



## WESTERN SAMOA

## Arrangement of Provisions

Title	
1.	Short title and commencement
2.	Principal Functions of Department

## 1994 No. 5

**AN ACT to amend the Trade, Commerce and Industry Act 1990.** (8 July 1994)

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

**1. Short title and commencement** - (1) This Act may be cited as the Trade, Commerce and Industry Amendment Act 1994 and shall be read together and be deemed part of the Trade, Commerce and Industry Act 1990 (hereinafter referred to as the principal Act)

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

**2. Principal Functions of Department** - Section 5 of the principal Act is hereby amended by the addition of the following subsections:-

"(p) (1) Act as agent for and on behalf of a beneficial owner of any customary land or of any interest therein who in terms of s.5 of the Alienation of Customary Land

Act 1965 desires that the Minister of Lands, Survey and Environment shall grant a lease or licence of such land or of any interest therein for hotel or industrial purposes:

(i) To negotiate and deal with prospective leasees or licencees of such customary land and interests therein for the best rental terms and conditions of a proposed lease or licence that can be obtained in the circumstances.

(ii) To enter into an agreement to lease or licence with a prospective leasee or licensee, which agreement shall bind upon all beneficial owners of such customary lands or interests therein.

(iii) To make written application in that behalf to the Director of Lands pursuant to s.5 of the Alienation of Customary Land Act 1965.

(iv) The Department through the Minister shall for the purposes of s.6 of the Alienation of Customary Land Act 1965 be deemed to be the agent of all beneficial owners of the customary lands or interests therein proposed to be leased or licensed, to whom the Director or the Financial Secretary may account for the rent or consideration to be derived from the lease or licence of that land or interest.

(2) Except as are in this subsection provided, this subsection shall be subject to the provisions of the Alienation of Customary Land Act 1965.

(q) (1) Establish a Board which shall be called the Trade Commerce and Industry Development Board (hereinafter called "the Board") in accordance with the provisions of this subsection.

(2) The functions of the Board are:-

(a) To be a forum where members representing the trading, commercial and industrial communities within Western Samoa and representatives of the Government of

Western Samoa can freely exchange views and hold regular dialogue with the view to resolving problems that are hampering progress and restraining the advancement of trade, commerce and industry in Western Samoa.

- (b) To enquire into and to make recommendations to the Minister as to ways and means of improving facilitating and enhancing the development of trade, commerce and industry in Western Samoa.
  - (c) To monitor and report regularly to the Minister as to the rate of inflow of new businesses into Western Samoa from overseas countries and as to the rate of growth of trading, commercial and industrial businesses in Western Samoa.
  - (d) To make recommendations to the Minister as to the manner in which the Department may exercise, implement and carry out any of its principal functions as stipulated in section 5 of this Act to the best interest of the Independent State of Western Samoa.
- (3) The members of the Board are:-
- (i) The Minister, who shall be the Chairman;
  - (ii) The Financial Secretary;
  - (iii) The Secretary Ministry of Transport;
  - (iv) The Comptroller and Collector of Customs;
  - (v) The Director of Agriculture and Fisheries;
  - (vi) The Commissioner of Labour;
  - (vii) Representative of Traders and Importers;
  - (viii) Representative of Manufacturers;
  - (ix) Representative of Agriculture Exporters;
  - (x) Representative of Woman in Business;
  - (xi) Representative of General Constructors;
  - (xii) Representative of Taro' Planters;

(xiii) The Secretary of Trade Commerce and Industry, who shall be the Secretary of the Board.

(4) The members of the Board under subparagraphs (vii) (viii) (ix) (x) (xi) and (xii) of the preceding paragraph (3) of this subsection shall be appointed by the Head of State acting on the advice of Cabinet.

(5)(a) Every member appointed by the Head of State under the preceding paragraph (4) shall hold Office for a term of 3 years and shall be eligible for reappointment:

(b) An appointed member may at any time resign his office by notice in writing to the Board:

(c) The Head of State, acting on the advice of Cabinet may remove at any time an appointed member -

(i) For disability, neglect of duty, misconduct, or bankruptcy; or

(ii) If he is satisfied that the appointed member has left Western Samoa permanently; or

(iii) If the appointed member is absent from 3 consecutive meetings of the Board without the permission of the Board.

(d) If an appointed member dies, or resigns, or is removed from office, the Head of State acting on the advice of Cabinet may appoint another person in place of that member to hold office until such first named person's term of office would have expired had he not ceased to be a member as aforesaid.

(6)(a) Meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

(b) At all meetings of the Board 7 members constitute a quorum.

(c) The chairman shall preside at all meetings of the Board at which he is present, but in the event of his absence the

Board may appoint one of its members to be Chairman.

(d) At any meeting of the Board the person presiding shall have a deliberative vote and in the case of an equality of votes he shall also have a casting vote.

(e) A decision of the majority of the members present at a meeting of the Board shall be a decision of the Board.

(f) The Board may regulate its procedure in such manner as it thinks fit, and may in its discretion conduct its meeting either in public or in private.

(7) Every member of the Board shall be remunerated as Cabinet from time to time determine.

(8) The Secretary shall be responsible for the taking of minutes of meetings of the Board and for the safe keeping thereof in a Minute Book.