

**DISCLAIMER**

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**Day 7  
9:32am**

**I. GOVERNMENT ORDERS OF THE DAY - Reading of Bills**

**1. Labour and Employment Relations Amendment Bill 2022 – Consideration in detail**

Mr. Speaker announced that the Labour and Employment Relations Amendment Bill 2022 was second read on 29<sup>th</sup> April and referred to the Committee and its deliberations period was extended on a motion moved on 20 December 2022. He then stated that pursuant to Standing Order 107(1), the Chairperson of the Committee is to move a motion for the Assembly to approve its Report.

- *P.P. 2022/2023 No.138, Report of the Economic Sector Committee on the Labour and Employment Relations Amendment Bill 2022.*

The Chairperson for the Committee, Afioga NIUAVA Eti L Malolo moved a motion for the Assembly to approve its report together with amendments; motion seconded and approved.

*Speaker announced Consideration in detail of bills will begin from Clause 2:*

Clauses 2 – 10: *Approved*  
 Clauses 11 – 20: *Approved*  
 Clauses 21 – 31: *Approved*  
 Clause 32: *Approved*

**Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa – Member for Vaimauga 1**

In regards to Clause 32, the member raised concern with the minimum age for light work mentioned in the Clause, stating that it is between 13-16years which is a concern as this is a very young age and they should be encouraged to go to school instead of working.

**Afioga NIUAVA Eti Malolo – Member for Vaisigano 1**

The Associate Minister explained that the new amendment which recognizes employment for 13 years is only a set minimum age, from 13 years to 16, he clarified that a child does not necessarily start working at the age of 13, it just reflects that at this particular age from 13 to 16 upwards a child can be employed for light work only.

**Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa – Member for Vaimauga 1**

The Member further sought clarification regarding clause 32 and advised that there should not be any provision that allows our young kids aged 13-16 to be employed either light work or any kind of employment, rather they should encourage our kids to attend schools, as this law can create loopholes forcing our underage kids to seek light work employment.

**Afioga LEAANA Ronnie Posini – Member for Safata**

The Member suggested the minimum age to be set at 16 years to start employment but not 13, further implying work is work no matter what the age is. The member advised that the law should be specific with the age that allows our teenagers to work which is 16 instead of mentioning a range from 13-16 as this can be a loophole.

**Afioga NIUAVA Eti Malolo - Member for Vaisigano 1**

The Chairperson poses that in accordance with their report (under roman number x) clearly states 'no child should be employed' below the age of 16 unless considered to be light work.

**Afioga TUALA Tevaga Iosefo Ponifasio – Member for Gagaemauga 1**

The Member clarified they are trying to avoid Child labour and pointed out children above the age of 16 can be employed, and would receive an income, whereas children 13 years do not receive an income. They can help out family businesses at home but with only light work.

**Afioga LEAANA Ronnie Posini – Member for Safata**

The Member queried that this will be conflicting as parents duty and role, and must not be stipulated to do certain chores/light work

**Susuga Hon LAAULI Leuatea Polataivao Fosi – Minister of Agriculture and Fisheries**

The Hon Minister explained that young children have been working 10-20 years back, selling coconuts, other fish produce which was considered the 'way of life'. However times have changed, and we have what we call child labour, we have adapted foreign laws and it can also help putting a stop to children underage working at night, vending off the streets when they should be safe in homes.

Clauses 33 – 43: *Approved*

**Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa – Member for Vaimauga 1**

The Member queried the authority that was under the Minister that is now given to the CEO, and further suggested that it should remain with the Minister while it can be delegated by the Minister to the CEO to permit licenses. .

**Afioga NIUAVA Eti L. Malolo – Member for Vaisigano 1**

The Member asserted that the law encourages collective work between the CEO and Minister to ensure more effective decision making.

**Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa – Member for Vaimauga 1**

The Member further sought clarification from the Chairperson regarding his concerns, noting that the new amendment takes the authority away from the Minister to make the final decision.

**Afioga NIUAVA Eti L. Malolo – Member for Vaisigano 1**

The Member asserted that issues queried by the Member is clarified in the report.

**Mr. Speaker – Point of Order:**

Hon Speaker advised the Member that the amendment does not change or take away the Minister's authority; the Minister will have the last decision, as all matters need the Minister's endorsement.

Clause 44 - *Approved*

**Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa**

The Member further raised concern regarding the authority held by ministers claiming that this clause (44) undermines their authority given that the last say comes from the CEO(s). This means that despite the Minister's decision if the CEO does not accept and approve then that will be the final decision. The Member is concerned that there is no other way a person can seek for an approval of permits when the permits are denied as the authority now vests with the CEO.

**Susuga Hon LAAULI Leuatea Polataivao Fosi – Minister of Agriculture and Fisheries**

The Minister pointed out policies implemented in regards to the removal of the Minister from their position as Chairman of Boards and given to a Member of the Committee, similar to this case of transferring this authority to CEO as an indication of the mutual trust between Minister and CEO.

**Afioga ALAIASA Moefaauouo Sepulona Moananu - Anoamaa 1 (Member of the Committee)**

The Member, as a Committee member clarified that the Minister would not be able to deny/allow permits if the CEO was the one who reviewed it.

**Afioga NIUAVA Eti L Malolo – Member for Vaisigano 1**

The Member emphasised that the paramount aim for this clause is to ensure the smooth flow of work within the Ministry given that most times the Minister is occupied with other responsibilities thus, the CEO has the power to analyze any request and make the final decision. The Chairperson further clarified that if permits are denied by the CEO then they can be referred to the Minister for further review and advice.

Clause 45 - approved

Clause 46 - approved

Clause 47 - approved

Clause 48 - approved

Clause 49 - approved

Clause 50 approved

Clause 51 - approved

Clause 52 - approved

The Chairperson of the Committee moved a motion to replace the number 2022 with the number 2023, which provides - **Labour and Employment Relations Amendment Act 2023**

Clause 1 and Short Title - Approved with amendments

**MOTION – Sitting Hours amended**

Deputy Prime Minister moved the Motion to set aside S.O 108(4) to allow the bill to be third read on the same sitting day; motion seconded and approved

**The Labour and Employment Relations Amendment Bill 2023 progressed with amendments.**

**2. Labour and Employment Relations Amendment Bill 2023 - third reading**

The Acting Minister for the Ministry of Commerce, Industry and Labour, Hon TOEOLESULUSULU Cedric Pose Salesa Schuster moved a motion for the bill to be third read; Motion seconded and approved.

The **Labour and Employment Relations Amendment Bill 2023** was third read and officially passed the Legislative Assembly.

*Mr Speaker announced that the Labour and Employment Relations Amendment Bill 2023 progressed with amendments.*

**MOTION:**

The Hon Deputy Prime Minister moved a motion to set aside Standing Order 108(4) to allow the Bill to be third read on the same sitting day; motion seconded and approved.

**3. Labour and Employment Relations Amendment Bill 2022 – third reading**

Afioga Hon TOEOLESULUSULU Cedric Pose Salesa Schuster moved a motion for the Bill to be third read; motion seconded and approved.

*The Bill was read a third time and officially passed the Legislative Assembly.*

**II. ORDERS OF THE DAY**

**Consideration of Parliamentary Committee Reports:**

- **P.P.2022/2023 No.140, Report of the Standing Orders, Electoral, Petition and Constitutional Offices Committee on the P.P. 2022/2023 No.102, Proposed Amendments to the Standing Orders 2022.**

- **Chairperson for the Standing Orders, Electoral, Petition and Constitutional Offices Committee, Afioga AUUAPAAU Mulipola Aloitafua Mulipola.**

Moved a motion for the Assembly to approve its Report with proposed amendments; motion seconded and approved.

The Chairman reiterated that its Committee was assigned to deliberate on amending the Standing Order and wish to provide a synopsis on its deliberations on Standing Orders 22 and 187. The Chairman then greeted the Assembly and Samoa in all her honorific salutations.

Afioga AUUAPAAU Mulipola Aloitafua Mulipola then called out proposed amendments provided in the Report for Standing Order 22 as this Order provides the definition for the Leader of the Opposition. He asserted that the Committee proposed a sub-order to have a provision to justify that the deputy leader of the recognised Opposition party will take over the role of the Leader of the Opposition throughout the period he/she is suspended for. The Chairperson further emphasized that the proposed amendments put forth by the Committee for S.O 22 will not affect the Political party recognised as the Opposition but only the Leader of the Opposition.

**Proceedings set aside for recess at 10:35am;  
and resumed at 11:10am**

➤ **Chairperson for the Standing Orders, Electoral, Petition and Constitutional Offices Committee, Afioga AUUAPAAU Mulipola Aloitafua Mulipola (conts).**

The Chairperson continued his clarification on the report by stating the new proposed Sub-Order for S.O 22 as follows:

“S.O 22A: (1) Where the Leader of the Opposition is suspended from the Legislative Assembly for more than 6 months, the Parliament will officially declare the Deputy Leader of the Opposition Party as the Leader to lead the Opposition in Parliament for the period of that suspension.”

the Chairperson further clarified that the change is only made when the leader of opposition is suspended for more 6months or more but if less then they will remain as leader

Amendment to SO 187 (7); the Chairperson outlined that the amendments for this SO is for any member who has been suspended from parliament as a result of misconduct or breach of parliament they cannot:

- i) attend Parliament Proceedings and Committee
- ii) enter parliament House
- ii) question any matters relating to Parliament
- iv) talk about any matter which is related to Parliament, members, speaker on any media outlet

The Chairperson noted that upon the Committee's consideration they continued to enforce and strengthen the above provisions, and added amendments to provision (v) which is to prohibit the suspended member(s) from writing to the Speaker about any matter relating to Parliament or comment on any parliamentary matter. Furthermore, the report noted that the persons rights are not limited by this amendment, these rights include Article 13. (Rights regarding freedom of speech, assembly, association, movement and residence) and Article 15 (Freedom from discriminatory legislation) of the Constitution. Furthermore, the Chair noted that the Committee does not wish to jeopardize rights of a person to the freedom of speech but once it contradicts and breaks the laws or standing orders then the Committee will bring it forward to the Legislative Assembly to revisit the punishment whereas it could propose to extend the penalty.

- **Speaker; informed the Members that 2 of the Committee members did not sign the report thus, they will not have any say regarding the issue. announced that there are members that did not sign the report and therefore rule that they cannot make comments or speak on the report for whatever reason.**

**Tofa Hon LAUOFO Fonotoe Nuafesili Pierre Laufofo, Member for Anoamaa 2**

The Deputy Leader of the Opposition stated that even though he did not sign the report, however he has noted on some of the things in the report that he does not agree with. Given that, I am to refrain from speaking on these things according to the discretion of the Speaker, and he took his seat.

**Afioga Hon LAUTAFI Fio Selafi Purcell, Member for Satupaitea**

The Member jested that in accordance with the Chairpersons remarks "e le pule mai pule ao ia pule po" which they have through this report. Furthermore, he noted that the opportunity should have been given to their party to give their suggestions to choose whether to change their leader. The Member queried this point as stated that the Legislative Assembly can extend the penalty period if the leader continues to disobey the standing orders which contradicts the constitutional rights and the court ruling that the person should be present in Parliament to voice their right to stand to oppose the allegations. The Member also explained that according to the court ruling regarding the case, it states that the person charged can still come forward in parliament, in the house to make their stance however the report states he must not step foot in this house, thus a contradiction has occurred with the court ruling.

- **Chairperson for the Standing Orders, Electoral, Petition and Constitutional Offices Committee, Afioga AUUAPAAU Mulipola Aloiafua Mulipola (conts).**

The Chair clarified that there is no intention in the amendment to change the leader as clearly noted in their report, however he stated the selection of an Opposition Leader is a Parliamentary Appointment as stipulated by S.O. Furthermore, the Chair clarified that the extension of the penalty will only be done once the Member is reinstated and then a motion will be made and process followed.

**Afioga Hon LAUTAFI Fio Selafi Purcell, Member for Satupaitea**

As explained by the Chair, there are no bad intentions towards the leader of the Opposition as suspended, however this is precisely what is being done in Chambers today. The Member also noted that, we should be given a time to discuss selecting a leader in this situation.

- **Chairperson for the Standing Orders, Electoral, Petition and Constitutional Offices Committee, Afioga AUUAPAAU Mulipola Aloiafua Mulipola (conts).**

The Chairperson clarified that there is no intention by the committee to handpick the leaders of any party within parliament it is clear that they are given a period of time to choose whoever they want as a leader. Further explained, that they have no intention and interference in the selection of a leader for the opposition however, there should be a leader of the opposition as it is a parliamentary appointment.

**Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa, Member for Vaimauga 1**

The member raised concern regarding the Committee's intention to interfere with their party's leader highlighting that they should be given the right to choose their own leader. In addition, the member noted his disappointment with the new amendments as it seems like they are directed specifically for a certain person who has been suspended from parliament whereas, the

Committee should consider amending the SO that will benefit all members and nation as a whole emphasizing that at the end of the day the authority of the House is grounded with our Alii and Faipule. The Member jested that usually the review of SO are towards the end of a parliamentary term but this review seems to target this one man which seems that it is trying to eliminate this man.

*Speaker: ruled to remove words by the member for Vaimauga 1 "fasioti tagata"*

**Susuga Hon LAAULI Leuatea Polataivao Fosi, Minister for Agriculture and Fisheries**

The Minister jested that the intention is due to the things that are happening right now, it is within the jurisdiction of Parliament and to guide parliamentary procedures.

**Tofa Hon OLO Fiti Afoa Vaai, Minister for Works, Transport and Infrastructure**

Hon Minister expressed his support with the views of the member for Vaimauga 1 where he referred to Parliament as a symbol of Alii and Faipule noting that this is their goal with the amendments is to ensure they all work together for the betterment of Samoa. Therefore, the member noted that these new amendments is not specifically for one member but for the benefit of parliament as a whole.

*Speaker: ruled that the amendment and review are in accordance with SO 72 and clarified these Amendments to S.O only focuses on the Parliament and what occurs in Parliament but not the country as a whole.*

**Deputy Prime Minister - MOTION TO AMEND SITTING HOURS**

The Hon Deputy PM moved the amendment of sitting hours to complete the Assembly's business, and hopefully conclude in the next hour; motion seconded and approved.