



SAMOA

INTERNAL AFFAIRS ACT 1995

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INTERNAL AFFAIRS ACT 1995

1995

No.10

AN ACT to establish the Ministry of Internal Affairs and to provide for the promotion of the well-being of villages, village authority, to provide for the appointment of Sui-o-le-nuu and Sui-ole-Malo and to provide for other matters relating to the culture and traditions of Samoa.

[Assent and commencement date: 10 July 1995]

1. Short title and commencement – (1) This Act may be cited as the Internal Affairs Act 1995.

(2) This Act comes into force on such date as shall be specified by the Head of State acting on the advice of Cabinet by Order.

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

“Alii ma Faipule” means the Alii ma Faipule existing by custom in each village;

“Chief Executive Officer”:

(a) means the Chief Executive Officer of the Ministry responsible for internal affairs appointed under this Act; and

(b) includes a person delegated by the Chief Executive Officer to exercise any of the powers exercisable by the Chief Executive Officer under this Act;

“financial year” has the meaning given to it by the Public Finance Management Act 2001;

“local government” includes the Government and administration of a village by its Fono;

“Minister” means the Minister responsible for internal affairs;

“Ministry” means the Ministry responsible for internal affairs established under this Act;

“Sui-o-le-Nuu” means a Sui-o-le-Nuu appointed pursuant to section 14;

“Sui-ole-Malo” means a Government representative appointed as a Sui-ole-Malo pursuant to section 14;

“constituency” means a territorial constituency constituted under the Territorial Constituencies Act 1963.

3. Minister responsible for internal affairs – There shall be a Minister responsible for internal affairs appointed by the Prime Minister.

4. Ministry responsible for internal affairs – There is constituted and established a Ministry of the Government of Samoa responsible for internal affairs, which, under the control of the Minister, is charged with the administration of this Act.

5. Principal functions of Ministry – (1) The principal functions of the Ministry are:

- (a) to consider proposals, formulate policies and make recommendations to the Minister for the recognition and organisation of village authority in each village based on the Alii ma Faipule Samoan custom and tradition;
- (b) to provide any guidance and advice as the Alii ma Faipule may request in the preparation, development and implementation of local government;
- (c) to undertake, assist in, co-operate with and encourage the development, collection, maintenance and publication of data, statistics, reports, financial proposals and any other material relevant to the preparation and administration of local government and village authority;
- (d) to initiate, encourage, assist and participate in meetings, presentations, discussions and other education or explanatory activities for the purpose of popularizing, publicising or explaining the need for the requirements of local government and village authority;
- (e) to review from time to time the needs, functions and efficiency of local government institutions and recommend courses of action to the Minister in regard to the needs and efficiency;
- (f) *repealed*;
- (g) to advise the Minister on matters pertaining to the conduct, finance, business and control of any local government activity;
- (h) to recommend any regulations to the Minister as may be necessary or expedient for giving effect to the provisions of this Act and for its due administration;
- (i) to provide any technical services, as may be required for the administration and purposes of this Act in accordance with local government and village authority standards;
- (j) to formulate policies and guidelines for social and economic development in the villages;

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- (k) to receive, assess, approve and process requests for development projects from Alii ma Faipule;
 - (l) to receive, manage and allocate funds as may be appropriated from time to time by Parliament or received in the form of grants or otherwise from any source for the purposes of village development;
 - (m) to organise and promote competitions among the villages for the purpose of encouraging and stimulating increases in productivity;
 - (n) to assist Alii ma Faipule in the mobilisation, co-ordination and utilisation of manpower resources for social and economic projects;
 - (o) to provide any technical and advisory services, as may be considered necessary and expedient for village development;
 - (p) to make recommendations to the Minister regarding the appointment of Sui-o-le-nuu and Sui-ole-Malo;
 - (q) to recommend to the Minister, fees to be charged for services rendered by Sui-o-le-nuu and Sui-ole-Malo to other Government Departments, Corporations and any other Institutions.
- (2) The Minister shall exercise the principal functions of the Ministry in consultation with Cabinet.

6. Chief Executive Officer – There shall be appointed in pursuance of the Public Service Act 2004 a person to be known as the Chief Executive Officer responsible for internal affairs who is responsible to the Minister and is the administrative head of the Ministry.

7. Delegation of Minister's powers – (1) Subject to subsection (6), the Minister may, by writing signed by the Minister either generally or particularly, delegate to the Chief Executive Officer all of the powers which are conferred upon him or her by this Act:

PROVIDED however that this power of delegation does not include power to delegate to the Chief Executive Officer the power of the Minister under this section.

(2) Subject to any general or special discretion given or conditions attached by the Minister, the Chief Executive Officer may exercise any powers delegated to him or her as aforesaid in the same manner and with the same effect as if they had been conferred on him or her directly by this section and not by delegation.

(3) Where the Chief Executive Officer purports to act pursuant to a delegation under this section, he or she is presumed in the absence of proof of the contrary to be acting in accordance with the terms of the delegation.

(4) Every such delegation is revocable at will and no such delegation prevents the exercise of any power by the Minister.

(5) Unless the delegation is revoked it continues in force according to its tenor, and if the Minister by whom any such delegation has been made ceasing to hold office, it continues to have effect as if made by the person holding office as Minister, and if the Chief Executive Officer to whom such delegation has been made ceasing to hold office, it continues to have effect as if made to the person for the time being holding office as Chief Executive Officer, or, if there is no Chief Executive Officer in office or the Chief Executive Officer is absent from duty, to the person lawfully directed to act in the place of the Chief Executive Officer.

(6) This section does not apply to any of the powers given to the Minister under sections 14 and 18.

8. Delegation of Chief Executive Officer's powers – (1)

The Chief Executive Officer may by writing signed by the Chief Executive Officer, either generally or particularly, delegate to any such officer of the Ministry or to a committee constituted pursuant to this Act as he or she thinks fit all or any of the powers exercisable by him or her pursuant to any enactment including any power delegated to him or her pursuant to any enactment but not including this present power of delegation:

PROVIDED that the Chief Executive Officer shall not delegate any power delegated to him or her by the Minister.

(2) Subject to a special or general direction given or attached by the Chief Executive Officer, the officer or committee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had

been conferred on him or her or it directly by this section and not by delegation.

(3) A person or committee purporting to act pursuant to any delegation under this section is presumed in the absence of proof to the contrary to be acting in accordance with the terms of the delegation.

(4) A delegation under this section may be made to a specified officer or to officers of a specified class, or to the holder of a specified office or class of offices.

(5) A delegation under this section is revocable at will and no such delegation shall prevent the exercise of any power by the Chief Executive Officer.

(6) A delegation, until revoked, continues in force according to its tenor, despite the Chief Executive Officer by whom it was made ceasing to hold office, and continues to have effect as if made by the successor in office of that Chief Executive Officer.

9. Appointment of officers and staff for the administration of this Act – (1) The Public Service Commission may appoint any officers and other employees, as may be desirable for the administration of this Act.

(2) All officers and other employees of the Ministry shall act under the direction of the Chief Executive Officer in the exercise and performance of the powers, duties and functions conferred or imposed upon them by this or any other Act.

10. Executive Committees – (1) There is constituted and established 2 Executive Committees (1 for Upolu, Manono and Apolima and 1 for Savaii) responsible to the Minister through the Chief Executive Officer.

(2) Each Executive Committee shall comprise a Chairperson and such number of ordinary members, as may be determined by Cabinet upon the advice of the Minister.

(3) The Chairperson of the Executive Committee for Upolu, Manono and Apolima who shall be a member of Parliament representing a Constituency within Upolu, Manono and Apolima, is to be appointed by Cabinet upon the advice of the Minister.

(4) The Chairperson of the Executive Committee for Savaii who shall be a member of Parliament representing a Constituency within Savaii is to be appointed by Cabinet upon the advice of the Minister.

(5) The ordinary members of each Executive Committee are to be appointed by Cabinet upon the advice of the Minister.

(6) The Chairperson and each member of each Executive Committee shall hold office for a term of 3 years and thereafter until his or her successor is appointed.

(7) A member of an Executive Committee may at any time resign his or her office by writing addressed to the Chief Executive Officer, and may be removed from office by Cabinet acting on the advice of the Minister, for disability, neglect of duty or misconduct.

11. Functions of Executive Committees – The functions of Executive Committees are:

- (a) to consult with Sui-o-le-nuu and Sui-ole-Malo concerning the needs of villages;
- (b) to solicit the assistance and co-operation of the Alii ma Faipule in implementing Government programmes;
- (c) to solicit the assistance and co-operation of the Alii ma Faipule effectively to prevent the use of drugs and narcotics in the villages;
- (d) to consult with such non-governmental organisations which are actively participating in projects of interest to the Ministry;
- (e) to provide affirmative action programmes for the Sui-o-le-nuu and Sui-ole-Malo which are conducive to increasing productivity;
- (f) to monitor the performance of duties of the Sui-o-le-nuu and Sui-ole-Malo in the villages;
- (g) to advise the Minister through the Chief Executive Officer on matters relating to births and deaths and the bestowal of titles within the villages and districts;
- (h) to assist the Sui-o-le-nuu and Sui-ole-Malo in collecting debts owed to Government departments and to statutory corporations;
- (i) to co-ordinate activities of Sui-o-le-nuu and Sui-ole-Malo and co-operate with the Alii ma Faipule in villages to ensure that law and order is maintained through customs and traditions;

- (j) to encourage culturally sensitive support networks, in the development of villages.

12. Meetings of Executive Committees – (1) Meetings of an Executive Committee shall be held at such times and places as may be appointed by the Chairperson.

(2) The Chairperson shall preside at all meetings of his or her Executive Committee at which he or she is present and in his or her absence the members present shall elect a person to preside as Chairperson.

(3) The quorum for a meeting of an Executive Committee is half of the members of that Committee.

(4) At each meeting of an Executive Committee the Chairperson is entitled to a casting as well as a deliberative vote.

(5) A question before a meeting of an Executive Committee shall be determined by a majority of the votes of members present and voting thereon.

(6) Except as otherwise prescribed in this Act, each Executive Committee determines its own procedure.

13. Allowances and remuneration – There may be paid out of money appropriated by Parliament for the purpose to each member of an Executive Committee at a rate to be approved by Cabinet travelling expenses paid or incurred by him or her in respect of the performance of his or her duties (including attendances at meetings) as a member of that Committee.

14. Sui-o-le-nuu and Sui-ole-Malo – (1) The Minister acting on the advice of the Chief Executive Officer may for the purposes of this Act:

- (a) appoint a Sui-o-le-nuu nominated by a village or villages;
- (b) appoint representatives of the Government to be known as Sui-o-le-Malo:

PROVIDED THAT where a village fails or is unable to nominate a Sui-o-le-nuu within 3 months from the time of the vacancy there shall be appointed by Cabinet acting on the advice of the Chief Executive Officer a person to hold that office.

(2) A Sui-o-le-nuu and a Sui-o-le-Malo are appointed for a term of 3 years and may be reappointed.

(3) A Sui-o-le-nuu and a Sui-o-le-Malo may at any time resign his or her office by writing addressed to the Chief Executive Officer, and may be removed from office by the Minister, acting on the advice of the Chief Executive Officer, for disability, neglect of duty or misconduct:

PROVIDED THAT prior to advising the removal of a Sui-o-le-nuu the Chief Executive Officer shall consult the village responsible for the nomination of that Sui-o-le-nuu.

(4) Nominations for the positions of Sui-o-le-nuu are to be submitted to the Minister through the Chief Executive Officer.

(5) When a Sui-o-le-nuu or Sui-o-le-Malo is incapacitated by illness, absence from Samoa or other sufficient cause, the Minister upon the advice of the Chief Executive Officer may temporarily appoint another person to act in his or her place.

(6) Notice of an appointment, resignation, or removal made under this section (except for temporary appointments under subsection (5)) shall be published as soon as practicable in the Savali.

15. Duties of a Sui-o-le-nuu and Sui-ole-Malo – (1) It is the duty of each Sui-o-le-nuu and Sui-o-le-Malo:

- (a) to promote harmony in his or her village;
- (b) to encourage the maintenance of law and order in his or her village;
- (c) to ensure the free flow of communication between the Alii ma Faipule of his or her village and the Government, and the Ministry;
- (d) to prepare the births, deaths, and matai title certificates in respect of the members of his or her village;
- (e) as of 1 January 2020, to require the vaccination and immunisation of children born in respect of the members of his village, pursuant to the requirements of the Ministry of Health, and develop a system to monitor and ensure this is carried out;
- (f) to encourage health and sanitation activities in his or her village;
- (g) to promote diligently, development projects that are economically viable as well as culturally and environmentally sensitive;

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- (h) to ensure that access roads in and about his or her village are properly maintained;
 - (i) to organise a traditional network in his village to prevent vandalism in respect of street lights, traffic lights, road signs, pipe lines, and village and public facilities;
 - (j) to report to the police the use by a person of dynamite or chemicals for fishing;
 - (k) to encourage village cleanliness and beautifications;
 - (l) to inform the Committee and the Council of new pests and diseases evident in or about his or her village;
 - (m) to assist government officials in conducting surveys, research, and debt collection in his or her village;
 - (n) to maintain records of village activities;
 - (o) to render at all times such assistance as the Government may need in the successful implementation and, completion of its projects either locally or nationally.
- (2) In addition to the duties imposed upon them by subsection (1), a Sui-o-le-nuu and Sui-o-le-Malo shall perform:
- (a) any duties which may be imposed on them by regulations made under this Act or by any enactment, whether passed before or after this Act; and
 - (b) any duties in accordance with any Government policy as may from be defined or communicated to them by the Minister.

16. Salaries and allowances of a Sui-o-le-nuu and Sui-o le-Malo – A Sui-o-le-nuu and Sui-o-le-Malo are to be paid out of moneys appropriated by the Legislative Assembly such salary or allowances, travelling expenses and allowances and other allowances, as may be fixed by Cabinet acting on the advice of the Minister.

17. Annual report – (1) The Secretary shall, as soon as practicable at the end of each financial year, furnish to the Minister a report on the operations of the Ministry for that year.

(2) A copy of such report shall be laid before the Legislative Assembly within 28 days after it has been furnished to the Minister if the Assembly is then in session and, if not, laid before the Assembly within 28 days after the commencement of the next ensuing session.

18. Regulations – (1) The Head of State, acting on the advice of Cabinet may make such regulations as may be necessary or expedient for giving full effect to this Act and for the due administration thereof.

(2) Without limiting subsection (1), regulations may prescribe or provide for:

- (a) fees to be charged for services rendered by a Sui-o-le-nuu and Sui-ole-Malo to Government departments, corporations and any other institutions or persons;
- (b) *repealed*;
- (c) duties and responsibilities for a Sui-o-le-nuu and Sui-ole-Malo in addition to those determined by this Act.

19. Repeal and savings – (1) The following Acts are repealed:

- (a) Sui-o-le-nuu and Sui-ole-Malo Act 1978; and
- (b) Internal Affairs and Rural Development Act 1983.

(2) Despite the repeal of the Sui-o-le-nuu and Sui-ole-Malo Act 1978, and the Internal Affairs and Rural Development Act 1983 all appointments, warrants and orders made pursuant to those Acts continue in force according to their tenor as if made under this Act.

REVISION NOTES 2008 – 2019

This is the official version of this Act as at 31 January 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) Amendments have been made to conform to modern drafting styles

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- and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
 - (c) Insertion of the commencement date
 - (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”
 - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
 - (iii) “shall have” changed to “has”
 - (iv) “shall be guilty” changed to “commits”
 - (v) “notwithstanding” changed to “despite”
 - (vi) “pursuant to” changed to “under”
 - (vii) “it shall be the duty” changed to “may”
 - (viii) “it shall be the duty” changed to “shall”
 - (ix) Numbers in words changed to figures
 - (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed
 - (xi) “under the hand of” changed to “signed by”

The following amendments have been made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the Village Fono Amendment Act 2017 No. 3 –

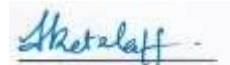
Section 5(1)(f) repealed

Section 18(2)(b) repealed

Note: Section 10 (2) of the Amendment Act provides a transitional provision for repeal of section 18(2)(b) which saves any regulation, or bylaw made pursuant to this section despite its repeal

By the Infants Amendment Act 2019, No. 29 (commenced 1 January 2020) –

Section 15(1)(e) inserted new paragraph (e) “as of 1 January 2020, to require the vaccination and immunization of children born in respect of the members of his village, pursuant to the requirements of the **Ministry** of Health, and develop a system to monitor and ensure this is carried out;” and restructured the paragraphs accordingly.



Lemalu Hermann P. Retzlaff
Attorney General of Samoa

*This Act is administered by
the Ministry of Women, Community and Social Development*
