

## LANDS, SURVEYS AND ENVIRONMENT AMENDMENT BILL (No. 2) 2015

### SAMOA

#### Explanatory Memorandum

#### 1.0 Object and reasons

1.1 The Bill seeks to amend the Lands, Surveys and Environment Act 1989 (principal Act).

1.2 The objects of the Bill are:

- (a) to give the Land Board the authority to lease the government land without competition where the purpose of the lease is for a hotel, resort, serviced apartment or other tourism-related development approved by the Board and involves a capital investment in the development of at least \$10,000,000 and the area of the land to be leased is not greater than 10 acres; and
- (b) to give a power to the Board to grant a lease of government land for a term of up to 99 years; and
- (c) to extend the grounds in which the Land Board can give consent to mortgage under section 54 to include purchase of unit estates under the Unit Titles Act 2009;
- (d) consequentially amends section 23 of the Survey Act 2010 (2010 Act) to give to the Chief Executive Officer (CEO) of the Ministry of Natural Resources and Environment the authority to exempt any subdivision plan or definition plan for tourism development approved by the CEO from the requirements of section 23 of the 2010 Act to aside land as a public reserve.

## TULAFONO TAU FAAOFI O TEUTEUGA O LE TULAFONO O ELEELE, FUAGAFANUA MA LE SIOSIOMAGA (Nu. 2) 2015

### SAMOA

#### Faamatalaga e Faamalamalama ai

#### 1.0 Sini ma mafuaaga

1.1 Ua taumafai le Tulafono Tau Faaofi e teuteu le Tulafono o Eleele, Fuagafanua ma le Siosiomaga 1989 (Tulafono autu).

1.2 O sini o le Tulafono Tau Faaofi e faapea:

- (a) ia tuuina atu i le Komiti Faatino o Eleele le pule faataga e lisi atu ai eleele o le Malo e aunoa ma se tulaga faatauvaga pe afai o le faamoemoe o le lisi e mo se fale talimalo tele, nofoaga ma fale mo tagata tafafao maimoa, fale talimalo laitiiti po o isi atinae e faasino i tagata tafafao maimoa ua faamaonia e le Komiti Faatino ma e aafia ai se tupe faavae ua teufaafaigaluegaina mo le atinae, a itiiti mai e \$10,000,000, ma o le vaega o le eleele o le a faapea ona lisiina atu, e lē sili atu ma le 10 eka le tele; ma
- (b) ia tuuina atu se malosiaga i le Komiti Faatino e faamatuu atu ai se lisi i eleele o le Malo mo se vaitaimi e oo atu i le 99 tausaga; ma
- (c) ia faalautele atu ai mafuaaga ia e mafai ai e le Komiti Faatino o Eleele ona tuuina atu le maliega i mokesi i lalo o le fuaiupu 54, ina ia aafia ai le faatauina mai o iunite tau esetete i lalo o le Tulafono o Pule o Vaega Fanua 2009;
- (d) teuteu mulimuli ane ai le fuaiupu 23 o le Tulafono o le Fuaina o Fanua 2010 (Tulafono 2010) ina ia tuuina atu ai i le Ofisa Sili o Pulega (CEO) o le Matagaluega o Punaoa Faalenatura ma le Siosiomaga le pule faataga e tuusaunoa ai so o se ata o vaevaega po o se ata o faamatalaga mo le atinae o tagata tafafao maimoa ua faamaonia e le Ofisa Sili o Pulega mai manaoga o le fuaiupu 23 o le Tulafono 2010, e faasao ai se vaega eleele e avea o se faasao lautele.

**Clauses:**

- Clause 1:** - provides for the short title and commencement.  
**Clause 2:** - amends section 31(1) of the principal Act by inserting a new paragraph (aa) to set out a category of leasing of government lands for tourism development.
- Clause 3:** - amends section 37 of the principal Act by inserting a new subsection (2A) to provide a term of lease for tourism-related development of up to 99 years.
- Clause 4:** - amends the Proviso to section 54(2) to include another ground to give consent by the Land Board for purchase of unit estates under the Unit Titles Act 2009.
- Clause 5:** - provides for consequential amendment to section 23 of the Survey Act 2010 to exempt plans for tourism-related development from showing public reserve.

.....  
(Hon TUILAEPa Fatialofa Auelua Lupesoliai  
Neioti Aiono Sailele Malielegaoi)  
**ACTING MINISTER OF NATURAL  
RESOURCES AND ENVIRONMENT**

**Fuaiupu:**

- Fuaiupu 1:** - ua aiaia ai le igoa puupuu ma le amataga.  
**Fuaiupu 2:** - ua teuteu ai le fuaiupu 31(1) o le Tulafono autu e ala i le faaofiina o se parakalafa (aa) fou ina ia faatulaga ai se faatulagaga o le lisiina atu o eleele o le Malo mo le atinae o tagata tafafao maimoa.
- Fuaiupu 3:** - ua teuteu ai le fuaiupu 37 o le Tulafono autu e ala i le faaofiina o se faafuaiupu (2A) fou ina ia aiaia ai se vaitaimi o le lisi mo le atinae e faasino i tagata tafafao maimoa, lea e oo atu i le 99 tausaga le umi.
- Fuaiupu 4:** - ua teuteuina ai le Aiaiga Faatuutuuga i le fuaiupu 54(2) ina ia aofia ai se isi mafuaaga e tuuina atu ai le maliega e le Komiti Faatino o Eleele mo le faatauina mai o iunite tau esetete i lalo o le Tulafono o Pule o Vaega Fanua 2009.
- Fuaiupu 5:** - ua aiaia ai mo teuteuga faatupulaia i le fuaiupu 23 o le Tulafono o le Fuaina o Fanua 2010 ina ia tuusaunoa ai ata mo atinae e faasino i tagata tafafao maimoa mo le faaalua ai o nofoaga o faasao lautele.

.....  
(Hon TUILAEPa Fatialofa Auelua Lupesoliai  
Neioti Aiono Sailele Malielegaoi)  
**SUI MINISITA O PUNAOA  
FAALENATURA MA LE SIOSIOMAGA**