



SAMOA

## YOUTH, SPORTS AND CULTURAL AFFAIRS ACT 1993

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## YOUTH, SPORTS AND CULTURAL AFFAIRS ACT 1993

1993

No. 8

**AN ACT** to make better provision for matters relating to Youth, Sports and Cultural Affairs.

*[Assent date: 15 September 1993]*

*[Commencement date: 6 December 1993]*

## **PART 1 PRELIMINARY**

**1. Short title and commencement** – (1) This Act may be cited as the Youth, Sports and Cultural Affairs Act 1993.

(2) This Act comes into force on such date as specified by the Head of State by Order.

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

“appointed member” means a member of the Advisory Board appointed under section 13(1)(d), (e), (f) or (g);

“Board” means the Advisory Board for Youth, Sports and Cultural Affairs constituted under section 11;

“Chief Executive Officer” means the Chief Executive Officer of the Ministry of Education, Sports and Culture;

“Federation” means the Samoa Association of Sports and National Olympic Committee or its successor, however styled, and in the event that the Samoa Association of Sports and National Olympic Committee ceases to exist such organisation or body representing sports organisations in Samoa as may be nominated by the Minister;

“financial year” means the period of 12 months commencing on 1 July and ending on 30 June next following;

“Government” means the Government of the Independent State of Samoa;

“Minister” means the Minister for Education, Sports and Culture;

“Ministry” means the Ministry of Education, Sports and Culture.

## **PART 2 GENERAL ADMINISTRATION**

**3. Minister for Education, Sports and Culture – (1)** There shall be a Minister for Education, Sports and Culture whose functions are:

- (a) to formulate and direct policy; and
- (b) generally, to superintend and control matters relating to youth, sports and cultural affairs; and
- (c) to exercise such powers and functions as are vested in the Minister under this or any other Act.

**(2)** The Minister may establish, acquire and maintain any physical facility which he or she deems desirable and which may relate to or support the development of the activities of the Ministry and in particular and without limiting the generality of the foregoing such facilities may include:

- (a) any Hall or Gymnasium;
- (b) any sporting venue or sports ground;
- (c) any cultural centre or museum;
- (d) any youth vocational training centre;
- (e) any property or building which is or may be made suitable for any of the foregoing uses.

**4. Ministry of Education, Sports and Culture –** There is constituted and established a Ministry of the Government to be known as the Ministry for Education, Sports and Culture, which shall be under the control of the Minister and which shall be the same organ of state as the department hitherto under the charge of the Secretary for Youth, Sports and Cultural Affairs under the Youth Sports and Cultural Affairs Act 1976 and all the rights authorities and obligations and all matters assets property and other things formerly vested in or under the control of that department shall henceforth be vested in and under the control of the Ministry.

**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. Principal functions of Ministry –** The principal functions of the Ministry are to promote and encourage the development and improvement in Samoa of all phases of:

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- (a) youth work including out of school training, promotion of income generating activities, general educational development, and other functions of a like nature; and
- (b) sporting and cultural activities.

**7. Chief Executive Officer** – There shall be appointed under the Public Service Act 2004 an officer to be known as the Chief Executive Officer of the Ministry of Education, Sports and Culture, 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 signed by the Minister either generally or particularly, delegate (“delegation”) to the Chief Executive Officer all of the powers which are conferred upon him or her or delegated to him or her as Minister of Education, Sports and Cultural Affairs by or under this or any other 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 powers delegated as aforesaid in the same manner and with the same effect as if they had been conferred directly by this section and not by delegation.

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

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

(5) A delegation, unless revoked, continues in force according to its tenor. If the Minister by whom any such delegation has been made ceases to hold office, the delegation continues to have effect as if made by the person holding office as Minister and if the Chief Executive Officer to whom such delegation has been made ceases to hold office, the delegation continues to have effect as if made to the person 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 under his or her hand, either generally or particularly, delegate (“delegation”) to any such officer of the Ministry or to any committee constituted under this Act as he or she thinks fit all or any of the powers exercisable by him or her under any enactment including any power delegated to him or her under 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 without the written consent of the Minister, or any power delegated by the Public Service Commission of Samoa without the written permission of such Commission.

(2) Subject to any special or general direction given or attached by the Chief Executive Officer, the officer or committee to whom 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 directly by this section and not by delegation.

(3) A person or committee purporting to act under 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 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 is revocable at will and no 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 – (1)** The Public Service Commission of Samoa may appoint such officers and

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other employees as may be desirable for the administration of this Act.

(2) All officers including Youth Workers, Trainers, Teachers, Coaches and all 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.

(3) All employees are and shall continue to be Public Servants.

**PART 3**  
**YOUTH, SPORTS AND CULTURAL AFFAIRS**  
**ADVISORY BOARD**

**11. Establishment of Board** – There is constituted a Board to be known as the Advisory Board for Youth, Sports and Cultural Affairs.

**12. Functions of Board**– The functions of the Board shall be to consider, advise and make representations to the Minister in relation to any matter of general policy which the Minister may refer to it, and generally to assist and advise the Minister in the performance of his or her functions under this Act.

**13. Members of Board** – (1) The members of the Board are:

- (a) the Minister, as Chairperson; and
- (b) the Chief Executive Officer, as Deputy Chairperson;  
and
- (c) one member to represent the Federation; and
- (d) two members to represent the youth; and
- (e) one member to represent sports; and
- (f) two members to represent culture; and
- (g) two members to represent the general public; and
- (h) the Chief Executive Officer to the Board appointed under section 15.

(2a) The person selected under subsection (1)(c) shall be subject to the approval of Cabinet but shall be selected by the Federation in such manner as it thinks fit.

(2b) The name of the person so selected shall be advised in writing by the Federation to the Cabinet who may thereupon

confirm or refuse to confirm such person to be a member of the Board.

(2c) Such representative if confirmed in office by the Cabinet shall remain in office until his or her election is revoked by the Federation and the Cabinet is notified in writing of such revocation.

(3a) The persons appointed to the Board under subsection (1)(d), (e), (f), and (g) shall be appointed by Cabinet.

(3b) An appointed member may at any time be removed from office by the Cabinet for disability, inefficiency, neglect of duty, misconduct, insolvency or permanent departure from Samoa.

(3c) When any appointed member ceases to hold office before the expiry of his or her term, Cabinet shall appoint a qualified person to fill the vacancy during the balance of term for which that person's predecessor would have held office had the vacancy not occurred.

(4) The Minister as Chairperson of the Board may invite the Head of any organisation whether it be church or secular which controls, organises or administers programmes for youth in Samoa to send a representative to any meeting of the Board:

**PROVIDED THAT** such a representative may speak but not vote at any such meeting.

(5) An appointed member may resign at any time upon giving written notice to that effect to Cabinet.

**14. Terms of office of appointed members** – (1) Subject to section 13, an appointed member holds office at the pleasure of Cabinet.

(2) Despite subsection (1), an appointed member shall, unless the member sooner resigns or is removed from office under section 13, continue in office until his or her successor comes into office.

**15. Meetings of Board** – (1) Meetings of the Board are to be held at such times and places as may be appointed by the Minister.

(2) The Chairperson shall preside at all meetings of the Board at which he or she is present and in his or her absence the Deputy Chairperson shall preside.

(3) No meeting of the Board shall be held unless a majority of members (including the chairperson or deputy chairperson) is present.

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(4) At each meeting of the Board, the presiding chairperson is entitled to a casting as well as a deliberative vote.

(5) Every question before any meeting of the Board shall be determined by a majority of the votes of members present and voting thereon.

(6) Except as otherwise prescribed in this Act the Minister shall determine the procedure of the Board.

(7) The Minister on the recommendation of the Chief Executive Officer shall appoint an officer of the Ministry to act as Chief Executive Officer to the Board.

(8) In the absence from any meeting of the Chief Executive Officer to the Board, the Chief Executive Officer (or in his or her absence, the Minister) may authorise any other officer of the Ministry to attend the meeting as Acting Chief Executive Officer to the Board. When any such Acting Chief Executive Officer attends a meeting under this subsection he or she shall be deemed for all purposes to be a member of the Board, and in the absence of proof to the contrary the fact that such officer so attends and acts shall be sufficient evidence of his or her authority to do so.

(9) The Chairperson may at any time call a special meeting of the Board.

**16. Remuneration and allowances of Board Members –**

There may be paid out of money appropriated by Parliament for the purpose:

- (a) to each member of the Board at a rate to be approved by Cabinet travelling expenses paid or incurred by the member in respect of the performance of his or her duties (including attendances at meetings) as a member of the Board; and
- (b) to any member of the Board such sum as may be approved by Cabinet, in respect of each day or part of a day the member spends in the performance of his or her duties (including attendances at meetings) as a member of the Board.

**PART 4  
MISCELLANEOUS**

**17. Annual reports – (1)** The Chief Executive Officer, 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 is to be laid before the Legislative Assembly within 28 days after it has been provided to the Minister if the Assembly is then in session and, if not, is to be laid before the Assembly within 28 days after the commencement of the next ensuing session.

**18. 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.

**19. Dissolution of former Council** – The Samoa Council for Youth, Sports and Cultural Affairs constituted under section 6 of the Youth Sports and Cultural Affairs Act 1976 is dissolved and its assets and liabilities are vested in and assumed by the Government; all funds so vested are appropriated to the services of the Ministry which shall be responsible for the satisfaction of all of the liabilities referred to in this section.

**20. Repeals and revocation** – (1) The following Acts are repealed:

- (a) the Youth, Sports and Cultural Affairs Act 1976;
- (b) the Youth, Sports and Cultural Affairs Amendment Act 1984;
- (c) the National Cultural Centre Trust Act 1978.

(2) The Youth, Sports and Cultural Affairs Amendment Act 1984 (Commencement) Order 1984 is revoked.

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**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 to 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;

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- (b) Amendments have been made to up-date references to offices, officers and statutes. (e.g. Reference to Public Service (Special Posts) Act 1989 replaced with reference to Public Service Act 2004);
- (c) Insertion of the commencement date;
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General, where appropriate:
  - (i) “Every” and “any” changed to “a/an”;
  - (ii) Present tense drafting style:
    - o “shall be” changed to “is/are” or “is/are to be”;
    - o “hereby” and “from time to time” removed;
  - (iii) Use of plain language:
    - o “notwithstanding” changed to “despite” or “even if”;
    - o “under the hand of” changed to “signed by”;
    - o “furnish” changed to “provide”;
    - o “in accordance with” changed to “under”;
    - o “person/s” under section 13 changed to “member/s”;
  - (iv) Numbers in words changed to figures;
  - (v) Removal of superfluous terms:
    - o “the provisions of”;
    - o “under this section”;
  - (vi) Adopting practice of placing “and” or “or” at the end of each paragraph where appropriate;
  - (vii) Section 3(1) re-paragraphed to create sub-paragraphs (a) to (c);
  - (viii) Section 13(2) and (3) re-paragraphed to read as section 13(2a)-(2c), 13(3a)-(3c);
  - (ix) Numbering for Parts changed from Roman to decimal numbers.

Citation of the Act changed to Youth Sports and Cultural Affairs Act 1993 - i.e. the year in which the Act was passed and assented to.

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



Lemalu Hermann P. Retzlaff  
Attorney General of Samoa

*This Act is administered by  
the Ministry of Education, Sports and Culture.*