

*WEDNESDAY, 21 MARCH 2018*

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

Prayer.

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

**MESSAGE FROM LE AO O LE MALO**

*Mr Speaker announced the message from O Le Ao O le Malo.*

**“MEMORANDUM to:**

**Mr Speaker:**

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and in accordance to the Standing Orders of Parliament, consent is hereby given to the Legislative Assembly to consider the following Bill:

1. Tax Information Exchange Amendment Bill 2018.

**GIVEN BY** my hand this day 20<sup>th</sup> March 2018.

**(Signed): Tuimalealiifano Vaaletoa Sualauvi II**  
**O LE AO O LE MALO.”**

**NOTICE FROM THE LEADER OF THE HOUSE**

*Mr Speaker announced the Notice from the Leader of the House*

Pursuant to Standing Order 100(2) notice is hereby given to the Legislative Assembly to consider the followig Bill under a state of urgency.

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**Fire and Emergency Services Amendment Bill 2018  
– third reading**

1. Tax Information Exchange Amendment Bill 2018.

**GIVEN BY** my hand this day 20<sup>th</sup> March 2018.

**(Signed): Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai  
Loloifietele Neioti Aiono Galumalemana Dr. Sailele  
Malielegaoi.  
LEADER OF THE HOUSE.**

**FIRE AND EMERGENCY SERVICES AMENDMENT BILL  
2018 – third reading**

**Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI  
LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr.  
SAILELE MALIELEGAOI (Prime Minister):** Mr Speaker I move a  
motion, *That the Fire and Emergency Services Amendment Bill 2018  
be read a third time.*

*Seconded by the Minister of Commerce, Industry and Labour.*

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

**HONOURS AND AWARDS AMENDMENT BILL 2018  
– third reading**

**Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI  
LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr.  
SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the  
Honours and Awards Amendment Bill 2018 be read a third time.*

*Seconded by the Minister of Health and Minister of Commerce,  
Industry and Labour.*

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

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**CASINO AND GAMBLING CONTROL AMENDMENT BILL  
2018 – third reading**

**Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister for Public Enterprises):** Mr Speaker with respect I move a motion, *That the Casino and Gambling Control Amendment Bill 2018 be read a third time.*

*Seconded by the Minister of Tourism and the Minister of Health.*

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

**ALIENATION OF CUSTOMARY LAND AMENDMENT BILL  
2018 – resumption debate on second reading**

**MR SPEAKER:** During the adjournment of Proceedings yesterday, the speech of the Member for Safata West was concluding, seven Members have made it known that they wanted to speak on the Bill. Therefore I call on the Member for Faleata West.

**Tofa LEALAILPULE RIMONI AIAFI (Faleata West):** Thank you Mr Speaker, I believe we have already sung praises to the Lord for his protection and guidance upon us this morning.

I acknowledge the Chair, Leader of the Government, Cabinet and the Members of Parliament this morning. I greet you all in good health and spirit.

I want to acknowledge the support of our country in all your traditional set up from His Highness, O le Ao O le Malo and Church Ministries around the country, thank you for your support and prayers. Thank you for supporting your Parliament whilst tasked with deliberating the Bills for the country's development.

I will make a brief submission in regards to this Bill. Thank you honorable Speaker for another opportunity granted to us to express our views on this Bill. This is the Meeting place for all clarifications to be given for the sake of Samoa. Because if we are clarified, the country **should also be clarified as this is a collective effort by us and part of our** role is to clarify our districts and our families about the main objectives of any legislation especially sensitive legislations like this.

I believe there are still a few Members who are yet to grasp the full meaning of this Bill. Nonetheless the Leader of Government and Government has also been helpful in clarifying the main objective of the Bill.

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**Alienation of Customary Land Amendment Bill 2018  
– second reading debate**

I am grateful for the opportunity given to voice an opinion on this proposed legislation. Lands are vital as the main connection of a Samoan and for any matai in the country, land is the main heritage. Without land, the matais are worthless. So for some to say that customary lands are precious to them, whilst we create and support these legislations, otherwise if we exempt and give no support and hold on to our lands, this is a very baseless and weak testimony. A matai who does not consider the value of his land should not have been a matai in the first place, they will not end justly. This Bill was tabled in 2007 and during that time, some of us were in the Opposition side. You are aware that for any tabling Bill in this House, I always make the effort to speak upon it because it is important. Thank you Hon Minister, I had a look at the speech I gave in 2008, it is very precisely given if you read it. This is rightfully what I talked about and emphasized, mortgaging of land lease because this is exactly why people are objecting today.

Lands have been put on lease for years now. It is evident in the Faleata constituency, once the leasing of lands was allowed, most of Vaitele lands were put up for lease. The amount of land put up for lease was 25% to 30% since then until today. Many of the developments that were established on these lands are situated on leased lands starting from that time until today, earning them good revenue. In question, has any of this leased land been put up for sale or is there concern that this land may be taken away? There is none whatsoever. In regards to the quarry at Vaimoso-uta that has been underway for years, it was leased by the Government and many other companies, however, the land is now left alone as these people have moved out. There were disputes over these lands by members of the constituency in the past because of protests against the State....

**Tofa Olo Fiti Afoa Vaai (Salega East):** Mr Speaker a point of order.

**MR SPEAKER:** Pardon the Member taking the floor I give the opportunity to the interruption by the Member for Salega East.

**Tofa Olo Fiti Afoa Vaai:** I do not want to interrupt the Associate Minister. Although I recall the speech of the Associate Minister when he was on this side, he filed a complaint to the Government about his land in Vaitele being taken by the Samoa Land Corporation. During the leasing contract, the land was put up for sale after two years. Right? So until today, all land in his constituency is now allowed to be put up for sale relative to the complaint filed by the Member. But he is my brother who used to be on this side....

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**Alienation of Customary Land Amendment Bill 2018  
– second reading debate**

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker....

**MR SPEAKER:** Pardon the member, I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** The announcement about land sales that have all been sold is wrong, there are still lands available for lease. And there is a difference with public entities. Such is the bringing forth of some things to cause confusion with other things, and to us Members, we have been in Parliament for quite some time now. The SLC or Samoa Land Corporation is different from the Ministry of Natural Resources and Environment or MNRE that concerns this Bill under discussion.

Mr Speaker, this is the clarification whereas for this other concern, there are lands available in Vaitele for lease.

**MR SPEAKER:** Very well thank you, the matter is now understood. I call on the Member for Faleata West.

**Tofa LEALAILPULE RIMONI AIAFI:** Does the Member want me to give him the copy of the Hansard, if do this is the same as the ones mentioned by the Member for Vaimauga East, lands that are not customary. We are deliberating customary lands not freehold lands bought by the Germans which I requested Government to put up for lease. The lands I am talking about have a copy. There is no such comment made as stated by the Member. It is true that I said that but it was directed towards a different Act, the lands taken are the ones in Faleata which includes customary lands. It is no secret that the lands within the constituency have been the center of conflict between some villages. I am grateful for the developments received by all of Faleata especially with employment opportunities acquired. The important aspect signified within the Bill is the importance of lease.

It is not a lease on land but mortgage over a lease, it is not the mortgage of lands, this is clearly stated in Part 7 of the Bill. The development clarified in part 20 of the Bill states in 7(3) that the mortgage of the lease has no right to put forward a complaint for the land. We are only discussing the lease of the land because the land is not affected.

A man from America and I worked on the golf course project at the airport using 170 acres of leased land, millions was spent on it and it was made with good intention. Nonetheless the man left without completion and the land was given back to the Government, no land was taken by the man.

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It seems most of the Members are concerned about it but personally I am grateful to our Government for implementing such provisions. The Government ensures the importance of leases; if there are any problems with the lease, the lands are returned. Although a lot of us are worried about the lease...

**Tofa Olo Fiti Afoa Vaai:** Mr Speaker, the matter is now understood with the explanation given by the Member...

**MR SPEAKER:** I call on the Member for Salega East.

**Tofa Olo Fiti Afoa Vaai:** This is the exact reason why some people are worried about leases, the investor has gone back and now the land has been left without putting it to good use or development. No one can use this piece of land anymore since the previous investor is the name on the lease. Even though there will be other developments needed to be done on this land it cannot take effect because the lease is not yet finished.

**MR SPEAKER:** Perhaps the matter is now understood, the clarification made by the Member for Faleata West was splendid. I call on the Member for Faleata West to once again take the floor to clarify the query made by the Member...

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you, the question voiced by the Member is important. This is the reason why I said questions are important to be raised within Parliament, a response can be given immediately which will also clarify the matter to our country. It also ensures that information leaked is not false. The lease given to the investor has already been terminated as stated under provisions of the lease. The provision states that if the development fails the lease itself is terminated and is given back to Government. I can provide the copy of the lease...

**Afioga Sulamanaia Fetaiai Tauiilili Tuivasa (Vaimauga East):** Mr Speaker I humbly ask for an opportunity, a point of order.

**MR SPEAKER:** I call upon the member for Vaimauga East.

**Afioga Sulamanaia Fetaiai Tauiilili Tuivasa:** The Associate Minister is a good friend of mine with respect. I have noted this morning that the Government is now giving their response.

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Therefore, I humbly ask that the opportunity be given to the opposite side of the Chamber to voice our concerns first. They have already voiced their opinions also the Member is not worried since it is a matter under his portfolio. I humbly ask that more opportunities be given to this side of the House. Mr Speaker this is the concern of this Member.

**MR SPEAKER:** Pardon the Member for Faleata West while I try and clarify the matter. Since Members are moving a point of order to the response made by the Associate Minister, it would be best to wait until the completion of the response before further queries are put forward. The Chair has been lenient in giving Members opportunities to speak on the matter deliberated. The Chair believes that it would be great to give a response to questions made by Members especially a first time issue and it will save us time. If a response has already been made to a particular matter then there is no reason to question it further.

**Afioga Sulamanaia Fetaiai Tauiliili Tuivasa:** Mr Speaker with all due respect we want to hear the response from the Hon Minister not the Associate Minister.

**MR SPEAKER:** Alright then, I call on the Hon Prime Minister for his response since the majority is being difficult.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker I thought the matter was already clarified by Afioga Leala Grey. The matter is, his brother Fred Grey has brought the lease of the land, I told him, ‘millions have been spent on the development therefore they should take good care of the golf course.’ We cannot compare this golf course to other golf courses in the world or the Pacific; it is international based on size. Nonetheless the brother was not interested in playing golf therefore it was not used. A lot of money was wasted by the American investor on this development therefore when he returned it was left unattended. The lease was taken over by Government and was later sold to the brother who now owns the land.

**MR SPEAKER:** Very well, I call on the Member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker. This is a member who understands. What’s happening in this country and reason why this has led to chaos is the way we were brought up, there are two kinds of people, a person who understands and one that lacks understanding.

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If we live by this rule, it would have been easy, and when we have the person who does not want to gain insight, that is where the problem lies, which is exactly where these two members stand.

The Member for Vaimauga stated yesterday that he is the leader of that side and if this is the type of leader we have, no one should vote for him anymore. I am not voicing my response in regards to the reason why I was chosen by my constituency, to clarify and assist us with... because he talked about this issue before, you hear me now, the main focus of my speech is...

**Afioga Hon Faumuina Tiatia Faaolatane Liuga:** Mr Speaker....

**Tofa LEALAILEPULE RIMONI AIAFI:** Afioga Faumuina Liuga....

**MR SPEAKER:** Pardon the member, I call on the member for Palauli le Falefa.

**Afioga Hon Faumuina Tiatia Faaolatane Liuga:** I just want to understand, I want to ask the Member for a clarification on mortgages, the land has no value. How can you put a mortgage on a land without a value? Unless there is development on the land then it will have a value. I am not sure which ridiculous Bank would put a mortgage on these lands, it does not have any value. Thank you.

**MR SPEAKER:** The question is made towards the Member for Faleata West, I call on him for a clarification.

**Tofa LEALAILEPULE RIMONI AIAFI:** I am surprised since the Member and I have been friends for a long time, we sleep together almost every night but he never asked me, I refuse to clarify given that this is an absurd matter. However I will clarify the matter to him when we meet again at our usual meeting place. It is true that customary lands have no economic value and it is a big risk if taken by the bank. This is why it is important to lease, the lease will be mortgaged and therefore the land will remain. Improvement depends on the development however I will not speak any further on this issue.

The main objective for this Bill is to address the previous land leases and find ways to earn income for the benefit of our country from these lands. If we were to go to Aleipata where most of the resorts operations are owned by foreign investors, most of the locals there are benefiting from it. Why? People are able to find employment, enjoyment and income earning to live by instead of going abroad.

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Otherwise, if unable to move overseas or come to Vaitele and give their vote to Lealailepule and give Lealailepule a win. Because that is what is happening today, how will this country be able to develop using these lands when they are being confiscated and should not be sold, that is the only change that was passed in 2008 that exists today.

Mr Speaker, this is a brief explanation on the matter and it is our duty to explain these issues to our people to remove doubt and concern including inappropriate statements; however majority of these people are not here to serve our families and villages. As for us, we live and die in Samoa and look after our lands. Bless the Sitting of Samoa, thank you.

**MR SPEAKER:** Thank you the Member for Faleata West for the speech. I call on the Member for Salega East.

**Tofa OLO FITI AFOA VAAI:** Thank you Mr Speaker for the opportunity to voice a few queries on behalf of this constituency in relation to the Bill that has caused chaos in the views of the general public particularly within this Parliament.

Mr Speaker as mentioned earlier, there have been various concerns on this Bill from Members and lawyers and those that have sufficient knowledge in the interpretation of these laws. Nonetheless, this legislation is vitally important and therefore it is fundamental to share and consult views on this law considering the cruciality of the Legislation and since we have about 50 to 100 lawyers of the State such that, we have the senior lawyers, the average ones and the new lawyers or beginners. So, lawyers with the expertise should share this knowledge and assistance with the public regarding this proposed legislation.

Mr Speaker this Bill has great importance to me in comparison to other legislations like the Registration Act and so forth given that nowadays, we continuously receive the Lands and Titles cases due to disputes between families and their lands. I believe that the registration of customary lands with the land register, it is best to protect us from the authority of the *Sa'o* or the high chief given that there are several chiefs in the family where each one gets a piece of land. As observed, when a [chief leaves for New Zealand or any other country in the world and when they return](#), the land ownership has been removed within this circle at the authority of the *Sa'o* or high chief which is another vital element here. Another rightful example with this Bill is the complaints of the general public with regards to customary lands. The Bill has disbanded the rules set out in the Constitution.

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Looking at the Constitution honorable Speaker, it clearly stipulates the prohibition of leases, mortgages and debts followed by any other procedure by the State upon customary lands unless there is another law by the State to permit it, like the given example. Hence, the example in this legislation has abolished the Constitution with regards to the concerns of the general public in prohibiting any act on our customary lands. Therefore, Mr Speaker if this is allowed then the Government will have to draft another Bill by tomorrow to allow the registration of customary land debts that will also be acceptable. Even if the State introduces further legislations with regards to the sales of customary lands, this is also recognized. That is the concern honorable Speaker, such that power will be voided under the Constitution in which we all rely on, to protect customary lands.

**MR SPEAKER:** I call upon the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** I do not know what other ways to clarify these matters. We have already clarified the matter several times also it was publicized by the Attorney General and Dr Teleiai a Doctor of the Law, who is the Executive of the Law Reform Commission. I am not certain how many times it has been clarified. The selling and mortgaging of customary lands to the public is highly prohibited. As for the continuous mention of breaking the Constitution, how can the Constitution be broken? It is the Constitution by which all laws are formed. The problem is, the Member is conversing with young lawyers but it is clearly stated by Dr. Teleiai that the law is not one sided. There is not only one law, when it comes to complex issues; all these laws are considered to gain a full insight of this matter. According to the Constitution, it is totally forbidden to sell or buy customary lands, although the accusation says that the Constitution has been broken, I am surprised at such absurd knowledge shown. Also leases are not prohibited. It is clearly stated under the Constitution that leases are not prohibited; this portrays silly and absurd opinions. The only lawyer the Government and this country listen to is the Attorney General according to the Constitution. The Attorney General is the Government lawyer. He does not work alone; there are fifty other lawyers that are employed under the Attorney Generals' office. As for the young lawyers who were mocking around in New Zealand and have just come home yesterday to show off their incomplete knowledge, why submit it many times when all this is a waste to Parliament.

Mr Speaker, these types of views is carelessly prolonging the Sitting of Parliament.

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**Tofa OLO FITI AFOA VAAI:** Mr Speaker I speak of the Constitution here, if the amendment below is removed, that would be very good.

**MR SPEAKER:** I do not instruct the statement by the notable Member. In accordance to Standing Orders, I wish to advise the Member to withdraw from the debate as that is your own dream or opinion. Nonetheless the Bill and Amendment is made up of collective views as submitted by the Cabinet and Heads of Ministries who makes recommendations that is submitted to the State. Therefore respectable Member, go easy and move on to the next matter as your time is almost finished.

**Tofa OLO FITI AFOA VAAI:** Thank you. My apologies Mr Speaker, the Principal Act is not a dream as mentioned by this Member with respect. This is a great concern as truthfully, we do not remain in Parliament forever, we all have different views and thoughts with those that will be future leaders of the country. That is the intention for setting out this legislation now rather than satisfying us during our current time.

Mr Speaker I now come to the issue concerning mortgage as mentioned by the Member for Vaimauga West. The opinion voiced was alright but my opinion on the matter Mr Speaker, once we think of investor they are millionaires. They do not come to find money for their investments. I am surprised that they are allowed to mortgage their businesses here. This means that there is no difference between the investors and those living in our country. The only difference is lesser opportunities are given to us to...

**MR SPEAKER:** I call on correction from the Government.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker point of order. Nothing is avoiding our people, whether it is foreign businessman or a Samoan business operator, this will not hold back our people from leasing or mortgaging lands for use. I always mention the [land lease by Fonoti at Lotofaga which was established way before we](#) became independent and since that time up until now, no customary land was ever put up for sale. The Attorney General has also queried the lawyers who protested to bring forward evidence of land lease sales or mortgages. There was nothing. They were just worried that what is happening in New Zealand and Australia might happen here. I already gave a clarification yesterday.

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The difference between New Zealand and Australia is that land owners are not even going through this which is similar with Australia. Whereas for the Government of Samoa, the Parliament is comprised of all chiefs or matais and the duty of a matai is to protect our customary lands from being put for sale as this is our land which belongs to our family that is under my supervision and reason why I you became a matai, chief obligation. Our Lawyers whom are also matais themselves therefore drafted these legislations. This is the difference between Samoa, New Zealand and Australia. The truth is those who protested against the Bill should have gone to New Zealand or Australia to show their concerns as this does not exist in Samoa.

The matter concerning mortgages, once it is up, then it is finished and seeing the time it began, it is up to the family how long this lease takes, it is also up to the family whether to lease the land to a member of the family. If the untitled men or any other matais wants to lease these lands, it can be done. The main thing is that payment should be made to the extended family, but they do not have to wait for foreign investors for the lease to press through. The lease is free to anyone including family members.

**MR SPEAKER:** Very well. I ask the Member direct his views carefully.

**Tofa OLO FITI AFOA VAAI:** Thank you, it seems the issue raised is made in relation to Australia and New Zealand whereas the Act we are proposing for our land is the New Zealand and Australian Act. This is the exact reason why I am making comparisons to prepare us. The only lesson this brings is...

**MR SPEAKER:** I advice the Member that I am not putting the matter aside as I am supportive of the Government. It is my duty to achieve our work for the development of the country. There is a provision within our Standing Orders which allows me to terminate the time of Members on matters that already has the Government response. Once the Government clarifies matters in Parliament, that response will guide us through.

Therefore, I appease the Member, leave aside your concern as your constituency and Samoa has heard you. The Member for Salega East is worried for the future of Parliament in the next 30 to 100 years. Let us trust God whom Samoa is founded on, we cannot make a mistake as God is watching us.

I call on the Member to conclude your speech.

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**Tofa OLO FITI AFOA VAAI:** Thank you. I will not argue the matter any further, the listening country including all of us here are witness to this.

The matter concerning mortgages, I wish to remind the lease that was held at Taumeasina, the lease of the Coconut Oil Company, I will move on.

Another aspect Mr Speaker regarding the Bill is the removal of legal power on decisions made on land lease disputes...

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

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker, because the matter raised by the Member is in our Parliamentary records with regards to the Coconut Oil Company, it is good to provide evidence. The Member is always directing his comments to private lands and public lands. Our bill is directed towards customary lands, with all due respect as this needs clarification, otherwise...

**MR SPEAKER:** The statement by the Member for Faleata West is true. You are still directing this topic to lands that have been purchased for over hundred years under the Samoa and Lands Corporation. As for customary lands in Vaitele, you have further mentioned them including the one where the Coconut Oil Company is located. It is hard to give countless clarifications... This means you have two more minutes, because you are looking for faults. I advise those who are seeking faults that you are also seeking error as that is the set out wording that is preserving this Parliament. When a Member seeks faults, then they are seeking the mistakes of Parliament. The Member has two more minutes.

**Tofa OLO FITI AFOA VAAI:** Thank you. I appease the Hon Mr Speaker and respectable Members of the House. I was discussing mortgages not customary lands with regards to these two lands.

Otherwise, I come to the removal of the Court's power in making decisions reached from disputes involving land owners, investors and **Government as trustees**. If this is removed allowing problems for the investor or the State acting as the mediator, where will the customary land owners resort to for their lease? In my view in relation to this Bill, most of the processes are implemented by the State and therefore, the State will also be the judge in this case for land lease. So as mentioned, 80% of this landlease process is carried out by the Government. If the Government makes a mistake where else will the people get assistance from for their customary lands lease?

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Another concern, this is the only country in the world that has removed the works of the Court, whether just and unjust, only the Court can do this. This is how I view this removal here.

**MR SPEAKER:** I appease the Member for Salega East; I call on the Minister of Natural Resources and Environment.

**Afioga Hon Fiaame Naomi Mataafa (Minister of Natural Resources and Environment):** Mr Speaker a point of order on the issue regarding the removal of the Court's power clarified by the Member for Salega East. I believe the Member agrees to put these land lease disputes before the Supreme Court. I and the Members of Parliament understand that if something like this happens, the respective Ministry overseeing these leases is another body of the Government. The Lands and Titles Court is another governing body of the State that deals with this land issues. If a dispute arises between these two bodies of the Government, it will go back to the Land and Titles Court for a decision. No because they are also part of the dispute between the two. The just way to resolve it is to take it to the Supreme Court where an investigation will justify the truth and protect both parties, those going to the Land and Titles Court for their cases and the role of the Ministry in administering the leases has well been prepared. For the information of the Member, for any lease, it can never be processed until we have the document from the Lands and Titles Court to verify those people who holds the authority. However I speak spcifically in case the country might believe that the Courts do not have any more power over these matters. The amended provision for the Land and Titles Court, if a dispute arises on land leases, this matter will be referred directly to the Supreme Court. This is the clarification.

**MR SPEAKER:** Very well. I call on the Member to continue.

**Tofa OLO FITI AFOA VAAI:** I thank the Deputy Prime Minister for her assistance on the matter. I am holding the current discussed Alienation of Customary Land Bill, and one of the provisions herein is the power of Court being excluded on land leases. It would have been more appropriate if the Land and Titles Act was removed and be submitted to the Supreme Court as stated by the Deputy Prime Minister, however the problem all of sudden here is a fullstop. Therefore, the power exists here for the Court to carry out its proceedings.

Anyway, Mr Speaker this is the view of this constituency.

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**Afioga Hon Fiame Naomi Mataafa:** The Member is one of the longest serving Members of this Parliament, he has aged a lot with his white hair. The Act amended is the Land and Titles Ordinance which will be amended according to the given provisions. This means if this amendment is a go, it will be included in the content of this Lands and Titles Ordinance otherwise; reference is only made within this Bill.

**MR SPEAKER:** Very well, thank you. The speech by the Member has concluded.

**Tofa OLO FITI AFOA VAAI:** Thank you. I will now conclude Mr Speaker. It would be appropriate if the word leave was used instead of removed. Mr Speaker I conclude an opinion and I wish to record at this time what we said (.....) on the Bill, thank you.

**MR SPEAKER:** I call on the Member for Palauli le Falefa.

A Point of Order on the speech by the Member, it is I reject not we reject, as you are the only one rejecting this, remove this from the Hansard.

[Words withdrawn from Hansard as recommended by Mr Speaker on the speech given by the Member for Salega East: *[we reject]*]

**Afioga Hon Faumuina Tiatia Faaolatane Liuga (Palauli le Falefa):**  
Mr Speaker...

**MR SPEAKER:** Palauli le Falefa pardon the member since the Office of the Legislative Assembly has already recorded the list of speakers. I call on one of the Senior Members of the House to take the floor.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you Mr Speaker. Views have been heard in the Chamber of Samoa this morning. This is the day that God has made for us to deliberate and share thoughts for the welfare of the country. This Bill to me is a blessing for our people. Any legislation is intended for further amendments on the State's objective to ensure no negative impact on the blessings and heritages that God has provided us. The reason for mentioning this is due to the abundant blessings that will be gained, 80% of land under discussion is customary land. In this regard, Samoa is uniquely different given that 80% of customary land is owned by one family and in comparison to many other countries; majority of the land is governed by the State.

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I am grateful for the tabling Report of the Pule Faa-Sa'o before the Standing Order Committee. Because if we were to pass the tabling Bills before the House, the report of this Committee will further set out the beneficiaries that should be made clear, otherwise, I wholly support this Bill. I support the Bill because it is important to our country, since we are expected to develop the economy of our country. How do we develop it? If we were to get businesses to use our lands it will mean more employment. If more and more jobs are available and the number of our people will not be enough then we can establish our own RSE or Recognized Seasonal Employer to attract more people because Samoa is a model country for all small countries of the world especially those in the Pacific.

Mr Speaker, this is an important aspect for awareness, Parliament has not overlooked anything, and therefore was chosen to work together with the State to develop Samoa for the better. This is something that we must prioritize for our economic distribution. As heard during your contribution in Parliament, we should try and avoid urbanization given the limited lands and water shortage due to the growing numbers. I have also whispered to the Leader of the country, the Hon Prime Minister to look at implementing a de-urbanization program to stop the people from moving into the Apia urban area and to prevent the problem of dense population...

**MR SPEAKER:** Pardon the Member I will give the opportunity to the Deputy Prime Minister.

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker just a reminder to the Member taking the floor. The matter on urbanization or people moving to Apia is very important. Perhaps the Member has forgotten that the Manifesto of this Party says, 'What is good for Apia is also good for the rural villages'. The main message behind this Manifesto is taking the services to the people in the village communities. That is the reminder to the current speaker.

**MR SPEAKER:** Perhaps this clarifies the overall Bill.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you Deputy Prime Minister for the clarification.

There is a difference between the set out manifestos and implementation, I am speaking of implementation process, we cannot just talk without any action. This is one Bill that speaks of this process. During the time when the Minister was former Minister of Education, the Colleges were allocated to villages due to this purpose.

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In the HRPP manifesto, what is good for Apia should also be good for the rural areas, and that is what we need, we must walk the talk rather than speaking before the people and not do anything about it.

Mr Speaker I voice my support on this Bill. Three of us here initiated this Bill and either became big fishes of the House. They were Lauofo and Alaiasa; we were the initiators of this Bill, with long term vision yet we also knew that further amendments were required. The truth is our lands do not have market value at all. This is the main attempt I aim to bring to the current speaker for mortgages for our leases. Lease for what? Lease of Samoan lands? It does not have any market value. Unless something is established on this land, then it will have a value.

Another aspect...

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker...

**MR SPEAKER:** Pardon the Member I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** There is a mention of three Ministers therefore the only issue though once you start something you should finish it and not leave it incomplete. The comment by the Member on no commercial value on land is significant. I will tell you all why it is significant. There is a village that I am a chief in and one of the lands owned by one family was very swampy, I think it was 20 acres wide, the family was in preparation of submitting their land lease to the Ministry of Natural Resources and Environment. The lease was for twenty years; the leasers then developed the land and paid the lease. During the village's meeting, the family came forth and submitted part of the family's lease to the village council for their distribution. Everyone was given a share of the money from village chiefs, untitled men, women's committee, *aualuma* or unmarried women and the pastor. The next day, 20 families came forth and were given their shares of the lease later they decided to deposit \$10,000 for future family faalavelave; hence they will get more funds the next year. It is expected that they will receive funds this month and shares will again be given to the Pastor, matais, untitled men and committees. It is important that the village take care of the development and understand conditions set down. We can see how beneficial this would be if leases were implemented this way, the whole village is blessed but the land leased is swamp land and has no value.

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Mr Speaker the issue conveyed by the Member is implemented in the Bill. If all leases were like this, I strongly believe there will be no complains. Not like the Member for Salega East who has been complaining ever since he took the floor. He has been complaining repeatedly.

**Tofa Olo Fiti Afoa Vaai:** Mr Speaker since my name has been mentioned by the Hon Prime Minister...

**MR SPEAKER:** Perhaps, there is not only one member for Salega present in the House.

**Tofa Olo Fiti Afoa Vaai:** I am not complaining I am just assisting them with their weak attempt stated in the Bill.

**MR SPEAKER:** I call upon the member for Palauli le Falefa.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Mr Speaker the Hon Prime Minister has already responded and therefore, the Bill should be drafted and concluded. You have heard and understood it, the Bill is very simple; no one opposed it because we all understood it because we did it. The only issue I see is who will benefit from this? It seems it will only be the High Chiefs or Sa'o. This is why this Report on the Authority of High Chiefs or Sa'o states that it is not only the Sa'o who has authority over the lands, it involves the entire family hence a trust account must be set up to save funds for this lease.

Another matter Mr Speaker it seems the Constitution has been mentioned repeatedly. The Constitutional is the Supreme Law that governs all Laws. The reason why I am emphasizing this is because I used to work with the United Nations and when it comes to talks with a Nation, can a Constitution overrule a Constitution/treaties of the United Nations.

**Tofa Olo Fiti Afoa Vaai:** Mr Speaker, since the Member is now directing his talk on the Constitution I raised, during that time when you were part of that Side, the Constitution was very respected and no amendments were being done to it only or unless there was a legislation by the State. That time we did not have unless. Well done to your speeches.

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**MR SPEAKER:** I want to remind Members, that proceedings are not ignored when the Speaker is present, it is the duty of the Chair to administer opinions and hear what Members convey. It is important that when given the opportunity to speak Members should use the time given wisely hence it will save us time. I call upon the Member to continue.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you Mr Speaker, the Member has answered his own question but I agree on the information given that could affect your statement.

The matter concerning the Constitution, all other laws including international laws respect it. All Conventions bow down to the Constitution. As for our political commitments that we commit to International Organizations, they all respect the Constitution including our Laws. The convention can overrule our by-laws if it has the interest of the country.

As for the Constitution, according to the Hon Prime Minister, it is highly disallowed. In countries where I visited that have no Constitution and in this case, they are ruled by Administrative Directives or Degrees, I then use this opportunity to negotiate the benefits for the United Nations. An example is Vietnam, they do not have a Constitution which means they need a lot of improvement, we should be aware of these things.

The issue with land lease is worthless as the Hon Prime Minister has explained, it does not hold any value. This is what we are trying to do, whatever the value of the mortgage there will be three parties that will be involved. We have the owner, the buyer and the beneficiary which is reason why I support the Bill. The authority of the Sa'o or the High Chief should not be left to him alone, it should involve all Members of the family. And if a Regulation is drafted, it should have a trust account to save funds. The Bill does not force you neither is your family to lease lands no, it is a choice.

**Afioga Fuimaono Teo Samuelu Teo (Falealili East):** Mr Speaker....

**MR SPEAKER:** I call upon the member for Falealili East.

**Afioga Fuimaono Teo Samuelu Teo:** I cannot bypass this matter as the view of the Member is important. I felt pride when the Member spoke of Vietnam because it is a big country but does not have a Constitution, now Samoa is well known. If it were not for the Member, Vietnam would not have a Constitution. Therefore I salute the Member.

**MR SPEAKER:** I call on the member.

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**Afioga Sulamanaia Fetaiai Tauiliili Tuivasa:** Mr Speaker I want to assist whilst the Member takes a break. I want to ask the Member if this Act supports the 2008 Act assented by the Le Ao o le Malo during the past Constitution? This is the question since it seems that this Bill is being accused during your time as Minister in 2008. That is the question.

**MR SPEAKER:** The Chair is a bit confused with the raising matter pardon the Member, do not direct your comments on this one.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you. This is the problem with Members asking questions, they have yet to make their mark within the House, they are still new.

**MR SPEAKER:** I call upon the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui:** Mr Speaker it is best that I correct this matter. The 2008 Act has already been clarified by our lawyers. There is no effect on the Bill, the Bill is 100%.

The reason for these complaints is because the lawyers that are tasked with this job do not have the experience in checking all these indicated Laws, they totally lack insight. Mind you, this involves the Lawyers that drafted the Laws who know these laws very well. Hence there is no problem with the 2008 Act the only thing is the amendments involved, which will further improve the Legislations and what's happening now whereby people lack knowledge due to deceiving lawyers who are unaware.

I make a mention of this since you made a mention of the Le Ao o le Malo. If the Le Ao o le Malo does not understand a certain aspect he will ask the Attorney General or me. Therefore my position as stated under the Constitution is the advisor to the Le Ao o le Malo, but Le Ao o le Malo has not asked me about this matter. If he had asked me I would have told him that the Bill has no problem at all. The Bill has thoroughly been considered by the Attorney General taking into consideration the Constitution. A Member who was a former Minister had introduced the Bill and has spoken the truth on the matter. Nothing has affected the Act, as I publicized, it seems they are being misled...the former Ao o le Malo has been misled with baseless thoughts like the one given by the member of Salega, he has been fooled and misled by these lawyers and their advertisements.

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Most of these people who grew up in New Zealand do not understand the laws written by Samoan lawyers. Some of them are high chiefs who look after these family lands that are also submitted into the Cabinet or Parliament, hence they are Samoan matais. Nothing crippled the vision of Parliament at that time. The Bill was considered within Parliament for more than six months. During the last reading, every Member of Government and Opposition agreed upon the Bill, no one rejected the reconsideration of this Bill.

Mr Speaker this is the clarification in relation to the fact that some have stated the 2008 Act is affected, there was no issue on this Bill.

**Tofa Olo Fiti Afoa Vaai:** Mr Speaker...

**MR SPEAKER:** Very well. I appease the Member. I will call on the Member for Palauli le Falefa, pardon the Member but we have to be on schedule.

**Afioga Faumuina Asi Pauli Wayne Fong (Urban West):** Mr Speaker, can I please get a chance to correct the statement of the Member.

**MR SPEAKER:** One cannot make correct the other member's speech.

**Afioga Faumuina Asi Pauli Wayne Fong:** Can I request that the member's statement on us being wet Members be retracted. If we look at it half of the Parliament is new in Parliament and possibly if we are wet then half of Parliament is wet. I plead that this covers the Ministers and Associate Ministers. I wish to withdraw the statement never mind as we proceed, we will dry up. I plead with great respect.

**MR SPEAKER:** I appease the respectable Members of Parliament as we have what we call mistakes to speeches. This is what the senior members call mistakes to speeches to get a laugh at, because when speeches become too serious, then we have words such as these to get a laugh at. Therefore, I beg the pardon of the member; you may continue your speech.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** This is not my intention respectable Member, it was just a figure of speech between me and my fellow Members. Nonetheless they have given their appreciation and I am thankful. Fuimaono is right; this was a time when I requested Tuilaepa and Tofilau for further protection upon me during the time I was in Vietnam.

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I also requested that we implement Diplomatic ties with Vietnam; this was then administered by Tootooalii when Tuilaepa was the Deputy Prime Minister at the time. It is one of the developing countries like us, and has many blessings we can gain from.

Mr Speaker, I stated that the Bill does not force families to lease their lands. It does not because it is a choice, opportunities are created by Government and it is your choice whether to lease your own land or not. I recall the 600 acres land lease of Gagaifomauga No.3, the Member for the constituency who was involved in this agreement is present and is aware of this lease.

Another matter Hon Minister and Deputy Prime Minister, 20 years of renewal is very hard for investors to recover the capital funds of the business. Have a look at the Regulation if achieved, raise it to 50 years or something like that to attract those with money to set up developments of their own to further benefit our people. This is the main objective of this country.

**MR SPEAKER:** I advice the Member, you have two more minutes.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** I believe we have arrived at our recess hour, Mr Speaker I thank you for the opportunity, bless our Sitting.

**MR SPEAKER:** This is the advantage of having Senior Members, they are supportive of the work of the Chair, thank you. I will say no further as you are one of the senior Members of the House, I thank you for your consideration.

I will now give the opportunity to the Member for Vaisigano No.2 you have a few minutes to speak.

**Afioga TAPULESATELE MAUTENI TAMASONE METULI II ESERA (Vaisigano No.2.):** Thank you. I acknowledge the Speaker of the House and that side of the House, the Leader of the country, Deputy Prime Minister, Hon Ministers, Associate Ministers and the Members of this side. I also acknowledge the Heads of Government Ministries and Organizations and the Clerk and Legislative Assembly. May the Lord bless Samoa listening in this morning.

Mr Speaker, I move with respect to speak upon the Alienation of Customary Land Amendment Bill 2017. This Bill also provides the amendments to the Alienation of Customary Land Act 1965, I would like to say that I support this Bill. Nonetheless there are a few matters that I wish to speak upon that ought to be reviewed by Government.

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Mr Speaker the Bill amendment made on the Alienation of Customary Land Act 1965 notes the inclusion of leasing and mortgaging of customary lands. This provision should be reconsidered. I have been listening to the concerns voiced by Members this morning some of which I wish to comment on as well. This Amendment under Part 3 Clause 19 states, mortgages of leases of customary lands in (1b). It says that if the mortgaging of leases over customary lands goes through, the registration of authority must come under the Land Titles Registration Act 2008 (LTRA 2008).

Mr Speaker I am concerned about this because it is also stated in Clause 22, (a) states that the Land Titles Registration Act 2008 does not apply. Hence I am concerned about this very Bill.

Mr Speaker, there are wordings or clauses of the Bill for the Land Titles Registration Act 2008 which uses the Torrens System for the registration of customary land titles. Mr Speaker this opinion was voiced before in regards to this very concern, if we have long implemented the leasing of our lands, well now we have a process in relation to the development of the economy for our families. I believe the House is aware of ways to develop customary lands for our people and constituencies. However I still have concerns according to personal observation on the severity and complications of the Torren System.

Mr Speaker, there is the matter of...

**MR SPEAKER:** Pardon the Member for Vaisigano No.2; I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui:** Mr Speaker a Point of Order. It seems the Member is confused with the Torren System. The Torren System was broadcasted for some time, it is a system used for registratring lands or let me rephrase it, to be specific, registering freehold lands. This system was implemented because the old method of registering lands was done on paper and this new system was to verify that you are the rightful owner of a freehold land. Most of the time, these [buying lands could not be found or are lost or used as collateral for loans](#) and the Bank does not tend to give it back. This holds off the purchase because the paper or Deed is needed to confirm if the person owns the freehold land. This is only for freehold lands. What can be done when the money is already deposited to the owner and the lawyer asks for the land deed but there is nothing? This register system is now implemented in New Zealand, Australia and Samoa, deeds are not used anymore.

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During consultations, the Chief Justice stated that this is an excellent method to register freehold lands also to note the boundaries from customary lands. This was also the decision of the Land and Titles Court since there have been problems with the old Record System which resulted to a lot of family disputes. These disputes have wasted a lot lives. Concerning one land dispute for land boundaries being surveyed for one family, one old man speaking from the rural area says that the boundaries starts from kava tree to another filimoto tree and so the office staff was asked, where is the kava tree and where is the...? And end up dropping dead without a head pardon me, someone was being beheaded from behind with a knife, pardon the House. We have had many incidents like that. I too have been to many of my family hearings and have witnessed the surveying of land boundaries and such incidents like this myself. The intention of the Chief Justice is to use this registration system to record the decisions of the Land and Titles Court whereby it was then used by the Lands and Titles Court to register its decisions reference to boundaries of customary land cases. This system will apply to the purchasing of freehold land and for customary land boundaries, the new method will be used such as using boundary pins that must be hammered down so that boundaries are easily found. This is the use of the Torren System which keeps evidence of those owning properties under Government register. As for customary lands it keeps track of the boundaries.

Mr Speaker I do not know how many more times I should explain this matter, it has already been clarified on television and newspaper. I thought Members of our Party were smarter in considering such issues and not just follow blindly with matters given to them by the lawyers as queries have been made countless times about the removal of customary lands? The answer is no, no customary lands have been removed. The reason why I am saying this is because according to the Constitution, Samoa listens to one particular lawyer and that is the Attorney General. All other lawyers come under the Attorney General. All are in support of the same objective given under this legislation; all consultations are being done by the matais of Samoa who have authority over customary lands.

Mr Speaker it seems that there is still doubt that we have no authority over our lands. Mr Speaker, remove the doubt that is misleading you by the Member for Salega.

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**MR SPEAKER:** Thank you. I apologize to the Member for Vaisigano No.2, I wish to voice a recommendation. It is not to instruct but to advise with respect as our Standing Orders aims for us to follow our orders. There are specific Standing Orders that administer orders such as the continuous queries raised by Members that the Government already gave responses to. It is stated under this Order that the Chair must consider these issues in relation to managing our time. If the Government has already given the response but Members still ask questions it will mean more time is spent, because the Government will have to explain it again.

This does not mean that the Chair favors the Government and not Members, no, it is to ensure that our time is used wisely. Furthermore the Chair is reliant on the cooperation of Members and it would be splendid if constituencies would say that their Member understand the matter well and does not have to ask for further explanation.

Since we have come to our recess hour, Proceedings of the Legislative Assembly will be set aside for usual recess.

*Proceedings of the Legislative Assembly set aside at 10:48am until 11:30am.*

**MR SPEAKER:** I announce that Proceedings of the Legislative Assembly resumed. I believe strength has been renewed for the Hon Prime Minister, Deputy Prime Minister, and Ministers of Cabinet and Members of Parliament to continue with the work set for today.

Before recess the Member for Vaisigano No.2 was voicing his opinions. Therefore I call on the Member to continue, I advice that you move away from the matter clarified by Government. I call on the Member.

**Afioga TAPULESATELE MAUTENI TAMASOME METULI II ESERA:** Thank you Mr Speaker, I believe the refreshments provided have given strength to Members to carry on with our work.

Mr Speaker as stated earlier, this Bill has my support. Mr Speaker I also [clarified the areas of concern in regards to the Bill.](#)

It is verified the concerns and opinions of this Parliament in support to this Bill. However, there are opportunities for Members to voice their concerns and recommendations such as what we had...

Mr Speaker the thought is brief on....

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**MR SPEAKER:** I appease the respectable Member, lest I am affected, I wish to give assistance in managing our orders and in case I am blamed in holding up opportunities for Members to speak. Our Standing Orders are very precise and with that said; Government's clarification on any matter that may lead to deliberations can be terminated by the Speaker as part of his duty. As I said, if two Members speak of something in the start, and the next eighteen Members speak of the same matter, that means Government will have to give 20 clarifications. It is a must that these orders be progressed in the Meeting House since these Bills are referred to the Committees for further chances for the Members to express their views before they are reported back here. Meanwhile, this is not the only chance for Members to make submissions such as this second reading, this is the reminder to this side given our Standing Orders. Pardon the Member, for the sake of Samoa tuning in, I must take heed of these things for my protection, the Member has a few more minutes, you may continue.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui:** Mr Speaker, perhaps this is one part of the Standing Orders the Member lacks insight of, when the Chair speaks, he should sit down, he is now seated.

I speak of Parliamentary Proceedings. The Government always has the final say. Regardless of what matters being discussed, the Government will have the last say. This means if a matter is debated between a Member and a Cabinet Member a hundred times, the Government will respond a hundred and one times. No matter how many times whether it will be a thousand the Government will stand a thousand and one times. The Government has the final say if the views of the Members are freely expressed, the Government cannot just sit idly whilst Proceedings are being broadcasted to the listening public. If our talks were not publicly aired, the Government would have given Members the chance to speak freely. However, it is being aired to the public who are listening in and they too should bear insight of the truth. That is reason why the State cannot leave a matter open during debate as the final word always comes from the State, this is for the information of the House.

**MR SPEAKER:** Very well. I call on the Member to conclude his speech.

**Afioga TAPULESATELE MAUTENI TAMASONE METULI II ESERA:** Mr Speaker, the Hon Prime Minister and the Leader of the country has spoken, I adhere to the orders of our Sitting given by the Speaker.

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You have clarified; there is another chance to resume our explanations. Thank you for the chance given, have a blessed Sitting, bless the support of our villages of Papa, Vaivaimuli and Fagasa.

**MR SPEAKER:** Very well thank you. I call on the Member for Falealili West.

**Tofa AUMUA ISAIA LAMEKO (Falealili West):** Mr Speaker, I want to thank you for the opportunity given to me to express submission on the amended Bill. Perhaps an overall clarification of the Bill has already been stated regarding the emphasis and registering of customary lands to ease the mortgages of leases.

I want to thank the Hon Lady Minister for this Bill as I am one Member that used to raise this issue on public lease. The Bill has stipulated the advertisements of any customary land lease for a time period of six months. The authority has also been given to the Chief Executive Officer of the Ministry of Natural Resources and Environment to extend the time period to allow all eligible persons with customary lands to make written applications on these lands before the lease is processed.

In regards to mortgage, as an example, if I am the matai of our family and we have customary lands that we want to put up for lease, can I go find the members of my family that have connections to this land that will be leased. The reason why there is dispute is because those with eligibility have signed the lease for this mortgage. If the person leasing customary land wants to use the land for mortgage, they should first seek a written consent of those who own the land. Personally I believe the written consent will be a contract between the leaser and the landowner. Therefore mortgage in my understanding is between the individual who leases the customary land and the bank. The owner of the land does not have to sign an agreement with the bank. The first priority for the leaser is to pay the lease of the customary land according to the set terms and conditions. This is a personal opinion. Furthermore I am grateful to the Government for tabling this Bill to ease the registering of mortgages over customary lands. This constituency Falealili West therefore gives its supports to this Bill.

Thank you.

**MR SPEAKER:** Very well. I call on the Member for Falealili East.

**Afioga FUIMAONO TEO SAMUELU TEO:** Thank you Mr Speaker. I believe Members of Parliament have gained strength from the refreshments provided especially the Hon Prime Minister and Cabinet and all Members.

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This is why it is great to have the Members for Falealili sit next to each other so that one can start and the other can conclude. I will be brief as the Members for Falealili West and Falealili East are very close. The Hon Minister has already clarified the Bill therefore the constituency is well informed of their support and the two recommendations. Do not be angry lady Minister, it is threatening when advice is given.

The first advice is when the lease is lapsed or when the leaser is problematic. If the land lease contract was signed for 20 years and so far, seven years is up, can the family use the land while Government waits for another leaser or not? I am aware of the submission and clarification in the Bill; nevertheless, my constituency is listening in lest they disapprove of my explanation.

Secondly, please for the sake of clear clarification of high chiefs (sa'o) and the family, can they put up the land for lease and register this land under their name or any other member of the family that has their consent and then have this mortgage in the bank rather than waiting for a foreign investor to set up a business on this land. Rather, give this privilege to the family and high chiefs, to process this lease and take it to the bank to borrow money to set up a development. Therefore, the family will gain benefit, not only will they be encouraged to do the work, raise the economy and that they will work the land instead of waiting for foreign millionaires and investors because even millionaires will come and utilize our money. Instead, give our people the chance to develop this lease for them to earn income.

I am saddened about the fact that some have said that our lands do not have any value. It does have a value. The land is valuable including the earth, even the dirt and rocks and everything else, there is price. This is why people come to our country because they want to lease our lands.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker...

**MR SPEAKER:** Pardon the Member for Falealili, I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Because this matter is significant. The meaning of the word value is referred to buy. Can we sell the land? No. This is how this word derives. These lands can be sold, if you ask the owner, how much is your land? They will have to look at the prices on the market. If land was purchased at the nearest value of \$200,000 for quarter acre, then the market value is \$200,000.

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Then another question rises, what about the market value of... The value will depend on the market value otherwise, there is no value. Hence nobody wants to buy customary lands because it is forbidden. This is the exact meaning of no market value; no one wants to buy it. This is the meaning of the word in relation to land.

**MR SPEAKER:** Perhaps the matter is now understood.

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt (Gagaifomauga No.3):** Mr Speaker, just a small opportunity for a matter that needs clarification.

**MR SPEAKER:** In regards to the speech...

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** The speech by the notable Member regarding value please.

**MR SPEAKER:** The member for Falealili?

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** Yes, a point of clarification for the Member of Falealili. Listening well enough and thought of commenting on the speech by the Member for Palauli le Falefa earlier today.... when he was clarifying....

**MR SPEAKER:** Pardon the Member, but you cannot use Faumuina and the Hon Prime Minister's clarifications to create your opinion. Unless it is your own point of clarification or point of order to the speech of the Member for Falealili, then it is allowed under our Standing Order.

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** I am directing my view to the Member of Falealili on what he spoke about regarding value, please.

**MR SPEAKER:** Alright, make it brief.

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** Our leased lands as you state has no value, I guarantee that there is value. The value of leased land mentioned by the Member, the annual price is \$300 an acre for 600 acres, this was the agreement value we had with the investor that came. This was the price offer that we gave the investor for help. Similarly with this lease of 500 acres, we gave the same price in the agreement.

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

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker the clarification is well given, we are not talking about other leases, we are talking about market value, the land value that will be put for sale. We do know that land cannot put for sale rather, they can be leased...

The lease has a value whereas in terms of market value for land, we are talking about the time when land is put up for sale. Surely there is no market value for customary lands. This is why the Lands division came up with a proposal in order to put value on these landlease for the State to utilize these lands for their developments. This was also the reason why we met with Salelologa in regards to lands taken by the Government and this is what I told them, this land has no value meaning, 'no one wants to buy'. As for sales of the land, this is where the value is fixed. Currently we are discussing lease which is different from what I clarified; the Member for Palauli le Falefa also raised the different leases. The lease has a big value, when the Government consults the village about developmental projects; the State will have to put in place some value for the village men regarding this land. This is specifically not used except for freehold lands whereby, market value applies. Otherwise, there is no market value for customary lands.

**MR SPEAKER:** Perhaps the matter is now clear. Pardon the Member trying to take the floor but there are misfortunes to such issues. I am certain that all of us understood the clarification together with the one voiced by the Hon Prime Minister just now. He also said that various Members were involved in putting together this Bill in order to reach one purpose. This should not allow us to throw in any idea other the main spirit of gaining benefit for our country and to develop our families and lands. Hence, the big minds have consulted this doing and have looked at all angels for the better. Not only will it benefit the land owners, but also the investors leasing these lands to gain some profits.

I appease the Member but no further debate is allowed according to our Standing Orders. Any speech will always come down to deliberations and in turn lead to more clarifications and debate, it will not do us any good. The country is also listening, what will they gain from our deliberation?

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** Mr Speaker...

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**MR SPEAKER:** Pardon the Member, but if chance is granted, the Hon Prime Minister will in turn have the chance.

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** Mr Speaker, just a slight matter, it is no debate. Just clarifying the statement by the Hon Prime Minister, adding value on the lease, that is all I wanted to speak about.

**MR SPEAKER:** I am now clarified. The reason for making value is because of the lease.

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** This is exactly what my attempt.

**MR SPEAKER:** If the land was set out with no value, it is because it is a customary land.

**Susuga Hon Laauli Leuatea Polataivao Fossie Schmidt:** Well that is exactly my intention. I will not say anything further.

**MR SPEAKER:** Value on freehold land can be done as it can be bought tomorrow. For that, everyone has freehold land as well as customary lands and we are all aware of what is happening. I beg your pardon.

I call on the Member for Falealili to conclude your speech.

**Afioga FUIMAONO TEO SAMUEL TEO:** Thank you Mr Speaker since my time is now finished. I wish to say thank you lest we argue about value and its importance, I am referring to lease value as land will be mortgaged. But I did not speak of market value, otherwise, will leave value to you whereas for leasing of land, the advice is before the Lady Minister for a review to allow the opportunity for families and high chiefs to process their lease to be submitted to the Bank for a borrowing to set up further developments for the prosperity of Samoa.

**Blessings be upon the honorable Speaker who is the ruler of the House,** may you find patience in administering the troubles in the House. Bless the Hon Prime Minister especially the Ministers and your Associates, and may this side also live in the name of Jesus, Amen.

**MR SPEAKER:** Thank you. I apologize to the Members of the House in trying to...I do not intend to advice given the saying that goes, *e le fautuaina e le matapia le manaia*, the student does not advise the teacher.

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The intention goes like this, we say according to the many clarifications by the State on their part given in comments of members, otherwise, it is prohibited for me to point the arrow towards you as you are the Leaders of the country, the chosen few.

I now call on the Member of the Constituency of the Urban West.

**Afioga FAUMUINA ASI PAULI WAYNE FONG:** Thank you Mr Speaker, I will be brief. Regardless of our concerns, the knowledge is there regarding our customary lands. In plea according to current record, 80% of Samoan lands are customary and 20% is freehold land. I plead the Hon Minister, retain the 80%. After this Bill and any other proposed Bill, may this 80% be retained for our lands. Note that when God created Samoa by inheriting us lands, 100% of the land was in Samoa but when the Europeans specifically the Germans came afterwards, these were the people that took 20% of the lands. This is the existing Samoa today. If we look at the land claims records with the Office, it is impossible. Our lands were taken forcibly at the time. Yes, I am ashamed to mention it, due to what? Due to poverty in the past. Now, 20% has been returned to the State whilst 80% is retained for customary lands. We had different problems back then compared to today. The problem we had back then was that our elders were too weak and lands were easily alienated from them. The problem seen today is advanced knowledge which is a result of lands been given away. Although now there are no more Germans or Europeans but, (.....)

The concern here Mr Speaker is to protect ourselves from this new found knowledge that has reached us. Even though it might be beneficial there will come a time when this could be a disadvantage. The High Chiefs back then did not have support. As of now we have lawyers who are now the support systems of our chiefs.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** Mr Speaker...

**MR SPEAKER:** Pardon the member; I call the Hon Prime Minister.

**Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi:** When the Government talks they refer to foreign investors who are not discriminatory or racist. I recommend the current speaker, Faumuina Fong to defer the reference of Chinese people as it is not respectable for the listeners of that country that are providing huge assistance in large amounts.

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The overseas investors are investing in Samoa to create employment for our younger generation and dropouts who are looking for jobs. That is the intention of the Government for school leavers to become employed. It is not ethical for seasonal workers to go overseas frequently which is inappropriate for school students. And therefore we are seeking all kinds of foreign investors that can invest into the country to earn us employment. Remove racism against China Famuina Fong as it will affect our foreign relations.

**MR SPEAKER:** Perhaps this statement must be withdrawn from our Hansard records so that our partnership and mutual trust with the foreign partner is maintained.

I call on the Member to continue.

Words stated by Mr Speaker be withdrawn from the Hansard:  
*[and now the Chinese have arrived]*

**Afioga FAUMUINA ASI PAULI WAYNE FONG:** Thank you Mr Speaker and the Hon Prime Minister. I thought since German was mentioned earlier, I thought that it is permissible to mention countries. Withdraw Chinese and put in those that are living overseas.

The objective here is to protect 80% of customary lands that exists today so that... Because... Note this honorable Speaker, there are villages and districts that do not have any more customary lands. This is exactly what the Member for Faleata West was trying to convey, his constituency does not have anymore customary lands. Gratefully, we still have customary lands in my village and constituency. I hope Hon Minister that by the time we retire as Members of Parliament, this percentage for our customary lands will not decrease nor confiscated by foreign investors. That is the assistance. Have a blessed Sitting. Thank you.

**MR SPEAKER:** Thank you. Since we have arrived at the time to put the...

**Afioga Peseta Vaifou Tevagaena (Faasaleleaga No.4):** Mr Speaker.

**MR SPEAKER:** I apologize with all due respect to Members of Parliament; many of the Members have also put forward their requests. I believe if one is treated fairly and disregard the other, I will get the blame.

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I apologize to Members, as I stated earlier, more chance will be granted at the Committee before it is referred back to Parliament in a future Sitting. That is the process.

**Afioga Peseta Vaifou Tevagaena:** Thank you Mr Speaker, I heed your command. If you should know I have been sitting here listening and supporting the deliberations carried out in Parliament. It is hard for this constituency because of the respects given by the Government to this constituency. Mr Speaker I humbly request a few minutes. This constituency supports the Bill, but there is a request of my constituency that I want to convey if the Chair allows it. Just a few minutes or perhaps not even a minute to voice the request of my constituency.

**MR SPEAKER:** How many minutes? One? Alright let us hear what you have to say.

**Tofa Nafaitoa Talaimanu Ketu (Gagaemauga No.3):** Mr Speaker, can we also have a minute.

**MR SPEAKER:** The minute would have been over if you had taken your seat.

**Afioga Aliimalemanu Alofa Tuuau (Alataua West):** Mr Speaker...

**Afioga Peseta Vaifou Tevagaena:** I am cautious of our Standing Orders as the Hon Prime Minister gave earlier; whenever you speak, then I sit down as a sign of my respect to you.

**MR SPEAKER:** Thank you. I will allow a minute to the Member for Faasaleleaga No.4 and the Member for Alataua West.

**Afioga PESETA VAIFOU TEVAGAENA:** Mr Speaker and respectable Members of that side of the House, thank you for this important Bill. I believe this will be the last speech on the Bill. I move with respect to convey thanks to the Hon Prime Minister and the Deputy Prime Minister for this Bill. The tabling Bill will be a blessing to the country. Over the years, most of these lands have not been used or cultivated. Nonetheless I will speak of my constituency alone which is the reason for the request. I believe it was the 2006 Parliamentary term when the Member of Palauli le Falefa was Minister of Natural Resources and Environment and the initiation of this Bill.

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My village of Puapua came to Parliament to show gratitude for the 800 acres of land granted by the Government, the Hon Prime Minister and some old Members of the Cabinet are aware of this. The village of Puapua requested Government to legalize lands for lease. Puapua did request the Government if these lands can put for lease. Nothing can be grown on these lands as it is rocky fields similar to Samalaeulu situated next to it. It is only covered with lava and nothing can be grown on it. I was talking with the Hon Minister of Finance yesterday about the seeking of land for a major project by the Government in Salafai. I believe this project is feasible for my constituency since it requires a rocky plainfields like the one in Lealatele. Now I get the view of the Member for Salega East in regards to this Bill.

Thank you Mr Speaker for the opportunity and also the Government for the Bill, perhaps it will be beneficial for my constituency to make good use of this 800 acres of land that needs cultivation. Thank you, bless our Sitting.

**MR SPEAKER:** Very well thank you. I now give the opportunity to the Deputy Speaker to be the representative of this side. I give you one minute.

**Afioga Faaulusau Rosa Duffy-Stowers (Gagaifomauga No.3):** Mr Speaker I respectfully ask for an opportunity as well.

**Tofa NAFOITOA TALAIMANU KETI:** The administration of our work is with the honorable Speaker in managing our proceedings this morning. Thank you for the opportunity for Gagaemauga No.3. I will not speak further on mortgages and leasing. All clarifications have been understood. However it is important that I convey a few words for the sake of my constituency listening in. First of all I want to thank the Hon Prime Minister and Deputy Prime Minister for this Bill and your long term vision through this Bill. Thank you for tabling the ups and downs from our people which should be the case; they should be controversial as it is a matter pertaining to land rights. On behalf of my constituency I want to say with utmost respect that we support this Bill. Why? It reflects several issues faced by our country which can be resolved through this Bill as mentioned by other Members, whilst I speak of benefits regarding this Bill for the locals/indigenous Samoans, especially for the people of Savaii. The main thing is to resolve issues on de-urbanization or the movement of people to the urban areas.

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The Hon Minister who oversees this Bill, this is one resolution, if we were to lease or mortgage the lands of my constituency, I am certain that Salafai will no longer move to Upolu anymore. We also have traffic jams due to the increasing number of vehicles in the country. Fortunately if leases are put up to people with more money in the Itu a Tane area, we have more lands available, this is one resolution to this problem.

**MR SPEAKER:** You may conclude your speech Deputy Speaker.

**Tofa NAFOITOA TALAIMANU KETI:** This is the reason for taking the floor, to voice the support of the constituency. Another important aspect in this Bill is the decrease in crime rate to gain us the opportunity to develop Salafai particularly my constituency. As such, since our time is limited, we support this Bill since it will be beneficial for Salafai. With respect, thank you.

**MR SPEAKER:** Very well thank you. Since this side of the House has broken our rules, I should have given the chance to these Female Members similar with the ones given to the Male Members to provide a balance. I humbly request our lady Members to follow the one minute schedule. I give the opportunity to the Member for Alataua West.

**Afioga ALIIMALEMANU ALOFA TUUAU:** Thank you for the opportunity. Ten male Members have already taken the floor therefore I believe ten minutes should be allowed for me including my other fellow lady Member to be fair. Mr Speaker, Alataua West supports the Bill in relation to the fact that it will protect our customary lands and develop the economy of our country especially the many lands that remains undeveloped.

Secondly, the importance of lease for people to be aware that they can borrow funds to finance their developments should the banks approve their applications. This will encourage people to cultivate their own lands.

The development of the economy for our country is important to uplift living standards for our people, like the many requests made by our constituencies; however, the Minister of Finance does not have enough funds. The important aspect for this Bill for me is that the legislation does not state that the high chief or sa'o has authority rather it states prosperity for the people. The Constitution is to guide our country through, and therefore, we must correlate with it including the changes in living standards. The amendments made in the Bill is based on improving our standards of living, therefore we must protect the set forth principles especially with the implemented changes to improve our lives.

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I believe the Bill refers to lands already cultivated. I strongly believe that the forest is your own land. However with the increasing rate of deforestation seen today one or two individuals can own several acres of forest lands in a constituency. There should be set principles on land limitations, 100 or 200 acres can be taken than all of it being owned and leased out by two individuals.

Another issue, there should be a set quantity for lands lease that should be allowed, perhaps 20 acres per family. In cases whereby, lands own by a constituency are all leased out and the farmers will not benefit from it. This will not affect bigger constituencies since they have plenty of land already cultivated that can be leased.

Lastly, how is the process for lands exchange between families done, especially the complicated processes for some villages that have founded authority? I believe the only issue that will arise for instituted authority is when someone using the land offers a lease or mortgage. In conclusion, I am very grateful for the Bill since it comes at the right time for the Asau wharf repairment. As stated by the Hon Prime Minister \$20 million will be spent on the development. That is my special thanks Hon Prime Minister to allow the requirement of more land lease for the Itu Asau to set up more employment opportunities or fish market to develop the economy on our side.

These are a few issues in relation to the Bill discussed, overall, the constituency of Alataua West supports the Bill. Bless our proceedings.

**MR SPEAKER:** Thank you. The Member for Gagaifomauga No.3 will be our last speaker. I beg indulgence to the Member for Anoamaa East given the thought on our time lest the country thinks that we have made a lot of decisions on this matter.

I call on the Member for Gagaifomauga No.3.

**Afioga FAAULUSAU ROSA DUFFY-STOWERS:** Thank you Mr Speaker for the opportunity. I did not think I would be given an opportunity but I am grateful for the respect given. I support the Bill especially the opinions voiced by previous Members on the reliability of this Bill. A few concerns to improve and strengthen the Bill such as setting the right of a person or land owner to cease the lease if the activity is inappropriate, say for instance, a bridge or an exceptional clause. If agreeable to the Hon Minister, he can grant the request of the leasee to pay the fee of the mortgage over the land leased to the owner for the land owner's benefit.

Thirdly, the provision must clearly provide the type of business that will be set on leased land and avoid setting up inappropriate businesses in the rural areas that can affect the cultural practices of villages.

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Fourthly, if the Bill becomes successful, many investors will visit our country for us to be able to provide a fair distribution and ensure the consistency within the districts by way of these benefits through this legislation and investors that will come.

Regarding the matter by the Member for Alataua West, limit the quantity of land in acres size that can be put up for lease for business operations.

Lastly I want to thank the Hon Prime Minister and Government for the development of the wharf in Asau that will also benefit my village of Aopo next to it. With respect, thank you.

**MR SPEAKER:** Very well thank you. I apologize Alaiasa Moananu with all due respect if we were to prolong proceedings the Government will not be able to respond today.

**Afioga Alaiasa Muagututia Moefaaau Malagaitutogiai Sepulona Moananu (Anoamaa East):** I thought I one minute will be allowed, nonetheless I will obey the orders of the Speaker. Thank you.

**MR SPEAKER:** Thank you for your respect, I know it is not easy considering you have two other merits being Sa Fenunuivao and a Tumua, third is that you are a pastor. Thank you, there is no other Member like you in Parliament.

**Afioga Alaiasa Muagututia Moefaaau Malagaitutogiai Sepulona Moananu:** If opportunity is not granted, I pray that we conclude as you are becoming weary honorable Speaker.

**MR SPEAKER:** Thank you. I believe some of the issues raised by Members have already been clarified therefore question will be put forward.

I call on the Hon Minister of Natural Resources and Environment.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker the Leader of the House has spoken that the Government has the final say.

**MR SPEAKER:** I apologize, I thought a response has already been given.

**Afioga Hon FIAME NAOMI MATAAFA:** Thank you. I feel the spirit of gratefulness in the speeches and comments voiced in the House in regards to the amended Bill.

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In regards to the Speaker allowing more time for deliberations it is a must, as raised by the majority of the Parliament, land is our Identity, it is the heart of our culture and where we live.

Mr Speaker, the normal practice for second reading debate is to discuss the significant parts of the matter, the principles of the Law. In the process for these Bills, there is more opportunity once the Bill is referred to the Committee for further elaborations and explanations or to make amendment in accordance to the submissions expressed with this legislation. There is more opportunity once the Bill is reported back to the House when we have the consideration in detail of the Bill. I believe that these procedures should allow us to make better improvements for these Bills and to enable us to manage our country through the various sectors.

Even though we have different views and expressions on this Bill, and although this Bill is by the Government, I trust that all are in unity such that this Bill is ours together. During debate, we have those that support and those that oppose. Nonetheless, this is the nature of our work. I also believe that the Government does not intend to reject the views of Members especially huge Bills like this that concerns the people of Samoa. Mr Speaker, on the overall, it is noted from the concerns of the House, that our customary lands will be transferred to freehold lands.

The Hon Prime Minister has already clarified the matter not only in the House but also on radio and television that customary lands are not for sale. This is made with reference to our country in case people might think Government is hiding, in fact, it is not true.

Mr Speaker I want to reiterate that there is no such provision in the Bill, the interpretation or wording states the transferrance of customary lands. Another general request made is the protection of the land owners or beneficiaries and appreciatively is the comment by one of the Members who stated that the beneficiaries will gain benefit if they lease out their lands.

Another discussed matter by the Members means the opposite of this Bill and other Acts. An example is the Land and Titles Registration Act 2008, the Alienation Act, the Land and Titles Court Act that all links to [the current discussed Bill, especially the Land Property Act, the Land and Titles Court Act](#) pertains to the Lands and Titles of the country.

Another matter states whether foreign investors and business operators are only eligible to arrange a land lease. Perhaps the Hon Prime Minister has already given clarification; no every Samoan family is available to arrange a lease in order to develop their families.

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Mr Speaker, I guess this Bill has allowed some constituencies to make their requests especially in regards to the leasing of public lands to constituencies. I beg your pardon, the tabling Bill beforehand is the Leasing of Customary Lands. Therefore, there are other legislations that can respond to the raising views of Members concerning the leasing of public lands to constituencies.

Perhaps this is how we roll honorable Speaker, when the chance is given, go for it. Nonetheless, I apologize to the Members on this side, perhaps there will be another Bill and way for us to respond to these concerns. Mr Speaker, this is the overall summary of the issues raised by the Members.

Another matter stated in some of the previous speeches, what action are we doing in relation to our lands? What action do we do in relation to our title because Land and Titles go together? By example honorable Speaker, when we talk about high chief authority (pule faa-Sa'o) raised by other Members, there are numerous high chief titles that have been shared and I can say that this had led some high chiefs being banished from their lands and homes. Therefore, it seems that we are talking about these Bills which defines that everyone has authority over these lands. It further has another interpretation such that we are complaining about the Sa'o of the families. The question is, how many paramount chiefs of families are in this House? And how many paramount chief titles have been covered resulting to this problem, that is, eviction over land ownership?

Mr Speaker and Members of the House, we can easily say great things about our culture and how beautiful it is in a dream and that everyone has authority over the lands. Unfortunately the connection between lands and titles, the system now is that families are starting to look out for their own lands. We have surpassed the old days when there was only one paramount chief, many ovens, and land division. Life has changed. This is reality. I am not saying it is a good thing or a bad thing but it is something that is happening to us. It seems that we are hearing one thing and talking about something else which is like, we are living in a wonderful world whereby everyone has the same authority over our lands.

What we think about and the raising of...goes together with the mindset we have just received from the Member for Alataua West on cutting the grass. How can we ascertain equal opportunities, rule and strength when the individual attempts to cut the grass for his/her own land? Whether the name is mentioned, at least it has connections with the person who trimmed the grass.

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Then we have the mindset, cutting the grass will benefit the children, children of his children and so forth until forever whether they can live there or not. Where then, will the authority and equal opportunity lie for people owning the land? Lest this matter is being generalized however the topic we are discussing is very simple, the leasing and mortgaging of customary lands.

I wish to clarify further that in accordance to Article 102 of the Constitution, there are two open Bills currently under discussion, the Alienation of Customary Land 1965 to allow land leasing, Principal Act 1965, what does the 1965 signify? We became Independent in 1962 and in 1965, this legislation was introduced. Why? Because Government saw the need for development, how will the road, electricity and water be fixed? It has to go through customary lands. Such is this plan, permission was granted according to our Constitutional Law, through a lease.

Another Act is the taking of lands act 1963 for the reason that I am trying to explain, in order to execute the works of the State, to deliver the service for the country through the use of customary lands.

Such is the purpose honorable Speaker given the good intention of this Bill to develop Samoa. Not only will this benefit the State and its developments, it will also help the families through these leases and mortgages that we are currently discussing. Unfortunately Mr Speaker some Members have stated we have violated the Constitution. I am surprised! These are the types of opinions that can corrupt this country. But I say this to our male and the female lawyers; have a look at the Principal Act; there are two open legislations, this one and the Taking of Lands Act. What for? It is for the development of the country.

My plea to you, why else were we chosen by the country? We were chosen to make decisions for the benefit of Samoa which is the spirit behind this Bill. However making comments to mislead and affect the views of the country covering our high chiefs as well as our children. This is irresponsible. This is not the duty of Parliament Members, lying to the country. Because the raising concern on violating the Constitution is not true. If we look at 102, there are two opportunities given in the proposed Bill that we are discussing.

**Tofa Olo Fiti Afoa Vaai:** Mr Speaker a point of order....

**MR SPEAKER:** Pardon the Member, until the Hon Minister concludes her speech.

**Tofa Olo Fiti Afoa Vaai:** But since you have reached that point...

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**MR SPEAKER:** Your name was not mentioned... I appease the Member...

**Tofa Olo Fiti Afoa Vaai:** I was the one that spoke of breaking the Constitution which is appropriate for me to take the floor. With respect Mr Speaker the clarification of the statement will not take long.

Mr Speaker...

**MR SPEAKER:** Pardon the Member; you are aware that an opportunity cannot be given until the Minister sits down. Opportunity will be granted later.

**Tofa Olo Fiti Afoa Vaai:** Thank you.

**Afioga Hon FIAME NAOMI MATAAFA:** Yes Mr Speaker, the House has noticed that I rarely take the floor to respond to your queries because it is important to find out the end results of your views. Nonetheless now that I have the chance, I wish to respond to this matter. This is no light accusation given in regards to this Bill being regarded as violating the Constitution. There is also no intention for us as lawmakers including some of us who have entered politics long enough to not say we cannot change the Constitution. The Constitution can be amended based on the terms of the existing Law. However, it all comes down to the decisions of the respectable Parliament Members. I wish to speak particularly of, because you keep saying that the State is doing this, doing that. Do you think the Government is just sitting around, why were we chosen? There is nothing wrong with voicing your concerns; rather majority end up saying, what are we doing about it. Because if we were to look at the results of piled up complaints and concerns voiced by the public and this House regarding this Bill, therefore, nothing can be done as 80% of customary lands will not gain us anything, absolutely nothing. I want to say this Mr Speaker and notable Parliament, the process of mortgages over customary land lease is not an easy process. Why? Because the economic cycle and its structural processes has been challenged. Because the normal thought we had was that customary lands has no value. Yes. We could not get any money from it. What now? As stated in my introduction, the State kept knocking as this proposal has been in the pipeline for over 10 years. This legislation was not created yesterday. The reason why this legislation took longer was to acquire the views of the country. Now that this has reached our circle, this circle will allow us make the decision.

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**Tax Information Exchange Amendment Bill 2018**  
– first reading

In plea honorable Speaker, let us be courageous, let us make a decision based on good hearts such as the objective of this legislation. If we find anything incomplete, let us improve it. As for the matter of voicing our dreams making it different from what is happening in the country, there are some who are making good use of the opportunities and what about the rest of Samoa? They do not have anything to depend on nonetheless our Government has implemented this chance in order for families to develop. It is not easy for the State to bring the Banks to the table to carry out these things and for it to encourage this matter under review.

Mr Speaker these are a few responses in general to the matter under deliberation. The matter is like this thin. The Alienation of Customary Land Act 1965 is to strengthen the protection of customary landowners that are applicable for lease and those that can be mortgaged over a lease. That is it. Perhaps there will be further amendments that will be carried out through review and preparation as such is the nature of life.

Mr Speaker this is a brief response in response to the statements of this House regarding this matter and another opportunity to extend a word of thanks to all the Members for their expressions and opinions we have together for the development of the country. God bless.

**MR SPEAKER:** Thank you. The question will now be put.

*Motion approved and the Alienation of Customary Land Amendment Bill 2017 was read a second time.*

**MR SPEAKER:** Pursuant to Standing Orders, the Bill will be referred to the Infrastructure Committee for consideration and report back to the Assembly in the next Sitting.

**TAX INFORMATION EXCHANGE AMENDMENT BILL 2018**  
– first reading

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Mr Speaker I move a motion, *That the Tax Information Exchange Amendment Bill 2018 be read a first time.*

*Seconded by the Minister of Women, Community and Social Development, Minister of Finance and the Minister of Education Sports and Culture.*

*Motion approved and the Bill was read a first time.*

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**TAX INFORMATION EXCHANGE AMENDMENT BILL 2018**  
 – second reading

**MR SPEAKER:** Since I have the Certificate of Urgency, the Assembly will now proceed with its second reading.

I call on the Hon Minister for Revenue.

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue):** Mr Speaker I move a motion *That the Tax Information Exchange Amendment Bill 2018 be read a second time and I wish to clarify it.*

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

**MR SPEAKER:** You may speak.

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Mr Speaker I believe there is still time for this Bill as it is directly related to the exchanging of information with overseas countries.

The main objective for this Amendment is to implement the international obligations of Samoa under the Automatic Exchange of Information of Financial Account Information in tax matters signed in 2014. This new amendment is to ensure that the work stated under the Principal Act is carried out thoroughly for those involved in the Bill. These changes must be carried out quickly because the exchange of tax information is expected to be released in September. It is expected that by June of this year, all the information will be gathered and recorded. Most of the information recorded is from those who invest under the Samoa International Finance Authority or SIFA. The work carried out is not inexpensive. It will need a lot of expenses to buy computers and other tools to carry out the work. The expenses will not be lower than \$700,000 to \$800,000 for this work to be completed by September. As stated earlier all the information is expected to be gathered in June. The information in case....since some might think that if automatic, it should include any type of information. No, the trustee of the accounts under SIFA forwards the information to the Ministry of Revenue so that information can be exchanged overseas. All these methods implemented are done to remove our country from ties under Organisation for Economic Corporation and Development or OECD. This is the duty of SIFA. The protection of our investments at SIFA is reason for this doing which already has our signed agreement in 2014 however; the implementation process has just begun under SIFA and the Minister of Revenue.

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**Tax Information Exchange Amendment Bill 2018**  
**– consideration in detail**

Therefore, most of this information does not affect some of us in the country, although we can access the information of foreign investors who are willing to come and invest in the country so that we can fully get the correct information about them. Such is the main objective behind this Bill which is very small. Possibly we will pass it before 1:00. Thank you.

**MR SPEAKER:** Thank you, I believe no one wishes to speak. If not, the question will now be put, since the Hon Minister's clarification is now clear. If the Hon Minister's clarification is well given, then it should be comprehensible to the respectable Members.

*Motion approved and the Tax Information Exchange Amendment Bill 2018 was read a second time.*

**TAX INFORMATION EXCHANGE AMENDMENT BILL 2018**  
**– consideration in detail**

**MR SPEAKER:** Pursuant to Standing Orders consideration in detail starts with Clause 2.

**CLAUSE 2: Section 2 amended.**

*Approved.*

**CLAUSE 3: Section 10B amended.**

*Approved.*

**CLAUSE 4: Section 10K amended.**

*Approved.*

**CLAUSE 5: Schedule amended.**

*Approved.*

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**Tax Information Exchange Amendment Bill 2018  
– third reading**

**CLAUSE 1 AND TITLE:**

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

**TITLE:** Information Exchange Amendment Act 2018.

*Approved.*

*The Tax Information Exchange Amendment Bill 2018 progressed without Amendments.*

**TAX INFORMATION EXCHANGE AMENDMENT BILL 2018  
– third reading**

**Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT:** Mr Speaker I move a motion *that the Tax Information Exchange Amendment Bill 2018 be read a third time.*

*Seconded by the Minister of Education, Sports and Culture and the Minister of Agriculture and Fisheries.*

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

**MR SPEAKER:** Since we have arrived at the conclusion of our work for today, I want to thank all Members for your contribution. Thank you all for your patience, the Hon Prime Minister, Deputy Prime Minister, Ministers of Cabinet especially Associate Ministers, Chairpersons of various Parliamentary Committees particularly the leaders of the country through the chosen Members of Parliament.

I apologize for any offensive language that may have offended anyone; I plead all, the intention is to reach a pleasant ending for the sake of Samoa. It is not good for Parliament to fight whilst the country is giving their support specifically the Leaders of the Church who are praying for blessings upon our work.

I extend great appreciation to the Heads of Government Ministries and Organizations for your support and advise upon our work today, your presence has made a tremendous contribution upon the decision making of today. I trust there are several other duties waiting for us to be completed, and I entrust God will guide us all there safely.

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**Tax Information Exchange Amendment Bill 2018  
– third reading**

I further wish to thank the Clerk and Deputy Clerk and the office of the Legislative Assembly for the services provided and the guarding duties and services rendered today for the security of our Parliament.

Before we adjourn I will conclude our Sitting with a prayer.

*Proceedings of the Legislative Assembly adjourned at 12:56pm until  
Thursday, 22 March 2018 at 9.00am.*

