

CONSTITUTION AMENDMENT BILL (No. 2) 2018

SAMOA

Explanatory Memorandum

Introduction:

The Bill seeks to amend the Constitution of the Independent State of Samoa 1960 (“Constitution”).

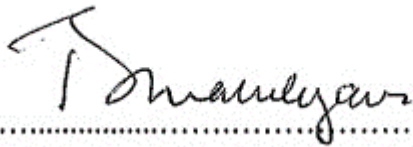
This amendment is to provide for a reform to coincide with the reform of the Land and Titles Court as well as other reforms being prepared by the Ministry of Justice and Courts Administration which will be accompanied by Bills to follow this amendment.

The purpose of the Bill is to include three (3) additional members to the Judicial Service Commission by amending Article 72 of the Constitution, and to allow the further prescription by Act, the processes of the Judicial Service Commission.

Clauses:

Clause 1: - provides for the short title and commencement of the Bill, which will commence on the date of assent.

Clause 2: - amends Article 72 of the Constitution to provide for the addition of three (3) additional members to the Judicial Service Commission.



.....
(Hon TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele
Neioti Aiono Galumalemana Dr. Sailele Malielegaoi)

PRIME MINISTER

CONSTITUTION AMENDMENT BILL (No. 2) 2018

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Article 72 amended

2018, No.

A BILL INTITULED

AN ACT to amend Article 72 of the Constitution of the Independent State of Samoa 1960 (“Constitution”) and related purposes.

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

- (1) This Act may be cited as the Constitution Amendment Act (No. 2) 2018.
- (2) This Act commences on the date of its assent by the Head of State.

2. Article 72 amended:

- (1) Article 72(1) of the Constitution is amended as follows:
 - (a) in paragraph (a), by substituting “President” with “Chairperson”;
 - (b) by substituting the fullstop in paragraph (c) with a semicolon; and
 - (c) inserting after paragraph (c) the following new paragraphs:
 - “(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) Article 72(2) and (3) are substituted as follows:

- “(2) No business shall be transacted by the Judicial Service Commission unless any three (3) members appointed under clause (1)(a) - (e) are present, and all questions proposed for decision by the Commission shall be decided by a majority of the votes of those members.
 - (3) Subject to clause (2), a meeting of the Judicial Service may be called by any member except the Registrar.
 - (4) The power of appointing, promoting and transferring any judicial officer, other than the Chief Justice, and of dismissing any judicial officer, other than a Judge of the Supreme Court, is hereby vested in the Head of State, acting on the advice of the Judicial Service Commission as may be provided by Act.”.
-