

WEDNESDAY, 22ND OCTOBER 2014

Mr Speaker took the Chair at 9.00am.

Prayer.

MR SPEAKER: Our spiritual offering has been given with God's abiding love and kindness that has enabled the notable House to once again reassemble in good health and spirit in all its honorific salutations.

The House is complete in the presence of the Hon Prime Minister and the Cabinet, the entire House and the gladly bearing Leader of the Opposition. Greetings to you all in good health and forbearance. The core essence for today is to resume business and get through with this month's sitting in review of our bills and the rest of the scheduled agenda.

Come now let us proceed in belief that with your collective efforts, we shall end well today.

Greetings also to the support of Samoa in all its honorific salutations. Bear with us as your Parliament strives to embark with today's business.

PRESENTATION OF PAPERS

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

1. P.P. 2014/2015 No. 139, Ministry of Natural Resources and Environment Annual Report 2012-2013.
2. P.P. 2014/2015 No. 140, Government Responses on P.P. 2013/2014 No. 117, Report of the Education Committee on P.P. 2013/2014 No. 72, Ministry of Communications Annual Report for 2010-2011.
3. P.P. 2014/2015 No. 141, Government Responses on P.P. 2013/2014 No. 110, Foreign Affairs Committee Report on P.P. 2012/2013 No. 67, P.P. 2012/2013 No. 68, P.P. 2012/2013 No. 69, P.P. 2012/2013 No. 70 & P.P. 2013/2014 No. 70, Annual Reports of the Ministry for Revenue for the financial years 2008/2009, 2009/2010, 2010/2011, 2011/2012 & 2012/2013.
4. P.P. 2014/2015 No. 142, Report of the Samoa Parliamentary Trip to the Australian Parliament, Victorian Parliament and the Tasmania Parliament, 21-26 September 2014.
5. P.P. 2014/2015 No. 144, Government Responses on P.P. 2013/2014 No. 108, Primary Production Committee Report on P.P. 2012/2013 No. 75, Annual Report of the Ministry of Agriculture and Fisheries for year ending 30 June 2011.

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Other Announcements by Mr Speaker

The Steering Committee for the SPCRP will have a meeting at the Hon Prime Ministers Office at 4.00pm this evening. The program must be structured as notified from Australia, the program should be set out.

I thank the honorable Members for today and we will seek more strength for tomorrow and meet here tomorrow to resume our Meeting.

Before we adjourn, I ask the lady Member of Gagaifomauga No. 1 to close our Meeting with a word or prayer.

Proceedings of the Legislative Assembly adjourned at 1.02pm until 9.00am Wednesday, October 22nd 2014.

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PRESENTATION OF SELECT COMMITTEE REPORTS

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

1. P.P. 2014/2015 No. 143, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2014/2015 No. 80, Annual Report of the National University of Samoa for the year 1 July 2011 ending 30 June 2012.

**LAWYERS AND LEGAL PRACTICE BILL 2014
- third reading**

MR SPEAKER: I call upon the Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister): Mr Speaker I move a motion, *That the Lawyers and Legal Practice Bill 2014 be now read a third time.*

Seconded by Hon Minister of Commerce Industry and Labor & Minister of Women, Community and Social Development.

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

**TAX ADMINISTRATION AMENDMENT BILL 2014
- third reading**

MR SPEAKER: I call upon the Hon Minister for Revenue.

Tofa Hon TUILOMA LAMEKO (Minister for Revenue): Mr Speaker and members of the Parliament, I rise with respect to move a motion, *That the Tax Administration Amendment Bill 2014 be read a third time.*

Seconded by Hon Minister of Commerce, Industry and Labor & Hon Minister of Women, Community and Social Development.

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

**INTERNATIONAL CRIMINAL COURT AMENDMENT
BILL 2014 - third reading**

MR SPEAKER: I call upon the Hon Prime Minister

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**Allied Health Professions Bill 2014
- third reading**

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That the International Criminal Court Amendment Bill 2014- third reading be now read a third time.*

Seconded by Hon Minister of Commerce, Industry and Labor & Hon Minister of Women, Community and Social Development.

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

**ALLIED HEALTH PROFESSIONS BILL 2014
- third reading**

MR SPEAKER: I call upon the Hon Minister for Health.

Afioga Hon TUITAMA TALALELEI TUITAMA (Minister for Health): Mr Speaker I move a motion, *That the Allied Health Professions Bill 2014 be now read a third time.*

Seconded by Hon Minister of Agriculture, Forestry and Fisheries / Hon Minister of Natural Resources and Environment.

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

**MEDICAL PRACTITIONERS AMENDMENT BILL 2014
- third reading**

MR SPEAKER: I call upon the Hon Minister for Health.

Afioga Hon TUITAMA TALALELEI TUITAMA: Mr Speaker I move a motion, *That the Medical Practitioners Amendment Bill 2014 be now read a third time.*

Seconded by Hon Minister of Agriculture, Forestry and Fisheries / Hon Minister of Natural Resources and Environment.

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

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PLUMBERS BILL 2014
– third reading

MR SPEAKER: I call upon the Hon Minister of Works, Transport & Infrastructure.

Afioga Hon MANUALESAGALALA ENOKATI POSALA (Minister for Works): Mr Speaker I move a motion, *That the Plumbers Bill 2014 be now read a third time.*

Seconded by Hon Minister of Health / Hon Minister of Education, Sports & Culture, Hon Minister of Natural Resources and Environment, Hon Minister of Police & Fire Emergencies Services.

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

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

PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2014
- second reading debate continued

MR SPEAKER: At adjournment yesterday, we were on debate on this specific bill hence the presentation by the Leader of the Government was clear with a few members who stood to give submissions. I will give the chance or are we satisfied? If not I shall now put the question.

This is the last opportunity to the Deputy Leader of the Opposition. I call upon the Hon Deputy Leader of the Opposition.

Afioga Hon AEAU PENIAMINA LEA VAISEETA (Falealupo): Mr Speaker, I rise with the utmost respect before this House at the supreme meeting of the country, to greet and welcome all listeners today.

I wish to state a brief contribution pursuant to this Public Finance Management Amendment Bill 2014. Supporting the Hon Prime Minister's statement yesterday, this bill is significant as it centralises all procedures and policies to earning income level for the government that we entrust. It is also important for its implementation process, congratulations once again Hon Prime Minister. The House has heard you loud and clear regarding the revenue distribution – taking into account the emphasis by the Hon Prime Minister. Money distribution of the government is not easy, it is planned and is somehow not definite when it becomes insufficient and we press it again that is how it is. Recalling from yesterday, the Hon Minister's Budget Address was quite long on the specific word 'plan' or 'plan well'.

For any expenditure process, that plan is uncertain, it could...the contribution is vital, I believe everyone supports the given statement. The essence of our statement is not a recommendation, this is our district way of doing things, you have the wise counselling.

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Public Finance Management Amendment Bill 2014
- second reading debate continued

According to past records on expenditure, perhaps there was no backup plan nor limitation as it is good to submit it before us for our approval but after that, it will be a mess if issues do arise all due to planning which is inappropriate. I think planning as it's spelt given our perception and normal procedure, we are being honest. The word plan 'fuafua, f, u, a, f, u, a, fuafua, or the same word can mean corrupt, 'f, a, u, f, a, u, faufau, these words correlate, but....

MR SPEAKER: Pardon the member, let the real definition of the word 'fuafua' be given.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi: Mr Speaker, the member's lecture is constructive particularly when I know that there are two PI (Samoan Alphabet), another Pi Tautau, alphabet is learnt by others, but *fa, fe, fi, fo, lo lua*. I sense that this plan, 'fuafua', bears once and twice which means that there are two fruits. It is two fruits?

MR SPEAKER: Respectable member, carry on.

Afioga Hon AEAU PENIAMINA LEAVAISETA: Mr Speaker, this term is central starting from Kindergarten up to Oratory level and Customs, the word plan is well defined, when reversed we have corrupt. In today's news, we are distantly remote but we can hear all events and happenings all the way from Falealupo. The reports before the House have not been given responses by the government including other Parliamentary Committees.

Seeing this and our foreword today, it is not a recommendation, the searching wisdom is there but we ask to bear these plans in mind as it can get mixed up if permissive which is plans that requires or we can....they exist in life. And it did happened? We are affected by it. Yes. I shall leave it like that. Because what's happening with these plans, once at fault, it does not amount up to thousands but millions due to poor planning. We are not being loathsome. The plans and finance submitted for Parliament's approval, we acknowledge that, if plans are mistaken, or overestimated it involves corruption. That is very difficult because it once happened and we were deeply affected by it and we left it to the Authority. This is why I am hopeful and cheerful with the Leader of the Government, if this legislation mistakes any future events, it comes down to this. Have a blessed meeting.

Afioga Hon Palusalua Faapo II (Taitai o le Itu Agai): Mr Speaker....

MR SPEAKER: Well done on your statement. The Deputy Leader has spoken. The Leader of the Opposition does not want to speak again as he had spoken yesterday.

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Public Finance Management Amendment Bill 2014
- second reading debate continued

Afioga Hon Palusalue Faapo II: Mr Speaker I rose yesterday and you said to wait until today, now that I have...because the bill is important.

MR SPEAKER: Very well.

Afioga Hon Palusalue Faapo II: If my view was covered in other comments, I would not have stood up. That is the urge if...

MR SPEAKER: I will give you the chance as this is the Leader of the Opposition's statement. Be brief followed by the the member for Aana Alofi No.3, and one of the member's for Salega Afioga Afualo Wood Uti Salele who wanted a chance yesterday.

I call upon the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: Thank you for the chance, this is a very essential bill that regards the public finance management of a government. Submittedly, this power is now delegated to one main figure. Who? The Minister of Finance who is the Hon Prime Minister. Laid before me is the main concern that is defined in the normal country's saying, "*o le tele o sulu e tele figota e maua.*" Meaning, many hands makes work lighter. Such is the new system in place...in the roles of individual Ministers and the Public Authorities and Ministries. This seems to be in line with good governance from the overall perspective to regulate our public finance management including major projects for the country. That is the situation as majority of these documents have been approved by this Parliament. In essence, may this bill strengthen and solidify individuals with processing financial management in the country.

Another central role by the Hon Minister of Finance is to set up a management platform for government debts to be mindful of our owing amounts whilst time permits, we must borrow to fund the many projects. The essence is to relate to this bill and take heed of our debts that must be planned and managed well.

We have received various assistance from our foreign partners exclusively the World Bank and the Asian Bank who have asked us to consider well the peak debts we have reached in relation to our GDP of 70% which is not a least comparison to our local economic circular flow. This legislation aims to provide a precise plan of our financial borrowings for the country's information.

Mr Speaker, I solely advice the Hon Minister of Finance to take this into consideration as most of our completed developments have been a total waste financially.

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Public Finance Management Amendment Bill 2014
- second reading debate continued

We must consider well the planning of new projects and developments given the current occurrence, the Board Committee of this Corporation is setting up developments without looking at it into detail. These huge developments must be sent for Cabinet's approval with the project requirements for the country's good circular economic flow that in the end, we are bankrupt. This legislation therefore will greatly assist the Ministry of Finance in executing their job for the social welfare of the country instead of bankrupting the country. It will help them submit their report to the Cabinet to review the importance of the various new developments. We support all developments for the country's benefit to protect our limited finance received from revenue earnings and government returns.

Hopefully, these set plans are well developed and set out appropriately including our financial borrowings and the current undertaking projects containing high costs. Respectfully.

MR SPEAKER: Well done. I give the final chance to the member for Aana Alofi No.3 as the Professor of Finance has signalled that he is contended with the bill.

I call the member for Aana Alofi No.3.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you your honor for the opportunity. I only wish to provide recommendations upon two sections specifically to the Committee that will be reviewing this Bill.

Firstly, Section 78A of (f); the statement is currently existing and does not reflect the necessary requirement for a Minister's authority. If natural effects are not incorporated in this bill, this is the chance to improve this with supplementary appropriations to restore destructions from natural disasters as the existing phrase is ongoing now excluding authority on natural disasters to locate additional funding allocation.

Secondly, quarterly summaries section. Thank you to the Ministry of Finance for providing quarterly summaries annually. As per instructions, these must be submitted on a quarterly basis within a year to the Audit Office to be advertised in the newspaper. Perhaps this is perfect opportunity to consolidate this recommendation and have all summaries be submitted to Parliament. If a public notice is given, the Parliament should also have some understanding in response to the Ministry of Finance in receipt of the Budget Statement Report for the new year. Thank you.

MR SPEAKER: Well done. I call the Hon Prime Minister before we have the question in continuation of our bill.

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**Public Finance Management Amendment Bill 2014
- second reading debate continued**

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I begin from Falealupo. The foreword by Falealupo states the essence of the word plan '*fuafua*', plan well '*fuafua tatau*' as reiterated in your statement which is the basis of this legislation. Furthermore, he added that behind plan well is no boundary or limitless. This bit signifies the false statement of the member for Falealupo. What no limits when we do have limits. Our economic plannings given yesterday is well out, then we proceed to execute them according to the Budget Statement. Sometimes our plans could not be executed, other times these plans are overly executed. That is the meaning of this life. We plan according to past events of the previous years. Hence nothing is done freely. Except for those who have never worked for the Ministry of Finance before preparing the Budget Statement, I can accept that they are confused. Such is the historical saying by the biographers.

The theme is titled: if you wish to know the future events, look for past events as past events regulates the future. Why? This is why good wisdom that exists today can recur. Hence if we have experienced some good lessons, those good lessons must be followed. If we also experience bad lessons we should learn from them and ensure that they will not happen again. Such are government long term plans and goals considering the economic experts forecasts and projections from the previous years taking into account the hiccups. Plans are therefore not presented into Parliament freely but are submitted after proper planning.

As said, this world is well advanced. This is due to high costs, exchange rates fluctuations and foreign currencies. Money exchange causes inflation separating the shops' set values and plans. All these are taken into consideration including inflation for the new year. In the presentation of the Minister of Finance at the start, he stresses the need to plan ahead according to America and other distant destinations. This significantly states that any intentional event will surely affect Samoa. That is why the Minister's Budget Address is vital from a broader perspective given international events implicating the economy, inflation rates variation, GDP variation and the rising living costs. All these helps builds and develops our current Budget Address. But there are activities that impacts us greatly such as the immediate attacks and wars in the Middle East involving the Central Arab nations. Ebola is now affecting us globally involving the currency exchange rates. Currently, when we talk about the world markets, we only have one market. Anything that affects a remote destination will surely hit our grounds as it is with the entire universe.

Mr Speaker, we do not have the power over these things. However the term 'no boundries' and 'unlimitless', well I say we do have limits. What are our limits? This is regulated by Samoa's Supreme law or Constitution. What limits do you have there? 3%. That answers the members' views when we come to natural disasters.

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Public Finance Management Amendment Bill 2014
- second reading debate continued

That is stipulated in the Constitution. It was 1% and amendment was submitted before the Cabinet to the Constitution that 1% is insufficient, possibly, that amendment was from six or eight years ago. 1% is not enough, our standards have been up a notch in terms of speedy economic recovery and improvement when faced with natural disasters. We now have 3% of budget allocation to the Cabinet concerning natural disaster recovery according to the Constitution. Should the need arise for further amendments to take place in the future, we can do so in a sitting as per normal Parliamentary practice and procedure. Knowing, *'o le uta a le poto e fetalai'*, the wise men thinks before he speaks. That wise counseling paved way to this new amendment.

In the past, we use to hold one sitting, government of the day demanded sitting that discusses the Main Budget Statement before we had two sittings later on.

That is the basis behind the majority, they aim to have one Parliamentary sitting. What now? We now have about seven sittings. Hence we shouldnt concern ourselves, as we now have scheduled sittings for us to meet more often. We currently hold this monthly sitting before November, December and January that ends the Supplementary Appropriation discussion. We now have limits and boudaries since the start, the speech of the member for Falealupo is all wrong mistaking the rest of the members.

Afioga Hon Aeau Peniamina Leavaiseeta: Mr Speaker.

MR SPEAKER: You will be given the chance after the presentation....

Afioga Hon Aeau Peniamina Leavaiseeta: Does this mean...very well.

MR SPEAKER: Well, I call the member for Falealupo.

Afioga Hon Aeau Peniamina Leavaiseeta: Mr Speaker, the bill we are discussing is the Finance Management Bill, which relates to the coordinating activities of the Government Sectors and their developmental projects ok. For instance, that is the true meaning incase we do not meet in that corner. This is just an example, the project at the golf course for instance in the proposal gives an estimated cost value of \$1.5million or more. We have had 15 other developments of this sort – do you get it...that is the basis. What is the reason for the problems here? That is what I meant, that is the core essence.

MR SPEAKER: The member's comparison is now clear. I call the Hon Prime Minister.

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**Public Finance Management Amendment Bill 2014
- second reading debate continued**

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Another paving difficulty is your given example, we have no funds for a golf course. That is exactly what we mean by no limits, I am aware of the unsuitable plans. We have ways of borrowing funds with soft interests that is the principle value since Samoa was set up, we do not borrow from the market that is simply mistaking many countries. Hence we do not borrow from financial institutions that incurs higher interest rates of 20% but rather borrow from Banks that impose soft interest rates. That is why this public finance is highly recognizable given government policies and requirements.

These are the general policies and guidelines for financial borrowings internationally. Significantly, we must have the capacity to service these loads. Note that I also notified all about the millions and millions in value that we owe to fund our International Airport with instalments of \$400 per year. I affirm that I gave that statement for all's information. We take up effective ways to borrowing funds with soft interests. Cautiously we must heed countries with soft interests. The capacity level we have is 5% in response to our local foreign exchange earnings. What we earn per year to place orders to repay our debts using foreign currency. I have been with the world bank and seeing their records, that is the status. 5%. What is the meaning of this? We only have \$1 of foreign currency, 5% is spent on paying our debts whilst 95% is freely for us.

Mr Speaker, do not worry too much Palu. The statement on past events is true given your recommendation, that is precisely correct. That is why HRPP gained victory for the last eight elections serving 32 years until today. I was present in laying out these long term plans as we progress. Both Leader and Deputy Leader of the Opposition were present during this laid plans and initiatives. You two are well aware of the good progress but it seems that you are playing dirty politics against us now. Do not fret, this is what we've worked hard for.

Mr Speaker, that is the response to the raising matter.

MR SPEAKER: Well done. I believe the Hon Prime Minister's presentation is well clarified. Thank you to this side of the House. The raising views and good recommendations are critical for government to improve this bill in essence to the wise distribution of our funds.

The motion was approved and the Public Finance Management Bill 2014 was read a second time.

MR SPEAKER: Pursuant to Standing Orders, the bill is now referred to the Finance and Expenditure Committee for their review and report back to the Legislative in a future sitting.

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COMMUNITY LAW CENTRE BILL 2014
 – second reading

MR SPEAKER: For the information of Parliament, this bill was read a first time on the sitting day 19/8/2014. I see that the Hon Minister of Justice and Court Administration upstanding.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker and the notable Legislative, I rise with the utmost respect to move, *That the Community Law Centre Bill be read a second time and I wish to shortly talk about it.*

Seconded by the Deputy Prime Minister / Hon Minister of Commerce, Industry and Labor / Hon Minister of Women, Community and Social Development

MR SPEAKER: I call the Hon Minister of Women.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, this bill is prepared to provide legal assistance (in certain matters) for those people who cannot afford to engage private lawyers. It provides for the appointment of a Public Advocate who will be the head of the Office and other staff of the Centre. The Centre will be monitored by the Oversight Committee comprising of the Chief Executive Officer of the Ministry of Justice and Courts Administration (Ministry), a nominee of the Minister and the President of the Samoa Law Society of his/her nominee. Initial funding for the Centre will be sourced by the Law and Justice Sector for sustainable donors like AusAID. This new service aims to raise the legal standards in terms of service provider for effective accessibility by the general public to seek justice that is also practiced abroad. The proposed legislation assists greatly with the work of the Law and Justice Society Sector producing closer ties with the government. This long proposed bill aims to guide and regulate all legal services as soon as it becomes law.

As known, most of our programs and plans are executed under government sectors. Most of these government projects are funded from our foreign partnerships together with our local funds available at times.

Mr Speaker, that is the memorandum explanation for this bill. With respect.

MR SPEAKER: Well done on that clarification. Well we have members that wants to speak on this very critical bill. I call the member for Faasaleleaga No.2.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Thank you Mr Speaker for the chance. Thank you also to the lady Minister for clarifying the bill and its main reasons behind it considering the new office and its aim to assist the public. We have heard the core essence of this bill hence I contribute to this bill with the central requirement to improve and benefit the country.

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Community Law Centre Bill 2014
– second reading

The main aim as mentioned by the Hon Minister is to provide assistance to the general public particularly the average people who are unable to seek or consult legal advisor. During our seminar session, one of the reasons behind this is given individual rights involving offenders. We have also received the recommendations from the Law and Justice Sector for us to seek legal rights pertaining to government laws and policies moving forward. Hence sincere gratitude to the Law and Justice Sector for the great contribution in developing this areas that comprises of various Government Ministries paving way to the many new set developments given your recommendations. That should not avoid us from giving constructive advice to this bill.

The question that comes to mind, are we not making good use of this assistance and opportunity for the country. On individual rights first, perhaps the Attorney General's Office and the Ministry of Police are well aware of the individual rights roles and functions. Caution cards are recognizable to the Justice that means individual rights and properties of any police officer. Once individual rights are required, caution cards can be used by the police officers.

During consultations between the police and the Ministry once the caution card is shown they utmostly define and speak for their individual rights. Hence this signifies another main objective for this bill that is still practiced today in assistance to the Ministry of Police and various legal firms pertaining to individual rights binded by law. That is my view but this individual right is currently existing which is one core function of this bill.

One of the government's manifestos is gaining the support and assistance of lawyers from the Private Sector. Incorporated in the bill are fees or charges to the public including the Private Sector who provides similar legal service regardless they too pay taxes, VAGST and business licenses. In return, they contribute to the government and the people. That is one main objective by the government to provide assistance and support to the private sector and their contribution to serve the country to assist them in return (government) with the revenue earnings.

On the other hand, we have the Oversight Committee comprising of the CEO and a Minister requiring funding assistance. See the importance of having these Committees, this CEO will play a major role in managing this new Centre in my personal view.

If the Centre is official, the Public Advocate is another representative that could contradict the roles and duties of the Attorney General in the Constitution, the Attorney General is the only one who gives advise to the government. That is that the main concern as clearly stipulated in this bill.

With all due respect, thank you.

MR SPEAKER: Well done. I will recognize the member for Faleata East, I take it that these are the only members wishing to speak, oh well please make known as our time is running.

I call the member for Faleata East.

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Community Law Centre Bill 2014
– second reading

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East):
 Thank you for this bill Hon Minister.

I call this bill an assistant bill that is attentive to the people as majority of the existing tasks requires this bill's assistance. Although it assist those who breaches the law, but opportunity is now given to seek justice specifically for those who lack financial support to fight for his/her case in court.

This assistance is limited as stated under Section 6 including cases under the Lands and Titles section that is time consuming for the public delaying decisions or verdicts on appeal cases. These should be looked into by hiring lawyers to take over these appeal cases at the Lands and Titles Court.

Another section that is excluded from this assistance is the Ministry Aid under Section 6. In query what is the Ministry Aid? If the bill says so, why not transfer this funding allocation to assist these people who cannot afford to pay private lawyers under the Ministry as these sets for two divisions that could cause differences within the Ministry. This specific Ministry is specified under this bill when at the same time, the Ministry Aid is also affected. Such is the concern, why not incorporate Ministry Aid under the whole Ministry to save costs as they all share a common goal, to assist the public who lack financial support.

Lastly, one section here also states for payment assistance to the person requiring this assistance, whereas another part states that it is free of charge. Please note these areas with regards to whom this assistance can be given to and what areas relates to free of charge?

Those are the concerns for the sake of the Hon Minister. Respectfully.

MR SPEAKER: Well done. One of the members for Salega, Afioga Afualo Wood Uti Salele followed by the member for Faleata West.

Afioga AFUALO WOOD UTI SALELE (Salega): Thank you for the chance.

I convey sincerest appreciation to the Hon Minister of Justice and the Courts Administration given the overall basis of this bill, to provide assistance to the lawbreakers, regardless of whatever crime they commit, the bill assists the low economic class in response to the court verdicts. I have been longing to contribute to this bill.

Firstly, this established agreement between the Government and the Private Sector should be adhered to allowing some government roles to be performed by the private sector. By observation, this bill seems to breach this agreement through this assistance seeing whether it is achievable to the underprivileged?

In truth, we have the funding allocation under the Appropriation Budget that involves lawyers or orators responsible for administrating this assistance to further boost the income level. This raises tax collection especially to the payees could be another avenue for the Ministry to seek funds. That should not be the case moving forward.

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Community Law Centre Bill 2014
– second reading

If we are to consider the deprived, this could affect the service provided under the Ministry to achieve the best outcome regardless of the private lawyers high costs, because if this new body is set up, of course we are only human beings not angels. But we have an organisation by Lina Chang that ensures full availability of this service according to the demands we intend for however it will not fulfill the overall objective behind our motive.

I support the government's intention of connecting with the private sector given the latest lawyers legislation we have just discussed, this is very critical to guide us through in response to the disadvantaged without acquiring the aim of gaining any benefit. Thank you.

MR SPEAKER: Well done. I give the chance to the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker there was disorder in the House yesterday with regards to the lawyers costly fees seeking resolutions to the issue.

This is one resolution to the issue as clarified by the Lady Minister, set up a Centre to provide the needed service by the disadvantaged who cannot afford private lawyers which is not an easy matter.

The only overlooking issue is that if a case involving a sue against the government applies, then government assistance is inappropriate. This is between a person to person case, committed offence or crime, not specifically for Ministries or Organisations and the assistance to the underprivileged. We are now discussing the language of this bill and the Centre involvement offered by the Government to assist these people who are unable to pay private lawyers.

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

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you for the opportunity, special thanks to the Hon Minister for this significant bill. This is one Sector that has incorporated countless changes with executing their tasks pertaining to crimes and offences etc, despite the many legislations submitted by the Ministry and the Hon Minister. We have just passed Mediator under Family Court to protect families and internal matters within the communities. We have also established the Law and Justice Sector as well as the Law Reform Commission. We have also privatised the Prisons from the Ministry of Police. These are good changes in progress that I fully support. As for the bill beforehand, I am reluctant to support it.

Firstly, this bill sets out from the beginning that this main sector will be set under the initial AUSAID funding assistance. Does this mean that this branch is based upon the advise of the AUSAID or is it a Centre that requires funding allocation in order to set up? By this I mean it seems that the AUSAID initiated the idea and after 2 to 3 years, they run out of funds pushing plans towards the government for them to fund.

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Community Law Centre Bill 2014
 – second reading

By confirmation, does the Australian government have financial aid to fund this uneasy project involving high costs.

We are all aware of the main objective to assist the crime offenders that lacks finance. The Legal Aid is under the Ministry that assists those who cannot afford to engage with private lawyers particularly the heavy crime offenders. Government allocates \$200,000 budget to the Ministry on a yearly basis but is again requesting for a new Centre. In query, why exactly do we need this new Centre?

Have we received any recommendation from the Attorney General's Office, the Ministry of Finance and the Samoa Tourism Authority? We recently talked about the bill on coordination given by the Hon Prime Minister as nothing is privatised. One Ministry cannot rely on another. We now have a new Ministry with a Committee to oversight it.

By reading the required employees for this new Centre, the number is not below 10 people. By observation, the Law Commission and the Justice Sector are also seeking experienced lawyers to implement the job. We have sufficient lawyers plus a few experienced lawyers who can execute these demands. We now have the Public Advocate selected to work in less than 7 years. But we discussed 8 years yesterday, unless they become fully experienced, then they are given the opportunity.

What's happening now is that it seems that some sections are inconsistent in theory and practical. The bill also states for the age group up to 18 years. Which bill specifies children under 18 years and children 18 years and over? For the information of the House, 18 years is not a child, this is specifically given in other legislations.

We also have proposed drugs and alcohol and specific case for these offences. I am willing to assist these kinds of subject matters given that 90% of crimes are connected to this, but what is the advise of the AG and the Ministry upon this?

If such begins in the Ministry, good. Or section of the AG's office such as the Public Defense Office or the Public Prosecution Office in other countries, that would have been better to begin with whereas setting up a new Centre and a new Committee to oversee it, I think this is inappropriate at this point in time. If the Legal Aid is well managed, or if additional appropriation is required to cover further crimes, that would have been better. If this Centre is a go, it will estimate cost \$2 to \$3 million a year. Why not supplement some of that funding to the Legal Aid to cover up the costings required by the Ministry without having to set up another new branch? This is inappropriate for now.

This also covers fee charges which should be the case. That is my recommendation but do consider other necessary options your honor and provide extra finance to the Legal Aid Division to further assist the general public if necessary, but leave aside this new office which is inappropriate for now.

Respectfully.

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– second reading

MR SPEAKER: Member for Aana Alofi No.3, if you wish please rise before the member for Gagaemauga No.2 wraps up our debate.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you Mr Speaker for the opportunity. Most of the comments have already been given by the previous speakers, but briefly I shall comment. The presented bill and given services is vital to add more funds to the Legal Aid Section to assist with other sections in the meantime. Other areas in the bill including awareness programs by the Public Sector to broaden the legal services are also crucial.

Thank you Mr Speaker.

MR SPEAKER: Well done. Levao please upstanding.

Tofa LEVAOPOLO TALATONU (Gagaemauga No.2): Thank you Mr Speaker for the chance. Our debate is well put this morning. I shall be brief. I shall not query the assistance for the general public.

Mr Speaker, I sit and think of the assistance of the Ombudsman's Office. This new development will investigate the government through the public and private sectors. These functions are almost similar to those of the Ombudsman's Office but in support of the member for Faleata West's view, why not start with the Ombudsman's Office to save us extra costs from building this new office.

On the other hand, the Ombudsman's Office plays a key role in terms of assistance for the general public. You can consult them by submitting your requests free of charge which is exactly the assistance we need.

With all due respect.

MR SPEAKER: Conclude Tofa Lefau.

Tofa LEFAU HARRY SCHUSTER (Vaimauga West): Thank you for the opportunity. First and foremost, thank you to the Hon Minister, Ministry specially the AG and the government for the proposed bill.

As a lawyer, I am very proud and happy about this bill. Because personally if you picture the amount of jailed convicts or those who have been convicted. If you find that the culprits are well looked after then we know that the government is a loving government.

Secondly, what about the underpriveledged and their human rights? This bill speaks for this specification of human rights. This assistance is for the disadvantaged that could not afford to pay up the lawyers. That is why I totally support this bill with a few hiccups.

The bill is beneficial for the underpriveledged but the Oversight Committee will be engaged with the many activities comprising of the AG and the Minister. Not everything is incorporated in the bill that could cause aggravation that is given in general.

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The first recommendation seeks to avoid competition with the private lawyers who also incurs fee charges. As given in the bill, although it sets out an Oversight Committee and a Minister, but the corporate body is independent. If they willingly stand by their decisions without considering the general public view, they can compete with the AG Office which is not the intention behind the bill. This is one issue that should be considered. Another issue is related to those who are unable to afford the civil cases that is not stated in here paving difficulty.

Specifically with annul marriages, normally this is more affordable to the men than women when paying for the private lawyers. The assistance should be appropriately distributed for cases of this sort. This assistance is permitted for civil cases in accordance to the bill. The bill does not specify what is prohibited. This does not specify for car accident or borrowing money when seeking a private lawyer. Whether underprivileged or what but if you borrow/loan, you are required to pay off that debt. Not seek a private lawyer to fight for you and your borrowings. That is one issue.

On criminal law, one indication in the bill is providing assistance to the disadvantaged, but if the offender is frequently jailed, the Committee can review this case by withholding the assistance. Mr Speaker, logically speaking, human rights are human rights. All offenders have human rights according to the Constitution. Personally from a legal perspective, going to jail often should not give way to...

If you are entitled to this assistance, seek it, but do not think that this is your fault due to your frequent chances in jail. Some people use this chance cleverly. This does not mean that you can change for good and get away by committing a crime which is trying to be smart. But a fool can be caught for being foolish. The aim is to seek opportunities for the offenders through this legislation whenever necessary.

The Prime Minister has stated that this bill intends for the disadvantaged given the legal services or civil criminals. The Standing Orders states that one should not look up a word only until the end. The word used here is 'entitle' from the legal experience, lawyers perspective is different from the judges. If we talk about entitlement. As a lawyer, I can argue before the court that this person's annual rate is not below \$5000. But according to the Constitution, a person has a right to engage with a private lawyer under the law. I can argue that the defendant demands a lawyer at a cost of \$400 tala per hour on the belief that this is the kind of lawyer that he/she wants. But if eligible, then it is clear as this should not be extended towards entitlement. Entitlement defines that we are arguing over our rights.

Lastly, the male and female lawyers should be eligible to the Ministry given that life today involves different viewpoints. Like the doctors and the accountants and other legislations, some lawyers are more capable and reliable than other lawyers considering appropriate knowledge and experience with the senior lawyers in the private sector. It is not good to get a cheap lawyer who is not good at their profession.

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From our discussion yesterday, we asked why it had to take 8 years before a lawyer is entitled to set up his/her own private practice. The difference is that 8 years is sought before you set up a private practice if you want a solicitor because you are required to set up a trust account. A barrister can be established tomorrow as soon as you graduate whereby 8 years is unnecessary. That is the reason for this legislation to identify male and female lawyers and their capacity level in relation to the AG senior lawyer level as well as the private sector.

Mr Speaker, thank you for the opportunity.

MR SPEAKER: Pardon the member for Vaisigano No.2, I firstly give the opportunity to the Hon Minister of Women before we give the final chance to the remaining members who wish to speak.

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

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Thank you Mr Speaker and the notable Parliament, the Cabinet and that side. I rise with regards to the work of the Ombudsman Office. I thank the recent lawyer whom I think is very intelligent than any other lawyer. Noticeably, the matter is being dragged when the Bill is well defined. If the Bill had been read thoroughly I am sure most of these speeches would not have objected. Otherwise the Ombudsman's Office work is far different from the work of the Public Advocate that heads the new Centre. This new Centre is not a new Ministry or Corporation. There aren't many employees to support the Judiciary related work.

As for the Ombudsman work, goodness, human rights – once human rights is noted, this involves the entire world. Investigating issues in relation to the Ministry of Police which is very huge is not done by this Committee. Cases involving public servants or Corporations etc. See what this means? This new Centre is particularly for the limited number of the country requiring assistance with claim charges, I am in awe with you people. You are already adults and yet you have weak minds. That is the explanation.

Tofa Levaopolo Talatonu: Mr Speaker, since I am being pinpointed by the member....

MR SPEAKER: We have now reached our normal recess, we shall ensue our debate when we return. I now announce that Proceedings of the Legislative Assembly be now suspended this morning.

Proceedings of the Legislative Assembly be now suspended at 10.44am until 11.25am.

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Community Law Centre Bill 2014
– second reading

Proceedings resumed for the second Reading of the Community Centre Law Bill 2014.

MR SPEAKER: I extend appreciation as we come to this part of the day. I believe you have all regained energy from our breakfast this morning and a good rest in the fields of Tiafau. Greetings and welcome also to the media groups and the previous interviews recorded on tv earlier on today. During our break, we were left with a few more speakers, I call the member for Vaisigano No.2 before we end debates with this side of the House. I call upon the respectable member.

Tofa MOTUOPUAA UIFAGASA AISOLI VAAI (Vaisigano No.2):
 Thank you for the chance to say a few words regarding this bill.

Mr Speaker the reason I wish to speak on this bill is because I too had been a victim with regards to lawyers. Its the truth. I got to the point where I took a lawyer to the Law Society and in receipt of the bill, the price was worth the value of a car. I am referring to the lawyers in New Zealand which is similar to our local lawyers. Fortunately, I succeeded and I had a refund. This regards this bill and lawyers' fees in response to the underprivedged in the country. I am not sure where they get their figures from. That is the difference with our surgical team, we only earn \$30 allowance per night which all goes back to the good old living. Whereas a lawyer, one night costs \$10,000 tala. Thank you to the government and the Lady Minister for this bill to assist the people. The only concern is to take this regulation into a third world country model. Majority of the locals cannot afford lawyers already that after paying them up, you are put back to jail which is a total broke. Hence I fully support this bill, but how are we to fund it? That is the government's role, see CSOs to cater for....most of the law graduates are jobless, take tens or fifteen of them into the law centre to assist the public with the costly fees of lawyers giving legal services.

That is the brief view incase our meeting prolongs. Have a blessed meeting.

MR SPEAKER: Parond Tuiatua I give the first opporunity to the Hon Minister of Public Enterprises.

I call upon the Hon Minister.

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister for Public Enterprises): Mr Speaker I wish to speak about the issue beforehand since I too have some experience in this Community Law Centre field. I was employed with the Community Law Centre in New Zealand. The most prominent word in the bill that wasn't mentioned by any of the previous speakers is 'community'. A community referes to a large group of people in general. This term is very critical in the bill. What is the meaning of Community Law Centre? It is a Lawyers Centre that the general public is entitle or eligible to.

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From previous experience at the Community Law Centre I use to work for, the public would find it easier to approach this Centre regarding the difficulty of consulting a lawyers with high costs and fees. Additionally, this does not only involve crime offenders. Variously, this Centre can cater to the many issues to assist the communities of New Zealand specifically on legal services. Moreso, most employed lawyers for this Centre provide their services free of charge or voluntarily. They do not worry about costs or fees. Some major solicitor firms in New Zealand offer their assistance through the Community Law Centre to the community from two to three hours on a weekly basis. Some are heads of lawyer departments. That is the essence of having these Centres to assist the general public free of charge. That is our community service to the country. That is the sole basis of this bill when established under the AUSAID funding, then the advócate and their staff will attempt to seek funds to sustain their office like we use to...we use to conduct bbq sausage or sausage sizzles, car wash to support the community as majority of my work was connected to the offenders where I worked as a volunteer. I would counsel the culprits primarily with regards to legal services that is different from the Ombudsman's assistance.

That is the experience shared as the idea is locally brand new, the Community Law Centre is different from Legal Aid that is managed by the Courts. This also regards the offenders under the management of the Public Advocates that is scrutinized by the Committee locally.

That is the assistance in relation to this subject matter to improve the bill, with respect.

MR SPEAKER: Very well Hon Minister. I call upon the member for Aleipata Itupa i Lalo.

Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo): Thank you Mr Speaker, as most of the members have given their views from both sides.

The only concern regards financial issues uttered by the Hon Minister in relation to Neighborhood Law Office in New Zealand.

Pardon the member but your question has been given during our break, the Hon Minister is well aware of it otherwise I still give you the opportunity. Firstly, I query the legal officers' assistance under Legal Aid at the Courts Office, the financial assistance presented by the government to the low income level group. I am sadden with this funding assistance under the Legal Aid Section as it seems bias to the serious crime offenders alone. Personally, this is unfair considering the serious criminals whilst this bill has my solid support with slight submissions to assist the Hon Minister whether useful or not, at least I've made my point. That is the first thing regarding finance.

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I always thought that the Community Law Centre in New Zealand would hold fundraisings by making bbq etc including grants or aid received from major Law Firms or Council including Private Law Firms to assist them with their services.

Personally in relation to Advocate in the bill, why not let the government pay for that particular person under the Ministry of Justice by allocating more funds to the Legal Aid to sustain and set up another new office. In my belief, we now have the CEO for the Ministry, we will also have the law advocate to manage this part of the bill other than the adoption cases, annulment cases etc that is excluded from the current debated bill. If this section is administrated by the Ministry with a portion from the Legal Aid section separated from the Advocate for lawyers...

Another recommendation with respect as viewed by some, is the complicated competition with the Private Lawyers which defeats the whole purpose of providing legal private practice. That is one concern but the wise counseling is there.

Those are a few views your honor respectfully. Have a blessed meeting.

MR SPEAKER: Very well. I think we are through with all views...oh the member for Aiga i le Tai, did you want to speak?

Member for Sagaga le Falefa, I call upon the member before the Minister responds.

Tofa TUISA TASI PATEA (Sagaga le Falefa): Thank you perhaps we have one more before we conclude Mr Speaker.

I rise to show my support of this bill, firstly gratitude to the Hon Minister mainly the Ministry head and the staff for this important bill. It is critical for the benefit of the country regarding individual rights to the Court and righteousness to justice. It seems that the more opportunity you have the more access earned based on individual rights whereas most people do not have this access which is the main intention of this Bill.

Possibly some lawyers are aware of this, once it happens, the only viewpoint in people's mind is the court and the policemen when contacted that lacks full knowledge of the matter. This is rightfully the intention for this new office and service provider, the first point of call is consulting with the public regarding their rights as individuals reference to this legislation. This is also defined in Section 4(c) after consultations, then the person is given the choice to seek an expensive lawyer or remain with the Community Law Centre assistance.

Another essential point observed involves the Works of the Ministry and those engaged with organising the cases. This involves the majority of the public who lacks the knowledge of these processes – pressuring the Ministry as indicated by the Ministry head during consultations of this bill, but with the involvement of this Community Law Centre.

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It will provide a legal framework and a focal point for the general public who lacks knowledge of the legal processes. The other concern is the number of the Oversight Committee, three is too small, as a quórum line of two holding a meeting is inappropriate hence the number should increase. I convey once again appreciation and support to this critical bill. Thank you.

MR SPEAKER: Well done. I call the Hon Minister to respond before we ensue today.

Afioga Hon FIAME NAOMI MATAAFA (Minister for Justice, Courts and Administration): Thank you Mr Speaker as well members and your assistance shown on this bill.

I wish not to provide details to the raising matters as I have a summary of all the views. Firstly Public Advocate is the opposite of Attorney General. The English translation speaks volume to this bill which is the consultant for the general public but true as it is, the Attorney General is the advisor to the government, you must take note of this. This is known as the Attorney General, a principle designation that is legally binded under this legislation – based upon the advise of the Cabinet presented to the Le Ao o le Malo, which defines that he/she is a public servant of the government who works as an advisor to the general public.

Another overall view states for this service requirement, do we need this service which duplicates the services provided by the other Ministries including the Ministry of Police according to its provision.

As reiterated earlier, this new service has raising standards in support of equal individual rights on legal matters or justice. Other views seems to show whether this new service is really required and whether it contradicts the roles and functions of other government sectors.

Mr Speaker, this service is not available with the other governmental sectors. The legal aid has certain guidelines and policies, which is the assistance given to lawyers as rewards for their services to cases under the Ministry of Justice – as indicated by other members this is allocated for the heavy crime offenders at the Supreme Court. Such serious offences are very costly but as gladly heard in the speeches of some members who have experience in these kinds of services including duty imposed on imported vehicles etc. This does not involve duty cars but legislations that regulates the various processes in the country involving the government or companies. The Office of the Ombudsman was also mentioned Mr Speaker...

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: I will give you the chance when the Minister is through. *(To the member of Faleata West who rose).*

Tofa Lealailepule Rimoni Aiafi: The Hon Minister is now on the matter that I raised if Legal Aid is appropriate.

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MR SPEAKER: Since the Minister is not yet over with her speech, if she overlooks anything then we will give the chance to the floor.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, the view seeks to query the referral of these matters to the Office of the Ombudsman. I thought the respective Minister that oversees this Office would respond nonetheless, I shall respond to this very false motive. The Office of the Ombudsman and the Law Society have different functions.

The Office of the Ombudsman seeks to respond to the requests of the individuals who's needs have not been met given the Government policies and the Ministry of Justice involving no legal framework. The Ombudsman's role is to investigate the roles or services carried out by the complainant seeking assistance from their office.

MR SPEAKER: I beg tolerance to the respectable member, let the chance be given to the Minister. If by chance you are not satisfied then you will be given the opportunity. The Minister is progressing with her response. I call the Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, the overall summary of views relates to the service requirement and seeing if necessary. Secondly, could other government sectors incorporate this service under the Legal Aid Section of the Ministry of Justice or the Ombudsman Office? The main intention behind these views is additional costs to the government and its investments. Mr Speaker, this is a good development to utilising government finance.

Mr Speaker, government policies states for equal individual rights regardless of where you are employed.

Similarly to the Ministry of Justice, legislations and justice does not fully provide human rights for this matter. That is the government's intention for this new establishment.

Mr Speaker, some have shown experiences for the services provided by the community centres. Although it exploits government funds, but in essence to partnerships with the lawyers this is another avenue to funding these services. It starts from the government but we also aim to earn funds from our partners and donors who are supporting this endeavor.

Mr Speaker, that is my answer to the first matters raised earlier. Yes, the service is required and no it cannot be provided by other government bodies which does not involve community services.

Another overall view is the impact of this new service to the business owners. Which business operators are we talking about here? We are talking about lawyers. Mr Speaker, this is another significant body in the bill, the Law Society consists of lawyers whom are also business people and human beings that provide service to the community.

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The bill does not intend to negatively impact any businesses given the idea that it will not overtake the service. No we will consult them to work collaboratively with us, share the load and support each other. For whom? For the general public.

Mr Speaker, it seems as if we are reading the definitions that are not inclusive in the bill hence we don't intend to impact the law firms operators for what's required is the support and assistance to achieve this attempt.

On to volunteers or people working free of charge according to the bill. We all understand the meaning of volunteer which is providing free service, with another provision in the bill that says, if appropriate to have some reward then it must go in hand with the proposed plans. This contradicts the meaning of volunteering work, rewards or payments.

In reality, the fees or charges mentioned in the bill, involves small costs to making photocopies, prints, pens and administrations costs. In essence, if a legal framework is stable on the basis of providing free service plus lawyers support otherwise if funding is required, the legislation will provide accordingly.

Another raising view is the organisation of sectors including the Law and Society Sector in response to this new Community Centre. This is one government initiative to intergrating the different government bodies holding similar functions and mandates. For instance, the Law and Society Sector is made up of the core group from the Ministry of Justice, the Ministry of Police, Attorney General Office, Law Commission and key agencies like PSC and the Ministry of Finance for funding distribution. These Board Committee of representatives from the following agencies and Ministries. The Steering Committees involve these various government sectors for the Law and Society Sector.

These sectors aims to execute government plans and initiatives starting from the past Parliamentary term up to the current one. The basis of these sectors is to further improve the various governmental bodies rather than having the Ministry followup which government agency deals with this and that.

Mr Speaker, that is the overall summary from all queries placing essence to equality for all under the law because if one cannot afford a lawyer then that is inequality. That is the gap we aim to achieve with regards to legal rights. Respectfully.

MR SPEAKER: Pardon the member we have some members who wish to speak. I call the member for Gagaemauga No. 2 followed by the member for Faleata West.

Tofa Levaopolo Talatonu: Thank you Mr Speaker, I think the Minister did not get my point. I also supported the bill. The only point I was after is the beginning as it seems to have similar roles and functions. It begins from within a division then we can relate to it by seeing the appropriateness of this service.

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This also relates to the Mediator that was initiated by the government that is quite ineffective given the public's high preference to the court. That is one submission to the Hon Lady Minister.

The Hon Minister has spoken about the Ombudsman Office that people refer their complaints to for assistance. Under the Community Law Centre if I am arrested and am dissatisfied with the reason behind my arrest, this is where I aim to seek assistance from pursuant to legal procedures.

That is the intention, in case these two are the same. The Ombudsman have the special experience in these matters. As spoken by the Hon Minister, this is where the lawyers come in which is appropriate. If there are no lawyers then the bill is clear...

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker a point of order.

MR SPEAKER: I get your view but let the Minister finish her response.

Afioga Hon FIAME NAOMI MATAAFA: Pardon the member, let not the member's view correct the Ombudsman's Office. The role of this new office or Centre is to assist the people with the offences they commit.

The Office of the Ombudsman seeks to find justice for the complainant to prepare a court case. The role of the Ombudsman is to investigate the normal procedures. Whereas the role of this new office is to assist the people with their offence. Your frequent rise should not delay this matter producing false concerns that is vastly different.

MR SPEAKER: Very well. The matter is now clear member for Gagaemauga No.2.

Tofa Levaopolo Talatonu: Thank you. These are our views but the decision is up to you. What the Hon Minister of Women said is that you should consider looking at the long run with regards to legal related matters. In query, is the Doctor of Law who is the Prime Minister not required?

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

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Mr Speaker, I wish to respond to the member. The announcement I gave is very clear, it concerns the lawyers of that side not ours, see the clear view that is wrongfully twisted by the member.

I have longfully looked at the member of Saleula, who is my friend, talking with the Leader and the Deputy Leader of the Opposition who has gunned me indirectly. With respect.

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MR SPEAKER: Lealailepule, you may conclude now the Minister has responded clearly.

Tofa Lealailepule Rimoni Aiafi: Thank you Hon Minister for elaborating this matter. As given before, the basis of this bill is to provide eligibility for the crime acts. Whats happening now is that the government is allocating the Legal Aida the amount of \$200,000.

When you go to the court, the judge will say find a lawyer for this girl or boy, the crime is too serious. This confuses me, if \$200,000 is allocated for the heavy offenders with a new set up centre or whatever we call we call it, I say it is a new Ministry. Now it is fully set up costing millions in value to operate it but light offences here. Serious crimes could not be taken there. Such is the recommendation, why not start off gradually with a small division like.... If it involves small services like consultations on light offences. As inappropriately given, \$200,000 is allocated to pay the service of lawyers engaged with heavy offenders however, this is a huge undertaking for this new proposed office. It is true that this exists abroad and is self funded without government assistance to donate to the lawyers time and their service. This new office comprises of a CEO, Assistant CEO, a lawyer and people to manage the office.

MR SPEAKER: Well, the member's view is well taken. I call the Minister to respond.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, the Standing Orders states for interjections on a point of order or point of clarification. I see that the members views are being clarified on top of these matters that is gradual given the high costs incurred seeing the appropriateness of this service Some suggests the establishment of this division within the Ministry of Justice. One of the main objectives of the Ministry of Justice is providing service for the Court. Providing service by investigating crimes and offences and assisting the offenders on the other hand is very contradictory.

These two should be independent of each other. Justice cannot be sought if these two are ambiguous. But have faith in us as we have the assistance of the Ministry the Law Society Sector that can extensively execute justice at the most appropriate level. Importantly, we have the existence of the legislation to guide us with our work regulated by the government.

MR SPEAKER: Well done. The Hon Minister Thank you. I believe the presentation by the Hon Minister is well defined. Hence bear with the Minister and the Ministry as your decisions bears resemblance to the work executed everyday in line with the law.

Motion approved and the Community Law Centre Bill 2014 was read a second time.

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Media Council Bill 2014
– second reading

MR SPEAKER: Pursuant to Standing Orders, the bill is now referred to the Justice, Police and Prisons and Land and Titles Committee and report back to the Legislative Assembly in a future sitting.

MEDIA COUNCIL BILL 2014
– second reading

MR SPEAKER: For Parliament's information, the first Reading for this bill on August 19/8/2014. I call upon the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That this short Media Council Bill 2014 be now read a second time and I wish to briefly elaborate it.*

Secinded by the Deputy Prime Minister / Hon Minister of Public Enterprises / Hon Minister of Women, Community and Social Development.

MR SPEAKER: I call upon the Hon Prime Minister for his elaboration.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Perhaps this bill should have been given 100 years ago. Roughly the initial consultation processes for this bill started 20 years ago before they gave it a rest. Now that it's produced hence the short meaning to the bill is Media Council or Samoa Media Society to incorporate a body to regulate the members of the media and their reports in compliance with its set guidelines and requirements. That is the short explanation with set guidelines to creating a Council with a Taskforce Committee and a Journalist Association with the terms of reference and ways to manage complaints as opposed to accuracy report writing and information provided.

Mr Speaker, this is one profession that employs the news reporters for the sake of the public. Regardless of where and how events occur, the media are engaged to reporting both local and international news for everyone's information.

Mr Speaker, this is a very critical profession for the benefit of everyone including the outside world. The main guideline of this profession is providing accurate information. We have witnessed the same doing with the international reporters for both the newspapers and television media. Despite media victims at wars and battles, they are known to be very passionate about their work. These reporters are brave warriors regardless of the difficulties they face, the main aim is to obtain real events and precise information sources not false reports. The members of the media are also recognizable businesslike people who seek wealth for their children by sharing stories to keep the people happy in this profession.

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Sometimes the business spirit would go off track from the set guidelines that blurs the true essence of the story with colorful thoughts of their own (reporters). In any newspaper content, there is a page column for personal views and thoughts. You can only get the facts by interviewing the implicated person. This means that if there was a conflict between three people involving Simi, Kokoaraisa and Fai'ai, you must interview all three of them before you produce your story based on the three interviewees. That is called a balanced report.

One of the tactics used by the media persons is that they would interview Simi first reporting a huge false statement that says, 'We failed to interview the other two.' The next consecutive days they would carry out the interviews for the other two producing three headings for three consecutive days when the story should've had one title. What is the motive behind this? Money – money is the cause of everything. Samoa as a small nation, has tons and loads of newspapers and radios. I am alarmed with the growing number of daily news. False stories produces hatred and conflicts amongst people especially when they are biased. This is a very sensitive issue for a small nation like Samoa. Why? Because we are related one way or another and once we get the report, some are happy and some are affected by the partisan story. Another effect is when the reporters are given a deadline by their boss, they immediately fill up their stories with lies that can negatively impact that public.

This is the rightful basis of this bill to avoid any disagreements. I once had an interview as a spokesperson for HRPP in the past. After the Cabinet meeting I would normally have a meeting with the reporters as a former Minister of Finance. Normally I would ask for the reporters' identities for the information of everyone and during one time, one of the reporters was afraid of giving his name. This particular reporter had longfully being sought by a family member for creating a brutal statement that had discredited this family. He was later discovered during our interview session. The reporter was a normal customer at RSA who did know about this family member. The family member then awaited the reporter at RSA, when the reporter got there, he said, "You've arrived? The reporter responded, "Yes". Let's buy some beer." They both received a bottle of beer and the family member said, "You know what, I really like your program last night, I have just found out that you are the one who wrote the false statement that affected my family. You are very uncaring. This is your revenge." He was then beaten up and was taken to fix metal braces for his teeth. That is the situation with these media reporters we are discussing.

Profesional writers are experts in this area and are excellent in selling their stories. Sometimes they can manouver you, "We heard that you are establishing a new party then you instantly tell the story for them to sell when it isn't true. That is what they are good at.

In 2001, a Cabinet Directive was approved to produce more stories for the media members to sell for them to earn a living.

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After the Cabinet directive, all news went through the government newspapers and radio station. Since 2001, the government has assisted the media group for them to receive accurate, reliable and detailed stories from Cabinet reports that cannot be twisted nor manipulated by anyone.

That is the overall objective of this Bill to assist the members of the media. The role of the Executive Committee is to investigate complaints filed mistakenly by reporters for them to reach a decision through this legislation. This Bill has been drafted long enough with the media group consultations in their belief that they have the freedom of expression that is inevitable. Hence whatever report they produce is unpreventable.

We have laid out some of the major cases involving false claims and allegations against this Parliament in the past. Exclusively, this had resulted to baseless statements written by reporters about the Prime Minister's statement in the House that was proven false. This is confirmed after searching Parliamentary Official Records. This reached the Court, hence I avow that whatever statements I give is what I wrote in here. Claims are allowed to see if the true statement was removed from the Parliamentary Records.

But do note that Parliamentary Records cannot be substituted. Once the member has spoken we have our audio recordings that are transcribed automatically in paper for members to check. The question by the judge pertains to the sitting in 1996. What time? What month was this case given? The answer is December. What day? The day was given. Did you record it? Yes, I recorded down in my log book. This same log is carried around by the reporter to note down your interview and facts to make a story. The question, so you have the log book? No. Where is the log book? It's been burnt. How? By fire. What month did it got burnt? The fire was in April. What year? 1996. Then the judge said. So the records are in December 1996 but your log book was burnt in April 1996 before December. That is the verdict, it confirmed the unjustified stories that defamed the Prime Minister. This matter seeks for human rights of the members of the media. That same right is sought at the court. This was one exclusive case that delayed the cases for the Supreme Court due to the referral of this case from the Appeal Court: subject to human rights matter in the Constitution, this matter should proceed with the Appeal Court instead of the Supreme Court. That is why it was referred to the Appeal Court, remarkably. Both parties submitted statements, and the thick decision was presented saying that, "there is no such thing as absolute right to freedom of expression where you can freely express your views." No one has that right under the constitution.

The Constitution states that, you heed your rights whenever you use it. Once your right impacts another person, you must prepare as much towels to wipe out your sweat when the case against you heats up. That is the decision by the court. The Prime Minister's right is affected due to insane right used given the court's decision to progress indicating that the case has reached its verdict.

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Mr Speaker, what I am trying to explain is the overexploit rights of the reporters, no one has the absolute freedom, you must be mindful incase your neighbor is affected and therefore you must prepare to absort all the suffering.

Mr Speaker, that is the basis of this Bill, to appropriately regulate the reporters' behavior in order to become profesional journalists.

A few months ago we received the world rank freedom of expression by country and Samoa was ranked 40th whilst America 45th hence, the freedom of expression we have is much better than America. Below 100 follows the rest of the Pacific island nations including New Zealand and Australia.

Therefore, Samoa is extraordinarily at a good rank compared to the other Pacific nations regarding freedom of expression.

Mr Speaker that is the entire statement on this Bill. Most people attempt to be hidden to rectify their reputation given unjustifiable arguments and information taking into consideration the huge issued discussed in the morning, engage with a private lawyer with an advance payment of \$30,000 that must be met first, paving way for the reporter to write stories that does not exist. But when you have a case, you can use the article page in the newspaper to tell the facts before the investigation is carried out by the Council with a decision to be made. Mr Speaker that is the entire basis of this Bill, so long and be blessed.

MR SPEAKER: Well done Leader of the Government. I guess...I shall give the chance as per normal procedure, I call the member for Falealupo.

Afioga Hon AEAU PENIAMINA LEVAISEETA: Mr Speaker and the House, I rise with ultimate respect to contribute to this very critical Bill particularly to the address of the Hon Prime Minister who owns this Bill as the Bill is relevantly significant to the central value of a democratic nation. The adress by the Hon Prime Minister states that this Bill regards human rights. The House has heard the various certified rights that is respectful and protected, thank you for the well said statement.

A query on human rights for any organisation, it seems that it could not...any organisation has the society professions with the main Council led by the Government or medical associations for example...now that we have JAWS given in the provision of the Act, but any Council such as the Journalism Association in New Zealand or any other country. The government manages these sort of societies when they are at fault. Then we have the Act on JAWS or the Journalist Council.

Such is given in this legislation together with the Society. I wanted to say this to the then President of JAWS who was with the Office of the Prime Minister which I am unsure if that paved way to the incorporation of these two associations. The freedom of expression is vitally important. I wish to ask as two of these associations will be managed by the government including the Media Society and the Media Council.

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Mr Speaker, if these two societies is managed by the government, we could say do not make further statements as both associations are under the government. Who is under the government and who is under the judiciary? If you are to lead from head to toes, what else can the others do? That is the question.

Mr Speaker, this can most likely cause...this will cause inaccurate information over factual events due to the solid jurisdiction of the Government, be cautious of your statements only or unless I give my consent, that is the concern.

These small things could ultimately rise which may lead us to a chaotic situation. “*E sili le puipuia nai lo le togafitia.*” “Prevention is better than cure.”

Mr Speaker, perhaps we have a mixture of feelings from the many views, but the main intention is that majority of the media will be threatened by their freedom of expression if the Authority have full power over these two. Give the people the rights to execute their tasks but do not hold on to them, Mr Speaker that is enough said. Thank you. Have a blessed meeting.

MR SPEAKER: Very well your view is well taken. Let the opportunity be given to...

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Mr Speaker, as the senior member is now questioning, perhaps the senior member is now in his 6th term but he failed one time, that is the translation of my statement, not failing from marriage but failing from the election.

I only wish to assist the freedom of expression that is solely emphasised by the elder member. If the member finds Article 13 or Clause 13 or the statement under the Constitution which says, “The person has the freedom to express his/her views”, then look at Clause 2, “there is none in Article A as you emphasize in your speech.” Clause 1 affects any proposed Bill or prevents the government from producing any new or proposed legislation. This is appropriately preventing the use of rights pursuant to the provision of that subsection for the country’s protection. If you look at the English translation it is stated clearly that:- “The Government is not binded by the law when issuing statement of any sort. That is the correction. With respect.

MR SPEAKER: Very well. I call the member for Aana Alofi No.3 followed by the member for Faleata West.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you for accepting me, thanks also to the Hon Prime Minister’s explanation on this Bill.

Mr Speaker I firstly support the establishment of the Media Council as such has not yet been set up yet to manage and scrutinize the work of journalists in the country not only individually but also the public in general.

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I believe JAWS should not be in this Bill as suggested by the previous member. This Bill should directly focus on overseeing the Council including other media outlets such as Associations like the Engineering Association, Lawyer Society and other professions other than this vital Council. Various sections pertaining to media council should be reviewed.

Firstly, the duties of this Council are funded by the Government. The Law Society Association, Engineer Association are all self funded. On the contrary the Media Council is government funded when it should be self funded.

The Media Council does not have a definition in the Bill. We should have a clear definition or interpretation of the term ‘Media’ and state what it comprises of, whether it includes reporters, television technicians or internet users. These should all be incorporated in the Bill to specifically define the kinds of persons involved in the media group.

Mr Speaker, another section is the penalty incurred from false information provided by the media members whether it involves a case between the media members, or giving a public apology or less than 50 penalty points. This should be considered as most of the....if this penalty is referred to a journalist it would reduce the quality of media service such as airing a live apology on television, hence this also calls for heavy penalties existing in other societies. Appropriate offences should be relooked into. Nonetheless this should also avoid unnecessary words uttered by the Hon Prime Minister as seen in past records.

Mr Speaker, on to Executive. As stipulated in the Bill, no less than five years term for a lawyer leader when taking over the leadership role for the Media Council. Practice within the Community Centre from 7 to 8 years is now down to five years, hence we should reconsider an appropriate term requirement of having a lawyer in the Council according to their expertise say equal to 8 years before it becomes a private practice. This should also apply to five other representatives in the Bill. Criteria and other eligibility requirements should be clear on selecting representatives from the media outlets. That is the assistance Mr Speaker.

MR SPEAKER: Well done. I call the member for Faasaleleaga No.2.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Thank you Mr Speaker for the chance. I guess the Prime Minister’s statement is clear about this very important Bill that relates to the Media group. I have submissions in essence to this Bill.

The basis is to provide trust to the Media group as this is one one main critical profession as stressed out by the Prime Minister that I too support. I think the reason behind the Media Council set up is due to some allegations involving some of the reporters..

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The same trust we must give the Law Society is now prioritized to the Media Council considering complaints that comes with...code of practice prepared by the media. These complaints is measured upon their code of practice. Hence the media is well aware of this as they created them.

The main motive is that this Council's Executive Committee involving the President and the Vice President and reigning members who must reassess these matters beforehand like the recent Lawyers Bill where all complaints are submitted to the Law Society Sector for their decision. That is the basis behind this Bill, it seems that the Media Council is brought first before Society. But the service and investigations must be provided by them.

The recent Lawyers Bill states that the Society cannot afford to execute and make decisions by setting up another new body. The role is important. Give a public notice for the public's sake with limitations, the Society and the Committee should look at it first before the complaint is given.

Secondly, we have 11 members in the Media Council. We have 6 non media people and 5 from the media. This includes members from the village community. In query...for example, if a meeting is conducted with a quorum line involving few members of the media group to majority of the the village community making the decision which is inappropriate. That is something to think about. Even with complainants investigations, findings must be adequate in order to reach the best appropriate decision.

These roles and processes will be funded by the government as truthfully, other societies cannot be funded by the government whilst this particular Society will be government funded. That is the view to saving costs.

That is the contribution to this Bill.

MR SPEAKER: Thank you. I call the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you for the chance, sincerest thanks to the Hon Prime Minister for this Bill.

Any freedom of speech has its limits. Freedom cannot be remain freely but should have control. Seriously, we are not withholding our views but freedom of expression. The discussing matter is just what I need on top of this jovial mood. When I came this morning, the Leader of the Opposition and other members were laughing at me, "Why do you still attend the meeting when your chief title has been removed?" I asked them who removed it, and they said, "It was on the news last night and it was in the newspaper, the official statement affirms that your chief title has been omitted."

Remarkably, I am speaking about irresponsible reporting. It has a great impact but since I am a forgiving person who thrive to challenges, hence I do not worry. But the TV crew should have contacted me earlier for the decision of the Lands and Titles Court to confirm these reports before the news was broadcasted.

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Because it is not right for someone to roam around the town area and report the removal of one's chiefly identity or Lafai's. They willfully reported this on television and in the newspaper. I have just spoken with the member for Faasaleleaga No.2...

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: I wish to ask the Speaker...

MR SPEAKER: Pardon the member...

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Do you mean to say that the reporter who made the news is an idler?

Tofa LEALAILLEPULE RIMONI: He is both an idler and is sick.

MR SPEAKER: I advise the member. The reason why I gave you the chance...we are now about to know the person who planned this, according to the warrant in the Standing Orders particularly the rights of those who cannot answer during our proceedings.

Member for Faleata West, you have the wise counseling on this. Internal affairs is between you and your district. *'E fofo lava e le alamea le alamea'*, but since we have reached our adjourned time. I wish to extend sincere appreciation to the dignified House this part of the day. We shall resume when we return again tomorrow.

Essentially we have adequate submissions today. We have passed the third and second readings to most of the Bills. We have also reviewed the current Bill on the Media Council that enjoys closer ties with both the Prime Minister and the Leader of the Opposition. The same to the Deputy Leader of the Opposition who likes the media when they are dissatisfied with the matters given in the House. Hence thank you for your invaluable contribution. I also convey deepest gratitude to the heads of the Ministries and Corporations. I wish to remind all that today is our photo session for future Parliamentary records. Some of the passing members haven't been able to include their photos. We have an official photo arranged for today including the entire Parliament before we have the Leader of the Government and the Cabinet, followed by the Leader of the Opposition and the Parliamentary Committees.

The plea is for all members to bear with us and today's photo shooting including photos for the Chairpersons and Committees beginning from the Standing Orders Committee that includes myself and the Leader of the Government and other members, Privileges and Ethics Committee, Finance and Expenditure Committee, Health Committee, Trade and Foreign Affairs.

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The Community and Social Development Committee, Education, Science and Communication and Information Technology Committee, Justice, Police and Prisons Committee, Primary Production Committee, Government Administration Committee, Works, Transport and Environment Committee, Foreign Affairs and Trade Committee, Regulations Committee and the Parliamentary Associations Committee.

The essence is for Parliamentary Records to remind us all of your collective efforts during this Parliamentary term.

We shall end today's meeting with a prayer by the member for Falelatai and Samatau, the laying preacher, wrap us up with a prayer before we break.

Proceedings of the Legislative Assembly was adjourned at 1:02 pm until 9:00 am on Thursday, 23 October 2014.