

17 MARCH 2020

TUESDAY 17th MARCH 2020

Proceeding of Parliament met at 9:17am in accordance to Parliamentary Sitting Program 2020/2021.

Prayer.

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

[Records of the commencement of the Sitting were not available due to the malfunctioning of the sound equipment in the House.]

NOTICE FROM THE LEADER OF THE HOUSE

Pursuant to Standing Orders 76 of Parliament, Notice is hereby given to the Legislative Assembly for consideration of the Bills shown herein:

1. Energy Management Bill 2020.
2. Constitution Amendment Bill 2020.
3. Judicature Bill 2020.
4. Lands and Titles Bill 2020

GIVEN ON this day 17th March in the year 2020

Signed: Hon TUILAEP A Dr. Sailele Malielegaoi
LEADER OF THE HOUSE

17 MARCH 2020

PRESENTATION OF PAPERS

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

1. P.P.2019/2020 No.158, Annual Report of the Unit Trust of Samoa 30th June 2019.
2. P.P.2019/2020 No. 159, Annual Report of the Polynesian Airlines 2019.
3. P.P.2019/2020 No.160, Annual Report of the Samoa Senior Citizens Benefit Fund 2018/2019.
4. P.P.2019/2020 No.161, Annual Report of the Ministry of the Prime Minister and Cabinet 2018/2019.
5. P.P.2019/2020 No.162, Annual Report of the Samoa Law Reform Commission 2018/2019.
6. P.P.2019/2020 No.163, Annual Report of the Samoa Land Corporation 2018/2019.
7. P.P.2019/2020 No.164, Annual Report of the Ministry of Natural Resources and Environment 2018/2019.
8. P.P.2019/2020 No.165, Annual Report of the Samoa Tourism Authority 2018/2019.
9. P.P.2019/2020 No.166, Annual Report of the Samoa Bureau of Statistics 2018/2019.
10. P.P.2019/2020 No.167, Annual Report of the Ministry of Women, Community and Social Development 2018/2019
11. P.P.2019/2020 No.168, Government of Samoa Public Accounts for the Financial Year Ended 30th June 2019.
12. P.P.2019/2020 No.198. Report of the Delegation to the 64th Commonwealth Parliamentary Conference (CPC), held in Kampala, Uganda 22-29 September 2019.
13. P.P.2019/2020 No. 199, Report on the Measles Epidemic.

PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

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

1. P.P.2019/2020 No.169, Report of the Standing Orders, Electoral, Petition and Constitutional Offices Committee on P.P. 2019/2020 No.90, Ministry of Justice and Courts Administration Annual Report 2017/2018.

*17 MARCH 2020***Presentation of Parliamentary Committee Reports**

2. P.P. 2019/2020 No.170, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on P.P. 2019/2020 No.91, Office of the Attorney General Annual Report 2017/2018.
3. P.P. 2019/2020 No.171, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on P.P. 2019/2020 No.109, Ombudsman Report on the Human Rights June 2019.
4. P.P. 2019/2020 No.172, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on P.P. 2019/2020 No.111, office of the Electoral Commission Report on the By-Election of Faasaleleaga No.2.
5. P.P. 2019/2020 No.173, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on P.P.2019/2020 No.129, Samoa Law Reform Commission Report on the Review of the Judgement Summonses Act 1965 – Final Report 23/19.
6. P.P. 2019/2020 No.174, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on P.P. 2019/2020 No.130, Report on Parliament Pension 2019.
7. P.P. 2019/2020 No.175, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on the P.P. 2019/2020 No.138, Annual Report of the Public Service Commission 2018/2019.
8. P.P. 2019/2020 No.176, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on P.P. 2019/2020 No.153, Office of the Electoral Commission Annual Report 2018/2019.
9. P.P. 2019/2020 No.177, Report of the Standing Orders, Electoral, Petitions and Constitutional Offices Committee on P.P. 2019/2020 No.154, Office of the Public Trustee Annual Report 2018/2019.
10. P.P. 2019/2020 No.179, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.124, Annual Report of Central Bank of Samoa July 2018-June 2019.
11. P.P. 2019/2020 No.180, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.125, Samoa National Kidney Foundation Annual Report 2018/2019.

*17 MARCH 2020***Presentation of Parliamentary Committee Reports**

12. P.P. 2019/2020 No. 181, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.126, Samoa Housing Corporation Annual Report 2018.
13. P.P. 2019/2020 No.182, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.127, Samoa Life Assurance Corporation Annual Report 2019.
14. P.P. 2019/2020 No.183, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.131, National Provident Fund Annual Report 2019.
15. P.P. 2019/2020 No.184, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.133, Samoa Post Annual Report 2019.
16. P.P.2019/2020 No.185, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.134 & P.P. 2019/2020 No.135, National University of Samoa Annual Reports 2017/2018 and 2018/2019.
17. P.P. 2019/2020 No.186, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.137, Development Bank of Samoa Annual Report 2019.
18. P.P. 2019/2020 No.187, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.139, Fire and Emergency Services Authority Annual Report 2018/2019.
19. P.P. 2019/2020 No.188, Report of the Finance and Expenditure Committee on P.P.2019/2020 No.141, Samoa Sports Facilities Authority Annual Report 2018/2019.
20. P.P. 2019/2020 No.189, Report of the Finance and Expenditure Committee on P.P. 2019/2020 No.152, Ministry of Public Enterprises Annual Report 2018/2019.
21. P.P. 2019/2020 No. 190, Report of the Finance and Expenditure Committee on the Assembly Resolution as at January sitting on the Member for Gagaifomauga No.3.
22. P.P. 2019/2020 No.191, Report of the Social Sector Committee on the Teachers Amendment Bill 2019.
23. P.P. 2019/2020 No.192, Report of the Social Sector Committee on P.P.2019/2020 No.151, Ministry of Education, Sports and Culture Annual Report 2018/2019.
24. P.P. 2019/2020 No.193, Report of the Economic Sector Committee on the Tax Administration Amendment Bill 2019.

17 MARCH 2020

Ministerial Speech by the Prime Minister

25. P.P. 2019/2020 No.194, Report of the Economic Sector Committee on P.P. 2019/2020 No.132, Ministry of Commerce, Industry and Labour Annual Report 2019.
26. P.P. 2019/2020 No.195, Report of the Economic Sector Committee on P.P. 2019/2020 No.142, Ministry of Revenue Annual Report 2018/2019.
27. P.P. 2019/2020 No.196, Report of the Infrastructure Committee on the Road Traffic Amendment Bill 2019.

MR SPEAKER: I believe this is an opportunity to respectfully, call on the Hon Prime Minister for your address.

MINISTERIAL SPEECH BY THE PRIME MINISTER

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I stand this morning to offer gratitude and thanks for the prayers to guide our work today. Greetings to the members of the House as well as the country that is tuning in, I also acknowledge the support of His Highness Le Ao o le Malo, we are gathered here again at Tiafau to discuss some important issues that are important for the development of our country.

Before I delve into the main point, which I wanted to discuss, I offer compliments to the new procedure taken this morning whereby our prayers were offered while the House remained seated. It is something, which Samoans are accustomed to during parliamentary proceedings, as we remain seated. We further prayed while seated, unless we are out in the communities, the chosen Orator of the day will be upstanding to give his traditional speech while the rest of the aiga remain seated.

These are the customs and traditions of our country, and I am unaware who came up with this idea for us to be upstanding although there are certain times to conduct business whilst standing. That is why I extend my congratulations as many of our people suffer from leg injuries and illnesses and seek medical referrals overseas due to issues of standing up frequently.

*17 MARCH 2020***Ministerial Speech by the Prime Minister**

Furthermore, it is clear that our Parliament is now more Samoa oriented, the chiefs of our country have gathered, the leaders of our villages and communities in Samoa, the traditional orators, the elders for each constituency, you carry upon your shoulders the prestige and honors of your constituencies. This is the only council that is known as the Parliamentary Sitting of Samoa whereby we gather to discuss and decide on policies and legislations for the development of Samoa. All that is left are our Samoan attire, the elei Samoa, the siapo, which we wore in the past, and the traditional tattoos, and then our Sitting would be complete. Mr Speaker, whatever may occur, it will always be a monument in our House if we dress in our traditional Samoan attire and discard these Western outfits that affects the general health of the Leaders of the country, especially now that we are heading into the warm weather. Mr Speaker, as we join this morning for our normal Sitting, the world is in turmoil with the deadly corona virus pandemic which has affected the whole world; it is different from the measles that Samoa faced with a few other countries. It is why this is called pandemic. Moreover, we are also witnessing the various measures and practices put in place by other countries of the world to quickly combat the enormity of this kind of disease and its detrimental impacts, which is noted by others as God's doing.

So far, our Government has continued to take precautionary measures, despite the fact that our people continuously hear and receive non-stop awareness and precautionary warnings from the Ministry of Health on various media outlets as we are at the core of precautionary measures for our nation. The Government has also activated its preparedness strategy to ensure the 2 main areas are covered. That is the prevention and cure stages; the precautionary side to ensure no one is affected, and secondly the response when and if an individual becomes infected with the virus; however, it is far less costly to prevent our people from the illness than to try and cure such an illness if it makes its way to our shores. We continue to conduct our operations and progress with monitoring stages especially with those passengers returning home who are held in quarantine, as well as precautionary steps taken for our local people who travel abroad.

The safety measures taken is to avoid physical contact as this is one of the reasons to contracting the virus, as we continue to enforce border restrictions at our ports of entries, the airport and the wharf for people entering Samoa, and may potentially carry the virus with them here and in consequence infect our people.

*17 MARCH 2020***Ministerial Speech by the Prime Minister**

Moreover, the moment we are affected, we will be faced with a dilemma, because an attempt to heal a person that is infected is not an easy task. Hence the importance of the decision which was made in the past, perhaps some 4 – 5 years ago, which pushed the long term vision of the Government at the time, to construct a clinic near the international airport. Although, it caused an uproar and ultimately resorted to violence and guns as the people did not understand Government's policy at the time, and have finally become aware of the importance of longterm plans and developments for Samoa. We acknowledge the foresight and wisdom of the Minister of Health and the Management for their unwavering vigilance at all times. As they too are not getting enough sleep from the impacts of the pandemic, as they are the responsible authority in maintaining the safety of the nation. However, the custom of our people as aware, now we are restricting social gathering, through numerous advertisements to avoid physical contacts whether these gatherings are for funerals or religious services, regardless, it is important that we prepare ourselves and familiarize ourselves with these.

Furthermore, we must also encourage basic hygiene habits such as washing our hands before eating. The World Health Organization broadcasted that the germs on our hands borne more than 60% of diseases due to poor hygiene habits, why? Because it is our hands that we use to touch our foods and consume and majority of the diseases around the world arise from what we eat and put into our bodies. It is also a cure for most of the diseases, however, the hands are vulnerable to diseases. It is highly envisaged that if the public adhere to the numerous advertisements by the Government, it will help immensely. Why? We are preparing ourselves for when the virus enters our shores, and when it comes, we are prepared and have been familiar with precautionary measures to take to ensure that the percentage of spreading this virus remains at a minimal state. All these activities may seem irrelevant to others, thinking what good would basic hand washing habits do and why should we worry ourselves when the virus has not entered Samoa?

All these precautionary measures are part and parcel of our preparedness strategy, to ensure that if and when the virus enters our shores, Samoa is ready. Others have stated to rely on God and continue our prayers for his protection upon Samoa, but God has already blessed us with the necessary people empowered to ensure Samoa is safe and ready for when the times comes for the virus to reach our shores.

*17 MARCH 2020***Ministerial Speech by the Prime Minister**

We are fully aware of the measles outbreak that we had, and our inability to take heed of the advice from the Ministry of Health and our NEOC Committee, which encouraged the immunization of children. What happened? We continued to take our children to the traditional healers however, the measles virus has upgraded in the sense that it intertwined with pneumonia.

Today Mr Speaker, we have seen that the outbreak has dwindled in China where the covid19 virus originally emerged, however, it is not the same with the rest of the world who continue to face the catastrophic impacts of covid upon their economies and people. Numbers of contracted cases continue to rise in New Zealand and Australia. Why? Because of the differences in Government. The communist nations have stringent policies and rules, and if an individual does not obey the rules and policies, then he or she will be sent to prison. However, the democratic countries such as Samoa, the United States of America, New Zealand, although warnings are issued out, the individuals has the freedom to do as they please, stating that it is their rights to be free to do as they want. If we understand the differences of the two forms of Government, then we will understand that it will no longer to eradicate the world of this pandemic especially in democratic nations. We were the first nation to issue state of emergencies and impose restrictions, which our neighboring countries stated that we were exaggerating the situation. However, two days later, these nations saw the calamity brought about by the pandemic, then hastily emulated, and adapted to measures we had already implemented. I therefore offer great gratitude to the Minister of Health and the Ministry for being vigilant in monitoring the patterns of this pandemic, and not paying attention to the views of the minority and continuing to pursue and progress with their duties which God has called them to serve...

Mr Speaker, we continue to attentively, monitor the status of the pandemic, and the Cabinet continues to meet often on issues together with the assistance provided by the NEOC Committee, as the NEOC is the right hand of the Government in dealing with this pandemic especially with ports of entry into Samoa. Why? Because aside from the disease, which we are monitoring, we are also ensuring that, the food supply continues for our people. Therefore, heightening the need for stringent measures in place to ensure the food supply is not disrupted as well as the people's safety is maintained.

17 MARCH 2020

Ministerial Speech by the Prime Minister

Mr Speaker, it is therefore imperative that the people of our country heed the warnings that are constantly circulating on our radio and television stations, to assist with the overall implementation of current national policies and plans. We continue to progress with our respective duties, but also seek the continuous prayers from the religious leaders and their role in praying for a safer Samoa, it is pleasing to the Lord if he sees that we continue to seek him and his counsel, during all times of uncertainty as we continue to work together with our faith. Because faith without work, results to nothing.

Mr Speaker, as our proceedings today move into the deliberations of certain Bills, in particular the Constitution Amendment Bill. If I may clarify that the Constitution Amendment Bill derives from the long term view and foresight of the previous Chief Justice during Parliament's symposium during the Member's Induction Program. There were two main issues, which were raised during this presentation.

Firstly, the incorporation of Samoa's Christian faith 'Samoa is founded on God', *Faavae I le Atua Samoa*, although it is not part of the Constitution. Since independence in 1962, we continue to portray those words in Samoa's emblem, yet it was not included in the Constitution of Samoa rather in the back of the Constitution, therefore the majority of views expressed that it was time to incorporate Samoa's Christian principle in the Supreme law of the nation. This is the milestone achievement for this parliamentary term. We have now implemented the first point, which leaves us with the remaining issue, whereby the Constitution and the Government recognizes the communal rights 'customs and traditions of Samoa'. As the current constitution only provides for fundamental rights of an individual and neglects the rights of the traditional authority such as the Village Council within respective Constituencies. Therefore, raises the question, which is constantly raised by the people, especially when the Village Councils have ruled on a matter in the village and then the decision is reversed in Court as the Courts only recognize individual rights in the constitution. Which then begs the question, the Constitution is based on the customs and principles of Samoa, yet the Courts do not recognize such rights. What then is the answer? That is why the Constitution does not provide for communal rights, it does not value the decision of the Village Council. This is because the law is one sided on the fundamental rights of the individual. This was the common practice in Westminster Systems, which most countries of the Commonwealth adopted and follow.

*17 MARCH 2020***Ministerial Speech by the Prime Minister**

Therefore, you all made a unanimous decision to amend the Constitution to better reflect the customs and traditions of Samoa. This is the remaining issue, which will be dealt with today, and will then complete these 2 major contributions which this Parliamentary term has contributed to Samoa. I acknowledge with much gratitude the contribution of long-standing Members of Parliament, and Chiefs from respective constituencies in Samoa, for your invaluable input and contribution on the bills, which will be deliberated today and we welcome the input of Members to ensure the Bill is made complete.

It is a great honour for me and the Cabinet, especially the Ruling Party of HRPP, to complete all existing Bills and businesses this Parliamentary term as it is provided in the Standing Orders, that all our businesses will be lapsed at the dissolution of Parliament, it is because of this reason. I remind the House that we must work together to ensure our businesses are complete and passed in our current Sitting.

I conclude my statement, by acknowledging the efforts of the Parliamentary Committees as there is a notable 27 reports tabled before Parliament which is an indication of the efforts made by respective Chief Executive Officers, educated men and women who are at the helm of each Ministry, Corporation and SOE, as well as the efforts of respective Committees which have reported on different parliamentary papers, 27 papers tabled before the Legislative Assembly. Henceforth, from the previous parliamentary term to the current parliamentary term, there have been numerous developments implemented and completed, not only in respective Ministries, but, also honourable members for respective Committees. That is proof and evidence of good governance, which guides the operations of Samoa. Good governance promotes accountability and transparency. The importance of reporting to Parliament is that it ensures all transactions and operations are transparent, and also avoids corrupt dealings and practices. Furthermore, another notable achievement is that the reported period is from 2019/2020, which means the reports are up to date, which is a practice seldom attained in most countries. Updated reports are important as it provides all the details of the operations, which took place in the previous year, it is pointless to report on events and developments, which took place 10 years ago. The provision of updated reports portrays the current developments and projects which is imperative to the work of parliamentary committees; furthermore, the current members will provide appropriate and necessary recommendations for the development and improvement of the Ministry in general.

17 MARCH 2020

Motion to withdraw the Bill

Mr Speaker, this is my opening statement provided in this Ministerial Statement this morning to begin our deliberations. Soifua and God Bless.

MR SPEAKER: The Parliament have heard the clarification by the Hon Prime Minister, to highlight some issues that have been debated upon, with the support of the public. Now it has been made clear. I respectfully request that a motion be moved for the Ministerial Address of the Hon Prime Minister to be tabled.

Afioga Hon LAUTAFI FIO SELAFI PURCELL (Minister of Commerce, Industry and Labour): Mr Speaker I move the motion, *That the Ministerial Address of the Hon Prime Minister be tabled before the House.*

Seconded by the member for Palauli le Falefa.

Motion approved.

MOTION TO WITHDRAW THE BILL

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

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice and Courts Administration): Mr Speaker I move the motion, *to withdraw the Land and Titles Bill 2019, as there are some areas that have not been fully prepared and finalized.*

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

Motion approved

CONSTITUTION AMENDMENT BILL 2020
– first reading

MR SPEAKER: I call on the Hon Prime Minister.

17 MARCH 2020

Judicature Bill 2020
– first reading

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move the motion, *That the Constitution Amendment Bill 2020 be read a first time.*

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

Motion approved and the Constitution Amendment Bill 2020 was read a first time.

JUDICATURE BILL 2020
– first reading

MR SPEAKER: I call on the Minister of Justice and Courts Administration.

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice and Courts Administration): Mr Speaker I move a motion, *That the Judicature Bill 2020 be read a first time.*

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

Motion approved and the Judicature Bill 2020 was read a first time.

LAND AND TITLES BILL 2020
– first reading

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

Afioga Hon FAAOLESA KATOPAU T. AINUU (Minister of Justice and Courts Administration): Mr Speaker I move the motion, *That the Lands and Titles Bill 2020 be read a first time.*

17 MARCH 2020

Energy Management Bill 2020
– first reading

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

Motion approved and the Lands and Titles Bill 2020 was read a first time.

ENERGY MANAGEMENT BILL 2020
– first reading

MR SPEAKER: With respect I call on the Hon Minister of Finance.

Afioga Hon SILI EPA TUIOTI (Minister of Finance): Mr Speaker I move the motion, *That the Energy Management Bill 2020 be read a first time.*

Seconded by the Minister of Revenue and Minister of Education, Sports and Culture.

Motion approved and the Energy Management Bill 2020 was read a first time.

MOTION TO SET ASIDE STANDING ORDERS

MR SPEAKER: I call upon the Leader of the House.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That Standing Orders 101(1) be set aside to allow for the second reading of the Bills read for the first time this Sitting day.*

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

Motion approved.

17 MARCH 2020

CONSTITUTION AMENDMENT BILL 2020
– second reading

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker I move a motion, *That the Constitution Amendment Bill 2020 be read a second time and I would like to make a clarification.*

Seconded by the Minister of Commerce Industry and Labour and the Minister for Women, Community and Social Development.

MR SPEAKER: The House has heard that Parliament is now open for the clarification by the Hon Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker this is the Bill we spoke upon not long ago, the Amendment of the Constitution of the Independent State of Samoa 1960.

The objective of the Bill is to give effect to a term of Reference given to the three offices, the Office of the Attorney General, the Ministry of Justice and Courts Administration and the Samoa Law Reform Commission, to review and research the laws of Samoa on how the Land and Titles Court can be an independent setup from the courts of civil and criminal jurisdictions, within the ambits of the Constitution.

The only way is to have the Land and Titles Court framework, within the provisions of the Constitution of the Independent State of Samoa. The Bill attempts to reflect more of the Samoan context inside Samoa's supreme law, the Constitution, to make the Constitution a Samoan Constitution in light of today's context.

This Bill is a response by Samoa to respond to the challenges of legal pluralism, a legal theoretical framework with features prevalent in most post-colonial societies. A review of all other Pacific Islands Constitutions show that since gaining political independence, the Pacific Islands had expressly aspired to adopt in their Constitution and laws the context of their cultures, custom and traditions to which they belong. This means that when court decisions are made, they should reflect the culture of the country. However, it is noted that the majority of these countries have lost the spirit of tradition in their Constitutions and have simply gone back to using the old system.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

At the start of this XVIth Parliamentary term of Samoa's Parliament in March 2016, newly elected members sat through a Parliament Symposium that outlined the functions of Parliament. It is not harmful for the former members but it is very important for the new members. At this symposium a notion was implemented for members to reconsider our laws and that appropriate actions should be taken to reflect our customs and traditions, the challenges and conflict between modern laws or the European laws and the standards of our customs and traditions that were signified. The question posed was, why amend the Constitution? In order to introduce guidelines such as human rights comparable to our Samoan customs and traditions, our normal way of life is based on the guidelines set under the authority of Alii and Faipule.

In the courtroom, it is always questioned, why are individual rights more powerful than Village Council decisions? The answer is, because the Constitution says so. This means that the key to unlocking this is the Constitution, therefore we should look at the Constitution.

In response to these challenges, Samoa, through this Constitution Amendment Bill 2020 has opted to give more recognition to our traditions and customs in our own Samoan Constitution. This Constitution Amendment Bill 2020 is designed to implement this while maintaining the benefits. This is without removing our current rights and freedoms, meaning a lot of work needs to be done. For example, conflicts may arise in the matter of checks and balances or power. In addition, power should not be abused because we understand that once a position of authority is given to one or few people they will abuse it. This is a precaution in the case that such authority is abused. This means that there has to be a balance and it is a reason why this matter has been discussed for a while, there has to be balance so it is not shifted to be biased of individual rights or the authority of Faipule. It will test the elements of mismanagement, tyranny and eradicating the rights of the person affected. This means all of this should be done with love, which is central to God's greatest law of love, for love makes all things possible, as stated by the Apostle Paul.

That is the important aspect that has been so perplexing for the drafters of the Legislation. It has been 5 years, and the Bill has just been tabled, they tried to reflect balance, let us not aspire to use our customs and traditions and overlook the rights stated in the Constitution.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

It means to maintain happiness and peace now that there have been changes, and let us try the first judgement by God even though He knew Adam and Eve did wrong, but they were given the chance to stand trial, this is the same with the practice of Alii and Faipule, authority should be given the opportunity. This is an example, to give the defendant an opportunity, but not when the charge is not approved when they were not given a chance to defend themselves, no one will question it further. They should be questioned so the penalty imposed is accurate. Mr Speaker that is why these ideas in the Constitution are protected, to use authority wisely in the aspect that it reflects our customs and traditions.

There is Amendment in Clause 3, to provide for the increase in the number of Members of Parliament who may be appointed by the Head of State as Ministers. As you all know I have read out and announced the complexity of the current state of affairs and the rise of Samoa's position in the eyes of the outside world, there is a lot of work faced with Cabinet, and it is necessary to add two more Ministers from 12 to 14 besides the Prime Minister, to be considered in the new Parliamentary term. This is why it is put in the new Parliament least something good be brought about, and others will stand up and say these are things that benefit the HRPP, no, whether another Party like SIG or SSIG comes next year they will reap the benefits while we sit in the Opposition.

Mr Speaker, Clause 6 provides for the substitution of Article 104 of the Constitution. The new Article 104 provides for the establishment of the Land and Titles Court and its jurisdiction in relation to matai titles and customary lands. This means it will be an independent Ministry from the Criminal court.

Mr Speaker these are the main matters stated within the Bill and I believe members understand the clarification since we met yesterday and it was explained two, three, four, five times by the Chief Executive Officer of the Ministry in charge of the Bill. I would be surprised if anyone would ask a question, the questions asked today were answered yesterday. This means I will not take the floor to respond to questions since it has been answered yesterday.

Mr Speaker this is assistance on the Bill.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

MR SPEAKER: Very well. Perhaps further clarification by the Hon Prime Minister has added on the one given by the Chief Executive Officer yesterday. Perhaps there are not many members who will question this matter since it has been clearly discussed and clarified.

I give the opportunity to the member from Atua, Matua Tafua.

Afioga TAFUA MALUELUE TAFUA (Aleipata Itupa i Lalo): Thank you Mr Speaker and Parliament, the Leader of the country has spoken. Thus the matter I want to discuss is very short, in relation to the matter deliberated.

First, I want to convey heartfelt thanks the Hon Prime Minister who owns the Bill, thank you for the response and thank you for following through on what you said in 2016, because I was the one that asked the Chief Justice and the Hon Prime Minister responded that the matter will be later considered by this Parliament. I want to say thank you. Maybe this is the reason why you were conferred the title of Doctor. Perhaps this is the area to which your Doctorate was conferred, and now thoughts have been refreshed on your Excellency following through with your words. This is where I convey my gratitude and congratulations. Mr Speaker this is the reason for taking the floor.

These are a few matters I want to speak on. I also want to thank the Chief Executive and Ministry of Justice, Courts and Administration, also the Office of the Attorney General, Afioga Lemalu and Peseta and Administration and last but not the least Afioga Teleai and the Office of the Samoa Law Reform Commission. Thank you, our customs and the law are now merged as stated in the seminar yesterday.

But there are a few matters that will probably be left untouched in this speech. The only thing I wanted to convey was my gratitude and to repeat what I spoke on yesterday. Samoa is a unique country. Yes. We are different from other countries in the Pacific. I am grateful since there is initiative to make us more independent and put ourselves first in the Pacific because of our culture and values. There is a Samoan adage, “*E iloa le Samoa i lana tu, o lana savali ma lana tautala, o tu ma aga e masani ai le atunuu.*” ‘Samoa is known for its customs, how they walk and speak, customs and traditions the country are used too.’ I want to express gratitude to the owner of the Bill for these provisions, it is clear that the relationship between people are not the same, there are critics. There is also the proverb, “*E i ai le au faitau lauulu, e i ai foi le au matau lauulu.*” There are some who read into it while others only take note.

*17 MARCH 2020***Constitution Amendment Bill 2020**
– second reading

This is why if I think of the balance the Hon Prime Minister spoke about, if it is balanced it is good, because I have read the decision my family made in 1900 on the matai title that I hold now.

I read the decision from 1899 during German administration, the decision was very clear. These decisions were made by the Governor Wilhelm Solf, the decision made resulted to having two matais for our family in 1900 to 1907. This is the reason why this Bill is significant to me because it has an affect on not only me but other Samoan families who were under the same decision. The information that I read from 1899 to 1900 was not only lands being sold by force but taken away together with matais from families, it was up to them whether it was Pai or Lafai who was to be the matai, there was no consensus undertaken like we are used to in our traditions. They also summoned all the high chiefs of each title in 1900, I think it was 1932 or 1934 they came to Mulinuu and set up the first Parliament, I have a picture of the Elder of our family from three generations ago who was part of it. Even during the time of the New Zealand Administration it was the same practice implemented by Germany. It seems we were governed under colonial practice at that time, but I am grateful our people are now intelligent, with respect. It does not mean that our forefathers were not smart, but this Bill is very important. I am grateful there is alot of support shown, on the aspects to signify the authority of the village council and communal rights than individual rights as stated in the Constitution.

MR SPEAKER: Very well, thank you.

Afioga TAFUA MALUELUE TAFUA: This is why Hon Minister I want to thank you. I will not speak further on other changes made for Ministers, it is a natural process of things, years change so is the weather and this is the same for our Government. If we now have a population of 200,000 then the duties of members and Ministers must also increase. I am grateful for this morning, also thank you for saying our prayer while you were seated. I also wanted to make a speech sitting down but I was cautious incase you might instruct me not to do so, I am thankful for this fine day in bringing you here in good health. Although I have observed something different about the Chair this morning, his necklace. You have gotten old perhaps we should call you Abraham, but thank you Mr Speaker, I also thank the Hon Prime Minister and Cabinet.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Lastly I want to convey a word to the Lady Minister of Health. I am grateful to the Ministry, as the Hon Prime Minister has clarified the situation of the disease. The only issue now is, my ear still hurts from the device used to take my fever, is there another way of taking a persons fever, but it is outstanding. Another matter, I felt like I came to a different planet when I landed in Samoa, everyone had on masks, and protection gloves, we felt like people who had leprosy with how we were treated. However this is great management, thank you for being prepared and looking over our country. I want to say one more thing while I have the opportunity, pulenuu should be given a chance to promote, our Pulenuu carried out promotion from Monday to Saturday. He emphasized the importance of protecting these organisations, also village council meetings should be stopped. But the candidate should carry out their own campaigns for votes. Have a blessed day.

MR SPEAKER: I call upon the member for Gagaifomauga No.3.

Susuga Hon LAAULI POLATAIVAO LEUATEA (Gagaifomauga No.3): Thank you Mr Speaker for the opportunity given to this constituency to speak on such important Bill tabled in the House this morning. An opinion on the Constitution Bill, this matter is not minor considering the core of decisions of this House is made upon set provisions, also it is hard to forget the start in drafting of the Constitution for our country. I personally believe Mr Speaker that it was not easy, since it was not examined in a single day, however I am thankful to the Lord that we have seen the work of our forefathers.

It is a great honor as it is not underestimated as there were also representatives of this constituency involved, Afioga Leasi Avaula, Afioga Polataivao Luni and Afioga Une Sofai. These are the resrepresentatives of this constituency who participated in negotiation of the Constitution of Samoa. This is why this member does not take lightly to the changes that are often seen in the Constitution.

I believe the Hon Prime Minister has clarified the changes encountered by our country, especially our customs and traditions and behavior seen today since the drafting of the Constitution.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

The relationship with the Court, Mr Speaker I am grateful that positions has been made clear with the Supreme Court, District Court and the Land and Titles Court. I am certain it was not dim in the eyes of the United Nations who came and drafted the law because there was oversight on drafting legislation on the authority of Alii and Faipule, the nation, also titles and lands inherited. This is the reason for the establishment of this court, the Land and Titles Court.

Mr Speaker I apologise for not attending our de-briefing yesterday because I had to go to a hearing to protect the family titles of the people of the constituency, which I am a trustee. I have observed with gratitude because all of us go to court, no one in this House has not attended a court hearing, why? To protect family property not only titles but also the lands, this has resulted to a lot of conflict between families, based on the differences in beliefs especially in the implementation of authority of those who control decision making.

Therefore I thank the Lord Almighty that the matter is now being clarified. The only aspect I want to emphasize Mr Speaker is what the Hon Prime Minister spoke on, for the Bill to have the power to protect the rights of Alii and Faipule and the right of the individual. An example, I went to one of the houses that was burnt in our constituency, Mr Speaker there was only ash. We went to the spot where the house used to stand it only needed a door for it to be a mortuary. However Mr Speaker it was tolerated because of the love of God, the matter was taken to the District Court when the Land and Titles Court was not safe because there was abuse of power, it was not the whole country, but power was used to violate boundaries of individual rights and the exercise of the authority of Alii and Faipule. Thankfully I have heard that our customs and traditions will still be honored by recognising the authority of Alii and Faipule, the security of our country. But a line must also be drawn for rights to protect the harmony of a negotiation for peace. I am grateful.

Another matter Mr Speaker is Government taking lands bordering the sea. It has long been implemented in our Constitution. There should always be mutual respect with the authority of alii and faipule, matters must be deliberated in formal manner, because these are the people who are caretakers, of the beach, sea and other things. If the Government wants to implement a development on these lands there is the method of deliberation to discuss what should be done.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

The matter of having additional Ministers of Cabinet, Mr Speaker, I want to speak upon it. I am certain that the Hon Prime Minister and Cabinet has the power to change anything. However my only concern is, we should look at this long term if these changes can be accomplished. It was not long ago when we reduced the number of Board members, these are the Government officials fulfilling the work on developments. The Prime Minister and Cabinet are the ones making decisions. Therefore in my opinion it is best to have more people doing the work than making the decisions. If it can be comprehended now, then the decision and conviction is with Government. Personally Mr Speaker our country is still trying to develop. We should look ahead especially now as we face the pandemic and other disasters, priority for funds should be instigated on such matters. As for the additional positions I do not agree with it, if we look at the House, our Parliament has already been divided, that side is Government. This side include the members who voices recommendations to Government. If these changes are implemented, this means two seats from this side will be taken away and added to Cabinet and Government. This is my take on the matter.

In a democratic system of today, we are using the Westminster system, this is a sustainable Government and this is seen as a stable Government by overseas countries. It also produces a good image for the nation. Unfortunately time is not always fixed. If we were to establish a stable Government and a communist Government arises, then I feel for the country...

MR SPEAKER: Pardon the member for Gagaifomauga No.3, I call upon Government.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker I just want to assist the member. Leave the duties of the Prime Minister and Cabinet to us. The member was also part of this Cabinet, but did he work to 100%?

Mr Speaker I do not want to talk about that, but the clarification is clear. Nothing the member has mentioned is new. The matter is clear as day in my eyes and Cabinet, this will only prolong time. He did not attend yesterday yet here he is trying to prolong the issue this morning, but there is nothing new being stated.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

MR SPEAKER: Very well. Pardon the member for Gagaifomauga No.3, the Chair have noted that the member is speaking of trivial matters, it is like after everything is done then the kitchen is built and so forth, see whether there are enough plates for guests. I appease the member since you were not present, it seems we will have to go back and revisit matters deliberated yesterday, I know you had other matters to attend too. I am certain some of the matters Government has clarified and answered for the member are all important, this is the assistance of the Chair on the matter.

But since we have arrived at our recess time...

Susuga Hon LAAULI POLATAIVAO LEUATEA: Thank you. Mr Speaker it is not my intent to disrespect the Chair. I have nothing further to say Afioga Leaupepe Toleafoa Faafisi, as I requested yesterday I could not be there because I had to attend to other obligations, as for voicing of our opinions this is done within the House. There is a reason why I cannot support the matter conveyed by the Hon Prime Minister, however these are only opinions voiced for further consideration because not all decisions made by Government are right. There are a lot of things being implemented. This is why I made this suggestion, because this is not only for us. We should not think of ourselves alone. This is where the voice of this constituency is heard, with respect.

MR SPEAKER: Pardon the member I call upon the Hon Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: I take the floor since the member speaking was also part of this Cabinet and was part of decision making. It is why I spoke on the matter he should understand. If he did not understand then it is a concern.

MR SPEAKER: Thank you. No it is now...

Susuga Hon LAAULI POLATAIVAO LEUATEA: Thank you Mr Speaker for the opportunity, this constituency has concluded an opinion. May the opinions conveyed be considered carefully, if not at least a recommendation was voiced. Blessings upon all of Samoa.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

MR SPEAKER: Thank you. Pardon the member, as we know the member was once the Chair of the House and a Cabinet Minister. This is how things are, however the most important aspect is that your opinion has been voiced. Do not make hasty decisions that might result in hurting Government. This is why I have been treading carefully, but if this is it, thank you. This is how wisdom is compromised. This is why the *matapia* cannot advise a *manaia* because there is not a duty of this Parliament that Afioga Laauli Fossie Schmidt has not performed in serving the Parliament and Samoa.

Since we have arrived at our usual recess, Proceedings of the Legislative Assembly will be set aside for normal recess.

Proceedings of the Legislative Assembly were suspended for its normal recess at 10:50 am and resumed at 11:37 am.

MR SPEAKER: I announce the resumption of Proceedings of the Legislative Assembly. I trust members have been rejuvenated to continue with our work.

Before recess the member for Gagaifomauga No.3 had concluded with his statement, I now call upon another member to take the floor.

Pardon the member for Salega East, I will give the first opportunity to the member for Anoamaa West. I call the Senior member Laufofo.

Tofa Hon LAUOFO FONOTOE NUAFESILI PIERRE LAUOFO (Anoamaa West):

Thank you Mr Speaker for the opportunity given to this constituency. I am also grateful for the refreshments provided for the House, strength has been renewed for respectable members also to Chief Executives and officials.

I note as well that praises have been voiced this morning by the Chair, to our Lord Almighty.

I move with respect to convey a short opinion in accordance to the Amendments of the Constitution tabled by the Hon Prime Minister and Leader of the House. I support the Bill tabled, this is based on the following, the rearrangement of the different divisions of Court, the Supreme Court and Court of Appeal. It is gratifying to note that in this day and age we are employing qualified Samoan men and women in the legal profession, who practiced law and are now appointed into court.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

This starts from the District Court and Supreme Court, now with this new Amendment of the Constitution, opportunity will be granted for them to preside under the Court of Appeal. This job has taken up many years, and reflecting to the past, there were not so many Samoans being educated nor pursued law as a profession, I remember when I started practicing law in the country, our criminal court and lower court was called Magistrate Court those days. It was ruled by Europeans for many years, ever since our country's independence in 1962. Even the Supreme Court, all of the judges were Europeans from New Zealand. If you take an appeal to the Court of Appeal the three judges that reside there are all Europeans as well, majority of them are from New Zealand. This means in the past only Europeans presided and served as our Judges in the District Court, Supreme Court and the Court of Appeal. Now that we are in the present time, all our Judges in Courts are now Samoan men and women.

It is noted that opportunity is now granted for our local men and women who were judges of the Supreme court to be part of the Court of Appeal. This is the major change which I have personally noted. It is a good change, in my opinion I would describe it as a country that is mature or jurisprudence, as our own eligible men and women are now presiding as Judges for these courts. They are also able to make decisions that are relevant and suitable for us here in Samoa. This means to say that decisions are relevant to local circumstances, something like that. This is the grateful feeling for me, it has been years since the retired former Chief Justice, Afioga Patu and Afioga Lesatele have been working on these changes, now they are retired, perhaps these are some of the qualified noblemen for the court of appeal. It is true that there were times during the Court of Appeal hearings in the past where Samoan judges presided once or twice in these Court. Whereas today, it seems from the amendment that we will be handling our own matters.

This is the same with the Land and Titles court, if we look at the Amendment tabled. The case of the Land and Titles court, it has two parts, the preliminary inquiry and appeals. Now it has been made clear that there will be three parts. The preliminary inquiry, the high court and the review. I have therefore noticed, the eligibility of these Male and Female Judges who will preside over these Courts, and in saying that, I see that the legal experience is also required together with cultural background.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

I strongly believe that full qualifications requirements have been implemented; this will bring about positive changes for the future of these courts. This is my observation of these amendments your honour, even other Judges' qualifications that will be appointed for the civil court and the Land and Titles court. Years of experience have raised for those holding legal qualifications. The eligibility is now 8 years with your years of service.

I gather that it has now increased to 15 years and in my view that idea is just 100% perfect. They work long hours and many of our sons and daughters are eligible to do legal work and are qualified as lawyers. Therefore, Mr Speaker I want to make a statement on this important Bill. Because in my view of what is happening here, we will be making our own decisions, which should give us a sense of pride with solutions that suits our needs here in Samoa.

The opportunity for two additional Ministers I thank you. I doubt there is not a member that objects this part of the legislation. The only thing is Hon Prime Minister, I had thought that the responsibilities of Ministers can be shared to Associate Ministers rather than having two additional Ministers. We had a discussion and they told us that, they really have nothing to do. So why not share the duties of Ministers and set this idea of having another two Ministers aside, but then again it is a good idea, let us go with it.

Bless our Sitting.

MR SPEAKER: I call on the member for Salega East.

Tofa OLO FITI AFOA VAAI: Mr Speaker.

MR SPEAKER: Once the member for Salega East is done, Tofa Lealailepule Rimoni will be given an opportunity.

Tofa Lealailepule Rimoni Aiafi (Faleata West): No, I only wanted to respond to the Associate Minister who spoke, but it is fine...

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker for this opportunity and my compliments to the dignitaries of Parliament. I recognise the Chief Executive Officers of Government Ministries and Organisations. I also acknowledge the general public in all its salutations.

*17 MARCH 2020***Constitution Amendment Bill 2020**
– second reading

My remarks will be brief, I think that if only we would be arguing like this during our pre-sitting and committee hearings, if only we could imitate how those meetings went. I doubt if any member would take the floor, and if they somehow do it would be briefly on their concerns.

I am saying this from experience when we visited other foreign Parliaments. That was the practice, committee hearings being shown live, and it does minimise the disorder inside Parliament. But having said that I will leave it up to you Mr Speaker.

I want to share my thoughts on the amendment to the Constitution, now there are two matters stated, which is the changes to Cabinet as well as the change to the Land and Titles Court. In my view, though it is true that the changes are in a few words, but the scope and context of what is going to change is quite extensive and also serious in another respect.

I was of the opinion that we would follow the 90 day rule, which is once the Constitution is sort to be amended, so as to give us members ample time to consider and gather our thoughts, since the Constitution is not a simple aspect to change unless a 2/3 majority is achieved as you understand. Be that as it may, we accept what has eventuated despite our ill-preparation but will submit the opinion of this constituency. I am really uncertain about the Land and Titles division, I say this because in 2018 a legislation came before us, and then again in 2019, 2020 and here we are again changing the whole thing in 2020. Mr Speaker, I believe that rushing into things and being unsure has resulted in situations like this. I will leave it for your consideration in preparing other legislations that will follow in this manner. Yesterday the speech of...

MR SPEAKER: I beg tolerance of the member, I call upon the Hon Prime Minister.

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: I guess the member completely missed my clarification this morning. I also recall that he did not attend the sitting in which this matter was initially raised. The conclusion of that sitting 5 or 4 years ago was when I gave instructions to begin preparations with the understanding that members of the Assembly have unanimously agreed to this.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

I recall that the member was not present. So the preparations are now going on to 5 years, it is not something that was hastily done but has long been considered by the Government and particularly this Party. The amending of the Constitution is not something that is done for the fun of it, I have explained.

I think I came into Government in 1970 and started working and read about the numerous decisions that were made. The other decision addressed by Afioga Laauli Polataivao was the incident at Falelatai. It really raised a lot of concerns around the country regarding the decision made. The high regard to matai rule seemed trivial. Mr Speaker, it is not a novel idea but something old, it has been on the minds of Samoa since independence. The Samoan Government is founded on God, Christian beliefs and our culture and traditions.

Mr Speaker I have just explained that not only it is not within the Constitution; the very statement Samoa is founded on God is not included at all. It does not emphasise the importance of our culture and traditions. This is not a matter of urgency; it is something that has concerned this country for a long time.

MR SPEAKER: The Hon Prime Minister has clarified this matter. I call on the member.

Tofa OLO FITI AFOA VAAI: Mr Speaker, my take on the changes to the Constitution and particularly the composing of the Land and Titles legislation. It does highlight the emphasis on our culture and traditions to ensure the practice of our culture and traditions is protected. What does the amendment say? The court will limit the number of *matai sa'o* of a family to five. What else does the legislation say about *pule faasa'o*? Whether you are related or not the sa'o with his legal power bestow someone as a matai. What this means is the legislation is not establishing or defending our culture but this law will destroy our traditions. That is the reality of it.... But the thing is, families have the discretion over their decision making.

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: So much has happened, it has affected our traditions and it is not a normal tradition to have 300 matai sa'o. Our usual protocol is having one sa'o. Everything is in total shambles.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Mr Speaker, that is not our tradition, and I will be surprised if your senses do not realise what is happening in our country at the moment, there should be a strong court to consider these situations which is in disorder. Our culture and traditions is in a state of disarray because of those who do not value it. What is the reason? If 300 people that are required to come up with \$10,000 each. Who will take it? It will be the sa'o. What are they emphasising, it is certainly not the dignity of families but their pockets of money. Mr Speaker, I had thought that the member will not bring this up as it reflects the shallowness of his decision; it should not have been brought forward. Because it reflects who you are, you bring only stupid ideas.

Tofa OLO FITI AFOA VAAI: Mr Speaker, these are the cultural treasures of my family not stupidity. Families have discretion over their own decisions. With my family there are 10 branches and no one from outside has authority over our matters. It is the same case with all other families.

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker that is why it is vital for the Land and Titles Court to be independent. Therefore, they may implement strong methods and guidelines, to have courage to stand up and make their voices heard to those abusing our cultural heritage. Even within families, a commission of inquiry was formed to look into such matters. What we need to do is safeguard it, we need a powerful Land and Titles Court than what we have now. It is not strong in its current position; it is why this Bill is implemented. Mr Speaker he is intentionally loud, he stated in his address that there is a lack of preparation and understanding of the Legislation.

MR SPEAKER: Let me assist the member, there is a recommendation provided within the amendment of the Land and Titles Legislation, by the Committee of 2016. However, it must be presented in Parliament for your information as every village has its own traditions. Culture is different from traditions and it must be looked at with that in mind.

We must acknowledge the fact that families are growing and the other factor that must be considered is dignity, since our culture makes it distinguish. I advise the member to change his topic of address, as the Government will most likely stand to convey order on such matters.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Tofa OLO FITI AFOA VAAI: Mr Speaker, I appreciate your advice but the thing is my family has 7 thresholds. You are absolutely correct and back in the days there was only one sa’o for a family, but now families have become bigger and are reaching 7 thresholds. Other families negotiate living in peace and harmony with the arrangement of having a sa’o for each threshold. This law directs the families to only have 5 matai sa’o. What will happen? The country will be in disputes.

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker we are living in a world where we will not allow things to get out of control but instil a stop if need be instead of allowing something without bounds. God did not just make up laws to govern His nation of Israel. Because there is selfishness in men, and that is what God knew. Once the person is created, it is given free will and the freedom to make their own decisions it will only cause mistakes. That is how the world is and has been this way since the beginning of time due to the exercise of freedom, which allows a person to do whatever it pleases, but it does not honour the family. Mr Speaker, dignity is not to be taken lightly. If we have laws, that is why we make laws, it is not to allow the individual to do whatever but it should be in accordance with the law.

MR SPEAKER: Yes, as the saying goes one should not spit into the wind, as it will come back to you. What you are arguing will take up this whole day. There is another way of resolving it, which is practised at my village, when there are too many thresholds each one takes turn, therefore no one stands idle. We choose three, then another three. I mean you never know what will happen, one could die from a disease then another one is elected.

Tofa OLO FITI AFOA VAAI: Thank you Hon Minister for responding. I will move on to a different topic. On the subject of adding two Ministers, this is something very attractive. I remember in the year 2011 or 2012 seen in the Hansard that I advised the Hon Prime Minister, to appoint one more Minister for the Infrastructure sector since it is huge with just one Minister responsible, he cannot oversee everything for improvement. I recall the Prime Ministers response, “Mr Speaker, this is a very weak opinion presented by Olo” What is happening now? I appreciate the fact that you have accepted my advice.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: I did not accept it as it was stupid. Tofa Olo Vaai never does anything constructive for this Assembly, only poor and poisonous things are brought in, that is why I did not accept it.

MR SPEAKER: Remember there was a couple who had two children, one went to preach the word of God and the other only like to create disorder. I advise that statements be made with respect.

Tofa OLO FITI AFOA VAAI: There is no disorder seen since my advice has been heeded. But one thing, the part...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: I say this because there is not just one but two being added. Just look how miserably wrong he is. This why I keep saying, calm down. [.....].

MR SPEAKER: I advise the Hon Prime Minister...

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: No, what the lady said was.. “Olo stop standing up so often, see that I am your best friend, I believed in you but since you stood up so often and did things...we are over”.

Tofa OLO FITI AFOA VAAI: This news stated by the Hon Prime Minister... I do not want to address it... Mr Speaker, I will not pursue this because... he is the one OLP is talking about....

MR SPEAKER: Both of your statements will be removed from Hansard.

Statement ordered by the Speaker to be omitted from the Hansard –
[O lea ou te manatua le tusi mai a si teine lea na oulua uo. E a, ou te tau atua? E te manao ou te tau atua? A o le mea sili ona ou le fiafia ai, o le faitau atoa ai o Samoa atoa.]

Tofa OLO FITI AFOA VAAI: Mr Speaker, the plans stated in 30....

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

MR SPEAKER: Carry on, your time is up.

Tofa OLO FITI AFOA VAAI: I will now conclude. At the moment there are 26 members in Cabinet and with these two it makes 28, add 4 it will make 32... therefore HRPP is secure and safe.

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Associate Ministers do not sit in Cabinet also there are only 13 Ministers including the Prime Minister. So his calculation is wrong, he has added that to it. Remember the role of Associate Ministers are the same as countries overseas. If there is a requirement by the Minister then the Associate Minister is called to implement it. It is between the Minister and his Associate. There is caution under any administration, and I will respond to the matter raised by the member for Anoamaa East.

In this case, there is caution in respect of the law and management. As there cannot be two authorities within a Ministry but only one. There can only be one Minister and not two. The Associate Minister chosen consults with the Minister to delegate roles or certain matters the Associate Minister can assist with the work. It is assistant to the Minister.

However, in general terms, there are situations when this does not apply, to delegate duties to the Associate Minister. There are situations where orders are given directly by the Minister to the Chief Executive Officer of the Ministry. If put into this circumstances there will be no peace only chaos. This situation occurs everywhere within the Commonwealth including Britain, Australia and New Zealand. Therefore, the Associate Minister discusses matters with the Minister and will work together on a matter the Minister needs to be done. However, the Associate Minister cannot give a directive to the Ministry, based on the circumstances of protection, to the administration because of our laws. The only Minister at the helm is the one in charge of the Ministry.

That is the response and someone that held a position of authority, not by someone who did not, will understand it.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Tofa OLO FITI AFOA VAAI: Mr Speaker, I agree with the point made by the member for Anoamaa East to... I will conclude... When I asked the Prime Minister, he said in this Parliament is 12. I said to add more and his response was this Government follows the church system with Jesus having 12 disciples.

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: The reason why I am clarifying this to the member is the fact that our country is growing. It is why I said that someone that never held a position of authority would not comprehend these things. Since he comes from a very small world. Therefore, he thinks that it should be according to him, but Samoa is not like that, our economy has grown rapidly, therefore its decisions must be made accordingly. There is an adage, which I think the member is not familiar with, and that is the trait of the wise is openness and the trait of the fool is stubbornness.

Tofa OLO FITI AFOA VAAI: Mr Speaker I will now conclude. Samoa you are hearing about these changes, these Bills implemented and the Amendments to the Constitution are all for campaigns.

If the majority of the HRPP do make it back, once they appoint this 34 they will not care about the remaining members. It is a campaign to abuse our legislation. The other thing is some people who stand in positions of power lack conscious. No I disagree.

MR SPEAKER: I call upon the Hon Prime Minister.

Susuga Hon. Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: It comes from the mouth of the individual, his whole image.

MR SPEAKER: I want to say that, this is a prominent forum of the country and so we must be mindful of what we say after all the public are listening in. I urge you to act with respect and consideration so that our proceedings flows smoothly and without problems. I call upon the member for Faleata West.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Afioga Faumuina Asi Pauli Wayne Fong (Urban Seat West): Faleata Urban seat or Faleata West.

MR SPEAKER: The senior Faleata.

Afioga Faumuina Asi Pauli Wayne Fong: Tofa Lealailepule Aiafi is younger however I will accord him respect.

MR SPEAKER: Thank you Afioga Faumuina Wayne Fong, after your brother you shall be next.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you Afioga Faumuina Wayne Fong, if you were a matai of Faleata, I would accord you the respect, as you are older. However, you are a matai of Lefaga, and not of Faleata, thank you.

When the Constitution of Samoa is amended Faleata must make a speech. After all, amending the Constitution is something that does not happen often, except when those in control of the Government feel that it is appropriate from time to time.

It is not a Constitution that was given with infinite certainty. There are plans, if necessary, based on generations and events, and then the Government will consider it with conviction, but the objective is the tranquillity of Samoa from time to time.

There is only one reason to amend the Law, especially the Constitution that the Government sees as necessary for the peace of Samoa. This is why I say it is necessary and I am thankful that today is somehow different. Our sessions are conducted more often, but it is not every day do we amend the Constitution.

The change we implemented at the start of this year, was affirming Samoa as a Christian country in the Constitution, one of the most significant changes we have done.

We have come to this stage and the proposal in place with the Land and Titles Court; I am of the view that it is appropriate.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Throughout the years I have been in Parliament, I have spoken on the following three issues. Samoa can never be independent with just a democratic system. Everything Samoa does must be done with the fabric of democracy, culture and Christian principles bound together; otherwise, it will not be complete. It cannot be allowed to operate with just one of these elements, as Samoa is a country with protocols already in place. As alluded to by Afioga Tui Atua Tamasese Efi, Samoa is different from other countries, and we do not want to blend our culture and traditions with other countries.

The elements of democracy are subject to change but with Christian values and Samoan traditions, it cannot change. Systems change but the foundation remains. It is why Samoa is stable, united and virtuous.

When we look at the country of Africa, we see the on-going conflicts between its people. It is also happening in some Pacific countries. This is due to the westernised system; it is not necessarily bad but good. The problem is they have implemented foreign rules to govern these people. However, these people have for thousands of years lived with their own culture and traditions like ours, this causes friction and consequently conflicts. Nevertheless, there must be a system in place, which we have been trying to adopt to ensure peace and stability.

The Land and Titles Court has been around for a long time and was set up by the Germans during their administration of Samoa. They knew very well the importance and significance of Samoa from other countries due to its matai system the protection of its culture through lands and titles. If these people that ruled us at the time did not understand the importance of these things they would not have done it.

When I first entered the Public Service, I was not happy with the merging of the Land and Titles Court and the Justice Ministry.

I am grateful to the Hon Prime Minister and Ministers for these changes. We were all present in 2016 during our familiarisation process with the Chief Justice. The Prime Minister revealed his disappointment with villages upholding their decisions in court only to be defeated, and then the villages became reluctant and it seemed that the authority of Alii and Faipule was of no value.

Because once we go to the Supreme Court, there is no protection for Alii and Faipule. There is no warrant since it is different. The only factor that the law looks at is individual rights, which is upheld abolishing communal rights, especially the authority of Alii and Faipule.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

What is important to me concerning the amending of the Constitution is that, the changes in the Constitution is not stating that communal right of Alii and Faipule should be of more importance than the right of the individual. No, the change in the Constitution is clear and that is to have them as equals, then present them before the court and the judges with the knowledge will determine which right is appropriate and will ensure peace and harmony in Samoa.

We now have the opportunity as Alii and Faipule and villages to bring this right to court, for the court to make a decision on which right is more important. I convey appreciation after all, these factors go together.

It has been 58 years since we became independent and it is suitable. But let us continue to consider issues which are no longer applicable which we are witnessing today. Where does the Government stand? Well, let us reflect on recent events like the measles where we relied on the authority of Alii and Faipule. The Government turned to them. We depend on them with our developments and the projects we do. We apply this collective right to defend and uphold the peace, than the right that we have been talking about. The term right should also be changed to arbitrary right, because there is no such thing as freedom right. Your right must be exercised according to law.

The only thing I would like to make a recommendation on is the contents of the Legislation. I appreciate the fact that the structure is now within the Constitution. Although I feel that, there are some factors, which must be inserted into the Land and Titles legislation. We can always change the administering of the legislation for instance the appointments of Assistant Judges, Vice Presidents and so forth.

You do understand that the Constitution rarely undergoes amending and is not easy. We should appreciate the fact that at this current time we have the authority and solidity to change the Constitution. However, the future is uncertain and with section 104(3) of the legislation, which provides for the appointment of the Vice President, it state that they have to work in the judicial service for 10 years before re-appointment.

Note that Samoan Judges and I applaud these Judges above; it is like a career after another career. It is where you go after you have served Government; you apply here since you have the knowledge and experience to continue working.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

I understand that with the newly appointed Judges the youngest one is 55 or 56 years of age. Therefore, with 10 years to serve, after it is complete it will be retirement. Is there another change that can be adjusted and inserted, the Judiciary Commission presented is great. In addition, it might be an idea to give this group the power to make such appointments. What is important is that these rights are stated inside the Constitution.

The other very important factor is the provision for a Court of Appeal as the highest court and with our own people presiding. As some members have touched on, it is not hard to tell who is there or not. There are only two Judges that have now retired, one is on a contract in Nauru and the other hopes to contest the elections. It may become difficult to fill these appointments as it is provided in the Constitution but it would be good to insert it in the Land and Titles Act and it would become simpler to change them from time to time depending on the suitability.

I do have many other inputs but I would think that my submissions today have been clear. I convey my gratitude to the Hon Prime Minister and the Government for your courage to make necessary changes that reflects the progress of our country. Thank you.

MR SPEAKER: Very well, thank you.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Mr Speaker...

MR SPEAKER: I call upon the Hon Prime Minister whether he intends to appoint a Special Committee to submit our... But I will allow the member for the Urban Seat to take the floor.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you Mr Speaker. First, I express my appreciation to that side of chambers with the Hon Prime Minister for the Bill. I also want to note the support of this constituency for the legislation.

Before I voice my thoughts on the Bill, I firstly wish to convey my gratitude to some of the Ministers of Cabinet, the Minister of Education, as well as the Minister of Finance, Minister of Works, Minister of Natural Resources and Environment and lastly the father figure the Hon Prime Minister because if it were not for his approval this would not have eventuated. I extend my gratitude for the school building of Faleata, the school of Vaigaga. This is the first school done through the assistance of the World Bank.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Your selection is quite remarkable considering our small village and this gesture of respect is huge. Although the Hon Prime Minister speaks ill of me at times, I know that the old man has compassion for me. This was demonstrated in the construction of the school at Vaigaga through the funding assistance from the World Bank.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, I do not recall speaking ill of this member unless it is to do with our Party policies. Which is once someone gets out of line I must correct it within Parliament. However, I do like this guy very much, he is one the members that I really love more than the whole of Cabinet. But once they are...as you are aware there are times even Cabinet Ministers make mistakes, then I get up and make a point of order. Just in case he misinterprets, ignore it. This is what happens when you get too close with those two sitting there.

Tofa Olo Fiti Afoa Vaai: Mr Speaker, stick with me with the blessings I have.

Afioga FAUMUINA ASI PAULI WAYNE FONG: Thank you, now this is one mistake made, I was not glued on that side, I am fastened to my old man whom I made a promise to.

I therefore extend great thanks for our school building. There were many of us and only one was chosen. I will henceforth take the school building of Vaigaga to be a role model for all the school buildings that will be constructed by the State from the finance assistance of the World Bank.

As for this hour, I wish to give an advice to support our Constitution. Firstly, the Constitution has given more recognition of the appeals in Court. There are far too many hearings for one matter. Why? The Ministry has not had enough research to approve and disapprove appeals to reduce court cases as some cases only have one matter however it takes three or four times to hear it in court due to what? Due to not having enough research on done decisions.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Then we come to the reshuffling of Ministers, this is very good change although the only advice to the Hon Prime Minister, if we come down to 26 members on our Side then this means that we will need other people from the Opposition to make up the number of Ministers. I am just saying lest we move on, and there in insufficient numbers to make the Laws then we may move on to another level whereby I may be the next Minister in 2021 as I hear that, the old man still loves me. Just those few requests, may you find blessings your honour.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui: Mr Speaker, this is the problem, there is the persuasion of positions when God is the one who makes the decisions. Just a reminder, all positions are from God.

MR SPEAKER: Very well! It is up to the person, do not lie. Thank you.

Afioga ALAIASA MUAGUTUTIA MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU (Anoamaa East): Mr Speaker...

MR SPEAKER: Pardon the member of Anoamaa East let me allow the senior member from Palauli le Falefa, followed by Lufilufi.

Afioga FAUMUINA TIATIA FAAOLATANE LIUGA (Palauli le Falefa): Thank you Mr Speaker for the chance. The changes made to the Constitution are very critical. Though the Hon Prime Minister is correct, so too is the honorable Speaker.

It has taken 4 years since we have talked about these issues, now it has been implemented to end our service in this term for the country. I wish not to mention it again as members have already discussed it.

The change which says that the Lands and Titles Court will become independent is a necessary decision. It is significantly necessary for our culture and tradition. Our custom and tradition makes Samoa unique from the rest of the world.

Such is why it is important for me to have the Lands and Titles Court become independent. The only thing that now comes to mind is the cost to implement it. It is not the cost to implement that is important, as the State is a service provider. It is not a business.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

The perspective of a Parliamentary Leader, the Hon Prime Minister and Cabinet and the dignity of the House, court decisions will no longer take 3 to 4 months, or even 2 to 3 years of wait. That is one vital point for this independence.

Another question in mind, the normal statement I hear which is the Three Pillars of Government. Whether it will now be Four Pillars since the Judiciary will now be aligned with the Lands and Titles Court and the Supreme Court.

Another part of my question, and a recommendation before you, the Ministry Heads has an appointment of 3 years term. The members of the House has 5 years term. And the Court has a service for life which presides 3, 4 or 5 Judges.

The Hon Leader of the Government, it will be good if Parliament considers 5 years term as 5 years will ensure that work is implemented fully and properly and so, another 5 years is extended. A time should also be arranged to check the allocated appropriation for this work.

We are selected from the 1000, 2000, 3000, 4000, 5000 voters who brings us into this House for 5 years. Why are they different from us? Do they come in with a different dignity. If this will be the procedure with our work, then let us proceed with it.

I thank our State and its decision, the changes to the Constitution is very good. The 2 additional Ministers, reflecting back to 2018, we also made changes to the Constitution, to add more members to Parliament by another 3. Therefore, we will have 51 members in the next ensuing Parliamentary term which is appropriate.

The truth of my talk is there are many Ministers, the Associate Ministers is not a problem as they normally mock around the town area, I have tried conducting some golf games so that the Ministers can enjoy some fun however they are always occupied. Whenever I ring them up at 7 or 8 in the night they say they are engaged. Therefore it is a must that more Ministers should be added so that other Ministers can spare time to be with their families. Because what it is now, the families are being left behind at home whilst they go and work. I do not know where they are working at. Never mind, I have also tried phoning my friends in the golf course.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Another Minister is still giggling and was selected as President of our golf team last Thursday. We tried waiting and he never turned up. Despite, this is one area to cheer them up. They should spend half the time at work and another half to meet the family and talk with the wife and kids and not to...because what it is now is that they seem overstressed. You came there and you looked in your youth nonetheless, you have become old men and women due to the weight of work you do.

As such Mr Speaker, I support this Bill. Hon Prime Minister, there should be some timeframe, 5 years just like us. But when we have the selection of 3, 4 or 5 Judges for the Courthouse, unless they become 68 or 70 then they will rest. I too want to go there too.

When I ask the Head of the Ministry of Justice and Court Administration, there is no mention of retiree members to go and be the assessors as they are the ones who made the Laws which you are now enjoying. They are the ones that administer the Law. Although there is none of them here, maybe they are angry with us. Never mind, let us proceed. Another point I wish to make on this matter, whenever a Judge is dismissed, they seek our assistance. They seek our help to continue their service. Why? The authority is here. Therefore whenever Parliament appoints a Judge, they too must come back here when help is needed.

Mr Speaker, although there is something I saw with our dry lands out in the coast. The State should consider this as the tides are starting to rise. Therefore, dry land is beginning to be covered when the Legislation states all things under the sea is under the charge of the State. It is true, the State should take a note of this issue as there is sea leve rising due to the heat we are experiencing. As such we plead that you take a look at the Legislation again particularly dry lands from 20 to 30 years ago that are now being converted to open water.

Mr Speaker, thank you for your prudence in our Sitting. Hon Prime Minister thank you for this Bill. To the Cabinet, well done, your duty is not easy to take. With all due respect, have a blessed Sitting.

MR SPEAKER: Very well thank you. Because I mentioned the member for Anoamaa East, I allow the member, perhaps there are 2 more members before we give the chance to the Prime Minister and the State.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Afioga ALAIASA MUAGUTUTIA MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU: Thank you Mr Speaker. Samoa is in all ear with regards to this Legislation. I therefore acknowledge the support of Samoa tuning in whilst Parliament is deliberating this change in the Constitution.

I had wanted to stand up as the only thing I wanted to...because it was mentioned in the Hon Prime Minister's statement, the member for Anoamaa East made a comment on the Associate Ministers and their roles, as such, I sit here feeling guilty as role played by the Associate Ministers is also important to the members. Although, until you come on this side, then you are able to understand the works played by the Associate Ministers.

Although I have thought of...I will therefore use this opportunity to make a few thoughts on this Bill. I did not attend our sitting yesterday, pardon me your honour, due to some unforeseen circumstances I had to attend to. Although, once I hear of something good, I am rest assured that we are under the administration of a Government that does not rest. The refined knowledge delivered for good change and benefit of the country from time to time.

As we often said, we did not come in this House to search wealth. We see it as this is our time whilst theirs is tomorrow. We have watched some of the youth this morning, some of them aim to take this role tomorrow, they are the ones that will bear the worthiness of this Legislation laid out by our State. Now that we have these changes, thus I extend great thanks to the Hon Prime Minister for being vigilant of these changes, particularly the restructuring of the Court.

Since the Inquiry Commission was set up during this Parliamentary term, the Court seemed to disregard our work. Now that we have come to this, there are so many things that Parliament is now going through, the reshuffling of works for the Ministry of Justice to make better. Because they refused to support the work of the Commission, whereas now, good changes have been made for the future of the State.

Now that the Lands and Titles Court are separated, truthfully speaking, some have passed with disappointment with regards to some of these court matters. Hopefully, love and integrity will be a lesson for some of the new judges that will come on board to undertake their role in Court.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Other judges we see are strong enough and all of a sudden become ill. I do not want to work in the Court like this other member, nothing good will be gained from it. Because it will bear sickness if you make the wrong decision as stated in the Bible, a judge who does not seek justice in its decision will be afflicted. As such, bear justice in the work that you do. Uphold your callings based on integrity then everything will go well for our country.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: Mr Speaker.

MR SPEAKER: I beg tolerance to the member, I permit the member for Palauli le Falefa.

Afioga Hon Faumuina Tiatia Faaolatane Liuga: I bid your forgiveness, my name was not mentioned yet you mention the recent speaker which was me. I did not say I will become a judge, no. Let us not become judges as the Bible says, do not judge others lest you are judged. God opposes the proud but gives grace to the humble, with great respect.

Afioga ALAIASA MUAGUTUTIA MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU: Thank you, this member was not the one I was referring to. It is a different person however, the member is showing pride in the speech he just made. Anyway I forgive him yes.

MR SPEAKER: I beg forbearance as both of you are priests.

Afioga ALAIASA MUAGUTUTI'A MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU: Well, I bless those who are persecuted, those are the words of...although, thank you for the good change. The words of the Bible, in the multitude of counsellors, there is safety.

That spirit involves this addition, although they now define it as campaign. No, with many decision makers, our country will become better and blessed. It also depends as the number is now increasing. Why are we afraid of making change? This is why we are here, if we see something that needs to be done, do it, do not wait for another person to do it. This specifies a leader that is vigilant and has courageousness in heart for the prosperity of its country.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Tofa Olo Fiti Afoa Vaai: Mr Speaker, just a few things for correction. Note that another raising concern was that Cabinet number depends on the population of the country. It is now 20 years and our population is still 20,000. This means, it should not be raised right. However, things like this, true as the member said, there are too many decision makers and no workers. I guess that is why there are so many problems with the State due to wrong decision makers.

MR SPEAKER: Pardon the member do not look for arguments in Parliament. I call the member for Anoamaa East to resume your speech. Your time is up and there is not...

Afioga ALAIASA MUAGUTUTI'A MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU: I will not recognize those talks such as the statement of the member, even though, these are the views in accordance with the Bill. Now that we have these clear changes, it is not for this term but the future. If another Political Party takes over, at least they will enjoy the works we did. Then we can sit in the back row and say, those were the things we passed during our time in the government. You see these good achievements, this should not be narrow-mindedness pardon the implementing of this Bill.

The only small bit is the protection of our culture which I see is quite inconsistent with our Electoral Act which now sets out cultural and boundary divisions and therefore, we must heed consistency of these things. As there comes a time when villages will no longer bear support due to these changes, although in moving forward look at consistency...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, just an advice to the member as we are talking about...it is not yet time for the Electoral Bill, but the member is talking about his conflict of interest.

MR SPEAKER: It seems he is getting worried about the elections.

Afioga ALAIASA MUAGUTUTI'A MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU: No as these are the things we should consider.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

MR SPEAKER: A person of God should not be worried.

Afioga ALAIASA MUAGUTUTI'A MOEFAAUOUO MALAGAITUTOGIAI SEPULONA MOANANU: If decisions are made in our village, the thing to consider is consistency for these Bills. It does not mean that one goes this way and another one...it must be consistent for a given view.

I will now conclude, let us pray upon this disease as delivered in the Ministerial Statement of the Hon Prime Minister. May the Creator bears His protection upon our country. I extend thanks to the Hon Minister of Health for the works that will...we are number one in countering this disease. It is reported that America is a big nation and that within 12 months a remedy will be found. Israel is also another country, although probably they are holding on to these vaccines for themselves only. Therefore it will probably take some time and this is the only thing that people are resorting to, it is God... Now that we are preparing for the Elections, let us focus first on ending this disease and bring another 2 years... Because elections can be done again in a future time but the health of the people cannot be revived again. Bless the honorable Speaker, just a view before the Hon Prime Minister, bless this Sitting. Soifua and blessings.

MR SPEAKER: Very well. Malo. The addition made is very significant... Alright I allow the member for Faasaleleaga No.1 West, the Hon Gatoloaifaana.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW (Faasaleleaga No.1): Thank you honorable Speaker for the chance. The importance of this Bill is reason for my upstanding to make a submission. I thank the Hon Prime Minister and all those who were tasked with preparing this Bill which has consolidated the vitality of the faamatai which makes Samoa different in the Pacific and the entire world. Such is the spirit of this constituency which is necessary to verify and voice out. Look at it this other way and why we are different, our sitting in Parliament has a faamatai stance. This is the only Parliament which has this posture. Even the representation of women in parliament in terms of gender equality, it is the faamatai system that affects it. Whereas for women, the faamatai is never affected in Parliament. Now that the Lands and Titles Court is set to be independent, that is another...

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

In personal view, this is another way to strengthen the Samoan culture, with the faamatai system, and the authority of the lands and titles thank you. As you stated honorable Speaker, practices may change but our foundations remain from time to time and we must consider it which is the purpose for this Legislation today. I appreciate the open chance for new change to be made in our Court so that other matters can be reviewed in relation to finished decisions involving upsetting families and villages, even though some find the decisions to be highly inappropriate. Thus it is good to have another opportunity to review and set out a proper procedure for matters involving families and villages.

The only thing I wish to query regarding this Bill as also raised by the member for Palauli le Falefa is the beach and the authority of the State and the effect of open water on dry lands which has been extended towards family homes. Have a look at this area so that our properties and belongings are not affected as it is no good to stay at a place whilst the State is in charge of the land I live on. Have a look into the layout of this new change please.

To conclude, I convey great thank to the honorable Speaker, true is the word, this matter has been thoroughly prepared although there are those that complain, and those that bring support and those that implement it. As such I express gratitude to the three female Assistant Chief Executives who implemented this Legislation and this amendment. True is the saying, “*E au le inailau a tamaitai*”. Well done, thank you for tuning in and supporting the State in everything, now that these good changes are a go.

Thank you Hon Prime Minister, honorable Chairperson or the honorable Speaker for the chance upon this constituency. Bless this day.

MR SPEAKER: Thank you. I allow the Deputy Speaker.

Tofa NAFOITOA TALAIMANU KETI (Gagaemauga No.3): Mr Speaker, Muaautasi of Puleono in Salafai holds a purpose, this was also the village where the Samoan translation of the Bible took place which derived the Foundation of Samoa.

O le a taoto ia faa-ia e moe mauga o Salafai i le taotoga o ia sa i le paia maualuga o le Maota lenei o le Fonousu a le atunuu, o tupu ma ee, o sa e le ave, e tumau e oo lava i le faavavau. Lau Afioga i le Fofoga Fetalai, a oo loa ina tapisa Tiafau ae lotea le Faavae papa o Samoa i ana Tulafono, e le nofonofu Matautu, Gagaemauga Nu.3, e ao ona tulai e faaleo se lagona o le itumalo, o la e tapuai mai le Fale Fagamalo, tasi pe lua ae faitau ane ai.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

Mr Speaker, firstly a correction to be made, when the Clerk read out Papers and Reports presented on No.21, P.P.2019/2020 No.190 which states the constituency of Gagaemauga No.3. I plead with respect to you Mr Speaker to correct it, there is no matter against the member for Gagaemauga No.3, it would be good to correct the orders of the House, the member for Gagaifomauga is on the other side right opposite me on that seat below.

I rise with respect honorable Speaker, to make known the view of this constituency in its honorifics *Aiga Sa Peseta ma lo latou Maopu, le nofo a Usoalii, le Faleiva ma le igoa tau o Matautu, tainane foi le afio o Maiava ma le Susu o Mataia, tausii vaatele e le Aitu Tagata ia Mauigoa ma upu ia Satoalepai* as there are amendments before us.

The essence is that, this is one constituency that showed so much appreciation when the meeting of Fale Fagamalo was conducted with regards to this Parliament's view and the selection of the Special Inquiry Commission which I became the Deputy Chairperson of, as such, I wish to convey heartfelt appreciation to the Attorney General and the Lady Chief for the Samoa Law Reform Commission, the lady Head for the Ministry of Justice and Courts Administration now that we have swift plans and submitted recommendations before the Inquiry Commission, whereby procedures must be in place for the independency of the Lands and Titles Court to go through. For what reason? 92% of the people poured out their refined insight in support of the work that was implemented, whereby the Lands and Titles Court should become independent. This morning and yesterday, this constituency conveys great appreciation, the work is swiftly being implemented before the end of this Parliament term. Parliament initiated this doing. How is it this morning? Samoa has heard your views and exchanges. In saying that, Zacchaeus is not deaf, the feeling of thankfulness must therefore be shown. Well done, great preparations. The work has now been indicated. There is belief that this activity will be laid before this Parliamentary Committee to fully look into the matters raised and mentioned by the members of this House this morning.

The spirit of appreciation is to reflect the significance upon our culture which the country had aim to revive the structure of this Court of the country. That said, we aim to congratulate the Hon Prime Minister and Cabinet, now that we have the amendment to the Constitution, which is excellent, it is an Amendment that had the support of the majority of this country during the initial works implemented in the year 2017. The House has witnessed it, sincere gratitude for this job.

17 MARCH 2020

Constitution Amendment Bill 2020
– second reading

With regards to the Lands and Titles Court, there was a time the Order Paper of the House did not reach this matter. I wish to focus discussion on the change in the Constitution which sets out two more Ministers as stated by other members, which has the total support of this constituency. Why? *O le tele o sulu e maua ai figota lelei.*

On that spirit, I extend great appreciation for your long term vision. With the great number of senior members to make the decisions of the country such as this wonderful change on the addition made to Cabinet in assistance to the Prime Minister in leading the country.

This was the only focus honorable Speaker, to show our appreciation and heartfelt gratitude now that this job has come in quickly and this is the final year for this Parliamentary term.

With regards to the honorable Speaker as mentioned by the member for Faasaleleaga No.1 West, that was the same intention for Gagaemauga No.3, the situation with dry lands being converted to open waters, we now have a Legislation under the authority of the State. Although our advice, to the Prime Minister and Cabinet on the effects of climate change and sealevel rising, have consideration of our settlement areas, our dry lands have been affected by the waters.

Lastly, I see that our break is getting near, Hon Minister of Health, well done to you, great job as heard this morning and the many other days. It is not easy. We appeal to God to give you strength. To the Ministry Head, may you find courage, take heed of our country and their safety in everything. Bless you Mr Speaker, bless the Hon Prime Minister, bless the Sitting of Samoa. Thank you.

MR SPEAKER: Well done on your speech honorable Deputy Speaker. We have come to the end of our works, as for other members who want to speak, you will get a chance tomorrow. Since we have arrived at our finished time, Proceedings will end here. I will end our Sitting with a prayer.

Proceedings of the Legislative Assembly adjourned at 1:05pm until 9:00am on Wednesday, 18th March 2020.