

DISCLAIMER

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DAY 1: THURSDAY 27th AUGUST 2015

TIME: 7:00pm

[PART B]

I. GOVERNMENT ORDERS OF THE DAY continued

**1. ELECTORAL AMENDMENT BILL (No.5) 2015 – second reading debates
continued**

i. PAPALII Lio Taeu Masepau, Member for Faasaleleaga No.2

The Member noted his satisfaction with the definitions of 'tautua' within the Bill. He stated that the words 'service' and 'village' have satisfactory definitions as they encompass everything that is applicable to all Members of Parliament. He noted the definition of 'village service' is different as sub clause (a) is applicable to only 47 Members of Parliament whereas sub clause (b) is applicable to 2 Members only. The Member stated that it is sub clause (b), which is presently causing a lot of resistance to the Bill. He continued by stating that Article 13 of the Constitution protects certain personal liberties including the freedom of speech, assembly, association, movement and residence. The Bill provides only the two Members under the current Individual Voters Roll to be granted these freedoms; in that sense, the Bill is unconstitutional.

ii. FAGAAIVALU Kenrick Samu, Member for Aleipata Itupa i Luga

The Member for Aleipata Itupa i Luga noted his support for the Bill and stated that it is long over due. He recommended that candidates who are successful in the

upcoming elections should be required to permanently reside in the Constituency, which they represent.

iii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

LEALAILEPULE stated that it appeared as if the Member was implying that the Bill will be beneficial to him.

iv. FAGAIVALU Kenrick Samu, Member for Aleipata Itupa i Luga

FAGAIVALU noted that many Samoan who reside overseas wish to run for elections upon retirement but can no longer do so due to the 3-year service requirement. He then requested that candidates for the Urban Constituency leave the voters for the Territorial Constituencies and focus only on those who reside in the Urban Constituency.

v. MAUALAIVAO Pat Ah Him, Individual Voters

MAUALAIVAO stated that there was no intention to campaign for voters from anyone else's Constituency.

vi. Hon PRIME MINISTER

The Hon Prime Minister acknowledged Maualaivao as being a brave Member. He stated that MAUALAIVAO was a threat to all Members.

vii. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

LEALAILEPULE requested confirmation as to whether those who were willing to transfer their registration to the Urban Constituency would receive pots and pans from the Member for the Urban Seat.

viii. MAUALAIVAO Pat Ah Him, Individual Voters

MAUALAIVAO suggested that the Member for Faleata West should work within his personal limits and not attempt to go overboard with his stupidity.

ix. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

The Member for Faleata West stated that MAUALAIVAO appeared to be increasingly "cheeky", perhaps as a result of the amendments being seemingly in his favour.

x. LENATAI Victor Faafoi Tamapua, Member for Vaimauga West

The Member for Vaimauga West queried comments made by some Members asserting that the Bill is biased. He stated that the Bill is indeed biased in favour of the Vaimauga district; as this district may now have 4 Members of Parliament.

xi. TIALAVEA Fea Tionisio Seigafolava, Member for Vaa o Fonoti

The Member for Vaa o Fonoti stated that he had spoken on the Electoral Act in 2014 and noted the need for it to be redrafted. He then suggested that a complete revision of the Act be considered post 2016 general elections.

xii. MAUALAIVAO Pat Ah Him, Individual Voters

MAUALAIVAO acknowledged the Minister for Justice for her efforts on the Bill. He stated that the Bill is not biased against the traditional practices of the faamatai system, but merely addresses those candidates who do not meet the relevant requirements. He stated that he supports the Bill and that despite residing in the town area, he continues to serve the village in which he is a matai. He stated that the accusations about his soliciting voters for the Urban Constituency are false.

xiii. IFOPO Matia Filisi, Member for Aiga i le Tai

The Member for Aiga i le Tai stated that it is important for a Member to eat, live and breathe in his or her village to acquire a greater understanding of those in their Constituencies. He stated that people must understand that voters from their Constituencies who reside in the urban area are free to vote for their respective villages. This is a key point, which needs clarification and emphasis.

xiv. TOEOLESULUSULU Cedric Pose Salesa Schuster, Member for Aana Alofi No.3

The Member for Aana Alofi No.3 stated that further clarification of sub clause (b) was necessary. He stated that there is no clarification as to the candidate who resides in the urban west who renders service in the Urban East; would such service satisfy the requisite village service?

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

The Leader of the Opposition stated that the provisions do not appear to support democratic principles as they are compulsory, for all to follow. He stated that there are a lot of potential candidates wanting to run for elections, however, they are now impeded in doing so due to these new restrictions.

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

The Hon Minister pointed out that the matter regarding the 3-year service minimum has already been discussed. She reminded the Member that his comments should be directed to the Bill currently before the House.

xvii. Hon PRIME MINISTER

The Hon Prime Minister stated that this Bill was not introduced to protect current Members of Parliament. The Bill was introduced to guide future candidates. He stated that Members do not elect themselves to Parliament but that the public do and therefore, these types of legislation are drafted with the general populace in mind.

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

The Leader of the Opposition stated that it should not matter whether a candidate has served his village but rather, the voters should be able to decide with their votes who will win.

xix. LEALAILEPULE Rimoni Aiafi, Member for Faleata West

LEALAILEPULE reminded the Hon Prime Minister that he was debating with a former deacon of the Church.

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

The Hon Minister stated that the Bill is a result of Chamber deliberations on the Electoral Amendment (No.4) Bill 2015, which included the provision for the 3-year service requirement. As a natural consequence of this provision, the terms 'tautua, monotaga, nuu ma afioaga, tautua i le nuu' and so forth, required clarification. In response to claims that the Bill is unconstitutional, this is incorrect. The integration of the faamatai system into Samoa's Parliamentary system was agreed at the Constitutional Convention. If Samoa were to adopt a truly democratic system, the requirements that a Member must hold a matai title and be over the age of 21 would need to be removed. The realities for matai in the Territorial Constituencies differ from those in the Urban Constituency; this needs to be reflected in the Bill. In regards to monotaga, there cannot be monotaga in the urban area as this practice is specially tied to the rural areas, land and traditional villages. This is a new initiative, which means that resistance is inevitably unavoidable.

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

The Member for Faleata East stated that monotaga is specific to traditional villages which implies there is an assumption that service by matai residing in the Urban Constituency are not acknowledged.

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

The Hon Minister stated that the Assembly should be content with the Bill and the amendments that it has introduced.

The Question was put and upon approval the Bill was read a second time.

3. ELECTORAL AMENDMENT BILL (No.5) - consideration in detail

Clause 2 approved.

Clause 1 and title approved.

The Electoral Amendment Bill (No.5) 2015 progressed without amendment.

4. Electoral Amendment Bill (No.5) 2015 - third reading

The Hon Minister for Justice & Courts Administration moved a motion that the Bill be third read; the motion was approved and the Bill passed the Assembly.

5. National Prosecution Office Bill 2015 - consideration in detail

The Bill was considered together with its respective Select Committee Report, which was presented to the Assembly by the Chairperson for the Justice Committee, TUISA Tasi Patea. He moved a motion that the Assembly adopts the Report, which was approved.

Clause 2 - 4 approved.

Clause 5: LEAIALEPULE Rimoni Aiafi, Member for Faleata West queried whether some Police Officers would be involved in the establishment of the new Division? TUISA replied in the affirmative and stated that some existing Police Officers would be utilised for the Division.

Clause 5 approved.

Clauses 6 -8 approved

Clause 9 amended; approved with amendments.

Clause 10: LEALAILEPULE Rimoni Aiafi, Member for Faleata West queried the term of the Director of Prosecutions and why it was inconsistent with similar positions such as the Governor for the Central Bank of Samoa and the Auditor General. These

positions, the Member stated, are only eligible for reappointment for two terms. TUISA stated that there is no such provision for the term of the Director of Prosecutions. LEALAILEPULE noted his dissatisfaction with the Chair's response.

Clauses 10 - 13 approved.

Clauses 14 - 23 approved.

Clause 24 approved as amended.

Clause 25 approved as amended.

Schedules approved.

Clause 1 and Short Title approved.

The National Prosecution Office Bill 2015 progressed as amended.

6. Infants Amendment Bill 2015 - consideration in detail

The Infants Amendment Bill 2015 was considered together with its respective Select Committee Report, which was presented to the Assembly by the Chairperson for the Justice Committee, TUISA Tasi Patea. He moved a motion for the Assembly to adopt the Report, which was approved.

Clauses 2 - 4 approved.

Clause 1 and Short Title approved.

The Infants Amendment Bill 2015 progressed without amendment.

7. Police Service Amendment Bill 2015 - consideration in detail

The Police Service Amendment Bill 2015 was considered together with its respective Select Committee Report, which was delivered to the Assembly by the Chairperson for the Justice Committee, TUISA Tasi Patea. He moved a motion for the Assembly to adopt its Report, which was approved.

Clause 2: LEALAILEPULE queried whether retirees who have yet to reach the

retirement age can reapply for a position within the Police Service. He also queried why there was a gap between the current age of 55 years and the proposed 60 years. TUISA responded by stating that the age requirements are the discretion of the Police Commissioner. Reference is also made to an applicant's current health and psychological results after relevant testing.

TOEOLESULUSULU Cedric Salesa Pose Schuster queried whether those who will be granted an extension of their contracts would be re-employed on the same salary. He noted that teachers who have reached the retirement age and have been granted an extension are employed at a reduced salary. TUISA responded that the provision is for those who are currently active in the workforce and there will be no salary reduction.

Clause 2 approved.

Clause 1 and Short Title approved

The Police Service Amendment Bill 2015 progressed without amendments.

8. Foreign Investment Amendment Bill 2015- consideration in detail

The Foreign Investment Amendment Bill 2015 was considered together with its respect Select Committee Report which was presented to the Assembly by the Chairperson for the Foreign Affairs Committee, SOOALO Mene. He moved a motion that the Assembly adopt the Committee's report which was approved.

Clause 2 approved.

Clauses 3 - 6. Clause 5(b): LEALAILEPULE queried how many years the renewal of a licence will take and at what cost? SOOALO replied that there is currently no provision for the renewal of certificates however, there is a provision of 6 months for foreign investors to report to the Ministry. It was initially proposed that 12 months be proposed for the renewal of foreign investor certificates as a solution for non-compliance.

Clause 1 and Short Title approved.

The Foreign Investment Amendment Bill 2015 progressed without amendments.

9. National Prosecution Office Bill 2015- third reading

The Hon Prime Minister moved a motion for the Bill to be third read; the motion was approved and the Bill passed the Assembly.

10. Infants Amendment Bill 2015- third reading

The Hon Minister for Justice and Courts Administration, Hon FIAME Naomi Mataafa moved a motion for the Bill to be third read; the motion was approved and the Bill passed the Assembly.

11. Police Service Amendment Bill 2015 - third reading

The Hon Minister for Police & Prisons, Hon SALA Fata Pinati moved a motion for the Bill to be third read; the motion was approved and the Bill passed the Assembly.

12. Foreign Investment Amendment Bill- third reading

The Hon Deputy Prime Minister moved a motion for the Bill to be third read; the motion was approved and the Bill passed the Assembly.

- **Prime Minister's Motion:** The Hon Prime Minister moved a motion for the sitting to be adjourned until Tuesday, 20th October 2015; the motion was approved.

Proceedings were adjourned at 8:59pm.
Parliament will reconvene on Tuesday, 20th October 2015 at 9:00am.