

27 JANUARY 2020

MONDAY, 27 JANUARY 2020

Mr Speaker took the chair at 9:04 am.

Prayers.

MR SPEAKER: I declare the Proceedings of the Legislative Assembly now open. I respectfully extend greetings to the dignitaries of the country's prominent forum. With your Hon Prime Minister, the Deputy Prime Minister, Cabinet and distinguished members of this Assembly. I also recognise the Chief Executive Officers of Ministries and Public Enterprises. Warm greetings also to the public at large and their support from around the country. I am grateful for the opportunity to continue our role.

OTHER ANNOUNCEMENTS BY MR SPEAKER

MR SPEAKER: In accordance with the motion moved by the Prime Minister on Friday the 24/01/2020, for the member for Gagaifomauga No 3, to table the Documents as evidence, which confirms transactions of his generator which he claims to have bought for the price of \$100,000 Samoan tala.

I now call upon the member for Gagaifomauga No 3 to submit copies of confirmation to the Clerk of the Legislative Assembly to be tabled. Confirmation documents as required.

Susuga Hon LAAULI POLATAIVAO LEUATEA (Gagaifomauga No.3): Mr Speaker, with all due respect, before I submit confirmation documents which I was instructed to do by your honour after the motion by the Prime Minister, I ask for a chance to clarify clearly the documents which I am about to present.

I respectfully acknowledge the presence in good health of your honourable Speaker and this Parliament. With his Hon Prime Minister and Cabinet. I cannot omit to mention the prayerful support of our people from their homes. Praise God for life on this new day.

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Other announcements by Mr Speaker

Pursuant to Standing Orders in maintaining the integrity and significance of Parliament procedures as well as upholding and observing it. I feel that I must present these documents as the Prime Minister through a motion, which was approved by this Parliament, had instructed me to do so. Records, which questions my integrity over my remarks during the contribution of this constituency on the debate of the budget. I have prepared a letter, which states the official records of the procurement of the generator in various areas right up to it being delivered to our country. Mr Speaker the total cost in the update quote is \$72,210.00, which was financed by my family. The company Freight Plus at Faleata handled the processing of the generator once arrived. The member was responsible for clearing and delivering of this generator and had it delivered to the company that did the order.

Mr Speaker I have no intention of making a deceiving statement or to betray this Assembly. My objective is to provide clarification and to set the records straight. I will be submitting a copy for the Speaker and one for the Prime Minister and 50 copies for each member for their information. Mr Speaker, I humbly urge you, so as to move a motion to acquire the records of what the chairman said concerning three quotes to table them in parliament so we may search for the truth on this matter.

That is the motion Mr Speaker and I hereby submit these documents with respect.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker, I rise to move a motion, *to refer the documents presented to the Finance Committee for their consideration.*

The motion of last week was not done in a superficial manner because I and the Cabinet, and this Parliament must understand it. That, it is government policy to publicise everything including tenders. The reason being is to avoid corrupt practise and is why the government does tenders. The notification from the Chairperson of the Finance Committee is clear, about those who submitted bids and the lowest offer. There are issues, which are a bit blurry, for instance the size of the generator, its power output. We do not even know whether it is a new generator, the member is talking about or a second hand one. There are so many issues the House is unclear about and the committee must look into it, and which company dealt with the matter, was it a friend or was it procured from customs through nepotism, and whether duties was paid and how much was paid.

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Other announcements by Mr Speaker

These are the obligations of customs to check the company where the generator came from to ascertain the actual price it was bought for. As of now, Customs are still tracing some of the business entrepreneurs concerning stock from the same supplier all at the same price but when documents came through the Ministry, the prices were different, some high and some low.

Mr Speaker there are a lot of problems around this area and is why the Committee and the Ministry of Customs must look into it, to make sure there is no inadequacy. There are currently matters before the court stemming from fraud crimes in this area. Which makes it a matter of high importance, after hearing the announcement last week, suspicious thoughts evoked inside the Cabinet and myself concerning the Minister's integrity. I am not questioning the credibility of the member's statement but I am now doubting the Minister. Our reservations had somehow fade after hearing the testimony of the Chairperson that they have looked into this in accordance to government policies relating to tenders. This is a common law in countries in compliance to integrity, which causes them to publicise what we do so as to avoid the possibility of corrupt practise.

Mr Speaker the significance of this matter reminds members of this Assembly that Ministers are adhering to this. The question should really be directed to the chairperson of the Finance Committee on the basis that Parliament work is shared. The government is responsible for the implementation of developments, and the Committee whom are members of Parliament checks on the projects done by the Government.

The only thing is questions to be directed to the Chairperson and the Finance Committee to maintain their independence. The Chairperson of the Finance and other Committees are members of this Assembly in its entirety and they provide justice. However, the Finance Committee checks on us whether our actions is in line with the rules but do no point your remarks on us. The works of the Committees are very important henceforth; do not address us but the Chairperson. It seems that you have no regard to the Chairperson of the Finance Committee.

Mr Speaker, 31 years ago in 1989 I moved a motion whilst holding the Minister of Finance portfolio to enact a legislation to authorise a progressive plan by the Government to establish a Committee for Housing after experiencing the difficulties caused by climate change. This assistance would be of something our people can fall back on instead of approaching the commercial banks like ANZ, which was very difficult to acquire a loan to build a house.

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Other announcements by Mr Speaker

That evoked a thought in the Prime Minister and Cabinet to establish a Housing Corporation for the majority of our people to turn to for loans starting at 3, 4, or 5,000 up to \$30,000 to build homes with very lenient provisions unlike the banks. Here I was trying to explain the legislation but the member for Anoama'a East went on and accused me of deception, saying it was all lies; there will be no establishment of a Housing Corporation. I got up on three occasions but was interrupted, this member saw the Prime Minister laughing and so I turned around and said some nasty words to the Prime Minister, which prompted a motion that was seconded, for the member to provide confirmation of his opinion within 48 hours. After 48 hours, he came back and apologised that he was unable to do so. A motion was subsequently moved and was seconded to have him removed from Parliament. He was suspended from the seat for Anoama'a East.

Mr Speaker this is a serious matter and the investigation will probe everything I talked about, and will reach the company that manufactured the generator and its power output. Whether it was second hand, and whether they paid the duties and whether the price it was bought for was correct. Those are the issues, what shocked me is the low bid done by this particular person when a tender was in place. Why did he not bid his \$100,000? Mr Speaker, I move, *That the documents provided be handed over to the Finance Committee for its consideration and report back in our next Sitting.*

Seconded by the Ministers of Cabinet.

Motion approved.

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker, I seek an opportunity if you please, I have no desire to object the motion. The Prime Minister is correct. The question is the integrity of myself against the Finance Committee. If this matter is to be considered by the people who oppose my argument, then there is no integrity in this matter. Mr Speaker, I appeal to appoint a Privileges and Ethics Committee to consider this matter. If this is to be given without any consideration to the people who are arguing that they are right, that is my plea. If my integrity is questioned, I too question the integrity of these documents concerning the statement from the Prime Minister, the documents I was instructed to submit contains all the answers indicating my sincerity. However, handing the matter to the Finance Committee is not appropriate...

*27 JANUARY 2020***Other announcements by Mr Speaker**

MR SPEAKER: I hear what you are saying; I beg tolerance of the member for Gagaifomauga No.3.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, we are not foolish. It is the role of the Finance Committee to investigate matters concerning government funds. The motion is spot on.

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker, there is an element of scepticism. With respect Mr Speaker, what they are about to do is not sincere.

MR SPEAKER: I now stop the member from continuing. The motion has been moved and the documents are now in the hands of the committee. You are objecting to the views of the Committee and their investigation as shown in the report and the Supplementary Budget. Their investigation covered all of this as mentioned in the report and accordingly they are satisfied. You objected to the findings of the Committee but there is no friction between yourself and the committee. They are pursuing their duty. I apologise but we seem to have conflicting views, just like Tutuila and Ape differing in calculation.

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker it is against my rules to act in a way that will create friction. What I am saying is, why are you giving this to the Committee when it is them who are asking for the reports whether they are correct or not? I beg tolerance of you, but this is the cry of a helpless being, if there is justice, appoint an Ethics Committee to decide on me and the actions of the Committee.

MR SPEAKER: Let me assist. We have another error, which is that the Finance Committee did not call for confirmation. No. That is a decision of justice and our Standing Orders. The motion from the Prime Minister is based on Standing Orders, which stipulates that members speak on matters, which can be justified. The Committee is not responsible for the motion. So, excuse me we are progressing our orders alongside our Standing Orders. Just in case we may be blamed for being biased, but these are the Parliamentary rules which you observed for five years. I beg tolerance of the member but you are right.

*27 JANUARY 2020***Other announcements by Mr Speaker**

Susuga Hon Laauli Polataivao Leuatea: Yes Mr Speaker, I urge you with humility. I did move a motion, since these documents will not come before us. I did table what the Chairperson spoke about. Toleafoa with respect.

MR SPEAKER: Let me give my response. There is no power nor provision given in Standing Order for a member to query a verification from Parliament. Why do that when this is our Parliament?

The Prime Minister's statement is clear, that whether it be the Finance Committee or Standing Orders or the Ethics Committee. They are all Parliamentary Committees. Hence, I beg tolerance of the notable member...

Susuga Hon Laauli Polataivao Leuatea: Out of respect, I shall leave it to God.

MR SPEAKER: Thank you, I call on the member for Palauli le Falefa.

Afioga Hon Faumuina Tiatia Faaolatane Liuga (Palauli le Falefa): Thank you. Since I am a member of the committee and we are being accused. The member was former Speaker and Standing Orders 172 is clear and understood that Finance Committee deals with money matters. Now the report came to us and we too have submitted our report, which is now before Parliament, which has been passed. The member questioning our integrity is not acceptable, claiming that we have no integrity. Only God has righteousness, which we uphold. I beg tolerance of the member but we are not fools. If the report is to include these tabling documents before Parliament given the motion of the State nothing will be hidden as everything shall be out in the open.

MR SPEAKER: Thank you.

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker may I say that I was directing my remarks to the chairperson. Faumuina, think of the time you were in the position. But that is my concern, you are all in the Public Accounts Committee.

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MR SPEAKER: Well, I beg your pardon, but we should not become offensive to each other for it will only pull us back to conflict. There will be an opportunity for the Chairperson and the Committee to call on the Ministry of Corrections to share their view on the matter.

The motion is specifically for the validation of your statement. It is now set and it is now with the Committee for their view. If it is confirmed, then you should have no concern. However, it seems to me that you are nervous due to the possibility that something may not seem be right with the documents. I mean, I too have bought a generator, I think it was about three months later and I bought another one. I do understand the cost of these things but I keep quiet about it. Anyway, let us leave it up to the Chairperson and the Committee.

Susuga Hon Laauli Polataivao Leuatea: Thank you, I will say no more.

MR SPEAKER: I will allow the Chairperson of the Committee.

Afioga Aliimalemanu Alofa Tuuau (Alataua West): Thank you for this wonderful morning. Leave the matter up to our consideration. I will only remind members that we are considering the Budget, it is speculations, things that have not occur, and it is a plan. Until it actually happens. If it is \$300,000 and comes the end, it is \$260,000 after the sorting of everything, then that shall be the final amount that will go into the Budget. On the other hand, if it is \$310,000 that will be it. It is sort of like a guessing game or a plan of what may happen. There were quotes from corrections to make comparison with our figures for the final amount to note down. It shall all be reported to resolve this matter.

Afioga Faumuina Asi Pauli Wayne Fong (Urban West): Mr Speaker, could I get an opportunity...

MR SPEAKER: No you will not get a chance.

Afioga Faumuina Asi Pauli Wayne Fong: I want to respond to the speculations from the Finance Committee.

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Presentation of Papers

MR SPEAKER: My apologies Faumui, our work should be done with courtesy and mutual respect after all there are so many of you and only myself. I do not really have the strength and our sitting could be interrupted with an ambulance due to your constant contending with the Speaker. Let us keep clam this could be our last sitting day and finish tomorrow depending on the good flow of member's speeches.

Nevertheless, since the matter is now on the right tract, let us accept justice and continue with our work. The member for Gagaifomauga No.3 should have no concern at all.

PRESENTATION OF PAPERS

The Clerk of the Legislative Assembly read out the Papers pursuant to S.O.49(2).

1. P.P.2019/2020 No.156, Annual Report of the Land Transport Authority for the Financial year 2018/2019

MOTION BY THE DEPUTY PRIME MINISTER

MR SPEAKER: I respectfully call upon the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA (Deputy Prime Minister, Minister of Natural Resources and the Environment): Thank you Mr Speaker for the opportunity, my commendations to all distinguished members of Samoa's Legislature for your attendance in good health on this fine morning.

Mr Speaker, I rise with all due respect because of the Advisory Commission of Customary Lands Act 2013 for it is only a few months away before it becomes invalid after 7 years. However, provided under Section 14(2) as follow; The Legislative Assembly may before the expiry of 7 years, by resolution extend the operations of the Commission for an extended period of no more than 7 years.

Therefore, I move that, that the legislative Assembly resolves the extension of the Commission operations for the next 3 years as approved by Cabinet CD (19) 39 for any other actions that needs to be completed.

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Motion to set aside Standing Orders

Seconded by the Minister of Women and Social Development, and the Minister of Commerce, Business and Labour.

Motion approved.

MOTION TO SET ASIDE STANDING ORDERS

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

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker due to the significance of this Legislation I move, *That Standing Orders 102(1) be set aside to allow the second reading of this Bill and to progress with the third reading.*

Seconded by the Deputy Prime Minister and Ministers of Cabinet.

Motion approved

**PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2019
- second reading**

MR SPEAKER: I call on the Minister of Finance.

Afioga Hon SILI EPA TUIOTI (Minister of Finance): Mr Speaker I move, *That the Public Finance Management Amendment Bill be read a second time and I wish to clarify it.*

Seconded by the Minister of Education, Sports and Culture and the Minister of Revenue.

Motion approved.

MR SPEAKER: I call upon the Minister of Finance for your explanatory remarks.

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Public Finance Management Amendment Bill 2019
- second reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker and distinguish members. The adjustment to amend the Bill is a brief one, which is the addition of the Chamber of Commerce as a member of the Revenue Board. As of now its membership is made up of government Ministries only. With their chairman being the Chief Executive Officer of the Ministry of Finance, the Attorney General, Chief Executive Officer of the Ministry of Revenue and Ministry of Commerce, Business and Labour.

This amendment complies with the Cabinet Directive, which allows the Chamber of Commerce to become a member of this Board. The significance of this legislation stamps the partnership between government and its Ministries and the Chamber of Commerce which relationship and dialogue particularly during preparation of the budget has been so for many years. We are interested and welcome the contribution of the private sector on matters of policies, the allocation of funds and where priorities should go. The Chamber of Commerce is the largest group in the private sector, different from the manufacturers' organisation and the hospitality sector dealing with tourism. This organisation includes within their membership representatives from the mentioned groups, which is the reason behind the government's decision that they be included in the National Revenue Board. The adjustment is fairly short and it is the right time to strengthen the partnership between the government and the business community. We must cooperate and look ahead to our 20/40 strategy, which requires collaboration between the government and Ministries as well as the business sector whom are hugely responsible for providing employment, and the time has come for this partnership to eventuate.

The other is the inclusion of the President of the business community. It is a requirement under the law and it is an appointment that cannot be filled by anyone else.

If a Chief Executive Officer of a Ministry or President of the Chamber of Commerce is not available, the next person in line be it the ACEO or Deputy CEO of a Ministry as well as a senior representative below the President in rank. That is a brief account of the amendment for this Public Finance Management Bill 2019.

MR SPEAKER: This legislation and its amendment had been clarified during our pre-sitting. I am of the view then that all members comprehend this matter. I will now put forth the question.

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Public Finance Management Amendment Bill 2019
- second reading

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East): Mr Speaker, I seek an opportunity.

MR SPEAKER: Perhaps this would be the only constituency wanting to give a statement. The member for Vaimauga East will have the floor.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: I bid greetings to you Mr Speaker and the Deputy Speaker for your role in conducting our proceedings, which has been excellent. I acknowledge the Hon Prime Minister and Cabinet for your responses to us on this side of the Chambers the previous week. I am very grateful for Samoa has witnessed your favourable and apparent submissions on matters, which this constituency has been seeking insight on.

I appreciate the role of Ministers and the Government Chiefs for continuing to submit legislations to amend our laws to simplify and improve our government operations for the sake of our economy. The intention is the President of the Chamber of Commerce.

If you look into this matter, majority of those in the Private Sector excludes the small business entrepreneurs, majority of them are the large business traders which the small business traders. This excludes the small operating shops in the rural areas where the ice pop, ice cake and pork buns are sold. It seems that the Private Sector through their President will now be rubbing shoulders with the big businesses and all of a sudden, our economy concerns me particularly those running small shops in the rural area. These are the particular people that are in need of this situation within the country although, the Government are again reaching out to bring them...it is a good thing to have them included for the purpose of speeding up operations. My concern however stems from the fact that large business owners are now getting involved in the decision making whilst the small business people do not have a say. I had thought that consideration would go to some extent to those at the bottom end, residing in the rural areas serving their local communities. I am of the opinion that this should not happen, and let this group remain where they are to challenge the government decisions.

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Public Finance Management Amendment Bill 2019
- second reading

MR SPEAKER: The view of the member is quite good as it provokes constructive ideas. May I remind you though, that the statement was that it was only a short amendment to the legislation concerning the Board to include a representative from the Chamber of Commerce for their own meetings. But with the Revenue Board they have decided to include a representative from the business community, and it is not a long stretch but a very minor one.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: I will conclude...

Afioga Hon SILI EPA TUIOTI: Mr Speaker, I will briefly respond to the wonderful remarks from the member. The Chamber of Commerce have now paved a way to include all the small business entrepreneurs like those engaged in handicrafts and those selling products at our market.

They are all now included in this Chamber, they also pay a very small registration compared to big businesses. It also includes our organisation that was formerly known as Small Business Enterprises Centre which is now known as the Business Hub. They are also working alongside other specially the small businesses like farmers from the rural communities. This is where it is happening when they need loans or guarantors and that sort of assistance. We also have the Development Bank of Samoa who are assisting greatly in providing the small farmers with loans to assist their livestock together with small existing businesses. This helps identify the demands for our awareness, through the Chamber of Commerce, the Development Bank and the Small Business Enterprises Centre.

As you know there are also other Organisations that are directly providing micro-level financing. We normally talk about it, which focuses mainly on women. We also discussed the criticisms of high interest rates. That said, the government can never make decisions based on policies concerning businesses. It has to be discussed with the business entrepreneurs and they will inform us of probable new changes to encourage the development of our businesses to ensure jobs security to allow us to explore other areas. As you know, we use to import eggs and we now have our own local supplier.

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Public Finance Management Amendment Bill 2019
- second reading

It is very important that we communicate and pay attention to the private sector as to what amendment we should adopt for our enabling environment. We cannot dictate the Private Sector as we must cooperate. That is the stance of the State so that we are in partnership with the Private Sector, with due respect.

MR SPEAKER: Thank you, the Prime Minister will take the floor.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker the recent forum in Tuvalu of Pacific Leaders and with previous forums, there is a segment of the forum, which is open for the private sector for all Pacific countries, where they share ideas on how governments can improve their developments.

This is very significant, as most Pacific countries do not follow this practise. Whatever steps the government decides they will do, it is the very idea, which the member raised which eventually affects the operations of the private sector, or those in charge of these government developments. When they realised this process, they immediately discuss it after knowing this is what Samoa is doing. However, with this legislation, it has been 30 years since the existence of this committee. It was set up in the Term 1988 -1991 and so the HRPP government have been speculating this concept of collaborating, which the Minister of Finance has been talking about that this is the heart of the country's developments. We have been doing this practise of meetings for a long time, but it was just the government, should the State decides to amend a law to raise taxes and duties as this is where the criticality of having the committees. Most of the time the business entrepreneurs criticise our decisions for not consulting them before these decisions are made. Therefore, this is a very important amendment after 30 years. That very year during that particular term, our financial year was changed from January to December but we adopted the Fiscal Year, which was from July to the end of June so as to coincide with donor countries and to facilitate the budgeting process.

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Public Finance Management Amendment Bill 2019
- second reading

It was also this same year when it was decided to officially declare a law to have Associate Ministers, which were known before as Parliamentary Under-Secretaries. They were originally called that before receiving their current salutation. Many good things have happened then but with this law, it was never amended until now. The significance of the President as mentioned by the Minister is because it is common within government whereby if a Chief Executive Officer is unable to attend a meeting as he or she is tied up with another engagement. It is a problem, which attracts criticisms from Parliament, as the CEO is required, yet the No. 2 or 3 in line turns up. The attendance of the CEO or President is necessary due to the knowledge and understanding it possesses including the business entrepreneurs. This does not involve just the big businesses owners but small businesses as well and you must remember the Minister of Finance saying, there will be times when huge things happen.

Cabinet then decided to take a day off which does bother the business community as they feel that they should have a say about it through this Board even with government decisions like such. For one day off can kill businesses. During this two day off decision, it affected businesses big time due to Government's priority of ensuring that people were treated by going to their homes, instead some of them were out doing shopping. Some were out attending all sorts of occasions. They were gone to an occasion of some sort, or they were attending a get together. Such was the main reason for enacting this legislation...this Order, to close shops and to prohibit public gatherings, which eventually affected businesses.

It is why this law is vital, to have the right person with the knowledge and someone that was picked by the President due to merits of having a wide vision. Therefore, when they preside here they will recommend the Revenue Board, which will eventually come before Cabinet. The process is after their meeting, a thorough recommendation is then submitted to Cabinet. At the same time, there is also the recommendation from those responsible for these developments and these are the very people that when they do their job well in running their businesses, there will be a lot of employment for the children of Samoa. Mr Speaker that is my contribution to the matter.

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Agriculture and Fisheries Sector Bill 2019
– second reading

MR SPEAKER: Thank you, I call on the member for Vaimauga. But then again, the member for Vaimauga East has spoken already. My commendations for your thought provoking remarks, which has prompted the clarification from the Government. The Prime Minister has again elaborated the amendment of the legislation, well done thank you.

The motion was approved and the Public Finance Management Bill 2019 was read a second time.

AGRICULTURE AND FISHERIES SECTOR BILL 2019
– second reading

MR SPEAKER: I call upon the Minister of Agriculture.

Tofa Hon LOPAOO NATANIELU MUA (Minister of Agriculture and Fisheries): It is a wonderful morning Mr Speaker and members. Mr Speaker I move, *That the Agriculture and Fisheries Sector Bill 2019 be read a second time and I wish to elaborate on it.*

Seconded by the Minister of Finance.

MR SPEAKER: I respectfully call upon the Minister for his explanatory remarks.

Tofa Hon LOPAOO NATANIELU MUA: Mr Speaker this Bill is to substitute the Agriculture and Fisheries Sector Ordinance 1959, which was enacted before our country gained Independence. At the time, I would think that our only export sources were bananas, cocoa, coconut and taro as well the numerous agricultural developments by our people during that period. At this particular time, different sectors of agriculture as well as fisheries now exist. There are also many new concepts at this new dawn and with the advance of society nowadays in Samoa. We are witnessing the many changes in economic trade, the modernisation of society and social changes relating to health and contemporary technology. It does influence and calls for the need to adopt changes by our government hence is this legislation, which is now before Parliament.

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Public Finance Management Amendment Bill 2019
- second reading

During our pre-sitting when this legislation was presented, the Chief Executive Officer of the Ministry elaborated on the objectives of this legislation. I was delighted with the majority of members indicating their views. In saying that I would think that the presenting of the Bill and its second reading, would not attract many submissions if any since members now understand the clarification of the legislation. Apart from a few points, I wish to cover.

The First part of this Bill sets out the new guiding principles, which the Ministry decides to take into account the management and protection if any, of its developments decisions within the Ministry.

The second part provides the functions and powers of the Minister and the Chief Executive Officer, which includes the presentation of policies and good leadership of the Ministry. Other than this, the strategic plans ensures the accuracy and capacity of the Ministry in undertaking their work on a daily basis through the implementation and administration processes in support of the Minister's role. As such, the Bill specifically sets out the functions of the Executive for the Minister, and the performance needs and administrative processes of the CEO to ensure the clear separation of functions and powers undertaken.

This is one area the Ministry was questioned about, regarding powers delegated to the Chief Executive Officer as clearly implicated in the Legislation in regards *togi le moa ae uu le afa*. In accordance to Cabinet directive, powers is granted to the Chief Executive Officer and the Minister. However, there are times when it experiences shortcomings as mentioned in paragraph 6 of the Legislation, where it can be repealed or changed and I do wish to elaborate on this area raises a lot of questions.

The third part is the Management and functions of the Ministry. Mr Speaker as you will note from the explanatory memorandum, it states the purpose of the Bill to guide and facilitate the management and development of a sustainable agriculture and fisheries sector. This section provides the purpose of the functions of the Ministry. This Bill clearly outlines the legal frameworks in which the existing functions of the Ministry should be based on, the capability and developing of the sector in the years to come.

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Public Finance Management Amendment Bill 2019
- second reading

The fourth section of the legislation deals with committees, which I have clarified the differences of the Ministers powers in establishing and preparing a committee and its members. In comparison to the functions which must be observed and implemented by the CEO. The part which the Minister delegates the power to the CEO to appoint a committee upon the approval of Cabinet, to deal with whatever matters presented at this period of time considering the various complexities of the functions implemented within the Ministries operations in developing agriculture and fisheries, a committee is necessary as we discussed and the consequent motion by the Minister of Finance. A committee is needed to facilitate the relationship between the government and the Ministry and the farmers and those in the fisheries group.

The fifth section is the miscellaneous section, which makes up the last section of the bill and it provides for matters, which requires approval and issues of individual personal debts pertaining to public servants. These are people carrying out their duties in good faith, as well regulations and the provision to repeal the principal act, and the clause on savings and transitional provisions. Those are the five sections of the legislation which I have just outline and with this to conclude my remarks. Nothing is perfect from the outset but the Ministry have prepared this Bill with the focus on getting us closer and directing by law the agriculture and fisheries division to become viable at this time. This Bill reflects the functions, powers of the Ministers and the Chief Executive Officer and appropriate legal guidelines to facilitate the management and development of the agriculture and fisheries sector in order for it to become feasible. That is my clarification with all due respect, perhaps in due course it will be elaborated and during the course of our debate matters may be raised I will be more than happy to comply. Mr Speaker that is my explanation pertaining to the legislation.

MR SPEAKER: Thank you, well we have just heard another clarification, on top of the one during our pre-sitting.

I guess the Ministers remarks on the Amendment is understood.

The motion was approved and the Agriculture and Fisheries Sector Bill 2019 was read the second time.

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Tax Administration (Electronic System) Amendment Bill 2019
– second reading

MR SPEAKER: Pursuant to Standing Orders, the Bill will now be referred to the Economics Sector Committee for their consideration and to report to Legislative Assembly in a future sitting.

TAX ADMINISTRATION (ELECTRONIC SYSTEM)
AMENDMENT BILL 2019 – second reading

MR SPEAKER: Since I have in my hand a signed Certificate of Urgency confirmation notice for this Bill for this Legislation, we will now progress with its second reading and the third reading. I call upon the Minister of Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue): Mr Speaker I move, *That the Tax Administration (Electronic System) Amendment Bill 2019 be read a second time and wish to clarify it.*

Seconded by the Minister of Finance, Minister of Education, Sports and Culture and the Minister of Health.

MR SPEAKER: I respectfully call upon the Minister of Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker this is a very short piece of legislation, which provides powers for the Commissioner of Customs, and Revenue to implement an electronic system programme to obtain and monitor actual records relating to the imposition of a tax.

Mr Speaker this Amendment on the Tax Administration Bill was drafted for the administration and preparation of the Ministry of Customs and Revenue. The electronic system monitors the tax records as soon as the transactions are processed, and is captured by the Ministry's server at the same time. Once the income and tax returns of the business are received, the Ministry will be able to compare these reports with the tax returns provided by business owners, based on statutory period provided in the year, and correct tax noted will be payable by the Ministry of Customs and Revenue.

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Tax Administration (Electronic System) Amendment Bill 2019
– second reading

Mr Speaker and members of Parliament, the Amendment to the Principal Act 2012 is important, to be able to implement the electronic system especially to pass Regulations already established, under the auspices of the Attorney Generals Office, the Ministry intends to promote and implement it this year either in April or May.

This is the only clarification, the main purpose of the Bill is to collect all the money for the programs of Government for the needs of this Parliament, so that all information collected is correct since it directly be given in sales. Once a sale is made, our Ministry will automatically receive the invoice and the full price of the sale.

There is understanding that some businesses are facing problems with using this system, however regulations will impose heavy penalties on those who will not comply, tills will no longer be used as the machines that will be distributed will be used. There will be 5 divisions that will progress with this undertaking for all businesses in the country as it cannot be used in one time. It will be distributed to 5 divisions of the Ministry. It will start with one division then it will pass on to the next one, until it comes to the businesses in the rural areas, and if the internet is available there, then the Ministry will be able to capture all of their sales.

This is the clarification Mr Speaker and the dignity of Parliament.

MR SPEAKER: Very well thank you. The clarification by the Hon Minister has been made clear with the Amendment explained. In other words it is simple, make it easy to ensure the security of developments in our country. Question will now be put forth.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker an opportunity on the second reading if possible.

MR SPEAKER: I call upon the member for Gagaifomauga No.3.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Thank you Mr Speaker for the opportunity. This member conveys support on such important Bill tabled before the House, in trying to obtain tax information, so that necessary records are provided to the Customs office so that calculations can be made in regards to fair trade.

27 JANUARY 2020

Tax Administration (Electronic System) Amendment Bill 2019
– second reading

Your honour with all due respect our country has seen many changes, since there are many big businesses being set up especially shops. We have noted too the many people coming into the country and the value of services in the country.

There is an important aspect why I give my support, for these are things we did not have and now we do. Also there were things we could not afford but now we can due to open trade.

The main aspect emphasized in the speech of the Hon Minister is that everything should be complete, and ensure that duties and money are collected honestly, we have witnessed that there are business owners who keep their money at home. They have a big safe at home and this is where they store their money.

This is the reason why this matter is important, the Hon Minister has implemented this through the Ministry to collect our money for duties and taxes. Hon Minister my only recommendation is to categorise the different types of commercialisation as not all businesses are the same.

Our people do not keep their money at home. For those setting up small businesses on personal effects I believe they only receive very little, like clothes from their children overseas that they sell in a garage sale.

As for businesses, the major wholesales and supermarkets the Ministry should oversee them fairly and honestly on what they bring in and what they declare because this is commercialisation. This differs from the personal effects brought in by people which are old and brought in to help them.

This should be implemented cautiously. I have witnessed the strength of the system, once it is entered into the till it automatically shows up on the Customs office system.

Incase it is interpreted wrongly Mr Speaker. But the spirit is these are the people who are developing the economy of the country, lest we become enthusiastic but we are going to kill the goose that lays the golden egg. These are the ones generating the economy of the country, but I will leave this matter to you.

I am grateful since I heard there will be plans for escooters, great. If there is another better system, great because there is also the x-ray system. I went on a trip overseas outside of Asia and saw a container being scanned by the x-ray, it finds out everything that is inside and no one can lie. All the products inside are noted, it should be inline with the clarification on the invoice given.

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Tax Administration (Electronic System) Amendment Bill 2019
– second reading

This is the reason for showing support on the Bill, so we can have enough money collected into the Ministry of Finance in order to meet the needs considered by Parliament and Samoa, with respect.

MR SPEAKER: Very well, thank you. I call upon the Hon Minister.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker, I also want to thank the member for supporting the Bill.

At the Customs office the Bill is implemented and all products are seized and there is also an escooter there. The Bill is mainly focused on retail shops making purchases on a daily basis. Retail and wholesale. As I stated earlier there will be 5 phases in distributing these machines and the first phase has been sorted.

The Ministry's oversight monitors products that are made, so the office knows what is sold each day. If the Ministry notes that the number of invoices coming in are less than the products sold they will go and investigate. This is how the Ministry monitors each business, because the machine can stay here while the till is used elsewhere.

The expectation of penalties implemented should be extreme enough to prevent the use of these machines. But this is how the Ministry monitors, they look at the sales of today, the next day and so forth.

There is one company that had this installation in November. Now the company's sales are coming through, the system was tested whether it worked. The system has worked very well for this company, sales are noted everyday going up and at times dropping, but this Bill will be enacted once it is passed by Parliament. We will be carrying out workshops for other shops, and carry on to the next phase and hopefully start in April, it could be early April or late May.

Mr Speaker as for the bigger businesses, majority of them pay tax, although there are a few hiding their money in the safe, it is true.

MR SPEAKER: Very well. I call upon the Hon Prime Minister.

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Tax Administration (Electronic System) Amendment Bill 2019
– second reading

Susuga Hon TUILAEP AUELUFATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker there is one thing that I want to address, this is an important Bill. If I were to go buy something for \$100 and the VAGST attached is \$10, it is then paid to the company in my understanding this \$10 is given to the Ministry. Although if the company is crooked they will take the \$10 and not give it to the Ministry, that is why this Act is very important. Any shop you go to that has a tax attached to the products of \$10, that is the money that goes into the Ministry. We should recall the first time this Bill was introduced there was a lot of protests. The statement was wrong, protest against the Bill was that everyone will suffer. The Government already announced that the Bill was restricted to those who have a lot of money, because if you buy something for \$10, the 10% means \$1 is taken. If you spend \$2,000 there will be \$200 VAGST or tax, given to Government. If it all goes back into the pocket of the dishonest shop owner then Government will have to pay while the owner is being complacent. This is the reason why this Bill is very important, where protesters often marched against, for those who do the work of the Government.

The matter is important especially with the new system being put into place, to collect taxes. If we do not have a system to record it then we will not know. This is the only way to monitor the tax being paid as required under the Bill.

MR SPEAKER: Very well...

Tofa OLO FITI AFOA VAAI (Salega East): Mr Speaker this constituency will make a brief statement.

MR SPEAKER: Government has responded on the matter, since a clarification has been made on queries asked by members, thus I am reluctant to give a chance on the late arrival.

Tofa OLO FITI AFOA VAAI: It will be very short less than 3 minutes.

MR SPEAKER: It is very hard for me given mutual respect, I call upon the member for Salega.

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Tax Administration (Electronic System) Amendment Bill 2019
– second reading

Tofa OLO FITI AFOA VAAI: Not at all, Mr Speaker and respectable members of the House this constituency supports the Bill a 100%. This is an outstanding Bill in the face of adversity we have encountered many problems with these businesses not being honest in paying taxes to our Ministry. The only question Mr Speaker, for the machines that will be used, is there a set company that will be carrying out maintenance?

I remember the machines that were used to make cash power taken to Savaii, eventhough it was good but it used to break down and ended up being useless. This is a humble concern, to look for a good company that can carry out maintenance work at an affordable price since there are many machines and shops.

This is assistance on the Bill, but I am grateful for the Bill, this is the only great Bill that you have proposed. Thank you for the opportunity.

MR SPEAKER: I call upon the Hon Minister.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker, I want to thank the member for saying this is a great Bill.

How about the Inland Revenue Bill, I do not think any business likes it? I am grateful the member is happy about it, but Mr Speaker tax is very different from meters as mentioned. These are the taxes used by Fiji at the moment. The technology used is from a company in Serbia. They have an office in Fiji we hope can carry out maintenance if there are any issues they will come and fix it.

The sale that comes in, if after a day and the sale is \$100,00 because the full receipt comes in, we know that we will get \$15,000 GST if it is \$100,000 sale. If it is \$300,000 in 2 months, the amount we know is \$ 45,000 that is GST paid by the people, every 2 months the VAGST is submitted. If it is submitted and it is more than their expenses, than what is expected to give, it will be the same thing.

The only thing is by the end of the year we have noted all the sales. The sales for companies on the imports brought from overseas is also noted by Customs, the amount of sales of each company is recorded as well as the year it was imported. It is now being recorded at the Customs office. By the end of the year Customs will know the amount of goods imported by each company, a guide is then set up to carry out inspection, after financial statements of each company for the year.

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Police Powers Amendment Bill 2019
– second reading

This is the objective of this program, the importance of the GST is fixed, thank you.

MR SPEAKER: Very well, thank you.

Motion approved and the Tax Administration (Electronic System) Amendment Bill 2019 was read a second time.

POLICE POWERS AMENDMENT BILL 2019
– second reading

MR SPEAKER: I call upon the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETETE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move a motion *That the Police Powers Amendment Bill 2019 be read a second time and I would like to make a clarification.*

Seconded by the Deputy Prime Minister and Ministers of Cabinet.

MR SPEAKER: Opportunity is given to the Hon Prime Minister for his clarification speech.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETETE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move with respect to clarify the Bill. It is an Act to enable the Commissioner of Police to perform certain duties including the registration and licensing of vehicles as well as the licensing of drivers.

Such duties were operated under the Land Transport Authority, they have different police officers who carried out these responsibilities. The Government believes such duties should return under Police service as people are accustomed to seeing police, they will carry out this task with the changes made with the current Legislations. The Government has already established a place to carry out this duty, this includes driving lessons before getting a license or when renewing a license.

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Police Powers Amendment Bill 2019
– second reading

There have been so many road accidents for those who have licenses with reckless driving, this has threatened the safety of the public travelling on our roads.

Mr Speaker the Bill is very simple, it has also been clarified by the Ministry of Police during Pre-Sittings for the understanding of the House.

MR SPEAKER: Thank you, I believe the clarification by the Hon Prime Minister is understood.

Tofa OLO FITI AFOA VAAI: Mr Speaker...

MR SPEAKER: I give the opportunity to the member for Salega East.

Tofa OLO FITI AFOA VAAI: The tabling Bill is very important. Since it emphasizes the carrying out of licences, personally I do not think I have seen another country use a big landspace to carry out driving lessons in order to obtain a license as the one used by the Ministry. Why not use this space for another Government development.

Secondly Mr Speaker, is it possible to use the Private sector, than people coming all the way from rural areas to get a license in Vaitele, why not authorize our mechanics to do trainings for licences making it easier for people and to save money.

These are a few queries on the matter, but this is a very important Bill, we do not have race cars to do speed checks and other things.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker...

MR SPEAKER: I call upon the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: When it comes to the effects on peoples lives these are things Government must keep in mind. We are well aware of the fact that it is easy for people to bribe another person to acquire a license without a test. This is Samoa, the right hand knows what the left hand does.

Mr Speaker this is further clarification.

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Telecommunications Amendment Bill 2019
– second reading

MR SPEAKER: Well done.

Motion approved and the Police Powers Amendment Bill 2019 was read a second time.

TELECOMMUNICATIONS AMENDMENT BILL 2019
– second reading

MR SPEAKER: With respect I call upon the Hon Minister of Communications, Information and Technology.

Afioga Hon AFAMASAGA LEPUIAI RICO TUPAI (Minister of Communications, Information and Technology): Mr Speaker I move a motion that the Telecommunications Amendment Bill 2019 be read a second time and I would like to make a clarification.

Seconded by the Minister of Justice and Courts Administration, Minister of Education, Sports and Culture and the Minister of Finance.

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

Afioga Hon AFAMASAGA LEPUIAI RICO TUPAI: Mr Speaker the Bill proposes to make minor changes to the existing Telecommunications Act 2005 as well as the Telecommunications Act 2010, to be consistent with Article 32 of the Constitution and operation of Government Ministries, for Chief Executive to report to Cabinet and to the Minister by which the Ministry is under.

It was noted during Bill deliberations that day before it was tabled in Parliament the many queries asked, which I believe was responded to diligently by the Regulator and her office. I believe there is no need to prolong a clarification since the Bill has been thoroughly explained. It clearly states that the responsibilities, functions and powers of the Regulator are subject to the approval of Cabinet and to the Minister responsible for the office. This is a brief clarification for the understanding of Parliament, thank you.

MR SPEAKER: Thank you.

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Telecommunications Amendment Bill 2019
– second reading

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker an opportunity please...

MR SPEAKER: I give the opportunity to the member for Vaimauga East.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: This constituency want to express gratitude to the Hon Minister especially the Associate Minister and the Chief Executive of the Ministry for bringing forth a Bill to amend provisions for the benefit of our country.

This member believes in the significance of the Bill since it is in the Constitution. But I am grateful for the Ministers vigilance together with the recommendation of the Associate Minister. Most of the Bills being heard this morning have brought back the power to the Minister and the Chief Executive Officer. As for this Bill it is being implemented directly into the Constitution. I am happy because if we look at the speed of technology that we now have, we cannot predict it. There were a lot of opinions voiced in the Supplementary Appropriation regarding communication with overseas, the use of cables introduced by Government and the Minister is too fast, there are no filters set on whoever has access to information like children and the whole country.

I am just grateful for this Bill tabled by the Minister and Associate Minister since it will be directly put into the Constitution. I am grateful for this man now in this position, a Samoan it would have been different if it was a European. If we look at overseas countries with the number of murders, this member is talking about safety. It is often emphasized that we protect ourselves. There are a lot of things like the incident that happened in our Proceedings last week when the alarm went off everyone went outside, because they heard the signal. As for the safety on internet and other means of technology, it is not known. I read in the news last week about the situation that happened in New Zealand with the murder of a mother who was accompanied by children and others, this is how things are coming into our country. If the Ministry and the Regulator are not vigilant in protecting the Constitution, that is my concern.

I am grateful to the Hon Minister, for your expertise lies in predicting what happens within the Ministry of Communication. This portrays what is implemented in the roles, functions and powers. This means in the position of the Regulator and whoever will take it will be working together with the Minister.

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– second reading

The concern if in future there will be a problem with the Ministry, the Minister will have to resign as well. Since the two will be working together anything the Regulator wants is requested to the Minister, like going to New Zealand. Therefore if a problem occurs my concern is it will now be set in the Constitution. When the Regulator makes a mistake it will be harmful since the power is controlled by the Minister, however this constituency supports the Bill.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker I just want to make a correction, the Bill does not propose a consequential amendment towards the Constitution rather it is to align with provisions of the Constitution. This is a correction incase some might await an Amendment on the Constitution and some will ask why there is no Amendment proposed? This is not it, it is so the Bill can align with the provisions of the Constitution.

MR SPEAKER: It is now understood...I call upon the member once again.

Afioga Sulamanaia Fetaiai Tauiliili Tuivasa: Mr Speaker this is the same thing. The opinion conveyed was, most of the Amendments implemented are not aligned with the Constitution it goes under the power of the Minister and...This is the case as stated in Article 32 within the Constitution. This is why I stated it is very outstanding. The other Amendment is the Minister giving the Chief Executive the power. Another Amendment as requested by the Minister for Customs and Revenue to give him the power since it is beyond his control. As for this provision it seems it is directly being put in, it has been planned.

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

Afioga Hon Lautafi Fio Selafi Purcell (Minister of Commerce, Industry and Labour): Mr Speaker I just want to ask the member because he earlier stated a word of gratitude to the Hon Minister and Associate Minister for being vigilant.

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– second reading

Now he is saying, if there is an issue the Minister should resign. What about the Associate Minister?

Afioga Sulamanaia Fetaiai Tauiliili Tuivasa: Mr Speaker, he is the root of evil, the Associate Minister is the one tempting the Minister, however this constituency supports the Bill of Afioga Matua o Usoalii and his Associate Minister.

Tofa Lealailepule Rimoni Aiafi (Faleata West): Mr Speaker I spoke with the member earlier and he said he was going to speak. If anything were to happen the Minister should be fired and you can be the Minister, but now he has not completed what he wanted to convey. With respect.

Tofa Olo Fiti Afoa Vaai (Salega East): Mr Speaker...

MR SPEAKER: Very well thank you. Does the member want to speak?

Tofa Olo Fiti Afoa Vaai: Yes, I will be brief with an opinion.

MR SPEAKER: I call upon the member for Salega East.

Tofa OLO FITI AFOA VAAI: I would like to follow up on what the member for Vaimauga East said in the capacity of the Regulator. It was more than 10 years or maybe more than 20 years this post was occupied by a foreigner, and Government did nothing on the authority and decisions conveyed. But now that the Regulator is a Samoan woman, it seems easier to make such changes.

Mr Speaker if we look at the situation now, the duties will be carried out together with the Hon Minister. The Minister has the service providers under his authority, the Ministry of Communications, Information and Technology. How will the Regulator carry out the work? Because if the Regulator were to make a decision for the service providers it will be difficult since the Minister is their superior. This means the Minister can advise them not to take this recommendation but his own.

Also I really like listening to the Hon Prime Minister stating that power should be shared, for power to be equally used on this and that. But I think with this sharing it seems the Regulator is now being controlled by the Cabinet. Mr Speaker this is the reason for taking floor.

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– second reading

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker I believe the member was not present at the time. I was talking about the relation of Parliament, Judiciary and Executive the three pillars. I was not talking about the Regulator. This is the problem with this member, he interprets matters wrongly. I did not talk about any powers of the Regulator. At that time we have just started, we were slowly getting used to it. We have just finished with the installation of Digital TV. We just finished with the busy schedule for the Digital project but we were not as busy like this in the past.

It is the reason for implementing ways to amend the Bill because there was no reason for such issues to arise then, it has just started now. Overtime we came to encounter such issues which is why Amendments was drafted, also the matter has been resolved between our TV stations and Digital TV. Mr Speaker this is a correction because I see that it seems the member just woke up drowsily.

MR SPEAKER: Thank you. I call upon the Minister before a question is put forward.

Afioga Hon AFAMASAGA LEPUAI RICO TUPAI: Thank you Mr Speaker it is noted that members have made clear their opinions, a few matters, the Hon Prime Minister has clarified the misunderstandings on views of members. As for the comment made saying there are no filters in accessing these information, it is not true because there are a lot. The first filter is carried out in the telephone companies. The information comes straight into Bluesky and Digicel, the contents are filtered there removing any explicit content, hence the Government is also assisting.

We will be setting up a Samoa search, an emergency response on cyber security for Government, we are working together with Australia and other overseas companies. More measures will be added to strengthen the filtering of our cables and protect our national cyber security.

Afioga Fuimaono Teo Samuelu Teo (Falealili West): Mr Speaker...

MR SPEAKER: Pardon the member the Minister is speaking, I appease the member. I call upon the Hon Minister to conclude.

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– second reading

Afioga Hon AFAMASAGA LEPUIAI RICO TUPAI: Another issue mentioned by the member was, telephone companies are under the Ministers office, I want to clarify to the country listening, Government does not have any say in the work of businesses. Digicel and Bluesky and other ISP companies, are private companies that Government has no say in. This is further clarification on this matter. There is only the Ministry of Communication, Information and Technology and the Regulator Office under Government, but there is no phone company under the Minister's authority.

Tofa Olo Fiti Afoa Vaai: Mr Speaker a point of clarification. I just want to ask a quick question. I want to ask the Hon Minister, does Government not have a share in Bluesky and Digicel for a reason to not have a say?

MR SPEAKER: Pardon the member the Hon Minister may conclude his clarification. The Hon Minister may continue because I did not give the opportunity to the member. For the clarification of Ministers unless the Chair calls on the name of a member then they can stand. But the reason why there have been members taking the floor to speak is Ministers taking their seats. The Hon Minister may continue unless I called upon a members name then it is allowed according to our Standing Orders. I call upon the Hon Minister to continue and conclude with his clarification.

Afioga Hon AFAMASAGA LEPUIAI RICO TUPAI: Thank you the matter is understood. This concludes a clarification from this Ministry, everything is protected as clarified by the Hon Prime Minister in the three pillars of Government and the power exerted in how Government carried out its work. In the past there were not many developments to implement these legislations but now with the many changes in Digital Transformation starting with TV. Then on to other forms of communication we will now have three cables by May we will have three. This is why the Act had to be reviewed and amended. This is the first legislation evaluated and it follows provisions of the Constitution to enact the authority within the Constitution to allow the Regulator to be on the same level as other Chief Executives of Government.

This is clarification on the matter Mr Speaker, thank you for the opportunity.

27 JANUARY 2020

Telecommunications Amendment Bill 2019
– second reading

MR SPEAKER: Thank you. Since we have arrived at our recess time, I will put forward the question.

Motion approved and the Telecommunications Amendment Bill 2019 was read a second time.

MR SPEAKER: I announce that we have arrived at our usual recess hour. Proceedings of the Legislative Assembly will be set aside for usual recess.

Proceedings of the Legislative Assembly was set aside for usual recess at 10:48 and resumed at 11:34am.

MR SPEAKER: I announce that Proceedings of the Legislative Assembly have resumed. I believe members have found strength to resume our Orders of the day.

MISCELLANEOUS (BOARDS OF PUBLIC BODIES)
AMENDMENT BILL 2019 – second reading

MR SPEAKER: With respect I call upon the Hon Minister for Public Enterprises.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Thank you Mr Speaker. Before I move a motion first I want to thank the Office of the Legislative Assembly and the Chair for the tea provided for this Parliament, we have found strength to continue our Sitting.

Mr Speaker I move a motion *that the Miscellaneous (Boards of Public Bodies) Amendment Bill 2019 be read a second time and I want to make a clarification.*

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

27 JANUARY 2020

Telecommunications Amendment Bill 2019
– second reading

MR SPEAKER: With respect I call upon the Hon Minister for his clarification.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker the Bill tabled has several Amendments that need to be inserted. The first one is, to reduce the number of Membership Boards we have at the moment which is more than seven, to be less than three or not more than five Boards within Public Bodies.

Secondly, is to permit the Chief Executive Officer for all Public Bodies to be ex-official of their Boards. An ex-official does not have the power to vote.

Thirdly, to give discretion to Cabinet to appoint a Chief Executive Officer for a Government Ministry or Public Body to become a director or an ex-official on the Board of Directors.

Mr Speaker this is a summary of the Amendments of the Bill. This Amendment Mr Speaker was implemented because the Act is now ten years old therefore it was time to review and amend provisions to be aligned with the duties of Public Enterprises whether it is necessary to make new changes.

Evaluation was undertaken by the Ministry together with an independent Committee who evaluates those who want to be member of the Public Bodies Board. After evaluation it was noted the number of members need be reviewed, they also identified the duplication of duties and responsibilities of those seated on the Board of Public Bodies. This evaluation affected all Boards, Chairpersons and Ministries. The decision was there were too many, if we look at other countries who have longed have Public Bodies within their Governments for best practice the number of members is three to five, it is easy to administer meetings and decisions can be made quickly. We are working on ensuring consistency between members chosen. This is the reason this Bill was implemented for further improvement, it does not mean we will have to be satisfied with what we have now. We all know our country is very small. The needs within an organization there is only one person with three, four special skills. It is not the same with those big countries, they have a bigger scale to select from, and we are small meaning these are the few people doing our work. Mr Speaker this is why we have made Amendments to the Bill to have five members, no more than five or less than three.

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Telecommunications Amendment Bill 2019
– second reading

For clarification there are 19 Corporations of Government and each have legislations and all 19 will now be amended under this Bill to submit the number of directors. Other Corporations have no need to amend legislations since they are already aligned with these new provisions. There are two public bodies Sports and the National University of Samoa.

Other Corporations such as trading bodies do not have to amend their Acts unless these Legislations are amended such are articles of association that are established under the Companies Act. The General Manager chosen as an ex-official is not forced to take part in meetings. They are not criticized since they have many duties in building the corporation, however it is emphasized they sit in on meetings once a month. If they do not participate, it is noted under the Bill the ACEO must take the role but if the ACEO is not available too, the Acting must participate in meetings. Although the problem seen, if the CEO or the ACEO does not come, another official will be present, if they are asked for a decision they will say, they have to ask the CEO when they come back.

Such circumstance is not good for the decision making process of our Boards. It is now being provisioned in the Bill that every CEO of Public Bodies must be an ex-official of their own Board.

Thirdly, honorable Speaker, the Cabinet has discretion to appoint a CEO of a Ministry to be a Chairperson or an ex-official of other Ministries. Ministries are prudent on such measures since it has a great effect on Government finances. This is why it is decided the Chairperson should be the CEO of the Ministry of Finance, since it affects the finances of our country for corporations like NPF, Development Bank and Central Bank.

Mr Speaker that is a summary of the three Amendments, it was also clarified during the Pre-Sitting by the Ministry of Public Enterprises and I am certain members understood the clarification. With respect.

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

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO (Anoamaa West): Mr Speaker this constituency only has a few comments to make upon the clarification. I want to thank the Hon Minister for the clarification which has explained some parts of the Bill however what I want to speak upon in case we might have different copies. The copy I have with me is the one from the Seminar since no other copies was submitted to the House.

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Telecommunications Amendment Bill 2019
– second reading

I will speak upon the copy I was given during the Seminar. I can see on the page explaining the Bill, it states what the Hon Minister clarified, the matter of appointment. Although I can see in the body of the Bill it states a request translated from the Samoan version, for a Principal Officer to be a representative in the meeting in consideration of a matter in the Board. I mention this because I have noted the Bill tabled is to be passed today, in case it is passed when there is a part that is not addressed properly.

Another matter it is stated here that there are benefits for the Board and those who are participants. It is stated if the Bill is passed it will officiate the promise of benefits given to the members of the Board.

The reason why I have mentioned this aspect Hon Minister is I want to understand further who gave these promises and what are the benefits because the only policies I understand on benefits are sitting allowances. We all understand it. Although it seems in the Bill tabled by the Minister there are other benefits. It is stated in the English translation that members of the Board will receive a promised benefit. I personally think this is not official because I believe it is only official if the Board resolves to give benefits after consideration but it is not based on promises. As for the stated benefits, I believe it should follow guidelines and policies of Government.

This is a reason for mentioning this matter, if we recall the number of Board members will be reduced from seven to three or more. This means after the Bill is passed, further consideration will be made in changing the number of Board members. Another aspect I am looking at Hon Minister is choosing new members to be part of the Board of Government or as a Chairperson but that person is running for elections. There is Government policy that a person going to the election must resign three months before elections from a position of member of a Board or Chairperson. This is a concern of the member in case appointments are made but later on in October this year a member will resign then the process will be repeated over again. As for those who are going to retire it seems they will be given benefits as stated in the Bill, promised benefits before they leave the Board. These are some of the aspects that must be considered in the appointment of new members this year, also with benefits, as I mentioned such benefits should not be based on promises but on decisions made by the Board instigated on Government policies.

These are a few matters Mr Speaker for the consideration of the Hon Minister.

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Telecommunications Amendment Bill 2019
– second reading

MR SPEAKER: Very well thank you. I call upon the member Salega East.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker. We have only a few concerns on the matter. I want to thank the Hon Minister for the clarification made on the Amendments proposed. This is also what we talked about in the first Bill, these Government Committees have a lot of power, and they have the power to make decisions on what the Government wants to do. But this new arrangement is commendable. The objective of being appointed the Government have policies in place which is applied to get Board members. As for the majority of the Board I will not speak more since all of us know.

Another important aspect whether Ministers are exempted as Chairpersons of Government Boards? It is provisioned under policy and the Bill that a Minister cannot be a Chair of these Boards, but I still see there are some who still Chair in other Boards. This is what I want to understand if Ministers are exempted under this Bill? This is a suggestion it would be great to appoint members to these Boards based on their qualifications. I am glad the number has been reduced, because I was worried having two to three members on a Board allocates the duties equally. Because if a vote is undertaken another two members who are not well qualified, will make a mistake on the decisions of the Board, this will also result to errors in Government plans proposed.

Thank you, Mr Speaker for the opportunity.

Afioga Sulamanaia Fetaiai Tauiliili Tuivasa: Mr Speaker I humbly ask for an opportunity of this constituency.

MR SPEAKER: I call upon the member.

Afioga Sulamanaia Fetaiai Tauiliili Tuivasa: I want to thank the Hon Minister who owns the Bill, especially the Chief Executive and staff for the tabling Bill, in regards to some amendments for Bills that needed to be amended. If we note the 19 Public bodies mentioned, this is a lot.

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This constituency want to thank the Hon Minister because the number will now be reduced, there is a lot of Government funds spent in paying the members of these Boards. This constituency however wants to emphasize on the matter of administration, the Chief Executive and administration together with the Minister, where authority takes place.

I speak of many accusations laid against others...in relation to boards that are implemented in some Ministries. Not only is the CEO afraid of them, also, the use of public money seems inappropriate. For them they seem to think that this is the right procedure. I otherwise thank the Minister for being vigilant in this reduction. As for me, I wish this is now removed, the only thing is the CEO to the Minister and then to the Cabinet for their approval. It is a waste of so much public funds; other members of the public have three to four board members in it. Although I thank the Hon Minister as personally, I wholly support this omission. Because the boards that make it in do not support the Minister, this is therefore where they use the power as a board member to reject the policies of the State. However, the lead of the CEO and its executive is to pass it to the Minister, which is the sound procedure. I thank and fully support the full omission of boards. Due to what? It is also the State's money that is paying them.

So personally, I also hear it in some, if other Ministries have farewell functions, the CEOs would decide on large sums of money for these board members to consult on it so that they are able to come back. Look at it. It seems the boards are making the decisions instead of the Minister and the State. The aim of this constituency is to save public costs. Allow the Ministry Chief to implement it and pass it to the Minister and then to the Cabinet, finished. Have a blessed Sitting.

MR SPEAKER: Very well, I call the Chairperson of the Finance Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker, I rise to make a comment. Since this is one of the common issue that was submitted to the Finance Committee as a recommendation to the Office tasked with this matter in relation to reduction as raised by other members, the most important aspect based on our recent observations when we had the advertisement is the enforcement of eligible requirements for board members.

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There is also observations on the kind of trades and skills that are affecting our representatives from the rural areas, I see that preparations are going well on this matter. There is belief that *o le tele o sulu e maua ai figota*. This is the stance in support of this Legislation with all due respect.

MR SPEAKER: Very well, I call the Hon Minister if you have any other thought before the question is put forth.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: I appreciate all the members' comments for our consideration on what is necessary to achieve. The view of the member for Anoamaa, perhaps the statement is to warrant the new board members or the current ones, and their finished time will come after this three-year timeframe. For instance, if the Act is approved, there are board members that have three to four months remaining, before they are finished. The meaning of this word, if this Act is approved, then they will not gain the benefits, as the only thing that the members are aware of is their allowance excluding other entitlements that could affect them according to the Act. Therefore, it does not mean that there are conditions other than what the Law is saying in which the boards are entitled to. The thing with our people who want to run in the Elections, it is hard for the Ministry to include those laws in attempts to creating this law. The plan is that whoever is selected in these boards at the current, and when the times comes for them to go as electoral candidates, they must resign. There are other people that will be reviewed to take over the jobs. However, it is not permitted when they wait until say, September, then this change can be made.

The appointment dates for these people are not the same. This is the first time to have this many people before the new appointees can commence their three year term according to the passed Law. Some are still undertaking their roles, which will perhaps finish in a near time based on the approved warrant of their contracts. Whilst others will be appointed according to this new Law. Other board members whom are no longer appointed given their expired contracts, their skills is no longer needed, they have spent so much time sitting in as board members, they can go and have a rest or find other boards to apply in.

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The matter shown by the member for Salega, there is a committee that was selected by the Cabinet, the Independence Select Committee whom I elucidated that was doing this job. These three people has the receipt of all application letters whilst working in collaboration with the Ministry, although, no one can be selected without an application letter.

These requests is similar to a job application...you must have a reference stating the type of skills and knowledge you hold. Specific experience is also required for this particular board. For the business of the organisation, it does not mean that when the advertisement is publicized, there are particular aspects for a business. As I said, our country is very small, and the pool of people applying in these boards is not too big. The work of the Committee is therefore not easy in selecting the most suitable people into these Boards. In saying that, no Ministers is allowed to be involved in these boards according to the passing Law. Therefore, all Ministers have been removed from all Boards. Although, there can be dialogues between the Minister and the Board Chairman for the improvement of Ministries towards the future. In final, the Ministers are no longer permitted to become Chairpersons.

Tofa OLO FITI AFOA VAAI: Your honour, point of order. Pardon the Hon Minister, we have a board that is chaired by Tialavea, the Liquor Board. Therefore, is Tialavea not a Minister your honor?

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI. Mr Speaker the policies of the State, we have two types of Committees, the Statutory Board and the Advisory Board. The Statutory Board is submitted here for our approval and when that is passed, it then progresses through. Such is the general plan of this State. All Governments have the authority of committees. The reason for the many tasks engaged by the Committees is the recommendation they submit to Government on the necessary things to do and those that must be done. I remember the first time this matter was raised when the Ministers were just been ceased from statutory Committees. I remember undertaking that Ministerial role and as Chairperson for NPF and the Development Bank. There were issues that drove from it.

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There were two requests from two Ministers, and they wanted to set up a development, which were very similar, I think they had a talk about it, a farming related project. Both Ministers were hardworking people. Both applications were submitted to the Development Bank for assessment and from there, they were to be submitted to the Committee for a recommendation to be made. When the recommendation was given, these Ministers had long given me a reminder to take heed of their requests.

Not only did I receive the Ministers but I also saw their spouses. Then a meeting was carried out and the reports were received. The inquiry reports says that the requests made by these men has that more than 100 acres which are tarred with huge request. Now that this has come to the office and no tar was implemented and therefore, this request is false. The recommendation to reject is consequently, to reject. What happens later is that these Ministers and their spouses are beginning to get mad and ignorant of me. That was how tough I felt this Chairperson role for a Minister. There is a lot of fuss with this role. What happened next is that I had rendered my resignation from the year 1983 leaving the role to the organisations to play it themselves, which is what the statutory boards should do and not have to make decisions immediately.

In 1983, I resigned and since then, no Minister was allowed to chair right up until today. Mr Speaker there is a lot of conflict of interest involved for a Minister when it becomes a chairperson. Such is the reason for the several recommendations made by intellectual people within their Organizations. Most of the Governments are also following this doing. This is the exact reason why Cabinet adopted this practice and it all came before Parliament for a Law to be set up. I recall... when the Elections in 2010 was drawing near, there was a debate in Cabinet, which had this decision. The Legislation went into Parliament in 2011 and it progressed right up until today. Such is the general belief, that any good government does not have its ministers sit here neither is its members. The reason is that we are being dragged around by the requests of constituents. This includes the request for loans and the need for members to guarantee them. Knowing very well that after the Elections and if the member becomes unsuccessful, the member being a guarantor will end up in more loss and so as the Banks. Such is the situation, even though a loan is not a go, but you still decide to gain the support of the electoral candidates. Such matters is not easy to take for the job of the members also has an ending, and so, what will happen to the loans that were guaranteed.

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Mr Speaker, these decisions were not easy to make, such is why this was sorted. The essence is to bring those with knowledge to sit in these organizations under the impression that these business people are very insightful of business related matters. We are all aware, this is nothing new, the Bible says that the seed and tare grow together, there is the good people as well as the bad people.

Those are the issues that the Minister is now facing, it is trying to find people. As some people are very good from the private sector whilst others, they do not care even if it breaches public policies, they still break it. Especially those people who want to enter politics and if they do not fulfill this and that then what. Mr Speaker these difficulties...we are in the world where all these things are happening, such is why the Minister is alert with his given recommendation, it has been submitted and has been deliberated in Cabinet on the necessary action to take. Such is the reason for submitting this matter inside Parliament, whereas committees statutory boards, they are all passed from this Parliament.

Lest you forget, it is Parliament, which gives the approval of all Committees except for Committees of Inquiry, which consists of people from outside. It is the senior people of the country who brings assistance to our developments by submitting their recommendations and farseeing wisdom on the development projects that are set up around the country. This is understandable like Rehoboam who consulted the elders of Israel, apply this practice, and let your yoke be lighter than that of your father Solomon. Rehoboam replied, very well, he further consulted the young men who said to him, make your yoke even heavier on governing the State. Mr Speaker, such is the reason why the Advisory Committee is vital, to bring the elders of the country who has farsighted wisdom to bring advice for the developments of the country. When it comes to complex issues whereby it involves the passing of these boards, it is quite complexity, such is why we have the established Committee. Some are experts in this Committee who assesses the knowledge of this person and that person. Because majority of these people are educated people who are selected in the Committee, and so the Committee has viewed them all as very excellent. Such is so, some educated people bear honesty whilst others are troublesome.

Mr Speaker, this is the situation we aim to bring in managing our State as we move forward. There is also the normal saying; many cooks can result in many problematic decisions resulting in spoilt broth.

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– second reading

Such is the decision of the Minister to submit his recommendation to reduce the number and reshuffle the Boards. The Samoan house is a collective effort. What this means, as the Chairperson of the Finance Committee suggests, *o le tele o sulu e maua ai figota*. Such is the criticality of these decisions we make for the improvement of the country in the future. The Government did not make the decision to ruin the country; the State makes decisions to make further improvement for the country.

MR SPEAKER: Well done. There is thought that the statement of the Prime Minister is more than enough in response to the raising matters by the members. Lest there is any other addition Hon Minister, never mind, I have thought...

Afioga Hon LAUTAFI FIO SELAFI PURCELL: There is no further addition your honour, everything else is now understood. If the member for Salega had looked at the Legislation, perhaps he will know it there, the liquor board and the price control board neither any other board is affected as clarified under this amendment. The Hon Prime Minister has elaborated that. The reason for taking long is that the member is not looking at the Bill, your honor.

Tofa OLO FITI AFOA VAAI: Mr Speaker I will be brief....

MR SPEAKER: Pardon the member, we are again redicussing what we already talked about.

Tofa OLO FITI AFOA VAAI: All those boards belong to the State, it is not the board of another Government. With due respect.

MR SPEAKER: Very well thank you. That is it, the Leader of the country has clarified this matter and the State will have an arrangement, which does not pertain to one thing in particular. Well done to all members who have commented on this issue, not only Parliament but also the listening country.

Motion was approved and the Miscellaneous (Boards of Public Bodies) Amendment Bill 2019 was read a second time.

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INTELLECTUAL PROPERTY AMENDMENT BILL 2019
– second reading

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

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I move the motion, *That the Intellectual Property Amendment Bill 2019 be now read a second time and I wish to clarify it.*

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

MR SPEAKER: I call the Hon Minister for your clarification.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Thank you Mr Speaker. This Intellectual Property Bill seeks to amend the Principal Act 2011. This Bill proposes three main objectives given in this Amendment. One is to simplify the process of registration of properties to be more easily administered and to effectively monitor by the Ministry. The amendment seeks to further clarify trade provisions that Samoa is now being a part of in protecting our intellectual properties. The three requirements was signed at the end of last year under the World Intellectual Property Organisation or WIPO. Samoa is now in it and therefore the existing standing orders should be well clarified so that Samoa can implement its contributions and be able to protect its intellectual properties under international requirements. The first is the Hague Agreement, which protects intellectual properties for designs. Secondly, Libson Agreement for the registration and protection of properties in a village which is specific with Geographical indications. The Patent Cooperation Treaty for the registration of patents.

These three requirements are protected under the Law... another major amendment for the clarity of the Bill; there are wordings that must be incorporated into the Principal Act to provide directness and for us to be able to gain the benefits of...the requirements, which the world is in. The practice now is that it is easy to register the names of all people given that they have intellectual properties, which they want to protect the same with us.

The practice now is that registration has to be made once covering all village properties under this requirement, which I have read out. This attempt is to further protect our intellectual properties. Many of the properties that we were unable to record, whilst a lot of them which we now undertake is for our people to be able to gain benefits which other people had their effort and intellect put into it.

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Electoral Amendment Bill 2020
– second reading

Mr Speaker these are a few amendments like the word trademark, which should be integrated into the Principal Act all the time, as right now it seems that only mark is stipulated so that clarity is provided for the people of the world to be made aware of the protection and requirements for Samoa.

Reflecting back in the past years, we did pass the Madrid Act and people had to pay money on these provisions if they want to protect their intellectual properties in Samoa. We did earn income from this Act from 90 plus half euros. If a person wants protection upon their intellectual properties from a person who wants to use it in Samoa, they must pay by registration.

This Bill is very significant for the future of our country which aims to boost its trading development. It is something that we must protect not only for us here especially for the sake of intellect development of those who are in Colleges and think of things they can invent and manufacture and require under this current Legislation.

This is the brief clarification your honour, with greatest respect.

MR SPEAKER: Well done thanks, there was enough time given for us to discuss this Legislation and Amendment in our seminar. Therefore, I have thought of putting forth the question.

Motion approved and the Intellectual Property Bill 2019 was read a second time.

ELECTORAL AMENDMENT BILL 2020
– second reading

MR SPEAKER: I call the Hon Minister of the Electoral Commission.

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of the Electoral Commission): Mr Speaker I move the motion, *That the Electoral Amendment Bill 2020 be now read a second time and I wish elaborate it.*

Seconded by the Minister of Education Sports and Culture, Minister of Communications and Information Technology.

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Electoral Amendment Bill 2020
– second reading

MR SPEAKER: With respect I call the Hon Minister of the Electoral Commission.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker with respect I wish to clarify the Amendment submitted in the Electoral Bill 2020.

These Amendments were addressed after the bi-election for the constituency of Faasaleleaga No.2 which was implemented in the General Elections 2019 and was passed by Parliament in January 2019. Other Amendments submitted, stemmed from the recommendation of the Office of the Electoral Commission and those that undertook ongoing works every day.

There are 13 provisions that will be implemented for this Amendment and there is no plan to read out the entire 13 requirements. There is thought that you have heard the views and comments of Parliament members in our seminar that was held on Monday.

Just to touch upon this major Amendment which I think Parliament should know. The Amendment for Section 3 amends Section 8 of the Principal Act where the Commissioner has the power to approve or reject candidates' registration.

Note that in relation to the current Electoral Bill 2019, it is up to the nominees whether to...if they want not to meet the eligibility of this candidacy and that candidacy. Whilst the proposed Amendment we have now, it will lessen that burden on electoral nominees by allowing the Electoral Commissioner to make the decision which is the rightful intention of this Amendment.

This is the same Amendment that has the incorporation of the monotaga Amendment. In the meantime for the Electoral Amendment Bill 2019, there is a village monotaga, and a Church monotaga. We now have it for the view of the House whether to remove the requirement for the Church monotaga.

The reason for the creation of the 1963 Act was specifically for members of the urban seats. And since there are no more urban seats, the Commissioner has decided to submit the amendments, for the village monotaga to satisfy this monotaga requirement.

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Electoral Amendment Bill 2020
– second reading

Another vital amendment is the presentation of the traditional gift or o’o of the winning member from the Elections. It used to be 2 years for the Elections Act 2019 and now it is here for the view of the House, whether it can be 3 years since the finishing of the General Elections. A member must implement a o’o within that 3 year period should you wish to do so. It is not compulsory.

For the sake of the dignity of the House, this is the full implementation of all these Amendments in the Election Amendment Bill 2020.

MR SPEAKER: Very well, alright....

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker...

MR SPEAKER: The members are upstanding to speak. I call the member for Gagaifomauga No.3.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Thank you very much Mr Speaker. Thank you for the submitted amendments to this vital Legislation, it is no secret as the explanation we made on the Principal Act, this is the core of our elections. This Act guides our elections for Parliamentary members.

This is no hidden matter Mr Speaker which I have stood up and express thoughts about through the importance of this Legislation and its effects on the people of Savaii. Seeing the submission of these Amendments, it seems the Minister is not feeling our thoughts. Although it is necessary that we address our small views.

The recent election of Faasalelega No.2 that took place, your honor, 1020 people did not vote. That is verification and plead to you for us going to Savaii. Because this matter of traveling, and staying and the days, those are the issues we made your honour.

Such is true on the practical response shown here. That is the complication for us, if the population for the district is 1000, and the total number of candidates running is 20, therefore, the representatives from Savaii will be 20,000. All of us together with these people reside in Savaii, such is the intention and comments towards the Hon Minister, what say you as these are not stipulated in this Legislation.

The monotaga Legislation, well we are having this matter again which I trust is inappropriate.

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Electoral Amendment Bill 2020
– second reading

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker...

MR SPEAKER: Pardon the member I permit the Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Election is very important. I am not aware of what the State is doing, as right after the General Elections, there is the Commission of Inquiry that seeks to find justice to avoid electoral charges. The common issue of petitions undertaken after every General Elections is very troublesome given the word corruption and the many corruptible activities taken place.

All Amendments we are undertaking aims towards one main focus which is seeking justice to avoid electoral charges after the Elections. Such are these matters which is why changes are made. The main focus is to seek justice in implementing the Elections and to elect suitable people. This is no lie, after the General Elections, more than hundred votes from Savaii is winning a member and then they celebrate, however, when the election outcome from here are out resulting in this member's lost, we see hundred other competitors winning over other electoral contenders.

It is like searching something to meet this situation, which is reason why. Such is why we have holidays before the Election day, so that there is enough time for the ferries to take the people to and fro Savaii to cast their votes for those who want to go to Savaii.

Mr Speaker, if it is 2 or 3 days holiday for this to be implemented, then why leave it? The main thing is for us to reach the end, and to avoid further ballots after the General Elections is over.

Mr Speaker, such is the spirit. It does not mean that the Minister is bad neither the State who is to be blamed on these things. The main thing is that we are all finding a way to put an end to other processes once a person is elected or has succeeded the elections. Instead of pressing charges against other candidates after the elections, this is seriously troublesome, especially with messages sent abroad due to corrupt practices made by electoral candidates themselves.

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Electoral Amendment Bill 2020
– second reading

Mr Speaker, that is something that is unforgettable for all of us. The intention is not to destroy those residing in Savaii or here. The main spirit is for us to find a way, that once the Elections are over, nothing will occur again such as one person suing another person.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker, our will can never be done. The State has the authority to implement the Law, they have the power to do it, but just a thought, have a look into it as a one day holiday is not enough for us. We will jump and swim in the sea to Savaii. That is the spirit your honour.

Another thing is the removing of church donations. Respectfully Mr Speaker, a member that comes into the House must be complete, the Church is another part of the custom and district. It does not have to make a monotaga in the village leaving aside the church. The constituency includes cultural and religious contributions because when a member goes to Savaii, he or she has to go to church. What happens when you do not make any religious contributions, how is that done? What will become of this tautua or service?

Just advising your honour, have a look into this as culture goes together with our Samoan way. You cannot focus wholly on village monotaga alone. You come with God and culture fully wrapped around you before you are made whole instead of coming half as a member.

Another thing your honour, the matter with o’o or traditional gift. Lest the members are stressed out about it, because a date for it has been legalized. I plead, open up the opportunities, it is up to the member whether or not to do a o’o. Let them decide when to do it. That is up to the member alone. A member that loves its constituency with true heart and do what is necessary. Go and return the favor to the district for their respect upon you and do not mock around.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAO: Mr Speaker...

MR SPEAKER: I grant the chance to the Prime Minister.

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Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: The story with leaving this matter upon the member itself is very insincere. We all know very well that once traditional gifts are subjected then it will be total chaos, because afterwards it will come down to people with high economic status that will win if discarded.

How many cases have we had with traditional gifting. Once this is abandoned, it will cause disorder in the country in the future. Such is when one candidate looks at another high earning opponent, taking...just outside the candidate's house. If these things are not avoided and not legalized, it can cause gunshots in Samoa. The essence is to bring consistency for those with strong economic status and those with weak economic status.

With regards to monotaga, Mr Speaker, when finding members for the country's Sitting, monotaga must still be implemented with regards to custom and this Sitting. When it comes to finding representatives to attend the Church Annual General Meeting in Malua, then use the religious contributions. When it comes to service or monotaga, we are all aware of the consequences of a monotaga.

Before the church came to being, monotaga was pertained to village/cultural services whereby all village representatives of Samoa come to this Sitting to talk about worldly matters. When it comes to heavenly things, then it was suitable for them to do religious donations or do heavenly things whereas those who do worldly things can go ahead and do village/cultural services.

Such is the entire point here, do not mix up these things.

MR SPEAKER: Very well, I have thought that...

Susuga Hon LAAULI POLATAIVAO LEUATEA: My thoughts are finished except this Mr Speaker, I do not wish to deliberate open campaign, no. Traditional gift is what I will do. It is appropriate to do one for the constituency in return for the respect they have given us to come and represent them in the decision making process. The intention is not to control time. Once the race is finished do it straight away as such is the spirit.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker.

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MR SPEAKER: The member's time is finished.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: The spirit of the member is to discard. If the member has enough strength, that means this member is always subjected, therefore, there will be no other members left to succeed from this constituency.

MR SPEAKER: I beg tolerance to the member, chance will be granted..

Susuga Hon LAAULI POLATAIVAO LEUATEA: Because the district is listening in, I am not saying to allow traditional gifting or o'o, I am saying to leave it as it is.

MR SPEAKER: Pardon the respectable member may I assist, that is the meaning of the Law so that the presentation of gifts is still stipulated, although it is up to the member itself whether or not to give one. Changes will be made after every Parliamentary term for this Act right from the first year until night falls.

The meaning of night falls whilst changes are still made, the elections is getting near and amendments are still carried through so that the environment is appropriate for the General Elections as every time the General Elections is carried out it is always clean. The thought of the member so that it impacts the...although afterwards petitions will pursue.

Such is the view of the State whereby it is necessary to make amendments so that this Legislation is properly laid out. May I remind the member that everyone wants to speak on this Legislation and when it comes to the Committee, that is where you will find your chance to speak on it. Half of these amendments goes to the Committee for their evaluation so that their report is submitted to Parliament in the next ensuing meeting.

Such is the things I reminded. Although if we were to apply this procedure, the State will not dust it aside rather, they will stand up and give clarifications. Such is the request of the Chair. The question will be put forth before the Committee will make its amendments.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

Afioga Tafua Maluelue Tafua (Aleipata Itupa i Lalo): I have long been standing up honorable Speaker.

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Electoral Amendment Bill 2020
– second reading

MR SPEAKER: I call the member for Faleata..

Tofa LEALAILEPULE RIMONI AIAFI: Thank you very much for the chance. This matter is very important. I will direct my view which will be short. As you heard during the time this issue was discussed, it is very critical.

We are now talking about nominations or electoral candidates. I fully thank the Hon Minister for the changes made. As these are the changes we picked up from the previous Elections, thankfully it is now changed in this Election which has these provisions.

It is now said, for candidacy, eligible candidates. What I wanted to speak about, is the deadline for the registration of nominees.

Keep in mind that this Legislation takes 6 months and the roll will be closed in September. The advice therefore is that this should also be the closing day for registered nominees. The meaning of this explanation and reason for this view is that we have so many voters and majority of the registrations will come in the last minute when the elections draws near. So electoral nominees and voters will go through all sorts of problems like the transfer of voters.

The reason is that majority although they are out and about in the rural areas, they will only reveal their interest in running in the final few weeks before elections making people become unsure and confused.

Although, if the deadline for registrations of voters and nominees fall on the same month according to the schedule of the Ministry, it will be easier for all of us. Note your honour, this will also be the time for some to resign from their posts in the Government if they want to run in the elections. They must resign within 6 months time before the Elections take place. Therefore they are eligible based on the requirement.

Within 6 months period, if anyone is stripped from its position during this period, a bi-election will not be carried out but will have to wait the time for the General Elections. For these reasons which I believe, this goes for all of us and the administering of Committee works and the Ministries, there is no difficulty in this matter. Majority of the members, we do know many of them. If all deadlines comes in September, our works will be made easier.

With due respect.

27 JANUARY 2020

Electoral Amendment Bill 2020
– second reading

MR SPEAKER: I wish not to praise your view. Well done. Your statement is well taken. Because I do not permit admiration. You have the same intention as me. Although we gain further chance when it goes to the Committee where all amendments are made for this Bill.

Now that you have spoken, we shall leave it as it is. When the Committee meets, then we shall go to it to make amendments on this Bill. I beg the pardon of the member, perhaps this is the only speaker left before the Bill is referred to the Committee.

I call the member for Aleipata Itupa i Lalo.

Afioga TAFUA MALUELUE TAFUA: Thank you very much. I greet your honour this hour of the day. Great job. Thank you Hon Prime Minister and Cabinet as well as members here today and the support of Samoa.

I have 3 thoughts I wish make. First, thank you for this Bill which I strongly support. It is a very good Legislation. Any new Bill and...let me take back my explanation, 2006, 2011 and 2016, these are the 3 commissions which I read about. I went and made a submission to the Committee, I am again saddened when they said that the Legislation will be passed to the Committee, any submission given, hopefully it will be approved as I too had put forth a few submissions on the recent matter in which some were approved and some were not. Although, the process is like that, the view is well taken.

I stand with respect, the seas are getting rough. The Elections are drawing near, perhaps this is what I was concerned about, personally, I too have mentioned it in our Budget, all the people that have been registered under members rolls are constituencies and...There is no reason for them to transfer their votes and change constituencies if they reside in Apia. Whether in Savaii or matais of individual constituency, if they want to cast their vote in their constituencies. For instance myself, if my voters in Apia are 200 or 300, and members of my family want to vote in the rural area, there is no point of urging as the existing Law says, you are not permitted to vote in Aleipata area. No please, if the members are hearing this, may you find the chance to enforce this provision.

The truth is do not abandon the running candidates of Faleata and here in Vaimauga. Do cast your vote in Aleipata where the taro and coconut are from to support our families here in Apia.

27 JANUARY 2020

Electoral Amendment Bill 2020
– second reading

That is what I stood up for, with regards to o’o and all those matters, it is up to the member itself whether or not to do a o’o. It is also not compulsory. A person who goes to church often and attends the village affairs, the constituencies are aware of them. Bless this Sitting.

MR SPEAKER: Very well..

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker there is...

Tofa NAFOITOA TALAIMANU KETI (Gagaemauga No.3): Mr Speaker...

MR SPEAKER: Let us hear the Deputy Speaker...

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker...

MR SPEAKER: I call the Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Your view is excellent. All these goes through the Committee for amendments to be made, which then comes back to us for our review, although it seems that this House is now used as campaigns for people to do their registrations. As such this campaign may proceed way before time.

MR SPEAKER: The reason for giving advise is with regards to the exact point made by the member. The old men are also getting intelligent in the backside area. Despite your speeches made here if the old men are not happy there is no...yes let us recognize the Deputy Prime Minister before the question is put and have this Bill be referred to the Committee although we are the initiators of these amendments. I call the Deputy Prime Minister.

27 JANUARY 2020

Electoral Amendment Bill 2020
– second reading

Tofa NAFOITOA TALAIMANU KETI: Thank you for the opportunity put forth. These are golden opportunities that are rare as time changes sometimes. Times like this, I will use to acknowledge my constituency that are supporting me, I see in facebook that our Sitting is going live, and our some of my constituents are asking where I am?

The response from some of the constituents states, do you not hear the voice of the man who is managing the Sitting?

Mr Speaker, I wish to express my thoughts and feelings from the heart concerning this Legislation. This Bill is fairly complicated not easy for this constituency especially for us, the members from Salafai.

Mr Speaker since the initial stages of this Bill took place in the start, the most fundamental spirit for voicing all this is due to corruption. Such is the need to review and oversee these concerns, so that justice prevails in implementing the election processes for the Leaders of the country.

Thank you Hon Minister, I have thoroughly heard you recognizing some of the 22 recommendations made and submitted. Some of the members are complaining about the recommendations they put forth for the objects of this Legislation. However I have already told them, the response is not acceptable. Now that we have it this morning, three of them have been approved, it is the monotaga and what you just revealed. I heed great appreciation, the attempt of the Committee, have a look again at this Legislation, as it will affect individual rights, communal right and your right as an heir. This is the objective I have been trying to assist after all, the decision making is done through blood connections and bloodlines and may possibly result in unbecoming circumstances.

There are three things I wish to submit honorable Speaker, I extend great thanks to the member for Faleata. Those are the thoughts. Looking at section 8, it is getting productive, but it comes with a few recommendations. With regards to matai title holder in terms of eligibility for running candidates, note that there are five years per parliamentary term. The intention of the Committee therefore is for a chief to hold a title for that five year period to reflect eligibility and object of becoming a representative of its constituency in this Parliament. However we are going by three years at the current. If a member makes it and becomes a Speaker of Parliament, it takes five years to serve, five.

27 JANUARY 2020

Electoral Amendment Bill 2020
– second reading

Such is the attempt so that, *ia ogatasi le futia ma le umele* on the skills of a person. It does not matter, human rights is the person's right, whilst service should be the same for all those who are rendering service for the constituency. That is the slight concern your honour.

Secondly, the matter regarding campaign. There was advice and investigations that this is what Democratic Nations like New Zealand and Australia are implementing. With regards to approved funding for a candidate in preparations of its campaign. Truthfully speaking, this is no secret, there are plans like this as given in our recommendation that must be implemented, for it is the spirit that we...yes, this constituency targets justice and right voting. Such is the intention by making one vote per voter which is our recommendation submitted and if...

MR SPEAKER: I call the Minister of Education, Sports and Culture.

Afioga Hon Loau Sola Keneti Sio (Minister of Education, Sports and Culture): Mr Speaker, I see that, I do not mean to interject, the current speaker is the Chairperson that will review the Legislation when the time comes for it. Lest the speech is long, but all up to him. He can change it from within his Committee. With due respect as it is now one o'clock.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker this was no hidden agenda in the explanation of the member. The spirit is to gain opportunity to voice the request although the farsighted wisdom is there. Although we gave our recommendations to the Committee, our will will not be done. How else will we voice it? Such is the intention Hon Minister of Education, I am full of respect. We moved \$50,000 and have advised, to permit it. The intention, a report will be made on its utilization after the election takes place at the Office of the Electoral Commission.

The other point that I would like to state today is the information that can prosecute us. As recently mentioned by the Leader of the Government, it is unsightly, to debate amongst each other, but when they look at the charges, one man will have 16 charges while the other only has 10 charges. Therefore, such things should not be displayed when there is a budget allocated for them, to avoid these situations. That is why we offer recommendations, and of course, it comes back to the Committee. I remember on that night during the forum, we would offer our suggestions, if the answer was no, how can this Committee display their goals to the country? That is the intention.

27 JANUARY 2020

Electoral Amendment Bill 2020
– second reading

However, I have great respect for the Chair, and I have great respect to the Hon Minister, but I still have many points I want to express. However, if it is submitted to the Committee, then the Hon Minister and the Electoral Commissioner will hear it again. Thank you for the opportunity.

MR SPEAKER: Well that is the reason, which is the overall summary by the Deputy Speaker or the Chairman of the Committee, to send in suggestions to the Committee so they can examine it carefully and then they will present their advice that is pleasing for the honourable members.

Afioga Sulamanaia Fetaiai Tauilili Tuivasa: Mr Speaker I ask for an opportunity, because I stood up at the same time as the Deputy Speaker, out of respect, I give him the opportunity... Whether there is...

MR SPEAKER: I know that majority of the time we are compromising you will win with respect, but suppose I win between our Vaimauga relations, but I will recognize and please keep it short.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Well, the intention of this member...

MR SPEAKER: I implore the honourable member. Since we have arrived at our... Yes, you see now the reasons faced by the Chair. However, I ask the Hon Prime Minister for a motion to finish your statement and to continue our work.

MOTION TO EXTEND SITTING HOURS

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I have noticed that we are nearing our adjourning time, but there are some Legislations that must be considered. I move the motion, *To amend Sitting hours as follows, Proceedings of the Legislative Assembly will continue this afternoon by putting forth the question to approve this Bill and let us proceed to consider in detail the third reading of the Emergency Act before proceedings of the Legislative Assembly are adjourned..*

27 JANUARY 2020

Public Finance Management Amendment Bill 2019
– consideration in detail

Seconded by the Cabinet.

Motion was approved.

MR SPEAKER: I believe the statement of my fellow member from Vaimauga has continued. And so, if you are protected indoors you are also protected outdoors. The question will now be put according to the motion.

Afioga Sulamanaia Fetaiai Tauilili Tuivasa: Mr Speaker, I am very honoured. The only reason why I stand, I have forgiven this Minister. That is my intention for standing up due to the situation with the issue of the Minister. Mr Speaker, the request that was presented by Vaimauga, because the transfer is going to be completed this month. That is the aim lest it is referred back to the Committee.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker the motion has already been moved and it has been approved.

MR SPEAKER: Fine. Do note that all these things will be covered in the recommendation of the Committee. Yes. However, since the motion has been approved, the question will be put forth.

Motion was approved and the Electoral Amendment Bill 2020 was read a second time.

MR SPEAKER: Pursuant to Standing Orders, the Bill will be referred to the Standing Orders, Electoral Matters, Petitions and Constitutional Offices Committee to consider and report back to the Legislative Assembly in a future sitting.

PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2019
– consideration in detail

MR SPEAKER: Pursuant to Standing Orders the consideration in detail will commence with Clause 2.

27 JANUARY 2020

Public Finance Management Amendment Bill 2019
– consideration in detail

CLAUSE 2: Section 34 amended

Approved.

CLAUSER 1 AND TITLE

CLAUSE 1: Short Title and commencement.

TITLE: Public Finance Management Amendment Act 2019.

MR SPEAKER: There is a Correction by the Minister to Clause 1 and Title.

I call on the Hon Minister.

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move to Amend Clause 1 and Title of the Act as follows:

“CORRECTION:

To omit the number 2019 and thereby replace it with the number 2020 to read the Title of the Act as:-

Public Finance Management Amendment Act 2020.”

Correction was approved.

Clause 1 and Title was approved with Corrections.

The Public Finance Management Amendment Bill 2020 progressed with Corrections.

27 JANUARY 2020

**TAX ADMINISTRATION (ELECTRIC SYSTEM) AMENDMENT
BILL 2019 – consideration in detail**

MR SPEAKER: Pursuant to Standing Orders, consideration in detail commences with Clause 2.

CLAUSE 2: New Section 29A inserted.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement

**TITLE: Tax Administration (Electric System) Amendment Bill
2019.**

MR SPEAKER: The Minister has a Correction for Clause 1 and Title.
I call on the Minister of Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker
I move the Correction for Clause 1 and Title as follows:

“CORRECTION:

Omit the number 2019 and thereby replace it with 2020 to read the
Title of the Act as:

Correction was approved.

Clause 1 and Title was approved with Corrections.

*The Tax Administration (Electric System) Amendment Bill 2020
progressed with Corrections.*

27 JANUARY 2020

**POLICE POWERS AMENDMENT 2019
– consideration in detail**

MR SPEAKER: Pursuant of Standing Orders the consideration in detail commences with Clause 2.

CLAUSE 2: New section 36BA is inserted.

Approved.

CLAUSE 3: Succession.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

TITLE: Police Power Amendment Bill 2019.

MR SPEAKER: The Minister has a Correction to make for Clause 1 and the Title of the Act. I call on the Hon Prime Minister.

Susuga Hon TUILAIPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move the Correction to Clause 1 and Title as follows:-

“CORRECTION:

Omit the number 2019 and thereby substituted with number 2020 thus the Act reads:

Police Power Amendment Bill 2020.”

Approved.

27 JANUARY 2020

Telecommunications Amendment Bill 2019
– consideration in detail

The Police Powers Amendment Bill 2020 now commenced with Corrections.

TELECOMMUNICATIONS AMENDMENT BILL 2019
– consideration in detail

MR SPEAKER: Pursuant of Standing Orders consideration in detail commences with Clause 2.

CLAUSE 2: Clause 8 amended.

Approved.

CLAUSE 3: Consequential amendments.

Approved.

CLAUSE 4: Saving provisions.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

TITLE: Telecommunications Amendment Act 2019.

MR SPEAKER: There is a Correction for Clause 1 and title.
I call on the Hon Minister

27 JANUARY 2020

**Miscellaneous (Board of Public Bodies) Amendment Bill 2019
– consideration in detail**

Afioga Hon AFAMASAGA LEPUIAI RICO TUPAI: Mr Speaker I move the Correction of Clause 1 and Title as follows:-

“CORRECTION:

Omit the number 2019 and thereby substituted with number 2020 thus the Act reads:

Telecommunications Amendment Act 2020.”

Correction Approved.

Corrections for Clause 1 and Title Approved.

The Telecommunications Amendment Bill 2020 progressed with Corrections.

**MISCELLANEOUS (BOARD OF PUBLIC BODIES) AMENDMENT
BILL 2019 – consideration in detail**

MR SPEAKER: Pursuant of Standing Orders consideration in detail will commence with Clause 2.

CLAUSE 2: Miscellaneous (Board of Public Bodies) Amendment.

Approved.

CLAUSE 3: Consequential amendments.

Approved.

27 JANUARY 2020

Miscellaneous (Board of Public Bodies) Amendment Bill 2019
– consideration in detail

CLAUSE 4: Transitional and saving provisions.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

TITLE: Miscellaneous (Boards of Public Bodies) Amendment Bill 2019.

MR SPEAKER: There is a Correction for Clause 1 and Title. I call on the Hon Minister.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I move the Correction of Clause 1 and Title as follows:-

“CORRECTION:

Omit figure 2019 and thereby substituted with 2020 thus the Act reads:-

Miscellaneous (Boards of Public Bodies) Amendment Bill 2020.

Correction Approved.

Clause 1 and Title was approved with Corrections.

The Miscellaneous (Boards of Public Bodies) Amendment Bill 2020 progressed with Corrections.

27 JANUARY 2020

INTELLECTUAL PROPERTY AMENDMENT BILL 2019
– consideration in detail

MR SPEAKER: Pursuant of Standing Orders consideration in detail will commence with Clause 2.

CLAUSE 2: Arrangement of provisions and long title amended.

Approved.

CLAUSE 3: Section 2 amended 2.

Approved.

CLAUSE 4: New Section 3A inserted.

Approved.

CLAUSE 5: New Section 18A inserted.

Approved.

CLAUSE 6: Section 31 substituted.

Approved.

CLAUSE 7: Section 44 amended 44.

Approved.

27 JANUARY 2020

**Intellectual Property Amendment Bill 2019
– consideration in detail**

CLAUSE 8: New Section 44A, 44B, 44C and 44D inserted.

Approved.

CLAUSE 9: Part 5 heading, section 45 – 48 amended.

Approved.

CLAUSE 10: Section 49 amended.

Approved.

CLAUSE 11: Section 50 amended 50.

Approved.

CLAUSE 12: Sections 52 to 54 amended .

Approved.

CLAUSE 13: Section 55 amended.

Approved.

CLAUSE 14: Sections 56 to 59 amended.

Approved.

27 JANUARY 2020

Intellectual Property Amendment Bill 2019
– consideration in detail

CLAUSE 15: Section 60 amended.

Approved.

CLAUSE 16: Section 18 substituted 83.

Approved.

CLAUSE 17: Section 84 repealed.

Approved.

CLAUSE 18: Section 86 substituted.

Approved.

CLAUSE 19: Section 87 substituted.

Approved.

CLAUSE 20: Section 88 amended.

Approved.

27 JANUARY 2020

Intellectual Property Amendment Bill 2019
– consideration in detail

CLAUSE 21: Section 89 amended.

Approved.

CLAUSE 22: Section 93 amended.

Approved.

CLAUSE 23: Section 97 amended.

Approved.

CLAUSE 24: Section 101 amended.

Approved.

CLAUSE 25: New Sections 102A – 102G inserted.

Approved.

CLAUSE 26: Sections 113, 116, 118, 124 and 126 amended.

Approved.

27 JANUARY 2020

**Intellectual Property Amendment Bill 2019
– consideration in detail**

CLAUSE 27: Section 137 amended.

Approved.

CLAUSE 28: Section 140 amended.

Approved.

CLAUSE 29: Schedule 3 repealed.

Approved.

CLAUSE 30: General amendments of the Act.

Approved.

CLAUSE 31: Consequential amendments to the Customs Act 2014.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement

TITLE: Intellectual Property Amendment Act 2019

MR SPEAKER: There is a Correction for Clause 1 and Title.
I call on the Hon Minister

27 JANUARY 2020

Public Finance Management Amendment Bill 2020
– third reading

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I move the Correction of Clause 1 and Title as follows:

“CORRECTION:

Omit figure 2019 and thereby substituted with figure 2020 to read the Bill as:

Intellectual Property Amendment Act 2020.”

Correction Approved.

Corrections for Clause 1 and Title was Approved.

The Intellectual Property Amendment Act 2020 now progressed with Corrections.

PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2020
– third reading

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

Afioga Hon SILI EPA TUIOTI: Mr Speaker I move the motion, *that the Public Finance Management Amendment Bill 2020 be now read a third time.*

Seconded by the Minister of Education, Sports and Culture, and the Minister of Revenue

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

27 JANUARY 2020

**TAX ADMINISTRATION (ELECTRONIC SYSTEM)
AMENDMENT BILL 2020 – third reading**

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

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Speaker I move the motion, *that the Tax Administration (Electronic System) Amendment Bill 2020 be read a third time.*

Secoded by the Minister of Finance and Minister of Health.

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

**POLICE POWERS AMENDMENT ACT 2020
– third reading**

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move the motion, *That the Police Powers Amendment Act 2020 be read a third time.*

Secoded by the Minister of Commerce, Industry and Labour.

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

**TELECOMMUNICATIONS AMENDMENT BILL 2020
– third reading**

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

Afioga Hon AFAMASAGA LEPUIAI RICO TUPAI: Mr Speaker I move the motion, *That the Telecommunications Amendment Bill 2020 will now be read a third time.*

27 JANUARY 2020

Miscellaneous (Boards of Public Bodies) Amendment Bill 2020
– third reading

Seconded by the Minister of Education, Sports and Culture and the Minister of Justice and Courts Administration.

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

MISCELLANEOUS (BOARDS OF PUBLIC BODIES)
AMENDMENT BILL 2020 – third reading

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I move the motion, *that the Miscellaneous (Boards of Public Bodies) Amendment Bill 2020 will now be read a third time.*

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

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

INTELLECTUAL PROPERTY AMENDMENT BILL 2020
– third reading

MR SPEAKER: I call on the Hon Minister for Public Enterprises.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Mr Speaker I move the motion, *that the Intellectual Property Amendment Bill 2020 be read a third time.*

Seconded by the Deputy Prime Minister and the Cabinet

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

27 JANUARY 2020

Statement by the Prime Minister and Motion for Adjournment

MR SPEAKER: Thank you to our Parliament with the presence of the Hon Prime Minister and Deputy Prime Minister, the Cabinet as well as the Chairpersons, and the chosen representatives or members of the country. I further heed the support of the various Government Heads, especially the listening public. Our work has concluded. I call on the Hon Prime Minister whether we have anything else left for the sake of the House.

**STATEMENT BY THE PRIME MINISTER
AND MOTION FOR ADJOURNMENT**

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I would like to take this opportunity to offer congratulations and thanks to you Mr Speaker, for your patience and perseverance in the last few days of our Sitting. I also acknowledge the presence of the honourable members of the House for your significant contribution to the huge works we were tasked to do. This includes the support of the Government Heads who are present in this Sitting.

In 1984, Cabinet made a resolution the last 36 years to have the Chief Executive Officers sit in the Parliamentary Sittings. We do have the full capacity for all your suggestions, you are all Leaders of the country, and no one is more superior, as majority of our country are present here, with the abundance of your suggestions given. That is the reason why Chief Executive Officers are here, to listen, observe and record your views and to give reminders to the Government on what should be done and assist with the allocation of available funds to implement your requests. You are the senior orators and chiefs, and the honorifics of your constituencies are upon your shoulders.

I offer salutations to His Highness the Head of State, the member of the Council of Deputy and all of the country listening in all its honorific salutations. I also give greetings to the servants of God who are praying for our country, especially for inspirations upon the work of the Government for a prosperous future for Samoa. For whatever was witnessed by Samoa as well as that side of the House, it seems we have accepted your suggestions. These are the courses of our work, the words of this House will never be forgotten.

27 JANUARY 2020

Statement by the Prime Minister and Motion for Adjournment

When the economy of Samoa is distributed, as we know within our communities, when things are distributed... whatever is shared it is the time when people cause an uproar, as they cannot miss the embarrassment of another. That is why it also continues within this House. Whatever our differences may be, whatever arguments that have occurred, but in the words of this House, *e tetele a pesega ae matua i le oo*, despite the animosities, it will all disappear in the end. As the debates today will end with the respect upon one another. And the work we were faced with during the Parliamentary Sitting of Samoa is not minor.

We were able to achieve in the first sitting of the year, we approved the Supplementary Appropriation Bill for this financial year continuing from 2019 until June of this year. We also passed seven Bills, and we have also considered the two Bills, which have now been referred to the Parliamentary Committees for consideration. This is an opportunity for the country, especially this House to attend and to voice their opinions, as it was noted during our debates that some ideas can be included in the Electoral Act and other Bills so that when it comes back to this Parliament, there will be additional improvements for our election moving forward. This includes the implementation of good governance, there should be a stake in seeking the advice of the public, as this is the opportunity to do so. Not only are you representatives of the country that have already spoken on these Acts, but it has been referred to permit you further opportunity to attend the Committee as well as for the general public to restate some of the amendments that needs further improvement for these Bills in areas that we have overlooked.

Finally, the tabling of 26 Government Ministries and Corporations Annual Reports before Parliament. This was a very recognizable and important undertaking that was followed up by myself and the Hon Ministers of the Cabinet, the Annual Reports that contains all achieved outputs for Government Corporations and Ministries under our supervision to be submitted before Parliament as soon as possible. This is for the sake of the House to view, and to consider and report back to this House.

It emphasizes the implementation of the work of the Three Branches, the Cabinet and all Public Servants, to come before you, through Select Parliamentary Committees, to testify and to respond to your questions, to further provide clarification about the work that Government is implementing. Should there be any errors, they are all recorded in these Reports with suggestions to improve them.

27 JANUARY 2020

Statement by the Prime Minister and Motion for Adjournment

There is no hidden agenda; this is the opportunity for our Committees, through the honourable Chairpersons of the Various Committees to carefully examine, the various works that are being done by the Ministers and their Ministries that are under their administration.

Mr Speaker, 26 reports have been tabled in this Sitting from Ministries and Corporations. Your work will continue through the Committees, whilst Cabinet will also carry out its respective roles with the public servants in monitoring the progress of the work, as reported in these reports.

Mr Speaker, this is my acknowledgement on behalf of this Cabinet, the Associate Ministers and this Side of our House.

I therefore move the motion, *to adjourn Proceedings of the Legislative Assembly until Tuesday 17th March 2020, at 9:00 am, where we will reconvene.*

That is the motion with respect.

MR SPEAKER: The motion has been moved, that Proceedings of the Legislative Assembly be adjourned until 9:00am on Tuesday 17th March 2020.

Seconded by the Deputy Prime Minister and Minister of Commerce, Industry and Labour.

Motion was approved.

MR SPEAKER: Well, as the Parliament has perceived, also the support of Samoa that has heard the speech of the Hon Prime Minister. This clarifies the main reason why the Government is enthusiastic to submit a few of our important Acts, such as the Electoral Act, to Parliamentary Committees so that they can obtain opportunities. Not only for the public, but also the honourable members of the Parliament and anyone else, to make queries and find chance to make submissions.

Most of the times, many of the Acts are referred to Select Committees. The Prime Minister has also stated our respects for one another and being able to work together. There are many animosities, but they all disappear due to the will of God, it is hoped that the Government have clearly clarified what has been raised, so that it would be understandable. This is not only for the understanding of the member, but also for the sake of the country.

27 JANUARY 2020

Statement by the Prime Minister and Motion for Adjournment

Well we have the spirit of forgiveness, as one can save a wrongful situation by setting things right, may you all receive the spirit of God. Our work is concluded.

Before we adjourn, I call on the Deputy Speaker to close our Sitting with a prayer.

Proceedings of the Legislative Assembly adjourned at 1:45pm until 9:00 am on Tuesday, 17 March 2020.