

MONDAY, 28 JANUARY 2019

Mr Speaker took the Chair at 9.00am.

Prayers.

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

Greetings and welcome everyone, relying on God bring us good health and strength to resume our works and tasks this new week.

During adjournment last Friday 25 January 2019, we were on the consideration in detail.

**MINISTRY OF HEALTH AMENDMENT BILL 2019
– consideration in detail**

MR SPEAKER: Pursuant to Standing Order, consideration commences with Schedule 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Section 5 substituted.

Approved.

CLAUSE 4: Section 8 amended.

Approved.

CLAUSE 5: Part 4 substituted.

Approved.

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Ministry of Health Amendment Bill 2019
– consideration in detail

CLAUSE 6: Section 10 amended.

MR SPEAKER: I call the member of Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa): Mr Speaker, I have mentioned this section during my general remarks on this Bill. For the sake of the House, section 19 has repealed 61 Acts to these clauses on the State's intention to delegate these duties under the Ministry of Finance, Ministry for Revenue and the Ministry of Commerce, Industry and Labor. This section therefore has repealed 61 Acts including two for the National Health Services and the Ministry of Health. Section 4 has moved to be repealed and therefore, all have been repealed.

Mr Speaker I move, *To consider this repeal as it is now under the Ministry of Finance, Ministry for Revenue and the Ministry, thus removing the Minister from these portfolios being under these three Ministries and a recommendation is reported to Cabinet for its final decision. With my utmost respect.*

MR SPEAKER: Very well, for the sake of the Minister's time.

I call the Hon Minister for your view in accordance to the amendment to Clause 19.

Afioga Hon TUITAMA TALALELEI TUITAMA: Thank you for the question. I have already talked with the Attorney General regarding this section. The clarification I received states the omission of Clause 4 because it is affecting the NHS. 1, 2 and 3 are retained including the regulations that must be incorporated into the Ministry of Health Act 1006 for this policy.

That is the clarification from the Attorney General.

MR SPEAKER: I give this last chance to the member of Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Thank you Mr Speaker and Hon Minister, it seems there is a contradiction between these two things. If the Cabinet has decided to hand this responsibility over to the Board of Revenue, why then does it still have the involvement of the Hon Minister? Does this specify two separate legislations for the two Ministries? 61 Acts of some Ministries and Corporations were repealed in order for one body to take over the coordination of this responsibility.

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Because what is happening now is that every Ministry and Corporation has their own mandate/policies and at the end of the day, it is confusing to note which Ministry is responsible for this and which Ministry is doing that. In saying that, it would be better to incorporate this responsibility under these three Ministries to be in line with Government development strategies.

With respect.

MR SPEAKER: Well done thank you. I call the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker, this responsibility should not be omitted from the Revenue Board as this Committee does the review of fees whenever we get an enquiry from any Ministry or Corporation whereby, strong amendments like these are necessary. That is the procedure of our work, there are times when we need the advice of the Revenue Board on this responsibility that should not be avoided given our farseeing wisdom and flexibility to implement the duties of the Revenue Board. The legislation set up from 1988 to 1989 during my time had the maintenance for this flexibility.

MR SPEAKER: Well done thank you. The Government response is well presented and it is also good to have the statement of the member of Palauli le Falefa to further clear the plans set out by the State and the amendment to this Bill.

CLAUSE 6: Sections to clause 6 is now part of the Act.

Approved.

CLAUSE 7: New section to clause 21A inserted.

Approved.

CLAUSE 8: Clause 24 amended.

Approved.

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Ministry of Health Amendment Bill 2019
 – consideration in detail

CLAUSE 9: New section to clause 28 inserted.

Approved.

MR SPEAKER: I recognize the member of Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, with respect please, thank you for the amendment to the old designation Director General of Health which is appropriate, thus reflecting the fitting designation for these international positions.

I wish to query Section 9(3)(c) which says; other experience and capabilities as specified by the Minister, what exactly is...it seems to reflect... to be in line with the legislation of each Ministries when this seems to be different from this one. Nonetheless, I wish to query the security of the Minister given the set conditions on these positions. Mind you the Minister has the advice of the Chief Executive Officer and that is the procedure for all Ministers. That is reason for asking about this section whether it is a new thing when seeking the positions of Chief Executive Officers for Ministries. With respect thanks.

MR SPEAKER: Well done thanks. Any other questions, otherwise I recognize the Hon Minister for clarification on this matter?

Afioga Hon TUITAMA TALALELEI TUITAMA: Section 9 amends 24 under the regulations and requirements pertaining to the State or Ministries that has the payment of international organization fees and boards securities. I do not get exactly the interjection of the member. With respect.

MR SPEAKER: Perhaps the...no the clarification of the State is that.... but because it is... looking at Section 5 it is amended under there, therefore this section that the member for Faleata West was querying about has already been amended. The Minister has already given his clarification, those are a few amendments to this proposed legislation.

CLAUSE 9: Taken as part of the Act.

Approved.

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– consideration in detail

CLAUSE 10: Transitional amendments.

Approved.

CLAUSE 11: Repeal.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you very much. I beg tolerance to the Minister, I wish to get clarification on this new structure regarding the appointment of a Deputy Director General. The question to you is, when reading the entire legislation, the only position that will be advertised is the Chief Executive's position whilst all the other posts are continued. Since this is one Ministry that has many ACEOs, will these ACEOs amend their designations to Deputy Director Generals or is this a new post aside from the ACEOs? With respect.

Afioga Hon TUITAMA TALALELEI TUITAMA: Mr Speaker, we have received a lot of queries like this during consultations on the second reading of this legislation. Thus is the collaborating efforts of the Attorney General and the Ministry in incorporating this legislation. In terms of redundancies, there are sections of the legislation which stipulates this concern which has the compliance of the Ministry in accordance to set Government procedures and policies.

For NHS contract workers, they will be resumed as if they were awarded under the MOH Act. Secondly, contract benefits and employment benefits will all be rewarded until the end of the contracts. All employee benefits will continue under the Public Service Law. All matters pertaining to redundancies will have the discretion of the Director General under the Constitution of the Public Service Commission. And if there is any benefit for redundancy cases for the NHS, the process will press through depending on the redundancy policy under the repeal NHS Act immediately prior to the commencement of the NHS Amendment Bill 2019 currently under discussion. For the MOH employees alone the benefits rewarded for this redundancy policy is in accordance to the Public Service Act 2004. That is the notice in relation to the question. With respect.

Tofa Hon LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO: Pardon me Mr Speaker.

MR SPEAKER: I call the member of Anoamaa West.

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Ministry of Health Amendment Bill 2019
 – consideration in detail

Tofa Hon LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO: I was the one who queried redundancies. It is a question to gain clarification on appropriation for redundancies and whether this is under this Supplementary Budget or is it a separate allotment.

MR SPEAKER: Do you get the interjection.

Afioga Hon TUITAMA TALALELEI TUITAMA: I thought no one will question these things, it is the funding of our Government. If the funding comes from HHS, it is through from the Treasury and is processed from one pocket to another of the State. Where else when this is Government's money.

Tofa Hon LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker, because money used for these things should be approved from within this House, that is the reason for querying.

MR SPEAKER: Be patient, I permit the Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: This is not new, we did have redundancies before. There are procedures in place that the recent member is aware of. The member is correct that all appropriations are allocated accordingly for unforeseen circumstances since the time it was passed. Another way to implement things like this is, if there is trouble, it will come back to the Cabinet for a decision to be reached. So this is not new, pardon the member, this is the procedures of how things were done in Cabinet. The State will never allow anyone to press through and stop because of no money. There are processes for allowing other funding avenues to implement it. And if money is required, the Cabinet will have to make decision given normal procedure. Such is the submitted matter to amend our constitution from 1 percent to 3 percent in terms of unauthorized expenditure for the State to fall back on whenever money is urgently required without going through the formal procedure which can be done by submitting it to Parliament later.

MR SPEAKER: Well done that is well clarified...

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Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, the matter is well taken regarding the incorporation of unforeseen or unauthorized, but these type of response from one pocket to another, despite, I beg indulgence.

MR SPEAKER: That is the procedure...

Afioga Hon TUITAMA TALALELEI TUITAMA: Mr Speaker unauthorized is another pocket of the State not someone else's pocket.

MR SPEAKER: That is the normal procedure from the past. The interjections of members who were also part of this decision making in Cabinet is no new change given government procedures. Well done thanks.

Clause 11 was approved.

CLAUSE 12: Schedule 2 amended.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and Commencement.

TITLE: Ministry of Health Amendment Act 2019.

Approved.

The Ministry of Health Amendment Bill 2019 progressed with Amendments.

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MINISTRY OF HEALTH AMENDMENT BILL 2019
 – third reading

Afioga Hon TUITAMA TALALELEI TUITAMA: Mr Speaker I move, *That the Ministry of Health Amendment Bill 2019 be now read a third time.*

Seconded by Hon Minister of Works, Transport and Infrastructure, Hon Minister of Commerce, Industry and Labor, Minister of Tourism.

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

COMMUNITY LAW CENTER AMENDMENT BILL 2019
 – second reading

MR SPEAKER: In receipt of the Message of Urgency to this Bill we will now proceed with its second reading. I ask the Hon Minister of Justice for your clarification.

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice and Courts Administration): Mr Speaker I move, *That the Community Law Center Amendment Bill 2019 be read a second time and I wish to briefly elaborate it.*”

Seconded by the Hon Minister of Finance, Minister of Education, Sports and Culture and the Minister of Communication and Information Technology.

MR SPEAKER: I allow the Hon Minister for his clarification.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker for the sake of everyone the Community Law Act 2015 has been approved for the amendments of this legislation. This Bill is to amend the Community Law Center Act 2015 to change the title of the office holder from “Public Advocate” to “Public Defender”. The Bill also intends to limit the work of the Public Defender to just criminal representation in Court. This is assistance offered to the public in particular those who cannot afford to pay the lawyers or legal matters involving the assistance of lawyers/solicitors. The duties pursuant to the Community Law Center Bill involves: First, legal advice put forward to members of the public who cannot afford to get an attorney.

Secondly, putting forth legal assistance to remedy court case matters.

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– second reading

Thirdly, present education awareness programs in relation to legal provisions.

Fourthly stand for the members of the public who cannot afford an attorney in court. The existing Act involves criminal offense cases and civil offence cases. The amendment to this Act therefore is renamed to Community Law Centre Amendment Bill 2019. Section four provides the responsibility of the Principal under public legal matters particularly involving criminal matters.

Thirdly repeal Section 6(2) of the Principal Act. Fourth amend Section 11 of the principal Act by changing the title of “Public Advocate” to “Public Defender” for Public Applicant. Mr Speaker the set amendments is for Parliament’s review. With respect.

MR SPEAKER: Thank you. This matter was also discussed and Parliament should be well aware of these matters.

I call the member of Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: I am mainly involved with civil cases and speaking of electoral cases which has put the majority penniless, the reason for these civil cases is because these electoral matters comes under the Minister. Where else will the failed or winning electoral candidate seek help from when other people are ruining them? What happens is that I will have to go through so much expenses and I had not missed going to the court after every election. I request the State to include the aspect of civil cases as we do not have that much money because at the end of the day, we will have to go to the Court to seek the eligibility requirements of the candidate who is contesting me when that is the role/duty of the Minister and the Electoral Commissioner.

Such is the plea to the State, have a look into this civil area as majority cannot afford these things because it sounds like we are protecting sin by abandoning the members of the public who are in need of this civil service. With all due respect thank you for the opportunity.

MR SPEAKER: I allow the Hon Minister.

Afioga Hon Faaolesa Katopau T. Ainuu: The main purpose of this Bill is for those who lack money. This is the same intention for setting up the Community Law Act 2015 which involves civil and criminal matters because according to the Ministry’s investigations, so much money will go towards these two services, yet it is best to start small first.

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Such is the amendment beforehand and sometimes in the future until we have sufficient funds, then we will incorporate civil matters. In the meantime, we will start with criminal cases first for this office. With respect.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Mr Speaker, the Minister has spoken, there will be time for that, thank you. There is no time, this is the time to make a decision. The Hon Prime Minister has spoken about using up money last week. The previous financial years has had a huge budget balance left that could not be utilized. \$61million could not be utilized fully in 2016 and \$101million in 2017. We are expecting another surplus in the State's schedule estimates that is in progress. What then do you mean by insufficient money? We have a remaining total of almost \$200million from the two previous fiscal years. The most important aspect here is national security. If you intend otherwise Hon Minister then I am deeply disappointed with this legislation that seems to bring racism. Thank you.

MR SPEAKER: I recognize the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker the subject on criminal matters being the duty of the general public to pay up is very critical. This is totally ridiculous. If a person commits crime, they must be responsible to pay for it instead of the public. Such is the intention of the State by heeding assistance to the most vulnerable most particularly offenses that are serious. General matters pertaining to the public is the public's business itself. Most serious cases like murder starts from anger and by the time the offender repents it is too late and they end up not affording such case. Now that we are using the tax payers' money however to whom is this tax paid to? I wholly refuse to give my tax to pay for another person's offense. That is their business. The only assistance I agree to is the help towards paying the offense of the helpless that is it. This doing will be monitored accordingly for the time being and will stop whenever appropriate.

MR SPEAKER: Very well thank you. It is good to have these raising issues to obtain clear clarifications of the State. Does the Minister wish to speak or the Prime Minister?

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Afioga Hon Faaolesa Katopau T. Ainuu: I wish to add on to this criminal matter, we now have the legal aid program administrated by the State for free. The budget of the Ministry will be used for this legal aid program to finance its public defender.

I hear your statement on the huge fund utilized...

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker I thought you said that there is no finance on this yet you claim that there is a budget for it. I am confused now when the Ministry's money is used to pay for these lawyers. With respect.

MR SPEAKER: Very well. Conclude your speech Minister.

Afioga Hon Faaolesa Katopau T. Ainuu: No, the meaning of my statement is that this is no additional appropriation to the existing Budget rather finance is available for the time being.

MR SPEAKER: Go on Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui: Mr Speaker in terms of remaining Budget, the State has set policies for it as most of the received reports specifies the full utilization of these budgets or zero budget balance. One of the raising matters last week and one of the greatest contributions by the State is new job creation for our children in public enterprises and companies like public road contractors etc. The reason for the continuation of these works is due to money taken from the Government through our foreign partners and borrowings at low interest rates lest the public thinks that we have so much money on us. One of the reason for the delay in our works is due to the consultants and this is what I always say when the Leone bridge was destroyed, although funds were available to build it but the delay for building was due to the processing of working papers which took us 4 to 5 years of waiting. This money is not covered under money reserves.

The road to Maliolio which had the decision of more than five years has begun. Whereas preparation undertaken for paper works process for advertisements through foreign grants based on conditions and requirements for things like prohibit the employment of inappropriate companies who lacks the experience and take extra caution when hiring them. Not long ago did we hear about a concrete bridge in Italy by one of the most qualified contractors that fell a few weeks later killing thousands and thousands people. This news was broadcasted on CNN.

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Hence is the need for this current project to be thoroughly assessed particularly the review by our Tenders Board Committee heeding the most suitable and well qualified contractor that brings quality results for these projects. However, some of these tenders during our Cabinet meetings were very disappointing.

Mr Speaker, although we have money however it comes with international financial institutions requirements. This is more reason why the metal drainage installation we had at Tiavea in the past was later dilapidated from the water overflow killing a family. I had a letter written last night for the Minister to locate all the outpouring water areas including Aufaga for the safety of the public. But that is the clarification, funds are available however the engineers have some incomplete processes to go through that is causing the delay. It is the very reason why we are trying to develop and build up our own people in such professions because we are receiving so much foreign aid and grants however we delay the utilization of these funds fully. That is why we seek foreign assistance for these projects that comes in high demand. But great thanks to all of you who raised this matter for us to give a clear view about it.

MR SPEAKER: Very well thank you. I believe this is the end to this matter. I beg indulgence to all the members wishing to speak on this regard unless you intend to speak of something else.

Afioga Tafua Maluelue Tafua (Aleipata Itupa i Lalo): Observing our talks this morning, I heed appreciation to the Prime Minister and those that have addressed this matter. I wish to point out something Mr Speaker...

MR SPEAKER: Be brief.

Afioga TAFUA MALUELUE TAFUA: Thank you very much. I see that this Bill only has amendments. The only amendment here is from Public Advocate to Public Defender. That is all for this legislation I am holding hence the talks this morning are very important. But I extend appreciation to the Hon Prime Minister and his statement about the roads of Tiavea. Other locations for these drainages are Tiavea uta and Samusu. Otherwise that is the only amendment we have for this legislation. With respect.

One other thing your honor is the English statement that goes ‘the Law is an ass’, in Samoan version, ‘o le Tulafono, o le asini lea’. Perhaps this is appropriate statement for our talk this morning. With respect.

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Community Law Center Amendment Bill 2019
– second reading

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East): Mr Speaker before the Hon Minister for this legislation clarifies.

MR SPEAKER: Be brief. The State has its reason for responding to matters on point, other than that and given your right, I will allow you. Pardon me make it short.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Before I proceed, I extend sincere sympathy to the families of the late Afioga Alaalatama of Fagalii. Thank you for all your comments and submissions on this legislation, this denotes that you are not sleeping rather you are all alert on this bill for the benefit of our people. By request we will withdraw this amendment on civil matters. The concern on these debts is that they (the banks) will eventually end up taking these candidates to jail and after serving imprisonment two months later, they are expected to pay this owe to the banks. That is the plea according to this withdrawn amendment we have now which seems to mean that the candidate is being penalized twice. After spending two months in jail, it is expected that they still need to pay up their debts in the banks. Personally now that the amendment on debt collection by the public is being omitted when the imprisonment sentence has been served for two weeks, still they are expected to pay up their debt. Isn't locking them up in Tafaigata enough? Secondly, the amendment from Public Advocate to Public Defender does not have my agreement because the old name sounds much better for the reason that this matter seems to apply to everyone including the poor or those who cannot afford a lawyer yet the new name seems to call for anyone including the rich or those who can afford lawyers. With due respect.

MR SPEAKER: I get it thank you. I call the Hon Minister of Justice and Court Administration.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker, the entitlements for lawyers has already been set out, that is the response to the member of Vaimauga East. The only intention for this name change or public defenders is for them to stand up to criminal matters alone whereas other matters, until the Ministry has the power in terms of funding in the future then this will be implemented, although, the implementation process will be made accordingly. With respect.

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

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**Community Law Center Amendment Bill 2019
– consideration in detail**

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker last week, a prayer was conducted by a pastor and during the prayer, the policemen were also closing their eyes giving two prisoners the chance to escape. The sermon I received stated that your prisoners were being well fed in prison and for that reason, some of you have two remaining weeks of imprisonment nonetheless, you aim to escape and commit more crimes just so you could come back to prison. So by the time the pastor finishes the prayer, the two convicts have escaped again. This signifies that our jail is like a hotel that is dissimilar to the one in the olden days. The matter voiced by the member about the helpless is not new, whenever something happens here, everyone automatically falls for it including the rich most particularly those with numerous loans at DBS, NBS, NPF, BSP including the ones in private loan services. I know it because they normally end up coming to me under the impression that I am the father of the nation asking me if I have money. And when I see them crying I would cry with them too. The only thing I can do is to comfort you by crying together with you. That is the intention for this amendment because if permission is granted for what the member suggests, then we will have further troubles. The bank officials should also do their job, go after the borrowers and not have to rely on people getting into trouble and expect the Ministry of Police to assist. Well the Police are also refusing, why else should they go? This is why we should use our common sense. If you have debts to pay, that is your job and do not expect the police to come after you when you cannot meet those payments because the Ministry of Police also has a lot of work to do.

Mr Speaker that is the assistance.

MR SPEAKER: Very well thank you. Clarifications on these concerns have been well put. Let us not spoil the public, give them the net not the fish so that they can fish.

Motion approved and the Community Law Center Amendment Bill 2019 was read a second time.

**COMMUNITY LAW CENTER AMENDMENT BILL 2019
– consideration into detail**

MR SPEAKER: Pursuant to Standing Order, consideration will commence with Clause 2.

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**Community Law Center Amendment Bill 2019
– consideration in detail**

CLAUSE 2: Clause 4 amended.

Approved.

CLAUSE 3: Clause 6 amended.

Approved.

CLAUSE 4: Clause 11 amended.

Approved.

CLAUSE 1 AND THE TITLE:

CLAUSE 1: Short Title and commencement

TITLE: Community Law Center Amendment Bill 2019

Approved.

The Bill progressed with Amendments.

**COMMUNITY LAW CENTER AMENDMENT BILL 2019
– third reading**

Afioga Hon FAAOLESA KATOPAI T. AINUU: Mr Speaker I move, *That the Community Law Center Amendment Bill 2019 be read a third time.*”

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

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

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ALCOHOL CONTROL BILL 2018
– second reading

MR SPEAKER: I call the Hon Minister for Revenue please.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I moved, *That the Alcohol Control Bill 2018 be read a second time and I wish to elaborate on it briefly.*

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

MR SPEAKER: Go ahead Hon Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: This Bill seeks to repeal the existing Liquor Act 2011. The main purpose for this Bill is to regulate the sale and supply of alcohol by controlling its availability as well as to reduce the demand and consumption of alcohol and to minimize the harmful effects and abuse of alcohol. This bill also seeks to regulate the advertising and promotion of alcohol products and to ensure that such activities are undertaken responsibly and in the public interest. It also aims to provide for power of enforcement relating to manufacture, sale, consumption and importation of alcohol as well as to reduce alcohol-related problems of any nature and provide for the roles and responsibilities of parents and guardians, village fono and churches in applying the regulatory controls. This bill was initiated by the Law Reform in 2015 to reduce the consumption of alcohol and several other acts. It also seeks to strengthen the Liquor Board and its new policies that are currently under implementation.

This Bill has a total of 77 clauses covering everything from controls and protection of alcohol causing far too many accidents. I have here the data from January to December 2018, a total of two hundred and thirty cases related to alcohol from the Ministry of Police. That is the intention of this Bill because alcohol is the main problem to the many accidents we see nowadays. That is the clarification on this bill. Thank you.

MR SPEAKER: Very well thanks the clarification is well proven.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker.

MR SPEAKER: Note that we have three members wishing to speak. Go on member of Salega East.

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Alcohol Control Bill 2018
– second reading

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker. Thank you Hon Minister and the Ministry for putting forth this legislation with the strategic vision to counter problems that everyone knows about, is existing today. The only advice is the inconsistent decisions made by the Liquor Board Committee. This is in relation to one of the latest murder incident that took place in one of the bars whereby no decision was met like the decision you made involving my business. This is my own genuine view based on the integrity of your decision making. We did have a thorough session on my case with advice however; it seems that the Chairperson rarely had any involvement in our talks other than a whole bunch of you who did not understand the policies and procedures of the State. That is one recommendation I wish to put forth, seek and bring forth the most qualified members who are well versed with these kinds of issues which are not easy to handle. They should be able to sit in and make the best advice to you. The main intention is to bear integrity and make just decisions, respectfully.

MR SPEAKER: Very well thank you. I call the member of Faleata West. Pardon the Minister until the member has finished his statement then the Government Response is presented.

Tofa LEALAILEPULE RIMONI: Thank you Hon Minister for this very important Bill. Most of the members' queries are well specified under this bill yet I have a few comments. Firstly, securities working at the pubs should be regulated like those in the international levels. Perhaps we could conduct short term trainings through the Ministry of Police for all security guards to earn them certificates and pay raise. Because whenever we have a humungous person employed in the bars, they are automatically placed as security guards however, they lack the experience in this type of job. Also to note, in the bars you meet all sorts of intoxicated people who undoubtedly end up with all sorts of problems like the murder case we received recently. On this note, the Board should thoroughly look into this so that people are legally authorized to do this kind of job.

Secondly, note the variety of imported alcohol beverages lest they become too expensive. In further, we must take into account our locally made alcohol beverages like that in Nu'u and take note of the alcohol content and make sure that they meet high quality standards for both locals and tourists.

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Alcohol Control Bill 2018
– second reading

Personally the committee members should ensure the enforcement of alcohol regulations for the safety of consumers. Penalties for those selling alcohol without licenses is well stated in this legislation in section 68 which seems to incur lesser penalty which should be assessed thoroughly because the penalty for the person providing false information about this alcohol beverage is greater than the consumer purchasing this alcohol. In the end of last year, I approached one of the wholesale companies and asked a lady about this bottle I saw, and she replied it is a new product made locally. This bottle is a red wine mixed with coca cola and it has a sweet taste. Well I do not know about these products but it would be appropriate to take a closer look into them. Section 62 states the exclusion of persons from licensed premises at a reasonable force. We deliberated reasonable force before but what exactly do we mean by reasonable force for the security of visitors and workers when at work.

MR SPEAKER: Very well thank you.

Tofa Hon LEALAILEPULE RIMONI AIAFI: I have two more hours (to the Speaker). The production of alcohol by SROS and the cost for these bottles is \$150 to \$200 which is quite high. Because we are trying to promote these locally made products yet the pricing has gone too high for the consideration of the Hon Minister of Agriculture. In addition and generally speaking for the Minister's sake, these bottles may be the reason why there is a reduction in the selling of spirit bottles or perhaps the beer beverages or anything like that. Therefore this is something to look into for the better. However great thanks for the purpose to this bill to regulate the closing down of bars immediately whenever we have incidents in the future for the police to carry out investigations and not have to wait until the problem becomes big. Thank you.

MR SPEAKER: I call the member of Gagaifomauga No.3.

Susuga Hon LAAULI POLATAIVAO LEUATEA (Gagaifomauga No.3): Mr Speaker I greet everyone here this new morning. I also express great thanks to the Hon Minister for putting forth this legislation. By observation and no doubt, alcohol is by far the number one killing weapons we have today in the country. This is based on the rising number of alcohol related incidents seen today thus producing a huge impact on the public.

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Alcohol Control Bill 2018
– second reading

Consuming alcohol is nothing new because alcohol was introduced to us by the Germans and New Zealand during early colonial times. During my early years in family business, no Samoan was permitted to drink alcohol at the time. And in those days these alcohol supply all came from Germany, New Zealand and Australia. However, since the production of alcohol beverage here, we are beginning to see problems from it. You mentioned 2000 alcohol related cases that is roughly 90% submitted to the police, I salute you and your effort in dealing with these reports. Even with murder cases, it all stems from alcohol. In query, why are these intoxicated people like this? People are going wild when they get drunk at this stage. I did brought this up before about a foreign company supplying us spirit that was prohibited for security reasons and up to now no clarification were submitted to this matter. In specific to the locally made alcohol products, I confirm that they are no good. This is because the content for these spirits are too high and those consuming these products normally end up wanting to kill once twice thrice all at the same time. I testify Mr Speaker that alcohol is the biggest killer in the country. Otherwise great thanks Hon Minister for tabling this legislation to minimize the rights of people to consume these alcohol beverages that is out of control for many.

That is the reality today, this problem is not specific to the town area, it is happening everywhere including the rural villagers. The village youth are going wild on internet because of alcohol. And if there is any company that does not comply by the rules of the liquor board then please, close them down.

With respect.

MR SPEAKER: Well done thank you. Go on Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker the Hon Minister will respond later whilst I wish to speak on some of the raising matters. This legislation will be referred to the Committee for the public to speak on because this matter affects all of us. We have 2,036 cases this year and who knows by the end of this year the number will go up to 5000. Well done to the Commissioner for the monitoring work that they are doing on road blocks during the holidays. This is one huge work that is dealt with by the police in efforts to reduce road accidents and death particularly for family and friends visiting the country. They come with the mindset that this is a country of freedom and they drive around speedily and end up producing accidents on the road.

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Not only are they found intoxicated, they are also caught taking drugs and ice that is affecting so many young people today. Ultimately, death is the main reason nowadays for the sake of police.

In terms of security, they have no legal rights in terms of protection, whenever something happens, you (securities) must contact the police but do not fight back because that is against the law. That goes for the bar owners too, call the police who have the power to lock these people up. Olo understands this very well as he too used to have a bar and even the noise travels all the way to my home. In addition, the alleged sales of marijuana are also found in the bars. Notwithstanding, plastic littering from eating outside the bar premise is another raising problem and the MNRE should look into this solely and get a hold of these people that are producing rubbish which is against the law. Otherwise, both the intoxicated people and the bar owners should be responsible for picking up all these rubbish that is an eyesore to the public passing by. These irresponsible culprits are costing us so much with several cars crashing into public street lights causing countless power outage to the entire country.

This is the entire purpose for this legislation that should be a collective responsibility by everyone including the public and if the bars are making too much noise, the nearby residents should make attempt to contact the police as some people would end up sitting from across the streets and watch families that contain children. This is the end result for these drunk people who have no brains.

This is solely the objective of this legislation for those who should not be drinking excessively. Drink wisely and go home safely without having to get caught by the police as that is one reason for having these road blocks by the police so that the public is safeguarded.

Mr Speaker that is the slight addition.

MR SPEAKER: Very well thanks. I will not put the question...

Tofa Olo Fiti Afoa Vaai: Mr Speaker since the Prime Minister has given his statement and lest the public is mistaken, in reality and speaking of drugs, we are not aware who is responsible for bringing in these drugs. Because I too used to have a bar and as a bar owner, we can never know how these drugs get into the bars which are even prohibited from selling as it is against the law. The only people that are caught are those on ice but ice is also prohibited from selling in bars. With respect.

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MR SPEAKER: Very well. I will now put the question. Anyone else wishing to comment or is everything now covered by the Hon Prime Minister?

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you Mr Speaker but since the member has made a mention of...the current status of our Liquor Board is very well. The issuing of business license for all businesses goes through a procedure and conditions of the liquor board which also covers bars and nightclubs. And in terms of security, they should also be getting confirmation of what they learnt from the Ministry of Police. Thus they should not make security out of someone who was convicted before. The problem with these securities is that they are related to the bar owners who hired them as securities and they are worse at their job than the intoxicated people. But we are encouraging them to call the police or the commissioner of our Committee if complications occur in the bars. Gratefully we now have conditions to the issuance of license renewal from the police beginning next week. We have records of past deaths from the variety of alcohol spirits to vailima and taula beers. If only...when one is charged of this condition they should have their blood tested since we never know the extent of these alcohol contents whether it contains ice.

Mr Speaker, thank you for the advice, the Liquor Board Committee will have a look into it once we have the approval to this legislation.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui: Mr Speaker in terms of blood test, if this is verified, this is one good amendment that we should make to the legislation to empower the police in implementing their duties. In the past, once something happens, we wait and look at the law first. This is why so many things are cleaned up because of looking at the law. But you should use your consciousness which is the most paramount law. For that is the law of the Bible, *‘Therefore, to him who knows to do good and does not do it, to him it is sin’*.

MR SPEAKER: Very well thank you. The Government has well given its clarification pursuant to this Legislation.

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

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Land and Title Bill 2019
– second reading

MR SPEAKER: This Alcohol Control Bill 2018 will be referred to the Economic Committee for their consideration and report back to the Legislative Assembly.

LAND AND TITLE BILL 2019
- second reading

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

Afioga Hon FAAOLESA KATOPAU T AINUU: Mr Speaker I move, *That the Land and Title Bill 2019 be now read a second time and I wish to briefly elaborate it.*

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

MR SPEAKER: Since we have arrived at our break time, the Hon Minister of Justice and Court Administration will speak on this Bill when we return after our recess.

Proceedings of the Legislative Assembly suspended at 10:43am and resumed at 11.20am.

MR SPEAKER: Before break, the second reading of this Bill was seconded. I made the announcement that the clarifying statement of the Hon Minister will be presented after we return from our break. With respect I call upon the Hon Minister for your clarification.

Afioga Hon FAAOLESA KATOPAU T AINUU (Minister of Justice and Court Administration): Mr Speaker and the Leader of the House as well as the dignified members of the House and Samoa in its divisional status. The Le Ao o le Malo, Members of the Council of Deputies and Samoa in your honorifics, *Aiga ma Tama, Tama ma Aiga, faapea le Usoga a Tumua ma Pule Ono i Salafai.*

MR SPEAKER: Pardon me Hon Minister I interrupt your speech, I advise the Hon Prime Minister that we have a motion, I call the Leader of the House.

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Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker given the significance of the Business Order and the severity of matters discussed in the House, the public has heard your submissions and our deliberations today. In this regard, we cannot make laws just for the sake of it, the reason why these laws are made is to safeguard the lives of the public.

Some people have argued that we have too many laws and this is why we have too many offenders. However, the main intention of the State is to monitor and safeguard the lives of our people. Such is reason for us to look thoroughly into these laws and make necessary amendments given the many offenses and crimes in the country specifically laws that are affecting the lives of the people.

This is the sole purpose for our scheduled agenda in progress today. Therefore, I move the motion to resume our work until 1.00pm break, and reassemble at 7.00pm until 11.00pm hopefully by then we will be able to finish consultations on all matters. That is the motion Mr Speaker.

MR SPEAKER: Well done thank you, the motion has been moved by the Prime Minister or the Leader of the House for us to break at 1.00pm and resume at 7.00pm until 11.00pm. The intention is to complete all Parliamentary works before referral to Parliamentary Committees for their part and Cabinet for the development of the country given these tabling Bills and Supplementary Budget and the works of the Ministries and Corporations.

Motion was seconded by the Minister of Commerce, Industry and Labor.

MR SPEAKER: With respect I allow the Minister of Justice and Court Administration.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Thank you Mr Speaker, supplications has been offered to the Almighty Father for His **infinite mercy in guiding us here this morning.**

The tabling bill and its consideration seeks to repeal the existing Principal Land and Titles Act 1981.

In June 2016, the Legislative passed a resolution to establish a Special Inquiry Commission to consider the rules and procedures of the Lands and Titles Court and to make in depth recommendations to improve the Lands and Titles Court to provide transparency and accountability to reflect good governance in response to a range of raising matters.

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The House has already approved the submitted report and recommendations of the Special Parliamentary Commission of Inquiry including the response of the Ministry of Justice in this report. This report is now referred to the Ministry of Justice and Court Administration and the Office of the Attorney General for them to incorporate the necessary amendments of the Legislation to reflect the implementation of these recommendations.

For the information of the House, the Commission of Inquiry did consult the public to provide their feedback and submissions to its work. The Ministry of Justice was also consulted however they did not give the reasons why they could not respond.

In response to the recommendation by the Commission, the State has drafted the Land and Titles Bill 2019 to repeal the existing Land and Title Act 1981. Other recommendations by the Commission provided in the other legislation, include the Judge Commission Bill whereby the constitutional amendment is currently set out in this Parliament.

These are some of the main amendments to this Land and Titles Bill 2019 recommended by the Commission of Inquiry for the approval of this House which are:

1. To establish the Lands and Titles Court. The new establishment according to the Commission of Inquiry first investigation:
 - (i) Court comprising of Court of First Appeal and Court of Final Appeal to the Lands and Titles Court.

This arrangement will officially recognize the Court of Samoa as paramount and exclusive for its customary lands and chief titles that will share similar significance and stance with that of the Criminal Court. This new setting will symbolize great significance for the Courts of Samoa within the courts loop. The public will have a chance to review a case that they find necessary given a reached decision by the court of appeal based on miscarriage of justice or the error of law.

2. If the court of appeal completes a review and does not satisfy the parties involved and if one of the two reasons I stated is met, this is the chance for the Final Court of Appeal to make its final decision.

Therefore, the public no longer seek help from the Supreme Court using the normal procedure most of us are aware of, it is the traditional review. Rather, the Lands and Title will have to seek a decision from the final court of appeal.

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This will achieve one of the vital recommendations of the Commission of Inquiry for the Lands and Titles Court to become independent to be able to reach its own decisions without having to seek the decision from another court. As such, the necessary amendments will be submitted before Parliament to be in line with the Constitution of Samoa like the saying '*ogatasi le futia ma le umele*'.

This means that no other court will decide for matters pertaining to the Lands and Titles Court pursuant to Section 71 of the Lands and Titles Act 1981. Another amendment is the time limitation for filing of appeals given the written decision of the Court. Various complains have been filed by the public against the Lands and Titles Court according to the findings of the Commission of Inquiry Report due to the lengthy time for them to reach decisions to these appeals. More troubling is that some of these judges have already retired without submitting any written response to these appeal applications. In this regard time limitation should be legally granted for these decisions to complete for the sake of the public by the Court.

Another amendment in this Bill is the lawful submission of maps specifying customary land ownership and the authority (*pule*) from parties involved because according to the Commission's findings, there is inconsistency with some of these maps according to the Ministry of Natural Resources and Environment records. Other matters is the lawful surveying of lands that already has the decision of the court. Such is the legal submission and enforcement of these land survey documents affected in appeal before the Court.

Mr Speaker, another part of this legislation is the legalized guidelines imposed on the roles of the judiciary during the court's findings. The overlapping functions/roles of the judiciary in managing one case after another. Imposed payments for an adjourned case, in particular a judge involved in a conflict of interest. The mediation process of a court proceedings is being clarified again before the court's findings.

Other parts of the Bill is the legalization of traditional title ceremony and the obligations of the high chief of the family (*sao*), obligatory roles/duties of the *sui o le Malo* or Government representatives, the **obligations of the Court's registrar so that they are transparent.**

Mr Speaker that is the overall summary of this legislation provided the specified recommendations submitted by the Parliamentary Commission of Inquiry to the Lands and Titles Court. Notwithstanding, the Ministry must look at the severity of making further amendments that are significant given that the existing legislation is no longer applicable today.

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As said earlier, we have the Judge Commission Bill that will be introduced later for the consideration and approval of the House. This decision is based particularly on the appointment of judges. This provides a performance review of the judges and a review of the public's complaints directly towards the promotion or termination of a judge given appropriate reasons.

This bill also seeks appropriate benefits for judges through salary and other eligibility. As said before, these set amendment are all based on the work engaged by the Commission of Inquiry for the judges of the lands and titles. I again express sincere thanks to all the members of this Commission for the hard work you were tasked to do. As clearly stated in the foreword of this report by the Leader of the House, 'seeking integrity is not easy, for the wheat and the tares grow together'.

A family and community living together in harmony all comes from well administrated proceedings and investigations as well as good judgment and decision of the Lands and Titles or Judgment... Therefore this involves the parties, those absent including those that are not yet born. Have a good talk on this Lands and Titles Bill 2019, and may God be upon the deliberations of this Parliament, soifua and blessings

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

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I add on to the statement of the Minister of Justice.

Reflecting back to this Bill, it was initiated from within this House. Approximately two years ago, a very important matter was raised in this House due to the problem faced by the public of more than 300 unresolved appeals that have not yet reached any decisions of the court.

Not only with Laws involving customary land cases, but also decisions on criminal matters that have kept the public waiting. Many of these court decisions are still putting the public to wait. This is rightfully the role of the court however, we have no idea where these cases are. People involved in the criminal court are left unaware of the decisions to their cases. The public is taking years of getting no written decision but a whole bunch of excuses for trials already met in particular from the court. For other countries, it is legal that a decision must be delivered within a month or two. If fail to deliver, the judge must resign straight away. That is the result, resign.

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Now that the public is resorting to me and as the Leader of this country, I attempt to remind these judges about the nuts to their obligations, and therefore receive complaints that the State is overlapping the works of the Court. However the intention is that the public has nowhere else to go seek help from. For whom should they go to? Members of the Parliament.

And under the Constitution of Samoa, we have the Divisions of Power for the three pillars of the State. The Executive headed by the Prime Minister, the Judiciary led by the Chief Justice, and the Parliament ruled by the Speaker. These are the three pillars under the Constitution. Once the head for one pillar is troubling the head for the other body is subject to provide advice. This is called balance of power in the democratic world based on integrity headed by the Chief Justice, the Head of the Executive, Head of Parliament or representatives of the public and the Head of the Judiciary.

The three divisions protects the democratic system of Samoa taken from the past, other types of authorities we are all aware of during the times of Solomon and David, their ruling went on any time. Coming to the times of Britain, this was when Parliament fought the King. What was the outcome? The King was asked to sit on his throne forever whilst general matters involving the public were to be dealt with by the Parliament which resulted in rivalry with the French Government and the establishment of the American Government which gave birth to democracy or the three way system which had spread across the globe covering New Zealand and Australia. With regards to this three way system, once you allow authority to the hand of an individual or a few, the abuse of power will be used.

That is why these authorities are set out and now that these issues have come about, what does the Parliament do about it? This is why this Commission was established. This Committee investigates this power within the Court and the misuse of power such as in the statement, ‘justice delayed is justice denied’. In other words, justice that is delayed and takes forever whilst the public is waiting the only thing born out of it is justice denied.

Therefore this Parliament should not sit idly but rather use the provisions provided in the Constitution. What are these provisions? The Parliament can permit using 2/3 of its decision to remove the judge based on transparent or just reasons. The same 2/3 can be used for Parliament to remove the Prime Minister in accordance to appropriate grounds. The 2/3 majority speaks for 66.3 or 66.6 or 66.7% of this House. This is reason for setting up this Committee for the first time and anything that happens for the first time will always come as a shock to the people.

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Now that the Parliament has set up its Committee and the Judiciary is in shock, they end up making a decision that they will not come forward to provide any supporting recommendations in relation to the remedy attempted by the Parliament in response to the problems engaged by the members of the public, there is nowhere else to turn to. We are the leaders of this country and if one pillar is getting weak, where else will the people go to? They will resort to the representatives of the country and reason why they voted us here.

This is why when we are here, we must uphold integrity and be fearless in playing our part. That said, the Judiciary is in shock and have not yet come. I thank the Chairperson of the Committee for his wisdom in pushing forward this task. Even the Chief Justice and the initiation of what is called summon democracy from the British Parliament system was in a bit of a shock himself. He somehow went due to the democratic principles/mechanisms of these countries that have insight. In Australia, most of their judges are summoned by Parliament as Parliament holds the highest power to summon any pillar for failing to fulfill their duties justly. The reason for making this explanation is to gain full insight and for your information, this system did not come from overseas, it is a Legislation that was introduced/initiated from within this Parliament. It stemmed from within this Parliament due to the outcry of the public who is unaware of where else to turn to for help. Now that we have the report of the Committee and the Judiciary is now aware, rather it is too late for them to respond. This legislation will have to go back to the Committee to allow the public and judges to make submissions. Matters nowadays are getting too sensitive whenever we bring up something people say this and that, however Parliament is always giving chances to people to voice their views. Therefore we do not have any special knowledge rather it is God who is righteous to whisper us the knowledge. I do not know how many times we have mentioned God's name, though it is precisely given in the Bible. "For where two or three are gathered together in my name, there am I in the midst of them" for God holds paramount wisdom and foresight understanding. Mr Speaker that is the addition. This Legislation stems from the thoughts and views of the special committee appointed by Parliament involving the contribution of the entire country. So once consultations are achieved, the committee will grant another huge chance to the entire country to come and make further submissions. Mr Speaker that is the addition.

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MR SPEAKER: Very well thank you, Parliament has heard you well in accordance to the deliberated legislation which was not easy. Words on the Commission and its duties have also been made known for the sake of everyone, I give the chance to anyone wishing to comment on this matter. Pardon the member of Vaimauga I allow the member of Salega East.

Tofa OLO FITI AFOA VAAI: Mr Speaker, I express great thanks to the Hon Minister for the amendments on the belief that it will provide remedy for the public in regards to the many issues between them and the court noting the positive essence to the separation of the Lands and Titles court from the Supreme Court. I will be brief given our time, I have thought that this separation will become independent because looking at the judiciary system set out in the country, we have a separate court under the President and another under the Chief Justice. Just an advice for improvement in the future. Have a look at this legislation again because I see the Taking of Customary Lands Act contradicts that of the Alienation of Customary Land. It clearly stipulates that trials will no longer be forwarded to the Lands and Titles Court however, looking at the legislation right here, it is talking about it again. This is just a recommendation for your Hon Minister to consider.

Another thing is the use of lawyers. The main thing with lawyers is earning money for themselves in terms of trying to win a hearing. As a concern, not all families have enough earnings to pay for these lawyers and even in the court house, they are not allowed to speak as it is only the judge who are allowed to speak on their behalf.

Mr Speaker, the matter concerning the court appointing a matai to give their decision, “and for this matai, how many matai titles do you have”. For instance, if a case involving the matai Olo Leaeaesefili is the judge on the matai title Tuilaepa, pardon me. If I say, five titles for Tuilaepa here, two here, it would not sound appropriate given the family’s honorifics. The heritage of the family is being handled by others. Why extend authority over the traditional valuables of the family when the matter should be discussed by the family itself. And regardless of the *time span, the matter under discussion is the families’ own business and their freewill decision.* I am mainly concerned with the court’s decisions on the families. That is the assistance although it is the discretion of the Hon Minister going forward for the improvement of the country through this critical legislation. Respectfully.

MR SPEAKER: I call the member of Vaimauga East.

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Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Thank you Mr Speaker before I proceed I wish to congratulate the coach of the sevens team during our games in the weekend. Although we did not win, nonetheless our team is doing a lot better now. The only advice to the Chairperson is to consider the hairstyle of the players and their dying hair which is distracting. This is another good promotion for us.....

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: Mr Speaker the amendment on players with long beards, long hairs and braided hairs will also be considered. The only reminder is the insertion of matters submitted by the Committee. And the main thing to note is that this legislation is not mine and neither is the Cabinets, it is the Parliaments. The legislation is comprised of witnesses and recommendations provided by the Committee which also has the submission of the public. Lest someone also takes this to the SSIG saying that this law was made forcefully by the State when not, this legislation was based on witnesses who came before the Committee. Support rendered almost had the entire. Appropriate amendments to them is significant to avoid them from waiting for another thirty years or so. We do have a case that has taken thirty years of wait. But let us not take that amount of time for the public to wait.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Thank you for the statement by the father of the nation or the Hon Prime Minister. I acknowledge the Hon Minister, Associate Minister and most particularly the Chairperson of the Committee for this legislation. The Lands and Titles is a significant part of our cultural purposes. Not only through our identities with our lands but even in our titles. Commenting on lawyers raised by some, it is like that in thought, leave the lawyers to deal with the criminal court and let our people deal with their own business, as some lawyers are queried by judges given their procedure, ‘Do you have a right with this title’, they reply no, however why bring them up to interfere with family court cases. Such is the assistance, because not only it is pricey, it will also defeat the very purpose of why these courts made up of Samoan judges were set up in the first place and things like that.

On second thought, look into the withdrawal of Board members. These board members are supporting the works of the judges yet they are being removed.

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In regards to maps and land survey, we will look into finding land surveyors to survey the customary lands. And for the record, most of these customary lands do not have labels (pine) to mark their land boundaries as reiterated by the Prime Minister, people would normally use coconut trees. Yet they expect the families to survey it themselves but where else will they find money to pay for this land survey. And if such cases were to pursue in court, both parties involved will also survey the lands themselves. I disagree with this doing (land survey) and suggest to take it up with the court and judges to get their final decision on this matter.

I gratefully agree with this doing for both parties to arbitrate in first place before taking the petition to court. In assistance to the mediation process, I ask to leave that job to the Ministry for the purpose of keeping court files and records confidential. Because in some instances when the list is received it specifies that there are several parties involved and expects them to pay the mediators on this petition. So I suggest this service be left to the Ministry for them to handle.

On to interim orders for the President and the Registrar. I wish to ask, which interim order is the highest, is it the Presidents or the Registrar? just a suggestion, if it is an interim, then do not waste time on it as it is temporary. Omit it under.....

On to the enforcement of matai title bestowment for pulenuu or village mayor, this is where authority of the alii and faipule brings harmony to governance including the women representatives. However having this huge burden again on time limitation for a matai title to be submitted when personally, these village affairs is up to them alone. Because some villagers would have those living overseas bestow their matai titles and therefore this is enforced under this requirement. Looking at the current new salary increase, this does not cover the pulenuu. Why not consider the inclusion of pulenuu on this benefit.

MR SPEAKER: For the sake of time, the State's intention is well taken, hence we will now progress with the consideration of this Bill which came from the views of the public through consultations conducted by the Parliamentary Commission that was appointed to obtain a resolution and negotiation with the Ministry of Justice. Henceforth, it seems that we are again discussing this legislation which started from within this House. It is your thoughts which gave way to this legislation. As such, I bid that you direct your submissions and comments accordingly lest we extend it to Sunday....Please bear with us.

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Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Very well, I will now conclude as I gratefully respect the Speaker. Thank you to the Chairperson who...it looks like the Committee had gained you points Mr Chairman, however my disappointment is due to the absence of the Judiciary whilst investigation was carried out as said by the Minister. Therefore, your work is incomplete. Personally and my utmost concern, if they (Judiciary) did not turn up due to their objection on this matter, why did you not give them the Law? There is power in us to prosecute or summon them. Such is my disappointment honorable Chairperson because you have looked at mutual respect rather than upholding chiefly status and sacredness of this House where our calling was made. Despite, that is your only mistake, irrespective of what they did, take them to court still as they deserve it. Have a blessed Sitting Mr Speaker and Parliament.

MR SPEAKER: All's well thank you. I call the Hon Minister of Agriculture and Fisheries.

Tofa Hon Lopao Natanielu Mua (Minister of Agriculture and Fisheries): Mr Speaker I wish to respond briefly to the member. The member is correct on his viewpoint, however I was not the only member in this Committee, the thoughts shown by the Committee we had were very in depth. Note that the judgment of our traditions and custom is a Samoan affair. Therefore, consider the Samoan way, we live by mutual respect. Such is maintained today. If we were to go against the Judiciary such as what we did when we had this matter taken to court for them to come forth and give their response, nevertheless, they did not turn up. They entrusted their belief and maintained their view, then our Committee response was, it is indeed very difficult such that we hold on to our custom and our faa Samoa that only or unless you are not a Samoan, then we can think of other ways like summon.

That is the utmost concern of the entire Committee given mutual respect which must be retained. That is the short response to this matter, with respect. Thank you for the chance.

MR SPEAKER: This legislation is well given if we were to refer it to the Committee for further recommendations. I will now allow a few more chances and I ask that you keep it short please. I call the member of Sagaga le Usoga.

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Susuga SEIULI UELIGITONE SEIULI (Sagaga le Usoga): Thank you Mr Speaker. In regards to land survey, I was the one who gave the question during our seminar if possible to find a way to surveying customary land. The member of Vaimauga has noted that the surveyor can falsely survey the land that is not theirs or survey land based on the order of the court. Because I was the one who asked and the response we got from the Chief Executive Officer of the Ministry was this; there are two main things to permit for a land survey, land for lease and the Court's decision. He even gathered that after this land survey is done it can be passed on to the Ministry of Environment and Natural Resources for their part, however I have thought that this is a new doing with the MNRE however the MNRE has affirmed that it is not. There are two main reasons for a sketch plan to be registered under them (MNRE), it is through the Court's final decision and land for lease. That is for the sake of the recent member because it is prohibited to falsely survey a land only/unless they have the decision of the Court or land for lease then the land surveyor can go ahead with the survey. In support, I agree with you on interim orders as pointed out by the Minister, it is an order where the judge gives a final decision in lower court. Personally this decision by the lower court cannot be amended unless we have the decision of the court of appeal. Otherwise there are domestic cases involving the need to construct a house or bestowal of matai title and I wish not to query, which one has the most power, the lower court or the interim order? These two seems contradictory. Noting the decision of the lower court under this very resolution, which says, this resolution is maintained and will not...

Tofa Olo Fiti Afoa Vaai: Mr Speaker point of clarification.

MR SPEAKER: Pardon the member I allow the member of Salega.

Tofa Olo Fiti Afoa Vaai: Mr Speaker, it took me time to observe whether this is the Associate Minister of Justice as he is now responding to our submissions.

Susuga SEIULI UELIGITONE SEIULI: This member is disobeying orders I have not yet given my speech yet.

MR SPEAKER: Go on Hon Prime Minister.

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Land and Title Bill 2019
– second reading

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: Mr Speaker I wish to clarify land survey as this is rightfully the matter that involves tensions given the 2008 Act. The registration tolerance system is specifically for private lands whereas it is better to separate the survey of customary lands and boundaries for transparency purpose based on the court's decision. It is important to survey lands for the sake of boundaries based on the court's decision to avoid further mistakes. I have stood up too often on this very matter called boundaries. And one tree to another marks one boundary pardon the House. I recall the year 1975 when I had my first matai title and the land boundary survey from Lealatele to Siupapa in Saleapaga was marked by two men whilst the old men were pointing the land marks from one tree to the other side that locates a coconut tree which now has our set boundary. Those trees are no longer there however records of this survey are still with the Ministry of Justice. That is the significance of this intention to heed the Court's decision for these land survey in the future. Our family was involved in a case for land survey boundary back in 1994 in Saleaamua. The boundary extended from one side of Tiavea towards the seaside area where a post is situated a toilet of possibly, over 20 years old, pardon the House. I was very anxious of this post lest we had the case that morning and rushing there to see whether anyone had cut down the post, it was still there. The reason for stating these things is because I too used to be affected by this issue regarding land survey and boundaries. Because it should be in line with the Court's decision. Such is my support upon the member's view which is correct, the surveying of boundaries should not be mistaken such that it is now under the consideration of the Hon Minister and the Deputy Prime Minister to avoid any more future disputes by doing a proper customary land registrations lest our families living abroad are misguided by the SSIG interpretations of this law being discussed within this House through the particular involvement of matai representatives of the country who drafted and protected these laws. Because the New Zealand laws are no comparison as the Maoris are not sitting in the New Zealand politics and neither are the Australians, the Aborigines are not the Government of Australia. Whereas for us, this Government is managed by the matais of the country who are looking after the lands of the families and no dumb matai would do anything to destroy its inheritance. A matai is someone who safeguards the family assets and if his times is finished, another person carries on the same doing.

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– second reading

MR SPEAKER: Well done thanks. I take it that the member of Malie is receiving this well please. The Hon Prime Minister's statement has elaborated a clear view on land survey for you.

Susuga SEIULI UELIGITONE SEIULI: I am done yet your honor.

MR SPEAKER: I meant to say direct your statement accordingly.

Susuga SEIULI UELIGITONE SEIULI: Yes I understand Mr Speaker now that the Prime Minister has given its clarification that the surveying of customary land cannot be done without the Court's decision whether it be 10,000 acres or 50,000 acres. As for interim order by the member of Vaimauga, this is based on the decision of the Lower Court which seems disputing. I ask which of the two holds more power. Looking at the decision of the Lower Court, it gives the statement which says, final decision, it is permanent, if violated then that person is charged of this offence.

MR SPEAKER: Pardon me ... the Minister will respond to that.

Susuga SEIULI UELIGITONE SEIULI: I am no done yet... why not wait, my minutes are almost through.

MR SPEAKER: Listen up let me say something, we did attend that seminar and received clarifications on these matters, but if that is what you intend for us to go back and clarify those matters in order to prove your point, then this will take the entire week and the next for us to discuss these matters and refer back to the Committee for further elaborations. That is the motive here, you make your comments here whilst the State do their part, that is it.

Susuga SEIULI UELIGITONE SEIULI: Mr Speaker, I will be brief because I do not have enough time like other members who go to as far as 15 minutes without you stopping them. Anyhow, I am finished, let us [have the Hon Minister's response](#). Thank you.

Afioga Hon Faaolesa Katopau T. Ainuu: Mr Speaker, as the Prime Minister pointed out, all these submissions were taken from the Special Inquiry which makes up this legislation. However it seems like a different atmosphere in here given the range of comments we have on this matter.

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Lest the House thinks that I am being biased of the lawyers of the land and titles, no, this is the resolution by the Inquiry Commission. However I think it is best to refer the matter to the Committee for further submissions as you suggest. With respect.

MR SPEAKER: Thank you. Pardon me I allow the member of Faleata West followed by the member of Aiga Malosi. Please be brief Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. All legislations are important including this one on Lands and Titles as it has taken us this long to make necessary changes that we now have. Firstly, the age for matai titles is now reduced to 21. I wish to comment on the removing of matai titles and the decision in rank. This decision will deeply affect the current and future generations as what is happening now is that the chance is freely given to the people to remove matai titles. This Bill is now opening up a greater chance for the high chief of the family to remove their titles when realistically, the bestowment of matai titles was not an easy thing to do. I myself and members of my family were also charged for stripping matai titles from our family last year. It is clearly stipulated that the removal of chief title is prohibited whilst a court case is ongoing. The judge would consequently decide not to remove the title given that it does not satisfy the law. The meaning of my explanation, why did the hearing proceed in the first place putting money into waste? This is getting huge because even with ‘no service’ or tautua, the sao or high chief of the family is permitted to rid any person. But the old doing is better whereby unless a person breaches the law then this practice is applicable.

Given that the legislation stipulates for the appointment of judges in Samoa which is their contribution and advice to the President or the Vice President, henceforth that is the role of the Court in Samoa. Does this mean that judges no longer hold the power to make decisions other than the Judges who have solid knowledge of these Laws? With regards to the mediation process, if this practice no longer exists, then get a petition review from two years ago to give a response to these matters. In accordance to the petition involving us, no mediation was done.

The 30 days limitation for the judges of the Lands and Titles Court to reach a decision is well taken, this should also apply to the Criminal Court. With respect.

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On to court of appeal, I query the two courts of appeal, why do we have two? Note that the law of appeal at first instance affects those judges with special knowledge whereas the appeals are now being referred to higher...well I do not know.

Lastly, I refer to decisions involving Parliament in regards to privileges and so forth. Because if the Court was to call us to come forward, the right thing should be done. The highest court in any democratic world is the Parliament. Rather this should not recur. With respect thank you.

MR SPEAKER: I call the member of Safata.

Afioga LEAANA RONNIE POSINI (Safata): Mr Speaker, firstly thank you Hon Minister for this significant Bill. I see by observation the cases involving many parties against one on the motive that having the majority, it can win a court's decision. Have a look into this matter.

Another thing is the involvement of many parties against a few such as five against two. By request is there any way to reduce the number of parties for lands and title hearings.

Secondly the decisions in relation to the legislation, three judges will manage judicial matters and no longer five. For the sake of record keeping in the future and appeals, it is good to keep a record of judges who agree or disagree with a verdict for future appeals.

There are two types of interim orders given earlier; either build a house or stop the construction on a land. If both cases are pushed forward in court according to discussions in our seminar, nothing will bind a petition on interim orders. Because according to all the talks we had, it all comes down to repeal interim orders. Those are some of the submissions. Have a blessed Meeting.

MR SPEAKER: I call the member of Anoamaa East.

Afioga ALAIASA MUAGUTUTIA MOEFAAUO MALAGAITUTOGIAI SEPULONA MOANANU (Anoamaa East): The story by one elderly man shares that if 'I would become a member, *do not go to the court, it has many influences and will cause problems to your calling.*' Regardless, the criticality of this legislation is that it affects everyone including families, youth and the future of Samoa. Seeing the Committee's recommendations this legislation is very costly given the land surveyor, lawyers, mediators, adjourned cases and the delay decisions for the families. Whether we reach the fifth appeal the fact of the matter is that people will attempt to destroy precedent already set by the judges.

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– second reading

In saying that, even if we are to go after the truth, only God knows the truth. A timeframe should also be set for the sa'o of the family on the basis that matai titles can now be withdrawn. Overall I support this Bill.

I also speak of the Judiciary not making it to this Parliament, well do not be anxious. The power stems from us who makes the laws. Now that this law is produced, regardless of their rejection, the power is vested in this legislation by the Parliament once it becomes law. But still maintain mutual respect with the other pillars as suggested. With respect have a blessed Sitting.

MR SPEAKER: Very well, I call the last member of Faasaleleaga No.4.

Afioga PESETA VAIFOU TEVAGAENA (Faasaleleaga No.4): Thank you Mr Speaker. The only thing I wish to comment on is the lengthy time for domestic cases to proceed before a decision is made. By request to the Hon Minister why not insert a timeframe whether six months for all domestic cases to reach a decision.

Afioga Hon Faaolesa Katopau T. Ainuu: For the sake of time, 30 days is not stipulated in this legislation. Have a read on the legislation. Thank you.

MR SPEAKER: Well done. I take it that you are now done given that you have received the response.

Afioga Peseta Vaifou Tevagaena: Mr Speaker, though it is true that the timeframe is given, but in most cases regardless of the stated timeframe, still, when people get to the court, cases are adjourned. Isn't there any other legislation that can maintain this time period for the sake of family court cases? Because even some people would receive God's calling whilst these cases are still delayed. That is it.

MR SPEAKER: Thank you, well...last one member of Alataua West.

Afioga ALIIMALEMANU ALOFA TUUAU: Thank you I wish to contribute my share of the talk on this legislation. As members of this Committee and in accordance to our review of this legislation, the first ever investigation of the court of appeal and the supreme court signifies the importance status of the Samoan courts for lands and our titles.

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Tax Information Exchange Amendment Bill 2019
– second reading

This is reason for various comments received on things like sketch plans to show the judges the exact location of the lands under dispute because they have no time to visit these lands. The final process is the land survey when we have the final decision. As for the mediation process according to complaints received from the public, the main intention is for the two parties - the defendant and the petitioner to mediate and resolve the matter between them. In cases involving families, some of them do not take the mediation process highly which is reason why a decision for them could not be met, otherwise, majority of the cases such as a dispute between a brother and sister are able to be resolved through this process. In such cases, we cannot use the officials or the staff of the Ministry given the conflict of interest.

As for the appointment of judges, I believe we have another bill that will indicate in detail that process. That is the addition with respect.

MR SPEAKER: Well done, I will now grant the chance...I call the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: Mr Speaker, we can never end this session if your rulings are given yet again you give permission for people to speak. That is the advice for you to make your final decisions.

MR SPEAKER: Very well thank you. The question is will this Land and Titles Bill 2019 be read a second time.

Motion approved and the Lands and Titles Bill 2019 was read a second time.

MR SPEAKER: Pursuant to Standing Orders this Bill will now be referred to the Economics Sector Committee for review and report back to the Legislative Assembly in a future Sitting.

TAX INFORMATION EXCHANGE AMENDMENT BILL 2019
– second reading

MR SPEAKER: I call upon the Hon Minister.

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Tax Information Exchange Amendment Bill 2019
– second reading

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I move, *That the Tax Information Exchange Amendment Bill 2019 be now read a second time and I wish to briefly elaborate on it.*”

Seconded by the Minister of Education, Sports and Culture, Minister of Finance and the Minister of Women, Community and Social Development.

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

Afioga Hon TIALAVEA FEA LENIU TIONISION HUNT: Mr Speaker, this is a very short legislation. The main objective of this amendment is to incorporate into the principal Act the list of foreign governments that Samoa has entered into an agreement with in relation to the exchange of information regarding tax matters and related purposes.

It further seeks to insert South Korea into this thirteen country list that we have an information exchange agreement with. This marks another beginning to an agreement between us and New Zealand that was signed in 2015 which allows three months employment for our people in New Zealand...those traveling to New Zealand without having to pay any tax. Now the requirement is up to six months such as the agreement signed in 2015 which will come into effect once it has our approval. That is the brief statement on this Bill.

MR SPEAKER: The Hon Minister’s statement is well given. I permit anyone who wishes to speak on this Bill.

Tofa OLO FITI AFOA VAAI: Mr Speaker, true it is short thus the comment will also be brief. I see that this Bill does not involve all the Pacific island countries or our neighboring island states for this matter on tax information exchange. However we only have two countries in it. As such, if we were to take additional countries to this list tomorrow and next week, we will have further amendments to this Bill. Just an advice to the Hon Minister, why not confirm the list of countries in the Principal Act and make further amendments to your regulations. With respect.

MR SPEAKER: Thank you. I call the member of Palauli le Falefa. Pardon me I call the Hon Prime Minister.

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Tax Information Exchange Amendment Bill 2019
– second reading

Susuga Tuilaepa Auelua Fatialofa Lupesoliai Lolofitele Neioti Aiono Galumalemana Dr Sailele Malielegaoi: Mr Speaker, this double tax agreement is not an easy bill to gain the agreement of all countries. The aim of this bill is for companies in New Zealand. It seeks to allow companies to be employed here and if they are able to pay tax they will not have to pay it in New Zealand using their revenue. Similarly, if our local companies will be employed in New Zealand they will not need to pay any tax in New Zealand as it is already being paid here (Samoa). This agreement will also ease them to earn revenue. The importance of involving South Korea is because this is one company that has the majority of the businesses that can be employed and established here in Samoa for our people to earn jobs. So whatever tax paid by these people here will not have to be paid twice in Korea. That is the purpose of this Bill under the agreement that Korea can say fine we will allow our people to come and set up their businesses in Samoa and pay tax there but they will also have to pay tax to their headquarters. In saying that, it is not an easy thing to take. If the country agrees then we must recognize it too as it will also benefit us. It will help earn employment for our people otherwise if no agreement then it is not a go. Who would want to come here if they are expected to pay tax here and for their country through their main office or headquarters? Mr Speaker that is the short explanation on this Bill. Once we have the opportunity and the State's approval for agreements such as these, it will go through this Parliament. Why not earn this benefit.

MR SPEAKER: I call the member of Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Thank you Mr Speaker, I will not speak of this as the Minister's statement is well put. The legislation is short but critical. The reason for this is because this is one chance for our SIFA to consider opportunities like this given the observation of other countries that aim to omit local businesses from not receiving our tax information exchange. I thank the Hon Minister as this amendment of the 2012 Act seeks to increase opportunities through **this Bill which does not allow investors to enter our shores. It is specific to countries aiming to invest in Samoa.** For the sake of this Parliament, it also attempts to return SIFA to the white list. This is one reason why we are being suspected due to illegal investors into the country who are not paying any tax here.

Thank you Hon Minister. With respect.

MR SPEAKER: Well done thank you.

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**Samoan Language Commission Amendment Bill 2019
– second reading**

Motion approved and the Tax Information Exchange Bill 2019 was read a second time.

**SAMOAN LANGUAGE COMMISSION AMENDMENT BILL
2019 – second reading**

Afioga Hon LOAU SOLA KENETI SIO (Minister of Education, Sports and Culture): Mr Speaker I move, *That the Samoan Language Commission Amendment Bill 2019 now read a second time and I wish to clarify it briefly.*

Motion approved by the Minister of Forestry and Fisheries and the Minister of Communication and Information Technology.

Afioga Hon LOAU SOLA KENETI SIO: Mr Speaker this is a short Bill. The Bill seeks to amend the Samoan Language Commission Act 2014 (Principal Act) to increase the number of members of the Board of Commission as language is one of the significant part of our identity. We have also received the recommendations from some of our neighboring island states such as New Zealand and American Samoa to become representatives under this Commission. It is important for them as they too are learning our language. The importance of learning our language is to capture the in depth context, accuracy and correct interpretations within the country and be able to teach it to the young ones in New Zealand and American Samoa.

This is the only amendment and clause 3 section 13(b) amends 4 with 5 to make up the quorum for the Committee to be able to carry out its meeting. Sitting allowance will also be paid for the members based on attendance whilst other forms of allowance will have to be paid in person when staying in hotels. The main purpose is for them to provide the correct language used within our own country.

Motion approved and the Samoa Language Commission Amendment Bill 2019 was read a second time.

MR SPEAKER: Pursuant to Standing Orders, this Bill will now be referred to the Economic Sector Committee for review and report back to the Legislative Assembly in a future Sitting.

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Returning Offenders Bill 2019
– second reading

Given that we have now arrived at adjourning time, we will proceed with our business when we return in the evening. Proceedings of the Legislative will now be suspended for normal break until we meet again at 7.00pm.

Proceedings of the Legislative Assembly suspended at 12:57pm and resumed at 7.00pm.

MR SPEAKER: I announce that Proceedings and orders of the Legislative Assembly resumed. Let me take this opportunity to convey my commendations and appreciations for your patience and perseverance this evening.

RETURNING OFFENDERS BILL 2019
– second reading

MR SPEAKER: That is our business in which I will call on the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That the Returning Offenders Bill 2019 be read a second time and I wish to speak on it.*

Seconded by the Minister of Commerce, Industry and Labour and the Minister of Health.

MR SPEAKER: With respect I call on the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker the main objective and purpose as elaborated in the statement given. The Bill seeks to provide for the management and exchange of information for returning offenders and returning prisoners. It also provides for requirements to monitor returning offenders from overseas and related purposes.

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Returning Offenders Bill 2019
– second reading

The main objective of the Bill is to monitor the arrival of returning offenders and prisoners and to ensure the measures that need to be taken for the safety of our people. Mr Speaker it is a matter that is becoming a problem to our government due to the prevailing situations within countries like Australia, New Zealand and America where Samoan nationals reside. Once someone commits a serious offense, they are brought back.

It is a topic that has been often raised in meetings of Commonwealth leaders. It was similarly done in the Pacific Leader's forum and consequently meetings were sorted with leaders of these large nations such as Australia, New Zealand and America. With America, it is a serious situation they are in with other countries like the Caribbean. The kind of mindset that once someone commits a crime they are deported yet they are wealthy countries where the offender resides. The notion we are pitching to these countries is such that we envy them for having so much money, they can arrange premises for these people to live. But someone that was employed there suddenly commits a crime is arranged to be returned home. We are not big countries but small nations, I feel that this is very weak on their part. The smallest country within the Pacific ring has only 52 people. Let us say if two or three serious offenders have committed murder or whatever, they could easily take control of a country like this.

There have been consultations with the New Zealand government on this issue. New Zealand is advising Australia on deporting New Zealanders offending there, yet New Zealand are doing the same deporting our people back here. It should be their way of supporting developing countries. When our people as well as theirs commit crimes they should penalize them there at their jurisdiction instead of returning them which does create hassles. These countries are not coming around to do what we are asking for as they are continuing to send back, and these deportees is the reason for this legislation. To amend our law in order to monitor and enable decisions on these sorts of people. For it seems that some of them have changed yet others have become worse. There were two that assaulted a white man in America not long ago. The two that were brought from New Zealand robbed the Samoa Lotto a few years back. The importance of this legislation is to protect our people from the behavior of these local returnees convicted of poor conduct and law breaking. Our government is currently engaged in a lot of things to support one of the organizations that is working at renewing these people's lives. Since some of these people from abroad have completely changed their lives, some have become church Ministers for some congregations given their full transformation for the better.

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Returning Offenders Bill 2019
– second reading

Mr Speaker that is a brief account as these matters are new to us. There was a particular year when I got a call from the American Samoa Governor asking whether their prisoners could be brought and housed at Tafaigata as their jail had burned down. The prisoners were taken to custody at a busy road junction at Tafuna, which is why he called. I then asked the Attorney General to look at our law whether such arrangement was possible. There was an inclination to help out our fellow neighboring government. I also sorted the advice of the Chief Executive Officer that we should review our law, and we were assured that it cannot be done, since the moment they get to Samoa, they will have their freedom.

The question is, why is it that they have to be brought here instead of keeping them there. It was said that it was 4.30pm and the prisoners were wanting to have showers and so hoses were connected and they were showering naked outside the premises.

Mr Speaker the result was they could not be brought over due to our laws. That is the situation with the handling of these returnees. Our effort to try and turn around their lives and moreover protect our people from becoming worse and heading downhill.

That is the Bill in brief.

MR SPEAKER: My commendations and thank you, the clarification by the Government has shed light on the subject. I will put the question whether this be read... There are three members, do make it brief as the Bill is now understood. I call on the member for Aleipata Itupa i Lalo.

Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo): Thank you Mr Speaker I also thank the Hon Prime Minister for the Bill. It is an important Bill in the lives of those who were imprisoned overseas in terms of moving forward. It is significant as some of these returnees feel that they have served their time overseas with some who have not completed theirs, yet some were over stayers and have been deported after serving their sentence.

The Police Commissioner stated that around 33 people were being sent back last year. It is a very high number which does deplete government resources, particularly when these people are to go through rehabilitation. There were 10 from New Zealand, 1 from Australia and 22 from America. I gave a statement on the day of the workshop. There were two family members of which one came from America and the other NZ committed murder, a prime crime.

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– second reading

This was cited by the Commissioner to be a difficult crime, and are categorized in four. Assault or causing fracas, indecent acts, drugs and those people that have been abroad for a long time, then were caught for a crime then deported after serving a sentence.

The reason for respectfully taking the floor is to convey my appreciations for this vital legislation. There are provisions that I would like to share with the Minister regarding my recommendations. I think it would be good if someone is brought back. That person should be escorted by a police officer from America or Australia or even New Zealand. It would be good then if there is an agreement. I have discussed this with the Minister on the day of the workshop. To tell the person escorting the prisoner to bring with them the prisoners history file after serving its sentence. Secondly, to bring all the details of the person's background, whether it is someone with special needs, of unsound mind which can possibly cause an incident, and to include all the medical reports submitted by the health provider

Secondly, a lot of these people had been working overseas. They have been paying their share of the tax, so they have some money to inject into our country to assist our people. We also understand that there is a charitable departure trust, a group that is strongly behind these people. I think they do their own fundraising to support these people. The Prime Minister is quite correct when he says that the majority of these returnees have become new people, some have become church Ministers. I am certain that the Hon Minister of Commerce, Industry and Labor is aware of this since this was his main role in New Zealand. He was a Director for one of the prisons in New Zealand. I am sure he would agree with this statement that these people are not easy to manage, they range from different backgrounds some are educated and others are just outright bad. As the Hon Prime Minister mentioned earlier, some of these guys went to the lotto shop or something. Some of these returnees bring back with them real unruly conduct to the village council communities. With us in our community, there is no trouble at all as the matai's and the respective families of these very people do keep an eye on them. May I also say that these people are very good and well-mannered causing no problems? They are never brought before the village council on any breach whatsoever. If they do create trouble they will be heavily fined under village rules. The important aspect here is the authority of matai's, and once it is not obtained there will be consequences and they will be brought before the council. This is a mere request on the matter, thank you and blessed day.

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Returning Offenders Bill 2019
– second reading

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

Afioga TAPULESATELE MAUTENI TAMASONE METULI II ESERA (Vaisigano No.2): Thank you Mr Speaker. I humbly greet the Members of the House on both sides, Chief Executives of Government Ministries and Organizations also the Legislative Office. I just want to speak briefly on how this Bill will be implemented and administered.

I strongly believe it is the duty of the Prisons and Corrections to look after those who have committed offences. It is more appropriate that this matter be administered under this Ministry. Nevertheless, it seems there are other Ministries supporting the work carried out by the police force. I still think that even though majority of returned offenders were imprisoned, the opinion of the Hon Prime Minister is important and I understand the matter concerning the Bill. However, I only wanted to voice this matter in regards to the Bill, thank you.

MR SPEAKER: Very well, I call on the Member for Vaimauga East.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker I humbly greet respectable Members of the House and the country this evening. I applaud the Hon Prime Minister and his Associate especially the Commissioner of Police and Ministry for presenting this Bill in order to manage our country. My stance is that I do accept any Bill from whatever Ministry that will ensure the effectiveness of our services. I am grateful but it seems that this Bill mainly deals with the Commissioner and the Ministry of Police and their handling of those who are returning offenders.

The plea of this constituency to the Prime Minister and the Minister in charge of this legislation is whether this is international standard. My concern is that when these prisoners are brought over without the knowledge of the Police Commissioner, they cannot accept the forms that will be presented at the airport declaring their criminal status. My concern is that once someone is deported back, the New Zealand or [Australia Department of Corrections](#) or even the [Prime Minister's Office](#) should inform us that next week for instance two prisoners will arrive at your end. This is so that when they get here our Police Commissioner and government are prepared for the prisoner's arrival. Moreover, their families are aware of their coming and they may be questioned and properly introduced into their respective village community. The main concern is that a lot of people here do not understand these criminals. But they should be publicized to the country for the safety of our people.

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Furthermore, I strongly believe the Ministry of Health should also be involved in this process. I humbly request a review on this matter for the Ministry of Health to work together with the Police Department because there are prisoners who are mentally unstable. Also there is a possibility that some of them may have certain diseases.

Another area of concern is that some of these criminals are very skilled at breaking the law. Scenarios like our Ministry of Police approaching these people at the airport and in the execution of their duties may be capitalized on an error by police to sue our Government. These people being brought back are quite well versed with rights. That is a worry for they may sue our government in the course of implementing their duties. So draft an International law so that when they come we are prepared. My intentions Mr Speaker is to assist like what I have done. That is the contribution of this constituency to the Bill.

MR SPEAKER: Thank you for the sound recommendation. Is there something else the Government needs to address, I trust Government has already discussed all aspects.

Afioga FUIMAONO TEO SAMUELU TEO (Falealili East): Mr Speaker...

MR SPEAKER: Who now wishes to speak? I call on the Member for Falealili East.

Afioga FUIMAONO TEO SAMUELU TEO: My comment is a short one. Mr Speaker. I am happy that such a Bill is in the pipeline. My thoughts are, is it not too lengthy for 6 months for the Commissioner to determine whether the returning offender is really a returnee. The 72 hours allowed for such person to report to the main office is I think three days too long. I think 24 hours or 48 should be given, I do not know about the 72 hours. That is my only concern, with the six months to determine whether it is a returnee or not and the 72 hours to report to the main center after arriving at the airport. With respect

MR SPEAKER: Thank you, I believe Government has noted your concern this will be looked at together with the Committee recommendations.

Motion approved and the Returning Offenders Bill 2019 was read a second time.

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Accident Compensation Amendment Bill 2019
– second reading

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

ACCIDENT COMPENSATION AMENDMENT BILL 2019
– second reading

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

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Thank you Mr Speaker, I move a motion *That the Accident Compensation Amendment Bill 2019 be read a second time and I wish to briefly speak on it.*

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

MR SPEAKER: I call on the Hon Minister of Commerce, Industry and Labour who is responsible for the Bill.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Thank you Mr Speaker, the Bill seeks to amend section 33 of the Principal Act from 1989. This section provides for the maximum amount of money the Corporation can pay out.

Right now section 33 also covers for people sent overseas for treatment. The Corporation currently has the authority to provide up to \$150,000. There was a patient sent to New Zealand for treatment and incurred a fee of way more than \$150,000. The Corporation did pay the \$150,000 as it is covered in the legislation, and the remaining balance was left to them to sort out who would pay for it. The government came to a solution that a provision must be in place for when a bill is over \$120,000, who should be covered. This has prompted this amendment that when a bill is over \$150,000 for the treatment overseas of a patient, the Cabinet makes the decision to permit how much amount should be above \$150,000. That is *the only amendment presented here, when it is over \$150,000, the matter goes to Cabinet for its discretion and authority to allow the extra amount on top of that.* With respect.

MR SPEAKER: Very well, the matter has been clearly clarified.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

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Accident Compensation Amendment Bill 2019
– second reading

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you for the opportunity, the Bill is short but I want to voice a recommendation to the Hon Minister whether he accepts.

It is not new to hear Members comment on this Ministry since most people pay levies and yet it is questioned whether we would receive some sort of benefit if it remains unused. Our contribution was sorted for one purpose and it is clear that it was for accidents.

Come to think of it, this Corporation is one of the most successful entity in terms of management and capital turnover that assists greatly towards various developments around the country. It has been around for a long time and has a very high capital mark with many investments.

I wonder whether your honor and the Board of Directors has any plans to set up medical insurance, a medicare using the people's money. It should also be compulsory since it has been in operation for some time and benefits should be accorded to public servants. We are in different times with public employees becoming conscious of diseases and death upon any public servant. I think this would be appropriate as it will cover for surplus money going in. If this can be established and perhaps add an extra 1sene or 2 for medicare.

This was done by the National Provident Fund at the time I had just entered Parliament when they attempted to initiate medisafe. This would have been great if they were able to make it happen. I believe if this was implemented today, it would have been easily acceptable. Although we did have some opponents in the business community arguing that contributions towards the NPF would increase. Yet if we are to really look at it, it would be very important with good purpose. The hospital will also be making a lot of money from it and people would live healthier lives. Not a great deal of money would need to be spent on it as it will be covered in the ACC funds and contribution, this is important for our development. With respect.

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

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Thank you Mr Speaker for the opportunity. I am grateful to the Hon Minister for such an important Bill even though it is small. The Hon Minister spoke of the fees of \$150,000 and more, it is true. I recall one time when a request was made by a family to the Cabinet about the treatment fee in New Zealand which was more than \$500,000 but they asked Government for assistance. This is important.

28 JANUARY 2019

Accident Compensation Amendment Bill 2019
– second reading

The question I want to convey is, are public servants who pay contributions the only ones eligible for this benefit? What I mean to say is in relation to other people who do not have fixed salary or voluntary contribution entitlement or benefits?

The third question is, if a contribution holder goes into an accident in New Zealand, this person is entitled to this accident compensation benefit? Even if they get into an accident elsewhere like Australia, they are still entitled as they are members/contributors. This is not a problem for those who have dual citizenships Australia, New Zealand or American as the cost will be dropped. This is a query for review because we never know what will happen in the future. The Cabinet's approval is sought if funds exceed the amount allocated by the Corporation but I do not understand if these benefits will also include the contributors living overseas. With respect thank you.

MR SPEAKER: The opinion of the Member is noted. I call on the Member for Safata.

Tofa NONU LOSE NIUMATA (Safata East): Mr Speaker and respectable Members of Parliament I will support this Bill as long as the words limbs or prosthetic is inserted. Hon Minister Section 33 includes treatment overseas, transport, food and more but there is no provision for limbs and prosthetic. Limbs and prosthetic are very costly and I am certain the Hon Minister can do this as the ACC have lots of funds.

Mr Speaker if a patient has lost an eye, Section 33 cannot replace the eye unless the word 'eye' is inserted into this section. Thank you Mr Speaker.

MR SPEAKER: I thank the Member for Safata East perhaps that concludes Members who wanted to speak on the Bill. I call on the Hon Minister. The Member for Aiga o le Tai, I will give you a chance but please be brief.

Susuga MULIPOLA LEIATAUA LAKI (Aiga i le Tai): Thank you for the opportunity. I believe this is a very important Bill for our people in times of accidents and calamities which we do not see coming. The Member for Aiga I le Tai gladly supports the Bill tabled.

28 JANUARY 2019

Accident Compensation Amendment Bill 2019
 – second reading

Mr Speaker the only minor thing I want to advise on, with regards to amendment on Section 33, it seems like \$150,000 has no limits. What I am saying is that, what if it gets to \$1million as alluded to by one of the senior members regarding the \$500,000. Is it not proper to put in place a limitation as it seems... it seems that it is being left open, and when it reaches a million mark, would this opportunity still be left open?

I do have a few minor concern with this Bill for it seems to me that some people are not covered under the legislation. I will speak of my constituency in which a lot of them undertake fishing in canoes. This law seems to protect those who use gasoline alone. If you get hurt on a boat that operates on gasoline, you will be covered under ACC. And if you become hurt on a canoe, you are not covered. This is the point I am trying to make considering this Bill. Is it not possible to amend this particular provision? If this amount of \$150,000 to a million is opened to employees, it will leave out those fishing in canoes although their wealth is petty they still make a contribution to the economy. However, they do not get anything from this benefit. This is why I humbly ask the Hon Minister to review this matter, to ensure that everyone in the country are eligible to such benefits. Thank you.

MR SPEAKER: Thank you. I call on the Hon Minister for a further clarification if not question will be moved.

Afioga Hon LAUTAFI FIO SELAFI PURCELL: Thank you Mr Speaker, I appreciate the queries given contributing to amending the Bill. The amendment is specifically for patients that were involved in accidents and the hospital bill incurred for treatment is way over \$150,000. Which is then submitted to Cabinet for its approval to pay this out. So whatever amount, under the legislation once it reaches \$1million they will have to find someone else to pay for it. So no, once it reaches \$150,000 it goes to Cabinet for its approval. I should also say that Cabinet have the foresight to sorting such matters. Since the passing of this law in 1989, which is 29 years ago there has only been one person which had such a case, it rarely happens. No one in Samoa has incurred a hospital bill nearing \$150,000. Let us not talk about the member's entitlements covered under the legislation, we are discussing treatments and I appreciate the opinions raised.

There are sections of the legislations which cover people living abroad who have made contributions. With the view of the member for Aiga i le Tai, well when we were fishing in canoes, I am not aware of any accident that could possibly hurt anyone in a canoe.

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Accident Compensation Amendment Bill 2019
– second reading

It is only fast machines like motor cars and motor boats that can impact and degree injuries to people becoming involved. That is why only those people are covered although they have not made any contribution. Once they become involved in a car accident or a fishing boat they are covered under the legislation. Nevertheless, I accept your queries. If somehow there is a case of someone being hit by a canoe, the Ministry can look into it. The same goes to the opinion of the member for Faleata West, leave your thought with me. But if a cover insurance is to be implemented although a sound idea, we must consider the fact that an extra charge will be added on top of the current levy, if it gets to that. All suggestions are good which will have the response of the Ministry under my watch. That is my response, may we have a constructive meeting

MR SPEAKER: Thank you. The Member for Aiga i le Tai has heard that being hit by a ‘avaava’ [fish] is not covered.

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

MR SPEAKER: Pursuant to Standing Orders the Bill will be referred to the Finance and Expenditure Committee for consideration and report back to the Legislative Assembly in the next sitting.

TOBACCO CONTROL AMENDMENT BILL 2018 –
consideration in detail

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

I call on the Chairperson of the Social Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker I move a motion *that the Legislative Assembly approves the Report of the Committee which recommends the progress of the Tobacco Control Amendment Bill 2018 with Amendments and Corrections.*

Motion approved.

28 JANUARY 2019

Tobacco Control Amendment Bill 2018
– consideration in detail

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Committee on the Bill, it will now progress with the consideration in detail.

Pursuant to Standing Order consideration in detail starts with Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: New Part 2A inserted.

MR SPEAKER: There is an Amendment to Clause 3 as stated in the Supplementary Order Paper.

I call on the Chairperson of the Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker I move an Amendment to Clause 3 as follows:

“AMENDMENT:

For section 7A (2), substitute the following;

“(2) The Members are:

- (a) A representative of the Ministry of Health who shall be the Chairperson and Secretary; and
- (b) A representative of the Ministry of Finance; and
- (c) A representative of the Ministry of Education, Sports and Culture; and
- (d) A representative of the Ministry of Women, Community and Social Development; and
- (e) A representative of the Samoa Police Service; and
- (f) A representative of the Customs Division of the Ministry for Revenue; and
- (g) A representative of the Samoa Association of Sports and National Olympic Committee; and
- (h) A representative of the Samoa Cancer Society; and
- (i) A representative of the Samoa National Youth Council.”

Amendment approved.

Clause 3 Approved as Amended.

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**Tobacco Control Amendment Bill 2018
– consideration in detail**

CLAUSE 4: Section 18 amended.

Approved.

CLAUSE 5: Section 21 amended.

Approved.

CLAUSE 6: New section 23A inserted.

MR SPEAKER: There is an Amendment by the Committee on Clause 6. I call on the Chairperson.

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA
GIDLOW:** Mr Speaker I move the Amendment to Clause 6 as follows:

“AMENDMENT:

For new section 23A AND 23A (1) inserted, substitute the number 21 with number 15 to read 23A as follow:

**23A – Sale of tobacco products by persons under 15
prohibited:**

A person below the age of 15 must not sell any tobacco product”.

Amendment approved.

Clause 6 Approved as Amended.

CLAUSE 7: Section 24 amended.

Approved.

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**Tobacco Control Amendment Bill 2018
– consideration in detail**

CLAUSE 8: New section 29A inserted.

Approved.

CLAUSE 9: New Part 5A inserted.

MR SPEAKER: There is an Amendment by the Committee on Clause 9. I call on the Chairperson.

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA
GIDLOW:** Mr Speaker I move an Amendment to Clause 9 as follows:

“AMENDMENT:

1. For section 31A (2) inserted, omit the number “100” and substitute the number “200”.
2. For section 31B, insert after paragraph (c) the following:
(d) Hotel license; and
(e) Nightclub license.”
3. For section 31F (4) (a) substitute the number “20” with the number “100” units.
4. For Part 5A, after proposed section 31E, insert the new sections and renumber the other remaining proposed sections accordingly:

“31F- Hotel owner tobacco license: A hotel owner license authorizes the license to sell tobacco products on conditions set out in the license.”

“31G – Nightclub owner tobacco license: A nightclub owner license authorizes the license to sell tobacco products on conditions set out in the license.”

5. For the proposed 31J(1), renumber and insert new section 31L(1)(a) &(b) as follows:

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Tobacco Control Amendment Bill 2018
 – consideration in detail

31L - Duration and renewal of license: (1)

(a) A manufacture license granted to a person to manufacture tobacco products, will be valid for the period of three (3) years from the date of its grant.

(b) A license which is granted to an:

- a) Importer; or
- b) Distributor; or
- c) Hotel owner; or
- d) Nightclub owner;

will be valid for a period of one (1) year from the date of grant.”

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

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker there are a lot of amendments presented here at one go, but I want to ask about Section 31G. Firstly is the selling of tobacco. Has the Ministry of Health accepted the recommendation by Committee on changing the age from 21 to 15? According to the Bill therefore, the Committee has lowered the age limit from 21 to 15 in the amendments. Does this mean the Minister of Health has accepted this amendment? If this is the case, it is allowing those aged 16 and over to buy tobacco. With all due respect.

With licenses, this is creating a difference in the opinions of entrepreneurs, after they have done the business license and when approaching the hospital, they are turned away instead from the issuance of a license from the tobacco manufacture and so the misunderstanding continues. Do I take it then that one must procure a tobacco license before getting a business license? With due respect.

MR SPEAKER: I call on the Chairperson and I also ask the Minister to assist.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker the question regarding the amendment about permitting a person aged 15 to sell tobacco has been sorted by the [Committee and have informed the Minister](#).

As for the other matter regarding obtaining a tobacco license, whether you acquire the tobacco license first or the business license? It is not the selling of tobacco but the manufacturing of tobacco that is the actual provision.

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Tobacco Control Amendment Bill 2018
– consideration in detail

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker it is stated in the Bill that you have to obtain a license from the Ministry of Health to manufacture tobacco. A lot of the people have to obtain their business licenses first. What I am saying is, a lot of people have initially acquired their business license to produce tobacco but is rejected by the Ministry of Health, one cannot manufacture tobacco as this will cause confusion. Or is it that one must seek the consent to whether you can acquire a license to manufacture before doing so. If you happen to go ahead and get your business license, you are told to get your license from the other place. That is what I am asking about.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker the Ministry is well aware of this matter and they issue business license based on the requirements implemented by other Ministries, they do not accept other licenses for other businesses.

MR SPEAKER: Thank you. I call upon the Hon Minister of Health.

Afioga Hon TUITAMA TALALELEI TUITAMA: Mr Speaker, I want to clarify the matter questioned regarding age. It was not an easy matter even the Chairperson of the Committee came to see me about this issue regarding the age of 21 selling tobacco. According to the Labour Act, age 15 is permitted to sell merchandise/shopkeeper. This was the basis of this change being implemented as it is difficult for a 15 year old to find someone to sell tobacco when this person is the shopkeeper. As for purchasing of tobacco from the shop, it is still restricted to the age of 21. This arrangement was done to correlate with other legislations that allows for a 15 year old to sell merchandise.

This is a clarification with respect.

MR SPEAKER: Thank you, I believe the matter has been clarified. The person selling tobacco can be 15 years old but a person buying tobacco is strictly 21 years old.

Clause 9 approved.

Clause 9 approved as Amended.

CLAUSE 10: Section 35 amended.

Approved.

28 JANUARY 2019

**Education Amendment Bill 2018
– consideration in detail**

CLAUSE 11: New section 35A inserted.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement

TITLE: Tobacco Control Amendment Bill 2018.

MR SPEAKER: There is a Correction by the Committee to Clause 1 and the Title. I call upon the Chairperson of Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker I move a correction on Clause 1 and title as follows:

“CORRECTION:

To omit the number 2018 and thereby replace it with the number 2019 so the title reads:

“Tobacco Control Amendment Act 2019.”

Correction Approved.

Clause 1 and the Title Approved as Corrected.

The Tobacco Control Amendment Act 2019 progressed with Amendments and Correction.

**EDUCATION AMENDMENT BILL 2018
– consideration in detail**

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

I call on the Chairperson of the Social Sector Committee.

28 JANUARY 2019

**Education Amendment Bill 2018
– consideration in detail**

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker I move a motion, *That the Legislative Assembly approves the Report of the Committee which recommends, That the Education Amendment Bill 2018 progress with Amendments and Corrections.*

Motion approved.

MR SPEAKER: I announce that the Legislative Assembly has approved the Report of the Committee on the Bill, we will now progress with consideration in detail.

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

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Section 7 amended.

MR SPEAKER: There is an Amendment of the Committee to Clause 3. I call on the Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker I move an Amendment to Clause 3 in the Samoan print only:

“AMENDMENT:

Omit from section 7(2) the Samoan phrase “le atoatoa o le malosi o le tino ma le mafaufau” and substitute with “Aafiaga tumau o le tino ma le mafaufau.”

Amendment Approved.

Clause 3 Approved as Amended.

28 JANUARY 2019

**Education Amendment Bill 2018
– consideration in detail**

CLAUSE 4: Section 11 amended.

Approved.

CLAUSE 5: Section 23 amended.

Approved.

CLAUSE 6: Section 24 substituted.

Approved.

CLAUSE 7: General amendments.

Approved.

CLAUSE 8: Consequential amendments.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Education Amendment Bill 2018.

MR SPEAKER: There is a Correction of the Committee to Clause 1 and Title.

I call on the Chairperson of the Committee.

28 JANUARY 2019

**Constitution Amendment Bill (No.3) 2017
– consideration in detail**

**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA
GIDLOW:** Mr Speaker I move a Correction to Clause 1 and the Title
as follows:

“CORRECTION:

To omit the number 2018 and thereby replace with the number
2019 so the title of the Bill reads:

“Education Amendment Act 2019.”

Correction approved.

Clause 1 and Title Approved as Corrected.

*The Education Amendment Act 2019 progressed with Amendments and
Corrections.*

**CONSTITUTION AMENDMENT BILL (No.3) 2017
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders, the Legislative
Assembly must first approve the Committee Report to allow the
consideration of the Bill.

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

Tofa NAFOITOA TALAIMANU KETI: Greetings to the Chair. I
commend the Speaker for the administration of our orders at this time of
the evening.

Mr Speaker I move a motion *That the Legislative Assembly approves
the Report of the Committee which recommends, That the Constitution
Amendment Bill No.3 2017 progress with Corrections.*

Motion approved.

MR SPEAKER: The Legislative Assembly has approved the Report
of the Committee on the Bill, the consideration in detail will now
progress.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

Pursuant to Standing Orders, consideration in detail starts with Clause 2.

CLAUSE 2: Section 19 amended.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Constitution Amendment (No3) 2017.

MR SPEAKER: There is a Correction by the Committee on Clause 1 and the Title. I call on the Chairperson of Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a Correction on Clause 1 and title as follows:

CORRECTION:

To omit number (3) and number 2017 and thereby replace it with 2019 so the Bill reads as:

“CONSTITUTION AMENDMENT ACT (No.3) 2019”

Correction approved.

Clause 1 and the Title Approved as Corrected.

The Constitution Amendment Act No.3 2019 progressed with Corrections.

**ELECTORAL BILL 2018
– consideration in detail**

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

28 JANUARY 2019

Electoral Bill 2018
– consideration in detail

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

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker, I move a motion *that the Legislative Assembly approves the Report of the Committee which recommends, That the Electoral Bill 2018 progress together with the Amendments and Corrections.*

Seconded by the Member for Falealili East and the Member for Vaimauga East.

Motion approved.

MR SPEAKER: The Legislative Assembly has approved the Report of the Committee on the Bill, we will now progress with the consideration in detail.

Pursuant to Standing Orders 102, consideration in detail starts with Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Commissioner to keep political parties' register.

Approved.

CLAUSE 4: Application for registration.

Approved.

CLAUSE 5: Registration.

Approved.

28 JANUARY 2019

Electoral Bill 2018
– consideration in detail

CLAUSE 6: Cancellation of registration.

Approved.

CLAUSE 7: Inspection of register.

Approved.

CLAUSE 8: Qualification of Candidacy.

MR SPEAKER: The Committee has amendments to Clause 8(2)(d)(ii) given in the Supplementary Order Paper.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move the Amendment to Clause 8(2) (d) (ii) as follows:

“AMENDMENT:

To amend the number “138” to number “139”.

MR SPEAKER: Pardon the Member for you are late, I will still allow you the opportunity even though it is now....

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: I have been standing up but you failed to recognize me. Nevertheless, the matter concerning the qualification of a candidate. It is stated that a candidate can challenge the qualification of another in the Supreme Court. Then the candidate will have to pay the fee, which is a duty that should be carried out by the Commissioner. A candidate has to reside in Samoa for three years ending with the day on which nomination paper is lodged and **must serve a monotaga for three years in Samoa including other eligible requirements.** This involves monotaga but such matters can be taken by the candidates to the Court according to the Bill. With all due respect.

MR SPEAKER: Thank you perhaps the Government is aware of the recommendation. This is not a new recommendation as it has been said before.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

It is a matter deliberated before nevertheless such recommendations are useful.

I apologize to the Member for Palauli le Falefa if the consideration process has been done hurriedly; I bid that you forgive the chair.

Amendment approved.

Clause 8 Approved as Amended.

CLAUSE 9: Challenge of candidacy.

Approved.

CLAUSE 10: Errors regarding rolls not grounds for disqualification.

Approved.

CLAUSE 11: Requirements for public servants intending to become candidates.

Approved.

CLAUSE 12: Requirements for other Government Officers intending to become candidates.

Approved.

CLAUSE 13: Compulsory registration of voters.

Approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 14: Qualification to be registered as a voter.

Approved.

CLAUSE 15: Registration in one constituency of residence.

Approved.

CLAUSE 16: Exception to the residential registration rule.

Approved.

CLAUSE 17: Disqualification from registration.

Approved.

CLAUSE 18: Eligibility to transfer.

Approved.

CLAUSE 19: Commissioner to consider application for registration.

Approved.

CLAUSE 20: Signing and witnessing of application for registration as a voter.

Approved

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 21: Determining place of residence.

Approved.

CLAUSE 22: Definition of rolls.

Approved.

CLAUSE 23: Compilation and maintenance of Electoral Rolls.

Approved.

CLAUSE 24: Removal of names from roll.

Approved.

CLAUSE 25: Electronic roll.

Approved.

CLAUSE 26: Supplementary rolls.

Approved.

CLAUSE 27: Composite roll.

Approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 28: Voter’s objection.

Approved.

CLAUSE 29: Commissioner’s objections.

Approved.

CLAUSE 30: Objection hearing for rolls.

Approved.

CLAUSE 31: Time limitation for objection hearings.

Approved.

CLAUSE 32: Photo rolls can be used for review of rolls.

Approved.

CLAUSE 33: Closing of rolls.

Approved.

CLAUSE 34: Commissioner to print main rolls.

Approved.

28 JANUARY 2019

Electoral Bill 2018
– consideration in detail

CLAUSE 35: Requirement for printing of roll.

Approved.

CLAUSE 36: Inspection of rolls.

Approved.

CLAUSE 37: Use of copies of rolls provided by the Commissioner.

Approved.

CLAUSE 38: Commissioner to establish and maintain dormant roll.

Approved.

CLAUSE 39: Removal of name from dormant roll.

Approved.

CLAUSE 40: Printing and storage of dormant roll.

Approved.

CLAUSE 41: Inspection by the public.

Approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 42: Approved methods

Approved

CLAUSE 43: Cut-off dates for campaign.

Approved.

CLAUSE 44: Campaign offence.

Approved.

CLAUSE 45: Writ of election issued by the Head of State.

Approved.

CLAUSE 46: Public notice of the writ.

Approved.

CLAUSE 47: Nomination of candidate.

Approved.

CLAUSE 48: Acceptance of nomination.

Approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 49: Withdrawal of nomination.

Approved.

CLAUSE 50: Publication of nominations.

Approved.

CLAUSE 51: Death before close of nomination.

Approved.

CLAUSE 52: Death after close of nomination.

Approved.

**CLAUSE 53: Procedure where there is no nomination for a
Constituency.**

Approved.

CLAUSE 54: Public notice of polling booths.

Approved.

**CLAUSE 55: Commissioner responsible for sourcing polling
booths.**

Approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 56: Appointment of officers to conduct a poll.

Approved.

CLAUSE 57: Designation of officers.

Approved.

CLAUSE 58: Form of ballot papers.

Approved.

**CLAUSE 59: Commissioner to declare candidate's election in
uncontested election.**

Approved.

CLAUSE 60: Pre-polling.

Approved.

CLAUSE 61: Application and process for pre-polling.

Approved.

CLAUSE 62: Who can vote.

Approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 63: Compulsory voting.

Approved.

CLAUSE 64: Special voter.

Approved.

CLAUSE 65: Employees time off to vote.

Approved.

CLAUSE 66: Hours of polling.

MR SPEAKER: There is an Amendment by the Committee on Clause 66 as stated in the Supplementary Order Paper.
I call on the Chairperson of the Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment to Clause 66 as follows;

“AMENDMENT:

To insert sub clause (3) after sub clause (2) as follows:

“(3) Where polling at a polling place cannot start or has to be suspended whether by reason of riot or open violence, natural disaster, or any other cause, the Presiding Officer must:

(a) Adjourn the taking of the poll at that polling place to the following day, and if necessary from day to day until the poll can be taken; and

(b) Immediately give public notice of the adjournment in appropriate manner.

Amendment approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

Clause 66 Approved as Amended.

CLAUSE 67: Ballot box to be kept locked during poll.

Approved.

CLAUSE 68: Issuing of ballot paper.

Approved.

CLAUSE 69: Voter who is blind or unable to read.

Approved.

CLAUSE 70: Spoilt ballot papers.

Approved.

CLAUSE 71: Method of voting.

Approved.

**CLAUSE 72: Procedure when ballot paper issued more than once
for the same name.**

Approved.

28 JANUARY 2019

Electoral Bill 2018
– consideration in detail

CLAUSE 73: Restriction applying to a person when using polling booth.

Approved.

CLAUSE 74: Person not to be spoken to in booth.

Approved.

CLAUSE 75: Question that can be put to a voter.

Approved.

CLAUSE 76: Presiding officers to maintain order.

Approved.

CLAUSE 77: Preliminary count of votes.

Approved.

CLAUSE 78: Counting of votes.

Approved.

CLAUSE 79: Duty to prevent irregularity of ballot papers.

Approved.

28 JANUARY 2019

**Electoral Bill 2018
– consideration in detail**

CLAUSE 80: Definition of “permitted person”.

Approved.

CLAUSE 81: Arrangement for the scrutiny of rolls.

Approved.

CLAUSE 82: Marked copies of rolls to be compared.

Approved.

CLAUSE 83: Procedure for counting of votes.

Approved.

CLAUSE 84: Declaration of result of poll.

Approved.

CLAUSE 85: Application to District Court for recount.

Approved.

**CLAUSE 86: Commissioner to produce ballot papers and
certificate of total votes.**

Approved.

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Electoral Bill 2018
– consideration in detail

CLAUSE 87: Disposal of ballot papers and other relevant books and papers.

Approved.

CLAUSE 88: Disposal of packets.

Approved.

CLAUSE 89: Interference with or influencing voters.

Approved.

CLAUSE 90: Publishing defamatory matter during elections.

Approved.

CLAUSE 91: Erasing or altering official mark on ballot paper.

Approved.

CLAUSE 92: Offences in respect of ballot papers and ballot boxes.

Approved.

CLAUSE 93: Infringement of secrecy.

Approved.

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Electoral Bill 2018
– consideration in detail

CLAUSE 94: Corrupt practice.

Approved.

CLAUSE 95: Personation.

Approved.

CLAUSE 96: Bribery.

Approved.

CLAUSE 97: Treating.

Approved.

CLAUSE 98: Undue influence.

Approved.

CLAUSE 99: Procurement of voting by unqualified voters.

Approved.

CLAUSE 100: Illegal activities during period of election.

Approved.

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Electoral Bill 2018
– consideration in detail

CLAUSE 101: Conduct of O’o and Momoli.

MR SPEAKER: There is an Amendment by the Committee on Clause 101 as stated in the Supplementary Order paper.

I call on the Chairperson of the Standing Orders Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment on Clause 101 as follows:

“AMENDMENT:

To change the time limit for conducting of O’o and Momoli from the period of 12 months to 2 years (24 months).

Electoral Amendment Bill 2018”.

MR SPEAKER: Since the Chair is out of breath, I believe it is appropriate that we take recess and return later to clarify this final part.

Proceedings of the Legislative Assembly set aside at 8:43pm and resumed at 9:34pm.

The Electoral Bill 2018 resumed with the consideration in detail.

MR SPEAKER: Thank you all for your patience, strength has been restored for us to continue our work.

Amendment approved.

Clause 101 Approved as Amended.

CLAUSE 102: Tautua faaauau.

Approved.

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**Electoral Bill 2018
– consideration in detail**

CLAUSE 103: Penalty for corrupt or illegal practice.

Approved.

CLAUSE 104: Person charged with corrupt practice may be found guilty of illegal practice.

Approved.

CLAUSE 105: Limitation period for prosecution.

Approved.

CLAUSE 106: Papers taken from parcels as evidence in certain cases.

Approved.

CLAUSE 107: Method of questioning election.

Approved.

CLAUSE 108: Who can present an election petition.

Approved.

CLAUSE 109: Limitation period for presentation of election petition

Approved

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Electoral Bill 2018
– consideration in detail

CLAUSE 110: Security for costs.

Approved.

CLAUSE 111: Statutory declaration by petitioner.

Approved.

CLAUSE 112: More than one petition relating to same election.

Approved.

CLAUSE 113: Rules of Court.

Approved.

CLAUSE 114: Court.

Approved.

CLAUSE 115: Trial of Petition.

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker for the opportunity, I appreciate the meal prepared for this Assembly. Thank you to the Committee for the variety of views presented and the time used to prepare this legislation however, no changes are being brought forward. A question was put to the Chairperson and also a lot of Members spoke on the subject of penalty. What I am pursuing here is the fact that it will be imposed on us after the elections.

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– consideration in detail

The question we are asking is there a budget to carry this out, as the way things are if it is \$5 or \$100,000 you will lose your seat. This is why a recommendation was given to the Committee to implement changes on this matter, to prevent individuals from carrying out petitions without any proper reason, with respect.

MR SPEAKER: Thank you, I call on either the Chairperson or the Hon Minister.

Afioga Hon FAAOLESA KATOPAU T AINUU (Minister of Justice): Mr Speaker these matters are supposed to be clarified by Committee. The report of the Committee tabled does not state any recommendation on such issue, with respect.

MR SPEAKER: I believe... is there anything that the Chairperson wants to clarify.

Tofa NAFOITOA TALAIMANU KETI: I move with respect Mr Speaker to clarify the matter mentioned by the Member for Faleata West. The recommendations given to the Hon Minister serves as the basis for this legislation. Yet the recent statement does not reflect the recommendations.

The issue of penalties and petitions was discussed by the Committee and is of the view that the current provisions in this law is fine. The suggestion that was made was to say that Clause 115 is in good order. As for the matter of penalties and appeals it was deliberated by the Committee and they believe that the provisions stated in the Bill are quite just. With respect.

MR SPEAKER: Very well thank you.

Clause 115 approved.

CLAUSE 116: Void of election of candidate guilty of corrupt practice.

Approved.

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**Electoral Bill 2018
– consideration in detail**

CLAUSE 117: Void of election for corruption.

Approved.

CLAUSE 118: Real justice to be observed.

Approved.

CLAUSE 119: Votes to be struck off for corrupt practices.

Approved.

CLAUSE 120: Irregularities will not invalidate election.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Can the Chair remind the Members to raise their voices. We could barely hear them for it looks like some are sleeping.

MR SPEAKER: I advise Members to be supportive of the work of the Chair. Thank you.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Mr Speaker we are hesitant to respond since it states, 'Irregularities not to invalidate election'. How can votes be not struck off when there have been irregularities.

MR SPEAKER: 'Irregularity not to invalidate election.' It seems clause 121,

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– consideration in detail

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Mr Speaker this is why we have not agreed since irregularities will not void the seats of the members on that side. Yet when we have done wrong we would be disqualified. That is our interpretation, but would like to say yes with respect.

MR SPEAKER: I thank the Member, the matter is now clarified.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker on this particular clause I really appreciate the integrity of the Chairperson and their Committee. For they have experienced all of this and they will not commit any wrong doing when they contest the elections. The trust is bestowed upon the Committee in which the Deputy Speaker is the Chairperson. The reason for my taking the floor is because we can barely hear the members. It is our duty to say yes in a loud voice so that the Speaker can hear.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker...

MR SPEAKER: The matter is being clarified, it seems there has been a typing error by the Office of the Clerk, ‘irregularities will not invalidate elections.’ This is a correction there has been a typing error in the paper. May I remind those responsible for this particular role here at the Legislative Office to make sure that such error is avoided?

Clause 20 approved.

CLAUSE 121: Decisions of Court to be final.

Approved.

CLAUSE 122: Certificate of Court as to corrupt or illegal practice.

Approved.

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Electoral Bill 2018
– consideration in detail

CLAUSE 123: Special Report.

Approved.

CLAUSE 124: Signature and effect of certificate and report.

Approved.

CLAUSE 125: Submission of report to Attorney General.

Approved.

CLAUSE 126: Summons and examination of witnesses.

Approved.

CLAUSE 127: Certificate of indemnity to witnesses.

Approved.

CLAUSE 128: Expenses of witnesses.

Approved.

CLAUSE 129: Costs payable by persons proven guilty of corrupt or illegal practice.

Approved.

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Electoral Bill 2018
– consideration in detail

CLAUSE 130: Costs of petition.

Approved.

CLAUSE 131: Withdrawal of Petition.

Approved.

CLAUSE 132: Substitution of new petitioner.

Approved.

CLAUSE 133: Report on withdrawal.

Approved.

CLAUSE 134: Abatement of petition.

Approved.

Afioga LEALAILEPULE RIMONI AIAFI: Mr Speaker...

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

Afioga LEALAILEPULE RIMONI AIAFI: My apologies to the Chair and the Committee but this is the matter we spoke on. As everyone is aware, this member has been taken to court at the end of every election. I have tons of experience and it is this very legislation that ensured my victory.

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Electoral Bill 2018
 – consideration in detail

What I am saying is as I have spoken about regarding clause 116, there is only single line that explains the decision. Once you are found guilty your seat becomes void. But if you generally read the whole legislation, there is a wording that says, you or me will be given the opportunity by the judge who has the discretion, whether to impose a fine or imprisonment.

If you read Clause 135 sir, do you realize what happened last time, money that were dished out were not below \$50,000, but over \$100,000 demanded by voters from their representatives. The penalty however is only \$2,000. So people understands that \$10,000 is given and when penalized only \$2,000 is given. With the 8 to 9 petitions only my petition was continued. The rest of the petitions well you all know what happened, lots of money was paid out to have them withdrawn whilst some went ahead and withdrew due to fear. What they should have been looking at regarding penalties, is that this \$100 penalties should have gone up to deter them from doing this wrong doing after every election as I believe it will happen again in the next election. Most people take up this sue process not for the desire to defeat a member but to earn money when such is paid out to have the petition withdrawn. That is the vital factor the Deputy Speaker should have placed emphasis on, with respect.

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

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker I ask that the following statement “money was paid” be removed from Hansard. Nothing of this sort ever occurred about money being paid out before the other party agreed to withdraw a petition.

The matter raised by the Member had him the chance to convey his concerns to the Committee. Thus there was no such notice from the Committee, thank you.

Afioga LEALAILEPULE RIMONI AIAFI: The Chairperson can testify that I approached them about two times. The other thing is, we cannot argue this matter because I can easily provide evidence to support this claim, with respect.

MR SPEAKER: Very well.

CLAUSE 135: Offence is to pay money to stop petition.

Approved.

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**Electoral Bill 2018
– consideration in detail**

CLAUSE 136: Service of notices.

Approved.

CLAUSE 137: Commissioner exempt from Court fees.

Approved.

CLAUSE 138: Validation of irregularities.

Approved.

CLAUSE 139: Establishment and Maintenance of Corrupt practices list.

Approved.

CLAUSE 140: Membership within the Legislative Assembly.

Approved.

CLAUSE 141: Vacation of a seat in the Legislative Assembly.

Approved.

CLAUSE 142: Charge with vacation of seat.

Approved.

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**Electoral Bill 2018
– consideration in detail**

CLAUSE 143: Proof of vacation.

Approved.

CLAUSE 144: Notice of vacation of seat as a result of a court proceeding.

Approved.

CLAUSE 145: Offence for Member whose seat is vacated to sit.

Approved.

CLAUSE 146: Notice of death of Member.

Approved

CLAUSE 147: Election petition bars issuing of writ.

Approved.

CLAUSE 148: Speaker of the Legislative Assembly to issue Warrant to issue writ to supply a vacancy.

Approved.

CLAUSE 149: Writ of by-election issued by Commissioner.

Approved.

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Electoral Bill 2018
– consideration in detail

CLAUSE 150: Rolls to be used in by-election when election declared void by the Supreme Court.

Approved.

CLAUSE 151: Closing of rolls.

Approved.

CLAUSE 152: Relevant provisions to apply to by-elections.

Approved.

CLAUSE 153: Regulations.

Approved.

CLAUSE 154: Consequential amendment to the Land and Titles Act 1981.

Approved.

CLAUSE 155: Repeal.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker...

MR SPEAKER: I call on the Member for Gagaifomauga No.3.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Thank for the opportunity given to this constituency. I have been patiently listening to the consideration of this important Bill this evening. We have now come to clause 155 to repeal the 1963 Act.

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Electoral Bill 2018
– consideration in detail

This request Mr Speaker is for the Minister. I do beg tolerance of the Chairman and the Minister but I have observed with outright disappointment since the Minister has snubbed all the recommendations we had submitted. We have also voiced our dismay since it has a huge impact on us from Savaii. This does not go down well, as the community in Savaii are listening and we have gathered tonight that the Act will be repealed. Not a single thing from the views expressed has been taken onboard yet the Committee had been meeting for nearly four months. We have also gathered from this legislation this evening that you do not acknowledge our recommendations. Where have you ditched our opinions and feelings? Where have you outcast the sentiments/wishes of the whole island in which the dignitaries of the whole of Salafai was presented? This is not simple where you have effectively removed one Member of Parliament from Savaii and added four for Apia (Upolu). Mr Speaker, this is not a matter to be taken lightly.

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

MR SPEAKER: Pardon the Member the Hon Prime Minister is upstanding.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: The state of things is such that once a report is submitted with the decision made by the Cabinet, it is then tabled before Parliament, those are the rules. How can they be disappointed when the legislation is before the House? Mr Speaker, such is the nature of our duties, now when the member was the Chairperson of the Committee there was similar occurrences. As for the orders carried out in the House on the Bill we are considering every provision put forward.

MR SPEAKER: Perhaps the matter is now understood...

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker I take the floor again with respect to say that this does not go well with our opinion and thinking, it is humiliating to vanish during this term, we came from Savaii as a complete group, but I am ashamed that we are returning with one seat missing. It is the reason for my constant cry sir as all our suggestions presented has been in vain.

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– consideration in detail

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: I understand from the amendments in progress that these are the major changes to the electoral amendments. It has been 20 years since these changes have been made. The first amendment done in this Assembly was to amend our Constitution before our elections became open. It was no longer just matai's but had been open to include the clergy and their wives, the spouses of chiefs and orators and the men and women whom have attained the age of 21. The completion of that amendment put Samoa in alignment with the rest of the world in what is called Universal Suffrage where men and women of 21 years and over received the right to vote

The 2nd Amendment is the change of the number of Cabinet from 9 since 1962 to 13 in 1991 as evidently seen today. This is also when the Member was part of Cabinet.

The 3rd change could not be implemented as it divided the country and consequently a Plebiscite was sorted whether to have a bi-cameral Parliament. To establish an Upper House for the Tama a Aiga or royal sons and a Lower House for us. A referendum was carried out and the country responded that a single House will do. We have kept to retaining one House which is this one.

The 4th amendment was changing the three-year term to five years. The reason for that amendment was there was just insufficient time to implement our projects and it would only be minor touch ups. We would not be able to implement major developments to its entirety for such realities is done in 4 years. When we do get to 4 years it would be useless as elections have just been done. Governments tend to use up the three-year term to engage in minor projects which is done in a dodgy manner taking the two year lifespan instead of focusing on major developments. This has now been sorted when the HRPP Government amended the Parliamentary term from three to five years

The 5th amendment was the rearrangement of constituencies so they are of equal status. Repealing large constituencies with two members and smaller ones with just one member. Then what? Well, it is now one representative per constituency.

The 6th amendment implements the objective of one person, one vote and not two. Voters will no longer cast two votes. The situation with large constituencies had created controversies within the House. Particularly when members were thought to be cooperating but only to realize that they are backstabbing each other.

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Electoral Bill 2018
 – consideration in detail

Mr Speaker, the final change concerns a subject which had surfaced in 1962, and had been constantly brought up by constituencies to have additional members as the population gradually grew. Therefore, the Government has sorted to resolve this matter once and for all. What is the permanent solution? To clean up electoral boundaries. The traditional and cultural boundaries are not affected, that remains. We are only re-adjusting the electoral boundaries to achieve the balance. It is not right when you have a constituency of 200 people with one Member of Parliament and one with 5,000 and yet they also have one Member of Parliament. The numbers must provide a balance.

The opinion that Tumua and Pule must be recognized was sorted right from the start. Even Lufilufi and Leulumoega had one representative each that covered other villages.

Mr Speaker it is not about your voice being loud, you have to look at the totality of what is being done. The solution sorted includes the massive changes which this government lays out to ensure a balance in our elections. Our customs and traditions are not affected; it is only the number that needs to be balanced. That is my response to the member who is becoming very loud when the matter is very simple. If you had submitted your opinion to the Committee who in turn pass their report to the Minister and the Minister to Cabinet, and whatever decision the Cabinet decides, that is it. This is not an unimportant matter, it has been on the agenda of this party for many, many years. Mr Speaker that is the clarification.

MR SPEAKER: Thank you. I will assist...

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker I do not oppose the decision of Government. We are just stating opinions to assist with our decisions. If we were to simplify this matter, it means a Member for Savaii has been removed. Thus the obliteration of the ship is in progress.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker even though it is omitted, it is still there. We are not fools. Do not mislead the country. Leauvaa is here (Upolu) now but they are still people from Savaii. The people who drafted this law are not fools, they did a lot of work.

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Electoral Bill 2018
– consideration in detail

MR SPEAKER: Thank you. My appreciation for the matter is clear. If I may assist with the issue, we are in the process of considering the Electoral Legislation. It is not discussing this matter. Once we get to it I will grant the opportunity. I beg tolerance Fasootauloa.

Tofa OLO FITI AFOA VAAI: I thank Government that they are...

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: There have been requests and apologies...

MR SPEAKER: Since the matter has been raised... Pardon the Member I am trying to sort out the matter and I ask for your cooperation. Once the debate on the legislation touches this issue I will allow the opportunity. We are deliberating the electoral legislation. I appreciate the quick response from the Government. My intentions are that progress is realized soon enough as the elders would say.

Clause 155 Approved.

CLAUSE 156: Transitional and Savings provision.

MR SPEAKER: There is an Amendment by the Committee on clause 156 as stated in the Supplementary Order Paper.

I call on the Chairperson of the Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment to Clause 156 as follows:

“AMENDMENT:

To insert new paragraph (c) as stated below and paragraph (c) and (d) be changed to paragraph (d) and (e):

“(c) a Member is for the purpose of section 8(1)(e) exempted from the requirements under that section if the Member at the commencement of this Act represents a constituency that will be divided or newly formed, as a result of an enactment regarding constituencies.”

Amendment Approved.

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Electoral Commission Bill 2018
– consideration in detail

Clause 156 Approved as Amended.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Electoral Bill 2018.

MR SPEAKER: There is a Correction by the Committee on Clause 1 and the Title stated in the Supplementary Order Paper.

I call on the Chairperson of Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a Correction on Clause 1 and the Title as follows:

“CORRECTION:

To omit the figure 2018 and substitute thereby the figure 2019 thus the Title of the Bill reads:

ELECTORAL ACT 2019.”

Correction Approved.

Clause 1 and Title Approved as Amended.

The Electoral Bill 2019 progressed with Amendments and Corrections.

ELECTORAL COMMISSION BILL 2018
– consideration in detail

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

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

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Electoral Commission Bill 2018
– consideration in detail

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a motion, *That the Legislative Assembly approves the report of the Committee which recommends, that the Bill progress with the Amendments and Corrections.*

CLAUSE 2: Interpretatio.

Approved.

CLAUSE 3: Establishment.

Approved.

CLAUSE 4: Functions.

Approved.

CLAUSE 5: Independence.

Approved.

CLAUSE 6: Report on general election.

Approved.

CLAUSE 7: Establishment and Appointment.

Approved.

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**Electoral Commission Bill 2018
– consideration in detail**

CLAUSE 8: Terms of Appointment.

MR SPEAKER: There is an Amendment by the Committee to Clause 8 as stated in the Order Paper.

I call on the Chairperson of the Standing Orders Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment to Clause 8 as follows;

“AMENDMENT”

Omit the numeral “3” and thereby substitute with numeral “5” thus the new sub clause 8 (a) reads:

8 (a) hold office for five (5) years and on other terms and conditions approved by Cabinet.”

Amendment approved.

Clause 8 Approved as Amended.

CLAUSE 9: Resignation, termination and vacancy.

Approved.

CLAUSE 10: Declaration of interests.

Approved.

CLAUSE 11: Acting Electoral Commissioner.

Approved.

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**Electoral Commission Bill 2018
– consideration in detail**

CLAUSE 12: Staff of the Commission.

Approved.

CLAUSE 13: Secondment of public servants.

Approved.

CLAUSE 14: Guidelines for employment.

Approved.

CLAUSE 15: Remuneration.

Approved

CLAUSE 16: Corporate plan.

Approved.

CLAUSE 17: Report breach.

Approved.

CLAUSE 18: Funds.

Approved.

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Electoral Commission Bill 2018
– consideration in detail

CLAUSE 19: Annual reports.

Approved.

CLAUSE 20: Electoral Boundaries Committee.

MR SPEAKER: There is an Amendment by the Committee on Clause 20 stated in the Supplementary Order Paper.

I call on the Chairperson of the Standing Orders Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment to Clause 20 as follows:

“AMENDMENT:

- i. Repeal Clause 20 from the Electoral Commission Bill 2018 and provide as part of the Electoral Constituencies Bill 2018.
- ii. To rearrange the provisions in the Electoral Constituencies Bill 2018.
- iii. To rearrange the provisions in the list of clauses to amend clause 21 to clause 22.”

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I am seeking a precise explanation on the essence of this amendment since my interpretation differs. Can you explain clearly what the reasons are behind this amendment?

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker during Committee consideration on Clause 20, the Committee was advised by Head of the Electoral Office that this Clause be omitted and be inserted into the Electoral Constituencies Bill for it seems fitting there. That was the mindset behind this suggestion according to this Government response, with respect.

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Electoral Commission Bill 2018
– consideration in detail

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: I see that we have reached the exact section on electoral boundaries. That is why I am seeking an explanation whether this is the part of the legislation that addresses the petition from Saleaula.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I will speak in my capacity as a committee member and say that, put aside the petition of Saleaula whilst we deliberate the Electoral Constituencies Bill where a provision has been omitted from the Electoral Commission Bill to be inserted into the Electoral Boundaries Bill. Once we get to that stage we will deal with the petition of Saleaula. With respect.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: That is why I took the floor, as I wanted to understand this arrangement but now I understand the clarification. After all there were sensitive issues raised.

MR SPEAKER: Very well thank you. Perhaps the matter has been clarified with the response given by the Chairperson as asked by the Hon Prime Minister.

Amendment approved.

Clause 20 Approved as Amended.

CLAUSE 21: Exemption of Liability.

Approved.

CLAUSE 22: Regulations.

Approved.

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**Constitution Amendment Bill (No.2) 2018
– consideration in detail**

CLAUSE 23: Amendment and transitional provision.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Electoral Commission Bill 2018.

MR SPEAKER: There is a Correction by the Committee on Clause 1 and the Title.

I call on the Chairperson of the Standing Order Committee.

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

“CORRECTION:

Omit figure 2018 and substitute thereby with figure 2019 thus the new short title of the Bill reads:

Electoral Commission Act 2019.”

Correction approved.

Clause 1 and the Title Approved as Corrected.

**CONSTITUTION AMENDMENT BILL (NO.2) 2018
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders, the Report of the Committee must first be approved by the Legislative Assembly before consideration in detail.

I call on the Chairperson of the Standing Orders, Electoral, Petitions and Constitution Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a motion, *That the Legislative Assembly approves the Report of Committee which recommends, That the Constitution Amendment Bill (No.2) 2018 progress with Amendments and Corrections.*

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**Constitution Amendment Bill (No.2) 2018
– consideration in detail**

Motion approved

CLAUSE 2: Article 72 amended.

MR SPEAKER: There is an Amendment by the Committee to Clause 2.

I call on the Chairperson.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move Amendment to Clause 2 as follows:

“AMENDMENT:

1. Clause 2 (2) – Clause 2 is amended by inserting the words “and the President of the Lands and Titles” after the word “ a Judge of the Supreme Court” thus new Article 72(2)(4) reads:

“the power of appointing, promoting and transferring any judicial officer, other than the Chief Justice, and of dismissing any judicial officer, other than a Judge of the Supreme Court, and the President of the Land and Titles Court, is hereby vested in the Head of State, acting on the advice of the Judicial Service Commission as may be provided by Act.”

2. Clause 2(3) – omit the expression “any member” and substitute therewith the expression “three members” thus new sub clause (3) reads:-

“(3) Subject to clause (2) a meeting of the Judicial Service Commission may be called by three members, except the Registrar.”

Amendment approved.

Clause 2 Approved as Amended.

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**Constitution Amendment Bill (No.1) 2018
– consideration in detail**

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Constitution Amendment Bill (No.2) 2018.

MR SPEAKER: There is a Correction by the Committee to Clause 1 and the Title as stated in the Supplementary Order Paper.

I call on the Chair person.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a Correction to Clause 1 and the Title as follows:

“CORRECTION:

Omit the figure 2018 and substitute the figure 2019 thus new short title reads:

Constitution Amendment Bill (No.2) 2019”.

Correction approved.

Clause 1 and Title Approved as Corrected.

The Constitution Amendment Bill (No.2) 2019 progressed with Amendments and Corrections.

**CONSTITUTION AMENDMENT BILL (NO.1) 2018
– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders, the Legislative Assembly must first approve the Report of the Committee before consideration of the Bill.

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

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a motion *that the Legislative Assembly approve the Report of Committee which recommends, That the Constitution Amendment Bill (No.1) 2018 progress with Amendments and Corrections.*

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**Constitution Amendment Bill (No.1) 2018
– consideration in detail**

Motion approved.

MR SPEAKER: The Legislative Assembly has approved the Report of the Committee, we will now progress with the consideration in detail. Pursuant to Standing Orders consideration in detail starts with Clause 2.

CLAUSE 2: Article 44 amended.

Approved

CLAUSE 3: Article 109 amended.

Approved.

CLAUSE 4: Transitional provision.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Title and commencement.

TITLE: Constitution Amendment Bill (No.1).

MR SPEAKER: There is a Correction by the Committee on Clause 1 and the Title as stated in the Supplementary Order Paper.
I call on the Chairperson of the Standing Orders Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a Correction on Clause 1 and the Title as follows:

“CORRECTION:

Omit figure 2018 and substitute thereby with figure 2019 and insert (3) thus the Title of the Bill reads:

“Constitution Amendment Bill (No.3) 2019.”

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Electoral Constituencies Bill 2018
– consideration in detail

Correction Approved.

Clause 1 and Title Approved as Corrected.

The Constitution Amendment Bill (No.3) 2019 progressed with Corrections.

ELECTORAL CONSTITUENCIES BILL 2018
– consideration in detail

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

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

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a motion *that the Legislative Assembly must first approve the Report of the Committee which recommends, That the Electoral Constituencies Bill 2018 progress with Amendments and Corrections.*

Motion approved.

MR SPEAKER: I declare that the Legislative Assembly has approved the Committee Report on the Bill and will now progress with the Consideration in detail.

Pursuant to Standing Orders, consideration starts with Clause 2.

CLAUSE 2: Prescribing Electoral Constituencies.

MR SPEAKER: There is an Amendment by the Committee on Clause 2.

I call on the Chairperson of the Standing Orders Committee.

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**Electoral Constituencies Bill 2018
– consideration in detail**

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment to Clause 2 (2) as follows:

“AMENDMENT:

1. Electoral Constituency 37 – Gagaemauga No.1.
 - (a) Add the village of Safai to the Electoral constituency 37 – Gagaemauga No.1.
 - (b) Put Saleaula first to signify the importance of the seat for Saleaula as one of the seats for Puleono in Salafai to read the new clause as:

“Gagaemauga No.1 – Saleaula, Patamea, Samalaeulu, Mauga & Safai.

2. Electoral Constituency 38 –Gagaemauga No.2.
To remove the village “Safai” as part of the Electoral Constituency 38 – Gagaemauga No.2 and add to the Electoral Constituency 37 – Gagaemauga No.1.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker I have keenly been following the progress of the work of the Committee on this legislation and its amendments because the term amendment to me is new. This was not presented in their Report and it seems like they have just introduced this today. I can confidently say that the Government objects the amendment presented just now. Respectfully.

Susuga Hon TUILAĒPA AUĒLUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker this is the amendment I was waiting on, now I have met with Saleaula and the conviction expressed to me was that they are concerned that their seat may be revoked. My response was that it will not happen, the seat shall remain. If you look at the series of village names of the constituencies it is in alphabetical order. *This has always been the case starting from letter A, E, I, O, U, right through to V.* So, we are going by letters instead of going back and forth. I have noted that Saleaula is concerned about the Pule and they want to revoke the use of the alphabet A, E, I, O, U to V.

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Electoral Constituencies Bill 2018
– consideration in detail

We implemented this system because of the thought that no village should be above the other. My take on the way things are is that, just because a village is before the other in sequence does not mean that the one behind is not regarded. I had thought that the Committee especially the Chairperson would have been cautious in their recommendation where Safai is moved to Saleaula which totally affects the balance. Ultimately we seek to have all the constituencies with about the same population. The distinctions are too many and we are beginning from this point continuing on into the future. Perhaps in the next 10 years, we will review the changes initiated today to ensure the constituencies are at equal par.

This is the solution sorted by the countries of the world to resolve this contrast in figures to implement a balance. This is the very point which created controversy within this Assembly right from the beginning. The thought was that most of the constituencies should now have additional members. That has now been revoked, additional members can no longer be added under this new system. The only concern is moving boundary but our customs and traditions remain. Let us take Safata as an example, they approached me when this amendment started, it is the permanent solution, it will remain until the end.

This matter remains a constant subject of argument, the differences in numbers and the Government's attempt to find a solution so it will be not be discussed again. It cannot be put forward to another time. This is the time to initiate the changes and let us all witness this. With the recent incident, it seems that they were overwhelmed with fear which stemmed their objection. It also happened to Safata, there was a lot of talk that the constituency would be in a fallout and that their traditions would be affected by the boundary changes. What is the situation now? Everything is running smooth with the new system put in place. I want to express my apologies but I am speaking in my capacity as the Leader of this Party. In relation to this massive change being proposed. I cannot agree with the government on this amendment. Let us go with the previous arrangement as stipulated in the law. With that said, I object the amendment submitted.

MR SPEAKER: Thank you, yes Faasoo...

Tofa Hon FAASOOTAULOA PATI TAULAPAPA (Gagaemauga No.2): Thank you Mr Speaker, this constituency rarely...

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Electoral Constituencies Bill 2018
– consideration in detail

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker just to be clear this amendment is objected let us keep the old provision from the law which reads:

Amendment on the Bill:

Electoral Constituency 37

Gagaemauga No.1, Mauga, Patamea, Samalaeulu, Saleaula.

Electoral Constituency 38

Gagaemauga No.2, Avao, Fagamalo, Lelepa, Safai, Saleia, Satoalepai, Vaipouli.

This is the arrangement stated in the Bill, with respect I take the floor to object the amendment and set aside the motion of the Committee.

MR SPEAKER: Very well thank you, we have...

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: Thank you Mr Speaker, like I said this constituency rarely gives speeches in the House. But given the Law, I have already taken all the necessary steps/procedures. I apologize to the Hon Mr Speaker first, Leauvaa has now moved out and I agree to it. No. 1 Samauga, Mauga, Patamea whilst Saleaula remains at No.2.

This is appropriate and there will be no arguments about it. If Safai will be included, the land area will not be connected. This is not a problem since Leauvaa has been removed. The village Leauvaa should be included together with Patamea, Mauga and Samalaeulu. It seems Samalaeulu and Patamea also wants Saleaula to be included as well. I wholly object this arrangement, I have met with my constituency and although I felt difficulty, I did tell them to see the Hon Prime Minister about it. And they did.

MR SPEAKER: I gather what the member is saying. I do apologize in consideration of our time and opportunities given. You have heard the detailed explanation from the Prime Minister...

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: I am also saying that I do feel.

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– consideration in detail

MR SPEAKER: You have already met, the matter is before us and is not being discarded. I apologize but that is how it is.

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: I object the...

MR SPEAKER: The world that we live in today, should be willing to implement changes for the benefit of the country as leaders, for everyone...

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: How wide, and why do it without having consideration? This is Samalaeulu, it is not within the Number 1 vicinity. But Number 2, it is properly laid out right.

MR SPEAKER: I beg tolerance of the Member but let me say this and perhaps it will satisfy the Member. But satisfying a member's viewpoint is not necessary. This Parliament...

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: I am not saying that I am seeking an apology...

MR SPEAKER: That is what I am saying, I beg tolerance of you but it is best that you take your seat so the Speaker can share a thought please Faasoo. Thank you. This Speaker is able to uphold its dignity with your support, through mutual respect and courtesy. That is the nature of life. It is forbidden to the Chair, to outright deny or reject the members' opinions as it is your right as a member. May I remind you that we do not ultimately go out to satisfy a member regarding a point being pursued on behalf of a constituency.

As Leaders of the country, we must consider what's best for the benefit of Samoa in the future.

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: Mr Speaker a Member is less important than his or her constituency.

MR SPEAKER: My commendations and I thank you and your respect is admired. I too feel the same way. This is a concern. We all have matters concerning our constituencies but if a Member desires to pursue the will of its constituency rather than what is best for the country, well then that would be an issue in the view of the country at large.

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Electoral Constituencies Bill 2018
– consideration in detail

It is this fact in which I apologize to the Hon. Member but such are the concerns, so that the general public of Samoa will say that we are trying to find a solution to the elections which is a constant cause of criticisms in every election. So we are looking for a remedy, searching for redress to take us back to what is called democracy. Therefore, I applaud you since your beliefs cannot be satisfy with the clarification from the government but we do depend on God to assist us.

As heard from the Government they object to the amendment presented by Committee. The Leader of Government has moved a motion that proceedings be noted clearly so provisions are not confused. The clarification made by the Hon Prime Minister on the amendment is the matter where the question will be put.

Afioga Hon SALA FATA PINATI (Minister of Tourism): Mr Speaker...

MR SPEAKER: I give the opportunity to the Hon Minister, Afioga Sala Pinati.

Afioga Hon SALA FATA PINATI: I rise with respect to say a few words in relations to the changes made by the government to the division of constituencies.

Mr Speaker and respectable Members of the House, I have been a Member of my constituency for three terms now, the first matter questioned was the need to have another seat. The constituency of Gagaemauga requested for an additional seat back in 2006. Before this period my predecessors who held the seat made the same claim. It was the same thing when my father held the seat, he too requested for an additional member. Now that the government has made this decision, I am deeply grateful. I do not mean to take sides, as my intention is that elections are conducted through a simple process. For your information, we travel to Savaii during elections. My role before becoming a member was I would help out and support the senior representatives that we rallied our support behind every year. I thought I would never go to Savaii anymore after going last year, in the previous term and now with this new term perhaps this is the first time this term I have not been to Savaii. Although over the years I always go to Savaii... I really applaud the Government for their decision.

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I am thankful for the vision implemented, which has instated another seat, I apologize to Saleaula the honorary salutation of Pule has not been removed from Saleaula. Pule and Saleaula are one and the same. If the villages of Saleaula, Patamea, Mauga and Samalaeulu are put under one electoral constituency nothing has been changed. The truth is, we were praying that parts of our constituencies in Savaii, Mauga, Patamea and Samalaeulu be removed from Leauvaa during elections. This is my opinion on the matter, but I thank the Chair for his perseverance and patience in administering our proceedings.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker...

MR SPEAKER: I give the opportunity to the Chairperson...

Tofa NAFOITOA TALAIMANU KETI: I thank the Chair for another opportunity given to this Committee to further clarify the subject matter.

The Committee agrees that they did recommend this matter in their report, a response was given but it was not accepted by the Minister and Cabinet. However, with the circumstances concerning the petition presented by Saleaula, the Committee sorted an urgent meeting with the constituency as requested in order for their petition to be accepted by the House.

This is the reason why we met on Saturday and Friday of the previous week, to consult on this matter and respond to the humble request by the Alii and Faipule of Saleaula. In our meeting the constituency requested that their seat Gagaemauga No.2 be remained in Parliament. Unfortunately, after discussing the changes made in our Constitution with the 51 Members in Parliament, this request became irrelevant. We came to a consensus and decided the rearrangement of villages for three representatives for the constituencies of Gagaemauga No.1, Gagaemauga No.2 and Gagaemauga No.3.

The position of Saleaula on this matter whilst tuning in, is that the district be divided into three villages per group. Samalaeulu, Patamea and Mauga. Then Saleaula, Safai and Satoalepai. Another is Avao, Vaipouli, Fagamalo, Lelepa and Saleia.

However, the Committee must take into consideration the recommendation of the Government, therefore we have deliberated the matter based on recommendations. We have all heard this evening the decision from the Government and that is the intention. I just wanted to clarify the matter, if it is rejected, we will accept it with respect.

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**Electoral Constituencies Bill 2018
– consideration in detail**

It is important to clarify the matter and the outcome of the meeting with Saleaula as recognized by Parliament, to re-discuss the matter, their request and the plea of Saleaula with respect.

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: Mr Speaker with utmost respect, this is exactly the...

MR SPEAKER: The Chair will abide by the decision and motion moved by Government on this matter. Nevertheless, I am mindful of our working hours, we have arrived at the end of our work for today.

Tofa Hon FAASOOTAULOA PATI TAULAPAPA: I am upstanding to convey that I support the decision made on the matter. I also accept the recommendation from the Committee since Samalaeulu and Patamea are still under the Number 1 group and Safai is always our neighbor, with respect. I give my full support.

MR SPEAKER: Very well thank you. I apologize in case the Chair says something to jeopardize the right of Members but I strongly believe we should come to a decision. The Chair has considered all areas of argument together with the correction made by the Hon Prime Minister, we will now progress with a question on this statement considering also the amendments from the Committee. The amendment made has been rejected even though question has not been put it has been rejected. A question is based on the motion moved by the Government, if the motion is approved the amendment from the Committee will be rejected. This will ease the Official Records for the Office of the Legislative Assembly lest there is mix up to this Amendment.

Question whether the motion moved by the Government in accordance to the correction submitted by the Hon Prime Minister be approved?

Motion approved on the Amendment submitted by the Hon Prime Minister.

CLAUSE 2: Interpretation.

Approved.

Afioga SALAUSA JOHN AH CHING (Faleata East): Mr Speaker....

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**Electoral Constituencies Bill 2018
– consideration in detail**

MR SPEAKER: Is there is problem, you may proceed.

Afioga SALAUSA JOHN AH CHING: Point of clarification. In regards to the process of Bills lest the chance is passed. Will the passing of this Bill go through each constituency? When it is my constituency's turn, I will have the floor, or is the turn now to a point of clarification or for improvement of my constituency please. That is the question with respect.

MR SPEAKER: Thank you, since we are following the orders in our Order Paper it will be complicated to change the course of our proceedings. Perhaps we will discuss exactly what you are after later. Perhaps we can meet later for clarification on your part.

CLAUSE 3: Repeal.

Approved.

CLAUSE 4: Transitional provision.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Electoral Constituencies Bill 2018.

MR SPEAKER: There is a Correction by the Committee on Clause 1 and Title. I call on the Chairperson of Committee.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move a correction on Clause 1 and title as follows:

“CORRECTION:

To omit the figure 2018 and thereby substitute it with figure 2019 to read the Title of the Act as:

Electoral Constituencies Act 2019.”

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**Electoral Constituencies Bill 2018
– consideration in detail**

Correction approved.

Clause 1 and the Title approved as Corrected.

The Electoral Constituencies Act 2019 progressed with Amendments and Corrections.

MR SPEAKER: We have reached the end of our orders for today. I commend everyone, thank you for your patience and perseverance. The remaining part of our work with the third reading of other Bills and so forth will be left until tomorrow. The Lord has abundant days, let us put our trust in Him who will grant us good health to resume our works tomorrow.

I trust we will now conclude for today, before we adjourn I will end our proceedings with a prayer.

Proceedings of the Legislative Assembly adjourned at 11:04 pm until Wednesday, 29th January 2019 at 9.00am.

