

TUESDAY, 20TH OCTOBER 2015

The Legislative Assembly met at 9.00am pursuant to Parliamentary Sitting Programme 2014/2015.

Prayer.

OTHER ANNOUNCEMENTS BY MR SPEAKER

MR SPEAKER: This is not new. We were led through God's Divine Power and Holy Spirit in the prayer of offering that was delivered and the infusion of His inner strength into the dignified House this morning. We were separated a month ago yet we are rejoined because of God's merciful love. The meeting place was created with the purpose to resume the works of our Parliament.

This is the first time we have left the Parliament precincts in Tiafau due to proposed plans to reconstruct a new Chamber House, yet this conference venue is one that was made available for the SIDS conference earlier this year, thus we are here to conduct our Sittings.

E talitonu foi o le a le vavaea le falaooto i Lepea ma Vaitagutu o Malaefono aua le paia i le Tama a le Fale ia Faumuina ma Mataia, susu o Seiuli ma Alo o Malietoa, afio mai Tapaau o Faleata, maliu mai foi Aliimatutua, maliu mai le Pulelua ma le Faiga, faapea le Nofo a Pule ma le Tauaitu ma le Saofaiga Atua, ma upu ia te oe Faleata.

O lea ua maota tauave le Malae Fono i Tiafau, i Lepea ma Vaitagutu. Ou te manatu o le Maota o Tupu, e le tau faailoina, o le Maota ua uma ona faataatitia, o fea lava e agi i ai aga o fuafuaga a le Malo ma le Palemene, e i ai le manatu o le a le poia Faleolo.

I greet everyone in your honorary statuses, the Government Leader and Cabinet, Leader of the Opposition and all the notable Members of the Parliament of Samoa. Thank you for your patience, commitment, dedication and perseverance. We parted ways a month ago due to our duties and responsibilities yet we give God praise for His love and kindness for having us back today.

Praise God for preparing us this meeting place for us to resume our Sittings the rest of the year specially for this Parliamentary term.

I also acknowledge Samoa's honorific salutations, *le paia o Aiga ma a latou Tama, o Tama ma o latou Aiga, le Usoga a Tumua ma Pule, Aiga i le Tai ma le Vaa o Fonoti*, thank you Samoa for your prayers. I believe we will receive the warm support of our constituencies upon our calling.

Before we commence, I note that everyone is aware of our scheduled agenda and why the Motion was put so that by today and November's sitting, all our lapsed businesses are complete. For this I congratulate the Chairpersons and the Select Committees for your dedicated efforts and work.

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Obituary Speech

It is with hope that today's sitting will not take long as the State has other plans to attend to and also depending on your response. Respectfully I heed everyone's patience as we have nine Bills to review today. Nothing is hard if we work collectively. It is best that we start briefly so that we can have time to ourselves to achieve other duties.

For the sake of everyone entering this House, I believe everyone has received a copy of this chamber's location including entry points, services, seating arrangement etc. For your information, the Speaker still upholds the power and control as per normal practice held in Tiafau fields. And as per normal Parliamentary practices and procedures, this power was vested by Parliament to ensure that appropriate decisions are made in the Chambers and by the Legislative Assembly from time to time and that of the Parliamentary Select Committees, thus is the reminder.

Firstly, for the Media, you must get permission from me to conduct photo shooting in the Chamber and before entering the House any time we have Parliamentary Sittings and Select Committee Meetings. I also instruct the Sergeant at Arm and the staff of the Legislative Assembly to take heed of these notices.

Secondly as per normal practice, we have set up tents outside the Chambers for all Members and Government Heads to have lunch during our recess. If a Chief Executive Officer wishes to speak to a Minister you must first call the Sergeant of the House.

I beg tolerance to all Members for the unavailability of offices for you in the House, otherwise, bear with us as we attempt to set everything in place to ensure that our work is run smoothly.

OBITUARY SPEECH

The Speaker announced the passing away of Afioga AEAU TAULUPOO, who was a former Member of Parliament.

Afioga AEAU TAULUPOO was initially elected as member of Parliament for the Territorial Constituency of Falealupo for the Parliamentary term of 1970 to 1972. He was again re-elected in 1973-1976, and 1979-1981.

He was the Deputy Speaker from 1979-1981. He was a member for the Bills Committee for the Parliamentary term 1970-1973. Aeau was a Deputy Chairperson for the Finance Committee from 1979-1981.

He was also a member of the Fono Faavae a Samoa in 1960.

On behalf of the Parliament, Speaker extended condolences to the district, spouse and children specially the family and relatives of the late father.

Members were upstanding to show respect to the member for one minute.

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PRESENTATION OF PAPERS

The Clerk read out the Reports of the Select Committee pursuant to S.O.48.

1. P.P. 2015/2016 No. 61, Public Service Commission Annual Report 2013-2014.

PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk presented the Reports of the Select Committee pursuant to S.O.51(5).

1. P.P. 2015/2016 No. 51, Report of the Justice Committee on the Acts Interpretation Bill 2015.
2. P.P. 2015/2016 No. 52, Report of the Justice Committee on the Citizenship Investment Bill 2014.
3. P.P. 2015/2016 No. 53, Report of the Foreign Affairs Committee on the VAGST Bill 2015.
4. P.P. 2015/2016 No. 55, Report of the Primary Production Committee on the Constitution Amendment Bill 2015.
5. P.P. 2015/2016 No. 56, Report of the Works, Transport and Environment Committee on the Lands, Survey and Environment Amendment Bill 2015.
6. P.P. 2015/2016 No. 57, Report of the Works, Transport and Environment Committee on the Lands Titles Registration Amendment Bill 2015.
7. P.P. 2015/2016 No. 58, Report of the Finance and Expenditure Committee on the Evidence Bill 2015.
8. P.P. 2015/2016 No. 59, Report of the Finance and Expenditure Committee on P.P. 2015/2016 No. 21, Annual Report of the Samoa Life Assurance Corporation for the Year 2014.
9. P.P. 2015/2016 No. 60, Report of the Works, Transport and Environment Committee on P.P. 2015/2016 No. 33, Annual Report of the Ministry of Works, Transport and Infrastructure for the Financial Year 2013/2014.

MOTION TO SET ASIDE STANDING ORDER

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAIPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI (Prime Minister): Mr Speaker before I move the motion, the prayer of thanksgiving has been delivered for us to meet in this new House.

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Acts Interpretation Bill 2015
– consideration in detail

You have also stated the honorific salutations of His Highness, O Le Ao o le Malo and this House this fresh morning as we set start with today's Sitting agenda and lapses businesses that must be reviewed.

I sensed that the House is astonished by the blue clouds pictures in the ceiling that looks like heaven. This suggests good ideas for a new House design in Tiafau. Such is the marvellous view we have in this building that hosted the (SIDS) conference we had last year. I also see that the Opposition Side is in their best yellow wear and jovial apperances this morning, with the uplifting spirit shown; it is no wonder you spoke cheerfully this entire morning to us.

I greet all the Government Heads. In 1984, most of the Government reforms were initiated and represented by the right hand representatives and advisors of Parliament in their God-given abilities to forming Parliamentary Meetings. These submissions are given to the Ministers who in turn respond to as we too are not perfect. Despite the works done by the Ministers, the Government heads play the toughest job in their part. This is why it is vital for them to attend our Sittings to assist the Ministers to provide in depth responses to avoid reading out Cabinet recommendations everytime we have addressing matters in the House. That is in addition to the Speaker's remarks for the sake of the public in specific.

I was asked to present a motion, I move that, *To set aside Standing Orders 106 and 107(4) to allow the Consideration in detail and the third reading of eight huge Bills reported by the Committtee in Parliament this sitting day.*

That is the motion.

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

Motion approved and Standing Orders 106 and 107(4) were suspended.

MR SPEAKER: Pursuant to Standing Orders 106, the Assembly must first approve the Report from the Committee before the Bill is available for consideration in detail.

I call the Chairperson of the Court Administration, Police & Prison, Justice, Lands and Titles Committee.

ACTS INTERPRETATION BILL 2015
– consideration in detail

Tofa TUISA TASI PATEA (Chairperson of Court Administration, Police & Prison, Justice, Land & Titles Committee): Respectfully I move the motion, *That the Legislative Assembly approve the Report of the Committee which recommends, That the Acts Interpretation Bill 2015 progressed together with Amendments.*

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Acts Interpretation Bill 2015
– consideration in detail

Seconded by the member for Palauli, member for Falelatai & Samatau, member for Gagaifomauga No. 2, member for Alataua West, and the member for Gagaifomauga No. 1.

Motion approved.

MR SPEAKER: I hereby announce that the Legislative Assembly has approved the Report of the Justice, Police & Prisons, Lands and Titles Committee on the Acts Interpretation Bill 2015.

The Legislative Assembly will now proceed to consider in detail the Acts Interpretation Bill 2015.

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

CLAUSE 2: Application.

Approved.

CLAUSE 3: Definitions.

MR SPEAKER: The Committee has an Amendment to Clause 3 as given in the Supplementary Order Paper.

I call the honourable Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 3 as follows:

“AMENDMENT:

i) Clause 3

To omit the word “of” and substitute thereby the word “or” thus clause 3 reads as:

“offence” means an act of omission for which a person can be punished under an Act or law.”

MR SPEAKER: Very well let us recognize the member from Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you for the opportunity, greetings everyone in Samoa’s paramount Meeting here at Faleata. You need not concern yourselves as the Prime Minister says, the vision of Faleata lasts from day til night shedding wonderous to all things. I wish to query this part of the legislation on the definition of the word adult whether this included persons 21 years of age and older.

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Acts Interpretation Bill 2015
– consideration in detail

In figuring out an appropriate definition from the numerous wording dissimilarities in the legislation, I wish to ask the Chairperson and the Committee that in accordance to the legislation, 21 years and younger refers to children whereas 21 years and older refers to adults.

MR SPEAKER: The member's is well taken, I call the honourable Chairperson.

Tofa TUISA TASI PATEA: That is the clarification of 21 yeras and under in the legislation which is similar to the translation. If you can read the English version infant 21 years below is clearly stated, no one is affected as you claim. That is the clear clarification.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker to be in line with the rest of the world, the translation of adult and infant below 21 years is very significant. If you get married and bear children at the age of 17, by 20 years old you will have four children. And if your aunty wishes to adopt you and your family, your papers will be processed for New Zealand or Australia. Hence adult is defined in such a way as to permit adoption of those 21 years and under granting them the opportunity to seek better standard of living overseas given this definition on infants in the legislation as adults cannot be adopted. Mr Speaker we are aligned with other countries. We cannot be accused of being trickery.

Mr Speaker that is the final addition.

MR SPEAKER: Thank you, the matter is clearly described.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker....

MR SPEAKER: I give the first chance to the member for Faleata West to conclude before I recognize the Leader of the Opposition.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you. The reason for asking is because our laws have different age categories on infants, right?

As for 21 years and under it allows consistency for all laws, the Prime Minister has given another precise clarification as to why 21 is referred to Infant so that people marries at the age of 18 years, bear a child and move overseas that is the main reason.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker this explanation is false, that is not what I meant. The main intention is for us to be in line with these things, although changes will come but so as its ending. Rather that was not the intention.

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– consideration in detail**

MR SPEAKER: Well done, go ahead Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II (Leader of the Opposition): Thank you Mr Speaker. Respectfully, I rise in regards to international laws, once married you are no longer called an infant even if you are legally adopted. This is prohibited in New Zealand and Australia.

What concerns me is that fact that no country has ever done what the Prime Minister has said in case the Asians migrate here in twelves and raise the number of our population. Personally, once you are married you are no longer called an infant; it is unacceptable overseas.

Susuga Hon TUILAEPFA FATALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker I congratulate the lawyer from New Zealand. I speak from experience specially to this Office because our people are also becoming difficult and being smart, because a crab can make rounds and eventually end up at one's desk and that desk is usually mine whereby all these issues sits on. Rather I do not know where this New Zealand solicitor gets his views from.

MR SPEAKER: Mr Deputy Speaker.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA (Deputy Speaker): Mr Speaker point of clarification.

MR SPEAKER: I call the member.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA: This is similar intentions by the Hon Prime Minister and the Opposition Leader. I have been working for the adoption center for a number of years now. The Hon Prime Minister meant that either married or not or have not reached 21 years, it is still acceptable to transfer lawfully, whether it takes a day before you are 21, once the Judge has given his signature the transfer is legally approved, hence it can still be done.

As for the law in New Zealand, it is applicable to transfer even if you have not reached 21 years, however you must turn 24 before you are allowed to enter New Zealand, therefore if you are adopted at the age of 21 or less, you can still live in Samoa until you reach 24 years then you can go to New Zealand.

That is the explanation with due respect.

MR SPEAKER: Well done, thank you for this matter.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, the lawyer's clarification is wholly false, let me explain as what happened is the truth I speak about, an unmarried person was transferred, however as soon as a one is married, citizenship is declined as he or she is now married...

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MR SPEAKER: Your point is well taken and correct I beg your pardon, 21 years is stipulated in the legislation which is reason for confirmation that leads one thing to another in a timely basis.

The Deputy Speaker has also spoken on the severe mess we have had, hence is the reason for drafting this legislation.

Amendment approved.

Clause 3 was approved 3 as amended.

CLAUSE 4: Definitions in Acts apply to subsidiary legislation.

Approved.

CLAUSE 5: Gender, number and grammatical forms.

Approved.

CLAUSE 6: Reference to Gazette includes Savali.

Approved.

CLAUSE 7: Principles of interpretations.

MR SPEAKER: The Committee has an Amendment to clause 7 according to the Supplementary Order Paper.

I call the Chairperson.

Tofa TUISA TASI PATEA: Mr Speaker, I move the Amendment to clause 7 as follows:

“AMENDMENT:

ii) Clause 7

To omit the word “interpretations” and substitute thereby the word “interpretations” thus Clause 7 reads:

“7. Principles of interpretations.”

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– consideration in detail**

Amendment approved.

Clause 7 approved as amended.

CLAUSE 8: Interpretation of “shall” and “may.”

Approved.

CLAUSE 9: Judicial notice, divisions and parts of Acts.

Approved.

CLAUSE 10: References in provisions of Acts.

Approved.

CLAUSE 11: English and Samoan versions of Acts.

Afioga Toeolesulusulu Cedric Pose Salesa Schuster (Aana Alofi No. 3):
Mr Speaker....

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

Afioga TOEOLESULUSULU CEDRIC POSE SALESASCHUSTER (Aana Alofi No. 3): Thank you for the opportunity Mr Speaker. In accordance to the Committee amendment, at which point in time does a draft need to be in Samoan for this amendment to be invoked? To be clear, for all passed Acts in the House for English and Samoan versions, at which drafting stage do the words ‘draft’ in the Bill refer to? If the Act is passed and is used, does the original or first draft goes back to the Attorney General or the Ministry without consultations as this is mostly in draft form? Nonetheless in my belief, unless this is passed in the House, then it is called Acts for both English and Samoan versions.

MR SPEAKER: Your view is received, I recognize the Chairperson.

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Tofa TUISA TASI PATEA: Thank you for the question. According to the Constitution, these two versions are similar however the English version is the authoritative text which is reason for this amendment, if there is a discrepancy between the English and Samoan text of an Act the English version will prevail.

MR SPEAKER: Well done. Go ahead.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Mr Speaker, I am bit anxious as this part of the draft needs to be clarified properly. It should be clear which stage in the drafting process this particular amendment refers to. Personally we must use the Act passed in the House otherwise we may have more than one interpretation and amendments incorporated towards the ending as in my opinion, this bit should be omitted as it could cause a mixture on the day the Act becomes law.

MR SPEAKER: Your view is well taken as this is nothing new. The decision regarding the above was reached due to a Court decision involving legislation originally drafted in the Samoan language. Hence, it all goes back to the original draft whether it is the Legislative Assembly or however the draft began, the Attorney General's draft is also referred to. That is where the true intention of the Act is found because on the overall perspective, a drafting is a drafting that involves everyone who took part in it. Mr Chairperson.

Tofa TUISA TASI PATEA: Well I only wish to add on to that, this directive came from some of the Judges in the Ministry of Justice for thorough consideration at the beginning of this section, if it was written in the Samoan language, therefore the priority should be in Samoan.

MR SPEAKER: Well that is one thing that must be clear because during the whole time these Acts were drafted in the English version however we will still use the Samoan language which is more suitable to our custom. So far no significant issue has been made in this regard, except for very few ones. I call the member for Faleata West.

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East): Mr Speaker your statement is well given. The only thing I wish to be aware of is that not everyone gets a hold of this draft, the public does not really have access to the draft except for the Act, even if the law is breached the public is still blurred. This is reason for this part of the Act and its Samoan version, with respect.

Tofa TUISA TASI PATEA: Mr Speaker, that is clear enough....

MR SPEAKER: Pardon the Chairperson, I call the Hon Prime Minister.

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Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, all Act written in English text are all thorough which is a guide for the Attorney General who drafted it, but it can also be converted into the Samoan text. I referred to a Court case where the Judge questioned the difference between the English and Samoan texts of a particular Act. There will always be a discrepancy due to the many words in the Samoan language possessing more than one meaning. That discrepancy was due to the proverbial mixed up in wordings, once that was heard the Chief Justice shook his head to signify that he had understood. After that, the lawyers inside were confused because it is new for them to sit in a village council and listened to these words, thus this statement derives from mixed up of words, at the verdict the State won that case.

Mr Speaker, sometimes the English version has limits and the Samoan version takes over.

MR SPEAKER: The Committee has an Amendment to Clause 11 in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 11(2) as follows:

“AMENDMENT:

iii) Clause 11(2)

To insert the expression “unless the original draft was in the Samoan language” thus (2) reads:

(2) If there is a difference between the English version and the Samoan version of an Act, the English version prevails unless the original draft was in the Samoan language.”

Amendment was approved.

Clause 11 approved as amended.

CLAUSE 12: Insertion of date of assent.

Approved.

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CLAUSE 13: Commencement of Acts.

MR SPEAKER: The Committee has an Amendment to Clause 13 given in the Order Paper.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 13(5) as follows:

“AMENDMENT:

iv) Clause 13

To omit the number “35” and substitute thereby the number “36” thus (5) reads:

“(5) The power under an Act to nominate a commencement date does not authorize nominating a retrospective commencement date, and the power must only be exercised once except to correct an error or omission under section 36.”

Amendment approved.

Clause 13 was approved as amended.

CLAUSE 14: Time of commencement.

Approved.

CLAUSE 15: Gazetting of Acts unnecessary.

Approved.

CLAUSE 16: Citing Acts.

Approved.

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CLAUSE 17: Reference to printed copies of Acts.

Approved.

CLAUSE 18: Citation includes amendments and first and last words.

Approved.

CLAUSE 19: Amendments.

Approved.

CLAUSE 20: Effect of amendments.

Approved.

CLAUSE 21: Repealed Acts not revived.

Approved.

CLAUSE 22: Application of repeal.

Approved.

CLAUSE 23: Effect of repeal on prior offences and breaches of enactments.

Approved.

CLAUSE 24: Powers in Acts repealed by consolidating Acts.

Approved.

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CLAUSE 25: Effects of repeal.

Approved.

CLAUSE 26: Reference to repealed Act in an Act.

MR SPEAKER: The Committee has an Amendment to Clause 26 accorded in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the amendment to clause 26(1) as follows:

“AMENDMENT:

v) Clause 26(1)

To insert the word “(“the Act”)” after the words “an Act” in sub-clause (1) to read:

- (1) **A reference in an Act (“the Act”) to a repealed Act or provision is to be construed as referring to a subsequent Act or provisions of an Act (“the Act”) enacted in substitution for the repealed Act or provision.”**

Amendment Approved.

Clause 26 was approved as amended.

CLAUSE 27: Exercise of power before commencement of Acts.

Approved.

CLAUSE 28: Extend of and implied powers.

Approved.

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CLAUSE 29: Implied powers to regulate.

Approved.

CLAUSE 30: Appointment by name or office.

Approved.

CLAUSE 31: Power to appoint.

Approved.

CLAUSE 32: Exercise of powers in special circumstances.

Approved.

CLAUSE 33: Exercise of Minister's powers.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker....

MR SPEAKER: I call the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Clause 33, Exercise of Minister's powers as it states the Minister can execute this duty other than the responsible Minister of the Act. In query can the Associate Ministers afford the same authority as they too understand this well? By reading section 43 on power delegation, the Minister can delegate power to the Associate Minister. However this is not permitted, is there a reason for this or is it because he/she is ineligible.

MR SPEAKER: We get your question. I call the Chairperson.

Tofa TUISA TASI PATEA: Thank you for the question. Well the response is up to the Hon Minister that is his jurisdiction, sometimes also the Associate Minister is not that good, hence we need change, thank you.

CLAUSE 34: Appeal may be heard by qualified person.

Approved.

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CLAUSE 35: Power of Cabinet.

Approved.

CLAUSE 36: Power to correct error.

Approved.

CLAUSE 37: Powers and duties of corporate bodies.

Approved.

CLAUSE 38: Alternate and acting members, resignation and expert advice.

MR SPEAKER: The Committee has an Amendment to Clause 38 in the Supplementary Order Paper.
I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 38 as follows:

“AMENDMENT:

vi) Clause 38

To insert new sub-clause (2) to read:

- (2) If an Act provides for an ex-officio member of body coporate or unincorporated established by an Act:**
 - (a) the appointing authority may appoint an alternate for the ex-officio member; or**
 - (b) the ex-officio member may, in writing, nominate a person to act when the member is for any reason unable to carry out the member’s function.**

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- (3) **The ex-officio member may represent the officio member at a meeting of a body corporate.”**

Amendment was approved.

Clause 38 was approved as amended.

CLAUSE 39: Chairperson and secretary.

Approved.

CLAUSE 40: Signing of documents.

MR SPEAKER: The Committee has Amendment to Clause 40 in the Supplementary Order Papers.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 40 as follows:

“AMENDMENT:

vii) Clause 40

To insert the words “established by an Act” after the words “body corporate or unincorporated” thus Clause 40 reads:

40. A document, statutory instrument or subsidiary legislation that is required to be made by a board of body corporate or unincorporated established by an Act, may be signed by the chairperson or deputy or if both are unable to sign, by a member.”

Amendment was approved.

Clause 40 was approved as amended.

CLAUSE 41: Meetings and majority.

Approved.

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MR SPEAKER: The Committee has an Amendment to Clause 41 in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 41(1) as follows:

“AMENDMENT:

viii) Clause 41(1)

To insert the words “established by an Act” after the words “body corporate or unincorporated established by an Act” thus Clause 41(1) reads:

- (1) The following rules apply at a meeting of a body corporate or unincorporated established by an Act.”**

Amendment was approved.

Clause 41 was Approved as amended.

CLAUSE 42: Power not affected by vacancy or irregularity.

MR SPEAKER: The Committee has an Amendment to Clause 42 given in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 42 as follows:

“AMENDMENT:

ix) Clause 42

To insert new sub-clauses (3) & (4) to read:

- (3) Subsection (2)(a) does not apply if the meeting is affected by the number of persons not entitled to be present or participate at the meeting.**
- (4) Subsection (2)(b) does not apply if the irregularity affects majority of the members present at the meeting.”**

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Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker....

MR SPEAKER: I call the member for Faleata West.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Thank you Mr Speaker, I firstly thank the Chairperson of the Committee and the Attorney General for the amendment in this legislation as per request. I wish to query the interpretation on part (b) which states this correction because if we have a look at the old Act on (b) it does not apply if the irregularities affects majority of the members present at the meeting. The amendment otherwise states that (b) is not utilized if a problem affects the majority of the members such as the majority that are absent from a meeting but brings success to a ballot. Similarly to part (a) the majority though non-members are included or the winning side that has the people's vote? So I wish to know what this minimal issue is about, when a non member is affected.

MR SPEAKER: I get it I call the honourable Chairperson.

Tofa TUISA TASI PATEA: Thank you I believe you have replied to most of your queries. As for the two proposed amendment has the addition of section 3 and section 4 to assist part 2 above including (a) and (b) as well as (c) whereas subsection (2) (a) does not apply if the meeting is affected by the number of persons not entitled to be present or participate at the meeting. That is the explanation.

MR SPEAKER: Very well.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker perhaps the Chairperson did not get this. The majority is clear. If a ballot is conducted and two non-members are present which makes up the winning majority for a president, do we carry on with this decision?

Tofa TUISA TASI PATEA: That is clear enough, it cannot be done if members were not present.

Amendment was approved.

Clause 42 was approved as amended.

CLAUSE 43: Delegation of powers and duties.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: I call the member for Faleata West.

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Acts Interpretation Bill 2015
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Tofa LEALAILEPULE RIMONI AIAFI: This is reason for quering the Chairperson as according to Clause 43 it states powers delegated to a Minister upon his/her Associate Minister or anyone who can execute the duty of the Minister. Is there contradiction to this part of Clause 43 that only another Minister could execute this authority? If permitted, then it does not matter. Otherwise what is the exact clarification to this statement, with respect thank you.

MR SPEAKER: I call the Chairperson.

Tofa TUISA TASI PATEA: The Bill can be viewed as a double edged sword, in that it attempts to address various issues at the same time.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker it is better that the member reads the Associate Ministers job description which clearly defines this part, the Parliamentary Under-Secretaries Act 1988 clarifies the authority of Associate Ministers.

MR SPEAKER: Very well.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker point of clarification. The Hon Chairperson does not seem to understand his query despite being a lawyer on powers delegation of authority or delegated powers. Which power do you hold and which authority should you take and at what time can you take it? You respond that it is up to the Minister. That is not the proper way to do it, this should be stipulated well in the legislation together with an appropriate time...

MR SPEAKER: Your view is well taken.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker a Minister has the discretion to delegate tasks to his or her Associate Minister under the Parliamentary Under Secretaries Act 1988.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: Pardon me, you have had your two chances member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: I have only one chance now, he has two, let me give state my opinion....

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Acts Interpretation Bill 2015
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MR SPEAKER: The Prime Minister has elaborated the Chairperson's statement, pardon all the matter is now defined.

I call the Chairperson.

Afioga Hon Palusalua Faapo II: Mr Speaker...

MR SPEAKER: I call the first chance to the Leader of the Opposition before...

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

Tofa TUISA TASI PATEA: Mr Speaker these accusations are quite strong from the member of Faleata West, most of the time the lawyer next to him whispers to him such is why he is mistaken, pardon me I beg tolerance... these are the normal statements, you know it is different from.... well I refuse to say anything... Nonetheless....

Tofa LEVAOPOLO TALATONU (Gagaemauga No. 2): Mr Speaker because my name was mentioned, thank you for the apology which indicates your weakness....

Tofa TUISA TASI PATEA: Alright I will now give orders, trying to be smart is better than having a know it all attitude. Those are the words that should be said, the legislation is plainly clear yet you aim to drag it. Thank you.

MR SPEAKER: Well do not be alarmed Chairperson.

Tofa LEALAILEPULE RIMONI AIAFI: This is what we call a weak member. You are being stupid yet you are becoming more foolish.

MR SPEAKER: Pardon me Lealailepule, note that we are in a different chamber now, I can easily give out orders right now.

Tofa TUISA TASI PATEA: It shows your stupidity as well....

MR SPEAKER: I beg forbearance Hon Chairperson; let us heed the orders of the House. We must also consider the public tuning in. Members must uphold and maintain respect and order in the House when expressing your views and comments. This also applies to protect the Speaker.

Clause 43 was approved.

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**Acts Interpretation Bill 2015
– consideration in detail**

CLAUSE 44: Extent of delegation.

Approved.

CLAUSE 45: Standard time.

Approved.

CLAUSE 46: Determining time.

Approved.

CLAUSE 47: Time not specified.

Approved.

CLAUSE 48: Distance.

Approved.

CLAUSE 49: Judicial notice.

Approved.

CLAUSE 50: Citation and reference.

Approved.

CLAUSE 51: General provisions.

Approved.

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Acts Interpretation Bill 2015
– consideration in detail

CLAUSE 52: Fees and charges.

Approved.

CLAUSE 53: Rules of court.

Approved.

CLAUSE 54: Maximum and cumulative penalties.

Approved.

CLAUSE 55: Statement of penalties.

Approved.

CLAUSE 56: Offences against body corporate.

Approved.

CLAUSE 57: Disposal of fines and penalties.

Approved.

CLAUSE 58: Proceedings not to abate on death.

Approved.

CLAUSE 59: Imposition of penalty not bar to civil action.

Approved.

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**Acts Interpretation Bill 2015
– consideration in detail**

CLAUSE 60: Forfeitters.

Approved.

CLAUSE 61: Evidence.

Approved.

CLAUSE 62: Administration of oath.

Approved.

CLAUSE 63: Forms.

Approved.

CLAUSE 64: Service of documents.

Approved.

CLAUSE 65: Power to make corrections in Acts.

Approved.

CLAUSE 66: Examples.

Approved.

CLAUSE 67: Acts of binding on Government.

Approved.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

CLAUSE 68: Repeal.

Approved.

CLAUSE 1 & TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Acts Interpretation Bill 2015.

Approved.

The Acts Interpretation Bill 2015 now progressed with Amendments.

**VALUE ADDED GOODS SERVICES TAX BILL 2015
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders 106, the Legislative Assembly must first approve the Report from the Committee before the Bill is available for detail consideration.

I call the Chairperson of the Foreign Affairs, Trade and Revenue Committee.

Tofa SOOALO MENE (Chairperson): *Mr Speaker I move, That the Legislative Assembly approves the Report of the Committee which recommends that Value Added Goods and Services Tax Bill 2015 now progressed together with Amendments.*

Seconded by the member for Palauli, member for Falelatai & Samatau, one of the members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua and the member for Sagaga le Falefa.

Motion was approved.

MR SPEAKER: I now declare that the Legislative Assembly has now approved the Report of the Foreign Affairs, Trade and Revenue Committee on the Value Added Goods and Services Tax Amendment Bill 2015.

The Assembly will now commence the consideration in detail of the Value Added Goods and Services Tax Amendment Bill 2015.

Pursuant to Standing Orders 102, the Bill will commence its Consideration with Clause 2.

CLAUSE 2: Interpretation.

Approved.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

CLAUSE 3: Definition of “taxable activity”.

Approved.

CLAUSE 4: Definition of “fair market value”.

Tofa LEVAOPOLO TALATONU: Mr Speaker, Clause 4 please.

MR SPEAKER: I call the member for Gagaemauga No.2.

Tofa LEVAOPOLO TALATONU: I wish to query that in other jurisdictions, businesses have copyrighted their local goods. Have similar measures been developed in Samoa, have assessment of the local situation been undertaken and have restrictions put in place limit such illegal acts.

Respectfully.

MR SPEAKER: Your point is received. I call the Hon Chairperson.

Tofa SOOALO MENE: Thank you for the question. In regards to the member’s query, there are other Acts which deal directly with the issue of copyright whereas the Bill focuses on goods which are sold locally.

Respectfully.

Clause 4 was approved.

CLAUSE 5: Definition of “price”.

Approved.

CLAUSE 6: Definition of “supply”.

Approved.

CLAUSE 7: Application.

Approved.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

CLAUSE 8: Imposition and liability for GST.

Approved.

CLAUSE 9: Application for registration.

Approved.

CLAUSE 10: Registration.

Approved.

CLAUSE 11: Obligations of a registered person.

Approved.

CLAUSE 12: Cancellation of registration.

Approved.

CLAUSE 13: Deemed taxable supply on cancellation of registration.

Approved.

CLAUSE 14: Mixed supplies.

Approved.

CLAUSE 15: Time of supply.

Approved.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

CLAUSE 16: Place of supply of goods.

Approved.

CLAUSE 17: Place of supply of services.

Approved.

CLAUSE 18: Value of a supply.

Approved.

CLAUSE 19: Value of a supply of imported services.

Approved.

CLAUSE 20: Application of goods to private or exempt use.

Approved.

CLAUSE 21: Second-hand goods.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: What Clause?

Tofa LEALAILEPULE RIMONI AIAFI: This is Clause 21. I wish to please ask the Hon Chairperson in regards to second hand goods whether they should be taxed? How exactly is VAGST imposed on these goods please.

MR SPEAKER: I call the Chairperson.

Tofa SOOALO MENE: There are relevant provisions within the Bill which deal with second hand goods. Such includes the threshold that is paid through VAGST such is the provision.

With due respect.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

Clause 21 was approved.

CLAUSE 22: Rights, options, and vouchers.

Approved.

CLAUSE 23: Lay-by sales.

Approved.

CLAUSE 24: Time of import.

Approved.

CLAUSE 25: Value of import.

Approved.

CLAUSE 26: Allowance of an input tax credit.

Approved.

CLAUSE 27: Input tax credit for newly registered person.

Approved.

CLAUSE 28: Post-supply adjustments.

Approved.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

CLAUSE 29: GST periods.

Approved.

CLAUSE 30: Diplomatic missions and international agreements.

Afioga Hon Palusalue Faapo II: Mr Speaker...

MR SPEAKER: Which clause?

Afioga Hon PALUSALUE FAAPO II: Clause 30. Mr Speaker, the question is very brief in regards to farmers. We have here a small amount of \$130,000 including taxable threshold. Have you conducted a survey on the number of farmers exporting taro and the amount of taxable threshold on income? That is the short question Mr Speaker.

MR SPEAKER: I call the Chairperson.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker I only wish to add on before the Chairperson has the chance.

MR SPEAKER: I call the member for Faleata East. Is it the same clause?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I refer to this particular clause. I speak of this section in your Report which says, the removal of the exemption is not a revenue raising measure is carried out as part for Samoa's WTO accession commitment which was ratified in May 2012. Is this part confirmed/approved as part of this section, with respect?

MR SPEAKER: I call the Chairperson.

Tofa SOOALO MENE: Mr Speaker the Opposition Leader queried if our Committee had conducted any survey on farmers on this regard. Yes we did thus the Bill raises the threshold from 70,000 to 130,000 and confirmed that farmers will not be affected by this amendment. The Committee were also provided with records which also confirmed that farmers are not taxed. Farmers who export goods internationally are exempt from tax including income tax. They however are required to pay tax for local goods.

With respect.

MR SPEAKER: I call the member.

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Afioga Hon PALUSALUE FAAPO II: Mr Speaker I hear that the clarification is well given. Although it is true that farmers are exempt from paying tax when exporting taro but when it comes to farmer's income as you say no GST is paid. If a farmer's income reaches or exceeds \$130,000 he or she will be required to pay tax.

MR SPEAKER: Leader of the Opposition your comment is well received.

Susuga Hon TUILAEPa FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker this are only tactics for the Election that is drawing near. It is pointless for you to say that a farmer could reach \$50,000 income per annum, when yet it is only building tension which are baseless. Leader of the Opposition say something believable, the public is not mindless.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker this \$130,000 is clear in the legislation.

MR SPEAKER: Your point is well taken Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: Why include it in the legislation when we have nothing.

MR SPEAKER: Your view is well take Leader of the Opposition, your opinion is significant in regards to the \$100 plus whilst the Chairperson's statement is also well clarified, so far, no farmer has exceeded that amount yet.

Afioga Hon PALUSALUE FAAPO II: Point of clarification Mr Speaker. This should encourage the farmers however with such negative statements, it is inappropriate. There are several farmers taking their goods internationally hence time will meet the target.

MR SPEAKER: That is not the intention Leader of the Opposition... pardon me.

Susuga Hon TUILAEPa FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, the Government has subsidised farmers for their exports since 1957, note that exports have the lowest price. That is why you should control your heart incase it drops and perhaps after the next three Parliamentary sessions this number will never be achieved for our exported taro.

Mr Speaker, I see that you are finding breath as you clarify this matter.

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Afioga Hon PALUSALUE FAAPO II: Mr Speaker note the budget address we had a decline in exports before HRPP came into power? What now? The Hon Prime Minister has clarified it himself, due to the subsidies accorded by the Government for the farmers. That is the correction, the public had a significant contribution to our Budget...

MR SPEAKER: I have said it four times, your comment is taken. Five now, Leader of the Opposition, we need order in the House.

I call the Hon Minister of Police & Prisons.

Afioga Hon SALA FATA LISATI PINATI (Minister of Police & Prison): Mr Speaker and Samoa. As an exporter for over 30 years, the income I get from taro exports has never exceeded \$130,000. What's happened now is that taro export is cheap and is benefiting those living abroad. In truth the Leader of the Opposition's concern is nice, personally tax is exempted.

This is one initiative by the Minister of Forestry and Fisheries to encouraging our farmers.

Respectfully.

Afioga Hon AEAU PENIAMINA LEAVAISEETA (Falealupo): Mr Speaker this legislation is a waste of time as it will not be used. For the sake of time we should keep it short.

MR SPEAKER: Member for Faleata East, this is your last chance.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker I rise as I was the first to put a question to the Chairperson. Therefore there are too many explanations when the response is quite clear on this requirement for WTO in this paragraph...

MR SPEAKER: Your expression is well taken, I recognize the Hon Prime Minister.

Susuga Hon TUILAIPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker WTO encourages free trade; however this was not beneficial to local farmers who protested to their Governments as a result. For instance, there was a time when the French farmers resisted the idea of overseas suppliers setting up businesses locally such as egg supplies and tomatoes. Their anger resulted in chucking and smashing egg and tomatoe supplies on the road by trucks and lorry. Why? It was devastating to see the importation of these food supplies from Europe at a much cheaper price. This means that overseas supplies should not be dumped here as it will affect our local farmers. What's worse, these products were not stipulated officially in their Tax Law. As such, free trade would have still been encouraged for these subsidies. Hence as bonus, revenue is made additionally to them not to pay any tax.

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– consideration in detail**

That is the binding agreement that is affecting all UN countries given this similar treat. That is the purpose for this legislation lest other countries dump goods supplies and thereby affects our local farmers.

Mr Speaker this issue is quite sensitive rather it is very significant.

Clause 30 was approved.

CLAUSE 31: Refunds.

Approved.

CLAUSE 32: Diplomatic missions and international agreements.

Approved.

CLAUSE 33: Tax invoices.

Approved.

CLAUSE 34: Recipient – created tax invoices.

Approved.

CLAUSE 35: Commissioner may determine alternative arrangements.

Approved.

CLAUSE 36: Credit and debit notes.

Approved.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

CLAUSE 37: GST documentation issued by or to agents.

Approved.

CLAUSE 38: Requests for GST documentation.

Approved.

CLAUSE 39: Maintenance of GST documentation.

Approved.

CLAUSE 40: GST-inclusive pricing of taxable supplies to unregistered persons.

Approved

CLAUSE 41: GST returns.

Approved

CLAUSE 42: Due date for payment of GST.

Approved.

CLAUSE 43: Collection of GST on imports.

Approved.

CLAUSE 44: GST representatives of non-residents.

Approved.

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CLAUSE 45: Assessment of recipient of a supply.

Approved.

CLAUSE 46: Offences.

Approved.

CLAUSE 47: Penal tax for evasion.

Approved.

CLAUSE 48: Tax avoidance schemes.

Approved.

CLAUSE 49: Branches and divisions.

Approved.

CLAUSE 50: Currency translation.

Approved.

CLAUSE 51: Regulations and approved forms.

Approved.

CLAUSE 52: Repeal, transition and savings.

Approved.

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– consideration in detail**

SCHEDULE:

MR SPEAKER: The committee has an Amendment to the Schedule in accordance to the Supplementary Order Paper.

I call the Chairperson.

Tofa SOOALO MENE: Mr Speaker I move the Amendment as follows:

“AMENDMENT:

i) Schedule 2 Paragraph 1(d):

To remove paragraph 1(d) from Schedule 2 and renumber paragraphs accordingly.

ii) Schedule 3 paragraph 1:

To insert new paragraph (o) after paragraph (n) to read:

“(o) the supply of electricity under the Electric Power Corporation Act 1980.”

Amendment approved.

Schedule approved as amended.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: Go ahead.

Tofa LEALAILEPULE RIMONI AIAFI: I wish to query this first part of the schedule. The explanation to the first part of the Schedule reflects that overseas exempt supplies exceeds up to AUS\$200 in value.

On the first question, why use the Australian currency and not the Samoan tala as this is our legislation? The existing policy has an exempt of \$500.

Secondly, given the above requirements most countries prohibit free cigarettes yet it is still permitted under the legislation.

Thirdly alcohol beverage has no current Amendment. For section (h) on aircraft it stresses exempt in the 1975 Act bearing in mind the different years and its seasons. Did the Chairperson look into this please?

MR SPEAKER: I get it, I call the member for Faasaleleaga No.2.

Susuga PAPANII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No. 2): Thank you Mr Speaker, this legislation was reviewed by our Committee. Just a small suggestion for the schedule, this legislation is about supplying electricity as the overall interpretation of the Bill is provided.

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– consideration in detail**

Nevertheless, we are discussing the export and import of local goods. The only concern is the exempt supplies list that does not include electricity. The statement on zero rated has Government's discretion. That is the concern for including this Electricity Act 1980. As a suggestion, what could be the State's intention if additional price is made on electricity? Respectfully.

Susuga Hon TUILAEPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker I am disappointed with the recent speaker for querying the amendments when he is a Committee member. Why wasn't this recommendation given in your Report? This shows that you did not attend your meetings. That is the reason for appointing the Chairpersons to present your recommendations to save you time. Yet you also rise to state your own recommendations.

Mr Speaker, this is not in line with the normal proceedings of the House.

MR SPEAKER: We have reached our recess time, we will ensue with our Proceedings as soon as we return from our morning break.

Well done all and apologies to everyone as well. I will give the chance to the members of the Committee to respond to their Chairperson as soon as we return from our recess. On my right is the exit to our tents and breakfast. This is the same way in when we return to resume our business.

Proceedings of the Legislative Assembly now set aside for normal recess at 10:45am until 11:37am.

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

I wish to extend appreciation to everyone this part of the morning on the note that all have been rejuvenated from our morning breakfast.

We have come to the second part of our session this morning on the schedule that we will have a break at 1.00pm. Therefore we thank God for the tea received this morning for us to resume our works.

During our break the Chairperson had the opportunity hence I recognize him to resume his response in regards to some of the raising matters by members and the committee.

Susuga Papalii Lio Faavaivaiomanu Taeu Masipau: Mr Speaker...

MR SPEAKER: Very well I call the Honourable member.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU: Thank you Mr Speaker. I agree with you on that, thank you note to the Clerk and the Legislative Assembly for the breakfast.

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**Value Added Goods Services Tax Bill 2015
– consideration in detail**

The only request is for this House to approve our recommendation. The main thing is that the suggestion has been recorded in the Hansard, although Savaii is far away but I still attempt to attend our meetings as confirmed in my signature in the Report.

Respectfully.

MR SPEAKER: Well this is weird the Committee do not discuss their recommendations rather they say it directly in the Assembly as a whole.

I call the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you as we previously discussed with the member the difference between exempt and zero rated? He responded that zero rated has the State's authority whilst exempt is free. Therefore the reason why electricity is shifted from exempt to zero rated could mean that its prices will increase. Is that correct Mr Chairperson? Or why not leave as is for the public to enjoy a lighter burden.

With respect.

MR SPEAKER: The Hon Minister will clarify that. I call the Hon Minister of Works, Transport and Infrastructure.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA (Minister of Works, Transport & Infrastructure): Thank you Mr Speaker for the opportunity. Renewable Energy is a new initiative and threshold set by the Government which is affordable particularly in terms of electricity charges. Such is Government's intention to provide cheaper electricity for our people through this legislation that aims at achieving 100% renewable energy by the year 2017. With respect.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Hon Minister for the clear explanation. We are aware of the Government's initiative on Renewable Energy. The meaning of the question now that zero rated is given as I am aware of these company rates whereby GST is also included.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker zero rated means that same thing as exempt. Government's initiative by the year 2017 is that diesel will no longer be imported. Therefore there will be fewer fluctuations in the prices of fuel. Samoa will attempt to utilise its own natural resources for energy, for example solar and hydro energy as these are free of charge. They are in fact, God's gift to Samoa.

Amendment was approved.

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**Constitution Amendment Bill (No.2) 2015
– consideration in detail**

Schedule was approved as amended.

Tofa LEALAIPEPULU RIMONI AIAFI: Pardon me Mr Speaker my previous questions have yet to be addressed. The first one was how the Australian dollar is spent and items like cigarette.

MR SPEAKER: You are too late as the Bill has been approved, a clause may not be discussed when amendments to it have already been approved by the Assembly.

CLAUSE 1 & TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Value Added Goods Services Tax Bill 2015.

Approved.

The Value Added Goods Services Tax Bill 2015 now progressed with Amendments.

**CONSTITUTION AMENDMENT BILL (NO.2) 2015
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders 106, the Legislative Assembly must first approve the Report from the Committee before the Bill is available for detail consideration.

I call the Chairperson of the Primary Production, Commerce, Industry and Labour Committee.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI (Taitaifono Komiti o Oloa Gaosia Tulaga Muamua, Mataupu tau Pisinisi, Alamanuia ma Leipa): Thank you for the opportunity. Mr Speaker, I stand before you to move a motion, *That the Legislative Assembly now confirms the Report of the Committee which recommends, That the Constitution Amendment (No.2) Bill 2015 now progressed without any Amendments.*

Seconded by the member for Gagaifomauga No. 1, member for Alataua West, member for Siumu, and the member for Palauli le Falefa.

Motion was approved.

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**Constitution Amendment Bill (No.2) 2015
– consideration in detail**

MR SPEAKER: I now declare that the Assembly has approved the Report of the Primary Production, Commerce, Industry and Labour on the Constitution Amendment (No.2) Bill 2015.

The Assembly will now commence the consideration in detail of the Constitution Amendment (No.2) Bill 2015.

Pursuant to Standing Orders 102, the consideration of the Bill begins with Clause 2.

CLAUSE 2: Article 41 amended.

Tofa LEVAOPOLO TALATONU: Mr Speaker...

MR SPEAKER: What Clause member for Gagaemauga No. 2?

Tofa LEVAOPOLO TALATONU: Clause 41 please.

MR SPEAKER: Go ahead.

Tofa LEVAOPOLO TALATONU: Mr Speaker and the dignified House, the previous amendments to this Bill was supported by this Side according to our Parliamentary Records. However the report notes a concern regarding the lack of pre-consultations on the Bill. For a Bill as important as this one, there should have been an attempt to hold extensive pre-consultations.

With respect thank you.

MR SPEAKER: Your view is well taken.
I call the Chairperson.

Afioga Hon LEAUEPE TOLEAFOA APULU FAAFISI: Thank you for the attentiveness by this member of the Committee regarding the Findings in your Report. Well anything like that have the members' various interpretations as opposed to the Committee's view in relation to public consultations.

These public submissions before Parliament came directly from the Board of Directors as per normal procedure, hence there were several public announcements inviting submissions on the Bill to which people responded. Therefore I feel that there were sufficient public consultations.

With respect thank you.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon TUILAEP A FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker there are other avenues whereby the public may submit their opinions on Bills.

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**Constitution Amendment Bill (No.2) 2015
– consideration in detail**

For example, a Bill is referred to a Committee through their relevant Member of Parliament and public submissions. Hence another consultation is undertaken by the Committee.

Therefore we have had three public consultations on the Bill such as the amendments to the Constitution whereby so many new religions were received but must be avoided. This consultation took almost two years under the Chairmanship of Elder Oka Fauolo.

We had consultations in Upolu and Savaii as well as the Clergies based on the strong view by the Council of Churches that we already have more than enough religion. Now we waited for the State's view after two years and got a report that says, "do not amend the Constitution, it is still good as it is." With those statements, it is incorrect.

Another avenue is that we discuss and make decisions on these matters in Parliament. The amendment before the House is a simple one; its purpose is to remove oversight of national prosecutions from the Attorney General and transfer this duty onto the Public Prosecutor. In no way will there be a conflict with the Attorney General's advisory role to the Executive.

MR SPEAKER: Well done thank you.

CLAUSE 3: Article 41A inserted.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: What clause member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 3.

MR SPEAKER: Go on.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you, Honourable Chairperson; this is similar issue to one which was raised during second reading debates. There is still a need for clarification as to why the term of the Director is six years non-renewable. This is inconsistent with the CEO for the Central Bank who can re-apply or be re-appointed after the six year period ends. With respect.

Susuga Hon TUILAEPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker I am talking about procedures. For other independent offices such as the Comptroller and Chief Auditor, the terms of employment should be extended to limit corrupt practices. However for positions which deal with difficult issues, such as the Director, the conditions should be different; hence the non-renewable term of six years of employment for the DPP.

Mr Speaker that is the assistance.

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Constitution Amendment Bill (No.2) 2015
– consideration in detail

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker I heed appreciation for this six years, I do not object the six years term rather there is an inconsistency with the other Offices of Parliament who are able to have their contracts renewed. But why is the office of the DPP non-renewable after one's six year contract.

MR SPEAKER: The member's view is well defined and the Minister's explanation is also well taken, I call the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA AUUEA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker the member is further doubtful of this clarification, well that is the final response, it's too bad.

Clause 2 was approved.

CLAUSE 4: Article 83 was amended.

Approved.

CLAUSE 5: Transition and savings.

Approved.

CLAUSE 1 & TITLE:

CLAUSE 1: Short Title and Commencement.

TITLE: Constitution Amendment (No. 2) Bill 2015.

Approved.

The Constitution Amendment (No.2) Bill 2015 now progressed without any Amendment.

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**LANDS, SURVEY AND ENVIRONMENT AMENDMENT BILL 2015
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders 106, the Legislative Assembly must first approve the Report from the Committee before the Bill is available for detail consideration.

I call the Chairperson of the Works, Transport & Infrastructure Committee.

Tofa TUSA MISI TUPUOLA (Chairperson of Works, Transport & Environment Committee): Mr Speaker and the dignified House, I respectfully rise to move, *That the Legislative Assembly confirms the Report of the Committee which recommends, That the Lands, Survey and Environment Amendment Committee Bill 2015 be progressed without any Amendments.*

Seconded by one of the members for Individual Voters, Afioga Maualaivao Pat Ah Him, member for Vaa o Fonoti, member for Aiga i le Tai, and the member for Palauli.

Motion was approved.

MR SPEAKER: I now declare that the Legislative Assembly has approved the Report of the Works, Transport & Environment on the Lands, Survey and Environment Amendment Bill 2015.

The Assembly will begin Consideration in detail of the Lands, Survey and Environment Amendment Bill 2015.

Pursuant to Standing Orders, the Consideration in detail commences with Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Section 5 amended.

Approved

CLAUSE 4: Section 9 amended.

Approved

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**Lands, Titles Registration Amendment Bill 2015
– consideration in detail**

CLAUSE 1 & TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Lands, Survey and Environment Amendment Bill 2015.

Approved.

The Lands, Survey and Environment Amendment Bill 2015 now progressed without any Amendment.

**LANDS, TITLES REGISTRATION AMENDMENT BILL 2015
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders 106, the Legislative Assembly must first approve the Report from the Committee before the Bill is available for detail consideration.

I call the Chairperson of the Works, Transport & Environment Committee.

Tofa TUSA MISI TUPUOLA: Mr Speaker I rise to move, *That the Legislative Assembly approves the Report of the Committee which recommends that the Lands Titles Registrations Amendment Bill 2015 progressed together with Amendments.*

Seconded by the member for Individual Voters, Afioga Maualaivao Pat Ah Him, member for Vaa o Fonoti, member for Aiga i le Tai, and the member for Palauli.

Motion was approved.

MR SPEAKER: I now declare that the Legislative Assembly has approved the Report of the Works, Transport & Environment Committee on the Lands, Titles Registration Amendment Bill 2015.

The Assembly will now commence Consideration into detail of the Lands, Titles Registration Amendment Bill 2015.

Pursuant to Standing Orders 102, the Consideration in detail will commence with Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

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Lands, Titles Registration Amendment Bill 2015
– consideration in detail

CLAUSE 3: Section 5 amended.

Approved.

CLAUSE 4: Section 9 amended.

Approved.

CLAUSE 5: Consequential amendments.

MR SPEAKER: The Committee has an Amendment to Clause 5 in the Supplementary Order Paper. I call the Chairperson of the Committee.

Tofa TUSA MISI TUPUOLA: Mr Speaker I move the Amendment to Clause 5 as follows:

“AMENDMENT:

Clause 5 - Consequential Amendments

To omit subsection (2) of section 76 of the Property Law Act 1952 and substitute new (2) to read:

“(2) A mortgage in that form has effect as a security but does not operate as a transfer of the land mortgage.”

With respect.

Amendment approved.

Clause 5 was approved as amended

CLAUSE & TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Lands Titles Registration Amendment Bill 2015.

Approved.

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Citizenship Investment Bill 2014
– consideration in detail

The Lands Titles Registration Amendment Bill 2015 now progressed with Amendments.

CITIZENSHIP INVESTMENT BILL 2014
– consideration in detail

MR SPEAKER: Pursuant to Standing Orders 106, the Legislative Assembly must first approve the Report from the Committee before the Bill is available for detail consideration.

I call the Chairperson of the Court Administration, Police & Prison, Justice, Lands and Titles Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move, *That the Assembly approves the Report of the Committee which recommends, That the Citizenship Investment Bill 2015 be now progressed with Amendments and Corrections.*

Seconded by the member for Palauli, member for Gagaifomauga No.2, and one of the members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua.

Motion was approved.

MR SPEAKER: I now declare that the Legislative Assembly has approved the Report of the Court Administration, Police & Prison, Justice, Lands & Titles Committee on the Citizenship Investment Bill 2014.

The Assembly will now commence the consideration in detail of the Citizenship Investment Bill 2014.

Pursuant to Standing Orders 102, the Consideration in detail of the bill commences with Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Interpretation.

Approved.

CLAUSE 4: Recognized countries.

Approved.

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CLAUSE 5: Qualifying investment.

Approved.

CLAUSE 6: Eligibility for investment.

MR SPEAKER: The Committee has an Amendment to Clause 6 given in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the amendment to Clause 6(3) as follows:

“AMENDMENT:

i) Clause 6(3)

To omit the word “under” and substitute thereby with the word “for” thus (3) reads:

(3) Until the determined amount is made for subsection (1), the minimum determined amounts are:

- (a) For subsection (1)(b), \$4 million; and**
- (b) For subsection (1)(c), \$2.5 million.”**

Tofa Levaopolo Talatonu: Mr Speaker...

MR SPEAKER: I recognize the respectable member.

Tofa LEVAOPOLO TALATONU: Are there measures to deal with investors who may invest and reside in Samoa for five years and decided to withdraw their investments. Respectfully.

MR SPEAKER: Pardon the Chairperson, I call the member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I wish to add on as I read the Report as majority of witnesses object this part of your Report. I query the eligibility of foreign investors to purchase land in Samoa. I suggest the protective measure in place to ensure foreign investors are unable to purchase land.

MR SPEAKER: I get the member’s view, I call the Chairperson.

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Tofa TUISA TASI PATEA: Thank you Member for Gagaemauga No.2 for the question, well there are no such conditions in place yet for the investors.

The question by the member for Faleata East, land purchase is no longer a go for foreign investors. Perhaps that is provisioned in other parts of the legislation.

Tofa Hon Fonotoe Nuafesili Pierre Lauofo (Sui Palemia, Minisita mo Pisinisi, Alamanuia ma Leipa): Mr Speaker...

MR SPEAKER: Go ahead Hon Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: During the second reading debates, the process to obtain citizenship via investment was explained. In regards to the purchase of land, there is a Committee amendment which relates specifically to this query which will be read soon.

Tofa LEVAOPOLO TALATONU: Thank you Hon Prime Minister for the clarification. There are foreign business owners in Samoa who invest small amounts of money (as opposed to more elsewhere) this will not be beneficial to Samoa.

MR SPEAKER: Very well, the Hon Minister has made it clear, similarly the Committee who undertook the review. Perhaps it will take some time to debate this Bill. Although this looks new the clarification has been given.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker there are in fact laws in place to monitor such activities, including those which counter money laundering.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Point of clarification this is only the third reading and this has not yet become law.

The queries raised by the Members in the House today, are all matters which the Bill caters for.

Amendment was approved.

Clause 6 was approved as amended.

CLAUSE 7: Investment on land.

MR SPEAKER: The Committee has an Amendment to Clause 7 as given. I call the Chairperson.

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Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to clause 7(1),(2) & (3) as follows:

“AMENDMENT:

ii) Clause 7(1):

To omit the expression “or any prescribed land” from (1) and substitute by the following:

“(1) An investor may invest, in a qualifying investment, a determined amount in developing within 3 years from the date of application, a lease of government land.

iii) Clause 7(2):

To omit the expression “or any prescribed land” from (2) and substitute by the following:

(2)The Minister may, with the approval of Cabinet, approve any Government land from which lease may be granted pursuant to subsection (1) for the purpose of this section.”

iv) Clause 7(3)

To omit the expression “or the purchase of any prescribed land by” from (3) and substitute by the following:

(3) The Committee may determine whether or not a lease of government land granted to the investor before the date of application is to be part of a qualifying investment under subsection (1).”

Remarks on the Amendment

This was raised in the Stevenson’s submission but the current clause 7 was intended to apply first to leasing of government lands and may later be extended to freehold lands, thus the use of ‘prescribed land.’

Customary lands are expressly excluded under clause 3(b).

The Ministry has agreed to delete all references to “prescribed land” in the Bill.

MR SPEAKER: I call the member for Faleata East.

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Tofa AVEAU TUALA LEPALE NIKO PALAMO: I only wish to extend appreciation to the Ministry for this initiative in accordance to the amendment in the Act.

Respectfully.

Clause 7 was approved.

Clause 7 was approved as amended.

CLAUSE 8: Applications.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: What clause member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 8.

MR SPEAKER: Go ahead.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Chairperson how does your committee view this, because specifically what we need is capital. We need foreign investment. And are these investment placed in a fixed deposit. To ensure that these investments are made in Samoa, are there mechanisms in place to fund employment and are these issues addressed for the betterment of the local.

MR SPEAKER: I call the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: The Opposition Party are still concerned that small businesses such as taxi and buses will be taken by foreign investors. This would mean that local small businesses might not survive.

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

Afioga Hon AEAU PENIAMINA LEAVAISEETA: Thank you Mr Speaker. What we are after is easy citizenship for these foreign investors. By three months time millions of these investment can be gone in no time.

MR SPEAKER: I believe the review of this is completed for its second reading. I also take it that the Hon Prime Minister has given his Ministerial Statement in one of our previous meetings. I beg your pardon everything is understandable.

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Tofa LEVAOPOLO TALATONU: Mr Speaker I wish to note something new which is very important.

MR SPEAKER: Well let's hear the new matter.

Tofa LEVAOPOLO TALATONU: It is clear now that foreign investors are eligible to citizenship under this investment section for \$4million. Is foreign investors eligible to loan from the NPF?

MR SPEAKER: NPF has its own requirements and policies. Let us hear the Chairperson.

Tofa TUISA TASI PATEA: Thank you. The question is vital. There are provisions within the Bill which deal with these queries. In terms of loans from the NPF, there are already NPF policies in place to deal with this. Furthermore there are businesses which are reserved for local investors only.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker I wish to clarify one thing.

MR SPEAKER: Go ahead.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Thank you. I see in my notes that we can deliberate this Bill for four days. Such is the case of when a store is closed in a rural area. Such developments are clear in the legislation. That is the clarification.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: It would not be beneficial for a foreign investor to borrow thousands from the NPF, after investing millions of dollars into a Samoan business. In an example, if a foreign investor walks in with \$20 million and deposit it in a bank and borrows \$20million from NPF, it is an inconvenience process as he will only get 3% interest. He will only receive \$600,000 yet he will have to pay millions on interest for this loan. It should be noted that foreign investors will not be operating small businesses rather large scale businesses such as Yazaki. This will ensure there is no outright competition with local small businesses.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: I call the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Since I was the one who queried this, \$4million is not huge amount. If a foreign investor invested SAT\$4million and loan another SAT\$6million, such amount can be applied for in Samoa.

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MR SPEAKER: Your view is well taken.

Clause 8 was approved.

CLAUSE 9: Due diligence.

Approved.

CLAUSE 10: Processing of applications.

MR SPEAKER: The Committee has an Amendment to Clause 10.
I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 10 (1) as follows:-

“AMENDMENT:

v) **Clause 10(1)**

To insert the expression “or, where applicable, a family member” after the word “investor” thus 10(1) reads:

“10. The application must not be granted if the investor or, where applicable, a family member:

(a) Has or is believe to have provided false or misleading information in the application or information in support of the application; or”

Remarks on the Amendment

This amendment was raised during the Second Reading Debate on the Bill. The amendment will ensure that family members are covered.

Amendment was approved.

Clause 10 was approved as amended.

CLAUSE 11: Temporary resident permit.

Approved.
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CLAUSE 12: Establishments.

Approved.

CLAUSE 13: Functions.

Approved.

CLAUSE 14: Meetings.

Approved.

CLAUSE 15: Appeal.

MR SPEAKER: The committee has an Amendment in the Supplementary Order Paper.

I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker, I move the Amendment to Clause 15 (3) as follows:-

“AMENDMENT:

vi) Clause 15(3):

To insert the expression “pursuant to prescribed procedures” after the word “appeal” thus (3) reads:

(3) The Panel may, pursuant to prescribed procedures:

- (a) hear and determine the appeal; and**
- (b) dismiss the appeal and confirm the decision of the Council to grant the application; or**
- (c) allow the appeal and grant the application for citizenship.”**

Remarks on the Amendment

This amendment is to clarify that when a Panel determines appeals it is to be made pursuant to procedures prescribed by regulations made under clause 24 of the Bill.

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Amendment was approved.

Amendment 15 was approved as amended.

CLAUSE 16: Permanent resident permit.

MR SPEAKER: I call the respectable member.

Tofa LEALAILEPULE RIMONI AIAFI: Can an investor bring his or her family to Samoa to reside. This is regarding the definition of ‘child’ in the Bill as being one who is 18 years of age and younger. This contradicts with the Acts Interpretation Amendment Bill that refers to an adult as 21 years and older.

MR SPEAKER: I call the Chairperson.

Tofa TUISA TASI PATEA: There is no inconsistency; the two Bills refer to two separate matters. Thank you.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, the main priority is national interest, that should be a sufficient explanation for the Member. I’m sure the member is well defined.

Clause 16 was approved.

CLAUSE 17: Granting of citizenship by investment.

MR SPEAKER: The committee has an Amendment as indicated. I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the amendment to Clause 17(1) as follows:

“AMENDMENT:

vii) Clause 17(1)

To insert the expression “including a family member” to paragraph (a) & (c) of sub-clause (1) thus reads:

(a) including the family member or members has resided in Samoa for at least 15 days a year during the three (3) year period of the permanent resident permit; and

(b) has complied the investment plan upon the Committee's satisfaction; and
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(c) (c) including family member or members has complied with any other prescribed requirement.”

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I only wish to seek clarification on Clause 17(a) as to the meaning of the 15 day period of residence for a foreign investor to be eligible to apply for citizenship. With respect.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker on this very Section please, the intention of the Bill is to encourage foreign investment to Samoa. If the foreign investor truly wants to reside permanently in Samoa, having a 15 day requirement will discourage them to invest. Such is what happened to Yazaki....

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker if the person is a Chairman and 15 days period is not taken or even 2 days that is not important rather it is vital that he does what he's here for.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, that 15 days period in my belief is a waste rather we should give them the opportunity even if he does not return in a year, that 15 days is a waste. Thank you.

MR SPEAKER: Your point is taken. Anything else Mr Chairperson?

Tofa TUISA TASI PATEA: Perhaps foreign investors do not intend to settle in one place, therefore the 15 day requirement is an incentive for them to stay.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Let me regather this concern. Business people coming into Samoa do not generally have the one business. They operate several businesses in various countries. The 15 day requirement exceeds similar provisions in other countries. A person interested in establishing a business in Samoa may only require 2 to 3 days to assess its profit viability and therefore need for residence. The 15 day requirement was put in place to ensure the promotion of national interests. We had someone like that and I was happy to give him incentives and was shocked to hear that he was here on vacation. Whilst in New Zealand where I have a huge house where I normally spent my holidays in as all my businesses are in Singapore, Australia and China. Then I said, "What about New Zealand?" "Oooh it's a tiny market, it's a small market. We have a lot to invest overseas.

Mr Speaker, that is the case, 15 days period has exceeded far beyond, again national interest.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker...

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MR SPEAKER: I call the member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: There's a saying, '*aua le manao i le i'a ae manumanu i le upega*, meaning, 'we hunger after the fish and get caught in the net.' What it means lest money is prioritized and forget the drastic effects on Samoa. The legislation says, "member or members." That is what I am saying, 60 family members in total will be here for this 15 days period once the request is approved for this millionaire. That is the meaning of my question. If the 15 day requirement was removed, there would be no investors residing in Samoa. They would prefer to invest and reside elsewhere. Because if such is the case that this day period be removed, China would've sent \$4million for all of them to reside here.

Susuga Hon TUILAEPa FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, I have been in Parliament for 30 plus years and have been involved with negotiations to realise Samoa's continued economic development. China has a population in excess of 1.3 billion people, due to their 'one child' policy, they are now a developed nation with an aging population. Samoa will have a situation similar to China's; women's rights are being prioritized with women being more career focused and less inclined to being families. The Hon Prime Minister stated that his comments are in reponse to the Leader of the Opposition's fear that foreign investors will bring with them their families
Mr Speaker, stop worrying.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker point of clarification, we are not fearful as these are the things that are currently happening, you go to a store you find a Chinese man, woman and children and the rest of their Chinese families and children from another woman. We are not being fear.

MR SPEAKER: I get your view.

Susuga Hon TUILAEPa FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker the Chinese owner of Frankies is Chinese and is married to a Samoan girl and is naturalize as Samoan. Westerland is also Chinese Samoan.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker I am not speaking about these Chinese as they are Samoans.

Susuga Hon TUILAEPa FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: You notice that the public is always filling up these Chinese stores even the low earners go here because not only it is cheap but they also sell quality products. We therefore need

more of these types of investors to come to Samoa, this is what this Bill proposes to do and expects to achieve.

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We also aim to set up a Fish market, automobile industry, aviation, hotels etc. That is what we aim to do. We intend to talk big instead you speak of small stores where sugar and ice cream are sold. The government intends to set up larger developments to create more employment for our children.

Tofa LEVAOPOLO TALATONU: Mr Speaker point of order. The Bill should only provide for a foreign investor's immediate family as it currently reads that the investor and 'any' of his or her family are entitled to citizenship.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker are there any mechanisms in place to address these issues if they were to occur. There are over 800,000 job hunters in Europe with low economic level. It would have been appropriate to have families below 5 or 3 that helps protect us from....

Susuga Hon TUILAIPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, Samoa is not the only country in which such a law is in operation. There are many graduates who return to Samoa with no employment opportunities. This is another avenue to promoting job creation in Samoa, this is why the Government focuses on the big picture when it introduces legislation.

Mr Speaker, that is why we have negotiations with New Zealand and Australia on their RSE Scheme such that when permanent residence is declined, they can go pick apples. With that and fortunately enough New Zealand can say, this guy is very good at this job and should be given a New Zealand citizenship.

Mr Speaker, the legislation has a broad perspective on these matters.

Motion was approved.

Clause 17 was approved as amended.

CLAUSE 18: Conditions of citizenship by investment.

MR SPEAKER: The Committee has an Amendment to Clause 18. I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 18(3) as follows:

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“AMENDMENT:

viii) Clause 18(3)

To delete the word “under” thus (3) reads:

“(3) if there is no determined amount for subsection (2), the minimum determined amount for that subsection is \$1million.”

Amendment was approved.

Clause 18 was approved as amended.

CLAUSE 19: Cancellation of permit or citizenship.

MR SPEAKER: I call the Chairperson as we have an Amendment to Clause 19.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 19(1) as follows:

“AMENDMENT:

ix) Clause 19(1)

To insert the expression “or a family member” to paragraphs (c), (d), (e), (f) & (g) thus (1) reads:

- (c) (or a family member) has been convicted in Samoa or any other country for an offence for which the penalty is a fine of at least 500 penalty units or imprisonment of at least 5 years imprisonment; or
- (d) (or a family member) becomes a potential national security risk to Samoa or any other country; or
- (e) (or a family member) is involved in any activity that causes or likely to cause disrepute to Samoa; or

- (f) (or a family member) provided false or misleading statement or information upon which the application was granted; or

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- (g) (or a family member) fails to comply with any other prescribed requirement.”

Remarks on the Amendment

To be consistent as the third amendment (clause 10)

Amendment was approved.

Clause 19 was approved as amended.

CLAUSE 20: Promotion and marketing.

Approved.

CLAUSE 21: Agents.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker...

MR SPEAKER: What clause Aveau?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Querying Clause 20, on promotion and marketing or the purpose of declaring this legislation. Can a friend come under this legislation and become my agent? Or do I have to get a confirmation letter from a Minister and apply as an agent for this legislation. Why should this be so when the Government is aiming at bringing in investors? Perhaps these requirements could also be useful to other people.

MR SPEAKER: Well done, your view is well taken.

Tofa LEVAOPOLO TALATONU: Mr Speaker clause 23 please.

MR SPEAKER: Pardon the member we are not there yet. Any other clarifications Mr Chairman? I recognize the Hon Prime Minister.

Tofa Hon FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker your view is well taken. The member's point is a good one. None of that is binded under the law. Mind you this legislation is now available on our website so they too can access it and read it.

The only thing here is the agent appointed specially for a person to work on everything stated by the Hon Prime Minister. If they come they can engage with a consultant, lawyer or an accountant. Otherwise as a suggestion, we need more businesses in the country.

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Motion to Suspend Sitting Hours

Clause 21 was approved.

CLAUSE 22: Annual reports.

Approved.

MR SPEAKER: We have five more minutes to 1, given our time schedule, we will finish at 1pm today. We have a few more matters in our agenda hence let us proceed until we are done. I call the Hon Prime Minister for the motion.

MOTION TO SUSPEND SITTING HOURS

Susuga Hon TUILAEPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Thank you Mr Speaker we have a few more left, I rise to move the motion, *That Standing Orders 31(1) be set aside to allow the resumption of Acts until the Order Paper beforehand is completed.*

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

Motion was approved.

MR SPEAKER: I beg tolerance as we had seminars conducted by the Statistics Office after our sitting today. I heed everyone to take note of this notice after our Proceedings today.

CLAUSE 23: Determined amount and approved forms.

MR SPEAKER: The Committee has an Amendment in the Order Paper. I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 23 as follows:

“AMENDMENT:

x) Clause 23:

To delete paragraph (b) from (1) and rearrange paragraph (c) to become (b) to read:

“(b) for section 18(3), an amount not less than \$1million.”
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Remarks on the Amendment
Consequential to the amendment in clause 7.

The whole paragraph (b) is no longer relevant as there is no amount specified in clause 7(1). Therefore lease will be subject to rent determined by the Land Board under Lands, Survey and Environment Act 1989.

Tofa Levaopolo Talatonu: Mr Speaker...

MR SPEAKER: What clause?

Tofa LEVAOPOLO TALATONU: Clause 23.

MR SPEAKER: Go ahead.

Tofa LEVAOPOLO TALATONU: I will be brief on fees advertisement in this part of the legislation. It is clear as you recommended that Savali is tasked with this advertisement. Why not put this up in the Observer, TV Newspapers and other available media outlets as we are the only ones who are receiving the Savali Newspaper.

Tofa TUISA TASI PATEA: I think we have the Board of Directors for this case that can change from time to time the set plans to improving this Bill.

Amendment was approved.

Clause 23 was approved as amended.

CLAUSE 24: Regulations and amendment of Schedule.

MR SPEAKER: The committee has an Amendment in the Order Paper. I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to Clause 24(1)(b) as follows:

“AMENDMENT:

xi) Clause 24

To delete the word “applications” after the word “for” from paragraph (b) of clause 24(1) thus (b) reads:

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(b) prescribed additional documents, information or other procedures required for the purpose of this Act.”

Remarks on the Amendment

This will also cover procedures for Tribunal.

Amendment was Approved.

Clause 24 was approved as amended.

CLAUSE 25: Consequential amendments.

Approved.

SCHEDULE:

MR SPEAKER: The Committee has an Amendment as shown in the Supplementary Order Paper.

Tofa TUISA TASI PATEA: Mr Speaker I move the Amendment to the Schedule (Clause 5) as follows:

“AMENDMENT:

xii) Schedule (Clause 5)

To delete the phrase “including purchase and developing of any prescribed land” of which the Schedule (section 5) will read:

SCHEDULE (Clause 5)

**QUALIFYING
INVESTMENT**

The following investment areas are qualifying investments for the purpose of this Act:

(a) Leasing and developing of government lands;”-

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Evidence Bill 2015 – consideration in detail

Remarks for Amendment

Consequential to the Amendment in Clause 7 as recommended.

Amendment was approved.

Schedule approved as amended.

CLAUSE 1 & TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Citizenship Investment Amendment Bill 2014.

MR SPEAKER: The Committee has a Correction in the Order Paper. I call the Chairperson of the Committee.

Tofa TUISA TASI PATEA: Mr Speaker I move the correction to Clause 1 and the title as follows:

“CORRECTION:

Clause 1 & Title:

To omit the number “2014” and substitute thereby the number “2015” thus the Bill reads:

Citizenship Investment Bill 2015.”

Amendment was approved.

Clause 1 and the Title was approved as corrected.

The Citizenship Investment Bill 2015 now progressed with Corrections.

EVIDENCE BILL 2015 – consideration in detail

MR SPEAKER: Pursuant to Standing Orders 106, the Legislative Assembly must first approve the Report from the Committee before the Bill is available for detail consideration.

I call the Chairperson of the Revenue and Expenditure Committee.

I mean the Deputy Chairperson?

Well I believe we should move on to the next Bill as this makes its correct proper arrangement sometimes today.

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Afioga Hon Palusalue Faapo II: Mr Speaker point of clarification.

MR SPEAKER: I call the Leader of the Opposition.

Afioga Hon PALUSALUE FAAPO II: I see that the Chairperson and the Deputy Chairperson have just arrived of that side otherwise this side is complete and will provide assistance if that side is lacking.

MR SPEAKER: Your expression is well received.

I call the Hon Chairperson of the Committee.

Susuga Hon PAPALIITELE NIKO LEE HANG (Chairman of the Revenue and Expenditure Committee on the Evidence Bill 2015): Mr Speaker I move with respect, *That this Assembly confirms the Report of the Committee which recommends, That the Evidence Bill 2015 progressed without any Amendment.*

Seconded by the member for Faasaleleaga No.1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.

Motion was approved.

MR SPEAKER: I now declare that the Legislative Assembly has approved the Report of the Revenue and Expenditure Committee on the Evidence Bill 2015.

The Assembly will now begin the Consideration in detail of the Evidence Bill 2015.

Pursuant to Standing Orders 102, the Consideration into detail will commence with Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Application and relationship with other Acts.

Approved.

CLAUSE 4: All relevant evidence admissible unless excluded by law or Judge.

Approved.

20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 5: Acts to be liberally construed

Approved.

CLAUSE 6: Co-conspirator’s rule etc not affected.

Approved.

CLAUSE 7: Evidence may be provisionally admitted.

Approved.

CLAUSE 8: Evidence may be provisionally admitted.

Approved.

CLAUSE 9: Definition.

Approved.

CLAUSE 10: General rule as to admissibility of hearsay.

Approved.

CLAUSE 11: Admissibility of hearsay in business records.

Approved.

CLAUSE 12: Hearsay statements in documents required for applications or pleadings in civil proceedings.

Approved.

20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 13: When defendant’s hearsay statement not admissible.

Approved.

CLAUSE 14: Opinion rule.

Approved.

CLAUSE 15: Admissibility of a statement of opinion.

Approved.

CLAUSE 16: Admissibility of expert opinion evidence.

Approved.

CLAUSE 17: Expert’s conduct in civil proceedings.

Approved.

CLAUSE 18: Defendant’s statements offered by prosecution.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 19: Statements may be edited.

Approved.

CLAUSE 20: Improperly obtained evidence.

Approved.
20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 21: Exclusion of statements influenced by oppression.

Approved.

CLAUSE 22: Confessino after promise, threat, or other inducement.

Approved.

CLAUSE 23: Defendant’s silence before or at trial.

Approved.

CLAUSE 24: Admissions in civil proceedings.

Approved.

CLAUSE 25: Previous consistent statements.

Approved.

CLAUSE 26: Application of veracity rules

Approved.

CLAUSE 27: Evidence as to veracity.

Approved.

CLAUSE 28: Evidence of a defendant's veracity.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 29: Evidence of a co-defendant's veracity.

Approved.

CLAUSE 30: Propensity rule.

Approved.

CLAUSE 31: Propensity evidence about defendants.

Approved.

CLAUSE 32: Propensity evidence about co-defendants.

Approved.

CLAUSE 33: Propensity evidence offered by prosecution.

Approved.

CLAUSE 34: Evidence of sexual experience of complainants in trial of sexual cases.

Approved.

CLAUSE 35: Admissibility of visual identification evidence.

Approved.

CLAUSE 36: Application.

Approved.

20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 37: Conviction as evidence in civil proceedings.

Approved.

CLAUSE 38: Conviction as evidence in defamation proceedings.

Approved.

CLAUSE 39: Conviction as evidence in criminal proceedings.

Approved.

CLAUSE 40: Civil judgement as evidence in criminal or civil proceedings.

Approved.

CLAUSE 41: Definition.

Approved.

CLAUSE 42: Order for protection of privileged material etc.

Approved.

CLAUSE 43: Effect and protection of privilege.

Approved.

CLAUSE 44: Privilege for communications with legal advisors.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 45: Privilege and solicitors' trust accounts.

Approved.

CLAUSE 46: Privilege for preparatory materials for proceedings.

Approved.

CLAUSE 47: Privilege for settlement negotiations or mediation.

Approved.

CLAUSE 48: Privilege for communications with ministers of religion

Approved.

CLAUSE 49: Privilege in criminal proceedings for information obtained by medical practitioners or a clinical psychologist.

Approved.

CLAUSE 50: Privilege against self-incrimination.

Approved.

CLAUSE 51: Discretion as to incrimination under foreign law.

Approved.

CLAUSE 52: Claiming privilege against self-incrimination in court proceedings.

Approved.
20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 53: Replacement of privilege with respect to disclosure requirements in civil proceedings.

Approved.

CLAUSE 54: Informers.

Approved.

CLAUSE 55: Waivers.

Approved.

CLAUSE 56: Joint and successive interests in privileged material.

Approved.

CLAUSE 57: Protection of information relating to a matter of State.

Approved.

CLAUSE 58: Powers of Judge to disallow privilege.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker...

MR SPEAKER: What clause notable member?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 58 Mr Speaker

MR SPEAKER: I call the member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I wish to seek clarification whether specific courts require specific judges.

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Evidence Bill 2015 – consideration in detail

MR SPEAKER: Well I believe the Chief Executive Officer's clarification was well given on this issue, this Bill derived from issues made from Court proceedings in the past. Thus the Judge has the discretion upon cases that arise. I call the Chairperson.

Susuga Hon PAPALIITELE NIKO LEE HANG: Thank you Well I take it that the Chief Executive Officer's clarification was given precisely on this issue, the judges have the discretion in cases where witness has been deemed dishonest. With due respect.

Clause 58 was approved.

CLAUSE 59: Discretion to exclude information given or obtained in confidence.

Approved.

CLAUSE 60: Evidence of parties and their husbands and wives in civil proceedings.

Approved.

CLAUSE 61: Evidence of defendants in criminal proceedings and their husbands and wives.

Approved.

CLAUSE 62: Competence and compellability.

Approved.

CLAUSE 63: Competence of Judges, assessors and counsel.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 64: Compellability of defendants and co-defendants in criminal proceedings.

Approved.

CLAUSE 65: Compellability of Head of State, Judges etc.

Approved.

CLAUSE 66: Evidence of assessors deliberations.

Approved.

CLAUSE 67: Witness to give evidence on oath or affirmation.

Approved.

CLAUSE 68: Interpreter to take oath or make affirmation.

Approved.

CLAUSE 69: Support persons and communication assistance.

Approved.

CLAUSE 70: Witness's address may not be subject to question.

Approved

CLAUSE 71: Ordinary way of giving evidence.

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Evidence Bill 2015 – consideration in detail

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I query Clause 69 please. It appears that there is too much control on the decisions which a judge may take. I wish to know whether a judge will follow this same Act? With respect.

MR SPEAKER: Well done. I call the Chairperson.

Susuga Hon PAPALIITELE NIKO LEE HANG: Thank you for the question. Perhaps the main intention of this Bill is to replace the Evidence Ordinance 1961, it does not dictate a judge's rulings on cases. It only provides for witnesses evidence.

Respectfully.

Clauses 69, 70 and 71 were approved.

CLAUSE 72: Examination of witnesses.

Approved.

CLAUSE 73: Unacceptable questions.

Approved.

CLAUSE 74: Leading questions in examination in-chief and re-examination.

Approved.

CLAUSE 75: Use of documents in questioning witness or refreshing memory.

Approved.

CLAUSE 76: Duty to put questions in cross-examination.

Approved.

20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 77: Cross-examination may be limited.

Approved.

CLAUSE 78: Cross-examination as to credit.

Approved.

CLAUSE 79: Hostile witness.

Approved.

CLAUSE 80: When a party in person may not cross-examine witness.

Approved.

CLAUSE 81: Cross-examination on previous statements.

Approved.

CLAUSE 82: Re-examination.

Approved.

CLAUSE 83: Evidence following closure of party's case.

Approved.

CLAUSE 84: Judge may recall witness.

Approved.

20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 85: Questioning of witnesses of Judge.

Approved.

CLAUSE 86: Directions as to alternative ways of giving evidence.

Approved.

CLAUSE 87: Chambers hearing before directions for alternative ways of giving evidence.

Approved.

CLAUSE 88: Alternative ways of giving evidence.

Approved.

CLAUSE 89: Video recorded evidence.

Approved.

CLAUSE 90: Directions when child complainant gives evidence.

Approved.

CLAUSE 91: Undercover police officers.

Approved.

CLAUSE 92: Effect of Commissioner's certificate.

Approved.

20 OCTOBER 2015

Evidence Bill 2015 – consideration in detail

CLAUSE 93: Anonymity order may be made before trial.

Approved.

CLAUSE 94: Effect of pre-trial anonymity order.

Approved.

CLAUSE 95: Orders and directions necessary to preserve anonymity.

Approved.

CLAUSE 96: Variation or discharge of anonymity order.

Approved.

CLAUSE 97: Offence of breaching anonymity order.

Approved.

CLAUSE 98: Corroboration generally not necessary.

Approved.

CLAUSE 99: Judge may direct assessors as to reliability of evidence.

Approved.

CLAUSE 100: Directions when evidence given under certain conditions.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 101: Directions as to lies told by defendant.

Approved.

CLAUSE 102: Directions as to evidence given by a child and judicial warning about identification evidence.

Approved.

CLAUSE 103: Failure or delay in complaining in sexual cases.

Approved.

CLAUSE 104: Asserted fact may be accepted without evidence.

Approved.

CLAUSE 105: Admission of reliable published documents.

Approved.

CLAUSE 106: Authenticity of public documents.

Approved.

CLAUSE 107: Evidence of convictions, acquittals and proceedings.

Approved.

CLAUSE 108: Proof of conviction from fingerprints.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 109: Samoan and foreign official documents.

Approved.

CLAUSE 110: Evidence of foreign law.

Approved.

CLAUSE 111: Notification in official document of doing any law.

Approved.

CLAUSE 112: Definition.

Approved.

CLAUSE 113: Examination of witness at request of overseas court.

Approved.

CLAUSE 114: Powers may be exercised by Registrar.

Approved.

CLAUSE 115: Evidence in support of application.

Approved.

CLAUSE 116: Protection of witness.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker...

MR SPEAKER: What Clause respectable member?

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Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 116.

MR SPEAKER: I call the notable member.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I wish to gain insight of this section, because it section seems to define aside from Clause 113, a person is not compelled to testify through its good will. However there are sections which involves that a person must testify.

For the sake of the public, this part of the legislation defines that it is disallowed, a person either has a right to testify or neither, even if he or she was the compatible witness to a crime. I wish to note the reliable witness's warranty for this section under Clause 116 please. Thank you very much.

MR SPEAKER: Very well. I call the Chairperson.

Susuga Hon PAPALIITELE NIKO LEE HANG: That part is well defined for that particular person, look at the English version, "that person is not a compatible witness in a common proceedings in Samoa." That is clearly defined. If the Samoan translation is not comprehensible, then look at the English version.

Clause 116 was approved.

CLAUSE 117: Requesting authority may be asked to pay expenses.

Approved.

CLAUSE 118: Evidence and submissions by video link and telephone conference from another country.

Approved.

CLAUSE 119: Powers of court.

Approved.

CLAUSE 120: Evidence and submissions by video link.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 121: Evidence and submissions by telephone.

Approved.

CLAUSE 122: Judicial notice of enactment and court judgements.

Approved.

CLAUSE 123: Certificates for international affairs.

Approved.

CLAUSE 124: Evidence produced by processes, machines and other devices.

Approved.

CLAUSE 125: Documents produced by processes, machines and other devices in the course of business.

Approved.

CLAUSE 126: Evidence of certain acts of lawyers and notaries public.

Approved.

CLAUSE 127: Attestation of documents.

Approved.

CLAUSE 128: Seals and signature.

Approved.

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Evidence Bill 2015 – consideration in detail

CLAUSE 129: Documents 20 years old produced from proper custody.

Approved.

CLAUSE 130: Evidence of official records.

Approved.

CLAUSE 131: Evidence of certain public documents.

Approved.

CLAUSE 132: Official statistics.

Approved.

CLAUSE 133: Documents may be impounded.

Approved.

CLAUSE 134: Rules.

Approved.

CLAUSE 135: Regulations.

Approved.

CLAUSE 136: Repeal, transitional, and saving provisions.

Approved.

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Acts Interpretation Bill 2015 – third reading**CLAUSE 1 & TITLE:**

CLAUSE 1: Short Title and commencement.

TITLE: Evidence Bill 2015.

Approved.

The Evidence Bill 2015 now progressed without any Amendments.

ACTS INTERPRETATION BILL 2015 – third reading

Susuga Hon TUILAEPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker I move, *That the Acts Interpretation Bill 2015 be now read a third time.*

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

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

**VALUE ADDED GOODS SERVICES TAX AMENDMENT BILL 2015
– third reading**

Tofa Hon TUILOMA LAMEKO (Minister for Revenue): Mr Speaker and the respectable House, I move the motion, *That the Value Added Goods Services Tax Bill 2015 be now read a third time.*

Seconded by the Deputy Prime Minister, Minister of works, Transport & Infrastructure, Minister of Public Enterprises, Minister of Women, Community and Social Development.

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

CONSTITUTION AMENDMENT BILL (NO. 2) 2015 – third reading

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker I move the motion, *That the Constitution Amendment (No.2) Bill 2015 be now read a third time.*

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Constitution Amendment Bill (No.2) 2015 – third reading

Seconded by the Deputy Prime Minister, Minister of Commerce, Industry and Labour, Minister of Public Enterprises, Minister of Women, Community and Social Development, Minister of Forestry and Fisheries.

MR SPEAKER: I take it that the provisions to the Constitution have been achieved pursuant to its second and third reading. The last provision must be met through a vote of at least 2/3 of Parliament members for all those in favour. A question will be put for the third reading through a Division Vote. I call everyone outside to come in for our Division Vote.

The bell had rung.

QUESTION: The Constitution Amendment (No.2) Bill 2015 will now be read a third time, all those in favour please upstand.

DIVISION VOTE S.O.93(1)

1. Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi
2. Tofa Hon Fonotoe Nuafesili Pierre Lauofo
3. Tofa Hon Tuiloma Lameko
4. Afioga Hon Lautafi Fio Selafi Purcell
5. Afioga Hon Tuisugaletaua Sofara Aveau
7. Tofa Hon Tolofuaivalelei Falemoe Leiataua
8. Afioga Hon Le Mamea Lemalu Su'a Leatuavao Tuiletufuga Ropati Mualia
9. Afioga Hon Tuitama Talalelei Tuitama
10. Tofa Hon Faamoetaulua Lealailauloto Ulaitino Faale Tumaalii
11. Afioga Hon Magele Mauiliu
12. Afioga Hon Manualesagalala Mati Tuigamala Enokati Posala
13. Afioga Hon Sala Fata Lisati Pinati
14. Afioga Hon Leaupepe Toleafoa Apulu Faafisi
15. Tofa Hon Tuuu Anasii Leota
16. Tofa Toeolesulusulu Cedric Pose Salesa Schuster
17. Tofa Tapuai Toese Ah Sam
18. Tofa Aveau Tuala Lepale Niko Palamo
19. Tofa Tuileutu Alavaa Voi
20. Susuga Papalii Lio Faavaivaomanu Taeu Masipau
21. Afioga Afualo Wood Uti Salele

22. Tofa Levaopolo Talatonu
23. Afioga Hon Aeau Peniamina Leavaiseeta
24. Afioga Hon Palusalua Faapo II
25. Afioga Hon Faumuina Tiatia Faaolatane Liuga
26. Tofa Fagaaivalu Kenrick Samu
27. Afioga Tufuga Gafualeata Faitua
28. Tofa Alo Fulifuli Taveuveu
29. Afioga Lafaitale Patrick Leiatuaalesa

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Constitution Amendment Bill (No.2) 2015 – third reading

30. Tofa Faimalotoa Kika Iemaima Stowers
31. Tofa Tuisa Tasi Patea
32. Tofa Lenatai Victor Faafoi Tamapua
33. Tofa Sooalo Mene
34. Afioga Taefu Lemi
35. Afioga Afoafouvale John Moors
36. Susuga Ifopo Matia Filisi
37. Afioga Tialavea Fea Tionisio Seigafolava
38. Tofa Tusa Misi Tupuola
39. Afioga Maualaivao Pat Ah Him
40. Afioga Hon Gatoloaifaana Amataga Alesana Gidlow
41. Susuga Hon Papaliitele Niko Lee Hang
42. Tofa Agafili Patisela Eteuati Tolovaa

YES - 42

MR SPEAKER: All those who object upstand.

NO – 0

MR SPEAKER: This is the result of our Division Vote in approval of the Constitution.

All those in favour of the Amendment and approval of Clause 42. All those who reject, noes. We have the official result. I now officially declare that the Question has been confirmed, the Constitution Amendment Bill's third reading has been confirmed by a Parliament Members vote of at least 2/3 majority.

Motion approved and the Constitution Amendment Bill 2015 was now read a third time and had progressed the Legislative Assembly.

**LANDS, SURVEY AND ENVIRONMENT AMENDMENT BILL 2015
– third reading**

Tofa Hon FAAMOETAU LOA LEALAI AULOTO ULAITINO FAALE TUMAALII: (Minister of Natural Resources and Environment): Mr Speaker I move, *That the Lands Survey and Environment Amendment Bill 2015 be now read a third time.*

Seconded by the Minister of Health, Minister of Education, Sports and Culture, Minister of Works, Transport & Infrastructure.

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

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**LANDS TITLES REGISTRATION AMENDMENT BILL 2015
– third reading**

Tofa Hon FAAMOETAULOA LEALAIULOTO ULAITINO FAALE TUMAALII: Mr Speaker I rise with respect to move the motion, *That the Lands Titles Registration Amendment Bill 2015 be now read a third time.*

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

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

EVIDENCE BILL 2015 – third reading

Susuga Hon TUILAIPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker I move, *That the Evidence Bill 2015 be now read a third time.*

Seconded by the Deputy Prime Minister, Minister of Commerce, Industry and Labour, Minister of Public Enterprises, Minister of Communications and Information Technology, Minister of Women, Community and Social Development.

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

**CITIZENSHIP INVESTMENT BILL 2014
- third reading**

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker I move, *That the Citizenship Investment Bill 2014 be now read a third time.*

Seconded by the Minister of Public Enterprises, Minister of Women, Community and Social Development & Minister of Communications and Information Technology.

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

ADJOURNMENT

MR SPEAKER: Then we say the normal statement by Lavea Levi of the 2AP, the night has come to an end.

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Adjournment

I wish to convey appreciation to the dignified House today. We have arrived at the end of today's session. Thank you for your patience. We projected to proceed through a night sitting until our orders are completed otherwise, we have completed (9) Acts in 45 minutes from additional time to our normal schedule.

This is by far the most urgent agenda we had that the Legislative had aimed to achieve for some of the Acts that have been approved for the works of the Ministries.

Sincere appreciation to everyone for your comments and submissions. That is the end of our session for this month. The Select Committee will still proceed with its meetings, hence I heed the Chairpersons and Deputy Chairpersons as well as members to keep note of that for our next sitting in November with belief to clear out all the back log that we currently have.

We have by far the Committees reports plus other tabling documents taking heed of your efforts and commitment in accordance to the request put forward by the Government.

Thank you Samoa for your endless support, we are in the belief that, *e leai lava se faiva e asa ma se maumau*. If any word sounded unpleasant to your hearing, we apologize. Our main objective as chosen representitives is to perform our duty in accordance to our calling. Let us sail on towards the end of the year and may be restored with good health. Thank you your Highness, Lana Afioga Mamalu, O Le Ao o le Malo and your Good Lady, Council of Deputy and your Good Lady, Chief Justice and the Judiciary, Government Ministries and Corporations, Private Sector, congratulations to you all for your commitment and dedication day and night. That is your duty in serving our country.

Most importantly, thank you God's servants for your prayers for the wellbeing of Samoa. Samoa has been blessed due to your faith in the Divine whom Samoa is founded on. Let us resume with our normal duties and responsibilities.

We pray that God's mercy be upon you all. Let us reconvene on the scheduled sitting day. Before we adjourn, I ask the member for Faasaleleaga No. 3 to end us with a prayer.

Proceedings of the Legislative Assembly adjourned until Tuesday, 17th November 2015.