



WESTERN SAMOA

Arrangement of Provisions

Title		
1. Short title and Commencement	122B	Transfer of Liabilities etc.
2. Amendments to the principal Act	122C	Exclusion of Liability
122A Minister may privatise the Post Office Savings Bank	122D	Consequential Amendments and Repeals

1994. No. 8

AN ACT to amend the Post Office Act 1972.

[28 July 1994]

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 Post Office Amendment Act 1994 and shall be read together with and deemed part of the Post Office Act 1972 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the date upon which it is assented to by the Head of State.

2. Amendments to the principal Act— The principal Act is amended by inserting the following sections immediately after section 122.

"122A. Minister may privatise the Post Office Savings Bank-(1) The Minister may with the prior approval of Cabinet privatise the Post Office Savings Bank established and operated under the principal Act by disposal or otherwise of any of the services, real and personal property, assets and any liabilities of the Post Office Savings Bank by Agreement between the Minister and any person residing or body registered within or outside of Western Samoa.

(2) The Minister where he obtains approval from Cabinet to privatise the Post Office Savings Bank by way of disposition or otherwise shall carry out such disposition in accordance with Regulations 38 to 50 of the Treasury Regulations 1975:

Provided that the Minister shall be the applicable party to execute any Agreement for the privatisation by way of disposition or otherwise of any or all of the services, real and personal property, assets and liabilities of the Post Office Savings Bank.

122B. Transfer of Liabilities etc. - Upon the execution of an agreement for the disposition of any or all services, real and personal property, assets and liabilities of the Post Office Savings Bank between the Minister and any person or body, ownership and all liabilities, debts, obligations and responsibilities connected with or pertaining to any such service, real and personal property, assets and liabilities mentioned in the Agreement shall pass to the person or body who enters into the Agreement with the Minister under this Act.

122C. Exclusion of Liability- Notwithstanding the provisions of this Act or any other Act no civil action for damages or any compensation at common law or otherwise or other remedy shall lie against the Government, the Minister and any government department or officer of such department for any loss suffered or damage occasioned by any person or body for any act, failure or omission by the Government the Minister and any department or officer thereof in relation to any matter relating to or pertaining

to any offer, tender, negotiations or Agreement between the Minister and any other person or body for the disposition of any or all services, real and personal property, assets and liabilities of the Post Office Savings Bank.

122D. Consequential Amendments and Repeals-(1) Sections 122 to 135 shall be revoked and cease to have any effect upon the execution of any Agreement between the Minister and any other person or body under this Act.

(2) Sections 158 to 166 shall cease to have any effect upon the execution of any Agreement between the Minister and any other person or body under this Act. The revoked provisions shall be replaced by sections 144 to 148 specified below which shall be inserted under Part XI and come into force at the same time that sections 158 to 166 are revoked and cease to have any effect.

"144. Public Account-(1) All money paid to and received by the Post Office, shall be paid into the Public Account.

145. Money credited to Post Office- The following money shall from time to time as received and paid into the Public Account be credited to the Post Office:

- (a) All money received by or on behalf of the State by the Minister, or by any employee of the Post Office in his capacity as such;
- (b) All money received by the Minister, or by any employee of the Post Office in his capacity as such, on account of any other Department of State or as the agent of any person;
- (c) All other money which by this or any other Act is made payable to the Post Office.

146. Balance Sheets and profit and loss accounts to be prepared- The Minister shall as soon as possible after the close of each financial year cause to be prepared a balance sheet and a profit and

loss account, together with such other statements of accounts as may be necessary to show fully the financial position of the Post Office and the financial results of its operations for the year.

147. Accounts to be laid before Parliament- The balance sheets and accounts prepared under section 160 of this Act, duly audited by the Audit Office together with such report thereon as the Minister thinks fit to make, shall be laid before Parliament as soon as practicable after the close of the financial year to which they relate.

148. Regulations- The Head of State, acting on the advice of Cabinet, may from time to time make regulations in regard to any matter or for any purpose for which regulations are prescribed or contemplated by this Part of this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Part of this Act, and for the due administration thereof".

(3) The principal Act shall upon the execution of an Agreement made under this Act between the Minister and any other person or body be amended by:

- (a) Re-numbering the references to sections numbered 136 to 145 wherever they appear in the principal Act to read as sections number 122 to 131 respectively under Part VIII;
- (b) Re-numbering the references to sections numbered 146 to 149 wherever they appear in the principal Act to read as sections number 132 to 135 respectively under Part IX;
- (c) Re-numbering the references to sections numbered 150 to 157 wherever they appear in the principal Act to read as sections number 136 to 143 respectively under Part X;
- (d) Re-numbering the references to sections numbered 161, 162, 164, 165 and 166 wherever they appear in the principal Act

- to read as sections number 144, 145, 146, 147 and 148 respectively under Part XI;
- (e) Re-numbering the references to sections numbered 167 to 170 wherever they appear in the principal Act to read as sections number 149 to 152 respectively under Part XII;
 - (f) Re-numbering the references to sections numbered 171 to 180 wherever they appear in the principal Act to read as sections number 153 to 162 respectively under Part XIII;
 - (g) Re-numbering the references to sections numbered 181 to 189 wherever they appear in the principal Act to read as sections number 163 to 171 respectively under Part XIV.