

WEDNESDAY, 20TH AUGUST 2014

Mr Speaker took the Chair at 9.00am.

Prayer.

“WARRANT OF APPOINTMENT

IN ACCORDANCE with the provisions of Part 80 of the Electoral Act 1963, **I, TUI ATUA TUPUA TAMASESE EFI**, O Le Ao o le Malo, issue this warrant of appointment to one whose name appear below who have been duty elected to be Members of the Parliament for Gagaifomauga Number 1:

Member:

FAIMALOTOA, Kika Iemaima Stowers.

Given under my Hand in Apia this 18th Day of August 2014.

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

MR SPEAKER: Before we proceed with the Swearing in of the new Member of Parliament, I call upon the Member for Gagaifomauga No.1 to rise up as I read out the Code of Parliamentary Ethics.

“CODE OF PARLIAMENTARY ETHICS.

STATEMENT OF INTENT:

It is the personal responsibility of every Member of Parliament to maintain the highest standards of ethical behavior to protect and maintain integrity of Parliament and to make every endeavor to uphold the principles of the Constitution.

The following principles are intended to provide guidance to, and standards against which each Member of Parliament, individually and collectively should discharge their duties and responsibilities.

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Customs Bill 2014 – second reading

MR SPEAKER: I beg leniency Leader of Opposition. I believe the Bill was clarified yesterday at our Briefing after the CEO spoke for almost an hour and we were all present. There were 5 public consultations. The remark by Tofa Lealailepule has been made and it will be ironed out between the Airport Authority and the Customs Office but that is not for us. That is their job. They consult and the intention with the consent of O Le Ao o le Malo for this Bill is to be considered under a state of urgency as we come close to hosting the Conference. That is the purpose of this Bill. Perhaps 80% of the 1977 Act is in this Bill with additions because of international conventions. We are moving forward with the progress of the Customs Office.

Motion approved and the Customs Office Bill 2014 was read a second time.

MR SPEAKER: I believe we have reached the hour to rest for today. I give thanks to the dignity of the House. We are about to consider this Bill in detail but I feel we must rest for today. It is prudent that we seek strength for tomorrow where we will gather again and continue with our work.

For your information, tomorrow our new Member will take the oath. Today the Electoral Office has completed its work and consent has been made by O Le Ao o le Malo and tomorrow the Member for Gagaifomauga No. 1, Afioga Faimalotoa Kika Stowers will be sworn in and the 49 posts of our House will again be complete.

My prayer is that tomorrow the sun will again rise and we will all gather here in strength and health.

Before we end our Meeting, I call upon the Member for Vaa o Fonoti to conclude our Meeting with a word of prayer.

Proceedings of the Legislative Assembly adjourned at 1.06pm until 9.00am, Wednesday 20 August 2014.

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“Warrant of Appointment

THE PRINCIPLES.

- (1) Loyalty to the nation and its people.
Every member shall uphold the contents of the Oath of Allegiance at all times and maintain the dignity and integrity of the Independence State of Samoa, its institution and its people.
- (2) Respect of the Law.
Every member shall uphold the laws of Samoa and safeguard the principles contained in the Constitution.
- (3) Respect for all Persons.
Every member shall treat other members, the public and officials with respect and dignity, honesty, fairly; and acting with the integrity at all times.
- (4) Proper Exercise of Power.
Every member shall:-
 - (a) Arrange their private affairs;
 - (b) Use any and all information obtained from their public office and
 - (c) Exercise any influence or authority obtained from Public Office, only to advance the public interest and where any potential and actual conflict of interest arises whether in the member’s private financial pecuniary or any interest the member shall be required to declare that interest and take any steps to remove the conflict to withdraw from the particular process of transaction

Special Requirements for Minister and Other Office holders

Every member who holds Parliamentary office of any kind is required to adhere strictly to the principles outlined above and shall not under any circumstances undertaken any decision or exert influence in any form whatsoever in respect of a matter in which the member will derive personal gain or benefit.

SANCTIONS.

Breaches of this Code maybe dealt with by the Privileges and Ethics Committee or as determined by Parliament.”

The member of Parliament remained upstanding while Mr Speaker read out Standing Order 14.

MR SPEAKER: I call on the member of Gagaifomauga No.1 to come forward before the Clerk of the Legislative Assembly to be sworn in.

The Clerk of the Legislative Assembly will present to you the Oath of Allegiance and you will state your name where applicable.

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SWEARING IN OF NEW MEMBER

The new member pledged an Oath of Allegiance.

1. FAIMALOTOA Kika Iemaima Stowers.

Oath of Allegiance

I,, swear by Almighty God that I will be faithful and bear true allegiance to the Independence State of Samoa, and that I will justly and faithfully carry out my duties as a member of Parliament of Samoa. So help me God.

MR SPEAKER: I ask all to show your appreciation by applauding.

Members of the Legislative Assembly showed their appreciation by applauding.

MR SPEAKER: On behalf of the Parliament of Samoa the Hon Prime Minister and his Cabinet, the Leader of the Opposition and all members of Parliament, we welcome the new lady member, Tofa Faimalotoa Kika Stowers Ah Kau. Welcome to our Parliament this morning. We also greet Samoa in all its honorific salutations.

The Chamber of Samoa cannot be desecrated by anyone, because it is a country that holds significant origins and status where everyone reports to for decision making.

Tofa Faimalotoa, all the best, we wish you sincere blessings and enduring love. The House is again complete thus we must work together to make good use of our strengths from God to serve His Will with our remaining days on earth.

We also acknowledge the presence of friends and family, and the dignified Samoa gathered here today, thank you for the support.

Thank you also to the candidates of the bi-election. Let us give our blessings and support to the elected member of the district because all supporting tasks are a success. That is all with all due respect at this part of the day.

PRESENTATION OF PAPERS

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

1. P.P.2014/2015 No.111, Annual Report of the National University of Samoa for the Financial Year 2012-2013.
2. P.P.2014/2015 No.112 Government Responses on P.P.2013/2014 No. 105, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2013/2014 No. 40, Annual Reports of the Samoa Tourism Authority For the Financial Year Ending 30 June 2012.

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Presentation of Papers

3. P.P.2014/2015 No.113 Government Responses on P.P.2013/2014 No. 131, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2011/2012 No. 85 & P.P. 2012/2013 No. 72, Annual Reports of the Ministry of Commerce, Industry and Labour for the Financial Year Ending 30 June 2010 and Financial Year Ending 30 June 2011.
4. P.P.2014/2015 No.114 Government Responses on P.P.2013/2014 No. 99, Report of the Education and Information Technology Committee on P.P. 2012/2013 No.80, Statement of Corporate Objectives of the Samoa Qualifications Authority for the period 2013-2015.

PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports pursuant to Standing Order 51 (5).

1. P.P.2014/2015 No.107, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on the Allied Health Professions Bill 2013.
2. P.P.2014/2015 No.108, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on the Medical Practitioners Amendment Bill 2013
3. P.P.2014/2015 No.109, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on P.P.2012/2013 No.36, Political Declaration of the High-Level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases.
4. P.P.2014/2015 No.110, Report of the Works, Transport and Environment Committee on the Plumbers Bill 2013.

CUSTOMS BILLS 2014 – consideration in detail

MR SPEAKER: I have a Certificate of Urgency signed by O Le Ao o le Malo, therefore Parliament will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102 we begin Consideration with Clause 2.

CLAUSE 2: Interpretation.

Approved.

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CLAUSE 3: Application.

Approved.

CLAUSE 4: Samoa Customs Services.

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

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Foremost, congratulations and sincere thanks to our new member of Parliament. We wish you well.

Mr Speaker, given the importance of this huge piece of legislation, this side will try and question all the clauses because of the importance of this Bill. This legislation should have been referred to the Committee for their consideration and review.

Clause 4 defines the power held by the CEO to appoint employees. What about the Public Service Commission and their role to appoint public servants? Clause 4 now states, the power is handed to the CEO to appoint his own staff. This is the reason I am asking the Hon Minister for further clarification because under the PSC Act, they are responsible for the appointment of employees to fill new or vacant positions.

That is the question I need the Hon Minister to clarify.

MR SPEAKER: Thank you to the member. I get your point. Hon Minister.

Tofa Hon TUILOMA LAMEKO (Minister of Revenue): Mr Speaker and members of Parliament, I stand to voice concerns pertaining to the members question. If you look at the wording of the Bill, it does not say for the PSC Public Service Commission to have their authorization removed. As mentioned yesterday, the proposed Act is based on the key components of the Customs Acts 1977, hence there is no such clause, even if there were, normal procedures ought to repeal this section pertaining to the power held by the PSC. Respectfully.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker this is my second opportunity. We have two according to the Standing Order?

MR SPEAKER: You do not need to remind me as I am aware. Once you rise, please go ahead but do not remind me.

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Customs Bills 2014 – consideration in detail

Afioga Hon PALUSALUE FAAPO II: With all due respect, now that the Minister has spoken, let us have a look at Clause 4(3). I will read it out: “*The Comptroller may, in writing, designate officers or other employees of the Ministry as Customs officers for the purposes of this Act.*” It is very clear here, but the Hon Minister is saying that there is no such phrase. Therefore, Mr Speaker please check again as this may contradict the PSC Act.

MR SPEAKER: The Hon Prime Minister will further explain the matter.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister): Mr Speaker, the difference here is the usage of the Samoan word “*tofiga*” and the English word “designate”, the word designate used in the Bill meaning that people working within the Ministry can be assigned to perform different duties. The word designate, Mr Speaker there is nothing wrong with the Hon Ministers clarification which is accurate. The term “*tofiga*” are designations within the Ministry, say for instance, the Manager could say, you make the tea, check the toilets, hence, the designated person will not only make tea but will also check if the ablution facilities are clean.

Mr Speaker, the matter is very simple. The reason why it is difficult is because the Opposition attempts to make it hard, but the matter itself is very easy. In this world, if we try to lay burden on light things, they tend to remain ridiculously burdensome.

Mr Speaker the Hon Minister is right.

MR SPEAKER: You must know....

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

MR SPEAKER: Leader of the Opposition this will be your third turn.

Afioga Hon PALUSALUE FAAPO II: Yes because my first turn was taken up by the Hon Prime Minister.

MR SPEAKER: No, you cannot. The Hon Prime Minister rose to clarify the term “designate”.

Afioga Hon PALUSALUE FAAPO II: Please look at the Samoan translation, because designate is not synonymous with “*tofiga*,” it might obscure the Act.

MR SPEAKER: Pardon me Leader of the Opposition I recognize the Hon Prime Minister, please rise.

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Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, it is the same word, but the difference claimed by the Hon Minister is factual as designation by the PSC is not included here, but since it is an English word therefore it is precise and specifically means one thing whereas the Samoan term usually has hundred different meanings. That is why a Samoan word is very important since there are a lot of difficulties to go through when reading, but unless we read it in English then we tend to find the correct meaning of the word 'tofia' used in this context.

MR SPEAKER: I give the floor to the Hon Minister.

Tofa Hon TUILOMA LAMEKO: Mr Speaker, I rise to make a brief explanation, I thought my son leading the Opposition will understand since he is well educated, but I see now, Leader of Opposition, I have returned from the IMF, have good day.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker since my name was mentioned by the Hon Minister. I have only understood from the explanation by the Hon Prime Minister but the Hon Minister is unclear of his own Act, with all due respect.

MR SPEAKER: Do not mind the things your father said to you.

Clause 4 Approved.

CLAUSE 5: Authorized persons.

Approved.

CLAUSE 6: Delegation by the Comptroller.

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

MR SPEAKER: Yes.

Afioga Hon PALUSALUE FAAPO II: Now this is well defined in Clause 6 the matter I asked you about – Delegation by the Comptroller.

This is the power I am concerned about, that will be held entirely by the Comptroller to construct new designations and other duties. Hence, if power is held by one person, undoubtedly it will be questioned later.

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In my belief, power must be delegated pursuant to the PSC Act. This is confirmed by Clause 6, the matter I am raising Mr Speaker.

MR SPEAKER: Leader of Opposition, I believe the response from the Government is very clear and understandable and needs not satisfy the members and their interpretations. It is best to leave it as it is as the Hon Prime Minister and Hon Minister have already spoken. The Public Service Commission Act should not be affected.

You may continue Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, it is good to thoroughly elaborate on this we must clarify this statement correctly given in the Samoan version not in Chinese: “6: *Delegation by the Comptroller-(1) The Comptroller may delegate to any person any of the Comptroller’s functions or powers under this Act or any other enactment.*” Afioga Hon Palusalua was a former Minister of Cabinet under my leadership. Under any Government Act, it is very important to include the position Chief Executive Officer and its core duties. They are not always on island and so they delegate their duties to a person in the Ministry to take over the CEO duties. This is stipulated in all Government Acts.

To my surprise, it seems like Afioga Hon Palusalua has just known of the existence of such a section under Government Acts when the same clause was in the Act of the Ministry he undertook as a former Minister. I would not mind other members querying the issue but having a former Minister constantly question what used to exist when he was a Ministry implies that he was rocking his chair during his term and never read the Acts. Now you are back in Parliament and you bring with you your doubts. Afioga Hon Palusalua, your position as Leader of the Opposition is highly recognized and you do not stand constantly. You will only stand on important matters. But for me to correct your issues is not a good reflection of a Leader of Opposition.

Afioga Hon PALUSALUA FAAPO II: Mr Speaker, I want to correct something.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, we must remember clearly the words of Paul, “Love. Love can do anything, love is not jealous, love is caregiving, love is not standing up often”

MR SPEAKER: I call the Leader of Opposition.

Afioga Hon PALUSALUA FAAPO II: Mr Speaker, I want to correct something. This is the only opportunity for the Parliament to ask questions. Why? Because the Bill was not referred to a Parliamentary Committee.

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That is why I am asking these questions, but I fully understand the Hon Prime Ministers statement which seems like they are using the certificate of urgency to push this huge bill through.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: I want to correct something.

MR SPEAKER: I now get your point Afioga Hon Palusalue and it seems you are going back and forth. A response will later be provided for you on this matter.

Afioga Hon PALUSALUE FAAPO II: I notice Mr Speaker that you always give the floor to that side, but rarely to this side.

MR SPEAKER: Please note you will be given a chance.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, we are not denying an opportunity in the consideration of the Bill whether we use this procedure or if it is submitted to the Committee, there is always an opportunity. But to me as a member, I am very cautious of when to ask questions which may imply that I lack knowledge of the bills. It is disgraceful that I explain to you, the power of the CEO....

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I need to correct something because there are terms that I do not understand.

MR SPEAKER: Please note you will be given a chance.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: The CEO can delegate the authority and his duties to you, so you can perform his duties on his behalf. The power of delegation is with the Minister or CEO. One thing to note, the Acting cannot delegate this power to anyone. Mr Speaker, this is the usual procedures, and I am surprised that a former Minister does not know the significance of carrying out duties.

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

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a correction to the Hon Prime Ministers statement. I understand this Bill entirely. The whole country is listening, and this is something that they must know, that is what Parliamentary Committees are for, to consider these Bills. If we do not ask questions, the country will linger in darkness about this issue.

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MR SPEAKER: That is correct. So please Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I need to point out one thing I overlooked. We are talking about clause 6 – Delegation by the Comptroller. What was it that Afioga Hon Palusalua asked about? He is surprised by how these kinds of things can be done, but I tell you, these are usually in the Acts that we discuss. And to say that he is surprised, why is he surprised? Surprised that he does not understand? How can you say the reason you constantly stand up is that you thoroughly understand but I can easily tell by your question that you completely do not understand.

Afioga Hon PALUSALUE FAAPO II: I cannot let this go because it is stated that I do not understand. How can I not understand the clause when it is in Samoan, yes, the whole power is given directly to the CEO. If the power is given entirely to the CEO they tend to abuse it, this is what I am trying to elaborate but I completely understand our government policies Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, there is no such word as *malosiaga atoatoa* or entire power. Now you see that you have caused confusion after another. There is absolutely no such word as *atoatoa* or entirety in the Bill.

MR SPEAKER: Leader of Opposition, this is exactly what I have been trying to tell you. Note that we spent the whole day on Monday clarifying this Bill. I also believe that the CEO of the Ministry provided us with very clear clarifications together with evidence. We have just touched base on this matter which took up six to eight months of consultations by the Ministry of Customs. The entrepreneurs and the public were consulted five to six times. The Attorney General and everyone who participated are all present before us, for that reason let us not go back to what we have already gone through. Leader of Opposition, that is the essence as it seems like you are dragging our meeting with your never-ending debates to refer the Bill to the Committee.

We cannot refer back to the Committee since the Certificate of Urgency has already been signed. This Bill has provisions pertaining to the SIDS Conference we are hosting next week, for airport, vehicle and cruise ship fees and charges thus the request by the Cabinet Minister for the Bill to be in a state of urgency.

Leader of Opposition, I have given many opportunities to you, yet you continuously speak on matters requiring clarification. I will leave you two with your debate while I try and clarify everything. I get your point and concern about the delegation of power.

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There are restrictions in other Government Acts concerning the CEO, Audit Comptroller and the PSC Commissioner. Everything has already been set out for all to work harmoniously and accordingly without any overlapping duties.

Clause 6 Approved.

CLAUSE 7: Identity Cards.

Approved.

CLAUSE 8: Customs flag.

Approved.

CLAUSE 9: Seal of Customs.

Approved.

CLAUSE 10: Customs places.

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

MR SPEAKER: Which clause member of Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 10 please.

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

Tofa LEALAILEPULE RIMONI AIAFI: I start with conveying my well wishes and congratulations to Tofa Faimalotoa for your success today. All the best as you execute your duties as a member of Parliament and a leader to your constituency, not only for this Parliamentary term but also the next Parliamentary term.

As for Clause 10 Mr Speaker, the power formerly to the Hon Minister of Transport is delegated to the Comptroller, by notice to designate a port as a Customs port or an airport as a Customs airport.

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In query, 37 years ago, the Act stated that this authority was only given to the Minister of Works, Transport and Infrastructure in collaboration with other Managements but the Minister would declare the status of a port or airport. With the current change, that power is now transferred to the Comptroller but has this been clarified amongst the involved Ministries with respect.

MR SPEAKER: Do you want to speak Hon Minister?

Tofa Hon TUILOMA LAMEKO: The Bill is logically clear and I do not need to elaborate it any further as he understands it. Let us have a good meeting.

Clause 10 Approved.

CLAUSE 11: Customs controlled areas.

MR SPEAKER: Which clause?

Tofa AVEAU LEPALE NIKO PALAMO (Faleata East): Clause 11 Mr Speaker.

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

Tofa AVEAU LEPALE NIKO PALAMO: Thank you Mr Speaker.

I congratulate Tofa Faimalotoa for becoming a member of Parliament. I also give warm greetings to our country especially the schools that are here with us.

My question regards Clause 11 – Customs controlled areas. I asked this during my general comments but it was not...The CEO mentioned that this is one of the new clauses incorporated in the Bill where warehouses will be used to store goods and it will be managed by the Customs Office.

My question to the Hon Minister of Revenue, are the warehouses used by freight companies to store the public goods included?

Another question in relation to this, can another company store their goods in another licensed company's warehouse? If so, what are the incurring costs?

With all due respect.

MR SPEAKER: I call on the Hon Minister of Revenue.

Tofa Hon TUILOMA LAMEKO: Mr Speaker, in response to the question of the member for Faleata East, authority is still held by the Minister that can be delegated depending on the services required by the public. Therefore, the Minister has the discretion to authorize licenses whenever necessary depending on the given circumstance from time to time. Thank you.

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MR SPEAKER: Please member for Falealupo, let the standing member resume with his second opportunity. I call on the member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker. I do not intend to question the Hon Minister again. I support this vital part of the Bill as we now see that the Customs is attempting to efficiently earn income for the Government.

In this Bill the CEO and not the Minister issues the license. I queried whether a Company without a warehouse can store their freight in another companys warehouse? Does this also include houses where people pick up parcels from freight companies?

With due respect.

MR SPEAKER: I get your point. Please Hon Minister we will finish off with all the questions first then you may rise. I call upon the member for Falealupo.

Afioga Hon AEAU PENIAMINA LEAVASEETA (Falealupo): Mr Speaker before I express my opinion, I congratulate the member of Safotu, all the best with your endeavors as part of this Chamber.

Mr Speaker, a follow up question relating to this sole authority. Where exactly in this Bill does the Hon Minister have power? Since the Bill clearly stipulates – the powers of the CEO. Does this authority also include that of the Ministers and they are co-dependent because it is ambiguous.

Tofa Hon TUILOMA LAMEKO: In response, the authority given to the CEO is from the Minister after consulting. The CEO acts on the instructions from the Minister. That is the reply.

MR SPEAKER: Thank you. I believe it is very clear and logical.

Afioga Hon AEAU PENIAMINA LEAVASEETA: This is confusing to the public. The general idea might be that the Minister can be approached instead but it seems you do not understand the Bill yourself. What we are after is the exact process where exactly...if that's the case, it should be incorporated in the bill under the authority of the Minister. That is why I am pursuing this matter to know where exactly or what...If that is the case, it would be nice to clarify the jurisdiction of the Minister. It would be nice if you explain so we will understand, and that the public will not waste their time to go to the CEO, but directly to the Minister in accordance with the Bill.

MR SPEAKER: Sorry Hon Minister but I give the floor to the Hon Prime Minister.

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Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, the policy of the Government is to organize everything under the authority of the Minister, and the Minister delegates to the General Manager.

Remember well, this is where things go wrong. The country should go to the CEO, because he does the work. As for the Minister, these are the policies, the reason I tell you these things because ever since Aeau emerged in Parliament, he never became Minister, therefore he does not understand what public authority is. The Minister is still the head of everything, that's how it is, there are protocols, and if the CEO needs something done he goes to consult with the Minister. The work is implemented by the CEO and not by a Minister. That's where the public get it all wrong, If any kind of problems happen they come running to the Minister, that is the role of the Minister, he would say, "CEO, take action and do what Palu wants about customs."

This is also what Palu had mixed up at that time, and we have been trying to correct it ever since and it is being passed on to Aeau and Leala but you Palu should show them. These are the Government Policies, only Ministers and Associate Ministers are faced. And if the Associate Minister performs the task the only one the Associate Minister should listen to is his Minister, and goes to work on the delegated role by the Minister in specific projects. But in the case with the implementation of many projects internally, a Minister does not dirty his hands with these kinds of things that is the CEO's job. It is the reason why the word "CHIEF EXECUTIVE OFFICER" is used at work amongst the staff. Above the CEO is the Minister. So if the CEO misbehaves, by the end of the three year contract he will be released if he does not respect the way things are done.

These should be made very clear, I do not mind if those of you who were never Ministers keep standing up, but when Palu stands I am saddened.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, there is something I need to correct and clarify.

MR SPEAKER: I will offer the first opportunity to you, you will speak for all of you.

Afioga Hon PALUSALUE FAAPO II: No, Saleaula may go first.

MR SPEAKER: No, Palusalue you go first and respond to this. You may now speak.

Afioga Hon PALUSALUE FAAPO II: Point of order Mr Speaker, just because I keep standing up it does not mean an opportunity will not be given to this side. Mr Speaker, it's something that must be corrected. The Hon Prime Ministers long address is wasted because a Minister or Associate Minister is not mentioned in the Bill, only the powers accorded to the CEO. But the statement made by the Hon Prime Minister, we understand very well.

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What the Bill is saying, there is no Minister and no Associate Minister mentioned in the Bill. If this is taken to the court, the Judge will only question according to the legislation.

MR SPEAKER: I get your opinion.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, the CEO explained this throughout the whole day but still they do not understand and keep asking questions. It is in the Bill that the Minister, refer to page 22 is responsible for the supervision of the Customs. Do you get it now Palu? It's on page 22 in English under the Interpretation Section. You were a Minister for 5 years, yet you do not know there is such section.

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

Tofa LEVAOPOLO TALATONU (Gagaemauga No. 2): Mr Speaker, I am reluctant to let this go. Mentioned by the Hon Prime Minister, to tell these boys. Our proceedings are being recorded and for your information everyone present here in the chamber are Samoan chiefs and they are honorable members of constituencies and they are not boys. Respectfully.

MR SPEAKER: Well done. I ask you all for your patience. I give the chance to the Government then to the honorable Aeau.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, if I tell you Le-va-o-polo, you would be upset.

Tofa LEVAOPOLO TALATONU: Mr Speaker, speak quickly when you address me.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: We cannot. Since we all studied the Samoan alphabet (pi tautau), fa, fe, fi, lo, lua then there will be a dispute. Ae all were studying such things.

There is no need to rush, there is a time to go slow, and a time to place emphasis. If you do not like my saying, sir Le-va-o-polo, what then? When you read it carefully, L E V A O P O L O. What kind of pronunciation will it be? I am talking based on the alphabet.

Tofa LEVAOPOLO TALATONU: Mr Speaker, there is nothing to be concerned about with the Samoan alphabet. Our constituency understands the Pi Tautau as well.

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MR SPEAKER: That is enough argument on the alphabet. We are debating about the alphabet and not the bill we came to discuss.

Clause 11 Approved.

CLAUSE 12: Power To Grant License.

Approved.

CLAUSE 13: Application For License.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker Clause 12 is missed out.

MR SPEAKER: I did say that it has now been approved and passed. I read it out - Power to grant license.

Afioga Hon PALUSALUE FAAPO II: That is the clause I wished to comment on.

MR SPEAKER: It has been passed. We must progress there are other sections therefore we cannot go back.

Afioga Hon PALUSALUE FAAPO II: Ok Clause 13.

MR SPEAKER: Applications for License?

Afioga Hon PALUSALUE FAAPO II: Yes.

MR SPEAKER: Ok, continue.

Afioga Hon PALUSALUE FAAPO II: Large-scale Government entities apply for licenses from Customs. It is the backbone of the country as they receive funds from the following companies and businesses. When I look at the process of license, only the CEO is in charge. It is only the CEO. This is why we keep on pursuing this matter, because companies and businesses can import and export goods and it is important that the Government take note of this and that the Minister have a say so there is someone above the CEO because these are not minor licenses or a small amount....

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Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker....

MR SPEAKER: Well, it will be further explained. We will try and explain the concerns of those who are apprehensive. You may rise Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: There is something I have noticed. Like the spirit of the Leader of Opposition, for the Minister to do all the work. That was why people were hired to do these jobs. Only if you have done something serious then you will be brought before the Minister. What do you think of this....did you do such things when you were a Minister?

There seems to be a general opposition to the CEO. Does the member not know that the CEOs attended school and have been working for decades hence have much experience to on how to do the job. They are the ones the Government relies on as their right hand in serving the people. But the Minister only deals with them when they do something really critical. The Minister will not be involved in the implementation of the work.

There are specific people who deal with this work, but the Minister has an overarching role and deals with general decision making unless there is a major issue. If it is declined by the CEOs, then the public will appeal their case before the Minister and ask a question such as, why Lafai's license has not been issued? But when they refer here there are many other issues piled up and it cannot be given to anyone because that would lead to many problems for the future.

Mr. Speaker, that is the case, I do not know what has happened to the Leader of Opposition, it appears that whenever the CEO is mentioned he objects, objects. But who did you rely on as a Minister? Did you rely on the CEO to give you advice?

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, there is something that needs to be corrected, because it seems by the words of the Hon Prime Minister that we oppose the CEO. No, it is not our intention to oppose. We are well aware of the CEOs qualifications. The only thing we keep pursuing is the Bill. Some of the words mentioned are not in the Bill.

That is what we are pursuing, but we do not oppose the CEO, no, we have faith in the CEO. This is the only reason we stand, because of the Bill. Mr Speaker that is it.

MR SPEAKER: Good job. It is very clear in the policy of our Government, also the Hon Prime Minister stood for the second and third time to clarify on this situation.

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I also believe that I am aware of the concerns of the members that all the power is vested in the CEO without the understanding of the Hon Prime Minister and his Cabinet. I propose, we all understand.

This Bill is a Bill to administer the Customs Office. The policies of the Government still exist under the management of the Prime Minister and Cabinet. That is the full authority to make any decision. The Prime Minister's address is also understood, if there is something that the public is not satisfied with the Minister and the Prime Minister are available to consult your cases. But then again, let us not go back because the extent of the policies of our Government are very clear.

Clause 13 Approved.

CLAUSE 14: Variation or Revocation of Conditions.

Approved.

CLAUSE 15: Revocation or Suspension of License.

Approved.

CLAUSE 16: Surrender of License.

Approved.

CLAUSE 17: Closing of Customs Controlled Area.

Approved.

CLAUSE 18: Liabilities Not Affected By Ceasing To Act As License.

Approved.

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CLAUSE 19: Customs Facilities In Customs Controlled Areas.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker....

MR SPEAKER: Which clause?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 19 Mr Speaker

MR SPEAKER: I call upon the member.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you. Clause 19 of the Bill states that any place the Customs Office conducts its work is free of charge. The question is, from the very beginning until today, the airports and ports are still paying lease. I was trying to explain Mr Speaker, the terms in the old Act state that all airports are under the Minister of Transport. In my opinion, when it comes to major projects like airports and ports, this involves the Ministerial level which contradicts the new legislation before us especially when it says free service delivery. There is the Public Bodies Act that administers the public bodies.

This is the contradictory view, do we provide free service without obtaining fees or payment. I wish to bear understanding. Respectfully.

Tofa LEVAOPOLO TALATONU: Mr Speaker....

MR SPEAKER: You may rise member for Gagaemauga No.2.

Tofa LEVAOPOLO TALATONU: Clause 19 speaks of liable companies involving storage warehouses. This clause is quite harsh. If you have a look at it the companies provide all equipments and resources required to perform the duties of the Customs Office. I speak from experience as I too own a similar business. The rent of these companies includes computers and printers, internet, telephone all used by the Customs Office excluding the companies' expenses, put aside the airports and corporations of the Government for they have enough money, but us who are trying to build a our own small businesses, it is very unfair. Right now Mr Speaker, these companies have to fetch the Customs officers to perform their work which is one major expense to the company. Now, this section is revived in the law, to have all companies' equipments available for the Customs to perform their duties?

Mr Speaker, I strongly oppose this part of the Act as we near part 20 which prohibits charges imposed by the Customs on the equipment they use.

MR SPEAKER: Good Job. Hon Minister.

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Tofa Hon TUILOMA LAMEKO: Mr Speaker and members of the House, the submitted questions relates to the action taken by the Customs Office, particularly involving warehouse storage. The Customs Committee should oversee all custom controlled areas as some warehouses store stock owned by others that are later accessible and payable to the Customs Office.

For transparency purposes, this is not new. As I said, this Bill addresses the weaknesses in the 1977 Act. That is my clarification Mr Speaker.

Tofa LEVAOPOLO TALATONU: Mr Speaker the old man does not understand what I put forward. The managing of the customs controlled areas by the Customs Office is fair and transparent. What I tried to put forward is that the Customs Office should assist in reducing the Ministry's expenditure especially with equipment used to perform their duties in private companies. Recall Mr Speaker, without these freight companies, the Customs Office would not have any work to do. The Companies market and look for businesses to receive revenue and then they have an added burden. We purchase computers for the Customs and they use our phones, internet etc. I plead that the Customs bring their own computers and printers and assist in paying the electricity bills.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker....

MR SPEAKER: I call on the Hon Prime Minister to again elaborate the matter.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, the port is becoming too small, considering the pile of containers that have almost reached the sky. As for the imported goods, the duty fee must be paid at the Customs point. Sometimes these goods arrive earlier than expected or late and they must be stored for a certain period of time. Some goods brought in by local companies are to be exported to other countries like Tutuila and so there is no need for a duty. These Government procedures are reviewed by the Treasury Department. Our Government policies dictate that the Revenue Board which is the main committee that examines the realignment of these monies and it is submitted to the Cabinet and passed to Parliament. That is why you should avoid standing up too much as the case has already been negotiated.

But the most upright thing to do is to lend Government your support and [establish a partnership with the Private Sector](#), to store these products or goods without any payment. Currently, it is time to reconstruct a new port given the limited location to allow for a spacious area to store these accumulating containers in front of their office disrupting vehicles.

Consequently at the wharf; once a cruise ship is anchored it covers the entire area of the port across. In 1972, a research conducted by Professor Rod Kiri an engineer by profession from Auckland University confirmed that a future port for Samoa should be located in Vaiusu, instead it was built in Apia as a temporary solution at the time.

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We have various proposed developments in the pipeline including a cannery proposal to be located at the port leaving absolutely no space. Wise counseling must be considered taking into account the usual saying “*O le uta a le poto o le fetalai.*” A wise person always shares his wisdom. The Management and the Minister should lay out long-term visions moving forward not by applying the wound with ointment but look at the overall side of things to remedy these issues. Setting legislation should be based on existing and appropriate processes and the private businesses should be well versed with the growing economy and established strategies for the next thousand years in the future.

Mr Speaker that is why the following policies are set out in the legislation, it is the foresight and vision of the Minister responsible for the Ports Authority.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker....

MR SPEAKER: I believe the explanation was very enlightening, anything else?

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Hon Prime Minister, keep in mind that our port will not be done by the end of this Parliamentary term.

I am worried that any international airport....

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker the only correction....

MR SPEAKER: Pardon me...I call upon the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Because there are ambiguous words that are used as anecdotes. There are times when we speak in jest and times to discuss the future of this country which should not be disregarded, we have an estimated cost of \$140 million to build a new port with ongoing negotiations because these projects are funded by soft term loans. Hence be fearless when the Government borrows money to build these developments. Lend us your support and trust as well as your good advice but do not object against everything that we do.

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

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I am unaware if the Hon Prime Minister has a good hearing, However, I am grateful for our soon to be constructed wharf, I do not oppose it.

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Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker I have very good hearing and I also understand completely. Lealailepule, I know better than you. I know exactly what is in your heart, and when you speak, you seem to mock the good developments by the Government. Other speeches given are derisive comments that are not genuine.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, when I first entered Parliament in my first Parliamentary Term, I mentioned the wharf until now, sort it out, that is what I mean, every time I talk, I speak from the heart.

Hon Minister, I am worried about these locations stipulated in the legislation. For any international airport in the world the Customs Office is not the only service provider to the Government, we also have the Quarantine, Police and the Health Service.

So if the Customs services are free of charge, will this apply to the other Government Agencies? How about the airport, how will they earn income?

That is my concern with all due respect.

MR SPEAKER: I get your point, we already heard this argument from yesterdays sitting and we agreed to leave it to the Minister and the CEOs of the Airport Authority and the Customs Office. This proposed legislation is not set in stone. We will look and observe.

I call the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, this is why our meeting is prolonged. It is because we are discussing the implemented tasks of the Ports Authority. The only thing the legislation intends for involves the Customs Office and the simplification of their work including the impact on the goods and the property owners.

We are currently complicating the issue by dragging the workers of the Airport Authority into the work of the Customs and Ports Authority.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I wish to straighten out something.

MR SPEAKER: I give the floor to the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: I speak of the countless statements by the Hon Prime Minister against us saying that we are cowards and we oppose everything. The only thing to point out to the Hon Prime Minister, we do not oppose but do not take lightly to the piled debts.

MR SPEAKER: You have made yourself clear.

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Afioga Hon PALUSALUE FAAPO II: This is done for the benefit of the next generation otherwise they will suffer. That is our constant implication.

MR SPEAKER: I get your point. No, how can you be a coward when you hail from a Bold Family? Do not take everything that has been said to heart because the Government is trying to respond to erroneous speeches. Pardon me, the Hon Prime Minister has spoken I give order to give your responses according to the Bill to avoid any unforeseen complexity. Now the Leader of Opposition is enraged, the Hon Prime Minister has reiterated, leave the matter to the Hon Minister responsible for the Airport and the Hon Minister of Revenue.

I call the Hon Minister of Women, Community and Social Development.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA (Minister of Women, Community and Social Development): Thank you Mr Speaker. I was sitting and observing the debates by the members on the thick Bill, and the conditions to reject the authority of the CEO of Customs. Some members and the Leader of Opposition have also spoken about the custom controlled areas.

Perhaps if the Leader of the Opposition had thoroughly read the Bill I believe there would not be a reason to drag the issue. This is the chance for storage license holders to use these areas for storage. During the Customs visits, there is no reason to charge them because they have charged duties on imports and exports. The Bill is not restraining anything as the permit has already been authorized by the Customs to use their storage area the same with the airport.

The management for the Airport Authority has a policy to hand over the list of rooms that can be used by the Ministries. If the Government decides to provide free service as everything is government funded that is their discretion. It is clear under Clause 19, if the person authorized a license for a custom controlled area is dissatisfied or a payment is determined by the Customs Office and the person issued a permit or license is unhappy, this can be rejected by the Committee.

The Hon Minister, also the Chair of the Committee has spoken. But continuously fussing over this only depicts that you have not read the clarified legislation by the Hon Minister. The old legislation has been amended and is incorporated into the new Bill. Most of the provisions are old and were thoroughly considered and despite its thickness, His Highness, O Le Ao o le Malo consented for the Bill to be considered under a state of urgency. Respectfully. The signature signifies the approval by O Le Ao o le Malo.

Tofa LEVAOPOLO TALATONU: Mr Speaker....

MR SPEAKER: Apologies to the member, but you two have had your chance. I call on Susuga Hon Papaliitele Niko Lee Hang.

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Susuga Hon PAPALIITELE NIKO LEE HANG (Individual Voters): Thank you Mr Speaker for the opportunity. I have longed for an opportunity but have not had one. The Hon Minister of Women, Community and Social Development has touched on what I wanted to talk about.

In my understanding there are handling charges laid on the business owners. This charge is the main concern of members in accordance to Section 19, I am sure the Customs is aware of these charges laid on the property owners and business people housing their goods.

Mr Speaker the Hon Minister of Women has already clarified the matter. Respectfully.

Tofa LEVAOPOLO TALATONU: Mr Speaker, since I only stood up once I plead for another opportunity.

MR SPEAKER: You may speak.

Tofa LEVAOPOLO TALATONU: Thank you Mr Speaker. I have listened intently to your comment regarding negotiating on the Ministerial level. I plead with you Mr Speaker for I am a representative of the shipping agents and shipping lines.

I am concerned with the Government executing their duties for free using companies assets.

Mr Speaker, the Hon Minister of Women is commenting on the old legislation involving no charges when releasing the consignments. Right now, it is incorporated in this Bill that an office has to be reserved for the Customs with resources like computers and other equipments to execute their tasks. These are ridiculous expenses to be faced by the companies when we are trying to develop the private sector?

MR SPEAKER: I wish to respond to this statement which was clearly explained by the CEO on the day of our briefing.

All consultations have been approved by the agencies delivering these critical services, moreover I do not think it would cost much because the Customs officer will only stand and text with his phone and organize his paperwork outside? He does not need a new computer to work the whole day.

I take it that you are concerned with a new office built. The officer does not sit in the office the whole day until there are consignments requiring clearance.

I apologize to the members, lest we drag this issue. We all have consignments from overseas that need clearance. The intention of the Bill is for the agencies to upgrade their work and not to construct another office costing \$100,000+. That is my observation and belief on the matter.

Member of the Faasaleleaga No. 2, you may stand.

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Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No.2): Thank you Mr Speaker. This is a separate topic that I wish to assist with.

Thank you Hon Minister of Women for reaffirming the clarified issue as mentioned. However he stated that a complaint lodged by the licensee is referred to the Minister. This is not the case. It is referred to the Custom Authority, but the Minister is not stated. That said, we completely understand thank you Mr Speaker.

MR SPEAKER: Pardon the members; there is a reminder that needs to be made. The matter discussed is starting to get out of hand. You cannot interject over another members interruption, but you must direct your views to the respective Minister to obtain clarification of the Bill.

Lealailepule....

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, no I just want to help the Hon Minister.

MR SPEAKER: Apologies Le Mamea I will offer you an opportunity, but I will give this last chance to Lealailepule.

Tofa LEALAILEPULE RIMONI AIAFI: Hon Minister we are not reading one Act, we are reading both the new and the old legislations using both hands. Afterwards, then we will flip it upside down and read it from the back to the front.

Mr Speaker, this is what I have been telling you, the powers of the Customs Office are similar to a Government Authority such as the Airport Authority and the Ports Authority to perform and maintain their work outputs. However, the Airport and Ports Authority will be laden with the implementation costs of these outputs and the Customs will not have any expenses. These new initiatives are not stipulated in the old Act. The legislation therefore demands that the costs are from these authorities to allow the implementation of the work such as buildings, equipments and storage facilities. Once this Bill becomes law, this will be the case.

This is why I ask whether the involved Government Ministries understand this especially the business owners.

MR SPEAKER: It is understood. I call on the Hon Minister of Agriculture and Fisheries.

Afioga Hon LE MAMEA ROPATI (Minister of Agriculture and Fisheries): Let me make a comment on this very simple matter. It is true that this is a new legislation involving old provisions. I start with the matter raised by the member for Gagaemauga No. 2.

Remember, when you receive imported goods; say you have four containers with a duty of \$1,000,000 that is transferred to a license warehouse duty free.

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These goods are stored until they are needed only then are they released with duty installments. The Government is offering great help to the business people. Because if the duty is paid in full immediately, it can be difficult as most sale items cannot be sold directly but if they are stored and maintained in the licensed warehouse, then the Custom employees can access the duty payment before releasing them. This involves a lot of assistance including partial payment. This is the first aid that is significant to make duty payment easier for the companies.

The matter by Tofa Lealailepule on airports; without Customs, Quarantine, Health Service and other divisions, travelers are prohibited from leaving the airport. All services must be made available at the airport. The Quarantine must exist otherwise the airport cannot operate well. Similar to the Customs Agency, travelers cannot enter without them. These services provided assist in the overall function of the airport. There is not much needed, just a waiting room for the arrivals at night. If the aircraft arrives without any sign of the Customs and the Quarantine people, the plane will remain still holding up the passengers. Therefore the Airport Authority should be proud of the available services at present.

That is the clarification, it is very simple involving no major issues as you mention.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I apologize Hon Minister, I understand what you just said. That is not what I meant. The services I mentioned earlier must be maintained at the International Airport and ports. Before, service fees were charged at the airport as the airport holds a different operational level. Pursuant to the new legislation, services will be provided free of charge, not only will the Customs Office operate out of the airport and ports for free but additional equipments will be supplied and funded by the SPA and AA.

That is why I asked the member if the Government Ministries are aware of these things? These Government Ministries have existed since the beginning and have paid for their rents until today. Hence once this legislation becomes law, the Customs Office will work free of charge whilst others will continue paying room charges at the airport. Back then only the room was provided with the necessary resources needed for work. Nevertheless, the new legislation now provides for everything including computer and other items according to the member of Gagaemauga No. 2. Respectfully.

MR SPEAKER: We will leave your opinion to the Hon Minister. The fool (Tuivalea) is not present. But we shall proceed with the reviewed bill. If necessary we can scrutinize this again in the future. Please rise member for Gagaemauga No.2.

Tofa LEVAOPOLO TALATONU: Thank you, since my name was mentioned, the clarification by the Hon Minister is indeed correct.

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But as read out by the member for Faleata West, the cost of the computer I will buy is \$4,000 including internet, an office and telephones printers and cash power for Customs to do their work. All utilized freely by the Customs as pointed out earlier. But the Ministers have wrongfully heard everything I said. With a humble spirit.

MR SPEAKER: I call the Hon Minister.

Tofa Hon TOLOFUAIVAELEI FALEMOE LEAIATAUA: It goes to show that the members of the Opposition do as they wish which is perceived differently from the Governments intention. The Government knows better for they own the Bill and were also advised by the Attorney General and so it is relevant. We have explained some of these issues to the Opposition who should know better instead of disputing the Bill to match their will. The Governments will, will be done.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point of clarification. We are on a different matter now, we are trying to correct it.

MR SPEAKER: I beg tolerance Afioga Hon Palusalue.

Tofa Hon TOLOFUAIVAELEI FALEMOE LEIATAUA: Sit down Palu, do not be rude I am talking. You are my friend. Regarding what the Members are persistent on, the storage facilities were not constructed because of your wishes. There are buildings at the airport under the Management of the Airport Authority, owned by the Government. If there are rental fees, that is up to the Government. But to use computers is necessary. Sorry Leavaopolo, it is a necessity so that the Customs can release and clear freight but you add the charge the owners of the freight or parcels and not the Customs Office. The Customs is carrying out its service delivery in collecting duties from imports and exports. Respectfully, this should not be contested and your patience is required for this Bill is the Governments. A time will come when you will take over and then you will know and say, 'those old men who were before us were right'. Have a blessed meeting.

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

MR SPEAKER: What is your correction Palusalue?

Afioga Hon PALUSALUE FAAPO II: They are accusing us of manipulating the Bill.

MR SPEAKER: I beg tolerance Afioga Hon Palusalue....

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Afioga Hon PALUSALUE FAAPO II: We used to work at the airport and we completely understand these things. So we are informing the Cabinet and they are intervening, this is absolutely not right. They do not understand their Bill.

Respectfully.

MR SPEAKER: Well, we understand the issue. I believe that you were right in support of your side, but as said earlier, leave it to the Minister of the Airport Authority and the Customs Agency to solve it on their own.

Clause 19 Approved.

CLAUSE 20: Storage charges.

Approved.

CLAUSE 21: Goods subject to control of Customs.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Clause 21 Mr Speaker.

MR SPEAKER: Member you may speak.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you Mr Speaker for the opportunity. I wish to talk about exports not imports. The concern is for our safety....especially our natural resources as it is noticeable over the past years that the sea creatures like *maisu* or spiky sea cucumber which is important, are still being exported. Also various plants and animals are being smuggled outside of Samoa but they have a high value or property rights within Samoa. Clause 21 states only when goods are declared but many of these important parts are illegal under international agreements such as CITES, the Convention on Bio-diversity that protects Samoas rights. Many smuggle these natural resources outside of Samoa and I request to the Customs Office to work in collaboration with the Quarantine and the Ministry of Natural Resource and Environment as the Bill is vague on the protection of natural resources being smuggled in bags and clothing. There must be an examiner to carry out searches also there should be conditions for the removal of these resources. This should be reflected in the Bill for an agreement or a permit from the involved Ministries to protect from these problems. Thank you.

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Clause 21 Approved.

CLAUSE 22: Advice of arrival etc.

Approved.

CLAUSE 23: Requirement to answer questions.

Approved.

CLAUSE 24: Bringing to of fish.

Approved.

CLAUSE 25: Craft to arrive at nominated Customs place.

Approved.

CLAUSE 26: Craft arriving at place other than nominated Customs place.

Approved.

CLAUSE 27: Inward report.

Approved.

CLAUSE 28: Persons arriving in Samoa to report to Customs Officer or police station.

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

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MR SPEAKER: Which clause Toeolesulusulu?

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:
Clause 28 Mr Speaker.

MR SPEAKER: You may speak member.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:
Thank you Mr Speaker. I noticed that this section is almost similar to the recommendation to the Management of the Airport Authority according to the legislation provision, the Customs Office is the first access point but a collective effort is required. There is a process in place but the provision states that the Customs is the first point of contact when the existing initial point is the Immigration. Some tend to bypass the Customs as they check their bags. I think we must work collectively with the Ministries to achieve the provisions in the Bill.

MR SPEAKER: Good Job.

Clause 28 Approved.

CLAUSE 29: Disembarkation.

Approved.

CLAUSE 30: Baggage to be presented.

Approved.

CLAUSE 31: Persons departing from Samoa to depart from Customs place.

Approved.

CLAUSE 32: Embarkation.

Approved.

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CLAUSE 33: Outgoing baggage to be presented.

Approved.

CLAUSE 34: Use of electronic communication devices prohibited in certain place.

Approved.

CLAUSE 35: Completion of processing under Immigration and Quarantine laws.

Approved.

CLAUSE 36: Cases requiring investigations for Public Health or law enforcement.

Tofa LEVAOPOLO TALATONU: Mr Speaker, Clause 36.

MR SPEAKER: I believe we have reached our recess hour. I will give the floor to the member when we return.

I now announce that the Proceedings of the Legislative Assembly will set aside for our normal recess for the morning.

Proceedings of the Legislative Assembly were set aside at 10:44am until 11:27am.

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

I believe that our bodies have regained strength after receiving supper at this part of the day. I convey my sincere thanks to the House for your patience from the first part of our meeting until now.

Please be patient, we are still progressing with our parliamentary business with the hope that we will achieve an essential part of today.

But before we start I give the floor to the Hon Prime Minister.

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MOTION FOR EXTENSION OF SITTING HOURS

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker I move a motion that since this Bill we are considering is very important, I move a motion, *That the Proceedings of the Legislative Assembly continue until the Customs Bill 2014 is approved.*

Seconded by the Deputy Prime Minister, Minister of Works, Transport and Infrastructure and Minister of Communication and Information Technology.

Motion approved.

MOTION BY THE BUSINESS, STANDING ORDERS, HOUSE AND ELECTORAL MATTERS COMMITTEE

MR SPEAKER: I call on the Deputy Speaker.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA (Deputy Chairperson for the Business, Standing Orders, House and Electoral Matters Committee): Mr Speaker and everyone present in the Chamber, I stand to move two motions:

1. *That Parliament approve the appointment of Afioga Hon Faumuina Tiatia Liuga to become a member of the following Select Committees:*
 - (i) *Finance and Expenditure Committee*
 - (ii) *Health, Foreign Affairs, Internal Affairs and Community Development and Social Development Committee.*
 - (iii) *Privilege and Ethics Committee.*

2. *That Parliament approve the appointment of Tofa Faimalotoa Kika Iemaima Stowers to become a member of the following Select Committees:*
 - (i) *Primary Production, Commerce, Industry and Labour Committee.*
 - (ii) *(ii) Foreign Affairs, Trade and Revenue Committee.*
 - (iii) *(iii) Government Administration Committee.*

Respectfully.

Seconded by the member for Aleipata Itupa i Lalo.

Motion was approved and the Legislative Assembly approved the appointment of members to the Select Committee as set out in the motion.

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MR SPEAKER: Following our next break, the College program will conclude today with their speech competition themed on Parliamentary matters. So during our afternoon recess, we will be given the opportunity to hear the top four speeches. This is their English Speech Competition Program. A Prize Giving will follow at 1.00pm.

Consideration in detail of the Customs Bill 20014 resumed.

MR SPEAKER: Before our recess hour we were progressing on the Customs Bill 2014 with the hope that it will be passed today.

Tofa LEVAOPOLO TALATONU: Mr Speaker....

MR SPEAKER: Which clause?

Tofa LEVAOPOLO TALATONU: Mr Speaker, clause 36.

MR SPEAKER: You may take the floor.

Tofa LEVAOPOLO TALATONU: Thank You. Mr Speaker, this is part of the Bill gives the authority to a Customs officers to retain any passenger entering the airport with severe health risks, bringing in prohibited food, pests and the like. Hon Minister for Revenue, is the staff well equipped with performing these duties encountering passengers with health risks or any health threats to be encountered by the Quarantine?

Secondly, to the Hon Minister of Agriculture and Fisheries, what will the Quarantine do now as everything seems to be under the Customs jurisdiction? The same goes to the Hon Minister of Health. The Bill also provides that the Customs will deal with passengers with health issues. What is then will be the status of the other Ministries? With due respect. Thank you.

MR SPEAKER: Hon Minister of Agriculture and Fisheries, you may now take the floor.

Afioga Hon LE MAMEA ROPATI: Thank you. It is still the normal practice Mr Speaker, as mentioned earlier, the Ministries involved in servicing the airport for arrivals are Customs, the Quarantine Division of the Ministry of Agriculture and Fisheries, and Health, but the current legislation pertains to the Customs or Duties.

Remember, despite the mention of the Customs, all agencies must work together. When the passengers disembark an aircraft with their carry-on luggage and fill out customs declaration forms ticking all the relevant boxes to confirm that they have not brought in any food or any prohibited item, the first person of contact is a customs officer who checks and verifies the forms to confirm that they have not brought any illegal food or plants into the country.

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If caught, they will be directed to the Quarantine for further assessment. After assessment, they will allow the passenger to proceed and confiscate the illegal items to be burnt. It is a collective role by everyone and not just the Customs. If there are there is nothing to declare the luggage will go through the x-ray screening, and if anything is found the luggage is referred back to the customs officer for a thorough search. That is my response; despite the Customs carrying out the job, all Ministries must work together.

Approve Clause 36.

CLAUSE 37: Clearance of craft.

Approved.

CLAUSE 38: Certificate of clearance.

Approved.

Tofa LEVAOPOLO TALATONU: Mr Speaker, clause 38.

MR SPEAKER: You may take the floor.

Tofa LEVAOPOLO TALATONU: With reference to aircraft clearance, I wish to remind the Hon Minister that it is clear within the Bill that an Airline cannot clear the aircrafts, I will leave it at that.

Clause 38 approved.

CLAUSE 39: Boarding of outward craft.

Approved.

CLAUSE 40: Production of Certificate of clearance.

Approved.

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CLAUSE 41: Departure to be from Customs place only.

Approved.

CLAUSE 42: Ministerial orders on stores for craft.

Approved.

CLAUSE 43: Definition.

Approved.

CLAUSE 44: Purpose.

Approved.

CLAUSE 45: Persons to whom Section or 47 applies.

Approved.

CLAUSE 46: Information about border crossing craft.

Approved.

CLAUSE 47: Information about border-crossing persons.

Approved.

CLAUSE 48: Further provisions about giving Customs access to information under Section 46 or 47.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 49: Controls on use by Customs of information.

Approved.

CLAUSE 50: Information about travel within 28 day period.

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

MR SPEAKER: You may take the floor.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:
Mr Speaker, with reference to clause 50, I wish to know why the number of days to submit information is 28 days or is it within the 28 days.

MR SPEAKER: You may take the floor Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, 28 days is one month, which is sufficient time to provide the required information and the people to prepare their statements.

Clause 50 approved.

CLAUSE 51: Information about other travel may be searched for information relating to travelers within 28 day period.

Approved.

CLAUSE 52: Search and viewing warrant.

Approved.

CLAUSE 53: Search and viewing without warrant in emergencies.

Approved.

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

MR SPEAKER: You may take the floor.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 53 indicates you can search without a warrant.

If you look at b), it states “The Comptroller considers that, if he or she were to apply to a Judge for a search viewing warrant under section 52, the Judge would grant the warrant”. By reading the Act, it seems that when the Comptroller applies for warrant they will get it straightaway.

This part of the Act seems a bit severe because if the Comptroller wants a warrant the Judge must grant it.

MR SPEAKER: I get your opinion. If you read the Act properly, warrant in times of emergencies. This means, we have to take into account challenging times for the country, we have to act accordingly to what is happening in our environment. That is the essence of the Bill apart from the policies, there is authority except upon natural disasters then the Comptroller can perform this.

Clause 53 approved.

CLAUSE 54: Procedure if viewing of information not authorized.

Approved.

CLAUSE 55: Security of applications for warrants.

Approved.

CLAUSE 56: Information and disclosure in Section 55(7).

Approved.

CLAUSE 57: Disposal of information collected by Customs.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 58: Protection of persons acting under authority of this part .

Approved.

CLAUSE 59: Part does not limit other access to or use of information.

Approved.

CLAUSE 60: Entry of imported goods.

Approved.

CLAUSE 61: Provisional entries.

Approved.

CLAUSE 62: Delivery of goods on provisional entries.

Approved.

CLAUSE 63: Ministerial orders of entry on entry of imported goods.

Approved.

CLAUSE 64: Production of invoice and declaration.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 65: Ministerial orders on fees and charges on importation of goods.

Approved.

CLAUSE 66: Imported goods to be dealt on making of entry.

Approved.

CLAUSE 67: Cancellation and amendments of entities.

Approved.

CLAUSE 68: Unloading goods.

Approved.

CLAUSE 69: Craft imported other than as cargo.

Approved.

CLAUSE 70: Samples or illustrations.

Approved.

CLAUSE 71: Transportation of imported goods.

Approved.

CLAUSE 71: Removal of Goods from Customs Controlled Area.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 73: Temporary removal of goods from Customs Controller Area.

Approved.

CLAUSE 74: Entry of Goods for export.

Approved.

CLAUSE 75: Ministerial orders of entry of Goods for export.

Approved.

CLAUSE 76: Samoa Certificates of Origin for Goods for export to party to be free trade agreement.

Approved.

CLAUSE 77: Bodies authorized to issue Samoa Certificates of Origin.

Approved.

CLAUSE 78: Ministerial orders of Samoa certificates of origin and certification bodies.

Approved.

CLAUSE 79: Goods for export to be dealt on making of entry.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 80: Goods for export not to be landed.

Approved.

CLAUSE 81: Time of exportation.

Approved.

CLAUSE 82: Customs seal may be applied to Goods for Export.

Approved.

CLAUSE 83: Warning notices for packages to which seal applied.

Approved.

CLAUSE 84: Comptroller may approve secure exports scheme.

Approved.

CLAUSE 85: Purpose of secure exports scheme.

Approved.

CLAUSE 86: Matters to be specified in secure exports scheme.

Approved.

CLAUSE 87: Matters to be acknowledged in secure exports scheme.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 88: Goods to be exported under Customs approved secure exports scheme may be exported under drawback.

Approved.

CLAUSE 89: Use of Customs seals in relation to Goods to be exported under Customs approved secure export schemes.

Approved.

CLAUSE 90: Exporters may be involved in exportation of Goods outside Customs approved secure scheme.

Approved.

CLAUSE 91: Prohibited imports.

Approved.

CLAUSE 92: Prohibited exports.

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

MR SPEAKER: Which clause Toeolesulusulu?

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:
Mr Speaker, Clause 92.

MR SPEAKER: You may take the floor.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:
Thank you Mr Speaker for the opportunity. I wish to be clarified on electronic publications. How can we handle this, as all electronic publications are posted on the internet, and can be sent via email?

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Does the Customs office have any plan to prohibit the release of electronic publications or can there be a connection with parts of the Communication Act?

MR SPEAKER: The Acts connected to this bill are clear. There is legislation which regulates communications and publications in the country. This Bill is for items that cannot be hand carried by passengers to the airport.

Clause 92 approved.

CLAUSE 93: Production of licence or permit for goods.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you for the explanation Mr Speaker. This involves the exportation of electronic publications by travelers but to send an email with electronic information is also a form of export because it is being sent out of Samoa.

MR SPEAKER: The Hon Prime Minister will clarify this issue.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, the reason why I am taking the floor is to correct your earlier statement. What you said earlier is correct, and what Palu is about to say is also correct, it is the same thing.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I just want to ask the Minister, as the Hon Prime Minister has already spoken, I do not know if Mr Speakers response is correct or if you understand?

MR SPEAKER: For your information Leader of Opposition and members, whenever I receive any Bill I study them. I do not sit on it and read it out. I read the Bills more than you. For your information, it is out of respect that I am giving this opportunity to that side, and if I was responding to you, the Bill would have been passed by now. But I am giving you these chances out of respect in case your rights are being ignored. It is that simple. This kind of behaviour reflects how uneducated you are by not studying the Bill.

Clause 93 approved.

CLAUSE 94: Importer to specify.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 95: Amendment of valuation assessment.

Approved.

CLAUSE 96: Currency and exchange rate.

Approved.

CLAUSE 97: State's right of compulsory acquisition.

Approved.

CLAUSE 98: Origin of fish or other produce of the sea.

Approved.

CLAUSE 99: Ministerial Orders for determining country of produce or manufacture.

Approved.

CLAUSE 100: Conditions precedent to entry of goods at preferential rates of duty.

Approved.

CLAUSE 101: Unsubstantiated preference claims.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 102: Duty on imported goods a state debt.

Approved.

CLAUSE 103: Power of Minister to suspend, remit, refund or create exemptions from excise duties etc.

Approved.

CLAUSE 104: Additional duty imposed.

Approved.

CLAUSE 105: Assessment of duty.

Approved.

CLAUSE 106: Amendment of Assessment.

Approved.

CLAUSE 107: Due rate for payment of duty.

Approved.

CLAUSE 108: Assessment presumed to be correct.

Approved.

CLAUSE 109: Obligation to pay duty not suspended by appeal.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 110: Limitation of time for amendment of assessment.

Approved.

CLAUSE 111: Keeping business records.

Approved.

CLAUSE 112: Giving customs access to business records.

Approved.

CLAUSE 113: Meaning of “Related”.

Approved.

CLAUSE 114: Duty charge on Goods.

Approved.

CLAUSE 115: Application of Section 116.

Approved.

CLAUSE 116: Ranking of Duty.

Approved.

CLAUSE 117: Release of Goods subject to Duty.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 118: Liability for Duty on Goods wrongfully removed or missing.

Approved.

CLAUSE 119: Liability of owners of craft for Duty on Goods.

Approved.

CLAUSE 120: Effect of Payment of Duty by one person on liability of another person.

Approved.

CLAUSE 121: Incidence of altered duties.

Approved.

CLAUSE 122: Assessment of Duty in particular cases.

Approved.

CLAUSE 123: Re-importation of goods exported.

Approved.

CLAUSE 124: Payment of Duty by importer, exporter, or licensee leaving Samoa.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 125: Comptroller may refund duty paid in error.

Approved.

CLAUSE 126: Refunds of Duty on Goods under Tariff law.

Approved.

CLAUSE 127: Other refunds and remissions of duty.

Approved.

CLAUSE 128: Recovery of duty refunded in error.

Approved.

CLAUSE 130: Goods temporarily imported.

Approved.

CLAUSE 131: Drawbacks of duty on certain goods.

Approved.

CLAUSE 132: Application for customs ruling.

Approved.

CLAUSE 133: Making of Customs ruling.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 134: Notice of Customs Ruling.

Approved.

CLAUSE 135: Effect of Customs Ruling.

Approved.

CLAUSE 136: Confirmation of basis of Customs Ruling.

Approved.

CLAUSE 137: Amendment of Customs Ruling.

Approved.

CLAUSE 138: Cessation of Customs Ruling.

Approved.

CLAUSE 139: Appeal from decision of Comptroller.

Approved.

CLAUSE 140: No liability where Customs Ruling relied on.

Approved.

CLAUSE 141: Imposition of penalty.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 142: Obligation to pay penalty not suspended by appeal.

Approved.

CLAUSE 143: No penalty in certain cases.

Approved.

CLAUSE 144: Establishment of and access to Customs computerized entry processing systems.

Approved.

CLAUSE 145: Registered users.

Approved.

CLAUSE 146: Unique user identifier.

Approved.

CLAUSE 147: Use of unique user identifier.

Approved.

CLAUSE 148: Conditions may be imposed on registered users.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 149: Suspension or cancellation of registration of registered user.

Approved.

CLAUSE 150: Customs to keep records of transmission.

Approved.

CLAUSE 151: Patrols and surveillance.

Approved.

CLAUSE 152: Landing or mooring of Customs craft.

Approved.

CLAUSE 153: Boarding craft.

Approved.

CLAUSE 154: Searching of craft.

Approved.

CLAUSE 155: Securing goods on craft.

Approved.

CLAUSE 156: Firing on ship.

Tofa LEVAOPOLO TALATONU: Mr Speaker.

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MR SPEAKER: Which clause?

Tofa LEVAOPOLO TALATONU: Clause 156. Mr Speaker, the authorization of the Customs Officer seems to be clear here. It states that a craft in the States service must chase any ship that does not bring-to when signaled or if refuses boarding of the ship may as a last resort after having fired a warning, fire at or onto the ship.

Mr Speaker, a question for the Hon Minister, is whether Customs is legally permitted to use firearms under this clause 156?

MR SPEAKER: I give the floor to the member of Faleata West. What clause?

Tofa LEALAILEPULE RIMONI AIAFI: It is the same clause Mr Speaker. This Clause is specific to ships and the question to the Hon Minister, what current methods is the Ministry using to protect our borders from ships anchoring elsewhere on our shores and not an the wharf? What is being done to protect from such occurrences? Respectfully.

MR SPEAKER: Apologies Hon Minister we will have all the members questions before you respond accordingly. I call the member for Faleata East.

Tofa AVEAU TUALA LEAPALE NIKO PALAMO: It is the same clause 156, first, what can be done to have the Police work together with this division or is there a provision for this collaboration under the Police Act?

Second, the clause further displays the proper ensign or the Customs flag. Do the Customs have a flag and what kind of flag is it for the sake of the public and Parliament?

MR SPEAKER: I call the Hon Minister of Revenue.

Tofa Hon TUILOMA LAMEKO: Mr Speaker, as for the first question regarding ships entering unlawfully into the country. There is a collaboration with the Ministry of Police and the there are legislations that are correlate in this regard. In such cases, which often occurs in Aleipata, the Police should be notified and they will carry out their duty.

Mr Speaker, that is the response to the enforcement of this part of the Bill. With respect.

Tofa LEVAOPOLO TALATONU: Mr Speaker, pardon me but the involvement of the Police is not mentioned in the Bill. But the concern as I raised regarding the carrying of weapons by the Customs Office is not in the Act. It would be better if it stated that in such cases, it would be referred to the Police because the law relating to the possession of firearms already exists. If it were bamboo guns that would be fine but if they are guns, I believe it is not appropriate for the Bill.

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MR SPEAKER: The Hon Minister made it very clear that the Customs have no ships. When it comes to issues of this sort, the Police steps in to assist the Customs Office.

You may take the floor Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Deputy Prime Minister): Mr Speaker, this matter relates to a craft in the States service. Hence this includes the Police crafts and other State owned ships used in the near future are all covered under this Bill. This Bill is set up for the future.

MR SPEAKER: I call the Hon Minister of Police, Prisons and Fire Emergency Services, I take it that clarification is required in relation to the craft.

Afioga Hon SALA FATA LISATI PINATI (Minister of Police, Prisons and Fire Emergency Services): Thank you Mr Speaker, the duty of the Government Agencies involving the Customs Office, Agriculture, Quarantine and the Police is to protect our country by working together. Their job interlinks.

And in case regarding firearms, nothing occurs without Police support. With respect.

MR SPEAKER: Well done. Thank you for helping out. I believe it is now clear.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, the concern of this side is that they are assuming the affect of the Bill. The power given to the Comptroller is relevant but we cannot assume the interpretation of this part. The Bill states that they carry and use firearms when needed. It does not state that the Police will do this. The Bill cannot be left ambiguous in this case, with respect.

MR SPEAKER: The Deputy Prime Minister may once again take the floor.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, the Clause is well defined and brief. Upon a request to the Comptroller, a craft in the States service, which includes Police crafts carrying the Customs flag or Samoan flag, can carry out this service in approaching ships entering our borders unlawfully.

Tofa LEVAOPOLO TALATONU: Mr Speaker, I do not see the word 'request' in the Bill there is none in here.

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Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, look at Clause 156 that we are talking about, it says, ‘at the request of the Comptroller’.

Tofa LEVAOPOLO TALATONU: Mr Speaker that is in English, I am looking in the Samoan version. Mr Speaker, this is why court cases are conflicting, it is the inconsistency between the Samoan and English legislations.

MR SPEAKER: We have been trying the whole morning to enlighten the matter. When our language gets confused, we then refer to the initial language the legislation was drafted in with all the logical and appropriate terminologies. But the matter is now clear. Lealailepule, is there anything else?

Tofa LEALAILEPULE RIMONI AIAFI: We will now look at the English version, the request by the Comptroller is directed to the master of the ship being chased and not towards the Commander of the craft within Samoa. But never mind. The Samoan translation needs to be consistent with the English version. As for what I intended....

MR SPEAKER: I give the floor to Afioga Lautafi.

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister for Public Enterprises): Mr Speaker, I am unsure if the Samoan and English versions they have are different from what I have here. The English version states, ‘at the request.’ And it is translated ‘*e tusa ai ma le Talosaga a le Pule Sili o le Tiute*’ within Samoa, chase any ship. It is in there please. Thank you.

MR SPEAKER: I believe it is clear. I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker the response by the Hon Minister is clear and accurate. It is not good to frequently rise and correct the mistakes you bring. The normal procedure should be, once the Minister gives a response that is it. However else the Opposition side takes it, the answer is final.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point of clarification regarding the Hon Prime Ministers statement. If the Ministers statement is incorrect should we still proceed? It is stated here, firing on ship....

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, what I am saying is correct. The Cabinet and I have corrected your errors many times.

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Can you stand up and make accurate statements for once instead of stating mistake after mistake which consequently prolongs our sitting. Read your Acts thoroughly before you take the stand.

MR SPEAKER: The Government explanation is now clear. The use of these weapons is due to the frequently existing problems. We on land are oblivious of the events occurring on the sea. Many fishing boats are illegally docking at Falealupo, Aleipata and other villages. Whenever we give signs, they fire guns. Then what? Then we stand and look at them. That is why – the government-owned ship ‘Nafanua’ has a Customs employee on board. The legislations are in place to protect us as per the Hon Minister of Polices statement; they have the full authority to fire guns. They action this upon the request of the Comptroller.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, these Acts have been consulted on and they stress the importance of collaboration. Your side should sympathize. At times of tribulation, we must use our common sense. When they shoot at us we cannot respond by checking the Bill first, that is not how it is done. It is not like when a child challenges another child he will say, wait I will be back let me go tell my father first. We do not wait for incidents like this to happen, we use common sense as well as our cultural values to perform our duties in all aspects of the State.

Tofa LEVAOPOLO TALATONU: Mr Speaker, please, this is a very critical section of the legislation. If you look at the English version of Clause 156, there is no request in it.

I will read it out ‘Provides for chasing of ships including firing upon the ship as a last....’

MR SPEAKER: Read the first part Levaopolo...Read from the top of the Bill and you will find it, that is to be requested by the CEO of the Customs first.

Clause 156 approved.

CLAUSE 157: Detention of craft.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, I only wish to ask briefly, as this part of the Bill is new that is incorporated from the old Act. So I ask regarding clause 157, are ships bringing in refugees included in this section in case they come to Samoa. Is this included in Clause 157(b)(2)?

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MR SPEAKER: No refugees travel on planes, they come on boats, but it is the detention of aircrafts.

Clause 157 approved.

CLAUSE 158: Searching vehicles.

Approved.

CLAUSE 159: Questioning persons about goods and debt.

Approved.

CLAUSE 160: Questioning persons about identity, address etc.

Approved.

CLAUSE 161: Questioning employees of airlines, shipping companies etc.

Approved.

CLAUSE 162: Evidence of identity and entitlement to travel.

Approved.

CLAUSE 163: Evidence of answers to questions under Section 160.

Approved.

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Customs Bills 2014 – consideration in detail

CLAUSE 164: Detention of persons questioned about goods OPR debts.

Approved.

CLAUSE 165: Detention of person questioned under Section 160.

Approved.

CLAUSE 166: Detention of persons committing or about to commit certain offences.

Approved.

CLAUSE 167: Detention for Public Health or Law enforcement purposes.

Approved.

CLAUSE 168: Persons to Whom Sections 169, 170(1), and 171 Apply.

Approved.

CLAUSE 169: Preliminary search of persons by the use of aids.

Tofa LEVAOPOLO TALATONU: Mr Speaker...

MR SPEAKER: Which clause?

Tofa LEVAOPOLO TALATONU: Clause 169.

MR SPEAKER: We have not reached Clause 169. I said 168.

Tofa LEVAOPOLO TALATONU: When you said 169 I stood up.

MR SPEAKER: No, it has not...you may take the floor.

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Tofa LEVAOPOLO TALATONU: Thank you Mr Speaker for the opportunity. This clause clearly defines the search carried out by the Customs Office or the Police Office. This should have been incorporated in Clause 156, the Customs Office or the Police Office, hence it is now clear. Thank you.

MR SPEAKER: If you have waited a little longer since we are still progressing with the Bill, as we proceed to the end it will be complete and very clear.

Clause 169 approved.

CLAUSE 170: Searching of persons if reasonable cause to suspect items hidden.

Approved.

CLAUSE 171: Searching of persons for dangerous items.

Approved.

CLAUSE 172: Seizure of items found.

Approved.

CLAUSE 173: Access of Customs officers to Customs Controlled Areas.

Approved.

CLAUSE 174: Examination of goods no longer subject to control of Customs

Approved.

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CLAUSE 175: Examination of Goods no longer subject to control of Customs.

Approved.

CLAUSE 176: Accounting for Goods.

Approved.

CLAUSE 177: Production of Goods.

Approved.

CLAUSE 178: Verification of Entries

Approved.

CLAUSE 179: Securities for payment of Duty.

Approved.

CLAUSE 180: New Securities may be required.

Approved.

CLAUSE 181: Written Authority of Agents.

Approved.

CLAUSE 182: Audit or examination of records.

Approved.

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CLAUSE 183: Requisition to produce documents.

Approved.

CLAUSE 184: Further powers in relation to documents.

Approved.

CLAUSE 185: Legal profession privilege.

Approved.

CLAUSE 186: Documents in foreign language.

Approved.

CLAUSE 187: Comptroller may take possession of and retain documents and records.

Approved.

CLAUSE 188: Copying of documents during search.

Approved.

CLAUSE 189: Retention of Documents and Goods.

Approved.

CLAUSE 190: Detention of Goods suspected to be tainted property.

Approved.

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CLAUSE 191: Return of necessary to satisfy essential Human Needs.

Approved.

CLAUSE 192: Further provisions about detention under Section 190.

Approved.

CLAUSE 193: Return of Goods detained under Section 190.

Approved.

CLAUSE 194: Extension of 7 Day Period in Section 193 (1) (a).

Approved.

CLAUSE 195: Custody of certain Goods detained under Section 190.

Approved.

CLAUSE 196: Search Warrants.

Approved.

CLAUSE 197 Entry and Search under warrant.

Approved.

CLAUSE 198: Searching of persons for dangerous items when executing search warrant.

Approved.

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CLAUSE 199: Detention of dangerous items.

Approved.

CLAUSE 200: Search warrant to be produced.

Approved.

CLAUSE 201: Duty to inform owner where things seized.

Approved.

CLAUSE 202: Emergency warrants.

Approved.

CLAUSE 203: Use of aids by Customs Officers.

Approved.

CLAUSE 204: Conditions applying to entry of buildings.

Approved.

CLAUSE 205: Arrest of suspected offenders.

Approved.

CLAUSE 206: Protection of persons acting under authority.

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

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

MR SPEAKER: Which clause?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 206 please.

MR SPEAKER: Clause 206: Protection of persons acting under the authority. You may speak.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I query this clause which says, the Minister or a Customs officer is not personally liable for the loss of or damage to any document, goods, vehicle or craft occasioned by anything done or omitted to be done. Meaning, this is the direct responsibility of the Customs officer but the owner is being affected. A question to the Hon Minister, is there a provision in the Bill that protects damaged goods or lost property due to a fault on the part of Customs?

With due respect.

MR SPEAKER: Member you may take the floor. What clause?

Tofa LEALAILEPULE RIMONI AIAFI: Same clause Mr Speaker.

MR SPEAKER: Is it 206?

Tofa LEALAILEPULE RIMONI AIAFI: Clauses 204 to 206 please. Note that the entrance into the suspected places where illegal goods are stored requires a warrant from the Minister which is the proper action used now. The other aspect is the protection of the employees carrying out their duties in the workplace because they now have the power to arrest suspected offenders. The main concern is protection of employees and property owners from extreme acts. Because in my belief, most of the general public are unaware of the authority held by the Customs Office to arrest because they only believe only the Police can exercise this authority. This should be reviewed because the public do not understand the functions and powers of the Customs Office which now includes a certain policing role. That is the question with all due respect.

MR SPEAKER: The intention of the legislation is logical to the members of Parliament, as known the most secured goods in the country is not dealt by the police firsthand, the first point is at the border and the Customs Office as a increasing issue is to do with confiscation of suspected goods.

This is why 204, 205 and the 206 is appropriate when the Customs approach the custom controlled areas to check the imported goods which are a health risk. Allowing authority to the Customs to perform their work is not a bad thing. As sometimes the Customs retains damaged goods whilst awaiting the property owners.

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Customs Bills 2014 – consideration in detail

Clause 206 is the protection of employees under the permitted authority. This means that there is higher power above to protect those who are given permission by the Minister and the Ministry. Clauses 203, 204, 204 and 206 all link together.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, no I am not trying to be arrogant but your elaboration seems to be out of line with the legislation, in my belief. Thank you.

MR SPEAKER: Oh it is you who does not understand, but there is...

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, the members are missing something. The officials wear suitable uniform and headgears like the policemen. They wear the appropriate uniform just like when it was once difficult to accept traffic officers working under LTA, but we got used to it. Your clarification is accurate.

MR SPEAKER: Even searching for drunkards can be found here.

Clause 206 approved.

CLAUSE 207: Seizure and detention of dangerous goods.

Approved.

CLAUSE 208: Unlawful travel document.

Approved.

CLAUSE 209: Seizure and detention of goods suspected to be certain risk goods evidence of commission of certain offences.

Approved.

CLAUSE 210: Threatening or resisting Customs Officer.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 211: Obstructing Customs Officer or interfering with Customs property.

Approved.

CLAUSE 212: False allegation or report to Customs Officer.

Approved.

CLAUSE 213: Pretend of a Customs Officer.

Approved.

CLAUSE 214: Counterfeit seals or marks.

Approved.

CLAUSE 215: Obligations of persons arriving in or departing from Samoa.

Approved.

CLAUSE 216: Unauthorized presence in certain Customs computerized entry.

Approved.

CLAUSE 217: Unauthorized access to or improper use of Customs Computerized Entry Processing System.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 218: Interference with Customs Computerized Entry Processing System.

Approved.

CLAUSE 219: Offences in relation to security of or unauthorized use of , unique user identifiers.

Approved.

CLAUSE 220: Failure to answer questions.

Approved.

CLAUSE 221: Failure to produce evidence of identity, entitlement to travel or other matters

Approved.

CLAUSE 222: Failure to produce or account for goods.

Approved.

CLAUSE 223: Failure to comply with requisition.

Approved.

CLAUSE 224: Failure or refusal to remain at place.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 225: Use of a area without license.

Approved.

CLAUSE 226: Failure to comply with conditions of license.

Approved.

CLAUSE 227: Offences in relation to arrival of craft.

Approved.

CLAUSE 228: Offences in relation to inward report.

Approved.

CLAUSE 229: Offences in relation to departure of craft.

Approved.

CLAUSE 231: Failure to comply with requirement to cease using electronic communication device.

MR SPEAKER: You may take the floor member of Aana Alofi No. 2.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker, I query the section on the 100 penalty units. When converted, this is a thousand. The number of penalty units is harsher compared to the penalty of years imprisonment.

MR SPEAKER: I give the floor to the Hon Minister of Revenue. I call the member to enlighten the matter. The penalty of 100 units is translated into money.

Tofa Hon TUILOMA LAMEKO: One unit is equivalent to \$100. The Bill states the money to be paid pursuant to this section.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

MR SPEAKER: I believe the Ministry had a difficult task in investigating this part and was not done on a whim. The units and the penalties are appropriate.

Clause 231 approved.

CLAUSE 232: Defenses.

Approved.

CLAUSE 233: Adapting craft for smuggling.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Clause 233. This is query is similar to that made for Clause 231 that reads 100 penalty units or a year imprisonment. Clause 233 states 1000 units or 5 years. It seems like the scheduling of penalties is inconsistent, particularly the units and imprisonment term. Thank you.

MR SPEAKER: I call on the Hon Minister.

Tofa Hon TUILOMA LAMEKO: This is appropriately scheduled, based on the suitable penalties. The penalty is based on the severity of the crime.

Clause 233 approved.

CLAUSE 234: Interference with seals and fastenings.

Approved.

CLAUSE 235: Offences in relation to Customs seals and Customs approved exports schemes.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 236: Interference with cargo.

Approved.

CLAUSE 237: Unloading goods without cargo.

Approved.

CLAUSE 238: Offence in relation to manufacture, movements and storage of Goods.

Approved.

CLAUSE 239: Interference with Goods.

Approved.

CLAUSE 240: Contravention of Direction of Comptroller under Section 114.

Approved.

CLAUSE 241: Offences in relation to entries.

Approved.

CLAUSE 242: Offences in relation to Declarations and documents.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 243: Offences in relation to records.

Approved.

CLAUSE 244: Offences relating to failure to give Customs access to information.

Approved.

CLAUSE 245: Offences relating to disclosing whether required to give Customs access to information.

Approved.

CLAUSE 246: Possession of incomplete documents.

Approved.

CLAUSE 247: Offences in relation to the use of Goods.

Approved.

CLAUSE 248: Provisions relating to offences against Sections 241 to 247.

Approved.

CLAUSE 249: Offences in relation to importation of exportation of prohibited Goods.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 250: Offences in relation to exportation of Goods.

Approved.

CLAUSE 251: Defrauding the Revenue of Customs.

Approved.

CLAUSE 252: Possession or custody of unaccustomed Goods or prohibited imports.

Approved.

CLAUSE 253: Purchase, sale, exchange, etc of uncustomed Goods or prohibited imports.

Approved.

CLAUSE 254: Possession or control of concealed goods.

Approved.

CLAUSE 255: Offences in relation to seized goods.

Approved.

CLAUSE 256: Offences in relation to certain detained goods.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 257: Offences in relation to Customs appeal authority.

Approved.

CLAUSE 258: Unauthorized disclosure of information.

Approved.

CLAUSE 259: Misconduct by Officers of Customs.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Mr Speaker...

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

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Clause 259 Mr Speaker.

MR SPEAKER: You may take the floor.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: As I mentioned yesterday, misconduct by Officers of Customs included accepting any fee or reward but the last part of the provision states except that the officer receives with the permission of the Minister or Comptroller. What exactly is the intention of this provision? What this allowed in the past or is it now permitted but the reward or fee is to be receipted?

Clause 259 approved.

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

Tofa LEALAILEPULE RIMONI AIAFI: Clause 268, please Mr Speaker.

MR SPEAKER: You want us to move to Clause 268?

CLAUSE 260: Liability of Officers of Corporations.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 261: Liability of Principal and agent.

Approved.

CLAUSE 262: Attempts.

Approved.

CLAUSE 263: Laying of information.

Approved.

CLAUSE 264: Court may order payment of money in respect of duty

Approved.

CLAUSE 265: Power of Comptroller to compound offences.

Approved.

CLAUSE 266: Application.

Approved.

CLAUSE 267: Goods forfeited.

Approved.

CLAUSE 268: Procedure for seizure.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, this Clause 268, I wish to get an explanation on subclause 3, forfeited goods, other than prohibited goods may be seized at any time within two years after the forfeiture has arisen. In query, why two years, once these forfeited goods are suspected after declaration they must be seized immediately. Only the prohibited goods are collected but the other goods are left for two years. The question is why.

On subclause 7, in the case that a craft, vehicle or animal have been seized, a Customs officer may leave those goods in the custody of the person from whom the goods have been seized. If these goods are seized, there should be a secure facility to store these seized goods especially large goods such as vehicles if they are left to the person that owns these goods while they await trial or a decision.

With respect.

MR SPEAKER: I call the Hon Minister of Revenue.

Tofa Hon TUILOMA LAMEKO: Thank you. The question about the delayed penalties payment, Mr Speaker, there are no preventative measures hindering the work of the Ministry

Clause 268 approved.

CLAUSE 269: Notice of seizure.

Approved.

CLAUSE 270: Forfeiture to relate back.

Approved.

CLAUSE 271: Delivery of Goods seized on deposit of value.

Approved.

CLAUSE 272: Sale of certain seized Goods.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 273: Mode of exercising of Sale.

Approved.

CLAUSE 274: Application to reconsider seizure.

Approved.

CLAUSE 275: Reconsider.

Approved.

CLAUSE 276: Decision on review.

Approved.

CLAUSE 277: Matters concerning grant of relief.

Approved.

CLAUSE 278: Determination where relief granted.

Approved.

CLAUSE 279: Condemnation of seized Goods.

Approved.

CLAUSE 280: Appeal to Customs appeal authority.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 281: Condemnation of Goods subject to appeal.

Approved.

CLAUSE 282: Condemnation of seized Goods on conviction.

Approved.

CLAUSE 283: Disposal of forfeited Goods.

Approved.

CLAUSE 284: Application of forfeiture provisions.

Approved.

CLAUSE 285: Burden of proof.

Approved.

CLAUSE 286: Documents made overseas.

Approved.

CLAUSE 287: General admissibility of hearsay.

Approved.

CLAUSE 288: Admissibility of hearsay statements contained in business records.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 289: Definition.

Approved.

CLAUSE 290: Admissibility of expert opinion evidence.

Approved.

CLAUSE 291: Proof of forms made under Section 338.

Approved.

CLAUSE 292: Customs record of Computer Transmission admissible evidence.

Approved.

CLAUSE 293: Presumption of authenticity of documents.

Approved.

CLAUSE 294: Establishment.

Approved.

CLAUSE 295: Term, Resignation, Suspension and removal.

Approved.

CLAUSE 296: Oath of Office.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 297: Remuneration.

Approved.

CLAUSE 298: Sickness or incapacity.

Approved.

CLAUSE 299: Register of authority.

Approved.

CLAUSE 300: Registrar of authority.

Approved.

CLAUSE 301: Seal.

Approved.

CLAUSE 302: Powers of authority.

Approved.

CLAUSE 303: Appeals to the Supreme Court.

Approved.

CLAUSE 304: Appeal to Court of Appeal.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 305: Stating case for the Supreme Court.

Approved.

CLAUSE 306: Definition.

Approved.

CLAUSE 307: Notice requesting suspension of Customs clearance of Goods may be given to Comptroller.

Approved.

CLAUSE 308: Power to suspend Customs Clearance Procedure.

Approved.

CLAUSE 309: Security.

Approved.

CLAUSE 310: Notification.

Approved.

CLAUSE 311: Inspection and examination of Goods.

Approved.

CLAUSE 312: Detention and release of Goods.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 313: Forfeiture of Goods by consent.

Approved.

CLAUSE 314: Destruction of Goods.

Approved.

CLAUSE 315: Small quantity of imports excluded.

Approved.

CLAUSE 316: Protection of persons acting under this part.

Approved.

CLAUSE 317: Compensation for wrongful detention.

Approved.

CLAUSE 318: Grant or refusal of license.

Approved.

CLAUSE 319: Revocation or suspension of license.

Approved.

CLAUSE 320: Authorized agents.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 321: Production on authority.

Approved.

CLAUSE 322: Liability of the owner for actions of a broker.

Approved.

CLAUSE 323: Unlawfully acting as Customs broker.

Approved.

CLAUSE 324: Payments by Comptroller out of public money.

Approved.

CLAUSE 325: Application of Act to postal articles.

Approved.

CLAUSE 326: Declarations under this act.

Approved.

CLAUSE 327: Power of Comptroller to determine seals, stamps and marks.

Approved.

CLAUSE 328: Information about border crossing craft, persons and goods.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 329: Supply of information about border crossing craft, persons, and goods.

Approved.

CLAUSE 330: Comptroller to give written reasons for decisions open to appeal to Customs appeal authority.

Approved.

CLAUSE 331: Giving of notice.

Approved.

CLAUSE 332: Additional provision relating to notices under this Act.

Approved.

CLAUSE 333: Regulations.

Approved.

CLAUSE 334: Proof of provisions incorporated by reference.

Approved.

CLAUSE 335: Access to provisions incorporated by reference.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 336: Application of regulations ordinance 1953 to provisions. incorporated by reference

Approved.

CLAUSE 337: Fees, Charges and expenses.

Approved.

CLAUSE 338: Approved forms.

Approved.

CLAUSE 339: Use of force must be reported.

Approved.

CLAUSE 340: Disclosure of information overseas.

Approved.

CLAUSE 341: Information that may be disclosed.

Approved.

CLAUSE 342: Customs may for certain purposes collect, use, or disclose certain information.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 343: Consequential amendments.

Approved.

CLAUSE 344: Repeals.

Approved.

CLAUSE 345: Validation of Acts under Inter-Governmental agreements relating to Customs duties suspension.

Approved.

CLAUSE 346: Savings for proceedings and other matters.

Approved.

CLAUSE 347: Transitional provisions relating to terminology.

Approved.

CLAUSE 348: Transitional provision concerning assessment and payment duty.

Approved.

CLAUSE 349: Examination place treated to be a Customs Controller Area.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 350: Sufferance wharf, and wharf treated to be a Customs Controlled Area.

Approved.

CLAUSE 351: Staff accommodation, facilities and transitional buildings deemed to be a Customs controlled area.

Approved.

CLASUE 352: Export Warehouse treated to be a Customs Controller Area.

Approved.

CLAUSE 353: Manufacturing area treated to be a Customs controlled area.

Approved.

CLAUSE 354: Transitional provision relating to conditions of appointment or license.

Approved.

CLAUSE 355: Application for license as Customs controlled area to be made within 40 working days.

Approved.

CLAUSE 356: Transitional status to continue until application mad and disposed of.

Approved.

20 AUGUST 2014

Customs Bills 2014 – consideration in detail

CLAUSE 357: Transitional provision relating to persons approved to defer payment of duty.

Approved.

CLAUSE 358: Transitional provision relating to business not required to be licensed.

Approved.

CLAUSE 359: Transitional provisions relating to any Civil or Criminal investigations under the Customs Act 1977.

Approved.

CLAUSE 360: Transitional Regulations.

Approved.

SCHEDULES.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Customs Act 2014.

Susuga PAPALII LIO FAAVAIVAOMANU TAEU MASIPAU: Mr Speaker....

MR SPEAKER: I call the member.

Susuga PAPALII LIO FAAVAIVAOMANU TAEU MASIPAU: Clause 1(3) it mentions a clause 12(7) and clause 14(5), but the subclause (7) and (5) are not in the Bill, can this be amended?

20 AUGUST 2014

Customs Bills 2014 – third reading

MR SPEAKER: I confirm this error. The Clerk has the power to correct any typing errors, so no need to worry.

Clause 1 and Title approved.

The Customs Bill 2014 progressed without Amendments.

MR SPEAKER: I have on hand a Certificate of Urgency signed by O Le Ao o le Malo with regards to this Bill, we will now proceed with the third reading.

I now call on the Hon Minister for Revenue.

Tofa Hon TUILOMA LAMEKO: Mr Speaker and members of Parliament, before I put a motion to conclude this bill, I would like to take this opportunity on behalf of the Hon Prime Minister, Cabinet and the Ministry for Revenue to thank the members for their comments on this Bill. I believe your views will be taken considerably by the Ministry with possible amendments before referring to the Cabinet if time permits. With this I thank you all.

Mr Speaker, I now move the motion, *That the Customs Bill 2014 be read a third time.*

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

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

OTHER ANNOUNCEMENT BY MR SPEAKER

MR SPEAKER: I believe we have now reached the end of today's sitting. It is now 1.00pm. There was an intention that we would extend our meeting in accordance to the motion moved by the Hon Prime Minister, fortunately, your great assistance to the Chair and respectfully the Hon Minister has made our work easier.

I thank you everyone for your patience commencing from day one and the many good plans and achievements reflected in the many preparations we have achieved in this particular month. We have also experienced another good event today, the swearing in of one of the new members. I believe this was made possible by the Love of God who has guided us through to this important day. We have also accepted the traditional presentation by Satupaitea, to mark the appointment and bestowment of his Ministerial role.

20 AUGUST 2014

Other Announcement by Mr Speaker

In the meantime, we are also awaiting the arrival of the students to carry out the conclusion of their Speech Competition pursuant to the Parliamentary Awareness Program. I extend congratulations to you all for the hard work fulfilled today. Thank you Hon Prime Minister and the Cabinet for your patience. No one is perfect. Whatever we shared and exchanged with overstepping boundaries, let us forgive and forget. No sweat is countless, they all count. The Hon Minister has responded, who is also an Elder in the house, and we should trust his word. All raising concerns and views will be considered to better this Bill for the Ministry of Customs. As aware, not long ago, Parliament investigated measures to improve service delivery. The results of the investigation will be used as stepping stones to improve the Ministry. This is our contribution to better our work.

I call the Hon Minister of Public Enterprise, also the member for Satupaitea.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Thank you Mr Speaker. It seems like we are concluding our meeting for this month. I wish to extend sincerest gratitude to your good self Mr Speaker, Hon Prime Minister and Members of Parliament for amending yesterdays program in favor of recognizing my constituency. I believe the Parliaments Scheduled Programs are not easy to intercept but was amended otherwise because of your respect for the constituency. I am indebted to you for recognizing my constituency given the suspension of our Parliamentary sitting yesterday in response to the arrival of my constituency.

I apologize for the inconvenience as a result of this change, but I believe the sun will rise again, and so as new good thoughts. I thank you Mr Speaker and Members of Parliament for your traditional presentation. My constituency sends gratitude as they return to Savaii. May the Lord refill what has been emptied. For your information, Satupaitea has become a district after 40 years. Given this, I express utmost gratitude to Parliament as a result of yesterdays events.

Wishing Samoa all the best as hosts at the end of the month, bless the Parliament and Samoa.

MR SPEAKER: Thank you Hon Minister. You may take the floor Hon Prime Minister

MOTION FOR ADJOURNMENT

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I move a motion, *That the Parliamentary Proceedings adjourn until the 21st October 2014 pursuant to our Parliamentary Sitting Schedule.*

Before the question is put, I respectfully acknowledge and commend all for the passing legislations particularly our meeting today as we embark to host the huge Conference in Samoa.

20 AUGUST 2014

Motion for Adjournment

We will hold a ceremony on Saturday next week to officially hand over the meeting venue and securities to the United Nations. This is the usual protocols when the United Nation hosts a meeting by a UN member country. An official ceremony will also mark the returning/handing back of all assets and venue after the conference on the 4th September to Samoa.

Deepest appreciation to everyone involved including the Hon Ministers, Associate Ministers and all public servants tasked for the security and official transportations of all guests involving high Government Representatives from all over the world for this United Nation Meeting to tackle issues faced by our world in this era.

I have been informed that this Friday will hold a trial food taste at the Namua Food Court in the fifth house at the Conference Venue. This dining area will include various chefs that will cook and prepare dishes for the attendees.

So I invite you all on Friday from 11am – 2pm to attend this first tasting to experience and test the menu variety that will be made available during this Conference. All registrations are strictly required before you enter the United Nations conference venue including Parliamentarians. We must keep in mind that we are the hosts involving 3000 participants hence the premise will be full. If anything happens during the meeting we must be open minded and be mindful that we are hosts. The Secretary of the United Nations, His Excellency Ban Ki-moon will also attend this Conference.

Mr Speaker, an official ceremony for lowering and raising of both Samoan and the United Nations flags will be conducted by the local Police Officers, similar to our Independence event where we officially raise and lower our flag. We must be responsible and show utmost respect to our guests. I wish to acknowledge appreciation on behalf of this Parliament to all the Congregations for beautifying areas all around that have kept our environments clean and tidy including the efforts of schools who have maintained the cleanliness of our township area.

I mention this as the country is responding to the Governments request to maintain the beautification of the country. This is the rightful time to market and promote our country to the outside world taking heed of the messages delivered by the participants to their country about Samoa and its great hospitality and its clean and beautiful environments. I convey greatest appreciation to the villages from Satapuala to Apia, as this is the arrivals first glimpse of Samoa. If the villages are poorly maintained, that bad image will remain in them as they return. This is what we hope for especially as Samoans, leave aside our differences and show everyone that we can work together as Samoans and think positive. We are a country of hospitality.

Mr Speaker, that is why we must be proud of our country extending acknowledgement to everyone for the collective efforts and responsibilities. Most countries spend substantial amounts to promote their countries, but the world is now coming to Samoa to see what we can offer.

20 AUGUST 2014

Motion for Adjournment

Mr Speaker, benefits will follow, because overseas businesspeople will also attend, attracting new business ventures to Samoa thus creating more job opportunities for our children. This opportunity should not be taken lightly, calling the *Alii ma Faipule* to keep an eye on the juveniles who will continue to commit violent acts that reflects badly on Samoa as a nation. This involves rubbish disposals on the roadside heeding the business people to tidy up their premises all around.

Mr Speaker, on behalf of the Government, Cabinet and the Organizing Committee, we are indebted to your diligent work in hope to end well this conference in return to bearing abundant good fruits for the country and future generation.

Seconded by the Deputy Prime Minister and Minister of Communications and Information Technology.

Motion approved.

MR SPEAKER: I now call upon the Leader of the Opposition.

SPEECH BY THE LEADER OF OPPOSITION

Afioga Hon PALUSALUE FAAPO II: Thank you Mr Speaker for the opportunity. Samoa has heard the Hon Prime Ministers statement. On behalf of the Opposition, I wish to issue a statement regarding this Conference that rarely takes place in a country like Samoa. Hon Prime Minister, Cabinet Ministers, Associate Ministers and Government officials, words are insufficient to extend our sincere gratitude to all preparations for this meeting. Despite our differences, wholeheartedly, I believe the main motive is working collectively for a successful international Conference which seldom happens.

VOTE OF THANKS BY MR SPEAKER

MR SPEAKER: Well done – I believe we have reached the conclusion of our Parliamentary Business. The Hon Prime Minister has spoken and Samoa has heard. The Leader of the Opposition has responded and I believe this is the end of our day. Praise God. The nation has heard our views and thoughts hence let us greet our visitors as proposed. In essence we are all one despite our arguments. Samoa has one religion that is entrusted to God for His blessings.

Before we end our meeting today, I want to announce that we have officially closed our Parliamentary Proceedings for Thursday and Friday for relocation to the Tuanaimato Sports Complex at Gym 2.

20 AUGUST 2014

Vote of Thanks by Mr Speaker

Our main venue will be maintained and refurbished. I wish to remind all that we will have a small event at Sefo Paus Club, Seana, where the member for Siumu endures all power. We shall accept with gratitude your presence and support in assistance to the Legislative Assembly Office Social Club Funds that will fund the staff SIDs uniform. Food will be provided for the person with the highest donation. Notwithstanding, this Office has been serving you 24 hours. Please come along, we will hold various entertainments from Britain, Australia, New Zealand and China. Respectfully, I wish the new member for Gagaifomauga No.1 all the best. You have received a Bible to guide you through the same with all members. The swearing in today serves as a reminder that we must bear the Principles and Code and Conduct to live by.

Before we end todays sitting, I call upon the member for Salega to end us with a prayer.

Proceedings of the Legislative Assembly were adjourned at 1:32 pm until 9:00 am on Tuesday, 21st October 2014.