



SAMOA

FOREIGN AFFAIRS ACT 1976

Arrangement of Provisions

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FOREIGN AFFAIRS ACT 1976

1976

No.6

AN ACT to make provision for the administration of foreign affairs.

[Assent and commencement date: 23 August 1976]

1. Short title – This Act may be cited as the Foreign Affairs Act 1976.

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

“Chief Executive Officer” means the Chief Executive Officer appointed under this Act;

“Minister” means the Minister charged with the administration of this Act;

“Ministry” means the Ministry responsible for foreign affairs;

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“overseas representative” means a diplomatic or consular representative for Samoa or a representative of the Government of Samoa in any other country, and includes a High Commissioner for Samoa in any other country.

3. Minister of Foreign Affairs – The Prime Minister may charge any Minister of Government with the administration of this Act, or may retain in the Prime Minister’s charge the responsibility of this Act.

4. Functions of Minister – The Minister is charged with:

- (a) the administration of this Act; and
- (b) generally with the administration and conduct of the foreign affairs of Samoa, including—
 - (i) relations with other countries;
 - (ii) communications between the Government of Samoa and other Governments;
 - (iii) the representation of Samoa in other countries;
 - (iv) the representation of other countries in Samoa; and
 - (v) relations and communications with the United Nations and its specialised agencies and special bodies, inter-Governmental agencies, and all other international institutions.

5. Chief Executive Officer and other officers – (1) There may be appointed as an officer of the Public Service a Chief Executive Officer, who:

- (a) shall, under the control of the Minister, exercise and perform any administrative and other functions relative to foreign affairs as the Minister may determine; and
 - (b) may hold any office in the Public Service not incompatible therewith.
- (2) There may also be appointed any other officers of the Public Service as may be deemed necessary to assist the Chief Executive Officer in the execution of his or her office.

6. Appointment of overseas representative – (1) The post of an overseas representative is designated a special post for the purpose of and subject to the provisions of Article 87(3) of the Constitution.

(2) The Head of State, acting on the advice of Cabinet, may carry out the following:

- (a) appoint any suitable person (whether an officer of the Public Service or not) to be an overseas representative for such term not exceeding 3 years, as the Head of State may specify;
- (b) reappoint any such person for such term, not exceeding 3 years, as the Head of State may specify;
- (c) for any specified reason remove any overseas representative from office.

(3) A person who was an officer of the Public Service immediately before his or her appointment under this section is entitled, on the expiration of that appointment, to be reappointed to the Public Service by the Public Service Commission on terms and conditions no less favourable than those attached to the position held by that person in the Public Service at the time of his or her appointment under this section.

(4) An overseas representative may resign from office by notice in writing to that effect addressed to the Minister.

7. Duties of an overseas representative – An overseas representative for Samoa in any other country shall:

- (a) act as the representative of Samoa in that other country and as a channel of communication between the Governments of Samoa and of that other country; and
- (b) carry out such instructions as he or she receives from the Minister or the Chief Executive Officer in relation to the political, economic, and general interests of Samoa in that other country; and
- (c) exercise any powers and perform any other duties as are conferred upon or assigned to him or her by the Minister.

8. Delegation of powers of Public Service Commission – For the purposes of this Act, the Public Service Commission may

delegate to the Minister all of the powers exercisable by the Commission under Article 87(1) of the Constitution.

9. Salaries and allowances – The salaries and allowances of all overseas representatives appointed under this Act shall be paid out of money appropriated by Parliament for the purpose.

10. Regulations – (1) 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.

(2) The amount of a fee or charge prescribed under subsection (1)(b):

(a) shall be proposed by the Ministry; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 – 2020/3 March 2021 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 up-date references to offices, officers and statutes. Insertion of the commencement date
- (b) Section 8, “from the commencement of this Act” deleted – now redundant;
- (c) Other minor editing has been done in accordance with the lawful powers of the Attorney General—
 - (i) Present tense drafting style:
 - “shall be” changed to “is/are”
 - “shall be deemed” changed to “is/are taken”
 - “is hereby empowered as” changed to “may”

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- “hereby” and “from time to time” (or “at any time”) removed
- (ii) Removal/replacement of obsolete and archaic terms with plain language – “pursuant to” or changed to “under”
- (iii) Sections 4 and 5(1) paragraphed.

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

By the *Fees and Charges (Miscellaneous Amendments) Act 2017* No. 13, commenced on 4 July 2017:

- Section 2** - inserted definition of “Ministry”;
- Section 10** - substituted.

*This Act is administered by
the Ministry of the Prime Minister and Cabinet.*