

**TUESDAY, 19<sup>TH</sup> AUGUST 2014**

*The Legislative Assembly met at 9.00am pursuant to the Parliamentary Sitting Program 2014.*

*Mr Speaker took the Chair at 9.00am.*

Prayer.

**MESSAGE FROM LE AO O LE MALO**

*Mr Speaker read out the Message from O Le Ao O le Malo.*

**1. “MEMORANDUM for:**

**Mr Speaker:**

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

1. Public Finance Management Amendment Bill 2014.
2. Center of Legal Public Bill 2014.
3. Council Journalists and Media Bill 2014.
4. Customs Bill 2014.
5. Fund for the Future Success Amendment Bill 2014.

**GIVEN UNDER my Hand** this Tuesday 18<sup>th</sup> August in the year 2014.

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

23 JUNE 2014

### Motion for Adjournment

We will now take our normal recess; I pray God will refill our energy so that we are able to return to our next sitting.

I extend gratitude to Samoa for its support and prayers. Thank you for your patience and forbearance in your Parliament.

I also acknowledge our Church Servants for the never ending prayers upon your Parliament in order to achieve its duties.

I apologize for any disrespectful behavior and pray for your forgiveness upon the man of Sasina. I don't intend to speak highly of my designation and status. The reason for being elected by my constituency and all its honorific salutations, only one can represent Samoa. I thank my constituency for the support even though I have not voiced any concerns in relation to our Budget the Minister is well aware of this constituency.

Bless all of Samoa and its ongoing duties especially the Presiding Officers and Clerks Conference in July where some of the Members will attend the forthcoming SIDS Conference. Let us work together as this not only involves one Party but the entire Parliament. Be blessed with good health.

Before we conclude today's Proceedings, I ask the Member for Faasaleleaga No.3 to end us with a prayer.

*Proceedings of the Legislative Assembly were adjourned at 5:49 pm until 9:00 am Tuesday, 19 August 2014.*

19 AUGUST 2014

### Obituary Notice

#### 2. CERTIFICATE OF URGENCY

Pursuant to Standing Order 99(2) **I, TUIATUA TUPUA TAMASESE EFI, HEAD OF STATE**, hereby issue the Certificate of Urgency to the Legislative Assembly to consider the Bills listed hereunder in the Meeting commencing on Tuesday, 19<sup>th</sup> August 2014.

1. Customs Bill 2014

**GIVEN UNDER my Hand** this Tuesday 19<sup>th</sup> August 2014.

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

### OBITUARY NOTICE

1. *Mr Speaker announced the passing of **TUILOA Anetelea**, who was a member for the Electoral Constituency of Gagaifomauga No.1*  
*TUILOA Anetelea was elected in the XIV Parliamentary Term 2006 – 2011.*  
*TUILOA Anetelea was re-elected for the XV Parliamentary Term in the year 2011 – until the 9<sup>th</sup> June 2014 when he passed away.*  
*He was the Associate Minister for the Ministry of Women, Community and Social Development.*  
*He was also a member for the following Committees: Education, Science, Communication and Information Technology Committee, Primary Production, Commerce, Industry and Labour Committee, and the Parliamentary Privilege and Ethics Committee.*
2. *Mr Speaker also announced the passing of **SAVEA Sione**, who was a member for the Electoral Constituency of Anoamaa Sasae.*  
*SAVEA Sione was elected for the VII Parliamentary Term 1982 – 1985.*  
*He was a member for the Parliament of the Commonwealth Countries Committee and also the Parliament's Standards and Ethics Committee.*
3. *Mr Speaker also announced the passing of **AIONO Fanaafi**, who was a member for the Electoral Constituency of Aana Alofi No.1, she passed away on the 6<sup>th</sup> August 2014.*  
*AIONO Fanaafi was elected for the Parliamentary Term 1985 – 1988.*

19 AUGUST 2014

### Other Announcements by Mr Speaker

*She was also a member for the Parliament's Standards and Ethics Committee.*

*Parliament was upstanding for a minute of silence as a sign of respect.*

### OTHER ANNOUNCEMENTS BY MR SPEAKER

**MR SPEAKER:** I believe that we have successfully gathered here today for God has not forsaken us. Therefore we are grateful for His goodness and unconditionally love He has for us.

I send great love and welcome the sacred dimension of the Parliament in its honorific salutations and greet you all the *Fuesinaloloa* and *Tootoouli* of Samoa. We have gathered here yet again, on the grounds of Tiafau. I commend you as we gather in well-being and may health and care always win through our Nation. I give thanks for this new dawn as we have assembled here on this appointed day to once again continue with our parliamentary businesses.

I thank God for I have seen that the light of the body is completely adhesive and still intact. The ship is all set to sail with the belief that Gods goodness and love has brought us here today with the Leader of the Cabinet in great health as well as his Cabinet. We also have with us the support level from the Leader of Opposition and members of Parliament that are gathered here this morning.

I salute the sanctity and dignity of Samoa who are with us this day, to the high chiefs and orators, wives and nurturers, young ladies and women and the whole of Samoa assembled.

Awareness program are ongoing for your sons and daughters of our country, you have arrived to the premises where Samoa makes laws, moving from theory to offer their lives for the service of Samoa and its Politics.

There are many mornings as well as days, but this House is not made just for us. You are the future generations of Samoa and so you shall be monitored because you are the mirror of the future, tomorrow is yours, and today is used for you to build your future for Samoa and its further development, especially the support of the community set for Samoa in the future.

Tend to your role and give it your all, On behalf of this Parliament, I like to welcome all the officials.

The idea is no longer on grounds for we have arrived at the field sailed to the divine level for the District of Sa Moeleoi, Tapaau and Alataua in Vaiti and Vaimalae. It is difficult today with the arrival of the fulfillment of respect by the Minister, Hon Lautafi Fio Selafi Purcell. It is not easy since the constituency has approached the premises of Tiafau. I have come to the thought that we shall recess and host them for they have come all the way from Salafai. We will commence with welcoming of the constituency for these are our Samoan customs.



19 AUGUST 2014

### Presentation of Papers

I believe that it is time, Leader of the Government especially the Members of Parliament, our Meeting shall part for a short recess. We will go down in front of the House to greet the Satupaitea constituency.

I announce that the Proceedings of the Legislative Assembly will be adjourned.

*Proceedings of the Legislative Assembly were set aside at 9.22am until 11.16am*

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

I extend thanks and congratulations to this part of the day to everyone for their endless support and tolerance of our House with some important matters of which we have just returned from.

There is a belief that we are satisfied with the significant respect with the Satupaitea districts arrival, as well as the attendance of the students for our Outreach Programme for the children of our country. We express thanks for keeping things short accordingly in respect of our time, because we notice the range of work that needs to be done and programs laid down.

However, there is a belief that it is in your favor to proceed with our program.

I convey with respect the support from Samoa, particularly the paramount respect presented by the Satupaitea constituency. I would also speak on behalf of the Leulumoega with courtesy on this day. The Parliament has had their meal, by both of which account is preserved with the national rate of respect for the honoring of your Minister.

We wish to express thanks through your Minister and members of the district and we congratulate you for this good cause, and praise for the nobility in this part of the day.

### PRESENTATION OF PAPERS

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

1. P.P. 2014/2015 NO. 59, Ministry of Women Annual Report for the Financial Year ending 30 June 2013.
2. P.P. 2014/2015 No. 60, Government Responses on P.P. 2013/2014 No. 130, Officers of Parliament Committee Report on P.P. 2012/2013 No. 74, Report to Parliament of the Ombudsman (Komesina o Sulufaiga) up to 30 June 2012.

19 AUGUST 2014

### Presentation of Papers

3. P.P. 2014/2015 No. 61, Government Responses on P.P. 2013/2014 No. 96, Report of the Education, Science, Communications and Information Technology Committee on P.P. 2013/2014 No. 20, Annual Report of the National University of Samoa for the financial Year ending 30 June 2011.
4. P.P. 2014/2015 No. 62, Government Responses on P.P. 2013/2014 No. 63, Education, Science, Communication and Information Technology Committee Report on P.P. 2011/2012 No. 55, National University of Samoa Annual Report for the financial year ending 30 June 2010.
5. P.P. 2014/2015 No. 63, Government Responses on P.P. 2013/2014 No. 121, Report of the Works, Transport and Environment Committee on P.P. 2013/2014 No. 5, Annual Report of the Electric Power Corporation for the financial year ending 30 June 2012.
6. P.P. 2014/2015 No.64, Government Responses on P.P. 2013/2014 No. 119, Report of the Works, Transport and Environment Committee on P.P. 2013/2014 No. 4, Statement of Corporate Objectives of the Electric Power Corporation for the Period 2013-2015.
7. P.P. 2014/2015 No. 65, Annual Report of the Samoa Ports Authority for the Year 2012.
8. P.P. 2014/2015 No. 66, Annual Report of the Public Trust Office for the Year ending 30 June 2009.
9. P.P. 2014/2015 No. 67, Annual Report of the Public Trust Office for the Year ending 30 June 2010.
10. P.P. 2014/2015 No. 68, Annual Report of the Public Trust Office for the Year ending 30 June 2011.
11. P.P. 2014/2015 No. 69, government Responses on P.P. 2013/2014 No. 88, Report of the Finance and Expenditure Committee on P.P. 2013/2014 No. 21, Samoa Life Assurance Corporation Annual Report for the financial year 2011/2012.
12. P.P. 2014/2015 No. 70, Government Responses on P.P. 2013/2014 No. 65, Education Committee Report on P.P. 2011/2012 No. 58 & P.P. 2011/2012 No. 59, Samoa Post Corporate Plan for the period 2012-2014 and Statement of Corporate Objectives of the Samoa Post for the Period 2012-2014.
13. P.P. 2014/2015 No. 71, Government Responses on P.P. 2013/2014 No. 100, Education Committee Report on P.P. 2012/2013 No. 57, Samoa Post Corporate Plan for the period 2013-2015 & P.P. 2012/2013 No. 58, Statement of Corporate Objectives for the Samoa Post 2013-2015.
14. P.P. 2014/2015 No. 72, Government Responses on P.P. 2013/2014 No. 124, Government Administration Committee Report on P.P. 2011/2012 No. 42, Samoa Post Annual Report for financial year 2009/2010.
15. P.P. 2014/2015 No. 73, Report to Parliament of the office of the Ombudsman for 30 June 2013 & 30 June 2014.

*19 AUGUST 2014***Presentation of Papers**

16. P.P. 2014/2015 No. 74, Government Responses on P.P. 2013/2014 No. 120, Officers of Parliament Committee Report on P.P. 2012/2013 No. 5 & P.P. 2013/2014 No. 2, Parliamentary Pension Annual Reports for the years 2010/2011 and 2011/2012.
17. P.P. 2014/2015 No. 75, Government Responses on P.P. 2013/2014 No. 66, Education Committee Report on P.P. 2012/2013 No. 6, P.P. 2012/2013 No. 7 & P.P. 2012/2013 No. 8, Ministry of Education Annual Reports for 2008/2009, 2009/2010 and 2010/2011.
18. P.P. 2014/2015 No. 76, Government Responses on P.P. 2013/2014 No. 136, Health and Social Services Committee Report on P.P. 2012/2013 No. 55 & P.P. 2013/2014 No. 74, Samoa National Provident Fund Annual Reports for the years 2012 and 2013.
19. P.P. 2014/2015 No. 77, government Responses on P.P. 2013/2014 No. 115, Health and Social Services Committee Report on P.P. 2013/2014 No. 73, Statement of Operations and Accounts of the Senior Citizens Benefit Fund of Samoa for the year 2012/2013.
20. P.P. 2014/2015 No. 78, Annual Report of the Samoa International Finance Authority for the year 2013.
21. P.P. 2014/2015 No. 79, Government Responses on P.P. 2012/2013 No. 87, Report of the Works Committee on P.P. 2011/2012 No. 61, Corporate Plan and Statement of Main Objectives of the Samoa Water Authority for the Period 2012-2014.
22. P.P. 2014/2015 No. 80, Government Responses on P.P. 2013/2014 No. 134, Education Committee Report on P.P. 2012/2013 No. 23, P.P. 2012/2013 No. 78 & P.P. 2012/2013 No. 79, Annual Reports of the Samoa Sports Facilities Authority for the financial years 2008/2009, 2009/2010 & 2010/2011.
23. P.P. 2014/2015 No. 81, Samoa Land Corporation Annual Report for the Financial Year 2005-2006.
24. P.P. 2014/2015 No. 82, Samoa Land Corporation Annual Report for the Financial Year 2006-2007.
25. P.P. 2014/2015 No. 83, Samoa Land Corporation Annual Report for the Financial Year 2007-2008.
26. P.P. 2014/2015 No. 84, Samoa Land Corporation Annual Report for the Financial Year 2008-2010.
27. P.P. 2014/2015 No. 85, Samoa Land Corporation Annual Report for the Financial Year 2010-2012.
28. P.P. 2014/2015 No. 86, Government Responses on P.P. 2013/2014 No. 118, Report of the Health and Social Services Committee on P.P. 2013/2014 No. 46, Annual Report of the Samoa Housing Corporation for the Year 2012.

19 AUGUST 2014

**Presentation of Papers**

29. P.P. 2014/2015 No. 87, Government Responses on P.P. 2013/2014 No. 123, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2012/2013 No. 11 & P.P. 2013/2014 No. 39, Annual Reports of the Scientific Research Organisation of Samoa for the Years Ending 30 June 2011 and 30 June 2012.
30. P.P. 2014/2015 No. 88, Government Responses on P.P. 2013/2014 No. 64, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2011/2012 No. 56, Scientific Research Organisation Corporate Plan for 2012-2014.
31. P.P. 2014/2015 No. 89, Government Responses on P.P. 2013/2014 No. 62, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2011/2012 No. 34, Annual Reports of the Scientific Research Organisation of Samoa for the Years Ending 30 June 2010.
32. P.P. 2014/2015 No. 90, Government Responses on P.P. 2013/2014 No. 101, Report of the Health and Social Services Committee on P.P. 2012/2013 No. 12, Annual Report of the Samoa national Kidney Foundation for the Financial year ending 30 June 2011.
33. P.P. 2014/2015 No. 91, Government Responses on P.P. 2012/2013 No. 89, Report of the Health and Social Services Committee on P.P. 2011/2012 No. 29, Annual Report of the Samoa National Kidney Foundation for the Financial Year Ending 30 June 2010.
34. P.P. 2014/2015 No. 92, Samoa Law Reform Commission Annual Report July 2012- June 2013.
35. P.P. 2014/2015 No. 93, Samoa Law Reform Commission Report on the Prisons Act 1967, Final Report 04/11.
36. P.P. 2014/2015 No. 94, Scientific Research Organisation of Samoa Annual Report for 2012-2013.
37. P.P. 2014/2015 No. 95, Annual Report No. 50 of the Samoa Trust Estates for the year ended 30 June 2012.
38. P.P. 2014/2015 No. 96, Government Responses on P.P. 2012/2013 No. 95, Report of the Health and Social Services Committee on P.P. 2011/2012 No. 94, Annual Report of the Ministry of Health for the Financial Year Ending 30 June 2010.
39. P.P. 2014/2015 No. 97, Government Responses on P.P. 2013/2014 No. 128, Report of the Works, Transport & Environment Committee on P.P. 2012/2013 No. 24, P.P. 2013/2014 No. 22 & P.P. 2013/2014 No. 23, Annual Reports of the Samoa Water Authority for 30 June 2010, 30 June 2011 and 30 June 2012.
40. P.P. 2014/2015 No. 98, Government Responses on P.P. 2013/2014 No. 129, Report of the Works, Transport & Environment Committee on P.P. 2014/2015 No. 7, Statement of Corporate Objectives of the Samoa Water Authority for the Period 2013-2015.

19 AUGUST 2014

### Presentation of Select Committee Reports

41. P.P. 2014/2015 No. 99, Government Responses on P.P. 2013/2014 No. 135, Report of the Education, Science, Communications and Information Technology Committee on P.P. 2013/2014 No. 24 & P.P. 2013/2014 No. 25, Annual Reports of the Office of the Regulator for Years ending 30 June 2009 and 30 June 2010.
42. P.P. 2014/2015 No. 100, Government Responses on P.P. 2013/2014 No. 114, Report of the Health and Social Services Committee on P.P. 2012/2013 No. 16 & P.P. 2013/2014 No. 1, Annual Reports of the Ministry of Women, Community and Social Development for Years ending 30 June 2011 and 30 June 2012.

**MR SPEAKER:** Good. Thank you.

### PRESENTATION OF SELECT COMMITTEE REPORTS

*Clerk read out the list of the Select Committee Reports pursuant to Standing Order 51(5).*

1. *P.P. 2014/2015 No. 101, Report of the Justice, Police & Prisons and Land and Titles Committee on the Lawyers and Legal Practice Bill 2012.*
2. *P.P. 2014/2015 No. 102, Report of the Finance and Expenditure Committee on P.P. 2014/2015 No. 5, Annual Report of the SIFA for the year 2012.*
3. *P.P. 2014/2015 No. 103, Report of the Finance and Expenditure Committee on P.P. 2014/2015 No. 8, Samoa Life Assurance Corporation Annual Report for the year 2013.*
4. *P.P. 2014/2015 No. 105, Foreign Affairs, Trade and Revenue Committee Report on the Tax Administration Amendment Bill 2014.*
5. *P.P. 2014/2015 No. 106, Report of the Justice, Police and Prisons Committee on the International Criminal Court Amendment Bill 2014.*

### PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2014

– first reading

**MR SPEAKER:** Hon Prime Minister you may take the floor.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Minister of Finance):** Mr Speaker, I move, *That the Public Finance Management Amendment Bill 2014 be read for the first time.*

19 AUGUST 2014

**Community Law Centre Bill 2014**  
- first reading

*Seconded by the Deputy Prime Minister, Minister of Public Enterprises, Minister of Communications and Information Technology and Minister of Women, Community and Social Development.*

*Motion approved and the Finance Management Amendment Bill 2014 was read a first time.*

**MR SPEAKER:** According to the Standing Order, the Bill is set for its second reading on the third sitting day.

**COMMUNITY LAW CENTRE BILL 2014**  
- first reading

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

**Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice and Courts Administration):** Mr Speaker, I move, *That the Community Law Centre Bill 2014 be read a first time.*

*Seconded by the Deputy Prime Minister.*

*Motion was approved and the Bill was read a first time.*

**MEDIA COUNCIL BILL 2014**  
- first reading

**MR SPEAKER:** According to the Standing Order, the Bill is set for its second reading in the third sitting coming up.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker, I move, *That the Media Council Bill 2014 be read a first time.*

*Seconded by the Deputy Prime Minister and the Minister of Women, Community and Social Development.*

*Motion was approved and the Bill was read a first time.*

**MR SPEAKER:** According to the Standing Order, the Bill is set for its second reading on the third sitting day following.



19 AUGUST 2014

**CUSTOMS BILL 2014**

– first reading

**MR SPEAKER:** Hon Minister of Revenue you may take the floor.

**Tofa Hon TUILOMA LAMEKO (Minister of Revenue):** Mr Speaker, with all due respect I move, *That the Customs Bill 2014 to be read a first time.*

*Seconded by the Deputy Prime Minister and the Minister of Women, Community and Social Development.*

*Motion was approved and the Bill was read a first time.*

**NATIONAL PROVIDENT FUND AMENDMENT BILL 2014**

– first reading

**MR SPEAKER:** You may rise Hon Prime Minister.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker, I move, *That the National Provident Fund Amendment Bill 2014 be read a first time.*

*Seconded by the Deputy Prime Minister and Minister of Women, Community and Social Development.*

**MR SPEAKER:** According to the Standing Order, the Bill is set for its second reading on the third sitting day following.

**PERSONAL PROPERTY SECURITIES AMENDMENT BILL 2014**

– second reading.

**MR SPEAKER:** For the information of the Parliament this Bill was first read on the first sitting day 20/6/2014.

You may take the floor Hon Minister of Commerce, Industry and Labour.

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Deputy Prime Minister, Minister of Commerce, Industry and Labour):** Mr Speaker I move, *That the Personal Property Securities Amendment Bill 2014 be read a second time and I also like to clarify the Bill.*

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

**MR SPEAKER:** Hon Prime Minister you may now take the floor.

19 AUGUST 2014

**Personal Property Securities Amendment Bill 2014**  
 – second reading

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO:** Thank you Mr Speaker for the opportunity.

As you mentioned, this was the Act that was passed last year. This Bill has been brought up again to amend a small portion of the current Act. A reminder, that this Principal Act is established to set up a registration form or an electronic Registry to record personal properties, especially these vehicles. Hence, it must be registered in order to loan money or borrow money from the bank. This Principal Act falls heavily in using of statistics and others as well as a vision that seeks to look for information in the case of a default.

The Amendment Bill that is being brought up now looks upon the value of the name of the owner of the debt, to register the name of the owner of the debt on a notice or a notice is received from the Registration Center once it is installed.

Mr Speaker, this is a short amendment in accordance with this Bill.

**MR SPEAKER:** Thank you Hon Prime Minister for the complimentary clarification on this Bill. It looks like all members understand regardless of the amendment since not much has been amended.

**Afioga Hon Palusalua Faapo II (Leader of Opposition):** Mr Speaker...

**MR SPEAKER:** I will still give you an opportunity – you may take the floor Leader of Opposition.

**Afioga Hon PALUSALUA FAAPO II:** This will not take long, but thank you to the Deputy Prime Minister for some of the things he added to provide our nation with liberation for their debts and secured properties. As you said, it is set to haul the name of the debtor for the intention of getting money to develop the country.

Last year this Principal Act was passed. The reason I stand Mr Speaker, is whether the banks such as ANZ, WESTPAC and other commercial banks allow these properties to be held as security? What is the status since this Act was passed because it is not easy for a few of our people to bring mats, plantations and so forth?

**MR SPEAKER:** I get you Leader of Opposition, the Deputy Prime Minister will now respond.

**Tofa Hon Fonotoe Nuafesili Pierre Lauofo:** As explained at the time when the Amendment Bill was tabled, there were public consultations also involving representatives from all the banks in the country. Their response is that this is exactly what they need to trust lending money with such securities such as vehicles. In this case the banks are very pleased with what is being done.



19 AUGUST 2014

**Personal Property Securities Amendment Bill 2014**  
– second reading

The electronic registry will record the vehicles, arrears and licenses. This will consolidate the information for ease of reference.

This gives joy to the banks because it makes their job easier and also they trust in this type of system to make it easier to give credit to the people, especially loans because as you must know, the loans are secured by personal property. Many small loans are for developments or family obligations.

That is the response to the question Mr Speaker.

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

**MR SPEAKER:** I will once again give the floor to the Leader of Opposition.

**Afioga Hon PALUSALUE FAAPO II:** Mr Speaker, thank you to the Deputy Prime Minister for the clarification.

Motor Vehicles are not a new thing even they were used in the past before it was brought into this Bill. What I am after is that mats, plantations, and others are mentioned. What about in cases of emergency and a vehicle cannot be used as collateral. I assumed that a fine mat or plantation can be used and \$300 will be loaned. Is this what is being done now? At the moment if a person was to approach the bank with these properties it is not accepted.

**MR SPEAKER:** We get your point Leader of Opposition.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker, these things are not new to us. What the Deputy Prime Minister was referring to, are the things needed by the Banks to make their work easier.

Plantations and other things have already been used by the Development Bank but the important thing that is new to the people, is putting in cars, televisions, beds and some people even put their spouses. It does not matter if the woman is young because they come with their own value, but that is not needed by the bank. However it is good that this matter has been brought up so that we will know what people are doing. Now old ladies are being taken into account but the Banks do not need them. There are also other things like land and approval from their Members. That is one thing, if they come searching for Palu, and they will have a hard time looking for Palu because will be like a fugitive on the run.

These are some of the things that people rely on such as their Members. Even the Members are not accepted by the banks for the information of those that want to use their Members that after the Elections, the banks will look for them and they will be living overseas.

19 AUGUST 2014

**Personal Property Securities Amendment Bill 2014**  
 – second reading

Another thing when we go looking for the Member, we will find out that they are poorer than those people who want to loan money. Which means that these Members have zero balance in their accounts and are no longer trusted. So, when one goes and writes down the Members name and underneath it writes the amount of \$100,000, the bank no longer values that Member as their customer.

Mr. Speaker, we are talking about the registration of assets, which does not include the spouse or Member. That is my clarification of the matter Mr Speaker. The banks do not rely on these assets but just some of the mentioned properties.

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

**Tofa LEALAILEPULE RIMONI AIAFI (Faleata West):** Mr Speaker, I will not comment on the address by the Hon Prime Minister about spouses because they are not assets, she is the love of your life.

My question to the Deputy Prime Minister, we had a lot of quarrels on this Bill and it has not yet been a year and already there are amendments. We do not know if the Act has been implemented but now it is amended because this was why it was brought in before...thanks for the Amendments, but I am unsure how a Principal Act can register debts without a name. Consequently that is why I am thankful for bringing in the amendments, because there is no logic and the first legislation does not make sense to make a loan this way. But it appears now that this is very wrong.

**MR SPEAKER:** I get your opinion. The Hon Minister will now respond.

**Tofa Hon Fonotoe Nuafesili Pierre Laufo:** Mr Speaker, the reason for this amendment is the electronic registration system I mentioned. When all the documentation is received in regards to debts on vehicles it includes names. The electronic system does not record this and if legally provided for, the names of those involved will be mentioned in the system.

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker, if the Hon Minister would be patient while I finish my remarks. The fact of the matter is that any recorded document should include a name but thank you for clarifying that it is made official by this Bill. With respect.

**Tofa LEVAOPOLO TALATONU (Gagaemauga No. 2):** Mr Speaker, to this day, I do not understand this Bill and I have read it tirelessly. I also assumed that the Hon Minister would present a clear explanation. I am disappointed that today, only examples are being put forward when I assumed facts would be presented for the understanding of the House and the country listening in.

19 AUGUST 2014

**Personal Property Securities Amendment Bill 2014**  
– second reading

**MR SPEAKER:** Your view is noted. I call on the Deputy Prime Minister.

**Tofa Hon Fonotoe Nuafesili Pierre Lauofo:** Point of order Mr Speaker. These are not examples. I mentioned vehicles to clarify the Bill. The Member does not understand the Bill. I recommend that he read the recommendations made for the Principal Act and maybe he would understand from there.

**MR SPEAKER:** The name of the Bill is clear; Personal Property Securities Amendment Bill. This means it is about property such as vehicles, fine mats, bananas, beds, television and the like as the Hon Minister tried to explain. The Deputy Prime Minister only used the vehicles as an example to reflect its credibility within the banks to guarantee loans.

Is there anything else Leader of Opposition?

**Afioga Hon Palusalue Faapo II:** Yes, I am trying to make a remark using examples like the Deputy Prime Minister.

**MR SPEAKER:** Continue then.

**Afioga Hon Palusalue Faapo II:** A man from my constituency came with his TV in a bus to my home and said “I am going to take this TV security for a \$200 loan after I heard about this law”. The public is ecstatic that this assistance is available. I then told him “Take your TV to ANZ” and so he took his TV and left but when he went to ANZ, it was not accepted. So he returned to my home with the TV and I gave him return fare home.

This is why I am talking about examples in case the constituency comes with furniture and it is not accepted by the Banks.

**MR SPEAKER:** Your point is noted.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of clarification, how is it possible to walk around and carry a TV? This just illustrates how foolish this man is. You should have assisted him. It is clear in here that you have to register. Nowadays, that is what thieves do. The banks are not fooled by such things because if a person brings his TV only one thing comes to mind and that is theft.

**MR SPEAKER:** Your examples was irrelevant. I call on one of the Members for Safata, Afioga Hon Manualesagalala Enokati Posala.

19 AUGUST 2014

**Personal Property Securities Amendment Bill 2014**  
– second reading

**Afioga Hon Manualesagalala Enokati Posala (Minister of Works, Transport and Infrastructure):** Mr Speaker, point of order. I know there is no man from this Constituency that came with a TV because our Constituency is poor. If they do not fish they are farmers. My fellow Member is incorrect with respect.

**Afioga Hon Palusalue Faapo II:** Mr Speaker, I will not respond but this is the reality. When commitments arise, the banks are approached for assistance. I assumed Deputy Prime Minister that this Bill will be a refuge for our people. You used the vehicle as an example but what about beds, TVs, fridges and chairs.

**MR SPEAKER:** It is noted Afioga Hon Palusalue, I will tell...

**Tofa Hon Fonotoe Nuafesili Pierre Laufo:** Point of clarification Mr Speaker. I only added to the speech by the Hon Prime Minister. No wonder the bank did not accept it because the Bill has not been enforced. This illustrates the Leader of Oppositions understanding of the Bill.

After the amendments are made then the order will be made for when the Bill will be official.

**Afioga Hon Palusalue Faapo II:** Point of order. The Principal Act has been passed and consented to by O le Ao o le Malo. It is therefore being used aside from amendments to be made. That is what I wish to correct from the speech by the Deputy Prime Minister.

**MR SPEAKER:** Your view is noted. To ease your mind, he went to the wrong bank. He should have went to Moatoga or Treasure Garden where they accept TVs.

**Tofa Lealailepule Rimoni Aiafi:** I wish to assist the Leader of Opposition. The Bill is an amendment and is not yet official.

*The motion was approved and the Bill was read a second time.*

**MR SPEAKER:** Pursuant to Standing Orders, the Bill will be referred to the Primary Production, Commerce, Industry and Labor Committee for consideration to report back at a future Meeting.

**PUBLIC HOLIDAYS AMENDMENT BILL 2014**  
– second reading

**MR SPEAKER:** For the information of Parliament, this Bill was first read on the Sitting 20/6/2014.

19 AUGUST 2014

**Public Holidays Amendment Bill 2014  
- second reading**

I call on the Hon Minister of Commerce, Industry and Labor, the Deputy Prime Minister.

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO:** Thank you Mr Speaker.

I move a motion, *That the Public Holidays Amendment Bill 2014 be read a second time and I wish to comment on it.*

*Seconded by the Minister of Works, Transport and Infrastructure and the Minister of Womens, Community and Social Development.*

**MR SPEAKER:** I call on the Deputy Speaker.

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO:** Mr Speaker this Bill amends the Public Holiday Act 2008.

There are three important matters stated in this Amendment Bill. First is to define the term shop so that it is consistent with the interpretation in the Business Licenses Act 1998.

Second amendment Mr Speaker is to give additional powers to O Le Ao o le Malo to declare a public holiday when there is a state of emergency after a natural disaster. This power enables a notice be made and an order for a specific date to be a legal public holiday.

Third is to give powers to the Minister to clarify a day that an employer wants to have a holiday. A company may have special occasion days when they wish to have a holiday. They can present a request to the Ministry to consider the application.

Those are the three matters provided in this Amendment with respect.

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

**Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East):** Mr Speaker, I thank the Deputy Prime Minister for the Bill. I also thank the Hon Minister for the respect paid this morning.

I stand to ask the Hon Minister regarding the proposed Clause 7(a). Personally, it seems as though the Government is exerting dominion over the business owners and when they want to have holidays. For example, if I own a company and I want to have a public holiday to celebrate my birthday or 10 years of the Company I will have to write to the Minister to apply for a holiday. Why should I have to when I own the company? I have to adhere to the Labor Act in regards to compensation of my employees during holidays. Now this Bill provides that the Minister can approve or deny my application. Why is this inappropriate change being made? Is there a relevant purpose? If you refer to the bottom of the Bill, the Government is not affected. Government Ministries are not affected only companies.

19 AUGUST 2014

**Public Holidays Amendment Bill 2014**  
- second reading

What is the exact purpose of this Bill with these new provisions which impugn on the rights of an employer and when they can work and have a holiday?

With respect.

**MR SPEAKER:** I beg tolerance of the Deputy Prime Minister so the Member upstanding can make his remarks then you can respond.  
I call on the Member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker. Thank you Deputy Prime Minister for the Bill. I support this Bill but there are some matters. First, for the definition of shop. Remember that there are public holidays when there are small shops that are open for peoples daily needs but this Bill will not permit this and they will be closed on these days. What is the truth of this?

Second, regarding remuneration for special public holidays consented to by O Le Ao o le Malo. The Bill provides for a special rate. I believe this should be specifically clarified because it may cause tension amongst employees and the employer. It states between the normal rate and the double rate. Why does it not state explicitly what the rate is consistent with the Labor Act which provides for a special rate so that there is no conflict between employers and employees.

Lastly, I support the Member for Faleata East. This Bill affects the private sector and the businesses and the owners. They have rights as to when they have holidays but it seems to be permanent in this Bill. Why? With respect.

**MR SPEAKER:** I call on the Deputy Prime Minister. These are the only remarks.

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO:** The Bill is clear. A company can apply to the Ministry and the Minister for a public holiday specifically for that company. There are reasons for this; this Bill was not done on a whim. There were companies that had public holidays and the employees had a day off but were not compensated. This should be made official in the Bill. When an employer wishes to have a public holiday, it is true the Government does not have authority over their working days. It is up to the company and the days they want to have public holidays but they should abide by the legislation in regards to remuneration for the employees such as NPF. This would make us in line with international practices and the International Labor Organization. Those shops will not be closed such as bakeries and small shops, they are not included in this Amendment. The Government is considering all this.

19 AUGUST 2014

**Public Holidays Amendment Bill 2014**  
**- second reading**

As for rates, it is clear and it will be structured and provided for in legislation. Remember that the Ministry of Commerce, Industry and Labor is monitoring the companies. If there are issues the Ministry is available for any complaints from the employees. Many of the complaints are from the private sector thus the establishment of legislations and amendments to safeguard their salaries and entitlements such as NPF contributions and ACC because if it is not legislated, they will not be entitled to these benefits.

That is the purpose of the Bill with respect Mr Speaker.

**MR SPEAKER:** Thank you. I believe the explanation by the Deputy Prime Minister is understood. I call on the Member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Deputy Prime Minister for the explanation. If the purpose is as the Deputy Prime Minister says, then I do not think the wording of the Bill should be as printed but it should be under the Labor Act. Why should I the employer, write to the Government for a public holiday but there is a Labor Act that can provide for what the Deputy Prime Minister mentioned?

**MR SPEAKER:** Your remarks are understood.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Perhaps we are missing something which assumes this Bill is one sided. Remember that when businesses apply for a license, they do not automatically get a license and do whatever they want. The Government considers the overall picture not only in relation to the employer but also the employee and whether they are being protected as well as the general public using these services. For instance buses, there are so many complications. An application is made to service a certain part of the country and when they receive the license the bus driver decides when to rest but what about the people that were the reason for the license being approved? Those who wake up in the morning to work or the students? The license is not only approved because of the request from the business, the Government needs to consider the safety of the employees in regards to salaries and other entitlements as well as those who were the reason behind the establishment of the business. It is not up to you to close your business whenever you wish to. What then of the potential customers that were the purpose of your request, that you would serve them 24 hours a day? The Government has a broad view which is also the purpose of the Labor legislation. In the initial period of businesses in Britain, employees were treated like animals. This is why the Government is taking a stance not only to protect the employer but also the employees and the customers. You cannot have a public holiday whenever you feel like it.

Mr Speaker that is the fact of the matter. The Executive has a broad view.

**MR SPEAKER:** Thank you. I call on the Member.



19 AUGUST 2014

**Public Holidays Amendment Bill 2014**  
- second reading

**Afioga MAUALAIVAO PAT AH HIM (Individual Voters):** With all due respect Mr Speaker, thank you for the opportunity.

I believe that this Bill is important because it involves businesses and shops. I believe as the Hon Prime Minister mentioned, this is important because of the service the country relies on. Not only shops can close but there are also other services such as those who sell cashpower cards. It is not that hard for shops but other services such as transport and food distributors. I support the Bill and do not assume that business owners do not look after their employees. But what is being said is that business owners intentionally have holidays for the employees but do not pay their NPF and other entitlements but this is an offence, the law must be followed. I rise with respect because the business owners are listening in but the Hon Prime Ministers explanation is accurate. There are services that operate 24 hours and should be so with respect, thank you.

**MR SPEAKER:** Thank you.

**Afioga Tufuga Gafualeata Faitua (Vaisigano No. 1):** A point I wish to understand Mr Speaker.

**MR SPEAKER:** The Hon Minister responsible for the Bill has responded...I will allow the Member to stand.

**Afioga Tufuga Gafualeata Faitua:** A query on the comments by the Member for Faleata. If an employer applies for a public holiday and the Minister approves it, is it paid double rate different from Government holidays? I want to understand if the employees are to have a day off, can the employer afford to pay the employee? Thank you.

**MR SPEAKER:** I call on the Hon Minister.

**Tofa Hon Fonotoe Nuafesili Pierre Laufo:** Mr Speaker, an application for a public holiday is just that, it is a public holiday meaning the rate applied to public holidays is the rate paid...

**MR SPEAKER:** I deem the matter clarified by the Hon Minister.

*Motion approved and the Public Holiday Amendment Bill 2014 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Orders, the Public Holiday Amendment Bill 2014 will be referred to the Primary Production, Commerce, Industry and Labor Committee for consideration and to report back at a future Sitting.



19 AUGUST 2014

**CUSTOMS BILL 2014**  
 – second reading

**MR SPEAKER:** I have a Certificate of Urgency signed by O Le Ao o le Malo on the Bill therefore Parliament will proceed with its second reading. I call on the Hon Minister of Revenue.

**Tofa Hon TUILOMA LAMEKO:** Mr Speaker, I stand to move a motion, *That the Customs Bill 2014 be second read and I wish to clarify it.*

*Seconded by Deputy Prime Minister and Minister of Works, Transport and Infrastructure.*

**MR SPEAKER:** I call on the Hon Minister for his clarifying speech.

**Tofa Hon TUILOMA LAMEKO:** Mr Speaker, this Bill impacts on the majority of the country especially in regards to trade and the Customs Office. Currently, the 1977 Act is more than 30 years old and this Bill repeals that Act. As we are aware, there have been changes in the language and technological advances compared to the time when the 1977 legislation was enacted. To be relevant and updated with international trade organizations, a change in the legislation was proposed. The drafting of this Bill Mr Speaker employed the assistance of overseas experts to ensure up to date terminologies used involving technology. That is the important objective of the Bill. Whatever issues there were in the 1977 Act are being changed in this Bill. Also Mr Speaker, these changes are relevant also for trade with the international community and that the changes reflect the consistent Customs policies and procedures with overseas countries and organizations such as WTO. That is the clarification Mr Speaker on the Bill now before the dignity of Parliament.

**MR SPEAKER:** I commend the Hon Minister for the clarification. This is now the opportunity for our deliberation.

I call on the Member for Faasaleleaga No 2.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No.2):** Thank you Mr Speaker for the opportunity. I thank the Hon Minister, also an elderly member of the Cabinet for the Bill. The Principal Act is old but there are also many changes within this Bill. Thank you Hon Minister as well as the CEO and the Ministry for these reforms and conditions for the improvement of the service. Also for taking note of the Committees recommendation with the many changes.

There are parts that I wish to understand and query. There is a provision for departures which is not in the old Act. Currently, departure goes through Immigration and then Security and arrivals go through Immigration, Customs, Quarantine and check out. My query is whether there will be no Immigration like overseas but the passengers will go through Customs only.

19 AUGUST 2014

### Customs Bill 2014 – second reading

Thankfully there is a provision for the entry of prohibited goods such as weapons and illegal drugs but the question is whether we have the relevant technology and equipment to resolve these issues. We are changing the legislation so we should also have modern equipment to monitor the entry of these goods. Also Mr Speaker, this Bill has a change which is relevant regarding the due date of duty payments. In the current Act it is three years but this Bill proposes 1 month. In my opinion, there should be consideration for the private sector and the public that contribute greatly to our economy. This is a drastic reduction and it would have been better if it were reduced from three years to three months but for the proposed 1 month, I do not think the payment can be paid within this time. The Bill has a further provision regarding the discretion of the Comptroller to give a chance but it does not deduce the limits of this discretion. In my interpretation of this, that discretion might end up allowing a period of three years.

I now come to the matter of the code of conduct. It is clear in the Bill regarding rewards and I interpret this as corrupt but there is a phrase that states that the Minister or Comptroller can permit this. What exactly is the purpose of this because as leaders of the country, there should not be any confusion within the Bill. Is the Bill allowing the Minister or Comptroller to give permission?

On another matter, perhaps it is a newly established concept, that of the Customs Appeal Authority. In my view, this authority is specific to handle inappropriate decisions made by the Comptroller. I believe that there is only one Ministry that can handle this and that is the Ministry of Police. The law provides for the duties of the Comptroller and if there are issues, there is a responsible Minister and the Cabinet to decide on such matters. My concern with the establishment of a new Authority is expenditure as you see from the Bill, the Chairperson will be a lawyer which means it will not be a small amount expended. If this money was instead expended on staff capacity building it would be well spent. To establish another body would be an additional expense. Yesterday during deliberation on a different Bill, some Members stated that lawyers are expensive and in this Bill, a lawyer will be the Chair. My main concern as I said is expenses and that our funds are well appropriated. I personally do not support this newly proposed authority.

Finally Mr Speaker, perhaps it is relevant to mention in Clause 1 it states Section 12 (7) and 145(5) but in the Bill these sub-sections do not exist. Perhaps it was overlooked.

With respect Mr Speaker.

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

19 AUGUST 2014

### Customs Bill 2014 – second reading

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker for the floor. I also thank the Hon Minister for the Bill. This is the first time I have seen such a thick Bill since I entered Parliament and I am disappointed that it is tabled today with the intention to pass it when we have not had ample time to understand the Bill.

The Hon Minister mentioned that the Principal is 37 years old. The WTO and WCO or the World Customs Organizations are not new, they have existed for a long time and there should have been enough time. The reason for my remarks is because this new Bill proposes serious changes. I am uncertain if the business owners are prepared to export overseas and import goods for the general public. There are many new changes in the Bill. There are also penalties, new powers given to the Customs Office and I am concerned.

One Member touched on travelers entering Samoa on planes. Currently the processing of passengers is done by Immigration and the Airport Authority under their legislations. Those departing on aircrafts are provided for in the Airport legislations and only those qualified can carry out these duties. Now this Bill states that this will be done by the Customs Office. My question then Hon Minister, are there qualified persons to carry out this duty? It is not easy but there should have been communications with the Airport Authority while the Bill was in drafting stage because they should have contributed in these specific areas because that is their current responsibility. Even permission for the aircraft to leave is given by Customs. Currently, the final clearance is given by the airport authority there is no other clearance. The Hon Minister should reconsider this and the Bill.

Regarding exports, there is a substantial part of the Bill relating to this and it also provides for the Customs Office and exporters. This has long been handled by the Ministry of the Prime Minister and Cabinet in collaboration with other Government Ministries, however it seems as if exports should be sealed and the package inspected. I am anxious because I assumed that they only concentrated on imported goods. This Bill is appropriate at this time because the global community including the Pacific, is prioritizing border control which is why this Bill is important.

Mr Speaker and Hon Minister responsible for the Bill, there are so many provisions and if it is considered and passed today in Parliament and assented to, the question is, is the public aware and prepared?

Another important aspect is the warehouses which will no longer be under the Companies but will all be under the authority of the Customs Office. Are these Companies prepared for these massive changes in the Bill?

These are the questions Mr Speaker because not only are there additional powers being granted, but additional work outputs and duties despite there not being any additional employees. Are they prepared with training to carry out these jobs which only those with qualifications can do? Mr Speaker, there are 360 Clauses in the Bill. The intention of the Government is to first, simplify processes for the establishment of businesses so that they can export.

19 AUGUST 2014

### Customs Bill 2014 – second reading

Even the cost of imports should be declared in the forms and submitted for a decision from the Ministry.

Also, this is perhaps the appropriate time for the Hon Minister and the Government to consider some matters. I see from this Bill that the Office is large in size and they have added responsibilities and work outputs especially with border control. Also they are merged with the Tax Office.

Under this Bill, the head of the Department is the Comptroller of Customs but in the GST Act the position is Commissioner of Revenue or Tax Office. These legislations are thick and perhaps it is relevant at this time for the Hon Minister and the Ministry to separate these two Departments. These are the important entities because they contribute more than 80% of our revenue. The recommendation is to reconsider the previous realignment and perhaps it is due time to restructure because this Bill and the Customs are guided by international conventions and agreements. However the other Division is specific to domestic matters but is also important.

Mr Speaker, those are some matters which are not in opposition but rather recommendations to the Hon Minister to prepare in advance before this Bill is official with respect.

**MR SPEAKER:** There is one Member, I call on the Member for Gagaemauga No. 2.

**Tofa LEVAOPOLO TALATONU:** Thank you Mr Speaker for the opportunity. My remarks will be brief despite the thickness of the Bill but it is the intention that it be considered in a state of urgency. As some of the previous Members mentioned, the country is reliant on this Bill for the collection of revenue. It is a Bill that should have been given ample time for myself and others to understand and provide recommendations. Perhaps as we progress with it there will be a time for amendments.

There is a matter Mr Speaker I wish to comment on. I absolutely oppose one part of the Bill which is Part 16 and the provision for Burden of proof. Mr Speaker, I read in the Bill that as soon as the Customs Office declares a person or company has committed a criminal offense then it is proven. This is in violation of our constitutional right in Section 9 “9(3) Every person charged with an offence shall be presumed innocent until proved guilty according to law.” However in this Customs Bill it states that you are guilty unless the defendant provides evidence to prove otherwise. This is why I advise the Hon Minister to reconsider this part of the Bill because it contradicts the Constitution of the Independent State of Samoa. Thank you for the opportunity.

**MR SPEAKER:** I am in deep respect for the Afioga Tuiatua Faanofonofu. The final opportunity will be given to you and the Member for Faleata East followed by the response of the Hon Minister.

I call on the Member for Aleipata Itupa i Lalo.

19 AUGUST 2014

**Customs Bill 2014 – second reading**

**Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo):** Thank you Mr Speaker. There is no intention to prolong the matter because I am of high opinion that this was consulted on yesterday with the explanation from the CEO of the Ministry of Revenue. However, there is assistance I wish to give to the Hon Minister.

I thank the Hon Minister of Revenue and the Ministry for this important Bill. It is clear that the Bill has all the provisions from the Principal Act with additional Clauses from my reading, Clauses 11-20 and that it is consistent with our policies. We also are signatories to international conventions relating to Customs and WTO and WCO as well as the Kyoto Protocol which this Bill is essential to with its additional provisions. Clause 11-20 mentions Custom Control Areas stating that 30 days is given to store the goods in the temporary area and within the 30 days the owner should pay for the release of the goods. There are also arrangements that can be made and I see under Clause 60 there is a provision for the discretion of the Minister under the advice of the Comptroller.

My humble request Hon Minister because this is a very important provision to assist especially those who are building churches and we are a country founded on God. There is not a single constituency without a church building or house of worship. Perhaps the Hon Minister recalls that I approached him for assistance for our church building not to remove the tariffs but for assistance in making installments. There should be a provision for discretionary power of the Hon Minister to allow arrangements for repayment installments dependent on the ability of the congregation to repay.

Also with respect Hon Minister, this new change for additional powers to the Customs Officers. It is important as we host the upcoming SIDS Conference which will be attended by Presidents, Prime Ministers and Ministers from overseas and this Bill is appropriate if we are eager to keep out suspicious arrivals. The New Zealand bomb squad arrived for the protection of our guests. There are not many changes in the Bill as was stated yesterday the 1977 Ordinance is in the proposed Bill with additional Clauses 111-249 for the Customs Appeal Authority. The Bill is also consistent with requirements as provided in Clause 294-305 regarding public consultations. This has already been done with the private sectors, Government Ministries and stakeholders relevant to this Bill. This means there is nothing that the business owners are now aware of because they understand.

The only issue is the temporary custom warehouse and whether there is safety? There may be circumstances resulting in requests being made or the collusion of Ministries and then there will be problems and we will be back at square one. Thank you Hon Minister for the Bill. I gladly support it with gratitude and I beseech the Members to approve the Bill of our Elderly Father and pass it today. With respect.

**MR SPEAKER:** I call on the Member for Faleata East to take the final opportunity.

19 AUGUST 2014

**Customs Bill 2014 – second reading**

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker, I will also be brief and I support the Bill. As the Member mentioned, the explanation by the CEO was clear on this large Bill. I assumed time would be given to read the Bill however it is understood from the explanation yesterday. There is however a part of the Bill I wish to comment on.

First, this Bill secures any imported good and any good within Samoa. For example: travelers, residents, visitors, migrators, plants, goods, insects, animals, anything that it is Samoa and also dealing with public health, it is all in this Bill. This is why I accept this Bill.

The matter I wished to speak on was mentioned yesterday; licensed warehouses. If want to understand if I have a license for such a warehouse that is approved for Customs as a Customs controlled area, can another business put their goods in this area or is it left at the dock?

Second matter is in regards to the power given to custom agents. As another Member mentioned, there is contradiction with the Immigration. There is a provision that states the Comptroller may consult with the CEO of the Ministry of the Prime Minister and Cabinet. There is also mention of the Ministry of Agriculture. However there are specific safeguards that the Immigration deals with so what will happen to this task.

Another matter is in regards to the Customs Agents being given the power to carry our investigations without a warrant. They can enter with force and use their power to enter a vehicle, building, boat, aircraft without a warrant. This Bill is important in emergency situations but for the protection of our country and the individual rights of everyone, this should be permitted.

In the Bill, a Customs vessel can fire a warning towards a vessel that does not stop or a vessel that is being in pursuit of. After the warning is not heeded, a second shot is fired to the vessel. This should be considered whether the Government is prepared to ensure the safety of those in the Customs vessel.

I recall a Police Officer once told of a similar situation and when they boarded the vessel, they knew that there were more weapons on that vessel than what they had. My concern is that a shot may be fired and the vessel fired upon may respond in kind and obliterate the Customs vessel. In such situations we need a vessel similar to the American ones.

Another part of the Bill I wish to comment on Mr Speaker is in regards to border control. If the power is given to the Customs for border protection, they should collaborate with the Ministry of Health. For instance in the cases of diseases.

This Ministry accounts for approximately 80% of revenue and there is more to be collected. I support the provision to remove the three years for licenses to warehouses so that payments can be collected instantly and the work can proceed.

That is all I wish to comment on and I thank the Hon Minister and the Ministry for the Bill with respect.



19 AUGUST 2014

**Customs Bill 2014 – second reading**

**MR SPEAKER:** I call on the Hon Minister responsible for the Bill for a response to the queries on the Bill.

**Tofa Hon TUILOMA LAMEKO:** Mr Speaker and Members of the House, I first thank all the Members that commented on the Bill. I will respond on the general merits of the Bill including matters that were raised by the Members.

Mr Speaker, we cannot deny that our country relies on the revenue from this Ministry for the operation of our Government as more than 80% revenue is collected here. This means that necessary measures need to be taken by the Management and the Administration to safeguard funds from misuse.

As I mentioned the Principal Act is 30 years old and it is a long period and there are many organizations. As I explained the objective is to repeal the 1977 Act. Although the name may be changed, there are many provisions in the 1977 legislation in this Bill. This legislation strengthens the Ministry and enforces Organizations and other Ministries to pay their duties and there is no intention to remove and duty payments.

Currently, we are trying to consider payment conditions so that those who own the goods can pay their duties.

Also, there was a comment that the Agents can take the goods without paying duties, this is not the case unless terms have been made for the groups travelling such as villages. Personal effects can be decided on by the Customs Office if there should be duties.

That is the response on the important matters raised by many Members on the Bill. The Bill can be amended at a future time but for now the Bill is needed for Customs and so we can receive money for the Elections.

**Tofa Lealailepule Rimoni:** Thank you Hon Minister, I will not debate you on the matter. The only recommendation is in regards to the Bill and the provision in relation to the Airport Authority and the Immigration. It is clear in the Bill that the task done by the Airport Authority will be done by the Customs but it is not clear as to what those tasks are. In the Principal Act, there are no such provisions so these are new powers.

**Tofa Hon TUILOMA LAMEKO:** The fact is that the Customs Office needs to cooperate with the Immigration Office because they each have a guiding legislation so we cannot say that one legislation trumps the other. If it is the Customs Act then there should be a payment to the other, with respect.

**Tofa Levaopolo Talatonu:** Mr Speaker, there is a matter I mentioned and I leave it with the Hon Minister to read 285 after church service this Sunday.

19 AUGUST 2014

**Customs Bill 2014 – second reading**

**Tofa Hon Fonotoe Nuafesili Pierre Lauofo:** Mr Speaker, Clause 285 is for proof from any side; the appellant or defendant. Clause 285 lists from (a) to (f) the allegations and the intent of beyond reasonable doubt is under 285 (4) that the prosecution maintains the standard of proof unless proven otherwise.

There is no contradiction between Clause 285 and the Constitution providing for the presumption of innocence until proven guilty. Tofa Levaopolo is heading to legal issues and that is the response with respect.

**Tofa Levaopolo Talatonu:** Mr Speaker, I am dismayed at the lawyer skills of the Deputy Prime Minister but it is alright we will talk about it another time.

**MR SPEAKER:** I call on Afioga Hon Manualesagalala.

**Afioga Hon Manualesagalala Enokati Posala:** Mr Speaker, the Airport was mentioned.

It is clear that the legislation does not impose on the Airport Authority Act. This Bill was consulted on by SOEs also so that their roles are clarified. I know that there is no overlapping as the Customs legislation is specific to that as is the Airport Authority Act.

**MR SPEAKER:** Thank you for the assistance.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker, I recommend the Hon Minister consult with the Hon Minister responsible for the Bill because I spoke with the Assistant Manager of the Airport Authority and I asked if there was any collaboration in relation to this part of the Bill which I showed him. I recommend the Hon Minister read Clause 31 onwards relating to departures and their luggage. That is provided for in this Bill. Checking luggage and travelers.

With respect.

**MR SPEAKER:** I believe...

**Afioga Hon Palusalue Faapo II:** Mr Speaker, I stood in the beginning but you have not given me an opportunity.

**MR SPEAKER:** I beg tolerance Palusalue, it is clear...

**Afioga Hon Palusalue Faapo II:** We are at odds because of this large Bill.



19 AUGUST 2014

**Customs Bill 2014 – second reading**

**MR SPEAKER:** I beg leniency Leader of Opposition. I believe the Bill was clarified yesterday at our Briefing after the CEO spoke for almost an hour and we were all present. There were 5 public consultations. The remark by Tofa Lealailepule has been made and it will be ironed out between the Airport Authority and the Customs Office but that is not for us. That is their job. They consult and the intention with the consent of O Le Ao o le Malo for this Bill is to be considered under a state of urgency as we come close to hosting the Conference. That is the purpose of this Bill. Perhaps 80% of the 1977 Act is in this Bill with additions because of international conventions. We are moving forward with the progress of the Customs Office.

*Motion approved and the Customs Office Bill 2014 was read a second time.*

**MR SPEAKER:** I believe we have reached the hour to rest for today. I give thanks to the dignity of the House. We are about to consider this Bill in detail but I feel we must rest for today. It is prudent that we seek strength for tomorrow where we will gather again and continue with our work.

For your information, tomorrow our new Member will take the oath. Today the Electoral Office has completed its work and consent has been made by O Le Ao o le Malo and tomorrow the Member for Gagaifomauga No. 1, Afioga Faimalotoa Kika Stowers will be sworn in and the 49 posts of our House will again be complete.

My prayer is that tomorrow the sun will again rise and we will all gather here in strength and health.

Before we end our Meeting, I call upon the Member for Vaa o Fonoti to conclude our Meeting with a word of prayer.

*Proceedings of the Legislative Assembly adjourned at 1.06pm until 9.00am, Wednesday 20 August 2014.*

*WEDNESDAY, 20<sup>TH</sup> AUGUST 2014*

*Mr Speaker took the Chair at 9.00am.*

Prayer.

**“WARRANT OF APPOINTMENT**

**IN ACCORDANCE** with the provisions of Part 80 of the Electoral Act 1963, **I, TUI ATUA TUPUA TAMASESE EFI**, O Le Ao o le Malo, issue this warrant of appointment to one whose name appear below who have been duly elected to be Members of the Parliament for Gagaifomauga Number 1:

Member:

**FAIMALOTOA, Kika Iemaima Stowers.**

**Given under** my Hand in Apia this 18<sup>th</sup> Day of August 2014.

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

**MR SPEAKER:** Before we proceed with the Swearing in of the new Member of Parliament, I call upon the Member for Gagaifomauga No.1 to rise up as I read out the Code of Parliamentary Ethics.

**“CODE OF PARLIAMENTARY ETHICS.**

**STATEMENT OF INTENT:**

It is the personal responsibility of every Member of Parliament to maintain the highest standards of ethical behavior to protect and maintain integrity of Parliament and to make every endeavor to uphold the principles of the Constitution.

The following principles are intended to provide guidance to, and standards against which each Member of Parliament, individually and collectively should discharge their duties and responsibilities.