



**STANDING ORDERS
OF THE
PARLIAMENT OF SAMOA**

[Amended: January 2016]

**TULAFONO TUMAU
A LE
PALEMENE O SAMOA**

[Toe teuteu: Ianuari 2016]

TABLE OF CONTENTS

PART	TITLE	PAGE
I	INTRODUCTORY.....	3
II	PROCEEDINGS OF MEETING OF NEW PARLIAMENT.....	6
III	OATH OF ALLEGIANCE.....	9
IV	DEPUTY SPEAKER.....	12
V	ELECTION OF PRIME MINISTER.....	13
VI	LANGUAGE.....	15
VII	PARTIES, SEATING, ATTENDANCE OF MEMBERS, LEAVE OF ABSENCE.....	16
VIII	PRESIDING IN THE ASSEMBLY.....	19
IX	SESSIONS, MEETINGS AND SITTINGS.....	21
X	DUTIES OF THE CLERK.....	24
XI	OFFICIAL REPORT.....	27
XII	THE MACE.....	28
XIII	SERGEANT-AT-ARMS.....	29
XIV	ARRANGEMENT OF BUSINESS.....	30
XV	PAPERS.....	33
XVI	PETITIONS.....	37
XVII	QUESTIONS TO MINISTERS AND OTHER MEMBERS.....	40
XVIII	MINISTERIAL STATEMENTS.....	44
XIX	PERSONAL EXPLANATIONS.....	45
XX	MOTIONS AND AMENDMENTS.....	46
XXI	NOTICE FROM THE LEADER OF THE HOUSE.....	52
XXII	ADDRESSES TO O LE AO O LE MALO.....	53
XXIII	RULES OF DEBATE.....	54
XXIV	RULES OF ORDER.....	62
XXV	DIVISIONS.....	65
XXVI	BILLS.....	67
XXVII	BILLS AFFECTING PRIVATE PERSONS.....	78
XXVIII	COMMITTEES OF THE WHOLE HOUSE.....	80
XXIX	ESTIMATES AND FINANCIAL PROCEDURE.....	84
XXX	MONEY GRANTS AND TAXATION.....	89
XXXI	INSTRUCTION TO COMMITTEE.....	91
XXXII	PARLIAMENTARY COMMITTEES.....	92
XXXIII	PARLIAMENTARY COMMISSION AND PARLIAMENTARY COMMITTEES.....	101
XXXIV	MEMBERS AND STRANGERS.....	106
XXXV	PRIVILEGES AND ETHICS.....	107
XXXVI	BROADCASTING OF PROCEEDINGS.....	111
XXXVII	CONTROL AND ADMINISTRATION.....	112
XXXVIII	TIME-LIMIT OF SPEECHES.....	114
XXXIX	STANDING ORDERS.....	116
XL	REPEAL.....	117

STANDING ORDERS

PART I INTRODUCTORY

1. Rights of the Legislative Assembly Not Restricted:

Nothing provided for in these Standing Orders shall diminish or restrict or be deemed in any way to reduce or restrict the rights, privileges, immunities and powers held or enjoyed by the Legislative Assembly or the upholding and exercise thereof.

2. In Cases Not Provided for Speaker to Decide:

In all cases not provided for in these Standing Orders the Speaker shall decide guided by the rules and usages and relevant practices of the House of Representatives of New Zealand and other Westminster Parliaments in force, in so far as the same can be applied to the proceedings of this Legislative Assembly.

3. Interpretation:

In these Standing Orders, if not inconsistent with the context:

“**Assembly**” means the Legislative Assembly constituted pursuant to the terms of the Constitution;

“**Chairperson**” means the Chairperson of a Committee of the Whole House, a Parliamentary Committee and includes the Deputy Chairperson, an Acting Chairperson, and a temporary Chairperson;

“**Clerk**” means the Clerk of the Legislative Assembly or, if the Office is vacant or the Clerk is absent from duty means the Deputy Clerk of the Legislative Assembly or a person appointed by the Speaker to act as Clerk of the Legislative Assembly and includes any person delegated by the Clerk to perform any of the functions or exercise any of the powers of the Clerk under these Standing Orders;

“Constitution” means the Constitution of the Independent State of Samoa;

“Deputy Chairperson” includes the Acting Deputy Chairperson;

“Deputy Clerk” means the Deputy Clerk of the Assembly, or, if he or she is performing the duties of the Clerk; or; if the Deputy Clerk is absent, or if the Office is vacant, the person for the time being performing the duties of the Deputy Clerk pursuant to these Standing Orders or by direction of the Speaker;

“Deputy Speaker” includes an Acting Deputy Speaker;

“Leader of the House” means the Leader of the party in government, and as identified in Standing Order 21(2)(b);

“Leave” or **“Leave of the Assembly”** means leave granted without a dissentient voice;

“Legislative Assembly” may also be referred to as the ‘House’ or the ‘Assembly’;

“Meeting” means any sitting or sittings of the Assembly commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned *sine die* or at the conclusion of the Session;

“Member” means a member of the Legislative Assembly of Samoa otherwise known as a Member of Parliament;

“Notice of questions” means notice given in accordance with Standing Order 59;

“Notice of motion” means a notice given under Standing Order 65;

“O Le Ao o le Malo” means the Head of State holding office pursuant to the terms of Part III of the Constitution;

“Order of the Day” means a Bill or other matter which the Assembly has appointed or ordered to be taken into consideration or done on a particular day or at a particular time;

“Paper” means any paper, report, account, return, statement or other document which is ordinarily laid on the table at the time for “Presentation of Parliamentary Papers”;

“Parliamentary Commission” refers to the Commission established in Standing Order 170;

“Parliamentary Committee” means a Committee appointed under Part XXXIII;

“Parliamentary Papers” include Annual Reports, Corporate Plans, Statement of Corporate Objectives, Statement of Intent, and so on;

“Private Member’s Bill” means a public Bill introduced by a member who is not a Minister;

“Sergeant-at-Arms” means any officer appointed by the Speaker to be the Sergeant-at-Arms to the Assembly, and includes any person performing the functions or exercising the powers of Sergeant-at-Arms by direction of the Speaker;

“Session” means the Sittings of the Legislative Assembly commencing when the Assembly first meets after being constituted under the said Act or after its prorogation or dissolution at any time or the first Meeting of the Assembly summoned in each year, and terminating when the Assembly prorogued or is dissolved without having prorogued or when the last Meeting in each year is adjourned *sine die*;

“Speaker” except in respect of Part II and Part XXXVII of these Standing Orders include the Deputy Speaker and an Acting Speaker; and, in respect of the control of debate in the Assembly only, includes a temporary Speaker;

“Working day” means any day of the week other than a Saturday, a Sunday and any other day observed as a public holiday;

“Written” and **“in writing”** means written by hand, type written, duplicated, or printed or partly one and partly one or more of the others.

PART II
PROCEEDINGS OF MEETING
OF NEW PARLIAMENT

4. State Opening of New Parliament:

On the first day of the meeting of a new Parliament, the Clerk shall:

- (a) say the prayers;
- (b) read the Proclamation; and
- (c) inform the House that O Le Ao o le Malo wishes for the Assembly to endorse the Speaker and Deputy Speaker pursuant to Articles 49 and 50 of the Constitution.

5. Endorsement of the Speaker and Deputy Speaker:

- (1) For the purpose of endorsement of the Speaker and Deputy Speaker, the Clerk shall act as Chairperson.
- (2) The Clerk shall read out the Notice from the party or parties that have won the majority of seats in the Legislative Assembly stating:
 - (a) the name of the party or parties and parliamentary membership;
 - (b) the identity of the proposed Speaker and Deputy Speaker; and
 - (c) the identity of the Leader and Deputy Leader.
- (3) Once the name of a member is read out, the member shall stand to affirm, and the Deputy Clerk shall count and once confirmed, the Clerk shall ask the persons affirmed to be seated.
- (4) The Clerk accordingly informs the House that the persons named in the Notice have been duly appointed as Speaker and Deputy Speaker, and no debate is allowed throughout.

- (5) The Prime Minister moves for the suspension of proceedings to attend to O Le Ao o le Malo and the Clerk accordingly suspends the proceedings.

6. Swearing-In of Speaker:

- (1) The Clerk shall:
 - (a) call out the name of the Speaker Elect to stand; and
 - (b) request the 2 members who signed the nomination letter of the Speaker to escort the Speaker to the Clerks Table to make and subscribe the Oath of Allegiance.
- (2) Once the Speaker has subscribed the Oath of Allegiance the Sergeant at Arms shall lay the Mace on the Table to signify claim to Parliamentary privileges and free access to O Le Ao o le Malo.

7. Swearing-In of Members:

- (1) All members shall be upstanding while the Code of Parliamentary Ethics in Standing Order 15 is read out.
- (2) The Clerk shall read out the names of the members in alphabetical order and in a group at a time, and such group shall proceed to the Clerk's Table to make and subscribe the Oath of Allegiance in Standing Order 14.

8. Swearing - In of Prime Minister and Cabinet:

- (1) The Prime Minister shall make and subscribe the Oath of Allegiance at the Clerks Table and then proceed to read out the Members of Cabinet and their portfolios
- (2) The Cabinet Members shall each make and subscribe the Oath of Allegiance at the Clerks Table.

9. Speech from the O Le Ao o le Malo:

O Le Ao o le Malo shall read out the O Le Ao o le Malo Speech, after which the Speaker shall lay a copy of the Speech on the Table.

10. Strangers at State Opening:

No stranger is permitted on the Chamber floor during the State opening.

11. Speaker Lays Claims to Privileges of the Assembly:

On the Assembly's choice of Speaker being confirmed by O Le Ao o le Malo, the Speaker on behalf of the Assembly lays claim to all its privileges, and especially to freedom of speech in debate and to free access to O Le Ao o le Malo whenever occasion may require it, and the most favourable construction may be put on all its proceedings.

12. Speaker Reports Having Attended on O Le Ao o le Malo:

The Assembly having again resumed proceedings, the Speaker shall report having waited upon O Le Ao o le Malo for confirmation of the Speaker, and shall report O Le Ao o le Malo's decision. The Speaker shall also inform the Assembly that he or she has sworn the Oath of Allegiance before O Le Ao o le Malo and claim had been made on behalf of the Assembly to all its privileges, and shall report the reply of O Le Ao o le Malo to such claim.

13. Vacancy in Speakership:

- (1) When the office of Speaker becomes vacant, the vacancy not having been caused by a dissolution of the Legislative Assembly, the Clerk shall report the vacancy to the Assembly at its next sitting. The Assembly shall then proceed with the election of a new Speaker in the manner prescribed by these Standing Orders after which it shall adjourn until the next sitting day.
- (2) When a Speaker elected under the provisions of this Standing Order presents himself or herself to O Le Ao o le Malo for confirmation of the Speaker, the Speaker shall not lay claim to the privileges of the Assembly.

PART III
OATH OF ALLEGIANCE

14. Oath of Allegiance:

- (1) The Oath shall be administered before the Assembly by the Speaker to each member, who shall subscribe the same at the first appropriate opportunity after the member's election to the Assembly.
- (2) No Member of Parliament shall sit or vote therein except for the purposes of Part II until that Member has taken and subscribed the Oath of Allegiance.
- (3) The form of the Oath of Allegiance shall be as follows:

OATH OF ALLEGIANCE

“I,, swear by Almighty God that I will be faithful and bear true allegiance to the Independent State of Samoa, and that I will justly and faithfully carry out my duties as a Member of the Parliament of Samoa. So help me God.”

15. Code of Parliamentary Ethics:

STATEMENT OF INTENT:

It is the personal responsibility of every Member of Parliament to maintain the highest standards of ethical behaviour to protect and maintain integrity of Parliament and to make every endeavour to uphold the principles of the Constitution.

The following principles are intended to provide guidance to, and standards against which each Member of Parliament, individually and collectively should discharge their duties and responsibilities.

THE PRINCIPLES:

(1) Loyalty to the nation and its people:

Every member shall uphold the contents of the Oath of Allegiance at all time and maintain the dignity and integrity of the Independent State of Samoa; its institutions and its people.

(2) Respect for the Law:

Every member shall uphold the laws of Samoa and safeguard the principles contained in the Constitution.

(3) Respect for all Persons:

Every member shall treat other members, the public and officials with respect and dignity, honestly, fairly; and acting with integrity at all times.

(4) Proper Exercise of Power:

Every member shall:

- (a) Arrange their private affairs;
- (b) Use any and all information obtained from their public office; and
- (c) Exercise any influence or authority obtained from Public Office, only to advance the public interest and where any potential and actual conflict of interest arises whether in the member's private, financial, pecuniary or any interest the member shall be required to declare that interest and take any steps to remove the conflict or withdraw from the particular process of transaction.

Special Requirements for Ministers and Other Officeholders:

Every member who holds parliamentary office of any kind is required to adhere strictly to the principles outlined above and shall not under any circumstances undertake any decision or exert influence in any form whatsoever in respect of a matter in which the member will derive personal gain or benefit.

SANCTIONS:

Breaches of this Code maybe dealt with by the Privileges and Ethics Committee or as determined by Parliament.

PART IV
DEPUTY SPEAKER

16. Election of Deputy Speaker:

The Election of Deputy Speaker shall be conducted in a similar manner to the election of the Speaker.

17. Vacancy in Office of Deputy Speaker:

When a vacancy occurs in the office of the Deputy Speaker, a new Deputy Speaker shall be elected in the like manner to the election of the Speaker.

18. Powers of Deputy Speaker:

In the absence of the Speaker, the Deputy Speaker may perform the duties and exercise the authority of the Speaker in relation to all proceedings of the Assembly both during a sitting and an adjournment of the Assembly and during any recess of Parliament.

PART V

ELECTION OF PRIME MINISTER

19. Election of Prime Minister:

- (1) Whenever there is a vacancy in the office of Prime Minister (other than a vacancy occurring while the Assembly is dissolved) the Assembly shall within 24 hours of vacancy or 3 days of return of the writs following a general election through a certificate under the hand of the Clerk of the Legislative Assembly report to O Le Ao o le Malo the Member of Parliament who commands the confidence of a majority of members for the purpose of an appointment to be made by O Le Ao o le Malo pursuant to paragraph (a) of clause (2) of Article 32 of the Constitution:

For the requirements of this Order, the Clerk shall refer to the Record of members kept in pursuant to Standing Order 40 (for vacancies not arising from dissolution of the Legislative Assembly) or from Nomination of Candidates Records kept by the Electoral Commissioner (for vacancies arising from dissolution of the Legislative Assembly) provided that confirmation from individual members be obtained when required.

- (2) When no member commands the confidence of a majority of members as provided for in (1) of this Order, the election of Prime Minister shall be conducted by a ballot as follows.
- (a) for the purpose of the ballot for a Prime Minister, the Clerk shall act as Chairperson;
 - (b) any member, having first ascertained that the member to be proposed is willing to serve if elected, may, addressing himself or herself to the Clerk, propose some other member to be Prime Minister, and move "That (naming the member) be elected as Prime Minister". The proposal shall require to be seconded, but no debate shall be allowed;
 - (c) if only one person is so proposed he or she shall be declared by the Clerk to have been elected;
 - (d) if more than one person is so proposed, the Clerk shall, after causing the bells to be rung as on a division, order the doors to

- be locked and shall then state the names of the members proposed for election;
- (e) for the purpose of a ballot each member after being called on by the Clerk in alphabetical order shall obtain from the Clerk a ballot paper and then proceed to the table behind the Speaker's chair to cast his or her vote;
 - (f) after having indicated the member's vote the ballot paper shall then be folded so that the name written thereon shall not be seen, and deposited in the ballot box on the voting table. The ballot papers shall be counted at the table by the Clerk and two persons nominated as scrutineers by the members present;
 - (g) when more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded until one candidate obtains more votes than the remaining candidate or the aggregate votes of the remaining candidates, as the case may be;
 - (h) as the ballot papers are counted they shall be placed in a box, and when a person has been declared elected as Prime Minister the box shall be sealed in the presence of the Assembly and kept in the custody of the Clerk for one calendar month, after which the Clerk shall burn the ballot papers and certify to the Assembly that this has been done.
- (3) When the Office of Prime Minister becomes vacant while Parliament is dissolved, the Deputy Prime Minister appointed under Article 32(2)(ba) of the Constitution, shall perform the functions and exercise powers of the Office of Prime Minister until appointment is terminated by the or O Le Ao o le Malo under Article 33(1) of the Constitution.

PART VI
LANGUAGE

20. Language:

The proceedings of the Assembly shall be conducted in the Samoan and English languages.

PART VII
PARTIES, SEATING, ATTENDANCE
OF MEMBERS, LEAVE OF ABSENCE

21. Recognition of Parties:

- (1) At the commencement of each Parliament any group of members of not less than eight (8) shall be recognised as a party in Parliament on its leader notifying the Speaker:
Provided that the party is registered as a party by the Electoral Commissioner pursuant to section 15A of the Electoral Act 1963.
- (2) A party must inform the Speaker of:
 - (a) the name of the party;
 - (b) the identity of the leader and deputy leader;
 - (c) its Parliamentary membership:Provided that the matters specified in (1) and (2) of this Order are notified before the members take the Oath of Allegiance.
- (3) The Speaker must be informed of any change in matters specified in (2) of this Order.
- (4) A coalition between two or more parties must be notified to the Speaker but each party to the coalition remains a separate party for the purposes of the Standing Orders.
- (5) A party that has been recognised as a party in Parliament shall lose its recognition if its membership falls below eight (8) Members of Parliament.
- (6) For parliamentary purposes:
 - (a) any member who takes the Oath of Allegiance before he or she is notified under a party as required by (2)(c) of this Order shall be recognised as an independent member for the duration of the parliamentary term;

- (b) any member who ceases to be a member of a party under which he was notified as required by (2)(c) shall be recognised as an independent member for the rest of the parliamentary term.
- (7) In the period between a General Election and the Assembly endorsing a Speaker, the matters specified in (1) and (2) of this Order may be notified to the Clerk.

22. Leader of the Opposition:

The Leader of the largest party in terms of its Parliamentary membership which is not in Government or in coalition with a Government party is entitled to be recognised as a Leader of the Opposition.

23. Seats of Members:

- (1) As far as practicable, each party occupies a block of seats in the Chamber, provided the Speaker decides any dispute as to the seats to be occupied.
- (2) A member must only speak from the seat allocated to him or her.
- (3) Seats allocated to Ministers and the Deputy Speaker shall not be allocated individually.

24. Members to Attend Service of the Assembly:

- (1) No member shall be absent from the Assembly for 3 consecutive sitting days without obtaining leave of absence from the Speaker.
- (2) Any member who is absent from the Assembly in contravention of this Order shall be disqualified from holding his or her seat.
- (3) Subject to this Order a member is considered absent if he or she fails to occupy his or her seat for at least 2 consecutive hours in any sitting day.
- (4) Where the Assembly sits for less than 3 hours in any one day a member shall be considered absent if he or she fails to occupy his or her seat for at least half of the period the Assembly sits on that day.

25. Leave of Absence:

- (1) Subject to Standing Order 24 leave of absence for any member may be granted by the Speaker.
- (2) Leave may be granted on the ground that the member's absence from the Assembly is a result of illness or other family cause of a personal nature or on the ground that the member's absence is justified to enable the member to attend to other public business or constituency business whether in Samoa or overseas.
- (3) Any member having leave of absence shall forfeit the same if he or she attends the service of the Assembly before the expiration of such leave.
- (4) A member having forfeited leave of absence under (3) of this Order shall be considered as absent from the Assembly if he or she fails to then occupy his or her seat in the manner prescribed under Standing Order 24.

PART VIII

PRESIDING IN THE ASSEMBLY

26. Presiding in the Assembly:

Whenever there is a vacancy in the Office of Speaker, the Clerk shall act as Presiding Officer until the Speaker has been elected, and made and subscribed the Oath of Allegiance.

27. Absence of Speaker and Deputy Speaker:

- (1) Whenever the Speaker's absence is announced by the Clerk, the Deputy Speaker shall take the Chair.
- (2) If at any time both the Speaker and Deputy Speaker are absent or if the Speaker is absent and there is no Deputy Speaker, the Assembly on being informed by the Clerk may on motion of a Minister thereupon call on any member to take the Chair as Acting Speaker during the absence of the Speaker and Deputy Speaker.
- (3) Notwithstanding (1), the Assembly may, by resolution appoint a member to be Acting Speaker or Acting Deputy Speaker in the absence of the Speaker or Deputy Speaker. An Acting Speaker or Deputy Speaker appointed by such resolution may, during the continuance of the appointment perform the duties and exercise the authority of the Speaker or Deputy Speaker in relation to all proceedings of the Assembly both during sitting and an adjournment of the Assembly and during any recess of Parliament.

28. Deputy Speaker May Take Chair When Requested:

At any time during the sitting of the Assembly and without any formal announcement, the Deputy Speaker at the request of the Speaker takes the Chair as temporary Speaker.

29. Acts of Deputy Speaker and Acting Speakers:

When the Deputy Speaker or Acting Speaker takes the Chair pursuant to these Standing Orders, or performs the duties or exercises the authority of the Speaker, every act done and proceeding taken in or by the Assembly or by the Deputy Speaker or Acting Speaker shall be as valid and effectual as if the Speaker had been in the Chair or had performed the duties or exercised the authority as the case may be.

PART IX

SESSIONS, MEETINGS AND SITTINGS

30. Sessions and Meetings:

- (1) Sessions of the Legislative Assembly shall commence in the manner prescribed by Article 52 of the Constitution and shall be prorogued or dissolved in the manner prescribed by Article 63 of the Constitution.
- (2) During any one Session, Sittings of the Legislative Assembly shall be in accordance with the Annual Sitting Programme adopted by the Assembly as prescribed in Standing Order 170 and may adjourn on days set out in the sitting programme.
- (3) When the Assembly is adjourned and it appears to the Prime Minister desirable in the public interest that the Assembly should sit at an earlier date than that adjourned to, the Prime Minister after consulting with the other party leaders, and informing the Speaker that the Assembly should sit at an earlier date, advises O Le Ao o le Malo to summon the Assembly.

31. Notice of Meetings:

- (1) Before the commencement of a new Meeting the Clerk shall send to each member not less than fourteen (14) days written notice directing attention to the summoning of the Assembly:
Provided that in cases of emergency, O Le Ao o le Malo may summon a Meeting on such shorter notice as the circumstances require in which event notification shall be given to members either in writing or by any other means which will ensure that members are duly informed.
- (2) Where the Assembly is to be reassembled after an adjournment of more than fourteen (14) days, the Clerk shall send to each member a written notice of the day appointed for the next Meeting and shall, if practicable, attach thereto a copy of the Order Paper.

32. Sittings:

- (1) Each House sitting shall count as 4 hours of continuous proceedings for remuneration purposes.
- (2) Continuous sittings on the same date shall be counted as a separate sitting.
- (3) A member shall not be considered for sitting allowance if the member fails to occupy his or she seat for at least half of the period the Assembly sits.
- (4) Subject to the provisions of Standing Order 30 the House shall sit from Tuesday to Friday of every sitting week depending on the businesses before the House.

33. Adjournment for Urgent Public Business:

- (1) A Motion "That the Assembly do now adjourn" for the purposes of discussing a definite matter of urgent public importance may be moved only after the presentation of Parliamentary Papers and Reports and before the next business of the day is entered upon.
- (2) A member proposing to move such Motion shall submit a Notice:
 - (a) of the subject matter and a brief written statement of the subject matter proposed to be discussed to the Speaker at least one (1) hour before the commencement of the sitting of the Assembly; and
 - (b) with the names of the members who wish to speak on the matter.
- (3) If the Speaker is of the opinion that the matter proposed to be discussed is one contemplated by this Standing Order, the Speaker shall read the written statement to the Assembly and shall ask members who approve of the proposed discussion to rise in their places.
- (4) The rules for speeches are as follows:
 - (a) the mover of the motion and the Minister first speaking may speak for five (5) minutes;
 - (b) priority is given to the first five (5) members whose names were given in (2)(b);

- (c) the debate shall be strictly relevant to the particular matter raised;
- (d) any other member may speak for five (5) minutes;
- (e) the Government shall have right of response if so required; and
- (f) subject to a direction from the Speaker, the total discussion time for a matter of public urgency must not exceed 60 minutes.

34. Quorum:

- (1) No business shall be transacted at any sitting if objection is taken by any Member of Parliament present that the number of members present is (besides the Speaker or other member presiding) fewer than one-half of the total number of Members of Parliament, excluding vacancies.
- (2) If the attention of the Speaker is directed to the fact that a quorum is not present he or she shall direct members to be summoned, and if at the expiration of five (5) minutes a quorum is not present he or she shall adjourn the Assembly without question put.
- (3) If the absence of a quorum is noticed in Committee of the Whole House the Chairperson shall direct members to be summoned, and if at the expiration of five (5) minutes a quorum is not present, the Assembly shall be resumed and the Speaker shall forthwith count the Assembly. If a quorum is then present the Assembly shall forthwith again resolve itself into Committee, but if a quorum is not present the Assembly shall be adjourned as provided in (2) of this Order.

PART X

DUTIES OF THE CLERK

35. Business of the Assembly:

At every sitting of the Assembly (except the first day of the meeting of a new Parliament) the Assembly shall proceed with its business in the order set out in Standing Order 45.

36. Order Paper, Bills and Parliamentary Papers to be Prepared and Circulated:

- (1) A draft Order Paper shall be uploaded on the Parliament website 7 days before a sitting showing:
 - (a) the business to be placed before the Assembly;
 - (b) the order in which the business in (a) is to be taken; and
 - (c) Bills and Parliamentary Papers to be tabled and progressed.
- (2) All urgent matters must be received by the Clerk at least 3 working days prior to the sitting day on which they are to be tabled and progressed.
- (3) The Final Order Paper, shall be uploaded, as early as possible before the Assembly meets.
- (4) The Clerk upon receipt must upload on the Parliament website English copies of Bills approved by Cabinet for tabling, and Committee Reports and Government Responses.
- (5) Translated copies of Bills and Committee Reports should be circulated to Members as early as possible before the Assembly or the Committee of the Whole House meet.

37. Order Book:

The Clerk shall keep a book to be called the Order Book in which the Clerk shall enter all matters intended for discussion at each Meeting. The Order Book shall be open to the inspection of members at all reasonable hours.

38. Custody of Journals and Records:

The custody of the Journals, records, and of all papers and accounts whatsoever presented to or belonging to the Assembly, shall be in the Clerk, who shall neither take, nor permit to be taken, any Journals, records, papers, or accounts from the Assembly or offices without any order of the Assembly or by leave or order of the Speaker.

39. Journals of the Assembly:

- (1) All proceedings of the Assembly shall be noted by the Clerk, and shall constitute the Journals of the Assembly.
- (2) The Journals for each session of the Assembly shall be distributed to all members in the Samoan language and when requested in the English language not less than one (1) month, before the commencement of the next ensuing session.

40. Authority of Clerk to Dispose of Old Records:

The Clerk shall have authority at the end of every session to destroy or otherwise dispose of the following records of the Assembly:

- (a) Petitions presented to the Assembly 20 years previously; and
- (b) Records more than 5 years old being -
 - (i) Papers laid upon the Table which have been printed in the Appendices of the Journals of the Assembly;

- (ii) Clerk's and other notes (including notice of motion) taken at the Table and elaborated in the Journals;
- (iii) Manuscripts of division lists;
- (iv) Minutes of proceedings and papers of Parliamentary Committees which have appeared in print in the Appendices;
- (v) Reports of Parliamentary Committees which have been printed in the Journal or Appendices;
- (vi) Record copies of Order Papers with the Clerk's original notes;
- (vii) Messages from O Le Ao o le Malo which have been printed in the Journals;
- (viii) Manuscript note and other books which are of no further use.

41. Record of Members:

A record of the Members of Parliament shall be kept by the Clerk, in which shall be entered the name of each member, Party, the date of his election, the date of taking his or her seat, and, on his or her ceasing to be a member, the date and the cause thereof.

PART XI

OFFICIAL REPORT

42. **Official Report:**

- (1) An Official Report of the proceedings of the Assembly which shall be as nearly as possible verbatim shall be prepared under the supervision of the Clerk in both the Samoan and English languages.
- (2) The Report shall be published on the Parliament website or in such form as the Speaker may direct, and a copy shall be sent to each member, in electronic form or otherwise, as soon as practicable after the conclusion of each Meeting.
- (3) A copy of the record of each member's speech shall be sent to the member in electronic form or otherwise for correction before it is published; and if the member does not return the copy to the Clerk within four (4) days from the date of despatch, the speech may be published without correction.
- (4) If a member disputes the correctness of the record of any speech or seeks to make any material change in the record, the Speaker shall rule thereon and shall direct publication of the speech in accordance with his or her ruling which shall be communicated to the member and shall be final.
- (5) The Official Report of each Session of the Legislative Assembly shall be distributed in electronic form or otherwise, to all Members of Parliament in the Samoan language and, if requested, in the English language, not less than one (1) month before the commencement of the next ensuing session.

PART XII

THE MACE

43. The Mace:

- (1) The Mace shall be the symbol of the authority of the Assembly entrusted by it to the Speaker.
- (2) The Mace shall lie upon the Table during all Sittings of the Assembly, but when the Assembly is in Committee the Mace shall be removed from the Table and placed under it.
- (3) When the Assembly is dissolved the Mace shall be returned to the custody of O Le Ao o le Malo.

PART XIII
SERGEANT-AT-ARMS

44. Sergeant-At-Arms:

The Speaker may appoint a person to hold office as Sergeant-at-Arms.

PART XIV

ARRANGEMENT OF BUSINESS

45. Order of Business:

- (1) The business of each sitting shall be set out in the Order Paper and whenever possible, shall be transacted in the following order:
 - (a) Formal entry of the Speaker;
 - (b) Prayer;
 - (c) Swearing in of new members;
 - (d) Notice from the Leader of the House
 - (e) Other announcements by the Speaker;
 - (f) Obituary speeches;
 - (g) Presentation of Parliamentary Papers and Reports;
 - (h) Personal Explanations
 - (i) Questions for Answers;
 - (j) Ministerial statements;
 - (k) Urgent public matters;
 - (l) Motions by Ministers and Chairpersons of Parliamentary Committees;
 - (m) Petitions;
 - (n) Motion on Urgent Bills;
 - (o) Reading of Government Bills;
 - (p) Consideration of Parliamentary Committee Reports on Bills;
 - (q) (Motions) Public Business and Orders of the Day;
 - (r) Motions for the adjournment of the Assembly:

Provided that the last hour of a sitting day is reserved for the discussion of important constituency matters, whereby:

 - (a) a member must seek approval from the Speaker prior to the sitting; and
 - (b) the member may speak for 10 minutes; and
 - (c) two members may speak for 5 minutes each in support; and

- (d) the Government has a right of response without debate.
- (2) For the purposes of (1)(n):
 - (a) an Urgent Government Bill may be moved by the Leader of the House; and
 - (b) any other Urgent Bill may be moved by the member proposing the Bill; and
 - (c) any debate on the 'urgency' of a Bill in (a) or (b) is limited to thirty (30) minutes.

46. Arrangement of Business:

- (1) During a sitting week, Government may arrange its business in such order as it thinks fit and shall have precedence over Private Members business except the third sitting day of a sitting week.
- (2) Private Members business particularly refers to Private Members Bills.

47. Business May be Carried Forward:

- (1) A motion carrying business forward to the next session of Parliament may be moved by the Leader of the House without notice.
- (2) Where the Assembly resolves to carry business forward to the next session of Parliament, that business is resumed in that next session at the stage it had reached in the preceding session.

48. Orders of the Day:

- (1) Government Orders of the Day shall have precedence over all Orders of the Day, and Government Notices of Motion over all other Notices of Motion at every sitting of the Assembly, except on every third sitting day when Private Members' Notices of Motion take precedence over all Government Notices of Motion.

- (2) Orders of the Day and Notices of Motion shall be disposed of in the order in which they stand on the Order Paper, provided that the Government shall have the right to have Government Orders of the Day and Government Notices of Motion placed upon the Order Paper in the rotation in which they are to be taken.
- (3) Orders of the Day not reached before the end of a sitting or appointed for a day on which the Assembly does not sit shall be set down for the next sitting of the Assembly.

PART XV

PAPERS

49. Presentation of Papers:

- (1) Papers may be presented to the Assembly by a Minister delivering them to the Clerk before the Assembly meets on any sitting day. Papers delivered to the Clerk by Ministers shall be deemed to be tabled the moment the Assembly meets.
- (2) The Clerk shall at the time for presentation of papers read out to the Assembly a list of such papers.
- (3) Notwithstanding anything in this Standing Order, the Speaker may also present papers to the Assembly at the time for presentation of papers.
- (4) Any paper desired by a member to be presented to the Assembly shall be obtained only by a resolution of the Assembly.
- (5) A record shall be made on the Order Paper of all papers presented to the Assembly.
- (6) Papers shall be classified by the Clerk and distributed to the most appropriate Parliamentary Committee appointed under Standing Order 144.

50. Quoting Documents:

Whenever a Minister quotes from a document relating to public affairs a member may, on a point of order, require the Minister to lay the document on the Table. The Minister must then lay the document on the Table unless it is of a confidential matter.

51. Reports from Officers of Parliament:

Any Annual Report or other report to the Legislative Assembly from the Ombudsman, the Controller and Auditor General and the Office of the Clerk of the Legislative Assembly shall stand referred to the Standing Orders, Electoral, Petition and Constitutional Offices Committee for consideration.

52. Presentation of Parliamentary Committee Reports on Bills, Petitions and Question of Privilege:

- (1) Each Parliamentary Committee to which an Annual Report is referred shall report to the Assembly within 2 months from the date on which the paper was distributed under Standing Order 49.
- (2) Each Parliamentary Committee to which a Bill, petition or question of privilege was referred shall report to the Assembly within three (3) months from the date of referral.
- (3) A Report of a Parliamentary Committee is presented by delivering it to the Clerk on any working day.
- (4) A Report is published under the authority of the Legislative Assembly once it is presented.
- (5) The Clerk shall read out the list of Reports at the time appointed for Presentation of Parliamentary Committee Reports.

53. Consideration of Papers:

- (1) Papers tabled on motion for consideration shall be listed under "Papers for Consideration".
- (2) When such papers are called the Speaker shall call the Number and Title of each Paper in the order under which each paper appears in the Order Paper and the Speaker shall call upon the member who had moved the motion for tabling of such paper to speak first.

54. Consideration of Committee Reports:

- (1) Parliamentary Committee Reports presented shall be listed under "Parliamentary Committee Reports for Consideration".

- (2) When each Report is reached for consideration, the Speaker shall call the Number and the Title of the Report. When a report is called, the Chairperson of the Parliamentary Committee who presented the report shall move a motion to take note of the report. In the absence of the Chairperson, any other member of the Committee may move the motion.
- (3) A Parliamentary Committee may determine its considerations and amendments of Bills.
- (4) A Parliamentary Committee is to advise the Minister responsible, on the Committee amendments to a Bill, 3 weeks before the tabling of the Report.
- (5) If the Minister wishes to raise an issue on the Committee's proposed amendments to a Bill, the Minister is to consult the Committee within seven (7) days of receipt of the advice under (4).
- (6) If both parties insist on their positions, the matter shall be settled in the House when the Committee Report is tabled and the Bill is considered in detail.

55. Government Responses to Parliamentary Committee Reports on Annual Reports:

- (1) The Government shall, not more than sixty (60) days after the Clerk has referred a Committee Report, respond to all Committee reports.
- (2) Government responses should directly address Committee recommendations and affirm the Government's position on any issues raised.
- (3) Upon receipt of Government Responses the Clerk shall as soon as possible circulate the responses to all members, and schedule a Committee of the Whole House sitting within fourteen (14) days.
- (4) If a member has any matter he or she wants to raise from the Government Response, the member must advise the Clerk in writing of the matter, 7 days from the Committee of the Whole House sitting. The Clerk shall refer the matter to the relevant Minister 5 days from the Committee of the Whole House sitting, and the Minister may respond verbally in the Committee of the Whole House.

- (5) If there are no matters arising from the members following the Minister's response, the Minister responsible shall acknowledge the Committee Report and move a motion for the Committee of the Whole House to endorse the Government Response.
- (6) Where a member who advised the Clerk in (4) wishes to seek clarification of any part of a Minister's response, the Speaker may give the opportunity to that member to ask one (1) oral question, and direct the Minister to respond accordingly.
- (7) Each oral question and response is limited to 10 minutes.
- (8) If the member in (6) is not satisfied with the Minister's response, the member may raise any relative issues using Question Time and the Minister's response shall be final.

56. Consideration of Parliamentary Committee Reports on Bills:

- (1) Each Parliamentary Committee to which a Bill has been referred for consideration shall consider the Bill and report back to the Assembly within three (3) months.
- (2) An extension upon motion may be granted by the Assembly, whereupon the Committee must report its findings at the very next sitting.
- (3) When a Parliamentary Committee Report on a Bill is presented, the Title of that Bill specified for Consideration of Parliamentary Committee Report shall appear under Government Orders of the Day.

PART XVI PETITIONS

57. **Petitions:**

- (1) A Petition may be presented to the Assembly only by a member, who shall affix his or her name in the beginning thereof.
- (2) A member presenting a petition shall confine himself or herself to a brief statement of the parties from whom it comes, the number of signatures attached to it, and the material allegations contained in it, and to reading the prayer of such Petition.
- (3) Any member may move that the Petition be read. No debate shall be permitted, on such motion, and if it is seconded the question shall be put forthwith. If the motion is agreed to the Clerk shall read the Petition.
- (4) All Petitions shall be ordered, without Question put, to lie upon the Table. Such Petitions shall stand referred to a Parliamentary Committee to be appointed by the Assembly.
- (5) No member may present to the Assembly a Petition signed by himself or herself, except as representative of a publicly incorporated body.
- (6) No Petition shall be presented to the Assembly unless it is endorsed by the Clerk as being in accordance with the following rules -
 - (i) every Petition must be properly addressed to the Assembly, respectful, decorous, and temperate in its language, and must conclude with a prayer setting forth the general object of the Petitioner;
 - (ii) every Petition must be signed by at least one person on every sheet on which the Petition is written;
 - (iii) if signatures are affixed to sheets other than that containing the Petition itself, such sheets shall carry at their head the prayer of the Petition;

- (iv) signatures or marks will not be counted unless in the case of signatures they are in the handwriting of the person signing, and in the case of marks they are witnessed, and unless in both cases they are followed by the addresses of the persons signing or making a mark. Such signatures must be written upon, and not pasted or otherwise attached to each of the sheets on which the Petition itself is written;
 - (v) the Petition of a Corporation shall be under its common seal, if it has one;
 - (vi) every Petition shall be in the Samoan or English language, and be accompanied by a translation;
 - (vii) no letters, affidavits, or other documents may be attached to a Petition;
 - (viii) no erasures or interlineations may be made in any Petition;
 - (ix) no reference shall be made in a Petition to any debate in the Assembly.
- (7) Except with the consent of O Le Ao o le Malo, the Assembly will not receive any Petition which asks for a grant of Public funds but Petitions praying for a grant of money by Bill may be received without the consent of O Le Ao o le Malo.
- (8) The Assembly or Standing Orders, Electoral, Petition and Constitutional Offices Committee will not consider any Petition on any matter for which there is a judicial remedy for which no application has been made.
- (9) The style in which a Petition to the Assembly shall be drawn up shall be as follows:

“TO THE LEGISLATIVE ASSEMBLY OF SAMOA:

“The Humble Petition of [here insert the names or description of the petitioner or petitioners].”

“SHEWETH:

“That [here set forth the case or circumstances to be brought to the notice of the Assembly]. Wherefore your Petitioner (or Petitioners) prays (or pray) that [here set forth the particular object of the petitioner or the nature of the relief asked for]. And your Petitioner(s), as in duty bound, will ever pray, et cetera.”

“Signatures, with addresses to follow.”

PART XVII
QUESTIONS TO MINISTERS AND OTHER MEMBERS

58. Subject Matter of Questions:

- (1) Questions may be put to Ministers relating to:
 - (a) Affairs within their official functions; or
 - (b) Bills, motions, or other public matters connected with the business of the Assembly for which they are responsible.
- (2) Questions may be put to other members relating to a Bill, motion, or other public matter connected with the business of the Assembly for which such members are responsible.

59. Notice of Questions:

- (1) Notices of questions (specifying whether an oral or written reply is desired) shall be given by members in writing to the Clerk.
- (2) Notices of questions for oral answers shall be given 2 days before the date on which the answer is required.
- (3) The Clerk shall place on the Order Paper the notices of questions for oral answers received by the time specified.
- (4) Notices of questions for written answers shall be given two (2) days before the date on which the answer is required.

60. Urgent Questions:

- (1) Notwithstanding Standing Order 59 any member desiring to ask an urgent question in the public interest shall give the Clerk a copy of such proposed question marked "urgent question" and shall also furnish a copy to the Minister to whom it is intended to address such question at least 1 day before the date on which the answer is required.

- (2) After questions for oral answers addressed to Ministers have been taken, the Speaker (if the proposed question is one which the Speaker considers is in the public interest and therefore should be answered immediately) shall state its nature to the Assembly, whereupon such member may forthwith ask such question.

61. Contents of Questions:

- (1) Every Question shall conform to the following rules:
 - (a) a Question shall not include the names of persons or statements not strictly necessary to render the question intelligible;
 - (b) a Question shall not contain statements which the member who asks the question is not prepared to substantiate;
 - (c) a Question shall not contain argument, inferences, opinions, imputations, epithets, or contentious, ironical, or offensive expressions;
 - (d) a Question shall not refer to debates or answers to Questions in the current session;
 - (e) a Question shall not refer to proceedings in a Parliamentary Committee which have not been reported to the Assembly;
 - (f) a Question shall not seek information about any matter which is of its nature secret;
 - (g) a Question shall not reflect on a decision of a court of law and no Question shall be asked on any matter which is *sub judice*;
 - (h) a Question shall not be asked for the purpose of obtaining an expression or opinion, the solution of an abstract legal case, or the answer to a hypothetical proposition;
 - (i) a Question shall not be asked as to the character or conduct of any person except in his or her official or public capacity;
 - (j) a Question shall not be asked seeking information readily available in official publications or ordinary works of reference; and

- (k) a Question fully answered shall not be asked again during the same meeting.
- (2) If the Speaker is of the opinion that any Question of which a member has given notice to the Clerk or which a member has sought leave to ask without notice, infringes any of the provisions of this Order, he or she may direct:
 - (a) that it be printed or asked with such alteration as he or she may direct; or
 - (b) that the member concerned be informed that the Question is inadmissible.

62. Manner of Asking and Answering Questions:

- (1) This Order applies to both urgent and non-urgent questions.
- (2) If a member requires a written answer to his or her question, that member must provide a written question to the relevant Minister with a copy filed with the Clerk, within 48 hours before sitting.
- (3) The Minister may:
 - (a) provide a written response to the Clerk within 24 hours before sitting, and this is noted by the Clerk in the Order Paper; or
 - (b) in the absence of a written response, provide an oral response in the House.
- (4) In the case of (3)(a) the member with the question may without notice, ask one (1) oral question, and at the discretion of the Speaker, ask one (1) supplementary question, and the Minister's oral response concludes the matter without further debate. The oral question and the supplementary question must be relevant to the Minister's response in (3)(a).
- (5) The Speaker may rule on the merits of the response, and may direct the Minister to provide a reasonable answer within a reasonable time if the Minister is unable to provide an answer in the same sitting.

- (6) A total of 60 minutes may be allocated at a sitting for questions.
- (7) A Minister's response in (3) whether written or oral shall be concise and confined to the subject matter of the question asked, and shall not contain:
 - (a) statements and the names of any persons unless they are strictly necessary to answer the question;
 - (b) arguments, inferences, imputations, epithets or ironical expressions;
 - (c) discreditable references to the Assembly or any member or any offensive or unparliamentary expression; or
 - (d) references to Debates in the current session, proceedings in Parliamentary Committee not open to the public that have not been reported to the Assembly or to a case pending adjudication by any court, unless such reference is strictly necessary to answer the question.

PART XVIII
MINISTERIAL STATEMENTS

63. Ministerial Statements:

- (1) Statements may be made at any time by Ministers relating to the decision and position of the Government on any matter.
- (2) The debate upon any Question before the Assembly may be interrupted by leave of Speaker to enable a Ministerial Statement to be made.
- (3) No debate on a Ministerial Statement shall be permitted at the time when it is made, but any member may move that such Statement be printed and laid on the Table as a Paper for Consideration.
- (4) Should a member require clarification regarding the Ministerial Statement, the member may ask during Question Time.
- (5) If there is an issue affecting the constituency requiring an urgent response the member may request the Speaker for an opportunity in urgent constituency matters at the end of the same sitting day.

PART XIX

PERSONAL EXPLANATIONS

64. Personal Explanations:

- (1) By the indulgence of the Assembly and the leave of the Speaker a member may, at the time appointed for Personal Explanations under the provisions of Standing Order 45 (Order of Business), explain matters of a personal nature although there is no Question before the Assembly, but such matters shall not be debated and the member shall confine strictly to the vindication of his or her own conduct. The terms of the proposed statement shall first be submitted to the Speaker.
- (2) Points of order concerning the accuracy of the Minutes may also be raised at the time appointed for Personal Explanations.

PART XX

MOTIONS AND AMENDMENTS

65. Notices of Motions:

Unless any of these orders otherwise directs, notice shall be given of any motion which it is proposed to make, with the exception of the following:

- (a) a motion relating to a matter of privilege;
- (b) a motion for the adjournment of the Assembly or of a debate;
- (c) a motion that a petition be read or referred to a Parliamentary Committee;
- (d) a motion to amend a motion of which no notice is required or which is debated twenty-four (24) hours after notice has been given;
- (e) a motion that a member be no longer heard;
- (f) a motion for the suspension of a member under Standing Order 92 (Order in the Assembly);
- (g) a motion for the reference of a Bill to a Parliamentary Committee;
- (h) a motion that the Assembly do resolve itself into Committee on a Bill;
- (i) a motion to report progress;
- (j) a motion for any Reading of a Bill;
- (k) a motion for the withdrawal of a Bill;
- (l) at the discretion of the Speaker or the Chairperson in Committee, a motion for amendment of a grammatical or printer's error or other form of minor amendment;
- (m) a motion for the withdrawal of strangers;
- (n) a motion for the election of a member under Standing Order 26 (Presiding in the Assembly);

- (o) any motion the urgency of which is admitted by the Speaker;
- (p) a motion that a Ministerial Statement be printed and laid on the Table as a Paper for Consideration; or
- (q) a motion carrying business forward.

66. Manner of Giving Notice:

- (1) All notices shall be given by being handed in at the Table when the Assembly is sitting, or by being transmitted to the Office of the Clerk so as to be receivable within the hours prescribed for the purpose.
- (2) All notices shall be signed by the member proposing the motion or amendment.
- (3) Every notice shall be submitted to the Speaker who shall direct that it be printed in its original terms or with such amendment as he or she shall direct, or that it be returned to the member submitting it as being inadmissible.
- (4) Motions or amendments to Bills received by the Clerk shall be printed and circulated by him or her even if they are matters for which notice is not required and, in the case of amendments to Bills, shall be arranged, so far as may be, in the order in which they are to be proposed.
- (5) No notice shall be given orally in the Assembly, but a member may so inform the Assembly of his or her intention to raise a matter on the adjournment.

67. Length of Notice Required:

- (1) Except as provided in the next succeeding paragraph no motion shall be debated until at least three (3) days have elapsed (exclusive of any Sunday or public holiday) after notice as prescribed in Standing Order 65 (Notices of Motions) has been given.

- (2) A motion requiring notice and which is proposed by a Minister or a motion to amend a motion requiring notice or a motion for the amendment of a Bill may be debated twenty-four (24) hours after notice has been given:

Provided that when a motion is debated twenty-four (24) hours after notice has been given, amendments may be proposed to it without notice.

68. Terms of Notice May be Altered:

After a Notice of Motion has been given the terms thereof may be altered by the member who shall deliver to the Clerk an amended Notice. The Clerk shall submit such amended Notice to the Speaker who shall direct that it be printed in its amended form or that it be returned to the member submitting it as being inadmissible.

69. Precedence of Motions:

Motions shall have precedence on each sitting day according to the order in which the Notices are received by the Clerk and entered on the Order Paper:

Provided that by leave of the Speaker and with the agreement of the member whose motion is due for consideration, the order of precedence may be altered.

70. Motions to be Seconded:

- (1) Unless it is otherwise expressly provided in any of these Orders, every motion, unless made in Committee of the Whole House, must be seconded and if not seconded shall not be debated or entered in the Minutes.
- (2) The mover of any motion may speak on the principle and merits of his or her motion before formally moving but if it is not then seconded it shall lapse forthwith.

71. Withdrawal of Motions and Amendments:

- (1) A member who has proposed a motion or amendment may withdraw it, but if the motion or amendment has been seconded he or she may do so only by assent of the Assembly given on simple majority.
- (2) A motion or amendment to which an amendment has been moved may not be withdrawn until the later amendment has either been disposed of or withdrawn.

72. Motions to Amend Standing Orders:

The notice of any motion for the amendment of any of these Orders shall be accompanied by a draft of the proposed amendments. When the motion has been proposed and seconded the question shall be put forthwith. No debate shall be permitted on such motion. If the motion is agreed to, the proposed amendment shall stand referred to the Standing Orders, Electoral, Petition and Constitutional Offices Committee and no further proceedings shall be taken upon it until the Standing Orders, Electoral, Petition and Constitutional Offices Committee has reported upon it which it shall do at its earliest convenience.

73. Putting the Question:

- (1) The Speaker when putting the question shall state whether, in the Speaker's opinion, the "Ayes" or the "Noes" have it; and, unless the Speaker's opinion be acquiesced in by the minority, the Question shall be determined by a Division.
- (2) A Question being put is resolved in the Affirmative or passed in the Negative by the majority of voices, "Aye" or "No".
- (3) The Speaker may divide a complicated question to avoid any confusion.

74. Amendments:

- (1) No amendment may be proposed to be made to any words which the Assembly has resolved shall stand part of a Question or which have been inserted in or added to a Question, except that it be the addition of other words thereto.

- (2) An amendment proposed shall be disposed of before another amendment to the original Question may be moved.
- (3) Amendments may be proposed to a proposed amendment whenever it comes to a Question whether the Assembly shall agree to such proposed amendment.

75. Method of Putting the Questions on Amendments:

- (1) Upon any amendment to leave out any of the words of a motion, the question to be proposed by the Speaker shall be "That those words be omitted".
- (2) Upon any amendment to insert words in, or add words at the end of motion, the question to be proposed by the Speaker shall be "That those words be there inserted (or added)".
- (3) Upon an amendment to leave out words and insert or add other words instead a question shall first be proposed "That those words be left out of the question", and if the question is agreed to, the question shall then be proposed "That those words be there inserted (or added)". If the first question is negative, no further amendment may be proposed to the words which the Assembly has so decided shall not be omitted.
- (4) If the Speaker, before putting a question to leave out words, is informed that a member wishes to move an amendment to leave out parts only of those words, and if he or she is of opinion that the proposed amendment of which he or she is so informed is substantially a new amendment, he or she shall, if possible, put the question to leave out words in such form as will enable the subsequent amendment to be moved.
- (5) When two or more amendments are proposed to be moved to the same motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt, in such order as he or she shall decide:

Provided that no amendment may be moved which relates to any words which the Assembly has decided shall not be omitted.

- (6) If an amendment is moved to an amendment upon which the Speaker has proposed the question, the last mentioned amendment shall be dealt with as if it were the original motion until all amendments to it have been disposed of.
- (7) When amendments have been made, the Speaker shall put the question on the main Question as amended.
- (8) When amendments have been proposed but not made, the Speaker shall put the question on the original Question as proposed.

PART XXI
NOTICE FROM THE LEADER OF THE HOUSE

76. Notice From the Leader of the House:

- (1) Speaker shall immediately after Prayers, or as soon as any new members have been sworn, read to the Assembly any Notice addressed to the Assembly by the Leader of the House.
- (2) Any Notice from the Leader of the House approving an appropriation of public money for the purpose of an amendment to be moved to an Appropriation Bill required under Standing Order 135(6) shall be announced by the Speaker before the amendment is moved.
- (3) The Speaker shall, unless a previous Notice be then under consideration, immediately read the Notice to the Assembly and if necessary, a time shall be fixed for taking the same into consideration, or, if no further consideration be necessary, the Notice may then be laid upon the Table.

PART XXII
ADDRESSES TO O LE AO O LE MALO

77. Addresses to O Le Ao o le Malo:

- (1) Addresses to O Le Ao o le Malo shall be presented by the Speaker.
- (2) The answer of O Le Ao o le Malo to any address presented by the Speaker shall be reported to the Assembly by the Speaker.

PART XXIII

RULES OF DEBATE

78. Time and Manner of Speaking:

- (1) A member desiring to speak shall rise in his or her place and address the Chair:

Provided that general permission be granted to a member who is unable to stand because of infirmity of body to remain seated and such permission to take effect notwithstanding any other order contained in these Standing Orders.

- (2) If two or more members rise at the same time, the Speaker or the Chairperson shall decide which of them shall first speak.

- (3) A Minister shall be referred to by the designation of the office held by him or her, e.g., Prime Minister, Minister of Education.

- (3a) A member shall not be referred to by name but by respective constituency.

- (4) Where convenient any member may be referred to as the *Honourable Member* :

Provided that this Order shall not be taken as authorising the use of the style *Honourable* in relation to a member in any other context or outside the Assembly, except in relation to Minister and the Speaker.

- (5) No member shall speak more than once to any question except:

- (a) in Committee; or
- (b) in explanation, as prescribed in the next succeeding paragraph; or
- (c) in the case of the mover of a substantive motion wishing to reply:

Provided that if at any time the Speaker shall inquire who seconds a motion or an amendment, a member may do so by rising in his or her place and bowing his or her acquiescence without speaking, and such member shall thereby reserve to himself or herself the same rights of speech as he or she would have had if some other member had seconded such motion or amendment, save that he or she may not move or second any amendment or further amendment to the same motion or amendment.

- (6) A member who has spoken to a question may again be heard for the purpose of explaining some material part of his or her speech which has been misunderstood, or vindicating his or her character or conduct if it has been impugned, but he or she must not introduce new matter.
- (7) A mover of a motion or amendment may speak in support thereof, but no further debate shall be allowed until the motion or amendment has been seconded.
- (8) No member may speak on any question after the same has been finally put by the Speaker or the Chairperson, that is to say after the voices of both Ayes and Noes have been given thereon.
- (9) A member shall not read his or her speech, but may read extracts from written or printed documents in support of his or her argument and may refresh his or her memory by reference to notes.
- (10) A member who has spoken to a question may speak again to any other new question which may arise, but may not speak again to the same question, except in Committee of the Whole House.
- (11) A member who has spoken on the main question may not again enter upon it when speaking to an amendment, unless such amendment involves consideration and decision of the main question.
- (12) When an amendment is moved the debate shall be confined to the amendment, unless it be of such a nature as to involve the consideration and decision of the main question in which case both the main question and the amendment are open for discussion.

- (13) A right of reply shall be allowed only to the mover of a substantive Motion, and the reply shall be confined to matters raised during the debate; and in all cases the reply of the Mover of the original question shall close the debate.

79. Members Leaving Their Seats:

A member when passing between the Speaker's chair and any member who is speaking shall do so in such a way as not to interrupt the Speaker's view of the member speaking, and no member may pass between the Chair and the Table and behind the Speaker's Chair while the House is sitting.

80. Members to be Seated:

Every member when in the Chamber shall be seated (except when participating in a division) and shall not at any time stand in any of the passages or gangways.

81. Members to Stand as Speaker Leaves Chamber:

When the Speaker is about to leave the Chamber at the conclusion of a sitting members rise in their places and remain standing until the Speaker has left the Chamber.

82. Interruptions:

- (1) When a member interrupts a member speaking, the member speaking shall resume his or her seat.
- (2) A member interrupting must request permission from the Speaker and state the nature of the interruption, i.e. on a point of order, point of clarification or to seek clarification.
- (3) Subsequent interjections should be made to the member speaking and not to members interjecting, for the member speaking to respond if requested by the Speaker.

- (4) The Speaker shall have the discretion to permit or deny member interjections based on the merits and relevance of the interjection.

83. Contents of Speeches:

- (1) Reference shall not be made to any matter on which judicial decision is pending in such a way as may, in the opinion of the Speaker or the Chairperson, prejudice the interests of parties thereto.
- (2) It shall be out of order to use offensive, blasphemous or unbecoming words or to impute improper motives to any other member or to make personal allusions.
- (3) The name of O Le Ao o le Malo shall not be used to influence the Assembly.
- (4) It shall be out of order to attempt to reconsider any specific question upon which the Assembly has come to a conclusion during the current Meeting, except upon a substantive motion for rescission.
- (5) The conduct of O Le Ao o le Malo, the Speaker, Ministers, members and Judges, or other persons engaged in the administration of justice shall not be raised, except upon a substantive motion, and in any amendment, question to a Minister or member, or remarks in a debate on a motion dealing with any other subject, any reference to the conduct of the persons aforesaid shall be out of order.
- (6) A member shall be responsible for the accuracy of any facts which he or she alleges to be true and may be required to substantiate any such facts or to withdraw his or her allegation.

83A. Application for Response:

- (1) Any person (not a member) who has been referred to in the Assembly by name, or in such a way as to be readily identifiable may make a submission to the Speaker in writing:
 - (a) claiming to have been adversely affected or have suffered damage to his or her reputation as a result of the reference;
 - (b) submitting a response to the reference; and
 - (c) requesting that the response be incorporated in the Parliamentary records.
- (2) A submission must be made within 30 days of the reference having been made.
- (3) Any response must be precise and strictly relevant to the reference that was made. It must not contain anything offensive.

83B. Consideration by Speaker:

- (1) The Speaker shall consider whether in all circumstances of the case the response should be incorporated in the records.
- (2) In that consideration the Speaker:
 - (a) may confer with the person who made the submission and the member who referred to that person in the Assembly;
 - (b) shall take account of the extent to which the reference is capable of adversely affecting or damaging the reputation of the person making the submission.
- (3) The Speaker is not to consider or judge the truth of the reference made in the Assembly or of the response to it.

83C. Speaker's Decision:

- (1) If the Speaker decides against incorporation of the response in the Parliamentary records, the Speaker must inform the person concerned that no further action will be taken.

- (2) A response which the Speaker determines should be incorporated in the Parliamentary records is presented to the Assembly for publication by order of the Assembly.
- (3) The Speaker may decide that a response should be incorporated in the Parliamentary record after the person has amended it in a manner approved by the Speaker.

84. Relevancy in Debate:

- (1) Debate upon any motion, Bill or amendment shall be relevant to such motion, Bill, or amendment, except in the case of a motion for the adjournment of the Assembly under the provisions of Standing Order 32 (Sittings) and Standing Order 33 (Adjournment for Urgent Public Business).
- (2) Where an amendment proposes to leave out words and insert words instead, debate upon the first question proposed on the amendment may include both the words proposed to be left out and those proposed to be inserted.
- (3) Upon an amendment proposing to leave out words or to insert or add words, the debate shall be confined to the omission or insertion or addition of such words, as the case may be.

85. Motion That Member be No Longer Heard:

If a member uses objectionable words and on being called to order fails to retract or explain such words and offer an apology to the satisfaction of the Speaker or the Chairperson, any member may with the consent of the Speaker or the Chairperson, move that the member using the objectionable words be no longer heard, and the question on that motion shall be put forthwith without amendment or debate.

86. Anticipation:

- (1) It shall be out of order to anticipate a Bill by discussion of a motion dealing with the subject matter of the Bill on a day prior to that appointed for the consideration of the Bill.
- (2) It shall be out of order to anticipate a Bill or a motion by discussion upon an amendment or a motion for the adjournment of the Assembly.
- (3) In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Chair to the probability of the matter in anticipation being brought before the Assembly within a reasonable time.

87. Closure of Debate:

- (1) After a question has been proposed, a member may claim to move "That the question be now put", and unless it shall appear to the Speaker or the Chairperson that such a motion is an abuse of the rules of the Assembly or an infringement of the rights of the minority, the question. "That the question be now put", shall be put forthwith and decided without amendment or debate.
- (2) When the motion, "That the question be now put", has been carried and the matter consequent thereon has been decided, any member may claim that any other question already proposed from the Chair be now put, and if the assent of the Chair is given, such question shall be put forthwith and decided without amendment or debate.
- (3) When a Clause of a Bill is under consideration, a motion may be made that the question that certain words of the Clause defined in the motion stand part of the Clause, or that the Clause stand part of, or be added to, the Bill, be now put, and if the assent of the Chair is given, such question shall be put forthwith and decided without amendment or debate.

- (4) Notwithstanding the provisions of Standing Order 26 (Presiding in the Assembly), this Order shall be put in force only when in the Assembly, the Speaker or in Committee of the Whole House the Chairperson, is in the Chair.
- (5) A question for the closure of debate shall not be considered to have been decided in the affirmative upon a division, notwithstanding that the Ayes have it, unless it appears, by the numbers declared from the Chair, that not less than twenty (20) members voted in the majority in support of the motion.

88. Adjournment of Debate:

- (1) A Debate may upon motion be adjourned either to a later hour on the same day or to any other day. The question for the adjournment of the debate shall be put forthwith and determined without amendment or debate.
- (2) The member upon whose motion any debate shall be adjourned shall be entitled, if he or she claims the right to speak first on the resumption of the debate.
- (3) If the motion for the adjournment of the debate upon any question is negative, the member moving the motion for such adjournment may address the Assembly at a later period during the debate.

89. Limitation of Debate:

- (1) The Assembly may impose a limit in respect of the debate on any particular motion by allotting a limited period of time for such debate or by limiting the time during which members may speak in such debate or by imposing both such limitations. The debate on any such motion if the question is not put and decided, shall lapse upon the expiry of the time limit or the adjournment of the sitting.
- (2) The debate on a Private member's motion shall not exceed 2 hours duration and shall lapse upon the adjournment of the sitting.

PART XXIV

RULES OF ORDER

90. Chair to be Heard in Silence:

- (1) When the Speaker or the Chairperson is addressing the Assembly any member then standing shall immediately resume his or her seat.
- (2) When the Speaker or the Chairperson addresses the Assembly there shall be silence in the Assembly.

91. Decision of Chair Final:

Speaker in the Assembly and the Chairperson in any Committee shall be responsible respectively for the observance of order in the Assembly and in Committee and of the rules of debate, and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Assembly except upon a substantive motion made after notice.

92. Order in the Assembly:

- (1) Any member deviating from these Orders may be immediately called to order by the Speaker or the Chairperson, or by any other member rising to a point of order as prescribed by Standing Order 82 (Interruptions).
- (2) The Speaker or the Chairperson, having called the attention of the Assembly or Committee of the Whole House to the conduct of a member who persists in irrelevance or tedious repetition either of his or her own arguments or of the arguments used by other members in debate, may direct the member to discontinue his or her speech.
- (3) The Speaker or the Chairperson shall order members whose conduct is grossly disorderly to withdraw immediately from the Assembly during the remainder of that day's Sitting, and the Sergeant-at-Arms shall act on such orders as he or she may receive from the Chair in pursuance of the provisions of this paragraph. But if, on any occasion, the Speaker or the Chairperson deems that his or her powers under the previous provisions of this paragraph are inadequate, he or she may name such member or members, in which event the same procedure shall be followed as is prescribed in (4) to (8) of this Order.

- (4) Whenever a member shall have been named by the Speaker or the Chairperson immediately after the commission of the offence of disregarding the authority of the Chair, or of persistently and wilfully obstructing the business of the Assembly by abusing the rules of the Assembly or otherwise, then, if the offence has been committed by such member in the Assembly, a motion shall forthwith be proposed and seconded by two (2) Ministers "That such member be suspended from the service of the Assembly", and the Speaker shall forthwith put the question on that motion, no amendment, adjournment or debate being allowed; and, if the offence has been committed in a Committee of the Whole House, the Chairperson shall forthwith suspend the proceedings of the Committee and report the circumstance to the Assembly; and the Speaker shall on a motion being made forthwith put the same question, no amendment, adjournment, or debate being allowed, as if the offence had been committed in the Assembly itself.
- (5) If a member is suspended under this Order, his or her suspension on the first occasion in any Session shall be for the remainder of that sitting day; on the second occasion in any Session for 7 days, including the day of suspension, and on the third or any subsequent occasion during the same Session for 28 days, including the day of suspension.
- (6) Not more than one (1) member shall be named at the same time, unless two (2) or more members, present together, have jointly disregarded the authority of the Chair.

- (7) If a member, or two (2) or more members acting jointly who have been suspended under this Order from the service of the Assembly refuse to obey the direction of the Speaker when severally summoned under the Speakers orders by the Sergeant-at-Arms to obey, the fact that recourse to force is necessary in order to compel obedience; in such direction, the Speaker shall call the attention of the Assembly to his or her direction, and the member or members named by him or her as having refused to obey his or her direction shall thereupon and without any further question being put be suspended from the service of the Assembly during the remainder of the Meeting.
- (8) Nothing in this Order shall be deemed to prevent the Assembly from proceeding against any member for any of the offence specified herein in any other way the Assembly thinks fit, or from proceeding against him or her for any offence not specified herein.
- (9) The Speaker or the Chairperson, when acting under (3) or (4) of this Order, may direct such steps to be taken as are required to enforce this Order.
- (10) Members who are ordered to withdraw under (3) of this Order or who are suspended from the service of the Assembly under (4) of this Order shall forthwith withdraw from the precincts of the House.
- (11) In the case of grave disorder arising in the Assembly, the Speaker may, if he or she thinks it necessary to do so, adjourn the Assembly without question put or suspend the Sitting for a time to be named by him or her.
- (12) Suspension from the service of the Assembly shall not exempt a member from serving on any Parliamentary Committee to which he or she may have been appointed prior to his or her suspension.

PART XXV DIVISIONS

93. **Voting of Members:**

- (1) All questions shall be decided by a majority of votes of all members present.
- (2) The Speaker, or the Deputy Speaker (or any other Member of Parliament while presiding over a sitting of the Legislative Assembly in the absence of the Speaker), or in Committee the Chairperson, shall not have a deliberative vote but, in the case of an equality of votes shall have a casting vote.
- (3) When the question has been put by the Speaker or the Chairperson at the conclusion of the debate, the votes shall be taken by voices, Aye and No, and provided that no member then claims a division, the result shall be declared by the Speaker or the Chairperson.
- (4) A member may vote in a division although he or she did not hear the question put.
- (5) A member must vote according to his or her voice.
- (6) A member may not vote on any question in which he or she has a direct pecuniary interest and if he or she votes on such a question his or her vote may on motion be disallowed. Subject to the provisions of this paragraph all members present within the confines of the Chamber when a division is taken must vote in the division.

94. **Procedure on Divisions:**

- (1) When a division has been requested by any member, the Speaker shall ask the Clerk to ring the Bell for 2 minutes and call in the members. The Clerk shall then ensure that the members in the buildings adjacent to the Chamber are notified that a division is to take place. After the expiration of 3 minutes, the Speaker or the Chairperson shall put the question again to the Assembly or Committee of the Whole House and shall call upon those members who are of the Affirmative opinion to rise in their places. The Clerk shall then call the name of each member standing commencing with the Ministers and shall record their votes on a printed list. A member

may resume his or her seat when his or her name has been distinctly called by the Clerk. When the votes of all the AYES have been recorded the Speaker shall call upon those members who are of the negative opinion to rise in their places whereupon a similar procedure shall be followed. When all the votes, both affirmative and negative, have been recorded, the Clerk shall hand the division lists to the Speaker who shall declare the result.

- (2) The names of the members who have voted on a division shall be printed in the records of the Minutes and Official Report of the Assembly showing separately those who were of the affirmative opinion and those who were of the negative opinion.
- (3) If a member states that he or she voted in error he or she may, immediately after the Speaker has announced the figures and before he or she declares the result of the division, claim to have his or her vote correctly recorded.
- (4) The Speaker shall direct that a second division be called in case of confusion or error unless the same can be otherwise corrected.
- (5) The Speaker on being informed after a division that the numbers have been inaccurately reported shall direct the Clerk to correct the minutes.
- (6) The Speaker may refuse to call a division unnecessarily claimed.
- (7) No member shall be entitled to speak while a division is being taken except on a point of order, which, if raised, shall forthwith be decided by the Speaker without debate.

PART XXVI
BILLS

95. Certain Rules Regarding Bills:

- (1) No Bill shall be submitted to O Le Ao o le Malo for its assent until it has been read three times.
- (2) Every Bill shall be accompanied by an Explanatory Memorandum, signed by the Minister or member introducing the Bill, stating fully the objects and reasons for the Bill.
- (3) All Bills shall be distinguished by titles and shall be divided into successive Clauses consecutively numbered, and to every Clause there shall be an introductory note giving a short indication of its contents.
- (4) Matters which in the opinion of the Speaker have no proper relation to each other shall not be provided by the same Bill without the approval of the Leader of the House
- (5) No Bill shall contain anything foreign to what its long Title imports.

96. Initiation of Government Bills:

A Government Bill may be presented to the Assembly by the Prime Minister as Leader of the House.

97. Initiation of a Private Member's Bill:

- (1) A Private Member's Bill shall be initiated by a motion for leave to introduce the Bill on the third sitting day only.
- (2) A Private Bill shall not contain any clause that would dispose or change any public revenue or alter any rate, tax or duty.

98. Fair Copy of Private Member's Bill to be Delivered to the Clerk for Printing and Circulation:

- (1) A fair copy of every Private Member's Bill shall be delivered to the Clerk no later than the time prescribed under Standing Order 100(4).
- (2) The Clerk shall arrange for the Bill to be printed and for copies to be circulated to the members benches on the day on which the motion for leave to introduce it is to be moved.

99. Debate on Motion for Leave to Introduce Private Members Bill:

- (1) The debate on any motion for leave to introduce any Private Member's Bill shall not exceed 2 hours. The speech of the member moving the motion shall not exceed 15 minutes. The speech of other members (including the speech of the mover in reply to the debate) shall not exceed 10 minutes each.
- (2) 10 minutes before the expiration of the total time allowed for the debate the Speaker shall interrupt the member then speaking, and call upon the mover of the motion to speak in reply.

100. Introduction and First Reading of Bills:

- (1) Except as provided in the next succeeding paragraph, no Bill shall be introduced unless the Short Title of the Bill has been published either in the Samoa Gazette or the Savali or a local newspaper or by broadcast over the Government Broadcasting Service and as far possible copies of such Bill have been distributed to members before the commencement of the sitting at which the Bill is to be introduced, or the motion for introduction is to be moved.

- (2) Whenever the Clerk receives a request from Cabinet for a Bill to be progressed urgently, the Clerk may include the said Bill in the Order Paper without prior publication or distribution to members; and the Leader of the House is to move for urgent progression of such Bill, and any debate on the urgency of the Bill is limited to 30 minutes.
- (3) Any member may move to introduce a Bill of which he or she has given notice, but a Bill may be introduced on behalf of the Government, after notice, without an order of the Assembly.
- (4) At least 1 day's notice shall be given of the introduction of a Bill on behalf of the Government and at least 7 days' notice of a motion for introduction of any other Bill.
- (5) When any Bill has been introduced into the Assembly the Question "That this Bill be now read a first time" shall be decided without amendment or debate. On a motion being carried the Clerk shall read aloud the Title of the Bill, which shall then be deemed to be read the first time.

101. Second Reading of Bills:

- (1) After the first reading the Bill is set down for second reading on the third sitting day following:
Provided that an urgent Bill introduced under SO99/100(2) may be set down for second reading on the same day the Bill was read a first time.

- (2) On a motion being made and seconded "That the Bill be now read a second time", a debate may arise covering the principles and general merits of the Bill.
- (3) If the motion is carried, the Clerk shall read aloud the Title of the Bill, which shall then be deemed to have been read a second time.
- (4) On the Second Reading of a Bill, an amendment may be proposed to the question, "That the Bill be now read a second time", to leave out the word "now" and add, at the end of the question, "upon this day six (6) months", or an amendment may be moved to leave out all the words after the word "That" in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the principles of the Bill and not deal with its details. If the Assembly agrees to an amendment in either of such forms, the Second Reading of the Bill shall be considered to have been negative.

102. Consideration of Bills:

- (1) When a Bill has been read a second time, it shall stand referred to the Parliamentary Committee identified by the Speaker.
- (2) Notwithstanding (1) of this Order, an urgent Bill introduced under Standing Order 99/100(2), or a Bill which is proved to the satisfaction of the Speaker to be urgently needed for the interest of the people, may be considered in detail by the Assembly without referral to a Parliamentary Committee.
- (3) When a Bill has been referred to a Parliamentary Committee no further proceedings shall be taken until the Parliamentary Committee has reported to the Assembly.

103. Consideration of Bills in Detail:

- (1) On the order for consideration of a Bill in detail, the Assembly shall not discuss principles of the Bill but only its details.
- (2) Amendments may be made to a Bill provided the amendments (including new Clauses and new Schedules) comply with the following conditions:
 - (a) they must be relevant to both the subject matter of the Bill and to the subject matter of the Clause to which they relate;
 - (b) they must not be inconsistent with any Clause already agreed to or any decision already reached;
 - (c) if they refer to, or are not intelligible without a subsequent amendment, or schedule notice of the subsequent amendment or schedule, unless the Speaker permits otherwise, must be given before or when the first amendment is moved, so as to make the series of amendments intelligible;
 - (d) if an amendment is not within the title of the Bill, the Title shall be amended accordingly;
 - (e) the provision of Standing Order 75 (Method of putting the Questions on Amendments) shall apply to the consideration of amendments to Bills, and any amendments proposed to an amendment shall be dealt with before a decision is taken on the original amendment.

104. Procedure for Consideration of Bills in Detail:

- (a) the Speaker shall call the number of each Clause in succession and shall read the introductory note to each Clause and if no amendment is offered the Speaker shall, after a convenient number of Clauses has been called, put the question "That Clauses to stand part of the Bill";

- (b) if any member announces, while the Clauses are being called, that he or she wishes to move an amendment to, or make some comment on a Clause, the Speaker shall forthwith put the question with regard to all the Clauses which have been called but not yet agreed to, excluding the Clause indicated by the member which shall then be considered;
- (c) after the Clause has been so considered, and after any proposed amendment thereto has been agreed to or negatived, the Speaker shall put the question "That clause (or clause as amended) stand part of the Bill";
- (d) the following order shall be observed in considering a Bill in Assembly -
 - (i) Clauses as printed;
 - (ii) Postponed clauses;
 - (iii) New clauses (including those substituted for others disagreed to);
 - (iv) Schedules;
 - (v) New Schedules;
 - (vi) Preamble;
 - (vii) Amendment to Title (where necessary) and in considering the Bill upon recommittal the following order shall be followed;
- (e) A clause in the Bill as printed may be postponed unless upon an amendment thereto a question shall have been put from the Chair;
- (f) New Clauses may be considered at their appropriate places in the Bill, or they may be deferred for consideration until after the Clauses in the Bill as printed have been disposed of;
- (g) On the title of any new Clause being read by the Speaker the Clause shall be deemed to have been read the first time. The question shall then be proposed "That the Clause be read a second time", and if it is agreed to, amendments may then be proposed to the new Clause. The final question to be proposed shall be "That the Clause (or the Clause as amended) be added to the Bill";

- (h) New Schedules shall be considered and treated in the same way as new Clauses;
- (i) When a new Clause or Schedule has been agreed to by the Assembly or amended and agreed to, it shall not be competent for the Assembly to resume consideration thereof.

105. Procedure in Parliamentary Committee on Bills:

A Parliamentary Committee on a Bill shall be subject to all the provisions of the Standing Orders relating to procedure in Parliamentary Committees but before reporting the Bill to the Assembly the Committee shall go through the Bill as provided in paragraphs (a) to (i) of Standing Order 104 (Procedure for Consideration of Bills in Detail) and (2) of Standing Order 103 (Consideration of Bills in Detail).

106. Speeches in Consideration of Bills in Detail:

No member shall speak for more than fifteen (15) minutes at any one time or more than two (2) times on the Short Title, Clause or Schedule of a Bill or any amendment thereto:

Provided that this rule shall not apply to -

- (i) a Minister or member In-Charge of a Bill; or
- (ii) a Minister In-Charge of a class of Estimates in regard to the number of that Minister's speeches.

107. Procedure on Bills Reported from Parliamentary Committee:

- (1) When a Bill has been reported from a Parliamentary Committee the Assembly shall proceed to consider the Bill, as reported from the Parliamentary Committee, upon a motion "That the Report from the Parliamentary Committee be approved."
- (2) If the motion is agreed to without amendment the Assembly may proceed to consideration of the Bill in detail.
- (3) Upon a motion to approve the Report from a Parliamentary Committee on a Bill, any member may propose an amendment to add at the end of the motion the words "subject to reconsideration of the Report by the Assembly" (either wholly or in respect to some part of the Report) and if that motion is agreed to the Assembly shall consider the Report as proposed.

108. Third Reading of Bills:

- (1) Upon a motion being made and seconded "That this Bill be now read the third time", amendments for the correction of errors or oversights may, with Speaker's permission, be made, but no amendment of a material character shall be proposed.
- (2) When the question is put "That this Bill be now read the third time", it shall be competent for any member to move an amendment for deferment or otherwise as prescribed by (4) of Standing Order 101 (Second Reading of Bills).
- (3) If the motion is carried, the Clerk shall read aloud the Title of the Bill, which shall then be deemed to have been read the third time.
- (4) A motion for the Third Reading of a Bill shall not be made on the same day as the Bill is reported from a Committee of the Whole House or the Report from the Parliamentary Committee on the Bill is approved, except in the case of an Imprest Supply or Appropriation Bill or an urgent Bill progressed pursuant to Standing Order 100(2).

109. Bill Passed:

After the third reading no further Questions shall be put and the Bill shall have passed the Assembly.

110. Bills Passed to be Printed Fair, Authenticated and Present for Assent of O Le Ao o le Malo:

When a Bill has been passed it is printed fair by direction of the Clerk, who authenticates five (5) prints and presents them for assent of O Le Ao o le Malo.

111. Formal Amendments:

- (1) In preparing the Bill for assent by O Le Ao o le Malo, amendments of formal nature may be made and clerical or typographical errors may be corrected in any part of the Bill by the Clerk.
- (2) Amendments and corrections made must be recorded in the "Certificate for Amendments to the Bill".

112. After o Le Ao o le Malo's Assent Given:

When O Le Ao o le Malo's assent to a Bill has been given, the Clerk shall deposit one of the fair prints of the Bill with the Secretary to O Le Ao o le Malo, the second to the Attorney General, the third with the Registrar of the Supreme Court, the fourth to the Minister responsible for the Bill and retains the fifth.

113. Bills Assented to Become Acts of Parliament:

- (1) No Bill shall become a law until O Le Ao o le Malo has given his or her assent thereto.

- (2) Whenever a Bill which has been passed by the Legislative Assembly is presented to O Le Ao o le Malo for his or her assent, he or she shall, acting on the advice of the Prime Minister, declare that the assents to the Bill or that he or she refuses his or she assent to the Bill.
- (3) A law assented to by O Le Ao o le Malo as herein provided shall be known as an Act of Parliament and shall come into force either on the day on which it is assented to, or on any date (whether earlier or later than the date on which it is assented to) specified in that behalf in the Act.
- (4) Subject to (5), O Le Ao o le Malo may deassent a Bill recently assented which on the advice of the Clerk, lacks the accurateness of that passed by the House. The Clerk must immediately dispose of a deassented Bill, and process the true Bill passed by the House for assent.
- (5) A deassent in (4) must comply with the following:
 - (a) it must occur within one month from the assent;
 - (b) the Clerk must prepare and sign a Certificate of Amendments to signify the inaccurate portions requiring the deassent of the Bill, similar to the Certificate of Amendments in Standing Order 111; and
 - (c) the Clerk must sign an undertaking that the inaccuracy was inadvertent, and that there was no political, economic or otherwise, influence involved in the advice to deassent.

114. Withdrawal of Bills:

Either before the commencement of public business or at the commencement of any stage of a Bill, the Minister or member in charge of a Bill may make a motion, without notice, for its withdrawal and discharge from the Order Paper.

115. Resumption of Lapsed Bill:

- (1) When the progress of a Public Bill has been interrupted when the last meeting in each year is adjourned *sine die* or by prorogation (but not by dissolution) such Bill may, on motion be revived in the following session.
- (2) The revived Bill may be proceeded with at the commencement of the stage which it had reached during the previous session, unless the motion otherwise provides.

PART XXVII
BILLS AFFECTING PRIVATE PERSONS

116. Bills Affecting Private Persons:

- (1) No motion for the introduction of a Bill, other than a Government Bill, intended to affect or benefit some particular person, association, or corporate body shall be made unless at least one (1) month's notice incorporating a statement of the general nature and objects of the Bill has been published in the *Samoa Gazette*, and a newspaper circulating. Every such Bill shall contain a clause saving the rights of the Independent State of Samoa, all bodies politic and corporate and all others except such as are mentioned in the Bill and those claiming by, from or under them.
- (2) The cost of preparation and printing of all such Bills shall not be a charge upon the Government if the Bill is rejected by the Assembly.
- (3) When such Bill has been read a second time, it shall be referred to a Parliamentary Committee as directed by the Speaker.
- (4) When a Bill has been referred to the Parliamentary Committee as directed by the Speaker, under (3) of this Order, any party affected by the Bill may be heard before the Committee upon application, either in person or by Counsel, together with any witnesses. The Committee may take such oral or other evidence as it may think requisite.

- (5) No new Clause shall be allowed in such Bill which is foreign to the import of the statement required by (1) of this Order.
- (6) A Private Member's Bill shall be automatically withdrawn if the member who initiated it by motion either ceases to be a Member of Parliament or becomes a Minister.
- (7) The Government may, with the consent of the member in charge of the Bill, adopt the same, but before the said Bill shall be dealt with as a Government Bill, the Minister adopting the Bill shall notify the Speaker in writing that such Bill has been adopted by the Government and the Speaker shall inform the Assembly accordingly.

PART XXVIII
COMMITTEE OF THE WHOLE HOUSE

117. Assembly Resolves Itself into a Committee:

- (1) There shall be a Committee of the Whole House to consider Committee Reports on Annual Reports and Government Responses to those Committee Reports, which shall sit in April to June, or other time of the year, as referred by the Assembly.
- (2) All Annual Reports for a financial year must be tabled in December after every financial year inclusive of the required supplementary documents.
- (3) Each Parliamentary Committee to which an Annual Report was referred to consider shall report back to the Assembly within 2 months from the date on which the Annual Report was referred.
- (4) Once a Committee Report on an Annual Report is tabled the Clerk shall refer it for Government to respond within 2 months from the date of referral.
- (5) The Committee of the Whole House shall consider the Committee Report on an Annual Report and the Government Response.
- (6) The Committee of the Whole House shall report back to the Assembly on outcomes of consideration of Committee Reports on Annual Reports and relative Government Responses.

118. Mace Placed Across the Table:

The Mace shall be placed across the Table when the Assembly is in Committee of the Whole House.

119. Committee to Consider only Matters Referred:

A Committee of the Whole House may only consider such matters as shall have been referred to it by the Assembly.

120. Time-Limit of Speeches:

In Committee of the Whole House no member shall speak for more than 15 minutes at any one (1) time or more than two (2) times on any other Question before the Committee:

Provided that this rule shall not apply to a Minister or member In-Charge of a motion or other matter.

121. Motion Not Required to be Seconded:

A Motion or amendment proposed in Committee of the Whole House shall not require to be seconded.

122. Members May Speak More Than Once:

In Committee of the Whole House members may speak more than once to the same Question; but when more than one (1) member rises to speak the Chairperson shall give preference to a member who has not previously spoken on the same Question.

123. Disorder Arising:

If any sudden disorder should arise in Committee of the Whole House, the Speaker or the Chairperson shall declare the Assembly resumed without any Question being put.

124. Committee of Whole House May Not Adjourn:

A Committee of the Whole House may not adjourn its own sitting, or the consideration of any matter, to a future sitting.

125. Motions to Report Progress:

(1) A member may move, "That the Committee Report progress". On the report being agreed to by the Assembly, the Report or other matter is set down for further consideration in Committee on the next sitting day.

- (2) There shall be no amendment or debate on a question to report progress.

126. Report:

- (1) When all the matters referred to a Committee of the Whole House have been considered, the Chairperson reports them to the Assembly.
- (2) When all such matters have not been considered the Chairperson reports progress, or no progress, as the case maybe.

127. Motion to Report Progress and Ask Leave to Sit Again:

A Motion may be made during the proceedings of a Committee of the Whole House "That the Committee of the Whole House report progress, and ask leave to sit again", and such question shall be put forthwith and decided without amendment or debate.

128. Adoption of Report:

In reporting to the Assembly, the Chairperson moves, "That the report be adopted". There is no amendment or debate on the question.

129. Rules of Debate and Conduct of Business in Committee:

Except as otherwise provided by these Standing Orders, the same rules for order in the Assembly and putting Question, dealing with amendments, taking divisions, and for regulating debate and the general conduct of business shall be observed in Committee as in the Assembly itself; but disorder in a Committee may only be censured by the Assembly on receiving a report.

130. Power to Send for Persons, Papers and Records:

The Committee of the Whole House may upon Motion require any government department concerned to submit a report explaining any motion, or other matter which may be under consideration or to depute a representative to appear as a witness for the purpose of explaining such Bill, motion, or other matter.

PART XXIX
ESTIMATES AND FINANCIAL PROCEDURE

131. Estimates:

The Estimates of Expenditure shall be introduced into the Assembly upon Notice from the Leader of the House.

132. Appropriation Bill:

- (1) During each year there shall be introduced into the Legislative Assembly an Appropriation Bill which shall contain the estimated financial requirements for expenditure on revenue account on all the services of the Government for the succeeding financial year. The details of these financial requirements shall be contained in the draft Estimates of Expenditure and the Financial Statement which shall be laid on the Table by the Minister of Finance following the first reading of the Bill.
- (2) The Minister of Finance shall then move the Second Reading of the Bill and read the Financial Statement.

133. Reference to Finance & Expenditure Committee:

After the motion for the Second Reading of the Bill has been made and seconded, the Debate thereon shall be adjourned for not less than fourteen (14) days and the draft Estimates of Expenditure then stand referred to the Finance & Expenditure Committee for consideration and a report thereon. When the debate is resumed it shall be confined to the financial and economic state of Samoa and the Government's financial policy.

134. Consideration of Appropriation Bill and Estimates in Detail:

- (1) When the Appropriation Bill has been read a second time, the Assembly shall proceed to consider the Appropriation Bill together with the draft Estimates in detail and shall refer to the Report of the Finance and Expenditure Committee during consideration.
- (2) There shall be allotted a maximum of 14 days for consideration of the Appropriation Bill and the draft estimates and the hours of sitting of any day or days be arranged by the Parliamentary Commission to complete the consideration by the required date.

135. Consideration of Departmental Votes:

- (1) The Parliamentary Commission may select the order in which the Department Votes of the draft Estimates shall be considered and such time limit may be imposed upon the consideration of any Departmental Vote as the Parliamentary Commission may stipulate. Where a time limit has been imposed upon the consideration of any Departmental Vote then at the expiration of such period if that Departmental Vote has not been disposed of, the Speaker shall forthwith put any question necessary to dispose of such Departmental Vote. On the last of the days allotted under the provisions of (2) of Standing Order 134 the Speaker shall, at 12.45 p.m. at the latest, forthwith put successively, without debate, the question on every Departmental Vote not yet disposed of.
- (2) The clauses of an Appropriation Bill shall stand postponed until after the consideration of any schedule or schedules which there may be to such Bill.
- (3) On consideration of the first schedule, the Speaker shall call the title of each Departmental Vote in turn and shall propose the Question that the sum of tala for the Departmental Vote stand part of the schedule.

- (4) Any member may move an amendment to reduce by tala the sum to be allotted for any item in a Departmental Vote. At least 3 clear days notice of any amendment shall be required.
- (5) When several such amendments are proposed to reduce any items in a Departmental Vote they shall be called in the order in which they appear on the Order Paper and such amendment shall be disposed of before the next is called and debate on each amendment shall be confined to the item which is sought to be reduced. The amendments proposed shall be placed on the Order Paper in numerical order of vote items and where notice is given of more than one amendment to the same item, the larger amount shall be put first.
- (6) An increase in the sum allocated for any item in a Departmental Vote may only be moved by the Minister of Finance provided the prior approval of the Leader of the House has been obtained and transmitted to the Assembly pursuant to Standing Order 140 (Money Grants and Taxation). At least three (3) clear days notice of any amendment shall be required.
- (7) An amendment to increase shall take precedence of any amendment to decrease any item in a Departmental Vote to which the said amendment to increase relates and if carried no amendment to decrease the item in a Departmental Vote concerned shall be called:
Provided that:
 - (a) any amendment to increase must if possible be moved to the item which it is desired to increase; and
 - (b) an amendment to increase an item if carried shall not prevent the Departmental Vote concerned being reduced below the agreed increase in respect of items other than the item which has been increased.
- (8) After an amendment to an item has been disposed of, no amendment or debate on a previous item of that Departmental Vote shall be permitted.

- (9) When all amendments standing on the Order Paper in respect of any particular Departmental Vote have been disposed of the Speaker shall propose the Question that the sum (or reduced or increased sum) of tala for Departmental Vote stand part of the Schedule.
- (10) On the question that the sum (or reduced or increased sum) of tala for Departmental Vote stand part of the Schedule, debate shall be confined to the policy of the service for which the money is being provided including the Revenue for which that service is responsible.

136. Dilatory Motion:

On the day upon which any proceedings upon an Appropriation Bill are to be brought to a conclusion no dilatory motion shall be moved upon such proceedings and the proceedings shall not be interrupted or postponed under any Standing Order.

137. Third Reading of Appropriation Bill:

When the Appropriation Bill has passed Consideration in detail, the Minister of Finance shall move the third reading forthwith. No debate shall be permitted on the motion for the third reading.

138. Supplementary Appropriation Bills:

If at any time a Supplementary Appropriation Bill is introduced into the Assembly, the provisions of Standing Order 132 (Appropriation Bill) to Standing Order 137 (Third Reading of Appropriation Bill) shall apply to the stages and the proceedings upon a Supplementary Appropriation Bill.

139. Appropriation Bill Takes Precedence:

An Appropriation Bill shall take precedence of all other business and until disposed of shall be set down each day as an Order of the Day as at the commencement of the next sitting day.

PART XXX
MONEY GRANTS AND TAXATION

140. Money Grants and Taxation:

- (1) The Assembly shall not proceed upon any Bill, Motion, Petition, or other matter which in the opinion of the Speaker would dispose of or charge any public revenue or public funds or revoke or alter any disposition thereof or charge thereon or impose, alter, or repeal any rate, tax, or duty, unless the consent of Leader of the House signified in writing to such Bill, Motion, or other matter has been communicated to the Speaker.
- (2) The Assembly shall not proceed upon any Bill or Motion which, in the opinion of the Speaker (after seeking, if he or she so desires, the advice of the Attorney General) would effect any alteration in the salary, allowance, or conditions of service of any public officer, or in law, regulations, or practice governing the grant of leave, passages, or promotion applicable to any officer or the payment of pensions, gratuities, or other like allowances applicable to any such officer or his or her widow or widower, children, dependants, or personal representatives, unless the consent of Leader of the House signified in writing to such Bill or Motion has been communicated to the Speaker.
- (3) The Assembly shall not proceed upon any Bill or Motion which, in the opinion of the Speaker (after seeking if he or she so desires, the advice of the Attorney General) relates to or affects any subjects the responsibility for which is vested in O Le Ao o le Malo or any matter the responsibility for which is vested in the Attorney General unless the recommendation or consent of the Leader of the House signified in writing to such Bill or Motion has been communicated to the Speaker.

- (4) The Assembly shall not proceed upon any Motion or Bill for granting any money, or for releasing or compounding any sum of money owing to the Independent State of Samoa except in a Committee of the Whole House.
- (5) If any Motion be made in the Assembly for any Public aid or charge upon the people, it shall be referred to a Committee of the Whole House before any resolution or vote of the Assembly do pass thereon.

PART XXXI
INSTRUCTION TO COMMITTEE

141. Effect of an Instruction:

An Instruction to a Committee shall extend or restrict the Order/Term of Reference.

142. Effect of an Instruction to a Committee:

A Committee of the Whole House or a Parliamentary Committee may consider only those matters referred to it by the Assembly, and where it is desired that the Committee shall also consider other matters, an Instruction shall be given by the Assembly to enable the Committee to entertain them.

143. Debate on Motion for an Instruction Restricted:

Any debate on a Motion for an Instruction shall be restricted to the subject matter of the Motion and shall not extend to the general objects of the Bill or other matter to which the Instruction relates.

PART XXXII
PARLIAMENTARY COMMITTEES

144. Appointment of Parliamentary Commission and Parliamentary Committees:

The Parliamentary Commission constituted in Standing Order 110 may recommend the appointment of Parliamentary Committees and the members to serve on the Committees.

145. Committee to Consist of Not Less Than Seven Members:

No Parliamentary Committee shall consist of less than seven (7) members, without leave from the Assembly, on Motion with Notice.

146. Discharging and Appointment of Members:

- (1) Any member appointed to a Parliamentary Committee may, at any time afterwards, upon Motion with Notice, be discharged by the Assembly from attending the Committees, and another member appointed.
- (2) If in the interval between any two (2) meetings of the Legislative Assembly during the currency of its term any member of a Committee appointed by the Legislative Assembly has absented himself or herself without Leave of Absence or in the opinion of the Assembly without good cause from more than three (3) consecutive meetings of such Committee that member shall be deemed to have forfeited his or her seat on the Committee and an election to the vacancy so created may be held at the ensuing meeting of the Assembly.

147. Lists of Members of Committees to be Posted:

Lists of members serving on each Parliamentary Committee shall be posted in such place or places as the Speaker may direct.

148. Meeting of Parliamentary Committees:

- (1) The first meeting of each Parliamentary Committee shall be at a time appointed by the Speaker.
- (2) Subsequent meetings of a Parliamentary Committee shall be held at any time that the Chairperson of the Committee may appoint.
- (3) If there is no Chairperson, or if the Chairperson is absent from Samoa, the Vice-Chairperson, may exercise the Chairperson's powers to appoint a time for the Committee to meet.
- (4) In the absence of both the Chairperson and Vice-Chairperson, the Speaker appoints a time for the Committee to meet.
- (5) The names of members present in each sitting of any Parliamentary Committee shall be entered on the Minutes of the proceedings of the Committee.

149. Place of Meeting and Visits:

- (1) A Parliamentary Committee may meet at any place within Samoa. It must be authorised by the Assembly before it can meet outside Samoa.
- (2) A Parliamentary Committee may:
 - (a) meet outside the precincts of the Legislative Assembly; or
 - (b) undertake a Parliamentary Committee visit,if the Speaker has endorsed the place of the meeting or the funding for the visit.

150. Sub-Committees:

- (1) Parliamentary Committees may appoint Sub-Committees. Any Sub-Committee to consider a Bill shall be appointed by leave of the Committee only.
- (2) Rules for the conduct of proceedings in a Parliamentary Committee shall apply to proceedings in a Sub-Committee.

151. Not to Sit During Sitting of Assembly:

Unless the Assembly otherwise directs, no Parliamentary Committee shall sit during the sitting of the Assembly.

152. Parliamentary Committee Elect Chairperson:

- (1) Every Parliamentary Committee, before proceeding to any other business shall elect a Chairperson and Vice-Chairperson who shall hold office during the life of the Committee. In the absence of the Chairperson and Vice-Chairperson the Committee shall elect a member to act as Chairperson *pro tempore*.
- (2) The Chairperson of a Parliamentary Committee shall have a deliberative as well as a casting vote.

153. Quorum of Parliamentary Committee:

- (1) The quorum of a Parliamentary Committee shall be half the number of its members.
- (2) If after the lapse of fifteen (15) minutes from the time appointed for the meeting of a Parliamentary Committee there shall not be a quorum present, the Clerk of the Committee shall enter on the Minutes the names of the members present who may then retire, and the Committee shall stand adjourned until its next meeting to be convened by the Clerk of the Committee, subject to the direction of the Chairman.
- (3) If at any time during the sitting of a Parliamentary Committee a quorum be not present, the proceedings of the Committee shall be suspended until a quorum be present, and if no quorum be present within such time as the members present may think reasonable, or in any case at the expiration of fifteen (15) minutes, the Committee shall stand adjourned until some future time to be fixed by the Chairperson.
- (4) If any member violates the attendance requirement in (2) for the third time, the Chairperson shall report on such to the Speaker and the member shall be expelled from the Parliamentary Committee. However, if the Chairperson violates the attendance requirement in (2) for the third time, the Clerk to the Committee shall report on such to the Speaker and it will be binding on the Speaker to instruct the Committee to elect a new Chairperson in accordance with Standing Order 152.

154. Motion or Amendment Does Not Require to be Seconded:

A Motion or amendment proposed in a Parliamentary Committee shall not require to be seconded.

155. Power to Send For Persons, Papers and Records:

- (1) All Parliamentary Committees have power to send for persons, papers and records.
- (2) The Chairperson of a Parliamentary Committee may on behalf of the Committee request any person to attend and give evidence before the Committee, and such person shall be given written notification or notified by any other means necessary in no less than 24 hours.
- (3) A Committee may direct that any person be summoned to attend and be examined and give evidence before the Committee. The Chairperson shall sign the summons served upon that person.
- (4) The Chairperson may, on behalf of the Committee, request that papers and records relevant to its proceedings be produced.
- (5) A Committee may direct that any person be summoned to produce papers and records in his or her possession, custody or control that are relevant to the Committees proceedings. Such summons shall be signed by the Chairperson and served upon that person.
- (6) If any person summoned by the Committee to attend before a Parliamentary Committee or produced papers and records does not comply with the summons, the Committee may report the fact to the Assembly.

- (7) The rate of allowance to be paid for the expenses of any person appearing as a witness before a Parliamentary Committee shall be the same as would be payable to such person if he or she were a witness attending a Court of Law.

156. Members of the Assembly may be Present:

- (1) Any member of the Assembly (not being a member of the Committee) may attend any of the proceedings of a Parliamentary Committee but shall take no part therein except with the leave of the Committee. Any such member who is guilty of disorderly conduct may be ordered to withdraw from the meeting.
- (2) A Parliamentary Committee may invite a Minister to be present at meetings of the Committee for clarification of a Bill, Regulation, Paper, Report or other issue for which the Minister is responsible for. When present at such a meeting, the Minister may take part in the proceedings but may not vote on any question put to the Committee.

157. Assistance:

- (1) A Parliamentary Committee may seek the assistance of persons as advisers to the Committee and may invite any person to be present at any meeting of the Committee to assist in its consideration of any matter.
- (2) A person invited under (1) must not have a vested interest in the subject matter under consideration and is required to sign a "Declaration of No Conflict of Interest Form" to this effect.

158. Admission of Strangers:

The proceedings of all Parliamentary Committees during the hearing of evidence on a Bill or other matter which is the subject of investigation by the Committee shall be open to the public, and the following shall apply:

- (a) any stranger, who is guilty of disorderly conduct maybe ordered to withdraw from the meeting by the Chairperson; and
- (b) all strangers, may with leave of the Committee, be excluded from the meeting on the ground that it is desirable that some or all of the evidence to be given should be heard in private.

159. Evidence Before Special Committees:

- (1) Special Committees and their functions shall be determined by the Assembly by motion.
- (2) No strangers, or members not being members of the Committee, shall be admitted at any time to a Special Committee, except such witnesses and other persons necessary to the proceedings of such Committee.
- (3) The evidence taken before any Special Committee or any other document presented to such Committee shall not be published or divulged by any member of the Committee or by any other persons before the Committee has presented its report to the Assembly.

160. Evidence may be Recorded and Reported:

- (1) The evidence of any witness may be taken down and if recorded verbatim shall be sent in proof to the witness. The witness shall be at liberty within seven (7) days from that on which the Clerk to the Committee sent out the proof to suggest corrections due to inaccurate reporting and the evidence shall be printed with such corrections as may be approved by the Chairperson.
- (2) The Parliamentary Committee may of its discretion refuse to hear any irrelevant evidence or any recalcitrant witness.
- (3) The evidence given before a Parliamentary Committee may, by resolution of the Committee, be recorded verbatim and reported to the Assembly when the Report of the Committee is brought up.

161. Names of Members Examining Witness to be Entered On:

To every question asked of a witness under examination in the proceedings of any Parliamentary Committee, the name of the member asking such question shall be prefixed in the minutes of the evidence, when such evidence is recorded.

162. Evidence Not to be Published or Given Elsewhere:

The proceedings of, or the evidence taken by, or the Report of, any Parliamentary Committee; or any summary of such proceedings, evidence, or Report, shall not be published by any member of the Committee or by any other person, until the Report of such Committee has been presented to the Assembly:

Provided that an officer of the Public Service who has given evidence on behalf of his or her department may communicate the text of such evidence to other officers of that department.

163. Divulging Proceedings or Evidence Breach of Privilege:

Any person committing a breach of Standing Orders 159 and 162 shall be deemed guilty of a breach of privilege, and may be dealt with by the Assembly accordingly.

164. Proof Copies of Evidence to Members Only:

- (1) Proof copies of the evidence given before a Parliamentary Committee may only be distributed to members of the Committee.
- (2) Proof copies of evidence distributed to members of the Committee shall not be published or divulged before the Committee has presented its Report to the Assembly.
- (3) Any member who commits a breach of this order shall be deemed guilty of a breach of Standing Order 159 and may be dealt with by the Assembly accordingly.

165. Charges Against Members:

- (1) No Parliamentary Committee (except Privileges and Ethics Committee) shall inquire into, or make findings into the private conduct of any Member of Parliament unless specifically directed by the Assembly.
- (2) If any information comes before a Parliamentary Committee or any allegation is made before a Parliamentary Committee (except the Privileges and Ethics Committee) charging any Member of Parliament with reprehensible conduct, the Committee shall inform the member concerned of the details of the charge and give the member an opportunity to make any statement on the matter but shall not proceed any further on that information or allegation without being specifically directed by the Assembly to do so.

166. Committee Shall Report From Time to Time:

- (1) A Parliamentary Committee, upon consideration of a Bill shall report back to the Assembly within 3 months from date of referral, unless further time be moved for and granted. The Report shall describe the Committees proceedings and consideration of evidence, and highlight any proposed amendments.
- (2) A Parliamentary Committee upon consideration of Parliamentary Papers shall report back to the Assembly within two (2) months from date of referral, unless further time be moved for and granted. The Report shall describe the Committees proceedings and consideration of evidence and recommendations.
- (3) The Report of a Parliamentary Committee shall be signed by all Committee members; and presented by the Chairperson or some other member of the Committee authorised by the Chairperson or the Committee on their behalf.
- (4) A Committee Report must be supported by the majority of its members.

- (5) Where a member does not agree with part or all of the Report, the Chairperson may exercise discretion to allow for one (1) or both of the following:
 - (a) permit a member to submit a minority report to attach to the Committee Report; or
 - (b) permit that the Committee footnotes the members opposing views in the Report.
- (6) Where a Parliamentary Committee from their considerations wishes to pursue matters in the interest of Parliament, the Committee may move in the Assembly to that effect.

167. Conduct of Proceeding of a Parliamentary Committee:

In cases not provided for in these Standing Orders the proceedings of a Parliamentary Committee shall be conducted as nearly as possible in the same manner as the proceedings of a Committee of the Whole House.

168. Divisions to be Entered on Minutes:

In the event of any division taking place in any Parliamentary Committee the Question proposed, the name of the proposer, and the respective votes thereupon of each member present shall be entered on the Minutes of the proceedings of the Committee and such minutes shall, when the Assembly orders or the Committee so directs, be reported to the Assembly on the Report of such Committee.

169. Clerkship of Parliamentary Committee:

- (1) The Clerk shall appoint an officer from his or her office to be Clerk of every Parliamentary Committee.
- (2) The Clerk to a Parliamentary Committee shall transmit a written notice of each meeting addressed to each member, together with a copy of the Agenda Paper:
Provided that in cases where it is impracticable to transmit written notice notification, notice shall be given by any other means which will ensure the members are duly informed.

PART XXXIII
PARLIAMENTARY COMMISSION
AND PARLIAMENTARY COMMITTEES

170. Parliamentary Commission:

- (1) There shall be a Parliamentary Commission consisting of:
 - (a) The Speaker as Chairperson;
 - (b) Deputy Speaker as Deputy Chairperson;
 - (c) Leader of the House;
 - (d) Minister for the Legislative Assembly Office;
 - (e) Leaders of all recognised political parties; and
 - (f) a senior member or members appointed by the Speaker to represent all political groups in the opposition.
- (2) It is the responsibility of the Parliamentary Commission to:
 - (a) recommend to the Assembly the membership of Parliamentary Committees;
 - (b) allocate membership of Parliamentary Committees according to numbers of members of political parties;
 - (c) approve nomination from party leaders of members for Committees at the commencement of each Parliament and whenever required;
 - (d) determine rules for the coverage of the proceedings of the Legislative Assembly, and consider any disorder issue or complaint which may arise from coverage by television, newspaper or radio;
 - (e) determine matters regarding the Parliamentary Pension Scheme;
 - (f) determine parliamentary advocacy activities; and
 - (g) recommend to the Assembly an Annual Sitting Programme of sittings for each calendar year which -
 - (i) must be made and approved by the Assembly no later than the last sitting of the previous year; and
 - (ii) on being adopted by the Assembly the sitting programme operates subject to any decision by the Assembly to the contrary and the Speaker shall have discretionary

authority on the flexibility of the programme subject to Article 52 of the Constitution of the Independent State of Samoa.

171. Standing Orders, Electoral, Petition & Constitutional Offices Committee:

- (1) There shall be a Committee to be known as the Standing Orders, Electoral, Petition & Constitutional Offices Committee which shall consist of at least seven (7) members who shall be appointed upon motion soon after the commencement of each Parliament. A quorum must be met in order for the Committee to conduct its proceedings/business. The Committee shall have power to elect its own Chairperson and Vice-Chairperson.
- (2) It shall be the responsibility of this Committee to:
 - (a) consider and report back to the Assembly on any Annual Report or other Report to the Legislative Assembly from the Ombudsman, the Controller and Auditor General, or the Office of the Legislative Assembly;
 - (b) consider from time to time and report to the Assembly on any proposal for the amendment of those Standing Orders which may be referred to it under the provisions of Standing Orders 72 (Motions to Amend Standing Orders), and on all matters relating to these Orders which may be referred to it by the Assembly;
 - (c) conduct a review of Standing Orders towards the end of each Parliament and such Report to be approved by the Assembly before dissolution of Parliament;
 - (d) consider any Bill, Petition, Report or other matter referred by the Assembly or pursuant to these Standing Orders;
 - (e) conduct a review of the Electoral Act once during the 18 month period preceding the expiry of Parliament and to report to the Assembly at least 12 months before the date of expiry of the Parliamentary Term;

- (f) examine the administration and expenditure of the Office of the Electoral Commissioner; and
- (g) allocate its work to other Parliamentary Committees if required.

172. Finance & Expenditure Committee:

- (1) There shall be a Committee to be known as the Finance & Expenditure Committee to consist of at least seven (7) members who shall be appointed upon motion soon after the commencement of each Parliament. A quorum must be met in order for the Committee to conduct its proceedings/business. The Committee shall have power to elect its own Chairperson and Vice-Chairperson.
- (2) It shall be the duty of the Committee to:
 - (a) consider any Bill, Petition or other matter referred by the Assembly pursuant to these Standing Orders; and any Estimates or review of ministerial and departmental performance;
 - (b) to allocate to any Parliamentary Committee the examination of any Estimates and of any review of departmental performance;
 - (c) to examine the policy, administration and expenditure of ministries and government bodies related to government finance, insurance, superannuation, national provident fund, taxation, auditing of public accounts and Ministerial financial statements;
 - (d) to have responsibility for the overall review of financial management in all government ministries and public bodies; and
 - (e) to examine and report on the public account.

173. Social Sector Committee:

- (1) There shall be a committee to be known as the Social Sector Committee to consist of at least seven (7) members who shall be appointed upon motion soon after the commencement of each Parliament. A quorum must be met in order for the Committee to conduct its proceedings/business. The Committee shall have power to elect its own Chairperson and Vice-Chairperson.

- (2) It shall be the duty of the Committee:
 - (a) to consider any Bill, Petition or other matter referred by the Assembly or pursuant to these Standing Orders; and
 - (b) to examine the policy, administration and expenditure of ministries, corporations, entities and agents within the Executive Social Sector.

174. Economic Sector Committee:

- (1) There shall be a committee to be known as the Economic Sector Committee to consist of at least seven (7) members who shall be appointed upon motion soon after the commencement of each Parliament. A quorum must be met in order for the Committee to conduct its proceedings/business. The Committee shall have power to elect its own Chairperson and Vice-Chairperson.
- (2) It shall be the duty of the Committee:
 - (a) to consider any Bill, Petition or other matter referred by the Assembly or pursuant to these Standing Orders; and
 - (b) to examine the policy, administration and expenditure of ministries and corporations, entities and agenda within the Executive Economic Sector.

175. Infrastructure Sector Committee:

- (1) There shall be a Committee to be known as the Infrastructure Sector Committee to consist of at least seven (7) members who shall be appointed upon motion as soon as maybe after the commencement of each Parliament. A quorum must be met in order for the Committee to conduct its proceedings/business. The Committee shall have power to elect its own Chairperson and Vice-Chairperson.

- (2) It shall be the duty of the Committee:
 - (a) to consider any Bill, Petition or other matter referred by the Assembly or pursuant to these Standing Orders; and
 - (b) to examine the policy, administration and expenditure of ministries, corporations, entities and agents within the Executive Infrastructure Sector.

PART XXXIV
MEMBERS AND STRANGERS

176. Admission of Strangers into Assembly:

- (1) No stranger shall be admitted into the Assembly without the authority of the Speaker exercised through the Sergeant-at-Arms.
- (2) If at a Sitting of the Assembly or in a Committee of the Whole House, any member brings to the notice of the Assembly or Committee the desirability for the exclusion of all strangers; the Speaker or the Chairperson shall forthwith put the question "That strangers do withdraw", without permitting any debate or amendment.
- (3) The Speaker or the Chairperson may, at any time, order the withdrawal of strangers from any part of the Assembly.
- (4) The Broadcasting of proceedings shall be discontinued during every period for which strangers are excluded in accordance with (2) of this Order.
- (5) No member of the Assembly shall presume to bring any strangers into any part of the Assembly or gallery appropriated to the Members of Parliament while the Assembly or a Committee of the Whole House is sitting.
- (6) The representative of any newspaper or journal may receive a general permission from the Speaker to attend the Sittings of the Assembly: Provided that if the newspaper or journal publishes a report of the proceedings which the Speaker considers inaccurate, unfair, or improper or, if in the opinion of the Speaker the representative behaves in an unseemly manner within the precincts of the Assembly, such permission may be revoked.

PART XXXV
PRIVILEGES AND ETHICS

177. Appointment of Privileges and Ethics Committee:

- (1) There shall be a Committee of Privileges and Ethics to consist of:
 - (a) the Leader of the House or another Member of Parliament nominated from time to time by the Leader of the House;
 - (b) the Leader of the Opposition or another Member of Parliament nominated from time to time by the Leader of the Opposition, and in the event there is no Leader of the Opposition a most senior non government member appointed by the Speaker; and
 - (c) seven (7) other members not being ministers appointed by motion as soon as may be after the commencement of each Parliament.
- (2) Five (5) shall be a quorum. The Committee shall have the power to elect its own Chairperson and Vice-Chairperson from amongst the seven (7) members. The Leader of the House and the Leader of the Opposition; or in the event there is no Leader of the Opposition the most senior non government member appointed by the Speaker, shall not be appointed Chairperson.

178. Raising of Matter of Privilege:

- (1) Any member wishing to raise a matter of privilege shall refer it to the Speaker in writing at the earliest opportunity before the next sitting of the Assembly, or if the matter occurs in the Assembly, it may be referred to the Speaker in writing forthwith. Provided that matters of privilege relating to the conduct of strangers present within the precincts of the House may be raised forthwith in the House and dealt with in such way as the Speaker may determine.
- (2) The Speaker shall consider the nature of the complaint or alleged breach and determine whether a question of privilege is involved.

179. Question of Privilege:

In considering whether or not a matter raised constitutes a question of privilege, the Speaker shall reject matters which are trivial in nature and does not warrant further attention of the Assembly.

180. Members to be Informed of Allegations Against Them:

- (1) Any member raising a matter of privilege which involves another member shall as soon as after raising the matter, fully inform the other member of the matter of privilege raised.
- (2) The Speaker shall not report that a matter involving another member involves a question of privilege without first informing that member that this is intended.

181. Procedure When Speakers Ruling Given:

- (1) If the Speaker considers that any matter raised by a member involves a question of privilege, this shall be reported to the Assembly at the first opportunity.
- (2) Any matter reported to the House by the Speaker as involving a question of privilege shall stand referred to the Privileges and Ethics Committee.
- (3) If the Speaker rules that such matter does not involve a question of privilege, no motion in relation thereto shall be accorded precedence.

182. Precedence to Report of Privileges Committee:

Precedence over other business shall be given to the consideration of any report of the Privileges and Ethics Committee on a question of privilege. No member may speak for more than 10 minutes in any discussion of a Report from the Privileges and Ethics Committee.

183. Matter of Privilege Founded on Document:

Any member raising a matter of privilege concerning a statement in a newspaper, book or other publication shall produce a copy of the newspaper, book or other publication containing the statement in question, and shall be prepared to give the name of the printer or publisher.

184. Maker of Allegation May Not Serve on Inquiry:

A member who makes an allegation of breach of privilege or of contempt may not serve on an inquiry into that allegation.

185. Contempt of Parliament:

Parliament may treat as a contempt any act or omission which:

- (a) obstructs or hinders Parliament in performance of its function;
- (b) interferes with, resists or obstructs any member or officer of Parliament in the discharge of the members or officers duty; or
- (c) has a tendency, directly or indirectly, to produce such a result.

186. Examples of Contempts:

Without limiting the generality of Standing Order 188, Parliament may treat as a contempt any of the following:

- (a) the breach of one of the privileges of Parliament;
- (b) deliberately attempting to mislead the Assembly or a Committee by way of statement, evidence or petition;
- (c) serving legal process or causing legal process to be served within the precincts of Parliament without the authority of the Speaker, on any day on which the Assembly sits or a committee meets;
- (d) removing without authority any papers or records belonging to Parliament;
- (e) falsifying or altering any papers or records belonging to Parliament;

- (f) as a member, receiving or soliciting a bribe to influence the members conduct in respect of proceedings in the Assembly or at a Committee;
- (g) offering or attempting to bribe a member to influence the member's conduct in respect of proceedings in the Assembly or at a committee;
- (h) assaulting, threatening or intimidating a member or an officer of the Assembly acting in the discharge in the member's or the officer's duty;
- (i) obstructing or molesting a member or an officer of the Assembly in the discharge of the member or the officer's duty;
- (j) reflecting on the character or conduct of the Assembly or a member in the member's capacity as a Member of Parliament;
- (k) misconducting oneself in the presence of the Assembly or a Committee;
- (l) divulging the proceedings or the Report of a Parliamentary Committee contrary to Standing Orders;
- (m) publishing a false misleading account of proceedings before the Assembly or a Committee;
- (n) failing to attend before the Assembly or a Committee after being summoned to do so by the Assembly or the Committee;
- (o) intimidating, preventing or hindering a witness from giving evidence to the Assembly or a Committee;
- (p) refusing to answer a question or provide information required by the Assembly or a Committee;
- (q) assaulting or threatening a member on account of the members conduct in Parliament;
- (r) assaulting, threatening or disadvantaging a person on account of evidence given by that person to the House or Committee; or
- (s) a member participating in consideration of a business, fails to declare any pecuniary interest which the member has in that business.

PART XXXVI
BROADCASTING OF PROCEEDINGS

187. Broadcasting of Proceedings:

- (1) The Proceedings of the Legislative Assembly shall be broadcasted on radio during all hours of sitting and shall be available for television coverage.
- (2) Any broadcast of the televised proceedings of the Legislative Assembly shall maintain such standard of fairness as is determined, from time to time, by the Assembly.

188. Employment of Members in Professional Capacity:

No member of the Assembly shall appear before the Assembly or any Committee thereof as Counsel for any party or in any capacity for which he is to receive a fee or reward in any matter to be deliberated by the Assembly or Committee.

189. Assembly May Adjudge Person Disobeying Order Guilty of Contempt:

The Assembly may, on Motion without notice, adjudge guilty of contempt any person, whether a member or not, who wilfully disobeys any lawful order of the Assembly, or who commits any breach of the privileges of the Assembly, whether or not such privileges be set out in the Standing Orders of the Assembly held according to the law and usage of Parliament or otherwise howsoever.

PART XXXVII
CONTROL AND ADMINISTRATION

190. Control and Administration of Legislative Office, Parliament House and Grounds:

- (1) Subject to the right of the Government to control the expenditure with respect to the Legislative Assembly Office and the Estimates relating thereto, and to the provisions of any Act of Parliament:
 - (a) the Clerk of the Legislative Assembly and the Deputy Clerk of the Legislative Assembly shall each be appointed by O Le Ao o Le Malo for a term of three (3) years on the recommendation of the Speaker of the Legislative Assembly after consultation with -
 - (i) the Leader of the House; and
 - (ii) the Leader of the Opposition or in the event there is no Leader of the Opposition the most senior non government member appointed by the Speaker;
 - (b) other officers of the House shall be appointed by the Speaker on the recommendation of the Clerk;
 - (c) the salaries and other remuneration of the Clerk and the Deputy Clerk shall be fixed and determined by the Prime Minister on the recommendation of the Speaker;
 - (d) the salaries and other remuneration of the other officers shall be fixed and determined by the Speaker on the recommendation of the Clerk;
 - (e) the control and administration of the whole of the Parliamentary grounds and the buildings and other erections thereon shall be vested in the Speaker on behalf of the House, whether the House is in session or otherwise.
- (2) Further to duties of the Clerk itemised in Parts X and XI of these Standing Orders, and those prescribed by Act, the Clerk shall be responsible for translation and printing of the Journals, the Official Report of Proceedings, Parliamentary Committee Reports and any other Papers presented to the Assembly. The Clerk shall also be responsible for the translation and printing of Bills for introduction to the Assembly and Bills certified for assent by O Le Ao o le Malo and

Acts passed by Parliament and assented to by O Le Ao o le Malo and shall have the general direction and control of the Legislative Office and all officers employed therein.

PART XXXVIII
TIME-LIMIT OF SPEECHES

191. Time Limit of Speeches in Assembly and in Committee:

The time-limit of speeches on proceedings in the Assembly and in Committees of the Whole House except as provided by Standing Order 89 (Limitation of Debate) shall be in accordance with the limitations set out in the following Table.

TABLE		
IN THE ASSEMBLY	H	M
On the Financial Statement (Appropriation Bill)	0	30
On any Motion or any amendment	0	20
On a Motion to adjourn the Assembly for Urgent Public Matters/Business	0	20
Minister first speaking	0	20
Any other member	0	10
On the Report of a Parliamentary Committee	0	15
On consideration of any "Paper" under Standing Order 53	0	15
On election of the Speaker or Deputy Speaker	0	10
On the Short Title, Clause, or Schedule of a Bill, or any amendment thereto	0	15
IN COMMITTEE OF WHOLE HOUSE		
Any question before the Committee	0	15

**EXCEPTIONS: THESE LIMITATIONS IN THE ASSEMBLY
AND IN COMMITTEE SHALL NOT APPLY TO:**

- (a) a Minister or member in Charge of a Bill, Motion, or other matter;
- (b) a Minister when delivering the Financial Statement;
- (c) a Minister in charge of a class of the Estimates in regard to the number of his or her speeches.

PART XXXIX
STANDING ORDERS

192. Suspension of Standing Orders:

Any member with the prior consent of the Speaker may move a Motion with or without notice that any Standing Order or other Order of the Assembly may be suspended wholly or in part:

Provided that such Motion shall not be moved without notice unless there be thirty (30) members present at the time of moving the Motion.

PART XL
REPEAL

193. Repeal:

The Standing Orders that were in force before are repealed and replaced by these Standing Orders, revised and endorsed by Parliament on Thursday 28 January 2016.

**Printed by the Clerk of the Legislative Assembly,
under the authority of the Legislative Assembly.**