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

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5 PARLIAMENTARY DEBATE

WHAT IS A DEBATE IN PARLIAMENT?

The word 'parliament' is considered to come from the French verb 'parler', to speak. It is not surprising, then, that so much of the time of parliaments, including the Legislative Assembly of Samoa, is spent on debate. Members speak for or against a formal proposition—a motion—that another Member has proposed and then decide on it. When a debate is complete, the Speaker 'puts the question' that the motion—for example that the Assembly agrees that the bill being debated 'be read a second time'—be agreed to. Once that question is decided, either 'on the voices' of Members saying yes or no, or by the majority in a formal count of Members for and against, that part of debate is complete and the Assembly moves on to the next part, to the next proposal, debate and decision, and so on. This Infosheet considers some of the traditions and rules governing debate in the Legislative Assembly of Samoa.



Prime Minister: Hon Tuilaepa Fatialofa Lupesoliai Aiono Neioti Sailele Malielegaoi speaking during 2013 Budget Sitting.

THE SPEAKER'S ROLE IN THE CONDUCT OF DEBATE

If parliaments are all about Members who are elected by the people speaking and being heard, then it follows that many of a parliament's rules, their standing orders, are about the way Members may speak, the kinds of things Members may say, when they may speak and so on.

Central to the rights of Members to speak and to be heard is the role of the Speaker. Traditionally, the Speaker has been parliament's spokesman and representative, defending the independence of parliament—in ancient times in Britain from the monarchy and later from Executive Governments.

One of the Speaker's responsibilities during Assembly proceedings is to manage the conduct of debate: to maintain order and at the same time to protect impartially all Members' rights to speak freely and be heard, within the rules.



Speaker of the Legislative Assembly:
*Hon Laauli Leuatea Polataivao Fosi
Schmidt*

The Legislative Assembly's rules for the conduct of debate are similar to those of many parliaments. Members may speak when they rise in their places and are given 'the call' by the Speaker. They may not direct their speeches to each other, but speak 'through' the Chair and they must refer to other Members by their titles, not their names. This is why Members refer constantly to the Speaker before making their remarks, for example, 'Mr Speaker, I oppose the bill presented by the Minister for many reasons...' Or, 'Mr Speaker, the Honourable Member for ... is not correct when he says that I stated...' Parliamentary debate can be very robust and the purpose of these rules is to ensure Members' remarks are not personal and are focused on the question being debated.

To assist the Speaker fulfil his significant responsibilities the Assembly's standing orders give the Speaker significant powers as Chair of proceedings. The Speaker's decision on a point of order on the rules of debate and maintaining order is final and cannot be reviewed by the Assembly unless a formal motion is moved and agreed to after notice has been given. Members whose behaviour is very disorderly may be ordered to leave the Chamber. Standing orders also remind Members of the formal courtesies due to the office of Speaker. When the Speaker (or Member in the chair) speaks, all Members must return to their seats and remain silent. All Members are called on to stand when the Speaker is about to enter the Chamber and, when he is about to leave the Chamber at the end of a sitting, all Members must rise in their places and remain standing until he has left the Chamber. These rules are designed to encourage respect for the Chair.

Members must also be courteous to each other. They may not interrupt another Member who is speaking unless they are raising a point of order (claiming a breach of the rules and appealing to the Speaker to intervene) or seeking to have a comment by the Member clarified. Members moving between the Speaker's chair and a Member who is speaking must not interrupt the Speaker's view of the Member who is speaking.

CONTENT OF SPEECHES AND MANNER OF SPEAKING

The content of Members' speeches is also guided by requirements in standing orders. These rules demonstrate respect for other institutions and people. For example, Members may not refer to a matter on which a judicial decision is awaited in a way that might damage the interests of the parties to the proceedings. Nor may they use unbecoming words or suggest another Member has improper motives. The conduct of the Head of State, the Speaker, Ministers, Members and Judges ... may not be raised except in a substantive (separate, self-contained) motion. Members

must take responsibility for the accuracy of facts they say are true and they may be required to withdraw allegations if they are unable to substantiate them.

Some standing orders are about efficiency and spontaneity in debate. On most occasions, Members may speak only once in a debate on a question. They may refer to notes and read from documents but they may not read a written speech. When they speak, Members must be relevant to the motion or bill or amendment being considered.

THEN AND NOW

In a modern parliament such as the Legislative Assembly, these rules and customs and requirements for courtesy may seem quaint but their historic foundations are still relevant. Their purpose is to ensure that parliamentary debate is efficient, orderly and civil; that Members exercise their freedom of speech responsibly; and that the Assembly maintains its own role, distinct from Executive Government and distinct from the Judiciary.



Leader of the Opposition: *Hon Palusalue Faapo II speaking in Parliament*

MORE INFORMATION:

The Constitution of the Independent State of Samoa
Standing Orders of the Legislative Assembly of Samoa, 2010
Parliamentary Practice and Procedure Manual, 2012, Legislative Assembly of Samoa
Legislative Assembly of Samoa: www.parliament.gov.ws