

DISCLAIMER

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DAY 9

PART A

9:33am

ANNOUNCEMENT FROM MR SPEAKER:

Hon Speaker greeted the PM, Deputy PM, Cabinet and Members of the FAST Party, he then greeted the Opposition Leader, Deputy Leader and the Opposition. He extended warm greetings to the Ao o le Malo, Council of Deputies and all of Samoa.

Hon Mr Speaker asserted that it is his role to uphold the dignity of Parliament; and therefore he must address the matter which has come to his attention, whereby the Opposition Leader and certain members have used the Budget’s consideration in detail stage as a means to undermine the integrity and dignity of Parliament. Such statements made on the television portray the lack of respect certain Members have for the Speaker and the Government and urged Members as chosen leaders of the nation, such actions should not occur again.

I. GOVERNMENT ORDERS OF THE DAY

1. Electoral Amendment Bill (No.2) 2021 – first reading

Hon Minister for Electoral Office, Afioga Hon FAUALO Harry Jeffrey Schuster, moved the motion to have the Bill first read; motion seconded and approved

2. Electoral Amendment Bill (No.2) 2021 – second reading

Hon Minister for Electoral Office, Afioga Hon FAUALO Harry Jeffrey Schuster, moved the second reading of the Bill and spoke to clarify on the merits and intents of the Electoral Amendment Bill (No.2) 2021; motion seconded.

Hon Minister greeted Samoa in all her honorific salutations; then clarified that the bill seeks to add minor amendments to the Electoral Act. However, the changes are important and necessary for the Electoral Commission Office to be well prepared for the upcoming by-elections. He then identified all clauses of the Bill, noting that the Bill also values the registration of matai titles, regardless of the timing of registration, so long as it is registered before date of nomination, however it is imperative that the 3 years of service 'tautua' through 'monotaga' is met before candidacy is eligible to contest in elections. Furthermore, it also provides the inclusion of the 'religious donations and services' as part of 'monotaga'. Additionally another amendment is to establish a 'third category of persons' who are eligible to make a statutory declaration on the eligibility of a candidate who wishes to contest – the third party must sit in and contribute to the same Village Council as the member who wishes to contest; or can be a member who sits in the same church committee as the member who is planning to contest in elections; this is specifically in cases where the Village Mayor or Women Representative refuse to provide statutory declarations to confirm the eligibility of candidates.

i. Susuga Hon TUILAEP A Lupesoliai Auelua Fatialofa Dr. Sailele Malielegaoi, Opposition Leader and Member for Lepa

Hon Member greeted and commended Mr Speaker, His Highness, Le Ao o le Malo, Judiciary, Cabinet and Samoa. He then emphasised that Parliament is the supreme law making body of the nation and wished to speak on Parliamentary processes, specifically the Committee stage; then noted that Parliamentary Committees have yet to be established. Hon PM affirmed that referral to Committees is an imperative stage to ensure the input from the public through their public submissions are received as well as allowing Committee deliberations before a final report is made with recommendations to the Parliament for further deliberation and consideration. The Hon Opposition Leader noted that although it seems Government is firm that the Bill will progress under Certificate of Urgency, the views of the Opposition must be made known.

Hon Leader of the House – Afioga Hon FIAME Naomi Mataafa

Leader of the House stood to remind the Speaker that the Opposition Leader is not talking directly on the merits of the Bill, rather the procedures of parliament such as the referral to Committee stage and how things should be done.

Susuga Hon TUILAEP A Lupesoliai Auelua Fatialofa Dr. Sailele Malielegaoi, Opposition Leader and Member for Lepa

The Hon Member reminded Mr Speaker that he is highlighting the Standing Orders of Parliament which is very important because if they do go through the normal process and submit the bill to parliamentary committees then parliamentarians are afforded the opportunity to scrutinise and deliberate on the essence of the Bill; Hon TUILAEP A further noted that had the Opposition Party

been allowed to attend Pre-Sitting Briefings where the Electoral Commissioner explained the purpose of the Bill then there would not be many questions asked today.

Hon Leader of the House – Afioga Hon FIAME Naomi Mataafa

Leader clarified to the Leader of the Opposition that the Pre-Sitting Briefing is only for Members of Parliament, and they were not sworn Members of the Assembly.

**Susuga Hon TUILAEPA Lupesoliai Auelua Fatialofa Dr. Sailele Malielegaoi,
Opposition Leader and Member for Lepa**

Hon Member emphasised that as Parliamentarians, respect must be afforded to His Highness Ao o le Malo who issued a message regarding the convening of Parliament. Hon Member then accentuated that ever since Samoa became independent, there was never a time when by-elections processes provided by legislation were different to the processes for General Elections. To ensure fairness practices, it is important that the law does not seem bias towards one side. Hon TUILAEPA noted that the Government are now pushing for this amendment to pass which will allow the Commission to regulate the processes involved in by-elections, which does not seem fair to those who contested in General Elections under the current provisions of the Electoral Act.

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

The Hon Minister clarified that the amendments to the Electoral Act is from the Court, because they have noticed that the principal act has a lot of contradictions and loopholes which were obvious from the previous election; such as the withdrawal of

**Susuga Hon TUILAEPA Lupesoliai Auelua Fatialofa Dr. Sailele Malielegaoi,
Opposition Leader and Member for Lepa**

Hon Member highlighted that the point he was putting forward was that amendments to the Electoral Act should be made before the general election, rather than before by-elections because it should be fair for all members that the same rules and processes apply to all candidates regardless of whether it is the national elections or by-elections. Hon PM further emphasised that the government is amending the Act to accommodate for upcoming by-elections. He further highlighted that religious contributions should not be considered as a 'monotaga' because there are some Matai who will give donations to church but not the village which is not fair for Matai's who are committed in the village. He also noted the amendment regarding the additional 'third category' of persons who can make statutory declarations to vouch for eligibility of the candidate is complicating the matter more, and causing more administrative tasks which will have to be monitored accurately.

Hon Member then addressed Mr Speaker and mentioned that they hold differing views on the expressions and statements made on different media outlets; and urged Mr Speaker to please consider his neutrality position as Chair of the House, rather than being one-sided as his announcement was particular to the Opposition.

ii. Tofa Hon LAUOFO Fonotoe Nuafesili Pierre Laufo, Member for Anoamaa 2

The Hon Member spoke on the amendment to register their matai title prior to the closing of candidacy/nomination date. He further noticed from last elections that some people had completed all the requirements under 'monotaga' but did not register their matai title for at least 3 years, and he gathered from the bill that the amendment does not specify the registration of matai titles before 3 years, rather has left the registration period opened, as long as it is before the lodgement date been solved as candidates do not need to register for 3 years prior. However, he wanted to clarify that the principal act was put in place to ensure that all candidates must serve his/her constituency for at least 3 years before running in the election.

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

The Hon Minister clarified on the term religious 'monotaga' and reminded Parliament that in previous parliamentary sittings they tried to bring in this topic of religious contributions being considered as monotaga but was denied.

Tofa Hon LAUOFO Fonotoe Nuafesili Pierre Laufo, Member for Anoamaa 2

The Hon. Member emphasised that he is not against the provision to include church donations as monotaga and further clarified that it is not clear on the amendment who in the congregation either the minister, secretary or anyone is entitled to pledge for the candidate and emphasized whether there should be a penalty for those who sue a candidate not to run with no intentions to run or win the elections. Hon Member commended the minister for bringing back special booths for convenience to people. Hon Member further mentioned that the Courts have ruled that cultural practices such as 'lafo', 'pasese' and other forms of gifts are culturally appropriate and not regarded as bribery and urged the Commission to consider this. Hon Member suggested that the 2 months allowed for the sa'o 'family chief' to travel overseas is not sufficient considering the numerous faalavelave obligations that the family Chief must attend and recommended an extension for this timeframe.

Mr SPEAKER – Point of Order:

Hon Mr Speaker advised the Member to refrain from mentioning past instances which have already been decided.

iii. Afioga Hon. LOAU Solamalemalo Keneti Sio, Member for Sagaga 1

Hon Member commended the responsible Minister for the amendments proposed, but his only concern is the timing of these amendments because it seems like it is proposed to cater for the upcoming by-elections. He then iterated the importance of a matai's presence in village meetings when considering the conditions under the monotaga thus, suggesting the government should look at the amendments under the principal act which allows for church contributions to be considered as monotaga and the number of years members need to register their matai titles.

iv. Susuga Hon TAPUNUU Papaliitele Niko Lee Hang, Member for Vaimauga 3

Hon Member suggested having the pre-polling on the same day as the by-election in order to have the counting of votes on the same day and to avoid the doubt of unfairness. He then commended the Minister for bringing back special voting booths and queried the minister if there were any changes to the electoral rolls, then suggested not adding or changing the electoral roll for each constituency from General Election.

v. Afioga SULAMANAIA Fetaiai Tauilili Tuivasa, Member for Vaimauga 1

The Member accentuated his concern on clause 5 in regards to monotaga and emphasised that the Chamber Members are representatives of village council in each constituency. He then mentioned that his main concern is that the proposed amendment places more emphasis on religious service and somewhat neglects service 'tautua' for their village. He then highlighted that some denominations do not have 'alofa' or contributions made for the church, therefore this amendment gives-way for individuals who only attend church once in a while and do not make any contributions entitled to run in the election. Afioga SULAMANAIA stated that the amendment politicizes the involvement of pastors with elections when they should not be involved.

Other Announcement by Mr Speaker:

Mr Speaker announced that the Parliamentary Commission will meet at the public gallery during recess and then noted the composition of the Commission:

1. Speaker (Chairperson)
2. Deputy Speaker (Deputy Chairperson)
3. Hon FIAME Naomi Mataafa (Leader of the House)
4. Hon TUILAEPa Dr Sailele Malielegaoi (Leader of the Opposition)
5. Hon LAUOFO Fonotoe Nuafesili Pierre Laufo (Senior Member)

Proceedings were set aside at 11:02am; and resumed at 11:52am

Hon Prime Minister – MOTION:

PM moved a motion to amend sitting hours to continue until 1pm, if the Bill is not passed then sitting will suspend and resume at 6pm until 10pm; Motion seconded and approved.

Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa, Member for Vaimauga 1

The Member continued expressing concern regarding church contributions being considered as part of the 'monotaga' and emphasized the authority of the Pulenu'u in dealing with electoral matters. The Member then noted that there have been instances where certain constituencies agree to have one candidate contest in elections and asserted that the freedom to withdrawal a petition should be allowed.

vi. Afioga Hon LAUTAFI Fio Selafi Purcell, Member for Satupaitea

The Hon Member expressed his disappointment with their inability to attend Members Pre-Sitting briefing and iterated on the importance of having sufficient time to consider matters relating to elections; noting that since General elections were recently conducted, and now awaiting by-elections for candidates who lost their seats during petitions, it is only fitting that amendments should wait to be implemented after by-elections. The Hon Member further emphasised that the laws used to govern the General Elections should be used for the by-elections, this includes the electoral rolls, and eligibility of candidates to run as it seems bias to change the laws regulating the process involved for by-elections.

Hon LAUTAFI then raised concern regarding church contributions being considered as 'monotaga' as this would further complicate the determining of eligibility; as it would be open for individuals to interpret the term monotaga; also the government should take into account the fact that all denominations are different thus church contributions varies. He stated that in his opinion, Village Mayors and Women Representatives should endorse candidates who are eligible to contest in elections as they are government officials and should they choose not to endorse certain candidates then face these government officials should be penalised or terminated.

Overall, the Hon Member suggested that the proposed amendments for by-election is not appropriate because the General Elections have completed thus, the upcoming by-elections (being the by-product of the General Election) should follow suit with the processes involved in the General Elections in April 2021.

Mr SPEAKER – Point of Order:

Hon Mr Speaker clarified that Pre-Sittings are provided for in Standing Order 32(6) and therefore is treated as an official meeting of Parliamentarians before the proceedings of the Assembly take place.

vii. Afioga VAELE Paiaaua iona Sekuini, Member for Gagaifomauga 2

The Member raised the issue on defining the term 'monotaga' which he believes refers to acts of service; all kinds of service whether in the village or religious service. Provided a case in point referring to the village of Vaitele where he resides, and stated that the services he renders to his church in Vaitele should also be counted, and that the law should not be biased towards accommodating services in the village and disregard religious services. In regards to matai's from other villages who wish to contest in elections but reside elsewhere, they should not be entitled to contest. In regards to the issue of pre-polling, the Member noted that the days for pre-polling were unnecessary and therefore the changes are fitting. He then commended the Minister for the inclusion of a third category of persons who can provide statutory declarations on the eligibility of the candidate to contest. He then suggested to the minister to consider a penalty on those individuals which register to run but then withdraw at last minute or as they please, as this is an inconvenience to all other nominees.

viii. TOFA LEALAILEPULE Rimoni Aiafi, Member for Faleata 3

The Member highlighted that these amendments are specifically for the by-election which is a product of the previous General Election held in April. He then stressed that this is the same parliamentary term for those members who will win from by-elections, hence it is only fitting that they follow the same electoral procedures and processes as those which regulated the General Elections. The Member noted that a Commission of Inquiry is always established after every election, and would most possibly be the similar case after the upcoming by-elections, and it is during this review that the new amendments should be made. He then made reference to the statements made by the Minister for Agriculture and Fisheries noting that the amendments proposed came about from recent occurrences after the general elections.

The Member stressed on the conditions of a monotaga which should be village-related, attending village meetings, being present in village activities as a matai; which is the ultimate distinction from church contributions or tautau-lotu which any individual can do. In regards to the matai title being registered any time before the election. The Member asserted that the principal act provides that candidates should have their matai title registered for at least 3 years this shows that candidates have lived and contributed to village development through monotaga before running for elections; however, the amendment opens way for any individual which has just become a matai 2 or 3 months before the election without any monotaga served at his/her village. The Member urged the Minister to reconsider the penalties for Members found guilty of bribery as these fines have been very heavy for minor offense.

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

The Hon Minister noted instances whereby certain individuals were prohibited from contesting in elections, as they were not allowed to take part in village fono's and perform services 'monotaga' to the village, however have the opportunity to qualify as a candidate through their services to the church.

ix. Afioga ALAIASA Moefaaouuo Sepulona Moananu, Member for Anoamaa No. 1

The Member emphasised that only the constituency can take away a persons' role within the constituency, and that electoral acts and amendments should always reflect the wish of each constituency; noting that all constituencies have different and unique customs and traditions and therefore apply the term monotaga and services differently. He then accentuated that Samoa has a unique form of democracy and this is owed to our Matai System and our people must take pride in our culture as it differentiates Samoa from other democratic nations. The Member asserted that elections are too costly; for instance, preparations for pre-polling, etc... and urged the Government to enact the bill after the by-elections for fairness. The Member then emphasized that the monotaga should always be based on the candidate's relationship and presence within his/her village for at least 3-5 or more years and not just months before the General Elections.

x. Afioga FEPULEAI Faasavalu Faimata Sua, Member for Salega 1

The Member commended the Minister for considering church contributions to be considered as a service 'monotaga'

**Proceedings were set aside at 1pm; and
will resume at 6pm**