

DISCLAIMER

This Report provides a brief of “**PART B**” of the Proceedings of Parliament on **Tuesday 28th September 2021**. While all efforts have been made to provide an informative brief, this information must not be relied upon as an alternative to the official Hansard record of proceedings of Parliament. If you have any specific questions about “**PART B**” of the Proceedings of Parliament on **Tuesday 28th September 2021**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

DAY 9

PART B

6pm

Hon Speaker called the Deputy Speaker to move a motion for the Composition of Parliamentary Committees and Parliamentary Calendar Sitting Schedule

Deputy Speaker, Afioga AUUAPAAU Mulipla Aloitafua moved the motion pursuant to Standing Order 170(2)(a) to call out the Members for respective Parliamentary Committees and the remaining Calendar for Parliamentary Sitting

1. Standing Order, Electoral, Petition, and Constitutional Offices Committee

1. Afioga AUUAPAAU Mulipla Aloitafua
2. Afioga VAELE Paiaaua Iona Paiaaua Sekuini
3. Afioga TEA Tooala Peato
4. Tofa MANULELEUA Paletasala T Tovale
5. Tofa Hon LAUOFO Fonotoe Nuafesili Pierre Lauofo
6. Tofa ALE Vena Ale
7. Afioga Hon LOAU Solamalemalo Keneti Sio.

2. Finance and Expenditure Committee

1. Afioga TOEOLESULUSULU Cedric Pose Salesa Schuster
2. Afioga MAGELE Sekati Fiaui
3. Afioga VAELE Paiaaua Iona Paiaaua Sekuini
4. Afioga MASINALUPE Makesi Masinalupe
5. Susuga Hon TUILAEPA Fatialofa Auelua Saillele Malielegaoi
6. Afioga Hon TAPUNUU Niko Lee Hang
7. Tofa LEALAILEPULE Rimoni Aiafi

3. Social Sector Committee

1. Afioga FEPULEAI Faasavalu Faimata Sua
2. Afioga AGASEATA Valelio Tanuvasa Peto

3. Tofa FESOLAI Apulu Tusiupu Tuigamala
4. Tofa SEUAMULI Fasi Toma
5. Tofa MAUU Siasoi Puepuemai
6. Tofa LENATAI Victor Faafoi Tamapua
7. Tofa Hon FAIMALOTOA Kika Stowers-Ah Kau

4. Economic Sector Committee

1. Afioga VAELE Paiaava Iona Paiaava Sekuini
2. Tofa LAGAAIA Tiatuau Tufuga
3. Afioga NIUAVA Eti L Malolo
4. Afioga MASINALUPE Makesi Masinalupe
5. Afioga FUAAVA Suluimalo Amataga
6. Afioga Hon LAUTAFI Fio Selafi Purcell
7. Afioga ALAIASA Moefaauouo Malagaitutogiai Sepulona Moananu

5. Infrastructure Sector Committee

1. Afioga NIUAVA Eti L Malolo
2. Afioga TOEOLESULUSULU Cedric Pose Salesa Schuster
3. Tofa FESOLAI Apulu Tusiupu Tuigamala
4. Afioga MAGELE Sekati Fiaui
5. Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa
6. Afioga LEAANA Ronnie Posini
7. Afioga LUPEMATASILA Galumalemana Tologata Togia Tile Leia

called that the remaining sitting programme of sitting for each calendar year will commence on:

Tuesday, 14 December 2021; and
January 18 2022.

Motion seconded and approved.

I. GOVERNMENT ORDERS OF THE DAY

1. Electoral Amendment Bill (No.2) 2021 – debate on second reading (cont.)

i. 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’ and noted his support for the inclusion of a third category of persons who can make statutory declarations as to the eligibility of candidates to run. He further highlighted that the category of persons is only effective when the other 2 people qualified to make statutory declarations (the Village Mayor and Women Representative)

refuse to confirm a candidate's monotaga by statutory declaration. The Member also expressed his support on reducing pre-polling days as it is unnecessary spending of monies. Also acknowledged the revival of special voting booths for ease of convenience and saving costs to voters.

ii. Afioga FUAAVA Suluimalo Amataga, Member for Aleipata Itupa i Luga

The Member noted his support for the inclusion of religious service in the term 'monotaga' to ensure that the cultural service aligns with the religious service as it is the complete package in terms of service of the Member to the Village through village council and the church – noting that these values are embodied in the Constitution of Samoa. The Member touched on Clause 3 (a - d) and suggested to include a stipulated timeframe to limit how far the monotaga and service was conducted, for instance 20 or 10 years prior.

The Member noted his support for the revival of special voting booths for convenience, ease of access and cost saving to the voters. Expressed his support for the printing of ballot papers and one day for pre-polling and suggests reading of pre-polling results together with the official counting of ballots.

Hon Mr Speaker – Point of Order:

Speaker reminded Members that they should speak on the principles of the Bill and not specific clauses as this will be done in Consideration in Detail stage.

iii. Afioga LUPEMATASILA Galumalemana Tologata Tile Leia - Member for Falelatai and Samatau.

The Member commended the Minister for including in the bill 'religious services' as part of the monotaga. However, the slight concern is that the bill outlines that in order for a candidate to be qualified for elections he/she must meet either the service to the village or the church. However, he suggests that both these services (religious and village) are imperative in determining the eligibility of a member to contest in elections. The Member then noted that in his constituency, when individuals become matai members, automatically you must also have a 'matafale' in respective churches.

In regards to bringing back 'special booths' the Member noted that this would go against the intentions of the principal act which push for the registration of voters in regards to place of residency. He recalled statements made by the Minister for Agriculture noting the difficulty and high costs associated with the transporting of about 500 eligible voters for his constituency who are residing in Upolu to cast their votes. The Member asserted that these costs could have been avoided had these voters chose to vote where they reside.

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

The Hon Minister noted that the importance of the third category is to ensure that eligible people are not stripped from their right to contest in upcoming elections, noting that both the village mayor and women representative refused to sign the statutory declaration for the candidate which then resulted to the Member for Faleata being uncontested in the elections. The Hon Minister noted the importance of the authority of Pulenu'u however, the abuse of power is also an issue.

Afioga LUPEMATASILA Galumalemana Tologata Tile Leia - Member for Falelatai and Samatau.

The Member emphasised that if the village mayor or women representative refuses to sign on the statutory declaration for a candidate they should be taken to court to determine a just solution.

iv. Afioga Hon TUUU Anasii Leota, Member for Siumu

The Hon Member stated that the Government has set its mind on pushing the amendment bill, therefore he will accept whatever the outcome may be, however, he wished to note his concerns on certain clauses such as bringing back special booths as this saves time and money; and the reducing of pre-polling days to 1. He suggests that there should be a specific law prohibiting other candidates from suing other candidates to avoid the hefty costs. Hon Member then queried why he was not included in any of the Parliamentary Committees and questioned whether the voice of the Siumu constituency was not important in the House.

Mr Speaker responded to the Member that he can seek clarification from the Leader and Deputy Leader of the Opposition Party as they are both members of the Parliamentary Commission.

v. Afioga LEAANA Ronnie Posini, Member for Safata 1

The Member noted his opinion on the inclusion of religious service 'monotaga' as a requirement to be qualified as a candidate, because when an individual is born he/she is already part of a congregation/denomination thus, this should not be considered as a duty because going to church or church contribution is already part of all Samoans. However, the Bill proposes religious contribution/service as an option to qualify to run as a candidate. In regards to the provision which recognises a candidate's monotaga for any three consecutive years, posed that this needs clarification as anyone can meet this requirement since it is open.

vi. Afioga ALE Vena Ale, Member for Faleata 4

The Member noted the fine line between culture and boundary and asserted that petitions after General Elections opens room for more bribery and corruption to take place noting that Members put in thousands of tala to settle petition cases.

vii. Afioga PESETA Vaifou Tevagaena, Member for Faasaleleaga 5

The Member noted that the religious activity should not be a requirement, as matai's all contribute to religious service, this is reflected in the Sunday meals we prepare specifically for the different religious leaders in our villages. Additionally, regardless of what your religious belief may be, it is not a hindrance or a barrier to donate to other denominations. The Member highlighted the importance of village service 'monotaga fa'alenu'u' as this is interwoven with religious services for certain constituencies.

viii. Afioga MASINALUPE Makesi Masinalupe - Member for Lefaga and Faleaseela

The Member noted his support for religious services 'monotaga faalelotu' as he states that whenever a person becomes a matai he/she also has a registered matafale within a congregation. He then queried special booths and raised the importance of cleaning the electoral rolls so the true and actual residents of the villages and constituencies are reflected in the rolls. He also emphasised that the constituency should have the authority to bring in their candidates to run as they know the eligibility of the candidate given that they have witnessed the commitment made by these candidates.

Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa, Member for Vaimauga 1

The Member interjected the Member for Lefaga and Faleaseela to remind the Speaker that those who are not present in the House should not be named as they cannot answer to statements made towards them.

Hon Mr Speaker took note of the issue raised by the Member for Vaimauga 1.

ix. Tofa LENATA'I Victor Faafoi Tamapua, Member for Vaimauga 2

The Member raised concern regarding the amendment (d) in clause 3; where it is not specific who is considered as the 3rd person is unclear and vague, as it could include, pastor, secretary or

youth leader who can vouch and confirm that the candidate has met the requirements of 'monotaga' and sought further clarification from the Minister.

x. Afioga AUUAPAAU Mulipola Aloitafua, Deputy Speaker and Member for Aiga ile Tai

The Member commended the Minister for the amendments made to the Bill, and provided his definition and interpretation of the term 'monotaga'. He then queried the village service 'monotaga faalenuu'. The Member expressed appreciation to the Minister for proposing the amendments noting that the principal act as he is of the opinion that certain provisions have a deeper more twisted meaning. Specifically mentioned his support for the withdrawal of candidacy by certain candidates and was pleased to note the need for the provision of a medical certificate to enable the withdrawal can be effective.

Proceedings were suspended at 7:43pm; and resumed at 8:22

xi. Tofa Hon FAIMALOTOA Kika Stowers Ah Kau, Member for Gagaifomauga 1

The Hon Member greeted Mr Speaker and her fellow Parliamentarians; then noted the amendment Bill and her view that both cultural service and religious service as the two are intertwined. She further noted her support on bringing back special voting booths. Hon Member then mentioned that she has a few questions she wishes to ask which will clarify the Bill for her. The Hon Member queried whether the provisions of the Bill will be enacted for by-elections once passed by the Parliament; she then queried whether it will be a just and honest application of the provisions of the legislation for upcoming by-elections.

xii. Tofa MAUU Siaosi Puepuemai, Member for Va'a o Fonoti

The Member commended the Minister and Electoral Commissioner on the Electoral Amendment Bill and noted his support for a candidate's cultural service and religious service to be made in the same village/constituency. He also stated that having the religious service as a condition for candidate's qualification will possibly make things complicated between; especially for members who are residing in a different village and village of origin is in another village. The Member

made reference to himself and stated that he resides in Vailoa and has a 'matafale' religious service in his village of residency while he is conducting his cultural service 'monotaga' in the village of Fagaloa where he is a matai. The Member then requested the Minister to set aside the Bill until after by-elections.

xiii. Afioga MANULELEUA Paletasala Tovale, Member for Faleata No.1

The Member noted the importance to include both religious activities and commitment in the village under the term 'monotaga' as these two services 'tautua' should be considered parallel. In regards to concerns on the amendment to open the opportunity to include religious activities as monotaga; the Member emphasised that this should not be a concern as there are conditions to be met in order to be considered as an eligible candidate. For instance, just because this condition is provided in the Bill, does not warrant candidates to use their church service commitments alone and neglect their commitments and service 'tautua' in the constituency hence it is imperative that the two types of tautua go together; he further suggested using both 'monotaga' as requirements of eligibility to run for election. Further stressed on the importance of voting from the village of residence and voiced his disagreement towards candidates withdrawing their candidacy at the last minute.

xiv. Afioga MAGELE Sekati Fiaui, Member for Faasaleleaga No. 2

The Member emphasized that Christianity and Culture are part of our identity, it defines who we are as Samoans; then queried the issues of the General Election whereby the spouse of one of the candidates could not transfer her registration to the constituency which her spouse was contesting from.

Afioga Hon FAUALO Harry Schuster, Minister for Police and Prisons and Member for Vaimauga 4:

The Hon Minister acknowledged all Members who spoke on the Bill and stated that no comment is unimportant. He noted that the ultimate aim for any proposed law is that it is the most appropriate solution 'at the time' and therefore the electoral commission endeavours to make necessary changes to accommodate the differences in times.

Hon Minister recalls the 2019 amendment which resulted in the re-defining of boundaries and therefore dividing up constituencies which then allowed the candidates to utilise their cultural service 'monotaga' served in another village/constituency to be counted in the current village/constituency the member is living. The Hon Minister further highlighted that the amendment and exemption provided in the previous electoral amendment passed prior to general elections was to cater to meet the general election requirement of meeting the 3 years of service. However, emphasised that this was just a sunset clause. Therefore, the lifespan of this provision

has expired and therefore the amendments proposed in the bill does not correlate with requirement of general elections.

- **Leader of the Opposition, Susuga Hon TUILAEP Auelua Fatialofa Dr. Sailele Malielegaoi and Member for Lepa:**

The Hon Member highlighted that he is talking about that 'principle' where the same rules and entitlement of all candidates running in the previous General Elections should be the same for those awaiting for the upcoming by-elections. Therefore, requested to the minister to consider setting these amendments aside for future elections.

- **Tofa Hon FAIMALOTOA Kika Iemaima Stowers Ah Kau, Member for Gagaifomauga No.1**

The Hon Member queried why these amendments are proposed for the upcoming by-elections when those were not the provisions which regulated the General Elections which all Members sitting in Parliament abided with.

Afioga Hon FAUALO Harry Schuster, Minister for Police and Prisons and Member for Vaimauga 4:

The Hon Minister mentioned that it is the principle as mentioned by the Leader of Opposition and that the idea for the majority of candidates entrance into Parliament. Despite the numerous suggestions, Hon Minister confirmed that these will be confirmed as there will be a Commission of Inquiry at the conclusion of the 7 by-elections.

- **Leader of the Opposition, Susuga Hon TUILAEP Auelua Fatialofa Dr. Sailele Malielegaoi and Member for Lepa:**

The Hon Member jested to appoint a commission of inquiry at the earliest opportunity whilst the issues are fresh. Suggested that Members which have fallen as they are the most well versed on different ways to navigate the electoral acts to input their opinions so as to seek solution to these corruptive behaviour. Explains the rationale behind posing all residents to go back to their constituencies instead of special booths. Hon Member noted that after the previous General Elections, it was evidence that the provisions did not work and therefore the proposed changes are welcomed. The Hon Member supports the recommendations put forth by the Member for Faleata 3 to enforce the residency requirement whereby voters are encouraged to cast their vote where they reside.

**xv. Afioga ALAIASA Moefaauouo Malagaitutogiai Sepulona Moananu,
Member for Anoamaa 1:**

The Member seeking clarification as the minister was not clear in expressing his opinion and explaining the amendment where any matai could run in the election and enter parliament. Insisting whether this is only making it easier for anyone to enter parliament

Mr Speaker posed the question for the bill to be read a second time and progress without amendments; motion seconded and approved.

3. Electoral Amendment Bill (No.2) 2021 - Consideration in detail

Clause 2: approved

Clause 3: approved

Clause 4: approved

Clause 5: approved

Clause 6: approved

Clause 7: approved

Clause 8: approved

Clause 9: approved

Clause 1 and Short Title: approved

Mr Speaker announced the Bill will progress without any amendments.

4. Electoral Amendment Bill (No.2) 2021 - third reading

Hon Minister for Electoral, FAUALO Harry Jeffrey Schuster moved a motion for the bill to be third read; *Motion seconded and approved.*

**Proceedings were adjourned at 9:37pm; and
will reconvene at 9:30am on Tuesday 14th December 2021**