

Jurisdiction Report - Samoa
Tofa NAFOITOA Talaimanu Ketu, Deputy Speaker
50th PRESIDING OFFICERS AND CLERKS CONFERENCE (POCC)

- ‘Twinning Arrangement’ between the Parliament of Samoa and Tasmania

The twinning arrangement was an opportunity for Australia to assist and provide support in different ways for Parliaments in the Pacific; Samoa was quite fortunate to be twinned with the Tasmania Parliament. A vast array of information on parliamentary best practice and procedures has been exchanged between Samoa and Tasmania. The twinning arrangement has provided for the exchange of experts, whom share their experiences, knowledge and insight on how different procedures were dealt with in their Parliament. The Twinning arrangement was beneficial for both Parliamentarians and staff of the OCLA; shared knowledge and experiences from Samoa’s twin parliament has helped the Legislative Assembly of Samoa develop in various ways.

Benefits of Twinning Arrangement:

- **Capacity building**

Twinning and partnerships help strengthen the Parliamentarians and staffs involved through sharing and transfer of skills and knowledge, which can lead to renewed strategy development and innovation.

- ❖ It was envisaged that through the successful implementation of various capacity building activities and programmes, MPs will acquire a stronger sense of the importance of parliamentary work. At present time, the Government of Samoa continues to sustain capacity building activities for parliamentarians through on-going seminar-series, induction programs, refresher trainings, Parliamentary Symposiums, and Members Pre-Sitting briefings.
- ❖ Also of noteworthy is the capacity building for the employees of the Legislative Assembly; the support staff who provide procedural and administrative advice to Parliamentarians. A total of 29 parliamentary staff successfully graduated with a Certificate in Parliamentary Law, Practice and Procedure from the University of Tasmania while 13 staff members completed a Post-Graduate Diploma in Public Policy by the University of Tasmania. These courses for parliamentary staff are fully funded by the Government of Samoa with the assistance of the Australian Parliament to ensure staff members are equipped and capable to provide Parliamentarians with the best advice and administrative support to enhance and sustain the work of Parliament.

- **Identification of best practices**

Twinning and partnerships provide opportunities to identify ideas, approaches, techniques and methods which have worked well in other Parliaments and can be shared and serve as inspiration for new initiatives and avoid reinventing the wheel.

- **Broadening of horizons**

Twinning and partnerships help parliamentarians and parliamentary staff broadens their views and be more outward looking, to break down barriers, to understand other cultures and to learn effective parliamentary practices in other countries but also to localise the practices to suit the environment.

Through annual visitations whereby Members of the Samoan Parliament travel to Tasmania to observe parliamentary proceedings of the Parliament of Tasmania, and vice versa, is an opportune moment for Samoan and Tasmania Members to identify best practices, broaden their knowledge and expertise on parliamentary practices, as well as better understand and appreciate the different parliamentary cultures.

(i) Recent Developments for the Parliament of Samoa

(A) Constitutional Amendments:

1. Constitution Amendment Act No.1 2019

The amendment was made to Article 72 of the Constitution of the Independent State of Samoa (to provide 3 additional members to the Commission)

72. Judicial Service Commission –

(1) There shall be a Judicial Service Commission, which shall consist of:

- (a) the Chief Justice, as President;
- (b) the Attorney-General or, if for any reason the Attorney-General is unable to act, the Chairman of the Public Service Commission;
- (c) a person nominated from time to time by the Minister of Justice.

The three additional Members:

- “(d) the President of the Land and Titles Court;
- (e) a retired Supreme Court Judge appointed by the Head of State on the advice of Cabinet; and
- (f) the Registrar of the Supreme Court as the secretary of the Commission who shall have no voting rights.”.

2. Constitution Amendment Act 2019

The amendment was made to Article 19 of the Constitution to provide that a person who has held or currently holds the office of Head of State may only be eligible to ***be re-appointed once***.

3. Constitution Amendment Act 2018 No.2

This amendment provides for the increase of seats for Members of Parliament from 49 to ‘51 electoral constituencies seats’ which shall take effect in the next general election.

Other Controversial Legislation:

1. Head of State Amendment Act 2018

The Act provides a ‘gender-neutral’ terminology for the Head of State ‘*Ao o le Malo*’– as opposed to using “He” throughout the Act, it is more opened to the possibility of a female presiding as Head of State in the future.

2. Electoral Constituencies Act 2018/ Electoral Act 2018/ Electoral Commissioner Act 2018

The House had heated deliberations during second reading debates on the 3 legislations – especially the *Electoral Constituencies Act 2018*; certain Members were displeased with the identification and defining of electoral boundaries as it removed seats for certain constituencies, whilst other constituencies gained more seats.

The Electoral Act 2018 repealed the *Electoral Act 1963* (Principal Act). The Bill is a re-write of the Principal Act in simpler language. It comprises new provisions to govern and regulate the procedures for elections in Samoa. It essentially provides more clear process for the conduct of elections in Samoa.

Electoral Commission Act 2018 – provided the establishment of the Electoral Commission as well as the requirements for the position of the Electoral Commissioner; such as the appointment, resignation, termination of vacancy, as well as to set out the appointment of staff.

Recent Developments:

(i) Review of the Standing Orders of Parliament

Before the dissolution of any parliamentary term, the *Standing Orders, Electoral, Petitions and Constitutional Offices Committee* is required to conduct a review of the Standing Orders and make appropriate changes to factor in changes of time and procedures of the House. The **most recent review was conducted in 2016** after the previous parliamentary term 2011-2016.

(ii) Consolidation of laws

The Office of the Legislative Assembly is tasked with the reprint of statutes every 10 years; the most recent reprint of statutes was conducted in 2018, *Revision and Publication of Laws Acts 2018*; this reprint provides for the consolidation and revision of all acts of parliament, and for the publication and distribution of the revised laws in printed and electronic formats. The Clerk of the Legislative Assembly with the assistance of the Office of the Attorney General would consolidate all acts of parliament (annually) to ensure the laws of Samoa are accurate and updated.

(iii) Members Seminars and Capacity Building

Various seminars and capacity building activities are made available to the Members to ensure they are effectively equipped with the necessary skills and knowledge required to effectively carry out their various roles as Parliamentarians. In April 2019, Members attended the seminar on the Strategies for the Development of Samoa 2016-2019; there was also the ‘floating budget’ seminar which aimed to provide ‘budget briefs’ for Members to assist with the screening of the budget.

There is also Members Pre-Sitting briefing which is conducted prior to any Parliamentary Sitting to provide Members the opportunity to raise concerns and make queries to responsible CEO’s and Ministries who will be administering certain bills scheduled for tabling in the House.

(iv) Parliamentary Engagement Programs for Savaii.

The Office continues to engage with the youth and the public to bring more awareness to the people of Samoa in regard to the role and functions of Parliament – in 2019, the Office of the Legislative Assembly conducted two (2) Parliamentary Programs; one was held in Savaii for the Primary and College School students; while the Civil Society Program for Savaii members was conducted in Upolu.