

WESTERN SAMOA

Arrangement of Provisions

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1995, No.10

An Act to establish the Ministry of Internal Affairs and to provide for the promotion of the well being of villages, village authority, to provide for the appointment of Pulenuu and Sui-ole-Malo and to provide for other matters relating to the culture and traditions of Western Samoa.

[10 July 1995]

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:-

1. Short title and commencement-(1) This Act may be cited as the Internal Affairs Act 1995.

(2) This Act shall come into force on such date as

shall be specified by the Head of State acting on the advice of Cabinet by Order.

2. Interpretation- In this Act unless the context otherwise requires -

"Alii ma Faipule" means the Alii ma Faipule

existing by custom in each village:

"Financial Year" has the meaning given to it by

the Public Money Act 1964 and Amendments:

"Local Government" includes the Government and administration of a village by its Fono:

"Minister" means the Minister of Internal Affairs:

"Ministry" means the Ministry of Internal Affairs established under this Act:

"Pulenuu" means a Pulenuu appointed pursuant to section 18 of this Act:

"Secretary" means the Secretary of Internal Affairs appointed under this Act and includes any person delegated by him to exercise any of the powers exercisable by him under this Act:

"Sui-ole-Malo" means a Government representative appointed as a Sui-ole-Malo pursuant to section 18 of this Act:

"Constituency" means a territorial constituency constituted under the Territorial Constituencies Act 1963 and Amendments.

3. Minister of Internal Affairs- There shall be a

Minister of Internal Affairs who shall be appointed by the Prime Minister from time to time.

4. Ministry of Internal Affairs- There is hereby constituted and established a Ministry of the Government of Western Samoa to be known as the Ministry of Internal Affairs, which, under the control of the Minister, shall be charged with the administration of this Act.

5. Principal functions of Ministry - (1) The principal functions of the Ministry shall be:-

- (a) To consider proposals, formulate policies and make recommendation to the Minister for the recognition and organisation of village authority in each village based on the Alii ma Faipule Samoan custom and tradition:
- (b) To provide such guidance and advice as the Alii ma Faipule may request in the preparation, development and implementation of local government:
- (c) To undertake, assist in, co-operate with and encourage the development, collection, maintenance and publication of data, statistics, reports, financial proposals and any other material relevant to the preparation and administration of local government and village authority:
- (d) To initiate, encourage, assist and participate in meetings, presentations, discussions and other education or explanatory activities for the purpose of popularizing, publicising or explaining the need for the requirements of local government and village authority:
- (e) To review from time to time the needs, functions and efficiency of local government institutions and recommend courses of action to the Minister in regard to such needs and efficiency:
- (f) To prepare for recommendation to the Minister by laws proposed by the Alii ma Faipule to have effect in local government:
- (g) To advise the Minister on matters pertaining to the conduct, finance, business and control of any local government activity:
- (h) To recommend such regulations to the Minister as may be necessary or

expedient for giving effect to the provisions of this Act and for the due administration thereof:

(i) To provide such technical services as may be required for the administration and purposes of this Act in accordance with

local government and village authority standards:

(j) To formulate policies and guidelines for social and economic development in the villages:

(k) To receive, assess, approve and process requests for development projects from Alii ma Faipule:

(l) To receive, manage and allocate funds as may be appropriated from time to time by Parliament or received in the form of grants or otherwise from any source for the purposes of village development:

(m) To organise and promote competitions among the villages for the purpose of encouraging and stimulating increases in productivity:

(n) To assist Alii ma Faipule and in the mobilisation, co-ordination and utilisation of manpower resources for social and economic projects:

(o) To provide such technical and advisory services as may be considered necessary and expedient for village development:

(p) To make recommendations to the Minister regarding the appointment of Pulenuu and Sui-ole-Malo:

(q) To recommend to the Minister, fees to be charged for services rendered by Pulenuu and Sui-ole-Malo to other Government Departments, Corporations and any other Institutions.

(2) The Minister shall exercise the principal functions of the Ministry in consultation with Cabinet.

6. Secretary of Internal Affairs- There shall be appointed in pursuance of the Public Service (Special Posts) Act 1989 a person to be known as the Secretary of Internal Affairs who shall be responsible to the Minister and shall be the administrative head of the Ministry.

7. Delegation of Minister's Powers-(1) Subject to subsection (6) of this section the Minister may by writing under his hand either generally or particularly, delegate to the Secretary all of the powers which are conferred upon him by this Act:

Provided however that this power of delegation shall not include power to delegate to the Secretary the power of the Minister under this section.

(2) Subject to any general or special discretion given or conditions attached by the Minister, the Secretary may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Where the Secretary purports to act pursuant to any delegation under this section, he shall be presumed in the absence of proof of the contrary to be acting accordance with the terms of the delegation.

(4) Every such delegation shall be revocable at will and no such delegation shall prevent the exercise of any power by the Minister.

(5) Unless and until such delegation is revoked it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and in the event of the Secretary to whom such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Secretary, or, if there is no Secretary in office or the Secretary is absent from duty, to the person for the time being lawfully directed to act in the place

of the Secretary.

(6) This section shall not apply to any of the powers given to the Minister under sections 14 and 18 of this Act.

8. Delegation of Secretary's powers-(1) The Secretary may from time to time by writing under his hand, either generally or particularly, delegate to any such officer of the Ministry or to any committee constituted pursuant to this Act as he thinks fit all or any of the powers exercisable by him pursuant to any enactment including any power delegated to him pursuant to any enactment but not including this present power of delegation:

Provided however that the Secretary shall not delegate any power delegated to him by the Minister.

(2) Subject to any special or general direction given or attached by the Secretary, the officer or committee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him or it directly by this section and not by delegation.

(3) Every person or committee purporting to act pursuant to any delegation under this section shall be presumed in the absence of proof to the contrary to be acting in accordance with the terms of the delegation.

(4) Any delegation under this section may be made to a specified officer or to officers of a specified class; or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every such delegation under this section shall

be revocable at will and no such delegation shall prevent the exercise of any power by the Secretary.

(6) Every such delegation shall, until revoked, continue in force according to its tenor, notwithstanding that the Secretary by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary.

9. Appointment of officers and staff for the administration of this Act-(1) The Public Service Commission may from time to time appoint such officers and other employees as may be desirable for the administration of this Act.

(2) All officers and other employees of the Ministry shall act under the direction of the Secretary in the exercise and performance of the powers, duties and functions conferred or imposed upon them by this or any other Act.

10. Executive Committees- (1) There is hereby constituted and established two Executive Committees,

one for Upolu, Manono and Apolima, and one for Savaii, which committees shall be responsible to the Minister through the Secretary.

(2) Each Executive Committee shall comprise
a

Chairman and such number of ordinary members as may be determined from time to time by Cabinet upon the advice of the Minister.

(3) The Chairman of the Executive Committee for Upolu, Manono and Apolima who shall be a member of Parliament representing a Constituency within Upolu, Manono and Apolima, shall be appointed by Cabinet upon the advice of the Minister.

(4) The Chairman of the Executive Committee for Savaii who shall be a member of Parliament representing a Constituency within Savaii shall be appointed by Cabinet upon the advice of the Minister.

(5) The ordinary members of each Executive Committee shall be appointed by Cabinet upon the advice of the Minister.

(6) The Chairman and each member of each Executive Committee shall hold office for a term of three years and thereafter until his successor is appointed.

(7) Every member of an Executive Committee may at any time resign his office by writing addressed to the Secretary, and may be removed from office by Cabinet acting on the advice of the Minister, for disability, neglect of duty or misconduct.

11. Functions of Executive Committees- The functions of Executive Committees shall be:-

- (a) To consult with Pulenuu and Sui-ole-Malo concerning the needs of villages:
- (b) To solicit the assistance and cooperation of the Alii ma Faipule in implementing Government programmes:
- (c) To solicit the assistance and cooperation of the Alii ma Faipule effectively to prevent the use of drugs and narcotics in the villages:
- (d) To consult with such non-governmental organisations which are actively participating in projects of interest to the Ministry:

- (e) To provide affirmative action programmes for the Pulenuu and Sui-ole-Malo which are conducive to increasing productivity:
- (f) To monitor the performance of duties of the Pulenuu and Sui-ole-Malo in the villages:
- (g) To advise the Minister through the Secretary on matters relating to births and deaths and the bestowal of titles within the villages and districts:
- (h) To assist the Pulenuu and Sui-ole-Malo in collecting debts owed to Government departments and to statutory corporations:
- (i) To coordinate activities of Pulenuu and Sui-ole-Malo and cooperate with the Alii ma Faipule in villages to ensure that law and order is maintained through customs and traditions:
- (j) To encourage culturally sensitive support networks, in the development of villages.

12. Meetings of Executive Committees-(1) Meetings of an Executive Committee shall be held from time to time at such times and places as may be appointed by

the Chairman.

(2) The Chairman shall preside at all meetings of his Executive Committee at which he is present and in his absence the members present shall elect a person to preside as Chairman.

(3) The quorum for every meeting of an Executive Committee shall be half of the members of that Committee.

(4) At each meeting of an Executive Committee the Chairman shall be entitled to a casting as well as a deliberative vote.

(5) Every question before any meeting of an Executive Committee shall be determined by a majority of the votes of members present and voting thereon.

(6) Except as otherwise prescribed in this Act each Executive Committee shall determine its own procedure.

13. Allowances and remuneration- There may be paid out of money appropriated by Parliament for the purpose to each member of an Executive Committee at

a rate to be approved by Cabinet travelling expenses paid or incurred by him in respect of the performance of his duties (including attendances at meetings) as a member of that Committee.

14. Pulenuu and Sui-ole-Malo-(1) Cabinet acting on the advice of the Minister may from time to time for the purposes of this Act.

(a) Appoint a Pulenuu nominated by a village or villages:

(b) Appoint representatives of the Government to be known as Sui-ole-Malo:

Provided that where any village or villages fails or is unable to nominate a Pulenuu within 3 months from the time of the vacancy there shall be appointed by Cabinet acting on the advice of the Minister a person to hold that office.

(2) Every Pulenuu and Sui-ole-Malo shall be

appointed for a term of 3 years but may be reappointed.

(3) Every Pulenuu and Sui-ole-Malo may at any time resign his office by writing addressed to the Secretary, and may be removed from office by Cabinet, acting on the advice of the Minister, for disability, neglect of duty or misconduct:

Provided that prior to advising the removal of any Pulenuu the Minister shall consult the village or villages responsible for the nomination of that Pulenuu.

(4) Nominations for the positions of Pulenuu shall be submitted to the Minister through the Secretary.

(5) When any Pulenuu or Sui-ole-Malo is incapacitated by illness, absence from Western Samoa or other sufficient cause, Cabinet upon the advice of the Minister may temporarily appoint another person to act in his or her place.

(6) Notice of every appointment, resignation, or removal made under this section (except for temporary appointments under subsection (5) of this section) shall be published as soon as practicable in the Savali.

15. Duties of Pulenuu and Sui-ole-Malo- (1) It shall be the duty of each Pulenuu and Sui-ole-Malo:-

(a) To promote harmony in his village:

(b) To encourage the maintenance of law and order in his village:

(c) To ensure the free flow of communication between the Alii ma Faipule of his village and the Government, and the Ministry:

(d) To prepare the births, deaths, and matai title certificates in respect of the members of his village:

(e) To encourage health and sanitation activities in his village:

(f) To promote diligently, development projects that are economically viable as well as culturally and environmentally sensitive:

- (g) To ensure that access roads in and about his village are properly maintained:
 - (h) To organise a traditional network in his village to prevent vandalism in respect of street lights, traffic lights, road signs, pipe lines, and village and public facilities:
 - (i) To report to the police the use by any person of dynamite or chemicals for fishing:
 - (j) To encourage village cleanliness and beautifications:
 - (k) To inform the Committee and the Council of new pests and diseases evident in or about his village:
 - (l) To assist government officials in conducting surveys, research, and debt collection in his village:
 - (m) To maintain records of village activities:
 - (n) To render at all times such assistance as the Government may need in the successful implementation and, completion of its projects either locally or nationally.
- (2) In addition to the duties imposed upon them by subsection (1) of this section, Pulenuu and Sui-ole-Malo shall perform -
- (a) Any duties which may be imposed on them by regulations made under this Act or by any

enactment, whether passed before or after this Act; and

- (b) Any duties in accordance with any Government policy as may from time to time be defined or communicated to them by the Minister.

16. Salaries and Allowances of Pulenuu and Sui-ole-Malo- Every Pulenuu and Sui-ole-Malo shall be paid out of moneys appropriated by the Legislative

Assembly such salary or allowances, and such travelling expenses and allowances and other allowances, as may be fixed by Cabinet acting on the advice of Minister.

17. Annual Report-(1) The Secretary shall, as soon as practicable at the end of each financial year, furnish to the Minister a report on the operations of the Ministry for that year.

(2) A copy of such report shall be laid before the Legislative Assembly within 28 days after it has been furnished to the Minister if the Assembly is then in session and, if not, shall be laid before the Assembly within 28 days after the commencement of the next ensuing session.

18. Regulations-(1) The Head of State, acting on the advice of Cabinet may from time to time make such regulations as may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the generality of subsection (1) of this section regulations may prescribe or provide for -

(a) Fees to be charged for services rendered by Pulenuu and Sui-ole-Malo to Government department, Corporations and any other institutions or persons:

(b) By-laws proposed by the Alii ma Faipule to have effect in their villages:

(c) Duties and responsibilities for Pulenuu and Sui-ole-Malo in addition to those determined by this Act.

19. Repeal and Savings-(1) The following Acts are repealed:-

(a) The Pulenuu and Sui-ole-Malo Act 1978:

(b) The Internal Affairs and Rural Development Act 1983.

(2) Notwithstanding the repeal of the Pulenuu and Sui-ole-Malo Act 1978, and the Internal Affairs and Rural Development Act 1983 all appointments, warrants and orders made pursuant to those Acts shall continue in force according to their tenor as

if made under this Act.

