



REPORT FOR THE LEGISLATIVE ASSEMBLY

“Lands, Surveys and Environment Amendment Bill 2015”

Works, Transport and Environment Committee

1. RECOMMENDATION:

The Works, Transport and Environment Committee recommends that the Assembly take note of its Report.

2. BILL CONSIDERED:

(Presented 30/06/2015)

Lands, Surveys and Environment Amendment Bill 2015.

The Works, Transport and Environment Committee¹ considered the Lands, Surveys and Environment Amendment Bill 2015 pursuant to the Instructions issued by the Legislative Assembly on the 30th of June 2015, for considerations and to report back.

3. PROCEEDINGS:-

The Works, Transport and Environment Committee called for oral and/or written public submissions on the Bill through a public notice broadcast on radio (2AP) and television (S.Q.B. TV 1).

The Committee sought the assistance from the following officials during the course of its investigations.

ASSISTANCE (S.O. 156)

Office of the Attorney General:

Tuatagaloa Aumua Ming.C.Leung Wai	-	Attorney General
Meiapo Faasau	-	Associate Drafter
Lizatalei Hakai	-	Drafting Clerk
Steffany Meredith	-	Drafting Solicitor

Ministry of Natural Resources and Environment

Salā Josephine Stowers	-	Legal Consultant
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Land Transport Authority

Leasi Galuvao Vainalepa	-	Chief Executive Officer.
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¹ SO 176, TUSA Misi Tupuola, AFOAFOUVALE John Moors, PESETA Vaifou Tevaga, LEALAILEPULE Rimoni Aiafi, LEVAOPOLO Talatonu, TOEOLESULUSULU C.P.S.Schuster, FAGAIVALU Kenrick Samu.

4. FINDINGS:-

This Bill seeks to amend the Lands, Surveys and Environment Act 1989 (“Principal Act”) to grant permissions for other persons to be authorized to enforce the litter provisions under the Principal Act, including enforcement officers of the Land Transport Authority.

The Committee noted other positive impacts of the Bill, which is to; enforce the compliance to environmental protection laws and to align with other Government Policies.

The Bill emphasizes the replacing of references to “Conservation Officer” or “Conservation Officers”, in the Principal Act or other enactments with “authorised officer” or “authorised officers”, to enforce the bill in order to protect public places and conservation areas from littering.

The Bill includes a minor amendment to replace any reference to Deputy Chief Executive Officer of Lands, Surveys and Environment with Assistant Chief Executive Officer.

The transfer of powers from Conservation Officers to Authorised Officers was the main concern raised by the Committee on the basis that if the Bill is to be passed, then authorised officers will implement all their roles and responsibilities under the Land Transport Authority Act 2007² and also under this Bill³.

The Land Transport Authority stated during the meeting with the Committee on the 24th of August 2015, that they haven’t been involved in the consultation process since the beginning in 2012, which includes the Samoa Tourism Authority based on a recommendation from the Government. The Land Transport Authority was disappointed at this oversight and therefore submitted a formal request to further discuss the matter with the Office of the Attorney General and the responsible Ministry (s). The Committee agreed to the request and resolved to prepare a letter for the Attorney General’s Office and the responsible Ministry(s), to respond to the issues raised by the Authority.

A Formal Submission was submitted on the 01st of September 2015 by the Ministry of Natural Resources and Environment. The letter declared that the Office of the Attorney General, Ministry of Police and the Land Transport Authority have agreed that the Office of the Attorney General will prepare a “**Memorandum of Understanding (MOU)**” between these Offices, in order to meet every criteria set out by this Bill.

² Clauses 52 & 55 (*Land Transport Authority Act 2007*).

³ Clause 4 “replaces references to “Conservation Officer” or “Conservation Officers” in the Principal Act or other enactments with “authorised officer” or “authorised officers”.

5. CONSIDERATION IN DETAIL OF THE BILL:-

The Committee considered the Lands, Surveys and Environment Amendment Bill 2015 in detail and was satisfied with all the provisions therein.

6. RESOLUTION:

At the conclusion of its consideration, the Committee resolved to recommend the Assembly:

That the Lands, Surveys and Environment Amendment Bill 2015 progress without amendments to print.

7. COMMITTEE SIGNATURES:

TUSA Misi Tupuola
CHAIRPERSON

AFOAFOUVALE John Moors
VICE CHAIRPERSON

LEALAILEPULE Rimoni Aiafi
Member

LEVAOPOLO Talatonu
Member

PESETA Vaifou Tevaga
Member

TOEOLESULUSULU C.P.S. Schuster
Member

FAGAAIVALU Kendrick Samu
Member