

11 AUGUST 2015

TUESDAY, 11 AUGUST 2015

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

Prayers.

MESSAGE FROM THE MEMBER OF THE COUNCIL OF DEPUTIES

The Speaker announced the Message from the Member of the Council of the Deputies.

“MEMORANDUM for:

Mr Speaker:

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

1. Foreign Investment Bill 2015.
2. Sentencing Bill 2015.
3. Evidence Bill 2015.
4. Fisheries Management Bill 2015.
5. Lands, Survey and Environment Amendment Bill 2015.
6. Land Titles Registration 2015.
7. Competition and Consumer Bill 2015.
8. Electoral Amendmednt (No. 3) Bill 2015.

GIVEN UNDER my Hand on this Tuesday 7th of August, 2015.

(Signed): **Tuimalealiifano Vaaletoa Sualauvi II**
COUNCIL OF DEPUTIES”

OBITUARY SPEECH

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The Speaker announced the passing away of Tofa TALIAOA Pita who was a Member of Parliament in the past Parliamentary terms.

Tofa TALIAOA Pita was elected as member of Parliament for the Territorial Constituency of Sagaga le Usoga from 2001-2006. He was appointed as Parliamentary Secretary to the Minister of Youth, Sports and Culture.

He was also appointed as member of the Court, Police and Prisons, Lands and Titles Committee and Special Appointment Committee.

On Behalf of this Parliament, we offer our sincere condolences to the Constituency, families and relatives of the late Father who was dear to your hearts.

The House observed a minute of silence as a mark of respect for the Former Member.

OPENING SPEECH BY THE SPEAKER

MR SPEAKER: It is in God's merciful love that has enabled us to reconvene and come together in the fields of Faautugatagi this morning.

Greetings to all the notable Members of the House this morning who have come together once again in replenished health given the set forth plan schedule made accordingly. We went on our separate ways due to work and travel plans yet we have rejoined here once again. We have met at the Tui Atua Tupua Tamasese Efi's building yet again we are in Tiafau to mark another milestone to remember given our Parliamentary efforts and services as per scheduled for our country this morning.

The Leader of the country and I have come to an agreement that this will be our last sitting here this week before we hold a Special Thank You Service before the demolition of the Maota this Friday.

Praise and thanksgiving be unto our Lord for the many years spent by existing and former Members at serving and making decisions in this House for the benefit of the country from the past until present.

Thank you Samoa for your never-ending support and prayers for your Parliament. May our Everlasting God be exalted and glorified. We have witnessed the showers of blessings this morning by receiving rain and water for life and blessings for our environment.

Gathered before us are our children who are the future generation of this country given the ongoing Parliamentary programs undertaken. For the House's information, this program has existed for the last three, four years and participation starts from the young age group to youth and senior level who aims to serve the communities at large following our footsteps.

We would also like to greet all the Leaders of Government Ministries and Public Enterprises this morning. We pray and hope to achieve our work before the end of the week by upholding perseverance and patience.

PRESENTATION OF PAPERS

The Clerk read out the Papers presented as per Standing Orders 48.

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1. P.P. 2015/2016 No. 25, Annual Report of the Samoa Trust Estates Corporation for the Year Ending 30 June 2013.
2. P.P. 2015/2016 No. 26, Government Responses on P. P. 2014/2015 No. 58, Report of the Justice Committee on P.P. 2013/2014 No. 78 & 79, Ministry of Police and Prisons Annual Reports for 2007/2008 and 2008/2009.
3. P.P. 2015/2016 No. 27, Government Responses on P. P. 2014/2015 No. 137, Report of the Justice Committee on P.P. 2014/2015 No. 13, 14 & 24, Ministry of Police & Prisons for the Years 2009/2010, 2010/2011 & 2011/2013.
4. P.P. 2015/2016 No. 28, Government Responses on P.P. 2014/2015 No. 102, Report of the Finance and Expenditure Committee on P.P. 2014/2015 No. 5, Annual Report of the Samoa International Finance Authority for 2012.
5. P.P. 2015/2016 No. 29, Samoa Ports Authority Annual Report 2012-2013.
6. P.P. 2015/2016 No. 30, Statement of Corporate Objectives Samoa Ports Authority 2015-2017.
7. P.P. 2015/2016 No. 31, Ministry of Finance Annual Report 2010-2012.
8. P.P. 2015/2016 No. 32, Ministry of Finance Annual Report 2012-2013.
9. P.P. 2015/2016 No. 33, Ministry of Works, Transport and Infrastructure Annual Report 2013-2014.
10. P.P. 2015/2016 No. 34, Government Responses on P.P. 2014/2015 No. 186, Report of the Justice, Police and Prisons Committee, Lands and Titles on P.P. 2014/2015 No. 92, Annual Report of the Samoa Law Reform Commission for the Year 2012/2013.
11. P.P. 2015/2016 No. 39, Scientific Research Organisation of Samoa Statement of Corporate Objectives 2014-2017.

PRESENTATION OF SELECT COMMITTEE REPORTS

The Clerk read out the Select Committee Reports that will be tabled pursuant to Standing Order 51 (5).

1. P.P. 2015/2016 No. 35, Report of the Works, Transport and Environment Committee on the Petroleum Amendment Bill 2014.
2. P.P. 2015/2016 No. 36, Report of the Works, Transport & Environment Committee on the Samoa Ports Authority Amendment Bill 2014.
3. P. P.2015/2016 No. 37, Report of the Health and Social Services Committee on the Water Schemes Bill 2015.

Motion to Suspend Standing Orders

4. P. P. 2015/2016 No. 38, Report of the Finance and Expenditure Committee on the Central Bank of Samoa 2015.

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MOTION TO SUSPEND STANDING ORDERS

Susuga Hon TUILAEPA FATIALOFA AUELUA LUPESOLIAI NEIOTI AIONO SAILELE MALIELEGAOI (Prime Minister): Mr Speaker, I greet the respectable House in replenished health this new morning. I also greet His Highness, Le Ao o le Malo and all the dignitary statues of the country listening in to the Proceedings of the Parliament.

Mr Speaker I move, *To set aside Standing Orders 100(1) to allow the second reading of Bills that will have its first reading today in the next sitting.*

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

Motion was approved and Standing Orders 100(1) was set aside.

FOREIGN INVESTMENT AMENDMENT BILL 2015 - first reading

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO (Minster of Commerce, Industry and Labour, Deputy Prime Minister): Mr Speaker I move, *That the Foreign Investment Amendment Bill 2015 be now read a first time.*

Seconded by the Minister of Public Enterprises.

Motion was approved and the Bill was read the first time.

SENTENCING BILL 2015 – first reading

Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice & Court Administration): Mr Speaker I move, *That the Sentencing Bill 2015 be now read the first time.*

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

Motion approved and the Sentencing Bill was read the first time.

EVIDENCE BILL 2015 – first reading

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

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker I move, *That the Evidence Bill 2015 be now read the first time.*

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

Motion approved and the Evidence Bill 2015 was read the first time.

FISHERIES MANAGEMENT BILL 2015 – first reading

Afioga Hon LE MAMEA LEMALU SU'A LEATUAVAO TUILETUFUGA ROPATI MUALIA (Minister of Forestry & Fisheries): Mr Speaker I move, *That the Fisheries Management Bill 2015 be now read for the first time.*

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

Motion approved and the Bill was read for the first time.

**LANDS, SURVEY AND ENVIRONMENT AMENDMENT BILL 2015
- first reading**

Tofa Hon FAAMOETAULOA LEALAIULOTO ULAITINO FAALE TUMAALII (Minister of Natural Resources & Environment): Mr Speaker I move, *That the Lands, Survey and Environment Amendment Bill 2015 be now read for the first time.*

Seconded by the Minister of Health, Minister of Education, Sports and Culture, Minister of Public Enterprises, Minister of Police & Prisons

Motion approved and the Bill was read for the first time.

**LAND TITLES REGISTRATION AMENDMENT BILL 2015
– first reading**

Tofa Hon FAAMOETAULOA LEALAIULOTO ULAITINO FAALE TUMAALII: Mr Speaker I move, *That the Land Titles Registration Amendment Bill 2015 be now read for the first time.*

Competition and Consumer Bill 2015

Seconded by the Minister of Police and Prisons, Minister of Public Enterprises, Minister of Education, Sports & Culture, and the Minister of Health

Motion approved and the Bill was read for the first time.

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**COMPETITION AND CONSUMER BILL 2015
– first reading**

Tofa Hon FONOTOE NUAFESILI PIERRE LAUOFO: Mr Speaker I move, *That the Competition and Consumer Bill 2015 be now read for the first time.*

Seconded by the Minister of Justice and Court Administration and the Minister of Public Enterprises.

Motion approved and the Land Titles Registration Amendment Bill 2015 was now read for the first time.

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

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker I move, *That the Electoral Amendment Bill (No.3) be now read for the first time*

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

Motion approved and the Bill was read for the first time.

MESSAGE FROM THE COUNCIL OF DEPUTY

The Speaker read out the Message from the Council of Deputy.

“CERTIFICATE OF URGENCY”

Pursuant to Standing Order 99(2)**I, TUIMALEALIIFANO VAALETOA SUALAUVI II, SUI O LE FONO A SUI TOFIA,** hereby issue the Certificate of Urgency to the Legislative Assembly to consider the Bill listed hereunder:

1. Electoral Amendment Bill (No.3) 2015.

Electoral Amendment Bill (No.3) 2015
- second reading

GIVEN UNDER my Hand on this day 7th August 2015.

(Signed): Tuimalealiifano Vaaletoa Sualauvi II
COUNCIL OF DEPUTIES.”

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ELECTORAL AMENDMENT BILL (NO.3) 2015
 – second reading

MR SPEAKER: In receipt of the Certificate of Urgency signed by His Honor the Council of Deputy in regards to this Bill, the House will now proceed to its second reading.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker I move, *That the Electoral Amendment Bill (No.3) 2015 be now read a second time and I wish to clarify it.*

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

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker and the distinguished Parliament, I rise with respect to clarify the purpose for this Amendment Bill.

Mr Speaker this Amendment Bill has 6 Clauses which will amend the Principle Act. These are some of the objectives and overall purpose for this Bill. The first part provides a period of at least 3 years ending with the day on which the nomination paper is lodged with the Commissioner for a nominee to obtain village service requirement.

Second clause will amend the timeframe within which village services must be performed under Section 5(5)(b)(i) four years. The third clause will amend the period of imprisonment which renders a candidate ineligible to run for elections; the current period is 2 years which will now be increased to 4 years to be in line with previous subsections 5(5) of the principal Act.

In the same Section, the vacant seat of the member under Section 10(e) is two years.

Thirdly, it outlines the authority vested in the Electoral Commissioner to re-take photographs of registered voters from age 10-15 years.

The last amendment sets out the person's direct descendants (suli) including the descendant's spouse within any of the Territorial Constituencies within Vaimauga and Faleata Territorial Constituencies. These descendants must permanently reside in these areas for at least 6 months in order to gain eligibility.

That is the brief explanation to this Amendment Bill. With respect.

Electoral Amendment Bill (No.3) 2015
 – second reading

MR SPEAKER: Well done to the Hon Minister for the well versed clarification. I take it that everyone is now clear of this Bill and its objectives and purpose for the information of all members in the House. As per normal practice and procedure, I open the floor for any comments. I remind all to take heed of our time, speak directly on the Bill and avoid making general speeches on this Electoral Amendment Bill.

That is the plea. I call the member for Faleata East.

Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata West): I greet everyone this morning. Welcome Hon Prime Minister and Cabinet,

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Heads of Ministries and Corporations as well as our children gathered here today.

I extend a congratulatory efforts to the Hon Minister, the Ministry and staff for the hard work, specially now as we draw near the registration process. Congratulations to the Electoral Commissioner and the Ministry, yet I have a few points to assist and improve our work.

The first one is reference to the 3 years service requirement before you are eligible to become a Parliamentary candidate. It seems that this is diminishing the rights of the people to run for Parliament. There have been candidates that have been imprisoned for at least 2 years yet have been conferred matai titles. This clause seemingly undermines this group of people which renders the Bill too harsh.

It also appears as if this Bill has been amended to favour the Government in the upcoming General Elections. The Constitutional Amendment Bill (No.2) 2014 was enacted to increase the participation of women in Parliament; in contrast this Bill will limit the pool of potential candidates. What about the performance of village services, why was this not included in the Bill. I suggest that this clause be removed.

Secondly, de-facto relationship is there a chance for mothers and children to register to vote in Faleata East despite their ties being through kinship. Note that the existing law sets out boundaries for Faleata West and Faleata East and whoever resides within these boundaries whether on freehold or customary land for at least six months or 3 years possesses the rights on these lands.

The proposed legislation now sets out that registered mothers and children are eligible to vote even if they hold no kinship/connection with this village. Now what is happening here? Why were they allowed to register? This is an offense. If for example a resident resides in Vaivase for over 10 years and is ineligible to vote for that particular Constituency; in such cases, voting should be permitted despite not having any familial ties with the village.

The electoral boundaries are not outlined in this Bill. Why is the voter not allowed to register to vote for the place in which he or she resides? In terms of restricting voters whose spouse is to run for elections from voting, this part must be reconsidered. Because what happens next, some registrations already exists in the electoral roll hence the transfer of registration is yet again in the process.

Electoral Amendment Bill (No.3) 2015 – second reading

On to re-taking of photos, I appreciate the Commissioner for reviving this process once again. The age has now increased to 15 years to register yet photo-taking is not the only identification available, we also have your fingerprints, birth certificates and all your identification documents for confirmation.

Last and most importantly as often mentioned by the member for AanaAlofi No.1, Afioga Hon Leaupepe Toleafoa Apulu Faafisi, the person's spouse cannot vote for me given that her title is being conferred in another village. If my wife has a matai title in Lefaga, therefore she cannot vote for me yet she and I are married and she is giving me all the assistance that I need, however the legislation is disallowing her vote for me, hence I ask that you reconsider this

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That is all from me, I beg forbearance Hon Minister and the Ministry, that is just submission to improving our electoral processes. Have a good day.

MR SPEAKER: Very well, I believe this is the only member who wanted to comment. I call the member for Faleata West followed by the Leader of the Opposition. I call the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Greetings Mr Speaker, Hon Prime Minister, the notable Members of Parliament and the support of Samoa. Let God's never-ending love and protection upon Samoa be glorified.

At this point in time, the only thing that everyone is targeting is attempts to try and make into this Parliament. Whilst us being here, others are registering their votes for the success of others. Well that does not stop the rights of individuals. Despite the imminence of the General Elections, the Government is still attempting to introduce amendments. The election is nearing and registration closes at the end of October or the beginning of November, we are close to two to three months yet we are still receiving amendments on registration.

The continued introduction of amendments is confusing and therefore not beneficial to anyone. The Commission of Inquiries that takes place after every General Election should be removed and a review should be given to a Parliamentary Committee.

MR SPEAKER: Pardon the member I give the chance to the interjection of the Hon Prime Minister.

Susuga on Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker I thank the Hon Minister for her alertness on this legislation and its amendments which were a result of the comments from the members during the consideration of the last Electoral Amendment yet again they are complaining. The responsible Minister is following Cabinet instructions by introducing these amendments.

Mr Speaker this is just a reminder to those that are following.

**Electoral Amendment Bill (No.3) 2015
– second reading**

Tofa Levaopolo Talatonu (Gagaemauga No. 2): Mr Speaker...

MR SPEAKER: Do you have a presentation?

Tofa Levaopolo Talatonu: No just a small explanation to the member's comment.

MR SPEAKER: I call the respectable member.

Tofa Levaopolo Talatonu: Does anyone recall anyone making a request of this sort like what the Hon Prime Minister is saying? None of us had made any request except for them who discussed it in private before bringing it forth.

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Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker...

MR SPEAKER: Pardon the notable member, I give the chance to the Prime Minister.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker this is one point I wish to correct, I normally go back and go through all your speeches lest I overlook anything. You too should do the same to avoid being forgetful too much.

Afioga Hon Palusalua Faapo II (Leader of the Opposition): Mr Speaker point of clarification.

MR SPEAKER: I call the Leader of the Opposition.

Afioga Hon Palusalua Faapo II: No we do not voice out anything freely as the only thing that alerts us to talk is when human rights is involved, the same human rights that avoids people from nominating a candidate when three years requirement is not met. Otherwise this human right is being avoided by the HRPP.

MR SPEAKER: Your view is now expressed. I call the member.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker....

MR SPEAKER: Pardon the member I give the chance to the Hon Minister of Women, Community and Social Development.

Tofa Hon Tolofuaivalelei Falemoe Leiataua (Minister of Women, Community and Social Development): Well done Mr Speaker, dignitary members of the House and Samoa.

**Electoral Amendment Bill (No.3) 2015
– second reading**

I now hear the concern of the Opposition Leader, regardless I too give him advise. It is said that he does not support the service of a person in the village and district, hence, he opposes it, he rejects the Samoan culture, yes. If it takes three years for you to represent without a service, what is the use? It is just useless? This means you can only mock the town area before you become a candidate? What the HRPP is doing is appropriate for the wellbeing of the Samoan culture, it is also mentioned in the Bible, “you must do as the representatives say”. On another note, Paul says ‘consequently faith comes from hearing.

Respectfully.

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

MR SPEAKER: I beg your pardon....

Afioga Hon Palusalua Faapo II: No I will be very brief.

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MR SPEAKER: Say it in short.

Afioga Hon Palusalue Faapo II: I will make it short. We do have families in the village who we render our service to. You fought to amend the Constitution to allow more women representatives in Parliament. What now? You are now avoiding women to vie in the ballot, due to this Amendment.

MR SPEAKER: Your view is now taken, lest this drags our meeting, until you have your chance then will grant you the opportunity. I call the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker speaking of service, this is not something new. *Tautua* or service has just been incorporated in this legislation whilst it (service) has long existed in the laws.

The tofi or position calls for one individual candidate as stipulated in the legislation. The purpose is to nominate a particular candidate who not only represents but renders his or her service to the village and district.

Mr Speaker that is the clarification to the false comments made by the members on the term 'service'.

Afioga Hon Fiamē Naomi Mataafa: Mr Speaker I spare the time of the member.

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

Electoral Amendment Bill (No.3) 2015 – second reading

Afioga Hon Fiamē Naomi Mataafa: Point of order before we proceed. The member pointed out that all electoral matters must be referred to a Parliamentary Committee as the Commission of Inquiry will be repealed.

Mr Speaker I wish to respond that under Standing Orders, the Business Committee has the power to review the Electoral Act as is known by the Speaker who is the Chairperson of the Committee.

As confirmed, we have received the report of the Committee and the submissions of members including the comments by the recent Speaker before we refer the report to the Committee and Government for their response. Tabling before us is the Government Response to the Electoral Amendment Bill review. Thank you.

MR SPEAKER: I call the respectable member to resume his statement.

Tofa LEALAI PULE RIMONI AIAFI: Mr Speaker, referring to the Prime Minister's interruption, my statement has gears, I have not come to the thank you part yet. I beg your pardon, the term service is very dear to us I guess because our political party is called *Tautua*. As reminder to our leader,

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we must emphasise service. What's good about this is that service is not the same as monotaga. The intended restrictions should be removed and emphasis should be placed on a person's rights. Intentionally, what we see on Television every night is appreciation to the messages delivered by the Electoral Commissioner on human rights. That should be reflected in the speeches made in this Parliament.

Hon Lady Minister, the Commission of Inquiry which tends to render the 'general process (on Elections) is redundant as positive outcomes were yet to materialize from the amendments made by previous Commissions. It seems that we are repeating the same process. Why else do we need a Commission of Inquiry? If this is practiced in New Zealand and Australia, why can't we do it too. Because what is reflected here is Independence which we are all aware of other than the Chairperson and anyone else who did not go to the election unlike the members of the Commission, who vied and did not win, I wish not to elaborate further.

Mr Speaker in accordance to the Electoral Commissioner's discretionary powers regarding transferred voters, the change in the registration process should be justified. If this was the case there should be figures or statistics to justify the change, particularly if the change to the process of registration was a result of issues arising from the previous elections.

On to imprisonment period of a candidate, thank you for aligning this part. The only comment is the nature of crime and the maximum penalty incurred for a candidate's imprisonment

On to photo-taking the 65 year olds should have been the only to take photos because this is the same old face for us in the forties, fifties. With respect.

Electoral Amendment Bill (No.3) 2015 – second reading

On to Faleata and Vaimauga. This is the biggest confusion we have now...

MR SPEAKER: I beg the member's pardon, I grant the Minister of Communications and Information Technology the chance before the Associate Minister has the chance.

Afioga Hon Tuisugaletaua Sofara Aveau (Minister of Communications and Information Technology): Mr Speaker I ask the member to take a little break. I am concerned with the registered voters who have not updated their photos as a person's facial appearance and features can change dramatically over the years.

Tofa LEALALEPULE RIMONI AFIAFI: Thank you....

MR SPEAKER: Maualaivao, do you want to say something?

Afioga Maualaivao Pat Ah Him (Individual Voter): Mr Speaker thank you. I wish to stress out the severity of new voters' registration. Pardon the speaking member, do not think less of new members like us, we strive and attempt to work together with you. With respect.

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Tofa LEALAILEPULE RIMONI AIAFI: I was not referring to Individual Voters, I was referring to the Ministry. Never mind, this member is always worried of the elections.

Afioga Maualaivao Pat Ah Him: Mr Speaker this is not a matter of concern but just correcting the member's statement which seems erroneous to my hearing. One year is not the same as thousand days. With respect.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, I don't get the point of order by the member. Despite, never mind, the statement on one year and several days, no I meant one day not one year. See the mistake, never mind.

This is a huge problem for the upcoming elections. I appreciate the Hon Minister and the Ministry as it is no secret that we did approach the Hon Prime Minister in review of these amendments. What about the parents that voted for their families in the rural area?

I refer to voters residing in Faleata and Vaimauga who were once registered under the Individual Voters Roll and have yet to transfer to the roll pertaining to their current place of residence. Other voters should also be eligible to register at their place of residence so long as they meet the requirements that they reside on freehold land and have done so for at least 6 months. This Legislation otherwise proposes 3 candidates for Faleata East and four for Vaimauga.

Electoral Amendment Bill (No.3) 2015 – second reading

This is the recommendation we proposed during the consideration of the Electoral Bill to hold registration until the law was passed. If for instance Falelauniu, Siusega and Ululoloa still undertook registrations for the Territorial Constituency of Faleata West until May this year and until this amendment was approved, it is now disallowed, yet my relatives were still allowed to register? Otherwise...

As part of this concern, I did approach the Office of the Electoral Commission and asked if the Urban Voters were registered under this roll, why not automatically transfer them like what we did for the individual Voters Roll that was transferred directly under the Urban seat roll. However the Office affirmed individual rights by banning transfer. Now that the resident from Vaitele wants to vote for the Territorial Constituency yet that is disallowed because you must vote on freehold land that you reside on. Which rights is taken and which is denied?

The Hon Minister of Women says that it is a collective effort, it is custom, because it is a community-based thing, where everyone attend the same church. How is this community based and when elections arrives, you are not allowed to vote. How is this done? This must be considered because if I have a freehold land in Saleimoa pardon the House, I would vote in Saleimoa. A person must have a choice to choose where to vote whether it be where his or her matai title is conferred like that. Hence that is the person's own rights. Statements about other people nominating the candidates for Vaimauga and

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Faleata is incorrect. Well it is now made right. Why? Despite where people reside, they are members of Faleata, and that is their own individual rights. People are not crazy. They are fearful that the member for Faleata West will win because Vaitele is huge. Nobody wants to vote for Lealaiepule. That is not true, he is not only good but handsome.

Therefore everyone has rights with respect because Vaitele is a traditional village, *nuumavae*. Logically speaking, let me illustrate something, I am a Vaitele representative, reside on freehold land, matai title holder of Vaitele and do not hold any customary land. How then is this possible? This could be possible for Falelauniu which is a non-traditional village but villages from Lepea, Vaimoso should bear similar rights for these people.

In addition, Committees who are visiting these areas and telling people to vote for the Urban area candidate over me is another concern. That is inappropriate. Regardless they are only doing their job and everyone wants to succeed by going to the law. Yet what they are doing is digging up dirt.....

Afioga Maualaivao Pat Ah Him: Mr Speaker...

MR SPEAKER: I give the chance to one of the members for Individual Voters, Afioga Maualaivao Pat Ah Him. I call the member for Individual Voters.

Electoral Amendment Bill (No.3) 2015
– second reading

Afioga Maualaivao Pat Ah Him: Thank you. I guess the statement of the member is very confusing. As a member of the Urban seat in the east aforementioned, this Legislation intends to define that voters who reside in these areas are able to decide where they register to vote. Such voters may register for the Urban seats or under the Constituency in which they hold their respective matai title(s).
Respectfully.

MR SPEAKER: Well done. You have two more minutes Lealaiepule.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Maualaivao Well Maualaivao has now spoken on behalf of his committee who is directly dealing with these matters.

The residents for Vaimauga and Faleata is no longer permitted. This is why there is so much confusion, we might as well use the old doing whereby the voter is given a choice to vote.

The Office of the Electoral Commissioner should look into these practices and provide that registrations may only be transferred after a period of 5 years. This is a preventative measure which will counter the current problems faced with voters registration. Information that is given to the public through television and radio programmes are only confusing the public more and needs to be changed immediately. I urge the Hon Minister to take these notes into consideration.

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MR SPEAKER: Your time is up.

Tofa LEALAILEPULE RIMONI AIAFI: That is fine because I respect you. Hon Minister please note the submitted recommendations and reconsider them as we draw near the next elections. May the blessings be upon all the respectable members. Thank you.

MR SPEAKER: I call the notable member for AanaAlofi No.3.

Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER (AanaAlofi No. 3): Thank you Mr Speaker for the opportunity. I first and foremost congratulate the Hon Minister and the Ministry for the proposed amendment.

Mr Speaker, I believe that the approval of this Legislation is very critical as the Office of the Electoral Commissioner must implement these amendments as soon as possible.

Firstly I refer to four yeas, because in the first section, a member cannot sit in without permission if he/she has not attended a sitting without an excuse. If an excuse was submitted yet he or she is imprisoned, pay can still be claimed for these four years. These two sections must go in line together.

Electoral Amendment Bill (No.3) 2015 – second reading

Mr Speaker, on to confirmation of identifications, not only do they ask for your birth certificate but they also ask for your siblings, parents or village mayor to confirm your identification.

On to registration, the current proceses and mediums for the registration of voters, particularly in terms of identification, is too complicated. As a suggestion, the Office of the Commissioner must use alternative forms of registration such as online forms for registration. This would be an easier and more accessible means for voter registration particularly for those citizens who are absent from the country for work or education purposes. I suggest that the Government puts in place a “National Identification Card” system that can be utilized by all Government employees and Ministries that can be used for a variety of purposes such as voter registration, NPF entitlements and the Pension scheme. This will promote the consistency of identification mediums throughout all Government Ministries and for all personnel. As such, it would be really helpful to set up a central location and a computer system to keep the registration of voters that may also become handy information to the court. This is the assistance in due regards. Thank you.

DEPUTY SPEAKER TAKES OVER:

DEPUTY SPEAKER: Well done thank you to the member for AanaAlofi No.3.

I call the member for Gagaemauga No.2.

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Tofa LEVAOPOLO TALATONU: Thank you Mr Speaker I wish to make brief submission to assist on behalf of this constituency upon the aforementioned Amendment Bill.

The difficulty in enacting these types of legislation lies in the imbalance between European practices and Samoan custom and traditions, such task is complicated and difficult to achieve.

Laws are the most destructive weapons available. I see that Side is beginning to worry because of this Legislation. I ask that you heed patience because gold is harder than fire when...yet this Legislation will be our weapon during elections. Once again it seems that the snake is being killed whilst staring.

On to the main objective....

DEPUTY SPEAKER: Point of order. I wish to remind all that under Standing Orders, only merits of the Bill may be discussed during second reading debates. Comments at this point, made by Members, are open to interpretation therefore it is required that Members speak only on the Merits of the Amendment Bill.

Tofa LEVAOPOLO TALATONU: Thank you. I only intend to make submissions to improve this legislation.

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On to village service, personally I disagree with the four years because all Samoan citizens are eligible. Since the age of five until you become a member, your service had already existed. Note that once you are five you go to the pastor's house to read the alphabets, A, E, I, O, U, F. then on Sunday, you present your offering, yet we are in the May season where Church donations (Taulaga) must be given other than the Sunday School donations? What do you call that?

The apparent discrepancies within the relevant clauses states that it does not account for all possible scenarios, for instance, in situations where one contributes to the village but resides overseas. I suggest that limitations to the years of service not be limited and that this clause be removed completely.

Respectfully thank you.

DEPUTY SPEAKER: Very well member for Gagaemauga No.2, thank you for your statement. I call the member for Faasaleleaga No.4.

Afioga PESETA VAIFOU TEVAGA (Faasaleleaga No.4): Thank you Mr Speaker. Greetings to the Dignified House and the Hon Minister for this Bill although it is given in the manner of urgency, it is also critical.

I have observed all comments and opinions thoroughly. And I acknowledge the proposed amendment of three years service because in truth, most of the matais have been rendering village services. In thought I felt that we could have taken 10 years service instead of 3 years, because the appointment of a potential candidate is not easy. Regardless of the timeframe, I totally support this Bill.

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This is a common issue amongst the matai who reside in the Apia area. This Bill states that monotoga must be carried out, however villages must also consider a person's *stautua*. There seems to be an imbalance whereby monotoga is given greater emphasis in the Bill. I suggest that monotoga should be included in the definition of 'village service' so as to give full recognition of the person's total service.

Most villages including mine present a monotoga in form of money, even if you have not provided any service, importantly, at least you've given a monotoga of \$1000 tala.

Nominations should close on the same day as registrations as this could possibly affect those Members already in Parliament. Registrations should be changed to November (instead of January) for candidates as church and village *faalavelaves* are normally during the Christmas period which requires matai contributions. The Legislation is very unfair. Otherwise we will have to go back to the Court. This will be disadvantageous to existing Members of Parliament in that they cannot contribute due to electoral restrictions.

TofaLevaopoloTalatonu: Mr Speaker point of order.

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DEPUTY SPEAKER: I give the chance to the interjection of the member for Gagaemauga No.2.

TofaLevaopoloTalatonu: The Associate Minister has spoken whilst the country is listening to the lawmaking process, if you want to commit a crime, go ahead. Thank you.

DEPUTY SPEAKER: I call the member to resume his speech.

Afioga PESETA VAIFOU TEVAGA: Mr Speaker anyone who bring service must think of two things, commit a crime or not, and when he lives in Apia and not go to Savaii to serve, that means he does not want to commit a crime neither do you want to provide service.
Mr Speaker...

TofaLealailepuleRimoniAiafi: Mr Speaker please I beg tolerance of the respectable member, it is a question...

DEPUTY SPEAKER: What do you want?

TofaLealailepuleRimoniAiafi: Christmas is an annual event, not new rather a joyous and peaceful season. Why does the member all of a sudden get scared of this year's Christmas season what about the previous Christmases? What is the difference? I take Christmas holiday every day that is what the member should note, respectfully.

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DEPUTY SPEAKER: Your view is well received, we had different Christmases one in 2014 and one in 2015.

I interrupt the member as we reach our normal recess. I only want to remind the member, anyone who resides up here is the Speaker not the Deputy Speaker.

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

Proceedings of the Legislative Assembly now suspended at 10:45 for normal recess and resumed at 11:43am.

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

I note everyone has been restored energy from our morning break, thank you for your patience and commitment this part of the morning.

During our break, the member of Faasaleleaga No.4 was speaking, I call the member to conclude your speech.

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Afioga PESETA VAIFOU TEVAGA: Thank you Mr Speaker, we have replenished health from our tea break, sincere thanks to you and the staff. By reiteration, if village service is amended in the legislation, it must be amended entirely. At this point in time, the Constituents are still looking out for a potential candidate for the elections hence the Legislation is now placing great emphasis on ‘village service’. The member for Faleata West interjected last Christmas, why this Christmas? What about other Christmases?

Mr Speaker, all Christmases are not the same. Politics is like the Superbowl game in America and so as the General Elections whereby in the last few minutes of the game, the Coach tells his team, everything must go”, that is how this game works, it is not an easy game.

Every candidate would try everything to get his win during the elections.

MR SPEAKER: Keeping the integrity of this Legislation and its interpretation, I give the Hon Minister the chance.

I call the Hon Minister of Justice and Court Administration.

Afioga Hon Fiame Naomi Mataafa: Mr Speaker, as the Minister of Justice and Court Administration wholly disagree with the member’s statement that we must go against the law, the country is listening in. I request the Chair to take heed of our Standing Orders and its immunities and rights according to business orders.

MR SPEAKER: I call the Hon Prime Minister.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker I ask that the member’s (Faasaleleaga No.4) statement be struck from the official records.

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You heard the Hon Minister, we do the law making process. It is not nice for the public to hear us making laws yet we breach them. It is inappropriate. The member's comments will reflect negatively on Parliament if they are included in the official records because the Hansard is also public information.

Mr Speaker, we spearhead and set out guidelines by complying with the Legislations we pass in this House.

MR SPEAKER: I give the chance to the member for Faleata West.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, in accordance to my statement on Christmas this year and the previous Christmas, well continued service is stated in the Legislation. Reference to continuous village service, the candidates should not be discouraged from enacting long service.

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If one's nomination is queried as a result of continued service, the Courts have the discretion to interpret particular circumstances. Such continuous service is common practice in the Samoan culture, therefore the Courts should not be quick to define such acts as unlawful. With respect thank you.

MR SPEAKER: Thank you, the statements of the Minister and the Prime Minister have been well defined. I instruct the member to speak directly on the Bill. I advise all members to make direct and appropriate statements.

I instruct the Clerk to strike the comments made by the member for Faasaleleaga No.4 from Parliament's official records.

This amended Legislation is currently through Samoa's decision-making process. Once it is passed it must be complied with. Our decisions is reflected in our actions in accordance to the laws we make. That is the ruling from me.

I ask the member to conclude now.

[Words instructed by the Speaker to be removed from the statement of the member for Faasaleleaga No.4: "Let us all come together and break the law as soon as this time arrives."]

Afioga PESETA VAIFOU TEVAGA: I apologize Mr Speaker and Hon Minister for the comments made earlier.

In terms of declarations against the nominees, I recommend that the Minister considers an alternative process whereby Nominee may firstly make a declaration against the Nominee, secondly, if an allegation has been put forward against the Nominee.

Mr Speaker, that is the submission to assist and improve this Legislation. Respectfully.

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MR SPEAKER: I give the chance to this side of the House first. I call the member for Faasaleleaga No.2.

Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No. 2): Thank you Mr Speaker for the opportunity, thank you also Hon Minister for this amendment. Most of the members have already raised the same concerns as the ones I have here.

We now have the amendment to the declaration on residential and village service especially our friends in the Urban Seat. Yet, when it comes to village service that is where I am blurred. Which village to be exact? Is it the village that your matai title is conferred or the village you reside on? This amendment must be well received for the information of new members in the Urban Seats specifically village service.

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The intention of this declaration falls on the integrity of the nominee and must be made and signed in front of a lawyer on a candidate's behalf. The declaration process for an elector or voter is clear however for candidates, this process is unclear.

In terms of 3 year for service, a service is a service. Because if we were to define village service, the question is, who does it? A candidate interprets its own service. And if evidence is required by the Court, the village has the onus to clarify the candidate's requirements for village services. That is all from me, respectfully.

MR SPEAKER: Well done, I call one of the members for Individual Voters, Susuga Hon Papaliitele Niko Lee Hang.

Susuga Hon PAPALIITELE NIKO LEE HANG (Individual Voters): I extend appreciation to the Speaker for the opportunity.

I wish to note sincere gratitude to the Hon Minister and the Office of the Electoral Commissioner for the proposed amendments in the Bill. In personal view, we have received the third Amendment Bill yet the number of amendments is adequately appropriate for its approval to go through to prepare us for the upcoming General Elections.

Mr Speaker, noting the initial establishment of Individual Votes Seats there were no previous requirements for a candidate to hold a matai title or provide services to a village.

Village service has become an issue. Yet the member for Gagaemauga no.2 also raised that his service begun at the age of five. I believe that when a service is provided by an occupier of freehold land, this should be regarded as service regardless of whether the Constituency is territorial or urban.

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

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TofaLevaopoloTalatonu: Mr Speaker, I beg the pardon of the Associate Minister, there is no issue with the contributions to the Church, the main concern I have is village service.

In fact, not all villages have or enforce such practices. Such villages include Lotopo and Vaoala. However it is necessary that the definition of *tautua* must be well clarified. As for your service to the Church, no one questions the good role you play, the Angels are singing joyfully in Heaven because of your church service. Thank you.

MR SPEAKER: Very well I call the member to resume his speech.

Susuga Hon PAPALIITELE NIKO LEE HANG: Gratitude for the member's intervention. I wish to note that a voter may decide whether to vote for a candidate representing a village in which his or her title is registered or for a candidate representing his or her place of residence.

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As for *tautua* reiterated by the member for Gagaemauga No.2, I am continuing this *tautua* through my parents who offered agreement to build the Methodist Church on our family land in Sinamoga.

That is the emphasis, the continuous service by our parents is carried out by us because truthfully speaking, we are still making donations on behalf of our parents to the Methodist Church in Sinamoga.

What I urge to know is the various issues raised in regards to the transfer of the Individual Voters Roll to the Urban Roll. According to my understanding of the Bill, any voter registered before this amendment should be permitted to transfer their registration. I think this is what the respectable member who was transferred today and tomorrow meant.

In relation to Urban Seats, if the first transfer was carried out during the registration process with the approved law on Urban Seat, voters are given the choice to decide as residents of freehold land or church land lease. That is the clarification.

As for the elector or voter eligibility, the main requirement is to reside on freehold land. That is the only criteria under this registration but the choice is theirs to decide where to vote. If for a case of a matai holder, the only option is that they are not allowed to register on freehold land. As for registered voters after this amendment was made, they will be required to register under the Urban Roll.

MR SPEAKER: Very well. I call the interjection of the member for Faleata West.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, I repeat that members should bear consistency under this Legislation, the 5 year requirement must be met before transferral as it is stated underneath that voters are permitted transferral to the new Urban Seat Roll although the 5 years have not yet been achieved.

Such is the case as some have already done their registrations in the beginning of the year, yet now they have been transferred as the only requirement stipulated was to meet the six months residential in the district.

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That is the concern, in favour, there seems to be more chances for these members in comparison to other members. Everyone should bear equal chances. Respectfully.

MR SPEAKER: I get your view. Your submission is well stated for the Minister' response. The member is correct, registered whilst the bill has not yet passed. Regardless, the Minister and the Ministry has heard your comments, bear wish us we will look into it again and find a quick remedy to it.

I call Papaliitele to resume your speech.

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Susuga Hon PAPALIITELE NIKO LEE HANG: Thank you member for Faleata West of the interjection. I do not intend to disqualify the rights of other members that are also affected by this new amendment. I only wanted to remind the member of the transition period for Individual Voters as according to one member it seems that the snake has been slayed twice. If such a process is not carried out, then the snake is being killed thrice because our district should be given a chance to lessen the burden of the Individual Voters Roll being transferred directly to Urban Seat.

That is the reminder lest you forget. Further appropriate amendments to this Bill, I plead that it be made for...after our elections. We must take heed of all electoral issues after the elections to build up more amendments to improve this Bill.

Mr Speaker, I fully agree with the third Amendment in this Bill. With respect.

MR SPEAKER: All good. I call one of the members for Salega Afioga Afualo Wood Uti Salele.

Afioga AFUALO WOOD UTI SALELE (Salega): Appreciation Mr Speaker for this wonderful opportunity. Thank you Lady Minister for the amended Legislation, as the country is listening in as we get closer to the elections.

On the issue of 'service' there are various kinds of services which the Government should consider and therefore clarify. Thus the candidate still has a big chance. As a suggestion, the Government should clarify the term 'monotaga' given much controversy to the meaning of this word. Service must be determined by the Village Chiefs who will be able to determine which candidates have indeed provided village services. Because by imposing limitations on this requirement will in turn hinder the efforts of some potential candidates. On to the 3 year provision I recommend this be removed and let candidacy be determined by the Pulenuu as is the current practice. Each Pulenuu is well informed as to their particular village circumstances and is aware of those matai who are rendering service.

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Everything else is well defined in the Legislation. Thank you for attempting to ensure a safe and sound preparation for the upcoming event in 2016. May God bless this Legislation and its processes. Thank you.

MR SPEAKER: Well done thank you. I call the member for Vaisigano No.2.

Tofa MOTUOPUAA UIFAGASA AISOLI VAAI (Vaisigano No.2): Mr Speaker thank you for this opportunity. I do not support the residency and service provision clause. This is because Samoa is a democratic nation, full time democracy.

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As the Hon Prime Minister frequently says, we have adopted the Westminster System. To me, if you have registered your matai title regardless of where you are from, that is your own right to run for Parliament. Matai should be entitled to run from the Territorial Constituency in which he or she is a matai of, despite their normal place of residency. In terms of tautua, services may be ‘indirect’ or diluted particularly for those matai who reside permanently in Apia area. In specific at the end of any village meeting, the onus normally falls on the working group to find the contribution for the matai in the village. This type of service is hard to classify and therefore confusing.

This Bill however, does not recognize the efforts of town based matai who support their families and villages in the rural areas with various financial obligations for both village and church.

The residency clause should also be removed. If you are a Samoan citizen, conferred matai title and reside in American Samoa or New Zealand, these are the kind of people that have contributed a lot in the village. This is well known in the rural area because there are no plantations as they wake up to playing cards straight away. Hence service must be stopped. We must bear Democracy which is true Christianity. Have a blessed meeting.

MR SPEAKER: Well done. I call one of the members for Falealili, Tofa Tusa Misi Tupuola, followed by Afioga Faumuina Tiatia Liuga.
I call the respectable member.

Tofa TUSA MISI TUPUOLA (Falealili): Thank you Mr Speaker for Falealili to provide a brief submission in regards to the Electoral Amendment 1969.

I support the amendments to this Legislation to ensure that the General Elections are enacted legally each year.

This amendment also encourages a candidate’s eligibility and its responsibility as a member of Parliament or representative to the district. I do not support the word service because this is business in the village. If you rendered a good service, you are an important matai in the village. Otherwise, you will be hearing various views from the old men. I wish to note a few things such as the word monotaga that is not included in the Bill. As for

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service, there is still a lack of clarity for this term in the Bill to enable the effective execution of provisions by the Court.

Secondly, I appreciate for reprocessing photo-taking. Thank you Hon Minister and the Electoral Commissioner for this photograph amendment that has lessen the burden for the elderly citizens who may not be phsically able to register.

That is all, hence I fully support this Legislation for the improvement of the electoral processes in the upcoming General Elections of the country at the end of this year. Thank you for the opportunity.

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MR SPEAKER: Well done. I call Faumuina Tiatia Liuga, member for Palauli le Falefa.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa): Thank you Mr Speaker. If I can recall, it has taken over 10 years since we had debates and discussions in Cabinet and Parliament on Individual Voters holding matai titles. This event was undertaken in the Parliamentary session XIV (2006-2011).

Mr Speaker, the Samoan version for the word service or tautua is quite general. Hence I note the intention of the Bill refers to the person's close relationship with the village. Specifically speaking, I meant the closest word that is more applicable/appropriate is monotaga.

Monotaga is defined as any matai who serves the village well by attending all village fonos at all times. Matai title is one inheritance of the aiga that must be upheld and treasured. I am well versed with the interpretation of village service in the Courts and Parliament intention in making laws. Village service tends to refer to general duties or obligations, not only to one's village but to one's family and church as well.

We currently had the Village Fono Amendment Act which classifies the importance of representatives who will take part in the country's decision-making and those village matais who took part in the Village council. Rightfully, the duty of these representiaves is to bringforth village submissions to be consistent with the principles or faigafaavaeof the village to protect the immunities and privileges of all those who favour and object village policies.

If specific reference is made to 'monotaga' then the same clarity should be given to 'service'. However, the use of the word service or tautua is very broad and difficult to maintain as everyone is eligible to service including the young men and women in the village. Fundraising held abroad by taking village trips is also part of the service. This is so as the village communities are also serving the village once they arrive. All these are part of the service that must be considered when people are interested in running for the elections.

Respectfully.

MR SPEAKER: Well done. I call Lefau the member for Vaimauga West followed by TuisaTasiPatea the member for Sagaga le Falefa.

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Tofa LEFAU HARRY SCHUSTER (Vaimauga West): Thank you Mr Speaker for the opportunity. I acknowledge the Hon Minister and the Head of the Office for this Legislation.

This issue is highly regarded in today's democratic society in terms of rights of a voter and candidate in the House. Personally this is one's freedom to vote and is inalienable or God given right.

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In view of this Bill, we have noted two critical things, a huge chance of voter to vote, the elector also reflects the same however procedures must be simplified. In comparison, the civil war in America ended in 1865, and in 1960, the African Americans fought for their voting rights given that the law had subjected the Southern States not to vote particularly the illiterate. The Ministry and the Minister have provided a more accessible medium for registration in order to support the realisation of these human rights. Samoa has gone the extra mile in this doing.

The current procedures for registration are so complex that interested voters tend to shun away from registering particular in reference to the requirement for a photograph and birth certificate to complete registration.

From a legal perspective, a birth certificate is a sufficient means of identification that requires no additional need for a photograph. I speak of human rights in specific, it is baseless to hold these rights yet people are also fighting over it.

I want to see Samoa ahead of the world in terms of registered voters, in the previous elections, Samoan votes was below 60% however, if voting results stood at 80%, this would've been remarkable results that America could not achieve.

Mr Speaker, as reiterated earlier, there are two main things to consider, the rights of voter or elector and the rights of the candidate. In terms of eligibility, we target the democratic principles and values that are applicable to Samoa. In terms of a voter's right, the only stipulation here is Samoan citizenship, born in Samoa, you are now 21 years old yet you have not breached the law nor have been imprisoned for your rights to carry on and be able to vote. As for candidate's eligibility, you must hold Samoan citizenship and be conferred a matai title. The most pivotal application in Samoan democracy is holding a matai title. The four year amendment came into effect before you were conferred a matai title and before you were imprisoned. A requisite of 3 years must also be met as part of the service requirement.

It is a requirement for one's eligibility to run for elections and therefore supports previous recommendations that this term be properly defined. As it stands, the term is very vague and therefore leads to confusion. One's length of service could be proven via the date of registration, whereastautua is harder to measure.

Another issue could possibly be the need for evidence to support one's claim that he or she has served for the requisite 3 years before nominations close. Evidence of presenting your Samoan passport to the Electoral Office, state your declaration before the lawyer that you have met the three years

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requirement and such is undebatable. However the definition of tautua is subjective which adds to its complexity in terms of one's ability to measure it. For instance, despite the long service rendered to the village and church, one can easily give up this service if the village is dissatisfied with him.

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On to kinship ties, we all understand it, intellectually speaking from the Samoan perspective and democratically, we want the Constituency to nominate a candidate to represent the entire Constituency. I do not intend to deliberate this further. A voter may choose to vote in Vaimauga, for example or a village in which his or her matai title is registered. Legally speaking and as part of the requirement, the law should extend equal right amongst everyone. Section 15 of the Constitution stipulates what is applicable to us, any law or procedure we make is for our benefit and welfare.

However those who reside on freehold land may choose between voting in Vaimauga or the Urban Roll and one who has no kinship ties to Vaimauga will automatically be registered in the Urban Roll.

This is the comment, I have lived and voted for the Individual Voters which was the law then, until I was given a matai title, the law then said I had to go and vote for Amaile. I voted in Amalie for one day, after that day, the member for Amaile no longer did me any good. I live in Vailima, when I have water leakage, I do not go to the matai of Amalie but to the matai of Vaimauga.

I also note that the Individual Voters Roll has some members from Vaimauga and that is their choice. Although registration is now permitted in the law to reside in Vaimauga, however this freedom will not be extended towards their children in the future. Similarly to our village of Apia, 99% of residents are half castes and very small portion are pure Apia residents including non-Apia settlers. Everyone also plays for Apia. I am unsure as to why we have these various electoral processes.

Hon Minister we recommend that opportunities be opened. Thank you for the chance.

MR SPEAKER: Very well thank you. The member is now concluding. I call the member for Sagaga le Falefa.

Tofa TUISA TASI PATEA (Sagaga le Falefa): Thank you Mr Speaker, I wish to state a brief comment on behalf of this district.

Firstly, I wish to remind the House of the Samoan adage, 'O le ala i le pule o le tautua.' In belief, the three year provision for village services correlates with the provisions for the granting of citizenship. The law now has its power enforcement for the person candidate that is appropriate for this position. The three years service is more than enough.

The definition of tautua in the Bill is general but there are many different forms of tautua. Some serve from abroad. Not only is the monotaga done in the village, remittances sent from families abroad are also assisting with church donations. The Bill speaks specifically on tautua. Even if one has served at a young age, this person must still be eligible such as the

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given Amendment. This is a good amendment that will help support one decision by all in deciding a candidate to represent the Constituency.

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The provision of 4 years from 2 years in the Principle Act is highly supported.

On to Section 1B in this form, if one has breached the law for corrupt practices, that offense has been changed from five years to ten years. As a recommendation, I support the provision which provides 4 years (an increase from 2 in the Principle Act) as one of the grounds for the disqualifications of candidates. Specifically speaking of a corrupt practices case for instance, although other cases are appropriately given, nonetheless, I ask that this issue must be reconsidered by the Minister.

MR SPEAKER: Pardon the member, I recognize the interjection of the member for Vaisigano No.2.

Tofa Motuopuaa Uifagasa Aisoli Vaai: I only wish to request the member to clarify his comments about tautua including the candidates that were not registered as matai. As he said, once you have rendered your three years service in the village, that is still a tautua. Am I right or what, lest my hearing is incorrect.

MR SPEAKER: Pardon the member I give the chance to the second intervention.

Tofa Lealailepule Rimoni Aiafi: I believe emphasis of the Bill takes on a period of 4 years which is sufficient for a candidate, but when one is appointed as a member this is insufficient. In my personal view, if a candidate is convicted for a month, he or she should no longer carry on as a member rather must be replaced.

MR SPEAKER: Pardon the members, the member is pointing out its own view. Resume your speech.

Tofa TUISA TASI PATEA: Perhaps the member has forgotten that they mentioned this before. I wish to press a question, if a matai holds the term for one year as opposed to the three year service requirement, and your matai title has just been conferred, yet you've also rendered your service in the past, then why else should you worry? That is the response to this question.

MR SPEAKER: You must conclude now your time is up.

Tofa TUISA TASI PATEA: Well that is it from me, thank you Mr Speaker for the opportunity, perhaps the comments made will help improve this Bill. Thank you very much.

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MR SPEAKER: Well done. I call the final speech for today, Leader of the Opposition.

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Afioga Hon Palusalua Faapo II: Mr Speaker, tautua is determined by the people of the village and the Pulenuu and it is obvious to note a candidate who will run a few days before the event.

Mr Speaker that is why I do not support this three years requisite, because the Constituency will decide a candidate to run in the elections. Another thing, the clause is biased towards Members who were already occupying parliamentary seats. Contrary to the intention behind the enactment of the Constitutional Amendment to encourage women to participate, this Bill is making it harder for women candidates to run in the General Elections. We just had the 10% amendment for women representation in Parliament otherwise; most of them have backed out due to this three years requirement. What I'm saying is that the decision is up to the Constituency which nominees they will take considering their tautua or service. I wholly disagree with this tautua amendment which you initially favoured, yet you now reject. Respectfully.

MR SPEAKER: Well done. I allow the interjection of the Hon Minister. I call the Hon Minister of Women, Community and Social Development.

Tofa Hon Tolofuaivalelei Falemoe Leiataua: Thank you Mr Speaker and the notable House. Supporting the 3 village service provision I raise concern on comments made baselessly that could be misinterpreted by women in particular. As said earlier, if an overseas resident meets the three year requirement and within this three years period, another person comes in to stay and renders no service whatsoever, how then is this accounted for? His name is listed under the Roll and then resides in Apia....

Afioga Hon Palusalua Faapo II: Mr Speaker, why are you concerned? When we have the elections, no one will cast a vote for you, that's it.

Tofa Hon Tolofuaivalelei Falemoe Leiataua: That is your own view.

Afioga Hon Palusalua Faapo II: No one will vote on any candidate that does not provide any service.

Tofa Hon Tolofuaivalelei Falemoe Leiataua: That is the similar attempt he is making against women candidates which are all lies. The women are listening to programs on services required in the village and matai titles....

Afioga Hon Palusalua Faapo II: Mr Speaker point of order. I am getting calls from women who are interested in the elections unfortunately, with the tabling Legislation, it is avoiding them to run. That is the truth.

MR SPEAKER: Pardon the members, cell phones are not allowed in the House, turn off all your cell phones.

11 AUGUST 2015

**Electoral Amendment Bill (No.3) 2015
– second reading**

Tofa Hon Tolofuaivalelei Falemoe Leiataua: You see now, he is just speaking senselessly, I pity the Leader of the Opposition.

Susuga Hon Tuilaepa Fatialofa Auelua Lupesoliai Neioti Aiono Sailele Malielegaoi: Mr Speaker, I was shocked when the Minister of Revenue whispered something to me, this is exactly why I was unsuccessful. He was the reason why the old man failed in the election.

Tofa Hon Tuiloma Lameko (Minister for Revenue): Point of order, this is frankly correct.

MR SPEAKER: See that is what you get. I trust we must end our sitting today as we arrive at our normal adjournment time.

I note a word of thanks to everyone for all your comments and views on this Bill which impacts all and the upcoming Elections of the country. Seeing tomorrow's schedule in accordance to Government responses that are yet to be coming, well perhaps we may take on 24 hours tomorrow, hence we aim to target the completion of our tasks by Friday, we should not leave our work until Thursday or Friday. We pray for rejuvenated spirits for tomorrow. Thank you Heads of Government Ministries and Corporations, may we reach tomorrow in good health and spirit.

Before we end today's sitting, I ask the member for Vaisigano No.1 to end us with a prayer before we adjourn.

*Proceedings of the Legislative Assembly adjourned at 1:00pm until
Wednesday, 12 August 2015 at 9:00am.*