

WEDNESDAY, 27<sup>TH</sup> MARCH 2013

*Mr Speaker took the Chair at 9.00am.*

Prayers.

MR SPEAKER: I now declare that the proceedings of the Legislative Assembly has now resumed. With respect I welcome the dignity of this House this morning and I am grateful for your dedication to proceed with our business today. The traditional set up of the House is unchangeable so I will not address it as they are from the beginning until the end.

The Chair is not oblivious of the support of Samoa and their prayers offered for the success of our Parliament. I acknowledge your patience in continuing with our business from yesterday through to today as well as the observation of this Holy week. We therefore hope for a short session today. I am grateful for your wisdom and views expressed on the Bills tabled. We have completed the first and second readings of the Bills and your views and comments have been made therefore the Chair believes everything is now understandable and today we will continue with the consideration in detail. The Chair requests that you direct your views to the various parts of the Bill for understanding to save time. Our Standing Orders are clear regarding the consideration in detail of a proposed Bill and a member may direct a query to a specific part of the Bill considered. That is a reminder from the Chair but for now we will proceed with our normal business.

#### PRESENTATION OF SELECT COMMITTEES REPORTS

*The Clerk read out the Select Committees Reports presented pursuant to S.O 51(5).*

1. P.P. 2012/2013 No. 94, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2011/2012 No. 66, Report of Operations and Statement of Accounts of the Samoa Senior Citizens Benefit Fund 2010/2011 and P.P. 2012/2013 No. 59, Samoa Senior Citizens Benefit Fund Report of Operations and Statement of Accounts 2011/2012.

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Presentation of Select Committees Reports

2. P.P. 2012/2013 No. 95, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2011/2012 No. 94, Ministry of Health Annual Report for the Financial Year 2009-2010.
3. P.P. 2012/2013 No. 96, Report of the Health and Social Services, Internal Affairs and Community and Social Development Committee on P.P. 2011/2012 No. 64, National Provident Fund Annual Report for the Year 2011.

CANINE CONTROL BILL 2013 – second reading debate  
continued from 26/03/2013

MR SPEAKER: The Legislative Assembly adjourned yesterday during the second reading debate of the Canine Control Bill 2013 for that...

I call on the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II (Leader of the Opposition): Mr Speaker with respect, I wanted to comment on this Bill yesterday.

MR SPEAKER: The Chair is aware that this would be the last member to comment on the Bill. I call on the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: Thank you for the opportunity Mr Speaker. It is with all due respect that I rise to comment on this proposed Bill. You have offered our vote of thanks to our Master and we praise Him always for guiding us to this new day.

I congratulate the Hon Minister of Police and Prisons for the Bill and I will try to give thought provoking ideas for you and the government.

I assumed that priority would be given to amend the Act in regards to people who sell their goods but are in need of a permit or business license from the ministry.....

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

Tofa Hon Fonotoe Nuafesili Pierre Laufo (Deputy Prime Minister): A point of order Mr Speaker. The government considers the issues raised by the Leader of the Opposition and there is no reason to lie as the government is considering ways to amend and improve that law. I ask that you direct your views to the canine bill with due respect.

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

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Afioga Hon PALUSALUE FAAPO II: Mr Speaker that was my introduction to begin commenting on the Canine Bill. The Hon Deputy Prime Minister was too quick in interrupting but I am about to comment on the proposed law.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: Mr Speaker, he is talking about street vendors instead of canines and that is a point of order.

Afioga Hon PALUSALUE FAAPO II: It was an opinion Mr Speaker because the problem still exists. Referring to the slaughtering of canines.....

MR SPEAKER: It is taifau (canine) not Tiafau.

Afioga Hon PALUSALUE FAAPO II: This is what happens when we are interrupted at the beginning.

MR SPEAKER: That is the reason why I advised you to direct your views to the issue at hand. You are confusing tiafau (land) with taifau (canine). I call on the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker the Bill indicates that the more canines there are the more problems there will be. I have witnessed that the problem with canines lies in the urban area not the rural area as is proposed in this Bill. A law was passed in the last parliamentary term authorizing the police to put down stray dogs that may pose a threat to the safety of tourists and the public. So the question Hon Minister by way of Mr Speaker, where is that Act? The introduction of this Bill will also add more financial burden on the government because of the Boards and employees that will be added to implement the bill. Financial needs will increase with the bill but the income has not increased but will be used to pay for these additional services.

In my opinion, the proposed law is invalid as we already passed a law empowering police officers to destroy canines. As I said earlier Mr Speaker, the rural villages do not have problems with canines; we all know of their importance to our families however, this Bill will add another financial burden on people to register their canines. Can you see that another burden will be put on the people while they are struggling with the high cost of living?

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: A point of order Mr Speaker.

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We took into account the other Act mentioned by the Leader of the Opposition but this Bill proposes to repeal the 1955 Ordinance and to control and deal with the problem of stray canines because of the many changes experienced nowadays. Tourists' destinations in the rural areas as well as Savaii are being overrun with hungry, disease-ridden stray dogs.

A person who feeds and trains their canine has nothing to worry about and they will only need to register their canine. The Bill provides for dog owners to train their dogs and be responsible for them instead of abandoning them to reproduce thus increasing the number of strays posing a threat to our people and tourists.

The reality is Mr Speaker that tourists do not want to visit us because of our canine problem. We have read newspaper articles and on the internet of tourists afraid to visit Samoa because of experiences of other tourists with stray dogs. These dogs have no families to care for them and they roam around looking sickly and the bill attempts to minimize this issue.

Canines will be registered annually also for the purpose of medical checks but if it were every 3 to 10 years that dog would probably have been stray by that time. The cost of registration has not yet been set and will be in the Regulation but I believe the government will be considerate in that regard. The Bill does not propose to eradicate the canine species from the country but rather to control the number of stray dogs and well cared for dogs will not be affected. Mr Speaker we are aware that police officers have other important duties so it is appropriate to set up a committee to monitor the canine control programs. Canine control officers will work with the village councils to protect the canines. This is important because tourists visit these villages and the stray dogs are a nuisance to the tourists who are needed to generate money for our economy. That is the correction to the comment by the Leader of the Opposition Party.

**MR SPEAKER:** I thank the Deputy Prime Minister for the clarification.

I beg indulgence from the Leader, but in order to save your time I give the opportunity to the government as they are responsible for the Bill for clarification to avoid further queries.

**Afioga Hon PALUSALUE FAAPO II:** Mr Speaker I understand the remarks by the Deputy Prime Minister but as I said we already have an Act concerning stray dogs and now this bill.

**MR SPEAKER:** I appease the Leader of the Opposition I grant the opportunity to the Hon Minister of Health who deals with diseases. I call on the Hon Minister.

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Afioga Hon Tuitama Talalelei Tuitama (Minister for Health): Mr Speaker I rise to comment on the statement by the member that Samoa is not spending money on canines. The truth is, Samoa spends a lot of money on treating people attacked by canines. This is why the number of strays should be controlled because although we are not affected by diseases from dogs saliva there is the risk of rabies that can be spread when attacked by an affected canine. Rabies affects a dog mentally making them aggressive and if a person is affected treatment is extensive and it may sometimes result in death. This is why tourists hesitate to visit us because they are well aware of the consequences of the disease. In regards to the health of our country, this is a very important issue with all due respect.

MR SPEAKER: Thank you for your help Hon Minister of Health. I call on the honorable member to resume.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I support the Hon Minister's explanation regarding diseases but what has become of the Act which authorizes police officers to destroy stray canines in the Apia area because I believe the rural villages are not affected by this issue. How many canines have the police destroyed? The fact of the matter is that canines outnumber tourists but why do we not implement and enforce that Act? We have this Bill but we have not yet enforced the other Act.

MR SPEAKER: I appease the Leader of the Opposition, I grant the opportunity to the Deputy Prime Minister to clarify on the Bill.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: Mr Speaker, keep in mind that all Acts are interrelated and as I said earlier this Bill repeals the Dog Registration and Control Ordinance. You stated that canines outnumber tourists and tourists are afraid to come because of the stray dogs.

Afioga Hon PALUSALUE FAAPO II: That is disrespectful. I am referring to an Act passed in the last parliamentary term of which we were all present. The reason for the increase in stray canines is because that Act is not being enforced by the Police.

MR SPEAKER: I appease the member I give the opportunity to the Hon Minister of Police and Prison.

Afioga Hon Sala Fata Pinati (Minister for Police and Prisons): I thank the Leader of Opposition. Rabies is not the purpose of this morning but the increase in canines.

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Police Officers are employing a humane approach using tranquilizers and putting them down in an isolated location in the best interest of the canine, the people and tourists. This is not to be done in a public place. Thank you.

Tofa Hon Tolofuaivalelei Falemoe Leiataua (Minister for Women, Community and Social Development): Mr Speaker in order to save the Leader's time, I wish to assist on the matter.

MR SPEAKER: I beg indulgence of the Leader of the Opposition. I give the opportunity to the Hon Minister of Women Community and Social Development who is involved in the protection of canines. I call on the Hon Minister.

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Thank you, Mr Speaker and members of the parliament. I rise to help the Leader of the Opposition who is trying to ask why... The 1955 Ordinance which was enacted before we gained independence will be repealed by this Bill. The problem of stray canines and on heat was not included in the Ordinance. Contrary to what the member says, the problem of stray dogs is very common in the rural villages. With this Bill, they can be destroyed by canine control officers because stray female canines can breed with the absence of de-sexing or any means of birth control. It is very shocking to see a canine on heat during a village council meeting. That is my assistance to the Leader to gain some knowledge on the issue; with respect.

MR SPEAKER: Thank you. I believe the Leader of the Opposition has understood therefore I request that you...

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I am awaiting for any other Minister who wishes to comment to save my time.

MR SPEAKER: We must take note of your concern but if you are to pursue this issue I will share a true tale. I travelled to New Zealand recently and an Asian looking man was sitting next to me with bandaged limbs and I asked him what happened. He explained the incident which was also published in the newspapers which happened at Siumu, with his words "I will never come back". His wife and 3 children left before him as he was admitted for treatment at the hospital. I did not want to tell him who I was because I was ashamed and felt sympathy for him. About four or five dogs attacked him while going for a beach run at the hotel he was staying at and I apologize for mentioning this particular hotel...

Tofa Hon Tuuu Anasii Leota (Siumu): Mr Speaker.....

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MR SPEAKER: I call on the honorable member.

Tofa Hon Tuuu Anasii Leota: Because my constituency is mentioned; keep in mind that some dogs come from Safata and Falealili and head towards Siumu with respect.

MR SPEAKER: My apologies to the honorable member. The Speaker cannot make false statements and there are records of such an event. It may seem hilarious but it is a fact. Therefore I make known to the Leader of the Opposition that it is not only the urban area but the whole country which is affected. I deem the clarifications from the Deputy Prime Minister as well as other Ministers as relevant and appropriate.

I ask that you make it brief. I give the opportunity to the Minister of Police responsible for the Bill then you may conclude your remarks.

Afioga Hon Sala Fata Pinati: Thank you. It is bad luck to explain an issue constantly but it must be done for the information of the Cabinet, all the members and Samoa tuning in. I have just received a note from the AG stating that unless police officers obtain a court order then they can destroy canines with all due respect.

MR SPEAKER: Thank you. I call on the honorable member to conclude.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker the Act I mentioned has just been contradicted. There was no such provision for a canine to be destroyed with a court order. The only purpose of that Act was to reduce the number of stray canines. I am trying to say that there is already an Act to deal with the issue of stray canines. The Minister for Women Community and Social Development interrupted before I could finish but the truth is that when a female dog is on heat, I cannot withhold her and the Hon Minister must be aware of that.

Therefore if it pleases the Chair I request with all due respect, that this Bill be withdrawn to be reviewed because I believe the problem can be solved with the Act already passed.

Tofa Hon Fonotoe Nuafesili Pierre Laufo: Mr Speaker.....

MR SPEAKER: Deputy Prime Minister.

Tofa Hon Fonotoe Nuafesili Pierre Laufo: Negotiations were made with all the sectors involved in this issue. All the aspects of safety and protection have been covered completely. As for the request by the Leader of the Opposition to withdraw the Bill, this cannot be done now or in the future because of the need to safeguard the people and that is my response Mr Speaker.

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MR SPEAKER: I call on the Leader of the Opposition as your time is finished.

Afioga Hon PALUSALUE FAAPO II: I am requesting on behalf of this side because of the reasons given and canines are useful to protect our families. Mr Speaker this is your time to make things right. If you think that the advice is worthwhile; withdraw the Bill.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: I do not know where the Leader of the Opposition was listening when I gave the clarification earlier. A canine that is well fed and trained will not be affected but it must be registered to identify its owner and for the Ministry's records. There is nothing wrong with this bill.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I wish to respond. The problem is the costs which will be expensive for our government and the country to register their canines.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: What costs? The registration fees will be provided for under the regulations and the government is able to make the costs affordable; that is how we do our work.

MR SPEAKER: I need to give the opportunity to the Hon Minister responsible for the Bill.  
I call on the Hon Minister of Police and Prisons.

Afioga Hon Sala Fata Pinati: Thank you. This will be my last opportunity. For the information of the Leader of the Opposition, the Regulation will set the license costs and there has not been a set fee yet so if it is .50cents, what can we do about it? You claim that it will be costly but you are counting the eggs before they hatch. Common sense is exercised when making decisions. Thank you.

MR SPEAKER: Before I give the last opportunity to another member the Chair would like to remind you all that I am full of respect for our meeting but if you do not consider this then I ask that you do so. I have asked the Leader three times to be mindful of the time limit for his speech. This House is an example for our future and we must abide by our Standing Orders. I am trying to ensure that the opportunity is given to clarify an issue. Whatever comments and recommendations you make on the Bills tabled in the House, through the democratic system of voting, the government will always win. I therefore ask that you heed the request from the Chair as the country is listening in. We must keep our integrity and traditional values as we proceed with our meeting.



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I grant this last opportunity to one of the members for Salega to comment on the Bill. I call on Afioga Afualo Wood Uti Salele.

Afioga AFUALO WOOD UTI SALELE (Salega): Thank you, Mr Speaker for this opportunity. I will direct my views to the Bill before the House.

In my opinion, the Bill seeks to destroy the relationship between a dog and its master as is it said that a dog is a man's best friend not only here but across the world. The implementation of developments will be at the expense of this relationship and it is as the saying "e manao ile ufi ae fefe ile papa" (the man needs the yams but is afraid of the rocks).

I see that the Bill presumes that dogs are useless thus the need for control, totally disregarding the use of a dog to those with special needs. These Seeing Eye dogs should be protected under this bill to strengthen the relationship between the owner and the canine.

I suggest that a device similar to the breathalyzers be used to detect when a canine is on heat because there are no warning signs and no matter how high your fence is, a dog will jump over it to fulfill its natural instincts. The bill should not only consider the owner but also animal rights and we need to work together to ensure that dogs are de-wormed and de-sexed to prevent other problems from arising. Stray canines are a problem because it has not been addressed thoroughly in any Act but now the issue can be addressed and canines can be registered.

As a whole, the bill also employs the assistance of the village council which has a firm hand in village affairs but the reality is that they also know the importance of a dog to protect a family's assets. When police investigate a burglary, they ask the family if they have any dogs. This relationship should also be protected and as the dog protects the owner, so must the owner care for the dog. Stray dogs are a result of being abandoned by their masters. The bill also needs to take in account the owners that abandon their dogs and a canine clinic should be established to care for abandoned dogs to be nursed back to good health. I notice that the main problem is that dogs are not fed and there should also be a shelter where unable owners can take their dogs. I assume the Minister of Health will gladly assist with medications needed.

I have seen dogs being discarded inhumanely and we should consider humane methods of putting down these dogs and at the same time being mindful of the canine control officer who will be carrying out this task because this is similar to taking a person's life and it can have mental effects.

Overall, I thank the Hon Minister because this is an issue that we are all trying to solve. Our advice is needed to ensure that the bill is supported for the purpose of tourism development.

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Moreover, this Bill guarantees that the owners are taking full responsibilities for their dogs. Thank you again for the opportunity.

MR SPEAKER: I thank the member for his contribution. I beg indulgence from one of the members for Aana Alofi No. 1. I give the opportunity to the member for Gagaemauga No.2 followed by the member for Gagaifomauga No.1.

Tofa LEVAOPOLO TALATONU (Gagaemauga No.2): Thank you, Mr Speaker for the opportunity. I will be brief and I am grateful for the Bill. As I go through the Bill many questions arise that need answers from the government. The bill also needs to be explained in itself. The Hon Minister has stated that the Regulation will provide for penalties and fees. I would like to understand what methods will be used to destroy a canine? The concern is that we are commenting on the bill, but 80% of the implementation of this bill will not reach this Parliament for consideration. Therefore I support the Leader of the Opposition to withdraw this bill Hon Minister and table it together with its Regulation for the understanding of the country and the members.

MR SPEAKER: I appease the member taking the floor I grant the opportunity to the Deputy Prime Minister for the clarification.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: Mr Speaker. This Bill is no different from the others. The Principal Act is tabled first, followed by the regulation to be determined later; the two are not tabled together. The regulation is drafted by the Ministry.

MR SPEAKER: I call on the member to resume.

Tofa LEVAOPOLO TALATONU: Thank you Deputy Prime Minister. Perhaps you do not fully understand my point, when we talk about charges, it will include villages.....

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

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: Hon Speaker, the member understands. How can he talk about charges when there is none mentioned? That will be drafted later in the regulations.

MR SPEAKER: I beg indulgence from the member I need to give the opportunity to the Hon Minister. I call on the Minister for Police and Prison.

Afioga Hon Sala Fata Pinati: Thank you, Mr Speaker for giving opportunities to the members to voice their opinions.

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The question regarding penalties is very important. The Bill does not identify any fixed fees. There will be a time when these fees will be made known and I believe that it will not be too much of a burden on the people. This House is responsible for passing laws at the same time being mindful of the people. This bill does not intend to harm families but to protect them in regards to stray canines. In almost every part of the town area, dogs are seen practicing the acts of Sodom and Gomorrah and I say this because these inappropriate sexual acts are done in public. A dog however is unaware that what it is doing is wrong because they lack any common sense and that is my response to this issue.

MR SPEAKER: Thank you. I remind the House that we have a Regulation Review Committee chaired by the member for Aleipata Itupa I Lalo which will review the Regulations after we pass this Principal Act. Your concerns and recommendations not addressed in the Principal Act can be mentioned when the committee sits.

That is the clarification for the member, the procedures for our Bills are clear. I call on the member to resume.

Tofa LEVAOPOLO TALATONU: Thank you Mr Speaker. You are right. We have Regulations as stated by the Hon Minister and Deputy Prime Minister. My concern is that the Bill will regulate the registration of canines and I want to know how much the registration fees will be and so forth. As per usual Mr Speaker, after an Act is passed it will be implemented with its Regulation that will only be reviewed by the House after 5 years.

This is the same process done with other bills but this is the only bill that is being considered this way.

This is why I recommended that it is appropriate to have the Bill and its Regulations tabled together because this bill only covers 40% of its implementation but the rest is provided for in the Regulation which will be enforced first and reviewed by the House 5 years later.

MR SPEAKER: I appease the member I grant the opportunity to the Deputy Prime Minister.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo: Point of order Mr Speaker. The entirety of the Bill is within the Bill itself. The Regulation only regulates and implements the Bill.

MR SPEAKER: I would like to again assist the honorable member. This is the second time the clarification will be made. We cannot obtain the set figures until the Committee has reviewed its contents and this Bill is not different from the others.

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A bill is not implemented straight after its enactment; there are policies, regulations and also the committee reviews as I stated before. I ask the honorable member to be mindful of the time and proceed on other matters. The Hon Minister understands your concern.

Please resume member for Saleaula.

Tofa LEVAOPOLO TALATONU: Thank you. I speak with all due respect.

MR SPEAKER: I appease the member while I give the opportunity to the Hon Minister of Health.

Afioga Hon Tuitama Talalelei Tuitama: I remind the member of the Regulation Review Committee I used to Chair. This Committee analyses the Regulation if it is in line with the intention of the Principal Act and if it is not, the Regulation is repealed and sent back for corrections.

That is my assistance to the concern on Regulation. The Parliament also has the authority to review a regulation with all due respect.

MR SPEAKER: Thank you Hon Minister of Health. I call on the member to conclude your remarks.

Tofa LEVAOPOLO TALATONU: With all due respect, Mr Speaker. A Regulation is tabled in the House but you are aware Mr Speaker that the implementation of the work is done before the Regulation is tabled. For example, if this Bill is passed, the Ministry will fix their charges in the Regulation and if it is \$500 then it will be \$500 similar to the LTA bill. If we pass the bill regarding charges of.....

MR SPEAKER: I beg indulgence from the member, I give the opportunity to the Hon Minister of Communication and Information Technology followed by the Deputy Prime Minister. Your concern on charges is clear.

I call on the Hon Minister to take the floor.

Afioga Hon Tuisugaletaua Sofara Aveau (Minister of Communication and Information Technology): Thank you for the opportunity.

First, the member gave an example and I have to remind the member that you we all own canines. Therefore if you pay \$500, we will also pay the same amount.

Second, your personal view on the process of our bills is inaccurate. The Principal Act must be tabled, and then the responsible Minister will draft the regulation. That is the normal procedure and we do not seek to do what you wish. The parliament has its own procedures to be followed.

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MR SPEAKER: In the best interest of the honorable member's time, I grant the opportunity to the Deputy Prime Minister.

I call on the Hon Deputy Prime Minister.

Tofa Hon Fonotoe Nuafesili Lauofo: Mr Speaker I support the view of the Hon Minister of Communication and Information Technology. It appears the member is confused about our responsibilities. The Parliament deals with the Principal Act and the Executive is responsible for the Regulations. The Executive then refers the Regulation to the Regulation Review Committee before tabling in the parliament for consideration. Administrative matters are included in the Regulation.

MR SPEAKER: Thank you. The Chair again offers advice as the member's concern has been clarified. The Hon Minister and the former chairman of the Regulation Review Committee have commented. Standing Order 178 identifies the functions of the Regulation Committee.

I recommend that you move onto another issue as your time is almost finished and the Chair is aware that the honorable ministers have replied to your query.

I call on the member for Gagaemauga No. 2 to conclude your remarks.

Tofa LEVAOPOLO TALATONU: Thank you, I am almost done. First, I remind the Hon Minister that it is my responsibility as an elected member for my constituency to comment on any Bill tabled in the House. I contribute on a proposed law for the benefit of our country.

Second Mr Speaker, the Deputy Prime Minister stated that the Executive is responsible for the Regulation, what does that mean? This House is the only place to endorse laws before they are implemented. It is becoming common practice for the government to execute a Regulation before it has been passed in this Parliament. Thank you for the opportunity, I am done.

MR SPEAKER: I would like to...member for Gagaemauga No. 2 that is not happening. All bills have Principal Acts. Our Standing Orders also provides for a Bill or Regulation to be referred to a parliamentary committee. You are correct that you are here as a representative of your constituency but your comments must be in accordance with our procedures to avoid contradiction.

I now call on one of the members for Aana Alofi No. 1, Afioga Leaupepe Toleafoa Apulu Faafisi.

Afioga Hon Palusalua Faapo II: Mr Speaker a point of clarification.

MR SPEAKER: What do you wish to clarify Leader of the Opposition?

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Afioga Hon Palusalue Faapo II: The honorable member is concerned about the cost on the country. What will be the point when it is already in effect? What is the total cost on the country.....

MR SPEAKER: I appease the Leader of the Opposition that is not discussed now. Do you not understand that we must first establish a Principal Act then other further provisions will be added in the Regulations after review? The Ministries and everyone responsible for the bill are not being careless in handling this bill.

I now call on one of the members for Aana Alofi No.1; Afioga Hon Leaupepe Toleafoa Apulu Faafisi.

Afioga Hon Faumuina Tiatia Faaolatane Liuga (Minister for Finance): Mr Speaker.....

MR SPEAKER: I apologize. I give the opportunity to the Hon Minister of Finance followed by the Minister for Agriculture.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker, perhaps the Leader of the Opposition has forgotten that he signed the Regulation to increase the vehicle costs while he was the Minister of Transportation. If he is against the current policy, why did he sign the Regulation?

MR SPEAKER: I call on the Hon Minister for Agriculture.

Afioga Hon Le Mamea Ropati (Minister for Agriculture, Fisheries and Agriculture Store): Thank you for the opportunity. I apologize to one of the members for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi. I have listened attentively to the issue at hand that we have spent time considering. We are prioritizing dog's rights but what about the rights of a young child chicken, a pig or a sheep attacked on the street?

The government sheep farm at Togitogiga was attacked by stray dogs and more than ten sheep were killed even calves. How about the rights of other animals and people? A canine always attacks those who are weaker and more vulnerable like children because adults can defend themselves. This bill is similar to those used overseas and there are no stray dogs. Dogs on leashes are only seen when they are being walked by their owners. I remind you to be mindful of our time and of other animal's rights as well. Dr Wood recommended that we should be considerate of canine's rights but we do not eat dog's meat.

Afioga Hon Palusalue Faapo II: Mr Speaker the Hon Minister of Finance has made his comments.

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MR SPEAKER: I am surprised that you paid attention to the comments by the Hon Minister.

Afioga Hon Palusalue Faapo II: These comments would mislead the country listening in. When I signed it, it was cheaper while we were driving on the left side. The government then claimed the road switch would be much cheaper. To the contrary, it is more expensive and the roads are still in bad condition.

As for the remarks by the Hon Minister of Agriculture, the people are the priority Mr Speaker. Their rights to register their canines and you are right on other's rights as mentioned with respect.

MR SPEAKER: I call on the Hon Minister of Communication and Information Technology.

Afioga Hon Tuisugaletau Sofara Aveau: I interrupt Mr Speaker to comment on the Leader of the Oppositions remarks. Cars are much cheaper now since the road switch. Thank you.

Afioga Hon Palusalue Faapo II: Yes cars are cheaper but the registration costs are more expensive.

MR SPEAKER: Your point has been made Leader of the Opposition. I appease the Hon Minister of Finance, whether the fees are cheaper or not, the House is aware that you signed the Regulation.

Now I call one of the members for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI (Aana Alofi No. 1): Thank you for the opportunity to comment. I was not keen this morning on making a comment on this bill because it is about dogs and I assumed it would proceed smoothly. However I notice that we have spent this whole morning discussing it. I am uncomfortable commenting on this issue but we are all aware of the importance of dogs. I fully support this Bill because the canine population is increasing and families can no longer afford to care for them. I was touched by the views of the Leader of the Opposition and his side and perhaps Samoa shares the same notion.

If the bill passes, I am more concerned about the registration fees and the fact that dogs will be destroyed. I wonder if the government has considered using dog's meat for other purposes. It may seem hilarious but Samoans have raised pigs and cows now we have sheep but they are never destroyed if they increase in number. Instead of spending more money on this proposal we should consider other means to earn money.

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MR SPEAKER: I appease the member I give the opportunity to the interruption from the Hon Minister of Finance.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker I fully support the view as there is no difference between pork meat and dog's meat. In Asia, dog meat is preferred during winter because it provides more warmth than other meat therefore I support the honorable member's point.

Tofa Levaopolo Talatonu: Mr Speaker point of clarification. I also support the idea and it is better to experiment using that side as our Side and the country has not tasted it.

MR SPEAKER: The example was a recommendation but that does not mean we will proceed to consume it. I call on the member to continue and do not to respond to the members' interruptions.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: I appreciate the point of the Hon Minister of Finance but not the irrelevant comments from that side of the House. My apologies to the honorable members it is my own view. If canine registrations will be costly we need to save money for instance; overseas countries have dog races. It would eliminate the problem of stray canines as people will care for their pets entering these competitions. Moreover we can also export canned canines. These are thought provoking ideas to consider all possibilities.

MR SPEAKER: I beg leniency from the member I give the opportunity to the Deputy Prime Minister.

Tofa Hon Fonotoe Nuafesili Pierre Laufofo: Mr Speaker, the remarks are wonderful and the member for Aana Alofi No. 1, Afioga Leaupepe Toleafoa Apulu Faafisi is right. I am hesitant though of foodstuffs sold in stores. It was televised not long ago that steaks that were sold in Europe were confirmed after investigation to be horse meat. Therefore, we need to be alert when trading because we never know if we are getting the correct food products that are imported from other countries.

MR SPEAKER: Thank you. I call on the member to resume. Apologies, I call on the Hon Minister of Communication and Information Technology to be followed by the member.



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Afioga Hon Tuisugaletaua Sofara Aveau: Mr Speaker I would like to assist on the issues expressed by the honorable member as well as the Deputy Prime Minister. These issues will be addressed in the Regulation for our consideration with all due respect.

MR SPEAKER: I appease the member in the interest of time I give the opportunity – is it an interruption or clarification member for Aiga ile Tai?

Afioga Ifopo Matia Filisi (Aiga ile Tai): I want to assist with the issue please.

MR SPEAKER: I call on – let us hear the contribution from the Reverend.

Afioga Ifopo Matia Filisi: Thank you for the opportunity Mr Speaker. I rise to convey my support for this Bill. Our ancestors considered this issue long ago and on the island of Manono, we have only had four dogs. I am therefore not bothered by the issue and we should have forecasted that this issue would arise. God bless this meeting. Thank you.

MR SPEAKER: I call on the member for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi to continue.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: I thank the members who supported the Bill. If the member for Aiga i le Tai had whispered to me that there were no dogs on Manono, it would have saved his time. I had these ideas because we have spent too much time on this issue and farming other livestock is more expensive than processing dog meat. This is what I meant when I said that if one idea is costly, we should consider other possibilities to earn money for our country.

Moreover instead of exporting canine products it can be used as fertilizer or animal feed for chickens or pigs. With respect, thank you.

MR SPEAKER: Thank you. I think we must recommend that the Hon Minister of Natural Resources and Environment and SROS carry out a research on this matter and report back to our House. Thank you.

I now call on the member for Gagaifomauga No. 1. The floor is available for your contribution.

Tofa TUILOA ANETELEA (Gagaifomauga No. 1): Thank you. We have spent the whole day talking about dogs. In my own opinion, this is an issue for the village councils not the government. I have already advised our village council to destroy the species. Villages can solve this problem we have spent two days discussing to no avail.

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I support this Bill, but we must ask ourselves why Noah saved dogs in the ark. The reason Noah and God saved the dogs because they are useful to people but we are not using them. The problem is the people and us leaders. We have failed to consider the role of the village councils and we have failed our responsibilities to advise our constituencies. We are elected representatives and we did not come here to enjoy the air conditioning and not contribute anything on behalf of our constituency.

Although I support the Bill, what are these committees mentioned? I support the idea that this is the responsibility for the Ministry of Police. To have a committee is a disgrace to our people. If we were to be members of this committee we would not make it through the next elections. We will be mocked as the committee of the canines or the committee of the canines on heat. This is a task for the Ministry of Police responsible for enforcing laws and safeguarding our country.

As such I do not support the establishment of this committee as provided in the Bill. I suggest that there be a school to train dogs and families that do not send their dogs to these schools should be fined. Canines are useful animals to use as patrol dogs at airports.

To my village and my constituency tuning in, please support the government plans to destroy canines but save our chickens, pigs, sheep and cattle farms. Our village needs to continue meeting to consider these issues for the development of Samoa and our future.

That is my request; I wish our meeting all the best.

**MR SPEAKER:** Well done. I call on the last member from Falealili, Tofa Tusa Misi Tupuola.

**Tofa TUSA MISI TUPUOLA (Falealili):** Mr Speaker I rise with respect to comment on the Bill. Mr Speaker and the dignity of our parliament, on behalf of our constituency I convey our full support to the proposed bill. The important aspect of the Bill is the inclusion of the village councils to assist police officers in addressing this issue. I do not understand why we keep talking on canines when the bill targets the canine owner. Unlike the previous member that spoke, I support the committee because they will work cooperatively with the Ministry of Police, Ministry of Health and the Ministry of Natural Resources and Environment not to mention other sectors to deal with the safety of our people. As the Hon Minister responsible for the Land and Transport Authority is not present to respond to the member's concern on the increase in vehicle registration fees I would like to assist. Mr Speaker, the Hon Minister has already explained that since 2002, vehicle registration costs only increased last year with respect. God bless this meeting.

**MR SPEAKER:** I thank the member for Falealili for his contribution. I believe the issue raised by the Leader of the Opposition is settled.

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I now grant the very last opportunity to the member for Vaa o Fonoti followed by the Hon Minister. I call on the member.

Afioga TIALAVEA FEA TIONISIO SEIGAFOLAVA (Vaa o Fonoti): Thank you Mr Speaker for the opportunity. I agree with the previous member that this Bill focuses on the canine owner.

Clause 21 implies that an owner of a canine is liable to a fine of \$1000 if the canine rushes at, attacks or startles a person, cattle or horse on any highway or in a public place. If my dog barks at a person from within my property and that person is startled, am I fined \$1000? Being startled is a natural response to a dogs bark therefore the appropriate terms should be considered.

I support the notion of one of the members for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi. We are aware of some people using dogs' meat which means that it is still...it may not seem plausible because of what it eats but it is similar to a pig. That is my point Mr Speaker and that is all I wish to understand.

MR SPEAKER: It is noted. Given that the Bill was presented upon a Certificate of Urgency I give the opportunity to any member who wishes to comment as our usual procedure.

I congratulate the members for your remarks and I believe the Hon Minister of Police and Prisons is well resourced for the implementation of the Bill. The Deputy Prime Minister and Cabinet gave clear explanations on the bill therefore your concerns have been addressed. Other matters regarding costs and fees will be referred to the Regulation Review Committee.

I believe we are approaching our usual time for recess and we will consider the bill in detail when we return.

*Proceedings of the Legislative Assembly were set aside at 10.40am for its usual recess.*

*Proceedings of the Legislative Assembly resumed at 11.20 am.*

MR SPEAKER: I congratulate you for your persistence and dedication. I believe you are duly rejuvenated from the refreshments provided and we praise God for what He has given to strengthen us to continue with our normal works.

We adjourned after the members made their remarks and since the Chair is satisfied with the Certificate of Urgency regarding the Bill, the Legislative will proceed with the consideration of this Bill in detail.

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Canine Control Bill 2013 – consideration in detail

*Motion approved, the Canine Control Bill 2013 was read the second time.*

CANINE CONTROL BILL 2013  
– consideration in detail

MR SPEAKER: Pursuant to Standing Order 102, consideration in detail commences on Clause 2:

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

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

Tofa LEALAILEPULE RIMONI AIAFI: I have no intention to instruct you Mr Speaker but the Hon Minister has not commented on the queries raised.

Also Mr Speaker there are comprehensive issues in the Bill which require a committees review but it seems that...I do not understand why the Bill is urgent.

MR SPEAKER: The interjection by the member for Faleata West is noted and I believe the members' remarks and concerns on the Bill have been settled by the Hon Minister as well as the clarifications from the Deputy Minister and other Cabinet ministers. Both sides have made comments on the bill and we must proceed with the consideration in detail as per the Certificate of Urgency. Other issues will be referred to the Chairman and the committee as mentioned before.

The Chair has resolved to proceed with the consideration in detail of the Bill.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker a point of clarification with due respect.

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

Afioga Hon PALUSALUE FAAPO II: The Bill has an effect on villages therefore I believe it must be referred to the Committee to enable villages to make submissions.

MR SPEAKER: I beg indulgence from the member. Our Standing Orders states that a final decision can be made by the Speaker or the Head of State on any bill received under a Certificate of Urgency. Our second reading debate has ended and I am satisfied with the urgent need of this bill to be implemented.

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I apologize to the member; we have spent the whole morning deliberating the Principal Act and our procedures and practices therefore we will proceed as usual and the Regulations will address other issues.

The Chair does not underestimate your recommendations as the whole country is involved in this bill. My apologies once again to the House as we will now continue with our work.

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

MR SPEAKER: I call on the honorable member for Aana Alofi No.1

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No.3): I thank the Hon Minister for the clarification on issues raised by other members. However Mr Speaker the Hon Minister did not answer to my queries.

The first issue concerned the committee; the Hon Minister did not give a specific explanation.....

MR SPEAKER: I am aware of your concern. We will proceed with the consideration in detail of the bill and the member may again raise the issues to be responded to by the Hon Minister.

Before considering the Bill in detail, I grant the opportunity to the Deputy Prime Minister for the motion.

MOTION TO SET ASIDE STANDING ORDERS

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Thank you, Mr Speaker. The dignity of the House are duly refreshed from the morning tea provided. Most of our developments and projects depend on the passing of these Bills. Our order paper includes one of the bills which needs to be completed today before we celebrate Easter; as such I move, *That Standing Order 31(1) be set aside to allow for the extension of our sitting times until the third reading of the Crimes Bill 2013.*

*Seconded by the Minister of Justice and Courts Administration, Minister of Women Community and Social Development and Minister of Health.*

*Motion approved, Standing Oder 31(1) was suspended.*

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CANINE CONTROL BILL 2013  
– consideration in detail

MR SPEAKER: Pursuant to our Standing Orders, consideration in detail commences on Clause 2:

CLAUSE 2: Interpretation.

*Approved.*

CLAUSE 3: Service to administer this Act.

*Approved.*

CLAUSE 4: Recognition of roles of non-government bodies.

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

MR SPEAKER: Which clause do you wish to comment on member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 3 Mr Speaker which I mentioned in my speech querying why we need a Board.

MR SPEAKER: Which clause are you are referring to?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 3 Mr Speaker.

MR SPEAKER: I am sorry we have approved Clause 3 member for Faleata West, we are now on clauses 4 and 5.

Tofa LEALAILEPULE RIMONI AIAFI: Alright as we are rushing through the bill. Clause 4(2) states that ‘the Police Commissioner may appoint a person of a recognized non-government organization to be a Canine Control Officer for the purpose of this Act’ therefore another different authority will be established when the previous clause provides for the established of a Board. I am not trying to find fault with the bill as you are aware Hon Minister that I supported previous bills but there will be a conflict between the duties of the Board and the Commissioner. This bill will provide for a Board with 5-7 members to be paid allowances and the Commissioner will also appoint a person to administer the bill. This is too complicated but if the responsibility is left to the Ministry of Police to handle that would be more appropriate.

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MR SPEAKER: Your concern is duly noted honorable member.

Afioga Hon SALA FATA PINATI: Thank you for the question. I think the appointment mentioned by the member will be under the supervision of the Police Commissioner. The Board members will not be those employed in the public service or in the parliament meaning that they will be chosen from outside the public service. The Police Commissioner will choose a suitable candidate to be in charge. I believe there will be a time when these issues will be reviewed as it will be referred to the Cabinet for consideration and candidates for a Chairperson of the Board will be discussed.

MR SPEAKER: Thank you. I grant the honorable member his second opportunity.

Tofa LEALAILEPULE RIMONI AIAFI: I am grateful to the Hon Minister for the clarification however Clause 4 does not mention that it will be referred to the Cabinet but that the Hon Minister may select the Board members.

As I also queried the role of the Police Commissioner, does this mean if the Bill is passed the implementation will be delayed until a person is elected to administer it? I was under the impression that it would be implemented once it is passed with all due respect.

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

Tofa Hon FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker, there is no complication in Clause 4; it is crystal clear. The Clause recognizes Non-Government Organizations that assist in canine control such as the Animal Protection Society and others. This Clause acknowledges their service and empowers the Police Commissioner to appoint one of these organizations to continue carrying out their work under this Act.

MR SPEAKER: I call on the member for Aana Alofi No. 1.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you, Mr Speaker for the opportunity. Clause 3 provides for the establishment of a Board, Clause 4 provides for the appointment of a person to Administer the Act and Clause 5 provides for the delegation of powers by the Police Commissioner to any member or persons. The question to the Hon Minister of Police and Prisons through the Chair, why not have one Clause providing for the administration of the Act under the Hon Minister of Police and Prisons and the Police Commissioner? Thank you.

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MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker the more people that are involved is an indication of the importance of this bill. This also ensures the smooth implementation of this program.

MR SPEAKER: Thank you.

*Clause 4 approved.*

CLAUSE 5: Delegation of powers.

*Approved.*

CLAUSE 6: Commencement of this Part.

*Approved.*

CLAUSE 7: Canines to be registered.

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

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

Afioga Hon PALUSALUE FAAPO II: My apologies Mr Speaker and the Hon Minister of Police; I will relay the questions I intended on asking the select committee.

Clause 6 authorizes the Hon Minister of Police to determine the commencement and suspension of the registration of canines at any time in any place within Samoa by way of notice published in the Savali.

Clause 7 provides that an owner is not prosecuted for non-registration of his or her canine within the month of January.

The question Mr Speaker is why the registration of canines will commence at different times and places and why is a canine owner not prosecuted in the month of January for non-registration of his or her canine? These are the areas which need clarifications.

MR SPEAKER: I call on the Deputy Prime Minister.



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Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker these are the common procedures in commencing with a Bill. A notice is published at any time notifying of the commencement date.

Canine owners will not be prosecuted for non-registration of their canines in January because this is when the registration process will begin annually.

MR SPEAKER: I call on one of the members for Salega; Afioga Afualo Wood Uti Salele.

Afioga AFUALO WOOD UTI SALELE: Mr Speaker, a query on Clause 6(2) for the Hon Minister of Police and Prisons.

It states that “the Minister may at any time by notice published in the Savali...” This bill is for the whole country but it is only being published in the Savali. The opportunity should be given to other news agents to advertise these notices.

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, it is clear. You may have seen notices published in the Samoa Observer but in order to satisfy the requirements of the Bill, a notice must be published in the Savali newspaper.

Afioga AFUALO WOOD UTI SALELE: Mr Speaker, it is clearly stated in the Bill, that it is only the Savali. There is no other explanation to state...That is why I asked.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker the Bill does not prohibit publication of notices in other newspapers.

MR SPEAKER: I believe it is clearly understood. The Savali newspaper is mentioned as it is the Governments newspaper but it does not prevent other Broadcasting Agencies from publishing notices.

*Clause 7 approved.*

CLAUSE 8: Mode of registration and registration fees.

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

MR SPEAKER: I call on the member for Aana Alofi No. 1 and please identify the clause.

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Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Clause 8 Mr Speaker which provides for the whole country however Clause 6 states that the Minister can determine places and times in which canine registration is applied. What is the difference?

MR SPEAKER: It is Clause 9: Registration to extend over Samoa.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Yes Mr Speaker, but Clause 6 says that this may be applied to a part of the country. What is the difference?

MR SPEAKER: I grant the opportunity to the Deputy Leader of the opposition.

Afioga Hon AEAU PENIAMINA LEAVASEETA (Falealupo): It is a brief comment Mr Speaker with all due respect. First, Clause 8(3) provides for the registration fees to be fixed by the Hon Minister. I want to pursue the debates this morning on the fees to be included in the regulation as I believe that this is the key aspect of this bill. Whether the country can afford the registration? These fees are not mentioned but it does mention that the Hon Minister will determine the fees. We do not know if the fees will be \$20 or \$15 but the country would be happy if it were \$5 or \$2 because some people own more than 10 dogs.

Second, will there be collaboration between the Minister and the Board in setting up fees? I recall the deliberation on a Bill yesterday on the discretion given to the Minister to issue work permits to foreigners. In my own opinion Mr Speaker, it is hard to believe in the act of discretion because it cannot be measured. Can an illustration of this discretion be made?

MR SPEAKER: Thank you. The concern of the member for Falealupo is understood. I give the opportunity to the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, discretion is not measured by weight or width. Discretion in Samoan is “faautautaga tatau”.

MR SPEAKER: I call on the Leader of the Opposition followed by the Hon Minister.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, on the same clause on the mode of registration and registration fees. These 6 sub-clauses involve a lot of work. The owner’s details are recorded, the canines description and so forth. Does this mean that a division will be set up within the Ministry of Police to oversee this work?

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Another question Mr Speaker, will the owner have to bring their canine to be registered to comply with the requirements of health as stated by the Minister of Health? That is a lot of work or do I bring the relevant documents and information to register my canine?

**MR SPEAKER:** The Minister of Police and Prisons will answers these issues. I appease the Hon Minister. In the best interest of time I grant the opportunity to the last member.

I call on to the member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker this bill is similar to the Electoral Act where one is fined if they do not register. That Act has been in effect for many years now and no one has ever been fined. The Deputy Prime Minister stated that registration begins in January but it is March does this mean that this Act will be enforced in January next year? Are there specialized people to do this job because it will not be easy? What are the resources needed and how much will they cost? We are all aware that the government is offering free education but there are still children not in schools. Now this is bill is being proposed and it is beneficial but it is not a bill that should be enacted.

**MR SPEAKER:** The concern from the member is duly noted. I humbly ask the members to avoid general remarks which prolong our sittings but direct your comments on a specific clause.

I call on the member for Gagaemauga No. 2. Direct your comments to a clause which needs a response from the Hon Minister.

**Tofa LEVAOPOLO TALATONU:** I am concerned on the same Clause regarding the Ministers discretion. Mr Speaker, the Deputy Prime Minister referred to common sense in the debate of Bills but there is no such law as common sense. An Act for the Ministry of Police was just passed recently and common sense was also mentioned. Our country does not have such a law.

**MR SPEAKER:** I appease the member I grant the opportunity to the interruption from the Deputy Prime Minister.

**Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO:** Mr Speaker I clarify this issue again. Discretion is different from common sense; the two are not the same. Mr Speaker we have approved the motion to extend our sitting hours to continue with our works. We are trying to make use of the time we have before we adjourn to prepare for our Easter holiday. I will leave the decision to the Chair.

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Afioga Hon PALUSALUE FAAPO II: A point of clarification Mr Speaker.

MR SPEAKER: What do you want to understand?

Afioga Hon PALUSALUE FAAPO II: The Deputy Prime Minister stated that we must make use of our time but there is no need to rush our Bills. Even if we spend the whole day here we must lay importance of considering our Bills in details.

MR SPEAKER: This is the same reason I requested that we be mindful of our time during a previous sitting. We were working slowly and you said you were all tired and now I am trying to speed up our proceedings and now you do not want to rush. I ask for your patience as we proceed with our works. It is an act of disobedience to our Heavenly Father to not observe this Holy Week. There can only be clarity or ambiguity in our comments. Instead there are those that are clear but want to remain ambiguous. Once again, please be patient because if I were to enforce my full power to hasten our work, everybody can sit down.

Afioga Hon PALUSALUE FAAPO II: Query on Clause 9: Registration to extend over Samoa.

MR SPEAKER: I call on the honorable member.

Afioga Hon PALUSALUE FAAPO II: This Clause prompts the question of how this bill will be administered to the whole of Samoa especially in the villages under the village council's supervision. This should have been well planned because contrary to the Hon Minister's statement, the bill states that it will extend over Samoa and not just the town area. It will be a costly and difficult task to register the thousands of canines all over Samoa.

MR SPEAKER: I am aware of the concern from the Leader of the Opposition. An Act is made for the whole country and not only parts of it. A dog is a dog. There is no difference between a dog in Apia and a dog in Falealupo. The discretion is given to the Hon Minister to decide on places to commence with the Act because some villages ban canines. Why should the Act apply to these villages when they do not even allow canines in their community? It is not my duty to explain this but it must be done because that side of the House is hard to please and they are continuously upstanding.

I call on the Hon Minister...is there anything else?

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Afioga Hon PALUSALUE FAAPO II: This is my second opportunity Mr Speaker.

MR SPEAKER: Let the Hon Minister reply to the issue raised on discretion and common sense. I call on the Hon Minister.

Afioga Hon SALA FATA PINATI: I thank the Leader of the Opposition for the comments. I think priority will be given to Safata where the strong family (Aiga malosi) resides. If the results from the area are poor then all the canines will be destroyed. For the member's information, the bill was set up to protect Samoa from defamation. Therefore the government had the foresight to address this issue and safeguard our tourists that walk and cycle in our villages. It is now being recommended by those that visited Samoa that prospective tourists should be cautious of stray dogs. This bill will increase the credibility of Samoa in the tourism industry which is a revenue-earner for our country, thank you.

MR SPEAKER: Thank you. Now I call on the member to comment.

Afioga Hon PALUSALUE FAAPO II: This is my last opportunity Mr Speaker. This is why we recommended that the public be allowed to make submissions because this affects them and their rights as well as their dogs. My question to the Hon Minister, if a canine is registered will this stop the attacks on tourists? I support your point regarding the protection of tourists for economic purposes but villages do not have fences to keep their canines. Therefore villages will not only have to register their canines but they must also plan on how to keep their dogs to avoid further attacks.

MR SPEAKER: Thank you, the concern of the member is noted. In the interest of time Hon Minister, I grant the opportunity to one of the members for Salega; Afioga Afualo Wood Uti Salele.

Afioga AFUALO WOOD UTI SALELE: Thank you for the opportunity. I have a short question Hon Minister on Clause 8(5) (d); the colour and sex of the canine. It would be appropriate for your Ministry to look at setting up a registry office to record birth dates for canines with respect.

MR SPEAKER: The comment is duly noted. Do not reply to the comment regarding birth certificates. You are aware that we are trying to...I call on the Hon Minister to...

I apologize; I give the opportunity to the Deputy Prime Minister.

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Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker it is a simple task that can be done and the name of the member for Salega, Afioga Hon Afualo Wood Uti Salele will be recorded next to his canines.

MR SPEAKER: I call on the Hon Minister to respond to the Leader of Opposition's concerns.

Afioga Hon SALA FATA PINATI: This Act is different compared to others...if only a motion can be approved to discuss and consider this issue until Friday. Nonetheless, I congratulate you all for your recommendations and thought provoking ideas on the Bill.

As for the issue on the board and a proposed registry office, common sense should be utilized in these respects. It is common for us Samoans to undermine one another but we should take an example from the Chinese. They are always supporting each other. This bill was not set up to be a burden on our people but rather to protect and safeguard them. Money will be expended but what about the safety of our people? Implementation of this bill will need the support of the police and health sectors and other sectors including the villages. Our country is one based on discussion and deliberation to reach a solution as is done in this House for the benefit of all. Samoa, know that the government stands for the benefit of all. This is not only my cross to bear as we will deliberate and discuss this matter when it is referred to the Cabinet and a resolve will be made for the benefit of our country, thank you.

MR SPEAKER: Thank you for the clarification. I call on the member.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker I would like to make a minor comment.

MR SPEAKER: On which Clause?

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: It is a point of clarification Mr Speaker. Our parliament website was launched yesterday and all the members' speeches are loaded on it. I humbly request that the Deputy Prime Minister's comments to register a members name with their canine be removed from our official parliamentary records.

MR SPEAKER: I beg tolerance of the member. The Speaker has the discretion in these matters and I believe it was humor.

That is my decision on this matter. If there is to be birth certificates for canines then their fathers should be recorded also. I believe the Deputy Prime Minister tried to explain that but it is not something to be anxious about. I believe this issue is settled.

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*Clause 8 approved.*

CLAUSE 9: Registration to extend over Samoa.

*Approved.*

CLAUSE 10: Change of ownership.

*Approved.*

CLAUSE 11: Liability of owner failing to produce registration receipt.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
Mr Speaker, I was hoping to comment on Clause 13 but it is in correlation with this Clause.

MR SPEAKER: I give the opportunity to the honorable member.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
The liability of a canine owner failing to produce a registration receipt will incur a fine and the owner will also have to pay for a badge or collar under Clause 13. In my own opinion there are too many costs and it will be costly for the canine owner. Can they be merged under one Clause so that when a canine is registered, a registration mark, badge, collar, etc will be attached to prove registration instead of having a receipt which is difficult to keep with due respect.

MR SPEAKER: I call one of the members from this side of the House.

Afioga PESETA VAIFOU TEVAGA (Faasaleleaga No.4): Thank you, Mr Speaker. I rise concerning Clause 11. I support the comment by the member on the registration of canines as we know there are no registrations for horses or donkeys but there will come a time when a bill will be made for these animals because they are also a danger to the public. Horses tied near the road often causes traffic accidents. Perhaps you are aware Mr Speaker of the incident at an airport where a donkey was sucked into an airplane engine. That is my request to reduce the registration costs because there will be a time when bills for these other animals will be introduced Mr Speaker.

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Canine Control Bill 2013 – consideration in detail

**MR SPEAKER:** My apologies to the member since you just arrived to our meeting, registration costs have not been set up to be evaluated by the Regulation Review Committee and the Hon Minister responsible for this Act. Do not be too anxious, the Hon Minister and the Ministry have the wisdom and knowledge to make these decisions.

I call on the Hon Minister to respond to the member's concern on receipt and collars.

**Afioga Hon SALA FATA PINATI:** Thank you. I rise with respect to respond to the question. If you purchase goods at a store, a receipt is issued in cases when the product is faulty the receipt is proof of purchase and the good can be returned or replaced. Computers can breakdown and the company that you purchased it from can deny that it is theirs unless you show them a receipt. That is the reason a receipt is needed. When you tidy your grandmothers bed, hide the receipt under the mats under the bed and tell her not to toss the mat incase Poppy's receipt gets misplaced and someone shoots him for nothing.

**MR SPEAKER:** I grant the final opportunity to the member.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East):** Mr Speaker, Clause 11(2) states; Any person who refuses or fails to produce evidence of registration of his or her canine when required to do so under subsection (1) commits an offence and is liable upon conviction to a fine not exceeding 2 penalty units.

In the following sub-clause there is a register to show the owner of a canine. In Clause 12 it provides for registration marks approved by the Police Commissioner which is similar to vehicle registration with the sticker to be pasted on your car. A collar is preferable after your canine is registered and the other sub-clauses can be omitted.

**MR SPEAKER:** Thank you. I give the opportunity to the Minister of Communication and Information Technology followed by the response by the Hon Minister of Police and Prisons.

**Afioga Hon TUISUGALETAUA SOFARA AVEAU:** I would like to assist on the issue at hand. If you lose the collar and the receipt are lost, then what? The Bill also states that the owner will be penalized if there is no collar.

**MR SPEAKER:** I give the opportunity to the Minister of Finance.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Government funds should be receipted for the audit process. It is not only important for the canine owner but also government records with due respect.



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MR SPEAKER: Thank you. I give the floor to the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker you have heard of the Hon Minister that it is proof or evidence. If there is no collar, receipt or any other proof the only conclusion to be made is that the canine has not been registered and it is in offence.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you for the opportunity Mr Speaker. First, I want to add on this vital issue; as pointed out, if a car is registered a sticker must be attached on it.

Second, Mr Speaker once a canine is registered the details of the canine description to the owners details are recorded in the Ministry's records. If a collar or receipt is misplaced there are records for proof of canine ownership. Therefore I request once again that these other parts be removed from the Bill as the collar is provided and all the information required is in the Ministry's records. Thank you.

MR SPEAKER: Hon Minister, do you wish to comment? I am sorry but to save your time I grant the opportunity to the member for Satupaitea.

Tofa LAUTAFI FIO SELAFI PURCELL (Satupaitea): Thank you for the opportunity. I was waiting for the debate to end but in my own observation, we are discussing issues that we should already understand.

I understand the issue as I owned a canine while I was in New Zealand. I loved my dog so much that I brought it here from New Zealand and this is what the Bill reflects; the responsibility of the canine owner. Even though my dog's fare was more expensive than mine I still brought it.

I spent most of my time training him and for 16 years he had not attacked anyone or was involved in an action that is prohibited in this bill. If a person wants to keep a canine, he or she must accept the responsibility to look after a dog. If not, then they should not own a dog.

Canine registration is similar to vehicle registration. Every year I provide the documents needed and the computer searches and finds my dog's registration number. A tag is issued to me and then I buy a collar to attach the tag because the authorities do not provide one because dogs vary in size. If a dog is caught without a collar then you; the owner are liable to be fined. The registration of your canine can be found on the register system and if you provide the information needed that is proof to the Canine Officer that captured your dog and it can be released to you.

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If birth certificates are to be used, all the information is needed which is different because there is specific information about every dog. It is a continuous process to be updated because there is particular information needed which cannot be altered and it is better to abide by the law than to be fined. That is all Mr Speaker.

MR SPEAKER: I thank the member for Satupaitea for the assistance. I apologized to the member you have had your two opportunities. Do you wish to respond Hon Minister or has the matter been clarified.....

Afioga Hon SALA FATA PINATI: Mr Speaker still on the issue of receipts and collars I believe the owner will depend on the collar if the receipt is lost. However, it is human nature to want things that are free and a person can steal a collar from a registered canine. If the receipt is lost and the collar is lost and the records are not complete due to human error, what then? The receipt should be kept and it is as the member for Satupaitea said, it is the owner's responsibility with all due respect.

MR SPEAKER: Thank you.

*Clause 11 approved.*

CLAUSE 12: Registration marks, badges etc.

*Approved.*

CLAUSE 13: Penalty for canines not wearing approved marks, badges etc.

MR SPEAKER: Which Clause?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 13 which states – Any person who permits his or her canine to be at large while not wearing a registration mark...commits an offence. It appears the Bill permits the canine to be at large. The bill will only apply to a canine that strays without a collar, what about a dog that strays with a collar? Clause 12(2) states that a charge may be fixed and imposed by the Service in relation to any approved registration mark. The initial question concerned a lost receipt incurring a fine of \$200 and I recommended that only a collar be used.

Now Clause 13 permits a canine to be at large and I think it should be omitted from the bill.

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MR SPEAKER: The member's concern is understood and the Hon Minister has given a clear statement; it is all about the responsibility of the owner. Whether it is a receipt or a collar, it is the owner's responsibility to keep this information and train, groom and care for the dog.

Is there another matter honorable member?

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I sympathize with the Hon Minister because of the many questions. I want to comment on Clause 14.....

MR SPEAKER: We are not yet on Clause 14. You are a rushing while we are trying to progress.....

*Clause 13 approved.*

CLAUSE 14: Powers of Canine Control Officers to deal with canines.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker the Bill should end with this Clause and the other nonsense can be removed because this bill cannot be enforced in our country. Perhaps it can happen overseas but out dogs cannot be treated that way. Clause 14 (g) states 'to destroy any canine that is otherwise the subject of a breach of this Act' and it should be mentioned how this will be done. Stray canines in Apia could be destroyed but it cannot be done in the rural villages because they are useful. We would be lucky to be able to implement this nonsense here; we are different from other countries.

MR SPEAKER: I advice the Leader of the Opposition again that the Bills does not contain nonsense. Do you mean to say that we have been debating nonsense this whole morning? I request of the House that we direct our comments on matters that need clarification and address our bills with some respect.

I call on the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Query on Clause 14(c). I am aware that there is no place or pound to detain seized canines. Is there a place proposed for this purpose? The reason I ask is because I am assuming that my constituency will be a proposed location and when the bill is implemented, 100-300 dogs will be impounded and the howling at night will keep the neighboring villagers in Vaitele awake. Therefore a well established building is needed to keep, care and feed these dogs. The Act will be implemented soon but there is no place or pound erected yet.

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MR SPEAKER: The concern of the member is noted. I call on the Hon Minister of Police and Prison.

Afioga Hon SALA FATA PINATI: Thank you for the important question. There will be negotiations with the Hon Minister of Natural Resources and Environment and the Ministry who oversees government lands. The foremost purpose of the Bill is for safety. A dog will be detained for 4 days and if the owner does not claim it after 4 days it will be destroyed with respect.

*Clause 14 approved.*

CLAUSE 15: Offences against this Part.

*Approved.*

CLAUSE 16: Civil liability for breaches of this Part.

*Approved.*

CLAUSE 17: Diseased and neglected canines.

*Approved.*

CLAUSE 18: Diseased canines at large.

*Approved.*

CLAUSE 19: Female canines on heat.

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

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

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Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker a request on Clause 19. Other parts of the Bill provide for de-sexing of canines and conviction of owners who do not care for their canines. Therefore Mr Speaker, I request that this Clause be omitted for the following reason. As cited by one member, it is difficult to know when a canine is on heat but if de-sexing is enforced I believe dogs will no longer wander around.

MR SPEAKER: The comment is noted. I appease the member for Faleata West I need to give the opportunity to the Hon Minister of Women Community and Social Development.

I call on the Hon Minister.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: Thank you for the opportunity Mr Speaker and I acknowledge the support of Samoa tuning in. This is exactly what I raised earlier. If the member of Aana Alofi No. 3 is listening, it is inappropriate for a member to request or recommend that a Clause be omitted from a Bill. The majority of the House is the party of the government that owns the bill unless you table your own bill then you can make such a recommendation. It is true that a dog on heat is uncouth but it is simply a female canine being seductive to attract a male canine and if they act in such a way, they must be destroyed. This is so that this neglectful behavior by the owner is not repeated. As the member for Satupaitea stated, it is the responsibility of the owner to train their dogs. As for the recommendation from the previous member, there is nothing to be omitted from the bill; the Clause is fine with all due respect.

MR SPEAKER: Thank you. I grant the honorable member his last opportunity.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you, Mr Speaker. The Hon Minister and I have different opinions but I support Clause 27 on programs of de-sexing and birth control for canines and my concern was based on that part.

MR SPEAKER: It is noted and the clarification will be made when we reach Clause 27.

I call on the member for Faleata West.

Tofa LEALAILPULE RIMONI AIAFI: Mr Speaker, discrimination against canines is evident in this Clause. The bill states 'female canines' but what about the male canine?

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After say 20 or so male dogs have had intercourse with the female canine exhausting her then along comes the Hon Minister to again punish the female canine. This means that the female canine will be punished twice but what about the male canines?

MR SPEAKER: I beg tolerance of the member for Faleata West, I give the opportunity to the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: This Part of the Bill does not prohibit a canine to be on heat but it is focuses rather on the canine owner. As emphasized by some members it is the responsibility of the owner to care and train his or her dog.

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

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker I cannot attend our meeting and instruct my canine to chase away the male canines when they come on heat. Many of us do not have fences around our properties. The question is what about the male dog? A female canine will be punished by the male canines and the Ministry but she has not done anything with all due respect.

MR SPEAKER: It is understood. As the member for Satupaitea stated if you want a dog you must train it like your own son. The dog will follow your example as it is your responsibility as the owner. The male canine is the cause of the confusion and if the Vets were to destroy all the male canines then we would not have this problem and there would be no need for this bill.

I grant the opportunity to the Hon Minister for Communication and Information Technology.

Afioga Hon TUISUGALETAUA SOFARA AVEAU: Thank you, Mr Speaker for the opportunity. It seems the member is unhappy with the penalties on female canines but Clause 18 penalizes male canines and that should satisfy your concern.

MR SPEAKER: I call on the Leader for the Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker Clause 19 provides for a penalty of 2 units payable by the canine owner which is equivalent to \$200 but the owner has not committed an offence it is the work of nature. I ask that the Hon Minister re-consider the appropriateness of this part.

MR SPEAKER: I appease the Leader of the Opposition. We have tried exhaustively to explain that it is the responsibility of the owner.

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If you care for and love your dog then train it and that is the simple solution to your queries. This is the only bill that has sparked so much interest in you because we are talking about dogs.

*Clause 19 approved.*

**CLAUSE 20:** Dangerous canines may be destroyed.

Tofa Hon TUUU ANASII LEOTA: Mr Speaker.....

**MR SPEAKER:** Which Clause?

Tofa Hon TUUU ANASII LEOTA: I do not wish to prolong our sittings. I thank the Hon Minister and the government for this very important Bill and I believe Clause 20 is the purpose of the bill. However it appears that the bill focuses mainly on penalties and fines. Mr Speaker the rich usually have one dog unlike the poor. If the Bill is approved there will be many court cases if the Ministry of Police handles this well. Receipts and canine registration information will be sought and that is my concern.

**MR SPEAKER:** I deem the concern from the member understood and the Clause is significant considering the many incidents that have occurred.

Rarotonga is very strict in enforcing this type of Act. A family owns only one dog and tourists love to visit the islands and I believe this is the government's intention with this bill. This bill aims at protecting the image of the country and tourists who help with our economy.

*Clause 20 approved.*

**CLAUSE 21:** Owner commits offence for canine attacks, etc.

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

**MR SPEAKER:** I give the opportunity to the member and please indicate which Clause...

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
Clauses 21 and 22 Mr Speaker. As mentioned in the second reading of this Bill the safety of people attacked by canines was the concern.

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However Mr Speaker if a thief trespasses and is attacked, the owner of the property will be fined. I ask that this be reviewed to be amended after the bill has progressed to protect the owners that have canines to protect their properties.

MR SPEAKER: Thank you. I call on the Hon Minister.

Afioga Hon SALA FATA PINATI: Mr Speaker in case of such an event, the trespasser will be charged. A dog is a man's best friend, and the Bill safeguards your properties which include your dog. If a person trespasses on your land it is necessary for a dog to attack him or her since burglary is a common problem nowadays. In order to safeguard our properties we must register our dogs as provided for in this Act and that will ensure our properties are well protected with respect.

*Clause 21 approved.*

CLAUSE 22: Canines seen attacking persons, etc.

*Approved.*

CLAUSE 23: Canines running at large among cattle.

*Approved.*

CLAUSE 24: Bans and controls on certain species.

*Approved.*

CLAUSE 25: Bans or controls on canines in certain places and limits on numbers.

*Approved.*



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Canine Control Bill 2013 – consideration in detail

CLAUSE 26: Village by-laws for canine control.

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: On Clause 26 Mr Speaker, others have stated the importance of the cooperation of the Ministry of Police and the village community. Therefore by-laws can be made which should correspond with village regulations. These by-laws should also correlate with the Village Fono Act for good governance of the villages thus there will have to be an additional regulation within villages to control canines in their community.

MR SPEAKER: Thank you. The Minister has noted the reminder so I thank you for your concern. I call on the Hon Minister.

Afioga Hon SALA FATA PINATI: This is the duty of the Police to cooperate with the representatives of the villages, women representatives and the Ministry of Health. In Samoa we always consult first for consensus and plans are then made with all due respect.

*Clause 26 approved.*

CLAUSE 27: Programs for de-sexing and birth control.

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

MR SPEAKER: Which Clause?

Afioga Hon PALUSALUE FAAPO II: Mr Speaker de-sexing of canines is important for canine birth control but it is expensive.

Hon Minister, consider assistance to the organizations that carry out this service to the rural areas and also if this new Authority can provide this service of de-sexing to the country. A de-sexed canine is a quiet canine. Those are my recommendations Hon Minister to help with the implementation of these programs.

MR SPEAKER: I call on the Hon Minister.

Afioga Hon SALA FATA PINATI: I thank the Leader of the Opposition and I value your concern.

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Canine Control Bill 2013 – consideration in detail

We are working in partnership with the Australian government and perhaps we will be able to receive funds for the implementations of these programs because in reality our people do not own banks but we strive to survive. Moreover the Bill intends to ease the burden on our people.

MR SPEAKER: Thank you. I give the opportunity to one of the members for Aana Alofi No. 1; Afioga Hon Leaupepe Toleafoa Apulu Faafisi.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Mr Speaker I thank the Hon Minister for his clarification. I have received information that de-sexing of canines is free. This is a reminder that we should be cautious of those who will carry out the de-sexing operation without a license similar to the incident with the male children and youth which happened in Safata.

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

Afioga Hon LE MAMEA ROPATI: Mr Speaker de-sexing programs for canines in under our Ministry. If anyone wishes to de-sex his or her canine consult me first then I will notify the Ministry; thank you.

*Clause 27 approved.*

CLAUSE 28: Protection from liability.

*Approved.*

CLAUSE 29: Regulations.

*Approved.*

CLAUSE 30: Repeal and savings.

*Approved.*

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Canine Control Bill 2013 – third reading

CLAUSE 1 AND TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Interpretation.

*Approved.*

*The Canine Control Bill 2013 be progressed without amendment.*

CANINE CONTROL BILL 2013  
– third reading

**MR SPEAKER:** The Chair is satisfied with the significance of this Bill to our country and for that the Legislative Assembly will now proceed with its third reading.

I call on the Hon Minister of Police and Prisons.

Afioga Hon SALA FATA PINATI: Mr Speaker I move, *That the Canine Control Bill 2013 be now read the third time.*

*Seconded by the Minister of Natural Resources and Environment and the Minister of Agriculture Fisheries and Agriculture Store Corporation.*

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

LABOUR AND EMPLOYMENT RELATIONS BILL  
2013 – third reading

**MR SPEAKER:** I grant the opportunity to the Hon Minister of Commerce Industry and Labour; Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker I move the motion, *That the Labour and Employment Relations Bill 2013 be read a third time.*

*Seconded by the Minister of Finance.*

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

27 MARCH 2013

FAMILY SAFETY BILL 2013

– third reading

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

Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice and Courts Administration): Mr Speaker before I move the motion I thank you Mr Speaker and the members of the House for enabling the progress of this bill that has been in preparation for almost 8 years. The Bill addresses a major issue in our society particular towards women and children.

Therefore, Mr Speaker I move, *That the Family Safety Bill 2013 be now read the third time.*

*Seconded by the Minister of Finance and one of the member's for Faasaleleaga No. 1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.*

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

CUSTOMARY LAND ADVISORY COMMISSION

BILL 2013 – third reading

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

Tofa Hon FAAMOETAULOA ULAITINO FAALE TUMAALII: Mr Speaker I move, *That the Customary Land Advisory Commission Bill 2013 be now read a third time.*

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

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

CRIMES BILL 2012 – consideration in detail

MR SPEAKER: Pursuant to Standing Order 106 the Legislative Assembly must approve first the Select Committee report before we proceed with the consideration in detail of the bill.

I now call on the Chairman of the Justice, Police & Prisons and Land & Title Committee.

27 MARCH 2013

Crimes Bill 2012 – consideration in detail

Afioga TUISA TASI PATEA (Chairman of the Justice, Police & Prisons and Land & Title Committee): Mr Speaker I move, *That the Legislative Assembly approve the Select Committee report to allow for the Crimes Bill 2012 to proceed with amendments and corrections.*

*Seconded by one of the member's for Vaimauga Sisifo, Tofa Lenatai Victor Faafoi Tamapua, member for Gagaifomauga No.2 and the member for Palauli.*

*Motion approved.*

MR SPEAKER: I declare that the Legislative Assembly has approved the report by the Justice, Police & Prisons and Land & Title Committee on the Crimes Bill 2012.

Pursuant to Standing Order 102, consideration in detail of the Bill commences on Clause 2.

CLAUSE 2: Interpretation.

MR SPEAKER: The Committee has an amendment on Clause 2 as shown in the Supplementary Order Paper.

I call on the Chairman of Justice, Police & Prisons and Land & Title Committee.

Afioga TUISA TASI PATEA: Mr Speaker I move an Amendment on Clause 2 to be as follows:-

“AMENDMENT:

“Interpretation – “obtain a material benefit”

Insert the expression “or omitting to do” before the expression “in relation to doing” thus the new explanatory for “obtain a material benefit” reads:-

“obtain a material benefit” in relation to doing or omitting to do a thing, means obtain, directly or indirectly, any goods, money, pecuniary advantage, privilege, property, or other valuable consideration of any kind for doing or omitting to do the thing (or taking or omitting to take an action that forms part of doing or omitting to do the thing);

*Amendment approved.*

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Crimes Bill 2012 – consideration in detail

*Clause 2 approved as amended.*

CLAUSE 3: Meaning of Samoa.

*Approved.*

CLAUSE 4: Application.

*Approved.*

CLAUSE 5: Persons not to be tried in respect of things done outside of Samoa.

*Approved.*

CLAUSE 6: Place of commission of offence.

*Approved.*

CLAUSE 7: Jurisdiction in respect of crimes on ships or aircraft beyond Samoa.

*Approved.*

CLAUSE 8: Extraterritorial jurisdiction for offences with transnational aspects.

*Approved.*

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Crimes Bill 2012 – consideration in detail

CLAUSE 9: Offences not to be punishable except under Samoan Acts.

*Approved.*

CLAUSE 10: Offence under more than one enactment.

*Approved.*

CLAUSE 11: General rule as to justifications.

*Approved.*

CLAUSE 12: Infancy.

*Approved.*

CLAUSE 13: Insanity.

*Approved.*

CLAUSE 14: Compulsion.

*Approved.*

CLAUSE 15: Ignorance of the law.

*Approved.*

CLAUSE 16: Consent to death.

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

27 MARCH 2013

Crimes Bill 2012 – consideration in detail

MR SPEAKER: I call on the honorable member.

Afioga Hon PALUSALUE FAAPO II: Thank you for the opportunity. In respect for the patients consent and rights especially the families pain in regards to the said patients suffering; what would be the opinion of the Hon Minister and the government if the patient is in critical condition, is on life support and there is no treatment left? Will an exception be made or is it left to the law?

MR SPEAKER: Thank you, the Hon Minister will answer that followed by the Chairman.  
I call on the Hon Minister.

Afioga Hon SALA FATA PINATI: Thank you for the question Mr Speaker. There are many instances where this happens overseas when a patient consents to death because they are unable to bear the pain. With respect, only God has the authority over our lives and we cannot set up laws that will allow the death of another.

MR SPEAKER: Thanks I call on the honorable member.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you for the opportunity. Also on the same issue, some countries allow this matter to be taken to Court for consent to die to ease the burden on families. The Ministry should take this into consideration. The Hon Minister is right, our lives are in the hands of our Heavenly Father but when a person is removed from life support it is the same thing. If this is prohibited then the patient must be left on life support but I believe by doing so they are enduring more pain, thank you.

MR SPEAKER: Thank you. The Chairman will take the floor.

Afioga TUISA TASI PATEA: There is no further explanation as the Hon Minister has clarified the issue. I believe our country is founded on Christian principles which are also the basis of our Acts therefore the Bill is crystal clear. Unless there is another Act that changes our values and way of life then we can accept such an action.

*Clause 16 approved.*

CLAUSE 17: Self-defence.

*Approved.*



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Crimes Bill 2012 – consideration in detail

CLAUSE 18: Defence of dwellinghouse.

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East): Mr Speaker Clause 18 regarding defense of dwellinghouse states “A person...is justified in using reasonable force”.

Under Clause 17 the severity of the force and the purposes are mentioned but it is not mentioned in Clause 18. It only states that a person and those assisting a person who owns the dwellinghouse are justified in using reasonable force if that breaking and entering is not lawful. Until we get to the next clause then I will also query that.....

MR SPEAKER: The query is noted. I call on the honorable Chairman.

Afioga TUISA TASI PATEA: Thank you for the question. I believe it is clearly explained in Clause 21 that if excessive force is used then it is a criminal offence thus making it a case for the courts, thank you.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker a question on reasonable grounds. What are the provisions by the Ministry of Police which specifies in detail the severity of the reasonable force used for those who enforce the law and for public awareness?

MR SPEAKER: I call on the member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker Clause 18 is important because the Bill does not enact the severity of the defense of a dwellinghouse.

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

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

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: The members have had their two opportunities.

In these cases, the Bill does not state the severity of the force but this is where common sense comes into play. Reasonable force is based on the criminal act. If the act is minor then excessive force to the extent of death is not appropriate.

*Clause 18 approved.*

27 MARCH 2013

Crimes Bill 2012 – consideration in detail

CLAUSE 19: Defence of land or building.

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

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

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, this is the next clause that I wanted to query. The wording of this clause and clause 18 are the same but towards the end of Clause 19 it states “if he or she does not strike or do bodily harm to the other person”. Therefore the Deputy Prime Minister’s answer on Clause 18 contradicts this part of the clause; with respect.

MR SPEAKER: I believe there is no need to read too much into the wording. What is clear is that it is understood by those the law affects. I call on the honorable Chairman to give example.

Afioga TUISA TASI PATEA: Perhaps it is good if I provide an example. If I return home at night and you are found in my house, I must consider the necessary force to use. If I use excessive force to the extent of causing death, I have committed an offence. If you are only injured and bruised then my use of force is reasonable and justified.

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you, Mr Speaker. The issues we are raising are significant. Clauses 18, 19, 20 and 21 are linked but what we are pursuing is that we are now permitted under law to protect out properties. However, in protecting my property I were to simply slap a person and that person were to die as a result of that minor slap, I will be imprisoned for acting under the law by using reasonable force. Therefore, the severity of the force used should be stated because if I were to protect my daughter, reasonable will not be an option.

MR SPEAKER: I grant the last opportunity to the member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: My query on Clause 18 was that there is no provision as is done in Clause 19. Clause 18 does not specify the severity of the force used but Clause 19 states that the force does not involve striking or bodily harm. This is probably the definition of that reasonable force.

MR SPEAKER: I believe we do not have to pursue the meaning of reasonable force as it depends on common sense.

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There are different cases and we become furious when someone trespasses on our land but we must have sympathy when applying reasonable force.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
The last part Mr Speaker.....

MR SPEAKER: Which Clause?

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:  
Still on reasonable force in Clause 19. We have just passed the Canine Control Act, so are canines included in reasonable force when attacking a trespasser? Thank you.

MR SPEAKER: To make it short, yes they are involved too.

*Clause 19 approved.*

CLAUSE 20: Defence of moveable property.

*Approved.*

CLAUSE 21: Excessive force.

*Approved.*

CLAUSE 22: Execution of warrant.

*Approved.*

CLAUSE 23: Arrest by a constable pursuant to statutory powers.

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

MR SPEAKER: I call on the honorable member.

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Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 23 Mr Speaker appears to give the power to a constable to arrest a person without a warrant. Discretion is again being granted to them. Therefore when a constable is unhappy with someone he or she can arrest that person. If further explanation of the Bill could be provided to prepare for upcoming Bills please Mr Speaker.

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. First, I disagree with the Samoan translation of the word “arrest” in Clause 23 and the following clauses. The term ‘faapagota’ means to be an inmate but when a person is arrested they are only being held in custody.

Second, the power of arrest by a constable must be reconsidered. For instance a constable has the authority to arrest a bus driver for overloading or a taxi driver for wrong parking. Is that appropriate? As the Deputy Prime Minister stated there should be discretion in these cases. For that reason the Bill needs to be reviewed to incur instant fines instead because this is abuse of power with respect.

MR SPEAKER: Well done. I call on the Hon Minister of Police and Prisons.

Afioga Hon SALA FATA PINATI: The query is important because it is an issue that continues to occur. The ministry will seriously look into the performance of the officers. The abuse of this power affects the good reputation of other officers. These acts of abuse of power should be reported and recorded because no one is above the law.

The Samoan translation may be ambiguous but the English version is clear with all due respect.

*Clause 23 approved.*

CLAUSE 24: Arrest by a constable of person believed to have committed an offence.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 24 please Mr Speaker.

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

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Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clauses 23 and 24 are similar. The only difference is in the additional sentences ‘whether or not the offence has in fact been committed, and whether or not the arrested person committed an offence’. This discretion is again being used in such cases where a person can be arrested even if he or she did not commit any offence without a warrant from the Ministry of Justice, Courts and Administration with due respect.

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker the answer is simple. The police still have the power to perform their duties under other legislations. There are provisions such as those which provide for the time a person can be detained which cannot exceed 24 hours without any charges to search for witnesses to prove the allegations against the said detainee.

MR SPEAKER: Thank you.

Afioga AVEAU TUALA LEPALE NIKO PALAMO: I apologize Mr Speaker, my point should be clarified. The Deputy Prime Minister is talking about the arrest however I am talking about the right of the person being arrested so that the offences are verified before that person is arrested.

MR SPEAKER: The arrested person has a right if the arresting officers breach the law in making the arrest. As the Deputy Prime Minister mentioned, there are other Legislations that provide for these issues. If there are corrupt motives behind the arrest, then the arrested person has every right to sue the arresting officer(s).

I believe this issue is clear.

*Clause 24 approved.*

CLAUSE 25: Arrest by other officers or persons pursuant to statutory powers.

*Approved.*

CLAUSE 26: Persons assisting constable or officer in arrest.

*Approved.*

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CLAUSE 27: Arrests of persons found committing certain crimes.

*Approved.*

CLAUSE 28: Arrest of person believed to be committing crime by night.

*Approved.*

CLAUSE 29: Arrest after commission of certain crimes.

*Approved.*

CLAUSE 30: Arrest during flight.

*Approved.*

CLAUSE 31: Force used in executing process.

*Approved.*

CLAUSE 32: Preventing escape or rescue.

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

MR SPEAKER: Which Clause?

Afioga Hon PALUSALUE FAAPO II: Regarding Clause 32 which protects officers and those assisting the officers in arresting persons accused of committing an offence. In my opinion Mr Speaker and Hon Minister, many problems have arisen with inmates being injured while in the process of being arrested and yet the officers are being protected from legal action against them.

The question is whether the inmates rights are being protected especially those who have been detained but have not yet been found guilty of any criminal activity.

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MR SPEAKER: The query is clear. I grant the opportunity to the Chairman.

Afioga TUISA TASI PATEA: The bill is straight forward, any person lawfully authorized to arrest any other person is protected. If corruption is confirmed in the execution of duties, the Court will respond to the allegations.

*Clause 32 approved.*

CLAUSE 33: Parties to offences.

*Approved.*

CLAUSE 34: Party to crime outside Samoa.

*Approved.*

CLAUSE 35: Party to offences other than that intended.

*Approved.*

CLAUSE 36: Accessory before the fact.

*Approved.*

CLAUSE 37: Accessory after the fact.

*Approved.*

CLAUSE 38: Conspiracy to commit an offence.

*Approved.*

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CLAUSE 39: Attempt to commit or procure commission of offence.

*Approved.*

CLAUSE 40: Treason.

*Approved.*

CLAUSE 41: Inciting to hostility.

*Approved.*

CLAUSE 42: Unlawful assembly.

*Approved.*

CLAUSE 43: Disorderly Assembly.

Afioga Hon PALUSALUE FAAPO II: A question Mr Speaker on Clauses 40, 41 and 42 on treason. We are all aware it is happening in our country but even a peaceful gathering of protest by a village would incur as I see here a life sentence when found guilty. Hon Chairman and the Hon Minister when a village assembles to make known their rights to the Government, these rights should be recognized but they are not for instance the incident at Aana.

MR SPEAKER: I appease the member.

Tofa Hon FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker I understand the comments by the Leader of the Opposition. There are no rights that allows for treason against the government in this bill.

MR SPEAKER: I grant the opportunity to the honorable member.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I did not say that there should be a right for the act of treason. It is the right to protest that I am concerned about for instance on issues such as land.



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MR SPEAKER: I beg indulgence of the Leader of the Opposition I give the opportunity to the Hon Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: There are Legislations that provide for the issue of land, land use and land ownership. There are no rights for an act of treason against the government.

Afioga Hon PALUSALUE FAAPO II: The Deputy Prime Minister has misinterpreted my point of view because some villages protested but this act was claimed to be an act of treason. Did the honorable Chairman and the Hon Minister research this issue because the Act may allow for charges against villages?

MR SPEAKER: The Chair will assist on the issue. There were peaceful protests against the government as in the past which is provided for in Legislation if they are conducted through the proper channels such as the Ministry of Police. However villages who protest against the government according to their own rights will be subject to this law. The intention is to prevent a situation such as that which was mentioned from happening again. We cannot touch on that issue as the matter is now before the Court.

*Clause 43 approved.*

CLAUSE 44: Riot.

*Approved.*

CLAUSE 45: Forcibly entry.

*Approved.*

CLAUSE 46: Unlawful intimidation.

*Approved.*

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CLAUSE 47: General dishonesty against the government.

*Approved.*

CLAUSE 48: “Sexual intercourse” defined.

MR SPEAKER: The Committee has an amendment on Clause 48. I call on the Chairman.

Afioga TUISA TASI PATEA: Mr Speaker I move an amendment on Clause 48 to be as follows:

“AMENDMENT:

Clause 48 – “Sexual intercourse” defined.

Insert the expression “of the female’s genitalia by male penis” thus the new clause 48 reads:-

“For the purposes of this Part, sexual intercourse is complete upon penetration of the female’s genitalia by male penis and there shall be no presumption of law that any person is by reason of his or her age incapable of such intercourse”.

*Amendment approved.*

*Clause 48 approved as amended.*

CLAUSE 49: “Sexual violation” defined.

*Approved.*

CLAUSE 50: “Sexual connection” defined.

MR SPEAKER: The Committee has an amendment on Clause 50, I call on the Chairman.

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Afioga TUISA TASI PATEA: Mr Speaker I move an amendment on Clause 50 (b) to be as follows:-

“AMENDMENT:

Delete the expression “or breasts” after the expression “anus or” as it appears in paragraph (b) thus the new paragraph will read:-

“(b) connection between the mouth or tongue or any part of the body of any person and any part of the genitalia or anus of any other person;”

*Amendment approved.*

*Clause 50 approved as amended.*

CLAUSE 51: Circumstances which do not in themselves amount to consent.

MR SPEAKER: The Committee has an amendment. I call upon the Chairman.

Afioga TUISA TASI PATEA: Mr Speaker I move an amendment on Clause 51 to be as follows:-

“AMENDMENT:

Insert new subclause (3) to provide justification or excuse to read:-

“Option 2.

(3) it is a defence for the offence of rape that the **accused honestly and reasonably** believed that the consent was given”.

*Amendment approved.*

*Clause 51 approved as amended.*

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CLAUSE 52: Penalty for sexual violation.

*Approved.*

CLAUSE 53: Attempted sexual violation and assault with intent to commit suicide.

*Approved.*

CLAUSE 54: Sexual conduct with consent induced by threats.

*Approved.*

CLAUSE 55: Incest.

MR SPEAKER: The Committee has an amendment. I call on the Chairman.

Afioga Hon TUISA TASI PATEA: Mr Speaker I move an amendment on Clause 55 (3) to be as follows:-

“AMENDMENT:

Delete the figure “14” and substitute thereby the correct figure “20” thus the new subclause 55 (3) will read:-

“(3) A person who is or over the age of 16 years who commits incest is liable to imprisonment for a term not exceeding 20 years”.

*Amendment approved.*

*Clause 55 approved as amended.*

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CLAUSE 56: Sexual conduct with a family member.

MR SPEAKER: I call on the member.

Tofa LEALAILPULE RIMONI AIAFI: Mr Speaker I thank the committee for amending the penalties but it is not enough. This clause sets the age at 21 but there should not be an age limit because it can happen to anyone regardless of their age. I am thankful for the court decisions to imprison repeat offenders for life. In America years for imprisonment reach up to 150 years and the committee should consider additional years for imprisonment with respect.

MR SPEAKER: Thank you. I call on the honorable member.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I thank the government for the initiative to amend this Act. Mr Chairman did you reassess a penalty of more than 14 years for this offence? Parole should be prohibited and other conditions should be placed on the 20 years sentence. Without conditions, it results in repeat offending because half way through the 20 years, the prisoner is allowed parole. Mr Speaker, I ask that the Chairman review the imprisonment terms.

MR SPEAKER: The concern is duly noted. I call on the Chairman.

Afioga TUISA TASI PATEA: Thank you. The Committee deliberated extensively on this issue and the 14 years has been amended to 20 years. It must also be made clear that if the law regarding children is broken the law will prosecute. I believe the Bill is well prepared.

MR SEAKER: The committee has an amendment for Clause 56 as stated in the Supplementary Order Paper. I call on the Chairman of the Committee.

Afioga TUISA TASI PATEA: Mr Speaker I move an amendment on Clause 56 to be as follows:-

“AMENDMENT:

Clause 56:

Insert the expression “with or” after the expression “indecent act” as it appears in subclause (3) and subclause (6) & (6) will read:-

“(3) A person is liable to imprisonment for a term not exceeding 14 years who does an indecent act with or on a dependent family member under the age of 21 years”.

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“(6) Indecent act with or on a dependent family member includes indecently assaulting the dependent family member”.

*Amendment approved.*

*Clause 56 approved as amended.*

CLAUSE 57: Dependent family member defined.

*Approved.*

CLAUSE 58: Sexual conduct with child under 12.

MR SPEAKER: There is an amendment by the Committee on Clause 58 as shown in the Supplementary Order Paper. I call on the Committee Chairman.

Afioga TUISA TASI PATEA: Mr Speaker I move the amendment in Clause 58 as follow:-

“AMENDMENT:

Clause 58:

Delete the number “10” as it appears in subclause (3) and substitute therewith the correct figure “14” thus the new subclause (3) will read:-

Insert the expression “with or” after the expression “indecent act” as it appears in subclause (3) and subclause (6) thus new subclause 58 (3) & (6) reads:-

“(3) A person who does an indecent act with or on a child is liable to imprisonment for a term not exceeding 14 years.

“(6) In this section:  
“child” means a person under the age of 12 years;  
“doing an indecent act with or on a child includes indecently assaulting the child.

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MR SPEAKER: I call on the member.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker clauses 58 and 59 are related and there is inconsistency in the definition of a child. Clause 58 defines a child as a person under the age of 12 and the next Clause has a young person under the age of 16 years. If the 12 year old is a day over 12 years, is that person no longer considered as a child? I believe that 16 years is more appropriate for a child's age. I thought the Committee would amend this because to be 12 years and a day old would mean the child is then an adolescent and no longer a child with all due respect.

MR SPEAKER: The member's view is significant but it should have been brought up during the second reading debate and committee meetings. Do not worry as I believe that this has been a result of research of court cases from the Ministry of Justice, Courts and Administration. Amendments can be made later if it is observed that these cases involve persons 16 years and younger.

*Amendment approved.*

*Clause 58 approved as amended.*

CLAUSE 59: Sexual conduct with young person under 16.

MR SPEAKER: There is an amendment by the Committee as shown in the Supplementary Order Paper for Clause 59.

I call on the Chairman.

“AMENDMENT:

Clause 59:

Insert the expression “with or” after the expression “indecent act” as it appears in subclause (3) and subclause (5), thus the new subclause 59 (3) & (5) will read:-

“(3) A person who does an indecent act with or on a young person is liable to imprisonment for a term not exceeding seven (7) years”.

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- “(5) In this section;  
“young person” means a person who is 12 years or over and under the age of 16 years; and  
“doing an indecent act with or on a young person”.

*Amendment approved.*

*Clause 59 approved as amended.*

CLAUSE 60: Indecent assault.

*Approved.*

CLAUSE 61: Defence to charge under section 59.

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

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker I want to comment on section 61(d) which can be used as a defence by the person charged under section 59. A young person of 12, 13 and 14 years old can be easily convinced by the offender to say that he or she consented. This bill has a defence for offenders and I only recommend that the committee look into this again.

MR SPEAKER: Thank you. I ask the Chairman to please note the advice from the member as it will be useful for future amendments.

*Clause 61 approved.*

CLAUSE 62: Using threats of intimidation for the purpose of sexual conduct.

*Approved.*



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CLAUSE 63: Sexual conduct with severely intellectually disabled person.

*Approved.*

CLAUSE 64: Voyeurism.

*Approved.*

CLAUSE 65: Adultery by married persons.

MR SPEAKER: Which clause member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Does the committee have an amendment to Clause 65? If not, I believe that it should be reviewed again because the penalty of 1 unit was in the repealed Ordinance. There should be a change in the penalty because this would mean that if you want to commit adultery it would only incur a fine of \$100.

MR SPEAKER: I call on the chairman to comment on the penalty mentioned.

Afioga TUISA TASI PATEA: Thank you. Our committee discussed this issue however most did not consider an amendment. The member should have been present to remind us of it. Our Christian foundation is the basis of these Clauses and this issue is provided for in the following clauses.

*Clause 65 approved.*

CLAUSE 66: Adultery with married person.

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

Tofa LEALAILEPULE RIMONI AIAFI: Again the same penalty is applied to this serious offence. I talked before about inconsistency and again there is inconsistency. The offences are increasing in severity but the penalty is the same. Section 67 provides for sodomy which is a much serious offence and the imprisonment term is reduced to 7 years.

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Other serious offences in this bill provide for a prison term of 14 and 20 years with respect.

MR SPEAKER: I call on the Chairman.

Afioga TUISA TASI PATEA: The imprisonment term for sodomy has not been changed or reduced to 7 years. Our society does not accept these practices as it conflicts with our cultural values and Christian principles.

MR SPEAKER: Thank you.

*Clause 66 approved.*

CLAUSE 67: Sodomy.

*Approved.*

CLAUSE 68: Attempts to commit sodomy.

*Approved.*

CLAUSE 69: Criminal Nuisance.

*Approved.*

CLAUSE 70: Brothel keeping.

*Approved.*

CLAUSE 71: Keeping place of resort for homosexual acts.

*Approved.*

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CLAUSE 72: Prostitution.

*Approved.*

CLAUSE 73: Solicitation.

*Approved.*

CLAUSE 74: Living on earnings of prostitution.

*Approved.*

CLAUSE 75: Procuring sexual intercourse.

*Approved.*

CLAUSE 76: Indecent act in a public place.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 76 indecent act in a public place Mr Speaker.

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

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I ask whether the area in front of Tanoa Hotel is subject to this Bill.

MR SPEAKER: The Deputy Prime Minister will answer that.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: The question is unclear Mr Speaker. Can you clarify the part where Tanoa Hotel is mentioned?

MR SPEAKER: I call on the member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: You may have seen the inappropriate behavior of some people in the area opposite Tanoa Hotel.

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I attempted to contact the Ministry of Police about Legislations which provide for these indecent acts in public place therefore I am thankful for this bill however I want to know if it implies to these people.

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: I still do not understand Mr Speaker. Are they performing sexual activities opposite Tanoa Hotel? Is that what you mean?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Indecent acts  
Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Indecent acts? If so then the bill will apply to them.

MR SPEAKER: I call on the Chairman of the committee.

Tofa TUISA TASI PATEA: I want to remind the member that it is our responsibility to inform the police if people are seen committing indecent acts on public lands or in public places.

MR SPEAKER: Public places include the town area and it need not be clarified. As mentioned by the government leader, we are also police and we must inform the Minister of Police and Prisons on any inappropriate behavior seen in public places.

*Clause 76 approved.*

CLAUSE 77: Indecent act with intent to insult or offend.

*Approved.*

CLAUSE 78: Bigamy.

*Approved.*

CLAUSE 79: Feigned marriage.

*Approved.*

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CLAUSE 80: Misconduct in respect of human remains.

*Approved.*

CLAUSE 81: Distribution or exhibition of indecent matter.

*Approved.*

CLAUSE 82: Publication, distribution or exhibition of indecent material on child.

*Approved.*

CLAUSE 83: Standard of care required of persons under legal duties.

*Approved.*

CLAUSE 84: Duty to provide the necessaries of life.

*Approved.*

CLAUSE 85: Duty of parent or guardian to provide necessaries.

MR SPEAKER: There is an amendment for this clause. I call on the Chairman.

Tofa TUISA TASI PATEA: Mr Speaker I move an amendment on Clause 85 to be as follows:-

“AMENDMENT:

Delete the number “16” and substitute thereby the figure “18” thus the new subclause 86(1) will read:-

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- “(1) A person who as a parent or person in place of a parent is under a legal duty to provide necessities for any child under the age of 18 years, being a child in his or her actual custody, is criminally responsible for omitting without lawful excuse to do so, whether the child is helpless or not, if the death of the child is caused, or if his or her life is endangered or his or her health permanently injured, by such omission”.

*Amendment approved.*

*Clause 85 approved as amended.*

**CLAUSE 86:** Abandoning child under six (6) years.

*Approved.*

**CLAUSE 87:** Duty of persons doing dangerous acts.

*Approved.*

**CLAUSE 88:** Duty of persons in charge of dangerous things.

*Approved.*

**CLAUSE 89:** Duty to avoid omissions dangerous to life.

*Approved.*

**CLAUSE 90:** Homicide defined.

*Approved.*

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CLAUSE 91: Killing of a child.

*Approved.*

CLAUSE 92: Culpable homicide.

*Approved.*

CLAUSE 93: Death must occur within a year and a day.

*Approved.*

CLAUSE 94: Killing by influence on the mind.

*Approved.*

CLAUSE 95: Acceleration of death.

*Approved.*

CLAUSE 96: Causing death that might have been prevented.

*Approved.*

CLAUSE 97: Causing injury the treatment of which causes death.

*Approved.*

CLAUSE 98: Indirect cause of death.

*Approved.*

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CLAUSE 99: Murder defined.

MR SPEAKER: The Committee has an amendment for Clause 99 as stated in the Supplementary Order Paper. I call on the Committee Chairman.

Tofa TUISA TASI PATEA: Mr Speaker I move an amendment on Clause 99 to be as follows:-

“AMENDMENT:

Delete paragraph (c) and substitute the new paragraph to read:-

“(c) if the offender- means to cause death; or means to cause bodily injury known to the offender to be likely to cause death, and is reckless whether death ensues or not – to one person, and by accident, mistake or otherwise kills another person, though he or she does not mean to hurt the person killed, or”

*Amendment approved.*

*Clause 99 approved as amended.*

CLAUSE 100: Further definition of “murder”.

*Approved.*

CLAUSE 101: Provocation.

*Approved.*

CLAUSE 102: Manslaughter.

*Approved.*



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CLAUSE 103: Punishment of murder.

*Approved.*

CLAUSE 104: Attempt to murder.

*Approved.*

CLAUSE 105: Counseling or attempting to procure murder.

*Approved.*

CLAUSE 106: Conspiracy to murder.

*Approved.*

CLAUSE 107: Accessory after the fact to murder.

*Approved.*

CLAUSE 108: Punishment of manslaughter.

*Approved.*

CLAUSE 109: Killing unborn child.

*Approved.*

CLAUSE 110: Infanticide.

*Approved.*

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CLAUSE 111: Miscarriage defined.

*Approved.*

CLAUSE 112: Procuring abortion by any means.

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

MR SPEAKER: Which Clause?

Afioga Hon PALUSLUE FAAPO II: Clause 112 and 113 Mr Speaker.....

MR SPEAKER: I call on the honorable member.

Afioga Hon PALUSALUE FAAPO II: Abortion issues vary from country to country. It is permitted in some countries based on reasonable grounds if it affects the health of the mother or it was a result of rape. In Australia abortion is permitted for accidental pregnancies considering factors such as the mother's financial status and education.

I ask the Chairman and the Committee if they had not considered these issues with respect.

MR SPEAKER: Your comment is noted. I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: The Leader was too quick to comment but the area of concern is provided for under Clause 116.

MR SPEAKER: Well done. Perhaps the concern will be cleared when we consider Clause 116.

*Clause 112 approved.*

CLAUSE 113: Female procuring her own miscarriage.

*Approved.*

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CLAUSE 114: Supplying means of procuring abortion.

*Approved.*

CLAUSE 115: Effectiveness of means used immaterial.

*Approved.*

CLAUSE 116: Meaning of “unlawfully”.

*Approved.*

CLAUSE 117: Concealing dead body of a child.

*Approved.*

CLAUSE 118: Causing serious bodily injury with intent.

*Approved.*

CLAUSE 119: Causing injury.

*Approved.*

CLAUSE 120: Injuring by reckless endangerment.

*Approved.*

CLAUSE 121: Injuring in the course of criminal conduct.

*Approved.*

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CLAUSE 122: Aggravated assault.

*Approved.*

CLAUSE 123: Common assault.

*Approved.*

CLAUSE 124: Disabling.

*Approved.*

CLAUSE 125: Setting traps.

*Approved.*

CLAUSE 126: Impeding rescue.

*Approved.*

CLAUSE 127: Using firearm against law enforcement officer.

*Approved.*

CLAUSE 128: Using firearm in commission of crime.

*Approved.*

CLAUSE 129: Threats to kill or do grievous bodily harm.

*Approved.*

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CLAUSE 130: Kidnapping.

*Approved.*

CLAUSE 131: Abduction of a child under 16.

*Approved.*

CLAUSE 132: Interpretation.

*Approved.*

CLAUSE 133: Judicial corruption.

*Approved.*

CLAUSE 134: Bribery of judicial officer, etc.

*Approved.*

CLAUSE 135: Corruption and bribery of a Minister of the Government of Samoa.

*Approved.*

CLAUSE 136: Corruption and bribery of member of Parliament.

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

MR SPEAKER: Which Clause?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clauses 135, 136 and the following clauses. Clauses 134, 135, 136 and 137 provide for the same offence of bribery.

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Clauses 135 and 136 have a subclause (3) which protects the person being charged unless the consent is given from Attorney General but there are no subclauses like this for 134 and 137. Why does consent only have to be for a Minister, Associate Minister, CEO or Member of Parliament but not public servants?

MR SPEAKER: I call on the Chairman.

Afioga TUISA TASI PATEA: That is an excellent question and I believe that this Bill protects those who will enforce and implement it. The subclause (3) for Clauses 135 and 136 are clear for the protection of those mentioned.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker the Chairman is right.

MR SPEAKER: I appease the Chairman I need to give the opportunity to the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: The reason for the Attorney General's consent is simple. It is to allow for an independent investigation based on integrity and honesty into the charges without the interference of the said persons' status.

MR SPEAKER: I grant the last opportunity to the member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: The Deputy Prime Minister was responding to my question regarding Clause 135(3) and 136(3). However the following Clause 137 has the same wording but there is no subclause (3) to protect an enforcement officer.

MR SPEAKER: I believe the issue is understandable from the Deputy Prime Minister's clarification. All Bills tabled in the House are established based on our past experiences and there are those who have been taken to court for these cases. These clauses are to protect the reputation of the Minister or Member of Parliament because there are those that may wish to taint their reputations and so the Attorney General must exercise his discretion in investigating these claims.

That is my clarification. I call on the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker the protection of members is the main significance of clauses 135 and 136.

A former New Zealand MP was involved in a traditional ceremony where monetary exchange is common and this issue was brought up. The concern is that there might be those that will be affected under this Clause during traditional ceremonies that may be misinterpreted.

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

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: We are all aware of the issue cited by the Leader of the Opposition which happened during elections and it is provided for under the Electoral Act which distinguishes the act of bribery from traditional ceremonies. That issue is different from the issue mentioned in this bill which involves corruption.

MR SPEAKER: I give the last opportunity.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker corruption and bribery are one and the same in Clause 135. My concern is that we value our culture and traditions and some ceremonies may be misinterpreted as bribery which has many forms such as through developments.

I need to understand in order to protect members during these cultural and traditional practices.

MR SPEAKER: Your concern is understood Leader of the Opposition. I give the opportunity to the Hon Minister of Finance to respond.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Thank you for the opportunity Mr Speaker. From what I know, the Act refers to the Attorney General's consent if the matter is state related but if it is an issue for instance of rape, the Attorney General's consent is not needed. The Attorney General investigates state related corruption by a Minister, Associate Minister, CEO or Member of Parliament but not civil cases with respect.

MR SPEAKER: I believe the matter is clear. Is there any other clarification Chairman?

Afioga TUISA TASI PATEA: I want to add to the comments by the Deputy Prime Minister and the Hon Minister of Finance. As questioned by the Leader of the Opposition, our cultural and traditional ceremonies will not be subject to this bill unless it is done with bribery intentions. As is witnessed during the elections, when the traditional offering is made if there are corrupt intentions then this bill will be enforced.

In response to Sections 135(3) and 136(3), the Hon Minister and Deputy Prime Minister already explained the reason why the Attorney General's consent is required before charges are made against any members or ministers, thank you.

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*Clause 136 approved.*

CLAUSE 137: Corruption and bribery of law enforcement officer.

*Approved.*

CLAUSE 138: Corruption and bribery of officials.

*Approved.*

CLAUSE 139: Perjury.

*Approved.*

CLAUSE 140: Fabricating evidence.

*Approved.*

CLAUSE 141: Conspiring to defeat justice.

*Approved.*

CLAUSE 142: Breaking prison.

*Approved.*

CLAUSE 143: Escape.

*Approved.*



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CLAUSE 144: Rescue.

*Approved.*

CLAUSE 145: Threatening words or behaviour to member of Parliament of Officer.

*Approved.*

CLAUSE 146: Participating in organized criminal group.

*Approved.*

CLAUSE 147: Corrupt use of official information.

*Approved.*

CLAUSE 148: Use or disclosure of personal information.

*Approved.*

CLAUSE 149: Bribery of foreign public official: definitions.

*Approved.*

CLAUSE 150: Bribery in Samoa of foreign public official.

*Approved.*

CLAUSE 151: Bribery outside Samoa of foreign public official.

*Approved.*

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CLAUSE 152: Exception for lawful acts in country of foreign public official.

*Approved.*

CLAUSE 153: Terms used in this Part of the Act.

*Approved.*

CLAUSE 154: Smuggling migrants.

*Approved.*

CLAUSE 155: Trafficking in people by means of coercion or deception.

*Approved.*

CLAUSE 156: Aggravating factors.

*Approved.*

CLAUSE 157: Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour.

*Approved.*

CLAUSE 158: Attorney General's consent to prosecutions required.

*Approved.*

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CLAUSE 159: Interpretation.

*Approved.*

CLAUSE 160: Matters of ownership.

*Approved.*

CLAUSE 161: Theft or stealing.

*Approved.*

CLAUSE 162: Theft by person in special relationship.

*Approved.*

CLAUSE 163: Theft of animals.

*Approved.*

CLAUSE 164: Theft by spouse or partner.

*Approved.*

CLAUSE 165: Punishment of theft.

*Approved.*

CLAUSE 166: Ineffectual defences to charge or theft.

*Approved.*

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CLAUSE 167: Receiving.

*Approved.*

CLAUSE 168: Punishment of Receiving.

*Approved.*

CLAUSE 169: Dishonestly taking or using document.

*Approved.*

CLAUSE 170: Criminal breach of trust.

*Approved.*

CLAUSE 171: Taking, obtaining or copying trade secrets.

*Approved.*

CLAUSE 172: Obtaining by deception or causing loss by deception.

*Approved.*

CLAUSE 173: Punishment by obtaining by deception or causing loss by deception.

*Approved.*

CLAUSE 174: Burglary.

*Approved.*

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CLAUSE 175: Aggravated burglary.

*Approved.*

CLAUSE 176: Robbery.

*Approved.*

CLAUSE 178: Unlawful entry of building by night.

*Approved.*

CLAUSE 179: Assault with intend to rob.

*Approved.*

CLAUSE 180: Demanding with intent to steal etc.

*Approved.*

CLAUSE 181: Blackmail.

*Approved.*

CLAUSE 182: Arson.

*Approved.*

CLAUSE 183: Attempted Arson.

*Approved.*

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CLAUSE 184: Intentional damage.

*Approved.*

CLAUSE 185: Endangering transport.

*Approved.*

CLAUSE 186: Causing disease or sickness in animals.

*Approved.*

CLAUSE 187: Contaminating food, crops, water or other products.

*Approved.*

CLAUSE 188: Threatening to kill or do grievous bodily harm.

*Approved.*

CLAUSE 189: Threatening to destroy property.

*Approved.*

CLAUSE 190: Threats of harm to people or property.

*Approved.*

CLAUSE 191: Threatening acts.

*Approved.*

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CLAUSE 192: Conspiring to prevent collection of rates or taxes.

*Approved.*

CLAUSE 193: Interpretation.

*Approved.*

CLAUSE 194: Forgery.

*Approved.*

CLAUSE 195: Using forged documents.

*Approved.*

CLAUSE 196: Altering, concealing, destroying, or reproducing documents with intent to deceive.

*Approved.*

CLAUSE 197: Using altered or reproduced documents with intent to deceive.

*Approved.*

CLAUSE 198: False accounting.

*Approved.*

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**CLAUSE 199: Counterfeiting public seals.**

*Approved.*

**CLAUSE 200: Counterfeiting corporate seals.**

*Approved.*

**CLAUSE 201: Possessing forged bank notes.**

*Approved.*

**CLAUSE 202: Paper or implements for forgery.**

*Approved.*

**CLAUSE 203: Imitating authorized or customary marks.**

*Approved.*

**CLAUSE 204: Offences involving coinage.**

*Approved.*

**CLAUSE 205: Interpretation.**

*Approved.*

**CLAUSE 206: Assessing electronic system without authorization.**

*Approved.*



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CLAUSE 207: Assessing electronic system for dishonest purpose.

*Approved.*

CLAUSE 208: Illegal remaining in an electronic system.

MR SPEAKER: I call on the member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker query on Clause 208(2). Can an explanation be given on who is authorized to access an electronic system with respect?

MR SPEAKER: I call on the Chairman.

Afioga TUISA TASI PATEA: Can you repeat your question please?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 208(2)(a) states that 'This section does not apply if: a person who is authorized to access an electronic system accesses the electronic system for a purpose other than the one for which that person was given access' or I believe the internet which implies that there are those that are not permitted to access the electronic systems. Therefore I ask who these authorized persons are?

MR SPEAKER: Which Clause are you referring to?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 208(2)(a).

MR SPEAKER: I call on the Hon Minister of Communication and Information Technology.

Afioga Hon TUISUGALETAUA SOFARA AVEAU: There are people authorized to access databases where others are not allowed.

MR SPEAKER: Since broadband has been introduced recently as well as lots of technological advancement these days the Ministry has encountered new problems and offences related to electronic systems and that is the reason for the Hon Minister of Communication's clarification. Thank you.

*Clause 208 approved.*

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CLAUSE 209: Illegal interception.

*Approved.*

CLAUSE 210: Damaging or interfering with electronic data.

*Approved.*

CLAUSE 211: Illegal acquisition of electronic data.

*Approved.*

CLAUSE 212: Illegal system interference.

*Approved.*

CLAUSE 213: Illegal devices.

*Approved.*

CLAUSE 214: Making, selling, distributing or possessing software for committing a crime.

*Approved.*

CLAUSE 215: Identity fraud.

*Approved.*

CLAUSE 216: Forgery of electronic data.

*Approved.*

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CLAUSE 217: SPAM

*Approved.*

CLAUSE 218: Solicitation of children.

*Approved.*

CLAUSE 219: Harassment utilising means of electronic communication.

*Approved.*

CLAUSE 220: Consequential amendments to the Telecommunications Act 2005.

*Approved.*

CLAUSE 221: Consent of Attorney General to prosecutions.

*Approved.*

CLAUSE 222: Contempt of court.

*Approved.*

CLAUSE 223: Regulations.

*Approved.*

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CLAUSE 224: Repeal of the Crimes Ordinance 1961.

*Approved.*

CLAUSE 225: Proceedings pursuant to the repealed Ordinance.

*Approved.*

CLAUSE 226: Repealed Ordinance continue to have effect.

*Approved.*

CLAUSE 227: Consequential amendments.

MR SPEAKER: The Committee has an amendment for Clause 227. I call on the Chairman.

Afioga TUISA TASI PATEA: Mr Speaker I move an Amendment for Clause 227 to be as follows:-

“AMENDMENT:

Insert new subclause “(3)” to cover sending of indecent messages through SMS.

“(3)” The Indecent Publication Ordinance 1960 is amended:

In section 2:

in the definition of “indecent document” by inserting “electronic device” after “film” by inserting the following new definition:

“electronic device” means any device capable of storing, transmitting, communicating or transferring data, voice, images or any other matter; and in the definition of “film” by adding the following new paragraph” “(ba) a video clip; and (b) in section 3:

(i) in subsection (1) by adding “or any other means” after “post”;

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- (ii) in subsection (4)(a) by deleting “3 months” and substituting “2 years”.

*Amendment approved.*

*Clause 227 approved as Amended.*

CLAUSE 228: Savings and transitional provisions.

*Approved.*

CLAUSE 1 & TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Crimes Act 2012.

MR SPEAKER: The Committee has an amendment for Clause 1 & Title as shown in the Supplementary Order Paper.

I call on the Chairman of the Justice, Police & Prisons and Land & Titles Committee.

Afioga TUISA TASI PATEA: Mr Speaker I move a correction for Clause 1 and Title to be as follows:-

“CORRECTION:

Omit the figure “2012” as it appears in Clause 1 and substitute therewith the correct figure “2013” thus the short title will read:-

“CRIMES BILL 2013”.

*Correction approved.*

*Clause 1 and Title approved as corrected.*

*The Crimes Act 2013 has progressed with Amendments and Corrections.*

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MOTION TO SET ASIDE STANDING ORDERS.

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker I move the motion, *To set aside Standing Order 107(4) to allow for the third reading of the Crimes Act 2013.*

*Seconded by the Minister of Finance and Minister of Communication and Information Technology.*

*Motion approved, Standing Order 107(4) was set aside.*

CRIMES BILL 2013 – third reading

MR SPEAKER: I call on the Hon Minister of Police & Prisons, Fire and Emergency Services.

Afioga Hon SALA FATA PINATI: Mr Speaker I move, *That the Crimes Act 2013 be now read the third time.*

*Seconded by the Minister of Finance.*

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

ACKNOWLEDGEMENT AND MOTION FOR  
ADJOURNMENT

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Thank you Mr Speaker, I believe we have accomplished most of our work within the 2 days and we should have a rest. We have had 6 bills in the House during this sitting and I therefore congratulate you Mr Speaker for your tolerance in leading our proceedings. May God bless you in performing your duties.

I also congratulate the Leader of the Opposition and the Deputy Leader and the members of that side as you do not take lightly your role in being the Opposition through challenging the government and this party.

I thank the honorable ministers and associate ministers for their hard work and fulfilling their responsibilities for the benefits of Samoa and its people.

I acknowledge the members who expressed their views on the matters discussed.

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Acknowledgement and Motion for Adjournment

The dignity of Samoa we will not address as it remains unchanged from the beginning until the end but I am grateful to our country for the support. May God continue to bless the members of the clergy who serve in the various denominations.

Finally, we wish you all a safe Easter celebrations. Mr Speaker, I move the motion, *That the proceedings of the Legislative Assembly be adjourned until 9.00am Thursday, 30<sup>th</sup> May 2013 as stipulated in the Parliament Meeting Program 2012/2013.* Soifua ma ia Manuia.

*Seconded by the Minister of Finance and Minister of Communication Information and Technology.*

MR SPEAKER: Before I put forward the question I am mindful of the respected relationships with this Side of the House and I therefore offer the opportunity to the Leader of the Opposition to respond to the Deputy Prime Minister's acknowledgement before we adjourn.

LEADER'S OF OPPOSITION'S RESPONSE

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I respectfully rise on behalf of this Side to convey our gratitude to the Deputy Prime Minister, Cabinet, Associate Ministers, the majority of your party as well as the Deputy Leader and members of our Shadow Cabinet. I apologize if we have caused any offense but we are only here for one purpose which is to create a better future for our country.

Mr Speaker, we congratulate you for your patience and wisdom in leading our proceedings and we apologize for any misbehavior from this side. May God bless the Chief Executive Officers of the various government ministries and corporations who are the government's right hand in performing tasks in the service of our country.

We acknowledge the support of Samoa from the oldest to the youngest; His Highness the Head of State and your good lady, the member of the Council of Deputies and his good lady, Chief Justice and members of the Judiciary. Our Parliament has succeeded because of your continuous support and prayers. We cannot forget the members of the Clergy and Leaders of the various denominations who pray for the success of our Parliament especially during this week as we are about to acknowledge the crucifixion of our Lord Jesus Christ.

We also acknowledge the Clerk and Office of the Legislative Assembly for servicing our Parliament. Thank you and may God bless you for all your works provided and may He guide us during this Easter. Soifua.

*Question was put and when the Ayes have it, Proceedings were adjourned until 30<sup>th</sup> May, 2013.*

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Acknowledgement and Motion for Adjournment

MR SPEAKER: I congratulate the Leader of the Opposition for his response. I believe our formalities are completed and I lend my apologies to Samoa who are tuning in for any mishap or offence we might have caused as we strive to fulfill our ordained calling. As we work towards achieving our goals, we hope to rely on God for His help as with Him all things are possible.

I have to remind you of our usual prayer meeting every Wednesday evenings and I would like to invite you all tonight for the prayer meeting to be held at the Prayer House, Faavae i le Atua Samoa followed by our farewell party for our Australian delegates at Moanalisa.

Again I thank our Parliament for today's session, the Deputy Prime Minister has moved the motion for adjournment and before we depart I give this opportunity to one of the members for Salega, Tofa Tapuai Toese Ah Sam to conclude our meeting with a prayer.

Prayers.

*Proceedings of the Legislative Assembly were adjourned at 2.50pm in the afternoon until 9.00am Thursday, 30<sup>th</sup> May 2013 pursuant to the Parliament Sitting Program 2012/2013.*