

*18 AUGUST 2020****TUESDAY, 18 AUGUST 2020***

Mr Speaker took the Chair at 9:10am in accordance to Parliamentary Sitting Program 2020/2021.

Prayer.

MR SPEAKER: I announce the resumption of the Legislative Assembly Proceedings.

NOTICE FROM THE LEADER OF THE HOUSE

Pursuant to Parliamentary Standing Order 76, I submit the Notice before the Legislative Assembly to consider the following Bills:

1. Customs Tariff Amendment Bill 2020.
2. Immigration Bill 2020

GIVEN on this day 17 of August 2020.

Hon TUILAEP Dr. Sailele Malielegaoi
LEADER OF THE HOUSE

MR SPEAKER: I will take this opportunity to respectfully extend greetings to the dignitaries of Parliament gather today and my compliments on your good state of health. We sleep in freedom from disturbance but disaster is a threat to life. However, for it were not for our Lord to provide peace as we busk in His glory this morning.

I acknowledge the Chief Executive Officers of Ministries and Organisations and their collective responsibility to the development of our country. My greetings also to the public at large giving support and the clergy praying day and night for prosperity

*18 AUGUST 2020***OTHER ANNOUNCEMENTS BY MR SPEAKER****1. VACANT SEAT OF THE LEGISLATIVE ASSEMBLY**

MR SPEAKER: Pursuant to Article 46(3) of the Constitution of the Independent State of Samoa and the provisions of Section 141(2) of the Electoral Act 2019, I officially announce the Parliamentary seat for the Electoral Constituency of Gagaifomauga No.3 vacant.

The vacant of a seat in the Legislative Assembly pursuant to the provisions of the Electoral Act 2019, implies that:-

- (a) The Member pursuant to Clause 140, has resigned from a Political Party during the course of the Parliamentary term; or
- (b) A Member continues to be a Member during the course of the Parliamentary term;
- (c) A Political Party or an Organisation with a party manifesto and wishes to contest the elections if this Political Party or Organisation has not been registered as a Political Party under this Legislation; or
- (d) A registered Political Party other than the registered Political Party in which he/she is a Member of Parliament so that he/she takes the oath of allegiance.

I have received the Resignation Letter from the member to officially end his service to Parliament. He has also revealed his intentions of establishing and registering a Political Party for the upcoming By-Elections for the Electoral Constituency of Gagaifomauga No.3 and the General Elections next year.

I am of the view that this is the opportunity to advise and remind all members of this House of the provisions of Legislations that have been enacted in Parliament which dictates our appointments.

The Chair has also observed that there are members who disregard and take for granted these laws and have sort to trivialise the importance of our laws. The disappointing factor here is that it reflects the minimal consideration to our oath of allegiance made before God, not to mention the support of the public and the constituencies that elected us to be their representatives in Parliament. I am of the view that the shortcomings and dishonesty, the reckless acts shown by some members as a cause to apply the provisions of the law and the Chair is blamed in the eyes of the public and the constituencies that elected us. Claiming bias, stirring disorder and sceptical of the Chair's ruling due to their substandard. Nevertheless, I do have regards of our mutual relations which pins everything for the sake of the prayerful support of the public and our constituencies. If I do exercise the provisions of the law, it would not be carried to the full extent.

*18 AUGUST 2020***Other Announcements by Mr Speaker**

Since the country's general elections is just around the corner come the new year. I am of the view that we must adopt this stance and not let our anxiety blind us of the support of our people.

Let us hope that the remaining months of this term would be complete with the grace of God and praises be to Thee.

Allow me this opportunity to extend appreciations to the Minister of Health and the Director General of Health for the continuing service yesterday which gave members the opportunity to receive medical check-ups. After all, most of the time we are so consumed with work prioritising our obligations and forgetting to watch our health. May God continue to grant you the wisdom to the Minister and the Associate Minister the CEO and management of the Health Ministry.

2. AMENDED STATE OF EMERGENCY ORDERS

I hereby announce for the information of Parliament that I have in my hand the Amendments to the State of Emergency Orders as verified by the Le Ao o le Malo.

I call upon the Clerk of the Legislative Assembly to read out the following Amendments and to table it in Parliament.

The Clerk read out the Amendments to the State of Emergency Orders.

**AMENDED STATE OF EMERGENCY ORDERS
FOR COVID-19**

Permission for the Petroleum Product Supply Limited to fill petroleum tanks around Samoa on Sunday.

Due to the state of urgency, an oil tanker is permitted to Samoa due to the fragile state of petroleum around the world at this stage.

The necessary steps for this service:

1. The Petroleum Product Supply Limited and the Ports Authority are permitted to provide service for the filling up of petroleum tanks in Samoa and other oil tankers coming to Samoa.

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Presentation of Papers

This change will come into effect on Thursday, 6 August 2020 until further notice.

2. Provide oil for the Electric Power Corporation on Sunday 16th August 2020 for supplying electricity for the country.

This decision was done under urgency in pursuant to Section 38(1)(c) of the Constitution of the Independent State of Samoa. The other State of Emergency Orders initially given remains in effect.

This Order will come into effect on the 15th of August 2020 as verified by His Highness Tuimalealiifano Vaaletoa Sualauvi II, O le Ao o le Malo.

MR SPEAKER: Before we progress Proceedings of the Legislative Assembly, I must announce for the information of Parliament and Cabinet, and also Chief Executive Officers of Ministry and Corporations and the public, that we are joined by the newly appointed Attorney General, Salevanoa Mareva Betham in our Sitting today.

Let me use this opportunity to welcome the new Attorney General, her appointment is from God in accordance to the Bible. May success be upon your appointment and may God bless you.

PRESENTATION OF PAPERS

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

1. P.P.2020/2021 No.27, Annual Report of the Samoa Tourism Authority for the financial year July 2018 – June 2019.
2. P.P.2020/2021 No.28, Annual Report of the Office of the Attorney General for the financial year July 2018 – June 2019.
3. P.P.2020/2021 No.29, Annual Report of the Samoa Trust Estates Corporation for financial years 2018 and 2019.
4. P.P.2020/2021 No.30, Annual Report of the Accident Compensation Corporation for the financial year 2019
5. P.P.2020/2021 No.52, Annual Report of the Ministry of Justice and Courts Administration for the financial year 2018/2019.

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PRESENTATION OF PARLIAMENTARY COMMITTEES REPORTS

The Clerk read out the order of Parliamentary Committees Reports pursuant to S.O. 52(5).

1. P.P. 2020/2021 No.38, Report of the Standing Orders, Electoral, Petitions and Statutory Appointments Committee on the Fabric of Laws Bill 2019.
2. P.P. 2020/2021 No.39, Report of the Finance and Expenditure Committee on the Energy Management Bill 2020.
3. P.P. 2020/2021 No.40, Report of the Finance and Expenditure Committee on P.P. 2019/2020 NO.202, Annual Report of the SIFA 2018/2019.
4. P.P. 2020/2021 No.41, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.203 Annual Report of the SQA 2018/2019.
5. P.P. 2020/2021 No.42, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.205 Annual Report of the Office of the Regulator 2018/2019.
6. P.P. 2020/2021 No.43, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No. 209, Annual Report of the Ministry of Finance 2018/2019.
7. P.P. 2020/2021 No.44, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.214, Annual Report of the SROS 2018/2019.
8. P.P. 2020/2021 No.45, Report of the Economics Sector Committee S.R. 2020/1, Business License Regulations 2012 and S.R. 2020/2, Amendment Regulations on Business License 2018.
9. P.P. 2020/2021 No. 47, Annual Report of the Economic Sector Committee on P.P. 2020/2021 No.103, Annual Report of the Ministry of Agriculture and Fisheries 2018/2019.
10. P.P. 2020.2021 No.48, Report of the Infrastructure Committee on P.P. 2019/2020 No.140, Annual Report of the Samoa Airport Authority 2018/2019.
11. P.P. 2020/2021 No.49, Report of the Infrastructure Committee on P.P. 2019/2020 No.150 Annual Report of the Samoa Shipping Services 2018/2019.
12. P.P. 2020/2021 No.50, Report of the Infrastructure Committee on P.P. 2019/2020 No.164, Annual Report of the Ministry of Natural Resources and Environment 2018/2019.

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MOTION BY PARLIAMENTARY COMMITTEES

MR SPEAKER: I call upon the Chairperson of the Special Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Chairperson of Special Committee): I extend warm greetings to you Mr Speaker, I also duly acknowledge the Leader of the House and Government, Cabinet and Associate Ministers and the dignitaries of Parliament. I recognise the Chief Executive Officers of Ministries and Organisations.

I make special mention of the Attorney General. May the Lord bless you in your role.

Mr Speaker I rise to move that, *The Assembly grant permission to the Special Committee to continue its findings on the 3 Bills in which the Committee is currently engaged in as our findings and considerations is not yet complete on the following 3 Bills:*

With all due respect.

Seconded by the member for Aleipata Itupa i Lalo and the member for Falealili East.

Motion approved.

CUSTOMS TARIFF AMENDMENT BILL 2020
– first reading

MR SPEAKER: I call upon the Minister of Revenue, Hon Tialavea.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue): Thank you Mr Speaker. My compliments to the dignitaries of the House today and also the Attorney General and the CEO's of Ministries. Mr Speaker I move, *that the Customs Tariff Amendment Bill 2020 be read a first time.*

Seconded by the Minister of Finance.

The motion was approved and the Customs Tariff Amendment Bill 2020 was read a first time.

*18 AUGUST 2020***IMMIGRATION BILL 2020****– first reading**

MR SPEAKER: I call upon the Leader of the House.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker before I move the motion I would firstly like to express my compliments to the notabilities of Parliament. I also acknowledge the support of His Highness Le Ao o le Malo and the member of the Council of Deputies and Samoa at large in all its honorific salutations.

I consider as a matter of importance your addressing me to speak in my capacity as Leader of the House. I started our meeting today with the announcement from the Leader of the House, which is me. The reason I value your statement is because there are a few members that do not consider the deep meaning of the term Leader of the House, it is a Minister of the House.

Mr Speaker there is someone that was formerly a Speaker, a Government Minister, has spent 10 years in Government but does not comprehend the term Leader of the House. The significance of your addressing me this morning in my capacity as Leader of the House is the reason I take the floor with Cabinet since we are now in session. We are members of the Assembly of Parliament of the Government of Samoa. We are not in session as the Government or Cabinet but as members of the Parliament of Samoa. We are representatives of the electoral constituencies of our country. I have mentioned this as there are views that I should not be occupying this seat claiming the Leader of the House position. It is unfounded claim and very unfamiliar with the separation of powers, or the separation of the 3 pillars of the Government. The 3 pillars which we are discussing, is the Commonwealth system of Governance which differs from the separation of powers for Governments that have a President. What is the difference? For the 3 individual branches, they are fused together and interconnected. That is the Commonwealth practice. What is the meaning of interconnection? It is such that none of the three pillars can operate fully by itself as 1 pillar has more strength for the 2 honorable Speaker. What are these 2 strengths? Capital is the only avenue for the other pillars to operate. The second one is there is power in Government to ensure the safety of the country, the safety and security from those who break the law which this Assembly enacts.

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Bill 2020 – second reading**

Mr Speaker this must be made very clear, that although the three pillars are separate but they fuse, interconnect and one cannot fully be independent without working together with the pillar which I represent on this side. It is not our strategies nor our wisdom that made this possible, but the formal procedures of the Law and usual practise of the Democratic system of governance under the Parliamentary policies of Government.

Mr Speaker, the point I am making is vital since there are a few members that are in the habit of blowing steam. But we do have an adage that goes “*e mau e faalele mau e matau.*” There are those who talk and those who listen.

Mr Speaker I move, *That the Immigration Bill 2020 be read the first time.*

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

The motion was approved and the Immigration Bill 2020 was read the first time.

**MISCELLANEOUS (SALARIES CONDITIONS UPON
SUSPENSION) AMENDMENT BILL 2020 – second reading**

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I respectfully rise, to move, *That Miscellaneous (Salaries Conditions Upon Suspension) Amendment Bill 2020 be read the second time and I wish speak on.*

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

The motion was approved and the Immigration Bill 2020 was read the first time

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

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Bill 2020 – second reading**

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker the main objective of this Bill is explained as follows. All public servants that have been suspended from their jobs are eligible to receive salaries for 1 month. If the suspension period passes 1 month due to ongoing investigations the salary will then cease. If after investigation of the person suspended clears him of all allegations. This person shall receive all the salary that were withheld. From the day his salary ceased up to the day when work is resumed. However, if the person suspended is not clear of the allegations. The decision resulting from the investigation carried out during the temporary suspension period for that person the post is terminated and no further actions shall be taken to the salary.

Mr Speaker this type of problem has not occurred once or twice, and the Government sorted to amend its policies that have been observed for so many years. I want to say that times have changed from the period when the legislation was enacted compared to now. What I am saying is the number of the public service was not that great and there were only a small number of cases surfacing. The procedures of court cases were also relatively simple. The reality now with so many cases going to court is the length of time waiting for a matter to be heard. In some cases a public servant temporarily suspended waits for 2 years to have the case heard. Particularly with cases being appealed. Which means waiting for another period of time. As appeal cases depends on the availability of overseas judges. Now that we have changed our policies our own judges are handling these appeals. We now have Samoan Judges that can preside over these matters rather than relying on the availability of these judges from overseas to hear our appeal matters. This means the first step was the lower court for the first hearing followed by the court of appeal which takes years. Yet the person is paid still and all he does is sleep, get up and drive around in the public vehicle wasting petrol. When the outcome proves him guilty of the unlawful act. That means if it was 2 years it was a waste of government money and petrol on this person. But he knew that he was guilty from the start but we were following rules that a person cannot be presumed guilty until proven. We can understand the person and his unlawful conduct but we must wait for the democratic principles to be observed. And to officially announce whether guilty or not.

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Mr Speaker, it is a system that should be adopted to save government money. We all understand that when a person is suspended and at the end of the court process the court is not satisfied with the evidence for the allegations. Then this person goes back to work.

The current procedure is that the matter goes to Court for 1 month only. If at the end of the matter the person accused is vindicated, he or she can go back to work and will receive all the benefits they are entitled to during the course of investigations. So there should be no concern with the process of justice.

Mr Speaker I hope the grounds behind my clarification is understood, which is saving public money from going to waste. There are also other government bodies which can make their own resolutions. For instance, the Ombudsman where people seek for unjust decisions. Mr Speaker that is my clarification of the Legislation.

MR SPEAKER: Very well, thank you. I would think the statement from the Prime Minister is understood. I call on the member for Salega East.

Tofa OLO FITI AFOA VAAI (Salega East): Thank you for the opportunity. I concur with the Speaker with the invocation he has offered at the outset of our session to our Maker for life and good health today.

Mr Speaker I respectfully rise to voice my contribution to this legislation. Before I do so I want to say this regarding the concise statement from the Prime Minister that a member questioned the Leader of the House. With respect It was I and the grounds which I made the query...

MR SPEAKER: I beg tolerance of the member but the Prime Minister will take the floor.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: The member is on a different subject. We are considering the subject of Immigration. That is my point of order concerning the member.

MR SPEAKER: I am of the view that a matter can only be considered after a Ministerial Statement is tabled. The statement from the Leader of Government was merely clarifying this area for the sake of the Assembly and the public.

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So do not go there but direct your statement to the Legislation now under consideration, and the salary that was stated by the Prime Minister.

The member will continue and so as to progress our work.

Tofa OLO FITI AFOA VAAI: The reason for discussing this is due to our Standing Orders which is pretty clear. The Leader of the House is the Leader of the Political Party ruling the Government....

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker this member has done this too often, and you have given your ruling.

MR SPEAKER: My apologies to the member but I do not want the public to think I am biased. Though I am merely observing our Standing Orders. You have spoken and it is clear that you do not comprehend the Leader of the House and its status in Parliament. The only person who makes the interpretation is the Chair. So I do beg tolerance of you but that is your own opinion. You cannot expect Parliament and the public to adhere or accept your stance. So do not look for trouble and do have regards for the public tuning in and their prayerful support. Speak directly on the Legislation as clarified by the Prime Minister. I call the member.

Tofa OLO FITI AFOA VAAI: Thank you, I apologise but what was said does not sound right. But I will speak on the Legislation. Mr Speaker I have spoken perhaps twice or three times on this matter. I recall in 2017 at Tuanaimato when I raised this matter and made this recommendation. The Prime Minister has now spoken clearly on the lot of money wasted because of the dodgy application of this law.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: I do not recall the member speaking on this matter. If he wishes to table confirmation, then do so. In my book you did not speak on this matter back then as you stated.

MR SPEAKER: I call on the member.

Tofa OLO FITI AFOA VAAI: The Legislative Assembly have the records. I did not keep the records.

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Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: My apologies Mr Speaker but I will have to take the floor again.

MR SPEAKER: I will say this again. I beg tolerance of the member but do not talk about Tuanaimato again as we are not discussing that. It is very simple and I ask you to focus on the matter under consideration.

Tofa OLO FITI AFOA VAAI: Mr Speaker can you bear with me whilst I try to convey my suggestions. It is the view of Salega East that the issue must be adjusted. We must now reform the blunders that have happened. I mean a CEO in such situation and Government money wasted on that person. The other area Mr Speaker...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker allow me to correct the member...

MR SPEAKER: The Leader of the House will make his point of order.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: These are all the tricks he always do. When we explain a matter he gets up and claim that he did suggest it. I would clarify a government proposal and he gets up and say that it was him that spoke on it.

You must then submit your records because in the records of information you never talked about this. Mr Speaker I too have my own information.

MR SPEAKER: Life is like that. The old men will say the young boy lies to the old man and the old man just laughs and contemplate. He does not want to lie again as he has done it before. I will say no more.

Tofa OLO FITI AFOA VAAI: Mr Speaker you keep the records but if you are not aware of it then it is fine.

MR SPEAKER: It was June when we had this session and it has now been 2 months.

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Tofa OLO FITI AFOA VAAI: Mr Speaker there are a few other areas that is unclear. All are Government assets that was used by CEOs. And now that vehicle has been mentioned but cell phones and the likes should all be returned. I do appreciate the fact that the Prime Minister is doing what I had recommended. With respect thank you.

MR SPEAKER: It seems that the speech of Salega supports the Legislation your honour. Thank you. Although you were sort of side stepping but it is the same tune. I call upon the member for the Urban Seat West.

Afioga FAUMUINA ASI PAULI WAYNE FONG (Urban West Seat): I convey my appreciations this morning. It is wonderful to see you Mr Speaker in good health and spirit. It is the same case with the Prime Minister and that side of the Chambers.

I am taking the floor to give my support to the Legislation now before us. It is welcoming to realise the stance to submit such a Legislation as we have long been anticipating these situations. There are 2 areas which I want to submit recommendations on and perhaps it would be of benefit to this Legislation.

There are CEOs of Ministries that have lost their appointments resulting from the investigations carried out. Some of them went to court and were acquitted yet they have been dismissed for good. My thought is whether the Government can consider bringing these people back to the service as they were on contract.

The other recommendation which is brief you should look into the area of...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker let me quickly respond to this recommendation. There is a Government process to implement their decisions, as with some Legislations like the Police Act, where they have their powers to regulate their service. The Legislation that we are considering is done in this manner. My suggestion to the member is to keep his distance from the member that had just sat down.

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As this is one of the areas covered under Political Parties formed but have yet to be formalised or regarded as official. But you are standing up at the same time with Olo with the same opinion. It contradicts your interviews on radio. It contradicts your post on social media. Those are the actions of a party according to Law. I am waiting for the Speaker as you should have gone ahead with your political party instead of being in disguise as you are too much of a coward to do that.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Mr Speaker the area the Prime Minister is talking about is not covered in this Legislation.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Do not be hasty, but space out your time of taking the floor.

Afioga FAUMUINA ASI PAULI WAYNE FONG: That is his own opinion but this is not the Legislation under consideration. I apologise to the Prime Minister. But no. I am now independent and I have the choice to decide which way to go. I am no longer under the leadership of the Speaker particularly the leaders of our Party. But as for me I do love the old man. I only wish he would return the same compassion I show him.

The problem is I am not in the list of the people he loves. The important thing Mr Speaker and Mr Prime Minister is my second recommendation...

MR SPEAKER: I call upon the Prime Minister's correction.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: What I mean to say is after Olo it should then be your turn. So I am trying to help you by offering advice. Compassion is shown through what you do. Which is giving ideas to go on. Do you remember the \$20 million that was corrected by the Minister of Finance, yet you continue, the both of you to ask where the money has gone to? After being explained that it was for farming developments under the projects from the World Bank or IDA which is the same thing. What I noticed that day is the two of you constantly getting up one after the other. You are still standing at the same point and so my advice is make space.

Tofa Olo Fiti Afoa Vaai: Mr Speaker since my name is mentioned.

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MR SPEAKER: The Prime Minister is talking to that member.

Tofa Olo Fiti Afoa Vaai: 10 years ago the Prime Minister was never worked up like this, but I have noticed that he is becoming very concerned. Do not be as there is no need for you to worry about the elections. Because if the solution from God is that you are finished, then you are done.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, I am not worried. But what I am talking about are people that are in disguise because they are cowards. The other poor fellow is gone all by himself, but this is the gang of three. Why is it like this, oh you have no love for the poor guy.

Tofa Olo Fiti Afoa Vaai: That is what you call a political strategy. You too are aware of it.

MR SPEAKER: There are some good sides of the recommendation from the Leader of the House. To make space instead of both getting up at the same time, because there will be a possibility that the other one may put his foot in the wrong place and so they will both be doom. But you should make changes.

I call upon the member for the Urban Seat West.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you to the Prime Minister, particularly my friend Olo. But no Mr Prime Minister just by looking around I doubted if anyone will be making a speech. Hence my getting up in case opportunities close and the question will be put.

My second recommendation Mr Speaker stems from the time when PSC conducted interview for CEOs and ACEOs before making their recommendation. There was hardly any such problem arising at the time with people being investigated. Since Cabinet took on the responsibility of selecting CEOs and it has brought trouble one after another. Why? When the recommendation from the panel or those who conducted the interview was turned down by Cabinet. They would then choose someone from way down and placed it at the top which is the cause of this problem. What is important is the Legislation now proposed to deal with this. That is my recommendation Mr Speaker. May the remainder of the day be blessed.

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Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, now just listen to that as if he occupied a seat here at PSC. Where does he get this load? It is best that I explain it like this. The Committees do the interviews before their decision comes before Cabinet. Most of the time their recommendations are accepted. You will recall that the interview panel is made up of three. You will also remember that most of Cabinet held CEO positions in organisations and Ministries, and some were at the helm of businesses and are very knowledgeable with the nature of things when it comes to selecting the heads of Ministries. Moreover, our country is small and so almost everybody knows what the other people are up to.

Now that I think about it, perhaps 98% or 99% of the recommendations are noted down. They are always accepted, but there are a few exceptions, so if the Cabinet were to notice some problems, that is when they will make the decisions. As they will also recollect the recommendation, these are the characteristics of the panels. They conduct the inquiry and then give their recommendation, and the Cabinet will make the decision. So you do not understand those things. The Cabinet has the authority to make the decision, while the panel provides recommendations, and only recommendations. The statement that you have given today will cause such things to occur, due to dishonest decisions. Please bring someone, please bring someone, and then I will tell you the reason.

The reasons is, because most of the problems that are being stated, it is buried within the Cabinet. It remains in the Cabinet and cannot be publicised. So now I am going to ask you a question, because in your statement that was given, you said, due to Cabinet's inability to adhere and comply with the recommendation. See your ignorance, Cabinet's adherence to the advice of its Committee, will bring about that.

And even now, the Committee are actively conducting their work, and the Executive Committee was appointed from here, it is a Committee to negotiate the Act. But there were many...you are one of them, as they would advertise and derogate the work of the Committee. So how can you talk about these things, when you are also making such remarks? Here in the Assembly, maybe after this you will be able to understand.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Mr Speaker, I am talking about this Act, I am referring to the Act, and I am not talking about the Committee.

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Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Everything is approved by the Legislative Assembly.

MR SPEAKER: I beseech the member to conclude as I would also like to say something after the remarks of the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: The Assembly of Parliament holds the authority, which has already instructed the Committee to consult with all the villages on the 3 Acts. We have also just given them permission to finish up their work, ensure that it is complete.

As some have said that it should have been completed ages ago, but this is called getting their job done completely, so that interviews can be conducted. How come? Since there are some people that go around saying demeaning things like, they are doing these things but the Act has already been passed. How can it be passed without being approved? The Act has not been submitted in here. So now the Committee is carrying out their work using the depth of their ingenuity in discussions, and now they are complaining. The Committee cannot make a decision, until they come back here with their recommendation. Now they have made a request to give them a chance, as their interviews are not yet complete.

Mr Speaker, that is a similar situation to this, but now you have said, the Cabinet as well as the Parliament, should have obeyed the Advisory Committee, as the recommendation of the Parliamentary Committee is submitted in this Assembly and then it is discussed whether it is accepted or not.

Mr Speaker you have the authority, the Parliament, the Committee, the taskforce Committee of Parliament brings its recommendation in here for a final decision, so does the Cabinet. But the words that you uttered today, Cabinet should have complied with the Committee, it showcases that you do not understand the way these things work.

Mr Speaker, this is my clarification.

MR SPEAKER: Thank you very much. As I have....

Afioga FAUMUINA ASI PAULI WAYNE FONG: Mr Speaker, may I respond to the statement of the Prime Minister.

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**Miscellaneous (Salaries Conditions Upon Suspension) Amendment
Bill 2020 – second reading**

MR SPEAKER: Well, there are some things I want to address, for it is the duty of the Chair to stand between conflicts, yes. Well, I am still observing as I thought the Hon Prime Minister would move a motion to seek confirmation of your statement, and then I worry that he might also be brothers with this member since that is what caused the dispute and resulted in the resignation, and then you will ask for proof, which will be difficult to attain. It was in that perspective that I was observing with worry, if the Hon Prime Minister had proposed such a motion, I would ask the Hon Prime Minister to agree to the debate on the basis of your opinion. So what do you want to talk about?

Yes, that is the case, and yet I have often counselled, let us not wait for the storm to return. This means that no matter what allegations faced by the Government, the Government will always stand to answer and explain. Why? Because Samoa is observing. Yes, that is their duty. And so, I was also in that same situation. I would always give my suggestions and opinions to the Government. But if I were to argue over something and then they ask for proof, well, it would be better to resign, yes. Because what is happening is.... now you have heard the Hon Prime Minister say that they are waiting for the view of the Speaker and his decision on this matter of Television and newspapers and such things. I think that the Hon Prime Minister is correct, but I refuse to pick up trash, Hon Prime Minister. Of course, it is your duty to explain, because it is not the Speaker's duty to explain, it is the duty of the Hon Leader of the House and the Prime Minister. In case it is seen as I am neglecting the Parliament, yes. Embrace one and let go of the other, but be compassionate towards your members, stop going around and bad mouth each other, as the words of the elderly mother to her son, those who do laundry at the river, do focus on the laundry but do not gossip at the river. Yes. This is my opinion. Stand up and resume our work.

Tofa Olo Fiti Afoa Vaai: Mr Speaker, take back your words, as we do not gossip.

MR SPEAKER: I was not talking about you Olo.

Tofa Olo Fiti Afoa Vaai: From there distinguished speeches begin. Supposedly stating that we gossip, we are not women. With all due respect.

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MR SPEAKER: Pardon the member as I did not mention your name, for my statement was made in general. However, we should return to our work, perhaps the honourable member has concluded his speech? Because I believe that your recommendation, has been tabled here and it is heard by the Committee, because it is uncertain whether to take...as there is intention to take this Bill to the Committee for consideration and then it will be brought back to Parliament. Your opinion is important.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you very much. That is what we will be discussing, of course but if I were to get an opportunity to investigate this issue, I believe that these things will end here. You are correct, they are correct, but we are all wrong. Thank you for the opinion.

MR SPEAKER: Thank you very much. There is only one complete answer, as explained by the Government, but the complete one is with the Committee.

I call on one of the members for Falealili.

Tofa AUMUA ISAIA LAMEKO (Falealili West): Thank you this morning to the Sitting of Samoa, and thank you also for the motion moved by the Hon Prime Minister regarding this Bill. This is the law *ua o gatasi ai le futia ma le umele*. This change to the Act is long overdue. Judging by the years he has worked in our Government, well, 20 years. Compared to then, there have been a lot of changes at present. I strongly support the change we have now, because based on my observation over the years, people were mostly suspended due these 2 things. 1. Indecent behaviour. 2. The employee has committed an offense.

So my recommendation to the Act being presented, as well as tailoring our policies, to align that change that is at the top of the hierarchy with the public employees we have now.

The other thing I have seen in the Act is that if an employee or CEO is suspended without guilt, he will be fully reimbursed... My other suggestion and question is, what about the situation where the CEO has been fired, but after the month of his payment he will stop receiving payment, the vehicle is halted, and the CEO resigns within this period.

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My recommendation to this situation in the event that the CEO resigns due to the investigation carried out and before the investigations is completed; in that case, the contract should be terminated immediately and such benefits in accordance with the policies of our Government should be paid off. Well, this is my advice, and I support this Legislation. Thank you.

MR SPEAKER: Well, if there is another member, the Government will now stand to address the issues raised by the members through recommendations.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, the recommendations that were given will be addressed, but there is a bit of detail that needs to be clarified. It is clearly stated under our Public Service Act 2004 in Section 12, the Cabinet makes the final decision.

The final decision is made by Cabinet regarding those who manage our Government Ministries and Corporations. The Second Part which was brought by the member who recently spoke, regarding the situation with the resignations or the continuation of the decision, which proves a criminal offense. It is also upon the Cabinet to make that decision. In the judgement of righteousness, if the state of the offense is made clear, the Cabinet will not accept a resignation in this area of justice. The right decision will always be made, and a resignation will not be accepted.

The purpose for this is to ensure that the warning level is firmly in the Government records to be displayed throughout the country, especially for other companies to which this employee may apply for work, to warn them. If they commit an offense here, this means that, it will be risky for other Government organizations that they might work for, or any another non-government organization. We are the same, as long as the person is accustomed to this type of offense, for the protection of justice in other institutions a resignation should not be accepted, because a resignation is a trick used by people to ensure that records stating forcibly removed are not noted down. The other penalty, the person that has been terminated, they are unable to reclaim all their entitlements which has been his benefits, as that is part of his punishment.

Mr Speaker, this is the explanation of this issue. Bless our Sitting.

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- consideration in detail

Motion was approved and the Miscellaneous (Salary Conditions upon Suspension) Amendment Bill 2020 was read a second time.

MR SPEAKER: Pursuant to Standing Order, this Bill will be referred to the Standing Order, Electoral, Petition and Constitutional Offices Committee for review and report back to the Legislative Assembly in a future Sitting.

ENERGY MANAGEMENT BILL 2020
– consideration in detail

MR SPEAKER: Pursuant to Standing Order the Legislative Assembly must first approve the Report of the Committee on the Bill to allow the consideration in detail.

I call upon the honorable Chairperson of the Finance and Expenditure Committee.

Afioga ALIIMALEMANU ALOFA TUUAU (Chairperson of the Finance and Expenditure Committee): I greet the honorable Speaker and the dignity of the House particularly Samoa listeners. I also greet the Lady Attorney General of the State.

Mr Speaker I move the motion, *That the Legislative Assembly approves the Report of the Committee which recommends the progress of the Energy Management Bill 2020 together with Amendments.*

Seconded by the member for Palauli le Falefa.

MR SPEAKER: I announce that the Legislative Assembly approves the Report of the Committee on the Bill, and will proceed to the Consideration. Pursuant to Standing Order, the consideration commences with Clause 2.

CLAUSE 2: Interpretation.

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

I call upon the honorable Chairperson of the Committee.

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Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker I move the amendment to Clause 2 as follows:

“AMENDMENT:

To omit the phrase “**but does not include ordinary petroleum**” from the definition of “**petroleum**” in clause 2.

Amendment Approved.

Clause 2 Approved as Amended.

CLAUSE 3: Act binds Government.

Approved.

CLAUSE 4: Purpose.

Approved.

CLAUSE 5: Application.

Approved.

CLAUSE 6: Functions of the Minister.

Approved.

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CLAUSE 7: Functions of the Chief Executive Officer.

Approved.

CLAUSE 8: Delegation of powers.

Approved.

CLAUSE 9: Samoa Energy Sector Plan.

Approved.

CLAUSE 10: National Energy Coordination Committee.

MR SPEAKER: There is an amendment of the Committee to Clause 10.
I call upon the Chairperson of the Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker I move the amendment to Clause 10 as follows:

“AMENDMENT:

Substitute clause 10(2), after paragraph (m), as follows:

- “(n) Commissioner of Police;
- (o) Director of the Ministry of Health;
- (p) Chief Executive Officer of the Electric Power Corporation
and
- (q) General Manager of the Trust Estate of Samoa.”

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

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Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Mr Speaker, I wish to ask the honorable Chairperson and the Committee that was selected, I do not see the Commissioner of Fire Services. Is there a reason why he is not included in this Committee? With due respect.

MR SPEAKER: I call upon the Chairperson to assist in the member's query.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker there is a Commissioner for Fire Services. The 4 sections that were read out, were additional members, but they are listed there, those are the principle members of this Act. With due respect.

MR SPEAKER: Very well thanks.

Amendment approved.

Clause 10 approved as amended.

CLAUSE 11: Secretary.

Approved.

CLAUSE 12: Functions.

Approved.

CLAUSE 13: Meetings.

MR SPEAKER: There is an Amendment of the Committee to Clause 13. I call upon the Chairperson of the Committee.

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Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker I move the amendment to Clause 13 as follows:

“AMENDMENT:

To substitute clause 13(3), as follows:

In the absence from any meeting of any member of the Board under section 10(d) 0 (q), that member may authorize a senior officer from his or her department to attend the meeting on his or her behalf”.

Amendment approved.

Clause 13 Approved as Amended.

CLAUSE 14: Importation, storage and distribution of petroleum.

Approved.

CLAUSE 15: Pricing of petroleum products.

Approved.

CLAUSE 16: Imposition of levy and fee.

Approved.

CLAUSE 17: Petroleum standards.

Approved.

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CLAUSE 18: Retail of petroleum without license.

Approved.

CLAUSE 19: License.

MR SPEAKER: There is an amendment of the Committee to Clause 19. I call upon the Chairperson of the Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker I move the amendment to Clause 19 as follows:

“AMENDMENT:

For Clause 19, to substitute as follows:

“19. License to construct, operate, handle, move or store petroleum:

- (1) Before a license is issued under subsection (2), a person must first apply to the Chief Executive Officer for a provisional license to commence construction works in respect of a service station.**
- (2) A person may apply to the Chief Executive Officer for a license:**
 - (a) to operate a service station for the retail of petroleum;**
 - (i) upon completion of the construction works for which a provisional license is issued under subsection (1); or**
 - (ii) if that person operate an existing service station; or**
 - (b) to handle, move or store fuel for whatever purpose.**
- (3) An application for a license under this section must:**
 - (a) Be made in an approved form; and**
 - (b) Accompanied by the prescribed fee.**
- (4) The Chief Executive Officer shall:**
 - (a) Carry out a preliminary assessment of an application received under this section and where necessary take into account matters specified in section 20; and**

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- (b) Refer the application along with recommendation to the Petroleum Task Force for final assessment and approval.
- (5) A license required under this section is reserved for citizens of Samoa exclusively, and no approval may be given under this Act, or any other law, for a non-citizen to be issued a license for purposes of this section or other similar purpose.
- (6) For the purpose of this section, “citizen” means a person who has acquired Samoan citizenship under the Citizenship Act 2004, except that a person who has acquired citizenship by marriage or citizenship by permanent residence or citizenship by investment, qualifies for a license under this section upon meeting conditions, including but not limited to the following, as determined by the Chief Executive Officer of the Ministry:
- (a) the required number of years resident in Samoa;
 - (b) proven experience and knowledge in operating a service station;
 - (c) proven experience and knowledge in relevant safety standards and requirements relating to the service station;
 - (d) the required capital;
 - (e) that there is benefit to Samoa’s economy;
 - (f) that it is in the public’s interest;
 - (g) that it is to be conducted by a person authorized or licensed to do so;
 - (h) such other conditions or criteria as may be required by the Chief Executive Officer.
- (7) A person caught under the exception in subsection (6), if approved, shall be granted a license only once. For avoidance of doubt, this provision does not affect the right to renew the initial license.
- (8) A license issued under this section is non-transferable”.

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you to the Committee for the long amendment made. Thank you as we are... the normal complaint of the people, is the surge in fuel prices, and now that we have it, this ceiling price is set for the entire month.

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Because what is happening now is that we sometimes just change the fuel price when there was the normal price fall that was operated before. What I wanted to ask is in regards to license, whether the Committee has looked into a limit for service station license? Is there a certain limit for service stations set up in accordance to the number of the country's population and things like that? Should there be a competition? For instance here in Vaialele, there are 3 service stations right now. It is good on one side but if we look at the people who are operating these kind of business developments. That is the mindset, and whether the Committee has looked into this area.

Another important aspect is service stations. I appreciate the many new service stations established so far and the excellent service provided however there are a few gas stations that are not safe. Not only with the appearance but the conditions of the tank filling site for vehicles and where the operations are done. Whether the Committee has considered it. With due respect. Thank you.

MR SPEAKER: Very well thanks for the recommendation. Well lest there is another view... there is thought that you leave your expression with the Committee who is listening here.

I call upon the Chairperson of the Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker there was a Committee's discussion on that matter. Remember we are involved in the open market. It is up to the person whether it wants to set up this type of business or not as there is no Law to limit the number of service stations. The only part mentioned in the Law is the distance from one service station to another. That is the important aspect here to avoid closeness and the need for safety. Such is the importance of this Committee and the 4 additional Ministry Heads members that was publicised. The sole responsibility for this Committee is to find security and the laying of pipes with regards to carpentry works before the issuance of license is made.

This is the response with due respect.

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

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Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo): Greetings to your goodself this morning. I only wish to ask the question of Lealailepule, I too have services stations in Fugalei and Fagalii. What I am concerned about is if we do the will of Lealailepule because the service station in Fagalii is very critical for us traveling towards the rural area. Such is my commendations. Pardon me, I am uncertain about Lealailepule's question, it seems that it is directing towards me and my service stations. However, these services stations are very useful with respect.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, the member is forgetting about the other service station at Lotopa, although this is not the intent of my question. The purpose of my query, was not meant for one person in particular pardon the member, my view was given in general. Because true is the Chairperson's statement regards to open market but we plan accordingly, the power is with us with regards to fuel prices. With due respect.

MR SPEAKER: Very well thanks. I call the member for Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa): Mr Speaker, this is exactly the purpose of this Legislation, to incorporate guidelines and Policies, to manage the administering of production and distribution of petroleum and things like that. This is the intent of this Bill, to ensure that policies are complied under one umbrella. With due respect.

MR SPEAKER: I get your clarification Faumuina in accordance with this matter on the overall, so that it is.... anything the State aims to implement with regards to a Law to guide, or to control this area and that situation.

Amendment Approved.

Approved Clause 19 as Amended.

CLAUSE 20: Further information required.

Approved.

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CLAUSE 21: Matters to be considered.

MR SPEAKER: The Committee has an Amendment to Clause 21, I call upon the Chairperson.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker, I move the Amendment to Clause 21 as follows;

“AMENDMENT:

To substitute Clause 21 as follows: “Clause 21. Matters to be considered: In making a decision on an application for a license under section 19(1), the Chief Executive Officer must consider the following matters.

- (a) A development consent issued under the Planning and Urban Management Act 2004, to confirm that the development can be constructed on the land.
- (b) A building permit from the Ministry of Works, Transport and Infrastructure confirming all building requirements under the National Building Code 2017 are met.
- (c) A certificate issued by the Commissioner of the Fire and Emergency Services Authority confirming that all possible mitigation, in the event of a fire, have been satisfactorily considered.
- (d) A certificate issued from the Land Transport Authority confirming satisfaction of the following requirements:
 - (i) Entry an exit points and any possible parking of the proposed site not to create an unnecessary traffic hazard and;
 - (ii) Drainage discharge points for waste water to be located at suitable points to connect to the Land Transport Authority’s drainage assets, if available.
- (e) Evidence of ownership or right to use the land upon which the proposed project site is located.
- (f) The appropriateness of issuing a license for a service station in the area to which the application relates (including careful considerations to the proximity between service stations)
- (g) The willingness of the applicant to comply with obligations of a license.

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- (h) The public's interest, and
- (i) Any other matter that the Chief Executive Officer considers to be relevant.

Amendment Approved.

Clause 21 Approved as Amended.

CLAUSE 22: Issuing of license, duration, renewal and conditions of license.

Approved.

CLAUSE 23: Cancellation or suspension of license.

Approved.

CLAUSE 24: Appeal for licenses.

Approved.

CLAUSE 25: Powers to enter, remove, examine or seize.

Approved.

CLAUSE 26: Laying of pipes and other works.

Approved.

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CLAUSE 27: Petroleum Regulations.

Approved.

CLAUSE 28: Petroleum Task Force.

MR SPEAKER: There is an amendment of the Committee to Clause 28. I call upon the Chairperson of the Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker I move the amendment to Clause 28 as follows;

“AMENDMENT:

To insert after paragraph (g) in clause 28(2), as follows:

(h) Commissioner of Police

(i) General Manager of the Electric Power Corporation; and

(j) Chief Executive Officer of the Onshore and Terminal Distribution Operator.”

Amendment Approved.

Approved Clause 28 as Amended.

CLAUSE 29: Secretary.

Approved.

CLAUSE 30: Functions.

Approved.

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CLAUSE 31: Meetings.

Approved.

CLAUSE 32: Enforcement.

Approved.

CLAUSE 33: Minimum Energy Performance Standards and Labelling.

Approved.

CLAUSE 34: Prohibition.

Approved.

CLAUSE 35: Registration.

Approved.

CLAUSE 36: Conditions of registration.

Approved.

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CLAUSE 37: Tests and examinations.

Approved.

CLAUSE 38: Validity of registration.

Approved.

CLAUSE 39: Variation of registration.

Approved.

CLAUSE 40: Cancellation of registration.

Approved.

CLAUSE 41: Specific powers of authorised officers.

Approved.

CLAUSE 42: Products register.

Approved.

CLAUSE 43: Disposal of products.

Approved.

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CLAUSE 44: Information for statistical purposes.

Approved.

CLAUSE 45: Offences and penalties under this Division.

Approved.

CLAUSE 46: Transitional.

Approved.

CLAUSE 47: Formal linkages with other Government authorities.

MR SPEAKER: There is Committee Amendment on Clause 47. I call upon the Chairperson, for the amendment on Clause 47.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker, I move the Amendment to Clause 47 as follows;

“AMENDMENT:

In Section 47(2), insert after the paragraph

(e) that;

(f) The Ministry of Police.

Amendment approved.

Clause 47 approved as amended.

MR SPEAKER: I believe members of Parliament are exhausted, however I was hoping we could finish our consideration in detail of the Bill before our recess.

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Nevertheless, I believe, we should set aside orders of the Legislative Assembly for our usual recess.

Proceedings of the Legislative Assembly were suspended for its normal recess at 10:55 am and resumed at 11:46 am.

MR SPEAKER: I announce that Proceedings of the Legislative Assembly have resumed. The Chair believes strength has been renewed, to the honorable Leader of Government and Cabinet as well as the sanctity of Parliament, especially the Chief Executives of Government Ministries and Corporations. I commend you all for your patience.

Proceedings of the Legislative Assembly was set aside while we were considering the Energy Management Bill 2020 in detail. Before recess we had concluded Clause 47, consideration in detail is now up to Clause 48.

CLAUSE 48: Energy and energy related projects.

Approved.

CLAUSE 49: Requirements for projects.

Approved.

CLAUSE 50: Budget.

Approved.

CLAUSE 51: Fees, levies and other charges.

Approved.

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CLAUSE 52: Designation of authorised officers.

Approved.

CLAUSE 53: General powers.

Approved.

CLAUSE 54: Rights and duties of owners or persons in charge.

Approved.

CLAUSE 55: Non-compliance on first inspection.

Approved.

CLAUSE 56: Compliance notice.

Approved.

CLAUSE 57: Non-compliance on re-inspection.

Approved.

CLAUSE 58: Complaint against an authorised officer.

Approved.

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CLAUSE 59: Failure to provide information and obstruction.

Approved.

CLAUSE 60: Failure to comply.

Approved.

CLAUSE 61: Responsibility of employer for acts of servants.

Approved.

CLAUSE 62: Ministry to keep registers.

Approved.

CLAUSE 63: Personal immunity of officers and employees.

Approved.

CLAUSE 64: Confidential information and specific disclosure.

Approved.

CLAUSE 65: Disclosure of interests.

Approved.

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CLAUSE 66: Regulations.

Approved.

CLAUSE 67: Approved forms.

Approved.

CLAUSE 68: Repeal.

Approved.

CLAUSE 69: Saving and transitional.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Energy Management Act 2020

MR SPEAKER: There is a Correction from Committee on Clause 1 and title. I call upon the Chairperson of Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker, I move a Correction on the title of the Bill as follows;

“CORRECTION:

To remove the term Administration and be replaced with the term Management so the title of the Bill read as follows;

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**Fabric of Laws (Miscellaneous Repeal) Bill 2019
- consideration in detail**

“Energy Management Bill 2020.”

Correction approved.

Clause 1 and Title approved with corrections.

The Energy Management Bill 2020 progressed together with Amendments and Corrections.

**FABRIC OF LAWS (MISCELLANEOUS REPEAL) BILL 2019
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders the Assembly must first approve the Report of the Committee on the Bill before consideration in detail.

I call upon the Chairperson of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee.

Tofa NAFOITOA TALAIMANU KETI (Chairperson of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee): Mr Speaker, I stand with respect to move a motion *that the Legislative Assembly approves the Report of this Committee, recommending the progress of the Fabric of Laws Miscellaneous Repeal Bill 2019 together with corrections.*

Seconded by the member of Falealili West, member of Falealili East and the member of Lefaga and Faleaseela.

MR SPEAKER: I announce that the Legislative Assembly has approved the Committees Report on the Bill, and the Assembly will proceed with its consideration in detail.

Pursuant to Standing Orders consideration in detail commences with Clause 2.

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Fabric of Laws (Miscellaneous Repeal) Bill 2019
- consideration in detail

CLAUSE 2: Repeal of Acts and Ordinances.

Approved.

CLAUSE 3: Savings and transitional.

Approved.

CLAUSE 1 AND TITLE

CLAUSE 1: Short title and commencement.

TITLE: Fabric of Laws Miscellaneous Repeal Act.

MR SPEAKER: There is a correction from Committee on Clause 1 and Title.

I call upon the Chairperson.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker, I move a correction on Clause 1 and Title of the Bill as follows;

“CORRECTION:

To omit figure 2019 and be replaced with figure 2020 and the Title of the Bill reads as follows;

“Fabric of Laws Miscellaneous Repeal Act.”

Correction approved.

Clause 1 and Title approved with corrections.

The Fabric of Laws Miscellaneous Repeal Act 2020 progressed with Corrections.

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MOTION TO SET ASIDE STANDING ORDERS 101(1)

MR SPEAKER: With utmost respect I call upon the Leader of Government.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: I stand with respect to move a motion, *To set aside Standing Order 101 (1), to allow the second reading of Bills that were first read this morning.*

Seconded by the Minister of Commerce, Industry and Labour.

Motion approved.

MR SPEAKER: I call upon the Minister of Revenue.

CUSTOMS TARIFF AMENDMENT BILL 2020
– second reading

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker, I move a motion, *That the Customs Tariff Amendment Bill 2020 be read a second time, and I would like to comment on it.*

Seconded by the Minister of Finance and the Minister of Health.

MR SPEAKER: The House is now open for your clarification Hon Minister.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker and respectable members of Parliament. This Bill is very short. This Bill, will allow the excise tax to be removed from vehicles that run on electricity. This means fully electric and it does not include those that run on electricity and petrol. Only cars that use full electricity. An excise tax of 5% has been removed. These are cars that can be brought into the country, in the next 2 years, there will be no tax imposed on these vehicles, except the excise tax of 5%. Other vehicles that use both petrol and electricity still pay a 5% excise tax and 15% VAGST.

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This does not include car parts for these vehicles. Duty is still paid for car parts brought in if it is defective, unless it is brought in the car. It can be ordered by anyone, businesses can order the car and it is all subject to duty free, the excise tax being deducted. This is the same for car dealers, they also have the opportunity to order these cars into the country. It is not limited to a group, so it is completely free to try to bring in these cars, to help reduce fuel consumption. This exemption is only for 2 years, and it will be stopped in 2022 then the Act will be considered again.

This Bill is very brief, Mr Speaker those are the only parts of the Bill. Thank you.

MR SPEAKER: I call upon the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, about 8 years ago one businessman requested that he wanted to bring in electric cars, those that do not use petrol. Our Committee did not agree to recommend that incentives help encourage these people, to bring cars into the country, as it is not in accordance with the Act. That is, unless the Act is amended, which is now being amended. The important aspect to this initiative, is to try and curb the supply of fuel that increases global environmental damage, and further increase global warming. And that could lead to sea level rising because of the liquefying of ice caps at the South and North Pole of the world. The ice is locked there, but once the world becomes warm it will melt, and it will sink most of the low lying coastal areas of the bigger countries as well as Samoa. This is one defence the bigger countries of the world are implementing, it is their contribution to minimize this blight looming over the world. The countries who will be first affected are the smaller ones, countries like Samoa, countries with low lands, those built from atolls will sink quickly.

Mr Speaker, this is a reason for this recommendation, because it has been noted that many countries are now starting to use electric cars to prevent bringing in fossil fuels that cause global warming, and this is the key of the calamity faced by the world now, to stop the rise of global warming. These are the long term plans of all countries around the world now, we have 80 years left to try and prevent climate change, to keep the temperature below 1.5% degrees Celsius.

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This is the current view of scientists, however we cannot accomplish this, if the big countries of the world do not agree to it. So here is what all the countries are doing in addition to this effort, together with the assistance of others, and then we can achieve this goal to keep global warming from rising above 1.5% degrees celsius. We participated in the signing of this agreement in Paris at the end of 2015 and that is the goal, because this is the key for the effort including Samoa, in planting more trees to absorb greenhouse gases. It is the efforts to try and keep the temperature from rising and to remain at 1.5%.

So everything that we are doing now focuses on the activities of the Ministry of Natural Resources and Environment as well as the Ministry of Agriculture to stop deforestation, all of this is done to control the temperature so that the ice does not melt, which will result in the submerging of most low lying coastal areas into the ocean. We are not the only ones that will be affected, because the captials of major countries in the world such as Washington, Wellington and major cities like Tokyo and others, are only a few feet above sea level. This means what happens in Samoa will happen all over the world. It is not just Samoa that is affected, it is the whole world, and it has been confirmed at the recent world conferences, that neither these countries nor Samoa will be safe. We must include other measures because it is not enough that if we want to reach 1.5 degrees by the year 2100, of the 80 years that are left.

Mr Speaker, this is further assistance to encourage people to import these cars, it is expensive but there is the removal and reduction of duty, it is our contribution to our report on the combined efforts of all nations of the world, this is one heroic and important endeavour that our Government is striving to carry out.

Mr Speaker, this is further clarification of why this change has been made to the Amendment Act.

MR SPEAKER: Very well, thank you.

Tofa Olo Fiti Afoa Vaai: Mr Speaker, I humbly ask for an opportunity.

MR SPEAKER: Alright, I will give you a brief opportunity because you should have been present in our Seminar yesterday.

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Tofa OLO FITI AFOA VAAI: You are right Mr Speaker, but I was chosen by my constituency to come and speak here in Parliament. However, I thank you Mr Speaker, it seems this matter is being done hastily.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele: Mr Speaker, a point of order.

MR SPEAKER: I call upon the Leader of the House.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele: Pre-sittings are implemented to discuss Bills, it is a major change that was made about ten years ago, because in our time, once the Bill is given it is tabled, once it is tabled we consider it, there is no time available to go through it. This means some of us have only 30 minutes to read it. That is why words often ridicule a few of our forefathers who were once here, they only agreed, said yes without understanding. We also did the same in our time, I am talking about the past 40 years when I first came into this House. You had to read quickly. It is a major change and very beneficial to have one whole day for Chief Executive Officers and the Attorney General to discuss the Bills in detail to male and female members. Whatever matter that is not understood, they will explain. We should remember they are the right hands of Government, they have no chance to speak at this time, and we are the only ones deliberating the Bill. Their knowledge is based on their experience, and they have made available one day to discuss such matters with members.

This is why I want to thank all of those who attended our pre-sitting yesterday. I have noted that the majority understands except for those who do not appreciate the efforts of Government so the Bill is understood, to consult with the Attorney General and the Chief Executive Officers, who have experience and in depth knowledge of these complex matters we discuss.

They are the right hand of Government. I commend members who are using this opportunity to better understand our Bills.

MR SPEAKER: Very well. I just want to convey a word of advice to the member of Salega East. This is why the Chair tries to coordinate these Seminars, for those in charge of these Bills to discuss and explain what it entails when passed like the Chief Executive responsible for the implementation of the Bill.

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This is the same for other offices involved like the Attorney General if needed to further clarify the matter in Parliamentary seminars.

However, if you say that we are the ones coming here but you are the only one that come to Parliament because you do not want to come to the Seminar, then you are being prideful. And this saddens me, however, I will not acknowledge it. The truth is such a statement is rude. Yes.

You should apologize if you had a commitment, because that is the duty of the member coming to seminar, to be clear and concise to amend the statement of the Bill being read hasty. Look at it? This is why I am trying to help, it does not mean that I side with Government, but it is the implementation of our duties in accordance with the Oath of Allegiance to justly carry out duties in Parliament beginning with our seminars. With respect. I will not think too much to emphasize your point, but it is weighed in the observation of the people.

Therefore, I appease the member not to act like this again. I call upon the member.

Tofa OLO FITI AFOA VAAI: Thank you. I apologize Mr Speaker for not being able to deliberate with the Chief Executive Officers in charge of doing such important task. As I stated earlier, it is here where other opinions are voiced to help generate more ideas. As for our work, no, the member strongly believes in the importance of the clarifications made by Chief Executive Officers on each Bill. Mr Speaker, well...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele: Mr Speaker, I am very saddened by the statement made by the member.

The term saying he cannot deliberate. How can we not when we are carrying out deliberations in this Sitting. We are discussing the matter, a question is asked and a response is given. This is what the term deliberation means.

It is a pity that I am very saddened, because these Ministry Heads have given their all out of respect and respect that no one is left behind, these are the leaders of the country who have come to Law negotiations affect all of our members, and yet the member is looked down upon. How often the is the word, cast out, which contains the hidden things of the Law. What does he look like? This is not the time when things are misunderstood, and must be clarified.

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As for most of the complaints, even when I was working in the Government, once the Committee called, all our issues were put on hold and I came, I came to sit in front and answer the questions as demanded by the men of the country in the past.

So I fully understand the importance of the service that CEOs provide. They spare their time and a lot of work to come before the Committee. What is the most common word? The Chairman writes to me that the Chief Executive Officer should not have come before the Committee. That is the memorandum of mine and Cabinet to remind the CEOs to come here, they are the leaders of Samoa. Mr Speaker, it does not seem important, especially to you, that you have repeatedly said that you are spreading and misinterpreting the Law in the country, but because of your non - participation in meetings which puts you into the dark yet you come back here and ask questions.

Tofa OLO FITI AFOA VAAI: Mr Speaker a point of order, the matter conveyed by the Hon Prime Minister differs from what I am saying.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele: Mr Speaker, this is the reason for taking the floor, because it is the tendency of the member...

Tofa OLO FITI AFOA VAAI: The statement I made is very clear, that we cannot deliberate with Chief Executive Officers in Sittings...

MR SPEAKER: Pardon the member, you will have to wait until the speech of the Hon Prime Minister is concluded.

Tofa OLO FITI AFOA VAAI: The matter is differing from the Bill which we are...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele: Do you not understand the Standing Orders?

Tofa OLO FITI AFOA VAAI: Do not try and twist my words which will only create dispute.

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MR SPEAKER: Pardon the member, I appease the member. Be patient while I say a word.

The corrections on deliberation, your opinion is wrong. I apologise to the member. How many times have we done Seminars, and what do these seminars mean? We share, we ask for answers, and so on. What do we do? This is also a deliberation done in Parliament. But they are the ones that understand the implementation and purpose of the Bill, then it is tabled before Parliament, the Minister in charge also gives a clarification, then how many clarifications is that? Then queries are responded to again, how many clarifications then?

The reason why I am clarifying this is, pardon the member but it is clarify, because that is your own opinion on the argument. The matter cannot be left unnoticed. Also another thing that saddens me, I stated, that I will not emphasize a point, but if this is a statement that you were chosen to only voice an opinion in this Parliament, that is being arrogant. Samoa, forgive a word said, but this is an arrogant opinion. However, I feel a sense of forgiveness because I have to take a measure of what you expressed. However, I also said, I do not find fault or count mistakes, this is only to advice you, be considerate of our work. If you did not turn up at the Seminar, then be lenient, you cannot just stand up and say whatever you want. How can you do so when you were not present yesterday? Who is saying it is wrong? Will anyone stand up and respond to my statement? What is wrong with the statement of the Chair?

Afioga Hon Aeau Peniamina Leavaiseeta (Falealupo): I will. I move to say that what is happening is wrong, there is confusion, and the matter is not complete. Also what the member is trying to speak upon are things he does not understand. Now it has been explained, I apologize it is not perfect.

Perhaps if it is only the two of us who do not understand, there must be a reason. Thank you.

MR SPEAKER: Alright, I call upon the member to speak on the matter.

Tofa OLO FITI AFOA VAAI: Mr Speaker, I will now speak upon the Bill. Well, I would like to apologize to the Chair and the dignity of the House, I have so much respect for the House especially Mr Speaker. Let us leave behind confusion and I will directly speak on the Bill.

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Mr Speaker, well, I have noted in the Bill it seems it is a relief, it also includes relief for Covid which is assistance during the pandemic. The assistance stated here for electric cars, it is only offered for 2 years. Therefore, my question is, why it is only 2 years. Is there is business who will be bringing in these cars whereby this Bill is initiated, but not a Bill for the whole country. Mr Speaker, priority is being put on electric cars, which majority of the country cannot afford, but I thought there would be reduction on duty, for cars, other equipment and machines to re-develop agriculture in the country. This is the reason why I questioned it. We are now faced with the pandemic. We have no tourists. The only thing left to do, is to cultivate our plantations.

Another aspect Mr Speaker, is the price, I do not know if the Hon Minister is aware how much these cars cost, it is twice expensive than a car that goes on petrol. But it is stated that it is a Bill that will be useful for the country, Mr Speaker I object to this statement.

Another matter Mr Speaker, is the discretion put upon the Hon Minister to determine the status and implementation of the Act on matters of mitigation. The truth is Mr Speaker, there is always a sense of distrust, such tasks are not carried out honestly, we always hear about these car taxes. Why the Bill is not directly implemented? The words used in the Bill should be straightforward, if 50% is paid in advance, then pay, and the whole country will be equal under one Bill but not on what the Minister approves. Mr Speaker, that is not fair in my view.

The matter concerning fossil fuel cars, it was stated the bringing in of electric cars will reduce carbon emission. Our country only accounts for a small percentage. There are many trees, even if a car releases carbon emission on the road, with respect to the House, it all can be sucked in by the trees that are beside the roads. There is no need to do such things.

Another matter, our economy is dependent on tax earned from petrol. If the Government intends to revoke terms and bring in electric cars, then what can assist us? This is the fuel that the Government is relying on in terms of revenue for the economy of Samoa.

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

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele: Mr Speaker, there is a saying you cannot point out what is wrong with another person before you look at yourself first, the statement that you make will be useless.

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This is what is happening around the world today. If a small country argues, they argue in a position where they first set the example. If you want to understand a Bill, set an example by participating at the time it is discussed, because you coming here to convey your ideas, portrays a weakness that was unknown before but is now known by everybody.

Mr Speaker, the matter concerning cars, some state only the rich can afford, those are the same words said before motor vehicles were changed, only those who were rich could buy such cars. But they were also the ones who vehemently rejected the Bill so that our cars can go on the righthand side, so that everyone would have the opportunity to get cars that they can afford or receive from families. Such ideas provoke opposition. So what has happened? First, it was only those who had high income that could afford a car. How about now since the law was changed? There were protests, it even came here and thousands of people protested against it, changing the motor vehicles. How about now? Now the less fortunate are able to afford a car. This is the same with this matter. Now the member is making accusations because it is right.

I did mention that vehicles are pricey however with the change in decisions it will help make vehicles more affordable for our people. The reason why it is costly now is because not many people are interested in buying due to the high duty price. Such is reason why we did not bring it over, however there are people with sufficient income that can purchase them. Then what? Then they will not drive it too often and release pollutants into the air thus ruining our environment, this is Samoa's contribution.

Mr Speaker that is the situation. The problem here is that you always object however it is good to gain view for the sake of clarification of other members about this Legislation. Let us recall, that with regards to rejection, this also involved the opposing of right hand vehicle importation nevertheless, we are now seeing the fruition of this initiative in the country. This also involves the resisters in your constituencies.

The thought on whether there is difference and reason, yes it is necessary to have a reason. Another type of reason, there are those who do not wish to understand due to the fact that they want to express their own views. That is not bad, however that will further show the type of weakness that person is for rejecting the developments initiated by the State in clarifying the Bill further.

That is the assistance to again respond to the member's concern.

Tofa OLO FITI AFOA VAAI: I will conclude.

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MR SPEAKER: Thank you honorable member for Salega East, may we have the respective Minister for this Bill please.

Afioga Hon Tialavea Fea Leniu Tionisio Hunt: Thank you Mr Speaker. I think the member's statement sounds irksome saying that the Bill is being rushed. With regards to tax, when it comes to tax, the Revenue Office will be attentive when dealing with tax deduction in particular this 5%. If the vehicle costs \$200,000 with a levied 5% duty, we will miss \$30,000+ for one vehicle, as 5% of \$200,000 is equivalent to \$10,000, add this together and multiply it by 15% GST. It will be a loss of \$10,000 to us, it is our...

\$10,000 is not a small amount, as GST cannot be cancelled.

To say that 2 years is for the purpose of business for these vehicles, I trust the only thing that was required from these vehicles as they are entirely safelinked for EPC. In addition, this Legislation has long been implemented.

As I said, when it comes to tax issues, the Custom Office must be cautious. It is easy to remove but difficult to enter. That is the necessary thing to do on this matter. We must work cautiously because when it becomes impossible, it is easy to remove but hard to incorporate into the Custom Bill. It is therefore not easy for the Ministry to remove this burden, due to what? We are missing this funding allocation that can be used to fix our roads. If economically this is not useful, these vehicles will use the EPC service, and all vehicles will be charged when needed. What then is the EPC using? The EPC is therefore using their power to earn revenue for EPC to charge these imported vehicles which I am not sure how many. This Legislation also does not rely on the implication that there will be businesses coming in. The only thing that was mentioned was the EPC vehicles.

Mr Speaker, that is the concern to the member's statement, as it is not easy for us to remove duties. Thank you.

MR SPEAKER: Thank you. Pardon the member for Salega, I permit the Minister of Communication and Information Technology.

Afioga Hon Afamasaga Lepuiai Rico Tupai (Minister of Communication and Information Technology): Mr Speaker, I rise in regards to this new innovative technology. I wish to assist with the cost, seeing the list of vehicles purchased from New Zealand right now compared to the kind of cars that we use as taxis.

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I see, that there is a 150kilometer vehicle for \$9,000NZD. Taxi vehicles that we use nowadays. It is not as expensive as it seems as it is only the rich who thinks that these vehicles are cheap. This is the assistance in accordance to the price of vehicles. Thank you.

MR SPEAKER: Well done, if you want a vehicle do go through the Minister who is aware of where these cheap vehicles are found. Nevertheless I will allow the Minister of Agriculture.

Tofa Hon Lopao Natanielu Mua (Minister of Agriculture and Fisheries): Thank you for the opportunity honorable Speaker. No there was a mention of this matter regarding agricultural products, however the start of this year we had changed the tarriff code 121 which has allowed the eligibiltiy for farming products on soft duties. The first time there was only the Tourism, but just to remind the member lest he might have forgotten to be thankful for the opportunity given to amend this Agricultural Legislation with respect.

MR SPEAKER: Well done, I call upon the member for Salega.

Tofa OLO FITI AFOA VAAI: Thank you honorable Speaker, no what it is... it is vehicles which is the topic I was discussing with the Ministry of Agriculture, the farmer is in relation to this Bill, hybrid cars. Although it does not cover...just an appeal whether this includes vehicles for farmers.

With regards to the statement of the Minister on petrol and whether it is rechargeable using the EPC power, this new hybrid vehicles, can be charged by solar powered hybrid vehicle and so there is no need for EPC power.

Afioga Hon Tialavea Fea Leniu Tionisio Hunt: Your honor...

MR SPEAKER: I call upon the Hon Minister, there was no seminar yesterday yet he still understands.

Afioga Hon Tialavea Fea Leniu Tionisio Hunt: He is still answering it. The correction on vehicles is now included in this 201 tarriff. Even excavators lest you...we can import excavators for our farmers duty free...with regards to the recent amended Act. It can be brought in, lest you forget. Even lorries which we normally have on the road, they can also be brought in under the Ministry of Agriculture.

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If you had attended our Meeting more often, you would have known about this change, there is a lot of benefit for the public in particular the farmers. The small farmers do not have to pay any tax except for commercial farming. That is a lot of assistance, thank you.

MR SPEAKER: Very well thanks. Malo, faafetai.

Tofa OLO FITI AFOA VAAI: We will not argue this matter. I think the Minister is not getting the objects of this Bill.

Mr Speaker, the only question I posed, why...

Afioga Hon Tialavea Fea Leniu Tionisio Hunt: These words are offensive.

Tofa OLO FITI AFOA VAAI: This Bill is now enacted for 2 years?

MR SPEAKER: Pardon the member, I allow the Minister as...Do not create conflict Olo.

Afioga Hon Tialavea Fea Leniu Tionisio Hunt: This statement about me lacking of insight on the legislation is insolent. Withdraw these words. It is he who does not understand or does not want to understand or is even understood.

MR SPEAKER: Pardon me, with regards to err speeches. I implore that you refrain from using such words.

Tofa OLO FITI AFOA VAAI: I beg tolerance to the Hon Minister, you see the Prime Minister is speaking of my inadequacy however I never responded. That is how we play the game here but do not...bear patience.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: Mr Speaker I did not say that Olo was weak. I said his absence and he suddenly talks noisily over here thus showing his weakness. But if he was strong he should have done what I am saying.

Mr Speaker, it is best to be aware, what is most critical in the approval of the Cabinet here, is the general contribution to lessen the use of petrol. This is our contribution to reduce the impact on the environment.

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The matters incorporated inside the reports submitted to the United Nations for their awareness of the processes that Samoa is implementing is the only way and none other. If there was less input into our environment as Samoa is united together with other Pacific island nations then nothing is being done, that is the reality of things. That vehicle does not have our agreement. What you are stating is also what the world is heading towards regarding those kinds of vehicles.

The application of this manual, is what the world is heading into. Lest we think lightly of it, especially those that lack understanding of this, the world is heading towards this direction. There are undertakings with the views of the majority on solar. Up to now there are thoughts that when you bring in your small solar which catches the sun, the length and width will about this big is set up on top of the vehicle. Then it will feed and charge the battery. Up to now, that has not still been implemented.

That is reason why I had advised the Cabinet, on another company that approached and consulted us about that new development, because I had personally seen it myself in Arab the launching of this technology. I have dreamt of this long ago to occur, however it still has not happened.

Therefore, this solar will need the supply of our electricity in order for it to work, until this technology is perfect enough, then there will be no need for anymore major changes. Because we will only have the battery from solar energy to work it. I have not seen this technology anywhere else in the world.

These are the matters that are discussed by Forum Leaders. Not only in the Pacific, as well as meetings that are conducted every 2 to 3 years with the Government of Japan. This is where a lot of researches are carried out on the various ways to preserving oil. If our Parliament can recall, the dispersal of our Leaders' Forum which was conducted in Tuvalu, there was disorder with the broadcastings that were made on the views that were expressed on a matter raised by Australia to use their coals again which was totally rejected by many of the Pacific island representatives.

Mr Speaker, these are in depth matters, which we base these things on, since the Ministers of Cabinet are attending these international conferences, together with Government Heads for their information, these major changes which are newly introduced, lest we are way late. Then we come to, if implemented then we must be prepared.

Mr Speaker, this is the assistance to this matter.

MR SPEAKER: Very well, I call upon the respectable member to conclude your statement.

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Tofa OLO FITI AFOA VAAI: Mr Speaker, well the reason for having this allegation on this situation, since only 2 years is provided to enact this Legislation. There is nobody else that can...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: Your honor...

MR SPEAKER: I allow the Prime Minister...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: For 2 years the State is overseeing this matter. It is simple. Such is why the Minister and I are not responding to the member, I have thought that those matters should not be given by a member who has been here for more than 3 Parliamentary Terms now. These are simple matters.

MR SPEAKER: Well done, I call upon...

Tofa OLO FITI AFOA VAAI: Mr Speaker, the Minister of Communications has spoken about it, the cost of \$17,000 or \$11,000...there is no one in Savaii nor the ruralside area that can meet the price of this vehicle within 2 years timeframe, perhaps someone will gain it when the Law is repealed.

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

MR SPEAKER: I call the Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: I did gave an example. Before we made change on a Law on our roadside switch for our motor cars and only a few people had vehicles at that time. Completely no one. Majority of the families could not afford it and therefore they rejected it. So what now? Those changes still went through and was implemented and majority were able to accept it. Some are now able to own two to three vehicles.

Mr Speaker, perhaps this member is unaware as he does not go to Savaii.

MR SPEAKER: Alright...

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Afioga Hon Afamasaga Lepuiai Rico Tupai: Your honor...

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

Afioga Hon Afamasaga Lepuiai Rico Tupai: The reason for stating the price of the taxi as the cost of taxis in Apia ranges from \$17,000 to \$20,000. That said, the electric hybrid vehicles are much more cheaper when we use them as taxis than the ones they sell in town, which are bought by our families in Savaii and those in the backside areas, thank you.

MR SPEAKER: I call upon the member.

Tofa OLO FITI AFOA VAAI: Mr Speaker, the view is finished. The only plea is the gas station has just been set up, and therefore they might be closed down and otherwise use these men's electric hybrid cars.

That is the concern Mr Speaker, but thank you very much for interrupting me. Bless today's Sitting.

MR SPEAKER: The reason why you are hurt, is because you are cashless when we have the Federal Pacific by Namulauulu to go to. Well done. That is how we run our Sittings whereby we have to laugh and joke sometimes for the sake of the listening Samoa instead of disputing.

Tofa LEALAILEPULE RIMONI AIAFI: Your honor....

MR SPEAKER: I call upon the...we were joined together with the member of Faleata, I am sure it will be short...go ahead.

Tofa LEALAILEPULE RIMONI AIAFI: Your honor... thank you for the chance. I did submit an excuse. In regards to the Bill, this is not the first time that this matter on the State's perspective is being raised by members. Now that we have the summary, I trust that some of the members are missing the summary of this Bill, in assistance to our aim on climate change which we are affected by for the sake of the entire Pacific.

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What I wish to query here Hon Minister since you have rendered your assistance and whenever we have these vehicles in the country, what do you mean, no one pillar of Government will make decisions on this for the people to receive these vehicles. Other branches of Government must work together in order to ease the will of the people to accept these major changes.

Do take note, the query upon the Hon Minister, what is your assesment at this stage? The cost of unleaded fuel and diesel at present is \$2 plus. The current cost of electricity is \$0.50 to \$0.60 per unit. No matter the distance a car consumes power as in discussion. Lest we receive it as the price of power per unit is quite expensive.

Another thing at present time, we are paying a levy for all vehicles that are using the road. Vehicles that uses petrol. Whether to pay or how this is done...because these vehicles should pay the money for traveling and using the road. How are they contributing to the State's economy through LTA by way of using these infrastructures.

Another point mentioned by large Nations like Europe, Great Britain, 2040 or 2050 and when that time comes, all vehicles will go in line with this doing. Meaning, our freedom will be advanced, and that it will be compulsory to apply this change. And that car companies will also move towards fixing these hybrid cars and disregard the vehicles that uses this other energy.

This is the challenge with these things, countries that produce oil and diesel. They seem to control and bury the attempts to encourage and strengthen the making of these vehicles. However just a few queries to the Hon Minister for clarification otherwise, do bring us a letter. With all due respect, thanks.

MR SPEAKER: Well done thanks. Do keep in mind that this Legislation is referred to a Committee to evaluate and report back, those chances are plentiful for you, rather...if that is so. I note that there is no other member that wants to speak. I call upon the Hon Minister to respond to these few matters...we still have queries and answers, and perhaps...

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker and members that have pointed out their views on this Bill.

For the recent speaker, I trust the levy mentioned will be used by EPC, since they use the power and oil which is used to feed the power generator. With regards to the so many other concerns regarding the high expenses on petrol and charging of vehicles, we will give a letter to the committee then you can go there to gain understanding. Thank you very much.

18 AUGUST 2020

Immigration Bill 2020
– second reading

MR SPEAKER: Very well. See that work is helping provide clarity to the members a lot. How exactly can we obtain these vehicles.

Motion was approved on the second reading of the Custom Tarriff Amendment Bill 2020.

MR SPEAKER: Pursuant to Standing Order the Custom Tarriff Amendment Bill 2020 will be referred to the Economic Sector Committee for review and report back to the Legislative Assembly in a future Sitting.

IMMIGRATION BILL 2020
– second reading

MR SPEAKER: I call upon the Hon Leader of the House.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I move, *That the Immigration Bill 2020 be read a second time and I wish to clarify it.*

Seconded by the Minister of Commerce, Industry and Labour and the Ministry of Women, Community and Social Development.

MR SPEAKER: Parliament is now available for the statement of clarification by the Leader of the House on the Legislation which pertains to your honour.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, this Bill repeals the Immigration Act 2004 which governs our processes for those immigrating here. It has been amended and set according to matters relating to the arrival of people.

This Bill completes the review and collective administration and support of Pacific island organisations for the development of immigration matters relating to the Act 2018. The importance of this area, when it comes to the Transportation Act, it is necessary to have consistence with the Laws of the Pacific island nations.

*18 AUGUST 2020***Immigration Bill 2020**
– second reading

With the existence of serious crimes involving the ease of traveling for criminals worldwide. It is necessary that our Ministries work hand in hand to protect our country from felonious immigrants in particular countries that are located near us.

As provided under this new Bill, a close arrangement for international procedures must be adhered to by various immigrants. It is also stipulated as a principle in protection of our neighboring islands.

If you have observed, this Act was passed in 2004 14, 20, 16 years now since this has progressed. And since then until present time, a lot of crimes were on the rise, such is why this Act must be amended. In truth Mr Speaker, the State has no intent of making any Amendment to torment the country. It will only be Amendments to raise the welfare of a country and to protect her people. And this is the duty of any Government who is in control. They observe the proceedings and enactment of the Laws. They also monitor the events that are happening in the world, as well as our neighbors so as to be in line with what we are undertaking together with the protection that are implemented in other countries of the world.

We must very careful as there are times when business of other countries do not go in line with ours. Reflecting in the years back, where majority were killed whilst carrying out a devotion, terrorist attacks would come in in no time and kill so many. Due to advance technology we have in the world today.

Advance technology has caused contemptuous, hostility and condemnation for those who do not show their faces but hide behind fake pages on social media. This too is affecting Samoa. It indicates rejection of those who were controlled under the authority of village chiefs. Now that they are living abroad after gaining liberty from here given our public principles, Government has thought that they would be finding new life abroad, develop families, earn jobs for their good future, otherwise, they have earned freedom to spark violence and chaos against the village authority here in Samoa.

For advance technological development that is triggering clash in the world today. It does bring about mixed feelings towards the Leaders of the World. Behind the terrorist attack that had happened in New Zealand, it seems that New Zealand and Australia did not have high expectation that this chaos would arrive due to this freedom held behind.

18 AUGUST 2020

Immigration Bill 2020
– second reading

There is the constitutional protection that is sung by foreigners, regarding individual rights. The rights to show freedom of expression, rights to violate the Government, rights to violate the Nation, rights to violate families. That was implemented here and has fully changed good will to bad will and to destroy the lives of families and beloved children.

What is happening now to New Zealand and Australia? The Law is now being changed to protect them from terrorists like this. The reason for mentioning this matter is because given our process of life here, there are occurring events that comes with it. When we see something that is necessary to do then do it. But do not sit and wait, on the mattress, too many changes. That is the intent for these 3 Bills, so as to amend our Constitution. For the protection of our Village Councils Authority.

Mr Speaker, the reason for stating this matter is because there is no stupid Government that sits and all of a sudden makes careless decisions to affect its people particularly when it involves lands and title matters. It will impact this very House, the Parliament House of Samoa has just turned Samoan. The Village Councils or Alii ma Faipule has just been 100% and are now sitting in Parliament. What is our duty? The Faamatai, create a Law to protect our people, our lands, our rights to protect our families. There is no matai here who can approve a Law to separate the properties/treasures of families when he is the paramount chief (sao) of the family. I do not think there is such a chief like this sitting in this House?

It prioritises its custom and tradition, the Authority of Village Councils and how we were able to come about all these years, some say we have the records dating back to 3,000, 4,000 years ago for this country, this nation took settlement 3, 4 to 5,000 years ago. Our people were protected under the Authority of Village Councils since then until today.

Mr Speaker, those are the amendments on this Legislation. We have seen it, that there are things that must be amended, in protection of immigrants entering our country. As all Amendments here has amended the 2004 Act until, and so it is necessary to amend as this is the intent of the State.

It is change that is also implemented by the State upon our Constitution, which our forefathers are aware of. They are able to do what they did in their times. When it comes to the future, and generations that will come, we are this generation, we amend accordingly as it is necessary to do so. Those are a few teachings of the Bible, *‘Anyone, then, who knows the right thing to do, yet fails to do it, is guilty of sin.’*

18 AUGUST 2020

Motion to resume Sitting Hours and Adjournment

Mr Speaker, this is the shortening of this entire Legislation, which will be referred to the Committee, despite how long it will be reviewed by the Committee for member to earn the chance to state their views, you are aware that it is necessary.

Mr Speaker, that is the clarification.

MR SPEAKER: Well done thanks. Everything has been clarified as raised and highlighted by the Leader of the House, this Legislation needs improvement since ten plus years ago. This change is vital for all of us nowadays. Because the Government prioritizes new and fitting change for our lives particularly our environment. As such, the Legislation will be referred to the Committee for members to gain a chance to clarify further this Bill. That said, I have thought that I put forth the question, I am unsure whether there are any more thoughts now that this will be referred to the Committee.

Hence, thank you for your views, we have many chances.

Pardon the member for Falealili East, Afioga Fuimaono, I give the chance to the Hon Prime Minister, let us have the motion, now that we have arrived at the end of our work. Lest you speak continuously, whilst we are dispersing.

MOTION TO RESUME SITTING HOURS AND ADJOURNMENT

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker and the dignity of the House, since there are several other engagements that must be fulfilled by the Cabinet and other Parliamentary Committees. I move, *That the third reading of some of the Bills progress in accordance to the Order Paper before adjournment of Proceedings of the Legislative Assembly, until the 6th of October 2020.*

Seconded by the Minister of Commerce, Industry and Labour.

Motion was approved.

Debate continued over the second reading of the Immigration Bill 2020.

18 AUGUST 2020

Immigration Bill 2020
– second reading

MR SPEAKER: Is there anyone else, this is the procedure, lest you speak whilst we disperse.

Afioga FUIMAONO TEO SAMUELU TEO (Falealili East): Yes, I have tried to give a request, we should leave our audio system, radio and television on when the sitting is finished, and then you can continue your statement whilst the Sitting is adjourned. Well done thanks.

The Legislation is vital in all aspects. The reason is to remind again, to take importance of Section 29 of the Legislation which stipulates the granting of visas to immigrants. It is also aware that there are a lot of foreigners working here. Based on personal scrutiny, our monitoring system is very weak. With regards to foreigners who have been granted visitors visas to visit our shores, and when they come here, we have seen it. Even with the work that can be performed by a local, it can be done by an Asian or any foreigner. Works that require non skill employees namely cashier, driver, security, cleaner, treasurer, things like that including babysitter. It is a disgrace when they ask why do need a babysitter from overseas, because local people are dishonest. However, the meaning of the advice, is to permit vacancies for our people.

Because in truth, I observe that until there is a special knowledge from a foreigner on this Legislation in regards to an assignment for a group of minority, the use of foreigners is necessary. However, I observe that there is majority of work that our people can be done, to give chance. This includes these simple matters that has been removed by those...particularly shops, supermarkets, wholesales and things like this, however there was not a chance granted. Such is the advice to the designated personnels, to observe well. Those who came here as visitors and have now become part of our local employees, includes those who take various delievery to the backside areas. You can even see the different people who are doing this job. Such is my concern, to take importance of vacancies for our people. With due respect.

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

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, these are the issues which I normally talk about, not only with officials but owners of these businesses.

*18 AUGUST 2020***Immigration Bill 2020
– second reading**

For those who want Samoan citizenship, who are married to Samoan women, and are now Samoans, majority of our people are also working abroad. I had to see it for myself as you cannot believe it until you see it. I had to see it to believe this information and it is true that there a lot of Samoans working overseas. I know that there a lot of things that people are unaware of, like the installation of cameras everywhere. We see it in cameras that people are putting and hiding things in their bags and refuse to admit the truth. Such is the decision on this dismissal, because what we are discussing here is being broadcasted publicly. So there are several acts being shown, they cannot be hidden as there are reasons. The reason is because of the many things pertaining to our tradition and culture. The parental advice, encourage your children that \$1000 is needed for this week, \$2000 next week for church offering, wedding, funeral, things that only needs the amount of \$100 however, they go for \$2000.

Such is the reason for the numerous requests before the Cabinet. This Covid should continue forever. So many families are faced with hardship particularly children overseas. The funerals would not go through the normal process, some wait for almost a month to come home with money however they are trying to save up money for their airfares to go home. Right now there is a remedy, since borders are closed and people are jobless. Therefore, this Covid brings a new start for us to review. Tafaigata contains majority of the youth age group, the well educated, they are behind bars due to stealing because of parents pushing them to bring money home.

A mother came forth yesterday, she turned up to see me for 3 days. She asked if I could assist in the loan of her son at NPF, then I discussed it with her. The salary of her son was huge, and there were lots of deductions due to the so many loans including NPF. The net wage was very small, however she wants more borrowing on top of other loans which amounts to thousands and thousands.

What I said to the old lady, look here it is dishonest for me to help you with your loan. My son cannot afford it, I know this person is a Senior Personnel of a Government Ministry, use your brain. Use your mind, this is where the lack of integrity is born, no trust in performing the task. Because time will be a waste for them to bring money to err the performing of this task. Mr Speaker, this raising matter is very significant due to desperation. Things that requires only \$100 when they demand to borrow \$20,000.

Mr Speaker, I will respond, everything else you are advising, it is important to the hearing, however the advice is also necessary and should not be avoided.

18 AUGUST 2020

Motion to set aside Standing Order 108(4)

MR SPEAKER: Thank you. The old man's speech is 100 percent, clarity and clarified, but do bear in mind, to bring assistance. Make a statement on TV to advise the youth, because what used to happen... until the pay is finished then he comes back to work. The delivery will have to wait until he returns and things like that.

Afioga FUIMAONO TEO SAMUELU TEO: Mr Speaker, if this is the approval, it is good that it is directly coming from you than what these boys do, they go themselves without any approval. Thank you.

Motion was approved on the second reading of the Immigration Bill 2020.

MR SPEAKER: Pursuant to Standing Order the Immigration Bill 2020 was referred to the Standing Orders, Electoral, Petitions and Constitutional Offices for review and report back to the Legislative Assembly in a future meeting.

MOTION TO SET ASIDE STANDING ORDER 108(4)

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I rise with respect, *That Standing Order 108(4) be set aside to allow the third reading of the Bill that we reviewed in this Sitting day.*

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

Motion was approved.

**ENERGY MANAGEMENT BILL 2020
– third reading**

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

18 AUGUST 2020

Fabric of Laws (Miscellaneous Repeal) Bill 2020
– third reading

Afioga Hon SILI EPA TUIOTI: Mr Speaker, I wish to extend appreciation to the Chairperson and members of the Committee for the important amendments that has provided clarity to further improve, complete and fulfill the objects of this Bill.

Mr Speaker, I move, *That the Energy Management Bill 2020 be read a third time.*

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

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

FABRIC OF LAWS (MISCELLANEOUS REPEAL) BILL 2020
– third reading

MR SPEAKER: I call upon the honorable Leader of the House, the Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I move, *That the Fabric of Laws Miscellaneous Repeal Bill 2020 be read a third time.*

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

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

MR SPEAKER: Well done thank you. I salute your perseverance and dedication. All tasks has a final destination. Our orders for today is now done, great job, the most important thing is for us to find strength from God to implement other remaining roles and duties of the day particularly works for the future and the wellbeing of Samoa. Before we adjourn, I call upon the Hon Prime Minister if there is anything you wish to speak on. If not, we will adjourn our work.

18 AUGUST 2020

**Fabric of Laws (Miscellaneous Repeal) Bill 2020
– third reading**

Before we adjourn according to the motion, I will end our proceeding with a prayer.

Proceedings of the Legislative Assembly adjourned at 1:24pm until Tuesday 6th October 2020 at 9:00am pursuant to Parliamentary Sitting Programme Schedule 2020/2021.