



OCTOBER
2013

This Infosheet is the second in a series produced by the OCLA to explain the work of the Legislative Assembly of Samoa

Infosheets in this series include

1 Legislative Assembly of Samoa

2 Legislation

3 Committees

4 Parliamentary words and expressions

5 Parliamentary Debate

Infosheets on a range of topics will be added to this series in the future

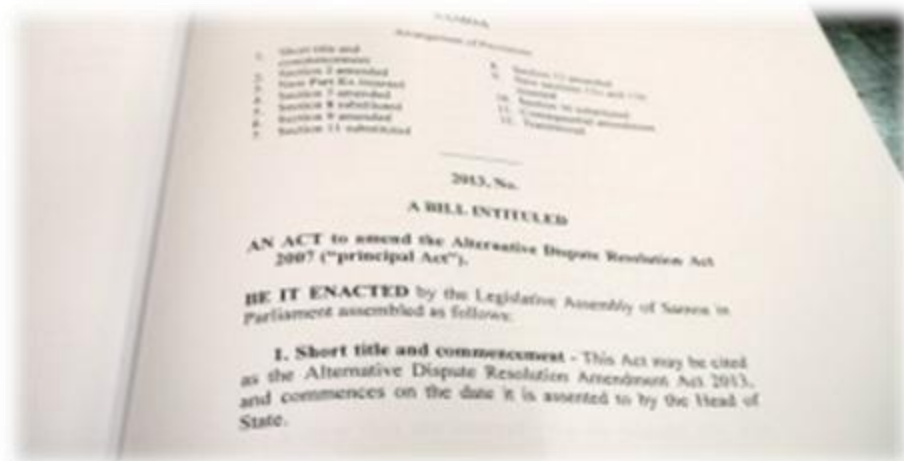
Available online at
www.parliament.gov.ws



2 LEGISLATION

WHAT IS A BILL?

A bill is a draft law which is introduced into the Assembly, usually by a Government Minister, to create a new law or amend an existing one.

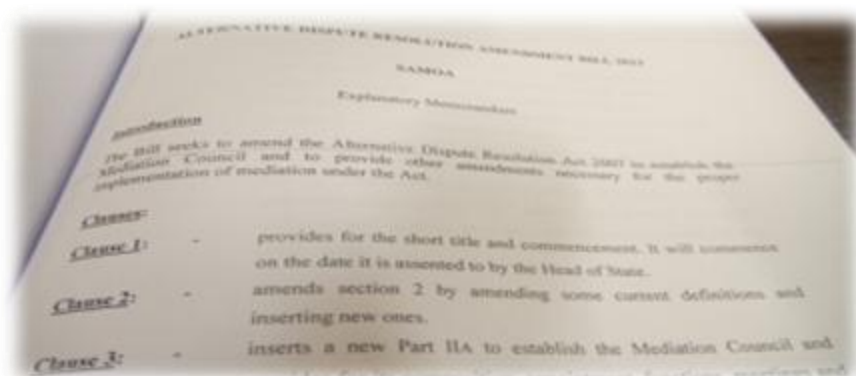


An example of a Bill

ELEMENTS OF A BILL

All bills follow a standard format although the particular content in each bill will vary according to its purpose. Following are examples of standard elements in a bill.

The **title** appears in two forms: a long title and a short title. The long title gives the bill's purpose and scope, for example, 'An Act to continue the National Health Services established under the repealed National Health Service Act 2006...and for related purposes.' The short title is less descriptive and is generally used for citation purposes, for example, the 'National Health Service Bill 2013'.



Explanatory Memorandum within a Bill

An **Explanatory Memorandum** (EM) is prepared by the Minister responsible for the bill. It explains why the bill is considered necessary, outlines the intent of the bill's clauses.

The **analysis** (arrangement of provisions) is a numerical list of all the individual parts of the bill. This acts as a table of contents and is found at the beginning of the bill.

Clauses are short paragraphs that, together, make up the contents of the bill. They may be divided into **sub-clauses**. Once a bill is passed, its clauses are referred to as sections, and sub-clauses become sub-sections.

Parts of a bill (I, II, *etcetera*) are made up of groups of clauses relating to the different subjects covered by the bill. They guide the reader by acting as major headings.

Schedules to a bill contain more technical details of matters referred to in clauses.

PASSAGE OF LEGISLATION

Once a bill is ready for introduction into the Parliament, its short title must be published for community notice (via TV and newspaper) with printed copies distributed to Assembly Members. A message from the Head of State approving its introduction must also be received prior to the bill's first reading within Parliament.

The first stage of a bill's passage through Parliament is known as the **First Reading**. This is the formal introduction of a bill and no debate may take place at this stage. After the Speaker of the House reads out the message from the Head of State, a motion will be put for the bill to be first read. Once the motion has been moved, the Clerk reads out the long title.



The Speaker's Chair in the Chamber

The next stage is the **Second Reading**. The responsible Minister explains the bill's purpose and contents. Members then have their first opportunity

to debate the general principles and purpose of the bill. The Second Reading debate is open to all Members and, when debate is complete, the Assembly is asked the question: ‘That this bill be read a second time?’

If the second reading is ‘agreed’ to, the long title is read by the Clerk and the bill is referred to a designated **Select Committee**, usually. Members of that committee will closely scrutinise the bill’s contents. At this stage witnesses may be called upon to give the Committee written or oral submissions on the bill’s merits, faults or possible amendments to improve it. These assist the Committee in its detailed investigation.

Once the committee process is complete, a report will be compiled for tabling (presenting) in the Assembly. The report details the committee’s findings as well as any recommendations it considers necessary for consideration before the bill progresses. (See also the Infosheet on Committees.)

The next stage is for Parliament to **consider the bill in detail**. The Speaker leads a detailed, clause by clause analysis of the bill. Debate is no longer about general principles. The analysis takes into account the Committee’s report findings and Members may debate the specifics of each clause in short speeches. This stage is complete when each clause has been agreed to, or amended and agreed to.

At the **Third Reading** stage, no more debate takes place and a motion is moved for the bill to be read a third time. If the Assembly agrees to the question ‘that the bill be read a third time’, the bill’s long title will then again be read by the Clerk. The bill will be considered as officially passed by the Assembly. The bill will then be printed (*printed fair*) with any amendments approved by the Assembly incorporated, along with the Prime Minister’s signature.



On top of the Bill is an ‘Act’ in its final form once passed by Parliament

These stages provide certainty in terms of scrutiny and process. They also mean that passage of a bill may take many weeks or months. The final stage is receiving the '**royal assent**'. The Head of State's signature demonstrates his official approval for the bill to be made into an Act of Parliament (law).

Some bills which are considered to be urgent are introduced under a **Certificate of Urgency** issued by the Head of State. If this occurs, prior public notification is not necessary and the second reading may occur on the same day the bill is introduced into the Assembly. Select committee referral may be bypassed and the bill may be considered in detail and given a third reading on the same day.

The standing orders provides for other cases of 'urgent' bills other than those introduced under a certificate of urgency. Such bills may be considered necessarily urgent given their high public interest and if satisfied as to its urgency, the **Speaker may use his discretion** to progress the bill directly to the consideration in detail stage, without the need for referral to a select committee.

Most bills are introduced by the Government, but a private Member may also introduce a bill: a **Private Member's Bill**. Particular rules apply: such a bill may only be introduced on a motion for leave on a Thursday sitting day and the bill must not contain any provision that would attempt to change public revenue, tax, rate or duty, so as not to challenge any Government's right to manage the country's finances.

MORE INFORMATION:

The Constitution of the Independent State of Samoa

The Standing Orders of the Legislative Assembly of Samoa, 2010

Parliamentary Practice and Procedure Manual 2012, Legislative Assembly of Samoa

Legislative Assembly of Samoa website: www.parliament.gov.ws