



LEGISLATIVE ASSEMBLY OF SAMOA
**PROCEDURAL &
STATISTICAL DIGEST NO.5**
APRIL 14 - 16 2014

APRIL 2014				
M	T	W	T	F
14	15	16	17	18
21	22	23	24	25

BILLS

1.01 *Proceedings on the Electoral Amendment Bill 2014*

The Electoral Amendment Bill 2014 was introduced under a *certificate of urgency* (COU) on Tuesday 15 April; the Bill was then read a first time. The second reading debate continued on to Wednesday 16 of April and the Prime Minister moved that the Bill be referred to a Select Committee for consideration after seconding reading; the motion was approved.

Many Members strongly opposed the Bill's introduction under the COU due to the fact that:

- The Bill makes reference to the Constitution and must therefore be scrutinized appropriately before it passes the Assembly;
- the public should be allowed to offer their opinion prior to it becoming an Act of Parliament and
- the Assembly must be given ample time to consider the Bill to ensure it reflects the opinions of all Members of Parliament.

The Electoral Amendment Bill 2014 was referred to the Business, Standing Orders, House and Electoral Committee for consideration as per usual procedures.

Standing Orders: 44(1)(o) & (p), 75(1), 95 – 112, 99(2), 100(1), 101(2), 107(4)
Constitution: Article 59.

1.02 *Third reading of the National Health Service Bill 2014*

The National Health Service Bill 2014 was third read and passed the Assembly on Wednesday 16 April. Bills that have been third read and have passed the Assembly must then be printed fair, authenticated and assented to by Le Ao o le Malo. Once assent has been given, the Bill becomes an Act of Parliament, enforceable by law.

Standing Orders: 94 (1), 101, 102, 106, 107, 108, 109 – 112.
Constitution: Article 60.

ASSEMBLY BUSINESS

1.03 Change to Sitting Hours

On Wednesday 16 April, the Prime Minister by leave, moved a motion to extend the sitting hours until completion of all business set out in the day's order paper due to the observance of Good Friday on the 18th of April; the motion was approved. Following suspension at 1:00pm, the sitting reconvened at 7:00pm until 1:15am.

Standing Order: 31.

1.04 Change to Order of Business

When the Electoral Amendment Bill 2014 was referred for select committee consideration the National Health Service Bill 2014 was then third read (refer to 1.01).

Note: The Assembly is required to proceed with business as set out in the Order Paper for each sitting day pursuant to Standing Order 34. However, business may be altered by leave of the Speaker under Standing Order 44.

Standing Orders: 34 & 44(2).

PARLIAMENTARY COMMITTEES

1.05 Committee recommendations adopted after debate

On Monday 14 April, three Select Committees Reports were approved:

- P.P. 2013/2014 No.108 – Report of the Primary Production, Commerce, Industry and Labour Committee on the Annual Report of the Ministry of Agriculture and Fisheries for the Financial Year ended 30th June 2011;
- P.P.2013/2014 No.88 – Report of the Finance and Expenditure Committee on the Annual Report of the Samoa Life Assurance Corporation for the Financial Year 2011/2012;
- P.P.2013/2014 No.85 – Report of the Finance and Expenditure Committee on the Betting (Totalisator) Agency Board Financial Statements for the Financial Year ending 30 June 2011 and 30 June 2012.

Note: The Prime Minister rejected recommendations 1, 2 and 3 with the exception of number 4, given by the Finance & Expenditure Committee on the Financial Statements of the Betting (Totalisator)

Agency Board Financial Statements for the Financial Years ending 30th June 2011 and 30th June 2012 (refer to P.P.2013/2014 No.85).

Standing Order: 53.

1.06 Motion to suspend Standing Orders in order to approve thirty eight Select Committees Reports and fifteen Government Responses

The Prime Minister moved a motion for the suspension of standing orders to allow for the approval of 38 Select Committees Reports and 15 Government Responses; the motion was approved. Several Members opposed the motion; however the Prime Minister reminded Members that the Reports and Responses would lapse in the month of May (the end of the current session when the budget is tabled) if they objected the motion.

Standing Orders: 44 - 47(3), 48 & 196.

MEMBERS

1.07 Minister of Finance addresses the House to give personal clarification on the Audit Report

The Minister of Finance sought leave from the Speaker to address the House regarding recent allegations against him outlined in the Report of the Controller and Chief Auditor for July 2009 – June 2010 and July 2010 – June; leave was granted by the Speaker for the Minister to continue. Upon conclusion of the Minister's address, the Prime Minister took the floor and accepted the Minister of Finance's resignation. The Select Committee Report on the Audit Report was then approved without debate.

Note: The Minister sought leave to make a 'Ministerial Statement'; however, such an address would more appropriately be classed as a personal explanation in accordance with Standing Order 63.

Standing Orders: 62, 63 & 196.
Constitution: Articles 34, 35 & 46

MOTIONS

1.08 Points of order raised as to procedure regarding Minister of Finance's personal clarification

Several Members raised points of order consequent to the Minister of Finance's personal clarification:

(1) Procedure for the consideration of Select Committee reports:

- When a Select Committee report is tabled in the Assembly, the recommendations and resolutions are reported by the Chairman. The Government is required under Standing Order 54 to provide a response to the said recommendations by the Select Committee. The Officers of Parliament Committee Report was tabled on Tuesday 17 December 2013 and had yet to be considered by the Assembly. For a Minister to make a statement on the Report (on behalf of the Government) at that point in time would seemingly contradict Standing Orders and House practice.

(2) Procedures as to Ministerial Statements:

- Ministerial statements are made on behalf of the Government to relay to the Assembly its decisions on certain matters (S.O. 62(1)). Objections were raised as to the proposed 'Ministerial Statement' because under Standing Orders, a Ministerial Statement cannot be debated unless a motion to table the Ministerial Statement is approved.

Note: If a Member raises a point of order during a sitting, it is for the Speaker to rule on in accordance with standing orders, previous Speaker's rulings or House practice. The Speaker of the House is bound by the Constitution, Standing Orders and any relevant Act including the Legislative Assembly Powers and Privileges Ordinance 1960; however, if these sources do not provide sufficient direction, the Speaker may consult similar practices enacted by the New Zealand and British Parliaments.

**Standing Orders: 53, 62, 63, 125, 127, 182 & 181 - 187.
Parliamentary Practice & Procedure Manual 2012, p.8.
McGee, David: The Basis of Parliamentary Procedure, Chapter 10.**

1.09 Member moved amendment to motion

Following the motion to approve the Report of the Officers of Parliament Committee, a Member moved an amendment to the motion, to include Standing Order 161. Standing Order 161 provides that any information or evidence relating to a Select Committee Report shall not be published by any person until it has been presented to the Assembly.

Note: Any Member may move an amendment when speaking to a motion, provided that an amendment to the original question must be resolved before another amendment to the original question may be moved. Amendments may also be moved to proposed amendments before they are resolved. Any part of a question which has already been resolved by the Assembly may not be amended.

Standing Orders: 50 & 161.

Legislative Assembly Powers and Privileges Ordinance 1960, s.25(e)

Parliamentary Practice & Procedure Manual 2012, p.20.

STATISTICAL DIGEST

14 – 16 APRIL 2014

LEGISLATION	14 – 16 April 2014	Oct 2013 to date
<i>Bills presented to the Assembly</i>		
<ul style="list-style-type: none"> • Government Bills: <ul style="list-style-type: none"> - Normal Passage - Certificate of Urgency - Private Members Bills • Bills referred to Committees 	0 *1 0 1	16 6 0 14
OTHER BUSINESS	14 – 16 April 2014	Oct 2013 to date
<ul style="list-style-type: none"> • Number of Sitting days • Total hours of Sitting (excluding suspensions): <ul style="list-style-type: none"> - Business of the Assembly - Government Business - Private Member's Business - Other opportunities for Private Members 	3 16 hours 10 mins 8 hours 10 mins 8 hours 0 mins 0 mins 0 mins	17 76 hours 15 mins 38 hours 40 mins 37 hours 35 mins 0 mins 0 mins
Questions lodged	0	0
Urgent Questions lodged	0	0
Answers to questions (written)	0	0
Answers to questions (oral)	0	0
Petitions presented	0	0
Divisions	0	1
Parliamentary Committee reports presented	1	71

**Motion by Prime Minister to refer Bill to Committee*