



LEGISLATIVE ASSEMBLY OF SAMOA
**PROCEDURAL &
STATISTICAL DIGEST NO.9**
OCTOBER 21 – 24 2014

OCTOBER 2014				
M	T	W	T	F
20	21	22	23	24
27	28	29	30	31

BILLS

1.01 Bills introduced

Three bills were introduced on Tuesday, 21st October 2014: the *Petroleum Amendment Bill 2014*, *Credit Union Bill 2014* and the *Commonwealth Youth Games 2015 (Sponsorships) Bill 2014*. All bills were presented to the Assembly on a message from *Le Ao o le Malo*.

Standing Orders: 95, 99.

Refer to 1.02.

1.02 Bill considered under Certificate of Urgency

The *Commonwealth Youth Games 2015 (Sponsorships) Bill 2104* was introduced under a Certificate of Urgency signed by *Le Ao o le Malo* on Tuesday, 21st October 2014. The Certificate of Urgency received by the Speaker circumvents the usual requirement that Bills must be publicly published and distributed to members prior to introduction. It also allows for a bill to be first read, second read, considered in detail and third read in a single sitting day. The above bill was second read, considered in detail and third read on Friday, 24th October 2014.

Note: Unless a Certificate of Urgency has been signed by Le Ao o le Malo and presented to the Assembly, a bill's passage through the Assembly must follow the normal procedure as set out in Standing Order 99(1).

Standing Orders: 99 – 112, 99(2), 100(1), 101(2), 107(4).

1.03 Bills second read and referred to Select Committees

Three bills were second read during the Assembly's October sitting. The *Public Finance Management Amendment Bill 2014* and the *Community Law Centre Bill 2014* were second read on Wednesday 22nd October 2014. The *Media Council Bill 2014* was second read on Friday 24th October 2014. The *Commonwealth Youth Games 2015 (Sponsorships) Bill 2014* was also second read on Friday 24th October, but due to it being considered under a Certificate of Urgency, was not referred to a Select Committee for scrutiny. The *Public Finance Management Amendment Bill 2014* was

referred to the Finance and Expenditure Committee. The *Community Law Centre Bill 2014* was referred to the *Justice, Police & Prisons and Land & Titles Committee* with the *Media Council Bill 2014* being referred to the Business, Standing Orders, House and Electoral Committee.

Standing Orders: 100, 101, 137.

Also refer to 1.02.

1.04 *Six bills considered in detail and third read*

On Tuesday 21st October 2014, six bills were considered in detail by the Assembly. These bills were the *Lawyers and Legal Practice Bill 2012*, the *Tax Administration Amendment Bill 2014*, *International Criminal Court Amendment Bill 2014*, *Allied Health Professions Bill 2013*, *Medical Practitioners Amendment Bill 2014* and the *Plumbers Bill 2013*. Following member debates, a motion for the bills to be third read was approved and they were third read the following day on Wednesday, 22nd October 2014.

ASSEMBLY BUSINESS

1.05 *Message from Le Ao o le Malo*

A message from Le Ao o le Malo to permit the introduction of three bills on Tuesday 21st October was read out by the Speaker, following the formal opening of the Sitting and prayers at 9:00am.

Note: All messages from Le Ao o le Malo addressed to the Assembly shall be read immediately after Prayers or after a Member has been sworn in by the Speaker.

Standing Orders: 75 (1), 95.

Constitution of the Independent State of Samoa: Article 59.

1.06 *Other Announcements by Mr Speaker*

After the conclusion of opening prayers on Tuesday, 21st October, Mr Speaker acknowledged and welcomed the participants of the *Parliamentary Youth Programme 2014* who were to observe the morning's Chamber proceedings as part of their scheduled activities.

Standing Order: 44 (e).

1.07 Eight Government Responses tabled

Eight Government Responses were tabled during the Assembly's October sitting. On Tuesday 21st October, responses to the reports of the Works, Transport and Environment Committee; Standing Orders, House and Electoral Committee; Finance and Expenditure Committee; Health and Social Services Committee; Primary Production Committee and the Foreign Affairs Committee were tabled. On Wednesday 22nd, responses to the reports of the Education Committee, Foreign Affairs Committee and the Primary Production Committee were tabled.

Note: Once a Select Committee Report has been adopted by the Assembly, the Government must table its response within ninety days with the exception of Finance and Expenditure Committee reports on any Estimates or Supplementary Estimates.

Standing Order: 54.

Parliamentary Papers: 2014/2015 No.112, 113 & 114.

QUESTION TIME

1.08 Urgent Questions

Standing Order 59 permits members to ask 'Urgent Questions' which are considered to be in the public's interest. These questions may be asked to Ministers or other members. On Thursday 23rd October, 7 questions were asked by members of the Opposition to Cabinet Ministers. Notice of 8 questions had been presented to the Clerk prior to their presentation however, Mr Speaker ruled Question 4 inadmissible due to lack of supporting evidence as required by Standing Order 60(b).

Questions delivered on Thursday 23rd October:

1. "What are Government's plans for the transportation fleet and other equipment that were used during the SIDS conference?" delivered by AFUALO Wood Uti Salele to the Prime Minister;
2. "When will the Government table a 'Government Reply' to the Officers of Parliament Committee Report on the Report of the Auditor General?" delivered by Hon PALUSALUE Faapo II to the Prime Minister;
3. "What are Government's intentions with the proposed increase in salaries for teachers as it has been noted that some have migrated to American Samoa? When will the increase be implemented? delivered by AVEAU Nikotemo Palamo to the Minister for Education;

4. The question which was to be delivered to the Minister for Works was in regards to alleged repairs to the Fiaga Diesel Power Plant. The question stated specific repair costs and queried how the damage had occurred and who bore the cost of repairs. The question was ruled inadmissible
5. “When will the Leone bridge damaged by Cyclone Evan be rebuilt as the funds have allocated yet nothing has been done?” delivered by LEVAOPOLO Talatonu to the Minister for Works, Transport & Infrastructure.
6. “What is the update with the ST\$5 million allocation for farmers affected by Cyclone Evans as farmers have been waiting for 3 years for it?” – delivered by Hon PALUSALUE Faapo II to the Minister for Agriculture & Fisheries. This was originally to be delivered by TAPUAI Toese Ah Sam.
7. “Does Government intend to purchase a CT scanner for the National Hospital at Motootua as this is urgently needed by most patients?” delivered by MOTUOPUAA Aisoli Vaai to the Minister for Health.
8. “What precautionary measures against Ebola has the Ministry implemented and is it true that some returning residents are suspected of carrying the virus?” delivered by TOEOLESULUSULU Cedric Schuster to the Minister for Health.

The Leader of the Opposition Hon Palusalue Faapo II had previously raised an issue in the House about the underutilisation of Question Time despite it being provided for under Private Member’s Business in the Standing Orders. This can be referred to in the *Procedural and Statistical Digest No.4* at **1.09** (page 3). This has been an issue in recent parliamentary terms however, the Speaker does have the authority to alter the Order as set out in a particular day’s Order Paper if he or she thinks it necessary [(Standing Orders 42(2) and 45(1) & (2)]. This may result in Government business being given precedence over Private Member’s business on any given Thursday sitting day.

Question Time however, is not a foreign practice in Samoa’s parliamentary Chamber. Specifically, in the XVth Parliamentary Term (2006-2011) Questions were delivered in the Chamber on 19th July 2006 and 15th November 2006. It is also interesting to note that Question Time was frequently utilised by members in the first Parliamentary Term (1961-1963). Questions were presented on 8th June 1961, 17th and 22nd August 1961, 19th April 1962, 20th March 1963, 20th October 1963, 12th December 1963 and 20th December 1963. This trend continued into Parliament’s second Parliamentary Term (1964-1966) which saw Questions being delivered on 16th March 1965, 8th April 1965, 3rd, 23rd and 27th August 1965, Thursday 14th October and 24th June 1966. It is further noted that during Parliamentary terms I and II, the majority of questions were directed at both the Minister for Agriculture and Minister

for Finance. During the XVth term, questions were directed at the Minister for Tourism and Minister for Health.

Note: Part XVII of the Standing Orders permits for members to ask questions to Ministers or other members on Thursdays of a sitting week [S.O 44(h) and 45(2)]. Standing Order 58 provides the procedure for oral or written questions which require 2 days notification to the Clerk. Under Standing Order 58, notice of answers required in writing must be given three days before an answer is to be given. For urgent questions, a copy of questions must be given to the Clerk and to whom an answer is required at least 1 day before an answer is required. The Speaker has the discretion to rule a question as inadmissible.

*Standing Orders 44(h), 45(2), 58, 59 & 60(b).
Procedural and Statistical Digest No.4 at 1.09*

PRIVATE MEMBERS BUSINESS

1.09 Request to withdraw words from Hansard

A member may request that words or statements made in the Chamber be struck from official parliamentary transcripts (Hansard). The guidelines for the 'Contents of Speeches' are outlined in Standing Order 82 which include words and statements prohibited during speeches. A motion to remove such words or phrases must be seconded to become effective. On Thursday 23rd October, AFUALO Wood Utu Salele requested that words contained in a comment made by Hon TOLOFUAIVALELEI Falemoe Leiataua be struck from record as being 'inappropriate'. However, this was not a motion and was not seconded despite Hon PALUSALUE Faapo II making the same request. Mr Speaker permitted an apology from Hon TOLOFUAIVALELEI and re-directed business to Question Time.

Note: For examples of omissions, refer to Procedural and Statistical Digest No.4 at 1.10. Words or statements which may be struck from record include those which may be interpreted as offensive, inaccurate or contentious.

*Standing Orders 60(c), 82(2)
Hansard Advance, pp. 786-788 Thursday 23 October 2014.
Procedural and Statistical Digest No.4 at 1.10*

1.10 Impromptu Maiden speech during Question Time

Maiden speeches are a parliamentary convention whereby members are able to address the Assembly uninterrupted for a maximum of one hour. Although this may in practice occur at any time during a parliamentary term, the common practice is for members to deliver their maiden speeches at the beginning of a new parliamentary term. Member for Salega, TAPUAI Toese Ah Sam did not deliver a maiden speech at the beginning of the XVth Parliament. Notice for the Urgent Questions to be delivered on Thursday 23rd October noted that TAPUAI was to deliver Question 5. The Member requested that the Leader of the Opposition, Hon PALUSALUE deliver the question instead. The short statement made by TAPUAI to this effect was declared by Mr Speaker as being the member's maiden speech and has been noted as such in Parliament's official transcripts.

Hansard Advance, pp. 785-786, Thursday 23rd October 2014.

SPEAKER

1.11 Points of order raised by Mr Speaker during Question Time

Mr Speaker noted the following points of order during Question Time on Thursday 23rd October 2014:

- a) Questions which are not substantiated by evidence are not permitted to be delivered;
- b) Once a Question has been delivered and answered, further 'supplementary questions' may not be asked on the floor. They must follow the same procedure as set down in the Standing Orders for Questions proper. They must be presented to the Clerk and Member who is to reply 2 day (1 day for Urgent Questions), prior to Question Time.

Hon TOLOFUAIVALELEI raised an issue as to whom may ask questions during Question Time upon TAPUAI deferring his question to Hon PALUSALUE. The Hon Minister stated that when a member's name is noted in the Question Time notice paper, that member must deliver the question. Standing Orders only permits another member to ask a question if a Member is absent. This issue was not elaborated on by Mr Speaker, however, Standing Order 61(2) &(3) clearly states this to be the proper procedure.

*Standing Orders 58, 59 60 & 61, 61(2) & (3).
Hansard Advance p.785, Thursday 23 October 2014.*

PARLIAMENTARY COMMITTEES

1.12 Eleven Select Committee Reports tabled

On Tuesday 21st October, five Select Committees tabled their reports. The Health and Social Services Committee tabled one report; the Education Committee and the Works Committee tabled three reports respectively; the Justice Committee tabled two reports with the Finance and Expenditure Committee tabling one. On Wednesday 22nd, the Education Committee tabled one report.

Standing Order: 51.

Parliamentary Papers: 2014/2015 No.s 101 – 110.

1.09 Six Select Committee Reports on bills approved

For the Assembly to consider a bill in detail, it must first approve its corresponding Select Committee report in accordance with Standing Order 106. Upon consideration of the six bills listed in **1.04** above, six Select Committee reports were presented to the Assembly and subsequently approved.

1. Justice, Police and Land & Titles Court Committee report, P.P.2014/2015 No.101 on the *Lawyers and Legal Practice Bill 2012*;
2. Foreign Affairs, Trade and Revenue Committee report, P.P.2014/2015 No.105 on the *Tax Administration Amendment Bill 2014*;
3. Justice, Police and Prisons and Land & Titles Court Committee report, P.P.2014/2015 No.106 on the *International Criminal Court Bill 2014*;
4. Health and Social Services, Internal Affairs, Community and Social Development Committee report, P.P.2014/2015 No.107 on the *Allied Health Professions Bill 2013*;
5. Health and Social Services Committee on the *Medical Practitioners Amendment Bill 2013* and the
6. Works, Transport and Environment Committee on the *Plumbers Bill 2013*.

Standing Orders 51 & 53

Refer to 1.04

STATISTICAL DIGEST

21 – 24 October 2014

LEGISLATION	21 – 24 October 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 2 - Certificate of Urgency 1 - Private Members Bills 0 • Bills referred to Committees 3 		27 8 0 23
OTHER BUSINESS	21 – 24 October 2014	Oct 2013 to date
<ul style="list-style-type: none"> • Number of Sitting days 4 • Total hours of Sitting (excluding suspensions): <ul style="list-style-type: none"> - Business of the Assembly 36 mins - Government Business 5 hours 19 mins - Private Member's Business 1 hour 13 mins - Other opportunities for Private Members 0 mins 	7 hours 32 mins	29 118 hours 25 mins 40 hours 57 mins 74 hours 53 mins 1 hour 13 mins 0 mins
Questions delivered in the Chamber	0	0
Urgent Questions delivered in the Chamber	7	7
Answers to questions (written)	0	0
Answers to questions (oral)	7	7
Petitions presented	0	0
Divisions	0	0
Parliamentary Committee reports presented	11	96