

HEAD OF STATE AMENDMENT BILL 2018

SAMOA

Explanatory Memorandum

1.0 Object and reasons:

The Bill seeks to amend the Head of State Act 1965 (“Act”) to provide for the following:

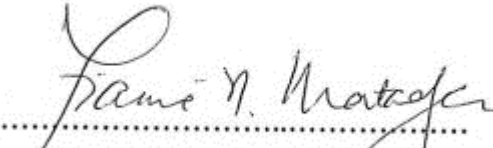
- i. Salary and allowance of the Head of State and the Council of Deputies to be prescribed by regulations;
- ii. Entitlements of the Head of State and Council of Deputies;
- iii. The Act to be administered by the Ministry of the Prime Minister and Cabinet.

Clauses:

- Clause 1:** - provides for the short title and commencement.
- Clause 2:** - inserts a new section 2A to provide for the definition of ‘Minister’ and ‘Ministry’.
- Clause 3:** - amends section 3 of the Act to substitute “His Highness the Head of State of Samoa” with “Afioga i le Ao o le Malo” and substituting “Her Highness the Masiofo” with “Afioga i le Masiofo/Ali’i”.
- Clause 4:** - substitutes section 7 of the Act to prescribe by regulations the salary and allowance of the Head of State.

- Clause 5:** - substitutes the heading of section 8 of the Act with “Medical entitlements” and substitutes “Masiofo” with “Head of State spouse”.
- Clause 6:** - substitutes section 9 of the Act by providing allowance and privilege for the spouse of the Head of State.
- Clause 7:** - amends section 10 of the Act by repealing subsection (2).
- Clause 8:** - repeals section 11 of the Act.
- Clause 9:** - section 12 is amended by substituting subsection (2) so that the cost of repairs, maintenance, oil, fuel and running expenses of the motor vehicles (of the Head of State) are to be paid for by the annual appropriation under the Ministry budget.
- Clause 10:** - repeals section 13 of the Act.
- Clause 11:** - amends section 14 of the Act by substituting subsection (2) to provide for a secretary to the Head of State who is appointed by Cabinet on a contractual basis for three (3) years and who will be responsible for the administration of the Office.
- Clause 12:** - substitutes section 15 of the Act to provide for the Ministry to set aside an annual sum to cover the cost of official Government functions.
- Clause 13:** - inserts a new section 15A to provide for entitlements of the Head of State when his or her term has expired.
- Clause 14:** - amends section 16 of the Act by substituting subsection (1) to provide for the salary of the Council of Deputies to be prescribed by regulations.
- Clause 15:** - amends section 16A(2) of the Act to substitute “Legislative Assembly” with “Ministry.”
- Clause 16:** - substitutes section 16B of the Act to provide for the Office of the Council of Deputies.

- Clause 17:** - inserts a new section 16C to provide for a regulation making power to prescribe matters relating to the salary and allowance of the Head of State and the Council of Deputies.


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(Hon FIAME Naomi Mataafa)
DEPUTY PRIME MINISTER

HEAD OF STATE AMENDMENT BILL 2018

SAMOA

Arrangement of Provisions

1. Short title and commencement
 2. Insert new section 2A
 3. Section 3 amended
 4. Section 7 substituted
 5. Section 8 amended
 6. Section 9 substituted
 7. Section 10(2) repealed
 8. Section 11 repealed
 9. Section 12 amended
 10. Section 13 repealed
 11. Section 14 amended
 12. Section 15 substituted
 13. Insert new section 15A
 14. Section 16 amended
 15. Section 16A amended
 16. Section 16B substituted
 17. Insert new section 16C
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2018, No.

A BILL INTITULED

AN ACT to amend the Head of State Act 1965 (“Principal Act”) and for 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 Head of State Amendment Act 2018.
- (2) This Act commences on the date of assent.

2. Insert new section 2A:

After section 2 of the Principal Act insert:

“2A. Interpretation:

In this Act, unless context otherwise requires:

“Minister” means the Minister of the Prime Minister and Cabinet or the Prime Minister;

“Ministry” means the Ministry responsible for the implementation of this Act.”.

3. Section 3 amended:

- (1) In Section 3(1) of the Principal Act, for “His Highness the Head of State of Samoa” substitute “Afioga i le Ao o le Malo”.
- (2) In section 3(2) of the Principal Act, for “Her Highness the Masiofo” substitute “Afioga i le Masiofo/Ali’i”.

4. Section 7 substituted:

For section 7 of the Principal Act substitute:

“7. Salary and allowances of the Head of State:

- (1) The Head of State must be paid a salary based on the Government salary scale and as prescribed by regulations.
- (2) The Head of State must be paid an allowance at a rate fixed from time to time by Cabinet for the following:
 - (a) telephone;
 - (b) overseas official travels.”.

5. Section 8 amended:

- (1) For the heading to section 8 of the Principal Act substitute “Medical Entitlements”.
- (2) In section 8 of the Principal Act, for “his Masiofo” substitute “the spouse of the Head of State”.

6. Section 9 substituted:

For section 9 of the Principal Act substitute:

“9. Allowance and privilege for Spouse of the Head of State:

If the Head of State is living with his or her spouse at the time of his or her death, the spouse is entitled to be paid an amount equal to the salary of the Head of State for three (3) months from the date of death of the Head of State, as a one off payment.”.

7. Section 10(2) repealed:

Section 10(2) of the Principal Act is repealed.

8. Section 11 repealed:

Section 11 of the Principal Act is repealed.

9. Section 12 amended:

For section 12(2) of the Principal Act substitute:

“(2) The cost of repairs, maintenance, oil, fuel and running expenses of the motor vehicles are to be paid for by the annual appropriation under the Ministry budget.”.

10. Section 13 repealed:

Section 13 of the Principal Act is repealed.

11. Section 14 amended:

For section 14(2) of the Principal Act substitute:

“(2) There shall be a Secretary to the Head of State appointed by Cabinet on a contractual basis for three (3) years who will be responsible for the administration of the Office.

(3) Budget allocation for the administration of the Office will be funded under the Ministry.”.

12. Section 15 substituted:

For section 15 of the Principal Act substitute:

“15. Official Government Functions:

(1) There is to be set aside by the Ministry an annual sum to cover the cost for any of the following official Government functions hosted by the Head of State:

- (a) presentation of a credential;
- (b) a courtesy visit;
- (c) welcoming or a farewell for -
 - (i) a respective ambassador;
 - (ii) High Commissioner; or
 - (iii) a foreign delegation.

- (2) The Secretary to the Head of State shall submit an annual estimate of the above expenditure to the Treasury for the purpose of ascertaining the amount to be appropriated each year by the Ministry under this section.”.

13. Insert new section 15A:

After section 15 of the Principal Act insert:

“15A. Entitlements:

The Head of State is entitled to the following entitlements when his or her term has expired as per Article 19 of the Constitution:

- (a) a salary equivalent to three (3) months as a one off payment;
- (b) a duty free exemption if the Head of State decides to purchase a motor vehicle from overseas.”.

14. Section 16 amended:

For section 16(1) of the Principal Act substitute:

- “(1) The Council of Deputies must be paid a salary based on the Government salary scale and as prescribed by regulations.”.

15. Section 16A amended:

In section 16A(2) of the Principal Act, for “Legislative Assembly” substitute “Ministry”.

16. Section 16B substituted:

For section 16B of the Principal Act substitute:

“16B. Office of the Council of Deputies:

The Government must provide an Office for members of the Council of Deputies.”.

17. Insert new section 16C:

After section 16B of the Principal Act insert:

“16C. Regulations:

Regulations may be made, to give effect to this Act, and in particular for the following purpose:

- (a) to prescribe matters relating to the salary and allowance of the Head of State; or
- (b) to prescribe matters relating to the salary and allowance of the Council of Deputies.”.
