

**SAMOA**

## Arrangement of Provisions

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**2002, No. 21****AN ACT to amend the name and constitution of the Samoa Visitors Bureau and for other purposes.**

*[16<sup>th</sup> December 2002]*

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

**1. Short title and commencement-**(1) This Act may be cited as the Samoa Tourism Authority Act 2002 and shall be read with and form part of the Samoa Visitors Bureau Act 1984 (the principal Act).

(2) This Act comes into force on the date nominated by the Minister.

**2. Title of the principal Act-**(1) The long title of the principal Act is deleted and the following substituted:

"An Act to establish the Samoa Tourism Authority and for related purposes."

(2) Section 1 of the principal Act is deleted and the following substituted:

**"1. Short title** - This Act may be cited as the Samoa Tourism Authority Act 1984"

**3. Interpretation** - Section 2 of the principal Act is amended by:

- (a) Repealing the word "Bureau" and its definition; and
- (b) Inserting the following definition in correct alphabetical order:

"Authority" means the Samoa Tourism Authority established under section 3 of this Act:"

**4. Change of headings-**(1) The headings to Part II and Part III of the principal Act are amended by deletion of the word "Bureau" and insertion of the word "Authority".

(2) The headings to every section of the principal Act are amended by deletion of the word "Bureau" wherever it appears and insertion of the word "Authority".

**5. Deletion of the word "Bureau"** - The principal Act is amended by deletion of the word "Bureau" wherever it appears and insertion of the word "Authority".

**6. Establishment of the Authority** - Section 3 of the principal Act is deleted and the following substituted:

**"3. Establishment of the Authority-**(1) The Samoa Tourism Authority is established.

(2) The Authority may use the name "Samoa Tourism" and for all purposes "Samoa Tourism" shall refer to and mean the Authority.

(3) The Authority is a body corporate with perpetual succession and a common seal and is capable of -

- (a) Acquiring, holding and disposing of real and personal property;
  - (b) Suing and being sued; and
  - (c) Doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.
- (4) A reference to the former Samoa Visitors Bureau in any law or instrument or document shall be read and construed as a reference to the Authority unless the context requires otherwise.
- (5) The Authority shall be governed by a Board of Directors which shall consist of:
- (a) The Minister who shall be the Chairperson;
  - (b) The Parliamentary Under-Secretary for the Minister who shall be the Deputy Chairperson;
  - (c) The Financial Secretary;
  - (d) The Secretary of the Department responsible for Trade, Commerce and Industry;
  - (e) Eight (8) persons appointed by the Head of State, acting on the advice of Cabinet, to represent the interests of the tourism industry and the community; and
  - (f) The General Manager of the Authority."

**7. Meetings of the Board-**(1) Section 7(3) of the principal Act is amended by deletion of the figure "4" and insertion of the figure "7".

(2) Section 7(5) of the principal Act is amended by deletion of all words after "a meeting" and insertion of the words "the Parliamentary Under-Secretary shall preside and in the event that both the Minister and the Parliamentary Under-Secretary are absent the Directors shall appoint one of their number to be the Chairperson of that meeting."

**8. Governance, Accounts and Annual Report** – The principal Act is amended by insertion of the following section after section 19.

**"19A. Governance, Accounts and Annual Report -** Despite the provisions of this Act the Authority shall be subject to the provisions of the Public Finance Management Act 2001 and the Public Bodies (Performance and Accountability) Act 2001 and in case of any inconsistency between this Act and these Acts the provisions of these Acts shall prevail."

**9. Saving -** The principal Act is amended by insertion of the following section after section 22:

**"22A. Saving-**(1) All rights, entitlements, obligations and liabilities, whatsoever and howsoever described, to which former Samoa Visitors Bureau is or was a party at the commencement of the Samoa Tourism Authority Act 2002 shall continue in the name of the Corporation until the Authority resolves otherwise according to law.

(2) All contracts and legal proceedings to which the former Samoa Visitors Bureau was a party at the commencement of the Samoa Tourism Authority Act 2002 shall continue as if made or taken by the Corporation.

(3) All approvals given by the former Samoa Visitors Bureau are saved.

(4) All monies owed to the former Samoa Visitor Bureau and unpaid remain payable to the Authority and may be recovered by the Authority."

**10. Regulations -** Section 23 of the principal Act is amended by:

(a) Insertion of the expression "(1)" after the section heading; and

(b) By insertion of the following subsection:

"(2) Any reference to the Samoa Visitors Bureau or Bureau in any regulations made under any law shall be read and construed for all purposes as a reference to the Authority unless the context requires otherwise."

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**The Samoa Tourism Authority Act is administered  
in the Samoa Tourism Authority.**