

**SAMOA**

**Arrangement of Provisions**

1. Short title and commencement
2. Amendment to Compositions of Boards of Public Bodies
3. Consequential amendment
4. Transitional and savings provision

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**2020, No. 6**

**AN ACT to provide for amendments to Boards of Public Bodies  
and related purposes.**      *[28<sup>th</sup> January 2020]*

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

2 *Miscellaneous (Boards of Public Bodies) 2020, No.6*  
*Amendment*

1. **Short title and commencement:**

This Act may be cited as the Miscellaneous (Boards of Public Bodies) Amendment Act 2020 and commences on the date of assent by the Head of State.

2. **Amendment to Compositions of Boards of Public Bodies:**

In the table below, the enactment listed in column 1, is amended as set out in column 2:

Column 1	Column 2
Accident Compensation Act 1989	Section 4 is amended by substituting subsections (2) to (2F) as follows:  “(2) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.
Airport Authority Act 2012	Section 10(1) is substituted with:  “(1) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”

<p>Development Bank of Samoa Act 2010</p>	<p>Section 9 is amended by inserting the following new subsection:</p> <p>“(1) The Board of the Corporation comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
<p>Electric Power Corporation Act 1980</p>	<p>Section 5 is amended by substituting subsections (1) and (1A) as follows:</p> <p>“(1) The Board of the Corporation comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
<p>Fire and Emergency Services Act 2007</p>	<p>Section 5(1), (1A) and (1B) are substituted as follows:</p> <p>“(1) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>

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Housing Corporation Act 2010	Section 9(1) is substituted as follows:  “(1) The Board of the Corporation comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.
Land Transport Authority Act 2007	Section 8(1) is substituted as follows:  “(1) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies, except for the Chief Executive Officer who is <i>ex-officio</i> director.”.
Life Assurance Act 1976	Section 3 is amended by substituting subsections (2) and (2A) as follows:  “(2) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.

<p>National Kidney Foundation of Samoa Act 2005</p>	<p>Sections 7(2) is substituted as follows:</p> <p>“(2) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
<p>National Provident Fund Act 1972</p>	<p>Section 4(1) is substituted as follows:</p> <p>“(1) There shall be a Board of the Samoa National Provident Fund which comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.</p>
<p>Ports Authority Act 1998</p>	<p>(a) Section 5 is amended by substituting subsections (1) and (1A) as follows:</p> <p>“(1) The Board of the Authority comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”;</p>

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	<p>(b) Section 6(1) is substituted as follows:</p> <p style="text-align: center;">“(1) A member of the Authority shall hold office for a term of three (3) years.”.</p>
Public Trust Office Act 1975	<p>Section 9(2) is substituted as follows:</p> <p style="text-align: center;">“(2) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
Samoa International Finance Authority Act 2005	<p>Section 6(1) is substituted as follows:</p> <p style="text-align: center;">“(1) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
Samoa Qualifications Authority Act 2010	<p>Section 6 is amended by substituting subsections (1), (2) and (3) as follows:</p> <p style="text-align: center;">“(1) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>

<p>Scientific Research Organisation of Samoa Act 2008</p>	<p>Section 8 is amended by substituting subsections (2) and (2A) as follows:</p> <p>“(2) The Board of the Authority comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
<p>Samoa Sports Facilities Authority Act 2007</p>	<p>Section 4 is amended by substituting subsections (2), (2A) and (2B) with:</p> <p>“(1) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
<p>Samoa Trust Estates Corporation Act 1977</p>	<p>Section 5(1) is substituted as follows:</p> <p>“(1) The Board comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.</p>
<p>Samoa Water Authority Act 2003</p>	<p>Section 4(1) is substituted as follows:</p>

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	“(1) The Board of the Authority comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.
Tourism Development Act 2012	Section 6 is amended by substituting subsections (1) and (2) as follows:  “(1) The Board of the Authority comprises of not less than three (3) and not more than five (5) directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.”.

**3. Consequential amendment:**

The Public Bodies (Performance and Accountability) Act 2001 is amended by inserting after section 15 the following new section:

**“15A. Board may request attendance:**

A Board of a public trading body or a public beneficial body may request the attendance of a Chief Executive Officer or General Manager of a Government agency for the discussion of any matter before the Board.”.

**4. Transitional and savings provision:**

(1) A person appointed as a member of a Board for a public body included in this Act is at the commencement of this Act considered a member for that Board until his or her term expires, or until he or she is replaced.



- (2) A person appointed as a member of a Board for a public body included in this Act is at the commencement of this Act entitled to any benefit promised to him or her at the commencement of the member's term of office when his or her term of office expires.
- (3) The commencement of this Act does not invalidate any decision of a Board made.

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The Miscellaneous (Boards of Public Bodies) Amendment Act  
2020 is administered by the Ministry of Public Enterprises.

**Printed by the Clerk of the Legislative Assembly,  
by authority of the Legislative Assembly.**