

TUESDAY, 23 AUGUST 2016

The Legislative Assembly met at 9:00am in accordance to Parliamentary Sitting Programme 2016.

Prayers.

WELCOME SPEECH BY THE SPEAKER

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

We are blessed to be together again this morning due to God's grace. Which has enable the Hon. Prime Minister, Cabinet and members to attend today. In saying so let the glory be to our Lord for it shall be fine always.

On behalf of the Hon Prime Minister and Cabinet, respectable members of Parliament. I duly acknowledge the country and its support with His Highness the Head of State and your good lady, Members of the Council of Deputies and your Good Ladies.

They carry the ceremonial addresses pertaining to the royal sons and their families and the oratory group of Tumua and Pule. In the same manner I respectfully recognize the clergy within all the denominations, for their role in prayer and invocation for our prosperity.

I also extend greetings to one of the pillars of our government. The Chief Justice and the Judiciary and the Ministry of Justice. I also greet with respect, the Government of Tutuila and Manua. May God bless and guide you in your endeavors for the success of your country.

Before we engage in our deliberations, I think it is fitting for the information of members that I mention the presence in the gallery of representatives from churches and organizations involve in the Youth Parliamentary Program 2016 which advocates the role and contribution of youths to the country. It is a wonderful opportunity for them to witness the procedures taken in the implementation of our work.

This is the testament of a country that adheres and observes transparent democratic principles and ensuring their participation particularly youths. It has been 4 years into this program which encourages them to share ideas on matters deliberated in Parliament and the decisions we make.

On behalf of this Parliament I warmly greet and welcome you here this morning. May God bless your program schedule for the 23rd and the 24th of August 2016.

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OBITUARY SPEECH

The Speaker announced the passing away of former member for Aana Alofi No 1, Honourable TAUAUVEA PESETA MOLI, for the Parliamentary Term X 1988-1991

He was the member for the Standing Order Committee, Ethics Committee and the Committee of the Commonwealth.

I speak on behalf of this Parliament to extend our sincere condolences to the district, families and children for the passing of a very beloved father.

Members were upstanding to show respect to the member for one minute

PRESENTATION OF PAPERS

The Clerk read out the Papers pursuant to T.T. 49(2).

1. S.R. 2016/5, Prisons and Corrections Regulations 2014.
2. P.P. 2016/2017 No. 42, Office of the Ombudsman Annual Report June 2014/2015.
3. P.P. 2016/2017 No. 43 Office of the Ombudsman State of Human Rights Report – Persons with Disabilities.
4. P.P. 2016/2017 No 44, Samoa Law Reform Commission Annual Report July 2014 – June 2015.
5. P.P. 2016/2017 No 45 Samoa Law Reform Alcohol Reform Report 15/16, April 2016.
6. P.P. 2016/2017 No. 46, Office of the Public Trustee Annual Report 30th June 2015.
7. P.P. 2016/2017 No 47, Ministry of Natural Resources Annual Report 2014-2015.
8. P.P. 2016/2017 No 62, Government of Samoa Public Accounts for the Financial Year Ended 30th June 2015.

PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

The Clerk read out the Parliamentary Committee's Report tabled in Parliament pursuant to S.O. 52 (5).

1. P.P. 2016/2017 No. 48, Report of the Finance and Expenditure Committee on the Bankruptcy Amendment Bill 2016.
2. P.P. 2016/2017 No. 49, Report of the Social Sector Committee on the Citizenship Amendment Bill 2016.
3. P.P. 2016/2017 No. 50, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 14, Annual Report of the Samoa Life Assurance Corporation for Financial Year 2015.
4. P.P. 2016/2017 No. 51, Report of the Social Sector Committee on P.P. 2016/2017 No. 4, Annual Report of the Ministry of Education, Sports and Culture for Financial Year 2014/2015.

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Presentation of Parliamentary Committee Reports

5. P.P. 2016/2017 No 52, Report of the Economic Sector Committee on P.P. 2016/2017 No. 9, Annual Report of Polynesian Airlines Limited for the Financial Year 2015.
6. P.P. 2016/2017 No. 53 Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 24, Unit Trust of Samoa Annual Report for 2015.
7. P.P. 2016/2017 No. 54 Report of the Social Committee on P.P. 2016/2017 No 11, Annual Report of the Ministry of Women.
8. P.P. 2016/2017 No. 55 Report of the Economic Sector Committee on P.P. 2016/2017 No. 13, Annual Report of the Samoa Post Office for the Financial Year 2015
9. P.P 2016/2017 No. 56, Report of the Standing Orders Committee, Electoral, Petitions and Constitutional Offices on P.P. 2016/2017 No. 17, Annual Report of the Office of the Attorney General for the Financial Year 2015.
10. P.P. 2016 / 2017 Nu. 57, Report of the Social Sector Committee on P.P. 2016/2017 No. 3, Annual Report of the National University of Samoa for the Financial Year 2014/2015.
11. P.P. 2016/2017 No. 58, Report of the Economic Sector Committee on P.P. 2016/2017 No 16, Annual Report of the Ministry of Commerce, Industry and Labour for the Financial Year 2015.
12. P.P. 2016/2017 No. 59, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 34, Annual Report of the Samoa international Finance Authority for the Financial Year 2014.
13. P.P. 2016/2017 No 60, Report of the Standing Orders Committee, Electoral, Petitions and Constitutional Offices on SR 2016/1, SR 2016/3 &SR 2016/4.
14. P.P 2016/2017 No 61 Report of the Economic Sector Committee on P.P. 2016/2017 No 27 Annual Report of the Ministry for Revenue for the Financial Year 2015.
15. P.P. 2016/2017 No 64, Report of the Economic Sector Committee on P.P. 2016/2017 No. 35 Annual Report of the SROS for the Financial Year 2015.
16. P.P. 2016/2017 No. 64, Report of the Finance and Expenditure Committee on P.P. 2016/2017 No. 7, Annual Report of the Development Bank of Samoa for the Financial Year 2014.
17. P.P. 2016/2017 No 65, Report of the Standing Order Committee on P.P. 2016/2017 No 5, Annual Report of the Ministry of the Prime Minister for the Financial Year 2014.
18. P.P. 2016/2017 No. 66 Report of the Finance and Expenditure Committee on P.P. 2016/2017 No 6, Annual Report of the Samoa Housing Corporation for the financial Year 2015.
19. P.P. 2016/2017 No 67 Report of the Economic Sector Committee on P.P. 2016/2017 No. 36 & P.P. 2016/2017 No 37. STEC Annual Reports for the financial years 2014 & 2015

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Motion of Chairpersons of Parliamentary Committee
(Standing Order 52)

20. P.P. 2016/2017 No 68, Report of the Standing Orders Committee on Supreme Court Decisions on Electoral Petitions: P.P. 2016/2017 No 28 – Urban West P.P. 2016 /2017 No 29. Safata West: P.P. 2016/2017 No 30 - Alataua West: P.P. 2016/2017 No 31 – Falelatai & Samatau, P.P. 2016/2017 No. 32 Faleata West, & P.P. No 33 Aana Alofi No 1 West.
21. P.P. 2016/2017 No.69, Report of the Standing Orders Committee on P.P. 2016/2017 No. 20, 21 & 22 Annual Reports of the Public Trust Office for the Financial Years 2012/ 2013 & 2014.
22. P.P. 2016 /2017 No. 70, Report of the Infrastructure Sector Committee on P.P. 2016/2017 No. 10, Annual Report of the Electric Power Corporation for the Financial Year 2014.
23. P.P. 2016/2017 No. 71. Report of the Infrastructure Sector Committee on P.P. 2016/2017 No. 18,19, & 25 Annual Reports of the Office of the Regulator for the Financial Years 2012, 2013 & 2014.
24. P.P. 2016/2017 No 72. Report of the Infrastructure Sector Committee on P.P. 2016/2017 No 23, Annual Report of the Samoa Sports Facilities Authority for the financial Year 2014/2015.

MR SPEAKER: Well done thank you.

MOTION OF CHAIRPERSONS OF PARLIAMENTARY
COMMITTEE (STANDING ORDER 52)

MR SPEAKER: I call the honourable Chairperson of the Infrastructure Sector Committee.

Afioga TAFUA MALUELUE TAFUA (Chairperson of the Infrastructure Sector Committee): Hon Speaker, thank you for the opportunity given. Before I move the motion, I would firstly like to greet the Hon Prime Minister and the Deputy Prime Minister, respectful members of Cabinet, Associate Ministers and the dignitaries of this House. I also extend my commendations to the Clerk and Deputy Clerk of the Legislative Assembly on your new appointments.

I also acknowledge the presence here of the Chief Executive Officers of Government Ministries and Public Enterprises and our guests joining us this morning. My greetings to our people and the clergy. I bid the same to the government of Afioga Lolo in Tutuila. Thank you for your prayerful support and for your patience.

Hon Speaker, in accordance to the Standing Order 52, I rise to move, *That the Assembly give its approval for a time extension to consider the Papers referred to this Committee and report back to the Assembly in the October Sitting 2016.*

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Citizenship Amendment Bill 2016
– consideration in detail

Seconded by the member for Anoamaa West.

Motion approved.

CITIZENSHIP AMENDMENT BILL 2016
– consideration in detail

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

I call the honourable Chairperson of the Social Sector Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Chairperson of the Social Committee): Thank you honourable Speaker for the opportunity. I rise to move a motion, *That the Legislative Assembly approves the Report of the Committee which recommends that the Citizenship Amendment Bill 2016 progressed with Amendments.*

Seconded by the member for Aleipata Itupa i Lalo.

Motion was approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Social Sector Committee 2016.

The Legislative Assembly will now consider in detail the Citizenship Amendment Bill 2016.

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

CLAUSE 2: Clause 7 amended.

MR SPEAKER: There is an amendment by the Committee to Clause 2 in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Hon Speaker I move the Amendment to Clause 2 as follow:

“AMENDMENT:

Clause 2:

To substitute Clause 2 with a new Clause 2 as follows:

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– consideration in detail

2. Clause 7 amended – For Clause 7 of the Principal Act, before sub clauses (3) the inserted subclause (4) says:

(4) Subclauses (1) and (3) are not included, for a person born outside of Samoa, a citizen of Samoa if at the time of birth one of his grandparents is a citizen or was a citizen born in Samoa”

MR SPEAKER: Thank you. The question is...

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

MR SPEAKER: I call the member for Salega East to take the floor.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker for the opportunity given. Before I voice my modest view, the constituency of Salega East supports your acknowledgement of God’s grace which has allowed us to meet today. I also welcome our distinguished guests this morning who are with us today, and also the heads of Government Ministries and Public Enterprises for their ongoing services.

I rise to extend my sincere thanks to the dignitaries of the Committee, the honourable Chairperson and the notable members of the Committee regarding the first comments I made during the second reading. Although this amendment has not been clearly defined otherwise, this is enough for us to begin with. The only question Mr Speaker, what is the long term vision of the Committee in regards to this amendment and is it in line with the other Government laws? This is in regards to eligibility and the rights reserved for Samoan citizens to compete in the country’s general election because my concern is when a person of a different nationality can become a citizen they are also eligible to become matais and will render service in terms of monetary contribution. When it comes to general elections, we cannot compete with these kind of people. That is the question honorable Chairperson and I wonder whether you have considered these matters before hand with the respected Committee. Thank you.

MR SPEAKER: Point of clarification... I call the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker the amendment presented is rather inadequate as I was not present when you had this deliberation.

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The sole reason for the introduction of this amendment is due to the high number of our children around New Zealand and Australia born to Samoan parents and desire to represent Samoa in sports. If you recall the recent Olympics, we had quite a number of them from overseas like the athlete that was ranked fifth place whom is a real speedster. According to international laws, nobody is allowed to represent another country unless he or she becomes a citizen of that country. This is the main intention of this Bill.

Sonny Bill came to Samoa to obtain a Samoan citizenship in order to play in France because his parents are Samoans. So many good things happened when this good player breached his contract by heading to France whilst playing league for Australia. Such is the main objective of this amendment to benefit us and to be able to reach out to our young generation in overseas countries that still upholds patriotic feeling for Samoa. Following their popularity in this sport in those countries, they made a very important decision that they want to represent the Samoan flag by promoting Samoa because they are Samoans.

Samoa is currently ranked fourth in the world in rugby league. Samoa did not have a team before and these boys played mostly in clubs in Australia and none of them had any patriotic feelings towards Samoa. However, when we started our own national team to compete in the world games that took place in Australia and Great Britain, it was then that these athletes felt a sense of pride for Samoa. I am sure you all had seen the emotions and the tears streaming down as they felt proud to represent their country. You all witness the remarkable performance these boys displayed which is why Samoa was selected to be the fourth country in the competition between Australia, Britain and New Zealand. That means Samoa is ranked fourth in the world in league, which is way better than our rugby union team which made it up to seventh place and are currently in fifteenth. Our union are working at improving our rank once again. Last Sunday there was a huge league game in Hawaii between Samoa and Tonga in which Samoa won by 40 points to 6. This is all preparation for the next world cup.

The next game is I think on the 8th between us and Fiji, to be played here. Samoa standing in the international league game is quite remarkable and is really the attracting these boys to come and play for our team. The only obstacle now is the legislation which requires one to become a citizen. This is why I decided to amend this legislation when I became Prime Minister. Before my administration it was up to the leader of the government's discretion to grant citizenship to whomever it felt worthy of it. Which prompted myself to do away with this discretion from a prime minister to avoid the possibility of me being accuse of doing something that is not right.

This is the very reason in which a guy from Nauru represented Samoa in weightlifting. This discretion from the prime minister was applied. If this guy won gold we would have toppled Fiji in the gold medal tally.

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About four years ago I attended a Forum meeting in Papua New Guinea. Whilst waiting for our plane I asked the President of Nauru “Please sir, who was that god dam fool that we granted Samoan citizenship to allow him to compete in weightlifting in the World Olympics?” The President replied, “That god dam fool is me”, I felt really happy. I must say that I am grateful that a Samoan has become president of Nauru.

Mr Speaker, these are the kind of shortcuts available which we act upon such as allowing this guy here, but we have now cease that and are doing things accordingly to our restrictive measures. We have other ways, currently we have a Samoan being Prime Minister of New Zealand by offering a matai title. The Secretary General of the United Nations is a first Samoan to do so due to his matai title. If the President of America were to come by he too would become Samoan through us giving him a matai title.

Mr Speaker we have many ways to resolve this but the main objective of this amendment is to find success for the country.

Mr Speaker, that is my brief explanation on this amendment.

MR SPEAKER: Alright. Pardon the Chairperson, I will allow this one chance.... I think you’ve run out of opportunities, very well, this will be your last opportunity.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker for the opportunity and also the lengthy clarification by the Hon Prime Minister. I trust that he should not have concerned himself with discretion.

Mr Speaker, once a person is appointed as the Prime Minister, the peoples trust is on him.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, point of order, since the member is out of line by talking about dead things, we are discussing things that are alive. This legislation alive, and is not about non living things.

SPEAKER: Thank you. May the honorable Chairperson go on please.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Thank you for the opportunity honourable Speaker, although, I feel that the clarification by the Hon Prime Minister is well defined. I just want to add to the question of the notable member for Salega East on chiefly titles making people become eligible to become candidates for citizenship. In regards to matai title bestowment, that is the discretion of the families in finding the most suitable person and actual heirs in the family. Thank you Mr Speaker.

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MR SPEAKER: Let me give the opportunity to the member for Falealupo. You may have the floor again, what is it that... Let me explain this, your opportunities have all been used.

I call on the member for Salega East to take the floor.

Tofa OLO FITI AFOA VAAI: My opportunities have all been use but this is my last one. Mr Speaker, if this is the opinion of the Committee then I have to say that I am really sad. As soon as a person becomes a matai, people flock to that person for money but they don't come to me because I am a family person. That is the truth Mr Speaker.

MR SPEAKER: I get it. This is the opinion of the member himself and not the Chairperson and the Government.

To the member of Falealupo who was about to rise, go ahead.

Afioga Hon AEAU PENIAMINA LEAVAISEETA (Falealupo): Mr Speaker, thank you for the opportunity. I rise due to a sound that is new to me, I need clarification on it. The Prime Minister mentioned the word "kokemi", what exactly is this word. Can he explain what this word means as it is been said quite a few times and we don't understand it.

MR SPEAKER: I feel that you are holding us back, yet you were Speaker and senior than I...

Susuga Hon TUILAEP AUELUA FATIALOFA LUPEAOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, since this gentleman has a broad knowledge of language, but the word "kokemi" is the long version of "koke". You know the koke, that koke. It is really simple.

MRSPEAKER: I hope you are satisfied with the explanation by the member. The member has understood the Prime Minister's elaboration.

Thank you with appreciation.

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: Transitional provision

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MR SPEAKER: There is an amendment to Clause 3 given in the Supplementary Order Paper. With respect, I call on the honourable Chairperson of the Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker, I move the Amendment to Clause 3 as follows:

“**AMENDMENT:**

Clause 3:

Clause 3 amended to a new clause as follows:

“3. Transitional Provision - Clause 7 of the Principle Act (as amended in this Act) be used on a person born outside of Samoa, before this Act became effective and his grandparents were citizens or became citizens who were born in Samoa.”

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

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you for the opportunity, I also thank the Committee for the amendment which I do support. The question that comes to mind is why the amendment is restricted to just grandparents? If we are to look back at when Samoans started migrating to New Zealand, it is now going on to three to four generations. I would think then that there are a lot of our people qualify and capable of returning to develop Samoa through sports. Why is it then that it is just grandparents that are provided for? Why are great grandparents not covered? During that time, it was just full blooded Samoans born then whom migrated overseas. That is my query with respect.

MR SPEAKER: To save time, I call the honorable Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Thank you honourable Speaker. I believe there were so many speakers who showed concerns and queries about this Bill when it was withdrawn. Therefore, let us start with grandparents to avoid further concerns, in case we extend it further allowing us to cause any unexpected misfortune. That is the clear explanation honourable Speaker.

MR SPEAKER: Thank you, please rise Hon Prime Minister.

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Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I went on a trip in 2013 to consult matters on apple picking. I met with the members of a big Maori Tribe. In Maori customs, after a conversation, you wait whilst they play the guitar and sing in the Maori Language and we ended up singing along. But this guy who was the Chairperson, perhaps 45 years of age told us that he will shout us food as a form of welcome at his farm. Then we went around at noon. At four o'clock we got there and it was packed with half Maori and half Samoans and upon our arrival, the Chairperson was singing, he is Maori but was singing Samoan songs, it was funny because they were songs that I have not heard in a long time and sitting next to me was an old woman. I turned and asked her "who is this guy singing Samoan songs? She replied, "he is my son, I am a Godinet from Samoa, I came with my parents when I was only 6 years old and have since stayed with an old Maori man.

I have told you this story because the question raised is correct. Regardless, the intention of the legislation is enough for the time being, let us keep watch and be mindful of further extension to this amendment, one other way of ensuring it does not get out of control is the amount charged for this process of citizenship which is \$5,000. Charging a very high fee will tell us who are the genuine people wanting this for them. If somehow we charge \$100,000 and whoever will go through with this will indicate to us that they are really Samoan at heart. Mr Speaker, there are many ways to skin a cat.

MR SPEAKER: This is the opportunity for the senior member from Falealupo.

Afioga Hon AEAU PENIAMINA LEAVASEETA: Honourable Speaker, I am concern about this issue given our Samoan way of life, our genealogy is never written down but is only filed, now what we are discussing is true. It is possible but no Samoan has ever asked before about its roots. Genealogy is a personal possession that is guarded by families. As for this particular section of the legislation, which implies to recognize our genealogy beginning from grandparents, why? This is in relation to these documents we are about to receive. It will raise questions no doubt, the objective of the amendment contains a hidden agenda because a Samoan will always aim to find its roots. Therefore, no Samoan lacks awareness of his or her origination. The only thing that will cause confusion is when an outsider marries into the family. I have doubts about this legislation as to why eligibility begins from your grandparents. Honourable Speaker that is my view on this Bill, because it is not normal practice. Thank you.

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– consideration in detail

Susuga TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, no, I do not support this stupid comment. How can he say that we are not used to it when we do? What about the team that took Manu Samoa to the top in their first game in 1991? Most of them were overseas born.

Your Honour, I think we have a habit of forgetting things. I really like that saying from our Saviours that goes, “do unto others as you would have them do unto you”. If you look at this from a different angle, and say you are travelling to New Zealand where you apply to have your children adopted. Sir you would share the same feeling if you go to New Zealand, where you would want your children to experience the high quality of life there and when sports in Samoa start happening and your son has turned out well, this is one of the things you would do. Go and play for our country. It is not a new thing, its been going on for a long time. As for genealogy, we have all gone through the court system which is why we establish this existing Committee and the reason for the numerous petitions is due to the high number of fabricated genealogy created whilst court matters are contested.

Your Honour, this is why there are so many legal proceedings taking place due to the fact that most of the families are already aware of their genealogy and when attending a court hearing they will hear a different version from the opposing side.

Mr Speaker, let us not discuss these matters, because there is the court well known on these issues. This is why there are tons of decisions being appeal which consequently had us move a motion to have this committee engage in these matters due to the problem of the high number of decisions yet to be heard. It is not just the Lands and Titles Court, there is also a high number of decisions on criminal matters being reserved, people are waiting for it.

There was a court case which shocked me when I received a letter from a person that resides overseas telling me about his many criminal matters. When his where about was sorted he had fled the country and yet his matters have not been dealt with. This is the importance of this motion, to consider the current court process how can Parliament assist as Parliament has a wide sovereignty over the whole country. The people are crying out to us, we are their representatives. What can we do about this, although we have a sense of concern towards the independence of the court, at the same time we have a concern about their decisions being questioned. This is not limited to Samoa it is happening in Great Britain where their Upper House have similar concerns about such matters. This should not be ignored, we as representatives must look into it. I appreciate you raising this issue about genealogy, perhaps you’re the only one with the pedigree that is clear and understood. The majority out there are battling at court to clarify pedigrees that takes an hour to explain. Now let’s say there are 20 parties in a case. Who would read and understand the numerous complications contained there? Therefore, I do not agree with the member statement put across.

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– consideration in detail

That is my contribution to the matter sir.

Afioga Hon AEAU PENIAMINA LEAVASEETA: Mr Speaker, I will say no more. But hear this, if in future our country will be flocked with people of different nationalities, bear in mind the opinion of Falealupo.

Thank you.

MR SPEAKER: Well done. This is the opportunity given to the Chairperson of the Committee. Please rise.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Thank you Mr Speaker. I rise to respond to the thought from the member for Falealupo that states a different national marrying into our race is bad thing. I want to correct this because if you look around this Assembly we all have connections to other different nationals.

Afioga Hon Aeau Peniamina Leavaiseeta: Point of order sir, I think the member has misinterpreted my statement. If she does so then my point will similarly be misinterpreted. No it is not like that...

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Thank you. If it is incorrect then remove it from the records.

MR SPEAKER: Thank you. Now the differences have been resolve.

Amendment approved.

Clause 3 approved as amended.

CLAUSE 1 AND TITLE

CLAUSE 1: Title and Commencement.

TITLE: Citizenship Amendment Act 2016

Approved .

The Citizenship Amendment Bill 2016 progressed with Amendment.

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BANKRUPTCY AMENDMENT BILL 2016
 – consideration in detail

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

I call the Honorable Chairperson of the Revenue and Expenditure Committee, Honourable Aliimalemanu Alofa Tuuau.

Afioga ALIIMALEMANU ALOFA TUUAU: (Chairperson of the Revenue and Expenditure Committee): Mr Speaker I move, *That this Assembly approve the Committee's Report which submits its recommendation to progress the Bankruptcy Amendment Bill 2016 without amendment. Thank you.*

Seconded by the member for Faasaleleaga No 1 West.

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Revenue and Expenditure Committee on the Bankruptcy Amendment Bill 2016.

The Assembly will progress with the Consideration in detail of the Bankruptcy Amendment Bill 2016

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

CLAUSE 2: Clause 138 is amended.

Approved.

CLAUSE 3: Amendment accrued.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER. I call the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata East): I appreciate the opportunity to address the Chairperson of the Committee. I like this clause of the bill and I think the committee did have the opportunity, because the people who have been declared bankrupt are honest folks in my opinion. The problem that is often seen is people migrating overseas have been borrowing non stop and then fled, putting the burden on the guarantors. There is no chance of finding them as they have taken flight. As the committee have gathered, with respect thank you.

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Bankruptcy Amendment Bill 2016
– consideration in detail

MR SPEAKER: I call on the Chairperson to take the floor as I believe this is the only member who would like to speak on this issue.

Afioga ALIIMALEMANU ALOFA TUUAU: Thank you for the opportunity, regarding the question raised by the honourable member, the Committee believes that with individual's debts, it is the sole responsibility of the lender. For instance, banks, they have policies in place to stop people with loans from travelling abroad. The objective of the Bill is to prevent those being declared bankrupt from travelling overseas. To keep them here and avoid this possibility so they can pay off money which they have borrowed.

With all due respect Mr Speaker.

MR SPEAKER: Go ahead Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Honorable Speaker, there is a particular area in which the question was directed to. The member's viewpoints to a businessman who had gone bankrupt. The reason is some of the borrowers have not paid their credit. Let's take a shop as an example, they ask for a \$100,000 loan to operate it. To buy stock and to procure merchandise from other companies under part payments. Vehicles are brought into the country for the business purposes, assistance is sorted at Customs, particularly when the business is struggling. They then seek their representative here who contacts the Minister whom grants assistance by say, allowing them 3 months. After the 3 months, the bank moves in since the loan is not paid. Customs seek the excise duty which is still owing, the businesses come after what they owe them. By that time there is no money, they are then declared bankrupt. The Court appoints a liquidator to dissolve all the assets to pay off their credit. Most of the time, let's say the amount owing is \$50,000 and they can only come up with \$20,000 the balance is written off.

Usually whilst the liquidator is in the process of resolving assets to recover the money owing, certain things possibly happen with these assets, there could be investments, as not all business people have integrity. The majority of entrepreneurs are good people but as we go along they tend to play up. It seems that instead of running the business they take the money to New Zealand to buy land and the likes. This is the importance of this legislation which holds everything until the liquidator has sold all the assets and repay all the parties owing money to. This is exactly the stage when debtors are stopped from leaving the country.

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Bankruptcy Amendment Bill 2016
– consideration in detail

Other things can happen here, like people being disallow to leave and a relative handling travel documents make it possible for this person to flee. These are circumstances which will have an effect and when there are no options left we resort to international relations to return these people to our jurisdiction or have them prosecuted at the country of destination.

Mr Speaker, there are various reasons for a person to go bankrupt. But the important thing is with the legislation is the avenue available to collect money from the bankrupt person to repay the lender's money that was borrowed. Entrepreneurs also contribute to the situation they get themselves in, when they become eager to do well and end up lending out to whomever comes. The majority of stores in the rural area end up being closed down, since the majority of the village community take up credit. Let's say there are 300 families within the village and each borrow \$200, this means the lender will become broke by thousands of dollars and eventually is unable to continue. When elections come around, this does happen to some business entrepreneurs. Once the business starts flourishing they will take up golf then elections roll around and decides to run. The old men would say to him "if you run you will win" That is when the shops money start flowing. After the elections the store is closed and yet owes money to the bank, Customs Ministry, he also owes to the big wholesale companies where he procured his stock. What is the reason for this? The desire to become a member of Parliament. The people in the rural areas are quite smart to capitalize on these opportunities.

Mr Speaker, that is the situation, I believe the legislation is vital, and I congratulate the committee with their report. We should accept this in order to safeguard those people the legislation is provided for, to prevent becoming bankrupt. To dig up all the assets to meet the loans that were done. Finally, the person in strife contributed greatly to the state he has put himself in due to the lack of common sense.

MR SPEAKER: Thank you. I appreciate the advice by the senior member.

Clause 3 approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

TITLE: Bankruptcy Act 2016.

Approved.

The Bankruptcy Amendment Bill 2016 progressed without Amendment.

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MOTION TO SUSPEND STANDING ORDER 108 (4)

MR SPEAKER: I call the Hon Leader of Government.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker and the dignitaries of this House I rise with respect to move, *That Standing Order 108 (4) be suspended to allow the third reading of the two Bills considered this morning.*

Seconded by the Deputy Prime Minister for Natural Resources and Environment.

Motion approved and the Standing Order 108 (4) suspended.

CITIZENSHIP AMMENDMENT BILL 2016 – third reading

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move, *That the Citizenship Amendment Bill 2016 be read a third time.*

Seconded by the Deputy Prime Minister, Natural Resources and Environment and the Minister for Health.

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

BANKRUPTCY AMENDMENT BILL 2016 – third reading

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice and Coursts Administration): Hon Speaker I move, *That the Bankruptcy Amendment Bill 2016 be read a third time.*

Seconded by the Minister of Finance and Minister for Agriculture, Scientific Research and Fisheries.

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

MR SPEAKER: Since we are nearing our recess hour before we progress with our normal business.

I declare that the Proceedings of the Legislative Assembly suspended for recess.

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Motion for Adjournment

Proceedings of the Legislative Assembly were suspended due to its usual recess at 10:13 in the morning and hope to resume at 11:10 a.m

MR SPEAKER: I announce that Proceedings of the Legislative Assembly resumed after the refreshments provided for breakfast which has given us energy. Thank you.

I call on the Hon Prime Minister for his conviction.

MOTION FOR ADJOURNMENT

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I rise with respect to convey my commendations to you and members for the debate this morning which has enable us to pass some of the Bill due to your conviction and foresight to put emphasis on matters deliberated here in this Assembly. We have covered the work proposed to be done today, this is normal practice now since we have been meeting so often which is unusual.

When I first came into this Assembly, at one time there awas just one sitting, deliberating the budget. For some years there would be just two sittings, but nowadays we meet almost every month. This is the foresight of the members due to the numerous legislations and committees reports gradually coming through to us. It is vital that the heads of Ministries hear the views of committees, which indicates the commitment of committees to their task. Another good thing about this it is a good feedback to the Heads of Ministries that emphasis is placed on their what they do. Can I say also that what ever shortcomings you come across do not hesitate to share, because we all prone to errors. Those are challenges and if a blunder occurs do not be dismay. Mr Speaker, even our Lord was approached and tempted by the devil. The same goes with us, and we did not live with the Lord. But if that is how strong the devil and his temptations are upon our Lord, that also applies to the duties we carry out, there are times when we will have to face troubles but we should be able to take control.

I take this opportunity to extend gratitude to the Government Heads as the only thing we do is pass legislations to the respective people who are implementing the work which is not an easy job. On top of this work are the gentlemen and orators who are serving the country, and have returned from University level with adequate knowledge and wisdom.

That is my brief view Mr Speaker, and for that I acknowlege the way you conduct our Session this morning and those who have contributed by expressing their views to assist our public servants and the Government.

The Head of State is tuning in support us, as well as the members of the Council of Deputies and Samoa, paying their respects upon you the representatives of this country in your calling.

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Other Announcements by Mr Speaker

I duly recognise the Church Leaders support whom we rely on for blessings. If Samoa is blessed by your sustainable duties with regards to achieving the various duties you do and the protection of our lands from the various cyclones and the consistent breadfruit season, this sustains our life. This is our thanksgiving to God because He never forsakes us.

Mr Speaker, that is a short word of thanks for the good works carried out this morning. I now move, *That Proceedings of the Legislative Assembly of Samoa adjourned until Tuesday 18th October 2016 in accordance to Parliamentary Sitting Programme.*

Seconded by the Deputy Prime Minister; Minister for Revenue, Minister for Agriculture and Fisheries and the Minister for Police and Fire Services.

Motion approved.

OTHER ANNOUNCEMENTS BY THE SPEAKER

MR SPEAKER: I trust this is a good opportunity for the Parliamentary Committees to resume their work referred to by the Legislative Assembly to complete Lapsed legislations, Budget Statements and Annual Reports of Government Ministries and Organisations.

Not only that, but also the engagement for this Side of the House with the Hon Prime Minister and Cabinet for the wellbeing of the country. In saying that, we shall adjourn our Sitting until Tuesday 18 October 2016. I will end our Sitting with a prayer.

Proceedings of the Legislative Assembly adjourned at 11.19am until Tuesday 18 October at 9.00am .

TUESDAY, 18 OCTOBER 2016

Proceedings of the Legislative Assembly recommenced at 9:00am as scheduled in the Parliamentary Program 2016.

Mr Speaker took the Chair at 9:00am.

Prayers

MR SPEAKER OPENING REMARKS

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

I take this opportunity to welcome with respect Members of Parliament, welcome this fine day. I thank our Heavenly Father for his blessings and kindness that has guided us here in good health.

I want to thank the Leader of Government the Hon Prime Minister and Cabinet for their contribution in attending international meetings which saw their absence within our country. Now we have all gathered here again in good graces and have meet again like Igoaipu of Tauiiili.

I take this opportunity to acknowledge our country with respect the support of all Samoa. the respects of our country will forever remain until eternity because Samoa is a country already chosen. The Chair believes Usoga o Tumua and Pule and Faleupolu were chosen to overlook such duties not only to provide for their families but the country as a whole.

I thank the Leaders of Churches especially the holy servants of God thank you for your prayers night and day. The truth is, the duties of this Parliament meet good results because of your prayers therefore blessings upon you all.

As our Parliament is aware sitting in the public area of the House are participants of the Tertiary Parliamentary Program 2016. They were chosen from Universities and Vocational Studies Institutes in Samoa. This is a great opportunity to observe the progress of the work of our Parliament. This initiative also portrays the proper principles of a democratic system where people are able to know and participate in the work of Parliament, to witness and observe practices.

This is the first year for such program for Universities and Vocational Institutes thus this program gives participates opportunities to contribute on matters considered in Parliament also decisions make by the Parliament for our country.