



SAMOA

**CONSTITUTIONAL CONVENTION ORDINANCE
1960**

Arrangement of Provisions

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**CONSTITUTIONAL CONVENTION
ORDINANCE 1960**

1960

No. 3

AN ORDINANCE to establish a Constitutional Convention to make provision as to the Constitution of Western Samoa.

[Assent and commencement date: 7 May 1960]

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

1. Short title – This Ordinance may be cited as the Constitutional Convention Ordinance 1960.

2. Interpretation – In this Ordinance, unless the context otherwise requires:

“Constitutional Convention” and “Convention” means the Constitutional Convention established under this Ordinance.

3. Constitutional Convention established – (1) There is established a Constitutional Convention for Western Samoa for the purpose of making provision as to the Constitution of Western Samoa.

(2) The membership of the Constitutional Convention shall comprise:

- (a) the Fautua;
- (b) subject to the provisions of subsection (3) of this section, members of the Legislative Assembly;
- (c) Iana Afioga Tuimalealiifano;
- (d) three members for each Samoan constituency in addition to the Samoan elected member of the Legislative Assembly for that constituency;
- (e) ten European members in addition to the 5 European elected member of the Legislative Assembly.

(3) No person shall be eligible for membership of the Constitutional Convention who is not a citizen of Western Samoa and who has not taken the Oath of Allegiance set out in the Schedule to the Citizenship of Western Samoa Ordinance 1959.

4. Suffrage – (1) The 3 members for each Samoan constituency shall be elected by the persons whose names appear on the Samoan electoral roll for that constituency.

(2) The 10 European elected members shall be elected by those persons whose names appear on the European electoral roll compiled in accordance with a system of universal adult suffrage.

(3) Every person whose name appears on a Samoan electoral roll or on the European roll shall be a citizen of Western Samoa and shall have taken the Oath of Allegiance set out in the Schedule to the Citizenship of Western Samoa Ordinance 1959.

5. Regulations governing election of members – Subject to the provisions of this Ordinance, the mode of electing members of the Constitutional Convention, the qualifications of candidates, the terms and conditions of their membership, the qualification of electors and the manner in which the European electoral roll and each Samoan electoral roll shall be established and kept shall be prescribed by the Council of State, acting by and with the advice and consent of the Executive Council.

6. Remuneration of members – The members of the Constitutional Convention shall receive the remuneration and allowances set out in the Schedule hereto.

7. Time and place of meeting – The Constitutional Convention shall meet at such times and at such places as the Council of State, acting on the recommendation of the Prime Minister, shall from time to time appoint.

8. Chairmanship – (1) The Fautua shall be joint Chairmen of the Constitutional Convention, and the Prime Minister shall be Deputy Chairman thereof. If no Fautua is present at any meeting, the Deputy Chairman shall be Chairman of that meeting.

(2) Except as provided in the last preceding subsection, the procedure at any meeting of the Constitutional Convention shall be such as is determined by the Convention.

9. Dissolution of Constitutional Convention – The Constitutional Convention, if it does not sooner dissolve itself, shall be deemed to be dissolved on the date on which the Legislative Assembly is dissolved.

SCHEDULE
(Section 6)

**REMUNERATION AND ALLOWANCES TO BE PAID
TO EACH MEMBER OF THE CONSTITUTIONAL
CONVENTION**

Remuneration: Remuneration at the rate of one pound ten shillings payable to every member of the Constitutional Convention for every day or part of a day during which he is present at a meeting of the Convention.

PROVIDED THAT for every hour during which a member is required to attend and does attend any meeting of the Convention after one o'clock in the afternoon on any sitting day, an additional sum of ten shillings shall be payable. In computing the payments to be made under this proviso, any fraction of an hour more than half an hour shall be deemed to be an hour.

Allowances: Locomotion expenses actually and reasonably incurred:

- (a) in travelling from his home to the place at which he is required to travel for the purpose of attending meetings of the Convention; and
- (b) in travelling once from the place at which he is required to attend meetings of the Convention back to his home –No such allowance shall be paid to Ministers.

**THE CONSTITUTIONAL CONVENTION
AMENDMENT ORDINANCE 1960**

1960

No. 19

AN ORDINANCE to provide for the payment of increased remuneration to members of the Constitutional Convention.

[20 October 1960]

1. Short title – This Ordinance may be cited as the Constitutional Convention Amendment Ordinance 1960, and shall be read together with and deemed part of the Constitutional Convention Ordinance 1960 (hereinafter referred to as the principal Ordinance).

2. Schedule amended – (1) This subsection added a proviso to paragraph on remuneration in the Schedule to the principal Ordinance.

(2) The increased remuneration payable pursuant to the provisions of the last preceding subsection shall be paid in respect of every sitting day on and after 12 September 1960.

REVISION NOTES 2008 – 2019

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2008 – 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Insertion of commencement and assent date
- (b) Other minor editing has been done in accordance with the lawful powers of the Attorney General, where appropriate:
 - (i) Section 1(1) is renumbered as section (1)
 - (ii) Section 2(2), reference to “means” changed to “mean”

Notes at the end of section 1(1) have been moved to these Revision Notes as follows:

Although this enactment is now spent, it has been retained in this Reprint of the laws of Samoa for historical reasons. It is accordingly reprinted in its original form with no amendments or editorial changes.



Lemalu Hermann P. Retzlaff
Attorney General of Samoa

*This Ordinance is administered
by the Office of the Legislative Assembly.*
