



SAMOA

SAMOA EXPORT AUTHORITY ACT 2024

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2024, No. 6

AN ACT to establish the Samoa Export Authority and to provide for the functions, powers, and duties of the Authority, and for related purposes.

[Assent and commencement date: 22 August 2024]

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

**PART 1
PRELIMINARY**

1. Short title and commencement - (1) This Act may be cited as the Samoa Export Authority Act 2024.

(2) This Act commences on the date of assent by the Head of State.

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

“Auditor” means the Controller and Auditor General appointed under Article 97 of the Constitution;

“Authority” means the Samoa Export Authority established under section 3;

“Board” means the Board of the Authority constituted under section 9;

“Chairperson” means the person currently holding the office of the Chairperson of the Board in accordance with section 9(2);

“Chief Executive Officer” means the person currently holding the office of the Chief Executive Officer of the Authority under section 18;

“coordinated support” means providing advisory services for exporters and other parties of the export value chain;

“director” means any person currently holding office as a Director of the Board of the Authority under section 9;

“enabling environment” includes providing policy, regulatory and programmatic measures across all areas of the export sector;

“export” or “export product” means any goods and services set out under the Schedule;

“export development” includes setting targets for exports and implement relevant strategies, initiatives, programs or projects and activities to achieve these targets;

“find new markets” means to provide trade information and market intelligences, and act as the forum for the exchange of information among participants of the export value chains including sharing real-time data for business decision making in collaboration with other Government Ministries or bodies;

“logistical matters” includes matters such as:

- (i) the distribution, transportation, and packaging of products;
- (ii) trade barriers and their removal;
- (iii) fostering and developing of a coordinated strategy for the export of products; and
- (iv) participating in international trade exhibitions;

“market requirements” includes product standards and the adoption of best practices in the export market;

“Minister” means the Minister responsible for the Authority; and

“needed research” includes studies and evidence-based analyses to inform needed development interventions for exports.

PART 2 THE AUTHORITY

3. Establishment of the Authority - (1) There shall be a body corporate called the Samoa Export Authority.

(2) The Authority may operate under the name “Samoa Export Authority”.

(3) The management of the Authority is vested in its Board.

4. Authority is a body corporate - (1) The Authority is a body corporate with perpetual succession and a common seal and:

- (a) may enter into contracts;
- (b) may sue and be sued in its corporate name;
- (c) may acquire, hold and dispose of real and personal property; and

- (d) may generally do all such acts and things that are necessary for or incidental to the performance of its functions under this Act or any other law.
- (2) The powers of the Authority shall not be affected by any vacancy in the membership of the Board.

5. Functions of the Authority - (1) The principal function of the Authority is to effectively promote exports or export products from Samoa.

(2) In performing its functions, the Authority shall liaise and cooperate with any relevant Government Ministry or agency, private sector or civil society, to ensure that strategic planning and arrangements are in place to deal with exports from Samoa.

(3) In addition to the principal function provided for in subsection (1), the roles and responsibilities of the Authority shall include, to:

- (a) facilitate and coordinate export development;
- (b) facilitate and coordinate an enabling environment for the revival and growth of the export sector;
- (c) find new markets for Samoa's export sector;
- (d) facilitate and coordinate needed research;
- (e) ensure the provision of coordinated support;
- (f) liaise with producer and export groups and other key parties including key organisations of government, private sector, civil society, overseas markets on logistical matters affecting exports;
- (g) promote and facilitate compliance with market requirements;
- (h) facilitate and coordinate the availability of needed capacity building for exporters and other parties of the export value chain;
- (i) manage supply and demand dynamics and issues including competition, pricing, costs and other aspects of the export supply-demand chains; and
- (j) any other relevant function which promotes or develops the export industry in Samoa.

6. Operating principles - In the implementation of this Act, and when providing the services and facilities that are within the operational responsibility of the Authority under this Act, the following shall be the principles that guide the Authority, and other Government Ministries and agencies with responsibilities which impact upon the operations and administration of the Authority and the export industry:

- (a) the Authority shall operate in accordance with sound commercial practice, and recognised principles of good corporate management;
- (b) the allocation of rights to conduct businesses in the export industry shall be done in a fair and transparent manner; and
- (c) exports and export related activities shall be operated in a manner which respects the rights and interests of customary land owners and of the general community, giving particular consideration for the most vulnerable suppliers at the community level.

7. Authority to follow general policy of Government - In performing its functions and exercising its powers under this Act or any other law, the Authority shall give effect to the general policy of the Government as communicated to the Authority by the Minister or Cabinet.

8. Powers of the Authority-(1) The Authority may exercise all the powers that are provided for in this Act and any other law, and have powers to do all acts and things which are reasonably necessary or expedient to enable it to carry out its functions, roles and responsibilities.

(2) Without limiting subsection (1), the Authority may:

- (a) do anything necessary to implement any requirement under the laws of Samoa or under any international or regional agreement or arrangement which applies to exports and the provision of export related services, to which Samoa is a party or signatory to;

- (b) implement and enforce bylaws, operating procedures and codes of practice it prescribes to protect its assets and facilities and the due provision of export related services;
 - (c) subject to subsection (3), lease its lands and facilities on such terms and conditions as the Board determines;
 - (d) request the Planning and Urban Management Agency and other relevant agencies to prepare and apply planning requirements and restrictions in relation to areas under the control of the Authority;
 - (e) otherwise approve the occupation and use of its premises and facilities in accordance with arrangements approved by the Board;
 - (f) impose and recover fees, charges and levies for the provision of its services;
 - (g) subject to the applicable laws and financial instructions from Cabinet, borrow money from the Government or from any agency or lending institution (whether in Samoa or overseas) on such terms and conditions as the Board approves; and
 - (h) enter into joint ventures, partnerships, agency relationships and any other appropriate arrangement for the performance of its functions.
- (3) The Authority may lease any of its lands for the terms that are consistent with government policy in relation to the leasing of government lands, and on such other terms and conditions as the Board determines.

PART 3 MANAGEMENT OF THE AUTHORITY

9. Board of the Authority-(1) The Board comprises of not less than 3 and not more than 5 directors who are appointed by the Head of State on the advice of Cabinet in accordance with the law and approved Government policy relating to the management of public bodies.

(2) The Cabinet shall appoint one of the directors to be the Chairperson, and may appoint a Deputy Chairperson.

(3) No person may be appointed to be a director, or may continue to hold office, while he or she is a person holding a fulltime office in the Authority.

(4) Unless the Board decides otherwise, the Chief Executive Officer shall attend all Board meetings but shall have no voting rights.

(5) The Board may co-opt a person to assist the Board at any of its meetings, provided that such co-opted person shall have no right to vote at any Board meeting.

10. Terms of office of directors - A director shall hold office for the term stated in the instrument of appointment and as per requirements provided under the Public Bodies (Performance and Accountability) Act 2001.

11. Remuneration of appointed Directors - A director shall be paid such remuneration and allowances, as may from time to time be fixed by Cabinet.

12. Board Meetings-(1) Meetings of the Board shall be held at such times and places as the Chairperson appoints.

(2) The Chairperson shall call a special meeting whenever required to do so in writing by at least 3 directors.

(3) At any meeting, 3 directors shall form a quorum.

(4) In the event that the Board cannot convene, a draft resolution may be circulated to directors, and if at least 3 directors indicate their consent by signing the resolution, then that signed consent document shall be sufficient for the acceptance by the Board of the proposed resolution.

(5) The Chairperson shall preside at every meeting at which he or she is present, and in the absence of the Chairperson, the Deputy Chairperson shall preside.

(6) If the Chairperson and Deputy Chairperson are both absent from a meeting, the directors present shall elect one of the directors to preside at that meeting.

(7) At every meeting, the Chairperson or other person presiding shall have a deliberative vote, and in the case of an equality of votes, the Chairperson shall also have a casting vote.

(8) Any question arising at a meeting shall be decided by a majority of votes cast by the directors.

(9) Subject to other provisions of this Act, the Board may regulate its procedure in such manner as the Board thinks fit.

13. Disclosure of interest-(1) No director shall act as a delegate of any business interest or receive or accept directions from any business interest in respect of duties to be performed under this Act.

(2) A director who, otherwise than as a director, is directly or indirectly interested in any arrangement entered into, or proposed to be entered into by the Authority, shall as soon as possible after the relevant facts have come to his or her notice, disclose the nature of such interest at the next appointed meeting of the Board.

(3) A disclosure under this section shall be recorded in the minutes of the meeting of the Board and the Board may decide that the director shall not take part after the disclosure in any deliberation or decisions relating to the arrangement, but shall be counted as present for the purpose of forming a quorum of the Board for any such deliberation or decision.

(4) Where a director acts contrary to the provisions of this Act, or uses information obtained through the Authority for personal gain (or the gain of any other person), and Cabinet is satisfied that such a breach has occurred, that member may be immediately terminated as a director of the Authority by Cabinet on the advice of the Board.

(5) A director terminated under subsection (4), shall not be eligible for reappointment as a director of the Authority at any time.

14. Contracts by the Authority-(1) Contracts on behalf of the Authority may be made:

- (a) in the form of a deed which shall be in writing and be under the common seal of the Authority; or
- (b) in the form of a written contract, which shall be in writing and be either -
 - (i) under the common seal of the Authority; or
 - (ii) signed by a person or persons acting in accordance with a general or specific direction of the Board.

(2) The common seal of the Authority shall not be affixed to any document except in accordance with a resolution of the Board, and the execution of any document so sealed is to be attested by 2 directors.

15. Committees-(1) To assist the Authority to discharge its functions, the Board may appoint such advisory, audit and technical committees as it determines, and the Board may:

- (a) determine the functions of the committees; and
- (b) delegate to the committees such powers of the Board as are necessary for the committees to perform their functions.

(2) Members of committees appointed under subsection (1), may include directors, officers of the Authority and such other persons as the Board considers appropriate for the committees to perform their functions.

(3) Members appointed to a committee established under subsection (1), may be paid fees, allowances and reimbursement of expenses as determined by the Board, but no such entitlement shall exceed the amount approved by Cabinet for such purposes.

(4) Subject to other provisions of this Act and to any directions given to it by the Board, a committee may regulate its procedure in such manner as it thinks fit.

16. Delegation of powers-(1) The Board may delegate to any of its committees, the Chief Executive Officer or any other officer of the Authority any of its powers under this Act, other than this power of delegation.

(2) Subject to any general or special directions given by the Board, any committee or person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred directly by this Act, and not by delegation.

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

(4) A delegation shall be revocable at will, and no delegation shall prevent the exercise of any power by the Board itself.

(5) A delegation, until revoked by the Board, continues in force according to its terms, even if there is any change in the membership of the Board, or of any committee of the Board.

17. No gifts or gratuities to be accepted by Directors or officers - A director or any officer or employee of the Authority must not accept any gift or advantage for himself or herself, or for any person with whom the member may have family, business, or financial connections if the acceptance of it would result, or give the appearance of resulting in a diminishment of his or her impartial performance of functions, duties or responsibilities under this Act.

PART 4 STAFFING PROVISIONS

18. Chief Executive Officer-(1) The Head of State, acting on the advice of Cabinet, shall appoint a Chief Executive Officer of the Authority:

- (a) for 3 years or such other period as may be specified in the instrument of appointment; and
- (b) on such other terms and conditions as are approved by the Cabinet or the Board.

(2) The Cabinet shall, before advising the Head of State of an appointment to be made under subsection (1), consult the Board concerning the appointment.

- (3) The Chief Executive Officer shall be:
- (a) the administrative head of the Authority; and
 - (b) is responsible to the Board for the effective and efficient management of the Authority; and
 - (c) for the execution of the Authority's functions.

(4) The Chief Executive Officer may be suspended or removed from office by a decision of Cabinet to that effect, acting on the advice of the Board.

(5) The Chief Executive Officer, if suspended, he or she is entitled to receive the salary for one (1) month only from the effective date of the suspension.

(6) If the Chief Executive Officer is acquitted of a charge and cleared of all allegations or any investigation relating to the subject of his or her suspension, the Chief Executive Officer must be reinstated without loss of any benefit or status and paid the salary he or she lost as a result of any suspension from duty.

(7) The Chief Executive Officer is not entitled to his or her salary if, as a result of the investigation relating to the subject of his or her suspension, he or she is not reinstated.

(8) In carrying out his or her duties, the Chief Executive Officer shall follow any general or special directions given by the Board.

(9) The Chief Executive Officer is eligible for re-appointment.

(10) All remuneration and other allowances and expenses payable to the Chief Executive Officer shall be determined by Cabinet, and shall be paid out of the funds of the Authority.

(11) The Chief Executive Officer shall not engage in any other business or occupation without the prior written consent of the Board.

(12) The Chief Executive Officer may delegate any of his or her powers under this Act or any other law, or any other duty or responsibility for the management of the Authority, to any appropriate officer of the Authority.

- (13) A delegation of power under subsection (12):
- (a) shall be in writing, or confirmed in writing as soon as practicable after the delegation is made;
 - (b) shall not deprive the Chief Executive Officer of the right to exercise any delegated power during the period of its delegation; and
 - (c) may be revoked by the Chief Executive Officer.

19. Acting Chief Executive Officer-(1) The Board may on such terms and conditions as it specifies, appoint a suitable person to be the Acting Chief Executive Officer of the Authority during any temporary vacancy in the office of Chief Executive Officer, or while the Chief Executive Officer is for any reason unable to carry out his or her duties of the office.

(2) During any such vacancy in office or incapacity of the Chief Executive Officer, the person appointed to be the Acting Chief Executive Officer may exercise all the functions and powers of the Chief Executive Officer, and shall perform all the duties of the office.

20. Authority staff-(1) The Authority may appoint other officers and employees of the Authority as it may consider necessary for the purposes of carrying out the Authority's functions.

(2) The power to appoint under subsection (1), includes the power to promote, discipline, suspend or terminate officers and employees of the Authority.

(3) An officer or employee suspended is entitled to receive a salary for one (1) month only effective from the date of suspension.

(4) If an officer or employee is acquitted of the charge he or she is suspended with and cleared of all allegations or any investigation relating to the subject of his or her suspension, an officer or employee must be reinstated without loss of any benefit or status and paid the salary he or she lost as a result of any suspension from duty.

(5) An officer or employee is not entitled to his or her salary if, as a result of the investigation relating to the subject of his or her suspension, he or she is not reinstated.

(6) Officers may be engaged under contract for fixed periods or appointed to hold office on such terms and conditions as approved by the Board.

(7) All entitlements applying under this section shall be in accordance with all applicable determinations of Cabinet, and be consistent with any other legal obligation relating to the payment of pensions and contributions to retirement schemes.

PART 5 FEES, CHARGES AND LEVIES

21. Revenue and funds of the Authority-(1) The revenue and funds of the Authority shall consist of:

- (a) any property, investments, mortgages and debentures, acquired by or vested in the Authority, and any money earned or arising from its investments;
- (b) fees paid to the Authority under this Act or any other law;
- (c) rents and other payments by tenants of the Authority premises and occupiers or users of other lands and facilities of the Authority;
- (d) dividends and earnings from any commercial venture undertaken by the Authority, or in which the Authority is a partner by way of joint venture or otherwise;
- (e) money borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its functions;
- (f) money appropriated by Parliament to the Authority; and
- (g) all other money or property which may in any manner become payable to or vested in the Authority in respect of any matter arising from the exercise of its powers and duties.

(2) Fees and charges may be imposed for the provision of any service by the Authority, or for the use of any facility of the Authority, as approved from time to time by the Board or the Chief Executive Officer, if no applicable fee or charge has been fixed under this Act or any other law.

(3) Fees and charges are payable by all occupiers of premises within the areas under the control of the Authority, despite any provision of any law to the contrary.

(4) The Authority may invest money standing to the credit of the Authority under the law applying to public bodies and public finance management in Samoa.

22. Fixing of fees, charges and levies-(1) Unless otherwise provided for by this Act or any other law, the fees, charges and levies which the Authority may impose and collect shall be prescribed by regulations made under this Act.

(2) Any regulations made in accordance with subsection (1), may provide for fees, charges and levies to be varied by the Board.

(3) The Chief Executive Officer may publish operating procedures for the purpose of defining or clarifying when any fee, charge or levy imposed under this Part becomes payable, and by whom it is payable.

(4) The absence of any approved publication under subsection (3) does not affect the right of the Authority to impose and recover any fee, charge or levy from the person to whom the service is provided, or by whom the activity is carried out.

23. Fees, charges and levies imposed by the Authority - The Authority may impose and collect fees, charges and levies in relation to the following:

- (a) application and renewal fees for any licence granted;
- (b) fees made in relation to any services that the Authority may provide including -
 - (i) providing advice on matters relating to exports;
 - (ii) the negotiation of markets for any interested person; and
 - (iii) any other matter provided for by any law or by regulations made under this Act.

PART 6
FINANCIAL, AUDIT AND
REPORTING REQUIREMENTS

24. Powers of the Auditor-(1) The Auditor, or a person authorised to act by the Auditor, is entitled at all reasonable times:

- (a) to have full and free access to all accounts, papers, records and other documents relating to the activities of the Authority;
- (b) to take copies of such materials, or to require copies to be provided; and
- (c) to require and receive any information or materials from any person, for the purpose of carrying out auditor's duties in accordance with section 25.

(2) A person who hinders or obstructs the Auditor, or an authorised person under subsection (1), in the carrying out of their duties under this Act, commits an offence and is liable upon conviction to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding 3 months, or both.

25. Accounts, audit, and annual report-(1) The Authority shall:

- (a) keep full and proper accounts and other records of its operations at all times; and
- (b) prepare a balance sheet and such other statements of accounts as are necessary to fully and accurately show the financial position of the Authority and the financial results of its operations during that financial year, as soon as reasonably practicable after the end of each financial year.

(2) The accounts of the Authority are audited each year by the Auditor.

(3) As soon as reasonably practicable after the end of each financial year, the Authority shall send to the Minister for Public Enterprises:

- (a) a report of its proceedings and operations for that year together with a copy of its audited accounts for that year; and
 - (b) the report of the Auditor on its accounts.
- (4) A copy of the report and the audited accounts of the Authority, together with a copy of the Auditor's report on the accounts, shall be laid before the Legislative Assembly by the Minister for Public Enterprises as soon as practicable after the Minister for Public Enterprises has received them.
- (5) The Chief Executive Officer and the chief financial officer of the Authority shall sign off on all accounts and reports kept or prepared in accordance with this section, and shall certify that:
- (a) proper books of account have been maintained by the Authority;
 - (b) the accounts and reports accurately reflect the financial affairs of the Authority, and the accounts maintained by the Authority; and
 - (c) adequate procedures of internal control have been applied by the management of the Authority.

26. Director's responsibilities in relation to accounts and reports - The Chairperson must sign off on the accounts of the Authority and the report prepared by or on behalf of the Authority under section 25.

27. Other obligations of Directors-(1) All directors shall prepare and submit annual Disclosure Statements ("Statement") to the Chairperson in a form and manner required by the Ministry for Public Enterprises from time to time.

(2) The Minister for Public Enterprises may require that the Statement from the directors of the Authority include all relevant details so as to make full and accurate disclosure of the following:

- (a) the remuneration received by the directors from the Authority during the year to which the Statement applies;

- (b) the number of meetings of the Board, and any committee of the Board of which the director is a member, the director attended during the year to which the Statement applies;
- (c) the reasons for failing to attend any Board or Committee meeting;
- (d) all disclosures made by the director of any conflict of interest during the year to which the Statement applies;
- (e) any other position held by the director which may give rise to any potential conflict of interest; and
- (f) any other matter required to be disclosed to the Minister for Public Enterprises, or in accordance with the requirements of the Public Finance Management Act 2001 and Public Bodies (Performance and Accountability) Act 2001.

(3) A director may be suspended from office if the director fails to comply with the requirements of subsection (1).

(4) Subject to subsection (5), the matters disclosed in any Statements submitted under this section may be reported upon in all audit and annual reports prepared by or on behalf of the Authority.

(5) The information provided in the Statement submitted under this section shall be kept confidential under the requirements of the Public Finance Management Act 2001 and the Public Bodies (Performance and Accountability) Act 2001.

28. Audit Committee and Risk Management Committee-

(1) An Audit Committee shall be established by the Board, and its membership may include one or more qualified persons who is not a director of the Authority.

(2) The functions of the Audit Committee are:

- (a) to undertake or oversee all aspects of the internal audit of the Authority's operations, management and financial procedures;

- (b) to ensure that the Authority complies with accepted international best practice of corporate management and reporting, and to report to the Board on any failure by the Authority to achieve such compliance; and
 - (c) to assess any proposal by the management of the Authority to recommend the writing-off of any debt owed to the Authority, and to provide its recommendation to the Board on all such proposals.
- (3) A Risk Management Committee shall be established by the Board, and shall be comprised of:
- (a) any number of directors, as the Board determines from time to time;
 - (b) the Chief Executive Officer;
 - (c) the Internal Auditor;
 - (d) the Authority's internal lawyer (if any); and
 - (e) any other appropriately qualified persons who are not a director or employee of the Authority, and who the Board considers may assist the committee to discharge its functions.
- (4) The functions of the Risk Management Committee are to:
- (a) identify and assess all risks applying to the operations and management of the Authority;
 - (b) develop policies of risk management for the Authority's operations and management;
 - (c) oversee and report on any matter associated with the identified risks, and the application of the risk management policies;
 - (d) ensure that all aspects of the risk management policies, and of their application, are disclosed to the Board, and to its management and staff, and are reported in all reports required to be prepared and submitted by the Authority; and
 - (e) review any matter associated with the recovery by the Authority of monies owed to it, and any other process which the committee considers to constitute some risk to the proper management of the Authority's debt recovery procedures.

29. Inquiries into malpractice-(1) For the purposes of conducting any audit or investigation in relation to any functions provided for under this Act, the Audit Committee and the Risk Management Committee shall have the powers and protections applying to a commission of inquiry under the Commissions of Inquiry Act 1964, including:

- (a) protections under sections 5 and 9 of that Act;
- (b) powers as provided by section 6 of that Act;
- (c) power to hear persons having an interest in a matter which is the subject of a Tribunal proceeding as provided by section 7 of that Act; and
- (d) power to summon witnesses and require the production of documents.

(2) A person who, after being summonsed to attend before the Audit Committee or the Risk Management Committee, or to produce to the Authority any books, papers, writings, or documents:

- (a) fails to appear according to the terms of the summons;
 - (b) refuses to be sworn or to give evidence or to make an answer to such questions as may be put to the person by the Committee, or any member of the Committee relating to the subject of the inquiry; or
 - (c) fails to produce any such books, papers, writings, or documents,
- commits an offence and is liable to a fine not exceeding 50 penalty units.

30. Protection of informants - No action may be taken to affect the employment within the Authority, or the status of an officer of the Authority who:

- (a) provides information to the Audit Committee or the Risk Management Committee under section 29; or
- (b) provides any report or information to any person concerning a breach of any requirement applying under this Act, or any other law which imposes financial or other regulatory requirements on the Authority.

31. Protection from liability - No action for defamation may lie against any person who prepares a report, assists in the preparation of a report or who provides information to assist in the preparation of any report by the Audit Committee or the Risk Management Committee that is consistent with a function of such a committee under this Act.

32. Write-offs-(1) The writing-off of any debt due to the Authority shall be in accordance with:

- (a) the requirements of section 120 of the Public Finance Management Act 2001;
- (b) international best corporate management and accounting practice; and
- (c) the procedures stated in subsection (2).

(2) No debt owed to the Authority shall be written-off except under a decision of the Board made:

- (a) after a recommendation has been made by the Audit Committee supporting the writing-off of the debt; and
- (b) after all available and reasonable steps have been taken to recover the amount outstanding.

(3) The provisions of this section do not apply to any decision to suspend or write-off the interest component of any amount which is in arrears, if such a decision has been made under a policy approved by the Board.

(4) An amount that has been lawfully written-off under this section is taken to be a bad debt for the purposes of the Income Tax Act 2012, and subject to that Act, the Authority is not liable to pay tax on that amount.

PART 7 MISCELLANEOUS

33. Indemnity-(1) No director or employee of the Authority, or member of any Committee established by the Authority under this Act, is personally liable for any act done or default made in good faith on behalf of the Authority or by any of its committees, in the course of any operation or activity of the Authority.

(2) The Authority shall not be subject to any civil or criminal liability arising from the exercise of any function or power under this Act which is done in good faith.

34. Use of approved forms - The Chief Executive Officer may approve forms for any matter related to the performance of the Authority's functions and exercise of power, or for any other purpose consistent with this Act.

35. Regulations-(1) The Head of State, acting on the advice of Cabinet, may make regulations not inconsistent with this Act to provide for such matters as are required or contemplated by this Act or are necessary for giving full effect to the provisions of this Act and for its due administration.

(2) Without limiting subsection (1), regulations may be made to:

- (a) achieve compliance with or assist the Authority to participate in, any applicable international or regional agreement, arrangement or program relating to exports;
- (b) empower any committee established under this Act;
- (c) provide for additional powers in relation to the application or enforcement of operating procedures, by-laws or codes of practice;
- (d) provide for additional powers to protect the Authority's assets and facilities;
- (e) provide for any matter relating to the licencing or the certification of an exporter;
- (f) provide for the development of standards and imposition of standards upon exporters;
- (g) provide for the appeal process and necessary bodies of that appeal process to ensure the effective review of any decision of the Authority made under this Act;
- (h) provide for any additional fee, charge or levy, and for any matter relating to the setting, collection or enforcement of any fee, charge or levy imposed under the authority of this Act;

- (i) prescribe procedures and arrangements for the leasing or allocation of premises or lands managed by the Authority to ensure fairness and transparency, and to maximise financial returns to the Authority’;
 - (j) to prescribe for offences or any other penalties not exceeding 100 penalty units or 5 years imprisonment.
- (2) The amount of a fee prescribed under subsection (2)(h):
- (a) shall be proposed by the Authority with the concurrence of the Board; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

36. Amendment to Schedule-(1) The Schedule to this Act may be replaced or amended by the Minister by notice published in the *Savali* from time to time.

(2) A notice must not be issued unless a majority decision of the Board is first sought and approved.

Schedule

“export” or “export product” means:

- (a) all primary agricultural goods;
- (b) secondary agricultural goods, and includes manufactured goods; and
- (c) services.

REVISION NOTES 2024

This is the official version of this Act as at 31 December 2024.

This Act has been revised by the Legislative Drafting Division in 2024 under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revision was made:

- (a) Insertion of the assent and commencement date.

This Act is administered by the Samoa Export Authority.