

FRIDAY, 20TH MARCH 2015

Mr Speaker took the Chair at 9.00am

Prayer.

ANNOUNCEMENTS BY MR SPEAKER

MR SPEAKER: It is with due respect that I greet the high esteem present for our Meeting this new morning. To all the Members of the Chamber that are able to attend, I greet you all; Leader of the Government and your Cabinet, Leader of Opposition and all the Members of the House.

I greet you all and your honorific salutations. We are gathered again this morning because of the never ending love of our Lord and our thanksgiving is endless. I extend greetings to some of our Members who are just able to attend this morning, welcome. We prayed for your safe return so that we can be together again. To all the Heads of Government Ministries and Corporations and all those present, I greet you all.

I greet the esteem of Samoa listening in to the high chiefs and orators and *faletua and tausí*.

We ask for your support Samoa as your Parliament carries out its duties and responsibilities this day.

PRESENTATION OF PAPERS

The Clerk read out the list of Papers tabled pursuant to S.O.48.

1. P.P. 2014/2015 No. 220, Unit Trust of Samoa Annual Report for the Year ended 30 June 2014.
2. P.P. 2014/2015 No. 221, Prime Minister Ministerial Statement of 18/2-19/2/2015.

PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports tabled pursuant to S.O.51(5).

1. P.P. 2014/2015 No. 222, Report of the Business, Standing Orders, House and Electoral Committee on the Electoral Amendment Bill 2014.
2. P.P. 2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015.

19 MARCH 2015

Teachers Bill 2015 - second reading

The main role of the teachers is to educate children but disciplinary action is carried out in the homes by parents. Teachers' actions must be protected given the incontrollable behaviour of students as I too would do the same if I was a teacher. I cannot tolerate this kind of behaviour we are not use to. The....

MR SPEAKER: I beg tolerance to the member, I believe the matter is now taken well given this proposed legislation. However because we have arrived at adjourned time, we shall bear further chances when we return tomorrow. I extend sincere appreciation to the dignified members of the House from morning until now. Well done everyone. I believe we have covered a lot today.

The feeling of gratitude is not minimal. We shall seek good health for tomorrow's sitting. Before we resume we will take a break.

I also express sincere thanks to the general public for supporting the work of Parliament and its sitting schedule this month. Well done and thank you Servants of God for your prayers.

OTHER ANNOUNCEMENT BY MR SPEAKER

MR SPEAKER: I respectfully request the Business, Standing Orders, House and Electoral Committee that we will convene at the Speaker's room straight after today's sitting.

Before adjournment, I congratulate all Government Heads and Public Enterprises gathered before us today as well as the Media Group. I call the member for Gagaifomauga No.1 to end us with a prayer before we adjourn.

Proceedings of the Legislative Assembly now adjourned at 1:04pm until 9.00am Friday, 20 March 2015.

20 MARCH 2015

PUBLIC HOLIDAYS AMENDMENT BILL 2015 – third reading

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

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Minister of Commerce, Industry and Labor): Thank you Mr Speaker. You have already sent praises to the Most High for His blessings upon our meeting as well as acknowledging the support of Samoa.

Mr Speaker, I move a motion, *That the Public Holidays Amendment Bill 2015 be read a third time.*

Seconded by Minister of Justice and Courts Administration and Minister of Public Enterprises.

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

METROLOGY BILL 2015 – third reading

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

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, I move a motion, *That the Metrology Bill 2015 be read a third time.*

Seconded by Minister of Justice and Courts Administration, Minister of Public Enterprises and Minister of Communication and Information Technology.

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

**HEALTH PROMOTION FOUNDATION BILL 2015
– third reading**

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

Tofa Hon TUITAMA TALALELEI TUITAMA (Minister of Health): Mr Speaker, with all due respect I move a motion, *That the Health Promotion Foundation Bill 2015 be read a third time.*

Seconded by Minister of Works, Transport and Infrastructure, Minister of Agriculture and Fisheries, Minister of Education, Sports and Culture and Associate Minister of Health.

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

20 MARCH 2015

TEACHERS BILL 2015
– continue second reading deliberation

MR SPEAKER: Our Meeting was adjourned yesterday while the Member for Faleata West was making his speech. Before I give the opportunity, I call on the Hon Minister of Education, Sports and Culture.

I call on the Hon Minister.

Afioga Hon MAGELE MAULIU (Minister of Education, Sports and Culture): Mr Speaker, I recorded that 8 Members commented on the Bill and it seems they are referring to similar issues. I seek your discretion as there is a time when we will consider the Bill in detail and that would be the appropriate time for the queries. The remarks are beginning to beat around Apolima and Manono and not on the Bill. What say you Mr Speaker and I will respond now, thank you.

Afioga Hon Palusalue Faapo II (Leader of Opposition): Mr Speaker, a point of clarification.

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon Palusalue Faapo II: I believe the Bill is important Hon Minister and the opportunity must be given to the Members to comment. It is an important Bill in regards to education which the Government is prioritizing.

Mr Speaker, I ask for your patience because of the vitality of the Bill with respect.

MR SPEAKER: Hon Minister of Education, Sports and Culture.

Afioga Hon Magele Mauiiu: Mr Speaker, the importance of the Bill is not being removed but it is the beating around the bush without any new contribution to the Bill.

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon Palusalue Faapo II: Mr Speaker, even though the comments are disorganized, it is the Members right to speak because their Constituency is listening in. It seems the Hon Minister is instructing the Members speeches. Mr Speaker, be patient as per our Standing Orders and the Members general comments.

MR SPEAKER: Both your views and that of the Hon Minister are noted. I call on the Hon Minister.

Afioga Hon Magele Mauiiu: It is clear in the Standing Orders Mr Speaker that the comments be specific to the Bill and not general.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

MR SPEAKER: Your point is noted Hon Minister. I have reminded the House that during the second reading, comments are to be on the general merits of the Bill. Hon Minister, this Bill has been a long time coming and it is now before the House so I ask your patience. Perhaps there are not many more left to comment. For now I will give the floor to the Member for Faleata West to conclude his speech.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you for the opportunity Mr Speaker. I recall one Minister saying yesterday that he would record those who oppose the Bill but today this Minister is saying that the speeches are disorganized.

Mr Speaker, if we do not stand to acknowledge, support and offer recommendations, then there is an assumption that we do not acknowledge the Bill. I say with all honesty Mr Speaker, there is no legislation that is tabled in Parliament that is 100% accurate.

Afioga Hon Tuitama Talalelei Tuitama: Mr Speaker....

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

Afioga Hon Tuitama Talalelei Tuitama: I believe that there are no similarities between these two situations from yesterday and today. The Bill was third read this morning and if we keep recalling past events, this Bill will not be passed. Comment on the Bill currently being considered and leave the past, its history.

MR SPEAKER: I call on the Member for Faleata West to conclude your speech.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you. An elderly woman prayed “Dear Lord, bless these children with knowledge so that this family can be brought out of poverty”; this is all a Samoan woman prays for. A European friend of mine told me that he did not know why the Samoan people want to travel overseas because Samoa is a blessed country. He asked me “why do you think your country is blessed?” and I replied, “When a Samoan prays, he does not pray for himself but for all of Samoa and its Government.” That is the reality.

I will now comment on the Bill. Clause 3 states that the Bill applies to all teachers in Samoa regardless of being in a Government, Private or Mission school. Clause 4 however states that the Bill does not affect teachers who are privately employed. I asked yesterday Hon Minister whether there is a provision for the authority of the Ministry to include teachers that are working under special conditions or special programs. If it is included then it is good because it is currently unclear.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

Also under Clause 4, it is provided that the provision does not affect the employment of teachers under the Public Service Act. I believe there is a great opportunity to consolidate these two so that this Bill provides for the employment of teachers anywhere in Samoa. In the Teachers Council, there are experts and professionals aware of the state of the profession in our country. Moving forward, this Council will be established to distribute, employ and transfer teachers within Samoa as it will be enforced by the Bill. If this Bill is different from the legislation currently providing for the employment of teachers, there will be a contradiction in the future. The intention of the Hon Minister of Education, Sports and Culture is to enhance the quality of teachers and their qualifications.

When I was a student at Samoa College, teachers were Europeans and Indians and all the teachers had advanced degrees. Currently, almost half of the teachers teaching there are at the Diploma level and there is a vast difference. At that time the Minister of Education, Sports and Culture was the Hon Minister of Agriculture and Fisheries, Hon Le Mamea Ropati, and I applaud him for his time as Minister when the National University was established and I was still in Samoa College. He is a veteran Member. The gist is that there were good teachers and the library, labs and resources were well equipped. If the Ministry is aiming at restoring that quality, I am truly grateful. I am thankful for the initiative to refer the administration of the district schools to the community and the Committees. This partnership between the Ministry and the District Committee enables the Committee to manage the general operations of the school while being monitored by the Ministry to ensure the smooth administration of the institution.

Mr Speaker, those are the remarks to assist with the Bill. One final matter is the Council which I mentioned yesterday. It is clear that the Council has the opportunity to call on advisors and they have a casting vote. There is no advisory board but this Council will do this task.

God bless this Meeting, the Bill and the Ministry. Thank you.

MR SPEAKER: Thank you. I call on the Member for Gagaemauga No. 2.

Tofa LEVAOPOLO TALATONU (Gagaemauga No. 2): Thank you Mr Speaker for the opportunity. I will be brief. On behalf of my Constituency I first acknowledge this Bill and its importance. It is a new Bill for everyone to consider. I assumed that the Bill would open up the opportunity for the teachers and employment. We are all aware of the issue faced by the Ministry and the student-teacher ratio which is currently 4:1. This is the problem with the insufficient number of teachers compared to students. If the Bill extended the terms so that there is no retirement age but the teacher continues teaching so that the ratio can be reduced until it is at a reasonable number but aside from that the Bill....

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

MR SPEAKER: I beg tolerance to the Member I give the floor to the Hon Minister.

Afioga Hon MAGELE MAULIU: Thank you for the opportunity. What the Member is referring to is not a new issue. The veterans of the profession are being gathered again to continue the work. Do not be burdened by that ratio for if the teacher is well trained, no matter how many students, whether it is 50 or 60, the work is done well. If the teacher is not well trained, if they teach two classes, there will be no learning. The first aim is to achieve quality training for the teachers. Overseas, the ratio is not a major concern rather it is teacher development because no matter how many students there are, a good teacher can handle it. The Member for Faleata West commented on individual differences of the students; that is a fact. A good teacher knows this. The ratio may be a burden on you but there are other matters. Many of our schools now have a 1:30 ratio in primary schools and 1:20 ratio in the colleges. Thank you.

MR SPEAKER: Conclude your remarks Member for Gagaemauga No. 2.

Tofa LEVAOPOLO TALATONU: Thank you. It is important to make recommendations because now you have decided on what should be done. As I mentioned, remove the retirement age but enable them to continue for as long as they are physically able or temporarily until we reach a stable ratio because the ratio is troublesome.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi (Prime Minister): Mr Speaker, there is nothing in this Bill which mentions ratios. What is emphasized is teacher qualifications but lets not talk of what is not in the Bill. The ratio when I was in school was 1:90 and our education was not negatively impacted. If the teacher is well trained that is the main thing.

MR SPEAKER: I call on the Leader of Opposition as I note there is no one else.

I will give the floor first to the Hon Minister of Revenue.

Tofa Hon Tuiloma Lamako (Minister of Revenue): Mr Speaker, Members of Parliament and the country present here to witness our Proceedings. This Bill emphasizes the quality of teachers which I believe is very important and I congratulate the Ministry of Education, Sports and Culture.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

I am unsure whether what I wish to shed light on is in the Bill. I am the Chairperson of our School Committee and the difficulty is the allocation of the funds from the Minister for the day to day operations of the school. Other times, the funds are insufficient which I am not complaining about. I mention this because if the Ministry does not monitor the appropriate funds to the School Committee, the parents suffer....

MR SPEAKER: I beg tolerance of the Hon Minister I give the opportunity for the interjection by the Hon Minister of Education, Sports and Culture.

Afioga Hon Magele Mauiliu: Mr Speaker, I did not intend to interrupt the veteran Member. I stand to permit the Hon Minister to comment on the Bill.

Afioga Hon Palusalue Faapo II: Mr Speaker a point which needs clarification.

MR SPEAKER: Do you wish to be clarified by the Hon Minister of Revenue or the Hon Minister of Education, Sports and Culture?

Afioga Hon Palusalue Faapo II: Both Mr Speaker for the Bill is the Cabinets. I assumed the Bill had been consulted on by the Cabinet before tabling but they are arguing. Hon Prime Minister, is the progress of our Meeting correct.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, that is also what the Leader of Opposition did while he was a Minister. The only remarks I heard from the Hon Minister of Revenue was regarding the School Committees. I beg tolerance Hon Minister of Revenue, your matter is with me.

Tofa Hon Tuiloma Lameko: I will correct the matter because those who are not in School Committees do not understand what I am talking about. The funds from the Ministry may not cover all costs sometimes so I pay for the transport and meals. This relationship between the student, teacher and parent is very important and should be strong because the financial aid is from New Zealand and Australia.

Mr Speaker and Members of the House, this relationship is very important. God bless.

MR SPEAKER: Thank you. Do you wish to speak Leader of Opposition? I will give the opportunity to the Member for Faasaleleaga No. 3 and the final opportunity will be given to the Leader of Opposition.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

Tofa TUILEUTU ALAVAA VOI (Faasaleleaga No. 3): Thank you Mr Speaker. Overall, I support the Bill. The only remark is in regards to the term “license” whether it is appropriate. The experts are present and the Bill is 100% except for the phrase to licensed teachers. This is applicable to property such as vehicles or livestock. Should it instead be certificate or something of the sort? With respect.

MR SPEAKER: I give the opportunity to the Hon Minister for his clarification of the matter. I call on the Hon Minister.

Afioga Hon Magele Mauiliu: Mr Speaker, with respect I ask the honorable Member what word he would prefer to replace license.

MR SPEAKER: I call on the honorable Member.

Tofa TUILEUTU ALAVAA VOI: As I stated Hon Minister perhaps certified or registered. That was the only matter thank you for the opportunity. God bless this Meeting.

MR SPEAKER: I call on the Member for Aleipata Itupa i Lalo.

Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo): Thank you Mr Speaker, I must comment on the Bill because of its importance. Although it is not an Amendment Bill, it is relevant to my Constituency as we also have a College. Thank you Mr Speaker for the prayers this morning. The Hon Minister responsible for the Bill spoke yesterday and I also wish to praise and congratulate with gratitude their work; not only the Hon Minister but also the CEO and the Ministry for their support. As mentioned yesterday, this is to officially register teachers in Samoa. It is a Bill to make teachers professors. You mentioned Mr Speaker that this day is when everything considered will be presented for all and I can say that this is a morning for Fugalei, Savalalo, Saleufi and Sogi which are neighboring villages.

This Bill is clear but there are only two matters I wish to comment on. First, the safety of teachers. Under the part providing for registration of teachers there is a statement that those who pay the fee can access the Register. The concern is that if a person with a criminal record pays the fee he can look at [the Register and the concern is the safety of the teachers](#).

I asked an Assistant CEO this morning and the interpretation given was also different from mine. I only make this known for your consideration Hon Minister because it clearly states that “a person may, subject to payment of a prescribed fee, search the Register and obtain information in the Register except for personal information.”

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

The concern is that our country is small and a person searching the Register can easily find a teacher because all the information about current and previous employment will be accessible.

Second, is in regards to your comments made yesterday about a man who had no time to spend with his wife because of overtime to prepare lessons. Hon Minister, I heard that the Hon Prime Minister was also a teacher at the University but he has many children. Also, the Hon Prime Minister constantly speaks about growing our population as there seems to be no growth. Perhaps other contributing factors are migration for residence and employment. On the same note, if the teacher has to work overtime, you should consider the...

MR SPEAKER: I beg tolerance of the Member, I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui: Mr Speaker, the only point of order is that these are not my words... Many a time I reiterate the blessing of the Lord upon Abraham. That is all I do; reiterate and recall the blessings of the Lord on Abraham that his seed would number the sand of the sea and stars of the ocean. Just a reminder that these are not my words.

MR SPEAKER: I give the opportunity to the Hon Minister.

Afioga Hon Magele Mauiliu: Mr Speaker, this man I mentioned expressed his happiness that his wife was preparing lessons and he was supporting and praying for her. He is saying that all fathers should be like him. I also stated that 80% of teachers are females meaning the majority of the bread winners are females and the husbands are hanging about. The least they can do is pray and not interrupt. Thank you Mr Speaker.

MR SPEAKER: In interest of your time, I give the opportunity to the Hon Minister of Health.

Afioga Hon Tuitama Talalelei Tuitama: Mr Speaker, in saving the honorable Members time because there is a connection with health. This would also reduce the growth of our population and the need for family planning because the teacher and the spouse will not spend time together. That is my assistance.

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

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, if there are no students, what is the purpose of training teachers? I agree with the Hon Prime Minister that our population is too small we need to increase.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

Advise your teachers Hon Minister to prioritize their spouses because if the support is good, so will the lessons prepared. Thank you.

MR SPEAKER: Please stick to the Bill. Afioga Tafua, the matter is being led astray on teachers and their relationships with their spouses. Please conclude your speech.

Afioga TAFUA MALUELUE TAFUA: Thank you Mr Speaker. I am only following up on the comments by the Hon Minister. I am trying to comment on the advantages and disadvantages of TV. To illustrate, my mother was a teacher as the Deputy Leader of Opposition mentioned, he was her student. In those days, there was no radio or television in the rural areas and my siblings and I numbered 12. Not only is time management important but also the removal of the TV. I am just a bit concerned about what the Minister of Health mentioned. The Hon Prime Minister is stating that it is the will of God to Abraham that his seed would number the grain of sand and all the animals, four legged and the like would bow unto him. But the Hon Minister of Health mentioned family planning to protect from child birth. What is actually needed is growth of the population which will result in many blessings from overseas as the Hon Prime Minister stated. There is a clash between these two views and the Government should consider this. The Hon Minister of Health talks of family planning and the Hon Prime Minister reminds us of Gods promise to Abraham. Parliament should consult on which of these should be done.

MR SPEAKER: I beg tolerance of the Member. I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker a point of order. I correct this because there is a similarity between teachers and weaving groups. The old men usually complain that the women go to the weaving groups and are hardly at home. What the old men want is for the women to come home when the crickets chirp so they can have their evening devotional and thank the Lord for the day that has ended in success and bathe the children and him as well then she can return to the weaving house. There is no reason that the Member had to mention the increase in population. The gist of the matter is professionalism as mentioned by the Hon Prime Minister. Professionalism in regards to the work; to go to school, mark students work and go home at 11pm and not stay at home because the TV is a distraction. This is the same with the weaving houses.

Mr Speaker, that is all I wish to remind the Members. It is the teachers professionalism, the mothers professionalism when weaving and not leave their responsibilities such as cooking and evening prayers.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

Afioga Hon Tuitama Talalelei Tuitama: Mr Speaker, there is a matter that should be clarified. The House may be a little confused at the concept of family planning. It is not hindering child birth but rather planning. The hospital assists those who do not have children but want children. Doctors also assist those who have many children but are not well off and cannot take care of the children resulting in giving them to families that can care for them.

A mother and father should carefully consider how many children they can care for so that they are not made poor or want for anything in caring for the children. Family planning is not hindering children with respect.

MR SPEAKER: Thank you. I call on the Member to conclude his remarks.

Afioga TAFUA MALUELUE TAFUA: Thank you Mr Speaker. I reiterate my acknowledgment and gratitude for this Bill Hon Minister and the Ministry. The Hon Prime Minister talked about professionalism and the Leader of Opposition, the quality of teachers as did the Member for Faleata West. The CEO of the Ministry is a good man unlike his brother Tofa Lealailepule. In addition to the quality of teachers, there should be punctuality and discipline. I bear witness that my mother was a strict teacher, but there are teachers who are excessively strict. I believe the processes of the Ministry are set and I do not mean to instruct. I congratulate and thank the Chair and the Hon Minister responsible for the Bill. God bless our meeting.

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

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, with respect I speak on behalf of Safata to comment on this important Bill.

It is not the norm for me to thank a Minister for a Bill, but this morning, gratitude must be given where it is due and I am grateful for the Bill.

The only stance of this side is that the Bill is incomplete and we stand to offer recommendations for your consideration whether you accept them or not. It has been 50 years since we became independent and we are only now able to have a Bill to provide for the teaching profession. This is why I must thank the Hon Minister. Many Parliamentary Terms, Ministers and CEOs have passed and this has only now been done. This should have been the primary priority so that teacher development is improved and then our students will be well taught which will result in a successful family, village, church and Government. In the beginning of this school year, a whole week had gone by and the school in my Constituency had not started. Why? There was no Principal and not enough teachers but thankfully it was sorted the following week. Mr Speaker, this Bill, as stated by many Members, is a very important one. The Government and the Ministry cannot progress forward if this is not improved; to improve the quality of teachers and benefits. Priority must be given where it is needed.

20 MARCH 2015

Teachers Bill 2015
 – continue second reading deliberation

Afioga Hon Magele Mauiliu: Mr Speaker....

MR SPEAKER: I beg tolerance of the Leader of Opposition while I give the floor to the Hon Minister of Education, Sports and Culture.

Afioga Hon Magele Mauiliu: I thank the Leader of Opposition for his acknowledgment. The Member for Faleata West thanked me yesterday and I said “Wait Tofa Lealailepule, I do not want to hear your expression of gratitude but go and thank the Lord” and this is what he did.

I do not know what else to say because you are all aware that the teachers salaries were increased. I spoke yesterday about the numbers of students that consider teaching as a career because they are aware of the salaries which is similar to other professions and their salary entry point. The intention to raise salaries was in the pipeline long ago and it was printed in the newspapers and broadcast on television and it seems that the Leader of Opposition was not aware of it. Thank you.

MR SPEAKER: I call on the Leader of Opposition to continue his speech.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I say these things because teachers are approaching me with this issue. It is true that it was increased but the Hon Prime Minister and the Government should reconsider it because it is not enough.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker....

MR SPEAKER: I beg leniency of the Leader of Opposition, I give the opportunity to the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: I remind the Leader of Opposition that during a past Parliamentary Term, I appointed him to be a Minister. It was during this Term that we restructured the salary scale which was different across the board from the PSC, the Judiciary and other Corporations. This was the case during the 1981 PSC Strike but in the 2001-2006 Term, a Tribunal was established to review the salary scale of public servants. It was because of the increases in only a selected few Ministries and not all the Ministries which contributed to the 1981 strike so in 2001-2006, consistency in the salary range was done for everyone with the same entry point. The difficult professions to deal with were the doctors and teachers because it would cost millions as there are many in these professions. So the review was done for consistency across the public service. If this Parliament recalls, after this was done, the recommendation from the Tribunal considered the low salaries and 42% was agreed to.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

The Government did not have that much money so in the first year it began at 21% and the following two years saw increments of 10.5%. Do you not recall that Leader of Opposition? That was the salary structure for the public service. Right after that, the Medical profession went on a protest which just spoke to the weakness of the profession at that time. The structure to enable consistency across the service was done and they go on a protest. The Government did not budge on this matter because the structure was set out and it would not be changed. The restructuring covered the teaching and medical professions. The basis of their protest was that they are above all other professions because the country relies on them for their health. There is no such thing. All public servants must be equal and that is the case now with the salaries. The private sector also complained because the Government increased their salaries compared to what they could afford which automatically resulted in the increase in costs of products which saw some businesses fail.

Put our politics aside but remember that you also sat on this side in the Cabinet and reviewed the salary range.

Mr Speaker, that is the framework that the House is now aware of. Leave politics out of your speeches because we cannot show favoritism for one profession. When it comes to salaries, doctors, lawyers, teachers and the entire public service will want salary increases. When the policies are set for the public service, there is no favoritism which will cause changes; there should always be a level playing field for everyone.

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

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, point of order. It is true the policies were set out. What then was noticed? Only in the past year was the salary able to be increased. I stand because the proposal of the plan is different from the implementation.

MR SPEAKER: Apologies Leader of Opposition, I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, a point of order. A Ministry does not have any authority over another Ministry. It is an internal administration matter. There must be forms and papers to be processed, the same with the teachers. On Teachers Day a teacher said “Tuilaepa, have sympathy for our legislation”; this Bill. I replied “your President mentioned that. I remind you that the Accountants also have legislation for their Association to enable the operation of the body. The same with the Engineers and Lawyers. They did not make such speeches.” The lawyers or engineers did not protest and ask the Government to help with their legislations.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

You draft your own Bill and present it and now it is before the House and we are considering it. I congratulate the Hon Minister. The Lawyers legislation did not suddenly come before the House, it is tabled by way of the responsible Minister. The Minister and the Ministry also work to amend what needs to be changed. This is why I thank the Hon Minister because this Bill should have been brought before the House a long time ago.

MR SPEAKER: Thank you.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, this is not politics, it is the reality. This Bill Mr Speaker....

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, a point of order. Politics is dwelling on what has already been dealt with. The Hon Minister mentioned that it was already done and yet you comment as if it has not been done. It is dirty politics to seek favor with such remarks.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, what I am mentioning is the fact of the matter and it is happening, it is not dirty politics.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, before the Leader of Opposition begins, I already know the end of his remarks. Do you not know that we have been together for a long time? That is why I told you that you should have not accepted the role of Leader of Opposition. I know every inch of you from your head to your toes. I also know many things that I am not sharing. That is why I tell you not to play politics because if I play that game, there will be conflict.

Afioga Hon Aeau Peniamina Leavaiseeta (Falealupo): Mr Speaker....

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

Afioga Hon Aeau Peniamina Leavaiseeta: Mr Speaker, I am saddened as the country is listening in and it is becoming personal which is the worst thing we would ever pass on. Your debate is fine without mentioning such things, thank you.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, I will address the Member for Falealupo. You were Speaker and you should remember that a Member cannot correct another Members point of order. Wait until it is your time.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, the Hon Prime Minister always mentions the Leadership.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

He has no business about the leadership of this side but he should consider first his side if they are united without problems.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, he mentioned salaries but he should recall that we reviewed that together. Have you forgotten? You were happy with our decisions then and the programs set out. Now you stand and act as if you are oblivious of these programs. The Hon Minister stood and explained the salaries. When on such matters, it must be addressed because it is a fragile matter.

So whoever mentions salaries, I will not let it go unanswered because that was the reason for the problems in the past Government. I beg tolerance of the Leader of Opposition, this issue has toppled Governments. It is a bribe to mention salaries for the public service.

Afioga Hon PALUSALUE FAAPO II: The Hon Prime Ministers comments are inappropriate. This is not bribery, it is the reality. There are funds to realign the teachers salaries. The increase was set out but it is the implementation. But now Mr Speaker, bribery! The country is listening in and this is not bribery.

Mr Speaker....

MR SPEAKER: Your view is noted. I interrupt your speech as we have come to the hour of our usual recess. I believe this will be a short day so we must have a meal to reduce our high blood pressure and sugar levels.

Proceedings of the Legislative Assembly will be set aside for its normal recess.

Proceedings of the Legislative Assembly were set aside for its usual recess at 10.13am and resumed at 10.56am.

MR SPEAKER: I commend you all for your patience this morning and I believe we have returned in high spirits and strength.

Before we went on recess the Leader of Opposition had the floor but before I give the opportunity, I turn the floor over to the Hon Prime Minister to put a motion.

20 MARCH 2015

MOTION TO SUSPEND STANDING ORDER 31(1)

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, we have returned after our meal prepared by the Office for our strength and well being to continue our Meeting. This is a short day, yet we have a lot of work to do. I mentioned in the past Meeting that there may be matters that we cannot touch on in this Sitting, but they are important as we are nearing the end of our Term.

I rise with all due respect to move a motion, *That Standing Order 31(1) be suspended to allow for the continuation of our Proceedings until the end of the second reading of the five Bills set out in the Order Paper.*

Seconded by Deputy Prime Minister.

Motion approved and Standing Order 31(1) stood suspended.

MR SPEAKER: I call on the Leader of Opposition to continue your speech.

Afioga Hon PALUSALUE FAAPO II: Thank you for the opportunity Mr Speaker. I will not be any longer. Regarding the lack of teachers, what should be considered and addressed in policies is to increase the number of those qualified to enter into the Faculty of Education. I leave it at your discretion that this problem be resolved. It is said that many of the graduates have no employment to go to and one opportunity to gain employment is to enter the teaching profession. Each year, there is a need and the opportunity should be open for employment overseas.

That is all Hon Minister and the Ministry in regards to this Bill. God bless this Meeting.

MR SPEAKER: Hon Minister of Education, Sports and Culture, is there something you wish to comment on. Please rise to make your concluding response.

Afioga Hon MAGELE MAULIU: Thank you Mr Speaker, I rise with all due respect to respond to the matters raised by the Members. I am grateful to all the Members that commented on the Bill which has strengthened the resolve of the Ministry especially with your support and acknowledgment of the Bill. Teacher development is important as we are cautious of our students future. As I said, the development of knowledge and qualification of teachers will improve the profession. The reason the profession is dwindling is because of training and if this initiative is implemented then the quality of teachers may be enhanced and many students will seek a career in the profession which will solve the problem of teacher shortages in the primary schools and colleges.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

This Bill was initiated for Samoan teachers. If a teacher from New Zealand wishes to teach in Samoa, their registration in New Zealand will not be valid here. When they come to Samoa, this Bill will require them to register. If a teacher from Samoa goes to New Zealand, this registration will not be valid and an application must be made in New Zealand. There is a partnership between the Council in New Zealand and us if they need confirmation about the applying teacher, this is the role of the Council.

This Bill will also lead to the drafting of Regulations which will regulate the license fees also in relation to the Revenue policies and fees offered by other Associations and Councils. Regulations also provide for the time to register. It is the responsibility of the person to pay the fee to speed up the process so that the teacher does not wait long.

Also provided for are penalties. The Council will deal with the breaches to the professional standards. The Public Service Commission will deal with breaches in contract as well as the policies of the public service and if the Commission resolves to refer it back to the Council or Tribunal that is the case. If there is a complaint on a criminal matter, the Council may refer it to the Police. If there are not enough witnesses, the Council will again deal with the matter. These are the procedures to resolve such matters.

The Bill, as mentioned by the Hon Prime Minister, includes the private and mission schools. We cannot raise the standard of the Government schools only. We should also lend our shoulder to the mission schools as provided in the Education Act 2009 which also provides for the registration of all schools. Clause 6 provides for the part timers. As others mentioned resources, 80% is granted by the Government as resources to assist teachers. This is a substantial amount and I have seen in my visits to some schools that they have acquired modern equipment such as the equipment in the House; projectors and screens. It is good for the schools in the rural areas especially when teaching their lessons using these new equipments.

An important aspect mentioned by the Member for Salega was the credit point system. All international Universities are using this system and it has not been long since our University has used this system because of international pressure. The contact hours are compared with the in depth teaching and then a number is assigned. This is how the Universities are compared. SQA also assigns certificates from Level 1 to Level 10. Level 1 is the basic certificates until Level 10 which is the Doctorate level. At the moment there is no compelling reason that we should have this system for the Colleges because there is no pressure to move in that direction. It will be a natural progression in the future for Year 11-13 but for now it is appropriate for the tertiary level. For now, the priority is improving school infrastructure, resources, teachers and then we will move on to other matters. New Zealand is currently moving on to this as mentioned by the Member.

20 MARCH 2015

Teachers Bill 2015
– continue second reading deliberation

Regarding school inspectors, the negotiations with the Public Service Commission is underway. When the time comes and they are reinstated, the job description will be changed. As one of the Members mentioned, they are like an alarm for the teachers and this will be prepared by the Ministry so they will work from 9am to 5pm. Mr Speaker those are just some things mentioned. With respect.

MR SPEAKER: Congratulations Hon Minister.

Motion approved and the Teachers Bill 2015 was read a second time.

MR SPEAKER: Pursuant to Standing Orders, the Teachers Bill 2015 will be referred to the Education, Science, Communication and Information Technology Committee for consideration and to report back to the Legislative Assembly at a future Sitting.

GENEVA CONVENTIONS BILL 2015 – second reading

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I move a motion, *That the Geneva Conventions Bill 2015 be read a second time and I wish to comment on it.*

Seconded by Deputy Prime Minister, Minister of Works, Transport and Infrastructure and Minister of Women, Community and Social Development.

MR SPEAKER: Stand Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, in this day and age with the wars in different parts of the world, it is important that all the Leaders of the United Nations prioritize the protection of those afflicted. As is known, during wars between two parties, defense is a natural animal instinct. Many of those who are involved in wars are men. They are easily angered when a fellow soldier is wounded and they act brutally. What are these brutal acts? Some may come across an already wounded soldier and they still beat them with the butt of their weapons but this is not permitted. Also in war prisons, there may be brutal beatings and there may be unlawful beatings of refugees that may seek refuge with Red Cross. Other times they are gunned down which is the reality.

20 MARCH 2015

Geneva Conventions Bill 2015 – second reading

Not long ago, we saw the massacre of prisoners and journalists in an Arab country. This is why the United Nations is emphasizing this international law; the Geneva Convention which was made in August 1949 and two additional protocols which were approved in 1977.

On August 23rd, 1984, Samoa signed this Convention and became party to the two protocols if you refer to page 17 with the Schedules, therein is listed the 6 Conventions and Protocols which was officially enforced on January 1st, 1962 when we became independent. The additional protocols to the principal Convention was enforced on August 23rd 1884.

The objective of the Conventions and the additional protocols were to ameliorate the effects of war on civilians, soldiers and those that assist in war as well as wounded soldiers and prisoners of war. This Bill also provides for the protection of the emblem of the Red Cross so that it is official and the work of the Society is recognized. The question is why Geneva? Why was the Convention signed in Geneva?

Mr Speaker, Geneva is the capital of Switzerland, the location of other United Nation Offices which deal with international trade and regulations that regulate trade. Geneva is also the place where the Health Ministers from overseas meet each year. Switzerland is neutral and that is why these Offices are located there. West Austria, south of Germany, Southern France and South Italy invaded the country and that was the state of their independence which is why the United Nations prioritizes this country. One of their leaders was Williams who began the guerilla warfare to remove those who settled their country and those who invaded years before. They were imprisoned along with his son. Leaders have certain respect for each other and negotiations can be made between the countries for the release of the prisoners on certain conditions agreed to. The country holding the prisoner will declare that the prisoner will be set free if they meet conditions. In this situation, the son was to be bound to a tree and an apple placed on his head. From 200 yards, the arrow would be shot and if it hit the apple, they would be set free, if it missed, they would both be killed. So it was done and the arrow split the apple and they were set free. That is the history of us who take up archery and when you take up your bow and arrow, remember the history of this country.

The moral of the story Mr Speaker is in response of the question why the Bill is named after Geneva. It is because they emphasize the eagerness to be free from war and to also provide for the Red Cross Society and the use of its emblem which cannot be used anywhere by just anyone. Also emphasized is the work of the Society which also affects our country because we also assist during wars. The purpose is so that we can assist with international efforts to prevent inhumane treatment of those who are assisting efforts as well as those who are wounded and that they are treated well which is difficult when two countries are at war.

Mr Speaker, that is the intention of the Bill.

20 MARCH 2015

Geneva Conventions Bill 2015 – second reading

MR SPEAKER: Thank you Hon Prime Minister. This is now the time for our normal debate on the Bill to comment on the general merits and offer recommendations.

I call on the Member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East): Thank you Mr Speaker and Hon Prime Minister for the Bill. I will be brief. The only part of the Bill I wish to understand is the fourth convention in relation to the protection of civilian persons in time of war. Will this Bill permit refugees to enter Samoa as is done by Australia for Nauru and Papua New Guinea. With respect.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: This was the same question asked by others. People want to go to Australia and not to the Pacific. It is the relationship between Australia and Papua New Guinea and Nauru that enables this to be done. Why would they come to Samoa? It is too far. There are many islands of Australia to go to and it is their partnership with these neighboring islands that enables them to do this. They do not want to come to Samoa, they prefer Australia. Why would they come here when they would be well off there? There was no question like that asked because the Government would not accept it. That is the brief response Mr Speaker.

MR SPEAKER: I note that there is no other Member that wishes to speak and I believe it is understood....

Afioga AFOAFOUVALE JOHN MOORS (Palauli): Mr Speaker....

MR SPEAKER: I will give this final opportunity to the Member for Palauli.

Afioga AFOAFOUVALE JOHN MOORS: Thank you for the opportunity. I will be brief and I do not intend to comment on the Bill but I just want to express my gratitude to the Government; the Hon Prime Minister, Cabinet and the Ministry that proposed this Bill which has been in the pipeline for a long time. Our country is joining the efforts with other countries to support the legislations for the safety of the populations of each country. This is why I express gratitude. It is not a new Bill. I knew of this Bill in 1983 because it affected some places that I was stationed. That is all with respect. God bless this Meeting.

MR SPEAKER: Thank you.

20 MARCH 2015

Geneva Conventions Bill 2015 – second reading

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No. 3): Mr Speaker....

MR SPEAKER: I call on the Member from Aana Alofi No. 3.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: I will be brief Mr Speaker because of the importance of this Bill for Samoa. There are many opportunities where some of our own help in peace keeping programs such as RAMSI in the Solomons and other Pacific Islands. I have seen the Fijian military also involved in these missions. My only question is what the importance is for Samoa and if there is protection for our armed forces and others. Thank you.

Tofa Lealailepule Rimoni Aiafi: Hon Prime Minister, a recommendation if we are to put together an army, Toeolesulusulu can be the captain because he is the only one that had an army, with respect.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, it is not this Toeolesulusulu but it is another person that was mentioned in the paper I read. It said “Tuilaepa, when my forces in Arabia return they will bomb the country”. But this Toeolesulusulu did...

Mr Speaker, regarding the impact on our forces, they should adhere to this Bill because whether it is in another country or if someone comes as a tourist and becomes a citizen but was a soldier in the Turkish wars, despite it being in another country, if a crime is committed on Samoan land, if caught, they will be deported and tried or they can be tried in Samoa then we would need an International Court. There was a case with one of our men in the Solomon Islands and I went and negotiated with their Prime Minister. If the trial resulted in imprisonment, allow the Officer to be returned to Samoa to be imprisoned because if this Officer was imprisoned in their prisons, the prisoners would see him as the one that imprisoned them and they would have brutally beaten him. This is why this was done which is to ensure protection. The Police Commissioner went to the trial and the penalty was imprisonment and they returned together and he was taken to Tafaigata to be imprisoned for two years.

Mr Speaker, that is the response.

Motion approved and the Geneva Conventions Bill 2015 was read a second time.

MR SPEAKER: Pursuant to Standing Orders, the Bill will be referred to the Foreign Affairs, Trade and Revenue Committee for consideration to report back to the Legislative Assembly at a future Sitting date.

20 MARCH 2015

WATER SCHEMES BILL 2015 – second reading

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I move a motion, *That the Water Schemes Bill 2015 be read a second time and I wish to comment on it.*

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

MR SPEAKER: I apologize for the motion as the Hon Minister of Women, Community and Social Development was not present but now he is here. I apologize Hon Prime Minister, what do you wish to do?

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: It is better that we continue.

MR SPEAKER: We will proceed. I call on the Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, there are two ways that we are able to access water; it is distributed by the Samoa Water Authority or it is from the independent water source in the rural areas which are managed by the villages. What happened was that many of these water sources were connected by galvanized pipes such as was the case in my village of Aufaga. There is a general feeling that they do not want the Government to interfere because they believe this water is from the heavens so why should they have to pay the Government for it because it is the villages water. This was the mindset at the time of our Independence. What has happened now is the pipes have rusted and the pipes were replaced and they are not as cheap as they were in those days because they are estimated at quarter of a million. These villages are approaching the Government for assistance. That is the background of the establishment of this scheme under the Ministry of Women, Community and Social Development and other bodies that assist the Government. For your information, up to a hundred million in assistance was from the European Union which is all expended on the big water tanks here and in Savaii as well as for the rural independent water schemes. In the beginning, assistance was not granted from overseas for the Scheme because **the Government did not trust the independent scheme** because what happened in Samoa also happens in Africa and Asia and many of these independent schemes oppose the Government. That was the relationship between the Government, international bodies and the independent scheme. However now, it has been changed and the Government is working together with the independent scheme which greatly assists the development of our country for the benefit of its people. This is the basis of the international assistance.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

The Bill provides a legal basis for independent water sources to supply water to villages. Included is that the independent water scheme will be managed by the community and villages and will be registered with the Association under the Ministry of Women, Community and Social Development. The Independent Water Scheme is the second water service provider, the other being the Samoa Water Authority. The Independent Water Schemes is one of the stakeholders of the Water and Sanitation Sector which has been identified as a priority sector under the Strategy for the Development of Samoa. The overarching development goal of this Sector, as set out in the Water for Life: Water and Sanitation Sector Plan 2012-2016, is to secure reliable, clean, affordable water and basic sanitation within the framework of Integrated Water Resources Management, for all people in Samoa to sustain health improvements and alleviate poverty. The Bill will ensure that the Independent Water Schemes contribute towards increasing and improving access by people in the rural villages to reliable, clean and affordable drinking water and have better control over the prevalence of water borne diseases through the provision of basic sanitation.

Mr Speaker, that is the general overview of the Bill. It is to provide a legal recognition of the water service provider within the villages and communities with the continuous support of the Government. The management of these independent water schemes will be left to the Village Fono and responsibilities include appointing a water committee, approving fees to be paid by each family and enforcing offences and penalties. A lot of responsibilities will be given to the Village Council and there is now a legislation to fall back on. If by authority of the Council a committee penalizes a family and they refuse to pay, this Bill will provide legal basis because there are villagers that cause trouble and waste water. There is also the norm despite seeing a leaking pipe and the visits, nothing is done to it. This is why the legislation is being changed. There are now powers allowed to the community water committee to enforce penalties for those that do not obey the orders in relation to the protection of the water supply. Such offences include growing near water sources. This is one occurrence in some villages that relied on the water sources but when the visits were carried out, they found that plantations were being grown near the water source and the grass was being sprayed with weed killer. Such activities around water sources that supply water for consumption should be banned. This Bill will provide for this as well as the composition of the community water committee which is 11 members and they will have regular meetings. Their functions include to keep proper records of accounts and provide a report to the Village Fono and to the Association on these records because it is not a secret that there have been issues with such committees handling finances dishonestly. All the provisions are laid also for the establishment of the Independent Water Scheme Association and the committees and powers and functions of the Village Council will be legally recognized to penalize those that destroy the water supply.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

Mr Speaker, that is the overview of the Bill for the consideration of our Parliament.

DEPUTY SPEAKER TOOK THE CHAIR

DEPUTY SPEAKER: Thank you for your clear explanation Hon Prime Minister. I believe that the speech was transparent and there is no need to deliberate on the Bill. The responsibility of the Village Fono has also been clarified.

The floor is open. I call on the Member for Siumu.

Tofa Hon TUUU ANASII LEOTA (Siumu): Thank you Mr Speaker for the opportunity. The remarks by the Hon Prime Minister are clear and understandable and I believe not many will comment. I stand to thank the Hon Minister responsible for the Bill. Thank you for the work and your insight and wisdom. I congratulate also the Hon Minister, I express gratitude for your good works and now the Bill is before the House with a framework for the operation of the Independent Water Scheme.

I remind the Hon Minister responsible for water at Saaga, Siumu of what I mentioned in a previous Sitting. All the water supplies are being connected and this year is progressing and still nothing has been done but if it is to be done on the Election Day, thank you. God bless this Meeting.

DEPUTY SPEAKER: We are not deliberating on the water supply of Saaga, Siumu, we are deliberating the Independent Water Scheme Bill. Your matter is to be consulted on with the Hon Minister elsewhere and not here but thank you for your comments and the Hon Minister has heard.

Thank you. I call on the Member for Falealili.

Tofa TUSA MISI TUPUOLA (Falealili): Mr Speaker, with respect I rise to express gratitude on behalf of my Constituency for this important Bill before the House. There are a few matters I wish to understand. First is the relationship between the villages and Independent Water Scheme and the relationship between the villages and the Samoa Water Authority. What has arisen Hon Minister and Members of Parliament, it seems there is a contradiction between these two service providers. In a village, some families are supplied from the Independent Water Scheme and some are supplied by the Authority. This then leads to the mindset that the water supply from the Scheme is free as it was in the beginning which results in arrears and eventuates in disconnection. This may lead in conflict between the SWA and the Ministry. There is importance in the Ministry's stance in regards to this Bill to alleviate the water woes of villages and Constituencies in ensuring quality water sanitation for the consumption of the country.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

The SWA has broadcast that their water supply has been sanitized but many villages say that the Independent water service provider may sometimes supply unclean water. The Ministry and the Government should consider measures to reduce issues that may cause illness....

MR SPEAKER: I beg tolerance of the Member as the Hon Minister has an interjection.

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

Tofa Hon Tolofuaivalelei Falemoe Leiatua (Minister of Women, Community and Social Development): Thank you Mr Speaker for the opportunity. The explanation by the Hon Prime Minister was clearly understood and I am grateful for his speaking on my behalf. His speech was exactly what I had in mind to clarify but I believe the Hon Prime Ministers remarks were understood.

The comment by the Member is incorrect for the following reason, I, the Ministry or the Samoa Water Authority have not received any report of these conflicts. The report from the Ministry on the villages that are managing the Scheme mentions the good operation of the Scheme. The Committee registering the water providers, the Ministry and I have consulted on the involvement of the Samoa Water Authority and the Ministry of Health to test the water supply with the intention that by this year, 2015, Samoa would have, with absolute certainty, quality, clean and healthy water.

There is no contradiction in case another Member raises this issue again. There are no reports received by myself or the Ministry that proves this. The Samoa Water Authority has its own tasks in ensuring clean water for national consumption and my Ministry works together with the Committee and villages managing the Scheme so that the water supply is tested monthly with the assistance of the Ministry of Health and the Samoan Water Authority.

The only difference is that the Scheme offers a relief with this Bill compared to the water supply by the Samoa Water Authority. There is a difference in the fees to be paid as some villages have more than one independent water supply. Fagaloa has four and the works are being carried out also for Nuusuatia. This is why you should first ask the Ministry about this service so that you can understand. This project is very important. In 2010, the framework was established and now the Bill is presented in 2015 which indicates the data and studies done with the villages and they are satisfied with this new water service provider. There is a difference in relation to the fees despite the service being the same to supply clean and healthy water. The reason my explanation is long is because of the comments that the water is unclean. The country is no longer consuming poor quality water.

With respect.

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

20 MARCH 2015

Water Schemes Bill 2015 – second reading

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker there was a mention of water meters in the query. It is important that I clarify this matter. The installation of these meters is another major activity to regulate water consumption for the independent water scheme and the SWA. If it is not well-managed, there will be no more water left because of overuse. This is why it is important to meter so that waste water is reduced because if left to the freedom of the user, those farthest from the water source will be negatively affected. Many villages in Savaii farthest from the water source have no water because those living at the source abuse the supply and yet they refuse to pay the bill.

The meter is paid for so that these issues can be stopped. If there were no such measures in place, there would be no more water and all the efforts would be in vain because of this mindset that the water is from the heavens but it will eventually be depleted. Not only is there water from the heavens, but also in the aquifer.

Mr Speaker, in case there may be misunderstanding on the water bills from the meter, the purpose of the fees is to continue water development works. If it is left unregulated, eventually there will be no more water and the objective will not be achieved.

MR SPEAKER: Thank you. I will give the opportunity to the Hon Minister of Works, Transport and Infrastructure.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA (Minister of Works, Transport and Infrastructure): Thank you. The Member mentioned contradictions. There is no such occurrence in regards to the Independent Water Scheme because the villages involved are clearly registered as well as those who use the services of the Samoa Water Authority. The importance of this project is that it assists the Authority because they do not have the capacity to service the entire works. This contribution under the Scheme in collaboration with the Village Council enables full water supply for our country. The difference in fees is due to the Authority being responsible for the general maintenance of the reservoirs but the Independent Water Scheme is monitored by the Ministry with the assistance of the Village Council. The difference is the maintenance and supervision to ensure safety.

Also, the Hon Prime Minister touched on the water meters. In Savaii, there is only one river that supplies the entire Faasaleleaga, from Palauli to Puapua. It is slowly depleting and not reaching Puapua but ending at Tuasivi so the flow is reliant on pumps to pump the water from the earth which is an expensive exercise.

The main concern is that as time passes, the water will be completely dried up. The intention is that collaborative efforts with the villages will assist in the water being supplied to all of Savaii but there is no contradiction Mr Speaker.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

MR SPEAKER: Do you wish to comment on the Bill or....?

Afioga Hon Leaupepe Toleafoa Apulu Faafisi (Aana Alofi No. 1): A point of clarification Mr Speaker.

MR SPEAKER: I call on the honorable Member.

Afioga Hon Leaupepe Toleafoa Apulu Faafisi: Thank you for my opportunity Mr Speaker. I stand with respect to clarify a matter for the sake of my Constituency, Fasitoo Uta and Faleasiu in case there is misunderstanding. It may be assumed that the water being drilled at Faleasiu is under the Independent Water Scheme. It is not. Perhaps the works at Faleasiu Uta will be complete soon and that project is under the Samoa Water Authority in case there is confusion. The concern is so that blame is not directed towards the Hon Minister of Women, Community and Social Development that he is not assisting us. The water project is almost complete then water will be supplied to Faleasiu Uta and Lepale then our constituency will be blessed. I thank the Hon Minister of Works, Transport and Infrastructure. Thank you.

MR SPEAKER: Is there a point to clarify honorable Member for Palauli le Falefa for there is a Member who still has the floor?

Afioga Hon Faumuina Tiatia Faaolatane Liuga (Palauli le Falefa): Yes Mr Speaker.

MR SPEAKER: I call on the Member.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Thank you. One belief is that the Independent Water Scheme is cheaper than the water provided from the Samoa Water Authority. This is not true. My Constituency has both water service providers. There is a monthly contribution from each matai and it is used to support the plumbers and other costs in regards to the Scheme. A decision was made by the Ministry that we would have an independent water provider for our Constituency. To test and sanitize the water by SWA is \$20 and the contribution is \$20-\$50 and that will be reflected in the bill but the money collected is to continue the water supply from the independent water scheme. I know that this should be clarified thoroughly because there may be misunderstanding amongst the general public with respect.

MR SPEAKER: I will give the opportunity to the Hon Minister.

Tofa Hon Tolofuaivalelei Falemoe Leiataua: This is exactly why we should be cautious and such matters should be brought to light as soon as possible.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

If this is the case in the Constituency, then it is being done without the presentation of accurate records through the community water committee. The monthly fee is only \$10 per family to be paid to the committee for the maintenance of the water supply. The Ministry has recorded that it is only \$10 with the condition that the village will maintain the water supply. If the Constituency of Palauli le Falefa is doing this, it is a criminal act. If this Bill was an Act and this was brought to light, an investigation would be carried out and residents of Sili, Gautavai, Gataivai will be jailed because this is not the policy. I will use the village of Fagaloa as an example, once the independent water supply is in operation, terms will be set and a monthly fee of \$10 will be paid to the committee to deposit together with the contribution. This is different from the registration of a village that has not yet implemented an independent water supply such as Siumu which will be done. The Financial Statement 2015-2016 provides for this.

This is the clarification for the understanding of the House. What is being done by the constituency should not be because that is not the stance of the Ministry and the committee with respect.

MR SPEAKER: I beg tolerance of the Members while the opportunity is given to the Member for Palauli le Falefa. Please rise.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Thank you Mr Speaker I understand now. I attended our village council and we also collected the contribution for our water supply but there is not one cost. There are meals provided during committee meetings. There are only two ways to ensure that assistance from the European Union can be received; safe drinking water and clean drinking water. The independent water supplies that I visited were surface water and they are not clean. The only clean water supply is from a drilled borehole such as Neiafu and Falealupo because the water is drilled from the earth. The water sources I visited were surface water and it is not clean. The European Union cannot be attracted to offer assistance if the water is unclean. The European Union is a supporter of metering the water. Why? To conserve the water from the aquifers because this is our only resort and it is not cheap Mr Speaker.

MR SPEAKER: It is understood. I call on the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi: Mr Speaker, it is clear under Clause 6. The Village Fono can approve any fee which means they are able to structure their own fees but it should be proposed to the Ministry. The important aspect is that it should be affordable. This means that the village can propose fees they deem affordable and that is the fee. So the Bill is clear.

MR SPEAKER: Thank you. I give the opportunity.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

Tofa Hon Tolofuaivalelei Falemoe Leiataua: I am cautious of the Members comments especially since he was a Cabinet Member and it seems he is slandering Government projects. As I mentioned before, the target of the Government is that by 2015, the country will be able to access clean drinking water from these two service providers as was the policy in 2010. The intention of the Government is that affordable water is available to the villages through this program provided for in the Bill. Also to be certain that the water supply is clean and approved by SROS, the Ministry of Health and the Samoa Water Authority after testing it. This is the monitoring role of the Ministry to remind the community water committee to test the water monthly. The monthly fee already recorded and consulted on by the Ministry and the Program is \$10 not including the registration. It is true that the EU offers financial aid but the Government also has a contribution to maintain and improve the service so that all villages and people of Samoa can access clean water. The Government does not encourage drinking dirty water and if Sili is doing so, that is their choice. With respect.

MR SPEAKER: I believe that there is no need for a debate as the Member stood to make known his views and the clarification was important as to the means used by the constituency. The surface water and boreholes was also clarified. The Bill clearly states that there is an opportunity for the Village Fono to approve contributions and to report to the Hon Minister and the Ministry.

I call on the Deputy Speaker.

Tofa Agafili Patisela Eteuati Tolovaa (Palauli West): Thank you for the opportunity Mr Speaker. Not long ago our independent water supply was completed and the Bill has only been tabled before Parliament. The policy of the Ministry and the managing of the water supply is the responsibility of the Village Fono as mentioned by the Hon Prime Minister. The project attempted a plot scheme in my village to meter the water. As soon as the majority of the village saw that the meters were being installed, they would not accept it. I explained to them that the Government or the Ministry had no authority and the reason for the meters was to protect and conserve water and the fee is not determined from overseas if we decide to charge .01sene per liter. But this was not easily accepted by the village. The fee as mentioned by the Hon Minister is \$10 with an additional \$5 for the faucet to reduce water waste. Sometimes the water is left to run on the washing while they are having a conversation and the water is being wasted. The water in our village is not sanitized. It is not from a borehole or surface water, it is from lava tubes. It has already been tested and e coli was found in it and this is naturally clean water from the earth. That is the assistance with respect.

MR SPEAKER: I call on one of the Members for Falealili, Tofa Tusa Misa Tupuola, to continue your speech and then we will continue with the speeches from the other Members.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

Tofa TUSA MISI TUPUOLA: Mr Speaker, thank you. It has been a long while and I have forgotten my speech but I thank the Hon Minister. Falealili supports any project by the Government even this project for the Independent Water Scheme. I did not say that there was a contradiction between SWA and the Ministry but it is the conflicts between families in the villages because there are two water service providers available at the same time. The Hon Minister has commented on our independent water scheme and the Member for Siumu and I will await your distribution in the next Budget. Those are some concerns but as for the Bill Hon Minister and the esteemed House, we support it.

MR SPEAKER: Thank you to one of the Members for Falealili. I call on the Member for Aleipata Itupa i Lalo.

Afioga TAFUA MALUELUE TAFUA: Thank you Mr Speaker. There are only three questions I wish to ask. I do not want to ask about what others have touched on. There is a saying “what is good for the goose is also good for the gander.”

Mr Speaker, first, in the beginning of this Bill when it was presented to the Parliamentary Committee, I complained about the independent water scheme and the water from SWA because I thought the governance of the two water service providers were different but now I understand the purpose of the project. I am grateful to the Hon Minister and the Member for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi. As I said, there are only three queries; first, the equity of the service. The Bill is clear that the Independent Water scheme will be managed by the community and villages. Thankfully now I have heard that the independent water supply and the water from the SWA are tested.

Second, is safety as some Members mentioned the criteria from the European Union is that our water is not only clean but safe. I am grateful to the Hon Minister as I heard that the service is good in Luatuanuu where we started the Independent Water scheme and other villages and I request that Siumu be the last until after the elections because Tofa Tuuu will return.

Third Hon Minister, is clean....

MR SPEAKER: I beg tolerance Tuiatua Nofonofo, I call on the Member for Siumu.

Tofa Tuuu Anasii Leota: Mr Speaker, I will not interrupt the Members speech. I do advise to leave our constituency out of it in case there is an argument. With respect.

Tofa TAFUA MALUELUE TAFUA: Thank you for that interjection. For the information of Parliament, since the tsunami, we had water supply but now with the connection of the pipes around Upolu....

20 MARCH 2015

Water Schemes Bill 2015 – second reading

(Proceedings were interrupted due to technical difficulties with the audio system)

MR SPEAKER: I beg tolerance of the House. Be patient while the technicians try to fix the audio system.

Proceedings of the Legislative Assembly were set aside for 5 minutes for the repair of the audio system.

MR SPEAKER: I thank the House for your patience. I do apologize for the unforeseen interruption in our audio system but the glitch has been fixed. I call on the Member for Aleipata Itupa i Lalo to continue his speech.

Afioga TAFUA MALUELUE TAFUA: Thank you Mr Speaker. Perhaps this was a short thought provoking break to remind the Hon Minister that we had a water supply – still on the Independent Water Scheme 2015. Since the tsunami, I am grateful to the Samoa Water Authority because we now have water supply to those road side villages such as Satitua and Tiavea which had no water supply. The previous CEO of the Samoa Water Authority promised that our water would be drilled after Aleisa after they completed Falealupo and Neiafu and came to Apia. To this day, 5 years later, our water has not been drilled for the villages inland of Tiavea and Satitua. I now have this opportunity to put forward this request with all due respect while the Hon Minister of Women, Community and Social Development and the Hon Minister responsible for the SWA are listening in.

I conclude with an expression of gratitude for the Bill but those are the three queries that I mentioned. What is good for the goose is also good for the gander meaning that there should be equal services and there is no favoritism of gender. God bless the Meeting.

MR SPEAKER: Thank you. I believe there is no one else that wishes to comment. The question....

Tofa LEFAU HARRY SCHUSTER (Vaimauga West): Mr Speaker, our backline was waiting until after the debate and then we would comment.

Thank you for the opportunity. The Bill is clear and understood with the explanation by the Hon Prime Minister. The Bill is essential and the deliberation has provoked some thoughts. The villages that have the option are very fortunate to have water supplied from SWA and the Independent Water Scheme and I hear that the Scheme is affordable. We will wait until this Bill is passed and then Vaimauga will consult with the Samoa Water Authority if there is an opportunity for us to have the scheme because I see that there is a choice.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

Mr Speaker, I note that the traditional authorities in the villages are being recognized in regards to the land and water. The Bill leaves the overseeing of this resource to the communities and villages. I know that this is an important step because some people are disrespectful and waste water until the Samoa Water Authority bills them. If the managing of the water is left to these committees, people will conserve the water. That is just my view but the Bill is relevant as it provides a legal recognition of our water. The Bill gives the managing and overseeing of the water to the Village Fono and I cannot accept this because of the normal practice in Samoa. I am thinking of the protection of individuals because not all the water in Samoa can be under the authority of the Village Fono. There are villages that have springs on family land, and if the village or community uses this water source, the Village Fono should recognize the rights of the family that have these water sources on their land and negotiate the use of it. This is the only matter that is not clear in the Bill but it is important for the Ministry to provide for consultations. Instead of using the Bill to justify the authority of the Village Fono to oversee the water without consultation or negotiation. That is my opinion put before the table Mr Speaker. Thank you for the opportunity.

MR SPEAKER: I call on the Member for Gagaemauga No. 2.

Tofa LEVAOPOLO TALATONU: Thank you Mr Speaker. The view of this Constituency on the Bill will be brief. First, I thank the donors that assisted with this program because I believe that this is not a small amount which is close to \$10million annually. I thank the Hon Minister and the Ministry for the administration of this development as well as the contractors. I congratulate you for you have benefitted with these works.

There is a little confusion about this Bill. Consider the core function of the Samoa Water Authority which is to supply the whole of Samoa with water at a cost. There is the Water Management which is under the Ministry of Natural Resources and Environment, it is established to manage all the springs in the country and now there is the Independent Water Scheme to be enforced by this Bill for the management of the water supply by the Village Fono in each village. The Samoa Water Authority and the Water Management are complimentary of each other but then there is this Bill which is different. I am envious of the villages that have the independent water supply because the truth is you have free water consumption but for us that are supplied by the Samoa Water Authority at a cost, we bathe half of our bodies during the morning to try and save money.

Also Mr Speaker, these villages with independent water are benefitting from funds. As for us, the Samoa Water Authority drills the earth for our water and then sells it to us for revenue. The way I see it Mr Speaker, this is unfair and unequal....

20 MARCH 2015

Water Schemes Bill 2015 – second reading

DEPUTY SPEAKER TOOK THE CHAIR

DEPUTY SPEAKER: I beg tolerance of the Member, I give the opportunity to the Hon Minister of Works, Transport and Infrastructure responsible for this water supply.

I call on the Hon Minister.

Afioga Hon Manualesagalala Mati Tuigamala Enokati Posala: Mr Speaker the concern with the speech is the remark that water is sold. There is nothing free and without a price. The water that is drilled uses up electricity. This is one expensive commodity because the water is drilled from under the earth and there is a difference in Upolu and Savaii. This is where the majority of our drinkable water is supplied from and the intention of the Authority is to distribute this clean water and that there is enough but the work must be paid for. This is the same with the independent water scheme because the Village Fono must also be paid for their services. The reservoirs for the independent water supply will be prepared and pipes connected and then the management will be transferred to the Village Fono to maintain and oversee what improvements need to be done.

The same with the Samoa Water Authority. Sogi has a service to monitor the quality of the water supplied. Those are the important aspects under the Vision to be able to implement but such comments are incorrect.

DEPUTY SPEAKER: Thank you Hon Minister. You have spoken clearly on the matter in case the listening public are led astray with the remarks that the villages with independent water supply are consuming for free. If a new borehole is to be drilled in a village that has an independent water source, there is a different cost. If the other pipes are to be laid on the other side of the road with a family, it will be expensive because the road has to be cracked and it is done by a different Ministry. That is the explanation in case the country is led off course. There is no free water consumption. There seems to be a difference between the remarks by this Member and the Member that mentioned families rights of the springs on their land. The Hon Minister has clarified that this is Government property.

I call on the Member to continue.

Tofa LEVAOPOLO TALATONU: Thank you. Perhaps the Hon Minister misunderstood me because I am not against the paying for the services of the Samoa Water Authority. My prime concern is consistency because there are different rates for the Samoa Water Authority and the Independent Water Scheme. So we who are using the services of the Samoa Water Authority are the only ones contributing to our economy. The VAGST on the Authoritys fees is useful but we do not have the benefit of the fund which is in the Bill including the low rates. There is no equal treatment in the supply of water to the country.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

A recommendation Mr Speaker, if there can be no uniformity with the rates within the Bill and water sources managed by the Government, maybe 50% of the VAGST charged by the Authority can be subsidized and then it will be fair. What is happening now is unacceptable.

DEPUTY SPEAKER: I call on the Member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you for the opportunity. Thank you Hon Minister and the Ministry for the Bill. The Hon Minister of Women, Community and Social Development looks exceptional since he returned from New York where he made a speech to the United Nations for the protection of women. Our women are safe but the awareness is appreciated.

In my opinion, I am not concerned about where the water is from but I am only grateful that everyone in the country accesses water whether it is from the independent water scheme or wherever. I do not understand much about the independent water scheme because we are from the town area and we are supplied by SWA. Remember that our Constituency is where the water that Samoa drinks is made. Thankfully the Constituency shares its water for anyone who wants to drink, come to Faleata where you will find peace.

I want to comment on the Bill Hon Minister. The Bill provides a legal framework to first, coordinate the services between the independent water schemes. Second to establish community water committees under the supervision of the Village Fono that is responsible for establishing provisions for the maintaining of the water source, paying bills and others. The Independent Water Scheme Association will be established and will be responsible for monitoring the work of the committees, if my interpretation of the Bill is correct. This is what I wish to comment on Mr Speaker; the Association. The work done by the Ministry is well managed and implemented. If this Association is established, it is said that contribution will be made from those in the villages. Perhaps the Ministry can continue this function because funds will be received from the EU, international donors and other stakeholders.

If you refer to Clause 30, this is the first ever Bill I have seen that provides for more than 10 different fees. There is the application fee, registration fee, membership fee, renewal fee, inspection fee, exemption fee and the restoration fee.

DEPUTY SPEAKER: I remind the Member that we are deliberating on the general merits of the Bill not the consideration in detail as you have commented on Clause 30. That is done when each clause is considered.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker for the reminder but when the Bill returns to the House, it is considered in detail and cannot be amended.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

DEPUTY SPEAKER: I remind the Member that our Meeting is prolonged if we do not follow our Standing Orders. I call on the Member.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. The matter I mentioned is very important. It is a general matter despite it being in the Bill because it is what is in the Bill that we should comment on Hon Minister in case it impacts the establishment of the scheme. There are villages that are supplied by both water service providers as some mentioned a conflict but I am grateful that there is a partnership between the Government, villages and other sectors. It is an exceptional initiative so that the villages can control their own futures with it in their hands. The only role of the Government is to oversee. As for the financing of the Committee, I recommend that it is better that administration of this be under the Ministry. If the current situation is well maintained then it should be continued with the assistance of the Ministry especially in protecting the general public and the use of water. At the moment, if our water is disconnected, until you have money, then it can be reconnected. Not only do you pay the bill but you also pay a separate fee to reconnect. As for the independent water scheme, there should be security for the families because the supply may be disconnected for families that are punished by the village but there should be a protection under the Bill. A recommendation Hon Minister and the Ministry, the Bill should be considerate of the collaboration of the communities and villages and there is no authoritarian governance being done which will undermine the intention of the Bill. With respect, thank you.

DEPUTY SPEAKER: Thank you Member for Faleata West for the recommendations and I believe the Hon Minister has recorded them for his response. I call on the Member for Aana Alofi No. 3.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you Mr Speaker for the opportunity. I wish to record the gratitude of this Constituency to the Hon Minister for the preparation of this Bill because there are communities in our Constituency that are trying to develop their independent water scheme. Many of the communities in our Constituency cannot access the water from the Authority thus the attempts to access water from this scheme for the village and communities in the Constituency.

Mr Speaker, there are still some recommendations in regards to the Bill for the consideration of the Hon Minister, Management and the Committee that will consider this Bill.

First, I am thankful that the role of the Village Fono is clearly explained. There are provisions in the Bill legalizing the number of community water committees. The recommendation is that the number of these committees be considered because it can be more than ten. Some villages may not have all the Village Fono included in this committee. Consider if having many committees is relevant or perhaps just indicate the number of members there should be in a committee.

20 MARCH 2015

Water Schemes Bill 2015 – second reading

Second Mr Speaker, I believe the work outputs of the Samoa Water Authority and the Water Resource Management are clearly detailed. Many of the awareness programs on TV are done by those who are experts in carrying out these programs within these Ministries. However, if this task is done by the villages and the committees it would be a difficult task even for the Association because there is no one with the expertise. I believe that it is better that the Water Resource Management carries out the awareness programs as assistance to the committee and each village.

Mr Speaker, third, after the destruction of Cyclone Evan, the Government was quick to restore the water supply from the Authority but as for the Independent Water, nothing was done because there were no specialists, funds or labor to carry out the repair and rehabilitation of the water supply from this service provider. Hon Minister, this should be considered or perhaps it can be included in the Authority's program so that the assistance can be provided. If it is not included in the Authority's program then it would be difficult to repair the independent water supply but there should be a program so that water can be accessible to these villages.

Fourth is in relation to the assistance to the Association as I note the designs for the reservoirs are unreliable perhaps because of the designers or engineers that designed it. I believe there are reservoirs that had to be repaired two or three times compared to the designs for the Samoa Water Authority reservoirs. Perhaps the expertise of those employed by the Association are insufficient because of the shortage in funds. I advise that the avenues for assistance be reconsidered for these communities and villages.

I conclude Mr Speaker by supporting the Bill and any amendments that would assist the communities and villages that are in need of water and support services are provided by stakeholders. Thank you.

DEPUTY SPEAKER: Thank you to the Member for the recommendations to be considered by the Hon Minister responsible for the Independent Water Scheme. We have now arrived at 1.00pm for our normal break therefore I announce that the Proceedings of the Legislative Assembly will be suspended for the afternoon.

Proceedings of the Legislative Assembly now suspended for recess at 1:00pm and resumed at 1:50pm.

MR SPEAKER: Thank you all for your patience this day. We will now continue as per the motion to continue our orders of the day.

Before I give the opportunity, I call on the Hon Prime Minister for the motion.

20 MARCH 2015

MOTION FOR THE SUSPENSION OF STANDING ORDER 53

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, we have been rejuvenated in strength and I assume that our remaining orders would take an hour and then we can rest for the weekend and the Sabbath. I stand to move, *That Standing Order 53 be suspended to allow for the consideration of the two reports from the Business, House, Standing Orders and Electoral Committee on the Electoral Amendment Bill 2014 and the Review of the Electoral Act 2015, which everyone has commented generally on and there is not much left.*

That is the motion Mr Speaker.

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

Motion approved and Standing Order 53 stood suspended.

MR SPEAKER: Before our recess one of the Members from the family of Aana had completed his remarks. Is there anything else Hon Minister before the question is put.

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: Mr Speaker, I stand with respect. The Hon Prime Ministers explanation was understandable and I added to it. As the Leader of Opposition said during the Teachers Bill consideration, it is an important Bill. I believe that any legislation including this Bill, is important because the outcome is the well-being of the country because the public relies on the Government, not the Opposition. The Government has programs such as this Bill. I thank the Members of the other side of the House for their remarks. I will record all your views but remember that this Bill will be referred to the Committees to call for submissions and to report back to the House. Whether there are amendments and recommendations but all the aspects have been clarified with the Bill and the intention of the Government. The Governments concern is the country and supplying clean water for health and to raise the mortality rate to 70 years for woman and 75 for men. That is the goal to raise the standard of health by clean water because water is life. Members of the Opposition, your views have been recorded and the intention is for the Parliamentary Committee to consider the Bill and any amendments after submissions from the public or the Ministry and stakeholders. The belief of the Government is for the well-being and health of Samoa through clean water supplied by the Samoa Water Authority and the Independent Water Scheme. May God look kindly on this Bill to enforce this important program for the health of Samoa today and the future. God bless Mr Speaker, this Meeting and Samoa listening in.

Motion approved.

The Independent Water Scheme 2015 was second read.

MR SPEAKER: Pursuant to Standing Order the Bill will be referred to the Health, Internal Affairs, Community and Social Development Committee for consideration and to report back to the Legislative Assembly at a future Sitting.

20 MARCH 2015

ROAD TRAFFIC AMENDMENT BILL 2015 – second reading

MR SPEAKER: I call on the Hon Minister of Works, Transport and Infrastructure.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Mr Speaker I move a motion, *That the Road Traffic Amendment Bill 2015 be read a second time and I wish to clarify it.*

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

MR SPEAKER: I call on the Hon Minister for his clarifying speech.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Mr Speaker, I was a little delayed at standing because I thought you would call out all my other titles because it honors my family, village and constituency.

MR SPEAKER: I apologize Hon Minister. As per usual, the Chair must be notified because I only have the title Manualesagalala. Oh there is now the addition Mati Tuigamala Enokati. Officially, you must write to the Clerk and make known your titles but since it is here, I call on Afioga Manualesagalala Mati Tuigamala Enokati Posala.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Thank you Mr Speaker. It is written in the paper and so that is proof that it was received by the Clerk.

This Bill is not a Principal Act, it is an amendment to the Road Traffic Ordinance 1960. This work was under the Transport Control Board and it has been more than 50 years so this Amendment is appropriate in this age because there have been changes in road traffic with the many vehicles imported into our country for our families, developments and companies. Definitions for the Assistant Secretary Road Transport, certifying officer and traffic officer will be deleted from the Land Transport Authority Act 2007. The definition for enforcement officer will be substituted as an authorized officer in uniform that carries out the functions, duties and powers of an enforcement officer assisting in the safety of our roads.

Clause 3 and 4 makes amendments to ensure consistency with the Land Transport Authority 2007. The reforms in 2007 after the establishment of the LTA, I recall, a hundred or two hundred were made redundant and work was made available here; various contractors such as road side maintenance, sewage maintenance, lawn-mowing all related to routine road maintenance. These companies employed many people with the privatization of these services and it increased the number of the workforce to continue the Governments reforms so as to enhance the quality standard of the work.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

Clause 5 amends Section 36 of the Principal Act to substitute 60cwt to 3 tonnes because we have changed the unit of measurement from the imperial system to the metric system. We cannot move backwards; there must be new changes to be consistent not only locally but also internationally.

Also provided for in this Clause is that a person under 25 years of age shall not drive a motor omnibus. Research by the Land Transport Authority has found that the age group that causes road accidents is between 18-25 years.

Mr Speaker, another part of the Bill, enables the authorized officer to carry out their duty. Also, the driver must carry their drivers license because the last provision enabled the driver to produce a license in 5 days which resulted in many issues. Not only was it difficult to follow up with those drivers but it also costs a lot with the entire process. We are trying to conform to international changes for drivers to carry their license which will remove any confusion and the work will be easier and the legislation adhered to.

If the driver does not have a license, the Office can be contacted if the driver has a license. If it is proven that the driver has a license but is not in possession at the time there can be negotiation but the investigation will still be underway. However if it is proven that the driver does not possess a drivers license, the ATO has the power to drive the vehicle to be impounded at Vaitele and a negotiation is done. Remedial action can be taken by giving the owner a certain number of months and if remedial action cannot be taken within that time then other measures are taken. There are many conditions within the Bill. The intention of the Bill is to secure the safety of those that use the roads.

With respect Mr Speaker.

MR SPEAKER: Thank you Hon Minister. I believe that the Bill is clear for the House together with the explanation on Monday.

I will still give the opportunity for deliberation. I call on the Member for Aleipata Itupa i Lalo followed by the Member for Palauli le Falefa.

Afioga TAFUA MALUELUE TAFUA: Thank you Mr Speaker and thank you Hon Minister. I congratulate you for the Bill which is essential for the safety of our people and our pedestrians which we all strive for.

Hon Minister, there are matters on the Bill I show concern for. I spoke to the CEO after the Bill was clarified and I expressed the same concern. First, the forcible possession of the vehicle if there is reason to believe there is something wrong with the vehicle. That is important and I am grateful that this power has been given to the Ministry of Police or the LTA. For instance a smoking vehicle affects other vehicles but also pedestrians and it affects peoples health with the exhaust gases. For the information of this Parliament, this gas can be inhaled for less than 15 minutes and it can be life threatening. This is why I am thankful for this Bill but my only concern is that many of our people are not well off.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

I am speaking about my own Constituency where many vehicles are imported for these families from overseas. If there is no license but the passenger has a license perhaps this authority can be set aside – this proposed Bill provides that if a vehicle is stopped without a license then the vehicle can be impounded at Vaitele and after three months and there is no remedial action then the vehicle will be advertised for sale and that covers the cost of impounding the vehicle at the LTA compound.

This is the request with respect, to add a provision along the lines, if a vehicle is stopped for failure to produce a drivers license then the driver can find someone to drive. If someone cannot be found then the vehicle can be towed to a safe place agreed to by both the officer and the driver. The purpose being if it were a driver from Aleipata and the car is impounded at Vaitele, the driver has to find a ride all the way to Vaitele. The legislation in New Zealand and Australia allows for this. If a vehicle is pulled over for difficulties, the Officer has the power to direct the driver to park at a place of safety.

Second, if there is a defect to the vehicle, it would be good if an additional provision to the Bill states that the vehicle is towed to a auto shop nominated by the owner of the vehicle to resolve any issues. The advantage of this is that it is safe and cheap because the powers are a bit strict within this Bill. The officer stops the driver, finds there is no license or there is a defect then the tow truck is called and the vehicle is taken to Vaitele. If this person has no money, there is an issue. My humble request is to tow the vehicle to a place of safety nominated by the owner. Also, I have witnessed overseas that they have a sticker, about the size of a foolscap with the bond of the vehicle indicating that the vehicle has been towed to an agreed to place.

Third, the provision for five days to show your license if you are stopped without a license. In Australia, it is 48 hours but in New Zealand it is 7 days to present your license to the nearest police station. If a similar provision can be inserted for the ease of our people because the Bill hints of Hitlerism which is how I interpret it because once you are found without a license the vehicle is towed. Give the opportunity to the driver to find someone that has a license and then it can be driven to an agreed to place of safety. The driver can then go with the Officer to the Vaitele Office to prove that indeed they hold a license and then the vehicle can be released. If there is a defect with the vehicle, it can be towed to an auto shop nominated by the owner of the vehicle and negotiations can take place.

Regarding the license, I believe we are a country based on good rapport and compassion. Just because compassion is being given the driver should not abuse it. New Zealand allows 7 days to produce your license to the nearest police station, in Brisbane, Australia it is 48 hours. Their legislation gives the opportunity to the people. Perhaps we can insert 2 days or 1 day to produce a license – for instance those in our village, they can present it to the Lalomanu post and the responsibility of the Police at Lalomanu is to contact the LTA office. That is all with respect.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

MR SPEAKER: Thank you. I beg tolerance to one of the Members for Aana Alofi No. 1 because the Member for Vaisigano No. 1 stood first. You will follow and then the Member for Aleipata Itupa i Luga.

Afioga TUFUGA GAFOALEATA FAITUA (Vaisigano No. 1): Thank you Mr Speaker for this vocation. Thank you Hon Minister and the Ministry for the Bill for the safety of our road traffic. My concern is not mentioned in the Amendment but it is on the general merits. It is regarding the speed limit on four-laned roads. It would have been nice to have a provision regarding the speed limit on these roads. I have witnessed with disappointment that some drivers drive in the inside lane as if they were cruising when another who is in a rush overtakes on the outside lane. Overseas, it is accepted that the inside lane is for those in a rush and those going slow use the outside lane. If only this Bill had a provision for such occurrences.

With respect thank you for the Bill.

MR SPEAKER: Thank you. I call on the Member for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Thank you for the opportunity. I wholeheartedly support this Bill and I congratulate the Hon Minister and the Management for initiating this Bill to improve safety on our roads, not only those who drive but also the pedestrians because many lives have been lost. Not only for the elderly but also the young impacted by careless driving. It is because of the accidents and occurrences that have led to the initiating of this Bill. It is the carelessness of one, two or three people which has punished many. The Management was asked as to the purpose of the change from 5 days to 7 days and they said they are tiresome. This is the norm with society in our country, perhaps overseas countries are better off. The caution is that there are instances that occur Mr Speaker. No one can carry their licenses all the time especially during times of emergencies and when stopped by a Police Officer, the car will be impounded at Falealili and the driver would catch a bus. If the recommendation of the Member that just spoke can be done because now we have phones for communication because the penalty for a person that has a license but is not carrying it and a person who has no license but drives, is different. There should be communication between the Office and say the drivers name is Kome. The conversation would go something like ‘Please sir I do not have a license. I drove because of an emergency.’ So a negotiation can be made to contact the Office to check if Kome has a license and then a decision can be made. A person who does not have a license can say the same thing but there should be measures in place so that the just are not punished. Is there an amendment to address this? Also in the rural areas there are vehicles that carry up to fifteen passengers and the drivers do not have licenses.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

Those are the drivers that should be imprisoned as soon as they are caught, this legislation should be enforced. They are driving in the out backs, with one working light or only one tyre can brake. These sort of drivers are the reasons for accidents; the sort that do not care if they take over half of the road. They should be imprisoned with the full brunt of the law. There should also be an amendment that provides for the vehicle to be pulled over to a safe place as the previous Member mentioned instead of towing the vehicle all the way from Falealili to Vaitele. The Management should reconsider this because it is the carelessness of a few that has caused this punishment on the majority that abide by the law for the safety of the public. In regards to the provision for no person under the age of 25 to drive an omnibus. In my opinion, not everyone is the same because there are those you are 60 years of age and they are careless drivers and some drivers have brains at the age of 17 or 19. There should be reconsideration because even if the person is 120 years of age, if that person has no brains whatsoever, that will always be the case. If a person is 17 years and they were brought up well as the saying goes “The chick follows the example of the rooster”. There should be modifications...

Afioga Hon Acau Peniamina Leavaiseeta: Mr Speaker....

MR SPEAKER: I beg tolerance of the Member, the opportunity will be allowed....

Afioga Hon Acau Peniamina Leavaiseeta: Point of order. The correction is as follows; they have brains but they do not use it, because everyone has a brain.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: I did not want to say it but thankfully my fellow brother has said it. They have brains but do not use it. No matter how many years of age a person is, if they do not want to use their brains, they will not. As for a person that is 17 or 18, if that youth was raised to use his brains well, then that will be the case but that youth is being withheld until they are 25 years old but the father owns the omnibus. Because of this, another dishonest person will be hired and the honest son will not be considered. As I said, a chick follows in the example of the rooster, if the father is good, so is the son. That is the recommendation, thank you.

MR SPEAKER: Thank you. I call on the Member for Aleipata Itupa i Luga followed by the Member for Falealili.

Tofa FAGAAIVALU KENRICK SAMU (Aleipata Itupa i Luga): Thank you Mr Speaker for the opportunity to make a brief comment on the Bill.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

First of all I thank the Hon Minister and the Ministry for the Amendment Bill. Hon Minister, currently, a private license can be given to a person that is 17 years old and 21 years can be given a commercial license to drive a taxi or a bus, but the amendment states 25 years and it seems quite a long time to wait. For 4 years a person drives a private vehicle preparing to drive an omnibus or taxi and I believe this time is sufficient. But if the person is to wait until 25 years of age, it is too long especially for those families whose well being is dependent on this kind of work. Perhaps the age can be decreased to 23 years of age with respect, thank you.

MR SPEAKER: Thank you. I call on one of the Members of Falealili, Tofa Tusa Misi Tupuola.

Tofa TUSA MISI TUPUOLA: Mr Speaker, thank you for the opportunity. I also stand to comment on the Bill before the House this evening. With respect Mr Speaker, I will be brief with my support for this Amendment Bill. I have worked many years in the Ministry of Police and the Ministry of Transport and only now the Hon Minister and the Land Transport Authority has answered the cries of the country. Many accidents involving omnibuses have resulted in the death of children and the elderly of our country. Only now has the legislation addressed this, thank you Hon Minister and the Authority for the foresight....

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, a point that needs clarification.

MR SPEAKER: I beg tolerance of the Member, I call on the Member for Faleata West for his interjection.

Tofa Lealailepule Rimoni Aiafi: Thank you to the Member. I note that this Member worked in the Transport sector for almost 10 years. Did he not knock on the door of the Hon Minister at that time to initiate this legislation?

MR SPEAKER: Do not heed the interjection by the Member. The reward for your honesty is your election as a Member. I call on the Member to continue with his speech.

Tofa TUSA MISI TUPUOLA: Mr Speaker, the provisions in the Bill are initiated to further strengthen the work of the Land Transport Authority in regards to the Authorized Traffic Officer and their relationship with the Ministry of Police in their duties. Thank you for this amendment. Another important aspect of the Bill is the power to stop a vehicle that emits smoke or vehicles that blasts music on Sunday and during evening devotions. New changes have come into our country and we cannot resolve these issues. I support the proposed age in the Bill.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

Many Members differ in opinion but every time there are road safety programs, the main request made by the elderly and parents is to reconsider the age of the omnibus drivers and public service vehicles because 21 years is too young but should be 25 years of older. Everyone in the House is aware that many of the omnibus drivers are show offs and they forget that the safety of 30+ passengers are in their hands. I deem this amendment essential because it improves the safety on our roads. Finally the support of my Constituency is given with the request that drivers give truthful information for the ease of everyones work. That is the brief statement of support Hon Minister and the Management for this Amendment Bill. God bless this Meeting.

MR SPEAKER: Thank you Member for Falealili. I call on the Member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Thank you Mr Speaker. Thank you also Hon Minister for the Bill. My remarks will be brief as some Members have commented on the Bill. There is a query Hon Minister regarding the amendment in Clause 4 for failure to produce a license. Mr Speaker, the Hon Minister stated that if the driver is found without a license, there is an opportunity to contact the Authority to find out if the person has a license. The Hon Minister also stated that if a person does not have a license or forgot to carry the license; the vehicle can be forced and impounded. However, in the Bill, there is no such provision. It only reads that you will be penalized but it does not say that the vehicle will be impounded. The only reason that your vehicle can be forcibly taken over is if the Officer believes beyond reason that the vehicle should not be on the road. I ask because the only reason for a vehicle to be impounded as stated in the Bill is if it not fit to be on the roads even if the driver does not have a license but the vehicle is already licensed and fit to run. I therefore recommend Hon Minister and the Ministry, if an additional amendment be inserted to Clause 4 for the driver to call home or a person that has a license to drive the vehicle which will resolve the unnecessary procedures because if a fit vehicle is also included under this provision then it would also be subject to sale. After 3 months the Authority can sell the vehicle and after the first auction and no remedial action is taken, the Authority sells the vehicle to cover the costs of fees and the remainder is given to the owner. This is why I query this because it must be reviewed as it is a bit strict and the only problem was the driver being without a license. Instead, the vehicle should not be impounded if the vehicle is fit to be on the roads but a family member is contacted to drive or the Officer can drive the vehicle home.

Another part of the Bill Mr Speaker concerns the three months provision. How about if it is extended to 5 months? The towing of vehicles is very expensive as we are all aware and by the time the costs have been calculated, the owner will not be able to afford it. Thankfully some Members have commented on this part.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

I finally reiterate Hon Minister to review the amendment in Clause 4 for a relief for our country. With respect.

MR SPEAKER: Thank you. I call on the Member for Aana Alofi No. 3 and then the Hon Minister will respond.

Afioga TOELESULUSULU CEDRIC POSE SALESA SCHUSTER: Thank you Mr Speaker for the opportunity. The only comment is in regards to the change to the metric system. The tonnes measurement should be removed and use the new system, thank you.

MR SPEAKER: I apologize Hon Minister, there is another Member that wishes to comment. I call on the Member followed by the Member for Anoamaa East.

Tofa LEALAILEPULE RIMONI AIAFI: I will be brief. Thank you for the opportunity. There are certain parts Hon Minister. I will not comment on the increase in age as I was going to. If the decision of the Ministry was based on collected data that showed that 80% of accidents are caused by those 21 years to 24 years then I would accept it because such changes should be based on evidence.

Regarding the impounding of vehicles, I am grateful that included is wrong parking because this is also penalized in overseas countries. The only query Hon Minister is that the towing of vehicles will be outsourced to towing companies because the Ministry does not own such a vehicle. Hon Minister, you should keep in mind that the LTA service is safety and parking areas should be designated. The Development Bank building employees do not know where to park even those who visit the Bank or the other offices therein. The Hon Minister and the Ministry should consider a multi-storey parking building for all vehicles to park.

Also Hon Minister, regarding humps, some are not painted and are not safe for the pedestrians. I believe the Ministry is proposing to remove the humps not including the humps in front of schools and in the town area and I support this. As for other parts of the Bill, I support it and I recommend that all these legislations of the Ministry should be consolidated for easier administration and general understand. With respect, thank you.

MR SPEAKER: Thank you. I call on the Member for Anoamaa East.

Tofa ALO FUIFULI TAVEUVEU (Anoamaa East): Thank you for the floor Mr Speaker. I stand to assist with the Bill. I thank the Ministry and the Hon Minister for the Amendment Bill.

Mr Speaker, regarding omnibuses, the busy roads has resulted in danger to the public. If the bus travels from Apia to the rural areas, for 15 minutes the omnibus may park on the road until all the passengers are loaded but there are vehicles behind the bus that need to pass.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

The only option is to overtake the omnibus which can lead to an accident. That is my assistance to this Bill. Would it be appropriate for the two back tyres to be taken in a little so that the road ahead can be seen?

That is all for your consideration Hon Minister and the Ministry to insert such a provision for the safety of the travelling public, with respect.

MR SPEAKER: I call on the Hon Minister responsible for the Bill.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Thank you Mr Speaker. I am also grateful for some matters that were raised relevant to the Bill and the service of the Authority. Laws are important just as the law that was written by God on the stone tablets for Moses, it is not a new concept because our country is founded on the law for safety.

Regarding the three months period given for the impounding of the vehicle that is unlicensed, it need not reach three months if the owner is eager to clear the vehicle. The Authority should be approached for a negotiation with an engineer to fix the defect and to pass the vehicle. But if after the three months the owner does not fix the impounded vehicle, the vehicle has been disregarded. Three months is ample time if the person cares about their property.

Regarding licenses, in New Zealand and Australia, if you do not have a license you are charged, unlike this Bill which offers an opportunity for the LTA to search if you have a license while you are in your vehicle. If it is found that you do have a license, then you will only be charged with not carrying a license but your vehicle will not be impounded. If it is confirmed that the driver does not have a license, then the vehicle will be driven to the Office until the owner or someone with a license claims the vehicle but it can no longer be driven by the person without a license because it is an offence.

The speed limit mentioned is not specific to the lanes but rather the area; in the town area it is 15 mph, and in the rural it is 35 mph. Perhaps the recommendation was made with the knowledge that there will be more four lane roads. The regulations will be prepared to address this at a later date.

MR SPEAKER: I beg leniency Hon Minister.

Afioga TUFUGA GAFOALEATA FAITUA: Mr Speaker, I mentioned the speed limit. It is the difference in the speed limit in the inner lane and the outer lane because they cannot have the same limit because it will cause congestion. The vehicles in the inner lane should have a faster speed compared to the vehicles in the outer lane, with respect.

MR SPEAKER: The Hon Minister is nearing the conclusion of his response. I call on the Hon Minister.

20 MARCH 2015

Road Traffic Amendment Bill 2015 – second reading

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: As I stated, currently the speed limit is 15mph in the town area and 35 mph just outside of the town area and if the four lanes are to be extended, I know that adjustments will be made but the recommendation is noted for future progress.

Regarding the 25 age limit, it is only applicable to omnibus drivers as the concern is the safety of the 30+ passengers.

That is just some clarifications to shed light on the matters raised. I thank the House and apologize for any misgivings. God bless.

The motion was approved and the Road Traffic Amendment Bill 2015 was read a second time.

MR SPEAKER: Pursuant to Standing Orders, the Bill will be referred to the Works, Transport and Environment Committee for consideration and to report back to the Legislative Assembly at a future sitting.

ACTS INTERPRETATION BILL 2015 – second reading

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I move a motion, *That the Acts Interpretation Bill 2015 be read a second time and I wish to clarify it.*

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

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, Leader of Opposition, Deputy Leader of Opposition and Members of that side and this side of the House, I stand to comment on the Bill. It has been 41 years and only now the 1974 legislation has been amended. This is the dictionary of Act interpretation if there is confusion or misunderstanding. Yesterday, we deliberated on this Bill and some stated that the Bill is particular to people and not companies and the correction was that if people are mentioned, it also refers to a company. This Bill is proposed for those who do not understand the use of terms in legislation. Any word and its use, form and context is clarified. For instance the word Gazette, it will be clarified in the Bill that it is either the Gazette or Savali, they are synonymous. This Bill is important when there is confusion. Clause 11 provides that the English and Samoan versions of an Act have equal authority but if there is a conflict, the English version prevails.

20 MARCH 2015

Acts Interpretation Bill 2015 – second reading

There are sometimes queries as to why the English version? It is here that the legal interpretation is formulated. Many legislations have a commencement date and if there is no commencement date the date assented to by O le Ao o le Malo is the date used. There may be debates that this Bill commenced on March, 20th 2015. The Bill was initiated at 2am and an accident occurred at 8am after sunrise, so which time did it commence? It commences from the time the sun rises out of the dateline on the coast of Saleaamua, that is when the 24 hours begin for the whole world. The beginning for Samoa is 12midnight. The Bill is important for many reasons. There is also a provision regarding amendments. When a piece of legislation is amended, all deliberation pertaining to it includes all amendments. There are also provisions for debts such as those accrued by a Member when it gets close to the Elections and lands are sold, the Bank of Western Samoa will contact them and say you have a million debt here, what is the case with you? You may think that you will run away and let the spouse handle it or you would think that death would cancel the debt; it will still go to the courts. That is one important aspect for us that accrue debts from the Elections and we are bound by debt.

There is also the situation with court cases when some people are charged and they try to evade the law. It is clear within the Bill that even if you hide, when the summons has been delivered to your last known address, the law has been enforced even if it is through fax, it is deemed delivered. It cannot be evaded. There are many examples within the Bill and it is useful to the House for transparency and understanding. Everything is clarified in both languages.

Mr Speaker, that is the matter of interpretations of Acts. For any other Act, take this Bill and read it because it is useful for us all.

That is the Bill Mr Speaker and I know there is nothing else that needs debate and there need not be a debate but let the question be put.

MR SPEAKER: Thank you Hon Prime Minister. I believe the Bill is clarified for the understanding of the House.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, the Hon Prime Minister might assume that we do not acknowledge the Bill. The only matter is consistency especially in regards to the use of the terms ‘shall’, ‘must’ and ‘may’. In Samoan it is ‘e mafai’, ‘e tatau’ and ‘e ao’. There are the three [terms that often cause debate amongst lawyers](#).

Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui: Mr Speaker, a point of order. He is the only person who debates these terms, not the lawyers.

Tofa LEALAILEPULE RIMONI AIAFI: The Hon Prime Minister is speaking as a Doctor of Law but Lealailepule is speaking as a person who has come out unscathed from many court cases.

20 MARCH 2015

Acts Interpretation Bill 2015 – second reading

Hon Prime Minister...Thank you and Good Evening!

MR SPEAKER: You learn from your mistakes. I call on Tofa Lefau, one of the Members for Vaimauga West.

Tofa LEFAU HARRY SCHUSTER: Thank you Mr Speaker. The Hon Prime Minister is not wrong but as a lawyer, I am grateful to the Hon Prime Minister, the Cabinet and the Ministry for the Bill. The Hon Prime Minister is correct in saying that this Bill has been a long time coming. Since independence, there have been many changes to the legal framework of Samoa and many legislations are providing for changes on the international level but which have not impacted Samoa yet. Personally, a freshly graduated lawyer must first read and understand the Constitution, this piece of legislation and Supreme Court and Lands and Title Court case law. If you do this, your lawyering skills will be exceptional but if you do not do this, all that money has been wasted on you because you do not understand what you are doing. Thank you Hon Prime Minister and the Attorney Generals Office for the Bill. The Hon Prime Minister is correct, we do not argue on this unless the client tells us to and we will say ‘I will argue heatedly but you will pay me’. Thank you Hon Prime Minister and Mr Speaker.

MR SPEAKER: I call on the Member for Faleata East for the last opportunity.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, I am not a lawyer but I am grateful for the Bill. At least the Hon Prime Minister has corrected those who queried incorrectly on the Bill because they did not read it.

There is however a query on the Bill, Clause 42. This provision reads “The meeting of a body corporate or unincorporated is not invalidated by the presence or participation of a person not entitled to be present at or to participate in the meeting; or an irregularity in the appointment, nomination or election of a member; or a minor irregularity in the convening or conduct of a meeting”. I have read the Bill and in Clause 5, it states that “a word in singular includes plural, and plural includes singular”. This means that if it is one person in the meeting, it can also mean many. So if there is a member that has an irregularity in the nomination, it can also mean that many who have the same irregularity can still hold the meeting and the meeting will be validated. My question is why this meeting is being recognized if the members should not be in the meeting in the first place. With respect.

MR SPEAKER: I beg tolerance of the Hon Prime Minister there is one more. I call on one of the Members for Salega, Afioa Afualo Wood Uti Salele.

20 MARCH 2015

Acts Interpretation Bill 2015 – second reading

Afioga AFUALO WOOD UTI SALELE: Thank you Mr Speaker. The Member for Salega is not idle but gratitude must be expressed for the Bill. There is a minor matter regarding Clause 56, Offences against body corporate. There are clear penalties and they are appropriate. I am grateful that the Bill addresses this but perhaps they are a little too much and should be reviewed. Thank you.

MR SPEAKER: I call on the Hon Prime Minister if there is an additional response or the question will be put.

Susuga Hon TUILAEPa FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, regarding Clause 42, let me read it. Clause 42: Power not affected by vacancy or irregularity – (1) A body corporate or unincorporated established by an Act may act even if there is vacancy in its membership. (2) The meeting of a body corporate or unincorporated is not invalidated by: (a) the presence or participation of a person not entitled to be present at or to participate in the meeting; or (b) an irregularity in the appointment, nomination or election of a member; or (c) a minor irregularity in the convening or conduct of a meeting.

To illustrate, Marist is now having a meeting and there is quorum and included in this meeting is Saumani Afaese who was invited by another member. The decisions made are not affected by the inclusion of this person in the meeting because there is quorum. That is the brief response.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker, the Hon Prime Minister has only responded to the first part, the second part of the query was the election. For instance, if the President of the Marist Club....

Susuga Hon TUILAEPa FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEELGAOI: I will respond. Remember that bodies have their own conditions. A person cannot be elected without paying a fee. A person that attends to listen is of no consequence. That is the response.

The motion was approved and the Acts Interpretation Bill 2015 was read a second time.

MR SPEAKER: Pursuant to Standing Orders, the Bill will be referred to the Justice, Police & Prisons and Lands & Titles Court Committee for consideration and to report back at a future sitting.

I believe we will recess at this part of the day for a brief break and then we will continue.

Proceedings of the Legislative Assembly were set aside at 3.10pm and resumed at 3.44pm.

MR SPEAKER: I announce that our Proceedings have resumed. Thank you for your patience. I believe we have come to the last part of the day to continue.

20 MARCH 2015

ELECTORAL AMENDMENT BILL 2014 – consideration in detail

MR SPEAKER: Pursuant to Standing Order 106, the Legislative Assembly must first approve the Committee Report on the Bill before it is available for consideration in detail. I call on the Deputy Chairperson of the Business, Standing Orders, House and Electoral Committee.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA (Deputy Chairperson of the Business, Standing Orders, House and Electoral Committee): Mr Speaker, I move a motion, *That the Legislative Assembly approve the Committee Report with its recommendation to progress the Electoral Amendment Bill 2014 together with amendments and corrections.*

Seconded by the Member for Faasaleleaga No. 1, Member for Aleipata Itupa i Lalo, Member for Aiga i le Tai and the Member for Siumu.

MR SPEAKER: I announce that the Legislative Assembly has approved the Business, Standing Orders, House and Electoral Committee Report on the Electoral Amendment Bill 2014. Pursuant to Standing Order 102, consideration in detail commences from Clause 2.

CLAUSE 2: Section 5 amended

Approved.

CLAUSE 3: Sections 8 and 9 substituted

Approved.

CLAUSE 4: Section 16 amended

Approved.

CLAUSE 5: Section 19 amended

Approved.

CLAUSE 6: Section 25F inserted

Approved.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

CLAUSE 7: Section 35 amended.

Approved.

CLAUSE 8: Section 94 amended.

Approved.

CLAUSE 9: Section 97A amended.

Approved.

CLAUSE 10: Section 106 amended.

Approved.

CLAUSE 11: Schedule amended.

Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice and Courts Administration): Mr Speaker....

MR SPEAKER: What Clause Hon Minister?

Afioga Hon FIAME NAOMI MATAAFA: Clause 11 with respect.

MR SPEAKER: I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, there is a minor amendment. Clause 11 is on page 5 but on page 6 is the form. The amendment is on the form, after sub-clause (a) substitute ‘or’ with ‘and’ which means both requirements are to be met.

MR SPEAKER: I call on the Deputy Chairperson.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA: Mr Speaker. This is what we call in the English language, a typo. The word ‘or’ is to be substituted by the word ‘and’ for both requirements in A and B to be met with respect.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

MR SPEAKER: There is an amendment by the Hon Minister.

Amendment approved.

Clause 11 approved as amended.

CLAUSE 12: General amendments

Approved.

CLAUSE 13: Consequential amendments and transitional regulations

MR SPEAKER: The Committee has an amendment to Clause 13. I call on the Deputy Chairperson.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA: Mr Speaker, I move an amendment to Clause 13 as follows:

“AMENDMENT:

Vaimauga West No.1 (Vaiala includes Vaipuna, Vini, Levili and Faatoia, Moataa includes Vaivase-uta, Vaivase-tai and Matafagatele, Maagiagi includes Toomatagai and Ataga)
 Vaimauga West No. 2 (Matautu, Tanugamanono includes Leufisa, Papaloloa, Papauta and Tanumaleko, Vailima includes Alaoa, Tiapapata, Letava and Afiamalu, Apia includes Alamagoto, Aai o Niue, Aai o Fiti, Lelata, Leone, Maagao, Maluafou, Matafele, Motootua, Mulinuu, Sogi, Saleufi, Savalalo, Tauese, Taufusi, Togafuafua and Vaisigano)
 Aana Alofi No. 1 East (Faleasiu)
 Aana Alofi No. 1 West (Fasitoouta)
 Safata East (Saanapu, Sataoa & Lotofaga)
 Safata West (Nuusuatia, Vaiee, Fusi, Tafitoala, Fausaga & Mulivai)
 Falealili East (Utulaelae, Sapoe, Salani, Salesatele & Siuniu)
 Falealili West (Sapunaoa, Piu, Satalo, Malaemalu, Tafatafa, Matautu, Vaovai, Poutasi & Saleilua)
 Faasaleleaga No.1 East (Salelologa)
 Faasaleleaga No. 1 West (Salelavalu, Iva, Vaiafai, Vaisaulu, Lalomalava & Safua)
 Salega West (Fagafau, Faiaai, Fogatuli, Samata-i-uta & Samata-i-tai) &
 Salega East (Fogasavaii, Sagone & Vaipua).”

Thank you.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker....

MR SPEAKER: I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, Clause 13 sets out the new boundaries for the constituencies that have two seats will have one seat per constituency. Also provided for is the Urban seats which will replace the Individual Voters seat.

I note in the Report from the Committee that this proposed Amendment is a detrimental change especially for Clause 13(1)(c) relating to the Safata Constituency. Also in the Committee Report it reads, “the Amendments in Cabinet Directives FK (14) 49 on 23rd December 2014 and FK 15 (Exclusive) 10 on 16th January 2015 are not included in this consideration. The Committee believes that it should be urgently provided for in another Bill...”

I know Mr Speaker that this Bill we are deliberating was tabled in May last year. I hope that everyone still has a copy for ease of reference in regards to the amendment proposed by the Committee.

Mr Speaker, I stand with respect to move an amending motion, *That Clause 13 continue as provided in the Bill, except for Clause 13 (1)(e) to be withdrawn and be prepared in another Bill.*

MR SPEAKER: I leave it at the discretion of the Deputy Chairperson and the amendment to his motion. I put the question to the Deputy Chairperson.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA: Thank you for the opportunity Mr Speaker. I thank the Hon Minister also for the Amending Motion. Parliamentary procedure dictates that the Committees motion cannot be amended after it has been agreed to. As a member of the Committee that owns the Report, I state that the Committee does not approve the amended motion. With all due respect.

MR SPEAKER: I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, it is good that our procedures are understood. The Committee motion is before the House. I stood to move an amending motion. As per normal regarding motions moved, the question must be put towards the Amending Motion and if not passed, then the original motion is passed. This is the procedure for our motions in Parliament Mr Speaker.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, we have come at an impasse.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

The House is aware that when a Minister of this Cabinet moves a motion, the entire Cabinet and the Members of the Party support it. I therefore recommend that the amending motion by the Hon Minister be reconsidered because this also impacts on Party policies. The Hon Minister has moved a motion and that means that the Cabinet, the Party and I stand by it. Despite it being referred from the Committee, Party policies within this Parliament cannot be ignored.

I therefore stand regarding the matter raised by the Hon Minister. I cannot sit by and ignore the Cabinet's decision. Before the question is put, the specific situation we have reached in our Meeting must be clarified.

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I am dismayed at the turn of events this day and the independence of Parliament and its Committees. The Hon Prime Minister mentioned the Cabinet and the Party when this Committee was available for anyone to make a submission but it seems as if this is a new Bill. It is a Report from the Committee but the Hon Minister responsible for the Bill stood to amend the motion. The Committee meetings were available for submissions especially in regards to these fragile issues. I am disappointed at the state of democracy and the independence of the Parliamentary Committees.

MR SPEAKER: I give the opportunity to the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Point of order Mr Speaker. The country is listening in and no one understands the meaning of the Amending Motion but it is better that I shed light on it and perhaps there will be understanding especially if the Bill is not in front of you because it has been a while since the Bill was referred to Committees in May of last year. The amendment...

Afioga Hon PALUSALUE FAAPO II: Mr Speaker a point of order.

MR SPEAKER: The opportunity will be given after.

Afioga Hon FIAME NAOMI MATAAFA: The correction to the amendment from the Committee for Clause 13 is a serious amendment for the Constituency of Safata. We are all aware that the Safata Constituency approached us with varying views of where the boundary should be for the Constituency. The truth Mr Speaker and Members of Parliament, we all understand the process of decision making. This Bill was initiated after the Commission of Inquiry report on the General Elections 2012. That was when it was recommended that the boundaries for the 6 constituencies with two seats be divided to achieve the objective of one candidate, one vote, one constituency.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

The disagreement is as if this matter has halted the work. The Committees view is different from what is in the Bill and the boundary of Safata.

The fact Mr Speaker and the Members are that the division of Safata in the Bill is as follows; for Sa Tunumafono there is Vaiee, Nuusuatia, Lotofaga, Sataoa and Saanapu; and for Alataua there is Mulivai, Fusi, Fausaga and Tafitoala. This means that the proposal from the Committee is different from the Bill which was based on the recommendation from the Electoral Commission of Inquiry. The villages of Vaiee and Nuusuatia are at odds. The Committee moved a motion to amend the Bill and I stood as the Minister responsible for the Bill. The aim of my Amending Motion is to strengthen the Bill and the provision for the division of Safata therein. In addition, Clause 13(1)(e) provides for our Urban constituencies. The Committee has not recommended an amendment for the Urban constituencies which they state the Government should prepare in another Bill. So in addition to my amending motion, this should be withdrawn for the definition of the Urban constituencies to be done again. As for Safata, the Government is firm on the definition within the Bill. That is the reason for my amending motion before our Meeting.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, this is not new. As was raised in previous Sittings, there is an opportunity for the Committee to propose Amendments, if the Hon Minister and Government do not agree then it is put to a vote and the decision is made, that is democracy. I recall in 1984, it should be in our Hansard records, a legislation was proposed for the establishment of the Central Bank of Samoa. There were 7 amendments proposed and I stood to oppose them and the party all voted. That is the opportunity for the Leader of the Party, myself as the Prime Minister, to call for a vote when the Report and Committee recommendations are before Parliament. The Hon Minister has moved an amending motion, we should proceed to a ballot. But I am saying that the Cabinet and this majority Party supports this and will not stray from what the Hon Minister moved.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point that needs clarification.

MR SPEAKER: I will give the opportunity to the Member as a Member of the Committee. I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Regarding the Urban Constituency and the Safata Constituency, the Hon Minister has clarified that the amendment is based on the Commission of Inquiry which included a Member for Safata. The decisions reflected that no witnesses appeared before the Commission. It has only been considered now. Therefore Mr Speaker....

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, a point of order. The accusation by the Leader of Opposition is serious because those involved are not present to respond.

Afioga Hon PALUSALUE FAAPO II: You should be aware.

Afioga Hon FIAME NAOMI MATAAFA: Leota was in the Commission of Inquiry but you sit in the Parliamentary Committee....

Afioga Hon PALUSALUE FAAPO II: I am a witness to the basis of the Commissions decision.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, we should consider those who have served our country.

MR SPEAKER: Your point is noted. I call on another Member of the Committee, the Member for Siumu.

Tofa Hon TUUU ANASII LEOTA: Mr Speaker, I rise as a Member of the Committee. It seems as if we are straying from the procedure for Committee Reports. As the Hon Prime Minister mentioned, the Bill is from the Cabinet and tabled to Parliament and then there is deliberation before it is referred to the Committee. This Committee has done its Findings and witnesses came before the Committee and recommendations were made. In the Report page 2, the Committee stated its disappointment after a meeting was sought with the Hon Minister. The amending motion should have been done at that time. I question the Committee privilege? Should it still be or not? Are Parliamentary Committees essential or not? I will leave it at that Mr Speaker with respect.

MR SPEAKER: I call on the Member of Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. During these kinds of debates, we should not be too hasty. We should think positively at what should be done and ensure that it is for just and fair reasons. The vote the Hon Prime Minister mentioned should be done for it is also in the Standing Orders. However, before we go on to the votes, I would like to highlight the reason for the change. When the Committee began, we did not make the decision, public submissions were called for. I asked the Committee whether the division was by the roll or was it to be by cultural boundaries. The response was cultural boundaries as that was the view of the Commission of Inquiry. So no matter the public submission that is presented for the division to be by the roll, the only response by the Committee would be apologies because the division will be by cultural boundaries.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

After the representatives from the Constituency made their submissions, that was where the recommendations were formulated. Why? The Committees do not make decisions along party lines but it is made for the benefit of Parliament. The Hon Prime Minister is aware....

MR SPEAKER: I give the floor to the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, the matter is simple and there is no need for high blood pressures to rise. The only matter before the House is the Motion by the Hon Minister. This has been the norm in the House. Even if the Committee has agreed, the majority of the Reports can be changed within Parliament and amended by an amending motion.

This is why a Committee Report presented in a past Sitting recommended that the licenses for Bingo should be transferred from the Police to the TAB Committee. You should remember that I stood to oppose. The Committee did their job and presented findings to the House and the responsible Minister is also here. The Cabinet cannot contradict what the Hon Minister wishes especially with the Cabinet Directive and we cannot move back from here. There was basis for the decision passed and put in the Bill initiated by the Cabinet. The Hon Minister is a member of the Cabinet to amend the motion. It is simple but you are making it difficult.

Mr Speaker, the motion has been moved and seconded by the Cabinet and the Meeting progresses.

MR SPEAKER: I give the opportunity to the Hon Minister of Women, Community and Social Development and then Tofa Lealailepule.

Tofa Hon TOLOFUAIVALELEI FALEMOTU LEIATAUA: Thank you Mr Speaker. I greet the dignity of Parliament and those present. I rise with respect in case the country is of the opinion that the motion moved by the Committee for an amendment cannot be changed. I do not know when the Standing Order was changed but I believe that if the Hon Minister moves an amending motion on the motion of the Committee, it is the motion of the Committee and not the House. The Hon Prime Minister spoke on the motion by the Hon Minister, the question must be put on the amending motion. I believe that the motion is not an amending motion but a motion to retain the Clause in the Bill as it is. The only amendment recommended by the Committee concerns Clause 13 which includes the division of Safata. This is the text the Committee investigated and I believe these are the normal procedures we are following with Samoa listening and assuming that this would be swept under the rug. If we are honest as Leaders we will base our decisions on the Holy Bible of the House and that is where we should be Mr Speaker. I do not instruct the Chair but let the question be put on the amendment of the Government. With respect.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

MR SPEAKER: I beg tolerance of the Hon Minister let us proceed with....

Afioga Hon PALUSALUE FAAPO II: Mr Speaker before the question is put, for the information of the country, the Hon Prime Minister sits in the Parliamentary Committee, if not, a representative, the Hon Minister of Communication and Information Technology. Is there integrity in this, God is our witness. The Report has contribution by the Hon Prime Minister and the Hon Minister. I am appalled that this can be done and the Hon Prime Minister sits on it.

MR SPEAKER: Your point is noted.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, point of order. This is what is called foresight which is the way of the wise.

Afioga Hon PALUSALUE FAAPO II: It is not foresight it is trickery.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, perhaps the referral of the Report would initiate an amendment to the Bill. We should have not both sat in the Committee and the Prime Minister cannot secede from the decision made with the Cabinet. Remember collective responsibility? I cannot move away from that. That is why I had the Hon Minister sit in there but I will offer a recommendation. This is not new but it seems new to you because you are new to the House but these are normal procedures. Since I came into this House, I cannot count the number of Committees that have presented recommendations and a Member moved an amending motion, the opportunity to do this is not being taken away. This is why I stood to officially oppose previous Committee Reports before the House. Do you remember that? It is not as if the Committee recommendations are presented....

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, point of order. You oppose but you were not in the Committee but I am in the Committee.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: The Committee recommendation is presented to Parliament to be decided upon by the entire Parliament. The amending motion has been moved, and it is being dragged on because the Chair is giving opportunities to put forward your views but they are along the same lines.

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

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I did not finish. There was an interjection and I was almost done. The matter mentioned by the Hon Prime Minister regarding the process and votes....

MR SPEAKER: I will give the opportunity to the Hon Minister after the speech....

Tofa LEALAILEPULE RIMONI AIAFI: I understand and the Hon Prime Minister is correct. Many things can be changed; I support the vote to be put. Just to shed light Mr Speaker, the resolutions were not made by an individual person. I still remember the speech by the Hon Prime Minister when we entered this House, he mentioned the difference between by a statesman and a politician; a politician looks to the next election, a statesman looks to the next generation.

Mr Speaker, in case I stray from the matter, I believe Hon Prime Minister that the Speaker and Deputy Speaker are also part of your Party and who knows, they are probably the most caring towards you but those you are siding with do not care for you. With respect.

MR SPEAKER: I call on the Hon Minister and then the opportunity will be given to the Deputy Chairperson of the Committee.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker for the opportunity to explain my amending motion further. There are important changes in this Amendment Bill and there are two very serious amendments. First, for one electoral roll for all of Samoa because at the moment there are two; the matai roll and the individual voters roll.

Second, there is the division of the six constituencies, so that there will be one vote per candidate because we had two candidates for one constituency. There are too many processes in this electoral ballot as we are all aware of the ballot boxes for both candidates. We will remove the individual voters roll and it will be the urban constituency. These are the serious amendments within the Bill including the other amendments that we have approved. As for Clause 13, we should be cautious in regards to the Constituency of Safata. This was recommended by the Commission in 2012, but also the Commission in 2006.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point that needs clarification.

MR SPEAKER: I will give the opportunity later Afioga Hon Palusalue.

Afioga Hon FIAME NAOMI MATAAFA: Wait until I have finished.

Afioga Hon PALUSALUE FAAPO II: You are aware of the conflict of interest there.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Afioga Hon FIAME NAOMI MATAAFA: It is easy to mention conflict of interest but remember Leader of Opposition. If another Member was speaking the same time you were speaking, this same assumption would be made. You have mentioned another Member of your constituency when you are also in the seat.

Afioga Hon PALUSALUE FAAPO II: The foundation of the constituency will be changed. Do you understand that?

Afioga Hon FIAME NAOMI MATAAFA: The Bill only draws the line for electoral boundaries. The constituency of Safata came with differing opinions. Who then makes the decision? The Government. I heard you say that the Government does not make the decision.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, the Constituency met twice; at Togamau and Siulepa and no one came but it has now been referred to you.

Afioga Hon FIAME NAOMI MATAAFA: That is why you were chosen, I was chosen to decide on the Bill and it is not done by the constituency. That is indication of your weakness as a Member and a legislator.

Afioga Hon PALUSALUE FAAPO II: As for you, you want to be Prime Minister. You are crafty.

Afioga Hon FIAME NAOMI MATAAFA: And you were here now you are there which shows that you are indecisive.

MR SPEAKER: I beg tolerance Afioga Hon Palusalue, I will give the opportunity.

Afioga Hon FIAME NAOMI MATAAFA: And this elderly man sitting here labored for Safata and you are now sitting in the other seat. You stabbed the Member that fought for a second seat for your constituency. How did you fight for Safata? It is lucky Safata has two ballots.

MR SPEAKER: I beg tolerance Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, that is enough. I am telling you now, stop being crafty.

Afioga Hon FIAME NAOMI MATAAFA: I will conclude the explanation of my amending motion Mr Speaker, it is simple. There is no other constituency that has issue except for this one constituency.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

As for my amending motion, I requested that Clause 13 (1)(e) be withdrawn which provides for urban constituencies. The Committee has a recommendation to review the amendments referred in December and January. These are the amendments to the urban constituencies. That is the addition to my amending motion. Is the amending motion understandable? And the question be put.

MR SPEAKER: I clearly understood Hon Minister. I beg tolerance Afioga Tuuu while I give the opportunity to the Hon Minister of Works, Transport and Infrastructure, also a Member for Safata.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Thank you for the opportunity. I apologize to the dignity of the House listening in. The relationship between Safata is transparent and clear. We should be cautious in case we are eager to catch the fish and forget about the net. The division of the boundaries and the Elections is dependent on customs and Christianity. In the beginning, God created the land, the oceans, the sky and in the end he created man to look after the land. This is probably the basis of the view of the Government in the definition of its boundaries. It is not the meeting fields but families and people. My constituency, Satunumafono is dear to me because it is the Aiga Malosi. Alataua is also dear to me because these are the original appointments. Fata from Alataua and Lealali from Tumua who was the original Malietoa. When the paper was presented with the amendment, the Commissions report was referred to the Cabinet and was approved. The Cabinet did not take its investigations lightly and the change was made from Togamau onwards and Siulepa onwards. Where then are the families? Where are the honorifics? Where are the treasures? What you are looking at Sa Tunumafono, leave it with us....

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, a point that needs clarification.

MR SPEAKER: I beseech you Leader of Opposition. Wait and the opportunity will be given.

Afioga Hon PALUSALUE FAAPO II: I pray to my fellow Member to speak lightly for our Constituency is listening in.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: I am speaking. I am trying to explain.

Afioga Hon PALUSALUE FAAPO II: I beg tolerance as the Government will make its decision but I beseech you, Falefa o le Ulugatanifa is heeding your words.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: The structure is clear... Sa Tunumafono and Alataua are represented here. I assumed the Member for Siumu would not stand to oppose the Alataua because the orator of Alataua is here, Lio and he should think of the relationship and that Siumu is listening in. Not only does he not acknowledge the Member but also the role of Lio in Siumu because Alataua is related to that side. I do not know if the Member understands that but that is the importance that I am trying to explain with the division....

Tofa Hon TUUU ANASII LEOTA: Mr Speaker, the Members words are becoming tedious. Correct your words and comment only on what is relevant to you.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Do not be disrespectful. My constituency is listening in. I did not stand on that day that they came, even when Alataua came and also others came to the Hon Prime Minister in regards to the same matter. Both Sa Tunumafono and Alataua are important. Where then was Anapu and Toalima? At Sataoa and Siulepa, there is Taoa and Afemata, Seiulu and....

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I beseech you. Manua, I saw Anapu when they came.

MR SPEAKER: Leader of Opposition.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Anavatua and Faletolu. In Lotofaga, Ama and Afoa, Manualesagalala, Tunumafono all the way to Vaiee. In Alataua there is the leadership of Faasuaga. These are the people that you look down on. This Bill touches on culture and Christianity for equality of all without prejudice because that is the will of God, thank you.

Tofa LEVAOPOLO TALATONU: Mr Speaker....

MR SPEAKER: The Chair will address the House. I believe that this House seeks wisdom and foresight. I beseech the House, we are not the only ones Meeting, Samoa is also listening in. The constituency we are talking about is listening in and the Chair asks for your respect. I give the opportunity for you to speak and clarify your points as did the Leader of Opposition and the Government. The Committee is also being given the opportunity and then the Parliament is the last to decide. The Hon Minister responsible for the Bill has also clarified. We also witnessed the arrival of the Constituency and we did not think little of it.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

The Parliament and the Government witnessed the day that the decision will be made and it will be done in the most democratic way. The final opportunity will be given to the Leader of Opposition, the member for Siumu, Faleata West and to conclude, the Deputy Chairperson.

I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: I apologize Mr Speaker, Hon Prime Minister and that side of the House. I am concerned as Samoa has heard about this Constituency which is why I advise my fellow Member to be calm as I am cautious of our Constituency....

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Mr Speaker, the reason the Constituency came was because of what the Leader of Opposition did which was being disrespectful....

Afioga Hon PALUSALUE FAAPO II: See these accusations.

MR SPEAKER: I beseech the Hon Minister, I will give the opportunity after the speech, I gave the opportunity earlier. Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: The Constituency and its Leaders are listening in, Palusalua did not ask them to come, see these accusations. Therefore Hon Minister, I ask that you be cautious as Samoa and the world has heard the disrepute to our Constituency. Why? So that the boundaries are set out correctly not for you and I but for the future. The Governments will be imposed and not what our constituency wants for we are merely the hands and feet of our Constituency. What then do we do? Obedience. There is not much to say except that I apologize Mr Speaker and the Parliament and the Constituency listening in. Twice the call for submissions went out and no one appeared before the Committee but now the Hon Minister has made the decision but despite that I will leave it to God. That is all. Thank you.

MR SPEAKER: It is noted.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, a point of order. I did not make the decision, it is done by the Parliament because the motion is before the House.

MR SPEAKER: I beg tolerance of the Hon Minister. Member for Siumu this is your last opportunity. I call on the Member.

Tofa Hon TUUU ANASII LEOTA: Thank you Mr Speaker for the opportunity.

MR SPEAKER: The opportunity will be given later for one of the Members for Falealili, Tofa Hon Tuiloma Lameko.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Tofa Hon TUUU ANASII LEOTA: I speak as the Member of the Committee. Hon Minister, I will not speak on the matters raised because I am cautious of the relationship between Safata and Siumu. I stand because as a Member of the Committee I stand for what I believe is right. The conflict of interest mentioned, Palusalua is not the sole decision maker, Tuivalea is not in the Committee. There is the Hon Prime Minister and the Hon Minister who was the representative.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Stop with the pounding on the desks it is cowardice. Mr Speaker, the matter is simple. There is no need for the Leader of Opposition to be so formal. The Constituency was not disgraced. The Constituency should have come and they came three times. They came here and they came to me and they were right in their own mind; Sa Tunumafono, Alataua, everyone. The House did not touch on the constituency matter, that was the error in their approach. The matter we are discussing is simple, it is the seeking of a candidate which does not affect the boundaries. For Committees, Parliamentary procedures require that the Committee present a Report. The House does not automatically approve it, that should be understood. The House is not guided by it and if it is amended then it is so. Did you not hear the Hon Minister that not all the report is denied there are only a few amendments and there are reasons? The Cabinet did not decide carelessly on this before it was referred to the Committee therefore the Cabinet feels that the original provision should not be amended. Therefore Mr Speaker, as I said, what the Hon Minister raised is what the Cabinet and this side will stand for and that should be clear and the person that does not stand with this side has decided their own fate.

Mr Speaker, parties have always been the norm before we came into the House. There is only one way into the House and that is with a Party. That is why I support the amending motion.

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

MR SPEAKER: The Hon Prime Ministers accusation is serious saying that the Constituency came for the wrong reasons. There are times when they say you are correct then there are times when we are not. The Constituency came for the right reasons.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: I should correct this. Perhaps you misinterpreted because I did not say they were wrong, I said they were each right. If they are all right then what should be done? The Cabinet makes the decision.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Afioga Hon AEAU PENIAMINA LEAVASEETA: Let us have a little break. I have a question. Regarding the procedure, Hon Minister responsible for the Bill, this should have been sorted before the Report was presented. The report should have been to the Hon Minister before it was presented, why was this not sorted before it was tabled? I do not understand why this was not consulted on before tabling. I ask the Deputy Speaker that we should have followed up because the procedure is completely muddled up because of this?

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, point of order regarding the comments of the Member that just took the floor. We all understand and we read my correspondence with the Speaker in the newspapers. Regarding the comments that if I had approached and consulted it would be resolved. The Standing Orders dictate that the Committee may invite the Minister to comment on the Bill. The letter that I received stated that we were going to consult on their amendments. Mr Speaker, the Bill is a Government Bill....

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, no wonder there was arguments. There is a point I wish to understand....

Afioga Hon FIAME NAOMI MATAAFA: It is not the Committees Bill. If the Committee has an opinion, it is presented in the Report, which is the procedure....

Afioga Hon PALUSALUE FAAPO II: You read into the letter but not the respect offered you to appear. No wonder there was discontent.

Afioga Hon FIAME NAOMI MATAAFA: Another reason I did not appear is because I know that the Bill is a Cabinet Bill. If we met and made a decision, why would I make a decision which the Cabinet already made?

Afioga Hon PALUSALUE FAAPO II: Why did you not appear and explain that to the Committee? How simple is that and now Parliament is at odds because of you.

Afioga Hon FIAME NAOMI MATAAFA: As for the sorting out before tabling and then recommendations presented, it is inappropriate. Also Mr Speaker....

MR SPEAKER: I beseech the Hon Minister....

Afioga Hon FIAME NAOMI MATAAFA: I must respond. It seems that we are being portrayed as bad people because we did not appear as requested by the Committee.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

The Attorney Generals Office and the Office of the Electoral Commissioner can testify that the Committee only approached us in the beginning and then they left. Honorable Parliament, when a Bill is discussed, the Attorney Generals Office is present as well as the Ministry responsible for the Bill to advise the Chairperson and the Committee. But what is the case? They do what they want without the Attorney General, without the Electoral Commissioner. Is this the accurate procedures? Your will was done. Lawlessness is what is being displayed.

MR SPEAKER: I apologize....

Afioga Hon PALUSALUE FAAPO II: And the Hon Prime Minister....

Afioga Hon FIAME NAOMI MATAAFA: Before Mr Speaker speaks, you interrupt and I will respond to you. I understand you as a person and you are an Election murderer....

Afioga Hon PALUSALUE FAAPO II: Do not say such disrespectful words. The Chairperson is present....

Afioga Hon FIAME NAOMI MATAAFA: If the Members saw you, they would know that you are a Member that destroys other Members.

Afioga Hon PALUSALUE FAAPO II: Oh oh oh....

MR SPEAKER: I apologize for the turn of events today. I believe that we are trying to set out our matters on the right path as this is a sensitive issue. I beseech the Hon Minister, I am being patient and considerate of our relationship. I sit here as the Speaker, but I am also the Chairperson. I do not believe we should tread the road already travelled. We have spoken and I have spoken with the Hon Prime Minister but now it is getting out of hand. This Committee is no ordinary Committee. It is composed of the Hon Prime Minister, the Leader of Opposition and I. Whatever the comments of the Hon Minister, I beseech thee have patience it is not an easy matter to rush Amendments. I believe the deliberations will conclude here and the decision of the House will be made.

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

MR SPEAKER: I beg tolerance of the Member, I feel the matter is understood...

Tofa Hon TUUU ANASII LEOTA: The Hon Prime Minister stated that we should not pound but we have to if we want to be heard. I am trying to convey the truth. The Hon Prime Minister has blocked the ballot but if it were opened so that the Members wishes may be done. With respect.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Tofa LEALAILLEPULE RIMONI AIAFI: I have a brief matter and then I will conclude if you will allow it.

MR SPEAKER: I will give the opportunity. I call first on the Hon Minister of Revenue.

Tofa Hon TUILOMA LAMEKO (Minister of Revenue): Mr Speaker and Members of the House, thank you for the opportunity. When this matter was initially brought before the House, Pule, a descendent of the Tunumafono family in Safata met. They also held the seat which was deferred by another Member who is now the Leader of Opposition. I told the Opposition, if he is made the Leader, they will never be in the same team.

Afioga Hon PALUSALUE FAAPO II: These are serious accusations Mr Speaker.

Tofa Hon TUILOMA LAMEKO: What did I say – it was my salutation as a descendant of Tunumafono.

Afioga Hon PALUSALUE FAAPO II: You are saying that I bribed you.

Tofa Hon TUILOMA LAMEKO: Go and see the Book of Salutations – Pule is a descendant of Tunumafono. First, we should all be aware of constituency politics where we research our culture, it is not being disregarded. Safata is divided in Vaiee because that is where the descendants of Tunumafono are. Alataua begins in Fusi. For 20 years I was a Member for Safata and that is not a small period. When I requested the Prime Minister of the day for an extra seat which the Leader of Opposition is now sitting in, this was the first thing to be researched. We had to first seek out our genealogy. I then approached the Committee and asked if they thought this was right, the words of Safata were that it starts at Vaiee, why? Tunumafono is included in Safata which is why the salutations include Sa Tunumafono ma Tapau na Tausi e le Alataua.

Mr Speaker, this is the reason for my explanation. The actual division is from Vaiee to Saanapu which is the family of Tunumafono, why? That is where the descendants of Tunumafono reside. I will not comment on Alataua.

Mr Speaker, we cannot evade the norms of our country. God bless our Meeting.

MR SPEAKER: One of the Members for Aana Alofi No. 1, Afioga Leaupepe Toleafoa Apulu Faafisi, did you want to say something, we are concluding our matter.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Afioga Hon Leaupepe TOLEAFOA APULU FAAFISI: I wanted to stand before as I am considerate of the support of the Aiga Malosi for it is not Safata that is listening in but also O le Ao o le Malo and the three arms of the State.

We would have had an emergency Mr Speaker, because Safata is debating on the seat and the Hon Prime Minister mentioned the pounding of the table by the Member for Siumu or I would have had a heart attack. This is why I stand to pose a rule that the pounding of the table should be banned because we have Members that are elderly or we would have an accident. I stand to ask if I can be removed from sitting next to the Member for Siumu.

With respect, thank you.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, our matter has changed. To one of the Members for Aana Alofi No. 1, Afioga Leaupepe Toleafoa Apulu Faafisi, the Member for Siumu has never punched anyone so it is better that it is the table he pounds.

Our matter is now concluded, but I stand to congratulate and thank the Deputy Speaker and Members of the Committee as well as the Hon Minister. There is no problem, thank you for your strength, let us continue with the ballot. Let us praise and give thanks. It is days like these that I am at peace. I remember what I said yesterday, this would be put to a ballot. Thank you Mr Speaker.

MR SPEAKER: Thank you, the matter is clarified Member for the Individual Voters, are you a part of the constituency of Safata?

Afioga MAUALAIVAO PAT AH HIM (Individual Voters Roll): There is a point of order. Thank you Mr Speaker for the opportunity. There was a brief mention about my Constituency and there may be questions as to where our seat has drowned but I am present in the Parliamentary Meeting. I ask for your patience. Whatever the decision is about our seat, we will support with respect. God bless our Meeting.

MR SPEAKER: I believe that our Proceedings are now on its right path. As I have attempted to seek respect amongst the house, it is not a simple matter to be considered by Parliament, the Hon Prime Minister, the Cabinet as well as the Committee. It has been 7-8 months since the Committee considered this matter which saw the different views and opinions being tossed about from the constituents, individuals and the general public that appeared before the Committee. The Committee has therefore come to a conclusion and its findings and investigations were read out by the Deputy Speaker.

I apologize to the Hon Prime Minister and the Cabinet, I am cautious with our relations and the respect between the three Arms of the State. Samoa is listening in and we meet and deliberate when we make our decisions.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

You have spoken clearly that you support the Committee but you also sit as the Leader of the Government and the Cabinet. Your announcement today was heard as per the amending motion by the Hon Minister. I beg tolerance of the Constituency listening in. I believe this is not a simple matter for you all in all your honorific salutations when you came thrice to the Hon Prime Minister and me. The Hon Prime Minister has spoken that the Government will stand as a medium so that both sides are satisfied as he mentioned, all the sides were correct. We therefore must see what is more appropriate and what the decision is that will be made on this matter. The decision is made by Parliament in respect of all sides.

To the dignity of the Constituency, no one is perfect. Today there was much deliberation but a tropicbird is proud of its feathers. A descendant is proud of their roots but God is truth. Whatever the Committees attempts Hon Prime Minister and Hon Minister responsible for the matter, I beseech you and ask that you speak lightly. We have already met and consulted on this matter and to tread the roads already travelled will not result in peace. I accept the amending motion and there are two now before the House as we seek honesty and the truth. The House will proceed with the two motions now before the House; the amending motion and the motion by the Committee and whatever the decision made by the House that is final.

With respect we will decide on the motions.

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

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: I move a motion Mr Speaker, *That the division be called.*

Seconded by the Member for Falealupo.

MR SPEAKER: To satisfy all and that there is no confusion, the amending motion by the Hon Minister of Justice and Courts Administration is to progress with Clause 13 of the Electoral Amendment Bill 2014, except Clause 13(1)(e) to be withdrawn. Is that the correct motion Hon Minister?

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker I will read it again. The amending motion is, *That Clause 13 progress as printed in the Electoral Amendment Bill 2014, except for Clause 13(1)(e) to be withdrawn.*

MR SPEAKER: Except for Clause 13 (1)(e) to be withdrawn.

Afioga Hon FIAME NAOMI MATAAFA: This means that Clause 13 will remain as it is in the Bill except or Clause 13(1)(e).

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

Bell was rung.

MR SPEAKER: Your clarification is noted. We will have our Division Ballot.

Question: All those in favor of the amending motion by the Hon Minister please stand.

DIVISION S.O. 93(1)

1. Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi
2. Tofa Hon Fonotoe Nuafesili Pierre Lauofo
3. Afioga Hon Fiamé Naomi Mataafa
4. Tofa Hon Tuiloma Lameko
5. Afioga Hon Lautafi Fio Selafo Purcell
6. Afioga Hon Tuisugaletaua Sofara Aveau
7. Tofa Hon Tolofuaivalelei Falemoe Leiataua
8. Afioga Hon Le Mamea Ropati
9. Afioga Hon Tuitama Talalelei Tuitama
10. Afioga Hon Magele Mauiliu
11. Afioga Hon Manualesagalala Mati Tuigamala Enokati Posala
12. Afioga Hon Sala Fata Lisati Pinati
13. Afioga Hon Leupepe Toleafoa Apulu Faafisi
14. Afioga Hon Faumuina Tiatia Faaolatane Liuga
15. Tofa Fagaaivalu Kenrick Samu
16. Afioga Tufuga Gafualeata Faitua
17. Tofa Alo Fulifulu Taveuveu
18. Tofa Hon Tuuu Anasii Leota
19. Tofa Faimalotoa Kika Iemaima Stowers
20. Tofa Lenatai Victor Faafoi Tamapua
21. Tofa Soalo Mene
22. Afioga Afoafouvale John Moors
23. Afioga Taefu Lemi
24. Susuga Ifopo Matia Filisi
25. Afioga Tialavea Fea Tionisio Seinafolava
26. Tofa Tusa Misi Tupuola
27. Afioga Maualaivao Pat Ah Him.
28. Afioga Tafua Maluelue Tafua
29. Afioga Hon Gatoloaifaana Amataga Alesana Gidlow
30. Tofa Agafili Patisela Eteuati Tolovaa

AYES – 30

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

MR SPEAKER: All those oppose, please stand.

1. Afioga Hon Palusalue Faapo II
2. Afioga Hon Aeau Peniamina Leavaiseeta
3. Afioga Afualo Wood Uti Salele
4. Susuga Papalii Lio Faavaivaio manu Taeu Masipau
5. Tofa Aveau Tuala Lepale Niko Palamo
6. Tofa Lefau Harry Schuster
7. Tofa Lealailepule Rimoni Aiafi
8. Tofa Toeolesulusulu Cedric Pose Salesa Schuster
9. Tofa Tapuai Toese Ah Sam

NAY – 9

The Member for Gagaemauga No. 2 did not vote.

MR SPEAKER: The decision is as follows. Those in favor of the Hon Ministers motion, 30, those in the contrary, 9. I announce that the Amending Motion has been approved.

Motion of the Committee was approved as Amended.

Clause 13 approved as Amended.

MR SPEAKER: I believe that we are now on a clear path and the decision has been made by Parliament. With all the conflict today, we have reached the conclusion in the search for honesty and I am grateful for your patience. I acknowledge the Committee. This matter was not simply clarified to the Constituency but I congratulate you for your efforts. The amendment has been accepted by the Hon Minister.

SCHEDULE:

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Electoral Amendment Act 2014.

20 MARCH 2015

Electoral Amendment Bill 2014 – consideration in detail

MR SPEAKER: There is a correction by the Committee on Clause 1 and Title as printed in the Order Paper.

I call on the Deputy Chairperson of the Committee.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA: Mr Speaker, I move a correction to Clause 1 and Title as follows:

“CORRECTION:

To remove the figure ‘2014’ and replace it with ‘2015’ and the title of the Act will read:

ELECTORAL AMENDMENT ACT 2015”

With respect.

Correction approved.

Clause 1 and Title approved as corrected.

The Electoral Amendment Bill 2015 progressed with a Correction.

CONSIDERATION OF SELECT COMMITTEE REPORTS

P.P.2014/2015 NO. 223, REPORT OF THE BUSINESS, STANDING ORDERS, HOUSE AND ELECTORAL COMMITTEE ON THE REVIEW OF THE ELECTORAL ACT 2015 – Consideration

MR SPEAKER: I call on the Deputy Chairperson.

Tofa AGAFILI PATISELA ETEUATI TOLOVAA: Mr Speaker I move a motion, *That the Legislative Assembly take note of the Committee Report presented with Recommendations and Resolutions.*

Seconded by one of the Member for Faasaleleaga No. 1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow, Member for Aleipata Itupa i Lalo, Member for Falelatai and Samatau, one of the Member of the Individual Voters, Afioga Maualaivao Pat Ah Him and One Member for Falealili, Tofa Tusa Misi Tupuola.

20 MARCH 2015

P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015 – Consideration

3. SUMMARY OF RECOMMENDATIONS

Based on its Findings, The Committee recommends the Government to review some provisions of the Electoral Act 1963, related to the following:

1. That the Office of the Electoral Commission be merged with the Office of the Legislative Office.

The Committee Recommendation is based on the following grounds:

a. Integration of two (2) Offices.

Roles and responsibilities of all staff can be easily redirected from that of servicing Parliament for the full term and shifting to facilitate and coordinate elections when Parliament is dissolved.

b. The need to maximize the productive use of personnel:-

The length of five years (5) between General Elections raises a question of whether the staff roles and responsibilities being implemented effectively and efficiently at the Office of the Electoral Commission.

2. Election Manual

To redevelop and Election Manual for Candidates, Voters and Electors on matters pertaining specifically to General Elections and By-Elections which may arise. This Manual will specifically identify and clarify the following:-

- i. Overview of elections, its principle and intention;
- ii. Qualifications and eligibility of becoming a Candidate in an Election;
- iii. Electoral Procedures and allocated period for the Nomination of Candidates;
- iv. Rights and liabilities of an eligible voter in an election
- v. Statutory requirements for the registration of Political Parties, and required provisions of an elected Member of Parliament;
- vi. Illegal Offences and fines a Candidate shall be liable of, if found guilty by the Courts;
- vii. All Registration and Nomination Forms of Voters and Electors, and ballot papers;

20 MARCH 2015

P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015
– Consideration

- viii. The Election timeline, polling day, preliminary and official counts, time for election petitions, and report of court as to corrupt and illegal practice which declares a Members seat void;
 - ix. Any related information on electoral matters which electors and voters shall be aware of;
 - a. *electoral boundaries;*
 - b. *writs for by-elections and rationale.*
- b) To facilitate public consultation forums to promote the Election Manual within six months prior to General Elections
- a. That the election manual be cost effective and available for the public at a convenient cost and shall also be made available on the Office of the Electoral Commission website (*or the Office of the Legislative Assembly once the proposed integration given below is approved*)
3. Only persons born in Samoa are eligible as Members of Parliament of Samoa.
- Eligibility (Citizenship Act 2004) to be extended to children of Samoans born overseas (where parents worked on behalf of Government; or on studies sponsored by the Samoan government or development partners)
 - *In complying with the Citizenship Act, priority should be on the policies and provisions to achieve the main goal of successful and efficient elections of Samoans Members of Parliament*
4. Any individual who holds a matai title but resides in a freehold land within the boundaries of urban constituencies may elect to vote where he or she is a registered matai, or at the urban constituency where he or she resides.
- *To allow urban constituency residents to choose whether to maintain kinship/lineage ties with relatives or contribute to selection of residential representatives; and also provide an opportunity for residents of rural constituencies to impact the election of their representatives and minimize rural constituencies representative being determined by urban residents.*

20 MARCH 2015

**P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House
and Electoral Committee on the Review of the Electoral Act 2015
– Consideration**

5. Proposed procedure for election petition proceedings – to ease costing and shortcut current time-consuming and frustrating procedure.

To provide a level at which the weight of the evidence is considered before involving the Court.

Proposal:

- Any election petition must be reviewed first by a Special Tribunal, and only when the Tribunal is satisfied that the application has merits, can it then proceed to the Court.

Recommend Tribunal to comprise the following:

- Chair – (someone qualified to be a Judge)
 - Senior member of the Samoa Law Society
 - Ombudsman
 - Electoral Commissioner
 - Clerk of the Legislative Assembly
- If the applicant is guilty in presenting false information or involved in a conspiracy to frame the successful candidate that led to the petition, the application should be rejected and the applicant to be prosecuted if necessary.
 - The Tribunal must review in detail applications and evidence, to ensure that everyone involved in any prior conspiracy to bring about proceedings against the successful candidate, can be prosecuted.
 - The accused may provide evidence against the applicant's application to the Tribunal and where the Tribunal finds that the applicant's application is unsubstantiated, the application will be dismissed.
 - The AG may prosecute an applicant whose application has been dismissed.
 - *This arrangement will:*
 1. *Provide an opportunity to determine the evidence and assess whether the application is genuine, and whether it should proceed further.*
 2. *Ease costing and pressure on successful candidates.*
 3. *Minimize conspiracies in engaging electors to seek favours from candidates with intention to use such in election petitions.*

20 MARCH 2015

P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015 – Consideration

6. **Extend discretion to the Courts regarding sentencing. Currently the Court; has only 1 option – once guilty seat is void.**

Discretion should be given to the Court to allow a penalty or penalties other than the seat being voided, in appropriate circumstances.

The Courts should also consider the following:

- **Evidence value – total cash or monetary value of goods that formed the basis of the evidence of which the successful candidate is guilty of to reflect a worth of goods of \$2,000 to be provided for in the Electoral Act.**
- **Votes of difference – winning margin of the successful candidate and the petitioner.**
- **Totality of proven allegations.**
 - *Currently the Court is limited to only two options and therefore opportunity should be given to the Court to decide, and perhaps consider other less severe penalties.*

7. **Commission of Inquiry;**

That instead of the normal Special Commission of Inquiry appointed by Cabinet after every General Election, the Parliamentary Committee on Business, Standing Orders, House and Electoral shall be the forum to review matters raised during any General Election, with the assistance of the Attorney General and the Clerk of the Legislative Assembly.

- *The Electoral Committee consists of all parliamentarians who went through the experience of elections and for some numerous elections, and are therefore the most ideal persons to discuss and understand issues raised in elections.*
- *With powers to review the Electoral Act under the Standing Orders that made it more reasonable and would also shortcut a process where the recommendations of the Committee is tabled in the Assembly and referred to the Government to respond and where necessary provide amendment bills.*

20 MARCH 2015

P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015
– Consideration

8. Compulsory registration and voting.

To penalize eligible voters who do not register and registered voters who do not vote in any election (without legitimate reasons for failing to vote).

- \$200 fine for any eligible voter who do not register for an election.
- \$300 fine for any registered voter who do not vote in an election.
 - *There are numerous issues that arose out of candidates taking people to register and also collecting them to vote on election day, which is a big burden for candidates and a window for corrupt practices.*
 - *The current practice also encouraged candidates committees to pressure voters and there have been a few incidents of candidates committees conflicts on election day especially with collecting voters*
 - *Compulsory registration will pressure people to register without depending on candidates to take them, and compulsory voting will also ensue all will vote to more express the majority will of the people. In 2011, 20,000 registered voters did not vote.*

9. That any candidate whose seat is declared void by Court should only be penalized for that parliamentary term in which he or she is found guilty. This will allow such person to run in the next general election.

- *The current 10 years penalty is too much and considering the average age of candidates and parliamentarians, most would not have another opportunity to run again in a general election with the current 10 years penalty.*
- *The pressure is great on many who had gone through the experience of vacating seats and in some cases unbearable.*

20 MARCH 2015

P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015 – Consideration

4. Recommendation;

1. For the Government to thoroughly consider the Committee Amendments as presented in its Review Report on the Electoral Act 1963.

5. Resolution:

Based on its findings, the Committee resolved to recommend that the Legislative Assembly approve:

1. **Recommendations for the Review of the Electoral Act;**
2. **P.P. 2014/2015 No. 15 - Commission of Inquiry Report on Electoral Matters 2011.**

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAIILELE MALIELEGAOI: Mr Speaker, this is the reality of wearing two hats and I am wearing them both. I congratulate the Committee for this Report pertaining to some essential aspects now before the Cabinet, the Government and I. These essential factors will be considered thoroughly by the Cabinet as soon as possible before the next Elections. There will be further amendments before the next Sitting or the following Sitting and there are parts that will impact on the Constitution. These are the matters that the Cabinet will consider and I congratulate the Committee. There are times when I do not attend the Committee sittings because of the many commitments as we are all aware of the work of Cabinet referred to the House. Everything is decided upon in Parliament no matter the Committee or Cabinet, all decisions are made in this forum by the 48 Members and that is Parliamentary procedure. This is why I stand with gratitude as a member of the Cabinet to thank the Committee because there are many recommendations within the Report for amendments to be made in another Meeting; the Budget Sitting is not far off. Perhaps by then, the Cabinet will decide to have our Elections in July of the following year.

Mr Speaker, that is the response as I see that the House is falling asleep. But the Cabinet has approved the Report as we note the recommendation presented herein.

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

20 MARCH 2015

**P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House
and Electoral Committee on the Review of the Electoral Act 2015
– Consideration**

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, I thank the Government and the Members of Parliament and the Leader of Opposition as we come out of this minor scuffle. Looking at the Committee Report there are some aspects I wish to comment on. I am thankful for some parts of the Report but I wish to comment on Recommendation 4 of the Report in regards to title holders that live in the urban constituencies. There is the Electoral Act or is it being amended from here, correct me if I am wrong. The legislation provides for a choice where you want to hold a title then you can choose where to cast your vote. There is an impact on the Urban Constituency and not only the territorial constituencies. In the Report it seems that the special votes are the reason but it impacts other electorates.

Second, Recommendation 7 that the Business Committee be a Inquiry Commission to review electoral matters. Should this be the case? Many of the members of the Committee will be Members of Parliament. These are the winning candidates that will review the complaints of the losing candidates and there will be political issues between the two. For instance, if an Opposition candidate wins and the Commission of Enquiry reviews the complaint of the losing candidate, why would there be a debate when the complainant has lost. There will be conflict of interest. Despite them being a Member of Parliament, I believe there is the Ombudsman and Chief Justice who should sit in this Commission. It need not be explained because of conflict of interest.

Third Mr Speaker, regarding registration of voters; these penalties are too much. These voters are only 21 years and above. They do not have jobs and some are from the rural areas but they will be penalized. If the report shows 20,000 people did not vote in 2011, and then add on this penalty, there is a great financial impact on the people.

Fourth, there are denominations that do not allow voting. We should consider the rights of freedom of religion. I am not sure, perhaps if they do not want to vote then they do not agree with the Government or the Opposition. Why should they be forced to vote if they do not like anyone? Why should a person be forced to vote if they see that the candidate does not possess the traits they want?

Therefore I beseech the Committee because Recommendation 8 is a bit harsh. It should be in consideration of the national economy as well as our local customs. In New Zealand during the recent Elections, the candidates were busy transporting voters. That is human nature. This provision will only add burden to our people. Regarding Recommendations 6 and 9; 6 states that the Court should be given the discretion when deciding on penalties but 9 states that the candidate whose seat is declared void by Court is only penalized for that Term and can run in the next General Election. There should be a penalty. As for the other parts I am grateful that there is a Recommendation for compulsory voting. Those are some opinions for the dignity of Parliament. With respect.

20 MARCH 2015

**P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House
and Electoral Committee on the Review of the Electoral Act 2015
– Consideration**

MR SPEAKER: I will give the opportunity to one of the Members of Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi followed by Papalii. I call on the honorable Member.

Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI: Thank you. We are nearing the end of our orders of the day I know that it has become late and the Chair has become tiresome with dealing with many of us. Thank you to the Government and the Hon Prime Minister as well as the Leader of Opposition. I thank the Hon Prime Minister for the clear explanation as to the amendments from the Committee that they will consider and investigate. We will await the Government response with recommendations on the amendments that will be presented as soon as possible to be considered by Parliament. I pray for strength to be bestowed upon the Hon Prime Minister and Cabinet and those that will be assisting in the preparation of the amendments.

With respect I thank the Government for their decision and perhaps there will be a time when we will comment but for now, thank you.

MR SPEAKER: Thank you. As I have tried before, the opportunity was given to put forward your views but the Hon Prime Minister has spoken and this is not the end of the matter. The House has heard the Committee and the work they were faced with. As I said, the country was called in to make submissions and they were recorded and presented as voiced by the Deputy Chairperson. What arguments we had earlier, the Hon Prime Minister has clearly stated that the amendments will be considered and then presented to the House where we will all contribute. Everything is clarified in case we stray from the matter at hand. The Leader of the Government has made his speech and everything is as it should be.

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

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, just a minor remark. The motion was to approve the Report. I noted however from previous remarks the term approve should be replaced with record because it is now with the Government. Because if it is approve that means the House has approved the entire Report.

MR SPEAKER: I beseech the Hon Minister. I feel it is clearly understood that record is approve. It is with the Cabinet.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I only congratulate that side. We are now progressing forward. The only matter is to change the Committee. Honorable Chairperson and Hon Prime Minister, they should be referred to the Samoa Victim Support because we are all being victimized.

Report approved.

20 MARCH 2015

P.P.2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015 – Consideration

MR SPEAKER: I call on the Hon Prime Minister for the motion of the third reading.

I call first on the Hon Minister of Agriculture and Fisheries.

Afioga Hon LE MAMEA ROPATI: Before the Hon Prime Minister speaks Mr Speaker, there is a minor matter. This is a request to the Primary Production, Commerce, Industry and Labor Committee. It has been more than a year since our Ministry Bill has been referred to the Committee; the Slaughter and Supply Bill 2014.

I mention this because one of the conditions in the agreement with the World Bank is for a legislation to be passed providing for abattoirs or slaughter houses which has been delayed. The year ended and still we are waiting for the Report on the Bill and that is the request with respect.

MR SPEAKER: Thank you. I believe the House and the Chairperson of the Committee understands. I ask the Clerk to find out the status of the matter. The simplest way is for the Clerks to work together in relation to the request of the Hon Minister and this important matter. Hon Minister, the Clerk has heard your request and the Committee Chairperson will be notified for a meeting of the Committee at an appropriate time.

I call on the Hon Prime Minister.

MOTION TO SUSPEND STANDING ORDER 107

Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI: Mr Speaker, I stand with respect to move a motion, *That Standing Order 107(4) be suspended to allow for the third reading of the Electoral Amendment Bill 2015.*

Seconded by Deputy Prime Minister and Minister of Justice and Courts Administration.

Motion was approved and Standing Order 107 stood suspended.

ELECTORAL AMENDMENT BILL 2015 – third reading

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

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, I move a motion, *That the Electoral Amendment Bill 2015 be read a third time.*

20 MARCH 2015

Electoral Amendment Bill 2015 – third reading

Seconded by Deputy Prime Minister and Minister of Women, Community and Social Development.

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

The House applauded.

MR SPEAKER: We have come to the conclusion of our orders of the day and I humbly thank and congratulate the dignity of our Meeting. Gratitude also to our Heavenly Father that we have concluded our orders from the first day till now and we are all in good health and strength. Thank you for your patience and wisdom in dealing with the work of our Parliament from Tuesday, Thursday and Friday, we have completed a lot of our work.

I thank the Hon Prime Minister and the Cabinet in resolving the many issues and the deliberation on the various matters and making appropriate decisions. Thank you for your advice and wisdom.

I also thank the dignity of the House this day. I believe there is not one iota of our deliberations that was in vain. The Lord has heard your recommendations and concerns.

I apologize for the discontent and arguments in the beginning of the day. Forgive any transgression with the situation today. This House is a reflection of Samoas support but we cannot sugar coat our words nor can we hide from the shadow of the tree when we talk about what is relevant for the success of our country. You have heard the speeches in the House as well as the deliberation raking up useful information for the success of our nation.

I thank the CEO of the Government Ministries and Corporations for projects and your patience. We will rest to carry out our duties and obligations and may the Lord look kindly on your endeavors as you carry out your calling not only the Hon Prime Minister and Cabinet but also the Members of Parliament. When everything is clear then there is calm. Whatever was said today, let us leave it to the Lord for He is the Great Judge and He knows all today, tomorrow and the future. Whatever success we make, we are only servants.

I therefore believe that we will recess our Sitting and I thank the Clerk, Deputy Clerk and the Office for the patience and all the preparations and after today we will prepare for the next Sitting next month.

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

Proceedings of the Legislative Assembly adjourned at 5.52pm until 9.00am on Tuesday 21 April, 2015.