

**MONDAY, 23<sup>RD</sup> JUNE 2014**

*Mr Speaker took the Chair at 9.00am.*

Prayers.

**MR SPEAKER:** It is with utmost respect that I welcome all Members of the House to this new day. I believe most of the Members are given renewable strength this morning in all your paramount and significant statuses. Greetings to good health and spirit. We adjourned last week without knowledge of how our plans will be fulfilled; fortunately with God's unfailing love and mercy, we have reassembled once again. I acknowledge your patience and perseverance in your set duties this new morning.

I take this opportunity to represent the voice of Gagaifomauga No.1 in all its honorific salutations. I thank the Hon Prime Minister and the Cabinet, the Leader of the Opposition and Parliamentarians for attending the final service of Tofa Tuiloa Anitelea.

Sincere appreciation to the Member of Council of Deputies, Afioga Tama Aiga Tuiaana Tuimalealiifano; your presence was greatly appreciated and paying your final respects to the former member of Gagaifomauga No.1. His service has concluded this Parliamentary term in God's will. Once again I appreciate the Leader of the Government and the Cabinet, the Leader of the Opposite Side and its members. If this constituency has any flaws, let us forgive.

The dignified constituency, thank you for everything, God is aware of your dedicated services and presence in taking care of the Parliament of Samoa.

**FAMILY COURT BILL 2013**  
**– consideration in detail**

**MR SPEAKER:** Pursuant to Standing Order 106 the Assembly must approve the report of the Select Committee on the Bill before it is considered in detail. I call upon the Chairperson of the Justice, Police and Prisons and Land Titles.

**Tofa TUISA TASI PATEA (Chairperson of the Justice, Police and Prisons and Land and Titles Committee):** I extend sincere thanks to the Chairperson this morning for the prayer offered this morning. I acknowledge the presence of all members of the House this fine morning.

Mr Speaker I move a motion, *That the Assembly considers the recommendations of the Committee to allow the Family Court Bill 2013 to progress with amendments and corrections.*

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**Family Court Bill 2013  
– consideration in detail**

*Seconded by one of the members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua and member for Palauli.*

*Motion approved.*

**MR SPEAKER:** I announce that the Assembly has confirmed the Report of the Justice, Police & Prisons and Land and Titles Committee on the Family Court Bill 2013.

The Assembly will now consider the Family Court Bill 2013 in detail.

Pursuant to Standing Order 102 consideration in detail of the Bill starts with Clause 2.

**CLAUSE 2: Definition of Terms.**

**MR SPEAKER:** I call upon the Chairman of the Committee.

**Tofa TUISA TASI PATEA:** Mr Speaker I move an amendment on Clause 2 as follows:

**“AMENDMENT:**

*To insert the expression “Authorized counselor” in Clause 2 as follows:*

**“Authorized counselor” means an organization, association, incorporated body, person or group of persons or agency-appointed under section 17.”**

*Amendment approved.*

*Clause 2 Amendment approved.*

**CLAUSE 3: Acts binds the Government.**

*Approved.*

**CLAUSE 4: Family Court.**

*Approved.*

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**Family Court Bill 2013  
– consideration in detail**

**CLAUSE 5: Appointment of Family Court Judges.**

*Approved.*

**CLAUSE 6: Conciliation.**

*Approved.*

**CLAUSE 7: Alternative dispute resolution.**

*Approved.*

**CLAUSE 8: Jurisdiction.**

*Approved.*

**CLAUSE 9: Court sittings**

*Approved.*

**CLAUSE 10: Attendance at hearings.**

*Approved.*

**CLAUSE 11: Publication of reports of proceedings.**

*Approved.*

**CLAUSE 12: Proceedings to be brought and dealt with under Family Court Rules.**

*Approved.*

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**Family Court Bill 2013  
– consideration in detail**

**CLAUSE 13: Case stated to Supreme Court.**

*Approved.*

**CLAUSE 14: Transfer to Supreme Court.**

*Approved.*

**CLAUSE 15: Application of District Courts Act 1969.**

*Approved.*

**CLAUSE 16: Family Court Coordinator.**

**MR SPEAKER:** There is an amendment made by Committee on Clause 16 as stated in the Supplementary Order Paper.

**Tofa TUISA TASI PATEA:** Mr Speaker I move an amendment on Clause 16(1), (2) & (3) as follows:-

**“AMENDMENT:**

*To omit the expression “Family Court Coordinator” from (1) and (2) to read:*

- (1) The Registrar of the District Court must coordinate counseling and related services required for the proper functioning of Family Court.**
- (2) The Registrar may delegate the duty under subsection (1) to any officer or employee of the Ministry of Justice and Courts Administration.**

Clause 16 (3): To omit subsection (3).

*Amendment approved.*

*Amendment on Clause 16 approved.*

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**Family Court Bill 2013  
– consideration in detail**

**CLAUSE 17: Counselors.**

**MR SPEAKER:** There is an amendment by Committee on Clause 17 as stated in the Supplementary Order Paper. I call the Chairperson.

**Tofa TUISA TASI PATEA:** Mr Speaker I move an amendment on Clause 17 as follows:

**“AMENDMENT:**

*To omit the expression “Family Court Coordinator” thus Clause 17 reads:*

**17. Counselors – The Registrar may appoint Authorized Counselors on such terms and conditions as provided for by the Family Court Rules.**

*Amendment approved.*

*Amendment on Clause 17 approved.*

**CLAUSE 18: Family Court Rules.**

*Approved.*

**CLAUSE 19: Regulations.**

*Approved.*

**CLAUSE 20: Transitional and saving provisions.**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Short title and commencement.**

**TITLE: Family Court Bill 2013.**

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**Family Court Bill 2013**  
– third reading

**MR SPEAKER:** There is a correction by the Committee given in the Supplementary Order paper on Clause 1. I call on the Chairperson.

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

**“CORRECTION:**

*To omit the number “2013” and substitute thereby the number “2014” thus the title reads:*

**Family Court Bill 2014.”**

*Correction approved.*

*Clause 1 and corrections approved.*

*The Family Court Bill 2014 progressed with Amendments and Corrections.*

**MOTION FOR SUSPENSION OF STANDING ORDER 107(4)**

**MR SPEAKER:** I call upon the Hon Prime Minister for the motion.

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister):** Mr Speaker I move a motion with respect, *“To suspend Standing Order 107(4) to allow the third reading of the Family Court Bill 2014 this sitting day.*

*Seconded by the Deputy Prime Minister, Minister of Justice, Courts and Administration, Minister of Works, Transport and Infrastructure and the Minister of Women, Community and Social Development.*

*Motion was approved and Standing Order 107 (4) was suspended.*

**FAMILY COURT BILL 2014**  
– third reading

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

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**Motion for Suspension of Standing Order 100(1)**

**Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice, Courts and Administration):** The House has come in good health this new morning. Greetings honorable Speaker as we relate to your word this morning specifically, praising God's abiding love and guidance that has enabled us to arrive at the start of business this new week.

Mr Speaker before I move a motion I would like to make a few commendations to our Lady Judge Susuga Ida Malosi, who is a former Judge from New Zealand. She has worked together with the Chief Justice in drafting this Bill. Her service (Susuga Ida Malosi) will conclude at the end of this month hence I wish to acknowledge the huge work tasked by Ida on behalf of the Ministry of Justice, Courts and Administration.

**MR SPEAKER:** I call upon the Minister to continue.

**Afioga Hon FIAME NAOMI MATAAFA:** Not only her assistance to the Judiciary but also her service to the Courts. Mr Speaker, I wish to note a word of thanks in our official Parliamentary Records for her (Ida) services. I also appreciate the New Zealand Government for allowing Ida to work with the Ministry for the last six months since the start of the year.

Mr Speaker I move a motion, *That the Family Court Bill 2014 be read a third time.*

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

**MOTION FOR SUSPENSION OF STANDING ORDER 100(1)**

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

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That Standing Order 100 (1) be suspended to allow the second reading of the Constitution Amendment Bill (No.2) 2014 this sitting day.*

*Seconded by Deputy Prime Minister, Minister of Revenue, Minister of Works Transport and Infrastructure, Minister of Women Community and Social Development and the Minister of Agriculture and Fisheries.*

*Motion approved and Standing Order 100 (1) was suspended.*

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**CONSTITUTION AMENDMENT BILL (No.2) 2014**  
**- second reading**

**MR SPEAKER:** I call the Hon Prime Minister.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the Constitution Amendment Bill (No.2) 2014 be read a second time and I wish to elaborate on it.*

*Seconded by Deputy Prime Minister, Minister of Justice Courts and Administration and the Minister of Revenue.*

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

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker this Bill requests for few amendments to the Constitution.

Firstly, it allows a party in Government to nominate a person to be appointed Head of State (instead of the current mechanism of election) by the Legislative Assembly.

Secondly, it allows the members of Parliament nominated by the majority party or party in Government to be treated to have been duly elected and endorsed by the Legislative Assembly as Speaker and Deputy Speaker, respectively.

Thirdly, to implement the recommendations of the 2012 Commission of Inquiry into Electoral Matters to change individual voters' constituency to two (2) urban constituencies. Lastly to create the position and functions of the Ombudsman under the Constitution, as currently held by dealing with human rights breaches, and may connect with the fundamental rights under Part II of the Constitution.

Another minor amendment is the concept "Pulenuu" to "Sui o le Nuu" that sounds more appropriate as the term Pulenuu is mostly misinterpreted as a person who solely rules a village.

Mr Speaker this is one of the manifestos of this Party, they look at the issues and incorporate amendments accordingly for ease of reference and transparency purposes before God, "He who knows the right thing to do but refuse to do is a sin."

Hence these are the basis to the amendments made to the Constitution, there's no other time left, this is our time to make amendments to the (provisions) that should've been amended long ago. Part 1 is the appointment of the Le Ao o le Malo laid down by our forefathers who initiated Government and passed the Constitutional Convention (Fono Faavae) and the Constitution on appropriate statements made suitable at that time. Since then, no political parties existed. According to the provision, we had to line up and give our votes based on free will pursuant to the situation those days.



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**Constitution Amendment Bill (No.2) 2014**  
**- second reading**

Today, political parties now exist and we now know the reality of politics. A party gaining the majority votes is the Government of the day and is also responsible to elect the Head of State that is later announced in the House.

This is a very simple matter that some have made it difficult. We are in a different time period and we cannot predict future events. Whether these amendments produce misunderstanding yet the system of Governance is very simple. Like the successful Government of the day earning the majority votes, therefore (all in favor) automatically elects the Prime Minister as well as the Speaker upon the approval of this recommendation.

As known, the current appointment of the Prime Minister is now amended not the Speaker. The amendment of the Speaker and the Deputy Speaker is easier if we adhere to the recommendation in the legislation provision if you recall the last appointment we had whereby we had to line up and cast our vote. Such practice does not apply to us nowadays. Hence the amendment upon this provision is appropriate.

Part three of the Bill states for Individual Voters and the official amendments to the urban constituencies. From the beginning the Individual Voters had the chance to nominate their representatives. The Individual Voters have been in Parliament long enough and each constituency have their own honorary salutation including Vaimauga West, Vaimauga East, Faleata East and Faleata West. This is the same for the other 40+ constituencies except one that is compared to a civil society and rugby team. The (village) name was unofficial. If we look at the way it was in past the voters for Individual Voters lived dispersedly in the country. Unsuitably, these seats were always ridiculed by members because of no traditional salutations (faalupega). Papaliitele and Maualaivao hold some of the prominent titles in the country and are categorized under Individual Voters. Therefore the Urban seats amendment stresses these statuses for the members. Globally the capital signifies an important image of a country. In America the most important State is Washington and Moscow for Russia. Factually, these are the centers by which these Governments were established.

This amendment was not made urgently Mr Speaker. I pray for the wise counseling insight. These are not scornful amendments but a chance for the members to sit on top positions. The fourth amendment states the functions of the Ombudsman.

The role of the Ombudsman in various countries is to resolve complaints filed by the public against maladministration especially that of public authorities. There have been various government decisions made upon Ministries that have been retracted by the Ombudsman and his decisions. These decisions are overlooked by the Cabinet whereby the recommendations of the Ombudsman are considered based on human rights. Individual human right is vitally recognized across the world. Recognizing the national human rights is significantly admired across the globe based on its principle values similarly to the Parliament and the Cabinet. Ultimately, these amendments must be maintained in the Constitution.

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

The role of this Parliament is to uphold integrity and not be afraid of decisions in Samoa's House. This is the paramount meeting for all representatives of the country.

Mr Speaker that is the clarification in regards to the Constitution Amendment. We have the jurisdiction to perform what must be done. We cannot be ignorant of our responsibilities hence today achieves a milestone that lays the solid human rights protection into the realm of National Human Rights Protection law.

Mr Speaker, that is the ultimate aim of the tabling Constitution.

**MR SPEAKER:** Thank you Hon Prime Minister likewise the Minister who owns the Bill for his clarification. The House has heard the explanation delivered this morning. The House is now available for further deliberations.

I call upon the Member for Faasaleleaga No. 2.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No.2):** Thank you Mr Speaker and the honorary members. I support our thanksgiving relayed this morning in response to God's merciful love for guiding the House back together with the Hon Prime Minister and the Cabinet especially the Leader of the Opposition and all Parliamentarians this morning.

Appreciation to the Prime Minister for the amendments to the Constitution Amendment Bill tabled in the House. Well done as the reviewed amendments were made accordingly to the present time and the existing Parliamentary term. So far, we have covered all significant aspects of the Constitution and its amendments that is paramount and the most supreme law.

Perhaps I will now take this opportunity to voice a few issues on the matter. The opinions given are to assist decision making which is the sole purpose of electing members from each constituency to have a say especially in relation to the principle law of our country. This is why Faasaleleaga No.2 wishes to contribute to the proposed amendments in the House. As the Prime Minister clarified the first amendment is the election of the Le Ao o le Malo.

Mr Speaker, these are our views that must be submitted for review to reach a collective decision in the House. The position of the Le Ao o le Malo is notable and the head of the country is; he heads the three pillars of government which is the parliament, judiciary and executive. Therefore the appointment and election of the Le Ao o le Malo is a vital process that should not be taken lightly.

Mr Speaker the election of the Ao o le Malo by our past forefathers was based on certain provisions. The appointment of the Ao o le Malo is held by the Parliament. In the meantime, the Ao o le Malo appointment to me is very respectable. It is significant like the previous appointment ceremony and a decision reached by our former leaders.

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**Constitution Amendment Bill (No.2) 2014  
- second reading**

The term election according to the new amendment seems to be removed from Parliament and instead being handled by a Political Party. Generally speaking, I will not mention any Political Parties. In viewing this as a member, this means that the Political Parties will come with its own Le Ao o le Malo.

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

**MR SPEAKER:** Pardon the member speaking but I give the opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** It looks like the member did not read the Bill that was presented on Friday, Saturday, Sunday and now it is Monday. It has been four days since the member has not read the Bill which is very clear, "the Ao o le Malo will be appointed by the Legislative Assembly based on the advice of the political party ruling the Government."

See how far you've gone with this? The Legislative Assembly makes the appointment thus this is the only election that's different from this. The first appointment of the reigning Le Ao o le Malo came from one nomination from this Side, you had two. You had two nominations. Despite one (nomination), however we did not have a dignified process. You did not do it the proper way. What happened next, it wasn't dignified due to the one nomination we had. The last appointment we had mind you, His Highness, the Le Ao o le Malo was first appointed after the passing of Susuga Malietoa. We then had the election. That is what happened, our Party met once and agreed to one nominee to be submitted before the Legislative Assembly but you had two.

This is the objective of the new amendment; to avoid this doing in the past from happening again. Even though no voting was done because you had two nominations, we agreed to this one nominee, but the situation to...

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** There is no point of order as I am speaking of justice.

**MR SPEAKER:** I will give the opportunity to the member after the....

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** There is no need to reassess what is accurate because I was the one who submitted our one nomination....and when I came here and asked, no one was here?

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

They (Opposition) submitted two (nominations) of the same name. This Party thinks that it is best that both sides have one nominee each.

Mr Speaker this is why I am trying to advise the current member speaking to avoid jumping to conclusion but read the Bill thoroughly, the further you clarify, yet you now stand again and say that this is undignified, when dignity is made complete according to what I am giving.

Mr Speaker an explanation in case the issue is misinterpreted; the final decision was to nominate one name only. Therefore during the previous nominations I met with the Leader of Opposition and I told him not to repeat the previous mistake as it is disrespectful. I called him, Palu please come in, we were like pals in a gang in the old days such that he obeys what I say as a former Cabinet Minister which was good...but if I had not called him, the same would've resulted whereby we would've had a different nomination from yours (Opposition), although it's true we now have one nomination, indisputably (in the future) we would end up coming back to Parliament to have a ballot. That is reason we aim to avoid the ballot process, although we know it's likely to occur, the Party elect to rule the Government will be the ones to submit (the Le Ao o le Malo) who is our truthful Le Ao o le Malo for the Government that must be submitted (in Parliament) as stated in the provisions; "18.Appointment of the Head of State- (1) The Head of State shall be appointed by the Legislative Assembly acting on the recommendation of the party or parties in Government."

Mr Speaker see how clear the amendment is, however it seems that they are trying to misinterpret the statements in the Bill?

**MR SPEAKER:** Very well. Pardon the speaking member I give the chance to the Leader of Opposition. I call the Leader of Opposition.

**Afioga Hon Palusalue Faapo II:** Thank you for the opportunity respectfully, I move to correct the Prime Minister, they did not have one nominee before, they had a ballot first, yet we are being accused that we had two nominations, this statement is incorrect, no, intentionally, according to the member...dignity, he said that, I have seconded it and have signed it, therefore try and be dignified about it, whilst the accusation against us...give us a chance, I stand to correct this.

**MR SPEAKER:** I understand the Leader of Opposition's query, a clarification will be issued on the matter. There are two processes to the appointment of the Le Ao o le Malo as mentioned, the first appointment and the second appointment, the clarification will now be given before I give you (Leader of the Opposition) the opportunity.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** A point of order, what is submitted to the Legislative Assembly, the nomination documents, you had two nominations for the initial election of the Le Ao o le Malo whom we currently have in office, we had only one.

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**Constitution Amendment Bill (No.2) 2014  
- second reading**

It seems the member is bringing their (referring to the Opposition Side) discussion to the table, that is the private discussion of the Political Parties alone that shouldn't be brought to get one nomination, the official candidate is then brought before (the Parliament) yet you now seem to bring indignity (to the House) Mr Speaker, that is the correction to the statement that the Opposition Leader is trying to misinterpret.

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

**Afioga Hon Palusalue Faapo II:** Thank you for the opportunity. The accusation about the two nominations is false, we meet first to obtain/decide one nomination, we do not conduct a vote like them; because a vote is conducted first, and that's it, therefore, not all of them supported the nomination they submitted.

**MR SPEAKER:** The point made is now understood...your explanation is clear...

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of order, Palu stop lying.

**Afioga Hon Palusalue Faapo II:** I am clarifying your false accusation against us. I need a chance to explain myself of the proposed amendments to the Constitution, the current matter is of great importance as it relates to the appointment of the Le Ao o le Malo.

**MR SPEAKER:** The view of the member is well understood.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of order, when the nominations were closed after the former Head of State's funeral, the election of the Le Ao o le Malo was based on the provisions laid out in the Constitution that is now being amended, we met and agreed to one nomination, we had one nomination to which we filled the nomination document that I came and submitted to Parliament at 12.00pm which was the closing time, upon reaching here, they were almost closed, and I asked, have you received any nominations, and the Parliament Head Clerk informed me that the Opposition submitted two nominations, although it was two but the same name was nominated, isn't that right Palu, stop lying.

**Afioga Hon Palusalue Faapo II:** No a point of order please.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** I believe that during nominations, members were still part of this party....there were two...

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

**Afioga Hon Palusalue Faapo II:** There was no Opposition at the time, it was not official, we were not part of the previous Opposition led by Le Mamea at the time, yes, that is the correction to that statement.

**MR SPEAKER:** I will give the opportunity to the Leader of Opposition's explanation.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker it does not matter because that side is namely the Opposition as well. This is why Palu do not try and argue a moot point. Even though you know it is worthless but you still argue? I say that the Opposition had two nominations and we had only one. Mr Speaker this is why we had this amendment to officially make top appointments respectfully.

**MR SPEAKER:** I will grant the opportunity to the member.... I call the member for Faleata West.

**Tofa Lealailepule Rimoni Aiafi (Faleata West):** Mr Speaker it looks like the statement by the Prime Minister is incorrect, he seems to refer to the current time and even if he is referring to the past, that was when the members were Independent. Not during the Tautua Party time but the previous Parliamentary term (before Tautua), respectfully.

**MR SPEAKER:** The matter is now clear, it was this side of the House, but you were all present. That cannot be discarded.

**Afioga Hon Palusalue Faapo II:** Mr Speaker point of order.

**MR SPEAKER:** Very well.

**Afioga Hon Palusalue Faapo II:** I was not present at the time, I was at a nominations meeting that the Prime Minister mentioned, yes, so it wasn't one, it wasn't one like the issued statement to hold a dignified vote (before submission to Parliament), we ultimately had another ballot.

**MR SPEAKER:** The explanation of the Leader of Opposition is well noted, I am trying to elaborate the clarification by the Prime Minister. The voting system for nominations by the Political Parties is their system alone, but once the nomination is final, that nominee is submitted (before the House). After Malietoa's passing, we all came to the elections and implemented the provisions to the Constitution. Pardon me as you (Leader of the Opposition) weren't present at the time but there was an Opposition on this side of the House that we bear witness of.

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

The intention therefore, we must not think of the past such as the Prime Minister's statement as the process is not new like the appointment of the Leader of the country or the Prime Minister. Hence that is the existing process now, thus if the election of the Prime Minister is progressed, the (same process) should not affect the election of the Le Ao o le Malo as well as the Speaker.

I now give the opportunity to the member for Gagaemauga No.2.

**Tofa Levaopolo Talatonu (Gagaemauga No.2):** Thank you Mr Speaker for the opportunity just a brief clarification on the issue. Perhaps when you were the Speaker, no matter how much we claim that we are the Opposition side, they responded that we were independents. And members were given a choice to vote, there was no collective decision when Le Mamea was leader, thank you.

**MR SPEAKER:** Very well. I call the member for Faleata East.

**Tofa Aveau Tuala Lepale Niko Palamo (Faleata East):** Mr Speaker I move with respect to tell you that there was no Opposition at the time, Tautua was not even established at the time. This is a new party with a lot of new members hence I plea to remove the statement which says that we had two nominations. I ask that this statement be referred to the Independent Voters or SNDP that were here first, because this can affect the Tautua and its registration at this Parliamentary term, respectfully.

**MR SPEAKER:** In case the member has a different interpretation of the Prime Minister's statement, the law does not follow the existing Tautua, no, the issued statement refers to what happened in the past, and if the intention regards the clarification of Independent members, I take it that it's the same thing, but...I call the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I am trying to sanctify them because we do not know what will happen, how many Opposition Parties have we had? How many? I meant they are all members of the same side, the Opposition. This is the norm inside Parliament House, respect should be maintained. Hence do not be easily wounded with hopeless sayings. The nomination was not one but three.

Mr Speaker what if the other nomination went somewhere else? Then we would have marathon by properly executing a ballot that is a total waste of time. Why should we waste our time? Because the side that stands for the Government is the side that makes decisions. Therefore this isn't some guessing matter in the legislation, rather it is something easy and transparent and what we find assuring is that. Hence this will only prolong our business, when the ruling Government are the ones that make the decision.

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

Mr Speaker as amended in words, based on the situation at the time we are trying to word/interpret them into the legislation.

**MR SPEAKER:** Thank you. The clarification is well given and understood, pardon the members. Hence Tautua was not yet established and that ought to be corrected. Therefore regardless of the context your side is still known as the Opposition. This matter is well defined whereas before, there was no official Opposition. I call the member for Faasaleleaga No.2.

**Susuga PAPALII LIO FAAVAIVAIO MANU TAEU MASIPAU:** Thank you Mr Speaker...

**MR SPEAKER:** Pardon my interruption but I remind members that you are given twenty minutes to speak on the Bill. I advise all members to be prepared before expressing views in the House. Respectfully, I call the member to continue.

**Susuga PAPALII LIO FAAVAIVAIO MANU TAEU MASIPAU:** Thank you Mr Speaker, I have not mentioned anything else other than the Bill, the constituency is listening in thinking that I am not prepared. Mr Speaker this member is well prepared for any issue discussed and I have also thoroughly read the Bill. This member for Safotulafai does not make assumptions I speak with great confidence.

**MR SPEAKER:** Pardon the member I grant the chance to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker this is exactly why I took the floor I know the member is prepared for any legislation but this one. This is the reason why I interrupted his false clarification that is vastly different like the distance of East and West.

**MR SPEAKER:** I call the member I believe your view is well taken.

**Susuga PAPALII LIO FAAVAIVAIO MANU TAEU MASIPAU:** I wish to elaborate on the issue, in the new amendment the term 'appoint' is substituted with 'nominate' in the old legislation. Reference to the term nomination it now removes the integrity of Parliament. This leaves behind the word nominate, in English it simply means to endorse when the nomination has been finalized by the Political Party. I am well aware of the proposed amendment. This does not mean that I do not understand.

**MR SPEAKER:** Pardon the member I recognize the Hon Prime Minister.



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**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I wish to say something. In the process, the final term we get is appointed. This is vital because if a person is not nominated, he/she does not hold a position. But this poses insignificant leaving aside importance. The nominating person must bear significance. Who makes the appointment? It's the Parliament. The most significant concept here is appointment.

**MR SPEAKER:** I call the member to continue.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** Mr Speaker, the main aim is to be a part of the nomination process. The essence regarding the old system we come here and conduct the nomination process together.

**MR SPEAKER:** I call the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the member is not avoided from the nomination process, if you want to be part of the process, see, stay alert of the (political party) that's making the nomination.

**MR SPEAKER:** I call the member.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** The Prime Minister has spoken and based on the clarifications given it aims towards the Government of the day. We should be given an opportunity (Opposition) to contribute and have a say (in this), yes, regardless the decision is yours. The objective is to provide a dignifying process for all of us to contribute (in the process).

**MR SPEAKER:** I call the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker those are the dignifying manners. The most respectable aspect is reflected in the word appointment. Who makes the appointment? It is this Parliament that is composed of all us (members of Parliament). Do you want to be dirty? The nomination process puts dirt on your hands. Do you want to make your hands dirty? You don't want to risk it. That is why you were titled Papalii so you can sit here as you do not want to be a male youth.

Mr Speaker these are the respectable processes derived from the word appointment held in this Parliament that upholds power and respect for the country as a whole.

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

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

**Afioga Hon Palusalue Faapo II:** Mr Speaker a point of clarification. This is the Prime Minister's personal understanding saying that the appointment is based on integrity, appointment based on dignity selected by a few and endorsed (by all) in here (House). In my belief Hon Prime Minister, this system is highly undignified. Note the appointment of the Le Ao o le Malo last time whereby you (Prime Minister) moved a motion and I seconded it, that was highly regarded. That was very respectful. As for the new system of appointment Hon Prime Minister, that is an unrecognizable method solely made independently by your party.

**MR SPEAKER:** I call the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker the member still has a voice in the matter before a decision is reached. That is how it is. It is not the beginning but the end. Have you read the Bible? The day you were born is not important but the day you died. These concepts were not taken lightly these words are sacred and so as the law which comes from the Bible.

**Afioga Hon Palusalue Faapo II:** Mr Speaker, the Prime Minister is always referring to the Bible. How can he refer to dying as a blessing? What is the use of this appointment when I am dead? Yes. That is what I mean by saying, stop using the Bible as a hiding place for your issued statements.

**MR SPEAKER:** I believe this is unnecessary. The spirit with due respect, it looks as if the Bill has been discarded over Theology. That is not the intention as the country is hearing this. Using the bible as reference is fine as this is the only true source, but a person who speaks of the bible but lies, I cannot say how that will end, hence (the bible) source is the only verification of the words we say. Do not use the Bible in vain to conceal your wrongdoings. Once we took our oaths each member was given a Bible to read. What was the purpose? There were three books given, the Bible, Constitution and the Standing Orders. These (books) are a guide to the House. But do not feel concerned Leader of the Opposition. Sometimes, your theological knowledge is just too much yet some members do not understand it. That is the basis, but do not think otherwise, the Bible is a reflection that we refer to...No. Respectable members, there is no other book that verifies the truth when we speak of the Lord and His Will.

I call the member for Faasaleleaga No.2 I believe your query has been clarified. I call the Prime Minister.

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker, I extend sincere gratitude to you for managing our proceedings today.

The Speaker is right, there are times when we need guidance yet we run out of options, and therefore our Government is also founded on God. This involves open criticism against the Government including myself that is anonymously written in newspapers. Once a matter is spoken I would quote from the Bible without looking at the Constitution. The Constitutional Law plus a number of laws derived from Moses and the Ten Commandments. That is the principle source of all laws. Despite its complexity, it will come down to the first law. That is the aim and principle objective of all established laws, God's law. This is similar to our Constitution.

Mr Speaker, the overall objective of all laws including the countless things we do leads up to one thing, the Golden Rule of love. As for the criticisms against us, well those are the words in the Bible it is not the beginning but the end. It is not the day that you were born. The words of David are also precise, anytime it sets down, David finds it appropriate to kill Saul, David utters only one word, "I cannot touch the anointed one." That is the word. The anointed is complete. Hence, appointment and anointed is what we are doing. That is the essence of this law. If we talk about appointment, we are talking about anointing. By whom? That is the job of this Parliament and Government that is founded on God. Hence, I beg indulgence Leader of the Opposition, you too always turn to the Bible yet you criticize us when we do.

Mr Speaker, this is my final upstanding, thank you for directing us, you have led us to the right path. Most of the times we are faced with difficulties yet we meet and find the answers in the Bible. Mr Speaker that is the final assistance.

**MR SPEAKER:** Member for Faasaleleaga No.2, I believe your view is well taken, consider your time, you have five more minutes.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** Thank you for the opportunity Speaker. The only address I wish to note is the term appointment, personally, this term is a Communism term. Whereas nominate or consult is a democratic term. Nevertheless I move on, the rejection by the member for Faasaleleaga No.2 has been noted in regards to the amendment to the Constitution, yes.

On to Individual Voters, I have read (the bill), once I received it on Friday, I read it straight away the entire weekend including yesterday that was a Sunday, after the church service, I read it again. I fully understand it, piteously. That is the intention that I am about to...

**MR SPEAKER:** Pardon the member I recognize the Hon Prime Minister.

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- second reading

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker since the member taking the floor is a lawyer by profession. I as the Doctor of law will read out "Clause 18, Election of the Head of State to appointment by the Legislative Assembly acting on the recommendation of the party in Government." The recommendation is by the incumbent ruling Political Party. I think you should value the word recommendation.

**MR SPEAKER:** I call the member for Faasaleleaga No.2 to continue.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** I believe I shall move on to next matter. Whether it is recommendation or what, nomination is more important. The appointed person recommends the House that gave the endorsement hence I shall move on.

**MR SPEAKER:** Pardon the member I call the Member I believe I shall move on to next matter. Whether it is recommendation or what, nomination is more important. The appointed person recommends the House that gave the endorsement hence I shall move on for Siumu.

**Tofa Hon Tuuu Anasii Leota (Siumu):** Thank you for the opportunity. I wish to understand the Prime Minister's statement. Government's recommendation, but I want to know what's happening now, who recommends the appointment of the Le Ao o le Malo in Parliament. With respect.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Thank you for the question. The old system submits the recommendation to Parliament through nominations or filled forms. The basis of the Constitution at that time, we started off with 47 Members. This means that if each Member has a nominee, what happens next, we can have 47 nominations in Parliament, followed by two additional members according to the Constitution amendments in 1991. The two Members were Safata and Salega that made up 49 members. If we comply with this provision and Members are given the opportunity to make a nomination of their choice it will result to 49 members in Parliament. This is the old system, thus if this system was practiced using one nomination voted by a political party, based on the recommendation given that the nominee cannot be elected (outside the Parliament) but inside the House. Such is reason for having this official practice inside the Parliament with two other nominations which we can say that they were the nominations of the Opposing side to the Government. Therefore, these three names were used by the Parliament in its election process but since the three nominations is the same person, hence there was no ballot, but the reasons were clear.

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- second reading**

The reason for making these nominations was because there were no Political Parties at the time. Previously, I contacted the Leader of Opposition that HRPP have decided on one candidate and if their party was willing to make one nomination then we will both sign an agreement and recommend it to the Parliament.

We agreed and the Clerk of the House was our witness, the document was signed and submitted. This past process was well taken based on mutual understanding with the Opposition Leader, nevertheless we are undetermined of the future and its events. In response Mr Speaker, the absolute majority from this side and the Leader of the Opposition's agreement was well recognized without having to deal with a ballot. The current system and existing statements, we are unaware if one wants that (in the future) people may want to perform the existing provisions in the Constitution, as all 49 names can be used to make the appointment for Parliament if these provisions continue to exist. Nevertheless this amendment might be beneficial for the Opposition possibly in the next election we might be on the opposite side of the House and Palu and his Party will say, "the Government was right about this amendment." We cannot tell what will happen in the future, but let us have a say now, by setting up necessary, appropriate, transparent and clear change following the future generations.

**MR SPEAKER:** Thank you, the Members views are now well defined and clear. I call the Member your time is nearly finished.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** Thank you for the clarification, I move on to the major changes involving Individual Voters seat.

The intention is to look at the proposed amendments questioning why these seats were initiated (in the first place) by our forefathers considering the current system, whether it signifies the importance of the contribution they made (half castes) pardon the House and everyone, entrusting that these seats had a significant contribution to our development. That is the spirit witnessed in response to the good works set by our forefathers in the past.

The current system now has this change of chief title holders from one constituency to another; at least the intention of the House is achieved. I feel for these Members because there were never problems since they (Individual Voters) were established. Their contribution is beneficial and unbiased to one constituency but the country as a whole. This is the reason why I do not support this amendment. There is hope that these seats and the current holders of these seats/representatives will be retained.

I move on to the Speaker's election. Mr Speaker, this is the last one before I finish. The most valuable thing I uphold is the honor of the Chair of Parliament. I believe the current system is appropriate with a slight recommendation. We do not hold back our views when thinking of the independency of the Speaker.

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**- second reading**

From experience during a visit I took in China, the role undertaken by the Speaker of the House in this country is very honorable and recognizable. That is how I see it. I agree with the current system of electing the Speaker by the ruling Political Party. Those are direct recommendations; the Speaker should not mingle with any political party. Those are my direct statements once the appointment of the Speaker is complete, he is the Chairperson that should be respected and honored as the leader of the third pillar in our democratic society, the Speaker. Regardless of other three pillars and processes, the House is the center of democracy led by the Speaker.

That is the submission hence we shall rely on God's spirit upon the critical proposed legislation. With all due respect.

**MR SPEAKER:** Thank you for the speech. I believe the first lawyer speaker has initiated further clarifications on the matters regarding this legislation.

I remind Members who haven't had a turn to speak that we are now debating the bill before we refer it to the Business Committee. This will further allow Members who haven't had the chance to contribute through the Committee.

I am the Chairperson of the Committee and Members the Prime Minister, Leader of Opposition, Tofa Lealailepule, the Lawyer and Member Tofa Lefau, Deputy Speaker and the Parliament's *Manaia*, Tofa Hon Tuuu Anasii Leota. Those are the Members of the Committee there is a lot of time for Members to make submissions as this legislation should not be taken lightly. In case Members might think that this is the only time to deliberate the Bill I remind you all it is not. We are deliberating and taking the Bill into consideration. If you are concerned with the Individual Voters seat we still have more time in case someone gets high blood pressure. I thank Papalii for the views raised and believe that Members will follow the same. A reminder, each person is given 20 minutes to talk on the Bill according to the Standing Orders. The time limit when referring to the Committee is 90 days. Once the conclusion is set on the Bill the Committee will review before meetings starts for the Electoral Committee. This means that there is still a lot of consultations available to review related issues on the Constitution. The floor is now open for a Member who wishes to speak. I will give the opportunity to the Opposite side of the Chamber, the Member for Aana Alofi No.1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI (Aana Alofi No.1):** Thank you for the opportunity. I acknowledge the Speaker, the Leader of the House the Hon Prime Minister, Members of Parliament also this side of the House and Leader of the Opposition.

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**Constitution Amendment Bill (No.2) 2014  
- second reading**

The contribution on the Constitution Amendment is short. Upon arrival and receiving the Constitution amendment this morning, I was surprised and held on to the feeling of rejection. Reason for objecting is because the appointment of the Le Ao o le Malo seems to omit its notable status. On the other hand, (I refer to) the given statement by the Hon Prime Minister. Secondly, the feeling of rejection as this amendment was not heard before in Parliament through the Political Party and the mood this morning. Nevertheless the clarification by the Prime Minister this morning has helped clarified the matter further for the Leader of the Opposition and the Member for Faasaleleaga No.2. Thank you Hon Prime Minister for the clarification. The Constitution is well defined that there were no Political Parties in the past as laid down by our forefathers. In query, why make change if the (current system) is still good?

These are the questions that comes to mind but given our deliberations and the Prime Minister's statement, I have managed to view the picture more clearly now, thank you Leader of the Government, Deputy Prime Minister and the Cabinet for the proposed amendment to the Constitution, regardless of the translations to the word appointment and election, but if the appointment and election process ends well, then appointment is the result. Appointment is based on the recommendation in Parliament. Hence, the (Speaker's dignity) is maintained as initiated. If this is the same (electoral process) carried out for the Prime Minister's appointment, the same (process) should be used for the Speaker and the Deputy Speaker. Hence the appointment in Parliament is vested through the power in the House. The same respect is carried in the appointment of the Le Ao o le Malo, pardon His Highness, the reigning Le Ao o le Malo.

Ultimately, I am mainly concerned with the thought that dignity and integrity were being removed from the appointment of the Le Ao o le Malo as the leader of the three pillars hence the previous views and expressions by members and the Prime Minister have been well received. I now get it, again thank you Prime Minister and the Cabinet for the proposed legislation as God did not choose Moses lightly to lead the Israelites. We should refer to the Bible and relate ourselves to it to guide our wellbeing and Christian beliefs to obtain and be insightful of the current affairs.

The matter relating to Individual Voters I am saddened as the Standing Orders clearly stipulates the importance of honorary salutations of each Parliamentarians to their Electoral Constituencies. The Individual Voters is known as Samoa as a whole. I think we have breached the law to the extent, I was discouraged to say anything in respect to the Assembly but I think that making these seats urban is more appropriate. This is good for the urban area to retain the voters for Individual members as opposed to representatives in the rural communities.

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- second reading

This is an issue that has been continuously mentioned in the past Parliamentary terms, stop the current practice. I think a fearful leader backs down when seeking justice and make appropriate decisions, otherwise, I believe, all decisions and dreams implemented by the incumbent leader directing the Government at this point in time have been accomplished. I wanted to elaborate on the matter when the Leader of the Opposition led this Party. The current Opposition Leader who was the former Government member also rejected the road switch change believing that it will affect people's lives. Nevertheless the incorporated change seen today has brought blessings and boosted our country's economy.

The reason for this mention is reflected in the Government's dreams becoming a success. If the Government's intention is to end the Individual Voters seat, this will additionally be another good change for nothing is impossible with God as we only decide but we solely rely on God to fulfill them. Whoever makes plans, God does not make the decisions, what is proposed by the people depends on God to achieve them prosperously. That is our say, other proposed amendments in relation to the Ombudsman, I support it one hundred percent. As aware today, several cases involve human rights in the country therefore it is important that someone draws the line and be the caregiver to the public in accordance to the significant impacts of human rights. That is the submission respectfully. Bless Samoa and its support. Thank for the opportunity.

**MR SPEAKER:** Thank you Member for Aana Alofi for your statement. I send appreciation for the well thought contribution and presentation to our meeting.

We have reached our recess hour and I believe we should take a break.

*Proceedings of the Legislative Assembly were set aside for its usual recess at 10.45 until 11.20am.*

**MR SPEAKER:** I note we've been reenergized provided our morning tea this morning. I hope the morning tea by the Clerk and Office has met your satisfaction. In purpose, to provide Members with strength whilst engaged with today's sitting.

The Chair advises in relation to the scheduled tabling Bills, we must not take this as a joke given your views. I remind Members of the procedural process in regards to previous passed legislations, all comments on the Electoral Bill must not be directed on the divisions of constituencies that we have already discussed. The Constitution Amendment Bill solidifies the provisions of the Electoral Bill. I recommend that Members not reiterate matters that have already been discussed hence there is always another opportunity during Committee deliberations.



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- second reading**

As stated earlier this Electoral Bill and amendments to the Constitution will be referred to the Committee including myself, the Prime Minister, Leader of Opposition and other Members. Hence we will have additional changes in review of these two bills before they are final.

This essential legislation reflects some of the top appointments including the Le Ao o le Malo, Speaker and the Ombudsman. I once again remind Members to directly express views on the bill on a time allocation of 20 minutes each.

The House is now open to a Member who wishes to speak on the Bill. I call one of the Members for Individual Voters, Susuga Hon Papaliitele Niko Lee Hang.

**Susuga Hon PAPALIITELE NIKO LEE HANG (Individual Voters):** I thank the Chairperson for the opportunity. I believe everyone has found strength from the refreshments that were provided. I move with respect to voice a concern on the Constitution Amendment Bill (No.2) 2014. The Prime Minister has clarified the purpose and why these amendments were proposed especially the impact on the Individual Voters. Perhaps this explanation will help denote the importance of this seat as noted from the Prime Ministers clarification the seat is a society hence a rugby team. This type of explanation is unacceptable. But if the seats are respected and honored then that is significant.

Mr Speaker, since the introduction of the Individual Voters seats as an Independent nation, we had about six members initially. Overtime majority of the candidates were given matai titles and were omitted from the Individual Voters roll thus reducing the number to two. Mr Speaker I am saddened as I relayed in my speech during our Budget Statement with this change of Individual Voters seat to Urban seat.

I viewed that the current Individual seat would continue until registration came down to nil then the seats would've been repealed. Instead, the Government has executed a plan. Notably, the Individual Voters members will always be remembered for their contributed services and efforts to the country's economic development. I believe these Members have greatly contributed to the development of this country. Perhaps we are forgotten nevertheless I cannot reverse what has been done. Because the Government solely has the support of these seats that is the constant question I have in mind. When we have the amendments to the Constitution, personally I query whether the services provided by the members are at fault. I have thought that until the (Individual Voters) become the Opposition side, the Government would then be able to make amendments and repeal them. Unfortunately, that is not the case as Maualaivao and I are still part of Government yet the amendments to the Constitution will repeal the Individual Voters seats.

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- second reading**

The constituencies are listening in, as we advise and remind. Attempts have limits and nothing can be done if this is the Government's purpose regarding the amendments to our seat. But if it is good change that benefits the country, then so be it. Nonetheless, we shall attempt to consult the Government to reconsider amendments until the end of the next election to see...if we obtain new members and the Government is no longer supported, then the amendments to remove these seats is suitable to go through with the Constitution. However, the frequent queries seem to mean we are no longer acknowledged nor supported by this Government.

Therefore Mr Speaker, I beg tolerance Hon Prime Minister and the Cabinet with all due respect I do not support the amendments on the Individual Voters seat. With respect thank you.

**MR SPEAKER:** Well done. Thank you for your statement, your view has been well clarified member for the Individual Voter. I call on the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I reply with utmost respect. At this stage, any matter related to the Constitution, once an amendment is proposed, I as a leader of this Party need the support of the entire Party since they entered and vied to this Party, that is the status in preparation to the recent speaker, I am the Prime Minister, the Leader of the Human Rights Protection Party and everyone agreed to these amendments. I relate to the oath taken by each Member of this Party to support every aspect and avoid being ignorant of the set duties to support this legislation. Even the amendments to the Constitution, all Members of the HRPP stood by it in accordance to the oath of allegiance they took in this House.

Mr Speaker, that is my final response to the recent speaker.

**MR SPEAKER:** Very well, Thank you. The floor is now open for further discussion. I call the Member for Siumu.

**Tofa Hon TUUU ANASII LEOTA:** Thank you Mr Speaker for the opportunity to make a brief contribution on the Bill tabled within the House today.

Mr Speaker, before I proceed, I firstly extend gratitude for availing the front area of the Parliament House that was used by Afioga Archbishop and this Ecclesia yesterday, especially the Hon Minister of Police and Prisons and the Policemen service provided in support of this Congregation's event. Thank you very much.

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**Constitution Amendment Bill (No.2) 2014  
- second reading**

Mr Speaker I move to comment on the Constitution Amendment Bill (No.2) 2014. I am saddened with the proposed amendments stipulated in the Bill. The Prime Minister has already clarified it. But in belief, these amendments were not presented to our Party. I am a representative of Siumu, I was not chosen like a fish on a rod. Pardon the Hon Prime Minister I am not against your will. You have spoken about this, but given the existing situations, times and days, we proceed according to the normal saying "if you know what to do and not do it, you know that's a sin before the Lord." I do not agree with the submitted amendments.

Mr Speaker I do not understand the first part of the amendments in the Bill. This is reason for questioning recommendations. The appointment of the Le Ao o le Malo is a political move. I do not know the difference between the old system and this amendment. With respect.

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker I doubt the political move mentioned. The matter was clearly clarified earlier and I also read out the amendments in the Bill. The election of the Le Ao o le Malo by the Legislative Assembly is based on the recommendation of the Political Party who is the ruling Government. The current system states the Party that has the absolute majority holds the majority vote when appointing the Le Ao o le Malo. To make the system better and easier, rather than the initial wording, any Member can make a nomination. That is rather a very difficult process. This Party had to hold until a decision was made, a decision by the Party, rather than having nomination choices in paper, whereby one can nominate Simi or Sione this is solely unrecognizable (doing). Undoubtedly this is just unacceptable. We are not initiating a political move. This is the statement in the bill that you reject, "The Head of State shall be appointed by the Legislative Assembly acting on the recommendation of the party or parties in government." How is this political? Does this mean that we should hold on to the current system whereby anyone can nominate a person of their choice...If we have 49 Members in total, everyone has the choice to make a nomination, therefore all 49 nominees will go into the ballot. That is what the Government is trying to avoid according to the statements in the Constitution when no Political Parties existed at the time. We only had Independent Members and these Members were entitled to their own views. Mr Speaker it is very simple. I don't see how this is politics. If we have non-members, then perhaps that is the reason. Who makes the appointment? It is done by the Members. But if it deals with politics without the Members' involvement, then this word is correct.

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**Constitution Amendment Bill (No.2) 2014**  
- second reading

Mr Speaker I am deeply surprised at the Member for Siumu because he is one of the longest serving Member yet he still does not understand. I shall read once again the clarification that is rejected by the member for Siumu, "The Head of State shall be appointed by the Legislative Assembly acting on the recommendation of the party or parties in government." This means that when the ruling Party makes a decision whether it involves 37 Members they will only have one nominee rather than going through the current practice, we can also have 37 members and each member is given a choice. Mr Speaker, this system is unethical.

**MR SPEAKER:** I call...

**Afioga Hon Palusalue Faapo II:** Mr Speaker a point of clarification as each Member has a copy of the Constitution that I read night and day. There is no such thing as a person holding the choice of his/her nominee, we have 49 members to vote on according to the Prime Minister's statement. There is no such (provision) here.

**MR SPEAKER:** We have Palusalue, if required it is under the term nomination. It is not in the Constitution but the Standing Orders. It is given under the old provision, the Election of the Head of State and Political Parties did not exist since the start. All Members elects a nominee. Therefore, all 49 Members submit a nomination. That is the current system according to the Standing Orders. That is the clarification given at the start, the new change will shorten the process instead of having all 49 Members, both sides work together to simplify the process like the election of the Prime Minister. We started off with the previous 3, 4, 5 Parliamentary terms. But I confirm the Election of the Le Ao o le Malo provision under the Standing Order.

**Afioga Hon Palusalue Faapo II:** Mr Speaker with all due respect, is it possible to have 49 nominations? We now have Political Parties, certainly, one nomination will be submitted. But is it possible to have the ballot using 49 nominations.

**MR SPEAKER:** Well Palusalue these changes have now existed as we do not remain in the House forever. We will not last in this Parliament as our time will be over, *e tea le aso o le lupe, tea le aso o le fuata*. Therefore we should confirm this between the Political Parties and comply with the existing system we have today. Thus is the change, Political Parties are now retained, hence whatever decision reached by the Party (in Government) stands.

I call the Member for Siumu to continue with his speech.

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**Tofa Hon TUUU ANASII LEOTA:** Mr Speaker, I believe that with the existing system in place as well as recommendation from the Government on the appointment of the Le Ao o le Malo, it is progressing well. In query, do we have any problems with the current system (appointment) we had? There is none. My concern, lest we make further amendments to the Constitution it could end up with the wrong hands resulting to trouble due to these amendments. In case you think that the HRPP will remain Government of the day, but changes will come and we will not remain here forever. That is my concern Mr Speaker I rise to reject this part of the legislation.

**MR SPEAKER:** Pardon the Member, your view will be clarified.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker, this is why the member's view is mistaken, I guess you have the notion that HRPP will be maintained. There is no such statement like that, that view is false. The only clear view is for us to make effective and appropriate decisions, rather than giving opportunity and if granted, the chance will be used. Mr Speaker not all days are sunny, sometimes we have the rainy days. These are the Houses' appointments. These appointments are not made outside.

The main basis is to avoid the process of making numerous nominations whilst using this gratifying system, based on Political Parties based on the votes of the Party with the absolute majority or the ruling Government, the nomination they decide on is that. That is the ultimate decision. We are talking about plural noun. That is what should be done. If that is the case, this should be reflected in the Constitution.

**MR SPEAKER:** I call the Member to continue.

**Tofa Hon TUUU ANASII LEOTA:** Mr Speaker our forefathers who drafted the Constitution have now departed, they were framers of the Constitution, and were far-sighted. I believe we haven't yet reached the time to make these amendments. That said, I object the following amendments Mr Speaker. Respectfully.

**MR SPEAKER:** I thank the Member for his opinions voiced. I call on the Minister of Justice, Courts and Administration.

**Afioga Hon Fiaame Naomi Mataafa:** Mr Speaker I wish to seek an explanation from the Chair. I note your statement after our recess, you mentioned divisional constituencies amendments stipulated in the Bill and reminded that the Electoral Amendments process is currently in progress.

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**- second reading**

The reason for taking the floor Mr Speaker is based on the fact that more than three Members have spoken on the amendments regarding territorial constituencies, hence I query, how many debates does this House have on this matter, because the Principle Act allows for the electoral amendments to take place as progressed at the current. The Constitution Amendment to the Prime Minister's legislation aims to progress the objectives of the Electoral Amendment Act. Mr Speaker I did not want to interrupt the members however questions keep piling in mind, how many times permitted to discuss the principle matters in regards to the Electoral Amendments Act that is currently in progress. The Constitution Amendment aims to progress the undertaken based on the Parliament's approval; it's an enabling amendment in the Legislation if the Principle Act is approved as this is the main stature to the amendments of the Individual Voters Roll. The question then Mr Speaker I do not intend to interrupt the Members, hence it is good to be insightful and determine our key priorities which therefore Mr Speaker is the Principle Act, respectfully.

**MR SPEAKER:** I thank the Minister of Electoral Commission you have spoken the truth, your Ministry drafted the Principle Act. This is the issue I have tried to clarify to Members during recess who have not yet taken the floor to take the Constitution Amendments into consideration in passing the Electoral Act. Additionally our official debate will consider the amendment to the Electoral Bill that has already been deliberated. I advise the Members to avoid repeating what we have already discussed. We should consider the time and use it wisely to speak about the Constitution Amendment Bill. I am positive that the clarification given by the Leader of the country is understandable I myself understand the stance of government; I also give advice to our Leader from time to time. The changes implemented will not bring misfortunes to our government or country. I do not say this to sway your judgment because we are all part of this Parliament and whatever problems we face we will overcome them together. The Prime Ministers address this morning was clear also we are faced with constant changes each year. We started with 49 Members and no Political Parties existed then. What now? From 1979, 1980, 1981, 1982 what are some of the changes do we see today? We are now democratic under the United Nations, hence Samoa is no longer alone in its decision making, we are surrounded by other nations that binds all democratic principles and values that does not include Samoa. Hence we shouldn't change anything that will affect the country, but think and consider (on the positive side) otherwise, we shouldn't be left behind and be in line with other nations regarding (new) changes. This Parliament makes its decisions. Such is the recommendation, dignified Members of the House, lest Tutuila and Ape hold different views, but let me say this now, whatever changes we have for the Constitution, time will tell/come for additional changes that are necessary in Parliament from time to time based on far-sighted wisdom.

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- second reading**

This is my response to the Minister who drafted the Principle Act to the Electoral Bill. We are constantly faced with the normal issues received after the Elections such as election petitions. Where is your decision Samoa? It is useless based on inconsistency and incompliance to the Electoral Act provisions? This is why these amendments have been made to our Constitution in regards to elections and nominations as it regards the Constitution. Therefore respectable Members of the House, you must be well versed, one provision cannot be considered alone, no. Once the Electoral matters are discussed, it involves other provisions of the Constitution that is guiding this House.

I thank the Minister for reminding us, because you are the Principle Act (Minister for the Electoral Amendment Bill) that directs all discussions regarding the Constitution Amendment to improve the Electoral Act.

The floor is now open; I see the Leader of the Opposition is upstanding.

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

**MR SPEAKER:** Is this your official address Leader of the Opposition?

**Afioga Hon Palusalua Faapo II:** A comment to your statement.

**MR SPEAKER:** You cannot answer to me.

**Afioga Hon Palusalua Faapo II:** Why?

**MR SPEAKER:** Start your speech.

**Afioga Hon Palusalua Faapo II:** What's there to say if your statements are inappropriate?

**MR SPEAKER:** What? What do you mean by that?

**Afioga Hon Palusalua Faapo II:** With respect I rise on a point of clarification.

**MR SPEAKER:** Do you question what I say when that is my duty?

**Afioga Hon Palusalua Faapo II:** Am I not allowed to question you (Chair)?

**MR SPEAKER:** You only question me when it is appropriate.

**Afioga Hon Palusalua Faapo II:** What's appropriate is the amendment to the Constitution which is the most supreme law. This is the reason for taking the floor.

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**MR SPEAKER:** What is wrong with the statement I gave?

**Afioga Hon Palusalue Faapo II:** It is not wrong but just an advice.

**MR SPEAKER:** Then why do you say so? Is it right or wrong?

**Afioga Hon Palusalue Faapo II:** It is wrong.

**MR SPEAKER:** Take your seat, sit down.

**Afioga Hon Palusalue Faapo II:** Your statement is incorrect; this is far more superior (the Constitution) than the Principle Act.

**MR SPEAKER:** Sit down! Sit down! Sit down! Do not seek points with what I am giving. See the precise explanation I just gave; it is clear to the views of members. Yet you are against it? Palusalue be mindful of your set boundaries. Do not take advantage of my love. I do not stop you from expressing your views, you are free to speak when your time is given, but do not correct me. Until you become the Speaker of the House, then you can do as you wish. As of now, only one person keeps the order and makes the decision, one person schedules the Standing Orders, but your wish cannot be granted as I too am full of respect that is the intention. Therefore do not take my kindness for granted I am trying my best to uphold peace in the House. Are there any other Members wishing to speak?

**Afioga Hon Palusalue Faapo II:** Mr Speaker with utmost respect I apologize for any inconvenience caused. That is what I am mostly concerned about, the amendments to the Constitution, the election of the Speaker from (that side). But if I had wrong you, forgive me, have patience, this is a side of less number but we strive, I too know, dominance is taken by....

**MR SPEAKER:** Palusalue, sit down! I ask that you take your seat and let me explain.

**Afioga Hon Palusalue Faapo II:** I wish to apologize your honor...

**MR SPEAKER:** Take your seat. I know you are one of the senior Members in the House yet you should be well versed with our code of conduct. I cannot disrespect Members but if they disrespect me, then we shall resort to another level. The statement about my being impartiality is wrong, clearly, all submissions are presented to the House. It is not done by a Political Party alone, we meet in the House to make decisions.



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I appease Members our orders is laid accordingly, let us not point fingers as it will misguide us through our words and statements, the morning has prolonged with this clarification. We now have the election of the Prime Minister, the Speaker and now the Le Ao o le Malo.

I beg tolerance Members despite saying that you have respect yet you do not. I have constantly reminded you of *vatapuia and va nonofo*, 'respect and traditional values', that I too return pursuant to Standing Order 90, "the decision of the Chair is final." The House may recall that I always show respect to Members but when I take my role as Speaker I take my duties very serious.

The last notice, reference to the Standing Order for the first time since the beginning of this Parliamentary term, I see that you are heading towards a different direction. I remind that the decision by the Speaker is final. If the Speaker gives a decision, pardon all, my decision stands, whether right or wrong, that is the final decision.

I call another Member wishing to speak. I call the Member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker and the Hon Prime Minister especially the tabling Bill. I acknowledge the support of my constituency.

I move with respect Mr Speaker to voice a few opinions on the matter relating to the amendments to the Constitution. Even though the matter has been clarified by the Prime Minister with the assistance of the Chair I am still concerned with the first amendment on election of the Le Ao o le Malo. The amendment states the "Head of State is appointed by the Legislative Assembly." True is the introduction in the Bill as you read, "allow the party in Government to nominate a person to be appointed as the Le Ao o le Malo." I want to know what this means because I know that the Party in Government elects the Le Ao o le Malo before submission to Parliament. The clarification given is right, 90 to 99% of Members will vote one nomination and that is not my intention. Mr Speaker it is more appropriate for the whole Parliament to elect the candidate together. This confirms that I (Member for Faleata East) have a say in the election process of the Le Ao o le Malo. What is the reason for this change?

Secondly Mr Speaker, in the future what happens if we have three Political Parties in Parliament and none of this party has the official number to take over the Government? What system will be used to elect the Le Ao o le Malo once the Constitution is amended?

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiotti Saillele Malielegaoi:** Mr Speaker the Member is asking about Clause three, Clause 3(18): "18. Election of the Le Ao o le Malo to appointment by the Legislative Assembly acting on the recommendation of the Party in Government." This means that the Members of the House do have a chance in support of the previous speaker.

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Mr Speaker the only stipulated provision is that only two people elect the nominee that is submitted to the House. This means that Toleafoa and Tuuu can discuss what they wish and Toleafoa will say to Tuuu; “there is a candidate that I want to nominate other than your own nominee, let us sign for each others’ nominations.”

This is the meaning of that provision. As stated under the schedule in the Constitution this is allowed therefore when we come to Parliament, we will have more than one nomination. Once an opportunity is legally granted, it will be used such as what’s happening around the world. This is the similar happenings around the world today, countries are recommended to stop building nuclear weapons. There will be disasters if we make a mistake here. Mr Speaker this is the same initiative proposed by the Government. You now speak of proper measures when the Government is also doing the same as one nomination has happened before, instead of one, there are three nominations. That gave our (Party) and the Cabinet ideas to avoid this doing. Luckily then, we had only one nomination. What if we had three different candidates? This will lead us to more trouble.

Mr Speaker the case is quite simple. Everything is simple if we are kind hearted, not if we are conflicting. The example given was simple it is something that has already happened.

Mr Speaker the issue raised by the Minister is very important. We have already passed the Electoral Bill. We have reached it and we shouldn’t reverse our discussions in Parliament by fast forwarding and rewind. We have reached a decision that the legislation will progress at this stage. What’s left is the Constitution. This part of the Constitution will only allow (this process) to go through. That is the significance of the Lady Minister’s talk; it is like we are overly striving over the unnecessary instead of the necessary, *tuu maa ae maa I aau*. This reminder is vitally important as the members are seemingly re-discussing a matter that already been passed.

These are a few amendments on the election of the Le Ao o le Malo that is not under a state of urgency. We follow the normal procedures and practices in Parliament. The Speaker has also given clarification; the Bill will be referred to the Committee. The Committee may decide upon their review, that the process should be discussed between Leader of Opposition and the Speaker. That is the process whereby more amendments with regards to public submissions based on the absolute majority.

Mind you this is the consultation process undertaken. No legislation is passed until consultation process is complete. This consultation is carried out in Parliament and does not comply with the given provisions; these amendments are reviewed during public consultations before the Committee reaches a decision. Mr Speaker the matter is quite clear together with submitted recommendations, there is absolutely no problem.

It seems that the tabling matter is being replaced by unnecessary talks.

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**MR SPEAKER:** I thank the Prime Minister for the clarification. I call the Member to continue.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker, ultimately, every Member should have a say on the matter. This is exactly what we call democracy. The only reason why isn't executed as the Prime Minister had mentioned, the process is quite lengthy and complex. This issue can easily be resolved in a democratic manner. This is my concern. The second amendment to the election of the Speaker, the winning candidate is normally part of the Party that has absolute majority hence the ballot inside the House follows the democratic process to determine the independent person appointed (collectively) as the Speaker. That is the easiest way I can possibly say in regards to the Constitution for your consideration.

True is the comment by the Minister of Justice Courts and Administration on the Principle Act as the main objective of this meeting, but these two sections are also critical according to the Constitution. If that document is passed, these sections are also approved. I therefore must contribute and address my concerns regarding these parts (of the bill). The main objective for taking the floor is to note the democratic decisions based on independency in Parliament.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of order.

**MR SPEAKER:** Pardon the Member speaking; I give the chance to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** The matter regarding the independence of the Speaker has been raised several times. I do not understand why the Speakers independence is continuously questioned.

The truth is once the Speaker takes his Chair he is independent, it is the election process of the Speaker that is amended. The current system today, the Party in Government holding absolute majority is democracy. The Party that holds the most Members is true democracy.

What the legislation states is democratic and simple with a regular process; the Party with the most Members usually elects the candidate without having to go through the (old) complicated process therefore we all come here to witness the ballot. Some of us are weary of walking there. Some of the senior members could topple over when climbing the steps. Not all Members are young, but setting a more effective solution – that is the decision.

What the law says does not ignore your human rights. Some have addressed that the Speaker should not go back to his Party. Those are just outrageous comments? How can the Speaker not go back to the Party that elected him as Speaker to obtain good advice in support of his duties towards our meetings?

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Once the Speaker takes the Chair he complies with the set orders of the House to guide him impartially. The rules are not of the Speaker's, rather they are well defined. Additionally the Speaker is always pointing references to the rules he uses for his decisions.

Mr Speaker, that is the assistance to the query, the Speaker is still independent. I am surprised with your statement that the Speaker is not independent? That is a clarification in assistance to the matter.

**MR SPEAKER:** I call the Member to continue.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker I do not have any questions about the Le Ao o le Malo or the roles of the Speaker. The only query is the process. Although the process is time consuming but the election is made by the House. The election process regardless if it's a lengthy process and Parliament supports it, that is the required election, hence I do not support the idea that a Party with the absolute majority say this is their nomination. I have nothing left to say except my endorsement in Parliament based on this proposed legislation. I have absolutely no contribution/say in the election process. Thus is the concern to the process used which is democratic. Then I come to the Section on Electoral...

**Susuga Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker it seems that the Member lacks understanding in something. The term democracy means a government that is supported by the majority of the people. If we look at sections of the Bill which I will constantly read for the information of the country. They hear your statement that Government is a corrupt. This is the statement that you object, "18. (1) election of the Head of State to appointment by the Legislative Assembly acting on the recommendation of the party in Government."

Mr Speaker, that is why they object these appointments, including the appointment of the Speaker and its process, hence the Party with the absolute majority presents a nominee to decide on for the House's decision. This is not done sarcastically.

Mr Speaker that's further clarification on the matter, the process is clear.

**MR SPEAKER:** I call the Member you have five more minutes.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you. I have given these queries because of the processes used. Nevertheless I will not speak further on the matter. Then I come to the principle matter mentioned by the Minister of Justice Courts and Administration. I believe many comments were made on it. Time will come time for me to comment on it as well. My only concern on the Bill Madam Minister is during Committee hearing, whereby you will not be present to hear the public say.

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Firstly, renaming Faleata East and Faleata West as urban seats. The Urban Seat and the Individual Voters is no different. If some refer to it as a club, town area and urban seat, it is still situated in this constituency.

Secondly, in the Bill a chief from Faleata cannot run for this seat. Why? Why is a chief from Faleata not allowed to run? I note that unless the resident of Faleata holds a chief title from another village then he/she is eligible to run...

**MR SPEAKER:** Pardon the Member I call on the Minister of Justice Courts and Administration.

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker a point of order. I am trying to gather which legislation we are discussing now as we have already deliberated this matter based on principle views regarding the changes to the Electoral Amendment Act.

As you also clarified, it seems that we are re-discussing this matter. Respectfully, I think we should receive your decision as this is prolonging our time; as well as stipulated opportunities in the Standing Orders to scheduling our business. In truth, the Constitution amendments are necessary in relation to this legislation which is the central aim to enacting the Electoral Amendment Act.

Current deliberations seem to focus on the Electoral Bill again. I humbly request the Speaker's decision on the matter especially concerning the approved Electoral Bill that should be in line with the Constitution Amendments. With respect.

**MR SPEAKER:** Very well. I thank the Lady Minister for her concern; I believe my clarification is well defined and comprehensible. That is the reminder to the Member of Faleata East and all Members who have not spoken on this matter.

You're all aware that this legislation was withdrawn given these provisions. This is one particular matter raised by the majority; we had the Constitution Amendments first including the current discussing matter. I entreat the dignified Members that I put a request hence a decision must be made in regards to the raising comments involving the Individual Voters.

You see, lest Tutuila and Ape view it differently, this is a consultation process we are undertaking, once discussions process is complete, we refer to the Committee before reporting back (to Parliament) for our final decision. See the clarified process by the Government, the only amendment is the change from Individual Voters to Urban Seats. Further regulated policies will be incorporated when we have the consultation process before the final decision is reached as queried over and over by the majority including the Members of the Individual Voters. Hence I plea the Members as the Madam Minister has stood up twice as the respective Minister of this legislation.

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I therefore recommend that we deliberate on the Constitution amendments tabled.

**MR SPEAKER:** I give the opportunity to the Member for Faleata West. I call the Member for Faleata West.

**Tofa Lealailepule Rimoni Aiafi:** Thank you Mr Speaker for the clear announcement. As stated earlier the Constitution is more important than the Principle Act. Therefore in order to enact the Bill the Constitution amendments must be considered first according to the Minister, enabling. This means that a lot of changes will be made to the Principal Act once the Constitution is passed. This is why it is important to conduct consultations especially on issues involving the Constituencies and elections. The changes made are not small as the Speaker says, they are major changes. This is why Mr Speaker I beg your patience of the raising concerns regarding the Constitution. I beg tolerance your honor specifically us who are affected by these constitutional amendments, we should be given a chance to express our views and thoughts on the Constitution Amendment Bill (No.2) 2014 as everyone is not the same in Parliament. Nevertheless I do not question the Constitution Amendment as the supreme law in compliance to the Principle Act. With respect.

**MR SPEAKER:** The opinion expressed has been noted. I call the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the reason why things are complicated is because of us when they are truly simple. The Bill tabled is quite easy to understand. It has just been tabled because the drafters just finalized it. Perhaps if both these Bills had been tabled in the House at the same time it would have already been passed. We have already thoroughly discussed the issue; the only thing left is to integrate it into the Electoral Bill. Hence the Constitution implements provisions that will regularize the changes made on the Urban Area seat. This is the only part whereby the Constitution is needed. This means that all made speeches in support of the lady Minister who is charge of the Electoral Bill is now complete. The only measure now is to wait until this issue pertaining Individual Voters in the Constitution is passed. The matter deliberated is simple and whatever name it is given we have all agreed on the amendments put into the Constitution. The only measure left is to agree on the Constitution and pass it. We have reached Monday yet we are still deliberating this issue.

Mr Speaker I move with respect to emphasize the notion voiced by the lady Minister.

**MR SPEAKER:** I call the Member for Siumu once again.

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**Tofa Hon Tuuu Anasii Leota:** Mr Speaker I wish to understand the clarification by the Prime Minister and the lady Minister. The Constitution tabled in the House is not a minor concern. It will affect us tomorrow and the future. One of the amendments includes the issue pertaining to the Electoral Bill. The addressing issues on the Individual Voters relates to the Electoral Bill which is applicable. Nevertheless the Election of the Le Ao o le Malo should be taken lightly excluding this part. With all due respect.

**MR SPEAKER:** The main purpose of our proceedings is the amendments of the Constitution that is up to the Government according to normal procedures of the House. These amendments brought forward can be amended again tomorrow and the day after?

Seeing this, the first amendment was the election of the Le Ao o le Malo that initiated since the first Constitution. See that? The Government was only given a short time to initiate these amendments? See? The Chair cannot leave matters unresolved; that is why I always given an explanation. In case Members might think that I am not considering these matters. In case you question where I was when these changes were made. This is based on the Prime Minister's decision. Do you think that we work in the dark? See the clear statement by... If we are to drag the presentation of the Electoral Bill only Papaliitele and Maualaivao participated, none of you assisted with the concerns of these two. The only concern heard is the Constitution to be in line with the legislation of the Minister of Justice and Courts Administration. I appease Members to heed my clarification so that we will not prolong the issue further. The Minister of Justice has already explained the issue although Lealailepule I did not say that your side will not be given an opportunity. I humbly ask that we treat the issue with caution. I am not stopping anyone from expressing their views but the matter had been debated. The Minister has stood up twice hence I have given Members opportunities but you are not really affected except Papaliitele and Maualaivao.

Therefore I beg tolerance if you respectfully consider what I am saying, bear with me as we shall not reiterate the (already discussed) matter any further. The simple amendment to substitute Individual Voters with Urban Seat, West and East, done, that is clear enough. As for other amendments you mention, we are still in consultation of the Act. After deliberations the Bill will be referred to Committee for further public consultation. You see that? Hence our time is now prolonged. We aim to end our sitting today. We have other matters at hand, we've tried clarifying this matter all morning from 9.00am. I call the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker it has not been long since two of the Opposition Members commented that the Speaker should remain independent. This party takes well your support over that side by granting them the opportunities to speak on matters that have already been deliberated.

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This is the reason for taking the floor it seems that we are reiterating the provisions of the Electoral Bill we have already passed.

I have mentioned this issue because it has affected the Speaker far too often being not independent when we see that you are above independent.

**Afioga Hon Palusalue Faapo II:** Mr Speaker with respect...

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

**Afioga Hon Palusalue Faapo II:** I have been waiting for the chance to take the floor hence I respected the Speaker. What's happened is the amendments to the Constitution that's troubling us. At the end of today and tomorrow but the Constitution Amendments is not a simple matter.

Even in the statements by the Prime Minister regarding minor matters and so forth. Mr Speaker this is a false impression because Constitution Amendments is the supreme law of the country. It is not something that the House should consider carelessly. This is laid down in the Le Ao o le Malo's election amendments. Now you've stood up to support the Bill that should be in line with the Constitution Amendments.

That is reason for the frequent upstanding of that side, whether it causes conflict or what, it is necessary. We should be fighting, the sitting should prolong as it pertains to the Constitution amendments. This matter should not be taken lightly; it is not a small matter as the Prime Minister states. The country is judging.

**MR SPEAKER:** The expression is well received. I call Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker for every argument in Parliament, if Palu speaks one thousand times I follow it a thousand and one times because the Government has the final say. Government cannot leave that side freely to give the wrong conclusion. If Palu takes the floor ten thousand times I will take it ten thousand and one times. I cannot allow Palu to have the final saying. That is one aspect you should be aware of.

The presented provision is for Parliament to have the opportunity to elect. This means the entire Parliament has a say in electing the Le Ao o le Malo and the Speaker. I will read out the Clause once again, "18. Appointment of the Head of State (1) The Head of State shall be appointed by the Legislative Assembly acting on the recommendation of the party or parties in Government."



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The provision is very clear, the Parliament makes the appointment. As for the strong words uttered, the Constitution is respectable, yes it is sacred. What is our duty? Our duty is to emphasize and respect statutory provisions. The previous provision was applicable in the past because there were no political parties. Now that we have our time, we therefore need to make amendments to reflect the current status. This is also clear in the Constitutional Convention however, further amendments in the future, we shall it leave to those responsible in the Parliament (in the future). The opportunity is still open as these laws were made permanent. The only nation that practiced such doing was Persia and Medes, once Persia and Medes passed (laws), no one is allowed to change them even if any mistakes follow (in the future). Where are Persia and Medes now? They no longer exist as that is not the way to live in this world. The world is constantly changing and so as our existence that should be made accordingly.

The same with our Constitutional Convention, whatever changes made by them (our forefathers) using their long wise perception. This also applies to the future generation, and if what they see is appropriate, they will amend it accordingly.

Mr Speaker that is the reason I stood up again. I shall reiterate the Clause which that side affirms that there is no chance for Parliament to be affected. Hence I shall once again read out Clause 18, "18. Appointment of the Head of State (1) The Head of State shall be appointed by the Legislative Assembly acting on the recommendation of the party or parties in Government." No matter what we do the election of the Head of State cannot be done outside of Parliament. The recommendation is given by the Government of the day. See how simple that is. Then the Parliament will come together and make the decision. See how easy it is, but saying that this is a heavily driven based on political move.

I am now in my ninth Parliamentary term and no such issues ever occurred before. This concern seems to come from all the new members in Parliament. Mr Speaker I speak no further, the matter is very easy.

**MR SPEAKER:** Pardon the Hon Prime Minister's explanation; in case you think that I am taking the Opposition's Side.

When I was elected by my constituency they told me, "Serve the House with integrity because a person who reevaluates Samoa and its honorary salutations is not simple." The pastor also, "Laauli you must bear honesty and abide with your oath in the House." A retired Pastor in the village passed me a message driven by his descendants and traditions. This is not a false enquiry because he mentioned Mataafa, Vaai and Tofilau. The old man said, "The message for you, love Palusalua and the Opposition Side."

Pardon the Hon Prime Minister; I envision the long run by bearing in mind this side of the House. They are small in number, if this side of the House does not acknowledge, that's it.

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The spirit and intention is to grant opportunities. We are moving on to three years now however, I shall not speak any further. If the straightforward guys were in this, we would've adjourned long ago, but bear in mind there is no chance of fighting against each other in this respect. That is the belief we must uphold, respect and honor. The time has passed for arguments and distribution, now we must bear understanding efficiently.

Aveau I remind you once again. I am the Chairperson of the Committee and I have noted all your concerns and will prepare a report to remind the Committee of Parliament's collective decision, otherwise finish your statement as your time is up.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker...

**Tofa Hon Tuuu Anasii Leota:** Mr Speaker...

**MR SPEAKER:** Member for Siumu, any other matter?

**Tofa Hon Tuuu Anasii Leota:** It looks as if you are making accusations raises these enquiries but where were you when the Bill was drafted.

**MR SPEAKER:** No that is not my intention Tuuu. I wish to correct that you were not pointed out. The statement was not directed at you but all Members of the House. Nonetheless it is the duty of the Chair to advice Government of the initiated matter. This is the main reason for this announcement, not you.

I call the Member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Mr Speaker and the Hon Prime Minister for the clarification.

Section of the Bill on the election of the Le Ao o le Malo is my own personal opinion in Clause 18 like you said. Your view for Clause 18 should read as, Election of the Le Ao o le Malo - (1)The Le Ao o le Malo will be appointed by the Legislative Assembly. I do not the support the statement on, based on the recommendation of the Party. Personally the statement should read as, the Le Ao o le Malo will be appointed by the Legislative Assembly.

Lastly I want to conclude with the matter clarified by the Minister...

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker this is exactly what I was afraid of, because we must have the names of the nominees and a person to submit them. That is the worry according to the member's statement that involves no (tail) conclusion. The nominator must be aware of his/her nominee before submission. Your recommendation bears neither conclusion nor end.

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**MR SPEAKER:** The clarification given is now understood and your views will be submitted to the Committee. I call the Member.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you if you wish to (for me) to give the tail fine, if not I will not go any further.

I apologize to the Minister of Justice Courts and Administration, as seen in the amendments stated in the Constitution a new seat will be established as the Urban seat but I represent this seat for Faleata East and Faleata West. If this amendment in the Constitution is approved I will strongly object it. I do not know why we should change it if the Individual Voters seat is still worthy of his constituency.

Mr Speaker and Members of Parliament, the Prime Minister and Cabinet I have a few concerns about the tabling Constitution Amendments.

With respect.

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

**Tofa LEVAOPOLO TALATONU:** Thank you Mr Speaker for the opportunity. I will be brief on the laid matter.

I want to reiterate Article 18: Appointment of the Le Ao o le Malo (1) The Le Ao o le Malo will be appointed by the Legislative Assembly acting on the recommendation of the party or parties in Government."

Hence when we look at Article 18 (4) the whole purpose of the Bill is stated: "...when there is a vacancy in the office of the Le Ao o le Malo, the party or parties in Government shall submit to the Speaker a written Notice recommending the name of only one (1) person to be appointed..." Therefore the person appointed should not be recommended into the House if the party who is government has agreed on the appointee. A notice should not also be submitted to the Speaker once the decision is final.

I accept the issue stated with the time frame difference...

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of order.

**MR SPEAKER:** Pardon the Member speaking I give the opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** The only matter I want to correct is, (4) recommends the name of the nominee. The term recommendation comes first, elect comes last followed by a nomination of one person submitted in Parliament. This means that one nominee will be endorsed by the Parliament.

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**Tofa LEVAOPOLO TALATONU:** Mr Speaker, by record the current Le Ao o le Malo now has two terms in my presence. In the beginning (the process) was time consuming. During the second appointment, it took 10 seconds (for me) to go up and return to my seat.

As I have mentioned earlier Mr Speaker I support the implemented changes. There are times when these changes will (help) develop our country in the future as incorporated appropriately in the Bill.

As said earlier Mr Speaker, I support this amendment. Sometimes we have changes involving the developments of the country hence which results to making necessary amendments through appropriate words/statements and legislations, *aua o le tai ma lona taaga, o le mafua foi ma lona fulu.*

The appointment of the Le Ao o le Malo must be considered and take cautiously pursuant to our debates as it is not a....it is an appointment that is supreme, which is not the same as the appointment of the Prime Minister and the Speaker. Thus if we have raised our voices during consultations, I apologize for this nevertheless a decision will be reviewed by the Committee. Only this, I remind the Hon Prime Minister, the country and that side, I value the Human Rights Protection Party, HRPP, if that side will make the election of the Le Ao o le Malo, 21, 887 people supported this side. This implies the voice of the people will not be heard nor used given their rights to elect the Le Ao o le Malo during our consultation process, hence Saleaula recommends that if you've already decided on one or two nominations, it would be appropriate to have two, then we'll have them in the ballot sheet, it would be easier for a member to cross out the nomination of his/her choice and cross out a person they find fit to become the Le Ao o le Malo, this way, at least all rights have been exercised, all human rights have been protected, involving every citizens of the country. With respect, thank you.

**MR SPEAKER:** Thank you for the assistance in this matter. There is still time for another Member to speak before a question is put forward. I see that one of the Members for Individual Voters seat wants to take the floor, Afioga Maualaivao Pat Ah Him.

**Afioga MAUALAIVAO PAT AH HIM (Individual Voter):** Thank you Mr Speaker for the opportunity to make views on the Constitution Amendments tabled. The notable House, I briefly speak of his seat (Individual) that is greatly affected by these amendments. I will not reiterate the issues that have been raised hence I thank the submissions voiced before. Blessed are those who mourn, for they shall be comforted. The given views have comforted me. In belief pardon the honorable Speaker, I ask of your approval as the members are viewing this beautiful image, that is worshipped by those...we are in the presence of the image of our Savior. This picture is not a....it only involves one denomination, this picture does not belong to the CCCS alone, nor the Methodist, Catholic, or the Mormon, no it belongs to us and the entire world.

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We seem to forget our own words sometimes but He is witnessing our proceedings, it comes from the feeling at heart, yet bear with me, as for today I believe I don't have much to say about the legislation amendments relating to the Election of the Le Ao o le Malo and the Speaker, I have thoughts, but in certain, there is a chance to correct our timing, we will have the opportunity to consult further once it (legislation) is referred to the Committee, as the Le Ao o le Malo and the Speaker's appointments are very important to me.

I want to elaborate on the issue faced by my constituency, as the Leader of the country has clarified this Constituency in the Constitution has a different name, as stated in the past, the Individual Voters was allowed according to the Constitution. I have thought seriously of the meaning to the name Individual Voters? As the Prime Minister clarified earlier Individual Voters is not a formal title, it is more a name given to a society and organization. I personally believe that this statement is true. This depicts how Members were neglected regardless of what title they were given as long as they are voted into Parliament. Hence the Prime Minister's statement is very true that is also our perception. This is where we perceive/interpret the low status of these people (Individual Voters) which is reason for whatever name they were given was used, based on the intention for them to earn an opportunity to be elected, this is their true identity (faasinomaga) according to the Prime Minister's statement, this bears truth and honesty on how Individual Seats were initiated up until today, we now have thoughts according to the Prime Minister's words, it is good to raise the status of members to the highest level, nonetheless, I believe these statuses are still significant now. I pity the support of Samoa and its honorary salutations, I feel belittle why? We have managed to make our way into this Parliament through the seats of the Individual Voters.

I thank the Speaker for the opportunity; I will not elaborate further on the issue because we have already discussed it. I believe there is still additional time to further consultations once referred to the Committee. I thank the raising concerns by the Members not to change the name of this seat, I am contented with it. In case our seats will be renamed and might not measure up to its expectations nevertheless I am thankful to our Leader for this amendment. I do not support this amendment although even if it has passed by the Committee Members of Vaimauga, Faleata West and East otherwise that won't be a problem, although the (Individual Seats) are dispersed widely according to the Prime Minister, but it's very good, at least they are supporting the Government.

Mr Speaker with all due respect I extend great appreciation to you, I know your work is not that easy, I was anxious in case you put the question, otherwise, you speak independently of this side, we have a few more minutes for me to voice a few minor submissions of the member of this Constituency.

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To my constituency, I almost lost it for not receiving any calls lately regarding your... most of you managed to contact whilst the rest, it seems like we have a district of two hundred people, our number is composed of thousands, yes with a hundred and three it can add up to a thousand, yet I believe in the next upcoming election, perhaps we'll make up eight thousand in total. That is the view with respect, I beg forbearance if I have uttered any foul language, please forgive me, have a blessed meeting, thank you.

**MR SPEAKER:** Thank you for the speech.

**Afioga Hon Palusalue Faapo II:** Mr Speaker a point of order.

**MR SPEAKER:** What needs to be order for the old man's speech?

**Afioga Hon Palusalue Faapo II:** Yes Mr Speaker, the reason for asking specially this side is your shown of gratitude to the Government. Why thank the Government when your seat will be taken from you? That is the reason for upstanding particularly this side, we are giving our support, I thought that you were going to thank me.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of order, Palu the only attribute seen in your leadership is role is corrupt practices causing disasters, I see that even at the end of your Parliamentary term, your main motive is to set conflicts amongst your brother and the Parliament. At the end of this Parliamentary term, you will be known as a trouble initiator in our Official Parliamentary Transcripts.

**MR SPEAKER:** I believe there.....one of the Members for Individual Voters, Afioga Maualaivao Pat Ah Him is there anything else?

**Afioga Maualaivao Pat Ah Him:** There is no other issue Mr Speaker, I only wish to thank the supporters/voters of this seat, perhaps the Leader of Opposition did not get what I said earlier, thank you.

**MR SPEAKER:** I believe we have reached our normal recess hour. But do mind the Leader of the Opposition's comment; they are just supporting you. Nevertheless our Proceedings will now be set aside for our recess at 1.00pm and we will resume at 3.00pm.

The Office of the Clerk has prepared lunch for all Members this afternoon at its usual area. This will give us strength to return at 3.00pm and resume our orders of the day.

I announce that Proceedings of the Legislative Assembly now set aside for usual recess.

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*Proceedings of the Legislative Assembly were set aside at 1.00pm.*

*Proceedings of the Legislative Assembly resumed at 3.00pm.*

*Proceedings resumed with debate on the second reading of the Constitution Amendment Bill (No.2) 2014.*

**MR SPEAKER:** I announce that our Proceedings have now resumed. We have now reached the first half of our Parliamentary session. I acknowledge the respectable Members of the House for your patience since morning until now. I hope all Members have gained strength from our lunch break in order for us to proceed. Thank you Samoa in all your honorary salutations as well as your support and prayers upon this Parliament this part of the day.

Before recess Members were deliberating the Bill. I humbly ask Members taking the floor to direct all your concerns and comments on the Bill tabled. I believe that most of the comments mentioned earlier this morning has clarified several issues. The floor is now open. I believe this will be our final Member, one of the Members for Falealili, Tofa Tusa Misi Tupuola. I call the Member to take the floor.

**Tofa TUSA MISI TUPUOLA (Falealili):** Mr Speaker I thank you for the opportunity given to this constituency of Falealili. The Parliament has regained strength this afternoon with the lunch provided by the Chairperson and the staff. Thank you Clerk and staff for your hospitality especially your support with the remaining plans of the day.

Respectfully, I wish to comment on the Constitution Amendment Bill (No.2) 2014. Firstly, thank you Hon Prime Minister for the clarification on the amendments. I now understand the Constitutional amendments. The most important aspect to me is not the change to the Constitution but the Constitution Amendments. Personally I feel that the Constitution is the same since the beginning with slight amendments to further improve the Constitution that is the foundation of this Government. In belief, ‘*o tatou lava e au i le fagota e au i le tauola*, meaning, “We all get to carry the fish basket, as well as become the fisherman, too.” “Always be prepared to step up to the plate when filling someone else’s shoes.” No one will stay forever in these positions and Political Parties. Who knows comes the next Parliamentary term the Opposition will rule. Therefore there is nothing to worry about regarding our Constitution.

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I thank the Attorney General, Afioga Tuatagaloa, gratefully, you are a Falealii and you seek what's best for the country and its laws. I appreciate your hard work and your thorough consideration of our legislation and the Constitution Amendment so that nothing will affect us tomorrow. All necessary changes today will benefit us in the future. Therefore on personal thought, I solely support this amendment. Although there is view that will be opportunity to further review in the future. If we find anything unnecessary with our Constitution, we shall consider and amend accordingly.

The only thing in support of the previous speakers is the election of the Le Ao o le Malo, it should be carried out in a more traditional manner, we present speeches in the House and in accordance to the submitting amendments, as said earlier you have our support.

In conclusion Mr Speaker the constituency of Falealili supports the Bill, I know that the amendments is for the development and benefit of our children in the future.

I extend appreciation to the Hon Prime Minister and the Cabinet for the legislation that aims to benefit and implant happiness for the people of this country. Have a blessed meeting.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker just a quick...

**MR SPEAKER:** You two are acting like teenage girls. I ask earlier and no one wanted to comment. Who are being shy of with Toeolesulusulu? Nevertheless I give you the opportunity. I respect you as Lealailepule is a Fofogaoalii; hence you should be mindful of every second of our Proceedings. I call the Member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker for your respect. I will be brief, thank you. The question Jesus asked Peter three times, "Peter do you love me?" But thank you Speaker; I know you have love.

**MR SPEAKER:** Are you fond of the Speaker?

**Tofa LEALAILEPULE RIMONI AIAFI:** I love him but I love Jesus more who is behind you.

Thank you Mr Speaker, I fully support the amendment relating to the Ombudsman.

The only matter I want to comment on is the amendment on the urban area seat for Vaimauga and Faleata. I am aware that we have deliberated the Bill and I know that the Constitution is important. Personally, it looks as if these new constituencies will be replaced by existing constituencies of Faleata and Vaimauga. What is the significance of this, the new amendment will be imposed on the existing and its respects? Essentially, the new constituencies incorporated into the old constituencies is quite insignificant.



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Theoretically as Members of Parliament, if a proposed amendment has it that a new constituency will be incorporated into Faasaleleaga or Safata, how would they feel about it? It's true that these are freehold land, even so, the lands are protected and looked after by the constituency.

The matter deliberated by the Commission of Inquiry will eliminate the current authority (pule) in electing the Members from these Constituencies. Mr Speaker if this amendment is implemented, that authority is removed. This is because today, regardless of where you reside, but once you are a resident of Faleata and Vaimauga, you are part of these Constituencies. You are now part of the *Alii* and *Faipule* given your chief title and residence to the Constituency. If this plan becomes effective, this will be a chance for any chief to enter Samoa. Any traditional chief or serving chief, you personally feel that this is inappropriate. This is because you cannot use your matai title from Faleata in Safata or Savaii. I personally feel that this inappropriate, Samoa has already been given divisional statuses. However, we make it seems like we are separating these people (Individual Voters) given its significance statuses. We should held on to these villages and integrate them together. Because it doesn't mean that you reside in Vaitele or Vailele and (expect to) change the name of your village. Once you arrive, the names of these constituencies will remain forever as traditional village (nuu faavae) from the beginning until the end.

Another recommendation according to the Committee is that a Matai living on customary land in Faleata and Vaimauga cannot run for this seat. It is inappropriate. How can a chief from one part of Samoa vie for these seats that are held and owned by the chiefs serving the Constituency? Upon the availability of opportunity, give priority to the chiefs who are the title holders of these villages and Constituencies. This is justice and appropriate, leave the matai holders in this circle to run as representatives of the Constituency, thus dignity and integrity is regarded in this amendment. Rather than practicing this doing of getting people from other districts....

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of order.

**MR SPEAKER:** Pardon the Member; I give the opportunity to the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** This amendment has a chance for a trial, if Lealailepule is a chief of Faleata and Fiaai of Lepa he can use the Fiaai title in this context. It would be disgraceful if Lealailepule is running in (Faleata) area. In truth it seems that you are afraid of Ale? That is the fact; it means that you are afraid of Ale by running from there (Lepa) when you should remain in Faleata as you are a resident of Faleata West. If you run away from your constituency, then it means you do not want to be called by your chief title here anymore.

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How can you abandon your village of residence? If you own a freehold land 10 yards away from customary land this means you do not have compassion. The issue here is quite understandable if you hold three or four titles, then Fiaai would be applicable. One of your titles is Lealailepule yet you are complaining that you cannot use (this title) indicating that you do not want to be part of Faleata anymore. That is the correction your honor. You are given a choice, but if you are a person holding this title, you cannot run 10 yards away from your freehold property abandoning the village that holds your chief title. That is our custom, yet you want to run from the lands owned by the half castes. In short, you want to be half caste when you are not. That is the response.

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

**Tofa LEALAILEPULE RIMONI AIAFI:** I still do not understand the Prime Minister's interruption. Just to note, the land I reside on at Vaitele is a residential area. If I go and live on my freehold property, it is part of Vaitele. This does not remove the dignity that I am talking about.

**MR SPEAKER:** Pardon the Member I will call the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the Member is arguing over a clarifying matter. The Bill has already been passed. I thought he was referring to something new, I have taken the floor in case people might think that the Member is right. Mr Speaker we have already passed the Bill and we have all agreed on its provisions. The current discussion is whether we accept these amendments as part of the Constitution. We are not going to reiterate or consider the Bill in detail.

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

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

**Afioga Hon Palusalue Faapo II:** Thank you; with all due respect this is what happens when the Bill is submitted before amendments. What is important? The amendment to the Constitution; regardless, we are receiving the Bill first. They are aware that they are wrong for tabling the Bill before the Amendments. Therefore we cannot ignore the issue because the Constitution Amendments affect the Bill.

**MR SPEAKER:** The matter is well taken; hence the Government should have had security in the past. Nonetheless the issue is now clarified. I believe the Prime Minister and Cabinet have already clarified the issue.

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Sometimes our business may not go as planned, *le o gatasi le futia ma le umele*, we should not be overly concerned over the same Bill.

I call the Member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you I believe the issue raised is clear and has been taken into account. In the meantime, you are thinking that I am right and have now reviewed my concern. There is no such thing as building a constituency within the area of residency and banned the residences from entering that constituency, that is our customs and traditions that remains inevitable. Therefore I humbly request that this amendment be reviewed by the Committee Members. The Constitution is the supreme law and I have read that one 174 people were present during the initiation of the Constitution from various constituencies. We also have Fiaai Auelua Fatialofa from Lepa and other high chiefs of Samoa. This is the reason for stating the issue, lastly...

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the statement in the legislation that Faleata is banned (from running) for Faleata is inappropriate. Mr Speaker this is exactly the issue we faced with the Individual Voters seat. You cannot run if you are ineligible, it is not allowed. Otherwise most of the new amendments aims to allow it. I rose to correct the statement that Faleata members are not allowed to (vote in Faleata). No this is now allowed in this *new amendment* of the legislation once the Constitution Amendment is passed. This is allowing more opportunities to the freehold land owners.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you, the questions today are significant tomorrow as these (changes) exist during our term. It portrays where I was when amendments took place involving my constituency. Such is the review to improve this legislation. The Prime Minister's seems to think that I am afraid, pitifully; I feel sorry for the Prime Minister who confides in me for speaking like this. Then I come to the amendment on...

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker this word has alerted you from being fearful. The Member himself is *telling that he isn't afraid. You are very fearful, the reality* with regards to your statements and amendments you support, and literally you want to put an end to the Individual Voters Seat that is your intention. Although (your motive) is hidden, it is still revealed.

**Tofa LEALAILEPULE RIMONI AIAFI:** I move on to the next matter your honor, the reason for issuing statement is because Faleata and Vaimauga are mainly affected in the Constitution.

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This is appropriate, hence thank you to these Members Afioga Papalii and Afioga Maualaivao, the vying seats is excellent, who stops you from the nuisance rather leave the seats to the chief holders of Faleata and Vaimauga. On to the election of the Le Ao o le Malo and the Speaker, the nomination made by 99% of Members with absolute majority is the one taken. Our main concern is the (election) process that we wish to take part in to uphold the essence of respect and cooperation. Remember your pride in accountability and transparency as the key to good governance. Ultimately this is how we measure good governance year after year, the ruling Government holds the Speaker etc. Why is the Opposition being set aside, the salutation known to the Le Ao o le Malo is the Father of the country whilst the Prime Minister is the Father of Parliament. The Le Ao o le Malo is the Father of the country therefore the entire country has a right and say in the election process, that is the dignifying way.

Mr Speaker these are a few concerns in relation to the tabling Bill we should work together and make sound decisions in order for our Government to succeed. Bless our proceedings.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker I must correct the Member's final statement about our working together in electing the Le Ao o le Malo. In fact, that is the legislation, we must work together in electing the Le Ao o le Malo, the Opposition is included as well. Following the Member's statement, collectively, we elect the Le Ao o le Malo in Parliament, not just us.

**MR SPEAKER:** Thank you for the clarification. I will give the first opportunity to the Member for Aana Alofi No.3 followed by one of the Members for Salega Afioga Afualo Wood Uti Salele and conclude by the Leader of the Opposition.

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No.3):** Thank you Mr Speaker, I believe most of the concerns have already been mentioned by previous Members.

The only two issues I wish to stress regards the review on the Constitution and the election of the Le Ao o le Malo. As an advice Mr Speaker, I too value what is known as the Congress Vote. The Parliament overseas always put aside party affiliations in order to vote independently. I acknowledge the Prime Ministers decision on one major party to carry out nominations. Nevertheless I believe that the election of the Le Ao o le Malo should be reviewed according to the recent speakers that all must take part in the process. In view, I voice that independent should be retained or voting of the Individual Members as nominees for Le Ao o le Malo.

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Not to mention, as given in the legislation, the Political Party that holds the absolute majority stands in Parliament. Majority of the provisions in our Constitution requires 2/3. I believe that the Human Rights Protection Party has reached this goal today, otherwise in future the winning party that holds 25 or 26 Members will lead following these provisions. It is not fitting to see half or a little more than half of the Members of Parliament support a candidate that will become the Le Ao o le Malo. But it is appropriate to gain an opportunity to debate and make a collective decision from each constituency. This amendment will remove the significance of our cultural practice which deeply saddens me and must be reviewed.

As mentioned by previous Members, the Le Ao o le Malo has been appointed twice since the passing of Susuga Tapaau Faasisina. However, the Prime Minister was not worried about the other 47, 48 or 41 others regarding the different indicated candidates, rather it is a chance to voice the views of Members as well as the constituencies to make nominations through their representatives. That is the only comment.

The same process should also apply to the election of the Speaker in the House so that the Opposition can nominate their candidate as well. The indicated issue is the timeframe for making nominations, considerably; appointment is based on a five year basis. I note this is the only time we have the election of the Le Ao o le Malo but it is good to submit (the nominees) in Parliament whether it involves the Opposition Side, they must voice their nomination in the election (process). The election process for the Le Ao o le Malo takes about a day, whilst the Speaker takes half a day held every on a term of 5 years depending on the legislation and the Budget Address that takes a week. This is all vital processes in our Parliamentary Procedures hence I humbly ask that these amendments be revised by the Committee during its consideration. I strongly believe that every constituent needs to be part of this voting process. Thank you.

**MR SPEAKER:** I thank the Member for the viewpoint. I will now give the opportunity to the other side of Chamber; I call the Member for Sagaga le Usoga.

**Afioga MUAGUTUTAGATA FAAMAUSILI AUMATAGI PETER AH HIM (Sagaga le Usoga):** Thank you Mr Speaker for the opportunity. The contribution by Sagaga le Usoga is very short with regards to the matter in the House.

Mr Speaker, thank you for the granting chances to the member to make submission on this huge matter. Based on the constituency's observation, if we don't have a say, it will be a big mistake to our service.

Mr Speaker, I took home these documents and read through them and managed to receive a good insight of the Bill. I support the current system in place, it is best for me to sign this document twice before submission to the House.

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The only difference, once the completed document is received with...confirmation that the winning Party is the Government elect. During the election, the winning side will rise in assurance that they will succeed. This is acceptable seeing the Members of that side in the past, none of them sits down but remains upstanding. If anyone objects remains sitting based on his/her right, otherwise, the decision is done by the Political Party that is the current Government of the day.

I have been affected twice with this representation however, I support the current system we have today. I don't have any comment as the nomination from this side will definitely win one way or the other. On to the amendments to the Constitution regarding Individual Voters seat. I do not support it (proposed amendment) as I cannot cast my vote elsewhere for Maualaivao is my brother. This Parliamentary term is quite different as I know this is stipulated in the Constitution and we solely agree, the seats will repeal itself. As for the Ombudsman amendment I support it completely.

Those are the views Mr Speaker, in records of the constituency's contribution regarding the new amendments. Bless the Speaker, the Hon Prime Minister and the Cabinet and all dignified Members of the House.

**MR SPEAKER:** Thank you for the clarification. I call one of the Members for Salega, Afioga Afualo Wood Uti Salele.

**Afioga AFUALO WOOD UTI SALELE (Salega):** Thank you honorable Speaker for the important opportunity. I also thank the Prime Minister and Cabinet; Associate Ministers, the Leader of Opposition and this side especially the Heads of Government Ministries and their support. Specific thanks to Samoa's support whilst Members are engaged with its Parliamentary duties pursuant to our calling.

At this hour, Salega has a very brief contribution pertaining to this vital subject. I completely understand the Prime Minister's statement pursuant to the Constitution Amendments. Since the first tabling of the Bill, I have been reading it thoroughly and have thought of God's spiritual guidance on what to say to confirm the supporting view of this amendment. The constituency is listening in especially the general public.

I agree with the Prime Minister that we need to adapt to changes given in the amendments to the election of the Le Ao o le Malo. We cannot speak lightly on our Constitution. Even though this involved a few amendments, but the Constitution was laid down and initiated by our forefathers. I believe the Prime Minister and the Cabinet knows very well that this was not an easy task. If these amendments were reviewed in accordance to the Political Party system change, in trust, the Constitution has set principles and guidelines. Given the vision of our forefathers who drafted the Constitution, we must work and ensure that everyone has a say or contribution is electing the Le Ao o le Malo.

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The election of the Le Ao o le Malo is not easy for all of us, but since we are heading into the democratic system, whichever political party that will stand and manage one Parliamentary will be the main people to get application of the legislation and the election of the Le Ao o le Malo. I am deeply saddened as I too had the thought that everyone should contribute in this election otherwise, I support the Prime Minister's statement, the election process will be submitted back into Parliament, but given the new amendment, the Opposition Party will not have a chance to change it. What else can be said when the decision is now final. Essentially, we must have verification as the days will pass.

Notwithstanding, the amendment states the Party with the absolute majority makes the final decision. By observation, we must be ensure and be apparent of the term 'majority', because one political Party may succeed with the number 47. If halved, we will have 25 for the Government and 24 for the Opposition. The figures 25, 24, 26 and 23 and below is a number that I look deeply into however it can divide a nation. It cannot make up the majority which I thought it would, otherwise. 60% or 2/3 is fitting and easier that is unquestionable. The only concern in case the result turns out with only one vote, then what? As set out in the legislation, the power is held and vested by the majority holding one vote. The country will in turn feel separated of this unjustified doing. This Amendment must clearly define the number of the absolute majority to obtain the essence of the legislation and its amendments. Mr Speaker this is my recommendation to the Prime Minister in relation the Election of the Le Ao o le Malo.

On to the election of the Individual Voters reference to the proposed amendments to the Constitution, as the Minister had clarified, comments are not allowed to be issued again on the legislation, but the question I wish to ask the Minister, if the Bill is now made law instead of discussing it as clarified, does this mean that the tabling legislation is also prohibited from being discussed. That is the worry, which holds more power, the Constitution or the proposed legislation. We have the Parliamentary Committee hence if this is passed, therefore we should not go any further as this is the end result. That is my concern given our deliberations for transparency purposes in this matter. Hence the proposed legislation was discussed. The last section regards the Bill's amendments pursuant to the Speaker of the House, pardon the honorable Speaker that is elected and maintained in the (House).

I thank you for your patience in directing proceedings of Parliament for the past term especially this Parliamentary term. The services shown have portrayed your perseverance in holding the House together. Thank you if you have thought of this Side. If we have been insistent together with our Leader, that is task to ensuring the Government is held accountable. That is our advice and if already received, may this hold more justice and accountability (on your side).

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The last legislation proposes amendments to the Constitution pursuant to the Ombudsman, which is something appropriate. This amendment is valuable and appropriate to ensure protection upon the national human rights, from the elder men and women to our children. They ought to be protected under this legislation and its amendments. Thank you for being mindful of these valuable aspects to ensure uniformity for all given the legislation from this House.

Mr Speaker, this is the brief explanation on the Constitution Amendments and the legislation submitted this evening, may God bless the remaining sitting today.

**MR SPEAKER:** Well done, pardon the Hon Leader of the Opposition, one more chance before it's your turn. I call the Member for Vaisigano No.2.

**Tofa MOTUOPUAA UIFAGASA AISOLI VAAI (Vaisigano No.2):** Thank you Mr Speaker for the opportunity. I will be brief as most of the issues have already been covered by the previous Members.

The brief view of this constituency is our recommendation to the Government and future representatives that will carry out this amendment in the Constitution. The main concern is the election of the Le Ao o le Malo. Mr Speaker, Samoa is a country of divisional status, although we are known as a democratic nation, but incompletely as we have our traditions and customs. This means that through democratic practice a person over 21 years of age can now vote. They also can be part of Parliament not until you hold a *matai* chief title. This is our stance and custom held forever.

In the words of the common song, 'God chose Samoa to be led by the Chiefs'. Chief holds different significance, unlike most chiefs we have nowadays. As aware Samoa still holds and values its honorary salutations. That is the same honor that this Parliament upholds. That is the recommendation to the Government regarding who will uphold and maintain the legislation. We hold different values (as *matai* holders) consider the significant statuses we hold. Samoa is now in the light, '*ao e mamala*'. What does the term '*ao*' signifies, it has brought Christianity into light followed by misfortunes when decisions are made unjustly.

Have a blessed meeting.

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

**Afioga Hon PALUSALUE FAAPO II:** Thank you for the opportunity. The Constitution Amendment is not practiced often. I strongly believe that all Members should speak upon it. Why, because it is a very important Bill. If we look at the previous Members of each constituency present during the drafting of the Constitution the decisions they made was not done lightly. This is the first time to receive five amendments. It is not any easy task. Normally, we would have one amendment instead of five.



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Mr Speaker and the Hon Prime Minister, this is not simple even if it takes a night or the entire week, these changes ought to be scrutinized carefully. This side has already spoken, Samoa is a country of significant status, why? Whether none is mentioned in the Constitution about the election of the Le Ao o le Malo, we all understand our culture and respect of the Tama Aiga. I affirm that once the Le Ao o le Malo's appointment is mistaken, the country will be in chaos. Why? The beliefs have it that once a Samoan is born, he/she knows the direction of these significant statuses. What's happening today? The Member must have the right to vote instead of submitting (his/her vote) through a party, due to the (collective) decision they make as a party, without acknowledging the right of the eligible individual that correlates with custom and tradition.

**MR SPEAKER:** The view of the Leader of Opposition is now understood, I call the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker the issued statement (by the Leader of the Opposition) is hugely false and is breaching the values of this Parliament. The only concern intended by this amendment regards the omission of the previous voting system whereby only two Members nominations were required. Once the nominee was elected both Members would sign the candidate they deem fit for this role which means forty nine Members could all vote nevertheless it is not respectable. This is what happens when I am trying my best to explain the issue but others are not paying attention to the words written here, people are not thoroughly thinking about it. The in depth context and terms in the Constitution were incorporated when we had political parties, whereby two Members could nominate two nominees through this amendment and agree to sign for each others' nominees.

Mr Speaker this doing is quite low in value, that can be practiced based on the Constitution provisions since the start, this practice was appropriate at the time, as there were no political parties then compared to today, this was the first recommendation made for this Parliamentary term after the passing of Malietoa. In query, how many nominations should we take? Upon the findings, several nominations were allowed, which we find unrespectable. Therefore this party agreed to one nominee and when I came into the House, there were two other recommendations resulting to three. moving forward, there is a chance under this provision that can allow for 49 nominations, on the exception of dragging and widening, goodness, there is piled rubbish that in terms forms rubbish amongst rubbish, when the amendment given involves more integrity for the election of the Le Ao o le Malo based on the absolute majority before submission into Parliament, we are not Hitler, and if upon the recommendation that we must adjourn to review the nominations, nothing is impossible under the sun.

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However the issued statement by the Leader of the Opposition is completely false. You have dragged the issue when the clarifying statement I gave earlier was straightforward; the substitution of the term Pulenuu with the Sui o le Nuu is used in the Constitution. I doubt the many amendments received, involving the Constitution amendment including the Ombudsman raised by the majority, the views by the Government is critical. In response to the amendment to the election of the Speaker, why would this affect the independence of the Speaker? Why would this affect our decisions? We make the decision. We elect and make the appointment, the Party is the normal practice now, since HRPP came into power in 1982 they held success since....and the Speaker was also on their side. Just to note honorable Speaker, we've now initiated efficiency rather than....as witnessed in the election of your honor. We take turns on that side, I am not sure if it had taken 2 hours for that process. But it's much easier now, it only takes us a minute to move the motion and pass.

Mr Speaker that is the efficient process and our (Party) main intention, we simplify the complications, and avoid complexity and mixed up processes hence let us replace the old complicated way with new ways that is more transparent and efficient. As for the speeches received this morning goodness sake, it is as if the sky and the universe is about to fall, nonetheless, the legislation amendments is very simple.

**Afioga Hon Palusalue Faapo II:** Are you done Hon (Prime Minister)?

**MR SPEAKER:** Leader of Opposition take heed of the significant changes you mentioned, as the Prime Minister is trying his best to clarify it into detail. You're now given a turn, you can speak.

**Afioga Hon Palusalue Faapo II:** Very well you can talk to the Prime Minister whilst my opportunity is given.

**MR SPEAKER:** I will give you the opportunity when you are patient, this is understandable involving no trouble.

**Afioga Hon Palusalue Faapo II:** Mr Speaker the Prime Minister has already insisted that we are talking rubbish...

**MR SPEAKER:** Palu why do you recognize passed deliberations...

**Afioga Hon Palusalue Faapo II:** Because the country is listening in.

**MR SPEAKER:** These debates are not new to the country. Do not bear importance on the weak statements but direct your views on the point.

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**Afioga Hon Palusalue Faapo II:** Mr Speaker that is exactly it, weak statements as you say, but all Im saying, the election of the Le Ao o le Malo is not easy, it is a choice of the Member upon his/her own rights inside Parliament, as reiterated by this member, what if we come up to 24 and 25? If you speak to the 24 holding 1 nomination by casting one vote from that Side? It is the similar to the point you made earlier that 49 candidates will be nominated. You see how difficult this will be?

**MR SPEAKER:** Very well a response will now be given.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Point of order, do you mean to say that the absolute majority in the House should not make the election but the Party with the least number. That is exactly what you mean just now. You also highlighted the number 24, 25 will only create conflict. This Side does not want conflict, which is simple. If the number is 25, let 25 be it for them to decide as they have the absolute majority of the House and submit the decision into Parliament. Regardless, we now know based on your view, that you do not...24 then 25, the election should not be by the Government of the day. You now state that once it reaches here...if we apply the old method that is what the Government refuses to do. In spite of you strangling the chicken, it will still cry out due to your decision, you constantly hide the truth however you intend to create conflict, regardless it's not being shown, as you clearly said, you wish for trouble, once we have 24, 25 see the hiding truth that was buried underneath and is now surfaced?

**Afioga Hon Palusalue Faapo II:** Mr Speaker, a point of clarification, I don't intend to create trouble, although it may happen, nominate your member, and we'll nominate ours.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Palu you have just stated, do you want trouble.

**Afioga Hon Palusalue Faapo II:** No it is you who wants trouble.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** No, it is in the Bill...

**Afioga Hon Palusalue Faapo II:** The current method/system is applicable and respectable.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** What the country finds peaceful is that, we should not be in conflict.

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**MR SPEAKER:** Pardon your honorable...we are talking absolute majority, that is true democracy and the essence part of the Constitution, hence we are also undertaking the consultation process and the submitted comments and expressions is appropriate, hence consider the views of the Members regarding your concern Leader of the Opposition, 24, 25 that is appropriately received, the Committee's meeting hasn't been conducted yet, hence this shouldn't take us deeply into debate, we are...wherever it has the majority, that is true democracy. I beg tolerance Leader of the Opposition, this section is now clear, move to the next one as we proceed with our orders.

**Afioga Hon Palusalue Faapo II:** The only recommendation we intend to stress Mr Speaker is to carry out the (election) process in a more dignitary and peaceful manner. Because we cannot do anything about it as a Side with the small number if the winning Side nominates someone that can produce problems pursuant to our customs. First priority is the Tama Aiga, which is exactly our intention, as of now regarding discussions of this matter, I don't have to say it, pardon His Highness the Le Ao o le Malo. Why? *Nao le laau e tu ae oia*. Only the standing tree is cut down. That is what I am saying honorable Speaker, regardless, I shall now move on, that is the reminder, because we protect our Tama Aiga(paramount)....

**MR SPEAKER:** With utmost respect Palusalue, let me clarify this, I appease the Leader of Opposition take your seat.

I have thought of that into deep consideration, lest we highly think otherwise with regards to the setting views of Members and the Political Parties in the House. Tuivalea is not present in this Side regarding the concerns that you've put through, we all understand the things that you are saying, no, that is not how our Proceedings are carried out...those are your own personal views, whilst the matter is laid well, have we mistaken our Constitution and respect? In case you think like that, that is your own view, which is not the case.

You have also shown concern of the election of the country, *aua e iloa Tupu, ua iloa Tama, ua iloa Aiga*, we are known by our paramount sons, which is not something bad, ultimately you speak of corruption. Pitifully, do not think otherwise, that is exactly what I mean by this subject matter in case we rest and come back and that is not the basis. That is reason for holding on to this matter, consider what I said earlier, I am not at fault in reviewing this matter, I speak of one main concern, change the system, instead of 49 nominations for the election of the Le Ao o le Malo, we must have one vote based on cooperation as you know it, if I say that the Le Ao o le Malo decides to have no any election, then what? Pardon the Leader of the Opposition, isn't that the basis I am trying to clarify? Isn't that the reason we attempt to consider? Let us not be divided neither undecided when conducting the election for the Le Ao o le Malo.

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We now have Political Parties in existence, let us cooperate and maintain in the absence of future happenings. If the matter was discussed openly, it will drag our sitting blindfolded of the events to come. If we attend the surrounded village, we will disperse cooperatively. That is the attempt; the reason for drafting this legislation is due to the uncalled justice sought by this Side of the House. No Palusalule, that is not the aim I am...

**Afioga Hon Palusalue Faapo II:** Mr Speaker the issued statement I gave is not false.

**MR SPEAKER:** I am just summarizing the comments given.

**Afioga Hon Palusalue Faapo II:** I did not mention such recommendation.

**MR SPEAKER:** Pardon Palusalue I am speaking.

**Afioga Hon Palusalue Faapo II:** I am not trying to conspire anything.

**MR SPEAKER:** Your turn was given, the Tama Aiga is not elected/considered. Do not think that I have forgotten your previous views and comments. Pardon the Members as I remind, direct your views on the election of the Le Ao o le Malo. Note the amendment, however you are indirectly dragging our sitting.

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

**Afioga Hon Leaupepe Toleafoa Apulu Faafisi:** Thank you for the opportunity. Mr Speaker this matter is quite simple although *e mau e faalele e mau foi e matau* some observe whilst some speak. Samoa is observing our Proceedings. Since the Leader of Opposition has mentioned the title Tama Aiga (paramount), this country is like a fireplace and everything we say reflects our inner beings. '*E iloga lava toloto, e iloga foi tumutumu mauga*'. Some notable people are known for their good works whilst others aim to destroy and put others down. The speeches made outside the (Parliament) is simply well received by the people, hence we endeavor to maintain peace in Parliament intentionally to avoid proverbial expressions (agaga faauigalua) in the minds of the public conversely you have mentioned Tama Aiga. This was the view during the election of the Le Ao o le Malo? Where was this view recently? I am asking you because that is the latest query during the election of the Le A o le Malo. Where was the nomination? We only received one nomination; and that was Afioga Tui Atua Tupua Tamasese Efi. That is the view you are about to express to cause...

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I have advised the Leader of the Opposition, this is not your duty pardon the honorable Speaker. The explanation and highlight by the Government is our clarification, instead of arguing (yourself) and say the Prime Minister, leave your clarification when that is the statement you mention. I say this now, did that happened? I appease the Member hence the issue here is quite simple if we all have clear conscience. Thank you.

**MR SPEAKER:** I call the Leader of the Opposition I advice that you move to the next matter. Be considerate of the advice given.

**Afioga Hon Palusalue Faapo II:** I will move on hence I advice, the process in existence is better, it is dignified and calm for the country. I shall move on.

The amendment on your appointment (Speaker), well I am not sure about this change in the Constitution. It is going quite well now although you are biased towards that side most of the times, but sometimes you're also biased towards this side.

**MR SPEAKER:** Do not irritate me. Don't let the chances I give you as I am still holding to respect. But do not take advantage of the abundant love I give you. Move on to the next matter, do not speak about the Speaker anymore.

**Afioga Hon PALUSALUE FAAPO II:** My speech is now finished. Have a blessed meeting.

**MR SPEAKER:** I call the Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker perhaps it is time for me to say a few words of appreciation. I did not expect that a lot of comments will be made to the Bill, as the Minister of Justice Courts and Administration has mentioned we have already passed the Electoral Bill. Furthermore it seems that the Constitution Amendment Bill (No.2) 2014 have submitted Members' concerns of the Urban constituency amendment. Thank you for the raising questions that have given us the chance to generally speak about the legislation.

If we look at Schedule 2 of the Constitution there are a lot of provisions that needs to be amended, including the Election of the Le Ao o le Malo because there were no political parties at the time. The leaders in the past believed that the formation of political could create conflict before the arrangement for the Election process; that is similar to seeking a President for a Rugby team that involves all eligible and important candidates. Today, there are similar vacancies of that sort that creates conflicts. This is the objective for these amendments by the Government in the future to recognize decision making by the Government.

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Although we have different views and opinions, but the Government's purpose is to provide efficiency and dignity in the election process of the Le Ao o le Malo to be in line with other countries. Simply by taking the absolute majority vote through a political party or Government of the day, they recommend for the nomination before the election is progressed in Parliament. This process is not outside but inside the Parliament.

That is the status, as we are in the presence of *Aiga, Aiga Sa Malietoa, Aiga Sa Tupua*. I hold four titles from these *Aiga, Sa Malietoa, Sa Fenumuivao, Sa Tuala* and *Salevalasi*. There are four *Aiga*, is there anyone else? There is no one. The titled sons are important to these *Aiga*.

Mr Speaker, that is the intention has this had happened before. It happened during the election of Afioga Tupua, where we had the nomination and final vote by this Party (HRPP) based on integrity and recommendation, and upon my presence, I saw two other papers lying here. The previous practice was better given this one nomination. Perhaps if I hadn't called, possibly this Side would've had a different nomination other than a nomination from that Side, which we attempt to avoid by this Side based on dignified decision. That is all, hence I extend sincere appreciation as this legislation has paved way to raising legislation that was passed and have obtained us new insight in order to improve the Election processes. Have a blessed meeting.

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

*Motion approved and the Constitution Amendment Bill (No.2) 2014 was read for a second time.*

**MR SPEAKER:** Pursuant to Standing Orders the Constitution Amendment Bill (No.2)2014 will be referred to the Business, Standing Orders, House and Electoral Committee for consideration and reported back to the Assembly after 90 days of submission.

**CONSIDERATION OF SELECT COMMITTEES REPORTS**

**P.P. 2014/2015 NO. 57, SPECIAL ENQUIRY COMMITTEE REPORT ON EVIDENCE TABLED BY MEMBER FOR GAGAEMAUGA NO. 2, TO JUSTIFY HIS ALLEGATION AGAINST THE MINISTRY FOR REVENUE ON THE 20<sup>TH</sup> JUNE 2013 – CONSIDERATION**

**MR SPEAKER:** I call on the Chairperson of the Special Enquiry Committee.

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No.57, Special Enquiry Committee Report on Evidence Tabled by  
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Gagaemauga No.2, to justify His allegation against the  
Ministry for Revenue on the 20<sup>th</sup> June 2013**

**Afioga TAEFU LEMI (Chairperson of the Special Enquiry Committee):** Mr Speaker I move a motion *that the Assembly approve the report of the Special Enquiry Committee together with its findings, recommendations and resolutions.*

*Seconded by the Member for Individual Voters, Afioga Maualaivao Pat Ah Him one of the Members for Falealili Tofa Tusa Misi Tupuola, the Member for Aiga i le Tai, Member for Vaa o Fonoti one of the Members for Salega, Afioga Afualo Wood Uti Salele one of the Members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua and the Member for Alataua West.*

**Afioga TAEFU LEMI:** Thank you Mr Speaker, the Committee humbly requests the House to look at our report. I will now read its recommendations and resolutions as follows:

**“RECOMMENDATION:**

At the conclusion of its deliberations and findings on the matter tabled by the Legislative Assembly, the Committee recommends to the government to:

- (i) Review the Ministry’s processes: for the duties of the Ministry to be recognized so that duties can be carried out with consistency, especially for those performing it. Also to lay down procedures that will monitor and check performances in order for improvements to take place on some of the issues needed to be enhanced. To review systems and processes for monitoring and improvement, transparency and accountability. The clearance of personal effects using sub receipts and the collection of taxes of warehouses.
- (ii) Sufficient number of employees: to look into the issue of employees needed and to fill vacant positions. To consult with the Ministry of Finance and Public Service Commission, for the implementation of new positions to better services. There will be extra revenue collected based on good frameworks of performance measures especially when there is sufficient staff. To strengthen and further improve new divisions of ‘Post Clearance Audit.’ The lack of employees will result in more problems faced by the Ministry as mentioned in some of the recommendations that will follow.



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- (iii) Working together with Freight Forwarders: to strengthened cooperation and links to improve working relations. To implement training programs to clarify these matters;
- Legal obligations of customs carriers, freight forwarders etc
  - Clearly illustrate ASYCUDA World, especially to parts accessible by stakeholders
  - To explain and discuss how to fill out various forms of the Ministry, BS4, IM4, Manifest and others.
  - Stress the importance of complying with all the conditions of their licenses as issued.

We recommend that the Ministry devolves some of the functions to customs agents, carriers etc as deemed fit. Some of the hanging entries can be attributed to delays by these companies in providing the necessary paperwork to the Ministry of Revenue.

- (iv) Outsource the registering of Manifests to shipping agents: Review the outsourcing of this activity to become the responsibility of the shipping agents instead of the Ministry of Revenue. This will make trade facilitation easier.
- (v) Staff to be both competent, honest and have common sense: to carry out proper trainings for employees so that they will understand the assessment of duties for any product or package. Also to stress the importance in trainings and in other work related meetings, be honest in assessment of duties and collection of revenue. Also to better skills and knowledge of employees so they will be able to work in other sections of the Ministry, (staff rotation across sections).
- (vi) To provide detailed breakdown of functions: for employees to carry out their designated duties especially for the areas of Trade and Border, to resolve the issue of one person doing the work of both divisions (separation and segregation of duties). Employees should be rostered when they go out to access duties so that no one person assesses the duties for any one company. This would be deterrent for colluding practices.

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- (vii) Abiding by the Law and procedures: to review principal acts and regulations of the Ministry to comply with international trends and government policies. It has been noted that most of the company goods are being brought into the country as personal effects, also the bringing in of products using different product boxes, which is illegal (false declaration).
- (viii) Re examine clearance process for Personal Effects: The Ministry should evaluate proper measures to clear personal effects;
- To remove the power and discretion put upon the employees especially the dependence on their integrity to carry out this function.
  - To lessen possibility of staff colluding with customs companies.
  - To limit the use of sub receipts causing problems with the Ministry.
- (ix) For employees to follow guidelines: to enforce the provisions whereby only the CEO has authority to pre release goods. All other employees should refrain from using her authority. The practice of some staff still doing clearance should never occur again as this service has been outsourced to the private sector.
- (x) Implement proper financial procedures for cash collected: to issue receipt for all payments made and for immediate banking thereof the next day as per audit requirements and provisions. Ministry should give priority to moneys collected and not on their ASYCUDA system as the issue with lengthy periods of time whereby cash is held in their vault should never arise again as it would be tempting to staff.
- (xi) Inland Revenue: since the merge as a result of the reforms in 2003, the workload has risen for Ministry of Revenue but it should be noted that international trend is seeing an increasing focus on border protection/ control. It may warrant a higher salary for the CEO and management as their duty positions have also been removed.
- (xii) Outstanding entries: recommends that the remaining 6,599 entries left hanging on the system be cleared.

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**5. COMMITTEE DECISION:**

- After consideration of the evidence tabled;
- At the conclusion of the consideration of oral evidence with all relevant bodies;
- At the conclusion of the review of written evidence provided by the Ministry;
- At the end of the review of the ongoing attempts by the Ministry to clear the ASYCUDA entries;

The Committee is satisfied that it has completed its task to the best of its ability and can now make an informed decision as instructed by the Assembly.

**5.1 Part I of the Terms of References;**

(i) *“Can the Committee confirm that the Documents tabled by the Member for Gagaemauga No.2; Tofa LEVAOPOLO Talatonu substantiates that: the staff of the Ministry of Revenue are dishonest in the collection of revenue.”*

Decision: “The Committee confirms the allegation by the Honorable Member”

**5.1.1 Basis of the Committees Decision**

The following grounds form the basis of the decision:-

- (i) Release of goods without clearance: As confirmed in Exhibit 19, Airway Bill No.856 AKL 18661565; House Bill No UO25488 – for a consignment that arrived on the 26<sup>th</sup> November 2011. On this Bill of Lading is a written message by one of the customs officials marked as “please release” which is dated and signed. The Committee found that this written message caused the release of the good by the freight forwarder. However, it had not been properly cleared with duties paid when the Committee investigated this entry. The Committee summoned the officer concerned and he admitted his written instruction for release and also confirmed that he forgot to process the clearance afterwards. The officer confirmed that he has since been instructed by the CEO of Ministry of Revenue to complete the clearance process and pay the duties on the goods.

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This means that the Members evidence tabled caused the payment of unpaid duties to the amount of \$726.58 on the 5<sup>th</sup> July 2013 receipt number R 16936. This good arrived on 26 November 2011 some 19 months before actual payment.

The official was queried on whether he has the authority to pre release goods and he stated that he does not; only his CEO has that authority. He confirmed that it was the border control division that releases goods and not the trade division. These conditions have not been adhered to by the official. The Committee suspects that this may be indicative of a corrupt network operating from time to time within the Ministry, and should be addressed and resolved.

- (ii) One spare parts company stated that he received a correspondence from the Ministry on 2<sup>nd</sup> September 2013; he reviewed the contents and realized he has not paid for some consignments. He immediately went to the Ministry and cleared his outstanding duties.

- Rec # 23826 - \$594.00
- Rec # 23827 - \$303.10
- Rec # 23828 - \$388.23
- Rec # 23829 - \$705.80
- Rec # 23830 - \$149.38
- Rec # 23831 - \$160.56
- Rec # 23832 - \$359.25
- Rec # 23833 - \$247.15
- Rec # 23834 - \$335.59
- Rec # 23835 - \$174.60

He stated that these are his consignments that were pre released to him by one of the customs officials. He had forgotten about it until the Ministry's correspondence. The Committee noted that the Members evidence as tabled contained his documentation. Please see Exhibit 23.

- (iii) The Committee visited the Ministry and witnessed the opening of the vault. It was noted that the cash therein had been divided into bundles marked by dates and stored in the vault. Upon further investigation, the Committee found that the cash in this vault has been there for up to 6 months. This is an extremely lengthy period which reflects total negligence on the part of the Ministry.

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The Committee found that the Ministry has not abided by the audit requirements on monetary controls. They had also breached the provisions of the Public Finance Management Act 2001.

- (iv) Hanging entries on the ASYCUDA system now total 6,599 and there is absolutely no way to ascertain whether these have been properly cleared with duties paid. We have provided in part 2.6 some possible reasons for this and the Committee believes most of the hanging entries fall under the 'x' category.

This reads: - "10 (x) *Illegal pre release of consignments by freight forwarders or by the Ministry without satisfying the proper clearance process.*"

However, in saying this, the Ministry has not completed its task of clearing the hanging entries. The Committee firmly believes that the onus is on the Ministry to prove the Committee wrong.

The above four grounds together with verbal testimonies is the basis for the Committee's decision.

5.1.2 Other grounds related to the Decision

The Committee noted the following related aspects:

- (i) Staff: The Committee reviewed the interpretation of the word "staff" mentioned in the allegation. The implication of the principal officer fits the description of one of the staff.

Some of the staff: relates to some of the staff who pre release consignments without satisfying the entire clearance process

Some of the staff: Accounts staffs responsible as well as customs officer who go out to process clearance are also negligent in issuance of sub receipts and ensuring the forms BS4 and IM4.

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Majority of the staff: the Committees decision is that the majority of the staff are negligent and this is due to their collective responsibility to ensure all processes are satisfied. The 6,599 hanging entries that have no proper clearance documents is a reflection of that negligence.

The Committee believes that its decision is supported by its interpretation of the meaning of the word 'staff' as clarified in part 1.7.

- (ii) The Committee wishes to clarify part of the Members allegation that 'the evidence he has tabled is a list of unclear and unpaid goods.' This claim was refuted by the CEO of Ministry of Revenue who stated that 'these outstanding entries have all been paid yet there are reasons why the entries remain hanging on the system.'

The Committee is mindful of the contradictions, first the majority of the 'entries are not for unpaid and uncleared goods – this is confirmed when 21,967 of the hanging entries were cleared by August 2013 without any revenue paid to the Ministry.

- However, as previously mentioned, the Member's allegation is partially true as the Ministry did receive some revenue as a result of the hanging entries included in the evidence. See Exhibit 19 and 23.
- The remaining 6,599 hanging entries to date has not yet been cleared and there is no way of knowing whether these contain unpaid duties until they are cleared. The Committee therefore cannot put much emphasis on this point as both claims have faults.

5.2 Part 2 of the Terms of Reference reads:

- (iii) *Recommendation to guide the Legislative Assembly in future should allegations against strangers be made in the House by Members.*

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Taking into consideration the fact that the Executive also uses Commissions of Inquiry for matters pertaining to the Executive, the Committee is of the view that the Parliament should also appoint its own Committees of Inquiry to enquiry into parliamentary matters. This Committee operated on a Terms of Reference dictated by the Assembly and met in accordance to the rules governing the meetings of Parliamentary Committees.

The Committee recommends that:

- (i) Parliamentary Special Committees continue to be appointed to inquiry into these matters in future
- (ii) Mr Speaker reviews the membership of these Committees to ensure competency and commitment of such Committee.

5.3 Part 3 of the Terms of Reference:

- (iii) *'Recommendation for a decision to be made against the Member should his allegation not be substantiated.'*

The Committee believes it does not have to make this recommendation given that the Members allegation has been supported by the Committee. There is also the avenue available through the existence of the Privileges and Ethics Committee whereby such matters can be referred if allegations are not confirmed.

## **6. RESOLUTION:**

The Committee recommends to the Assembly, to approve and take note of its Report.

## **7. FINAL WORDS – VOTE OF THANKS**

- The Committee expresses its gratitude to Mr Speaker and Members for the trust accorded to the Committee to undertake this task.
- We also wish to thank the CEO and staff of the Ministry of Revenue who were able to assist the Committee in its investigations even though they a heavy workload in trying to comply with outstanding procedures.

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- Thanks are extended to customs carriers, agents, consignees and all those who assisted in the deliberations.
- The Committee also offers its apologies if we have caused offence during the course of our investigations.

Mr Speaker given the Chairperson who followed up the work, I would like to thank the Minister Afioga Lautafi Fio Selafi Purcell for his assistance to in making this report possible from the start until now.

I also extend great gratitude to the Members of this Committee Afioga Tialavea Fea Tionisio Seigafolava, Afioga Afualo Wood Uti Salele, Tofa Tuisa Tasi Patea and Susuga Papalii Lio Faavaivaomanu Taeu Masipau, God bless our proceedings.

**MR SPEAKER:** I thank the Chairman of the Special Inquiry Committee. I believe the Members of the House have now understood the Report read out. Hence we have reached our recess time therefore we shall deliberate this report when we return.

I announce that proceedings of the Legislative Assembly will now be set aside for its usual evening recess.

*Proceedings of the Legislative Assembly were set aside for its usual recess at 4:48pm until 5:20pm.*

**MR SPEAKER:** I now announce that the Legislative Assembly Proceedings have now recommenced.

I humbly greet you again this evening seeing as all of us have been given the strength during our brief recess.

Before recess the Special Inquiry Committee concluded its presentation on a report referred by Parliament in relation to the allegations made by the Member for Gagaemauga No.2.

I would like to thank the Committee for its tabling report in the House today. Given the significant matter a Special Inquiry Committee was elected in order to uphold constitutional provisions especially to approve allegations made by respectable Members. In the meantime, the Inquiry Committee has tabled and presented its Report together with witnesses to verify their findings in the House.



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I thank all Members who were elected into this Special Committee by the House for the submission of your report. I believe it has taken about twelve months for this investigation to be carried out. The objective was to make sure that the report is thorough and not be criticized by Parliament. This is based on the validity of accusations and to respond to the concerns of Members especially for the improvement of government Ministries. I believe this has improved the relationship of Chief Executive Officers and Ministers especially to assist the Leader of the country and Cabinet. It is the role of Select Committees to assist and give recommendations to investigate allegations that are deliberated and scrutinized. Also these matters are discussed with the Minister designated to the Ministry investigated so that allegations made are justifiable. The findings carried out by Parliament illustrate honesty together with assistance to recommend Ministries on gauges to take for future service development. I am grateful to the Committee especially those that have compiled this Report. The findings to the tabling Committee Report in the House involve part of it in accordance to our Standing Order provisions.

I note that the House is well clarified of the Committee's presentation today taking into consideration the Proceedings in the House. The accused member Afioga Levaopolo, those are the results. I take it that you are one of the most vigilant Members in the House. Thank you for everything, the accusations put forth have now been confirmed which is showing true love towards the Ministry for Revenue that is our very reliant income source. If at times the delivery services are at fault that is why the Parliamentary Committees were in place to provide necessary recommendations to improve these services. As the saying goes, "*E a le uga foi e tausili ae tigaina ai le atigi,*" the actions performed by others can affect those that follow, I beg your pardon Samoa, the people's spilling sweat is no easy. Hence I alone officially accept the Report of the Committee and may it assist with our business in the future. I call the Member who is the reason for this allegation. I call the Member for Gagaifomauga No.2.

**Tofa LEVAOPOLO TALATONU:** I note the Speaker has covered all aspects of the matter presented by the Committee hence I will not mention it any further. It is with respect that I take the floor to thank the Members of the Special Inquiry Committee for the hard work carried out. I am grateful for the outstanding results presented especially to the Members of the Opposition. Receiving for the first time the findings to the Committee's report, I have been patient all along during their (Committee) investigations, although there was an urging feeling, otherwise, I had firm patience and was cautious of the investigations processes of the Parliamentary Committee. Hence I give gratitude.

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In relation to the received matter I had no intention to intimidate the Government and the public servants. The whole purpose is for us to work together and address the issues as this is our duty to inform and remind. I believe that the Ministers and Prime Minister is engaged with a lot of responsibilities, however you can overlook some things thus is our duty. If the statements and decisions we give sound irksome the previous year, pardon the Speaker and the dignified House. Thank you for the opportunity.

**MR SPEAKER:** Thank you. I call the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker such situation rarely occurs in the House, Reports are Reports. The Committees working for Parliament were chosen in this House, the reports are referred to them to work on, they are the servants, they are the working Parliamentary Committees. Upon the completion of their work, they will then say, they are unworthy servants, give thanks to the Lord, Why? Because this is the work they were called to do. I don't mean to advice you for this is the work that you must do. Your Report is submitted in Parliament to see the work carried out by each Ministry. If there is a problem, the recommendations must be used by the public servants of the Government. This is the meaning of the three pillars of government; Parliament examines the work of the Executive. This does not mean that everyone is perfect. This is the reason the Chief Auditor was appointed to report directly to the Parliament. Hence all governments are not perfect, sometime performances can be mistaken. Once the reports and recommendations are received, the Ministry and staff should review to avoid repeated mistakes, particularly this Side.

I solely support the statement about the money locked in the vault for six months. If I was the Minister here, I would've fired the responsible person, they should've known about it but did not anything about it, it shows the irresponsibility of the Ministry. These duties should have been carefully monitored because they are in charge of collecting money; there is always temptation amongst the employees. Such is the importance of the received report. This is why this report is important although it was carried out by a different Committee the outcome would still be the same. In case the Committee might think that they hold higher intellectual understanding. This is why I have stated that you should thank the Lord and say that we are only unworthy servants. This is why the Parliament elected you to execute your work properly and report (back to Parliament).

The Speaker has already extended appreciation and so as I as the Leader of Parliament. There is no need for the Minister to respond. This is the reply Mr Speaker pursuant to this wonderful report that we have passed.

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**MR SPEAKER:** Very well. I believe the matter is well defined. Other related matters will be referred to the Government as per normal procedures before the respective persons make the recommendations in regards to the Ministry. We have heard the clarification by the Prime Minister and I believe the issue is completely clear. I call the Member for Faleata West.

**Tofa Lealailepule Rimoni Aiafi:** Thank you Mr Speaker, question can we comment on the recommendations in the Reports or not. With respect.

**MR SPEAKER:** I personally believe that there is no reason to recommend further as the Member who made the allegations has spoken he is satisfied with the tabling Report. Perhaps tomorrow it will be published in the newspaper hence there will be no further issues. We cannot reiterate the matter, the government has responded and the content of the Report is important. In case we re-evaluate the matter comes tomorrow we will still be in the same stance. Therefore I appease Members of the House. I believe we should follow the provision of 90 days for government response the same procedure as the reports.

I call the Leader of Opposition.

**Afioga Hon Palusalua Faapo II:** Thank you for the clarification; I am undecided whether to wait for the government responses that are prohibited from being debated. As for Committee Reports, we should debate them provided their importance as mentioned by the Member of this Side. Mr Speaker we should be given a chance to voice our concerns as whatever happens to the Member for Gagaifomauga No.2 will also affect us all.

Mr Speaker I humbly request that opportunity be granted before we allow the Government Responses. With respect.

**MR SPEAKER:** I call the Member for Gagaifomauga No.2.

**Tofa Soalo Mene (Gagaifomauga No.2):** Mr Speaker a point of order because my constituency is listening. The Leader of Opposition mentioned Gagaifomauga No.2.

**MR SPEAKER:** The correction to the statement given by the Leader of Opposition is Gagaemauga No.2.

**Afioga Hon Palusalua Faapo II:** I am surprised at the blurred hearing of the Member. I said Gagaemauga No.2, perhaps the Member should check his...

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### Motion for Adjournment

**MR SPEAKER:** Palusalue you have clearly heard the clarification of the Member for Gagaemauga No.2. I believe he is the main focus of concerns He too has spoken clarity of this concern given the subject at hand. He is satisfied, sincere appreciation to the Committee and the Government who have again thanked me for this discussion.

The Leader of Opposition with respect I respect you times like this. Based on love, note that our time is running, hence we are trying to achieve our work. What is your view in the absence of the Deputy Leader because he is ill, Levaopolo has spoken in replacement of the Deputy Leader. Do not take this as a joke, if this report was disappointing, we would've parted with the member (Levaopolo). Hence Levaopolo has stated clearly, he is the true Levaopolo, do not try and create more problems. Nevertheless I am grateful to all Members of the House; the matter is not acceptable. Therefore it will be referred to the Government thus the Minister of Revenue these recommendations will assist your Ministry. This side of the House attempts to provide improvement for the Ministry.

*Report approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly.

### MOTION FOR ADJOURNMENT

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion as I take it that we have grown tired since morning and it won't take long before we meet again tomorrow. We still have the urge to work but we should also consider our health. I am worried lest one (member) is gone and another Member follows suit, hence I move a motion, *To adjourn Proceedings until the next scheduled day.*

*Seconded by Deputy Prime Minister, Minister of Communications and Information Technology and Minister of Women, Community and Social Development.*

*Motion approved.*

**MR SPEAKER:** I believe all Members have agreed on the motion moved. I extend sincere thanks to all Members of the House for your patience and collaboration upon today's business and orders. We have concluded today's Proceedings, thank you all for the tasks completing today. We still have lapse business nevertheless we should not overwork ourselves as the days are abundant to fulfill our duties.

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### Motion for Adjournment

We will now take our normal recess; I pray God will refill our energy so that we are able to return to our next sitting.

I extend gratitude to Samoa for its support and prayers. Thank you for your patience and forbearance in your Parliament.

I also acknowledge our Church Servants for the never ending prayers upon your Parliament in order to achieve its duties.

I apologize for any disrespectful behavior and pray for your forgiveness upon the man of Sasina. I don't intend to speak highly of my designation and status. The reason for being elected by my constituency and all its honorific salutations, only one can represent Samoa. I thank my constituency for the support even though I have not voiced any concerns in relation to our Budget the Minister is well aware of this constituency.

Bless all of Samoa and its ongoing duties especially the Presiding Officers and Clerks Conference in July where some of the Members will attend the forthcoming SIDS Conference. Let us work together as this not only involves one Party but the entire Parliament. Be blessed with good health.

Before we conclude today's Proceedings, I ask the Member for Faasaleleaga No.3 to end us with a prayer.

*Proceedings of the Legislative Assembly were adjourned at 5:49 pm until 9:00 am Tuesday, 19 August 2014.*

**TUESDAY, 19<sup>TH</sup> AUGUST 2014**

*The Legislative Assembly met at 9.00am pursuant to the Parliamentary Sitting Program 2014.*

*Mr Speaker took the Chair at 9.00am.*

Prayer.

**MESSAGE FROM LE AO O LE MALO**

*Mr Speaker read out the Message from O Le Ao O le Malo.*

**1. “MEMORANDUM for:**

**Mr Speaker:**

Pursuant to Article 59 of the Constitution of the Independent State of Samoa and Parliament Standing Order 95, consent is hereby given to the Legislative Assembly to proceed upon consideration of the following Bill:

1. Public Finance Management Amendment Bill 2014.
2. Center of Legal Public Bill 2014.
3. Council Journalists and Media Bill 2014.
4. Customs Bill 2014.
5. Fund for the Future Success Amendment Bill 2014.

**GIVEN UNDER my Hand** this Tuesday 18<sup>th</sup> August in the year 2014.

**(Signed): Tui Atua Tupua Tamasese Efi**  
**O LE AO O LE MALO**