



SAMOA

HONOURS AND AWARDS ACT 1999

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HONOURS AND AWARDS ACT 1999

1999

No. 20

AN ACT to repeal the Merit Act 1992/1993, No.3 and to consolidate the system for the conferring of awards in recognition of meritorious service to Samoa or acts of bravery.

[Assent and commencement date: 25 August 1999]

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 Honours and Awards Act 1999.

(2) This Act comes into force on the date it is assented to by the Head of State.

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

“award” means an award described in section 6;

“Chief Executive Officer of Ministry of Prime Minister and Cabinet” means the Secretary to Cabinet;

“civil service” means service of Samoa in any capacity, and includes service in the private and religious sectors;

“Committee” means the Honours Committee established under section 23;

“Ministry” means the Ministry of the Prime Minister.

3. Administration of Act – This Act is administered by the Ministry of the Prime Minister and that Ministry shall provide the administrative, executive and secretarial services for the Committee.

4. Conferring of awards – The Head of State, acting on the advice of Cabinet, may by Order, confer or grant awards under this Act.

5. General qualification for awards – (1) Subject to subsection (2) and section 10(1)(b), no person is eligible to receive an award unless at the time of the conferring of that award the person is a citizen of Samoa.

(2) Subsection (1) does not apply to honorary awards made under section 28.

6. Description of awards– (1) Awards are classified as follows:

(a) awards for civil service; and

(b) awards for bravery and gallantry.

(2) The awards for civil service, in order of the following precedence, are:

- (a) Grand Order of Samoa – (G.O.S.);
- (b) Chief Order of Samoa – Poloaiga Sili a Samoa;
- (c) Order of Samoa – (O.S.);
- (d) Companion to the Order of Samoa – (C.O.S.);
- (e) Order of Merit (O.M.);
- (f) Officer of the Order of Samoa – (O.S.);
- (g) Member of the Order of Samoa – (M.S.);
- (h) Head of State’s Service Order (H.S.S.O.);
- (i) Head of State’s Service Medal (H.S.S.M.).

(3) The awards for bravery and gallantry, in the following order of precedence, are:

- (a) Malietoa Cross (M.C.);
- (b) Samoa Cross (S.C.);
- (c) Samoa Medal of Honour (S.M.H.);
- (d) Head of State’s Medal for Valour (H.S.M.V.).

(4) The letters in parentheses in subsections (2) and (3) do not form part of the names of the awards, but where an award is expressed in written form it may be described by the appropriate letters as they appear in those subsections.

7. Grand Order of Samoa – (1) The Grand Order of Samoa – is the state badge of office, symbolizing the tenure of the highest public office in Samoa.

(2) Subject to subsection (3), the Head of State shall by virtue of the office and during the Head of State’s tenure be the only holder of this Order, and upon death while in office or upon retirement, it is handed down to the successor.

(3) Despite subsection (2), His Highness Malietoa Tanumafili II, Head of State of the Independent State of Samoa, is the only recipient who shall retain this Order forever, as a tribute to his long and dedicated service to the State and to the people of Samoa.

8. Order of Samoa – Poloaiga Sili a Samoa – (1) The Order of Samoa – Poloaiga Sili a Samoa is the nation’s highest meritorious award, and may be conferred on persons who have made a paramount contribution to the State and to the People, life and culture of Samoa on the national or international level, and which deserves the highest recognition of the people of Samoa.

(2) Subject to section 28, at no time shall more than 2 living persons be the holders of the Order of Samoa – Poloaiga Sili a Samoa.

9. Order of Samoa – (1) The Order of Samoa may be conferred on persons who have made an outstanding contribution to the State and to the people, life and culture of Samoa on the national or international level.

(2) Subject to section 28, at no time shall more than 10 living persons be the holders of the Order of Samoa.

10. Companion of the Order of Samoa – (1) The Companion of the Order of Samoa may be conferred on:

- (a) persons who have made an exceptionally important contribution to the State and to the people, life and culture of Samoa, on the national or international level; and
- (b) those persons who are or have been leaders of corporations (whether foreign or domestic), or who are or have been leaders of foreign states or organisations, in recognition of lengthy and valuable service, help and friendship afforded to Samoa by those corporations, states or organisations, or by those leaders.

(2) Subject to section 28, at no time shall more than 10 living persons be holders of the Companion of the Order of Samoa.

11. Order of Merit – (1) The Order of Merit may be conferred on:

- (a) persons who have rendered outstanding meritorious service for Samoa in the domestic or international spheres; and
- (b) persons who have made exceptional contributions towards the advancement of a field of endeavour, but with particular emphasis on the arts, learning, literature, science and religion, in the domestic or international spheres, and which is of benefit directly or indirectly to Samoa.

(2) Subject to section 28, at no time shall more than 15 living persons be holders of the Order of Merit.

12. Officer of the Order of Samoa– (1) The Officer of the Order of Samoa may be conferred on:

- (a) persons who have made highly significant and meritorious contributions to Samoa; and
- (b) persons who have excelled in a field of endeavour, domestically and internationally, and which is benefit, directly or indirectly to Samoa or which brings credit to Samoa.

(2) Subject to section 28, at no time shall more than 15 living persons be holders of the Officer of the Order of Samoa.

13. Member of the Order of Samoa – (1) The Member of the Order of Samoa may be conferred on:

- (a) persons who have made meritorious contributions to Samoa; and
- (b) persons who have excelled in any field of endeavour domestically, and which is of benefit directly or indirectly to Samoa, or which brings credit to Samoa.

(2) Subject to section 28, at no time shall more than 15 living persons be holders of the Member of the Order of Samoa.

14. Head of State’s Service Order – (1) There are 2 divisions of the Head of State’s Service Order as follows:

- (a) for Community Service; and
- (b) for Public Services.

(2) The Head of State’s Service Order for Community Service may be conferred on persons in recognition of their unique and valuable contributions to their village, district or township, or for their high achievement in any field of endeavour.

(3) The Head of State’s Service Order for Public Services may be conferred on persons who have made meritorious contributions, or given long service with exemplary conduct to the Government of Samoa.

(4) Subject to section 28, at no time shall more than 20 living persons be holders of the Head of State’s Service Order.

15. Head of State’s Service Medal – (1) There are 2 divisions of the Head of State’s Service Medal as follows:

- (a) for Community Service; and
- (b) for Public Services.

(2) While the criteria for the grant of the Head of State's Service Medal in either division are similar to those set out in section 14(2) and (3), a Medal awarded under this section may be granted to those persons who in the opinion of the Honours Committee have achieved a highly valuable accomplishment in any field of endeavour, or who have provided long service to Samoa with good conduct.

(3) Subject to section 28, at no time shall more than 20 Head of State's Service Medals be awarded in a calendar year.

16. Malietoa Cross – The Malietoa Cross may be awarded only for acts of the greatest heroism and of supreme bravery in the face of the enemy, or for some daring and pre-eminent act of valour and self-sacrifice in circumstances of extreme danger.

17. Samoa Cross – The Samoa Cross may be awarded for acts of the greatest valour entailing the display of exceptional courage in circumstances of extraordinary danger, where there is a total disregard for personal loss of life and limb.

18. Samoa Medal of Honour – The Samoa Medal of Honour may be awarded for acts of the most conspicuous courage in circumstances of extraordinary danger involving potential loss of life or limb.

19. Head of State's Medal for Valour – The Head of State's Medal for Valour may be awarded for acts of extraordinary courage in circumstances of very great danger.

20. Posthumous awards – The awards described in section 6 may be posthumously.

21. Meaning of "Field of endeavour" – For the purposes of this Act, "Field of endeavour" includes the following:

- (a) work in the service of Samoa;
- (b) service as a Member of Parliament or as a Minister of State;
- (c) service as a member of an organisation dedicated to the welfare of Samoa or Samoans;
- (d) service as a member of an ecclesiastical or religious body;

- (e) work as a self-employed person;
- (f) work as an employee;
- (g) work as a volunteer;
- (h) participation in an academic activity;
- (i) engaging in a literary activity;
- (j) participation in fine arts, visual arts or performing arts;
- (k) engaging in a craft;
- (l) performance as a sports representative; and
- (m) any other activity prescribed by regulation as a field of endeavour.

22. Privileges attaching to awards – (1) The holder of an award has the right to be invited to attend all Government functions, and to wear his or her ribbon and medal on every such occasion, and may at any other time wear a miniature replica of the medal or ribbon.

(2) The holder of an award may, after a printed or written form of his or her name, add the appropriate letters denoting the award which he or she holds.

(3) Holders of awards have such other entitlements and privileges as may be prescribed by regulation.

(4) In this section, “award” includes an honorary award.

23. Honours Committee – (1) There is constituted a Committee to be known as the Honours Committee.

(2) The Committee shall consist of the following 6 members:

- (a) Chief Executive Officer of the Ministry of the Prime Minister and Cabinet, as Chairperson;
- (b) the Chief Executive Officer of the Ministry of Finance;
- (c) the Chief Executive Officer of the Ministry of Women, Community and Social Development;
- (d) three persons appointed by the Head of State, acting on the advice of Cabinet, one of whom shall represent—
 - (i) the private sector;
 - (ii) the ecclesiastical and religious denominations; and
 - (iii) representative of the community.

(3) Members appointed under subsection (2)(d) are appointed for a term of 3 years and are eligible for reappointment for a further term or terms.

(4) The Committee shall determine its own procedure in all matters.

(5) Ex-officios or Government employees on the Committee are not entitled to any sitting allowance.

24. Functions of the Committee – The functions of the Honours Committee are:

- (a) to consider persons from all areas of Samoa and overseas who may be eligible for awards or honorary awards, and to recommend to Cabinet the granting of an award to any of such persons where it considers that an award is justified; and
- (b) to continuously review the suitability, where appropriate of persons who have received awards previously for the purpose of recommending to Cabinet the granting to them of higher or other awards, as the case may be.

25. Recommendations for awards – Recommendations for awards are to be made in writing by the Committee to Cabinet.

26. Style and cost of awards – (1) An award shall comprise:

- (a) a certificate signed by the Head of State and sealed with the Public Seal of Samoa; and
- (b) a medal with or without a ribbon as the Honours Committee may determine; and
- (c) a miniature of the medal and ribbon, as the case maybe.

(2) Medals, ribbons, certificates and miniature replicas are to be of such design as approved by the Head of State by Order, acting on the advice of Cabinet.

(3) The cost of the design, fabrication and conferring of the awards and all costs incidental thereto (including remuneration and allowances made under section 23 together with the monetary payments made under section 27) are statutory expenditure and must be paid out of the Treasury Fund without further appropriation.

27. Monetary payments – The following monetary payments shall accompany the granting of an award:

- (a) to a person who has been awarded the Malietoa Cross, the sum of \$2,000; and
- (b) to a person who has been awarded the Samoa Cross, the sum of \$2,000.

28. Honorary awards – (1) Subject to section 5, where the Head of State, acting on the advice of Cabinet, is satisfied that a person merits the receipt of an award under this Act, and that person is not a citizen of Samoa, the Head of State may by Order confer an honorary award on that person.

(2) Honorary awards may be made for all awards under this Act other than the Grand Order of Samoa, and there are no limitations as to the number of honorary awards that may be granted or conferred under this section.

29. Lost awards – Where the holder of an award has lost the medal, ribbon, miniature replica or certificate, the holder may obtain a duplicate from the Ministry upon paying the reasonable cost, which is fixed by the Chief Executive Officer of the Ministry.

30. Revocation of awards for misconduct – The Head of State, acting on the advice of Cabinet, may by Order revoke an award conferred or granted under this Act on the ground that the holder has committed an act or acts of gross or serious misconduct such as to bring into disrepute the dignity and honour of the award.

31. Offences – A person who wears a medal, ribbon or miniature replica to which that person is not entitled, or who in any way holds himself or herself out, or permits or suffers himself or herself to be held out as the holder of an award which that person does not hold, commits an offence and upon conviction is liable to a fine not exceeding 10 penalty units, or to imprisonment for a term not exceeding 1 year.

32. Regulations – The Head of State, acting on the advice of Cabinet, may make regulations as may in the Head of

State's opinion be necessary or expedient for giving full effect to the provisions of this Act.

33. Repeal and savings – (1) The Merit Act 1992/1993 is repealed.

(2) Upon the commencement of this Act, an Order, award or certificate (including an honorary award) conferred or granted under the Merit Act 1992/1993 shall continue to retain its validity, status and recognition under the laws of Samoa.

(3) An Order, honour or award (including an honorary award) other than those referred to in subsection (2), that may have been conferred or granted by the Government of Samoa shall continue to retain its validity, status and recognition under the laws of Samoa.

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 conform to modern drafting styles 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” and 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 lawful” changed to “may”
 - (viii) “it shall be the duty” changed to “shall”
 - (ix) Number in words changed to figures
 - (x) “hereby” and “from time to time (or “at any time” or “at all times”)
 - (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 *Honours and Awards Amendment Act 2018 No. 6*, commenced on 22 March 2018:

Section 2	-	amended
Sections 6 and 8	-	amended
Section 20	-	substituted
Section 23	-	amended

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