

# Contents

<b>FOREWORD .....</b>	<b>4</b>
<b>ABOUT THIS GUIDE .....</b>	<b>6</b>
<b>A. HOW SAMOA'S PARLIAMENT WORKS.....</b>	<b>7</b>
1. CONSTITUTIONAL FRAMEWORK .....	7
2. PARLIAMENTARY ACCOUNTABILITY .....	8
Parliamentary Privilege in Samoa .....	9
Code of Parliamentary Ethics .....	9
3. PARLIAMENTARY ROLES .....	9
Leader of the House .....	10
Ministers .....	10
Leader of the Opposition .....	10
Speaker .....	10
Clerk of the Legislative Assembly .....	11
Sergeant-at-Arms .....	11
4. PARLIAMENTARY PROCEDURES, PROCESSES AND PROTOCOLS .....	11
Standing Orders .....	11
Hansard .....	12
Orders of the Day .....	12
Parliamentary Commission .....	12
Pre-sittings.....	13
Bills .....	13
Government Gazette .....	15
Debates .....	15
Petitions .....	16
Question Time .....	16

Committees .....	16
Press Gallery .....	17
Dress Code.....	18
5. THE POLITICAL CYCLE – CORE EVENTS.....	18
Elections .....	18
Budgets .....	20
<b>B. PARLIAMENTARY REPORTING.....</b>	<b>22</b>
1. ROLE OF THE MEDIA .....	22
2. SOURCES OF NEWS IN PARLIAMENT .....	23
Broadcasting of Parliament .....	23
Parliamentary Questions .....	23
Petitions .....	24
Papers .....	24
Bills and Debates on Legislation .....	25
News Conferences and Interviews.....	25
Ministerial Statements and Personal Explanations .....	26
Committee Hearings and Reports.....	27
Motions .....	28
Members' Statements.....	29
Hansard .....	29
Government Gazette .....	30
Social Media .....	30
3. CONTEXT AND ANALYSIS.....	31
The Scope of the Parliamentary Reporter's Job .....	31
General Notes on Covering Parliament .....	31
Relationships Between MPs and Reporters .....	32
'On' and 'Off the Record' .....	33

**C. APPENDICES**

Appendix 1:  
Code of Parliamentary Ethics (Standing Order 14).....35

Appendix 2:  
An excerpt from the Media Code of Practice of Samoa .....37

Appendix 3:  
Powers of the Samoan Parliament – Excerpt from Constitution  
of Samoa .....47

Appendix 4:  
Excerpt from the Samoan Constitution regarding  
Freedom of Expression .....56

Appendix 5:  
Global Charter of Ethics for Journalists.....57

Appendix 6:  
Guidelines for Media During Parliament Sitzings and  
General Media Rules .....60

Appendix 7:  
Petitions (Standing Order 57).....62

**D. FURTHER READING.....64**

- Constitution of the Independent State of Samoa
- Standing Orders of the Parliament of Samoa (March 2021)
- Media Code of Practice Samoa (2017)

## **FOREWORD**

I am pleased that this inaugural undertaking has taken place in the 17th Parliamentary Term (2021-2026) where we have managed to effectively collaborate with the Journalists Association of Samoa (JAWS) under the support of the Pacific Media Assistance Scheme (PACMAS) to develop the Samoa Parliamentary Reporting Guide. In essence this handbook provides a brief guide on parliamentary reporting, the MP-Reporter relationship and it is envisaged this guide will enhance journalists' understanding and knowledge on the operations of Parliament and the rights and limitations thereto in regards to reporting of Bills and Parliamentary Papers tabled in Parliament.

We have included as appendices to this Guide, appropriate Articles from the Constitution, Standing Orders and relevant legislation that have an important relation to the work of Parliament.

It goes without saying, that the principles which revolve around responsible reporting is paramount to ensure the MP-Reporter Relationship can exist; to practice impartiality, unbiased, fair, and honest reporting as the work carried out by Parliamentary Reporters is crucial for the information and knowledge of the people we serve.



**Susuga Honorable Papalii Li'o Oloipola Taeu Masipau**  
**Speaker of the Legislative Assembly**

## **FOREWORD**

The relationship between Parliament and the Media has not always been smooth sailing, perhaps because both parties lack understanding of the important role each plays in a democratic country.

Whilst Parliament is respectfully protective of Members of Parliaments privacy, fair and accurate reports of Parliament proceedings, at the same time relies on the Media to deliver outcomes and Parliamentarians views on certain matters to the public.

Parliament needs to be aware of the difference of its relationship with the Media, it however, should not affect the veracity of working with the media.

The Media on the other hand rides on the Freedom of Expression with a vital role of monitoring and analysing the work of Parliament.

The Parliament and the Media may have different perspectives, but one certainty remains, their relationship is inevitable.

That is why I am very pleased with the outcome of deliberation and discussion between the Legislative Assembly Office and the Journalists Association (W) Samoa (JAWS) which culminates in the launch of the Samoa Parliamentary Reporting Guide.

This handbook is equipped with information that will guide reporters when facing challenges of parliamentary reporting and to conduct ethical reporting.

I would like to take this opportunity to acknowledge the support of PACMAS who made it all possible. A special acknowledgement of PACMAS local representative Autagavaia Tipi Autagavaia who has spearheaded this project from the start.

I would also like to acknowledge the support from the Legislative Assembly Office, JAWS members and everyone that contributed to this project.

Thank you.

**Lagi Keresoma**  
**JAWS President**



## **ABOUT THIS GUIDE**

The purpose of this guide is to give journalists assigned to cover parliamentary proceedings in Samoa a basic explanation of how the Parliament works, and how reporters can navigate the system to carry out their important job.

The Constitution of the Independent State of Samoa enshrines freedom of speech, which is the bedrock of journalists' day-to-day work of informing their readers, viewers, and listeners. With that task comes the responsibility of ensuring that their reports are fair, accurate and free of bias – particularly those dealing with parliamentary proceedings.

This guide identifies the main players in the Samoan parliamentary arena and explains their roles and functions. It describes the structure of the Parliament, how legislation is initiated and how it progresses through the Legislative Assembly to become law.

Importantly, the guide explains the rules of debate, and the various stages a bill goes through to ensure every issue is subject to adequate consultation, thorough analysis, and resolution of key points. It covers the key role of elections and the presentation of the Budget, along with protocols journalists must observe in their day-to-day reporting of parliamentary activities.

There are tips on where to find news sources in parliament. Appendices to the guide include key documents you may need to refer to regularly, and advice on where you can find further detailed information.

This guide is a valuable tool for understanding the role of the Parliament in Samoa, and what is expected of journalists in producing concise, impartial, and informative stories about the Parliament and its deliberations.

## **A. HOW SAMOA'S PARLIAMENT WORKS**

### **1. CONSTITUTIONAL FRAMEWORK**

The constitution is a document of central importance to the environment in which journalists operate in Samoa, especially those covering parliamentary deliberations.

The constitution details the structure and powers of Samoa's government – including the Executive, the Legislature, and the Judiciary. The Executive (the government) is responsible for administering laws and delivering government services. The Legislature (parliament) is responsible for making law. The Judiciary (the courts) interprets how the law is to be applied.

The Constitution is the supreme law in Samoa and establishes Samoa as a parliamentary republic with a Westminster system. The Westminster system is used throughout the Commonwealth, including in many parts of the Pacific region, Asia and Africa, as well as Australia, New Zealand, Britain, and Canada.

Samoa's parliament (or Fono) has 51 directly elected Members. It has a unicameral legislature, meaning there is just one chamber of parliament. Elections are held every five years and all adult citizens have the right to vote, but only Matai title holders can contest elections. Two Members of Parliament (MPs) can be elected from separate electoral rolls comprising those of foreign descent.

The powers of the office of the Head of State (otherwise known as O le Ao o le Malo) are detailed in the constitution. The Council of Deputies is a constitutional body that consists of between one and three members, elected by the Legislative Assembly. It acts as Head of State when the O le Ao o le Malo is unable to fulfil their duties due to absence or incapacitation.

The Executive consists of the Prime Minister and a 12-member Cabinet. The Prime Minister is a member of the Legislative Assembly and is appointed by the Head of State for a five-year term.

The Prime Minister is the person who commands the support of a majority of members of the Legislative Assembly. Following an election, the Standing Orders allow the Clerk of the Assembly to declare the Prime Minister duly elected if they are the sole nomination for the post. The Clerk will conduct a ballot if more than one person nominates.

The main task of the Prime Minister is to preside over the Cabinet of ministers, who oversee the general direction and control of the Executive Government of Samoa and are collectively responsible to parliament.

The constitution requires that the Head of State acts on the advice of the Prime Minister and Cabinet. Importantly, no legislation becomes law in Samoa until after the Head of State officially gives assent to it.

The constitution establishes the parliament, consisting of the O le Ao o le Malo and the Legislative Assembly. It provides for the Legislative Assembly's membership, powers, and privileges, as well as the offices of the Speaker, Deputy Speaker, and Clerk.

The constitution can be amended by a two-thirds majority of the Legislative Assembly. This is important to note, as changes can affect the way the government operates. The constitution affirms the fundamental rights of Samoans, including freedom of speech and expression.

## **2. PARLIAMENTARY ACCOUNTABILITY**

The concept of parliamentary privilege has its origins in the British parliament. It has been adopted around the world by nations that adhere to the Westminster system of parliamentary democracy, including Samoa.

Parliamentary privilege is designed to allow MPs to discuss and consider issues of national importance from all angles, without fear of being sued. Parliamentary privilege means that MPs are granted immunity from prosecution for slander and libel for anything they say while they are in the House.

However, if they repeated what they said outside Parliament they are liable for prosecution. Reporting on controversial statements made within Parliament can pose a dilemma for reporters, who are not covered by parliamentary privilege.



A journalist must be cautious when relaying news that could be interpreted as slander or libel in the public arena. There may be a case for the information to be published in the public interest, but that is something your employer needs to be prepared to fight in the courts.

There have been instances where the public interest test was confirmed, but there have also been many cases where it was not. As ever, caution in these circumstances is advisable, and if you do proceed down this path, do so with the consent of your editor and/or legal advisers.

## **Parliamentary Privilege in Samoa**

The constitution guarantees MPs certain privileges and immunities.

Article 13 ensures that MPs, like all Samoans, enjoy freedom of speech, assembly, association, movement and residence. This means words spoken by MPs during Chamber debates and Select Committee hearings, and any words they write in Assembly or Committee reports, bills or motions, or for any other parliamentary matter, are protected from legal proceedings. This is to ensure they can be open and frank in discussing sensitive issues brought before the House.

Members are also free from arrest or detention while the Assembly is in session. The Standing Orders of the Parliament of Samoa also outline parliamentary privileges in addition to the ethical standards that all MPs must uphold.

## **Code of Parliamentary Ethics**

In Samoa, every MP is bound by the constitution to maintain the highest standards of ethical behaviour. The constitution details principles and standards by which each MP should discharge their duties and responsibilities. Breaches can be dealt with by the Privileges and Ethics Committee, or by parliament itself.

The Standing Orders spell out what is required of MPs (see Appendix 1).

## **3. PARLIAMENTARY ROLES**

It is crucial for parliamentary reporters to know who the main office holders in the Legislative Assembly are, and what they do. This knowledge can help you properly plan your approach to a potential story.

It is equally important to understand the basic procedures of deliberations, such as introducing bills, raising points of order, and the rules of debate. Understanding the roles of various office holders and those who support them is vital to the fundamental duties of a parliamentary reporter.

### **Leader of the House**

The Prime Minister is an MP and the leader of the majority grouping in the Parliament that forms government. The Prime Minister is responsible for ensuring government business is managed and delivered through the parliament, but this role can be delegated to a minister, making the minister the leader of government business in the House.

### **Ministers**

Ministers are elected by the government party room to serve in Cabinet and to oversee certain ministries and agencies.

### **Leader of the Opposition**

In most cases, the Leader of the Opposition is the head of the biggest non-government grouping in the Legislative Assembly

### **Speaker**

The Speaker is the person elected by parliament to preside over deliberations. Their rulings are informed by the Standing Orders. A Deputy Speaker is also elected by parliament, who presides when the Speaker is absent. The Speaker is responsible for all administrative and financial matters related to the Parliament and its Members.

Note: It's important that parliamentary reporters are aware that the Speaker has the power to withdraw permission for the media to attend sittings.

The relevant section of Standing Order 176 reads:

“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.”

## **Clerk of the Legislative Assembly**

Appointed by the Head of State, upon the advice of the Speaker, with the approval of the Prime Minister and the Leader of the Opposition. The Clerk is also the Chief Executive of Legislative Assembly support staff.

## **Sergeant-at-Arms**

The role of Sergeant-at-Arms dates to 1415 in England, when an officer was appointed as an attendant for the House of Commons and the Speaker.

Today, in Westminster-style parliamentary democracies around the world, the role is largely ceremonial. One of the key roles of the Sergeant-at-Arms is to be the custodian of the Mace, a weapon of war similar to a club, which is now used a symbol of the authority of the Speaker.

The Sergeant-at-Arms is responsible for placing the Mace on the Table of the Legislative Assembly when the Speaker is in the chair.

As well as attending to administrative duties in the modern parliament, the Sergeant has a major security role: helping the Speaker maintain order during sittings by removing disorderly people from the Legislative Assembly or the public or press galleries.

## **4. PARLIAMENTARY PROCEDURES, PROCESSES AND PROTOCOLS**

### **Standing Orders**

Standing Orders are among the most important tools for navigating parliament. These are rules for how the business of parliament and its committees are conducted. MPs refer to them constantly, and the Speaker's rulings are based on them. However, the Legislative Assembly can change them when it sees fit.

Parliamentary reporters should obtain a copy of the Standing Orders to help them follow and understand parliamentary proceedings. Note that the Standing Orders are reviewed on occasion and are subject to the parliament's endorsement.

It's important to pay attention to the Speaker's rulings as it can be crucial in determining where your story goes. For example, The Speaker may decide something said in the chamber by an MP is contrary to Standing Orders and be removed from the parliamentary record.

## **Hansard**

Hansard is the official record of parliamentary proceedings. It is named after Thomas Hansard, who was the first official printer to the parliament of Westminster in London in the early 19th century.

'Hansard' is the name given to the verbatim transcript of proceedings of the Parliament and its committees. It is published regularly and is available for public perusal on the Parliament of Samoa website (see page 29 of this guide for more about Hansard as a news source).

## **Orders of the Day**

The Orders of the Day is the equivalent of an agenda of bills and other matters that the Legislative Assembly will consider on any one day. It may list matters that have been listed previously and postponed. The House may decide to again postpone certain matters. The Orders paper should be regarded as guide on what potentially may be the subject of debate.

It is wise to keep a copy nearby when monitoring parliamentary proceedings. It can usually be downloaded from the Legislative Assembly website.

## **Parliamentary Commission**

The Parliamentary Commission is a powerful body in the Samoan Legislative Assembly, and is chaired by the Speaker. It comprises the Prime Minister, the Deputy Speaker, and others. It is responsible for the composition of parliamentary committees, and for recommending a program of sittings for each calendar year to the Legislative Assembly.

Significantly, the Commission determines rules for journalists covering the proceedings of the Legislative Assembly. The Commission can consider any disorder issue or complaint that may arise from publicising parliamentary sittings via television, newspaper, radio, or any other media outlet.

This is in accordance with Standing Order 188, which reads:

“Broadcasting of Proceedings: (1) The Proceedings of the Legislative Assembly shall be broadcast on radio during all hours of sitting and shall be available for television coverage and any other means of transmission either live or on demand. (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.”

### **Pre-sittings**

These are regular briefing sessions for MPs, to give them background information on forthcoming legislation. As the name suggests, pre-sittings are convened before a session of parliament. They are usually conducted by public servants, who make themselves available to MPs to answer questions about aspects of proposed legislation. Pre-sitting summaries are posted on the Parliament of Samoa website.

### **Bills**

One of the key powers the constitution gives the parliament is to make laws. A bill is the start of that process. It is a draft law that is introduced into the Assembly by an MP or a minister on behalf of the government. It is then subject to scrutiny and debate and, if the Head of State assents to it, becomes law.

The passage of the bill through parliament is subject to several stages:

### **First Reading**

Once a bill has been published in the Government Gazette (see page 30), it is placed on the parliament's Order Paper.

The relevant minister or MP then introduces the bill.

There is no debate, and consideration is adjourned.

The matter is then placed on the Order Paper for a second reading at a future date.

### **Second Reading**

The government decides which bills on the Order Paper will be brought forward for a second reading.

The second reading of urgent bills can take place on the same day as the first reading.

At the second reading, MPs can speak for or against the proposed legislation.

Amendments are limited and once all MPs who want to discuss the broad concept and scope of the measure have spoken, debate is closed by the minister or MP who introduced the bill. It is then voted on.

If the majority vote against the bill, it is withdrawn.

If the majority vote in favour of it, it is referred to a committee for further consideration.

The Speaker decides which committee it will go to.

### **Committee Stage**

The chosen committee reviews the bill clause by clause.

It votes on each clause and any proposed amendments.

Those interested in the proposed legislation must be given sufficient opportunity to comment on the content of the bill and review the committee feedback.

Once the committee has finished its deliberations, it will report back to the parliament with or without amendments.

Parliament then sits, presided over by the Speaker, and considers in detail the content of the bill as submitted by the committee.

This gives any MP the ability to speak on the content of the bill and suggest amendments.

Once all the clauses and schedules have been debated and voted on, the bill goes to a third reading.

### **Third Reading**

At the third reading stage, the bill cannot be substantively amended. This stage is mainly to allow the Legislative Assembly to decide whether the bill should be approved.

Once all MPs who wish to speak have spoken, the debate is closed, and a final vote is taken.

If parliament approves the bill at the third reading, it is sent to the Head of State for assent.

Once assented to and published in the Government Gazette, the bill is enacted, and a new law is born.

## **Government Gazette**

As in other jurisdictions around the world that use the Westminster parliamentary system of government, Samoa's parliament issues a Government Gazette. The Gazette is like an official newsletter and is specifically mentioned in the Samoan constitution.

It is charged with publishing official government decisions, such as notices of when the Legislative Assembly will sit and notifications of elections. The gazette also publishes decisions of the Land and Titles Court.

## **Debates**

One of the most important aspects of the Westminster system of parliament are the rules of debate, which stipulate that each MP must address remarks via the Speaker to ensure discussion proceeds in an orderly manner and according to the Standing Orders.

The Speaker decides who speaks and can judge points of order raised by other MPs as to whether the MP has breached the rules of debate. For example, the Standing Orders state that the member must not read their speech, but they are allowed to refer to notes or read extracts in support of their argument. Members can also be interrupted by others and accused of "tedious repetition" if they continually make the same points in their speech.

The content of speeches is also subject to rigorous rules, which forbid such things as blasphemous or offensive language. In addition, MPs aren't allowed to say anything prejudicial concerning matters that are awaiting a ruling in the courts.

Members can move that an MP no longer be heard if he or she uses objectionable words or refuses to apologise. Such questions are then put without amendment or debate. This is sometimes referred to as using 'the gag' to prevent MPs from speaking further and to stifle debate.

This sometimes leads to tension in the Legislative Assembly. If the Speaker considers an MP is engaging in 'disorderly conduct' by defying rulings from the chair, the member can be 'named' and suspended from the service of the Assembly. Occasionally, an MP is forcibly ejected from the Chamber by the Sergeant-at-Arms.

The rules of debate are many and varied. Refer to the Standing Orders for full details.

## **Petitions**

A petition is a request in writing from one or more citizens urging parliament to act on a particular issue or take note of that issue. A petition is usually formally introduced to the Legislative Assembly by an MP, who must be a signatory to the petition.

(See page 24 to learn more on the procedures for petitions and how they can be a source of news for parliamentary reporters.)

## **Question Time**

The Standing Orders make provision for questions to be put to ministers relating to their portfolios.

Normally, an MP can give notice of a question, specifying that they require an answer in writing or orally. The questioner must give two days' notice before the date the answer is required.

Members are also permitted to put urgent questions if the Speaker deems it to be in the public interest. One day's notice is required in such circumstances.

Questions are subject to rigorous rules, as outlined in the Standing Orders. Among other things, the rules forbid questions that "contain argument, inferences, opinions, imputations, or contentious, ironical or offensive expressions".

Importantly, members are not permitted to ask questions that refer to debates in the current session or to a case pending adjudication by a court.

## **Committees**

The Parliamentary Commission is responsible for appointing MPs to serve as members of parliamentary committees. The main work of committees is to review bills or petitions referred to them by parliament. They can also conduct investigations into specific issues.

A parliamentary committee has the power to request papers and send for persons to appear before it. A minister may also be present at committee meetings to clarify matters they are responsible for, such as bills, but may not vote.



Committee hearings into evidence on a bill or other matters are open to the public, but the proceedings can't be published by any member of the committee or any other person until the committee has presented its report to the Assembly.

The main standing committees of the Parliament of Samoa are the:

- Standing Orders, Electoral, Petition and Constitutional Offices committees
- Finance and Expenditure Committee
- Social Sector Committee
- Economic Sector Committee
- Infrastructure Sector Committee.

Each committee must have at least five members.

## **Press Gallery**

In Westminster parliamentary systems, the Press Gallery is a physical space in the Legislative Assembly chamber where journalists are permitted to sit and cover proceedings.

Media practitioners who regularly cover parliamentary news often choose to form a press gallery. This is a loose association of journalists, photographers, camera operators and other media reporters.

Some press galleries share the administrative duty of credentialing parliamentary reporters and will assist parliament's presiding officers by drawing up access rules for those media workers sent to cover the proceedings of the House. It can be a useful body that can act as a conduit between the journalists and parliament to ensure the legislature runs smoothly.

A press gallery can provide a point of contact for parliament when it wants to quickly resolve issues concerning a journalist's proper accreditation and access, and other issues that may arise during the discharge of their reporting duties.

A press gallery can also facilitate informal contact between media workers and MPs. This might be through activities like sports events (in which the gallery plays against politicians) or dinners, where political leaders could be invited to give less formal speeches.

Such activities may improve relationships between MPs and working journalists by encouraging them to get together in less adversarial situations.

### **Dress Code**

The Standing Orders stipulate a dress code for MPs and non-MPs (referred to as 'Strangers' in the Westminster system) attending a parliamentary session. Refer to the Standing Orders for the current dress code, which should be available on the parliament website.

## **5. THE POLITICAL CYCLE – CORE EVENTS**

Elections and budgets are possibly two of the biggest events in the political cycle.

### **Elections**

In Samoa, voting for the election of Members of Parliament takes place every five years. It is compulsory for enrolled people to vote.

The Electoral Commissioner is responsible for administering the Electoral Act. The Commissioner's duties include:

- issuing writs for elections and by-elections
- taking responsibility for the conduct of the election and preceding campaign
- supervising any recounts
- maintaining an electoral roll
- keeping a register of political parties
- investigating breaches of the Electoral Act.

The Commissioner is also obliged to report on the conduct of the election, enrolment and voting statistics within six months of the election's conclusion, as well as any substantive issues that arose during the campaign and polling. The six-month reporting period dates from the return of the writ after the election. The writ is the formal process by which an election is called and concluded. The potential for stories from the Electoral Commissioner's report is enormous.

When an election is called, parliamentary reporters are expected to adhere to high standards of fairness and accuracy. It is expected that all parties get a fair share of exposure in print and digital media.

The Code of Practice (see Appendix) also offers solid advice on election reporting, stating it should be “impartial and balanced”.

Following is the relevant excerpt from the Code.

#### 9.1 When reporting elections –

- Ensure that news reports do not favour one political candidate or party over others.
- Do not permit a political candidate to dictate or influence improperly the journalists’ work.
- Grant equal coverage – including opportunities to present arguments on-air or in print – to the principal political parties; and grant a level of coverage to smaller parties and independent candidates appropriate to their status in the electorate.
- If political candidates make critical comments about their rivals or the policies of their rivals, the candidates concerned should be offered the opportunity to respond. If political candidates are invited to speak about general policies (eg, the economy, foreign affairs), they should not also make comments about their individual electorates, unless their rivals are also offered similar opportunities.
- Ensure that any complaints relating to the accuracy or impartiality of news coverage are referred immediately to your supervisor or manager.

#### 9.2 When expressing an editorial opinion –

- Take particular care that editorial opinion is clearly labelled as such and kept separate from news and information about the election.

The Electoral Act contains a clause to which parliamentary reporters should pay particular attention. It specifically warns about publishing defamatory matters during elections.

Clause 90 of the Electoral Act stipulates:

A person is liable on conviction to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding 6 months:

(a) who publishes or exposes, or causes to be published or exposed, to public view a document or writing or printed matter containing an untrue statement defamatory of a candidate and calculated to influence the vote of a voter; and

(b) at a time after public notice has been given by the Commissioner under section 52 (issue of writs for election) and before the close of the poll.

So, it is clear parliamentary reporters play an important role in ensuring Samoan citizens are properly informed when deciding who they will vote for in an election.

## **Budgets**

Creating and presenting a budget is arguably the most important single annual event a government will manage during its term of office. The budget gives the governing party the opportunity to give effect to its policies by deciding how much money will be spent on a range of activities.

It also allows the government to decide how much money it will raise through taxes and charges to implement its agenda.

There is intense public interest in the so-called 'budget process', which begins with months of consultation with the community about what should be in the budget before it is presented.

In Samoa, the *Public Finance Management Act 2001* requires the finance minister to give a written budget address, which is available to parliamentary reporters at the time of its delivery.

The minister's budget address includes:

- a budget statement, with supporting financial, statistical, output performance and other information
- a statement providing a projection of expenditures for each category of outputs for the ensuing financial year.

It will also provide projections for the two years following that financial year including:

- the details of the estimated revenue of the government
- the details of the estimated expenditures for each department
- the government's debt management responsibilities and, where applicable, the details of a financial plan to meet those responsibilities
- a statement that the annual budget is fiscally responsible.

In addition, as part of the budget address, the minister must submit a statement on the government's fiscal strategy to the Legislative Assembly.

These all set the tone for the budget debates that follow the presentation and form the basis of political discourse for months.

As part of the budget address, the finance minister tables two documents:

1. the Appropriations Bill, which gives an approximate calculation of the revenue and capital the government requires for the financial year ahead;
2. a schedule to the Appropriation Bill, known as 'estimates', which details the amount of funds the government wants to raise (revenue) and where it intends to focus its expenditure.

The budget bills are then subjected to legislative stages similar to that of normal bills (second and third readings etc.) (see page 14). Significantly, while parliament gets to debate the provisions of the budget, MPs cannot rewrite it, although they can make limited adjustments to amounts spent.

After the second reading motion has been passed, debate is adjourned and the bills are referred to parliament's Finance and Expenditure Committee for 14 days of consideration.

When the bills are returned to the Legislative Assembly, debate is confined to the financial and economic state of Samoa and the government's financial policy.

Once the Appropriations Bill and estimates are endorsed by parliament, they are subject to ongoing review by the Finance and Expenditure Committee.

## **B. PARLIAMENTARY REPORTING**

### **1. ROLE OF THE MEDIA**

Reporters should have a working knowledge of parliamentary proceedings (including Standing Orders and rules of procedure) so parliamentary debates and deliberations are reported accurately and fairly. A parliamentary correspondent is also expected to put developments into perspective and appreciate that it is the constitution that outlines the structure of the Government of Samoa.

The media acts as the public's eyes and ears in parliament. It is often called the 'Fourth Estate', which refers to the power of the press to influence political and social debate, outside the other three 'estates' in modern politics: the Executive (the government), the Legislature (parliament) and the Judiciary (the courts).

This section of the guide will take you through the challenges of parliamentary reporting, explain what is expected of you ethically and legally, and set out the environment in which you will work.

You will learn that the complexities of parliament present challenges you may not be able to deal with on your own. It's important that you don't avoid seeking advice from your editor or line manager if you have doubts about a story.

The Journalists Association of Samoa (JAWS) seeks to promote and enhance professional journalism. The association advances the development, application and enforcement of a code of practice relating to the news media.

The Media Council is a self-regulatory industry body. It has a complaints mechanism so that alleged breaches of the Samoan Code of Practice can be investigated (see Appendix 2).

JAWS also endorses the International Federation of Journalists' Code of Ethics, which outlines the ethical principles and standards that a journalist should uphold in the conduct of their work in Samoa (see Appendix 5).

## **2. SOURCES OF NEWS IN PARLIAMENT**

For journalists, parliament is an important source of information for stories. If the story doesn't originate there (through legislation or debate), it will return to the legislature in some form, at some stage.

The community refers important issues to parliament for debate and for reform through legislation. The media plays a crucial role in reporting on this process, and impartiality is an important consideration.

Reporters have an obligation to present a fair and accurate account of proceedings. Statements made in the House (for and against a proposition) should be conveyed to readers, listeners or viewers in a balanced manner.

This can be difficult to achieve in a parliamentary setting, due to the cut and thrust of debate in the chamber. In some instances, it may be difficult to obtain a contrary stance to a statement, but efforts must be made to secure it.

Some of the sources of news for parliamentary reporters are covered in the following sections.

### **Broadcasting of Parliament**

In Samoa, parliament is broadcast on the government's Digital Channel and live on the radio station 2AP. It is also streamed live on parliament's YouTube and Facebook pages. Reporters can tape and re-broadcast excerpts from the proceedings (see Appendix 6, Guidelines for Media During Parliament Sittings).

Parliament Sittings are a ready source of material for reporters, who should ensure they have suitable devices to record the proceedings for reference purposes when composing stories. Remember, accurately reporting what was said in the Legislative Assembly is the key task of a parliamentary reporter.

### **Parliamentary Questions**

Question time is probably the most information-rich part of the parliamentary session as it involves ministers being asked questions. Keep a close eye on these for story leads. Written questions and answers are another source of stories – look out for them.

Another potential story is if the minister fails to answer in the required time. The circumstances surrounding this could be of public interest. This is another occasion when a copy of the questions would assist you in formulating a story. Oral questions are a big opportunity for a minister to be tested on the floor of parliament.

Question time is perhaps one of the few avenues for questions to be asked of ministers with relatively short notice. (See page 16 for an explanation of rules regarding written and oral questioning procedures.)

## **Petitions**

Petitions are a mechanism for a grass roots issue to be elevated to national prominence. Something originating in a local community can make its way to the national political agenda and can be the start of an ongoing story.

This is especially true if the case attracts the attention of the Legislative Assembly and is referred to a committee for further investigation. The content of petitions can often form the basis of many stories and follow-ups.

Petitions give Samoan citizens the opportunity to directly influence parliament's agenda. Petitions require at least one signature from a Samoan citizen and the endorsement of an MP who is willing to table it in parliament.

Once a petition meets these requirements, there will be no debate on its contents before its referral to a committee for further consideration. In Samoa, a committee has three months to report back to parliament on a petition that has been referred to it. (See Appendix 7 for Standing Order procedures for dealing with petitions.)

## **Papers**

Parliamentary papers and reports are a rich source of information for parliamentary reporters. They form a key part of the order of business for a sitting. Journalists should note the list of documents read out by the Clerk. They can include annual reports from government departments, which may provide substantial story leads.

Reports from bodies such as the Ombudsman or the Auditor-General can be particularly newsworthy. It is worth checking with the Clerk's Office



whether such documents are in the public domain and therefore can be the subject of news reports – and if copies can be downloaded from the parliament’s website.

## **Bills and Debates on Legislation**

Parliamentary reporters should learn how legislation is prepared, debated and enacted. Once you appreciate the genesis and development of laws, you have mastered a key requirement of your craft.

Keeping track of the passage of a bill through parliament can be time-consuming, but once you know how to read and interpret legislation to a basic degree, you can distil key points and inform your audience.

Getting details right is important. Until a bill is enacted, it remains a ‘proposal’, and you should take great care to point that out. Similarly, where an amendment is suggested, it remains a “proposed change” until passed.

These things can be important to citizens who may believe they are adversely affected by legislation, but who may be unaware that a bill must still undergo a period of public consultation.

Parliamentary debates can be tedious, but if you have the time and the inclination, they can be quite instructive about the nuances of some issues.

(For more on how legislation is developed and passed into law, see Section A)

## **News Conferences and Interviews**

Ordinarily, the government or political parties will alert reporters to upcoming news conferences where announcements will be made. They may also make themselves available to reporters to comment on an issue.

News conferences normally start with a statement by the person or people who have organised the event to answer questions.

It is accepted practice that once questions on the relevant matter have been exhausted, reporters are entitled to ask questions on other matters. These would normally be on issues that have arisen outside parliament,

but also may be relevant to a minister's portfolio or to issues affecting the government as a whole.

Less formal interactions between MPs and reporters typically involve a journalist, or journalists, approaching an MP for comment in the approved access zones within the parliamentary precinct, or practically anywhere in public.

In some circumstances, an MP may decline to comment. Depending on the importance of the story, it is within the reporter's rights to ask questions of a reluctant subject. However, it is important that in the pursuit of the story, journalists do not harass or physically bar the MP of interest from going about their business.

In Samoa, the Speaker has issued general media rules to be observed during sittings. They stipulate the importance of gaining an MP's approval for an interview, and that interviews should only be conducted within designated areas of the parliamentary precinct.

(See Appendix 6, Guidelines for Media During Parliament Sittings.)

### **Ministerial Statements and Personal Explanations**

Parliamentary reporters must be alert to newsworthy opportunities in the Standing Orders.

Ministerial statements are quite common and may be made at any time by ministers. They allow the government to give prominence to an issue. It could be a policy announcement or a response to an issue that has emerged outside parliament, or even outside the country.

On important occasions such as the occurrence of a national disaster, the Prime Minister may make a broad statement that is followed by further detail from relevant ministers.

No debate is allowed on ministerial statements, but members can request that a statement be printed and tabled for future consideration.

In a similar manner, any MP may seek the permission of parliament to explain matters of a personal nature. Again, such matters cannot be debated and should be confined to members defending their conduct. The terms of any statement must first be submitted to the Speaker.

These statements can arise at any time, and usually generate fresh stories or significant developments to ongoing ones.

## **Committee Hearings and Reports**

Committee meetings are a very important source of parliamentary stories outside regular sitting days in Samoa.

Most bills, and all annual reports, are referred to the relevant committee for consideration. This can be of public interest because committees will usually hold public evidence sessions. However, the proceedings cannot be published by any member of the committee or by any other person until the committee has presented its report to the Assembly.

In some cases, a witness may request to give evidence in a closed session of committee members only, during which the committee room is cleared. The Standing Orders outline the rare occasions, such as relating to national security, when this might be possible. In Samoa, most committee sessions are private and closed to the public.

Bear in mind that the evidence given 'in committee' is just that. It is designed to inform parliament, and what parliament decides to do with it is the preserve of parliament. It is common for parliament to note or delay acting on recommendations from committees.

It should be noted that before a committee reports to parliament, members of the committee may be divided on an issue.

A committee report to the Legislative Assembly must be supported by the majority of its members, but the Standing Orders allow the chairperson to exercise discretion to:

- permit a member to submit a minority report to attach to the committee report
- permit the committee to footnote the member's opposing views in the report.

Sometimes details of the most contentious findings by a committee can be leaked before the issue is considered by parliament. The House usually disapproves of such things and may decide the action is in contempt of parliament.

## Motions

A variety of motions come before the House, and all are rich in content for potential news stories.

One of the most important is the *no confidence motion*. It is rare for such a motion to be moved, let alone passed. But, in political reporting, you should be aware of any remote possibility, so that when it occurs you can recognise what is unfolding and appreciate its significance.

Another important motion is a *dissolution of parliament motion*, which, if passed, instigates an election campaign. However, there are significant conditions surrounding such a motion, mainly in the lack of confidence in the government.

*Motions of Public Urgency* usually prove very newsworthy. The Speaker must receive written notice of the need to discuss a matter of urgent public importance, and the proposed subject matter, an hour before the scheduled sitting of the Assembly. The Speaker will also need the names of those who wish to speak. If the Speaker allows discussions to proceed, the Standing Orders stipulate that they should not exceed 60 minutes.

When a former prime minister, MP or other significant public figure dies, parliament may choose to move a *motion of condolence* as a mark of respect, so that person's passing is noted.

The motion allows anyone in the House to say a few words about the person and their contribution to public life.

Members are also permitted to lodge *motions for debate* in a bid to get the government to reply to the issue raised, on the record in parliament. The motion can't be related to a bill or a committee's report. If passed, the motion has no legal authority that requires action, but it is an expression of parliament's opinion, and forces the matter to be debated in the Legislative Assembly.

*Adjournment debate motions* are a significant opportunity for members to air important local constituency matters. The last hour of the sitting is normally turned over to MPs to detail their concerns. The government has the right of response without debate.

## **Members' Statements**

One sitting day is usually set aside for the consideration of non-government business. Be aware that proceedings on this day have great potential to generate stories.

It is one of the few days in the parliamentary sitting calendar that, in theory, is not driven by the government agenda. It could provide some interesting perspectives on debate of issues that may not be routinely discussed.

In Samoa, the government may arrange the order of its business as it deems appropriate and decides what takes precedence over private members' business - except on the third sitting day of a sitting week which is set aside for the sole purpose of private members' business.

This does not apply when parliament considers the Appropriation Bill and associated legislation.

## **Hansard**

It is good practice for parliamentary journalists to review Hansard when it is published. Hansard is the official record of parliamentary proceedings, captured by Hansard reporters taking shorthand notes of everything that is said in the Chamber. Hansard reporters will cross check their notes against a tape recording of the proceedings to ensure the accuracy of their transcript.

As a further check, MPs in Samoa have four days from the date of dispatch to peruse what's known as a 'galley proof' or a first draft of proceedings in Hansard, to enable them to correct errors, like mispronounced names or places, or figures that are wrong. Apart from those things, they cannot change what they said in the House. If the dispatch is not returned within the four days, it is published without correction (Standing Order 42 [3]).

As parliament can be subjected to avalanches of information at times, it is not uncommon that potentially good stories may go unnoticed. Therefore, it can be worthwhile to scan Hansard to pick up pieces of information that otherwise escaped your attention and could form a lead for a story.

## **Government Gazette**

This document is essentially the official government newsletter. In it you will find details of legislation that have been signed into law by the Head of State. Certain regulations will also be proclaimed.

Regulations covering a variety of activities are ones the government can invoke without reference to parliament. They are usually of a technical nature, and generally concern the implementation of legislation already passed through parliament.

The Gazette is also the place where announcements of appointments and resignations in the public service are made.

Like Hansard, it is a good document for parliamentary reporters to regularly peruse to pick up snippets of information.

## **Social Media**

The influence of social media has dramatically changed the political landscape, so much so that parties are embracing it as a key campaign tool.

It is a fact of modern life that people are increasingly turning to social media platforms to get their news. News organisations use various social media platforms to offer their product to readers, viewers and listeners. This is generally a positive means of harvesting and sharing vital information, especially when news breaks.

However, the challenge for traditional news services is to treat any information gathered from these platforms with caution. Often the information is unsubstantiated, anonymous and not subject to the standards expected of mainstream journalists.

Anonymous blogs can be quite damaging in the political arena, and while they might divulge sensitive information, they can also be purveyors of slander and libel.

Take extreme care when dealing with information from social media. Be aware that it must stand up to the rigour of intensive investigation and meet all the requirements of the Media Code of Practice and the Charter of Ethics (see Appendix 2 and 5).

### **3. CONTEXT AND ANALYSIS**

#### **The Scope of the Parliamentary Reporter's Job**

It is the duty of journalists to report current developments in the parliamentary arena, but audiences also need to know context and background. It is useful to remind people of how a story got to its current stage.

Gaining access to information sources (such as copies of bills) is essential to providing this background, which enhances your coverage and gives context to your reports. Every bill that comes before parliament contains a summary of what it proposes to do and who it may affect.

Tapping into this source of information will greatly benefit your reporting, but the public appreciates analysis rather than just the bare bones of what the government and opposition say.

We must not assume the public understands the ins and outs of every story from parliament. Get into the habit of providing a succinct paragraph or two to explain the story so far. You can then build on this by quoting relevant experts – such as academics or others – on the likely effects of a bill, the possible consequences of a government decision, or the need for further investigation into an issue.

This gives context to your story and makes it easier for readers to get access to, and perhaps engage with, the information conveyed to them.

#### **General Notes on Covering Parliament**

Don't get bogged down in reporting on the machinery of government, or the fine detail of parliamentary procedure. It will take up too much valuable space in your report and will be of limited interest to your audiences.

By learning to follow what is happening in parliament, you will become adept at conveying in succinct terms what has happened. People are more interested in getting the key quotes and explanation of developments in parliament rather than the number of points of order that were taken, or the number of divisions required to get the outcome.

In the majority of situations, it can be encapsulated in something like: "After a protracted debate, lasting almost three hours, parliament has decided to ..."

The key point is not how they got there, but what they said and decided, and the significance of those actions.

Grappling with the multiplicity of stories coming out of parliament will always be a challenge. Learn to prioritise stories. Go with the ones that are current and the most newsworthy. Bookmark a story and return to it when time and key information become available.

Exercise caution in using some legislative terms without explanation. They can have specific legal meanings. Take care not to dilute the meaning of terms to assist your readers' understanding. Use simple language to try to explain complex issues, but not at the expense of oversimplification, which may convey a different and incorrect meaning.

### **Relationships Between MPs and Reporters**

MPs rely on journalists as a means of interacting with the communities they represent. Equally, the community expects journalists to be fair and accountable in the way they report MPs' activities.

That means subjecting the MPs' statements and actions to fair and reasonable scrutiny. A media report should never be a simple rehashing of a government or opposition press release. Your story should give both sides of an issue. If this is not possible, explain to the readership the efforts made to present a balanced report.

Attempting to get information out of an MP, a minister or a government department is the central challenge for parliamentary reporters around the world. The free flow of information between journalist and information holder is not always possible, for a variety of reasons. In some instances, what is sought by the journalist takes time to collate. Other times, the nature of what is asked can be sensitive for the MP, the government or the opposition. This is where the accountability of MPs and the government must be balanced against the public's legitimate right to know.

All types of reporters experience this situation, but in the parliamentary arena, the tussle over information has a political dimension that makes it difficult for both sides. It's frustrating for the journalist to be denied information or to experience delays in getting it. Releasing certain information can have significant ramifications for MPs or the government. This is not to say that journalist should not release the information.



In most cases, routine information flows between MPs, governments and journalists. It is just in the case of sensitive information where journalists' pursuit of information can cause tension.

There can sometimes be legitimate reasons for the reluctance of MPs and governments to release certain information. Those reasons can include matters that may be before the courts, or the subject of litigation, or if the information sought is considered 'commercial in confidence'.

It is also important to note how the Standing Orders deal with the financial interests of MPs. This can sometimes become a story and, if written about, may affect the MP-reporter relationship.

### **'On' and 'Off the Record'**

Not reporting on conversations that are considered 'off the record' is probably one of the great unwritten rules of all types of journalism, but is especially important in the context of parliamentary reporting. The question of trust is essential to developing a relationship with an MP.

An MP must learn to trust you with confidential information and information used for publication or broadcast. To assist your understanding of an issue, an MP might tell you something 'off the record'. This means this knowledge assists you in crafting the story, but you cannot attribute it to the MP. As with all unsourced material, it should be handled with care. Use it as building block for your story, but subject it to your normal cross checking to verify its veracity.

Bear in mind, the MP who has tipped you off to the information may have an ulterior motive. Then again, they may not. Exercise care and ask yourself some basic questions: why am I being told this, and will it benefit the MP in any way if I publish it?

When beginning a discussion with an MP, it is important to lay the ground rules so both parties have a clear understanding of what is said either on or off the record. It could be that during the conversation you dip in and out of the two.

This method normally leads to a better story because the background has been explained to you, albeit through the prism of one MP. In turn, you should be able to convey the nuances of complex matters to your readers, viewers or listeners.

Again, using this method to cross-check stories with other MPs should give you an appreciation of all sides of an issue, and make for a better story.



**Opening of the new Parliament House in May 2019**

Prime Minister Tuila'epa Sa'ilele Malielegaoi and Deputy Prime Minister Fiamē Naomi Mata'afa are joined by representatives of the Australian government.

Photo credit: Tipi Autagavaia

## **C. APPENDICES**

### Appendix 1

#### **Code of Parliamentary Ethics (Standing Order 14)**

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.

## Appendix 2

### **An excerpt from the Media Code of Practice of Samoa**

Developed, applied and enforced by Media Council of Samoa and Journalists Association of Samoa (JAWS)

News and information media play an influential role in creating (or potentially disrupting) a nation's sense of identity and common interest. Media help to assemble the picture that citizens have of one another and frame the context of issues being debated in public.

In Samoa, as in other Pacific island countries, media are essential to nation-building processes and they offer communication platforms for government, business and civil society. The quality and conduct of the nation's media sector is therefore important to all of us. Samoa's Constitution guarantees certain fundamental rights, including freedom of speech, which apply to journalists and other media practitioners. But the 'price' of freedom is responsibility.

In 2015, Parliament enacted the Media Council Act, with the primary purpose of promoting professional journalism and for related purposes in a fast changing media environment, including advertising. The Act established the Media Council with membership drawn from media practitioners and the general community. It also gave legal recognition to the Journalists Association of Samoa (JAWS) as both a body representing its members and one to provide administrative support to the Council.

A principal responsibility of JAWS and the Media Council, under the Act, is to develop, apply and enforce a Code of Practice that applies to all members of the media operating in Samoa. The Code represents an attempt to balance the concepts of media freedom and responsibility.

It will be a 'living document' that the Media Council and JAWS, in consultation with key stakeholders, will monitor and review over time. Although a product of legislation, the Code of Practice gives strong emphasis to the importance of media self-regulation.

The best outcome would be for members of the media to address complaints from the public and take whatever action may be required to acknowledge or correct any identified breaches of the Code of Practice. Ideally, the Media Council would be seen as a tribunal of last resort. When necessary, however, the Media Council Act empowers the Council to consider complaints about breaches of the Code of Practice and to impose remedies or penalties against the member of the media concerned.

# **SECTION I**

## **SAMOA EDITORIAL CODE OF PRACTICE**

For reporters and writers, interviewers and presenters, editors and producers who practice in Samoa. Only a strong argument, in the public interest, would justify a lawful exception.  
**WHEN IN DOUBT, REFER UP TO YOUR SUPERVISOR OR MANAGER.**

This Samoa Editorial Code of Practice is in two parts:

- A – Core Principles
- B – For Detailed Reference

### **A - CORE PRINCIPLES**

#### **1: Be accurate; do not mislead:**

##### 1.1 When collecting and editing news –

- Report honestly what you see and what you are told by witnesses and/or sources qualified to speak about the story. Do not take sides.
- Seek comments to represent a range of significant views when there are differences of opinion about an issue.
- Check your facts; do not rely on hearsay, gossip or social media for information, without checking sources.
- Check the correct spelling and pronunciation of names, titles and places.
- When translating from one language to another (Samoan, English), use direct quotes only when you are certain of their accuracy; otherwise paraphrase (tell in your own words) what the source said.
- Allow fair opportunities for a person or organisation to respond to published allegations or criticisms against them. Ensure the right of reply is applied.

##### 1.2 When writing or broadcasting news commentary and opinion –

- Identify clearly what is comment and what is news (factual).
- Represent a range of opinions on a significant issue over time.

### 1.3 When a mistake is identified –

- Publish a correction and apology as soon as possible.
- Offer an opportunity of reply to someone affected significantly by an editorial error.
- Publish the findings of any legal action taken in relation to a story (e.g. defamation) unless, as a result of mediation, the parties agree not to publish.

## **2: Report fairly and with respect for others** (more detail in Part B):

- 2.1 While exercising the right to free speech and expression, respect Samoa's tradition, culture and community values (refer 3.2 below).
- 2.2 Do not allow personal influences – conflicts of interest - to cause bias or unfairness in reporting (eg, due to family or community connections, business interests, receipt of gifts, personal beliefs).
- 2.3 Respect people's privacy and dignity, and children's wellbeing (6).
- 2.4 Do not copy (plagiarise) other people's work without giving them credit (5.6).
- 2.5 Take reasonable steps to protect confidential news sources.(5.5).
- 2.6 Take care of self and others when reporting suicide, violence and other shocking or sensitive matters (refer 7).

## **B - FOR DETAILED REFERENCE**

### **3: Understand the law as it affects Journalism in Samoa**

- 3.1 Media Council Act (2015) All journalists working in Samoa should read and be familiar with the Act (and Code of Practice) because it applies to all members of the media (refer to the Glossary of terms in the Addendum to this Code). The Media Council may order a member of the media (the respondent) to take remedial action and/or fine it up to 50 penalty points (SAT\$5,000) if it is found to have breached the Code. If the respondent fails to comply with an order:

- It will be removed as a member of the media or of JAWS until it complies with the order.
- The Media Council may apply to the Court for an order of the Court to compel the respondent to comply with an order of the Council. It is important to note that the Act and this Code of Practice apply not just to mainstream or 'professional' news media and not just to professional journalists or individuals who receive payment for their journalism. It covers all those who create content that may reasonably be considered to be news or news commentary. Part 2 of the Act defines a member of the news media to be any person or organisation: "... engaged in the practice of collecting, writing, editing and presenting news or news articles on magazines, newspapers, radio or television broadcasts, over the internet or in any other manner."

### 3.2 The Act attempts to draw a balance between media freedom and social responsibility:

- The fundamental right to free speech and expression (Part II of Samoa's Constitution)
- Respect and acknowledgment of "Samoan tradition, culture and community values". (Clause 4(2) of the Act.)

## **4: Establish and administer an in-house process for complaints handling**

### 4.1 Self-regulation

- Each member of the media is advised to establish an in-house process for receiving and responding to complaints relating to alleged breaches of the Code of Practice.
- Each member of the media will make all reasonable effort to respond to the complainant within five working days from the date the complaint is received even though final resolution of the matter may take longer. (After five days from lodging the complaint, by law, the complainant has the option of referring the matter to the Media Council if it has not received a satisfactory response).



## 4.2 Media Council

- Any member of the media called before the Media Council to respond to a complaint will represent itself honestly and in good faith, and in the public interest.

## 5: Uphold high ethical standards of personal conduct as a journalist

### 5.1 Declare any relationship that might result in a perceived conflict of interest when performing your professional duties –

- Make known to your supervisor any relevant prior connection with a subject, whether through family members, friends or close associates, and/or organisations, from which you have received some benefit.
- Assess the significance of any declared conflict of interest and consider reassigning the person to an unrelated task.
- Attach to any story published or broadcast a declaration whenever the journalist or publisher has received a benefit associated with the coverage (for example, a paid airfare to attend and report on a conference or event).

### 5.2 When offered gifts at cultural, government or commercial events –

- Under no circumstance shall journalists accept monetary or any other form of gift in the course of their work.
- At all times, journalists will seek to uphold the independence of journalism, avoiding any circumstance that could be seen to be bribery. (Note: journalists are required to exercise their judgment cautiously on the matter of what constitutes a 'gift'. The definition of gift does not include, for example, light refreshments offered to all those attending a public event. But it does include items of particular value and anything offered specifically to journalists that may be intended to influence editorial coverage.)

### 5.3 If a news organisation finds it necessary for editorial staff to help identify advertising or sponsorship prospects

- Editorial staff must refer any interested advertiser or sponsor to their sales manager; editorial staff must not negotiate directly or finalise an agreement.
- Any spotter's commission or other reward must be issued by, and at the discretion of their employer, never by the advertiser or sponsor to editorial staff.

#### 5.4 Whenever possible –

- Use the correct name and title of a person who provides information for a story with the expectation that the information may be published.
- When recording an interview or taking notes, inform the interviewee that you are doing so.

#### 5.5 In circumstances when a news source speaks “off-the-record”, that is, on a confidential basis –

- Reach an explicit understanding that information may be used so long as the source is not identified.
- Consider the motive of the source in offering information on an anonymous/confidential basis (i.e., whether a particular self-interest lies behind the decision of the source to provide information).
- Try to verify or fact-check information provided by an anonymous source.
- Respect the confidential nature of information provided knowingly and willingly by the source.
- Take reasonable steps to protect the identity of sources, including any documents, which should be stored in a secure place.

#### 5.6 Do not copy (plagiarise) other people’s work without giving them credit –

- Seek permission from the journalist/main author of the content in question.
- Acknowledge the source of information used. Respect the copyright or moral rights held by an author of material
- Avoid using news releases or other public relations content without checking information and naming the source.

### **6: Respect people’s privacy and dignity:**

#### 6.1 Intrude only when there is a strong editorial reason to do so, in the public interest -

- Avoid intruding on the lives of people in situations where they would normally expect privacy (for example, at home, with their families, off-duty).
- Be respectful and sympathetic when approaching people in situations of shock and grief (for example, deaths, victims of crime, victims of natural disasters or civil unrest).
- Notify survivors or families, in advance, if they figure in stories (especially photographs, video or sound reports); and keep such coverage of survivors or families to a minimum.
- Do not harass or intimidate or deceive people when obtaining information (for example, identify yourself as a journalist).

## 6.2 Do not discriminate unfairly –

- Ensure that editorial coverage respects the identity of all people regardless of their ethnic background, age, gender, marital status, sexual preference, physical appearance, physical or mental disability, religion or other beliefs.

## **7: Protect the welfare of children:**

### 7.1 At all times, consider the vulnerability and wellbeing of children -

- Do not interview, photograph or film a child or children, aged under 18 years, without first obtaining consent from the parent or other responsible adult.
- Do not approach or photograph or film a child or children at school or in other comparable situations (for example, supervised youth or church groups), without first obtaining consent from adults responsible for their care.
- Do not identify children aged under 18 years as victims of or witnesses to sexual crimes.
- In a case of incest, do not identify the child; only identify an adult associated with the case if this can be done without suggesting a relationship between an accused person and the child (and which therefore identifies the child).
- Do not make payment to a child; only make payment to a parent or guardian if it is in the interest of the child rather than to exploit the child.

- Refer to the published UNICEF guidelines on the reporting of children, when in doubt (see 3.8 in the Selected Information Resources section of the Addendum to this Code).

## **8: Take care when reporting suicide, violence and other sensitive matters:**

### 8.1 When reporting suicide –

- Verify with an appropriate authority, such as police, National Health Services or the Coroner, that suicide was the cause of death, and always cite the relevant authority in news coverage.
- Do not report details of the event, including the means by which death occurred, and do not publish any explicit images of the event.
- Use language with due consideration for the family and friends of the deceased person.
- Do not glorify the act of suicide or the method used. Where possible, include in any editorial coverage the address of a medical or other suicide prevention service, which could offer help to other persons who may consider taking their own lives.

### 8.2 When covering shocking, sensitive or emotionally painful situations –

- Report with integrity, exercising the fundamental right of free speech and expression (Part II, Clause 13(a) of the Samoan Constitution); but avoid the use of language or images that may cause unnecessary offence or worsen sensitive situations.
- Respect the generally accepted tradition, culture and community values of Samoa (as referred to in Clause 4(2) of the Media Council Act (2015).
- When visiting hospitals or other medical facilities, always identify yourself as a journalist and seek official permission before approaching patients.
- Respect people's privacy and dignity, especially vulnerable children.

- Take reasonable precautionary measures to protect your own safety in these situations and be mindful of the trauma you may experience. Refer to advice and resources available from the Dart Centre Asia Pacific to assist with preparation for and the coverage of stories of this nature (refer to 3.6 in the Selection of Information Resources section of the Addendum to this Code).

### 8.3 When reporting crime, including domestic violence –

- Do not glorify or incite crime or anti-social behavior.
- Do not identify victims of domestic violence and sex crimes; and do not identify the village of victims or provide any other information by which the victims can be identified.
- Do not identify anyone under 18 years who is accused of a sex crime.
- Do not identify the relatives and friends of an accused child, unless there is a strong reason to do so.
- Do not pay criminals or their associates.
- Do not pay witnesses to a crime unless and until a trial has finished and the verdict is not being sent to appeal.

### 8.4 When referring to people with disabilities –

- Take care that the language used with reference to such persons is appropriate and respectful.
- Ensure that reportage does not discriminate unfairly against such persons (refer to 4.0 in the Selection of Information Resources section in the Addendum to this Code for advice).

## **9: Election reporting should be impartial and balanced:**

### 9.1 When reporting elections –

- Ensure that news reports do not favor one political candidate or party over others.
- Do not permit a political candidate to dictate or influence improperly the journalists' work.

- Grant equal coverage – including opportunities to present arguments on-air or in print – to the principal political parties; and grant a level of coverage to smaller parties and independent candidates appropriate to their status in the electorate.
- If political candidates make critical comments about their rivals or the policies of their rivals, the candidates concerned should be offered the opportunity to respond.
- If political candidates are invited to speak about general policies (eg, the economy, foreign affairs), they should not also make comments about their individual electorates, unless their rivals are also offered similar opportunities.
- Ensure that any complaints relating to the accuracy or impartiality of news coverage are referred immediately to your supervisor or manager.

## 9.2 When expressing an editorial opinion –

- Take particular care that the editorial opinion is clearly labeled as such, and kept separate from news and factual information about the election.

**Powers of the Samoan Parliament –  
Excerpt from Constitution of Samoa**

**PART V - PARLIAMENT**

**42. Parliament**

There shall be a Parliament of Samoa, which shall consist of the Head of State and the Legislative Assembly.

**43. Power to make laws**

Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of Samoa and laws having effect outside as well as within Samoa.

**44. Members of the Legislative Assembly**

1) Subject to the provisions of this Article, the Legislative Assembly shall consist of:

a) one member elected for each of 41 territorial constituencies having such names and boundaries and including such villages or sub villages or villages and sub-villages as are prescribed from time to time by Act; Constitution of the Independent State of Samoa.

aa) six additional members being one additional member elected for each of such 6 of those territorial constituencies as are prescribed from time to time by Act;

b) members elected by those persons whose names appear on the individual voters' roll.

1A) Subject to this Article, women Members of the Legislative Assembly shall:

a) consist of a minimum of 10% of the Members of the Legislative Assembly specified under clause (1) which for the avoidance of doubt is presently 5; and

b) be elected pursuant to clause (1) or become additional Members pursuant to clause (1B), (1D) or (1E).

- 1B) If, following any general election:
- a) all members elected under clause (1) are men, the prescribed number of women candidates (if any) with the highest number of votes shall become additional Members; or
  - b) less than the prescribed number of women candidates are elected under clause (1), the remaining prescribed number of women candidates (if any) with the highest number of votes shall become additional Members for the purposes of clause (1A).
- 1C) Clause (1B) does not apply if the prescribed number of women are all elected under clause (1).
- 1D) If the seat of an additional Member becomes vacant, it shall, despite Article 48, be filled by the woman candidate (if any) who has the next highest number of votes at the last election or general election.
- 1E) Subject to Article 48, if a seat under clause (1) held by a woman becomes vacant, to which a man is elected to fill that vacant seat, the woman candidate (if any) with the highest number of votes from that election or the last election or general election shall become the additional Member.
- 1F) If, in the selection of the required number of women under clause (1B), (1D) or (1E), two (2) or more candidates have equal number of votes, the additional Member shall be selected by lot before the Electoral Commissioner with the presence of the candidates or their authorised representatives and at least two (2) police officers.
- 1G) If a woman candidate becomes an additional Member of a constituency (irrespective of a woman candidate being elected to that constituency), no other woman candidate from the same constituency shall become an additional Member unless there is no other woman candidate from any other constituency to make up the required prescribed number.
- 2) The number of members to be elected under the provisions of sub-clause (b) of clause (1) shall be determined under the provisions of the Second Schedule.



- 3) Subject to the provisions of this Constitution, the mode of electing members of the Legislative Assembly, the terms and conditions of their membership, the qualifications of electors, and the manner in which the roll for each territorial constituency and the individual voters' roll shall be established and kept shall be prescribed by law.
- 4) Members of the Legislative Assembly (including additional Members) shall be known as Members of Parliament.
- 5) In this Article, unless the context otherwise requires: 'Additional Member' means a woman who is a Member of Parliament by virtue of clause (1B), (1D), or (1E) for the purposes of clause (1A); 'Highest number of votes' means the percentage of the total valid votes in a constituency polled by a woman candidate; 'Prescribed number' means the minimum number of woman Members of Parliament specified under clause (1A).

(Note: Amendments consolidated in Article 44(1A) to (1G) and (5)) commence on polling day of the next general election (2016), as appointed by the Head of State under Article 64 of the Constitution, pursuant to section 1(3) of the Constitution Amendment Act 2013, No. 17).

#### **45. Qualifications for membership**

- 1) A person shall be qualified to be elected as a Member of Parliament who:
  - a) is a citizen of Samoa; and
  - b) is not disqualified under the provisions of this Constitution or of any Act.
- 2) If a person other than a person qualified under the provisions of clause (1) is elected as a Member of Parliament, the election of that person shall be void.

#### **46. Tenure of office of members**

- 1) Every Member of Parliament shall cease to be a Member at the next dissolution of the Legislative Assembly after he has been elected or previously thereto if his seat becomes vacant under the provisions of clause (2).

- 2) The seat of a Member of Parliament shall become vacant:
  - a) upon his death; or
  - b) if he resigns his seat by writing under his hand addressed to the Speaker; or
  - c) if he ceases to be a citizen of Samoa; or
  - d) if he becomes disqualified under the provisions of this Constitution or of any Act.
  
- 3) Despite Articles 13 and 15, an Act may provide that the seat of a Member of Parliament becomes vacant during his or her term of office:
  - a) where in certain circumstances the Member -
    - (i) resigns or withdraws from or changes his or her political party;
    - (ii) joins a political party if he or she is not a member of the political party;
  - b) where the Member holds himself or herself out to be a member or a representative of –
    - (i) a party or organisation that has political aims and is desirous of taking part in an election where such party or organisation is not registered as a political party under an act; or
    - (ii) a political party other than the political party of which he or she is a member.

#### **47. Decisions on questions as to membership**

All questions that may arise as to the right of any person to be or to remain a Member of Parliament shall be referred to and determined by the Supreme Court. Constitution of the Independent State of Samoa.

#### **48. Filling vacancies**

Whenever the seat of a Member of Parliament becomes vacant under the provisions of clause (2) of Article 46, the Speaker shall, by writing under his hand, report that vacancy to the Head of State, and the vacancy shall be filled by election in the manner provided by law.

#### **49. Election of Speaker**

- 1) The Legislative Assembly shall, immediately when it first meets after a general election and as soon as possible after any vacancy occurs in the office of Speaker otherwise than by reason of a dissolution of the Assembly, elect a Member of Parliament to be Speaker of the Legislative Assembly.
- 2) The Speaker, upon being elected and before assuming the functions of his office, shall take and subscribe before the Head of State an Oath of Allegiance in the form set out in the Third Schedule.
- 3) The Speaker may at any time resign his office by writing under his hand addressed to the Clerk of the Legislative Assembly and shall vacate his office:
  - a) if he ceases to be a Member of Parliament; or
  - b) if he is appointed to be a Minister.

#### **50. The Deputy Speaker**

- 1) The Legislative Assembly may elect a Member of Parliament, not being a Minister, to be Deputy Speaker.
- 2) The Deputy Speaker may at any time resign his office by writing under his hand addressed to the Clerk of the Legislative Assembly and shall vacate his office:
  - a) if he ceases to be a Member of Parliament; or
  - b) if he is appointed to be a Minister; or
  - c) if he is elected to be Speaker.
- 3) Subject to the provisions of this Constitution, the functions conferred under the provisions of this Constitution upon the Speaker shall, if there is no person holding the office of Speaker or if the Speaker is absent from Samoa or is otherwise unable to perform those functions, be performed by the Deputy Speaker.

#### **51. Clerk of the Legislative Assembly**

There shall be a Clerk of the Legislative Assembly.

## **52. Meetings of the Legislative Assembly**

The Legislative Assembly shall meet at such times and at such places as the Head of State appoints from time to time in that behalf by notice published in the Samoa Gazette and recorded in the Savali: PROVIDED THAT the Assembly shall meet not later than 45 days after the holding of a general election and at least once in every year thereafter, so that a period of 12 months shall not intervene between the last sitting of the Assembly in one session and the first sitting thereof in the next session.

## **53. Standing Orders**

Subject to the provisions of this Constitution, the Legislative Assembly may make, amend and repeal Standing Orders regulating its procedure.

## **54. Languages**

- 1) All debates and discussions in the Legislative Assembly shall be conducted in the Samoan language and the English language.
- 2) The Minutes and the debates of the Legislative Assembly, every bill introduced therein, every paper presented thereto, and all minutes of proceedings, minutes of evidence, and reports of committees of the Assembly shall be in the Samoan language and the English language.

## **55. Presiding over Legislative Assembly**

The Speaker, or in his absence the Deputy Speaker, shall preside over sittings of the Legislative Assembly. In the absence from any sitting of both the Speaker and the Deputy Speaker, the Members of Parliament present shall choose one of their number (not being a Minister) to preside over that sitting.

## **56. Proceedings are valid**

The Legislative Assembly shall not be disqualified for the transaction of business by reason of any vacancy among the Members of Parliament, including any vacancy not filled at a general election, and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Assembly or otherwise took part in the proceedings.

## **57. Quorum**

No business shall be transacted at any sitting of the Legislative Assembly 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).

## **58. Voting**

- 1) Except as otherwise provided in this Constitution, every question before the Legislative Assembly shall be decided by a majority of the votes of the Members of Parliament 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, shall not have a deliberative vote but, in the case of an equality of votes, shall have a casting vote.

## **59. Introduction of bills, etc., into Legislative Assembly**

Subject to the provisions of this Part and of the Standing Orders of the Legislative Assembly, any Member of Parliament may introduce any bill or propose any motion for debate in the Assembly or present any petition to the Assembly, and the same shall be considered and disposed of under the provisions of the Standing Orders: PROVIDED THAT, except upon the recommendation or with the consent of the Head of State, the Assembly shall not proceed upon any bill which, in the opinion of the Speaker, the Deputy Speaker or other Member of Parliament presiding, would dispose of or charge the Treasury Fund or any other public fund or account, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any tax, rate or duty.

## **60. Bills assented to become Acts of Parliament**

- 1) No bill shall become a law until the Head of State has given his assent thereto.
- 2) Whenever a bill which has been passed by the Legislative Assembly is presented to the Head of State for his assent, he shall, acting on the advice of the Prime Minister, declare that he assents to the bill or that he refuses his assent to the bill.

- 3) A law assented to by the Head of State 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.

#### **61. Oath of allegiance**

Except for the purpose of enabling this Article to be complied with and for the election of a Speaker, no Member of Parliament shall sit or vote in the Legislative Assembly until he shall have taken and subscribed before the Assembly an Oath of Allegiance in the form set out in the Third Schedule.

#### **62. Privileges of Legislative Assembly**

The privileges, immunities and powers of the Legislative Assembly, of the committees thereof and of Members of Parliament may be determined by Act: PROVIDED THAT no such privilege or power may extend to the imposition of a fine or to committal to prison for contempt or otherwise, unless provision is made by Act for the trial and punishment of the person concerned by the Supreme Court. (See the Legislative Assembly Powers and Privileges Ordinance 1960.)

#### **63. Prorogation and dissolution of Legislative Assembly**

- 1) The Head of State may at any time, by notice published in the Samoa Gazette, prorogue the Legislative Assembly.
- 2) If, at any time, the office of Prime Minister is vacant, the Head of State shall, by notice published in the Samoa Gazette, dissolve the Legislative Assembly as soon as he is satisfied, acting in his discretion, that a reasonable period has elapsed since that office was last vacated and that there is no Member of Parliament likely to command the confidence of a majority of the Members.
- 3) The Head of State may at any time, by notice published in the Samoa Gazette, dissolve the Legislative Assembly, if he is advised by the Prime Minister to do so, but shall not be obliged to act in this respect in accordance with the advice of the Prime Minister unless he is satisfied, acting in his discretion,

that, in tendering that advice, the Prime Minister commands the confidence of a majority of the Members of Parliament.

- 4) The Head of State shall dissolve the Legislative Assembly at the expiry of 5 years from the date of the last preceding general election, if it has not been sooner dissolved.

#### **64. General elections**

There shall be a general election of the Legislative Assembly at such time within 3 months after every dissolution of the Assembly as the Head of State appoints by notice in the Samoa Gazette.

**Excerpt from the Samoan Constitution regarding  
Freedom of Expression**

**PART II FUNDAMENTAL RIGHTS**

**13. Rights regarding freedom of speech, assembly, association,  
movement and residence -**

- 1) All citizens of Samoa shall have the right:
  - a) to freedom of speech and expression;
  - b) to assemble peaceably and without arms;
  - c) to form associations or unions; and
  - d) to move freely throughout Samoa and to reside in any part thereof.
- 2) Nothing in sub-clause(a) of clause (1) shall affect the operation of any existing law or prevent the State from making any law in so far as that existing law or the law so made imposes reasonable restrictions on the exercise of the right conferred under the provisions of that sub-clause in the interests of national security, friendly relations with other States, or public order or morals, for protecting the privileges of the Legislative Assembly, for preventing the disclosure of information received in confidence, or for preventing contempt of Court, defamation or incitement to any offence.
- 3) Nothing in sub-clauses (b) or (c) of clause (1) shall affect the operation of any existing law or prevent the State from making any law in so far as that existing law or the law so made imposes reasonable restrictions on the exercise of either or both of the rights conferred under the provisions of those sub-clauses in the interests of national security or public order, health or morals.
- 4) Nothing in sub-clause (d) of clause (1) shall affect the operation of any existing law or prevent the State from making any law in so far as that existing law or the law so made imposes reasonable restrictions on the exercise of the right conferred under the provisions of that sub-clause in the interests of national security, the economic well-being of Samoa, or public order, health or morals, for detaining persons of unsound mind, for preventing any offence, for the arrest and trial of persons charged with offences, or for punishing offenders.



## **GLOBAL CHARTER OF ETHICS FOR JOURNALISTS**

The IFJ Global Charter of Ethics for Journalists was adopted at the 30th IFJ World Congress in Tunis on 12 June 2019. It completes the IFJ Declaration of Principles on the Conduct of Journalists (1954), known as the "Bordeaux Declaration".

The right of everyone to have access to information and ideas, reiterated in Article 19 of the Universal Declaration of Human Rights, underpins the journalist's mission. The journalist's responsibility towards the public takes precedence over any other responsibility, in particular towards their employers and the public authorities. Journalism is a profession, which requires time, resources and the means to practise – all of which are essential to its independence. This international declaration specifies the guidelines of conduct for journalists in the research, editing, transmission, dissemination and commentary of news and information, and in the description of events, in any media whatsoever.

1. Respect for the facts and for the right of the public to truth is the first duty of the journalist.
2. In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right of fair comment and criticism. He/she will make sure to clearly distinguish factual information from commentary and criticism.
3. The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify any document. He/she will be careful to reproduce faithfully statements and other material that non-public persons publish in social media.
4. The journalist shall use only fair methods to obtain information, images, documents and data and he/she will always report his/her status as a journalist and will refrain from using hidden recordings of images and sounds, except where it is impossible for him/her to collect

information that is overwhelmingly in the public interest. He/she will demand free access to all sources of information and the right to freely investigate all facts of public interest.

5. The notion of urgency or immediacy in the dissemination of information shall not take precedence over the verification of facts, sources and/or the offer of a reply.
6. The journalist shall do the utmost to rectify any errors or published information which is found to be inaccurate in a timely, explicit, complete and transparent manner.
7. The journalist shall observe professional secrecy regarding the source of information obtained in confidence.
8. The journalist will respect privacy. He/she shall respect the dignity of the persons named and/or represented and inform the interviewee whether the conversation and other material is intended for publication. He/she shall show particular consideration to inexperienced and vulnerable interviewees.
9. Journalists shall ensure that the dissemination of information or opinion does not contribute to hatred or prejudice and shall do their utmost to avoid facilitating the spread of discrimination on grounds such as geographical, social or ethnic origin, race, gender, sexual orientation, language, religion, disability, political and other opinions.
10. The journalist will consider serious professional misconduct to be
  - plagiarism
  - distortion of facts
  - slander, libel, defamation, unfounded accusations.
11. The journalist shall refrain from acting as an auxiliary of the police or other security services. He/she will only be required to provide information already published in a media outlet.
12. The journalist will show solidarity with his/her colleagues, without renouncing his/her freedom of investigation, duty to inform, and right to engage in criticism, commentary, satire and editorial choice.

13. The journalist shall not use the freedom of the press to serve any other interest and shall refrain from receiving any unfair advantage or personal gain because of the dissemination or non-dissemination of information. He/she will avoid - or put an end to - any situation that could lead him/her to a conflict of interest in the exercise of his/her profession. He/she will avoid any confusion between his activity and that of advertising or propaganda. He/she will refrain from any form of insider trading and market manipulation.
14. The journalist will not undertake any activity or engagement likely to put his/her independence in danger. He/she will, however, respect the methods of collection/dissemination of information that he / she has freely accepted, such as "off the record", anonymity, or embargo, provided that these commitments are clear and unquestionable.
15. Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. They may not be compelled to perform a professional act or to express an opinion that is contrary to his/her professional conviction or conscience.
16. Within the general law of each country the journalist shall recognize in matters of professional honour, the jurisdiction of independent self-regulatory bodies open to the public, to the exclusion of every kind of interference by governments or others.

## **Guidelines for Media During Parliament Sittings and General Media Rules**

(from Samoa Legislative Assembly as at March 2020)

### **1. Introduction**

The Parliament of Samoa recognises the importance of fair and factual reporting of Parliament proceedings. The rules set forth ensure that whilst Parliament facilitates media access and reporting of its proceedings, it ensures that the chamber as a working environment for Members and officials is maintained as well as the privacy of members and visitors to the Maota Fono are respected.

The guidelines below are issued by the Speaker of the Legislative Assembly. They apply to all media personnel who enter the Parliament. The guidelines set forth by the Speaker of the Legislative Assembly are mandated by the Legislative Powers and Privileges Ordinance, 1960 and S.O. (Standing Order) 176 and 187(2).

### **2. Members Pre-Sitting**

2.1 All media organisation are prohibited from attending the Members' Pre-Sitting Briefing except for the approved media organisation for outreach purposes.

### **3. Main Chamber / Media Gallery**

3.1 Members of the Media are allowed to be present at the Media Gallery for note-taking ONLY;

3.2 Taking photographs either by camera, mobile phone or any other device is strictly prohibited except for the officials of Parliament;

3.3 All camera still photos will be made available to the media at the conclusion of every sitting either by electronic transfer (usage of individual flash-drive) or download from the official Parliament of Samoa Facebook page;

3.4 Any other type of recording devices are prohibited in the Chamber;

3.5 No leaning on or over the railings;

3.6 Food and drinks are strictly prohibited;

3.7 All journalists who wish to be present at the Media Gallery should be seated 10 minutes before Parliament sitting resumes;

- 3.8 Movements in and out of the Parliament Chambers should be restricted to sitting breaks only;
- 3.9 Due to limited seats available in the Media Gallery only ONE media representative from each organisation is allowed inside at any one time unless space permits.

#### **4. Film and Audio**

- 4.1 There shall be no filming in the Chamber when Parliament sits except for the official filming undertaken by Parliament officials;
- 4.2 All media organisations may have access to Parliament's live feed by plugging into its system through portals provided outside the Maota Fono.

#### **5. Interviews Conducted in Parliament Precinct**

During Parliament Sitting

- 5.1 Interviews of members are to be conducted ONLY upon the Member's approval;
- 5.2 Where interviews have been approved by the Member, interviews immediately after the front entrance outside of the Maota Fono are permitted (ensuring that access to and from the building remains clear);
- 5.3 All sides outside the Maota Fono are permitted for interviews except the designated areas in which Members have their meals.

#### **6. Broadcasting Service**

- 6.1 Parliament's I.T. Unit provides a broadcast service for webcast which media representatives are welcome to use. The I.T. Unit films in the Chamber and the feed is available for re-broadcast. The Parliament proceedings are televised live on the Digital Government Channel and also streamed live on the Parliament's Youtube page as well as audio live on (Radio) 2AP.

#### **7. Suspension**

- 7.1 Any breach of the Parliamentary Media Guidelines will lead to the suspension of that media organisation from Parliament sittings and/or events for a period determined by the Speaker.

## Appendix 7

### **Petitions (Standing Order 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.”

## **D. FURTHER READING**

- Constitution of the Independent State of Samoa
- Standing Orders of the Parliament of Samoa (March 2021)
- Media Code of Practice Samoa (2017)