

SAMOA

Arrangement of Provisions

PART I PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Act binds Government
4. Objectives

PART II RECOGNITION OF SAMOAN LANGUAGE

5. Samoan language to be an official language

PART III SAMOAN LANGUAGE COMMISSION AND THE BOARD

Division 1 - Commission and its functions and powers

6. Establishment
7. Functions and powers

Division 2 - The Board and its functions and powers

8. Board of the Commission
9. Powers of the Board
10. Meetings and Secretary of the Board
11. Minutes of meetings
12. Remuneration and allowances
13. Disclosure of conflict of interest
14. Board to have regard to government policy
15. Delegation
16. Resignation and removal of members

PART IV ADMINISTRATION

17. Appointment and removal of the Commissioner
18. Duties of the Commissioner
19. Appointment and removal of the Executive Director
20. Functions of Executive Director
21. Appointment of officers and employees

PART V FINANCE

22. Funds of the Commission
23. Accounts and annual reports

**PART VI
MISCELLANEOUS**

25. Regulations

24. Protection against
personal liability

2014, No. 5

AN ACT to ensure the Samoan language is and remains a vibrant language, to declare the Samoan language as an official language, and to establish the Samoan Language Commission to provide its functions, duties and powers, and for related purposes. *[7th April 2014]*

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

**PART I
PRELIMINARY**

1. Short title and commencement-(1) This Act may be cited as the Samoan Language Commission Act 2014.

(2) This Act commences on a date or dates to be nominated by the Minister.

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

“appointed member” means a member of the Board appointed under section 8(1)(b);

“Board” means the Board of the Commission established under section 8;

“Commissioner” means the Samoan Language Commissioner appointed under section 17;

“Commission” means the Samoan Language Commission established under section 6;

“court” means a District Court, the Supreme Court or the Court of Appeal or any other court established by an Act;

“Executive Director” means the Executive Director of the Office appointed under section 19;

“government agency” means an agency that is accountable, through a Minister, to Parliament for the conduct of its affairs;

“government institution” means:

- (a) a ministry or department of the Government; and
- (b) a government agency established or incorporated under an Act; and
- (c) any board, commission or council, or other body or office established to perform a governmental function by or pursuant to an Act or by or under the authority of the Head of State or the Government; and
- (d) any other body that is specified by an Act to be subject to the direction of the Head of State or a Minister; and
- (e) a tribunal.

“member” means a member of the Board;

“Minister” means the Minister who is directed under Article 35 of the Constitution to be responsible for this Act and the Samoan Language Commission;

“ministry” means a ministry established under the Ministerial and Departmental Arrangements Act 2003 or under another Act;

“translation”, in relation to the Samoan language, means the written expression in English or other languages of words written in Samoan and the written expression in Samoan of words written in English or other languages;

“tribunal” means a body established under an Act to carry out quasi-judicial functions;

“State institution” means the Parliament or court.

3. Act binds Government - This Act binds the Government.

4. Objectives - The objectives of this Act are:

- (a) to ensure respect for the Samoan language as an official language and to ensure that the Samoan language is accorded the status, right and privilege as to its use in all government institutions or State institutions, in particular with respect to its use -
 - (i) in parliamentary proceedings;
 - (ii) in legislative and other instruments;
 - (iii) in communicating with or providing services to the public; and
 - (iv) in carrying out the work of government institution or State institutions; and
- (b) to support the development of Samoan language; and
- (c) to generally advance the status and use of the Samoan language within the Samoan society; and

- (d) to set out the powers, duties and functions of government or State institutions with respect to the official language of Samoa; and
- (e) standardise translation in relation to the Samoan language; and
- (f) to value the use of the Samoan language in all areas of life in Samoa.

PART II

RECOGNITION OF SAMOAN LANGUAGE

5. Samoan language to be an official language-(1) The Samoan language is declared to be an official language of Samoa.

(2) The declaration under subsection (1) has the effect of:

- (a) promoting the use of the Samoan language in any records, communication or discussion as determined by the Commission;
- (b) recognising the Samoan language in government budget and other money generating avenues for development;
- (c) promoting equity for all the people of Samoa;
- (d) promoting the development and maintenance of the Samoan language, and, in particular, its use as a living language and as an ordinary means of communication.

PART III

SAMOAN LANGUAGE COMMISSION AND THE BOARD

Division 1 - Commission and its functions and powers

6. Establishment-(1) The Samoan Language Commission is established as a body corporate with perpetual succession and common seal, and may:

- (a) sue and be sued;
- (b) enter into contracts;
- (c) acquire, hold and dispose of property both real and personal; and
- (d) do any other act necessary for or incidental to the performance of its functions, duties and powers under this Act or any other law.

(2) The Commission consists of all of the following:

- (a) the Commissioner;
- (b) the Board;

- (c) the Executive Director;
- (d) officers, employees of the Commission and other persons employed or engaged for the purpose of this Act.
- (3) The Commission must affix its common seal:
 - (a) in accordance with its resolution; and
 - (b) in the presence of and with the signatures of the Chairperson or the Executive Director and one (1) other appointed member.
- (4) A document to which the Commission is a party, other than those required by law to be under seal, may be signed on behalf of the Commission by the Chairperson, the Executive Director, an appointed member or an officer of the Commission.
- (5) A court must:
 - (a) take judicial notice of a seal affixed under subsection (3) to a document; and
 - (b) presume that the seal was properly affixed, unless the contrary is proved.

7. Functions and powers-(1) The Commission has the following functions:

- (a) to initiate, develop, co-ordinate, review, advise upon, and assist in the implementation of policies, procedures, measures, and practices designed to give effect to the declaration in section 5 of the Samoan language as an official language of Samoa;
- (b) generally to promote the Samoan language, and, in particular, its use as a living language and as an ordinary means of communication;
- (c) to develop a strategic plan and a corporate plan for the Commission;
- (d) to monitor and advise the implementation of its policies and corporate plan;
- (e) to consider and report to the Minister upon any matter relating to the Samoan language that the Minister may refer to the Commission for its advice;
- (f) to advise the Government and the Parliament on Samoan language matters through the Minister;
- (g) to carry out consultations on policy development, publicise policies and decisions on the Samoan language;
- (h) to monitor developments or changes in the Samoan language;