

CONSOLIDATED ACTS OF SAMOA 2009

MINISTRY OF WOMEN AFFAIRS ACT 1990

Arrangement of Provisions

TITLE

1. Short Title and commencement
2. Interpretation
3. Minister of Women Affairs
4. Ministry of Women Affairs
5. Duties of Ministry
6. Functions of Ministry
7. Chief Executive Officer
8. Delegation of Minister's Powers
9. Delegation of Secretary's Powers
10. Appointment of Officers and Staff
11. Establishment of Women's Advisory Committee
12. Members of Advisory Committee
13. Election of eight members of Advisory Committee
14. Functions of Advisory Committee
15. Meetings of Advisory Committee
16. Allowances and remuneration
17. Mothers Day
18. Annual Report
19. Regulations
20. *Repealed*

THE MINISTRY OF WOMEN AFFAIRS ACT 1990
1990 No. 21

AN ACT to provide for matters pertaining to the special interests of women and for matters incidental thereto.

(2nd December 1990)

1. Short Title and commencement - (1) This Act may be cited as the Ministry of Women Affairs Act 1990.

(2) This Act shall come 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:

"Advisory Committee" means the Women's Advisory Committee constituted pursuant to Section 11 of this Act.

"Appointed Member" means a member of the Advisory Committee appointed pursuant to the provisions of sections 12 and 13 of the Act.

"Chief Executive Officer" means the Chief Executive Officer of the Ministry of Women, Community and Social Development.

"Financial Year" means the meaning given to it by the Public Finance Management Act 2001.

"Minister" means the Minister responsible for Women Affairs.

"Ministry" means the Ministry of Women, Community and Social Development.

"Schedule" means the schedule to this Act

"Sui Tamaitai o le Nuu" means the position established by section 16A.

3. Minister responsible for Women Affairs - There shall be a Minister of Women Affairs whose responsibilities shall be to formulate and direct policy and generally to superintend matters pertaining to the special interest of women, and to exercise such powers and functions as are vested in the Minister under this or any other Act.

4. Ministry of Women, Community and Social Development - There is hereby constituted and established a Ministry of the

Government to be known as the Ministry of Women Affairs.

5. Duties of Ministry - Subject to the control and direction of the Minister, the Ministry shall be charged with the administration of this Act and with such other duties and functions as may be lawfully conferred upon it.

6. Functions of Ministry - The functions of the Ministry shall be:

(a) to encourage, promote and coordinate where such encouragement, promotion and coordination appears desirable the work of women and women's committees and in particular but without limiting the generality of the foregoing work relating to primary health care, village and district sanitation, child care, handicrafts, and domestic and community gardens, including gardens for the growing of vegetables;

(b) to provide training for women in any of their areas of work;

(c) to promote and assist women with their home economics including cooking, nutritional diet, dressmaking and sewing and matters of a like nature;

(d) to provide training in home economics;

(e) to promote better conditions for employment of women in both the public and private sectors;

(f) to solicit and assist in soliciting funds for projects by women's committees;

(g) to advise the Government on women's affairs;

(h) to coordinate the activities of Government and non-government organisations involved in or dealing with women's affairs;

(i) to promote the interest and welfare of women's committees;

(j) to advise the Government on issues to do with women and likewise provide feedback to women's groups.

(k) to coordinate programmes and project activities for women;

(l) to plan in collaboration with relevant Government departments, programmes whereby women's participation is necessary;

(m) to prepare and solicit through the Ministry of Foreign Affairs proposals for funding by donor agencies;

(n) to be able to establish a data base on women for planning and programming purposes;

(o) to liaise with women's groups on all issues relevant to and involving women;

(p) to provide and supervise a secretariat and other support staff for the Advisory Committee.

7. Chief Executive Officer - There shall be appointed as the holder of a Special Post under the Public Service Act 2004 a person to be known as the Chief Executive Officer who shall be responsible to the Minister and shall be the administrative head of the Ministry.

8. Delegation of Minister's Powers - (1) The Minister may by writing under his or her hand either generally or particularly, delegate to the Chief Executive Officer all of the powers which are conferred upon the Minister by this Act:

PROVIDED HOWEVER THAT this power of delegation shall 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 power delegated to her or him as aforesaid in the same manner and with the same effect as if they had been conferred on her or him

directly by this section and not by delegation.

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

(4) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(5) Unless and until such delegation is revoked it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and in the event of the Chief Executive Officer to whom such delegation has been made ceasing to hold office, it shall continue 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 for the time being lawfully directed to act in the place of the Chief Executive Officer.

9. Delegation of Chief Executive Officer's powers - (1) The Chief Executive Officer may from time to time by writing under her or his hand, either generally or particularly, delegate to any such officer of the Ministry or to any 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 any special or general direction given or attached by the Secretary, 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) Every person or committee purporting to act pursuant to any delegation under this section shall be presumed in the absence of proof to the contrary to be acting in accordance with the terms of the delegation.

(4) Any delegation under this section may be made to a specified officer or to officers of a specified class; or may be made to the holder or holders for the time being of a specified office or class of offices.

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

(6) Every such delegation shall, until revoked, continue in force according to its tenor, notwithstanding that the Chief Executive Officer by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Chief Executive Officer.

10. Appointment of officers and staff for the administration of this Act

(1) The Public Service Commission may from time to time appoint such 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.

11. Establishment of Women's Advisory Committee - There shall be established within the Ministry a Women's Advisory Committee.

12. Members of Advisory Committee - The members of the Advisory Committee shall be:

- (a) the Minister, who shall be Chairperson;
- (b) the Chief Executive Officer; and
- (c) fifteen women from Upolu, Manono, Apolima appointed

under section 13 of this Act; and

(d) fifteen women from Savaii appointed under section 13 of this Act;

13. Appointment of thirty members of the Advisory Committee -

(1) The appointed members of the Advisory Committee shall be appointed by Cabinet, acting on the advice of the Minister.

(2) The appointed members shall hold office for two years, and shall be eligible for re-appointment.

14. Functions and Powers of Advisory Committee -(1) The functions of the Advisory Committee shall be:

(a) to keep the Minister informed through the Secretary of matters of interest or concern to women or women's committees and organisations;

(b) to advise the Minister through the Secretary on matters of interest or concern to women.;

(c) to assist the Department in carrying out Government policy in relation to the work of women and women's committees and organisations.

(2) The Advisory Committee may appoint sub-committees and delegate to them such responsibilities as it determines.

(3) The appointed members shall comprise sub-committees to represent their respective areas and may discharge any specific responsibilities given to them by the Advisory Committee.

(4) The Chairperson for each of the sub-committees referred to in subsection (3) shall be appointed by the Minister.

15. Meetings of Advisory Committee - (1) The Advisory Committee shall meet not less than three times each year at times and places determined by the Minister.

- (2) The Minister shall preside as Chairperson at all meetings of the Advisory Committee, and in the Minister's absence the meeting shall be presided over by a member designated by the Minister.
- (3) The quorum shall be twenty (20) members present and no meeting of the Advisory Committee shall be held unless there is a quorum.
- (4) At each meeting of the Advisory Committee the presiding Chairperson shall be entitled to a casting as well as a deliberative vote.
- (5) Every question before any meeting of the Advisory Committee shall be determined by a majority of votes of members present and voting thereon.
- (6) Except as otherwise prescribed in this Act the Advisory Committee shall determine its own procedure.

16. Allowances and remuneration - There may be paid out of money appropriated by Parliament for the purpose:

(a) to each appointed member of the Advisory Committee at a rate to be approved by Cabinet travelling expenses paid or incurred by her in respect of the performance of her duties (including attendances at meetings) as a member of the Advisory Committee; and

(b) to each appointed member of the Advisory Committee such sum as may from time to time be approved by Cabinet, in respect of each day or part of a day she spends in the performance of her duties (including attendances at meetings) as a member of the Advisory Committee.

16A. Establishment of Sui Tamaitai o le Nuu - (1) There shall be a Sui Tamaitai o le Nuu for each traditional village in Samoa.

(2) A nomination for the position of Sui Tamaitai o le Nuu is to be submitted in writing with signatures of members of the Village Women's Committee, two (2) months prior to the due date of an appointment, to the Minister through the Chief Executive Officer.

(3) On the advice of the Minister, Cabinet may appoint a Sui Tamaitai o le Nuu, who shall be:

(a) a member of a village Women's Committee;

(b) nominated by a Village Women Committee and that such nomination is endorsed in writing by the Village Council through the Sui o le Nuu; and

(c) at least three (3) months before the date of an appointment, the Chief Executive Officer or appointed senior officer within the Ministry of Women, Community and Social Development shall inform the Village Women's Committee to submit nomination within two (2) months.

(4) Every Sui Tamaitai o el Nuu shall be appointed for a term of three (3) years, and may be reappointed.

(5) Every Sui Tamaitai o le Nuu may at any time resign her office by writing to the Minister through the Chief Executive Officer or may be removed from office by Cabinet on the advice of the Minister for inability to perform her duties, neglect of duty or misconduct.

(6) A Sui Tamaitai o le Nuu who is removed from office is to be:

(a) informed promptly of her removal from office and the reasons for such removal; and

(b) allowed to submit reasons against her removal from office and to have her case reviewed.

17. Mothers' Day - The Monday immediately following the second Sunday of May in each year shall be observed as Mothers Day and shall for all purposes be a Public Holiday.

18. 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, shall be laid before the Assembly within 28 days after the commencement of the next ensuing session.

19. Regulations - The Head of State, acting on the advice of Cabinet may from time to time make such regulations as may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

20. *Repealed by the Women Affairs Amendment Act 1998.*

REVISION NOTES 2008

This law has been generally edited as provided for by section 5 of the *Revision and Publication of Laws Act 2008*. The following general revisions have been made –

- (a) All references to the male gender have been made gender neutral.
- (b) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (c) Amendments have been made to up-date references to offices, officers and statutes.

The following amendments have been made to this law since its enactment, and these have been incorporated into this revised law –

Section 2 The term "Elected Member" has been deleted and replaced by "Appointed Member" with a new definition.

Sections 12, 13 & 15, These sections have been repealed and replaced in its current forms by the *Women Affairs Amendment Act 1998, No.3*.

Section 14 Is amended by changing the title of the heading and new Subsections (2), (3) and (4) were inserted by the *Women*

Affairs Amendment Act 1998, No.3.

The schedule has been repealed by the *Women Affairs Amendment Act 1998, No.3.*

This law has been consolidated and revised by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is an official version of this Act as at 31 December 2007. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

REVISION NOTES 2008 No. 2

There were no amendments made to this law since the publication of the *Consolidated and Revised Statutes of Samoa 2007.*

This law has been consolidated and revised by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is an official version of this Act as at 31 December 2008. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

REVISION NOTES 2009

The following amendments have been made by the *Ministry of Women Affairs (Sui Tamaitai o le Nuu) Amendment Act 2009* –

Section 2: The words "Sui Tamaitai o le Nuu" and its definition were inserted.

Section 16A: New section inserted after section 16.

Provisions on "Duties of Sui Tamaitai o le Nuu" and "Salaries and Allowances" for Sui Tamaitai o le Nuu are contained in the *Ministry of Women Affairs (Sui Tamaitai o le Nuu) Amendment Act 2009*.

This law has been consolidated and revised by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is an official version of this Act as at 31 December 2009. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Revised and consolidated by the Legislative Drafting Division under the supervision of Papalii Malietau Malietoa (Parliamentary Counsel).

The Ministry of Women Affairs Act 1990 is administered by the Ministry of Women, Community and Social Development.