

**DISCLAIMER**

This Report provides a brief of the Proceedings of Parliament on Tuesday 15<sup>th</sup> December 2020. 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 15<sup>th</sup> December 2020, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

**Tuesday 15<sup>th</sup> December 2020**

**9:41am**

**I. NOTICE FROM THE LEADER OF THE HOUSE**

Pursuant to Article 59 of the Constitution of the Independent State of Samoa, the following are to be tabled:

- i) Supplementary Appropriation Bill (No.1) 2020/2021 - first reading

**II. NOTICE FROM THE SPEAKER OF THE HOUSE- reinstate of the two Members seat**

The Hon Speaker commenced by addressing the two Members (Olo Fiti Afoa Vaai- MP for Salega East and Faumuina Wayne Fong, Member for Urban West constituency) who have been reinstated into Parliament as a result of the judiciary decision on their vacation of seats.

Mr Speaker concluded that he was acting on the autonomy afforded to him by the Standing orders and would however honour the decision of the courts. Let God be the judge of this.

**III. PRESENTATION OF PARLIAMENTARY COMMITTEE REPORTS**

A total of 12 Committee Reports were presented to Parliament (1 Committee Report from the Standing Orders Committee; 2 Committee Reports from the Finance and Expenditure Committee; 6 Committee reports from the Social Sector Committee and 3 from the Infrastructure Sector Committee).

**IV. GOVERNMENT ORDERS OF THE DAY****i) SUPPLEMENTARY APPROPRIATION BILL (NO.1) 2020/2021- first reading**

Hon Minister of Finance moved a motion to have the Supplementary Appropriation Bill first read.

**Motion seconded and approved**

**ii) SUPPLEMENTARY ESTIMATES (NO.1) 2020/2021- tabling**

The Hon Minister of Finance tabled the Supplementary estimates (no.1) 2020/2021.

**iii) SUPPLEMENTARY APPROPRIATION BILL (NO.1) 2020/2021- motion for second reading**

The Minister of Finance moved a motion for the Supplementary Appropriation Bill (No.1) 2020/2021 to be second read.

**Motion seconded and approved**

**iv) FINANCIAL STATEMENT- Hon SILI Epa Tuiofi**

The Hon Minister commenced by noting that it had been a tumultuous year of the kind that has never been seen before. The Hon Minister noted the ramifications on the Worldwide economy are that of laying off of workers, closing factories etc. He further noted that it was in May of this year that the Budget was tabled & noted that the supplementary budget injection is imperative to mobilize liquidity & continue to lessen the effects on the Public.

The Hon Minister noted that the previous year had projections for Economic growth yet have been hindered due to the Measles & Covid-19. By the end of June 2020, the economy of Samoa had registered a contraction of -3.5%. When compared to other large economies and the rest of the Pacific which saw contractions ranging from as low as -5% to as high as -21.7%, the effect of the pandemic on the economy of Samoa was in fact minimal.

There is confidence that the efforts of the Government through reshuffling its priorities towards its set of response policies are successful in ensuring that the state of the economy remains stable during these difficult times. There have been two (2) phases of the Government's stimulus package assistance totalling \$150 million which were laid before Parliament in April and May this year. The majority of these assistance polices have been successfully completed.

While we await the re-opening of borders upon which our Tourism Sector relies heavily on- one of our key pillars for economic growth- there are 3 broad areas which the Government's efforts are focused on as implemented by the Ministry of Finance to ensure a quick economic recovery and they include:

- 1) Ensuring the successful implementation of all policies under both phases of the Government's stimulus package which totals \$150 million aimed at enabling the private sector; ensuring preparedness and prevention through the health sector; ensuring food security as well as support for other sectors and departments of Government who provide essential services to the country;
- 2) Securing budget support from development partners to support priority services and development of Government; and
- 3) A key contributor to continues growth within the economy are the large infrastructural projects of Government financed through grants from its development partners. The Government of Samoa has requested that these projects continue to ensure job security and income generation opportunities for many but to also drive business activities that rely heavily on Government transactions. The Minister announced that the dialogue between Government and the Asian Development Bank and World Bank have concluded and have agreed to initiate key development projects that will greatly contribute to Samoa's economic growth. These include:
  - Rehabilitation and expansion of the Cross- Island Road;
  - Continues extension and improved resilience of the West Coast Road;
  - Alaoa Multipurpose Dam;
  - As well as other current projects affected by border restrictions.

The Minister outlined strategies behind this First Supplementary Budget which include:

- (1) To continue to raise efforts towards protecting Samoa from any and all pandemics and epidemics as well as the effects of any disaster and to ensure the security of all its citizens;
- (2) To raise the quality of and access to education for all children of Samoa;
- (3) To secure resourcing for key projects which support economic development in Samoa;
- (4) Ensure the climate resilience of key infrastructures;
- (5) Ensure employment creation not only to raise the quality of Government services but to secure income generating opportunities; and
- (6) Strengthening partnerships with key donors through the successful implementation of development projects.

**First Supplementary Budget Estimates:**

The Minister of Finance presented the details of the First Supplementary Budget Estimates for the current fiscal 2020/21 as follows:

**Firstly,** through additional Ordinary Receipts of \$4,497,508 tala:

1. Ministry of Finance – (\$10,000)

This represents a donation for the measles efforts from the EFKS congregation of Vaitele which was presented in June 2020;

2. Ministry of Public Enterprises – (\$4,528,009)

These are additional dividends received from Corporations of Government which include \$2,089,020 from the Central Bank of Samoa to assist with financing the First Supplementary Budget;

3. Ministry of Education, Sports and Culture – e net reduction in revenues of \$40,501

This is a result of a reshuffling of non-tax revenues collected by the Ministry due to current SOE restrictions.

**Secondly**, an increase in grant financed development projects which are detailed under expenditure programs - \$6,259,615 tala;

**Thirdly**, a reshuffling of existing expenditure programs of Ministries - \$31,448,017 which include:

1. Statutory Expenditures - \$24,511,518

In line with the G20 Debt Servicing Suspension Initiative, Samoa has qualified for debt relief through a 12month suspension on its debt servicing for the following loans:

- People’s Republic of China \$21,906,085
- Japan \$2,592,393
- European Economic Community \$13,039

2. Ministry of Agriculture and Fisheries - \$1,564,215

These represents appropriation for the Crops Research Unit being transferred under the Scientific Research Organisation of Samoa as well as funds originally allocated for regional meetings now reprioritized to fund other priority operations of the Ministry;

3. Ministry of Finance - \$539,988

These represent savings from operations of building maintenance due to a change in contract services which are now back under the oversight of the Ministry as well as travel costs being reappropriated;

4. Ministry of Justice - \$335,422

These funds are savings pertaining to unspent travel costs for the Ministry as well as remaining funds from completed contracts;

5. Office of the Legislative Assembly - \$200,000

These funds are the appropriation for political parties which the HRPP requested to be returned and reallocated to finance the priorities under the First Supplementary as well as additional COVID19 preparedness and prevention efforts;

6. Land Transport Authority - \$1,025,967

These represent the budget for motor vehicle registration services now transferred to the Ministry of Police and Prisons;

7. Public Service Commission - \$89,574

These are savings identified for efforts that did not eventuate due to the effects of the COVID19;

8. Ministry of the Prime Minister and Cabinet - \$417,039

These are savings identified as a result of a restructure of the Ministry as well as from travel costs to assist in financing the additional requests of the Ministry under this First Supplementary budget;

9. Ministry of Education, Sports and Culture - \$187,954

These represent savings of the Ministry which include sports development efforts affected by the pandemic as well as travel costs;

In addition, all travel costs allocated to the following Government Ministries have been removed and reallocated to finance the priorities under the First Supplementary which include:

|   |   |           |
|---|---|-----------|
| • Office of the Auditor General           | - | \$199,642 |
| • Samoa Bureau of Statistics              | - | \$36,653  |
| • Ministry of Commerce, Industry & Labour | - | \$153,065 |
| • Ministry of Communication               | - | \$91,362  |
| • Ministry of Foreign Affairs             | - | \$744,532 |
| • Ministry of Health                      | - | \$332,357 |
| • Law Reform Commission                   | - | \$12,351  |
| • Ministry of Natural Resources           | - | \$259,970 |
| • Office of the Ombudsman                 | - | \$22,080  |
| • Prisons                                 | - | \$58,714  |
| • Ministry of Public Enterprises          | - | \$83,148  |
| • Ministry of Police                      | - | \$91,023  |
| • Ministry for Revenue                    | - | \$261,050 |
| • Ministry for Works                      | - | \$92,369  |
| • Ministry for Women                      | - | \$138,024 |

The Minister further provided the details for the additional expenditures of \$42,205,140 tala (including taxes and development projects) and they are:

1) Ministry of Agriculture and Fisheries - \$849,090

The Ministry's additional requests include equipment that are critical to their services to the public and include provisions for the Crops division to raise efforts and supply during these trialling times;

2) Ministry of Commerce, Industry & Labour - \$63,798

The Ministry request are for priority new posts that have been approved by the Public Service Commission and Cabinet which require a reshuffling of provisions to finance them;

3) Matagaluega o A'oga, Ta'aloga ma Aganu'u - \$2,784,092

The provision is to accommodate teaching positions as well as a \$1million tala provision for the maintenance and upkeep of existing district schools;

- 4) Ministry of Health - \$3,000,000  
The provisions accommodate the anticipated increase in overtimes for clinical staff who are servicing the nation during the pandemic;
- 5) Ministry for Justice - \$389,795  
The Ministry request pertains to repairs required for their building's airconditioning as well as for purchases of office equipment;
- 6) Ministry of Police and Prisons - \$2,734,137  
The request pertains to additional executives required to support the improved services of the Ministry. This includes Deputy Commissioners for Savaii and Prisons. The transfer of the registration services for motor vehicles from the Land Transport Authority is also included in this provision as well as an allocation to begin works for the Ministry's new headquarters in Salelologa in Savaii.
- 7) Public Service Commission - \$71,468  
The provision is to finance a new senior position for the Office critical to the achievement of their KPI's as well as resources for long service benefits of some of the staff which are now due.
- 8) Office of the Ombudsman - \$56,291  
This represents a request for a cleaner now required due to the relocation of the office to the NPF Plaza as well as a topup to finance their new lease arrangements.
- 9) Ministry of the Prime Minister and Cabinet - \$110,248  
The request is to finance new team leader positions for the Ministry as part and parcel of their restructure which have been approved by the Public Service Commission targeting more efficient service provision to the public;
- 10) Ministry of Finance - \$13,337,461  
These pertain to: 1) new positions created for securities at the TATTE as well as building technicians required to service the building which has reduced contract costs as well as created employment opportunities for the country; 2) an additional \$6m provision to continue preparedness and prevention efforts against the COVID19; 3) land compensations for rolling out key GCF initiatives, the Cross Island road as well as other counterpart costs to development projects.
- 11) Ministry for Public Entreprises - \$51,700  
The request is to finance the recruitment of a consultant to assist in the evaluation of proposals pertaining to the privatization of the Samoa Post.
- 12) Ministry of Works, Transport & Infrastructure - \$84,247  
This is to finance the contract extension for the Waterfront Development Coordinator.
- 13) Scientific Research Organisation of Samoa - \$680,797  
This pertains to the resourcing of the new Crops Research Division of the Organisation and includes personnel, operating and capital expenditures.

14) Samoa Sports Facility Authority - \$103,910

The Authority's request is to finance the relocation of one of its transformers at the Apia Park to free up space for the development of a new soccer field to be financed entirely by the FIFA which is expected to raise the development of the sport within the country.

15) Land Transport Authority - \$5,876,999

The Authority's request is to finance the continuation of road developments from Vaiaata to Patamea in Savaii, the new Flea Market Road at Sogi as well as rolling out the street naming project.

16) Samoa Water Authority - \$4,000,000

These funds represent additional rural water works that are part of the Authority's workplan to roll out access to clean water for the country;

17) National Univeristy of Samoa - \$1,751,492

The request is for newly established positions of the University which have already been recruited as well as to offset a reduction in their estimated revenues due to the effects of the COVID19;

The Minister also included **additional projects and programmes financed directly through grants from our development partners as follows:**

|   |              |
|---|--------------|
| Additional Grant financed development projects                  | \$6,259,615; |
| • Community Development & NGO Sector                            |              |
| Capacity Building Measles Outbreak Response                     | SAT\$130,886 |
| COVID Spotlight Initiative Project                              | SAT\$160,875 |
| WHO Community Response to COVID19                               | SAT\$129,150 |
| Risk Communication & Community Engagement                       | SAT\$150,300 |
| • Education Sector  |              |
| COVID19 Response to MESC  | SAT\$210,725 |
| Development of Learning Resources                               | SAT\$53,835  |
| • Law & Justice Sector  |              |
| Spotlight Initiative Phase I to Law & Justice                   | SAT\$45,772  |
| • Agriculture and Fisheries Sector                              |              |
| US Treaty on Economic Development Fund                          | SAT\$846,564 |
| Fisheries COVID19 Pandemic Stimulus                             | SAT\$231,266 |
| • Communications and IT Sector                                  |              |
| ICT Digital Solutions Project                                   | SAT\$138,003 |
| Sub Regional Localization Initiation Plan                       | SAT\$16,300  |
| Enhancing National ICT capacity to support National Commitments | SAT\$55,401  |

- Environment Sector  
Pacific Adaptation to Climate Change and Resilience SAT\$183,576
- Finance Sector  
COVID19 Emergency Response Project (APDRF) SAT\$3,906,962

The Member concluded his statement by wishing the Members and the public a joyful Christmas and Prosperous New Year.

*Pursuant to S.O, the Supplementary Appropriation Bill (No.1) 2020/2021 will now be referred to the Finance and Expenditure Committee for further deliberation and must report back to the Assembly in its next sitting.*

**v) CONSTITUTION AMENDMENT BILL 2020- Consideration in detail**

Hon FAAOLESA Katopau Ainuu noted that pursuant to S.O. 63 he is entitled to commence a ministerial speech because he wishes to address certain amendments in the Bill.

*Approved by the Speaker*

**(a) HON FAAOLESA KATOPAU AINUU- Ministerial Speech**

The Hon Minister commenced by acknowledging Samoa in all her honorific salutations, the clergy, his fellow Parliamentarians and the 3 arms of Government.

The Minister commended the Committee for their deliberations and noted that the inception of the proposed change dates back to the pre-independence times. The Hon Minister noted that it was the dream of our forefathers to have our Fa'asamoa be reflected in our Constitution. The Hon Minister recalled past events 1960 whereby the member for Palauli called for the incorporation of the Fa'asamoa in the Constitution of which was rejected by Counsel Aikman at the time citing that the UN would not agree & therefore delay the process of self-governance.

In 1960, Fiame Mataafa & Tupua called on the Fono at the time to comply so as to achieve self-governance & prophesized that the Future House will incorporate these changes.

In 2016, the Commission of Inquiry was established to determine the procedures and processes of the Land and Titles Court. Findings from this inquiry came about the importance of the separation of the Land and Titles Court from the Court of Civil Dispute and Criminal matters.

The Village Fono Act 1990 covers the Alii & Faipule but still are not reflected in the Constitution which makes their Council redundant. The Hon Minister then posed the rhetoric question, is this not the time for us to fulfil the dreams of our forefathers? Furthermore, the Minister stated to take heed of the report of the Committee. The Hon



Minister acknowledged the Law Society & Judiciary for their inputs of which regardless of conflicting views, he noted that it was done with the right heart. The Hon Minister reiterated that no Government or Chief would pass laws that will harm the nation.

He further went on to question "Are we not the generation to fulfil the prayers & hopes of our progenitors?" He then quoted Professor Eikman stating that "Samoa has compromised their culture in order to be consistent with European Laws" Moreover, Eikman reiterated that it was the dream of our Progenitors to incorporate the Samoan culture in our Constitution.

The Hon Minister touched upon the consultation process of which all Samoans whom wanted to speak on the matter were afforded the chance to speak. The Minister cited that statistically, the Committee noted that 84% of the country expressed support for the Bills, 3% of the population are just uncertain. The Hon Minister continued that the majority of those whom had input did not agree with the 5 Sa'o as proposed.

The Hon Minister noted that the 13% disagreeing are based on their concern that the 3 Bills will 1) compromise individual rights 2) there will be 4 branches of Government instead of 3 and 3) no more authority afforded to the Supreme Court for Appeals. He then sought to clarify these misunderstandings by stating the following:

1. There is no intention by the three (3) Bills to remove individual rights (fundamental rights) as stipulated in the Constitution. One of the main reasons the United Nations accepted Samoa's application to be independent was because of fundamental rights. The amendments only recognise and acknowledge Pulega a Alii ma Faipule. Alii and Faipule will not replace fundamental rights. Judicial review will be based on looking at the two rights and not be biased. Police are not sufficient to ensure safety within communities thus need for Alii ma Faipule support;
2. Concerns regarding that there will be 2 heads of the Court. No, there will only be one which is the Chief Justice;
3. Judicial review of a LTC case will be taken into account; and
4. Issue regarding whether customary lands will be affected is false and overly stated. These accusations are based on assumptions. The AG and Former AG have clearly explained this.

Committee referred the Bills to an Independent legal panel to review the 3 Bills. The independent panel was chaired by the Former Chief justice and former President of the Law Society and former Director of Legal Division Commonwealth Secretariat. On their investigation it was noted the complexities that come if we try to include custom and usage in the Constitution- the same concern raised by Davidson Eikman Constitutional Convention then our ancestors resorted to give Parliament the authority to establish the Land and Titles Court. Our ancestors believed that there will be a time

when Samoa will finally develop and can find a way to include Samoan customs and usage in the Eurocentric Constitution we established originally. Now is the time- Samoa is ready to make that change, it is time to finish what our ancestors had started.

The Hon Minister noted that the only way to find out if the assumptions by naysayers are true is for the Bills to proceed to the implementation phase. He further reiterated that regardless, the dissidents are imperative as they act as devils advocates to provide a critique for the betterment of the nation.

The Hon Minister concluded by conveying well wishes to the people of Samoa and members of the Legislative Assembly.

**Proceedings were suspended at 11:02am**

**Proceedings reconvened at 11:48am**

*Special Committee Report on Constitution Amendment Bill 2020 presented to the Assembly*

**(b) Hon GATOLOAIFAANA Amataga Alesana- Gidlow, Chairperson for the Special Committee**

The Hon Minister acknowledged Cabinet for the excellent strategy's in place for prevention of Covid & noted that Samoa remaining Covid free is an illustration of God's Love for Samoa.

On 27 June 2016 the Hon Lady noted that a Commission of inquiry was set in motion to ameliorate the courts as follows:

Recommendation 1. To place equal importance and recognition on the different courts, LTC and Court of Criminal and Civil dispute

Recommendation 15. The President to have the power to reassess decisions with errors and omissions upon request.

The Hon lady noted that the work of their Committee is the culmination of its inception in 27th June 2016.

She further reiterated that the Organisational structure overhaul is parliaments solution to request from members of the Public. The Hon lady reiterated that affording individuals regardless of the differing of opinions is an indicator that the Democratic process is alive and well in Samoa.

The Honourable Lady reiterated the Bills all relate to identifying of a problem of which the Public have asked the Chamber to rectify. The hon Lady noted that it is vital to ameliorate this system. The Hon Lady requoted the words of James Davidson "One day the future House will incorporate our customs in the Constitution". The Hon Lady noted that Tupua Tamasese posed the question to the House to incorporate the Matai

System & the Alii, Faipule in the Constitution of which was noted by Colin Campbell Eikman.

The Hon Lady noted that it has been 60 years since these statements were issued by our Progenitors in Parliament of which was due for review in 2016. The Hon Lady further reiterated that the Alii & Faipule are the contingency for security of the nation.

The Hon Lady reiterated that the amendment does not mean that Alii & Faipule will reign supreme, rather it will seek to put individual rights & communal rights at an equal playing field of which they will be judged.

In summary the Hon Lady noted the following qualms raised by Submissions:

1) Constant amending of the Constitution- the Hon lady quoted the PM by stating that the Constitution is not our supreme law of which can be kept in a glass box not to be amended. The Hon Lady noted that it is imperative that amendments are made to ensure that the Constitution is living (accommodate with the times). Amendments to the Constitution were made in parliament since its first term- thus dispelling the claims that the Constitution has been drastically changed.

2) Independence of the LTC & Civil courts- The Hon Lady noted that post deliberations, it is in the opinion of the Committee that the two are non-cohesive due to matters dealt with in these courts. The Hon Lady noted that in 1934 in NZ the Lands & Titles Courts were under Civil. The Hon Lady touched upon the inception of the Office of the President of the LTC of Samoa; it was due to the C.J not being able to preside over matters due to too much works. The Hon Lady quoted the Biblical quote "you can't serve two masters at once" as the theme of the inception of the Office of the President.

3) There will be two (2) heads of the Judiciary- The Hon Lady affirmed there is only 1 (one) Head of the Judiciary & proceeded to use the example of the Legislative Assembly where it consists of the members of Parliament and Parliament consist of the Legislative Assembly and the Head of State yet are one thing. The Hon Lady used the example of NZ & stated that there is a CJ, there is a president for Maori Courts, a President for the District Court of which they are all under the CJ. Therefore, such claims and concerns in unfounded.

4) The Court of Appeal in the proposed amendment- The Hon lady noted that the Proposed changes allows appeals.

5) Executive having the autonomy to appoint judges to LTC- This is an unfounded claim as Judges of the LTC will be hired and fired by the Komisi o Faamasinoga.

(6) Limits to the number of Matai Sa'o. The limits provided in the amendment assists with families as well as contain the number of titles being bestowed.

The Hon Lady stated that the proposed bills are a fulfilment of the hopes of our progenitors.

*Hon FIAME Naomi Mataafa, Member for Lotofaga requested that pursuant to S.O 107(3) to amend the Chairperson's motion to include the words "reconsideration of report by the Assembly".*

Motion was not approved by the Assembly.

**(c) HON FIAME Naomi Mataafa, Member for Lotofaga**

The Member acknowledged the Committee for their hard work and acknowledged that 244 villages in Samoa was consulted. The member noted that in the new proposed LTC, the Individual rights will take a backseat to Communal Rights.

Furthermore, the removal of the Supreme Court from the proposed LTC means that there will be a Higher Court similar to the Court of Appeal of a criminal and civil court. The function of the Supreme Court as stated in the Constitution is to protect the individual rights. She then asked whether this is overlapping with the new LTC Court of Appeal and Review role. Furthermore, she posed the question of whether individuals whom go against the village will be afforded a fair trial in the Land and Titles court.

*Hon GATOLOAIFAANA Amataga Alesana- Gidlow*

The Chairperson of the Special Committee noted that Article 4 of the Constitution of Samoa affords the protection of individual rights. Furthermore, the Hon Lady noted that this has not been repealed and this is protected in the Criminal and Civil Courts.

**(d) OLO Fiti Afoa Vaai, Member of Salega East**

The Member posed the question where in the Constitution Communal rights are being stipulated.

**(e) HON LAAULI Leuatea Fossie, Member for Gagaifomauga No.3**

The Member cited the urgency of discussions on the Bill as worrying and noted that in his interpretation there are 100 amendments. He requested to the Speaker to give the members enough time to look through the report as the report was only handed to them today.

*Hon GATOLOAIFAANA Amataga Alesana- Gidlow*

There are not 100 amendments as implied by the Member for Gagaifomauga No.3 rather its only 3 minor ones and one major proposed amendments to the Bill.

In response to Olo's question where communal rights are mentioned in the Constitution, the Chairperson responded that one cannot simply define "communal rights" in the

Constitution because there are various ways of customs and usages in villages. Therefore, it would be difficult to include communal rights in the Constitution however it will be interpreted accordingly by the LTC.

**Constitution Amendment Bill 2020 – consideration in detail cont'd**

Clause 2- Amended- Approved  
Clause 3- Approved  
Clause 4- Amendment by the Committee - approved  
Clause 5- approved  
Clause 6- approved  
Clause 7- amended & approved  
Clause 8- approved  
Clause 9- amended and approved

*Constitution Amendment Bill 2020 progressed with amendments.*

**MOTION TO EXTEND SITTING HOURS**

Hon PM moved a motion for the Assembly to continue its proceedings until Government orders of the Day for the day have been completed.

**Motion seconded and approved****vi) JUDICATURE BILL 2020- Consideration in Detail**

Chairperson of the Special Committee, Hon GATOLOAIFAANA Amataga Alesana- Gidlow moved a motion for the Committees report be tabled; seconded and approved

Clause 2- amended and approved  
Clause 3- approved  
Clause 4- approved  
Clause 5- amended and approved  
Clause 6- approved  
Clause 7 amended and approved  
Clause 8 amended and approved  
Clause 9- approved  
Clause 10- approved  
Clause 11- approved  
Clause 12- approved  
Clause 13- approved  
Clause 14- approved  
Clause 15- approved  
Clause 16- approved  
Clause 17- approved  
Clause 18- approved  
Clause 19- approved

Clause 20- approved  
Clause 21- approved  
Clause 22- approved  
Clause 23- approved  
Clause 24- approved  
Clause 25- approved  
Clause 26 - approved  
Clause 1 & Short Title- approved

*Judicature Bill 2020 progressed with amendments.*

**vii) LAND AND TITLES BILL 2020- Consideration in detail**

Chairperson of the Special Committee, Hon GATOLOAIFAANA Amataga Alesana- Gidlow moved a motion for the Committees report be tabled; seconded and approved

Clause 2: amended and approved  
Clause 3: amended and approved  
Clause 4: approved  
Clause 5: approved  
Clause 6: amended and approved  
Clause 7: approved  
Clause 8: approved  
Clause 9: amended and approved  
Clause 10: amended and approved  
Clause 11: amended and approved  
Clause 12: amended and approved  
Clause 13: amended and approved  
Clause 14: amended and approved

*i. FIAME Mataafa, Member for Lotofaga*

*Queried the 7 years' imprisonment term as grounds for the family to determine whether to remove a Matai Title. What exactly is the Committee's amendment?*

*Hon GATOLOAIFAANA Amataga Alesana- Gidlow*

*The Chairperson stated that the new amendment allows the family to exercise their discretion on when to remove a matai title. It is not mandatory.*

Clause 15: amended and approved  
Clause 16: amended and approved  
Clause 17: approved  
Clause 18: amended and approved  
Clause 19: amended and approved  
Clause 20: approved  
Clause 21: approved  
Clause 22: amended and approved  
Clause 23: approved  
Clause 24: amended and approved

Clause 25: amended and approved  
 Clause 26: amended and approved  
 Clause 27: amended and approved  
 Clause 28 amended and approved  
 Clause 29: approved  
 Clause 30: approved  
 Clause 31: amended and approved  
 Clause 32: amended and approved  
 Clause 33: amended and approved  
 Clause 34: amended and approved  
 Clause 35: amended and approved  
 Clause 36: amended and approved  
 Clause 37: amended and approved  
 Clause 38:

*i. Hon FIAME Naomi Mataafa*

*Recognises that this clause deals with disputes of right of way. The amendment put forth by the Committee is something new. Queried whether there are any conditions that may guide the LTC in determining disputes of right of way.*

*NAMULAUULU Sami Leota*

*The member of the Committee responded that the wording of the amended Bill and the original Bill is the same.*

*Hon TUILAIPA Dr Sailele Malielegaoi*

*The new amendment states “must” instead of “may” as stipulated in the original Bill.*

Clause 38: amended and approved  
 Clause 39: amended and approved  
 Clause 40: amended and approved  
 Clause 41: amended and approved  
 Clause 42: amended and approved  
 Clause 43: amended and approved  
 Clause 44: approved  
 Clause 45: amended and approved  
 Clause 46: amended and approved  
 Clause 47: amended and approved  
 Clause 48: amended and approved  
 Clause 49: amended and approved  
 Clause 50: amended and approved  
 Clause 51: amended and approved  
 Clause 52: amended and approved  
 Clause 53: amended and approved  
 Clause 54: amended and approved  
 Clause 55: amended and approved  
 Clause 56: amended and approved  
 Clause 57: amended and approved  
 Clause 58: amended and approved

Clause 59: amended and approved  
Clause 60: amended and approved  
Clause 61: amended and approved  
Clause 62: amended and approved  
Clause 63: amended and approved  
Clause 64: amended and approved  
Clause 65: amended and approved  
Clause 66: amended and approved  
Clause 67: amended and approved  
Clause 68: amended and approved  
Clause 69: approved  
Clause 1 and Short Title: approved

*Land and Titles Bill 2020 progressed with amendments.*

**viii) IMMIGRATION BILL 2020- Consideration in detail**

The Chairperson for Standing Orders Committee, NAFOITOA Talaimanu Ketu moved a motion for the Assembly to approve its report on the bill; seconded and approved.

Clause 2: approved  
Clause 3: approved  
Clause 4- approved  
Clause 5- approved  
Clause 6- approved  
Clause 7- approved  
Clause 7- approved  
Clause 8- approved  
Clause 9- approved  
Clause 10- approved  
Clause 11: approved  
Clause 12: approved  
Clause 13: approved  
Clause 14: approved  
Clause 15: amended and approved  
Clause 16: approved  
Clause 17: approved  
Clause 18: approved  
Clause 19: approved  
Clause 20: approved  
Clause 21: approved  
Clause 22: amended and approved  
Clause 23: approved  
Clause 24: approved  
Clause 25: approved  
Clause 26: approved  
Clause 27: amended and approved  
Clause 28: approved



Clause 29: approved  
Clause 30: approved  
Clause 31: approved  
Clause 32: approved  
Clause 33: approved  
Clause 34: approved  
Clause 35: approved  
Clause 36: approved  
Clause 37: approved  
Clause 38: approved  
Clause 39: approved  
Clause 40: approved  
Clause 41: approved  
Clause 42: approved  
Clause 43: approved  
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Clause 45: approved  
Clause 46: approved  
Clause 47: approved  
Clause 48: approved  
Clause 49: approved  
Clause 50: approved  
Clause 51: approved  
Clause 52: approved  
Clause 53: approved  
Clause 54: approved  
Clause 55: approved  
Clause 56: amended and approved  
Clause 57: amended and approved  
Clause 58: approved  
Clause 59: approved  
Clause 60: approved  
Clause 61: approved  
Clause 62: approved  
Clause 63: approved  
Clause 64: approved  
Clause 65: approved  
Clause 66: amended and approved  
Clause 67: approved  
Clause 68: approved  
Clause 69: approved  
Clause 70: approved  
Clause 71: approved  
Clause 72: approved  
Clause 1 and Short Title: approved

*Immigration Bill 2020 progressed with amendments.*

**MOTION TO SET ASIDE S.O 184(4)**

Hon PM moved a motion to set aside S.O 108(4) to make way for the Bills that were considered in detail to be third read.

**Motion approved****ix) CONSTITUTION AMENDMENT BILL 2020- third reading**

Pursuant to Article 190, the Assembly resolved in a Division for members to cast their votes- Aye or No for the Bill.

**Ayes:**

1. Hon Susuga Tuilaepa Dr Sailele Malielegaoi
2. Hon Afioga Tuitama Talalelei Tuitama
3. Hon Afioga Lautafi Fio Selafi Purcell
4. Hon Afioga Sala Fata Pinati
5. Hon Afioga Papaliitele Niko Lee Hang
6. Hon Tofa Lopao Natanielu Mua
7. Hon Tofa Faimalotoa Kika Stowers - Ah Kau
8. Hon Tialavea Tionisio Seigafolava Hunt
9. Hon Afioga Sili Epa Tuioti
10. Hon Afioga Loau Solamalemalo Keneti Sio
11. Hon Afioga Faaolesa Katopau Ainuu
12. Hon Afioga Afamasaga Rico Tupai
13. Afioga Faaulusau Rosa Duffy-Stowers
14. Afioga Afoa Amituanai Faleulu Mauli
15. Afioga Tapulesatele Mauteni Tamasone Metuli Esera
16. Afioga Toomata Aki Tuipea
17. Hon Afioga Gatoloaifaana Amataga Alesana-Gidlow
18. Afioga Tafua Maluelue Tafua
19. Hon Tofa Fonotoe Nuafesili Pierre Lauofo
20. Hon Afioga Faumuina Faaolatane Tiatia Liuga
21. Afioga Peseta Vaifou Tevaga
22. Afioga Taefu Lemi Taefu
23. Afioga Tuifaasisina Misa Lisati Palemene
24. Afioga Salausa Dr. John Ah Ching
25. Afioga Amituanai Fagaivalu Kenrick Samu
26. Afioga Seiuli Ueligitone Seiuli
27. Afioga Faasootauloa Pati Taulapapa
28. Tofa Lenatai Victor Tamapua
29. Susuga Mulipola Laki Leiataua
30. Afioga Alaiasa Moefaaouuo Sepulona Moananu
31. Tofa Soalo Umi Feo Mene
32. Tofa Lealailepule Rimoni Aiafi
33. Afioga Namulaulu Sami Leota

34. Tofa Ili Setefano Taateo Tafili
35. Afioga Faalogo Iosefa Sopi
36. Afioga Sulamanaia Fetaiai Tauiliili Tuivasa
37. Afioga Fuimaono Teo Samuelu Teo
38. Afioga Leaana Ronnie Posini
39. Tofa Aumua Isaia Lameko
40. Afioga Toleafoa Ken Vaafusuaga Poutoa
41. Tofa Nafaitoa Talaimanu Ketu

**41****Nays**

1. Hon Fiame Naomi Mataafa
2. Tofa Olo Fiti Afoa Vakai
3. Hon LAAULI Polataivao Leuatea
4. Afioga Faumuina Asi Pauli Wayne Fong

**4**

**The Ayes attained a more than two third majority of votes and the Constitutional Amendment Bill 2020 passed the Legislative Assembly.**

**x) JUDICATURE BILL 2020- third reading**

Minister for MJCA, Hon FAAOLESA Katopau Ainuu moved a motion for the Judicature Bill 2020 to be third read.

**Motion seconded and approved**

**Judicature Bill 2020 passed the Legislative Assembly**

**xi) LAND AND TITLES BILL 2020- third reading**

Minister for MJCA, Hon FAAOLESA Katopau Ainuu moved a motion for the Land and Titles Bill 2020 to be third read.

**Motion seconded and approved**

**Land and Titles Bill 2020 passed the Legislative Assembly**

**xii) IMMIGRATION BILL 2020- third reading**

Hon PM moved a motion for the Immigration Bill 2020 to be third read.

**Motion seconded and approved**

**Immigration Bill 2020 passed the Legislative Assembly**

## CONCLUDING SPEECH

### HON PM TUILAEPA Dr Sailele Malielegaoi

The Hon PM acknowledged the Speaker for the orders of the day and fellow Parliamentarians. He noted that the opinion of Samoa was sought during the deliberations on the 3 Bills. Moreover, the Hon PM noted that majority of the qualms was the proposed consolidation of the number of Sa'os at 5. The Honorable PM stated that it was inevitable that opinions would differ especially on matters that deal with our identity i.e Lands and Titles. He acknowledged those whom challenged the 3 Bills for their role in the deliberation & ensuring the optimality of the Bill.

He briefly recalled the first Parliament having hopes to incorporate the Fa'asamoa i.e lands and titles into the Constitution of Samoa. The Hon PM touched upon sentiments echoed by the Hon Minister of Justice-this is a realization of a dream that started 60 years ago. At least 160 inclusive of Tama Aiga Chiefs participated in the drafting of the Constitution of Samoa. The Hon PM pointed out that this is a new morning for Samoa & her people. This dream has been realized via the passing of the 3 Bills of which our forefathers wished to incorporate.

The Hon PM recalled that this Parliamentary term has seen the heart & soul of the Samoan people incorporated in their constitution (i.e.) Amendments which consolidate the definition of God & incorporating it in the Constitution & now the passing of Bills which seek to protect the 'measina' of Samoan families i.e. (Lands & Titles). The Hon PM noted that the amendments to Bills are imperative to remain proactive as only God knows the future. He commended the Opposition that their role is imperative to ensuring that Government is in check and that it is their arguments that keep Government on their feet in enhancing quality legislation.

The Hon PM expressed well wishes & conveyed season greetings to Samoa & Parliamentarians.

**Proceedings were adjourned at 6:30pm  
and will reconvene on Tuesday 19<sup>th</sup> January 2021 at 9am.**