

28 APRIL 2020

TUESDAY, 28 APRIL 2020

Mr Speaker took the Chair at 9:07am.

Prayer.

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

I would like to take this opportunity to extend my congratulations and greetings to the Hon Prime Minister, Deputy Prime Minister and Cabinet, as well as Associate Ministers, Chairpersons and respectable members of Parliament, you are the chosen few elected by the country, we work to find success for Samoa, not only for the Government but also for the well being of its people.

I also take this opportunity to welcome the Chief Executives of Government Ministries and Public Enterprises, for their important and tireless contribution in working day and night, in developing and giving Government advice on various ways to carry out our work.

I acknowledge the support of his Excellency, Le Ao O le Malo and the Member of Council of Deputies, from the highest to the least, to the church leaders of different denominations, spreading gospel and ordained to pray day and night for the success of this Parliament and the welfare of our people.

Well, let us pray for the success of this Parliament.

OTHER ANNOUNCEMENTS BY THE SPEAKER

Mr Speaker placed on the Table the New Emergency Order as approved by His Excellency Le Ao o le Malo on the 17th April 2020, to repeal the Emergency Order No. 8.

28 APRIL 2020

PRESENTATION OF PAPERS

The Clerk read out to the Assembly the list of Papers pursuant to S.O.49 (2).

1. S.R.2020/1, Business License Regulations 2012.
2. S.R.2020/2, Business License Amendment Regulations 2018.
3. P.P.2019/2020 No.201, Annual Report of the Samoa Shipping Corporation Limited 2019.
4. P.P.2019/2020 No.202, Annual Report of the Samoa International Finance Authority 2019.
5. P.P.2019/2020 No.203, Annual Report of the Samoa Qualifications Authority July 2018- June 2019.
6. P.P.2019/2020 No.204, Annual Report of the Samoa Water Authority 2018-2019.
7. P.P.2019/2020 No.205, Annual Report of the Office of the Regulator, 30 June 2019.
8. P.P.2019/2020 No.206, Annual Report of the Ministry of Foreign Affairs and Trade 2018-2019.
9. P.P.2019/2020 No.208, Annual Report of the Ministry of Communications and Information Technology 2018-2019.
10. P.P.2019/2020 No.209, Annual Report of the Ministry of Finance 2018-2019.
11. P.P.2019/2020 No.212, Annual Report of the Office of the Ombudsman 30 July 2018- 30 June 2019.
12. P.P.2019/2020 No.214, Annual Report of the Scientific Research Organisation of Samoa 2018-2019.
13. P.P.2019/2020 No.215, Annual Report of the Ministry of Police 2018-2019.

PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

The Clerk read out the list of Parliamentary Committee Reports pursuant to S.O.52(5).

1. P.P.2019/2020 No.216, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on the Electoral Amendment Bill 2020.
2. P.P.2019/2020 No.217, Report of the Finance and Expenditure Committee on P.P.2019/2020 No.158, Annual Report of the Unit Trust of Samoa 30 June 2019.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

3. P.P.2019/2020 No.218, Report of the Finance and Expenditure Committee on P.P.2019/2020 No.160, Annual Report of the Senior Citizens of Samoa 2018/2019.
4. P.P.2019/2020 No.219, Report of the Finance and Expenditure Committee on P.P.2019/2020 No.165, Annual Report of the Samoa Tourism Authority 2018/2019.

MR SPEAKER: Thank you. With respect I call upon the Hon Prime Minister for his Ministerial speech.

MINISTERIAL SPEECH BY THE HON PRIME MINISTER

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI (Prime Minister): Mr Speaker and respectable members of the House, I hereby stand with great honor to clarify some of the issues that the Government considers important and necessary for the knowledge of this House, as well as our country listening in from their homes. On this new morning, we are witnessing the miracles of love of our Omnipotent in Heaven through his guidance and protection upon our nation. This is also the living testimony that Samoa is a blessed country, and I know we can all agree if we look at other countries around the world during this time of peril to which most countries are now suffering from the deadly disease, the Corona virus or Covid-19. We are fortunate and very blessed indeed to live in a country that is prosperous, I convey sincere gratitude to the Church Leaders for their prayers and the prayers of our people to keep Samoa safe.

I further express thanks to all those who supported and complied with the taboos put forth. As noted, these restrictions are similar to those imposed by other countries given the strong recommendations from health professionals who are the real heroes and forerunners of the war we are fighting now, however all efforts depend on the infinite love of God who made heaven and earth.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

It is this same feeling of faithfulness by our ancestors that led them to have Samoa founded on God which was the epitome of this Parliamentary term through the inclusion of this in our Constitution which is the supreme law so as to reflect our true conversion to such saying as well as our eagerness to revere our culture (which was what our ancestor has dreamt) thus its inclusion in the Constitution of the Independent State of Samoa and communal rights. To date Bills (that reflect the intention to recognize the Samoan culture and communal rights) have been tabled in Parliament, a Special Inquiry Committee has been established to consider and review the Bills and give the public the opportunity to voice their opinions towards the Bills (on their own free will) which has been a practice in Parliament since 1962 when Samoa became independent and reflect rights of an individual to all Bills discussed in Parliament before it is passed. This also reflects the Rule of Law.

Mr Speaker, this House is clear on the process of Bills introduced in this House for the advancement and improvement of the Land and Titles Court, as I mentioned, the Bill is being referred to the Special Parliamentary Committee.

I wish to emphasize and clarify this point, it is Parliamentary procedures that enables the public to be given the opportunity to voice their concerns and suggestions and ways to improve these Bills before they are reported back to Parliament and passed. This is the opportunity where the Committee and members of the public discuss the Bills, even more so discussions will be made easier given that the whole Bill has been put forth. It is up to whichever profession to read the Bills and comment on them whether it be a lawyer, a Judge, village chief it is up to you in what ways you interpret the Bills as long as you have contributed to the making of these Bills. It is this practice that enhances the principle of Rule of Law, which is practiced and maintained in all democratic nations. I wish however to address some incorrect interpretations of these Bills which can mislead the members of the public. Thus, this is why I wish to stand again to explain to those who wish to understand the real intention of the Bills that were tabled in Parliament.

Mr Speaker, there is nothing new, the only major change is that our communal rights in which we all live in will be raised and recognized equally by the Court as is the same as individual rights which is derived from a European perspective and our communal rights which is the center of decision- making in the village (*alii ma faipule o le nuu*) for the benefit of our people.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

This is all, from the initial beginning of the Land and Titles Court under the German Administration then the Land and Titles Court under the New Zealand administration, there has always been a segregation between the Criminal and civil courts and the Land and Titles Court. Just recently, there has been one Ministry that oversees both courts but more than 100 years there were two separate Ministries that served these two different courts.

Mr Speaker, the only connection was that there was one person who held both positions of Chief Justice and President of the Land and Titles Court, as he was capable at that time to handle all the workload before the increasing workload to date. Only in 2004, the Constitution was amended to separate these two positions because the Chief Justice at the time could not fully carry the workload of both positions: Chief Justice and President of Land and Titles Court. Therefore, there was two separate courts and two separate positions overlooking these courts, the Original Court (Criminal and Civil)- Chief Justice and the Land and titles Court looked after by the President of the Land and Titles Court. I still remember the Constitutional amendment in 2004, when I spoke with the Chief Justice at the time, an idea surfaced to increase the retirement age of a Judge from 62 years to 68 years so as to attract a lawyer who was knowledgeable in the law and in the culture who can take up the position of President of Land and Titles Court. When the Bill was passed as approved by Cabinet, Parliament agreed with the idea I proposed, thus the appointment of Tagaloa Tuala Sale who was one of my Ministers, a Senior Minister who was reliable in Cabinet. Despite it being a difficult decision for me I accepted the appointment as I knew the Minister will further improve the Land and Titles Court.

This is proof of one of the main goals of the Human Rights Protection Party (HRPP) to improve the work of the Courts thus the increase of age for Judges. This is one of the Principles of the Rule of Law for a Democratic state to ensure the independence of the Court. How is this measured? It is measured by the number of years one is a Judge without interrupting his or her decisions.

So in light of what has happened, I am asking myself, such major change made by this Parliament to further improve the Rule of Law may have not worked since some lawyers have stated the word but do not seem to understand the meaning themselves. The question is, were there any comments when the titles of Chief Justice and President of the Land and Titles Court were separated? Did a Judge of the Criminal and Civil courts or the Samoa Law Society ever object to the separation of positions of the Chief Justice and President of the Land and Titles court?

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

The answer is no one objected to the initiative. What I do know is that the Chief Justice at the time was extremely happy at the amendment he had proposed and passed in this House- to separate the positions of Chief Justice and President of the Land and Titles as the workload he was carrying was becoming unbearable. This was made in good spirits. However, this very Chief Justice also initiated the work that has been the center of criticism by some members of the public to date. There have been unfounded comments proclaiming that the Bills will lead to not three branches of Government but instead Four branches of Government to which the Land and Titles Court will be under the stewardship of the Government. Mr. Speaker, there is just one branch of the Judiciary. Whether there be 2, 3 or 10 different courts they are all under one branch which is the Judiciary.

I have stated this at least 100 times in my programmes with the media through the 2AP and TV. Just like this Parliament, Legislative Assembly where the Speaker presides over Members of Parliament is different from Parliament which consists of the Head of State and the Legislative Assembly yet all are under one branch called Parliament. The question then is: Is the Head of State being the head in Parliament affected by the head of the Legislative Assembly who is the Speaker? The answer is no, they are both different positions, different roles and responsibilities yet included in one branch of Government, which is Parliament. If we then question, is the position of Chief Justice who overlooks the Original courts affected by the President of the Land and Titles Court? The answer also is no, there is vast difference in their duties and responsibilities yet all under one branch of Government- the Judiciary.

The connection between the courts to date, is when a Judicial review is conducted on a decision that was made in the Land and Titles Court by the Chief Justice which was not a practice or law that was passed by this Parliament but adopted from European practices. Please I ask that the public listen in carefully to deter any misunderstanding- the Judicial review practice was adopted from the European legal practice not from a law that was passed by this Parliament. The decisions of the Land and Titles court will be made under its authority and will not be interrupted or reviewed by any other court.

A keepsake is the Native Land and Titles Protection Ordinance, which was passed in 1934 by the New Zealand Government emphasized on the exclusive jurisdiction of the Land and Titles Court at the time. This was repealed by the Land and Titles Court 1981 at the Government under the leadership of Tupuola Efi, 47 years later.

*28 APRIL 2020***Ministerial Speech by the Hon Prime Minister**

Mr Speaker, the Land and Titles Act 1981 continues to be this exclusive jurisdiction, and establishes the inability, to review or question a decision of the Land and Titles Court by any other Court. However, it was only recent that the Chief Justice was given authority to consider the decisions of the Land and Titles court if one or all of the individual rights were affected during its decision making. This means that the Chief Justice has stepped into the boundaries of the Land and Titles Court only if an individual right or rights under the Constitution and Constitutions of all other states governed by Europeans were affected. Thus, individual rights are recognized, yet communal rights such as the leadership of our chiefs in villages or leadership of our clergies are not recognized. This is the core reason why when a case is brought forth between village chiefs and a male of a village who opposes the ruling of the village chiefs, the decision of the court will not be in favor of the leadership of the village chiefs. Why is that? Because individual rights of the male against the village chiefs is recognized and prioritized by the court. It is recognized in our Constitution which was written by Europeans who were following the trend for all nations at the time. It is important to point out, that these Europeans have no culture unlike Samoa. Thus this Judicial review process was not passed in Parliament rather a process that was initiated by the Chief Justice using common law and adopted practices in the European legal system. Rights recognized by common law (by Europeans) are derived from European courts. These are the European cultures, and they do not have Samoan culture that leads the villages such as the leadership of chiefs and respectful leaders. This very same process will not recognize matters put forth by collective organizations or leaders of a denomination, which ever kind of organization it will not be recognized by this court. Because the only rights recognized by our Constitution are individual rights.

Mr Speaker, as aforementioned, it has been 47 years from 1934 to 1981 to which our Land and Titles Court was guided by the Native Land and Titles Protection Ordinance 1934 under the New Zealand administration. This law was established by the New Zealand Administration to ensure that the Land and Titles court remain independent. This was done under the Government of New Zealand's understanding that these are two separate courts.

*28 APRIL 2020***Ministerial Speech by the Hon Prime Minister**

The Land and Titles court is to have exclusive jurisdiction and no other court can review its decisions. Why was that? Because the New Zealand government at the time understood the depth and complexities involved in the Samoan culture. Individual rights were only recognized when it was discussed in the Constitutional Convention where chiefs from villages (either 4 or 3 representatives) and all honorary titles attended and lead by the Tama Aiga in 1960. This was the first time where individual rights were recognized and discussed. However, the question is, was there an expressed intention by our forefathers who attended the Constitutional Convention to abolish the individual rights when it came to Land and Titles matters? No. No one expressed such intention. The only record evident was their intention that there should be strong conditions included in the Constitution to recognize our Samoan culture (tu ma aga). This is found in the three books which records all statements made by our forefathers and those who were present at the Constitutional Convention. These three large books as mentioned, I have read them and have clearly understood the intentions that were relayed by our forefathers during the Convention in 1960. That is also my advice to you all, read and read it again so as to fully understand the intentions and vision our forefathers had. Thus the initiative of these Bills to reflect the current circumstances to which we live in.

However, others reject the Bills or do not want to understand as they are too European minded. They do not want to ask the Government lawyers who have served the country for a lengthy period of time and have in depth knowledge as to the difference between the Original court and the Court that deals with the treasures of Samoa. Another misunderstanding which has spread amongst the public, is the fact that Judicial Review has been abolished. I am not quite sure whether it is because they clearly do not understand the Bills or they are deliberately trying to mislead the public but to set things clear, the Judicial Review will now be conducted by the Land and Titles Court of Appeal and Review, which is created by the Bills.

The Review will be conducted by a Samoan who is a chief and who understands the Samoan culture well. The Review will not be referred to the Chief Justice and later to the Court of Appeal whose panel consists of overseas Judges who have no knowledge of the Samoan culture.

*28 APRIL 2020***Ministerial Speech by the Hon Prime Minister**

I will not explain to the House, Mr Speaker the difference of when a real Samoan chief presides over our Land and Title matters. He or she understands our culture and a European should not be making a decision on these matters as they do not understand our culture and the way of living of our people.

This is how the Land and Titles Court will be raised and improved, it is the priority of this Government and Parliament to do so, thus the amendment to the Constitution, the introduction of the new Land and Titles Bill which has caused many to reject the Bills. It is my own belief that if these very people who reject the Bills, contribute to their village and attend their village councils they would have understood the situation and easily understand the intentions of the Bills however none of these people have ever attended village councils or have contributed to their village in which they attained chiefly titles from. That means these chiefs were only seen by the village during the bestowment of their chiefly titles and have never returned to their villages after that. If they were to sit in the village councils and listen in on what is discussed they would understand the concerns and difficulties faced by our village chiefs, that no developments can be made for the benefit of villages when one merely emphasizes their individual rights and the courts recognizes such, encouraging individuals to reject the leadership of villages. Those that make decisions in the court do not know this because they do not sit in the village councils to learn and understand the ways of doing things in villages. I believe that the only Judges who attend village councils would be Judges of the Land and Titles court but those that reject these Bills, do not.

It is important to make clear that the controversial Bills do not say that communal rights will be more important than individual rights of a chief or a male who is against the leadership of the village chiefs such as is the case currently where individual rights are recognized than that of communal rights which is least recognized by the court. The Bills propose that the court equally recognize individual rights and communal rights. That is the true intention of the Bills that is the correct interpretation of the Bills that have been referred to the Committee. To recognize and exercise the leadership of chiefs in their villages or leadership of clergies of the various denominations or any organization that has been undermined by the right of an individual.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

As I already have said, individual rights are based on Eurocentric beliefs to which the Europeans live by. However communal rights is a fundamental element in our Samoan culture and ensures that our people live in harmony, what then is the intentions of these Bills, as asked by those that criticize the Bills? The answer is, communal rights will be recognized. This is the way of living in which our ancestors lived by to which we also are living by. This very Parliament who has been at the forefront in creating these Bills understands what I am talking about.

Mr Speaker, the majority of our population live in villages and are guided by the leadership of village chiefs. The Government depends on this very leadership to ensure that peace and harmony is instilled in villages and that relevant developments will be established in villages especially in calamitous emergencies. Only those that do not live in our society or perhaps live here but do not want to understand the purpose of the Bills which will ensure that our people live in harmony.

Another matter I wish to speak on is in response to a letter that was written in a complicated English language by the Judges of the Original criminal and civil courts. This letter was addressed to the Special Inquiry Committee who consists of Members of Parliament who are leaders but also chiefs who value their Samoan language. This letter also stated that this is the shared views from the Judiciary branch however the President and Judges of the Land and Titles court have not signed the letter, this is due to their belief that the views of Judges of the Original court should not be undermined by the views of the Land and Titles court. Thus, any opinion should not be undermined nor undervalued, for this country is a country of freedom, where opinions are welcomed, where freedom of religion is exercised and where the rule of law is observed, even a Minister is taken to court and imprisoned if found guilty of an offence. These are signs and measures of a democratic nation, where the Rule of Law is valued. The Government allows the freedom of the media whereby opinions are published whether it be pleasing to read or not so pleasing, the Government allows it. I and the Minister for Ministry of Justice, Courts and Administration were also copied into this letter as well as the following letter by the President and his staff of the Land and Titles court to the Special Inquiry Committee, to which integral recommendations were provided and which it conveyed gratitude to the Government for these Bills that will finally recognize communal rights and assist with their already demanding workload.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

A question that has come to mind, to the Judges of the Original courts, whether the Original courts will be affected if communal rights are recognized and the Land and Titles court become separated from them? No there is no affect and I am aware that there is only one Judge from the Original court that has somewhat assisted the President of the Land and Titles court yet the others do not assist because they do want to go there.

This is the real reason. It was the intention of the former Chief Justice to lift the status of the Land and Titles court so as to attract a knowledgeable lawyer, not only one that is knowledgeable about the law but one that has in-depth understanding of the Samoan culture. Because in the past, Judges dislike going to the Land and Titles court because of its complexities and do not have sufficient knowledge of the culture nor fully understand the challenges faced by the President and Judges of the Land and Titles court.

This is Samoa, not only is it small geographically but this is a Samoa in which everyone knows each other and almost all are related, so nothing can be hidden. Why? All of us in Cabinet and Members of Parliament in this House know and have seen families seek refuge to the Government in regards to their matters. They are confused and do not know what to do. They seek for a lawyer yet are bombarded with extremely costly legal fees which even gets up to 30, 40 thousand and upwards. Our people do not know where to find help, then who else do they seek for assistance? They then seek the help of their representative in Parliament, you. You are Members of Parliament who were elected by your constituencies to raise these matters so as to find a solution to these problems for the sake of our people, our families and constituents who elected you to be in here to do the work in which we promised to do in our Oath of Allegiance.

Mr Speaker, these Bills which has stirred opposing opinions from the Judges of the Original court and the Samoa Law Society has been referred to the Special Inquiry Committee for consideration. There is ample opportunity there for them to attend and voice their opinions as well as provide recommendations as was provided by the President of the Land and Titles court to recognize our culture and communal rights. Instead of misleading the public by their opinions expressed through the media, newspaper and television. Only this Committee will provide the rightful recommendations to Parliament as they consider any suggestions that will be made to them.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

The newspaper and television cannot make major decisions as the Committee will be doing as they do not fully understand the depth of such matters, Parliament will eventually pass the Bills, then referred to the Judiciary and lawyers for interpretation and implementation.

Thus, I have been informed that the Special Inquiry Committee will commence its consideration of the Bills tomorrow morning. And the opinions expressed by the Judges of the Original courts and that of the Law society will then be considered. Whatever Bill is brought to Parliament it should always be referred to a Parliamentary Committee. My advice to all of them, please seek an opportunity with the Committee and voice your opinions.

What needs to be understood is that we cannot separate the recognition of communal rights and the intention to improve the Land and Titles court, these two go together, they are intertwined, one cannot be taken and the other left behind. This is why the previous Land and Titles Bill, which was tabled last year to replace the Principal Act, was withdrawn from Parliament with the Amendments to the Constitution. A formal written explanation by the former Attorney General, Afioga Lemalu Herman Retzlaff who dealt with the creation of these amendments has been published in both languages (Samoan and English) on the Government website and the Savali newspaper on Sunday and yesterday. He emphasized that the amendments to the Constitution addresses the concerns by our ancestors in the Constitutional convention who have passed on, to recognize the importance of our Samoan culture. Our ancestors expressed in that Convention that they will leave it to the future generation to propose relevant amendments at the right time. The former Attorney General has made it clear that this is the time in which our forefathers who created the Constitution foresaw. Only a European or a Samoan who does not want to be a Samoan would not understand or know the true intentions of the Bills, which is to recognize our communal rights in which we live by as well as well establish the Land and Titles court which will seek to implement these rights. This is the essence of the Government's initiative because these are our treasures (measina), treasures that have been relayed to us through generations. There have been countless court decisions that has led to treasures of some families taken away from them? It has always been the response, that this very Government, the Human Rights Protection Party will do something about it thus the Bills to date.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

Mr Speaker, this is the Government's explanation of the Bills so as to counter any misinformation that has been televised to the public. However, I do know, Mr Speaker that despite the difference in opinions, there is just one goal in mind- that is to further improve the Justice system. In addition, I believe that this is perhaps the reason why there is strong opposition to these Bills because they continue to dwell with the old way of doing things, which they are accustomed to.

That is Government's vision due to problems that have been reported thus the initiative to make certain changes for the betterment of our country. That is the duty and responsibility of the Government of the day and the majority party, the Human Rights Protection Party, to protect the rights of the people and it cannot steer away from that. The creation of laws for the benefit of the current and future generation and generations yet to come that is how far this Government envisions. The Government feels that these Bills is the solution to improving the Land and Titles court as well as eradicate existing problems. I therefore invite all to attend Committee hearings and voice out your opinions. The Committee will then provide recommendations to the House in which the House would consider in detail. This is the process, and it is integral that we follow and take advantage of the process. As the saying goes, things that happen are important as they create more positive ideas. The notion by the Judges of the Original court that this Government has amended the Constitution so many times that it seems as if the Constitution is nothing but a game to them, I wish to respond to as a conclusion to my speech and relay Constitutional amendments this Government introduced since the Human Rights Protection Party took the realm.

Mr Speaker, the Parliamentary term 1991-1996 saw the passing of the amendment which increased the number of Ministers from 9 to 13 with the rationale that the country is growing, developments are mounting thus the need to redistribute the Cabinet's workload, this did not need to be proven as it was inevitable. One can only compare the developments of Samoa in 1962 and to date, what we have now is outstanding.

There was also an amendment made to increase the Parliamentary term from 3 to 5 years on the notion that 3 years was too short and was not sufficient time for the Government at the realm to complete its projects. This is why other Governments execute minute developments, ones that are made today and completed tomorrow before the general elections.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

The 3 years push one to be short - sightedness, they will focus on developments within just 3 years before the General elections, however this government has visions far beyond 3 years, developments that need to be done in 10, 20 or more years, we do not worry about the next General Elections instead worry for the benefit of generations to come.

Amendments to the Deputy Prime Minister appointment. This amendment came about due to the fact by the time this amendment came, there was no such position as Deputy Prime Minister. I was given this position however it seemed as if Members of Parliament in the House saw it comical. But it is not a position that should be seen as funny rather it was an integral position because if the Prime Minister is away or the position becomes vacant the Deputy Prime Minister takes up the role of Prime Minister. This was not done as a political game but was based on rationale that was serious thus the reason this Parliament passed the amendment.

Amendment which changed the retirement age for Judges of the Original courts from 62 years to 68 years so as to increase the time. Because if the retirement ages were short then there would be accusations that the Judge will make decisions favorable to the Government so as to be reappointed again. That is how far this Government see things to give respect to those that deserve the respect. However, in my mind it seems as if the Judges do not see the benefit of this amendment for themselves.

Another amendment was to remove the word “Western” in Samoa’s English name. It does not matter if we refer to Samoa in Samoan as “Samoa I Sisifo” but if translated in English it is “Western” which does not seem right and only connotes that Samoa is still colonized. That is why through the long vision of this Government and at the time of Tofilau and HRPP, the word “Western” in the English name of Samoa was removed to identify that this is an Independent Samoa and not ruled by a Western colonial power.

The amendment, which added more seat in Parliament to ensure that 10% were women. I believe that the accusation by the Judges by the Original court that the constant amendments to the Constitution is as a play thing for Government is highly disrespectful and unfounded. This very amendment was integral.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

Another amendment focused on the positions of Members of Parliament and Political parties. We have now come to see the importance of having political parties as it stimulates ones' spirit to want to work, the spirit to want to develop and record these developments per political party so as to assist the voters as to which political party do they wish to be the Government. At the time when this Party came into power, it was mocked by this House as it was not recognized by law, to date political parties are recognized by law.

Unforeseen expenditure was set to 1.5% of the Main Estimates since Samoa gained independence. Our developments have grown as well as our encountering of natural disasters annually have increased thus the need for Government to increase its savings so as to cater for the demanding needs of our people particularly after a natural disaster. Thus an amendment was made to increase unforeseen expenditure from 1.5% to 3%.

The 3% of the Main Estimates (Government's budget) is made available for Government to use anytime on purposes that were not passed by this Parliament particularly during natural disasters, spending to be made immediately and explanation of that expenditure to be submitted later to Parliament in which Parliament will also have the opportunity to question where these funds were used.

Mr Speaker, the Government has tried to respond to this letter that was written in English as its contents have already been aired overseas, if Government does not respond then this government will be mocked. I believe that the reason that this letter was written in English so as to embarrass and defame this government in the opinions of other overseas governments who are financially assisting our country in its developments. This is probably also the reason why other overseas lawyers have commented that the Rule of Law has been affected due to the proposed amendments. It seems that this lawyer who made such comments do not understand the real meaning of the Rule of Law- or the live under the law of a democratic nation.

Mr Speaker that is the explanation to clarify and help our country understand the purpose and real intentions of these Bills. May the Omnipotent bless this Parliament and continue to guide this House for the betterment of this nation who is founded on the Holy Trinity.

Soifua and God bless.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

Members of Parliament expressed their gratitude by applause at the conclusion of the Ministerial Address by the Honorable Prime Minister.

MR SPEAKER: Very well, thank you. All of Parliament especially all of Samoa listening in have heard the the clear and bold speech from the Hon Pime Minister and Leader of Government, in clarifying the various aspects reflected in this period of excitement in Parliament, because such matters are to be explained in our own language with consideration to Samoa. It is this Parliament that conveys facts on matters this Parliament wishes to establish for our Government. I believe despite the television and radio broadcasts, the Hon Prime Minister always annouces to the country the weekly programs, especially now because in Parliament the main speech is delievered. This is the duty of Parliament, is to make laws. This is our duty.

While Samoa listens in, I do not want to interfere with the speech of the Hon Prime Minister but I just want to add on to clarify this other aspect of our work. It is the duty of Parliament to implement our laws in order to develop a prosperous Samoa. Because no Government wants to enact laws that will put their country in predicament. The matter is quite simple. It is our quest to value our cultural rights that we live by every day. Yes. However, it is useless to live every day with our culture if we do not consider its value.

I will not go into details of the Hon Prime Ministers speech since it has been made very clear. However, I just want to further clarify the role of the Speaker and Parliament, Samoa is listening in on what is the role of this Parliament. It is the duty of Parliament to make laws that will make us live in harmony and make use of the life we are given every day. Yes. I commend you, really I do not have to voice it. Just as we so often mention in our words it is not to praise, although the question is, who initiates? To whom does Samoa turn? They turn to us, us whom they have chosen to voice their needs, to voice their problems and suffering but we did not come here to do nothing, with respect to Samoa listening. We came to fulfill our calling. This is our calling, to make laws. However, I want to convey a word of gratitude and congratulations, but let us be patient. The Savior also struggled to perform miracle after miracle to raise the dead, to make the blind see and to make the crippled walk, but the multitude still complained. Not long ago we celebrated Easter. People used to say crucify. However, what now? Not a person has not thought, if I were there then I would have carried the cross for Jesus. How can we carry it now when this is the case, pardon me for my language.

28 APRIL 2020

Ministerial Speech by the Hon Prime Minister

There is a view in Standing Order 63, that there is no comment made on a Ministerial Statement or a Ministerial Speech unless a motion is moved to table it as a Paper of Parliament. I believe we will have to conclude this matter, and appoint a Parliamentary Committee, these are members of Parliament. Yes. Our work is not dictatorial meaning when you meet people they cannot just convey what they want. Samoa is listening in and have heard that I am speaking in terms of respect. This is the reason why when people are asked for their views the Parliamentary Committee is their gateway to voice complaints and opinions that are brought before Parliament.

Therefore if you are listening in, whoever wants to contribute, negotiation is the important thing, come before the Parliamentary Committee, the Hon Prime Minister have spoken, I believe this will start tomorrow, consultations can be undertaken with Parliamentary Committee before it is submitted into Parliament for consideration and third reading. This is a reminder but do not rely on what is stated in the newspaper. This Parliament does not gossip, we do not take garbage, because there are policies followed by this Parliament, a form of dignity. This is a clarification of the Chair for the understanding of Samoa. Samoa is founded in God, as words of commitment make everything clear. I have explained the matter, the views of the public on the Bills and Amendments can be conveyed to the Parliamentary Committee.

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa): Mr Speaker...

MR SPEAKER: I ask that you move a motion to table...

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Mr Speaker this is the reason for taking the floor, since the Ministerial Speech of the Hon Prime Minister is exceptional, I move a motion, *that it be tabled before the House for future records.*

With respect.

Seconded by the Deputy Prime Minister, member of Falealili Sasae and member of Aleipata Itupa i Lalo.

Motion approved.

28 APRIL 2020

ELECTORAL AMENDMENT BILL 2020
– consideration in detail

MR SPEAKER: Pursuant to Standing Orders the Assembly must first approve the Report of Committee on the Bill before consideration in detail. I call upon the Chairperson of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee. I call upon the Deputy Speaker.

Tofa NAFOITOA TALAIMANU KETI (Chairperson, Standing Orders, Electoral, Petitions and Constitutional Offices Committee): There are certain statements used in such situations in Samoa such as ‘*se ua tatou sootuli ma faavaotutui faasuli tupolata.*’ We have gathered to work together. Why? It is our openness and foresight, because one person cannot make such major decisions. Working together brings blessings, this is the hope for a prosperous future for families, communities, churches and also Government.

Mr Speaker you took the role of Aaron to voice praises this morning, to convey words of gratitude and praise for the goodness and mercy of God for such fine morning. Also for the good health of our country Samoa. I want to say, thank you, I am grateful for the words of praise for the Parliament of Samoa.

Before I speak further I first want to greet the dignity of this House, greetings Hon Prime Minister and I applaud you for the statement given, thus this morning is a fruitful one, thank you.

Greetings to the Deputy Prime Minister and Cabinet, I also welcome Associate Ministers in good health. I also welcome respectable Chairpersons and Deputy Chairpersons of Parliamentary Committees and all members of Parliament. Least I cannot forget to welcome the Chief Executive Officers of Government Ministries and Corporations supporting this Government. Thank you for the hard work.

I also want to greet the Clerk of the Legislative Assembly, Deputy Clerk and office, the tool of Parliament, in serving the leaders of our country. I commend you for the efforts and patience.

I also acknowledge the respects of our country, His Excellency Le Ao o le Malo and his Goodlady, Member of Council of Deputies and his Goodlady, thank you for the support. I also acknowledge the support of the Chief Justice, in your stance on the matter, I commend you for your courage, you have made Magiagi proud, also to the men and women of Judiciary and the Ministry of Justice and Courts behind these matters clarified this morning.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

The support of Samoa, thank you for the prayers, *Aiga ma Tama o Tama ma Aiga, le usoga a Tumua ma Pule, Ituau ma Alataua, Aiga i le Tai ma le Vaa o Fonoti*, I salute you for the duties of this Parliament are safe, I thank you Samoa my beloved country.

I acknowledge the respects of Aiga Sa Levi, residing in certain parts of the country. I thank you for the contribution, the work for the success of Samoa, it is from the heavens, thank you.

Least I want to thank my constituency, Gagaemauga No.2, *aua le Aiga Sa Peseta ma lo latou Maopu, le nofo a Usoalii le Faleiva ma lou igoa mamalu Matautu, o oe o le faamaluga o Malo*. The Hon Prime Minister also stated this morning that you are the Muaautasi to fight for Samoa and its politics. I humbly ask for your support as your appointed member for this term in order to try my best for Samoa tomorrow.

Mr Speaker if Tiafau is being loud this morning then let it be. Why? The matter has been made clear and opinions have been retained in the House of God. Therefore I take the floor with respect to move a motion, *that the Assembly approves the report of the Committee that recommends the progress of the Electoral Amendment Bill 2020 together with amendments*.

With respect.

Seconded by the member of Palauli le Falefa and member of Falealili East.

MR SPEAKER: I appease Parliament, I call upon the Deputy Prime Minister. Afioga Fiame Mataafa.

Afioga Hon FIAME NAOMI MATAAFA (Deputy Prime Minister): Mr Speaker, I want to thank the Chairperson of Committee in regards to the Report tabled, I believe the Amendments on this Bill is very important for all of us preparing for next years General Election.

I want to ask about the Amendment on Clause 6. There is a mention of residence...

MR SPEAKER: Hon Deputy Prime Minister I just want to clarify, in case it is misread. The report of Committee has not yet been passed, you can speak on this matter after we do.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker... Thank you...

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: It has been seconded.

Report approved.

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

CLAUSE 2: Section 2 amended.

MR SPEAKER: There is Amendment by Committee on Clause 2 seen in the Supplementary Order Paper. I call upon the Chairperson.

I apologise to the Deputy Prime Minister, once matters are considered one by one you can let the Chair know if you wish to speak upon it, I give the opportunity to the Chairperson.

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

“AMENDMENT:

Insert after Clause 2, the following new Clause 2A:

“2A. Section 4 amended:

In section 4(6) (a) of the Principal Act, for **“on which the writs for general election are issued”**, substitute **“on issuance of the Notice under section 45(2)”**.”

Amendment approved.

Clause 2 approved as amended.

CLAUSE 3: Section 8 amended.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: There is Amendment by Committee on Clause 3 as seen in the Supplementary Order Paper.

I call upon the Chairperson.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an amendment on Clause 3 as follows:

“AMENDMENT:

1. In the current paragraph (b) for the proposed paragraph (b)(ii):
 - (a) insert before “sworn”, the words “subject to subsection (7),” and
 - (b) substitute “three (3) matai of the candidate’s constituency” with “two (2) matai and a Sui o le Nuu po or Sui Tamaitai of the candidate’s village”.

2. substitute the current paragraph (c) as follows:

“(c) in subsection (5) -

 - (i) for the definition of “minimum of three (3) years” substitute “240” with “305”; and
 - (ii) for the definition of “monotaga” omit “or religious”.

3. Substitute paragraph (d) as follows:

“(d) subsection (6) is substituted as follows:

“(6) A person commits an offence under this section:

 - (a) where he or she is a candidate who makes a false declaration under the prescribed form required under subsection (2)(b) and is liable upon conviction to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding three(3) years and having his or her name entered onto the Corrupt Practices List;

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

- (b) where he or she is a matai, Sui o le Nuu or a Sui Tamaitai who without lawful excuse refuses to perform duties required under subsection (2)(b)(ii) and upon conviction is liable to a fine not exceeding 50 penalty units or to an imprisonment term not exceeding two (2) years.”.”.
4. Insert a new paragraph (e) as follows:
 “(e) insert a new subsection after subsection (6) as follows:
 “(7) For the purpose of subsection (2)(b)(ii), the two (2) matai with duties specified, must:
 (a) sit in the candidate’s Village Council; and
 (b) render monotaga in the candidate’s village.”

With respect.

MR SPEAKER: Question...

Tofa OLO FITI AFOA VAAI: Mr Speaker...

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker an opportunity to speak on Clause 3 of the Bill, please.

MR SPEAKER: Question will be put forward first for Amendment, then an opportunity will be given.

Amendment approved.

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

Susuga Hon LAAULI POLATAIVAO LEUATEA: Thank you Mr Speaker for the opportunity this morning. There was no intention to interrupt the wonderful statement by Hon Chairperson. The changes that were stated by our Committee have been heard. Moreover, I have been there to state an opinion. Mr Speaker, the only thing is (c) in the Clause states definition, to omit the word religious monotaga.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Hon Chairperson with all due respect, thank you for your report, which has now been approved by the Committee, you have also presented your views on this matter. However, it is noted that the decision of Government has been made not to accept the Amendment. This is the only issue Hon Chairperson, I speak with respect, [.....] It was formally conveyed to be presented to the House with the opinions of over a thousand people. Why was it not submitted to the House as usual. Those are the opinions of the nation. If your report was rejected, then find another solution, but to withhold the public's opinion. Hon Chairperson this is what saddens me. You have only spoken to the people of the country, yet it is noted, their opinions are not important; the petition given was to be submitted to the House. Why was this petition not presented to the House?

Hon Minister, the soul is in awe, the opinions by the public were supposed to be voiced here, whether it was accepted or not, but at least it was voiced. That is the reason why I stand, this issue must be expressed.

MR SPEAKER: I interrupt the statement by the member for Gagaifomauga No.3. You are aware that such practice is not allowed in this Assembly. It is directed through the Committee, unless the Parliament so desires to seek the views of each person that was presented. It is carefully noted since those who expressed their views cannot respond within this Assembly. However, the purpose and objective of the request is directed to the qualifications of the candidate. This is through religious services, the Committee has completed their review, and their findings are set out in section 5.2 of the Committee report.

That is the clarification with respect, and I apologise to the member.

Susuga Hon LAULI POLATAIVAO LEUATEA: Yes, with utmost respect Mr Speaker. Our Standing Order 57 enables any citizen of Samoa to present his or her request to the House, through a petition. This is the request that was made, all the Heads of the Congregations are in support, as members should have religious contributions. However, why has it been omitted? We articulated just now that Samoa is founded on God, but now Christianity is being removed.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

MR SPEAKER: Let me offer some assistance, do you remember when the religious monotaga was inserted into our Act? We were present during that General Election with these circumstances, but it we only had our cultural traditions. Now it is done, and all of Samoa has adjusted to these Parliamentary changes. Now we have reverted back to our culture. That is my assistance, but I beseech the member.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker, I will not argue, this is enough. I believe that it was in 2015 when we first introduced, Faavae I le Atua Samoa, but now we have noticed, the words stated were different from the actions that were implemented.

MR SPEAKER: Pardon the member as everyone has an opinion on the matter. I call upon Government.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: I want to thank the Committee for their report. I believe there is no difference in...your report was based on the Words of Jesus. When it comes to love, the Word of Jesus says, “The right hand does not need to know the actions of the left hand”. Other churches have tried to implement these changes, but mentioning a head of a church will not make us do the wrong thing. Maybe he has forgotten those words of God, which we all understand. Therefore, I offer a suggestion to the member, read Matthew and then you will understand these things.

Thus, why I want to thank the Committee, you did not do such a thing, to mix earthly things and heavenly things together. In addition, it is shown here the person that gives his gift and proclaims it, for there will be nothing left in heaven, as they are rewarded here on earth. This means your assistance will be rewarded to the person that does not proclaim it. The Christians in your Committee are different

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker, I apologise, to those that signed this petition, Heads of Congregations, I have voiced our concerns. The Parliament under its practices has ignored the request put forward. With respect.

Tofa OLO FITI AFOA VAAI: Mr Speaker...

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: There is a belief...do not praise your work. That is the belief of the elderly, as our work has been setback whilst Samoa listening in and giving us support. The work of the Parliament does not move back and forth. When we make decisions, we are the leaders of the country. We do not carry out the demands of what thousands of people want us to do. No, we do the work for which we were chosen to do, on what we know and understand, and what is the truth and righteous before God.

Thus, I apologise to the member...

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, it is important that we raise these things, because we are still in this world. Many things happen here. Let us also remember that this is the world where our Lord lived. All his apostles saw the amazing things he did. Nevertheless, when a crisis ensued, they wavered and fled. In addition, eventually none of them believed that Jesus would be resurrected. However, they were the ones closest to Jesus and saw him, as for us, no one has ever talked to Jesus and received a response from him.

Therefore, I beseech the member, there are many imperfections in this world, but the circumstances presented by the Committee, it is not very important. Let us not mix heavenly and earthly things.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker.

Tofa OLO FITI AFOA VAAI: Mr Speaker...

MR SPEAKER: My apologies to the members, our usual recess time has passed, if you want to disobey the announcements by the Chair, then we will rest, but you can continue your speeches here, it is being recorded so when we return...

Since we have now arrived at our usual recess. I believe it will provide members with more time to develop more opinions. Do not raise your voices when you are angered. That is one thing, which hinders a person's chance in the election due to being angry. No matter how virtuous you are, but when the constituency witnesses that you are easily agitated, they will not vote for you.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Proceedings of the Assembly will be set aside for its usual recess. Tea will be served in our tents, if not, and then we will move to the Maota o Tofilau Eti Alesana building. This is for not only the dignified members of Parliament, but also the Chief Executive Officers of Government Ministries and Corporations.

Proceedings of the Legislative Assembly was set aside for its usual recess at 10:52am and resumed at 11:44am.

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

Before recess, the member of Gagaifomauga No.3 had concluded his speech. I note that the member for Salega East is upstanding.

Pardon the member for Salega; I call upon the Chairperson of Committee.

Tofa NAFOITOA TALAIMANU KETI: Thank you Mr Speaker for the opportunity. Prior to explaining the matter as discussed, which the member for Gagaifomauga No.3 mention. I believe that the Parliament has had its fill with refreshments provided, and it has given us additional strength. Mr Speaker, I rise with respect, as this House is where only the truth is presented. This is what guides its work, but the allegation made towards this Committee on why the petition was not presented, thus I stand with respect, to inform this House and Samoa listening.

Mr Speaker, we were unable to present a petition in this Committee. Therefore, this Committee does not understand the statement of the member. Moreover, there is a belief, we respect each other. Therefore, it is only right that such things are corrected, because it is very serious. It has been recorded that, “we did not bring it”, these are the words. This is why; I stand with the utmost reverence, before we move away from this issue.

I respectfully move a motion, *that the words spoken by the member for Gagaifomauga No.3 be removed.*

The reason is, the petition that was mentioned did not arrive nor was it presented as stated before this Committee, and the amendments were carefully considered as witnessed by Samoa and this House.

I therefore respectfully stand to move a motion, to withdraw these words that condemn the Committee as it is unjust. With respect.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: Motion moved and it has...

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker, I ask for an opportunity please. And with respect to you Mr Speaker, this issue has passed, and I believe you have already spoken, the issue that I had stated has been concluded.

It has been formally delivered into the hands of Legislative Assembly through the Clerk of the Assembly. In addition, I believe that all petitions will be discussed together with the consideration of the Bills. In addition, those who created the petition conversed with the Committee and cited that the signatures are being prepared and will be submitted to the Committee and Parliament. That is the way of things Mr Speaker, as I have attempted, the Standing Orders allows any person of the country, to bring a submission or petition to the House. However it has been unfortunate, Mr Speaker that is what I have been trying to convey.

MR SPEAKER: I offer assistance on this issue. For this issue there is a saying, it has already passed, however, for official records of our Proceedings on words and speeches voiced. The emphasis is made to the Chairperson of the Committee in charge of this report.

I want to clarify the matter, if a group makes a petition from a community or anyone, it should be submitted under the member. Consent is sorted from the member, for they will be the representative in Parliament to voice the conditions of the petition submitted. Then the course will be adjusted accordingly. However, the Committee considers a request that is presented to the Committee. They do not give in detail the witnesses, or the requests. It is presented in a summary, which includes the views of the Committee. If it is brought here, and if not anyone is happy with the terms, a motion will be moved, to acquire the findings of the Committee and their witnesses. Because it should not be overstated, as the Legislative Assembly is cautious of its Standing Orders, to bind and protect the people of the country who are listening and have their names mentioned, but are unable to respond to our Assembly.

That is the order of our work. Since we have... Pardon the member...

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Susuga Hon LAAULI POLATAIVAO LEUATEA: Apologies, Mr Speaker, I will not say too much, because the owners of the petition informed me if I could come here and table their petition. The formal petition has already been submitted to the Legislative Assembly, with the intention, whether it is accepted or not, it should be tabled in the House. Now our orders today have been presented, but the petition given was not formally included.

That is why I pray, Mr Speaker, least in any case that I was informed by those who signed the petition and all those who founded this to be signed for the country. That is my reason Mr Speaker; there is no intention of blaming the Chairperson. However, it is based on why the petition was not allowed to be tabled in the House.

MR SPEAKER: I implore the member. I assume because it is going to take up most of our time as the issue is becoming broad. However, since ... I believe there is the dignity of the Chair also the respect to the Chair as it is the respect to members. Nevertheless, if the member wants to satisfy his desires, well I will have today but you can have tomorrow. I will not stay here forever; your time will come if your constituency wants you to come back. If you were to take this position again, then other members will show respect, because what happens is what goes around comes around. I implore the member. When the Chair speaks, members should show respect. We are still trying to specify the terms of our work, but there are times when the Chair also gets angry, because I am not an angel. Then I will take up the hammer that was here. Where is the hammer? When Proceedings start again next week... Yes, when the Assembly reconvenes, make sure the hammer will be here.

I will not respond to this matter, because I have a cue paper, which states that this issue has already been considered. I will not present it, as it will prolong our meeting, but due to the protection of the Chairperson and the Committee. I order the Clerk and the Assembly to omit this statement.

The matter is concluded. I call upon the member for Salega East.

Words ordered by the Speaker to be omitted from the Hansard:

“[O le a le mea ua le aumaia ai i le petition lenei o lo o saina mai ai Taitai o Ekalesia, le afioga i le Akiepikopo, faaaoao o le EFKS ma faaaoao o le Metotisi.?]”

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker for the opportunity given to this constituency, to voice an opinion and ask some questions to understand the amendment of the Electoral Bill on Clause 3...Clause 8. On the eligibility to be a candidate.

Mr Speaker in 8(b), it clarifies the extent to which a member is not eligible if he or she has been convicted by the court. Mr Speaker, I am concerned, as it seems that there is a system, it takes 8 years for the offences to be dismissed. It is the opinion of this constituency, that once a candidate or a politician commits a crime. It is recorded under the law in the corrupt list. In my opinion, regardless of the nature of the offense, another opportunity should not be given to qualify for the General Election. The general reason for stating this is because court records cannot be removed. I am concerned for the integrity of the Parliament. Not only to our country watching, but also other nations who are observant of such circumstances. Before I say something about a member who was in a similar situation, when travelling he goes separately...but that is the meaning of my statement Mr Speaker.

Secondly, regarding the health of a candidate, it is stated in the Bill that the candidate must be in good condition, to be eligible to run in the General Election. There are candidates who are healthy at the time of filling in their forms. However, when they become politicians, we suddenly see them impaired and looking ill. Therefore, what I meant is that the Electoral Commissioner should continue to monitor the status of the members here. Because such things can occur, as if they refuse to disclose their illness, and when they come here they become irritated, because they are sick. We can easily tell with the member that always interrupts, and the member who knows that they are already ill. Therefore, the decisions of our Parliament will be inconsistent and inappropriate on the affairs of the country.

Mr Speaker another issue is regarding the matai, which we are registered under. There was an issue that occurred in the previous Parliamentary term, in terms of the matai title.

MR SPEAKER: Which of these issues is relevant to the member's statement?

Tofa OLO FITI AFOA VAAI: The part concerning the eligibility.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: Because the statement should be made in regards to one particular matter. However, you cannot generally speak on it. I also believe that the member speaks with consideration and respect. You do not speak carelessly in Parliament.

Tofa OLO FITI AFOA VAAI: Mr Speaker did you hear me mention your name? No, I did not state your name as I am voicing my speech, because such things happen.

MR SPEAKER: I was a member before you.

Tofa OLO FITI AFOA VAAI: I know it is right, but we both understand the terms of the Act.

MR SPEAKER: Make your statement brief in regards to each issue.

Tofa OLO FITI AFOA VAAI: In terms of the matai, unfortunately, there was a case of a candidate that had his matai title repealed. However, there was no decision by the Act or the Parliament against it. That is one thing that I had noticed, it is not included in the Act, either to repeal or to continue. Nevertheless, the matai title registered under was repealed especially with the advent of the amendment of the Bill, to allow for a review of the decisions on matai titles and other related matters, which could repeal a matai title of a politician, making them ineligible or unable to retain their position.

Lastly, Mr Speaker, petitions are not presented to the Committee, it is given to the Clerk of the Parliament and then you will make the decision. However, the Chairperson is arguing over it but he is arguing over something wrong. Thank you.

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

Afioga Hon FAUMUINA TIATIA FAAOLATANE LIUGA: Mr Speaker, thank you for the opportunity. To clarify in detail, Clause 3(b) has two (2) matai and a Sui o le nuu or Sui tamaitai. It should state, minimum, but notice, there is no member here that comes from just a single village. There are many villages and all the elders are keen to sign.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Mr Speaker that is why I have stated an opinion, it should include the word minimum, while the maximum can be whatever is decided upon, to acknowledge the willingness of the elders to sign the form of their candidate. With all due respect.

MR SPEAKER: Very well, thank you. I call upon the Chairperson. If there are matters that are not fully explained the Hon Minister can assist.

Tofa NAFOITOA TALAIMANU KETI: I respectfully stand to convey my congratulations and thanks to the members for questioning some of the issues as given in the suggestions from the Electoral Bill 2020. In terms of criminal cases, it clearly states 4 years imprisonment. There is still an opportunity. We should not expect further opportunities for members or candidates to run in the elections if they are convicted of crimes for 1 or 2 years. The Bill we have now, it is 4 years and above.

In regards to the illness of members, Mr Speaker I will not touch on this issue, as the member does not have the medical expertise to question such matters. In terms of the minimum, well, this issue has been challenging, it was not easy for the Committee, especially the statements by the public who came to testify before this Committee. It is also an opportunity to express our gratitude to the wisdom that guided this Committee to make its recommendations tabled before the House.

In the case of matai titles, the Committee has noted it, there are candidates that use the matai title but do not serve the village, and they are unaware of the plans of the village councils. However, when they become candidates they register their matai titles but sit leisurely in Apia. The statements presented before this Committee urged that this should be amended as per the following amendment, there should be a monotaga for matais that will be legally sworn in as testament for the member that is eligible and is fit to run in the election of the leaders of the country. In addition, they should be included in the decision making of each village. It is true that there are many candidates who have matai titles in various villages, and when this matter is considered in the village, which he has a matai title in, they will become a candidate in the general election of the country, these are the conditions.

Second, matais within the village councils making decisions should understand this person, as well as having a monotaga as stated in the Bill in your hands.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

This is the spirit, Mr Speaker, and the use of Government representatives, Sui o le nuu or Sui Tamaitai of a village. Their contribution is important, however, it was also noted by the Committee, in the past some had gone into hiding, the direct words by the representative of the mayor of the village, and it made it impossible for other candidates to get an opportunity to run in the election. Now there is a penalty, as you have heard in the amendments presented, there will be a penalty for the Sui Tamaitai or Sui o le Nuu who do not perform these duties, making it three people who have sworn in to testify for a candidate in the country's general election.

This is an explanation on this matter as it was not taken lightly, and it was examined to the standard, which it can be understood.

With all due respect.

Tofa OLO FITI AFOA VAAI: Mr Speaker a concluding statement.

MR SPEAKER: I call upon the member of Salega East.

Tofa OLO FITI AFOA VAAI: Apologies to the Chairperson, I had asked a question concerning the repeal of the matai title of a member that is in this House, as deemed by the Act, will the seat in Parliament also be repealed, for such cases. The Chairperson has yet to give a response. Alternatively, will they continue as an untitled man without a matai title?

MR SPEAKER: Well, you can refer it to the Hon Minister if you agree. I call upon the Chairperson.

Tofa NAFOITOA TALAIMANU KETI: There is a familiar saying we are used to, *e le o le lauamanu ae o le faamulioatu*. However, I believe that the Hon Minister will respond in due time to clarify the matter that you questioned. In the details of these issues, it does not state any disqualification, on each issue we are covering. If we were to carefully analyse these matters, changing each verse, I believe everything will become clear.

But the Minister will speak in due time if you want to understand more on this matter, as it has yet to reach such circumstances if the Chair were to incline.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: Well done. It is simple, if a decision is made to repeal a matai, a decision must be submitted by the Courts to approve such things. How can we have an Assembly with an untitled man? We have to use common sense. Well, that answer is enough.

Amendment approved.

Clause 3 approved as amended.

CLAUSE 4: Section 9 substituted.

MR SPEAKER: There is Amendment by Committee on Clause 4 as seen in the Supplementary Order Paper.

I call upon the Chairperson of Committee.

Tofa NAFOITOA TALAIMANU KETI: Thank you Mr Speaker. Mr Speaker I move an Amendment on Clause 4 as follows:

“AMENDMENT:

In the proposed section 9, substitute the proposed subsections (2) and (3) with:

- “(2) an application for judicial review of a decision of the Commissioner to disqualify a candidate under section 8(2), must be made no later than noon of the 7th day after close of nomination and in accordance with the rules of the Supreme Court.**
- (3) An application for judicial review under this section must be decided within 20 working days after filing of applications made under subsection (2).”.**

With respect.

Amendment approved.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

Clause 4 approved as amended.

CLAUSE 5: Section 13 amended.

Approved.

CLAUSE 6: Section 21 amended.

MR SPEAKER: There is Amendment by Committee on Clause 6 as seen in the Supplementary Order Paper.

I call upon the Chairperson, Deputy Speaker.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment on Clause 6 as follows:

“AMENDMENT:

Renumber the current provision as subclause (2) and insert a new subclause (1) as follows:

“(1) Section 21 is amended by substituting subsection (2) as follows:

“(2) A person can only have one (1) place of residence:

- (a) which is determined by using information confirming that he or she has resided in a place for at least six (6) months immediately before registration; and**
- (b) use any other information prescribed under subsection (1)(c) to determine the accepted place of residence for that person.”.”.**

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

With respect.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker.

MR SPEAKER: I call upon the Deputy Prime Minister. It is now time to give you the opportunity because a question must be put first for the Amendment.

Afioga Hon FIAME NAOMI MATAAFA: Thank you for the opportunity. With respect Mr Speaker before I speak on Clause 6 and amendments. I heard you were speaking about Clause 5, there is no Clause 5 in the report.

MR SPEAKER: Hon Deputy Prime Minister, Clause 5 amended section 13 of the Principal Act.

Afioga Hon FIAME NAOMI MATAAFA: Mr Speaker it must be discussed. The order of the Committee Report, it is stated under 6.1 – Amendments then followed by Clauses. It is now been progressed, we just concluded discussions on Clause 4 with debate between the Chairperson and some members, but I have noted with the statement made. There is no amendment to Clause 5?

MR SPEAKER: The question was given on Clause 5, the question is whether Clause 5 will be included as part of the Bill, those who agree say Yes. Are there no recent amendments? I call on the Clerk for assistance.

Afioga Hon FIAME NAOMI MATAAFA: Thank you. It is accurate to read only the amendments brought in this order, but the issues suggested are not being presented, unless it is stated by the....

MR SPEAKER: Clause 6 – section 21 amended, that is the long amendment stated.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Afioga Hon FIAME NAOMI MATAAFA: Thank you, it is understood. I will be speaking on Clause 6, I believe it is an Amendment concerning voters, and the meaning, correct me if I am wrong respectable Chairperson, the vote of a person is based on the place of permanent residence under the Amendment introduced. Although the residence amendment applies to the voters, it is also thought provoking Mr Speaker and the sanctity of this Parliament, the position of the candidates, because the candidates are also voters, and perhaps there may be a condition for the candidate to permanently reside in the constituency they are representing.

Mr Speaker, I understand the amendment presented is clear, but it is also thought provoking, especially the speech by the Hon Prime Minister this morning on the importance of our traditions and customs within our Bills, especially our Land and Titles Court. If we look at an Act that has a strong Samoan outline, it is this Electoral Act. We have also made many changes to the division of our constituencies, and what is it based on. Now another amendment is being introduced, on permanent residency. This is another factor, which is stated in the Act or protected by the Act on where a person can vote.

Mr Speaker, well, we have had long discussions on those people that work in Upolu, those that are voting for constituencies in Savaii, or villages that are in the rural areas or out-of-town which have majority of the voters. In addition, I have always questioned in my mind, as I was also a Minister of this Ministry in the previous Parliamentary term.

The question that comes to mind after hearing our Leader talk about our culture and traditions. With this legislation, it is saying that our electoral laws are based on the matai system; the identity of Samoans is family and the matais within the family. It is as if our objective for the election is taking us away from this basis. Mr Speaker and the Chairperson of the Committee I am not saying that I object to this amendment, but the thing is, it begs the question, what about people living in Apia and are required to cast their vote in the rural areas or Savaii? We have approved this and people will abide but when we question the word ‘permanently residing’, how do you interpret the word permanently residing? Residing on everyday basis. What is the opposite of permanently residing which we are talking about here and a Samoan citizen who wishes to return to its original constituency to cast their vote?

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Mr Speaker, we still have sufficient time to look at this and let us regard it as a matter of importance for it is our culture and traditions. There is the recommendation for us to look at our legislation and consider whether the essence of our Samoan way is strong enough. Mr Speaker and members it is this legislation I am referring to, but I will leave it up to the Committee as we do have ample time to decide what these views are exactly. With respect.

MR SPEAKER: Thank you, I give the opportunity to the Hon Prime Minister.

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, when the Bill was before the Committee everyone here had the opportunity to make submissions, whether it be me, the Deputy Prime Minister or a Minister that wants to share what they think. The thought that we should all revisit something because of a view point shared this morning. Well, Mr Speaker we all have our own ideas and we do think about all kinds of things.

Regarding the Electoral Bill, now I have been in this Parliament for almost 40 years, it has been over 39 years and I have noted the Bills that are considered in this House which are implemented to guide our people. This is another thing that is puzzling this Assembly.

It is the reason for the constant amendments of our Electoral Bill within this term by the HRPP. After every election, a Commission is appointed, and the Electoral Bill is amended in our effort to establish avenues to make us realise that our elections are just and genuine. However, as far as the member's view goes, this is the target of the person that wants to win and continuously drives to render a law a failure. It was an attempt by Parliamentary terms in the past, due to the growing number of the population and their desire to achieve integrity, which prompted this Assembly to add more members from constituencies due to the inclination to win and the increase in constituency population. This is the reason for the amendment of the Electoral Bill, to having one-person one vote, one constituency one representative. What happened to that? We are seeing constant friction instead of stability.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Our continuing search for discernment has led us to changes after changes to achieve this and that, after every election we return here to do our responsibilities without filing petitions in court, which tells the world, and what is being said, is that this country is corrupt with its people engaged in deceitful ways. With our culture and traditions, there are also instances where dishonesty can occur but disguised with our characteristic of respect. When we talk about our cultural traditions and our rights. Natural justice is always a fabric of such rights, which we must perform and through the person's conscience which is the silent calling of the Holy Spirit within us all. It is the origin of the phrase, "*O le uta a le poto e fetalai.*" the trait of wisdom is to share.

Mr Speaker, whenever we engage in enacting a law, the devil will also act to undermine it. Why? It is because the devil never leaves us. The remarks made this morning specifically relates to court matters. The legislation we are discussing is the Electoral Bill, which has been before the Committee for quite some time. My suggestion is to proceed with the legislation as it is now.

MR SPEAKER: I call upon the...I believe this is the last opportunity for the Deputy Prime Minister.

Afioga Hon FIAME NAOMI MATAAFA: Perhaps you comprehend the concept behind what I said, since this is the only opportunity where Parliament can consider our legislations in progress. Mr Speaker I suppose the Hon Prime Minister is determined in his view as it is the Government's role to submit legislations, but I am adamant that whatever issues that come before us, the expression of our opinions will not be oppressed. It is not objecting or disparaging on my part, but encouragement.

Mr Speaker, the Hon Prime Minister has stated the many years and changes. I know and you do know that I am also a member who has been in Parliament for a long time. However, I am very confident that our deliberations and the exchange of ideas is protected in this House. Nevertheless, it is a pity Susuga Hon Tuilaepa Sailele Malielegaoi, that you have stated the devil is standing here, yet I am merely voicing our opinion.

MR SPEAKER: I believe...

Afioga Hon FIAME NAOMI MATAAFA: No, let us talk...

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, there is what you call a collective responsibility within Cabinet. Any Minister who falls out of consensus, well, has the opportunity to resign. Every Cabinet Minister must accept the decision that I make, if you do not comply, you know what to do. I am taking this stance as the Leader of the Government. I am trying to get through our responsibilities so that it is done without any problems. Our Committee has been meeting for quite some time, why did you not submit your views then or raise it in Cabinet. Mr Speaker that is my recommendation, to proceed with our legislation we are almost there and the Ministry responsible for the elections must start work.

MR SPEAKER: Thank you. I am of the view that one should not take the dragonfly as something that is heavy. Deputy Prime Minister...

Afioga Hon FIAME NAOMI MATAAFA: The Leader is correct regarding the consensus of Cabinet, that if Cabinet feels that way it will be done accordingly. However, Mr Speaker, if you get what I am saying, I am not objecting to the amendment, as I do understand it since I was Minister of this Ministry. The Ministry finds the avenue to propose the implementing of a responsibility to ensure solidity. That was all I said, it has become unacceptable to the Hon Prime Minister. My apologies to the Hon Prime Minister and the Hon Minister in charge of the legislation. If we do not say what need be at the time, we must be protected by what we say during our debate, after all I am saying it as a recommendation. If it is not accepted, we will be going with what the Hon Prime Minister stated.

MR SPEAKER: I beg tolerance of the Deputy Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, God will always provide us with days. However, like I said, how many times have we amended our laws and particularly when it is a matter that comes from Cabinet. That is where a Minister declares its view before it is made known here in the Legislative Assembly. It is pointless when a matter is tabled but is then questioned here, the opportunity has passed.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Mr Speaker my apologies, and I apologise to the Deputy Prime Minister. This should not happen and then again, one cannot hold back its view for it must be said. It is not a good thing to present a legislation and a Minister gets up to voice their views based on a speech done just 10 minutes or 30 minutes ago. If Ministers would think about it, there are opportunities to discuss it in Cabinet and it should not be made known because I will not sit back and let it pass. I mean, what would be the perception of the public, what kind of Cabinet do we have, submitting laws, which they eventually disagree on? Mr Speaker I cannot allow such situations, because a leader that does not correct this kind of situation will only indicate that he should not be leading a country.

MR SPEAKER: Thank you. My apologies to Afioga Fiame Naomi Mataafa, I have mentioned you by name not as a mark of disrespect and I am of the view that you do honour our Sitting. There is a saying which I often refer to, that is once we incite friction citing the past we will be in that situation where they will be saying...do not be in conflict, do not be against each other. Let me say this about the matter you raised to maintain order. I will use myself as an example, since I have been contemplating running in my village of Fagali'i or my village of Fasito'o at the elections. Since I am at Fagali'i and Fasitoo rendering monotaga service at both villages, I am eligible to run for either village. What I am trying to explain in my belief.

In due course, the Chairperson will address this and I say this because there are new members whom may decide to run elsewhere after the elections.

That is the case but the Commissioner will look into the amendments of Clauses 6 and 7. The Commissioner and the Office of the Electoral Commission and the Minister of Electoral advised this. Cabinet, 20 to 16, approved it.

In saying this, I appreciate the Prime Minister's position. Because with matters like this one. There could possibly be a member getting up and saying something in Parliament like, "Tuilaepa how can you be so honest when your Cabinet are criticising the matters tabled by Cabinet whilst you are sitting there"

We should be mindful of such behaviour. I do not need to tell you what to do; I am prohibited to do so. Nevertheless, our job being in charge of our meeting is to advise you to ensure that things are smooth. That is my view on the matter; let it be as it is. In due course, the club of the lady warrior will be compromised.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

However, I do convey my gratitude and do not be burdened by mistakes these actions are done on earth, not by the laws of Medes and Persia. Once our ship sails we cannot go back. This is my understanding.

Hon Deputy Prime Minister...

Afioga Hon FIAME NAOMI MATAAFA: Thank you Mr Speaker, how kind of you to be respectful. I will accept it and whether there is fault in our objective, but my thoughts are that, we enact laws that is most constructive for our people. I have apologised to the Hon Prime Minister.

We all know that there have been Government objectives, which were not supported by some Ministers. Well, Mr Speaker it is what we do on earth.

MR SPEAKER: Let me finish what I was saying, so I have decided not to run in Fagali'i out of compassion for Afioga Sulamanaia Tuivasa. Yes, even when I am sick, and use a wheelchair I will still win. He is my fellow member and I want him to return after the elections.

Afioga Papaliitele Niko Lee Hang, the Minister of Works, is there anything else otherwise; we shall leave it as it is.

Afioga Hon PAPALIITELE NIKO LEE HANG (Minister of Works, Transport and Infrastructure): Mr Speaker, it is just a minor matter. First, I apologise to the Hon Prime Minister if I have not been in line with the instructions but amendments to Clause 6 has raised a point.

My question concerns the point of residency and the period of residency, which is 6 months. My question Mr Speaker whilst the Hon Minister is listening, concerns people whom have moved from their former place of residency where they have been voting in the last 10 years due to this law. They also cannot transfer their registration. What becomes of them?

When they approached the office to register, they were denied and must wait after 10 years. Now they have changed their place of residency what about these people as they may be charged under the law for not voting as they are in a new area. That is the question I need some understanding on, but I do not object to the Bill. Thank you.

MR SPEAKER: Thank you. Well the Chairperson will respond or the Minister but the law is stronger. Where ever the law will be it will be more powerful. Nevertheless, the Chairperson will respond.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Tofa NAFOITOA TALAIMANU KETI: Thank you Mr Speaker and thank you Hon Minister for the question. As Mr Speaker has noted, this legislation was planned by the Hon Minister and submitted before Cabinet and with Cabinet's approval comes this recommendation. I am of the view then that the objectives are clear with Cabinet, however questions have been voiced again, and the purpose is to strengthen the Principal Act passed by Parliament in 2019. This includes the residency and matai provisions.

In the view of the Hon Minister and the Electoral Commissioner, it seems that people are still moving from place to place. There is no emphasis on the law and the section that was passed in this House on January 2019. Hence, this is an Amendment to strengthen the residency provision.

That is my response but the Hon Minister will speak further on this issue. With respect.

Afioga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker the Chairperson did not answer my question. I understand the residency part but these people are prohibited from being transferred under the law, they cannot do so until it is 10 years after registration. Now with people that moved elsewhere they cannot transfer registration because of this law, it must be 10 years. My question is whether the law can allow some sort of leeway. Therefore, people can register because what will happen is, many people will not be able to vote because they cannot transfer to their new area of residency, with respect.

MR SPEAKER: Well said, the answer to that is the law is stronger. If the law says it has to be 10 years before you can transfer, then do so. Well say something...

Afioga Hon PAPALIITELE NIKO LEE HANG: Mr Speaker, this is stated under residency. Because if a person cannot register and yet has permanently lived there for 6 months, yet it is prohibited in the other law, it is something that must be amended.

MR SPEAKER: I call upon the Minister which would make things easier.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Thank you Mr Speaker, with this matter the Commissioner will look into it as you have asked Afioga Hon Papalii Niko Lee Hang, with respect.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: Well done, the Minister of Works is satisfied with the response from the Minister of Justice. Leave it to them for reassessment.

Amendment approved.

Clause 6 approved as amended.

CLAUSE 7: Section 43 is substituted.

MR SPEAKER: There is Amendment by Committee on Clause 7 as indicated in the Supplementary Order Paper. I call upon the Chairperson.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move an Amendment on Clause 7 as follows:

“AMENDMENT:

Substitute Clause 7 as follows:

**“7. Section 43 substituted:
Section 43 of the Principal Act is substituted as follows:**

“43. Commencement and cut-off date for campaigns:

- (1) Subject to sub-section 2, the campaigning period commences within three(3) days after the close of nomination.**
- (2) A candidate is prohibited from campaigning during the prohibited period.**

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

- (3) In this section, “prohibited period” commences at 12.00pm on the day before the designated period in section 60(2) and ending after the official declaration of results.

New Clause 7A:

Insert after Clause 7, a new Clause 7A as follows:

- “7A. Part 7 is substituted:
Part 7 is substituted as follow:

**“PART 7
NOMINATIONS AND ISSUING OF WRIT**

Division 1 – Call for Nominations

45. Opening and Closing of Nominations:

- (1) Nominations for general elections shall be made within a period fixed by the Commissioner by public notice, six (6) months before the last possible date for general elections.
- (2) The Notice issued by the Commissioner must specify latest day for nominations of candidates being a date not earlier than the 3rd day, and not later than the 14th day at 12.00pm after the closure of rolls under section 33.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

- 46. Nomination of candidate:**
- (1) A person qualified under Part 3, may with the persons consent, be nominated as a candidate for general election for a constituency by at least two (2) registered voters of that constituency, as the case may be, by nomination paper in prescribed Form.**
 - (2) Consent to the nomination of a person is to be given by that person in writing or by telegram, but need not be given at the time when the nomination paper is lodged.**
 - (3) A nomination paper and consent are to be given to the Commissioner no later than noon and upon receiving the Commissioner shall give a receipt in writing for a nomination accepted by him or her.**
 - (4) A candidate is to be nominated by a separate nomination paper in a manner, which in opinion of the Commissioner is sufficient to identify the candidate and may include the candidates other matai titles from the same constituency in the nomination paper.**
 - (5) No voter can nominate more than one (1) candidate.**
 - (6) A registered voter may inspect a nomination paper or consent at the Commissioners office without payment at any time when the office is open for the transaction of business.**
 - (7) A candidate or a person on a candidate's behalf must pay to the Commissioner a fee of \$1000, no later than noon on nomination day.**
 - (8) If a name is shown on a nomination paper or other document in which a candidate lists a registered political Party, the Commissioner may require confirmation of that candidate's eligibility to claim that accreditation.**

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

- (9) For the purpose of subsection (8), the Commissioner must not recognize a political Party not registered under Part 2.

47. Acceptance of nomination:

- (1) The Commissioner must accept a nomination of the candidate if it fulfils all requirements set out under subsection (2).
- (2) The Commissioner must reject the nomination of a candidate if:
- (a) the nomination paper and the consent of the candidate are not lodged with him or her by noon on nomination day; or
 - (b) the consent of the candidate does not state that he or she is qualified to elected a member under Part 3 and any other enactment; or
 - (c) the nomination paper does not state that the candidate is a registered voter of the constituency in which he or she is to represent; or
 - (d) the nomination paper is not signed by at least two (2), registered voters of the constituency in which he or she is to represent; or
 - (e) the nomination fee is not paid as required by this Act; or
 - (f) the nomination paper is not accompanied by a statutory declaration in the prescribed Form.

48. Publication and nominations:

- (1) The Commissioner must publish publically names of all candidates nominated as soon as practicable on noon on the day appointed for the nomination of candidates.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

- (2) Under this section “publish publically” means to place in a place visible to the public and in a constituency, the list of nominations for that constituency.

49. Death on or before close of nominaton:

- (1) A candidate who has been nominated, who has not withdrawn his or her nomination and who dies on or before close of nominations is to be treated as if a nomination had not been made and the paid nomination fee is to be returned to that person’s representatives.
- (2) If a person referred to in subsection (1), dies before the closure of nomination, the time for close of nominations for that particular constituency is to be extended by five (5) days.

50. Death after close of nomination:

- (1) If a candidate dies after the close of nominations and before the close of the poll or if the successful candidate dies after the close of the poll and before the declaration of the results of the poll, this section applies.
- (2) The election is taken to have failed and the seat is taken to be vacated.
- (3) Where the candidate dies before polling day the Commissioner must, upon being satisfied of the fact of the death, cancel the notice of the poll in that particuale constituency as the case may be.
- (4) Where the candidate dies on polling day before the close of the poll the Commissioner or the Presiding Officer must, upon being satisfied of the fact of the death, immediately close the poll and declare it to be null.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

- (5) Where the candidate dies after the close of the poll and before the declaration of the result of the poll, and it is found on the completion of the count of votes or on a recount that the candidate, if still living, would have been elected the Commissioner must, upon being satisfied of the fact of the death, endorse on the report to the Head of State the fact of the death and that the candidate, if still living, would have been elected.**
- (6) This Act as to equality of votes between candidates applies despite the death of 1 of those candidates after the close of the poll.**
- (7) Where the poll is interrupted in consequence of the death of a candidate all ballot papers placed in the several ballot boxes are to be taken out by the several Presiding Officers and being made up into secured packages, are to be sent unopened to the Commissioner, who must immediately destroy them in the presence of a District Court Judge or other judicial officer.**
- (8) A fresh public notice is to be issued by the Commissioner immediately for a new election and, except as provided, all proceedings in connection with the new election must be repeated.**
- (9) The main roll and supplementary rolls which were to be used at the election which has failed are to be used at the new election without an amendment or addition.**
- (10) It is not necessary to nominate again a candidate who at the time of the cancellation or close of the poll was a duly nominated candidate.**

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

- (11) Subsection (10) does not prevent the withdrawal by a candidate his or her nomination which must be done no later than five (5) clear days before the new polling day.
- (12) All appointments of polling places made in respect of the election which has failed must continue in respect of the new election.

51. Procedure where there is no nomination for a Constituency:

If:

- (a) No candidate is nominated; or
- (b) The only candidate nominated withdraws his or her nomination, the Commissioner must, after the expiration of the three (3) months from polling day, declare the seat to be vacant after which section 148(3) is to be implemented.

Division 2 – Issuing of Writs

52. Writ of election issued by Le Ao o le Malo:

- (1) For a general election Le Ao o le Malo shall, not later than seven (7) days after the day of the dissolution or expiration of the last Parliament as the case may be, under the Head of State's hand, issue a writ of general election to the Commissioner for the conduct of the general election of Members for all Constituencies.
- (2) In a writ of general election the contents must have:
 - (a) a day for the polling to take place if a poll is required, being a Friday; and
 - (b) the latest day for the return of the writ being the date no later the 14th day after polling day.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

- (3) **The Commissioner must within three (3) days of receiving the writ issued under this section, give notice of the writ.**

Division 3 – Withdrawal of Nominations

53. Withdrawal of nominations:

- (1) **A candidate must provide a written withdrawal of his or her nomination in the prescribed Form to the Commissioner no later than 14 days prior to polling day at 12.00 noon after which, the Commissioner must publically notify the candidate’s withdrawal.**
- (2) **A withdrawal of nomination that does not comply with subsection (1) is void.**
- (3) **If a candidate withdraws his or her nomination in accordance with subsection (1), the candidate is not capable of being elected as a Member”.**

Tofa OLO FITI AFOA VAAI: Mr Speaker...

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

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you Mr Speaker for the opportunity. However thoughts seem to be evading. We should not be surprised by the conflicting views this morning due to the constant changes of this Bill. The elections are not far off and we are still changing it.

Hon Prime Minister and Deputy Prime Minister, the hopes of our people rest with you. May your endeavours be a success and we know the state Samoa is in now. You have been occupied by a lot of things but I applaud your perserverance. This is the time of unity against what is before us so your undertaking is a success for the support of the people.

When we talk about the Electoral Bill, well this is where our sovereignty and freedom is established. But I will now share my view on section 43 of the Bill concerning the new change as I did talk upon it.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

The Samoan term that I dislike is, ‘faiga faatosina’. The English translation is campaign and that is rather general in meaning. Even us as members do not understand the meaning as explained yesterday. On what it means for campaigning that is allowed and campaigning that is prohibited.

If you use the term *faatosina* it means trying to force or bribe a person. I recommended the use of the term, *faalauiloa*, campaigning. Another aspect of the previous Bill was, campaigning period is closed at 12, day before the nomination. However Committee has recommended it be 3 days prior. Therefore I want an explanation from the Chairperson in the reason why it has been put back 3 days prior.

Another query, section 46(7), the increase of the amount paid to run in elections is \$1,000, I do not recall if this was discussed at all. An opinion was conveyed that this increase is too much. At the moment it is \$300. This means it is more than 200% increase. What is the cause and especially now with the pandemic, it should be dropped to \$100. What is the view on this, it should be made easy for people to run in elections. As for the \$1,000 Hon Minister it is too much. What are the justifications? For increasing the amount to \$1,000 to run in elections.

With respect.

MR SPEAKER: Very well, alright...

Tofa OLO FITI AFOA VAAI: Mr Speaker...

Susuga Hon LAAULI POLATAIVAO LEUATEA: Mr Speaker...

MR SPEAKER: Very well. I call upon the member for Salega East.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker. I commend the Chairperson and Committee.

The Amendments proposed, will be noted in the history of this Parliament, the basis where majority of the Bill has been changed. I believe is also why the Chairperson is proud. However are these changes accurate. I just want to understand because there are so many changes, the amendment from 3 months to 6 months is new. I humbly ask the Chairperson for a clarification on this matter, what are the justifications?

28 APRIL 2020

Motion to continue Sitting Hours

MR SPEAKER: I apologize to the member but I have forgotten to call upon the Hon Prime Minister, for a motion to continue our orders as we have approached our usual adjournment hour. I respectfully call upon the Hon Prime Minister.

MOTION TO CONTINUE SITTING HOURS

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker since the Bill considered is very important, I move a motion, *That Proceedings of the Legislative Assembly continue until the Electoral Amendment Bill 2020 is passed and third read, before adjournment of our Sitting to next month.*

This is the motion for the approval of the House.

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

Motion approved.

MR SPEAKER: Our orders will continue, until the third reading before we adjourn on the date stated, 26th May.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETEELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker there is something that would be beneficial to members of this Assembly. During the course of the Chairperson's address, the numerous elements that are effective right up to this day were noted and include other important dates, which must be understood by members, particularly those intending to contest the elections. There are the dead lines in which members should have lodged their candidacy, there are also days in which you should have transferred your registration from one constituency to another. Therefore, there are so many dates, which possibly could be forgotten by members.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

My advice to the Hon Minister and the Ministry is to publicise when certain events will happen for the information of the public, because if you do read the Bill there are deadlines, which refer to noon, and the following day when nominations take place. Therefore, it is best that your publication notices are released for whatever events. Since the law has numerous additional information gone into it and that will make it easier for members to avoid any frictions through misinformation. The program broadcasted by the office on radio are vital to listen to, I also listen to it as it explains the matters within the Bill.

MR SPEAKER: Thank you, great recommendation. I call upon the member for Salega East.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker. No I wanted to gain insight of the 3 months change to 6 months. Mr Speaker, personally, there are advantages and disadvantages for this change.

The advantage for me Mr Speaker, if I and my party are the government of the day, I will swiftly know exactly the members that will be removed from my party due to this new change. The disadvantage about it is that it will repeal the current members if we have the declaration that was carried out in September, I would want to join another party when my position will be repealed here which was not my intention, it is the intention of the Law. I therefore do not understand well why this doing is being carried out like this.

Another response the honorable Chairperson should make is the right of members that want to cross the floor due to distrust of its own party. This is provisioned under individual right of the member, whilst your Human Rights Protection Party includes these members. Such is the question I wish to ask, I wish to gain insight on the findings that you carried out. With all due respect thank you.

MR SPEAKER: Thank you. I allow the member for Gagaifomauga No.3 followed by the member for Faleata.

Susuga Hon LAAULI POLATAIVAO LEUATEA: I am gasping sir. Reflecting on the long presentation of the honorable Chairperson, Matautu, I feel sad again with another concern brought about today. 6 months campaign before the Parliamentary ends seems aatui infuriating for the village councils.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Note that at the end of any Parliamentary term, we go back to the districts for the elections. That is the Samoan cultural process for us in this House. You do not stand alone and all of a sudden register, no. It is under the protection of the village councils that enabled us to come into this Parliament which was the process we had undertaken several years back. Until this term finishes, then we go back to our constituencies to make the selection for electoral nominations to be registered under the Electoral office. Why then is this doing different which seems to mean that voters are being blocked from voting?

Honorable Chairperson, the feeling I have is very disappointing. We have just discussed our culture, the authority of village councils, and now the first 6 months is allotted for this to be done when authority which brought us into this House has not yet been dissolved for this Parliamentary term. How is this done? The authority for this term is not yet over.

This indicates that, pardon the House, we are being cut out immediately before comes the end of this term. People are going into the elections when authority has not yet been over for this term. How is this done? The constituents and villages are supporting us, we do not hold the authority. Those are direct words....

MR SPEAKER: I advise the member to make his statements lightly, it is better to replace the word you just made from cut alive to allocate alive. That would be better, as the word cut refers to...whilst allocate, that is it. I am just assisting as...

Susuga Hon LAAULI POLATAIVAO LEUATEA: I beg forbearance your honour, I take back my words Mr Speaker. The main intention and basis is that this is where we came through to this House, it is not your will, it is the support of the constituency who does the voting, Sa Tupua ma Sa Malietoa ma Aiga then the registration on candidacy is delivered based on one decision decided by the constituency. No one mocks around in town and all of a sudden come and say, "I'm gonna go for the election." No. Matautu, I will keep on knocking as I said before, Gagaae and Gagaifo are one family. The cash is now risen to \$1000 or 200% for an electoral candidate to run in the elections. How can this be done? It seems that we are making the elections difficult for the voters in terms of their individual rights to be heard in the country.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

This is the first time for me to hear such thing as I too used to be Chairperson of that Committee, there were several views and exchanges made and observing it, it seems we are prepared to build a tower to protect us and abandon the people of the country who aim to make their votes. I am just saying, honorable Chairperson, your mouth and words are sweet, yes, may you maintain that. My plea, *e le aoaia e Laupua Tamafaiga*, I am just saying, let your hug and words to the country be trustworthy.

With all due respect.

MR SPEAKER: Very well thanks. I call one of the members for Faleata East, go on.

Afioga SALAUSA JOHN AH CHING (Faleata East): I will be brief on this matter, the essence of taking the floor is to avoid disruptions on the date of candidacy registrations. The wording on center of the sun. My advise to the Chairperson of the Committee and the Committee, give it a time say 12 or 11 or even 1. The reason for saying this is because there are different times for sun to be at the center, due to the different time schedule for sunrises from time to time.

MR SPEAKER: To save the time of the member, the Prime Minister has advised the Minister and his Ministry to change their...to omit this wording and insert time in there. This is therefore done. To save 15 minutes, leave aside solar or whatever and put in time.

Afioga SALAUSA JOHN AH CHING: Very well thank you. True is what I heard with regards to the sun, that is also the advice, insert time, as there is a time difference for the sun to be in the center from one day to another. Now that we have new knowledge coming in lest we have technological argument from someone else about this time change on the time for sun to be at the center, with due respect. Thank you.

MR SPEAKER: Thank you. Well it is medical recommendations for our deep consideration. For the sake of the Commissioner, well done to the Minister and the Ministry of Health.

These are the raising issues by the respectable members, I allow the Chairperson or the Minister.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Tofa NAFOITOA TALAIMANU KETI: The thought is different at this time of the afternoon. Well done to the respectable members for your submissions. The only response I must make is that the work of the Committee was not taken lightly. All the things you have mentioned, this Committee went through it several times given the choice of leaders by the country.

Only this to say Mr Speaker, there is normal saying in this region, faitau eseese Tutuila ma Ape i lagona ma manatu, Tutuila and Ape differ in feelings and opinions. Gagaifo and Gagaae differ in views. Do not mince, the same with Salega. The members of this Standing Order, Constitutional Offices and Electoral Committee are all experts, they all come from large constituencies in the country and they were the ones who were tasked with the thorough review of the purpose for this query. For what? The question is why? I thank the country for the submission which resulted in this recommendation made in this change.

Firstly, every member supported this change with regards to moving on with the elections before the parliamentary term ends. Although this was the only thing which could have affected the Constitution when not, according to the recommendation from the Attorney General, the Electoral Bill can still press through. Such is the easiness of our talks carried out this morning. The submissions of the public is insufficient time given, if you have heard what I read out earlier, the bulk of the job is now with the Commissioner and his staff in order to carefully and completely review the elections processes based on fair and just.

Enough time to find that response, 6 months is more than enough. That is what we came through in the past, dissolve in January and the elections to be held in March.

Mr Speaker and the dignity of the House, it is not enough as such is the reason for these rolls to go like that. Time was not sufficient to review this matter thoroughly. Such is why some voters could not find their names in these ballot rolls. Why? Due to the shortness of time.

The submission of this 6 months Amendment, this is one vital thing. Bearing love upon the officials during the execution of their roles and duties delegated from the Government. Uphold their roles based on integrity and accuracy and avoid any mistakes during the Elections.

Second, the nominations of candidacy...

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

Susuga Hon LAAULI POLATAIVAO LEUATEA (Gagaifomauga No.3): Mr Speaker, just this bit as the member is moving away from the raising matter I made, lest your honour is mixed up, it will be short...

Tofa NAFOITOA TALAIMANU KETI: Let me finish...

MR SPEAKER: Pardon the respectable member as your time is up although, I will conclude, let us have the response before you can stand up again.

Susuga Hon LAAULI POLATAIVAO LEUATEA: Can I get a final chance your honour? Just this tiny bit as the honorable Chairperson is about to move on.

Tofa NAFOITOA TALAIMANU KETI: The selection of the country's Leaders, not only does it involve electoral candidates, but also voters. The normal gap from January and the elections in March is not enough, which eligible candidate should be considered to be in this House.

This is one advantage for voters, time is sufficient for them to receive the statements on running candidates and what they must do for the constituencies and improvements. In relation to this Amendment, the Committee have thought that 6 months time period is suitable. .

The only thing as reiterated by the member, is that voters are not being recognized here. In accordance to the replacing word made, distribute alive. This is unnecessary as the elections and rolls will not stop here after the dissolution of Parliament. I have said it, the Constitution is not affected here, it is up to the Minister and Commissioner when they can advise the Head of State on this matter.

Although all the other plans of...opportunity will be opened for voters.

Tofa OLO FITI AFOA VAAI (Salega East): Mr Speaker, point of clarification. Mr Speaker...

MR SPEAKER: It seems that it is getting over...

Tofa OLO FITI AFOA VAAI: No the honorable Chairperson is getting at it. Can the Chairperson explain the situation with...I am referring to the Constitution.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Tofa NAFOITOA TALAIMANU KETI: For the selection of members, do not disobey the honorable Speaker often, one must bear respect and Standing Orders of the House.

MR SPEAKER: Pardon your honour on...

Tofa OLO FITI AFOA VAAI: Was the Chairperson aware of the change in the Constitution pursuant to the amendments made to the Electoral Act? That is the intention here, did you have a thorough look at the Constitution where it clearly spells out the 3 months period. What do you say about that when you say you are experts. Did you change the Constitution? The Constitution has now been violated.

MR SPEAKER: Pardon the member let us not aim desperately to question this side for it is true, that is how it is. The work according to the intention of the Prime Minister is to make changes for the sake of the people tomorrow.

Every time we come back to a new Parliamentary term, a Committee or Commission is selected to oversee Amendments that are suitable to our environment. We have also seen issues and loopholes after each General Elections.

For it is always us that are causing it. We aim to meet whatever is required of our constituencies in accordance to new change. The target for the Commissioner and the Electoral Office is to maintain justice. As such, the Chairperson will now give its response.

Tofa OLO FITI AFOA VAAI: Mr Speaker, the only thing is that I am envious of the Constitution. It would have been better if it was a Legislation.

MR SPEAKER: Government policies and chance will be given to Laauli since I had withheld the chance for Gagaifomauga No.3 Go ahead.

Susuga Hon LAAULI POLATAIVAO LEUATEA (Gagaifomauga No.3): Pardon me honorable Speaker since Matautu will slide further away, Matautu, this is my word, I wish not to speak on it again. I will go with your word today.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

With our relationship, our thoughts are different. With your heart, I will safekeep Gagae. That is the laid out word in our relationship. Such is reason for my stance to protect the position of Gagae and Gagaifo.

I beg the pardon of the honorable Speaker, on a word I said earlier, the essence I made, I beg tolerance if the language was offensive. The intention otherwise, it seems they are holding the authority...

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker...

Susuga Hon LAAULI POLATAIVAO LEUATEA: The Parliamentary term we are in is not yet over, although, this is enough. I will no interrupt any further, as you said, it is different with what you had administered.

MR SPEAKER: Well why not leave it to...

Afioga Hon FAAOLESA KATOPAU T AINUU: Mr Speaker...

MR SPEAKER: I call the Minister of Electoral Office.

Afioga Hon FAAOLESA KATOPAU T AINUU: Just an explanation to the concern of member for Salega. You mentioned Constitution. For your information, the Attorney General advised the amending of the Constitution was not necessary. Unless you have a better knowledge than the Attorney General's, then that can be officiated here. Otherwise, this is the recommendation from the Attorney General.

Tofa OLO FITI AFOA VAAI: Mr Speaker, the reason why I stood up was to clarify 3 months in the Constitution which is now changed to 6.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr SAILELE MALIELEGAOI: I wish to assist on this matter.

MR SPEAKER: I allow the assistance from the Prime Minister.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: It is best that this House is made aware, the only person whom this House listens to is the Attorney General. And this is also part of their work. In addition, there is nearly 100 lawyers working for the Attorney General's Office and the Law Reform Commission as well as those working as Legal Officers within Ministries and Corporations. And all their work are related to Laws. And for any drafted Legislation, they must be in line with the Constitution. That is the first part.

Part 2, since I came into this Parliament, members are made known before they are being dissolved. I recall another year, the Elections were held on the 1st March and the Sitting schedule from here stated the last Sitting at the end of January was at 4 in the morning. That was the final Sitting. This is a real fact and not a guess. As stated by majority of the members, all things seem to be guesstimates. These are true facts for constituencies to find their candidates when Parliament still has a long way before its dissolution.

I feel that I must correct these things as there are several comments made in the House that are baseless. The important thing, is there should be no such thoughts. Even up to now, I am unsure as to how many candidates who wants to run for the Ballots that are asking me, what exactly is the plan? I told them to go and wait. Until the HRPP makes its announcement perhaps in July or August. It is not yet time to publicise the candidacies' names.

Meanwhile, that is what the constituencies want right now. They have been campaigning for the running candidates when it is not yet time for that. Who are our running candidates anyway? There are also people who are tasked, who wants to know whether 10 or 20 so that they can do their normal task to go about and start gathering the voters. These people have longed been desperate to do this. However, they are still waiting for the time to do so?

According to my personal observations with this 6 months, this is more than enough time given. The constituencies aim to find out about their representatives as soon as possible whilst that should not concern us current members. Perhaps the point for the possible member to succeed will begin with 100%. After the race, it can stretch and could lead him or her to trouble.

Mr Speaker, there is no big trouble with this matter. According to what I hear, despite all, we are giving out political speeches. Statements that could gain us points.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

The recommendation from men received who are our passing descendants. ‘We must be careful of speaking to earn points. Afterwards, it could lead to reduced points.

Mr Speaker that is the slight addition.

MR SPEAKER: Very well thanks. Perhaps the Prime Minister has further provided clarity in some of the issues raised by members. Perhaps that is the situation we had in the past.

To the respectable members, we too had representatives coming to our village to change the village council, and the village council said to bear patience. Parliamentary Sitting was carried out and when finished, the member can meet us here. Change has come about today. As the Prime Minister said, they cannot wait for this happen so that they can go about with black bags and things like that

As for us, let us take the lead based on the protection of the village councils. That is our assistance. The Hon Minister has spoken and all is being clarified.

Tofa LEALAILEPULE RIMONI AIAFI: Mr Speaker, pardon your honour, I have stood up on a different matter which is very significant. It is far too critical this major change under campaign. I do not understand the logic behind it. What exactly is the reason behind this motive?

My understanding of this, I have 4 votes, after this day...the poll and campaign will be over. In the old Act, campaigns are prohibited until the results are official or until after 3 days of election.

I do not understand your honour, if people take note of these matters, there would be a lot of issues in the General Elections. We are well known in the world for electoral petitions. It seems small however it has a huge impact on us regarding this matter.

In my belief, we should have sought further review on campaign process, such that whenever the Elections is over, the electoral campaign should also be over. If 3 days are allotted for campaigns to press through, the members should be clarified that this electoral activity will be prohibited for the next 3 consecutive days. We are used to winning and celebrations after therefore, these must all be withheld until after 3 day period and what is the use of doing all this. With all due respect it is important.

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

MR SPEAKER: I call one of you, whether the Minister or the honorable Chairperson.

Tofa NAFOITOA TALAIMANU KETI: I thank the respectable member from Faleata. You are one member that never misses a submission before the Committee and reason why these amendments are made as deliberated by the members. With regards to campaigns, the recommendation we gave the Attorney General, the word campaign is not in line with campaign period. The campaign period here, once we have deadline for rolls and nominations and become aware of political parties, it can commence after 3 working days. It will finish in the afternoon of the next day right before the Election Day. Therefore it seems like 6 months. That is the spirit. However in relation to campaign, it is not in line with the proposed amendment. Campaign itself is a crime. The 3 day period which the member of Faleata is querying about involves rolls, candidacy, political parties then the Commissioner and staff will prepare a writ which commences the campaign period which you are asking about, which should finish right before the day of Election. That is the response but we will progress with the Bill. Lealaile pule, I know you are one member that is quick to gain understanding, you are one knowledgeable member, yes you are the President of the Samoa College Old Pupils Association or SCOPA.

Tofa LEALAILEPULE RIMONI AIAFI: True is the word of another prisoner, too much deceiving. Thank you.

MR SPEAKER: Your chances are now over and may I remind the members, the honorable Chairperson was part of the law class that was held back in Tuanaimato and therefore, he too has qualification in everything. I am just reminding lest you forget that.

Amendment Approved.

Clause 7 was approved as Amended.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

CLAUSE 8: Section 61 is amended.

MR SPEAKER: The Committee has an amendment to clause 8 according to the Supplementary Order Paper.

I call the honourable Chairperson

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move the amendment to clause 8 as follows:

“AMENDMENT:

Re-number the current provision as subclause (1) and insert a new subclause (2) as follows:

“(2) Section 61(2) is amended by substituting “Friday at 4.00pm on the week before the period designated under section 60(2) for approval to pre-poll” with “14 days from polling day at 4.00pm”.

Amendment Approved.

Clause 8 was Approved as Amended.

CLAUSE 9: Section 63 amended.

Approved.

CLAUSE 10: Section 65 amended.

Approved.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

CLAUSE 11: Section 73 substituted.

Approved.

CLAUSE 12: Section 101 amended.

MR SPEAKER: The Committee has an amendment to clause 12 in accordance to the Supplementary Order Paper.

I call the honorable Chairperson.

Tofa NAFOITOA TALAIMANU KETI: Mr Speaker I move the amendment to clause 12 as follows:

“AMENDMENT:

Substitute the current provision as follows:

“In Section 101 of the Principal Act:

(a) for “two (2)” substitute “three (3)”;

(b) for “of a poll under section 84”, substitute “for general election”.

New Clauses 12A, 12B and 12C:

Insert new Clauses 12A, 12B and 12C after Clause 12 as follows:

“12A. Section 149 amended:

Section 149 of the Principal Act is substituted as follows:

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

(1) The Commissioner must no later than 21 days after the date of the receipt of the warrant from the Speaker, issue a writ for election to supply the vacancy, and the writ must specify:

28 APRIL 2020

Electoral Amendment Bill 2020
– consideration in detail

- (a) the latest day for nomination of candidates being a date not earlier than the 5th day and not later than the 7th day from writ day; and
- (b) the latest day for the withdrawal of nominations which is to be the 7th day from nomination day; and
- (c) a day for the polling to take place if a poll is required, being a Friday; and
- (d) the latest day for the return of the writ being the 14th, day after polling day.

(2) Polling day must not be earlier than the 19th and not later than the 21st day after nomination day.

(3) In issuing the writ, the Commissioner must give public notice of the writ.

(4) Despite subsection (1), in any case in which it appears appropriate, the Head of State may, by the issue of a writ until a day specified in the Order being not later than 42 days after the date of the receipt by the Commissioner of the warrant.”.

12B. Section 152 amended:

In section 152 of the Principal Act, for “45(2) to 138” substitute with “48-51 and 54-138”.

12C. New section 153A inserted:

The Principal Act is amended by inserting section 153A, after section 153 as follows:

“153A. General offence:

Any person who without lawful excuse obstructs the Electoral Commissioner or a delegate in the implementation or enforcement of this Act commits an offence and is liable upon conviction to a fine not exceeding 50 penalty units or imprisonment term not exceeding two (2) years, or both.”.

With due respect.

Amendment Approved.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

Clause 12 was Approved as Amended.

CLAUSE 13: Consequential Amendment.

MR SPEAKER: There is an amendment by the Committee on clause 13 according to the Supplementary Order Paper.

Respectfully I call the honorable Chairperson.

MR SPEAKER: Mr Speakr I move the amendment to clause 13 as follows:

“AMENDMENT:

Insert lines in Schedule, after the Electoral Amendment Bill 2019:

Principal Act	<p>In section 90, substitute “46” with “52”.</p> <p>In section 18(3) and (4), substitute “47” with “46”.</p>
----------------------	--

Amendment Approved.

Clause 13 was Approved as Amended.

CLAUSE 1 & TITLE:

CLAUSE 1: Short Title and commencement.

TITLE: Electoral Amendment Bill 2020.

Approved.

The Electoral Amendment Bill 2020 progressed with Amendments.

28 APRIL 2020

MOTION TO SET ASIDE STANDING ORDER 108(4)

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move the motion, *That Standing Orders 108(4) be set aside to allow the third reading of the Bill that was considered on this Sitting day.*

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

Motion was approved.

**ELECTORAL AMENDMENT BILL 2020
– third reading**

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice and Court Administration): Mr Speaker I move the motion, *That the Electoral Amendment Bill 2020 be now read a third time.*

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

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

MR SPEAKER: We have arrived at the end of our Proceedings in accordance to the agenda set out in our Sitting program today. I convey thanks to the Prime Minister for the set motion to resume our works until we reach the third reading of this Bill as time is a very critical factor in the progress of our works especially in carrying out the works of the Electoral Office for the sake of the country in particular.

28 APRIL 2020

**Electoral Amendment Bill 2020
– consideration in detail**

May God's grace and blessings fulfill all our endeavors as we rely on his favour upon the Electoral Commissioner and his staff to gain and absorb wisdom and farsighted prudence to be able to implement their service.

Before we adjourn I will finish our Sitting with a Prayer.

Proceedings of the Legislative Assembly adjourned at 1:47 in the evening until 9:00am on Tuesday, 26th of May 2020 pursuant to Parliamentary Sitting Programme 2020/2021.