



SAMOA

**POSTAL AND TELECOMMUNICATIONS SERVICES
ACT 1999**

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**POSTAL AND TELECOMMUNICATIONS SERVICES
ACT 1999**

1999

No. 10

AN ACT to progressively repeal parts of the Post Office Act 1972 and to make provision for the delivery of postal and telecommunication services by a service provider licensed under this Act, and for related purposes.

[Assent date: 30 June 1999]

[Commencement date: 1 July 1999]

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

**PART 1
PRELIMINARY**

1. Short title and commencement – (1) This Act may be cited as the Postal and Telecommunications Services Act 1999.

(2) This Act comes into force on 1 July 1999 (“commencement date”).

2. Interpretation – (1) In this Act, unless the context otherwise requires:

“Minister” means the Minister responsible for Posts and Telecommunications;

“Ministry” means the Ministry established under section 5;

“licensed provider of services” means the body corporate licensed under section 8.

(2) For the purposes of construing any Part of the Post Office Act 1972 that continues in force at any time after the commencement date, any reference to the;

(a) “Post Office” is deemed to be a reference to the licensed provider of services under this Act;

(b) “Minister” is a reference to the Minister under this Act.

3. Act binds State – This Act binds the State.

4. Repeal of Acts – (1) The Acts, or Parts of Acts, stated in the Schedule are repealed.

(2) Any Part of the Post Office Act 1972 not specified under subsection (1) is taken to be repealed upon the promulgation of any Regulation under this Act making provision for the matters covered by any such Part, and which is made for the purpose of repealing that Part.

(3) Any Regulation made under the Post Office Act 1972 and in force as at the commencement date continues in force and is taken to have been made under this Act.

PART 2 MINISTRY

5. Ministry of Posts and Telecommunications – (1) There is established a Ministry of the Government to be called the Ministry of Telecommunications and Information Technology.

(2) The Ministry shall be under the control of the Minister.

6. Functions of the Ministry – (1) The Ministry has and undertakes such functions as are necessary for the due and proper administration of this Act and other Acts administered by the Ministry, and for the development of an efficient and commercially viable communications policy for Samoa.

(2) Without limiting subsection (1), the Ministry has the following functions:

- (a) to provide policy advice on all matters relating to the provision of postal and telecommunications services;
- (b) to monitor the provision of postal and telecommunications services;
- (c) to advise the Minister on all matters relating to the grant and operation of licenses for the provision of postal and telecommunications services;
- (d) to encourage and promote the provision and availability of high quality and affordable postal and telecommunications services to the public;
- (e) to assist in the establishment of a regulatory environment which will facilitate the development of postal and telecommunications services in Samoa which are efficient, competitive and responsive to the public;
- (f) to advise on the technical nature of the postal and telecommunications services available in Samoa and whether they are adequate and sufficiently advanced having regard to the services available outside Samoa;
- (g) to advise on any developments in the postal and telecommunications industry.

7. Powers of the Minister – (1) The Minister has general superintendence and control over all matters relating to postal services and telecommunications which fall within the competence of the Government.

(2) For the purposes of carrying out its functions, the Minister may:

- (a) give such directions on matters relating to postal and telecommunications matters to the staff of the Ministry as the Minister thinks fit in connection with the administration of this Act or any other Act administered by the Ministry;
- (b) ensure that the licensed provider of services is acting in compliance with the government policy on postal services and telecommunications services and is in

- compliance with the conditions of the licence granted to it under the Act;
- (c) exercise any powers as are conferred on the Minister by the Parts of the Post Office Act 1972 that continue in force after the commencement date;
 - (d) delegate to the licensed service provider any of the powers referred to in paragraph (c); and
 - (e) exercise such other powers as are reasonably necessary for the effective performance of the functions of the Minister and to delegate any of those powers to any member of the staff of the Ministry.

Part 3 (sections 8 – 10) *Repealed by the Telecommunications Act 2005 (No. 20)*

Part 4 (sections 11 – 22) *Repealed by the Telecommunications Act 2005 (No. 20)*

SCHEDULE (Section 4)

REPEAL ACTS

1. Post Office Act 1972-Parts II, VII and XI
2. Philatelic Corporation Act 1984
3. Telecommunications Corporation Act 1984

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 – 2020/3 March 2021 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) Insertion of the commencement date;
- (b) Other minor editing has been done in accordance with the lawful powers of the Attorney General, where appropriate:
 - (i) Present tense drafting style:
 - “shall be” changed to “is/are”;
 - “shall have” changed to “has”;
 - (ii) Use of plain language: “deemed” changed to “taken”;

- (iii) Part numbering changed to decimal.

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

*This Act is administered by
the Ministry of Communications and Information Technology.*
