

13 AUGUST 2015

THURSDAY, 13TH AUGUST 2015

Mr Speaker took the Chair at 9.00am.

Prayer.

OPENING SPEECH BY MR SPEAKER

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

With respect, I greet the dignity of the House this new morning. We have witnessed the presence of the House in good health and strength and I believe we are present with some representatives of the country.

I extend gratitude and appreciation this morning after the adjournment of our work from yesterday due to unforeseen circumstances and I believe it has been sorted out. These are the final days of our work in this House and I ask for your patience. It was agreed by the leaders of the Government and the Chair that we conclude our final sitting of this Term in this location. There are problems experienced but we will continue until the final days.

Yesterday it was expressed that we should conclude today but it is dependent on us because there are still many orders to be addressed. After the incidents yesterday, I remind the House to be cautious but we have received report that everything is sorted. This is our final day and then tomorrow we will have our Ceremony to thank and give praise to the Lord for the work this year in this House before the demolition of the old Maota. I plead for your patience today.

PRESENTATION OF SELECT COMMITTEE REPORTS

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

1. P.P. 2015/2016 No. 41, Report of the Foreign Affairs, Trade and Revenue Committee on the Tax Information Exchange Amendment Bill 2015.
2. P.P. 2015/2016 No. 42, Report of the Finance and Expenditure Committee on the Credit Union Bill 2014.

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MOTION FOR THE SUSPENSION OF STANDING ORDERS

Susuga Hon TUILAEPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI (Prime Minister): Mr Speaker, I move a motion, *That Standing Order 107(4) be suspended to allow for the third reading of the Bill on the same sitting day.*

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

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

**ELECTORAL AMENDMENT BILL (NO.3) 2015
– second reading debate resumed – Day 3**

MR SPEAKER: Our Proceedings were set aside yesterday after the technical issues and the Member for Gagaifomauga No. 1 had the floor.

Tofa Faimalotoa, please stand to conclude your speech followed by the Leader of Opposition.

I call on the honorable Member.

Tofa FAIMALOTOA KIKA IEMAIMA STOWERS (Gagaifomauga No.1): The Lord be praised for this opportunity to greet you Mr Speaker, the Hon Prime Minister and the Cabinet, Leader of Opposition and the Deputy Leader as well as all the Members of Parliament of the Independent State of Samoa.

I greet you also this new morning Samoa in all its honorific salutations. Yesterday our Proceedings were adjourned after the electricity was interrupted and I was concluding my remarks on the Bill on behalf of my Constituency.

As I was saying yesterday, all territorial constituencies should be allowed the same right that is awarded to the Vaimauga and Faleata constituencies as provided in (d) of the Explanatory Memorandum of the Bill allowing spouses and descendents to register in the constituency even if they have no kinship. That is my view. If it is too late now that the legislation dividing the electoral boundaries has been passed, perhaps this can be considered for the future for the Member that will return to the House.

I am supportive of the flexibility or discretion given to the Electoral Commissioner and the Office in carrying out their work and adjusting as needed after concerns were made by the Members.

Yesterday I forgot to make mention of the legislation specific to our gender and I only extend my gratitude for this initiative. Last week, the Hon Minister and Afioga Gatoloaifaana witnessed an entire day of the Assistant Commissioner and the Office conducting a workshop for the women in Savaii and they left satisfied with the explanation and clarification of the legislation. There is nothing to be concerned about and I am proud that us women are being recognized.

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Let us now move forward for I believe this is enough for now and let us lift up all our concerns to the Lord.

MR SPEAKER: Tofa Aveau is there something....

Tofa Aveau Tuala Lepale Niko Palamo (Faleata East): Thank you Mr Speaker, just a point that needs clarification.

I apologize to the Associate Minister for interrupting but it is important that she mentioned the Assistant Commissioners clarification of the legislation. I ask if the Assistant Commissioner clarified the three years of rendered service and what exactly that entails with respect.

MR SPEAKER: Your query is noted and I deem the speech by the Member clear. All the women that were present were satisfied with the clarification by the Assistant Commissioner. That was the point being made. The Hon Minister responsible for the legislation has also explained it and one of the Members for Faasaleleaga No. 1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow also shared that the women present were content. Before the matter is dragged on, please conclude Member for Gagaifomauga No. 1.

Tofa Lealailepule Rimoni Aiafi (Faleata West): Mr Speaker....

MR SPEAKER: Yes Member for Faleata West?

Tofa Lealailepule Rimoni Aiafi: I wish to ask for the number of women that will be running and what is the name of their Party? With respect.

MR SPEAKER: There is no womens Party and that is confirmed because they have told me. They will be running from their own constituencies. As for the explanation, it was clear. The Member for Gagaifomauga No. 1 clarified that everyone was satisfied with the Assistant Commissioners clarification.

Member for Gagaifomauga No. 1, have you concluded your speech?

Tofa FAIMALOTOA KIKA IEMAIMA STOWERS: Thank you Mr Speaker. I think the Members that interjected were clarified by your remarks. The Womens Committee invited the Office and the Electoral Commissioner after requests from the women in Upolu and Savaii and each workshop finished after 5.00pm or 6.00pm each day. As I said, let us give up all our concerns to the Lord to bless our Elections and I believe the Bill should now be passed seeing as there are many other Bills. God bless our Meeting.

MR SPEAKER: You have heard men, the women have responded, mind your own business.

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I beg tolerance of the Members that wish to take the floor, the decision was made yesterday as you are all aware that we have 7 or 8 Bills.

I call on the Leader of Opposition, is there another matter? I noted you wanted to be the final speaker on this Bill, please stand if there are other matters....

Afioga Hon Palusalue Faapo II (Leader of Opposition): Thank you Mr Speaker for this second opportunity.

MR SPEAKER: I give the opportunity because the Deputy Speaker informed me that you wanted to be the final speaker on this Bill.

I beg tolerance Hon Minister, the opportunity will be given for the Governments Response and then the question will be put.

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

Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice and Court Administration): Mr Speaker and the esteemed Parliament, I extend greetings to you all this beautiful new morning where we have gathered together in good health.

I stand to respond on the second reading debate on the Electoral Amendment Bill (No.3) 2015 and I thank all the Members that commented. This Bill is specific to the General Elections and it is vital to everyone here as it affects not only the incumbent Members but also the candidates that will be vying for a Seat next year.

Mr Speaker, my response is divided into three parts. First, I wish to generally explain the objective and purpose of the amendments to the Electoral Act since last year to this year. Second, I will speak specifically on the Bill now before the House and the matters raised by some of the Members and thirdly, other electoral matters not in this Amendment Bill.

First Mr Speaker, as I explained for other Amendment Bills, there are two critical changes intended; one, to remove the Individual Voters Roll and have one roll for everyone and two, the division of the territorial constituencies with two seats as done with the previous Amendments. These two changes are currently underway. A new development is the Urban Seats and I need not explain that again as it has passed the House. However from this new change, there are further changes that need to be addressed and we are trying to fully prepare for the implementation.

Mr Speaker, the two changes I mentioned, if we have two electoral rolls, it will seem as if the rest of the country is separate from the Individual Voters but with one roll, the Elections will be administered with only one roll. There are matters that existed since the founding of our State and that is the migration of our people to the urban areas living on freehold land. I feel that this should be explained especially for the Vaimauga and Faleata constituencies.

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For the two seats of Faleata and Vaimauga, they are territorial constituencies and there is a tug of war for the residents that live in the urban area within these constituencies. It was then recommended as it was with the Bill that was tabled, that Urban Seats be created.

Mr Speaker, behind the two critical changes I mentioned, I need to remind the House that our Elections are founded on the matai system. I mentioned in the beginning that our forefathers decided that our political system and the General Elections for Samoa would be founded on the matai system. If you recall, as recorded in our history, the Constitutional Convention presented to the United Nations the decision of the Samoan people, for their Elections to be founded on the matai system but they responded that there should be a referendum in consideration of democratic principles. We proposed that only matai vote and only matai can be representatives in the House. The plebiscite was carried out and in the end, the Constitutional Convention made the right recommendation on behalf of the people and it was so.

I refer back to history Mr Speaker because we are continuously making changes to our elections but we cannot sidetrack from the foundation of our Elections which is the matai system.

Mr Speaker, I now come to the Bill before us which has already been commented on by the Members. The dignity of the House, I was absent from our past Sitting due to illness but the Leader of the Government has remarked on the Bill and responded to some of the matters raised in that Sitting. This is the practice with our work where the Government presents a Bill and we listen to the comments made and take note if they are valid.

This Bill is the response of the Government to the recommendation and comments by the Members during our deliberations. However now that the Government has responded through the Bill, there are still opposing views. I will start with explaining the three year rendered service for a candidate.

I go back to my explanation regarding the foundation of our elections which is the matai system. A matai's identity is their family and village. When it comes to elections, the choice is for who has served and represented the family in the village council. That is a matai. Also consideration is given to whether they have resided within the village and constituency or whether they reside elsewhere because of other reasons such as employment. Despite this service must still be rendered to the family, village, church and constituency.

This is nothing new to us and I am surprised that some have interpreted this change as a strategy to prohibit some from running in the Elections. Mr Speaker and Members of Parliament, there is no other foundation of our elections except the matai system. It is the matai's discretion but I know that any matai that has not served is known by the village and community and they will not vote for that person.

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If we recall the previous Terms, there are those that were able to be elected into this House on their first attempt. Why? As some mentioned, it is money. The question is if this is what we should be doing? Is it good practice for our villages and communities? We should not mince words, the matai is the only foundation of our elections but there is a new kind of matai system we see arising.

MR SPEAKER: I beg tolerance of the Hon Minister, I give the floor to the Members interjection.

Afioga Peseta Vaifou Tevaga (Faasaleleaga No. 4) I thank you Mr Speaker and I greet the honorable Members present, Hon Prime Minister and the Cabinet, Leader of Opposition and that side of the House. I was listening intently to the clarification by the Hon Minister. I am one of the Members that emphasized some of these points yesterday. I stand with respect to respond to the remarks by the Hon Minister because the House is listening.

MR SPEAKER: I apologize to the honorable Member. I did not think there would be offense because the Hon Ministers speech is general. We might prolong the matter and we will be confused but your concern is noted. The clarification by the Hon Minister is specific to those who lived overseas and return and enter the Elections. Others leisurely hang out in town and are successful. The Hon Minister is explaining that the villages know the Member that should be elected and in the case that a candidate makes it though trickery, they do not stay for long. The constituency knows a genuine candidate that cares for them. I beg leniency Afioga Peseta, your constituency is aware of your service. Do not worry about the money, money is not the problem, you are the problem.

I beg tolerance of the Hon Minister, I call on the Member for Gagea No. 2.

Tofa Levaopolo Talatonu (Gagea No. 2): Mr Speaker, we are confused because we are not sure if the Member is standing to correct or to contradict something.

MR SPEAKER: I call on the Hon Minister to continue your speech.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. I will continue my explanation of a matai. During our deliberations on the previous Amendments, the Hon Prime Minister stated that after the General Elections next year, the foundation of the elections would be reviewed and what is that? It is the matai system that will be reviewed. But since we began our Sitting last week, I heard Members state that this is all a strategy to divide.

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Mr Speaker, if this was a strategy, it would only be to strengthen the foundation on which our Election is established and that is the matai system. To ensure the matai service is transparent the three years is just a minimum but it can be 10 years. A Members calling as decision maker is essential for the successful development of Samoa. Therefore the Government will not be swayed by such remarks.

MR SPEAKER: I beg tolerance of the Hon Minister, I give the floor to the Member for Gagaemauga No. 2.

Tofa Levaopolo Talatonu: A point of clarification. Hon Minister, regarding your explanation on the foundation of our Elections and the matai system. I ask whether the Election is truly based on the matai system? It is clear that the matai system is the authority of the village council in the village and communities. But in Parliament, it is not the matai system. We are here with the Individual Voters. If we were to practice the true matai system, the constituency would elect directly their representative without an election.

That is my view on it but thank you for your explanation.

MR SPEAKER: I call on Tofa Aveau.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker, I apologize to the Hon Minister for the interruption but there is a point that I need clarified. It is beginning to sound as if the word service in the Bill is interpreted as being synonymous with the matai system. Others spoke on including the service of the untitled men.

I wish to understand what of the person that has only been bestowed a title for say 2 years, is this the matai system that you are referring to, counting only from the time the title is bestowed?

Afioga Hon FIAME NAOMI MATAAFA: This is the second reading debate and it is on the general merits of the Bill. You have been here for an entire term of five years and you still do not understand these procedures?

Tofa Levaopolo Talatonu: Mr Speaker, a point of order. The Associate Minister spoke on a matter that I queried....

MR SPEAKER: I will respond. Did you not hear the Hon Minister state that when we return in the new Term, all this will be reviewed in attempts to clarify some of your concerns on the definitions of the boundaries. These are some of the general matters as well as the explanation for the service rendered and there are plans for the future to review the entire electoral system. I beg tolerance of the Members for we are prolonging the matter but it has been clarified by the Hon Minister. Tofa Lealailepule....

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Tofa Lealailepule Rimoni Aiafi: Mr Speaker, I understand the stance of the Hon Minister on the individual matters but there was mention that the basis for Elections is the matai system. The Hon Minister was correct in explaining the original system used for Elections. With universal suffrage, Samoa headed towards an internationally accepted system for women to be included in Parliament. This is not part of the matai system. They are applied practices. We are changing the electoral system to be progressive and what you are stating is no longer applicable. The original system was changed pursuant to....

MR SPEAKER: Your point is noted Lealailepule....

Afioga Hon FIAME NAOMI MATAAFA: The Member for Faleata West has mentioned that the matai system is no longer applicable. Who then is sitting in Parliament, in this House? Are there untitled men? No, there are only matai. Why? It is because of the Constitution that was established by our forefathers.

Mr Speaker, there are some opinions in the House that the Election is not a Samoan practice. When one is chosen within the family, even if there is no ballot, the leader or the matai represents the view of the family. Sometimes the matai will assert their authority and that is leadership behavior. We return to the Elections, note the processes we had to go through to have Elections. When Samoa became part of the United Nations, we would have to use their practices and part of these practices is to have Elections. But our forefathers persisted on the matter of Elections and that we should include the matais because they are leaders of families, villages and our constituencies. It is through the matai system that the family seeks harmony and togetherness. But now the Member says that this system is invalid, woe is me Mr Speaker.

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

Afioga Hon FIAME NAOMI MATAAFA: This is why I said that if the Members think it is a strategy, it is a necessary one. If you believe that the matai is not valid, then all of you here are not valid as well.

MR SPEAKER: I beg tolerance Hon Minister.

Tofa Lealailepule Rimoni Aiafi: This is exactly what is known as a strategy; to twist and misinterpret words. When I said that the matai is not valid, this was not the entire meaning. The meaning of my statement is that the intention of our forefathers in the beginning is for only matai to vote and be candidates.

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Then there was a change and the voter age was set at 21. Why then are we taking a step back? You were there during these changes and you did not oppose it. Why then are matai allowed to vote in the urban areas and not in their villages? Those are the changes.

MR SPEAKER: I beg leniency Tofa Lealailepule. I call on one of the Members for Vaimauga West, Tofa Lefau Harry Schuster.

Tofa Lefau Harry Schuster (Vaimauga West): A point that needs clarification. I applaud the Hon Minister for the clarification. I do not contest but absolutely agree that Samoan culture is practiced in Parliament through the matai system and we are different from other countries. The family elects their matai based on their skill to lead the family within the family, village, constituency and country. But the matai are being divided into categories. A matai that has served less than 3 years is the same as a matai that has served 3 years or more. The only difference is that those who have served 3 years are able to run as a candidate but those who have not cannot but there is no difference in the Samoan culture that differentiates the duties of one matai to the other.

MR SPEAKER: Your point is noted.

Afioga Hon FIAME NAOMI MATAAFA: These are all specifics but lets focus on the general merits.

Tofa Levaopolo Talatonu: Mr Speaker....

MR SPEAKER: I apologize, Tofa Levaopolo your point is also understood.

Tofa Levaopolo Talatonu: It is a short question on the matter. Who did these changes? It began with that side and you are hiding behind the matai system but you amended the Law as we are heading towards the Elections.

MR SPEAKER: Sit down Tofa Levaopolo. That is what you call a breach of Proceedings. The Government is responding. It has been three days of debating this matter. Give the opportunity to the Hon Minister to respond. As for your concern on who made the changes, it was Parliament. Why did they make changes? It is common sense in relation to the times we are in. We are no longer isolated, we are a Westminster System. Parliament is progressing towards instilling this system. Who is the Hon Minister referring to? It is us. Who elected us? The authority or administration from the villages. The Hon Minister has also mentioned that when we return, we will review the matter.

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There is no one else that calms the country than the matai, those who elected us. Without the oversight from them and our Lord, nothing will be right. I beg tolerance of the Members, let the Hon Minister respond, do not be concerned about the word ‘auupega’ it is a debatable issue. Leave the Hon Minister to finish responding.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, that word is not mine, it is from that side from an elderly Member. I call on the Afioga Leaupepe.

Afioga Hon Leaupepe Toleafoa Apulu Faafisi (Aana Alofi No. 1): Mr Speaker, because some of the Members are unsettled by the use of the word matai. There is a difference in the electing of matais. Matais are chosen from kin. There is no difference with Elections. That aside, when a brother goes against his sister, the father will say “It is cowardice to go against your sister”. I see that the Opposition is agitated. Everyone is going against the Hon Minister and that is how we know that you are cowards. With respect, thank you.

Afioga Afualo Wood Uti Salele (Salega): Mr Speaker, a point of order, she is our sister but also a matai. Thank you.

MR SPEAKER: The Member for Salega is not a coward.

Afioga Hon Palusalua Faapo II: Mr Speaker, I was sitting intently. Thank you Hon Minister, this Side raises queries because the Hon Minister is making general remarks but with the remarks are some matters that this Side should question especially since some of the remarks are accusing this Side. This is why I ask Mr Speaker, that this Side be given the opportunity to comment.

MR SPEAKER: I beg tolerance and ask that you not be offended by the remarks of the Hon Minister. The matters were raised at the discretion of the Hon Minister. When we return, we will review these matters. I believe the matter is understood, I call on the Hon Minister to continue your speech.

Afioga Hon FIAME NAOMI MATAAFA: I thank the Member for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi for supporting this old woman and her remarks on the Bill. I forgot to wear my *tiputa* today so that I can raise it up and you will see that you are not arguing with a man, but a woman. I am no mere lady but I will remember my *tiputa* tomorrow to prove my gender.

Mr Speaker, it is good that we joke incase there is anger amongst us but the Government must respond. I remind the Leader of Opposition that the word we are debating was not mentioned by our Side, but your Side.

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Tofa Levaopolo Talatonu: Mr Speaker, I was the one that used the word and I wish to explain.

MR SPEAKER: I will give the opportunity later Member for Gagaemauga No. 2.

Afioga Hon FIAME NAOMI MATAAFA: But the word was used negatively, assuming the Bill is a weapon to bind the opportunity of others. The Deputy Speaker replied to the Member that said these words to be respectful with the words used in this House because when we talk of weapons, it is used to kill another person and is not easily accepted by this Administration. There are many weapons, or tools. Perhaps the word ‘tool’ is not as harsh. The day will come when we will have our Elections, but who is in the House? Matai. Matai that we have pride in. We should think deeply about the future.

MR SPEAKER: I beg tolerance Hon Minister, I will give the floor to Tofa Levaopolo.

Tofa Levaopolo Talatonu: Thank you. I stand with respect Mr Speaker because it seems that the word I used is interpreted as being harsh. I stated that this law is as sharp as a sword, not that this law is a weapon or strategy. I was speaking on its general merits. No matter how unruly you may be, you can be weakened by the law.

That is the meaning of my statement.

MR SPEAKER: It is now clear, it is likened to a weapon but it is not a weapon.

I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, there is a saying that there are those that speak and those that observe. For those Members that speak, we are observing and so we must respond. This provision specific to service rendered for three years is intended for candidates who wholeheartedly serve the constituency everyday.

In regards to service rendered, there were views sympathizing with women and that the amendment will divide many of the women wishing to put forward their candidacy. There was also a remark stating that this was the Government that made the Amendment to benchmark the number of seats to 5 for women but now they have done this change to diminish the objectives of that Amendment.

Mr Speaker, oh how sympathetic the remarks are from that Side in their pity towards women. The women in this House are matai. Those that will want to run are also matai just like you.

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That is the main requirement you need to be in this House. If the service rendered as a requirement is 3 years, it is the same for men and women. To say that this change hinders women, we should remember the Constitutional Amendment benchmarking the 5 seats for women.

If there are those that do not understand, this legislation is of a special nature. Why? There are records showing that the Pacific region has a low number of women parliamentarians. The United Nations interprets this as half or more of the country without a voice on national matters.

Mr Speaker, we refer back to the Constitutional Amendment that was tabled by the Hon Prime Minister.

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

MR SPEAKER: I will give the opportunity after the remarks by the Hon Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA: This initiative was so that the minimum number of women holding seats would be set at 5.

MR SPEAKER: I beseech the Hon Minister while I give the opportunity to the interjection of the Leader of Opposition.

Afioga Hon Palusalue Faapo II: I listened to the remarks by the Hon Minister and heard the words sympathy. The reason why this side and myself say this is because when the Amendment was made to benchmark the number of women, they went and had their bestowal ceremonies to be able to run in the Elections but now this Bill provides for service of three years.

As the Member for Aana Alofi No. 1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi mentioned, service begins at a young age from being untitled until the title bestowal to be a matai. Now with the United Nations, lots of funds have been poured in since the passing of the Amendment to allow for the 10% women in Parliament.

That is all Mr Speaker.

MR SPEAKER: Your point is noted and the explanation is clear. The Hon Minister has just completed her explanation. If women have served their entire lives in the villages, this means the desire to run has long been instilled. The Hon Minister was clear, a woman that wants to run, should serve the constituency. It was very clear. Anyone who plans to run in the Elections has prepared thoroughly and will not run only because the Constitution has been amended. Those who serve have nothing to be worried about.

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For those women who do not meet the requirements now, there will be an opportunity in the next Parliamentary Term. Lest we drag the matter further, the matter has been clarified.

I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: This is the only special requirement for women. If the number of women elected does not reach 5, the Office of the Electoral Commissioner will choose a female candidate that ran in the Elections to make up the number. In other words, women candidates will have a second chance. That is the only special requirement but for other requirements, they are the same for the men and women.

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

MR SPEAKER: I will give the opportunity later.

Afioga Hon FIAME NAOMI MATAAFA: That legislation gives a second opportunity. But the hope is that it will not be needed. If after the Elections there are 10 or 50 women that make it through, there will be no need to enforce the legislation. The objective of the amendment is so that the voice of women is heard in the House. In the 2006 and 2011 Elections a 50% decrease in the number of women in the House was recorded. If we continue down this path, eventually no women will enter into Parliament.

Mr Speaker, I sympathize because I recall the remarks that were made in the House when the Constitutional Amendment was tabled. What were those remarks? That politics is no place for a woman. That if they come into the House, who will breastfeed the babies? This is assuming that it is not the responsibility of a woman to be a Member of the House, to guard the rights of the people of Samoa.

Afioga Hon Palusalue Faapo II: Mr Speaker....

MR SPEAKER: Be patient Leader of Opposition, the opportunity will be given later.

Afioga Hon FIAME NAOMI MATAAFA: I sympathize Mr Speaker.

Afioga Hon Palusalue Faapo II: I sympathize with your constant standing....

Afioga Hon FIAME NAOMI MATAAFA: You constantly remarked that the playing field is not level. Who did you consult about the uneven playing field? All the speeches in this House are recorded, speeches saying that this is not a place for women.

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MR SPEAKER: I beg tolerance of the Hon Minister while the opportunity is given to the Leader of Opposition.

Afioga Hon Palusalue Faapo II: Thank you. This is a beautiful morning with all the matters clarified by the Hon Minister who is also spearheading the efforts to entice women to run in the Elections. The women are listening in and we stand because this Bill contradicts the supposed intention of the Government to increase the number of women that will run in the Elections. On one hand you want many women candidates but on the other hand, there is a three year of rendered service requirement.

This is why I sympathize. As for the comments about breastfeeding babies, that is irrelevant. With respect Mr Speaker.

MR SPEAKER: Your view is noted. Tofa Lealailepule....

Tofa Lealailepule Rimoni Aiafi: Thank you Mr Speaker. These accusations are serious because there is not one word that I have said in Parliament that I do not remember. When we were deliberating on that matter, I did not make such comments about breastfeeding babies. These remarks should be removed. Breastfeeding promotes health and is a good practice.

MR SPEAKER: In case the Member becomes agitated, your name was not mentioned Tofa Lealailepule. The Hon Minister did not say it was you who made these comments. I deem the issue understood and it need not be debated. The law is to prevent what could happen in the future. I have clarified this twice. The opportunity for women is not being restricted but the provisions of the law must be satisfied in regards to service to the village and communities. Member for Faasaleleaga No. 4.

Afioga Peseta Vaifou Tevaga: Mr Speaker....

MR SPEAKER: I give the opportunity first to the Government.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Let the Hon Minister have a break. There are many useful remarks being made this morning and I have heard some new things as well. The fact of the matter is that the world we live in is changing. There is a change in the balance and there are new theories on families where the husband helps with the mothers work. Men are also feeding babies. There is maternity leave for the mother which is 3 months, but there is also paternity leave for the man to help the mother in feeding and changing nappies.

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Mr Speaker, three female representatives from the United Nations visited with me about the Elections. I also mentioned this change in balance and one of the representatives said to me “Tuilaepa, why don’t you make a law like France to benchmark the percentage of women in Parliament so it will make it easier for women to enter Parliament?” I replied that the Constitution of Samoa was not created that way. The knowledge of the creators of our Constitution was exceptional when deciding that there should be no set percentage for men or women. If the percentage of women elected to Parliament is 100%, that will be the case. If it is 100% of men or women, that is how it will be, there is no benchmark. We are different from other countries. It is absolutely prohibited that only women run from a constituency. The competition should be balanced and not do as other countries where for instance, the candidates from a selected 5 constituencies are only be female. We are following in the matai system with the freedom to decide and freely elect. This practice now being done by other countries is to encourage women to enter Parliament so that they can contribute. We cannot allow only men to run in some constituencies and only women in others. This is easier where seats can be adjusted according to the Constitution Amendment. Other countries find it difficult to amend their Constitutions but for us it is not. That is the case Mr Speaker. I salute the Hon Minister for these provisions because there is no country without limitations or restrictions. They are established to prevent Members from practices such what used to happen in the past when after a Member is elected in the Elections, they move overseas and only return for the next Elections. These situations initiated the drafting of the Electoral Act amendments; they were not just made from new situations, they were initiated because of the many issues observed over the many Parliamentary Terms. We are given a freedom such as that which was given to Adam and Eve which has resulted in us being this way. Despite them knowing the right thing to do, they chose the wrong. The Governemnts intention, as is being relayed by the Hon Minister is the caution placed on our Elections so that the elected Member has wisdom and desires the success of our country with the decisions made in Parliament.

Mr Speaker, that is my response to calm the tenseness within the House.

MR SPEAKER: I deem the matter understood. Member for Faasaleleaga No. 4.

Afioga Peseta Vaifou Tevaga: Mr Speaker, we have just heard the remarks by the Hon Prime Minister. Those where the exact same thoughts I was going to impart.

But I plead Mr Speaker that the opportunity no longer be given to the Opposition but let the Hon Minister speak, with respect.

MR SPEAKER: You are also one of those interrupting.

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

MR SPEAKER: Ok Leader of Opposition.

Afioga Hon Palusalue Faapo II: The Bill is that Sides legislation therefore their Members should not interrupt but it is the Oppositions right to stand and interject.

As for what the Hon Prime Minister mentioned about Members living overseas, such is the case with the Member for Alataua West. It has been three days and he should be removed from Parliament.

MR SPEAKER: I will respond.

Afioga Hon Palusalue Faapo II: Because the constituency thinks he is attending our Sitting.

MR SPEAKER: In case the Member for Alataua West is disreputed. I received his excuse for being absent which was due to constituency matters. He is a wise Member and has gone overseas to fish for assistance. The Constituency is listening in and the Hon Ministers reason for leave was received.

I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker as well as the Hon Prime Minister for expanding on the Constitution Amendment on women seats.

I will continue on the word sympathize used by the Leader of Opposition and that side regarding women. What word would be used to describe a women elected under the Amendment? Half a Member? This word Mr Speaker is hard to accept because it assumes discrimination and they are unfit to make decisions.

Tofa Levaopolo Talatonu: Mr Speaker, a point of order.

The country has heard the remarks and it was the Member for Siumu that made these...

MR SPEAKER: I beg tolerance, I will address it later.

Tofa Levaopolo Talatonu: It was not our Side that made these comments Mr Speaker. I sympathize with our sisters...it was the Member for Siumu that used that term half a Member.

MR SPEAKER: Leave the matter, I call on the Hon Minister.

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Afioga Hon FIAME NAOMI MATAAFA: Whether it is the Member for Siumu, it is your Side that is sitting there. If it includes the Member for Siumu, it is because he is sitting on that Side.

MR SPEAKER: We have come to our hour of recess, our Proceedings will be set aside and we will continue after our break.

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

Proceedings of the Legislative Assembly were set aside at 10.39am for its usual recess and resumed at 11.26am.

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

I believe we have renewed in strength from our break. As the Chair mentioned in the past, I ask for your patience as we continue with our orders of the day. Tomorrow morning is our devotion as announced. I am grateful to the House for your fortitude at this half of the morning.

Before we went on recess the Hon Minister responsible for the Bill was addressing the House. I believe that the clarifications on the matters raised were understood. If there were comments that caused offense, I beseech the House to not take note of these. I observe all present as wise and veteran Members with discretion and common sense to not offend easily. I believe opportunity be allowed the Hon Minister to speak.

Before that, I will give the floor to the Hon Prime Minister to move a motion.

MOTION TO EXTEND SITTING HOURS

Susuga Hon TUILAEP A FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, I move a motion, *That Standing Order 31(1) be suspended to allow for a change in our Sitting hours to be as follows; 9.00am to 1.00pm, resuming at 7.00pm until all the Orders of the day as printed in the Order Paper are complete.*

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

Motion approved.

Second reading debate on the Electoral Amendment Bill (No.3) 2015 resumed.

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MR SPEAKER: I call on the Member for Siumu.

Tofa Hon Tuuu Anasii Leota (Siumu): Thank you for the opportunity Mr Speaker. We have just finished with our breakfast and I believe we have gained strength to continue with our Meeting. Just a minor matter I stand to correct because I believe this accusation to be very serious. The accusation that I was the one that referred to an additional woman Member as half a Member. The Hansard will confirm that I did not make these remarks. My remarks were very clear within the House, I began my statement with “The comedy duo of Petelo and Sumeo said...” this means they were not my words but those of Petelo and Sumeo.

MR SPEAKER: No one remembers what was said but you are correct, it was not you that made these remarks and it is now clear therefore the Hon Minister should not be concerned about this matter any longer.

I call on the Hon Minister to continue.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. I extend my appreciation to the Clerk and the Office for the meal prepared this morning and we have gained strength to continue with our response to the comments from the Members on this Bill.

Before our break Mr Speaker, I was addressing a remark that this Amendment restricts or limits the opportunity for women to run in the Elections. Mr Speaker, the explanation has already been made on the Amendment that benchmarks the number of women in Parliament to 10%. The amendment was initiated with good intentions. The Leader of Opposition is of the view that there is no level playing field for women and men under this law. There are men and women as well that believe that the role of a Member of Parliament is not for women. This is no minor issue because no matter how the law is used as a tool to solve a matter, there will always be views claiming discrimination. This is not only an issue for women in Samoa but all over the world and their views of power and authority. There is a general view that that is the responsibility of the men. I will not debate that Mr Speaker because people have differing views and opinions. But our Constitution signed by our forefathers provides for our human rights. There is a common saying that the foundation remains, but the practice changes. Changes are made according to the times. Some Members mentioned that we started with the matai and we changed it. In 1991, voting was permitted for 21 years but requirements for a candidate remains and that is to be a matai.

MR SPEAKER: I beg tolerance of the Hon Minister, I give the floor to the Leader of Opposition.

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Afioga Hon Palusalue Faapo II: Mr Speaker, I stand again because I believe this Bill to be discriminatory especially against women. The Amendment to the Constitution for a 10% benchmark for women has been passed. By March, it will not have been 3 years. This is a hindrance to the intention of Parliament when we passed the Bill and the opportunity to women. Why is it 3 years? Why now but not wait until the new Parliamentary Term?

This is why I mentioned that this should be considered thoroughly. Why three years? Some Members mentioned that service rendered begins from a younger age until you become a Member. This is why I upstand Mr Speaker.

MR SPEAKER: Your point as well as the explanation by the Hon Minister is noted. That is your view Leader of Opposition. The Hon Prime Minister has explained two or three times. I deem the matter well clarified. Leader of Opposition, your view and that of that Side has been understood, and the Government has responded that the three years is a safeguard. It is not for today but for the future. The explanations from the Leader of Opposition and the Hon Prime Minister are clear. I call on the Hon Minister to continue your speech.

Afioga Hon FIAME NAOMI MATAAFA: I continue on the adage that the foundation remains but the practice changes. In 1991 there were changes to the requirements for voters but the candidate requirement for a matai title remains.

Mr Speaker, there is no discrimination against men or women Members, they have to be a matai. I remind the Leader of Opposition that the requirements are the same for the men and women. There is no need to change the objective of the Amendment for those who have rendered service to their village and communities whether they are men or women. The intention of the Bill seeks out the Member that has rendered service and can orate.

To say that the women are preparing because of this Bill is erroneous, a matai title belongs to the family. Families do not choose their matai based on who they can elect as a Member. No. Matai are chosen by who can serve the family, village and church. The Leader of Opposition is assuming that the aim is to be a matai disregarding the objective of the Bill for women. Are there not any women with matai titles living and serving in our Constituencies? To be elected is a long term goal. I hear with irritation the words of sympathy that women are only running because of the legislation that was passed. This was not the intention of the legislation.

The objective of the legislation amending the Constitution was to allow the opportunity for women to have a voice in the Parliament of Samoa. But how this matter is being interpreted, I am saddened. I was thinking of a term to describe how I feel about the view that this Bill restricts women.

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In politics Mr Speaker, actions speak. How many women are in this House? There are three. Which side are they sitting on? On the Government's side. How many women are sitting on the other side? There are none. Where then is the sympathy for women.

MR SPEAKER: I beg tolerance of the Hon Minister while the Leader of Opposition stands.

Afioga Hon Palusalue Faapo II: Mr Speaker, the Hon Minister is beginning to stray. First of all, the Constitution Amendment was to allow for the minimum of 5 seats allotted for women, benchmarked at 10%. This legislation is to enable the opportunity for women in the Elections. The Constitution was always there but still no women wanted to run in the Elections and now it has been amended and now there is a desire to run and so matai titles are being bestowed. The Hon Minister is correct that the matai is not a new thing. Families cannot withhold title bestowals for women that want to hold titles but now there is this Bill. I am dismayed that female Members stood yesterday and expressed gratitude of this Bill. How can you be thankful for something that impacts on women?

MR SPEAKER: Afioga Hon Palusalue, your opinion is understood. I apologize Tofa Lealailepule, I will rule on this matter. I already mentioned that that is the opinion of yourself and that Side. The Hon Minister is again preparing to reply to this same issue. Refer to the objective of the Bill. This will not be our last Elections. If there are women that will be affected by this Bill, there are many other days to come. It is not specific to women, but also men ensuring that they satisfy the service requirement and not jump ship straight after succeeding in the Elections. What is the case now? Right after, they are not to be seen never to return.

The explanation is understood and clear as the Hon Minister stated, if there are changes, they are for the better. We are only focusing on the women, but the Bill is clear, it also impacts men. Anyone who is vying for a Seat needs to be completely committed to this calling and be supported by the family and village. The village knows who is running and those that have served. The explanation is clear.

I give the opportunity to the Member for Faleata West.

Tofa Lealailepule Rimoni Aiafi: I apologize Mr Speaker but this is why our Meeting is prolonged. The Hon Minister should respond directly to the queries that were presented from this Side but the problem is that she is again commenting generally. The only comment from this Side is to remove these restrictions. Everyday there are promotions on human rights. There are no promotions of the matai system. The Meeting is being prolonged and attacks are being directed to us and how we do not have women Members. What do you expect us to do? Force them?

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MR SPEAKER: Your point is noted Tofa Lealailepule.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker, I seek a brief opportunity while the Hon Minister has a rest.

MR SPEAKER: Keep it brief.

Tofa Aveau Tuala Lepale Niko Palamo: Mr Speaker, the Hon Ministers comments are important that there is no discrimination. One of the major factors prohibiting women from entering Parliament is that there are villages that forbid women from holding titles. Some do not allow women to sit in the Council. If we are trying to make this a success, we should go first and address our culture and traditions because the law is being blamed but the rights of women are impeded in the villages. With respect.

MR SPEAKER: I give the opportunity to Afioga Hon Gatoloaifaana also the Member for Faasaleleaga No. 1.

Afioga Hon Gatoloaifaana Amataga Alesana Gidlow (Faasaleleaga No.1): Thank you Mr Speaker. I stand because of the remarks made by the Leader of Opposition regarding our comments yesterday. I do not know what guided comments we made because it seems he is suggesting that we cannot comment independently on the Bill. We were elected from our Constituencies and we are matai with the knowledge and wisdom to know and understand the Bill. Our comments are not guided by others thoughts but we understand the Bill thoroughly and its intention. Thank you.

MR SPEAKER: I deem the matter understood and Tofa Aveau has touched on the matter the Hon Minister mentioned in the beginning. The Governments intention is to focus on the origins of everthing which is the matai system. I have given the opportunity but when the Government responds, you cannot...matters mentioned in your speeches, the Government has responded to. Other new matters are left at the discretion of the Government to reply to. Again, I deem the matter understood and now the final opportunity will be given to the Hon Minister for her final response.

I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. We are on the second reading debate stage. I did not interrupt any of the speeches; I only listened and recorded because I know there is an opportunity to respond and so I have. As for responding to your queries, Standing Orders dictate that comments only be on the general merits of the Bill. What are the general merits? The matai system. The three years is only a measure but it can be 10 years.

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When vacancies are advertised, there is always a provision stating a minimum of 8 years Management experience. If it is done for such positions, why not put a measure on the qualification or service as a matai. The House should not be conflicted. The country is listening in. It is not easy to accept views that state that this Government is using this legislation to sell their intention to women. It is not easy to accept. It is indicative in these remarks that there is sympathy but there is also doubt. I have already mentioned the intention of this Bill and the matai system and those that will make it in this House.

The view that women are only now willing because of the Amendment to the Constitution, assumes that those women are opportunists. I again reiterate that this Bill is not specific to women but also men.

Mr Speaker, my speech is lengthy as well it should be because 50% of the population is women. The Government cannot easily accept these remarks by the Opposition. I again go back to the word sympathy. I was trying to think of a word to describe the message behind this sympathy. The only phrase I could think of was ‘strain at a gnat and swallow a camel’. That is a very large camel you are swallowing.

Afioga Hon Palusalue Faapo II: Point of order Mr Speaker.

Afioga Hon FIAME NAOMI MATAAFA: I am sympathetic of our women if this is the attitude of our leaders.

MR SPEAKER: I beg tolerance of the Hon Minister, I give the opportunity....

Afioga Hon Palusalue Faapo II: The reason why the Government receives assistance is from our opinions. So the fact is that this is where the camel is swallowed Hon Minister. This Side stands to support. I sympathize with the women. This is why we stand, to support women candidates that want to become Members. This is the true purpose....

MR SPEAKER: Your point is noted.

Afioga Hon Palusalue Faapo II: Now it is being misinterpreted. The fact is that we make remarks to support. Whatever seminars there are, we always attend. We support to increase the number of women Members.

MR SPEAKER: Your point is noted Leader of Opposition. The matter will be left for the country to judge. We have heard your persistence as well as the response by the Government and so the nation will judge. The response of the Government is final. Let the country and those that will vote judge.

I call on the Hon Minister to conclude your remarks.

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Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, the Leader of Opposition is correct and supportive of our seminars.

The Member, Faimalotoa mentioned the workshop for women where the Amendments to the Electoral Act and the Constitution were explained. One of the Members asked if the three years rendered was explained. The simple response is that it was not explained because this Bill has only just been tabled. I will refer back to the statement that words are different and there are hidden motives.

The Leader of Opposition was invited to speak at the workshop for the women because all the women Members are from this Side and it was our highest intention that we cooperate which is why we invited the Leader of Opposition to attend. It was sad to hear his speech to the women candidates. What did he say? He said that the women in the House have no husbands like Fiame or they are widowed and then mentioned Faimalotoa. But her husband is alive and well. He continued and said if not that, they are married to a Caucasian or Chinese. How sad that he speaks on the marital status of the women and nothing about qualifications, the matai or their service in the village or constituency. As for the marriage to a Caucasian or Chinese, he continued that a Samoan cannot help his wife. These are the words used. They seem to be sympathetic but they do not emphasize with women and they are being belittled by the Leader of Opposition.

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

Afioga Hon Palusalue Faapo II: Mr Speaker, looking at the history of women in Parliament, they were married to Caucasian and were also widows. That was my comparison but the Hon Minister is misinterpreting my speech. This is why our Meeting is taking long. We cannot sit idly; we need to correct these remarks.

MR SPEAKER: You are understood.

Afioga Hon Palusalue Faapo II: I advise the Hon Minister to continue on our Bill and not collect rubbish. There was a reason for my remarks. It was to clarify the history of women that have come through the House.

MR SPEAKER: I beg leniency your point is noted. Leader of Opposition, as I tried to clarify in the past, everything the Hon Minister is responding to is what you mentioned. Leave the opportunity for the Hon Minister to respond and if you are offended, you are aware that the floor is still being given.

I beg tolerance of the Members, I call on the Hon Minister.

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Afioga Hon FIAME NAOMI MATAAFA: The meaning of my remarks is that there is one picture but there are many interpretations. The interpretation of a picture is in the eye of the beholder. I am also a veteran Member of this Parliament. This picture of the history of women in Parliament painted by the Leader of Opposition is true, some of them live with Caucasians and others are widowed but there are also some who served in Parliament with their spouses. Three if I remember correctly; Leaupepe, Aiono and Maiava. But the picture that was painted and the remarks made I would personally interpret as assuming that the years have passed when the priority was the family and children. When a woman has a matai title, they possess the knowledge. You are all aware that the Member for Gagaifomauga No. 1 has served for many years as a Head of Department. The Member for Faasaleleaga No. 1 is a business woman and has served her family. As for myself, I served for 7 years as a matai before I came into Parliament. The only way I interpret the picture painted by the Leader of Opposition, if you do not marry a Chinese or you are a widow you cannot... my heart weeps at the assumption that a Samoan man cannot work and serve his wife. This is what was said, that the Samoan man cannot do that.

Mr Speaker, the Government cannot accept these views that there are restrictions on the opportunity for women. I again reiterate the remarks 'strain at a gnat and swallow a camel'.

I now come to another part of the Bill....

Tofa Lealailepule Rimoni Aiafi: Mr Speaker....

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

Tofa Lealailepule Rimoni Aiafi: This Side cannot sit aside while these remarks are being made by the Hon Minister which does not recognize the support we give to the women. I do not know if the remarks are towards their Side or our Side. We are being given the opportunity to speak. We should not release the chicken and hold on to the rope, (.....) if the opportunity is being given, do not hold on to the chicken, held by the Hon Minister, (.....) the chicken wants to live.

MR SPEAKER: I beg tolerance of the Member for Faleata West....

Tofa Lealailepule Rimoni Aiafi: Please, it seems as if they are attacking our Side, but it is cloaking the....

MR SPEAKER: I think that we should still....

Tofa Lealailepule Rimoni Aiafi: If it is the speech by the Leader of Opposition that is his view.

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MR SPEAKER: Your point is clear.

Afioga Hon Palusalue Faapo II: Mr Speaker, in the interest of the Hon Ministers time. This Side cannot accept these statements. I assumed that our Meeting would be cordial but listen to these words being said?

MR SPEAKER: It is clear.

Afioga Hon Palusalue Faapo II: It is not acceptable.

MR SPEAKER: I understand Leader of Opposition. The opportunity is being given but it seems that our Meeting is getting out of hand and boundaries are being crossed. This House is where we speak facts and the words we say are our countries proverbs. There are no such proverbs such as this and I order that these words be omitted from our records. They are not appropriate to be heard by our nation.

*[Statement by the member for Faleata West that the Speaker ordered to be omitted from the Hansard: **togi le afa ae uu le moa, pe na ona uu o le moa, ae uma titina le moa.**]*

Tofa Hon Tolofuaivalelei Falemoe Leiataua (Minister of Women, Community and Social Development): Mr Speaker, if I could have an opportunity please.

MR SPEAKER: This is why I said in the beginning to please have some sympathy. The Hon Minister wishes to address these words which are the words of our culture. If we change it then it would not be ideal. I was trying to calm our Proceedings and the Hon Minister is about to complete her speech. I apologize to the Members for we may continue down the wrong path and continue in error. Leave the matter for it is clarified. The Hon Minister has completed her remarks.

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

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Mr Speaker, I am the whip of this Side and I am well versed in our culture and these proverbs. I see that the Opposition is concerned about the Hon Ministers use of words. Those words were the words of Jesus to the Pharisees and Scribes, not to the Samoan people because we do not have camels in Samoa. If you really think of Jesus words ‘Ye blind guides, which strain at a gnat, and swallow a camel’ a camel is bigger than a person but the wisdom of Jesus in Theology is great.

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This is why I recommend that you listen intently on what the Hon Minister is saying. If I rate the Hon Ministers speech and responses compared to your comments, I rate her as 10 and yours from 0 downwards.

Afioga Hon Palusalua Faapo II: Mr Speaker....

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Minors, minors, minors.

Afioga Hon Palusalua Faapo II: Mr Speaker, are you allowing these kinds of two-sided and disrespectful remarks by a Minister who was also a Speaker. You do not instruct us. Your words have many negative connotations. We are not your children to instruct. You instruct your own children. We are Members of Parliament. This is why our Meeting is in uproar.

MR SPEAKER: It is clear. You should assist in keeping harmony in our Meeting. I beg tolerance of the Members, the Hon Ministers remarks were clear. If there was an offence, I ask for your leniency. We deliberate and share but we cannot take lightly some of the words that are being said. What do you think is the opinion of Samoa to listen to such words that a Lady Minister proposes a legislation to restrict women? Would you accept that? The Hon Minister is trying to explain the Bill because the country and the women are listening in and they are guessing the facts.

I beg tolerance of the Members, as I said before, they will be the judge because they are the ones that this Bill is referring to. The male and female candidates. If you know that you have served enough, then you raise your hand for candidacy in the General Elections. Only a person who has had enough knowledge and is qualified and committed can be a Member because it is not an easy position. You do not just leisure around overseas and expect to come into this House. No! It is only those that that are elected by the Samoan people.

I will give this next opportunity to the honorable Member for Gagaifomauga No. 1.

Tofa Faimalotoa Kika Iemaima Stowers: Thank you kindly Mr Speaker for this opportunity. As we are on the matter of women, I wish to make a comment. I wanted to touch on the matter of the womens workshop that the Hon Minister mentioned. It was only the three of us there with Afioga Gatoloaifaana. I am dismayed that the Leader of Opposition stood to justify his comments. I support the recollection by the Hon Minister regarding the mention of our names. It was Fiame having no husband, Gatoloai being married to a Caucasian and I was married to a Chinese or am divorced. These comments were being made while our families were listening and we were just looking on. We sat there and held it in but what the Leader of Opposition did was embarrassing to us who were chosen by our villages and constituencies. There were only three of us and we were being embarrassed.

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Mr Speaker, that is enough of these comments against women. They are listening in and you yourselves have wives. There were only three of us being assaulted while other women were listening in. That is the request Mr Speaker with respect.

MR SPEAKER: Thank you.

Afioga Hon Palusalue Faapo II: Mr Speaker.

MR SPEAKER: This is exactly what I was talking about

Afioga Hon Palusalue Faapo II: Yes Mr Speaker. It is being a burden but I was in support....

MR SPEAKER: Is this support?

Afioga Hon Palusalue Faapo II: Yes. They are putting too much emphasis on this but I was there in support and it was a little humor to lighten up the workshop that day. But it is being misinterpreted. There was a reason why I said that as I tried to explain. It was the history of women in this House.

MR SPEAKER: Your point is noted Leader of Opposition.

Afioga Hon Palusalue Faapo II: I apologize Mr Speaker. But they also made comical remarks towards me on that day but I am not mentioning them. They also mocked me, but I did not think much of it. Mr Speaker, despite that, I apologize to the women Members.

MR SPEAKER: It is clear.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, nowadays everything must go. Afioga Hon Palusalue, state your side. What comments were made towards you so we can listen?

MR SPEAKER: I apologize, we have come to a very sensitive subject. I plead tolerance from our women Members. The Leader of Opposition has made his apologies. His humor was misinterpreted and the House has heard his apology. As for the remarks that were made, leave them alone.

I call on the honorable Member for Faleta West.

Tofa Lealailepule Rimoni Aiafi: Thank you. The speech is like a campaign by the Hon Minister. Welcome to politics. If you want to enter this House, it is all part of politics. But look at the context. As for the support of this party, it is 100%. With respect.

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MR SPEAKER: I call on the Hon Minister to conclude your speech.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. The number of women is being increased but I see the Member for Faleata West and that side laughing as if it is humorous. It is not funny because behind it there is a hint of discrimination which we should not practice as Members.

Mr Speaker, let us move to another matter mentioned by the Leader of Opposition regarding our responses. What did you expect? That you just make your remarks and the Government just sits idly? The Government must respond. The Minister is not the only one responsible for the Bill but the Government. I will respond to the Leader of Opposition. Despite there being a small number of women in the House, but if the intention of the amendment is true, the voice of women will be heard whether there is only one or two or three. The objective is that the voice of women in politics is not silenced.

I will now address the provision to change the imprisonment grounds for disqualification for candidates for Members of Parliament from 2 years to 4 years. One Member queried if this was an appropriate term. The truth is that there should always be a term for these. This is the term, 4 years. Four years to enter and four years for the removal of the title because of a crime and the penalty is not always imprisonment. If in another Term this House wants to change this, then it will be amended.

Another part of the Bill is specific for the constituency of Vaimauga and Faleata for those that registered in this Roll in 2011.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker....

MR SPEAKER: I beg leniency of the Hon Minister while the floor is allowed for the interruption by the Member.

Tofa Lealailepule Rimoni Aiafi: Thank you Hon Minister. I personally believe that the candidate and a Member of Parliament should not be the same. They are two different positions. The candidate is not a Member and has served their time. The Member has already made their oath and is a leader of the country. They should not have the same penalties. The penalty for the Member should be heavier and that is my belief Hon Minister. Whether the penalty is imprisonment, the removal from Parliament should be automatic.

With respect.

MR SPEAKER: I call on the Hon Minister to continue.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, the Members view has been noted but the response of the Government at this time remains.

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Now to the part regarding the Vaimauga and Faleata constituencies. For those recorded in the Rolls for these territorial constituencies in the 2011 Elections, if they decide to remain, the purpose of this Amendment is to enable them to remain.

Mr Speaker, now to other matters raised on this Amendment. A Member mentioned the date for the closing of the Rolls and the closing of the registration of candidates. As I said in the beginning, these matters were noted by the Electoral Office Commission, the Office of the Attorney General and the Cabinet. There are some challenges to such an issue. First, the closing of the electoral rolls. The last Elections was in the beginning of March and so the next Elections will be in the beginning in March as provided by law after every 5 years. Four months before that date, the roll is closed which is November. The Office of the Electoral Commissioner needs four months to the time of the Elections to prepare the roll and make changes. The registering of candidates cannot be closed on the same day because that is when the Term is still in session meaning we cannot prepare for another Election while the Term is not complete. When the session is over, then Parliament is officially dissolved. The Constitution provides that Cabinet will continue. We all understand this as Members. This is the way of the game we are in.

Afioga Peseta Vaifou Tevaga: Mr Speaker....

MR SPEAKER: I will give the opportunity to the Member for Faasaleleaga No. 4 followed by the Members for Palauli le Falefa and the Member for Faleata West. Please keep it brief.

Afioga Peseta Vaifou Tevaga: Thank you Hon Minister. This was one of the matters I touched on; to close the voters registration and the candidates registration on the same date. The reason for my suggestion as I mentioned, we are all certain of our constituencies and will run in the Elections. But for those who are unsure of their constituencies, they are still deciding. For us incumbents, our constituencies are assisting and we cannot stop our service. This Bill also touches on service. There is no one in this House who is approached by their constituency and they are turned away. When the title is bestowed, it does not end at the Elections. This is my point. There should be balance.

If the dates for the registrations are not the same, anything can happen. If this is the case, the candidates will not be able to charge me now until it is the last day of registration and then they can declare it. Therefore from now until January there will be no declaration and I cannot be charged under this law. This is why I said Hon Minister it should be closed on the same date. How about those who do not declare their constituencies? Service is now being emphasized.

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Our village came yesterday and I cannot deny their requests but the legislation says this is closed. This is why I suggest that the registration for voters and candidates should be on the same day. With respect.

MR SPEAKER: The Hon Minister has heard your view. I ask for your patience. Money is not a problem for you. I call on the Member for Palauli le Falefa.

Afioga Hon Faumuina Tiatia Faaolatane Liuga (Palauli le Falefa): Thank you for the opportunity Mr Speaker.

I thank the Hon Minister for the explanation and I support this Bill and the clarification of the Amendment. Do not listen to the Members complaining because they are only worried. There is one matter mentioned by the Hon Minister. I think of the relationship between a bother and sister. She stated that if she had known she would wear a skirt. That is only done in nightclubs where a female lifts her skirt to a male. I request Mr Speaker that these words be removed from our records because our children will read as if we are speaking about the relationship between men and women and attraction. With respect.

MR SPEAKER: Tofa Lealailepule, I apologize Hon Minister while I give the opportunity to the Member for Faleata West.

Tofa Lealailepule Rimoni Aiafi: I think the Hon Minister is concluding but there are other matters such as that regarding the Urban seats and Vaimauga and Faleata.

First, the Hon Minister began her speech by saying that one intention of all these amendments is to have one roll for everyone. The intention that we attempted to propose....

Afioga Hon FIAME NAOMI MATAAFA: A point of order Mr Speaker, I was about to explain and I will get to that subject.

Tofa Lealailepule Rimoni Aiafi: I assumed you were concluding your remarks. I apologize.

Tofa Levaopolo Talatonu: A point of order Mr Speaker. I am of the same view as Afioga Faumuina. My only reminder to the Member for Palauli le Falefa is that the *tiputa* is a traditional Samoan garb but I beseech the Hon Minister not to lift it and show us anything. With respect.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker, this is not the only matai title that I use. I also have other matai titles that also involved cattle being slaughtered and money spent so they must all be addressed. With respect.

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MR SPEAKER: I apologize Afioga Faumuina but we have different views on our deliberations. I noted the remarks by the Hon Minister and there is a historical reference. The war was fought and in the end, it was found that the warrior was not a man. But she did not lift her *tiputa*, it was lifted during the war. Despite the Minister being a female, you are still badgering her. That was why the Hon Minister used this as a reference but it is no reason to conflict. But your point is recorded Faumuina which is also important but I do not think it would happen. I also know that Fiame does not wear a *tiputa*. That was when the country was in poverty and that was the only way clothes could be fashioned to allow for leg and hand movement.

I also believe that it is not a big deal as it is clear the Nafanua wore this during war. The Hon Ministers remarks were clear and it was not out of rudeness or disrespect in this House.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker, it was only a suggestion to omit the words from the records. That is all with respect.

MR SPEAKER: Let the matter be.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. I noted the Members remarks on the closing of the roll and the candidacy registration. There was a Member who was offended by my remarks about the *tiputa* and I thank you Mr Speaker for responding.

The reason I said what I said was because of the remarks by the Member for Aana Alofi No. 2, Afioga Hon Leaupepe Toleafoa Apulu Faafisi which I interpreted as “Hey, you are fighting with a woman not a man”. I know that if we interpret Nafanuas *tiputa* lifting up, it was because they thought she was a man. If they had known she was not, it would have taken a different turn. The mention of the reference was to remind those men that I am a female. And how do you tell the difference between a male and female? I do not need to tell you that. The only thing is that you were right, she did not lift it, it was blown by the wind. I will amend my remarks Mr Speaker, I will wear a *tiputa* but I will not lift it but we can get fans to blow it up. Mr Speaker, if the Member is offended, it is not a bad thing.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker, there is no need for a skirt, there are see through materials that do not need to be lifted, with respect.

MR SPEAKER: Afioga Hon Leaupepe, is there something you wish to say?

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, Levaopolo corrected it. It was a *tiputa* not a skirt. A skirt is for the bottom part and if it is blown up, you will see something different.

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Afioga Hon Leaupepe Toleafoa Apulu Faafisi: Mr Speaker, I stand again because we are speaking of what was past. It has been more than 2 hours since and we are again talking about it. The reminder is that when the war between Gagae and Gagaifo was raging, the *tiputa* blew up and the other side was shocked. They thought to themselves that this was not right. We are close to the time of ending this Sitting and we are still carrying on in error. Despite you all seeing that it is Fiamē, you still debate it.

This is why I remind you of this. Afioga Hon Faumuina stood because it is new to his hearing. He has many matai titles but has not served long....

Afioga Afualo Wood Uti Salele: Just a correction to the Afioga Hon Leaupepe, it was not Gagae, it was Aea in the east and Aea in the west. That is the meeting place of Afualo at Malaeolema. This is what the Hon Minister was referring to. With respect.

MR SPEAKER: Afioga Hon Palusalua, you still do not understand the story being told?

Afioga Hon Palusalua Faapo II: I commend the recommendation by Afioga Hon Leaupepe. I only stand to say that it is better that if the *tiputa* falls, let it fall on your Side but not on our Side.

MR SPEAKER: Do not worry. We have watched already and we are giving the opportunity for you. It is not something we need to question, it is up to the woman who is also a veteran Member of this Side. You should be happy you will have free viewing.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, I note that only Afioga Hon Faumuina and Afioga Hon Palusalua are arguing about the Hon Ministers comments. She can return but just leave the *tiputa*. Thank you.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, it is good that we speak of other matters to break from the matter at hand.

I now come to the matter of defacto relationships which was mentioned. I know that you all think that everything on this earth can be provided for in the Electoral Act. However, for spouses and marriage, there is a different legislation for this. If there is an opinion that defacto spouses should be recognized, we should refer to that legislation for reference. On that matter, it is probably easier if there is only one defacto, but there are some that have many defacto spouses and then we will not know whether to register all of them or like the Arabs, only the two eldest wives. Perhaps there will be a day when this will be considered.

Another matter that was mentioned was online registration. Mr Speaker, it will not be long before we achieve this for the Office. The only equipment currently being awaited is for fingerprinting.

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There was also another matter which was recorded by the Leader of the Government regarding matai kinship. For instance if the father is a matai from Lotofaga and his wife is a matai in Lefaga but the children are matai in other villages. There was a request on the Bill if the wife and children with registered titles in other constituencies can vote for the father who is a candidate. This matter considered by the Office and the Attorney Generals Office first realized that a matai's heritage is in the family, village and constituency. The only provision that allows for voting in different constituencies is if they hold many titles and they can choose which to use. The request that was made for spouses and children that are registered title holders in other constituencies. Remember that the law provides that where you are a title holder is where you will vote. The request seemed to be specific to candidates allowing spouses and children who are registered title holders elsewhere to vote for them. The true foundation of the matai is what the elections is also founded on. We will be straying from this foundation where the matai's identity is their family, village, community and constituencies that own the title. In other words, the spouse or children will dictate the matai but the matai already has an identity. If we were to allow this, it would not be fair for all the matai and so we come back to the foundation I mentioned. There will be a crack in the foundation of the matai system which is the village, family and constituency if matai are divided because of spouses and children. This is why the Government, upon advice, deemed this inappropriate.

MR SPEAKER: I beg tolerance, the opportunity will be given to Tofa Aveau.

Tofa Aveau Tuala Lepale Niko Palamo: Thank you Mr Speaker. Thank you also Hon Minister for the explanation. I was the one that mentioned this subject. I mentioned it because it is now permitted for the urban seats. The matai has the freedom whether they stay in the urban constituency on free hold land, or if they are a matai in the village where they are a registered voter. So the law permits this for the urban seat. If this is so for immediate family it includes candidates, residents as well as the mothers and fathers living within the village with the family. With respect.

MR SPEAKER: Tofa Lealailepule.

Tofa Lealailepule Rimoni Aiafi: Thank you Mr Speaker. This is important. If you remember, I mentioned in the past that my wife de-registered her matai title to vote for me in the past Elections. As was the concern by the previous Member, be cautious by permitting this, the matai in the urban constituency can choose where to stay and be a matai.

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Take this into consideration, now my wife has given the letter to de-register her title to vote for me and when she goes to the family and village, they will say that no one has the authority to remove the title. It is only for the Elections and the title has to be removed just so she can vote for you? The law is one thing and then there is common sense or logic. With all due respect.

MR SPEAKER: The Members view is noted. I call on one of the Members for Aana Alofi Nu.1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi.

Afioga Hon Leaupepe Toleafoa Apulu Faafisi: Thank you. It seems that there is a need to have a winning side. The Hon Minister has clarified the Elections is based on the matai. The matai is also our culture. A Samoan has more roots than that of a tree. There are roots not only to the father but the mother as well. Then there is the mothers family and fathers family and their parents families. I have heard that when the Government and Hon Minister decide, that is what is done. Just a brief thought based on the fact that the opportunity is being allowed for the Urban Constituencies. One side is being opened but the other is being restricted. This is why I am dismayed but that is only my view. However what the Government desires that is what we will follow. But as I said, one side is being restricted, and one has freedom. Thank you.

MR SPEAKER: I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, this matter was considered by the Ministry and the Cabinet. It was not taken lightly by this Government as was mentioned by the Leader.

As for the view regarding the urban seats. If a matai from another territorial constituency votes in another constituency, it can be interpreted as another matai making decisions for another constituency. As for the urban seats, they are based on freehold land and there is no traditional authority or administration.

Also Mr Speaker, the Electoral Act provides that to be a candidate, you need to be a registered voter in that Constituency. If we were to expand on this, another matai from another village comes to the village because the spouse is from there and they may be under the impression under law that he is able to run as a candidate in that constituency but he is not a matai from there.

I know the honorable Members intentions in regards to what we are dealing with now, but this is no different from the past Election. In that Election, your wives and children had matai titles in other constituencies. Although it was difficult but that is the foundation of our Elections.

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Tofa Lealailepule Rimoni Aiafi: A point of order. In the 2005 Elections and the one before, there was a choice for people to use their matai title, **baptismal name or your given first name**. That is how it was. There was freedom. This is only the Elections we are talking about. We are not talking about removing matai titles and service. These things should not be mashed together; culture, matai and other things. The Election is allows you to enforce your rights. These matters are being mashed together but that is not the issue. The only matter is the matai. Do you want to use your title or your first name? That was the freedom in the beginning and it is only being changed in the last Elections. It is easy to just allow it again. With all due respect.

MR SPEAKER: I call on the Leader of Opposition.

Afioga Hon Palusalua Faapo II: There are contradictions between the legislations. Reconsider the allowance given to the Urban Constituencies? If the candidate and spouse are matai in other constituencies, they have the choice to register in the Urban Constituencies. I do not know why there is a difference in the law for the Urban and Territorial Constituencies. If it is not allowed for the Territorial Constituencies, it should be for the Urban Constituencies so that there is equality for all the candidates. With all due respect.

MR SPEAKER: It is noted. I assume the Hon Minister has recorded it. Our Term is not over. There is still time for other Amendments.
I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, what is being pursued is what the candidate wants. I mentioned the foundation of the elections which is the matai system. Some of you mentioned that there is a difference between the Urban seats, which was just created, and the territorial seats. I have clarified this. The Urban seats are not under the authority or administration of the traditional system, there is no village council. These are people living on freehold land. There is no impact like that to a territorial constituency. We can continue to debate but it was not in the Bill. I only mentioned it as it was raised in the previous Meeting and the Government wanted to respond to whether it can be done or not.

MR SPEAKER: I beg tolerance of the Hon Minister I will give the opportunity to the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, in 1982, there were many events that happened because of laws.

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After the Election a Commission was established to inquire into the electoral matters and address loopholes in the law. Laws are created to address acts of corruption. In 1982, the use of ID cards was initiated. The reason being this was the first time that a Prime Minister of Samoa was charged for electoral fraud as some that voted for him were recorded as deceased. The Government then decided at that time that this was the solution and there will no longer be any offending. The legislation was tabled and passed and the use of identification cards was enforced. What then ensued? Suddenly Members went around looking for voters with IDs. And what do the voters do? They sit around idly and the Member comes to take Kome to do his ID. He loses it and in the morning Simi comes to have his ID done. In the end there are many IDs and the Elections became costly. As the Hon Minister was trying to explain, it is difficult for the Cabinet to table legislation that would prevent other corruption cases.

This would happen to anyone. If I were to think about it, I would want my wife who is a matai to vote for me as well as my son who is a matai in another village. If I wanted to legislate this, goodness! There would be more issues from this. If you want your spouse and children to vote for you, then they should be matai in your village which is much simpler. If it is not done now, this is the solution. Next time, it will not be an issue because the matai, spouse and children will hold titles within their constituency. If you choose to be a matai in another constituency, that is the dignity of the title. When you agree to be a matai, serve your calling and the purpose you chose to hold a title in that constituency and serve. Do not just sit by your fathers side and be scolded for not knowing how to serve your title.

Mr Speaker, the Governments efforts are essential to prevent offenses from these practices. We should consider the bigger picture and not limit your sights to what you want.

Afioga Hon Leaupepe Toleafoa Faafis: Mr Speaker....

MR SPEAKER: I believe we have come to our recess hour, it is exactly 1.00pm.

Afioga Hon Leaupepe Toleafoa Apulu Faafisi: It will be brief.

MR SPEAKER: I will allow it.

Afioga Hon Leaupepe Toleafoa Apulu Fafisi: I stand to express gratitude to the Leader of the Government. The recommendation for the future is clear. The matter debated is clear now for the Member for Faleata West and the Leader of Opposition. Thank you also Hon Minister.

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Tofa Lealailepule Rimoni Aiafi: Mr Speaker, I am not worried. If they remove my spouses title, after the elections, they register it again, very simple. The matter that is being deliberated is that the Hon Minister continues to mention matai, matai, matai. This is not the matter today, it is exercising your right to vote. The Hon Minister stated that the villages have no authority or administration. With all due respect, the urban villages and those residing in Vaimauga and Faleata are under the authority of these villages. If there is a funeral in Vaitele and Siusega, Faleata is present. In the Village Fono Act under Afioga Hon Leapepe, those on freehold land are under the urban seats. If that is so, they should vote. Also, how many Members from Savaii have won from ballot boxes in Apia, how many? People from Savaii do not vote for Savaii, they are being voted by those in Faleata and Vaimauga. That is their right. But to say that those in the rural areas are voting for those in Faleata and Vaimauga, that is incorrect. The matai in Vaimauga and Faleata are electing our Members.

Afioga Hon Palusalua Faapo II: Mr Speaker, it will be brief. Regarding the Hon Prime Ministers statement that if you want your spouse and children to vote you should do their titles. This was done in the past and led to many court cases and the fall of Prime Ministers because matai were only being bestowed for the Elections. This is why I stand Mr Speaker....

Susuga Hon Tuilaepa Fatialofa Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, we are talking about the Elections and nothing else. If you want your spouse and children to vote for you, there are only two options, bestow a title or not. It is simple.

MR SPEAKER: We will recess as it is 1.05pm. I thank the dignity of Parliament. The motion has been moved for us to resume at 7.00pm until we complete our orders of the day. I ask that we are present here at that time to continue with our work. Before we end, I thank you all for your speeches and remarks.

I announce that our Proceedings will be suspended until 7.00pm.

Proceedings of the Legislative Assembly were suspended at 1.06pm.

Proceedings of the Legislative Assembly resumed at 7.00pm

Second reading debate resumed on the Electoral Amendment Bill (No.3) 2015.

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MR SPEAKER: I announce that the Proceedings of the Legislative Assembly have resumed. As our nation begins with their evening devotion, we have come at the hour prescribed for the continuation of our Meeting. We concur with the prayers that will be offered this evening in gratitude to God for His grace and mercy upon us at this hour. We will continue with our work from the beginning of the day.

Before our recess, the Hon Minister was concluding her remarks on the general merits of the Bill. I believe there is not much left to explain on the Electoral Amendment Bill (No.3) 2015 however the opportunity will still be given to the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. I will conclude my comments from earlier. The Hon Prime Minister spoke on the matter of a candidate in the Elections wanting their spouse and children to vote for them despite holding titles in difference constituencies. I believe the matter has been clarified by the Leader of the Government.

Finally, there were matters raised by a Member which I believe had some valuable points which I have noted down.

The first matter was raised by the Member for Faleata West who was persistent on the matter of registration for Urban Seat candidates with suggested loopholes in the Bill which provided for this and has been passed. I agree with the Member understanding that transferral will take place. For the territorial constituencies, a voter has to be registered in that constituency for five years and then they can be transferred however for the urban constituencies, the voters will be registered and tomorrow they can be transferred to another constituency.

Mr Speaker and the dignity of Parliament, there are issues because the Bill had not accounted for such situations and this is the norm with our legislations. Certain occurrences will improve and regulate these issues to be provided in other Bills. This matter is specific to voter registration and because we are nearing the Elections, a Bill will be prepared consequently to correct this.

I will conclude Mr Speaker by expressing gratitude to the Members that commented on the Bill as well as the Government for the responses rendered. There were many views touching on the service provision but as the Leader of the Government clarified, these provisions were made from the recommendations presented in the June Sitting. Three weeks before the General Elections is the final day for registration of candidates and there is still time for amendments in relation to the requirements to be met by a candidate. Present them and there is still time to consider them.

That concludes my remarks on the Bill, thank you.

MR SPEAKER: Yes Member for Faleata West.

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Tofa Lealailepule Rimoni Aiafi: Thank you for the opportunity Mr Seaker. I thank the Hon Minister for the explanation and consideration of the recommendations that were made. I know now that you are the warrior, the modern day Nafanua. As I said yesterday, us Members for Faleata and Vaimauga should be included in one legislation. The Government has proposed one roll for everyone and I believe this to be the solution of the many problems that have occurred. Transferral has been removed, thank you, and there is a provision for right of residence. I believe that many of the Members concerns as well as those of Faleata and Vaimauga have been answered. I commend the Electoral Office for their efforts. As for leaders of congregations, they are saluted as Shephards of the flock preaching the Good Word but they are being mentioned in the Bill. This provision will be a nuisance to the pastors and reverends serving in the villages and their work with all due respect, thank you.

MR SPEAKER: Your point is noted but the Hon Minister has also responded clearly. I thank the Hon Minister for commenting on the general merits of the Bill and also the Government for their clarifications. The matters have been consulted on and this is not a matter to be taken lightly by the House. This Bill is very important as it is at the heart of the Elections of Members into this House. All the views and opinions were shared and recommendations made with the collection of all the sweet scents to scent our work. The Hon Minister has also commented and clarified the matter of voter transfer and I thank the Hon Minister. I also extend gratitude to the Members for your valuable input for the consideration of the Government with respect to the Electoral Amendment Bill (No. 3) 2015.

I have with me a Certificate of Urgency signed by His Highness, O Le Ao o le Malo and so we will proceed to consider the Bill in detail.

Motion approved and the Electoral Amendment Bill (No.3) 2015 was read a second.

**ELECTORAL AMENDMENT BILL (NO.3) 2015
– consideration in detail**

MR SPEAKER: Pursuant to Standing Order 102, consideration of the Bill will commence with Clause 2.

CLAUSE 2: Section 5 amended.

Approved.

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CLAUSE 3: Section 10 amended

Approved.

CLAUSE 4: Section 25B amended

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker.

MR SPEAKER: What Clause Member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 3.

MR SPEAKER: Speak.

Tofa LEALAILEPULE RIMONI AIAFI: Sub-clause (b), it was mentioned that the penalty for the candidate and the incumbent Member would be the same. I wish to understand Hon Minister because I believe that if the incumbent is charged and penalized with an imprisonment term, they should no longer be a Member. I seek clarification in this regard with respect.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker....

MR SPEAKER: Which Clause Member for Faleata East?

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Clause 2 please.

MR SPEAKER: Proceed.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, regarding Clause 2, I queried this matter and the Hon Minister stated that I should wait for the consideration in detail stage. Therefore I query the 3 years mentioned whether it is in reference to the years of service rendered or is it referring to the minimum number of years since the candidate became a matai? If so what then of the matai that has only been a matai for less that time? Second part of the question, what about a matai that was bestowed the title more than 10 years ago but has only just registered the title with respect.

MR SPEAKER: Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Thank you for the queries. I will begin with the queries by the Member for Faleata East. There are main requirements already provided for but the three years mentioned is an additional requirement whereby the candidate must have rendered service for three years or more.

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As for the matter concerning a matai that was bestowed the title a long time ago but has only just registered it, I believe that for it to be legal, the title must be registered. Personally and in short Member for Faleata East, the day that the title was registered is the commencing date.

As for the penalties mentioned by the Member for Faleata West, as I explained before, that is the current penalty and if there is consensus for an amendment then it will be done. Those are the responses Mr Speaker.

MR SPEAKER: Well done.

CLAUSE 5: Schedule 2 amended.

Approved.

CLAUSE 6: Amendments to forms.

MR SPEAKER: Which Clause Member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 5 Mr Speaker.

MR SPEAKER: Amendments to forms?

Tofa LEALAILEPULE RIMONI AIAFI: Yes.

MR SPEAKER: I call on the Member.

Tofa LEALAILEPULE RIMONI AIAFI: This is the same matter I raised with the Office in regards to the discretion of the Commissioner. With any legislation there are exemptions and discretionary powers given to a person tasked with making decisions. Perhaps the Hon Minister of Women, Community and Social Development will recall this matter I raised when he was Speaker in the last Parliamentary Term. There was a time when a voter in the territorial constituency wanted to transfer, they had to pay a fee of \$10.00 but when an individual voter wanted to transfer, there was no fee. This was when discretionary powers should have been exercised.

There is also the matter which is similar to the one I mentioned about reverends in Vaimauga and Falata districts. They should not be mentioned in the Bill. There is a provision that children specific to the kinship should be biological. What if the children are on the roll and the parents want to be on that roll? The request is that right to register be allowed for Faleata and Vaimauga, with respect.

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MR SPEAKER: Is there a different response to the one initially given Hon Minister?

Afioga Hon FIAME NAOMI MATAAFA: No Mr Speaker.

MR SPEAKER: Alright.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, what then is the reason for our Meeting? If that is the case then we should just pass the Bill.

MR SPEAKER: I beg tolerance of the Member. The Government has responded. What Clause Afioga Hon Palusalue.

Afioga Hon PALUSALUE FAAPO II: Clause 6. The oath in the Schedule “I have resided in the above residential address for a period of...” which residential address is this part referring to? Is it the address I am residing or the address where I hold a title? In regards to the urban candidate, is it the village of the title or the village where the service is rendered?

MR SPEAKER: Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker and the esteemed Parliament, I respond with all due respect that it is all of those villages with respect.

Clause 6 approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Electoral Amendment Act (No.3) 2015.

Approved.

The Electoral Amendment Bill (No.3) 2015 progressed without Amendments.

13 AUGUST 2015

ELECTORAL AMENDMENT BILL (NO.3) 2015
– **third reading**

MR SPEAKER: I have received a Certificate of Urgency signed by His Highness O Le Ao o le Malo, the Legislative Assembly will proceed with the third reading of the Bill.

Afioga Hon FIAME NAOMI: Mr Speaker, I move a motion, *That the Electoral Amendment Bill (No.3) 2015 is read a third time.*

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

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

PETROLEUM AMENDMENT BILL 2014
– **consideration in detail**

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

I call on the Chairperson of the Works, Transport and Environment Committee.

Tofa TUSA MISI TUPUOLA: Mr Speaker, I move a motion, *That the Assembly approve the Committee Report recommending, that the Petroleum Amendment Bill 2014 progress with a correction.*

Seconded by the Member for Aiga i le Tai, Member for Palauli and one of the Members for the Individual Voters Roll, Afioga Maualaivao Pat Ah Hin.

Motion approved.

MR SPEAKER: I announce that the Assembly has approved the Report of the Works, Transport and Environment Committee on the Petroleum Amendment Bill 2014. The Assembly will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102, consideration in detail commences on Clause 2.

CLAUSE 2: Section 3 amended.

Approved.

13 AUGUST 2015

**Petroleum Amendment Bill 2014
– consideration in detail**

CLAUSE 3: New section 10A inserted.

Approved.

CLAUSE 4: Transitional

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Petroleum Amendment Act 2014.

MR SPEAKER: There is a correction to Clause 1 and Title as printed in the Supplementary Order Paper. I call on the Chairperson.

Tofa TUSA MISI TUPUOLA: Mr Speaker, I move a correction to Clause 1 and Title as follows:

“CORRECTION:

*To omit figure “2014” and substitute thereby the figure “2015”
therefore the Title of the Act will read:*

PETROLEUM AMENDMENT ACT 2015”

Correction approved.

Clause 1 and Title approved as Corrected.

Petroleum Amendment Bill 2015 progressed with Corrections.

13 AUGUST 2015

SAMOA PORTS AUTHORITY AMENDMENT BILL 2014
– consideration in detail

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

I call on the Chairperson of the Works, Transport and Environment Committee.

Tofa TUSA MISI TUPUOLA: Mr Speaker, I move a motion, *That the Assembly approve the Committee Report recommending, that the Samoa Ports Authority Amendment Bill 2014 progress with a correction.*

Seconded by the Member for Aiga i le Tai, Member for Palauli and one of the Members for the Individual Voters Roll, Afioga Maualaivao Pat Ah Hin.

Motion approved.

MR SPEAKER: I announce that the Assembly has approved the Report of the Works, Transport and Environment Committee on the Samoa Ports Authority Amendment Bill 2014. The Assembly will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102, consideration in detail commences on Clause 2.

CLAUSE 2: Section 17 amended.

Approved.

CLAUSE 3: Section 17A inserted.

Approved.

CLAUSE 4: Section 64 amended

Approved.

CLAUSE 5: Schedule 1 amended.

Approved.

13 AUGUST 2015

**Samoa Ports Authority Amendment Bill 2014
– consideration in detail**

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Ports Authority Amendment Act 2014.

MR SPEAKER: There is a correction to Clause 1 and Title as printed in the Supplementary Order Paper. I call on the Chairperson.

Tofa TUSA MISI TUPUOLA: Mr Speaker, I move a correction to Clause 1 and Title as follows:

“CORRECTION:

To omit figure “2014” and substitute thereby the figure “2015” therefore the Title of the Act will read:

PORTS AUTHORITY AMENDMENT ACT 2015”

Correction approved.

Clause 1 and Title approved as Corrected.

Ports Authority Amendment Bill 2015 progressed with a Correction.

WATER SCHEMES BILL 2015 – consideration in detail

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

I call on the Chairperson of the Health, Foreign Affairs, Community and Social Development Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker, I move a motion, *That the Assembly approve the Committee Report recommending that the Water Schemes Bill 2015 progress with Amendments.*

Seconded by one of the Members for the Individual Voters Roll, Susuga Hon Papaliitele Niko Lee Hand and the Member for Aleipata Itupa i Lalo.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

Motion approved.

MR SPEAKER: I announce that the Assembly has approved the Report of the Works, Transport and Environment Committee on the Water Schemes Bill 2015. The Assembly will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102, consideration in detail commences on Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Act binds Government.

Approved.

CLAUSE 4: Water Schemes as water service providers.

Approved.

CLAUSE 5: Community ownership.

MR SPEAKER: There is a Committee amendment as printed in the Supplementary Order Paper. I call on the honorable Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker, I move an amendment to Clause 5 as follows:

“AMENDMENT:

To insert new sub-clause (3) to read:

“(3) The Water Resources Management Act 2008 prevails if there is any inconsistency between this Act and the Water Resources Management Act 2008.”

Amendment approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

Clause 5 approved as Amended.

CLAUSE 6: Village Fono jurisdiction over Water Schemes.

Approved.

CLAUSE 7: Establishment.

Approved.

CLAUSE 8 Terms of Office.

Approved.

CLAUSE 9: Functions and powers.

Approved.

CLAUSE 10: Meetings.

Approved.

CLAUSE 11: Funds and accounts.

Approved.

CLAUSE 12: Supply of Water.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 13: Installation, maintenance and inspection.

Approved.

CLAUSE 14: Fees for water supply and associated services.

Approved.

CLAUSE 15: Fee proposals.

Approved.

CLAUSE 16: Continuation of Association.

Approved.

CLAUSE 17: Membership.

Approved.

CLAUSE 18: Functions and powers.

Approved.

CLAUSE 19: Establishment.

MR SPEAKER: There is a Committee Amendment to Clause 19 as printed in the Supplementary Order Paper. I call on the honorable Chairperson.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker, I move an Amendment to Clause 19(2) as follows:

“AMENDMENT:

To omit sub-clause “(2)” and substitute thereby the new subclause “(2)”:

“(2) The members under subsection (1) are to be elected as follows:

(a) 6 members from Upolu; and

(b) 5 members from Savaii;

At least one member elected from subsection (2)(a) and (b), must be woman”.

Amendment approved.

Clause 19 approved as Amended.

CLAUSE 20: Terms of Office.

Approved.

CLAUSE 21: Resignation, removal and replacement.

Approved.

CLAUSE 22: Functions and powers.

Approved.

CLAUSE 23: Annual General Meetings.

MR SPEAKER: There is a Committee Amendment to Clause 23 as printed in the Supplementary Order Paper. I call on the honorable Chairperson.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker, I move an Amendment to Clause 23 as follows:

“AMENDMENT:

To insert new subclause “(3)” to read:

“(3) The Executive Committee must, after the reports are presented at an Annual General Meeting, consult with and submit to the Minister the reports presented under subsection (2) for tabling in Parliament.”.

Amendment approved.

Clause 23 approved as Amended.

CLAUSE 24: Special General Meetings.

Approved.

CLAUSE 25: Meetings of the Executive Committee.

Approved.

CLAUSE 26: General provisions for meetings.

Approved.

CLAUSE 27: Minutes of meeting.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 28: Funds and accounts.

Approved.

CLAUSE 29: Accounting records and audit.

Approved.

CLAUSE 30: Associations fees.

Approved.

CLAUSE 31: Financial Assistance to Water Schemes.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker....

MR SPEAKER: Which Clause Member for Faleata West?

Tofa LEALAILEPULE RIMONI AIAFI: Clause 31 Mr Speaker.

MR SPEAKER: I call on the honorable Member.

Tofa LEALAILEPULE RIMONI AIAFI: I am grateful for this initiative with regards to our water scheme. The only issue with Clause 31 is the power given to the Minister to “allocate the funds to any Independent Water Scheme through the Association in the form of grants, loans or subsidies.” My query is in the case without conditions it is left at the discretion of the responsible Minister. There should be safeguards in cases where there are no conditions because if left to the discretion of the Minister, the decisions may be questioned. I ask whether the Committee considered this Clause.

MR SPEAKER: I call on the honorable Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW: Mr Speaker, the Member has answered his own question. These are the normal safeguards in the governing legislations for every Government Ministry, thank you.

MR SPEAKER: I will give the floor to the Hon Minister of Women, Community and Social Development.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: I commend the Member for pointing this out which is the purpose of our work. Remember that the Minister does not make decisions on a whim but upon the advice of the CEO and those managing the Water Scheme within the Village Fono. The Minister also considers the financial statements from the Government to assist with the decision. Decisions are not made solely by the Minister as there are advisors and then a decision is made and Cabinet is advised for approval of funds with respect.

MR SPEAKER: Well done.

Tofa LEALAILEPULE RIMONI AIAFI: I thank the Hon Minister for the response. You sat at the Chair at that time but I am talking about the move forward. If you consider the phrasing of the Clause, I believe it is inappropriate. “The Minister may, with or without conditions” is not an appropriate wording in my opinion because the opportunity may be opened up. There should be clear provisions because it deals with public monies. This provision opens up the opportunity despite the reason. It is true that it is not that way now but for the future. There should be safeguard clauses in place with respect.

MR SPEAKER: The response by the Chairperson was clear as was the speech by the Hon Minister.

I call on the Hon Minister of Public Enterprises.

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Public Enterprises): Mr Speaker, I commend the House for the patience this evening.

I stand because of the matter mentioned by the Member for Faleata West regarding discretionary powers of the Minister. The Member does not understand the meaning of discretionary powers. If the Minister wants to incur conditions then he will but if not then he will not. Those are the powers given to the Minister under the law. With respect.

MR SPEAKER: You have had three opportunities to stand.

Tofa LEALAILEPULE RIMONI AIAFI: This is the first opportunity to the Hon Minister so it is my first....

MR SPEAKER: There are no second opportunities. We are on the consideration in detail stage so keep it brief Member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: I am respectful of the Hon Minister and he is correct. What should be in the Bill is that the discretionary powers should be exercised with caution. I am not too fond about the phrase “with or without conditions.”

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

MR SPEAKER: There is no Minister that makes defective legislations. The Hon Minister responsible for the water schemes has responded. He has expert staff that report to him and we have to trust the Minister. Unless there is a case of abuse, then the legislation can be amended.

Clause 32 approved.

CLAUSE 33: Disputes

MR SPEAKER: There is a Committee Amendment to Clause 33 as printed in the Supplementary Order Paper. I call on the honorable Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker, I move an Amendment to Clause 33 as follows:

“AMENDMENT:

To insert new 33A to read as follows:

“33A. Interim Executive Council – If the Minister is satisfied that the Association is not effectively carrying out its function under the Act, the Minister may:

- (a) Dissolve the Executive Committee; and**
- (b) Appoint an Interim Executvie Committee, subject to terms and conditions, to carry out the functions of the Execitive Committee for a term determined by the Minister or until the election of a new Executive Committee at an Annual or Special General Meeting.”**

Amendment approved.

Clause 33 approved as Amended.

CLAUSE 34: Protection from personal liability.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 35: General offences.

Approved.

CLAUSE 36: Regulations.

MR SPEAKER: There is a Committee Amendment to Clause 36 as printed in the Supplementary Order Paper. I call on the honorable Chairperson.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker, I move an Amendment to Clause 36 as follows:

“AMENDMENT:

To amend paragraph (d) to read:

“(d) to prescribe the practicable steps to be taken to ensure compliance of the Act with the Water and Resources Act 2008, National Policy, Water Services Police, Water Resources Policy.”

Amendment approved.

Clause 36 approved as Amended.

CLAUSE 37: Transitional and saving provision.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Water Schemes Act 2015.

Approved.

Water Schemes Bill 2015 progressed with Amendments.

13 AUGUST 2015

**CENTRAL BANK OF SAMOA BILL 2015
- consideration in detail**

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

Susuga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, I move a motion, *That the Assembly approve the Committee Report recommending that the Central Bank of Samoa Bill 2015 progress with amendments.*

Seconded by one of the Members for Faasaleleaga No. 1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow and the Member for Aleipata Itupa i Lalo.

Motion approved.

MR SPEAKER: I announce that the Assembly has approved the Report of the Finance and Expenditure Committee on the Central Bank of Samoa Bill 2015. The Assembly will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102, consideration in detail commences on Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Continued establishment of the Bank.

Approved.

CLAUSE 4: Autonomy.

Approved.

CLAUSE 5: Objectives of the Bank.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 6: Functions of the Bank.

Approved.

CLAUSE 7: Offices, branches, agents and correspondents.

Approved.

CLAUSE 8: Board of Directors.

Approved.

CLAUSE 9: Declaration of pecuniary interests and convictions.

Approved.

CLAUSE 10: Meetings of the Board.

Approved.

CLAUSE 11: Standing invitation.

Approved.

CLAUSE 12: Executive Committee.

Approved.

CLAUSE 13: Duties and powers of Board.

Approved

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 14: Duties and powers of Executive Committee

Approved.

CLAUSE 15: Duties of the Governor.

Approved.

CLAUSE 16: Appointments of Governor and non-executive directors.

Approved.

CLAUSE 17: Appointment panel for Governor.

Approved.

CLAUSE 18: Appointment panel for non-executive directors.

Approved.

CLAUSE 19: Terms of appointment and remuneration.

Approved.

CLAUSE 20: Disqualifications.

Approved.

CLAUSE 21: Resignation.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 22: Removal of Governor.

Approved.

CLAUSE 23: Removal and vacancies of non-executive directors.

Approved.

CLAUSE 24: Extraordinary vacancy in office.

Approved.

CLAUSE 25: Officers and employees of the Bank.

Approved.

CLAUSE 26: Internal Auditor.

Approved.

CLAUSE 27: Audit Committee.

Approved.

CLAUSE 28: Conflict of interest and gifts.

Approved.

CLAUSE 29: Confidential information.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 30: Secrecy.

Approved.

CLAUSE 31: Legal protection and indemnification.

Approved.

CLAUSE 32: Capital.

Approved.

CLAUSE 33: Reserve accounts.

Approved.

CLAUSE 34: Net profits.

Approved.

CLAUSE 35: Distributable profits.

Approved.

CLAUSE 36: Allocation of distributable profits.

Approved.

CLAUSE 37: Budgets.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I see that these Members do not have any copies of the Bill so we should just finish with the Bill. Thank you.

MR SPEAKER: That is not my responsibility. It is your job to take care of your papers. The Office is available for anything else. See that the Members have copies.

Approved.

CLAUSE 38: Sole right to issue currency.

Approved.

CLAUSE 39: Defacement of notes.

Approved.

CLAUSE 40: Currency unit and legal tender.

Approved.

CLAUSE 41: Manufacture and characteristics of currency.

Approved.

CLAUSE 42: Power to recall.

Approved.

CLAUSE 43: Recovery of lost, stolen, mutilated, or damaged currency.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 44: Counterfeit currency.

Approved.

CLAUSE 45: Official international reserves.

Approved.

CLAUSE 46: Operations in reserve assets.

Approved.

CLAUSE 47: Limitations.

Approved.

CLAUSE 48: Exchange control regulations.

Approved.

CLAUSE 49: Exchange control regulations.

MR SPEAKER: There is a Committee Amendment on Clause 49 as printed in the Supplementary Order Paper.

I call on the Chairperson of the Committee.

Susuga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, I move an amendment to Clause 49 as follows:

“AMENDMENT

To omit the reference to clause 80 and substitute thereby the clause 79.

Amendment approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

Clause 49 approved as Amended.

CLAUSE 50: Opening accounts.

Approved.

CLAUSE 51: Monetary operations.

Approved.

CLAUSE 52: Determination of collateral and rates.

Approved.

CLAUSE 53: Minimum reserves.

Approved.

CLAUSE 54: Other instruments of monetary control.

Approved.

CLAUSE 55: Interests and credit.

Approved.

CLAUSE 56: Supply of information.

Approved

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 57: Lender of last resort.

Approved.

CLAUSE 58: National Payment System.

Approved.

CLAUSE 59: Bank to be fiscal agent of Government.

Approved.

CLAUSE 60: Cooperation with the Government.

Approved.

CLAUSE 61: Credits to Government.

Approved.

CLAUSE 62: Credits to state-owned entities.

Approved.

**CLAUSE 63: Acquisition of debt instruments issued by Government
and state-owned entities.**

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 64: Ceiling on credits to Government and state-owned entities.

Approved.

CLAUSE 65: Limitations.

Approved.

CLAUSE 66: External audit.

Approved.

CLAUSE 67: Preparation of reports and financial statements.

Approved.

CLAUSE 68: Power to prosecute.

Approved.

CLAUSE 69: Collection and dissemination of statistics.

Approved.

CLAUSE 70: Custodial facilities.

Approved.

CLAUSE 71: Fees.

Approved

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 72: Inter-agency and international cooperation.

Approved.

CLAUSE 73: Exemption from taxation.

Approved.

CLAUSE 74: Prohibited activities.

Approved.

CLAUSE 75: Advances to officers.

MR SPEAKER: There is a Committee Amendment to Clause 74 as printed in the Supplementary Order Paper.

I call on the Chairperson of the Committee.

Susuga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, I move an Amendment to Clause 75 as follows:

“AMENDMENT

To omit clause 75 and renumber the clauses from clause 75.”

Amendment approved.

Clause 75 approved as Amended.

CLAUSE 76: Court proceedings.

Approved.

13 AUGUST 2015

Water Schemes Bill 2015 – consideration in detail

CLAUSE 77: Preferential right.

Approved.

CLAUSE 78: Immunity from prejudgement attachment.

Approved.

CLAUSE 79: Prohibited names.

Approved.

CLAUSE 80: Regulations.

Approved.

CLAUSE 81: Repeals and amendment.

Approved.

CLAUSE 82 Transitional and saving provisions.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Central Bank of Samoa Act 2015.

Approved.

Central Bank of Samoa Bill 2015 progressed with Amendments.

13 AUGUST 2015

ROAD TRAFFIC AMENDMENT BILL 2015
– **consideration in detail**

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

I call on the Chairperson of the Works, Transport and Environment Committee.

Tofa TUSA MISI TUPUOLA: Mr Speaker, I move a motion, *That the Assembly approve the Committee Report recommending that the Road Traffic Amendment Bill 2015 progress without amendments.*

Seconded by one of the Members for Vaa o Fonoti, one of the Members of the Individual Voters Roll and the Member for Palauli.

Motion approved.

MR SPEAKER: I announce that the Assembly has approved the Report of the Works, Transport and Environment Committee on the Road Traffic Amendment Bill 2015. The Assembly will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102, consideration in detail commences on Clause 2.

CLAUSE 2: Section 2 amended.

Approved.

CLAUSE 3: Section 3 amended.

Approved.

CLAUSE 4: Section 27 amended.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker...

MR SPEAKER: Which Clause?

Afioga TAFUA MALUELUE TAFUA: The same Clause you just mentioned. I commented on this when the Bill was deliberated. Although the Committee Report has been approved the explanation was that if a vehicle is stopped then it is towed to the yard where it will stay for 3 months and then it will be auctioned and the money collected will be used to repay the fee.

13 AUGUST 2015

**Road Traffic Amendment Bill 2015
– consideration in detail**

First, I requested in the previous Sitting that leniency should be exercised for our people. For instance, if the vehicle is pulled over it can be impounded at Vaitele and if the owner does not pay the fine within the three months then the vehicle can be auctioned and the money used to pay the fine. With respect, the Members and relatives in Apia will be the ones affected. The reason being that when there are problems with our families in the rural areas or in Savaii, they turn to us for assistance. There is a provision that a license should be presented and if not on hand, the driver will be fined.

Mr Speaker and Members of Parliament, the law in many Australian states as well as New Zealand is lenient to drivers which previously allowed a period of 7 days but now it is 72 hours. However this Bill does not allow such leniency.

Second, I also mentioned in the past Sitting that there should be an agreement between the officer and the driver that the vehicle be towed to an agreed place instead of the LTA yard. Those are just some remarks and hopefully they will be useful to the Bill. With respect.

MR SPEAKER: Thank you. Honorable Chairperson.

Tofa TUSA MISI TUPUOLA: Mr Speaker, the matters mentioned by the honorable Member were considered in the Committee meetings and it was discussed with the Ministry and the Attorney General. There is no reason for the driver to be affected if their drivers license is carried at all times. The only reason for the fine would be because the driver does not have their license because the Officer cannot allow the driver to carry on driving without one. Consequently the vehicle will be impounded for the time provided for in the Bill until someone with a license comes to claim it. That is the clarification.

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

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Mr Speaker, the explanation by the Chairperon was clear. Legislation is there to protect. There are many traffic accidents causing death. Three months has been given for the vehicle to be impounded. That is leniency. If you really care for your property, your vehicle should not be impounded for a day and you would make every attempt to have it released. Three months is a long time. If you do not have a license, that is an offense. These are the safeguards that the Government is trying to put in place. To allow a person to drive around without a license does not support the objective of the Government and our leaders to ensure safety for our country. With respect.

Clause 4 approved.

13 AUGUST 2015

**Road Traffic Amendment Bill 2015
– consideration in detail**

CLAUSE 5: Section 36 amended.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, Clause 5 please. Regarding the provision stating that a license cannot be awarded to a person under 25 years of age. Chairperson, what reason is there for such a provision? A license cannot be issued to a careless driver but if that driver is responsible enough to drive at the age of 20 or 21, it is their right. What is the purpose of setting the age at 25 years? With respect.

MR SPEAKER: I call on the honorable Chairperson.

Tofa TUSA MISI TUPUOLA: Thank you Mr Speaker. I commend the Member for his query. The Hon Minister clarified this matter during the second reading stage of the Bill. The reason was because there are many accidents causing deaths because of young drivers. The age requirement is stemmed from the fact that the driver of an omnibus has the lives of many in his hands therefore the LTA must address it. The increase in the age of drivers to 25 years assumes that this is the age that a driver can drive an omnibus for the safety of the people.

MR SPEAKER: I call on the Hon Minister.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Mr Speaker, I am disappointed at the Member for Faleata West because he is in the Committee that scrutinized this Bill. Overseas, at the age of 21, adolescents are given a key. Many countries are also in opposition to the 21 age limit. Research has shown that many accidents are caused by drivers under the age of 25 which is the average age a person has left their immediate families to have their own families. The main priority is the 30+ lives travelling in the omnibus. Foresight is being exercised in this regard. With respect.

Tofa LEALAILEPULE RIMONI AIAFI: I apologize to the Hon Minister and the Chairperson. It is true but I opposed this in our Committee thus my query. Remember that driving a bus or a taxi is one of the jobs our people work in overseas. So if a 25 or 26 year old travels overseas, they would have not driven a bus and there are consequences. Samoa has been independent for more than 50 years and we have progressed forward in many areas but LTA has just impeded on our progress. With respect.

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

MR SPEAKER: What is it?

13 AUGUST 2015

**Road Traffic Amendment Bill 2015
– consideration in detail**

Afioga Hon PALUSALUE FAAPO II: A query on the Committee investigations and their findings supporting their report. First, how many cases are there where 25 year old omnibus drivers were responsible for accidents causing death? Second, are there any records of the number of drivers above 25 years of age and above that have not had any accidents? These are important statistics because some will have to wait 5 years before they can drive an omnibus. The general explanation is that there are accidents caused by those under the age of 25 years but is there evidence to support this? With respect.

MR SPEAKER: I call on the Hon Minister.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: The records are not specific to omnibuses but for any type of vehicle, this is the age group responsible for accidents. I assumed my fellow Member would support me because our part of the island relies heavily on omnibuses for travel unlike him because he has his own private vehicle. The priority is the safety of the travelling public. With respect.

Afioga Hon PALUSALUE FAAPO II: A point of order, do not employ backyard politics. I am asking a direct question. I asked the Chairperson if any records or data was found during their findings. It is a simple question.

MR SPEAKER: Your point is noted Leader of Opposition and the Hon Minister has stood to shed light on the matter.

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Mr Speaker, the Land Transport Authority is under my portfolio and this is why I stood to clarify the matter. The age group mentioned is not specific to omnibuses but drivers of any vehicle. As I said, the priority is the safety of the general public with respect.

MR SPEAKER: The matter has been explained. The matter cannot be persisted on as the Chairperson has already investigated the matter. Tofa Lealailepule you were in there, and you were part of the scrutiny of the Bill. Let us leave the discretion with the Hon Minister and the statistics from the CEO. We should always be mindful of our safety.

Clause 5 approved.

CLAUSE 6: New sections 72C to 72E inserted.

Approved.

13 AUGUST 2015

**Road Traffic Amendment Bill 2015
– consideration in detail**

CLAUSE 7: General Amendments.

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Road Traffic Amendment Act 2015.

Approved.

The Road Traffic Amendment Bill 2015 progressed without Amendments.

**TAX INFORMATION EXCHANGE AMENDMENT BILL 2015
– consideration in detail**

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

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

Tofa SOOALO MENE (Chairperson of the Foreign Affairs, Trade and Revenue Committee): Mr Speaker, I move a motion, *That the Assembly approve the Committee Report recommending that the Tax Information Exchange Amendment Bill 2015 progress without Amendments.*

Seconded by the Member for Palauli, one of the Members for Vaimauga West, Tofa Lenatai Victor Faafoi Tamapua, Member for Sagaga le Falefa and Member for Aiga i le Tai.

Motion approved.

MR SPEAKER: I announce that the Assembly has approved the Report of the Foreign Affairs, Trade and Revenue Committee on the Tax Information Exchange Amendment Bill 2015. The Assembly will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102, consideration in detail commences on Clause 2.

13 AUGUST 2015

**Tax Information Exchange Amendment Bill 2015
– consideration in detail**

CLAUSE 2: Section 10 amended.

Approved.

CLAUSE 3: Schedule 1 amended.

Approved.

CLAUSE 4: Trusts Act 2014 amended.

Approved.

**CLAUSE 5: Special Purpose International Companies Act 2012
amended**

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Tax Information Exchange Act 2015.

Approved.

Tax Information Exchange Act 2015 progressed without any Amendments.

CREDIT UNION BILL 2014 – consideration in detail

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

I call on the Chairperson of the Finance and Expenditure Committee.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

Susuga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, I move a motion, *That the Assembly approve the Committee Report recommending that the Credit Union Bill 2014 progress with a correction and amendments.*

Seconded by one of the Members for Faasaleleaga No. 1, Afioga Hon Gatoloaifaana Amataga Alesana Gidlow and the Member for Aleipata Itupa i Lalo.

Motion approved.

MR SPEAKER: I announce that the Assembly has approved the Report of the Finance and Expenditure Committee on the Credit Union Bill 2014. The Assembly will now proceed with the consideration in detail of the Bill.

Pursuant to Standing Order 102, consideration in detail commences on Clause 2.

CLAUSE 2: Interpretation.

Approved.

CLAUSE 3: Memorandum of association.

Approved.

CLAUSE 4: Preliminary meeting.

Approved.

CLAUSE 5: Application for registration.

MR SPEAKER: There is a Committee Amendment to Clause 5 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

Susuga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, I move an Amendment to Clause 5 as follows:

“AMENDMENT:

- i) *To omit the expression “federation” as it appears in subclause 5(1)(a) as no federation of credit union has been established in Samoa, and;*
- ii) *To omit the expression “federation” as it appears in subclause 5(2)(b) as no federation of credit union has been established in Samoa.”*

With respect.

Amendment approved.

Clause 5 approved as Amended.

CLAUSE 6: Registration.

Approved.

CLAUSE 7: Body corporate.

Approved.

CLAUSE 8: Certificate of registration.

Approved.

CLAUSE 9: Members limited to groups.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 10: Minors.

MR SPEAKER: There is a Committee Amendment to Clause 10 as printed in the Supplementary Order Paper.

I call on the honorable Chairperson.

Susuga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, I move an Amendment to Clause 10(2)(a) as follows:

“AMENDMENT:

To omit the number “16” and substitute thereby the appropriate number “18” thus (a) reads:

(a) Is not entitled to vote until the minor has reached 18 years; and”

With respect.

Amendment approved.

Clause 10 approved as Amended.

CLAUSE 11: Register of members.

Approved.

CLAUSE 12: Expulsion of members.

Approved.

CLAUSE 13: Withdrawal of members.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 14: Payments on death, withdrawal or expulsion of a member

Approved.

CLAUSE 15: Effect of expulsion or withdrawal.

Approved.

CLAUSE 16: Officers, etc., not to withdraw or transfer shares.

Approved.

CLAUSE 17: Voting.

Approved.

CLAUSE 18: Objects.

Approved.

CLAUSE 19: Powers.

Approved.

CLAUSE 20: Land, entrance fee and registered office.

Approved.

CLAUSE 21: Capitalisation.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 22: Shares and dividends.

Approved.

CLAUSE 23: Registrar of Credit Union.

Approved.

CLAUSE 24: Assistant registrars.

Approved.

CLAUSE 25: Register of credit unions.

Approved.

CLAUSE 26: Election of directors and committees.

Approved.

CLAUSE 27: Duties of directors.

Approved.

CLAUSE 28: Appointment of officers.

Approved.

CLAUSE 29: Duties of supervisory committees.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 30: Duties of credit committees.

Approved.

CLAUSE 31: Meetings.

Approved.

CLAUSE 32: Liability of officers and directors.

Approved.

CLAUSE 33: Remuneration.

Approved.

CLAUSE 34: Returns of Registrar.

Approved.

CLAUSE 35: Purpose of loans.

Approved.

CLAUSE 36: Security of loans.

Approved.

CLAUSE 37: Restrictions.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 38: Prohibitions.

Approved.

CLAUSE 39: Interest rates.

Approved.

CLAUSE 40: Repayment.

Approved.

CLAUSE 41: Borrowing powers.

Approved.

CLAUSE 42: Powers of hypothecation.

Approved.

CLAUSE 43: Reserve Fund.

Approved.

CLAUSE 44: Payment of dividend.

Approved.

CLAUSE 45: Fiscal year.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 46: Security by officers.

Approved.

CLAUSE 47: Debts due by members.

Approved.

CLAUSE 48: Annual returns.

Approved.

CLAUSE 49: Other returns.

Approved.

CLAUSE 50: Form of return.

Approved.

CLAUSE 51: Annual examination of Affairs.

Approved.

CLAUSE 52: By-laws.

Approved.

CLAUSE 53: Standard by-laws.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 54: By-laws binding.

Approved.

CLAUSE 55: De-registration.

Approved.

CLAUSE 56: Dissolution by consent of members.

Approved.

CLAUSE 57: Liability of members in winding-up.

Approved.

CLAUSE 58: Provision as to instrument of dissolution.

Approved.

CLAUSE 59: Offences.

Approved.

CLAUSE 60: Prohibition of use of “CreditUnion”.

Approved.

CLAUSE 61: Offence for unregistered credit union

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

CLAUSE 62: Restriction on name.

Approved.

CLAUSE 63: General penalty.

Approved.

CLAUSE 64: Federation of credit unions.

Approved.

CLAUSE 65: Tax exemption.

Approved.

CLAUSE 66: Appeal.

Approved.

CLAUSE 67: Regulations.

Approved.

CLAUSE 68: Fees and amendment of Schedules.

Approved.

CLAUSE 69: Repeal, transition and amendment.

Approved.

13 AUGUST 2015

Credit Union Bill 2014 – consideration in detail

SCHEDULES:

Approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Credit Union Act 2014.

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

Susuga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, I move a Correction to Clause 1 and Title as follows:

“CORRECTION:

To omit the number “2014” and substitute thereby the number “2015” this the Act reads:

CREDIT UNION ACT 2015”

Correction approved.

Clause 1 and Title approved as Corrected.

Credit Union Bill 2015 progressed with Amendments and Corrections.

MR SPEAKER: The next Bill is at its second reading stage and the opportunity will be give to the Hon Minister to clarify it. However, we have come to our usual recess hour and we will have a break. I see that we are all in need of a brief recess to rejuvenate with a meal.

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

Proceedings of the Legislative Assembly was set aside at 8.37pm and resumed at 9.24pm.

13 AUGUST 2015

Foreign Investment Amendment Bill 2015 – second reading

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

There are only a few more minutes to 9.00pm so it will not be long now. These are the final hours of our Meeting and I plead with the Members to be mindful of our work. The opportunity will be given as per our normal procedures. We have completed a lot during the past 2 hours and I believe we have the strength to continue after the meal provided.

Before we had our recess, we were about to progress with the second reading of the Foreign Investment Amendment Bill 2015.

I call on the Deputy Prime Minister to please stand and speak on the Bill.

**FOREIGN INVESTMENT AMENDMENT BILL 2015
– second reading**

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Thank you Mr Speaker as well as the Office for the meal provided. I stand with all due respect to move a motion, *That the Foreign Investment Amendment Bill 2015 be read a second time and I want to comment on it.*

Seconded by the Minister of Justice and Court Administration and Minister of Works, Transport and Infrastructure.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, this is a brief Bill and there are only two provisions to be amended.

First is to repeal section 3(2) of the Principal Act to remove the requirement for non-citizens to work in business listed in the Reserve List.

Second amendment is to add a new section 8B to require foreign investment certificates to be renewed on an annual basis.

Those are the minor amendments Mr Speaker. With respect, thank you.

MR SPEAKER: Thank you Deputy Speaker for the clarification on the Bill. If there are no others that want to comment the question will be put.

I call on Tofa Aveau, Member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: First, I thank the Hon Minister for the Bill as well as the Ministry for the provision to remove the requirement for a non-citizen to work in a business listed under the Reserve List.

Second, I have a query because there is a legislation which allows overseas investors to establish businesses. Retail stores are only to be operated by Samoan citizens with basic foodstuffs and necessities. Correct me if I am wrong Hon Minister, if clothing is sold, then it is not a business under the reserved list.

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Foreign Investment Amendment Bill 2015 – second reading

This is where I have a query because there are businesses run by foreign investors that have some clothing hanging for sale but the bulk of their goods being sold are the basic foodstuffs that are supposed to be under businesses in the reserved list only to be operated by citizens. This provision should be reviewed.

Third Mr Speaker, regarding car rentals because there are car dealers that also operate as rentals. This should also be reviewed especially now that there is a reserved list of businesses only to be operated by citizens. That is all with respect.

MR SPEAKER: Well done. Yes Lealailepule.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you for the opportunity Mr Speaker. Thank you also Deputy Speaker for the Amendment Bill. Before I comment on the Bill I wish to record my gratitude on behalf of this Constituency to Tofa Auelua, the former CEO of this Ministry. Since being in Parliament, this Ministry has tabled much legislation. There are now two that we will consider for the administration of the Ministry. Gratitude is due to this former CEO for his contribution to this country especially the Ministry. I congratulate and commend you for your work. There were many changes during your time in Office. Hopefully the works within the Ministry will continue.

I wish to comment on the provision to remove the non-citizens from operating businesses under the reserved list. What about the restricted list as well as the professional services? This should also be considered.

In addition, I see that there are hardly anymore Samoan tailors or seamstresses. Such businesses employ overseas tailors even with childcare there are overseas people being employed in these areas. I did not know that people were being employed from overseas for these types of work. Is this being monitored?

Regarding the foreign investment certificate to be renewed annually, is it not supposed to be a continuous work output? Under the reserved list there are taxi and bus operators as well as retailing and there are many Samoans that operate such businesses and hardly any foreign operators. Thankfully this has been limited and restricted.

My last query is how many people have applied under the Citizen Investment legislation? With respect, thank you.

MR SPEAKER: I call on the Deputy Prime Minister. Did you want to comment Leader of Opposition? I beg tolerance Deputy Prime Minister, I will give the final opportunity to the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, this is an important Bill. This is why despite the late hour, I must comment on it. It affects the cost of goods, job security and businesses operated by non-citizens.

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Foreign Investment Amendment Bill 2015 – second reading

It involves job security for our citizens and security of their businesses. We have witnessed that many of our local businesses have closed down but they have been established and operated now by non-citizens. I believe that this Bill should have been tabled in the House years ago to prevent these situations from occurring.

This legislation should be amended regularly to protect our people and their jobs and businesses.

Also Mr Speaker, the increase in businesses calls for monitoring of the quality of these businesses and their foodstuffs. This is a general overview of the Bill.

I ask the Deputy Prime Minister if this Bill could be withdrawn for now so that we can have time to consider it to resolve some problems currently faced by the country. I see that there is competition in trade and security for those in these services as if....

Tofa Hon Fonotoe Nuafesili Pierre Laufo: Point of order. This Bill that the Leader of Opposition is commenting on is not what we are deliberating. There are ten other Bills before we get to that. This is a different Bill from the one you are commenting on. Perhaps you were right, the hour is late.

Afioga Hon PALUSALUE FAAPO II: This is the problem with the Deputy Prime Minister. This is the general speech which also involves investments and it is also part of the general merits of the Bill. Investments is the same thing as the sale of our citizenship. Now we have this Bill and it is exceptional....

MR SPEAKER: I beg tolerance of the Leader of Opposition.

Tofa Hon Fonotoe Nuafesili Pierre Laufo: Mr Speaker, I stand with all due respect. Again, the legislation mentioned by the Leader of Opposition is a different one from this. That was the citizen investment legislation. It has not been passed but it is with the Committee. Why not let me respond to the questions from the Member for Faleata East and Faleata West.

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

MR SPEAKER: Conclude your remarks Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, it seems as if the Deputy Prime Minister is surprised but this is the general speeches.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Sailele Malielegaoi: Mr Speaker, it is usually at this time when there are problems. I ask your opinion if the Leader of Opposition is intoxicated?

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Foreign Investment Amendment Bill 2015 – second reading

MR SPEAKER: Your view is noted Leader of Opposition please conclude.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I apologize but I do not consume alcohol because I am a Lay Preacher. The only person I know that consumes alcohol is the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, there are at least four other Bills that we are yet to consider. The Deputy Prime Minister is trying to respond. This is not new. I have noticed that everytime we have Meetings in the evening, the Leader of Opposition looks intoxicated.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, I thank the Leader of this side for being vigilant. He has thought of it before we even get to it. These legislations are all linked. I remember a joke where a European and a Samoan went to the market and the European asked the Samoan what the different crops were and he pointed out a banana then a taro and when they got to the taamu, the Samoan said, that is taros brother. So they are brothers....

MR SPEAKER: Please conclude.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I ask that you thoroughly consider this Bill. It is true that the Bill regarding investments and citizenship mentioned are the same thing.

Mr Speaker, we shall wait for the consideration in detail. Thank you.

MR SPEAKER: I call on the Deputy Prime Minister. Do not address the remarks by the Leader of Opposition. I instruct the Sergeant at Arms to check if the Leader of Opposition is intoxicated.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Thank you Mr Speaker. I also thank the Members that commented on the Bill. This Bill is always being reviewed. Under the reserved list there are businesses listed that can only be operated by Samoan citizens and it does not include tailors and babysitters. Perhaps this should also be reviewed by the Ministry when they have their consultations with the business owners. Perhaps it should be in the restricted list also. There are businesses that display different items but inside they sell different items. The Ministry should carry out inspections and if found, these cases should be reported.

For rental cars, it is true that rental cars are different from car dealers. There is a difference in these types of businesses and the Ministry will review it when the time comes and consult with the business community. The lists were created upon the recommendations of the business community during such consultations.

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Foreign Investment Amendment Bill 2015 – second reading

As for the Foreign Investment Certificate, the important thing is that there is support for a limit of 12 months then it is renewed. As for the Ministry, the inspections are still being carried out on the records of the various companies and businesses run by foreign investors. There are conditions when applying for a certificate even when applying for benefits or Government aide. Such conditions may include an estimation of when the development will begin and how many Samoan citizens will be employed and others. That is the case with the foreign investment certification and it is essential to improve the Ministry's inspections. Many businesses applied for certificates and they were granted but other businesses applications are being process. However there are businesses that are not established under the initial conditions they applied for.

That is the response Mr Speaker with respect.

Tofa Lealailepule Rimoni: Mr Speaker, the final query because it is unclear. For the businesses under the Reserve List, it seems that it is registered under a Samoan citizen and when the non-citizen returns, as the Member for Faleata East mentioned, they would use the buildings and assets. Is there a safety provision for this with respect?

Tofa FONOTOE NUAFESILI PIERRE LAUOFO: This is the exact reason for the Amendment Mr Speaker with all due respect.

MR SPEAKER: Well done.

The motion was approved and the Foreign Investment Amendment Bill 2015 was second read.

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

SENTENCING BILL 2015 – second reading

MR SPEAKER: There is the Evidence Bill 2015 that is also being second read and is complimentary to this Bill but I will leave it at the discretion of the Hon Minister if you want to clarify these together or separately.

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

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. In the interest of our proceedings and its procedures, I seek your permission if these two Bills can be clarified together which will make our deliberations also simpler.

13 AUGUST 2015

Sentencing Bill 2015 – second reading

MR SPEAKER: The opportunity will be given so that the clarification is simpler because these Bills are related. I call on the Hon Minister.

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

In addition Mr Speaker and the dignity of Parliament, *That the Evidence Bill 2015 be read a second time and I wish to clarify them both.*

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

Motion was approved and the Sentencing Bill 2015 and the Evidence Bill 2015 were read a second time.

MR SPEAKER: For the awareness of the House, the reason I allowed these Bills to be second read together is because they are complimentary of each other. I will monitor and regulate the questions to make the Hon Ministers job easier. During our debriefing, the CEO of the Ministry was given the opportunity to clarify the Bills together because they are related. During the consideration in detail stage then they will be read separately. However for this stage they can be commented on together and it is left at the discretion of the Member to which Bill to comment on.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, with respect, these Bills are very thick. If we make our speeches which is 40minutes per Bill, it should be twice the time allowed because there are two Bills...thank you for your discretion.

MR SPEAKER: I have the discretion, do not question my discretion but leave it with me. I call on the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, I will begin with the Sentencing Bill 2015.

Mr Speaker and the esteemed Parliament, especially the Members that were present during the debriefing on this Bill. This is a new Bill and it was prepared by the Judiciary to improve its judicial services.

Mr Speaker, the objective of the Bill is first, to provide ways in which defendants may be sentenced or otherwise dealt with by the courts; second, to aid in the public's understanding of sentencing practices, by providing principles and guidelines to be applied by the courts in sentencing or otherwise dealing with defendants; third, to provide a sufficient range of sentences and other means of dealing with defendants; and finally, to provide for the interests of victims of crime.

13 AUGUST 2015

Sentencing Bill 2015 – second reading

Mr Speaker, we can also say that most of the time, the procedures of the Judiciary are mysterious in dealing with the cases especially for the general public. The purpose of the Bill is for clarity to all parties involved in cases especially in regards to sentencing.

The second Bill Mr Speaker and Members of Parliament is the Evidence Bill 2015. We can say that evidence is an integral part of the investigation of a case and the courts decision. The first Bill deals with sentencing and this Bill deals with evidence before the courts and it repeals and replaces the Evidence Ordinance 1961. The objectives of the Bill are to provide facts to be established by the application of logical rules, promote fairness to parties and witnesses, protect rights of confidentiality and other important public interests, avoid unjustifiable expense and delay and enhance access to the law of evidence and understanding of the law of evidence.

Mr Speaker, that is a brief explanation of the Evidence Bill 2015.

MR SPEAKER: Thank you Hon Minister. The House has heard the clear explanation made by the CEO during the briefing on the Bills.

I will put the question...why are you taking long to stand? The floor will be given, I call on the Member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, I first thank and applaud the Hon Minister and the Ministry for both Bills. They are not small Bills. The Hon Minister has commented on them especially the Sentencing Bill being a new piece of legislation. I will attempt to remark on the Bills.

First, before the Bill, how then were the Courts deciding on cases?

Second, are these legislations for us to instruct or regulate the work of the Judiciary? It is true that the legislations were clarified to ease the decisions of the Court but it was said that this is a new Bill. I am concerned that the Parliament is legislating each part of the Courts.

If you look at the Bill, there are provisions giving opportunities to those that commit crimes but are financially stable. This Bill seems to ease sentencing by considering the offenders economic situation. There will be certain repercussions. First, if the person has the means, they can pay for their penalty but if the person cannot afford it, or if the courts see that the family will be affected by the sentencing, then another sentence is made which could mean imprisonment. If the offender is seen to be able to pay the fine they are given that sentence and not imprisoned. I do not think this provision in the Bill is appropriate.

Another part of the Bill refers to a Community Detention Services. My concern regarding this is that it is new. Correct me if I am wrong Hon Minister, why is this provision in the Bill for offenders to serve their sentences in the village? It is true that there are conditions to be enforced such as offenders being required to report to a probation officer.

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Sentencing Bill 2015 – second reading

Also, where is the Crimes Bill that we passed because it already provides for penalties to any crime. It is in that legislation but now there is the Sentencing Bill which may have contradictions.

My question Hon Minister is if there is a provision in this Bill for those that are imprisoned for say 3 years or 6 months because of inability to repay a loan because the loan is still not paid off. The sentence of imprisonment has been served but the monies have not been recovered and if you are released you have to repay it but if you cannot then you are imprisoned again. The gist Mr Speaker is whether this can be reviewed so that the offender is not imprisoned but given a period of time to repay part of the monies. I am not instructing the Hon Minister or the courts but whether the sentence can take into consideration the repayment.

There is another part of the Bill I wish to comment on regarding sentencing of children under the age of 18 years of age especially those involved in domestic violence. What is the role of the Samoa Victim Support Group in the Courts decision? Does the court have any authority in the cases of the children at the SVSG? Is there a provision that dictates a probation officer should be assigned to the offender if they are not imprisoned? Or is there anyone that is assigned to such a task so that there are records or documentation?

I am appreciative of those that assist those seeking refuge especially if it involves children. Does the court have any collaborative role to assist in the future of these children? I read in the Bill that those under 18 years of age can be imprisoned but there are no specifics stating what offences call for such a sentence.

I am grateful to the Ministry and the Hon Minister responsible for the Bill which to me can be compared to a guideline. When a crime is committed then the Bill is consulted to determine what exactly the offence is. You research the legislation and it says, if you have witnesses, they can be present at the hearing and what other provisions there are in the legislations. In a way it tells you how you can make your burden lighter and your sentence lenient because the criterias are there. What is the view of the Judges on this because it is new? I personally think that the courts decisions should not be provided for in legislation. Independent decisions are made by individual Judges and precedence. The Crimes Bill already provides for sentencing and penalties.

Mr Speaker, perhaps....

MR SPEAKER: I will give the opportunity for the interjection by the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, check the time limit because I think there is a breach with time limit and the speech on the Bill.

MR SPEAKER: I will give the opportunity. Is your speech finished? Lealaillepule, stand.

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Sentencing Bill 2015 – second reading

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, I wish to query the community detention.

MR SPEAKER: This is your second opportunity. Stand this is your final opportunity.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: Mr Speaker, I thought I would have a little break and then continue on the Bill with respect.

MR SPEAKER: Conclude.

Tofa AVEAU TUALA LEPALE NIKO PALAMO: I will conclude there Mr Speaker.

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

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. My fellow colleague was asking if I could go first and then he would speak after on the other Bill with your permission. However, I will comment on the Bill.

Thank you Hon Minister and the Ministry. This is one Ministry that has many new Bills coming through the House. This is a very important Bill and as the previous Member mentioned, we have passed the Crimes Act 2013 which provides for all the crimes and sentencing. In my opinion, this Bill gives the Judges a range of options for sentencing. Many of the penalties are set at an exact age and the type of offence. The Judge will then have no option other than the sentences in the legislation. There is no difference between this and the Electoral Act where the Judge cannot exercise any discretion in the sentencing. There is only one decision. You are automatically removed from your seat.

Perhaps there should be a review of the sentencing because the sentencing for stealing \$10 and \$1000 or \$2000 is the same. The sentence should not be the vacancy of the seat. There is no other penalty other than the removal from the seat. The opportunity in the Bill allows a sentencing to be served in the family or the community. I did not read thoroughly into it but overseas there is a wristband or an electronic band where you are only allowed say 100 meters and if you travel out of the boundary then the alarm goes off. This would save public monies and the person as well. Many of these offenders spend a month or two at Tafaigata and return for the worst.

I wish to comment also on the state of the Tafaigata prison.

MR SPEAKER: I advise the Member to comment on the Bill.

Tofa LEALAILEPULE RIMONI AIAFI: These are all matters included under the general merits. Is the traditional ceremony for apology included in the Bill as well as resolution between the families especially if the stolen money is repaid?

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Sentencing Bill 2015 – second reading

If your money was loaned and not repaid, the offender can apologize and repay the loan. Despite it being taken to the court, I believe that the sentencing can be adjusted in this case.

One thing I note from the Bill is the emphasis on victims because often the focus is on the offender. This however provides for a resolve for the victims to correct the wrong done with them.

There is a story I wish to share and I think it is important. I thought about it during Fathers Day. I was taking an evening ride with my wife and children and they asked what we should do and I said it was up to them and so they opted to go to the cinema. On our way to the hospital, in front of Hans Keil, I saw a man chasing a woman and the traffic had stopped. The woman forced her way into a taxi seeking refuge but the taxi could not go because the light had turned red and the man caught up to her. The light turned green and I hoped that the taxi would go leaving the man behind. I passed the taxi and looking in my rear view mirror I saw the taxi start to move and the woman fell out. As soon as she fell out then the man kicked her. I tried to turn my car around but there was too much traffic. When there was an opportunity, I turned back around and there was another couple already there and they did not care to stop. When they saw my car, they started the chase again and the woman ran into my car yelling “I want to leave” and when the man saw me, he stopped in his tracks as if he was seeing the Rock. It was good that I had that boxing match and I hit him and pulled him out of the car. We took her to the police station and I told them to take the woman to the hospital and look for the husband. My question is what would happen to me if something had happened to the man because I was trying to help? The posts on Facebook read that Leala had beat up a man but they do not understand the circumstances around the occurrence. We did not get to go to the movies and our Fathers Day was ruined but anyways, I was sympathetic when I asked her where she was from and she said Fusi Safata and that she was staying with a man from Taufusi.

Back to the Sentencing Bill, it is very important because the Courts have been given the discretion in their sentencing. Those who need to be imprisoned need to go to jail but there are those that can be under house arrest and wear an electronic bracelet. When they have that on, they will not go anywhere because they will be shamed. If the offender stays home long enough maybe they will change.

I will now comment on the Evidence Bill.

MR SPEAKER: Speak.

Tofa LEALAILEPULE RIMONI AIAFI: I will have a little break, thank you.

MR SPEAKER: There are questions being asked and the CEO of the Ministry clearly explained these matters and it was very transparent. This Bill does not instruct the Courts.

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Sentencing Bill 2015 – second reading

This Bill was a result of the requests by the Ministry for a guideline to regulate sentencing and give discretion to the Courts and the Judges. Also provided is the negation process with the witnesses and evidence as well as the emphasis on the CEO. This lightens the burden of the Judges in carrying out their sentences. Sometimes the Judge may call a two minute recess so that precedence in similar cases can be sought. I do not know about you all but the debriefing was clear.

I will still however give the opportunity to the Hon Minister.

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker. You have assisted greatly with your clarification of the matters raised by the Members. As the norm with our second reading debates, we should comment on the general merits of the Bill. Many of the questions asked by the Members are more appropriate for our consideration in detail stage on which the Committee Chairperson would also be able to assist with the clarifications.

There were two Members that commented on the Sentencing Bill. The Member for Faleata East answered his own question. It all goes back to this being like a guideline and that is the objective of the Bill. It is a guide to connect the Executive and Administration to the Courts because we are all aware that the Executive is independent. How then can there be a connection? It is by way of this Bill and the various policies made from time to time. The representative from the Ministry clarified the Bill and the consultations made between the Ministry and the Judiciary. The Ministry cannot make legislation without consulting the Judiciary.

This guideline is to ensure transparency and for the understanding of the Judiciary and those being sentenced of their legal rights. As for the question by the Member for Faleata East regarding the Bill being new and what of the past sentences? For the information of Parliament Mr Speaker, the Judiciary used precedence with their decisions then, this was the norm.

As for the queries regarding the consistency between the Crimes Act and the Sentencing Bill, it is very clear. The Crimes Act has been passed by the House which provides for penalties. This Bill, the Sentencing Bill provides for the reasons and basis for the sentencing being made.

Mr Speaker, the penalties for bribery during elections can be as little as \$2 or \$1000. It is not the amount of the bribe that dictates the sentence but rather the act of bribery itself regardless of how big or small, it is a crime.

These are some of the general matters that were mentioned on the Sentencing Bill 2015.

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

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, it is important there there be a review. The sentencing for Members is similar to the sentencing for a murderer or any other harsh offense.

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Sentencing Bill 2015 – second reading

I am not talking about bribes of \$10 or \$1000 because we all understand the nature of this. However there may be a time a Member goes to the hospital and meets an elector and they give \$10 and for the entire term you served, this \$10 causes a Member to lose his seat? Where do you draw the line between culture and bribery and treating? There is no such provision for this and it should be reviewed by the Courts. I suspect that the Judges also do not want to give such a sentence but cannot because the only sentence is for a Member to be removed from the seat. This is what should be done during the consultations with the Ministry and this is the purpose of the Committee but the recommendations are not being heeded. I am grateful still that there is a provision for discharge without conviction.

Thank you with respect.

MR SPEAKER: The Hon Minister has also concluded her response.

The Sentencing Bill 2015 and Evidence Bill 2015 were approved and second read.

MR SPEAKER: Pursuant to Standing Orders, the Sentencing Bill 2015 and the Evidence Bill 2015 stood referred to the Finance and Expenditure Committee for consideration to report back to the Legislative Assembly at a future Sitting day.

FISHERIES MANAGEMENT BILL 2015 – second reading

MR SPEAKER: I call on the Hon Minister of Agriculture and Fisheries.

Afioga Hon LE MAMEA LEMALU SU'A LEATUAVAO TUILETUFUGA ROPATI MUALIA (Minister of Agriculture and Fisheries): Mr Speaker and the dignity of the House, I stand to move a motion, *That the Fisheries Management Bill 2015 be read a second time and I wish to comment on it.*

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

MR SPEAKER: I call on the Hon Minister.

Afioga Hon LE MAMEA LEMALU SU'A LEATUAVAO TUILETUFUGA ROPATI MUALIA: Mr Speaker and the esteemed Parliament, this Fisheries Management Bill 2015 replaces the Fisheries Act 1988.

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Fisheries Management Bill 2015 – second reading

This Bill provides for the effective management and conservation of the marine resources within Samoa's fisheries waters. The policy rationale within the Fisheries Act 1988 will not be compromised but will remain within the Bill.

The Bill also simplifies and modernizes the language used in the management of this resource. During the review of the Fisheries Act 1988, the Fish Stocks Agreement was signed to ensure consistency with the Law of the Sea.

This Bill was compiled after many consultations with various stakeholders such as the fishermen, various Ministries including regional and governmental organizations and villages. There was assistance on the Bill from the Forum Fisheries Agency and the SPC by way of legal advice and the Attorney General was also present.

These are the major changes that require the legislating of Samoa's commitment to international and regional agreements and treaties. This is evident also through the legal enforcement of Fisheries Regulations and this Bill.

This Bill maintains and enforces the main objectives of the Fisheries Act 1988 which includes the management and protection of Samoa's waters from over fishing ensuring consistency with international regulations so that Samoan citizens benefit from by conserving our fisheries resources for consumption.

Mr Speaker, I believe that the Bill is well understood and each individual part of the Bill is also clear. There was a briefing and consultation on the Bill beforehand. I believe that it is late and I am sympathetic.

With respect Mr Speaker, I ask that the question be put so that this Bill can be referred to a Committee for consideration and to report back at a future sitting.

With all due respect, God bless. Thank you.

MR SPEAKER: Will you heed the request of the Hon Minister.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, I stand with respect to second the request by the Hon Minister so that the Bill can be referred to a Committee for consideration.

Thank you.

MR SPEAKER: Thank you. The Bill will be referred to a Committee where you will also have an opportunity to comment on it.

Motion approved and the Fisheries Management Bill 2015 was second read.

MR SPEAKER: Pursuant to Standing Orders, the Bill will be referred to the Primary Production, Commerce, Industry and Labor Committee for consideration and to report back at a future Sitting day.

This is the kind of initiative that is needed at this hour of the night. There is no restriction on the opportunity but for the ease of our work, these Bills were already clarified during our de-briefing. But I will leave that discretion with you depending on your strength.

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LANDS, SURVEYS AND ENVIRONMENT AMENDMENT BILL 2015
– second reading

Tofa Hon FAAMOETAULOA LEALAIULOTO ULAITINO FAALE TUMAALII (Minister of Natural Resource and Environment): Mr Speaker, I stand to move a motion, *That the Lands, Surveys and Environment Bill 2015 be read a second time and I wish to comment on it.*

Seconded by Minister of Works, Transport and Infrastructure, Minister of Health and Minister of Police and Prisons.

MR SPEAKER: I call on the Hon Minister to take the floor.

Tofa Hon FAAMOETAULOA LEALAIULOTO ULAITINO FAALE TUMAALII: Mr Speaker, this Bill seeks to amend the Lands, Surveys and Environment Act 1989. This amendment is needed to allow consistency with Government policies. The amendment in this Bill allows other persons, including enforcement officers of the Land Transport Authority to be authorized to enforce the litter provisions under the Principal Act especially in public places or conservation areas.

This amendment also has a minor change which removes the phrase conservation officers and replaces it with authorized officer.

Also amended is the removal of the words Deputy CEO to be replaced with Assistant CEO. These are the minor amendments in the Bill with all due respect.

MR SPEAKER: Thank you Hon Minister – I call on any Member that wishes to comment.

I call on the Member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. This is a very important Bill. I only query the relationship with the LTA. The LTA is specifically responsible for road traffic. Do they have the expertise or knowledge to be used for this task? The LTA Act should also be reviewed specifically with regards to officers duties and responsibilities and whether they have the capability to undertake this additional task. If the Hon Minister is referring to littering on the roads then that would be alright. But what then are the penalty fees? Can they fine people because they do not have the authority to imprison anyone? So what exactly is the relationship or connection between the roads and this additional responsibility? Thank you.

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

Afioga Hon PALUSALUE FAAPO II: The question is very simple. What is the purpose of this amendment? What is the current situation and who is responsible for the litter provisions at the moment?

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Lands, Surveys and Environment Amendment Bill 2015
– second reading

The road sides are being mowed and after it is, then you can see the litter. I note that the responsibility is being given to the LTA but they are responsible for our roads. I am sympathetic with the officers. Can you not employ people to enforce these litter provisions? It is manageable in Apia, but going into the rural areas to the airport and wharf, there is so much litter on the road sides.

These are some of the matters that should be considered because then there would have to be a road block by LTA just to monitor this. Tourism should also be a deciding factor in the consideration of this issue because after mowing, there is rubbish everywhere. My advice to the Hon Minister, which will also create employment opportunities for others, is to employ people to monitor this. This can be the main focus of their task; to collect the rubbish from all over Samoas roads as we are all aware the Tourism Authority is marketing a beautiful and clean Samoa.

This is the brief recommendation for the Hon Minister to consider so that the LTA can focus on their main responsibility which is traffic safety on the roads.

With respect.

MR SPEAKER: I call on the Hon Minister. There are two matters that need clarification.

Tofa Hon FAAMOETAULOA LEALAI AULOTO ULAITINO FAALE TUMAALII: Thank you. I will respond to the first query. As I said, there were consultations regarding this amendment between the Ministries involved. The Bill gives the authority to the LTA officers to assist in enforcing the litter provisions. For instance if a driver throws out trash from their car and there is no conservation officer there, the authorized officer can enforce the law.

The LTA status is not being belittled in this regard. A well kept environment is indicative of a growing economy. This is the objective of the Bill, to protect our natural resources because there are still reports of rubbish being dumped in various parts of the country. This will give them the power to report this and apply the law.

That is the intention of the Amendment Bill with all due respect.

Motion approved and the Lands, Surveys and Environment Amendment Bill 2015 was second read.

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

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COMPETITION AND CONSUMER BILL 2015
– second reading

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Deputy Prime Minister): Mr Speaker, I stand with respect to move a motion, *That the Competition and Consumer Bill 2015 be read a second time and I wish to comment on it.*

Seconded by Minister of Justice and Court Administration and Minister of Public Enterprise.

MR SPEAKER: I call on the Deputy Prime Minister.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, this is one Bill that the Members were adamant on having in this Term. This Bill provides for competition of companies in local markets. Mr Speaker, the objects of the Bill are to establish standards of conduct for those engaged in trade in Samoa, to protect the safety and interests of consumers in Samoa, and to establish the Competition and Consumer Commission (“Commission”). The function of the Commission is to administer and enforce competition rules and safeguard consumer protection. A variety of enforcement measures are made available to the Commission such as warning notices, undertakings, cease and desist notices, pecuniary penalties, etc. The Commission also monitors the competition between businesses in Samoa.

The competition rules prohibit anti-competitive agreements, bid-riggings, etc., between businesses, abuse of market power by businesses that possess market power, and acquisitions or mergers, that would substantially lessen competition.

The consumer protection rules prohibit misleading and deceptive conduct by traders, prohibit a variety of unfair practices by traders, establish a set of consumer guarantees for the protection of consumers of goods and services, and establish safety and information standards in respect of consumer goods and services.

That is the explanation Mr Speaker on the Bill. I believe that the Members understand the explanation as it was also clarified during our briefing. Thank you.

MR SPEAKER: I call on the Member.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker for the opportunity. There is only one Minister that has this sides respect, only the Hon Minister of Agriculture and Fisheries because he has the undisputed champion title. So whatever Bill he tables, I acknowledge and honor. As for other Ministers, I thoroughly review their legislation and I will not give them an opportunity to slack.

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Competition and Consumer Bill 2015
– second reading

There are some parts of the Bill Mr Speaker that require improvement. It is well known that since I entered Parliament, there has been one matter I have been persistent on and that is unfair competition where the rich expand and grow their businesses and the smaller businesses do not grow which then leads to uneven distribution of wealth. This matter should be considered. Personally, this Bill is one-eyed because it sees one side and turns a blind eye to the other.

Recall that we raised the matter of the wholesaler and the retailer as well as the financial institutions. I assumed the Bill would address the issues and present evidence that this is appropriate where a wholesaler also operates as a retailer.

The wholesalers have delivery vans and there are many and there are also many retailers. The small businesses do not know where to turn. That is the first matter I put forward.

The response from the Ministry when questioned is that the Consultant that did the Report stated that this will make the cost of living for Samoa cheaper. I am dismayed at this because I am certain that it was not a Samoan consultant and there is no evidence to support such a remark. How can the cost of living be affordable if you supply the sack of rice then you also control the distribution of that sack of rice. If you have control of supply, you also have control over the cost. There is a provision in the Bill regarding control and vertical agreement exemptions whereby if you supply a product you can continue to do so. These are commercial practices that we should look at. There is the Fair Trading Act that also addresses price control which is the responsibility of the Price Control Board and everything is dependent on the quality. We have just passed the Food Bill as well which addresses another aspect of this issue. Now we have this competition. I am just saddened by this because the imports are more expensive than the products produced locally. I am talking about the finished product. For instance the bottled water. The bottled water imported is more affordable than the locally produced ones. Who then would want to bottle water? Another example is the eggs that are imported which are more expensive than the local eggs. The reason being the ingredients or the raw materials used to produce the finished product is more expensive for us compared to the tinned products from overseas. This should be considered because then our industries will not grow if this is the case.

Another example is if a business decides to produce animal feed, it will be costly and no matter how they try, to produce locally will result in a more costly finished product compared to the imported feed. The Government is trying to encourage substitution to create employment opportunities and have affordable products aimed at developing our local industries. But there can be no growth if it is easier and more affordable to import. Many of these imports are not of high standard or quality.

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– second reading

Standard and quality is being addressed but we cannot do anything about it if the imports are cheaper and the people are happy with it because they budget according to their financial situation. I testify to you Mr Speaker that there are stores in Samoa that have questionable products in regards to the quality. Even with the tin plates, cups and bowls as well as the food stuffs.

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

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, it seems the Members speech is becoming more scattered than focused. He said first that the imports were no good, then he said the imports were alright then he moved on to saying that the products produced locally are expensive. Recall my past recollection on the production of toilet paper where the producer asked that the import of toilet paper be prohibited because his product was not selling. This was when I was Minister of Finance. I did not respond to the first request and he wrote again and then I responded. I wrote that the imported toilet paper is soft and scented unlike his toilet paper which was rough and itchy and it would have been better to use what they used to in the outbacks, leaves.

Mr Speaker, we import our toilet paper to compare with our locally made ones and we can see the difference. Also, the imported paper is thick unlike the thin ones made here. As I said in the past, I sat and tore the paper up in sheets and the local ones had 150 sheets and the imported ones had 300 and yet it is more affordable and smells good. I could not stop touching it and smelling that toilet paper.

Mr Speaker, as I said, I am confused at the exact focus of the speech. There is no focal point and the House is starting to fall off to sleep and no one understands what exactly the Member is talking about.

MR SPEAKER: Conclude your speech.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, the Hon Prime Minister is the only one listening to my speech. My Constituency is not asleep at this time; they are also listening on their radios. See now we have come to the important matter of toilet paper.

Mr Speaker, if the then Minister gave the resources to the producers to improve the quality of their toilet paper to splash it with powder or to thicken it then it would have been better than the imported one. The intention is that our people produce locally saving our foreign reserves and purchasing from overseas. It will get better with time.

Another matter is the Commission, what is the need? What then is the Ministry's responsibility?

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MR SPEAKER: I give the floor to the interjection by the Hon Minister of Women, Community and Social Development.

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Thank you for the opportunity Mr Speaker. I stand to move a motion, *That 15 minutes be granted to the Member.*

MR SPEAKER: Continue with your speech.

Tofa LEALAILEPULE RIMONI AIAFI: I second it, thank you Hon Minister.

Continuing, I was about to query the establishment of a Commission which can number three or seven. What is the need for so many? If it is necessary, maybe three because this is a full time membership and they will have employees.

I ask the Deputy Prime Minister if this is a new Ministry or a Division within the Ministry. I hope it is within the Ministry with their own separate room to carry out their business adding to the existing staff dealing with this matter. This is not a new output, it is currently being done and we have it provided for in other legislations. How much will they be paid?

Mr Speaker, the Bill states that if there is a conflict then the matter will be referred to another Regulator. I am unclear on this because the Commission is a regulatory body who then is another regulator? The only Regulator is currently responsible with telecommunication and electricity and they do not have any knowledge about competition. There is no need for other regulatory bodies or a Regulator for this because the Commission should understand these matters.

Another matter Mr Speaker, the independence of the Commission is emphasized within the Bill. It should not be so; they should collaborate with the Minister and the Ministry. There are contradictions because one part states the Minister has the power to consider trade matters and refer it to the Commission for a Report. If it is supposed to be independent, they should do the Report themselves and make recommendations. The Minister and Cabinet should look at these matters.

The Deputy Prime Minister mentioned in the beginning the cost of goods and the control of these costs. I believe that these are not clearly provided for in the Bill and how it is to be controlled.

Mr Speaker, I feel this is enough for now incase the Deputy Prime Minister is unable to respond. He might need time to go to the back and absorb the information I gave and correspond with his Ministry and gain some understanding of the Bill because he has not read the Bill as well. We should rest now and prepare for the demolition ceremony for the House tomorrow.

Good night and thank you.

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– second reading

Tofa Hon Fonotoe Nuafesili Pierre Laufo: I am grateful for the lengthy speech by the Member. I have recorded each matter he raised on the Bill. I will respond to one matter as I see it is past 11 o'clock. As for the other matters, I will get to it.

MR SPEAKER: I beg tolerance of the Deputy Prime Minister, I will give the opportunity to the Leader of Opposition. Please keep it short. I believe the Member for Faleata West has mentioned most of your shared views.

Afioga Hon PALUSALUE FAAPO II: Thank you for the opportunity. This is a confusing Bill. Not only does it touch on the cost of living but it includes employment and revenue.

There are other delivery vans that operate on Sunday and it should be investigated. I hope that in this Bill there is a provision for these companies to pay taxes. I am certain they are not Samoan owned companies.

I ask the Deputy Prime Minister also about the street vendors, many of which are children that should be in school. This is the responsibility of the Ministry. We now have this Bill focusing on competition and the protection of consumers. My question is whether the Hon Minister and the Ministry have considered how to protect consumer rights? The Bill is a guideline for the Government and the products bought and sold. The eagerness to gain revenue overlooks the street vending.

These should be investigated by the Hon Minister. I am only concerned for our people and their right to make a profit. Many businesses have closed down. How can you protect them in light of these recent events? Those who can afford it establish their businesses. Priority should be given to the rights of our citizens and the consumers. We might be too quick to want competition at the expense of our people.

Mr Speaker, this is an important Bill. As I said in the beginning, this Bill has been delayed but it seems that the onus is on the importation of goods which will impact on our people. This Bill is thick and I assume there will be an opportunity to comment again when it is referred to the Committee.

MR SPEAKER: I will give the floor to the Hon Minister to clarify the matters raised on the Bill.

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Thank you Mr Speaker. There will be another opportunity to comment during the consideration in detail of the Bill.

Regarding the matters raised, the Commission will be established to administer and enforce competition rules to safeguard from unfair practices. The exact reason for many businesses closing down is because of unfair competition especially with large scale companies. This Bill targets companies that conduct business making it impossible for small scale businesses to survive within the markets.

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This Bill attempts to regulate this conduct in terms of market sharing, abuse of market power or bias fixing. All this is prohibited under the Bill thus the need for the Commission established under this Bill to monitor companies engaged in such practices otherwise known as anti competitive conduct or behavior.

We are trying to foster competition because without it, only an elite few would benefit while the others suffer. This is the intention of the Bill. In addition the Bill seeks to provide for consumer protection rules to desist from deceptive conduct or misleading conduct. The business owner should guarantee the safety of the product sold to the consumer.

As for the query whether the Commission will be a new Ministry, no, it will not be. It will be within the Ministry with a membership of three beginning with monitoring competition between businesses in the local markets.

Regarding the financial institutions mentioned those are under the Central Bank of Samoa. They have a regulatory function in this regard. Such as is the Regulator for EPC and telecommunications. The Regulator can also be invited to sit in the Commission to assist. At the same time, the Price Control Board will still operate and be monitored.

In relation to child street vendors, the House should be aware the the Bill was passed to provide for this matter. I believe that these matters are understood Mr Speaker.

MR SPEAKER: I call on the Hon Prime Minister.

Susuga Hon TUILAEPFA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: There is a matter I wish to elaborate on. The intention of the Bill is to balance the gap between the businesses and the rest of the country so that there is fairness for all. How does this come about? There is probably 5% of business owners compared to the 95% of the public. Is there a balance? If you focus on the elite and disregard the 95%, they are the consumers. What does this 95% want? Affordable goods, so it is not simple. Many of the speeches are thinking of the 5%, what about the 95%? You should be sympathetic of the general public but most of those who make a lot of money are shopping in these affordable companies.

MR SPEAKER: Is there something else Tofa Lealailepule?

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, the Government and this Side all have one objective and that is an affordable cost of living. Affordability is important but the quality is equally important. The Deputy Prime Minister has not responded to all my queries. I also mentioned protection of consumer rights as well as the rights of the business owners. The provisions in the Bill are not new.

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They are also in the Fair Trading Act. I assumed these would be new provisions. It is easy for us to say that the wholesalers and retailers are enabling an affordable cost of living but how can we be certain of this? Yet there are many businesses closing down, that is not good competition.

MR SPEAKER: I believe your comments are understood therefore I call on the Deputy Prime Minister.

Tofa FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker, I said that there are businesses that were affected. There are small businesses that have closed down because they could not compete with the larger companies. As for the wholesalers and retailers, this is monitored by the Commission. I know what the Members are referring to regarding these wholesalers. For instance, if the wholesale is the only one left supplying sugar, they can measure it and sell it retail if they also operate as a retailer. They would profit more from it. Other times, for instance if they are the only ones selling the flour, they will have conditions where you are told to buy a sack of sugar, sack of rice and a box of tinned herring before you can buy a sack of flour. That is what other wholesale companies do. Everyone will go to the wholesale because they are the only suppliers of certain goods. It is complex thus the need for a Commission as well as economists. In such cases, the Commission will make their decision and there are fines under the Bill.

Also in regards to consumer protection against misleading information, the Commission can instruct the company to take back the goods if there has been proof that it is of questionable quality and substitute it and if they cannot then it should be refunded. There are many new provisions in the Bill. It is true that there is the Fair Trading Act but it does not provide for competition. This Bill provides for this as well as any issues that should be monitored by the Commission.

That is the response Mr Speaker.

MR SPEAKER: Thank you. I believe the matter is clarified. I beg tolerance of Afioga Hon Palusalua and Tofa Lealailepule, there will be another opportunity with the Committee where the recommendations can be made.

Motion approved and the Competition and Consumer Bill 2015 was second read.

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

We have now come to our last Bill at its second reading stage and then we will proceed with the third reading.

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LAND TITLES REGISTRATION AMENDMENT BILL 2015
– second reading

Tofa Hon FAAMOETAU LOA LEALAI AULOTO ULAITINO FAALE TUMAALII: Mr Speaker, I move a motion, *That the Land Titles Registration Amendment Bill 2015 be read a second time and I wish to comment on it.*

Seconded by the Minister of Health, Minister of Public Enterprise and Minister of Police and Prisons.

Tofa Hon FAAMOETAU LOA LEALAI AULOTO ULAITINO FAALE TUMAALII: Mr Speaker, the Bill amends the Land Titles Registration Act 2008. It is a small Amendment to clarify that customary lands are not registered with other type of lands such as public lands or freehold lands.

The only record of customary land can be maintained by the Registrar of Lands to ensure consistency with the Lands and Titles Act 1981. That is the only Amendment with all due respect.

MR SPEAKER: I will give the opportunity to the Leader of Opposition.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, it is a brief question. The Hon Minister clarified the recording of customary lands.

We have often talked about customary lands and that they cannot be sold but there is a legislation that allows for the leasing of these lands. Now the court decisions will be recorded as well as the winning parties.

My concern is that if the customary land is recorded then it is registered land thus being more like a freehold land. However there is an understanding amongst our people and Parliament that this land is owned by the family.

MR SPEAKER: I beg tolerance of the Member in case the matter be steered from the point.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, the problem is that the Leader of Opposition understands very well his beginning statement. Court decisions are recorded for transparency. Many of the boundaries are trees and when there are strong winds they fall. As the years pass and the next generation comes up, the tree marking the boundary cannot be found. This is why court decisions are recorded which are especially useful when families are at conflict. It is not all lands but just those that are conflicted because of boundaries.

Afioga Hon PALUSALUE FAAPO II: Mr Speaker, I assumed the court decision would be recorded at the Land and Titles Court but this Bill states that it should also be recorded. That is the reason for my query.

13 AUGUST 2015

Land Titles Registration Amendment Bill 2015
– second reading

MR SPEAKER: Tofa Lealailepule did you want to speak. If not I will give the floor to the Hon Minister.

I call on the Hon Minister for an additional response.

Tofa Hon FAAMOETAULOA LEALAI AULOTO ULAITINO FAALE TUMAALII: The Hon Prime Minister has responded. Regarding the leasing of customary lands, court decisions can be referred to as a deciding factor whether the land should be leased or not. With respect.

Motion approved and the Land Titles Registration Amendment Bill 2015 was second read.

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

PETROLEUM AMENDMENT BILL 2015 – third reading

Susuga Hon TUILA EPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, I stand to move a motion, *That the Petroleum Amendment Bill 2015 be read a third time.*

Seconded by the Deputy Prime Minister.

Motion approved and the Petroleum Amendment Bill 2015 was read a third time and had passed the Legislative Assembly.

SAMOA PORTS AUTHORITY AMENDMENT BILL 2015
– third reading

Afioga Hon MANUALESAGALALA MATI TUIGAMALA ENOKATI POSALA: Mr Speaker, I stand to move a motion, *That the Samoa Ports Authority Amendment Bill 2015 be read a third time.*

Seconded by the Minister of Police and Prisons and Minister of Natural Resources and Environment.

Motion approved and the Samoa Ports Authority Amendment Bill 2015 was read a third time and had passed the Legislative Assembly.

13 AUGUST 2015

WATER SCHEMES BILL 2015 - third reading

Tofa Hon TOLOFUAIVALELEI FALEMOE LEIATAUA: Mr Speaker, I stand to move a motion, *That the Water Schemes Bill 2015 be read a third time.*

Seconded by the Minister of Natural Resources and Environment, Minister of Health and Minister of Works, Transport and Infrastructure.

Motion approved and the Water Schemes Bill 2015 was read a third time and had passed the Legislative Assembly.

CENTRAL BANK OF SAMOA BILL 2015 – third reading

Susuga Hon TUILAEPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, I stand to move a motion, *That the Central Bank of Samoa Bill 2015 be read a third time.*

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

Motion approved and the Central Bank of Samoa Bill 2015 was read a third time and had passed the Legislative Assembly.

ROAD TRAFFIC AMENDMENT BILL 2015 – third reading

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

Seconded by the Minister of Police and Prisons, Minister of Natural Resources and Environment and Minister of Health.

Motion approved and the Road Traffic Amendment Bill 2015 was read a third time and had passed the Legislative Assembly.

**TAX INFORMATION EXCHANGE AMENDMENT BILL 2015
– third reading**

Tofa Hon TUILOMA LAMEKO: Mr Speaker, I stand to move a motion, *That the Tax Information Exchange Amendment Bill 2015 be read a third time.*

Seconded by the Minister of Public Enterprise.

13 AUGUST 2015

Credit Union Bill 2015 – third reading

Motion approved and the Tax Information Exchange Amendment Bill 2015 was read a third time and had passed the Legislative Assembly.

CREDIT UNION BILL 2015 – third reading

Tofa Hon FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker, I stand to move a motion, *That the Credit Union Bill 2015 be read a third time.*

Seconded by the Minister of Communication and Information Technology, Minister of Public Enterprise and Minister of Women, Community and Social Development.

Motion approved and the Credit Union Bill 2015 was read a third time and had passed the Legislative Assembly.

MR SPEAKER: I call on the Hon Prime Minister to move the motion.

MOTION BY HON PRIME MINISTER

Susuga Hon TUILA EPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI: Mr Speaker, the House is aware that this is the final year for this Parliament XV with only six months remaining before the dissolution of Parliament. Despite this, there are 20 Bills still with the Select Committees; comprising 7 that have just been referred to Committees during this Sitting and 13 that have been with Committees for a long time. I note that there are 6 Bills with the Justice, Police & Prisons and Land & Titles Court Committee which I assume is the purpose of referring the two Ministry of Justice and Courts Administration Bills to the Finance and Expenditure Committee.

Mr Speaker and the esteemed House, the Chair has written to the Committee Chairpersons regarding the lapsed business and the unattained quorum in the Committees. I have also reminded the Committees of the consequences when a Chairperson does not attend or a Member is not present. The concern is that the work of the Legislative Assembly is interrupted especially the Government's work because the Bills need to be passed to enable the continuation of the work. I do not need to reiterate that all the lapsed business will be disregarded at the dissolution of Parliament in January if the Legislative Assembly does not pass these Bills now with the Committees.

For this reason, I stand to move a motion, 1; *That all 13 Bills currently with the Committees should be referred back to the House on the 21st of September Sitting, and 2; That all the 7 Bills just referred to the Committees during this Sitting should be referred back to the House on the 20th of October Sitting.*

13 AUGUST 2015

Adjournment

This will allow the December Sitting to be available for the Supplementary Appropriation only.

That is the motion and the purpose with the humble request that the Committees heed this motion.

Seconded by the Deputy Prime Minister and Minister of Public Enterprises.

Motion approved.

ADJOURNMENT

MR SPEAKER: I believe we have come to the end of our orders of the day this evening. The Chair commends and applauds the esteemed House for the work completed after the motion that was moved in the morning. I am truly grateful the Members, the Hon Prime Minister and the Cabinet and the dignity of the House. We have come to a successful end this evening and I acknowledge your resilience and wisdom shared today. We have completed a substantial amount of work as was our goal.

I wish to applaud all the Members of the House for the work that we have completed. I acknowledge the presence of the Heads of the various Government departments that have supported and assisted their respective Ministers especially with the Government Responses.

I thank the Hon Prime Minister and the Cabinet and applaud the responses made to the speeches made by the Members containing their recommendations and cautions. I noted the acceptance of the recommendations and persistence of the Members and this is indicative of a Parliament that exercises vision and foresight at the same time maintaining a cordial and harmonious relationship because we all know that the needs of the constituencies being relayed by the Members are not simple. Therefore I am grateful that we have come to a successful end this evening.

We have concluded deliberations on important Bills and I understand there will be important amendments to come. The most important thing is that we did not persist in negativity on these matters and we had the wisdom and knowledge to overcome this and carry on with our orders.

I believe I do not need to reiterate our program for tomorrow as each of you has a program. We will return here tomorrow at our normal time to begin our Proceedings and the Hon Prime Minister will move a motion to suspend Standing Orders to avail the House for the Prayer Service.

I believe that I do not need to instruct the Members about the ceremony tomorrow and the norm with our Prayer Services. However I will make a humble request that we dress accordingly for the occasion. Each Party has their formal wear for such occasions and I ask that this be worn so as to signify the dignity of the ceremony and this House as we mark the end of our service within this House together with the public that will be joining us.

That is the humble announcement with all due respect.

13 AUGUST 2015

Adjournment

Samoa, thank you for your support and prayers for the success of this Parliament. We are nearing the start of a new day and we acknowledge you for your prayers.

Before we adjourn, I call on the Member for Faasaleleaga No. 2 to conclude our Proceedings with a word of prayer.

Proceedings of the Legislative Assembly were set aside at 11.30pm until 9.00am, Monday 17th of August 2015.