

## **DISCLAIMER**

This Report provides a brief of the Proceedings of Parliament on **Tuesday 5 March 2024**. While all efforts have been made to provide an informative brief, this information must not be relied upon as an alternative to the official Hansard record of proceedings of Parliament. If you have any specific questions about the Proceedings of Parliament on **Tuesday 5 March 2024**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

### **Day 1**

**9:30am**

#### **I. Notice from the Leader of the House**

Mr. Speaker read out the Notice from the Leader of the House to permit the introduction of the Electoral Amendment Bill 2024 pursuant to Standing Order 76.

#### **II. Certificate of Urgency**

Mr. Speaker read out the Certificate of Urgency for the Electoral Amendment Bill 2024 to be considered under Urgency pursuant to Standing Order 100(2).

#### **III. Presentation of Papers**

A total of 8 Parliamentary Papers were presented in Parliament, these consisted of 5 Annual Reports (MCIL 22/23, MCIT 22/23, CBS 22/23, MPE 22/23, and OCLA 22/23) and 3 Government Responses.

#### **IV. Presentation of Parliamentary Committee Reports**

A total of 11 Parliamentary Committee Reports were presented:

- 9 reports from the Standing Orders, Electoral, Petitions and Constitutional Offices Committee,
- 2 reports from the Infrastructure Sector Committee.

#### **V. Government Orders of the Day- Reading of Bills**

##### **i. Electoral Amendment Bill 2024 - first reading**

The Hon Minister of the Electoral Commission, Afioga FAUALO Harry Jeffrey Schuster moved a motion for the Bill to be first read.

*Motion seconded by the Minister of Agriculture and Fisheries and the Minister of Health;  
Motion approved.*

The Speaker announced that the Leader of the House has signed the COU for the Electoral Amendment Bill 2024 thus, it will proceed with the second reading.

**ii. Electoral Amendment Bill 2024 - second reading**

The Minister for the Office of the Electoral Commission, Hon FAUALO Harry Jeffrey Schuster moved a motion for the second reading of the bill and spoke on the merits of the bill for clarification.

*Motion seconded by the Minister of Agriculture and Fisheries and the Minister of Health;  
Motion approved.*

Second Reading Clarification – Hon Minister of the Electoral Commission

- **Afioga Hon. FAUALO Harry Jeffrey Schuster**

The Hon Minister clarified that the Bill essentially seeks to amend the Electoral Act 2019 (Principal Act). He further stated that the underlying aim of the Bill is to meet the objectives of the Office of the Electoral Commission [OEC] for the re-registration of voters and the maintenance of electoral rolls in preparation for the upcoming General Elections in 2026. He further stated that the Bill will provide an avenue for the OEC to conduct a complete re-registration of all voters for all the constituencies in Samoa so as to eliminate the increasing issues with the rolls still including the names of voters who have either passed away, moved overseas permanently or have remain idle without any update on their details.

Hon FAUALO emphasised that the amendment proposed will provide a standard process for all who are eligible to register for election regardless of where they live. He accentuated that this provision will simplify the process and update the electoral roll accordingly. Furthermore, the Minister touched on the use of advanced technology to provide for online registration, to record details of eligible voters living abroad with biometrics to record fingerprints and capture a photo of the voter that can only be done when the individual enters Samoa. The Minister also emphasized that there must be an electronic roll to record all valid details of voters.

The Hon Minister further clarified that the proposed amendment is to provide for a new voting system as the previous system used by the Office is obsolete. He elaborated that the old system was utilised by the Office for 20 years and is outdated therefore necessitating the introduction of a new system. Thus, the Bill seeks to upgrade the Office's electronic list of all voters with all their biometric information with the intention that this will address the issue of double voting (casting votes twice). The Minister again emphasised the main intent behind the bill is to enable the Commissioner and the Office to effectively carry out their mandated roles and functions. The Minister also accentuated that the Office is certain there is ample time before the next General

Elections to carry out the necessary works for the new system. He then urged Members to consider the importance of this bill as it is for their smooth facilitation of the election process, bearing in mind the need to address the outdated system that was used by the Office.

- **Afioga Hon FIAME Naomi Mataafa – Prime Minister**

The Hon. Prime Minister stood to provide further clarification on the Bill and reiterated what was stated by the Commissioner in Pre-Sitting that the old system used by the Office is outdated. The Hon Prime Minister metaphorically compared the system to an old vehicle with a broken engine and will not work anymore, thus the responsibility of the Office of the Electoral Commission to change the system for elections. Further asserted that the main system was the most important feature for processing the general election and the OEC clearly informed Members during Pre-Sitting that the system has become obsolete prompting the proposed amendment.

The Hon Prime Minister highlighted that from the pre-sitting yesterday numerous concerns raised by members were based on the difficulty in trying to get their constituencies to re-register especially their voters from overseas which can be time consuming and expensive. Moreover, other members expressed their concern with the timing of the project for mass registration of voters. The Leader emphasized that this Bill is crucial as we are headed towards another General Election thus, the accuracy of the electoral rolls for the 2026 General Election is dependent on this Bill. Moreover, the PM noted that the Bill is being considered under COU because the OEC needs to proceed with their work immediately. She stated that although it is understandable that there will be challenges along the way, but it is pertinent that the House passes this Bill so that the Office can proceed with its necessary activities.

*Mr. Speaker opened the floor for Members who wish to speak on the Bill.*

*Second Reading Debates Commenced*

**i. Tofa Hon LAUOFO Fonotoe Nuafesili Pierre Laufo: Member for Anoamaa 2**

The Hon. Member acknowledged Mr. Speaker and fellow Parliamentarians. He also acknowledged the Minister for the Bill and raised his issues; Hon LAUOFO spoke on the amendment to provide online registrations which would enable Samoan citizens living overseas to participate in the General Elections, although the Member agrees that modern technology has its advantages, there are risks and challenges; thus, asserted that the preparations using these technologies must be done properly. He then commended the Leader of the House for her further clarification and stated that he perceived the amendment was to review/clean the electoral roll by removing names of deceased voters as well as those who have migrated elsewhere, and the update of photos for voters.

The Hon Member expressed his support on the intentions and purpose of the Bill at hand, especially with the recording of biometrics information for all voters to avoid the risk of ‘double-voting’. In addition, the Member highlighted that although there are some issues with using

online registration mainly for people without access to technological devices however, he noted that the online registration is essential for our people temporarily residing overseas, such as those in seasonal employment.

The Member understands that the Office plans to go out to each constituency to conduct these registrations for eligible voters, however he stated there may be an issue with this as not all constituents/people will be available during the days the Office would conduct these works. He then raised concern with the online registration option as it is difficult to verify and monitor the accuracy of the information provided. Furthermore, there is also the issue of verifying residences especially for those eligible voters without a matai title. Another concern raised by the Hon Member was the utilization of online registration which can prompt a lot of overseas people to register without the intention to travel to Samoa and complete their biometrics information thus, this can cause unnecessary load on the system and possibly cause more difficulties.

- **Susuga Hon LAAULI Leuatea Polataivao Fosi, Minister of Agriculture and Fisheries – Interruption**

The Hon Minister clarified that online registrations provides an opportunity for Samoans overseas to take part in the elections. With regard to concerns raised by the Member stating that these eligible voters utilizing the online registration may not be fully invested to spending all that money to travel to Samoa to conduct biometrics to ensure the completion of the registration process. The Hon Minister clarified once a Samoan citizen overseas travels to Samoa to conduct these registrations, they have agreed to complete all the requirements needed to be included in the roll. Additionally, as the Commissioner stated in Pre-sitting yesterday, until everyone has registered, provided all the information along with taking their photos and fingerprints are complete then they would be placed in the roll.

- i. **Tofa Hon LAUOFO Fonotoe Nuafesili Pierre Laufo, Member for Anoamaa 2**

The Hon member noted that he did not disregard the Online Registration System he was only outlining the disadvantages with the Online System that must be taken into account by the OEC. In addition, the Member noted that he never meant to discredit our people living overseas using the Online Registration System, however, he believes that challenges must be considered with this new process.

The Hon Member emphasized that he is only stating challenges that the Commission may face and therefore he queries whether there is a backup plan to address these possible predicament. He then emphasized that the Commissioner accentuated in the members briefing yesterday that the system is obsolete and clarified that the term itself means its outdated so all they need to do is update the system. in this regard, he supports the bill except for the online registration system proposed in the bill. The Member expressed disapproval with the Online System. Therefore, he advises the Government to reconsider preparation of the Bill.

- **Susuga Hon TUILAÉPA Fatialofa Lupesoliai Sailele Malielegaoi - interjection**

The Opposition Leader queried whether Members are still allowed two opportunities to speak pursuant to the Standing Orders.

- **Mr Speaker - Clarification**

Mr Speaker clarified that they are still in the second reading stage of the Bill, 2 opportunities to speak will only be given during the Consideration in detail stage.

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

The Member noted that the amendments provided in the Bill is necessary however, thorough consideration must be taken into account for both advantages and disadvantages. The Member quoted the Hon Prime Minister, that this cannot be postponed, it needs to be implemented immediately and from his understanding yesterday, the system is obsolete, which means it is outdated.

- **Prime Minister - Point of Clarification**

The Hon Prime Minister noted that the Member for Aleipata Itupa i Luga has stated that she claimed we cannot postpone the passing of the Bill at hand. However, she clarified that what she meant is that if they continue with the old System/Roll of Voters then there will be numerous issues thus, the Government supports the initiation of the Electoral Office's intentions for a new system.

- Afioga FUAAVA Suluimalo Amataga, Member for Aleipata Itupa i Luga (cont.)**

The Member queried the feasibility of the timeframe proposed by the Office of the Electoral Commission to complete all the necessary preparations for the mass registration project, as stated that they have allocated 18months to carry out all the works. The Member also suggested ways to simplify the works of the Office by using programs such as a domain that would transfer [import and export] information from one system to another. He then requested that the Office prioritize Samoan citizens living in the country in regard to online registration. He then queried whether there is a Plan B if the country may encounter challenges such as natural disasters providing an example from the cyclones in 1990 and 1991 that affected transport and communications further querying whether the Office has a plan to counter this as there is a possibility these will occur.

Regarding the maintenance of the electoral roll, the Member requested for fairness in treatment between Samoans living overseas and locals in terms of penalties imposed if they do not vote during elections. He questioned how the Office will apply these penalties for people living overseas stressing the importance of upholding fair treatment for all people as locals are penalized, therefore the same should be applied for those living overseas.

Proceedings of the Legislative Assembly were set aside at 10.45am  
and resumed at 11:30am

**iii. Afioga ALIIMALEMANU Moti Momoemasu Alofa Tuuau, Member for Alataua West**

The Member greeted the House and those present in the Chamber then addressed Samoa in all her honorific salutations as well as her constituency. She then commended the Minister for the Bill and highlighted the importance of change when a system becomes obsolete. This is to ensure accurate records are updated and stored safely. However, the member raised concern with the verification process that all voters must go through such as having a form signed by Sui ole Nuu to verify their place of residence thus, she wants to know how people that reside overseas will meet this requirement.

**• Hon LEATINUU Wayne Fong Soialo, Minister of Public Enterprises - Interjection**

The Hon Minister interjected to clarify that there are plans in the pipeline for the Government to make relevant amendments to relevant legislations regarding the verification provision as mentioned by the member for Alataua West.

**Afioga ALIIMALEMANU Moti Momoemasu Alofa Tuuau, Member for Alataua West (cont.)**

The member highlighted that it is crucial to properly consider the Online System to avoid the numerous court cases after the General Election. In addition, the Member advised the Government to consider funding airfares for our citizens that live overseas who have registered online and must travel to Samoa for their biometrics. The Member advised the Minister to reconsider using this Online Registration for locals only so that when issues arise it will be easy for the OEC to address them whereas, if matters arise from overseas registrations, it will cause a lot of complexities. Furthermore, the member raised concern with the penalties imposed on eligible voters who have not registered (\$2,000) while those who have registered but do not vote (\$100) for people who do not cast a vote. She queried how the Office can monitor this case for people overseas. The Member also raised the question on dual citizenship, whether these people can vote twice for New Zealand as they live there and Samoa under their citizenship.

The Member echoed concerns voiced by other members regarding the preparation of the Office when faced with unforeseen circumstances that may impact the work, reasserting that the system is useful, however it is simply a matter of extracting information from the old system to the proposed new system before implementing the mass-registration of the nation.

**iv. Afioga SULAMANAIA Fetaiai Tauilili Tuivasa, Member for Vaimauga 3**

The Member greeted all Members present in Chamber then acknowledged the House and Samoa in all its honorific salutation, acknowledged his constituency for their endless support. He commended the Minister and the Office on their efforts to improve their services and noted his concerns; he believes that 18 months to conduct mass voter registration is not ample time before the next General Election. He queried whether the Office has enough staff and existence equipment to fast track this process. In addition, the Member highlighted the burden upon members of parliament with the initiation of this bill as most of the voters will seek assistance from them. The Member also expressed his disappointment with not implementing the mass registration immediately for his constituency, to make use of the time. Furthermore, he also voiced his concerns with the funds on this project, asserting that the new system and proposed project of registration is expensive with an estimation of 1k for rent/subscriptions to maintain the system also the process of taking photos and scanning fingerprints, as well as the travel costs associated with those who must travel to Samoa to complete the registration process and cast their vote. He also touched on the matter that next year October will close the registration roll and nomination for candidacy, adhering the provisions of the Act whereby 6 months before the General Elections, the electoral rolls will close.

- **Tofa Hon. OLO Fiti Vaai, Minister of Works, Transport and Infrastructure - Interjection:**

The Hon Minister highlighted that the Bill only provides for the process on how to conduct online registrations then clarified on the different systems, and asserted that the old system is obsolete.

**Afioga SULAMANAIA Fetaiai Tauilili Tuivasa, Member for Vaimauga 3 (cont.)**

The Member queried whether there is sufficient staff available to operate and ensure the security of the System to ensure it is not prone to hackers and attacks on the data after general election. Furthermore, he iterated the importance of properly training and building the capacity of the staff to ensure they carry out their duties effectively.

**v. Tofa LEALAI PULE Rimoni Aiafi, Member for Faleata 3**

The Member greeted the House and Samoa in all its honorific salutations then highlighted that he understands the countless amendments done to the Electoral Act to ensure it provides for numerous matters raised by respective Commissions of Inquiries conducted after every General Election. However, he believes that members of the COI should not comprise of former members of Parliament instead have Highly Qualified people with great understanding to review the Electoral Act and make necessary amendments to avoid numerous issues arising which leads to more amendments.

The Member also explained that his understanding, the system can be obsolete but the information stays the same for eg. name, last name, village, etc... (the particulars). Thus he urged the possibility of extracting these particular information to use in the new system as there is not enough time to gather all the data that we need for the rolls. He then stated that, the

initiative to clean the rolls is good, we need to filter the rolls as we have been using the same rolls for some time, however given this timeframe, he feels it is not practical.

The Member highlighted the importance of compulsory voting however, he urged the House and the Office to consider the most practical way to get people to register, by utilizing the outreach method as we are used to the nature of people who leave things to last minute or would not bother to register if the Office does not go to them first. He then advised the Minister to consider making registration more convenient for people who have already registered before; to lessen the process to just biometrics instead of demanding them to provide more information like seeking verification forms from his/her faifeau or sui ole nuu confirming their residences.

- **Afioga Hon TOELUPEe Poumulinuku Onesemo, Minister for Communication and Information Technology - Interjection**

The Hon Minister clarified as SNBH was mentioned by the Member, the Minister stated that there are plans laid out to enhance SNBH as it would be utilized by this new system. In regards to registration particularly residency verification, this was also implemented back in 2019 that voters should register at their place of residence except for those with matai titles.

**vi. Afioga PESETA Vaifou Tevagaena, Member for Faasaleleaga 5**

The Member acknowledged the Minister for the Bill, and noted that the pros and cons of any new change will only be visible once it is implemented. He further stressed that any change to the Electoral Act also has implications on Members of Parliament as they are the ones who carry the burden of implementation; through gathering their voters and constituencies to register and abide by the provisions of the Electoral Act. In addition, the members will also be faced with high costs in trying to get their voters to register and possibly offer money for them to do so.

- **Hon LEATINUU Wayne Soialo, Minister for Public Enterprises – Interjection:**

The Hon Minister clarified that there have been amendments made to the Electoral Act to allow people to vote where they reside for convenience; those residing in Savaii can cast their votes in Savaii, while those who reside in Upolu can vote in Upolu instead of trying to travel back and forth; Hon Minister stated that it is important to clarify this so that people will not be confused.

**Afioga PESETA Vaifou Tevagaena, Member for Faasaleleaga 5 (cont.)**

The Member stressed the importance of acquiring a national aircraft to help with certain provisions of the Bill, such as catering for the people so have to travel to Samoa to complete their biometrics for their registration process.



- **Hon LAAULI Leuatea Polataivao Fosi, Minister for Agriculture and Fisheries – Interjection:**

The Hon Minister stressed that the provision for online registration is already included in the Principal Act, however the only thing proposed by the Bill, is the process of how to conduct online registration. He then advised the Member to speak directly on the Bill and not get strayed to other matters.

**Afioga PESETA Vaifou Tevagaena, Member for Faasaleleaga 5 (cont.)**

The Member noted that he is only concerned with the timeframe with which the Bill is being proposed. Therefore, he advised the Government to reconsider proposing the Bill at a later time after the 2026 General Elections as there is not enough time. Lastly, he expressed disapproval with the Online System being proposed.

**vii. Afioga LUPEMATASILA Galumalemana Tologata Togia Tile Leia, Member for Falelatai and Samatau**

The Member expressed his support for the proposed amendments made to the Electoral Act for the following reasons. First, the current system is obsolete thus, a new one must be implemented. He believes that amendments to the Electoral Act is necessary as the Electoral Act guides the smooth facilitation of General Elections thus, if the Minister and Office deems this change necessary then so be it. In addition, the Member queried whether the Minister and Office is prepared to respond to any issues that may arise from the implementation of this new System. He acknowledged the OEC for having their IT work on the implementation of this new System however, he believes that the Office should work hand in hand with CSL as this is a very important initiative given it will determine the smooth facilitation of elections.

Moreover, the Member highlighted technical challenges which may arise with the Online System such as overseas Companies hacking our Elections if for example, they are paid by the Opposition Party or Government. Thus, the Office should be ready to respond to any of these issues. Lastly, the Member advised the Government to create a System with the intention of fair and honest Elections instead of evil intentions. Furthermore, the Member advised whether individual details from the National ID can be stored on a database and utilized for Electoral Registrations. He then proposed to have a mass database to store these types of information so that when any Government project is implemented and it requires such information they can easily refer to this database. The Member confirmed that the Online Registration is not new however, it is how it will be implemented that is of concern, such as, monitoring of overseas registrations. Lastly, the Member advised the Government to focus on training staff to use the System so that they can fully implement and utilize it effectively.

Proceedings adjourned at 1pm and will reconvene at 9:30am tomorrow, 6<sup>th</sup> March 2024.