

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament **Tuesday 24th May 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 **Tuesday 24th May 2022**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

9:30am

PART A

Tuesday 24th May 2022

I. OTHER ANNOUNCEMENTS BY MR SPEAKER

The Hon Speaker commenced by giving thanks to our Heavenly Father for his guidance and protection upon Samoa. He then, greeted the house, in all its honorific salutations.

The Speaker of the House made known to the Assembly that he has received a complaint from a Member of Parliament regarding a matter of privilege under S.O178 (1) against another Member of Parliament. Pursuant to S.O180 (1) the Member that lodged the complaint has already submitted a copy of the complaint to the accused Member for consideration. The Speaker also clarified that the names for the Members will remain concealed, as the matter is yet to be considered. Pursuant to S.O 178 (2) the Speaker will investigate on the matter whether it is a question of privilege and will report back to Parliament. The Speaker further instructed the accused member to submit a written response to the speaker by 4pm on Tuesday 31st May 2022.

II. STATE OF EMERGENCY ORDERS(SOE)

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 was in effect on Wednesday 18th May at 12am to Tuesday 31st May 2022 at 11.59pm.

III. PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS

- *P.P 2022/2023 No.7, Privileges and Ethics Committee Report on P.P. 2022/2023 No.5, Complaint raised by the Deputy Prime Minister against Members of the Electoral Constituencies of Lepa and Faleata No.3 and P.P. 2022/2021 No.6, Written Response from Members of the Electoral Constituencies of Lepa & Faleata Number 3 on the Complaint raised by the Deputy Prime Minister.*

IV. ORDERS OF THE DAY

❖ SPEAKER

In accordance with the motion approved by the Legislative Assembly in its meeting on the 17th May 2022, the committee will report on this sitting day 24th May 2022 pursuant to S.O 181(2). Pursuant to S.O 182, precedence over other business shall be given to the consideration of any report of the Privileges and Ethics Committee on a question of privilege.

Pursuant to S.O 52(3), the Committee has submitted their report to the Clerk of the Assembly to be tabled in Parliament today, this report was approved and signed by 9 of the Members in the Privileges and Ethics Committee. However, it has been made known that two (2) of the members wish to withdraw their signatures from the report but this cannot be done. He stated however that their objection has been noted and will be published on Parliamentary record.

i. Tofa LAUOFO Fonotoe Nuafesili Pierre Laufo - Member for Anoamaa 2

The Member emphasised the importance of Article 9 of the Constitution, where every person charged with an offence shall be presumed innocent until proven guilty according to law, which the Speaker should consider as it requires an accused person to have the chance to speak, therefore, the member advised the Speaker if the Assembly could postpone the deliberation of the committee report to a later date until the Leader of the Opposition is present as he is the main focus of this committee report. The Member also moved a motion for the matter to be deferred to the next sitting day.

Seconded by the Hon Tapunuu Niko Lee Hang

ii. Afioga FIAME Naomi Mataafa- Prime Minister

The Prime Minister reminded the Speaker about the matter at hand which is breaching parliamentary privileges thus, it must be taken seriously and should be discussed. The Prime Minister also reminded that the matter discussed is of privilege and emphasized on the importance of Article 9 of the constitution, she confirmed that those affected in this matter have already answered to the Committee therefore it should not stop the Parliament from deliberating on it.

SPEAKER

Mr Speaker, clarified that this matter is an important matter and must be given priority, this is the reason why it should be discussed as per scheduled as the Committee have prepared its recommendations. The Speaker rejected proposal by the Deputy Leader of the Opposition.

iii. Tofa LAUOFO Fonotoe Nuafesili Pierre Laufo - Member for Anoamaa No.2 cont'

The member highlighted that the accused member has not yet relayed any response to the complaint at hand, and also noted that the dignity of the Parliament is at risk and stated that the accused should be present at the time of deliberations hence why he is requesting for it to be deferred to the next Parliament sitting.

iv. Point of Clarification – Prime Minister

The Prime Minister clarified that there is nothing in the Constitution which states that the accused should answer to his offence in Parliament.

v. Tofa Hon Olo Fiti Afoa Vaai – Member for Salega No.2

The Member and Minister of Works, reminded the Assembly and the Deputy leader of the Opposition about him and Wayne's case, where he was suspended from parliament and he did not say anything as he respected the law.

vi. Tofa LAUOFO Fonotoe Nuafesili Pierre Laufo - Member for Anoamaa No.2 cont'

The Member for Anoamaa No.2 jested that the Member in his case and the matter that he is referring to was not a matter of parliamentary privilege.

vii. Tofa Hon Lealailepule Rimoni Aiafi- Member for Faleata No.3

The Member for Faleata No. 3 advised the Assembly that he is not worried and urged that the matter should be discussed now and for the Assembly to move on.

1. Afioga Hon Valasi Luapitofanua Togamaga Tafito Selesele – Member for Vaisigano 2 and Chairman of the Privileges and Ethics Committee

The Chairman moved the motion for the Legislative Assembly and the Speaker of the house to approve its report and recommendations

Motion seconded by the Minister of MCIL and Minister of MWTI

The Chairman presented to the Legislative Assembly a summary of the Committee's report to which he firstly expressed gratitude to the house and all the Members of Parliament and Samoa. He, then read out other matters raised in part 5 of the report.

1. When an individual can become a Member of Parliament
2. Was there or was there not a court proceeding
3. Harmony agreement
4. Raising of matter of privileges

Terms of Reference and Findings

6.1 Look into the effect and breach of Privilege of the Legislative Assembly in this matter*it was confirmed that: Parliamentary privileges have been breached as well as the Oath of Allegiance [Standing Order 14] and the code of Parliamentary Ethics [standing Order 15]

6.2 Look into the effect and contempt of Parliament in this matter * it has been confirmed that Contempt of Parliament has been affected and committed

6.3 look into the impact this matter may have on this Legislative Assembly Powers and Privileges Ordinance 1960. According to the Committee findings on this terms of reference, the legislative assembly powers and privileges ordinances 1960 has been affected by this matter, pursuant to section 21 [1][d].

6.4 look into the effect of a Member of Parliament who has been found to breach Parliamentary privileges and confirmed an act of contempt of Parliament

6.5 look into the legal effect of this matter regarding conduct of a Member of Parliament whether the conduct[s] are those unbecoming of a Member

6.6 provide a decision on a matter put forth

At the conclusion of its deliberations, the Committee resolves, to advice the Legislative Assembly that:

- 1. Members of Parliament from the Electoral Constituencies of Lepa and Faleata No 3 to be suspended from Parliament commencing on the day the Assembly approves the Committee's report until such a time.**
- 2. According to the Standing Order 187 [5] the member is not eligible to any salary or Parliamentary allowance.**
- 3. The Committee recommends that the Legislative Assembly and the Speaker of the House observe such resolution by a data of return for the sanctioned members as a way forward.**

The Privilege and Ethics Committee recommend that the Legislative Assembly approve its report and recommendations. The Chairman then acknowledged his committee for their hard work and commitment, and advised members of parliament that any questions regarding the tabled report, his committee will try to help out and clarify any misunderstandings. The Chairman further stressed that his committee has shown unity until this morning where some members requested to remove their signatures from the report. However, reassured the whole of Samoa that the tabled report is of the committee's final analysis.

viii. Tofa LAUOFO Fonotoe Nuafesili Pierre Laufo - Member for Anoamaa No.2

The Member stated that the actions of these members occurred before the two accused members were sworn in as members of parliament, as this happened around July and August 2021. In addition, the member highlighted that the 2 members never mentioned anything about Parliament as they were mostly referring to the Court. Furthermore, when the matter was taken to court, the judges did not impose any penalties upon the 2 accused members thus, the 'harmony agreement' was established. Therefore, from his perspective this satisfies the law and the case is closed. However, he is saddened by the Deputy PM's complaint which has brought this issue back up, and believes that no person shall be taken to court twice for the same matter as this falls under the 'Principle of double jeopardy'.

Additionally, the member further outlined that S.O185 and S.O186 is not affected by the claims of the 2 accused members as they were mainly referring to the court.

Lastly, the member rejected the report's conclusion and recommendations. He reflected on the Legislative Power and Privileges Ordinance 1960, section 21(4) and Standing Orders 187 (4) where it states that if a member is suspended from Parliament there should be a definite period/specific time for that suspension. This is why he is against recommendation 1 of the Committee's report.

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

The Member posed a question for the chairman – whether there are any penalties given to those making comments to the court rather than Parliament? He also noted that accusations were only made on social media. The Member showed concern that this matter could pose a double penalty even though the court did not give any penalties. The Member also stated that the indefinite penalty proposed under recommendation 1, is not reasonable therefore requires a specific time period rather than a vague recommendation as stated in the report. He further stated that there should be a specific time period that will be a guideline for parliament as a whole. The member further advised the committee regarding other penalties, that the committee should've considered instead of suspending the members. This is because the member's accused should not be away from parliament sittings as their input and knowledge is essential for making laws and parliament decisions especially as we are facing countless challenges. Thus, the member stated that the suspension is a harsh penalty and also the time of suspension is not specific. The member rejects the recommendation of suspension.

x. Afioga Hon Valasi Luapitofanua Toogamaga Tafitoselesele – Member for Vaisigano 2 and Chairman of the Privilege Committee

The Member responded by asking the members, what sort of penalty are they after? He quoted the penalties given in the Standing Orders which is either reprimand or suspend

however in the committee some Members have suggested 24 months, 20 months, and 18 months. However, the committee have done its part and now it is for the Legislative Assembly to come up with a time period.

❖ **SPEAKER**

The Speaker read out the SO 187 [4] which gives penalties such as;

"Where any member is guilty of contempt of the Assembly, the Assembly may by resolution reprimand such member or suspend him from the service of the Assembly for such period as it may determine."

xi. Tofa LAUOFO Fonotoe Nuafesili Pierre Laufo - Member for Anoamaa No.2

The Member jested that it would be good if the chairman approves the return of suspended members next week. The Member further clarified that regarding the mentioned S.O (4) it is clear that a specific timeframe must be approved by the Legislative Assembly

xii. Susuga Hon Laauli Leuatea Polataivao Fosi – Member for Gagaifomauga No.3

The Member clarified that the Committee's report recommends the Legislative assembly to decide on a timeframe for the suspension of accused members, and clarified that he was also accused countless of times in Parliament for committing a crime by the Leader of the Opposition however he stayed through it all.

xiii. Point of Clarification – Prime Minister

The Prime Minister posed that the words "until such a time" is known in this Parliament she, then claims that every Member is familiar with these words as we use them often in this House.

Proceedings were adjourned at 10:54am and to reconvene at 11:27am.

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

The Member expressed gratitude to the Minister and Chairman regarding his elaboration on the penalties however his concern is directed on whether penalty justifies the claims. He further clarified that his question was- whether the penalties imposed as 'suspension' by the committee upon the accused members is appropriate as it seems a bit harsh.

xv. Afioga Hon Sala Fata Pinati- Member for Sagaga No.3

The Member emphasized the revelations that Mother Mary has given to some church members regarding the events that are happening. The member also gave emphasis on the importance of seeking deep thoughts and decisions from our high chiefs and ancestors [tofa loloto] to guide and direct the decision making of the legislative assembly. He also

gave advice to the Hon Prime Minister and the government of the Day to remain humble and seek the Lord in their decision making. He also highlighted that he is speaking not as a member of HRPP but as a member of parliament, he then addressed all members of parliament and Samoa before concluding his speech.

xvi. Afioga Hon Loau Solamalemalo Keneti Sio – Member for Sagaga No.1

The Member acknowledged the chairman of the Privilege Committee and all its members for their hard work. Recalled the events leading up to the claims made by the accused members and stated that it was not easy especially considering the results of the 2021 General Election. The member stressed that he will not talk about undermining the law however, if the committee has concluded that the claims have undermined the law then so be it. Further, advised the PM, cabinet and her government that they have the authority to make a decision on the matter. The Member does not reject the report but suggests that the Members should be back in Parliament next sitting.

xvii. Afioga Alaiasa Moefaaouou Sepulona Moananu – Member for Anoamaa No.1

The Member for Anoamaa No. 1 addressed the members of Parliament and the whole of Samoa. He then acknowledged the committee's report and conclusion as he believes it was done with honesty and not biased. This is considering that the assembly has been given the authority to decide on how long the period of suspension will be. He then urged the Prime Minister to move forward and focus on more pressing challenges that the country is facing. The Member also showed remorse and apologetic remarks regarding this matter, that whatever had been done and said in the past that they should move forward.

xviii. Tofa Lagaia Tiatuau Tufuga – Member for Palauli No.3

The Member reflected on the importance of Parliament as it is not a place where individuals come to compete or seek who is higher than the other. The member emphasised the importance of fostering peace in the country begins by showing unity in Parliament. He also showed disappointment regarding the matter that is now being reviewed, he then apologised to Samoa who are listening here and far for matters that are being discussed in Parliament. The Member also noted that we should move past this and move forward. Also commended the Committee's hard work on the report as discussed.

xix. Tofa FUIONO Tenina Crichton: Member for Falealupo

The Member for Falealupo greeted the Prime Minister, Cabinet and all Members of the Assembly. He expressed his disappointment with what he has witnessed in Parliament so far, he then stressed that the tabled report is very simple however, the actions and rejections by other members are just delaying the whole process and might even drag the return of the accused Members. He then thanked the Committee for their hard work and the report being tabled here in Parliament.

xx. Afioga FEPULEAI FAASAVALU FAIMATA SUA: Salega No.1

The Member greeted the Hon. Prime Minister, Cabinet Ministers, Leader of the Opposition and their Deputy and all Members of Parliament. He then posed a question, on the

importance of the matter being discussed. The member also noted that this matter should be dealt with and penalized accordingly. The Member then, commended the Privilege Committee and the chairperson for the thorough report and hard work.

xxi. Afioga AIONO Tile Gafa - Aana Alofa No. 2

The Member commended the chairman of the privilege committee for their work, and expressed his gratitude regarding the recommendation where it is up to the Parliament to decide on the suspension penalty of accused members. He then suggested for the Prime Minister and Speaker to pardon whatever occurred in the past and keep moving forward for the development of Samoa.

xxii. Afioga LEANA Ronnie Posini: Safata No.1

Highlighted the 3 aspects of making decisions within Parliament which are; 1. as matais, as a Christian Nation, and 3rd in accordance with the law. However, it seems that the things happening in parliament so far, do not reflect any traditional and Christian values. Therefore, speaking from the perspective of the law, the members were taken to court and were not imposed any penalties. However, it seems like this matter is being prosecuted again in parliament. He further implies that the Parliament likes to praise God and its glory yet its action does not show it. The Member reflected on the case regarding some members which were chased out in accordance to the Speakers ruling but the court overruled and these MPs returned.

❖ SPEAKER'S RULING

The Speaker advised the Member that he should refrain from mentioning the Court and Judiciary and should note that in the report the Chairman has stated that this case has nothing to do with the court. The Speaker also advised that the matter raised in this Parliament should be in accordance with the traditions and Christianity and law abiding but in accordance to the matter it should be done right.

xxiii. Susuga Hon Laauli Leuatea Polataivao Fosi – Member for Gagaifomauga No.3

Interjection by the Member for Gagaifomauga No.3, advised the member for Safata 1 to think before speaking especially with implying that they there are no traditional and Christian values in Parliament's decision making.

xxiv. Tofa Hon Olo Fiti Afoa Vaai – Member for Salega No.2

Interjection by the Member for Salega No.2 queried whether the member for Safata 1 is asking for parliament to go through the traditions and leave laws, or Christianity and leave the law.

xxv. Tofa Hon Lealailepule Rimoni Aiafi- Member for Faleata No.3

The Member for Faleata No.3 clarified that they did not commit any crimes against parliament as they were referring to the court. Also emphasized that their case was a civil case and not a criminal case.

xxvi. Afioga LEANA Ronnie Posini: Safata No.1 Cont'

The Member expressed disappointment with what the MPs have discussed but he had a different implication as he reminded the house regarding the case where the Member for Gagaifomauga No.3 was reprimanded and suspended and he just up and resigned from Parliament.

xxvii. Deputy Opposition Leader: Tofa LAUOFO Fonotoe Nuafesili Pierre Laufo

The Member expressed concern regarding words spoken by Laauli, implying that they had conspired against him. ('mea na outou fafau')

xxviii. Afioga Hon Valasi Luapitofanua Toogamaga Tafito Selesele – Member for Vaisigano 2 and Chairman of the Privilege Committee

Interjection by the Member, clarified that the harmony agreement does not apply or have any authority in parliament, it only prevented the member for Lepa and Faleata 3 from being imprisoned.

xxix. Afioga FIAME Naomi Mataafa: Prime Minister

The Prime Minister encouraged the Cabinet Ministers to stay calm and humble through this matter as it also encourages other Members to express their views and opinions freely. Stressed the Members on the importance of the subject matter and that they should be discussing the matter and not bring back events of the past.

xxx. Afioga Hon Valasi Luapitofanua Toogamaga Tafito Selesele – Member for Vaisigano 2 and Chairman of the Privilege Committee

The Chairman clarified that once the Warrant of Election is given by the Head of State, you are then an official Member of Parliament.

SPEAKER

The Speaker clarified that on the 24th May where the FAST swearing in took place, all Member's names were read out which made them all official members.

xxxi. Deputy Opposition Leader: Tofa LAUOFO Fonotoe Nuafesili Pierre Laufo

The Member posed that if they were Members then as of 24th May 2021, then why were they not allowed parliament sitting the day they were locked out of Parliament House.

xxxii. Afioga LEAANA Ronnie Posini: Safata No.1 Cont'

The Member rejected the statement that they were official Members of the 24th of May as mentioned by the Speaker and explained that their names were only announced but they were not official Members of Parliament.

MOTION TO EXTEND SITTING

- **Afioga FIAME Naomi Mataafa: Prime Minister**

The Prime Minister noted that there will be other business that the cabinet has to attend tomorrow so she moves the motion to suspend SO 32(2) to allow the continuation of the matter after a short recess.

Motion was seconded and approved.

Proceedings were adjourned at 1:04pm and to reconvene at 1:51pm