

TUESDAY, 18 OCTOBER 2016

Proceedings of the Legislative Assembly recommenced at 9:00am as scheduled in the Parliamentary Program 2016.

Mr Speaker took the Chair at 9:00am.

Prayers

MR SPEAKER OPENING REMARKS

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

I take this opportunity to welcome with respect Members of Parliament, welcome this fine day. I thank our Heavenly Father for his blessings and kindness that has guided us here in good health.

I want to thank the Leader of Government the Hon Prime Minister and Cabinet for their contribution in attending international meetings which saw their absence within our country. Now we have all gathered here again in good graces and have meet again like Igoaipu of Tauiiili.

I take this opportunity to acknowledge our country with respect the support of all Samoa. the respects of our country will forever remain until eternity because Samoa is a country already chosen. The Chair believes Usoga o Tumua and Pule and Faleupolu were chosen to overlook such duties not only to provide for their families but the country as a whole.

I thank the Leaders of Churches especially the holy servants of God thank you for your prayers night and day. The truth is, the duties of this Parliament meet good results because of your prayers therefore blessings upon you all.

As our Parliament is aware sitting in the public area of the House are participants of the Tertiary Parliamentary Program 2016. They were chosen from Universities and Vocational Studies Institutes in Samoa. This is a great opportunity to observe the progress of the work of our Parliament. This initiative also portrays the proper principles of a democratic system where people are able to know and participate in the work of Parliament, to witness and observe practices.

This is the first year for such program for Universities and Vocational Institutes thus this program gives participates opportunities to contribute on matters considered in Parliament also decisions make by the Parliament for our country.

23 AUGUST 2016

Other Announcements by Mr Speaker

I duly recognise the Church Leaders support whom we rely on for blessings. If Samoa is blessed by your sustainable duties with regards to achieving the various duties you do and the protection of our lands from the various cyclones and the consistent breadfruit season, this sustains our life. This is our thanksgiving to God because He never forsakes us.

Mr Speaker, that is a short word of thanks for the good works carried out this morning. I now move, *That Proceedings of the Legislative Assembly of Samoa adjourned until Tuesday 18th October 2016 in accordance to Parliamentary Sitting Programme.*

Seconded by the Deputy Prime Minister; Minister for Revenue, Minister for Agriculture and Fisheries and the Minister for Police and Fire Services.

Motion approved.

OTHER ANNOUNCEMENTS BY THE SPEAKER

MR SPEAKER: I trust this is a good opportunity for the Parliamentary Committees to resume their work referred to by the Legislative Assembly to complete Lapsed legislations, Budget Statements and Annual Reports of Government Ministries and Organisations.

Not only that, but also the engagement for this Side of the House with the Hon Prime Minister and Cabinet for the wellbeing of the country. In saying that, we shall adjourn our Sitting until Tuesday 18 October 2016. I will end our Sitting with a prayer.

Proceedings of the Legislative Assembly adjourned at 11.19am until Tuesday 18 October at 9.00am .

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Message from Le Ao o le Malo

On behalf of Parliament I welcome you all this morning, I hope the Lord be with you all during the course of the program planned out for today, thank you.

MESSAGE FROM LE AO O LE MALO

Mr Speaker announced the Message from Afioga Mamalu, O Le Ao o le Malo.

“MEMORANDUM for:

Mr Speaker:

Pursuant to Section 59 of the Constitution of the Independent State of Samoa consent is hereby given to the Legislative Assembly to consider the following Bills:

1. Fees and Charges (Miscellaneous Amendments) Bill 2016.

GIVEN BY my hand this day 13 October 2016

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

NOTICE FROM LEADER OF THE HOUSE

Mr Speaker read out the notice from the Leader of the House.

Pursuant to Standing Order 76 of Parliament notice is hereby given to the Legislative Assembly to consider the following Bills:

1. Foundations Bill 2016.
2. Trusts Amendment Bill 2016.
3. International Partnership and Limited Partnership Amendment Bill 2016.

GIVEN BY this day 13 October 2016.

(Signed): Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti
Aiono Galumalemana Dr. Sailele Malielegaoi
LEADER OF THE HOUSE.

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PRESENTATION OF PAPERS

Clerk read out papers pursuant to Standing Order 48.

1. S.R. 2016/8, Fisheries Management Act 2016- Notice of Commencement.
2. P.P. 2016/2017 No. 73, Annual Report of the Samoa Land Corporation 2014- 2015.
3. P.P. 2016/2017 No. 74, Annual Report of the Land Transport Authority 30 June 2015.
4. P.P. 2016/2017 No. 75, Statement of Corporate Objectives of the Scientific Research Organization of Samoa 2017-2020.
5. P.P. 2016/2017 No. 76, Annual Report of the Samoa Bureau of Statistics July 2014-June 2015.
6. P.P. 2016/2017 No. 77, Electric Power Corporation Statement of Corporate Objectives 2017-2020.
7. P.P. 2016/2017 No. 78, Ministry of Agriculture and Fisheries Annual Report July 2013- June 2014.
8. P.P. 2016/2017 No. 79, Financial Statements of the Totalisator Agency Board for Year Ended 30 June 2015.
9. P.P. 2016/2017 No. 80, Ministry of Finance Corporate Plan 2016-2020.
10. P.P. 2016/2017 No. 81, Unit Trust of Samoa (Management) Ltd Statement of Corporate Objectives 2017-2020.
11. P.P. 2016/2017 No. 82, Ministry of Finance Annual Report 2014-2015.
12. P.P. 2016/2017 No. 83, Report on the Pacific Commonwealth Women Parliamentarians Mentoring Programme, Wellington New Zealand, 28 June - 1 July 2016.
13. P.P. 2016/2017 No. 84, Samoa Qualifications Authority Statement of Corporate Objectives 2017-2020.
14. P.P. 2016/2017 No. 97, Samoa Post Statement of Corporate Objectives 2017-2020.

PRESENTATION OF PARLIAMENATARY COMMITTEE REPORTS

Clerk read out Parliamentary Committee Reports tabled pursuant to Standing Order 51(5).

1. P.P. 2016/2016 No 85, Report of the Infrastructure Sector Committee on P.P. 2016/2017 No. 8, Annual Report of the Ministry of Works, Transport and Infrastructure for 2014 – 2015.
2. P.P. 2016/2017 No 86, Report of the Infrastructure Sector Committee on P.P. 2016/2017 No. 12, Fire and Emergency Services Authority Annual Report for 2014 – 2015.
3. P.P. 2016/2017 No 87, Report of the Infrastructure Sector Committee on P.P.2016/2017 No.26, Annual Report of the Samoa Water Authority for 2014 – 2015.
4. P.P. 2016/2017 No. 88, Report of the Infrastructure Sector Committee on P.P. 2016/2017 No. 38, Samoa Airport Authority Annual Report 2015.

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Motion by Parliamentary Committee, Chairmen Standing Order 52

5. P.P. 2016/2017 No. 89, Report of the Infrastructure Sector Committee on P.P. 2016/2017 No. 47, Annual Report of the Ministry of Natural Resources and Environment 2014 – 2015
6. P.P. 2016/2017 No. 91, Report of the Standing Orders Committee on P.P. 2016/2017 No. 42, Annual Report of the Office of the Ombudsman 2014/2015.
7. P.P. 2016/2017 No. 93, Report of the Standing Orders Committee on P.P. 2016/2017 No. 44, Annual Report of the Samoa Law Reform Commission July 2014- June 2015.
8. P.P. 2016/2017 No. 94, Report of the Standing Orders Committee on P.P. 2016/2017 No. 45, Samoa Law Reform Alcohol Reform Report April 2016, Report 15/16.
9. P.P. 2016/2017 No. 96, Report of the Economic Sector Committee on S.R.2016/2, Tax Administration (Late Payment Interest) Regulations 2015.
10. P.P. 2016/2017 No. 98, Report of the Infrastructure Sector Committee on P.P.2016/2017 No. 15, Annual Report of the Land Transport Authority 1 July 2013-30 June 2014.

**MOTION BY PARLIAMENTARY COMMITTEE CHAIRMEN
STANDING ORDER 52**

Afioga LEAANA RONNIE POSINI (Vice Chairperson): I humbly greet the Chair this morning, we second the praises voiced to the Heavenly Father this morning. I greet as well the Leader of Government the Hon Prime Minister and Cabinet, Associate Ministers and all Members of the Parliament of Samoa.

I acknowledge as well the presence of the Heads of Government Ministries especially participants of Universities and Vocational Institutions with us today especially the support of all Samoa, I humbly greet our country in all respects your support has strengthen this Parliament.

Mr Speaker I move a motion *that the Legislative Assembly allow an extension of time to consider Bills referred to this Committee and report back to the House in the December 2016 sitting, with respect.*

Seconded by one of the Members for Falealili West, Tofa Aumua Isaia Lameko.

Motion approved.

MR SPEAKER: I call on the Chair person of the Special Inquiry Committee on Land and Titles Court, the Chair person.

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Fees and Charges (Miscellaneous Amendment) Bill
– first reading

Tofa LOPAOO NATANIELU MUA (Chairperson, Special Inquiry Committee on Land and Titles Court): I acknowledge the Chair with respect, I also welcome the Hon Prime Minister leader of the House, Cabinet, Associate Ministers and all Members of the House. I acknowledge as well the support of Lana Afioga Mamalu, O Le Ao o le Malo and his Good lady, Member of Council of Deputies and their Good Ladies. I also welcome the Heads of Government Ministries present here today also the Clerk and Legislative office.

I acknowledge my constituency of Asau in Vaisala, *afio o le Tapaau ma le Gafa, Tama Taulauniu ma Safune faapea le afio i le Aloalii, Tapu ma Lealiifano ma le Toalima, faapea foi le paia maualuga i Aiga ma Salafai Tufuga ma Masoe, faatualalua le Faasina ma Siuafanua*, also to the holy servants of God for their prayers and support.

Mr Speaker I move a motion, *That the Legislative Assembly allow an extension of time to consider matters referred to the Special Inquiry Committee of the Land and Titles Court and report back to the House in the December 2016 sitting, since findings are yet to be completed.*

Seconded by the Deputy Speaker.

Motion approved.

FEES AND CHARGES (MISCELLANEOUS AMENDMENTS)
BILL 2016 – first reading

Afioga Hon SILI EPA TUIOTI (Minister of Finance): Mr Speaker I move a motion, *That the Fees and Charges (Miscellaneous Amendments) Bill 2016 be read for the first time.*

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

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

MOTION TO SET ASIDE STANDING ORDER 101(1)

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker i move a motion to set aside Standing Order 101 (1) for the second reading of the Bill first read this morning.

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Fees and Charges (Miscellaneous Amendment) Bill
– second reading

Seconded by the Minister of Works, Transport and Infrastructure and the Minister of Police, Fire and Emergency Services.

Motion approved and Standing Order 101(1) was set aside.

FEES AND CHARGES (MISCELLANEOUS AMENDMENTS)
BILL 2016 – second reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the Fees and Charges (Miscellaneous Amendments) Bill 2016 be read for a second time and I hope to clarify the matter.*

Seconded by the Minister of Revenue, Minister of Justice Courts and Administration and the Minister of Women, Community and Social Development.

Afioga Hon SILI EPA TUIOTI: Thank you Mr Speaker and respectable Members of Parliament. The Bill seeks to amend various Acts of Parliament in relation to fees and charges and to give effect to a Cabinet Directive F.K. (14) 25 dated 16 July 2014.

The main purpose of the Bill is to ensure that all fees and charges for services rendered by Government Ministries, Government Agencies and public beneficial bodies and selected public bodies are to be prescribed by Regulations made by the Head of State, subject to the approval of the National Revenue Board and the Public Finance Management Act 2001.

This Bill amends 41 different Acts of Parliament to align with principles of fees and charges for services rendered by Government Ministries. There are some Acts already passed before we became independent that should be revised perhaps these Acts will be reconsidered later to suit the changes we face today. The objective of the Bill is to amend various Acts and to align fees and charges of services within Ministries. This is a task that starts with the Ministry before recommendations are submitted to the National Revenue Board and then they will investigate whether it is acceptable or not before their recommendation is given to Cabinet. The Cabinet makes the final decision before it is given to Lana Afioga Mamalu, O Le Ao o le Malo for his approval before appropriate changes are made to fees and charges.

Mr Speaker and Members of Parliament the Ministry of Finance has already prepared arrangements as a representative of the National Revenue Board together with amendments on Acts therefore the Bill must be passed for such changes to be implemented.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

The Bill is quite clear and the majority of Government Ministries should align fees and charges on their services and determine the quality of services Ministries provide. This objective Mr Speaker and Members of Parliament was clearly stated in seminar discussions yesterday together with queries asked by some Members.

This is a brief and further clarification on the Bill, with respect.

MR SPEAKER: Very well thank you. I note since the clarification made on the Bill yesterday was quite clear... it seems there is a Member who wants to speak on the matter. I call on the Member for Salega East.

Tofa OLO FITI AFOA VAAI (Salega East): Thank you Mr Speaker for the opportunity. I had a few unexpected matters yesterday but there are parts of the Bill I want to understand.

Mr Speaker I thank the Hon Minister for the new changes made on fees and charges of services provided by Government.

First Mr Speaker it is stated here the importance of Cabinet decisions whereby the objective of this Bill is referred unfortunately some of us do not understand the decisions made by Cabinet. It would have been great if we understood such decisions then we would have made suggestions on the main objective of the Bill. Nevertheless this constituency will try and voice some of its opinions.

I thought there...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker...

MR SPEAKER: Pardon the Member, I call on the Leader of Government.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: The discussing of Bills by Heads of Government, Attorney General and Attorney General's office is a new measure implemented in the previous Parliamentary term. This is the reason why most matters are understood without further debate in the House. I heard from the Member at the start of his speech that he had unexpected matters to attend to yesterday. Therefore his absence has now resulted to the Member wanting to understand the matter already clarified. How can he understand when he was chosen by the constituency as their Member but he does not turn up during meetings.

Now we have to discuss the whole matter all over again due to his negligence to attend the seminar he was invited too. The clarification given is very clear which gives opportunity to questions.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

As I stated earlier it might seem there are errors with the explanation by the Minister since he has not stated the reason each change made. Nevertheless the Hon Minister and Ministry have not been negligent with their duties since opportunities are given to Ministries to explain each Bill. Mr Speaker the Member is still embedded with old practices. We are now in a new world. This is why every time to make a stand to voice matters of the past we will also stand to make amendments to it.

MR SPEAKER: Perhaps the Member has understood.

Tofa OLO FITI AFOA VAAI: Mr Speaker the Standing Order of the House is very clear. After the second reading opinions and recommendations are voiced by Members of the House. I have been absentminded of seminars but not sittings, I am here now in this sitting.

Mr Speaker I was...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker a Point of Order. The Member cannot hide what has already been said, saying in the beginning he wished that such measures be stated. It was already stated in yesterday's briefing of the Bill. If he had just stood up and said, 'I was not present yesterday when discussion was carried out, therefore I have a question.' Nevertheless he started with criticism on why such measures were not mentioned but it was stated yesterday.

MR SPEAKER: I ask that the Member adhere to the recommendation of Government. We were all at the Seminar yesterday and the Member asked a lot of difficult questions, but it was during the last three Bills thus the Member came only after the first Bill was concluded. Nevertheless this incident portrays the negligence of the Member to fulfill his duties as a Member which includes attending seminars. I appease the Member also the Bill will be referred to Committee for consideration on what the Government will decide.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker, the reason why I made a stand is based on the matter that the Bill will not be referred to Committee since it is in a state of urgency. Nevertheless I will abide by the command of the Chair.

The charges stated in regulations clearly clarifies fees and charges of each services provided by each Ministry. I am saddened Mr Speaker that only twelve Members of the House are able to consider these matters without the understanding of the thirty eight other Members of constituencies, is this appropriate with our way of living today. Even though it is stated in Regulations but it takes about five years before it is tabled for passing in the House.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

Mr Speaker another matter I thought there was going to another Bill for the Regulator...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker a point of order it does not take 5 years for a regulation to be tabled, everything is read during every sitting. As for the Member stating that it takes 5 years this is a false statement. This is approved during sittings which are usually read out within the House therefore we do not have to wait five years. This is also the time given to members to voice their concerns on the matter generally.

MR SPEAKER: I ask that the Member conclude.

Tofa OLO FITI AFOA VAAI: Mr Speaker there are two more issues I want to convey. I have noticed that the selection of those in the National Revenue Board is administered by the Ministry, and majority of those chosen are Chief Executives of Ministries. Nevertheless they already have a lot of other duties to fulfill. We have the office of the Regulator, we are considering charges in regulations. We already have a Regulator why not set up another division qualified to carry out the work, the Electric Power Corporation and Water authority already have their charges why not merge it together. I can see that everything is all over the place which only causes confusion to the country...

MR SPEAKER: I call on the Minister who owns the Bill.

Afioga Hon Sili Epa Tuiofi: Mr Speaker a point of order and clarification. Mr Speaker the National Revenue Board was established long ago the Board was set up when I was at the Ministry of Finance. It included the Chief Executive of the Ministry of Finance, the Ministry of Revenue, Ministry of Commerce, Industry and Labor and the Attorney General. Other Members were allowed to be part of it as well as recommended by Committee to assist with the work. The role of our Regulator is specifically focused on telecommunications and the Electric Power Corporation. At the moment the Government believes such arrangements are appropriate but let us deal with such matters on charges for services like making birth certificates.

As for the Regulator the matters such as competition with technology in companies and other related work is monitored by the office. As for the Revenue Board the arrangement and their role is fitting.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

As I stated earlier changes made start with the Ministries and Corporations who want to amend charges then the Board will carry out their findings on whether it will be acceptable and base charges on services offered then recommendations are submitted to Cabinet. I know that the work of the Regulator is important thus their services are well suited with electricity and telecommunications services, thank you.

Tofa OLO FITI AFOA VAAI: Mr Speaker I thank the Hon Minister. The only opinion made was to merge services of those in charge of fees and charges. I apologize to the Hon Minister if I have offended you thus these are only opinions voiced but it is your decision to make arrangements. Nevertheless it is only a recommendation to use the skills of our younger generation who are experienced in these matters than electing Chief Executives of Ministries who...

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker I opinion made to merge the services, there was a plan to have a different Regulator overlooking charges for telecommunications and another one overlooking electricity charges. The Government later on decided there was no reason to separate the two, now it is all under one authority. If we look to merger fees and charges considering the list there are several Ministries involved. Before the Board was set up it was the duty of the Ministry to carry out evaluations on fees and charges and was followed up by the Ministry of Finance. This resulted to the implementation of the Board 28 years ago when I was the Minister of Finance and the during the time Afioga Sili was the Chief Executive. This gave others the opportunity to be part of the Board and consult on matters related to commerce to review services carried out within several sectors and not by the Ministry of Finance alone. Now it is a general consideration and those involved are highly skilled. It is not a Committee just set up yesterday it has been in place for 28 years now. This is further assistance on the matter.

MR SPEAKER: Thank you, I call on the Member to conclude his speech.

Tofa OLO FITI AFOA VAAI: I will now conclude Hon Mr Speaker. The only advice to the Hon Minister if we are amending fees and charges I ask that you be considerate. The charges for Land Transport Authority have not long ago been increased to 100%, please review this matter since it will have a great effect on individuals if fees of Government services are increased. Thank you Mr Speaker for the opportunity.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

MR SPEAKER: Thank you. I now call on the Member for Anoamaa West, Tofa Lauofo.

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO (Anoamaa West): Thank you Mr Speaker for the opportunity, you have already voiced praises of gratitude this morning which does not differ from our own words. Moreover, blessings have been called upon this House and greetings have been made to Samoa in all respects. I will now speak upon the Bill tabled in House this morning.

First of all I am grateful that there will be a Committee administering this role to overlook fees and charges of services within Government Ministries and organizations. I have noted that majority of services offered by Government has gradually increased today based on the use of modern technology together with what is used for services. Although some these fees and charges have not been increased in years. Personally I believe there should be an arrangement for appropriate increases based on money spent on Government services. If fees and charges are to be implemented as mentioned by the Hon Minister there are following regulations whereby these changes are centered. Nevertheless recommendations are made in accordance to the cost of living today. As heard in the speech made by the previous Member. This is the reason why I support this stance for the Revenue Board, who are responsible with this role to carry out proper measures to increase fees and charges from time to time relevant to the situation for future improvement. Money spent is also dependent on the services carried out.

This means such areas like cost recovery for Government are also overlooked. These payments are not that much whereby the Government has to look for more money. It is a cost that will be relevant to the situation we are in today. I noted in the past that each Ministry service fees increase is implemented at different time periods. Although with this initiation for all Government Ministries to be regulated under one Board is more fitting. This means there will be coordination on arrangement of fees, all fees and charges will be consolidated together.

This is what I can see within the Bill proposed, consolidation. It is a measure taken for future improvement which is good Mr Speaker, thus the only recommendation of this constituency is to implement a formula to base the increase made from time to time.

Mr Speaker this is a brief opinion to support the Bill tabled by the Hon Minister of Finance. Thank you for the opportunity.

MR SPEAKER: Very well, thank you. I note there are no other Members who wish to speak on the Bill. Alright I call on Members who want to speak to be upstanding, the Member for Urban West and Faleata West. First I call on the Member for Urban West.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

Afioga FAUMUINA ASI PAULI WAYNE FONG: (Urban West): I thank the Chair for the opportunity given to convey an opinion towards the Bill tabled. I was present during the seminar discussions yesterday and I understood the clarification made therefore I support this Bill. There was a recommendation I wanted to convey yesterday unfortunately there were only two Ministers present yesterday also there were only a few employees of the Ministries involved present. A humble recommendation to the corporations on the increase of fees and charges especially for the Ports Authority and Customs they are involved with the costs of overseas goods brought into Samoa. There are already set fees and charges although if changes are going to be implemented I humbly ask that it be decreased, make it cheaper but increase other services that are yet to have charges. Mr Speaker if such measures are implemented it will also affect the cost of living. I recommend that proper measures be taken to review these changes. The statement made yesterday was quite interesting that Ministries will be implementing proper measures for charges to be effective. The charges we have today may change from time to time I am glad that the Bill will regulate such amendments. I humbly ask that next time give this Parliament the opportunity to evaluate the new fees and charges to voice an opinion for future development.

With respect Mr Speaker thank you for the opportunity.

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

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you Mr Speaker for the opportunity, I humbly greet respects of Parliament and all of Samoa listening in this morning.

I move to speak on the Bill since the Government will now be using the user pay system, there is no right of say in the increase of service fees offered by Ministries to improve duties. As the Hon Minister of Finance the increase portrays the service provided is done well therefore you will not be hesitant to pay extra fees. The query I have is, who will be administering this Bill because most increases recommended are provisions stated under the Public Finance Management Act, I do not understand why it is implemented under this Act. We should recall today every Ministry has their own Acts.

The area the Office of the Regulator administers are the fees and charges for **Electric Power Corporation and other entities**, I believe policies have already been set for charges, this is based on fuel or energy used, thus increases are dependent on these factors. If they were to base charges on their findings then I strongly believe their work cannot be regulated under provisions of the Public Finance Management Act.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

Another matter most of the charges stated in the Principal Act give the Minister the authority to implement recommendations made by the Ministry before it is submitted to Cabinet to be passed but now it has been changed to Le Ao o le Malo. I want to ask, what are the reasons for this shift in authority, it was much easier before since these are the people in control of carrying out these duties stated in the Bill but now it has been given to Le Ao o le Malo. I am sure but it was discussed in the previous Parliamentary term that Government now has the authority to carry out the work quickly especially on matters concerning fees and charges. We still give respect to Le Ao o le Malo in proper aspects that are seen appropriate for his authority. Although on matters that concern the administering of Bills especially fees and charges from time to time I believe it is appropriate for authority to be given to the Minister to administer fees and charges based on recommendations. An example, the school fees, because majority of the country are singing we do not have to pay school fees anymore. Who has more authority than the Minister, there was a dispute with parents and the PTA on matters related to fees imposed by the school committees. These people came to the Minister and Ministry seeking assistance on whether they had any set policies on fees because it seemed these committees would increase their fees whenever they pleased. Furthermore it only led to Government being blamed for no school fees but now there are extra fees for other matters imposed by the school committee. The Minister had the authority to rearrange appropriate charges based on money spent by these Committees on education unfortunately authority has been removed and now Committee can do whatever they want, this is how I interpret this Bill.

These are the areas this Member wishes to understand on fees and charges. As for the matter concerning fees and charges to be increased I believe it is past time for a change especially with the cost of living today. Some of the charges should have been increased long ago, it might seem too much if changes are applied but we also should consider this is a ten years increase. Since there are still a lot of matters but I have yet to read through the Bill I convey these queries for now to assist the Minister with the Bill.

With respect.

MR SPEAKER: Very well thank you. I can see that the Member for Falealili wants to speak, I will give you the opportunity. Although you should not have been lazy to stand up when I called on Members who wanted to speak for the progression of our orders. I call on the Member to take the floor.

Tofa AUMUA ISAIA LAMEKO (Falealili West): Thank you for the opportunity given this morning. We have already sung praises to thank the Almighty for his grace by which we have seen to another new day.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
– second reading

I move with respect to convey an opinion on the Bill tabled. Perhaps most of our queries have already been answered during our seminar yesterday. I take this opportunity to thank the Hon Minister of Finance and the Ministry from the previous term as well for the preparations undertaken over the years in the arrangement of fees and charges services. I am aware that there have been a lot of Bills passed by this Parliament the only disadvantage is there are no regulations to regulate fees and charges. I am thankful that this Bill has been tabled to consolidate all fees and charges of services provided by Government Ministries. This is why with utmost respect this Member gives his support to the Bill, thank you.

MR SPEAKER: Very well thank you. Perhaps we all understood yesterday. Just a reminder from the Chair I apologize for any unruly statement which may come back to the Chair. The reason why the Hon Prime Minister has taken the floor is clarify the importance of Bills that should be understood by Members that need to be passed as tabled within Parliament. This is also the reason why we have seminars before we meet to understand the Bills in detail together with explanations given on recommendations submitted to Cabinet. I want to remind all Members your absence during seminars is an inability to fulfill your duty as a Member. Furthermore it will be a nuisance when we carry out proceedings and have to discuss everything that was stated yesterday. This is done to make our work much easier.

As clarified yesterday duties of Parliament and Cabinet are not put together. It is the sole duty of Parliament to implement Bill and consider before it is submitted to Cabinet for further regulations later tabled in the House. It is also referred to Parliamentary Committees for recommendations then again are given to Government for their response in sixty days. This is how our work is carried out also your opinions does not stand as the opinion of Government, it is your independent opinion voiced on your own behalf in accordance to the Bill.

Although it is the decision of Government that we adhere too. With utmost respect I believe the Member has already spoken on the Bill therefore a question will be put forward.

I will give the Hon Minister an opportunity on whether he wants to speak on anything further or respond to the queries made by Members. Is there anything further you wish to add before I put forward the question?

Afioga Hon SILI EPA TUIOTI: Mr Speaker I just want to thank all Members who shown interest and voiced recommendations on the Bill. They have accepted the matter on the importance to merge Bills.

The importance of the matter is for the Board to base the increase implemented on the cost of living so our people will be able to pay. The important aspect as well is some increases should have been implemented a long time ago.

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Fees and Charges (Miscellaneous Amendments) Bill 2016
 – second reading

As for the provisions set the increases will now be evaluated every two years to go in line with Government expenses spent on these services and our economy especially so that our people will be able to afford fees and charges imposed on services mentioned making it easier for them to access it. These are the objectives of Government. The work of Committee is important I am also grateful for the support from the Revenue Board, which is their duty. The task is not left to the Ministry alone, the services must be evaluated before recommendations from Committee are submitted to Cabinet to decide proper measures that need to be taken.

As questioned the matter concerning Le Ao o le Malo as it is usual practice regulations are passed by Cabinet then assent is awaited from Le Ao o le Malo before further implementation is carried out. Perhaps Chief Executive of Ministries are listening in on how important to re evaluate and amend certain aspects to align with the developments of our country in carrying out services and for improvement. It will also make it easier to accept increase of charges and rejuvenated more funds for such work carried out.

Thank you Mr Speaker and Members of Parliament for the opinions voiced on this Bill.

MR SPEAKER: Very well, thank you.

Motion approved and the Fees and Charges (Miscellaneous Amendments) Bill 2016 was read a second time.

MR SPEAKER: Pursuant to Standing Orders the Bill will be referred to the Finance and Expenditure Committee for consideration before report is submitted back to the Legislative Assembly in the January 2017 sitting.

MOTION TO CONSIDER THE BILL IN A STATE OF URGENCY

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker pursuant to Standing Order 45(n), I move a motion, *That the Legislative Assembly consider the three Bills tabled today in a state of urgency because of important measures.*

Seconded by the Minister of Works, Transport and Infrastructure and the Minister of Police and Fire Emergency Services.

Motion approved.

18 OCTOBER 2016

FOUNDATIONS BILL 2016
– first reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the Foundations Bill 2016 be read for the first time.*

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

Motion approved and the Foundations Bill 2016 was read for the first time.

TRUSTS AMENDMENT BILL 2016
– first reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the Trusts Amendment Bill 2016 be read for the first time.*

Seconded by the Minister of Justice, Courts Administration and the Minister of Women, Community and Social Development.

Motion approved and the Trusts Amendment Bill 2016 was read for the first time.

**INTERNATIONAL PARTNERSHIP AND LIMITED PARTNERSHIP
AMENDMENT BILL 2016 – first reading**

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the International Partnership and Limited Partnership Amendment Bill 2016 be read for the first time.*

Seconded by the Minister of Justice, Courts Administration and the Minister of Women, Community and Social Development.

Motion approved and the International Partnership and Limited Partnership Amendment Bill 2016 was read for the first time.

FOUNDATIONS BILL 2016
– second reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the Foundations Bill 2016 be read a second time and wish to give a clarification.*

18 OCTOBER 2016

Foundations Bill 2016
– second reading

Seconded by the Minister of Revenue, Minister of Justice, Courts Administration and the Minister of Women, Community and Social Development.

Afioga Hon SILI EPA TUIOTI: Mr Speaker the Foundations Bill 2016 together with the other two amended Bills that follow was implemented to encourage Samoa International Finance Authority they can offer more services to businesses and investors who want opportunities to invest overseas. The objective of the Bill is for the Authority to achieve their vision, for Samoa to be recognized with the high level of international financial services. The plan set is to ensure that the services provided by SIFA continues to improve, this is why such regulations are drafted to offer various services to those who seek to invest their assets, to ensure that they alone have the authority over their businesses and to attract other businesses especially millionaires and those who are blessed financially.

This is the reason for implementing the Bill to offer various services and to improve financial services offered internationally by the Authority.

Mr Speaker some of the important aspects of the Bill is the appointment and removal of members of the Council, a Supervisory Person and Guardian it also outlines the duties and powers of the Court regarding a foundation. It also includes the registration of overseas foundation in Samoa and vice-versa.

This Bill also seeks the revocation or variation of any power regarding a foundation and the variation of terms of Constitution of a foundation. Mr Speaker this Bill will also offer services that we could not offer in the past, it is implemented upon changes seen internationally especially on threats of some overseas businesses going out of business. We have now set the provisions of the Bill in relation to requirements of such businesses like the OECD, also the Asia and Pacific Corporation to reject illegal funds together with other corporations who are working together with the Authority on providing financial services internationally.

The drafting of the Bill already includes law abiding provisions to align and improve the services we provide internationally.

Mr Speaker this Bill has been thoroughly drafted which has sort to amend other Bills that we will be discussing this morning to align with each other and improve the services provided by SIFA to attract overseas investors.

Mr Speaker the implementation of the Bill will be carried out as soon as it is passed by Parliament. Perhaps Samoa is the first country that has set up a foundation as stated in the Bill so we can work together with other bodies especially with Britain leaving the European Union. They have now sorted to look at jurisdictions that have such regulations that will safeguard their financial investments.

This is a brief summary of the Bill tabled before Parliament for further consideration and support, thank you.

18 OCTOBER 2016

Foundations Bill 2016
– second reading

MR SPEAKER: Very well thank you. This will be an opportunity for Members to take the floor to speak upon the Bill hence clarification was made yesterday.

I call on the Member.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker. I am certain there are no further comments on the matter but I move with respect to convey sincere gratitude to the Minister and the Chief Executive also the Ministry for their hard work. There is no question this service or business will greatly benefit and assist our private sector. Even though there have been alot of cricistims on the affects it has on international laws, I strongly believe we should perservere in this area for our own financial benefits.

I recommend that the Ministry implement policies that will protect our country from criminal and terrorists acts because once we falter our country will be disreputed in the international businesses. Thank you Mr Speaker for the opportunity.

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

Afioga FUIMAONO TEO SAMUELU TEO (Falealili East): Mr Speaker I want to convey a vote of thanks. this the reason for taking the floor because I have understood the clarifications made yesterday not only from the Minister but also the Chief Executive.

This Member want to signify the parts that I find outstanding. First, are the duties carried out by the Authority internationally which as stated yesterday.

Second the stability of our Government.

Third one of its entities are planning to promote and market our services to overseas countries.

Therefore on behalf of everyone who attended the seminar yesterday I want to thank you for I am confident that no one will be speaking on the matter since it was well clarified. I want to thank the Cheif Excutive and Administration on the transparent report outlining the work carried out. I pray the Lord bless all future endeavors for the development of our country because this one entity that has greatly assisted with the development of Samoa. Thank you for the opportunity.

MR SPEAKER: I give the opporunity to the Member for Anoamaa West. I call on the Member.

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO: Thank you Mr Speaker this constiency will be brief. We will not set aside an opinion on the matter. Nevertheless I am grateful.

18 OCTOBER 2016

Foundations Bill 2016
– second reading

The important aspect of the Samoa International Finance Authority is their good reputation. In carrying out offshore duties and to efficiently serve its clientele but to keep abreast with developments in the international business arena. The work is competitive which has greatly assisted with our country's economy.

Another important aspect for finances of the Samoa International Finance Authority is allocated to fund our sports. A lot of funds are currently being invested into other sports areas. It is also noted that they have greatly assisted our rugby and sevens rugby. I take this opportunity to thank the Director of the rugby union for electing Sir Gordon Tiejens as the coach for our sevens rugby. I believe this is a just decision, we should show our support to the coach chosen especially to improve the skills and standards of our sevens rugby.

I humbly request that he be bestowed a matai title when he arrives, or bestow another Lupesoliai title like Joseph Parker. This is an opinion on the matter with respect, bless our proceedings.

MR SPEAKER: I call on the Member for Vaisigano No.1.

Tofa LOPAOO NATANIELU MUA: I want to thank the Hon Minister for the Bill. I support the Bill unfortunately I did not have enough time to go through all of it yesterday. There is a query from this constituency, this organisation was set up long ago yet it has now just submitted a Bill. The question I want to know though, what Bill are overseas companies registered under or will all companies be re-registered under this new Bill? The Chief Executive elaborated yesterday that they are trying to find a way to promote this area. If we look at it, trustee companies from overseas that are registered here only a small fee is paid but these are multi million companies. Why not tell them to carry out promotions and not charge the organisation. I personally believe that we should carry out these promotions ourselves than wasting funds elsewhere...

I just want to thank the Hon Minister for such an outstanding and beneficial Bill. Thank you.

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

Afioga TOOMATA AKI TUIPEA (Salega West): Thank you Mr Speaker for the opportunity. I just want to convey sincere gratitude on the Bill. First of all this constituency want to thank the Leader of Government the Hon Prime Minister especially Cabinet, Associate Ministers and Members of the previous Parliamentary terms for their intellectual understanding to implement this organisation. I believe it was a blessing in disguise but with our Government being vigilant and the intellect blessed by our Father upon the Hon Prime Minister and Ministers of the previous Parliaments the implementation of this organisation has been successful.

18 OCTOBER 2016

Foundations Bill 2016
– second reading

Personally I believe that this entity has major significance not only in the development of our economy but the contribution it has made to other sectors like the sports association and in other areas it has assisted.

During discussions carried out on the Bill yesterday the clarification of objectives given have been clearly understood. Only a recommendation since I saw in our Main Estimates that the organisation has a lot of surplus funds. I humbly convey a recommendation to the Hon Prime Minister also the Minister of Finance and Cabinet, be considerate to our children's school fees, a lot of students cannot go to University because their parents cannot afford fees. Salega West humbly recommends that part of this surplus be allocated for school fees for those who are less fortunate so our children will be able to continue University.

I pray blessings upon the Chair especially the Prime Minister, Cabinet, Associate Ministers and Members of Parliament. Blessings be upon the Heads of Government Ministries and Organisations and to all Members present to witness proceedings today. With respect, thank you.

MR SPEAKER: Thank you. I call on the Hon Minister unless anyone else wants to speak, the Member for Faleata? No you are an Associate Minister therefore the decision made by Cabinet is the same as the Associate Minister.

I call on the Hon Minister of Finance there is nothing else voiced by the Members only vote of thanks.

Afioga Hon SILI EPA TUIOTI: I thank the Chair and Members of Parliament who spoke on the Bill. This is the objective of Samoa Finance International Authority, this is one organisation that has greatly contributed to our country, not only with funding our Estimates yearly but also financing our rugby union with Manu Samoa 15 the Sevens and also the Toa Samoa Rugby League together with other entities. Perhaps if we did not have SIFA we would not be able to develop certain areas in our country like developments and sports.

As we are aware in the year 2014 SIFA got a surplus of \$17 million. I am grateful for the comments made in appreciation for the work carried out by the Organisation internationally and in being proactive in carrying out duties. There have been a lot of visits overseas by the Chief Executive and Board also Senior staff to report on the performance of the organisation to overseas investors monitoring the work.

These are also opportunities to discuss whether they understand our work and legislations to attract overseas investors into the country based on political stability, and developing our economy and legislations.

18 OCTOBER 2016

Trusts Amendment Bill 2016
– second reading

Perhaps the Chairperson of the Board for SIFA is listening in on some ways that will assist the organisation. Perhaps in areas of education there is a lot of support from New Zealand and Australia and those on scholarships, this is an area that can be reviewed not only with education but to develop our communities in rural areas on health practices. We are all aware this is one important aspect trying to improve our health sectors especially in rural areas.

There was a query on whether companies needed to be re-registered, at the moment no. As I mentioned this Bill is for new services, it will be implementing services that have yet to be carried out. At the moment there are 38,000 registered with us which pay USD\$300 a year. There is a big opportunity to expand with the example voiced yesterday the country of British Virgin Island they have 500,000 companies registered. Perhaps the amendment of this Bill together with the following Bills amended will assist in the improvement of our services and lead to attract more companies. Thank you all for the opinions voiced, thank you.

MR SPEAKER: Very well, thank you. I want to thank all Members for the recommendations conveyed and gratitude shown to the matter deliberated.

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

TRUSTS AMENDMENT BILL 2016
– second reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the Trusts Amendment Bill 2016 be read a second time and I wish to clarify the matter further.*

Seconded by the Minister of Justice, Courts and Administration, Minister of Women, Community and Social Development and the Minister of Revenue.

MR SPEAKER: I now give the opportunity to the Hon Minister for his clarification.

Afioga Hon SILI EPA TUIOTI: Thank you Mr Speaker. As I stated earlier these Bills amended which includes the ones following are to go in line with the Bill first considered today. The objective of this Bill is to re-define the definition of “foreign benefitting trusts” to remove reference to a “citizen of Samoa”. If that person becomes a resident in Samoa, he/she will be subject to tax in Samoa.

Secondly to insert new section 51A to include a provision which relates to further additions of property to a Samoan International Special Trust Arrangement (SISTA)?

18 OCTOBER 2016

International Partnership and Limited Partnership Amendment Bill 2016
– second reading

Third to amend section 63 of the principal Act to provide combination of trust with limited partnerships.

Fourth to amend section 80(2) of the principal Act to address instances whereby if a request is properly and legally made for information in respect of a Double Taxation Agreement (DTA) or Tax Information Exchange Agreement (TIEA) then, subject to the provisions of the DTA or TIEA, the information must be provided with respect.

MR SPEAKER: Very well, thank you.

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

MR SPEAKER: Thank you. We have arrived at our usual recess hour. Therefore, proceedings of the Legislative Assembly will be set aside for our usual recess.

Proceedings of the Legislative Assembly were set aside for usual recess at 10.45am and recommenced at 11.25am.

Proceedings recommenced with the second reading of the International Partnership and Limited Partnership Amendment Bill 2016.

MR SPEAKER: I announce that proceedings of the Legislative Assembly have now resumed. I believe everyone have found strength during recess to continue and finish the orders as scheduled in today's sitting. Before we took recess we have reached number 8 of the orders of the day.

INTERNATIONAL PARTNERSHIP AND LIMITED PARTNERSHIP
AMENDMENT BILL 2016 – second reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the International Partnership and Limited Partnership Amendment Bill 2016 be read a second time and I wish to clarify the matter further.*

Seconded by the Minister of Justice, Courts and Administration and the Minister of Women, Community and Social Development.

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

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

Afioga Hon SILI EPA TUIOTI: Mr Speaker as I stated earlier the amendments implemented in this Bill goes in line with the two previous Bills discussed in the House this morning. The Bill seeks to amend the International Partnership and Limited Partnership Act 1998. The objects of the Bill are to provide for the use of limited partnership by Samoan residents and to provide for the use of international partnership and limited partnership for business and investment moreover to provide for the use of foreign characters in firm names, with respect.

Motion approved and the International Partnership and Limited Partnership Amendment Bill 2016 was read a second time.

FOUNDATION BILL 2016
- consideration in detail

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

CLAUSE 2: Interpretation

Approved.

CLAUSE 3: Creation and registration.

Approved.

CLAUSE 4: Charters.

Approve.

CLAUSE 5: Rules.

Approved

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 6: Default recipient.

Approved.

CLAUSE 7: Purpose.

Approved.

CLAUSE 8: Special features of foundation.

Approved.

CLAUSE 9: Councils.

MR SPEAKER: I call on the Hon Prime Minister, Leader of Government.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker assistance to Members and for the clarification of the country listening since majority of Members are present, I humbly ask that A yes or No be voiced louder.

MR SPEAKER: The recommendation made is appropriate considering our country listening in might think we are not being impartial. If you say no you can still be heard, I humbly ask you be upstanding while you do so with respect.

Clause 9 approved.

CLAUSE 10: Supervisory persons.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 11: Guardians.

Approved.

CLAUSE 12: Resident agents.

Approved.

CLAUSE 13: Fraudulent disposition.

Approved.

CLAUSE 14: Registration, establishment and ancillary matters.

Approved.

CLAUSE 15: Founders.

Approved.

CLAUSE 16: Further endowment.

Approved.

CLAUSE 17: Beneficiaries.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 18: Notifiable beneficiaries.

Approved.

CLAUSE 19: Non- notifiable beneficiaries.

Approved

CLAUSE 20: Rights of beneficiaries.

Approved.

CLAUSE 21: Disclaimer of beneficial entitlements.

Approved.

CLAUSE 22: Class entitlements.

Approved.

CLAUSE 23: Additional officials if less than required number.

Approved.

CLAUSE 24: New or additional members if no express provision.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 25: Resignation or removal of members.

Approved.

CLAUSE 26: Appointment of new guardians if no express provision.

Approved.

CLAUSE 27: Resignation or removal of guardians.

Approved.

CLAUSE 28: Appointment of new supervisory persons if no express Provisions.

Approved.

CLAUSE 29: Resignation or removal of supervisory persons.

Approved.

CLAUSE 30: General duties of officials.

Approved.

CLAUSE 31: Specific duties of councils.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 32: Specific powers of councils.

Approved.

CLAUSE 33: Specific duties of supervisory persons.

Approved.

CLAUSE 34: Specific powers of supervisory persons.

Approved.

CLAUSE 35: Specific duties of guardians.

Approved.

CLAUSE 36: Specific powers of guardians.

Approved.

CLAUSE 37: Duty not to profit from office.

Approved.

CLAUSE 38: Duty to give information.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 39: Duty to keep and maintain records.

Approved.

CLAUSE 40: Duty of members to act together.

Approved.

CLAUSE 41: Impartiality of members.

Approved.

CLAUSE 42: Delegation by councils.

Approved.

CLAUSE 43: Corporate members.

Approved.

CLAUSE 44: Non-disclosure of deliberations.

Approved.

CLAUSE 45: Liability for breach of duty.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 46: Power to relieve officials from personal liability.

Approved.

CLAUSE 47: Jurisdiction.

Approved.

CLAUSE 48: Application of Samoan law to questions of validity.

Approved.

CLAUSE 49: Approval of transactions.

Approved.

CLAUSE 50: Judgment against officials.

Approved.

CLAUSE 51: Applications for directions.

Approved.

CLAUSE 52: General Powers of the Court.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 53: Powers of the Court for default.

Approved.

CLAUSE 54: Payment of costs.

Approved.

CLAUSE 55: False or misleading information.

Approved.

CLAUSE 56: Other offences and penalties.

Approved.

CLAUSE 57: Overseas foundations as Samoan foundations.

Approved.

CLAUSE 58: Registration must be authorized by law of another country.

Approved.

CLAUSE 59: Prohibition from registration.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 60: Application.

Approved.

CLAUSE 61: Effect of registration.

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

Tofa LEALAILEPULE RIMONI AIAFI: I apologize Mr Speaker, I do not mean to instruct the Chair but it would be best if Clauses are read three four at a time. This is just a concern for the Chair with respect.

MR SPEAKER: Very well. Since the Member has mentioned the duty of the Chair I do not know if he is just being defiant... but there is a reason why I have not put these clauses together is made in relation to the official recordings noted by the office. Nevertheless, each clause is different and also has a different objective as well. Leave the work of the Chair to his own inclination if you are too tired then you can just leave our sitting, thank you.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker the statement made me being defiant is not appropriate because this is what we were in the past this is just a humble recommendation but it is not something to be riled over. I do not question your duties but this is a measure taken in the previous Parliamentary term with respect, do not take offence considering your old age.

MR SPEAKER: Pardon the Member, but this is what happens to someone catching their breath and being surprised. Nevertheless, I appease the Member if you had not interrupted we would have been through another page already. Thank you.

Clause 61 approved.

CLAUSE 62: Cancellation.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 63: Removal of registration.

Approved.

CLAUSE 64: Removal from Register if constitution provides.

Approved.

CLAUSE 65: Other grounds for non-removal from Register.

Approved.

CLAUSE 66: Notice to creditors and participants before removal.

Approved.

CLAUSE 67: Application for removal from the Register.

Approved.

CLAUSE 68: Effect of removal.

Approved.

CLAUSE 69: Cancellation of removal.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 70: Power of the Court to remove from the Register.

Approved.

CLAUSE 71: Declaration of compliance.

Approved.

CLAUSE 72: Documents in a language other than English.

Approved.

**CLAUSE 73: Registration or transfer does not affect continuity of
Foundation's existence.**

Approved.

CLAUSE 74: Terminology used in another country.

Approved.

CLAUSE 75: Amendment of powers.

Approved.

CLAUSE 76: Amendment by the Court.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 77: Winding – up and termination.

Approved.

CLAUSE 78: Official liquidators.

Approved.

CLAUSE 79: Winding-up on council’s winding-up events.

Approved.

CLAUSE 80: Winding-up on Court winding-up events.

Approved.

CLAUSE 81: General provisions on winding-up.

Approved.

CLAUSE 82: Statement of affairs and reports of the liquidator and the Council.

Approved.

CLAUSE 83: Liquidators.

Approved.

18 OCTOBER 2016

Foundation Bill 2016
- consideration in detail

CLAUSE 84: Further general matters about winding-up.

Approved.

CLAUSE 85: Personal liability for certain defaults after bankruptcy.

Approved.

CLAUSE 86: Distribution of property upon winding-up.

Approved.

CLAUSE 87: Removal from Register.

Approved.

CLAUSE 88: Re-instatement following winding-up order.

Approved.

CLAUSE 89: Regulations and forms.

Approved.

CLAUSE 90: Penalties.

Approved.

18 OCTOBER 2016

**Foundation Bill 2016
- consideration in detail**

CLAUSE 91: Income Tax Act amended.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

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

Tofa LEALAILEPULE RIMONI AIAFI: I apologize but it seems, it is appropriate for Members to laugh. Clause 91 since there is a recommendation to amend the Income Tax Act. It was usual practice to bring such amendments before the House together with the new amended Bill.

It is now being recommended by the Member but a recommendation on the Income Tax amendments has yet to be implemented to align with this Bill. This is the question with respect.

MR SPEAKER: Very well. I call on the Hon Minister of Finance for his response.

Afioga Hon SILI EPA TUIOTI: Mr Speaker and Members of Parliament this morning the objective of these Bills are intended for those residing overseas that invest into our country. They do not pay any income tax. This makes part of the Bill of foundations set because such matters related to our people overseas was not mentioned, they are exempted from paying taxes as proposed in other Bills amended this morning.

MR SPEAKER: Very well, thank you. I call on the Member.

Tofa LEALAILEPULE RIMONI AIAFI: The clarification made by the Hon Minister is understood which does not affect us. Unfortunately it should be stated in Clause 91 that the Income Tax 2012 outline an appropriate amendment that can be used. If we pass the Bill we cannot use this part of the Income Tax Act unless further amendments are considered in Parliament as it is usual process. With respect.

MR SPEAKER: Thank you. Unless there is another concern but recommendations made is very clear, recommendations are important to aid future decisions of Government, if not then we will continue with our work.

Clause 91 approved.

SCHEDULE:

Approved.

18 OCTOBER 2016

Trusts Amendment Bill 2016
- consideration in detail

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement

TITLE: Foundations Bill 2016

Approved.

The Foundations Bill 2016 progressed without amendments.

TRUSTS AMENDMENT BILL 2016
- consideration in detail

MR SPEAKER: Pursuant to Standing Order consideration in detail starts with Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: New section 51A inserted.

Approved.

CLAUSE 4: Section 63 substituted.

Approved.

CLAUSE 5: Section 80 amended.

Approved.

CLAUSE 6: New section 80A inserted.

Approved.

18 OCTOBER 2016

**International Partnership and Limited Partnership Amendment
Bill 2016 – consideration in detail**

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Trusts Amendment Bill 2016.

Approved.

The Trusts Amendment Bill 2016 progressed without Amendments.

**INTERNATIONAL PARTNERSHIP AND LIMITED PARTNERSHIP
AMENDMENT BILL 2016 – consideration in detail**

MR SPEAKER: Pursuant to Standing Order consideration in detail starts with Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Section 5 amended.

Approved.

CLAUSE 4: Section 8 substituted.

Approved.

CLAUSE 5: Section 17 amended.

Approved.

18 OCTOBER 2016

**International Partnership and Limited Partnership Amendment
Bill 2016 – consideration in detail**

CLAUSE 6: Section 19 amended.

Approved.

CLAUSE 7: Section 21 amended.

Approved.

CLAUSE 8: Section 23 amended.

Approved.

CLAUSE 9: Section 28 amended.

Approved.

CLAUSE 10: Section 29 amended.

Approved.

CLAUSE 11: Section 36 substituted.

Approved.

CLAUSE 12: Sections 37 and 38 repealed.

Approved.

18 OCTOBER 2016

**Foundations Bill 2016
– third reading**

CLAUSE 13: Section 39 amended.

Approved.

CLAUSE 14: Section 41 amended.

Approved.

CLAUSE 15: Consequential amendment.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: International Partnership and Limited Partnership
Amendment Bill 2016.

Approved.

*The International Partnership and Limited Partnership Amendment Bill 2016
progressed without amendments.*

**FOUNDATIONS BILL 2016
– third reading**

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the
Foundations Bill 2016 be read for the third time.*

*Seconded by the Minister of Justice, Courts and Administration and the Minister
of Women, Community and Development.*

18 OCTOBER 2016

**Trusts Amendment Bill 2016
- third reading**

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

**TRUSTS AMENDMENT BILL 2016
- third reading**

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the Trusts Amendment Bill 2016 be read a third time.*

Seconded by the Minister of Women, Community and Social Development, Minister of Justice, Courts Administration and the Minister of Revenue.

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

**INTERNATIONAL PARTNERSHIP AND LIMITED PARTNERSHIP
AMENDMENT BILL 2016 – third reading**

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move a motion, *That the International Partnership and Limited Partnership Amendment Bill 2016 be read a third time.*

Seconded by the Minister of Justice, Courts and Administration, Minister of Revenue and the Minister of Women, Community and Social Development.

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

MR SPEAKER: I commend everyone for the hardwork today. I call on the Hon Prime Minister.

MOTION FOR ADJOURNMENT

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA DR. SAILELE MALIELEGAOI: Mr Speaker I move with respect to commend you for administering of our orders and to all Members, we have considered alot of Bills in our sitting today.

18 OCTOBER 2016

Other Announcements by Mr Speaker

The work accomplished today in relation to the previous 20 years of Parliament practices is one days work was six weeks work in the past. Also the majority of Members today are well versed with the work and understand the progress of considering Bills outside of the House. This is the consideration of Bills before submission in the House for discussion. I want to thank Members for their hard work in adhering the work of this Parliament.

I move a motion *that proceedings of the Legislative Assembly be adjourned until Tuesday 20th December 2016 pursuant to the Parliament Sitting Program.*

Seconded by the Minister of Works, Transport and Infrastructure and the Minister of Revenue.

Motion approved.

OTHER ANNOUNCEMENTS BY MR SPEAKER

MR SPEAKER: Thank you. Before we adjourn just a reminder for our Parliamentary Committees, I humbly ask that the work given be completed. I am grateful for the other work that have been completed and reported back to the House. I thank you all for the hard work.

Moreover I am pleased that we have concluded the work allocated for this Parliament sitting. I am grateful for all the support shown especially in working together which is a major accomplishment for our country as well.

I apologize for any unruly statements made between our relation as Members, it is the intention of the Chair that we work together make decisions that will benefit our country.

Before we adjourn with the motion moved by the Hon Prime Minister I call on the Member of Faleata West to conclude our proceeding with a prayer.

Proceedings of the Legislative Assembly adjourned at 12:26pm until 9:00am Tuesday, 20 December 2016.