

LAW REFORM COMMISSION AMENDMENT BILL 2019

SAMOA

Explanatory Memorandum

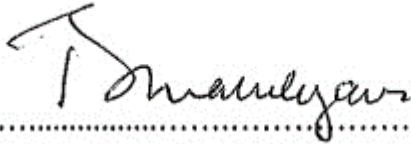
1.0 Object and reasons:

- 1.1 The Bill seeks to amend the Law Reform Commission Act 2008 (“Principal Act”).
- 1.2 The object of the Bill is to:
- (a) amend the functions and the reporting responsibilities of the Commission; and
 - (b) amend the appointments of Commissioners and Consultants who assists the Commission in carrying out its functions.

Clauses:

- Clause 1:** - provides for the short title and commencement.
- Clause 2:** - provides for the amendment of section 2 of the principal Act by omitting definition of “Advisory Board”.
- Clause 3:** - provides for the substitution of section 6 of the principal Act.
- Clause 4:** - provides for amendments to section 7(2) of the principal Act by substituting proposed paragraphs (a) and (c) and by repealing paragraph (e).

- Clause 5:** - provides for the substitution of section 9 of the principal Act with a new proposed section to provide for the reporting responsibilities of the Commission.
- Clause 6:** - provides for the amendment of section 10(4) by substituting it.
- Clause 7:** - provides for the substitution of section 12 of the principal Act.
- Clause 8:** - provides for the substitution of section 13 of the principal Act.
- Clause 9:** - to repeal section 14 of the principal Act.



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

MINISTER FOR SAMOA LAW REFORM COMMISSION

LAW REFORM COMMISSION AMENDMENT BILL 2019

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Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 6 amended
4. Section 7 amended
5. Section 9 amended
6. Section 10 amended
7. Section 12 amended
8. Section 13 amended
9. Section 14 repealed

2019, No.

A BILL INTITULED

AN ACT to amend the Law Reform Commission Act 2008 (“principal 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 Law Reform Commission Amendment Act 2019 and commences on the date of assent by the Head of State.

2. Section 2 amended:

In section 2 of the principal Act, omit the definition of “Advisory Board”.

3. Section 6 amended:

Section 6 of the Principal Act is substituted as follows:

“6. Functions of the Commission:

The functions of the Commission are:

- (a) to research and analyse areas of law considered to be in need of reform in accordance with references -
 - (i) made to it by the Prime Minister, Cabinet or the Attorney General; or
 - (ii) self-initiated by the Commission;
- (b) to consult with and advise the public about its work;
- (c) to provide reports providing its recommendations to the Prime Minister, Cabinet and the Attorney General; and arrange for their publication upon Cabinet approval;
- (d) if recommended in its reports and where capacity allows, to draft new or amending laws or proposed legal framework for the approval of the Attorney General;
- (e) to promote awareness of the laws of Samoa;
- (f) to advise government Ministries and agencies on the manner or content of reviews of the law conducted by those Ministries and agencies.”.

4. Section 7 amended:

In section 7(2) of the Principal Act:

(a) for paragraph (a), substitute:

“(a) to conduct studies, research and carry out reviews to inform law reform projects or reports under this Act;” and

(b) for paragraph (c), substitute:

“(c) to conduct public consultations and seek comments from the public on its law reform projects or reviews.” and

(c) paragraph (e) is repealed.

5. Section 9 amended:

Section 9 of the Principal Act is substituted as follows:

“9. Reporting Responsibilities:

- (1) The Prime Minister shall lay a copy of the report approved by Cabinet under section 6(c), before the Legislative Assembly as soon as practicable after receipt of these reports.
- (2) The Commission must provide to the Prime Minister, at least once a year, the following documents:
 - (a) a forward plan of the Commission’s work plan; and
 - (b) an annual report of the Commission’s operations and expenditure.
- (3) The Prime Minister shall lay a copy of a work plan or an annual report under subsection (2)(a) or (b), before the Legislative Assembly as soon as practicable after receipt of such a work plan or an annual report.
- (4) The Controller and Auditor General must audit the accounts of the Commission annually.”.

6. Section 10 amended:

Section 10(4) of the Principal Act is substituted as follows:

“(4) The opinion of the Attorney General may be sought on the appointment made under this section.”.

7. Section 12 amended:

Section 12 of the Principal Act is substituted as follows:

“12. Appointment of Commissioners:

- (1) The Prime Minister, Cabinet, Attorney General, or the Commission may appoint a Commissioner or Commissioners to manage or assist law reform projects.
- (2) Any appointment made under subsection (1) must be in accordance with procedures under any law or any regulations made under this Act.
- (3) The work of the Commissioner must be undertaken in accordance with any requirements or terms of reference imposed by the Prime Minister, Cabinet or the Attorney General.”.

8. Section 13 amended:

Section 13 of the Principal Act is substituted as follows:

“13. Appointment of Consultants:

- (1) The Commission may appoint a Consultant or Consultants to assist the Commission with law reform projects.
- (2) Any appointment made under subsection (1) must be in accordance with procedures under any law or any regulations made under this Act.
- (3) Where the Commission is assisted by a consultant appointed under this section, the consultant must undertake such work and activities as directed by the Executive Director.”.

- 9. Section 14 repealed:**
Section 14 of the Principal Act is repealed.
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