

TUESDAY, 26<sup>TH</sup> MARCH 2013

*The Legislative Assembly met at 9:00am pursuant to the Programme of Parliamentary Sittings 2013.*

*Mr Speaker took the Chair at 9:00am.*

Prayers.

MESSAGE FROM LE AO O LE MALO

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

“MEMORANDUM for:

Mr Speaker:

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and Parliament Standing Order 95, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bills:

1. Road Traffic Amendment Bill 2013.
2. Ombudsman (Komesina o Sulufaiga) Bill 2013.
3. National Health Service Bill 2013.

GIVEN UNDER my hand this Monday, 25<sup>th</sup> of March in the year 2013.

(Signed): Tui Atua Tupua Tamasese Efi  
HEAD OF STATE.”

PRESENTATION OF PAPERS

1. MR SPEAKER: Before the Clerk reads out the papers to be tabled, I would first of all table P.P.2012/2013 No.77, Declaration of the Leaders of Samoa on the 50<sup>th</sup> Anniversary of its Independence 2012. This Paper needs to be included in our Hansard.

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Presentation of Papers

2. *The Clerk read out the Papers presented pursuant to S.O. 48.*
- (i) S.R.2013/1, General Price Order (No.1) 2013.
  - (ii) S.R.2013/2, Forestry Management Act 2011 – Order of Fees.
  - (iii) S.R. 2013/3, Notice of Change in Tariff per Unit of Electricity – Order of the Regulator No.2013/E10.
  - (iv) S.R.2013/4, Casino and Gambling Control Act 2010 – Notice of Commencement.
  - (v) P.P.2012/2013 No.67, Ministry for Revenue Annual Report for the Year 2008 – 2009.
  - (vi) P.P.2012/2013 No.68, Ministry for Revenue Annual Report for the Year 2009 – 2010.
  - (vii) P.P.2012/2013 No.69, Ministry of Revenue Annual Report for the Year 2010 – 2011.
  - (viii) P.P.2012/2013 No.70, Ministry of Revenue Annual Report for the Year 2011 – 2012.
  - (ix) P.P.2012/2013 No.71, Samoa Ports Authority Annual Report for the Year 2011.
  - (x) P.P.2012/2013 No.72, Ministry of Commerce, Industry and Labour Annual Report for the Financial Year July 2010 – June 2011.
  - (xi) P.P.2012/2013 No.73, Land Transport Authority Annual Report July 2009 – June 2010.
  - (xii) P.P.2012/2013 No.74, Update Report to Parliament of the Komesina o Sulufaiga (Ombudsman) to 30<sup>th</sup> June 2012.
  - (xiii) P.P.2012/2013 No.75, Ministry of Agriculture and Fisheries Annual Report for July 2010 – June 2011.
  - (xiv) P.P.2012/2013 No.76, Samoa Trust Estates Corporation 49<sup>th</sup> Annual Report and Accounts for Year Ended 30<sup>th</sup> June 2011.
  - (xv) P.P.2012/2013 No.78, Samoa Sports Facilities Authority Annual Report 2009/2010.
  - (xvi) P.P.2012/2013 No.79, Samoa Sports Facilities Authority Annual Report 2010/2011.
  - (xvii) P.P.2012/2013 No.80. Samoa Qualifications Authority Statement of Corporate Objectives 2013 – 2015.
  - (xviii) P.P.2012/2013 No.91, Samoa Law Reform Commission Report on the Village Fono Act 1990, Report 09/12.
  - (xix) P.P.2012/2013 No.92, Corporate Plan of the Office of the Legislative Assembly for the years 2013 – 2015.
  - (xx) P.P.2012/2013 No.93, Samoa Law Reform Commission Report on the Commission of Inquiry Act 1964 – Report 06/11.

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### Presentation of Select Committees Reports

MR SPEAKER: I take this opportunity to greet the dignity of the House on this new day, to the Hon Deputy Prime Minister and Cabinet Ministers.

Our Leader is not here with us because he is attending an important Conference, may our prayers ensure his safe return and hopefully he will be able to join us later in the week.

I also extend my greeting to the Opposition Leader and members on this side of the Chamber. I believe that this is a commemorative week in our Religious Calendar because of Easter. As such, we should not prolong our sessions for this week. However, the intention of the Business Committee dictates that we must deal with our lapsed orders. In spite of the numerous Bills and Reports on our business agenda, I urge members to keep your views “short and sweet”.

Before we continue, I also acknowledge the prayerful support of Samoa in its honorific salutations. Give us your support as we endeavour to serve the House.

### PRESENTATION OF SELECT COMMITTEES REPORTS

1. P.P.2012/2013 No.81, Report of the Justice, Police & Prisons and Land and Titles Committee on the Crimes Bill 2012.
2. P.P.2012/2013 No.82, Report of the Justice, Police & Prisons and Land and Titles Committee on the Prisons and Corrections Bill 2012.
3. P.P.2012/2013 No.83, Report of the Justice, Police & Prisons and Land and Titles Committee on the Attorney General’s Office Bill 2012.
4. P.P.2012/2013 No.85, Report of the Government Administration Committee on the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012.
5. P.P.2012/2013 No.86, Report of the Government Administration Committee on the P.P.2012/2013 No.17, Annual Report of the Ministry of the Prime Minister and Cabinet, July 2010 – June 2011.
6. P.P.2012/2013 No.87, Report of the Works, Transport and Environment Committee on P.P.2011/2012 No.61, [Statement of Corporate Objectives of the Samoa Water Authority for the Period 2010 – 2014](#).
7. 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 2008 – 2009.

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Government Motion

8. P.P.2012/2013 No.89, Report of the Health and Social Services, Internal Affairs Community and Social Development Committee on P.P.2011/2012 No.29, Annual Report of the National Kidney Foundation of Samoa for the Financial Year Ended 30<sup>th</sup> June 2010.
9. P.P.2012/2013 No.90, Report of the Health and Social Services, Internal Affairs Community and Social Development Committee on P.P.2011/2012 No.33, Statement of Corporate Objectives of the National Provident Fund for 2012 – 2014.

MR SPEAKER: I call on the Hon Deputy Prime Minister for your address and motion.

GOVERNMENT MOTION

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Deputy Prime Minister): Thank you Mr Speaker.

We are forever grateful to our Heavenly Father this morning for His love and compassion that has restored good health to the dignity assembled. It is the traditional salutation to Usoga a Tumua ma Pule, Ituuu ma Alataua, Aiga i le Tai ma le Vaa o Fonoti.

I also acknowledge the support of Faleagafulu, le Falelima i Sisifo ma le Falelima i Sasae faapea upu i le Motusa, the Senate and the House of Representatives which is the salutation of the Governor General, Lieutenant Governor and the Government of American Samoa.

Lest I forget, I acknowledge the Clergy spreading the Word of God in all corners of Samoa and overseas.

Like you said Mr Speaker, this is a short week because it culminates with the commemoration of Easter and the resurrection of our Saviour Jesus Christ. The only reason why we would prolong our sittings is because of the members on that side but for us, we are clear of the orders on our agenda.

As such, I move the motion, *To defer P.P.2012/2013 No.85, Report of the Government Administration Committee on the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012 together with the Komesina o Sulufaiga (Ombudsman) Bill 2012 from our orders of the day.*

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

*Motion carried in the affirmative to defer P.P.2012/2013 No.85, Report of the Government Administration Committee on the Komesina o Sulufaiga (Ombudsman) Amendment Bill 2012.*

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ROAD TRAFFIC AMENDMENT BILL 2013  
– first reading

MR SPEAKER: I call on the Minister of Works, Transport and Infrastructure.

Afioga Hon MANUALESAGALALA ENOKATI POSALA (Minister for Works, Transport and Infrastructure): Greetings to the dignity assembled this morning. I move the motion, *That the Road Traffic Amendment Bill 2013 be read a first time.*

*Seconded by the Minister for Natural Resources and Environment, Minister for Health and the Minister for Women, Community and Social Development.*

MR SPEAKER: Pursuant to Standing Orders, the second reading of the Bill is scheduled on the third sitting day that follows.

NATIONAL HEALTH SERVICE BILL 2013  
– first reading

MR SPEAKER: I call on the Minister of Health.

Afioga Hon TUITAMA TALALELEI TUITAMA (Minister of Health): Mr Speaker I move the motion, *That the National Health Service Bill 2012 be now read the first time.*

*Seconded by the Minister for Natural Resources and Environment, Minister for Health and the Minister for Women, Community and Social Development.*

*Motion carried in the affirmative and the Bill was read the first time.*

MR SPEAKER: Pursuant to Standing Orders, the second reading of the Bill is scheduled on the third sitting day that follows.

OMBUDSMAN (KOMESINA O SULUFAIGA) BILL  
2013 – first reading

MR SPEAKER: I call on the Minister of Women, Community and Social Development.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA (Minister of Women, Community and Social Development): Mr Speaker, I move the motion, *That the Ombudsman (Komesina o Sulufaiga) Bill 2013 be read a first time.*

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Ombudsman (Komesina o Sulufaiga) Bill 2013  
– first reading

*Seconded by the Minister for Communications and Information Technology and the Minister for Agriculture, Fisheries and Agricultural Store.*

*Motion carried in the affirmative and the Bill was read the first time.*

PERSONAL PROPERTY SECURITIES BILL  
2013 – third reading

MR SPEAKER: For your information, this Bill was considered in detail on the 24<sup>th</sup> of January 2013.

I call on the Minister of Commerce, Industry and Labour.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, I move the motion, *That the Personal Property Securities Bill 2013 be read a third time.*

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

*Motion carried in the affirmative and the Bill was read the third time and has passed the Legislative Assembly.*

MR SPEAKER: I declare that the Personal Property Securities Bill 2013 has progressed and passed the Legislative Assembly.

LABOUR AND EMPLOYMENT RELATIONS BILL  
2012 – consideration in detail

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report before the Bill is available for consideration in details. I call on the Chairman of the Primary Production, Commerce, Industry and Labour Committee.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI (Chairman of the Primary Production, Commerce, Industry and Labour Committee): Mr Speaker, I rise to move, *That the Legislative Assembly approves the Committee Report recommending that the Labour and Employment Relations Bill 2012 progress with corrections.*

*Seconded by the member for Sagaga le Falefa.*

*Motion carried in the affirmative.*

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Labour and Employment Relations Bill 2012  
– consideration in detail

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Primary Production, Industry and Labour Committee on the Labour and Employment Relations Bill 2012. The Legislative Assembly will now proceed to the consideration in details of the Labour and Employment Relations Bill 2012. Pursuant to Standing Order 102, consideration in details commences on Clause 2.

I give the opportunity to the member for Aana Alofi No.3.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No.3): Thank you for the opportunity. I also support the prayer and acknowledgment you gave this morning.

My query relates to Clause 46 which I commented on during the second reading of the Bill. Clause 46 has not been clarified but the wording has changed. Nothing in the bill explains this clause which pertains to educational leave for employees.

MR SPEAKER: You will have your opportunity when we come to clause 46 whereby the Chairman or the Minister will respond to your concern.

CLAUSE 2: Interpretation.

MR SPEAKER: The Committee has a correction to Clause 2 as stated in the Supplementary Order Paper.

I call on the Chairman of the Primary Production, Commerce, Industry and Labour Committee.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Mr Speaker, the correction to Clause 2 is as follows:

“CORRECTION (Samoan Version Only):

To omit the words “Faaleatunuu a Vaega Auai e Tolu” in defining the term “Fono” and substitute thereby with the words “Aoa Faatafolu” thus to read:-

“Fono” o lona uiga o le Fono Aoa Faatafatolu ua faavaeina i lalo o le fualupu 4;”

*Correction approved.*

*Clause 2 approved as Corrected.*

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CLAUSE 3: Application of Act and existing legislation.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Mr Speaker.....

MR SPEAKER: You may take the floor.

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

My question relates to Clause 3(4) “application of Act”. Mr Speaker and Parliament, it is a fact that all Ministries and Corporations have their own legislation, regulations and policies. Which of these legislations would be used by Corporations given that this Bill is directed towards private sector?

MR SPEAKER: I call on the Opposition Leader.

Afioga Hon PALUSALUE FAAPO II (Leader of the Opposition): Thank you for the opportunity. I do not intend to prolong our sitting. However, my query relates to the same clause, subsections (a), (b) and (c). Why are these services not included? Our laws should cover everyone but it appears this bill excludes service of Samoa, the Police Service and service rendered to a matai under the aiga system or subsistence agricultural activities. In my opinion, everyone should be included.

MR SPEAKER: I call on the Chairman to respond.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: The query relating to the application of the bill is conveyed in sub-clause 2 where it states, “this Act applies only where it does not conflict with the Shops Ordinance 1961 or any other Act currently in force.

As for sub-clauses (a), (b) and (c). I believe it is clear and I congratulate the drafters of the Bill. It is clear that the Police Service pursuant to sub-clause (b) has its own Act, therefore it should be excluded. Even sub-clause (c), I believe services rendered for the matai should also be excluded.

MR SPEAKER: Thank you. I give the opportunity to the Minister responsible for the Bill.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: The Chairman is correct in that services rendered for the matai is excluded, the same with the police service since they have their own Act.



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I would also like to point out that Public Service is also excluded due to the existence of the Public Service Act. The essence of this bill pertains to the private sector or companies including Public Bodies as stipulated under sub-clause (4).

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

Tofa LEALAILEPULE RIMONI AIAFI: Which Act is used should there be a conflict?

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: This bill will take precedence should there be any conflict.

*Clause 3 approved.*

MR SPEAKER: There is a correction to Part II of the Bill. I call on the Committee Chairman.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: I move the correction to Part II as follows:-

“CORRECTION (Samoan version only):

*To omit the words “Faaleatunuu a Vaega Auai e Tolu” where it appears on the Heading and substitute the words “Aoa Faatafatolu” thus to read:*

“4. Faavaeina o le Fono Aoa Faatafatolu”.

Clause 4(1):

*To omit the words “Faaleatunuu a Vaega Auai e Tolu” where it appears after the word “Fono” before the words “e aofia” and substitute with the words “Aoa Faatafatolu” thus to read:-*

“(1) Ua faavaeina le Fono Aoa Faatafatolu e aofia ai sui auai e 12 nei.”

Afioga Hon PALUSALUE FAAPO II: Mr Speaker.....

MR SPEAKER: I call on the Opposition Leader.

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Afioga Hon PALUSALUE FAAPO II: I query the number of members for the Tripartite Forum which is stated as 12. The composition of Boards as we are accustomed to is usually 7 members. I seek an explanation on this please.

MR SPEAKER: To save time, I call on the member for Faleata West.

Tofa LEALAILPULE RIMONI AIAFI: I query the correction and the application of the term “Fono Aoa Faatafatolu”. The only three arms I am aware of consist of Parliament, Judiciary and Cabinet. I raise this in case it causes confusion.

Another issue is the appointment of members by Cabinet including representatives from the employers’ organization. Is there a provision in which the organization can “nominate” its own members for Cabinet to decide on who will fill these posts?

MR SPEAKER: I call on the Chairman.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: The first query relating to the reason for having 12 members which is different from the normal 7 members for other Boards is because of the importance of this Tripartite Forum. The advice comes from those who prepared and drafted this Bill who believes the increase in members would ensure the effectiveness in the enforcement of this bill. They are smart people versed with the implication of this bill.

I also believe that the Three Arms of Government as conveyed by my colleague is important so too does the Tripartite Forum which includes members from the employees’ organization.

MR SPEAKER: I give the opportunity to the Minister of Women, Community and Social Development.

Tofa Hon TOLOFUAIVALELEI FALEMoe LEIATAUA: I understand the Tripartite Forum because of my lengthy service at the Ministry of Labour. The Three Arms of Government supersedes the Tripartite Forum. That is the clarification.

MR SPEAKER: It is the “Tafatolu Faaleatunuu” (Tripartite Forum) and not “Tafatolu o Faigamalo” (Three Arms of Government).

*Correction Approved.*

*Clause 4 approved as corrected.*

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CLAUSE 5: Terms of office of appointed members.

*Approved.*

CLAUSE 6: Meetings of the Forum.

*Approved.*

CLAUSE 7: Duties and functions of the Forum.

*Approved.*

CLAUSE 8: Remuneration of Forum members.

*Approved.*

CLAUSE 9: Powers of investigation and inquiry.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I have an issue with Clause 8.

CLAUSE 8: Remuneration of Forum members.

MR SPEAKER: The member to take the floor.

Afioga Hon PALUSALUE FAAPO II: I ask whether there is a set remuneration for this Tribunal, travel allowances including allowances paid for domestic travel? Will this Tribunal receive the same allowances with other Boards and Advisory Committees once we pass this bill?

MR SPEAKER: I call on Saleaula.

Tofa LEVAOPOLO TALATONU (Gagaemauga No.2): Clause 8 as well Mr Speaker. Will the allowances paid to members of the Tribunal be taxed like the allowances paid to members of Select Committees?

MR SPEAKER: I call on Faleata West.

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Tofa LEALAILEPULE RIMONI AIAFI: Clause 9. Can this Tribunal investigate grievances in the workplace?

MR SPEAKER: I call on the Chairman. It is Clause 8 and Clause 9.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Clause 8 has been passed but it does not matter. For the information of the Opposition Leader, once this bill is passed Cabinet will decide on it. Taxes are compulsory. As for the question posed by Lealailepule, this is the exact reason for establishing our Tribunal and it is to investigate work related grievances.

MR SPEAKER: I call on one of the Committee member's.

Afioga AFUALO WOOD UTI SALELE (Salega): The Bill for the Komesina o Sulufaiga (Ombudsman) is before Parliament. This bill is another dispute resolution process for the private sector.

MR SPEAKER: Thank you for your assistance.

*Clause 9 approved.*

CLAUSE 10: Minister responsible for labour and employment relations.

*Approved.*

CLAUSE 11: Ministry responsible for labour and employment relations.

*Approved.*

CLAUSE 12: Functions of the Ministry.

*Approved.*

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CLAUSE 13: Duties of the Ministry.

*Approved.*

CLAUSE 14: CEO and other officers.

Tofa LEALAILEPULE RIMONI AIAFI: Clause 14 please Mr Speaker.

MR SPEAKER: You may take the floor.

Tofa LEALAILEPULE RIMONI AIAFI: The post of CEO is elected pursuant to the “PSC Act”. However, it appears that once this bill is enforced, the selection will be made pursuant to this bill and Clause 4. It is also mentioned in the beginning that the CEO is under PSC. What is the correct interpretation please?

MR SPEAKER: Can the Chairman respond to the query, is the CEO elected under this bill?

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: The member’s view is clear, he is speaking on two things. It is covered under the PSC Act and also this bill. If there is a conflict then it is not used and if there is no conflict then....my interpretation is the same with the member.

Tofa LEALAILEPULE RIMONI AIAFI: It is just that Clause 14 states that the election of the CEO is done under this bill but the first part states it is not, it is a “straight contradiction”.

MR SPEAKER: I call on the Deputy Prime Minister to clarify.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: The CEO of this Ministry is the incumbent CEO regardless of the date of enforcement.

*Election of CEOs follows the usual advertisements after 3 year tenures.*

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker.....

MR SPEAKER: Sorry you have used your two opportunities. If I give you a third chance then I am afraid we are not following procedures.

*Clause 14 approved.*

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CLAUSE 15: Delegation of powers by Minister.

*Approved.*

CLAUSE 16: Powers of the CEO.

*Approved.*

CLAUSE 17: Powers of Labour Inspectors.

*Approved.*

CLAUSE 18: Forced labour.

*Approved.*

CLAUSE 19: Prohibition of sex discrimination in employment.

Tofa LEVAOPOLO TALATONU: Mr Speaker.....

MR SPEAKER: Which Clause?

Tofa LEVAOPOLO TALATONU: I do not understand the term “kenera”.

MR SPEAKER: I call on the Chairman.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: It relates to a person who never attended pastoral school.

*Clause 19 Approved.*

CLAUSE 20: Fundamental rights and principles.

*Approved.*

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CLAUSE 21: Right to bargain collectively.

*Approved.*

CLASUE 22: Freedom of association.

*Approved.*

CLAUSE 23: Wage period and payment.

*Approved.*

CLAUSE 24: Time and place of payment of wages.

*Approved.*

CLAUSE 25: Mode of payment of wages.

*Approved.*

CLAUSE 26: Part-time employee protection.

*Approved.*

CLAUSE 27: Authorised deductions.

*Approved.*

CLAUSE 28: Advances to employee.

*Approved.*

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CLAUSE 29: Remuneration other than wages.

*Approved.*

CLAUSE 30: Transfer of employees.

*Approved.*

CLAUSE 31: Employer not to stipulate mode of spending wages.

Afioga Hon PALUSALUE FAAPO II: I query the paying of wages, suppose it pertains to the payment of wages to women on maternity leave. I seek a clarification from the Chairman especially for businesses such as shops operated by Asians or foreigners.

Does this bill cover wages for pregnant women when on leave waiting the time of birth as well as the period of recovery after birth or maternity leave? The basis of my question is whether they are entitled to such benefits?

In addition, it is clear that there will be labour inspectors monitoring the compliance with the provisions of this bill. Therefore, what is your take on this issue Mr Chairman?

MR SPEAKER: I call on the Chairman.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Good question, our Committee considered this area during its investigation. I believe we have yet to come to the Clause which covers your concern. For your information we have the best members from the Opposition such as Afualo and Aveau in our Committee. We covered all those issues, so do not worry.

MR SPEAKER: In respect of the Opposition Leader's views, we are discussing Clause 31 which conveys that an "employer not to stipulate mode of spending wages". That is the core of the Clause currently being discussed because we have yet to arrive at the Clause that covers entitlements for employees.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: I intend to comment on clauses 30, 31 and 32.....



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MR SPEAKER: I am sorry, we have passed clauses 29 and 30.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
It also covers clauses 31 and 32.

MR SPEAKER: We cannot go back. State clearly which clause you intend to speak on.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
Clause 32 Mr Speaker.

MR SPEAKER: Minimum wage?

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
Is there a way to ascertain whether contractors are complying with the minimum wage conveyed by the bill? Also, does it include working hours since some contractors tend to extend working hours beyond the normal 8 hours?

MR SPEAKER: I call on the Chairman.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Clause 32 is clear as far as I am concerned Mr Speaker. Clause 2 stipulates that the Head of State acting on the advice of Cabinet may endorse minimum wage applicable to businesses, government work and any type of employment. In that sense, the government controls it. Your second issue, we have yet to come to it, nevertheless, I need remind the purpose of this bill is to protect and foster a good working relationship between employer and employee.

MR SPEAKER: Well done.

*Clause 31 approved.*

CLAUSE 32: Minimum Wages.

*Approved.*

CLAUSE 33: Illegal terms of a contract of service.

*Approved.*

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CLAUSE 34: Contract of service for wage periods longer than one month.

*Approved.*

CLAUSE 35: Written contract of service.

*Approved.*

CLAUSE 36: Employees appointed on probation.

*Approved.*

CLAUSE 37: Contract of service involving person living with a disability.

*Approved.*

CLAUSE 38: Work on Sunday.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker.....

MR SPEAKER: You may take the floor.

Afioga Hon PALUSALUE FAAPO II: I commend this clause given that there are still people working on Sundays thus contradicting the moral foundation of our Country, Samoa is founded on God. I believe that we must always observe Sundays by keeping it holy. I do not criticize essential services but my concern hinders on the people who are carrying out contractual services including shops operating on Sundays.

It is not a good scene to see people working on Sundays while we are on our way to church. I am afraid that by the next 10 to 15 years this will become the norm.

On this same tangent, I firmly submit to ban the proposed Casinos from operating on Sundays. If we do allow this to happen, then I am afraid that Samoa will no longer follow Christian values but devilish ways. So.....

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MR SPEAKER: I interrupt the member as I give the opportunity to the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, the Opposition Leader is beating around the bush but he has already conveyed his point. For your information, there are services that cannot be left undone such as EPC, Water and even the Airport workers because planes depart and arrive on Sundays, am I correct?

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point of order.

MR SPEAKER: Hold on, let the Deputy Prime Minister finish.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Do you intend not to have EPC come by your house to restore electricity if it fails on Sunday? Is that what you want? We also have our wharves that cater not only for travelers but also the arrival of freight ships bringing goods. Do you want to close our wharves and airports on Sundays as well?

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point of order.

MR SPEAKER: You will have your opportunity after the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Like I said, there are services that cannot be left unperformed. The bill is clear in that no employer can force an employee to work on Sundays against his/her will. On the other hand, the bill also sets benefits for those rendering these essential services on Sundays. That is my response Mr Speaker.

MR SPEAKER: Thank you Deputy Prime Minister. I call on the Opposition Leader.

Afioga Hon PALUSALUE FAAPO II: If you listened carefully you would have understood my submission. I said, it does not affect essential services like you mentioned but my focus was on Contractual work and wholesales.

MR SPEAKER: I allow the interruption from the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, employees in the private sector has their own legislation protecting their rights. As for essential services, we cannot neglect.

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Say you intend to travel overseas on a Sunday; workers of the Airport Authority as well as employees of Airline Agencies must work to provide services to the travelling public. I need not explain the importance of these services because everyone knows about it.

MR SPEAKER: I call on the member.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, which planet is the Deputy Prime Minister on? I said it does not include essential services. He has also stated that it cannot be forced but this bill gives authority to force employees to work.

I never mentioned hospitals, airports or wharves. My concern hinges on contractors and some shops that open on Sundays. We should not prioritise money over God. God is our foundation. That is the essence of my views.

MR SPEAKER: I understand your concern, this bill takes into account working on Sundays and for that purpose I congratulate the member for raising this issue for the Committee to consider. I call on Saleaula.

Tofa LEVAOPOLO TALATONU: Thank you, Mr Speaker for the opportunity. My only concern is that this bill does not convey precisely the type of work allowed and disallowed on Sundays. It is also mentioned by the Deputy PM that there are “essential” services and “non-essential” services that must be performed on Sundays. Personally, if the bill clearly identifies the services that can be performed it would ease the confusion given that there are building contractors operating on Sundays.

That is my concern over this Bill, Mr Speaker.

MR SPEAKER: I call on the Minister of Women, Community and Social Development.

Tofa Hon TOLOFUAIVALELEI FALEMoe LEIATAUA: We all feel the same. However, if you both read clearly, it cannot be forced.

Secondly, the employer requests for the employees consent to work on Sundays. If both of you read thoroughly, it cannot be forced labour and secondly the employees consent is first sought. The allegation that there are contractors being noisy on Sundays, this is no longer the case. I recall a report from the people of my village complaining about a certain project performed by Chinese contractors that worked on Sundays as if it is a normal working day. What I did was, I went to the foreman and informed him that if they intend to work on Sundays they must do simple tasks such as painting the interior of the building or using the water blaster.

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Should an employee get fired because of refusing to adhere to an employer's order to work on Sunday, that person has a remedy under this bill. Furthermore, there is also a programme stipulated under this bill for shift-work, meaning it can be worked out between employer and employee.

MR SPEAKER: Sorry, Opposition Leader, you have used up both your opportunities.

Afioga Hon PALUSALUE FAAPO II: I would like to respond to the Minister's explanation of the matter.....

OTHER ANNOUNCEMENTS BY MR SPEAKER

MR SPEAKER: May it appease the Leader; you have used up both your opportunities as conveyed by our Standing Orders when it comes to detail considerations. That is the procedure.

I am happy to announce before Parliament this morning, the arrival of the Delegation from Australia. I therefore welcome the dignitaries who are here to strengthen our Parliamentary ties. The purpose of their visit is to contribute to a series of seminars we are hosting this week as part of our Parliamentary Strengthening Programme.

As such, let us applaud the participation of our guests from Australia. "I would like to announce the present of the gallery for the distinguish Parliament delegation from the Federal Parliament of Australia and the State Parliament of Australia. Welcome (to) our Parliament this morning. And we wish you the very best and wish you to enjoy your staying here in Samoa. Welcome to our Parliament once again".

*Parliament showed its gratitude by applauding to welcome the delegates from the Federal Parliament of Australia.*

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

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CLAUSE 38: Work on Sunday.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Suppose it is hard to make changes since the bill is now considered in details. However, on this same clause 38, the first part refers to employers whereas the second part relates to employees.

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The only thing missing in my view is the voice of Government. Like the Minister said, he talked to one of the contractors about working on Sunday. This can be conferred as legitimate only if the bill dictates the authority to the people and government in general to inform Chinese Contractors for instance not to work on Sunday. As it stands, it is only between employer and employee.

MR SPEAKER: I give the last opportunity to Saleaula.

Tofa LEVAOPOLO TALATONU: I am confused because the Clause states that working on Sundays is forbidden. On the other hand, the Minister has said that it can but it would not be forced labour. What does that mean?

Therefore, state clearly the types of work that can and cannot be performed on Sunday.

MR SPEAKER: Allow me to elaborate before I give the opportunity to the Minister for Women. In any bill there are limitations regardless of conditions and clauses. For this particular bill, there is also a contradiction but at least the core of comments presented by members is to preserve Sundays. Take for instance a cyclone hitting our country. In such an event, the shop owner for instance may decide to operate his business on Sunday to sell goods to the people affected as a consequence. That is the nature of this bill, it gives the opportunity to both employer and employee and there is also an aura of common sense associated with this specific clause given that man can never foretell future occurrences.

I call on the Minister for Women, Community and Social Development.

Afioga Hon TOLOFUAIVALELEI FALEMŌE LEIATAUA: The Speaker is right on the money with his explanation. It is all about common sense. The question relating to the non-existence of Government's voice is not true if you consider the composition of the Tripartite Tribunal that has four members who are CEOs of Government Ministries and four members from the Employees' Organisation.

I thought the member for Gagaemauga No.2 understands the bill but it appears he does not know how to read between lines. If an employer's request is accepted by an employee to work on Sundays, there is nothing wrong with it because that is democracy.

With respect, Mr Speaker.

Tofa LEVAOPOLO TALATONU: Mr Speaker.....

MR SPEAKER: You have used up your two opportunities and I see no reason to prolong since the matter has been clarified.

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Tofa LEVAOPOLO TALATONU: I will oblige.

MR SPEAKER: I call on the member for Salega.

Afioga AFUALO WOOD UTI SALELE: Just to assist, I believe investigations by the Committee falls under regulations. Thank you.

MR SPEAKER: Do you wish to add anything Hon Chairman?

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Mr Speaker, I believe your explanation and the explanation provided by the Hon Minister are sufficient. The reason I take the floor is to inform members who still have questions to consult me during our break. Thank you.

MR SPEAKER: That is settled and we will proceed.

*Clause 38 approved.*

CLAUSE 39: Public Holidays.

*Approved.*

CLAUSE 40: Annual Leave.

*Approved.*

CLAUSE 41: Payment in lieu of annual leave.

MR SPEAKER: Which Clause Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: It is clause 41 please. I believe there is part of this clause that needs to be corrected if it has been missed by the Committee. First of all, the clause gives the authority to non public servants to be paid their untaken annual leave. Should this be the case, it means employees in Corporations are also entitled for payment under this clause.

Second, the last part of Clause 41(1) which states, “instead of taking annual leave, the employee may, with the approval of the employer choose to have the annual leave entitlement paid to him or her.”

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In addition, public holidays are different from annual leaves which this clause pertains too. With respect.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: According to Clause 40 Mr Speaker, it stipulates that employees in Corporations and Companies may be entitled to annual leave after a year's service. My recommendation is to lower the period to six months to enable an employee to take annual leave in circumstances such as educational purposes and so forth.

MR SPEAKER: I call on the Chairman.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: I value the inputs. This bill has been with the Committee for quite some time now. I believe the Minister should have given his advice to the Committee because it is very important. Nevertheless, our Lord continues to bless us with many days.

As for the query raised by the member for Faleata West, Public holidays include commemorative days such as Independence. Therefore the Committee should not be blamed because public holidays relates to annual leave.

MR SPEAKER: I give the last opportunity to the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: The English Version is clear in differentiating the two, public holidays and annual leave. I only seek a correction to the Samoan version.

MR SPEAKER: Thank you, our Parliament is conducted in two languages; if one errs the other is used. Our bills are written in English and later translated. Therefore, I apologise for this mix up.

*Clause 41 approved.*

CLAUSE 42: Sick leave.

*Approved.*



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CLAUSE 43: Maternity leave.

*Approved.*

CLAUSE 44: Options for payment of maternity leave.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker.....

MR SPEAKER: I call on the Opposition Leader.

Afioga Hon PALUSALUE FAAPO II: Clause 44 and clauses before it. I believe the Minister's comment regarding the superseding of previous clauses by the most recent clause is not true. Every clause is important and the Minister must be corrected.

According to the clause, four weeks with pay and two weeks without pay. And come to sub-clause (b), six weeks on two-thirds pay of the female employee's normal salary.

In my view this is quite onerous for private businesses.

Once a business owner becomes aware that a female employee has become pregnant, several factors are considered such as the ability of the business to accommodate for the salary of the pregnant employee when on maternity leave. Private businesses drive our economy, not only do they provide jobs but our government also receives income through the payment of taxes.

In consultation with business operators, they complained over the burden of paying taxes used by the government to cover salaries for their staff on maternity leave but they are also burdened with ways to come up with money to pay for the salary of their employee while on maternity leave in accordance with this bill.

Mr Speaker, I am afraid that the ripple effect resulting from this bill is that it will decrease the number of employees in the private sector. We need not dwell on the status of our livelihood for we all know times are hard. Electricity has gone up, water prices have gone up and the cost of living has become unbearable. This compounds the inability of businesses to make profit and may subsequently lead to a complete shutdown of operation. Add this requirement to the problem; it is only academic to picture the end result.

As such Mr Speaker.....

Afioga Hon MANUALESAGALALA ENOKATI POSALA: Mr Speaker.....

MR SPEAKER: I allow the interruption.

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Afioga Hon MANUALESAGALALA ENOKATI POSALA: Blaming the high cost of electricity and water is groundless. The government is trying to come up with alternatives to counter the reliance on imported oil to generate electricity.

Water supply in Samoa is much cheaper than most of our Pacific neighbours. That is a fact.

MR SPEAKER: Thank you. I call on the Minister of Women.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: The comment of the Opposition Leader is a sob story that is not correct. He said the business will pay for the six weeks' salary including the period after birth.

The bill is clear; it depends on the consultation between employer and employee.

This is a straight forward bill, if the employee decides to take the full six weeks maternity leave, she will be paid two thirds of her normal salary for the duration. If she decides on four weeks, this means she will be paid her full salary for that duration and the remaining two weeks is without pay. On the contrary, he is saying that businesses are obliged to pay the full six weeks; it is a reflection of his limited understanding.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker.....

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

MR SPEAKER: May it appeases the Opposition Leader.....

Afioga Hon PALUSALUE FAAPO II: This is the only person I want to hear from, the Minister responsible for the bill.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Judging from the comments of the Opposition Leader, as if this is a new concept. Employees' on maternity leave has been an occurrence over the years. Name businesses that have closed down due to loss of income on the payment of maternity leave? Many companies have one or two female employees that become pregnant every year; does it mean the company will fall into bankruptcy?

Mr Speaker, this is the current practice and including it in this bill is a formality to recognize the rights of employees, that is all.

MR SPEAKER: I give the opportunity to the Hon Minister of Finance before you conclude (to the Opposition Leader).

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Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Minister of Finance): Six weeks and four weeks is a small period compared to overseas countries that allow a female employee to take up to 3 to 4 months on maternity leave. This will enable younger staff for instance to develop their skills.

In this time of age, technology is booming. Overseas countries exploit these modern techniques to allow females on maternity leave to work from home. Meaning there is no loss. The most important thing to a company is productivity. They know that money spent will prove useful.

MR SPEAKER: I believe Cabinet has responded well to the questions. The Opposition Leader will take the first opportunity when we return from our morning recess.

“I would like to invite our honourable guests from Australia, please join us with our morning breakfast”.

Proceedings of the Legislative Assembly will now be set aside for its normal morning recess.

*Proceedings of the Legislative Assembly were set aside at 10:45am for its normal morning recess.*

*Proceedings of the Legislative Assembly resumed at 11:20am.*

MR SPEAKER: I trust members have been duly refreshed following our morning tea. I also believe Cabinet Ministers have given clarifications on the concerns raised by the Opposition Leader.

As such, I give the opportunity to the Opposition Leader to continue.

Afioga Hon PALUSALUE FAAPO II: Thank you once again Mr Speaker for this opportunity. My question is whether the private sector can accommodate the financial demands conveyed by this bill? I am fully versed with the views expressed by the Hon Minister of Women. However, my concern is that businesses may be forced to make employees redundant as a result.

*If you consider Yazaki Samoa.....*

Tofa Hon FONOTOE NUAFAESILI PIERRE LAUOFO: A point of order Mr Speaker.....

MR SPEAKER: I appease the Opposition Leader while I grant the opportunity to the Deputy Prime Minister.

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Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: It appears from the Opposition Leader's comments that he is giving general observations on the bill. Whereas, we are considering this bill in details, meaning, questions should be directed to the clause being considered. For your information, witnesses were called from the Chamber of Commerce, Yazaki Samoa and Public Bodies. To keep matters short, businesses are capable of servicing the financial implications of the Bill.

MR SPEAKER: My apologies Opposition Leader, allow me to make this announcement.

The reason why I gave the opportunity to Ministers including the responsible Minister is for the purpose of clarifying your concern which is the payment of salary for employees on maternity leave. Suffice to say, the Deputy Prime Minister and the Chairman have clearly stated that members of the private sector and representatives from Ministries gave their views on the bill. The nature of our proceedings is not to satisfy an individual's concern rather it has been ascertained that the Committee covered every facet. Therefore, stick to our procedure for we have many matters to deal with.

For this Opposition Leader, heed the Chair's advice and relay your comments directly to the clause being considered.

Afioga Hon PALUSALUE FAAPO II: This bill is a first for the private sector because PSC employees are given 8 weeks.

The gist of my recommendations is to solidify the partnership between Government and the Private Sector. Even if the Deputy Prime Minister stated that the private sector can cope, I beg to differ because it may lead to redundancies. Therefore, the government should lend assistance by compensating for the salaries of employees in the private sector when on maternity leave. Those are my views, God bless.

MR SPEAKER: I was trying to convey that members of the private sector were called in to make submissions relating to this bill. Therefore, their views were duly noted by the Committee thus the bill was given their endorsement.

Which Clause? (*To the member for Faleata West who is standing*).

Tofa LEALAILEPULE RIMONI AIAFI: Clause 44. Are we allowed to go back?

MR SPEAKER: We are now on clause 44, you may proceed.

Tofa LEALAILEPULE RIMONI AIAFI: There appears to be a contradiction between laws. SOE's are given 8 weeks and an additional 8 weeks without pay if the mother has not fully recovered.

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This Bill governs Corporations and Public Bodies. So, which law should be used? There are times when SOE's use Cabinet Directives and the PSC Act.

MR SPEAKER: Does the Chairman intend to clarify or shall we continue?

Afioga Hon LEAUPEPE TOLEAFOA AULU FAAFISI: Public Servants are given 8 weeks and this bill governs Corporations and Public Bodies, meaning it is 6 weeks. For the information of Parliament, this has been the practice followed by the private sector for a long time because they value their employees.

I also support the views conveyed by the Opposition Leader but leave it as it is until Government has a lot of money. Thank you.

*Clause 44 approved.*

CLASUE 45: Maternity protection.

*Approved.*

CLAUSE 46: Paternity Leave.

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

Tofa LEALAILPULE RIMONI AIAFI: Clause 46(3) entitles a male employee in a de-facto relationship to paternity leave. I thought it only pertains to married males. What of a person who is married and also has a de-facto wife?

MR SPEAKER: I call on the Committee Chairman.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: I thought *members of our Committee, such as Aeau, Afualo and Ayeau would share their opinions as to why this has been done. It is done for the sake of recognizing the rights of all parties. It is of no use to allow females to take maternity leave regardless of status but the rights of men should also be accounted for. Thank you.*

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

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Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East): Mr Speaker, the bill focuses on women on maternity leave. A woman on maternity leave is a clear indication that there is a male counterpart. The bill does not specify married woman instead it uses the term spouse.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: My concern pertains to study leave. There is nothing in the bill that states leave granted to employees to prepare for exams. I believe this should be emphasized in the current bill. Perhaps, we should include it in an Amendment to this bill in the future.

MR SPEAKER: I understand your concern but I feel it does not warrant any changes to the bill being considered. Nevertheless, your concerns are duly noted should there be any future amendments. For now, members are once again advised to direct comments on the clauses being considered.

I call on the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I believe the translation of the term de-facto to faapouliuli (live in darkness) is inappropriate. The translation should be; o se ulugalii e le i faaipoipo ae o lo o nonofo faatasi (unmarried couple living together).

MR SPEAKER: I call on the Chairman to respond.

Afioga Hon LEAUPEPE TOLEAFOA AULU FAAFISI: This bill took a lot of contemplation by the drafters. It does not imply that de-facto relationships are encouraged by the bill. I believe 65% of couples in Samoa live together before they get married. Some have four to six children before they get married. Suppose that is the reason for recognizing de-facto relationships.

For more information, we shall talk after our meeting. Thank you.

MR SPEAKER: Thank you Chairman for your clarification. I also support Faleata West's concern that there are terms that should not be used and I apologise once again for this error in translation.

*Clause 46 approved.*

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CLAUSE 47: Hours of work.

*Approved.*

CLAUSE 48: Overtime for extra work.

*Approved.*

CLAUSE 49: Shift work.

*Approved.*

CLAUSE 50: Piece work.

*Approved.*

CLAUSE 51: Employment of children.

*Approved.*

CLAUSE 52: Termination of a contract of service.

*Approved.*

CLAUSE 53: Termination of a contract of service for a specific period  
or task.

*Approved.*

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CLAUSE 54: Termination of a contract for an unspecified period.

*Approved.*

CLAUSE 55: Payment to be made in lieu of notice.

*Approved.*

CLAUSE 56: Notice period not required in certain cases.

*Approved.*

CLAUSE 57: Misconduct and abuse.

*Approved.*

CLAUSE 58: Employment permit required.

*Approved.*

CLAUSE 59: Application for employment permit.

*Approved.*

CLAUSE 60: Granting of employment permit.

MR SPEAKER: I call on the Opposition Leader.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, regarding employment permits, a noticeable problem is the issuing of employment permits without permanent residency. It is a contradiction to the laws followed by Government Ministries as I believe employment permits should follow the issuing of permanent residency.



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MR SPEAKER: To save the Chairman's time, I grant the opportunity to the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: My concern pertains to employment permits issued to foreigners. Labour oriented work in my view can be performed by locals, jobs such as baby sitters for instance. Furthermore, overseas companies bring in their own labour force instead of hiring local people to do labour work for them. My view is based on a legislation we have that states that overseas personnel can only be hired to work in the Country should there be no competent local to carry out the required task. To my understanding, only technical positions such as managers, financial controller and technical personnel can be brought in but the labour oriented work should be given to locals. We now have foreigners working as baby sitters and there is nothing in this bill that stipulates such practice.

MR SPEAKER: I call on the Chairman to take the floor.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: I believe the responsible Minister will consider your concerns, the member for Faleata West.

As for the issue raised by the Opposition Leader, be patient and allow the bill to take effect, should there be any risk factors we can always amend.

MR SPEAKER: I call on the responsible Minister of the bill.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: In response to the issue raised by the Opposition Leader over permanent residency and work permits. You should take into account that there are foreigners who come to perform contracts with no intention of staying. Their purpose is to complete their contractual obligations, thus the reason for issuing work permits only. Work permits are reviewed by the Ministry of Labour pursuant to its principal act and policies. The Immigration Office is responsible for permanent residency.

MR SPEAKER: I give the last opportunity to the member for Faleata West to be followed by the Opposition Leader.

Tofa LEALAILEPULE RIMONI AIAFI: Does this mean I can bring taxi drivers from China? Korea and Asia?

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: A point of order.....

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MR SPEAKER: Deputy Prime Minister..

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: I am not saying any person is allowed. There are policies, regulations that must be satisfied during screening of application. If the applicant meets all requirements, he is given permanent residency, if not, then no.

MR SPEAKER: Your concerns are duly noted and I believe regulations as well as the administering of this bill are the responsibilities of the CEO and responsible Ministry. Therefore, regulations are not to be discussed in this forum because we have yet to draw them up. Suffice to say, I am sure that the Minister and the CEO respectively will take into account your concerns. Let us continue.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I wish it was that simple. There are people who came here to work as contractors but they have not returned to where they came after completing their projects, instead they are competing with local companies on contracts being tendered.

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: It is simple Mr Speaker, like I said; there are criteria that must be met as set out by legislation. The laws we have do not discriminate. Every application is reviewed based on the laws and regulations we have.

MR SPEAKER: Thank you, I believe this Clause is clear.

*Clause 60 approved.*

CLAUSE 61: Revocation of employment permit.

*Approved.*

CLAUSE 62: Register of employment permit.

*Approved.*

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CLAUSE 63: CEO may conciliate.

*Approved.*

CLAUSE 64: Conciliation Committee.

*Approved.*

CLAUSE 65: Employers' panel of assessors.

*Approved.*

CLAUSE 66: Employers' panel of assessors.

*Approved.*

CLAUSE 67: Panel of Chairpersons'.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker.....

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

Tofa LEALAILEPULE RIMONI AIAFI: Like I said in the beginning, why is there another Committee when we have a Forum? I thought that members of the Forum are the ones who will deal with grievances. Hence, there is no need to have another Committee because of the authority given to the Forum to resolve employees' grievances. The Minister's responsibility is the selection of members for the Forum yet, there is another proposed Committee meaning additional personnel. It is pointless in my view.

MR SPEAKER: The Chairman to respond.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Mr Speaker that is the member's own perception. This Committee is made up of three members elected by the Minister and they handle separate matters that are not dealt with by the Tripartite Forum.

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MR SPEAKER: Thank you.

*Clause 68 Approved.*

CLAUSE 69: Vacancies in panels.

*Approved.*

CLAUSE 70: Procedure and remuneration of a conciliation committee.

*Approved.*

CLAUSE 71: Conciliation committee meetings to be private.

*Approved.*

CLAUSE 72: Agreements to be registered.

*Approved.*

CLAUSE 73: Registered agreements.

*Approved.*

CLAUSE 74: CEO to keep register of agreements.

*Approved.*

CLAUSE 75: Inspection of agreements.

*Approved.*

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CLAUSE 76: Jurisdiction and powers of Supreme Court.

*Approved.*

CLAUSE 77: Civil proceedings.

*Approved.*

CLAUSE 78: Offences and penalties.

*Approved.*

CLAUSE 79: Fees.

*Approved.*

CLAUSE 80: Forms.

*Approved.*

CLAUSE 81: Protection from liability.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker.....

MR SPEAKER: I call on the Opposition Leader.

Afioga Hon PALUSALUE FAAPO II: I query Clause 81. What of the rights of employers and employees if their grievances cannot be litigated in Court?

MR SPEAKER: We have the Ombudsman bill in progress. That branch is more powerful than this bill. Plus, we have other legislation that can provide remedial alternatives to aggrieved employees.

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Therefore, there is no need to be too concerned as we have other laws that can provide alternative resolutions to any person who has a grievance.

Afioga Hon PALUSALUE FAAPO II: I was expecting the responsible Minister to explain this since it is not mentioned in this clause.

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

MR SPEAKER: I give the opportunity to the Hon Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: This matter pertains to employees. If a decision was made in good faith by an employer that turns out to cause a grievance to an employee, the employer is protected from liability. This has always been the case.

MR SPEAKER: That is the clarification. Opposition Leader, since you have questioned the reason why I responded, I responded because it is my duty to control the expression of views. Like I said, we have the Ombudsman but never question my decision to provide an explanation, “*what I say, what I do*”.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker.....

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

Tofa LEALAILEPULE RIMONI AIAFI: Who is liable to pay the cost of action should a Ministry for instance loose? Is it the Government?

MR SPEAKER: I will again respond. It depends on the Court’s decision. In any action, the Court issues a decision including costs that must be paid towards the winning party.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: You are correct, Mr Speaker. Thank you.

*Clause 81 approved.*

CLAUSE 82: Offences relating to Labour Inspectors

*Approved.*

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CLAUSE 83: Regulations.

MR SPEAKER: I call on the member for Gagaemauga No.2.

Tofa LEVAOPOLO TALATONU: Since we have come to the clause governing regulations, I must say that I have noticed many Ministries making regulations that are not consistent with their principal acts. It appears that most bills are not complete and they rely on the power to make regulations as a way to convey authority to the Government to do as they want.

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

MR SPEAKER: I appease the Hon Prime Minister, allow members to convey their views before you respond.

Tofa LEALAILEPULE RIMONI AIAFI: My concern is on the implication that the Government will cover the cost of defending any action brought against an employee. There is nothing in the bill stipulating how much money the government can spend in defending a cause of action because for all we know, the government can hire a QC from overseas to represent them. What if they lose? Will the government account for the lost money?

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Thank you Mr Speaker. Can the member for Saleaula give an example of a regulation that is not consistent with a Principal Act? It is hard to respond because his comments relate to Acts in general.

As for legal costs, the only reason to pursue a defence of an action is when the party being sued has evidence to substantiate the defence.

Tofa LEVAOPOLO TALATONU: Mr Speaker.....

MR SPEAKER: You may take the floor.

Tofa LEVAOPOLO TALATONU: Thank you Deputy Prime Minister for the explanation. I recall that many bills brought before the House are not complete. I say this because whenever I query a bill the Ministers would cite regulations. Regulations in my view are utilized by the government to carry out their motives. On the other hand, it takes up to five years before a regulation is tabled before Parliament to pass.

26 MARCH 2013

Labour and Employment Relations Bill 2012  
– consideration in detail

Afioga Hon LE MAMEA ROPATI (Minister for Agriculture, Fisheries and Agriculture Store): Mr Speaker.....

MR SPEAKER: I call on the Hon Minister.

Afioga Hon LE MAMEA ROPATI: Refer to page 50 to answer all your queries.

MR SPEAKER: Thank you.

*Clause 83 approved.*

CLAUSE 84: Repeal.

*Approved.*

CLAUSE 85: Savings and transitional.

*Approved.*

SCHEDULES:

*Approved.*

CLAUSE 1 AND TITLE:

CLAUSE 1: -Short title and commencement.

TITLE: Labour and Employment Relations Act 2012.

MR SPEAKER: I call on the Chairman to relay the Committee's correction on Clause 1.



26 MARCH 2013

Labour and Employment Relations Bill 2012  
– consideration in detail

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Mr Speaker, I move the correction to Clause 1 as follows:-

“CORRECTION:

*To omit the number “2012” and substitute thereby the number “2013” thus the Bill reads:-*

“Labour and Employment Relations Act 2013.”

*Correction Approved.*

*Clause 1 and Title as corrected Approved.*

*The Labour and Employment Relations Bill 2013 be progressed with Corrections.*

FAMILY SAFETY BILL 2012  
– consideration in details

MR SPEAKER: Pursuant to Standing Order 106, Parliament must first approve the Committee Report on the Bill before it is available for detail consideration.

I call on the Chairperson for the Health and Social Services, Internal Affairs, Community and Social Development Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Chairperson for the Health and Social Services, Internal Affairs, Community and Social Development Committee): Mr Speaker, I move the motion, *That the Legislative Assembly approves the Committee Report recommending the progress of the Family Safety Bill 2012 together with Corrections and Amendments.*

*Seconded by one of the members for the Individual Voters and the member for Aleipata Itupa i Lalo.*

*Motion carried in the affirmative.*

26 MARCH 2013

Family Safety Bill 2012 – consideration in detail

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on the Family Safety bill 2012.

Parliament will now proceed with its consideration in details.

Pursuant to Standing Order 102, consideration in details commences on Clause 2.

CLAUSE 2: Interpretation.

*Approved.*

CLAUSE 3: Act to bind the Government.

*Approved.*

CLAUSE 4: Application for protection order.

*Approved.*

CLAUSE 5: Interim protection orders.

*Approved.*

CLAUSE 6: Protection orders where respondent does not appear on due date.

*Approved.*

CLAUSE 7: Protection Orders where respondent appears on due date.

*Approved.*

26 MARCH 2013

Family Safety Bill 2012 – consideration in detail

**CLAUSE 8: Court procedures for protection of complainant.**

*Approved.*

**CLAUSE 9: Protection orders available to Court.**

*Approved.*

**CLAUSE 10: Court's power to impose conditions on protection order.**

*Approved.*

**CLAUSE 11: Breach of protection order.**

*Approved.*

**CLAUSE 12: Variation or setting aside of protection order.**

*Approved.*

**CLAUSE 13: Seizure of arms and dangerous weapons.**

*Approved.*

**CLAUSE 14: Attendance of proceedings and prohibition of publication of certain information.**

*Approved.*

26 MARCH 2013

Family Safety Bill 2012 – consideration in detail

CLAUSE 15: Duty to assist and inform complainant of rights.

MR SPEAKER: The Committee has an Amendment to Clause 15 as stipulated in the Supplementary Order Paper.  
I call on the Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:  
The Amendment to Clause 15 is as follows:-

“Amendment:

Clause 15:

To omit sub-clause (3) where it appears.

*Amendment approved.*

*Clause 15 as amended approved.*

CLAUSE 16: Duty prosecute.

MR SPEAKER: The Committee has an Amendment to Clause 16 as stipulated in the Supplementary Order Paper.  
I call on the Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:  
The Amendment to Clause 16 is as follows:-

“Amendment:

Clause 16:

*To omit subclause (2)*

*Renumber subclauses (3), (4) and (5) as follows:*

- (a) Subclause (3) to become subclause (2).*
- (b) Subclause (4) to become subclause (3).*
- (c) Subclause (5) to become subclause (4).”*

*Amendments approved.*

*Clause 16 as amended approved.*

26 MARCH 2013

Family Safety Bill 2012 – consideration in detail

**CLAUSE 17: Sentencing.**

*Approved.*

**CLAUSE 18: Offences and penalties.**

*Approved.*

**Clause 19: Evidence and procedure.**

*Approved.*

**CLAUSE 20: Police Officers to assist Registrar.**

*Approved.*

**CLAUSE 21: Application for Restraining Orders under the Divorce and Matrimonial Causes Ordinance 1961.**

*Approved.*

**CLAUSE 22: Forms.**

*Approved.*

**CLAUSE 23: Fees.**

*Approved.*

**CLAUSE 24: Protection from liability.**

*Approved.*

26 MARCH 2013

Family Safety Bill 2012 – consideration in detail

CLAUSE 25: Regulations.

*Approved.*

CLAUSE 26: Consequential Amendments.

*Approved.*

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: FAMILY SAFETY ACT 2012.

MR SPEAKER: The Committee has a Correction to Clause 1 and Title as presented in the Supplementary Order Paper.  
I call on the Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:  
The Correction to Clause 1 is as follows:-

“CORRECTION

*To omit the numeral “2012” and substitute thereby the number  
“2013” thus the Act reads:*

*“Family Safety Act 2013”.*

*Correction Approved.*

*Clause 1 and Title approved as Corrected.*

*The Family Safety Bill 2013 be progressed with Amendments and Corrections.*

26 MARCH 2013

CUSTOMARY LAND ADVISORY COMMISSION BILL  
2012 – consideration in details

MR SPEAKER: Pursuant to Standing Order 106, the Committee Report on the bill must be approved before it is considered in detail. I call on the Chairman of the Works, Transport and Environment Committee.

Tofa TUSA MISI TUPUOLA (Chairman of the Works, Transport and Environment Committee): Mr Speaker I move, *That the Legislative Assembly approves the Committee Report recommending the Legislative Assembly to proceed with the Customary Land Advisory Commission Bill 2012 with corrections.*

*Seconded by the member for Palauli.*

*Motion carried in the affirmative.*

MR SPEAKER: I declare the approval of the Committee Report by the Legislative Assembly.

Pursuant to Standing Order 102, detail consideration commences on Clause 2.

CLAUSE 2: Interpretation.

*Approved.*

CLAUSE 3: Act binds Government.

*Approved.*

CLAUSE 4: Establishment.

MR SPEAKER: I call on the member.

Afioga TOEOLUSULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you, Mr Speaker. I query Clause 4(f) relating to the eligibility of a person to become a Commissioner. The clause states that a person must be “a good advocate of the economic use of customary land”.

In my view, it “discriminates”. Why not remove the terms “good advocate” and substitute with experience in the use of customary land?

MR SPEAKER: I call on the Chairman.

26 MARCH 2013

Customary Land Advisory Commission Bill 2012  
– consideration in details

Tofa TUSA MISI TUPUOLA: The Committee considered this area and it is satisfied that there is no difference, it is the same.

MR SPEAKER: Thank you.

*Clause 4 approved.*

CLAUSE 5: Removal, resignation and vacancy.

*Approved.*

CLAUSE 6: Functions and powers.

MR SPEAKER: You may take the floor.

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East): There is a discrepancy in the translation of this clause because the Samoan version gives too much authority to this Commission and it is inconsistent with the English version that uses the terms “facilitate and encourage”. I move to make necessary amendments to the Samoan translation of this clause because it conveys too much power to this Commission which is inconsistent with the English version.

MR SPEAKER: Like I mentioned before, if there is any inconsistency refer to the English version because that is the original and the language in which the bill was drafted.

*Clause 6 approved.*

CLAUSE 7: Meetings and committees.

*Approved.*

CLAUSE 8: Fees, allowances and other conditions.

*Approved.*



26 MARCH 2013

Customary Land Advisory Commission Bill 2012  
– consideration in details

CLAUSE 9: Reports.

*Approved.*

CLAUSE 10: Staff.

*Approved.*

CLAUSE 11: Funds and accounts.

*Approved.*

CLAUSE 12: Exemption from liability.

*Approved.*

CLAUSE 13: Regulations.

*Approved.*

CLAUSE 14: Dissolution.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker.....

MR SPEAKER: I call on the member. Which clause?

Tofa LEALAILEPULE RIMONI AIAFI: Does this mean this Commission will be dissolved after 7 years? Does it mean that no more issues on customary land will suffice after 7 years? My concern is for our future generations. I believe it is necessary to continue with the functions of this Commission. On the other side of the coin, this bill is silent as to whether the Ministry of Environment will take up the responsibilities of this Commission when it is dissolved.

MR SPEAKER: I grant the opportunity to the Chairman.

26 MARCH 2013

Customary Land Advisory Commission Bill 2012  
– consideration in details

Tofa TUSA MISI TUPUOLA: The member for Faleata West is a member of our Committee, suppose he was sick on the day this issue was discussed. However, as far as Clause 14 applies, the Prime Minister and Cabinet will dissolve the inaugural Commission members and elect new members to continue for the next 7 years.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker.....

MR SPEAKER: I call on one of the members of the Committee.

Tofa LEALAILEPULE RIMONI AIAFI: It is clear from the bill that Commission members serve for a term of three years similar to terms for directors in other boards. It is also clear that after 7 years this Commission will be dissolved completely and that is the correct interpretation.

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

MR SPEAKER: Allow the Deputy Prime Minister to clarify.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: The wording of this bill is unambiguous. The member for Faleata West should be versed with this bill because he is a member of the Select Committee that deliberated on this bill. This bill establishes a Special Advisory Commission that will handle issues relating to customary land and its use over 7 years. It will be dissolved if all factors over customary land are accounted for and the elements conveyed in the bill as to the reason for its establishment are satisfied. On the other hand, if Cabinet feels that there is a need to continue then the Commission will extend its term beyond the 7 years as stipulated in the bill.

MR SPEAKER: Thank you.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point of order please.

MR SPEAKER: You may take the floor Opposition Leader.

Afioga Hon PALUSALUE FAAPO II: There is nothing in the Standing Orders prohibiting a Committee member from expressing his views on a bill that was discussed by the Committee he is a member of. That is the correction to the statements made by the Chairman and the Deputy Prime Minister.

26 MARCH 2013

Customary Land Advisory Commission Bill 2012  
– consideration in details

MR SPEAKER: I am still giving the opportunity to the member for Faleata west am I not? The reason why the Chairman and Deputy Prime Minister are questioning the member is due to his regular non-attendance of Committee meetings. Nevertheless, I am still giving him the opportunity and I note that he is about to use his second opportunity. I see no reason for your concern Opposition Leader. I call on the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: For your information Mr Speaker, the only time I miss a meeting is when I attend meetings overseas because I receive many invitations. The Chairman is aware of this because I attend more Committee meetings than him.

I recommend that there be a representative from the Ministry of Environment to be a member of this Commission. The reason being is that they have access to maps, geographical locations of customary land and freehold land. A representative of the Ministry is also versed with customary land hence providing valuable advice to the Commission.

MR SPEAKER: I think we are about to perform the Minister's responsibility before this bill becomes an act. I am sure you are all aware of the influx of cases before the courts over customary land issues. The purpose of this Commission as explained by the Deputy Prime Minister is to pinpoint the root of why these complications arise. Nevertheless, I call on the Minister for Natural Resources and Environment.

Tofa Hon FAAMOETAULOA ULAITINO FAALE TUMAALII (Minister of Natural Resources and Environment): In performing its duties, the Commission is given 7 years with the option to extend should there be a need to deal with lapse issues.

Parliament will decide whether another 7 years is warranted. Following a resolution, Cabinet will make a decision on the way to implement the advice and recommendations made by the Commission, whether it should be diverted to the Ministry of Natural Resources and Environment for implementation.

In terms of having a member from the MNRE as part of this Commission, there is a provision which allows the Commission to call the CEO of any Ministry to provide assistance on any issue they seek clarity on.

MR SPEAKER: Thank you.

Tofa LEALAILEPULE RIMONI AIAFI: I convey my gratitude to the Hon Minister of Natural Resources and Environment for his clarification.

26 MARCH 2013

Customary Land Advisory Commission Bill 2012  
– consideration in details

MR SPEAKER: Do you wish to add anything further Mr Chairman?

Tofa TUSA MISI TUPUOLA: Yes please. Those working for the Customary Land Division with MNRE will work with this Commission and they will provide procedural advice to the Commission.

MR SPEAKER: Thank you.

*Clause 14 approved.*

CLAUSE 15: Consequential amendment.

*Approved.*

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Customary Land Advisory Commission Act 2012.

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

I call on the Committee Chairman.

Tofa TUSA MISI TUPUOLA: Mr Speaker, the Correction to Clause 1 and Title is as follow:

“CORRECTION:

*To omit the numeral “2012” and substitute thereby the number “2013” thus the Act reads:-*

“Customary Land Advisory Commission Act 2013.”

*Correction approved.*

*Clause 1 and Title approved as corrected.*

26 MARCH 2013

Canine Control Bill 2013 – second reading

*The Customary Land Advisory Commission Act 2013 be progressed with Corrections.*

CANINE CONTROL BILL 2013  
– second reading

MR SPEAKER: For the information of Parliament, this bill was read a first time on the 22/01/2013. I call on the Hon Minister for Police, Prisons and Fire Services.

Afioga Hon SALA FATA PINATI (Minister for Police, Prisons and Fire Services): Mr Speaker I move, *That the Canine Control Bill 2013 be read a second time and I seek an opportunity to clarify it.*

*Seconded by the Minister for Works, Transport and Infrastructure and the Minister for Natural Resources and Environment.*

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

Afioga Hon SALA FATA PINATI: Mr Speaker, this bill compliments the 1955 Act. The intention of this bill is to protect the public and tourists alike from the ever increasing presence of dogs. Therefore, this bill aims to control the number of dogs that causes many problems to people but livestock as well. In this sense, the bill conveys power to the public, Ministry of Health, private Organisations to handle this problem. Furthermore, I lobby the assistance of everyone including women representatives of villages and the council of chiefs with the enforcement of this bill once it becomes law. Thank you.

MR SPEAKER: Thank you for your clarification, Hon Minister. Any questions? I grant the opportunity to the member for Faasaleleaga no.2.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No.2): Thank you, Mr Speaker. Foremost, I convey my appreciation and support for this bill. Most important aspect of this bill in my view is the registration of dogs. Meaning, the onus is on families to register their dogs which could reduce the number of stray dogs that has become epidemic affecting our people and tourists.

Second, the bill introduces the power to the Court award costs to victims of dog attacks.

My only advice in reference to this bill is the establishment of a board consisting of 7 members. My concern is money wasted.

26 MARCH 2013

Canine Control Bill 2013 – second reading

I feel the Ministry of Police is more than capable of enforcing this bill instead of establishing a board which would spend more money. That is my only concern but thank you for the bill.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: I intend to offer my views to strengthen this bill.

I also do not support the Board proposed by this bill because the Ministry of Police can work collectively with other Ministries and Organisations specialized in this field to remedy this problem.

Second, I do not agree with the period specified by the bill for the registration of dogs, December to January. This is the busiest time for police officers. I recommend a different period of the year to do this.

Mr Speaker, there are families that have two to three dogs, on the other hand there are also families in the rural areas that uses many dogs to assist them when they go out to hunt in the bush. I suggest providing some sort of assistance to these families especially due to the fact that they employ the use of many hunting dogs.

In relation to clause 19: canines on heat, who is expected to monitor this occurrence given the limited explanation provided by the said clause? Moving on Mr Speaker, the clause governing the compensation paid by a dog owner to a victim of a dog attack. Bear in mind that the primary reason for owning a dog is to provide protection from trespassers for instance. Provided that the clause awards costs to dog attack victims, this means the owner is liable to pay for the injuries sustained by a thief or a trespasser since there is no clause exempting dog owners from liability as a result of an attack to an unwanted visitor.

Finally, I support the Hon Minister's clarification that in order for this bill to be administered effectively, it needs support from the community instead of relying solely on the Ministry of Police. Thank you.

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

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I wish to record my support of the bill. Suffice to say, this bill in my view targets the eradication of unwanted dogs or the stray dog population in our country.

Mr Speaker, the bill aims to control the number of stray dogs and vicious dogs that attack tourists without provocation. My first concern is the cost of registering dogs and the one year term before re-registration. Personally, it is a tad too high for the average family; therefore, I recommend extending the registration period to two to three years. The previous member criticized the registration period citing families with many dogs and I support this view because registering a dog requires the owner to buy a collar, this is too expensive for a low income family.

26 MARCH 2013

Canine Control Bill 2013 – second reading

I also support the view of my previous colleague over the need to provide an exemption to the owner of a dog that inflicted injury to a trespasser, a thief or an intruder.

Second, there is also no exemption to a dog owner whose dog was teased or provoked by a person without reason in which the dog attacked the provoker. It is also stated in the bill that once a dog kills a cow or pig, that dog should be put down. What if the cow or pig trespasses on your land? These are some of the areas that must be considered since many countries have animal rights including dogs. With respect, thank you.

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you, Mr Speaker. I also convey my thanks to the Hon Minister for providing this bill. I also appreciate that the bill aims to strengthen the 1955 Act. I recall that the Tourism Authority in the past attempted to eradicate the stray dog problem but it was not able to sustain its efforts because of the uncontrolled rate of births compounding the problem.

In order for this bill to be effective, why not begin with the town area by targeting dogs roaming Apia before expanding to rural areas. At the moment, I believe we do not have the man-power or the resources to take this initiative at the national level. I believe the rural areas do not pose a risk because they rely on dogs to help them with their plantations as such.

Mr Speaker, I do not support the establishment of a Board to monitor the administration of this bill. The power of electing members of the Board rests with the Hon Minister which is a different process from other Boards which is elected by Cabinet and approved by Head of State. Furthermore, how can we expect the Ministry of Police to construct a dog pound when they cannot build an isolated cell to keep mental patients?

I also support the move to publicise the types of dog breeds forbidden in the country. My only criticism is that the Savali newspaper is the only media stipulated in the bill. I recommend using TV since it reaches a wider audience.

I also do not support the translation of the words canines on heat to “taulala” because of the new beer called “taula”. I also do not support this clause because I have a female dog that stays home but is visited by male dogs from my village. Yet, this clause will punish my dog instead of punishing other people’s male dogs. Furthermore, “desexing” dogs is a costly procedure in which our people require assistance with. In my view, dog registration should not apply to families in the rural areas.

Finally, am I allowed to kill a dog that attacked my son for instance provided it is stipulated in the bill? Should this be the case, what if the family owning the dog retaliates and starts a fight?

26 MARCH 2013

Canine Control Bill 2013 – second reading

Am I protected should this happen? Those are some of the issues for your consideration Hon Minister before we pass this bill. Thank you.

MR SPEAKER: Since the Opposition Leader is seeking an opportunity, I appease the Hon Minister because we are approaching the hour of 1:00 and there is an important event we must attend in the launching of the OCLA Corporate Plan and Website.

I therefore extend the invitation to Members to this event so that we may witness together with the Australian Delegation the launching of the Corporate Plan and Website for the Office of the Legislative Assembly at the Maota o Tofilau Eti Alesana Building.

Once again, I congratulate the dignity of the House for your contributions in the works we dealt with on this sitting day. Tomorrow is another day and may the Good Lord continue His blessings in leading you all to our meeting tomorrow to continue our Orders before we break to celebrate Easter.

Before we adjourn, I acknowledge the support of Samoa in its various setups as well as acknowledging the prayers of the Clergy. I trust God is ever-present in our journey throughout this Holy week in the Religious Calendar.

I call on the member for Aleipata Itupa i Luga, Fagaaivalu who is the master of the trade winds to conclude our sitting with a prayer that is equivalent to a gentle breeze.

Prayers.

*Proceedings of the Legislative Assembly were adjourned at 1:00pm until 9:00am on Wednesday, 27 March 2013.*