

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament **Friday 3rd 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 **Friday 3rd June 2022**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

9:43am

Friday 3rd June 2022

I. PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

A total of 5 committee reports were tabled in Parliament: all from the Finance and Expenditure Committee.

II. 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 3.

1. Afioga Masinalupe Makesi Masinalupe – Member for Lefaga and Faleaseela

The Member greeted the Speaker, Leader of the House- the Hon. Prime Minister, Cabinet Members, Associate ministers, the Deputy leader of the Opposition, and all members of parliament. Acknowledged the Head of government Ministries and the Attorney General who are present. The Member acknowledged the support of his constituency for celebrating the 60th anniversary by raising the flag of Samoa and singing the National Anthem in the village. The Member commended the Chairperson of the committee and its members for their work and preparations of the report and emphasized that they were selected to do their work with honesty. He then referred to statement by other Members stating that the errors in the Acts were mistakes and administrative lapses, he believes that such words are used to justify wrongdoings. He also noted that, the report also mentioned a phrase that stated to remove these words as per instructions by the President of the Land and Titles. The member further stated his concern regarding this as the Act has already been passed by Parliament. Furthermore, the member emphasized the seriousness of claiming things as mistakes and lapses because it will set a precedence for future actions.

The Member then stated that the Bible is the most important book, but following that is the Standing Orders of Parliament.

- **Afioga Sulamanaia Fetaiai Tuiliili Tuivasa – Member for Vaimauga No. 1**

The Member interjected, stating that the Member should also consider the Constitution, and not just the Standing Order, as he has mentioned that first comes the Bible, then the Standing order. But that is not the case, the Bible is the epitome of all books, then the Constitution, then the Standing Orders.

Afioga Masinalupe Makesi Masinalupe – Member for Lefaga and Faleaseela cont'

The Member stressed the importance of maintaining the privilege of Parliament, advising Members of parliament to do what is right in the eyes of God. He then concluded by expressing that he supports the report.

2. Tofa Ale Vena Ale - Member for Faleata No. 4

The Member for Faleata No. 4, commended the Speaker for his work, he then addressed the PM, cabinet and associate ministers, head of government ministries, clergy from different denominations. As well as, all members of parliament.

The member recalled that the Acts at hand caused a lot differences and upheaval within the country. He commended the chairperson of the committee and its members for their thorough investigation, as he is now aware of the different copies of the Acts. Therefore, it is also evident in the report that these differences were administrative errors and not parliament.

The Member further clarified that the Legislative Assembly's report admitted that they take full responsibility and they are at fault, hence why the parliament should not be affected and cannot be at fault, however it seems that the parliament is at fault. Moreover, the member suggested to the PM and cabinet that if they are planning to acquire the official copies of the acts passed in parliament or repeal the acts, then they should bring forth amendments for the assembly's consideration ensuring that the 2/3 requirement as per Constitution is met (specifically referring to Constitution Amendment Act 2020). Lastly, the Member concluded his speech by acknowledging the government for their preparations in celebrating the country's 60th independence.

- **Afioga Sulamanaia Fetaiai Tuiliili Tuivasa – Member for Vaimauga No. 1**

The Member interjected, querying the Member for Faleata No.4 that this is was one of the government of the day's aim and goal pre-election, stating as soon as they come in office, they will repeal the three (3) Acts and what is happening today is fulfilling one of their pre-election promises?

- **Tofa Ale Vena Ale - Member for Faleata No. 4 cont'**

The Member noted that, this was mentioned during their roadshow and not by him, however, he supports the report and with hopes that this will be resolved as soon as possible as Parliament have other matters and work to be done.

- 3. **Afioga FUUAVA Suluimalo Amataga- Aleipata Itupa i Luga**

The member for Aleipata Itupa i Luga greeted the speaker, PM, members of parliament and all of Samoa both locally and those listening in from overseas.

He then referred to recommendation 2 of the Special Inquiry report which is the establishment of the Legislation Act to define what Clerical and typographical errors are so as to avoid mistakes from occurring again however, he believes that these have been catered for under S.O.111 where the clerk is permitted to make minor changes to an act already passed by parliament such as missing letters without having to go through parliament again.

- **Tofa Hon Olo Fiti Afoa Vaai – Minister of Works, Infrastructure and Transport (MWTI)**

The Minister queried the member whether the recent changes that were made to the Constitution without 2/3rd majority of parliament is a mistake.

Afioga FUUAVA Suluimalo Amataga- Aleipata Itupa i Luga cont'

The Member further highlighted that he rejects the report, because the report includes errors thus, questioned whether the parliament will approve of this report when it contains errors.

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

The Prime Minister advised the member if he has highlighted errors within the report then it is important to let the parliament know, as the Chairman of the Committee is present to answer for these.

Afioga FUUAVA Suluimalo Amataga- Aleipata Itupa i Luga cont'

The member clarified that the errors in the report is that there are minutes attached to the report which notes there are 8 members of the Committee when the Assembly approved only 7 members. These are pure examples of clerical or secretarial errors (reference to attachment 2).

- **Susuga Hon Laauli Leuatea Polataivao Fosi – Minister for Agriculture and Fisheries (MAF)**

The Minister clarified to the member that if the President of the LTC want to make changes to the acts he should have brought it in to parliament and not contact the Clerk of the Legislative Assembly directly.

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

The Member stated that there were several changes highlighted by the office, however the president of the Land and Titles noted that the English does not go well with the Samoan version of the Act.

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

Point of clarification, the Prime Minister clarified that the Parliament is discussing the changes brought in by the President of the Land and Titles Court, which goes against usual/official processes of making and passing laws.

Afioga FUUAVA Suluimalo Amataga - Aleipata Itupa i Luga cont'

The Member further sought clarification on the differences between the SO.111 and Recommendation 2 of the report, which is the establishment of a Legislation Act - Clerical and Typographical.

- **Susuga Hon Laauli Leuatea Polataivao Fosi – Minister of MAF**

The Minister clarified to the Member for Aleipata Itupa i luga that it is important to note that SO.111 does not permit changes to any act that will change its meaning entirely.

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

The Prime Minister clarified to the member for Aleipata Itupa i luga that no one is discussing the broad changes made by acts and its consequences such as the election of judges and sole discretion of the President for LTC.

Afioga FUUAVA Suluimalo Amataga- Aleipata Itupa i Luga cont'

The Member further noted that he is only underlining the Legislative Assembly's report regarding administrative errors. He further noted that it is important to clarify the changes, which the clerk of the office is entitled to make to an act referring to pg.9, which consists of emails from the president of the LTC regarding the changes to be made as examples.

- **Tofa Hon Olo Fiti Afoa Vaai – Minister of MWTI**

The Minister clarified to the member that the clerk is only permitted to make typographical errors such as mis-spelt words and not changing the meaning of an act entirely.

- ❖ **SPEAKER:**

The Speaker advised the member for Itupa i luga that the SO111 only permits the clerk as explained by the Minister of Works, to change mis-spelt words within 1 month. However, as shown in the report at hand it is clear that the changes made to the Act

are serious and have changed the meaning of some of the provisions of the Act. Thus, it is important to know the differences between misspelt words and changing the meaning of an Act entirely.

Afioga FUUAVA Suluimalo Amataga- Aleipata Itupa i Luga cont'

The Member further highlighted recommendation 4 which he rejects as it requires those officers involved to be taken to court as a solution. Whereas, there is an advice by the AG that there are provisions in the SO that enables amendments to be brought in parliament and pass them again. Further stated that this solution by the Committee is problematic for the officers involved.

Proceedings were adjourned at 10:54am and reconvened at 11:15am

❖ **SPEAKER**

The Speaker emphasized that there is a lot of work at hand for the Assembly; especially the Finance and Expenditure Committee therefore, suggested the importance of ensuring that the order of the day is completed on time further posing a question for the assembly whether it is appropriate to move on with the PM's motion regarding the Report.

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

The Member accepts and agree that the report should be passed in order for the Assembly to move on with other businesses, however he requests the speaker to allow only two of their Members to speak (5 minutes each) on the matter before the report is approved by the Assembly.

5. Afioga Lupematasila Galumalemana Tologata Togia Tile Leia – Member for Falelatai and Samatau

The Member highlighted OCLA's admission of administrative errors however, he expressed disapproval of the way some witnesses were being questioned as if the committee wanted them to answer that the president of the LTC had ordered them to make the changes to the Acts. The Member also highlighted the bad portrayal of the President of the LTC in the report and he is not here to answer to these claims even though he clearly stated that the President had admitted he went to the office of the Clerk of the Legislative Assembly for a different reason and not related to the changes in the Act.

Moreover, the Member highlighted that it is evident in the report that the office of the LA and president of LTC admitted their mistake is that they missed 30 days needed to make changes to the Acts after the assent of the HOS. Moreover, the member highlighted that

the report does not include written responses of the AG, Law Reform, stating their advice that the changes made to Acts will not affect the Acts.

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

The Prime Minister clarified that the Member is portraying that this matter is taken frivolously however this is a crucial matter and it should be taken into account. She then stressed that the changes made to Act is serious, as it has halted the work of the LTC.

Afioga Lupematasila Galumalemana Tologata Togia Tile Leia – Member for Falelatai and Samatau cont'

The member expressed that he rejects the report entirely due to reasons he has previously mentioned.

6. Susuga Maulolo Tavita Amosa – Member for Sagaga No. 2

The Member for Sagaga No. 2 greeted the Whole house and Samoa who are listening near and far. He then continued to highlight the witnesses' role in this report, specifically the AG's witness, noted that he did his research and found out that the AG's advice was not put in the report tabled. He then noted that the committee have explored every angle to compile this report. He then stated that, it should be done with all honesty and with God's wisdom.

The member expressed that he accepts the report except for recommendation 1, which is to repeal and disregard the act because there is a report of 80% of Samoans who showed support for the Act.

7. Tofa FUIONO Tenina Crichton: Falealupo

The Member greeted the Assembly, and our people tuning in from afar. He then recalled the preparations of the independence a successful event. He then highlighted that the report is clear, and recalled his disapproval during the consultations of the Act and expressed his support for the committee's report.

- **Tofa Lenatai Victor Faafoi Tamapua – Member for Vaimauga No. 2**

Point of clarification to the member of Falealupo that even though his constituency did not agree with the Act, it should be noted that 80% of Samoa supported the Act after public consultations by the Special Committee then.

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

The Prime Minister clarified to the Assembly that there is a provision in the Constitution, which states that once an Act is passed in parliament then it becomes the official Act. It is

clear that the Acts being discussed have been passed by parliament however, they are currently deliberating on the consequences, which these acts have caused. She then further advised the Members to talk about the tabled report directly.

8. Afioga Magele Sekati Fiaui – Member for Faasaleleaga No. 2

The Member for Faasaleleaga No.2 highlighted that the discussed Acts is one of the reasons he ran for parliament. The member touched on the integrity of parliament, which has been affected due to changes made to the act outside of parliament. He further noted that the essence of the act implies serving the interest of a person when it should consider collective interests. He then also noted the importance of the Acts as it impacts our “measina” cultural treasures- referring to Land and Titles. Lastly, the member expressed his support for the report.

9. Afioga Auapaau Mulipola Aloitafua Mulipola – Chairperson for the Special Inquiry Committee

The Chairperson noted that there were 15 people that spoke on the report during deliberations in the House. He then, mentioned that most of the opinions was to recommend to repeal the two Acts. The Chairperson noted that the processes in the SO.111, 112, 113 were not followed when the changes were made to the Act. Henceforth, queried who had the authority to make amendments to the act given that the OCLA and its responsible minister had not done so when they had the time. Further stated that only parliament holds the authority to make changes to acts.

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

The Member raised a point of clarification to the Chairperson that he did not accept the disposal of the act and such word 'faasolomuli' is unfamiliar to him as it is not in the Standing Orders of Parliament. Thus, he queried how it will happen and who has the power to dispose an Act. Lastly, the member highlighted that it is important to note that Acts are not disposed; it is repealed by creating a new act or making amendments to an act not faasolomuli/dispose. He then asked the Chairperson to speak on the overall of the report as the assembly have other matters.

MOTION TO EXTEND SITTING HOURS

The Hon. Prime Minister moved a motion to continue business of the assembly until the report is passed.

Motion seconded and approved

Afioga Auapaau Mulipola Aloitafua Mulipola – Chairperson for the Special Inquiry Committee, cont’.

The Chairperson continued to note that there are 4 different copies that were distributed and sold to the public and these copies were all wrong due to the changes that were inserted after the Acts were assented to by the Head of State. He referred to emails between the people involved as shown in the report, that these emails brought forth amendments that were not passed by Parliament. The Chairperson commended the committee members for their commitment and work in preparation of the Report given that it is a first time such committee has been established to investigate an unorthodox issue. He then thanked his constituency for their never-ending support while he is in parliament, to be the voice for them. He then concluded his speech by wishing the Members well throughout this term.

10. MINISTERIAL SPEECH- Afioga Hon Fiame Naomi Mataafa – Prime Minister

The Hon. Prime Minister commended the Committee members and the Chairperson for their hard work which is shown through from their report. Further noted the role of Parliament in making, and passing as well as amending Laws. Moreover, the PM noted that the Committee came up with 2 conclusions which are; there is no Act in place to elect the President of the LTC and its Judges which is essential to the continual work of the LTC. Secondly, the committee noted the discretionary power, which those as lawmakers should refrain from. This is because every law must be analyzed deeply as it not only protects people who make the law but those taken to court under the law. Furthermore, the PM highlighted the discussion of public servants stressing words such as; lapse or mistake and to be aware when using such words as it can be used against them. The Prime Minister also touched on Terms of reference which guided the work of the committee, and she read the following:

- i. To consider what role Parliament must play should similar situations arise;
- ii. It is important to find and re-confirm from its findings the integrity of the process that was used which enabled the insertion of amendments which has resulted to the differences of copies of the laws;
- iii. Look into the legality by which these works were done; and
- iv. Provide recommendations for measures that should be in place as a solution to such matters should they arise again in the future.

MOTION BY THE LEADER OF THE HOUSE

The Prime Minister moved a motion to approve the Special Committee report that is before Parliament; to approve recommendations 2, 3 and 4 but to set aside recommendation 1 by giving the Executive and AG permission to provide necessary amendments for the Acts discussed and for these Acts to be tabled again in Parliament in a forthcoming sitting.

Motion seconded and approved

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

Tofa Hon Laufo Fonotoe Nuafesili Pierre Laufo, spoke in his position as Deputy Leader of the Opposition to express appreciation and thanked the Chairperson and his committee for their long and hard work in regards to the report. He then thanked the Prime Minister and her Cabinet as well as the Assembly for the effort and opinions showed during the past few days.

❖ **Other announcements by the Speaker**

The Speaker of the House, noted changes in the Finance and Expenditure Committee, he indicated that Afioga Aliimalemanu Alofa Tuuau would replace the Member for Sagaga No. 3 Afioga Hon Sala Fata Pinati in this committee.

Proceedings were adjourned at 12:40pm and to reconvene on Tuesday 21st June 0930.