

ACCIDENT COMPENSATION AMENDMENT BILL 2023

SAMOA

Explanatory Memorandum

1.0 Summary:

The Bill seeks to amend the Accident Compensation Act 1989 (“Act”).

The main object of the Bill is to establish a Sports injury compensation scheme (“new scheme”):

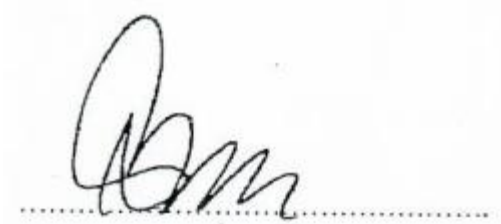
- (a) to provide for compensating sports persons who are injured from a sport registered under this new scheme;
- (b) to provide for how this new scheme will be sourced and funded;
- (c) to provide for regulation making power of the Head of State to make regulations to cater for any other matter necessary in giving effect to this new scheme.

Clauses:

Clause 1: - provides for the short title and commencement date of the Bill to be on a date to be nominated by the Minister.

Clause 2: - amends section 2 (*Interpretation*) of the Act by substituting the current definition for “accident covered by this Act” so that the accidents recognised for compensation under the Act also include accidents or injuries under the new scheme (new Part 7A) established under clause 4.

- Clause 3:** - amends section 48 (*Sources and application of funds*) of the Act by:
- (a) inserting new paragraph (ca) under section 48(1) of the Act to include premiums and levies paid under this new scheme to form part of the Funds of the Corporation as well as clarifying on how those funds are to be applied and spent for the purpose of the new scheme;
 - (b) providing that such levies and premiums shall be used to pay compensation and rehabilitation of those eligible under this new scheme.
- Clause 4:** - amends the Act by inserting a new Part 7A Sports Injury Compensation Scheme (new scheme) to provide for the following matters:
- (a) to establish the new Scheme;
 - (b) to allow the making of regulations to provide for criteria, conditions and requirements for the purposes of these regulations;
 - (c) the premium to be prescribed by regulations;
 - (d) the functions of the Corporation in relation to the implementation of this new scheme.
- Clause 5:** - amends section 73(2) of the Act by inserting a new paragraph (*la*) under that section to provide for the power to make regulations to provide for any other matter that is necessary in giving effect to the new scheme established under clause 4 (i.e. new Part 7A inserted in the Act).

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(Hon LEATINUU Wayne Soialo)

**MINISTER RESPONSIBLE FOR ACCIDENT
COMPENSATION CORPORATION**

ACCIDENT COMPENSATION AMENDMENT BILL 2023

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 48 amended
4. New Part 7A inserted
5. Section 73 amended

2023, No.

A BILL INTITULED

AN ACT to amend the Accident Compensation Act 1989 (“Act”) and for related purposes.

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

1. Short title and commencement:

This Act may be cited as the Accident Compensation Amendment Act 2023 and commences on a date to be nominated by the Minister.

2. Section 2 amended:

In section 2 of the Act, for the definition of “accident covered by this Act” substitute as follows:

““accident covered by this Act” means an accident of a kind to which any one (1) or more of sections 15, 16, 17, 18, 25, 35 and 64A refers, and “personal injury by accident covered by this Act” has a corresponding meaning;”.

3. Section 48 amended:

Section 48 of the Act is amended as follows:

(a) in subsection (1), after paragraph (c), insert new paragraph as follows:

“(ca) from premiums or levies paid under a scheme established under section 64A;” and

(b) in subsection (2) -

(i) in paragraph (a), for “section 64” substitute “sections 64 and 64A” wherever it appears; and

(ii) insert after paragraph (b) new paragraph as follows:

“(ba) all premiums or levies paid under a scheme established under section 64A shall be used to pay compensation and rehabilitation assistance given to an injured person eligible under this scheme;”.

4. New Part 7A inserted:

After section 64 of the Act, insert the following:

**“PART 7A
SPORTS INJURY COMPENSATION SCHEME**

64A. Sports injury compensation scheme:

- (1) The Corporation may establish and implement a scheme to provide for the compensation of any person who:
 - (a) suffers a prescribed injury from a sport registered under this scheme; and
 - (b) is registered according to the prescribed requirements; and
 - (c) pays a premium or levy to the Corporation for the purpose of this scheme; and
 - (d) meets any other prescribed requirements.
- (2) The criteria for eligibility, conditions and requirements for the purposes of this scheme are to be prescribed by regulations.
- (3) The premium or levy for the scheme is to be prescribed by regulations.
- (4) The Corporation in implementing this scheme has the following functions:

- (a) compile and maintain all data and information pertaining to sports related activities and incidence of injuries that would assist in the performance of duties and functions;
 - (b) co-operating with relevant offices for the purpose of initiating, developing, encouraging and implementing programmes that are likely to eliminate or reduce the incidence of injuries resulting from a sport related activity;
 - (c) perform any other function as are given to it under this Act or as prescribed by regulations.
- (5) The scheme envisaged by this section is brought into force by regulations made by the Head of State acting on the advice of Cabinet under section 73.”.

5. Section 73 amended:

In section 73(2) of the Act, insert a new paragraph (*la*) after paragraph (*l*) as follows:

“(la) providing for any other matter necessary to giving effect to a scheme under section 64A;”.
