

**DISCLAIMER**

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**Day 4  
9:40am**

**I. 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. Afioga Hon LEOTA Laki Lamositele, Minister of Public Enterprise**

The Hon Minister greeted Mr. Speaker, Cabinet and all Members of Parliament, he acknowledged Government Officials present in the House. Extended greetings to the Ao o le Malo and Council of Deputies, and all of Samoa. The Minister touched on some of the matters in the Commission's report:

- Territorial Division:

The Minister expressed his disappointment regarding the recommendation in the Commission's report to divide up his Constituency by taking away 1 village and placing it under Palauli 3. He noted his disagreement on this recommendation.

Mr. Speaker queried whether the Minister was referring to the Commission or the Committee's recommendation?

**Afioga Hon LEOTA Laki Lamositele, Minister of Public Enterprise (cont.)**

The Hon Member clarified that he was referring to the Commission's recommendation in their report, however, he agrees with the Committee's response against this recommendation. He further went on to express his opinions on the 10% quota; the Hon Minister noted that the 10% quota for women participation in parliament has been passed by Parliament. This reflects its importance as well as, it acknowledges the importance of women in our communities. However, he believes that the problem with the 10% is the implementation process. Thus, he advised to clarify the implementation process for this 10% when it is executed. He sought clarification for when such case happens, how is the member with majority votes different from the person elected through

the 10%, given that each Member will have their own agenda and goals for the development of the Constituency. but are both from the same Constituency.

The Minister voiced his support for the 10% quota as it is an opportunity to invite more women in parliament. The Member also mentioned that there are two ways for women to enter Parliament, endorsed and supported by a political party or through the 10% quota. In addition, the Minister advised that this 10% quota should also be applied to Political Parties in Parliament as this further encourages the participation of women starting from their parties. For example, if there are 60 members of the political party running for parliament then at least 10% of that number should consist of women. The Member suggested collaborative efforts with village councils to encourage women to take part in village affairs so that they can gain support when the contest in elections.

Regarding Overseas Votes, the Hon. Minister advised the Commission to thoroughly consider allowing overseas Samoans to vote during our General Elections. He believes that they should vote but also understands that the process will be difficult and requires further research.

## **2. Tofa LEALAILEPULE Rimoni Aiafi, Member for Faleata 3**

The Member greeted the House and acknowledged Samoa in all its honorific salutations. He greeted his constituency and thanked them for their continuous support and prayers throughout his journey. He then greeted the newly appointed members of Cabinet and wished them all the best with their calling. He acknowledged Mr. Speaker and wished him well as he continues to preside over Parliamentary proceedings.

The Member acknowledged the efforts of the Commission of Inquiry in preparation of the report and stated that the matters raised in their report are not new. Furthermore, the member noted that it is also not new for the public to disagree with the views and recommendations provided in the Commission's report as the establishment of the Commission consists of individuals who either ran for parliament or those who were former members of parliament but have lost their seat. This creates conflict of interest with their decisions. However, for this Commission, he believes that the members are all independent with their views and are intelligent individuals with vast knowledge and careers. The Member is uncertain about the need for an overseas commission when a Parliamentary Committee consisting of 9 Members of Parliament is sufficient to handle these matters. He then queried the lengthy process to finalize the review, thus Members will not have sufficient time to understand the Act.

The Member spoke on election petitions and noted his disappointment with the process; he pleasingly noted that Samoa is one of the first Pacific countries to practice democratic principles during and after the election process. The member urged the Committee to focus on the petition issue mentioned in the Commission's report, making reference to a situation whereby one of the members was taken to court because that individual gifted someone from the constituency with \$50 thus suggested to increase the threshold of the income that would determine a person/candidate committed bribery and can be taken to court.

He emphasized on the need for an appropriate definition and interpretation of bribery when members are taken to court because it can disqualify a lot of members even though they were just gifting money to people who were at their house, things that are common in our culture.

On the matter of compulsory voting, the Member noted that most people do not agree with the boundaries and the removal of the special voting booths that made voting convenient for most people without having to travel to Savaii to cast their vote then come back to Upolu.

Regarding the 10% women representation, the Member stated that the removal of this provision will smear Samoa's efforts in providing women the opportunity to be represented in Parliament, he made reference to the New Zealand Parliament and asserted that this is also practiced when the number of women are not reached.

### **3. Tofa Hon FAIMALOTOA Kika Stowers- Ah Kau: Gagaifomauga 1**

The Member greeted her fellow Parliamentarians, acknowledged her constituency in all its honorific salutations then spoke on the report. The Member compared the total population of Samoa of more than 205k and the 2,157 people including 687 students who participated in the Commission's Inquiry; then questioned the justification of upholding the views of the minority and neglecting the views of the majority. She further stated that she supports the recommendations of the Committee depending on what they seem fit at this time.

Regarding the issue of territorial constituencies, the Member supports the Commission's recommendation with the previous divisions based on territory rather than electoral. The Member believes that this will maintain peace and harmony within Constituencies. She further noted her rejection on the recommendation for Urban Seats and adding new constituencies.

The Member expressed her full disapproval of the recommendation to remove the 10% quota. The Member commended their deputy leader for supporting women empowerment and 10% quota, she further noted that the Committee report contradicts the Commission's recommendation as there is nothing mentioned in their report which recommends to repeal the 10% quota. She again echoed her sentiments mentioned earlier on the validity of such changes when only a few members are pushing for this while the views of the majority are being disregarded. She made reference to the Commission's report and asserted that only 240 rejected the 10% quota reiterating that this small number of submissions and opinions is not enough to consider reviewing the provision.

### **4. Afioga Hon VALASI Luapitofanua Toomaga Tafito Selesele, Minister of Health**

The Hon Minister commended the Commission on their efforts and raised the importance of their work in ensuring that the best advice is given to the government of the day, ensuring smooth daily operations, and he commends them for the hard work. The Minister stated that he would not mention whether he agrees or rejects the matters being deliberated as there would be a chance for Cabinet to discuss these amongst themselves but asserted that voicing their opinions as Members in the proceedings are very significant. He then mentioned the importance of the 10% quota and stated that there were women MP's who spoke strongly and emotionally on the matter, advocating for the 10% quota yet, these same women MP's were at the forefront of taking out another Woman MP.

**Afioga ALIIMALEMANU Alofa Tuuau, Member for Alataua West**

The member clarified that the reason why the other women/additional seat was made vacant was because it was a breach to the Constitution. She reminded the House that this decision was taken to court and it has been decided on to align with the Constitution.

**Mr. SPEAKER – Point of Order**

Mr. Speaker asserted that these matters have been decided by the Courts, thus Members should refrain from raising such matters in Chamber.

**Hon PRIME MINISTER – Interjection**

The Hon PM clarified to the Minister of Health, that he should understand that when women express their differences in Parliament it does not mean they don't support each other, however women express their own opinions just like men do.

**Proceedings suspended at 10:37am and resumed at 11:08am**

**Hon Prime Minister – MOTION**

The Hon. PM moved a motion to set aside S.O 32 to allow amending sitting hours, therefore if we reach 12pm and the report has not been approved then proceedings continue until report is approved; motion seconded and approved.

**Afioga Hon Valasi Luapitofanua Toomaga Tafito Selesele- Minister of Health cont.**

The Member continued to speak on the 10% quota and noted his concern with having 2 or more Members representing the same constituency, further asserted that there may be conflicts in expressing views and requests for the constituency. On the matter of overseas voting, the Member mentioned that the United Nations has no right to tell Samoa what to do, Samoa knows what's in the best interest of its people. We cannot compare our country to larger and developed nations like India and others. The Hon Minister highlighted that we should not allow people from overseas who are also Samoans to vote because of differences in population. It is important to note that there are more Samoans living overseas compared to those living within Samoa. As such, we should not let people from overseas make decisions for us living in Samoa. He then concluded by expressing gratitude to Mr. Speaker and his Office, especially the OCLA dancers for the beautiful performance during the hosting of Tasmania delegation and for the wonderful night.

**5. Afioga TEA Tooala Peato, Member for Faasaleleaga 4**

The Member suggested to have the report approved as everyone has agreed. He noted his support for the report and commended the efforts of both the Commission and Committee on their work provided. The Member recalled the activities following the 2021 General Election, where Parliament was not stable and had major differences however, today he sees a different parliament one that has moved forward together thus, praising GOD for this moment. Afioga TEA

advised members to continue working together, and move forward as one. He advised the deputy leader of the Opposition to collaborate with the Government of the day to ensure the interests of Samoa continues to progress. He concluded by commending the Hon Prime Minister for her leadership thus for.

**Mr. Speaker**

Mr Speaker informed the Member for Faasaleleaga 4 that his motion is not approved given that this is an important report and it is vital that all members speak and raise opinions on behalf of their constituencies.

**6. Tofa FESOLAI Apulu Tusiupu Tuigamala, Member for Aana Alofi Nu. 1**

The Member greeted the whole House in all her honorific salutations, he then commended the Commission for their work in preparing the report he also acknowledged the efforts of the Parliament Committee responsible for their usual work which is reviewing the report. He then acknowledged the Commission on excluding his constituency from the Division of electoral constituencies and touched on the following matters. The 10% Quota, The Member stressed the importance of equal representation and participation of women in our Parliament. Therefore, he expressed his support for the continuation of the 10% quota. On the matter of overseas voting, the member reminded the House about his previous request to provide an opportunity for our people overseas to vote during our General Elections. Therefore, he advised the Committee to thoroughly consider this matter. The Member commended the Committee for their work and showed his support for the Committee's report.

**7. Afioga TAGALOATELE Pasi Poloa, Member for Sagaga No. 4**

The Member greeted his constituency in all its honorific salutations then expressed his support for all the provisions provided in the Report. He acknowledged the members of the Commission that prepared the report. He also commended the Committee for their review.

Regarding the Territorial Division, the member supports the re-establishment of the urban seats noting its importance because most of our people live in these areas should have their voice heard in Parliament through their own elected candidate, he believes that people living in these areas have contributed immensely in the development of Samoa. The Member advised the Committee to thoroughly consider the process if the urban seats are executed again. He believes that individuals who own freehold land and living in urban areas for a long time as well as serving these urban areas in any way possible, should be eligible to contest in election, as opposed to those who have just moved from overseas. This will avoid matais who are from Savaii for instance to reside in urban areas with intentions to run as a candidate in the urban area. The Member expressed his support for the legislation in place to disqualify people who have won seats of their constituencies but later resigned because of petitions against them, but also have intentions to run again during by-election.

On the issue of Petitions, the Member jested the 75% is too much and recommended to reconsider this recommendation. Regarding the 10% quota, the Member noted that there are some other countries that reject women from participating in parliament but some countries have just inserted the increase of women participation.

the Member believes in the near future or next parliamentary term, there would be equal representation for both women and men in politics and believes the number of women MPs elected would significantly increase.

### **8. Afioga AGASEATA Valelio Tanuvasa Peto, Member for Aana Alofi 3**

the Member greeted the PM and Cabinet, Members present as well as the Clerk and his office. He then commended the Commission, the Committee Chairman and Members for their efforts on this report to ensure improvement for future general elections. The member also acknowledged the Committee responsible with reviewing the Commission's report and expressed his support for all the matters mentioned in the report however there are some aspects he does not agree with, such as the territorial constituencies and suggested to focus on organizing and restructuring of the Tumua Constituencies similar to the division in Savaii. Regarding the Urban seats, the Member expressed his support. On the issue of the 10% Quota, the member stressed the importance of women's participation in parliament. However, he believes that this 10% notion can raise questions regarding the voice of 1 Constituency but 2 members. The Member suggests women should run for urban seats instead.

- **Afioga SULAMANAIA Fetaiai Taviliili Tuivasa – Interjection**

The Member interjected to seek clarification on the member's point suggesting to have women with matai titles run for urban seats. He wanted to know where these women will come from given that in urban areas there are no matai titles as the people residing there are from different villages.

### **Afioga AGASEATA Valelio Tanuvasa Peto, Member for Aana Alofi 3 (cont.)**

The member clarified to the member for Vaimauga 1 that he meant for women residing in urban areas for a long time. He also touched on the overseas voting and highlighted that this is an important matter and will await the committee's final decision on it.

### **9. Afioga MAGELE Sekati Fiaui, Member for Faasaleleaga 2**

The Member greeted his fellow Parliamentarians and all CEO's present in the House, the Clerk and OCLA. The Member commended the Chairperson for the Committee and all its members for their work in reviewing the report by the Commission. The member touched on some of the matters in the report. On the matter of territorial Divisions, the Member expressed his gratitude regarding territorial constituency noticing that the boundaries of his constituency remains the same as it was before.

On the matter of the 10% quota, the member noted that this topic is a sensitive matter because it is about the women of our country. The member reminded the House about the importance of women in our communities, as well as the partnership role of female and male. He noted that he supports the motive behind this 10% quota when it was passed by Parliament, and it is provided for in the Constitution to ensure the participation of women in Parliament. The member highlighted that the 10% quota raises chances for women to be in parliament given that there are some obstacles hindering women participation in parliament like villages that do not allow women to hold matai titles therefore, they will never be eligible to contest in elections.

The Member noted that there continues to be barriers for women in the community; whether it be in the family unit or in the villages, therefore the 10% quota aims to create a level playing field for women to ensure representation and avoid discriminative elements that hinders women's participation and representation. The Member stated that they do not support the removal of the 10% as per committee recommendation. *"never let a problem solved become more important than a person to be loved"* Thomas S. Monson, the Member gave a strong statement to support his belief to keep the 10% provision

On the matter of penalties for not casting a vote, the member noted that the Committee should remove the penalties recommended for individuals that do not vote during General Elections and Byelections, because voting or not is the individual's right and they should not be penalized for exercising his/her right. The Member suggests removing the punishment imposed on those who do not vote, he believes that it is the right of the person to decide whether or not to vote.

### **10. Afioga Hon TOELUPE Poumulinuku Onesemo – Minister for Communication and Information Technology**

The Hon Minister greeted the Members and his constituency then highlighted on the importance of the report being discussed, this is because it affects Samoa as a whole. He then delved into the issues he wanted to speak on:

- Territorial Constituencies:

The Hon Minister expressed his support for the recommendation by the Commission regarding Samoa going back to territorial constituencies for election. He then raised concerns regarding the Office of the Electoral Commission not conducting a survey and review upon the implementation of the Electoral Amendment Act which encouraged people to cast their vote from wherever they reside at. This is important in terms of updating the Electoral Roll and ensuring that there is no confusion regarding people voting where they reside in rather than where they are originally from.

- 10% quota

The Minister supports the increase of representation and participation of women, he stated that there are many opportunities available for women at both village and political fields and urged to review these opportunities for Fono Aoao o Tina.

The Minister noted that there are a lot of opportunities available for women in the country to reach Parliament. He gave an example of women with high ranking positions in Government Ministries and Corporations. The high % of women as CEOs reflects their ability and potential.

The Member noted that women are sensitive in carrying out corrupt actions and posed that this may be one reason they do not want to be politicians but believes that if they could hinder corruption then that would be a good reason to be in political spheres. The Member mentioned that if we stand together to eliminate criticism towards women, then it is believed that there's equality in division of 50% with men, and 50% with women.

- O'o and momoli

The Minister stated that he believes o'o and momoli is a corrupt practice. He suggests to put an end to it and queried where the line should be drawn between Oo and corruption.

- Overseas Voting:

The Hon Minister mentioned that voting from overseas is also in the committee report and with all these restrictions, during pandemic and all, it is also good in a way.

- Maota o Tumua ma Pule

The Member noted that the Commission's recommendation is clearly laid out regarding this matter and mentioned other Parliaments, such as Tasmania that has two chambers; one to create laws and the other to review these laws. The reason the Member touched on this is due to several laws which were hastily created and passed with very little review.

### **11. Tofa Hon LAUOFO Fonotoe Laufo, Member for Anoamaa, No.2**

The Hon Member requested for a chance to speak and clarify why he was the only Committee member who rejected the removal of the 10% Quota.

#### **MR. SPEAKER – Point of Clarification**

Mr. Speaker advised the member for Anoamaa 2, that he has already clarified in the report why he rejected the notion therefore, he does not need to further explain himself.

### **12. Afioga AUUAPAAU Mulipola Aloitafua Mulipola - Chairperson for the Committee and Member for Aiga i le Tai**

The Chair stood and acknowledged Mr. Speaker and all members who spoke on the report; he stated that all matters raised, suggestions and opinions were noted. On the issue of the 10% quota, there were 18 Members who rejected the recommendation to remove the 10% while 8 Members voiced their support for the Committee's response in the report, he further noted that there was a member whose opinion was not clear. The Chairman further noted that other Members rejected women from entering the political sphere while others rejected the entrance of women through this quota. He then clarified that these two are different matters as the first issue means that they do not want women to ever register to be candidates in the GE and the later means they reject the 10% quota. The Chairman also noted that he understands that several Members expressed disappointment with the total percentage of witnesses offering opinions on the matter being minor, but the Chairman clarified these percentages are solely based on the report of the Commission, not the Committee. The Chairperson clarified that 3 options were provided by the Commission in regard to the 10% quota and based on the consultations between the Commission and members of the public, the majority rejected the 10% quota, however the fourth option was not included in the Commission's report. The Chairperson noted the fourth option should've also been included in the report along with the other three options, however, the Committee perceived that the opinions of the country have been disregarded therefore their discussions were mainly based on why these opinions were disregarded. This is the main reason why they have provided the statistics/numbers of people/witnesses consulted by the Commission.

The Chairperson clarified that there is a fine line between supporting women in parliament and supporting the 10% Quota. He clarified that just because there are people who want to remove the 10% quota it does not mean that do not support women in Parliament. The Chairperson further noted that the Committee thoroughly considered the 10% and the gaps that it causes in Parliament once executed. This is in cases when people only have 1 vote to cast for their elected member to represent them however, if the 10% is executed and a specific constituency has 2 members then it will mean this constituency will have 2 people representing them even though they casted 1 vote.



On the issue of re-structuring the electoral constituencies to Territorial constituencies, the Chairperson noted that the Committee received assistance from several Offices, such as the Commission themselves, the Electoral Commission, the Bureau of Statistics, the Samoa Law Reform Commission and other Members in compiling the Committee reports and all matters raised from respective Members have been duly noted. He then stated that, most comments from the Members are towards supporting territorial constituencies as provided in the repealed Electoral Act 1963. The Chairman clarified on queries regarding urban seats, especially Vaimauga and Faleata, he asserted that it is clearly stated in the report there is no intent to change the Constituencies of Vaimauga and Faleata to be called urban seats, the only matter mentioned in the report was in regard to Western, Central and Eastern Urban Seats. The Chairperson clarified the numbers for both Faleata and Vaimauga would remain the same; that being four.

- **Afioga FUAAVA Suluimalo Amataga, Member for Aleipata Itupa i Luga**

The Member sought clarification on the recommendation by the Committee regarding the additional seats from the Territorial Constituency and the Urban seats while Faleata and Vaimauga maintains their seats.

**Afioga AUUAPAAU Mulipola Aloitafua Mulipola - Chairperson for the Committee and Member for Aiga i le Tai**

The Chairman clarified that the additional urban seats is to reflect the continuous increase of people moving into urban areas. He believes that these are the areas that do not conduct cultural practices or have Village Councils [e le o ni nuu mavae]. Furthermore, the Chairperson noted that the recommendation to reinstate urban seats is to allow people residing in these areas to have their own say in Parliamentary affairs as they do not have any say in their village of origin or Territorial Constituencies. Furthermore, the Chair clarified the additional seat for Aiga ile Tai stating that it is due to the number of the people in their electoral roll. he stated that the number of people eligible to vote in their electoral roll is incomparable to other constituencies. The Chairperson noted that the recommendation to go back to Territorial Constituencies is important because, currently, Puleono is not included in Parliament as Saleaula is not included. The Chair noted that the urban seats is also another way to encourage women participation in parliament, but again with equal opportunities with male so that article 15 is upheld.

Regarding the cultural gifts such as o’o and momoli, the Chairman noted that this practice is a traditional custom that Samoa is used to, It is an honorary response by the elected Member for his/her constituency for entrusting them to be their representative in Parliament. The Chair noted that if there is a way we can stop this legally, then there should be a law in place but members should focus on catering for their constituencies whole heartedly by providing for them and meeting their development needs.

**Committee's Resolution**

The Chairman then stated that the Committee Resolved to have the Committee’s Report with recommendations referred to the Executive for thorough review and assessment before reporting back to the Assembly on the next stage on this matter. He then recommended the Assembly to

approve the Committee's report together with recommendations on the Parliamentary Paper 2023/2024 No.37 to be referred to the Executive for further action.

The Chairperson concluded by acknowledging his constituency for their unwavering support and prayers for him.

*Mr. Speaker put forward the question whether the Assembly approves the Committee's Report; the Members said 'Yes' and the Motion was Approved.*

**Hon. Prime Minister - FIAME Naomi Mataafa**

The Hon. PM acknowledged the Commission for their report, and the Committee for reviewing it. She also acknowledged all members for their input into the report emphasizing the importance of the Commission of Inquiry's report. She further acknowledged the support of the cabinet with the recommendations in the report. The PM highlighted that most of the concerns raised against the report was on the Territorial and Electoral division. She then noted on behalf of the Cabinet to consider the suggestions by Members put forward and asserted that the Cabinet will try to bring in any changes before the next Elections.

**Proceedings adjourned at 1:13pm and will reconvene on Tuesday 19  
December 2023 at 9:30am.**