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Proposed constitutional amendments in Samoa concerning

The significant constitutional amendments introduced into Parliament by Samoa's Government, without due consultation, are of great concern, said the Law Council of Australia.

If passed, the *Constitutional Amendment Bill 2020*, *Judicature Bill 2020* and *Land and Titles Bill 2020* would create an autonomous Land and Titles Court (LTC) as a parallel and independent judicial structure, including its own High Court and appeals process.

The Law Council of Australia President, Ms Pauline Wright, said that the proposed amendments undermine judicial independence and the fundamental separation of powers that are vital to the rule of law.

"By placing the LTC outside of the scrutiny and supervisory jurisdiction of Samoa's Supreme Court, this legislation, if passed, would create two parallel and potentially competing court systems within Samoa's legal framework," Ms Wright said.

"This would limit the grounds of judicial review available to Samoans, with unsuccessful parties before the LTC not having the option to appeal before the Supreme Court."

Currently under Samoa's Constitution, Parliament may, by a two thirds majority, remove judges based on misbehaviour or mental impairment. The amendments seek to remove this power and create a Judicial Services Committee appointed by the government.

This raises the further concern that the government could influence and undermine the judiciary and render judges vulnerable to dismissal without cause or due process.

The Law Council supports the Samoa Law Society's call for country-wide consultations on these amendments and urges the Samoan Government to withdraw the bills until these consultations have taken place and concerns raised by members of Samoa's judiciary and legal profession have been addressed.

"It is also disturbing that these proposed amendments have been tabled while the constitutional offices of Attorney-General and Chief Justice are vacant," Ms Wright said.

"While Australia recognises the sovereignty of independent nations, it is imperative that all law societies and bars in our region voice legitimate concerns regarding any legislation or policy that risks undermining the principles and the protections of fundamental rights."

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