

FIRE SERVICE AMENDMENT

WESTERN SAMOA

Arrangement of Provisions

Title

1. Short Title and commencement
2. Civil liability excluded

1992/1993, No. 7.

AN ACT to amend the Fire Service Ordinance 1955

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 Fire Service Amendment Act 1992/1993 and shall be read together with and deemed part of the Fire Service Ordinance 1955 (hereinafter referred to as the principal Ordinance).

(2) This Act shall be deemed to have commenced on the 1st day of January 1991.

2. **Civil liability excluded** - Section 12 of the principal Ordinance is repealed and the following section is substituted:-

" 12. **Civil liability excluded** - (1) Notwithstanding any provision of this Ordinance no civil action for damages or any other remedy shall lie against the Government, in respect of any loss suffered or damage occasioned by any failure by the Government or any department or officer thereof to perform or

carry out any duty imposed by this Ordinance, or arising at Common Law.

(2) Notwithstanding any provision of this Ordinance no civil action for damages or compensation whether at common law or otherwise shall lie against any member of the Fire Brigade or employee of the Fire Service for any damage done by him or for any loss suffered as result of any act done by him or of any failure to do anything required or desirable to be done by him in the course of his duties as a member of the Fire Brigade or as such employee and no civil action whether at common law or otherwise for damages or compensation in respect of any such damage or loss shall lie against the Government or any department or officer thereof.

(3) For the purposes of subsections (1) or (2) of this section "damage" includes (without limiting the generality of that term), loss of or injury to property, personal injury and death.

(4) Nothing in the section shall exclude or modify the entitlement of any person to compensation pursuant to the Accident Compensation Act 1989.

(5) Where any damage to property is occasioned by the Chief Fire Officer or any other officer or employee of the Fire Service or Fire Brigade in the bona fide exercise of his duty at or in connection with any fire such damage shall be deemed by fire within the meaning of any policy of insurance against fire covering the damaged property."

TEUTEUGA O LE TULAFONO O GALUEGA TAU TINEI MU

SAMOA I SISIFO

Faatulagaina o Aiaiga

Igoa

1. Igoa Puupuu ma le amataga
2. Noataga taule va o tagata e le aofia ai

1992/1993, Nu. 7.

O SE TULAFONO e teuteu ai le Tulafono o Galuega Tau Tinei Mu 1955.

UA FAIA e le Fono Aoaofaitulafono o Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea:-

1. Igoa Puupuu ma le amataga - (1) E mafai ona taua leni Tulafono o le Tulafono o Teuteuga o le Tulafono o Galuega Tau Tinei Mu 1992/1993 ma e tatau ona faitau faatasi ma avea ai o se vaega o le Tulafono o Galuega Tau Tinei Mu 1955 (e pei ona faasinomia mulimuli ane iinei o le Tulafono autu).

(2) O leni Tulafono e tatau ona avea e faapea na amata faamamaluina i le aso 1 o Ianuari 1991.

2. Noataga taule va o tagata e le aofia ai - O le Fuaiupu 12 o le Tulafono autu ua soloia ma ua suia i le fuaiupu e faapea:-

" 12. Noataga taule va o tagata e le aofia ai - (1) E ese mai ai i so o se aiaiga o leni Tulafono e leai se gaioiga tau le va o tagata mo ni mea ua faaleagaina po o so o se isi lava faafitauli e faasaga agai i le Malo, e tusa ai ma so o se mea ua faatamaia po o ua faaleagaina ua tulai mai ona o le le tausisia e le Malo po o se Matagaluega po o se tagata ofisa o lea Matagaluega ona faatino pe faia o so o se tiute ua faaecina i ai e leni

Tulafono, po o e faatulai mai i Tulafono Masani.

(2) E ese mai ai i so o se aiaiga o lenei Tulafono, e leai se gaioiga tau le va o tagata mo ni mea ua faaleagaina po o se tau pe e tusa ai ma Tulafono Masani po o e ese mai ai, o le a tatau ona faia faasaga i so o se sui o le Au Tinei Mu po o se tagata faigaluega o Galuega Tau Tinei Mu mo o se mea ua faaleagaina e ia po o mo so o se faatamaiga ua mafatia ai ona o se taunuuga o so o se gaioiga ua faia e ia po o se o se le tausisia o le faia o so o se mea ua manaomia po o sa tatau ona faia e ia, i le faataunuaina o ona tiute e avea ai o se sui o le Au Tinei Mu po o se tagata faigaluega ma e leai se gaioiga tau le va o tagata pe tusa ai ma Tulafono Masani pe ese mai ai mo ni mea ua faaleagaina po o se tau ma so o se mea ua faaleagaina po o ua faatamaia e tatau ona fai faasaga i le Malo po o so o se Matagaluega po o se tagata Ofisa o lea Matagaluega.

(3) Mo le faataunuaina o faafuaiupu (1) ma le (2) o lenei fuaiupu "o ni mea ua faaleagaina" e aofia ai (e aunoa ma le faatapulaa o le tulaga aoao o lena tuutuuga), le faatamaia po o le faamanuiaina o se meatotino, manua tau le tagata ma maliu.

(4) E leai se mea i totonu o le fuaiupu o le a aveeseina ai pe suia ai aia a so o se tagata i tau pe e tusa ai ma le Tulafono O Tau mo Faalavelave Faafuasei 1989.

(5) Afai o so o se meatotino ua faaleagaina e le Ofisa Sili o le Au Tinei Mu po o so o se isi tagata ofisa po o se tagata faigaluega o Galuega Tau Tinei Mu po o le Au Tinei Mu i luga o se agaga lelei i le faatinoina o ona tiute i le po o i le sootaga ma so o se afi, o sea faaleagaina o le a tatau ona avea faapea ua faaleagaina e se afi i totonu o le faaiugaina o so o se faiga faavae tau inisiua faasaga i so o se tupe e toe faaolaina mai e tusa ai ma mea totino ua faaleagaina."