

DISCLAIMER

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**Day 4
9:38am**

I. GOVERNMENT ORDERS OF THE DAY - Reading of Bills

1. Electoral Amendment Bill 2024 – debate on second reading (cont.) Day 4

Afioga FUIONO Tenina Crichton, Member for Falealupo

The Member requested to Mr. Speaker whether he can be granted the opportunity to speak as he was unwell the past sitting days.

Mr. Speaker - Point of Order:

Mr. Speaker responded to the Member that he had already ruled that all Members have already been given the opportunity to deliberate on the Bill and the only Member who would deliberate today will be the Leader of the Opposition.

i. Susuga Hon TUILAEPA Fatialofa Lupesoliai Dr. Sailele Malielegaoi, Leader of Opposition and Member for Lepa.

The Hon. Member extended greetings to Mr. Speaker and commended him in presiding over proceedings of Parliament, especially in maintaining order and decorum in the House. He then greeted Samoa in all its honorary salutations, acknowledging Samoa's long-standing and beneficial relations with our neighbouring nation American Samoa. He then highlighted that the Americans have planned to establish an office in Niue and Cook Islands and noted his support for such plans as this will pave the way for American Samoa to be included in Pacific conferences. The Leader of the Opposition noted that he supports this as it will mean Samoa will have two voices in the forum and enhance our cooperation and presence in the Pacific.

Furthermore, the Opposition Leader highlighted the significance of Pre-sitting briefings as it gives members the opportunity to gain clarity on any Bill scheduled for tabling in Parliament. The Hon Member expressed his full support for the Bill as he perceives it is a crucial development that must be done to ensure the accuracy of Electoral Rolls. He further noted that

all advises, and comments raised by members of parliament are important for the Government to consider with improving the Bill. He then jested that the only member who supported the bill under discussion without any concerns or queries, was the member for Sagaga 1, Hon LOAU.

- **Mr. Speaker**

Mr Speaker advised the Leader of the Opposition to refrain from mentioning court case matters involving a Member of Parliament pursuant to Standing Orders

- **Afioga Hon LOAU Solamalemalo Keneti Sio, Member for Sagaga 1**

The Hon Member stood as his name was mentioned by the Opposition Leader, thus he reiterated his point made that when a system is obsolete change is required and assured the House that his personal matter with Mr. Speaker is of no concern to Parliament, and that there are no issues between them.

Susuga Hon TUILAEPFA Fatialofa Lupesoliai Dr. Sailele Malielegaoi, Leader of Opposition and Member for Lepa (cont.)

The Opposition Leader echoed sentiments by several Members on ways to simplify the process of these new changes to the system, thus proposed to update only the necessary information while using the data already in the old system (such as the particulars; name, date of birth, village, etc...) and transferring these data into the new system.

Hon TUILAEPFA asserted that using modern technology would make it easier for others to control the system [providing an example from the US elections]. He then recalled in previous Parliamentary Terms where he discussed with other Members to find a solution to prevent people from ‘double-voting’ by using names of people who have died. This emanated the introduction of photo ID’s (identification) to address the issue. In this regard, Hon TUILAEPFA supports the proposed amendments in the Bill which prompts the cleansing of Electoral Rolls. The Leader of the Opposition highlighted that issues with Electoral Rolls have existed over the years, as they also make voters dependent on Members for assistance to register and further lead to court cases after elections. Furthermore, he explained that some of our people use tactics during General Elections, they will not go (take themselves to vote) however they will wait for members to take them to cast their votes and in turn expect compensation from the candidate.

The Opposition Leader noted his full support on the provision for Samoans living abroad to be physically present in Samoa to cast their vote. Hon TUILAEPFA stated that to further address the incessant issues from general election, the Parliament proposed a provision to have voters vote at their own residence reiterating the significance of 1 Person-1 Vote. This was further supported with the recategorizing of territorial to electoral constituencies which also paved the way for the Deputy Prime Minister to have a seat in this Parliament.

- **Hon TUALA Iosefa Ponifasio, Deputy Prime Minister:**

The Hon. Member clarified to the Leader of the Opposition that he did not gain his seat through the changes they made during their time and accentuated that this Act was constantly amended nearing the previous elections in 2021.

- **Susuga Hon TUILAEPA Fatialofa Lupesoliai Dr. Sailele Malielegaoi, Leader of Opposition and Member for Lepa (cont.)**

The Opposition Leader clarified to all Members of Parliament and the Deputy Prime Minister that all Acts initiated by HRPP were not to pursue their personal agendas, rather it was ultimately for the betterment of Samoa as a whole.

- **Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission.**

The Hon Minister commended all Members for their input and opinions on the amendments to assist with the progress of the Bill. He then wanted to clarify to all Members of Parliament that the Bill only proposes for the Registration of People living overseas and not permitting them to vote. In addition, he noted that when people living overseas register online, they are still required to travel to Samoa for biometrics and further certification of residence before they are placed in the most appropriate constituency's electoral roll. The Minister assured Members who were concerned with the old roll being disregarded in this new system that is not the case as the old roll and all information is relevant, given the only major issue is the old system being obsolete and outdated. Moreover, the Minister clarified that the Office would continue to use the old roll which was utilized in the 2021 general election and all data will be inserted in the new system. He stressed that the rights of voters are not affected by the Bill it is just the re-registration process. This means that the Bill only permits the collection of most recent and accurate details of voters, as well as the collection of information for new voters from overseas.

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

The Member expressed gratitude to the Minister for clarifying on the transferal of the old data into the new system as this was never clearly explained during the Pre-sitting.

- **Afioga ALAIASA Moefaaouo Sepulona Moananu, Member for Anoamaa 1**

The Member acknowledged the responsible Minister for clarifying on the issues raised by Members.

- **Tofa Hon LAUOFO Fonotoe Pierre Laufo, Deputy Leader of Opposition and Member for Anoamaa 2.**

Hon LAUOFO commended the Hon Minister for his clarification but queried the Minister to review the wording of the relevant clause as it is stated in the proposed amendment pertaining to this matter that there will be a "complete re-registration".

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

Conveyed his appreciation on the Minister's response as it clarified that all data used by the Office in the previous elections are still valid for the Office to conduct the next step as proposed in the bill.

- **Tofa Hon FAIMALOTOA Kika Stowers-Ah Kau, Member for Gagaifomauga 1**

The Member also acknowledged the responsible Minister for clearly responding to these issues stressed by several Members.

- **Afioga Hon VALASI Luapitofanua Tafito Selesele, Minister of Health**

The Hon Minister asserted that the Bill is straightforward and easy to understand yet Members refuse to understand and continue to raise rubbish issues and concerns.

- **Tofa Hon FAIMALOTOA Kika Stowers-Ah Kau, Member for Gagaifomauga 1**

The Member queried whether the Minister is implying that her and other Members voicing the opinions of their constituencies are considered rubbish.

Speaker's Ruling:

Mr Speaker ordered the removal of the word 'lapisi' from official records as spoken by the Minister of Health.

**Proceedings of the Legislative Assembly were set aside at 10.35am
and resumed at 11:08am**

Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission (cont.)

The Hon Minister addressed concerns raised by members regarding the transfer of voter details to the new system, clarifying that names and other information can be re-entered, but voters must undergo biometric verification for complete registration. In reference to online registration privacy concerns, he addressed it by assuring members that only assigned staff of the Office of the Electoral Commission (OEC) and the Management would have access to information and

firewalls are in place to safeguard against hacking and for confidentiality. He further accentuated that there is a provision in the Office mandated legislation, requiring verification of information before a voter's name is added to the roll.

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

The Member acknowledged the Minister's remarks but raised concerns about the potential impact of artificial intelligence (AI) on verifying voter information and the system's security. He further emphasized the importance of preparing the new system to effectively verify fingerprints and photos of voters was a, highlighting the critical role this plays in ensuring safety and security.

- **Susuga Hon TUILAEPFA Fatialofa Lupesoliai Dr. Sailele Malielegaoi, Opposition Leader and Member for Lepa**

The Leader of the Opposition emphasized the importance of voicing concerns regarding issues overseas, citing examples like the spread of fake news and hacking incidents in the US and Sri Lanka involving artificial intelligence (AI) globally. In this regard, he stressed the need for the government to heed advice to ensure the preparedness of the Bill and to prevent similar occurrences due to technology, such as the misuse of AI. He then urged vigilance against the increasing number of hackers globally, including in Samoa, which could pose challenges to the development of the Online Registration System.

- **Afioga LUPEMATASILA Galumalemana Tologata Togia Tile Leia, Member for Falelatai & Samatau.**

The Member expressed concern about the internal ITs developing the system for the first time, highlighting the potential for misuse. Another concern is the security measures mentioned by the Minister and therefore urged the Government to consider the risk of the Office having access to the system, as there will be a time that they could compromise the system when they are pressured by the Government. The Member also stressed the need for thorough consideration of the system security before implementing it for the next election.

- **Afioga SULAMANAI A Fetaiai Tauiliili Tuivasa, Member for Vaimauga 1**

The Member commended the use of internal ITs from the Office to develop the system due to cost-effectiveness when compared to hiring ITs from overseas. He further expressed concerns about the potential high cost of the new system especially the expenses on the registration process and sought clarification on where the system was purchased from for transparency as some members are not sure whether it was purchased from overseas or not.

- **Tofa Hon LAUOFO Fonotoe Pierre Laufo, Deputy Leader of Opposition and Member for Anoamaa 2**

The Member referenced previous statements from both pre-sitting and the Ministers response by highlighting the conflict of information regarding the development of the system by internal ITs versus being brought before the Tenders Board. He then sought clarification on which entity was responsible for the systems creation and queried the origin of the system, whether it was sourced from overseas and controlled externally or if it was designed and formulated domestically.

- **Afioga LEAANA Ronnie Posini, Member for Safata 1**

The Member reiterated on the importance of enhancing security for the new system as he is concern about the voting process for the first and second Generation voters particularly those who have never been to Samoa. In this regard, he sought clarification on where they should vote if instructed to register at their residence. He further queried the eligibility criteria for Samoan citizenship and the registration process, particularly for potential voters residing overseas who wish to register online and how to verify registrations, particularly for multiple generations within families who may be eligible for online registration but have not traveled to Samoa which he finds confusing when compared to the context of the bill.

Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission conts.

The Hon Minister addressed security concerns with the Office collaboration with the NEC company where they acquired a server to assist with the biometric matching. He then assured the House that the AI will not affect the system as the recording of biometrics and photos must be done in person. In reference to the First and Second Generation voters query, he clarified that they are entitled to register where their local family resides except for matai title holders who can either register in their place of residence or where they attained their titles from. He then cited sections 14 and 15 of the principal Act which provides for eligibility to register and vote.

- **Afioga LEALAILEPULE Rimoni Aiafi, Member for Faleata 3**

The Member acknowledged the Minister's emphasis on prioritizing voter registration based on place of residence but requested to reconsider the Online Registration system, particularly for Samoan citizens residing overseas as it may bring potential issues and challenges.

- **Afioga ALE Vena Ale, Member for Faleata 4**

The Member sought clarification on the registration process for voters, particularly those who hold a matai title but reside on lands in the villages of Toamua Uta and Puipaa, questioning where they should register.

Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission (cont.)

The Minister addressed concerns about rural villages lacking computer access by explaining plans to utilize mobile phones for registration. He also assured that the Online System can be accessed via various devices and mentioned the Office's readiness to conduct outreach programs to assist with registration in villages. Additionally, the Minister affirmed that dual citizens remain eligible to register and cast their vote.

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

The Member raised questions about how the Office can enforce penalty fees for individuals who register from overseas but fail to vote or do both. He further sought clarification on ensuring fair treatment between voters living locally and overseas regarding compliance with the Office's mandatory registration and voting requirements during elections.

Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission (cont.)

The Minister clarified that individuals with dual citizenship, whether residing in Samoa or overseas, can register and vote in the General Elections upon reaching the age of 21, but they must travel to Samoa to do so. He then emphasized that the principal act mandates registration for any Samoan citizen aged 21, with penalties for non-compliance. For individuals residing overseas who meet these criteria but do not comply, penalties are enforced upon their entrance to Samoa.

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

The Member inquired about the process of following up with citizens residing overseas and the implementation of penalty fees for non-compliance with registration or voting requirements.

- **Afioga LEALAILEPULE Rimoni Aiafi, Member for Faleata 3**

The Member suggested for the Office to always refer to the Principal Acts for its preparation to implement the online system to prevent any issues and/or delays.

Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission conts.

The Minister clarified that penalties for non-compliance with registration or voting requirements will only be imposed on individuals physically present in Samoa. This ensures fair treatment for all Samoan citizens and voters. Therefore, if people from overseas register but do not vote, penalties will only be imposed if they travel back to Samoa.

- **Tofa Hon LAUOFO Fonotoe Pierre Laufo, Deputy Leader of Opposition and Member for Anoamaa 2**

The Member sought clarification from the Minister regarding the imposition of penalties for non-registration or non-voting, noting that some individuals may be penalized while others may not. He then reminded the Minister of the law prohibiting discrimination against individuals and urged reconsideration of the Office's approach to mandatory penalty fees.

Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission conts.

The Minister addressed concerns about the impact of penalties on pension benefits, noting relevant provisions in the NPF Act to handle this issue. He further asserted that the Commissioner is confident in meeting the specified timeframe and that the staff are adequately trained and equipped for the project. In reference to concerns raised on the chances of not completing this project within 18 months, he expressed confidence in the skills and knowledge of our local ITs, acquired from universities, to carry out the system's processes effectively.

- **Afioga Hon LAUTAFI Fio Selafi Purcell, Member for Satupaitea**

The Member reiterated his query whether the information collected for the National ID will also be used for this purpose and further sought clarification on a provision stating that all individuals aged 21 and over, whether residing in Samoa or overseas, must register and vote, with penalties for non-compliance. He also queried whether the Bill intends to gather all eligible Samoans worldwide to register and vote.

- **Tofa Hon LAUOFO Fonotoe Pierre Laufo, Deputy Leader of Opposition and Member for Anoamaa 2**

The Member for Anoama 2 addressed recommendations from the Parliamentary committee regarding the division of electoral boundaries and sought clarification on this matter.

Speaker

Mr Speaker informed the Member for Anoamaa 2 that the House has yet considered the report and recommendations he mentioned.

Afioga Hon FAUALO Harry Jeffrey Schuster - Minister of the Office of the Electoral Commission (cont.)

The Minister reiterated that the law will be applied to eligible individuals residing overseas who did not register once they enter or come over to Samoa. He clarified that there may be a possibility that the National ID and its collected information will be used for these registrations. He further put emphasis on the importance of the bill and encouraged the House that it needs a collective effort for its success and called for a collaboration with the Police to assist them with

their work and alleviate the load on the Commission. The Hon Minister then concluded by urging eligible individuals to register regardless of their place of residence.

Mr Speaker put forth the question that the Electoral Amendment Bill 2024 be read a second time.

ii. Electoral Amendment Bill 2024 – Consideration in Detail

Clause 2: Approved

Clause 3: Approved

Clause 4: Approved

Clause 1 and Short Title: Approved

The Electoral Amendment Bill 2024 progressed without any amendments.

iii. Electoral Amendment Bill 2024 – Consideration in Detail

The Hon Minister, FAUALO Harry Jeffrey Schuster moved a motion for the bill to be third read; motion seconded and approved.

The Electoral Amendment Bill 2024 was third read and officially passed the Legislative Assembly.

• Other Announcement by the Speaker

Mr Speaker informed the House that there are 34 papers that needs to be considered as provided in the Order Paper and the Parliamentary Commission recommends for these reports to be considered next week and for respective Chairpersons and Ministers not to read out recommendations provided in the report and the Governments responses as each member holds a copy of all the reports. He advised Members to read and familiarise themselves with these parliamentary papers (Government responses) in preparation for the sitting next week.

Proceedings were adjourned at 12:04pm and will reconvene at 9:30am on Tuesday 12th March 2024.