

PORTS AUTHORITY AMENDMENT BILL 2022

SAMOA

Explanatory Memorandum

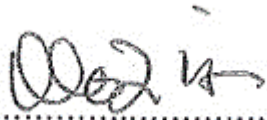
1.0 Object and reasons:

- 1.1 The Bill seeks to amend the Ports Authority Act 1998 (“principal Act”).
- 1.2 The object of the Bill is to allow for the transfer of the Mulifanua Port and Salelologa Port from the Samoa Shipping Corporation Limited (“Corporation”) to the Samoa Ports Authority (“the Authority”).

2.0 Clauses:

- Clause 1:** - provides for the short title and commencement. The Act is to commence on 1 October 2022.
- Clause 2:** - amends section 17 of the principal Act by repealing subsection (4) to allow for the transfer of land or property that the Corporation acquired under the current section 17A of the principal Act to be vested in the Authority.
- Clause 3:** - repeals section 17A of the principal Act to allow for the ownership of the Mulifanua Port and Salelologa Port belonging to the Corporation to be transferred to the Authority.

- Clause 4:** - amends section 64(1) of the principal Act to provide for the regulation making power for the transition and transfer of staff and assets from the Corporation to the Authority, and any other transitional matters to give effect to the transfer of assets and staff under this Bill.
- Clause 5:** - amends Schedule 1 of the principal Act to insert the Mulifanua Port and Salelologa Port into the list of ports that are covered by the principal Act.
- Clause 6:** - provides for savings and transitional provisions to cover matters that may be affected and arise as a result of these amendments.



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(Hon OLO Fiti Afoa Vaai)

**MINISTER OF WORKS, TRANSPORT
AND INFRASTRUCTURE**

PORTS AUTHORITY AMENDMENT BILL 2022

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 17 amended
3. Section 17A repealed
4. Section 64 amended
5. Schedule 1 amended
6. Savings and transitional

2022, No.

A BILL INTITULED

AN ACT to amend the Ports Authority Act 1998 (“principal Act”).

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 Ports Authority Amendment Act 2022 and commences on 1 October 2022.

2. Section 17 amended:

Section 17(4) of the principal Act is repealed.

3. Section 17A repealed:

Section 17A of the principal Act is repealed.

4. Section 64 amended:

Section 64(1) of the principal Act is amended follows:

- (a) after “approaches thereto” omit “, to deal with any other transitional matter to give effect to the transfer of property under section 17A”; and
- (b) at the end of paragraph (cc), substitute the full stop with a “;”; and
- (c) after paragraph (cc), insert a new paragraph (dd) as follows:

“(dd) to provide for the transition and transfer of staff and assets from the Samoa Shipping Corporation Limited to the Authority and any other transitional matters to give effect to the transfer of assets and staff under the Ports Authority Amendment Act 2022.”.

5. Schedule 1 amended:

Schedule 1 of the principal Act is amended by inserting in its alphabetical order the following Ports:

“Port of Mulifanua
Port of Salelologa”.

6. Savings and transitional:

- (1) At the commencement of this Act, any legal proceeding that commenced by the Samoa Shipping Corporation Limited (“Corporation”) in relation to the Port of Mulifanua or Port of Salelologa (“ports”) is taken to be commenced by the Samoa Ports Authority (“Authority”) and continued as if they were commenced by the Authority.
 - (2) At the commencement of this Act, any power exercised in relation to the ports, is taken to be exercised by the Authority, or the General Manager of the Authority.
 - (3) At the commencement of this Act, any existing security, cleaner or any other prescribed employee or staff employed by the Corporation in relation to the ports continue in their appointments and is taken to be employed or contracted by the Authority.
 - (4) All debts, liabilities and obligations in connection with or pertaining to the ports prior to the commencement of this Act will remain vested in the Corporation.
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