full registration-(1)When teacher is first issued with the certificate of full registration, the Registrar must also issue, in the approved form, to the teacher a teaching license for full registration, upon payment of the prescribed fee for the teaching license, subject to conditions imposed by the Council under subsection (4).

- (2) The teaching license for full registration is valid for three (3) years from the date of its issue.
- (3) Within 4months before the expiry of a teaching license, the teacher must apply, in the approved form and accompanied by the prescribed fee, to the Council.
- (4) The Council may, with or without conditions, grant extension of teaching license for full registration, which may include specifying the category of school or category of subject for which the license relate.
- (5) The Council must take into account the following when determining the application for extensions:
 - (a) any continuing training programme undertaken by the teacher during the period of the current teaching license; or
 - (b) the appraisal system for teachers in any government policy or by the employer of the teacher; or
 - (c) any other prescribed matter.

MR SPEAKER: I recognize the Member for Faleata West.

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Tofa LEALAILEPULE RIMONI AIAFI: Thank you. Honorable Chairperson this is similar to what I asked before as to why the term is 3 years instead of 5 or 10 years. Furthermore, why is there a need to pay a fee when the certificate is to be revalidated instead of having the form stamped? I confess I am not very fond of the term license and perhaps it can be rephrased and without having to pay a fee.

It means that every 3 years teachers will need to reapply and have to pay. It is why I asked before in regards to the amount which is to be paid every 3 years that the license is to be renewed. Perhaps it is better to have the license renewed without a fee.

Thank you.

Susuga Hon TUILAEPA FATIALOFA AUJELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, the matter is based on the policy of our Nation. I have never come across a nation of the world that issues license renewal without a fee to be paid. Furthermore, I believe 3 years is sufficient because it is normally 2 years or more. The 3 year period is enough to assess the capacity of the teachers. The priority here is the children. We need not be stressing over prioritizing so much of the teacher but also focus on the students. It is crucial that students are well educated. Therefore the way to ensuring optimum education for children are achieved is through assessment of the teacher every 3 years. Teacher training exams are only sat once and if teachers do not pass their license renewal then the Ministry will observe that teacher carefully.

However, there is no country in the world that has license renewal without a fee to be paid. It is the same for vehicle licenses. There is nothing that comes for free and if a person is not honest with such trivial things, then that reflects a dishonest person. We do not need dishonest teachers.

Amendment Approved.

Clause 20 Approved as Amended.

CLAUSE 21: Temporary Teaching License.

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

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Tofa LENATAI VICTOR FAAFOI TAMAPUA: Mr Speaker, I move to Amend Clause 21 (1) as follows:

“AMENDMENT:

Clause 21(1)

To omit the words “section 20(5) and substitute thereby the words “section 20(4)” thus Clause 21(1) reads:

- (1) **Temporary Teaching License – (1)** When a certificate of temporary registration is granted under section 15, the Registrar may issue, in the approved form, to the teacher a teacher’s teaching license for temporary license, subject to conditions the Council may impose under section 20(4).”

Amendment Approved.

Clause 21 Approved as Amended.

CLAUSE 22: Suspension of registration.

Approved.

CLAUSE 23: Cancellation of registration.

Approved.

CLAUSE 24: Re-registration.

Approved.

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Teachers Bill 2015 – consideration in detail

CLAUSE 25: Establishment.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No.2): Mr Speaker, regarding the establishment of the Samoan Teachers Council whether the honorable Chairperson has considered the matter of school inspectors. I believe I voiced the matter in the last Sitting when the Bill was being second read and the Chairperson stated that the concern was being acknowledged. I have heard statements that school inspectors are indeed being used but it is to be confirmed, it is very important.

I have also consulted with the Ministry CEO and he has agreed. Perhaps the Committee can confirm on the state of school inspectors. It is also a matter which supports the statement of the Hon Prime Minister in ensuring that teachers are being inspected and monitored with regards to teaching our children.

MR SPEAKER: Honorable Chairperson, I recognize the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, I do not remember a Member voicing concern on this matter. The matter however has been considered in the Cabinet and Cabinet has made its determination on the subject.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Mr Speaker, it is confirmed that I voiced my concern in regards to the school inspectors. It is very important especially for the assurance that our children are educated. Thank you.

MR SPEAKER: Concern is noted.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: I am noting down all your speeches and I cannot find any record of your speech in this Chamber.

Tofa Aveau Tuala Lepale Niko Palamo (Faleata East): Mr Speaker, the Hansard records can confirm speeches made, and I would not substantiate something that is not in the nations Parliament.

MR SPEAKER: Debate on the issue will not be exercised as the honorable Chairperson has been clear.

Clause 25 approved.

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Teachers Bill 2015 – consideration in detail

CLAUSE 26: Chairperson.

Approved.

CLAUSE 27: Terms of office and remuneration.

Approved.

CLAUSE 28: Resignation, termination and vacancy.

Approved.

CLAUSE 29: Functions.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: What Clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 29.

MR SPEAKER: I grant opportunity to the Member.

Tofa LEALAILEPULE RIMONI AIAFI: I observe the duties of the Council and it appears that it is a full time job in consideration of the powers and duties that the Council is responsible for. It is why I ask the Honorable Chairperson what exactly is this Council, whether it functions like that of a Board or a Commission that carries out the works. Or if the work that is to be carried out by the management is now executed by the Board.

With respect.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker...

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

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Teachers Bill 2015 – consideration in detail

Afioga Hon PALUSALUE FAAPO II: On the same Clause I hope to query the honorable Chairperson in regards to the relationship between the Council and the PSC. We all know that the PSC deals with the teachers salary but I observe the Bill stating the Council oversees the teachers salary and allowances.

What is the relationship and whether the salary of teachers will now be handled by the Council and what of the role of the PSC?

MR SPEAKER: I call on the Honourable Chairperson.

Tofa LENATAI VICTOR FAAFOI TAMAPUA: Thank you for the questions. In reference to the question by the Leader of the Opposition, it is clear in the Bill that employment of teachers is handled by the Ministry and also the teachers salary.

The question on the Council is that the Council carries out the work. The Council also meets three or four times a year and carries out their assessment. Furthermore, there is also a Registrar that compiles the minutes and decisions and thus determines whether a teacher should be eligible for work or not. Thank you.

Susuga Hon TUILAEPa FATIALOFA AUeLUa LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker...

MR SPEAKER: I recognize the Hon Prime Minister.

Susuga TUILAEPa FATIALOFA AUeLUa LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: The Council has just been established. Bear in mind that all professional bodies have their own Councils without Government influence. Their work is similar to the Dentists Association, Accountants Association, Auditors Association, Engineers Association and the Rugby Board. The Government has no say in the Council and they can determine what they feel is needed of their profession and put in proposals to the Government. The teachers are a professional body therefore the Council will ensure they discuss concerns specifically on teaching as an institution. It is a professional body that is important to the Government as they are responsible for educating our children.

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Public Enterprises): Mr Speaker...

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

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Teachers Bill 2015 – consideration in detail

Afioga Hon LAUTAFI FIO SELAFI PURCELL: I rise at the mention of the PSC specifically the relation of PSC and this body. The Hon Prime Minister has illustrated already that this is to strengthen the teaching service. The Council has their own procedures for selection of teachers eligible to be involved in this and that. The PSC however, oversee the public servants of the Government and it includes the teachers.

Furthermore, the relationship is that the Council gives advice to the PSC on salary and the PSC takes it into consideration and whether it is appropriate or not. That is the relation, with all due respect.

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

MR SPEAKER: I grant the opportunity to the Member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I am included in the Association of Teachers. The Association of Teachers is different from the Council. The Council in question includes the CEO of SQA and the Vice Chancellor of NUS and they are specifically responsible for the registering of teachers and the like. The Council as provided in the Bill is different from the duties of the Teachers Association.

Thank you.

MR SPEAKER: The matter has been noted.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No.3): Mr Speaker...

MR SPEAKER: Yes Afioga Toeolesulusulu.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUTER: Mr Speaker thank you for the opportunity. I wish to be clarified by the Committee on a concern regarding the assessment of the Council. I presume that the Council discretion in terms of assessment incase it contradicts assessments by the PSC or other mission schools. Is there an opportunity to create a collaborative effort in case one is accepted by other parties but not another. Private schools and mission schools have their own assessments.

MR SPEAKER: I call on the honorable Chairperson.

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Teachers Bill 2015 – consideration in detail

Tofa LENATAI VICTOR FAAFOI TAMAPUA: Thank you for the question. Mr Speaker the aspects in which the Member asks have all been included in the awareness program conducted by the Ministry and the Attorney General Office for all schools which include private and mission schools. The institutions mentioned have all agreed on the provisions in the Bill. The assessment carried out by the Council is for approving registered teachers and those applying for licenses. That is the only duty of the Council. The matter regarding employment is not a matter that concerns the Council. Thank you.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker it is happening at the moment. Teachers that have not completed their qualifications are being employed by mission schools and some schools in the rural areas. It is my concern that it may cause conflict in the future if the Council and these institutions are not able to work together. If the Council does not approve the license or teacher registration of a teacher and the teacher is within their right to teach at a private school or mission school should they be accepted?

MR SPEAKER: The concern of the Member is noted. Let us have faith in the Ministry. I believe the foundation of the Council in the Bill has also been understood. It is clear the Council has policies and restrictions and there is also the discretion of the Hon Minister and Ministry to carry out concerns as raised by the Member.

Clause 29 Approved.

CLAUSE 30: Meetings, Secretary and declaration of interest.

Approved.

CLAUSE 31: Registrar.

Approved.

CLAUSE 32: Appeals.

Approved.

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Teachers Bill 2015 – consideration in detail

CLAUSE 33: Professional Misconduct.

Approved.

CLAUSE 34: Making complaints.

Approved.

CLAUSE 35: Assessment of complaints.

Approved.

CLAUSE 36: Referral to other agencies.

Approved.

CLAUSE 37: Investigations and referral to tribunal.

Approved.

CLAUSE 38: Establishment.

Approved.

CLAUSE 39: Powers.

Approved.

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Teachers Bill 2015 – consideration in detail

CLAUSE 40: Procedures.

Approved.

CLAUSE 41: Penalties.

Approved.

CLAUSE 42: Appeals to the Supreme Court.

Approved.

CLAUSE 43: Offences.

Approved.

CLAUSE 44: Evidentiary certificates.

Approved.

CLAUSE 45: Exemption from personal liability.

Approved.

CLAUSE 46: Regulations.

Approved.

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Teachers Bill 2015 – consideration in detail

CLAUSE 47: Education Act 2009 amended.

Approved.

CLAUSE 48: Transition and saving.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Teachers Bill 2015.

Approved.

The Teachers Bill 2015 progressed along with Amendments.

MR SPEAKER: I believe we have come to the time of our usual recess and I believe it is time for a break. We shall resume our orders after our recess.

Proceedings of the Legislative Assembly were set aside for its usual recess at 10.44am and resumed at 11.22am.

MR SPEAKER: I declare the Proceedings of the Legislative Assembly resumed. I trust the Members have gained rejuvenation from the refreshments provided. Praise and thanks be unto God for what we have received and especially for the food the Parliament has received.

We took our morning recess when we were still on the orders of the day in considering of the Bills.

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the report of the Select Committee on the Bill before Consideration of the Bill.

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

17 NOVEMBER 2015

DISTRICT COURT BILL 2015

– consideration in detail

Tofa TUISA TASI PATEA (Chairperson of the Justice, Police & Prisons and Land & Titles Committee): I greet the Speaker of the House and the distinguished Members of the House. I trust we have all been fully rejuvenated with the refreshments provided.

Mr Speaker I move a motion, *That the Legislative Assembly approve the Committee Report to allow for the progress of the District Court Bill 2015 with amendments.*

Seconded by the Member for Aiga i le Tai, Member for Palauli, Member for Falelatai and Samatau, Member for Gagaifomauga No.2, and one of the Members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua, Member for Gagaifomauga No.1, and Member for Alataua West.

Motion approved.

MR SPEAKER: I declare the Legislative Assembly has now approved the Report of the Justice, Police & Prisons and Land & Titles Committee on the District Court Bill 2015.

The Legislative Assembly will now proceed to consideration in detail of the District Court Bill 2015.

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

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act binds the Government.

Approved.

CLAUSE 4: District Courts continue.

Approved.

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**District Court Bill 2015
– consideration in detail**

CLAUSE 5: Places for sittings of the Court.

Approved.

CLAUSE 6: Appointment and qualifications of Judges.

MR SPEAKER: There is a Committee Amendment on Clause 6 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker, I move to Amend clause 6(3) as follows:

“AMENDMENT:

Clause 6(3)

To omit sub-clause (3) and substitute thereby the new sub-clause (3) to read:

“(3) A person is not eligible to be appointed as a Judge unless the person has been admitted and practiced as a barrister in Samoa or in an approved country for a period of, or for periods amounting in the aggregate to, not less than 8 years.”

Amendment Approved.

Clause 6 Approved as Amended.

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

MR SPEAKER: I call on the Member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker on clause 6 (3) I wish to ask the honorable Chairperson with regards to the approved country mentioned. There is no definition behind this.

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District Court Bill 2015 – consideration in detail

It is stated here in the English copy that a Judge is appointed from an approved country and yet in the Samoan copy there is a period of time. Perhaps the Chairperson can elaborate more on this and give an example of the approved country aforementioned. Thank you.

MR SPEAKER: I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: This part of the Bill refers to those who are eligible to work as barristers here in Samoa they must have worked for a specific number of years. As you may be aware, many of our lawyers are from New Zealand and Australia.

CLAUSE 7: Senior District Court Judge.

Approved.

CLAUSE 8: Appointment of Faamasino Fesoasoani.

Approved.

CLAUSE 9: Salaries and entitlements.

Approved.

CLAUSE 10: Tenure and removal from office.

MR SPEAKER: There is a Committee Amendment on clause 10 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Committee.

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District Court Bill 2015 – consideration in detail

Tofa TUISA TASI PATEA: Mr Speaker I move to Amend clause 10(2) as follows:

“AMENDMENT:

Clause 10(2)

To omit sub-clause (2) and substitute thereby the new sub-clause to read:

“(2) A district court Judge or Faamasino Fesoasoani hold office until he or she reaches the age of 68 years unless extended by the Head of State, acting on the advice of the Judicial Service Commission.”

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

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I wish to ask why the age limit has been dropped down to 68 since it was evident in the legislation that 70 was the age of retirement. However the loophole also in this provision is that opportunity is thus granted to a person of 68 to request for additional years. It generally means that there is no age limit since the person is 68 he or she can continuously request for more years to serve. I suppose it tends to extend the lives of some people with such a post that is sustained through long years of service and experience in reference to decision making. I assumed that 70 was the appropriate age seeing as many of the Parliamentarians are well over 70 and are physically and mentally fit. Why is the age 68 and where did this number 68 come from? And besides is 70 not the appropriate age for a person to retire. We can also witness the Judges overseas despite being old, they are walking around with canes but their judgment is still valuable. Thank you.

MR SPEAKER: Thank you, Member for Aana Alofi No.3, is there something you wished to share?

Afioga TOELESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker, thank you for the opportunity. I wish to query the differences of District Judges and Faamasino Fesoasoani in Clause 10.

MR SPEAKER: I call on the honorable Chairperson.

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District Court Bill 2015 – consideration in detail

Tofa TUISA TASI PATEA: I will first address the question of the Member that asked first. The age 68 as mentioned has been changed from 70 that was previously provided in the Bill. The Committee together with the Attorney General Office and those included in the Bill discussed and concluded that it is because the age limit for the High Court is 68. It is also provided in the Constitution that 68 is the age limit. It is an appropriate age to ensure equality of Judges in the District Court.

Susuga Hon TUILAEPFA FATIALOFA AUJELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, the last Amendment in 2005 that I recall for the Constitution was when the retirement age was 62 and it was why it was amended to 68. It was amended to 68 because doctors claimed that the age of 69 to 70 is when Judges became mentally incapable.

Tofa LEALAILPULF RIMONI AIAFI: Well Mr Speaker, if it is applied to Judges then it should also be applied to the Parliament.

MR SPEAKER: Well maybe when you come to your 68th year you will understand.

Amendment Approved.

Clause 10 Approved as Amended.

CLAUSE 11: Other statutory offices held by Judges.

Approved.

CLAUSE 12: Acting Judges and Assessors.

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

I call on the honorable Chairperson.

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District Court Bill 2015 – consideration in detail

Tofa TUISA TASI PATEA: Mr Speaker, I move to Amend clause 12(4) as follows:

“AMENDMENT:

Clause 12(4)

To omit the words 70 years and substitute the words 68 years thus (4) reads:

(4) No qualified person is precluded from appointment as a Judge under this section by reason only of the fact that he or she has attained the age of 68 years.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: I grant opportunity to the Member.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker what I am trying to emphasize is for the Bill to be consistent. The Board of Directors age limit is 70 but what I am trying to understand is why the Committee insists on the number 68. Has the Committee carried out investigative research in regards to the age of 68 as I believe that it is discrimination. The profession of being a Judge entails mental and physical strength.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker the motion has already been approved. I recommend that we move on.

Tofa LEALAILEPULE RIMONI AIAFI: Let us continue, thank you.

Amendment Approved.

Clause 12 Approved as Amended.

CLAUSE 13: Oath of Office.

Approved.

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CLAUSE 14: The Registrar and Assistant Registrars.

Approved.

CLAUSE 15: Duties in relation to court records.

Approved.

CLAUSE 16: Appointment of bailiffs.

Approved.

CLAUSE 17: Powers and duties of bailiffs.

Approved.

CLAUSE 18: Duties of all court officers.

Approved.

CLAUSE 19: Civil jurisdiction limits.

Approved.

CLAUSE 20: Abandonment of part of claim to give Court jurisdiction.

Approved.

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CLAUSE 21: Agreement of the parties for an action to proceed.

Approved.

CLAUSE 22: Division of cause of action not allowed.

Approved.

CLAUSE 23: Ancillary civil jurisdiction.

Approved.

CLAUSE 24: Jurisdiction in actions relating to land.

Approved.

CLAUSE 25: Jurisdiction to divide chattels.

Approved.

CLAUSE 26: Equity jurisdiction.

Approved.

CLAUSE 27: Administration in simple form.

Approved.

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CLAUSE 28: Exercise of civil jurisdiction under other laws.

Approved.

CLAUSE 29: Summary relief in civil matters.

Approved.

CLAUSE 30: Criminal jurisdiction of Judges and Assessors.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker...

MR SPEAKER: What Clause?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: It is Clause 30.

MR SPEAKER: We will proceed to the Amendment before opportunity is granted to the Member. There is a Committee Amendment on Clause 30 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker, I move to Amend clause 30(2) as follows:

“AMENDMENT:

Clause 30(2)

To omit the figure “1977” and substitute thereby the figure “2014” thus reads:

(2) A Judge has jurisdiction to hear and determine any proceedings commenced under the Customs Act 2014.”

MR SPEAKER: I grant the opportunity to the Honourable Member for Faleata East.

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Tofa AVEAU TUALA LEPALE NIKO PALAMO: Thank you Mr Speaker for the opportunity. I wish to understand honorable Chairperson on Clause 30 sub-clause (3)(b) that states that the Faamasino Fesoasoani can only carry out a sentence of stolen property not exceeding the sum of \$500. I ask because I wish to know the reason why sentence can only be limited to \$500.00 and whether there is an international law that provides for only \$500.00. Furthermore, Mr Speaker in (a) the Faamasino Fesoasoani is able to sentence an offence of 5 penalty units or \$5,000.00. Therefore I ask what the reason is for this, thank you.

MR SPEAKER: I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: The five penalty units in (a) is the sum of \$100 per penalty unit which means five penalty units equals \$500.00. It is clear in the Bill that the Faamasino Fesoasoani only has jurisdiction within the sum of \$2,000.00. The old Bill used to provide for \$1,000.00 to \$2,000.00 on civil claims or 12 months prison as provided in the Bill. Thank you.

Amendment Approved.

Clause 30 Approved as Amended.

CLAUSE 31: Transfer of civil proceedings when limit is exceeded.

Approved.

CLAUSE 32: Transfer of proceedings by Fa'amasino Fesoasoani.

Approved.

CLAUSE 33: Transfer of proceedings where there is a counterclaim.

Approved.

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CLAUSE 34: Transfer of proceedings from Supreme Court to District Court.

Approved.

CLAUSE 35: Costs in transferred cases.

Approved.

CLAUSE 36: Capacity of parties to sue and be sued in the District Court.

Approved.

CLAUSE 37: Persons jointly liable.

Approved.

CLAUSE 38: Proceedings against absent defendant.

Approved.

CLAUSE 39: Right of appearance.

Approved.

CLAUSE 40: Compelling witnesses.

Approved.

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CLAUSE 41: Witness expenses.

Approved.

CLAUSE 42: Evidence by affidavit or affirmation.

Approved.

CLAUSE 43: Evidence of witness out of Court.

Approved.

CLAUSE 44: Other matters of civil procedure.

Approved.

CLAUSE 45: Effect of judgments and orders.

Approved.

CLAUSE 46: Enforcement of judgments.

MR SPEAKER: There is a Committee Amendment on clause 46 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move to Amend clause 46 as follows:

“AMENDMENT:

Clause 46(1)(a)

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To omit the expression “warrant of distress” and substitute the expression “writ of sale” thereby (a) reads:

- (a) Execution against the goods and chattels of the judgment debtor under a writ of sale.

Clause 46(3)

To omit the word “warrant” and substitute the word “writ” thus (3) reads:

- (3) A judgment or order for the recovery of land may be enforced under a writ for the recovery of the land.

Clause 46(9)(a) &(d)

To omit the expression “warrant of distress” and substitute “writ of sale” thus (a) & (d) read:

- (a) Any procedure, process or requirement related to a writ of sale;
- (d) penalty for any unlawful inference or dealing with goods seized under a writ of sale;

Clause 46(k) & (l)

To omit the word “warrant” and substitute the word “writ” thus (k) & (l) read:

- (k) issues relevant to irregularities in the execution of writs for the recovery of land and liability arising from any illegal use of such a writ.
- (l) any procedure, process or requirement related to the recovery of chattels, and the right to take further proceedings if chattels are not recovered under a writ;

Clause 46(9)(m)

To add at the end of paragraph (m) the expression “whether or not judgment or orders has been made” thereby (m) reads:

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(m) dealing with absconding defendants whether or not judgment or order has been made; or”

Amendment Approved.

Clause 46 Approved as Amended.

CLAUSE 47: Time limit for enforcement of judgments.

Approved.

CLAUSE 48: Enforcement of order for payment by installments.

Approved.

CLAUSE 49: Proceedings on cross-judgments.

Approved.

CLAUSE 50: Power to stay proceedings for enforcement.

Approved.

CLAUSE 51: Right to appeal.

Approved.

CLAUSE 52: Notice of appeal.

Approved.

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CLAUSE 53: Time for appeal.

Approved.

CLAUSE 54: Security for appeals.

Approved.

CLAUSE 55: Cross-appeals.

Approved.

CLAUSE 56: Procedure where appeal not prosecuted.

Approved.

CLAUSE 57: Procedure where appeal not prosecuted.

Approved.

CLAUSE 58: Further powers of Supreme Court on hearing of appeal.

Approved.

CLAUSE 59: Court appealed from to be advised of determination.

Approved.

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CLAUSE 60: Stay of proceedings on appeal.

Approved.

CLAUSE 61: Trials by Judges or Assessors.

Approved.

CLAUSE 62: Assessors may sit with a Judge.

Approved.

CLAUSE 63: Judge and Assessors to take notes.

Approved.

CLAUSE 64: No action lies unless act is in excess of or without jurisdiction.

Approved.

CLAUSE 65: Indemnity to Judges and Fa'amasino Fesoasoani.

Approved.

CLAUSE 66: Proceedings not to be questioned for want of form.

Approved.

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CLAUSE 67: Resisting or obstructing a court officer.

Approved.

CLAUSE 68: Misconduct of officers.

Approved.

CLAUSE 69: Officers of Court not to act as solicitors.

Approved.

CLAUSE 70: Neglect by bailiffs.

Approved.

CLAUSE 71: Irregularity in executing warrants.

MR SPEAKER: There is a Committee Amendment on Clause 71 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker I move to Amend Clause 71 as follows:

“AMENDMENT:

Clause 71

To insert the words “or writ” after the word “warrant” thus Clause 71 reads:

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71. Irregularity in executing warrants or writs – (1) No officer of the Court in executing any warrant or writ, and no person at whose instance any such warrant or writ is executed, is to be regarded a trespasser by reason of any irregularity or informality in relation to either of the following:

- (a) Any proceeding on the validity of which the warrant or writ depends; or
- (b) The form of the warrant or writ or in the mode of executing it.

Amendment Approved.

Clause 71 Approved as Amended.

CLAUSE 72: Actions against bailiffs acting under warrants.

MR SPEAKER: There is a Committee Amendment on Clause 72 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker I move to Amend Clause 72 as follows:

“AMENDMENT:

To insert the words “or writ” after the word “warrant” thus Clause 72 reads:

72. Actions against bailiffs acting under warrants or writs

(1) No action shall be commenced against a bailiff for anything done pursuant to a warrant or writ issued under this Act, unless any or both of the following apply:

- (a) A written demand for inspection of the warrant of writ and for a copy of it, signed by the person making the demand, is made or left at the office of the court by the party intending to bring the action, or his or her solicitor agent;

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(b) The bailiff refuses or neglected to comply with the demand within six (6) days after it is made.

(2) If any action is commenced against a bailiff in a case where such a demand has been made and not complied with, judgment must be given for the bailiff if the warrant or writ is produced or proved at the trial, despite any defect of jurisdiction or other irregularity in the warrant.

(3) Despite subsection (2), the officer who issued the warrant or writ may be joined as a defendant in the action, and if the officer is so joined and judgment is given against him or her, the costs to be recovered by the plaintiff must include such costs as the plaintiff is liable to pay the bailiff.”

Amendment Approved.

Clause 72 Approved as Amended.

CLAUSE 73: Production of warrant sufficient proof of Court’s authority.

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

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker I move to Amend Clause 73 as follows:

“AMENDMENT:

Clause 73

To insert the words “or writ” after the word “warrant” thus Clause 73 reads:

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73. Production of warrant or writ sufficient proof of Court's authority – In any action commenced against a person for anything done under this Act, the production of the warrant or writ of the Court is sufficient proof of the authority of the Court up to the time of the issue of the warrant or writ.”

Amendment Approved.

Clause 73 Approved as Amended.

CLAUSE 74: Place of sittings.

Approved.

CLAUSE 75: Times of sittings.

Approved.

CLAUSE 76: Adjourned sittings.

Approved.

CLAUSE 77: Payment and recovery of fees in civil proceedings.

Approved.

CLAUSE 78: Fees to be paid to Public Account.

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

I call on the honorable Chairperson.

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Tofa TUISA TASI PATEA: Mr Speaker I move to Amend Clause 78 as follows:

“AMENDMENT:

Clause 78(2)

To insert the words “or writ” after the word “warrant” thus Clause (2) reads:

(2) In any action commenced against a person for anything done under this Act, the production of the warrant or writ of the Court is sufficient proof of the authority of the Court up to the time of the issue of the warrant or writ.”

Amendment Approved.

Clause 78 Approved as Amended.

CLAUSE 79: Payment and recovery of fees in criminal proceedings.

Approved.

CLAUSE 80: Money to be payable in first instance to Registrar.

Approved.

CLAUSE 81: Summonses and other documents to be under Seal.

Approved.

CLAUSE 82: Proof of service of documents.

Approved.

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CLAUSE 83: Language of court documents.

Approved.

CLAUSE 84: Actions on lost instruments.

Approved.

CLAUSE 85: No privilege to barristers or solicitors.

Approved.

CLAUSE 86: Police officers must assist Court.

Approved.

CLAUSE 87: District Court Rules.

Approved.

CLAUSE 88: Regulations.

Approved.

CLAUSE 89: Transitional and savings provisions.

Approved.

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CLAUSE 90: Application of this Act in relation to other laws.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: District Court Bill 2015.

Approved.

The District Court Bill 2015 progressed along with Amendments.

**CRIMINAL PROCEDURE BILL 2015
- consideration in detail**

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the report of the Select Committee on the Bill before Consideration of the Bill.

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

Tofa TUISA TASI PATEA: Mr Speaker I move a motion, *That this Legislative Assembly approve the Committee Report to allow for the progress of the Criminal Procedure Bill 2015 with amendments.*

Seconded by the Member for Palauli, one of the Members for Vaisigano West, Tofa Lenatai Victor Faafoi Tamapua, Member for Falelatai and Samatau, and the Member for Gagaifomauga No.2.

Motion approved.

MR SPEAKER: I declare the Legislative Assembly has approved the Justice, Police & Prisons and Land & Titles Committee Report on the Criminal Procedure Bill 2015.

The Legislative Assembly will now proceed to Consideration in Detail of the Criminal Procedure Bill 2015.

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Pursuant to Standing Order 102, Consideration in Detail of the Bill commences on Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Application.

Approved.

CLAUSE 4: Criminal jurisdiction of Supreme Court.

Approved.

CLAUSE 5: Power to Transfer proceedings.

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

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker I move to Amend clause 5 as follows:

“AMENDMENT:

(i) Clause 5(2)

To omit the expression “five (5) years” and substitute thereby the expression “seven(7) years” thus (2) reads:

(2) If the defendant is convicted of the offence or offences on any proceedings transferred under this section, the trial Judge, as an exception to subsection (1)(b), may sentence the defendant to

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imprisonment for more than two (2) years but defendant may not be sentenced to more than seven (7) years imprisonment.

i) Clause 5

To insert new Clause 5A to read:

5A. Power to transfer proceedings to District Court for rehabilitative programme – (1) As an exception to section 4, a Judge of the Supreme Court having heard the prosecutor and the defendant may direct that the sentencing or other disposition that would otherwise be conducted in the Supreme Court be transferred to the District Court if:

- (a) The Defendant-**
 - (i) has entered a plea of guilty; and**
 - (ii) is likely to be suitable for a rehabilitative programme in the District Court; and**
- (b) the Judge of the Supreme Court is satisfied that, despite the maximum penalty for the offense, the sentence that would be imposed, taking into account credit for the satisfactory completion of the rehabilitative programme, would be a community-based sentence.**

2. If the defendant:

- (a) Successfully completes the rehabilitative programme, the District Court Judge may sentence the defendant pursuant to its sentencing power; or**
- (b) Fails to complete the rehabilitative programme, the District Court Judge must transfer the matter back to the Supreme Court for sentencing.**

3. The Chief Justice may issue Directives to provide for criteria and procedures for rehabilitative programme.

4. In this section, “rehabilitative programme” means the judicially monitored rehabilitative programme undertaken by the District Court for a defendant pursuant to this section.”

Amendment Approved.

Clause 5 Approved as Amended.

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CLAUSE 6: Trial with or without assessors.

Approved.

CLAUSE 7: Trial without assessors for complex fraud.

Approved.

CLAUSE 8: Transfer from District Courts.

Approved.

CLAUSE 9: Trial to be heard in District Courts.

Approved.

CLAUSE 10: Criminal jurisdiction of Fa'amasino Fesoasoani.

Approved.

CLAUSE 11: Criminal jurisdiction of Youth Court.

Approved.

CLAUSE 12: Youth Court may transfer proceedings.

MR SPEAKER: There is a Committee Amendment on Clause 12 as printed in the Supplementary Order Paper.
I call on the honorable Chairperson.

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Tofa TUISA TASI PATEA: Mr Speaker I move to Amend clause 12 as follows:

“AMENDMENT:

i) Clause 12(1)(a)

To omit the expression “five(5) years” and substitute the expression “seven (7) years” thus (a) reads:

(a) The Supreme Court if the offence charged is punishable by imprisonment of more than seven (7) years; or”

Amendment Approved.

Clause 12 Approved as Amended.

CLAUSE 13: Proceeding to commence by laying information.

Approved.

CLAUSE 14: Person arrested without warrant.

Approved.

CLAUSE 15: Issue of summons.

Approved.

CLAUSE 16: Time and place for laying information.

Approved.

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CLAUSE 17: Criminal proceedings in Supreme Court.

Approved.

CLAUSE 18: Form and content of information.

Approved.

CLAUSE 19: Charging document.

Approved.

CLAUSE 20: Information to charge one offence only.

Approved.

CLAUSE 21: Two or more information be heard together.

Approved.

CLAUSE 22: Charge may be representative.

Approved.

CLAUSE 23: Two or more defendants may be tried together.

Approved.

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CLAUSE 24: Information may be laid by any person.

Approved.

CLAUSE 25: Application for further particulars.

Approved.

CLAUSE 26: Information may be laid by any person.

Approved.

CLAUSE 27: Proceedings on information requiring consent.

Approved.

CLAUSE 28: Information not to be held invalid for want of form.

Approved.

CLAUSE 29: Arrest without warrant.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: What Clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 29 – regarding the provision that states any persons may arrest an escaped convict so long as that escapee is serving a sentence of three years or more. Therefore, my question is how are the public supposed to know whether this escaped convict is serving a time of three years or more? Does it mean that the public will have to ask the escaped convict whether he or she is in for three years or more?

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And what would happen if the escapee says they are only serving a time less than three years? It was common practice before to allow the public to restrain persons that are known to be escaped convicts currently serving time.

At the moment the Bill provides that we ensure the escapee is serving years of three or more. Chairperson can you explain further this matter.

MR SPEAKER: I believe this is where discretion applies. I call on the honorable Chairperson to stand.

Tofa TUISA TASI PATEA: Thank you. Yes I believe that is the case as the public are aware of the prisoners serving three years or more. I always hear that it is common sense to know these things. The most important thing is the safety of the public and knowledge that the Bill does not provide for serious injuries, but ensuring safety. However I believe that the Member is aware as the Member is familiar with the provisions of the Bill. Thank you.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, serving time and being charged are two different things. If a person has many charges but does not serve time then that person is free. However what I am referring to is the case where I see people on the streets fighting and that is where we have authority to put a stop to it. I have been involved in trying to solve many disputes but the point is that I might be reprimanded for stepping in. The police will say that I have crossed the line because this prisoner is only serving two years or less. The Bill should instead not define a limited time for offering assistance to the police. It is my belief that that is the best course of action.

Thank you.

MR SPEAKER: Just to add on to the topic. I believe common sense applies heavily here. Perhaps considering the prisoner is peacefully going about business. Instead action should be taken upon a prisoner who has been searched for over a year or has escaped or is currently breaking the Law.

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

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 29 (2) Mr Speaker I would like to query on the meaning of the private person? And whether it applies to any civilian or a skilled person to carry out the work?

MR SPEAKER: I call on the Chairperson.

Tofa TUISA TASI PATEA: Can the Member repeat the question please.

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Tofa AVEAU TUALA LEPALE NIKO PALAMO: Regarding sub clause (2) the English translation states – a private person, but in Samoan it states any private persons and there is no definition on it. What exactly is the kind of person that this section refers to in the Bill?

Tofa TUISA TASI PATEA: Private person refers to all civilians, meaning not policemen. If you are traveling on the road and you see a commotion on the road, your duty is to help in keeping the peace. No police will fault you for that and they will be grateful for your help. In regards to the concern over the three years, I firmly believe that once you bring forth the prisoner to the police, they will surely say that it is more than three years. I acknowledge the assistance in our work as it is an all hands in commitment. It is our duty to ensure the peace when it is being disturbed. Thank you.

Clause 29 approved.

CLAUSE 30: Power to enter premises without warrant to arrest offender or prevent offence.

Approved.

CLAUSE 31: Issue and withdrawal of warrant to arrest defendant.

Approved.

CLAUSE 32: Duty of persons arresting.

Approved.

CLAUSE 33: Search and seize warrants.

Approved.

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CLAUSE 34: Warrant for forensic samples.

Approved.

CLAUSE 35: Disposal of things seized.

Approved.

CLAUSE 36: Protection from responsibility.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, I wish to comment on Clause 36 please. I believe this is exactly what I raised before in relation to the private person in this section that provides for non police persons to arrest a criminal without warrant. In 36(3) it states that subsection (1) applies to the use by the person of any force as may be necessary to overcome any force used in resisting arrest, search or execution, unless the arrest, search or execution could have been made by reasonable means in a less violent manner. However in sub clause (4) it provides that Except for a constable or person called upon by a constable to assist the constable, this section does not apply if the force used is intended or likely to cause death or grievous bodily harm. Therefore my question is whether the power granted to non police officers is too great in the means of arresting a criminal. It states that any force can be used which means rocks or wood in order to capture the criminal. All this can be done and granted freely to civilians and without a warrant.

MR SPEAKER: I have noted the concern of the Member. I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Perhaps if the Member refers to the English translation you will find that it is indeed more comprehensible - "Unless the arrest, search or execution could have been made by reasonable means in a less violent matter." I believe here is also where we rely on the discretion of the person in their assistance offered to the police.

Thank you.

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Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, in reference to the sub-clause voiced by the Chairperson, it 'applies to the use by the person of any force as maybe necessary to overcome any force use.' It states here as voiced that the protection of such persons is granted.

Thank you.

MR SPEAKER: Well, I believe it is not a matter in which calls for a heated debate because the Bill is clearly stated. The important thing is for the Bill to be executed and for the safety of the person that is defending the peace. However the Bill provides that that defender of peace does not inflict serious harm and does not break the law.

I call on the Member of the Committee.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Mr Speaker, I am a Member of the Committee and I believe my contribution in this matter is important. Therefore if Members of the House observe that the Committee has no amendments on the Bill then that means then it is still the old Bill. The Bill is still the very same except for the a few changes the Committee amended thus making this new Bill. With respect.

MR SPEAKER: Thank you, well I believe that clears it up. The Bill is still intact in providing and ensuring safety for the public.

Clause 36 Approved.

CLAUSE 37: Issue of Summons.

Approved.

CLAUSE 38: Service of document on defendant.

Approved.

CLAUSE 39: Service in particular cases.

Approved.

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CLAUSE 40: Language of documents.

Approved.

CLAUSE 41: Who may serve documents.

Approved.

CLAUSE 42: Proof of service.

Approved.

CLAUSE 43: Evidence of person intending to leave Samoa.

Approved.

CLAUSE 44: Evidence of person dangerously ill.

Approved.

CLAUSE 45: Taking evidence of witness out of court.

Approved.

CLAUSE 46: Prosecutors duty to disclose statements.

Approved.

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CLAUSE 47: Adjourning trial for witnesses.

Approved.

CLAUSE 48: Prosecutor may decline to disclose information.

Approved.

CLAUSE 49: Court to determine disclosure issues.

Approved.

CLAUSE 50: Notice of alibi.

Approved.

CLAUSE 51: Notice of expert evidence.

Approved.

CLAUSE 52: Place of trial.

Approved.

CLAUSE 53: Transfer of trials between District Courts and Supreme Court.

Approved.

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CLAUSE 54: Withdrawal of information with leave.

Approved.

CLAUSE 55: Amendment of charges.

Approved.

CLAUSE 56: Court may prohibit publication.

Approved.

CLAUSE 57: Offence for contravening exclusion order.

Approved.

CLAUSE 58: Who may conduct proceedings.

Approved.

CLAUSE 59: Conduct of proceedings in Supreme Court.

Approved.

CLAUSE 60: Presence and custody of defendant during trial.

Approved.

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CLAUSE 61: Powers of Court if defendant does not appear.

Approved.

CLAUSE 62: Powers of Court if prosecutor does not appear.

Approved.

CLAUSE 63: Powers of Court when neither party appears.

Approved.

CLAUSE 64: Dismissal of information not a bar.

Approved.

CLAUSE 65: Plea of guilty by notice to Registrar.

Approved.

CLAUSE 66: Plea on being charged.

Approved.

CLAUSE 67: Plea on behalf of corporation.

Approved.

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CLAUSE 68: Special pleas.

Approved.

CLAUSE 69: Evidence of former trial.

Approved.

CLAUSE 70: Pleas of previous acquittal and conviction.

Approved.

CLAUSE 71: Second accusation.

Approved.

CLAUSE 72: Application to vacate guilty plea.

Approved.

CLAUSE 73: Interpretation.

Approved.

CLAUSE 74: When finding of unfitness to stand trial may be made.

Approved.

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CLAUSE 75: Postponement of hearing, etc.

Approved.

CLAUSE 76: Determining whether defendant is fit to stand trial.

Approved.

CLAUSE 77: Appeal to the Supreme Court.

Approved.

CLAUSE 78: Detention of defendants found unfit to plead etc.

Approved.

CLAUSE 79: Finding of insanity.

Approved.

CLAUSE 80: Appeal against acquittal on account of insanity.

Approved.

CLAUSE 81: Summons for attendance of witnesses.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 82: Warrant to arrest witness.

Approved.

CLAUSE 83: Penalty for failing to comply with witness summons.

Approved.

CLAUSE 84: Witness refusing to give evidence may be imprisoned.

Approved.

CLAUSE 85: Witnesses may be excluded.

Approved.

CLAUSE 86: Admissions.

Approved.

CLAUSE 87: Evidence.

Approved.

CLAUSE 88: Unrepresented defendant.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 89: Evidence on oath or affirmation.

Approved.

CLAUSE 90: Attempt proved when crime is charged.

Approved.

CLAUSE 91: Crime proved when attempt is charged.

Approved.

CLAUSE 92: Part of charge proved.

Approved.

CLAUSE 93: Variance and amendment.

Approved.

CLAUSE 94: Power to adjourn hearing.

Approved.

CLAUSE 95: Powers on adjournment.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 96: Power to adjourn for inquiries after conviction.

Approved.

CLAUSE 97: Removal of trial on question of law.

Approved.

CLAUSE 98: Rules as to granting bail.

Approved.

CLAUSE 99: Factors relevant to decision as to bail.

Approved.

CLAUSE 100: Restriction on release on bail.

Approved.

CLAUSE 101: Restriction on bail where certain previous convictions.

Approved.

CLAUSE 102: Bail allowable for narcotic offending only by order.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 103: Bail pending sentence.

Approved.

CLAUSE 104: Defendant may seek bail.

Approved.

CLAUSE 105: Evidence in bail hearing.

Approved.

CLAUSE 106: Conditions of bail.

Approved.

CLAUSE 107: Calling up of bail-bond, guarantee or surety.

Approved.

CLAUSE 108: Warrant for detention.

Approved.

CLAUSE 109: Release of defendant granted bail.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 110: Warrant of deliverance.

Approved.

CLAUSE 111: Variation of conditions of bail.

MR SPEAKER: There is a Committee Amendment on Clause 111 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker, I move to Amend clause 111(2)(b)(ii) as follows:

“AMENDMENT:

To omit the expression “five (5) years” and substitute the expression “seven (7) thus (ii) reads:

(ii) is punishable by a term of imprisonment of not more than seven (7) years.

Amendment Approved.

Clause 111 Approved as Amended.

CLAUSE 112: Defendant on bail may be arrested without warrant in certain circumstances.

Approved.

CLAUSE 113: Warrant to arrest defendant absconding or breaching bail condition or who fails to answer bail.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 114: Failure to answer bail.

MR SPEAKER: What Clause Member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: It is all the clauses but I will just comment on Clause 114. Mr Speaker, as one of the Members of the Committee mentioned, this is the old Bill. However it is being observed that many of the people have left Samoa. How does this happen and what has the Chairperson and Committee reviewed in order to minimize this problem. Thank you.

MR SPEAKER: Well done. Mr Chairperson.

Tofa TUISA TASI PATEA: Well, thank you for the question. The question is very important as I believe the Ministry has Regulations on such matters. Nevertheless there are no perfect systems as there are loopholes in the system at times. The Ministry is working towards improving the Regulations so that this does not occur as raised by the Member.

Clause 114 Approved.

CLAUSE 115: Bail pending appeal.

Approved.

CLAUSE 116: Appeals from decision of District Courts relating to bail.

Approved.

CLAUSE 117: Execution of Supreme Court bail decisions.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 118: Hearing and granting of bail to appellant and custody pending appeal.

Approved.

CLAUSE 119: Warrant to arrest appellant who has absconded or is about to abscond while on bail.

Approved.

CLAUSE 120: Surrender of appellant released on bail and discharge of surety.

Approved.

CLAUSE 121: Appeal from decision of Judge relating to bail.

Approved.

CLAUSE 122: Procedural provisions relating to appeal on question of bail.

Approved.

CLAUSE 123: Decision of Court of Appeal.

Approved.

CLAUSE 124: Independence of prosecutor.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 125: Defendant's notice to be tried with Judge alone.

Approved.

CLAUSE 126: Prosecution's application for trial by Judge alone.

Approved.

CLAUSE 127: Qualifications.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, on Clause 127 in regards to the qualifications of Assessors. I had thought that there would be a certified requirement for the Assessors or some sort of minimum qualification. It is important because the only requirement is that the Assessor be 25 to 68 years and to hold a clean record. Perhaps there could be a minimum qualification to ensure understanding of the legislation and to assist in...

MR SPEAKER: The concern is noted. I grant the opportunity to the Chairperson.

Tofa TUISA TASI PATEA: Thank you for the question. The matter has been discussed by the Ministry and the CEO. At the moment the Ministry is discussing strategies towards improving the service within the Ministry of Justice.

Clause 127 Approved.

CLAUSE 128: Term.

Approved.

CLAUSE 129: List of Assessors.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 130: Choice and summoning of assessors.

Approved.

CLAUSE 131: Failure of assessor to attend trial.

Approved.

CLAUSE 132: Registrar to notify prosecution and defence.

Approved.

CLAUSE 133: Challenge to assessor.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: What Clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 133. Thank you. Now I understand why there are no qualification requirements for the Assessors because it is quite difficult if it is the common people, right? Well, the flaw that is being noticed in not only the Judges but also the Assessors is nepotism. We Samoans are all family. However it must be dealt with in honesty and integrity in fulfilling their oath. Furthermore, with the way things are done now we might as well bring Judges and Assessors from China to conduct our hearings.

With respect.

MR SPEAKER: Well, I believe you are aware of the very same concept in which I was concerned about in this morning; conflict of interest. However, you have voiced that that should not be the case seeing as we are all a family. Thank you Tofa Lealailepule, you have earned points today.

Clause 133 Approved.

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Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 134: Oath or affirmation.

Approved.

CLAUSE 135: Discharge of assessor.

Approved.

CLAUSE 136: Concurrence of assessors.

Approved.

CLAUSE 137: Assessors to be kept together.

Approved.

CLAUSE 138: Reserving question of law before determination of information.

Approved.

CLAUSE 139: Appeal if District Court Judge refuses to reserve question.

Approved.

CLAUSE 140: Appeal on question of law only by way of case stated.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 141: District Court Judge may refuse a case if appeal frivolous.

Approved.

CLAUSE 142: Certifying that a case stated has not been prosecuted.

Approved.

CLAUSE 143: Case may be sent back for amendment.

Approved.

CLAUSE 144: Supreme Court to determine the questions on case stated.

Approved.

CLAUSE 145: Defendant appealing by way of case stated may not appeal otherwise.

Approved.

CLAUSE 146: Defendant's general right of appeal to Supreme Court.

Approved.

CLAUSE 147: Right of Attorney-General to appeal to Supreme Court.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 148: Notice of appeal.

Approved.

CLAUSE 149: Transmission of documents to Supreme Court.

Approved.

CLAUSE 150: Copies of documents to be supplied to the appellant on request.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker.

MR SPEAKER: What clause does the Member wish to speak on?

Tofa LEALAILEPULE RIMONI AIAFI: It is Clause 147 please.

MR SPEAKER: I grant opportunity to the Member.

Tofa LEALAILEPULE RIMONI AIAFI: On the newly established division of Public Prosecution. Is it still appropriate for the Bill to have the Attorney General carry out this duty or should this new Ministry conduct it themselves? I wish to understand, thank you.

MR SPEAKER: I grant opportunity to the Chairperson.

Tofa TUISA TASI PATEA: It is clearly stated in the Bill that the Attorney General is responsible. Although there are preparations of the new Office but I believe the Bill is clear on this part.

Clause 150 approved.

CLAUSE 151: Appellant to lodge documents with Registrar.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 152: Setting down appeal for hearing.

Approval.

CLAUSE 153: Procedure on appeal.

Approved.

CLAUSE 154: Supreme Court to hear and determine appeal.

Approved.

CLAUSE 155: Power to forbid report of proceedings etc.

Approved.

CLAUSE 156: Powers of Judge as to extension of time.

Approved.

CLAUSE 157: Fresh evidence on appeal.

Approved.

CLAUSE 158: Issue of warrant pending appeal.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 159: Abandonment of appeal.

Approved.

CLAUSE 160: Presentation of case by party in custody.

Approved.

CLAUSE 161: Power of Supreme Court to direct retrial.

Approved.

CLAUSE 162: Amendment of conviction by substituting one offence for another.

Approved.

CLAUSE 163: Dismissal of appeal for non-prosecution.

Approved.

CLAUSE 164: Registrar to certify determination on appeal.

Approved.

CLAUSE 165: Determination of Supreme Court.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 166: Custody of person after determination of appeal.

Approved.

CLAUSE 167: Resumption of probation on determination of appeal.

Approved.

CLAUSE 168: Party not prosecuting appeal may be ordered to pay costs.

Approved.

CLAUSE 169: Enforcement of order as to costs.

Approved.

CLAUSE 170: No Court fees payable on appeal by person sentenced to imprisonment.

Approved.

CLAUSE 171: Interpretation.

Approved.

CLAUSE 172: Right of appeal on certain matters arising before trial.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 173: Reserving question of law.

Approved.

CLAUSE 174: Appeal on question of law question not reserved.

Approved.

CLAUSE 175: Powers of Court of Appeal for appeal on question of law.

Approved.

CLAUSE 176: Right of appeal against conviction or sentence.

Approved.

CLAUSE 177: Right of Attorney-General to appeal against sentence or acquittal.

Approved.

CLAUSE 178: Appeal against decision of Supreme Court on appeal from District Court.

Approved.

CLAUSE 179: Right of appeal against sentence or conviction for contempt of court.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 180: Determination of appeals in ordinary cases.

Approved.

CLAUSE 181: Powers of Court of Appeal in special cases.

Approved.

CLAUSE 182: Re-vesting and restitution of property on conviction.

Approved.

CLAUSE 183: Supplemental powers of Court of Appeal.

Approved.

CLAUSE 184: Duties of Registrar with respect to notices of appeal, etc.

Approved.

CLAUSE 185: Evidence for Court of Appeal.

Approved.

CLAUSE 186: Right of appellant to be represented.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 187: Power to forbid report of proceedings, etc.

Approved.

CLAUSE 188: Costs.

Approved.

CLAUSE 189: Witnesses' expenses.

Approved.

CLAUSE 190: Acts not generally to be done on Sunday.

Approved.

CLAUSE 191: Proceedings not to be questioned for want of form.

Approved.

**CLAUSE 192: Consent of Attorney-General to proceedings in certain cases
for offences on ships or aircraft.**

Approved.

CLAUSE 193: Civil remedy not suspended.

Approved.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

CLAUSE 194: Contempt of court.

Approved.

CLAUSE 195: Felonies, misdemeanours and mode of trial.

Approved.

CLAUSE 196: Proceedings against parties to offences, accessories, and receivers.

Approved.

CLAUSE 197: Production of document, etc., held by Ministry, etc.

Approved.

CLAUSE 198: Regulations.

Approved.

CLAUSE 199: Rules of Court.

Approved.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker clause 199 please.

MR SPEAKER: I grant opportunity to the Member.

17 NOVEMBER 2015

Criminal Procedure Bill 2015 - consideration in detail

Tofa LEALAILEPULE RIMONI AIAFI: The Bill is almost fully approved. Perhaps my question is more than appropriate. It is in reference to the section which provides for the Judge rulings. There are Judges that takes years before coming to a decision. Perhaps there could be a section in the Bill which binds the Judge to make rulings within an agreeable period of time. It will save the peoples time awaiting the Judge rulings for years.

If there is another Bill then it is quite alright.

MR SPEAKER: I call on the Chairperson.

Tofa TUISA TASI PATEA: The Member only offers good advice. The CEO of the Ministry and the Committee has consulted and finalized that the Ministry are working together to ensure the improvement of the concern voiced. The Judiciary and Chief Justice are in audience and I believe it is already been considered.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, the best outcome of this is that the Member for Faleata West has managed to pursue the topic that he stressed earlier regarding the age of the Judges. This relates because the older the Judge is the harder it becomes to make their ruling or no ruling is made by the end of the trial.

MR SPEAKER: Tofa Lealailepule you now have two points.

CLAUSE 200: Repeal, amendment, transitional and saving.

Approved.

SCHEDULE

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Criminal Procedure Bill 2015

Approved.

17 NOVEMBER 2015

Adjournment

The Criminal Procedure Bill 2015 progressed along with Amendments.

ADJOURNMENT

MR SPEAKER: I believe we have come to the end of our Sitting today as we have concluded our cue paper. I wish to convey gratitude to the distinguished Members of the House for your forbearance today. I believe that there is nothing that we cannot complete alone and although we have had a rough start of the morning, I believe all has been forgiven. I hope and pray that the words voiced in offence to others may be forgiven.

I acknowledge the support of the Leader of Government and the Cabinet this morning. I also express gratitude to the Leader of the Opposition and that side of the House. I pray we let bygones be bygones. The most important thing is for us to remain in understanding and forgiving.

Furthermore, in regards to the service and work we are trying for, I trust importance has been noted in the benefit of Samoa and the future. I therefore acknowledge and commend Samoa for your support of your Parliament. I acknowledge the support and the never ending prayers of the clergy in the various denominations for all of Samoa.

I also acknowledge the support of His Highness O Le Ao O le Malo and Masiofo, the Council of Deputies and your Good Lady. I also acknowledge the Chief Justice and your Good Lady and the Judiciary. We will be taking a break with the belief and faith that the Lord will guide us and conclude this Term on December 15. I pray the spirit of the Lord guides us all as we prepare for the birth of our Lord and Savior.

Before we conclude our Sitting for today, I humbly ask the Tulafale Tofa Lavea Faimalotoa to lead us in prayer.

Proceedings of the Legislative Assembly adjourned at 1.01pm until Tuesday, 15 December 2015.