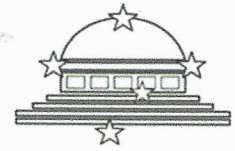




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## Press Release

From the Office of the Speaker of the Legislative Assembly

6 February 2024

The Court of Appeal has given judgment in the appeal and cross-appeal in *Speaker v Malielegaoi & ors*, which arose from the 2022 decisions of the Legislative Assembly to suspend two Hon Members for Contempt for a term of two years.

The Court has decided that while the Legislative Assembly has for many years held and exercised powers to suspend Members under its Standing Orders, that power should have originally been conferred by an Act of Parliament.

The Appellate Court has, on that basis, set aside the suspension of the two Hon Members in 2022; upheld the finding of the Supreme Court that the two Members' salaries should be paid (which in fact has already occurred); and made a quite limited costs award.

After reviewing Parliamentary records, it appears to my office that Parliament suspended the operations of a local newspaper for 3 months in 1986, and had subsequently voted to suspend Members of Parliament for Contempt in 1990, 2004 and 2020 under the authority of Standing Orders

The point of the decision is fairly straightforward, and the Court having reviewed the Constitution and early legislation, decided that the deficiency in our law is simply that successive governments (since independence) have acted by Standing Order, rather than by Act, such as a specific provision in the Legislative Assembly Powers and Privileges Ordinance 1960. This defect can, if appropriate, be quickly remedied. Pending that, the Court has also indicated that the Assembly has power to act in the face of immediate disruption.

Whilst Parliament in dealing with the breach of privilege complaint, sought to follow the disciplinary process and powers exercised by Samoa's Parliament for the last (almost) 40 years where there has been alleged misconduct, the Appellate Court requires those powers to be specifically conferred by an Act of Parliament, and for the benefit of Parliament I intend to address that issue as a matter of urgency.

I welcome the guidance offered in both the Courts' decisions in this matter, and consider that yet another important legal issue has been determined, which ultimately will assist in the smooth conduct of Parliamentary matters in this country, now and for the future.

Susuga Hon Papalii Li'o Otipola Taeu Masipa'u  
SPEAKER OF THE LEGISLATIVE ASSEMBLY