



SAMOA

MINISTRY OF WOMEN AFFAIRS ACT 1990

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1990

No. 21

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

[Assent and commencement date: 2 December 1990]

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

(2) This Act comes 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 under section 11;

“appointed member” means a member of the Advisory Committee appointed under sections 12 and 13;

“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 are 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 is 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 are:

- (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; and
- (b) to provide training for women in any of their areas of work; and
 - (c) to promote and assist women with their home economics including cooking, nutritional diet, dressmaking and sewing and matters of a like nature; and
 - (d) to provide training in home economics; and
 - (e) to promote better conditions for employment of women in both the public and private sectors; and
 - (f) to solicit and assist in soliciting funds for projects by women's committees; and
 - (g) to advise the Government on women's affairs; and
 - (h) to coordinate the activities of Government and non-government organisations involved in or dealing with women's affairs; and
 - (i) to promote the interest and welfare of women's committees; and
 - (j) to advise the Government on issues to do with women and likewise provide feedback to women's groups; and
 - (k) to coordinate programmes and project activities for women; and
 - (l) to plan in collaboration with relevant Government departments, programmes whereby women's participation is necessary; and
 - (m) to prepare and solicit through the Ministry of Foreign Affairs proposals for funding by donor agencies; and
 - (n) to be able to establish a data base on women for planning and programming purposes; and
 - (o) to liaise with women's groups on all issues relevant to and involving women; and
 - (p) to provide and supervise a secretariat and other support staff for the Advisory Committee.

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

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

PROVIDED THAT this power of delegation does 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 under subsection (1) in the same manner and with the same effect as if the power 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 is presumed in the absence of proof to the contrary to be acting under the terms of the delegation.

(4) The delegation is revocable at will, and no such delegation prevents the exercise of any power by the Minister.

(5) Until the delegation is revoked, it continues in force according to its tenor.

(6) If the Minister by whom any such delegation has been made ceases to hold office, it continues to have effect as if made by the person for the time being holding office as Minister.

(7) If the Chief Executive Officer to whom such delegation has been made ceases 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 by writing signed by him or her, 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 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) A person or committee purporting to act pursuant to any delegation under this section is presumed in the absence of proof to the contrary to be acting in accordance with the terms of the delegation.

(4) A 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) A delegation under this section is revocable at will and no such delegation prevents the exercise of any power by the Chief Executive Officer.

(6) A delegation, until revoked, continues in force according to its tenor, even if the Chief Executive Officer by whom it was made may have ceased to hold office, and continues 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 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 are:

- (a) the Minister, as Chairperson;
- (b) the Chief Executive Officer; and
- (c) fifteen women from Upolu, Manono, Apolima appointed under section 13; and
- (d) fifteen women from Savaii appointed under section 13.

13. Appointment of thirty members of the Advisory Committee – (1) The appointed members of the Advisory Committee are appointed by Cabinet, acting on the advice of the Minister.

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

14. Functions and Powers of Advisory Committee – (1) The functions of the Advisory Committee are:

- (a) to keep the Minister informed through the Secretary of matters of interest or concern to women or women's committees and organisations; and
- (b) to advise the Minister through the Secretary on matters of interest or concern to women; and
- (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) are appointed by the Minister.

15. Meetings of Advisory Committee – (1) The Advisory Committee shall meet not less than 3 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 is presided over by a member designated by the Minister.

(3) The quorum shall be 20 members present and no meeting of the Advisory Committee is to be held unless there is a quorum.

(4) At each meeting of the Advisory Committee the presiding Chairperson is entitled to a casting as well as a deliberative vote.

(5) Any question before any meeting of the Advisory Committee is to 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, 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 is:

- (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 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 a nomination within 2 months.

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

(5) A 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.

16B. Duties of Sui Tamaitai o le Nuu – A Sui Tamaitai o le Nuu has the following duties:

- (a) to promote the advancement of women in her village through the implementation, coordination and monitoring and evaluation of, and provision of assistance to, all programmes, activities and development projects for women that are economically viable, socially beneficial, culturally appropriate and environmentally sensitive;
- (b) to ensure the free flow of information between the Women's Committees of her village and the government through the Ministry;

- (c) to report to the Ministry on the progress of implementation and monitoring of programmes, activities and development projects;
- (d) to record and register births and deaths in her village where appropriate in accordance with the provision of the Births, Deaths and Marriages Registration Act 2002;
- (e) as of 1 January 2020, to require the vaccination and immunisation of children born in respect of the members of her village, pursuant to the requirements of the Ministry of Health, and develop a system to monitor and ensure this is carried out;
- (f) to collaborate closely with the Village Women's Committee and Sui o le Nuu on promoting the wellbeing and health of the village through the Aiga ma Nuu Manuia programme and other relevant programmes and developed projects;
- (g) to promote good governance in women's committees and all other women's groups in her village;
- (h) to provide at all times assistance that may be requested through the Ministry for the successful implementation and completion of government programmes and development projects, locally and nationally; and
- (i) to perform any duties that promote and support government policy related to the work on the advancement of women in her village.

16C. Salaries and Allowances – Subject to monies being appropriated by Parliament for the purpose and any directions issued by Cabinet, the Chief Executive Officer may pay such salary or allowances and such traveling expenses, to a Sui Tamaitai o le Nuu.

17. Mothers' Day – The Monday immediately following the second Sunday of May in each year is to 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, provide 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 given 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 make 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 – 2019

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2008 – 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”
 - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
 - (iii) “shall have” changed to “has”
 - (iv) “shall be guilty” changed to “commits”
 - (v) “notwithstanding” changed to “despite”
 - (vi) “pursuant to” changed to “under”
 - (vii) “it shall be lawful” changed to “may”
 - (viii) “it shall be the duty” changed to “shall”
 - (ix) Numbers in words changed to figures
 - (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed
 - (xi) “under the hand of” changed to “signed by”.

The following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the *Ministry of Women Affairs (Sui Tamaitai o le Nuu) Amendment Act 2009, No. 18* (commenced 1 January 2010):

Section 2 - The terms and definition of “Sui Tamaitai o le Nuu” or are inserted.

Section 16A - This new section inserted after section 16.

Note – Sections 4 and 5 of *Ministry of Women Affairs (Sui Tamaitai o le Nuu) Amendment Act 2009, (No.18)* have been inserted into this Act as new sections 16B and 16C.

By the *Infants Amendment Act 2019, No. 29* (commenced 1 January 2020):

Section 16B(e) - inserted new paragraph (e) “as of 1 January 2020, to require the vaccination and immunisation of children born in respect of the members of her village, pursuant to the requirements of the Ministry of Health, and develop a system to monitor and ensure this is carried out;” and restructured the subsequent paragraphs accordingly.



Lemalu Hermann P. Retzlaff
Attorney General of Samoa

*This Act is administered by
the Ministry of Women, Community and Social Development.*
