

DISCLAIMER

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Day 3

9:40am

I. ANNOUNCEMENTS BY MR SPEAKER

Mr. Speaker addressed the House and announced that Thursday's are usually reserved for private members submission on any matter raised in Parliament, however, to date there has been no submission made, therefore, we will resume with Order of Business as usual.

II. ORDERS OF THE DAY - Consideration of Parliamentary Committee Reports (cont.)

1. P.P. 2023/2024 No. 49, Standing Orders, Electoral, Petitions and Constitutional Offices Committee Report on P.P. 2023/2024 No.37, Report of the Commission of Inquiry into the General Election 2021, February 2023.

1. Tofa ALE Vena Ale, Member for Faleata 4 (cont.)

The member greeted the House and acknowledged Samoa in all its honorific salutations. He then expressed gratitude to the Chair and members of the Committee for the report tabled, especially the recommendations made. In addition, the member acknowledged the work of the Commission and highlighted the importance of their work over the years after every General Election. Additionally, he asserted that the COI plays a vital role in improving the election process to better prepare for future elections and counter potential challenges.

On the issue of women participation in Parliament, the Member noted his support for the Committee's recommendation to remove the provision for 10% women quota and further asserted that both men and women should be afforded an equal opportunity and a level playing field to enter into Parliament. The member elaborated on the matter and stated that the 10% quota gives an advantage to a party to gain majority.

On the matter of Eligibility of Candidates, the Member stressed that the Electoral Act 2019 should be amended, specifically the provision on resignation of Members from their political party to become an independent member; the Member believes that this should be allowed, however, if the Member conducts 'party-hopping' then a by-election should be activated in such case. The Member also suggested the inclusion of campaign funds in the electoral budget to avoid the issue of bribery as this is a recurring matter after every General Election.

On the matter of Territorial Constituencies, the Member commended the Commission for not dividing or adding any other village to his constituency, however he supports the recommendation to have the urban seats reverted to its previous division.

On the issue of Amendment of the Constitution, the Member urged the Prime Minister to review certain provisions of the Constitution considering the 2/3 majority. Furthermore, he mentioned the importance of respecting and valuing the position of Ao o le Malo, The Member concluded by acknowledging his constituency for again entrusting him to be their representative and asserted that he will continue to fight for the rights of all Samoans, including those overseas to vote during General Elections.

2. Afioga LEANA Ronnie Posini, Member for Safata 1

The Member greeted the House and Samoa tuning in to the proceedings of Parliament, he then conveyed acknowledgment to the Commission for the report on the General Elections and noted that the composition of the Commission consisted of numerous members of the community held in high regard. He also commended the Committee for the tabled report and their ability to reject about 80% of the Commission's recommendations. He then spoke on specific matters, such as the territorial constituency, the Member expressed gratitude to the previous government for rearranging Salamumu to be included in his Constituency. he noted that during the time they worked together they did not have any conflicts or problems indeed Salamumu people still wants to go back to cast their vote in Saleaula. He then commended the village of Salamumu which is within his Constituency, he acknowledged the guidance of the village authority, within this village as they continue to support any constituent development.

On the issue of 10% Quota for Women in Parliament, the member believes that this matter should not be discussed again given that it has already been decided upon by the court in terms of how it is calculated and implemented. He further stressed the importance of women's contribution in our village and communities. Further mentioned that it is not only in Parliament but also in the Executive Branch, noting that in the past the majority of CEO positions were held by men, however this has changed in recent years with numerous women taking up CEO positions. The Member also noted this change in the village setting, whereby women are seldomly involved in the decision making process at the village level; he then asserted that this is one way we can give the respect and recognition to women.

Tofa Hon OLO Fiti Vaai, Minister of MWTI – Interjection

The Hon. Minister touched on the Member's statements that 90% of village councils consist of men. The Minister provided an example from his constituency/village where women are recognised and respected in the village council, however there are different meeting grounds for women (faletua and tausi) and a different meeting place for matais. The Minister queried what meeting place is the Member referring too.

Afioga LEANA Ronnie Posini, Member for Safata 1 (cont.)

The Member clarified that he was referring to the sole Village Council in contrast to the Minister's village, they do not separate meeting places for women and men. The Member opposed the

recommendation on Urban seats, if we would focus on the Territorial Constituency then stick with it rather than bringing in the Urban seats.

Afioga Hon. VALASI Luapitofanua Toogamaga Tafito Selesele: Minister of Health

The Hon Minister clarified that many villages have separate meeting places for women and men, especially for women who do not hold a matai title. The Minister queried why villages without cultural traditions (nu'u mavae) have Village representatives and women representatives to have members represent them.

The Minister stated that when constituencies meet, villages that are not nuu-mavae are not included/or they have to sit out, yet the member asserted that 1 million should be given to all villages in the constituency, thus the Member went back to his question regarding villages without cultural traditions.

Mr. Speaker – Point of Order

Mr Speaker advised the Minister that there will be a time for the Government to speak and answer questions put forward by members, this is to give all members enough time to raise their questions.

3. Afioga SULAMANAIA Fetaiai Taviliili Tuivasa, Member for Vaimauga 1

The member greeted the Hon Prime Minister and Cabinet and his fellow Parliamentarians. He then greeted the Speaker of the House and acknowledged his forbearance with members while presiding over proceedings of Parliament. He then greeted the 3 Members who have just been sworn in yesterday and wished them well. He then greeted the Judiciary, Chief Justice and all the Members of the Judiciary. He extended greetings to His Highness Ao o le Malo and his good lady, the Judiciary and acknowledged the Cabinet for their selection of the Commission of Inquiry. He also acknowledged the efforts on the tabled report and the recommendations included.

The Member expressed his frustrations towards the Commission, in particularly, when mentioning the responsibilities of the Ao o le Malo as stated in part 4.11 as well as other events that occurred after the 2021 general elections such as the boat aground at Savaii and the blockage of the road at Salelologa and other parts of Savaii. The Member then touched on the matter mentioned in the report regarding the Nafanua vessel which was used to assist Members who travelled to Savaii for their campaign asserting that they should not be pointing fingers on why the boat was damaged which wasted a large amount of government money. Additionally, the member rejected the recommendation by the Commission to allow individuals residing in town areas to hold titles in other villages where they do not reside thus enabling them to run in general elections as this is a controversial matter to him.

The Member expressed support for the recommendation to revive the territorial constituencies as practiced before and supported the inclusion of only members who reside in such constituencies to contest in the elections. The member rejected the plans for additional seats as recommended by the Committee and opposed candidates who do not hold a matai title in villages without a village council to contest in elections. He concluded by voicing their constituency's support for the 10%

women quota to remain in force. He then commended the Minister of Works for the road works in his constituency and reminded the Minister for compensation for his constituency, especially those residing near the Fagalii Airport who suffer from air and noise pollution, an outcome of the effects of the aircrafts servicing the Fagalii Airport.

- **Tofa Hon OLO Fiti Vaai, Minister for MWTI - Interjection**

The Hon Minister queried the Member whether there are any methods to measure the effects of air pollution at the Fagalii Airport as there is a machine that is used to measure air pollution.

Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa, Member for Vaimauga I

The Member stated that there have been many illnesses and deaths due to air pollution from the Fagalii Airport.

4. Tofa MAUU Siaosi Puepuemai, Member for Vaa o Fonoti

The Member greeted the House and acknowledged Samoa in all its honorific salutations, he thanked his Constituency & families for their continuous support and confidence in him to represent them. He acknowledged God's blessings upon him and sought His guidance to carry out his duties and responsibilities.

Proceedings suspended at 10:47am and resumed at 11:20am

Tofa MAUU Siaosi Puepuemai, Member for Vaa o Fonoti (cont.)

The Member acknowledged the Chairman and Committee on their works on this report tabled in Parliament. He then touched on the matter regarding funds/income for election campaigns which certain members are charged with after General Election. He then requested a fixed amount to be used during election campaigns, further suggested 30k with a set maximum at 50k to assist with the Member's campaign and cultural gifts (o'o and momoli) for his constituency.

He then mentioned the ambiguity of the conditions for traditional gifts, such as o'o and momoli for constituencies and commended the Chair of the Committee in clarifying these terms. He then suggested that this practice should be ceased due to the uncertainty and generally noted his support on all other parts of the committee report. He then wished the Speaker well and concluded.

5. Afioga LUPEMATASILA Galumalemana Tologata Tofia Tile, Member for Falelatai & Samatau

The Member acknowledged the Office of the Clerk for the breakfast served. He then commended the Commission and Committee for the report, he believes that such report is of great importance and further went on to discuss some of the matters presented in the report:

On the issue of territorial constituencies, the Member stated that the division of constituencies in Puleono Salafai are clearly laid out, however queried the division of boundaries Tumua. He then mentioned the significance of his constituency and requested to have additional seats for Falelatai and Samatau. On the matter of a second House for Samoa, the member noted his rejection of this proposal as it will not address the issues that occurred in the previous General Election.

On the issue of court cases after elections, the Member asserted that this may potentially affect certain fundamental rights of Members and suggested that this recommendation be thoroughly considered. He then touched on the cultural gifts (o'o and momoli) and highlighted that this remains unclear, and sought more clarification.

He stressed that bribery should not be encouraged, as this does not benefit candidates with low income. Furthermore, he advised for an alternative way to legalize candidates' gifts and offerings to their constituencies without the fear of a court case by their opponent. He also mentioned that road shows conducted during the recent General Elections were not mentioned in the report, noting that this is an important area to clarify to determine whether such campaign methods are considered legal or otherwise. Furthermore, the Member refutes the petitions filed after General Elections and made reference to foreign nations that do not provide such practice. He then asserted that there should be a clear definition, interpretation and limitation on bribery and campaign to avoid bribery and treating charges.

On the matter of 45 days after the election count has been final – the Member emphasized that this provision should be made clear in the Constitution to specify actions to take when and if after the 45 days, there is no swearing in of members and the Government of the Day remains uncertain, such as the case that occurred in the previous 2021 General Elections.

He then addressed the 10% women quota, and asserted that today, we are all wearing black to advocate the eradication of violence against women and children and therefore strongly expressed his support for the continuance of the 10% women representation in Parliament. He then mentioned his disappointment with statements made towards His Highness, le Ao o le Malo which undermined his role and abilities as the Ao o le Malo. He then concluded by acknowledging the Speaker for his time to speak and the Committee for their efforts on the tabled report.

6. Afioga PESETA Vaifou Tevagaena, Member for Faasaleleaga 5

The Member greeted the House and Samoa in all its honorific salutations. He acknowledged his constituency and commended them for their continuous support. He commended the Commission's report as well as the Committee's work in reviewing it. He went on to discuss some of the points which he rejected from the report such as the territorial and electoral division of constituencies. He noted his rejection of the inclusion of the villages of Samalaeulu and Patamea to the constituency of Faasaleleaga 5 as he holds so much respect for his constituency. Regarding the 10% quota, he touched on this topic and echoed sentiments from his fellow members on the importance of women participation in parliament; he then referred to the Government of India that recently introduced a bill to add an additional 30% seats for women in parliament upon the completion of their General Election. In this regard, the Member acknowledged our forefathers for their commitment to ensuring an equal system of government where both male and female provided they hold a matai title, they are equally entitled to run as candidates. The Member used his constituency as an example for holding women in high regard and strongly expressed his support for the 10%

quota. The Member reflected on the proceedings of their village where women hold chiefly titles, and their village relies on them for decision making and village affiliations. Furthermore, he noted the importance of having women in parliament to be included in the decision making of the country. The member acknowledged ALIIMALEMANU for her service to Parliament and the country as a whole, he highlighted the member's knowledge and contribution to national policies and developments. The Member further acknowledged the 10% for allowing FAAGASEALII to enter Parliament, noting that the Member is a registered nurse with expertise in health matters which is essential. The Member also acknowledged the increase in the amount of women CEOs who are also present in the house and suggested that as the population of women in Samoa increase, so should their recognition increase in Parliament. The member further stressed the importance of the 10% quota for women participation given that a lot of women in our country want to run as candidates. He reminded the house about women's knowledge and probable contribution to the country's development.

7. Tofa LENATAI Victor Fafoi Tamapua, Member for Vaimauga 2

The Member greeted his fellow Parliamentarians and all who were present in Chamber, he then acknowledged his Constituency who were listening in. He commended the Commission for preparing the Commission of Inquiry Report, as well as the Committee for their deliberations and report on the COI Report. He then delved straight into the issues raised and noted his support for the additional seats and to maintain the seats for Vaimauga. He mentioned the court cases and queried the legality of such cases where candidates who reach 75% of the total votes are eligibility to charge a member who won. The member stressed the importance of 'seeking justice' as the only valid reason to press charges, to prove the opposition wrong during their campaign and bribery during the General Election.

The Member then touched on the 10% quota matter and clarified that the activation of this provision is solely based on the number of women in Parliament, for instance if only 1 or 2 women are elected the 10% must be activated but if more than the prescribed amount are elected then the quota should not be activated or implemented.

8. Afioga Hon LOAU Solamalemalo Keneti Sio, Member for Sagaga 1

The member greeted the House and commended the Commission for their report as well as, the Chairperson and his Committee for their usual analytical work conducted to ensure that the report is well prepared. He then touched on a few topics in regards to the report, including penalties imposed on citizens who did not cast their votes as he noted from previous elections a huge amount of unused votes. The Member stated although it is a must to vote, the person also has the right to refuse to vote in Elections.

The Member also touched on the 10% quota and advised the House to thoroughly analyse this matter as it is important to achieve balance, given that the majority of Parliamentarians are men. also commended on of the Minister who mentioned the achievement of women in Parliament/politics in Samoa whereby Samoa historically has a first female Prime Minister; he then emphasized the importance of women in parliament and noted his support for the Urban Seats as noted in the report for convenience. The Member highlighted that allowing people to run from wherever they have resided is appropriate, for instance in urban areas while they are matais from their village of origins. This is because these people should have a right to run as candidates as they are also allowed to cast a vote. Furthermore, the Member opposed the

recommendation which prohibits those residing in urban areas to be candidates where they reside which he perceives as a discriminatory stance.

9. Afioga MAIAVA Fuimaono Tito Asafo, Member for Falealili 2

The Member greeted the Speaker, PM, Deputy PM, Cabinet and all Members of Parliament. He also addressed his constituency in all its honorific salutations. The Member expressed his constituency's support for the recommendations in the report. Firstly on the Territorial constituencies, the Member requested the removal of the numbers for Falealili 1 and 2 and consider referring to the constituency as Falealili West and East. He also requested for an additional seat/member for his constituency as of now there are only 2 seats for Falealili.

On the issue of the women quota, the Member acknowledged that the elected candidate should only be the person to represent the constituency. He then agreed with the recommendation on the removal of the 10% quota. The Member expressed that whoever wins the election should be the only one to represent the Constituency. He concluded with requesting to the Minister for Works to consider road works urgently needed for his constituency.

10. Afioga MASINALUPE Makesi Masinalupe, Member for Lefaga & Faleaseela

The Member greeted the Hon Prime Minister and Cabinet and all Parliamentarians. He then expressed gratitude for the COI as their work is important and spoke on the Territorial Constituencies and stated that he is puzzled as to why a village in Lefaga and Faleaseela constituency will be moved to Falelatai and Samatau as it is not appropriate and will not promote unity. He further noted that Lefaga should have 2 seats as the village of Saanapu have a large population. The Member reflected on the previous elections in 2016, where 3 candidates for the Lefaga constituency were women, and asserted that these women contested with the intent to win, they did not rely on a 10% quota. He then concluded by stating that the 10% should only be activated when necessary and expressed his support for the recommendation on the cultural gifts (o'o and momoli).

11. Afioga FALEOMAVAEGA Titimaea Tafua, Member for Aleipata Itupa i Lalo

The Member commended the Commission for the report and further expressed objection on the report which takes away some of the villages of his Constituency and asserted that in order to keep true to their honorary village salutations his constituency must be complete and keep with traditions. Furthermore, the Member voiced his support for the 10% quota acknowledging his fellow Parliamentarian who also entered Parliament through the quota. The Member supported his support for the 4 seats of Faleata and Vaimauga but no additional members for urban seats.

Speaker's Announcement:

Mr. Speaker announced that the Member for Falelatai and Samatau will be representing Samoa in the ACP-EU meeting and wished him well on his travels tomorrow.

Proceedings adjourned at 1:06pm until 9:30am Friday 27th October 2023