

DISCLAIMER

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DAY 3: THURSDAY 13th AUGUST 2015

TIME: 9:10am

[PART A]

I. GOVERNMENT ORDERS OF THE DAY

1. ELECTORAL AMENDMENT BILL 2015 – debate on the second reading continued.

i. *FAIMALOTOA Kika Stowers Ah Kau, Member for Gagaifomauga No.1*

The Member noted her support for the Bill and gratitude to the Minister for the consultations that were held between the Electoral Office and the women in Savaii. It was an opportunity for the women to get clarification as to eligibility criteria for electoral candidates. The Member acknowledged the efforts by the Male parliamentarians in encouraging women to become involved in Parliament.

ii. *AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East*

The Member queried the advice given by the Assistant Chief Executive Officer in regards to the requirement for women's village service as was referred to by the Member for Gagaifomauga No.1

iii. LEALAILEPULE Rimoni Aiafi, Member for Faleata WEest

LEALAILEPULE queried whether there is to be a women's party for the upcoming general elections.

iv. FAIMALOTOA Kika Stowers Ah Kau, Member for Gagaifomauga No.1

FAIMALOTOA clarified that it was a women's committee which requested a consultation with the Electoral Officer, not a women's political party.

v. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga (Government's Response)

The Hon Minister detailed the principal objects of the Bill - First, to remove the individual voters roll and second, the division of 2 seat constituencies to permit the establishment of an Urban Seat Roll. The Hon Minister noted that the establishment of a single roll is to reflect unity. FIAME further stated that with the ever increasing number of residents residing on freehold land in the urban areas (which are parts of Faleata and Vaimauga) there was a disagreement as to where these residents should vote. As a result, it was decided that there should be Urban constituency seats.

The Hon Minister then recounted the history of Samoa's electoral system and noted that at the time of Constitutional Convention, Samoa wanted to model the electoral system on the matai system. Post referendum, the United Nations decided that the electoral system should be based on matai suffrage. The history of the electoral system emphasises the importance of Samoa's matai system; which is its essential foundation.

The Hon Minister stated that the Bill is a result of Government efforts to accommodate requests and recommendations put forth by Members in previous

parliamentary sittings. In terms of the provision for '3 year village services', this is to again emphasise the matai system which encompasses duties, responsibilities and service. Members have stated that the provision is merely a Government strategy to advance their electoral ambitions and that it makes possible the inclusion of matais who have not rendered service to become parliamentarians. The Hon Minister stated that such notions are shocking. FIAME stated that voters are not so ignorant that they would vote for candidates who have not rendered services.

- **PESETA Vaifou Tevaga, Member for Faasaleleaga No.4** sought leave to speak but was denied by Mr Speaker; due to the fact that the Hon Minister had not directly referred to him in her speech therefore there are no grounds for him to reply to the Minister.

vi. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga.

The Hon Minister noted that when amendments are made to the Electoral Act, it in turn amends the faamatai. The provision of 3 years for service is on a guideline, it does not restrict one's length of service.

vii. AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East

The Member queried the eligibility of a candidate who was bestowed a title 2 years prior to general elections.

viii. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga.

The Hon Minister stated that these issues should be reserved for when the Bill is considered in detail.

ix. LEVAOPOLO Talatonu, Member for Gagaemauga No.2

The Member stated that when a Minister provides a response, Members are entitled to query him or her on the contents of her response.

x. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

LEALAILEPULE stated that the Hon Minister has put too much emphasis on the faamatai system and has forgotten that changes that have been implemented since universal suffrage. For example, women's compulsory participation in politics is not part of the faamatai; the Hon Minister's statements regarding the importance of promoting the faamatai system are meaningless.

xi. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga.

The Hon Minister stated that all Members in the House are matais who are the leaders and decision makers of the country. Members' presence in the House is a result of our forefather's efforts and vision that the matai system would be the foundation of Samoa's electoral system.

xii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member clarified that he had not referred to the faamatai system as being "useless" or "forgotten" but rather that the recent changes to the electoral system have not been a reflection of the faamatai system.

xiii. LEFAU Harry Schuster, Member for Vaimauga West

The Member noted that the faamatai system dictates that the family decide on a candidate; there is no difference in choosing a matai in these two circumstances. LEFAU queried the eligibility of a matai who has served for 3 years but what about other matais who have rendered long time service.

xiv. LEVAOPOLO Talatonu, Member for Gagaemauga No.2

The Member reminded the Minister the Government has instituted all the amendments to the Electoral Act and now the Government claims they are attempting to revert to emphasis on the faamatai system.

xv. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister reminded the House that only the merits are under discussion and that further debate is available during consideration in detail.

xvi. Hon LEAUPEPE Toleafo Apulu Faafisi, Member for Aana Alofi No.1

The Hon Minister pointed out several differences between the faamatai system and the Westminster system. For example, one suli may be made a matai and another chosen to be the Sa'o. He told the House that Members should not attempt to argue with the Hon Minister as it is believed in the Samoan culture, that if a brother quarrels with his sister he is a coward.

xvii. Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata

Hon PALUSALUE acknowledged the Hon Minister's comments but noted that there are pressing questions that the Opposition must ask.

xviii. Hon FIAME Naomi Mataafa, Minister for Courts, Justice & Administration and Member for Lotofaga

The Hon Minister reminded the Assembly, that not all were men and that some consideration needs to be given to the minority women Members. She referred to the story of the leading warrior woman 'Nafanua' who was mistaken for a man

during warfare, until her 'tiputa' was blown by the wind.

xix. LEVAOPOLO Talatonu, Member for Gagaemauga No.2

In regards to the use of the word "strategy", the term was used to illustrate the fact that legislation is the most effective strategy to effect change; this Bill is an example of such a strategy.

xx. Hon FIAME Naomi Mataafa, Minister for Courts, Justice & Administration and Member for Lotofaga

The Hon Minister clarified that in terms of "tautua", sympathetic sentiments put forward by the Leader of the Opposition in regards to possible women candidates, may in fact dissuade mothers from running for elections. I empathize with the Leader of the Opposition but also correct him. The women within this Chamber are matai like their male counterparts. The 3 year village service provision applies to all candidates, regardless of gender. The provision is a special measure. The Pacific has the lowest number of women representation in parliament, therefore the benchmark has been legislated to encourage and permit additional women to enter Parliament.

xxi. Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata

The Leader of the Opposition clarified his comments. He stated that there appears to be a conflict between Government's intention to increase women's participation in Parliament and the provisions of this Bill. The Constitutional Amendment enacted in 2013 promotes women's participation, and as a consequence many women in Samoa endeavoured to get matai titles. This Bill now provides that a candidacy requirement is that matais must have rendered village service for at least 3 years. This is where the discrepancy lies; there are women who will have not fulfilled this requirement therefore will be disqualified from running for elections.

xxii. Hon FIAME Naomi Mataafa, Minister for Courts, Justice & Administration and Member for Lotofaga

The Hon Minister stated that the Constitutional Amendment was an initiative to increase women's representation in the House to the 10% benchmark. The provision under discussion may be viewed as the second initiative. Statistics from 2006 to 2011 show that 50% of women candidates were unsuccessful at elections; this is not helped by sexist views held by some that a women's place is at home to care for their children and not entitled to run for a seat in the Assembly.

xxiii. Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata

The Leader of the Opposition reiterated the apparent conflict between the Government's intention to increase women's participation and the proposed 3 year requirement for village service.

xxiv. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member stated that the Hon Minister's comments were offensive stating that such a statement has never been made in the Chamber; that is, that women should focus on breastfeeding their children and not be involved in politics.

xxv. Hon PRIME MINISTER

The Hon PRIME MINISTER stated that there can never be 100% representation for either gender and that there are no limitations placed on women to enter politics. Samoa is a small country in the Pacific and has since benchmarked the minimum number of women to be in Parliament. In other countries, some women are appointed directly and therefore other women become discouraged as there is no equality in the electoral process.

- *PESETA Vaifou Tevaga interjected and addressed Mr Speaker querying why the Hon PRIME MINISTER was permitted to speak whereas his earlier request was denied. The Leader of the Opposition informed the Member that since the Bill is a Government Bill, Members of the HRPP party should not need to time to speak as it is the role of the Opposition to query the Government.*

xxvi. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister stated that if this provision does not apply to women, those candidates who are then covered by the 10% quota will not be taken seriously but rather as “partial-MPs”.

xxvii. LEVAOPOLO Talatonu, Member for Gagaemauga No.2

The Member informed the Hon Minister and the House that the term “fasi-faipule” (partial MP) was not used by an Opposition member but by the Member for Siumu [who is an HRPP member].

Proceedings were adjourned at 10:35am and resumed at 11:24am.

- *A motion was moved by the Hon PRIME MINISTER to set aside S.O 31(1) to extend sitting hours; the motion was approved. Proceedings will be suspended at 1:00pm and the Assembly will reconvene at 7:00pm.*

xxviii. Hon TUUU Anasii Leota, Member for Siumu

In response to the comments made by the Member for Gagaemauga No.2, TUUU stated that the Hansard will show that he had not made such a comment.

xxix. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister informed the Leader of the Opposition that the women's quota was implemented with good intentions. In response to the Leader of the Opposition's earlier comments that the "playing field" is uneven; this is a universal truth. Strategies and legislation are insufficient to ensure a level playing field due to the nature of commonly held stereotypes. Such as the view that women are an inferior gender whereas power and authority is inherently a male trait. The Hon Member noted that there is a saying that "foundations remain the same, but practices change." Practices change according to circumstances; a prime example of this was the adoption of universal suffrage.

xxx. Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata

The Leader of the Opposition again stated that the proposed provision would hinder women's ability to gain seats in Parliament. He then queried why the term was for 3 years when most people begin service in their adolescence? He further queried the reason for this new proposal when the benchmark was passed less than 3 years ago. Women who have been bestowed matai titles after the Constitutional Amendment will be ineligible to run for elections; this recommendation should have been left until after the 2016 general elections.

xxxi. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister noted that in 1991, upon universal suffrage, all women over the age of 21 were able to run for elections so long as she had a matai title. The real objective of this provision, according to the Hon Minister, is to ensure the woman's voice will be heard in Parliament. However, it has become apparent from comments made that Members believe the amendment is to benchmark the number

of women in Parliament. However, women have held matai titles and served their villages long before the Constitutional Amendment. The Hon Minister emphasised the notion that “actions speak volumes”, one’s service speaks for itself. The current arrangement of seats in Parliament has 3 women Members, all of whom represent the Government. This is enough evidence to disprove the Leader of the Opposition’s assertions that women’s attempts to run for elections are hindered.

xxxii. *Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata.*

The Leader of the Opposition continued to assert that the main purpose behind benchmark was to encourage women to run for elections; which resulted in many women being bestowed matai titles. He then stated that the 3 women Members of Parliament are only part of the HRPP because they are guided by party lines.

xxxiii. *LEALAILEPULE Rimoni Aiafi, Member for Faleata West*

LEALAILEPULE stated that proceedings were being unnecessarily drawn out due to the Minister’s comments towards the Opposition. He stated that the only view held by the Opposition is that the restrictions proposed in the Bill should be removed to encourage women candidates to run for elections.

xxxiv. *AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East*

AVEAU asserted that the real restriction on women’s representation is the faamatai system itself. He suggested that the faamatai system be changed as opposed to Parliament struggling to strike a balance between tradition and Western democratic ideals.

xxxv. Hon GATOLOAIFAANA Amataga Alesana-Gidlow, Member for Faasaleleaga No.1

Hon GATOLOAIFAANA corrected the Leader of the Opposition's comments that the women members of the HRPP Party are guided by party lines. Also, that women MPs were in Parliament on 'tautua' and merit.

xxxvi. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister reiterated that the provision is merely a precautionary measure. In regards to women who were bestowed matai titles after the Constitutional Amendment simply to be eligible to run for elections, the Hon Minister claimed them to be "shallow" women with "limited vision for development".

xxxvii. Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata.

The Leader of the Opposition emphasised that the Opposition are great supporters of Parliamentary initiatives.

xxxviii. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister stated that the Leader of the Opposition's actions and words, in terms of his support for women participation, are not balanced. She sympathised with the outpour of 'love' (Talofa e) of the Opposition for women yet this is not balanced with their actions. She informed that the Leader of the Opposition in giving a speech in the recent past had referred to the current women in Parliament and the factors attributing e.g. not married, widow, married a foreigner etc. She noted there was nothing attributed to the 'tautua' and the merits of the women Members of Parliament.

xxxix. Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata.

The Leader of the Opposition clarified that the speech he had delivered during women consultations with the Electoral Office were about the history of women in Samoa's Parliament. He noted that women, who have entered Parliament since Independence have either been unwed, widowed or was married to a European. He stated that the Minister was misconstruing his statements and that his advice would be for her to not "beat around the bush".

xl. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister noted that the Leader of the Opposition's comments were offensive to those women who have been Members of Parliament. She stated that the Leader of the Opposition does not seem to think that one's personal merits are to be taken into consideration. He seems to imply that unless a Samoan woman marries a European man or a Chinese man or is widowed, she will not be able to secure a seat in Parliament. This statement then means that women who are married to Samoan men are in some way, disadvantaged.

xli. LEALAILEPULE Rimoni Aiafi, Member for Faleata West.

The Member noted that the Hon Minister was not acknowledging the Opposition's support. He again suggested that the proposed restrictions be removed.

- Mr Speaker ordered that withdrawal of the words spoken by the Member for Faleata West from Official Records.
- A short exchange ensued between the Member for Faleata West and the Minister for Women, Community & Social Development.

xlii. FAIMALOTOA Kika Stowers Ah Kau, Member for Gagaifomauga No.1

The Member for Gagaifomauga No.1 stated that she had personally witnessed the speech made by the Leader of the Opposition as referred to by the Minister for Justice. She expressed her disappointment at the accusations issued by the Leader of the Opposition, particularly as there are only 3 women representatives in the House and they feel cornered by the Opposition. FAIMALOTOA recommended that the Chair issue a ruling to prohibit the continued negative statements made against women.

xliii. Hon PALUSALUE Faapo II, Leader of the Opposition and Member for Safata.

LEALAILEPULE clarified his statements and stated that they were made in humour and jest and apologised if he had offended any women.

xliv. Hon PRIME MINISTER

In response to the Leader of the Opposition's comments, the Hon PRIME MINISTER asked for him to explain what accusations were made against him.

xlv. LEALAILEPULE Rimoni Aiafi, Member for Faleata West.

LEALAILEPULE replied to FAIMALOTOA's comments by saying "Welcome to Politics", he continued by stating that this is the nature of politics but Members should refrain from misconstruing what Member's actually say.

xlvi. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

The Hon Minister accused the Opposition of discriminating against women. She clarified the second objective of the Bill as being a means to address the

inconsistency of the term of imprisonment relating to the disqualification of candidates and the vacating of Member seats. She stated that 4 years is appropriate. She then clarified the 4th objective as being a means to provide for the right descendants (suli) of those from Vaimauga and Faleata Territorial Constituencies the option to vote in the territorial seats in those areas.

xlvi. LEALAILEPULE Rimoni Aiafi, Member for Faleata West.

LEALAILEPULE stated that there should be provisions for different punishments for candidates running for Parliament and one who is an existing Member.

xlvi. Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga

In reference to provision 4, the Hon Minister stated that this would make it easier for those residing in these Territorial Constituencies but do not have kinship ties to vote for the Constituency in which they reside.

In regards to the other issues raised by Members, the Hon Minister noted that for the registration deadline, after consultation with Cabinet and the Attorney General, changes to the timeframe are difficult to make. Four (40 months is given to the Electoral Commission to ensure the roll is correct and closed at the appropriate time to ensure ample preparation for the Elections. It is for this reason that the dates of closure for the registration of voters and candidates cannot be the same.

xlix. PESETA Vaifou Tevaga, Member for Faasaleleaga No.4

The Member clarified his earlier comments. He stated that the current Members of Parliament will run in the upcoming elections; however during the holiday season they will be busy providing assistance to their constituencies. On the other hand,

new candidates will not have declared their candidacy and will not have contributed to the constituency events during this time as the date of declaration is in January.

I. *Hon FAUMUINA Tiatia Faaolatane Liuga, Member for Palauli le Falefa*

Hon FAUMUINA requested that Mr Speaker order the comments made by the Hon Minister for Justice regarding her “tiputa” (poncho) to be removed from Official Records.

- *An exchange ensued between the Members for Faleata West, the Hon Minister for Justice, Member for Gagaemauga No.2 and the Member for Palauli le Falefa.*
- *Mr Speaker informed the House that he would decide whether to withdraw the Hon Minister’s comments from the Official Records.*
- *An exchange ensued between the Hon Minister for Justice, and the Members for Gagaemauga No.2, Palauli le Falefa, Salega and Faleata West,*

ii. *Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga*

The Hon Minister stated that the issue of de-facto relationships needs to be properly researched and considered as marriages and relationships are provided for under separate legislation. De-facto relationships cannot be recognised in this Bill if they are not recognised under the relevant family laws of Samoa. In regards to an online registration system, she stated that such an initiative is near completion in addition to fingerprint identification for voting. In reference to descendants voting for their matai, if one has multiple titles, she or he may choose which title to

register under. That same Constituency is where she or he must run for elections. The spouse and children may vote for a matai in that village so long as it is a different village for that which they reside in.

lii. *AVEAU Tuala Lepale Nikotemo Palamo, Member for Faleata East*

AVEAU noted that the law is open to those registered for the Urban Roll. He did however suggest that this same freedom be afforded to all other constituencies.

LEALAILEPULE and **LEAUPEPE** both concurred with Aveau's suggestion.

liii. *Hon FIAME Naomi Mataafa, Minister for Justice, Courts & Administration and Member for Lotofaga*

The Hon Minister stated that this freedom has been afforded to the Urban Roll voters because they live on freehold land. It cannot be extended to other constituencies because it is inappropriate to permit a matai of one village to have authority over a matai of another village.

liv. *LEALAILEPULE Rimoni Aiafi, Member for Faleata West*

LEALAILEPULE clarified that the request is to permit matai to vote in the place of his or residency, not run for elections for that same Constituency.

lv. *Hon PALUSALE Faapo II, Leader of the Opposition and Member for Safata*

The Leader of the Opposition noted that their concern was the consistency of provisions and legislation; there should be no apparent contradictions. In response, the **Hon Minister for Justice** clarified the difference between the current framework (that will be removed) and the new system under the Urban Roll.

lvi. *Hon PRIME MINISTER*

The Hon PRIME MINISTER informed the House that a historical year in relation to elections was 1982; a commission of inquiry was established to enquire into electoral matters. As a solution to the various electoral issues, the Government set up a system of voter identification cards. Immediately prior to this, it was the first time a Prime Minister had lost his seat due to a voter using the identity of a deceased person. The use of identification was a solution to tackle this problem. Unfortunately, voters began to duplicate their IDs. As a solution, the registration of matai titles was used to ensure matai were limited to voting within their own Constituencies. These are examples of initiatives that the Government has attempted to implement to solve voting issues.

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Ivii. *LEALAILEPULE Rimoni Aiafi, Member for Faleata West*

LEALAILEPULE stated that the Hon Minister has referred to “matai” too frequently. He noted that what is being discussed is one’s right to vote.

Iviii. *Hon PALUSALE Faapo II, Leader of the Opposition and Member for Safata*

The Leader of the Opposition voiced his disagreement with the Hon Prime Minister’s suggestion that if one wishes to vote for his or her spouse, they should not be bestowed a matai title.

Proceedings were suspended at 1:05 pm.

Proceedings will reconvene at 7:00pm, Thursday 13th August 2015.