



## WESTERN SAMOA

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**AN ACT to repeal the Apia Park Board Ordinance 1953 and to establish a Board to be called the Apia Park and Sports Facilities Board to control, manage and administer the Apia Park Sports Complex and other facilities established elsewhere and given to the Board to control, manage and administer.** [10 July 1995]

**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 Apia Park and Sports Facilities Board Act 1995.

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

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

"Board" means the Apia Park Board established under this Act:

"Financial Year" means a period of twelve months commencing from the 1st day of July in any year and ending on the 30th day of June in the next ensuing year:

"Controller and Chief Auditor" means the person appointed to pursuant to Article 97 of the Constitution of the Independent State of Western Samoa:

"General Manager" means the person appointed by the Board as such under section 14 of this Act:

"Member" means any member of the Board:

"Minister" means the Minister for Youth, Sports and Cultural Affairs.

#### **PART I** **THE BOARD**

**3. Establishment of the Board-**(1) There is hereby established a Board as constituted under section 4 of this Act.

(2) The Board shall be a corporate body under the name of the Apia Park Board with perpetual succession and a common seal with full power and authority by

that name to sue and be sued in all Courts whatsoever and shall be capable in law but subject to this Act for doing or suffering all such acts and things as a body corporate may do or suffer.

**4. Constitution of the Board** - The Board shall consist of -

- (a) The Minister who shall be the Chairperson:
- (b) The Secretary of Youth, Sports and Cultural Affairs:
- (c) Seven other members appointed by the Head of State on the advice of Cabinet. The Head of State shall in making appointment under this section appoint one person who shall be a representative from the Western Samoa Sports Federation:
- (d) The General Manager appointed by the Board who shall be Secretary for the Board:
- (e) The Deputy Chairperson shall be elected annually from the persons who hold office under paragraph (b) and (c) of this section.

**5. Term of Office**-(1) The powers of the Board shall not be affected by any vacancy in its membership.

(2) Board members be appointed by the Head of State on the advice of Cabinet shall hold office for a period of three (3) years.

(3) If any member of the Board dies, resigns, or is removed from Office the person appointed to fill the vacancy so created shall, subject to subsection 4 of this section hold office for the balance of the term of the original appointment.

(4) Unless he sooner vacates office otherwise than by effluxion of time, every member of the Board shall continue to hold office until his or her successor comes into office, notwithstanding that the term for which he or she was appointed may have expired.

**6. Removal of member from Office** - (1) Notwithstanding section (5)(2) of this Act, any appointed member of the Board may at any time be removed from Office by the Head of State on the advice of Cabinet for disability, neglect of duty, misconduct or is

absent from three (3) consecutive meetings of the Board without leave from the Board may at any time resign his or her office by writing addressed to the Chairperson.

(2) An appointed member may at any time resign his or her office by writing addressed to the Chairperson.

**7. Meetings-**(1) Meetings of the Board shall be held at such time and place as the chairperson appoints.

(2) The chairperson shall call a meeting whenever required to do so in writing by any three (3) members. In the absence of the chairperson from Western Samoa the deputy chairperson shall call a meeting whenever required to do so in writing by any three (3) members.

(3) The Board shall meet together for the dispatch of business, and from time to time make such orders with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of its business, as it thinks fit, subject to the following conditions:-

(a) No business shall be transacted at any meeting unless at least five (5) members are present:

(b) All questions shall be decided by a majority of the votes of the members present.

**8. Absence of Chairperson-** If at any meeting the Chairperson is not present, the Deputy Chairperson shall act as Chairperson and if the Deputy Chairperson is also absent from such meeting then the members present shall choose someone of their members to be the Chairperson of the meeting.

**9. Chairperson to have casting vote-** In case of an equality of votes at any meeting, the Chairperson for the time being of such meeting shall have a second or casting vote.

**10. Establishment and Delegation of powers to Committee-**(1) The Board may delegate any of its powers to committees consisting of such member or members of the Board as it thinks fit.

(2) Any committees so formed shall, in the exercise of the powers delegated, conform to any directions that may be given to it by the Board.

**11. Chairperson of Committee-** A Committee may elect a Chairperson for its meetings. If no such Chairperson is elected or if he or she is not present at the time appointed for holding any meeting, the members present shall choose one of their number to be the Chairperson of that meeting.

**12. Committee Meetings-**(1) A committee may meet and adjourn as it thinks proper.

(2) Questions at any committee meeting shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the Chairperson shall have a second or casting vote.

**13. Minutes of Meetings-**(1) The Board shall cause minutes to be made in books provided for the purpose and record the following details in such books -

(a) officers appointed by the Board:

(b) the name of members present at each meeting of the Board:

(c) all orders made by the Board and committees of the Board:

(d) all resolutions and proceedings of meetings of the Board and committees of the Board.

(2) Any such minutes, if signed by the Chairperson and the Secretary of the Board or Committee of the Board, shall be receivable in evidence without any further proof.

**14. Board may appoint employees and contractors-**(1) The Board may from time to time appoint a General Manager and such other officers and employees to carry out the functions of the Board at such remuneration, terms and conditions deemed fit by the Board.

(2) The General Manager shall be the Chief Executive Officer of the Board and shall be responsible to the Board for the effective and efficient execution of the Board's functions.

(3) No member of the Board shall be capable of holding the office of General Manager unless such