

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.

.....
(Hon TUILAEP Auelua Fatialofa Lupesoliai Lolofietele
Neioti Aiono Galumalemana Dr. Sailele Malielegaoi)
PRIME MINISTER