

TUESDAY, 21ST OCTOBER 2014

Proceedings of the Legislative Assembly met at 9.00am pursuant to the Parliamentary Sitting Program 2014.

Mr Speaker took the Chair at 9.00am.

Prayer. (*Deputy Speaker*)

MR SPEAKER: With all due respect I greet the dignity of the House this new morning.

I believe that the esteem of the House is complete with everyone present here today because of the loving grace of our Omnipotent God and all praises we give back to Him now and forever.

The dignity of the House is complete in all its honorific salutations with the Hon Prime Minister, Cabinet, Leader of Opposition, Associate Ministers and all the esteemed Members of Parliament.

I lovingly greet the CEOs of the Government Ministries and Corporations present here today especially the esteemed participants of the Parliamentary Awareness Program. I welcome you all to our Meeting today.

We cannot forget the support of Samoa in all its honorifics from the elderly to the young ones as they pray for our Parliament while carrying out its calling. I acknowledge the prayers of the Servants of the Lord in all the various denominations. It is your spiritual guidance that maintains the harmony of Samoa and its traditional setup.

I believe we are gathered here in happiness as we were separated for a while to witness some of the Governments implemented proposals. Praises to our Heavenly Father for we witnessed His never ending grace and love that enabled us to carry out our duties in the past weeks. Gratitude is conveyed to the House through the Hon Prime Minister and we acknowledge the support of Samoa while we played host to the UN SIDS Conference. Great effort! Congratulations for a well hosted event with all the preparations. Well done and thank you for your welcoming and hospitable characters which resulted in such a fruitful event.

Our words of gratitude Samoa cannot be said enough but we add to the words of gratitude by the Leader of the Government for everything that was prepared. It is your support of the Governments efforts which has led to a successful end. Looking back we witnessed our progress forward. The structure has changed for us with the blessings we have received because of what we sowed together with the Lords help.

This morning, we gather to continue with our orders of the day. As I mentioned we are with the participants of our Parliamentary Awareness Program focused on the youth. The House has already been notified of this and I ask for your kind participation as these are the future leaders of Samoa in the future.

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MESSAGE FROM O LE AO O LE MALO

Mr Speaker read the Message from His Highness, O le Ao o le Malo.

1. **“MEMORANDUM for:**

Mr Speaker:

Pursuant to Standing Order 59 of the Constitution of the Independent State of Samoa and Parliament Standing Order 85, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bills:

1. Petroleum Amendment Bill 2014
2. Commonwealth Youth Games 2015 (Sponsorships) Bill 2014
3. Credit Union Bill 2014

GIVEN UNDER my Hand on this day 20 October 2014.

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

2. **CERTIFICATE OF URGENCY**

Pursuant to Standing Order 99(2) I, **TUI ATUA TUPUA TAMASESE EFI, HEAD OF STATE**, hereby issue the Certificate of Urgency to the Legislative Assembly to consider the Bills listed hereunder in the Meeting commencing on Tuesday 21 October 2014:

1. Commonwealth Youth Games 2015 (Sponsorships) Bill 2014

GIVEN UNDER my Hand this day 20 October 2014.

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

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PRESENTATION OF PAPERS

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

1. P.P. 2014/2015 No. 115, Government Responses on P.P. 2012/2013 No. 88, Report of the Works, Transport and Environment Committee on P.P. 2011/2012 No. 87, Annual report of the Ministry of Natural Resources and Environment for the Financial Year ending 30 June 2009.
2. P.P. 2014/2015 No. 116, Government Responses on P.P. 2013/2014 No. 116, Report of the Business, Standing Orders, House and Electoral Committee on P.P. 2012/2013 No. 25, P.P. 2012/2013 No. 53 & P.P. 2012/2013 No. 54, Annual Reports of the Office of the Electoral commissioner for the Financial Years 2008/2009, 2009/2010 & 2010/2011.
3. P.P. 2014/2015 No. 117, Government Responses on P.P. 2013/2014 No. 126, Report of the Finance and Expenditure Committee on P.P. 2012/2013 No. 21 & P.P. 2013/2014 No. 45, Annual Report of the Central Bank of Samoa for the Financial Years 2010/2011 and 2011/2012.
4. P.P. 2014/2015 No. 118, Government Responses on P.P. 2013/2014 No. 137, Report of the Health and Social Services Committee on P.P. 2013/2014 No. 47 & P.P. 2013/2014 No. 48, Annual Reports of the Ministry of Health for the Financial Years 2010/2011 and 2011/2012.
5. P.P. 2014/2015 No. 119, Samoa Law Reform Commission Report on the Law Practitioners Act 1976, Report 05/11.
6. P.P. 2014/2015 No. 120, Ministry of Agriculture and Fisheries Annual Report for the Financial Year July 2012- June 2013.
7. P.P. 2014/2015 No. 121, Samoa Law Reform Commission Report on the Criminal Procedure Act 1972, Final Report 07/12.
8. P.P. 2014/2015 No. 122, Samoa Water Authority Statement of Corporate Objectives 2015-2017.
9. P.P. 2014/2015 No. 123, Ministry of Justice and Courts Administration Annual Report for 2012-2013.
10. P.P. 2014/2015 No. 124, Public Service Commission Annual Report 2010-2011.
11. P.P. 2014/2015 No. 125, Government Responses on P.P. 2013/2014 No. 104, Primary Production Committee Report on P.P. 2013/2014 No. 69, Ministry of Commerce, Industry and Labour Annual Report for Year ending 30 June 2012.
12. P.P. 2014/2015 No. 126, Unit Trust of Samoa Statement of Corporate Objectives 2015-2017.
13. P.P. 2014/2015 No. 127, Samoa Qualifications Authority Statement of Corporate Objectives 2015-2017, July 2014- June 2017.
14. P.P. 2014/2015 No. 128, Ministry of Health Annual Report for 2012-2013.

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PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the list of Select Committee Reports pursuant to S.O 51.

1. P.P. 2014/2015 No. 129, Report of the Health and Social Services Committee on the National Kidney Foundation Amendment Bill 2013.
2. P.P. 2014/2015 No. 130, Report of the Education Committee on the Scientific Research Organisation of Samoa Amendment Bill 2014.
3. P.P. 2014/2015 No. 131, Report of the Education Committee on P.P. 2014/2015 No. 7, Annual Report of the Samoa Sports Facilities Authority for the year 2011/2012.
4. P.P. 2014/2015 No. 132, Report of the Education Committee on P.P. 2014/2015 Nu. 33, 34, 35, 36 & 37, Annual Reports of the Samoa Qualifications Authority for the years 2008/2009, 2009/2010, 2010/2011, 2011/2012 & 2012/2013.
5. P.P. 2014/2015 No. 133, Report of the Works, Transport and Environment Committee on P.P. 2014/2015 Nu. 16, Annual Report of the Samoa Airports Authority for the year 2012.
6. P.P. 2014/2015 No. 134, Report of the Works, Transport and Environment Committee on P.P. 2014/2015 No. 25, Annual Report of the Samoa Water Authority for the year 2012-2013.
7. P.P. 2014/2015 No. 135, Report of the Works, Transport and Environment Committee on P.P. 2014/2015 No. 65, Annual Report of the Samoa Ports Authority for the Year 2011/2012.
8. P.P. 2014/2015 No. 136, Report of the Justice Committee on P.P. 2014/2015 No. 6, Report of the Samoa Law Reform Commission on the District Courts Act 1969, Report 12/13.
9. P.P. 2014/2015 No. 137, Report of the Justice Committee on P.P. 2014/2015 No. 13, 14 & 24, Annual Reports of the Ministry of Police and Prisons for financial years 2009/2010, 2010/2011 and 2011/2012.
10. P.P. 2014/2015 No. 138, Report of the Finance and Expenditure Committee on P.P. 2014/2015 No. 10, Annual Report of the Unit Trust of Samoa for the year ending 30 June 2013.

LAWYERS AND LEGAL PRACTICE BILL 2012 - consideration in detail

MR SPEAKER: Pursuant to Standing Order 106, the Committee Report on the Bill must first be approved by the Legislative Assembly before the Bill is open for consideration in detail.

I call upon the Chairperson of the Justice, Police & Prisons and Land & Titles Court Committee.

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Tofa TUISA TASI PATEA (Chairperson, Justice, Police & Prisons and Land & Titles Court Committee): Thank you Mr Speaker for the opportunity. You have already lifted praises to our Heavenly Father and addressed the dignity of the House in all its honorific salutations. I will not readdress these aspects but I wish us all the best as we proceed with our orders of the day.

Mr Speaker, I move an amendment to Clause 2(2) as follows:

MR SPEAKER: I apologize honorable Chairperson, you must first move the motion to approve the Committee Report.

Tofa TUISA TASI PATEA: I move a motion, *That the Report be approved.*

Seconded by the Member for Aiga i le Tai, Member for Palauli and the Member for Alataua West.

Motion Approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Justice, Police & Prisons and Lands & Titles Court Committee on the Lawyers and Legal Practice Bill 2012.

The Legislative Assembly will now proceed to consider the Bill in detail.

Pursuant to Standing Order 102, consideration begins with Clause 2.

CLAUSE 2: Interpretation.

MR SPEAKER: There is an amendment to Clause 2 as printed in the Supplementary Order Paper. I call on the Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker, I move an amendment to Clause 2(2) as follows:

“AMENDMENT:

To insert in sub-clause (2) “if the person gives or provides legal advice on Samoan law (oral or written) for a fee or other valuable consideration to any person, whether in Samoa or elsewhere or” therefore the new Clause 2(2) will read:

“(2) Without limiting the expression “practise as a solicitor or lawyer” in this Act, a person is taken to practise as a solicitor or lawyer for the purposes of this Act if the person gives or provides legal advice on Samoan law (oral or written) for a fee or other valuable consideration to any person, whether in Samoa or;

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Elsewhere or draws or prepares for or on behalf of any other person, or holds himself or herself out as being ready to draw or prepare for or on behalf of any other person, any:

- (a) transfer of land, conveyance or other registrable instrument affecting land; or
- (b) will; or
- (c) document forming part of legal proceedings in a court which names that person as the lawyer on the court record; or
- (d) any other document of a type prescribed by Regulations or any other law as requiring a lawyer to draw or prepare.”

Afioga Hon PALUSALUE FAAPO II (Leader of Opposition): Mr Speaker...

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: I ask the Chairperson if he can clarify the amendment because it is confusing with respect.

MR SPEAKER: I believe the clarification was clear Leader of Opposition. Is your hearing alright?

I call on the Member for Faleata West.

Tofa LEALALEPULE RIMONI AIAFI (Faleata West): Thank you Mr Speaker. I have a query on the transfer of lands. Many banks when approached for a loan have their own lawyers they refer you to. These lawyers also have their own fees and charges. Does the Law Society have the power to let people use their own lawyers because it is cheaper for them? If it is set that the banks control this, it would be an extra burden on the people.

MR SPEAKER: I call on the lawyer.

Tofa TUISA TASI PATEA: Thank you for the questions. The first question by the Leader of Opposition, I think it is better that you read the English version of the Bill and you will understand it better.

The query by the Member for Faleata West, I think it will be clarified when we get to another part of the Bill. However your question is different from what is being discussed.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker...

MR SPEAKER: You may stand.

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Afioga Hon PALUSALUE FAAPO II: The country is listening in Mr Chairperson if you would kindly explain it in simple terms. I understand it but for the sake of the country so that the amendment is understood...

MR SPEAKER: Your point is noted Leader of Opposition.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister): Mr Speaker...

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: There is a reason for the Opposition Members in the Committees. If there is anything that the Leader of Opposition wants to understand then he asks them instead of complaining in our Meeting. If he does not understand the English Bill then asking his Members in the Committee is pertinent. It would make our work easier.

Tofa LEVAOPOLO TALATONU (Gagaemauga No. 2): Mr Speaker...

MR SPEAKER: Stand Member for Gagaemauga No. 2.

Tofa LEVAOPOLO TALATONU: This is the same matter I wanted to understand but I am glad the Hon Prime Minister has mentioned questioning. So Member for Salega, Tofa Tapuai Toese Ah Sam, what is the clarification of the issue because you are in the Committee. With respect.

MR SPEAKER: I beg tolerance of the Chairperson while I give the second opportunity to the...

Tofa LEALAILEPULE RIMONI AIAFI: Thank you. Regarding my query, a lawyers responsibility includes all this. This is why I query this. The Bill provides for evidence of fees and overcharging under Clause 59 but that provides for a different matter. The Chairperson should respond on the work outputs of a lawyer because any lawyer can do this. With all due respect.

MR SPEAKER: I apologize to the Member...

Afioga Hon PALUSALUE FAAPO II: I ask the Chairperson if he understands the amendment. Just some simple terms would be fine to explain the amendment.

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MR SPEAKER: Your interpretation is noted. This is your third opportunity to comment and this is the first breach for this Meeting. The Chairpersons clarification is clear, (a) transfer of land, conveyance or other registrable instrument affecting land; or

(b) will; or

(c) document forming part of legal proceedings in a court which names that person as the lawyer on the court record; or

(d) any other document of a type prescribed by Regulations or any other law as requiring a lawyer to draw or prepare.

See how clear it is? The clarification by the Chairperson is clear.

I beg tolerance of the Chairperson, one of the Members for Salega is upstanding, Tofa Tapuai Toese Ah Sam.

MAIDEN SPEECH

Tofa TAPUAI TOESE AH SAM (Salega): Mr Speaker, because I was mentioned by the Member for Gagaemauga No. 2. The three of us from the Opposition in the Committee; myself, the Member for Vaimauga West, Tofa Lefau Harry Schuster and the Member for Faasaleleaga No. 2 already decided that I would sit on the side and support silently while the lawyers answer the questions.

Consideration in detail on the Lawyers and Legal Practice Bill 2012 resumed.

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: Purpose of the Act and fundamental obligations of lawyers.

Approved.

CLAUSE 4: Continuation of the Law Society.

Approved.

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CLAUSE 5: Functions of the Law Society.

Approved.

CLAUSE 6: Duties and powers of the Law Society.

Approved.

CLAUSE 7: Rules for professional conduct.

Approved.

CLAUSE 8: Meetings of the Law Society.

Approved.

CLAUSE 9: Procedures for approving Rules or motions by circular.

Approved.

CLAUSE 10: Council of the Law Society.

MR SPEAKER: There is a Committee Amendment to Clause 10 as printed in the Supplementary Order Paper.

I call on the Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker I move an amendment to Clause 10(4)(a) as follows:

“AMENDMENT:

To omit the expression “the members of the Society” and substitute thereby the words “the Council in the meeting of the Council” thus subclause (4)(a) reads:

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(4)(a) If the office of a councilor becomes vacant, the vacancy must be filled:

(a) By a vote taken by the Council in a meeting of the Council; or”.

MR SPEAKER: I call on the Member for Aana Alofi No. 3 followed by the Member for Faleata West.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No.3): Thank you for the opportunity. Just a query to the honorable Chairperson. It was said that this amendment was recommended by the Law Society but the submission by the Law Society to the Committee does not have this recommendation. How was this amendment permitted because there is no evidence to prove that it was proposed by the Law Society.

MR SPEAKER: Your view is noted. I call on the Member for Faleata West.

Tofa LEALILEPULE RIMONI AIAFI: First, it is mentioned that one of the members of the Society is the Attorney General but he has no voting rights. What is the purpose for this?

Second, what is the purpose of the proposed amendment? It is the meetings of the Society, it is not a Council.

MR SPEAKER: Stand honorable Chairperson of the Committee.

Tofa TUISA TASI PATEA: Thank you. Regarding the purpose of the amendment as queried by the Member for Aana Alofi No.1 also related to the query by the Member for Faleata West. The recommendation was made by the Law Society. The meeting referred to is the meeting of the Council not the Society. As the amendment proposes, remove the term Society and substitute with Council. This refers to the meeting of the Societys Council. It is normally difficult to find members, and when a meeting is called, members of the Society cannot attend. Perhaps the Member for Aana Alofi No. 3 does not get the gist but it is easier to find membership for a Council meeting.

Regarding the question by the Member for Faleata West regarding the President, it has always been the norm within the Law Society that the Attorney General is a member without a vote. Thank you.

MR SPEAKER: This is your last opportunity Member for Aana Alofi No.3.

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Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker, the attached submission from the Law Society, Section 2.3, Section 23, there is no part of the Committee report or the Letter from the Attorney General that proposes a change. It says it was a recommendation from the Law Society but there is no such evidence in the submission but if there was...

MR SPEAKER: I call on the Chairperson.

Tofa TUISA TASI PATEA: I apologize for the error, but it should be in there. I was probably overlooked but it was recommended by the Law Society.

MR SPEAKER: Your explanation Mr Chairperson will be noted today that it was a recommendation from the Law Society.

Amendment approved.

Clause 10 approved as amended.

CLAUSE 11: Conflict of interest.

MR SPEAKER: There is a Committee Amendment to Clause 11 as printed in the Supplementary Order Paper.
I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker, I move an amendment to Clause 11 as follows:

“AMENDMENT:

To insert new clause and renumber the rest of the Bill accordingly.

11. Meeting of the Council (1) The Council shall meet at least once a month and an any other time considered necessary by the President or majority of the councilors.
- 2) Subject to the Rules, a meeting of the Council is to be chaired by:
 - (a) the President; or
 - (b) the Vice President, if the President is absent; or

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- (c) a councillor present elected by other councillors present, if the President and the Vice President are both absent or both are not present after the expiration of 15 minutes from the appointed time of the meeting.
- (3) At a meeting of the Council:
- (a) five councillors constitute a quorum, subject to any quorum determined under paragraph (f);
- (b) the Council may discuss and deliberate on the business of the Society, including matters in relation to the functions, duties and powers of the Council under the Act;
- (c) any question is to be decided by show of hands;
- (d) a councillor present has 1 vote, subject to paragraph (e);
- (e) the presiding councillor has a deliberative vote and a casting vote;
- (f) the Council may regulate other procedures, including adjournments and determining quorum for transacting other business of the Council.
- (4) The Secretary in consultation with the President may summon a meeting of the Council by notice through email, telephone or in writing served on all councillors.
- (5) The Council may delegate any of its functions, duties and powers under this Act to a sub-Committee consisting of councillors and members of the Society, subject to conditions imposed by the Council or other requirements set out in the rules, including meeting procedures and proceedings of the sub-committee.
- (6) A written resolution of the Council signed by all members of the Council or a sub-committee is valid as if it had been passed at a meeting of the Council or sub-committee.
- (7) The Council must ensure that proper minutes are kept of all proceedings at meetings of the Council and such minutes are regarded without further proof required of sufficient evidence of meetings when certified correct by the Chairperson at the next succeeding meeting.
- (8) Any act done in good faith at any meeting of the Council, or of a sub-committee of the Council, or by any person acting as a councillor or member of the sub-committee, is valid despite that a defect or irregularity in an appointment of a councillor or a member of the sub-committee is later disqualified from being a councillor or a member of the sub-committee.

MR SPEAKER: I call on the Member for Aana Alofi No.3.

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Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker, I note that this Bill is specific to Lawyers and they draft bills. I wish to understand from the Committee or the Chairperson on the views of the Attorney Generals Office or the Law Society regarding this new addition and why it was not included in the beginning. What was the cause of their error from the drafting stages of this Bill. It is an important amendment but how was it overlooked from the initial stages? Thank you.

MR SPEAKER: Honorable Chairperson.

Tofa TUISA TASI PATEA: Thank you for the question. I apologize for the first draft of the Bill. In the initial stages, there was no intention to officially legalize the procedures for the meetings of the Council but now there are procedures.

MR SPEAKER: Thank you for the clarification.

Amendment approved.

Clause 11 approved as amended.

CLAUSE 12: Functions, powers, and duties of Council.

Approved.

CLAUSE 13: Law Society account.

Approved.

CLAUSE 14: Registrar to maintain rolls of barristers and solicitors.

Approved.

CLAUSE 15: Enrolment.

Approved.

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CLAUSE 16: Removal and suspension of names from the roll.

Approved.

CLAUSE 17: Restoration of names on the roll.

Approved.

CLAUSE 18: Review of a roll on appeal.

Approved.

CLAUSE 19: Removal of name at own request.

Approved.

CLAUSE 20: Restoration of names to rolls.

Approved.

CLAUSE 21: Restoration fees.

Approved.

CLAUSE 22: General qualifications for admission.

Approved.

CLAUSE 23: Admission and enrollment on the permanent roll.

Approved.

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CLAUSE 24: Temporary admission and enrolment on the temporary roll.

Approved.

CLAUSE 25: Applications for admission.

Approved.

CLAUSE 26: Admission.

Approved.

CLAUSE 27: Oath of admission.

Approved.

CLAUSE 28: Restriction on further applications.

Approved.

CLAUSE 29: Admission fees.

Approved.

CLAUSE 30: Status of barristers and solicitors.

Approved.

CLAUSE 31: Right to practice as a lawyer.

Approved.

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CLAUSE 32: Restriction on rights of solicitors to commence private practice on own account.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker....

MR SPEAKER: What clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 32 please.

MR SPEAKER: You may stand.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you. Mr Chairperson, the provision states that no lawyer may commence practice as a solicitor on their own account, whether in partnership or as sole practitioner, unless the lawyer during the period of 8 years immediately preceding the date on which the lawyer commences practices on own account has had at least 3 years supervised experience as a barrister or as a solicitor.

The first question Mr Speaker, there are many new law graduates and is the normal practice being done whereby they are employed by the Office of the Attorney General to be accustomed to the work and is there sufficient finances to fund this.

Second, because it also involves the private sector, is the legal work as an associate or assistant solicitor? What would be the position because 8 years is too long but it is preferable if it were 5 years as stated in the Act. I understand the intention of the Attorney General's Office so that the solicitors are knowledgeable in the profession. If it is 8 years, it is too long but there should be a compromise with all due respect.

MR SPEAKER: Your point is noted. I only remind the Members to please keep your comments brief and to the point for the clarity of the Chairperson. This is not a small Bill. All the views of the Committee and the Legal sector are consolidated in here. The Members need to understand that despite trying to force their issues the Society and the Council of Lawyers have all been before the Committee and the Chairperson. I clarify for the House that the provisions and proposed changes were all consolidated by the Attorney Generals Office, the Law Society and the Council.

I call on the Member for Aana Alofi No. 3.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you Mr Speaker, referring to the submission from the Law Council who the Bill is specific to, there is a recommendation to reduce the 8 to 5 years. However, the Attorney General supports the 8 years. This contradiction is the purpose for my query.

MR SPEAKER: It is noted. I call on the honorable Chairperson.

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Tofa TUISA TASI PATEA: I will reply first to the query by the Member for Faleata West. For new graduates, it is up to the new lawyer where they want to be employed but many are employed by the Attorney General's Office.

For the matter mentioned by the Member for Aana Alofi No. 3, the matter has already been negotiated between the Law Society and the Committee with the assistance of the Attorney Generals Office. This was the same request made by the Opposition Members in the Committee, Tofa Lefau Harry Schuster and the Member for Faasaleleaga No. 2. They can explain it to your side so that our Bill can progress. The matter has already been negotiated and this was the Committees decision.

CLAUSE 33: Barrister sole.

Approved.

CLAUSE 34: Issue and cancellation of annual practicing certificate.

Approved.

CLAUSE 35: Annual practicing fees.

Approved.

CLAUSE 36: Solicitor to pay clients money into trust account at a bank.

Approved.

CLAUSE 37: Administration of trust account in certain cases.

Approved.

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CLAUSE 38: Auditing of trust accounts.

Afioga PESETA VAIFOU TEVAGA (Faasaleleaga No. 4): Mr Speaker...

MR SPEAKER: What clause?

Afioga PESETA VAIFOU TEVAGA: Clause 38.

MR SPEAKER: You may stand.

Afioga PESETA VAIFOU TEVAGA: Mr Speaker, Clause 38(5) states that a solicitor commits professional misconduct if the solicitor breaches...

MR SPEAKER: I beg tolerance of the Member. The motion will be moved first. I call on the Chairperson.

Tofa TUISA TASI PATEA: Thank you Mr Speaker, the amendment will be done first which will shed light on the matter queried by the Member. Mr Speaker, I move an amendment to Clause 38 as follows:

“AMENDMENT:

Clause 38(1):

To omit the expression “the end of each financial” and substitute thereby the words “least once a year” thus sub-clause (1) reads:

“(1). A solicitor must ensure that his or her trust account is audited at least once a year by a certified chartered accountant.

Clause 38(5):

To omit clause 38(5)(b & (c) and reword clause 38(5) to read:

“(5). A solicitor commits professional misconduct if the solicitor breaches subsection (1).

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Clause 38(6):

To delete the words “financial year” and its definition from sub-clause (6).

MR SPEAKER: I call on the Member for Faasaleleaga No. 4 to comment on Clause 38(5).

Afioga PESETA VAIFOU TEVAGA: Thank you Mr Speaker and the honorable Chairperson.

Clause 38(5) provides for a solicitor that commits professional misconduct. There are lawyers that are not members of the Law Society but are chosen by the Banks to look after their legal work. Some of them do not tell the clients their fees but rather consult directly with the banks and their fees are automatically transferred from a companies accounts. It is a criminal offence to force others to handle client accounts. Is this appropriate to the law whereby legal fees are automatically transferred without the knowledge of the client Mr Chairperson?

MR SPEAKER: I call on the Chairperson.

Tofa TUISA TASI PATEA: I beg leniency of the Member because Clause 38(5) refers to the breach of auditing of trust accounts mentioned in Clause 38(1). If the trust accounts are not audited at least once a year, then it is a breach as provided in Clause 38(5).

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I think it is appropriate that I explain this part. It has been more than 20 years of efforts to insert this provision in the Lawyers and Legal Practice Act and I thank the Attorney General that it is now included. This provision is specific to trust accounts which clients can keep with a lawyer for safekeeping. For instance, overseas, these accounts are audited four times a year so that it is not – this is exactly when lawyers begin to itch and use these trust funds. We have only been able to insert this into the Bill but it is only once a year. The pressure from lawyers to start at one year was accepted as evidence of their trustworthiness. There have been many court cases and law firms liquidated because of the misuse of these accounts. It has been more than 20 years of trying to incorporate such a provision but it was rejected by the Lawyers but at least now it has been inserted.

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Lawyers and Legal Practice Bill 2012
- consideration in detail

The matter that the Member mentioned refers to the banks and their own lawyers and that is their right to speed up the process. It is nonetheless a fact that it has been used to inflate the legal fees. Sometimes it should only be \$2,000 but they use percentages and it comes out to \$20,000 or \$30,000. This is the purpose of the Bill so that these cases are prevented from happening. If a client assumes inflated fees, a complaint can be made to the Society for a decision on the matter. The Government also has other avenues so that our people do not always have to deal with lawyers and their fees. For instance land valuation; if a land loan is applied, the bank would need a current valuation of the land. A valuer can also charge substantial fees but now the Ministry of Natural Resource and Environment is able to value the land for free. That is the Governments assistance for those who are distressed by such substantial fees offered by the private specialists. The Law Society is available to consider complaints and the only problem would be internal conflicts and not doing their work in the spirit of integrity in which they were chosen.

Mr Speaker, the Chairpersons clarification is correct. There is a difference between the query and the provision but the response has been made.

Amendment approved.

Clause 38 approved as amended.

CLAUSE 39: Definitions.

Approved.

CLAUSE 40: Unsatisfactory professional conduct.

Approved.

CLAUSE 41: Professional misconduct.

Approved.

21 OCTOBER 2014

Lawyers and Legal Practice Bill 2012
- consideration in detail

CLAUSE 42: Disqualifications for Complaints Committee and disciplinary tribunals.

Approved.

CLAUSE 43: Remuneration.

Approved.

CLAUSE 44: Complaints and suspension.

Approved.

CLAUSE 45: Complaints to be notified and reasons for decision.

Approved.

CLAUSE 46: Complaints and Investigation Committee.

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East): Mr Speaker...

MR SPEAKER: What clause?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 46.

CLAUSE 46: Complaints and Investigation Committee.

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

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Thank you for the opportunity. I assume that my query on Clause 46 is related to the clauses before it. My query is whether this Committee also deals with clients complaints against the decisions of their lawyers. For instance my lawyer represents me in court but I am dissatisfied with him, is this the Committee to refer the matter to?

21 OCTOBER 2014

Lawyers and Legal Practice Bill 2012
- consideration in detail

I feel that there is a conflict of interest in the structure of the Committee because lawyers will be investigating lawyers and there is no independent member. Mr Chairperson and the Committee, would it not be relevant to have an independent member who is not a lawyer in this Committee because it has an important role, with respect.

MR SPEAKER: I call on the Chairperson.

Tofa TUISA TASI PATEA: Thank you for the question. The Society and the Office of the Attorney General has already consulted on this and there is nothing that is to be amended from the old Act. Their stance is that this section should remain as is.

Clause 46 approved.

CLAUSE 47: Further information.

Approved.

CLAUSE 48: Dismissal or settlement of complaints.

Approved.

CLAUSE 49: Investigation.

Approved.

CLAUSE 50: Charges and prosecution.

Approved.

CLAUSE 51: Disciplinary tribunals.

Approved.

21 OCTOBER 2014

**Lawyers and Legal Practice Bill 2012
- consideration in detail**

CLAUSE 52: Powers and duties of tribunals.

Approved.

CLAUSE 53: Powers of Commissions of Inquiry to apply.

Approved.

CLAUSE 54: Penalties for unsatisfactory professional conduct.

Approved.

CLAUSE 55: Penalties for professional misconduct.

Approved.

CLAUSE 56: Penalties for professional misconduct involving trust accounts.

Approved.

CLAUSE 57: Suspension of lawyers unfit to practice law and power to manage practice.

Approved.

CLAUSE 58: Evidence of fees and overcharging.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: What Clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 58 Mr Speaker.

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**Lawyers and Legal Practice Bill 2012
- consideration in detail**

MR SPEAKER: Clause 58 – Evidence of fees and overcharging.

Tofa LEALAILEPULE RIMONI AIAFI: This is one of the important provisions in this Bill. At the moment, it is an open market and the opportunity is open for you to use any lawyer with their own fees. You seldom find a lawyer where you approach them and they tell you your legal issue and how much it costs. We are drawing nearer to our General Elections and there will be a time for petitions. I believe that in the past petitions, the defending Member becomes desperate and up to now, they are still paying their legal fees. Five years to repay it.

I applaud this Bill because during those times, lawyers would collude and start their rates at \$20,000 but now with this Bill, complaints can be made if the fees are substantial, or you can try your own case and if you lose, you do not have to pay anything. I query Clause 58(7) of the Bill which involves a breach of the Section, the only penalty is disciplinary action to regulate behavior.

Can the honorable Chairperson explain what exact behavior incurs disciplinary action and what the penalty is? With respect.

MR SPEAKER: Chairperson of the Committee.

Tofa TUISA TASI PATEA: Thank you for the question. Perhaps one such behavior is asking questions despite understanding. If you approach a lawyer and you are unhappy with their fees you can find another lawyer, which is your freedom of choice.

As for the matter regarding overcharging, it is clear within Section 64. The Society must do all it can and if that does not work, Regulations are made by the Head of State acting on the advice of Cabinet for procedures as provided in Clause 64(1)(f) & (g).

MR SPEAKER: Thank you. One of the Members of the Committee is upstanding.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No. 2): An assistance to our Chairperson.

MR SPEAKER: You may stand.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: For further clarification, the Law Society and private legal practitioners are listening in. There may be a misconception amongst the country listening in regarding legal work which is not as mentioned. There are legal firms that the public can consult for further understanding. There is an agreement drawn up by the lawyer that is signed by both client and lawyer in regards to the work and the procedures as well as fees.

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Lawyers and Legal Practice Bill 2012
- consideration in detail

Such views and blame on the legal profession should be removed because these firms are needed by the country and the Government.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker thank you for the opportunity.

The Committee Chairperson is also a lawyer and his attitude should be disciplined. The legal fees are provided for. As the Hon Prime Minister mentioned, there is also a way to alleviate burdens when dealing with banks and valuations which can be done by the Ministry of Natural Resources and Environment.

With respect Mr Speaker, there are many banks that do not use these recommendations and they still instruct you to refer to their own private valuer. That is also one matter that the Law Society should consider because the Governments work should be prioritized. If the Government has confidence in its employees to value land, it should be accepted instead of referring them again to another valuer which is highly inappropriate.

These are some aspects the honorable Chairperson needs to consider with respect.

MR SPEAKER: Stand Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I know that all the valuers from MNRE are accepted by the banks.

MR SPEAKER: I call on the honorable Chairperson. Do you wish to respond to Lealailepule or shall we continue?

Tofa TUISA TASI PATEA: I believe it is better to continue in case I say something inappropriate and our relationship will be ruined.

MR SPEAKER: The Member is distressed because he has many court cases and he is tired of paying legal fees.

Tofa LEFAU HARRY SCHUSTER (Vaimauga West): Mr Speaker an opportunity please.

MR SPEAKER: I call on one of the Members of the Committee, Tofa Lefau.

Tofa LEFAU HARRY SCHUSTER: The query by Lealailepule is the same query asked by Afioga Peseta regarding when you go to the bank and they refer you to their lawyers. The complaints are justified but the matter is not provided for in this Bill.

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Lawyers and Legal Practice Bill 2012
- consideration in detail

This Bill sets out the foundations of the legal practice but your point is correct and I believe what the banks are doing is not right. The only risk is your loan being denied if you do not use their lawyers. I believe that these complaints are relevant under the Fair Trading Act 1998 administered by MCIL. It is your right to choose your own lawyer no matter their capacity instead of going to their lawyers and you pay. This is inappropriate but this matter is not applicable to this Bill.

MR SPEAKER: I call on Afioga Peseta.

Afioga PESETA VAIFOU TEVAGA: Mr Speaker, I wish to thank the honorable Member. I did not see in the Bill any provision related to my query but this was the only provision that is somewhat related to my issue where the lawyers can force the banks to automatically transfer their fees. I also understand that this is a criminal offence but I thank the Member who is also a lawyer. At least it is clarified as we also have court cases in the future on this same issue, but thank you for the response to my query.

MR SPEAKER: There are other legislations particular to your issue but the matter has been elucidated.

Clause 58 approved.

CLAUSE 59: Use of “paralegal” and “law clerk”.

MR SPEAKER: There is a Committee Amendment to Clause 59(1) as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker I move an Amendment to Clause 59(1) as follows:

To delete the words “or when purporting to give legal advice or to offer legal services” this subclause (1) reads:

- (1) A person must not use the terms paralegal or law clerk in the course of his or her employment, unless the person;”

Amendment approved.

Clause 59 approved as Amended.

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Lawyers and Legal Practice Bill 2012
- consideration in detail

CLAUSE 60: Other restricted terms.

Approved.

CLAUSE 61: Law Society to be a party to proceedings.

Approved.

CLAUSE 62: Vesting of responsibilities in other regulatory bodies.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: What clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 62 Mr Speaker.

MR SPEAKER: You may stand.

Tofa LEALAILEPULE RIMONI AIAFI: This part of the Bill Mr Speaker states that if the Council fails to effectively implement the provision to this Act, its responsibilities may be transferred to another regulatory body while investigations are carried out. This assumes that another body will be established separate from this body. If the Law Society cannot implement its responsibilities, this is a cause for great concern because this body should be the origin of integrity and law abidance. Everything must be sorted out here and if there are problems in the implementation of the duties and decisions, the Attorney General is available. The Committee has to make recommendations instead of having another regulatory body because that would seem as if it were another Legal Profession Practice Board where another body of lawyers would investigate other lawyers.

That is the query Mr Chairperson but do not worry about our remarks. Whatever needs to be said should be said. It does not matter how many times *you have been involved with the law because I myself have been there* many times. The significant matter is that there is a record of no criminal activity which not only reflects that the client is good but the lawyer as well. With all due respect.

MR SPEAKER: I call on the Chairperson.

Tofa TUISA TASI PATEA: Thank you Mr Speaker. I will not respond to that last comment.

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Lawyers and Legal Practice Bill 2012
- consideration in detail

Regarding the part of the Bill, it is clear that if the Council or the Law Society cannot effectively implement the provisions of the Act, and then subsection (2) will be enforced for a Legal Profession Practice Board. I believe this is the norm with such legislations. If the provisions of the Bill cannot be implemented then there are other avenues if the public are dissatisfied.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you. Last year a Bill was passed for a Tribunal to refer complaints and concerns for any society. The question is why this other Act that we passed is not being used because this is where societies concerns are referred. There is an existing legislation so what is the purpose of establishing this body and this society and these lawyers to investigate these societies. With all due respect.

MR SPEAKER: The concern from the Member for Faleata West has been responded to. Any existing loophole that may not satisfy the Member...

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 61.

MR SPEAKER: The explanation from the Member regarding the responsibilities of the regulatory bodies including the Tribunal are clear. There are no new responsibilities. The matter is referred to other regulatory bodies for investigation such as what is done by the Ombudsman and other regulatory bodies.

I call on the Chairperson.

Tofa TUISA TASI PATEA: I will say it in English for your understanding – or other regulatory body, established and empowered by Regulations. It has already been read in Samoan by Mr Speaker.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, there is no need to read it in English. I also passed my English in the UE and I went twice on scholarship to Australia. What exactly I wanted to say was that this is first established? The first body is established and then the other things follow. See the process?

MR SPEAKER: Your point is noted.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker.

MR SPEAKER: The matter is clear. If the decision of the Council or the Law Society is unclear then another regulatory body is established.

I call on the Member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Thank you Mr Speaker. Clause 61: Law Society to be a party to proceedings.

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**Lawyers and Legal Practice Bill 2012
- consideration in detail**

If I take a lawyer to court or I am dissatisfied with a decision from the Committee, there is a protection under this provision where you will not only deal with the lawyer but the entire society. The Society will be party to the proceedings and my question is why? It seems as if the lawyer is still being protected by other lawyers. Mr Chairperson correct me if I am wrong but if I take a lawyer to court and I present my complaint to the Society which has no independent member, this same society will be party to the court proceedings. Why is a member of the Society needed?

MR SPEAKER: The Member has become perplexed by the issue but I doubt that it would happen. I believe the objective of the Bill is clear and the Bill is well prepared as well as the lawyers. Clause 62 is available if such an issue occurs.

I call on the honorable Chairperson.

Tofa TUISA TASI PATEA: I still wish to clarify this matter. I believe it is better to read the English version of Clause 61 because the Samoan is sometimes unclear. It is clear that the Law Society to be a party to proceedings which means you can also take the Law Society to court.

That is the response.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I will not respond again to the Chairperson but I am a bit dismayed that every time the Chairperson responds, he says to refer to the English version of the Bill. I am reading the English version and it is where I am basing my queries.

MR SPEAKER: I applaud your patience.

Clause 62 approved.

CLAUSE 63: Exemption of liability.

Approved.

CLAUSE 64: Regulations.

Approved.

CLAUSE 65: Repeal and amendments.

Approved.

21 OCTOBER 2014

**Lawyers and Legal Practice Bill 2012
- consideration in detail**

CLAUSE 66: Saving and transitional provisions.

MR SPEAKER: There is a Committee Amendment to Clause 66 as printed in the Supplementary Order Paper.
I call on the Committee Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker, I move an Amendment to Clause 66(9) as follows:

“AMENDMENT:

To insert new subsection after subsection (8) to read:

“(9) At the commencement of this Act, any fees prescribed under section 30 of the Law Practitioners Act 1976 continue and are validated under this section as if they were made under section 29 of this Act.”

Amendment approved.

Clause 66 approved as Amended.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Lawyers and Legal Practice Act 2012.

MR SPEAKER: There is a correction to Clause 1 and title as printed in the Supplementary Order Paper.

Tofa TUISA TASI PATEA: Mr Speaker, I move a correction to Clause 1 and title as follows:

“CORRECTION:

To omit the number “2012” and substitute thereby the number “2014” thus to read:

“Lawyers and Legal Practice Act 2014.””

Correction approved.

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Tax Administration Amendment Bill 2014
– consideration in detail

Clause 1 and Title approved as Corrected.

The Lawyers and Legal Practice Bill 2014 progressed with Amendments and Correction.

TAX ADMINISTRATION AMENDMENT BILL 2014
– consideration in detail

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report on the Bill before consideration in detail of the Bill.

I call on the Chairperson of the Foreign Affairs, Trade and Revenue Committee.

Afioga AFUALO WOOD UTI SALELE (Deputy Chairperson, Foreign Affairs, Trade and Revenue Committee): Mr Speaker, I move a motion, *That the Legislative Assembly approve the Committee Report to progress the Tax Administration Amendment Bill 2014 without amendments.*

Seconded by the member for Aana Alofi No. 3, member for Faasaleleaga No. 2 and member for Faasaleleaga No. 1.

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Foreign Affairs, Trade and Revenue Committee on the Tax Administration Amendment Bill 2014.

The Legislative Assembly will progress with the consideration in detail of the Bill.

We have however come to our usual recess hour so we may rejuvenate in strength. I believe we have completed a lot of our work but we will continue when we return.

I announce that the Orders of the Legislative Assembly will be set aside for its normal recess.

Proceedings of the Legislative Assembly were set aside for its normal recess at 10.44am and resumed at 11.46am.

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Tax Administration Amendment Bill 2014
– consideration in detail

Consideration in Detail of the Tax Administration Amendment Bill 2014 resumed.

MR SPEAKER: I announce that we have resumed our Proceedings. I applaud you all for your patience and I believe that you are all refreshed from the meal provided. I thank you also for your patience as the Hon Prime Minister, Leader of Opposition and I attended to the Youth Parliamentary Program.

Before we had our break, the Tax Administration Amendment Bill 2014 was about to be considered in detail.

Pursuant to Standing Order 102, Consideration in Detail of the Bill begins with Clause 2.

CLAUSE 2: New Section 9A inserted.

Approved.

CLAUSE 3: Consequential amendment.

Approved.

CLAUSE 4: Transitional and saving.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Tax Administration Amendment Act 2014.

Approved.

The Tax Administration Amendment Bill 2014 progressed without amendments.

21 OCTOBER 2014

**INTERNATIONAL CRIMINAL COURT AMENDMENT
BILL 2014 - consideration in detail**

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report on the Bill before consideration in detail of the Bill.

I call on the Chairperson of the Justice, Police & Prisons and Lands & Titles Court Committee.

Tofa TUISA TASI PATEA: Mr Speaker, I move a motion, *That the Legislative Assembly approve the Committee Report to progress the International Criminal Court Amendment Bill 2014 without amendments.*

Seconded by the Member for Palauli, one of the Members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua.

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Justice, Police & Prisons and Lands & Titles Court Committee on the International Criminal Court Amendment Bill 2014.

The Legislative Assembly will progress with the consideration in detail of the Bill.

Pursuant to Standing Order 102, Consideration in Detail of the Bill begins with Clause 2.

CLAUSE 2: Section 3 amended.

Approved.

CLAUSE 3: New Section 7A inserted.

Approved.

CLAUSE 4: Consequential amendments.

Approved.

CLAUSE 5: New Schedule 2 inserted.

Approved.

21 OCTOBER 2014

**Allied Health Professions Bill 2013
– consideration in detail**

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: International Criminal Court Amendment Act 2014.

Approved.

The International Criminal Court Amendment Bill 2014 progressed without amendments.

**ALLIED HEALTH PROFESSIONS BILL 2013
– consideration in detail.**

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report on the Bill before consideration in detail of the Bill.

I call on the Chairperson of the Health, Social Affairs, Community and Social Development Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Chairperson, Health, Social Affairs, Community and Social Development Committee: Mr Speaker, I move a motion, *That the Legislative Assembly approve the Committee Report to progress the Allied Health Professions Bill 2013 with amendments and corrections.*

Seconded by one of the Members for Individual Voters, Susuga Hon Niko Lee Hang, Member for Sagaga le Usoga and Member for Aleipata Itupa i Lalo.

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Health, Social Affairs, Community and Social Development Committee on the Allied Health Professions Bill 2013.

The Legislative Assembly will progress with the consideration in detail of the Bill.

Pursuant to Standing Order 102, Consideration in Detail of the Bill begins with Clause 2.

CLAUSE 2: Interpretation.

Approved.

21 OCTOBER 2014

Allied Health Professions Bill 2013
 – consideration in detail

CLAUSE 3: Establishment of the Council.

Approved.

CLAUSE 4: Members of the Council.

MR SPEAKER: There is an amendment to Clause 4 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
 Mr Speaker, I move an amendment to Clause 4 as follows:

“AMENDMENT:

i) Clause 4(1)

To insert new paragraph (h) in clause 4(1) to include a member from the traditional health practice as a member of the council, thus the new paragraph reads:-

“(h) a member to represent traditional health practices.”

ii) Clause 4(3), (5), (6):

To delete reference to paragraph (g) in clause 4(3), (5) and (6) and replaced with paragraph (h).

Amendment Approved.

Clause 4 approved as Amended.

CLAUSE 5: Duties and powers of the Council.

Approved.

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**Allied Health Professions Bill 2013
– consideration in detail**

CLAUSE 6: Secretary of the Council.

Approved.

CLAUSE 7: Meetings of the Council.

Approved.

CLAUSE 8: Resolution of the Council.

Approved.

CLAUSE 9: Removal, vacation and allowances.

Approved.

CLAUSE 10: Prohibition.

Approved.

CLAUSE 11: Authorisation under this Part.

Approved.

CLAUSE 12: Power to grant registration.

Approved.

CLAUSE 13: Qualifications.

Approved.

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Allied Health Professions Bill 2013
– consideration in detail

CLAUSE 14: Who may and how to apply.

Approved.

CLAUSE 15: Processing of applications.

Approved.

CLAUSE 16: Consideration of applications.

Approved.

CLAUSE 17: Recording of registration.

Approved.

CLAUSE 18: Certificate of registration.

Approved.

CLAUSE 19: Annual practicing certificates.

Approved.

CLAUSE 20: Application of this Division.

Approved.

CLAUSE 21: Power to grant provisional registration.

Approved.

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**Allied Health Professions Bill 2013
– consideration in detail**

CLAUSE 22: Qualifications.

Approved.

CLAUSE 23: Who may and how to apply.

Approved.

CLAUSE 24: Processing of application.

Approved.

CLAUSE 25: Practising certificates.

Approved.

CLAUSE 26: Application of this Division.

Approved.

CLAUSE 27: Power to grant provisional registration.

Approved.

CLAUSE 28: Qualifications.

Approved.

CLAUSE 29: Who may and how to apply.

Approved.

21 OCTOBER 2014

Allied Health Professions Bill 2013
– consideration in detail

CLAUSE 30: Processing of application.

Approved.

CLAUSE 31: Practising certificates.

Approved.

CLAUSE 32: Review of decisions.

Approved.

CLAUSE 33: Re-registration.

Approved.

CLAUSE 34: Wrongfully purporting to be a registrant.

Approved.

CLAUSE 35: Wrongfully procuring registration.

Approved.

CLAUSE 36: Exemption of liability.

Approved.

CLAUSE 37: Service of documents.

Approved.

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**Allied Health Professions Bill 2013
– consideration in detail**

CLAUSE 38: Regulations.

Approved.

CLAUSE 39: Schedule.

Approved.

CLAUSE 40: Fees and Forms.

Approved.

**CLAUSE 41: Healthcare Professions Registration and Standards Act
2007 amended.**

Approved.

SCHEDULES

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Allied Health Professions Act 2013.

MR SPEAKER: There is a correction to Clause 1 and Title as printed in the Supplementary Order Paper.

I call on the Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker, I move a correction to Clause 1 and Title as follows:

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Medical Practitioners Amendment Bill 2013
– consideration in detail

“CORRECTION:

To omit the number 2013 and substitute thereby the number 2014 thus to read:

“ALLIED HEALTH PROFESSIONS ACT 2014:””

Correction approved.

Clause 1 and Title approved as corrected.

The Allied Health Professions Bill 2014 progressed with the Amendment and Correction.

MEDICAL PRACTITIONERS AMENDMENT BILL 2013
– consideration in detail

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report on the Bill before consideration in detail of the Bill.

I call on the Chairperson of the Health, Social Affairs, Community and Social Development Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Chairperson, Health, Social Affairs, Community and Social Development Committee: Mr Speaker, I move a motion, *That the Legislative Assembly approve the Committee Report to progress the Medical Practitioners Amendment Bill 2013 with Amendments and Corrections.*

Seconded by Deputy Speaker, one of the Members for Individual Voters, Susuga Hon Niko Lee Hang, Member for Sagaga le Usoga and Member for Aleipata Itupa i Lalo.

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Health, Social Affairs, Community and Social Development Committee on the Medical Practitioners Amendment Bill 2013.

The Legislative Assembly will progress with the consideration in detail of the Bill.

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**Medical Practitioners Amendment Bill 2013
– consideration in detail**

Pursuant to Standing Order 102, Consideration in Detail of the Bill begins with Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Section 11 amended.

Approved.

CLAUSE 4: Section 13 amended.

MR SPEAKER: There is an amendment to Clause 4 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker, I move an amendment to Clause 4 as follows:

“AMENDMENT:

To insert the newly inserted sub clause (ca) to section 13 of the Principal Act and omit the words “three (3)” and substitute thereby the words “twelve (12)” thus the new clause reads:

“(ca) permit without conditions the applicant to be temporarily registered for a period of up to twelve (12) months if the Council is satisfied that the applicant is required to undertake short term medical service in Samoa approved by the Council”

With respect.

Amendment approved.

Clause 4 approved as amended.

21 OCTOBER 2014

Medical Practitioners Amendment Bill 2013
– consideration in detail

CLAUSE 5: Section 16 amended.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: Which clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 5 Mr Speaker.

MR SPEAKER: The Amendment will be moved first. I call on the honorable Chairperson. There is a Committee Amendment to Clause 5 as printed in the Supplementary Order Paper.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker, I move an amendment to Clause 4 as follows:

“AMENDMENT:

In clause 5, for the newly inserted sub0clause 16(2)(b)(iii), delete “National Health Services” and substitute thereby the “Ministry of Health” thus the new clause reads:

“(iii) undertake to work in accordance with any direction given by the Council or the Ministry of Health.”

Thank you.

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. Thank you also to the Committee Chairperson for the amendment in Clause 4 to extend the period from 3 to 12 months.

However regarding Clause 5, what is the Committees take on doctors from overseas that assist temporarily during emergency situations? What category do they fit in and how fast can their papers be processed especially during emergency events? With respect.

MR SPEAKER: Thank you. I call on the Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker, this Bill provides for all those aspects. No matter how long they work here, the period is 12 months to work within Samoa with respect, thank you.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

21 OCTOBER 2014

Medical Practitioners Amendment Bill 2013
 – consideration in detail

MR SPEAKER: You may stand.

Tofa LEALAILEPULE RIMONI AIAFI: There are times when doctors do not volunteer but we request their assistance. If we request for the assistance, what is the procedure for these occurrences?

MR SPEAKER: I believe the explanation was understood. The period is extendable.

Amendment approved.

Clause 5 approved as amended.

CLAUSE 6: Section 19 amended.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Medical Practitioners Amendment Bill 2013

MR SPEAKER: There is a correction to Clause 1 and Title as printed in the Supplementary Order Paper.
 I call on the Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA GIDLOW: Mr Speaker, I move a correction to Clause 1 and Title as follows:

“CORRECTION:

To omit the number “2013” and substitute thereby the number “2014” thus to read:

**“MEDICAL PRACTITIONERS AMENDMENT ACT
 2014:”**

Correction approved.

21 OCTOBER 2014

Plumbers Bill 2013
- consideration in detail

Clause 1 and Title approved as corrected.

The Medical Practitioners Amendment Bill 2014 progressed with the amendment and correction.

PLUMBERS BILL 2013
– consideration in detail

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report on the Bill before consideration in detail of the Bill.

I call on the Chairperson of the Works, Transport and Environment Committee.

Tofa TUSA MISI TUPUOLA (Chairperson, Works, Transport and Environment Committee): Mr Speaker, I move a motion, *That the Legislative Assembly approve the Committee Report to progress the Plumbers Bill 2013 with a correction.*

Seconded by Member for Faasaleleaga No. 4, Member for Aiga i le Tai and Member for Palauli.

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Works, Transport and Environment Committee on the Plumbers Bill 2013.

The Legislative Assembly will progress with the consideration in detail of the Bill.

Pursuant to Standing Order 102, Consideration in Detail of the Bill begins with Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act binds Government.

Approved.

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**Plumbers Bill 2013
- consideration in detail**

CLAUSE 4: Prohibition.

Approved.

CLAUSE 5: Exemptions.

Approved.

CLAUSE 6: Engagement of registered plumbers.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker...

MR SPEAKER: Which Clause?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 6 Mr Speaker.

MR SPEAKER: You may stand.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Thank you for the opportunity Mr Speaker. Plumbing works clarified include roof drainage of a house and a plumber should be engaged to install it but I assumed it would be the task of the carpenter. Clause 6(3), provides for a fine of 100 penalty units which is equivalent to \$10,000 if a plumber is not engaged for a roof drainage. My question is why this is under plumbing works.

MR SPEAKER: I call on the Chairperson.

Tofa TUSA MISI TUPUOLA: Mr Speaker, I will respond to the query. The plumber is responsible for pipes and drainage. The Bill provides that you can engage a qualified plumber for drainage works or leaking pipes. With all due respect.

MR SPEAKER: Thank you.

Clause 6 approved.

21 OCTOBER 2014

**Plumbers Bill 2013
- consideration in detail**

CLAUSE 7: Power to grant registration.

Approved.

CLAUSE 8: Qualifications.

Approved.

CLAUSE 9: Application.

Approved.

CLAUSE 10: Processing of application.

Approved.

CLAUSE 11: Certificate of registration.

Approved.

CLAUSE 12: Annual Renewals.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: Which clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 12.

MR SPEAKER: Clause 12 – Annual Renewals.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, during our general debate this was mentioned. The Bill does not mention a fee to be registered nor the fee to revalidate it for another 12 months. Is this too much? Could it not be every 2 or 3 years and then renew the license.

21 OCTOBER 2014

Plumbers Bill 2013
- consideration in detail

It is not like a vehicle that eventually deteriorates but a working person does not need to be re-validated each year but I ask the Committee how much the annual fee will be with respect.

MR SPEAKER: Mr Chairperson.

Tofa TUSA MISI TUPUOLA: Thank you for the query. Perhaps the Member who is also a Member of the Committee has forgotten that there is an intention to have Regulations which will provide accordingly for fees from time to time and the administration of their work. The Bill is fine.

MR SPEAKER: Perhaps the Member hardly attends the meetings if he has forgotten...

Clause 12 approved.

CLAUSE 13: Register of Plumbers.

Approved.

CLAUSE 14: Suspension and removal.

Approved.

CLAUSE 15: Restoration of names.

Approved.

CLAUSE 16: Continuation of Association.

Approved.

CLAUSE 17: Functions and powers.

Approved.

21 OCTOBER 2014

**Plumbers Bill 2013
- consideration in detail**

CLAUSE 18: Membership.

Approved.

CLAUSE 19: Establishment.

Approved.

CLAUSE 20: Functions.

Approved.

CLAUSE 21: Tenure of office.

Approved.

CLAUSE 22: Resignation, removal and replacement.

Approved.

CLAUSE 23: Annual General Meetings.

Approved.

CLAUSE 24: Special General Meetings.

Approved.

CLAUSE 25: Meetings of Executive Committee.

Approved.

21 OCTOBER 2014

**Plumbers Bill 2013
- consideration in detail**

CLAUSE 26: General provisions.

Approved.

CLAUSE 27: Funds and accounts of Association.

Approved.

CLAUSE 28: Accounting records and audit.

Approved.

CLAUSE 29: Fees.

Approved.

CLAUSE 30: Complaints.

Approved.

CLAUSE 31: Investigation and prosecution.

Approved.

CLAUSE 32: Disciplinary Tribunal.

Approved.

CLAUSE 33: Powers of Tribunal.

Approved.

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**Plumbers Bill 2013
- consideration in detail**

CLAUSE 34: Penalties.

Approved.

CLAUSE 35: Appeals.

Approved.

CLAUSE 36: Fraudulent registration.

Approved.

CLAUSE 37: Unlawful use of name, logo, etc.

Approved.

CLAUSE 38: Persons claiming to be plumbers.

Approved.

CLAUSE 39: Employing unregistered persons.

Approved.

CLAUSE 40: Penalties.

Approved.

CLAUSE 41: Minister's directive.

Approved.

21 OCTOBER 2014

**Plumbers Bill 2013
- consideration in detail**

CLAUSE 42: Service of notices.

Approved.

CLAUSE 43: Exemption from personal liability.

Approved.

CLAUSE 44: Disputes.

Approved.

CLAUSE 45: Regulations and forms.

Approved.

CLAUSE 46: Transitional and saving.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Plumbers Act 2013.

MR SPEAKER: There is a correction to Clause 1 and Title as printed in the Supplementary Order Paper.

I call on the Chairperson.

Tofa TUSA MISI TUPUOLA: Mr Speaker, I move a correction to Clause 1 and Title as follows:

“CORRECTION:

To omit the number 2013 and substitute thereby the number 2014 thus to read:

21 OCTOBER 2014

Public Finance Management Amendment Bill 2014
– second reading

“Plumbers Act 2014:”

Correction approved.

Clause 1 and Title approved as corrected.

The Plumbers Bill 2014 progressed with correction.

PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2014
– second reading

MR SPEAKER: For the information of the Parliament, this Bill was first read on the 19/8/14 Meeting.

I call on the Hon Prime Minister or the Minister of Finance.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker I stand to move a motion, *That the Public Finance Management Amendment Bill 2014 be read a second time and I wish to clarify it.*

Seconded by Deputy Prime Minister, Minister of Revenue and Minister of Public Enterprises.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, this Bill amends the Public Finance Management Act 2001. It provides for the Minister to be specifically responsible for coordinating activities for all Government sectors that are related to implementing development projects and other aspects of economic plans approved by the Legislative Assembly. It also makes specific reference to the Minister of Finances other specific responsibilities for planning, management and utilization of development cooperation activities and resources.

One of the problems Mr Speaker which has become the norm is that there is no one Ministry responsible for the activities of the various Ministries which would then beg true to the saying ‘too many cooks spoil the broth’.

21 OCTOBER 2014

Public Finance Management Amendment Bill 2014
– second reading

The overseas countries which we receive assistance from observe this and the operations of a developing State where there is confusion because one body does not deal with these matters especially to receive funds, consolidate it and record expenditure; but to have many hands in this, then problems occur.

Similar to when we have *faalavelave* with many hands handling money, some of it will be lost. This coordination function has therefore been emphasized in the Bill.

The concern has been noted by overseas institutions that we receive assistance from. Assistance may be given to 3 different Ministries and then there is confusion. The Ministries also encourage the idea for one body to coordinate funds so that there is transparency.

The Bill also provides for updating of all references to the Statement of Economic Strategy with the Strategy for the Development of Samoa.

Also it provides for a publication and reporting of the Governments debt management strategy and specifying the financial statements prepared by the Financial Secretary and departments must comply with any cash basis public sector financial reporting standard. For instance, if we have been told that we have hundred millions to be received, and \$500million is forecast to be made next month but today is when the books will be closed. Or there is an upcoming lawsuit that would involve the Government in the next 2 months which would result in a substantial loss. Under cash basis, it will not be mentioned. Why? The only priority will be actual revenues and expenditure. This is why it is called cash basis because we are dealing with facts or historical facts so that Government records are not founded on dreams and inaccurate records which would misguide our Parliament. All this is provided for in the Bill.

The Bill reflects good record keeping guided by international financial reporting standards, the same standards that are used by New Zealand and Australia and other countries. The Bill officially provides for these changes thus the Amendment of the Principal Act.

Mr Speaker, those are the new provisions. Soifua.

MR SPEAKER: The floor is free for our deliberations.
 I call on the Member for Faasaleleaga No. 2.

Susuga PAPALII LIO FAAVAIVA IOMANU TAEU MASIPAU: Thank you Mr Speaker. I express gratitude to the Hon Prime Minister who is also the Hon Minister of Finance for the amendment clearly explained before the House. I believe the change is a substantial one pertaining to this important Bill and I am grateful to the Hon Prime Minister for it.

I also wish to express gratitude for the provisions regarding the responsibilities of the Minister to improve public financial management. There are however some minor queries.

21 OCTOBER 2014

Public Finance Management Amendment Bill 2014
– second reading

First Mr Speaker, there is an amendment to change all reference to Statement of Economic Strategy to Strategy for the Development of Samoa. I wish to understand the difference because when I read it, the phrases are synonymous. What improvement will be reflected from this change?

Second, there is a new provision to be inserted in relation to debt management. This is very important as I see there is a provision to finance any deficit in the approved budget of the State. The power is given to the Hon Minister but my query is how it was done in the past?

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: I ask the member to please state which clause in the Bill he is referring to?

Susuga PAPANII LIO FAAVAIVAIOMANU TAEU MASIPAU: Mr Speaker, Clause 78A: Purposes for State borrowing – (1) The Minister may borrow for any of the following purposes: - (a) to finance any deficit in the approved budget of the State.

This is one of the changes within the Bill but I want to understand Mr Speaker...

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: I understand now Mr Speaker...

MR SPEAKER: I beg tolerance of the Member, I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: It is better that I explain. Regarding the Statement of Economic Strategy, the key word is update. Strategies are only valid for three years and then they are outdated. There is no plan on this earth that is 100% perfect even in America. They are only strategies and if you do not understand, I will explain.

Plans, as is always said by the Deacon Tolofua, “We only plan, but God directs our actions”. After a plan is published it becomes outdated because we cannot foresee the future. The only purpose for planning or for this strategy is to be a guide. There is no strategic plan that is 100% accurate. As the **implementation of the plan progresses, it is updated and revised and figures** are readjusted to closely reflect the actuals.

That is the case Papanii and it is not a new matter either.

Regarding the deficit you mentioned, if we estimate our Budget to be a billion but after implementation, we only receive \$900million, we will be \$100million short. Reasons may be because businesses are not doing so well or our import taxes could not make up for this deficit. The word deficit is a bit heavy but the reality is that the plans were not in line with the implementation for only God knows what happens tomorrow or in the future.

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Public Finance Management Amendment Bill 2014
– second reading

This has been the norm for years and there is always the assistance from overseas because we implement our plans with 300% effort because there would be no assistance if the implementation was not good. The Bill amends the Public Finance Management Act to update it because the legislation is also our guide.

That is the brief explanation and I know that is the end of the queries so we should pass the Bill.

MR SPEAKER: This is your second opportunity. I call on the Member for Faasaleleaga No. 2.

Susuga PAPALII LIO FAAVAIVAOMANU TAEU MASIPAU: Thank you Hon Prime Minister for the explanation. I beg tolerance but these are the words within the Bill but I agree the word deficit is a bit harsh. There is still a minor matter I wish to understand. The power has only been afforded to the Minister but before this we borrowed to finance deficits. Where then was this action provided for when only now it has been put into legislation to give the power to the Minister. With respect.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: They were passed here, have you forgotten? Everything is presented here to pass but now the Principal Act is amended. Everything that we do also employs common sense. Before the Lord gave His people the 10 Commandments, common sense already existed and people knew right from wrong. Your queries are founded from the wording of the Bill but you should use your common sense. You see that the words are not relevant and yet you still comment. At least someone from your side should whisper to you that it you are wrong.

Mr Speaker that is the assistance.

Susuga PAPALII LIO FAAVAIVAOMANU TAEU MASIPAU: It is worthwhile to raise these matters for further confirmation as Leaders of the country.

That is all Mr Speaker, thank you.

MR SPEAKER: You all wish to comment? We will begin then from the Member for Faleata West followed by the Member for Faleata East and then one of the Members for Salega, Afioiga Afualo Wood Uti Salele will conclude the speeches after the Member for Aana Alofi No. 3.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker for the opportunity. This is an important Bill and it is also important that this side comment whether they are accepted or not as we build our boat together. There are some important matters within the Bill but there are also some areas which are confusing.

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Public Finance Management Amendment Bill 2014
– second reading

First, I am grateful for the Bill and the provision to coordinate all the Government sectors.

Second, regarding the debt management strategy. It is clear that the report is to be tabled in Parliament but I query the purpose for the change in the terms from Statement of Economic Strategy to Strategy for the Development of Samoa? The implementation of the activities have not changed but the term is changed.

Third, also mentioned by a fellow Member, Clause 78A provides for borrowing to finance a deficit but a part has been omitted from the Act which is the role of the Legislative Assembly to determine the amount.

Fourth, Clause 86 in the Principal Act and the proposed amendment to this Clause are different with new Clause 86A and 86B. It seems the entire Clause has been changed. The current Clause 86 states that the Minister has the power to lend money. The proposed Clause is good which provides for debt management and an annual report to be submitted to the Assembly. The question is whether the current clause will be repealed. Also changed is the reporting period which is currently May 31st each year and as stated in the Budget Speech the SDS is also presented at this time, but the period is being changed to September but the Financial Year begins in June. What is the purpose? The Budget is submitted with all the debts and estimates on May 31st but the date is now September 31st but the current provision is alright as it is. Apart from that, all the other aspects of the Bill are good. With respect.

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

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I will be brisk. Thank you Hon Prime Minister for the Bill. There is only a minor part of the Bill I wish to comment on regarding accountability and transparency. I have just noted the part of the legislation which provides for these principles. The Clause mentioned by the Member for Faleata West regarding the debt management strategy which will be presented including the details of all outstanding debts as provided for in Clause 86A(4). I state my support for this part of the Bill. This side is always concerned with debts but it is not mentioned in the Bill and it will be detailed. I do not have a query but that it is thoroughly enforced.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Thank goodness you do not have a query because your interpretation is very inaccurate.

Talking about strategies, I recall the first Meeting of the United Nations I attended in my first year in the Government. One participant stood and introduced himself 'I am John, I am an expert of economics'. If you do not introduce yourself, no one else will. That is the response to your query.

21 OCTOBER 2014

Other Announcements by Mr Speaker

Another example is the change in the use of the terms agenda to menu like those found in restaurants. There are those that change the words used but it is the same thing. If you ask why, the reply is just because and that is the answer, just because. It is the same thing.

As for September, there is a period of compilation of figures. Our people are not machines and the Financial Year ends at the end of June. Our Financial Year used to be the same as our calendar year but the problem was the busy Christmas season so I made a recommendation to Cabinet in 1989 and it was officially passed that our Financial Year would then end in June and not December which would be in line with the Fiscal Year of our international partners. It made it easier to consolidate our budget. The decision was made that our Financial Year would begin in July and end in June. The books would be closed and the figures consolidated. Many of our legislations allow a period of 3 months and if the reports are delayed then we ask why.

Mr Speaker, that is the simple and brief response. Regarding debts, perhaps that side has forgotten that we do not loan every year. Many of our developments are implemented within a period of three to four years but from one loan. It is implemented in phases. It is mentioned in our budget which seems as if it were a new loan but it is still the same one. The hospital was established in stages for a few years beginning with the gynecology ward and another stage will be complete at the end of this year. I have told you all this before. Mr Speaker, that is the response to the queries.

OTHER ANNOUNCEMENTS BY MR SPEAKER

MR SPEAKER: I thank the Leader of the Government for the clear response. I believe we are close to our recess time and we should seek strength for tomorrow. This is an important Bill and we should not rush our speeches. There are 4 more minutes before we come to our break.

I thank the House at this hour and I believe we have completed this day successfully. We have considered eight legislations today and I thank you all and applaud you for this substantial work. Tomorrow we will take our official photos after our Meeting while we are still in good health. I beseech with all due respect that you dress accordingly tomorrow with your necklaces and accessories as usual.

We are all aware that the House will be redeveloped soon and perhaps next year the works will begin and we will not have the opportunity to take photos in this House. I humbly ask that the Leader of the Government as well as the Cabinet and all the Members to please groom yourself accordingly for tomorrow. The group photo and the Committee photos will be taken tomorrow. As you may have noticed in the Maota Tofilau Eti Alesana building, our photos are being hanged there as record of those who served in each Parliamentary Term. Our photo session will take place after our adjournment tomorrow at 1.00pm.

21 OCTOBER 2014

Other Announcements by Mr Speaker

The Steering Committee for the SPCRP will have a meeting at the Hon Prime Ministers Office at 4.00pm this evening. The program must be structured as notified from Australia, the program should be set out.

I thank the honorable Members for today and we will seek more strength for tomorrow and meet here tomorrow to resume our Meeting.

Before we adjourn, I ask the lady Member of Gagaifomauga No. 1 to close our Meeting with a word or prayer.

Proceedings of the Legislative Assembly adjourned at 1.02pm until 9.00am Wednesday, October 22nd 2014.

WEDNESDAY, 22ND OCTOBER 2014

Mr Speaker took the Chair at 9.00am.

Prayer.

MR SPEAKER: Our spiritual offering has been given with God's abiding love and kindness that has enabled the notable House to once again reassemble in good health and spirit in all its honorific salutations.

The House is complete in the presence of the Hon Prime Minister and the Cabinet, the entire House and the gladly bearing Leader of the Opposition. Greetings to you all in good health and forbearance. The core essence for today is to resume business and get through with this month's sitting in review of our bills and the rest of the scheduled agenda.

Come now let us proceed in belief that with your collective efforts, we shall end well today.

Greetings also to the support of Samoa in all its honorific salutations. Bear with us as your Parliament strives to embark with today's business.

PRESENTATION OF PAPERS

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

1. P.P. 2014/2015 No. 139, Ministry of Natural Resources and Environment Annual Report 2012-2013.
2. P.P. 2014/2015 No. 140, Government Responses on P.P. 2013/2014 No. 117, Report of the Education Committee on P.P. 2013/2014 No. 72, Ministry of Communications Annual Report for 2010-2011.
3. P.P. 2014/2015 No. 141, Government Responses on P.P. 2013/2014 No. 110, Foreign Affairs Committee Report on P.P. 2012/2013 No. 67, P.P. 2012/2013 No. 68, P.P. 2012/2013 No. 69, P.P. 2012/2013 No. 70 & P.P. 2013/2014 No. 70, Annual Reports of the Ministry for Revenue for the financial years 2008/2009, 2009/2010, 2010/2011, 2011/2012 & 2012/2013.
4. P.P. 2014/2015 No. 142, Report of the Samoa Parliamentary Trip to the Australian Parliament, Victorian Parliament and the Tasmania Parliament, 21-26 September 2014.
5. P.P. 2014/2015 No. 144, Government Responses on P.P. 2013/2014 No. 108, Primary Production Committee Report on P.P. 2012/2013 No. 75, Annual Report of the Ministry of Agriculture and Fisheries for year ending 30 June 2011.