

CRIMES AMENDMENT BILL 2017

SAMOA

Explanatory Memorandum

1.0 Object and reasons:

- 1.1 The Bill seeks to amend the Crimes Act 2013 by introducing a new Part 9A for crimes against a person's reputation. The offence being introduced under this Part is "False statement causing harm to a person's reputation". The rationale for introducing the offence is to address harm done to a person's reputation by another person who publishes false information about that person.
- 1.2 This is similar to defamatory libel and although civil proceedings for defamation are available to the public, the reality is, not all Samoans have access to these proceedings as not all are able to afford legal services required for such proceedings.
- 1.3 It is therefore on that premise that this offence is introduced into the Crimes Act 2013 to allow any member of the public to have access to the criminal justice system in dealing with the harm suffered due to false information being published.

Clauses:

Clause 1: - provides for the short title and commencement.

Clause 2: - provides for the insertion of a new Part 9A with a new section 117A which provides that a person who publishes information about another person that is false with the intention to cause harm to that person's reputation, commits an offence.



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

PRIME MINISTER

CRIMES AMENDMENT BILL 2017

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. New Part 9A inserted

2017, No.

A BILL INTITULED

AN ACT to amend the Crimes Act 2013 (“Principal Act”) and other 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 Crimes Amendment Act 2017.
- (2) This Act commences on the date of its assent by the Head of State.

2. New Part 9A inserted:

The Principal Act is amended by inserting a new Part 9A after section 117 as follows:

**“PART 9A
CRIMES AGAINST A PERSON’S REPUTATION**

117A. False statement causing harm to a person’s reputation:

- (1) A person commits an offence who publishes by any means information:
 - (a) about another person;
 - (b) that is false;
 - (c) with the intention to cause harm to that person’s reputation.
- (2) It is a defence under this section if the information published is true.
- (3) A person who commits a crime under this section is liable on conviction to a fine not exceeding 175 penalty units or imprisonment for a term not exceeding three (3) months.”.
