

SAMOA

Arrangement of Provisions

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2012, No. 6**AN ACT to amend the Public Bodies (Performance and
Accountability) Act 2001.** *[26th January 2012]*

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 Public Bodies (Performance and Accountability) Amendment Act 2012, and it shall be read with and form part of the Public Bodies (Performance and Accountability) Act 2001 (hereinafter called the Principal Act).

(2) This Act commences on the date it is assented to by the Head of State.

2. Definition of Community Service Obligation - For section 9 of the Principal Act substitute:

“9. Definition of Community Service Obligation-(1) A Community Service Obligation shall be made solely for the objective of alleviating hardship in Samoa and according to the policies set out by the Ministry under section 28.

(2) For the purposes of this Act a Community Service Obligation means:

- (a) The provision of a good or service by a Public Trading Body to a consumer or user on any terms other than normal commercial terms applying from time to time; or
 - (b) The entering into an agreement by a Public Trading Body on any terms other than normal commercial terms applying from time to time.
- (3) Nothing in this Part shall:
- (a) prevent a Public Trading Body from exercising a commercial judgment to make donations to worthy causes or to price goods and services at or below the cost of their production; and
 - (b) allow for the compensation of any losses incurred from the provision of goods and services in (a).”.

3. Minister may direct a Community Service Obligation - For section 10 of the Principal Act substitute:

“10. Minister may direct a Community Service Obligation - The Minister of Finance, acting on the advice of Cabinet may direct a Public Trading Body to provide a Community Service Obligation if the performance of the obligation is necessary to ensure:

- (a) access to a necessary good or service to alleviate hardship in Samoa; and

- (b) such Community Service Obligation is in line with the policies set up in section 28.”.

4. Declaration of Pecuniary Interests and Convictions-

(1) For section 20(1) of the Principal Act substitute:

“(1) A director of a Public Body shall provide a declaration of pecuniary interests and convictions:

- (a) within a month of appointment and at any time where there is a change thereafter;
- (b) in the form approved by the Chief Executive Officer of the Ministry of Finance, and made available from time to time; and
- (c) to the Secretary of the Board of Directors and the Chief Executive Officer of the Ministry of Finance.”.

(2) Sections 20(3) and (4) of the Principal Act are repealed.

5. Corporate Plan - In section 22(1) of the Principal Act, for “draft” substitute “approved”.

6. Support by the Financial Secretary - For section 28(3)(a) of the Principal Act substitute:

- “(a) Government policy, including policies on dividends, investments, community service obligations and the procedures on how such policies are to be regulated;”.

**The Public Bodies (Performance and Accountability) Amendment
Act 2012 is administered by the Ministry of Finance.**