

Constitutional Convention Ordinance 1960

CONSOLIDATED ACTS OF SAMOA 2008

CONSTITUTIONAL CONVENTION ORDINANCE 1960

Arrangement of Provisions

TITLE

1. Short title
2. Interpretation
3. Constitutional Convention established
4. Suffrage
5. Regulations governing election of members
6. Remuneration of members
7. Time and place of meetings
8. Chairmanship
9. Dissolution of Constitutional Convention

Schedule

THE CONSTITUTIONAL CONVENTION ORDINANCE 1960

1960 NO. 3

AN ORDINANCE to establish a Constitutional Convention to make provision as to the Constitution of Western Samoa.

[7 May 1960]

[Commencement date 7 May 1960]

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

1. Short title – (1) This Ordinance may be cited as the [Constitutional Convention Ordinance 1960](#).

[Although this enactment is now spent, it has been retained in this Reprint of the laws of Samoa for historical reasons. It is accordingly reprinted in its original form with no amendments or editorial changes]

2. Interpretation – In this Ordinance, unless the context otherwise requires –
"Constitutional Convention" and **"Convention"** means the Constitutional Convention established under this Ordinance.

3. Constitutional Convention established – (1) There is hereby established a Constitutional Convention for Western Samoa for the purpose of making provision as to the Constitution of Western Samoa.

(2) The membership of the Constitutional Convention shall comprise:

- (a) The Fautua;
- (b) Subject to the provisions of subsection (3) of this section, members of the Legislative Assembly;
- (c) Lana Afioga Tuimalealiifano;
- (d) Three members for each Samoan constituency in addition to the Samoan elected member of the Legislative Assembly for that constituency;
- (e) Ten European members in addition to the 5 European elected member of the Legislative Assembly.

(3) No person shall be eligible for membership of the Constitutional Convention who is not a citizen of Western Samoa and who has not taken the Oath of Allegiance set out in the Schedule to the Citizenship of Western Samoa Ordinance 1959.

4. Suffrage – (1) The 3 members for each Samoan constituency shall be elected by the persons whose names appear on the Samoan electoral roll for that constituency.

(2) The 10 European elected members shall be elected by those persons whose names appear on the European electoral roll compiled in accordance with a system of universal adult suffrage.

(3) Every person whose name appears on a Samoan electoral roll or on the European roll shall be a citizen of Western Samoa and shall have taken the Oath of Allegiance set out in the Schedule to the Citizenship of Western Samoa Ordinance 1959.

5. Regulations governing election of members – Subject to the provisions of this Ordinance, the mode of electing members of the Constitutional Convention, the qualifications of candidates, the terms and conditions of their membership, the qualification of electors and the manner in which the European electoral roll and each Samoan electoral roll shall be established and kept shall be prescribed by the Council of State, acting by and with the advice and consent of the Executive Council.

6. Remuneration of members – The members of the Constitutional Convention shall receive the remuneration and allowances set out in the Schedule hereto.

7. Time and place of meeting – The Constitutional Convention shall meet at such times and at such places as the Council of State, acting on the recommendation of the Prime Minister, shall from time to time appoint.

8. Chairmanship – (1) The Fautua shall be joint Chairmen of the Constitutional Convention, and the Prime Minister shall be Deputy Chairman thereof. If no Fautua shall be present at any meeting, the Deputy Chairman shall be Chairman of that meeting.

(2) Except as provided in the last preceding subsection, the procedure at any meeting of the Constitutional Convention shall be such as is determined by the Convention.

9. Dissolution of Constitutional Convention - The Constitutional Convention, if it does

not sooner dissolve itself, shall be deemed to be dissolved on the date on which the Legislative Assembly is dissolved.

SCHEDULE

Section 6

REMUNERATION AND ALLOWANCES TO BE PAID TO EACH MEMBER OF THE CONSTITUTIONAL CONVENTION

Remuneration: Remuneration at the rate of one pound ten shillings payable to every member of the Constitutional Convention for every day or part of a day during which he is present at a meeting of the Convention.

PROVIDED THAT for every hour during which a member is required to attend and does attend any meeting of the Convention after one o'clock in the afternoon on any sitting day, an additional sum of ten shillings shall be payable. In computing the payments to be made under this proviso, any fraction of an hour more than half an hour shall be deemed to be an hour.

Allowances: Locomotion expenses actually and reasonably incurred:

- (a) In travelling from his home to the place at which he is required to travel for the purpose of attending meetings of the Convention; and
- (b) In travelling once from the place at which he is required to attend meetings of the Convention back to his home –

No such allowance shall be paid to Ministers.

THE CONSTITUTIONAL CONVENTION AMENDMENT ORDINANCE 1960

1960 No. 19

AN ORDINANCE to provide for the payment of increased remuneration to members of the Constitutional Convention.

[20 October 1960]

1. Short title – This Ordinance may be cited as the Constitutional Convention Amendment Ordinance 1960, and shall be read together with and deemed part of the Constitutional Convention Ordinance 1960 (hereinafter referred to as the principal Ordinance).

2(1) This subsection added a proviso to paragraph on remuneration in the Schedule to the principal Ordinance.

2(2) The increased remuneration payable pursuant to the provisions of the last preceding subsection shall be paid in respect of every sitting day on and after 12th day of September 1960.

REVISION NOTES 2008

This law has been generally edited as provided for by [section 5](#) of the [Revision and Publication of Laws Act 2008](#). The following general revisions have been made –

- (a) References to Western Samoa have been amended to Samoa in accordance with an amendment to the Constitution of Samoa in 1997.
- (b) The fines have been amended and are stated as penalty units as provided for by the *Fines (Review and Amendment) Act 1998*.
- (c) All references to the male gender have been made gender neutral.
- (d) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (e) Amendments have been made to up-date references to offices, officers and statutes.
- (f) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

There were no amendments made to this law since the publication of the *Western Samoa Statutes Reprint 1978-1996*.

REVISION NOTES 2008 No. 2

Section 4 (general powers of the Attorney General) of the [Revision and Publication of Laws Act 2008](#) is used to insert the commencement date. By virtue of [section 8](#) of the [Acts Interpretation Act 1974](#), in the absence of an expressed commencement date, the date of assent is the commencement date.

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

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

The [Constitutional Convention Ordinance 1960](#) is administered in the Department of Legislative Assembly.