

*18 MARCH 2020***WEDNESDAY, 18 MARCH 2020***The Speaker took the Chair at 9:10am.*

Prayer.

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

CONSTITUTION AMENDMENT BILL 2020
– second reading

MR SPEAKER: Proceedings of the Legislative Assembly were adjourned yesterday when the member for Gagaemauga No.3 was finishing his speech. We have a few more speakers on this matter, before it is referred to the Committee for more chance to the Parliament and the general public to make submissions on it. Perhaps we have the remaining women of the House pardon the members and the three to make up five. If members can have two minutes each.

I call upon the Chairperson of the Finance Committee.

Afioga ALIIMALEMANU ALOFA TUUAU (Alataua West): Thank you. I greet the honorable Speaker this wonderful morning. Before any further, I wish to acknowledge the dignity of the House and the gathering of Government Chiefs from the various Government sectors, let me voice our submission on this amendment of the Constitution. It will be short.

I firstly acknowledge with gratitude the amendment made to the Constitution which has great value in our Samoan culture we are used to.

The importance of this amendment is such that it is more costly if issues are not resolved than the cost of making changes to the Constitution, which is now before Parliament. In drafting this Bill, I read about the Court's records in preparation of the Constitution. And overall, there is a wording like this, "This part of the Court will discuss civil or criminal jurisdictions within Samoa. It further stated, "In particular there are other jurisdictions pertaining to the Lands and Titles Court."

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Perhaps not all these matters are covered under the just administration of the court. The decision from either party will be followed by the required legal provisions by the Parliament. I trust this is the for this term which our ancestors for us to complete this part of the Constitution in relation to the Lands and Titles Court. Thank you for your courageousness in implementing this amendment of the Constitution.

The many good views of the members yesterday will not be raised again. The only matter I wish to talk about is in regards to the Appeal Court and the Lands and Titles Reviews which states, retired Samoan Judges to take over, whether possible to insert 75 years and over to be consistent with the Judge of the Appeal Court and the Supreme Court.

I see there are three Samoan Judges for the Supreme Court which includes those from the Appeal Court. In thought, whether possible to include Samoan Judges for the Lands and Titles Court and have just one retiree or the Chairperson for the appeals. Because it seems as given, whenever we come to appeals, the judges of the Supreme Court will preside over appeal cases review. It would be good to continue our Judges for the Lands and Titles Court. These are just some thoughts put forth to help improve our system.

Other concerns of my constituency is not to avoid Lawyers from taking over lands and titles matters nor within the Lands and Titles Court, the concern is that not only is it pricey, the aim is to protect our samoan treasures (measina).

Mr Speaker, these are a few comments, although on the overall, the spirit of appreciation on the Bill and the amendment of the Constitution. Bless the Sitting of Samoa, bless Samoa and its support. Thank you.

MR SPEAKER: Very well thanks, the statement is very satisfying. I call the member for Gagaifomauga No.3.

Afioga FAAULUSAU ROSA DUFFY STOWERS (Gagaifomauga No.3): Thank you honorable Speaker. Greetings to the dignity of the House, the Hon Prime Minister and Samoans assembled here and the listening Samoa.

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I rise with respect to comment on this Bill before the House. If the Constitution is amended, I trust everyone is well aware of it. If the Constitution of any country is amended, it indicates that the Government of the day is not at rest, they look at various areas to build and develop the country. Such is our word of appreciation to this effort to ensure that we are working together, *ia ogatasi le futia ma le umele* bearing significance to our culture within our Government. Well done. I came into this House through this implemented change in the Constitution given the significance of women. Such is the plea, I see that the number of Cabinet has increased, there is also a Legislation to increase the number of members in the House. What say you Hon Prime Minister and the dignity of the House, why not raise the number of women from 10% to 15% to bring a good balance. It would also be good to set one women seat in Cabinet, and then this amendment will be excellent. With due respect.

MR SPEAKER: Pardon the member I allow the Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui: Mr Speaker, the reason for putting this into percentage is because there are reasons. I was questioned by the United Nations why this percentage was not incorporated before this amendment was implemented, for the total number of women to be in Parliament. My response to it was, perhaps you are not thinking of the Constitution of Samoa? There is no percentage in it. The meaning of that word, there is no limit. Then they said, what do you mean by that? The meaning of what I am saying, the chance is open to allow 100% women in the House. Instead of what you are stating to convert the number of women into percentage which will still result in the number women being lower than men in the House. Rather we shall do as you say. In accordance to your statement, it reflects your lack of insight on the large farsightedness of developing the Constitution. Therefore, what we are implementing here, is the slight percentage so that the number of women does not drop below 5, but increase above 5. In meaning, we can have 100% women in Parliament. You see how important this change is. In accordance to the Bill, if after the Elections that more than 5 women made it to the House, then this amendment is definitely void honorable Speaker. Such is the intent of this amendment, if women are above 5, the amendment should be void. The intention is for women to reach 100%.

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What I am clarifying is, you women of the House must make awareness of this minimum number. If you do understand that, then you are aware that the stance now is totally 500%, we only have the minimum not maximum. Therefore, do your job and put up awareness campaigns for women to become parliamentarians.

MR SPEAKER: Well done thank you. This matter is well clarified. I call the member.

Afioga FAAULUSAU ROSA DUFFY STOWERS: Mr Speaker, well done Hon Prime Minister for the clarification on this part. If by elections that all of you women make it to Parliament, then what? All 100% will make it in?

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, the member is again showing his lack of understanding. What I am saying is, do not talk about the Constitution if your preparation is not finished. The only thing here is, the minimum number of women to not fall below 5, but to increase to 100%. It should be more than 5. If the number of women makes up the entire Parliament, then all of us men will serve you from the back.

MR SPEAKER: Just reminding the respectable member, perhaps it is only in Samoa of the entire Pacific that women seats are now set in Parliament. Although if 100% is a go, then all of you can come whilst we (men) support you, as the Prime Minister said.

Afioga FAAULUSAU ROSA DUFFY STOWERS: Thank you, your view is well taken, it will increase. Yes, the minimum is 10%. The request before the Prime Minister, raise the minimum number to 15% although your thought is well taken.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Yes, I do understand you. But the challenge I am giving, whether the minimum should be raised to 50% if you women do not work towards it, you will never achieve it.

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MR SPEAKER: Very well move on to another matter. The chance is open but...

Afioga FAAULUSAU ROSA DUFFY STOWERS: I will now conclude. Before I sit down, I wish to notify the dignity of the House and Samoa listeners that, women are making a lot of contribution right now for Samoa, the contribution of women in politics is unquestionable in the incumbent Government. Such is the intention I aim to bring.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, no one is questioning that contribution.

Afioga FAAULUSAU ROSA DUFFY STOWERS: Mr Speaker, it is finished, I will now sit down. The only difference.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: What is happening now, most of the meetings you have seems to mean that we men degrade your contribution. Why devalue it when mothers are in charge of fathers? I am fully under the authority of my wife. The problem with talking to you is, do you have a spouse or not?

Afioga FAAULUSAU ROSA DUFFY STOWERS: The reason for upstanding your honour is because I wish to answer this last question from the Prime Minister. That is reason why my explanations are like this, because I am still searching for a partner. With all due respect, bless this Sitting.

MR SPEAKER: The notable member should not forget, majority of those sitting in this Parliament are being abused by women. Is there anything Namulauulu?

Tofa Namulauulu Leota Sami Leota (Faasaleleaga No.2): Oh I have thought that you are picking me and this side to give our speeches already, with due respect.

MR SPEAKER: Oh your name is not in this list. The same with the member of Vaimauga.

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Tofa Namulauulu Leota Sami Leota: I will be quick, with great respect.

MR SPEAKER: Go ahead Namulauulu. Be brief. As we must move on to other Legislations, the members are making the same speech. Except for the very recent speaker, the member for Gagaifomauga No.3 who seems to have a different matter which is on women, it is now been clarified, do go ahead.

Tofa NAMULAULU LEOTA SAMI LEOTA: Thank you Mr Speaker for the chance. I greet the dignity of the House, Leader of the House especially the Cabinet, Associate Ministers particularly the orators and chiefs of the Samoan Parliament this fine morning.

With regards to this amendment of the Constitution beforehand, last month I went with another member to attend a meeting in Australia, which was also attended by many from the Pacific region. Truthfully speaking, I am very proud of our Parliament as others would look up to us given the amendments like this whereby we can talk, share and review ideas. In reality, this proposed amendment tabled before the Legislative Assembly is not small, it is very important for the majority of the public. Perhaps this is one reason for the recommendation made by this constituency on this amendment of the Constitution, particularly with the regards to village councils and individual rights. As mentioned in one of the talks yesterday on consistency, and the new arrangement in the Constitution, especially with other tabling Legislations. We have the proposed Electoral Bill that will come through soon which has this issue and the many rising challenges especially in relation to the will of the village council upon a member that is rejected by another member based on individual rights.

I therefore extend appreciation to the Hon Prime Minister and those who were tasked with preparing this Bill which has the support of this constituency.

Another important aspect in relation to this Constitutional amendment is that it reflects the manifesto of the State which is good governance, transparency and accountability which covers all these changes in the Constitution.

The other part for having our support upon this amendment of the Constitution is with regards to the Justice Department, thank you for the farseeing wisdom in making this change. This is one Ministry that is dear to thy heart, as this is the initial Ministry which started my service.

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MR SPEAKER: You have two more minutes.

Tofa NAMULAUULU LEOTA SAMI LEOTA: During Fonotoe’s time as Chief Executive Officer and being here in this House together. I appreciate it as there was a time in the past that a reform like this was put through, a Judge to focus on Court Cases whilst the technical side of the Court was handled by the administrators. Such is the appeal before the Minister to look into this matter. Although, our constituency supports the change made in the Constitution.

The second part for Ministerial posts has my support. The normal saying in the country, *e le faatuaioia mea lelei, o le tele o lima e mama ai se avega* good works has no boundaries, many hands make light work. To conclude my speech, I heed appreciation to the Hon Prime Minister given that most of his talk shows on 2AP radio and television, Time with the Prime Minister, is not really recognizable. This is very important talk as it elucidates and showcases programs of the State in the rural communities. I therefore advise my constituency, to have a listen to these programs so that you are made aware of the ongoing projects of the State. For example, during the start of the corona virus, we had these terms epidemic and pandemic. The Prime Minister made clarifications on the use of these terms, andemic which is etemi, and pandemic which is petemi. Epidemic refers to a country whilst pandemic refers to the effect on the entire world. The old men are getting confused and then the Prime Minister said, this means that everything is kokemia, meaning, everything is problematic. The Prime Minister’s speech is very well given in regards to this matter, for the country not to be afraid.

MR SPEAKER: Well I allow the member for Gagaifomauga No.3.

Susuga Hon Laauli Polataivao Leuatea (Gagaifomauga No.3): Mr speaker, pardon me, there is no intention to interrupt the speech of the member, I am just concerned. Look at the language used, remove these words, we have made enough encouth words in the past in Parliament.

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

Susuga Hon Laauli Polataivao Leuatea: Withdraw these words Mr Speaker. That is the plea, the country is listening, these words are offensive.

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MR SPEAKER: I need your patience, I allow the Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, culture is rightfully the aim of this Constitution. We can never understand if we keep on using the English language, foreign words, we must use plain language. The term pandemic which is *patemi* in Samoan, andemic is *etemi* or *enitemi*. Once we talk about andemic or enitemi in simple language, it is a disease that affects everyone. But if we talk about pandemic or *pateimi*, we are talking worldwide, the entire world is affected. These are no bad words, unless the member lacks insight. That is very true, we are attempting to...

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker...

MR SPEAKER: Very well. Pardon the member will have to...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: We must use simple and plain language. That is our focus, instead of trying to be smart by using the cultural language they lack understanding about.

Susuga Hon Laauli Polataivao Leuatea: I rise your honour so that my attempt is understood...

MR SPEAKER: Pardon the member for Gagaifomauga No.3, let me give an advice. Thank you. Everyone has its own interpretation. But look here Namulauulu, that is why I said to finish up. Why do you investigate again...

Tofa Namulauulu Leota Sami Leota: Thank you, I will conclude your honour.

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker, the aim is to make clear my statement. It is not the word spoken by the member. This is another swear word in English. That is the intent, we must not speak these words again in the House. Pardon me your honour, if these are the words spoken by the Prime Minister outside, leave him be with the public and the world, whereas for this House, honorable Speaker, it must be protected under our native language.

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MR SPEAKER: Very well. I get you.

Susuga Hon Laauli Polataivao Leuatea: You do get the words I speak often about, it is the language of the public who are tuning in.

MR SPEAKER: Have patience.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, the attempt for us, what is the use of the many matters submitted, to easily gain clarification, especially when it comes to deadly diseases.

When we talk about diseases that results in people's death, speak directly, instead of trying to bring up respectful talks, which is the vitality of this matter. This is why so many people are lacking insight including the doctors, make direct talks. Even when it comes to doctors talk, we find it very hard to understand them.

Your honour this is the assistance, let us use the easy language, this also goes to the Court. That is the advice to the Court, stop using the English language, the District court uses the Samoan language so that the country can understand easily. The important thing is to gain understanding.

MR SPEAKER: Thank you. I beg indulgence of the member.

Susuga Hon Laauli Polataivao Leuatea: With respect, the language is different from rude, that is what is happening, words are being spoken carelessly which is too offensive as made frequently.

MR SPEAKER: Pardon the member, I beg of you. The Prime Minister is clarifying the meaning of the word disease, since the disease has a huge effect on the lives of the country. The word that you are angry about, it is the word of the member for Faasaleleaga No.2, it is not the Prime Minister's word.

As such, I advice the member, to tolerate patience, do not demean the Chair, once the language has gone overboard and time in particular, then the frangipani is picked and could end you up being hurt. I beg tolerance to the member.

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Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, just this bit, this is why it is troubling to have new people in the House. When I came here, the Tama a Aiga, the trouble with us. If you read the words spoken by the Tama a Aiga, it is too vulgar to the hearing of Samoa. The problem with us, we try and use the reverent language instead of using plain and simple language, the important thing, is to ensure that the message is sent across. If you have a good look at the records, the exchanges made in the House back then were implausible, they were too insolent. Because during that time, this guy was still in school and was too young, he does not understand what we did, he was too young.

MR SPEAKER: Very well. I grant this chance... Pardon the member...

Susuga Hon Laauli Polataivao Leuatea: That is it your honour. The only plea I wish to make, the House is safe under you. The word that I am young, Tuilaepa, this suit is more senior in this Parliament then you.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, I rise again on this very matter. You have made a lot of mistakes in this House.

Susuga Hon Laauli Polataivao Leuatea: You too have made a lot of errors... This suit is way older than you in this Parliament.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, it is best that I upstand on this matter...

MR SPEAKER: Patient

Susuga Hon Laauli Polataivao Leuatea: This suit is way older than you in this House.

MR SPEAKER: You are breaching orders....

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Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: You have made a lot of misconducts in this House.

Susuga Hon Laauli Polataivao Leuatea: You too have many misbehaviors.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: You are no longer the Speaker...

Susuga Hon Laauli Polataivao Leuatea: Is this not a mistake you are doing...

MR SPEAKER: Sit down.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: You are not the Speaker, sit down...

MR SPEAKER: I advise the... to remove yourself from our Sitting. Before you stand up, may I remind this Parliament that if we point fingers, that is what another Speaker said, if we point out others' mistakes, we are befriending with conflict, and behind that dispute is battle. The word, which caused our disagreement is the word talked about by children. It is similar with pardon, it is a word which means the same with the country is kokemia due to this disease, it is the same. Whereas the words spoken in the past, yes, the Prime Minister already said it, they were spoken by many former senior members which is the nature of life. Words spoken such as when the old man tells his son to go and take a shower, and the son replies he is scared. Such is what I mean. Have pity and do not count the mistakes. Because it will lead us to chaos. I beg your pardon Hon Prime Minister, since members of the House are not abiding with our Standing Orders, any rising dispute before us or anyone who wishes to talk, unless I give permission, then you can speak. Whenever I call the Prime Minister or a Minister or the Government, that is the time for members to sit down and listen, as all matters goes back to the Government for their clarifications.

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The member for Faasaleleaga No.2 is talking; he seems to be praising our stance of works, which resulted in him making this erroneous word, which got you hurt. Laauli, I do not mean to demean you, I have longed served together with your father and he was not like this, whereas for you, it is unlikely, the hearing is shocking. As such, do bear patience. Look at the big cross you are carrying around with you when you are not listening to it. Do bear farsighted wisdom unto God where good things are from.

I further beg forbearance before you Hon Prime Minister, given Laauli's disorder, I therefore have thought, even though that the Sergeant at Arms of the House was called, may this be a lesson to you Laauli as Samoa is tuning in. I think the speech for Faasaleleaga No.2 will end here...and the matter will move on to Laauli.

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker, I bid forgiveness, the House has seen and has observed your support Samoa. If I had said any irritating word, Toleafoa, I made it with one intent alone, for the integrity of Parliament. If I have done you wrong, I beg tolerance to the Hon Prime Minister. The spirit is to protect the country. I bid your forgiveness, with all due respect.

MR SPEAKER: Perhaps this is not the intention of the Prime Minister for anything like this to happen this morning; this is not his attempt to take out a member. Although, let us abide with the will of God, may we find forgiveness.

Pardon the member for Faasaleleaga No.2, my decision has been made. I will give the member for Vaimauga another two minutes. The last speakers will have two minutes each before the question is put. Can you finish it member for Vaimauga East.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA (Vaimauga East): Thank you honorable speaker. Observing intently our deliberations yesterday I felt within me the feeling of gratitude noting that this is the fields of Tiafau where Samoa wholly abides by. Before our Sitting resumed this morning, I wish to acknowledge the presence of the honorable Speaker in the House. How so? Given the major changes before the House under the observations of the country and myself. I thank God for leaving behind a few leaders and the administering of this House by the honorable Speaker; such is the feeling of gratefulness today.

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I am so fortunate for being a new member of this House, I am amongst the courageous leaders that are leading this House, through your goodself honorable Speaker who is the remaining senior members in managing this House for Samoa. Even though you have implemented this task of saying the prayers, praise be to the Almighty God. Although you are ill, the bulk of the works is upon you, pardon me, the strength, may God bless your stance in administering the Sitting this morning.

It is said that Lalotea is the field where only Tumua had to adhere to whereas the land of Tiafau is the lands where Samoa has to uphold and maintain. Listening intently to the Proceedings of Samoa this morning, the country is also listening in. This is a Sitting where our Constitution is discussed. It is not easy, although I thank God for the member of Vaimauga East is present and is observing the major changes that no one can change; it is only through the whisper from the Holy Spirit that change can be made by the leaders of this country such as this morning. I appreciate the efforts of our descendants for the amendments they incorporated into this Constitution, which we are now going through. The country is now increasing and growing, such as the change we now have before us in relation to life and the season we live in, such is my heart of appreciation to God. Even up to this morning, all praises be unto the Divine Mercy that the virus has not yet affected our country. Why not? It is because of the foundation set by our ancestors, Samoa is founded on God. That is why Samoa is prospering, whereas the Legislation and the Constitutional amendment, I heed appreciation to the Leader of the country, the blessings of a country stems from the mountains, the wellbeing of the country stems from this House.

I thank the existing standing women for Ministries like the Law Reform Commission, who is a female Attorney or the female Doctor of Laws, the Ministry of Justice and Courts Administration who hails from Vaimauga, and the representative for the Office of the Attorney General; you are all women of the country. We have beforehand the amendments of the constitution, and I thank you for this swift job of submitting these changes, which are necessary. Regardless of all the other Legislations, when we come to the Constitution, we all sit and rely on the Holy Spirit on the time it will be discussed. Now that we are receiving these changes, praise be unto God. For what?

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We came from... there were two Ministries for Health. We did not know that the measles outbreak would struck us. What now? During the measles disease, the Ministry was one and they were prepared. What we did not see nor expect is that this is God's plan whether it involves the leaders or people that love God, such is this country.

This morning your honour and the Constitutional amendment, starts with the change in the number of Ministers and decision from this Government. Despite all Laws, the amendment of the Constitution for Ministries and their Legislations before the Ministers and the CEOs, this Bill will record all the thoughts and comments of members. This change is therefore ours together involving the entire country who are supporting us. The change in the constitution from 2012 – 2014, I appeal that it is not enough. Why is this? All constituencies render their support upon their representatives who wants to become Ministers, but two is the only addition. It is in this regard that I appeal, Hon Prime Minister, even if each Ministries has a Minister that is our request, which cannot be achieved if the term has not come twice. Only or unless a member has managed to gain two terms in Parliament, then he or she can be appointed as Minister. The essence of my view is our fear of money, and funds to pay for these Ministerial roles/services.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: This is the only point of order I wanted to make, no HRPP is not like that, there are Ministers that have just come on board that will gain Ministerial posts, those are the HRPP procedures. The HRPP aims to elect...all political parties have their own doing for new members and old members in Parliament. This is very important for our interest, as that was the question put forth to me by another member, the independency of this party, which promised that he will come unfortunately, he did not, in past terms. That was the question that was put forth, or the Cabinet and the HRPP administration is only for old members, that was during my 1st term in Parliament.

My response, no as that was wrong, I too am one of the new members, and was selected by the Prime Minister at that time. Although it has now just started, therefore, that was the Constitution, as this side, is the Human Rights Protection Party. All members of the HRPP have individual rights. Mr Speaker, that is the clarification, lest another member wants to come to the new Election, and agrees to the mistake made in this member's speech.

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MR SPEAKER: Very well thanks, this area is clear. Conclude your remarks, as all those were...

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: I will move on, that was just an example, pardon the brother from Faleata, who used to be in the Opposition and is now with this Government thinking that he himself will gain himself a Ministerial post, Leala when you come here, you are blocked as the Associate Minister. Mr Speaker on second change, the Lands and Titles, which is the focus of this talk. The feeling is appreciative when this was introduced...

Tofa Lealailepule Rimoni Aiafi: Mr Speaker...

MR SPEAKER: Pardon the member I permit the member for Faleata, or the member that either your statement is pointed to or not.

Tofa Lealailepule Rimoni Aiafi: I have been here long and have looked at this large round hole and what it is used for. I appeal to bring the member so that we can fight in this round hole. As for Faleata and Vaimauga, this is what should be done. Regardless, Hon Prime Minister, I beg of you, look at these two Seats; make this man a Minister if he returns.

MR SPEAKER: The important thing is for you not to recognize this...

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker, this constituency supports the independence of the Lands and Titles Court, as this Ministry of the State is where hope and faith of the public relies on. I further appreciate all the appointed noblemen there.

I support the independence with the implementation of our culture system in consideration of our current status with our people and the lands and titles, which are our heritage. The advise from this constituency, I see that this does not affect those chiefs of the country that lacked education pardon me. Those men, straight after their education they went directly to raise the village. Those are the people who are taking care of the village nowadays, those with farseeing wisdom and whether possible to bring them in, as our culture and our faasamoa will be implemented.

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Another reason for supporting the independence of the Lands and Titles Court, is the time granted for the mediation of family matters is enough. Chance is still given for this mediation process to be carried out, pardon the House, as most of the chiefs disregard this negotiation process, due to what? They still want to seek the Court's opinion, whereas for the Legislation beforehand, they aim to apply our cultural ways, mediate in and outside the court. That is where the gold will be found whereas for other families, they aim to swiftly take matters to court for them to choose from, although in my personal view, I am thankful that there is still chance to apply our cultural ways. With regards to fear of Parliament and the Government on how to gain equal benefits for local Samoan judges to obtaining a vehicle. Implement based on what? This is the core, as well as the plea of this constituency in support of this Legislation; I am worried lest there is another effect as mentioned by other members, lest further court cases are submitted for Review.

I beseech that this will exactly lead us to chaos again. Whichever unsuccessful cases we had or was felt by our people and had our measina or cultural assets be taken away from us, God is watching and time will come for that. However my concern is lest this Legislation will allow a review of past court cases which is similar concern for this House, some still passed on with distress, although that pertains to God alone. This is my appeal to the Minister and this House, have a look into this...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, this is the exact intention of setting up this Court, to raise high standard and to thoroughly review court cases so that decisions made are based on integrity.

The difference between the Lands and Titles Court and the Supreme Court, if a person is convicted of an offense, it is that person alone that will be affected, and that is it. Whereas for the Lands and Titles Court, it affects the family chiefs the entire family and the extended family, and all those in America, Australia and New Zealand that have connecting roots with families living here including unborn generations, their rights will be eliminated fully in regards to ownership of their lands and family chief titles.

*18 MARCH 2020***– second reading**

Such is the importance of this matter voiced by the Chairperson of Finance, in regards to investigations and thoughts made, as fully aware in the farseeing wisdom of our ancestors that had passed the Constitution. Our future youth generation will have to look carefully into these matters, in regards to our human rights and its likely effects, and will have to make the necessary amendments for the protection of our Samoan heritage. Therefore, such is reason why, that the rights of European custom and tradition is no longer extended to us. The Lands and Titles Court will be independent. It is also reflected in the Constitution, that decisions made here should not affect the decisions of the Supreme Court.

Mr Speaker such is the significance of this matter for members to think carefully about, taking into account farsighted prudence. I am receiving these matters as the people are unaware of where else to resort to in regards to these court decisions on titles submitted, as majority are smart enough to create family trees. Even though they are not related to that family, regardless, they still argue about it. In addition, when they get through with this family lineage, it can extend to lands. Such is the importance of this amendment implemented today. Such is the response to the member, it does not mean that a decision is wrong then it will go as it is, such is the reason for the arrangement of courts to set and obtain a higher standard, so that these matters are corrected properly. Mr Speaker that is the statement, given the decisions that are either right or wrong, it will progress as it is, no. No wrong decision should be pressed through which could lead to affecting families as a whole. Such is the criticality of these changes made to the Constitution and the independence of the Lands and Titles Court.

MR SPEAKER: I call upon the member.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker, the statement of the Prime Minister is well taken. However according to my observation, particularly for my constituency of Vaimauga East, my current lands is now taken by the Estate during German colonization, it is the lands under the authority of the village council, the lands of my constituency. In light of that, I entreat that our lands be returned to us.

18 MARCH 2020

– second reading

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Point of order, there is the court, leave the extent of this matter to the court. There are decisions on the necessary extent for these matters. Even with matters concerning lands, there have been decisions made to land during German times. If I remember correctly, there were 1500 total court cases on land during the German administration in the Supreme Court, which verified some of these land purchases at that time, while some were being rejected. Therefore, this matter during that time is now over. This land issue was then passed over to the New Zealand administration and was then passed down to Samoa which is now under the State which is reason why many of these lands now belongs to the Government. These lands are therefore used by the State for many of its developments including many of them that have been released. As for the situation involving the German's administration and these public lands, a decision has already been implemented about it during that time. It is therefore difficult to...many villages have longed made attempts, despite; the decision has been made and cannot be changed.

Mr Speaker, unless matters pertaining to the separation of courts, this Legislation is referred to the special Committee before queries are made upon it, however I feel that no fools are present in this Government for reverse decisions to be made.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: I will move on. Another Legislation regarding buried land pardon the listening public. Perhaps everyone is aware, there is the back building but a permit by the MNRE is required to bury it. Meanwhile, these lands were...especially with regards to climate change we are experiencing, it is our own private lands however they have all been affected by the sea erosion and Government has all of a sudden taken them.

The advice is whether...in regards to the sea and our own private lands in particular that was there, and climate change when it seems that Government is taking hold of them. The essence here is to look into this matter with our lands; it belongs to us since then, however it is now being affected by climate change. Concerning chief titles, I support it given the current situation that our country is arguing about.

*18 MARCH 2020***– second reading**

The authority of village councils that upholds protection is easily noticeable, although, there is only one high-ranking titleholder (sa'o) of families and villages that upholds all authority. A village with many sa'o is also easily recognizable, however in support of this matter...

MR SPEAKER: Conclude your statement as your time is up.

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: I will conclude now bless this Sitting Mr Speaker. I am full of respect upon you. Although you are the father of Aana, yet your uterus is in Vaimauga. Bless the Sitting of the country, and the remaining time of this day, may God's spirit be upon this country. Thank you.

MR SPEAKER: Very well thanks. I allow this side of the Chamber.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: I see that we have a bunch of Bills, may I ask how many more speakers we have left, and how long are their speeches.

MR SPEAKER: We have four more left, I mean two. If they can have two minutes each, then that means four more minutes.

Afioga Peseta Vaifou Tevagaena: Mr Speaker...

MR SPEAKER: No this member did not upstand first. After the member for Faasaleleaga then we have one more left.

Afioga PESETA VAIFOU TEVAGAENA (Faasaleleaga No 4): Thank you Mr Speaker for the opportunity. I do have a lot to say considering the wonderful amendment to our Constitution, but due to my limited time, I will now directly address the main points. I will firstly accord my appreciation to the Prime Minister for this legislation, to amend the Constitution. I must also extend gratitude to the female lawyer and the Chief Executive Officer of the Ministry of Justice and Courts Administration for the preparation of this amendment to the constitution.

Constitution Amendment Bill 2020

*18 MARCH 2020***– second reading**

As far as I am concerned, what is thrilling for me is being a parliamentarian during this actual change as what we do will speak for us. Our leader often say, to not be afraid of making changes. Governments adopt changes for the better. The authority of chiefs and decision makers as well as individuals are now all under our rights, I am grateful for this amendment as it now stands. My only request Mr Speaker is that, it would be good to insert our old traditional penalties currently practised into the amendment of the Constitution.

Mr Speaker, the majority of villages have different styles of administration. The penalties currently carried out throughout the community contains harsh penalties such as banishment from your place of abode, arson and vandalising of private property. They are now all enacted here under one court system. When you look at our culture and traditions, villages are still exercising their own justice system, handing out penalties within village communities. Regardless of the integrity of the administration people still abide and answer to the penalty without any interrogation as it is done here at the courts.

Mr Speaker the point I am making on behalf of my constituency, is it not possible with the amendment of the constitution to insert this factor and do away with bygone era penalties. We now have laws to resolve everything from titles, land, instead of having this village system of justices and when it comes before to the Court, it is a different matter.

MR SPEAKER: I advise the member concerning his views on the changes to the Constitution. Since there is opportunity when it goes before the Committee where you can share your views, which will contribute to their possible amendment as the amendment, arising from this issue is quite different.

Afioga Sulamanaia Fetaiai Tauilili Tuivasa (Vaimauga East): Mr Speaker, I am quite conscious of the time and we too on this side of the Chambers would like to speak on this. The member is the Associate Minister to the Prime Minister. They are responsible for this Legislation and he is taking up time when his Prime Minister is responsible for the Legislation. Instead of allowing us members and we are becoming sleepy due to you allowing the Associate Prime Minister of the Prime Minister.

18 MARCH 2020

– second reading

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, I guess the Associate Prime Minister has missed the fact that there is a Legislation which governs matters of administration of the Alii and Faipule, but this issue is quite deep although there is a Law to consider those matters.

MR SPEAKER: Thank you. That is why I respectfully interrupted the member for Faasaleleaga No.4, to let us pursue our orders of the day, as there will be an opportunity when you will all discuss this as you have put across.

Afioga PESETA VAIFOU TEVAGAENA: Thank you Mr Speaker, the good thing is that I have shared with you my feelings on the matter since we are in the process of preparing our legislation. There is a difference in administration like what is happening at one of the villages in my constituency. That is the main objective of my view Mr Speaker. I thought I would make it known since we are in the process of preparing our Legislation in regards to amending the Constitution. With due respect.

MR SPEAKER: Thank you for supporting the role of the Speaker. I would think that this is also the opinion of the member for Faleata East. Let us pursue our orders.

Afioga Salausa John Ah Ching (Faleata East): I am seeking an opportunity please Mr Speaker.

MR SPEAKER: I urge you to make it brief since there is really nothing further to discuss as every aspect has been covered by members. Whatever may be left will be considered by the Committee, but I will allow the member...

Afioga SALAUSA JOHN AH CHING: Thank you for the opportunity. I rise with respect this morning due to the amendment to the Constitution. To share with you the support of this constituency of Faleata East to the amendment. I would think that this is one of the factors that the Steering Committee of the country had desired to incorporate into the Constitution before Independence, is our culture and traditions. We are still progressing since it was Britain we used as our Law.

Constitution Amendment Bill 2020

*18 MARCH 2020***– second reading**

Now that we have already amended, the Constitution by inserting Samoa is Founded on God and this is the next thing which I think they desired to be inserted. I extend gratitude for raising this matter.

I also share my appreciations to the three Ministries involved with this and my advice is to continue your work as these British laws we adopted must be reform. It does not end there and in due course, these British laws must all be removed from usage. My appreciation is when these leaders spoke to clarify this law. What was even more fulfilling was seeing the three Ministries working together with the three Chief Executive Officers during the course of our work.

The other important factor is the Ministerial Statement by the Prime Minister where he mentioned the corona virus. There is just one point I would add to our preparations. That is 80% of people affected by this disease are not serious but mild cases.

15% are moderate and 5% are quite severe and these are the ones that would be treated in hospital. Whilst the 80% would be cared for at home. The other factor is how our village communities and individual families prepare for caring for these folks at home. Who would be responsible for the caring, where in the house they would be cared in, which bathroom would be used to shower, who will prepare the food, who does the laundry. These are the factors that must be organised to protect our country but I do thank the Associate Minister and the Ministry for there are a lot of protective measures currently undertaken for our people.

I appreciate the Government of New Zealand for the broadcasting last night, that yesterday at 4am...

MR SPEAKER: Thank you, my apologies to the member but if you are done with your submission, then we shall carry on with our orders.

Afioga SALAUSA JOHN AH CHING: I am concluding. At 4 in the morning New Zealand began their next line of defence for everyone wanting to travel to the South Pacific and that is they must undergo checks at the airport before making their bookings. So I appreciate the Prime Minister of New Zealand for doing that.

*18 MARCH 2020***– second reading**

The final point Mr Speaker is to do with land covered by sea due to climate change. I am of the view that climate change must deal with the issue itself, that is whatever funding we receive to counter climate change must go to reclaim these lands. If that is not possible then I guess the other alternative is to relocate these people. Thank you for the opportunity given. Bless the Sitting of Samoa.

MR SPEAKER: Thank you, disobedience is the same as disorderly, but it is alright.

I call on the Prime Minister.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, there are matters which I must respond to and at the same time I must convey my apologies to the Assembly.

It is normal practise in this House to be direct when giving your opinion. When we do deliberate serious issues, our statements can become harsh and serious. There is a Samoan adage that implies, “E tetele a pesega ae matua lava i le oo.” No matter how heated the argument gets, it eventually becomes resolved. When we do consider matters of importance to the whole country we do not hold back our emotions is always based on mutual respect. Our traditions and way of life is based on respect. So I apologise if we have offended anyone. I also apologise to Afioga Tupua, the royal son, Afioga Puletiu the Maopu Taulagi whom are under the protection of Auelua and Fatialofa. Laauli, Tupua is a matai of my constituency, he is the venerable chief of Lepa whom I serve and protect.

It is normal practise in this House to be direct when giving your opinion. When we do deliberate serious issues, our statements can become harsh and serious. There is a Samoan adage that implies, “E tetele a pesega ae matua lava i le oo.” No matter how heated the argument gets, it eventually becomes resolved. When we do consider matters of importance to the whole country we do not hold back our emotions as it is always based on mutual respect. Our traditions and way of life is based on respect. So I apologise if we have offended anyone. I also apologise to Afioga Tupua, the royal son, Afioga Puletiu the Maopu Taulagi whom are under the protection of Auelua and Fatialofa. Laauli, Tupua is a matai of my constituency, he is the venerable chief of Lepa whom I serve and protect.

Constitution Amendment Bill 2020

*18 MARCH 2020***– second reading**

Mr Speaker, I also convey my apologies to the members of Anoama'a East and Anoama'a West if I may have mistakenly referred to you both with another person's constituency. There was a Speaker here in the past that relayed a fable about a farmer who became angry towards his rabbit. I must beg your indulgence in case someone becomes offended. The farmer chased down the animal to kill. The rabbit ran and hid under a timber, he looked and saw a farmer of the neighbouring farm. The rabbit said to the old man, shhhh please do not tell on me, the old man is coming to finish me off with a machete. The farmer said, "very well". The old man chasing the rabbit came and asked the farmer, "Did you see my rabbit coming this way? He has been a bad rabbit" he instantly pointed his finger at where the rabbit was hiding saying, I never saw a rabbit. The rabbit said, "man, your hand is right but your mouth is wrong". So I apologise to you both if I have mistakenly referred to each of you with the other's constituency. There is a belief from your region that when it rains, west becomes east and east becomes west.

I think it is important that we review this legislation in detail based on the merits of the Bill.

- (1) This legislation is to amend the Constitution, so as to recognise and secure our traditional rights within the Constitution.
- (2) It is enacted that the Criminal Court recognises Samoan culture and traditions in its proceedings.
- (3) The Land and Titles Court shall become independent with its decisions, appellate decisions, decisions review under section 9 of the Constitution.
- (4) Samoan culture and traditions and the Land and Titles Court is reflected within the Constitution of Samoa.
- (5) The Criminal Court no longer has jurisdiction to review decisions of the Land and Titles Court, other than that, the usual powers of the Criminal Courts shall remain. Meaning the District Court, Supreme Court and Court of Appeal.
- (6) The President may under a seal document grant a review of a serious matter against a matter of Res-judicata or already settle in court.
- (7) Laws of England, which are laws from overseas shall not be applied in the Land and Titles Court.
- (8) It is clear from the new cover that there are now other avenues to further review a Land and Titles Court matter. But with all the Appeal Court and Court of Review decisions, they remain unchanged.

Constitution Amendment Bill 2020

*18 MARCH 2020***– second reading**

Mr Speaker, those are the elaborate details I felt it must be disclosed again. Later on, I will be moving some important motions for this legislation to be referred to the Special Committee as per normal procedure for consideration, providing further opportunities for members of this Assembly and public to share their views.

In other words, you will get another chance to voice the concerns, which you have clearly stated this morning and yesterday. Every opinion stated is crucial, there is still ample time for the Special Committee to examine it, and I will propose this at a later stage.

There was a matter raised concerning climate change and the eroding of our coastline. There is a provision in the Constitution, which has always been there which is, every area of land below sea level including beaches right out to the edge of the reef is supposedly under government control. That decision was wisely inserted into the Constitution to preserve our coastal land and government public roads. If it were not for that, our coastal areas would be all destroyed and the sand would be sold without any limitation.

That is the reason behind the foresight of our ancestors. If we allow the coast to be fully access without guidelines and let families sell the sand whenever they like, what will happen to the road? The road will be affected and the government will have to attend to it and to fix it and it would be most difficult at this time when it is hard to access sand due to the government policy to resolve this problem. So these provisions inserted into the Constitution were carefully considered. But the complexity that has arisen again is due to the rising sea level. The member for Faleata has shared his view and that is what will happen. The government should assist and we are requesting government overseas for money to build these walls along the coast so as to protect our coastline and may I say to the people to please do not sell out sand because it only makes the erosion of the coastline worse. This is the attitude of our people where they are not concern. They do not look at the big picture but only think of themselves. It is the similar situation with the maisu, fugafuga and mama'o.

So once the Government allow it after a month there would be nothing left. It is why countries of the Pacific are in this situation. It is why Cabinet have placed a ban on these sea shells. Leave them for our country and our children to consume in future. Things like maisu are very good to eat and there are several ways of cooking them. With sand, it is our natural habitat and people tend to be selfish about it.

Constitution Amendment Bill 2020

*18 MARCH 2020***– second reading**

The Government on the other hand looks to the future and takes into consideration the children and generations to come ensuring we will always have our natural habitat to carry them into the future. It is the same way we are safeguarding our cultural treasures of Samoa because it has a domino effect on our children and generations to come, and those yet born. Their rights to land and titles and the rights of our families, the genealogy of families scattered around the world. There comes a time when their children and their grandchildren will return and there are land and titles that they are entitled to. What I am saying is that the issue rest with the Government.

There was another issue raised regarding the concerns of women. It is an important point and for me, I play the devil's advocate, where I tend to get up and challenge the member taking the floor. When I do that you should not remain in your seat. We can always refer the issue further to the Committee if the argument is strong enough but I have discussed this and we are opening the opportunities for women to enter Parliament.

The point on the age of Judges, well that is a valid argument and the same token is extended to the argument about lawyers and our judges. All those matters shall be considered by the Committee. There was another matter raised concerning our elections whether it should be deferred. I guess when we do get to that stage and too many people become sick and prohibiting any kind of association, well then there would be no other alternative, but it is good to raise these thought provoking ideas.

Those were the issue raised and I do not want anyone to think that the government, Cabinet and this group are avoiding anything and hiding behind a tree so to speak. But I do applaud your inspirational ideas this morning because when we do discuss the Constitution well you must all realise that every law relates or has a bearing to the constitution. The dialogue this morning is rather clear just as the thought argued in the Convention of 1960, the Constitutional Convention. It was clear from the conviction of the leaders of Samoa at the time. There were three to four prominent `chiefly members from each constituency. They stayed around for this forum and shared their thoughts and that was the result that we saw. Whatever provisions we will insert into the Constitution at this stage will be beneficial for that period.

Motion to appoint a Parliamentary Special Committee

18 MARCH 2020

Other matters which may arise in future like the matter raised by the chairperson of the Public Accounts Committee, well that was anticipated in the Constitutional Convention, possible amendments which must be done by future representatives of this Assembly. That means, the leaders of the Constitution knew that the situation with the Land and Titles must be amended so that it is in good order since there have been a lot of complexities that came up concerning this matter since the time we were under colonisation.

Mr Speaker that is my response concerning the matters raised.

MR SPEAKER: Thank you.

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

MR SPEAKER: I call upon the Prime Minister for a motion.

MOTION TO APPOINT A PARLIAMENTARY SPECIAL COMMITTEE

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I rise with all due respect to move the following two motions. The first motion is, *to set aside the Standing Order which may restrict the appointment of a Special Parliamentary Committee to consider these Bills pertaining to the Courts, which includes this Legislation and the Legislation following.*

The second motion is, *to appoint the following members for the Special Committee: Gatoloaiifaana Amataga Alesana Gidlow – Chairperson, Namulauulu Leota Sami Leota – Deputy Chairman, Sulamanaia Fetaiai Tauiliili Tuivasa – member, Faaulusau Rosa Duffy Stowers – member, Fuimaono Te’o Samuelu Te’o – member, Lea’ana Ronnie Posini – member, Ili Setefano Taateo Tafili – member.*

Mr Speaker, those are the two motions I have stated.

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

Judicature Bill 2020

18 MARCH 2020

– second reading

Motions were approved.

JUDICATURE BILL 2020

– second reading

MR SPEAKER: I call upon the Minister of Justice. We do have ample time.

Afioga Hon FAAOLESA KATOPAU T AINUU: Mr Speaker I move, *That the Judicature Bill 2020 be read the second time and I wish to make an explanatory statement.*

Motion was seconded by the Minister of Education, Sports and Culture and the Minister of Finance.

MR SPEAKER: The floor is yours Minister, there is sufficient time.

Afioga Hon FAAOLESA KATOPAU T AINUU: Mr Speaker the purpose of this legislation is to prepare the amendments for the Crimes Ordinance 1961.

This is one of the old Laws written before Samoa gained independence and it was prepared to support the Constitutional Convention of Samoa in 1960. This was drafted to establish the Supreme Court and Court of Appeal and to replace the old Act. Many of the sections from the old Act reflected records that have already been covered in the Constitution of 1960. We have noticed the numerous changes in life, strategies of integrity and particularly the means of technology, it is about time for review for this Act is very old. Due to certain changes made it has somehow altered some sections of the Constitution and therefore appropriate to make the necessary changes to amend this former Act. It has also paved way for the enacting of legislations pertaining to the proceedings of the Crimes Ordinance and Appeal cases under these bills.

The few amendments to the Crimes Ordinance 1961 make up the contents of the Judicature Bill 2020.

1. The Threshold now for individual and company debt matters (civil appeal). Claims to become eligible for appeal has increase from \$300 to \$3,000.

Judicature Bill 2020

18 MARCH 2020

– second reading

2. Matters recorded twice under the old Law and the Constitution. The powers and structure of the Supreme and District Courts under the old law are now within the Constitution.
3. The following are some of the major changes concerning matters that were under the old law of 1961 and are now within the Constitution.
 - (i) To appoint a Senior Supreme Judge for the Supreme Court to assist with the workload of judges, and as well as a Senior District Judge.
 - (ii) With the Court of Appeal, it has been recommended that Samoan retired judges of the Supreme Court be appointed to preside over matters of the Appeal Court. This is localisation of the Court of Appeal Panel.
 - (iii) The changes in the structure of the Public Service Commission to change the President of the Land and Titles Court which will be in the Land and Titles Court Act. The President will be transferred to the Judicial Service Commission. Allowing the other 5 remaining in the Judicial Service Commission and are therefore advised to appoint another member.

Mr Speaker, that is a brief statement on the changes brought about by this Legislation. We all attended the public seminar in which this very statement was delivered.

It is clear and I know that no one has any further questions, with due respect.

MR SPEAKER: Thank you, the Minister has just delivered his statement to clarify the matter, now if there are members...they will get their opportunity when we return from normal recess. My apologies to members but if you do get the chance during recess ask me then before we return inside.

Proceedings of the legislative Assembly will now be set aside for normal break.

Proceedings of the Legislative Assembly were set aside for its normal recess at 10.46am and resumed at 11.40am.

Judicature Bill 2020

*18 MARCH 2020***– second reading**

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

Before our recess, the Minister was clarifying the Judicature Bill 2020. The floor is now open to members wishing to comment on the matters that have just been explained.

I call upon the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI (Faleata West): Thank you Mr Speaker for the opportunity. I also convey my appreciation to the Office of the Clerk for the morning refreshments. This is when I can actually enjoy a cup of tea. I am happy for the energy to continue with our work.

I want to say thank you to the Minister and the Ministry for this legislation to make their service more convenient and subsequently enhancing it. Every legislation we enact, as often mention is for the purpose of amending due to a very vital reason. Such objective is to enhance and maintain professional service for the general public, particularly in the area of Justice.

The Minister is well aware of the problems with the administering of Justice at the moment and my observation throughout the course of this year. I am of the view that the legislation now before us will allow for changes in this area.

There is a common saying that goes; Justice delayed is Justice denied which is the long delay of court cases. I believe that it is appropriate to enact a law for this particular area. Looking at this day and age, there is so much improvement in the tools to carry out work. We have a high number of returning citizens with specialised training in the area of law, there are more vehicles, Information technology is now utilised. The administration of service has been enhanced in so many ways speeding up the decision-making yet we seem to be at the same place, if not going backwards.

I believe that it is about time that we enact a law to give judges of the Supreme Court specific amount of time to deliver their judgments. If it has been 12 months since waiting for a judgment it is not acceptable and just. Even 6 months is too long.

Let me remind you that a lot of qualified lawyers are returning, and judges can use them to assist in their decision making. They can be sent to do research of case laws that are relevant to the offense. By the time judges make their judgments the bulk of the work has been done by this group.

Judicature Bill 2020

*18 MARCH 2020***– second reading**

The Government is always asking, whether you have sufficient resources to carry out your roles. And every year within every budget, Ministries prioritise the resources need to improve their services. I believe there should now be some changes. There should be a limitation, if it is 3 months, that seems appropriate or even 2 months for judges to prepare their judgement of cases. With some families, those who were responsible for court cases go to their grave before judgments on matters are delivered. This is the first area that should be implemented. The other area concerning matters, which is currently going on and must be taken as priority.

These serious cases with a lot of public interest which people are all following like the case of the group that conspired to assassinate the Prime Minister. This kind of matter should take precedence, all of last week I have been seeing the face of this guy on the paper, and getting bailed. He looks rude and disrespectful on the newspaper. It gave me discomfort and could not sleep because of this kind of abhorrent and unacceptable behaviour our country has gotten into.

The Court should give priority to these kind of matters. It is not only for the protection of the government but the culprits themselves. As you all know, Samoa is interrelated. Yet there is no emphasis so my recommendation is that these Legislations should reflect these changes. Laws are amended from time to time to reflect the changes that come about to be in line with behaviour and events from one season to another.

However, I do applaud the Minister for the localisation. For putting our own very people first that have the expertise and experience, and I am talking about the Court of Appeal, which is an important factor. Putting our people first and it does reflect that our very own people now have the capability and knowhow to fulfil our own roles. Unless at times we need special expertise, and then we turn to overseas for assistance. But that is my suggestion to the Minister, we do need a change to this Legislation before the end of this term. With respect, thank you.

MR SPEAKER: Thank you. I note that a small number of members have indicated their desire to speak. It is best to allow the government to declare our schedule time of meeting for the information of members and for you to plan your preparations to. But at this stage I will allow the Leader of the House for a motion.

I call upon the Prime Minister.

MOTION TO AMEND SITTING HOURS

18 MARCH 2020

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, and dignity of the House, since the Legislations to be followed are very important, therefore, I rise with respect to move that, In amending our Sitting Hours, before we adjourn, we shall continue Proceedings of the Assembly until the current Legislations progress to the second reading, detail consideration and the third reading according to the Order Paper set out for today. This means that whatever hour of the day that is necessary to complete the tabling Legislations laid out in our Sitting Parliamentary Program today, we must resume our work until completion and then we can adjourn.

That is the motion with respect.

Seconded by the Minister Works, Transport and Infrastructure and the Minister of Commerce, Business and Labour.

MR SPEAKER: The motion is for us to continue until we have covered the orders contained in the Order Paper. Whatever time we finish, then we can adjourn.

Motion approved.

MR SPEAKER: I advise the member to raise only constructive matters like the member for Faleata East which had just finished.

I call upon the member for Salega East.

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker. I shall not be long, so I just want to raise a few points, which I missed during our talks on the amendments of the Constitution. I will make it short. Looking at the Legislation, I wonder what the Government's view will be especially that of the Minister. But specify the time when the President is able to do its job, since the Constitution states that it is done under the discretion of the Head of State upon the advice of the Prime Minister. It is therefore not independent...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, the member is talking about the wrong legislation. We are discussing the Crimes Ordinance.

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The only thing is that under section 24 part 3 is that discussion over the constitution is over. We are now deliberating the Criminal Court cases.

The issue, which the member for Faleata spoke about, is very important, regarding the Court's roles. The Court must know the important factors that must place emphasis on and so their priority should focus on that. Moreover, is the situation of waiting for an extensive period of time. There have been Court Cases that have taken over 20 years, to await decisions. But those who were involved have long passed on. I too am tired of getting letters from lawyers seeking my assistance into enforcing the Court to submit judgments as parties have almost gone to the grave.

This is the existing culture, which must change. The matter raised by the member is correct, and I am looking at section 24 (3) pertaining to the roles of the Judicial Service Commission responsible for the role of implementing those responsibilities and this is possible under here. This is where it can be included concerning the judgments of the court. It is true that 12 months to await the writing of a judgment is too long. It reflects that Judges are weak. The point made by the member for Faleata East, that justice delayed is justice denied is a sound guideline. A long delay in the delivering of a judgment shows that the judge is contributing to creating injustice.

Therefore, the role of judges is to assist in making fair judgments. Instead of creating further injustice when delaying the writing of their judgment. This eventually leads to further court cases of say two, three and more and are still awaiting judgments, which have not been written. I am thinking of talking to the judges, to tell them that if they are tired of the job then say so and we will get judges from abroad to preside over the court cases. The Government is prepared to render assistance. Proof of what I am saying is that, just recently a bunch of applications was brought to us a while back. Initially it was for 1 judge but in the end 7 judges were approved by Cabinet.

Secondly, Mr Speaker is the situation with Appeals Court. Since we became independent Europeans who did not comprehend our culture and traditions were brought to preside over appeal cases. The legislation is drafted for our very own people to preside in our Court of Appeal and I am referring to offenses. We will be doing our own thing, using our retired judges, as there are quite a number of them. However, for the Court of Appeal, we will acquire the service of perhaps just one person from abroad so as to provide another voice to further add quality to judgments.

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This is a new dawn with the introduction of our own Court of Appeal rather than waiting for Europeans from abroad to do it. We now have our own people who understand our culture and traditions and will question some of the decisions made by matais within villages, probing corrupt practises and dishonest behaviour. It disgraces our country but these are the words of judges who do not understand our culture and traditions.

Mr Speaker, the important aspect of this law was mentioned by the member for Faleata East, which has prompted the official establishment of our Court of Appeal as we have a lot of retired judges that can become part of it, rather than depending on judges from overseas to implement our Court cases which is costly.

Finally the 3rd part, our Judicial Service Commission should consider having the proceedings in courtrooms using the Samoan language and avoid wanting to speak English. That is our culture and traditions that should also be practised by our lawyers. In other words, lawyers would refer to the Law books and pick out the necessary aspects of our culture and traditions, which should apply in the courtrooms. These are foreign ways, which is practised by lawyers, and when they Judge in court, it is as if they are Gods when it is almost 60 years since we became Independent yet we are still following.

There was a Court Case in which I was asked to attend as a witness. I went, and the lawyers carried on in English whilst I spoke Samoan. I said to them, “this is what you call, error in grammar”. I looked at the 4 lawyers staring at me, and they did not understand the meaning of error in grammar. It must be the first time they had heard of such statement. Since majority of lawyers with practice are matais but have never attended village fonos to hear the dialogue and wisdom shared by the village matais, which can make them intelligent about our Samoan ways.

Mr Speaker, it is also about time to have Criminal Court proceedings done in the Samoan language.

That is my contribution, for the Legislation is very important as stated by the Minister of Justice.

MR SPEAKER: Thank you, this area is now clear, the member will conclude his remarks...

Tofa OLO FITI AFOA VAAI: Thank you Mr Speaker, There is no difference between the devil and Beelzebub. It can be as spoken by...

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Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, I said these things because this is the area where we discuss the Chief Justice. We are not talking about the President, he is the figure head of the Land and Titles Court. But with criminal courts we are discussing the Chief Justice or the Deputy Chief Justice.

Mr Speaker, I took the floor as I thought you were ahead of yourself and what you said is inappropriate.

Tofa OLO FITI AFOA VAAI: Thank you, I will then speak on the Chief Justice. The only thing I am pursuing is what should have been clear in the Legislation to reflect the autonomy of the Judiciary. I had pledge to arrange a time to fill the seat of the Chief Justice.

The way things stand now is that it depends on the appointment of the Head of State upon the advice of the Prime Minister. Therefore, if the Prime Minister does not recommend to the Head of State, the appointment of a Chief Justice will be delayed. However, the state of things within a democratic state is that there must be a Chief Justice occupying the position. Which would avoid problems like the one the member for Faleata raved on about judges not making decisions on people's matters.

It is why I urge the Prime Minister and the Government...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, since the member is addressing this issue. Let me remind you that every calling is from God. We depend on that mysterious breath. When we do receive that mysterious whisper we then implement it. This country is founded on God. Have you forgotten that the Nation of Samoa is founded on God?

Mr Speaker there is no need to rush. It is known that one retires when attaining the age of 68. If we do not make the right decisions here, we would have problems during all these years. We must be very cautious of these situations. When it comes to factors where justice is pursued, we need to rely on one thing only and that is God. Where that whisperer comes from, I guess it will not be long when we get it. Do not be concerned, because what is going to happen with the world will need us to rely on God and then we tend to become impatient and instead go out and search – do not – be patient and wait.

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MR SPEAKER: Bravo!

Tofa OLO FITI AFOA VAAI: Mr Speaker, my suggestion to the Prime Minister is to move closer to God so that he could swiftly receive God's whisper.

MR SPEAKER: I beg tolerance of the respectable member but it is my role to contain differences and get our orders progressed, as well as advising members to cooperate in our role so that our debate continues in good term.

You have stated your personal view and the Prime Minister has responded and it should end there. You cannot take up an argument, as you have no business in it. You as a member can make suggestions and leave it with the decision makers. Who makes the decisions? Cabinet and the Prime Minister and that is the end of it. You cannot forcefully argue your view. No, it does not work like that. If you do not abide my recommendation that is the end of your speech because it is...

Tofa OLO FITI AFOA VAAI: I will now conclude, the only thing I will remind you Mr Speaker is that I being a member is guided by Standing Orders of this House. I have the opportunity to question the Prime Minister or the whole of Cabinet. So I am following the rules. Rules of the Speaker and Parliament. But it is not that I have no business, I do have a business here under Standing Orders of the House, with respect.

MR SPEAKER: Calm down. You do have the opportunity to question. Any member has that chance, but Cabinet has the final say. As they make the decisions regarding your view. So what should we do? We make the decisions or leave it with them... this is different. This is why I advise you not to be contentious with your arguments.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: A point of order, as your view is correct on the matters we are discussing. But with the interpretation of Standing Orders, the Speaker has the sole authority. Yet the member has declared his want to know it all attitude to interpret the rules. When the Speaker speaks, the member takes its seat. So I am going to take my seat.

Judicature Bill 2020

*18 MARCH 2020***– second reading**

Tofa OLO FITI AFOA VAAI: Mr Speaker, the devil will not succeed in its tempting ways. You are a Senior Deacon of the Church. Just look how tempting these things are. You should have addressed the offensive statement which is covered under Standing Orders. That is my speech, thank you.

MR SPEAKER: Thank you. I guess this would be the last speaker on this subject.

I call upon the Chairperson of the Public Accounts Committee, the member for Alataua West.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker, I will not address the course taken but will focus on the result. For that is important to Alataua West. This is the end result, before us with this Legislation particularly the numerous subjects that were formerly within the Crimes Ordinance which are now within the Constitution that we had just discussed with the appointment of Judges and the establishment of the Supreme Court including salaries and allowances. I believe the main reason for amending this Legislation is due to the fact that it is all in the Constitution. So as the Minister has stated, it is now in its rightful place without having to “duplicate”. Forgive me but I could not think of the Samoan word for “duplicate” but that is the thought behind it.

The importance of reviewing the subject of claims between people as the Minister mentioned is it has now increased from 400 to 3000. How vital is it for a topic to request and eventually accepted. This is the reason for my taking the floor, and as I have said Alataua West puts emphasis on the outcome which further explains our stance to support the Judicature Bill 2020. Thank you very much for the opportunity.

MR SPEAKER: Thank you. I call upon the Minister to address the matters raised by members if there may be issues you would like to clarify.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Thank you Mr Speaker. The Leader of the House has addressed all matters raised by members. The Registrar of Courts is also present and she is noting down everything for our final submissions. However, I do applaud the members for their participation in this Bill’s debate, there will also be further opportunities when it gets to the Committee, with due respect.

Land and Titles Bill 2020

18 MARCH 2020

– second reading

MR SPEAKER: Very well.

The motion was approved and the Judicature Bill 2020 was read the second time.

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 that, *That the Judicature Bill 2020 be referred to the Special Committee appointed for consideration and report back to the Assembly in the next ensuing Sitting.*

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

Motion approved.

LAND AND TITLES BILL 2020

– second reading

MR SPEAKER: I respectfully call upon the Minister for Justice and Courts Administration.

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker I move that, *That the Land and Titles Bill 2020 be read a second time and I would like to clarify it.*

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

MR SPEAKER: Go ahead with your explanatory statement.

Land and Titles Bill 2020

*18 MARCH 2020***– second reading**

Afioga Hon FAAOLESA KATOPAU T. AINUU: Mr Speaker, the Bill is now tabled and is in its detailed entirety. The Prime Minister gave his address on it yesterday though it only concerned the amendment of the Constitution. All queries relating to the amendment of the Constitution and this Bill were all addressed.

This Bill will now replace the existing Land and Titles Act 2019 that was presented last year in 2019. This came a result of Cabinet's review, as some provisions were incomplete, and the Attorney General recommended a few changes be implemented to the Constitution so that the amendments for the Lands and Titles Act can be made easily. Such is the proposed change here, along with the necessary changes to the Constitution so that the Act is in line with the changes of the Constitution.

There are no significant changes compared to the Land and Titles Act 2019, which I have also mentioned in my long speech last year. As we have heard at our Pre Sitting seminar held on Monday, the most important change brought about by the Land and Titles Act 2020, which provisioned the change in the Constitution addressed by the Hon Prime Minister, the independence of the Land and Titles Court. This means the Western Laws will no longer interfere with the Laws of the Land and Title Court. Therefore, traditional reviews will be possible under the Land and Titles Court, but it will no longer be conducted under the Criminal Court.

Thirdly, the President of the Land and Titles Court is the independent head of the Lands and Titles Court.

The second amendment recognizes and protects Samoan customs and traditions under Article 9 of the Constitution. Therefore, only the Land and Titles Court is entitled under the new Constitutional change to investigate these matters.

These changes according to the Hon Prime Minister yesterday came as a result of the recommendation made by the Special Committee of Parliament appointed in 2016 to investigate the work of the Land and Titles Court. In other words, the following changes were initiated by this House. And now the results of the work by the Special Committee has been submitted for the House's review and approval upon this Bill, and this is the culmination of the work that was initiated by this House.

Land and Titles Bill 2020

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So far, all arrangements in accordance with the Act have been implemented in procedural form starting with Lawyers, Judges, and in particular the members of this House who have come to comment on this matter before the Committee. The Special Committee subsequently compiled a Report summarizing these claims, and as stated by one of the members yesterday, 98% of the claims supports these changes.

The Cabinet had awaited the submission of the Committee and the public before the Attorney General was instructed to begin drafting of the Acts as contained in the Lands and Titles Act 2020, which is now before us. Those are the actions according to the Act.

The Committee selected by Cabinet, which were, the Attorney General, the Commissioner of the Law Reform Commission and the Ministry of Justice, were tasked with this huge workload. It took five months to implement this job, and the focus of their work was the Land and Titles Court Bill 2020. However, as noted by the House, in addition to the changes made above, here are some of the changes that must be noted.

First, there are three levels of the Land and Titles Court, which are covered in the Bill. The first level is the Judgement, Preliminary Trial. The second level is the Supreme Court of Land and Titles. The third level is the Land and Titles Court, the Appeals and Final Consideration.

The Bill also provides for the establishment of a Land and Titles Court Service Commission, which is chaired by the President and two other members.

There are a few minor amendments in the Bill, but I think the main focus is the major changes before us. The Lands and Titles Court should hold legal power to investigate, consider and give priority to Samoan customs under the guide of its legal principles.

Mr Speaker, these are the general aspects of this Bill, it clearly states the implementation of recommendations made by the Special Committee of Parliament.

May God bless the discussions of the Land and Titles Court Bill 2020, and may his spirit be upon Parliament in its debate today. Thank you.

MR SPEAKER: Well done. I call on the member for Salega.

Land and Titles Bill 2020

18 MARCH 2020

– second reading

Tofa OLO FITI AFOA VAAI: Mr Speaker, my question is very short. My question is directly to the Hon Minister, whether the new Act which also has a court to review cases, can the new system review issues that have already been decided by families that have already been resolved.

Is it possible, take me for example. Is it possible for me to re-submit an application to review the issue that has been lying around for the last ten years? With due respect.

Afioga Hon Faaolesa Katopau T. Ainuu: In response to that Mr Speaker, the provisions of the Bill states opportunity to review matters, the President and his panel is granted the opportunity to review decisions already made, although it is not something that can be approved easily, no. The situation is quite difficult, it is not an easy task for the President to accept and issue what is called the certificate. There is a mention of that certificate in the Legislation. Although for such things, there is a criterion that must be met by the applicant before the President can award that certificate which reviews the decisions already made. I say this with respect.

Tofa OLO FITI AFOA VAAI: I am concerned about this Bill if possible to raise cases that have already been given decisions. Nevertheless, I beseech the Hon Minister, to clarify again, the circumstances required for re-applications.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, it seems the member does not understand his question. The Minister has responded. All these issues, it is possible to appeal or review your application based on a decision made in 1800, but the approval depends on their view, when it is received, there are two options, accept for review or reject after a review says it is unnecessary.

Mr Speaker, we are now talking about processes when nothing is being done yet. Furthermore, the Committee is currently reviewing these concerns, when we are already discussing surety on these matters; matters are being given broadly in the Legislation in relation to work and processes. In fact, the current process is that a review application is acceptable. Then you will have to wait for the judicial review which will take a huge amount of time, some wait for 20, 30, 40, 50 years.

*18 MARCH 2020***– second reading**

Mr Speaker, it seems the process will now be different for decisions to be made on these matters. There is enough time for matters to go through the Committee for their review before consultations is taken with the applicants to consult anything further that the Committee may have overlooked.

MR SPEAKER: Thank you. Well, perhaps this issue is now clear.

Tofa OLO FITI AFOA VAAI: Mr Speaker my constituency is listening, as this is the question I was given to ask. The Hon Prime Minister has clearly said it, that all decisions made in the past can be reviewed.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker that member is incorrect. The application is firstly assessed to see if it can be reviewed. This is the operating system right now, which I gave in my response earlier, but the problem with this system is that it takes a while to wait; such is the purpose for this new system. Because there are also piled up petitions in place for criminal matters. Remember there are two things, offenses and decisions made by the Land and Titles Court on these criminal offenses. An elder in the Government once said to me, ah, I do not understand. The Law states that it is possible to review my case under the Judicial Review Section of the Bill. Nevertheless, when I went there, they said I had to wait, since then I have waited for over 30 years. Such is this course of the Legislation, for them to look into these areas so that decisions are made faster for these reviews.

Mr Speaker that is the situation, so it does not mean that your application is accepted then you would think that your case is approved. There are certain guidelines in place for the Courts to implement their decisions. Instead, we are currently assessing cases, which is the jurisdiction of the Courts. We should be talking about processes.

MR SPEAKER: Thank you. Well...

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker, I ask for a small opportunity...

MR SPEAKER: Well, I call on the member for Gagaifomauga No.3.

Land and Titles Bill 2020

*18 MARCH 2020***– second reading**

Susuga Hon LAAULI POLATAIVAO LEUATEA: I implore the Hon Minister, just this bit about the matai system, if you could have a look into it because the Government has issued a recommendation on limitation. I speak with respect, I have another family in Falelatai, and I apologise to my family for mentioning this, our discussion has now come to this matter, and we were the ones that had undertook this matter. The Title Anae in Falelatai took up 35 years of family debate. As the dispute escalated, there were no more chiefs in the family, and the village had grown within this 35 years period. Knowing Falefa in the inland area, pardon the village and titleholders Sila, Misa, and Nanai, there are no more people by the title Anae. After negotiations, the family came to an agreement, and that was done, and since then, there was 400 chiefs in every village, some villages have 500 chiefs, whereas for Anae, there was none. It was then decided that this Anae title be bestowed upon 200 chiefs and I was one of them. These things tend to be confusing sometimes as things happen unexpectedly in life. There is no single titleholder for Anae in the village, such was the call upon the extended family, to come and bestow as many titles to create a balance in the village.

Therefore, I ask the Hon Minister to look into it, because I believe this will be thought provoking for the Government, it is too much, but the title is the head of a village, but I would only request the Hon Minister, to examine it as everything happens for a reason. Sometimes, I have nothing to say about the actions of the country, you were chosen while you were in the womb, your mother's womb. That is the selection by the country, the selection does have to be the eldest or the youngest.

Another matter is the eligible age for a person to hold a title, because this was another thing that was contradictory for us, concerning this Electoral Act, only until you become a chief, then you are entitled to go to your constituency. However, it is now restricted to the age of 25, as my daughter is now 21 years old, but she is not able to vote for me in Savaii until she is 25 years old. It blocks the right of a person to freely travel to wherever they want to go, because they have to be 25 years old in order to become a chief. I ask the Hon Minister to consider it, as this is suppressing the rights of individuals who longs to go to their place of identity.

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– second reading

Those are a few ideas for you to consider, as for the proposed Legislation it should be implemented, we have nothing more to talk about on this regard. Only if there is a submission, opinion and the oneness of the Ministry of Justice and Courts Administration, as they are ones who will administrate this Legislation and must also be the ones to abide by it, because it would be pointless for us politicians to create these Laws, when we do not administer it. However, if full agreement comes from the Committee, Judges, and everyone else for this Law to go through, that is the complete stance. In case we make decisions and could lead to work not being compatible with the performance of work. With due respect.

Tofa Nafaitoa Talaimanu Ketu (Gagaemauga No.3): Mr Speaker, I ask for an opportunity.

MR SPEAKER: You may rise; perhaps this is the last opportunity for the Deputy Speaker.

Tofa NAFOITOA TALAIMANU KETU: Mr Speaker thank you for the opportunity. I have a brief question for the Minister who owns the Bill. Unfortunately, we have moved away from the issue regarding petitions being reviewed by the President. Application for leave to review cases twice. That is the intent for my assistance offered, if I am correct, I think it is the President who conducts that job, but to advice, you have talked of panel, can you identify who are in the panel. That is the opinion of this constituency, there should be people to assist the President in considering the proposals and they should have merits because this is not an easy task. Therefore, it should not be conducted by the President alone which I think that is the set out objects here. That is the advice.

Secondly, can you explain the meaning of the Vice President and Deputy President please? These are just a few questions, as for the Acts, well done. I support it with gratitude. Thank you.

MR SPEAKER: I call on the Prime Minister.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoui: Mr Speaker, since there are duties given, what exactly is the matter you wish me to clarify when we have the Acts there to explain it?

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MR SPEAKER: Well, is there anything else...

Tofa NAFOITOA TALAIMANU KETI: Because the intention of the statement...Thank you to the Leader of the House for the additional explanation. That is the spirit of this request, as given it is the President and his panel. It would be best to identify this clearly to get the whole picture. This is the spirit with respect.

MR SPEAKER: Well... do speak now or should you respond at another time. Very well, you can respond when it is complete.

I call on the member for Faleata West.

Tofa LEALAILEPULE RIMONI AIAFI: Thank you Mr Speaker. It will be brief... I made a submission on this part of the Bill. Thank you to the Committee for the many... several written testimonies have been...but the area I placed emphasis on was the removal of chiefs. This will add more works to the Lands and Title Court, because from my point of view, it is open ended, the removal of a chief is permitted. Being a chief is not an easy task. Remember, *o le ala i le pule o le tautua*, the way to authority is through service. The reason why a person should become a matai is because service has been rendered, but what I am seeing now, some people do not want to be chiefs because they have to continue this service. There was a case, which was the only reason I went to the Court, because another chief said that my title should be removed, yes, that very person I succeeded over the election. Your Honour, in all honesty, what saddens me the most, I submitted an advice to the Vice President who had handled the case, that it should not be accepted. What I meant is, that the when the verdict was read out the person who had filed for the case to remove our chief titles was not present on this day and the Vice President stated, in accordance with the Act, your submitted application is rejected. But the whole application was given.

The meaning of my words Mr Speaker, if I were to file a lawsuit for the removal of a chiefly title from anyone in your family, then the Law is clear because the Act was already in place, and then the Registrar or Deputy Registrar will state, your case is rejected as it will be a waste of time of our court. And then it ends there, but when trying to satisfy the person, it will be a lot of work and money spent. Then the case will continue for a whole week but I know outcome of the case is not in accordance with the Act, which was read by the President.

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But now it has been presented here, this is why I am upset, in Section 14(b), which reads; where the holder of that Title has failed to properly perform the duties of a Matai. Mr Speaker, I believe this has been left negligently. It means, whenever the head chief is enraged with another chief because their instructions were not followed to provide a large boar for the family contributions, they will come to court on Monday to remove the Matai Title from that person.

What I meant is, it will cause a lot of... as there was also a recent Court decision for the removal of the matai titles of some people, and it seems it is easier to make these decisions, but it should not be that easy, it should not be this simple for people to do something like removing an honourable title from a family member.

Well, this is all that I wanted to...but thankfully, the age restriction has been decreased from 25 to 21, and some cases like that, but I strongly defend the fact that it is easier to remove family heirlooms, and then it will be removed by the court, but the family can discuss these things themselves. With due respect.

MR SPEAKER: Well done.

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, the only thing I have noticed, the title of the member has yet to be removed. Yes, so what is the point? If it has not been removed, that is the usual tradition of our country. Well there are people who think that I am not doing my job, and there are others who think that it is acceptable, and then it is submitted, but Moses and the Prophets are there to make the decision. So what are you worried about?

That is the old Act, but the new one will be 200%. It seems to me that the Minister who has already seen it, the Minister is also a Lawyer, but I beg tolerance as your matai title has not been removed. This means, the decision by the Courts is correct. Do not worry we are using the new system. That is to say, the Committee that was chosen are well-qualified people. That means everything that has been mentioned to be explained, all those things you should tell them. What then are we so concerned about, after putting forth to them, they will pass it back to us to look at. That is my assistance.

*18 MARCH 2020***– second reading**

What I am worried about is the Act that is waiting to be approved but we are waiting to go to the Legislative Committee to consider in detail to see if there are any commas that need to be removed, or commas that need to be added.

MR SPEAKER: Well done. I ask the Hon Minister, be wary not to remove the titles of our candidates that are competing until the election is finished, so that the election ends successfully.

Well, I call on the Minister to stand and respond to the issue raised by the member...

Afioga Fuimaono Teo Samuelu Teo (Falealili East): I ask for an opportunity Mr Speaker.

MR SPEAKER: You want to make a statement?

Afioga Fuimaono Teo Samuelu Teo: I only want to make a short statement if I get an opportunity.

MR SPEAKER: Ok, make it short.

Afioga FUIMAONO TEO SAMUELU TEO: It is good to voice the sentiments of the constituency because the Act is now tabled. The only thing is, the answer to section 17 because there were similar feelings amongst those who were having their titles removed, but the response in section 17 of the Act that is before you Lealailepule Rimoni Aiafi, you do not need to worry about it, a person may request or object if your matai title will be stripped. The only reason to remove your title is that you do not attend village council. But your services are still good, if you attend the meetings. This section under the Act, it is not provided for, so many parties that make entries have the same purpose. That is meaning of my statement.

Tofa LEALAILEPULE RIMONI AIAFI: Since my village and my community is listening. When Galumalemana speaks, Lealailepule obeys. As for Gafatasi to talk about Vaitele which is something he has now power in. How can I not attend the village council when the council is held at my house...

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– second reading

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: I verify this, the village council for our village of Vaitele, the member was present.

Afioga FUIMAONO TEO SAMUEL TEO: Thank you for accepting the advice, because it was my advice that made him attend the village council. The situation with court parties, on one case, but the Law states for the decisions of judge, which favours the majority of witnesses. With a single case to dispute land or a title, for a father and his five children, with each representing five parties, and each party represents five titles. While this single father is there to dispute these family treasures. When the decision came, it sways towards the side with the most evidence, presented before the court parties. And now the claim disputed by the father has been set aside due to these circumstances. The Judges have been influenced due to the evidences provided by the parties. There was no consideration done to find out the connection between these people. The old man and his four sons, makes up these five parties, however, it should have been only one case, as they only had one evidence. However, with these many parties, it has swayed the will of the judges given the many evidence. This is the point before the Hon Minister, as you are listening... because this is one reason why many heirlooms are often confiscated, especially small families, as only the father implements the services, but when he comes to dispute for the treasures of his family, it is squabbled by many members of the family with respect. Thank you.

MR SPEAKER: I agree, I also offer advice, no matter how many there is only one rope but the rope has two ends, so that the Judges may distribute it evenly and fairly. The Minister is also here, do note, advice the performance of our work. Stand if you have anything you would like to ask before I put forth the question.

Afioga Hon Faaolesa Katopau T. Ainuu: It has been recorded, the statements by the members have been thought-provoking for the Ministry. As the Registrar is also present here, so nothing is missed. The Registrar is fully focused on recording these requests... if I were to respond to each request, we might have to sleep here, but do not be concerned, as the Ministry will implement the response. With due respectfully.

Land and Titles Bill 2020

18 MARCH 2020

– second reading

MR SPEAKER: Make sure the Registrar does not lose that record...

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, in regards to the issue that was raised by the member for Falealili, perhaps it has affected all of us including myself. And this is one important point that we have heard, as some judges have been released because of circumstances like this. I could have said something when it was the old covenant but we are now using the new covenant. With this new Bill, all comments mentioned by the majority of the members are not new issues. With the thought of making this amendment, that is the true meaning for amending this Act, because many issues like that occurred under the old Act.

Mr Speaker, all the things that were raised by the members are correct. It is believed that this is what the Government is attempting to do, with efforts to address the challenges facing our country. This is why the amendments are very significant. Because everything spoken by the members were based on their experiences with their own family properties and this is exactly where we got these ideas from so as to create this Act. That is also the idea that is guiding this Political Party and this Government, these are also the words of our Lord, I know what needs to be done but I do not do it, this is a sin before God. As there are two kinds of sin, the sin of knowing something wrong that should not be done but still commit it intentionally. The second sin, knowing what to do but pretend to be dumb and just sit idly without correcting it.

Therefore the action taken by the Government for its response upon the raising concerns of members, because these issues affect all of us. I believe that all of us here, we have faced the judges many times, with the sheer amount of irrationality. Therefore the action taken by the Government for its response upon the raising concerns of members, because these issues affect all of us. I believe that all of us here, we have faced the judges many times, with the sheer amount of irrationality. They have used ways to avoid Parliament from saying, these Laws and Amendments stems from within this Parliament.

Energy Management Bill 2020

18 MARCH 2020

– second reading

MR SPEAKER: Good work. As Samoa is listening in, no the feeling is mutual, Parliament adheres to its Laws, and not a single Member of Parliament has not gone through problems as stated by the members. In particular, the problems that the member for Falealili spoke about with the Leader of the Country, it also affected me, the reason for these change, is to better the services and integrity. Therefore, we must pray to God so that the purpose of the changes implemented by the Government is fulfilled, so as to satisfy the complaints, unfairness and inaccuracy of some decisions that have been made in the past. But let us plead to God for help upon our work.

The Land and Titles Bill 2020 was read a second time.

MR SPEAKER: I call on the Hon Prime Minister for a motion.

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker, I stand to move the motion, *To refer the Land and Titles Bill 2020 to the currently appointed Select Committee for consideration and to report back to the Assembly at a suitable Meeting in the near future.*

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

Motion was approved.

ENERGY MANAGEMENT BILL 2020

– second reading

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

Afioga Hon SILI EPA TUIOTI (Minister of Finance): Mr Speaker I stand to move the motion, *That the Energy Authority Bill 2020 will now be read a second time and I would like to clarify it.*

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

Energy Management Bill 2020

*18 MARCH 2020***– second reading**

MR SPEAKER: This is an opportunity for the Hon Minister to clarify the Bill.

Afioga Hon SILI EPA TUIOTI: Mr Speaker, since the year 2017, the Ministry of Finance has continued to negotiate with various divisions of the Energy Sector. In some areas that need to be changed to replace relevant legislations and policies, to incorporate the Power Management Bill, so that one Legislation is established to regulate all activities related to energy. This includes energy efficiency, renewable energy and overseeing oil and gasoline issues and to clarify the components pertaining to these areas. One Ministry will administer, oversee, and manage the coordination of financial, development and investment policies. The various Agencies will retain the performance of their roles and duties. Mr Speaker that is why, this Bill has been re-drafted, to greatly assist in the rehabilitation of many functions and developments of the Government in the field of energy and energy efficiency, renewable energy as well as oil and gasoline or petroleum.

This Bill covers a wide range of various sectors. Presently, the Ministry of Finance have undertaken a wide range of policy-related activities and oversees and coordinates all energy matters, and energy efficiency matters, including the processing of functions through Committee that will be coordinating issues related to energy or the National Energy Coordination Committee.

For your information, there are three Ministers in this Committee, the Deputy Prime Minister, Minister of Works, Transport and Infrastructure and the Minister of Finance, and all the Chief Executive Officers of these Ministries who have a stake in the development of the Energy Management are also involved.

Mr Speaker, other renewable energy projects are being carried out by the Ministry of Natural Resources and Environment. The work that specifically deals with oil and gasoline, although the Ministry of Works, Transport and Infrastructure also have responsibilities for roads and Infrastructure under the Oil Fuel Supply Act 1974, but most of the work relating to oil and gasoline is carried out by the Ministry of Finance, and is oversee in accordance to the Petroleum Act 1984. This is why this work is very important to be incorporated into one Act, to cover all Acts in relation to all matters related to energy, non-renewable and renewable energy and oil and gasoline.

Energy Management Bill 2020

*18 MARCH 2020***– second reading**

It also clarifies the roles of the various Government Agencies, and it explains the goal that we need to reach. The reporting of activities and developments as well as the main committee should be the subject of all such matters.

There have been many consultations since 2017 with the Private Sector as well as various government agencies concerning this Bill. The National Energy Coordination Committee has approved all sections of this Bill on 15th August 2019. In addition, all agreed that this would come under the supervision of the Ministry of Finance for the time being in order to continue the existing execution of roles and responsibilities being undertaken by the Ministry of Finance. Other Government Agencies that are involved or implementing agencies, they also continue to carry out their relevant and specific duties in their own offices. However, they must cooperate with the Ministry of Finance and seek the approval of the Committee for any matter under this Act. The only Act that is not affected by this Bill is the Electricity Act 2010. As agreed in consultations with various government agencies, for the time being, it will continue to be under the supervision of the Office of the Regulator, because it is quite complicated if this part was removed and inserted into the Bill. Moreover, there are provisions in the Electricity Act 2010 that protects such works from being transferred to other agencies.

It is clear in this Bill the key element to strengthen the enforcement of control that is efficient in the process of implementation, so that there is no conflict or interference with other existing Acts and policies. Mr Speaker, there are 10 key sections contained in this Act which describes the changes that have been made in this Bill. There is hope that the transfer of this Act for the consideration of the Committee will also provide access to the Ministry of Finance and Ministries that are included in this Bill to further clarify some of the policies and legal arrangements so that the implementations of the acts are coordinated. This is considered to be one of the most important Acts for the future. It is tabled and referred to the Committee for consideration and is reported back to the Parliament for further discussions. With all due respect.

MR SPEAKER: Well done. Thank you for the statement, as this is one of the Legislations that has had enough time to be explained and clarified by the Chief Executive Officers of the Ministry of Finance, the status of this Bill in its aspects as stated by the Minister.

Energy Management Bill 2020

*18 MARCH 2020***– second reading**

However, if there is a member that does not fully understand this explanation, then an opportunity can be granted. I believe that the explanation given by the Chief Executive Officer of the Ministry of Finance was fully understood by the whole Parliament.

This is one member that did not understand... because he always went outside... I call on the member for Vaisigano.

Afioga TAPULESATELE MAUTENI TAMASONE METULI II ESERA (Vaisigano No 2): Thank you Mr Speaker, it does not mean that the opinion is expressed then I oppose this. I sat comfortably in our pre-sitting, which took place on Monday. I did not go outside, I was listening very carefully, as required of us, and the members of Parliament that attended. No, there is a small thing that I would like to convey to the Speaker and the Assembly. It does not interfere with the proposed process; the Ministry of Finance has implemented all these areas. However, just a bit of concern for me be clear whilst reading this Bill.

The situation, which included the... maybe it was a misprint as we are still observing, as such, be familiar with the meaning of these words and their Samoan translation. If we look at the division of context and the first division on page 4, clause 14. The word petroleum is stated therein although; it is petrol in the Samoan translation. In that case, I know you are well aware, I am not sure if it is a misprint or what exactly. Because when petroleum is stated, we should use the other translations, which under clause 16, the word here is petroleum products... this is the point we are trying to prove, it is not suitable to say petroleum products and instead use the word petrol. As petroleum does not specify petrol alone. The importance of this Bill is the levy imposed on petrol and diesel. It is therefore inappropriate to say petroleum and write down petrol alone. The correct word to use should be petroleum products under section 16 and 17. In the samoan translation, it should cover petrol, diesel and other engine fuels.

This is the case...this levy is not specific to petrol, but diesel as well. Looking at this, diesel is unclear. Although, diesel is covered in this levy. This must be clarified otherwise it will only be harder for those who do not know these products. That is the situation Mr Speaker, because if the samoan translation is clear and correct, it will be easier to understand. With all due respect.

MR SPEAKER: Good work.

Energy Management Bill 2020

18 MARCH 2020

– second reading

Afioga SULAMANAIA FETAIAI TAUILILI TUIVASA: Mr Speaker, I ask for an opportunity for this constituency. It will be short.

The main thing is, I am grateful to the Hon Minister, the Chief Executive Officer and the Ministry for this Legislation. The spirit of gratitude is the three introduced Bills that have been incorporated into one. Nevertheless, the only request from this constituency is this season, as we are in the times of corona virus and the reduction of shipping schedule.

So the plead of this constituency, it is good to consolidate the Acts into one Ministry so as... but I request that we should have more reserved tanks so as to have sufficient supply, so that by the time we have banned ships worldwide, the supply is enough, that is my request. The Bill has my support but do have a look into this area. Because oil is something our country relies on for traveling and when we have the spread of this disease and so forth. Or else, we may have the halt of ships from coming in and never know, hence I ask the Hon Minister to look into this matter.

Another issue concerns petrol and fuel, which is not safe. I suggest that you take a closer look at these tanks that are being brought from Sogi. It seems that these pipes run through the town area, in case there is a leak at the ports and... take into consideration of this season. Climate change is increasing, and pipes are being laid near the bridge in the coast. Take into account the safety of the public Hon Minister. If the pipelines are not fixed for these petrol supply, fire would spread from Sogi to Mulinuu causing a disastrous scene in the entire town area. This is just an appeal before the Hon Minister so that we sufficient resources to rely on. However, this constituency supports the idea of consolidating the Acts under a single Ministry. I further thank the few Ministries that have come together to make this consolidation easier.

Mr Speaker, bless the Sitting of the country. Those are a few suggestions from this constituency.

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

Susuga Hon Tuilaepa Auelua Fatialofa Lupesoliai Lolofietele Neioti Aiono Galumalemana Dr. Sailele Malielegaoi: Mr Speaker, I offer assistance in addition to this matter. If we look at the Act that was mentioned by the member, three Acts have been repealed in Section 55. This Act was repealed in 2017, 1974 and 1984, this is 36 years ago.

Energy Management Bill 2020

*18 MARCH 2020***– second reading**

This Act was implemented in 1984, but note that HRPP became the Government at the end of 1982. Then some plans were implemented in 1983, but this issue became most severe problems for the Government.

The Foreign Reserves crisis and accumulation of funds for these companies in Samoa could not go abroad as there was no foreign exchange for people's savings. As a result, these companies became reluctant to send oil to Samoa, which could have left us in the dark. The Cabinet then decided at the time to install a new system, to tender the supply, and Shell won the bid. Both British Petroleum and Mobil were shut down. This left us with Shell as our only supplier for one year in 1984, which had this Act, but there was an emergence of many problems during that time. Tank farms should be supplied in the country, which was reason for the receipt of lot of funds from the OPEC, which has these tanks. We also took possession of the Mobil tanks, to ease the tendering of oil. That means that payment was to be met while we provide the tank storage. The present tanks belongs to the Government, and this was made possible by the 1984 Act. Government policy was then set out after the construction of these new tanks, which continues this supply for our petroleum products made up of the various fuels including diesel until present time.

This was how Samoa was able to afford the oil cost, petrol and diesel, than other Pacific island countries. That is the reason for this Legislation, which is very important as clarified by the Minister; we have just arrived at a One Stop Shop. There is only a single coordination, established in the manner set out in the Act. Thus, we are grateful to the Hon Minister. Whenever we have those from overseas come over to conduct meetings here concerning these matters, it is all done in one single forum. They only meet once unlike the current practice...after one meeting they meet with another and another, and afterwards, they have to wait six, seven or eight months for a decision. However, the Minister has initiated this doing, to ease the making of decisions, and to speed up the process of implementing our effort. This is very crucial, the system we have now, and a new wharf is in the pipeline, which we are proposing. We are therefore awaiting a decision by the end of the year. If these plans are a go, all these tanks will be removed and will placed at the eastern area.... at the western end of the new port then the town would be much safer than it is now.

Energy Management Bill 2020

*18 MARCH 2020***– second reading**

Mr Speaker, this is the clarification on the issue as raised by the member, because the positioning of the tanks is important to bring safety rather than what we are doing now, oil will be supplied and pumped from under the sea. A proposed wharf designed specifically for ships dock is also in the pipeline.

Well, let us hope, that these plans will come to fruition, because it seems that everything is being suspended due to this virus. We hope that very soon, we will receive a response from China about our request, as this issue concerning petrol and oil is very crucial, as we have renewable energy that we can rely on.

MR SPEAKER: Thank you. Is there anything else that you would like to state Hon Minister of Finance?

Afioga Hon SILI EPA TUIOTI: No, I would like to add on to the clear clarification by the Hon Prime Minister. At this time, perhaps it was 12 to 18 months ago, there were negotiations underway between the Ministry of Finance and the OPEC, as they were the ones that provided the money to fund our tank farm that is in Sogi, and they are very anxious to help us, to increase our fuel tanks. Not only here in Upolu but also in such situations, because we are trying to maintain our supply of petrol, diesel and oil from decreasing to no less than three months, so that such situation does not happen, the shortage of oil supply and so forth or even when a cyclone hits us. For Savaii alone, it is observed that the vessel travels there twice a week to deliver fuel.

The current situation, the process of expanding the land is underway, and the OPEC have agreed to help increase the number of fuel tanks in Savaii, perhaps it has been made easier. That is the importance of being proactive, by looking at the future, whatever needs to be done we must consult our partners immediately, and help will come faster rather than waiting for the time to consult them. Discussions with our partners or the World Bank or the Asian Banks and other Organizations like this, it takes a short time to talk before receiving a response, maybe three to five years. That is why the annual meetings of the IMF and the World Bank and the ADB and other Organizations are important, for us to quickly present to them our plans for the future, and whatever major projects that requires assistance, they respond promptly.

18 MARCH 2020

– consideration in detail

This situation not only goes for Upolu, but also in Savaii at Salelologa, we should enlarge the campus we have now, but for the future, we will look at developing a main wharf at Asau, and should also look into creating a facility there so as not to block our work. This is one of the priorities to be taken at this time as prepared by the Cabinet and the Committee that is monitoring this virus, as this is in attempts to not hinder the ships that are bringing in goods, because we fear that the country might not be able to receive the goods they need.

One of the most important aspects is, to ensure that oil tankers from Singapore continue to come so that we do not run out of oil. Those are our priorities, not only for health, but also to reduce any impact it may have upon our economy especially the work of the Private Sector. I wish to apologise to the member that talked about this situation, but perhaps I am unsure if it was the Ministry of Finance or the Office of the Legislative Assembly that translated these Acts into Samoan. It may be correct, perhaps that is the English translation of petroleum products – and other petroleum terms like petrol and oil. However, I am grateful to the respectable member for the suggestion on this Bill.

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

MR SPEAKER: Pursuant of Standing Orders, the Energy Management Bill 2020 will be referred to the Finance and Expenditure Committee for consideration and report back to the Assembly in a future meeting.

TEACHERS AMENDMENT BILL 2019**– consideration in detail**

MR SPEAKER: Pursuant to Standing Orders, the Legislative Assembly must first approve the Report of the Committee before consideration of the Bill.

I call on the Chairperson of the Social Committee.

Teachers Amendment Bill 2019

18 MARCH 2020

– consideration in detail

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Thank you Mr Speaker for the opportunity. Before the motion is moved, I feel that I must express the gratitude of this constituency for recognizing this member for Faasaleleaga No.1 West to be included in the Committee to consider the changes to our Constitution and a few changes to our Land and Titles Court. Such is the gratification I wish to voice out honourable Speaker.

Mr Speaker I stand to move the motion, *That the Assembly must approve the Report of the Committee which recommends that the Teachers Amendment Bill 2019 progress with Corrections.*

Thank you.

Report was approved.

MR SPEAKER: The Assembly has now approved the Report of the Committee on the Bill and will proceed with its detailed consideration.

Pursuant to Standing Orders, the consideration in detail commences with clause 2.

CLAUSE 2: Section 27 amended.

Approved

CLAUSE 3: New section 44A inserted.

Approved

CLAUSE 4: Section 46 amended.

Approved

Tax Administration Amendment Bill 2019

18 MARCH 2020

– consideration in detail

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Teachers Amendment Bill 2019.

MR SPEAKER: There is correction from Committee on Clause 1 and Title.

I call upon the Chairperson of Committee.

Afioga Hon GATOLOAIFAANA AMATAGA ALESANA GIDLOW:
Mr Speaker I move a correction on Clause 1 and Title as follows:

“CORRECTION:

To omit the number 2019 and substitute thereby the number 2020 so the Title of the Bill reads as follows:

“Teachers Amendement Bill 2020.””

With all due respect.

Correction approved.

Clause 1 and Title was approved with Corrections.

The Teachers Amendment Bill 2020 progressed with Corrections.

TAX ADMINISTRATION AMENDMENT BILL 2019

– consideration in detail

MR SPEAKER: Pursuant to Standing Orders the Assembly must first approve the report of Committee before the Bill is considered in detail.

I call upon the Chairperson of the Economic Sector Committee.

Tax Administration Amendment Bill 2019

18 MARCH 2020

– consideration in detail

Tofa LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker I move a motion, *that the Assembly approves the report of Committee that recommends the progress of the Tax Administration Bill 2019 together with Corrections.*

Motion approved.

MR SPEAKER: The Assembly has now approved the Committee Report on the Bill and will now proceed with the consideration in detail.

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

CLAUSE 2: Section 9 amended.

Approved.

CLAUSE 3: Consequential amendment to the Customs Act 2014.

Approved.

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

TITLE: Tax Administration Amendment Bill 2019.

MR SPEAKER: The Committee has a correction to Clause 1 and Title. I call upon the Chairperson.

Tofa Hon LAUOFO FONOTOE NUA FESILI PIERRE LAUOFO: Mr Speaker I move a Correction to Clause 1 and Title as follows:

“CORRECTION:

“To omit the number 2019 and substitute thereby the number 2020 so the Title reads as follows:

Road Traffic Amendment Bill 2019

18 MARCH 2020

– consideration in detail

“Tax Administration Amendment Bill 2020.””

Correction approved.

Clause 1 and Title approved with Corrections.

The Tax Administration Amendment Bill 2020 progressed with Corrections.

ROAD TRAFFIC AMENDMENT BILL 2019

– consideration in detail

MR SPEAKER: Pursuant to Standing Orders the Legislative Assembly must first approve the report of Committee before the Bill is considered in detail.

I call upon the Chairperson of the Infrastructure Committee.

Afioga TAFUA MALUELUE TAFUA: With respect Mr Speaker I move a motion, *that the Assembly approves the report of Committee that recommends the progress of the Road Traffic Amendment Bill 2019 together with Corrections.*

Report approved.

MR SPEAKER: The Committee report has been approved by the Assembly on the Bill, we will now progress with consideration in detail.

Pursuant to Standing Orders consideration in detail commences with Clause 2.

CLAUSE 2: Section 37 amended.

MR SPEAKER: There is an Amendment by Committee on Clause 2. I call upon the Chairperson of Committee.

Road Traffic Amendment Bill 2019

18 MARCH 2020

– consideration in detail

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I move an Amendment on Clause 2 as follows:

“AMENDMENT:

Insert new Clause 2 as follows:

“2. Section 2 amended– In section 2 of the Principal Act, insert in its alphabetical order the following new definition:

“state motorcade” means a motor vehicle or a group of motor vehicles travelling together for the purposes of conveying Samoan or foreign state dignitaries or for any purposes approved by the Commissioner and escorted by police officers to ensure a safe and unimpeded journey for the motor vehicle or motor vehicles;”

Amendment approved.

Clause 2 amended and approved.

CLAUSE 3: New section 37 inserted.

MR SPEAKER: There is Amendment by the Committee on Clause 3. I call upon the Chairperson of Committee.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I move an Amendment on Clause 3 as follows:

“AMENDMENT:

3. Section 37 amended – for the proposed amendment to section 37 in the Bill, for “disaster and emergency works” substitute “disaster and emergency situations for the purposes of Disaster and Emergency Management Act 2007.”

Road Traffic Amendment Bill 2019

18 MARCH 2020

– consideration in detail

Amendment approved.

Clause 3 amended and approved.

MR SPEAKER: I call upon the Chairperson to move and insert new Clause 4.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I move to insert new Clause 4 as follows:

“AMENDMENT:

CLAUSE 4: New Section 38C inserted.

(a) In the title of the proposed new section 38C:

- (i) Omit “unauthorized”.
- (ii) Omit “or drag”; and
- (iii) (iii) Substitute “or other related prohibited activities on roads” with “or loss of traction”.

(b) I (b) In subsection (2)(a), for “five (5) years or to a fine not exceeding 20”, substitute “seven (7) years or to a fine not exceeding 200”

(c) (c) In subsection (3)(a), for “five (5) years or to a fine not exceeding 20”, substitute “ten (10) years or to a fine not exceeding 250”;

(d) In subsection (4)(a), for “10” substitute “45”

(e) In subsection (5) or “authorized” substitute “police”;

(f) for subsection (6) substitute:

“(6) this section shall not apply in respect of any motor vehicle being used in any car show exhibition, as prescribed by Regulations.””

Amendment approved.

New Clause 4 inserted and approved.

Road Traffic Amendment Bill 2019

18 MARCH 2020

– consideration in detail

MR SPEAKER: Pardon me Chairperson, since there are other Amendments noted I call upon the Chairperson.

Afioga TAFUA MALUELUE TAFUA: This is what happens when Sittings are postponed now recess will be past 1, however I will try and abide with our time. With respect.

Mr Speaker I insert new Clause 5 as follows:

“AMENDMENT:

“5. Section 39A amended for section 39A of the principal Act substitute:

“39A. Negligent driving causing bodily injury of death-(1) A person must not drive or ride a vehicle on a road in a negligent or reckless manner.

(2) A person who contravenes subsection (1) and by that act causes an injury to any person:

- (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding seven (7) years or to a fine not exceeding 200 penalty units; and
- (b) the court must order the person to be disqualified from holding or obtaining a driving license for one (1) year or more.

(3) A person who contravenes subsection (1) and by that act causes the death of any person:

- (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding ten (10) years or to a fine not exceeding 250 penalty units; and
- (b) the court must order the person to be disqualified from holding or obtaining a driving license for one (1) year or more.”

Amendment approved.

Road Traffic Amendment Bill 2019

18 MARCH 2020

– consideration in detail

New Clause 5 inserted and approved.

MR SPEAKER: There is another Correction Chairperson. I call on the Chairperson for the insertion of new Clause 6.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I insert new Clause 6 of the Bill as follows:

“AMENDMENT:

6. Section 42 amended – In section 42 of principal Act, after “dangerous driving” insert “to street racing or loss of traction”.

Amendment approved.

New Clause 6 inserted and approved.

MR SPEAKER: I call upon the Chairperson for the insertion of new Clause 7.

Afioga TAFUA MALUELUE TAFUA: Mr Speaker I move that a new Clause 7 be inserted in the Bill as follows:

“AMENDMENT:

“7. Section 45 amended – After section 45 1)(q) of the principal Act insert:

“(r) to give effect to the operation of state motorcades;

“(s) to set conditions and standards for the operation of motorvehicles for the purpose of any car show exhibition.”

Amendment approved.

18 MARCH 2020

Road Traffic Amendment Bill 2019
– consideration in detail

New Clause 7 inserted and approved.

CLAUSE 1 AND TITLE:

CLAUSE 1: Short title and commencement.

TITLE: Road Traffic Amendment Bill 2019.

MR SPEAKER: There is a correction by Committee on Clause 1 and title. I call upon the Chairperson of Committee.

Afioga TAFUA MALUELUE TAFUA: Thank you. Mr Speaker before I conclude the Bill I want to take this opportunity to thank the Office of the Attorney General, the Ministry of Police, Minister and to all bus drivers the Association of bus drivers and taxi drivers.

Also to the V8 group who came and some of the police force, the Commissioner of Police and the Ministry who greatly contributed on the Bill.

On behalf of the House I want to express sincere gratitude especially the Committee.

With respect Mr Speaker I move a motion for Correction on Clause 1 and title as follows:

“CORRECTION:

To omit the number 2019 and substitute thereby the number 2020 and the title of the Bill be read as:

“Road Traffic Amendment Bill 2020.””

With due respect.

Correction Approved.

Clause 1 and title approved with Corrections.

Motion to Set Aside Standing Orders

18 MARCH 2020

The Road Traffic Amendment Bill 2020 progressed with Amendments.

MOTION TO SET ASIDE STANDING ORDERS

MR SPEAKER: With respect I call upon the Hon Prime Minister.

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

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

Motion was approved.

TEACHERS AMENDMENT BILL 2020 – third reading

Afioga Hon LOAU SOLA KENETI SIO (Minisita mo Aoga, Taaloga ma Aganuu): Mr Speaker I move a motion *that the Teachers Amendment Bill 2020 be read a third time.*

Seconded by the Minister of Finance and the Minister of Justice and Courts Administration.

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

TAX ADMINISTRATION AMENDMENT BILL 2020 – third reading

Afioga Hon TIALAVEA FEA LENIU TIONISIO HUNT (Minisita mo Tupe Maua): Mr Speaker I move the motion *that the Tax Administration Bill 2020 be read a third time.*

Road Traffic Amendment Bill 2020

18 MARCH 2020

- third reading

Seconded by the Minister of Health, Minister of Agriculture and Fisheries and the Minister of Finance.

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

ROAD TRAFFIC AMENDMENT BILL 2020**- third reading**

Susuga Hon PAPALIITELE NIKO LEE HANG (Minister of Works, Transport and Infrastructure): Mr Speaker I move a motion *that the Road Traffic Amendment Bill 2020 be read a third time.*

Seconded by the Minister of Agriculture and Fisheries and the Minister of Health.

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

**CONSIDERATION OF PARLIAMENTARY COMMITTEE
REPORTS****P.P.2019/2020 NO.190, REPORT OF THE FINANCE AND
EXPENDITURE COMMITTEE ON THE MEMBER FOR
GAGAIFOMAUGA NO.3**

MR SPEAKER: I call upon the Chairperson of Committee.

Afioga ALIIMALEMANU ALOFA TUUAU: Mr Speaker I move with respect to present the report of the Finance and Expenditure Committee in regards to the motion moved by the Leader of Government on papers submitted by the member for Gagaifomauuga No.3 to the House.

FINDINGS OF THE FINANCE AND EXPENDITURE COMMITTEE.

The Committee received written submissions by the Ministry of Customs and Revenue and recorded its findings on the matter.

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**P.P.2019/2020 No.190, Report of the Finance and Expenditure
Committee on the Member for Gagaifomauga No.3**

The Committee again received from the Ministry of Customs and Revenue another copy of the Bill of Lading 2 of the Pacific and International Freight Forwarders, which was given to the Ministry by the member of Gagaifomauga No.3.

The Committee noted the difference with the following information.

| <u>PRESENTED TO PARLIAMENT</u> | <u>PRESENTED TO COMMITTEE</u> |
|---|--|
| <ul style="list-style-type: none"> • <u>Bill of Lading 1</u> Shipper: Rosary Schmidt Manukau Auckland | <ul style="list-style-type: none"> • <u>Bill of Landing 2</u> Shipper: Rosary Schmidt 23 Koka Rise Papakura |
| <ul style="list-style-type: none"> • <u>Consignee:</u> Laauli Schmidt Apia Samoa | <ul style="list-style-type: none"> • <u>Consignee:</u> Laauli Schmidt Vaitele Apia |
| <ul style="list-style-type: none"> • <u>Measurements:</u> 6.68m | <ul style="list-style-type: none"> • <u>Measurements:</u> 6.44m |
| <ul style="list-style-type: none"> • <u>Description of goods:</u> 1sh fridge 1sh chair 1sh bbq 2 sh TV 1 generator Number of pieces: 6 | <ul style="list-style-type: none"> • <u>Description of goods:</u> ADD: 1 sh fridge 1 chair 1sh bbq 1 sh generator 2 sh TV Pieces: 6 <i>*(1348 hand written)</i> |
| <ul style="list-style-type: none"> • <u>Signature and date:</u> Robert 23 January 2020 | <ul style="list-style-type: none"> • <u>Signature and date:</u> Vini 8 December 17 |
| <ul style="list-style-type: none"> • <u>Delivery Agent:</u> Freight Plus Samoa LTD Vailoa Faleata Samoa Ph 31132 | <ul style="list-style-type: none"> • <u>Delivery Agent:</u> NONE (Colored Black) |

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The Committee identified several variances between the two documents from the Pacific and International Freight Forwarders, and questioned the genuine of the documents been provided by the member. Due to differences in the documents provided by the member in Parliament on the 27th of January 2020, with other documents given to the Committee by the Ministry of Customs and Revenue it has been confirmed that the first Bill of Lading that was tabled by the member, is an inaccurate document and therefore deceived the Members of Parliament.

It is in the Committees opinion that the two documents: the first Bill of Lading that was given to Parliament on the 27th January 2020 should have been similar to the Bill of Lading 2 received by the Committee on the 10th of March 2020.

RESULTS OF THE COMMITTEES FINDINGS

At the conclusion of the Committees findings and investigation on the documents received from the Member for Gagaifomauga No.3 tabled in Parliament as well as additional related documents and written information from witnesses, clearly identifies the discrepancy below:

**PAPERS PRESENTED IN
PARLIAMENT
COMMITTEE**

- Bill of Lading
23 January 2020

- Quotations
24 January 2020

- Receipt – cost of generator
Not provided

PAPERS PRESENTED IN

Bill of Lading
8 December 2017

Invoice for the generator
7 December 2017

Receipt for the generator
NZD\$13,500

**CAPACITY OF GENERATOR
PRESENTED IN PARLIAMENT
COMMITTEE**

**CAPACITY OF GENERATOR
PRESENTED IN**

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- | | |
|--|---------------------|
| • 200KVA | 30KVA/33KVA |
| • STA\$100,000 (SAT\$22,950) | NZD\$13,500 |
| • Proposed duty cost \$18,818.57 \$6,293.99 | Proposed duty cost |
| • Duty payment – None | Duty payment – None |

Some of the facts been approved and confirmed by the Committee according to the matter are:

- The amount of energy provided by standby generator bought by the member from the Q-Power, Dunedin NZ, is **30KVA** not **200KVA** as mentioned in his presentation.
- The members' speech about the standby generator being purchased last year 2019 was inaccurate. In December 2017, the member bought the standby generator and it was released by the Freight Plus company on the 9 January 2018.
- The cost of the members generator was **NZD\$13,500 (SAT \$22,950)** not **STA\$100,000** as mentioned in Parliament.
- The Committee also found that the duty fee/charge for the generator that was imported into the country on the 30th December 2017 was not fully paid for by the client.
- It was also found during its investigation that the importation of this good/item into the country was illegal as it was not in accordance with the laws of importation of goods monitored by the Ministry of Customs and Revenue, as well as the clearance performed by the Private Company which monitored the imported goods.
- The Electric Power Corporation also confirmed that 30KVA power capacity can only cover one family.

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- **P.P.2019/2020 No.190, Report of the Finance and Expenditure Committee on the Member for Gagaifomauga No.3**

RECOMMENDATION.

Based on its Finding the Committee recommends:

- 1. That the Legislative Assembly approve its Report on the investigation in accordance with the motion by the Prime Minister which indicates the fraudulent of Papers/ documents presented by the member for Gagaifomauga No.3, on the 27th January 2020.**

With respect thank you.

MR SPEAKER: Very well thank you...

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker with respect I humbly ask for an opportunity to speak on the matter, since the report by Committee has been presented. Mr Speaker I do not have any intentions to dispute since the report by Committee is now concluded. My only request Mr Speaker if we look at the report it has greatly affected me based on investigations carried out, as requested in a former statement. An independent Committee should be appointed, if we look at the start of the matter, it was between me and the Committee. Now their report has been presented, stating findings but I was invited to speak. I thought it is a must that I be present to clarify some of the matters stated in the report.

It is also noted the accusations made are very harsh, documents are inaccurate. I have with me all the documents of correspondence with the Ministry of Customs and Revenue. In the latest letter I received yesterday, they wrote an apology saying they were wrong. I want to give you these documents Mr Speaker, pardon me with respect, but this is a conflict of interest since we were the ones that argued over finances. A humble request Mr Speaker can the matter be considered under an independent Committee of Parliament for a just decision. I am concerned since the country is listening in, I have been accused of no duty and providing false documents. Mr Speaker I have with me all the papers I received from the Customs and Revenue office. This is a request, hence the decision made by the Finance is one sided I have not been given the opportunity to say anything, only then will be the matter be clear. With respect.

*18 MARCH 2020***Motion to Appoint Members of the Privileges and Ethics Committee**

MR SPEAKER: This matter was thoroughly considered in the time frame given...

Afioga Faumuina Asi Pauli Wayne Fong: Mr Speaker can I get an opportunity.

MR SPEAKER: Pardon the member, take your seat, the Chair will make an announcement. I have already made it clear to members to be cautious of such matters, because there are times when we desire the fish but forget that the net is torn. There are times when we do things without thinking but later on get hurt from it. It injures the feelings of members affected in such statements. An opportunity was given hence it was your own agreement that resulted to it. Now the Committee has concluded its findings based on the documents you submitted. Now the report has been presented, leave it to Parliament, also your request will be taken into consideration, thank you. Our culture is like this...it is also the practice of this Parliament. If we were to look into it in reference to the law then there is no one above the law. Therefore since Parliament and Samoa have heard the report of Committee presenting its findings. A question will be put forward as per usual practice.

Report was approved.

Susuga Hon Laauli Polataivao Leuatea: Mr Speaker I move with respect.

MR SPEAKER: Our orders of the day have concluded, I now call upon the Hon Prime Minister for a motion. We have finally reached the end of the work set out for today.

MOTION TO APPOINT MEMBERS OF THE PRIVILEGES AND ETHICS COMMITTEE

Susuga Hon TUILAEPA AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker before I move a motion. I want to thank the Committee, I am grateful to the Finance and Expenditure Committee; the members are outstanding individuals of this Parliament.

*18 MARCH 2020***Motion to Appoint Members of the Privileges and Ethics Committee**

They are in charge of overlooking finances and expenditures of the country. This is the reason why this report has to go through the Committee.

The important aspect of this matter to me is, it questioned the integrity of the prisons management in bringing in an extra generator to use when the power is out. It has been approved that there were no wrong methods implemented in the bid carried out. The methods used in carrying out the work were accurate for such a big development in protecting the country and the prison when the power is out. If there is a building in Samoa that has to have power all the time, it is prisons. This matter was mentioned, since it was suspected that management of Prisons did not follow proper measures. However, it is now approved here that it went through proper measures. The importance of this matter is, the decision made has resulted to one of the employees of Customs being fired. It is certain that the transaction that took place is a result. To make the request by the member for Gagaifomauga official, I move a motion, Mr Speaker that the report by the Finance and Expenditure Committee has been tabled in relation to the motion approved by the House in the previous Sitting, to table before Parliament approval of documents stated by the member of Gagaifomauga No.3, in regards to the matter presented by the Chairperson of the Finance and Expenditure Committee.

Mr Speaker, if the House looks at the report from Committee, it details the Parliamentary debates of the Legislative Assembly on the 24th January on consideration in detail of the Supplementary Appropriation (No.1) 2019/2020, which is a result of this matter. As stated in official Parliamentary proceedings and Committee reports, it states the main objective of this motion. The motion moved was to carry out findings on the honesty of the statement made by the member.

Not only was the motion moved to see the integrity of the member but to overlook if documents tabled by the member of Gagaifomauga No.3 before Parliament are accurate.

Mr Speaker and members of the Legislative Assembly, the Finance and Expenditure Committee has given its recommendation and I move a motion as follows:-

1. Submit the Report of the Finance and Expenditure Committee detailing its findings and recommendations to the Privileges and Ethics Committee in accordance with Section 35 of the Standing Orders of the Parliament of Samoa.

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Motion to Appoint Members of the Privileges and Ethics Committee

2. To approve the appointment of these members, as members of the Privileges and Ethics Committee. Members of the Privileges and Ethics Committee includes the Leader of the House, me, or my representative. Leader of Opposition or a representative but since there is no official Opposition, Senior members will be appointed, these are the members.
 - i. A representative of the Leader of Government, Deputy Speaker, Nafotoa Talaimanu Ketu, he is also Chairperson.
 - ii. Tafua Maluelue Tafua, member.
 - iii. Lauofo Fonotoe Pierre Lauofo, member.
 - iv. Taefu Lemi Taefu, member.
 - v. Alaiasa Sepulona Moananu, member.
 - vi. Aumua Isaia Lameko, member.
 - vii. Tofa Foleni Galu, member.

The guidelines for the review of the Privileges and Ethics Committee include:-

- i. Carefully consider findings and recommendations of the Finance and Expenditure Committee whether privileges and ethics of Parliament have been affected and violated in accordance with provisions of Standing Order 186.
- ii. For Committee to report back in the next Sitting of the Legislative Assembly, Mr Speaker this is the motion.

Seconded by the Minister of Commerce, Industry and Labour, Minister of Customs and Revenue and the Minister of Finance.

Motion approved.

MR SPEAKER: I believe the Committee has been mentioned, once the motion is passed on a Committee appointed then the matter is made official, also the matter has been assented by the Legislative Assembly.

Hon Leader of Government I call upon you for your closing remarks...

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**MOTION TO SET ASIDE STANDING ORDERS 30(2) AND
ADJOURNMENT**

Susuga Hon TUILAEP AUELUA FATIALOFA LUPESOLIAI LOLOFIETELE NEIOTI AIONO GALUMALEMANA Dr. SAILELE MALIELEGAOI: Mr Speaker session of Parliament have concluded for today. I move to thank you, Mr Speaker for your patience. Also to all members of Parliament. I want to convey sincere gratitude to members on the opinions voiced for the country listening in.

We have considered significant matters. This includes matters regarding the safety of Samoa and traditions. The matter has now been referred to the Special Committee appointed for consideration of our Constitution. The consideration of the Constitution will dive into the heart of customs and traditions faa-Samoa, it will be a challenging task faced by Committees of Parliament.

The Assembly will take leave, and Government will set forth to fulfill other duties especially to make important decisions on protecting Samoa from the disease that has now affected the whole world. We do not have the intelligence. It is with the Lord Almighty, He has the blessings of the heavens and the world, He is also our refuge by which this Government also seeks refuge.

This is also why we are grateful to our Church leaders especially the holy servants of God and their prayers. To all the members of the clergy for their never ending prayers day and night, to protect our country from the diseases that are now affecting all of the world.

Mr Speaker whatever matters we are questioned upon, well it is the usual practice within this House. *E tetele a Pesega 'ae matua i le Oo.* Much ado about nothing. We will now conclude Proceedings for today, I put my trust in the Lord for his protection upon our lives while we go back to work and later back home. Mr Speaker, I move a motion, *That Standing Order 30(2) be set aside, to allow Parliament to recommence next month, Tuesday 28th April 2020, to consider Bills that need be approved before the end of this Parliamentary term.*

Motion has been moved since Parliament has already passed the Sitting Calendar for this year however there are special Sittings for Tuesday 28th April, where we will meet again especially in such situations we are experiencing now. It is a time of global catastrophe which requires other important decisions to be made by the leaders of the country, the respectable members of the Parliament of Samoa. Soifua and God bless.

Seconded by the Minister of Commerce, Industry and Labour.

*18 MARCH 2020***Motion to Set Aside Standing Orders 30(2) and Adjournment**

MR SPEAKER: Very well, thank you. Parliament have heard the speech from the Leader of Government, Leader of the House on the work we have concluded. We had to have extra time for the work carried out so we could be able to finish it. It is not a mystery that we have to ensure that our work will proceed accordingly from time to time. Motion has been moved and it is now approved and seconded, for Sitting to recommence on Tuesday 28th April 2020, 9am.

Motion approved.

MR SPEAKER: Thank you, I am grateful that the Leader of the House and Government have spoken, I apologize to the dignity of Parliament. Our work is like that, we have to dig low and search high, this is how we find accomplishment. Gold is not easy to find, even silver. We look for pearls in the heart of the sea even in the core of the earth. Our culture of working together remains because our culture of mutual respect is living together in harmony as the Lord wants us to be kind and caring to one another. Let us have the spirit of forgiveness, whatever words and statements made today that has hurt another member, it is our way of life. Some may make hasty decisions to speak but forget that the other is affected, especially in our relation with one another. However let us follow in the word of God, to have the spirit of forgiveness.

The support of Samoa, our duties are blessed with your prayers, least the members of the clergy for your prayers day and night in support of the work of Parliament, also the protection of life in our country, how about the diseases seen today, earthquakes, floods and the changes in our environment. We only have one shelter and shield, it is the Lord Almighty.

This is why Samoa I thank you, I am grateful for the support and prayers. I also want to thank the Heads of Government Ministries and organisations for recommendations, may you continue to support the work of this Parliament. This Parliament is blessed with your advise. May you gain wisdom and strength to carry out our work. Let us work together for the blessings of this country. Before we adjourn I call upon the member of Falealili East, to conclude our Sitting with a prayer.

Proceedings of the Legislative Assembly were adjourned at 2:10pm until 9:00am Tuesday, 28th April 2020.