

INFANTS AMENDMENT BILL 2015

SAMOA

Explanatory Memorandum

Introduction

The Bill seeks to amend the Infants Ordinance 1961 (“Ordinance”). The objective of the Bill is to clarify that if an application for adoption of an infant by two (2) applicants where one of them is a citizen, then the application is not to be treated as an “overseas adoption”.

TULAFONO TAU FAAOFI O TEUTEUGA O LE TULAFONO O TAMAITI 2015

SAMOA

Faamatalaga e Faamalamalama ai

Faatomuaga

Ua taumafai le Tulafono Tau Faaofi e teuteu le Tulafono o Tamaiti 1961 (“Tulafono”). O le sini autu o le Tulafono Tau Faaofi o le faamalamalamaina lea e faapea, afai o se talosaga mo le vaegatama o se tamaitiiti ua faia e ni tagata talosaga se toalua (2), ae o se tasi o i laua o se tagatanuu, e lē tataua ona tagofiaina le talosaga e avea e faapea, o se “vaegatama i atunuu i fafo”.

Clauses:

- Clause 1:** - states that, when enacted, the Bill will be called the Infants Amendment Act 2015, and will commence on the date of assent by the Head of State.
- Clause 2:** - substitutes the definition of “overseas adoption” under section 2 of the Ordinance with a new definition.
- Clause 3:** - amends section 7A by inserting a new subsection (5) to clarify that if an applicant for an adoption is a citizen, the application is not to be treated as an overseas application.
- Clause 4:** - provides for transitional provision to clarify that an order for adoption made before the commencement of this proposed amendment Act by two (2) applicants where one of them is a citizen is treated not to be an overseas adoption.

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 (Hon FIAME Naomi Mataafa)
**MINISTER FOR JUSTICE AND
 COURTS ADMINISTRATION**

Fuaiupu:

- Fuaiupu 1:** - ua taua ai e faapea, afai e pasia, o le a taua loa le Tulafono Tau Faaofi, o le Tulafono o Teuteuga o le Tulafono o Tamaiti 2015, ma o le a amata faamamaluina i le aso e tuuina i ai le maliega a Le Ao o le Malo.
- Fuaiupu 2:** - ua suia ai le faamatalaga o “vaegatama i atunuu i fafo” i lalo o le fuaiupu 2 o le Tulafono, i se faamatalaga fou.
- Fuaiupu 3:** - ua teuteuina ai le fuaiupu 7A e ala i le faaofiina o se faafuaiupu (5) fou e faamalamalama ai e faapea, afai o lē o lo o talosaga mo se vaegatama o se tagatanuu, e lē tagofiaina le talosaga e avefa e faapea o se talosaga na faia i atunuu i fafo.
- Fuaiupu 4:** - ua aiaia ai aiaiga tau soloaiga e faamanino ai e faapea, o se poloaiga mo se vaegatama ua faia e ni tagata talosaga se toalua (2), a o lumanai ai le amata faamamaluina o lenei Tulafono toe teuteu ua fuafuaina, lea o le toatasi o i laua o se tagatanuu, e lē tagofiaina le vaegatama e avefa e faapea, o se vaegatama ua faia i atunuu i fafo.

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 (Hon FIAME Naomi Mataafa)
**MINISITA O FAAMASINOGA MA
 PULEGA TAU FAAMASINOGA**