



**AUGUST
2022**

PARLIAMENTARY SITTING SUMMARY

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament on **Tuesday 23rd August 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 23rd August 2022**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

Tuesday 23rd August 2022

9:30am

I. OTHER ANNOUNCEMENTS BY THE SPEAKER

The Hon Mr Speaker informed the House that he has received a letter from the Government of the day to present the nomination for Head of State pursuant to Article 18(1) by re-instating Honourable TUIMALEALIFANO Vaaletoa Sualauvi II for the next 5 years.

The Question was put forth by Mr Speaker whether the House accepted the nomination and the ayes were unanimous.

II. MINISTERIAL STATEMENT – Hon Prime Minister

The Hon Prime Minister, FIAME Naomi Mataafa greeted the Speaker and all Members of Parliament and commended members for their support on the re-election of TUIMALEALIFANO as the Head of State for the next 5 years upon the recommendation of the Government. The Hon PM explained that the House has just completed an important process in approving the nomination of the Afioga Tama-a-Aiga TUIMALEALIFANO to hold Office of the Head of State for the next 5 years.

Hon FIAME, then elaborated on the procedures which determine the appointment of such prestigious titles (Ao o le Malo) and asserted that the merits required for the Head of State is similar to that required for Members of Parliament. She further stated that since the Constitutional Convention there were joint Heads of States held by Afioga Tamasese and Susuga Malietoa. However, due to unfortunate circumstances, Hon Tamasese passed away and then Susuga Malietoa took over as sole Head of State and held Office for life.

Hon Prime Minister mentioned current process and clarified that a Head of State may be appointed for only 2 five year terms, therefore can only be reappointed once. She then reflected on the

changes which came about due to the recent amendment in 2019; changes were made to the formal titles for the Head of State and spouse - from 'Lau Afioga Mamalu o le Ao o le Malo' to Ao o le Malo, and from 'Masiofo' to Faletua. Hon FIAME mentioned the current Member of the Council of Deputy, Afioga Le Mamea Ropati and then conveyed the Government's support for the reappointed Head of State and extended her best wishes as he holds Office for the next 5 years.

- **Tofa Hon LAUOFO Fonotoe Nuafesili Laufo – Deputy Opposition Leader**

The Hon Member greeted the House and Samoa in all her honorific salutations, commended the Hon Prime Minister for her speech and the motion moved to reinstate the current HOS for another 5 years. Hon LAUOFO expressed gratitude to the Head of State and Masiofo for all their work during the past 5 years and acknowledged their service to the country despite all the challenges encountered during the tenure. He then asserted that a man looks to his surroundings to find direction while a spiritual man seeks God for his guidance and help at desperate times. He then commended the re-elected Head of State for seeking God at all times and wished him well regards for his second term.

III. OBITUARY SPEECH

The Speaker announced the passing of Hon. Jacob John Olaf Netzler on the 2nd of August 2022. He was a former member of parliament through individual voters during the VII Parliamentary Term 1979-1982, and VIII Parliamentary Term 1982-2001. He was a Cabinet Minister from 1982-1985 for the Ministry of Agriculture, Minister of Works 1985-1988, Minister for Samoa Post 1988-1991, again the Minister of Agriculture in 1991-1992, Minister of Airport and Shipping and FESA in 1992-1996. Jacob was a member of the HRPP. The speaker on behalf of parliament offered condolences to the grieving family, and instructed the House to be upstanding for a moment of silence.

IV. PRESENTATION OF PAPERS

A total of 7 papers tabled; 5 Annual Reports, Covid19 Report and Human Rights from Ombudsman Office, and Government Responses to Samoa Post Annual Report 2019/2020 and 2020/2021

Leader of the House

The Hon Prime Minister suggested that proceedings be suspended for recess.

Proceedings suspended at 10:24am; and resumed at 10:55am

MOTION – Hon Prime Minister

The Hon PM stood to move a motion pursuant to another motion earlier moved and passed on 3rd June regarding a recommendation made by the Commission of Inquiry to report on the outcome of investigation regarding the issues raised by the Attorney General on the Constitution Amendment Act 2020 and the Land and Titles Act 2020. The Hon PM elaborated on the recommendations and the issues highlighted in the Committee's report - and recalled that on June 3rd she moved a motion to refer Recommendation 1 to the Office of the Attorney General and the Executive to propose a 'way-forward' in addressing the issue. The Hon Prime Minister read out the recommendation by the Attorney General which provided for:

- (1) To move a motion to refer all Acts to its original state as passed by Parliament on 15th December 2021; and
- (2) To draft a Bill that will serve to amend the Land and Titles Act 2020 so as to solve the current hold on operations of the Land and Titles Court further to the selection of judges for the Land and Titles Court.

MOTION

- (1) Set aside 1 month as provided in Standing Orders 113(5) (a) for de-assent process
- (2) To allow the Clerk of the Legislative Assembly to proceed with de-assenting the Acts involved in the matter as prescribed under Standing Order 113(5)
- (3) Pursuant to SO 113(4) the Clerk of the Legislative Assembly should immediately dispose the Constitution Amendment Act 2020 and the Land and Titles Act 2020, and process the true Bills passed by Parliament for re-assent by O le Ao o le Malo.

Motion seconded and approved.

- **Tofa Hon LAUOFO Fonotoe Nuafesili Laufo – Deputy Opposition Leader**

The Hon Member recalled the events leading up to the passing of the 3 bills and where discrepancies were found. He then highlighted that a Committee was also established to go out in communities and consult with people on their opinions with the bill. The member noted that he can slightly remember about 90% of people expressed their support for the bills. However, when it was passed in Parliament and then flaws were picked up, then another committee was established to investigate this issue.

The Member also recalled an advice from the office of the Attorney General to set aside SO 113(5) in order to activate the de-assent process, however it was not considered then, and now it has been brought back to parliament today. He also noted that, the work in regards to this matter will begin soon. The Member also noted that, whatever we encountered along the way, differences and difficulties, we are here today and he recommends working together for the development of Samoa.

- **Afioga ALAIASA Moefaauouo Sepulona - Member for Anoamaa 1**

The Member greeted the whole house in all its honorific salutations. He then informed that House that he was a Member of the Special Committee and was also the Member who did not sign the

report for tabling in Parliament. The Member also noted that for any bill, there is always a process in which a bill is thoroughly checked, and he believes that this is what needs to be improved, in order to avoid this from happening. The Member accepts and supports the motion put forward so that we can move on from this matter. He also conveyed words of advice for the Speaker in improving his work as speaker.

- **Afioga SULAMANAIA Fetaiai Tauiliili Tuivasa- Vaimauga 1**

The Member commended the PM for putting forward the motion, and finally having Parliament resolve the issue collectively as amendments to the Constitution requires 2/3rd of Parliament. The Member emphasized the importance of resolving this matter so the halt on the LTC operations can be solved.

- **HON. Prime Minister:**

The Hon Prime Minister stood on a point of order regarding the motion she put forward and clarified that it is not intended to discuss the Bills and what they are, instead it is to revert the bills to their original state as passed by parliament so that amendments can be made to solve the current halt on the LTC operations. The PM highlighted this to avoid any misleading comments by members.

- **Tofa Hon LEATINUU Wayne Soialo - Member for Faleata 2**

The Hon Minister stated that he was against the 3 bills and this was the underlying reason why he was removed from his former party. He also agreed with the Deputy Opposition leader that Parliament should move forward, however it seems that the Opposition Party continue to contradict their statements as they have not moved on. Furthermore, Hon Minister stated this is a chance for the Parliament to consider, amend and correct whatever loopholes in the bills as per motion by the PM.

- **Tofa Hon OLO Fiti Afoa Vaai - Member for Salega 2**

The Minister stated that he was against the process whereby the Prime Minister advises the Head of State. He stated that Parliament should be independent in this process, and it was vital for the Attorney General to advise the Head of State but not the Prime Minister, because the Parliament whereby the PM is involved have also made their say and opinions on the bill or any bill. The member advised the need of the HOS to be independent with his decision and role to avoid any lapses.

- **Susuga Hon Laauli Leuatea Polataivao Fosi - Member for Gagaifomauga 3**

The Hon Minister urged the House to conduct a full review on the disposed Acts to ensure any future discrepancies are avoided.

- **Afioga LUPEMATASILA Galumalemana Tologata Tile - Member for Falelatai & Samatau**

The Member iterated that there seems to be differences in Members' opinions with what the PM's motion that was moved by the Hon Prime Minister which provided that the Acts will not come back to Parliament for deliberation, rather it will go through de-assent and re-assent procedures.

Hon Prime Minister – Afioga FIAME Naomi Mataafa

The Hon PM reminded the members of the main purpose of the motion so that the operations of the Land and Titles Court continues to progress as it is halted now due to the discrepancies of the Law. Furthermore, Hon PM also informed the members that they will get a change to deliberate on the Bills once they are brought back in parliament for any further amendments. She then advised the members to avoid making decisions and raising their political opinions instead their decisions should be based on the law and rules passed by Parliament. The motion was again seconded and approved.

V. GOVERNMENT ORDERS OF THE DAY – Reading of Bills

1. INCOME TAX AMENDMENT BILL 2021 – consideration in detail

Afioga NIUAVA Eti L Malolo - Moved a motion for the income tax amendment bill to be considered in detail; motion seconded

Clause 2 – *Approved as amended*

Clause 3 - *Approved as amended*

Clause 4 - *Approved as amended*

Clause 5 - *Approved as amended*

Clause 6 - *Approved as amended*

Clause 7 - *Approved as amended*

Clause 1 - *Approved as amended to omit the number 2021 and substitute thereby the number 2022.*

MOTION – set aside Standing Order 108(4)

The Hon PM moved to set aside Standing Order 108(4) to allow the Bill to be third read on the same sitting day; motion seconded and approved.

2. INCOME TAX AMENDMENT BILL 2022 - third reading

Afioga NIUAVA Eti L Malolo, Committee Chairperson moved the third reading of the Bill; motion approved and the Bill was read a third time and officially passed the Legislative Assembly.

**Proceedings adjourned at 12:03pm;
and will reconvene on Tuesday 18th October 2022 at 9:30am**