



March
2021

PARLIAMENTARY SITTING SUMMARY

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament on **Tuesday 2nd March 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 the Proceedings of Parliament on **Tuesday 2nd March 2021**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

PART A

Day 31
9:28am

Tuesday 2nd March 2021

I. PRESENTATION OF PAPERS

1 Paper presented to Parliament: Office of the Electoral Commission Report on the Bi-election of the Gagaifomauga No.3 Constituency.

II. PRESENTATION OF COMMITTEE REPORTS

1 Committee Report presented in Parliament: 1 Committee Report from the Standing Orders, Electoral, Petitions & Constitutional Offices Committee.

III. MOTION TO APPROVE ALL PARLIAMENTARY WORK

Leader of the House moved a motion for the Legislative Assembly to approve all Parliamentary Committee Reports and Government Responses that the Legislative Assembly has not considered yet.

The Hon PM acknowledged the efforts made by each Parliamentary Committee to scrutinize the Executive and ensuring the system of checks and balances is executed effectively - hence the importance of presenting annual reports on time to ensure transparent and accountable practices.

The PM asserted that if Parliament continues to effectively conduct its roles and functions specifically in regards to Parliamentary committees then our Parliament possesses the necessary tools to carry out the system of checks and balance.

Seconded and Approved.

IV. GOVERNMENT ORDERS OF THE DAY

1. ELECTORAL AMENDMENT BILL 2021- first reading

Hon FAAOLESA Katopau Ainuu, MINISTER OF JUSTICE AND COURTS ADMINISTRATION (MJCA)

Hon Minister moved a motion for the Bill to be first read.

Seconded and Approved

2. MINISTRY OF WOMEN AFFAIRS AMENDMENT BILL 2021- first reading

Hon TUITAMA Talalelei Tuitama, MINISTER FOR WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSO)

Hon Minister moved a motion for the Bill to be first read.

Seconded and Approved.

3. INTERNAL AFFAIRS AMENDMENT BILL 2021- first reading

Hon TUITAMA Talalelei Tuitama, MINISTER FOR MWCSO

Hon Minister moved a motion for the Bill to be first read

Seconded and Approved

4. ELECTORAL AMENDMENT BILL 2021- second reading

Hon FAAOLESA Katopau Ainuu, MINISTER OF MJCA

Hon Minister moved a motion for the Bill to be second read and spoke to clarify on the objects of the Bill.

Hon FAAOLESA Katopau Ainuu, MINISTER OF MJCA- clarification on the Bill

The Hon Minister noted the main objects of the Bill which include:

1. To further clarify the processes carried out by the Office of the Electoral Office, as it was noted from previous General Elections, that the Courts have interpreted the intention of the provisions of the Electoral Act incorrectly to its true meaning, hence the need to further clarify to avoid any ambiguities from interpretation of the law.
2. The meaning of the 3 consecutive years' requirement for any candidate to be eligible to contest in any Election.
3. Special exemption for those who are carers to the sick.
4. interpretation of the term organisation to include companies, small businesses and churches.
5. Clarifying that Village Representatives (Village Mayor and Women Representatives) may endorse the candidacy's application - but only those

representatives who have been registered by the Ministry for Women Community and Social Development - the provision also includes the specified time period in which the endorsement can be made (within 3 years prior to the submission of nomination form).

6. Empowering the Commissioner with the authority to reverse its decision if new evidence surfaces to disqualify an applicant's candidacy or to withdraw a petition before it is referred to the Courts.

The Hon Minister clarified that change is inevitable and therefore subsequent laws much be amended to cater for such changes and it also reflects a developing nation.

Mr Speaker put forth the question for the Electoral Amendment Bill 2021 to be second read and the Bill was second read.

5. MINISTRY OF WOMEN AFFAIRS AMENDMENT BILL 2021- second reading

Hon TUITAMA Talalelei Tuitama, MINISTER FOR WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSO)

Hon Minister moved a motion for the Bill to be second read and spoke to clarify on the objects of the Bill.

Hon TUITAMA Talalelei Tuitama, MINISTER FOR MWCSO- clarification of the Bill

The Bill amends the 1990 Principal Act to provide the establishment of the Women Committee's and its composition, additionally its functions and the role of the Committees - the composition of the committee must have majority of women representatives over men/male.

The purpose of this Act, to ensure that the Village Womens' Committee must be registered under the Ministry, to avoid any doubt as to the Nomination of a Sui Tamaitai o le Nuu under the Act. The Bill clarifies on the roles of women committees to reflect gender equality. Also clarifies the appointment of appointed members of the Advisory Committee, whom are appointed by Cabinet under the Act. The Bill seeks to ensure that the composition of the Committee comprise of more women than men.

The changes encourage 'inclusivity' of all women and aims to promote 'gender equality'. He then asserted to read out the clauses of the Bill. They are summed in detail as follows:

- Clause 2: provides for a new definition in Section 2 of the Act such as Village Women's Committee and Village fono which has the same meaning in the Village Fono Act 1990;
- Clause 3: the amendment will remove the express number of members for the Advisory Committee instead the specified member will be determined on

- the discretion of Cabinet on the advice of the Minister as provided for under section 13(1) of the Act.
- Clause 4: amendment provides that the composition of the members of the Advisory Committee should hold 60% of women. This amendment complements clause 3 which promotes an increase participation of women in decision making.
- Clause 5: specifies that the Committee must meet 'every month' so that meetings of Advisory Committees are held more frequently.
- Clause 6: provides for Sui Tamaitai o le Nuu must not be nominated as a Sui Tamaitai o le Nuu if she is not involved in any Village Womens' Committee
- Clause 7: provision recognizes the composition, role and responsibilities of a Village Women's Committee. The Village Women's Committee must be registered with the Ministry
- Clause 8: note that any current appointed member under sections 12 and 13 of the act before the commencement of this Act continues to be a member until their term of appointment is expired or revoked.

- **LEALAILEPULE Rimoni Aiafi, MEMBER FOR FALEATA WEST**

The member spoke on the term 'inclusivity' – noting that the Act applies only to traditional villages (nuu mavae) but does not cater for villages that do not have such. He further suggested that is there are 3 reps of Mayor then there should be 3 reps for Women. Encouraged the Minsiter and the Ministry to set a standard practice which recognises all women (not just those contributing to village affairs).

- **OLO Fiti Afoa Vaai, MEMBER FOR SALEGA EAST**

Queried whether the Cabinet are qualified to elect village representatives yet this should be the responsibility of the village to elect their own Sui o le Nuu.

Hon TUITAMA Talalelei Tuitama, MINISTER FOR MWCSO- response

The Minister responded by clarifying the term traditional villages (nuu mavae) and elaborated that the Ministry is currently looking into amending the interpretation of traditional villages to afford recognition to all Women Committee's in all villages. Hon Minister was pleased to note that Members are all 'for' inclusivity of women (to ensure all women are valued and included). Hon Minister mentioned that there are Regulations which provide specific functions and duties for respective women's committees (such as the weaving committee, hygiene committee, vegetation committee and others) all these different committee functions are carried out by the (one) main Women Committee in the village.

Emphasised there will be only one (1) Women Committee responsible for all matters regarding developments under their care.

- **SULAMANAIA Tauiili Tuivasa, MEMBER FOR VAIMAUGA EAST**

Expressed concern over the 60% of women in Committee (an indication of gender discrimination) because he believes any work done by women can be done by men too and vice versa - stated that the requirement of 60% of women in the Advisory Committee is bias to women.

- **Hon FIAME Naomi Mataafa, MEMBER FOR LOTOFAGA**

The member also touched on the 60% allocated seats for women only. Queried whether the remaining 40% includes women representatives from other NGOs/private such as SNCW (Samoa National Council of Women).

Hon TUITAMA Talalelei Tuitama, MINISTER FOR MWCSO- response

In response to the statement by the Salega East he clarified that the Village Womens' Committee elects its Sui o Tamaitai then it is given to the Village Council for approval and then referred Ministry to Minister and Minister to Cabinet for endorsement. That is the process.

The Bill enables the Village Womens' Committee (also included villages that are not traditional villages)- inclusivity. In response to the Member for Lotofaga, the Minister stated a brief background on the matter. History of the Women Committee which was established in 1990 – at least 30 women (15 Savaii, 15 - Upolu, Manono and Apolima). Emphasised that there was never an Advisory Women Committee in place to date hence the proposal to establish one and the composition of 60% women and 40% male to encourage women to hold the majority. At the moment the Advisory Committee has 16 members and only three members are women while the rest of the Committee are male.

Mr Speaker put forth the question for the Ministry of Women Affairs Amendment Bill 2021 to be second read and the Bill was second read.

6. INTERNAL AFFAIRS AMENDMENT BILL 2021- second reading

Hon TUITAMA Talalelei Tuitama, MINISTER FOR WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSO)

Hon Minister moved a motion for the Bill to be second read and spoke to clarify on the objects of the Bill.

Hon TUITAMA Talalelei Tuitama, MINISTER FOR WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSO)- clarification on the Bill

The Hon Minister clarified that the Bill provides for the process involved when a Village Representative is removed; The Ministry will inform the representative promptly and afford him/her the opportunity to submit a response against his/her removal (natural justice). Hon Minister clarified that the Ministry will no longer consult the village (regarding the removal of a village representative) rather inform the village if and when the representative is removed.

- **Hon FIAME Naomi Mataafa, MEMBER FOR LOTOFAGA**

The member touched on the changing of the term 'consult' to 'inform' yet the Clause 2(b) noted that the village representative is removed and then given the opportunity to reply or answer to the termination and suggested that the village Mayor should be afforded the opportunity to respond to any issue against him/her before he/she is removed - as is the process for employees.

Hon TUILAIPA Dr Sailele Malielegaoi- response

Clarified the provision queried by the Member for Lotofaga is only applicable to Mayor (Pulenuu) but not to any public servant.

In the event that the Village Mayor/Representative was incorrectly terminated, there are exceptions and leniency depending on the grounds which caused the termination. Noting that common sense is applied depending on the circumstances.

- **ALAIASA Moefaauuo Moananu, MEMBER FOR ANOAMAA EAST**

Noted on political influence and mentioned that there are some village Mayors that has ties to the Ministry and feared that the Ministry will abuse this relationship to overrule the village mayor's role.

Hon TUILAIPA Dr Sailele Malielegaoi- response

Hon PM noted that some Pulenuu that are selected to the duty are not eligible to and cannot perform the duties due to either he is too old or too indolent. Stated that Pulenuu should be chosen to the level that, that person is responsible and can perform the duty as they are getting paid.

Advised to elect Sui o Nu'u that are fit and strong to monitor the works and developments in villages that needs assistance and be able to report to the Ministry.

Mr Speaker put forth the question for the Ministry of Women Affairs Amendment Bill 2021 to be second read and the Bill was second read.

7. ELECTORAL AMENDMENT BILL 2021- consideration in detail

Clause 2 - approved;

- Clause 3 - approved;
 Clause 4 - (Member for Faleata West noted the Samoan translation 'toalua faa-pouliuli' should be removed)- approved;
 Clause 5 - approved;

Proceedings were suspended 10:47am

Proceedings resumed at 11:47am

ELECTORAL AMENDMENT BILL 2021- consideration in detail, Cont.

- Clause 6 - approved;
 Clause 7 - approved;
 Clause 1 & Short Title approved

Electoral Amendment Bill 2021 progressed without amendments

8. MINISTRY OF WOMEN AFFAIRS AMENDMENT BILL 2021- consideration in detail

- Clause 2 - approved;
 Clause 3 - approved.
 Clause 4 - approved;
 Clause 5 - approved;
 Clause 6 - approved with amendment;
 Clause 7 - approved;
 Clause 8 - approved;
 Clause 1 & Short title approved

Ministry of Women Affairs Amendment Bill 2021 progressed with amendments

9. INTERNAL AFFAIRS AMENDMENT BILL 2021- consideration in detail

- Clause 2 - approved;
 Clause 1 & Short title approved

Internal Affairs Amendment Bill 2021 progressed without amendment.

10. ELECTORAL AMENDMENT BILL 2021- third reading

Hon FAAOLESA Katopau Aiuu, MINISTER OF MINISTRY OF JUSTICE, COURTS AND ADMINISTRATION (MJCA)

Hon Minister moved a motion for the Bill to be third read.

Motion seconded and approved

 **Electoral Amendment Bill 2021 passed the Legislative Assembly.**

11. MINISTRY OF WOMEN AFFAIRS AMENDMENT BILL 2021- third reading

Hon TUITAMA Talalelei Tuitama, MINISTER FOR WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSO)

Hon Minister moved a motion for the Bill to be third read.

Motion seconded and approved

 **Ministry of Women Affairs Amendment Bill 2021 passed the Legislative Assembly.**

12. INTERNAL AFFAIRS AMENDMENT BILL 2021- third reading

Hon TUITAMA Talalelei Tuitama, MINISTER FOR WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSO)

Hon Minister moved a motion for the Bill to be third read.

Motion seconded and approved

 **Internal Affairs Amendment Bill 2021 passed the Legislative Assembly**

13. LAND TITLES REGISTRATION AMENDMENT BILL 2020- consideration in detail

TAFUA Maluelue Tafua, Chairperson of the Infrastructure Committee moved a motion for the Assembly to consider its report on the Land Titles Registration Amendment Bill 2020.

Motion seconded and approved

Clause 2 - approved;

Clause 1 & Short title approved

Land Titles Registration Amendment Bill 2020 progressed without amendments

14. MISCELLANEOUS (SALARIES CONDITIONS UPON SUSPENSION) BILL 2020- consideration in detail

NAFOITOA Talaimanu Ketu, Chairperson of the Standing Orders, Petition, Electoral and Constitutional Offices Committee moved a motion for the Legislative Assembly to consider its report on the Miscellaneous (Salaries Conditions upon Suspension) Bill 2020.

Motion seconded and approved

Clause 2 - approved with amendments;

Clause 3 - approved with amendments;

Clause 4 - approved with amendments;

Clause 5 - approved with amendments;

Clause 6 - approved with amendments;

Clause 7 - approved with amendments;

Clause 8 - approved with amendments;

Clause 9 - approved with amendments;

- Clause 10 - approved with amendments;
- Clause 11 - approved with amendments;
- Clause 12 - approved with amendments;
- Clause 13 - approved with amendments;
- Clause 14 - approved with amendments;
- Clause 15 - approved with amendments;
- Clause 16 - approved with amendments;
- Clause 17 - approved with amendments;
- Clause 18 - approved with amendments;
- Clause 19 - approved with amendments;
- Clause 20 - approved with amendments;
- Clause 21 - approved with amendments;
- Clause 22 - approved with amendments;
- Clause 23 - approved with amendments;
- Clause 24 - approved with amendments;
- Clause 25 - approved with amendments;
- Clause 26 - approved with amendments;

Proceedings were adjourned at 1:12 pm
Parliament will again reconvene at 6pm