

2 JULY 2019

TUESDAY, 2 JULY 2019

Mr Speaker took the Chair at 9:19am.

Prayers.

MR SPEAKER: I declare the Proceedings of the Legislative Assembly resumed.

I would like to take this opportunity to greet the dignity of Parliament, the Honorable Prime Minister, Deputy Prime Minister, members of the Cabinet, furthermore, greetings to the Parliamentary Chairpersons, Associate Ministers, Chief Executive Officers of the Government Ministries and Public Enterprises and Samoa in support.

MESSAGE FROM THE HEAD OF STATE

“MEMORANDUM to:

Mr Speaker:

Pursuant to Article 59 of the Constitution of the Independent State of Samoa, consent is hereby given to the Legislative Assembly to consider the following Bill:

1. Excise Tax Rates Amendment Bill 2019.

GIVEN UNDER my own Hand this Monday 1st July 2019.

Tuimalealiifano Vaaletoa Sualauvi II
O LE AO O LE MALO”

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NOTICE FROM THE LEADER OF THE HOUSE

Pursuant to Standing Order 100 (2), the Notice is hereby given to the Legislative Assembly for consideration of the Bill referred under a **Certificate of Urgency**.

1. Excise Tax Rates Amendment Bill 2019.

GIVEN UNDER my Hand on Monday 1st July 2019.

Hon TUILAEPA Dr. Sailele Malielegaoi
LEADER OF THE HOUSE

EXCISE TAX RATES AMENDMENT BILL 2019
– first reading

MR SPEAKER: I call on the Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minister for Revenue): Thank you Mr Speaker for the opportunity. We are all in support of the prayer of offering delivered this morning by your honor. Greetings to the Hon Prime Minister and the Cabinet, Associate Ministers, Chairpersons and Deputy Chairpersons of each Committee as well as the Chief Executive Officers of Government Ministries and Corporations as well as our country listening.

Mr Speaker, I move the motion, *That the Excise Tax Rates Amendment Bill 2019 be read a first time.*

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

Motion approved and the Excise Tax Rates Amendment Bill 2019 was read a first time.

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Excise Tax Rates Amendment Bill 2019
– second reading

MR SPEAKER: Now that I have received the signed Certificate of Urgency on the Bill, the Assembly will proceed with the second reading and the third reading.

EXCISE TAX RATES AMENDMENT BILL 2019
– second reading

MR SPEAKER: I respectfully call on the Minister for Revenue.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker, I move the motion, *That the Excise Tax Rates Amendment Bill 2019 be read a second time and I will clarify it.*

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

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you your honour and the honourable members. This Bill seeks to amend the details of the 1984 Excise Tax Rates Bill by changing rates and tariffs for each particular item to new tarriff rates. The objects of the Bill is to provide tax rate on locally produced products for alcohol containing more than 40% and reduce the tax rate on domestic products for alcohol less than 40% plus 10% increase on excise tax on products produced from July 2019 to July 2021.

The purpose of this Legislation is based on the request from the Chamber and alcohol manufacturers in the country, for the Government to reconsider the amendment of the Act given the impact upon their businesses and operations, as some of the factories have been closed down. The intention is to be able to amend the Bill especially the excise tax to increase within three years.

That is the purpose of the Bill Mr Speaker.

MR SPEAKER: Well done, thank you.

Motion approved and the Excise Tax Rates Amendment Bill 2019 was read a second time.

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EXCISE TAX RATES AMENDMENT BILL 2019
– consideration in detail

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

CLAUSE 2: Schedule amended.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Mr Speaker, I want to ask a question on Clause 2... The schedule.

MR SPEAKER: I give the opportunity for the Member for Faleata.

Tofa LEALAILEPULE RIMONI AIAFI: I would like to ask your honour, thank you to the Hon Minister for the opportunity, for it seems that the excise tax on strong spirit drinks will reduce, whilst the excise tax on beer will increase, but this is widely produced in Samoa.

Another thing, it seems that the excise tax on beer with high percentages and those with low percentages are similar. The production of low percentage beer (alcohol volume) should be encouraged. I would therefore like to ask the Hon Minister why the excise tax on strong alcohol drinks would go down while the excise tax on beer will increase. With all due respect.

MR SPEAKER: I call on the respective Minister for this Bill.

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Thank you for the question. The current excise price for strong alcohol drinks has increased last year to 100% from \$19 and \$12 to \$38.60. There was only one excise rate there was. In the application that was sent to the Ministry on...whether the tariff can be adjusted to increase gradually every three years, by 10%. The Ministry together with the Chamber conducted an investigation and was approved by the Liquor Revenue Board that there should be some readjustments in terms of this matter and therefore was incorporated into the Act.

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Excise Tax Rates Amendment Bill 2019
– third reading

The beer has a 3% increase. The beer under 3% is \$3.08 and if it raised by 3% it will be \$3.17. When it comes to a new year, it will be \$3.27 in 2021, \$3.37 as categorized in the Act for beer, when the beer increase from 3% to 7%, those are the rates to use. However, if it is more than 7.1% increase of alcohol in the beer, then a new line will be created for excise tax of \$5 per litre. When it comes to a new year, it will be \$5.15, and by 2021, it will be \$5.30. The classification of alcohol strength is there. Currently, the strongest beers we have are Taula and Vailima, which is 7%. Therefore, a decision has been reached that if someone were to produce a beer that is more than 7%, there is a new tariff of \$5 and above they ought to comply with.

That is the response your honour.

MR SPEAKER: Thank you.

Clause 2 was approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Excise Tax Rates Amendment Bill 2019

Approved.

The Excise Tax Rates Amendment Bill 2019 was progressed without Amendment.

EXCISE TAX RATES AMENDMENT BILL 2019
– third reading

MR SPEAKER: I call on the Minister for Revenue to stand.

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Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT: Mr Speaker I move the motion, *That the Excise Tax Rates Amendment Bill 2019 be read a third time.*

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

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

**CONSIDERATION OF PARLIAMENTARY SPECIAL
INQUIRY COMMITTEE REPORT AND THE
MINISTERIAL STATEMENT OF THE HON PRIME
MINISTER ON THE 28TH MAY 2019**

1. P.P.2019/2020 No. 87, Ministerial Statement by the Hon Prime Minister, Hon Tuilaepa Dr Sailele Malielegaoi on the 28th May 2019, regarding the matter of the Court of the President of the Land and Titles.
2. P.P.2019/2020 No.86, Report of the Parliamentary Special Inquiry Committee on the Decision by the Judicial Services Commission (JSC), and application of Article 68(5) of the Constitution of Samoa.

MR SPEAKER: Before the Chairperson of the Parliamentary Special Inquiry Committee rises, I call on the Hon Prime Minister for your statement.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker and the honourable members of the Legislative Assembly. Greetings as we are gathered on this blessed morning in good health.

We now move to address the issue of a significant case before us, namely the termination of the service for the President of the Land and Titles Court according to the decision of the Judicial Service Commission at the conclusion of the Court of Appeal's resolution.

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The matter was referred to the Special Enquiry Committee of Parliament for their review and was reported back for a final decision, to be made by the members of the Legislative Assembly through a Vote. After we were given ample time to read thoroughly and countless to gain full insight and in depth knowledge of this very serious matter, and the impact upon this pillar which deals with all aspects of the Court's justice and fairness, which may interject with peace and tranquility of the public.

Be in the eyes of the Almighty God, which Samoa is founded on, and the understanding of our stakeholders who are supporting our efforts for the general benefit of Samoa, and our lives in safeguarding and complying with the rule of Law. In addition, the observations from the Leaders of Samoa and our Constituencies who voted us in, to come and discuss all matters in this Parliament, so that our profound wisdom and discretion are fully utilized.

This is also the first time in the History of this Parliament that such a matter is debated in session, which the listening public is well aware of. This Parliament therefore will make the decision on terminating the Male Judge given that he has failed to act in accordance to the dignity of the Court. In this Parliament, they can vote out any Prime Minister or the Speaker, in the event of a serious misconduct, or misbehavior if they violate the law. Therefore, this morning reflects the true meaning of the word Legislative Assembly of Samoa. We make the Laws and we should abide by those Laws.

You have received the copies of my Ministerial Statement which I point out the criminal convictions of the President, as read out by the District Court, the Supreme Court and the Court of Appeal, the three courts have adjudicated this matter. The decision of the District Court to fine him with a large amount considering the offense to be very serious, indecent assault on a staff member; brutal and offensive which is not in line with his position.

Given the provisions outlined in the Constitution under article 68(5), there are two options, which warrants the removal of the President or any judge. First, bad behavior or improper and demeaning act according to his role as Judge. Second, infirmity of body or mind.

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The provisions of article 68(5) of the Constitution that this Government is based on. This refers to achieving the 2/3 of the total members of this House. The President has been suspended by His Highness the Head of State, pending a decision from this House on this matter. Moreover, this is not just Samoa that events like this are happening, it is also occurring in other countries that are governed by democracy. Like Australia, the Judges are also affected with matters like this, the questioning of their discipline.

Mr Speaker, in the spirit set out in article 68(5) of the Constitution, it must be in line with a motion moved on this matter. The words and the motion must be consistent with the wording of the Constitution. Therefore, the motion I move to indicate the clear decision of this Parliament, *to dismiss the President of Lands and Titles due to misconduct and policy on proven charges*. That is the motion based on the confirmation of a Vote conducted by this Parliament.

Before Parliament moves the motion, I would like to make a few remarks on the Report of the Select Committee of Parliament in relation to the Voting matter of the member in accordance to its diligent judgement. In simple words according to his own individual right as a member, this Political Party is the current Government of Samoa and its address is the Human Rights Protection Party. It is the rights of a Political Party or the rights of the members of the HRPP Party. Since the HRPP took over the Government of the day, it has been revealed to this Parliament, that the Vote for the pursuit of constitutional political rights have also been opened to the protection of the rights of the members of the HRPP.

As an example, in the 1988 Parliamentary term, in 1990, the Parliament passed the Gaming Act. There were 17 votes in favour of the Act, and it was my Act as I was the Minister of Finance at the time. We voted together with the other members of the HRPP. 16 votes were on the contrary, which included the Hon Prime Minister Tofilau Eti Alesana.

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The vote of the Prime Minister was different from the Deputy Prime Minister's vote and other members of the HRPP. That is the HRPP practice, once the vote is open, each member is given its own right to vote. This Act was therefore passed by one vote, which facilitated the progress of the Lotto Samoa, Tattslotto which later on led to passing of the Casino Act, that is currently in progress. All these matters had the application of Policies from this Political Party. There was only one vote from the HRPP that allowed the progress of gaming activities.

In the previous Parliamentary term, the respectable members of the HRPP had also used their rights to vote on the restructuring of constituency boundaries Act. This vote started when one member casted its vote otherwise, the member for Gagaifomauga No.3, even though this was another Senior member of this party that used to hold the Speaker position, and the position for Cabinet Minister. Regardless, when it comes to policies, which the HRPP had compromised, they no longer look at the East nor the West.

I say this because the Parliamentary Special Committee has stepped in to a matter that does not pertain to a Committee of Parliament. This is an exclusive case, in the interest of Political Parties rights. Such is the mistake on the part of the Committee that was appointed to examine this matter and report back to Parliament, which I must voice out.

Mr Speaker and the honourable members of the House, *e le tau faatonuina e le matapia le manaia. E le faatonuina foi e Laupua Tamafaiga*. This House is where the Orators, Kings and Leaders of Samoa in all its honorary salutations gather. They sit in this Forum of the country, as representatives of villages that administer and guides the peacefulness and self-control for all the people with wisdom and prudence.

As members of Parliament, some of you are also chosen to some of the highest positions in the Christian Church, and you fully understand the teachings of our Lord, in applying true righteousness. There are important words from the bible, which are important for our decision making this morning. *"To him therefore that knoweth to do good, and doeth it not, to him it is sin"*.

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It is based on the firm belief that the House is a sanctum of the maker, it is why the HRPP Party is collective in accordance to its policies, vote will be opened to allow members the opportunity to voice their opinions, as members of this Political Party, to express their views through your votes. This is the same contribution from you constituencies to the serious matter, which is now before Parliament, which will have our decision.

Soifua and have a blessed morning.

MR SPEAKER: Thank you, I call on the Hon Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA (Deputy Prime Minister): Mr Speaker, I rise to second the motion by the honourable Leader of the Government. Perhaps it is now clear that the matter is the subject of debate in the House this morning, especially now that the Report from the Parliamentary Committee is tabled, which they had to prepare and submit a recommendation on.

Mr Speaker, in seconding the motion of the Prime Minister, I believe, personally, I am pleased that the motion tabled this morning, is in accordance with the provisions of the Constitution in article 68 (5). There was a concern, that if the Government motion was arranged incorrectly, it would make the matter difficult. The motion expresses the Governments intentions, I am a member of the Cabinet, I am grateful that the motion has been readjusted, and as I have already mentioned, I second the motion of the Hon Prime Minister.

MR SPEAKER: Well done, the Parliament has now heard the motion of the Prime Minister seconded by the honourable Deputy Prime Minister. The Hon Prime Minister has already spoken given the issue discussed in this Sitting.

Afioga Tafua Maluelue Tafua: Mr Speaker...

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MR SPEAKER: I also.... there is a thought.... I asked the member to sit down politely whilst the Speaker is giving his statement. I think this is a good opportunity for... to respectfully ask the honourable Chairperson of the Parliamentary Special Inquiry Committee to stand.

Tofa NAFOITOA TALAIMANU KETI (Chairperson of the Parliamentary Special Inquiry Committee): Mr Speaker, I rise to move the motion *that the Legislative Assembly considers the Report of the Committee containing its FINDINGS AND RECOMMENDATIONS, and I would like to address them.*

Seconded by the member for Lefaga and the member for Falealili East

MR SPEAKER: Well, I call on the Chairperson of the Special Committee to rise to speak on the findings and summary of the recommendations.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker, holy and glorious is the morning and the day that will not be mentioned, but praise be to God for this day and its honorary salutations.

This Committee is honoured for the opportunity. I respectfully greet the Chair, Mr Speaker, and the Hon Prime Minister, the Leader of the Government, the honourable Deputy Prime Minister, and the members of the Cabinet as well as the Deputy Ministers. The same goes for the members of the House of Representatives, the Chairpersons of the Parliamentary Committees, the Deputy Chairpersons, as well as the honourable members of the Independent State of Samoa. We extend our greetings and salutations to the Chief Executive Officers of Government Ministries, as well as the Public Enterprises. We also acknowledge the Registrar and the Office of the Legislative Assembly, on your unfaltering commitment in service of the House.

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We cannot forget the support of Samoa, and the presence of His Highness, the Head of State and your Good Lady, as well as the Members of the Council of Deputies and your good ladies, the Judiciary, the Deputy Chief Justice, ladies and gentlemen of the Judiciary, and Samoans everywhere, we extend our heartfelt greetings.

With respect Mr Speaker, I would like to speak on the Special Commission Report of Parliament, which is now before the House. I believe it has been clearly devised, as it is tabled before the House especially with the observational support of the country everywhere, both here in Samoa and abroad. The approved Ministerial Statement by the Leader of the Country, the Hon Prime Minister to Parliament in the Parliamentary Paper 2019/2020 No.87.

This issue before the House, as you have heard, is a new subject. It is an issue that does not occur often which is now before the Parliament, regarding the service of the President of Lands and Titles Court, this was not expected to happen during this Parliamentary term. The decision of the Judiciary Service Commission has now been suspended, temporarily. Mr Speaker, this is a very important issue in the Political History of our Government and the Independent State of Samoa. As implemented today, this is the meaning of the three powerful entities co-existing in this House, in a democratic government, similar to the Governments around the world, the Parliament, the Executive and the Judiciary. They are responsible for the development of the country, these bodies associate with each other, in order to maintain peace in Samoa, to prevent the abuse of power by the other bodies (doctrine of checks and balances of power).

As for the task engaged by your honourables, you are the supreme authority of this body of Parliament, the Supremacy of Parliament. This is the triangle of the Government, which are clearly independent, but do not forget, it provides for other duties in the Constitution of Samoa. It allows the Parliament of the Government of Samoa to interfere with some of the appointments that you have heard this morning, including the President of the Land and Titles Court, should a matter arise severely affecting the Law. What for?

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The short answer is, this is the Parliament of Samoa in which the Chosen Leaders of all Constituencies of Samoa sit. Prominent matai or the orators make decisions for the communities and the Christian Church of God. This means that you uphold the honorifics of all the constituencies of Samoa when attending the grounds of Tiafau. No one is superior, for this is the House where foresight and vision is deliberated to bring advice to the Le Ao o le Malo, for it will cause an imbalance and animosity. This House provides the considerations and advice to the Head of State for an appropriate decision to be made. As such, your honours carry the respects of this House, the Legislative Assembly of Samoa.

Mr Speaker, this is reason for the moved Motion by the Leader of the Country, to set up a Special Inquiry Committee to Parliament to thoroughly investigate this matter in all its complex areas and report back to this House with this recommendation for Parliament's decision on whether to resume or terminate the President. However, Mr Speaker, *e ao ona motu le pa ua iloa le i'a*, as the constituencies and the beloved country is listening and so as the Members of the Committee, which carried out this work. Tofa Nafotoa Talaimanu Ketu (Chairperson), Aliimalemanu Momoemausu Alofa Tuuau (Deputy Chairperson), Hon Faumuina Tiatia Faaolatane Liuga (member), Faaulusau Rosa Duffy Stowers (member), Fuimaono Taala Teo Samuelu Teo (member), Toleafoa Ken Vaafusuaga Poutua (member) and Tofa Ili Setefano Taateo Tafili (member).

Mr Speaker, any business has its challenges addressed in the House. Mr Speaker and the members of the House, despite the challenges of this work referred by the House, such as the time we were faced with the work, at the same time the plans and works of the Parliament for its Main Budget 2019/2020 were also underway. Regardless, the Committee did not feel discouraged, the work continued after the Parliamentary Sessions and it provided an opportunity to complete and consider the importance of the issue submitted. That is why I declare before the Speaker and this House, as well as Samoa listening in, this same investigation was in line with the guidelines set out in the Ministerial Statement of the Hon Prime Minister.

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As for the recommendation made in this Report, it pressed through as a result of the overwhelming weight from a positive evidence that was heavily prioritized by this Parliamentary Commission.

Mr Speaker, we must also comment on the situation of Samoans sitting in the Samoan traditional house or *faletele* and *faleoo*. Mr Speaker and Members of the House, it is clear from the statement of the Leader of the House which is compatible with the outcome of the investigation by the Commission of Inquiries, it is clear that the work of the Court has been completed, and the President of the Land and Titles Court has been given a fine. There has been no word on the decision of the Court of Appeal to terminate and resume the appointment of the President, and so it lies before the House. In addition, I believe that it is no different from the way we live in our communities. Everything is dependent on the *faletele* where the Head of the family lives, as the saying goes the *faleoo* is dependent on the *faletele*. Why? Because the *faletele* takes care of the family and community by providing wisdom and foresight, especially the Church, and is no different from the song by Taofia and Saleutogi, his house is plaited with prudence and is floored with austerity. Why store wisdom and discernment? Mr Speaker and honourable members of the House, you have to possess wisdom and foresight, for days like this. Discretion is stored whilst restlessness is released when the family and the community is at peace. Nevertheless, if prudence is allowed, the prisoner lives and receives the birth of reformation, the renewal of life. It is in harmony with the message of salvation that our Lord and Saviour died for.

Mr Speaker, I would like to quote a scripture from the Word of God to direct us this morning. In the Book of Romans, "For all have sinned, and come short of the glory of God; the sacrifice for sins in His blood is obtained by faith, that His righteousness might be manifested in the redemption of past sins through the patience of God. Romans 3:23-25". In response, Jesus challenged the scribes and Pharisees that accused the adulterous woman, "He that is without sin among you, let him first cast a stone at her." It caused the individual to scatter when Jesus proclaimed this, the imperfection of people, despite the positions and honours the woman returned to the church. "I do not condemn you, go your way; sin no more".

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Mr Speaker, I will now move on to clarify the work that the Committee has struggled with to make clear for the House and Samoa listening.

ORDER OF THE LEGISLATIVE ASSEMBLY

- 1.1 On the 28th May 2019, the Legislative Assembly has approved the motion moved by the Hon Prime Minister, on the establishment of the Parliamentary Special Inquiry Committee, to thoroughly examine the source and appropriateness of the Decision of the Judicial Service Commission or JSC.
- 1.2 In addition, Proceedings of the Legislative Assembly including both verbal submissions and written submissions for its investigations and findings to guide the Parliament, for a request to the Head of State, for a final decision on the temporary suspension of Fepuleai Letufuga Attila M. Ropati, President of the Lands and Titles Court, as decided by the Judicial Service Commission.

Mr Speaker and the honourable members of Parliament, there were two Terms of Reference used as the objectives for this inquiry.

**COMMITTEE EVALUATION AND RESEARCH
GUIDELINES.**

- 2.1 The main objective of the work of the Parliamentary Special Inquiry Committee as set out in the motion, is to monitor the two important areas as follows:
 - i Review the rationale and accuracy behind the decision of [the Judicial Service Commission to temporarily terminate the appointment of the President of Lands and Titles](#);

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- ii Application of the Guide (TOR), and the provisions of Article 68 (5) of the Constitution of Samoa, to provide a Recommendation to Parliament, to allow the removal, or resume the service of Fepuleai Letufuga Attila M. Ropati, as President of the Land and Titles Court.
- 2.2 Article 68(5) of the Constitution of Samoa – *“A Judge of the Supreme Court shall not be removed from office, unless the Head of State makes and appeals to the Legislative Assembly, and approved by at least two-thirds of the members of Parliament (including vacancies) requesting his removal from office due to improper conduct proposed or weakness of body or mind”.*

I refer the House to the explanation of this matter, as clearly stated by the Leader of the House this morning, that the Special Inquiry Committee will receive the decision of the District Courts, the Supreme Court as well as the Court of Appeal. This means that the Special Inquiry Committee has carefully considered the explanation and decisions of the three Courts as heard this morning, as a guide to the work engaged by the notable Committee.

Secondly, the Committee also received a Petition from the President of the Court informing him that he will not resign and will await a motion with the Legislative Assembly, where does our view and decision lie, that will be done. The Committee also accepted the recommendations of the Judicial Service Commission, presented to His Highness the Head of State, while on the 10th May 2019 His Excellency the Head of State signed an Order, a Warrant of Suspension, from then until today, to suspend the President of the Land and Titles Court. The Committee also received the Special Parliamentary Paper, to move the motion on this matter for discussion. You have heard it on 28th May 2019, I believe, all the honourable members of the House have received a clear and complete statement on the motion by the Hon Prime Minister.

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The chosen verbal submissions was based upon the knowledge, to be of assistance not only with the Proceedings of the Court, also the decision. Ten people were able to submit verbal submissions to this Committee, which led this Committee to make recommendations, tabled before the House. The Committee also referred to the Land and Titles Act 1981 in section 26(d), and article 68(5) as well as article 68(6) of the Constitution of Samoa. Henceforth, the Committee had thoroughly conducted a review on the following decisions.

Mr Speaker, there are members of the Parliament that appealed for an opportunity to the Committee to have their say on the matter, but the Committee believes that they still have a golden opportunity to speak freely in Parliament. As opinions are open this morning, the country is listening whilst discussions on Reports comes from the Legislative Assembly. The Committee recommends for sufficient time to thoroughly, assess the proof and verbal submissions to be in line with the motion, in accordance with the decision of the Judiciary Service Commission.

The decision of the Court of Appeal, and other information they have received, is directed to the matter under investigation. Selected witnesses do not have the opportunity to express their views in this House. The Committee was of the view that the implementation of its investigation and report back should be as directed by the Legislative Assembly. The Committee believes that this information is sufficient to guide its review, and other areas of concern. Being a Judge is not the work of the Committee, no.

The main objective of the review and findings of the Committee is to directly, follow the purpose of the motion together with the information presented, as put forward through its recommendation.

Mr Speaker, if our statement is long, so be it, because this is not an easy matter, as you have heard from the statement made by the Hon Prime Minister. It is clear, that findings and investigations of the Committee clearly looked at the decision of the Court of Appeal. They approved the offence of assault in Section 119(1) of the Crimes Act 2013. They imposed a fine of \$5,000 and \$2,000 to pay the victim.

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The Committee was very clear on the importance of the decision, by the men and women of the Court of Appeal to review, the important contribution made by the President for his services and duties to the Court, as a Judge for Land and Titles. It indicated that the President who was a Judge for Lands and Titles for 18 months has now been suspended, while his 360 court decisions on the Lands and Titles Appeal have been completed.

In addition, it reflects that the conviction is not an act committed between a lawyer and his client, lawyer and client relationship. Or the misappropriate use of funds, or offence of honesty. It is clear that there is no relationship between the proven conviction and the performance of his duties as the President of the Land and Titles Court.

When we met with the Executive of the Law Society, they also affirmed that it was not a lawyer and client relationship neither a misuse of funds nor offence of honest, no. The Society believes that Fepulea'i, pardon the title, can still re-apply to the Society for a confirmation letter, to work as a lawyer according to the provisions of the Samoa Laws Act 2014. They also clarified to this Committee the continuation of his work as a lawyer. If a statement was received and verified, Mr Speaker and honourable Members, this is one of the most important qualifications in terms of employment of Judges, especially the President of the land and Titles Court.

It is good that I have covered this issue, as Samoa is listening so that there is no, mislead, as given in the newspapers, not too long ago, it stated the word unconstitutional, referring to the current work engaged by the House. This means to say that the work before you, honourable members is baseless, thus is the explanation given. Nonetheless, in the investigation, it is very clear in Section 26(a), protection upon the House. Therefore, the President of the Land and Titles Court is also the Judge of the Supreme Court. As such, Mr Speaker, I have come to this point, it is good to clarify this for the sake of reporting on the work that has been done.

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The Committee also received a letter from a professor, who facilitated the Institutional Strengthening Program (ISP) for the honourable members of the House and the Judges of the Court, where he stated, I quote, “Samoa would lose more than a public officer, if he does not continue to serve, this country will lose a great Samoan”. All of these areas reflect the importance of the service of the President who is currently suspended. Not only as a judge for the District Court but also a judge for the Court of Appeal, Mediation Factors. That is the essence on the careful examination by the Committee, however Mr Speaker and the honourable members of the House.

The Committee also received a recommendation from the Office of the Attorney General and their focus is on the Rule of Law. In accordance with article 15 of the Constitution of Samoa, everyone should be equal before the Law, as the Law is not discriminatory. All persons are equal before the law and therefore are entitled to equal protection under the law. This same testimony had the support of the Deputy Chief Justice as conveyed verbally. Based on the decision of the honourable Judge of the Court in terms of integrity, they are also sceptical to it. It is a dignified position and one body, he also approved of it, the Land and Titles Court is now facing some challenges, unlike before. Lapsed matters of the country and decisions on appeals, thus, there is an urgent need for a quick decision by the Parliament on this matter.

Lastly, the Committee met not only with the suspended President including those involved in this matter. That is why we made our first statement. The good and harmonious living of our communities and villages was shown that day. Not only with the expressions of words as well as conduct. He cried and felt remorseful; it was a feeling of forgiveness towards what had happened. However, for the betterment of Samoa and especially judiciary services.

Mr Speaker and honourable members of the House, this is another important matter in our investigation. The word forgiveness stated by the victim, wants to omit it. What happened is in the past, on that note Mr Speaker and Samoa listeners; I heed to make this statement for the sake of the high chief or sao o aiga and family members.

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This is also nurturing upon each village community. Regarding the authority held by the village council, and the implementation of punishments within the villages. What for? Because this House is the House of Chiefs, the works of the Court is finished. The matter is now before the House of the country, the chosen chiefs of each Constituency of Samoa. Wisdom and prudence are intertwined, in maintaining the dignity and peace for the country.

Mr Speaker and the honourable members of the House, the investigation by the Committee has come to its conclusion, taking a closer look at the situation raised in article 15 of the Constitution and 68(5), inconsistency between the two is noticeable. Testimonies were also submitted by the Judges of the Court about the inconsistency of issues in the Constitution of Samoa.

Article 15 talks about the upbringing, male or female, there is equal rights for language, church, place of birth and family related matters or any of these things, which the Committee had observed. Article 15 relates to equal rights which I read out.

As for article 68(5), the stated misbehaviour, it was carefully considered by the Committee however, they were unable to present evidence and testimonies to indicate the true meaning in which stated misbehaviour is being used.

Mr Speaker and the honourable members of the House, the Committee noticed that there are no guidelines in place to assist in the investigation, in terms of performing the Judiciary services, especially among the Judges. The Special Committee re-examined the situation in which the decision was made under the District Court, the decision was to discharge without conviction. He was released without legal justification, and the Committee also considered the fact that the Judge is a Samoan chief.

In terms of service, the advantages of service, although as serious as you may have heard today, the decision was implemented by the District Court. It reflects the importance of service to the Judges, for the people of the country, especially the current crisis faced by the Land and Titles Court. It was also reflected in the decision of the Court of Appeal, the value of service, offering of life. Of course, what happened was not pleasant, but it shows that even though it is proven, the penalty is a fine.

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That is why the matter is brought before the House, if they had made the decision then, it could have been over. That is why Mr Speaker, the Committee considered the circumstances under which their recommendation was based on for an opinion from the House, as presented this morning.

Mr Speaker, lest you long for the fish and end up breaking the net, lest I forget, I would like to take this opportunity before I reach the summary of the advice, I turn to convey congratulations and thanks of the Committee, the Attorney General and the Office, your work was not easy.

Mr Speaker, that is the truth in our observation, evaluation and investigation, to have patience. Why? So that there is peace in Samoa, as your honour is also the right hand man of the Government, in terms of offering advice on the Bills. I will not go straight to my final statement, but I would like to thank your honour and the Office for the continuation of these three trials. Good work! Praises for the bravery! Praises for the patience! Keep going and continue working.

The Committee would also like to thank the Men and Women of the Supreme Court for their work, the Committee notices that your duties are not easy, which has been reflected in the investigations, that your intentions are to immediately resolve the issues arising in the Land and Titles Court. Now that the backlog and lapsed files of the country is starting to pile up again, due to the issue raised this morning.

Mr Speaker, I now come to the representative and the work based on his findings and research as advised by the Special Inquiry Committee, the Legislative Assembly as follows:

1. The Special Inquiry Committee should record the decision of the Judiciary Service Commission, implemented in accordance with the procedures of the Act, pursuant to Article 68(6) and the Land and Titles Act 26(b).
2. Based on the findings and investigations of written and verbal submissions, records and decisions of the Court, the Special Inquiry Committee has reached its recommendation, advising the Legislative Assembly, not to remove Fepuleai Letufuga Attila M Ropati, from the position of President of Land and Titles Court.

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Mr Speaker, this is the summary on this work, although it is brief, it was possible with a lot of devotion, thoughts and energy in accordance with the callings and positions of this House.

Bless you Mr Speaker, Hon Prime Minister and Cabinet, blessings on both side of the Chamber and the support of Samoa, bless the proceedings of Samoa.

MR SPEAKER: Well done, thank you to the Chairperson of the Special Inquiry Committee for the thorough preparations on this matter. Therefore, this is the opportunity, for any member who would like to speak on this issue, before it is given...

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East): Mr Speaker if it is possible before recess, there is enough time for an opportunity for this Constituency.

MR SPEAKER: Well, thank you for the reminder, we have now come to our recess, it is how our work is done.

Proceedings of the Legislative Assembly was set aside for normal recess at 10:44am and resumed at 11:33am.

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

I believe that the strength of the members of Parliament have been rejuvenated for the continuation of our work. Before recess, the member for Vaimauga East was upstanding. I call on the Hon Deputy Prime Minister.

Afioga Hon Fiamē Naomi Mataafa: Mr Speaker there is something I want to understand. Thank you to the Chairperson of the Special Inquiry Committee for the statement in discussing this matter and also the summarized Report.

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Mr Speaker, I would like to understand the details of the matter before we begin our discussions, because the motion has been moved by the Committee to approve their Report, but the Government has also moved a motion as a subject of discussion.

Mr Speaker, at the conclusion of the debate by the House, I would like to understand the process for these two matters, as the motion to approve the Report has been set. The question is; if the Report is approved then the motion by the Government will be dismissed. However, it seems this is what I am confused about, I ask with respect, what is the order of our work.

MR SPEAKER: Very well. Thank you. In case of doubt, it is best to ask for the sake of the Hon Deputy Prime Minister, about the progress of our work. In response to your question, the finished statement of the Hon Prime Minister and the set motion has been moved and seconded, it is now tabled and the question has not been put forth for approval as moved by the Hon Prime Minister and was seconded by you, Hon Deputy Prime Minister.

Opportunity has also been granted to the Chairperson of the Committee to present their Report and recommendations before Parliament, which was seconded and tabled without putting forth the question.

I believe we will lay it before the Parliament for their take on this, who wants to speak on this matter before we have the question, we will have the question first according to the first motion set by the Hon Prime Minister.

Then the second question will be put to approve the Report of the Committee in accordance to their work. That is the view, this matter is simple as...

I allow the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, my interpretation of the Motion by the Chairperson is for us to deliberate. Now that we are discussing whilst the main motion was the one I moved.

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MR SPEAKER: I believe this is not a problem as you say Hon Prime Minister, the question can also be put to approve the submission of the Report of the Committee that we are discussing right now, before we move to the sorting the questions. Perhaps the situation is not that different. I believe this is better, as the Hon Prime Minister states, to put forth the question to approve the Report of the Committee for tabling before Parliament for discussions, this is better. Since the motion as moved by the Chairperson of the Committee was seconded to table the Report of the Committee before Parliament.

The question puts, whether the Report of the Committee has been approved before Parliament, those in favour say ayes...

Afioga Hon Fiaame Naomi Mataafa: Mr Speaker, I agree with the Prime Minister's thought. Whilst the wording for the motion to pass the Report for deliberation and not the content of the Report as those two things are different. Your honor please, make sure that statements in our orders of the day are correct. I wish to amend the motion made, I endorse the Report for discussion.

MR SPEAKER: The moving motion raised by the Chairperson of the Committee says: your honorable Speaker I move the motion, that the Legislative Assembly approves the Report of the Committee containing the Findings and Recommendations.

That is it. That is the main intention raised by the Hon Prime Minister, lest there is confusion. Nonetheless, we now have it in assistance to our work for the interest of the House. There is view for the Legislative Assembly to discuss the Committee's Report or this amendment for the sake of our work.

Very well we will amend our motion so that the Legislative Assembly will deliberate the Report of the Committee, and is now seconded.

Motion was not seconded.

Motion approved.

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MR SPEAKER: The Report of the Committee will now be discussed. This is the opportunity accorded to the honourable members of Parliament to speak on this issue.

I respectfully call on the member for Vaimauga East.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East): Thank you. I believe that the energy of the members of the House have been restored from our lunch for the continuation of our Parliamentary Sitting. Before this Constituency makes its contribution to the Report of the Parliamentary Special Inquiry Committee on this matter, I would first like to offer greetings from this Constituency to that Side of the House, with the attendance of the Hon Prime Minister and the Deputy Prime Minister as well as the Cabinet and Associate Ministers.

Turning to this side of the House, I offer greetings to the Parliament of Samoa, as well as the Speaker and Deputy Speaker; I salute the hard work, and the administration of our Sitting, noticing that it has taken three weeks since Parliament has been engaged with its Sitting for the prosperity of the country.

I also greet the Chief Executive Officers of Governmental Ministries and Public Enterprises, who are the hands and feet of this Parliament in maintaining our country.

Before we make our statement, I would like to show gratitude to the honourable Lima who is the Clerk of the Assembly and in particular the Office of the Legislative Assembly that is working in support of the House during its Parliamentary Sittings.

I also acknowledge the support of His Highness, the Head of State especially the Good Lady, and Member of the Council of Deputy and his Good Lady, the Deputy Chief Justice as well as the men and women of the Judiciary. We cannot forget the support of the servants of God in all alters, and those who are deep in prayer and fasting, all to the Lord for the prosperity of Samoa and its people. I can never forget the support of my beloved Constituency of Vaimauga East from Fusi and Fanuatanu, Lalotea, Niniva and Punialavaa, Faletonu and Pilioua in all its honorary salutations, as well as Samoans who are listening from their homes in our country and abroad.

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I beseech your support as this Constituency makes its contribution to the issues presented in the Parliament of Samoa. It is said that Samoa is not a hostile country; it is a country that already has traditional divisions. For what? The kings are known by their ancestries and so as the orators and servants, which cannot be altered anytime soon. Since the arrival of Christianity where we are founded upon, it is said that Samoa is founded on God; it is the God of the Father, God of the Son and God of the Holy Spirit Whom we worship until today. This is the thanksgiving to God.

During the arrival of the Missionaries, we were already worshipping our own God, but they brought the Good Word, which spread Christianity all throughout Samoa. This is my utmost gratitude. I felt uneasy whilst standing this morning. Why? This Parliamentary term has been very significant, the orators and chiefs have put forth their views on the positions in the Constitution regarding the Chief Justice and the President this morning. I give thanks to God, thank you for bringing me to this Parliament at such a suitable time. I further observe a few senior members in the House from the Hon Prime Minister, Deputy Prime Minister and the presence of Hon Aeau, as well as the honourable Speaker directing the Sitting of Samoa.

I base my view on what has come before the House, in accordance to the authority of the alii and faipule, this is the key to opening and closing of Samoa. A village and district that is governed by good principles and values is easily noticeable as there is no trouble, it is safeguarded. It supports the work of the Government and the country. Whereas the village and district that falls apart, as witnessed, many court cases and problems arising from them, due to what.

However, I base my opinion on this situation that is before the House, based on the village council's governance, as this is the key to opening and closing of the country of Samoa. The villages and districts that have a dignified and well-governed village council is noticeable, as they do not have disputes, as they are well are in harmony. It supports the work of the Government and the country.

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Nevertheless, constituencies and villages that are falling apart, as we have seen, there are many things happening like court cases, because of what? The youths are neglecting the chiefs. What is the meaning of the word chief? A chief looks after everything, good and bad. It is for this reason I thank God for appointing this Parliament as the Legislative Assembly of Samoa. There is no one above the Assembly, as the Legislative Assembly make laws to regulate the good of its people and to seek justice. Such is the spirit this morning. I feel grateful; this is why we were chosen in the chief position. Thankfully, there are no untitled men pardon me, who used to sit in here, what now? The chiefs are selected on the authority of the village councils to come and make decisions for the country. All of Samoa is in this House.

I wish not to talk about the Committee and their Report presented before Parliament. I will particularly talk about the purpose of my coming here according to my constituency. That is rightfully called; ordained wisdom, farsighted conscious for our chiefs who were appointed to this calling. I would ask my constituency what to do about the roads. God has whispered, for this is one extraordinary morning for the House, I state my opinion based upon the village council. If someone commits a sin, they are brought here, they should be disciplined, scolded and banished, and instruct him to leave the village by four in the evening. He has brought humility and disgrace upon the village and the constituency. Then the matter will be based upon the discernment and discussions of the orators, and then a peremptory order will be given to the one involved. He said, our village and constituency it not permissible to return people who have been banished from here, it is forbidden. Now, this man will be banished.

Where will he go? What were the people's questions? Who was in that village and that constituency? It is no wonder, that young man is similar to his wicked father. He does not serve during our endeavors in the village. These are the questions, the people will discuss before the banishment.

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Although when a good decision is made within the authority of the village council, word will spread across the country...who was present? Who was in the village? Alas! It is no wonder why the man is good, he is just like his father, his dad did not get a good education, but he served the community. These are the gossips. This morning Mr Speaker, who will Maauga rely on. This is the House, which upholds divine wisdom. It is said that if a prisoner enters this House, he will live. Pardon the honorifics of the Court I will not mention, *e le aia moo i liu o vaa*. You have done your part, thank you to the Office of the Attorney General.

The Attorney General and his Ministry is to protect this country. The member for this constituency will not discuss your sanctity. You have stated your opinion, what has brought you here? Mr Speaker, where is Maauga located? It is located in Nuuausala. Although statements of encouragement are made, an elder otherwise says, the boy is useful to bring contribution. Seeing the situation now, his nobility is broken, his family, village, religion and God. I speak this morning, it is important to people, although we have a pool of lawyers but one must consider this person and his work, a person prioritises what God created.

The situation we have come to this morning is all part of God's plan. It is a way for God to test the Parliament. Our ancestors have gone through it; with the assistance of a few countries of the United Nations. We were able to become an independent country, because we boast that we did it ourselves, no, without the assistance of the United Nations, we would not have been able to do so. What now? We have become independent, but we still want to be like American Samoa, pardon Toelau, stating that they are blessed, Egypt have gone through this blessing, and now they are looking back.

Mr Speaker, there is a thought on who will Maauga rely on? This is where fate of a prisoner is decided, whether he dies or lives, right here in Parliament, based on what. Holy sanctity, and wisdom which brought you here, pardon the Committee, but no, this member is talking about Sulamanaia, the idea given to your from God, no person is useless before the Lord. I will not speak, because I am not saying anything and neither am I related to this gentle man, but I will speak on why we were brought here.

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This is a statement to Samoa and the rest of the world the strength of this Parliament, that is all. What now? Some are questioning this strength, who creates the Laws? It is us, I pity you honourable Speaker, we are being questioned, it is here where 40 to 50 members were elected by their constituencies, for what? Elected by the country together with the whisper from the Holy Spirit for a man or woman to be their representative.

MR SPEAKER: Well done, the member has two minutes remaining.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: I will now conclude, even though there were many things I wanted to talk about, but this member is in favour of this noble man of the country. He should be brought in to make a contribution, there are already enough statements, bring him to make a useful contribution out of concern that is in the Constitution implemented by our ancestors.

If we are going to make another plan, we should look at the Constitution if appropriate to amend. Looking at it that is my concern, our ancestors and expatriates we had during that time, this position was prestigious and dignified, it should not be quickly intervened and people should be chosen for this plan to prioritize their appointment, the value...I do not support the multiple Court hearings. Stating that they support, and must resign because they relate, but Samoa is a family. Make your decision based on what you think, as the village council is broken from within. There are 100 to 200 head chiefs, contributing chiefs, important chiefs, and we the Parliament should work on it, no it is faulty, so we will reign over it. Here, it is sacred... some people when they are bestowed a title they immediately leave for New Zealand. Most family matters are being [decided from overseas, these are the types of administration that this](#) member is concerned about. If it is sacred in the community, it is also sacred in Samoa.

Good luck to the Sitting of the country, this constituency supports the usage of this noble man pursuant to the report before the House.

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MR SPEAKER: Good statement, I call on the member for Salega, pardon me, I mean Gagaifomauga No.3.

Susuga Hon LAAULI POLATAIVAO LEUATEA (Gagaifomauga No.3): I would like to thank the honourable Chairperson, Mr Speaker it is the House of Forums of Samoa.

I stand with the utmost respect this remarkable morning the Parliament of Samoa. *O le aso ma le filiga, o le aso foi ma le mataigatila*, each day comes with its own events and each day has its own doing. Then I thought we have the gathering of the House of Forums in Tiafau. It is the paramount Sitting in Samoa, in which our ancestors fought for to pursue prosperity for Samoa today and tomorrow. It is the *malae o le faautugatagi*, it is the ground that the king consumed when his seat was found. It is the grounds we aim to either reach or not. It is a ground designed for the decision-making of Samoa. *Ua laulauila ae poupoutoa e pei o le fale na i Amoa*. *O le malae o le tagamamanu a Samoa, i ona upufai o Malo*. Manatu lea ua atoa tino o le tama na moe i le ana. *Ua laulauila ae poupoutoa e pei o le fale na i Amoa*.

Mr Speaker, thank you for your patience. Times have passed since our pursuit to improve the economy of Samoa. We have offered our thanksgiving to the Almighty for his provision for our daily lives. The downpour sweat of the country to prevent poverty.

Let us consider the sweat of our people, who is standing behind it? It is in your hands, the Parliament of the country, we come to share thoughts and ideas. Thank God, we have passed the difficult times.

This morning the body is trembling and tingling from excitement. The principle words of this House, no one is superior, because this House is the main pillar of Samoa. The governing of Samoa relies on the lower pillars for support. Who is the government? They are the Judiciary, your Hon Prime Minister and the Cabinet, the honourable Speaker and the Parliament of Samoa.

The recent issue raised is not an easy one for this constituency, as this is the first time for us to discuss the Constitution as created by our ancestors. I am pleased, as we stand with bravery, and reflect on the picture, how we came about with our journey.

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Note, the first Parliament until today, starting from the initial Head of State, Ao o le Malo, Speaker and the Prime Minister of the country. We are in the consultative process with those the initial decision-makers or our ancestors of the House together with the intentions of the House. The purpose of my opinion, the address of the House and the Chairperson should be set aside. Thank you Chairperson and the Committee.

The service of Fepuleai Letufuga Attila need not be made known as everyone is aware of him and his service. Look at this House, this is a man who served as assistant to the Speaker during my time as the Deputy Speaker. He has served vigorously during your time as the Speaker, the heart and spirit is satisfied, because of this nobleman of the country. His good works is unforgettable. Not only is he a devoted and committed employee which led him to his Presidential position with the Judiciary. We do not have to outline his credentials and who he is, he is a highly intelligent, his qualifications are unquestionable and he is respectable chief.

Although Mr Speaker, my heart is confused about the declaration I made, I am careful on this matter, *e mamae le tavae i ona fulu. Ou te le manao i le ia, ae ia ou manumanu i le upega*. This is where the respect and dignity of Parliament is structured including the Court of Samoa, and the presence of the Deputy Chief Justice, the Judiciary, the Hon Prime Minister and the Cabinet.

This is where the mind questions, the Court has already ruled on this matter, it is finished honorable Speaker. The relationship between the Three Pillars of Government is based on mutual respect. It does not overlap, reciprocate nor have mutual respect. I am grateful with the decision of the Court which says that there is no conviction.

I have thought this was God's response upon this son of this country. However, after the District Court ruled on this matter, [discharge without a conviction and within 24 hours an appeal was filed](#). The question is who filed the appeal and I want to emphasise there is a line that we cannot cross. I will not say it Mr Speaker, this is why we are discussing this matter again. Why has it been brought into the House when a decision has already been made?

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With respect Mr Speaker, it begs the question where do we draw the line? The relationship in protecting the honorifics of the country and the Three Pillars of Government upon the Judiciary and Parliament. I am ashamed of the message that will be sent around the world, it appears we cannot differentiate between what is right and wrong. We all know that Fepuleai is convicted as a result of the appeal. And it appears that we want to paint a picture as if we can dominate any decision, that we have the authority. If the first Decision was recognized, it would have been just a fine and case would have been dismissed. Nobody can defy the decision from the Court. Now that we have the decision of the Court of Appeal, he has been convicted, wow, that is a burdensome for me. It feels as if Parliament is trying to exercise its authority saying that we hold the authority.

Mr Speaker I am only concerned about our association with others. I am worried about the Three Arms of Governance incase we feel for Fepuleai laying aside our consideration upon the dignity of Parliament. That is the intention your honour, that love and this love, I too have already shared my talk with him. Fepuleai, look at what is happening to me, the accusations laid against me, I have resigned because of my love for the country and position. Mr Speaker I have taken the floor to request the Parliament, to rethink and make wise choices especially for the future of this Government. The Courts have already made a decision, the Chief Justice and Committee even the Attorney General have made a decision. What was the decision? Consider where the line of authority is drawn, be cautious of how it is applied because it could be a means of breaking up the country. I apologize Mr Speaker but I am fond of Fepuleai and the Court has made its decision therefore that decision has the support of this constituency.

I beg tolerance to Samoa listening and all the honorifics of families and relatives of this gentle man. Given the love shared, we are unaware of the outcome on the decision we will implement. Your honor, the intention is to lay your thoughts and farsighted insight before the House on this matter. I therefore support the decision of the Court given. With all due respect.

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MR SPEAKER: I call upon the member for Urban West.

Afioga FAUMUINA ASI PAULI WAYNE FONG (Urban West): I convey thanks to Mr Speaker, Hon Prime Minister, the Deputy Prime Minister and Cabinet, Associate Ministers and that side of the House. I also acknowledge the Chairpersons of Committee and Members. Gathered before us we also have the Heads of Government Ministries, and the Clerk and the Legislative Office who is supporting this Parliament. I will voice a thought.

Mr Speaker I would like to make a direct statement, the respects of the country have already been addressed. The process of this matter, the Laws of the Court are implemented from within this House. The Laws in place were established here in this Parliament for the judges to interpret and uphold. And now the Court has already uled in this matter, and so I will return to the initial stage of this matter. As raised by some of the members, the ruling by the District Court was to acquit all charges or no conviction on this case while it was hard to believe, but I recognized it. However, when the Attorney General's office filed an appeal and became involved again, I was not happy about it as this meant, we will spend more resources on this matter. Although, it poses another question, whether or not the Court was able to meet all parts of the Act in relation to the decision of the District Court? Given the additional money and time spent on this concern, this was bothersome for me. Nevertheless, it was fortunate that the appeal managed to press through which we read and found out that the provisions of the Act was not met. Then when the President resigned, I was thankful to the Lord for his resignation to make easier this matter. However, we had no idea it will come into this House.

Mr Speaker, anyone that commits a crime is charged and appears before the Court, this is the same with Church Ministers, Chief Executive Officers and Members of Parliament who have been charged before the Court. In the past, a Prime Minister was chared and was taken to Court and that was the end of his tenure in Office.

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Meanwhile, the essence of Parliament Sitting today, leave the Report of the Committee who are compliant with Parliamentary procedures on what to review. Although we have undertaken review and interpretation of the Act on this Court.

It is true; a lot has been achieved for the Ministry he has served in through the State and the Legislative Assembly in particular. However, it is unfortunate that he committed a crime. Otherwise, if we had utilized this time to debate other proposed bills for the betterment of our country and the future. Unfortunately, we have now come to...

MR SPEAKER: I wish to assist the member taking the floor, it seems what you are conveying is the same as the previous member. The decision made on this matter has not yet come to an agreement. This is why the Constitution trumps any law and that is why this matter is before the Parliament. As you can see, the decision made cannot remove the President permanently. In accordance to Article 68(5) of the Constitution, a Judge of the Supreme Court shall not be removed from office, except by the Ao o le Malo upon the decision from the Legislative Assembly approved by no less than 2/3 of the votes in support. Lest the public is misled with this information thinking that we are interfering with the matters of the Court. The Constitution is the supreme law and this is what we are discussing for our decision. For the sake of our local listeners, I ask the member to assist and avoid misleading the other members.

Afioga FAUMUINA ASI PAULI WAYNE FONG. I am only trying to convey an opinion on the matter, although I now know, that is the situation. I will voice an opinion on the matter after we have our review and decision. I extend great thanks to the honorable Speaker especially Samoa and the notable locals tuning in. Have a blessed Sitting thank you.

MR SPEAKER: Very well, I call upon the member...it is best to give turns one side after the other. I call upon the member for Faleata East, Apologies the member for Faasaleleaga No.1 West.

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**Afioga Hon GATOLOAIFAANA AMATAGA ALESANA
GIDLOW:** Mr Speaker, first I want to express my gratitude for the opportunity given to Faasaleleaga No 1 West. In accordance with important matter before the House of the Legislative Assembly of Samoa, I firstly take the floor with the utmost respect.

I feel overwhelmed for this Sitting is the Sitting of Samoa as a whole. It comprises of respectable members from each constituency in Samoa. Furthermore, for all the Alii and Faipule of every constituency, this particular Sitting is where they join. All chosen members are here to voice submissions for each constituency. I have to be cautious and speak in a respectable manner for the sake of my constituency as I make our contribution on their behalf.

Mr Speaker this matter is not simple. It is a rare opportunity for a member to be given the honor to speak on the Constitution since Samoa became independent. As such, we should not speak lightly on it. This is an opinion I have thought about for days, I have also sought God's guidance upon my weakness although may we reach the end by enduring intelligence and whisper from God.

Mr Speaker there are three things I wish to convey. First as I mentioned before is the Legislative Assembly of Samoa. It is where unresolved matters by other bodies of the Government or the country, except through the Parliamentary Sitting of Samoa, such as the matter beforehand. I speak specifically on the authority of the alii and faipule meeting that is made whole in this House of Samoa.

Second Mr Speaker the matter is now tabled before the Assembly. Therefore any issue brought before the alii and faipule, how did it get here, the terms and conditions and the severity of the matter reached. Because Mr Speaker, the matters discussed by the council of Alii and Faipule is separate from the issues covered in the Act. When it comes before the council of Alii and Faipule, the question states, what is the penalty? What is the situation with matter under the law? They say that punishment has finished. The Court has handed down its conviction and looking from a chief's perspective, no one should be reprimanded twice.

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We should also consider the love of God, even the hardcore crimes such as murder; all of that has been forgiven by the crucifixion of Jesus Christ on the cross. I wish to put across three vital focuses; they are strong faith, lean on God or hope and love. Love should be the foundation of everything. This is the love that drives the decisions of the Village Councils that we represent in this Parliament. So when it comes to this Parliament, love endures all things.

Mr Speaker this is all I can say on this matter. I will not speak on the report of Committee since we have all heard a clarification, a decision should be made by Parliament in regards to its Constitution.

Lastly Mr Speaker, may God's wisdom, love and peace be upon the Sitting of Samoa entirely. The same with Hon Prime Minister, Deputy Prime Minister, Cabinet and the whole Parliament, forgive the member for Faasaleleaga No.1 West, bless our proceedings. Thank you.

MR SPEAKER: Thank you to the respectable member for your speech. I call the member for Faleata East.

Afioga SALAUSA JOHN AH CHING (Faleata East): Thank you Mr Speaker for the opportunity. I speak on behalf of my constituency of Faleata East in regards to this significant matter before the House. I am glad to have come across this issue. Before I speak any further, I firstly wish to speak on the importance of the faamatai system in Samoa. In a meeting I attended in New Zealand, I spoke with the people of Fiji and Tonga and Fiji on this faamatai system topic. I told them in Samoa anyone can become a matai. The only criteria you need in order to become a matai is through service. Serving the family as the saying goes, the way to authority is through service. They were surprised because in Tonga only those who are born noble can be a matai. That status from birth until death remains. The same with Fiji, if you are not a Ratu descent, then you are no Ratu. These are the qualifications for a leader in these countries for them to become a matai of a family or a leader of a village. How about Samoa? The way to the faamatai system and authority is through service.

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With the current discussion beforehand, it has gone through three courts, it is now before Parliament. As such, it is here that we find that life is advancing together with the progress and the drafting of Legislations from one time to another, which Legislation is necessary and which requires amendments. It is here where we examine the relationship between Foreign Laws and the farsighted wisdom of the faamatai system in Samoa. Looking at the recent amendment we made to the Constitution, we have longed sang about Samoa being founded on God which is not inside the Constitution. Gathering from the past during our Independence, the word from the United Nations foreigners, give it as it is for fast approval knowing that those countries, there is an arrangement on the consolidation of the Church and Government. That is not how it should be, the State should be separated from the Church.

That is like a recommendation from these foreigners and avoid other things that may not grant you self governance. It went through like that and Samoa being founded on God but was never included inside the Constitution. That is one other very critical factor.

We recently talked about the arrangement of Laws and individual rights and communal rights or community rights versus individual rights. There are village council punishment that banishes a person from their village and is brought before the court. Eventhough they are banished from the village they do not leave the village. Individual rights is given emphasis.

On that note, words saying that this is still in progress, it is still implemented, it is still existing, we are continuing what we think is necessary and amend to be in line with our custom. So you see, it is a living process, it is endless, it should be developed and amended from time to time to satisfy both sides.

The Law which our country is founded upon is a foreign Law, and up until today, we are still trying to connect it with our culture. Therefore, it is still being developed, it is a living process which should be implemented. I am grateful to the court's decision and the Attorney General and staff for implementing and scrutinizing this Law and these aspects because a Law is a Law. The Law is very straightforward and impartial and is not corruptible. The Law does not favor anyone.

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Now that this matter has passed three Courts, it has found its way to go before this Parliament. Now in my view, we should address this to the village setting where chiefs will decide on the fate of Fapuleai. It is now before the Legislative Assembly for our thoughts and discretion. There is a difference between the process on findings and cultural references, we look at a person itself, and its relationship with one another and their individuality *ma faasinoga faaleaganuu ia, e vaai i le va faa-le-tagata, e vaai i le va nonofo ai, e vaai foi i le vai tagata, po o le a le vai tagata*

MR SPEAKER: The member has two more minutes.

Afioga SALAUSA JOHN AH CHING: It is the individuals ability that derives the notion, the way to authority is through service. This I believe is the problem according to the Committee's Report, the relationship and respect of this person, one body must not overlap another body. We already have the Alii and Faipule, we already have the women or faletua and tausi, tamaitai and saoa, we already have the backbone of the village, they do not overlap, but what? How? *E au i le tauola e au foi i le figota*, we have our time to come, we have our time to reach the top. How so? Serve and do everything, implement all aspects that must be done.

Since we are short on time, another vital claim I am hearing, is the reconciliation between Afioga Fepuleai and Afioga Leota who was affected by this matter. According to the Report in House, the matter has been resolved between the two parties, Afioga Leota wants Afioga Fepuleai to continue with his work. Therefore we must be prudent in making a decision based on the incident that occurred. This is how it is done. Matters of this sort, the Alii and Faipule will later question, how is this man? Is he a man who does his service well? Is he useful? It is like that, for the alii and faipule to base their decision on.

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Having said that, I will conclude my explanation at this hour, thank you very much Mr Speaker. I also extend great thanks to the Committee who investigated this matter, absorbing with thorough, the findings of the Committee earlier, it is delightful to get a clearer picture of this matter to assist with the decision that will be made by Parliament.

I thank the Ministry of Justice Courts and Administration for the work, the Attorney General who are carrying out their duties in accordance to the law. This member wants to say that this constituency supports the report and findings presented by Committee. Thank you for the opportunity.

MR SPEAKER: Thank you. Perhaps there are no more members that want to speak. I call the members who wish to speak to stand up so I can count who is left. One, two, three, four alright each member will speak for five minutes so we can finish early because today is the last day.

I call upon the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you Mr Speaker for the opportunity. I believe it is now time for Faleata, the member who just spoke is the only dove of Faleata whilst I am the sheep of Faleata.

The matter addressed by the majority of the members and the Hon Prime Minister and all of us with the Chairperson this morning, I often hear that it is a serious matter, it is important and it is one of the first matters to have come before the Parliament of Samoa. It is true and honest. Personally from me, this is the most simple matter to have a decision on. Simple. If I have a decision, you make one that will have you sleep well at night with a calm heart. Someone said, "Leala, wherever you go, your mind is always happy, you smile all the time." I responded, "It is a person with a pure heart." If you make a decision, make it with your heart, pray to God, if you sleep at night, you snore all night long, your mind will not be confused.

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The reason for your easy decisionmaking your honour, this is the only matter where we had the witnesses from the entire Samoan Law Society, the current Chief Justice and the former Chief Justice, the former Attorney General and the current one. Which has the most point? That is how easy your decision can be made. Not only is it brought before the Sitting of Parliament, it is us who makes and creates the Laws, it also had the decision of a Professor of Law. I do not know who else to ask anymore. Only God is left to ask. It is finished, the matter is very simple your honour.

Fepuleai's case has concluded, a verdict has been issued, the penalty has been made, the charge has been paid, it is similar to us. There are no obligations on it. It is now complete, the legal process is over. What saddens the heart your honour, Democracy is alive and well in Samoa, and that is the rule of law that we talk about. The reason why we are here discussing this matter is due to the rule of law. Because it is also under the Constitution. The only question before Parliament is our farsighted wisdom on whether Fepuleai should resume his services as president or terminate his service. Although the decision has finished.

Thank you to the Attorney General who appealed, the case has completed. I then had a look at the report to find some thoughts to speak on. I had a look at the decision of the District Court, it was very detailed. One point I noted from decision 92, in the back the Lady Judge stated, this decision is made upon you to charge and convict your sentence and will not resume with your position, it is no different with a death sentence. This will put an end and what is good is your works.

Therefore, part of my question has been answered, whether to resume his service or not, the Judge has responded that he should resume. The decision by the Appeal Court is clear. There is no relationship between this conviction and his work, his work is different. That is the complete response to my question, the works of the person is not affected, pardon the... it is resumed. This has added simplicity to the decision I make. It is very easy, all witnesses have been submitted, decisions, everthing else has been handed over, to look and review, this is extraordinary.

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The question your honour, have there been people who have been sentenced in jail and have now become members of Parliament? The answer is yes, there are. Have there been people who have been prisoners and have now become church ministers? Many, there is plenty.

There was similar incident that occurred with a Judge of the Supreme Court. I will not mention the name, but it regards the same reason. The decision made was amended based on a decision, what now? That person is still a Judge until today, God is still using and resuming his people.

The God that Samoa worships is a God of chances. Sin regards all of us and repenting is your own choice. Whereas punishing of a person, it is not your part, it belongs to God. Only God punishes a person. As mentioned the victim has forgiven Fepuleai, forgiven. What else can do we do?

MR SPEAKER: The member has two more minutes.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker the basis of my speech has concluded, my constituency has the whole of Samoa has heard the reason why Leala's decision can be made easier based on this matter. I am grateful to our forefathers, I want to conclude with a word from the sermon of our Pastor last week, who preached on Isaiah 32. Isaiah predicted the Messiah, the Messiah has finished and has ascended to heaven whilst we await for his second coming. Though the Church Minister preached and said, read Isaiah 32 which says, 'Each will be like a refuge from the wind And a shelter from the storm, Like streams of water in a dry country, Like the shade of a huge rock in a parched land.' Let us be strongholds, for waters of blessings to flow to.

The decisions we make remain forever, ask it tomorrow. In my belief, this decision will not end in Samoa. It will be a lesson to other countries of the world. Lessons gathered from Samoa, because when a Samoan drafts its Law, the essence is not to bear equality amongst everyone.

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If the drafting of a Law is finished, then have a look at it if it overlaps with its Christian belief. If it does then leave it, draft a Law to make sure that it is in line with the Christian belief and its cultural beliefs.

Have a blessed consideration, I wholeheartedly support the recommendation of the Committee to resume the President he is valuable for Samoa, thank you.

MR SPEAKER: Thank you, I call upon the member for Falealili West.

Tofa AUMUA ISAIA LAMEKO (Falealili West): Mr Speaker thank you for the opportunity. I voice an opinion in regards to the report of Committee tabled before the House. I convey sincere gratitude for the report tabled. I believe it is important that an opinion be shared in regards to the decision made by the Committee on this matter.

As mentioned by other members, it is not easy but difficult. Why? It is difficult since it is now been deliberated in Parliament for its decision. I take this opportunity to speak on behalf of my constituency, utmost respect *Alalagafa Lalonofo o Tuafale, Tauaga Eseese i Falealili*, I ask for your support.

I wish to speak on three areas in attempt to explaining the importance of this matter. Look at the Book of John 8:32 where it says, "Then you will know the truth and the truth will set you free." May the Spirit of the Lord guide us in making our decision this morning. What is the meaning of the truth will set you free? It is to talk about our identity and the importance of education and trusting in the truth. Picturing knowledge about the truth and believing, is to ensure a decision is made on this matter.

Firstly Mr Speaker, I want to make reference on the matter mentioned on the authority of Alii and Faipule. We are no different we are addressed as the Parliament, *o lupe na faia mai i le fuifui, e ui sa voaeseese, a ua fuifui faatasi* we were the chosen few, even though we live in different places but we come together through the love of our Father.

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The Alii and Faipule Act and its recent Amendments which implements the importance of giving chances by the village councils to the lawbreakers. Why give chances? The Amending of the Law is to ensure that a lawbreaker is able to respond in a village council for each village, so that he or she is able to respond to the difference between the individual rights and community rights.

I trust the authority of Alii and Faipule is where in depth wisdom and farsighted knowledge to discuss and the decision of this matter, there is part of the Act which says, 'if there is a consensus on the matter then that is the result.' As mentioned, there is a saying, 'if you have sinned, you must forgive your brother who has sinned, because if you do not forgive, God will also not forgive.' How is our way of life, we give chances to our people, so they can live.

The court case has concluded on this matter. I believe Mr Speaker, this is where it should be. Let us give chances, penalty from Government has already been granted, if is applied to our village system, I trust, chances must be given to a person who is useful.

Mr Speaker this is an opinion on the matter, I support the decision made by Committee for him to continue, thank you.

MR SPEAKER: Thank you, we now come to the member for Aleipata Itupa i Lalo. Do you want to speak? Alright I call upon the member for Anoamaa East. I have a list of those who wish to speak, go ahead Alaiasa Moananu. Let us have the opportunity to the senior member, with respect, Gagaemauga No.2.

Afioga Alaiasa Muagututia Moefaaouo Malagaitutogiai Sepulona Moananu (Anoamaa East): Have a good speech Saleaula.

Tofa Hon FAASOOTAULOA PATI TAULAPAPA (Gagaemauga No.2): Thank you. I am grateful Mr Speaker for the opportunity given to this constituency to convey an opinion on the matter considered in the House today.

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I have been listening to the previous members and their opinions in this Sitting. I was trying to fathom the objective of the matter, first Mr Speaker I would like voice my respects to our forefathers. As it is known my constituency is listening in, and the matter deliberated is not easy. This constituency will not sit and wait also I have to be cautious of the decisions made in this Parliament for the sake of the nation.

Samoa is a country of divisional status. It is made up of high chiefs and orators and positions in the decisionmaking process of the State. This constituency feels very appreciative. Whatever decision we have reached, thoughts including the Report of the Committee, the constituency has heard it. At the beginning of deliberations on this report the Hon Prime Minister stated "So whoever knows the right thing to do and fails to do it, for him it is sin." These are the areas this constituency is cautious of and has the support of this constituency. The heart of any individual member cannot make the decision alone, I must ask the constituency who elected me here to voice their contribution in the decisionmaking of the Government. This is why I am thankful to the Lord, whatever we do we must ask God always. The right and the wrong, truth and honesty, the Lord lives. The Lord said, "I will not abandon you as orphans, I will come to you." Whatever you ask of me I will listen and answer, based on honesty and the truth. Such is my appreciation, the constituency is listening in, who are praying and supporting me as their member. The normal saying in Samoa, there is a person who sits in the center (*matuatala*) and whenever he speaks, everyone in the village council listens.

Therefore, I want to thank the members who gave their support to me. I believe that the answer is with our Lord. I am not worried about anything, for whatever you decide, lay everything before God, He responds to any request.

Soifua and God bless.

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Motion to Extend Sitting Hours

MR SPEAKER: Thank you. Since this is the only order of the day, we aim to achieve. I believe there are other duties that requires the attendance of Parliament this afternoon especially the Hon Prime Minister. Nonetheless, I call upon the Hon Prime Minister for a motion for us to follow in administering our orders today.

MOTION TO EXTEND SITTING HOURS

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That Assembly sitting hours be extended until the matter under consideration is approved.*

In addition, Mr Speaker this will allow us to stated our opinions through a Vote. I would be surprised if we prolong this matter. This is the motion.

MR SPEAKER: Motion was seconded and we will have the continuation of our work until a recommendation is reached.

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

MR SPEAKER: I call upon the member for Anoamaa East. Perhaps it is best if I choose two from each side before we have the Vote.

Afioga ALAIASA MUAGUTUTIA MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU: This morning, I will not reiterate further the addresses of Samoa as they have already been relayed. I take the floor in consideration of our time allocated to deliberate this matter.

The normal saying in Samoa, *a numi le fau pe lavelave foi le upega, e faapena ona talatala*. Such is the spirit this morning. If the country looks at what is happening, like the normal saying, "*E a ulu tafega ae selefutia ai Vaisigano*". Other people commits the offense whilst this Parliament and Samoa is now growing weary. *E a le uga e tausii ae tigaina ai le atigi*.

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This is how I perceive this matter. Even though it is serious as reiterated by others, I thank the Hon Prime Minister for bringing clarity on this matter; nothing is being restricted, as all wisdom and knowledge have been laid out before the House for its decision. Furthermore, this House is comprised of the high chiefs and orators of the country and we have heard of their views, I trust it has made the matter easier.

Based on personal observation, the only issue I came across is the term misbehavior in the Constitution, which is very serious. Some have interpreted this term as rude and ruthless. There is no reason to hide the duty of Parliament since the member has misbehaved according to the Constitution. Unless Parliament amends the Constitution then I think we can prolong discussions on this issue. Meanwhile, it is clear that we sympathize with the people of our country. There is much compassion, and become highly valuable, this is the only term lest the country is observing. Therefore, where is our discretion?

My advice as earlier stated I would not take long, let us reassess the terms stated in the Constitution and resubmit this matter into the House for consideration. I thank the Committee for their work, but since we have other terms in the report and the recommendations of the JSC, which also has this term. We believe that the country does not lack people; the Lord does not lack people. The words of the Lord to the Government, "*Seek ye first the Kingdom of God and his righteousness.*" This is the most important aspect; we need to seek His righteousness. Jesus said that He would bring us His grace and truth. Although there is a difference between the two, it is necessary for us to work in the decisions that we make should reflect the truth and honesty.

Mr Speaker this is our advice, drop it and reconsider the Constitution carefully then resubmit it for the sake of improving our work. With all due respect, have a blessed Sitting.

MR SPEAKER: Thank you. I recognize the Deputy Prime Minister.

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Afioga Hon FIAME NAOMI MATAAFA: Thank you honorable Speaker. I gather from the motion on our time extension, it seems that this matter will be cut in consideration of the State's engagement at 2.00pm. In case I do not get another chance, this matter is important which I thought the members will be given ample time to address it. Since the Prime Minister has moved the motion, it is best that I state my view whilst I have the chance. Lest my constituency asks, where was the member for Lotofaga.

The floor is now open for comments without any hindrance from Parliamentary protocols or procedures in relation to Political Parties affiliations. Nonetheless honorable Speaker, the motion of the State before Parliament cannot be withdrawn. Who is the State? Let us proceed as follows, the Cabinet, Associate Ministers or even the Executive. This side of the State is also comprised of those who are executing the works such as the Office of the Attorney General and Police.

Mr Speaker, the essence of my view, is constitutional authority. That is the reason why we are sitting here. Our descendants signed the Constitution of the Independent State of Samoa based on the Law. It is not grounded on the decision of an individual nor a group of people or whoever. Everything is above the Law. Further to my opinion is that I support the State's submission. What is this submission? It is to terminate the service of the President of the Lands and Titles Court. Given the motion moved, the decision has been made according to the Law.

Respectfully speaking, the scheduled motion this morning is for us to make a decision on. It is a motion made according to the provisions of the Constitution. What is this provision? According to Article 68(5), a judge of the Supreme Court or the President of the Lands and Titles Court shall not be removed from office except on a decision from this House.

Now that we have the motion and its wording by the State henceforth, it defines a message, which is the stance of the State, to terminate. As a member of the Cabinet, I cannot disengaged from the wording in the motion, to terminate.

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Mr Speaker and respectable members of Parliament, therefore, I totally object. I fully reject the Report of the Committee not only with the motion set by the State with reasons behind it. These are the reasons why I object the motion; I reject it because they are saying that the criminal acts committed by the President did not occur during his judiciary role.

The question begs honorable Speaker, if the night watchman died from being struck on the head, would this Assembly still stand for him to continue. Because the fact of the matter is, there are consequences if this Assembly permits the Judges to commit murder, rape, steal and so forth and for what? Because this offense was not done during his working hours. Although that is not the question, the Court of Appeal had finished reviewing this matter. Yes, they said that he did not commit any offense relating to work, nonetheless, in safeguarding the dignity of this appointment tarnished by this unlawful act. This was the ruling from the Court of Appeal. This is the first matter your honor.

Secondly, I am shocked with your opinion as a member, Mr Speaker, having a decision from the Lower Court through a Parliamentary Committee to argue this concern; we have the final decision from the Court of Appeal. Once The Court of Appeal makes its decision it overrides any other court rulings. What is the ruling? Offence has been proven.

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

Afioga Hon FIAME NAOMI MATAAFA: For a Legislature Committee of members indicating that they have a higher regard with the decision of a Lower Court, when the Supreme Court has a ruling in place, it is to say that we have set something extraordinary.

MR SPEAKER: Pardon the Hon Minister...

Tofa Lealailepule Rimoni Aiafi: Mr Speaker a point of order in relation to the statement please.

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Afioga Hon FIAME NAOMI MATAAFA: Are you allowing this your honor?

MR SPEAKER: Since my name was mentioned I suggest that perhaps...

Afioga Hon FIAME NAOMI MATAAFA: There is nothing wrong with the statement I gave.

Tofa Lealailepule Rimoni Aiafi: Point of order as the statement is well given noting the decision of the Lower Court. Your honor, the report also states clearly the decision of the Court of Appeal and it does not disregard the Supreme Court. Both decisions are given for the sake of the public listening. It is in the Reports. Thank you.

MR SPEAKER: Pardon the member, your view is now well taken. I call the Hon Minister.

Tofa Nafaitoa Talaimanu Ketu: Mr Speaker, is there a chance for this Committee.

Afioga Hon FIAME NAOMI MATAAFA: I will resume my remarks your honor on the comments of some of the members in relation to the issue between us and the Court going forward, if it can be recorded in Parliamentary records, which is better decision for this Parliament, is it the Lower Court or the Supreme Court, what security are we discussing here? We cannot achieve that.

Mr Speaker, another point why I reject the report of the Committee...

MR SPEAKER: I beg your pardon Deputy Prime Minister since the Chairperson of the Committee is upstanding, they is a differetiating in the views given. State your clarification.

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Tofa Nafaitoa Talaimanu Ketu: There is a saying relating to a mountain in Salafai that I am all ears with regards to the statement of the Deputy Prime Minister, the Sao Faapito or the member of Lotofaga. I did not want to interrupt, however, the mentioning of the Committee and its decision and findings, Mr Speaker, with respect I must elaborate these things. The recommendation reached by this Committee is in line with the decision of the Court of Appeal reference to Article 68(5) and the Lands and Titles Act 1981 Section 26(d). In relation to the decision, that is not the point of our argument. If you have looked thoroughly into the reasons why this Committee had reached this recommendation before the House, it is well stipulated. That is the assistance, I did not want to disrupt the pleasant speech.

MR SPEAKER: Great job. That is well stated. I allow the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA: Thank you, I also did not interrupt the long speech of the Chairperson. If the chance was ours, nevertheless, we only have 15 minutes. Your honor, this Report contains a message about the Court's decisions processes.

With regards to Article 15 of the Constitution, everyone is equal before the Law. The Report says, that there is no need to be concerned as no one will be affected neither given special treatment. Mr Speaker, how can say there is no special treatment in the matter of the President of the Lands and Titles Court? You heard the speeches before me in this House, we must be compassion because of his long service to Government and the Parliament and that he has been put there to offer his assistance. What does that say? Is it because he used to serve in this House and that we should give him support and give him a second chance over other people who are also seeking justice in Court?

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That is why Mr Speaker, this Assembly has violated Article 15 of the Constitution. Why? Because we have applied other factors about this person and have given him special treatment which deviates the standard of what members of the public encounters as convicted criminals. He was fined but considering the charge it is grievous bodily harm and that is the response indicated by this Parliament, it is ok, that he struck another person on the head and looking at the report the responses says he deserved the strike on the head. The penalty for this crime is 7 years, yet the message sent out by this Parliament, the President can strike the security guard on the head, he is allowed to do that. Why? Because he has the authority to do so. Because he is a Chief. And because of his position, that is the message sent out if Parliament follows the recommendation of the Committee.

MR SPEAKER: If I may assist the honourable member, the statements you are citing are the views of members themselves, and is not an approved decision from Parliament. The remarks of members is their own general comments and therefore, justice will be revealed once we vote on it, do not regard a light insect as a heavy matter. Bear caution lest you hit someone with your moving arms.

Afioga Hon FIAME NAOMI MATAAFA: Alright, are you finished your honor?

MR SPEAKER: The floor is yours.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker, even us members, there is a penalty for us if a crime is proven guilty, there is a maximum sentence of four years and your appointment must be stripped of your Parliamentary titles and you will no longer become eligible to become a member of the House of Samoa. But this law says seven years for serious bodily harm and what does the Parliament of Samoa say about it? We should show compassion because he used to work here. We have given Fepuleai an advantage that is not afforded to anyone and is this even right?

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MR SPEAKER: Pardon the Hon Minister...

Tofa Lealailepule Rimoni Aiafi: Mr Speaker, it seems that all statements comes down to one main point which is Parliament wants Fepuleai to resume his service because he used to work here. None of us made any statement like this. It seems that we all agree for Fepuleai to resume his service just because he used to serve this Parliament. That is a whole different view from mine. We did not state anything like that. With all due respect

MR SPEAKER: Thank you, I call upon the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA: Your honor, let us have the views of the House before we make a decision, everyone is aware that Fepuleai used to work here before. Yes. But according to Article 15, I say with respect to you and the House, this is prejudice doing for other appointees in the country.

The last point, I am aware that there are other people who want to speak given the short time, I am not sure if the Committee had known about the affidavit made by Fepuleai during this case with the Court of Appeal. This affidavit states that if the conviction is liable, he has to resign.

The question to you honorable Chairperson of the Committee, were you aware of this? And what is the law when it comes to such matters where they do not follow the sworn affidavit and what is the penalty for someone that does not follow the sworn affidavit? Mr Speaker that is what you call making false statement under oath or perjury.

MR SPEAKER: Pardon the honorable Deputy Prime Minister since your view is being queried according to the Report of your Committee. I call the member to vindicate the Committee in light of the statement.

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Tofa Nafotoa Talaimanu Ketu: Thank you very much Mr Speaker for another opportunity given to voice a word from the Committee in response to the query. For the information of the Assembly and the public tuning in, the Committee was not aware. We had questioned the witnesses that came before the Committee. The only word we received was, this was the statement made during the Court proceedings whereas for an affidavit, this is the spirit with respect, it was the statement made during the case.

Afioga Hon FIAME NAOMI MATAAFA: Your honour, I will wrap up to allow the members the opportunity.

MR SPEAKER: Thank you, my apologies to members why do we not, it seems the Deputy Prime Minister is concluding her statement. Malo faafetai.

Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo: Mr Speaker I wish to assist in the matter please. I had thought that an interruption would be possible but if that is your ruling. Well it is just that it is contained in the Courts Decision the exact point that the Deputy Prime Minister is making. The Judge's decision is in Clause 84. If the Committee can refer to it please, under affidavit and what the Deputy Prime Minister is saying.

MR SPEAKER: Alright, the contentious issue is resolved. Thank you for assisting. The Deputy Prime Minister will conclude her remarks.

Afioga Hon FIAME NAOMI MATAAFA: Your honour I conclude by saying that I will refer back to the motion from the Government, I will refer back to what I said on governing by law. Governing by law has set guidelines. Because we are the Parliament then we can decide whatever we like, that should not be the case. We stand by the law, we are lawmakers, we live, abide and respect the law.

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In conclusion, I strongly support the motion by the Government to terminate the service of the President of the Land and Titles Court and I strongly reject the report submitted by the (Special Inquiry) Committee, and their report should be removed from the Hansard as it only brings disgrace to this Parliament.

MR SPEAKER: My congratulations on a well said speech. I guess there are no more members. I guess that side is finished; I allow the Minister. Papalii you may take the floor.

Susuga Hon PAPALIITELE NIKO LEE HANG (Urban East): Thank you your honour for the opportunity. I will be brief as I am conscious of time. I regard this moment as important due to the major issue before us. I had thought that the motion is submitted before us for our consent or objection, nevertheless, the motion has been set by the Government to terminate the honourable President.

Your honour, my thoughts stem from three ideas presented in the report, this is the recommendation from the Attorney General's Office and the Judicial Service Commission and the decision of the Court of Appeal. I wanted to talk about several issues nonetheless, the Deputy Prime Minister has covered all of them and those thoughts are the basis of my view. The concern here is the general public and overseas countries following the court's decision on this matter that is now before Parliament that seems to have a change in discussion. Nevertheless, due to the seriousness of the crime on the charge of bodily assault...my other question Mr Speaker, I trust that the Committee's recommendation and the result of the matter contradicts Article 68(5) of the Constitution. That provision of the Constitution is plain and simple stipulating that a decision is required from a 2/3 majority of Parliament. It is stated in these two points, if someone is charged and convicted of actual bodily harm and the argument is weak then apply this provision of the Constitution to terminate the service.

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Given the huge and important role performed by the President on the report of the Committee, I too wish to bring advice on this. The other thing is the fine sentence given after consideration by the Court of Appeal where the mitigating factors are the admission of guilt by Fepuleai for his transgression and reconciliation with the victim. Therefore, I trust these mitigating factors have lightened his conviction to a fine. However, these convictions carry a maximum sentence of 7 year's imprisonment. I believe, it was that factor that the Judge of the Court of Appeal sorted to lessen the charge, however, I testify that, he has been convicted.

The recommendation submitted is not a matter of law nor conviction. What about the performance of his role, my thoughts are that if someone is convicted of a criminal offense we are now deliberating over this and I do agree and yes he has been forgiven and we all have a sense of compassion, however in carrying out justice, it is very difficult for me to accept the recommendation, to continue.

With all due respect to Fepuleai, we too have a very close relationship although, Justice should not get in the way. If Parliament does not approach the courts judgements particularly the Higher Court, what direction will we take? Those are my thoughts and I object the Committee Report and approve the Government's motion.
Most respectfully

MR SPEAKER: Thank you, the report of the Special Inquiry Committee for Parliament is now tabled containing its recommendations and approval of the Legislative Assembly. The question for our approval will be the last step concerning the report, as deliberated by this Parliament in all the aspects in their recommendation.

Pursuant to Article 68(5) of the Constitution of the Independent State of Samoa, a Judge of the Supreme Court shall not be removed except upon a decision from the Head of State based on the recommendation from the 2/3 of Parliament total. This includes requests by the appointee to remove due to unbecoming behaviour and infirm of mind.

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I must also elaborate on the provision requiring 2/3 of Parliament including members who are unable to attend the Assembly Proceedings during division vote. That is to say, that 2/3 is required for this XVI Parliament of Samoa to make 33 members in total in order to support the motion.

Therefore, I instruct the Clerk of the Legislative Assembly to strike the bell as it is the usual indicator for this division vote for members before putting the question to conclude this matter.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker...

MR SPEAKER: I tolerate the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Before the question is put, this 2/3 from the total of 50 is 33 plus half a person. I do not know whether there is such thing. But we should round this to a whole number which comes to 34. Just an assistance as there is no such thing as half a person.

MR SPEAKER: Since you are the Leader of the House, I trust you have settled that matter for a decision to be reached. To the Clerk, make it 34 according to the Prime Minister's suggestion.

You must take heed of the question so that your vote is made precisely.

QUESTION: All members who support the Motion by the Prime Minister, to terminate the President of the Lands and Titles Court due to alleged wrongdoing and proven charges pursuant to the Constitution, please rise.

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DIVISION VOTE

1. Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi.
2. Afioga Hon Fiame Naomi Mataafa.
3. Afioga Hon Tuitama Talalelei Tuitama.
4. Afioga Hon Sala Fata Pinati.
5. Susuga Hon Papaliitele Niko Lee Hang.
6. Tofa Hon Faimalotoa Kika Iemaima Stowers.
7. Afioga Hon Sili Epa Tuioti.
8. Afioga Hon Loau Sola Keneti Sio.
9. Afioga Hon Afamasaga Lepuiasi Rico Tupai.
10. Afioga Hon Laauli Polataivao Leuatea.
11. Afioga Afoa Amituanai Faleulu Maui.
12. Afioga Toomata Aki Tuipea.
13. Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo.
14. Afioga Taefu Lemi.
15. Afioga Amituanai Fagaivalu Kenrick Samu.
16. Susuga Seiuli Ueligitone Seiuli.
17. Tofa Hon Faasootauloa Pati Taulapapa.
18. Afioga Tofa Foleni Tama Galu.
19. Tofa Lenatai Victor Faafoi Tamapua.
20. Afioga Faalogo Iosefa Sopi.
21. Afioga Faumuina Asi Pauli Wayne Fong.

Members who are in support of the Motion set by Government— 21.

QUESTION: All Members objecting the Motion and have the President of Lands and Titles continue his appointment, please rise.

1. Afioga Hon Faaolesa Katopau Ainuu.
2. Afioga Hon Tialavea Fea Leniu Tionisio Hunt
3. Afioga Tapulesatele Mauteni Tamasone Metuli II Esera.
4. Afioga Hon Gatoloaifaana Amataga Alesana Gidlow.
5. Afioga Tafua Maluelue Tafua.

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6. Afioga Hon Faumuina Tiatia Faaolatane Liuga.
7. Afioga Hon Aeau Peniamina Leavaiseeta.
8. Afioga Tuifaasisina Misa Lisati Leleisiuao Palemene.
9. Afioga Salausa John Ah Ching.
10. Susuga Mulipola Leiataua Laki.
11. Tofa Sooalo Umi Feo Mene.
12. Tofa Lealailepule Rimoni Aiafi.
13. Afioga Sulamanaia Fetaiai Tauilili Tuivasa.
14. Afioga Fuimaono Teo Samuelu Teo.
15. Afioga Leaana Ronnie Posini.
16. Tofa Aumua Isaia Lameko.
17. Afioga Toleafoa Ken Vaafusuaga Poutoa.
18. Tofa Nafaitoa Talaimanu Ketu.

Members objecting the Government Motion - 18

MR SPEAKER: Well done thanks. This is the result of our Division Vote, the total number of those who supported the motion of the State, to terminate the service of the President of Lands and Titles Court on the grounds of misbehaviour contradicting policies and charges proven is 21.

18 members voted against the motion to resume the service of the President of the Lands and Titles Court.

Since the 2/3 majority is now attained to allow the removal of the Judge according to Article 68(5) of the Constitution of the Independent State of Samoa. I officially announce this Parliament that the position of the President of the Land and Titles Court is now terminated as...

Afioga Tafua Maluelue Tafua (Aleipata Itupa i Lalo): Mr Speaker, point of order, we have not attained...

MR SPEAKER: First of all, I wish to apologise given the many papers received from the Clerk. Such is the nature of life when erred. Just as Jesus said regarding that woman, throw a stone if you feel you have not sin.

2 JULY 2019

Motion for Adjournment

I have the decision. Pursuant to Article 68(5) of the Constitution of the Independent State of Samoa, since 2/3 majority was not reached to allow the termination of the President of the Land and Titles Court from his position, I hereby declare, that the position of the President of the Land and Titles Court held by Fepuleai Letufuga Atilla M Ropati will now be resumed. That is the outcome, the appointment and service of the President of the Land and Titles Court will continue.

My apologies to the assembling Parliament and the public tuning in due to the error in my earlier statement. We have now proposed the correction regarding the outcome of the Division Vote after the debate and deliberations, as ensued by the Division Vote.

With respect I call upon the Prime Minister for your statement.

MOTION FOR ADJOURNMENT

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I convey gratitude to the House, the decision we have come to has not been easy. This is an indication of Parliament consensus, which is democratic, in which the State is founded upon. It is to say that whatever decision we come across is the intended course of the Constitution. Whatever decision we have reached it is for the purpose of the Constitution. Only God makes judgement, meanwhile I remember the six hundred and three thousand total number of Israelites led by Moses. His brother Aaron was the initial priest chosen by God, with that six hundred and three thousand, only two people made it to the Promised Land. Joshua being one of them had managed to set foot whilst the rest had to walk around the desert for 40 years. What about Moses their chosen leader? What about his brother Aaron who was the priest? The village had to rely on their lead whilst upholding justice. However, when God instructed Moses to strike the rock, skepticism arose and Moses was punished the same with Aaron and this is the outcome of people who becomes very difficult as such are the decisions that come from God based on justice, which is not simple.

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Motion for Adjournment

This decision will stand out in the history of Parliamentary Records for Samoa. Deliberations based on wise consciousness was engaged by the House through its deliberations, and regardless of our separate views on the Motion set by the State, we did not budge, as we trust it is an action that must be undertaken.

Parliament has reached its decision honorable Speaker. That is the official decision made by the leaders of the country. Despite the circumstances, that decision remains definite.

Mr Speaker, I thank you for managing our meeting, which is not easy. The representatives of the country have already played their part and this is their belief and judgement. More amendments will surface and it is useful that this matter has come up to build thoughts to amend the Constitution, particularly this decision we have reached for it does make the Constitution unclear. The only notion stipulated by the Constitution is to terminate this service. If the motion is defeated on this, then what next? The next thing to do is to continue. That is how it is, that is exactly where the Constitution of the State is tightlipped. The saying of the country goes, “events are good to evoke sound ideas” in guiding the State towards the future.

I applaud all the members for toiling away with this decision, which has not been an easy one and is burdensome on all of us. However, our individual judgement has led us to the decision we have today. Mr Speaker those are my appreciating thoughts. My prayers are that God will assist this Assembly. So that you may continue to have good ideas and gain the ability to be adaptable. You are Orators and High Chiefs elected to lead our country.

Mr Speaker the motion, *That Proceedings of the Legislative Assembly adjourned until the 8th of October 2019.*

MR SPEAKER: Thank you.

Seconded by the Deputy Prime Minister.

Motion approved.

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Motion for Adjournment

MR SPEAKER: I trust the statement of the Hon Prime Minister will suffice to conclude this complicated matter. We are fortunate to have come across serious matters like this during our time for anything is possible with God who helps us. God grants us good thoughts so that we can reach something better in the end according to His will.

The Prime Minister has also shown gratitude towards the member that is also my sentiment. Congratulations on your part and participaton in the past two to three weeks, which was not easy. I also extend the same to the Heads of Government Ministries contributed alongside the works of Parliament. I further applaud the Clerk and staff of the Office of the Legislative Assembly.

I also acknowledge the public tuning in and their prayerful support. I salute you. Your Parliament puts everything before God.

If words have been alarming to the hearing or thought, there is always hope that everything relies on God to plead forgiveness upon our part. The main objective and feeling is for us to fight for the best, for the future welfare of Samoa and her future.

I also take this opportunity as we dive on to another new week as hosts of the Pacific games, may God bear His love, although we plan and organize, the Divine fulfills all things. Let us lend our hope to God to shield us in His Loving arms, protect and bless our local athletes so that this event will end with a high note, and may all glory remain unto God.

This is our explanation to end our Sittng this afternoon. I announce that there are water bottles for members provided by the Deputy Prime Minister and the Ministry of Natural Resources and Environment, to promote a clean environment. Well done and may this good development and initiative continue for the good health of the nation.

Before we adjourn I call the honorable Speaker, pardon me, to conclude our Sitting with a prayer.

Proceedings of the Legislative Assembly adjourned at 1.56pm until Tuesday, 8th October 2019 at 9.00am.

8 OCTOBER 2019

TUESDAY, 8TH OCTOBER 2019

The Legislative Assembly met at 9:16 am, pursuant to Parliamentary Sitting Program 2019/2020.

Prayer.

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

I would like to take this opportunity to respectfully greet the Hon Prime Minister, members of Cabinet and the respectable members of Parliament, and members who were absent because they were attending international meetings abroad. Words are not enough to describe the depth and breadth of God's goodness and mercy, yet, with Gods abundant love, life is a blessing for us to be able to meet this morning. *O lupe lava sa vao eseese a o lenei ua fuifui faatasi*, at the start of our work this new morning. I believe it is a blessing to have the support of his Excellency *O le Ao o le Malo* and Members of the Council of Deputies especially the pubic, Church Leaders and the Servants of God.

I also would like to acknowledge the presence of the Heads of Government Ministries and Corporations.

MESSAGE FROM LE AO O LE MALO

“MEMORANDUM to:

Mr Speaker:

Pursuant to Article 59 of the Constitution of the Independent State of Samoa, consent is hereby, given to the Legislative Assembly to consider the following Bill:

1. Tax Administration Amendment Bill 2019.