

TUESDAY, 19 DECEMBER 2017

The Legislative Assembly met at 9.00am pursuant to Parliamentary Sitting Program 2017.

The Speaker took the Chair at 9.00am.

Prayers.

OPENING REMARKS BY MR SPEAKER

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

The Deputy Speaker has already submitted a word of thanks to everyone for making it to this Sitting from the Leader of the House or the Hon Prime Minister, Deputy Prime Minister, members of Parliament, His Highness O Le Ao o le Malo, Member of the Council of Deputy, Church Ministers and guests. This is the same traditional honorifics for Samoa.

That is the same intention from me for the first and last Sitting for this month

Respectfully I greet everyone and Samoa.

For the sake of everyone we have in our presence the Civil Society 2017 at the Public Seat area. For the sake of the general public this is an ongoing Parliamentary Awareness Programme that aims to promote Parliamentary works.

On behalf of this Parliament I wish to welcome you all. May God be with us in today's Proceedings.

MESSAGE FROM THE LE AO O LE MALO

The Speaker presented the Message from His Highness Lana Afioga Mamalu, O Le Ao o le Malo.

“MEMORANDUM for:

Mr Speaker:

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

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Notice from the Leader of the House

1. Supplementary Appropriation Bill (No.1) 2017/2018.
2. Casino and Gambling Control Amendment Bill (No.2) 2017.
3. Asian Infrastructure Investment Bank – AIIB Bill 2017.
4. Income Tax Amendment Bill (No.2) 2017.

GIVEN UNDER this Hand this day 18 December 2017.

**(Signed): TUIMALEALIIFANO VAALETOA SUALAUVI II
O LE AO O LE MALO.**

NOTICE FROM THE LEADER OF THE HOUSE

Pursuant to Standing Order 76 of Parliament, the Legislative Assembly hereby gives Notice for the review of the following Bills herewith:

1. Alienation of Customary Land Amendment Bill 2017.
2. Crimes Amendment Bill 2017.
3. Immigration Amendment Bill 2017.

GIVEN UNDER this day 18 December on the year 2017.

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

PRESENTATION OF PAPERS

The Clerk read out the Papers tabled pursuant to S.O.49.

1. S.R. 2017/9, Food Regulation (Safety and Quality) 2017.
2. P.P. 2017/2018 No.106, Annual Report of the Prison and Corrections Services Annual Report January-June 2014 & 2015/2016.
3. P.P. 2017/2018 No.108, Annual Report of the Office of Statistics 2015/2016.
4. P.P. 2017/2018 No.114, Annual Report of the Samoa National Kidney Foundation Annual Report 2017.

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Presentation of Parliamentary Committee Reports

5. P.P. 2017/2018 Nu.115, Annual Report of the Electric Power Corporation 2015-2016.

PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

The Clerk read out the Reports tabled pursuant to S.O. 52(5).

1. P.P. 2017/2018 No. 109, Finance and Expenditure Committee Report on the Gaming Control Bill 2017.

MOTION BY THE CHAIRMEN OF THE PARLIAMENTARY COMMITTEES PURSUANT TO STANDING ORDER 45

MR SPEAKER: I recognize the Deputy Chairperson of the Standing Order, Electoral, Petitions and the Constitutional Offices Committee.

Tofa NAFOITOA TALAIMANU KETI (Deputy Chairperson of the Standing Order, Electoral, Petitions and the Constitutional Offices Committee): Mr Speaker I move, *That the Legislative Assembly permits a time extension for us to review the following three Agendas below that was referred to this Committee as a review on it has not been completed, and report back to the Legislative Assembly in the next Sitting.*

Proceedings of the Legislative Assembly suspended at 9.20am due to technical difficulties with the sound system and resumed at 9.36am after it was being fixed.

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

I beg indulgence to the notable Parliament and Samoa listeners for the inconvenience nonetheless it is now being fixed.

The Chairperson of the Standing Order, Electoral, Petitions and the Constitutional Offices Committee has moved a request for time extension for the Committee to review the 3 Works stated below.

1. Honors and Awards Amendment Bill 2017.
2. P.P. 2016/2017 No137, Report to Parliament on the Operations of the Audit Office July 2012- June 2013.

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**Motion by the Chairmen of the Parliamentary Committees
Pursuant to Standing Orders 45**

3. P.P. 2016/2017 Nu.138, Report of the Controller and Auditor General to the Legislative Assembly on the Operations of the Samoa Audit Office for the financial year 1 July 2013- 30 June 2014.
4. P.P. 2016/2017 No.153, Report of the Controller and Auditor General to the Legislative Assembly on the Operations of the Samoa Audit Office for the financial year 1 July 2014- 30 June 2015.

Seconded by the member of Falealili East and the Deputy Speaker.

Motion approved.

MR SPEAKER: I call the Chairperson of the Finance and Expenditure Committee.

Afioga ALIIMALEMANU ALOFA TUUAU (Chairperson of the Finance and Expenditure Committee): Greetings Mr Speaker and members of Parliament as well as the Constituency of Alataua West. Mr Speaker I move, *That the Legislative Assembly approves a time extension for the Committee to thoroughly review the Fire and Emergency Services Amendment Bill 2017 that was referred to this Committee as a review on it has not been completed and report back to the Assembly in a future Sitting.*

Seconded by the member of Palauli le Falefa.

Motion approved.

MR SPEAKER: I call one of the Members of the Social Sector Committee.

Tofa AUMUA ISAIA LAMEKO (Member of the Social Sector Committee): Mr Speaker I move, *That the Legislative Assembly approves a time extension for the Committee to thoroughly review the SR. 2017/5, Police Services Regulation that was referred to this Committee as a review on it has not been completed, and report back to the Legislative in a future Sitting*

Seconded by the member of Vaimauga East.

Motion approved.

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Supplementary Appropriation Bill (No.1) 2017/2018
– first reading

MR SPEAKER: I call the honorable Chairperson of the Economic Sector Committee.

Tofa Hon LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO (Chairperson Economic Sector Committee): Mr Speaker I move, *That the Legislative Assembly permits a time extension in order to review the Income Tax Amendment Bill (No.2) 2017 that was referred to this Committee as a review on it has been completed, and report back to the Legislative Assembly in the next Sitting.*

Seconded by the member of Siumu and the member of Vaimauga East.

Motion approved.

MR SPEAKER: Respectfully I call the Chairperson of the Social Sector Committee.

Afioga TAFUA MALUELUE TAFUA (Chairperson of the Social Sector Committee): Mr Speaker I move, *That the Legislative Assembly permits time extension for the Committee to review S.R.2017/7, Regulation on Civil Engineering (Records) 2017 as the review on it has not been completed and report back to the Legislative Assembly in a future Sitting.*

Seconded by the member of Anoamaa West.

Motion approved.

SUPPLEMENTARY APPROPRIATION BILL (NO.1) 2017/2018
– first reading

Afioga Hon SILI EPA TUIOTI (Minister of Finance): Mr Speaker I move, *That the be now read a first time.*

Seconded by the Minister of Women, Community and Social Development, Minister of Justice and Court Administration and the Minister of Communications and Information Technology.

Motion approved and the Bill was read a first time.

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SUPPLEMENTARY FINANCIAL ESTIMATES (No.1) 2017/2018
– tabling

Hon Sili Epa Tuioi, Minister of Finance tabled the Supplementary Appropriation Bill (No.1) 2017/2018.

SUPPLEMENTARY APPROPRIATION BILL (NO.1) 2017/2018
– motion for second reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move, *That the Supplementary Appropriation Bill (No.1) 2017/2018 be now read a second time.*

Seconded by the Minister of Women, Community and Social Development, Minister for Revenue, Minister of Justice and Court Administration and the Minister of Communications and Information Technology.

BUDGET ADDRESS ON THE FIRST SUPPLEMENTARY
BUDGET ESTIMATES 2017/18

Afioga Hon SILI EPA TUIOTI: Mr. Speaker and Honourable Members of Parliament,

On behalf of the Government, I would like to table the First Supplementary Budget for the financial year 2017/18 for the consideration of the House.

Mr Speaker, the Supplementary Budget continues the theme *Equity and Fairness*. It is committed to maintaining the fiscal target of a budget deficit within 3.5% of GDP. In pursuit of that target, all additional expenditures being requested under this Supplementary Budget are fully funded from confirmed additional revenues and reallocation of savings. The Supplementary Budget therefore is self-funded without the recourse to borrowing which means the fiscal deficit remains unchanged.

I am pleased to report that our economy continues to see positive growth growing by 2.4% in 2016/17 in real terms. The strong growth was driven largely by the Commerce sector, Agriculture, Personal & Other Services as well as Other Manufacturing.

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Budget Address on the First Supplementary Budget Estimates 2017/18

I am pleased to also report that a review of the 2016/17 Budget outturn has indicated that the 2016/17 budget deficit was 2.1% of GDP – well below the 3.5% fiscal target. This positive result was largely driven by improved revenue collection which was 3.7% higher than 2015/16. Tax collection was up 3.3% while other revenues, fees and charges increased by 1.1%. On the other hand, government operating expenditures declined for the third consecutive year.

Government continues to invest in a number of essential infrastructure projects such as the rebuilding of the Faleolo terminal building and runway, new roads and bridges, the submarine cable and hydro power plants which will improve the services to the public.

Mr. Speaker, these achievements demonstrate good governance in the management of government resources as well as the strengthening of whole of government approaches to enhance the efficiency and effectiveness of service delivery.

The Supplementary Budget

Mr Speaker, I would now like to present the key parameters of the First Supplementary Estimates for the information of Members.

The additional expenditures requested in the estimates total \$24.4million. These expenditures will be funded through a combination of new and additional revenues of \$23million and a reallocation of current budget resources of approximately \$1.4million.

Summary of Revenues:

The new and additional revenues amounting to \$23million are as follows:

- **\$12.75million will be sourced from our partnership** with the World Bank through the Joint Policy Action Matrix. Our commitments under the JPAM have been successful in triggering the payment of this amount to support the 2017/18 budget.
- **\$9.6million will be sourced from excess on-lending repayments.**
- **\$688,957** is expected from the VAGST generated as a result of the additional expenses under the Supplementary spending.

Total funds expected as a result of the reallocation of existing budget resources will generate \$1.4million as follows:

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**Budget Address on the First Supplementary Budget Estimates
2017/18**

- **\$481,000** from the Statutory Vote;
 - These are savings accumulated to date on the foreign exchange appropriation under the Statutory expenses;
- **\$100,000 from the Ministry of Agriculture;**
 - These are funds remaining from the implementation of the Agriculture Show that was held in October this year.
- **\$696,024 from the Ministry for Commerce, Industry and Labour;**
 - These funds were appropriated for the Yasaki lease of the facilities at Vaitele. With Yazaki closed, these funds are now available to be reallocated;
- **\$152,085 from the Ministry of the Prime Minister and Cabinet;**
 - These funds relate to positions that MPMC have foregone to fund priority positions identified under the First Supplementary;

Summary of Additional Expenditures:

As already stated, the total additional expenditures requested under this supplementary budget amounts to \$24.4million and are as follows:

- **\$12.4million for the Statutory Vote;**
 - \$14,400 for telephone allowances for members of the Judiciary. These are mandated benefits and are now included as part of the salaries of the members of the Judiciary;
 - \$65,089 additional required under the External Debt Servicing Interest Payment;
 - \$2million additional required under the Income Tax Refunds;
 - \$3million additional for Duty Rebates;
 - \$7.35million additional required for VAGST Refunds;
- **\$102,915 to the Ministry of Commerce, Industry and Labour;**
 - \$20,915 additional required for the salary of the Principal Human Resource Officer;
 - \$82,000 to finance a replacement vehicle for the Ministry as approved by Cabinet;

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**Budget Address on the First Supplementary Budget Estimates
2017/18**

- **\$700,000 for the Ministry of Education;**
 - \$500,000 additional required for the salaries of teachers;
 - \$200,000 additional to top up benefits for teachers;

- **\$5.66million to the Ministry of Finance;**
 - \$2.55million for Duty on materials required for donor funded development projects;
 - \$2.55million for VAGST on materials used for donor funded development projects;
 - \$50,000 counterpart costs for the Apia Waterfront Development;
 - \$20,000 counterpart costs on the project for Disaster Risk Management;
 - \$40,000 counterpart costs on the UNFPA Multi Agreement;
 - \$10,000 counterpart costs required under some initiatives of the Customary Land Advisory Commission;
 - \$150,000 additional monies required under the counterpart costs for the Enhancing Resilience of West Coast Road Project;
 - \$290,000 as part payment of the Hosting Fee for the 2019 Pacific Games;

- **\$60,270 for the Ministry of Justice and Courts Administration;**
 - \$60,270 for the remuneration of the Judicial Research Analyst/Consultant;

- **\$5.2million to the Ministry for Prisons and Corrections;**
 - \$3.7million to complete the current contract on the construction works for the 8 cell block building of the new prison;
 - \$1.5million initial costs for the construction of the Administration Block for the new prison;

- **\$144,539 for the Ministry of the Prime Minister and Cabinet;**
 - this is intended to finance the 4 priority posts requested by the MPMC;

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Immigration Bill 2017
- first reading

- **\$131,000 to the Fire and Emergency Services Authority**
 - \$131,000 to finance new personnel required for the new 911 Call Centre.

Conclusion

Mr Speaker and Honourable Members, the Supplementary Budget before the House is a product of careful consideration to ensure macroeconomic stability is maintained and at the same time will provide additional resources to deliver the services demanded by the public. Government will continue to ensure quality spending and prudent allocation of resources so we can deliver on an improved quality of life for everyone.

Mr Speaker, Honourable Members, on behalf of the Government, I take the opportunity to wish you and Honourable Members of Parliament as well as the people of Samoa a Joyful and Peaceful Christmas and a Prosperous 2018.

Soifua.

MR SPEAKER: Very well thank you Minister of Finance.

Pursuant to Standing Order 133, deliberations on the Supplementary Appropriation Bill (No.1) 2017/2018 adjourned for no less than 14 days and the Bill will be referred to the Finance and Expenditure Committee for consideration and report back to the Assembly.

IMMIGRATION BILL 2017
– first reading

Susuga Hon TUILAEPA AUUELOFA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Palemia): Mr Speaker I move, *That the Immigration Bill 2017 be now read a first time.*

Seconded by the Minister of Commerce, Industry and Labour and the Deputy Prime Minister.

Motion approved and the Bill was read a first time.

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CRIMES AMENDMENT BILL 2017
- first reading

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minisiter of Justice and Court Administration): Mr Speaker I move, *That the Crimes Amendment Bill 2017 be read a first time.*

Seconded by the Minister of Education, Sports and Culture, Minister of Communications and Information Technology.

Motion approved and the Bill was read a first time.

CASINO AND CAMBLING CONTROL AMENDMENT BILL
(NO.2) 2017 – first reading

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minisiter of Public Enterprises): Mr Speaker I move, *That the Casino and Gambling Control Amendment Bill (No.2) be read a first time.*

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

Motion approved and the Bill was read a first time.

ALIENATION OF CUSTOMARY LAND AMENDMENT BILL
2017 – first reading

Afioga Hon FIAME NAOMI MATAAFA (Minister of Natural Resources and Environment): Mr Speaker I move, *That the Alienation of Customary Land Amendment Bill 2017 will be read a first time.*

Seconded by the Minister of Health, Minister of Commerce, Industry and Labour.

Motion approved and the Bill was read a first time.

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**ASIAN INFRASTRUCTURE INVESTMENT BANK – AIIB BILL
2017 – first reading**

Afioga Hon SILI EPA TUIOTI: *Mr Speaker I move, That the Asian Infrastructure Investment Bank – AIIB Bill 2017 be read a first time.*

Seconded by the Minister of Education, Sports and Culture, Minister of Justice and Court Administration and the Minister of Women, Community and Social Development.

Motion approved and the Bill was read a first time.

**INCOME TAX AMENDMENT BILL (NO.2) 2017
– first reading**

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue): *Mr Speaker I move, That the Income Tax Amendment Bill (No.2) 2017 be read a first time.*

Seconded by the Minister for Revenue. Mminister of Works, Transport and Infrastructure and the Minister of Women, Community and Social Development.

Motion approved and the Bill was read a first time.

**IMMIGRATION AMENDMENT BILL 2017
– second reading**

MR SPEAKER: Pursuant to Certificate of Urgency presented and signed by the Leader of the House, the Legislative Assembly will now proceed with the second reading of the Bill.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: *Mr Speaker I move, That the Immigration Amendment Bill 2017 be read a second time and I wish to clarify it.*

Seconded by the Deputy Prime Minister.

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**Immigration Amendment Bill 2017
- second reading**

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Respectfully Mr Speaker, I wish to provide an explanation on this short Immigration Amendment Bill.

This Bill was clarified yesterday on the review of the current 60 days to 90 days. With the increasing number of countries in the world, we are giving 90 days permit to visitors to make traveling easier. After 90 days, a visa extension is required. Presently we have had a few European countries with signed agreement for visa exemption in 2015 to allow them to travel to Samoa including other non European Union countries.

Our people should bear similar benefits when traveling to these countries by allowing free 90 day visa and provide equal opportunities for free permits to ease traveling arrangements for travelers. I remember working as a public servant in the past and travelling without a visa. It took me 2 to 3 hours of waiting for someone to identify my entrance to attend a meeting for the trip I took. Today, traveling requirements have changed and have been made much easier particularly in this part of the world. By records, the European Union donated huge amounts of funds, \$60 million for the development of storage tanks in Ululoloa that have supplied the mid and western part of the town area. Similar amount of \$60 million by donation was supplied to fund storage tanks of Vailoa that have covered a number of residents in Faasaleleaga area. The EU funding assistance was initiated after the Rome Convention Agreement was signed in 1975.

This is the main reason why our Ambassador's Office in Belgium was established in 1984 due to the importance of foreign aid from these European countries to construct local school buildings seeing their ongoing assistance and visitations to Samoa. All these foreign assistances are made possible through the collective relationship agreement of the African, Pacific, Caribbean nations (ACP) and Europe that is also benefiting us. A 5 year review plan will be undertaken in the coming year and we are the first country to submit a request for this Agreement to be signed here after consultations between the [ACP nations and European Union. The European Union is made up of 79 countries whilst the total number of United Nation countries that met in Samoa was 193.](#)

Hence if the European Union was compared to the United Nations that we hosted, it is better to sign this agreement locally to allow us to promote Samoa and generate revenue earning through existing business operations and to create job opportunities for our people.

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Such is the sole purpose of this Bill to make travel processes easier not only for local travelers but incoming travellers. By observation, Japan is by far the most committed country in terms of foreign assistance to Samoa, most of the school buildings are funded for free and this is where we get our operating ferries between Tutuila and Savaii. The renewal of the small port at Matautu is currently underway.

I have also received contacts that they will construct the major bridge in Vaisigano. It is a country that can provide major assistance through grants and aid donations and have been behind various major power projects in Fiaga and Samoa as a whole. As a result, the Embassy of Japan is now set up in Samoa including New Zealand, Australia, China and America.

Such is the objective of other nations to be in line with the rest of the world including Samoa as it has taken two years now since the Laws have been amended for other Pacific countries like Fiji and therefore we attempt the same for us. If only Australia and New Zealand sought the same requirement perhaps we would not have had any more overstayers there as majority of our people are now in New Zealand. So this is why we need to be in line with other countries to make traveling procedures easier for our people whenever they want to visit Samoa.

Yesterday we have had concerns about terrorists making it to our shores? How can they enter and overpopulate our country through intermarriage or relationships with our people? That is nothing for us to worry about as these terrorists can be caught in other countries before they reach us. We also have the Transnational Crimes Unit of the Pacific in Samoa that monitors and safeguard the Pacific region that is located on top of the Samoan house in the Government building with security cameras and sound systems, internet sites that keep watch of the personal information of anyone behind any terrorist attacks. This system has managed to find several culprits due to sufficient communication and protection systems in place.

I should not have told you this regardless, it is vital for everyone including those hiding behind the internet that you can get caught. We had one lady who came and taught at Vailuutai and Fasitootai College and ended up eloping with a 44 year old grounds maintenance worker from Savaii. They moved overseas and had 5 children and wrote back to the college principal that he was lucky enough to marry this European lady because he is able to send money home.

You see how nice this turned out to be, people who are traveling here specifically European women become attracted to our tattooed men in the village although sleeping crawls still exists, the main thing is seeking wealth abroad.

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**Immigration Amendment Bill 2017
- first reading**

Despite the complaints we get, we have the most beautiful girls and boys whom they find attractive for them to move here. Regardless, locals migrating abroad end up marrying foreign people and never return home.

That is why we need to concern ourselves as these are the events that are happening everyday. This is also happening in other countries and the thing about people visiting our shores and all of a sudden become attracted to our clean environment and surroundings. This is a good message to those of you who are littering in our country, stop littering. The message shared by one doctor I met yesterday says that the minute he stood on our grounds, he immediately got distracted and became very attracted to our beautiful island. Not only is it beautiful but also very clean. The only eyesore that destroyed it all is the intoxicated people at night producing rubbish from Satapuala to Leulumoega. That is the major role of the *Sui o le Malo* or the Government representatives who are maintaining the airport area for the sake of those visiting our country at this time of the year as we draw closer to the festive season.

Mr Speaker, that is the explanation and I feel that the statements on this Bill have passed the hearing starting from yesterday there is nothing new yet that is the assistance for the sake of everyone and Samoa tuning in. Have a blessed Sitting.

MR SPEAKER: Well done thank you. I trust that all has been clarified during our Parliamentary Seminar yesterday in addition to the Prime Minister's statement today. This is a very short legislation that is being well interpreted hence no major changes except the amendment to the days.

Tofa OLO FITI AFOA VAAI (Salega East): Mr Speaker...

MR SPEAKER: I recognize the member of Salega East.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker. The short legislation will not stop me saying anything.

This legislation consists of only one Clause yet it has taken 2 hours of clarification starting from Satapuala all the way to Great Britain it is confusing what... anyway thank you for the thorough clarification on the various parts of this Bill. Reference to permits and your example with Europe, well that should be the case with us too.

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- first reading**

The only assistance for review Hon Prime Minister although we Samoans rarely get the chance to travel to these European countries, however, this exemption would encourage an influx of EU citizens to Samoan shores. And despite the vitality of this amendment, we must not discount the reality of refugees' existence. The 90 days period is too long.

For the 90 days, I have thought that visa requirement have not been reduced from 60 to 30 days under the Ministry's administration. The world is not so secure nowadays in regards to terrorists and some other things that concerns me.

Watching the news everyday and find so many refugees seeking homes in other countries and this 90 days policy make us think that this is quite an amount of time. In advice to the State, it is not so easy these days considering this 90 days requirement or 3 months in regards to our own safety and security whilst these refugees are in the process of applying visas in Fiji or New Zealand. This is the advice for your consideration Hon Prime Minister as the only people that has the application of this 90 days requirement is the local citizens. With due respect thank you.

MR SPEAKER: I get you. Well...

Afioga FAUMUINA ASI PAULI WAYNE FONG (Urban Seat West): Mr Speaker...

MR SPEAKER: I beg indulgence to the State we have one more.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you I will be brief before...

Thank you for the clarification on this legislation. You now talk about the anxiety of yesterday and with that, people living abroad are way smarter than us living here. The main purpose is security our people.

I wish to tell the world that whosoever wishes to fly to Samoa can do so except for American Samoa who are not allowed to travel here within 90 days. The essence is that we do not need the people of American Samoa and we do not need to go to American Samoa anymore. That is what we are doing now, open up the opportunity to the American Samoan people to come and spend their money here. We do not have to worry about their conduct as the only thing that matters is praying for them and start doing something new for them. That is the assistance on this Bill whilst other Bills are good. With respect thank you.

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- first reading

MR SPEAKER: Very well thanks. We will give it to that side for...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, we have already given our words about Tutuila. Before it was cheaper to make permits at a cost of \$5 tala but when the people Tutuila (or American Samoa) come here, there was no need to make permits. That means that we had to pay our permits whereas they did not have to pay any when traveling here. This is just ridiculous. The policy then was that they had to avoid amending their policies until they have an office here for their people to make permits faster and traveling easier, however when the ship loaded with our people reached Tutuila, they affirmed that our people were not allowed in until they had permits. We were not given any notification of this permit policy change before reaching their shores. This was why our ship ended up with a fine of \$20,000 which led to Cabinet's directive to take up the Reciprocity law. What is Repricocity law? If you were to travel here for free, we would require the same. If payment for a visa was necessary, you are also required to pay one here. A fine of \$10 US per visa was the same amount they were expected to pay here. The Governor General of Tutuila approached us to break this agreement and I said to them, it is impossible to go back to the old doing. It has been over a decade since our people were paying visas whilst you did not. And now you're making it worse. That is the reason for setting up our office in Tutuila to allow their people to travel here. The process is now going well. As an advice, this is just inappropriate.

In regards to....

Afioga FAUMUINA ASI PAULI WAYNE FONG: Mr Speaker...

MR SPEAKER: Pardon me...

Afioga FAUMUINA ASI PAULI WAYNE FONG: Just a small point of order please?

MR SPEAKER: Very well.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Because we have this practice where payment has to be made there and therefore we have to go there, and if its here we have to make it here. We are paying \$380 to New Zealand whilst New Zealand and America are flying here for free. Therefore, we cannot do that to other countries except for this very instance. However way we talk...

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- first reading**

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, the member is mistaken.

MR SPEAKER: The State will give its response. Pardon the member for the Urban Seat West.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Point of order. We are talking about Tutuila and the agreed policy they have now. If I receive any of their requests, I tell them well ‘a policy is a policy’ and if you want to enter our country for free it will be the same for our people when they travel there too. On the contrary, the practice by Tutuila in avoiding our people from traveling over is due to the small size of their country as opposed to the increase number we have as well as this is the main location where our local convicts flee. That is the response to the recent speaker specifically for Tutuila now that the agreement is rightfully settled with them.

As for the refugees mentioned by the member, we had some before but let me put it this way, a recommendation has already been made, it is not eligible nor qualified, which means to say whether or not we have laws, we will still have refugees entering the country. We still hold high alert security systems and the State does not intend to cause any effect on anyone such as the member who is a pub owner, you should know very well that no visitor would want to buy your beer if that is what you want. Although the Liquor Board Committee is also well aware of your offense, they are still bearing patience.

Therefore, if you were speaking about protection inside this Parliament, you should consider others and how serious you are taking the law, because you are also another lawbreaker in this House.

MR SPEAKER: I call the member.

Tofa Olo Fiti Afoa Vaai: Mr Speaker if we are to talk about lawbreakers, this is them including a few Ministers...

Mr Speaker, I am shocked with the mentioning of refugees in the country. How can they obtain visas to come and stay here? I know for a fact there is something fishy behind it, and where is the assistance from the United Nation to look after these refugees in Samoa?

MR SPEAKER: I permit the State to respond on this matter.

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**Immigration Amendment Bill 2017
- consideration in detail**

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: His second chance is over, the reason for standing up is to a point of order. I have already said that whether or not we have laws, these tourists will always end up coming here as tourists and later on will be known as refugees. We have a total of 50 qualified lawyers in the Office of the Attorney General. Hence you should not have to worry as we have protection. When someone comes in as a refugee, we have laws and investigation processes that can be undertaken. This is why there are so many refugees in Australia that are exiled because they are deceitful refugees.

Mr Speaker that is the assistance.

MR SPEAKER: Well done. Pardon me. I beg tolerance to the member. The State has already given clarification on the raising matters by the member and therefore that is it. As such, we cannot direct the State to your thought or to your insight and moreso whether you agree with it or not.

Tofa Olo Fiti Afoa Vaai: Mr Speaker, no because you have accused me of being a lawbreaker, the offender is the Hon Minister for Revenue who is the reason why my pub was closed. Well we will see about that as the public will see between us who the real lawbreaker will be.

MR SPEAKER: I am worried lest the saying by one Palagi guy goes ‘*e koe oki lava kakou ia kakou*’, meaning we die because of our own people.

Motion approved and the Immigration Amendment Bill 2017 was read a second time.

**IMMIGRATION AMENDMENT BILL 2017
– consideration in detail**

MR SPEAKER: Pursuant to the Certificate of Urgency presented and signed by the Leader of the House, the Legislative will now consider this Bill.

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

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**Immigration Amendment Bill 2017
- third reading**

CLAUSE 2: Section 12(1) amended Ua teuteuina le fuaiupu 12(1).

Approved.

CLAUSE 3: Repeal.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Immigration Amendment Bill 2017.

Approved.

The Immigration Amendment Bill 2017 progressed without Amendment.

**IMMIGRATION AMENDMENT BILL 2017
– third reading**

MR SPEAKER: Pursuant to the Certificate of Urgency presented and signed by the Leader of the House, the Legislative Assembly will now read the Bill a third time.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move, *That the Immigration Amendment Bill 2017 now read a third time.*

Seconded by the Minister of Health.

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

19 DECEMBER 2017

**Crimes Amendment Bill 2017
- second reading**

Proceedings of the Legislative Assembly suspended at 10:46am and resumed at 11:25am.

MR SPEAKER: I announce that Proceedings of the Legislative Assembly have recommenced. I take it that energy has been restored for us to resume our work not forgetting the Heads of Government Ministries and Corporations.

**CRIMES AMENDMENT BILL 2017
– second reading**

MR SPEAKER: Pursuant to the Certificate of Urgency presented and signed, the Legislative Assembly will now read the Bill a second time.

With respect I recognize the Hon Minister of Justice and Court Administration.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker I move, *That the Crimes Amendment Bill 2017 be now read a second time and I wish to briefly elaborate it.*

Seconded by the Minister of Education, Sports and Culture, Minister of Finance and the Minister of Communications and Information Technology.

MR SPEAKER: I call the Hon Minister for your clarification.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Thank you Mr Speaker. In regards to the responses by the members yesterday, there is not much to clarify at this point in time as the majority has agreed with the clarification given yesterday. For the sake of a few I will give clarification.

There are two main reasons why a person is convicted in this world, civil claims offenses and criminal claims offenses.

We now have a Deformation of Character Act which deals with civil claims. The Ministry aims to incorporate this section into the Crimes Act. I trust that some of us tuning in are questioning why this Criminal amendment is proposed again when we already have Civil. The answer is short. When civil matters are presented before the Court legal opinion is sought given the complexity of these kinds of issues.

19 DECEMBER 2017

**Crimes Amendment Bill 2017
- second reading**

For the record, not everyone is able to afford this kind of legal services where no legal opinion is required as the police can now press charges and handle the case themselves until the end. This Act is not new and was repealed in 2013 based on legal views. However most of the public have sought Government assistance due to the fact that they cannot afford legal services and therefore the main reason for introducing this amendment.

This is the brief clarification for everyone's information specifically for those of you who did not attend yesterday's debriefing on the tabling amendment to this Bill. Respectfully.

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker...

MR SPEAKER: Alright thank you. The member of Anoamaa West is now taking the stand. Go on.

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO: Thank you Mr Speaker for the prayer delivered this morning. I extend a word of thanks for the restoration of good health from our breakfast this morning.

On behalf of this district, I wish to make a submission on this Bill. Thank you Hon Minister for the good thought of sending back this legislation into the House which is appropriate this time. The rationale for introducing this Bill is to address harm done to a person's reputation by another person who publishes false information about that person. For me, this is a very serious offense. Specifically given the advance technology we have today in regards to publishing and publicizing false and defamatory reports, it can ruin another person's reputation.

Such are the contents of this Bill in relation to harmful and false information being published. This also includes damaging information sent to another person on cell phones through text messages ruining that person's reputation. This habit is becoming increasingly alarming. Such is the word of appreciation to the Hon Minister for this legislation. Even on social media and facebook today. Truthfully we raised this issue during our village council last Monday. Things like youth members in the village publishing false information and injurious messages on facebook ruining the reputation of other people without any boundaries.

Such is my disappointment because even so, harmful messages are being circulated on emails without any boundaries.

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**Crimes Amendment Bill 2017
- second reading**

The only other purpose I heed assistance is the intention of ruining a person's reputation. Therefore, the the penalty is quite low whereas the offense can easily have approval. The major concern for the information of the House is finding the culprits who are publishing this kind of information and in regards to this legislation; this may be of great assistance and challenge to those people seeking answers and solution to these problems and I can honestly say that they will be caught, they will.

In terms of defense stated herein, 'defense for an injurious statement is correct for something that happened.' The only concern is cases that have occurred for more than forty to fifty years ago.

These cases have already had the decisions of the court or fines have already been met yet they are still being resubmitted. This appears to reflect defamatory libel that is now in the past for someone who has already served prison however, the case is still being re-addressed. Since we will have the third reading soon, I recommend a time limit for defense cases to say 2 or 3 years because other practices has it that these defenses are being raised again and re-advertised even if it takes a one hundred years timeframe. This is therefore not publicised based on factual event rather it is intended to ruin another person's reputation.

In conclusion, I see that the legislation is confined to information publications. However, there are other offenses such as defamatory oral statements with confirmed evidence before the Court. Other applications are images/photos that can be used in harmful ways such as pictorial and cartoons printed in newspapers. During the last Parliamentary term we had pictures in newspapers especially the picture of the Hon Prime Minister which I always see in the paper, these pictures comes in a form of cartoon but really, it has a message behind it. Other pictures seem to reflect defamatory interpretations and therefore my advice to the Hon Minister, take consideration of these comments for improvement of this legislation in the future. These are the submissions to further more thoughts as we move forward. Thank you for the chance.

MR SPEAKER: Thank you. I permit the Hon Minister.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Thank you Mr Speaker. I will respond to the first matter raised by the member who is also a lawyer.

The term 'defense' in the legislation will have the consideration of the Ministry as there is no such thing as staying truthful and lie again after two years. But we will see how we can achieve the member's view.

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**Crimes Amendment Bill 2017
- consideration in detail**

In regards to verbal statements, it is very true that this is not covered. Note the English name for the Bill when translated in English, it is criminal liable which means to say that this only covers written statements and not statements that are made verbally, nonetheless, we will look into it and will bring more amendments in the future. With respect.

MR SPEAKER: I give the chance to the member of Anoamaa West.

Tofa Hon LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker, just this little bit...thank you Hon Minister for your speech. The defense I refer to should have a time limit as this will not avoid the truthfulness of the offense that was committed. The truth of the matter for this part here seems to interpret that it is destroying the person or something that had happened in the past even though matter has been laid to rest or has had someone imprisoned and has been forgiven. Such is the meaning of my comment otherwise, the Hon Minister has responded, thank you.

MR SPEAKER: Well done, will let the Ministry and State look into the satisfying recommendation.

Motion was approved and the Crimes Amendment Bill 2017 was read a second time.

**CRIMES AMENDMENT BILL 2017
- consideration in detail**

MR SPEAKER: Pursuant to the Certificate of Urgency presented and signed by the Leader of the House, the Legislative Assembly will now proceed with the consideration of the Bill.

Pursuant to Standing Order, we will commence the consideration of this Bill with Clause 2.

CLAUSE 2: New Part 9A inserted.

Approved.

19 DECEMBER 2017

**Crimes Amendment Bill 2017
- third reading**

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Crimes Amendment Bill 2017.

Approved.

The Crimes Amendment Bill 2017 progressed without Amendments.

**CRIMES AMENDMENT BILL 2017
– third reading**

MR SPEAKER: Pursuant to the Certificate of Urgency presented and signed by the Leader of the House, the Legislative Assembly will now read the Bill a third time.

I call the Hon Minister of Justice and Court Administration.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker I move, *That the Crimes Amendment Bill 2017 be read a third time.*”

Seconded by the Minister of Communication and Information Technology and the Minister of Education, Sports and Culture.

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

**INCOME TAX AMENDMENT BILL (NO.2) 2017
– second reading**

MR SPEAKER: Pursuant to the Certificate of Urgency signed by the Leader of the House, the Legislative Assembly will now read the Bill a second time.

I call the Hon Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker i move, *That the Income Tax Amendment Bill (No.2) 2017 be read a second time and I wish to elaborate it.*

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Income Tax Amendment Bill (No.2) 2017
 – second reading

Seconded by the Minister of Finance, Minister of Women, Community and Social Development and the Minister of Works, Transport and Infrastructure.

MR SPEAKER: I call the Hon Minister to clarify the Bill.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker. The main purpose for this legislation is to push back the expiry date for the income tax credit scheme from 30 June 2017 to 1 December 2017 to extend time for people to invest in the eight hotels that was approved. We do not accept anymore requests apart from the endorsed one by the Cabinet and Parliament on the 30th June 2017. This is the opportunity for investors to invest now given the six months basis. The Bill also seeks to amend section 104A of the Income Tax Act 2012. In the meantime, the only change is the five year duration for hotellers to make these investments. As of now we have eight hotellers that have already been approved and if they wish to make investment they shall do so within the six months period. That is the clarification and second amendment to this Bill.

MR SPEAKER: Very well thanks. The question is whether the Bill be read...

I call the member of Vaimauga East.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East): Mr Speaker I wish to express a thought on this matter if given the opportunity. Before any further, I wish to greet the Hon Prime Minister, Cabinet and the esteemed members of the Samoan Parliament. I also greet the Speaker, Clerk of the Legislative Assembly for their service to the country. I further greet the heads of Government Ministries and Private Enterprises who are serving the country on this last Sitting. I also greet His Highness O Le Ao o le Malo and his Good Lady and the Members of the Council of Deputies and the people of Samoa who are supporting this Sitting as well as the Church Ministers. Greetings also to the support of Vaimauga East. Your representative is very well today.

In regards to pushing back the date for investors by the Ministry for Revenue, I remember a meeting we had previously about pushing back the deadline to the 30th which is the end of this month. We also have the first and second readings, perhaps this will be passed after the third reading however we now have another request to set the 31st of July next year as the deadline.

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Income Tax Amendment Bill (No.2) 2017
– second reading

My utmost concern is the extra chance for these companies to invest their money in hotels producing tax credit and no tax payment with the Ministry. When you look at it, the public is paying up taxes whilst companies that are investing in hotels are gaining the benefit of the Ministry which is the major concern. Government has approved this plan for a while now. I too agreed with the 31st of July of this year as the deadline and so too was the plead of the Hon Minister, however, chances are again re-opened which is exactly my intention given the concern of the State and its attempts in finding other avenues to generate more revenue when in fact we are getting bankrupt from this undertaking. This is rightfully because none of these companies have any savings with the Tax Office. They are only investing in hotels whilst millions are credited from these hotel investments. The company is therefore receiving two benefits, one is bonus earned from this share if company/hotel is operational and credit with the Tax Office when investment is in millions.

Pardon me, the concern is that we now have cellphone companies owning proposed hotels that they invest in now, however the main concern is the increase credits with the Ministry when the construction of these hotels have not yet been undertaken. This chance was lengthily given by the State however when they saw the deadline for this benefit, it is now being extended.

Mr Speaker I do not agree with pushing back this deadline that will further allow investors to invest in this tax credit scheme. Another major concern is that they will invest this money, credit the Ministry for Revenue, making no tax payment when service has not yet been undertaken with the hotels. The Hon Minister should consider this doing and see that the hotel is built, investments is being made to the companies and nothing is being done, that is benefit gained on them for not building any hotel. What about the money that the country is talking about regarding the taxing of Church Ministers that remains unavoidable. That is the concern...

MR SPEAKER: I recognize the Government.

Afioga Hon Tialavea Fea Leniu Tionisio Hunt: Mr Speaker this does not involve the Church Ministers. Speak directly of this Bill, and take note that this Bill was passed in 2003. We are now attempting to make amendments according to the spirit of your statement. Your statement is very accurate, but bear with us we will cover it in this legislation. Rather, do not speak of the Church Ministers.

MR SPEAKER: I permit the Hon Prime Minister for his assistance.

19 DECEMBER 2017

**Income Tax Amendment Bill (No.2) 2017
– second reading**

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker this is a very critical matter raised by the member and is nothing new to the Cabinet who were informed of this deadline which is reason for this cut, however, there are serious issues raised by foreign hotelliers who did not expect the sudden end to this tax credit scheme. Although it will end suddenly, their final request is to see whether possible to allow this extension as stated herein.

That is the vision behind all this proposal yet it is also good to remind the House that this is the sole reason for pushing our tourism development and the approval of this legislation in Parliament and the several marketing strategies we had in 1970, 47 years later given Government's intention to majorly push this development forward for Samoa and our strategic thinking, this was the only development that could achieve the essence of creating job opportunities for our children who are uneducated.

Since the passing of this law, this major hotel was set up and was unfortunately bankrupt in 1972 after the reclamation of that small island. After further reclamation of this land this company went bankrupt straight after. Since that time until now, the State was unable to attract anymore large hotels after this one except for the Taumesina hotel which now comprises of 100 rooms out of the proposed 300 target by the State. In terms of five start resort hotel for visitors that the member was complaining about, the major visitors we see today are matured senior ones who would stay for 2 to 3 months and the main thing they do is read and look at the sky and watch our nice coconut trees which we longed to achieve but could not. That was the purpose for setting up this law in 2003 and now that the deadline is being given, yet I just given approval to another one of the hotels just last week as constructions are underway at the Lava.

Therefore, any further additions until June, will meet the deadline for this tax credit scheme, otherwise the Government will have to obtain further credits that they received.

Mr Speaker such is the main intention which brings shocking news to others and recounting the difficult move in pushing the SIDs conference to Samoa where we are known globally. That was the only conference whereby Samoa is now known by worldwide. Whenever someone speaks in the United Nations, they mention 'Samoa Pathway, Samoa Pathway' every day in efforts to gauge the major disaster the world is now facing on climate change.

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**Income Tax Amendment Bill (No.2) 2017
– consideration in detail**

What happened then? We could not have the capacity to host 2000 people which resulted in the use of a large Cruise Ship from New Zealand to accommodate various delegates and participants. In order to implement these plans, we must learn to attract foreign investors to build hotel accommodations that is highly required today. As you have heard me saying, as future hosts in 2020 and in the coming years ahead, Government has more major projects in the pipeline. These can only be done as soon as we have the setting up of these hotels.

Mr Speaker 47 years of wait still, we only managed to gain 1 hotel, why? These people will never be attracted to us only until we have sufficient promotion and marketing strategies and two, enough aircrafts. Now that our airline is operational and we have 6 more months before we are through. I suggest the member to gain far-sighted knowledge in accordance to the Minister's statement. That is the remaining addition Mr Speaker

MR SPEAKER: Very well thanks. The clarification of the State guides us through given our strategic policies nonetheless this does not avoid clarifications on the things that we need to know and the reasons why these amendments take place in due times.

Motion approved and the Income Tax Amendment Bill (No.2) 2017 was read a second time.

**INCOME TAX AMENDMENT BILL (NO.2) 2017
– consideration in detail**

MR SPEAKER: Pursuant to the Certificate of Urgency signed by the Leader of the House, we will now proceed with the consideration of this Bill. Pursuant to Standing Order, the consideration will commence with Clause 2.

CLAUSE 2: Section 104A amended.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Tax Income Amendment Bill (No.2) 2017.

Approved.

19 DECEMBER 2017

**Income Tax Amendment Bill (No.2) 2017
– third reading**

The Income Tax Amendment Bill (No.2) progressed without Amendments.

**INCOME TAX AMENDMENT BILL (NO.2) 2017
– third reading**

MR SPEAKER: In accordance with the Certificate of Urgency with the Leader of the House's signature on it, the Legislative Assembly will now move to the third reading of this Bill.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I move, *That the Income Tax Amendment Bill (No.2) 2017 be read a third time.*

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

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

NOTICE 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, *That the Legislative Assembly discuss the Gaming Control Bill 2017 given the involvement of some very significant matters.*

Seconded by the Minister of Commerce, Industry and Labour and the Minister of Health.

Motion approved.

**ASIAN INFRASTRUCTURE INVESTMENT BANK – AIIB BILL
2017 - second reading**

MR SPEAKER: In accordance to the signed Certificate of Urgency by the Leader of the House we will now have the second reading of this Bill.

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Asian Infrastructure Investment Bank — AIIB Bill 2017
- second reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move, *That the Asian Infrastructure Investment Bank Bill 2017 will now be read a second time and I wish to elaborate on it.*

Seconded by the Hon Minister of Education, Sports and Culture.

Afioga Hon SILI EPA TUIOTI: Thank you Mr Speaker the main objective of this Bill is to give effect to the Articles of Agreement between the Government of Samoa and the Asian Infrastructure Investment Bank. For everyone's information, this agreement is to some extent a combination of the World Bank as well as the Asian Development Bank. International banks also hold shares and not individual business.

The passing of this Bill will verify the agreement between the Government and this bank with the assistance of the Attorney General, Central Bank of Samoa and the Ministry of Foreign Affairs to be in line with the terms and conditions of this agreement including the World Bank and the Asian Development Bank.

This Bill will allow this bank to borrow and extend development financing to Samoa especially with major projects, roads, bridges and so forth. Not only does it allow borrowing furthermore, it is a chance to obtain Grant from the World Bank and the Asian Development Bank to assist with other developments of our economy.

Another important thing about this agreement is permission for the private sector to borrow or otherwise acquire such sums from the Bank, in accordance with an agreement to that effect between the Government and the Bank (Loan Agreement) or on behalf of the Government of Samoa accept such sums from the Bank, in accordance with an agreement to that effect between the Government and the Bank (Grant Agreement) or approve, on the basis of no-objection the receipt of direct financing by any person or entity in Samoa (other than the Government) from the Bank and in which case, the Bank shall keep the Government informed on progress but the Government shall assume no responsibilities or risks in respect of such direct financing. The repayment is paid for the business itself rather the purpose of the State is seeing that this business is relevant to the economic growth of the country and whether it is able to create jobs for the community at large.

Another condition under this legislation is granting the bank the provision not to meet any tax payment within Samoa which is in line with the policies and conditions of the Asian Development Bank and the World Bank.

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**Asian Infrastructure Investment Bank — AIIB Bill 2017
- second reading**

The only exemption is tax payment for the local employees specifically those designated under/as consular or advisor to the Bank or the State including a branch of this bank when set up in Samoa. Therefore, tax should be met by our locals working for these banks institutions which are different from those (locals) working for the Bank internationally, they are exempt from this tax.

Mr Speaker that is the short explanation on this Bill and the conditions and policies are similar to the Asian Development Bank and the World Bank with respect.

MR SPEAKER: Very well thanks. I call the member of Anoamaa West.

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker in support of this legislation I convey our sincere appreciation. Opportunities from this bank are very good to assist our Government as well as the private sector. This is also a chance to request loan assistance from this bank. It further seeks our full membership based on the conditions and approval of this legislation. Such is a word of gratitude to the Hon Minister of Finance and the State.

As discussed, the types of developments and its eligibility conditions noting the statement of the Hon Minister on this sort of development and the private sector. Government aside, as it has its own categorization of appropriate developments for the country at large, whereas for companies, the State should consider which types of developments they should...or a confirmation letter to support that type of development that is suitable with the lifestyle of the country. As discussed, it further helps create job opportunities and boost our economic growth. These are the requirements to raise the living standard of our people. The only query I need clarification with is interest rates for loans, secondly, what is the cost of the State's first installment and where is this first payment paid to. These are the questions Mr Speaker thank you for the opportunity.

MR SPEAKER: Very well. I call the member of Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you for the chance and thank you for being alert on this subjectmatter. Observing the last Parliamentary term, I did mention this Asians Investment Bank for our developments.

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**Asian Infrastructure Investment Bank — AIIB Bill 2017
- second reading**

This is the appreciation to the contribution and assistance and our ongoing partnership with the World Bank, Asian Development Bank ADB and the International Monetary Fund IMF. Our partnership with this new bank is very important which could possibly lessen the terms and conditions of other banks for us. As such it will be a good chance to create competition, soft interest rates will drop. Because at the same time we are looking at countries like Australia that have huge shares with this bank meaning, this bank is strong, solid and stable. Hence great thanks to this assistance for our developments.

This is also a good opportunity for the private sector. The most important thing I like is what we call special fund which is funding these banks. Therefore we can operate these banks like a business, the Development Bank, National Provident Fund NPF and so forth by borrowing from very low percentage which could be used by local businesses and all eligible candidates in this area.

In terms of taxation, I trust that it should be in line with all the other expatriates employed in international companies to make this bank more attractive for make easier for us to...and if they request us to make shares, it would also be good for the future. As such, I express sincere gratitude to the Hon Minister of Finance especially the State for being vigilant, such is our great support for this very important bank to assist the various local developments of the State. With greatest respect.

MR SPEAKER: Alright. I first of all recognize the member of the Urban Seat West.

Afioga FAUMUINA ASI PAULI WAYNE FONG: I first of all express great thanks to the Hon Minister for this legislation, if only we had this Bill and bank in Samoa in the first place, given that most individual businesses have already borrowed from other banks. The most significant question is whether this Asian Investment Bank lend refinance at better rates.

That is the major question so that the Hon Minister can argue on these points, because what is the use of having a bank when you cannot loan from it, and that businesses cannot loan from here because they already have loans. As such, if refinance is allowed, then why not? And impose say, two percent which should not matter.

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**Asian Infrastructure Investment Bank — AIIB Bill 2017
- second reading**

In regards to taxation for employees working locally, make them pay for their tax Hon Minister for Revenue as everyone is now paying tax. Whether Samoan or dual Samoan citizenship, tax should be compulsory to align with us members as we too are paying tax which is a little bit higher. If possible, lower it a bit to allow some for the voters who come to us everyday. That is all Hon Minister for Revenue, blessings be upon the Speaker. Thank you.

MR SPEAKER: Very well thanks. I recognize the member of Palauli le Falefa, one of the senior members of this side of this House.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa): Thank you honorable Speaker for the chance, thank you also to the Hon Minister for this legislation which aims to improve the developments of our country including those of the private sector.

One of the members has already mentioned interest rates which is one important areas however I heed the importance of opportunities for the sake of our country's development in terms of equal opportunities that you stated. Personally, equal opportunity is not the same based on the fact that people from Savaii are still coming to Upolu due to the lack of jobs in Savaii. The key to this opportunity as i have said countless times, is to progress with the development of the new township area and the international port in Salelologa. This will provide good opportunity for shipment vessels and cruise ships to go to Savaii. This is what we call equal opportunity for both Savaii and Upolu.

We have talked about refugees and that is what the people of Savaii are doing now, they are moving here to seek jobs and education for their children. If we are able to fix the wharf in Savaii for the next two years, then this will be a huge blessing for Savaii to create employment, cheap importation of goods supply and the assets in Savaii will be below four million cost today. If three wharves were added to \$40million, this would come to \$45million total value in assets. The cost for the Matautu wharf is now over \$400million. The value for non cash transaction is \$4million per annum. This is exactly what I am saying, the ships supplies to Savaii is much cheaper than the one coming to Upolu based on the investigations that were undertaken. That is, the ship supplies to Savaii is 25% cheaper through the Salelologa wharf. I thank the State for the directive in relocating the Ministry of Justice and the Ministry of Police.

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**Asian Infrastructure Investment Bank — AIIB Bill 2017
- second reading**

Cabinet directive also has it that a Ministry of Education will be set up as well as a National University of Samoa NUS within the new Salelologa township area. This is the priority area for any State's development. Use this opportunity to make a small loan of say thirty million or forty million to build a wharf in Salelologa. The Asau wharf is useful for cannery development which can create over four thousand employment opportunities. If people in Savaii are controlled from moving here (Upolu) the number of population in Savaii will be similar to the population of Upolu. That is the assistance Mr Speaker, thank you for the chance.

Appreciation for this opportunity to develop our private sector as one of the backbone for our economic growth, create and build job opportunities and if such is the chance through this legislation, may God be praised for his mercy and blessings.

One of the things I mentioned in the past is the setting up of a wharf at Asau where tidal waves are high. The airport in Asau is approximately 2000 meters wide and can take up our Samoan Air or Samoa Airways 737-800. The only concern with this aircraft is why stop the coconut juice which is the Polynesian style. You should have etched our teuila national flower on our coconut juice/niu otherwise, no flowers signify that our plane bears no fruits.

MR SPEAKER: Your time is up....

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Thank you. Another important matter is your statement on employees taxation. Because no one.... taxation should progress. Go ahead Prime Minister.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: If this member was to view all the coconuts under the Government House you would discover nothing there. The concern is lest a tourist is hit by a coconut. That is similar with the Pacific region. This is a major concern with hotelliers whereby coconuts are removed from the coconut trees for security reasons. That is similar practice at the airport, the coconuts trees should not have any coconuts hanging at the airport lest it falls on the passengers.

MR SPEAKER: Go on.

19 DECEMBER 2017

**Asian Infrastructure Investment Bank — AIIB Bill 2017
- second reading**

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Thank you for that clarification on why coconuts do not grow given safety reasons. Just an advice, since we have our Teuila Festival we should have taken our national flower never mind...God's days are abundant.

As for taxation, if we were to use regional scale we should also consider the salary scale arrangement within our own region to provide equal opportunities for public servants, thankfully we will have additional white collar jobs within our country which is a very good advantage.

To be able to access the services of our Development Bank the only way to go about this is to increase the capacity of the Development Bank in order to serve the public particularly our people from Savaii where majority of our representatives come from, keeping in touch...

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: Pardon me your time is finished. Is there anything you wish to express member of Faleata West?

Tofa Lealailepule Rimoni Aiafi: I see that the speeches are now pointing at me. You see this is one member that I have lots of pride in. because he used to walk around in his shorts whilst working for the UN in the past. My question to him is this, have you paid any tax before, because he used to work for UN? With respect.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: I have paid up more taxes. The salary scale for the UN employees those days was calculated by your gross pay over your net. The difference is that staff assessment is taken into the UN noting the country you were from. Our contribution for Samoa in payment form is called staff assessment. That is taken to the UN Office through the Government of Samoa. That was our contribution. But it is true that we do not pay any tax rather mine was paid out of my net pay.

MR SPEAKER: Very well thanks. Your time is now over.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: I will now conclude. Thank you for this legislation but in query, are we using the Development Bank to receive this? It would be better to place our own interest rate for competitiveness sake to create opportunity for our people for their developments because with better developments in the private sector, this would help create more job opportunities.

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With great respect.

MR SPEAKER: Thank you. I call the Hon Minister of Finance before I put the question.

Afioga Hon SILI EPA TUIOTI: Thank you esteemed members of Parliament for your comments. In response to installment, we have a subscription of USD\$400,000 that is divided into 5 the first installment is \$80,000 once we have the budget approval. Therefore, this payment will probably take three years.

Secondly, in regards to interest rates by the ADB and the World Bank, well we are not in it yet, so we are not very aware of their interest rates arrangement in regards to the categorization of developed and developing countries and the amount that we borrow.

In addition to this borrowing, it is beneficial for the private sector. The agreement is between the bank and the company hence the Government shall assume no responsibilities or risks in respect of such direct financing. The only concern that involves the Government is whether the borrowing is relevant with our plans and necessary to create jobs for our people.

Reference to tax on our locals we must take up the provision in this legislation by holding talks as majority of the locals now hold New Zealand and Australian passports. This should be thoroughly looked into because if the request is submitted during the time he a person is in New Zealand, we should then use it as a New Zealand citizen. If the person is on a quota then this is good chance for him or her to find a job. The blessing will fall on those living in Samoa in addition to obtaining job opportunities.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker point of clarification to the member.

MR SPEAKER: I call the member of Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Thank you Hon Minister and pardon me for interrupting your speech. The matter regarding a local worker and an expatriate, do they go by the same rate or does the expatriate use the international rate? Thank you.

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Afioga Hon SILI EPA TUIOTI: I will respond quickly, it depends on the level this person comes under, whether it is professional level or clerical level and whether they hold a seniority positions within the local bank branch. In the meantime, the salary scale for the employees of this particular bank is still unclear.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker I refer to the support staff, I am questioning professional levels. Whats happening is that when we have recruits from overseas, the salary rate is bigger, but when a local employee is on the same job, the pay is local rate. What's happening is that the project may be similar here and abroad but the difference is the income earning. My question is why is the local employee getting lesser pay when the overseas recruit is doing the same job? Respectfully.

MR SPEAKER: I ask the Minister to direct his statement on the raising matter by the respectable member. Any other new questions do not...A response will be given when we have time. We shall proceed with our work please.

Afioga Hon SILI EPA TUIOTI: Thank you, if this agreement was sought, clarification would have been given on these corporate incentives that are in the meantime blurry. Questions were also noted on the possibility of having bank refinancing. For the record, refinancing is only allowed for commercial banks that are operative in the country. Whilst for external banks institutions, the processes are very specific and do not lend refinancing given its various processes for justification purposes. Why not bring money to Samoa to initiate this sort of program. We have had our first loan with the Asian Bank by one of the local established solar companies that have made direct submission and direct instalment with the Asian Bank. Therefore, this is an opportunity we could use relying on the eligible developments we have with this bank.

Some raised the possibility of obtaining funds from the Development Bank. Talks on this matter are underway at the Central Bank in review of the Development Bank's mandate. Most of the Development Bank funds are subject to hotel debts and other infrastructural developments which all bears significance. However, the bank requires that these loans are paid in full in order to provide further assistance with the others.

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Perhaps this is a good chance for the Central Bank to look at increasing funding resources with the Development Bank to assist more businesses that lack loan securities and things like that. This is perhaps similar case with the various companies in the private sector who afford the commercial banks whereas the concern is that the Development Bank has very low interest rates. Possibly, a final decision will be reached after ongoing talks we have right now. Hopefully, after ongoing talks on this, we will have a final decision on this in the future. There is also attempt for international credit lines for the Development Bank so that assistance can be made to the private sector.

The major emphasis is the development of the township area. As aware, we have an appointed Ministerial Committee and some of you have already visited Savaii and the new tar sealed roads undertaken currently. Works are also underway for leased land divisions for various companies, unfortunately in the meantime, this could not press through. Perhaps this is another challenge in Savaii, the fact that so much land reclamation works needs to be done as avowed by leased owners.

Otherwise, Cabinet directive has it that all Government Ministries and Enterprises will be relocated to the Salelologa township area so that it is easier to find all these services in one place and to avoid coming all the way to Apia which is costly. Some of the various public agencies have put forward requests to set up their offices in this area including the National University of Samoa or NUS and other Ministries. This further involves the appointment of senior officials to look after these Government properties to cater for the public's concerns/matters in this part of the country.

Not only relocation, but it would be good to appoint senior public officials to deal with the concerns of the public. There are other Ministries in Salelologa but the problem is that some of these public servants are not ACEOs and matters are mainly referred back to Apia to get the final decisions. Therefore the main plan is to relocate Offices to Salelologa town area, set up good offices and appoint senior officials to make these decisions. By January of the coming year a new advance technology through the submarine cable will be used to provide effective and efficient communications access between Upolu and Savaii.

Attempts for the Salelologa wharf are all under the proposals of the State. Possibly works are underway to extend the Salelologa wharf that have been on hold by the chiefs of Salelologa, despite works are underway and hopefully it will continue.

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I trust that some of the lands situated at the frontside of some of the large companies at the wharf should be utilized so that by the time the construction of the township area is made specifically for the arrival of cruiseships and other huge vessels, the container supplies can be cleared out easily in the port and so, all these are being sorted by the Committee. Perhaps this concludes the queries, whereas for the Asian Bank, it is producing further opportunities if we cannot bear the benefits of the World Bank. There is further chance that could package a development through the assistance of all these three banks. The main idea is seeing which is easier and cheaper whereas it is good to have this additional opportunities to further assist us with finding more revenue to further develop and increase our local developments. With due respect.

Motion approved and the Asian Infrastructure Investment Bank Bill 2017 was read a second time.

**ASIAN INFRASTRUCTURE INVESTMENT BANK – AIIB BILL
2017 – consideration in detail**

MR SPEAKER: In accordance to the signed Certificate of Urgency by the Leader of the House, the Legislative Assembly will now proceed with the consideration of the Bill.

Pursuant to Standing Order, the consideration of the Bill will commence with Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act binds the Government.

Approved.

CLAUSE 4: Authority to borrow from the Bank.

Approved.

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CLAUSE 5: Implementation of obligations under agreements.

Approved.

CLAUSE 6: Arbitration.

Approved.

CLAUSE 7: Status of the Bank.

Approved.

CLAUSE 8: Application of Diplomatic Privileges and Immunities Act 1978.

Approved.

CLAUSE 9: Immunity from judicial proceedings.

Approved.

CLAUSE 10: Immunity of assets and archives.

Approved.

CLAUSE 11: Privilege for communications.

Approved.

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CLAUSE 12: Immunities and privileges of offices and employees.

Approved.

CLAUSE 13: Exemption from taxation.

Approved.

CLAUSE 14: Other exemptions.

Approved.

CLAUSE 15: Freedom of operations from restrictions.

Approved.

CLAUSE 16: Waivers.

Approved.

CLAUSE 17: Regulations.

Approved.

CLAUSE 1 AND THE TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Asian Infrastructure Investment Bank Bill 2017.

Approved.

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**Asian Infrastructure Investment Bank — AIIB Bill 2017
- third reading**

The Asian Infrastructure Investment Bank Bill 2017 progressed without Amendments.

**ASIAN INFRASTRUCTURE INVESTMENT BANK – AIIB BILL
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Afioga Hon SILI EPA TUIOTI: Mr Speaker I move, *That the Asian Infrastructure Investment Bank – AIIB Bill 2017 be read a third time.*

Seconded by the Minister of Education, Sports and Culture, Minister of Justice and Court Administration and the Minister of Women, Community and Social Development.

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

**GAMING CONTROL BILL 2017
– consideration in detail**

MR SPEAKER: Pursuant to Standing Order 107, the Legislative Assembly must approve the Report of the Committee to allow the consideration of the Bill.

I call the honorable Chairperson of the Revenue and Expenditure Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker I move, *That the Legislative Assembly approves the Report of the Committee which recommends, That the Gaming Control Bill 2017 progressed with Amendments.*

Seconded by the member of Palauli le Falefa.

Motion approved.

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**Gaming Control Bill 2017
– consideration in detail**

MR SPEAKER: We have reached the end of our meeting today and I see that everyone's getting exhausted from our Prayer Meeting this morning.

Therefore we will reconvene tomorrow. Before we adjourn, I will end our meeting with a prayer.

Proceedings of the Legislative Assembly adjourned at 1.00pm until Wednesday, 20 December 2017 at 9.00am.