

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament **Thursday 2nd June 2022**. 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 the Proceedings of Parliament on **Thursday 2nd June 2022**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

9:43am**Thursday 2nd June 2022****I. STATE OF EMERGENCY ORDER**

Mr. Speaker announced the House that he received a Proclamation on the SOE signed by the Head of State on the advice by the Cabinet - Asserted that the State of Emergency Orders No. 79 issued on the 17th May 2022 is revoked upon the commencement of this Emergency order 80, commences from 12am on 1st June 2022 until 11:59pm on Tuesday 28th June 2022.

II. PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

A total of 3 Committee Reports were tabled in Parliament: 1 from the Social Sector Committee, 1 from the Economic Sector Committee and 1 from the Finance and Expenditure Committee:

III. ORDERS OF THE DAY

CONSIDERATION OF PARLIAMENTARY COMMITTEE REPORT on P.P. 2022/2023 No.1, Special Inquiry Committee Report on P.P 2021/2022 No.36 on the Outcome of the Internal Investigation Regarding Issues raised by the Attorney General on the Constitution Amendment Act 2020 & Land and Titles Act 2020. – Day 2.

1. Afioga PESETA Vaifou Tevagaena: Faasaleleaga No. 5 cont'

The Member for Faasaleleaga No. 5 firstly greeted the members and recalled the country's celebration of its 60th Independence yesterday which was organized perfectly. He then acknowledged the Prime Minister regarding the celebration yesterday and moved on to the Committee's report and all preparations regarding their investigation as it clearly outlines that it is mostly administrative errors. In addition, the member outlined that the report also includes the processes to take to correct such errors. Furthermore, the

Member expressed his disapproval of the Committee's chairpersonship as it goes against the Standing Orders thus, how can he expect to discuss the errors of the Acts when the chairperson himself does not follow the rules of declaring his conflict of interest. The Member also raised opposing point to the report as he disagrees with the chairman being the chairman as he has voiced his opposing opinions during consultations, and he sees it as a matter of conflict of interest.

- **Susuga Hon Laauli Leuatea polataivao Fosi –Member for Gagaifomauga No.3**

The Minister for Ministry of Agriculture and Fisheries, queried the member about the previous actions taken which led to the discrepancies in the Acts under review and whether it was easy for them to make such changes without the Parliament and using of the HOS's assent when the changes were done by some other people outside of parliament.

- **Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo – Member for Anoamaa No.2**

The Member sought to correct the use of the collective words you all [outou] implying that all of the Opposition members have this point of view, therefore the Minister's remarks should be directed to the Member only.

- **Susuga Hon Laauli Leuatea polataivao Fosi –Member for Gagaifomauga No.3**

The Member responded that these very words "easy to fix" were also stated in Members speeches in the last sitting making it seem that the situation discussed in Parliament today is an easy matter.

- **Tofa Hon OLO Fiti Afoa Vaai – Member for Salega No.2**

The Minister stated, referring to the discrepancies in the Act as usual administrative errors, clarified that on page 20 of the Report it outlines the emails between the people involved in changing the acts was marked "for your eyes only". Therefore, he queried the member why such words were used as it implies that they are hiding something. The member further noted that these words reflect that the people involved were aware of doing the changes illegally. He further stressed that the former PM was aware of the changes as it is upon his advice that the Head of State assents does not assent to a Bill.

❖ **SPEAKER – Point of clarification**

Clarified to the Member for Faasaleleaga No.5 regarding his disapproval of the Committee's chairman that once a committee membership is passed by the Assembly then it cannot be questioned by any other member. In addition, the speaker noted that he did receive a letter from the leader of the Opposition regarding the election of the Chairman, and he responded to him stating that the chairman was elected by the assembly thus, it cannot be changed. Moreover, the speaker clarified that regarding the member mentioning S.O113 it is important to note that the former clerk did not follow them and it is all in the report.

- **Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo – Member for Anoamaa No.2**

In reference to the Minister of Works, Transport and Infrastructure (MWTI) claims against the former PM that he is the only one who was aware of the changes made to the Acts, it is important to note that the former PM is not present to answer.

❖ **SPEAKER – Point of clarification**

Point of clarification to the deputy leader of the opposition that the Minister of Works was only saying that it was the former PM that had the authority to advise on approving and disapproving of the changes made to the Act.

- **Tofa Hon OLO Fiti Afoa Vaai – Member for Salega No.2**

The Minister noted that the speaker provided clear clarification of his point, and further stressed to the deputy leader of the opposition that the former PM had the power to advise the HOS on assenting Acts in accordance with Article 60 of the Constitution.

- **Afioga Auapaau Mulipola Aloitafua Mulipola – Member for Aiga I le Tai – Chairman for the Special Committee**

The Chairperson noted that he will answer for the matter raised regarding him being the chair for the Special Committee when the time comes.

- **Afioga Fiame Naomi Mataafa – Prime Minister**

Advised the member for Faasaleleaga to speak about the report and stop talking about unrelated matters.

Afioga PESETA Vaifou Tevagaena: Faasaleleaga No. 5 Cont'

The Member expressed that he declines the report and noted that it is clear in the report that OCLA made a mistake and takes full responsibility.

2. Afioga Niuava Eti L. Malolo – Member for Vaisigano No. 1

The Member greeted the whole house, his constituency and the Samoa who are listening in near and far. He questioned the Members who did not sign the report and questioned the completion of this report. He suggested that the Bill should have come back to Parliament.

- **Afioga PESETA Vaifou Tevagaena: Faasaleleaga No. 5**

Interjection by the Member, noting that these Acts were passed towards the end of the last Parliamentary term and near election therefore there was no time to make changes.

Afioga Niuava Eti L. Malolo – Member for Vaisigano No. 1 cont'

Clarified that if, they knew that their term was near the end, why rush these 3 Bills. He queried the effect of this matter on the HOS and his dignitaries, signing different versions of the Act.

- **Tofa Hon Lauofo Fonotoe Nuafesili Pierre Lauofo – Member for Anoamaa No.2**

The member noted in a point of clarification, that the committee that went out to the public to explain the amendments to the people it was not an official act at the time, as it only sought advice from the public and their opinions which will then be brought in parliament and for Parliament to deliberate on and make the necessary changes upon approval by the Assembly.

- **Afioga Hon Tapunuu Niko Lee Hang – Member for Vaimauga No.3**

The Member advised the member for Vaisigano No.1 to not mention previous ministers and cabinet as they are not present to answer to claims made against them.

❖ SPEAKER – Speaker's ruling

Mr. Speaker ruled to refrain from referring to those that are not present and former Members of Parliament as they cannot defend themselves and answer directly to them.

Afioga Niuava Eti L. Malolo – Member for Vaisigano No. 1 cont'

The Member for Vaisigano No. 1 clarified that he was only acknowledging the former cabinet and members, further apologized to the members if they took what he said in a different way than from what he meant. He further went on to explain what the PM said about “ia se'i ma a'a” as it implies mistakes done by the office/workers. Therefore, it is important to have employees who are willing to work with honesty and according to God's principles. Further stressed the importance of decisions we make today which will impact tomorrow. Thus, the member states he fully supports the report as it is not a light matter and should be taken seriously.

3. Afioga Fepuleai Faasavalu Faimata Sua – Member for Salega No. 1

The Member greeted clergy from different denominations, his constituency. Also thanked his constituency for their preparations with the 60th independence celebration yesterday. Recalled the history of our nation and our independence to which the member compared to Israel's journey out of Egypt. The Member noted that the Parliament fixes the wrongs and anything that needs fixing for the betterment of our country, however he noted that there are people that have manipulated and try to ruin the work of the Parliament.

Proceedings were adjourned at 10:51am and reconvened at 11:30am

Afioga Fepuleai Faasavalu Faimata Sua – Member for Salega No. 1 Cont'

The member further stressed the importance of upholding the law and ensuring the accuracy of following processes with passing acts as these are used to guide the country. The member noted that he does not believe that the errors with the acts were administrative, because if it were it would have been simple or miss-spelt words not full sentences as shown in emails specifically stating the removal of some words. Also took into account the meetings these people involved had, as shown in the report. He also implies that this was done with intention as, he mentioned that there were meetings done in haste.

- **Afioga Lupematasila Galumalemana Tologata Togia Tile Leia – Member for Falelatai and Samatau**

Interjection by the Member, with reference to the Member using the stated words 'for your eyes only' in the email to imply that they conducted changes illegally. It is important to clarify that these words mean it is for the office use only not just between some people.

Afioga Fepuleai Faasavalu Faimata Sua – Member for Salega No. 1 Cont'

Acknowledged the member for Falelatai and Samatau for his clarification however, he believes different people will hold their own opinions regarding these words. Further stressed, that he believes it is not an administrative error as it was done intentionally as proven by the words in the report 'remove/aveese'...

- **Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo – Member for Anoamaa No.2**

The Member sought clarification from the member of Salega No.1 where in the report it states the word 'faufau of fafau' which implies conspiracies conducted by the president of the LTC and the office involved.

Afioga Fepuleai Faasavalu Faimata Sua – Member for Salega No. 1 Cont'

The Member further highlighted another sentence in the report by the AG to remove the words 'unless approved by the president/sei vagana le faatagana a le peresitene'.

- **Afioga Fuaava Suluimalo Amataga – Member for Aleipata Itupa I Luga**

The Member asked for the Member to reference the phrases and lines in the report to support his point.

Afioga Fepuleai Faasavalu Faimata Sua – Member for Salega No. 1 Cont'

The Member for Salega No. 1 clarified that Article 104 is an addition to the Constitution recalling that 103 is an old section. Further stating that what he has in his hand is the most recent changes that have been inserted in the constitution.

I. Tofa Hon Lauofo Fonotoe Nuafesili Pierre Lauofo – Member for Anoamaa No.2

The Member highlighted that the member is just talking about what is in the report without giving any solutions.

II. Afioga Fiame Naomi Mataafa – Prime Minister

Afioga Fiame Naomi Mataafa clarified that the section which the member for Salega No.1 is referring to is the reason why she resigned.

III. Afioga Fepuleai Faasavalu Faimata Sua – Member for Salega No. 1 Cont'

The member stated his full support for to the report, and to disregard the bills which has led to the committee's investigation.

4. Afioga Sulamanaia Fetaiai Tauiliili Tuivasa – Member for Vaimauga No. 1

The Member greeted Samoa in all its honorific salutations, greeted his constituencies. Acknowledged all members of the assembly. Acknowledged the Committee for their work and preparations of the report. The member further expressed his disapproval of the members stating to disregard the bill which the parliament has passed. He somewhat noted that the recommendation 1 put forth by Committee is somewhat overstepping into the jurisdiction of Parliament as a whole.

• **Susuga Hon Laauli Leuatea polataivao Fosi –Member for Gagaifomauga No.3**

The Member for Gagaifomauga No. 3 clarified that the committee's resolution is that the assembly has the authority to pass the report. It is important to note that the assembly has the final say about the Acts.

❖ **SPEAKER – Speaker's Ruling**

Speaker advised the Members to refer to the committee report rather than bring up the members that did not sign the report.

Afioga Sulamanaia Fetaiai Tauiliili Tuivasa – Member for Vaimauga No. 1 Cont'

The Member showed concern for the office of the Legislative. He also referenced the report of the Clerk that the Office of the Clerk of the Legislative Assembly takes full responsibility that the mistakes were due to employees not following due process.

• **Tofa Hon OLO Fiti Afoa Vaai – Member for Salega No.2**

With reference to the member mentioning the lapse in processes which led to the different copies of acts, he wanted to emphasize that the discrepancies are not lapses as the changes were immense and it shows it was done intentionally.

- **Susuga Hon Laauli Leuatea polataivao Fosi –Member for Gagaifomauga No.3**

He gives concerns with the Office of the Clerk of the Legislative Assembly as it seems like they are taking all the blame with the issue at hand, but it is now clear in the report that there are other people involved in the changes made. Further highlighted that OCLA only followed procedures and demands from higher officials.

- **Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo – Member for Anoamaa No.2**

He wants to clarify that the report proves that there was no tricky nor dishonest works behind the changes. It has outlined that it was to insert the things missed from the debates of the Parliament and the amendments proposed in parliament. Further highlighted that they are blaming OCLA, they are only speaking from the report which includes the admission of the OCLA that they did make a mistake with not adding the other parts in the acts and that there was no intention to add in new things. Further emphasized that there is a letter from the AG which states that the differences were only administrative errors and nothing was done illegally.

Afioga Sulamanaia Fetaiai Tuiliili Tuivasa – Member for Vaimauga No. 1 Cont'

The Member concluded his speech and noted that Vaimauga No. 1 is not in support of the Committee's report.

- **Afioga Fiame Naomi Mataafa – Prime Minister**

In a point of clarification regarding the Committee, it seems as if the Member is separating the Committee from Parliament. She put forth the argument, the Committee was approved by Parliament and is another branch of parliament which inherits the same functions as Parliament.

5. Tofa Lagaia Tiatuu Tufuga – Member for Palauli No. 3

The Member greeted the Whole house, and showed concern that our 'Measina' in which he is referring to our Lands and Titles would be greatly affected by these bills. He offered advice to the Assembly to move forward together and in unity by bringing back how the old things were done (somewhat implying bringing back the old Acts which were not controversial but brought stability).

The member concluded by expressing his support of the bill.

- **Tofa Hon Leatinuu Wayne Soialo – Member for Faleata No. 2**

Point to clarify to the member for PALAULI whether he is referring to the report as there is no bill being discussed at hand.

Tofa Lagaia Tiatuu Tufuga- Member for Palauli No. 3

The member responded to the Minister of MCIL, that he supports the report by the Committee not the Bill.

6. Afioga Leaana Ronnie Posini – Member for Safata No. 1

The Member greeted Samoa and Members of Parliament. He then highlighted that it is evident in the report that the parliament did not do anything wrong or illegal, as well as the committee that was chosen to investigate the discussed Acts.

❖ **SPEAKER**

Mr. Speaker clarified to the member for Safata 1 that there was no intention to investigate the Parliament or committee responsible for the acts. Thus, there is no recommendation in the report regarding the parliament and committee. It is important to note that this investigation emerged out because of the office involved, and other things which happened outside of parliament where the mistakes occurred.

Afioga Leaana Ronnie Posini – Member for Safata No. 1 cont'

The member highlighted that he only sought whether the parliament was involved in these mistakes because acts are only passed in parliament. It is evident in the report nothing illegal was done by parliament with passing the acts.

- **Tofa Hon OLO Fiti Afoa Vaai – Member for Salega No.2**

The Minister clarified to the member for Safata 1 that the committee report at hand shows there are people who have breached parliament acts by amending acts already passed. Further noted that any amendments either just letters to the constitution should be brought in parliament for their consideration.

❖ **SPEAKER**

Point of Clarification for the member of Safata that the parliament and committee responsible for the act is not affected by the investigation regarding the acts. As the report at hand was only intended to investigate the changes made to the acts outside of parliament.

Afioga Leaana Ronnie Posini – Member for Safata No. 1 cont'

He further queried that if this is the case, that the parliament is not involved then why should the acts already passed by parliament be repealed if the mistakes were administrative actions.

- **Susuga Hon Laauli Leuatea polataivao Fosi –Member for Gagaifomauga No.3**

The Minister stated to not use standing order as a cover for the mistakes as it affects the constitution.

- **Afioga Auapaau Mulipola Aloitafua Mulipola – Member for Aiga I le Tai – Chairperson for the Special Inquiry Committee**

The chairperson advised the member for Safata No.1 to talk about the contents of the report at hand, and not question the parliaments, committee, and the HOS's involvement in the investigation.

Afioga Leaana Ronnie Posini – Member for Safata No. 1 cont'

The Member touched on the AG's advice which is that they did not advise to repeal the acts thus, the committee should have followed these advises. He also noted in the emails which were included in the report that it does not imply any intention to illegally change the act emphasizing the words 'tuu atu pea' which implies that it was only an advise and not forcing the amendments to be made.

7. Afioga Hon Tapunuu Niko Lee Hang – Member for Vaimauga No.3

The Member commended the Committee and chairperson for their preparations and report even though there are few claims made which he does not support as they imply serious accusations of undermining the law.

Further noted that the report does not clearly outline the 4 different copies of the Acts under investigation, advising that it should have been included for the assembly's consideration. He then continued to note that due to the budget that needs to be reviewed by the Finance and Expenditure Committee he recommends that this matter discussed to date is integral and for the members of the Opposition to be given first priority to speak on the issue because the other side of the Chamber, no doubt members have supported the report.

8. Afioga Fiame Naomi Mataafa – Prime Minister

The Prime Minister acknowledged the presence of the Members of Parliament at the celebration of the 60th anniversary yesterday, and continues to note there is always tomorrow to continue with deliberations regarding this matter.

Proceedings were adjourned at 1:08pm and to reconvene on Friday 3rd of June at 0930.