

# INTERNAL AFFAIRS AMENDMENT BILL 2021

## SAMOA

### Explanatory Memorandum

#### Summary:

The Bill seeks to amend the Internal Affairs Act 1995 (“Act”). The objects of the Bill are:

- (a) to remove the duty of consulting the village Fono on the removal of their Sui o le Nuu on grounds as listed in the Act but still required the Chief Executive of the Ministry to “inform” the relevant village Fono for the nomination of a Sui o le Nuu; and
- (b) to provide for the due process to be followed for the removal of a Sui o le Nuu under the Act. In particular, to provide for the principle of natural justice in the said process such as the right of a Sui o le Nuu to be heard on a question of the revocation of his appointment, and to provide a response to such question.

#### Clauses:


**Clause 1:** - provides for the short title and commencement. The Act will be cited as the Internal Affairs Amendment Act 2021 and will commence on the date of assent by the Head of State.

**Clause 2:** - amends section 14 of the Act (Sui o le nuu and Sui o le Malo) by:

- (a) substituting the word “consult” with “inform” under the *proviso* of section 14(3) of the Act. This will clarify that the Sui o le Nu’u may be removed by the Minister on advice of the Chief Executive Officer on

grounds as specified, and the Chief Executive Officer has the duty to inform the village responsible for the nomination of Sui o le Nu'u; and

- (b) providing for due process for the removal of a Sui o le Nuu under the Act. More specifically, the proposed amendment to section 14 of the Act provides that a Sui o le Nuu must be informed promptly of his or her removal from office and the reasons for such removal must also be provided. A Sui o le Nuu before his or her removal must also be given the opportunity to submit a response or reasons against his or her removal from office.



03.12.20

(Hon TUITAMA Talalelei Tuitama)

**MINISTER FOR WOMEN, COMMUNITY  
AND SOCIAL DEVELOPMENT**

**INTERNAL AFFAIRS AMENDMENT BILL 2021**

**SAMOA**

**Arrangement of Provisions**

1. Short title and commencement
2. Section 14 amended

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**2021, No.**

**A BILL INTITULED**

**AN ACT to amend the Internal Affairs Act 1995 (Act).**

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

**1. Short title and commencement:**

This Act may be cited as the Internal Affairs Amendment Act 2021 and commences on the date of assent by the Head of State.

**2. Section 14 amended:**

In section 14 of the Act:

- (a) in subsection (3), for the *proviso* for “consult” substitute “inform”; and
- (b) after subsection (3), insert the following new subsection (3A):

“(3A) A Sui-o-le-Nuu who is removed from office must be:

- (a) informed promptly of his or her removal from office and the reasons for such removal; and
  - (b) given the opportunity to submit a response or reasons against his or her removal from office and to have their case reviewed.”.
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