

**TUESDAY, 6<sup>TH</sup> AUGUST 2013**

*The Legislative Assembly met at 9:00am pursuant to the Parliamentary Sitting Program 2013.*

*Mr Speaker took the Chair at 9am.*

Prayers.

**MESSAGE FROM LE AO O LE MALO**

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

1. **“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. National Payment System Bill 2013.
2. Apprenticeship Bill 2013.
3. Alternative Dispute Resolution Amendment Bill 2013.
4. Unit Titles Amendment Bill 2013.
5. Income Tax Amendment Bill 2013.
6. Food Bill 2013.

**GIVEN UNDER my Hand** on Monday 5<sup>th</sup> of August in the year 2013.

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

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Message from Le Ao o le Malo

2. CERTIFICATE OF URGENCY

Pursuant to Standing Orders 99 (2), I, TUI ATUA TUPUA TAMASESE EFI, O LE AO O LE MALO, hereby issue the Certificate of Urgency to the Legislative Assembly for the meeting that will commence on Tuesday, 6<sup>th</sup> August 2013.

1. Alternative Dispute Resolution Amendment Bill 2013.
2. Income Tax Amendment Bill 2013.

GIVEN UNDER my Hand on Monday 5<sup>th</sup> of August in the year 2013.

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

OBITUARY NOTICES

1. *Mr Speaker announced the passing away of Tofa Hon MULITALO Siafausa, who represented the Constituency of Faasaleleaga No. 4 in the XII Parliament in the years 1996-2001. He undertook the role of Speaker of the House. He was also Chairperson of the Justice, Police and Prisons Committee, the Primary Production, Commerce, Industry, and Labour Committee, the Standing Orders Committee, and Inter-Parliamentary Committee.*

*Tofā Hon MULITALO Siafausa was selected for a second term in the years 2001-2006, and was Minister of Health. He was a member of the HRPP Party.*

2. *Mr Speaker also announced the passing away of Afioga TOOMATA Leota Ropati, who represented the Constituency of Salega in the XI Parliament in the years 1992-1996.*

*He was a Parliamentary Under-Secretary for the Public Trust in the years 1992-1996. He was also a member of the Standing Orders Committee in the years 1992-1995. He was of the HRPP party.*

*The Legislative Assembly observed a minute silence to pay their final respects.*

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### OTHER ANNOUCEMENTS BY MR SPEAKER

**MR SPEAKER:** As they say of the lightening that hit Saa, that it was a grand occasion, I must say that the esteemed gathering of the distinguished Members is likewise. I acknowledge the presence of our Hon Prime Minister, Cabinet Ministers, and just to their opposite in this esteemed house I acknowledge the presence of the Leader of the Opposition and members of his party, acknowledgement is likewise given to the esteemed Members of the House.

This Chair would like to take the opportunity to officially welcome the attendees for their presence today. It is a day of reckoning and a good day for us to be gathered at this appointed time for our work to commence. I commend your patience and hard work. We have since our last Parliamentary meeting been engaged with our individual duties and praise must be given to the Lord for your continued well-being on this fine morning.

I extend my greetings and well-wishes to the people of our nation, Samoa. I am humbled and wish to acknowledge your endless patience and prayers, be comforted in the thought that it is through your endless support that your Parliament is able to carry out its diverse duties.

We are gathered today with various notable members of the public. I bid welcome to the High Chiefs and Orators, Womans committees, CEOs and to those whose primary responsibilities lie in the family in your role of supporting Government initiatives.

We will now commence our meeting as there are many laws that need to be passed on and further queried in Select Committee Reports.

I would also like to announce that together with us are our youths who work in Government Ministries and State Owned Enterprises and whose presence is in line with our Parliamentary Program. Our children, especially our youth, will be the future leaders of this country and thus great importance is placed in their knowledge gained from observing the procedures that take place in this Parliament.

Days will come and go, and today is ours but tomorrow will be theirs. It is, therefore, crucial to educate yourselves, to value how laws are passed, and bear witness in how it is carried out in an efficient and steadfast manner. For it is the foundation on which Samoa stands upon.

So, I welcome the youths of our country as we will now commence our Parliamentary proceeding. I encourage you to closely observe the work of your leaders of Samoa.

### PRESENTATION OF PAPERS

*The Clerk read out the List of Papers pursuant to Standing Orders 48.*

1. P.P. 2012/2013 No. 20, National University of Samoa Annual Report July 2010-June 2011.

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### Presentation of Papers

2. P.P. 2013/2014 No. 21, Samoa Life Assurance Corporation Annual Report for the Year 2012.
3. P.P. 2013/2014 No. 22, Samoa Water Authority Annual Report July 2010 – June 2011.
4. P.P. 2013/2014 No. 23, Samoa Water Authority Annual Report July 2011 – June 2012.
5. P.P. 2013/2014 No. 24, Annual Report of the Office of the Regulator for the Period ended 30 June 2009.
6. P.P. 2013/2014 No.25, Annual Report of the Office for the Period ended 30 June 2010.
7. P.P. 2013/2014 No. 26, Annual Report of the Ministry of Education, Sports and Culture 1 July 2011 – 30 June 2012.

### PRESENTATION OF SELECT COMMITTEES REPORTS

*The Clerk read out the list of Select Committee Reports pursuant to Standing Orders 51 (5).*

1. P.P. 2013/2014 No. 27, Works, Transport & Environment Committee Report on the Road Traffic Amendment Bill 2013.
2. P.P. 2013/2014 No. 28, The Finance & Expenditure Committee Report on the Constitution Amendment Bill (No. 2) 2012.
3. P.P. 2013/2014 No. 29, The Finance & Expenditure Committee Report on the Audit Bill 2012.
4. P.P. 2013/2014 No. 30, The Finance & Expenditure Committee Report on the P.P. 2012/2013 No. 92, Corporate Plan of the Office of the Clerk of the Legislative Assembly 2013-2015.
5. P.P. 2013/2014 No. 31, Report of the Finance and Expenditure Committee on the P.P. 2012/2013 No. 41, Annual Report of the Samoa International Finance for the Financial Year Ended 30<sup>th</sup> June 2011.
6. P.P. 2013/2014 No. 32, The Finance and Expenditure Committee Report on the P.P. 2011/2012 No. 95, Annual Report of the Samoa Life Assurance Corporation for the Financial Year 2010/2011.
7. P.P. 2013/2014 No. 33, The Regulations Review Committee Report on the following Regulations: S.R. 2011/12 – S.R. 2011-22.
8. P.P. 2013/2014 No. 34, The Regulations Review Committee Report on the following Regulations: S.R. 2011/23 – S.R. 2011/31.

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### Presentation of Select Committees Reports

9. P.P. 2013/2014 No. 35, The Regulations Review Committee Report on the following Regulations: S.R. 2012/1 – S.R. 2012/20.
10. P.P. 2013/2014 No. 36, The Justice Police & Prisons and Land & Titles Committee Report on the P.P. 2012/2013 No. 4, Samoa Law Reform Commissions Report on the Coroners Ordinance 1959, Report 02/11.
11. P.P. 2013/2014 No. 37, The Justice, Police & Prisons and Land & Titles Committee Report on the P.P. 2012/2013 No. 93, Samoa Law Reform Commission Report on the Commissions of Inquiry Act 1964, Report 06/11.
12. P.P. 2013/2014 No. 38, The Officers of Parliament Committee Report on the P.P. 2011/2012 No. 13, Financial Statements of the Parliamentary Pensions Scheme for the Financial Year Ended 30<sup>th</sup> June 2010.

### MOTION OF THE SPECIAL INQUIRY COMMITTEE

**MR SPEAKER:** I call on the Chairperson of the Special Inquiry Committee; Afioga Lautafi Selafi Purcell.

**Afioga LAUTAFI FIO SELAFI PURCELL (Chairperson of the Special Inquiry Committee):** Thank you Mr Speaker. I would firstly like to express my appreciation for the prayer of thanksgiving and praise offered to our Heavenly Father for it is through his benevolence that we are present in the House this morning.

I bid salutations to the Hon Prime Minister, Cabinet Ministers, the Leader of the Opposition and Members of the Opposition and the Members of the House.

I also bid salutations to Heads of the Government Departments who are present here with us today, and I welcome the youths whose attendance demonstrate their willingness to grasp and experience the workings within the House.

I respectfully stand on behalf of the Special Inquiry Committee. On the 24<sup>th</sup> of June of this year, our Committee was tasked by the Legislative Assembly to execute enquiries on the documentation provided by the Member for Gagaemauga No. 2 to investigate his allegations towards the Ministry of Revenue. We were given until the 6<sup>th</sup> of August to submit our investigation in report form, which is today.

Mr Speaker and esteemed Members of the House, I humbly seek the pardon of the Legislative Assembly as the Committee is still in the process of its enquiry. It began as a straightforward investigation but has instead become complicated as there are additional matters in which the Committee has yet to closely examine.

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### Motion of the Special Inquiry Committee

Firstly, the Committee cannot submit an incomplete report to the Legislative Assembly. More time is needed so that the enquiry could be fulfilled in its entirety.

Secondly, this matter and enquiry on the Member is also being investigated by the Courts, which the Committee will continue to monitor and follow through.

For these reasons the Committee seeks an extended postponement of the report while the Courts resume their decision of the matter as I have already reiterated. I pray Mr Speaker, Hon Prime Minister, the Cabinet, Leader of the Opposition and Members of the House, I stand before you to move a motion, *That three months be granted to the Special Inquiry Committee to complete its tasks as required and to report back on 17<sup>th</sup> December, 2013.*

With all due respect.

*Motion seconded by the member for Faasaleleaga No. 4, Faasaleleaga No. 2, Sagaga le Falefa and Alataua West.*

**Tofa Levaopolo Talatonu (Gagaemauga No. 2):** Mr Speaker....

**MR SPEAKER:** My apologies Saleaula, comments on this matter is not permitted pursuant to Standing Orders. The motion has been moved and seconded.

*Motion approved.*

### TELECOMMUNICATIONS AMENDMENT BILL 2013 – second reading

**MR SPEAKER:** For the information of Parliament, this Bill was first read on 30<sup>th</sup> May 2013. I call on the Hon Prime Minister on behalf of the Hon Minister of Communications and Information Technology who is absent.

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister):** Mr Speaker, I move the following motion, *That the Telecommunications Amendment Bill 2013 be read a second time and I wish to comment on it.*

*Motion seconded by the Deputy Prime Minister and the Minister of Finance.*

**MR SPEAKER:** I now call on the Hon Prime Minister for his explanation of the Bill.

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**Telecommunications Amendment Bill 2013**  
– second reading

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker this Bill has already been read the first time, this is the second reading of the Bill and it is very simple. This Bill clearly sets out and broadens the role of the Regulator in handling customer complaints, customer disputes, appeals and tribunal proceedings.

This Bill provides for a referee-like role for the Regulator to resolve and settle disputes that may arise between parties. There are other referee-like appointments such as the Ombudsman for example, and if the investigated matter is unresolved, then the matter is referred to the Courts.

The problem with court cases is that they are very expensive and it takes a long period of time for a decision to be made by the Courts. Even until now, there are cases still waiting court decisions. There is a saying, ‘justice delayed is justice denied’.

The role of referee in this Bill is given to the Regulator and above this position is the Telecommunications Tribunal. If the conflicting groups are unsatisfied with a decision by the Regulator, the matter can be referred to the Telecommunications Tribunal so it is simple.

There was a conflict that occurred between Digicel and SamoaTel resulting in the readjusting of phone costs. The conflict continued regardless of the decision made by the Government concerning this matter. A decision was made to await a Bill to establish the position of Regulator to handle these situations. In the case that one party is dissatisfied with the Regulators decision, the matter can be referred to the Telecommunications Tribunal. As I have already stated the extent of the Regulator powers is clarified in relation to its investigations and the appeal mechanism, including regulating the filing of frivolous appeals and imposing time to file judicial review applications.

This topic regarding imposing time to file judicial review applications are targeted towards individuals or companies that abuse the system. Despite knowing that it is inappropriate, after a decision has been made they still apply for an appeal to get a different decision. On another hand, there are also individuals who will want to resubmit cases they had withdrawn from the legal system for years. This Amendment Bill prevents these situations from reoccurring.

This is also similar to elections where appeals commonly take place. For instance, Kome won the elections, with Simi coming in second and Sione with only two votes. What happened in those days is that Simi would go to Sione and manipulate him into taking Kome to Court. So Sione has an allegation against Kome despite the Courts full knowledge that he has only two votes compared to Komes thousands of votes. As you see, the main reason why Simi manipulates Sione is so that he can win the by-elections.

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This practice continued until the Courts decided that this was an abuse of the system. Such matters should not be accepted, there should be limits imposed, hence the existence of the 50% requirement. If your votes do not reach 50% of the votes won by the winning candidate, then you cannot appeal the results. The Bill also provides for a set time to submit the applications so when the time is lapsed then that is the end for the Courts have more important matters to attend to.

There is a section of the Bill that provides for rules of Tribunal proceedings and also a section concerning the appointment of employees.

There is a clause that empowers the Regulator to employ staff and employees up to the Principal level, whilst contractual employees continue under the management of PSC. What is needed here is for the work of the Regulators Office to not be stalled by delays in the process of appointment of employees by PSC.

Mr Speaker, there are fifteen (15) clauses within the Amendment Bill, which is a very straight forward Bill to understand and I would be shocked if anyone were to stand and question it.

Mr Speaker that is the Amendment Bill.

**MR SPEAKER:** Thank you Hon Prime Minister for your explanation of the Bill and for standing in place of the Hon Minister of Communications and Information Technology who is responsible for this Bill. I see that a member wishes to take the floor maybe he does not understand the explanation given. I call on the Member for Gagaemauga No. 2 for his comments on the Bill.

**Tofa LEVAOPOLO TALATONU:** Thank you Mr Speaker for the opportunity. I listened to the Hon Prime Ministers explanation with complete understanding, to a point where my comprehension has reached 82.5% but there are a few percentages left in which I would like to question the Hon Prime Minister.

This Ministry has been in existence under the Principal Act but there were drawbacks due to the lack of powers given to the Regulator, but I am grateful for this Bill because it now addresses this flaw. There have been several instances in which there was foul play by the parties refereed by the Regulator but I am thankful that this Bill will now strengthen the Office of the Regulator.

However, there is a tiny issue I wish to address Mr Speaker and this is concerning the Principal Act. There was an expectation that in five or six years, the investment costs would be paid and it would result in cheaper phones costs. But to be honest we are still continuing on the same path and there has been no change.

My last question Mr Speaker, how much would it cost for customer complaints applications to the Regulator because it is not shown here.



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Perhaps it will be provided for in the ensuing Regulations. It is appropriate that this cost is clarified for the information of the public listening in, whether they are able to afford it or not.

**MR SPEAKER:** Thank you. I call on the Member for Aana Alofi No. 3 and the opportunity will then be given to the Member for Faasaleleaga No. 2.

Would you like to comment? *(to the Member for Faleata East who was upstanding).*

I beg tolerance to the members, I now call on Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East):** Thank you Mr Speaker for the opportunity. I wish to greet the Members of the House, the youths attending this proceeding as well as to the country listening in.

I congratulate the Government and the Ministry for this Bill. As the Hon Prime Minister has explained earlier, this Bill is intended to fix drawbacks of the Principal Act. I would like to comment on these drawbacks. The Ministry of Communications and Information Technology is a very important ministry within Samoa. This importance not only includes its usefulness in schools, in the work environment but it also has a huge effect on various sectors of the country. But there is a problem, which is not exactly a problem that I would like to talk about.

First, the license that is granted to those who operate in this industry especially the internet service providers. I want to talk about the cost of internet, as the Members of the House have noted the various benefits of internet being used inside schools and other institutions. Samoa is not lacking in the area of Communications, and this is attributed to our close proximity to America, Australia and New Zealand. Samoa is fast approaching the level of technology that these developed countries are currently experiencing but what is stopping us from reaching that level is the delay in establishing the internet. There is a license given to those who run games called text to spin.

This game is just like lotto, it is a game where a person wins a great amount of money but if this amount is compared to what the company profits from, it is quite a lot of money earned. There are other games besides text to spin that are promoted by companies like Bluesky and Digicel. My question is this, why not use the money earned from these games to subsidise the cost of internet so that it is more affordable to use in schools and within the country.

The other part is the right of the individual who has purchased a phone, and yet they are still receiving promotions enticing them to play these games. This game does not affect adults because they can reason whether to play or not, however, it is our children who have the incentive to play because they see that they can win \$1000. As it is put forward in the Amendment Bill.....

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**MR SPEAKER:** I beg tolerance Faleata East but the opportunity shall be given to the Hon Prime Minister to respond.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, I have been looking at when you might interrupt on matters that are important or unimportant to our Amendment Bill.

This Bill does not focus on the topic of games promoted by Digicel and Bluesky. It is also useful that these inappropriate matters to our Amendment Bill are raised so that those in this industry listening in will take a look at it. This matter does not concern the Bill; it specifically talks about a mechanism that would properly handle the legal issues among employees which calls for the need of a referee. I took the floor in order to correct the statement made but not necessarily to respond to the issues raised.

**MR SPEAKER:** Thank you, in the essence of saving time, the opportunity is given to the Leader of the Opposition.

**Afioga Hon. Palusalue Faapo II (Leader of the Opposition):** Thank you Mr Speaker for the opportunity. The Hon Prime Minister has given a clear explanation but as a reminder the Members speeches are on the general merits of the Bill. We now have the opportunity to present other thoughts to help build the responsibilities of the Regulator with all due respect.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I wish to make a point of order.

**MR SPEAKER:** I beg tolerance Leader of the Opposition; your opinion is clearly received.

I now call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, the Leader of the Opposition is correct, regarding general comments. The comments pertaining to this Amendment Bill should be about whether there are parts of the Amendment Bill that need to be removed or added, but the comments made have no relation to the Amendment Bill.

There is no cost given in the Amendment Bill. The only area where costs may incur is if there are court proceedings, there will be costs incurred, but these games provided by companies are not referred to here. Once this Amendment Bill has been passed, you can take this Bill and show it to Digicel regarding their games. But as to the issue surrounding general comments it should only pertain to the Amendment Bill and not about the Company that is at Maluafofou.

Let us continue with the rest of our comments for today.

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**Telecommunications Amendment Bill 2013**  
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**MR SPEAKER:** I beg tolerance to the Leader of the Opposition as the Chair would like to comment.

In a circumstance where there is grave concern I gave an opportunity to the Member to continue his comments, but our general comments were completed when the Principal Act was deliberated. Members should only comment on matters that directly relate to the Amendment Bill. But I still gave the opportunity to the member for his comment. The Hon Prime Minister has already spoken clearly, and I am sure that Digicel and Bluesky have taken the comments made under advisement.

I beg tolerance Leader of the Opposition but if we were to make general comments then the Act would be reviewed when it already has been passed. I beg tolerance once again to the Member for Faleata East, your opinion is clearly received, please proceed to the matter at hand, your comments have been accepted and documented and advice has been forwarded to Digicel and Bluesky.

I call on the member for Faleata East to continue his comments.

**Afioga Hon Palusalue Faapo II:** I beg tolerance Mr Speaker, in regards to your statement about comments made towards Bills. There is nowhere in the Standing Orders that say that you cannot make general comments on Amendment Bills. This is why I took the stance: you are quite correct; we now have the opportunity to make general observations as the whole country is affected by the matter raised by Members. There is still time to review in detail the Bill as per the Hon Prime Ministers comments.

**MR SPEAKER:** I beg tolerance Leader of the Opposition as I give the opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, there is a thing called relevancy to the debate which should directly concern the Bill. But what has happened is that we have strayed away from talks concerning this Bill, and have gone to Maluafou to chat about what Bluesky has advertised on television. This is the main reason why I took the floor so that I can bring you two back to the House to resume our remarks on the bill presented before us.

**MR SPEAKER:** I beg the tolerance of the honourable member; I shall repeat the warning pertaining to our House especially to you Leader of the Opposition. Please heed the requests from the Chair, yet you still continue to speak all the time, it appears to be a poor example for Members of the House this morning. Our matter at hand is clear; I have also spoken to the member who is currently holding the floor to speak directly to our Amendment Bill. We are not voiding all of the Principal Act. This is the essence of the matter, clarity has been accorded to the member, as such, proceed to the conclusion of your remarks, your time is up.

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**Telecommunications Amendment Bill 2013**  
– second reading

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker, the topic that I wish to put forward concerns the amendment to the Principal Act. This Bill will be referred to the Committee for further enquiry. I urge the Committee to carefully analyse each clause, for your perusal see Clause 7 to Clause 15 where it stipulates the role of Regulator and disputes on the different costs. My comments are in reference to the Bill and what of the rights of the customer. Nonetheless I will obey the decision of the Chair.

**MR SPEAKER:** Thank you. Do not be disobedient like the Leader of the Opposition. Set your heart towards what I am aiming for this Meeting then we shall proceed smoothly.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Those are just a few thoughts presented before the House, those are areas to consider: cost of the internet, and the provision of services that may be impacted on, as well as the welfare of our children, and disputes that occur between a customer and the service provider as voiced by the Hon Prime Minister. For none of us can pursue these due to financial restraints.

With all due respect.

**MR SPEAKER:** Thank you. There is one more member who wishes to speak. I beg tolerance Hon Prime Minister as I give the floor to the Member for Faasaleleaga No. 2. I now call on the Member and then the opportunity will be given to the Hon Prime Minister to respond.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No. 2):** Thank you Mr Speaker. I would also like to thank the Hon Prime Minister for his explanation of the Bill. I wholeheartedly support this Bill because it is an important and useful one in reinforcing the role of the Regulator. There is no doubt that the Hon Prime Minister has shared his view on the Tribunal for future development, because the belief is that we can keep an eye on its progress, especially how our money will be spent. I would like to bring attention to the fact that two consultants from overseas will occupy the seats within the Tribunal. I only mention this as an advice for a way forward whether there will be such a time in the future when our people would one day fill this important position; and the benefits are directed towards our people.

In relation to court cases which the Hon Prime Minister has already addressed –this was not the essence and also not the reason why it was removed from the Courts, it is only because the lawyers fee could no longer be paid. It appears to be the reason of why it was removed from the courts but I thank you for establishing the Tribunal. I believe that our local lawyers are here in Samoa, but these are foreigners. The concern is the future but I will leave this with the Hon Prime Minister, Cabinet and the Government to consider firmly for the future. With all due respect Mr Speaker.

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**Telecommunications Amendment Bill 2013**  
– second reading

**MR SPEAKER:** Thank you member for Faasaleleaga No. 2. I now call on the Hon Prime Minister for his response and then the question will be put.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker, I wish to speak on the topic that was put forward, I remember a fight that took place between two players in the game between South Africa and Australia. During the game, the forward player for South Africa was playing poorly but the referee did not call him on it. But you see, the referee also did not like this player and was looking for a specific reason to sin bin him. The Australian side was wrongfully red carded, one of their players approached the referee asking him, “Why was I given a red-card?” the referee answered, ‘I gave you a red-card because I thought you could knock out the African player with one punch but you did not, that is why I gave you a red-card.’”

This is the standard that is clearly stipulated in the Amendment Bill in the role of referee for the Regulator that the Regulator is neutral and fair in his decision making. This is why the Tribunal is set up to overlook the decisions made by the Regulator and to make sure the Regulator is held accountable. So there are questions about cost. There is no mention of cost, until the work is actually done, the only thing that would incur cost, would be the lodgement of complaints or grievance issues before the Tribunal which is a \$100,000 deposit. The only matter that this Bill addressed is that once \$100,000 is paid, it cannot be refunded.

If you recall, regarding the extent of these matters, the relationship of companies in which we are discussing, are also the same companies who have money. If you also recall, the companies that are here, one of them has assisted greatly in financially sponsoring our game that we are praying towards, because they have money to afford such endeavours. This is why the question put forward of placing a 5 to 60 year time period before the cost would be lowered is unclear. It seems as if the question pertaining to this period is to keep the high costs. The current \$100,000 is very high and not low.

**Tofa Levaopolo Talatonu:** Mr Speaker, point of order.

**MR SPEAKER:** The explanation is not finished, it is better to make a statement once the explanation has been complete. What is it that you wish to clarify?

**Tofa Levaopolo Talatonu:** The Hon Prime Minister is addressing my issue but he is unclear on my statement.

**MR SPEAKER:** You may take the floor but keep your statement short.

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**Telecommunications Amendment Bill 2013**  
– second reading

**Tofa Levaopolo Talatonu:** I assume the Principal Act does not contain provisions to allow the Regulator to approve proposals submitted at the time.

There should be a given time or period where total installation costs and other additional costs are paid, and then the cost of phones would be cheaper. However in this day and age, things have remained the same.

**MR SPEAKER:** Your statement is clear honourable member.

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Now I understand and it further presents a faulty argument from the Opposition.

It appears that in between a time period of five to sixty years, phone costs should not decrease but continue to increase. Gentlemen, this is why there is competition and a Regulator. This is the honest truth; there is no cheap phone. Even if it was 2 cents cheaper people would always say it should be only 1 cent. But there are others who say it should be free. There is no cost on this earth that is cheap, every price is expensive. This is why, there is no such company that exists on this earth which operates based on what you are saying; it will only result in bankrupt companies.

The issues brought forth on the cost of internet, this is a big problem that we have with lines overseas. If you can all recall, about 9 years ago our telephones were dead for two weeks. No telephone was able to connect overseas. The reason behind this was due to the great confusion above, caused by the busy antennae machines that did not offer much opportunity for satellite communication. This was why we took it upon ourselves to no longer rely on satellite communication and we should instead attempt ring cables. With ring cables, they are more reliable and fast in sending and receiving messages. Not only is it fast but accurate. However with satellite communication, there are many countries competing for these satellites. Therefore this line that is installed under the ocean was our conjoint effort with American Samoa.

This is the line; it will not be long before it wears out its usefulness. We are also in deliberation to establish a line between us with Tonga and Fiji for communication purposes. We have now been told the Cabinet has made a decision that we will use the line that goes toward Fiji because it is cheap. Tonga is cheap in terms of capital cost, but in regards to usage, it becomes expensive. However in using the communication line that goes below the ocean bed towards Fiji, the capital cost will be slightly more expensive, but in terms of its usage it will be cheap in the long run. This is where we are heading, but American Samoa has contacted us for another deal, that there will be a company who will use this line that we are currently using with American Samoa, we will thus renew our contract and it might bring down the cost. This is why internet is expensive, overseas communication required through the use of wires which we are utilising is very expensive, and this is why another line is needed on competitive terms.

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**Telecommunications Amendment Bill 2013**  
– second reading

If there is a lot of competition, it would also be cheap, and there is no other easier and important way for costs to decrease than through competition like the competition between Bluesky and Digicel. Bluesky was formerly SamoaTel and Digicel remained the same, SamoaTel was a little slow due to government ownership. Then the smart boys with effective common sense came and took on this competition, which is why our phones are currently cheap. Whereas the topic concerning the internet, which we are currently working towards, and the topic brought forth by the member for Faleata East, is a matter in which my Ministry is also engaged with, and with the belief that what we are accomplishing will bring down the cost of internet.

Mr Speaker that is the Bill.

**MR SPEAKER:** Thank you for your clarifying comments.

*Motion was approved and the Telecommunications Amendment Bill 2013 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Orders this Bill will now be referred to the Education, Science, Communication and Information Technology Committee for further examination and submit a report of their findings to the Legislative Assembly in an ensuing sitting.

**AGRICULTURE STORE CORPORATION REPEAL BILL 2013**  
– first reading

**MR SPEAKER:** The Hon Minister of Finance will move a motion on this Bill. I call now on the Hon Minister of Finance.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Minister of Finance):** Mr Speaker I move a motion, *That the Agriculture Store Corporation Repeal Bill 2013 be withdrawn due to unforeseen circumstances.*

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

*Motion approved and the Agriculture Store Corporation Repeal Bill 2013 was withdrawn.*

6<sup>TH</sup> AUGUST 2013

**NATIONAL PAYMENT SYSTEM BILL 2013 – first reading**

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Mr Speaker I move the following motion, *That the National Payment System Bill 2013 be read the first time.*

*Seconded by the Deputy Speaker and the Member for Faasaleleaga No. 4.*

*Motion approved and the National Payment System Bill 2013 was read the first time.*

**MR SPEAKER:** Pursuant to Standing Orders, this Bill shall be second read on the third sitting day that follows.

**APPRENTICESHIP BILL 2013 – first reading**

**MR SPEAKER:** I call on the Hon Minister of Commerce, Industry and Labour.

**Tofa Hon FONOTOE NUAFESILI LAUOFO (Deputy Prime Minister & Minister of Commerce, Industry and Labour):** Mr Speaker, I move the following motion, *That the Apprenticeship Bill 2013 be read the first time.*

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

*Motion approved and the Apprenticeship Bill 2013 was read the first time.*

**MR SPEAKER:** Pursuant to Standing Orders, this Bill shall be second read on the third sitting day following.

**ALTERNATIVE DISPUTE RESOLUTION AMENDMENT BILL 2013  
– first reading**

**MR SPEAKER:** I call on the Hon Minister of Justice, Courts and Administration.

**Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice, Courts and Administration):** Mr Speaker, I move the following motion, *That the Alternative Dispute Resolution Amendment Bill 2013 be read the first time.*

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

*Motion approved and the Alternative Dispute Resolution Amendment Bill 2013 was read the first time.*



6<sup>TH</sup> AUGUST 2013

**UNIT TITLES AMENDMENT BILL 2013**

– first reading

**MR SPEAKER:** I call on the Hon Minister of Natural Resources and Environment.

**Tofa Hon FAAMOETAULOA ULAITINO FAALE TUMAALII (Minister of Natural Resources and Environment):** Mr Speaker, I would like to take this wondrous opportunity to bid greetings to the esteemed Parliament of the country, especially to the CEOs of Government Ministries and Corporations, also our countrys youths who are able to join us for this proceeding, and our local listeners praying for our Parliamentary proceedings and the rest of our esteemed country men.

Mr Speaker, I move the following motion, *That the Unit Titles Amendment Bill 2013 be read the first time.*

*Seconded by Minister of Finance, Minister of Health and the Deputy Prime Minister.*

*Motion approved and the Unit Titles Amendment Bill 2013 was read the first time.*

**MR SPEAKER:** Pursuant to Standing Orders this Bill will be second read on the third sitting day following.

**INCOME TAX AMENDMENT BILL 2013**

– first reading

**MR SPEAKER:** I call on the Hon Minister.

**Tofa Hon TUILOMA LAMEKO (Minister of Revenue):** Mr Speaker, I move the following motion, *That the Income Tax Amendment Bill 2013 be read the first time.*

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

*Motion approved and the Income Tax Amendment Bill 2013 was read for the first time.*

**MR SPEAKER:** Pursuant to Standing Orders, this Bill will be second read on the third sitting day following.

6<sup>TH</sup> AUGUST 2013

**FOOD BILL 2013 – first reading**

**MR SPEAKER:** I call on the Hon Minister of Health.

**Afioga Hon TUITAMA TALALELEI TUITAMA (Minister of Health):** Mr Speaker, I move the following motion, *That the Food Bill 2013 be read the first time.*

*Seconded by the Minister of Finance, Minister of Agriculture and Fisheries, Minister of Natural Resources and Environment, Minister of Works, Transport and Infrastructure and the Minister of Police and Prisons.*

*Motion approved and the Food Bill 2013 was read the first time.*

**MR SPEAKER:** Pursuant to Standing Orders, this Bill will be second read on the third sitting day following.

**ALTERNATIVE DISPUTE RESOLUTION AMENDMENT BILL 2013  
– second reading**

**MR SPEAKER:** I have with me a Certificate of Urgency signed by Lē Ao o le Malo regarding this Bill, the Legislative Assembly will now commence with the second reading. I call on the Hon Minister of Justice and Court Administration.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker I move a motion, *That the Alternative Dispute Resolution Amendment Bill 2013 be read a second time and I wish to comment on it.*

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

**MR SPEAKER:** I call on the Hon Minister for her explanation of the Bill.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker and the esteemed Parliament, this Amendment Bill seeks to amend the Act that was passed in the year 2007. This Amendment Bill contains 12 Clauses; to establish a Mediation Council, Rules and other matters that would further improve the inner workings of the Court.

The Act passed in 2007 was an effort by the Courts to seek an alternative in resolving disputes. Hereafter, meetings within the Court took place to consider an Amendment in which to further improve the Act so that disputes could be resolved without reaching the Courts.

Mr Speaker I am confident that it was an important step for the Courts and us who passed the Bill in 2007, to further improve the resolution of disputes before the Court.

6<sup>TH</sup> AUGUST 2013

**Alternative Dispute Resolution Amendment Bill 2013**  
– second reading

Mr Speaker, since the Principal Act was enacted, the Justice Department under the leadership of the Chief Justice considered ways that would better enhance this new step. Thus the tabling of this Bill this morning to improve the judicial services, especially to establish the Mediation Council, provide for the Rules and other related matters as already stated inside the Bill regarding rights for different parties involved in cases before the Court.

Mr Speaker, this is the short explanation of the Bill.

**MR SPEAKER:** Opportunity is given to a Member who wishes to comment. I call on the Deputy Opposition Leader and also the Member for Falealupo.

**Afioga Hon AEAU PENIAMINA LEAVASEETA (Falealupo):** Mr Speaker I stand with respect before Parliament this morning.

Mr Speaker, we have already offered prayers due to the importance and auspicious nature of our meeting and the honourable members present.

I feel the good winds of change as a result of this Bill. Thank you Hon Minister and your Ministry for I understand that this Bill was not ill prepared in haste. I stand as this subject and the Bill relates to my far-off constituency and it is also of great importance. There are many reasons why it is important and the first is that it places an emphasis on our customs and culture. What are these? It is the meeting face to face with respect. In any court proceeding, parties come in to win, then they present their views and there are no respected boundaries which is harmful to relations. The important matter here in my view is that our customs and culture is reflected in the consultation, consideration, dialogue, negotiations and debate to prevent feelings and thoughts from being hurt. The impacts of cases can affect families and their children. Thank you for the foresight.

There are a number of court cases to be heard at Tuasivi or here in Mulinuu and people from far-off villages arrive and it seems common that people come prepared only for the Courts to reconvene; so they return but the case seeking a decision is a simple one.

As for other cases, for two to three years parties involved come to court only for the case to be adjourned and when it is heard, it does not take long. Time and money is wasted here and it is an inconvenience. Thanks to this Amendment Bill mediation can resolve matters and both parties will be satisfied. Both parties are happy as they share views based on true feelings and cultural respect, they will find out that it was a simple matter that was overlooked, but if we share this way, this will be the most important thing.

These are the important areas Mr Speaker and the esteemed Parliament. We will not drag this matter out longer, my feeling and belief as I also feel is similar with those from far out villages who come to have cases cancelled, we should approve and pass this bill for it is in the national interest. Thank you.

6<sup>TH</sup> AUGUST 2013

**Alternative Dispute Resolution Amendment Bill 2013  
– second reading**

**MR SPEAKER:** Thank you for your speech. I beg tolerance Saleaula as I give the opportunity to the Member for Faasaleleaga No. 2 who stood first. I call on the Member for Faasaleleaga No. 2.

**Susuga PAPALII LIO FAAVAIOMANU TAEU MASIPAU:** Thank you Mr Speaker and the House. I would also like to thank the Hon Minister for this Amendment Bill. As the veteran member from our side has reiterated, I also express my contentment as a lot of time is wasted especially the Courts time and the process will be simplified for our people.

This Bill has a different essence from the Lands and Titles Court. There are those who were appointed specifically to investigate matters concerning lands and titles, but this Bill, appears to focus specifically on civil cases in the Supreme Court and District Courts, not including criminal cases in case anyone thinks that criminal cases are included. This Bill is clear and simple for the country and it will especially save time for our Courts.

It is now before the House and I note it is in a state of urgency and according to the Hon Ministers comments this is one of the Ministries strategies to reducing the Courts workload.

I noticed that the Samoan title of the Bill seems to imply that a courts' final decision is being reviewed. The intention is that it is considered while it is still on the table. With all due respect, thank you.

**MR SPEAKER:** Thank you. I now call on the member for Saleaula.

**Tofa LEVAOPOLO TALATONU:** Thank you for the opportunity; the comments of this constituency will be brief. I wish to thank the Hon Minister and the Ministry for their vital endeavour.

I noticed the Bill is specific to civil cases. My humble recommendation despite the fact that there is a process concerning lands and titles, but if the Ministry would consider including lands and titles cases for mediation with the involvement of the only Court Registrar handling these cases. I have observed the current situation with minor cases which the whole village attends to consult with only one Registrar.

In my view Mr Speaker, this is a costly exercise for the people but if land and titles cases are also mediated, the Registrar travels to the rural areas to mediate instead of this long distance travel.

That is the recommendation Mr Speaker, thank you.

**MR SPEAKER:** Thank you. I beg tolerance Member for Faleata West as I first give the opportunity to the member for Vaimauga West; Tofa Lefau Harry Schuster. I call on the member.

**Tofa LEFAU HARRY SCHUSTER (Vaimauga West):** Thank you Mr Speaker for the opportunity.

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**Alternative Dispute Resolution Amendment Bill 2013**  
 – second reading

I would firstly like to thank the Hon Minister and the Chief Justice for this important Bill. However, I would just like to inform the general public more about this legislation. It began in the year 1994, 1995 when the Law Society pushed for the utilisation of mediation as a process where parties may discuss and resolve their disputes, but there was always the general perception that if there was not a lawyer present or if the matter was not heard in court then this mediation process cannot be a real process in resolving disputes, that is still the belief now. The difficulty of this perception is that there is a huge advantage for people who can afford it compared to poorer people who cannot. However, I hold this Bill in high regard concerning court proceedings and their appropriate differences as the resolution of disputes lies with the parties involved, costs incurred are cheap, and if you have a lawyer it does not mean you have an advantage. The lawyers role is to sort out matters for the resolution of disputes, but the dispute is resolved by the parties themselves.

I am grateful to the Hon Minister and the Ministry. If the country accepts and uses this mediation to resolve their disputes, it would ease the heavy workload on the Judiciary, alleviate the cost of going to Court and ultimately simplifying the resolution of disputes between parties.

Thank you Mr Speaker for the opportunity given.

**MR SPEAKER:** Thank you member for your comment. I now call on the member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI (Faleata West):** Thank Mr Speaker for the opportunity.

I would firstly like to thank the Hon Minister and the Ministry for this Bill because these forthcoming changes are good for work performance and dispute resolutions. Statistics from the Courts record that there are minor matters to be debated but it can be resolved through mediation.

Also, with court cases, even if one party wants to win, there is only one winner and that is the lawyers like Papalii. This is why mediation as proposed by the Ministry is useful.

Moreover, we tend to forget Jesus mission on this earth was to preach repentance. Once you repent, you are then forgiven. If you are found in the wrong, like me, repent. Once you are found you must repent but if you are arrogant, you will be taken to Court. This is a point that people must understand, if you are found out ask for forgiveness. It is shameful but not painful but is important to move forward.

My last concern towards the Bill is the Council membership. I believe this council also mediates family and couple disputes. It would be appropriate if it were only one Judge, two other persons and the couples lawyers to simplify matters.

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**Alternative Dispute Resolution Amendment Bill 2013**  
– second reading

But if there is a dispute between my wife and I and we stand before the Council with all the twenty members seated before us, I would quickly say to my wife, “Let’s go, the whole of Samoa will know what is happening between us due to the many people facing us.” Maybe this should be your first concern, if it is possible.....

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker, point of order.

**MR SPEAKER:** I beg tolerance to the speaking member, as you have spoken on the conflicts between you and your wife but we are discussing the disputes concerning Samoa. If you are found on many occasions, let yourself be found, but do not speak...

I call on the Hon Minister of Justice and Courts Administration.

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker, I would like to assist the Member and his view on the membership of the Mediation Council that would announce the affairs of his family. I would like to explain with respect that the Council drafts the Rules and other matters, but cases for mediations will be handled by mediators substituting lawyers as you stated, that make money from court cases like Papalii. That is the minor clarification for the member.

**MR SPEAKER:** Thank you, the explanation given by the Hon Minister of Justice and Courts Administration is clearly understood. I now call on the member, do not mention the Council but conclude your comments as your time is drawing to a close.

**Tofa LEALAIPULE RIMONI AIAFI:** Thank you; I commend the Hon Minister for not reaching the phase that we all have reached because her life is blessed she is not bothered by marital quarrels, as for me, it has been over twenty years of marriage, there is nothing wrong with that.

I have come to the end of my comments, this is enough. Thank you Hon Minister for the Bill.

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

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you for the opportunity Mr Speaker. The topic that I wish to raise is very short but I would like to convey my appreciation to the Hon Minister and the Ministry for this Bill.

The Bill is clearly understood due to the clarification given yesterday. I have two queries; first, I am concerned that the Ministrys eagerness to quickly resolve disputes may affect the integrity of the Bill relating to the mediators enforcing this Bill. As you know, to become a mediator, it takes a long time to be educated in alternative dispute resolutions.

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**Alternative Dispute Resolution Amendment Bill 2013**  
– second reading

The reason why I raised this matter is because I am concerned that the Ministry's eagerness to resolve disputes may incur flaws.

Second, how effective are the decisions made in mediation? As is widely known, when cases are taken to Court, decisions are upheld until eternity? Will this also apply to mediation decisions? Will there be a period given for a dispute? A case may be resolved today and occur again in the next week. Are there conditions to protect against these occurrences?

Those are some matters I present to the Hon Minister and the Ministry. Thank you.

**MR SPEAKER:** I beg tolerance Hon Minister of Justice and Courts Administration the opportunity shall be given to two more members.

I call on the honourable Member for Aleipata Itupa i Lalo

**Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo):** Thank you Mr Speaker, thank you also to the comments made by members to whom the Hon Minister has responded. I wish also to concur with the members appreciation on this important and useful Bill. This Bill is good for the benefit of the country and the future of this Court. I commend the Hon Minister and the Ministry for their foresight.

There is one matter that I wish to present which other members have already touched on, regarding mediation in the rural villages. This is my request with all due respect.

Family expenses will be reduced and as the member for Falealupo mentioned the distance, Aleipata is also quite far away and the cost for one person to travel to Apia is \$10 or more. However if there are 20 or 30 mediators, the Ministry should consider them travelling to the rural areas.

I frequently see Court records dating from 1907 where the Chief Justice Governor Solf travelled to far-away villages in order to carry out Court hearings. Although, the decisions made were unethical, he however travelled in order to hold these Court hearings.

This is my humble request. May this meeting be blessed.

**MR SPEAKER:** Thank you. I call on the member for Falealili; Tofa Tusa Misi Tupuola.

**Tofa TUSA MISI TUPUOLA (Falealili):** Thank you Mr Speaker for the opportunity. I would also like to convey my great appreciation to the Hon Minister and the Ministry for this Bill.

I failed to pose the question in yesterday's discussion of this topic. I would like to understand the provision relating to the use of telephones and other electronic means that is given in Section 2(b) of the Bill. How serious is the penalty given by the Courts towards the use of these devices in the court room, which is different from a session attended by people to mediate.

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**Alternative Dispute Resolution Amendment Bill 2013**  
– second reading

This is the only matter that I wish to be further clarified concerning the use of these means and video conferencing and the Courts decision on such meetings.

**MR SPEAKER:** Thank you. I now give the opportunity to the Hon Minister of Justice and Court Administration for her response to the issues raised.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker, I express my appreciation for the comments on this amendment Bill. It is clear that this Bill pertains to the Supreme Court and District Courts cases. As for lands and titles cases, if you recall, a bill passed last year enabled the Lands and Titles Court to also use mediation.

There is concern that we might be in haste to lighten the work load of the Courts and in doing so we might run the risk of rushing this process through mediation. The main initiative behind this Bill is to seek different ways or methods to resolve disputes. You have also positively addressed possibilities, which can be done.

However, I would like to remind Mr Speaker and the distinguished Parliament that this Bill is not enforced outside of the courts rather within the courts. This means that when a case is referred to the courts, it is within the Courts jurisdiction. Cases can be trialled normally between lawyers or mediated as provided in the amendment Bill. This may also be the response to the query on the title of the Bill as it is the decision by the courts but made through an alternative resolution mechanism.

Regarding public awareness of this Bill, I sense that the Bill has been presented in its entirety according to its expectation and preparation. I note the undivided support of the esteemed Parliament so the Bill may progress. Perhaps it will be appropriate in its current entirety that this preparation can be accessible, for the information of the country, especially those in considering the dispute mechanism to utilize.

It is pleasing that the lawyers in the House foremost recommend the use of mediators to ease financial burdens of affected parties.

Mr Speaker, Members have suggested mediation in the rural areas as was done in years past. I consider this to be another beneficial undertaking for the mediator. Since these parties are not tied towards appearing before the Court, mediation can take place at any venue consented to by both parties. This may also be an initiative to remove tension from discussions when held outside court precincts. Flexibility can be used in such matters.

Regarding the query on the use of phones and other modern communication methods; referring to the Bill concerning the Members comment, this refers to procedures during mediation.



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**Alternative Dispute Resolution Amendment Bill 2013**  
– second reading

These meetings are recorded and parties may consent to use telephones or the computer to carry out mediation talks. If both parties are knowledgeable in the use of technology then this will be permitted under the Bill. This is also a time saving alternative for all parties involved using modern technology and the most important factor is that there is consent.

Mr Speaker, I believe these were all the matters brought fourth. I would like to thank the members for their support of this Bill.

**MR SPEAKER:** Thank you Hon Minister of Justice and Court Administration for your comments.

*Motion was approved and the Alternative Dispute Resolution Amendment Bill 2013 was read a second time.*

**MR SPEAKER:** I believe that we have arrived at our usual recess. We will continue our deliberations once we return from our usual break.

*Proceedings of the Legislative Assembly were set aside at 10:45am for its usual recess and resumed at 11: 27am.*

**MR SPEAKER:** I am assured that your physical, spiritual and mental health and strength has been restored from the meal provided during our usual recess.

I wish to convey my gratitude to the Hon Prime Minister and the Leader of the Opposition for their resolve and remarks made to the participants of the Youth Programme.

The essence and hope for the Parliamentary Awareness Program is that our youth of today understand these proceedings so that when the time comes in the future when their generation will be called to be Leaders of our country they will understand these proceedings.

I am grateful for your words of advice and encouragement. I believe that this is the best gift they will leave with this morning.

Before our break, the motion was approved. We will now commence with our program.

**INCOME TAX AMENDMENT BILL 2013**  
– second reading

**MR SPEAKER:** I have received a Certificate of Urgency signed by Le Ao o le Malo therefore the Assembly will proceed to second read the Bill.

I call on the Hon Minister of Revenue.

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

**Tofa Hon TUILOMA LAMEKO:** Mr Speaker and honourable members of the Legislative Assembly, we have just completed our morning break with refreshments for added strength. Mr Speaker, Hon Prime Minister, Cabinet Ministers as well as honourable members of the Legislative Assembly, I am confident that His Highness O Le Ao o le Malo and dignitaries of our country are supporting us today.

I stand with respect to present before the Legislative Assembly the provisions stipulated within this Bill....

Mr Speaker, as you know....

**MR SPEAKER:** You must move the motion before you can begin the explanation of the Bill.

**Tofa Hon TUILOMA LAMEKO:** Mr Speaker, I rise to move a motion, *That the Income Tax Amendment Bill 2013 be read a second time and I wish to comment on it.*

*Secoded by the Deputy Prime Minister, Minister of Finance and the Minister of Women, Community and Social Development.*

**MR SPEAKER:** I now call on the Hon Minister for his explanation of the Bill.

**Tofa Hon TUILOMA LAMEKO:** Mr Speaker, I have already addressed the honorifics of the House. Regarding this Bill before the House, it is known that for national economic development, the Tourism industry is prioritised and this is the intention of the Bill in amending the 2012 Principal Act.

The Bill seeks to encourage not only the public but also companies to invest in hotels. As I have reiterated, we are dependent on our developments, but tourism is a prioritised industry.

As it is stated in the – if you have \$100,000, which is the minimum amount to invest, it could be used to buy shares in the hotel, this is the important part Mr Speaker, that investor will be allowed a credit against income tax payable for the persons income at the rate of 100% of the investment. For example, if you invest at least \$100,000 you will be allowed a tax credit of \$100,000.

The intention is that this can become reality. To further clarify, if the investment of \$100,000 has been made...if at the end of the year, the hotels accounts show a return of \$100,000, under this Bill, you are allowed to request a credit against income tax. It is the belief that tax does not have to be paid with the money earned. Which means, from now on, people are now able to use the tax credit. This is the true reasoning behind the Bill, to motivate the country to invest in a hotel development. This amendment Bill, specifically applies to hotels or accommodations.

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

Mr Speaker, that is the brief elaboration and intention of the Bill before the House. The Bill also extended the period an investment is held to 5 years to assist local hotel owners. With all due respect.

**MR SPEAKER:** Thank you for your clarifying comments Hon Minister. I believe the explanation of the Bill is understood. Is there a member who would wish to comment on the Bill?

I call on the member for Falealupo.

**Afioga Hon AEAU PENIAMINA LEAVASEETA:** Thank you Mr Speaker, thank you also to the Hon Minister for his clarification. A minor question, does this include any individual for instance foreigners or overseas companies?

If so, I do not support this however if there is a reason for it, please state it. Thank you.

**MR SPEAKER:** I now call on the member for Salega; Afioga Afualo Wood Uti Salele.

**Afioga AFUALO WOOD UTI SALELE (Salega):** Thank you Mr Speaker, just a minute required in accordance to your will, to convey a consoling consideration of a former Member that occupied the seat of this Constituency. Now that I have this opportunity, I offer my sympathies to Afioga Toomata and family as well as the widow with regards to their loss. Thank you Mr Speaker.

Regarding the Bill, I express my compliments. Thank you Hon Minister for it is very clear that our tourism is one important sector for economic development as it contributes to national revenue. I note that the intention of the Bill is to encourage and entice our people to invest in hotels which in turn will create employment opportunities. My comments are therefore only to congratulate and express gratitude for this incentive. Thank you Hon Minister. I only have one suggestion to reduce the amount to \$50,000 but if not, I am satisfied with the \$100,000.

With all due respect. Thank you.

**MR SPEAKER:** Thank you. The opportunity is given to the honourable Member for Aana Alofi No. 3 to stand.

**Afioga TOEOLESULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No. 3):** Thank you Mr Speaker for the opportunity; thank you also to the Hon Minister for the Bill. I believe that this Bill will bring development for Samoa and I also support it.

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

First, Mr Speaker I would like to gain clarification from the Hon Minister because there is a clause in the Bill that mentions ‘first class hotel accommodation’. How is this rated? There are many hotels in Samoa that are one or two star accommodations. Most of our hotels are in the three star category so will this be the standard of first class hotel accommodation or is the internationally accepted 5 star rating used?

Secondly Mr Speaker, I believe preparations have completed and the Government is keen to administer this Bill, there is also – I only sense Mr Speaker, if the Hon Minister considered other activities or events besides hotels for instant bus operators which are used by the tourists. As you may know, there are many tourists staying at hotels and there are no activities. Perhaps the Government and event promoters could consider developing such an initiative not only investment but also other services that could be further improved in our tourism industry.

Thank you Mr Speaker.

**MR SPEAKER:** Thank you. I now call on the member for Faleata followed by the member for Gagaemauga.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker. I will be brief. I would like to convey my appreciation to the Hon Minister and the Ministry especially the Government for this Bill presented before us. The tourism sector has contributed greatly to economic development and this is an important initiative. The only observation is that this is particular to first class hotel accommodation or an approved tourism development; however what is the view of hotels that have long been established but are now under loans and debt.

Perhaps consideration can be given to investors that choose to invest in these sorts of developments to save them from ruin. Because we always debate on the fluctuating number of tourists which can change overnight but the infrastructure and these accommodations need to be maintained at a high standard. The Government continues to help hotels that are still in business, it is also useful to also look at revitalizing those in need of a lifeline and I believe that their problems can be resolved.

With all due respect, thank you.

**MR SPEAKER:** I now call on the member for Gagaemauga No. 2, followed by the member for Faleata East.

**Tofa LEVAOPOLO TALATONU:** Thank you Mr Speaker, my thoughts will also be very short. I stand to record the support of my constituency for the Bill as is presented.

It is also nice regarding the matter of enticements for those who are interested in the business of hotels, especially investors regarding this venture as it is economically beneficial for Samoa.

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

It is true that the amount is \$100,000 but this is not a huge amount of money if we look at the returns from these types of development.

The only request of this constituency; there are many companies and others interested in the hotel business, but there is an obstacle especially regarding the village councils and others. Perhaps the Hon Minister of Women, Community and Social Development can implement programs to clarify this initiative. There are village council members who still do not understand these concepts and as a result developments are always difficult to start.

If you may recall the Government prioritizes investors and they prioritise time. We always string along cultural lines but it is at the risk of developments which our Government is attempting for economic development. That is the brief comment Mr Speaker. Thank you.

**MR SPEAKER:** Well done, thank you for your comment honourable member for Gagaemauga No. 2. I now call on the member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker my comments for the Hon Minister are very short. Firstly, I appreciate this Bill.

Secondly, why is this Bill focused specifically on first class hotel accommodations? Is there a section in this Bill or an older law which looks at this area that I am unaware of? This opportunity should also be available to owners of beach falea so they may be able to upgrade because this is the type of location tourists mainly visit.

Thirdly, is such an opportunity also available to those who have tourist sites? If a tourist arrives and stays in a Five Star Hotel that is allowed this opportunity, they would visit the tourist sites. Will those maintaining these sites also have such a tax? These are some of the thoughts put forward with respect.

**MR SPEAKER:** Well done. I now call on the Leader of the Opposition for his concluding comments.

**Afioga Hon PALUSALUE FAAPO II:** Thank you for the opportunity and with respect. I have two questions.

First question, has the Ministry calculated the losses from this Bill because investments will be held for a period of at least 5 years.

Second, there are many bankrupt hotels. Support is given to thriving hotels, when struggling hotels are paying taxes, striving to pay employees and trying to keep the hotel afloat. Has the Ministry and the Hon Minister considered these hotels for assistance. Enticements will be given to successful ventures, while there are those suffering with their establishments but they are still trying.

These two questions are posed for further clarification from the Hon Minister, with all due respect.

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

**MR SPEAKER:** I now call on the Hon Minister for his response; the Chair reiterates on the comments at this stage. This is in the opportunity given to comment on the general merits not for specific questions. The Hon Minister will try to respond to these questions accordingly.

Your general comments should offer recommendations and advice but not pose direct questions to the Hon Minister.

I now call on the...I beg tolerance Hon Minister; I call on the Leader of the Opposition.

**Afioga Hon Palusalue Faapo II:** Mr Speaker with all due respect, your ruling for our speeches to be short and direct and not general has been adhered to. My questions were general and it is good to be direct as that will shorten our deliberations. If I commented generally I would not be finished today, with respect.

**MR SPEAKER:** Just present your recommendations then it will be brief. I now call on the Hon Minister to stand and proceed with your response to the members comments.

**Tofa Hon TUILOMA LAMEKO:** Thank you for attempting to clarify the procedure with questions but they are not difficult questions. I will respond to all the queries. The first question was asked by the member for Falealupo; along with local companies, are overseas companies also included? They should be included, see how easy that was. How can they not be included when many foreign investors invest in Samoa? To clarify, income tax exemption is also part of the legislation.

Second, the matter brought forward by member for Aana Alofi No.3 regarding first class hotels. Our country is developing and the duty of an entrepreneur is to run their business but the investor will be allowed this opportunity if they invest in a hotel. There is no need to categorize; the only aim is that the quality of the hotels are at a high standard. Our economy cannot reach the high standard that we aspire to if we do not develop our hotel industry and tax exemption is one strategy.

The member for Gagaemauga No. 2 regarding the village council as an obstacle; I believe this is a pitiful statement for there is absolutely no village in Samoa that will prevent...especially large scale developments because it will create employment opportunities. I believe.....

**Tofa Levaopolo Talatonu:** Point of order Mr Speaker.....

**MR SPEAKER:** I beg tolerance Hon Minister, state your view Saleaula; what is the matter?

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

**Tofa Levaopolo Talatou:** I beg tolerance Hon Minister but your response is unrelated to my concern. There have been many instances when such situations have occurred in the villages in which the Government considered for projects. This is because villagers have not been informed of Government policies in regards to hotel developments resulting in the delayed implementation. The Bill is a welcomed incentive but there is the mentioned obstacle impeding the development of the hotel industry for the development of our country.

**MR SPEAKER:** Your comments have been clearly received honourable member regarding the delay in projects in villages. I recall your comment was aimed towards the Hon Minister of Women, Community and Social Development for his assistance.

It is the duty of the member to propose such developments to the village and clarify all the terms and conditions for the understanding of the village for an informed decision. I feel that if there is clarity there will be no opposition. I attended the opening of the gas station in your village and this concern was voiced on the same issue you are raising. I humbly advised the village council that it is better to consult with you to clarify the concern for a successful result.

The Chair has clearly received the concern of the member. The purpose of this Bill is also to promote and when the Five Star hoteliers arrive, it will be eligible to benefit under this legislation through tax exemption.

I now call on the Hon Minister to continue as the issue is clear.

**Tofa Hon TUILOMA LAMEKO:** Thank you Mr Speaker, I spoke strongly because we are all a part of the village council – perhaps there may be differences from time to time. However the word ‘obstacle’ means that nothing would be implemented.

This is the initiative we are working towards as stated, we are all chiefs and orators within our individual villages. I believe these are the only queries.

Mr Speaker, I would like to conclude my explanation by conveying my appreciation to the Chair and the esteemed members of the House, for.....

**Afioga Toeolesulusulu Cedric Pose Salesa Schuster:** Mr Speaker.....

**MR SPEAKER:** I beg tolerance Hon Minister, what is your issue?

**Afioga Toeolesulusulu Cedric Pose Salesa Schuster:** I wish to pose my question to the Hon Minister whether the benefit mentioned would also apply to businesses like beach fale, and tourist sites, with all due respect.

**MR SPEAKER:** I now call on the Hon Minister for his concluding comments.

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

**Tofa Hon TUILOMA LAMEKO:** Yes that question was posed. The criteria for eligible developments are in the Bill. The Government has given assistance to hotels in their primary stages but for now, the emphasis is specifically on hotels so that the quality can be at a high standard. With all due respect.

I wish to convey my appreciation to the members for their comments. This is an important bill and the comments put forward were good, and the Ministry will consider amendments at an appropriate time. God bless you Mr Speaker and the esteemed Legislative Assembly.

*Motion was approved and the Income Tax Amendment Bill 2013 was read a second time.*

**MR SPEAKER:** I have in my hand the Certificate of Urgency signed by O Le Ao o le Malo, therefore the Legislative Assembly will now commence with consideration in detail of the Bill.

In accordance with Standing Order 102, consideration in detail begins with Clause 2.

**CLAUSE 2: Section 2 amended.**

*Approved.*

**CLAUSE 3: New Part 11A inserted.**

*Approved.*

**CLAUSE 4: Section 7 amended.**

*Approved.*

**CLAUSE 5: Section 8 substituted.**

*Approved.*



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**Income Tax Amendment Bill 2013  
– second reading**

**CLAUSE 6: Section 9 amended.**

*Approved.*

**CLAUSE 7: Section 11 substituted.**

*Approved.*

**CLAUSE 8: Section 13 amended.**

**MR SPEAKER:** The Hon Minister has an amendment on Clause 8. I call on the Hon Minister of Justice and Courts Administration.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker, I stand to move an Amendment to Clause 8 as follows:

**“AMENDMENT:**

*To insert the word “apply” after the phrase, “A party to any mediation may.”*

With all due respect.

*Amendment approved.*

*Clause 8 approved with Amendment.*

**CLAUSE 9: New sections 13A and 13B inserted.**

*Approved.*

**CLAUSE 10: Section 16 substituted.**

*Approved.*

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– second reading

**CLAUSE 11: Consequential amendment.**

*Approved.*

**CLAUSE 12: Transitional.**

*Approved.*

**CLAUSE 1 AND TITLE:**

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

**TITLE: Alternative Dispute Resolution Amendment 2013.**

*Approved.*

*The Alternative Dispute Resolution Amendment Bill 2013 progressed with an Amendment.*

**INCOME TAX AMENDMENT BILL 2013**  
– consideration in detail

**MR SPEAKER:** I have in my hand the Certificate of Urgency signed by O Le Ao o le Malo, therefore the Legislative Assembly will now commence with consideration in detail of the Bill.

In accordance with Standing Order 102, the consideration in detail begins from Clause 2.

**CLAUSE 2: New Division Inserted.**

*Approved.*

**CLAUSE 3: Transitional.**

*Approved.*

6<sup>TH</sup> AUGUST 2013

**Income Tax Amendment Bill 2013**  
– consideration in detail

**CLAUSE 1 AND TITLE:**

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

**TITLE:** Income Tax Amendment 2013.

*Approved.*

*The Income Tax Amendment Bill 2013 progressed without Amendments.*

**ALTERNATIVE DISPUTE RESOLUTION AMENDMENT BILL 2013**  
– third reading

**MR SPEAKER:** I have in my hand the Certificate of Urgency signed by O Le Ao o le Malo regarding this Bill, therefore the Legislative Assembly will now commence with the third reading of the Bill.

I call on the Hon Minister of Justice and Courts Administration.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker I stand to move a motion, *That the Alternative Dispute Resolution Amendment Bill 2013 be read a third time.*

*Seconded by the Deputy Prime Minister and the Minister of Finance.*

*Motion approved and the Alternative Dispute Resolution Amendment Bill 2013 was read a third time and passed the Legislative Assembly.*

**INCOME TAX AMENDMENT BILL 2013**  
– third reading

**MR SPEAKER:** I have in my hand the Certificate of Urgency signed by O Le Ao o le Malo, therefore the Legislative Assembly will now commence with the third reading of the Bill.

I call on the Hon Minister of Revenue.

**Tofa Hon TUILOMA LAMEKO:** Mr Speaker I stand to move a motion, *That the Income Tax Amendment Bill 2013 be read a third time.*

*Seconded by the Deputy Prime Minister and the Minister of Finance.*

*Motion approved and the Income Tax Amendment Bill 2013 was read a third time and passed the Legislative Assembly.*

6<sup>TH</sup> AUGUST 2013

**CONSIDERATION OF SELECT COMMITTEE REPORTS**

**P.P. 2012/2013 NO. 30, REPORT OF THE WORKS, TRANSPORT AND ENVIROMENT COMMITTEE ON P.P. 2011/2012 NO. 36, ANNUAL REPORT OF THE SAMOA PORTS AUTHORITY FOR THE FINANCIAL YEAR ENDED 30<sup>TH</sup> JUNE 2010 - CONSIDERATION**

**MR SPEAKER:** I call on the honourable Chairperson of the Works, Transport and Environment Committee.

**Tofa TUSA MISI TUPUOLA:** Mr Speaker and the esteemed Parliament, I move a motion, *That the Legislative Assembly take note of the Committee Report presenting its FINDINGS, RECOMMENDATIONS AND RESOLUTION.*

With all due respect.

*Seconded by the member for Palauli.*

**MR SPEAKER:** I call on the honourable Chairperson to read the Committee recommendations and resolutions.

**Tofa TUSA MISI TUPUOLA:** Mr Speaker and the esteemed House:

**“RECOMMENDATIONS:**

Based on its findings the Committee recommends that the Government:

1. Recommends the Authority to review its port changes in order to attract vessels to visit Samoa and overcome its financial problem in terms of revenue earning.
2. Negotiates with American Samoa regarding cheapest alternatives for agricultural exports, to assist our local farmers and the public.
3. Recommends the Authority to purchase a new Sea Dredger to replace the old Fresh water Dredger as it cannot afford the quality of work, in order to minimize expenses.
4. Considers the effects of the Aleipata marine due to the incomppliance of the Slipway services operation with the environment requirements.
5. Authority to consider the use of its revenue only for appropriate operations for the safety of sea ports.

**RESOLUTIONS:**

At the conclusion of its consideration, the Committee resolved to recommend to the Assembly:

P.P. 2011/2012 No. 36, Annual Report of the Samoa Ports Authority for the Financial Year ended 30<sup>th</sup> June 2010 be approved.”

With all due respect.

6<sup>TH</sup> AUGUST 2013

**P. P. 2012/2013 No. 30, Report of the Works, Transport and Environment Committee on P. P. 2011/2012 No. 36, Annual Report of the Samoa Ports Authority for the Financial Year Ended 30<sup>th</sup> June 2010 - Consideration**

**MR SPEAKER:** Thank you honourable Chairperson. As I see, there is no member who wishes to comment on the Report for it is clear and comprehensive.

**Tofa Aveau Tuala Lepale Niko Palamo:** Mr Speaker.....

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

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker, I thank the Chairperson and the Committee for the Report. First, there is a section in the report in its findings that states that the wharfs in Salelologa and Satitoo, Aleipata should be upgraded. From the site visits, I wish to query what the current state of the Satitoo slipway is and whether it is being utilized. Second, the third recommendation advises the purchase of a Sea Dredger; how much is the cost of this machine and what is the problem with the current dredger which has led to this recommendation?

These are my two questions for the honourable Chairperson Mr Speaker. With all due respect.

**MR SPEAKER:** I now call on the Chairperson to respond.

**Afioga Hon Palusalua Faapo II:** Mr Speaker I note the Chairperson is about to respond.

**MR SPEAKER:** I beg tolerance honourable Chairperson as the opportunity shall be given to the Leader of the Opposition.

**Afioga Hon PALUSALUE FAAPO II:** Thank you for the opportunity given Mr Speaker as this Committee Report on the Ports Authority is very important. This Authority has been under much scrutiny not only for its Appropriations but also its Annual Reports.

Firstly, I noticed that this Report is dated 2010 but this is the year 2013, but I assumed that the Committee Report would note this delay.

Secondly, there is a list of five recommendations presented. I seek clarification from the honourable Chairperson regarding the recommendation that the Authority should reconsider the docking fees; will a reduction in the charge result in more vessels? Does this recommendation mean that a reduction in port charges will encourage vessels to dock with their shipment? I firmly believe that it is not the charges that are the purpose for the number of vessels. I believe Shipping Companies ship according to the exports and imports depending on the state of the economy and demand.

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In the case of the initiative towards the port charges of vessels, we should be cautious because there may be limited ships coming in to dock and the Ports Authority is experiencing financial challenges which may cause the Authority to raise the port charges and it would fall on the shoulders of the country. This is why honourable Chairperson and Hon Minister please consider what is implied by this recommendation whether it is to decrease port charges or is it for the subsequent increase which would affect businesses and ultimately leave the country to pay the price.

**MR SPEAKER:** I beg tolerance Leader of the Opposition as the opportunity shall be given to the Hon Minister responsible for the Samoa Ports Authority.

**Afioga Hon Manualesagalala Enokati Posala (Minister of Words, Transport and Infrastructure):** Mr Speaker and the esteemed presence of the Hon Prime Minister, Cabinet, and Members of the Parliament of this proceeding. This 2010 Report has just been considered by the Committee but it was presented to Parliament a long time ago. I am sure that the matter of charges is clear and it has already been negotiated. There has been a change in the number of cruise ships docking at our wharf seen in the increase in numbers. I believe that this change will lead to increased revenue for the wharf as these visitors also purchase handicrafts and use the transport services. There has been a change in all these areas. In the case of cargo ships, a survey has shown that there is a decrease.

There is also a Government intention for the Pacific Forum Line vessels which will increase the chances of our ports being used but in the case of changes in charges for cruise ships, this should be an increase in revenue for the wharf. Numerous studies such as scoping studies performed by overseas specialists investigated areas that need improvement to increase revenue for the wharf and they are currently being implemented. I believe that Rome was not built in a day; however the work in progress is to establish the good standard for the move forward.

This is the response to the questions posed Mr Speaker.

**MR SPEAKER:** I call on the Leader of the Opposition.

**Afioga Hon PALUSALUE FAAPO II:** Thank you for the clear explanation given on the charges for cruise ships as the question was for the Chairperson and clarification should be given for it is in your Report. It does not concern all vessels but it is specific to cruise ships which was the purpose of my query as the recommendation given seems general.

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Mr Speaker, environmental impacts are quite serious. In Aleipata and Safata there was an environmental programme before the slipway at Aleipata was constructed and I bear witness on the importance of this program as it brought recognition to our constituency of Safata for our good implementation of this programme. This was done in partnership with Aleipata. I also bear witness that before the implementation of this programme, there was rare coral and fish in Aleipata. These coral are very important to the environment and the programme but there has been a great injustice done to Aleipata because of the slipway. This is why Chairperson, I also ask for assistance Hon Minister, to please consider in future the prioritisation of the dry docking facility as it would adversely affect Aleipata.

**MR SPEAKER:** I beg tolerance Leader of the Opposition, the explanation of the Hon Prime Minister will be made after which you can continue with your comments.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, I frequently fish in Aleipata. I go and cast my fishing rod there for I too come from Aleipata. I have seen no change to the trevally and parrotfish resources there. I would like to pose the question whether....does it mean that the fish flee because of the vessels? Does it mean that if they see a ship being tugged to the slipway they would think it were a whale? What is it exactly that they fear if there is such an infrastructure at Aleipata?

I wish to know what exactly this is? There was an engineer who came from the Philippines, to carry out a feasibility study for a road to run inland from Saleapaga to Lalomanu which was requested by Saleapaga after Cyclone Ofa. However, after the study to determine whether the loan for the project should be approved, the results made through a Public Works engineer stated that once this road is built, if strong winds which are common in Aleipata, were to prevail, cars would be blown away due to the height of the road. Then the tsunami occurred which led to the construction of this road that would provide safe passage for people if another tsunami were to occur in future. I often travel on this road because I wanted to see if there was a car that blew away but no car has been blown away and there are also no gale force winds. Every time I go there, there is still fishing and an abundant fish resource.

This is exactly the reason why I wish to pose the question as to what exactly it is that the fish fear when seeing a ship when Apia is filled with ships and yet there are fish. In my own view when I go at night, the fish wish to see the ships once they arrive but I do not understand why.

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**MR SPEAKER:** I beg tolerance Leader of the Opposition as I shall give the opportunity to the Hon Minister of Natural Resources and Environment.  
I call on the Hon Minister.

**Tofa Hon Faamoetauloa Ulaitino Faale Tumaalii:** Thank you Mr Speaker for the opportunity. I would like to assist in the matter concerning the Report that has been put forward which is for a 2010 Report. The SROS carried out an environmental impact assessment of the water flow from the wharf which would include oil. The assessment was conducted on the fishing areas near the wharf and compared to the National Reserve in Safata as mentioned by the member and there was no difference found. Hence there is no environmental impact with all due respect.

**MR SPEAKER:** Thank you for the clarification Hon Minister of Natural Resources and Environment.  
I now call on the Leader of the Opposition for his concluding remarks.

**Afioga Hon PALUSALUE FAAPO II:** Thank you for the assistance Hon Prime Minister and Hon Minister.

These are not the words of the Leader of the Opposition, these are the words from the Report on the environmental impacts. The question posed should be directed to the Chairperson and the Committee especially since the Hon Prime Minister has asked what the fish fear? I do not know as the Report by the Chairperson mentions environmental impacts because of the slipway. These words do not belong to me but to the Chairperson and his Report.

**MR SPEAKER:** I beg tolerance Leader of the Opposition as I shall give the opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** I understand clearly Mr Speaker. Just a point of order. This is what happens from confusion. The Hon Minister of Natural Resources and Environment has already clarified and it is clear to me now that it is not a fear of fish but of oil.

At Aleipata there are hardly any vessels but at Matautu there are so many. Every evening there are ten children who fish near these vessels. They catch fish after fish and this is also why we have banned anyone from taking sand from this area but to conserve it so that our people can use it recreationally. What I mean is that I understand that vessels use petroleum. I have not seen vessels fuelled by water. Aleipata has oil, we have oil here and I quickly take the floor in case the members for Aleipata Itupa i luga and Aleipata Itupa i Lalo would go on strike because of the misinformation from the Leader of the Opposition.



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I empathize as the member for Aleipata Itupa i Luga is not affected but I worry for Aleipata Itupa i Lalo as he is getting bald and a strike may impact the members personal environment but we now understand well that the currents can remove things that can harm our environment.

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

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker, I would like to assist in the matter as a member of this Committee. The Hon Prime Minister has answered his own question. In town, we are accustomed to large ships, but in Aleipata there is hardly a ship in sight. So when you do see a ship of that size, it would be quite astounding.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, it is not, the, - the fish in Aleipata were first to see large vessels before Apia when kerosene fuelled ships travelled to Tutuila. There were kerosene fuelled vessels in those days. It would dock there in Aleipata so the fishes are accustomed to these kinds of vessels.

**MR SPEAKER:** Leader of the Opposition, I presume that the matter has been clarified. The honourable member has already responded...I beg tolerance Chairperson you shall have the opportunity to respond last, the matter has been clarified, but we shall move from the issue of the environment, as we now understand the clarification given by the Hon Minister.

**Afioga Hon PALUSALUE FAAPO II:** My only suggestion Mr Speaker is that the Chairperson and his Committee should have clearly stated in their recommendation that what is happening at the slipway should stop. The problem is that the effect on the environment is mentioned but a recommendation should have been brought forward directly.

Please consider Hon Minister of Natural Resources and Environment the dredge sunk at Mulifanua. The Hon Prime Minister has already mentioned that vessels are not fuelled with water, it is fuelled with petroleum. There is a great impact on the Aiga i le Tai constituency because of this oil. In addition to this, there is another tug boat from China which was also sunk and it just leaks more oil.

**MR SPEAKER:** I beg tolerance Leader of the Opposition. I will now call on the Hon Minister for Works, Transport, and Infrastructure.

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- Consideration**

**Afioga Hon Manualesagalala Enokati Posala:** Mr Speaker, for the wharf in Mulifanua was mentioned. If you recall there was a televised statement made by a sports official who was questioned about the effects of the sport and the response was, "It is the environment" referring to the sports environment.

The matter we are discussing is quite extensive as we are talking about Aleipata and the effect on the environment in Safata. The environment includes everything from the ocean, the earth, to the people and everything else.

As for Mulifanua, there was no reason for the tug boat to sink other than it was caused by the Cyclone. It was inevitable. It is now on land and there is no oil in it. A person can be charged for making accusations without evidence. There is no oil and it is now dry docked. This is the clarification for this matter.

With all due respect.

**MR SPEAKER:** Thank you; the opportunity shall be given to the Chairperson. Do not listen to Saleaula as Saleaula will be of no help to you once I make the decision. I will give the opportunity to the Chairperson for his response to the issues raised. The Hon Minister has responded, other Ministers and the Hon Prime Minister have also responded.

The Chairperson will now take the floor before we proceed.

**Tofa Tusa Misi Tupuola:** Mr Speaker and the esteemed House, I will not respond as the Hon Prime Minister and the Hon Minister of Natural Resources and Environment has already responded.

If you will please consider Mr Speaker, we are discussing the 2010 Report, however the comments posed have no relation to the Committee Report, if you will consider in Section 6 of Findings in the Report there is a clarification concerning vessels in which you questioned, but it was not a remiss of the Committee. In regards to cruise ships, cruise ships have decreased as mentioned by the Hon Minister of Works, Transport and Infrastructure.

In the case of costs, it has already been commented on so this Chairperson has no more thoughts on it. There is full understanding of this Committee Report and I now call for it be passed.

With all due respect.

**MR SPEAKER:** I now call on the Leader of Opposition for his concluding comments.

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**Afioga Hon PALUSALUE FAAPO II:** Mr Speaker, I beg your patience Chairperson as my thoughts have not finished. The Findings are not read out for the whole of Samoa listening in to the effort that you have done. You have done a lot of work, but when the Report is read out, only the recommendations mentioned. This is why I pose the question to the Chairperson; have your findings considered the vessel like the tug boat that was from Korea for \$4 million, which you have now sunk?

Another issue, in your last recommendation, the Authority needs to allocate funds appropriately. Has the lease of the Marina been investigated? This is the role of the Parliamentary Committee; to seek ways where the Ministry can earn money. It is noted that there is a lot of money being made from the lease of the Marina, and yet there is very little revenue, only \$3,000, received by the SPA.

**MR SPEAKER:** I beg tolerance to the speaking member as I shall give the opportunity to the Hon Minister of Works, Transport and Infrastructure.

**Afioga Hon Manualesagalala Enokati Posala:** Mr Speaker, a point of order. The newspaper also published this amount of \$4million but this is wrong. The cost of the vessel was corrected to \$2.5million and it is not \$4 million. The tug boat that was used came on a pass from Korea so it was brought together with these things. I would like to correct the amount it is not \$4million, the Ports Authority confirmed that the amount is \$2.5million. The amount commented on is incorrect as it exceeds what is actually documented. With all due respect.

**MR SPEAKER:** I beg tolerance members as I shall give the opportunity first to the Hon Prime Minister followed by the Deputy Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, I am disappointed, for this matter is dragging our meeting. There is no issue but previously mentioned matters are being revived in our meeting. This topic has been thoroughly discussed in regards to the lease and it has been clarified but it is still being mentioned.

The lease was made at the value of the day it was made. Similar to the leases today, they are at the current value. This is how our work is progressed. The matter is only mentioned to cause resentment of the people toward developments without consideration of the time in which they were made. I have already explained the costs of products. In 1950, I went to purchase a string of fish for my family.

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I used to live at Saleufi; the cost of a string of fish at the time was 40 sene. The cost of taro varied between 20 sene to 40 sene. What is the case now? I went last Sunday, and the cost of a string of fish which was \$30 was now \$50. There are different changes at different periods. Now, there is no taro or string of fish that costs 20sene or 40sene – times have changed. The attempt to mislead the country who is listening in on the old lease being brought forward is a gross defamation of character. What this means is that every time a lease is made by our Government, this would normally occur. The value of the lease is calculated at the value at that time and it is no changed annually.

Mr Speaker, this is why I stand because this type of thing has happened once too often where these matters are brought in to disrepute developments that are being celebrated by our country.

Mr Speaker, I stand for a point of order to correct this frequent mistake from being made causing the belief that there is corruption within the Government.

**MR SPEAKER:** Thank you for your comments Hon Prime Minister. I will now give the opportunity to the Deputy Prime Minister.

**Tofa Hon Fonotoe Nuafesili Pierre Laufo:** Mr Speaker, just a minor matter as the Hon Prime Minister has clarified the matter involving the lease and the Marina. The Hon Prime Minister is correct. It appears that there is a smattering of defamation. I would like to remind the Leader of the Opposition, this Report, as stated by the Chairperson, is for the year 2010. There was no Mariner at the time. Why then is it always being mentioned?

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

**MR SPEAKER:** I beg tolerance Leader of the Opposition please be seated as the Chair shall comment.

This Chair shall give its last recommendation as it must. The opportunity is often given for comments due to the complicated nature of this matter but some have stood and have spoken unnecessarily on this Report. You mentioned the reading of the Committees findings, resolution and recommendations. It was a resolution made by the Assembly which resolved that the Committee reports should only read its recommendations and resolution.

Once a decision has been made, we will no longer move back and forth. I feel that the explanation by the Hon Minister responsible for the Ports Authority is understood. The matter regarding the environment has already been remarked on; the Hon Prime Minister has also made clarifying comments.

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I feel that we are only dragging this out until the end of our Meeting. I also feel that the Chairpersons clarification is understood, and I will give the opportunity to the Leader of the Opposition for his concluding comments as there is another from that side of the House who wishes to take the floor.

**Afioga Hon PALUSALUE FAAPO II:** Thank you – I apologize, Hon Prime Minister and Deputy Prime Minister but my comments are guided by the Committee recommendation regarding the conservation of funds and the revenue in 2010 which also includes financials for this year.

This is why, it is not defamation, but I am simply guided by the recommendations of the Chairperson and the Committee.

Mr Speaker, I will now conclude my comments, thank you for the opportunity.

With all due respect, may this Assembly be blessed.

**MR SPEAKER:** Member for Salega, Afioga Afualo Wood Utu Salele, I will give you the last opportunity.

**Afioga AFUALO WOOD UTU SALELE:** Thank you Mr Speaker. Honourable Chairperson and Hon Minister, the report is dated 2010 and I notice recommendations made on the wharf in Asau, Savaii. The House has also heard the comments regarding the Aleipata wharf made by the Hon Prime Minister in relation to the fish that are afraid. Does this mean that the wharf in Savaii is teeming with fish because no vessel is docked there? I ask for assistance as there is no recommendation, although it was in 2010, there should be a recommendation made now for the future of the Asau wharf to use the resources therein. Thank you for the opportunity.

**MR SPEAKER:** Chairperson, do you wish to give any additional comments before I pose the question?

**Tofa TUSA MISI TUPUOLA:** There are no more additional matters that I am aware of Mr Speaker, just the question posed by the member for Salega towards the wharf in Asau which is in good condition. There is nothing wrong with our wharf in Asau; vessels continue to dock there, except for bigger vessels that are not able to dock there due to the reef which is an issue for bigger vessels.

I would like to conclude with my conveyed appreciation, on behalf of the Works, Transport and Environment Committee. I would like to thank the CEO and the Ports Authority. Although you had many commitments and responsibilities, especially being impacted by natural disasters.

6<sup>TH</sup> AUGUST 2013

**P. P. 2012/2013 No. 30, Report of the Works, Transport and Environment Committee on P. P. 2011/2012 No. 36, Annual Report of the Samoa Ports Authority for the Financial Year Ended 30<sup>th</sup> June 2010 - Consideration**

The Committee was able to observe the tireless work that you carry out for the development of our country concerning ports. Thank you and may you all be blessed for your work for our country.

Thank you Mr Speaker, thank you also to the Parliament.

With all due respect.

*P.P.2011/2012 No. 36 was approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

**P. P. 2012/2013 NO. 31, PRIMARY PRODUCTION, COMMERCE, INDUSTRY AND LABOUR COMMITTEE REPORT ON P. P. 2011/2012 NO. 97, ANNUAL REPORT OF THE DEVELOPMENT BANK OF SAMOA FOR THE FINANCIAL YEAR ENDED 30<sup>TH</sup> JUNE 2011 – CONSIDERATION**

**MR SPEAKER:** I call on the Chairperson of the Primary Production, Commerce, Industry and Labour Committee.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI (Chairperson of the Primary Production, Commerce, Industry and Labour Committee):** Mr Speaker I move a motion, *That the Legislative Assembly take note of the Select Committee Report presenting its FINDINGS, RECOMMENDATIONS AND RESOLUTION.*

*Seconded by the member for Siumu and the member for Satupaitea.*

**MR SPEAKER:** I call on the honourable Chairperson.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI:** At the conclusion of the Committee's Findings, it recommends to the Government as such:

6<sup>TH</sup> AUGUST 2013

**P. P. 2012/2013 No. 31, Primary Production, Commerce, Industry and Labour Committee Report on P. P. 2011/2012 No. 97, Annual Report of the Development Bank of Samoa for the Financial Year Ended 30<sup>th</sup> June 2011 – Consideration**

**“RECOMMENDATIONS:**

1. Considers possible alternatives, to implement a Fixed Account System at the Development Bank of Samoa, for Borrowers to deposit big loans approved, to ensure that funds are wisely utilized for proposed projects, but not for other purposes according to the requirements of Fixed Accounts in most of the Banks.
2. Conducts a loan interest review in order to assist people with loans at the Development Bank, especially those who operate Tourism Industries.
3. Reconsiders loan requirements to avoid Borrowers from leaving Samoa without notifying the Bank. This negatively affects Guarantors and the Bank in terms of revenue.
4. Implement a Partnership between the Development Bank of Samoa and the Samoa Tourism Authority through the possible advice submitted to the Development Bank to support loan applications on tourism industries, and to assist its operation so that they can afford loan repayments.
5. Strongly recommends the Development Bank of Samoa to continue advertising for tenants to fill in the spaces available to ensure that the building is used to its full capacity.

**RESOLUTIONS:**

At the conclusion of its consideration, the Committee resolved to recommend the Assembly that the P.P. 2011/2012 No. 97, Annual Report of the Development Bank of Samoa for the Financial Year ended 30<sup>th</sup> June 2011 be approved”.

With all due respect thank you.

**MR SPEAKER:** Thank you; I appreciate your clarifying comments honourable Chairperson. I feel that we have reached the time of rest for today. I believe that we should adjourn as there is a programme that has been set up in which we must all attend for the remainder of today.

Samoa Red Cross Association has distributed its targeted objectives. I am certain that no explanation is needed on the importance, value and the service provided by this organisation within Samoa for a number of years – and the accentuation for today, is an accentuation that lies specifically within the Parliament – Promoting Respect for International Humanitarian Law. This means that this area is very important to the Parliament. I pray as invitations have been handed out to our esteemed Assembly, that we attend this important gathering of Red Cross within our country.

6<sup>TH</sup> AUGUST 2013

**P. P. 2012/2013 No. 31, Primary Production, Commerce, Industry and Labour Committee Report on P. P. 2011/2012 No. 97, Annual Report of the Development Bank of Samoa for the Financial Year Ended 30<sup>th</sup> June 2011 – Consideration**

The President and the staff of Red Cross have requested for a minute of your time for their presentation and a speech by the Hon Prime Minister. Our support should be evident as we are leaders of the country and we respond in kind to their significant work which needs no explanation.

I urge on those who have been invited which extends to our whole House, a feast has been prepared before noon, let us supper and carry out the rest of this important endeavour as planned by the Red Cross, we shall adjourn and continue our Proceeding the following day.

I wish to convey my appreciation to the House for this part of today, I commend your patience. There have been numerous areas we have gone through in some of these new Bills, especially Bills that have been passed so that work can continue for the CEOs of Government Departments. I convey my gratitude for our Proceedings today and our arrangements and planning for today and the speeches that were presented before the House. Thank you for seeking insightful decisions presented to our House.

I also convey my appreciation for the support of our country, the members of the Clergy and the whole of Samoa from its titular leaders to our young ones, thank you for your prayers today. It is now the adjournment of our Proceeding, I entreat the honourable Lady Associate Minister the finest lady of Salafai. I call on the honourable Gatoloaifaana Amataga Alesana Gidlow to conclude our Proceedings with a prayer.

Prayer.

*Proceedings of the Legislative Assembly adjourned at 1pm until 9am on the following day, Wednesday, 7<sup>th</sup> August 2013.*