

**MINISTRY OF WOMEN AFFAIRS
AMENDMENT BILL 2021**

SAMOA

Explanatory Memorandum

Summary:

This Bill amends the Ministry of Women Affairs Act 1990 (“Act”) to define the term “Village Women’s Committee” (“Committee”) and to recognize the said Committee under the Act, and to stipulate their composition, role and responsibilities. For the purpose of the Act, the Committee must be registered under the Ministry, to avoid any doubt as to the Nomination of a *Sui Tamaitai o le Nuu* under the Act.

Further, the Bill intends to amend the Act by clarifying the appointment of appointed members of the Advisory Committee, whom are those appointed by Cabinet under the Act. It must be ensured that the composition of the committee comprise of more women than men.


The proposed changes encourage “inclusivity” of all women and aims to promote “gender equality”.

Clauses:

Clause 1: - provides for the short title and commencement. The Act when passed and assented to will be cited as the Ministry of Women Affairs Amendment Act 2021 and will commence on the date of assent by the Head of State.

- Clause 2:** - inserts new definitions in section 2 of the Act such as “*Village Women’s Committee*” and “*village Fono*” which has the same meaning in the Village Fono Act 1990.
- Clause 3:** - provides for an amendment to section 12 of the Act (Members of the Advisory Committee) by substituting the current paragraphs (c) and (d) with a new paragraph (c). This amendment will remove the express number of members for the Advisory Committee instead the specified member will be determined on the discretion of Cabinet on the advice of the Minister as provided for under section 13(1) of the Act.
- Clause 4:** - provides for an amendment to section 13 of the Act to substitute the heading of section 13 with “*Appointment of the Advisory Committee*”. This amendment also provides that the composition of the members of the Advisory Committee must be made up of 60% of women representatives. The proposed amendment complements clause 3 of the Bill which promote increased participation of women in decision making.
- Clause 5:** - provides for an amendment to section 15 of the Act (Meetings of Advisory Committee) by substituting in subsection (1) “not less than 3 times each year” with “every month”, so that the meetings of the Advisory Committee are held more frequently. Further, this clause amends the quorum of the Advisory Committee under subsection (3) to be 60% of members present.
- Clause 6:** - provides for an amendment to section 16A of the Act (Establishment of Sui Tamaitai o le Nuu) by inserting a new subsection (2A) to provide that a Sui Tamaitai o le Nuu must not be nominated as a Sui Tamaitai o le Nuu if she is not involved in any Village Women’s Committee affairs under section 16AA. This is to ensure that the woman nominated is an active participant of the Committee.

- Clause 7:** - provides for a new proposed section 16AA (to be inserted after section 16A) to recognize the composition, role and responsibilities of a “Village Women’s Committee”. The Village Women’s Committee must be registered with the Ministry.
- Clause 8:** - provides for a saving and transitional provision for any current appointed member appointed under sections 12 and 13 of the Act before the commencement of this Bill continues to be a member until their term of appointment is expired or revoked.



03.12.20

(Hon TUITAMA Talalelei Tuitama)

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

**MINISTRY OF WOMEN AFFAIRS
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Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 12 amended
4. Section 13 amended
5. Section 15 amended
6. Section 16A amended
7. New section 16AA inserted
8. Saving and transitional

2021, No.

A BILL INTITULED

AN ACT to amend the Ministry of Women Affairs Act 1990 (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 Ministry of Women Affairs Amendment Act 2021 and commences on the date of assent by the Head of State.

2. Section 2 amended:

In section 2 of the Act, insert new definitions as follows in its alphabetical order:

““village Fono” has the same meaning in the Village Fono Act 1990;
“Village Women’s Committee” means the Committee recognized under section 16AA.”.

3. Section 12 amended:

In section 12 of the Act:

(a) for paragraph (c) substitute as follows:

“(c) appointed members appointed under section 13.”;

(b) omit paragraph (d).

4. Section 13 amended:

Section 13 is amended as follows:

(a) for the section heading, substitute:

“13. Appointment of appointed members of the Advisory Committee”; and

(b) after subsection (2), insert as follows:

“(3) The appointed members must be made up of 60% of women representatives.”.

5. Section 15 amended:

Section 15 is amended as follows:

- (a) in subsection (1), for “not less than 3 times each year” substitute “every month”;
- (b) in subsection (3), for “20 members present” substitute “60% of members present”.

6. Section 16A amended:

In section 16A of the Act after subsection (2), insert the following new subsection (2A):

“(2A) A woman must not be nominated as a Sui Tamaitai o le Nuu if she is not involved in any Village Women’s Committee affairs under section 16AA.”.

7. New section 16AA inserted:

After section 16A of the Act, insert new section 16AA:

“16AA. Village Women’s Committee:

- (1) To avoid any doubt and for the purposes of the nomination of a Sui Tamaitai o le Nuu under section 16A, a “Village Women’s Committee” means a Committee or *Saofaiga*:
 - (a) comprising of a minimum number of 15 women of a village; and
 - (b) who is responsible for the welfare of the village or community and its developments under subsection (2),

but does not include a Committee or small group of women committee in a village whose purpose is specific for a particular organization such as a church committee, sports and other similar purpose.

- (2) The Village Women's Committee shall be responsible for the implementation of the different developments for the village including:
 - (a) primary health care and public health related matters;
 - (b) agricultural development programs;
 - (c) cultural and economic development activities;
 - (d) supporting of all advocacy and awareness programs for maintaining peace and harmony within the villages.
- (3) For the purpose of this Act, the Village Women's Committee must be registered with the Ministry."

8. Saving and transitional:

Any current appointed member appointed under sections 12 and 13 of the Act before the commencement of this Act continues to be a member until their term of appointment is expired or revoked.
