

DISCLAIMER

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9:30am

I. ANNOUNCEMENTS BY MR SPEAKER

Mr. Speaker addressed the House and announced that the Journals from May 2022 – March 2023 have been distributed to Members as requested.

II. PAPERS PRESENTED

A total of 6 papers presented
5 Government Responses and 1 Delegation Report

III. ORDERS OF THE DAY - Consideration of Parliamentary Committee Reports

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.

The Chairperson of the Standing Orders, Electoral Petitions and Constitutional Offices Committee, Afioga AUUAPAAU Mulipola Aloitafua Mulipola, moved a motion to approve the Committee Report P.P. 2023/2024 No.49; motion seconded by Member for Faleata No. 1 and Gagaifomauga No.2.

The Chairperson greeted Mr. Speaker, Cabinet and all members of Parliament present in Chamber. He acknowledged Samoa in all its honorific salutations and greeted those tuning in to the Proceedings of Parliament.

He then presented a synopsis of the overall findings, recommendations, and resolutions of the Committees report. The Chairperson noted the importance of the Commission of Inquiry and its findings in identifying issues which occurred prior, during and post General Elections as well as to form new strategies and ideas to improve the Election process to avoid any issues and concerns raised. He touched on the appointment of the Commission and the

Terms of Reference which guided their work. He asserted that the Terms of Reference for the Commission was two-fold; there was specific focus on 2 Priority Areas;

- 1) To review the Electoral Commission's Mandates since the Independence of Samoa and recommend necessary amendments to administer future elections; and,
- 2) To thoroughly assess the issues and challenges raised from the 2021 General Election.

In adhering with the Key Priority Areas mentioned above, it was required to consider the following matters:

- i. Electoral Roll ;
- ii. Women MP's;
- iii. Territorial Constituency;
- iv. Eligibility of Candidates;
- v. Registrations of Political Parties;
- vi. Criminal Justice;
- vii. Voting of Overseas-based Samoans;
- viii. Members of Political Parties;
- ix. Re-structuring of the OEC.
- x. General Issues.

The Committee did not take lightly its consideration of the Commission of Inquiry's report when it was referred by the Assembly. All the information contained in the three (3) separate books tabled before the Assembly were thoroughly reviewed and assessed by the Committee.

The Committee Chair continued to read through the Report in its entirety, he mentioned the overall findings and recommendations put forth by the Committee, as follows:

RECOMMENDATIONS:

At the end of its consideration, the Standing Orders, Electoral Petitions and Constitutional Offices Committee recommends the Government to:

- 1) To deliberate on amendments to Article 44(1A)(a) of the Constitution of the Independent State of Samoa, which directs to the allocation of 10% of parliamentary seats for Women. The objective of this proposal is to repeal the provision of reserving 10% of seats in Parliament for women. The Committee perceives that from consultations with witnesses, it revealed that majority of opinions agrees to deactivate the usage of 10% quota for women's, due to reasons previously mentioned.
- 2) To consider repealing the current Electoral Constituency Act 2019 but reestablish the Territorial Constituency arrangement from 1991 to 2016. This structure consisted 49 parliamentary seats, and the Committee believes that this arrangement aligns closely with traditional district boundaries. Therefore, the Committee recommends to introduce amendments to certain Constituencies, as

- detailed in section 6.7 of its report under “Recommendation 5.3.4 – Traditional and Electoral Constituencies”.
- 3) To consider looking at amending Section 8(2)(d)(i) of the Electoral Act 2019, to require amending “8 years” as provided under the law, to “10 years”.
 - 4) To consider repealing the current Section 8(3)(d) and (5) of the Electoral Act 2019, but restore the previous provisions that were under the Electoral Act 1963 such as:
 - i. Section 8(3)(d) reads as follows:

“a person who satisfies the Commissioner that the person is required to obtain and has obtained medical treatment outside of Samoa not exceeding 125 days in any 1 year, but exceeding 125 days, then a medical confirmation must be acquired”.
 - ii. Section 8(5) reads as follows:

“minimum of three (3) years” means a person has been in Samoa for at least 240 days in each year for a three (3) consecutive year period ending on the nomination day but it does not include temporary absence from Samoa where such a person is overseas for official duties.”
 - 5) To consider amending Section 8(5) of the Electoral Act 2019 in defining ‘Monotaga’, and to insert the following amendments:
 - i. Monotaga, means executing monotaga faale-nuu, attend village meetings, participate in any village events and to at least acquire 50% of village meetings within one (1) year, except for Candidates holding official positions overseas;
 - ii. Provision to prioritize monotaga faale-nuu, with the exception of Urban Constituencies, where the use of matafale faale-lotu is legally mandated;
 - iii. Provision to enforce the submission of accurate verifications by Villages regarding the total number of meetings attended by a Candidate through Village representative and Village female representative.
 - 6) To deliberate on amending Section 16(1) of the Electoral Act 2019, to extend the eligibility to include grandchildren and in-laws through the Candidates children. However, in-laws who falls under (2) of Section 16 of the Act would remain ineligible. The Committee asserts that the Candidate and their family including spouse, children, grandchildren, and in-laws should accompany a Candidate to a constituency whereby the matai will contest for elections.
 - 7) To deliberate on changing the election duration from an entire week to a single day. The Committee believes that this one-day period should encompass individuals eligibility under Sections 61 and 62 of the Electoral Act 2019. Additionally, there should be a designated section termed “Green Lane” for those mandated by Sections 61 and 62 of the Act, which may also be utilized by

general voters when not in use to expedite the electoral process. When used by general voters, decisions will be based on the judgement of the staff responsible for conducting the elections during this time.

- 8) To consider amendments to Section 66(1) of the Electoral Act 2019, specifically regarding the changes of polling hours for the country's elections. The Committee recommends that polling booths should be open from 7am to 4pm on the same day. The additional hour, from 4pm to 5pm in the evening will be allocated to the staff to conclude machine and polling boxes preparations. The Committee believes that these hours are sufficient for conducting the country's elections, particularly the extra hour is for wrapping up activities, which ensures the safety of the staff before departing from their respective locations.
- 9) To consider amending Section 108(2) of the Electoral Act 2019, in order to require the substitution of the current "50%" under the law to "75%".
- 10) To consider introducing a legal provision in the Electoral Act 2019, to require the following under the law:
 - i. A Candidate who has been confirmed as the winner of an election is ineligible to withdraw once a petition is submitted to the Court by another candidate against them;
 - ii. A candidate who has won the elections but later confirms their withdrawal, should be subject to a penalty of 5 years in accordance with the provisions of the law.
 - iii. The Committee believes that there should be a legal provision, which stipulates that both Candidate who has confirmed a conviction of corrupt practice and a Candidate who withdraws should be subject to the same penalty as prescribed in Section 139 of the Electoral Act 2019.
- 11) To consider looking at the utilization and the interpretation of the term Residence provided in the Electoral Act 2019, in order to align it with the current living conditions. The Committee deems the current definition, as indicated in the Act, to be stringent and potentially exclusionary for individuals who intend to run for elections. The Committee believes that a significant portion of our population predominantly dwells in urban areas, even though it may not be their permanent residence, but rather a temporary arrangement driven by opportunities.
- 12) To consider repealing Section 101 of the Electoral Act 2019, due to inconsistencies and certain provisions within the Legislation. The Committee's rationale is that the Act already prohibits bribery, yet the practice of O'o and Momoli has led to legal challenges for some candidates accused of bribery. Oo and Momoli activities occur only once a year, while the Constituency's recurring needs persist throughout the entire term. As a result, these actions, despite its effort to meet the needs of Constituents, they are perceived as potential bribery.

The Chairman concluded by conveying acknowledgment to all Members of Parliament who attended the Committee and gave their views and opinions on the Commission of Inquiry

Report. He then acknowledged the Members of the Commission for the immense effort in preparing the Report as well as acknowledged all other Offices who also made a contribution to the Committee and its considerations.

Proceedings suspended at 10:43am and resumed at 11:13am

Mr. Speaker reminded Members of the speaking time permitted in the Standing Orders and asserted that Members are to speak for only 10mins on the report.

1. Afioga ALIIMALEMANU Alofa Tuuau - Member for Alataua

The Member commended the Committee for the report and emphasized that the Commission provided 57 recommendations in their report however, the Committee have only agreed to take 12 Recommendations on the Commission of Inquiry's report. This is an indication that the Committee thoroughly assessed and considered the Inquiry report. She then asserted that there are only 2 recommendations she would like to speak on.

The Member commended the committee for their stance on reviving the Territorial Constituencies together with additional seats for Safotulafai, Asau and Urban areas. Furthermore, she recommends retaining the 10% Women Quota as it is provided for in the Constitution. She then emphasized that the Commission never proposed to deactivate the 10% quota available for women in Parliament but provided three options for the Committee and elaborated that she read through the report and it is not provided in the report to remove the 10% for women.

She further elaborated that the Commonwealth nations often compliment Samoa and commend our nation in recognizing our first female prime minister as well as our national recognition of women members in Parliament. She also recalled a news item on television, reporting India's significant 30% acceptance of women in Parliament and referred to Samoa's 10% quota system and its significance. Furthermore, the Member reiterated that only 398 people object the 10% quota, yet that is merely 0.12% of the total population of Samoa; therefore it is an insignificant number to be the deciding factor in this matter. The Member then urged the House to reconsider addressing the issues that have come about from the implementation of the 10% quota rather than ceasing the provision completely. She then acknowledged the Hon Member for Anoamaa 2 who is also the Deputy Opposition Leader for his rejection of this recommendation as this indicates his value for his wife and daughters.

The Member understands that she is a Member who came through the 'additional seat' 10% women quota, and believes that she is the cause of this recommendation, thus urged the Committee to reconsider and take into account the future of Samoa, our daughters, sisters, wives who aspire to become a Parliamentarian.

- **Tofa Hon OLO Fiti Vaai - Interjection**

The Hon Minister reminded the Member that women have two opportunities to gain a seat in Parliament; first through general elections and second through the 10% quota.

- **Afioga AUUPAAU Mulipola Aloitafua - Chairperson – Interjection**

The Chairperson clarified that the recommendations of the Committee was based on the submissions given from the public regarding the 10% quota for women seats in Parliament.

Afioga ALIIMALEMANU Alofa Tuuau - Member for Alataua (cont.)

The Member reiterated that it is clear in the report that only 0.12% of the population were against the 10% quota, then queried what justification is there for its removal rather than finding a solution to address the issues. The member further emphasized that we should prevent involving the current differences between the political parties but should consider looking at the future of our children as their time right now is only temporary. She concluded by expressing her gratitude to the Speaker for giving her and all women the opportunity to voice their opinions on this matter and conveyed her apologies to the House in regards to her speech.

Mr. Speaker – Point of Order

Mr. Speaker advised the Member to refrain from pointing fingers to a particular political party indicating that the report under consideration was proposed by the Party but not the Committee. He accentuated that the report was compiled by the Committee as all Members are treated the same regardless of their respective political party.

2. Afioga FAAGASEALII Sapoa Feagiai- Member for Aleipata Itupa Lalo

The Member greeted Mr. Speaker, Hon Prime Minister, and fellow Parliamentarians, she then commended the women who support the 10% quota and expressed disappointment towards those who rejected the 10% quota. The Member continued by mentioning a conversation between herself with one of the Tasmania Delegation who is also the representative for CWP – Commonwealth Women in Parliament and explained the disappointment of the CWP with nations who do not provide an avenue for women to be represented in Parliament. She then concluded by calling all women, mothers, daughters to take a stand and unite for women in Parliament.

- **Afioga Hon TUALA Tevaga Iosefo Ponifasio – Deputy Prime Minister**

The Hon Minister requested to Mr Speaker to remove the words spoken by the Member for Aleipata Itupa i Lalo regarding her conversation with a member from the Tasmanian delegation. The nature of their conversation follows the 10% Women Quota in Parliament and she believes that removing this quota will put Samoa in a bad light.

Mr. Speaker

Mr Speaker then instructed the Clerk to have the words removed from Parliamentary records.

3. Afioga FEPULEAI Faasavalu Faimata Sua, Member for Salega 1

The member greeted the House and commended the Committee for their work. He touched on a specific recommendation (5.4.3) provided in the report regarding the Eligibility of Candidates to run for Parliament. He queried the provision which notes the inability of a Matai from a different village/constituency to run for another constituency, he sought clarification from this part given the division of electoral constituencies in the urban areas.

In regards to the 10%, in his opinion this quota/provision was especially appropriate during the 16th Parliamentary term, However for the current term the provision caused much dilemma; although the 5 seats reserved for women was satisfied, the decimal point was consequently used leading a prolonged debate on the matter. The Member in his opinion along with his constituency believes that if the provision was used in the same manner it was applied during the 16th Parliamentary Term there would not be any problems.

- **Tofa LEALAI PULE Rimoni Aiafi, Member for Faleata 3**

The Member reminded Afioga Fepuleai that in the 16th Parliamentary term there were only 49 Members, the current term has 51 Members.

Afioga Fepuleai Faasavalu Faimata Sua- Salega 1(cont.)

The Member noted his rejection of the 10% women quota.

Mr. Speaker - RULING

Mr Speaker gave his ruling for Members to speak on the report as it will be referred to the Executive for their endorsement before it is reported back to Parliament, he also cautioned Members not to speak on specific issues of the report, rather in general.

4. Afioga Hon LAUTAFI Fio Selafi Purcell, Member for Satupaitea

The Hon member expressed gratitude to the Committee on certain plans/recommendations they have disapproved that involved his constituency especially recommendations to divide his constituency and asserted that Satupaitea holds one of the 6 traditional authorities 'pule' of Salafai.

The Member does not agree with recommendations to remove the 10% quota based only on a small amount of witnesses who provided their opinions as this is not an adequate number. The Member stated Samoa is now part of the world community as we have signed international agreements on the involvement of women in politics and asserted that Members and everyone must support the increase of women representation in politics. He then asserted that politics has put women in an unfavorable situation by turning the quota into a mathematical equation/issue.

Afioga Hon TOELUPE Poululinuku Onesemo - Interjection

The Minister advised the member not to politicize the 10% Quota on Women entering Parliament. He reminded the Member that all Members acknowledge and admire their sisters therefore, avoid mentioning things that implies otherwise.

Afioga Hon LAUTAFI Fio Selafi Purcell, Member for Satupaitea (cont.)

The Member stressed his disapproval on the recommendation to remove the 10% quota provision and asserted that unless someone creates a better solution or calculation for the quota, the Member is adamant that it should be used.

5. Tofa Hon Tuuu Anasii Leota, Member for Siumu

The member greeted the House and acknowledged his Constituency for re-electing him to represent them once again. The member commended the Chairperson and Committee for their report. He then expressed his support for the removal of the 10% quota, due to the fact that there is nothing hindering women from entering Parliament. The member believes that such notion is applicable for countries like Pakistan and other countries which suppress the rights of women and girls however, for Samoa we highly acknowledge the presence of our mothers and women in all national decisions. The Hon member believes that for future instances after any General Election members should avoid submitting petitions against women that have won seats in Parliament. This can be a way forward instead of implementing the 10% Quota. He further noted that he did not agree with the introduction and passing of this provision in previous term.

6. Tofa LAGAAIA Tiatuau Tufuga, Member for Palauli 3

The Member commended the Committee for the report in its entirety and expressed his support on the recommendation to return the use of Territorial Constituency. However, the Member suggested to change the naming of the Electoral Constituency of Palauli 1, Palauli 2 and Palauli 3, rather it should be just Palauli. The Member supported the recommendation of women participation as it reflects everyone has equal chances to be parliamentarians. whether a man or woman wins the elections, therefore the member supports the removal of the 10% quota of women participation to Parliament.

7. Afioga FUAAVA Suluimalo Amataga, Member for Aleipata Itupa i Luga

The Member acknowledged the Chairperson and Committee for disapproving certain recommendations and acknowledged Committee for disapproving the recommendation on division of certain Territorial and Electoral Constituencies. The Member questioned on the intent of the recommendation regarding 'oo' and 'momoli' whether they are recommending to continue or discontinue this practice. The Member reiterated that in order to ensure that peace is maintained within our country. Further, stated that the law states ways to avoid these conflicts which arise after the previous general elections. The Member touched on the calculation of the quota and stated that the Constitution provides for additional seats for women.

Speaker – Point of Order

Mr Speaker reminded the Member that the Court has made its decisions on the interpretation of this provision and the Members must focus on whether they agree with the recommendation or otherwise.

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

The Member wanted to clarify the 10% Quota which has caused a lot of differences in the Chamber. He noted that this provision is only there to ensure that there are at least 10% women in Parliament. He then gave a scenario where there were no women Members after the General Election. Therefore, this 10% Quota allows another pathway for women to enter Parliament. The Member reiterated that there are other matters that women raise which men cannot comprehend, thus the importance of having women represented in Parliament. He then stated that they must consider probability, as there is the possibility that no woman will have a seat in Parliament. The member highlighted that there's equal chance for both male and female to run as candidates for parliament however, this 10% quota is only implemented if upon the completion of a GE there are no or less than 10% women in parliament.

Tofa Hon LEATINUU Wayne Soialo - Interjection

The Hon Minister noted that from all his travels overseas, people hardly talk about the 10% quota, rather praise Samoa for having her first female Prime Minister.

8. Afioga NIUAVA Eti L Malolo- Member for Vaisigano 1

The member acknowledged the Commission of Inquiry on the General Elections and expressed gratitude to the Committee on the preparations of this report. He then noted the importance of Territorial Constituencies further stating the importance of the Puleono authority. He then voiced his strong support for the 10% women quota and suggested Parliament to consider other ways to address the issues that came about from implementing the 10% quota. The Member concluded by noting that his constituency supports the quota as women have the right to have a voice or say in Parliament.

9. Afioga ALE Vena Ale, Member for Faleata 4

The Member expressed gratitude to his constituency, Faleata 4 for entrusting him again to represent their interests in Parliament.

Mr Speaker

Mr. Speaker concluded the proceedings and reminded the House to wear black attire tomorrow to again show support for the eradication of violence against women and children.

Proceedings adjourned at 1:11pm until 9:30am Thursday 26th October 2023