



Government of Samoa



Review of the Fabric of Laws of Samoa Project

'Toe Timata le Upega - O Tulafono a Samoa'

Final Report 22/17

December 2017



GOVERNMENT OF SAMOA

**OFFICE OF THE PRIME MINISTER AND MINISTER FOR THE SAMOA LAW REFORM
COMMISSION**

The Honourable Speaker
THE LEGISLATIVE ASSEMBLY OF SAMOA

In compliance with section 9 (2) of the *Law Reform Commission Act 2008*, I have the honour to submit to you copies of the Final Report on the Review of the Fabric of Laws of Samoa Project as initiated by the Samoa Law Reform Commission.

This report sets out the Commission's recommendations on its Review of the Fabric of the Laws of Samoa after public consultations and research in accordance with section 4 of the *Law Reform Commission Act 2008*.

(Honourable Tuilaepa Dr. Sailele Malielegaoi)

PRIME MINISTER/MINISTER FOR THE SAMOA LAW REFORM COMMISSION



GOVERNMENT OF SAMOA

Honourable Tuilaepa Lupesoliai Fatialofa Dr. Sailele Malielegaoi
PRIME MINISTER/ MINISTER FOR THE SAMOA LAW REFORM COMMISSION

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(Telei'ai Dr. Lalotoa Mulitalo)
Executive Director
SAMOA LAW REFORM COMMISSION

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1. Introduction

1.1 This Project is on the Laws of Samoa, as of December 2016. It was initiated by the Samoa Law Reform Commission (Commission) initially to enable the Commission to respond more effectively to its statutory mandate, that of the review and the reform of the laws of Samoa. Other obvious benefits to the country (in the respectful view of the Commission) are listed below.

1.2 Under its statutory responsibilities, the Commission is also required:¹

“to research and analyse areas of law considered to be in need of reform and report its recommendations for reform to the Prime Minister and the Attorney General.”

1.3 The Commission operates only on the Terms of References from three (3) sources, the Honourable Prime Minister, Cabinet and the Attorney General. The Commission may initiate Terms of Reference for review or reform of the law after endorsement by the Honourable Prime Minister or the Attorney General. This Project is on such Terms of Reference. It is acknowledged that an overall background knowledge of the fabric of laws of Samoa is necessary for effective law making.

1.4 This effort is the first of its kind and it is hoped that it will be carried out periodically, to enable Samoa to continue to operate on current and updated laws. Other benefits of this Project include the following.

Benefits

a) Public:

- i) The public is better informed of laws. Government will be in a position to better inform the public on the current and existing laws in Samoa in a simplified, more comprehensible and accessible manner.

b) Parliament:

- i) The Constitutional function of law making (amendment laws or new laws) is further informed by an appreciation of the fabric of laws of Samoa.
- ii) For every new or amendment law, there would be some idea of where this new law would be placed or fit into the fabric of laws.

¹ Law Reform Commission Act 2008, s 6(b).

- iii) There would be an earlier appreciation of which Ministry, State Owned Enterprise or Constitutional Office (Ministry/SOEs/COs) the new or amendment laws would impact upon in implementation.
- iv) Under their ‘oversight of government’ functions, Parliament may require Ministry/SOEs/COs, in their Annual Reports to explain or clarify how the set of laws they are responsible for have been administered in a given financial year; inclusive of reasons and/or qualifications.

c) Executive: The Constitutional duty of policy making for the country will be informed by an appreciation of the fabric of laws.

- i) Cabinet, the Public Service Commission and the Ministry of Public Enterprise are able to regulate the Ministries/SOEs/COs according to a now identified set of laws each Ministry/SOEs/COs is established under and/or administers.
- ii) The set of laws administered by a Ministry/SOE/CO may impact on the budget the Ministries/SOEs/COs seeks in a financial year.
- iii) Ministries/SOEs/COs are now in a position to propose law reform projects beneficial for and to build on their mandates further.

d) Judiciary:

- i) The Constitutional duty of **applying the law** is informed by the fabric of laws of Samoa.
- ii) The Judiciary would be in a better position to propose reforms to the relevant laws if they find that in the application of the law, the current laws have loopholes which need to be addressed.

1.5 Overall, an appreciation of the overall fabric of laws and which laws are administered by which Ministry/SOEs/COs is helpful for a whole of Government sector approach to policy development and decision making.

2. PART A: The Terms of Reference

a) The Terms of Reference

2.1 On 4 August 2017, the Hon Prime Minister accepted and endorsed the Terms of Reference on a Project entitled ‘**The Review of the Laws of Samoa**’ initiated by the Commission. The Commission refers to this Project as ‘**Toe Timata le Upega - O Tulafono a Samoa**’.

2.2 The **Terms of Reference** are as follows:

- i) To identify the current fabric of laws (all 285 existing Acts of Parliament) of Samoa;
- ii) To identify which Ministries, State Owned Enterprises (SOEs), or Constitutional Offices (COs) are responsible for which laws (legal authority); and
- iii) To identify and confirm from Ministries/SOEs/COs any outdated laws under their administration and recommend removal, updating or replacing.

2.3 Given (i) and (ii) above, TOR 3 was treated in this particular context, in that only Ministries who responded 'No' or 'Uncertain' to their list of laws, when consulted on these responses, were also queried on their views on what and how these laws and their other laws were to be addressed, i.e. whether they would recommend repeal or updates. In the interests of limiting the scope of this Review to a realistic project at this point in time, not all Ministries, SOEs and COs were therefore consulted to address TOR 3. This is perhaps a question to be asked of all Ministries and Offices at the next Review of the Fabric of Laws of Samoa. The Commission's consultation experience from this Review, i.e. consulting on this question, is helpful to inform that future Review.

b) Review Stages

2.4 At the outset, the Commission confirmed the steps or phases in which this project will be undertaken:

- a) To identify and confirm all laws (Acts & Ordinance) existing and current in Samoa to December 2016.
- b) To identify which (Ministries/SOEs/Constitutional Offices) is responsible for which laws.
- c) To identify and confirm from Ministries/SOEs/Constitutional Offices any outdated laws and recommend removal, updating or replacing.

2.5 It was also indicated that ideally:

- d) As approved by the Honourable Prime Minister and Cabinet, disseminate the fabric of laws in a given year in simplified means through the use of charts, graphs.
- e) To keep updating Samoa's laws, and where feasible, to update annually.

3. PART B: TOR 1 - The current fabric of laws of Samoa – The 285 laws

a) Preliminary Research

i. The current fabric of Samoa’s laws

3.1 TOR 1 requires the identification of all laws (Acts & Ordinances) existing and current in Samoa as of December 2016. This is already available under the very helpful **Consolidation of Laws Project** undertaken by the Office of the Attorney General annually, under the Revision and Publication of Laws Act 2008.² The Consolidation of Laws 2016 records that as of December 2016, Samoa was operating on a total of 285 laws of Parliament. These 285 laws are set out alphabetical order in **ANNEXURE 1** to this Report.

ii. The Constitutional Offices (COs), Ministries, Public Bodies (SOEs) and Statutory Offices of Samoa.

3.2 Having identified the fabric or the existing laws of Samoa to December 2016, to understand which Ministry or Constitutional Office is responsible for which law, and to assist with TOR 2, it was necessary to identify, what the law says on **what Constitutional Offices, Ministries and SOEs (Public Bodies) and Statutory Offices exist**. The Tables immediately below set out the Constitutional Offices, Ministries, SOEs (Public Bodies) and Statutory Offices existing according to the laws of Samoa. This also gives an overall picture of the existing Government Sector of Samoa.

b) The Government Sector

CONSTITUTIONAL OFFICES		
	Constitutional Office	LAW
1	Office of the Clerk of the Legislative Assembly (OCLA)	Constitution Article 51 & Standing Orders - Standing Order 190
2	Office of the Attorney General (OAG)	Constitution Article 41 & Attorney General’s Act 2013
3	Audit Office (AO)	Constitution Article 97 & Audit Act 2013
4	Office of the Ombudsman (OO)	Constitution Article 82A & Ombudsman (Komesina o Sulufaiga) Act 2013
5	Public Service Commission (PSC)	Constitution Article 84 & Public Service Act 2004

² Revision and Publication of Laws Act 2008, s 3.

MINISTRIES	
LAW - Ministerial and Departmental Arrangements Act 2003 (section 4 & Schedule 1)	
1.	Ministry of the Prime Minister (MPMC)
2.	Ministry of Finance (MOF)
3.	Ministry of Agriculture (MAF)
4.	Ministry of Commerce, Industry and Labour (MCIL)
5.	Ministry of Communications and Information Technology (MCIT)
6.	Ministry of Education, Sports and Culture (MESC)
7.	Ministry of Foreign Affairs and Trade (MFAT)
8.	Ministry of Health (MOH)
9.	Ministry of Justice and Courts Administration (MJCA)
10.	Ministry of Natural Resources and Environment (MNRE)
11.	Ministry of Police, Prison and Fire Service (MOP)
12.	Ministry for Revenue (MfR)
13.	Ministry of Works, Transport and Infrastructure (MWTI)
14.	Ministry of Women, Community and Social Development (MWCSO)
15.	Ministry of Public Enterprises (MPE)

PUBLIC BODIES / STATE OWNED ENTERPRISES (SOEs)	
LAW - Public Bodies (Performance and Accountability) Act 2001 Section 2(2) & Schedule 1	
PART A - Public Trading Bodies	
Organisation that exists mainly for the purpose of optimising returns on investment of public funds	
1.	Accident Compensation Corporation (ACC)
2.	Agriculture Store Corporation (ASC)
3.	Airport Authority (AA)
4.	Development Bank of Samoa (DBS)
5.	Electric Power Corporation (EPC)
6.	Gambling Control Authority (GCA)
7.	Housing Corporation (HC)
8.	National Provident Fund (NPF)
9.	Land Transport Authority (LTA)
10.	Polynesian Airlines (Holdings) Ltd (PAHL)
11.	Polynesian Airlines (Investments) Ltd (PAIL)
12.	Polynesian Ltd (PL)
13.	Public Trust Office (PTO)
14.	Samoa International Finance Authority (SIFA)
15.	Samoa Land Corporation (SLC)
16.	Samoa Life Assurance Corporation (SLAC)
17.	Samoa Ports Authority (SPA)
18.	Samoa Post Limited (SPL)
19.	Samoa Shipping Corporation (SSC)
20.	Samoa Shipping Services (SSS)

21.	Samoa Trust Estates Corporation (STEC)
22.	Samoa Water Authority (SWA)
23.	Unit Trust of Samoa (Management) Ltd (UTOS)
PART B - Public Beneficial Bodies	
Organisations that exist mainly for the provision of service to the community in accordance with government policy	
1.	Samoa Sports Facilities Authority (SSFA)
2.	Samoa Tourism Authority (STA)
3.	National University of Samoa (NUS)
4.	National Health Services (NHS)
5.	National Kidney Foundation (NKF)
6.	Samoa Fire Emergency Service Authority (FESA)
7.	Samoa Health Promotion Foundation (SHPF)
8.	Samoa Qualifications Authority (SQA)
9.	Scientific Research Organisation of Samoa (SROS)

STATUTORY AUTHORITIES		
Other Offices not included in the COs/Ministries/SOEs above		
	Office	LAW
1.	Office of the Electoral Commissioner (OEC)	Electoral Act 1963 s 3
2.	Samoa Law Reform Commission (SLRC)	Law Reform Commission Act 2008, s 5
3.	Samoa Bureau of Statistics (SBS)	Statistics Act 2015, s 5
4.	Office of the Regulator (OOTR)	Telecommunications Act 2005, s 9

4. PART C: TOR 2 - Laws and responsible authorities

4.1 What does the law **currently** say? Which Ministries, State Owned Enterprises (SOEs), or Constitutional Offices (COs) are responsible for which laws?

a) Research - Which Office is administering which laws?

4.2 Having identified the 285 laws of Samoa (ANNEXURE 1), and the existing Ministries/SOEs/COs according to the laws of Samoa (above), the Commission set out to find which office (above) is responsible for which laws (ANNEXURE 1). To answer this, the Commission undertook the following.

1. Reviewed each of the 285 laws to identify:

- (i) all provisions that expressly state which Ministry administers the law, for example, ‘Subject to the control and direction of the Minister, the Ministry is charged with the administration of this Act...’;³
 - (ii) the responsible Ministry or Minister in the Interpretation section, for example, “**Minister**” means the Minister responsible for Women Affairs; “**Ministry**” means the Ministry of Women, Community and Social Development;⁴
 - (iii) at the end part is where the administration authority is stated for example, “This Act is administered by the Ministry of Women, Community and Social Development”.⁵ The Office of the Clerk of the Legislative Assembly is responsible for printing Acts assented by O le Ao o le Malo.⁶ It appears that the decision on who administers each Act; which OCLA records at the end of each Act when printed, is based on which Minister signs the Bill when it is tabled in Parliament.
2. The Commission also checked the official websites of the government Ministries, SOEs and Constitutional Offices for express statements on which laws they administer. This is supplemented by phone calls to the government offices for confirmation from the officers of that office themselves.
 3. Also of significant assistance was the Legislative Assembly Updated List, ‘Tables of Samoa Acts and Ordinance & Statutory Regulations as at 31 December 2016’ compiled by the Office of the Clerk of the Legislative Assembly, also known to government drafters of Samoa as ‘the red book’.

b) Findings – The preliminary findings of the Commission is illustrated in the following tables and graphs:

- (i) Summary of the number of laws administered by each Government Ministry, SOE or Constitutional Office;

CONSTITUTIONAL OFFICES					
	Constitutional Office	No of Laws Administered		Constitutional Office	No of Laws Administered
1	Office of the Clerk of the Legislative Assembly (OCLA)	3	4	Office of the Ombudsman (OO)	1
2	Office of the Attorney General (OAG)	16	5	Public Service Commission (PSC)	2
3	Audit Office (AO)	1			

³ Ministry of Women Affairs Act 1990, s 5.

⁴ Ministry of Women Affairs Act 1990, s 2.

⁵ Ministry of Women Affairs Act 1990 – end part.

⁶ Standing Orders 112 and 190.

PUBLIC BODIES/SOES AND STATUTORY AUTHORITIES					
	Public Bodies/SOEs and Statutory Authorities	No of Laws Administered		Public Bodies/SOEs and Statutory Authorities	No of Laws Administered
1	Accident Compensation Corporation (ACC)	1	9	Fire and Emergency Service (FESA)	1
2	Samoa International Finance Authority (SIFA)	7	10	Samoa Qualifications Authority (SQA)	1
3	Land Transport Authority (LTA)	3	11	Scientific Research Organisation of Samoa (SROS)	1
4	Samoa Tourism Authority (STA)	2	12	Samoa Law Reform Commission (SLRC)	1
5	Samoa National Provident Fund (SNPF)	2	13	Office of the Regulator (OOTR)	1
6	Development Bank Of Samoa (DBS)	1	14	Samoa Bureau of Statistics (SBS)	1
7	Public Trust Office (PTO)	1	15	Office of the Electoral Commissioner (OEC)	1
8	Samoa Housing Corporation (SHC)	1	16	Central Bank of Samoa (CBS)	11

MINISTRIES					
	Ministries	No of Laws Administered		Ministries	No of Laws Administered
1	Ministry of Justice and Courts Administration (MJCA)	50	8	Ministry of Works, Transport and Infrastructure (MWTI)	17
2	Ministry of Finance (MOF)	33	9	Ministry For Revenue (MfR)	14
3	Ministry of Natural Resources and Environment (MNRE)	21	10	Ministry of Police (MOP)	8
4	Ministry of Commerce, Industry and Labour (MCIL)	20	11	Ministry of Education, Sports and culture (MESC)	6
5	Ministry of Health (MOH)	20	12	Ministry of foreign Affairs and Trade (MFAT)	5
6	Ministry of the Prime Minister and Cabinet (MPMC)	17	13	Ministry of Women, Community and Social development (MWCSD)	3
7	Ministry of Agriculture and Fisheries (MAF)	9	14	Ministry of Communication, Information and Technology (MCIT)	3

- (ii) Tables indicating which Government Ministry, SOE or Constitutional Office administers which law.

CONSTITUTIONAL OFFICES					
OFFICE OF THE ATTORNEY GENERAL (OAG) (x16)					
1	1	General Laws (No.2) Ordinance 1932	9	9	Penalty Interest Rates Act 1998
2	2	Regulations Ordinance 1953	10	10	Mutual Assistance in Criminal Matters Act 2007
3	3	Constitution of the Independent State of Samoa 1960	11	11	Revision and Publication of Laws Act 2008
4	4	Existing Law Adjustment Ordinance 1961	12	12	International Transfer of Prisoners Act 2009
5	5	Law Reform Act 1964	13	13	Attorney General's Office Act 2013
6	6	Government Proceedings Act 1974	14	14	Lawyers and Legal Practice Act 2014
7	7	Limitation Act 1975	15	15	Acts Interpretation Act 2015
8	8	Plebiscite Act 1990	16	16	National Prosecution Office Act 2015

OFFICE OF THE CLERK OF THE LEGISLATIVE ASSEMBLY (OCLA) (x3)					
17	1	Constitutional Convention Ordinance 1960	19	3	Head of State Act 1965
18	2	Legislative Assembly Powers and Privileges Ordinance 1960			

PUBLIC SERVICE COMMISSION (PSC) (x2)					
20	1	Remuneration Tribunal Act 2003	21	2	Public Service Act 2004

AUDIT OFFICE (AO) (x1)					
22	1	Audit Act 2013			

OFFICE OF THE OMBUDSMAN (OO) (x1)					
23	1	Ombudsman (Komesina o Sulufaiga) Act 2013			

PUBLIC BODIES / STATUTORY AUTHORITIES /STATE OWNED ENTERPRISES					
ACCIDENT COMPENSATION CORPORATIONS (ACC) (x1)					
24	1	Accident Compensation Act 1989			

SAMOA INTERNATIONAL FINANCE AUTHORITY (SIFA) (x7)					
25	1	International Partnership and Limited Partnership Act 1998	29	5	Special Purpose International Companies Act 2012
26	2	Samoa International Finance Authority Act 2005	30	6	Trusts Act 2014
27	3	International Mutual Funds Act 2008	31	7	Foundations Act 2016

28	4	Electronics Transactions Act 2008			
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LAND TRANSPORT AUTHORITY (LTA) (x3)					
32	1	Land Transport Authority Act 2007	34	3	Road Traffic (Payment of Fines) Act 2009
33	2	Road Transport Reform Act 2008			

SAMOA TOURISM AUTHORITY (STA) (x2)					
35	1	Tourism Development Act 2012	36	2	Landing Limited Act 2016

SAMOA NATIONAL PROVIDENT FUND (SNPF) (x2)					
37	1	National Provident Fund Act 1972	38	2	Parliamentary Pension Scheme Act 1998

DEVELOPMENT BANK OF SAMOA (DBS) (x1)					
39	1	Development Bank of Samoa Act 2010			

PUBLIC TRUST OFFICE (PTO) (x1)					
40	1	Public Trust Office Act 1975			

SAMOA HOUSING CORPORATION (SHC) (x1)					
41	1	Housing Corporation Act 2010			

FIRE AND EMERGENCY SERVICE (FESA) (x1)					
42	1	Fire and Emergency Service Act 2007			

SAMOA QUALIFICATIONS AUTHORITY (SQA) (x1)					
43	1	Samoa Qualifications Authority Act 2010			

SCIENTIFIC RESEARCH ORGANIZATION OF SAMOA (SROS) (x1)					
44	1	Scientific Research Organisation of Samoa Act 2008			

SAMOA LAW REFORM COMMISSION (SLRC) (x1)					
45	1	Law Reform Commission Act 2008			

OFFICE OF THE REGULATOR (OOTR) (x1)					
46	1	Telecommunications Act 2005			

SAMOA BUREAU OF STATISTICS (SBS) (x1)					
47	1	Statistics Act 2015			

OFFICE OF THE ELECTORAL COMMISSION (OEC) (x1)					
48	1	Electoral Act 1963			

CENTRAL BANK OF SAMOA (CBS) (x11)					
49	1	International Finance Agreements Act 1971	55	7	International Banking Act 2005
50	2	International Companies Act 1988	56	8	Insurance Act 2007
51	3	International Insurance Act 1988	57	9	Money Laundering Prevention Act 2007
52	4	Trustee Companies Act 1988	58	10	Proceeds of Crime Act 2007
53	5	Central Bank Lease Empowering Act 1993	59	11	National Payment System Act 2014
54	6	Segregated Fund International Companies Act 2000			

MINISTRIES					
MINISTRY OF JUSTICE, COURTS & ADMINISTRATION (MJCA) (x50)					
60	1	Bankruptcy Act (NZ) 1908	85	26	Defamation Act 1993
61	2	Incorporated Societies Ordinance 1952	86	27	Partnership Act 1975
62	3	Cooperative Societies Ordinance 1952	87	28	Carriers Act 1975
63	4	Property Law Act 1952	88	29	Administration Act 1975
64	5	Coroners Ordinance 2017	89	30	Arbitration Act 1976
65	6	Indecent Publication Ordinance 1960	90	31	Prisons Parole Board Act 1977
66	7	Marriage Ordinance 1961	91	32	Film Control Act 1978
67	8	Judicature Ordinance 1961	92	33	Land and Titles Act 1981
68	9	Infants Ordinance 1961	93	34	Declaratory Judgments Act 1988
69	10	Divorce and Matrimonial Causes Ordinance 1961	94	35	Newspapers and Printers Act 1993
70	11	Police Offences Ordinance 1961	95	36	Official Flag and National Anthem of Samoa Act 1994
71	12	Oaths, Affidavits and Declarations Act 1963	96	37	Copyright Act 1998
72	13	Contributory Negligence Act 1964	97	38	Births, Deaths and Marriages Registration Act 2002
73	14	Commissions of Inquiry Act 1964	98	39	Alternative Dispute Resolution Act 2007
74	15	Judgment Summonses Act 1965	99	40	International Criminal Court Act 2007
75	16	Maintenance and Affiliation Act 1967	100	41	Young Offenders Act 2007
76	17	Frustrated Contracts Act 1967	101	42	Community Justice Act 2008
77	18	Industrial and Provident Societies Act 1968	102	43	Sports Dispute Resolution Act 2008
78	19	Reciprocal Enforcement of Judgments Act 1970	103	44	Family Safety Act 2013
79	20	Notaries Public Act 1974	104	45	Family Court Act 2014
80	21	Fatal Accidents Act 1974	105	46	Community Law Centre Act 2015
81	22	Extradition Act 1974	106	47	Evidence Act 2015

82	23	Wills Act 1975	107	48	Criminal Procedure Act 2016
83	24	Secret Commissions Act 1975	108	49	District Courts Act 2016
84	25	Sale of Goods Act 1975	109	50	Sentencing Act 2016

MINISTRY OF FINANCE (MOF) (X33)					
110	1	Stamp Duty Ordinance 1932	127	18	Public Finance Management Act 2001
111	2	Asian development Bank Loan Act 1969	128	19	Public Bodies (Performance and Accountability) Act 2001
112	3	Asian Development Bank Loan Act 1971	129	20	Development Loan Authorisation Act 2005
113	4	Government Superannuation Act 1972	130	21	Loan Authorisation Act 2006
114	5	World Bank Loans Act 1974	131	22	Samoa Institute of Accountants Act 2006
115	6	Chattels Transfer Act 1975 ⁷	132	23	Loan Authorisation Act 2007
116	7	Bills Exchange Act 1976	133	24	South Pacific Games (Taxation Incentives) Act 2007
117	8	Life Assurance Corporation Act 1976	134	25	Japan Bank for International Cooperation Loans Act 2008
118	9	National Lotteries Act 1978	135	26	Export-Import Bank of China Loan Act 2008
119	10	National Investment Corporation Act 1981	136	27	Samoa Broadcasting Corporation Repeal Act 2008
120	11	Royal Samoan Hotel act 1984	137	28	Unit Trusts Act 2008
121	12	Petroleum Act 1984	138	29	Electricity Act 2010
122	13	Bad Debts Act 1990	139	30	OPEC Fund Loans Act 2012
123	14	Betting (Totalisator Agency) Act 1990	140	31	Agriculture Store Corporation Repeal Act 2013
124	15	Financial Institutions Act 1996	141	32	Unit Trust of Samoa Loans Act 2013
125	16	Decimal Currency Act 1966	142	33	Central Bank of Samoa Act 2015
126	17	General Wage Increase (Public Officeholders and Public Servants) Act 2001			

MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT (MNRE) (X21)					
143	1	Samoa Market Ordinance 1927	154	12	Disaster and Emergency Management Act 2007
144	2	Building Alignment Ordinance 1932	155	13	Water Resources Management 2008
145	3	Stevenson Memorial Reserve and Mount Vaea Scenic Reserve Ordinance 1958	156	14	Land Registration Act 2008
146	4	Taking of Land Act 1964	157	15	Unit Titles Act 2009
147	5	Alienation of Customary Land Act 1965	158	16	Spatial Information Agency Act 2010
148	6	Land Titles Investigation Act 1966	159	17	Waste Management Act 2010
149	7	Alienation of Freehold Land Act 1972 Lands, Surveys and Environment Act 1989	160	18	Land Valuation Act 2010

⁷ This Act was in effect as of December 2016, the cut-off date for this Review. It was repealed when the Personal Property Securities Act 2013 (s64) came into force on 27 February 2017.

150	8	Lands, Surveys and Environment Act 1989	161	19	Forestry Management Act 2011
151	9	Samoa Trust Estates Corporation Reconstruction Act 1990	162	20	Customary Land Advisory Commission 2013
152	10	Land for Foreign Purposes Act 1993	163	21	Survey Act 2010
153	11	Planning and Urban Management Act 2004			

MINISTRY OF COMMERCE INDUSTRY AND LABOR (MCIL) (X20)

164	1	Charitable Trust Act 1965	174	11	Daylight Saving Act 2009
165	2	Mercantile Law Act 1975	175	12	Intellectual Property Act 2011
166	3	Trade, Commerce and Industry Act 1990	176	13	International Date Line Act 2011
167	4	Foreign Investment Act 2000	177	14	Labour and Employment Relations Act 2013
168	5	Companies Act 2001	178	15	Personal Property Securities Act 2013
169	6	Occupational Safety and Health Act 2002	179	16	Apprenticeship Act 2014
170	7	Securities Act 2006	180	17	Citizenship Investment Act 2015
171	8	Company Law Reform (Transitional Provision) Act 2006	181	18	Credit Union Act 2015
172	9	Receiverships Act 2006	182	19	Metrology Act 2015
173	10	Public Holidays Act 2008	183	20	Competition and Consumer Act 2016

MINISTRY OF HEALTH (MOH) (X20)

184	1	Health Ordinance 1959	194	11	Healthcare Professions Registration and Standards Act 2007
185	2	Burials Ordinance 1961	195	12	Medical Practitioners Act 2007
186	3	Drugs Act 1967	196	13	Mental Health Act 2007
187	4	Narcotics Act 1967	197	14	Nursing and Midwifery Act 2007
188	5	Poisons Act 1968	198	15	Pharmacy Act 2007
189	6	Samoa Red Cross Act 1993	199	16	Tobacco Control Act 2008
190	7	Oceania University of Medicine (Samoa) Act 2002	200	17	Allied Health Professions Act 2014
191	8	National Kidney Foundation of Samoa Act 2005	201	18	National Health Service Act 2014
192	9	Ministry of Health Act 2006	202	19	Health Promotion Foundation Act 2015
193	10	Dental Practitioners Act 2007	203	20	Food Act 2015

MINISTRY OF PRIME MINISTER AND CABINET (MPMC) (X17)

204	1	Samoa Act 1921 (NZ)	213	10	Ministerial and Departmental Arrangements Act 2003
205	2	Samoa Antiquities Ordinance 1954	214	11	Citizenship Act 2004
206	3	Constituencies Act 1963	215	12	Immigration Act 2004
207	4	Samoa Status Act 1963	216	13	Samoa Sports Facilities Authority Act 2007
208	5	Public Seal and Crest of Samoa Act 1973	217	14	Passports Act 2008

209	6	Foreign Affairs Act 1976	218	15	Casino and Gambling Control Act 2010
210	7	Samoa Trust Estates Corporation Act 1977	219	16	SEG International Enterprise Act 2011
211	8	Parliamentary Under-Secretaries Act 1988	220	17	Media Council Act 2015
212	9	Honours and Awards Act 1999			

MINISTRY OF AGRICULTURE AND FISHERIES (MAF) (X9)					
221	1	Agriculture and Fisheries Ordinance 1959	226	6	Export of Meat Act 1997
222	2	Animals Ordinance 1960	227	7	Quarantine (Biosecurity) Act 2005
223	3	Produce Export Ordinance 1961	228	8	Slaughter and Meat Supply Act 2015
224	4	National Parks and Reserves Act 1974	229	9	Fisheries Management Act 2016
225	5	University of the South Pacific School of Agriculture Act 1977			

MINISTRY OF WORKS, TRANSPORT AND INFRASTRUCTURE (MWTI) (X17)					
230	1	Road Traffic Ordinance 1960	239	10	Professional Engineers (Registrations) Act 1998
231	2	Sea Carriage of Goods Ordinance 1960	240	11	Ports Authority Act 1998
232	3	Carriage by Air Act 1964	241	12	Shipping Act 1998
233	4	Diesel Power Station Act 1965	242	13	Ministry of Works Act 2002
234	5	Oil Fuel Supply Act 1974	243	14	Samoa Water Authority Act 2003
235	6	Marine Insurance Act 1975	244	15	Marine Pollution Prevention Act 2008
236	7	Ministry of Transport Act 1978	245	16	Airport Authority Act 2012
237	8	Electric Power Corporation Act 1980	246	17	Plumbers Act 2014
238	9	Civil Aviation Act 1998			

MINISTRY FOR REVENUE (MfR) (X14)					
247	1	Hotel Levies Act 1972	254	8	Liquor Act 2011
248	2	Customs Tariff Act 1975	255	9	Income Tax Act 2012
249	3	Excise Tax (Domestic Administration) Act 1984	256	10	Tax Administration Act 2012
250	4	Excise Tax (Import Administration) Act 1984	257	11	Tax Information Exchange Act 2012
251	5	Excise Tax Rates Act 1984	258	12	Customs Act 2014
252	6	Business Licenses Act 1998	259	13	Value Added Goods and Services Tax Act 2015
253	7	Fines (Review and Amendment) Act 1998	260	14	Yazaki Samoa Enterprise Act 2016

MINISTRY OF POLICE (MOP) (X8)					
261	1	Arms Ordinance 1960	265	5	Canine Control Act 2013
262	2	Gaming Act 1978	266	6	Crimes Act 2013
263	3	Police Powers Act 2007	267	7	Prisons and Corrections Act 2013

264	4	Police Service Act 2009	268	8	Counter Terrorism Act 2014
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MINISTRY OF EDUCATION, SPORTS AND CULTURE (MESC) (x6)					
269	1	Robert Louis Stevenson Foundation Act 1991	272	4	Education Act 2009
270	2	Youth, Sports and Cultural Affairs Act 1993	273	5	Public Records Act 2011
271	3	National University of Samoa Act 2006	274	6	Samoan Language Commission Act 2014

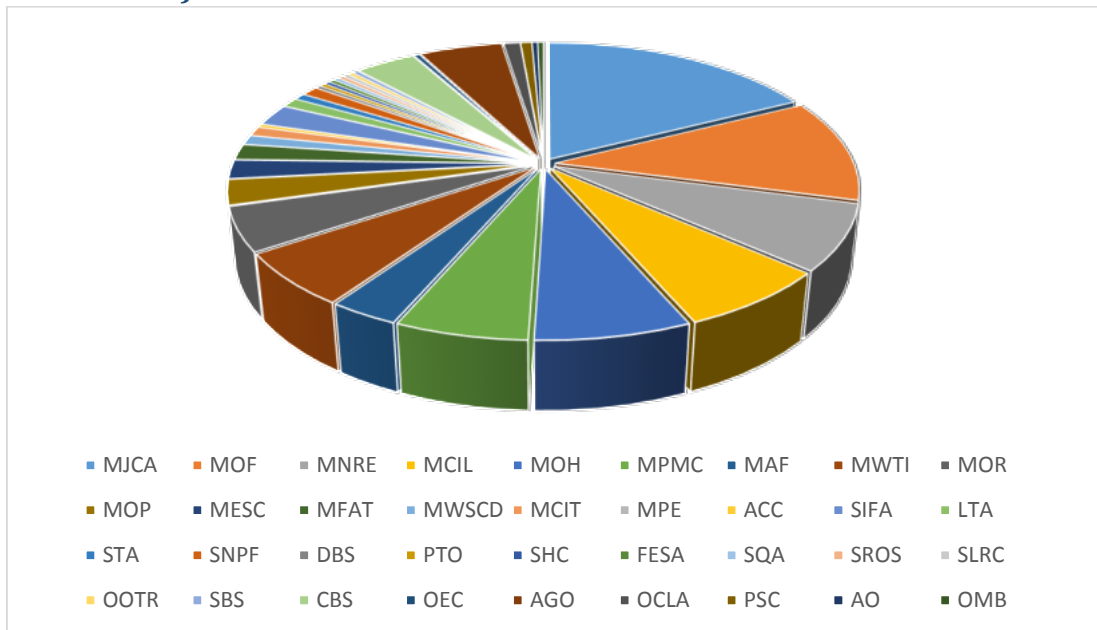
MINISTRY OF FOREIGN AFFAIRS AND TRADE (MFAT) (x5)					
275	1	Diplomatic Privileges and Immunities Act 1978	278	4	Cluster Munitions Prohibition Act 2012
276	2	Maritime Zones Act 1999	279	5	Geneva Conventions Act 2015
277	3	Chemical Weapon Act 2010			

MINISTRY OF WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSD) (x3)					
280	1	Ministry of Women Affairs Act 1990	282	3	Internal Affairs Act 1995
281	2	Village Fono Act 1990			

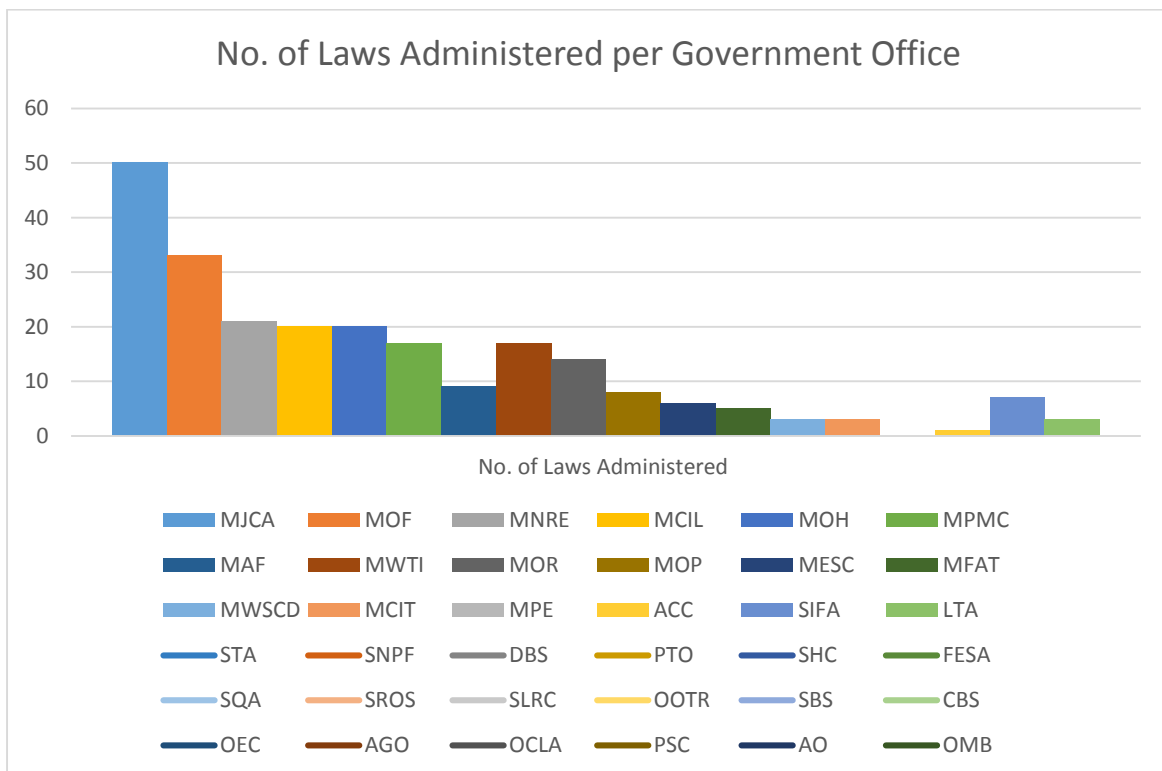
MINISTRY OF COMMUNICATION, INFORMATION AND TECHNOLOGY (MCIT) (x3)					
283	1	Postal and Telecommunications Services Act 1999	285	3	Postal Services Act 2010
284	2	Broadcasting Act 2010			

(iii) Further Illustrations

i. Figure 1 - Number of Laws Administered Per Government Office (Pie Chart)

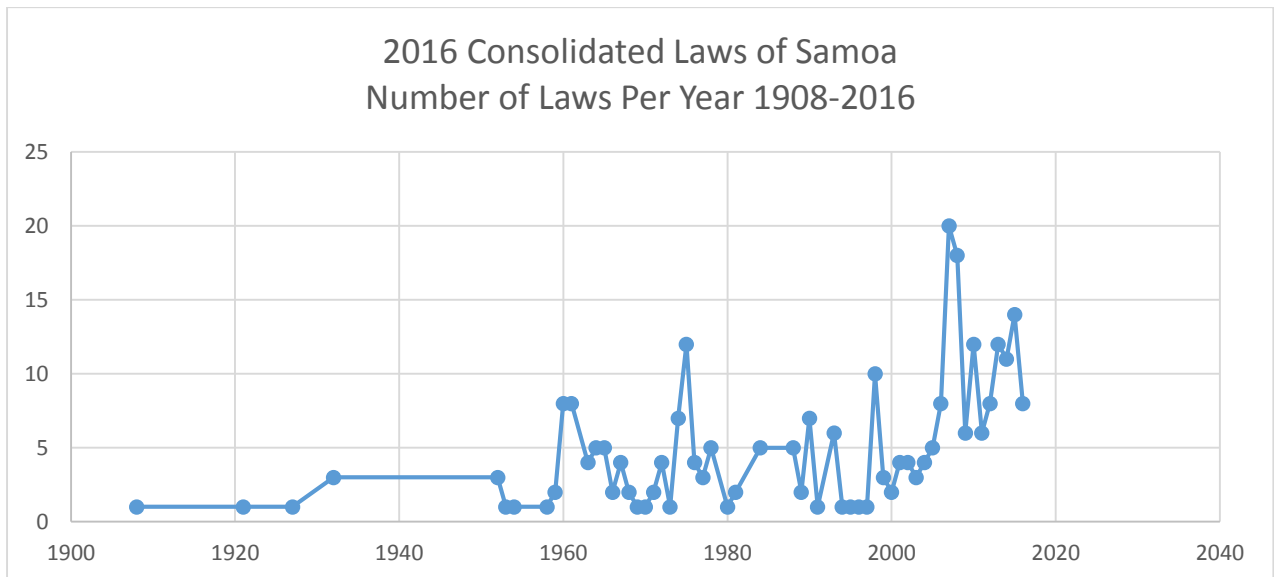


ii. Figure 2 -Number Of Laws Administered Per Government Office (Columns)



iii. **Figure 3 - Number of Laws According to Their Years 1908-2016**

(NB: The Years when the law was first enacted. Some laws have been continuously updated)



Some Significant Features:

- Oldest Law - Bankruptcy Act (NZ) 1908
- Year with the most number of laws – 2007
- Pre-Independence Laws (Before 1962) – 30
- Pre-Constitution Laws (Before 1960) – 14

5. PART D: TOR 3 - Laws requiring removal, updating or replacing.

5.1 TOR 3 required the Commission to identify and confirm from Ministries/SOEs/COs any outdated laws under their administration and recommend removal, updating or replacing. The comments in **page 6 (above)** on TOR 3 are repeated here, as those comments **define the scope** of the Offices consulted.

(a) The Consultations

5.2 On 21 August 2017, the first step in consultation was to send out letters first seeking from each Constitutional Office, Ministry and SOE's confirmation that they administer the preliminary list of laws in the findings of the Commission. In the consultations proper, some Offices recommended the repeal, updating and/or replacement of some of the laws under their responsibility. These were recorded and are analysed in summary in the consultation outcomes or the Findings below.

5.3 The process under which these consultations were carried out is set out in **ANNEXURE 2**.
The findings are set out immediately below.

(b) The Findings

5.4 The requests for review and recommendations below are on the 285 laws upon which the TOR was instructed and upon which respective Constitutional Offices, Ministries, Public Bodies (SOEs) and Statutory Offices (Offices) were consulted. Most Offices confirmed they administered the list of laws given them, and thus were not consulted again, but some responded 'NO' or that they were 'UNCERTAIN' on some of their laws. For a number of laws, more than one office is responsible for implementation. In such cases, for the purposes of this Review, the 'Principal' administrator is noted as the responsible Ministry/office, with the understanding there are other offices responsible for the same law. For example, MCIT and OOTR for the Telecommunications Act 2005.

5.5 The following **Table of Consultation Outcomes** sets out the consultation outcomes, on the laws that the Offices sought updating and revising, repealing or replacing. In understanding the Tables, the following applies:

- i) The Tables are separated according to Offices.
- ii) **Law** – State the law consulted upon.
- iii) **Review** – Notes the gist of the consultation issues
- iv) **Recommendations on the issue reviewed**
- v) **Proposed action to be taken.**

TABLE - CONSULTATION OUTCOMES

i. Constitutional Offices

Office of the Attorney General	
Law: 1	General Laws Act (No.2) Ordinance 1932
Review	OAG agreed it is the principal administrator. However, OAG will need to carry out further review of the provisions of this Ordinance to see whether those provisions are still relevant or can be identified in other relevant legislation, and the Ordinance repealed due to its outdated status.
Recommendation 1	
It is recommended that if the proposed review shows there is no need for the General Laws (No.2) Ordinance 1932 to continue to exist, the Ordinance may be repealed.	
Action	OAG to review with a view to repeal.
Law: 2	Regulations Ordinance 1953
Review	OAG agreed it is the principal administrator but with a more proactive approach. OAG to review the Ordinance as some provisions may be addressed in other laws. Eg. Revision and Publications of Laws Act 2008. For the Ordinance to be active and useful, OAG advised that they will be drafting an amendment to the Ordinance to reflect the current process of Regulation making.

Recommendation 2	
It is recommended that the Regulations Ordinance 1953 be updated to reflect the current process of regulations making in Samoa.	
Action	OAG to update this Ordinance to reflect current practice in Regulation making.
Law: 3	Law Reform Act 1964
Review	OAG to carry out further review of each provision of the Act to see whether those provisions are still relevant or can be identified in other relevant legislation, and the Ordinance repealed due to its outdated status.
Recommendation 3	
An old law to accommodate the past context. It is recommended that the Law Reform Act 1964 be reviewed on whether any of the few provisions left needs to be included in current law with a view to repealing this Act.	
Action	OAG to review and confirm any use of this Act and suggest repeal if the Act is no longer useful.
Law: 4	Plebiscite Act 1990
Review	OAG agreed it is the principal administrator. OAG suggested to amend the Act to allow OEC to work with them in the implementation of this Act. OAG will contact OEC about this proposal and any potential amendments to this Act.
Recommendation 4	
It is recommended that the Plebiscite Act 1990 be updated and revised to include provisions requiring both the OEC and the OAG to work together in implementing this Act.	
Action	OAG to consult OEC, revise and amend the Act to include this useful requirement

ii. Ministries

MINISTRY OF JUSTICE, COURTS & ADMINISTRATION (MJCA) ⁸	
Law: 1	Incorporated Societies Ordinance 1952
Upon Review	Sought that MCIL should be the principal administrator given the Registry of Companies and IP is under MCIL.

⁸ Further Recommendations for MJCA:

- (a) MJCA to consider a consolidation of all family laws in one **Family Law Act** similar to Fiji's Family Law Act 2003, incorporating:
- (i) Marriage Ordinance 1961;
 - (ii) Infants Ordinance 1961;
 - (iii) Divorce and Matrimonial Causes Ordinance 1961;
 - (iv) Maintenance and Affiliation Act 1967;
 - (v) Family Safety Act 2013; and
 - (vi) Family Court Act 2014.
- (b) For ease of reference, MJCA to also consider a consolidation under one single framework similar to NZ's **Contract and Commercial Law Act 2017**, of all contract related laws, incorporating for example: Frustrated Contracts Act 1967; Sale of Goods Act 1975 etc.
- (c) All Courts laws may be categorised as Laws directly related to the Courts, for example:

Courts and Tribunal Related Laws			
1	Sports Dispute Resolution Act 2008	7	Criminal Procedure Act 2016
2	Arbitration Act 1976	8	Evidence Act 2015
3	Reciprocal Enforcement of Judgments Act 1970	9	Sentencing Act 2016
4	Judgment Summonses Act 1965	10	Judicature Ordinance 1961
5	Young Offenders Act 2007	11	Family Court Act 2014
6	Community Justice Act 2008	12	District Courts Act 2016

Recommendation 5	
It is recommended that the Incorporated Societies Ordinance 1952 be part of the laws under MCIL where the companies' registry is regulated. MCIL supports this (letter of 19 Dec 2017)	
Action	To move to MCIL
Law: 2	Cooperative Societies Ordinance 1952
Review	Agreed that MCIL should be the principal administrator given the Registry of Companies and IP is under MCIL.
Recommendation 6	
It is recommended that the Cooperative Societies Ordinance 1952 be part of the laws under MCIL where the companies' registry is regulated. MCIL supports this (letter of 19 Dec 2017)	
Action	To move to MCIL
Law 3:	Police Offences Ordinance 1961
Review	MJCA agreed that MOP should be administrator given that its provisions refer to duties of a constable and powers of the Commissioners.
Recommendation 7	
The Police Offences Ordinance 1961 should be under the Ministry of Police, given that under the Ordinance, constables implement enforcement duties. The Ministry of Police is in agreement.	
Action	To move to MOP
Law: 4	Industrial and Provident Societies Act 1968
Review	Sought that MCIL should be the principal administrator given the Registry of Companies and IP is under MCIL. MJCA expressed they were unaware if any Industrial and Provident Societies exist in Samoa.
Recommendation 8:	
It is recommended that the Industrial and Provident Societies Act 1968 is moved to MCIL where the registry of societies is regulated. MCIL supports this (letter of 19 Dec 2017)	
Action	To move to MCIL
Law: 5	Wills Act 1975
Review	Sought that the Public Trust Office be the principal administrator given the nature of the Act i.e. it deals with the disposition of deceased person's property.
Recommendation 9:	
It is recommended that the Wills Act 1975 should be under the Public Trust Office as it deals with the disposition of a deceased person's property. The PTO agrees.	
Action	To move to PTO
Law: 6	Administration Act 1975
Review	MJCA sought that PTO be the principal administrator given the nature of Act- focusing on what happens in the administration of an estate of deceased persons and role of public trustee (PTO).
Recommendation 10:	
It is recommended that the Administration Act 1975 should be under the Public Trust Office which regulates the estates of deceased persons. The PTO agrees.	
Action	To move to PTO

Law: 7	Copyright Act 1998
Review	MJCA sought for MCIL to be the appropriate administering Ministry as Registry of Companies and IPs are currently under MCIL (Note that the Registry was formerly under the Department of Justice before 2003 PSC realignment)
Recommendation 11: It is recommended that the Copyright Act 1998 is administered by MCIL. MCIL confirms the Registries of Companies and Intellectual Properties division within their Ministry is responsible for copyright registration. It is also in the Ministry's service charter.	
Action	To move to MCIL
Law: 8	Births, Deaths and Marriages Registration Act 2002
Review	MJCA agreed that SBS should administer this Act as Government Statistician under the SBS Act is also the Registrar General of BDM.
Recommendation 12: It is recommended that the Births, Deaths and Marriages Registration Act 2002 is officially administered by the Samoa Bureau of Statistics, as this is expressly stated in the BDMR Act 2002.	
Action	To move to SBS

MINISTRY OF FINANCE (MOF)	
Law:1	Government Superannuation Act 1972
Review	MOF states that SNPF is the appropriate authority to administer this Act given the nature of the functions of SNPF (being responsible for the superannuation scheme) and that MOF has no involvement under the same other than making payments of Parliamentary Pension scheme under the Act.
Recommendation 13: It is recommended that the MOF confirms with the NPF the proper administering authority for the Government Superannuation Act 1972, before the proposal by MOF can be finalized, that this Act falls under NPF.	
Action	MOF to confirm with NPF
Law:2	Life Assurance Corporation Act 1976
Review	MOF is listed as the administrator at the end of the Act. However, MOF stated that MOF is only involved in the control of public funds and property, otherwise, the administration and implementation of this Act are with SLAC. As such, it is MOF's position that it seems more appropriate for this Act to be placed under the administration of SLAC rather than MOF
Recommendation 14: It is recommended that as SLAC is listed as a Public Trading Body under the Public Bodies (Performance and Accountability) Act 2001, it administers its own Act i.e. Life Assurance Corporation Act 1976.	
Action	To note – SLAC is the appropriate administrator of this Act.
Law:3	National Investment Corporation Act 1981
Review	The Ministry advises that it was uncertain if this Act was ever implemented since its enactment, and the purpose of the Act appears to be carried out by

	relevant Ministries under other Acts. The Ministry then instructed the repeal of this Act.
Recommendation 15: It is recommended that the National Investment Corporation Act 1981 is repealed as it is not known if it was ever used, and other laws already regulate the purpose of this Act.	
Action	To repeal
Law:4	Financial Institutions Act 1996
Review	Although MOF is listed as the administrator under the Act, MOF suggests that CBS is the more appropriate administrator given the role and function of the CBS (managing, regulating and overseeing financial institutions in Samoa)
Recommendation 16: It is recommended that due to the nature of its work, the official administrator of the Financial Institutions Act 1996 is CBS. CBS agrees.	
Action	To move to CBS
Law:5	Decimal Currency Act 1966
Review	MOF also suggest that CBS is the more appropriate administrator for this Act as they are the body responsible for the legal tender/coinage of Samoa rather than MOF.
Recommendation 17: It is recommended that the official administrator of the Decimal Currency Act 1966 is CBS. CBS agrees.	
Action	To move to CBS
Law:6	Asian Development Bank (ADB) Loan Act 1969
Review	The Project under which this Act was enacted has been completed. Therefore, MOF suggests the repeal of this Act.
Recommendation 18: The Asian Development Bank (ADB) Loan Act 1969 is redundant. It is recommended that it be repealed.	
Action	To repeal
Law:7	Public Bodies (Performance and Accountability) Act 2001
Review	The administrator for this Act should have been changed to MPE following the PB (Performance and Accountability) Act 2015.
Recommendation 19: It is recommended that the Public Bodies (Performance and Accountability) Act 2001 Act is administered by MPE, MPE being the implementing Ministry.	
Action	To move to MPE
Law:8	Royal Samoan Hotel Act 1984
Review	The Corporation under this Act no longer exists, and the purposes of the Act have been met. MOF suggests repealing this Act.
Recommendation 20: It is recommended that the Royal Samoan Hotel Act 1984 is repealed. There are and have been no records with MOF on any dealings under this Act for a very long time now.	
Action	To repeal

Law:9	Bad Debts Act 1990
Review	The purposes of this Act have been met and save for one, the Corporations and Boards listed in the Schedule of the Act no longer exist. MOF suggests repealing this Act.
Recommendation 21: It is recommended that the Bad Debts Act 1990 is repealed. There are no records of any dealings under it for a long time now.	
Action	To repeal
Law:10	Development Loan Authorisation Act 2005
Review	The purposes of this Act have been met. MOF suggests repealing the Act. The Acts Interpretation Act 2015 applies for any outstanding matters.
Recommendation 22: It is recommended that the Development Loan Authorisation Act 2005 is repealed. Its purpose has already been achieved. If there are any outstanding matters, the Acts Interpretation Act 2015 provisions on repealed laws may apply.	
Action	To repeal
Law: 11	Loan Authorisation Act 2006
Review	The purposes of this Act have been met and the provisions of the Acts Interpretation Act 2015 applies for any outstanding matters. MOF suggests repealing the Act.
Recommendation 23: It is recommended that the Loan Authorisation Act 2006 is repealed. Its purpose has already been achieved. If there are any outstanding matters, the Acts Interpretation Act 2015 provisions on repealed laws may apply.	
Action	To repeal
Law:12	South Pacific Games (Taxation Incentives) Act 2007
Review	The purposes of this Act have been met and the provisions of the Acts Interpretation Act 2015 may apply for any outstanding matters. MOF suggests repealing the Act.
Recommendation 24: It is recommended that the South Pacific Games (Taxation Incentives) Act 2007 is repealed. Its purpose has already been achieved. If there are any outstanding matters, the Acts Interpretation Act 2015 provisions on repealed laws may apply.	
Action	To repeal
Law:13	Loan Authority Act 2007
Analysis	The purposes of this Act have been met and the provisions of the Acts Interpretation Act 2015 applies for any outstanding matters. MOF suggests repealing the Act.
Recommendation 25: It is recommended that the Loan Authority Act 2007 is repealed. Though the loan repayments will be completed by 2027, if there are any issues arising, the Acts Interpretation Act 2015 provisions on repealed laws may apply.	
Action	To repeal
Law:14	Samoa Broadcasting Corporation (SBC) Repeal Act 2008

Review	The necessary documentations to effect these arrangements have been completed, and therefore, this Act is no longer relevant. MOF suggests repeal.
Recommendation 26: It is recommended that the Samoa Broadcasting Corporation (SBC) Repeal Act 2008 is repealed as its purposes has been fulfilled and is no longer relevant.	
Action	To repeal
Law:15 Electricity Act 2010	
Review	Although MOF is listed as the administrator of this Act, MOF advises this should be under OOTR, given the nature of the functions of the Regulator in light of the provisions of the Act. This is in line with response from OOTR.
Recommendation 27: Given the bulk of the work under the Electricity Act 2010 is carried out by the Office of the Regulator, it is recommended that the OOTR is the appropriate administrator. The OOTR is of the same view.	
Action	The OOTR as the administrator.
Law:16 Agriculture Store Corporation Repeal Act 2013	
Review	The necessary documentations to effect these have been completed, and therefore, this Act is no longer relevant. MOF suggests repeal.
Recommendation 28: It is recommended that the Agriculture Store Corporation Repeal Act 2013 is repealed. The necessary documentations to effect these have been completed, and therefore, this Act is no longer relevant.	
Action	To repeal
Law:17 Central Bank of Samoa Act 2015	
Review	CBS is an independent entity with capacity to administer its own Act therefore, MOF confirms that this Act is under CBS.
Recommendation 29: It is recommended that the Central Bank of Samoa is the appropriate administrator of the Central Bank Act 2015.	
Action	CBS is the appropriate administrator

MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT (MNRE)	
Law: 1 Samoan Market Ordinance 1927	
Review	MNRE confirms that they administer this law. However, they advised that according to an Annual Report published by Samoa Land Corporation (around 2006-2007) SLC commenced its management of the Savalalo Flea Market and the Salelologa Market as decided and approved by Cabinet. In contrast, the Fugalei Market is under the management of the Accident Compensation Corporation.
Recommendation 30: It is recommended that the MNRE as the rightful administrator confirm if the Samoan Market Ordinance 1927 is still useful, and to recommend repeal if the answer is in the negative.	
Action	MNRE to confirm with a view to repeal
Law: 2 Building Alignment Ordinance 1932	

Review	MNRE confirms administration of this Act. MNRE also advised that pending any advice from MWTI and LTA, this Act needs to be repealed as most of its functions have been assumed by the Planning and Urban Management Act 2004 and Regulations and respective laws under MWTI and LTA.
Recommendation 31: It is recommended that the Building Alignment Ordinance 1932 is repealed, where it is confirmed by MNRE that most of its functions have been assumed by other authorities e.g. PUMA.	
Action	To repeal

MINISTRY OF AGRICULTURE AND FISHERIES (MAF)	
Law: 1	National Parks and Reserves Act 1974
Review	<u>In consultation with MNRE</u> , MNRE proposed that the administration of the NPRA which is currently under the Ministry of Agriculture and Fisheries should be transferred to the MNRE on the basis that it is the MNRE that is overseeing and managing all Parks and Reserves in Samoa. MAF agrees.
Recommendation 32: It is recommended that the National Parks and Reserves Act 1974 be moved to be administered by MNRE, the appropriate Ministry regulating national parks and reserves for Samoa. MAF	
Action	MNRE is the appropriate administrator.

MINISTRY OF COMMERCE, INDUSTRY AND LABOUR (MCIL)	
Law: 1	Mercantile Law Act 1975
Review	CEO confirmed that they have had no dealings with the <i>Mercantile Law Act 1975</i> since the establishment of current MCIL in 2003. MCIL confirmed that they do not implement or administer any provisions of this Act. MCIL noted that this Act deals with a particular area of commerce by providing rights and liabilities for persons mainly in connection to goods that are in the care of agents who are either ship owners, warehouse owners or general agents. MCIL is of the view that it is more appropriate for the Ministry of Revenue and the Samoa Ports Authority to administer this Act, given that both has jurisdiction over all goods at the ports as well as those persons (agents) who are responsible for those goods.
Recommendation 33: It is recommended that MCIL confirms with other relevant Ministries if the Mercantile Law Act 1975 is still being implemented, and if not, if MCIL would entertain recommending its repeal.	
Action	For MCIL to action the recommendation

MINISTRY OF COMMUNICATION, INFORMATION & TECHNOLOGY (MCIT)	
Law: 1	Telecommunications Act 2005
Review	MCIT understands that the issue of administration has been an unsettled matter in the past years between MCIT and OOTR. MCIT understands that most of the provisions in the Telecommunications Act 2005 and Broadcasting Act 2010 relate to the role of the Regulator and how the work of OOTR is regulated. MCIT believes that MCIT and OOTR need to work together. One cannot operate without the other. MCIT makes policies (Policy Advise) and OOTR regulates these policies.
Recommendation 34: It is recommended that a proper review be carried out on the Telecommunications Act 2005 to clarify the roles of MCIT and OOTR under this Act.	
Action	MCIT and OOTR to work on their empowering legislation to reflect the current realities.
Law:2	<ul style="list-style-type: none"> • Electricity Act 2010 • Broadcasting Act 2010 • Postal Services Act 2010
Review	The regulator implements the provisions of these laws. MCIT is responsible for policy making, but OOTR is answerable to the services and obligations under statute. For this and other reasons, the OOTR is the appropriate administrator for these 3 laws.
Recommendation 35: As the Office of the Regulator carries out the functions of these set of laws, it is recommended that the Electricity Act 2010; Broadcasting Act 2010; and the Postal Services Act 2010 are all laws administered by the OOTR laws. MCIT is substantially involved in policy making.	
Action	All 3 laws to move to OOTR

MINISTRY OF HEALTH (MOH)	
Law: 1	Oceania University of Medicine (Samoa) Act 2002
Review	From consultation, it was advised that MOH has no further links with OUM. The Act establishes OUM which is an international independent company. When it was first established, the Samoan Government was a shareholder and the CEO of Health was a board member. Now, there is a Faculty of Medicine at NUS which MOH and the Government financially support to train doctors, instead of sending them to Fiji.
Recommendation 36: It is recommended that the MOH confirms if they still have any dealings with the Oceania University of Medicine under the Oceania University of Medicine (Samoa) Act 2002, before confirming the appropriate administrator for the OUM (Samoa) Act 2002.	
Action	For MOH to confirm with OUM before any decision on the status of this Act is made.

MINISTRY OF THE PRIME MINISTER AND CABINET (MPMC)	
Law: 1	Samoa Act 1921 (NZ)
Review	MPMC confirms administration of this Act. It has only 2 sections left. The Commission discussed the historical significance of this Act and sought if there is still a need for the 2 provisions remaining. The 2 provisions are irrelevant today in Samoa and they contradict provisions of other legislation in place (i.e. Constitution and the Property Law Act 1952). MPMC has the final say on the way forward of the Act. The MPMC acknowledged the Act's historical significance. They agreed that since the provisions are perhaps no longer relevant, the Act will be considered for a possible repeal.
Recommendation 37: It is recommended that the MPMC review and confirm the repeal or otherwise of the Samoa Act 1921 (NZ) due to its out datedness.	
Action	MPMC to confirm repeal or retain, or otherwise.
Law: 2	Samoan Antiquities Ordinance 1954
Review	This Ordinance makes provision and preservation of Samoa's antiquities (measina o Samoa) e.g. the ie-toga. Were there any other 'measina o Samoa' the Ministry would like to add to the list of 'antiquities'? There are limited enforcement provisions when it comes to preserving and protection of Samoa's treasures under this Act. For example ie-toga's are still taken out of Samoa without regulation.
Recommendation 38: It is recommended that the MPMC reviews and updates the Samoan Antiquities Ordinance 1954 for better enforcement of the laws relating to the preservation of Samoa's antiquities. Proposed amendments to be developed and drafting instructions submitted to the Legislative Drafting Division of the OAG (Attorney General).	
Action	MPMC to instruct on the review and update this law
Law: 3	Samoan Status Act 1963
Review	This Act was enacted immediately after Independence. It provides that the Court may declare that a person is a "Samoan". It appears that an 'honorary' title bestowed on non-Samoans (before 1963) does not entitled that non-Samoan to any rights to land to which that matai title is linked. The honorary matai title was a show of respect and friendship. There must be a Register which records 'Declared Samoans'. Common provisions with the Lands and Titles Act 1981 is the eligibility of a Matai. Section 20 of the Lands and Titles Act state that you need to be minimum 25 years, carry out obligations in the village community according to Samoa's custom. Under the Samoa Status Act, the eligibility criteria to be a Matai requires one to be 'Samoan', which means, one must have Samoan blood.
Recommendation 39: It is recommended that given the importance of the Samoan Status Act 1963 to the Samoan people, that the MPMC updates this Act and give it proper enforcement.	
Action	For the MPMC to instruct on the review and update of this law.
Law: 4	SEG International Enterprise Act 2011
Review	This Act and the Landing Act 2016 (administered by STA) allow the "Survivor TV Series" to enter Samoa. There is a sunset provision in this Act which requires that once it is no longer in use then it should be repealed. The Minister for Revenue may

	nominate a repeal date approved by Cabinet. There should be a provision that ensures all debts for these overseas agencies are cleared. The Acts Interpretation Act 2015 addresses any outstanding matters. The Ministry advised that this Act is no longer in use, therefore it needs to be repealed.
Recommendation 40: It is recommended that the Minister for Revenue invokes his power under the SEG International Enterprise Act 2011 and nominate a repeal date for this Act. The Acts Interpretation Act 2015 will save any entitlements or duties still outstanding.	
Action	To repeal
Law: 5	Head of States Act 1965
Review	This is currently administered by OCLA. However, the MPMC is currently reviewing the same and will be proposing for this Act to be administered by MPMC, as the Head of State office is under MPMC and the CEO for MPMC is also the Secretary for the Head of State.
Recommendation 41: It is recommended that the MPMC liaise with the OCLA to confirm the appropriate administrator for the Head of States Act 1965.	
Action	MPMC to confirm administrator with OCLA

MINISTRY OF WORKS, TRANSPORT AND INFRASTRUCTURE (MWTI)	
Law: 1	Sea Carriage of Goods Ordinance 1960
Review	This Act primarily covers commercial matters relating to the bill of lading and it may be appropriate for this Act to be administered by MCIL
Recommendation 42: It is recommended that MWTI settles with MCIL which Office is the principal administering Office for the Sea Carriage of Goods Ordinance 1960. Both to confirm if this Ordinance still has any use for Samoa.	
Action	MWTI to liaise with MCIL
Law: 2	Road Traffic Ordinance 1960
Review	This Act relates to the process of the registration of drivers and vehicles as well as the corresponding offences for non-compliance. The majority of the performance of the matters under this Act such as licensing drivers and vehicles are performed by LTA and the prosecution of the offences are shared by Police and LTA. At this stage, it may be appropriate for LTA to administer it with the help from MOP.
Recommendation 43: It is recommended that the LTA is the rightful administrator of the Road Traffic Ordinance 1960. The LTA regulates the licensing of vehicle drivers, the condition of land transport etc.	
Action	Move to LTA
Law: 3	Electric Power Corporation Act 1980
Review	The Act would be more appropriate to be administered by its relevant authority (SOE)/Board of Directors which is EPC
Recommendation 44: It is recommended that as a public trading body, the Electric Power Corporation is the administrative authority of the Electric Power Corporation Act 1980.	

Action	Move to EPC
Law: 4	Ports Authority Act 1998
Review	The Act would be more appropriate to be administered by its relevant authority (SOE)/Board of Directors which is SPA.
Recommendation 45: It is recommended that as a public trading body, the Ports Authority is the administrative authority of the Ports Authority Act 1998.	
Action	Move to SPA
Law: 5	Samoa Water Authority Act 2003
Review	The Act would be more appropriate to be administered by its relevant authority (SOE)/Board of Directors which is SWA.
Recommendation 46: It is recommended that as a public trading body, the Samoa Water Authority is the administrative authority of the Samoa Water Authority Act 2003.	
Action	Move to SWA
Law: 6	Airport Authority Act 2012
Review	The Act would be more appropriate to be administered by its relevant authority (SOE)/Board of Directors which is AA
Recommendation 47: It is recommended that as a public trading body, the Airport Authority is the administrative authority of the Airport Authority Act 2012.	
Action	Move to AA

MINISTRY FOR REVENUE (MfR)	
Law: 1	Hotel Levies Act 1972
Review	The purposes of this Act have been met. The Ministry is of the view that this Act should be removed as the hotel levy is similar to a services tax (repeal – not active). The Hotel Levies Act was legislated before the VAGST tax was introduced in 1992 (there is now a 15% VAGST on all goods and services. If in the future the hotel industry would like to resurrect this levy, the Ministry agrees that such levy may be covered under the Tourism Development Act 2012.
Recommendation 48: It is recommended that the Hotel Levies Act 1972 be repealed.	
Action	To repeal
Law: 2	Fines (Review and Amendment) Act 1998
Review	MfR agrees that this Act may either remain with MfR or MOF or alternatively have section 4 (re: penalty units) incorporated into another appropriate legislation. It was also discussed during consultations with MOF the possibility of this Act being repealed and the relevant provision (re: penalty units) be moved to another relevant Act. Moving the penalty provision to the AIA was considered, but it was found that the AIA already provides for it and refers to this Act. Another relevant Act considered was the Sentencing Act 2016.

Recommendation 49:

Save for section 4 of the Fines (Review and Amendment) Act 1998, it appears this Act is spent (re: Consolidation 2016, copy of Act). It is recommended that the MfR (the current administrator) consults with MOF on the appropriate incorporation of the relevant provisions in the relevant legislation.

Action MfR to action, consult MOF

MINISTRY OF POLICE (MOP)

Law: 1 Prisons and Corrections Act 2013

Review Following separation of MoP and Prisons Services, it is appropriate to move this under Prisons and Corrections Services – MoP agrees

Recommendation 50:

It is confirmed that the Prisons and Corrections Act 2013 is administered by the Prisons and Corrections Services.

Action Move to PCS

MINISTRY OF EDUCATION, SPORTS AND CULTURE (MESC)

Law: 1 National University of Samoa Act 2006

Review Initial consultation shows that NUS operates independently.

Recommendation 51:

It is recommended that as a public beneficial body, the National University of Samoa is the administrative authority of the National University of Samoa Act 2006.

Action NUS administers its own Act

MINISTRY OF FOREIGN AFFAIRS AND TRADE (MFAT)

Law: 1 Geneva Conventions Act 2015

Review MFAT will go through their records again and provide confirmation that their Ministry administers this Act.

Recommendation 52:

It is recommended that the MFAT confirms their position on whether they administer the Geneva Conventions Act 2015.

Action MFAT to confirm

Law: 2 MFAT Amendment Bill

Review MFAT also advised that there was a draft Bill sometime in 2004 (drafted by Tony Lawson) to amend and replace the current Foreign Affairs Act 1976. However, it wasn't confirmed at this stage whether the Bill was finalized etc. Perhaps the OAG should have records of this however, MFAT advised that they will go through their records again and confirm with the Commission. MFAT advised in the event this Bill pushes through, MFAT should administer the same.

Recommendation 53:

It is recommended that, given MFAT's keenness for this Bill to be completed, that MFAT consults with the OAG on this Bill, if this Bill is useful for MFAT's operations.

Action MFAT to follow up status of the Bill with OAG

MINISTRY OF PUBLIC ENTERPRISES (MPE)

Law: 1 Public Bodies (Performance and Accountability) Act 2001

Review MOF says - The administrator for this Act should have been changed to MPE following the PB (Performance and Accountability) Act 2015 where provisions were incorporated e.g. "Ministry" means the Ministry for Public Enterprises;

See Recommendation 19:

Action Move from MOF to MPE

iii.SOEs and Statutory Bodies

LAND TRANSPORT AUTHORITY (LTA)

Law: 1 Road Traffic Ordinance 1960

Review It is appropriate for the Ordinance to move under the administration of LTA as most of the works and services under the Ordinance are carried out by the Authority.

See Recommendation 43:

Action Move to LTA

PUBLIC TRUST OFFICE (PTO)

Law: 1 Administration Act 1975

Review Initially comments- all three (3) Acts have a general application depending on the death of the deceased, his/her estate if testate is guided by the Wills Act, but if intestate, is guided by the Administration Act.

See Recommendation 10

Action Move to PTO

Law: 2 Wills Act 1975

Review PTO advised they implement the provisions of this law. All three (3) Acts (Wills Act, Administration Act, and Trustee Act) are guided by Succession Laws, and then branched into trustees, wills and administration of both.

See Recommendation 9

Action Move to PTO

CENTRAL BANK OF SAMOA (CBS)	
Law: 1	International Finance Agreements Act 1971
Review	SIFA to administer as it is an 'international financial service legislation' under the SIFA Act
Recommendation 54: It is recommended that SIFA administers the International Finance Agreements Act 1971 given its express legislative provisions supports this position.	
Action	Move to SIFA
Law: 2	International Insurance Act 1988
Review	SIFA to administer as it is an 'international financial service legislation' under the SIFA Act
Recommendation 55: It is recommended that SIFA administers the International Insurance Act 1988 given its express legislative provisions supports this position.	
Action	Move to SIFA
Law: 3	Trustee Companies Act 1988
Review	SIFA to administer as it is an 'international financial service legislation' under the SIFA Act
Recommendation 56: It is recommended that SIFA administers the Trustee Companies Act 1988 given its express legislative provisions supports this position.	
Action	Move to SIFA
Law: 4	Segregated Fund International Companies Act 2000
Review	SIFA to administer as it is an 'international financial service legislation' under the SIFA Act
Recommendation 57: It is recommended that SIFA administers the Segregated Fund International Companies Act 2000 given its express legislative provisions supports this position.	
Action	Move to SIFA
Law: 5	International Banking Act 2005
Review	SIFA to administer as it is an 'international financial service legislation' under the SIFA Act
Recommendation 58: It is recommended that SIFA administers the International Banking Act 2005 given its express legislative provisions supports this position.	
Action	Move to SIFA
Law:6	Central Bank of Samoa Act 2015
Review	Sets up the Central Bank of Samoa
See Recommendation 29	

OFFICE OF THE REGULATOR (OOTR) <i>(Further Review Commentary for OOTR Review of Legal Framework is attached as ANNEXURE 3)</i>	
Law: 1	Telecommunications Act 2005
Review	<p>OOTR confirms that they carry out the bulk of the duties and functions under this Act and as such, they are the appropriate administrator of this Act. There is a need to revise the Act, and there are various suggested amendments to the Act. One such amendment is to allow OOTR to do a number of things under legislation e.g. hire a private lawyer when dealing with matters under s80⁹ of the Telecommunications Act 2005. This is proposed as the OOTR sees a conflict of interest to involve the AGO as they advise all other Ministries.</p> <p><i>NB: The OOTR expressed the urgent need for review of their legislation or their legislative framework to assist OOTR move forward in a more productive way than they are currently able to.</i></p>
<p>Recommendation 59: It is recommended that the legislative framework for the work of a Regulator in Samoa be revised and clarified in more clear laws. The structure and setup of the OOTR must be revisited, to allow for a more effective workforce technically equipped to carry out the work of the OOTR.</p>	
Action	The OOTR's legislative framework need to be revised for better improved services of the OOTR.
Law: 2	Broadcasting Act 2010; Electricity Act 2010; Postal Services Act 2010
Review	<p>The roles and functions of MCIT and OOTR are unclear under the Act. As such, there is confusion in the roles leading to lack of clear direction for the two Offices. There is a lack of clarification in the Act on the policy documents/plans under OOTR (i.e. Numbering Plans, Spectrum Allocation Plans) although it is clear that OOTR makes and implements those specific policies.</p> <p>In the Postal Services Act, OOTR has not done much work under it, but there are issues in the Postal sector. However these issues can't be solved under the Act. The Act is specific to regulating postal itself but other commercial companies are not included there but the OOTR is of the opinion that the Act should regulate these. The Act only regulates Postal Communication. There's nothing there to regulate.</p>
<p>See Recommendation 34 (above)</p>	

5.6 The instructions and recommendations given by the Ministries/SOE/COs at consultations informed the above Tables, where these Offices sought for the repeal of some of their laws as they were outdated, or for the review and replacement of some of their other laws.

⁹ **Civil protection for the Regulator** – (1) Claims made by or against the Regulator are to be made under the Government Proceedings Act 1974.

(2) Despite any other law, other than the Constitution, no action, suit or proceedings for any act or omission in connection with the responsibilities, powers or duties imposed on the Regulator by this Act shall be brought or maintained against:

(a) any person who has been or is the Regulator where such person has been or is acting in good faith; or

(b) any person who has been or is acting under the authority of the Regulator under the Act where such person has been or is acting in good faith.

6. PART E: THE PROPOSED IMPROVED FABRIC OF THE LAWS OF SAMOA

6.1 The recommendations above (Part D) resulted in a **Proposed Improved Fabric of the Laws of Samoa** reflected in the Tables in this Part.

- Table A – Laws for which repeal was recommended.
- Table B – Revised Summary of the Number of Laws each Ministries/SOEs/COs administer.
- Table C – The Proposed Improved Fabric of Laws of Samoa.

6.2 **TABLE A** shows that 13 laws were proposed to be repealed. Unrelated to the repeals recommended here, there is 1 Act that has been repealed since the Consolidation of Laws 2016 – the *National Prosecution Act 2015*.

TABLE A LAWS FOR WHICH REPEAL WAS RECOMMENDED		
MOF	1	National Investment Corporation Act 1981
	2	Asian development Bank Loan Act 1969
	3	Royal Samoan Hotel Act 1984
	4	Bad Debts Act 1990
	5	Development Loan Authorisation Act 2005
	6	Loan Authorisation Act 2006
	7	South Pacific Games (Taxation Incentives) Act 2007
	8	Loan Authorisation Act 2007
	9	Samoa Broadcasting Corporation Repeal Act 2008
	10	Agriculture Store Corporation Repeal Act 2013
MNRE	11	Building Alignment Ordinance 1932
MPMC	12	SEG International Enterprise Act 2011
MfR	13	Hotel Levies Act 1972
285- 13 = 272		
NB: Unrelated to the repeals following these consultations, there is 1 Act that has been repealed since the Consolidation of Laws 2016 – the <i>National Prosecution Act 2015</i> . This then brings the number of laws in the Proposed Improved Fabric of Laws to <u>271</u>		

6.3 **TABLE B** –shows that the number of re-shifted laws to their correct administrator is 30.

TABLE B					
REVISED SUMMARY OF THE <u>NUMBER</u> OF LAWS EACH MINISTRIES/SOES/COS ADMINISTER.					
CONSTITUTIONAL OFFICES					
	Constitutional Office	No of Laws Administered		Constitutional Office	No of Laws Administered
1	Office of the Clerk of the Legislative Assembly (OCLA)	3	4	Office of the Ombudsman (OO)	1
2	Office of the Attorney General (OAG)	15	5	Public Service Commission (PSC)	2
3	Audit Office (AO)	1			

PUBLIC BODIES/SOEs AND STATUTORY AUTHORITIES					
	Public Bodies/SOEs and Statutory Authorities	No of Laws Administered		Public Bodies/SOEs and Statutory Authorities	No of Laws Administered
1	Accident Compensation Corporation (ACC)	1	13	Fire and Emergency Service (FESA)	1
2	Samoa International Finance Authority (SIFA)	13	14	Samoa Qualifications Authority (SQA)	1
3	Land Transport Authority (LTA)	4	15	Scientific Research Organisation of Samoa (SROS)	1
4	Samoa Tourism Authority (STA)	2	16	Samoa Law Reform Commission (SLRC)	1
5	Samoa National Provident Fund (SNPF)	2	17	Office of the Regulator (OOTR)	4
6	Development Bank Of Samoa (DBS)	1	18	Samoa Bureau of Statistics (SBS)	2
7	Public Trust Office (PTO)	3	19	Office of the Electoral Commissioner (OEC)	1
8	Samoa Housing Corporation (SHC)	1	20	Central Bank of Samoa (CBS)	8
9	Samoa Life Assurance Corporation (SLAC)	1	21	Electric Power Corporation (EPC)	1
10	Samoa Ports Authority (SPA)	1	22	Samoa Water Authority (SWA)	1
11	Airport Authority (AA)	1	23	Samoa Prisons and Corrections Services (SPCS)	1
12	National University of Samoa (NUS)	1			

MINISTRIES					
	Ministries	No of Laws Administered		Ministries	No of Laws Administered
1	Ministry of Justice and Courts Administration (MJCA)	42	9	Ministry of Works, Transport and Infrastructure (MWTI)	12
2	Ministry of Finance (MOF)	17	10	Ministry For Revenue (MfR)	13
3	Ministry of Natural Resources and Environment (MNRE)	21	11	Ministry of Police (MOP)	8
4	Ministry of Commerce, Industry and Labour (MCIL)	24	12	Ministry of Education, Sports and culture (MESC)	5
5	Ministry of Health (MOH)	20	13	Ministry of Foreign Affairs and Trade (MFAT)	5
6	Ministry of the Prime Minister and Cabinet (MPMC)	16	14	Ministry of Women, Community and Social development (MWCSD)	3
7	Ministry of Agriculture and Fisheries (MAF)	8	15	Ministry of Communication, Information and Technology (MCIT)	1
8	Ministry of Public Enterprise (MPE)	1			

6.4 **TABLE C** presents the **Proposed Improved Fabric of Laws of Samoa**. In this Table, the laws highlighted in **red font** indicate the laws that have been moved to their correct administrating authority, as informed by consultations.

TABLE C					
THE PROPOSED IMPROVED FABRIC OF LAWS OF SAMOA					
CONSTITUTIONAL OFFICES					
OFFICE OF THE ATTORNEY GENERAL (OAG) (x15)					
1	1	General Laws (No.2) Ordinance 1932	9	9	Penalty Interest Rates Act 1998
2	2	Regulations Ordinance 1953	10	10	Mutual Assistance in Criminal Matters Act 2007
3	3	Constitution of the Independent State of Samoa 1960	11	11	Revision and Publication of Laws Act 2008
4	4	Existing Law Adjustment Ordinance 1961	12	12	International Transfer of Prisoners Act 2009
5	5	Law Reform Act 1964	13	13	Attorney General's Office Act 2013
6	6	Government Proceedings Act 1974	14	14	Lawyers and Legal Practice Act 2014

7	7	Limitation Act 1975	15	15	Acts Interpretation Act 2015
8	8	Plebiscite Act 1990			

OFFICE OF THE CLERK OF THE LEGISLATIVE ASSEMBLY (OCLA) (x3)					
16	1	Constitutional Convention Ordinance 1960	18	3	Head of State Act 1965
17	2	Legislative Assembly Powers and Privileges Ordinance 1960			

PUBLIC SERVICE COMMISSION (PSC) (x2)					
19	1	Remuneration Tribunal Act 2003	20	2	Public Service Act 2004

AUDIT OFFICE (AO) (x1)					
21	1	Audit Act 2013			

OFFICE OF THE OMBUDSMAN (OO) (x1)					
22	1	Ombudsman (Komesina o Sulufaiga) Act 2013			

PUBLIC BODIES / STATE OWNED ENTERPRISES					
ACCIDENT COMPENSATION CORPORATIONS(ACC) (x1)					
23	1	Accident Compensation Act 1989			

SAMOA INTERNATIONAL FINANCE AUTHORITY (SIFA) (x13)					
24	1	International Partnership and Limited Partnership Act 1998	31	8	Special Purpose International Companies Act 2012
25	2	Samoa International Finance Authority Act 2005	32	9	Trusts Act 2014
26	3	International Mutual Funds Act 2008	33	10	Foundations Act 2016
27	4	Electronics Transactions Act 2008	34	11	International Finance Agreements Act 1971
28	5	International Companies Act 1988	35	12	International Insurance Act 1988
29	6	Trustee Companies Act 1988	36	13	Segregated Fund International Companies Act 2000
30	7	International Banking Act 2005			

LAND TRANSPORT AUTHORITY (LTA) (x4)					
37	1	Land Transport Authority Act 2007	39	3	Road Traffic (Payment of Fines) Act 2009
38	2	Road Transport Reform Act 2008	40	4	Road Traffic Ordinance 1960

SAMOA TOURISM AUTHORITY (STA) (x2)					
41	1	Tourism Development Act 2012	42	2	Landing Limited Act 2016

SAMOA NATIONAL PROVIDENT FUND (SNPF) (x2)					
43	1	National Provident Fund Act 1972	44	2	Parliamentary Pension Scheme Act 1998

DEVELOPMENT BANK OF SAMOA (DBS) (x1)					
45	1	Development Bank of Samoa Act 2010			

PUBLIC TRUST OFFICE (PTO) (x3)					
46	1	Public Trust Office Act 1975	48	3	Wills Act 1975
47	2	Administration Act 1975			

SAMOA HOUSING CORPORATION (SHC) (x1)					
49	1	Housing Corporation Act 2010			

FIRE AND EMERGENCY SERVICE (FESA) (x1)					
50	1	Fire and Emergency Service Act 2007			

SAMOA QUALIFICATIONS AUTHORITY (SQA) (x1)					
51	1	Samoa Qualifications Authority Act 2010			

SCIENTIFIC RESEARCH ORGANIZATION OF SAMOA (SROS) (x1)					
52	1	Scientific Research Organisation of Samoa Act 2008			

SAMOA LAW REFORM COMMISSION (SLRC) (x1)					
53	1	Law Reform Commission Act 2008			

OFFICE OF THE REGULATOR (OOTR) (x4)					
54	1	Telecommunications Act 2005	56	3	Electricity Act 2010
55	2	Postal Services Act 2010	57	4	Broadcasting Act 2010

SAMOA BUREAU OF STATISTICS (x2)					
58	1	Statistics Act 2015	59	2	Births, Deaths and Marriages Registration Act 2002

OFFICE OF THE ELECTORAL COMMISSION (OEC) (x1)					
60	1	Electoral Act 1963			

CENTRAL BANK OF SAMOA (CBS) (x8)					
61	1	Central Bank Lease Empowering Act 1993	65	5	Insurance Act 2007
62	2	Decimal Currency Act 1966	66	6	Money Laundering Prevention Act 2007
63	3	Financial Institutions Act 1996	67	7	Proceeds of Crime Act 2007

64	4	Central Bank of Samoa Act 2015	68	8	National Payment System Act 2014
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SAMOA LIFE ASSURANCE CORPORATION (SLAC) (x1)					
69	1	Life Assurance Corporation Act 1976			

ELECTRIC POWER CORPORATION (EPC) (x1)					
70	1	Electric Power Corporation Act 1980			

SAMOA PORTS AUTHORITY (SPA) (x1)					
71	1	Ports Authority Act 1998			

SAMOA WATER AUTHORITY (SWA) (x1)					
72	1	Samoa Water Authority Act 2003			

AIRPORT AUTHORITY (AA) (x1)					
73	1	Airport Authority Act 2012			

SAMOA PRISONS AND CORRECTIONS SERVICE (SPCS) (x1)					
74	1	Prisons and Corrections Act 2013			

NATIONAL UNIVERSITY OF SAMOA (x1)					
75	1	National University of Samoa Act 2006			

MINISTRIES					
MINISTRY OF JUSTICE, COURTS & ADMINISTRATION (MJCA) (x42)					
76	1	Bankruptcy Act (NZ) 1908	97	22	Carriers Act 1975
77	2	Property Law Act 1952	98	23	Arbitration Act 1976
78	3	Coroners Ordinance 2017	99	24	Prisons Parole Board Act 1977
79	4	Indecent Publication Ordinance 1960	100	25	Film Control Act 1978
80	5	Marriage Ordinance 1961	101	26	Land and Titles Act 1981
81	6	Judicature Ordinance 1961	102	27	Declaratory Judgments Act 1988
82	7	Infants Ordinance 1961	103	28	Newspapers and Printers Act 1993
83	8	Divorce and Matrimonial Causes Ordinance 1961	104	29	Official Flag and National Anthem of Samoa Act 1994
84	9	Oaths, Affidavits and Declarations Act 1963	105	30	Alternative Dispute Resolution Act 2007
85	10	Contributory Negligence Act 1964	106	31	International Criminal Court Act 2007
86	11	Commissions of Inquiry Act 1964	107	32	Young Offenders Act 2007
87	12	Judgment Summonses Act 1965	108	33	Community Justice Act 2008

88	13	Maintenance and Affiliation Act 1967	109	34	Sports Dispute Resolution Act 2008
89	14	Frustrated Contracts Act 1967	110	35	Family Safety Act 2013
90	15	Reciprocal Enforcement of Judgments Act 1970	111	36	Family Court Act 2014
91	16	Notaries Public Act 1974	112	37	Community Law Centre Act 2015
92	17	Fatal Accidents Act 1974	113	38	Evidence Act 2015
93	18	Extradition Act 1974	114	39	Criminal Procedure Act 2016
94	19	Secret Commissions Act 1975	115	40	District Courts Act 2016
95	20	Sale of Goods Act 1975	116	41	Sentencing Act 2016
96	21	Partnership Act 1975	117	42	Defamation Act 1993

MINISTRY OF FINANCE (MOF) (X17)					
118	1	Stamp Duty Ordinance 1932	127	10	Public Finance Management Act 2001
119	2	Asian Development Bank Loan Act 1971	128	11	Samoa Institute of Accountants Act 2006
120	3	Government Superannuation Act 1972	129	12	Japan Bank for International Cooperation Loans Act 2008
121	4	World Bank Loans Act 1974	130	13	Export-Import Bank of China Loan Act 2008
122	5	Bills Exchange Act 1976	131	14	Unit Trusts Act 2008
123	6	National Lotteries Act 1978	132	15	OPEC Fund Loans Act 2012
124	7	Petroleum Act 1984	133	16	Unit Trust of Samoa Loans Act 2013
125	8	Betting (Totalisator Agency) Act 1990	134	17	Chattels Transfer Act 1975 ¹⁰
126	9	General Wage Increase (Public Officeholders and Public Servants) Act 2001			

MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT (MNRE) (X21)					
135	1	Samoa Market Ordinance 1927	146	12	Disaster and Emergency Management Act 2007
136	2	Stevenson Memorial Reserve and Mount Vaea Scenic Reserve Ordinance 1958	147	13	Water Resources Management 2008
137	3	Taking of Land Act 1964	148	14	Land Registration Act 2008
138	4	Alienation of Customary Land Act 1965	149	15	Unit Titles Act 2009
139	5	Land Titles Investigation Act 1966	150	16	Spatial Information Agency Act 2010
140	6	Alienation of Freehold Land Act 1972	151	17	Waste Management Act 2010
141	7	National Parks and Reserves Act 1974	152	18	Land Valuation Act 2010
142	8	Lands, Surveys and Environment Act 1989	153	19	Forestry Management Act 2011
143	9	Samoa Trust Estates Corporation Reconstruction Act 1990	154	20	Customary Land Advisory Commission 2013

¹⁰ This Act was in effect as of December 2016, the cut-off date for this Review. It was repealed when the Personal Property Securities Act 2013 (s64) came into force on 27 February 2015.

144	10	Land for Foreign Purposes Act 1993	155	21	Survey Act 2010
145	11	Planning and Urban Management Act 2004			

MINISTRY OF COMMERCE INDUSTRY AND LABOR (MCIL) (X24)					
156	1	Charitable Trusts Act 1965	168	13	Daylight Saving Act 2009
157	2	Mercantile Law Act 1975	169	14	Intellectual Property Act 2011
158	3	Trade, Commerce and Industry Act 1990	170	15	International Date Line Act 2011
159	4	Foreign Investment Act 2000	171	16	Labour and Employment Relations Act 2013
160	5	Companies Act 2001	172	17	Personal Property Securities Act 2013
161	6	Occupational Safety and Health Act 2002	173	18	Apprenticeship Act 2014
162	7	Securities Act 2006	174	19	Citizenship Investment Act 2015
163	8	Company Law Reform (Transitional Provision) Act 2006	175	20	Credit Union Act 2015
164	9	Receiverships Act 2006	176	21	Metrology Act 2015
165	10	Public Holidays Act 2008	177	22	Competition and Consumer Act 2016
166	11	Incorporated Societies Ordinance 1952	178	23	Industrial and Provident Societies Act 1968
167	12	Cooperative Societies Ordinance 1952	179	24	Copyright Act 1998

MINISTRY OF HEALTH (MOH) (X20)					
180	1	Health Ordinance 1959	190	11	Healthcare Professions Registration and Standards Act 2007
181	2	Burials Ordinance 1961	191	12	Medical Practitioners Act 2007
182	3	Drugs Act 1967	192	13	Mental Health Act 2007
183	4	Narcotics Act 1967	193	14	Nursing and Midwifery Act 2007
184	5	Poisons Act 1968	194	15	Pharmacy Act 2007
185	6	Samoa Red Cross Act 1993	195	16	Tobacco Control Act 2008
186	7	Oceania University of Medicine (Samoa) Act 2002	196	17	Allied Health Professions Act 2014
187	8	National Kidney Foundation of Samoa Act 2005	197	18	National Health Service Act 2014
188	9	Ministry of Health Act 2006	198	19	Health Promotion Foundation Act 2015
189	10	Dental Practitioners Act 2007	199	20	Food Act 2015

MINISTRY OF PRIME MINISTER AND CABINET (MPMC) (X16)					
200	1	Samoa Act 1921 (NZ)	209	10	Ministerial and Departmental Arrangements Act 2003
201	2	Samoa Antiquities Ordinance 1954	210	11	Citizenship Act 2004
202	3	Constituencies Act 1963	211	12	Immigration Act 2004
203	4	Samoa Status Act 1963	212	13	Samoa Sports Facilities Authority Act 2007
204	5	Public Seal and Crest of Samoa Act 1973	213	14	Passports Act 2008

205	6	Foreign Affairs Act 1976	214	15	Casino and Gambling Control Act 2010
206	7	Samoa Trust Estates Corporation Act 1977	215	16	Media Council Act 2015
207	8	Parliamentary Under-Secretaries Act 1988			
208	9	Honours and Awards Act 1999			

MINISTRY OF AGRICULTURE AND FISHERIES (MAF) (X8)					
216	1	Agriculture and Fisheries Ordinance 1959	220	5	Export of Meat Act 1997
217	2	Animals Ordinance 1960	221	6	Quarantine (Biosecurity) Act 2005
218	3	Produce Export Ordinance 1961	222	7	Slaughter and Meat Supply Act 2015
219	4	University of the South Pacific School of Agriculture Act 1977	223	8	Fisheries Management Act 2016

MINISTRY OF WORKS, TRANSPORT AND INFRASTRUCTURE (MWTI) (X12)					
224	1	Sea Carriage of Goods Ordinance 1960	230	7	Civil Aviation Act 1998
225	2	Carriage by Air Act 1964	231	8	Professional Engineers (Registrations) Act 1998
226	3	Diesel Power Station Act 1965	232	9	Shipping Act 1998
227	4	Oil Fuel Supply Act 1974	233	10	Ministry of Works Act 2002
228	5	Marine Insurance Act 1975	234	11	Marine Pollution Prevention Act 2008
229	6	Ministry of Transport Act 1978	235	12	Plumbers Act 2014

MINISTRY FOR REVENUE (MfR) (X13)					
236	1	Customs Tariff Act 1975	243	8	Income Tax Act 2012
237	2	Excise Tax (Domestic Administration) Act 1984	244	9	Tax Administration Act 2012
238	3	Excise Tax (Import Administration) Act 1984	245	10	Tax Information Exchange Act 2012
239	4	Excise Tax Rates Act 1984	246	11	Customs Act 2014
240	5	Business Licenses Act 1998	247	12	Value Added Goods and Services Tax Act 2015
241	6	Fines (Review and Amendment) Act 1998	248	13	Yazaki Samoa Enterprise Act 2016
242	7	Liquor Act 2011			

MINISTRY OF POLICE (MOP) (X8)					
249	1	Arms Ordinance 1960	253	5	Police Service Act 2009
250	2	Police Offences Ordinance 1961	254	6	Canine Control Act 2013
251	3	Gaming Act 1978	255	7	Crimes Act 2013
252	4	Police Powers Act 2007	256	8	Counter Terrorism Act 2014

MINISTRY OF EDUCATION, SPORTS AND CULTURE (MESC) (X5)					
257	1	Robert Louis Stevenson Foundation Act 1991	260	4	Public Records Act 2011
258	2	Youth, Sports and Cultural Affairs Act 1993	261	5	Samoan Language Commission Act 2014

259	3	Education Act 2009			
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MINISTRY OF FOREIGN AFFAIRS AND TRADE (MFAT) (x5)					
262	1	Diplomatic Privileges and Immunities Act 1978	265	4	Cluster Munitions Prohibition Act 2012
263	2	Maritime Zones Act 1999	266	5	Geneva Conventions Act 2015
264	3	Chemical Weapon Act 2010			

MINISTRY OF WOMEN, COMMUNITY AND SOCIAL DEVELOPMENT (MWCSO) (x3)					
267	1	Ministry of Women Affairs Act 1990	269	3	Internal Affairs Act 1995
268	2	Village Fono Act 1990			

MINISTRY OF COMMUNICATION, INFORMATION AND TECHNOLOGY (MCIT) (x1)					
270	1	Postal and Telecommunications Services Act 1999			

MINISTRY OF PUBLIC ENTERPRISES (MPE)(x1)					
271	1	Public Bodies (Performance and Accountability) Act 2001			

6.5 The above Tables in this Part E can also be illustrated as in the Figures below.

Figure 1 - Proposed Improved Fabric of the Laws of Samoa to Dec 2016 (Pie Chart)

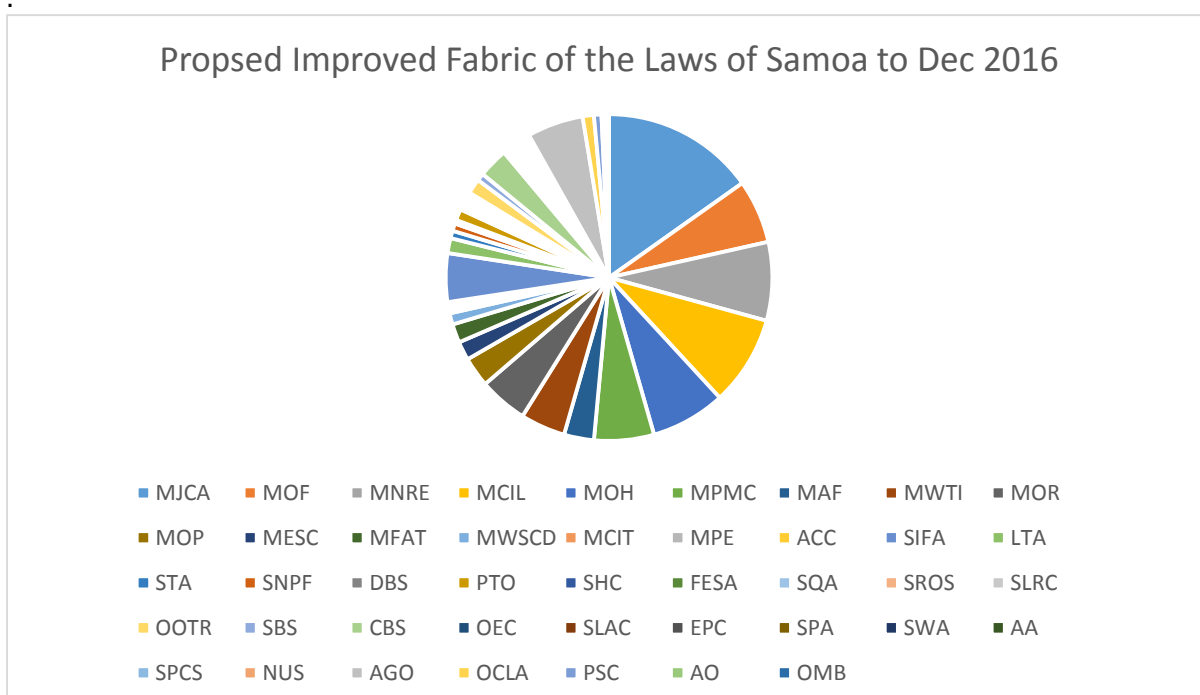


Figure 2 – Proposed Improved Fabric of the Laws of Samoa to Dec 2016 (Chart)

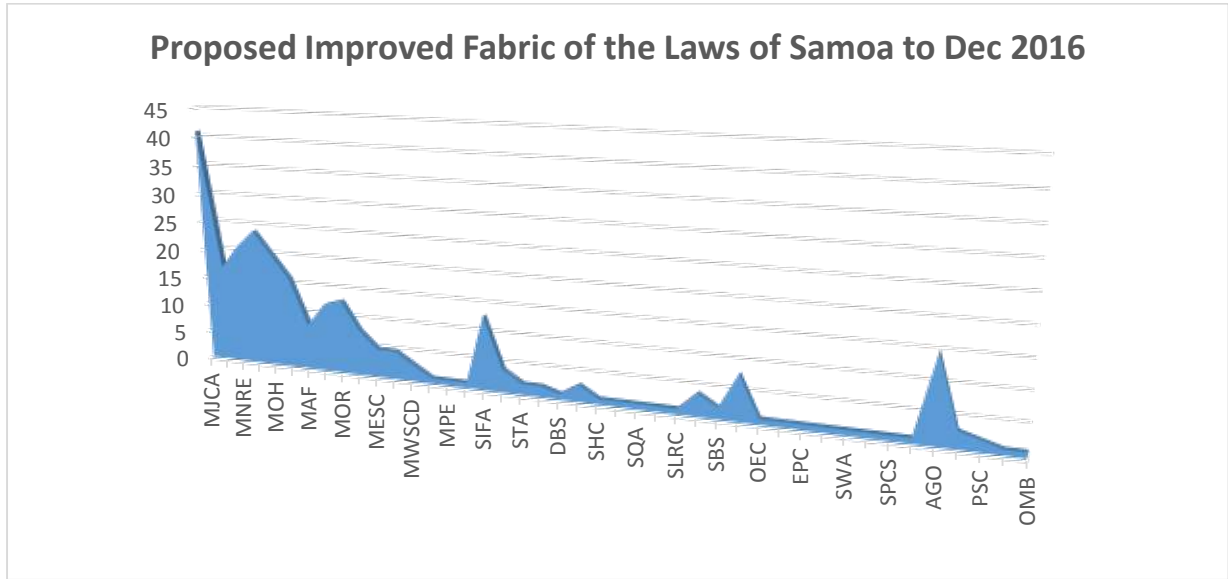
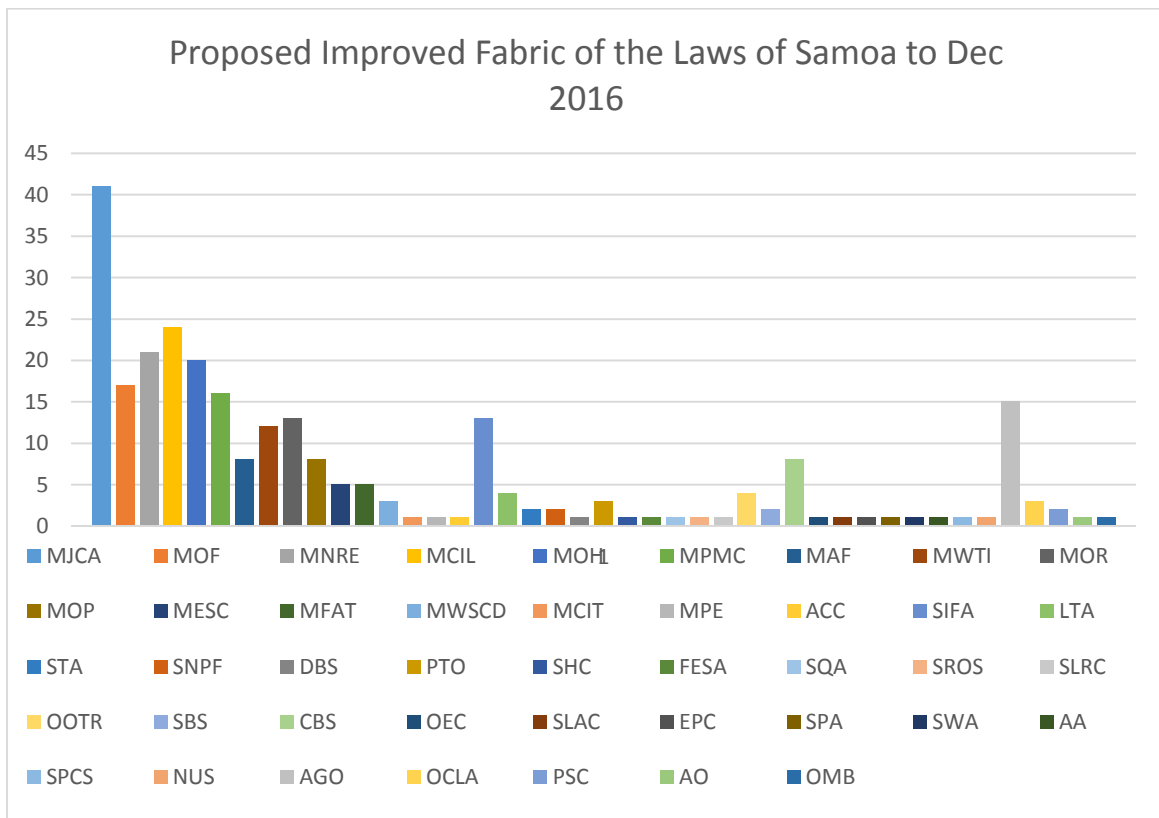


Figure 3 – Proposed Improved Fabric of the Laws of Samoa to Dec 2016 (Columns)



7. PART F – Summary of Recommendations

7.1 The Table below lists the Summary of Recommendations informed by the consultations. The recommendations for future revisions to update laws are indicated in red font.

Summary of Recommendations
<p>Recommendation 1: It is recommended that if the proposed review shows there is no need for the General Laws (No.2) Ordinance 1932 to continue to exist, the Ordinance may be repealed.</p>
<p>Recommendation 2: It is recommended that the Regulations Ordinance 1953 be updated to reflect the current process of regulation making in Samoa.</p>
<p>Recommendation 3: An old law to accommodate the past context. It is recommended that the Law Reform Act 1964 be reviewed on whether any of the few provisions left needs to be included in current law with a view to repealing this Act.</p>
<p>Recommendation 4: It is recommended that the Plebiscite Act 1990 be updated and revised to include provisions requiring both the OEC and the OAG to work together in implementing this Act.</p>
<p>Recommendation 5: It is recommended that the Incorporated Societies Ordinance 1952 be part of the laws under MCIL where the companies' registry is regulated.</p>
<p>Recommendation 6: It is recommended that the Cooperative Societies Ordinance 1952 be part of the laws under MCIL where the companies' registry is regulated. MCIL supports this (letter of 19 Dec 2017)</p>
<p>Recommendation 7: The Police Offences Ordinance 1961 should be under the Ministry of Police, given that under the Ordinance, constables implement enforcement duties. The Ministry of Police is in agreement.</p>
<p>Recommendation 8: It is recommended that the Industrial and Provident Societies Act 1968 is moved to MCIL where the registry of societies is regulated. MCIL supports this (letter of 19 Dec 2017)</p>
<p>Recommendation 9: It is recommended that the Wills Act 1975 should be under the Public Trust Office as it deals with the disposition of a deceased person's property. The PTO agrees.</p>
<p>Recommendation 10: It is recommended that the Administration Act 1975 should be under the Public Trust Office which regulates the estates of deceased persons. The PTO agrees.</p>
<p>Recommendation 11: It is recommended that the Copyright Act 1998 is administered by MCIL. MCIL confirms the Registries of Companies and Intellectual Properties Division within their Ministry is responsible for copyright registration. It is also in the Ministry's service charter.</p>
<p>Recommendation 12:</p>

<p>It is recommended that the Births, Deaths and Marriages Registration Act 2002 is officially administered by the Samoa Bureau of Statistics, as this is expressly stated in the BDMR Act 2002.</p>
<p>Recommendation 13: It is recommended that the MOF confirms with the NPF the proper administering authority for the Government Superannuation Act 1972, before the proposal by MOF can be finalized, that this Act falls under NPF.</p>
<p>Recommendation 14: It is recommended that as SLAC is listed as a Public Trading Body under the Public Bodies (Performance and Accountability) Act 2001, it administers its own Act i.e. Life Assurance Corporation Act 1976.</p>
<p>Recommendation 15: It is recommended that the National Investment Corporation Act 1981 is repealed as it is not known if it was ever used, and other laws already regulate the purpose of this Act.</p>
<p>Recommendation 16: It is recommended that due to the nature of its work, the official administrator of the Financial Institutions Act 1996 is CBS. CBS agrees.</p>
<p>Recommendation 17: It is recommended that the official administrator of the Decimal Currency Act 1966 is CBS. CBS agrees.</p>
<p>Recommendation 18: The Asian Development Bank (ADB) Loan Act 1969 is redundant. It is recommended that it be repealed.</p>
<p>Recommendation 19: It is recommended that the Public Bodies (Performance and Accountability) Act 2001 is administered by MPE, MPE being the implementing Ministry.</p>
<p>Recommendation 20: It is recommended that the Royal Samoan Hotel Act 1984 is repealed. There are and have been no records with MOF on any dealings under this Act for a very long time now.</p>
<p>Recommendation 21: It is recommended that the Bad Debts Act 1990 is repealed. There are no records of any dealings under it for a long time now.</p>
<p>Recommendation 22: It is recommended that the Development Loan Authorisation Act 2005 is repealed. Its purpose has already been achieved. If there are any outstanding matters, the Acts Interpretation Act 2015 provisions on repealed laws may apply.</p>
<p>Recommendation 23: It is recommended that the Loan Authorisation Act 2006 is repealed. Its purpose has already been achieved. If there are any outstanding matters, the Acts Interpretation Act 2015 provisions on repealed laws may apply.</p>
<p>Recommendation 24: It is recommended that the South Pacific Games (Taxation Incentives) Act 2007 is repealed. Its purpose has already been achieved. If there are any outstanding matters, the Acts Interpretation Act 2015 provisions on repealed laws may apply.</p>
<p>Recommendation 25: It is recommended that the Loan Authority Act 2007 is repealed. Though the loan repayments will be completed by 2027, if there are any issues arising, the Acts Interpretation Act 2015 provisions on repealed laws may apply.</p>
<p>Recommendation 26:</p>

<p>It is recommended that the Samoa Broadcasting Corporation (SBC) Repeal Act 2008 is repealed as its purposes has been fulfilled and is no longer relevant.</p>
<p>Recommendation 27: Given the bulk of the work under the Electricity Act 2010 is carried out by the Office of the Regulator, it is recommended that the OOTR is the appropriate administrator. The OOTR is of the same view.</p>
<p>Recommendation 28: It is recommended that the Agriculture Store Corporation Repeal Act 2013 is repealed. The necessary documentations to effect these have been completed, and therefore, this Act is no longer relevant.</p>
<p>Recommendation 29: It is recommended that the Central Bank of Samoa is the appropriate administrator of the Central Bank Act 2015.</p>
<p>Recommendation 30: It is recommended that the MNRE as the rightful administrator confirm if the Samoan Market Ordinance 1927 is still useful, and to recommend repeal if the answer is in the negative.</p>
<p>Recommendation 31: It is recommended that the Building Alignment Ordinance 1932 is repealed. Most of its functions have been assumed by other authorities e.g. PUMA.</p>
<p>Recommendation 32: It is recommended that the National Parks and Reserves Act 1974 be moved to be administered by MNRE, the appropriate Ministry regulating national parks and reserves for Samoa.</p>
<p>Recommendation 33: It is recommended that MCIL confirms with other relevant Ministries if the Mercantile Law Act 1975 is still being implemented, and if not, if MCIL would entertain recommending its repeal.</p>
<p>Recommendation 34: It is recommended that a proper review be carried out on the Telecommunications Act 2005 to clarify the roles of MCIT and OOTR under this Act.</p>
<p>Recommendation 35: As the Office of the Regulator carries out the functions of these set of laws, it is recommended that the Electricity Act 2010; Broadcasting Act 2010; and the Postal Services Act 2010 are all laws administered by the OOTR. MCIT is substantially involved in policy making.</p>
<p>Recommendation 36: It is recommended that the MOH confirms if they still have any dealings with the Oceania University of Medicine under the Oceania University of Medicine (Samoa) Act 2002, before confirming the appropriate administrator for the OUM (Samoa) Act 2002.</p>
<p>Recommendation 37: It is recommended that the MPMC review and confirm the repeal or otherwise of the Samoa Act 1921 (NZ) due to its out datedness.</p>
<p>Recommendation 38: It is recommended that the MPMC reviews and update the Samoan Antiquities Ordinance 1954 for better enforcement of the laws relating to the preservation of Samoa's antiquities. Proposed amendments to be developed and drafting instructions submitted to the Legislative Drafting Division of the OAG (Attorney General).</p>
<p>Recommendation 39: It is recommended that given the importance of the Samoan Status Act 1963 to the Samoan people, that the MPMC updates this Act and give it proper enforcement.</p>
<p>Recommendation 40:</p>

It is recommended that the Minister for Revenue invokes his power under the SEG International Enterprise Act 2011 and nominate a repeal date for this Act. The Acts Interpretation Act 2015 will save any entitlements or duties still outstanding.

Recommendation 41:

It is recommended that the MPMC liaise with the OCLA to confirm the appropriate administrator for the Head of States Act 1965.

Recommendation 42:

It is recommended that MWTI settles with MCIL which Office is the principal administering Office for the Sea Carriage of Goods Ordinance 1960. Both to confirm if this Ordinance still has any use for Samoa.

Recommendation 43:

It is recommended that the LTA is the rightful administrator of the Road Traffic Ordinance 1960. The LTA regulates the licensing of vehicle drivers, the condition of land transport etc.

Recommendation 44: All public bodies are administrators of their own empowering legislation.

- i) (R44) Electric Power Corporation & the Electric Power Corporation Act 1980;
- ii) (R45) Ports Authority & Ports Authority Act 1998;
- iii) (R46) Samoa Water Authority & Samoa Water Authority Act 200;
- iv) (R47) Airport Authority & Airport Authority Act 2012.

Recommendation 48:

It is recommended that the Hotel Levies Act 1972 be repealed.

Recommendation 49:

Save for section 4 of the Fines (Review and Amendment) Act 1998, it appears this Act is spent (re: Consolidation 2016, copy of Act). It is recommended that the MfR (the current administrator) consults with MOF on the appropriate incorporation of the relevant provisions in the relevant legislation.

Recommendation 50:

It is confirmed that the Prisons and Corrections Act 2013 is administered by the Prisons and Corrections Services.

Recommendation 51:

It is recommended that as a public beneficial body, the National University of Samoa is the administrative authority of the National University of Samoa Act 2006.

Recommendation 52:

It is recommended that the MFAT confirms their position on whether they administer the Geneva Conventions Act 2015.

Recommendation 53:

It is recommended that, given MFAT's keenness for this Bill to be completed, that MFAT consults with the OAG on this Bill, if this Bill is useful for MFAT's operations.

Recommendation 54: Due to its nature and express legislative provisions, SIFA administers:

- i) (R54) International Finance Agreements Act 1971
- ii) (R55) International Insurance Act 1988
- iii) (R56) Trustee Companies Act 1988
- iv) (R57) Segregated Fund International Companies Act 2000
- v) (R58) International Banking Act 2005

Recommendation 59:

It is recommended that the legislative framework for the work of a Regulator in Samoa be revised and clarified in more clear laws. The structure and setup of the OOTR must be revisited, to allow for a more effective workforce technically equipped to carry out the work of the OOTR.

7.2 From the complete summary of recommendations above, the following recommendations are the only outstanding one to be actioned. The Commission strongly urges the relevant Ministry/SOE/CO to start working on those reviews, to allow your Offices to operate on more effective and updated laws. We wish you all the best in taking Samoa forward in your respective Office and field.

PROPOSED IMPROVED FABRIC OF LAWS RECOMMENDATIONS FOR REVIEW OF LAWS YET TO ACTION	
1	Recommendation 1 (OAG) It is recommended that if the proposed review shows there is no need for the General Laws (No.2) Ordinance 1932 to continue to exist, the Ordinance may be repealed.
2	Recommendation 2 (OAG) It is recommended that the Regulations Ordinance 1953 be updated to reflect the current process of regulations making in Samoa.
3	Recommendation 3 (OAG) An old law to accommodate the past context. It is recommended that the Law Reform Act 1964 be reviewed on whether any of the few provisions left needs to be included in current law with a view to repealing this Act.
4	Recommendation 4 (OAG) It is recommended that the Plebiscite Act 1990 be updated and revised to include provisions requiring both the OEC and the OAG to work together in implementing this Act.
5	Recommendation 13: (MOF) It is recommended that the MOF confirms with the NPF the proper administering authority for the Government Superannuation Act 1972, before the proposal by MOF can be finalized, that this Act falls under NPF.
6	Recommendation 30: (MNRE) It is recommended that the MNRE as the rightful administrator confirm if the Samoan Market Ordinance 1927 is still useful, and to recommend repeal if the answer is in the negative.
7	Recommendation 34: (MCIT & OOTR) It is recommended that a proper review be carried out on the Telecommunications Act 2005 to clarify the roles of MCIT and OOTR under this Act.
8	Recommendation 36: (MOH) It is recommended that the MOH confirms if they still have any dealings with the Oceania University of Medicine under the Oceania University of Medicine (Samoa) Act 2002, before confirming the appropriate administrator for the OUM (Samoa) Act 2002.
9	Recommendation 37: (MPMC) It is recommended that the MPMC review and confirm the repeal or otherwise of the Samoa Act 1921 (NZ) due to its out datedness.
10	Recommendation 38: (MPMC) It is recommended that the MPMC reviews and updates the Samoan Antiquities Ordinance 1954 for better enforcement of the laws relating to the preservation of Samoa's antiquities. Proposed amendments to be developed and drafting

	instructions submitted to the Legislative Drafting Division of the OAG (Attorney General).
11	Recommendation 39: (MPMC) It is recommended that given the importance of the Samoan Status Act 1963 to the Samoan people, that the MPMC updates this Act and give it proper enforcement.
12	Recommendation 49: (MfR and MOF) Save for section 4 of the Fines (Review and Amendment) Act 1998, it appears this Act is spent (re: Consolidation 2016, copy of Act). It is recommended that the MfR (the current administrator) consults with MOF on the appropriate incorporation of the relevant provisions in the relevant legislation.
13	Recommendation 53: (MFAT) It is recommended that, given MFAT's keenness for this Bill to be completed, that MFAT consults with the OAG on this Bill, if this Bill is useful for MFAT's operations.
14	Recommendation 59: (OOTR and MCIT) It is recommended that the legislative framework for the work of a Regulator in Samoa be revised and clarified in more clear laws. The structure and setup of the OOTR must be revisited, to allow for a more effective workforce technically equipped to carry out the work of the OOTR.

8. PART G - Final Words

8.1 The Commission hopes the Findings from this Project or Review is helpful for the Government and the people of Samoa. In this regard, the Commission repeats the possible benefits of this Project in pages 4 and 5 above.

8.2 This project may be updated annually, in collaboration with the annual 'Consolidation of Laws' project of the Office of the Attorney General. Annual updates may indicate trends of policy making, of emphasis and priorities. These may assist inform Government's future development policies, and the Government's efforts to achieve its development plans for Samoa. The project could also be repeated every 3 to 5 years, depending on the Commission's capacity and budget.

8.3 An appreciation of the overall fabric of laws and which laws are administered by which Ministry/SOEs/COs is helpful for a whole of Government sector approach to decision making, but also equally important, for the Commission in effective law making.

8.4 We hope the reader of this Report will be as informed on the developments, the strengths and limitations of the laws of Samoa, and be encouraged to create opportunities for the development of laws that Samoa.

8.5 Any limitations in this Review is that of the Commission's. The lessons learnt from this first review of the Fabric of Samoa's Laws are noted and will be helpful in improving the processes in undertaking the next such review.

8.6 We are thankful for the opportunity to undertake this Review, and acknowledge the generous assistance rendered to the Commission by all Government Ministries, Government

Organisations (SOEs), Constitutional Offices and Statutory Authorities during the process of this Review.

8.7 The Commission looks forward to the next Review of the Fabric of Samoa's Laws Project!

ANNEXURE 1

The Fabric of the Laws of Samoa to December 2016

TABLE – Laws of Samoa to December 2016	
Acts: A (Total Count - 18)	
1	Accident Compensation Act 1989
2	Acts Interpretation Act 2015
3	Administration Act 1975
4	Agriculture and Fisheries Ordinance 1959
5	Agriculture Store Corporation Repeal Act 2013
6	Airport Authority Act 2012
7	Alienation of Customary Land Act 1965
8	Alienation of Freehold Land Act 1972
9	Allied Health Professions Act 2014
10	Alternative Dispute Resolution Act 2007
11	Animals Ordinance 1960
12	Apprenticeship Act 2014
13	Arbitration Act 1976
14	Arms Ordinance 1960
15	Asian Development Bank Loan Act 1969
16	Asian Development Bank Loan 1971
17	Attorney General's Office Act 2013
18	Audit Office Act 2013
Acts: B (Total Count - 9)	
19	Bad Debts Act 1990
20	Bankruptcy Act 1908 (NZ)
21	Betting (Totalisator Agency) Act 1990
22	Bills of Exchange Act 1976
23	Births, Deaths and Marriages Registration Act 2002
24	Broadcasting Act 2010
25	Building Alignment Ordinance 1932
26	Burials Ordinance 1961
27	Business Licenses Act 1998
Acts: C (Total Count - 33)	
28	Canine Control Act 2013
29	Carriage by Air Act 1964
30	Carriers Act 1975
31	Casino and Gambling Control Act 2010
32	Central Bank Lease Empowering Act 1993
33	Central Bank of Samoa Act 2015
34	Charitable Trusts Act 1965
35	Chattels Transfer 1975
36	Chemical Weapon Act 2010

37	Citizenship Act 2004
38	Citizenship Investment Act 2015
39	Civil Aviation Act 1998
40	Cluster Munitions Prohibition Act 2012
41	Commissions of Inquiry Act 1964
42	Community Justice Act 2008
43	Community Law Centre Act 2015
44	Companies Act 2001
45	Company Law Reform (Transitional Provisions) Act 2006
46	Competition and Consumer Act 2016
47	Constituencies Act 1963
48	Constitution of the Independent State of Samoa 1960
49	Constitutional Convention Ordinance 1960
50	Contributory Negligence Act 1964
51	Cooperative Societies Ordinance 1952
52	Copyright Act 1998
53	Coroners Ordinance 1959
54	Counter Terrorism Act 2014
55	Credit Union Act 2015
56	Crimes Act 2013
57	Criminal Procedure Act 2016
58	Customary Land Advisory Commission Act 2013
59	Customs Act 2014
60	Customs Tariff Act 1975
Acts: D (Total Count - 13)	
61	Daylight Saving Act 2009
62	Decimal Currency Act 1966
63	Declaratory Judgments Act 1988
64	Defamation Act 1993
65	Dental Practitioners Act 2007
66	Development Bank of Samoa Act 2010
67	Development Loan Authorisation Act 2005
68	Diesel Power Station Act 1965
69	Diplomatic Privileges and Immunities Act 1978
70	Disaster and Emergency Management Act 2007
71	District Courts Act 2016
72	Divorce and Matrimonial Causes Ordinance 1961
73	Drugs Act 1967
Acts: E (Total Count - 13)	
74	Education Act 2009
75	Electoral Act 1963
76	Electric Power Corporation Act 1980
77	Electricity Act 2010
78	Electronics Transactions Act 2008
79	Evidence Act 2015
80	Excise Tax (Domestic Administration) Act 1984

81	Excise Tax (Import Administration) Act 1984
82	Excise Tax Rates Act 1984
83	Existing Law Adjustment Ordinance 1961
84	Export-Import Bank of China Loan Act 2008
85	Export of Meat Act 1997
86	Extradition Act 1974
Acts: F (Total Count - 14)	
87	Family Court Act 2014
88	Family Safety Act 2013
89	Fatal Accidents Act 1974
90	Film Control Act 1978
91	Financial Institutions Act 1996
92	Fines (Review and Amendment) Act 1998
93	Fire and Emergency Service Act 2007
94	Fisheries Management Act 2016
95	Food Act 2015
96	Foreign Affairs Act 1976
97	Foreign Investment 2000
98	Forestry Management Act 2011
99	Foundations Act 2016
100	Frustrated Contracts Act 1967
Acts: G (Total Count - 6)	
101	Gaming Act 1978
102	General Laws (No.2) Ordinance 1932
103	General Wage Increase (Public Officeholders and Public Servants) Act 2001
104	Geneva Conventions Act 2015
105	Government Proceedings Act 1974
106	Government Superannuation Act 1972
Acts H: (Total Count - 7)	
107	Head of State Act 1965
108	Health Ordinance 1959
109	Health Promotion Foundation Act 2015
110	Healthcare Professions Registration and Standards Act 2007
111	Honours and Awards Act 1999
112	Hotel Levies Act 1972
113	Housing Corporation Act 2010
Acts I: (Total Count - 18)	
114	Immigration Act 2004
115	Income Tax Act 2012
116	Incorporated Societies Ordinance 1952
117	Indecent Publications Ordinance 1960
118	Industrial and Provident Societies Act 1968
119	Infants Ordinance 1961
120	Insurance Act 2007

121	Intellectual Property Act 2011
122	Internal Affairs Act 1995
123	International Banking Act 2005
124	International Companies Act 1988
125	International Criminal Court Act 2007
126	International Date Line Act 2011
127	International Finance Agreements Act 1971
128	International Insurance Act 1988
129	International Mutual Funds Act 2008
130	International Partnership and Limited Partnership Act 1998
131	International Transfer of Prisoners Act 2009
Acts J: (Total Count - 3)	
132	Japan Bank for International Cooperation Loans Act 2008
133	Judgment Summonses Act 1965
134	Judicature Ordinance 1961
Acts L: (Total Count - 18)	
135	Labour and Employment Relations Act 2013
136	Land and Titles Act 1981
137	Land for Foreign Purposes Act 1993
138	Land Titles Investigation Act 1966
139	Land Titles Registration Act 2008
140	Land Transport Authority Act 2007
141	Land Valuation Act 2010
142	Landing Limited Act 2016
143	Lands, Surveys and Environment Act 1989
144	Law Reform Act 1964
145	Law Reform Commission Act 2008
146	Lawyers and Legal Practice Act 2014
147	Legislative Assembly Powers and Privileges Ordinance 1960
148	Life Assurance Corporation Act 1976
149	Limitation Act 1975
150	Liquor Act 2011
151	Loan Authorisation Act 2006
152	Loan Authorisation Act 2007
Acts M: (Total Count - 17)	
153	Maintenance and Affiliation Act 1967
154	Marine Insurance Act 1975
155	Marine Pollution Prevention Act 2008
156	Maritime Zones Act 1999
157	Marriage Ordinance 1961
158	Media Council Act 2015
159	Medical Practitioners Act 2007
160	Mental Health Act 2007
161	Mercantile Law Act 1975
162	Metrology Act 2015
163	Ministerial and Departmental Arrangements Act 2003

164	Ministry of Health Act 2006
165	Ministry of Transport Act 1978
166	Ministry of Women Affairs Act 1990
167	Ministry of Works Act 2002
168	Money Laundering Prevention Act 2007
169	Mutual Assistance in Criminal Matters Act 2007
Acts N: (Total Count - 13)	
170	Narcotics Act 1967
171	National Health Service Act 2014
172	National Investment Corporation Act 1981
173	National Kidney Foundation of Samoa Act 2005
174	National Lotteries Act 1978
175	National Parks and Reserves Act 1974
176	National Payment System Act 2014
177	National Prosecution Office Act 2015
178	National Provident Fund Act 1972
179	National University of Samoa Act 2006
180	Newspapers and Printers Act 1993
181	Notaries Public Act 1974
182	Nursing and Midwifery Act 2007
Acts O: (Total Count - 7)	
183	Oaths, Affidavits and Declarations Act 1963
184	Occupational Safety and Health Act 2002
185	Oceania University of Medicine (Samoa) Act 2002
186	Official Flag and National Anthem of Samoa Act 1994
187	Oil Fuel Supply Act 1974
188	Ombudsman (Komesina o Sulufaiga) Act 2013
189	OPEC Fund Loans Act 2012
Acts P: (Total Count - 31)	
190	Parliamentary Pension Scheme Act 1998
191	Parliamentary Under-Secretaries Act 1988
192	Partnership Act 1975
193	Passports Act 2008
194	Penalty Interest Rates Act 1998
195	Personal Property Securities Act 2013
196	Petroleum Act 1984
197	Pharmacy Act 2007
198	Planning and Urban Management Act 2004
199	Plebiscite Act 1990
200	Plumbers Act 2014
201	Poisons Act 1968
202	Police Offences Ordinance 1961
203	Police Powers Act 2007
204	Police Service Act 2009
205	Ports Authority Act 1998
206	Postal and Telecommunications Services Act 1999

207	Postal Services Act 2010
208	Prisons and Corrections Act 2013
209	Prisons Parole Board Act 1977
210	Proceeds of Crime Act 2007
211	Produce Export Ordinance 1961
212	Professional Engineers (Registrations) Act 1998
213	Property Law Act 1952
214	Public Bodies (Performance and Accountability) Act 2001
215	Public Finance Management Act 2001
216	Public Holidays Act 2008
217	Public Records Act 2011
218	Public Seal and Crest of Samoa Act 1973
219	Public Service Act 2004
220	Public Trust Office Act 1975
Acts Q: (Total Count - 1)	
221	Quarantine (Biosecurity) Act 2005
Acts R: (Total Count - 10)	
222	Receiverships Act 2006
223	Reciprocal Enforcement of Judgments Act 1970
224	Regulations Ordinance 1953
225	Remuneration Tribunal Act 2003
226	Revision and Publication of Laws Act 2008
227	Road Traffic (Payment of Fines) Act 2009
228	Road Traffic Ordinance 1960
229	Road Transport Reform Act 2008
230	Robert Louis Stevenson Foundation Act 1991
231	Royal Samoan Hotel Act 1984
Acts S: (Total Count - 32)	
232	Sale of Goods Act 1975
233	Samoa Act 1921 (NZ)
234	Samoa Broadcasting Corporation Repeal Act 2008
235	Samoa Institute of Accountants Act 2006
236	Samoa International Finance Authority Act 2005
237	Samoa Qualifications Authority Act 2010
238	Samoa Red Cross Act 1993
239	Samoa Sports Facilities Authority Act 2007
240	Samoa Trust Estates Corporation Act 1977
241	Samoa Trust Estates Corporation Reconstruction Act 1990
242	Samoa Water Authority Act 2003
243	Samoa Antiquities Ordinance 1954
244	Samoa Language Commission Act 2014
245	Samoa Market Ordinance 1927
246	Samoa Status Act 1963
247	Scientific Research Organisation of Samoa Act 2008
248	Sea Carriage of Goods Ordinance 1960
249	Secret Commissions Act 1975

250	Securities Act 2006
251	SEG International Enterprise Act 2011
252	Segregated Fund International Companies Act 2000
253	Sentencing Act 2016
254	Shipping Act 1998
255	Slaughter and Meat Supply Act 2015
256	South Pacific Games (Taxation Incentives) Act 2007
257	Spatial Information Agency Act 2010
258	Special Purpose International Companies Act 2012
259	Sports Disputes Resolution Act 2008
260	Stamp Duty Ordinance 1932
261	Statistics Act 2015
262	Stevenson Memorial Reserve and Mount Vaea Scenic Reserve Ordinance 1958
263	Survey Act 2010
Acts T: (Total Count - 9)	
264	Taking of Land Act 1964
265	Tax Administration Act 2012
266	Tax Information Exchange Act 2012
267	Telecommunications Act 2005
268	Tobacco Control Act 2008
269	Tourism Development Act 2012
270	Trade, Commerce and Industry Act 1990
271	Trustee Companies Act 1988
272	Trusts Act 2014
Acts U: (Total Count - 4)	
273	Unit Titles Act 2009
274	Unit Trust of Samoa Loans Act 2013
275	Unit Trusts Act 2008
276	University of the South Pacific School of Agriculture Act 1977
Acts V: (Total Count - 2)	
277	Value Added Goods and Services Tax Act 2015
278	Village Fono Act 1990
Acts W: (Total Count - 4)	
279	Waste Management Act 2010
280	Water Resources Management Act 2008
281	Wills Act 1975
282	World Bank Loans Act 1974
Acts Y: (Total Count - 3)	
283	Yazaki Samoa Enterprise Act 2016
284	Young Offenders Act 2007
285	Youth, Sports and Cultural Affairs Act 1993

ANNEXURE 2

The process under which these consultations for TOR were carried out

The Process:

- a) The Process
- b) Ministries, SOEs and COs not consulted and reasons
- c) The Ministries, SOEs and COs Consulted
- d) The Consultation Questions
- e) Analysis

(a) The Process

The process under which these consultations for TOR 3 were carried out are as follows.

To start off, letters were sent to respective government offices attaching Tables of the preliminary findings of the Commission, seeking from each office confirmation of the preliminary list prepared by the Commission, of the laws they administer. The offices were also asked to include any laws which they administer but was missing from the Commission's preliminary findings.

By Friday 1 September 2017, the Commission started receiving responses which were noted. Having received responses back from the Ministries, SOEs and Constitutional Offices; and upon review of those responses, it was decided that for all those Offices which confirmed they administer all the laws in the list given them, there was no need to confirm with them again.

It was also decided that the SOEs and statutory bodies established under their own (individual) laws (e.g. Office of the Electoral Commission) did not need to be consulted.

b) Ministries SOEs and COs not consulted and reasons

The Table below indicates the Offices which were not consulted for the reasons below (i) and (ii). These are:

- (i) SOEs and statutory bodies which were clearly established under their own laws, and thus their administrative status was uncontested.
- (ii) The Offices which confirmed they did administer the laws from the Commission's preliminary research findings.

There was a total of 18 such Offices.

Table of Ministries/SOEs/Cos Not Consulted	
Constitutional Offices	
1.	OCLA (Office of the Clerk of the Legislative Assembly)
2.	Audit Office (AO)
3.	Office of the Ombudsman (Komesina o Sulufaiga)
4.	Public Service Commission (PSC)
Ministries	
5.	Ministry of Women Community and Social Development (MWCSD)
6.	Ministry of Agriculture and Fisheries (MAF)
SOEs and Statutory Bodies	
7.	Office of the Electoral Commissioner (OEC)
8.	Samoa Bureau of Statistics (SBS)
9.	Samoa Prisons and Corrections Services (SPCS)
10.	National University of Samoa (NUS)
11.	Development Bank of Samoa (DBS)
12.	Accident Compensation Corporation (ACC)
13.	Samoa National Provident Fund (SNPF)
14.	Samoa International Finance Authority (SIFA)
15.	Samoa Housing Corporation (SHC)
16.	Scientific Research Organisation of Samoa (SROS)
17.	Fire Emergency Service Authority (FESA)
18.	Samoa Qualifications Authority (SQA)

c) The Ministries, SOEs and COs Consulted

The Commission was left with 17 Ministries/SOEs/Constitutional Offices to consult with. These Offices noted 'NO' or 'UNCERTAIN' to the list of laws given them. The Table below sets out the Consultation Schedule with those 16 Ministries/SOEs/Constitutional Offices.

FABRIC Stakeholders Consultations Schedule		
	Stakeholder	Date & Time
1.	MFAT	Monday 6 th November 2017 10:30am
2.	OAG	Monday 6 th November 2017 2:00pm
3.	OoTR	Thursday 9 th November 2017

		10:30am
4.	MOH	Monday 13 th November 2017 10:30am
5.	MESC	Tuesday 14 th November 2017 10:30 am
6.	MoP	Tuesday 14 th November 2017 1:30pm
7.	MfR	Wednesday 15 th November 2017 10:30am
8.	MCIL	Wednesday 15 th November 2017 2:00pm
9.	MOF	Thursday 16 th November 2017 1:30pm
10.	MWTI	Friday 17 th November 2017 10:30am
11.	MCIT	Friday 17 th November 2017 1:30pm
12.	MNRE	Monday 20 th November 2017 10:30am
13.	MPMC	Tuesday 21 st November 2017 10:30am
14.	CBS	Wednesday 22 nd November 2017 10:30am
15.	MJCA	Wednesday 22 nd November 2017 2:00pm
16.	LTA	Thursday 23 rd November 2017 10:30am Due to cancellation of confirmed consultation time due to a Special Board Meeting (sitting), the consultation was replaced by email correspondences between the Executive Director and Pepe Lafai (LTA - ACEO Legal Division) dated 23.11.17 and 24.11.17.
17.	PTO	Thursday 23 rd November 2017 1:30pm

(d) The Consultation Questions

Consultation Questions differed across the Ministries/SOEs/Constitutional Offices. The individual consultations commenced, where the Commission consulted with the Ministries, SOEs and Constitutional Offices on their responses to the letter seeking their confirmation on the laws they administer. In addition and more importantly, discussions were on the outdated laws which the government offices were of the view were no longer applicable or useful in their respective line of work. The laws which were non-contentious were not discussed except where there was some need for confirmation. For example which Ministry/SOE/Constitutional Office was the 'principal' administrator and which were 'other' or 'partner' administrators, or offices which also played a role in implementation.

The Table below is a sample of the Queries/Consultation Questions sought of the Ministries, SOEs and Constitutional Offices at Consultations. The responses from these consultations significantly informed the findings in this Final Report. The Commission is grateful for the support of all Ministries, SOEs and Constitutional Offices consulted.

LAW REFORM PROCESS	Details	Commentary
Commission's TOR	<ol style="list-style-type: none"> 1. To identify the current fabric of laws (all 285 existing Acts of Parliament (Consolidation of Laws - Dec 2016)) of Samoa; 2. To identify which Ministries, State Owned Enterprises (SOEs), or Constitutional Offices (COs) are responsible for which laws; and 3. To identify and confirm from Ministries/SOEs/Cos any outdated laws under their administration and recommend removal, updating or replacing. 	
Prelim Research <i>(in Commission's letter of ____ date?)</i>	<p>The Commission listed the Acts below as administered by your office:</p> <ol style="list-style-type: none"> 1. 2. 	
Ministry's Response <i>(Received by the Commission on __ (date)</i>	<p>You confirm you administer the following:</p> <ol style="list-style-type: none"> 1. 2. <p>You confirm you do not administer the following:</p> <ol style="list-style-type: none"> 1. 2. <p>You inform you are uncertain if you do administer the following:</p> <ol style="list-style-type: none"> 1. 2. <p>You inform you administer the following laws with another Office:</p> <ol style="list-style-type: none"> 1. 2. <p>You added the following laws not in the Commission's preliminary findings:</p> <ol style="list-style-type: none"> 1. 2. 	
Consultation on research + Responses	<p>Consultation Questions: Given the above:</p> <ol style="list-style-type: none"> 1. Please explain why you say you do not administer the following, and in your view, who should administer? <ol style="list-style-type: none"> 1. 2. 2. If you are administering with another office, which office is this? 	Responses

SLRC Recommendation based on legal research	Name of Act: Relevant provision: Name of Act: Relevant provision:	
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(e) Analysis

At the end of each consultation, the Commission collated the responses in a record of confirmed laws administered by confirmed Ministries/SOEs/Constitutional Offices, in preparation for the development of the Final Report. Significantly, reasons for repeal of certain laws were confirmed as recommendation and instructions from the Ministries/SOEs/Constitutional Offices, so the Commission would be making recommendations in the Final Report informed by the recommendations and instructions from the Ministries/SOEs/Constitutional Offices.

The **research on each law** undertaken by the Commission also assisted the Ministries/SOEs/Constitutional Offices in their decisions whether to recommend to the Commission the repeal or review of their laws. This forms part of the crucial records under this Project, which would provide as authority and reference, responses to any question arising after the completion of this Project on the reasons certain laws are no longer part of the fabric of the laws of Samoa.

ANNEXURE 3

OFFICE OF THE REGULATOR

START TO THE REVIEW OF THE LEGAL FRAMEWORK

START TO THE REVIEW OF THE LEGAL FRAMEWORK

Legal Framework:

- There is confusion and a lack of clarity as to where the existing policy plans should be listed;
- OOTR raised the issue that there is a duplication of provisions in the Acts that are irrelevant (i.e there are provisions in the Broadcasting Act similar to those in the Telecommunication Act that should not be in the latter because they are only relevant for Broadcasting related matters)
- As a solution, OOTR suggested that this may be solved by creating one framework with one overarching law that establishes the OOTR with clarifications of its multiple regulatory functions (which may be dealt with under separate laws)
- This will also clarify that there is one Regulator to oversee Broadcasting, Postal, Electricity and Telecommunication related matters rather than proposing multiple Regulators when in practice there is only one existing

Recruiting and training Staff:

OOTR acknowledges that it is vital to employ people with the capacity to work in the OOTR because of the need for expertise or specialisation.

There is a need to prevent high annual turnovers in terms of man power and to retain well qualified and experienced staff and this can be attained through alluring salaries which matches the amount and quality of work that eligible staff are doing.

Due to the nature of the work and sectors it regulates, (dealing with constantly changing technology), there is always a need to employ staff of a certain capacity and with required qualifications, a need to upskill existing staff to enable the performance of functions of the OOTR. With this, OOTR recommends some reform that will give OOTR independence from PSC selection and recruitment process. The current process of recruitment is problematic because OOTR feels that PSC do not fully understand the nature and needs of OOTR's work and OOTR would be in a better position to decide not only on the expertise needed but also in terms of its support staff.

OOTR feels their hands are tied when it comes to trying to retain their staff whose capacity were built under the OOTR, unfortunately, their requests are often either addressed late or ignored.

Conflict of Interest:

OOTR notes the issue of there being a conflict of interest where the Minister they are to report to is concerned:

- Under the Telecommunications Act 2005 and the Broadcasting Act 2010, OOTR is to report to the Minister of Communication, Information and Technology;
- For the Electricity Act 2010, the Regulator reports to the Minister of Works, Transport and Infrastructure and OOTR raises that this also raises an issue of conflict of interest.
 - OOTR regulates EPC (service provider) but they have to report to MWTI so when there are decisions that need to be made for service providers there is a restriction because of this Conflict of Interest
 - OOTR regulates 2AP which is under MCIT, but when it comes to reporting, the Regulator reports to MCIT

Independence:

In light of the above, one of the main issues faced by OOTR is in relation to their independence. OOTR is of the opinion that given their role, they should be independent of the Government in terms of decision making rather than answering to and reporting to the Government to some extent. OOTR also states that the preferred structure would be one similar to that of CBS.

➤ *Decision making/legal assistance*

One of the issues faced is in relation to renewal of carriers/service providers licences

- In the Act, it's the licensee's obligation to come and renew license but some of them do not do that.
- OOTR sends people letter to tell them the license is due and need to be renewed and in order for them to renew the license they need to pay the license fees.
- AG says that what OOTR is doing is wrong. There should be a contract. OOTR tells AG that from their interpretation the contract is the license because it has conditions.

- ***Restructure in the public sector:***

- Another issue raised is the uncertainty of whether OOTR is a Ministry, SOE or Constitutional Body. Confirmation of this will assist in confirming the relevant and suitable structure and its day to day operations
- (i.e recruitment of staff, management of its budget, funding of positions, and managing its earned revenue)