

**TUESDAY, 20 MARCH 2018**

*The Legislative Assembly met at 9:00am pursuant to the Parliamentary Sitting Schedule Programme 2018.*

*Mr Speaker took Chair at 9.00am.*

Prayer.

**MR SPEAKER:** I declare that Proceedings of the Legislative Assembly commenced.

**MESSAGE FROM LE AO O LE MALO**

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

**1. “MEMORANDUM for:**

**Mr Speaker:**

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

1. Excise Tax Rates Amendment Bill 2018.

**GIVEN UNDER** my own Hand this day, 16<sup>th</sup> of March 2018.

**(Signed):** **Tuimaleali’ifano Vaaletoa Sualauvi II**  
**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 consider the following Bills:

1. Pacific Games Office Bill 2018.

**GIVEN UNDER** my own Hand this day, 19<sup>th</sup> of March 2018.

**(Signed):**      **Tuimaleali'ifano Vaaletoa Sualauvi II**  
**O LE AO O LE MALO.**

**NOTICE FROM THE LEADER OF THE HOUSE**

*The Speaker read out the Notice from the Leader of the House.*

Pursuant to Standing Order 76 of Parliament Notice is hereby given to the Legislative Assembly for the consideration of the following Bills:

1. Tobacco Control Amendment Bill 2018.
2. Electoral Commission Bill 2018.
3. Electoral Bill 2018.
4. Electoral Constituencies Bill 2018.

**GIVEN UNDER** this day, 16<sup>th</sup> of March 2018.

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

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**Opening Remarks by the Speaker**

Pursuant to Standing Order 76 of Parliament Notice is hereby given to the Legislative Assembly for the consideration of the following Bill:

1. Constitution Amendment Bill (No.2) 2018.

**GIVEN UNDER** this Monday, 19<sup>th</sup> of March 2018.

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

Pursuant to Standing Order 100(2), Notice is hereby given to the Legislative Assembly for the following Bill to be considered in Urgency.

1. Pacific Games Office Bill 2018.

**GIVEN UNDER** this day, 19<sup>th</sup> of March 2018.

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

**OPENING REMARKS BY THE SPEAKER**

**MR SPEAKER:** I take this opportunity to greet the distinguished Members of Parliament, the Hon. Prime Minister, Deputy Prime Minister and the esteemed Members of Cabinet. I also greet the respective members, the Leaders of our nation gathered here to carry out our duties. It is God's grace that has brought us here today.

May the Lord's blessings be upon our session today.

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### OTHER NOTICES FROM THE SPEAKER

**MR SPEAKER:** For the information of the House, the Public Gallery is occupied by the Year 8 students of Vaitele-uta Primary School as part of the on-going Parliamentary Awareness Program for Primary Schools. We would like to have the participation of schools situated around the town area in this important Parliamentary Programme. Vaitele-uta Primary School has kick start this program for primary school level.

On behalf of Parliament, I wish to greet and welcome the respective teachers especially the students. I plead for God's blessings upon our Sitting today.

### PRESENTATION OF PAPERS

*The Clerk read the following Papers which have been tabled pursuant to Standing Order 49.*

1. S.R. 2018/1. Trustee Companies (Fees and Forms) Regulations 2017
2. S.R. 2018/2, Foundations (Fees and Forms) Regulations 2017
3. S.R. 2018/3, Gaming Control Act 2017- Notice of Commencement
4. P.P. 2017/2018 No.150, Polynesian Airlines Annual Report for the Year 2017.
5. P.P. 2017/2018 No.151, Samoa Housing Corporation Annual Report 2017.
6. P.P. 2017/2018 152 Samoa Water Authority Annual Report 2016/2017.
7. P.P. 2017/2018 153, Ministry of Police Annual Report 2015/2016.
8. P.P.2017/2018 154, Samoa Post Annual Report 2017.
9. P.P. 2017/2018 155, Ministry of Justice and Courts Administration Annual Report 2015-2016.
10. P.P.2017/2018 No.156, Public Service Commission Annual Report 2015-2016.
11. P.P.2017/2018 No.157, Ministry of Finance Annual Report 2015-2016.
12. P.P. 2017/2018 No. 158, Samoa Law Reform Commission Annual Report July 2016-June 2017.



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**PRESENTATION OF PARLIAMENTARY COMMITTEE  
REPORTS**

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

1. P.P. 2017/2018 No. 160, Standing Orders, Electoral matters, Petitions and Constitutional Offices Committee Report on the Honors & Awards Amendment Bill 2017;
2. P.P. 2017/2018 No. 161, Finance and Expenditure Committee Report on the Casino and Gambling Control Amendment Bill (No.2) 2017;
3. P.P. 2017/2018 No. 162, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 58, Annual Report of the National University of Samoa for the Financial Year 2015/2016;
4. P.P. 2017/2018 No. 163, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 64, Annual Report of the Office of the Regulator for the Financial Year 2015/2016;
5. P.P. 2017/2018 No. 164, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 114, Annual Report of the National Kidney Foundation for the Financial Year 2016/2017;
6. P.P. 2017/2018 No. 165, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 117, Annual Report of the Samoan International Finance Authority for the Financial Year 2016/2017
7. P.P. 2017/2018 No. 166, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 118, Annual Report of the Development Bank of Samoa for the Financial Year 2016/2017
8. P.P. 2017/2018 No. 167, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 120, Annual Report of the National Provident Fund for the Financial Year 2016/2017
9. P.P. 2017/2018 No. 168, Finance and Expenditure Committee Report on the P.P. 2017/2018 No.121, Annual Report of the Scientific Research Organization of Samoa for the Financial Year 2015/2016
10. P.P. 2017/2018 No. 169, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 123, Report of Operations and Statement of Accounts of the Samoa Senior Citizens Benefit Fund for the Financial Year 2016/2017;
11. P.P. 2017/2018 No. 170, Finance and Expenditure Committee Report on the P.P. 2017/2018 No. 148 and P.P. 2017/2018 No. 149, Annual Reports of the National Health Services for Financial Years 2014/2015 & 2015/2016;

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**Motions by Parliamentary Committee Chairpersons in pursuant to Standing Order 45**

12. P.P. 2017/2018 No. 171, Standing Orders, Electoral Matters, Petitions and Constitutional Offices Committee Report on the P.P. 2017/2018 No. 119, Annual Report of the Parliamentary Pension Scheme for the Financial Year 2016/2017;
13. P.P. 2017/2018 No. 172, Standing Orders, Electoral Matters, Petitions and Constitutional Offices Committee Report on the P.P. 2017/2018 No. 116, Annual Report of the Public Trust Office for the Financial Year ending 30<sup>th</sup> June 2016.
14. P.P. 2017/2018 No.173, Standing Orders, Electoral Matters, Petitions and Constitutional Offices Committee Report on the P.P. 2017/2018 No. 144, Annual Report of the Ministry of the Prime Minister and Cabinet for the Financial Year ending on 30 June 2017.
15. P.P. 2017/2018 No. 174, Infrastructure Committee Report on the P.P. 2017/2018 No, 70, Annual Report of the Ministry of Communications and Information Technology for the Financial Years 2011-2016’
16. P.P. 2017/2018 No. 175, Infrastructure Committee Report on the P.P. 2017/2018 No. 68, Annual Report of the Samoa Ports Authority for the Financial Year ending 30 June 2016.
17. P.P. 2017/2018 No. 176, Infrastructure Committee Report on the P.P. 2017/2018 No. 122, Annual Report of the Samoa Airport Authority for the Financial Year ending 30 June 2017.
18. P.P. 2017/2018 No. 177, Economic Sector Committee Report on the P.P. 2017/2018 No. 124, Annual Report of the Ministry of Commerce, Industry and Labour for the Financial Year ending 30 June 2017.
19. P.P. 2017/2018 No. 178, Social Sector Committee Report on the S.R. 2017/9, Food (Safety and Quality) Regulation 2017.
20. P.P. 2017/2018 No. 179, Standing Orders, Electoral Matters, Petitions and Constitutional Offices Committee Report on the P.P. 2017/2018 No. 59, Report of the State Human Rights 2017 of the Ombudsman Office.

**MOTIONS BY PARLIAMENTARY COMMITTEE  
CHAIRPERSONS IN PURSUANT TO  
STANDING ORDER 45**

**MR SPEAKER:** I call on the Chairperson of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee.

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**Motions by Parliamentary Committee Chairpersons in pursuant to Standing Order 45**

**Afioga Hon AEAU PENIAMINA LEAVAISEETA ( Chairperson of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee):** Mr Speaker I move a motion, *That the Legislative Assembly grant Permission for added time for the consideration of the P.P. 2017/2018 No. 100, Samoa Law Reform Commission Final Report on Pule a le Matai Sa'o (FR 18/17), which was referred to this Committee on February 2017, due to incomplete review and consideration, to be reported to the Legislative Assembly in the Sitting following.*

*Seconded by the member for Palauli le Falefa and member for Anoamaa West.*

*Motion approved.*

**MR SPEAKER:** I call on the Chairperson for the Infrastructure Sector Committee.

**Afioga TAFUA MALUELUE TAFUA (Chairperson of the Infrastructure Sector Committee):** I take this opportunity to greet the Speaker of the House and this side of the House. I greet the Leader of Cabinet, the Deputy Prime Minister and Hon Ministers and of course this side of the House. I also acknowledge the presence of the Chief Executive Officers and Heads of Government Ministries and Corporations. I extend greetings to the Vaitele-uta Primary School here with us today. I wish to voice my gratitude to the Lord for safeguarding us to this day to which the Speaker has relayed our prayers to our Lord.

I stand with respect to move a motion, *That the Legislative Assembly grant Permission for further consideration of the P.P. 2017/2018 No. 115, Annual Report of the Electric Power Corporation for the Financial Year 2015/2016, referred to this Committee as consideration have yet to be completed, and to report to the Legislative Assembly in the following Sitting.*

Thank you.

*Seconded by the Member for Palauli le Falefa, and the Member for Anoamaa West.*

*Motion approved.*

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**EXCISE TAX RATES AMENDMENT BILL 2018**  
 – first reading

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister of Revenue):** I greet you Mr Speaker and distinguished Members of Parliament, and also the Heads and CEO's of Government Ministries and Corporations. I also greet the children present with us today.

Mr Speaker I move a motion, *That the Excise Tax Amendment Bill 2018 be read a first time.*

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

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

**TOBACCO CONTROL AMENDMENT BILL 2018**  
 - first reading

**Afioga Hon TUITAMA TALALELEI TUITAMA (Minister of Health):** Mr Speaker I move a motion, *That the Tobacco Control Amendment Bill 2018 be read a first time.*

*Seconded by the Minister of Commerce, Industry and Labour, Minister of Works, Transport and Infrastructure, and the Minister of Tourism.*

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

**ELECTORAL COMMISSION BILL 2018**  
 - first reading

**Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice, Courts and Administration):** Mr Speaker I move a motion, *That the Electoral Commission Bill 2018 be read a first time.*

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

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

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**ELECTORAL BILL 2018**  
– first reading

**Afioga Hon FAAOLESA KATOPAU T. AINUU:** Mr Speaker, I move a motion, *That the Electoral Bill 2018 be read a first time.*

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

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

**ELECTORAL CONSTITUENCIES BILL 2018**  
– first reading

**Afioga Hon FAAOLESA KATOPAU T. AINUU:** Mr Speaker I move a motion, *That the Electoral Constituencies Bill 2018 be read a first time.*

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

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

**PACIFIC GAMES OFFICE BILL 2018**  
– first reading

**Afioga Hon LOAU SOLA KENETI SIO (Minister of Education, Sports and Culture):** As the adage go, cool breeze is felt this morning after the Hon. Mr Speaker conveyed praises to our Heavenly Father. But I rise with respect to move a motion, *That the Pacific Games Office Bill 2018 be read a first time.*

*Seconded by the Minister of Justice, Courts and Administration and the Minister of Communication and Information Technology.*

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

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**EXCISE TAX RATES AMENDMENT BILL 2018**  
**- second reading**

**MR SPEAKER:** Due to the fact that I have in hand, the Certificate of Urgency signed by the Leader of the House, this Assembly will therefore proceed to read the Bill a second time.

I call on the Hon Minister of Revenue responsible for the Bill.

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Mr Speaker I move a motion, *That the Excise Tax Rates Amendment Bill 2018 be read a second time, and I wish to comment on it.*

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

**MR SPEAKER:** I call on the Hon Minister responsible for the Bill.

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Thank you Mr Speaker. The following Bill was drafted in 2016 and was proposed in the Appropriation of the previous year that a 3% raise will be imposed on excise tax on sugary products made here as well as alcoholic beverages. However, it was decided that the latter be taken out and 100% will be imposed on it in another bill to be submitted.

The Bill is to amend the Schedule of the Principal Act as per the description listed in column 1 as with description in Column 2. The Column 3 provides for the repealed rate of excise and Column 4 is the substituted rate of excise tax rates.

If the members in Chamber would look at the Bill, you will note that there is a 3% increase on excise tax rates for all sugary products. This applies to wine and all the products with sugar intake because of the Ministry of Health recommendations. They are responsible for safeguarding the general public's health. This is not a significant increase as only 3% is added on to excise tax since the old Act. The Bill should have been tabled on the 1<sup>st</sup> of January but due to the impact it will have on taxes and particularly the food consumption of the people. Nevertheless, we have thus presented it now with the hope that it will decrease the sugar intake in our tea and the like. Except for bottle and cans of soda drinks which we can't do anything about but to impose this 3% on sugary products from abroad and also to products made locally.

Mr Speaker that is my elaboration on the Bill.

**MR SPEAKER:** Well said, thank you, I recognize the Hon Prime Minister.



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**Excise Tax Rates Amendment Bill 2018**  
- second reading

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi (Prime Minister):** Mr Speaker the Bill currently being proposed is to respond to the alarming situation in which all of the Pacific is focusing on. It is an issue which has become a priority in our Pacific Nations Forum, since it has been placed as most concerning in the Ministers of Health of the Pacific's meeting. Due to the fact that a growing number of Pacific people with non-communicable disease which we refer to as death illnesses. There is about 8 of these illnesses and are relatively the same in effect and causes which is affecting Pacific people. The grave concern on our people is great and it involves high blood pressure, heart disease, cancer from everything we eat including food with sugar, food high in fat. There is now a collective effort from all Pacific countries to contain these diseases as it is becoming very costly, particularly with our country. More than NZ\$10million goes into the treatment of our people every week. Between 10 to 20 cases is brought before Cabinet for approval and are paid for by our government. We are the only ones doing this, Tonga and Fiji spends only \$100,000 a year, since they do their own treatment and if the patient dies so be it. With us we keep sending them overseas, and it is the reason the government makes the effort of introducing different programs to improve the standards of our doctors. That is the intention for our Government for our doctors to be trained well so that these treatments could be done here. We have just signed an accord with India so they may assist us with illnesses that stems from food, at the same time children's programs being initiated at school is going well, with the catch phrase Eat the Rainbow. Well, who would go up to do that? The actual meaning is that children be introduced at a young age to enjoy eating fruits of different skin colors which gives the body strength. They are mangoes and vi for instance and are beneficial to the body in different ways.

Such is the initiative set by the Pacific nations so that in essence they report back to the doctor's and leader's forums informing them we are *doing our part*. *These treatments have become very costly which is why* the government is building hospitals and to improve the quality of our doctors. There is also another huge project to upgrade the district health center's so as to raise the standards of service and cater for the number of people requiring medical attention avoiding the travel to Apia which is becoming crowded.

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**Excise Tax Rates Amendment Bill 2018**  
- second reading

Mr Speaker these have been the attempts of the Government for the future so that programs align with the needs and requirements of the Chamber in support of the major programs like the merging of the National Health Services and the Ministry of Health. It is so that the service can be improved for the health service but it seems that the service is going backwards. It is for the merge so that the health service provided is improved. All these are for the support of the healthy living of our nation.

Mr Speaker, that is my additional clarification on the matter in regards to the importance of the Bill currently tabled.

**MR SPEAKER:** Thank you. The Chair believes the Government clarification has been noted. Nevertheless, I recognize the honorable Member for Anoamaa West wishes to speak. Therefore, I call on the member to voice his remarks.

**Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO (Anoamaa West):** Thank you Mr Speaker I trust you have already addressed the honorary salutations of the nation from the east of Matasaua to the west end, and so I will not go there.

Thank you for the praises of thanksgiving to the Lord for the storm we experienced has passed and there were no casualties. Our Lord's grace has brought us together here once again in good health to continue with our duty to our people.

Mr Speaker, before I give a statement on the Bill, I wish to touch upon the issue which the whole country is aware of as it has been broadcasted yesterday and last night. A representative of the village has given an apology to the people affected by this matter. Since I am the member for this particular constituency, I must voice my heartfelt apologies and I do regretfully acknowledge the incident that occurred stemming from sports involving the children. The situation has been sorted and it is making good progress. The representatives of the village are collaborating with the police regarding the legalities that must be adhered to. I have been informed by the village mayor that they have met with Minister responsible yesterday, so I think that is the end of the matter.

I guess today the members of the four villages involve will meet at my village and the usual practice will be followed to avoid such incidents from happening in the future and to ensure safety. Let us leave it at that since the Prime Minister has also spoken on the issue I will now turn to my address on the Bill.



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**Excise Tax Rates Amendment Bill 2018**  
- second reading

Thank you Hon Minister. I acknowledge the address voiced by the Hon Prime Minister elaborating on the bill and generally on the health side, which is the reason for my supporting the Bill. I suggest that you reconsider other products like soft drinks which that was covered in the Prime Minister's address, we fitness training people refer to as health drinks. Our intention is to support the programs initiated by the Ministry of Health which the Prime Minister has stressed that we must be in support of it. Looking at the list of products presented excise tax is placed on them and these items include flavor drinks, well perhaps there is quite a variety of them.

My second recommendation Hon Minister is based on the fact that there are a huge variety of different products introduced into the country including different sorts of drinks. There is a drink that serves to quench one's thirst but is not necessarily good for the body. There are also drinks that are good for the body and suits those people that do regular exercise and folks that do physical activities being conscious of being healthy which prompts me to say that some of the products that come into the country seems to be old items. I suggest that the Ministry review these products list and make certain which ones that excise tax should be place on. I would like the Ministry to ascertain which actual products should be cover by the new tax law, as some of the descriptions on these items are simply complicated and long.

Mr Speaker and the Hon Minister those are my thoughts in regards to the Bill. Thank you.

**MR SPEAKER:** Very well. I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, I had thought that in due course I would give a statement about the incident that occurred yesterday. But at this stage I rise with respect since the member for the constituency where the incident took place has spoken about this. What occurred yesterday is very important to [ensuring peace in Samoa. There were 7 police casualties and when this](#) kind of behavior happens, officers are required to use their guns to protect themselves, it is stipulated by law that police officers are to resort to their guns to ensure their safety. But I am grateful to the Commissioner for his patience and everyone responsible for breaking it up, as it got to the stage where firearms were to be used.

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**Excise Tax Rates Amendment Bill 2018**  
**- second reading**

Mr Speaker, it is timely that this kind of rhetoric comes from this Assembly. Gun fire yesterday by some of the Luatuanu'u community is fortunate that no police officer died. Police officers have the authority by law to use fire arms to protect them. I would think that all of the force has some connection to all of us here. If you are to make genealogical connection you will find that some of the chiefly members of society are in the police force, rather similar to us giving service to the country. Their duty is to protect and to keep the peace throughout the country. It has been reported to me that the behavior shown yesterday of un-title men covering their faces and approaching the police who were there to provide safety to the general public who were in harm's way. They proceeded to throw rocks at commuters passing by. Just look at how inconsiderate they are. They showed uncivilized behavior and some of the village matai's were part of it. Whilst some of the matai's tried to break it up, at the same time other matai's became involved. Reports that came to me revealed that their mayor was one of the culprits.

Mr Speaker, the leaders within the police force do not take this lightly, this government holds a similar stance. We have all heard stories from overseas of how police forces have become unsafe. It is this kind of situation where laws have and decision making to impose heavy penalties upon people who will take a police officer's life. This is a grave issue with all the law makers around the world. We are all seeing how people in America are turning against each other due to the police using firearms. This is obviously spreading to Samoa and it is from watching movies. They say to themselves, it is not a problem since it is practice overseas. In Samoa we have our traditions and culture, which matai's are to be seen at the forefront. But what is happening? It is clear that matai's no longer have the authority to control their children. Even the clergy tried to break up the skirmish. This is why the Minister summoned the mayor for a meeting. Where do they stand in this? This should have been avoided and I guess things happen for a reason. We as matai's of villages should never neglect our children. This is why we have village councils, so after every meeting and decisions have been made, the un-title group of men should be called to be told of how they should live and be mindful of their unruly behavior.

Mr Speaker this is common practice in every village, I am shocked if this is not done at these particular villages. The same goes with rugby games, I do not understand why there were no matai's present to ensure their children do not engage in such disputes. This incident stemmed from the beating of a guy from Luatuanu'u by spectators from Falefa.

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**Excise Tax Rates Amendment Bill 2018**  
- second reading

So it seems that these children joined in without thinking to take revenge. Sir the one thing that need be done is to prosecute them by the police; they are the ones that deal with these matters. Instead of unnecessarily using your strength, it is wasted energy. Once you take that step it makes it two mistakes, now two mistakes do not make a right. It only worsens the situation until it gets to the stage where police officers are harm, which consequently has a domino effect on the whole country including members of this Assembly.

Mr Speaker I appreciate the member making this apology to you all, as the matter is quite severe. The police will do their duty of bringing everyone who broke the law to be prosecuted because today will count for tomorrow. If the appropriate penalty is not handed down, they will most likely repeat the offense.

Mr Speaker I had intended to speak about this later but I am happy that the member for the constituency and it does have a very important message for us all, to be vigilant since this kind of behavior is spreading fast into our country. If we do not keep a watchful eye being matais, this will happen to Samoa. Currently we relish our status as being the only Pacific nation with its culture still going strong. The reason being is us matais safeguarding civility. Sir this is the reason I took the floor, because this government highly regards the role of the police in keeping the peace and safety of its people. It is a country founded on God, the clergy have tried to stop this but couldn't. I thought I must take the floor with respect as the general public are tuning in. This Assembly gives advice to the chiefs and orators of all constituencies, at the same time we must cooperate and support their endeavors. We must understand and protect the significance of safety and we should advice the matais on how to exercise rules of governance at village level.

Mr Speaker, that is my submission to this Assembly.

**MR SPEAKER:** Thank you. Before I grant the opportunity to the Member for Faleata West, I want to take this opportunity to convey a *modest view*. What I am about to say will not displace the statement from the Prime Minister. I also applaud the orator Fonotoe for shedding light on the matter, as the country are turning to us curious as to where this matter has gotten to. There is an adage which go, "we rest with unchanging peace, and calamities spoils it" These are the calamities we are concern about which is all the reason why we should not forsake what was handed to us by our forefathers. Our independent nation founded in God, our traditions and the rule of law. We live with the belief in Christian principles and our culture.



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I extend my appreciations to orator Fonotoe and it goes with the saying that burning charcoals stand out. Despite the dignitaries pertaining to your village this is precisely your role and when things go wrong it is you that the blame falls on. I will not counsel you on the steps to take. But as you have stated that it has been sorted, that is important and we all welcome that outcome. In the future when such incidents occur, interference to resolve shall be done hastily. The Prime Minister has given a statement because the country does not appreciate this kind of situation. There is a chief from my village that is very senior in the police force, so once the force comes under threat it affects my constituency. Our dialogue this morning should go down well with the perpetrators. What is most important here is the country now understands the matter has been resolved. I now call on Tofa Lealailepule the Member for Faleata West to share his thoughts on the Bill.

**Tofa LEALAILEPULE RIMONI AIAFI (Faleata West):** Thank you for this opportunity Mr Speaker. I applaud your patience and tolerance. I now wish to share a thought on the Bill.

Hon Minister I want to ask why is tax proposed on water, moreover what are the kind of water mentioned here? I had thought that water would not be taxed. I think the legislation is too general, and why is water under this listing?

The other group is alcohol for it shows tax on beer with a low percentage of alcohol volume is the same for beer with high percentage of alcohol. I think what they are doing now is applying a lower tax on beer with a low alcohol volume and raise tax on beer with a higher alcohol volume so as to drop the prices of beer with a low alcohol volume and push up the prices of beer with the higher volume of alcohol.

I also realize that food items that are popular with the kids are being taxed yet at the same time are very unhealthy. Perhaps the Hon Minister should consider importing healthy food items like cereal and fruit varieties that should not be levied excise tax given its variety and the food choice for consumers. This is because they come in a variety of forms and are affordable.

The other matter is the sugary drinks locally made in the rural areas and are sold in schools. We are not aware of the hygiene contents but the sweetness of these drinks is just too much. I ask the Hon Minister whether this has come to his attention and whether these food items are taxed.

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**Excise Tax Rates Amendment Bill 2018**  
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Furthermore, the alcohol volume labeled with 15% and lower, but about the alcohol contents with 17% and higher, what about these percentages? Thank you for the opportunity.

**MR SPEAKER:** Well done. I trust the Bill has been clearly clarified in debate as voiced by the Members and also the Ministers, the Leader of Government has also voiced clarification on the matters voiced. Therefore, I now call upon the Hon Minister to address the queries put forth by the Members.

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Thank you Mr Speaker. I also acknowledge the honorable Member for Anoamaa West for the recommendations. At the moment the Ministry is currently undergoing review of all tariffs and perhaps sometime in the future the Ministry will report their findings.

To the honorable Member of Faleata West the matter with alcohol beverages with content/volume and percentage has a difference. The beer with alcohol percentage higher than 15% has excise tax of 100% that is equivalent to \$38.60 starting price. The 3% percent beer content costs \$3.08, whilst the 4%, 6 and 7 costs \$5.44 with excise tax which is the price range. 15% tariff is for the maximum percentage for alcohol beverage that costs \$38.60 per liter according to the Legislation and perhaps we will have that in tomorrow's Sitting. Thank you Mr Speaker.

**MR SPEAKER:** Thank you.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East):** Mr Speaker I would like an opportunity.

**MR SPEAKER:** There are no more opportunities.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** I do not wish to comment on the Bill which I fully support. I wish to share thoughts on the incident which the Hon Prime Minister referred to; if the Members may be allowed the chance to speak.

**MR SPEAKER:** I beg your pardon honorable Member but you should not have said anything on the matter. I have granted the opportunity because I am the Speaker of the House. Once the Leader of Government has spoken then the matter is final, therefore I apologize to the honorable Member for this.

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**Excise Tax Rates Amendment Bill 2018  
- consideration in detail**

**Afioga Sulamanaia Fetaiai Tauiliili Tuivasa:** Mr Speaker what this constituency is after is the chance to offer an apology.

**MR SPEAKER:** I did say something that is deep, ‘*nofo i magalafu e iloga malala ola,*’ an apology has been made on your behalf. My apologies but if I allow you an opportunity I will surely be breaching Standing Orders. The Hon Minister has addressed the issues and you should have made a signal letting me know of your intention to speak. We will now proceed to deal with the legislation in detail where you will all get two 15 minute’s opportunities and perhaps which you can capitalize on then.

*Motion approved and the Excise Tax Rates Amendment Bill 2018 was read a second a time.*

**EXCISE TAX RATES AMENDMENT BILL 2018  
– consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order consideration begins on Clause 2.

**CLAUSE 2: Schedule amended.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and commencement.**

**TITLE: Excise Tax Rates Amendment Act 2018.**

*Approved.*

*The Excise Tax Rates Amendment Bill 2018 progressed further without Amendments.*

20 MARCH 2018

**EXCISE TAX RATES AMENDMENT BILL 2018**  
- third reading

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Mr Speaker I move a motion, *That the Excise Tax Rates Amendment Bill 2018 be read a third time.*

*Seconded by the Minister of Agriculture and Fisheries.*

*Motion approved and the Excise Tax Rates Amendment Bill 2018 was read a third time and approved by the Legislative Assembly.*

**PACIFIC GAMES BILL 2018**  
- second reading

**MR SPEAKER:** I have here with me the Certificate of Urgency signed by the Leader of the House, therefore the Legislative Assembly will now proceed to the second reading of the Bill.

I call on the Hon Minister of Education, Sports and Culture.

**Afioga Hon LOAU SOLA KENETI SIO:** Thank you Mr Speaker. I stand with due respect to move a motion, *That the Pacific Games Bill 2018 be read a second time and I wish to clarify on it.*

*Seconded by the Hon Minister of Finance, and the Minister of Revenue.*

**MR SPEAKER:** I call on the Hon Minister of Education, Sports and Culture for his explanatory statement.

**Afioga Hon LOAU SOLA KENETI SIO:** Thank you Mr Speaker. This Bill is to legislate for the upcoming Pacific Games 2019 that the country will be hosting and the games cannot go ahead without this legislation. It is to establish the Pacific Games Office and to provide for its role and the authority which it will be exercising its powers. *Moreover, to establish its Board of Directors and management and also its Executive Board.*

Mr Speaker this is not a lengthy Bill, comprising of 40 clauses specifically aims to support the establishment of the Pacific Games Office in order to achieve its duties.

I believe that is all this morning. Thank you.

**MR SPEAKER:** Thank you. Unless there is anyone else who wishes to speak on this Legislation but did not have the chance to comment when we had our seminar yesterday.

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**Pacific Games Bill 2018**  
- second reading

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

**MR SPEAKER:** My apologies to the Member for Anoamaa West. But I will allow the Member whom was present yesterday at the seminar. I call on the Member for Salega East.

**Tofa OLO FITI AFOA VAAI (Salega East):** Thank you Mr Speaker. However regardless of our presence yesterday I was unable to get a satisfactory response since the Hon Ministers presence was brief.

I acknowledge and applaud the Hon Minister and the extraordinary achievements he has accomplished.

I have a few recommendations regarding the screening process of people coming into the country being exempted from tax duty. There is a possibility of them bringing into the country items that could pose risk concerning the safety of our local community they should not be allowed to pass through the green lane and customs will not detect stuff they may bring. The same can be said for health, sir we should ensure that our officials are fully prepared due to this day and age with illnesses and contagious disease which could affect our people.

The other important matter is the handling of the games; with the storage of records particularly money that was earned from the Pacific Games of 2007, when laptops were stolen and it contained data from the games. So this really destroyed us in regards to the operations of the Games especially in terms of the revenue acquired for the Pacific Games. My suggestion to the Minister is to screw computers on to desks top in case it decides to leave, or use heavy computers which will be difficult to remove.

My question Hon Minister...

**MR SPEAKER:** I recognize the honorable Member for Palauli le Falefa.

**Afioga Hon Faumuina Tiatia Faaolatane Liuga (Palauli le Falefa):** Mr Speaker with due respect I wish to correct the statement voiced by the Member. There were no computers missing from the Games according to audit accounts. The missing computers you mention were donated to SASNOC for them to continue operations of the games. The remaining budget of \$8million was retained, in fact nothing was missing. All accounts were audited. Thank you.

**MR SPEAKER:** Perhaps the correction has been noted. I seem to forget the time when the old man was engaged with this task.



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**Pacific Games Bill 2018**  
- second reading

**Tofa OLO FITI AFOA VAAI:** I was wondering why the member stood up, I have forgotten the Member was in charge of these things. However, I did view the Financial Statement at the time and noted the loss. Nevertheless, I will not comment further on the matter.

**MR SPEAKER:** I beg tolerance of the Member, but do not go back to this... the office is just for the Pacific.

**Afioga Hon Faumuina Tiatia Faaolatane Liuga:** A point of order to the statement as we have the records for it. If the member querying would look at the numbers, \$8,400, 000 was the amount left and \$3,500,000 went to the Supplementary Appropriation for the Financial Year of 2007-2008.

Thank you.

**MR SPEAKER:** I acknowledge the statement of the Member for Palauli le Falefa.

I now ask the honorable Member to conclude his remarks as his time is up.

**Tofa OLO FITI AFOA VAAI:** Well I will not go there again. My question to the Minister is the Office for Sports which the legislation talks about is different from the office that is currently operating. It seems the Minister is not listening.

**MR SPEAKER:** Perhaps the Hon Minister will respond at a later time.

**Tofa OLO FITI AFOA VAAI:** I am simply inquiring whether the Games Office introducing the Bill is different from the current Office at the moment.

**MR SPEAKER:** Once the Hon Minister responds the Members time will be up.

**Tofa OLO FITI AFOA VAAI:** Well then I hope the Chair reconsiders. It appears that the...

**Afioga Hon Faumuina Tiatia Faaolatane Liuga:** Mr Speaker perhaps it is better if I respond because I have knowledge of this. The two offices are different.

**MR SPEAKER:** Thank you. The assistance is welcomed.

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**Pacific Games Bill 2018**  
- second reading

**Afioga Hon Faumuina Tiatia Faaolatane Liuga:** This Bill pertains to the Games. The office we have at the moment is the authority that overlooks the sports facilities and premises. It is not an office for the Pacific Games. With respect.

**MR SPEAKER:** Thank you.

**Tofa OLO FITI AFOA VAAI:** Thank you. No, the Member for Salega East understands full well the responsibilities of the authority. I was under the impression that the authority had already moved to prepare for the upcoming games yet the Bill has just been tabled. It is why I am asking this because then it would appear that all this preparation carried out by the authority have been illegal if that is the case.

**MR SPEAKER:** The matter was clarified by the Chief Executive of the Ministry yesterday but due to the Member busy schedule instead of attending the pre-sitting agenda nonetheless the Hon Minister will respond when the time comes. Therefore, I ask the Hon Minister to prepare a response for the Senior Member of this side of the House.

**Tofa OLO FITI AFOA VAAI:** Forgive me Mr Speaker but my constituency instructed me to speak and to ask questions here at the Malae o Tiafau, Thank you.

**MR SPEAKER:** Thank you. I apologize to the Senior Member of Parliament but for the time being please accept the response from the Member for Palauli le Falefa while the Hon Minister prepares his response.

I call on the Member for Anoamaa West.

**Tofa LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO:** Mr Speaker I too comprehend the contents of this Bill. I merely wish to express gratitude to the Government for offering to host the Pacific Games. Although Tonga was supposed to host however they were unable to do so. So I do acknowledge the Government and the Hon Minister for taking up this grand opportunity. I voice my support for these arrangements as it provides employment opportunities and generates income from those traveling into the country. Furthermore, this will also benefit the taxi operators like the Member for Salega East who owns a taxi stand. Such is the acknowledgement to the Hon Minister for taking up the mantle to spearhead the Committee in preparation for the forthcoming Pacific Games.

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**Pacific Games Bill 2018**  
- second reading

I note that the Hon Minister has had experience from the previous 2007 Pacific Games and the previous meetings we attended. Henceforth despite the concerns voiced I have full confidence that the Hon Minister is well prepared for this event. I only hope we are well equipped with our sports facilities and hope we have sufficient funding for this upcoming event. Once again I support this Bill.

Lastly Hon Minister, I take it that this Legislation will cease to exist on the 31 of December 2019. Have a look into this considering the parts of the Legislations that has legal offense/conviction considering business operations agreements under the savings provisions given the ongoing proposals and decision-making we have before this becomes law. Thank you for the opportunity.

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

**Afioga FAUMUINA ASI PAULI WAYNE FONG (Urban West):** Thank you Mr Speaker for this opportunity. My apologies for failing to attend the seminar yesterday. I do however have queries for today Mr Speaker.

With reference to the previous Pacific Games where a lot of sports facilities were built. My advice to the Hon Minister is to really look at the bidding process this time around for it seems construction was done in a haste manner. There are some contractors which were not paid by the Games authority at the time. Some of the contractors even went to court but I do not doubt you Sir in this case. I do believe the committee and your good self has really given consideration to the issue, to ensure it does not repeat. I also believe that a lot of the sports will be held here at our constituency so I ask that perhaps some of my villagers or even people of my constituency that may be of assistance to the committee. I note the high number of volunteers so I am merely encouraging our local people to assist in general policing to help out our police force.

That is what I suggest, may the games be a success in 2019. With respect, thank you.

**MR SPEAKER:** Thank you. I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker we have the Tenders Board Committee responsible for overseeing these things. The Pacific Games the member is referring to is the Pacific Games of 2007.

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**Pacific Games Bill 2018**  
- second reading

There were facilities that were not up to standards, namely Gym 3 which was leaking and was eventually fixed. Furthermore, we undertook further maintenance prior to the Commonwealth Youth Games that was held here in 2015. Even with the best engineers in the world, you all understand from the newspaper write ups from New Zealand there is quite a number of tall structure buildings built by companies that have been around for a hundred years and those structures too had the problem of leaking.

At the end of last week, we all saw the cement bridge in the United States which had been open for less than 5 days and it collapsed killing people. Mr Speaker, this country has some of the best engineers; their spaceships have reached the moon. But even bridges have collapsed with billions and billions wasted.

Hence there will always be hiccups along the way; the respective Committee we have contains some of our best which I will refer to as big fishes. But it is good to remind us as things happen. So the reminder is noted and it is important for the bidders to note that the Tendering Board Committee is highly alert and active.

**MR SPEAKER:** Very well. I will grant the opportunity to the Hon Minister responsible for the Bill to respond in regards to the concerns raised by the Members.

**Afioga Hon LOAU SOLA KENETI SIO:** Thank you Mr Speaker for the opportunity. There were three members that made comments on this short bill. My gathering of their remarks is of recommendation, yes! Their initiative is of support to the legislation. It brings up the saying that taro satisfies your appetite. I applaud you for supporting the bill, as these games are for Samoa, not the Minister. We should all be behind it as the world is watching, yes! This morning I was approached by members saying, "Loau, are you going to the Joseph Parker fight?" I replied, "I have talked with the old man and he said, Loau stay because cyclone Gita has hit and it will cost a lot of money". But these Members were very persistent and urged me that I must go. For that, I will speak with the old man again.

Mr Speaker, that is all but thank you for your support.

**MR SPEAKER:** Thank you. Well, I am sure the Hon Minister is aware of the Members mocking you. Thank you.

*Motion approved and the Pacific Games Bills 2018 was read a second time.*

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**Pacific Games Bill 2018  
- consideration in detail**

**MR SPEAKER:** We have come to the hour of our morning recess, therefore Proceedings of the Legislative Assembly will now be set aside for its normal recess hour.

*Proceedings of the Legislative Assembly were set aside for normal recess at 10:44am and resumed at 11:34am.*

**MR SPEAKER:** I now declare that Proceedings of the Legislative Assembly resumed. I acknowledge the patience and the tolerance of the Members as we have just finished rejuvenating for the continuation of our orders.

**PACIFIC GAMES BILL 2018  
– consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order, consideration begins on Clause 2.

**CLAUSE 2: Interpretation.**

*Approved.*

**CLAUSE 3: Establishment of the Office.**

*Approved.*

**CLAUSE 4: Functions and powers.**

*Approved.*

**CLAUSE 5: Patron and Convener.**

*Approved.*

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**Pacific Games Bill 2018  
- consideration in detail**

**CLAUSE 6: Executive Committee.**

*Approved.*

**CLAUSE 7: Chief Executive Officer.**

*Approved.*

**CLAUSE 8: Staff and personnel of the Office.**

*Approved.*

**CLAUSE 9: Organizing Committee**

*Approved.*

**CLAUSE 10: Games volunteers.**

*Approved.*

**CLAUSE 11: Exercise of Emergency Powers.**

*Approved.*

**CLAUSE 12: Delegation of Powers.**

*Approved.*

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**Pacific Games Bill 2018  
- consideration in detail**

**CLAUSE 13: Indemnities and immunities.**

*Approved.*

**CLAUSE 14: Corporate plan and annual report.**

*Approved.*

**CLAUSE 15: Funds of the Office.**

*Approved.*

**CLAUSE 16: Assets of the Office.**

*Approved.*

**CLAUSE 17: Accounts of the Office.**

*Approved.*

**CLAUSE 18: Office may authorize broadcasting and recording.**

*Approved.*

**CLAUSE 19: Breach of media rights.**

*Approved.*

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**Pacific Games Bill 2018  
- consideration in detail**

**CLAUSE 20: Authorization to use Games Indicia.**

*Approved.*

**CLAUSE 21: Use of Games Indicia.**

*Approved.*

**CLAUSE 22: Unlawful use of Games Indicia.**

*Approved.*

**CLAUSE 23: Protection of other intellectual property.**

*Approved.*

**CLAUSE 24: Official sponsors.**

*Approved.*

**CLAUSE 25: Sponsorship agreements.**

*Approved.*

**CLAUSE 26: Advertising Zones.**

*Approved.*



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**Pacific Games Bill 2018  
- consideration in detail**

**CLAUSE 27: Naming Rights.**

*Approved.*

**CLAUSE 28: Unlawful conduct suggesting sponsorship or  
Authorization.**

*Approved.*

**CLAUSE 29: Obstructing the Games.**

*Approved.*

**CLAUSE 30: Extraterritorial application.**

*Approved.*

**CLAUSE 31: Seizure of unlawful materials.**

*Approved.*

**CLAUSE 32: Other actions for breaches of this Act.**

*Approved.*

**CLAUSE 33: Disclosure and misuse of information.**

*Approved.*

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**Pacific Games Bill 2018  
- consideration in detail**

**CLAUSE 34: Regulations.**

*Approved.*

**CLAUSE 35: Expiration of the Act.**

*Approved.*

**CLAUSE 36: Exemption from taxation.**

*Approved.*

**CLAUSE 37: Tax deductions under the Income Tax Act 2012.**

*Approved.*

**CLAUSE 38: Custom duties.**

*Approved.*

**CLAUSE 39: Transitional and saving provisions.**

*Approved.*

**CLAUSE 40: Consequential amendment.**

*Approved.*

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**Pacific Games Bill 2018**  
**- third reading**

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and commencement.**

**TITLE: Pacific Games Office Act 2018.**

*Approved.*

*The Pacific Games Office Bill 2018 progressed without Amendments.*

**PACIFIC GAMES OFFICE BILL 2018**  
**- third reading**

**Afioga Hon LOAU SOLA KENETI SIO:** Mr Speaker, refreshments have been served to renew our energy for the duties of the day.

However, I rise to move a motion, *That the Pacific Games Office Bill 2018 be read a third time.*

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

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

**CONSTITUTION AMENDMENT BILL (No.2) 2018**  
**- first reading**

**Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOIFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI:** Mr Speaker I stand with all due respect to move a motion, *That the Constitution Amendment Bill (No.2) 2018 be read a first time.*

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

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

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**FIRE AND EMERGENCY SERVICES AMENDMENT BILL  
2017 - consideration in detail**

**Afioga ALIIMALEMANU ALOFA TUUAU (Chairperson of the Finance and Expenditure Committee):** I greet the Speaker of the House, and distinguished Members of Parliament and also the presence of the Ministry representatives and State Owned Enterprises here with us today.

Mr Speaker I move a motion, *That the Legislative Assembly approved the Committee Report with recommendations, so that the Fire and Emergency Services Amendment Bill 2018 may proceed along with Amendments and Corrections.*

*Seconded by the Member for Palauli le Falefa.*

*Motion approved.*

**MR SPEAKER:** I now declare that the Legislative Assembly has approved the Finance and Expenditure Committee Report on the Fire and Emergency Services Amendment Bill 2017.

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

**CLAUSE 2: Section 2 amended.**

*Approved.*

**CLAUSE 3: Section 41(2) amended.**

**MR SPEAKER:** The Committee has an Amendment on Clause 3. Therefore, I call on the Chairperson of the Committee.

**Afioga ALIIMALEMANU ALOFA TUUAU:** Mr Speaker, I move the Amendment to clause 3 as follows:

**“AMENDMENT:**

**English Version:**

1. **Clause 3:**
  - a) *Delete “any” and replace with “prescribed”*
  - b) *Insert after “operations” the following:-*

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**Fire and Emergency Services Amendment Bill 2017  
- consideration in detail**

**“and prescribed penalties for non-compliance with conditions of permits to be issued” the amendment should be read as:**

**“(p) to authorize the Samoan Fire and Emergency Services Authority to issue permits for prescribed hot works operations, and prescribed penalties for non-compliance with conditions of permit to be issued””.**

*Amendment Approved.*

*Clause 3 approved as Amended.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and commencement.**

**TITLE: Fire and Emergency Services Amendment Act 2017.**

**MR SPEAKER:** There is a Correction to Clause 1 and Short Title of the Act.

**Afioga ALIIMALEMANU ALOFA TUUAU:** Mr Speaker, I move to Correct the Act as follows:

**“CORRECTION:**

Delete the number **“2017”** and substitute thereby the number **“2018”** thus reads:

**Fire and Emergency Services Amendment Act 2018.””**

*Correction Approved.*

*Clause 1 and Short Title approved as Corrected.*

*The Fire and Emergency Services Amendment Act 2018 progressed with Amendments and Corrections.*

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**HONOURS AND AWARDS AMENDMENT BILL 2017**  
**- consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order 107, the Legislative must first approve the Committee Report on the Bill before considering the Bill.

I call on the honorable Chairperson of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee.

**Afioga Hon AEAU PENIAMINA LEAVAISEETA:** Mr Speaker, I move a motion, *That the Legislative Assembly approves the Committee Report recommending the progression of the Honors and Awards Amendment Bill 2017 along with Amendments and Corrections.*

*Secinded by the Member for Palauli le Falefa and the Member for Safata East.*

*Motion approved.*

**MR SPEAKER:** Pursuant to Standing Order 102, consideration begins with Clause 2.

**CLAUSE 2: Section 2 amended.**

*Approved.*

**CLAUSE 3: Section 6 and 8 amended.**

**MR SPEAKER:** There is a Committee Amendment to Clause 3. I call on the honorable Chairperson.

**Afioga Hon AEAU PENIAMINA LEAVAISEETA:** Mr Speaker, I move to Amend Clause 3 as follows:

**“AMENDMENT:**

Insert **“new sub clause (3)”** after **sub clause (2)”** as follows:

**“(3) References to:**

- (a) “Special Class” in section 6 and 7; and**
- (b) “First Class” in section 9; and**
- (c) “Second Class” in section 10; and**
- (d) “Third Class” in section 12; and**

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**Honors and Awards Amendment Bill 2017  
- consideration in detail**

**(e) “Fourth Class” in section 13,  
are omitted where ever they appear.”**

*Amendment Approved.*

*Clause 3 approved as Amended.*

**CLAUSE 4: Section 20 substituted.**

*Approved.*

**CLAUSE 5: Section 23 amended.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and commencement.**

**TITLE: Honors and Awards Amendment Act 2017.**

**MR SPEAKER:** There is a Committee Amendment on Clause 1 and Title of the Act.

I call on the Chairperson.

**Afioga Hon AEAU PENIAMINA LEAVAISEETA:** Mr Speaker I move the Correction to the Title of the Act as follows:-

**“CORRECTIONS:**

**English Version**

Omit the numeral “2017” and substitute thereby the numeral “2018” thus reads:

**“Honors and Awards Amendment Act 2018.””**

*Correction Approved.*

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**Casino and Gambling Control Bill (No.2) 2017  
- consideration in detail**

*Clause 1 and Title Approved as Corrected.*

*The Honors and Awards Amendment Act 2018 progressed with Amendments and Corrections.*

**CASINO AND GAMBLING CONTROL BILL (No.2) 2017  
- consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order 107, the Assembly must first approve the Committee Report on the Bill before the opportunity is granted for the consideration of the Bill.

I call on the honorable Chairperson of the Finance and Expenditure Committee.

**Afioga ALIIMALEMANU ALOFA TUUAU:** Mr Speaker, I move a motion, *That the Legislative Assembly approve the Committee Report recommending the progression of the Casino and Gambling Control Bill (No.2) along with Amendments and Corrections.*

*Seconded by the Member for Salega West and the Member for Palauli le Falefa.*

*Motion approved.*

**MR SPEAKER:** I declare that the Legislative Assembly has approved the Committee Report on the Bill.

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

**CLAUSE 2: Section 2 amended.**

*Approved.*

**CLAUSE 3: Section 5 amended.**

*Approved.*



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**Casino and Gambling Control Bill (No.2) 2017  
- consideration in detail**

**CLAUSE 4: Section 6 amended.**

*Approved.*

**CLAUSE 5: New Section 8A inserted.**

*Approved.*

**CLAUSE 6: Section 9 amended.**

*Approved.*

**CLAUSE 7: Section 19 amended.**

*Approved.*

**CLAUSE 8: Section 22 amended.**

*Approved.*

**CLAUSE 9: Section 24 amended.**

*Approved.*

**CLAUSE 10: Section 37 amended.**

*Approved.*

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**Casino and Gambling Control Bill (No.2) 2017  
- consideration in detail**

**CLAUSE 11: Section 49 amended.**

*Approved.*

**CLAUSE 12: Section 51 amended.**

*Approved.*

**CLAUSE 13: Section 52 and 53 amended.**

*Approved.*

**CLAUSE 14: Section 57 amended.**

*Approved.*

**CLAUSE 15: Section 61 amended.**

*Approved.*

**CLAUSE 16: Section 66 amended.**

*Approved.*

**CLAUSE 17: Section 84 amended.**

*Approved.*

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**Casino and Gambling Control Bill (No.2) 2017  
- consideration in detail**

**CLAUSE 18: Section 88A amended.**

*Approved.*

**CLAUSE 19: New Section 88B and 88C inserted.**

*Approved.*

**CLAUSE 20: Section 89 amended.**

*Approved.*

**CLAUSE 21: New Section 89A and 89B inserted.**

**MR SPEAKER:** There is a Committee Amendment on Clause 21.  
I call on the honorable Chairperson of the Committee.

**Afioga ALIIMALEMANU ALOFA TUUAU:** Mr Speaker, I move  
to Amend Clause 21 as follow:-

**“AMENDMENT:**

**English Version:**

For proposed new section 89A, substitute with the following:

**“89A. Forms and fees-**

**(1) The Chief Executive Officer may approve forms for any purpose under this Act, or any Act for which the Authority has responsibility.**

**(2) Regulations may be made to prescribe fees and charges for the purpose of this Act, and the amount of any fee or charge prescribed under this section:**

**(a) shall be proposed by the Authority; and**

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**Casino and Gambling Control Bill (No.2) 2017  
- consideration in detail**

**(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”**

*Amendment Approved.*

*Clause 21 Approved as Amended.*

**CLAUSE 22: Section 92 amended.**

*Approved.*

**CLAUSE 23: Consequential amendment of the Income Tax Act 2012.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short Title and commencement**

**TITLE: Casino and Gambling Control Act (No.2) 2017.**

**MR SPEAKR:** There is a Committee Correction on Clause 1 and Title of the Act. I call on the Chairperson.

**Afioga ALIIMALEMANU ALOFA TUUAU:** Mr Speaker, *I move to Correct the Title of the Act as follow:-*

**“CORRECTION:**

Omit the numerals “(2) 2017” and substitute thereby the numeral “2018” thus read:-

**“Casino and Gambling Control Amendment Act 2018”.**

*Correction Approved.*

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**Alienation of Customary Lands Amendment Bill 2017  
- second reading debate**

*Clause 1 and Title Approved as Corrected.*

*The Casino and Gambling Control Amendment Bill 2018 progressed with Amendments and Corrections.*

**ALIENATION OF CUSTOMARY LANDS AMENDMENT BILL  
2017 - second reading debate continue from 29 January 2018**

**MR SPEAKER:** Proceedings adjourned on the 29 January 2018 when the Member for Faasaleleaga No.2 was seeking to give a statement. Therefore, I call on the honorable Member to continue.

**Afioga PAU SEFO TAUMATA PAU (Faasaleleaga No.2):** Thank you Mr Speaker for acknowledging the request for an opportunity to share thoughts in regards to the Customary Land Alienation Bill.

The Bill now before us is a wake-up call for our development, not just for those doing well economically but the unfortunate ones. The Bill seeks to give opportunity to land owners with huge land but cannot seek means to develop it. This legislation clearly states that everyone must prosper particularly those people with land in the rural area and around town. It also provides for people who are doing well economically but do not have land for projects. It is a great assistance for those with businesses to develop and to progress their status. To seek land away from town will provide employment opportunities for their families and other people from their local community. It will minimize the situation of looking elsewhere and besides, a lot of them are not in school because they do not have the financial means to provide for this purpose. It will also reduce the number of youths not in employment but are in the habit of committing burglary. This is one area the legislation deals with. I suppose this group breaking the law will fill the new premises of the Corrections Authority, and may cut down the numbers in that area, since wanting something will equate to breaking the law.

The only part of this legislation I have a question about is mortgage, is it possible to earn money from the land and apply for finance from a bank, so those families can start up their own development project as well as those leasing parcels of the said land. Some of these people go about town with money but do not pay their mortgage.

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**Alienation of Customary Lands Amendment Bill 2017  
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What is the extent of this legislation when trying to get assistance for the person where the money came from so that this money can be collected when they cannot pay? Sir, just look at customary land bought by Europeans within districts all which of a sudden becomes freehold in the past. I believe that the debts collected through these companies that eventually turned into freehold land. That is my concern and I wonder whether the content of this legislation has protection against this, but if you have done so since there is section 16. Although I am not really sure how wide it could be translated in law for there could be another interpretation that will say that it must be transferred to freehold land.

I wonder if there is a provision that will serve as protection in cases where one cannot acquire a loan after the property has been leased and at the end, the land in question is taken. My constituency has vast amount of land, perhaps this is the time to request the government as my constituency, starting from Sapapalii are very keen to work the land. Whatever way this administration sees fit so as to allow my constituents to cultivate this land mass as we have plenty of it.

The other thing is land along the coastal area, if someone comes along and wants to reclaim the area for a business. How can this be done? Can a family that owns the land let go of the said land and the person leasing the area will reclaim the part next to the water? How can it be done as most people nowadays prefer the coast as it is cool and attractive to people wanting to set up a business.

There is a ridge at the other side of the sea area which needs to be reclaimed. It is not settled by anyone so can this area be given to us. Does the legislation provide for an avenue where I could reclaim that particular area to set up a business, or do I go straight to the government? Those are my submissions in support of the bill. Perhaps it will stop children from going around selling matches and roaming in groups which eventually leads to committing crimes. We should all be prepared for this legislation which I duly support. May we have a successful deliberation.

**MR SPEAKER:** Thank you, perhaps that concludes Members who wish to share opinions.

**Tofa Hon LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO:** Mr Speaker I will be brief.

**MR SPEAKER:** Yes, okay. I grant opportunity to the honorable Member for Anoamaa West.

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**Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO:** Thank you Mr Speaker for this opportunity. I support the objective of the Bill given by the Hon Minister in his ministerial statement. That is the development of customary lands that have been undeveloped for a long time. This will provide income for families and employment for the public. It will not only benefit the families who own the land but ultimately the whole nation.

In my observation of the Bill, the Principal Act approved in 1965 was quite clear on the persons wanting to lease or also a company. In regards to the leasing of customary lands, the Hon Minister is the Trustee of the beneficial owner of the customary land in protecting the rights of the land owners. So basically the Bill is merely improving the Principal Act in protecting rights of land owners but also the utilizing of lands for the better.

Note that part of the Bill suggests that this matter is still blurry given the mortgaging of customary land that is also registered under the Land Titles Registration Act. Therefore, this Act contains the registrations of both freehold lands and customary lands as well as the legislating of lease mortgages. By record, in search of authority (pule) or decision by the Court obviously this is where the Land and Titles Court seeks the authority for customary land.

Perhaps this is why it is confusing given the Land Title Registration Act, but we are using the international Torrens System to measure freehold land. Personally perhaps it would be appropriate to set a separate regulation under the Land and Titles for customary land registration. After the courts has reached its decision on either land or title, then registration is progressed given the legislation of the Land and Titles Court instead of using the Ministry of Natural Resources Environment MNRE legislation under this Torrens System. That is the concern on this matter to avoid the motive that protection must be maintained for our customary lands.

Therefore, Mr Speaker, that is the separation process for ease of reference and information, freehold lands to come under the Ministry of [Resources and Environment](#) and the customary lands under the Land and Titles Court.

Another concern is the...

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

**MR SPEAKER:** I beg pardon of the honorable Member, but I recognize the Hon Prime Minister.



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**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** In regards to the concern voiced by the member about separation. The Attorney General and the Samoa Law Reform Commissioner have notified the public relating to the alteration of changes and amending the legislation.

It is blatantly clear from this announcement that customary lands are not at any risk from the registration of freehold land and customary land. The importance of registering customary lands here is such that it allows access to information on boundaries of customary land which causes disagreements. So that these lands are properly surveyed using modern instruments moving away from the old method of measuring boundaries with reference from one tree to another. The problem with that is when a cyclone strikes and moves a tree which can't be found, and in some cases paths are used and trees have all been taken to build barriers to counter the sea waves. If a river was the boundary it sometimes found that the water way has changed course. With this new system of registering using modern instruments, stakes are firmly put to the ground and are permanent for decisions of over customary land. The registering of freehold land remains unchanged according to law and with the Constitution which clearly prohibit the selling of customary land. There is no loophole in the legislation as it stands now, but the advice will be reviewed by government lawyers. There are 50 of them, 50 brains within that circle. This kind of view from these individual lawyers objecting pertains to them alone. Whereas 50 lawyers here are working together to ensure there are no hiccups. The state of things now is very good it is people who do not wish to accept clarifications that hold this view. Mr Speaker, the legislation is very good if they object the clarifications about this law that is their problem. The legislation is concrete in safeguarding our customary lands.

Mr Speaker that is my addition to the matter, the recommendation submitted will be dealt with by the lawyers drafting legislations and whether they need to write up more documents to taint government records giving them more work to do, when the legislation is comprehensible and transparent.

**MR SPEAKER:** Perhaps the matter...

**Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO:** Mr Speaker I will now conclude my speech due to the Hon Prime Minister's interruption. I apologize Mr Speaker but due to the time I will wrap up.



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I acknowledge the statement and the Hon Prime Minister is quite correct, but I am speaking of the oral scheme of the Act to simplify matters. I leave my advice with you and I do not have intentions to argue. The state of boundaries as it is now the Land and Titles Court can instruct families to procure a surveyor to properly do what is needed. There is really no reason for this to be complicated, but will leave it up to the government to consider or not my advice whether it be useful or not. The final point I wish to make pertains to the fact that this bill will substitute the Property Law Act. Would you really look at this as this proposed legislation differs from the current one which provides for cases where a mortgage has become default.

Thank you Mr Speaker for the opportunity.

**MR SPEAKER:** Well, I call on the member for Vaimauga East followed by the Member for Safata.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** Mr Speaker, thank you for this opportunity. Before I share thoughts on the Bill, I take this opportunity to greet that side of the House, the Hon Prime Minister or Leader of the Nation, Afioga Lupesoliai Fatialofa Tuilaepa Sailele Malielegaoi. I also greet the Deputy Prime Minister and distinguished Members of the Cabinet; the Hon Ministers and Associate Ministers. I greet this side of the House with the esteemed Members of Parliament elected by the people to lead our Government.

I also greet the Speaker of the House it is good to see the Lord's blessings and good health upon you and so is the Deputy Speaker. I also greet the support of the Lords Servants in constant prayers for the future of Samoa and its people.

I also greet the ladies members of the Chamber, the distinguished Clerk of the Assembly and the Office of the Legislative Assembly in service for the Legislative Assembly of Samoa. Greetings also to all the various Government Heads. I acknowledge the support of my constituency of Vaimauga East; I am well due to the support and prayers.

Thank you Hon Minister for this Bill, I believe any Samoan would wish to speak their mind when it comes to customary lands. Why? It is our heritage from God. In saying that, the Bill now before us concerns me a lot because of our lands that were forcefully taken during colonial ruling by the Germans. I do not blame our ancestors who have passed on because the lands from Lauili to Letogo were rightfully ours. Therefore this Bill...

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**MR SPEAKER:** I beg pardon of the Member for Vaimauga East, but I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, a point of Order. The land under discussion was purchased by the German businessmen at the time to set up their business developments. Yes, we have had about 1500 cases of this sort brought before the High Court administered by the Germans in relation to these land purchases however most of these cases have been repealed as land were legally and fairly bought although we also had illegal land purchases by the Europeans at the time. So when war broke out in 1914, most of these lands were taken over by New Zealand to which they have now become public land. Mr Speaker, these historical events must be well noted as these lands were not taken by force but were proven to have been properly bought.

**MR SPEAKER:** Let me remind you that every statement made here can be traced back to our Hansard. I advise you not to be overly eager, do not grave for the fish yet disregarding the net, the other side of the coin. Your thoughts may be sound and correct in your view but it does not necessarily mean it is going down well with the government when their role is to control things as the public are tuning in. You are talking about an issue that is still in dispute by some villages. I urge the member to move on to something else. I call on the Member to continue.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** Well Mr Speaker, I have the utmost respect for the Hon Prime Minister when he speaks. I wish to point out similar instance on this matter where our constituency was prepared to take this matter to Britain and I pleaded for my constituency as the involving parties were the Ao o le Malo and his Good Lady who were part of this village as well as the Prime Minister who was a member of this constituency which therefore had this matter put to rest.

Mr Speaker I will now move to discuss customary lands.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, Lepa also has lands that were taken in the same manner. So whenever someone says we need to go and consider this matter, I say do not waste your time those lands now belong to the Government.

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Marriage connection does not apply here as these assets are priceless. This is what happened to Siumu and the \$300,000 that went bankrupt. When a lawyer tricked the village that it has the land records from German times, unfortunately it was not to be. So I am assisting you with your burden, you will be wasting money going to Britain nothing is there. Everything is found here, solution is here, do not spend your money it is public land.

**MR SPEAKER:** Thank you. I acknowledge the recommendation; use the money for something else.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** When the leader of the government speaks we all fall behind him without any opposition. I will now address customary lands, I clearly object to land mortgaging. Our traditional lands have been leased out for a long time without any problems, our families and constituents are still there. What is of concern to our people now is using customary lands to mortgage a loan from a bank. If an investor comes with money and wishes to use our lands as mortgage or lease let it be. This member understands from the bill that it is only when a family gives its consent that a mortgage or lease cannot go ahead. The word mortgage should not be used as anyone can possibly deceive a leader of a family or “sa’o”. There are leaders of families that will capitalize on matters and will proceed to advance sums of money out of payments that constitute a price for the said land. That is my concern and in saying so I advise the Hon. Lady Minister on that note. When the arrears from the debt with the bank, I understand that clause 102 of the constitution clearly states that it cannot be mortgaged or sold, it should stop here. What worries me though...

**MR SPEAKER:** I recognize the Member for Faleata East.

**Afioga Salausa John Ah Ching (Faleata East):** Mr Speaker, I ask [for leave to assist in the matter by sharing a point of clarification to shed light on the Chief Executive Officers explanation.](#) This bill was presented at our seminar whereby it was revealed that customary land under this legislation cannot be mortgaged. That is my understanding according to the explanation by the CEO. Thank you.

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**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** Thank you for the interruption Associate Minister. Where is the mortgage base, thin air? The existing land is used for the mortgage. It is due to the land to which the mortgage exists as the details of the land are given. This is what you get for interrupting other peoples' argument.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker the doctor is correct. The mortgage is on the lease of the land but is separate from the land.

I will give an example. If a lease is for 100 years, then it will be for 100 years and the value is great. Somewhere along the way after 50 years the bank takes it, the mortgage will still have 50 years of its term left. When this happens again and the bank takes it after 25 years a different person will take over the mortgage for 25 years. Despite this being active over the said land, the lease is separate from the land. If somehow the land is confiscated with 1 year remaining, no one will be interested as what can be achieved within 1 year.

Mr Speaker, the clarification from the doctor is accurate and it is the view submitted by the lawyers. If the member does not understand, well no wonder the public do not understand because they refuse to.

**MR SPEAKER:** I appeal to the member for Vaimauga East, I had thought you were the first to have understood the seminar.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** I understand very well but the concern remains. As far as I am concern, once the leader speaks I forego my conviction. What worries me is that the debts are gradually going up. We've all seen what happened to our constitution, and how it has become so easy to make amendments to it. As we go along and debts with banks increase, the constitution will be amended and then there will be trouble. Even with court cases pertaining to customary lands where there have been traditional forms of seeking forgiveness and mediation...

**MR SPEAKER:** I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, regarding the statement about amending the Constitution, may I say that such course does not come about without solid reason. If you are to research the amendments to the constitution, it was all done for the best interest of the country.



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This is our heritage, and the other point you must remember is not to compare ourselves to Australia and New Zealand as argued by those people objecting. We are *matais* of our families and we are fools if we are to implement things which will lose our lands from our grip. We should not compare us to Australia and New Zealand because customary lands are different, just as the people ruling over the traditional lands of Australia and New Zealand are different. Those drafting the legislations, they are not Maoris and they don't have land. Maoris do not rule over their land just as the Aborigines do not rule over their land. With us, sons of Samoa are drafting our own laws and us, being *matais* pass the laws, we are the keepers of our heritage which belongs to our families. We do not intend to make laws that will cause our heritage to slip from our hands.

Mr Speaker I believe that is the missing aspect here. We seem to be comparing ourselves to the New Zealand and Australian people for they do not have customary lands. Whereas with us, we handle our own affairs and we handle our own land.

**MR SPEAKER:** Yes, well I presume the Member understands.

**Afioga SULAMANAIA FETAIAI TAUILIILI TUIVASA:** Mr Speaker I will now conclude my speech seeing as the Hon Prime Minister keeps interrupting me.

**MR SPEAKER:** I recognize the honorable Member for Alataua West. What do you have in mind?

**Afioga Aliimalemanu Alofa Tuuau:** Mr Speaker, I wish to assist our Opposition side regarding the concern with the amendments to the Constitution, and I would like to elaborate on the matter. Article 109 of the Constitution can only be amended after a referendum takes place, in order to amend Article 102 which provides for customary land. Just in case my side of this assembly are concern, but such change can only come about when 2/3 of the Assembly is achieve. Otherwise, with matters concerning Samoa customary land it is referred back to the people. Thank you.

**Afioga SULAMANAIA FETAIAI TAUILIILI TUIVASA:** Mr Speaker I will now conclude my speech. There is a common saying that goes, we are doom because of ourselves. I wanted that side to respond but instead the Leader of Opposition has done so.

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Nevertheless, the concern does not only rest with the Bank but with regard to the statement voiced by the Hon Prime Minister of the Constitution and so forth. Praise the Lord if this is indeed the case. However, the matter with the court that will...

**MR SPEAKER:** I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker, I had thought that the member of the strong side would listen to the lady member of the stronger side. That is why I say, not to worry, since once we take this to the people. Perhaps this is the only thing to do, which is to have a plebiscite, to find out whether the masses supports it. We cannot go there because we are *matais*.

Is there any matai here that would want their lands taken away from them? That is the answer. Mr Speaker that is my clarification for the Member.

**MR SPEAKER:** Perhaps the Member has understood.

**Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA:** Mr Speaker I believe I have forgotten my remarks. Nevertheless, I believe the nation has heard the concerns of the Member for Vaimauga East. The concerns over the Bank provisions, the national Bank of Samoa and also the matter with the court because even if the agreement is with the MNRE office the matter will still end up in the Supreme Court. Where would the people get money to pay for these court cases? The lawyers have different interpretations of the matter. Although I trust the statement from the Hon Prime Minister. Thank you.

**MR SPEAKER:** Thank you. Despite of the conflicting views, it has all been settled by the clarification from the government. They are not fools to introduce such legislation for the prosperity of the country.

I now call on the Member for Safata West.

**Afioga LEAANA RONNIE POSINI (Safata West):** Mr Speaker I wish to express my remarks on behalf of my constituency on this Bill. I will first of all acknowledge the Hon Minister for the Bill and the Prime Minister for his statement which has given me a better understanding.

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The only thing I wish to advise the Hon. Minister on since you are the one that looks into the agreements between the companies and family members or a village regarding land lease. There are families that are unable to afford lawyer fees given the fact that the company lawyers mainly looks at the interest and benefit of the company without considering the other party involved. This is a major concern as the lawyers themselves are also benefiting from this process which in some cases, they have also reached the Court.

Another issue is the double leasing of land that is likely the attitude of seeking funds or selling the shares of the company for your consideration Hon Minister.

Furthermore, Hon Minister, the different interpretations of lease renewal for development purposes like Hotels that is costly. For instance, if a client is given thirty years plus another thirty years for land lease and upon completion, this will be a difficult process to take.

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

**MR SPEAKER:** I recognize the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** The Ministry offers a lot of assistance on the concern voiced by the Member. The Ministry has the skill and expertise in dealing with matters of this sort. The Ministry does not stand behind our people rather they also look at the reliability of these provisions on the land lease. This is why it is hard for the banks to recognize land lease given that some provisions requires land value, land ownership etc. Mind you these foreign investors are not billionaires as they too are seeking wealth by investing their money in Samoa for the benefit of them and the land owners in Samoa. Therefore, if you fight alone, you will never get any money.

That is where the Ministry comes in, to ensure that matters like this [stay in a balance. I have experienced this with some of my constituents](#) and I have directed them to the Ministry of Environment to seek proper advice. However, they end up coming back to me in which I gave assistance in the capacity of a mediator. Such leases include a Hotel in our village of Aufaga whereby operations is going well and strong under the impression and motive to consider 'fairness' for everyone involved, i.e. business operators and people owning the land. We need to bear in mind not to chase away the business investors.

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Importantly place yourself in the shoe of another person. How would I feel if I was that person? Yet we still have time to consult and negotiate with them under the basis of 'win to win' situation.

I was approached by a man from my village on a similar incident to which I referred him to the Ministry for proper advice before receiving him again for further assistance. Several days later, the man came back saying that he did not go to the Ministry but had otherwise signed the lease with his children because it got them interested. I told him that he will regret this doing later on. Six months later he returned and said that he could not obtain his lease because he could not find the businessman. I undertook an investigation and found that the businessman had left for Australia two weeks earlier and further discovered that he had loans with one of our local banks. This is why it is important to note the difference between written documents and the time in which these processes take place. Mentally speaking lest your demands and wishes get in the way and in the end, you will get nothing.

Mr Speaker, that is how the business world works; you compromise.

**Afioga LEANA RONNIE POSINI:** Mr Speaker I acknowledge the clarification by the Hon Prime Minister. What I meant to emphasize what the intentions of the lawyers upon the signed agreements; i.e. the legal officer of the Ministry and the company's lawyer. Given the signed agreements, a reserve list by the Ministry of Commerce Industry and Labour provides for the ineligibility for people like this hence, Hon Minister it would be good to contact the Ministry on this matter to avoid these kinds of people from entering the country.

Thank you Mr Speaker for this opportunity.

**MR SPEAKER:** Thank you. Questions are put forth for time and records. Anyone else who wishes to comment on the Bill. One, two, three, four, five, six and plus one more equals seven. I acknowledge the support of the Chamber as we head towards the end of our business.

**Tofa Lealailepule Rimoni Aiafi:** It will only take two minutes.

**MR SPEAKER:** I beg the pardon of the Member for Faleata East you will have the chance tomorrow.

We have come to the end of our orders of the day. Before I grant opportunity to the Member for a closing prayer I wish to express gratitude to the Parliament. I acknowledge the Hon Prime Minister, Deputy Prime Minister, Members of the Cabinet, Chairpersons and esteemed Members of the Parliament.



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I also acknowledge the Heads of Government Ministries and Organizations and the Office of the Legislative Assembly. I acknowledge the support for today.

Before we retire for the day, I call on the honorable Member for Falelatai and Samatau to conclude our meeting with a prayer.

*Proceedings of the Legislative Assembly adjourned at 1:00pm until  
Wednesday, 21 March 2018 at 9.00am.*

