

**TUESDAY, 21<sup>ST</sup> APRIL 2015**

*The Legislative Assembly met at 9.00am pursuant to the Parliamentary Sitting Program 2015.*

Prayers.

**MR SPEAKER:** It is with utmost respect that I humbly greet all Members of Parliament present here this morning; I give praise to the Lord for His protection that has made this Sitting day possible. I thank all Members for their patience and commitment to this Parliament. Even though we did not meet for the past month, I believe most of us were faced with Parliamentary duties, I am grateful that Members have returned safe and well. I thank Members for coming to this months sitting, I believe our program started yesterday with the de-briefing.

I cannot forget the support of our country in all its honorary salutations, *Aiga ma Tama, Tama ma Aiga, Usoga ia Tumua ma Pule, Ituau ma Alataua, Aiga i le Tai ma le Vaa o Fonoti*. The respect of His Highness the Head of State and his Good Lady, the Member of Council of Deputies especially the support of the Chief Justice and Judiciary is also recognized. We are gathered here today in good spirits, Hon Prime Minister and Cabinet, the Leader of Opposition and all Members of the House.

I also want to acknowledge our neighbors to the East, as we may have heard American Samoa celebrated their flag day. Therefore I take this opportunity on behalf of Parliament to wish American Samoa a happy 115 years since its flag was raised and the tripartite agreement. We greet them in all honorary salutations; *Sua ma le Vaifanua, Fofu ma Aitulagi, Saole ma Saleaumua ma le Launiu na Saelua, Tama a le Manuatele ma le Faleagafulu o le Motu, Tootoo o le Faleula ma le Laau na Amotasi*. The Governor General especially the Lieutenant Governor and Cabinet, the President and the Speaker of the House and all Members and to the families on the Eastern Island. We pray that your celebrations be a success.

I believe we are aware of our Order of the day. I am certain that we will not take longer than expected to carry it out since most of the Bills have already been discussed and understood from yesterdays debriefing. Therefore let us make light of what is heavy, shorten what is long, and make easy matters that are difficult so that we will be able to take an early recess. This is our schedule for the day as seen in our Order Paper, let us proceed.

21 APRIL 2015

**MESSAGE FROM THE MEMBER OF THE COUNCIL  
OF DEPUTIES**

*Mr Speaker announced the Message from the Member of Council of Deputies.*

**1. “MEMORANDUM to;**

**Mr Speaker:**

Pursuant to Section 59 of the Constitution of the Independent State of Samoa and in accordance with the Standing Orders of Parliament, consent is hereby given to the Legislative Assembly to consider the following Bills:

1. Criminal Procedure Bill 2015.
2. Central Bank of Samoa Bill 2015.
3. Districts Courts Bill 2015.
4. Casino and Gambling Control Amendment Bill 2015
5. Electoral Amendment (No.2) 2015.
6. International Companies Amendment Bill 2015.

**GIVEN UNDER my own Hand** this day 17<sup>th</sup> April 2015.

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

**2. CERTIFICATE OF URGENCY**

Pursuant to Standing Order 99(2) **I, TUIMALEALIIFANO VAALETOA SUALAUVI II, MEMBER OF COUNCIL OF DUTIES,** hereby issue the Certificate of Urgency to the Legislative Assembly to consider the Bill listed hereunder in its current Meeting, Tuesday 21<sup>st</sup> April 2015.

1. Casino and Gambling Amendment Bill 2015.
2. Electoral Amendment (No.2) 2015.
3. International Companies Amendment Bill 2015.

**GIVEN UNDER my own Hand** this day 17<sup>th</sup> April 2015.

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

21 APRIL 2015

### PRESENTATION OF PAPERS

*Clerk read out the list of Papers pursuant to Standing Order 48.*

1. P.P. 2014/2015 No.224, Annual Report of the Office of the Regulator for the Financial Year 2011.
2. P.P. 2014/2015 No.225, Government Responses on P.P. 2014/2015 No.172, Report of the Government Administration Committee on P.P. 2014/2015 No.51, Annual Report of the Office of the Attorney General for the Financial Year 2012/2013.
3. P.P. 2014/2015 No. 226, Government Responses on P.P. 2014/2015 No. 134, Report of the Works, Transport and Environment Committee on P.P. 2014/2015 No. 25, Annual Report of the Samoa Water Authority for the financial year 2012/2013.
4. P.P. 2014/2015 No. 232, Annual Report of the Samoa Land Corporation for the year 2012-2013.
5. P.P. 2014/2015 No. 233, Annual Report of the Samoa Land Corporation for the year 2013-2014.
6. P.P. 2014/2015 No. 243, Government Responses on P.P. 2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Report of the Electoral Act Review 2015.
7. P.P. 2014/2015 No. 244, Annual Report of the Samoa Fire & Emergency Services Authority 2012/2013.

### PRESENTATION OF SELECT COMMITTEE REPORTS

*Clerk read out the list of the Select Committee Reports pursuant to Standing Order 51(5)*

1. P.P. 2014/2015 No. 227, Report of the Health and Social Services, Internal Affairs, Community and Social Development Committee on the Food Bill 2013.
2. P.P. 2014/2015 No. 228, Report of the Primary Production, Commerce, Industry and Labour Committee on the Slaughter and Meat Supply Bill 2014.
3. P.P. 2014/2015 No. 229, Report of the Finance and Expenditure Committee on the National Provident Fund Amendment Bill 2014.
4. P.P. 2014/2015 No. 230, Report of the Finance and Expenditure Committee on P.P. 2014/2015 No. 126, Statement of Corporate Objectives for the Unit Trust of Samoa 2015-2017.
5. P.P. 2014/2015 No. 231, Report of the Regulations Review Committee on S/R 2014/1 to S/R 2014/5 & S/R 2015/1 to S/R 2015/5.
6. P.P. 2014/2015 No. 234, Report of the Health and Social Services Committee on P.P. 2014/2015 No. 59, Annual Report of the Ministry of Women, Community and Social Development for the Year 2013.

21 APRIL 2015

### Presentation of Select Committee Reports

7. P.P. 2014/2015 No. 235, Report of the Education, Science, Communication and Information Technology Committee on P.P. 2014/2015 No. 94, Annual Report of the Scientific Research Organization of Samoa for the Year 2012/2013.
8. P.P. 2014/2015 No. 236, Report of the Education Committee on P.P. 2014/2015 No. 111 & P.P. 2014/2015 No. 193, Annual Reports of the National University of Samoa for 2012/2013 & 2013/2014.
9. P.P. 2014/2015 No. 237, Report of the Foreign Affairs, Trade and Revenue Committee on P.P. 2014/2015 No. 198, Annual Report of the Ministry for Revenue 2013/2014.
10. P.P. 2014/2015 No. 238, Report of the Primary Production, Commerce, Industry and Labour Committee on P.P. 2014/2015 No. 156, Annual Report of the Robert Louis Stevenson Museum for the year 2013.
11. P.P. 2014/2015 No. 239, Report of the Education Committee on P.P. 2014/2015 No. 183, Annual Report of the Samoa Sports Facilities Authority 2012/2013.
12. P.P. 2014/2015 No. 240, Report of the Justice Committee on P.P. 2014/2015 No. 181, Report of the Samoa Law Reform Commission on the Judicature Ordinance 1961, Final Report 03/11.
13. P.P. 2014/2015 No. 241, Report of the Justice Committee on P.P. 2014/2015 No.182, Report of the Samoa Law Reform Commission on Child Care and Protection Legislation- Final Report 11/13.
14. P.P. 2014/2015 No. 242, Report of the Education Committee on P.P. 2014/2015 No. 127, Samoa Qualifications Authority Statement of Corporate Objectives 2015-2017.

### MOTION TO SUSPEND STANDING ORDERS

**Susuga Hon TUILAIPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI (Prime Minister):** Mr Speaker I stand with respect to move a motion, *That Standing Orders be suspended to allow for the consideration of the important Bills under a state of Urgency this morning.*

Mr Speaker this is the motion.

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

*Motion approved.*

21 APRIL 2015

**CRIMINAL PROCEDURE BILL 2015 – first reading**

**Afioga Hon FIAME NAOMI MATAAFA (Minister of Justice and Courts Administration):** Mr Speaker and the Assembly I move a motion with respect, *That the Criminal Procedure Bill 2015 be read for the first time.*

*Seconded by Deputy Prime Minister and Minister of Revenue.*

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

**CENTRAL BANK OF SAMOA BILL 2015 – first reading**

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

*Seconded by the Deputy Prime Minister and Minister of Revenue.*

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

**DISTRICTS COURTS BILL 2015 – first reading**

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker I move a motion, *That the Districts Courts Bill 2015 be read for the first time.*

*Seconded by the Deputy Prime Minister, Minister of Revenue and the Minister of Works, Transport and Infrastructure.*

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

**CASINO AND GAMBLING CONTROL AMENDMENT BILL 2015  
– first reading**

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the Casino and Gambling Control Amendment Bill 2015 be read for the first time.*

*Seconded by the Deputy Prime Minister.*

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

21 APRIL 2015

**ELECTORAL AMENDMENT (NO.2) BILL 2015 – first reading**

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker I move a motion, *That the Electoral Amendment (No.2) Bill 2015 be read for the first time.*

*Seconded by the Deputy Prime Minister, Minister of Revenue and the Minister of Works, Transport and Infrastructure.*

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

**INTERNATIONAL COMPANIES AMENDMENT BILL 2015  
– first reading**

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the International Companies Amendment Bill 2015 be read for the first time.*

*Seconded by Deputy Prime Minister.*

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

**CASINO AND GAMBLING CONTROL AMENDMENT BILL 2015  
– second reading**

**MR SPEAKER:** Pursuant to the Certificate of Urgency presented and signed by the Head of State, the Legislative Assembly will now read the Bill a the second time.

I call on the Hon Prime Minister.

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Since I have already moved to read the Bill for the first time I now move to read it a second time.

Mr Speaker I move a motion, *That the Casino and Gambling Control Amendment Bill 2015 be read a second time and I also want to elaborate.*

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

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

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker the Bill passed a few years ago has been implemented. Last year was the official opening of the Casino at its permanent location at Aggie Greys Resort, Faleolo. Unfortunately we did not know after passing the Bill that the hotel would undergo extension due to damages encountered by the hotel in town which resulted for the extension and adding of new rooms.

21 APRIL 2015

**Casino and Gambling Control Amendment Bill 2015**  
– second reading

The Parliament will know once they visit the hotel at Vaisigano and foresee the amount of money spent by the family because they are thinking of establishing another Casino for the tourists. Since it is too far to go all the way to Faleolo. Perhaps it would be a development that they can implement if it was provided under the Act. Unfortunately they cannot do anything because the provision does not allow a company to have two Casinos. This means that they cannot carry out this development as per the provision in the Act. This is the reason why it was recommended that the matter be brought to Parliament to be deliberated in order for them to establish another one in the capital of Apia.

Mr Speaker that is a brief clarification on the Bill tabled which also includes Amendments made towards the TAB Committee, for them to continue initiating these games together with the Lotto. I recommend this to them since we are now in the transition period. As of this moment, the Government has decided that those who have the knowledge of authorizing these games will be in charge of regulating such measures. This is a development most of the public are concerned about because of gambling. It is the reason why only overseas people are the only ones allowed to go there without exception to our people. This is the reason why the Bill provides for a transition period of three years so that we can be able to monitor it closely.

Mr Speaker there is also a provision sated here that regulates other gambling games through the use of technology. Since the implementation of this new development it has seen the increase in earnings for the gambling and Casino Board which has assisted the Committee with some of its work through funding sports developments and scholarships at the National University of Samoa.

Mr Speaker this is an overall summary of what the Bill is implementing. There is belief that this new development will soon be set up here in Apia therefore tourists staying at hotels in town will be able to go there rather than travel all the way to Faleolo. This will be the same for those staying in Faleolo they will not have to come all the way to Apia.

Mr Speaker that is a brief summary of the Bill.

**MR SPEAKER:** Thank you Hon Prime Minister, I am confident that Members of the House have understood the clarification given on the Bill. We heard the explanations yesterday by the Executive representatives of the Ministry in charge of the Bill together with the amendments mentioned by the Hon Prime Minister. As it is our usual process this is an Amendment Bill with 5 clauses for amendments. The clarification by the Hon Prime Minister is clear although an opportunity is given to a Member who wants to comment if not we shall move forward with the question.

I will give the opportunity to the Member for Faleata East.

21 APRIL 2015

**Casino and Gambling Control Amendment Bill 2015**  
– second reading

**Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East):** Mr Speaker thank you for the opportunity. I want to thank the Hon Prime Minister for the Bill. I support this Bill in relation to the assistance mentioned by the Hon Prime Minister. Although I have a question that I asked yesterday but I was not clear on the answer given. This is why I want to ask again Hon Prime Minister as stated in the Bill, licenses are given for bets made on the phone as stated in Amendment 88A. This is why I respectfully ask whether this include the games initiated by Digicel and Bluesky? If this is the case then a license should be warranted to these two companies under TAB to establish these games, with respect.

**MR SPEAKER:** The question has been noted. I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** We cannot give out licenses for games that are not under an Act. This means that once a license is issued these games can be controlled. This is a response to the question.

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

**Tofa MOTUOPUAA UIFAGASA AISOLI VAAI (Vaisigano No.2):** Thank you Mr Speaker for the opportunity. I also want to thank the Hon Prime Minister for clarifying the amendments. As for any Bill implemented there should always be a safety provision. Thank you Hon Prime Minister for the Bill. My concern is those that are allowed to enter the Casino as stated in the Bill, it is only allowed to overseas passport holders. This is good because the previous Bill stated that only people staying at the hotel are allowed. Mr Speaker, I also want to be able to go and watch the games in the Casino and I see that there are Samoans living here that have New Zealand passports including some from my golfing team.

I humbly request to the Hon Prime Minister that we not limit entrance to only those staying at hotels but to everyone who has a foreign passport like the Leader of Opposition and Members of this side including myself. I am certain that this will assist with the profits earned from such a venture, with respect.

**MR SPEAKER:** Very well the request is now noted. I call on the interruption by the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I want to answer the query made by the Member now in case they may think that this is an offence. As for you and other Members when you enter the Casino, I am informed of this and I ask what the informers what you are doing there.



21 APRIL 2015

**Casino and Gambling Control Amendment Bill 2015**  
– second reading

They inform me that you are only watching so you are not committing an offence. But since you hold a New Zealand passport you are allowed which also goes for Afioga Palusalua Faapo II who has an Australian passport.

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

**Afioga Hon Palusalua Faapo II (Leader of Opposition):** Mr Speaker I wish to speak upon the Bill especially with the mention of my name.

**MR SPEAKER:** I give you the opportunity Leader of Opposition.

**Afioga Hon Palusalua Faapo II:** Mr Speaker I am thankful for this morning given the love of our Heavenly Father praised this morning. Firstly Mr Speaker a point of order, even if I do have a foreign passport I will not go to the Casino because I objected to the idea of Casinos within the country. There are times when I want to go relax at the resort but once I see the Casino I turn back. As of this moment I still do not accept Casinos being established within the country. Unfortunately the Bill has already been passed and there is nothing more I can do about it. The only recommendation....

**MR SPEAKER:** Pardon the Leader of Opposition; I will give the opportunity to the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** There is no reason for the Leader of Opposition to be worried, because there are Members who are present that have voiced this concern but still play casino in other hotels. There is no need to be worried whether you play there or somewhere else it is the same thing. I forgive you.

**Afioga Hon PALUSALUA FAAPO II:** Mr Speaker, it was just a humble recommendation to the Hon Prime Minister, I did not conclude with what I was going to say because of his interruption. Although it seems that he is saying that I go and play at another casino but there is only one in all Samoa.

Mr Speaker this is my understanding on the matter as for principle, I do not accept Casinos in Samoa. Unfortunately the Bill has already been passed; I pray the Hon Prime Minister and Government thoroughly analyze the matter in relation to those going there. Also, they should follow provisions laid down by the Casino. It is evident that there are changes seen with the amendment done on the Bill. This will produce more changes establishing more casino branches in the country. We should overlook the matter seriously together with the mention of using electronic and modern technology for gambling, this is what people use overseas betting on horse racing. This means that the Hon Prime Minister must overlook this matter for the safety of the country.

21 APRIL 2015

**Casino and Gambling Control Amendment Bill 2015**  
– second reading

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker in 1990 we passed the Bill to initiate the Lotto games and horse race betting. This means that every horse race betting from the year 1940- 1990 was illegal. We just legalized betting on horse racing and established the Lotto in 1990. This took place at RSA but not long after the company ceased operation because many of those that returned from scholarships would spend all their time there without any worthwhile contribution. There is no reason to mention the horse race betting, there was a legislation that provided for that.

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

**Susuga Hon PALUSALUE FAAPO II:** Mr Speaker I understand the Bill deliberated although there is the issue of modern technology. As I stated earlier we have already passed the Bill considering Casinos but I still recommend that the Government ensure that other casino related games not be allowed further into the country. It was a Bill that initiated a lot of feedback from us especially with the Principle Act which I will not reiterate. The only advice I want to voice towards our Government is to monitor the provisions implemented and to protect our country especially our people living here and the economy. This is a brief comment in relation to the Bill. Bless our Proceedings.

**MR SPEAKER:** Thank you. A further clarification on the matter since we had the pre-sitting briefing yesterday from the Ministry the part of the Bill stating electronics is specific to cell phones. This is seen on television everyday with the text to spin together with other games that involve the use of phones, the Ministry does not benefit from any of these games. Therefore the clarification given by the Ministry yesterday in relation to the use of cell phones for such matters was to implement a regulation to monitor such activity. This is an explanation in order to save the time of the next Member who might question it, there has been a clarification on the issue of horse racing and the legislation implemented in 1990.

As for the uses of electronic devices such as cell phones, I believe everyone is aware of the spinning wheel games seen on television every night. These money making games that use modern technology do not have safety provision as is the concern of the Leader of Opposition.

I call on the Member for Aana Alofi No.3, for his last opportunity.

**Afioga TOELESULUSULU CEDRIC POSE SALESA SCHUSTER (Aana Alofi No.3):** Thank you Mr Speaker for the opportunity.

21 APRIL 2015

**Casino and Gambling Control Amendment Bill 2015**  
– second reading

I want to thank the Ministry and the Hon Prime Minister for the clarification given on the Bill. I believe the Ministry is hoping to gain from such games carried out by other companies.

The only concern Mr Speaker is that the Bill is open to other provisions therefore I suggest that we reconsider parts which provide for different licenses. There are several hotels that have ten games going at once compared to a family or committee carrying out money earning games. The licenses can be categorized as a different one for a commercial venture compared to one for fundraising purposes. Mr Speaker this is a humble suggestion.

*Motion approved and the Casino and Gambling Control Amendment Bill 2015 was read a second time.*

**ELECTORAL AMENDMENT (NO.2) 2015 – second reading**

**MR SPEAKER:** Since I have a Certificate of Urgency signed by the Member of Council of Deputies the Assembly will now move to read the Bill a second time.

I call on the Minister of Justice and Courts Administration.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker I move a motion, *That the Electoral Amendment (No.2) 2015 be read a second time and I wish to clarify the matter.*

*Seconded by the Deputy Prime Minister and Minister of Revenue.*

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

**Afioga Hon FIAME NAOMI MATAAFA:** Thank you Mr Speaker and Members of the House for the opportunity given to clarify the Amendments on the Bill tabled. There are six clauses within the Bill, the changes made in Clause 2 and 4 was to give the right to a candidate to apply to the Supreme Court to challenge the qualification of another candidate for election.

Mr Speaker I believe the House should be able to recall the report submitted by the Committee in relation to the Bill with a recommendation that a tribunal be established to overlook electoral matters. Perhaps these changes will assist with dealing in the issues especially since there will be enough time for candidates to challenge the eligibility of another candidate before elections. Mr Speaker, as a matter of fact, we are aware that in previous elections there is only a short period of time for another candidate to challenge the eligibility of another. This amendment will shorten the period between the time a candidate can register and pull out as in Clause 4.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

This period will be shortened but the period to put forth complaints against the eligibility of a candidate will be extended. These are both provided for in Clauses 2 and 4. Clause 3 and 5 are specific to the new urban constituencies to be implemented for next years Elections. Clause 3 provides for a six (6) month residential requirement for those wishing to be registered in the urban constituencies. In Clause 5 it amends section 19 to re-define the two urban constituencies. Mr Speaker and Members of the House as you should all recall, the first Amendment provided for the definition of boundaries, however in December the Committee who considered the Bill redefined the boundaries for these constituencies. However, the Committee decided not to consider the amendments made by the Government in December and February but decided that it was better that the amendments be tabled again in Parliament for consideration.

Mr Speaker and Members of Parliament I recall the motion I made during that past Sitting, ‘that part of Clause 13 stating the boundaries of constituencies including urban area be withdrawn.’ This resulted in the withdrawal of the provision considering urban boundaries which are now amended in the Bill tabled.

Clause 6, empowers the Head of State to make transitional regulations on the advice of Cabinet to deal with amending forms and creating new ones.

Mr Speaker there are not many amendments in the Bill and we have accepted the state of urgency of the Bill and perhaps now we will have the opportunity to debate the Bill and consider it in detail especially for Members who wish to understand further.

This is a brief clarification, with respect.

**MR SPEAKER:** Thank you Hon Minister responsible for the Electoral Commission. I believe Members of the House have understood the clarification given together with the explanation that was made by the Electoral Commissioner yesterday. We will now move on to debate the Bill; I call on the Member for Faasaleleaga No.2.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU (Faasaleleaga No.2):** Thank you Mr Speaker. I am grateful to the Hon Minister for the clarification this morning. It is with deep gratitude that I acknowledge our Government for the changes made; therefore with the state of urgency the Bill is in I wish to make a few comments in relation to the matter. I believe this is the only time I have to comment on this important matter before it is passed.

As the Hon Minister stated, there are only a few amendments, it is true but personally Mr Speaker I am worried about these changes. I am worried Mr Speaker since during the previous sitting all the provisions of the Bill stated by the Hon Minister were passed. As stated within the Bill....

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker a point of order.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

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

**Afioga Hon Fiaame Naomi Mataafa:** A point of order, the provision on the of urban constituencies boundaries were withdrawn. This means that it was not passed in the Bill that was passed in the previous Sitting. It is only being provided for now in this new Bill.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** Thank you, I now understand the explanation by the Hon Minister. Despite the motion for amendments being withdrawn, the provision was still in the Bill that was considered. As for this amendment, it is complicated to me. The first amendment tabled by the Government clearly stated each constituency and the boundaries; I understood the meaning once I read it. However, this new amendment mentions waterfalls and landmarks; it would be easier to understand if a map was given to see the boundaries. In the east Mr Speaker there is the road towards Vaitele and the road to Vaimoso, I am confused. I also do not understand where the parcels of land owned by Government are at the moment. If we look at the seat in the West there is the Constituency of Safata, this means we have reached the constituency of Afioga Palusalue Faapo II; these changes made are new to me. I speak the truth that I do not understand the new boundaries implemented in the Amendment. Perhaps the Hon Minister is indeed clarifying the matter although it is important to portray what I feel because we should all understand what is clarified in the Bill. Nevertheless I give the Hon Prime Minister, Cabinet and Madam Minister my trust to overlook this matter.

I believe there is a Member who has already delivered a letter to Members of Parliament, I pray that the Hon Prime Minister, Cabinet and the Hon Minister consider the minimal time left until Elections. I humbly request that we set these amendments aside until the Elections are over. We can then consider these changes when we come back after elections. I recall the word of the Apostle Paul to Philips congregation, ‘we are of one family.’ The Chair addressed earlier this morning our Eastern neighbor that we are from one family, we are no longer people of colonial times, we are all sons of the Lord.

The Hon Prime Minister and Cabinet and that side of Chamber, where is our dignity and respect? I believe we are of one family, therefore I humbly request that we set democratic provisions aside and let us be of one family. I pray to the Hon Prime Minister where is our say? Mr Speaker, this is the humble prayer of Papalii from Aiga Sa Malietoa, the family whose lineage also reaches the Chair, the Hon Prime Minister and the Hon Minister. We are the centre posts of the Malietoa family. I pray that this matter....

**MR SPEAKER:** Pardon the Member for Faasaleleaga No.2, you can conclude when the Hon Minister has responded....

I call on the Hon Minister.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Afioga Hon Fiaame Naomi Mataafa:** Mr Speaker, I want to clarify further the mention of my name together with the Hon Prime Minister as members of Aiga Sa Malietoa. This is a respectable family although I am not certain about the Hon Prime Minister because he is indeed a descendant of Malietoa. As for my family we come from a different lineage than the Malietoa family the Member is related too.

**MR SPEAKER:** I believe the Member is trying to emphasize the importance of your status this morning.

I call on the Member to conclude his speech.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** Mr Speaker the Madam Minister has spoken but I did not mean to elaborate such an issue because all of Samoa knows this already. The Malietoa family is a respectable family, therefore I ask the Hon Minister, where is the respect? This is a concern because it seems these changes have generated more complications to the matter.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker I thought Afioga Leaupepe was going to take the floor to amend this matter. Our smaller Tuala family was the only family that cracked open the skies calmed by Malietoa.

**MR SPEAKER:** Very well, I call on the Member for Faasaleleaga No.2.

**Susuga PAPALII LIO FAAVAIVAIOMANU TAEU MASIPAU:** This is my humble prayer with respect to the Chair, the Hon Prime Minister and the Hon Minister, thank you.

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

**Tofa MOTUOPUAA UIFAGASA AISOLI VAAI:** Thank you Mr Speaker for the opportunity, I salute you for your patience in administering our Proceedings today. I pray that you be blessed with strength to serve the House especially the Hon Prime Minister, the Leader of Opposition and all the respectable Members of the House.

I move with respect to voice a few comments in consideration of the Bill. Since the submission of the report from the Electoral Commission I rejected the report because I kept reading it but did not find anything important in it, my comment was noted within the Hansard. The only important aspect stated was the division of boundaries, the boundary where Safata voted, where Faasaleleaga No.1 and No.2 voted, the boundary for Salega and others but it did not mention any boundary concerning the urban area but only the English term for the seats; Urban seats. These are urban seats however when I look at the boundary it defeats the definition of urban area.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

If we look at the set boundaries for Urban East we can clearly make out the villages included, right? If we look at the boundaries for Urban West it is hard to define since it goes all the way inland towards the mountains....

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker a point of order.

**MR SPEAKER:** Pardon the Member; I will give the opportunity to the interruption by the Hon Minister.

**Afioga Hon Fiame Naomi Mataafa:** The Chair mentioned the briefing yesterday by the Ministry explaining the Bill. I am not sure whether the Member attended yesterday. Nonetheless the issue concerning boundaries I believe it is best if I explain this concern. The boundaries laid down by the Bill amended are the same as those in the Territorial Constituencies Act 1963. This means the amendments tabled here this morning follows the boundaries laid down in the Act outlining the Vaimauga West Constituency and Faleata East Constituency. This means it is nothing new because it is still following provisions of the Territorial Constituencies Act 1963.

This is the amendment.

**MR SPEAKER:** Thank you. I call on the Member to continue with his clarification.

**Tofa MOTUOPUAA UIFAGASA AISOLI VAAI:** Thank you Mr Speaker also I want to thank the Hon Minister for the clarification. I point out to the Hon Minister that this is the year 2015 and sometimes common sense prevails. You should consider most people are now looking to buy freehold land in Vaitele, at Moamoa, Vailima, and Siusega. Why not define this boundary now by following the areas now settled by people. This should have been clearly defined in the west; it is like reading a weather forecast on television. It goes up north and curves back down, these boundaries should be clearly stated since most of these areas are settled. Nonetheless I will leave this matter to the Hon Minister because there is nothing much we can do to change it since it is now set.

Mr Speaker this is the only concern, I am not aware where the boundaries are located. If people from this area were to run for candidacy they would have to consult the Land survey department to trace the exact boundary because I am confused where it is located.

Mr Speaker, from a candidates perspective this is not clear.

This is a recommendation on the matter, bless our Proceedings.

**MR SPEAKER:** I thank the Member. One of the Members for Salega, Afualo Wood Uti Salele, I give you the opportunity followed by the Member for Faleata West.

I call on the Member for Salega, Afioga Afualo Wood Uti Salele.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Afioga AFUALO WOOD UTI SALELE (Salega):** Thank you Mr Speaker for the opportunity. Gratitude has been expressed towards the Hon Prime Minister and Ministers, the Leader and Deputy Leader of this side especially the support of those appointed to Head various Government Ministries, and to all of Samoa.

This Constituency of Salega will now elaborate directly on the Bill. Even though Salega is not affected by the Bill since it has already been defined, there are still questions that I want to understand.

I understand the boundaries set for the new constituencies, although I feel that Vaitele should be included since most people buying freehold land are from that area. I am not certain of the exact position of the definition since I still do not understand the explanation given by the Electoral Office yesterday. In consideration of this matter and for the understanding of the public, I believe the Hon Minister should elaborate further on the issue. I strongly believe that areas that are included under the urban seat are quite vast especially with the population at the moment. In the previous elections the poll total for Faleata was six thousand. If we are to add onto this total it means there will be a bigger number than other constituencies.

I agree with the second part of the Bill since it is important for the candidates to know and question the eligibility of others and whether they meet the criteria. As for the amendment stating six months, why has it been set at six months? I strongly believe that it should be more than that, say twelve months or three years should be given to candidates from overseas to be eligible to run in elections. I do not understand why only six months, I recommend that this matter be clarified for our understanding. I understand other parts of the Bill although this Member from Salega cannot accept these other changes until it is explained.

Mr Speaker these are the comments in consideration to the Bill, thank you.

**MR SPEAKER:** Thank you. I now give the opportunity to the Member for Faleata West, I call on the Member.

**Tofa LEALAILEPULE RIMONI AIAFI (Faleata West):** Thank you Mr Speaker and respectable Members of Parliament especially our country listening in to Proceedings this fine morning. As you can see Mr Speaker I have a different style of attire this morning which is the new fashion. During my trip to Australia I met the Deputy Prime Minister returning from the trade market that showcased our local products. I went there with these clothes telling him that we should change our formal attire; we can wear this shirt with a tie rather than buying the usual white shirts worn by Members. We are spending our money on products from overseas which is the reason why I am now wearing this shirt to change how I look and to use our own local designs from our seamstresses.



21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Mr Speaker I want to elaborate on the Bill tabled since it greatly affects my Constituency with this new definition. These types of changes are obstacles in our everyday lives, and it does not worry the person who believes in the Lord since He is the foundation of Samoa. The Chair stated this morning that we should lighten what is heavy and make what is difficult easy. The matter considered is quite simple, it is not difficult. I take this opportunity to acknowledge my Constituency. I believe today is a different day for the old men and women turning up the volume of their radios to listen in to our Proceedings. Since this matter greatly affects the future of the Constituency therefore this Member will try his best to convince the Hon Minister and Government of the changes made within the Bill.

The Psalms read out by the spiritual leader yesterday during our briefing, was Psalms 133, when brothers dwell in unity. “ Behold how good and pleasant it is when brothers dwell in unity, it is like the precious oil on the head running down on the beard, on the beard of Aaron, running down on the collar of his robe, it is like the dew of Hermon, which falls on the mountains of Zion, for there the Lord has commanded the blessing, life forevermore.” The message delivered within the speech was, no matter which side of the Parliament you are a part of we all have one goal, it is to work together for the good of Samoa. He compares the Parliament of Samoa to the mountain of Zion, a mountain of blessings from God that blessed all of Samoa.

Hon Prime Minister and Government this is the goal of any Government. It is making decisions that benefit the whole country. It is not prejudice to only one person. Everyone is aware that since entering Parliament, I have persisted on an additional Member for this Constituency. There are several reasons for this request. Why? The increasing number of residents within Faleata West which is not the will of this Constituency but it is the Governments plans and its future developments. This has resulted to more people residing within this Constituency.

These are not new plans because they were laid down since this country became independent. This was meant to be the location of a wharf even an airport, now the Government is planning on setting up an international port within the area. It has transformed into a small town, that is the fact of the matter. This town has factories, industrial developments even a sports centre located in Faleata West. In the consultation process of the Bill concerning the urban seat, we cannot remove Faleata West and Vaitele since it is part and parcel of Government forward planning. The Bill was drafted in May last year, the Bill set forth boundaries that included Faleata West and not a single Member disapproved it. There were only three Members who disagreed with their seats but not with this definition which had one hundred percent support. This was the evidence from the Commission which was approved by the Parliamentary Committee chaired by the Speaker. No one voiced a disagreement on the matter. Why? The Member for Vaisigano No.2 stated that there was no Samoan who did not understand, it is simple logic.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

I am not sure about what the Hon Minister believes as for the letter given it was for your consideration since you are one of the longest standing Members in Parliament. I want to elaborate on the increasing number of people, in 2001 there were more than 2,260 voters in Faleata West, in 2006, there were 2,840 people. The recent elections in 2011 voters increased to 5,057 it is more than double the number and most of these voters live on freehold land. How could you ignore this? There is only one benchmark which allowed additional Members for Safata and Salega, it was the number of the population in these areas, nothing else. The question I want to ask the Hon Minister is, why has the Government strayed from its vision? It is not the norm. I feel for you bringing these definitions. My understanding is that these definitions were brought before Parliament three times. The first definition was brought forth in 2004 and it was approved by Parliament, it was the right definition. As some say, the first decision it divinely influenced.

**Afioga Hon Fiamē Naomi Mataafa:** Mr Speaker a point of order.

**MR SPEAKER:** Pardon the Member I will give the opportunity to the interruption made by the Hon Minister of Justice and Courts Administration.

**Afioga Hon Fiamē Naomi Mataafa:** It was not my intention to interrupt the speech by the Member especially since we all understand the affect this has on him, but I move Mr Speaker to clarify the matter. Most of the Members say that it has already been approved and passed by Parliament. I want to reiterate that it has not been passed. The provisions that were passed in the previous Sitting were definitions to all other constituencies except the urban seats which was withdrawn. I believe Mr Speaker it is not in that Bill anymore since it has been changed. This is a clarification on the matter.

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

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Hon Minister for the clarification. This is the exact reason why I did not want to mention this issue. I was speaking generally. There is no legislation that is tabled and considered and then amended before it is passed. We all know that it has not been passed, but there have been several Bills tabled in Parliament and seldom, since I have been a Member, have I seen a Bill that is tabled and amended before it is consolidated. You Hon Minister tabled the Bill not Lealailepule or Tofa Motuopuaa Aisoli, it was you.

**Afioga Hon Fiamē Naomi Mataafa:** Mr Speaker a point of order.

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

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Afioga Hon Fiaame Naomi Mataafa:** Mr Speaker I am aware that every Member in Parliament has an important role to play, therefore we all should understand the nature of our work and the Bills tabled to implement our work. The comment made on the Bill being already submitted and then withdrawn, it is not done unknowingly it followed the usual process. It was a recommendation made by the Committee, they said that we were not to consider the amendments submitted to Parliament in December and February, it was to be resubmitted. It has been done, the decision was made by the Parliament and not the Government, and the clauses were withdrawn from the Bill and later tabled. It seems that Members are suggesting that the amendments were made in ignorance. Well it was not because we are now deliberating it this morning.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you. I did not speak of anything being done unknowingly or in ignorance. We will eventually get to it if this is the case. Nevertheless I am a bit hesitant...The meaning of what I said Hon Minister since you returned with these amendments from Committee it seems more villages in the East are now included like Sogi and Mulinuu, the Committee said it was wrong. Why would Sogi and Mulinuu be included here when it is not part of the West? Why does it not include Faleata West and Vaitele as stated in the first amendment submitted? Why? This is the exact reason why I humbly ask that this matter be reviewed. Leave the boundary as it is, the first amendments made are the right ones. Although with these new amendments tabled the only change seen is the removal of Sogi and Mulinuu. Is the Committee not right? I recommend that Sogi and Mulinuu be removed since the boundary of the urban area is located in the West and it includes Vailoa to Vaiusu through to Siusega up towards Aleisa, to Safata and Lake Lanutoo. Are these even urban areas? Are these town areas? No. This is why I recommend that the Hon Minister re-evaluate this matter; I believe you also understand that these boundaries are not right. The Hon Minister has stated that I am affected, this is true but it is not only me but the people of my constituency. Nevertheless I am not a person who is saddened because I am always happy. Yes because God is good. Look at my body? If I am run over by a ten wheeler I will not feel it. Why? Because I am strong like a dragon. This means that I am not affected. Why? Even if you divide this Constituency I will not say anything because it is a calling from God as mentioned by the Hon Prime Minister. The recommendation here is not to look at me since I am not the only one to sit in the Faleata West seat. I am here today but another person will be here tomorrow, let us think of the future of the country, as it is the mission statement of your Party let us plan for our Constituency.

Mr Speaker, I humbly want to convey a concern to the Hon Prime Minister also towards the Madam Minister, these are not hidden changes, I recommend that this Bill is not passed today but that it is referred to the Committee as per normal procedures because this is a serious matter.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Refer it to the Committee to find out wherein lies this justice that was mentioned by the Hon Minister. Therefore whatever the response, I will accept it. That is my humble request Hon Prime Minister. This Constituency has come seeking your discretion that this be referred to the Committee. There are several other matters I want to voice although I am certain that most of us have already heard them. Why? There have been many Inquiry Committees and Parliamentary Committees especially the several Government plans for future development.

Hon Minister, you met with the leaders of this Constituency yesterday, they are the ones that will protect you when you come to Faleata. I will not stress the matter further but you are a descendant of Faumuina who was raised in Faleata and all of Samoa. This does not mean that I have to tell you what is right because only the truth can set us free. I sleep very well every night; even my wife cannot seem to wake me up when I am snoring. I sleep well because my mind is at peace and is happy. This is a comment in accordance to the matter Hon Minister, as the motto of the PSA goes, “right is might not might is right.”

I pray that the Lord bless the Hon Prime Minister and his Party, also the Hon Minister and the Bill tabled. I want to thank the support of my Constituency perhaps this matter has given us more time to meet and develop our friendship. God bless my Constituency and all of Samoa not forgetting the Chair and our Parliament. Thank you and bless our Proceedings.

**MR SPEAKER:** I call on one of the Members for the Individual Voters.

**Susuga Hon PAPALITELE NIKO LEE HANG (Individual Voters):** Thank you Mr Speaker for the opportunity. I was listening to the speech given by Members of the Opposition. I move with respect not to comment on the changes made to other constituencies but to my own, which is affected by the Amendments tabled.

Mr Speaker, the House should remember that Afioga Maualaivao and I were not happy with the changes replacing the Individual Voters seat with the Urban seats. I was dismayed at the change, however the work of Parliament still progressed. As one of the Members mentioned the reading in Psalms; ‘Behold how good and pleasant it is when brothers dwell in unity,’ but there was not one from that side that supported our notion. The amendments progressed to the Committee stage and we appeared before the Committee with our concerns. The matter we raised within the Committee was that our constituencies are far apart instead it would be better that non traditional land specifically in the urban area be the boundaries for the new seats.

The concern was that the non traditional villages also included us both but we were powerless while the deliberations were discussing our Seats which are part of the constituencies being argued over. There is no sense in arguing the matter because we have already submitted our concerns to the Committee; perhaps this has now resulted to the amendments now tabled.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

The other request we made to Committee was in regards to the inclusion of Vaimauga West, Vaimauga East, Faleata West and Faleata East in these two seats. Our request was to instead localize these areas. For example why not use only non traditional villages from Vaimauga West and Faleata East for the Urban seats. However the Committee also has its duties to fulfill together with the consideration of the Cabinet. The new amendment is now being passed and we disagreed with the boundaries including mountains and rivers however it was explained that the traditional boundaries are still being used. This we agree with and it was further mentioned that the involved areas are Vaimauga West and Faleta East. Now that we understand the amendments, we are closer to the Elections and we have not made any preparations because we are uncertain of the voters we should campaign to.

This is my concern Mr Speaker perhaps my fellow Member Afioga Maualaivao will take the floor to voice his own concern, but personally I will accept this Amendment since time is running out and we also have to begin campaigning.

With respect.

**MR SPEAKER:** I call on the other Member for Individual Voters.

**Afioga MAUALAIVAO PAT AH HIM (Individual Voters):** Thank you Mr Speaker for the opportunity. I move with respect to second the notion mentioned by the previous Member for Individual Voters which is now the Urban Seat. Susuga Papaliitele already made a request to the Hon Prime Minister, Cabinet and the Members of the House. There seems to be a lot of controversy going on in relation to this Individual Voters Seat. We were worried with these changes in the beginning however we assured our constituencies that whatever happened we were to go together. We should not be afraid because we are never forsaken by the Lord. At the moment a lot of changes have been made and there also seems to be a lot of clarifications in relation to the urban seat, which is appropriate. There are some Members who seem to joke on the changes that will be made to the Individual Voters Seat now replaced by the Urban Seat. Nonetheless as my fellow Member has spoken we are in agreement. I thank the Hon Prime Minister and Cabinet and the Hon Minister responsible for the Bill. Mr Speaker, the Members of the Individual Voters seats support the provisions and amendments tabled within the Bill.

I will not comment further on the other constituencies; Faleata West, Faleata East and Vaimauga West for it is the usual practice of Parliament and the Government has made its proposals in regards to the boundaries. The boundaries have already been laid down for the urban area and we accept these changes. Therefore I humbly apologize for any offense towards other constituencies. I appease the Member for Faleata West I appreciate the concern put forward, thank you. I admire the color of your shirt and it has made you stand out from that side of Chamber.

I apologize....

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**MR SPEAKER:** Pardon the Member since we have arrived at our usual recess hour, the Member for Individual Voter I will give the opportunity to the interruption by the Member....

**Tofa Lealailepule Rimoni Aiafi:** I want to thank the Member – for the information of the Member, my wife has problems with her eye sight at night and she said this is the only color she will recognize me in so no matter where I am, it is a sign....

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

*Proceedings of the Legislative Assembly were set aside for its usual recess at 10:45am to 11:21am.*

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

I believe we have reached the second part of our Proceedings for the day; also I am confident that everyone has gained strength with the tea served this morning. It is the understanding of the Clerk and the Office that refreshments provided will give us patience to continue our work.

Before recess one of the Members for the Individual Voters, Afioga Maualaivao Pat Ah Him was voicing his concerns given he is one of the Members affected by the Amendments tabled. I call on the Member.

**Afioga MAUALAIVAO PAT AH HIM:** Thank you Mr Speaker, I am certain Members have gained strength with the refreshments provided this morning. I do not have any other matters to discuss since I have accepted the changes now tabled. Fortunately the changes implemented are appreciated within my Constituency by both myself and Afioga Papaliitele. Mr Speaker we are happy with the change, therefore it should not be referred to Committee in case it might make it more complicated. I would like to thank the Hon Minister for tabling the Bill, with the purpose it brings to the House. I was going to comment on the speech given by the Member for Faleata West, although I will not but I thank the Member for his concern. I feel like....

**MR SPEAKER:** Pardon the Member; I will give the opportunity to the Member since he was also part of the deliberations before recess. I call on the Member for Faleata West.

**Tofa Lealailepule Rimoni Aiafi:** It is alright Mr Speaker I do not wish to speak further, although I respect the Member.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

The only request from Faleata West is to let us follow through with our usual Parliamentary practice, and let the Bill be referred to Committee. The recommendation that will be given by Committee will be adhered to by this Constituency without question. This is my opinion, in case you might pray for it not to be referred to Committee, but it might reflect on your judgment later. With respect, thank you.

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

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker I just want to remind the Member speaking, that there is no higher Committee than the Committee of the House, with respect.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker I am certain the Lady Minister is aware of the issue since she is one of the longest serving Members. In case a fault might be portrayed in what she says, with respect.

**Afioga Hon Fiame Naomi Mataafa:** A point of order, the Member should not speak to me in such way. I am interrupting the Member for Individual Voters Afioga Maualaivao Pat Ah Him.

**MR SPEAKER:** The Member for Individual Voters, Afioga Maualaivao Pat Ah Him has already given his speech, but I will now give the opportunity to one of the Members who...

Well it seems the Member for Individual Voters wants to conclude....

**Afioga MAUALAIVAO PAT AH HIM:** Thank you for the opportunity but there is nothing further that I wish to convey, bless our Proceedings.

**MR SPEAKER:** Very well thank you. Before I give another opportunity, I will call on the Hon Prime Minister for the motion.

**MOTION FOR SUSPENSION OF STANDING ORDER 31(1)**

**Susuga Hon TUILAEPA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I stand with respect to move a motion, *That Standing Order 31(1) be suspended to change sitting hours to, 9:00am to 1pm then we take recess and resume at 7:00pm until 11pm tonight. The sitting hours for tomorrow are; 9:00am to 1pm and resume at 3pm until 7pm until we conclude our Orders.*

*Seconded by the Deputy Prime Minister and Minister of Works, Transport and Infrastructure.*

*Motion approved and Standing Order 31(1) stood suspended.*

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**MR SPEAKER:** I believe the motion moved by the Hon Prime Minister is now understood, this is the reason for my ruling earlier. It is important that we make use of our time wisely because we still have until tonight especially with the Certificate of Urgency. I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** I have just finished taking a breather to move another long motion, *That Standing Order 100(1) be suspended in order for all the Bills presented in the Order Paper to be second read tomorrow. This is the conclusion of the motion.*

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

**Afioga Hon Palusalue Faapo II (Leader of Opposition):** Mr Speaker a Point of Clarification before the motion is passed.

**MR SPEAKER:** I believe the motion has already been set, but I will elaborate later on this matter once it is passed.

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

**MR SPEAKER:** If we recall our previous Proceedings our work was affected due to the three day adjournment before we even had de-briefings. We may have noticed from the session yesterday that most of the Bills were given the time to be read. Fortunately these new changes have assisted us in understanding the Bills yesterday. This means that we should change the way in which our Orders must proceed as we have to deliberate all the Bills tabled. This will mean our work will be completed earlier and enable the Government to carry out its duties. This is an explanation for the consideration of the Leader of Opposition. I call on the Member.

**Afioga Hon Palusalue Faapo II:** Mr Speaker I do not want to discriminate, but I just wanted to understand the motion, the Standing Order was not implemented without significance. It is important that these Bills be referred for the consideration of Committee and for the public to have their say as witnesses. If this is how our Proceedings are going to be then there was no use initiating this Standing Order and for the public to have their say to be clarified thoroughly in Committee sittings. This is the reason for my interruption.

**MR SPEAKER:** The motion is understood, I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** Mr Speaker this is exactly what is meant with the motion moved.



21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

The Bills will be referred to the Committee. This means that after the second reading tomorrow it will be referred to the Committee for their consideration. As for the Bills under a Certificate of Urgency they will still proceed as urgent. If the Bills do not pass the second reading stage, they will just ripen on our tables. As explained....

**Afioga Hon Palusalue Faapo II:** Mr Speaker, the matter is now understood. Our Standing Orders seem to be misinterpreted. It seemed from the motion made by the Hon Prime Minister that our work would be rushed.

**MR SPEAKER:** No, it is not....

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** Mr Speaker, recall that this morning there were Bills under a state of urgency and Bills that go through the usual process of passage of Bills. The Bills under the normal process will be referred to Committees and brought back to the House. Do not be mistaken by the matter made by the Member for Faleata West. You all know what happens to matters that are discussed over and over again. If you handle things too much they end up peeling.

That is the additional explanation Mr Speaker.

**MR SPEAKER:** This is the matter I was trying to explain to the Leader of Opposition in case we might have different views. For the second reading stage, the responsible Minister stands to clarify the Bill then it stands referred to the Committees. There is a three day period stated in Standing Orders for Members to read and understand the Bill. We have already been briefed by the Heads of the Ministries concerning the Bills which has saved us time, I am glad the Leader of Opposition has now understood the clarification.

**Afioga Hon Palusalue Faapo II:** Mr Speaker even though we have already passed a Certificate of Urgency, this Bill has impacts because of the inconsistency of the decisions of Government, this important Bill should be referred to the Committee.

**MR SPEAKER:** I will keep this in mind since we are currently deliberating the Bill. I am confident the Leader of the country and Cabinet is well aware of this matter. Let us proceed with deliberations and comments of Members then we can move on the next step...

I call on the Member for Gagaemauga No.2.

**Tofa LEVAOPOLO TALATONU (Gagaemauga No.2):** Thank you Mr Speaker, well I will not take up much of your time since there are not many Amendments. The issue discussed is clearly understood. The matter referred to the Committee is important as per our Parliamentary procedures.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

These major changes made are to be recorded officially within Parliamentary Proceedings. We will be able to change it again in another year if we decide to do so although we all must agree to the provisions that are being implemented.

A recommendation to the Hon Minister in relation to the boundaries set. I believe the Government is planning on extending the town area to Vaitele, this means it will be an urban area. It should be as such for your consideration and appropriate changes.

The amendment in Clause 2 provides for the right of a candidate to apply to the Supreme Court to challenge the qualification of another candidate for election. It states in Clause 10 that it is a free order, it is an order that is not tied to any other consideration. I want to ask the Hon Minister how about our constitutional right where the person is accused of appealing this decision? This is the part of the Bill that I want to understand; Clauses 9 and 10. If a Member has carried out research on another candidate taken to Court...the person accused will be affected, are they not given the right to appeal this decision. It seems our Constitution is brushed aside in this case. These are a few concerns, thank you.

**MR SPEAKER:** Thank you the Member for Gagaifomauga No.2 for the notion. I will now call on the Member for Faleata East before we move on to the other side of Chamber.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO (Faleata East):** Thank you Mr Speaker, I also want to thank the Hon Minister for the Bill, as you can see my Constituency is impacted by this Bill. One of the Members for Faleata has already spoken on the matter, but now it is time for this Constituency to voice its opinion.

Before I comment on the part of the Bill specific to this matter, I will begin with other matters in the Bill I wish to query Hon Minister.

First there is the use of the old electoral roll. If we are now debating the matter on renewing these boundaries, then why are we using the old roll in the upcoming elections? If the Bill has been passed on these boundaries set for the two candidates of urban area those who are eligible to vote should now register.

It seems that there are contradictions. There is the notion that we should wait for the next elections to implement changes. But I personally believe that we should move forward to exercise this amendment. The people who are entitled to vote within these boundaries should be the only ones to vote under this Bill.

Secondly, registration of voters is underway. There are complicated processes within the Office especially with the use of birth certificates. I am certain that everyone is aware that birth certificates are quite costly, and the candidate will bear the costs. The purpose for the broadband was for a simple connection between Ministries.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Why not use this service for the Office of the Electoral Commissioner to contact the Birth, Deaths and Marriage Office. I believe this would make it easier for the people who will be registering because at the moment you go to the Office and they send you to another Office. If all the related Offices could use the broadband to send the needed information, it should be used.

There is part of the Bill that provides for a six (6) months residential requirement for those wishing to be registered in the urban constituencies. Is there a reason for implementing this six month period? Is there a criteria where this six month period is measured? If we look within the Bill it states the right of a person to become a candidate. If you are from overseas you can be a candidate. But with the six months mentioned....

**MR SPEAKER:** Pardon the Member; I will give the opportunity to the interruption by the Hon Minister.

**Afioga Hon Fiaame Naomi Mataafa:** It is not my intention to interrupt the speech of the Member. Although it is important to clarify the issue raised, the six month period is not referred specifically to candidates but to the voters. The Member stated candidates. If we were to consider the requirements for candidates I believe it will be more than what is stated. The clause states the minimal requirement for voters is six months. Overall it is not about the candidates.

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

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Thank you Hon Minister. It is noted within the Bill that once a person is eligible to vote they are also eligible to run as a candidate. It is better that this be confirmed because there may be confusion. It is true that there are provisions for those from overseas and the length of residence in Samoa within a year. From that a three year period is calculated. Because if I am correct, if the potential candidate resided here for ninety days, they are ineligible. The question that comes to mind is, where is this six month period from? This clause should be clarified further within the Bill; I personally believe that six months is not enough to make a person eligible to register. Even within an urban area there are still many traditional villages within these boundaries. They are electoral constituencies which means they are part of the voting poll. A person residing within this area for six months should not be eligible to vote. I hope the clarification given by the Hon Minister is true, that this change only involves voters.

Lastly Mr Speaker the Members and the country have already heard several concerns by other Members. I am not certain if everyone agrees with the division of Vaimauga since it differs from the division of Faleata. Perhaps no one has considered this issue. The reason for stating this issue is based on the fact that Vaimauga has two Members.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Even though Faleata is one constituency, when it comes time for elections it is divided into two; Faleata West and Faleata East. I strongly believe the size of the constituency was the reason for implementing these urban boundaries. As a Parliamentarian I strongly believe it is my goal to do what benefits my constituency and my country. There are two issues I wish to discuss. First is the division made for Faleata West whether it is possible for Government to add another seat within Faleata West? The concern of the Member for Faleata West is accurate; if the number of people increases we should have more than one Member. If these are the urban boundaries being proposed from Faleata East to Faleata West it will be a very long poll. It will be difficult to control the number of people living within this area. It would be better if the Government allows another candidate for this seat like Vaimauga that has four seats.

We all know that residents living within these areas are made up of people buying Government lands. It is the duty of Government to resolve this issue by implementing strategies that will cater for the people. There are a lot of changes seen with the increasing number of people residing here because of Government developments. As a resident of Faleata I pray that the Government grant my humble request to agree for another Member of Faleata. These boundaries stated here are the rightful borders of Faleata East, which includes Vaimoso, Vailoa and Lepea. These are a few queries in relation to the matter discussed; also I support the opinion of my fellow Member for Faleata West. Nonetheless this agreement is for the benefit of both constituencies. As I stated earlier there is a huge difference between Vaimauga and Faleata, Vaimauga used to only have one, now it is two, three, but Faleata....

**MR SPEAKER:** Pardon the Member; I will give the opportunity to the Hon Minister of Communication and Information Technology. I call on the Member for Vaimauga East since the constituency has been mentioned.

**Afioga Hon Tuisugaletaua Sofara Aveau (Minister of Communication, Information Technology):** Thank you for the opportunity. The only aspect that I want to remind the Member is the issue concerning Vaimauga. I believe us living here in Vaimauga understand the issue than some from Faleata. I recommend that the Member speak on matters concerning only Faleata. As for Vaimauga we have already prepared our remarks once we are given the time.

**Tofa AVEAU TUALA NIKO PALAMO:** Thank you Mr Speaker. We need put forward our points. If we are to say that it involves Vaimauga and Faleata then it should be uniform and be divided equally since they are both in the urban vicinity. This was what I was trying to say. I did not inquire on the division of Vaimauga.

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

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Afioga Hon Tuisugaletaua Sofara Aveau:** This is exactly what I have been trying to clarify. The division between Vaimauga and Faleata should be the same, although it seems there is a difference with four for us and three for them. This is not equivalent; it is a concern of this side that the issue is not being addressed properly.

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

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoui:** I find the opinions voiced by the Members quite fascinating. This is why I recommend that we keep on voicing concerns while others listen. The stories from Faleata West and Faleata East are quite unique. Even if we have to sit here until 1300 hours tomorrow morning, we will do so but there is nothing new from the opinions voiced so far.

**MR SPEAKER:** I call on the Member for Faleata to conclude his speech. The request made on electing another Member for Faleata West is appreciated.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** The Bill outlines a lot of new provisions. This is new and it is not old. This provision being implemented within Faleata West and Faleata East is new. This is also the reason why I have mentioned other examples to compare this change. The Hon Minister has also clarified that they have four seats and we have three. I strongly suggest equality especially with the new implementation of the urban seat. The division made is unequal since there are two different voting poles for Faleata West and Faleata East.

**Afioga Hon Tuisugaletaua Sofara Aveau:** Mr Speaker....

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

**Afioga Hon Tuisugaletaua Sofara Aveau:** The Member said it was three to four and I correct that this is not how this should be addressed. With respect.

**MR SPEAKER:** I call on the Member to conclude with his clarification.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** This is all Mr Speaker, I pray this Bill be deliberated thoroughly so that Parliament will find peace.

**MR SPEAKER:** I call on the Member for Vaisigano No.1.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Afioga TUFUGA GAFOALEATA FAITUA (Vaisigano No.1):** Thank you Mr Speaker for the opportunity. I apologize to my constituency if there is offence to us, this will not mean that we will give up on what is right.

I recall the consultations on this issue when the Committee returned with its findings; I was one of the Members that requested for additional Members to run for the urban area, where people from Savaii residing there can vote. The objective of this was for voters not to be involved with candidates for Savaii. Also most of these people reside within the town area wanted to vote for someone in the urban area so they can improve their living standards. I recall that I was held back during the second reading of the Bill which took place in the evening because I was commenting in detail. The boundaries I assumed would be from Letogo to Puipaa and those on freehold land would be the voters, this also including those from Savaii residing in these areas which would save them from returning to Savaii when they need improvement where they reside here.

It was alright until they reduced the boundary, now starting from the three corners at Moataa towards Faleata. Now it did not include people from Savaii living on freehold land who wanted to vote for an urban candidate. This is the reason for taking the floor Mr Speaker; I humbly request reviewing this provision.

Another issue I wanted to elaborate on was the matter concerning our voting booths. I not sure if there are any more special voting booths for the people here when they will be voting for the urban candidate. If not, this will save costs from setting up special voting booths for us who are from the rural areas.

As for the matter mentioned by the Member saying that there are three candidates, well I think we should just go with what we already set up. If we look at the geography, Vaimauga is much bigger, but we could always just add another candidate so there will be a balance. With respect.

**MR SPEAKER:** Very well, thank you. I call on the Member for Sagaga le Falefa.

**Tofa TUISA TASI PATEA (Sagaga le Falefa):** Thank you Mr Speaker and Members of the House. I humbly greet the Chair, the Hon Prime Minister, Deputy Prime Minister, Cabinet and Members of this side. I also want to acknowledge the Leader of Opposition, Deputy Leader and all Members of the House especially the Heads of the various Government departments present here today. I also want to acknowledge the support of all Samoa from every corner of the country.

I move with respect Mr Speaker to voice an opinion in relation to the important matter mentioned by the Bill that greatly affects this constituency of Sagaga le Falefa. I know the House is aware that some of the villages of this constituency were included under the Individual Voters poll. The villages were Aleisa, Aele, Nuu, Falelauniu and Tafaigata.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Most of the people residing within these areas live on freehold land. There are a lot of voters residing in this area who are also under the Sagaga le Falefa poll. This is the reason for taking the floor; my constituency will be vastly affected with the division of this urban seat.

A clarification on the matter, the number of voters on our poll is nearly 5,000 and there are still some who have not registered. If we were to include those who voted for the Individual Voters seat it means there will be a much bigger number of voters. I am worried about this change, since this will affect not only voters now but the future. This is a serious issue considering the increasing number of voters registered under our poll.

I believe that the only way to resolve this is to do what is right. Those registered as voters for the Individual Voters Roll should be registered in the Urban roll. If not, I humbly request that an additional seat be created for my constituency because the roll will inflate tremendously.

I am grateful for the clarification given yesterday for those who will be eligible to run as candidates and voters. The voters are given the choice, whether they vote in Sagaga le Falefa or in the urban area, this is the same for the candidate. I am worried about this matter concerning the candidates choice considering what might happen in future.

I recommend that we review this matter and deliberate this issue more before we make a decision because it poses a threat. The impact will be experienced by my constituency. These are the concerns of this Member considering the people, especially the villages of Nu'u, Falelauniu, Ae'e, Aleisa and Tafaigata. I pray that whatever decision we make, we should make it honestly. May God bless us today, bless our Proceedings.

**MR SPEAKER:** Thank you. I call on the Member for Vaimauga West it is now your time before we move on to the opposite side of the House.

**Tofa LENATAI VICTOR FAAFOI TAMAPUA (Vaimauga West):** Thank you Mr Speaker for the opportunity. I was not going to speak further on the matter, but I am quite happy with the amendments tabled. Perhaps former Members of this constituency strived to request another seat for this constituency, I am glad that we are able to have a third seat added to this constituency. If we look at the boundaries outlined within the Bill for the urban area, it includes the villages east of Vaimauga West.

I believe with the division made there is only one vote made to Vaimauga West No.1 and another for No.2. I call this new seat Vaimauga West No.3. There will now be three Members for Vaimauga West, I am grateful especially for the support of this constituency. As for the comment made saying we will have four seats, it will only be three, three for Vaimauga and three for Faleata. With respect, thank you.

**MR SPEAKER:** I call on the Member for Individual Voters.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Susuga Hon Papaliitele Niko Lee Hang:** Mr Speaker, a point of clarification. It seems the three seats are now being labeled as Vaimauga West but I believe that this seat is titled urban seat. It is not Vaimauga West, thank you.

**MR SPEAKER:** I believe the term was made by the Member out of respect.

**Tofa LENATAI VICTOR FAAFOI TAMAPUA:** Mr Speaker it is clearly stated within the Bill that the seat includes the villages within Vaimauga West. With respect.

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

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker a question to the Member of Vaimauga West, is Vaivase, Tanoaleia and other villages included in Vaimauga West. They are not included in the boundary stated although these are villages under Vaimauga West.

**MR SPEAKER:** I do not think it is appropriate to debate the matter. The Member was just thanking his constituency for their support; part of the urban seat is included under his constituency.

**Tofa Lealailepule Rimoni Aiafi:** We should not find what benefits only us. We should make a decision that is committed. It seems the Member is already thanking Vaimauga West for the support but how about Toomatagi, Vaivase uta, Tanoaleia and other villages in Vaimauga West. I am not worried about the division as amended although it is important that we handle this matter more carefully and wisely, with respect thank you.

**MR SPEAKER:** I call on the Member for Faleata East.

**Tofa Aveau Tuala Lepale Niko Palamo:** A point of order, Vaimauga is still Vaimauga; there are already two Members for Vaimauga West. Hon Minister, this seat will make it three, overall there will be four Members for Vaimauga. With respect.

**MR SPEAKER:** I call on the Member for Siumu followed by the Member for Palauli le Falefa.

**Tofa Hon TUUU ANASII LEOTA (Siumu):** Thank you Mr Speaker for the opportunity. I take this time to voice an opinion on the amendment made in the Bill. Before that, I wish to remind the House of a request that I made in the previous Sitting because now I will start to pound on the table with respect.



21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

I stand Mr Speaker as a Member of the Committee. This Bill submitted to Committee provided for the division of boundaries for the urban areas. This boundary starts from Laulii to Puipaa. The objective of Government was to spread out the urban area since the area is too narrow. This is evident with the developments now set up within Vaitele with plans for a wharf and now a four lane road.

We have all heard the Member of Faleata saying that there were more than five thousand people that voted in the previous elections. I strongly believe the number at the moment is ten thousand. There is not a single Member here that is not affected by this division. Most of us are living within the urban area and we also have ties to these places. I apologize to the two Members for Individual Voters, I am speaking from the Committees point of view. I have taken the floor to voice my support to the recommendation made by the Committee. The recommendation given was, to agree with the amendments within the Bill.

A humble request to the Hon Prime Minister and Hon Minister, this Bill should be reviewed and ensure that it will be fair. Mr Speaker these are a few concerns to the Bill thus we should ensure that it will be fair for all, with respect.

**MR SPEAKER:** Pardon the Member; I call on the Hon Prime Minister.

**Susuga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker since the matter raised by the Member is quite important I move, *That another hour is added to his time.*

**Tofa Hon TUUU ANASII LEOTA:** Mr Speaker, I want to thank the Hon Prime Minister for giving me more time, the House has heard that I will now be speaking for the whole day.

Thank you Mr Speaker for the opportunity, bless our Proceedings.

**MR SPEAKER:** Well you seem to be headed to the table but not to the mic. I call on the Member Afioga Hon Faumuina Tiatia Faaolatane Liuga.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa):** Thank you Mr Speaker for the opportunity. I humbly greet Members of the House present here today. I move to voice a few concerns which I hope can be answered by the Hon Minister on the amendment considering eligibility. It states here that after registration closes three working days is given to address issues that may need correcting. Mr Speaker a humble request, three working days is insufficient for Savaii. We need a whole day just to go to Savaii; also we have to set up meetings with the chiefs of the constituency to assist with other matters. This means that it will only allow one day for this which will only benefit candidates in Upolu but not us from the island of Savaii.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Mr Speaker and members of the House I do not mean to say that special attention ought to be given to Savaii. Why not just use five working days so everyone will benefit. This is my humble request Mr Speaker and Members of Parliament on the matter so that we will be able to prepare and satisfy the requirements of the Bill.

The previous amendment made to the legislation was that the oath be made by a lawyer removing provision for the endorsement to be made by the village mayor or the reverend. The question I ask myself is whether this means that endorsement will not be made by the villages. Previously, three or five matai from the village you serve as a matai endorse the candidate and then....

**MR SPEAKER:** Pardon the Member I will give the opportunity to the interruption by the Hon Minister.

**Afioga Hon Fiaame Naomi Mataafa:** Mr Speaker a point of order and clarification. The matter discussed by the Member has already been passed and is not part of the Bill now deliberated. This issue is just delaying the progress of the Bill now tabled. Nevertheless I will assist the Member with a clarification on the issue already passed in the previous sitting. The change made was, approval made by the lawyer. This means that it is the Members own consideration and honesty, it is an affidavit notifying that he or she has met every criteria. If there will be a challenge against the oath, the Member will have to go to court to confirm his oath that was endorsed by the lawyer. This matter has already been passed and deliberated.

**MR SPEAKER:** I believe the Member was generally assessing the matter to explain his concern. I call on the Member.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you Mr Speaker. The Hon Minister has responded to the matter but I was speaking in general. I asked whether the chiefs are still given the right to endorse a nomination of a candidate. Another query on the issue, if the Member lies on oath are they taken to court immediately or do they have to wait for the case to be considered as a criminal case.

Another issue Mr Speaker is the amendment mentioned by some of the Members on the requirement of a six month period to reside within the constituency, I think the Bill is prejudice. If an overseas candidate is required to stay here for three years then it should be the same for a candidate living within this area. You are submitting your service and that is one qualification. They serve not only the village but also the church. These are some of the reasons why it is important to emphasize this three year period for those from overseas and also those living within this area.

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

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker it is important that I try and make right the issue. The six months is for urban Constituency and they already understand.

As I explained to some of the Members earlier, the six month period is applicable to voters registering under the two urban seats. I am not sure whether the clarification made by the Member on service is applicable to the urban seats because most of these people live on freehold land. This means that they are not under the ruling of a village council. I want to clarify to the Member that this six month period is only for registration of urban seats.

**MR SPEAKER:** Very well. I call on the Member to continue with his clarification.

**Afioga Hon FAUMUINATIATIA FAAOLATANE LIUGA:** I want to thank the Hon Minister for the response. I am not satisfied with the response from the Hon Minister. The reason being anyone from New Zealand can come and register then return back to New Zealand and only come back on voting day. They come for two to three weeks therefore there is contradiction between the Bill and the reality. This six months period is discriminatory. How can we discriminate a matai when the reason they were bestowed a title was to serve the village and church. Why is there a special provision? There should be no difference. We should all follow through with the same provision; this means requirements should be the same for all constituencies. This just creates conflict. This is exactly the reason why this world is confused. Without the Lord, there would be chaos.

**Afioga Hon Fiame Naomi Mataafa:** I want to assist with the statement made regarding confusion. Mr Speaker nothing is misunderstood, every Member understands that the six months is applied to people residing on freehold land. There is no matai authority here. The Member should understand because there are constant remarks that there is no matai, no service, no service to the church. This is not the requirement for the two urban seats. The requirements for the urban seats are those living on freehold land. If they want to be a candidate they will have to hold a matai title and meet all requirements like other Member in the Bill. This is a clarification on the matter.

**MR SPEAKER:** I will give this opportunity to the Hon Prime Minister.

**Afioga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** I stand to take the floor before Tofa Lealailepule does because I know that he will follow the comment made by Afioga Faumuina Liuga. I want to respond to the query made by Afioga Faumuina Liuga. There are instances where confusion can be divinely caused.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

We should understand such confusion such as what happened to David and the woman in the bible whose descendant comes down to Jesus and Solomon. Even though there might be confusion by the Lord it gradually ends to something good.

**Afioga Hon Palusalue Faapo II:** Mr Speaker there is an issue....

**MR SPEAKER:** What book of the Bible will you be talking on today, Afioga Palusalue? Our Proceedings will be set aside instead...I call on the Member.

**Afioga Hon Palusalue Faapo II:** This confusion they mention is that of the world. Mr Speaker, I just want to clarify that this confusion is initiated by the HRPP. Their legislations contradict; some do not understand their own legislations which results to confusion amongst them. With respect.

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

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker a Point of Order, perhaps the Leader of Opposition has forgotten that there was no confusion in the Bill passed last month. The Bill implemented by Government was supported by everyone of this party.

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

**Afioga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi:** Mr Speaker a point of order, I believe the confusion generates from those who do not understand the matter. As for the comment made yes, the Lord understands what he does. This is the reason why we call it a mystery since our plans do not reach that far. The Bill is quite clear, though the person is a mystery themselves.

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

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker there is small matter that I wish to discuss. The service mentioned as we have all agreed, is service to our village, our family and our church. Those of us that live on freehold land also attend church within the area, Afioga Peseta Vaifou goes to church at Ululoloa, Afioga Faumuina Liuga goes to the Nazareth in Lotopa. This is what you call service, to adapt to the system of how things work within the constituency right up until elections. It does not mean that you can just travel and then return to be eligible. As for the confusion well God is not like that, he is straight forward.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Afioga Hon Tuilaepa Fatialofa Lupesoliai Aiono Neiote Sailele Malielegaoi:** I just wanted to ask because I missed it, which church do you go to?

**Tofa Lealailepule Rimoni Aiafi:** Perhaps the Hon Prime Minister did not watch the Sunday service televised. I was there lifting my hands in praise glorifying Gods name. The pastor preached for all of Samoa, your soul belongs to the Lord, amen.

**MR SPEAKER:** Very well let us go back to the matter deliberated. I call on the Member for Palauli le Falefa.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you Mr Speaker, I also want to thank the Hon Minister and Hon Prime Minister. The point I am trying to stress is that there should not be any difference in the requirements for our candidacy such as there is 6 months for others and 3 years for others. We are governed by one Constitution, there is one legislation. If the requirement is three years for a person from New Zealand, it should be the same for the locals. You do not make one donation to the church and expect to qualify as a candidate. You should live within the constituency for three years whether you are from overseas or local. Regarding the 6 month provision for residence, it is inconsistent with the reality. Anyone from New Zealand can come for family obligations and register then vote on voting day. Those are some remarks Mr Speaker with respect.

**MR SPEAKER:** I apologize to the Member I will give the opportunity to the Hon Minister.

**Afioga Hon Fiame Naomi Mataafa:** Mr Speaker the matter mentioned by the Member is very important regarding the Constitution where we are all equal with matai titles. Whether it is territorial constituencies or an urban constituency, the main requirement is a matai title. The difference is in the lands where the urban seat is specific to freehold land. It is important that people from overseas reside within the constituency for three years after that everyone has to follow up. The six month period is a benchmark because the legislation is new and it is specific for urban constituencies and the requirement for voters to be registered under the roll. The three years is the period for residence. There is no difference for the territorial constituencies or the urban constituencies. That is the explanation.

**MR SPEAKER:** I call on the Member for Palauli le Falefa.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you Mr Speaker....

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**MR SPEAKER:** Pardon the Member; I will give the opportunity to the Member for Sagaga le Falefa.

**Tofa Tuisa Tasi Patea:** I just wanted to ask the Hon Minister whether the provision of six month is only for a transitional period because this is a new amendment for urban seats.

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

**Afioga Hon Fiame Naomi Mataafa:** Perhaps I can answer the query by the Member later? Since the Member for Palauli le Falefa is not yet finished.

**MR SPEAKER:** Well it is your choice Hon Minister, it is important to note that these are matters that Members wish to understand.

**Afioga Hon Fiame Naomi Mataafa:** I am asking you Mr Speaker if you will allow me the time to give a response?

**MR SPEAKER:** I give you the opportunity....

**Afioga Hon Fiame Naomi Mataafa:** Very well. Mr Speaker the six month period stated is a start for the urban seat. The research carried out by the Electoral Office on urban seats resolved to the minimum requirement of six months for urban seats. This is why it has been noted within the Bill.

**MR SPEAKER:** I call on the Member for Palauli le Falefa to continue.

**Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA:** Thank you Mr Speaker. I mention this because it is in the Amendment Bill. If it was only just introduced during the drafting of regulations or for implementation then it would be a different case. However, it is in the Bill and now there are contradictions between other legislations as well in respect to the qualifications of voters and candidates. But thank you Hon Minister for the explanation of the qualifications.

I want to speak on the matter of boundaries argued by the Opposition as stated in the Bill. The Bill is important as it is under a state of urgency. I am aware that the Leader of Opposition and this side were persistent on it being referred to a Committee. This boundary proposed was from Cabinet which I believe is from Puipaa to Letogo, towards Tiavi and Afiamalu. If they had not amended this I believe there would not be any debate. Nonetheless everything happens for a reason, I also believe that is a wish of the Lord. Lastly I want to thank the Hon Prime Minister and Cabinet and the Hon Minister for the hard work.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**MR SPEAKER:** I will now give the opportunity to the Members of this side, the Member for Vaa o Fonoti, followed by the Member for Aleipata Itupa i Lalo, Leader of Opposition and then the Deputy Leader.

**Afioga TIALAVEA FEA TIONISIO SEIGAFOLAVA (Vaa o Fonoti):** Thank you Mr Speaker for the opportunity given to Vaa o Fonoti. I also want to thank the Hon Prime Minister, Hon Ministers especially the Leader of Opposition.

I have been listening to the opinions raised particularly the issue of the six month requirement which has resulted in confusion. The Hon Minister has responded that this six month period is only applicable to those who are going to vote. How about the person that wants to be a candidate, are they also entitled to this six month period or do they have to serve for three years...where do they get their matai title from?

**MR SPEAKER:** Pardon the Member I will give the opportunity for the response by the Hon Minister.

**Afioga Hon Fiaame Naomi Mataafa:** Mr Speaker this issue concerning the six month period is constantly being mentioned, this six month period is for the registration of voters in the urban constituencies. The requirement for a candidate from this area is three years. It is the same with other Members holding territorial constituency seats. I am not sure how many more clarifications are needed for this matter to be understood.

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

**Afioga TIALAVEA FEA TIONISIO SEIGAFOLAVA:** I want to thank the Hon Minister for clarifying this matter. All the Members hold matai titles; we serve our constituencies, families and churches and have served for a long time. If I were to reside in the urban area for six months without service, I am still entitled to run as candidate for the urban seat. I now understand the matter so whoever resides within this area for six months can become a candidate. I am not happy with this arrangement because service is quite important to me. Although it seems the Member residing in the urban area will be entitled automatically. I think this is unfair because the only requirement will be to reside in the area for six months. I believe the candidate should serve the village they hold the matai title from; if it is Savaii then we have to confirm that they have done their service. This is also applicable to those who hold matai titles from Aleipata and want to run for the urban seat. They should be monitored to ensure that they have served their villages so that every Member that is voted into this Parliament is the same. If they are to only reside here for six months it will be an advantage for them compared to other Members. Well this is just a mere concern considering how this arrangement can affect other Members.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Even if the villages in the urban areas are non-traditional it does not mean that they do not have a Pulenuu. Why is it called a nontraditional village but it has a Pulenuu? I just want to ensure that every Member requirement is the same; I am worried with the six month period and the service because this is what portrays a true Samoan.

Another issue is the Commission of Enquiry. There was one set up in 2001 and another one in 2011. There seems to be several commissions for the electoral legislation. Perhaps this is one of the most amended legislation, there are changes made every election yet we are still deliberating the matter in the House. A recommendation of this Member, the Government should review the previous Electoral Act 1963 and replace it with all the new amendments. It is now fifty years since the establishment of this Act. Let us draft a new Bill to incorporate these new changes, there is a great difference between 1963 and 2015, 2016 and the future.

The matters considering boundaries. I understand Mr Speaker especially the Hon Prime Minister and Hon Minister that only the Lord knows what is righteous. I believe these new seats for the urban area were made to replace the Individual Voters seat. There is a major difference between the two. In 2001 people residing in Vaimauga approached the Commission of Enquiry on the matter that more people are living on freehold land. Let us not think of Vaitele since it was just settled five years ago. This means that the implementation of urban seats should have been created long ago but we still have the Individual Voters. I believe there is a difference between these two seats since it was requested by people of Vaimauga. We have seen a lot of changes this is why Hon Prime Minister and Hon Minister the first decision made are from the Lord. I humbly request that this matter be reconsidered by a Committee as we may have other remarks to present. Bless our Proceedings.

**MR SPEAKER:** Very well thank you. I call on Afioga Toeolesulusulu Cedric Pose Schuster; it is now your time before the opportunity is given to the Leader of Opposition and Deputy Leader.

I call on the Member for Aana Alofi No.3.

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:** Thank you Mr Speaker for the opportunity. I am grateful for this Bill. Mr Speaker I have heard some of the opinions raised by Members. It is with utmost respect to the Hon Prime Minister and Cabinet especially the Hon Minister that I request the matter be reconsidered by the Committee. This way they will be able to include the matters raised by Members which I believe should be clarified further. If not then I humbly request that we draft another amendment once we return from the Elections.

Mr Speaker I have heard the explanation given stating the qualification for urban voters. As the Hon Minister has also stated the qualification for a candidate is also clear although the Bill has been amended.



21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

It does not clarify the matter of how a candidate is qualified for the urban seat. It only states the time frame by which a person is qualified as a candidate. Does this mean they only have to stay here for six months then be a qualified candidate? This is the reason why I suggest that this provision be reviewed, to separate the qualification for the urban voter and add the qualification as a candidate. I support the opinion made by one of the Members regarding service to the church and constituency because the Pulenuu can easily vouch for the candidate to run for elections if they have served the village well.

Mr Speaker I now come to the issue of boundaries. It is quite hard to compliment the division made because there are other villages missing from the boundaries. Is it possible to review it? For instance, Vaimauga West does not include Toomatagi, Faatoia, Falefitu and others villages. There seems to be a difference with the urban area definition stated in the Bill and the one used by some Ministries like PUMA which is a matter that should be re-evaluated. The urban boundary mentioned does not encumber urban seats within the urban east and urban west. This is a humble recommendation...I believe....

**MR SPEAKER:** Pardon the Member I will give the opportunity for the interruption of the Member Faleata West.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker, the matter deliberated by the Member is very important. The Cabinet has already passed the urban area definition mentioned in November last year. The Ministry of Natural Resources has the mandate to identify boundaries within the country. It has already been passed and the Cabinet is well aware of this matter. These urban area boundaries are used for elections, statistics and other purposes to standardize the area. It is used by the Government for future developments.

With respect. Thank you.

**MR SPEAKER:** Very well. The opinion by the Member is now noted. I call on Afioga Toeolesulusulu Cedric Pose Salesa Schuster to continue with his explanation.

**Afioga TOEOLESULUSULU CEDRIC POSE SALESA SCHUSTER:** Thank you Mr Speaker for the opportunity. Another reason for suggesting a review on these boundaries, if we look at the census undertaken in 2011, Faleata West had a population of 18,000. As for Faleata East the report noted a number of 12,000 to 14,000. Vaimauga West 14,000. These three constituencies hold 1/5 of the overall population, all the more reason to re-examine the definitions. It is true that most of these people vote for the constituency of their family and where they were bestowed matai titles but it is also important that we assess it again. It is important that the voice of those living within these areas be heard.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Lastly Mr Speaker it is my understanding with the clarification given by the Electoral Commission that those living in Aleisa and Aeale can vote for the urban seat candidate. I am not certain about this, but we have defined these boundaries then we should stick to it. As for others outside of this boundary they vote in other constituencies, let us not define boundaries within the Bill together with candidates because these are people who voted for the Individual Voters seat. If we were to implement this amendment, then what the Member for Sagaga le Usoga said will be true, there will be 20,000 to 30,000 people in Sagaga le Usoga. Mr Speaker this is the recommendation, for Government to overlook this matter. Thank you.

**Tofa Tuisa Tasi Patea:** Mr Speaker I just want to rephrase the statement by the Member, it is Sagaga le Falefa not Sagaga le Usoga.

**MR SPEAKER:** Well Sagaga is Sagaga it is the same thing. Even though there was a mere difference but it is the opinion of the Member that counts. I call on Afioga Maualaivao Ah Him.

**Afioga Maualaivao Pat Ah Him:** Thank you Mr Speaker I now understand the issue. Thank you.

**MR SPEAKER:** Very well, I want to thank the Member for the speech. Well Afioga Aeau Peniamina Leavaiseeta it is now your time.

Afioga Hon AEAU PENIAMINA LEAVAISEETA (Falealupo): Mr Speaker and Members of the House I move with respect to speak upon the Bill deliberated. I have heard many opinions voiced by Members and have grasped that this is a very important Bill especially for the records of this Parliamentary term since it will redefine the boundaries and create a new seat. It is the norm of this constituency to always travel to Falealupo to vote, they do not vote anywhere else. I personally give importance to the fact that this has been consulted on by the Government and the Cabinet. My only request is that the matter be referred to the Committee. Why? So that the nation can be heard especially when so many are affected. That is the simple and humble request for all to be heard and also that there is a complete and thorough outcome. With utmost respect, thank you.

**MR SPEAKER:** Very well, thank you. Pardon the Member I will give the opportunity to the opposite side of the House. I call on the Member for Faasaleleaga No.4.

**Afioga PESETA VAIFOU TEVAGA (Faasaleleaga No.4):** I want to thank the Chair for leading our Proceedings. I move with respect to voice an opinion of this constituency on the important Bill tabled.

I will be brief with the Bill, I wanted to understand the matter concerning these two new urban seats.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Mr Speaker since this morning most of the Members have voiced concerns for the urban seat, where people from Upolu, Manono and Apolima are able to vote except Savaii. I have noted that the Bill only specifies Upolu since these are seats close to town where there is a wharf and airport.

I am saddened by this decision. It seems only Upolu will be given the opportunity to vote for these two seats. The question here is, how about Salafai? We keep using the saying, what is good for Upolu is also good for Savaii and the rural areas. Most of the voters for these two seats are from the island of Savaii. Although it seems that the two seats are now being divided among Vaimauga and Faleata.

In Savaii the town area is Faasaleleaga. There is the wharf, hospital, airport and other amenities. In Savaii Faasaleleaga is a constituency that is mostly populated. This is why Hon Minister for consideration on the state of urgency of the two urban seats I ask that you consider another urban seat for Salafai, especially for Faasaleleaga. If we look at Faasaleleaga district there is Faasaleleaga No.1, No.2 and No.3 we should change it. How about Faleata there is Faleata West, Faleata East, Vaimauga West and Vaimauga East.

These are a few queries for the Hon Minister and Ministry to consider, there should be a balance. This means if the Government has decided to implement these two seats for Upolu then Savaii should also have the same. We have seen that there is already a town in Savaii which is Salelologa. This is an opinion on the matter to ensure that there is equality; what is good for Upolu is good for Savaii. With respect.

**MR SPEAKER:** I thank the Member for the clarification. Pardon the Leader of Opposition; I will give the opportunity for this side before you conclude. I call on the Deputy Speaker.

**Tofa AGAFILI PATISELA ETEUATI TOLOVAA:** Thank you for the opportunity. I believe we have reached that time where we anxiously wait for our one o'clock recess. I recall the history of this seat in the past it started out with many seats until there was only two. This means the number has decreased, but we have spent this entire morning deliberating this issue. There are times when comments are loud and at times voices are low. If this is how it is going to be why not make a final decision rather than waste time, with respect to Susuga Papalii and Afioga Maualaivao.

**MR SPEAKER:** I call on the Member for Individual Voters.

**Afioga Maualaivao Pat Ah Him:** Mr Speaker and respectable Members of the House. Perhaps the statement made by the Member is true that the number of these seats has decreased to two, but it is only specific to the Members and does not account for the increasing number of voters. There is a significance of these two seats; they have served Samoa for more than fifty years.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

It has been a long time but now it will end here. I have heard the wonderful opinions of Members hence I wanted to stand and respond but I was worried of the time. The only issue I want to emphasize is the term service. It does not matter where you reside. As long as you serve your constituency everything will fall into place, service is not done by words but by actions.

With respect. Bless our Proceedings.

**MR SPEAKER:** I apologize to the Deputy Speaker since we have reached our recess time which is a good time for Afioga Maualaivao to take the opportunity to decrease his blood pressure. Nonetheless let us take a break and think of other issues that we can voice when we return again for this evening. I want to thank Members for our work today.

I am confident that when we return at 7:00pm we will have the strength to proceed with deliberations on the Bill. I have noted that deliberations this evening will not be easy. It is not an easy task as well for the Hon Minister and Hon Prime Minister and Cabinet to ensure that this Bill be thoroughly discussed. This is why I believe it is important that opportunities be given to Members, considering it is in a state of urgency to voice your opinion on the Bill.

*Proceedings of the Legislative Assembly were set aside at 12:58pm.*

*Proceedings of the Legislative Assembly resumed at 7:00pm.*

*Deliberation on the second reading of the Electoral Amendment Bill (No.2) 2015 resumed.*

**MR SPEAKER:** I welcome all Members this evening to the start of Proceedings as per the motion moved this morning. This is to achieve the work of the House in relation to Orders tabled. I thank you all for your patience. The sun has set ending the day and most of the people have finished work and gone home to attend evening prayers. I thank the Lord Almighty for His guidance today, His protection on the people of Samoa.

I thank the Lord for guiding everyone back here safely, for giving us the opportunity to progress with our work.

Before we took recess this afternoon we were deliberating on the Electoral Amendment Bill No.2 2015, therefore I will give the opportunity to the Hon Prime Minister.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**Susuga Hon TUILAEPa FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker our praises to the Lord above is never ending as he has safely lead us here this evening, to continue with our orders and deliberate on matters related to the Electoral Bill.

The recess taken has given us time to think about the Proceedings that took place. The truth is, the issues raised within the Bill are not new, neither is the state of urgency in which the Bill is under as initiated by the Cabinet and respective Minister. It is important to ensure that employees have enough time to prepare information and to resolve issues so everything will run smoothly for the upcoming elections next year. There is no other reason why it has been put in a state of urgency. I have noted that the Bill was first tabled last year with the same objective. Unfortunately at the conclusion of the deliberations on the Bill under a state of urgency, the Government decided to amend provisions in accordance to some of the opinions raised by Members. This resulted to the Bill being referred to Committee for consideration; amendments were made to the Bill which is now being tabled in the House.

Mr Speaker this does not mean Cabinet made this decision unknowingly. It is the decision of Cabinet that we progress with the debate to pass the Bill so that we will be able to start preparing for the upcoming general elections.

In relation to the opinions voiced this morning by Members, it seems that they are questioning the decisions of Government. Other Members even started preaching like a pastor on Sunday, speaking of the supreme law of God; “Charity”. This does not change anything. The Bill was not initiated to please one or more Members within the House. The purpose for the Bill Mr Speaker is to lay out guidelines so that General Elections will run smoothly. This is another reason why after the Elections a Commission will be set up. We all remember some of the issues at the time which the Government sorted so that decisions were just. Unfortunately the words of the Lord are also evident, “the weed grows together with wheat.” Every time we try and do something good, there is also bad. This world has the presence of evil which we cannot really control.

This is why Mr Speaker every time we try and do something good there is always someone who will undermine new initiatives brought into the House. Mr Speaker this side holds the majority of 37 Members if we add the new Member we have won again. This is how a democratic countries work. Democracy is where the majority of the population votes, this is the reason why this Party holds majority because they were chosen by the people to make decisions for the country. Nonetheless even democratic states are not perfect. It is the reason why laws are continuously amended; it is the philosophy that this Government is founded. If we give this power to more than five people naturally problems happen. If we give the power to one person it will be the same. This is the reason why professors created the three pillars of democracy of which consists of the legislative, executive and judiciary.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

These are the three authorities, “Parliament, Judiciary and Executive.” These pillars work together by overlooking the work carried out by the other. These are the powers stated within our Constitution ever since the past.

In the past, countries were governed by the Rule of the Jungle, this means that we lived on the rules governing animals who roam the forest. The strongest animal would be the ruler which is the result of the lion becoming the king of the jungle. This is how most Governments ruled. It was based on your strength to overthrow another Government and you can become supreme ruler or a Military ruler.

Mr Speaker this is the reason for the founding of the Land of God. The decisions made by Israel came directly from God through his servants. It later resulted to Israel not being content with their Lord and they wanted another ruler who they could see and talk to. Some found it hard to believe the messages delivered by their own Prophets. This is the reason why the Lord told Samuel, “tell them of the procedure of the king who will reign over them, he will take your sons and place them for himself in his chariots and among his horsemen and your daughters to do as he desires.” This is how power was used in the past. There is only one King that holds the power. It brings to mind the wonderful story of King Solomon and his judgments. He is a King who does everything, writes the laws, he holds all three powers. The judgments of King Solomon impressed the Queen Sheba and she fell in love with him. When she left Israel and returned to her kingdom, she had bore him a son also named Solomon.

Mr Speaker it seems the words of the Lord to Samuel have been true, the Kings have fought with their people because of their reign of terror. There was a big war in Britain where the King asked Parliament, who is ruler? He was the ruler. But the Parliament answered, “You are not the ruler, we are because we were voted by the majority of this country.” What happened? It resulted in a war, this happened in the 18<sup>th</sup> century. The King had his own army and the Parliament had their own as well, the Leader of Parliament at that time was the famous hero of Cromwell. In the end, the Kings army was defeated but I will not explain further what the actions of Parliament. The King of Britain was removed as holding the supreme power which resulted in the relationship between the Monarch and Parliament within Britain which is seen today. The King will just oversee the country, sign papers and attend to official state matters. He does not have the power to make the law because it is now the responsibility of Parliament. This was the start of Parliamentary Governance later followed by the United States of America in the 18<sup>th</sup> century, signifying the three pillars of democracy. Our own country follows in this system with the three pillars – Parliament, Judiciary and Executive. Overall this was a result of notorious leadership in the past.

Mr Speaker I have mentioned this incase this Cabinet is blamed for abusing its power. The reason for implementing these provisions within the Bill is to ensure that the Election preparations run smoothly.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

It was obvious earlier that the opinions made by the Members swayed towards referring the Bill to the Committee for scrutiny instead of the decision being made today as an Act of Parliament. It is the Hon Minister and Cabinet's opinion that our work flows smoothly so that we are not blamed for the delay in our decisions in Parliament. These are all the strategies by Cabinet for the efficiency of our work. The requests were that more opportunities be given to Members to deliberate the matter. It seems most of the opinions were made towards the two seats for Individual Voters. This is the reason why the Cabinet cannot make a hasty decision; these two seats have served this Parliament for a long time. It is also clear that most of the Members are affected by this amendment especially the constituencies of Vaimauga and Faleata. As I said, we have heard that most of the comments call for the Bill to progress through its normal procedure of scrutiny. Samoa, there is no intention for our work to be rushed.

Mr Speaker this is the reason for taking the floor. A decision has been made for the Bill to be referred to Committee for further consideration and to be referred back in to the House to be passed. I have noticed that there are a few Members to speak on the Bill before the Hon Minister will move a motion for the referral to Committee. Mr Speaker there is still a lot of time, I hope by May this report will be submitted back into the House for usual procedures. I also hope by that time the Constitutional Amendments considered by Committee will also be referred back. This is the Bill that goes hand in hand with this Bill because it affects the Individual Voters within the Constitution which should be amended as well.

Mr Speaker we still have a lot of time to spare, the Hon Minister is also confident of her staff. Even though it has taken longer than expected I believe proper measures will be taken by those who specialize within this area, who will ensure nothing will go wrong in the upcoming Elections.

Mr Speaker this is a humble response in relation to the opinions voiced this morning, bless our Proceedings.

**MR SPEAKER:** Thank you Hon Prime Minister I believe Members of the House have understood the matter clarified. I also believe all of Samoa has heard the speech made by the Hon Prime Minister; we have been deliberating the Bill since this morning. This is a reason why the Chair has continuously given Members opportunities; the Bill is not a small one since it affects all Members of Parliament and the whole country. It was not long ago since we passed some of the important amendments, and some constituencies approached Parliament because of it and this matter went before parliamentary Committees. The clarification given by the Hon Prime Minister is very clear; it has changed the atmosphere this evening especially for Members who have already spoken on the Bill. This is the reason why Government requested that this matter be deliberated further within the House.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

I want to thank the Hon Prime Minister especially the Lady Minister and Cabinet, challenges won are the ones with blessings. An opportunity is still allowed, as I said earlier there is only one more person who has not spoken; the Leader of Opposition. After that the Hon Minister will respond before the usual procedure of passing a Bill progresses as per the motion by the Hon Prime Minister, for the Bill to be referred to Committee.

I call on the Member for Faleata West, is there a problem?

**Tofa LEALAILEPULE RIMONI AIAFI:** Mr Speaker I believe it is important that I acknowledge the clarification made by the Hon Prime Minister. Since it is was this constituency that requested the Hon Minister and Government review this matter. It is now clear that the matter will be referred to the Committee. Mr Speaker I want to take this opportunity to express a vote of thanks.

Before coming to our Proceedings this evening, my Mum called as it is her usual duty to give me her advice and blessings. She said, “Lealailepule the Bible verse for today is from the Book of John, Chapter 15:1-4, I will read it to you now.” Then she read these verses to me speaking of true vine, and then I asked her, what exactly is the message? What is the importance? She said ‘he prunes every branch so it may bear more fruit.’ This saying relates to the work done here today Hon Prime Minister, we have amended the Bill making it more fruitful. This does not mean that we do not appreciate the importance of the Bill; this constituency appreciates all that has been done. The land of Faleata was the founding land of the HRPP, it is the land where wisdom is sought. The Hon Prime Minister has shown wisdom. These days are unforgettable. As Jacob said to Esau when they greeted, “I have seen God face to face”, this is how I see the Hon Prime Minister today and it portrays your skills as Leader to all of us.

Hon Minister this does not mean that I have forgotten, every time we talk about female Ministers within the Pacific and the World there is no one like you. Therefore whatever the decision made by the Committee this Member for Faleata will accept and will not question further. We will await the response of Government on the matter deliberated. I personally want to say whatever the outcome, this side will agree to the response given. We will respect the decision made by the Hon Minister responsible for the Bill. May the Lord bless our Proceedings this evening thank you.

**MR SPEAKER:** Very well thank you. The Leader for Opposition do you still wish to speak? I call on the Member.

**Afioga Hon PALUSALUE FAAPO II:** Mr Speaker and respectable Members of the House, days like this do not come easy, especially since the decision made by Government was not simple. We cannot go back and forth unless it is a matter that needs the advice of the Deputy Leader and this side of the House.



21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

The Member for Faleata West has spoken and I will not speak further on the matter. I feel that the progress of such Bills should always follow our Standing Order and democratic process, which I have seen is complete tonight. As the saying goes, the more lights, the better the catch, why? There will be seven Members assessing the matter and there will be views from the general public. We were under the impression that this would not happen. Hon Prime Minister and Hon Minister, I am thankful for your decision, it portrays the differences in how we think and carry out duties but for the same purpose, the development of the country. The clarification made by the Hon Prime Minister tonight has clearly portrayed a democratic system of Government. Therefore I want to thank the Hon Minister for the Bill and the Hon Prime Minister and his Party. Lastly I want to thank the Chair for the opportunity and for giving this side of the House an opportunity to speak on the Bill especially for your consideration of the development of Samoa. Bless our Proceedings.

**MR SPEAKER:** Very well, I will now give the Hon Minister the opportunity to respond to the queries as per our normal procedures for every second reading before we move on to the motion.

I call on the Hon Minister.

**Afioga Hon FIAME NAOMI MATAAFA:** Thank you Mr Speaker for the opportunity. This is a different evening as the Leader of the country has taken the floor to respond to some of the issues and the progress of our orders. The Government has encouraged what is needed and that is for the matter to be referred to the Committee as per normal procedure for anyone to attend and voice their opinions on the Amendment Bill.

Mr Speaker I humbly request that the amendments be recorded within our Parliamentary records. These changes include the amendments made on urban boundaries by Cabinet submitted in December which was presented in the Committee report in the last sitting. It read that the Committee has not considered the amendments that were made in December and February. The Committee tabled its reports on the Electoral Amendments in March. But the amendments drafted which we are now debating was before December. Mr Speaker I want this occurrence to be recorded since the Committee did not consider the matter for the past four months. They solely decided that the Government draft another Amendment which we are now deliberating. The speech given by the Hon Prime Minister in relation to the use of power within the different areas of Government is very important. The authorities are the Parliament, Court and Executive. We should also remember that our system of Government differs from others because within Parliament, there is the Executive. This is the difference in relation to other democratic countries like America. Nevertheless we should not forget the clarification by the Hon Prime Minister that we should use this power wisely; the power given by the law to carry out our duties.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Mr Speaker I support the notion voiced by the Leader of the country therefore it is my duty as Minister of the Electoral Commission to prioritize our work. Nonetheless Members also have the duty to convey opinions especially the Committee, this is why we deliberate.

It seems with the Amendments tabled, the main issue raised by Members is the new boundaries for the urban seats, and other changes. Mr Speaker it is important that I go back to reiterate my statement made in the tabling of the Bill last year. I clearly told the House that there are two major changes initiated by the Electoral Commission considering the upcoming Elections. There will only be one electoral roll for all Samoa, there will be no more territorial constituency roll and Individual Voters roll. This is the amendment stated within the Bill tabled, there will be no more Individual Voters roll. This amendment proposes the two new urban seats, which is the first major change.

Second amendment, is to the constituencies with two seats. These constituencies will be divided again to have one vote, and for voters to only vote for one candidate perhaps this will resolve some of the issues seen in the past elections. This is done specifically for constituencies that have two Members.

Mr Speaker I will leave the urban boundaries amendment to be discussed later but I will now try and answer a few queries made by Members. I believe there is no need to clarify the amendment of the six month and three years period because I have already answered that question. I will just summarize the issue that the three year period given to other candidates is also applied to urban candidates.

Another issue raised by one of the Members was whether a Court decision on an electoral matter could be appealed. Mr Speaker I just want to remind Members of the House that any decision on an electoral matter cannot be appealed. Therefore I want to clarify that the Court of Appeal twenty years ago decided that any electoral related matter cannot be appealed because of the urgency of the matter for the vacant constituency seat to be filled. The new amendment in the Bill refers to requirements before the Elections which is the eligibility of the candidate. As for the appealing of Court decisions, it cannot be done. This is a clarification on this issue.

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

**Tofa Levaopolo Talatonu:** Mr Speaker, I want to thank the Lady Minister for the clarification of this matter. The only recommendation on this matter was that it is reconsidered. As you mentioned, it has been twenty years and this provision still remains in the Electoral Act. Earlier, the intention was to point out that it is inconsistent with the Constitution of Samoa and the right to appeal. Mr Speaker the English translation given is quite strong as if it is not a Bill, I will read it to you, “An order made under subsection (9) is final and is not subject to any review or appeal.” This statement is very stern....

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

**MR SPEAKER:** The opinion given is now understood, I will give the opportunity to the Hon Minister.

**Afioga Hon FIAME NAOMI MATAAFA:** Mr Speaker I believe I was discussing the matter of different powers. The Court of Appeal is the highest Court within the country; it has made decisions related to electoral matters. I will not stop the Member if he wants to challenge this provision of the law. I have clearly stated that the provision is not a new one. This was also an issue the Committee encountered where they wanted to establish a Tribunal so that a decision will be made quicker. Unfortunately it will still have to go through Court as it is the law. It is the decision of the Member to do what he pleases but I have already explained the matter. The reason why this provision was amended within this Bill was to go to the Court before election since most of the cases are done after elections. If they are to do this before then it will enable candidates to challenge one another to determine who is more eligible. Mr Speaker perhaps this explanation will assist with the query raised by the Member.

Since the Bill will be referred to the Committee I would like to take this opportunity to elaborate further on the redefinition of boundaries. It seems that most of the concerns voiced on the urban boundary is the assumption that all of the constituencies of Vaimauga and Faleata, Vaimauga East, Vaimauga West, Faleata East and Faleata West will be affected. It is clearly stated within the Bill that the border is within the boundaries of Faleata East and Vaimauga West. The Cabinets review of the boundaries was to redefine the urban seats. The definition of urban mentioned by one of the Members included that from the Ministry of Natural Resources and Environment and the Bureau of Statistics. The Land Transport Authority should also have its own definition of an urban boundary and also a rural area. The reason for changing the boundary of this new seat was because it was lying on the borders of the territorial constituencies. As I stated earlier, these boundaries are those provided for in the Territorial Constituencies Act 1963, this is where all the territorial constituency boundaries are recorded. Perhaps Members are looking at the Electoral Bill but it is very different from the Territorial Constituencies Act which divides the whole country. The boundaries for the urban seats are not redefined to be on the territorial constituencies of Vaimauga West and Faleata East.

Mr Speaker if we were to extend the boundary to include Vaimauga East and Faleata West, there will only be one urban seat and two territorial constituencies. This will mean there will be a larger boundary for the new seat nonetheless this is just the beginning, this is why we have redefined this boundary out of these constituencies. Mr Speaker and Members of the House we should remember that voters will not only be from within the urban boundary but also those registered under the Individual Voters seat. Those who have registered under Individual Voters roll can vote for the urban seats candidates in the upcoming 2016 Elections. This is to ensure that election process will run smoothly and to eliminate the Individual Voters roll.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

Mr Speaker, Vaimauga West and Faleata East are not the only ones affected by these changes. One of the Members has mentioned Savaii, if we think of the urban area we are talking of Apia. Unfortunately the number of people living within Vaimauga and Faleata has increased, the same for the Sagala le Falefa constituency all the way to the airport. We all know that the road through these constituencies is a corridor on which its sides are areas where the countries developments are established. There is an issue that I want to discuss now that the matter will be considered by the Committee. We have long deliberated on the reason for having two seats in one constituency, why? This is based on the increasing number of the population. This has become an issue because there are freehold lands within traditional villages which is where most of the population resides together in. This has resulted in some saying that outsiders have decided the Elections. Our Constitution is founded on the matai system, which is the system our forefathers requested of the United Nations to govern our electoral processes. We even argued the matai system as we debated the division of Safata in our previous sitting. It seems with the amendments made on the Electoral Act we are still trying to determine the state of Samoa. Where is our Constitution? Is it still based on the matai system and their authority in the villages and constituencies? Or are we looking at the population. I believe Mr Speaker that such measures should be considered carefully from time to time. This is what we are doing now with the new changes to have only one roll for elections. This will eliminate the seat for Individual Voters monitoring the new changes and also plan on what should be done for those living on freehold land. Are those living on freehold land part of the authority of Alii and Faipule? These are the questions we ask ourselves for future assessment.

Mr Speaker perhaps there will be another time to discuss the matter further once the Bill returns from the Committee. Mr Speaker my only request since you have the power on proceedings, I pray that this Bill return to the House in May which is next month.

Secondly Mr Speaker we are yet to consider the Constitution Amendments which implements three provisions; the Appointment of O le Ao o le Malo, the appointment of the Speaker and third the removal of the Individual Voters roll. These Amendments should be tabled back into the House for consideration together with the Electoral Amendment Bill. This is a request; thank you and God bless our proceedings this evening.

**MR SPEAKER:** Thank you Hon Minister, I believe we have reached the conclusion of our deliberations today. I believe nothing further is needed to be said since the Leader of the country has already explained the matter. The Hon Minister has also clarified the queries voiced by Members and the response has clarified the purpose of the amendments. I have heard through the Hon Minister that there is much work that is needed to be done especially in the efficiency of the Parliamentary Committees.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

This includes the Committee I Chair, with the Deputy Speaker as Deputy Chairperson, and composing the Hon Prime Minister, Leader of Opposition and the Member for Faleata West. It is provided for in our Standing Orders; the Business, Standing Order, House, Officers of Parliament and Electoral Committee.

There were several issues and concerns with our relationship with the Hon Minister, it was impossible as the Chair to make a decision even with the Hon Prime Minister as a Committee member. The Hon Prime Minister is the Leader of the Government and I conduct our Sittings and in addition I also Chair the Committee and it is difficult to be impartial. I will not reiterate the issue you have stated that it has taken us ten months to deliberate this matter. It is not a simple task; we have to go to Savaii and come back to draft the Bill to be tabled. The objective of the Committee was to consult and consolidate the views on the matter. Unfortunately I cannot say anything further because we have passed Apolima, the Bill has already been passed.

The decision made this evening has resulted in the decision for the Bill to be referred to another Committee as it is stated within our Standing Orders. This will bear a neutral decision, not only from the Hon Prime Minister but from the Chair of the House. The Hon Prime Minister has given his consent that the matter be referred to Committee for further consideration. After which it will be referred back into the House and we shall deliberate the Committee recommendations. I pray that the Hon Minister assist with this matter and work together with Committee.

I take this opportunity to invite the public and Members of the House who you want to speak on the Bill to come to the Committee hearings. This will give everyone the opportunity to have their say before the Bill is referred back into the House for its decision.

I pray Hon Minister that what ensued between us will not happen again. I believe the matter has started to progress, let us look forward to what the future brings; I appease the Standing Orders Committee since the matter will be referred to another Committee. The Hon Prime Minister has also requested that the matter concerning our Constitution be referred to another Committee. I apologize, in consideration to the busy schedules both the Hon Prime Minister and I are faced with everyday.

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

**MR SPEAKER:** Pursuant to Standing Order 1A(1) the Electoral Amendment Bill (No.2) 2015 will be referred to the Primary Production, Commerce, Industry and Labor Committee for consideration and to report back to the Assembly no later than 26<sup>th</sup> May 2015. I humbly ask that the Committee take heed of this matter requested by the Parliament. This Committee was not randomly chosen.

21 APRIL 2015

**Electoral Amendment (No.2) 2015 – second reading**

They always fulfill their duties and its reports are submitted into the House on time. This is why I ask that the Committee to take the consideration of this Bill together with the Constitution Amendments seriously.

For the clarification of the House the Primary Production, Commerce, Industry and Labour Committee is chaired by Afioga Leaupepe Toleafoa Apulu Faafisi, Deputy Chairperson is Afioga Maualaivao Pat Ah Him, and Members include Afioga Afualo Wood Salele, Afioga Hon Aeau Peniamina Leavaiseeta, Tofa Aveau Tuala Lepale Niko Palamo and Tofa Faimalotoa Kika Iemaima Stowers.

This is an announcement to ensure the efficient progress of our work in the May sitting, with respect.

**INTERNATIONAL COMPANIES AMENDMENT BILL 2015  
– second reading**

**MR SPEAKER:** In respect of the Certificate of Urgency presented signed by the Member of Council of Deputies the House will now proceed to the second reading of the Bill.

I call on the Hon Prime Minister.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the International Companies Amendment Bill 2015 be read a second time and I wish to speak on the matter.*

*Seconded by the Minister of Works, Transport and Infrastructure.*

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

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker the Bill seeks to amend the International Companies Act 1988 (“Act”) to address the deficiencies identified in Samoa’s Phase 1 Peer Review Report under the Organization for Economic Co-operation (OECD) and Development Global Forums peer review mechanism that took place in September 2012. There are three objectives of the bill first to, eliminate the issuing of bearer shares.

Second, requires an international company to keep accounting records and the type of information required to be kept for seven years. The Bill includes other consequential amendments related to International Companies including partnerships. Mr Speaker for the understanding of the country, we also have international companies. These companies do not have to come here they just have to register and pay the license and remain overseas. This is one way to earn income which also applies to Samoa. It is noted that most developed countries have issued such agreements because of the businesses it generates.

21 APRIL 2015

**International Companies Amendment Bill 2015**  
– second reading

This is the reason why it is important to keep accounting information so that they can assess the progress of companies especially the profits these businesses achieve. Our country has gained a few profits from these businesses in the country. We get more than \$20 million to \$30 million a year if we have a few companies registered here in Samoa. A measure to be taken for such development is being cautious and we do not approve any company which is found to have a questionable background after our investigations. Such would be unethical connections in generating profits. This is the purpose of our company being set up using information similar to other businesses and not these questionable types. Our International Company today is well known within several forums because our Directors attend meetings overseas on how to avoid using illegal means of generating income.

This is why Mr Speaker we have made these amendments, for provisions to correlate together with the international framework which will uplift our own businesses standards. This is the reason for recommendations given so that we are in line with other international companies especially in retaining financial information for seven years.

Mr Speaker this is a brief clarification of the Bill, the House should consider that amendments made are to improve our partnerships with other international companies. We ought to be prompt with amendments since there is so much competition. We are competing with other companies who are also part of this agreement. If we are prompt with amending provisions to adhere to international OECD standards we will quickly attract overseas companies to invest into our country.

In our country the name of the organization carrying out this responsibility is the Samoa International Finance Authority (SIFA). The duty carried out by SIFA is finding sponsors from overseas for the Manu Samoa and other organizations that need to go overseas like the League. In cases where organizations cannot be sponsored from overseas, SIFA is the one able to give financial support especially in sports

**MR SPEAKER:** Thank you Hon Minister also the Hon Prime Minister for the clarification on the Bill. I believe Members have understood the clarification given especially with the explanation given by the Chief Executive in our de-briefing on Monday. The Bill tabled is initiated out of international provisions guiding international financial institutions. It is important to note the significance of this Bill and the reason for its initiation. I believe no one wishes to speak on the matter.

*Motion approved and the International Companies Amendment Bill 2015 was read a second time.*

21 APRIL 2015

**CASINO AND GAMBLING CONTROL AMENDMENT BILL 2015**  
**– consideration in detail**

**MR SPEAKER:** In accordance with the Certificate of Urgency presented and signed by the Member of Council of Deputies, the Assembly will now consider the Bill in detail.

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

**CLAUSE 2: Section 2 amended.**

*Approved.*

**CLAUSE 3: Section 23 amended**

*Approved.*

**CLAUSE 4: New section 88A added.**

*Approved.*

**CLAUSE 5: Section 92 amended.**

*Approved.*

**CLAUSE 1 AND TITLE:**

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

**TITLE: Casino and Gambling Control Amendment Act 2015.**

*Approved.*

*The Casino and Gambling Control Amendment Bill 2015 progressed without Amendments.*



21 APRIL 2015

**INTERNATIONAL COMPANIES AMENDMENT BILL 2015  
– consideration in detail**

**MR SPEAKER:** In accordance with the Certificate of Urgency presented and signed by the Member of Council of Deputies, the Assembly will now consider the Bill in detail.

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

**CLAUSE 2: Sections 39 and 39A amended.**

*Approved.*

**CLAUSE 3: Section 113 amended**

*Approved.*

**CLAUSE 4: Consequential amendments**

*Approved.*

**CLAUSE 1 AND TITLE:**

**CLAUSE 1: Title and Commencement.**

**TITLE: International Companies Amendment Act 2015.**

*Approved.*

*The International Companies Amendment Bill 2015 progressed without Amendments.*

**CASINO AND GAMBLING CONTROL AMENDMENT BILL 2015  
– third reading**

**MR SPEAKER:** In accordance with the Certificate of Urgency presented and signed by the Member of Council of Deputies, the Assembly will now read the Bill a third time.

I call on the Hon Prime Minister.

21 APRIL 2015

**Casino and Gambling Control Amendment Bill 2015– third reading**

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the Casino and Gambling Control Amendment Bill 2015 be read a third time.*

*Seconded by the Member for Aleipata Itupa i Lalo, the Minister of Works, Transport and Infrastructure and the Minister of Women, Community and Social Development.*

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

**INTERNATIONAL COMPANIES AMENDMENT BILL 2015  
– third reading**

**MR SPEAKER:** In accordance with the Certificate of Urgency presented and signed by the Member of Council of Deputies, the Assembly will now read the Bill a third time.

I call on the Hon Prime Minister.

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker I move a motion, *That the International Companies Amendment Bill 2015 be read a third time.*

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

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

**MR SPEAKER:** I believe that concludes the Government matters for today, we have now arrived to the consideration of Select Committee reports. Therefore I believe it is best we take recess early, we still have a lot of work to be deliberated. At least we have passed the Bills in accordance to the Certificate of Urgency issued. We will now take recess to regain strength to deliberate on the Committee reports before the House.

I announce that the Proceedings of the House are set aside for its usual evening recess.

*Proceedings of the Legislative Assembly were set aside for its usual recess from 8:26 until 9:05pm.*

**MR SPEAKER:** I believe Members of the House have regained their strength from the refreshments provided thus we have now reached the last half of our Proceedings this evening.

Before we took recess we were about to consider the Select Committee reports.

21 APRIL 2015

CONSIDERATION OF COMMITTEE REPORTS

P.P.2014/2015 NO.215, FINANCE AND EXPENDITURE COMMITTEE  
REPORT ON P.P.2014/2015 NO.151, ANNUAL REPORT OF THE  
POLYNESIAN AIRLINES FOR THE FINANCIAL YEAR ENDED  
JUNE 2014 - Consideration

**MR SPEAKER:** I call on the Chairperson of the Finance and Expenditure Committee.

**Afioga Hon PAPALIITELE NIKO LEE HANG:** Thank you Mr Speaker for the opportunity. I believe the Chair and Members of the House have found strength with the refreshments provided this evening.

Mr Speaker with respect I move a motion, *That the Assembly approve the report of the Committee together with its findings, recommendations and resolutions.*

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

**MR SPEAKER:** I call on the Chairperson to present the Committee recommendations, findings and resolutions.

**Afioga Hon PAPALIITELE NIKO LEE HANG:** Mr Speaker, at the conclusion of its investigations the Committee recommends the Government.

**“RECOMMENDATION:**

1. Advise the Company and the Board to implement its future proposals in regards to negotiations and planning for international travel especially between New Zealand, Australia and America. The Committees recommendations is based on:
  - Whether it is appropriate to reconsider a lease/purchase for an aircraft for international travel;
  - With consideration to the partnership between Air New Zealand and Virgin Australia this would result in costly airfares for our people and tourists.
2. Conduct a feasibility study to avoid a repetition of past events.

21 APRIL 2015

**P.P.2014/2015 No. 216, Primary Production, Commerce, Industry and Labour Committee Report on the P.P.2014/2015 No.120, Annual Report for the Ministry of Agriculture and Fisheries for the Financial Year Ended 30<sup>th</sup> June 2013 – Consideration**

5. **The Ministry of Agriculture and Fisheries should work in partnership with the Bureau of Statistics in recording the total number of cattle farms in the country.”**

With respect.

**MR SPEAKER:** Thank you Chairperson for the clarification, I believe there is a Member who wishes to speak on the report. I call on the Member for Faleata West.

**Tofa LEALAILPULE RIMONI AIAFI:** Mr Speaker thank you for the opportunity, also I thank the Chairperson for the report.

I also want to thank the Hon Minister and Ministry for the work; it is evident that the work of the Ministry has vastly improved. First, I heard that there is a fumigating building for our produce sent overseas. As I mentioned earlier I was in Australia last week and I wanted to ask the Hon Minister what exact products are being exported, because even seafood is not allowed in Australia. I do not understand this at all because it was allowed in the past.

Secondly there was a trip we went on where we had to take fine mats, we had a certificate already signed by the Ministry here but when we got to Brisbane Australia they did not acknowledge it. These are the issues that should be reviewed to adhere to international standards especially with products that have already been allowed under the law.

Third, I have noticed in Vaitele where I reside, there are so many rhinoceros beetles. It has been ten years since I have lived there but this is the first time I have seen these beetles again after more than twenty years. Now there are so many. This is an important tree because of the many uses it has in the country. These are a few queries in relation to the report thank you.

**MR SPEAKER:** I believe this is the only Member who has queries. I call on the Chairperson.

**Afioga Hon LEAUPEPE TOLEAFOA APULU FAAFISI:** Mr Speaker thank you for the opportunity. These are matters that the Committee recommends the Members voice before the House so that the Ministry is aware and move to improve their work especially in the relationship with overseas countries. The Committee recommends that the Ministry follow through with recommendations clarified in our report especially the matter mentioned by the Member.

21 APRIL 2015

**P.P.2014/2015 No. 216, Primary Production, Commerce, Industry and Labour Committee Report on the P.P.2014/2015 No.120, Annual Report for the Ministry of Agriculture and Fisheries for the Financial Year Ended 30<sup>th</sup> June 2013 – Consideration**

The issue concerning the rhinoceros beetle a is currently being addressed by the Ministry. We should recall the saying Rome was not built in a day. If we kill these beetles in Aleipata we will see them in Falelatai. Nonetheless the mention of this issue is quite useful in addressing the problem more quickly. With respect thank you.

**MR SPEAKER:** Thank you.

*Report approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, the Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

**P.P.2014/2015 NO. 217, THE GOVERNMENT ADMINISTRATION COMMITTEE REPORT ON THE P.P.2014/2015 NO.124, ANNUAL REPORT OF THE OFFICE OF THE ATTORNEY GENERAL FOR FINANCIAL YEAR ENDED 30<sup>TH</sup> JUNE 2011 – Consideration**

**MR SPEAKER:** I call on the Chairperson of the Government Administration Committee.

**Tofa Hon TUUU ANASII LEOTA:** Mr Speaker I move a motion, *That the Assembly approve the report of the Committee together with its Findings, Recommendations and Resolutions.*

*Seconded by the Member for Vaisigano No.1, Member for Palauli le Falefa and Member for Sagaga le Falefa.*

**MR SPEAKER:** I call on the Chairperson to present the recommendations and resolutions.

**Tofa Hon TUUU ANASII LEOTA:** Mr Speaker I present the recommendations and resolutions as follows:-

**“RECOMMENDATIONS:**

Based on findings the Committee recommends to the Government:

1. To select and recruit personnel with data entry skills in Ministries under the Public Service Commission.

21 APRIL 2015

**P.P.2014/2015 No. 217, The Government Administration Committee  
Report on the P.P.2014/2015 No. 124, Annual Report of the Office of the  
Attorney General for Financial Year Ended 30<sup>th</sup> June 2011  
– Consideration**

The Committee recommended this so that employment records of all employees are efficiently compiled in electoral form. The Committee also notes the importance of this system for the public and will also assist the Commission in compiling their Annual Reports in a timely manner.

2. For the Commission to review the retirement age so that there is an opportunity to utilize years of experience by mature public servants in specialized fields.
3. That the Commission complies with its function of advertising vacancies for efficient recruiting and human resource management. This would address the issue of positions not filled in some Ministries resulting to personnel allocations remaining unused for some fiscal years.

**RESOLUTION:**

The Committee recommends that the Legislative Assembly approves;

**P.P.2014/2015 No. 124, Annual Report of the Public Service Commission for the Financial Year ending June 30, 2011.”**

**MR SPEAKER:** Very well. Thank you Mr Chairperson. I call on the Member for Faleata West.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker for the opportunity. I also want to thank the Chairperson for the report. I only have a few queries. I want to understand the issue stated within the findings of the Committee report. It states that the recruitment and appointment to positions of the Chief Executive Officer and Assistant Executive Officer of Ministries is a challenge faced by the Commission at present. A question Mr Chairperson, what is the reason for saying that this is a challenge? It is just stated in the report that it is a challenge but it does not mention the reason why? If there are such challenges what are some of the recommendations that the Committee ought to give the Ministry to overcome this difficulty. Not only that but you have also mentioned the retirement age. What age group has the Committee recommended for the retirement age especially nowadays with improvement in health care? Lastly Mr Speaker it states the recruitment of personnel skilled in data entry. I strongly believe that there is no Ministry nowadays who does not have this skill set. If there is a Ministry who does not have this skill then what is the reason?? With respect thank you.

21 APRIL 2015

**P.P.2014/2015 No. 217, The Government Administration Committee  
Report on the P.P.2014/2015 No. 124, Annual Report of the Office of the  
Attorney General for Financial Year Ended 30<sup>th</sup> June 2011  
– Consideration**

**MR SPEAKER:** Perhaps this is the only Member who wishes to understand. I call on the Chairperson.

**Tofa Hon TUUU ANASII LEOTA:** Mr Speaker for the question related to the issue, this is a normal problem. It does not mean that it is a serious issue; there are times when interviewees question why they are not selected. This is just the usual challenges. As for the age of retirement well you already know. The Committee has recommended that the retirement age remain at 50 to 60-65 years considering their abilities especially doctors, nurses and teachers. The question related to data entry well you can read this within the report tabled. Nonetheless I want to thank the Member; I believe the Ministry and Executive has heard the suggestions and I know they will review it. This is a clarification on the matter.

**Tofa Motuopuaa Uifagasa Aisoli Vaai:** Mr Speaker I just want to assist with the matter since I am one of the Members of the Committee. With responsibility, the PSC CEO submitted to the Committee that the ACEO is responsible to the CEO and the CEO is responsible to another authority but there are other times when instructions are from other authorities. There is then a conflict of interest. Little are aware that the recommendation for the appointment of the ACEO is from the CEO. This was the clarification during the Committee hearing from the CEO of PSC. This is my assistance to the query of the Member for Faleata West, with respect.

**MR SPEAKER:** Very well thank you.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker, I thank the Member for the clarification given. I understand that the appointment of the Chief Executive Officer is the responsibility of Cabinet but I query the appointment of the Assistant Executive Officer. The problem I see is that the power of appointment is given to the Public Service Commission without any right given to the ACEO to question why they were not re-appointed or why it was declined. This has happened before. The Hon Minister and the Ministry should review this so that these people are given the opportunity to question their eligibility and why they are not re-appointed. These are only a few queries, thank you.

**MR SPEAKER:** Very well. I will now give the opportunity to the Hon Minister. I call on the Hon Minister of Public Enterprise.

21 APRIL 2015

**P.P.2014/2015 No. 217, The Government Administration Committee  
Report on the P.P.2014/2015 No. 124, Annual Report of the Office of the  
Attorney General for Financial Year Ended 30<sup>th</sup> June 2011  
– Consideration**

**Tofa Hon LAUTAFI FIO SELAFI PURCELL:** Mr Speaker perhaps there will be a time the Government will respond to the query by the Member for Faleata West. In relation to the procedures for the appointment of ACEOs, there is a process that can be taken should the application be unsuccessful.

Mr Speaker this is a clarification, thank you.

*Report approved.*

**MR SPEAKER:** The Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

**P.P. 2014/2015 NO. 218, FINANCE AND EXPENDITURE  
COMMITTEE REPORT ON THE P.P.2014/2015 NO. 78, ANNUAL  
REPORT OF THE SAMOA INTERNATIONAL FINANCE  
AUTHORITY FOR THE FINANCIAL YEAR ENDED 30 JUNE 2013  
– Consideration**

**MR SPEAKER:** I call on the Chairperson, Susuga Hon Papaliitele Niko Lee Hang.

**Susuga Hon PAPALIITELE NIKO LEE HANG:** Mr Speaker with respect I move a motion, *That the Assembly approve the Committee Report together with its findings, recommendations and resolution.*

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

**MR SPEAKER:** I call on the Chairperson to present Recommendations and Resolutions.

**Susuga Hon PAPALIITELE NIKO LEE HANG:** Mr Speaker, at the conclusion of its investigations, the Committee recommends the Government:

**“RECOMMENDATION:**

1. Encourage and promote the Vision of SIFA to attract international companies to invest in our country.



21 APRIL 2015

**P.P. 2014/2015 No. 218, Finance and Expenditure Committee Report on  
the P.P.2014/2015 No. 78, Annual Report of the Samoa International  
Finance Authority for the Financial Year Ended 30<sup>th</sup> June 2013  
– Consideration**

It is recommended that the Authority and the Board consider alternative ways to market their services that are not being used by other Pacific nations and countries.

2. Review the policies of the Authority regarding the staff loan scheme, so that the governing legislation regarding this scheme is amended. The Committee recommends that there should be consistency for all the Government Corporations as per the Cabinet Directive regarding this scheme.
3. Review the policies regarding staff benefits so that it is in line with benefits that employees of other Corporations and Ministries are entitled to for instance public holidays, etc.
4. Advise the Authority and the Board whether it is appropriate to have a central office for SIFA. This project was ceased by the Government however it should be reconsidered.
5. Comply with policies regarding the preparation and presentation of Annual Reports to Parliament pursuant to its governing legislations.

**RESOLUTION:**

At the conclusion of its investigations, the Committee resolves to recommend the Legislative Assembly to:

**Approve P.P. 2014/2015 No. 78, Annual Report of the Samoa International Finance Authority for the Financial Year ended 30 June 2013.”**

**MR SPEAKER:** Thank you for the clarification Mr Chairperson. I call on the Member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker, thank you I also want to thank the Chairperson of the Committee for the report.

The first part Mr Speaker I want to understand why the Committee has recommended the Authority to consider alternative ways to market services *not being used by other Pacific countries? What are some of the methods that you have recommended for the Ministry of Finance to follow?*

Regarding the second recommendation on the staff loan schemes, why has the Committee made a recommendation on this? Does this mean that the Authority has encountered problems?

Lastly, what are the entitlements seen in the organization? Because if we look at the recommendation it seems this measure is portrayed unjustly. I want to ask the Chairperson what is the reason for implementing these three recommendations? With respect.

21 APRIL 2015

**P.P. 2014/2015 No. 218, Finance and Expenditure Committee Report on the P.P.2014/2015 No. 78, Annual Report of the Samoa International Finance Authority for the Financial Year Ended 30<sup>th</sup> June 2013 – Consideration**

**MR SPEAKER:** I believe this is the only Member who wants to speak on the report. I call on the Chairman.

**Afioga Hon PAPALIITELE NIKO LEE HANG:** I want to thank the Member for the question, the answers to the three are very simple.

First, regarding the first recommendation to the Authority and Board, to consider alternative ways to market their services that are not being used by other Pacific countries, it suggests that they find other ways so that they can improve services and earn more for the country.

Second the Committee recommends that there should be consistency for all the Government Corporations as per the Cabinet Directive regarding this scheme. This scheme was under the Central Bank Act and now we have recommended that this scheme be equal among all Government employees.

Third, the only concern is that entitlements are paid during public holidays. The concern is for benefits to be in line with other organizations and Ministries. This has already been deliberated by the Authority. With respect.

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

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Mr Speaker....

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

**Susuga Hon TUILAEPFA FATIALOFA LUPESOLIAI AIONO NEIOTI SAILELE MALIELEGAOI:** Since I can see that the Member is upstanding I want to clarify that for every international business venture we always look at ways where our local businesses can gain. This usually takes place in big business capitals like Hong Kong especially during the Hong Kong Sevens. This is a time when most countries attend to business but we are there to also do business by showcasing our local products. This was a measure that was usually done by Afioga Papaliitele Lee Hang and Afioga Faumuina Liuga when they were Ministers of Finance. I also did this whereby we would consult about ways and developments that could benefit us financially. This is also the reason why we keep changing our laws because when a delegation comes into the country giving us new ideas we do it, if not we will not get business. This is one of the ways we get more money. There is a matter mentioned by Afioga Papalii Niko Lee Hang, on the entitlements of employees earned within these Ministries and Corporations.

21 APRIL 2015

**P.P. 2014/2015 No. 218, Finance and Expenditure Committee Report on the P.P.2014/2015 No. 78, Annual Report of the Samoa International Finance Authority for the Financial Year Ended 30<sup>th</sup> June 2013  
– Consideration**

This happens because of the changes made within the Executive together with changes in the Committee especially now that Ministers are not involved. This resulted in a decision made by Cabinet that every employee should be treated equally not only in Ministries but in Corporations.

In the past it was noted that the private sector would get more benefits than public servants. The basis was on the fact that Ministry employees had permanent employment whilst the Corporations worked on a contractual basis. Once your contract is complete you are out of work unless you are reappointed. This is not being applied anymore in both the Ministries and Corporations. This is the purpose of this establishment of this Authority; so they can monitor and review entitlements to make sure that remuneration is equal and that there is no large salary gap. A rolling stone gathers no moss.

**Tofa Aveau Tuala Lepale Niko Palamo:** Mr Speaker....

**MR SPEAKER:** Yes.

**Tofa Aveau Tuala Lepale Niko Palamo:** Thank you, I now understand the matter clarified. I was only concerned because it seemed the recommendations assumed that there was a problem within the Authority. I want to thank the Hon Prime Minister for the explanation given. I understand the work carried out by the organization. With respect.

**MR SPEAKER:** Thank you.

*Report approved.*

**MR SPEAKER:** The Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

**P.P. 2014/2015 NO. 219, JUSTICE, POLICE AND PRISONS, LAND AND TITLES COMMITTEE REPORT ON THE P.P. 2014/2015 NO. 119, SAMOA LAW REFORM COMMISSION REPORT ON THE LAW PRACTITIONERS ACT 1976, REPORT 05/11 - Consideration**

**Tofa TUISA TASI PATEA (Chairperson, Justice, Police and Prisons, Land and Titles Committee):** Mr Speaker with respect I move a motion, *That the Assembly approves the Report of the Committee together with Findings, Recommendations and Resolutions.*

21 APRIL 2015

**P.P. 2014/2015 No. 219, Justice, Police and Prisons, Land and Titles  
Committee Report on the P.P. 2014/2015 No. 119, Samoa Law Reform  
Commission Report on the Law Practitioners Act 1976, Report 05/11  
- Consideration**

*Seconded by the Member for Falelatai and Samatau, Member for Palauli,  
Member for Gagaifomauga No.2 and one of the Members for Vaimauga  
West, Tofa Lenatai Victor Faafoi Tamapua.*

**MR SPEAKER:** Yes Member for Vaisigano No.2?

**Tofa Motuopuaa Uifagasa Aisoli Vaai (Vaisigano No.2):** No Mr Speaker  
I wish to speak.

**MR SPEAKER:** Well let us hear the recommendations first. I pray that  
Members be patient this is our last Committee report, one more to go. I call  
on the Chairperson.

**Tofa TUISA TASI PATEA:** Mr Speaker the Committee recommends the  
Assembly approve P.P. 2014/2015 N0.119, Samoa Law Reform Commission  
Report on the Law Practitioners Act 1976, Report 05/11.

**RECOMMENDATION:**

At the conclusion of its deliberations, the Committee recommends  
the Assembly:

**To consider and approve P.P. 2014/2015 No.119, Samoa Law  
Reform Commission Report on the Law Practitioners Act  
1976. The purpose of this reform is solely for the enactment of  
the Lawyers and Legal Practice Act.**

**However the Committee at the conclusion of its deliberation  
and consideration, this Act came into force on the 28 October  
2014, before the Committee was able to consider the  
Commission's report.**

**The Committee noted at the conclusion of its deliberation that  
some of the recommendations of the Commission in its report  
have been included in provisions of the Act. However there  
have been recommendations which have been included.**

**The problem is due to the inconsistency of the process which  
includes the compilation of recommendations by the  
Commission by its a report, order to be tabled and approved  
by the Legislative Assembly before drafting process.**

21 APRIL 2015

**P.P. 2014/2015 No. 219, Justice, Police and Prisons, Land and Titles  
Committee Report on the P.P. 2014/2015 No. 119, Samoa Law Reform  
Commission Report on the Law Practitioners Act 1976, Report 05/11  
- Consideration**

**RESOLUTION:**

The Committee therefore resolves that:-

**P.P. 2014/2015 No.119, Samoa Law Reform Commission  
Report on the Law Practitioners Act 1976 and its  
recommendation be approved, except for the  
Recommendations 5, 6, 8, 35, 38 and 40 because these  
recommendations are not included in the new Act.”**

With respect thank you.

**MR SPEAKER:** Pardon the Member for Faleata West I will give the opportunity to the Member for Vaisigano No.2 first.

**Tofa MOTUOPUAA UIFAGASA AISOLI VAAI:** Thank you Mr Speaker for the opportunity. Mr Chairperson it seems the term Barristers and Solicitors will be removed as we are used to it from the past. Is this a practice undertaken within a certain jurisdiction to justify such a change? What is the difference between a Barrister and a Solicitor, they have different functions although it seems that we are abusing the use of the term lawyer.

Another matter, there used to a notary public but I do not see this within the recommendations given, is there still a position?

With respect.

**MR SPEAKER:** I call on the Member for Faleata West before the opportunity is given back to the Chairman.

**Tofa LEALAILEPULE RIMONI AIAFI:** Thank you Mr Speaker for the opportunity. I also want to thank the Chairperson; I am trying to understand the report. It seems the whole report is stating most of the work of the Law Commission. I wanted to ask the Chairperson, was there anyone else questioned on this matter apart from the Samoa Law Commission and why was the decision made by the Commission of Enquiry not acknowledged? Most of the recommendations that have not been taken into account are very important ones. This includes the Attorney General being an ex-officio member of the Council and head of the Samoan Bar and should be a voting member of Law Society at annual general meetings. Why is this? There is also the part, where lawyers become Ministers or Associate Ministers they are not allowed to continue their practice because there might be a conflict of interest with Executive. I am not saying the Member is a part of this, but I wanted to know, did you ask those who reviewed the matter why they did not accept the Commission's recommendations.

With respect.

21 APRIL 2015

**P.P. 2014/2015 No. 219, Justice, Police and Prisons, Land and Titles  
Committee Report on the P.P. 2014/2015 No. 119, Samoa Law Reform  
Commission Report on the Law Practitioners Act 1976, Report 05/11  
- Consideration**

**MR SPEAKER:** I apologize Mr Chairperson, I will give the opportunity to the Member for Faleata East.

**Tofa AVEAU TUALA LEPALE NIKO PALAMO:** Mr Speaker the report tabled portrays major problems. If we read the report most of it does not state the recommendations. The Chairperson has already presented the report and there is no 35, 36, 38 then it just ends. I want to query the recommendation; 'however there are recommendations which have not been included.' Perhaps these recommendations that were not mentioned should have been noted within the report. It seems that your report does not have a number 35, 36; it just goes from 34 to 37.

Second, can you clarify further the number 37, what exactly does it mean since there is no clarification. Also the numbering of the report is odd, why is that?

With respect thank you.

**MR SPEAKER:** I call on the Chairperson.

**Tofa TUSA TASI PATEA:** Mr Speaker I begin my response with the matters raised by the Member who just concluded. In response to the question voiced, if you look at page 11 of the report it states recommendations that are not taken into account. The reason for this is based on the fact it was not mentioned within the Bill passed in October 2014. If you read page 11 thoroughly you will be able to understand the queries you are asking. Also, the report of the Law Commission was submitted after the Bill was passed. This is why we did not answer these recommendations since it is not in the legislation. The Committee deliberated the report together with the legislation. After the second deliberation the Committee decided that all recommendations not taken into account were appropriate.

For the query made by the Member for Faleata West, the Attorney General is not part of the Law Society Council, the reason being a conflict of interest. The Attorney General also agrees he will just attend meetings to listen but cannot vote as stated in the recommendations. As for the query made on lawyers becoming Ministers and Associate Ministers, well they should not practice anymore. This recommendation was not submitted during the deliberation of the Bill by the Committee in 2014. It was not taken into account because it is prejudice perhaps this is the reason why it was not mentioned within the Bill which was referred to Committee.

I now come to the query made by the Member for Vaisigano No.2....

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker....

21 APRIL 2015

**P.P. 2014/2015 No. 219, Justice, Police and Prisons, Land and Titles  
Committee Report on the P.P. 2014/2015 No. 119, Samoa Law Reform  
Commission Report on the Law Practitioners Act 1976, Report 05/11  
- Consideration**

**MR SPEAKER:** I apologize Mr Chairperson, I will give the opportunity to the Member.

**Tofa Lealailepule Rimoni Aiafi:** I apologize to the Chairperson for the question voiced. I wanted to understand whether the Law Society responsible for the Bill was contacted and presented these recommendations made by the Commission? Is it possible for these recommendations to be included within the Principle Act? I thought the Committee report was submitted at the time the Bill was drafted so it could be included, if it was not included at the time the Bill was passed, why are some taken into account and some are not? This was the query, since it is now in the process of Committee consideration. Was the Law Society who drafted the Bill given these recommendations so they could include it within the Bill? Did the Committee consult with the Office of the Attorney General because it seems deliberations were only carried out with the Law Commission. If the Chairperson is satisfied with this result then it is final. I am just worried about this issue since it has taken so much time to draft these recommendations but it is not being used.

With respect.

**Tofa Aveau Tuala Lepale Niko Palamo:** Mr Speaker, I second the opinion made by the Member for Faleata West, that the report be reviewed together with the forty four recommendations made towards the Bill. As the Member stated what has been done to the forty four recommendations included within the Bill, how many of these recommendations are part of the Bill? With respect.

**MR SPEAKER:** I believe this matter will be clarified further when Government gives a response. I call on the Chairperson to conclude with his clarification.

**Tofa TUISA TASI PATEA:** Mr Speaker, in response to the queries made by both Members, the Committee did consider these recommendations at the time the Bill was deliberated. The Committee did not exclude any recommendations during the consideration of the Bill. The Law Society responsible for the Bill especially the Office of the Attorney General and other lawyers were invited by the Committee to make submissions on the Bill. All these measures were deliberated before the Bill was passed in October 2014.

Regarding the query made by the Member for Vaisigano No.2, on the terms Barristers and Solicitors, I was hoping he would ask his neighbor who is also a Member of the Committee. The terms Barristers and Solicitors are both defined as lawyers, but Barristers go to Court and Solicitors work in the office.

21 APRIL 2015

**P.P. 2014/2015 No. 219, Justice, Police and Prisons, Land and Titles  
Committee Report on the P.P. 2014/2015 No. 119, Samoa Law Reform  
Commission Report on the Law Practitioners Act 1976, Report 05/11  
- Consideration**

A notary public is also a lawyer however I do not know the Samoan term for it, but it is a lawyer of another level. There are qualifications where people can apply to be a notary public; they are also lawyers.

I believe the issue will be clarified further....

**Tofa Motuopuaa Uifagasa Aisoli Vaai:** Mr Speaker, I stood in the beginning because you asked whether the report was to be seconded and I stood because I object and I will not second it because not all the Committee Members signed the Report. But thank you for your explanation that other lawyers appear before the court and others stay in the office. Thank you.

**Tofa Lealailepule Rimoni Aiafi:** Mr Speaker I just want to point out that the report submitted does not have a list of witnesses as is usually printed within other reports. The previous report clearly noted a list of Ministries and people who were witnesses. The only list stated within the report is the Samoa Law Commission responsible for the Bill. If the Committee were to question people affected by the issue in the report I believe it will be quite hard to accomplish. With respect thank you.

**MR SPEAKER:** Is there another query left to clarify Mr Chairman?

**Tofa Tuisa Tasi Patea:** It seems the Member has answered his own question.

*Report approved.*

**MR SPEAKER:** Pursuant to Standing Order 54, Government must, not more than 90 days after a Select Committee Report has been adopted by the Assembly present a paper to the Legislative Assembly responding to any recommendations contained in the report which are addressed to it.

Well we have reached the end of our Cue Paper for today. I believe we have achieved our goal in respect of our orders deliberated within the House today. I thought another motion was going to be moved since we still have another hour left.

It is with utmost respect that I voice my sincere gratitude to Members of the House this evening, especially since our work has been completed as noted in our Order Paper. This includes the deliberation of our Bills under a state of urgency and consideration of our Select Committee Reports presented by the respective Committees. It has been a long day and I strongly believe everyone is exhausted. The Hon Prime Minister and Cabinet, the opposite side of Chamber to the Leader of Opposition and all Members of the House I thank you for your patience. We still have another sitting for tomorrow, I am confident most of the bulk of our work is now completed.



21 APRIL 2015

**P.P. 2014/2015 No. 219, Justice, Police and Prisons, Land and Titles  
Committee Report on the P.P. 2014/2015 No. 119, Samoa Law Reform  
Commission Report on the Law Practitioners Act 1976, Report 05/11  
- Consideration**

I have an important announcement to make; I have with me the official document from the Assistant Electoral Commissioner stating the new Member for Sagaga le Usoga. This is the result of the by-elections held last Friday already signed by the Head of State. The Member elected is Afioga Seiuli Ueligitone Seiuli; the swearing in of the Member will be tomorrow as it is our usual Parliamentary practice. There will also come time for Parliament to pay its respects; this is why I call on to the constituency of the Member to come tomorrow to show support. After the Member takes his oath of allegiance we will progress to the second reading of the Bills until they are passed even if we must continue on until evening.

I thank all of Samoa for the support and patience with our Proceedings this evening. As I stated earlier nothing can be done without hard work. Lastly I want to thank our spiritual leaders for the prayers throughout the country. We cannot fulfill our duties without the guidance of the Lord above; therefore your prayers have greatly assisted this Parliament.

I want to thank the Heads of various Government Ministries especially the Attorney General present here with us this evening. I also want to acknowledge the work of our media, this is all for today.

Before we conclude with this evening I call on the Member for Faasaleleaga No.3, Tofa Tuileutu Alavaa Voi to end our sitting with a prayer.

*Proceedings of the Legislative Assembly adjourned at 10:15 until 9:00am  
Wednesday, 22 April 2015.*

*WEDNESDAY, 22<sup>ND</sup> APRIL 2015*

*Mr Speaker took the Chair at 9.00am.*

Prayer.

**MR SPEAKER:** I declare that the Proceedings of the Legislative Assembly has now commenced.

**“CERTIFICATE OF SELECTION**

**PURSUANT TO** provisions of Section 80 of the Electoral Act 1963, and in accordance to Schedule 24b of the Constitution, **I, TUI ATUA TUPUA TAMASESE EFI, HEAD OF STATE,** hereby issue the Certificate of Selection of the Member of Parliament for the Sagaga le Usoga Constituency.

Member:

**Susuga SEIULI, Ueligitone Seiuli.**

**Given Under** my hand this Monday 20 April 2015.

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

**MR SPEAKER:** Before the new Member proceeds to the Table to take his Oath, I call on the Members of the House to be upstanding for the reading of the Code of Parliamentary Ethics.

**CODE OF PARLIAMENTARY ETHICS.**

**STATEMENT OF INTENT:**

It is the personal responsibility of every Member of Parliament to maintain the highest standards of ethical behavior to protect and maintain integrity of Parliament and to make every endeavor to uphold the principles of the Constitution.