



Monday 15th June 2020
MEMBERS PRE-SITTING BRIEFING

A total of 29 Members convened at the Committee Room of Maota Tofilau Eti Alesana (MTEA), Mulinuu on Monday 15th June for their Members Briefing. The Hon Speaker took lead of the Briefing which had 1 Bill on the agenda; the Miscellaneous (Salary Conditions Upon Suspension) Amendment Bill 2020. The Chairperson for the Public Service Commission spoke on the merits of the Bill and attempted to answer the queries and concerns raised by Members on the Bill.

(1) MISCELLANEOUS (SALARY CONDITIONS UPON SUSPENSION) AMENDMENT
BILL 2020

Presenter: *Aiono Mose Sua*
Chairperson for the Public Service Commission

The Chairperson of the Commission, Aiono presented an overview of the Bills and clarified the rationale of the Bills. He noted that the Bill aimed to amend and consolidate the timeframe for eligibility for salary of employees upon commencement of an investigation by PSC. The amendment aims to clearly stipulate the timeframe of 1 month for individuals to be eligible for their salary upon commencement of an investigation by PSC. When this timeframe is elapsed, the accused is no longer eligible to receive his/her salary. The Chairman noted that the amendments seek to limit expenditure and protect the government from unnecessary expenditure.

Issues and concerns raised by Members:

- Afioga Faumuina Tiatia Liuga queried whether vehicular fringe benefits are included in the cessation of salary payments. Furthermore, the Member queried whether the amendments are in conflict with International Conventions which Samoa has signed.
- Afioga Taefu Lemi queried whether the selection of the Vice Chancellor is affected under the proposed Bills.
- Tofa Lealailepule Rimoni Aiafi queried whether the amendments have higher jurisdiction which can override the governing acts for State Owned Enterprises. It is in the opinion of the Member that SOE's have stipulations in their governing acts, which give them the jurisdiction to hire and fire accordingly to set guidelines. Furthermore, the Member suggested that the Commission consolidate the timeframe for their investigations to 1 month.

- Afioga Tafua Maluelue Tafua commended the Commission on the inception of the Bill and noted that the FK was signed in 2016, which is reflective of the proactive approach undertaken by the Commission. Furthermore, the Member advised to ensure that the Proposed Bills do not come in conflict with current contracts of those employed by the Government.
- Afioga Aliimalemanu Alofa Tuuau queried whether a consultation with CEO's and employees pre-inception of the Bills was carried out to ensure clarity and effective enforcement of the provisions once enacted. Furthermore, the Member suggested ceasing vehicular benefits upon the elapsing of the proposed mandated timeframe of 1 month.
- Afioga Namulauulu Sami Leota called to consolidate the timeframe for the PSC to conduct their investigations and suggested this to be 1 month.
- Afioga Aumua Isaia Lameko suggested utilising weeks rather than months as the gauge for timeframe for clarification purposes.
- Afioga Alaiasa Moefaauro Sepulona suggested examining Clause 24 (B) section 5 which states "he or she is found guilty of charges and is reinstated" and noted that this is a potential loophole for guilty parties to exploit.
- Afioga Nafotoa Talaimanu Ketu queried the Commission on the amount of loss incurred by Government over employees whom were receiving their salaries for a substantial amount of time, only to be found guilty.
- Afioga Sulamanaia Fetaiaí Tuivasa suggested that SOE be incorporated into the PSC jurisdiction. Furthermore, the Member stated that upon the events of a CEO terminating an employee, if the employee is proven innocent then the CEO be liable to pay the employee out of his pocket.
- Afioga Salausa Dr John Ah Ching suggested that if ever events arise whereby investigations elapse 1 month; 50% still be released for the employee so as to assist with family costs.

Chairman of the PSC & Office of the Attorney General- Responses

- The Chairman responded to suggestions to consolidate a timeframe for PSC to conduct investigations by stating that they cannot adhere. The Chairman stated that this is so as to ensure that fairness is not compromised in pursuit of swiftness.
- Chairman of PSC and Office of the Attorney General noted that the amendments do not come in conflict with any International Treaties Samoa is signatory to.
- Chairman noted that they have noted the suggestion to cease of Vehicular benefits post-elapse of the proposed 1 month timeframe.
- Chairman noted that there was adequate research conducted pre-drafting of the Bills. Furthermore, it was noted by the Chairman that overseas course-of-actions were examined to note the feasibility for Samoa.

The Hon. Speaker concluded the briefing with a Prayer.