



[PART 2]

MAUALAIVAO Pat Ah Him, *(continued)*, reiterated comments made earlier. The Member requested that the Member of Faleata West clarify on comments made.

LEALAILEPULE clarified that the Bill be referred for Committee review instead of progressing to the next stage in Assembly.

The **HON MINISTER** on a point of order to the comments made by the Member (Maualaivao) stated that there is no other committee above the Committee of the Whole Assembly now in session.

MOTIONS:

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Auelua Lupesoliai Aiono Neioti Sailele Malielegaoi**, moved a motion to suspend standing orders 31(1) to amend sitting hours; for today 9:00 am to 1:00pm and resume at 7:00pm till 11:00pm, for tomorrow 9:00am to 1:00pm and resume at 3:00pm till 7:00pm.

The motion was approved by the Assembly.

The **Hon PRIME MINISTER, TUILAEPA Fatialofa Auelua Lupesoliai Aiono Neioti Sailele Malielegaoi**, moved a motion to suspend standing orders 100(1) for all Bills read a first time today to be second read tomorrow.

The **Hon LEADER OF OPPOSITION, PALUSALUE Faapo II, Member for Safata**, raised concerns in suspending standing orders, stated that the purpose of the Standing Orders is so that there is sufficient time to consider each Bill before debates.

The **Hon PRIME MINISTER** stated that Bills that are not under an Urgency Certificate will be referred to Parliamentary Committees after they are second read tomorrow, however, Bills that are introduced under Certificate of Urgency will circumvent this process.

The Motion was approved by the Assembly.

- vii. **LEVAOPOLO Talatonu, Member for Gagaemauga No. 2**, queried the constitutional rights of the accused to appeal a decision against his candidature in Elections as there is a clause in the Bill that prohibits an appeal against an order made against a candidate who has been challenged and prohibited from contesting.

- viii. **AVEAU Tuala Lepale Niko Palamo, Member for Faleata East**, made reference in using the old roll, suggested whether possible to use the new rolls for the proposed Boundaries in the Bill. The Member also suggested for the Births, Deaths Management Division and the Electoral Office utilize the Broadband Highway in order to share information. Finally the Member queried the 6months requirement for Urban Constituencies.

The **Hon MINISTER** clarified that the 6 month requirement are for voters and not particularly candidates.

AVEAU questions the provision for 6 months in comparison to the Electoral Act which provides for a candidate to have lived for 3 years before satisfying the candidature eligibility provision, but it is only 6 months for the voter. Also in relation to the electoral roll, if this is considered, there should be an additional seat for Faleata in order to address the increasing roll. The Member recommended that there should be an additional seat for Faleata West, as compared to Vaimauga which was one constituency however it has only recently been divided into two of which they will have 4 additional seats.

The **Hon MINISTER for Communication, Information and Technology, TUISUGALETAUA Sofara Aveau**, stated that the Member should direct his comments only towards Faleata which is his constituency.

AVEAU stated that there should be uniformity in the division of Faleata and Vaimauga as both territorial constituencies are in the urban area with similar roll numbers.

- ix. **TUFUGA Gafoaleata Faitua, Member for Vaisigano No.1**, supported an additional seat for the urban constituency as this will allow for election of a member to raise matters that need improvement within the town area. Furthermore, some Savaii residents have private properties in the town area and improvements they may need are not covered by their member as it is not within his geographic responsibilities. However if there is an urban seat,

they can vote for a candidate that will speak on their behalf. In terms of ballot booths in the urban areas as a cost saving measure there should not be any due to its proximity to the election headquarters.

- x. **TUISA Tasi Patea, Member for Sagaga le Falefa**, showed concerns on the new proposed legislation as it will highly impact his constituency. The Member made note that there is a large portion of voters who reside on freehold land in Aleisa and Tafaigata. Requested that individual voters be merged into the urban constituencies or if not there should be an additional representative from the constituency as the number of voters are increasing.
- xi. **LENATAI Victor Faafoi Tamapua, Member for Vaimauga Sisifo**, supported the comments made by the latter Member regarding the impact of the new changes. The Member conveyed his gratitude for what he perceives as an additional seat given for his district.
- xii. **Hon TUUU Anasii Leota, Member for Siumu**, suggested that the Government review the proposed changes as it is geographically illogical.
- xiii. **Hon FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa**, raised concerns on the three (3) working days as stated by the Bill given to candidates after nomination day to challenge the qualification of another candidate, stating that this will only benefit Upolu as for Savaii the 3 working days will not suffice, suggested that it be amended to 5 working days.

The **Hon MINISTER** on a point of order stated that the matter raised by the Member has been passed by Parliament.

Hon FAUMUINA queried as to what would happen to a candidate who wins an election and has been sworn in as a Member of Parliament but only found on a later date on bribery or any corrupt act. The Member stated that there is a three year requirement for the candidate to live in Samoa and serve his constituency before being able to run instead of the 6 month that is being proposed for Urban Constituencies.

The **Hon MINISTER** clarified that the 6 months is for the voter not the candidate, as for service rendered to the village or church, this is not applicable to the urban constituencies as this constituency consist mainly of people residing on freehold land and are not subject to the rule of village councils.

Hon FAUMUINA raise concerns and stated that overseas voters are able to reside in Samoa for three (3) months and vote. The Member queried as to why there is discrimination in providing 6 months for local residents before registration whereas those living overseas are entitled to register within a shorter period of time.

The **Hon MINISTER** clarified that this requirement is only for those who live on freehold land and not in villages under matai control.

Hon FAUMUINA stated that the residency requirement should be the same for urban seats as it is for traditional territorial constituencies. The 6 months provision is discriminatory in comparison to the 3 year residency requirement provided for the other electorates.

TUISA queried whether the 6 months is only for the transitional period.

The **Hon MINISTER** sought leave from the Chair in order to respond to the question made by **TUISA**, upon the **SPEAKERS** approval the **Hon MINISTER** clarified that the 6 months is a requirement for the voters to live within the boundaries of the urban constituency before they can be a part of the roll.

Hon FAUMUINA (continued) expressed gratitude for the explanation by the Hon Minister.

- xiv. **TIALAVEA Fea Tionisio Seigafolava, Member for Vaa o Fonoti**, queried the requirements for a candidate to run for the Urban Constituency, as to whether the Candidate is also required to reside within the Constituency for 6 months as required for voters.

The **Hon MINISTER** clarified that the 6 months requirement is for the voter in order to vote for the urban seat.

TIALAVEA raised concerns on services rendered to the village or churches as is done for traditional constituencies, stating that the Bill is bias towards urban voters. There should be consistency for all candidates in regards to the requirements to become a candidate. The Member made note of the Commission of Inquiry Report 2011, stating that there have been numerous inquiries regarding this legislation as issues always arise after each General Election. Recommended that there should be a new act to repeal the Electoral Act 1963 to accommodate the new changes. Furthermore, that the Bill be

referred to a Committee as there are other views that need to be put forth to the Committee.

- xv. **TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No. 3,** stated that the Bill is not clear on the qualification for candidates running for urban seats. As it is, the bill can be interpreted to mean that prospective candidates who wish to contest the upcoming General Election can register on the urban roll within 6 months as per provision and thereafter be eligible to contest as a candidate given he will be registered on the roll, this is discriminatory. Furthermore, the Member stated that he does not support the Bill as there are villages missing from the boundaries as mentioned by previous members.

LEALAILEPULE stated that the Cabinet has already passed a definition for urban area and its boundaries under “urban area” for standardization and this definition is now used by the Ministry of Natural Resources and Environment, Bureau of Statistics and other entities.

TOEOLESULUSULU suggested whether if possible to review the boundaries and consider areas where it is heavily populated. As boundaries should be clearly defined as a voter from Aele or Aleisa can vote for an urban candidate but you should stick to the boundaries when they are set.

- xvi. **Hon AEAU Peniamina Leavaiseeta, Member for Falealupo,** requested that the Bill e referred to the Committee for consideration.

- xvii. **PESETA Vaifou Tevaga, Member for Faasaleleaga No. 4**, noted that the Bill makes changes to boundaries in Upolu, however, queried boundaries of Savaii. Proposed that there should be an urban seat in Savaii especially for Faasaleleaga as it also has an international port, hospital and other services.
- xviii. **AGAFILI Patisela Eteuati Tolovaa, Deputy Speaker, Member for Palauli Sisifo**, stated that has been a decrease in the number of individual voters therefore it is appropriate that the individual voters seats be removed altogether.

Proceedings were suspended at 1.00pm to resume at 7:00pm.