

TUESDAY, 20 DECEMBER 2016

The Legislative Assembly met at 9.00am pursuant to Parliamentary Sitting Schedule Program 2016.

Prayer.

OPENING REMARKS BY THE SPEAKER

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

I wish not to delay any further as Samoa is gathered in this House through its representatives. In all your honorific Leader of the House, Cabinet and Associate Ministers and Members of Parliament let us seek God first for our works to proceed accordingly.

1. MESSAGE FROM THE LE AO O LE MALO

Mr Speaker read out the Message from 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:

1. Supplementary Appropriation Bill (No. 1) 2016/2017.

GIVEN UNDER this Hand this day 16 December 2016.

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

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Notice from the Leader of the House

2. 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:

1. Customs Tarriff Amendment Bill 2016.

GIVEN UNDER this Hand this day 19December 2016.

(Signed): **Tui Atua Tupua Tamasese Efi**
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. Constitution Amendment Bill 2016.
2. Constitution Amendment Bill (No.2) 2016.
3. Police Services Amendment2016

GIVEN UNDER this day19 December on the year 2016.

(Sainia): Hon. TUILAEP Auelua Fatialofa Lupesoliai Lolofietele Aiono
 Neioti Galumalemana Dr. Sailele Malielegaoi.
LEADER OF THE HOUSE

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OBITUARY NOTICE

The Speaker announced the passing of Afioga Hon LEIATAUA Vaiao who was a member of the Constituency of Aiga i le Tai.

Afioga Hon LEIATAUA Vaiao was elected in the X Parliamentary Term from 1988-1990. He was re-elected in 1991-1996 in the XI Parliament Term. He was the Minister of Works in 1988. He was also Parliamentary Under Secretariat for the Ministry of the Prime Minister from 1991-1996.

Afioga Hon LEIATAUA Vaiao was also a member of the Bills Committee from 1991-1996 and was a Deputy Chairperson of the Bills Committee.

Afioga Hon LEIATAUA Vaiao was a former member of the Human Rights Protection Party or the HRPP. Afioga Hon LEIATAUA Vaiao passed away on the 28th of November 2016.

On behalf of this Parliament I wish to express our deepest sympathies and condolences to the relatives and families of Afioga Hon LEIATAUA Vaiao.

The House was upstanding for a minute of silence in respect of the passing members.

TABLING OF PAPERS

The Speaker tabled the following Papers pursuant to Section 98(2).

1. P.P. 2016/2017 No. 134, Samoa Audit Office Report on Irregularities 2012-2013.
2. P.P. 2016/2017 No. 135, Samoa Audit Office Report on Irregularities 2013-2014.
3. P.P. 2016/2017 No. 136, Samoa Audit Report on Irregularities 2015-2016.
4. P.P. 2016/2017 No. 137, Report on Parliament on the Operations of the Audit Office July 2012- June 2013.
5. P.P. 2016/2017 No. 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.
6. P.P. 2016/2017 Nu. 139, Samoa Audit Office Report on Irregularities 2014-2015.

PRESENTATION OF PAPERS

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

1. S.R. 2016/6, Customs Tariff Modification Order 2016.
2. S.R. 2016/9, Public Service Amendment Regulations 2015.
3. S.R. 2016/10, Prisons Weekend Release Regulations 2016.
4. S.R. 2016/11, Intellectual Property Regulations 2015.

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Presentation of Papers

5. P.P. 2016/2017 No. 99, Office of the Electoral Commissioner Report of the 2016 General Elections.
6. P.P. 2016/2017 No. 100, Annual Report of the Samoa Shipping Corporation 2001-2011.
7. P.P. 2016/2017 No. 101, Samoa Shipping Corporation Annual Report 2012.
8. P.P. 2016/2017 No. 102, Samoa Shipping Corporation Annual Report 2013.
9. P.P. 2016/2017 No. 103, Samoa Shipping Corporation 2014.
10. P.P. 2016/2017 No. 104, Samoa Shipping Corporation 2015.
11. P.P. 2016/2017 No. 105, Samoa Ports Authority Statement of Corporate Objectives 2017-2020.
12. P.P. 2016/2017 No. 106, Samoa Ports Authority Corporate Plan 2017-2020.
13. P.P. 2016/2017 No. 107, Samoa International Finance Authority 2015.
14. P.P. 2016/2017 No. 108, Office of the Legislative Assembly Corporate Plan 2016-2018.
15. P.P. 2016/2017 No. 109, Samoa Law Reform Commission Report on Sex Offenders Register, Final Report 16/16.
16. P.P. 2016/2017 No. 110, Annual Report of the Parliamentary Pension Scheme 2016.
17. P.P. 2016/2017 No. 111, Samoa Ports Authority Annual Report 2014-2015.
18. P.P. 2016/2017 No. 112, Samoa Ports Authority Annual Report 2014-2015.
19. P.P. 2016/2017 No. 133, Polynesian Airlines Annual Report 2016.
20. P.P. 2016/2017 Nu. 140, Office of the Legislative Assembly Annual Report 2014-2016.
21. P.P. 2016/2017 No. 141, Annual Report of the Office of the Regulator 30 June 2015.

MR SPEAKER: Before the Clerk reads out the Parliamentary Committee Reports, I allow the Chairperson of the Special Inquiry to Parliament to table the Report of the Special Inquiry Committee on Land and Titles Court Matters.
I call the honourable Chairperson.

Tofa LOPAOO NATANIELU MUA (Chairperson of the Special Inquiry Committee on Land and Titles Court Matters): Greetings Mr Speaker, Hon Prime Minister, Deputy Prime Minister, the esteemed Cabinet members, Associate Ministers and all the members of the House this morning.

Mr Speaker I table the Report of the Special Inquiry Committee on Land and Titles Court Matters as per instructions of the Legislative Assembly. Before I take my seat I wish to acknowledge the notable House for your support upon this work.

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Presentation of Parliamentary Committee Reports

I also wish to extend great acknowledgement to some of the people who have been working in achieving this task from the Attorney General's Office and its representative, Noumea Lorreta Teueli, the Office of the Ombudsman Afioga Maiava Iulai Toma and Maualaivao Pepe Seiuli, the Chief Executive Officer of the Ministry of Justice and his staff as well as the members of this Committee for all your works and support. I wish to extend good wishes to this Parliament and wish everyone a very Merry Christmas and a Prosperous New Year.

The same with our Constituency of Vaisigano No. 1, may God bless you as we prepare to celebrate this coming Christmas and New Year, thank you.

MR SPEAKER: Very well thanks. In accordance to the approved motion, I wish to refer the Special Inquiry Committee's Report to the Branch of Judiciary for their response. This response must report back to the Legislative Assembly on the 24th of January 2017. That is the complete instruction of the Legislative Assembly presented on the 27th of June 2016.

PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

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

1. P.P. 2016/2017 No. 114, Report of the Special Inquiry Committee on Land and Titles Court Matters.
2. P.P. 2016/2017 No. 115, Report of the Social Sector Committee on the Coroners Bill 2016.
3. P.P. 2016/2017 No. 116, Report of the Social Sector Committee on the Village Fono Amendment Bill 2016.
4. P.P. 2016/2017 No. 117, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 62, Public Accounts of the Government of Samoa for the Year ended 30 June 2015.
5. P.P. 2016/2017 No. 118, Report of the Standing Orders Committee on P.P. 2016/2017 No. 43, Office of the Ombudsman State of Human Rights Report – Persons with Disabilities 2016.
6. P.P. 2016/2017 No. 119, Report of the Standing Orders Committee on [P.P.2016/2017 No.45, Samoa Law Reform Alcohol Reform Report 15/16](#) April 2016.
7. P.P. 2016/2017 No. 120, Report of the Social Sector Committee on P.P. 2016/2017 No.84, Samoa Qualifications Authority Statement of Corporate Objectives 2017-2020.
8. P.P. 2016/2017 No. 121, Report of the Infrastructure Committee on P.P. 2016/2017 No. 74, Annual Report of the Land Transport Authority 30 June 2015.

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**Motion by the Parliamentary Committee Chairman pursuant to
Standing Order 52**

9. P.P. 2016/2017 No. 122, Report of the Infrastructure Sector Committee on P.P. 2016/2017 No. 77, Electric Power Corporation Statement of Corporate Objectives 2017-2020.
10. P.P. 2016/2017 No. 124, Report of the Economic Sector Committee on P.P. 2016/2017 No. 75, Statement of Corporate Objectives of the Scientific Research Organisation of Samoa 2017-2020.
11. P.P. 2016/2017 No. 125, Report of the Economic Sector Committee on P.P. 2016/2017 No. 97, Samoa Post Statement of Corporate Objectives 2017-2020.
12. P.P. 2016/2017 No. 126, Report of the Economic Sector Committee on P.P. 2016/2017 No. 73, Annual Report of the Samoa Land Corporation 2014-2015.
13. P.P. 2016/2017 No. 127, Report of the Economic Sector Committee on P.P. 2016/2017 No. 76, Annual Report of the Samoa Bureau of Statistics July 2014- June 2015.
14. P.P. 2016/2017 No. 128, Report of the Economic Sector Committee on S.R. 2016/8, Fisheries Management Act 2016 – Notice of Commencement.
15. P.P. 2016/2017 No. 129, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 79, Financial Statements of the Totalisator Agency Board for the Year Ended 30 June 2015.
16. P.P. 2016/2017 No. 130, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 80, Ministry of Finance Corporate Plan 2016-2020.
17. P.P. 2016/2017 No. 131, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 81, Unit Trust of Samoa (Management) Ltd Statement of Corporate Objectives 2017-2020.
18. P.P. 2016/2017 No. 132, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 82, Ministry of Finance Annual Report 2014-2015.

**MOTION BY THE PARLIAMENTARY COMMITTEE CHAIRMAN
PURSUANT TO STANDING ORDER 52**

MR SPEAKER: I allow the Chairman of the Economic Sector Committee.

Tofa Hon LAUOFO FONOTOE PIERRE LAUOFO (Chairperson of the Economic Sector Committee): Mr Speaker I move, *That the Legislative Assembly permits time extension for the Committee to review the Ministry of Forestry and Fisheries Annual Report 2014 and report back to the Legislative Assembly in the Sitting of January 2017.*

Seconded by the member for Aleipata Itupa i Lalo, and the member for Palauli le Falefa.

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**Supplementary Appropriation Bill (No.1) 2016/2017
– first reading**

Motion approved.

**SUPPLEMENTARY APPROPRIATION BILL (NO. 1) 2016/2017
– first reading**

Afioga Hon SILI EPA TUIOTI (Minister of Finance): Mr Speaker I move, *That the Supplementary Appropriation Bill (No.1) 2016/2017 now read a first time.*

Seconded by the Minister of Justice and Courts Administration.

Motion approved and the Bill was read a first time.

**FINANCIAL STATEMENT ON THE FIRST SUPPLEMENTARY
ESTIMATES 2016/2017 - tabling**

Hon Sili Epa Tuioti, Minister of Finance tabled the First Supplementary Estimates 2016/2017.

**SUPPLEMENTARY APPROPRIATION BILL (NO. 1) 2016/2017
– motion for second reading**

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move, *That the Supplementary Appropriation Bill (No. 1) 2016/2017 be read a second time.*

Seconded by the Minister of Justice and Courts Administration and the Minister for Revenue.

**BUDGET STATEMENT ON THE FIRST SUPPLEMENTARY
ESTIMATES 2016/2017**

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 2016/17 for the consideration of the House.

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Budget Statement on the First Supplementary Estimates 2016/2017

Mr Speaker the Supplementary Budget laid before the House continues with the vision of "Strengthening Foundations, Buildings for Tomorrow" which guides the Government's budget for the current financial year. It is on this foundation that the Government commits to maintaining its fiscal target of a budget deficit within 3.5% of GDP. In this regard I am pleased to advise that all additional requests under this Supplementary Budget has been fully resourced through the reallocation of savings and additional revenues and does not create additional expenses to the overall budget nor does it affect the expected budget deficit.

This Supplementary Budget is made following a growth rate for the country of 5.2% for the financial year 2015/16 when compared to 2014/15. This high level of growth was attributed to increased contributions from the Commerce, Transport, Industry and Manufacturing as well as the Tourism Sectors.

In addition to this, a review of the implementation of the 2015/16 Budget has indicated that the budget deficit for the past financial year was registered at only 0.4% of GDP while a preliminary review of the performance of the first quarter of the current financial year noted a budget deficit of 0.7% of GDP.

Mr Speaker, these achievements are a clear indication of the continued commitments of all Ministries, under the advisement of the Ministry of Finance, to ensure prudence, control and the efficient use of all Government of Samoa resources which continues to be contained throughout the course of the financial year.

It is anticipated however that these controls will in no way diverge from all Government priorities that are currently being implemented to ensure a continued improved quality of life for all Samoan citizens.

The Supplementary Budget:

Mr Speaker would now like to present the key components and overview of the First Supplementary Estimates for the current fiscal year 2016/17:

The overall additional expenditures for the First Supplementary Estimates stands at **\$12,288,936** and will be resourced through the following:

Summary of Revenue:

The additional resources or revenues to finance the additional expenditures as submitted to the First Supplementary 2016/17 include:

- *\$148,140 under the Ministry for Revenue as VAGST earned from the additional expenditures of requesting Ministries;*
- *\$204,552 under the Ministry of Finance earned from payments on lease arrears of the Ministry for Communications on use of the office space at the TATTE Building.*

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Budget Statement on the First Supplementary Estimates 2016/2017

A large portion of the additional requests from Ministries and Corporations has been resourced through the reallocation of savings identified from current appropriations and are as follows:

- **\$2,254,340 from the Statutory Vote;**
 - \$1,352,866 reduction in Principal payments for external debt servicing;
 - \$901,474 reduction in Interest payments on external debt servicing;
- **\$2,600,000 from the Ministry of Finance;**
 - \$1,600,000 reduction in the Government of Samoa Capital Injection to the World Bank and ADB which is currently up to date and will not be reviewed again until August 2017;
 - \$1,000,000 reduction in appropriations for Insurance on Government Assets following the conclusion of the tendering process for this expenditure item as approved by Cabinet;
- **\$7,081,235 from the Ministry for Works, Transport and Infrastructure;**
 - \$39,100 savings identified from lease and rents expenditures for the TATTE Building;
 - \$48,000 appropriated for the temporary hire of a structural engineer which will now be reallocated into personnel to finance the post for a permanent engineer;
 - \$7,000,000 originally allocated as a subsidy for VAGST to the EPC but is no longer required due to a change in legislation that now has electricity zero-rated;

Summary of Additional Expenditures:

The additional expenditures requested and granted under this supplementary budget has been reviewed against additional resources and formulated against a backdrop of the critical developments contributing to sustainable development.

These priorities include:

- **\$7,000,000 to the Statutory Vote**
 - \$5,000,000 additional funds for VAGST refunds;
 - \$2,000,000 additional refunds for Income refunds;
- **\$274,134 for the Legislative Assembly**
 - \$30,908 for the Parliamentary Commission of Enquiry;
 - \$39,100 for the Parliamentary Primary School Programme;
 - \$24,438 for the Parliamentary College Programme;
 - \$97,750 for Parliamentary travel expenses;
 - \$81,938 for the Parliamentary Public Project

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Budget Statement on the First Supplementary Estimates 2016/2017

- **\$709,885.00 for the Ministry of Communication**
 - \$58,200 membership fee for the Government of Samoa under the Universal Postal Union;
 - \$201,435 arrears on electricity for the SNBH;
 - \$215,050 arrears on co-location to Digicel for the SNBH;
 - \$235,200 arrears on rents and leases of the TATTE Building.

- **\$1,934,828 for the Ministry of Education**
 - \$50,000 for the Education Advisory Committee;
 - \$500,000 additional to facilitate the final phase of the teacher's salary reclassification;
 - \$840,078 additional to facilitate payout of teachers' pre-contract benefits;
 - \$244,570 for long service benefits;
 - \$300,000 for the Samoa Rugby Union.

- **\$225,000 to the Ministry of Finance**
 - 25,000 counterpart costs for the Customary Land Advisory Commission;
 - \$50,000 counterpart costs for the Apia Waterfront Development project;
 - \$150,000 additional counterpart costs to the Enhanced Road Access Project

- **\$353,569.73 to the Ministry of Foreign Affairs and Trade**
 - \$2,620 additional for the UN South Cooperation membership fee;
 - \$18,566 for Building repairs and maintenance in Wellington;
 - \$20,458 for Hire of Properties in Auckland;
 - \$118,752 for Building rents and leases in New York;
 - \$115,927 additional for training & course fees in New York;
 - \$10,477 for vehicle repairs and maintenance in New York;
 - \$26,192 for hire of furniture and fittings in New York;
 - \$40,577 additional for medical insurance in New York.

- **\$825,080 for the Ministry of Health**
 - \$524,121 additional for the Orientation Program for Nurse and Doctor graduates;
 - \$236,959 additional for continuing scholarships for nurses and doctors;
 - \$64,000 for Health Committee Allowances.\$524,12

- **\$233,962 for the Ministry of Justice:**
 - \$125,000 for the air conditional project of the main building of the Ministry for Justice and Courts Administration;

- **\$161,440 for the Ministry of Works, Transport and Infrastructure**
 - 88,000 for finance leases on motor vehicles;
 - \$30,240 additional for the position of a legal officer;

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Constitution Amendment Bill 2016
- first reading

- \$34,560 additional for the position of a pavement and drainage engineer;
- \$8,640 additional for the position of a structural engineer.
- **\$680,000.00 to the National Health Services**
- \$680,000.00 to top up the existing appropriations for the OVT scheme.

Conclusion:

Mr Speaker and Honourable members, presented before the House is a brief overview of additional expenditures for the First Supplementary which has been a consequence of careful review and has been given priority to ensure the continued efficiency in the provision of Government services.

The review undertaken for this First Supplementary was conducted with the aim of ensuring prudence and efficient allocation of the resources of Government that continues to solidify the improved quality of life for all Samoans and has resulted in ensuring that the current fiscal target for the budget deficit remains within 3.5% of GDP.

Mr. Speaker and Honourable Members, on behalf of the Government, I take the opportunity to wish you Mr. Speaker, Honourable members and every citizen of Samoa a very Merry Christmas and a Prosperous New Year.
Soifua.

MR SPEAKER: Very well thank you. Pursuant to Standing Order 133, debate on the Supplementary Appropriation Bill (No.1) will adjourn in no less than 14 days as the First Supplementary Estimates 2016/2017 is under review by the Revenue and Expenditure Committee and report back to the Legislative Assembly.

CONSTITUTION AMENDMENT BILL 2016
- first reading

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker respectfully I move, *That the Constitution Amendment Bill (No.1)2016 be read a first time.*

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

Motion approved and the Constitution Amendment Bill No.1) 2016 was read a first time.

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CONSTITUTION AMENDMENT BILL (NO.2) 2016

– first reading

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move, *That the Constitution Amendment Bill (No.2) 2016 be read a first time.*

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

Motion approved and the Constitution Amendment Bill (No.2) 2016 was read a first time.

POLICE SERVICES AMENDMENT BILL 2016

– first reading

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move, *That the Police Amendment Services Bill 2016 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.

MR SPEAKER: I recognize the motion to set aside Standing Order. I call the Hon Prime Minister.

MOTION TO SUSPEND STANDING ORDER 101(1)

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move, *To set aside Standing Order 101(1) to allow the reading of the Police Amendment Bill Services 2016 and the Customs Tariff Amendment Bill 2016 this Sitting Day for the Committee to progress with its review.*

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

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

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POLICE SERVICES AMENDMENT BILL 2016

– second reading

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move, *That the Police Service Amendment Bill 2016 be read a second time and I wish to elaborate it.*

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

MR SPEAKER: I call upon the Hon Prime Minister for his statement.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker this brief Bill has had our full consultations with the Ministry including (Parliament) members to shed light on its purpose. In light of this, the Bill seeks to make further changes for the services of the police to progress with its normal services including the Commissioner of Police or the Deputy Commissioner without having a Special Inquiry and its investigations to delay neither prolong the normal duties of the Police. For instance if the Commissioner or the Deputy Commissioner has mental problems, the Cabinet should not have to wait around for a Special Inquiry to deal with the investigation first before making appropriate decisions to avoid any delays to the polices' services. This is the entire purpose for this legislation.

MR SPEAKER: Well done. I see that this legislation is well versed as relayed yesterday.

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

MR SPEAKER: I call the member of Salega East.

Tofa OLO FITI AFOA VAAI: Thank you. This legislation is very short and so is my contribution.

Respectfully I wholly support this legislation and its process given the state of urgency most particularly for this Police legislation as no one has discretion over *these matters other than the Cabinet and the State.* I only wish to raise the recent benefits received by the former Commissioner during his investigations and was later found guilty whilst he was still receiving his salary and using public vehicle. This should be stopped.

Secondly, why is this doing still carried out for other Government Ministries under the notion of getting a swift resolution and in assistance to the public and its engagement with the Ministries?

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Police Services Amendment Bill 2016
– second reading

Lastly, the National Prosecution Office and the status for this division whether it is now an independent entity or whether is it still part of the Office of the Attorney General.

MR SPEAKER: I beg the pardon of the member as we have the appropriate response to that later on.

Tofa OLO FITI AFOA VAAI: It is best to submit this to you Mr Speaker to avoid my chances of upstanding. With respect thank you.

MR SPEAKER: Your time now is finished.

I allow the Hon Prime Minister. Pardon me Hon Prime Minister let us give chance to one more before you proceed...

Go on member of Falealupo.

Afioga Hon AEAU PENIAMINA LEAVAISEETA: Thank you. I wish to note the termination of a Commissioner if I get it right unless I am a fool hence it is unclear who makes these decisions? I mean who makes these decisions?

I don't really follow you.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: I recommend the member to see a doctor about your hearing problems, they offer a lot of assistance there to restore your hearing. Anything has issues and that is one. If such were the case, then this term 'mental illness' covers all positions and not just one, or any other inappropriate related act within the Ministry, all that is covered under this amendment.

In terms of benefits and decisions upon those who are still using public assets, this is true and has already been addressed with the Cabinet hence all that is now being amended.

Some asked why this matter was specific to police alone. Well this is because this is the only Ministry that involves cases of this sort and reason why they were given special power based on good assumptions from the public and far sight wisdom however we have now seen it, they have abused this power.

Most of the times we have talked of reforms for improving the works we do based on good governance. Some countries have put into practice good reforms and if they see it is inappropriate given time, they can easily stop it. In today's lifestyle, most of the way we think is 100% however we must take into account time as a crucial factor in anything we do.

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– second reading

For instance, most of the electoral candidates have received votes and majority of them have passed on otherwise it is sad to find that the same people are still living. From that a new change was put in place such that those who were dead were no longer included in the voting list. In solution a new practice system was set up by the Government in the period from 1982 to 1985 to produce Identification Cards or IDs without the knowledge that more issues will follow.

Some of these good changes were 100% however when it was time to implement this change, we found that other people were finding ways to destroy this Law.

That is the reality of things in this world as we are living amongst the wheat and the tares. Mr Speaker that is the clarification.

MR SPEAKER: Very well thanks, the question is whether...

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

MR SPEAKER: I give the chance to the member of Faleata East.

Tofa Lealailepule Rimoni Aiafi: This is Faleata West.

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

Tofa Lealailepule Rimoni Aiafi: I see that the Minister is giving his response when I too wanted to say something about this crucial Bill, is it correct?

MR SPEAKER: I see that no one is willing to make any more comments. And that is why the State is responding. Anyhow given respect, I will again give you the chance but be brief.

Tofa Lealailepule Rimoni Aiafi: Lest the Minister thinks that we do not care about this Bill. Never mind I will state my view some other time with respect.

Afioga Faumuina Asi Pauli Wayne Fong (Urban Seat West): Mr Speaker...

MR SPEAKER: I call the member of the Urban Seat West.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you I will be brief. This Bill has my full support. I have one question, does not the Minister or any new Minister to the Ministry of Police have the discretion to make these decisions.

It seems that the Cabinet and the Prime Minister will now make the decisions but what is the use of the Minister of Police in the future lest the Hon Prime Minister appoints one to become the Minister of Police and therefore that person will not have any say in this. With respect.

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Police Services Amendment Bill 2016
– second reading

MR SPEAKER: I get your view. I call the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Any matter referred to the Cabinet involving the service of anyone cannot be decided by the Minister alone. It involves the entire Cabinet before it is passed to the Ao o le Malo for his assent. Note the appointment of the Le Ao o le Malo is based on Cabinet's directive. Secondly this is reason why this Bill is referred to the Committee for the public to make their submissions.

Thirdly this Side is the State and that Side is the Opposition Side who opposes the State. On advice, if anyone wishes to speak, do so to the Minister behind you rather I am only trying to manage everyone. The reason for stating this is because Aeau is fully confused about all this. Mr Speaker that is the brief explanation.

MR SPEAKER: Very well thank you.

Tofa OLO FITI AFOA VAAI: Mr Speaker pardon me for giving the chance rather I wanted to correct something about the Prime Minister's statement. FK or Cabinet Directive does not take an hour to make changes, we now have Tuitama's directive whilst he is the Acting Prime Minister. That is the...

MR SPEAKER: We get you. Go on Prime Minister...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker I will now assist again, this member was never in Cabinet. Some directives are done on a 24 hours based on the Constitution.

A directive is made at 24 hours by the Cabinet based on matters of urgency however endorsement can be made the following week. This involves something that was missing and therefore is resubmitted to Cabinet for amendment.

Such case involves the amendments to a specific Bill which are unquestionable and is nothing new, the only new thing is that you were not a Minister.

MR SPEAKER: Very well thank you.

Motion approved and the Police Service Amendment Bill 2016 was read a second time.

MR SPEAKER: Pursuant to Standing Order the Bill is referred to the Social Sector Committee for review and report back to the Legislative Assembly in the future.

As stated by the Hon Prime Minister this Committee will have the referral of this Bill for members to make further submissions.

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CUSTOMS TARIFF AMENDMENT BILL 2016
– first reading

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue): Mr Speaker I move, *That the Customs Tariff Amendment Bill 2016 be read a first time.*

Seconded by the Minister of Forestry and Fisheries and the Minister of Finance.

Motion approved and the Bill was read a first time.

CUSTOMS TARIFF AMENDMENT BILL 2016
– second reading

MR SPEAKER: Since the motion was approved for this Bill under the state of urgency, Parliament will therefore proceed with its second reading.
I call the Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I move, *That the Customs Tariff Amendment Bill 2016 be now read a second time and I wish to elaborate it.*

Seconded by the Minister of Forestry and the Minister of Finance.

MR SPEAKER: This is the chance for the Minister for Revenue to make your statement.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker is very short. The Bill seeks to amend the Customs Tariff Principal Act 1975 which does not provide any tariff provision to allow vehicles to use renewable energy. The object of the Bill is to amend the Second Schedule of the Principal Act so that electrical vehicles imported may be subject to concession. This duty concession will be decreased from 20 percent to 5% so that the members of the public are able to import these types of vehicles into the country. This is the clarification to amend the new section 120 of the Principal Act 1975.

MR SPEAKER: Thank you.

Motion approved and the Custom Tariff Amendment Bill 2016 was now read a second time.

MR SPEAKER: Pursuant to Standing Order this Bill is referred to the Revenue and Expenditure Committee for review and report back to the Legislative Assembly in a future sitting.

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CORONERS BILL 2016
– consideration in detail

MR SPEAKER: Pursuant to Standing Order 107 the Legislative must confirm the Report of the Committee to allow the consideration of this Bill.

I call the Chairperson of the Social Sector Committee.

Afioga LEANA RONNIE POSINI (Deputy Chairperson, Social Sector Committee): **Mr Speaker I move,** *That this Legislative Assembly confirms the Report of the Committee that contains its recommendations for the Coroners Bill 2017 to progress with corrections, with respect.*

Seconded by the member of Falealili East.

Motion approved.

MR SPEAKER: Pursuant to Standing Order the consideration of the Bill will commence with Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Appointment of the coroners.

Approved.

CLAUSE 4: Qualifications.

Approved.

CLAUSE 5: Terms of office.

Approved.

CLAUSE 6: Oath of office.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 7: Salaries and allowances.

Approved.

CLAUSE 8: Resignation and removal.

Approved.

CLAUSE 9: Vacancy of office.

Approved.

CLAUSE 10: Functions.

Approved.

CLAUSE 11: Privileges and other powers.

Approved.

CLAUSE 12: Reporting of deaths.

Approved.

CLAUSE 13: Rights to exclusive custody of body.

Approved.

20 DECEMBER 2016

Coroners Bill 2016
– consideration in detail

CLAUSE 14: Direction for removal of body.

Approved.

CLAUSE 15: Rights of family.

Approved.

CLAUSE 16: Power to direct post-mortem.

Approved.

CLAUSE 17: Doctor's report.

Approved.

CLAUSE 18: Who may attend post-mortem.

Approved.

CLAUSE 19: Supreme Court may order post-mortem.

Approved.

CLAUSE 20: Release of body.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 21: Restriction on release if no post-mortem directed.

Approved.

CLAUSE 22: Restriction on release if parts or samples to be retained.

Approved.

CLAUSE 23: Release of body of still-born.

Approved.

CLAUSE 24: Body parts and samples.

Approved.

CLAUSE 25: Retention of body parts and samples on release of body.

Approved.

CLAUSE 26: Purpose.

Approved.

CLAUSE 27: Adverse comments.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 28: Coroners to open inquiry.

Approved.

CLAUSE 29: Coroner may decide not to open inquiries.

Approved.

CLAUSE 30: Procedure if person is charged with offence.

Approved.

CLUASE 31: Other investigations.

Approved.

CLAUSE 32: Coroners may decide not to open or resume inquiry.

Approved.

CLAUSE 33: Restrictions on making public details of self-inflicted deaths.

Approved.

CLAUSE 34: Coroners may prohibit making public of evidence given any part of inquiry proceedings.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 35: Review of coroner’s decision as to making public of details, evidence, etc.

Approved.

CLAUSE 36: Persons from whom evidence generally to be heard.

Approved.

CLAUSE 37: Hearing on papers and chambers findings.

Approved.

CLAUSE 38: Protection for witness and lawyers.

Approved.

CLAUSE 39: Admission and verification of evidence.

Approved.

CLAUSE 40: Decision to hold inquest.

Approved.

CLAUSE 41: Date etc and notice of inquest.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 42: Inquests usually to be before coroner alone.

Approved.

CLAUSE 43: Specialist advisers to sit with and help coroners.

Approved.

CLAUSE 44: Joint inquests.

Approved.

CLAUSE 45: Inquests usually to be public.

Approved.

CLAUSE 46: Coroners may exclude person from inquest.

Approved.

CLAUSE 47: Coroners may exclude witness until the witness gives evidence.

Approved.

CLAUSE 48: Evidence.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 49: Others who may cross-examine at inquest.

Approved.

CLAUSE 50: Evidence by written statement confirmed by witness.

Approved.

CLAUSE 51: Evidence at distance for purposes of inquest.

Approved.

CLAUSE 52: Body must be viewed before certain inquiries concluded.

Approved.

CLAUSE 53: Interim certificate of findings

Approved.

CLAUSE 54: Final certificate of findings.

Approved.

CLAUSE 55: Inquiry if coroner has failed or refused to open one.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 56: Inquiry if new facts discovered.

Approved.

CLAUSE 57: Further inquiry if sufficient reason.

Approved.

CLAUSE 58: Exercise of powers under sections 55 to 57.

Approved.

CLAUSE 59: Form and service of orders under sections 55 to 57.

Approved.

CLAUSE 60: Procedure at inquiries ordered under sections 55 to 57.

Approved.

CLAUSE 61: Police to help coroners' investigations etc.

MR SPEAKER: The Committee has an Amendment to Clause 61 in the Supplementary Order Paper.

I allow the Chairperson of the Committee.

Afioga LEANA RONNIE POSINI: Mr Speaker I move the correction to Clause 61 as follows:

“CORRECTION:

Clause 61

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**Coroners Bill 2016
– consideration in detail**

To omit clause 12(5) and substitute thereby clause 12(3) thus clause 61 reads:

61. Police to help coroners' investigations, etc –Without limiting section 12(3), the Commissioner of Police must cause police officers to help coroners' investigations, inquiries and inquests under this Act.”

With respect.

Corrections approved.

Clause 61 approved with corrections

CLAUSE 62: Ministry to provide administrative support.

Approved.

CLAUSE 63: Coroners may call for investigations etc.

Approved.

CLAUSE 64: Coroners may refer death to other investigating authorities.

Approved.

CLAUSE 65: Coroners may be written notice require person to supply information, etc.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 66: Grounds for refusing to comply with written notice.

Approved.

CLAUSE 67: Warrant for information etc.

Approved.

CLAUSE 68: Entry and search under warrant under section 67.

Approved.

CLAUSE 69: Duties when executing warrant under section 67.

Approved.

CLAUSE 70: Grounds for withholding things sought by warrant.

Approved.

CLAUSE 71: Review of dismissal of claim under section 66(2).

Approved.

CLAUSE 72: Limits on use of information etc given or produced pursuant to section 65 or 67.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 73: Warrant for removal of body.

Approved.

CLAUSE 74: Entry and search under warrant under section 73.

Approved.

CLAUSE 75: Warrant under section 73 to be produced.

Approved.

CLAUSE 76: Power to seize evidence relevant to post-mortem.

Approved.

CLAUSE 77: Offences.

Approved.

CLAUSE 78: Inquests may be held on Sunday.

Approved.

CLAUSE 79: Fees and allowances.

Approved.

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Coroners Bill 2016
– consideration in detail

CLAUSE 80: Exemption from personal liability.

Approved.

CLAUSE 81: Practice notes.

Approved.

CLAUSE 82: Inquiries concerning fires.

Approved.

CLAUSE 83: Members of visiting forces.

Approved.

CLAUSE 84: Persons with diplomatic privileges.

Approved.

CLAUSE 85: Approved forms.

Approved.

CLAUSE 86: Information by Attorney or Police to assist inquiry or inquest.

Approved.

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**Village Fono Amendment Bill 2016
- consideration in detail**

CLAUSE 87: Regulations.

Approved.

CLAUSE 88: Repeal and transitional provisions.

Approved.

CLAUSE 1 AND THE TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Coroners Bill 2016.

Approved.

The Coroners Bill 2016 progressed with Corrections.

**VILLAGE FONO AMENDMENT BILL 2016
- consideration in detail**

MR SPEAKER: Pursuant to Standing Order 107, the Legislative Assembly must first approve the Committee Report on the Bill before consideration in detail of the Bill.

I call the Chairperson of the Social Sector Committee.

Afioga LEAANA RONNIE POSINI: Mr Speaker I move, *That the Legislative Assembly approves the Report of the Committee that contains its recommendations, that the village Fono Amendment Bill 2016 progress with Amendments.*

Seconded by the member of Falealili East and the member of Falealili West.

MR SPEAKER: I announce that the Legislative has approved the Report of the Committee on the Village Fono Amendment Bill 2016.

The Legislative Assembly will progress with the consideration in detail of the Village Fono Amendment Bill 2016.

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Village Fono Amendment Bill 2016
- consideration in detail

Pursuant to Standing Order Consideration in Detail of this Bill commence with Clause 2.

CLAUSE 2: Section 2 amended.

MR SPEAKER: The Committee has an Amendment to Section 2 in the Supplementary Order Paper.

I call the Chairperson of the Social Sector Committee.

Afioga LEAANA RONNIE POSINI: Mr Speaker I move the Amendment to Clause 2 as follows:

“AMENDMENT:

To insert (b) new definitions such as:

- (a) **“banishment” means an offender is prohibited from being involved in village affairs, and is expelled from the village, never to be seen in the village until the village fono decides to uplift the banishment.**
- (b) **“obstracism” means an offender is prohibited from being involved in village affairs but still reserve the right to live in their respective homes within the village.”**

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: New section 2A inserted.

MR SPEAKER: We have an Amendment by the Committee to Clause 3 in the Supplementary Order Paper.

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Village Fono Amendment Bill 2016
- consideration in detail

Afioga LEAANA RONNIE POSINI: Mr Speaker I move the Amendment to Clause 3 as follows:

“AMENDMENT:

To insert in the proposed section 2A in paragraph (d), after “banishment”, the words “or ostracism;”

Amendment approved.

Clause 3 approved with Amendments.

CLAUSE 4: Section 4 substituted.

MR SPEAKER: The Committee has an Amendment to Clause 4 in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Afioga LEAANA RONNIE POSINI: Mr Speaker I move the Amendment to Clause 4 as follows:

“AMENDMENT:

To delete the section 4(3).”

Amendment approved.

Clause 4 approved as amended.

CLAUSE 5: Section 5 amended.

Approved.

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Village Fono Amendment Bill 2016
- consideration in detail

CLAUSE 6: New section 5A to 5F inserted.

MR SPEAKER: The Committee has an Amendment to Clause 6 in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Afioga LEAANA RONNIE POSINI: Mr Speaker I move the Amendment to Clause 6 as follows:

“AMENDMENT:

- (a) *To substitute number “4” with number “5” in paragraph (c) and;*
- (b) *To insert (v) the Ministry of Police after paragraph c(v).
“ (v) ” Ministry of Police”;*

Approved.

Clause 6 approved as amended.

CLAUSE 7: Section 6 amended.

MR SPEAKER: The Committee has an Amendment to Clause 7 in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Afioga LEAANA RONNIE POSINI: Mr Speaker I move the amendment to Clause 7 as follows:

“AMENDMENT:

In the proposed subsections for section 6:

- (a) *in subparagraph (aa) of subsection (1), insert the words “or ostracism”, after the word “banishment” and*
- (b) *In subsection (7), insert the words ‘or ostracism’ after the word “banishment”;*

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**Village Fono Amendment Bill 2016
- consideration in detail**

Clause 7 approved.

Clause 7 approved as amended.

CLAUSE 8: Section 9 substituted.

Approved.

CLAUSE 9: New section 12 inserted.

Approved.

CLAUSE 10: Consequential amendment and transitional.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Village Fono Amendment Bill 2016.

Approved.

The Village Fono Amendment Bill 2016 progressed with Amendments.

MR SPEAKER: Very well as we come to the end of our session today. Anything is possible if we work together. I beg tolerance if I have offended anyone. All in all may we all find peace in fulfilling our work.

Before we adjourn, I recognize the Deputy Prime Minister for the motion to end our sitting.

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**MOTION FOR ADJOURNMENT &
STATEMENT OF THE DEPUTY PRIME MINISTER**

Afioga Hon FIAME NAOMI MATAAFA (Deputy Prime Minister): Mr Speaker I move the motion of adjournment, I wish to state a brief statement in response to the finishing works of this year. You Mr Speaker have become our leader within this House in terms of managing our works most particularly for this new Parliamentary term since after the elections in March. As such it is with gratitude that we give great praise to the Almighty Father for his guidance upon us up until this last sitting day of the year. I furthermore congratulate you honorable Speaker for your reappointment as the Speaker for the second time which is very encouraging given this new Parliamentary term for the current Government of the day and your great assistance upon each and every representatives on the clarification of procedures for our works to go well for the sake of our people. Thank you also to the Clerk of the Legislative Assembly and staff for your dedicated services for this Parliament.

This is our first Parliamentary term and by the look of things, the good works and services we have achieved has been tremendous. Henceforth well done to all of us from the Hon Prime Minister and Cabinet, to the Chairmen of the various Parliamentary Committees and all the Government heads, well done on your collective efforts.

I furthermore support the statement of the honorable Speaker given this morning in thanking Samoa for its great support and prayers upon its Parliament. In conclusion I extend best wishes on behalf of the State and Parliament to everyone listening in.

May we all find good health the celebration of the birthday of our Lord and Saviour and a prosperous New Year 2017.

With that I move, *That the Proceedings of the Legislative Assembly adjourn until Tuesday 24 January 2017 in accordance to Parliamentary Sitting Program Schedule. Thank you.*

Seconded by the Minister of Forestry and Fisheries, Minister of Communication and Information Technology and the Minister of Commerce, Industry and Labour.

MR SPEAKER: Thank you. The Deputy Prime Minister has given a motion of adjournment and statement to mark the end of our works and Sittings this year. Although we are in the absence of the Hon Prime Minister due to unforeseen matters nevertheless I give the chance to the senior members of this Parliament to respond to the statement of the Deputy Prime Minister.

Tofa PAU SEFO TAUMATA PAU (Faasaleleaga No.2): Thank you Mr Speaker, we have in this House this statement. I seek this side of the House for their permission and blessings before I proceed to respond it will not take long. Perhaps this is my final speech before I depart forever. Thank you.

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Response Speech

Tofa ILI SETEFANO TAATEO TAFILI (Aana Alofi No.2): I rise with great respect although the point is towards the most senior members of the House to respond nevertheless, you have my blessing if everyone has your agreement.

RESPONSE SPEECH

Tofa PAU SEFO TAUMATA PAU: Thank you Leulumoega. Fuifatu and Maauga is the same person. Hence thanks for the blessings.

I wish to congratulate the Hon Prime Minister and the Deputy Prime Minister and the Cabinet and Associate Ministers for your continuous efforts from the previous Parliament term to this 16th Parliamentary term. Great job for your carrying out the old roles/tasks to the new roles. We give glory to God for his guidance and assistance of our weak minds. I acknowledge the works carried out at the start of the year. I salute for your perseverance all for the wellbeing of this nation. Briefly, thank you to the Speaker for another chance to resume your works in this House. To all the members of Parliament although we have had three sittings within this Parliamentary term, regardless this shows how dedicated the State is towards the developments of our country. To Samoa and its honorifics *Tama ma Aiga o Aiga ma latou Tama, Tumua ma Pule, Ituau ma Alataua, Aiga i le Tai ma le Vaa o Fonoti, e faapea foi o tatou uso i sasae, Sua ma le Vaifanua, Fofu ma Aitulagi, Saole ma Saleaamua, Faatui ma Tootoo o le Faleula*, well done. faamalo.

In conclusion, may God bless this Parliament and may we find a joyful Christmas and a prosperous new year. Soifua ma ia manuia.

MR SPEAKER: Thank you Safotulafai for your response speech in accordance to the statement by the Deputy Prime Minister, that speaks for all of us here from the Hon Prime Minister and the Cabinet as well as the entire Parliament, well done thank you.

Motion approved.

Proceedings of the Legislative Assembly adjourned at 11:00 until 9.00am on Tuesday, 24th January 2017 pursuant to Parliamentary Sitting Schedule Program 2016/2017.