



[PART 2]

7. Road Traffic Amendment Bill 2015 (Second Reading)

The **Hon MINISTER OF WORKS, TRANSPORT AND INFRASTRUCTURE, MANUALESAGALALA MATI Tuigamala Enokati Posala**, sought leave of the Speaker to publically acknowledge his recently registered titles of Mati and Tuigamala in addition to Manualesagalala in recognition of the honor bestowed upon him by his family and constituency. The Minister then moved a motion for the Bill to be read a second time. Upon the motion being moved, the Minister presented a brief clarification on the Bill to the House.

The Bill amends the Road Traffic Ordinance 1960. It amends the units as stated in Clause 5 also the age of a person that is permitted to drive a motor omnibus. Furthermore, under this Bill, the current provision where drivers are given 5 days to produce their license to traffic officers will be omitted, as drivers will be required to produce their drivers licenses upon request immediately and should therefore carry their licenses with them at all times. This would address the numerous difficulties faced by traffic officers with the some members of the public.

- i. **TAFUA Maluelue Tafua, Member for Aleipata Itupa i Lalo** acknowledged the Bill for the safety of the pedestrians and drivers. Raised issue concerning power of the Police and Land Transport Authority Officers to prohibit vehicles that produce carbon emissions. LTA officers are able to take possession of a vehicle that is an inconvenience to public health and road safety as vehicles emitting these gases are increasing. The Member recommends that a provision should be inserted in the Bill that provides for the safe towing of vehicles to an agreed place of safety when it has broken down, taking into consideration the financial status of the driver. The

Member raised the issue whereby the Bill eliminates the 5 days for driver to present license. However, in Australia (Brisbane) a 2 day period is in place and in New Zealand they have a 7 day period. Recommends that a number of days should still be given to the driver to present license.

- ii. **TUFUGA Gafualeata Faitua, Member for Vaisigano No. 1** raised concerns with reckless drivers, especially in the town area. It is a safety hazard as the four lane roads are not being used as per traffic rules. The inside lane is being used for drivers that speed and the outside lane is used by slower drivers therefore during emergency cases, the emergency vehicle has to overtake the speeding vehicle in the inside lane.

- iii. **LEAUPEPE Toleafoa Apulu Faafisi, Member for Aana Alofi No. 1** advised that the Ministry should give leeway to drivers that cannot present licenses. The Member recognizes that there are some people that will not always have licenses at hand and recommends to give and few days to allow for the driver to produce their licenses. However, for cars that comply with traffic rules such as car headlights and so forth this Bill is important as it discourages the usage of unfit vehicles. The Member reiterated the view expressed by Member for Aleipata Itupa i Lalo. For the provision that limits the age to operate a motor omnibus, the Member recommended that the Authority should also recognize that even older adults are careless in driving and this provision is discriminatory and does not take into account this factor. Furthermore, the different ages of drivers and their capabilities as some drivers may be young but have more common sense than an older driver.

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- iv. **FAGAAIVALU Kenrick Samu, Member for Aleipata Itupa i Luga** expressed concerns regarding the age to grant a commercial license and recommended that the age limit for those who can drive a motor omnibus be reduced from 25 to 23 years of age.
- v. **TUSA Misi Tupuola, Member for Falealili** noted that he has worked for many years with the Transport Sector but the Ministry is only now addressing the issue of omnibus drivers that has caused many casualties in the past. The Member raised the issue of vehicles that blast music on high volumes even on Sundays and recommended that this should be considered an offence. The Member spoke in support of the age limit to operate a motor omnibus, and made note that there are too many drivers who are below the age of 25.
- vi. **AVEAU Nikotemo Palamo, Member for Faleata East** made note of the Minister's statement that if the driver does not produce a drivers license, the Officer should be able to contact the Main office to confirm license, however, this is not provided in the Bill. For vehicles that are in bound due to the drivers not having their license on hand, the Member recommended that a leeway be given to these situations to avoid hassles that the Authority and Police have to handle each day. The Member also recommends to increase the number of months for an inbound vehicle to be housed on headquarters from 3 – 5 months, as tow fees are expensive.
- vii. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 1** commented that the Metrology Bill that has just been passed made changes to the units used to the metric system, therefore Clause 5 of this Bill should be omitted.

- viii. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West** raised a concern on illegal parking in the town area and recommended that there should be multi-level parking. Furthermore, removal of speed humps should be encouraged with the exception to those in front of school areas.
- ix. **ALO Fulifuli Taveuveu, Member for Anoamaa Sasae** raised the issue regarding buses that can freely stop on any side of the road and usually stop for 10-15 minutes which can result in a number of accidents.

The **Hon MINISTER** acknowledged that the 3 month period that is provided under the Bill are for vehicles that have not been licensed, and stated that those who value their vehicle would not let it sit at the Authority for more than 3 months. Other issues of concern were duly noted.

- x. **TUFUGA Gafualeata Faitua, Member for Vaisigano No. 1** clarified that the matter raised was regarding speed limit in the inside lane. That the speed limit for the inside lane should be greater than the speed limit for the outside lane.

The **Hon MINISTER** clarified that the current speed limit for inside lane and outside lane are the same and cannot be amended to satisfy the Member as it is on the same stretch of road. You cannot have different speed limits for the same road regardless of whether it is singular lanes or double.

The **Road Traffic Amendment Bill 2015** was read a second time and referred to the Work, Transport and Environment Committee 2015.

8. Acts Interpretation Bill 2015 (Second Reading)

The **Hon PRIME MINISTER, TUILAÉPA Fatiafola Lupesoliai Aiono Neioti Sailele Malielegaoi**, moved a motion for the Bill to be read a second time. The Bill seeks to repeal the current Act which has been enforced for more than 40 years. This Bill is the interpretation of all laws for instance if the Gazette is mentioned in a legislation, this Bill clarifies that Gazette also means the Savali Newspaper, it also clarifies the difference between date of assent and date of commencement for all legislation.

- i. **LEALAILÉPUE Rimoni Aiafi, Member for Faleata West**, acknowledged the Bill and stated that the Bill seeks to clarify the use of words “shall”, “may” and “must”.
- ii. **LEFAU Harry Schuster, Member for Vaisigano West**, supported the Bill as it is long overdue as drafting styles have changed over the years and the principal act is no longer in line with those changes.
- iii. **AVEAU Nikotemo Palamo, Member for Faleata East**, raised concerns on Clause 5 on plural and singular interpretation of words in contrast with provision of Clause 42 of the Bill.
- iv. **AFUALO Wood Uti Salele, Member for Salega**, recommended that the penalties should be reconsidered in the Bill.

The **Hon PRIME MINISTER** in response to the Member of Faleata East stating that Clause 42 deals with the matter raised.

AVEAU requested for clarification on Clause 42 sub clause (2).

The **Hon PRIME MINISTER** stated that if there are irregularities in the appointment, nomination or election of a member, the Bodies policies should provide for that.

The **Acts Interpretation Bill 2015** was read a second time and referred to the Justice, Police and Prisons, Land and Titles Committee for its consideration.

Proceedings were suspended for afternoon recess at 3.10pm

Proceedings resumed at 3.45pm

9. Electoral Amendment Bill 2014 (consideration in detail)

- a. P.P. 2014.2015 No. 222, Report of the Business, Standing Orders, House and Electoral Commission Report on the Electoral Amendment Bill 2014.**

The Deputy Chairperson, **AGAFILI Patisela Eteuati, Deputy Speaker** moved for the Committee report to be approved by the Assembly. Motion agreed to.

The Bill was considered in detail along with Committee Report.

CLAUSE 11

- i. Hon MINISTER OF JUSTICE AND COURTS ADMINISTRATION, FIAME Naomi Mataafa,** amended to omit the word “poo” in the Schedule and substitute thereby the word “ma”.

The **DEPUTY CHAIRPERSON** accepted the changes brought forth by the Minister of Justice.

CLAUSE 13

- i. **Hon MINISTER OF JUSTICE AND COURTS ADMINISTRATION, FIAME Naomi Mataafa**, took note of the amendments put forth by the Committee in its Report will be considered when the Electoral Act 1963 is reviewed and put forth a counter motion for Clause 13 to continue as provided in the original bill except for Clause 11(e) to be withdrawn for further consideration by Committee and seeks Speakers approval for this amended motion.

SPEAKER left the discretion of the motion by the Minister of Justice to the Committee Chairperson.

The **CHAIRPERSON** stated that pursuant to parliamentary practices, Committee amendments cannot be amended unless the mover of the original motion withdraws his motion.

The **Hon MINISTER** clarified that Committee has put forth motion and she has merely made an amendment to the motion which is common procedure.

The **Hon PRIME MINSITER** advises that when there is a motion by the Minister, it is adhered to by the Cabinet and the party therefore the Minister of Justice's motion should be heard.

The **LEADER OF OPPOSITION** stated that the Bill was considered by the Committee and the Minister did not express her views before the Committee but has decided to wait until this time to do so which is disappointing.

The **Hon MINISTER** stated that for the information of the public and some of the Members, the major amendment by the Committee affects the Safata constituency. Clarified that the recommendations made by the Commission of Inquiry in 2011 was the basis of this amendment. This has resulted in a difference of opinions within Safata constituency.

The **Hon PRIME MINISTER** stated that counter motions are not new. This is pure democracy. The question will be put and a vote is made on the motion. Recalled the deliberation of the Central Bank Act when there was a similar occurrence and it is advised that the Cabinet Ministers motion is considered.

- ii. **TUUU Anasii Leota, Member for Siumu**, stated that the procedures are breached with the current disagreements. The Prime Minister has clarified the normal passage of Bills and yet he is confused because the Committee motion has been put and the disappointment of the Committee is state on page 2 of the Report. The Member queried the purpose of Parliamentary Committees given the procedures in place.
- iii. **LEALAILEPULE Rimoni Aiafi, Member for Faleata West**, queried the Committee's amendment and how valid it is in this forum.

The **Hon MINISTER OF WOMEN**, clarified comments by the Chairperson that an amendment cannot be made on the Committee motion. To his recollection there was no amendment to the Standing Orders and the question should be put on the counter motion made by the Minister of Justice. The Hon Minister clarified for the information of the public listening in that the procedures are in place and the question should be put on the motion by the Minister of Justice.

The **LEADER OF OPPOSITON** clarified for the information of the public that the Prime Minister is a member of the Committee that considered the Bill but there is ambiguity as he is voting against a Committee resolution.

The **PRIME MINISTER** stated that he also cannot go against decision made by the Cabinet as he is the leader of Cabinet.

LEALAILEPULE stated that he agrees with the Prime Minister that procedures can change however, the Committee resolutions have been made. The Hon Prime Minister should remember his comments that politicians plan for the General Elections but Statesmen plan for the future generations.

The **Hon MINISTER OF JUSTICE** stated that there are 2 major amendments she intends to propose, first is to have just one roll for all voters therefore the individual voters roll will be removed.

Note: Heated Debate between the Leader of Opposition, Minister of Justice and the Minister of Works on the proposed electoral boundary for Safata.

The **SPEAKER** advised Members to refrain from making accusations as the public are listening.

The Hon **PRIME MINISTER** stated that the Safata Constituency has visited him thrice however, at the end of the day Parliament makes the final decision.

The **DEPUTY LEADER OF OPPOSITION** stated that procedures have been muddled, as the motion put forth by the Minister of Justice should have been

addressed during Committee consideration in Committee stage and not in Assembly as is now the case.

The **Hon MINISTER** clarified that as per provisions of the Standing Orders the Minister is not required to attend the Committee meetings. She can only be “invited”. Standing Orders state that the Committee may invite the Minister to comment. Furthermore, the Attorney General and Office of the Electoral Commission were witnesses, however, the Committee has only approached her once.

The **LEADER OF OPPOSITION** accused the Minister of Justice of ridiculing the Committee of whom the Speaker and Prime Minister are members.

The **Hon MINISTER FOR REVENUE**, mentioned that he was a former MP for Safata for 20years but he was betrayed by the current Leader of Opposition. He also stated that the boundary for Safata is correct in the original clause of the Bill and disagrees with the Committee’s amendment.

The **LEADER OF OPPOSTION** raised concerns against the statement by the Minister for Revenue.

The **SPEAKER** clarified that the Committee carried out its investigations and the Chairperson read out the findings and recommendations. Apologizes to the public listening in for the events this evening. Decision will be made on the motion.

The **LEADER OF OPPOSITION** requested a Division and was seconded by the Deputy Leader of the Opposition.

A Division was called and 29 Ayes were recorded with 10 Noes.

Clause 13 of the Bill remains unchanged.

The **Electoral Amendment Bill 2015** progressed with amendments.

10. P.P. 2014/2015 No. 223, Report of the Business, Standing Orders, House and Electoral Committee on the Review of the Electoral Act 2015

The Deputy Chairperson, **AGAFILI Patisela Eteuati, Deputy Speaker** moved for the Committee report to be approved by the Assembly. Motion agreed to.

- i. **Hon PRIME MINISTER, TUILAEPA Fatialofa Lupesoliai Aiono Neioti Lupesoliai Malielegaoi** acknowledged the Committee Report on behalf of Cabinet and made note that some of the recommendations would result in the Constitution being amended, of which the Cabinet would consider and the final decision brought to the Parliament.
- ii. **AVEAU Nikotemo Palamo, Member for Faleata East**, addressed conflicting issues and queried recommendations 4, 7 and 8 of the Committee report. For Recommendation 7, he stated that there will be a conflict of interest of members of the Business Committee and the petitioner. As for recommendation 8, concerned that the fines are too much and may not be affordable by the majority of the registered voters as they are 21 years without stable employment. The Member also stated that there are some Religions that do not vote is quite a harsh recommendation. Part 6 and Part 9 states penalties against candidates they are in conflict with each other.

- iii. **LEAUPEPE Toleafoa Apulu Faafisi, Member for Aana Alofi No. 1**, acknowledged the report and praised the recommendations put forth by the Committee in its report.

The Hon Minister for Electoral Commission interjected before question was put for the approval of the Committee's report to have the question changed from "**approve the Report**" to "**record the Report**". Mr Speaker rejected her suggestion and proceeded to put the question as per normal practice.

The Committee report was approved by the Assembly.

MOTION:

The **Hon PRIME MINISTER** moved a motion to suspend Standing Orders 107(4) to allow for the Electoral Amendment Bill 2015 to be read a third time.

11. Electoral Amendment Bill 2015 (third reading)

The **Hon MINISTER OF JUSTICE, COURTS AND ADMINISTRATION, FIAME Naomi Mataafa** moved a motion for the Bill to be read a third time. Upon approval of the motion the Bill was read a third time and has passed the House.

Proceedings adjourned at 6.00pm

The House will recommence on Tuesday 21st of April at 9.00am.