

**FEES AND CHARGES (MISCELLANEOUS AMENDMENTS)
BILL 2016**

SAMOA

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2016, No.

A BILL INTITULED

AN ACT to amend various Acts of Parliament in relation to fees and charges and for related purposes.

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 Fees and Charges (Miscellaneous Amendments) Act 2016.

- (2) This Act commences on the date of assent by the Head of State.

2. Animals Ordinance 1960 amended:

For the Animals Ordinance 1960:

- (a) in section 5(2), for “the sum of 10 sene by way of driving fees” substitute “a prescribed fee”;
- (b) in section 9, for paragraph (a) substitute:

“(a) payment of prescribed fees for poundage and sustenance and driving;”;

- (c) in section 24(2), for “a fee of 20 sene” substitute “the prescribed fee”;
- (d) in section 34(2), for “to the Chief Executive Officer a fee determined by the Chief Executive Officer but not exceeding \$1 for each such castration” substitute “the prescribed fee for each castration”;
- (e) in section 40(2), for paragraph (j) substitute:

“(j) fees and charges for the purpose of this Act, subject to the Public Finance Management Act 2001;”;

- (f) Schedule 1 is repealed.

3. Apprenticeship Act 2014 amended:

For the Apprenticeship Act 2014:

- (a) in section 42, for “the Council determines” substitute “prescribed”;
- (b) section 51 is repealed;

- (c) in section 56(2) -
 - (i) for the fullstop at the end of paragraph (b), substitute “; or”;
 - (ii) after paragraph (b), insert:

“(c) prescribing fees and charges for applications, certificates, documents or any other matter required or provided for in this Act, subject to the Public Finance Management Act 2001.”.

4. Business Licences Act 1998 amended:

For the Business Licences Act 1998:

- (a) in section 9(3), for “a fee set by the Commissioner” substitute “the prescribed fee”;
- (b) in section 14(2)(b), for “a late application fee of \$200 or such other sum as may be later prescribed” substitute “the prescribed late application fee”;
- (c) Schedule 2 is repealed.

5. Citizenship Act 2004 amended:

For the Citizenship Act 2004:

- (a) in sections 8(2)(e), 9(2)(e), 11(1) and 22(1), for “required” substitute “prescribed”;
- (b) section 28 is repealed;
- (c) for section 29, substitute:

“29. Regulations:

The Head of State, acting on the advice of Cabinet, may make regulations to give effect to the provisions or for the purposes of this Act, and in particular may make regulations:

- (a) to prescribe offences for regulations and their penalties not exceeding 50 penalty units;
- (b) to prescribe fees and charges for the purpose of this Act, subject to the Public Finance Management Act 2001; and
- (c) for any other matter required to be prescribed by this Act.”.

6. Customs Act 2014 amended:

For the Customs Act 2014:

- (a) for section 65 substitute:

“65. Fees and charges for importation of goods:

- (1) The Head of State may, acting on the advice of Cabinet and with the approval of the Revenue Board, make Regulations prescribing fees, charges or other expenses that are to be payable to Customs for the purposes of this Act.
- (2) A provision of Part 9 that relates to the collection and recovery of duty apply to fees, charges or other expenses under subsection (1), as if those fees, charges or other expenses were a duty.
- (3) Before regulations are submitted to Cabinet, the Comptroller must be satisfied that the persons that the Comptroller considers are representative of interests likely to be substantially affected by the proposed regulations have been consulted about the proposed regulations to the extent that is reasonably practicable having regard to the circumstances of the case.
- (4) The Comptroller may take into account any comments arising out of any consultation undertaken under subsection (3).

- (5) A failure to comply with subsections (3) and (4) do not affect the validity of any regulation made under subsection (1).";
- (b) in section 78, paragraph (e) is repealed;
- (c) in section 333(1), after paragraph (s), insert:
 - “(sa) prescribing fees, charges or expenses for the purposes of this Act, subject to the approval of the National Revenue Board;”;
- (d) in section 337 -
 - (i) in subsection (1):
 - (A) for “Minister”, substitute “Head of State”;
 - (B) for “the Comptroller” substitute “Cabinet”;
 - (C) for “order” substitute “regulations”;
 - (ii) in subsection (4), for “An order” substitute “Any regulations”.

7. Dental Practitioners Act 2007 amended:

For the Dental Practitioners Act 2007:

- (a) in section 12, paragraph (b), for “application” substitute “prescribed”;
- (b) section 25 is repealed;
- (c) in section 26(2), in paragraph (b), insert “, subject to the Public Finance Management Act 2001” after “other matter under this Act”.

8. Education Act 2009 amended:

For the Education Act 2009:

- (a) in section 2, the definition of “approved fee” is repealed;

- (b) in section 30(2), in paragraph (b), for “approved fee” substitute “fee prescribed by regulations”;
- (c) for section 40, substitute:

“40. School fees:

Reasonable school fees are to be prescribed by regulations for the purpose of meeting the cost of performing obligations of a school committee under this Act or as a contribution towards the cost of the provision of schooling.”;

- (d) section 47 is repealed;
- (e) in section 74, for subsection (2), substitute:

“(2) Without limiting subsection (1), regulations may be made on the following:

- (a) to create offences and to prescribe fines of up to 100 penalty units for such offences;
- (b) to prescribe fees for the purposes of this Act, subject to the Public Finance Management Act 2001.”.

9. Electricity Act 2010 amended:

For the Electricity Act 2010:

- (a) in section 6, in paragraph (m), for “impose and collect licence fees” substitute “determine the level of fees for licences and collect those fees”;
- (b) renumber the current provision as subsection (1) and insert:

“(2) The level of fees determined by the Regulator under subsection (1)(m) is:

- (a) subject to the Public Finance Management Act 2001;
and
 - (b) to be prescribed by regulations.”;
- (c) for section 9 -
- (i) in subsection (2), for “assess licence fees” substitute “assess the level of fees for licences”;
 - (ii) in subsection (3), omit “and licence fees under subsection (2)”;
 - (iii) after subsection (3), insert:

“(4) The level of fees for licences assessed and determined under subsections (2) and (3), respectively, are subject to the Public Finance Management Act 2001.”;
- (d) in section 13(3), paragraph (d) is repealed;
- (e) in section 54(2), after paragraph (c) insert:

“(ca) prescribing fees for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

10. Export of Meat Act 1997 amended:

For the Export of Meat Act 1997, in section 6, in subsection (2), for “the Chief Executive Officer” substitute “regulations”.

11. Film Control Act 1978 amended:

For the Film Control Act 1978:

- (a) in section 30 -

- (i) for paragraph (a), omit “and the fees to be paid and the forms to be used in respect thereof”;
- (ii) for paragraph (d), omit “and prescribing the fees to be paid and the forms to be used in relation thereto”;
- (iii) after paragraph (a), insert:

“(aa) fees and charges for the purposes of this Act are subject to the Public Finance Management Act 2001;

(ab) forms for the purposes of this Act;”;

- (b) Schedule 1 is repealed.

12. Fire and Emergency Service Act 2007 amended:

For the Fire and Emergency Service Act 2007:

- (a) for section 39, substitute:

“39. Recovery of costs:

- (1) Subject to the Public Finance Management Act 2001, the owner of a property for which an alarm is caused by fire or other emergency is liable to pay the Authority prescribed charges incurred by the Authority in providing fire services to the property.
- (2) The Authority must:
 - (a) issue a notice setting out the prescribed charges to be paid within 28 days after receipt of the notice; and
 - (b) deliver it, in person or by post, to the owner of the property.

- (3) If an owner or property is insured:
 - (a) the Authority may, in writing, notify the insurance company of the prescribed charges payable under this section; and
 - (b) before disbursing the proceeds of any policy of insurance, the insurance company shall pay the prescribed charges to the Authority, and the policy of insurance is taken to be so varied.”;

- (b) for section 41, substitute:

“41. Regulations:

The Head of State acting on the advice of Cabinet, may make regulations to give effect to the provisions or for the purposes of this Act, and in particular may make regulations:

- (a) to prescribe fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;
- (b) for matters required to be prescribed under this Act.”.

13. Fisheries Act 1988 amended:

For the Fisheries Act 1988:

- (a) in section 3(3), in paragraph (g), omit “and charge” and after “collect fees” insert “as prescribed”;
- (b) in section 11(1), in paragraph (a), for “the Minister may otherwise determine” substitute “prescribed”.

14. Foreign Affairs Act 1976 amended:

In the Foreign Affairs Act 1976, for section 10, substitute:

“10. Regulations:

The Head of State acting on the advice of Cabinet, may make regulations to give effect to the provisions or for the purposes of this Act, and in particular may make regulations:

- (a) to determine the conditions of service of overseas representatives and officers appointed in accordance with this Act to assist overseas representatives; and
- (b) to prescribe fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001.”.

15. Forestry Management Act 2011 amended:

For the Forestry Management Act 2011:

- (a) paragraph (e) of section 9 and section 19 are repealed;
- (b) in section 52 -
 - (i) in subsection (1), for “a natural resource fee”, substitute “a prescribed fee for natural resource (“natural resource fee”);
 - (ii) in subsection (2), omit “by the Minister by written order published in the Savali and 1 other newspaper in Samoa”;
- (c) in section 53 -
 - (i) in subsection (1), for “forestry application fee” substitute “prescribed fee for forestry application (“forestry application fee”);
 - (ii) subsection (2) is repealed.
- (d) in section 85(2), for paragraph (g), substitute:

“(g) prescribing fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”;

(e) in section 86, in subsection (5), omit “, including the fixing of any fee or”.

16. Gaming Act 1978 amended:

For the Gaming Act 1978:

(a) in section 25, after paragraph (a), insert:

“(aa) fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”;

(b) in section 27 -

(i) in subsection (1), for “is \$200 per annum” substitute “is to be prescribed by regulations”;

(ii) subsection (3) is repealed.

17. Healthcare Professions Registration and Standards Act 2007 amended:

For the Healthcare Professions Registration and Standards Act 2007, in paragraphs (c) and (d) of section 6, for “any fee fixed by the Chief Executive Officer” substitute “the prescribed fee”.

18. Immigration Act 2004 amended:

For the Immigration Act 2004:

(a) in sections 11(9) and 40(2), for “required” substitute “prescribed”;

(b) section 48 is repealed;

(c) in section 55(2), after paragraph (b), insert:

“(ba) prescribing fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

19. Incorporated Societies Ordinance 1952 amended:

For the Incorporated Societies Ordinance 1952:

- (a) in section 2, the definition of “prescribed” is repealed;
- (b) in section 6(b), for “Schedule 2” substitute “regulations”;
- (c) in sections 7A(1)(b), 7C(2) and 20(5)(a)(ii), for “approved fee” substitute “fee prescribed in regulations”;
- (d) in section 21A(1)(b), for “an approved fee”, substitute “the fee prescribed in regulations”;
- (e) in section 32, for subsection (3), substitute:

“(3) Fees prescribed in regulations are to be paid to the Registrar.”;

(f) section 34A and Schedule 2 are repealed;

(g) in section 35 -

- (i) renumber the current provision as subsection (1); and
- (ii) insert:

“(2) Without limiting subsection (1), regulations may be made to prescribe fees for the purposes of this Act, subject to the Public Finance Management Act 2001.”.

20. Intellectual Property Act 2011 amended:

For the Intellectual Property Act 2011:

- (a) in section 2, the definition of “determined fee” is repealed;
- (b) in sections 7(2)(b), 11(2)(c), 16(4), 22(2), 26(2)(c), 30(1) and (2), 48(1), 64(2), 69(2)(c), 77(4), 91(2), 119(2) and 121(b), for “determined fee” substitute “prescribed fee”;
- (c) in section 13(2), for “maintenance fee” substitute “prescribed maintenance fee”;
- (d) in sections 39(1) and 106(1), for “determined application fee” substitute “prescribed application fee”;
- (e) in sections 43(2) and 57(2), for “determined renewal fee” substitute “prescribed renewal fee”;
- (f) in section 57(4), before “late renewal fee” insert “prescribed”;
- (g) section 128 is repealed;
- (h) in section 129(2), for “late payment fee determined by the Minister” substitute “prescribed late payment fee”;
- (i) in section 140(2), for “determined fees” substitute “the prescribed fees”;
- (j) in section 137(2); after paragraph (k) insert:

“(ka) prescribing fees for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

21. Internal Affairs Act 1995 amended:

For the Internal Affairs Act 1995:

- (a) in section 5 -

- (i) in subsection (1), for paragraph (q), substitute:

“(q) to propose fees for any matter provided for in this Act (including fees for services rendered by Sui-o-le-nuu and Sui-o-le-Malo to other Government Departments, public bodies and other government agencies or institutions and any other Institutions)”;

- (ii) after subsection (2), insert:

“(3) Any fee proposed in subsection (1)(q):
(a) is subject to the Public Finance Management Act 2001; and
(b) must be prescribed in regulations.”;

- (b) in section 18(2), for paragraph (a), substitute:

“(a) fees for any matter provided for in this Act (including fees for services rendered by a Sui-o-le-nuu and Sui-o-le-Malo to other Government Departments, Corporations and any other Institutions);”.

22. Judgment Summonses Act 1965 amended:

For the Judgment Summonses Act 1965:

- (a) in section 20, omit “fees and”;
- (b) after section 20, insert:

“21. Regulations:

The Head of State may, acting on the advice of Cabinet and with the concurrence of the Rules Committee, make regulations to give effect to the provisions or for the purposes of this Act, including fixing scales of fees for judgment summonses, subject to the Public Finance Management Act 2001.”.

23. Judicature Ordinance 1961 amended:

For the Judicature Ordinance 1961:

- (a) in section 40(1), omit “fees and”;
- (b) after section 66, insert:

“67. Regulations:

The Head of State may, acting on the advice of Cabinet and with the concurrence of the Rules Committee, make regulations setting out the fees payable for proceedings in the Supreme Court and Court of Appeal, subject to the Public Finance Management Act 2001.”;

- (c) in the First Schedule of the Court of Appeal Rules, for Rule 9, substitute:

“9. Fees payable to the Registrar:

Fees payable to the Registrar of the Court of Appeal, for proceedings in the Court of Appeal are to be prescribed under section 67 of the Ordinance.”.

24. Labour and Employment Relations Act 2013 amended:

For the Labour and Employment Relations Act 2013:

- (a) in section 2, the definition of “fee” is repealed;

- (b) in section 59(2), after “application fee” insert “as prescribed”;
- (c) in section 62(2), after “inspection fee” insert “as prescribed”;
- (d) in section 72(2)(b), after “registration fee” insert “as prescribed”;
- (e) in section 75, after “inspection fee” insert “as prescribed”;
- (f) section 79 is repealed;
- (g) in section 83(2) -
 - (i) for the fullstop at the end of paragraph (u), substitute semicolon; and
 - (ii) after paragraph (u), insert:

“(v) prescribing fees for the purposes of this Act, subject to the Public Finance Management Act 2001.”.

25. Land and Titles Act 1981 amended:

For the Land and Titles Act 1981:

- (a) in section 9(2), for “fee prescribed in Schedule 1” substitute “prescribed fee”;
- (b) in sections 15 and 17(2), for “fee prescribed in the First Schedule” substitute “prescribed fee,”;
- (c) in section 34B, for subsection (3) substitute:

“(3) The Registrar may charge a prescribed fee when carrying out the power under this section.”;

- (d) in section 47 -
 - (i) in subsection (1), omit “and prescribing the fees payable in respect of the proceedings of the Court”;
 - (ii) subsection (6) is repealed;
- (e) in section 68, for “fee prescribed in Schedule 1” substitute “prescribed fee”;
- (f) for section 91, substitute:

“91. Regulations:

- (1) The Head of State may, acting on the advice of Cabinet, make regulations to give effect to or for the purposes of this Act, and in particular to prescribe fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001.
 - (2) The prescribed fees payable under this Act may be prepaid in cash, and the Registrar may refuse to take any action or accept any petition, objection or other document unless all fees have first been paid.”;
- (g) Schedule 1 is repealed.

26. Lands, Surveys and Environment Act 1989 amended:

For the Lands, Surveys and Environment Act 1989:

- (a) in section 37(2) -
 - (i) for paragraph (c), substitute:
 - “(c) the rent payable under subsection (2A);”;

(ii) after subsection (2), insert:

“(2A) The rent for a new or a renewal of lease is to be prescribed by regulations based on an annual percentage of the value of the land determined by the Board, and subject to the following:

- (a) the rent payable, from the commencement of any period for which the rent is to be reassessed, is 5% a year of the value of the land determined by the Board; and
- (b) the Board shall not take into account the value of any improvements effected or paid for by the lessee when determining the value of the land under this section.

(2B) The rent specified in subsection (2A)(a) applies if no rent is prescribed for a new or renewal of lease.”;

(iii) in subsection (6)(a), for “(whether single or periodic) as the Board may determine” substitute “as prescribed by regulations;”;

(b) in section 71(1), for “such fee in each case as it thinks fit” substitute “the prescribed fee”;

(c) in section 146(2), for paragraph (a), substitute:

“(a) providing fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

27. Land Transport Authority Act 2007 amended:

For the Land Transport Authority Act 2007:

(a) in section 54(2), after paragraph (b), insert:

“(ba) prescribing fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”;

(b) in section 55(2)(b), for “fix any fee or charge” substitute “subject to the Public Finance Management Act 2001, charge any prescribed fee”.

28. Land Valuation Act 2010 amended:

For the Land Valuation Act 2010:

(a) in section 2, the definition of “approved fee” is repealed;

(b) in section 9, for subsection (3) substitute:

“(3) A person may obtain a copy of the register or part of the register on payment of the prescribed fee.”;

(c) in section 10(1)(d), for “fees” substitute “prescribed fees”;

(d) in sections 11(1)(c) and 13(3), for “an approved” substitute “the prescribed”;

(e) in section 12(3), for “approved” substitute “prescribed”;

(f) in section 20(2), for paragraph (e), after “under this Act” insert “, subject to the Public Finance Management Act 2001”.

29. Liquor Act 2011 amended:

For the Liquor Act 2011:

- (a) in section 2 -
 - (i) the definition of “approved fee” is repealed;
 - (ii) in the definition of “nightclub” after “fees” insert “as prescribed”;
- (b) in section 6, paragraph (i) is repealed;
- (c) in sections 24(1) and (2), 29(1), and 43(1) and (3) for “approved fee” substitute “prescribed fee”;
- (d) in section 67, after paragraph (c), insert:

“(ca) fees for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

30. Medical Practitioners Act 2007 amended:

For the Medical Practitioners Act 2007:

- (a) in section 11(b), for “application” substitute “prescribed”;
- (b) section 23 is repealed;
- (c) in section 25(2)(c), insert “, subject to the Public Finance Management Act 2001” after “other matter under this Act”.

31. Ministry of Health Act 2006 amended:

For the Ministry of Health Act 2006:

- (a) for section 19, substitute:

“19. Fees and charges:

- (1) Fees and charges (including the time and manner of payment) concerning any matter under this Act or any applicable law and for any goods or services provided by the Ministry or for any goods or services funded by the Ministry and provided by another person or body are to be prescribed in regulations.
- (2) Subject to section 20, the fees and charges under subsection (1) are non-refundable unless approved by the Cabinet, acting on the advice of Minister.
- (3) A refund of fees or charges under this Act may be made without further appropriation than this section and is a statutory expenditure payable out of the Treasury Fund.
- (4) Fees and charges determined under this section do not apply to fees and charges for goods, services or other matters provided by the National Health Service under the National Health Service Act 2014.”;

(b) in section 24(2), after paragraph (b), insert:

“(ba) prescribing fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

32. Nursing and Midwifery Act 2007 amended:

For the Nursing and Midwifery Act 2007:

- (a) in section 12(1)(b), for “application” substitute “prescribed”;
- (b) section 31 is repealed.

33. Ministry of Works Act 2002 amended:

For the Ministry of Works Act 2002:

- (a) in section 32, subsection (3) is repealed;
- (b) in section 54(3), paragraph (b) is repealed;
- (c) in section 58(2)(e), after “the Ministry” insert “or prescribe matters required to be prescribed under this Act”.

34. National Health Service Act 2014 amended:

For the National Health Service Act 2014:

- (a) for section 19 substitute:

“19. Fees and charges:

- (1) Subject to section 19 of the Ministry of Health Act 2006, fees and charges (including the time and manner of payment) for the purpose of this Act are to be prescribed by regulations made under section 25.
- (2) The fees and charges are non-refundable unless approved by the Minister, acting on the advice of the Board and with the approval of Cabinet.
- (3) A refund of fees or charges under this Act may be made without further appropriation than this section and is a statutory expenditure payable out of the Treasury Fund.”;

(b) in section 25, after paragraph (d), insert:

“(da) to prescribe fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

35. National Kidney Foundation of Samoa Act 2005 amended:

For the National Kidney Foundation of Samoa Act 2005:

(a) in section 5, for subsection (2), substitute:

“(2) When carrying out its functions under subsection (1), the Foundation may:

(a) impose terms and conditions; and

(b) charge fees prescribed by regulations.”.

(b) in section 13, after “administration” insert “, including prescribing fees for the purposes of this Act, subject to the Public Finance Management Act 2001”.

36. National University of Samoa Act 2006 amended:

For section 18 of the National University of Samoa Act 2006, after subsection (4) insert:

“(5) Fees and charges under subsection (2)(l) or for the purposes of this Act are to be prescribed under section 25, subject to the Public Finance Management Act 2001.”.

37. Passports Act 2008 amended:

For the Passports Act 2008:

- (a) in section 2, the definition of “approved fee” is repealed;
- (b) in sections 5(2), 7(2), 16, and 19(1), for “approved” substitute “prescribed”;
- (c) in sections 8(1), 20(2) and 21 for “an approved” substitute “the prescribed”;
- (d) in section 39(2), for paragraph (a), substitute:

“(a) prescribing fees and charges and other related matters for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

38. Pharmacy Act 2007 amended:

For the Pharmacy Act 2007:

- (a) in section 3(2)(a), for “charge any fees” substitute “collect any prescribed fees”;
- (b) in section 12(1)(b), for “application” substitute “prescribed”;
- (c) section 27 is repealed.

39. Planning and Urban Management Act 2004 amended:

For the Planning and Urban Management Act 2004:

- (a) in section 93(1)(g), omit “, including as determined by a person specified in the regulations”;
- (b) in section 105(2), for paragraphs (f), (ee) and (ff), substitute:

“(f) fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

40. Ports Authority Act 1998 amended:

For the Ports Authority Act 1998:

- (a) in section 36, for “such port or other dues as the Authority, with the approval of the Minister and by notification in the *Gazette* or the *Savali*, may from time to time determine” substitute “prescribed port or other dues”;
- (b) for section 37, substitute:

“37. Dues payable in respect of goods:

- (1) The owner of any goods shall pay the Authority the prescribed due levied on goods brought into, loaded or discharged within a port or its approaches (including a wharf that is not owned but controlled by the Authority).
- (2) Subsection (1) does not apply to goods brought into, loaded or discharged within or at the Salelologa or Mulifanua ports.”;

(c) in section 39 -

- (i) for “provisions of this Act” substitute “the Public Finance Management Act 2001”;
- (ii) omit “and by notification in the *Gazette* or *Savali*”;

(d) for section 44, substitute:

“44. Shipping clearance to be withheld:

- (1) A public officer responsible for clearance of any vessel, must not grant the clearance until the relevant due, rate, fee or charge is paid or secured to the satisfaction of the Authority.

(2) Subsection (1) does not apply to a vessel docked or harboured within or at the Salelologa or Mulifanua ports.”;

(e) in section 64(1), after paragraph (b), insert:

“(ba) prescribing dues, rates, fees and any other charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

41. Postal Services Act 2010 amended:

For the Postal Services Act 2010:

(a) for section 13, substitute:

“13. Fees and charges:

(1) Fees and charges for universal postal services provided by the Samoa Post are to be prescribed by regulations.

(2) Commercial postal services provided by the Samoa Post will have market based tariffs and will not be subject to the requirement in subsection (1).”;

(b) for section 23(1), paragraph (c) is repealed;

(c) for section 46(2), after paragraph (d), insert:

“(da) prescribing fees and charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

42. Public Finance Management Act 2001 amended:

For the Public Finance Management Act 2001:

(a) after section 13, insert:

“13A. Responsibilities of public beneficial bodies and selected public trading bodies:

- (1) The chief executive (or howsoever called) of a public body shall:
 - (a) put in place a system to review any tax, duty, fee or charge under the enactment for which the public body is responsible, at least once a year to establish whether -
 - (i) the level of the tax, duty, fee or charge is adequate; and
 - (ii) the tax, duty, fee or charge be varied and if so, by what amount; and
 - (b) prepare and submit a report of the review to the National Revenue Board in the format specified in Treasury Instructions.
- (2) In this section, “public body” means the following public bodies:
 - (a) a public beneficial body listed in Part B of Schedule 1 of the Public Bodies (Performance and Accountability) Act 2001;
 - (b) the following public trading bodies -
 - (i) Land Transport Authority;
 - (ii) Ports Authority;
 - (iii) Public Trust Office;
 - (iv) Samoa Water Authority;
 - (v) any other public trading body approved by Cabinet for the purposes of this section.”;

(b) for section 27, substitute:

“27. Charge for supply of goods or services:

- (1) Subject to sections 13(1)(j), 13A and 37(1)(e), a department or public body as defined under section 13A(2) may charge administrative fees or costs for goods or services provided to a person.
- (2) Before a department charges another department for fees or costs under subsection (1), they must first have an agreement to charge the fees or costs incurred to an output of the recipient department.”.

(c) in section 37(1)(e), for “section 13(1)(j) and (k) (*Responsibilities of heads of departments*)” substitute “sections 13(1)(j) and (k) and 13A”;

(d) in section 66(2), for “fee determined by the Financial Secretary” substitute “prescribed fee”.

43. Public Trust Office Act 1975 amended:

For the Public Trust Office Act 1975:

(a) in section 32, after subsection (3), insert:

“(4) Subject to the Public Finance Management Act 2001, an interest rate fixed by the Public Trustee under this section is to be prescribed by regulations.”; and

(b) in section 49, after subsection (2), insert:

“(3) Subject to Public Finance Management Act 2001, any fees or costs charged under this section for the services of the Public Trustee’s is to be prescribed in regulations except for fees or costs ordered by a Court.”;

(c) in section 53, for subsection (2), substitute:

“(2) Subject to the Public Finance Management Act 2001, the charges of the Public Trustee are to be prescribed by regulations for carrying out the functions, powers, authorities, discretions and rights delegated under subsection (1).”;

(d) for section 69, substitute:

“69. Court fees payable on elections, etc.:

(1) The fees payable to the Registrar of the Supreme Court for the filing of any election under this Part are prescribed by regulations under this Act or any other enactment.

(2) A certified copy of the election under the seal of the Supreme Court or by a Registrar of the Supreme Court is equivalent to an exemplification of that election for all purposes, and the only fee payable is the prescribed fee for certification.

(3) The Public Finance Management Act 2001 applies to prescribing of fees under this section.”;

(e) in section 75 -

(i) in subsection (2), for “may be agreed on by the Public Trustee” substitute “prescribed”; and

(ii) after subsection (2) and its proviso, insert:

“(3) The Public Finance Management Act 2001 applies to prescribing of fees under this section.”;

(f) in section 90, after subsection (2) insert:

“(3) The Public Finance Management Act 2001 applies to fixing of charges under subsection (1).”;

(g) in section 127, after subsection (2), insert:

“(3) Fixing of any fee or charge by regulations are subject to the Public Finance Management Act 2001.”.

44. Quarantine (Biosecurity) Act 2005 amended:

For the Quarantine (Biosecurity) Act 2005:

- (a) in sections 38(4), 39 and 40(2), for “a fee determined by the Chief Executive Officer” substitute “the prescribed fee”;
- (b) in section 52(1), for “The Minister may impose fees or other charges, by public notice, on importers, exporters or other persons” substitute “Prescribed fees or charges are to be paid”;

- (c) in section 69(2), for paragraph (a), insert “, subject to the Public Finance Management Act 2001” after “penalties”.

45. Revision and Publication of Laws Act 2008 amended:

For the Revision and Publication of Laws Act 2008:

- (a) in section 8 -
 - (i) in subsection (2), for “fixing” substitute “proposing the amount”;
 - (ii) in subsection (4), for “fix” substitute “fix the amount of”;
 - (iii) after subsection (4), insert:

“(4A) Any fee proposed by the Clerk of the Legislative Assembly under subsections (2) and (4):

- (a) is subject to the Public Finance Management Act 2001; and
- (b) must be prescribed in regulations.”;

- (b) after section 12, insert:

“12A. Regulations:

The Head of State, acting on the advice of Cabinet, may make regulations prescribing matters required or permitted by this Act or necessary for giving effect to this Act (including prescribing fees for the purposes of this Act).”.

46. Samoa Sports Facilities Authority Act 2007 amended:

For the Samoa Sports Facilities Authority Act 2007:

- (a) in section 30 -
 - (i) at the end of paragraph (g), for the semicolon substitute a fullstop;
 - (ii) paragraph (h) is repealed;
- (b) in section 31, paragraphs (f) and (h) are repealed;
- (c) after section 31, insert:

“31A. Fees:

Subject to the Public Finance Management Act 2001, the fees or charges for the following are to be prescribed by regulations:

- (a) for admission to or the operation of facilities under the control of the Authority, or any activity promoted, arranged or controlled by it;
 - (b) for admission to land or buildings under its control, or any activity promoted, arranged or controlled by it;
 - (c) as the Authority decides for the use of the sporting facilities or the use of defined areas of the sporting facilities or any buildings, conveniences, or recreation grounds under the control of the Authority and for any services provided by the Authority;
 - (d) charges for the purpose of section 33;
 - (e) any other fees and charges for the purposes of this Act.”;
- (d) in section 32(2), after paragraph (b), insert:
- “(ba) to prescribe fees or charges for the purpose of this Act, subject to the Public Finance Management Act 2001;”;

- (e) in section 33(1), in paragraph (e), omit “and fixing charges for the admission of persons to any part of the facilities or lands under its control”.

47. Samoa Qualifications Authority Act 2010 amended:

For the Samoa Qualifications Authority Act 2010:

- (a) in section 26, subsection (3) is repealed;
- (b) in section 37(2), after paragraph (b), insert:

“(ba) to prescribe fees or charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

48. Samoa Water Authority Act 2003 amended:

For the Samoa Water Authority Act 2003:

- (a) in section 10(2) -
 - (i) in paragraph (j), for “fix, charge and recover rates and fees” substitute “recover prescribed rates and fees”;
 - (ii) in paragraph (k), for “fix, charge and recover surcharges on rates and fees” substitute “recover prescribed surcharges on prescribed rates and fees”;
- (b) for section 34, substitute:

“34. Rates, fees and charges:

- (1) Rates, fees and charges to be paid in respect of any service and matter associated with the provision of services under this Act, are:

- (a) subject to the Public Finance Management Act 2001;
and
 - (b) to be prescribed in regulations.
- (2) Any rates, fees and charges prescribed in regulations under section 48 must be published in the Savali and any other newspaper circulating widely in Samoa.
 - (3) Rates, fees and charges are set, as far as is practicable, in order that the Authority may derive sufficient revenues to be as profitable and efficient as comparable businesses that are not owned by the Government.
 - (4) The conditions of supply or Regulations made under this Act may make provision for matters relating to the metering of water supplies.
 - (5) Unless otherwise determined by the Authority, all rates, fees and charges are payable on a monthly basis where the rate, fee or charge relates to a continuing service and for other charges shall provide for them to be payable within 30 days from when they are incurred.
 - (6) Despite subsections (1) to (5), rates, fees and charges may be prescribed for any service provided by the Authority that is not otherwise provided for (including a charge relating to specialist advice and technical services provided by the Authority and the hire of its plan and equipment).";
- (c) in section 48(2) -
 - (i) at the end of paragraph (g), omit "and"; and

- (ii) at the end of paragraph (h), for the fullstop substitute “; and”; and
- (iii) after paragraph (h), insert:
 - “(i) prescribing rates, fees or charges for the purposes of this Act, subject to the Public Finance Management Act 2001.”.

49. Scientific Research Organisation of Samoa Act 2008 amended:

For the Scientific Research Organisation of Samoa Act 2008:

- (a) in paragraph (c) of section 9, for “determining fees to be charged” substitute “charging prescribed fees”; and
- (b) in section 20, at the end of paragraph (a), insert “, subject to the Public Finance Management Act 2001”.

50. Tourism Development Act 2012 amended:

For the Tourism Development Act 2012:

- (a) in section 36 -
 - (i) for any reference to “fees” substitute “prescribed fees”; and
 - (ii) in subsection (1)(c), omit “impose and”;
 - (iii) in subsection (4), insert at the end “, including fees under this section, subject to the Public Finance Management Act 2001”;
- (b) in section 46, subsection (2) is repealed;
- (c) for section 47(2), after paragraph (b), insert:

“(ba) fees for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

51. Waste Management Act 2010 amended:

For the Waste Management Act 2010:

(a) for section 29, substitute:

“29. Fees and charges for waste management services:

(1) The prescribed fees and charges (referred to in this Act as “fees and charges” or “fees”) for waste management services may cover the following:

- (a) a compulsory garbage collection fee for residential premises in a designated waste management service area, and to all other premises to which the commercial waste collection fee does not apply;
- (b) a commercial waste collection fee for all commercial premises but the Minister waive the commercial waste collection for commercial premises which have made arrangements satisfactory to the relevant approved waste management operator for the proper management and disposal of the wastes generated at the premises;
- (c) the compulsory garbage collection fee and the commercial waste collection fee if the premises are both residential and commercial;
- (d) additional or increased fees for premises or classes of premises which generate particular types of waste or greater quantities of waste, or which are located in areas which necessitate particular waste collection measures to be applied;

- (e) fees for depositing wastes at landfill sites and approved dumping grounds;
 - (f) fees for the collection, storage or disposal of hazardous wastes;
 - (g) fees for any other waste service provided by an approved waste management operator.
- (2) The residential and commercial collection fees imposed under this section:
- (a) may be set on the basis of annual charges or set on any other basis;
 - (b) may be set at different levels for particular areas, taking account of matters such as the ability of persons to pay the fees; and
 - (c) are to be payable at intervals as prescribed.
- (3) The Chief Executive Officer or an approved waste management operator may determine for the purposes of this section:
- (a) the status of any premises as residential premises or commercial premises or both; or
 - (b) whether a particular service is provided as part of the normal garbage or waste collection service, or is another service for which prescribed fees and charges are imposed.”;
- (b) in section 32(1), for “All fees and charges payable to an approved waste management operator” substitute “Prescribed fees and charges payable”;

(c) in section 43(2), after paragraph (b), insert:

“(ba) prescribe fees or charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

52. Water Resources Management Act 2008 amended:

For the Water Resources Management Act 2008:

(a) in section 12(2)(b), omit “by Order made by the Minister”;

(b) in section 27, for subsection (2), substitute:

“(2) A person may obtain a copy of a watershed management plan upon payment of the prescribed fee.”;

(c) in section 45(2), after paragraph (b), insert:

“(ba) prescribe fees or charges for the purposes of this Act, subject to the Public Finance Management Act 2001;”.

53. Saving:

At the commencement of this Act:

(a) a notice, order, determination, approval, rule and any other legislative instruments providing for fees or charges made under the Acts amended by this Act (other than regulations prescribing fees and charges); or

(b) fees or charges fixed under a section amended or repealed under those Acts,
continue in force until they are amended, replaced or revoked by regulations made under those Acts.
