



WESTERN SAMOA

ANALYSIS

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An Ordinance to constitute and establish the Department of Agriculture, Forests, and Fisheries and to make certain provisions in regard to agriculture, forests, and fisheries

24 August 1959

BE IT ENACTED by the Legislative Assembly of Western Samoa as follows:

1. Short Title and commencement—(1) This Ordinance may be cited as the Agriculture, Forests, and Fisheries Ordinance 1959.

(2) This Ordinance shall come into force on the first day of October one thousand nine hundred and fifty-nine.

2. Interpretation—In this Ordinance, unless the context otherwise requires,—

“Department” means the Department of Agriculture, Forests, and Fisheries of Western Samoa constituted and established under this Ordinance.

“Director” means the Director of Agriculture, Forests, and Fisheries, appointed under this Ordinance.

“Minister” means the Minister of Agriculture, Forests, and Fisheries.

3. Constitution of department—There is hereby constituted and established a department of the Government of Western Samoa to be known as the Department of Agriculture, Forests, and Fisheries which, under the control of the Minister, shall be charged with the administration of the Ordinances, regulations, and other matters specified in the Schedule to this Ordinance together with such other functions as may from time to time be lawfully conferred on it.

4. Principle functions of the department—The principle functions of the department shall be:

- (a) To promote and encourage the development of all phases of the planting, agricultural, pastoral, and horticultural industries in Western Samoa including the banana, coconut, cocoa, coffee, and other fruit and vegetable production industries with a view to maintaining and improving the quality and quantity of the products derived from those industries:
- (b) To promote the conservation and prudent utilization of the forests of Western Samoa and to regulate the supervision of the cutting, hewing, sawing, and other methods of conversion of timber or other forest products and the disposal of logging and other industrial waste and debris therefrom:
- (c) To regulate fishing in Western Samoa and the territorial waters belonging thereto or any part thereof, and to promote the economical and orderly taking and conservation of fish and the control of any industry engaged in the processing of fish and fish products.

5. Director of Agriculture, Forests, and Fisheries—There shall from time to time be appointed an officer of the Western Samoa Public Service to be called the Director of Agriculture, Forests, and Fisheries who shall be the Administrative Head of the Department of Agriculture, Forests, and Fisheries.

6. Appointment of other officers and employees—There may from time to time be appointed under the Samoa Amendment Act 1949 such other officers and employees of the department as may be necessary.

7. Existing appointments deemed to be made under this Ordinance—(1) the person holding office at the commencement of this Ordinance as Director of Agriculture shall be deemed to have been appointed to the office of Director under this Ordinance.

(2) All other persons who at the commencement of this Ordinance are officers or employees of the department and have been so appointed under the Samoa Amendment Act 1949 shall be deemed to have been so appointed under this Ordinance.

8. Officers to act under the direction of the Director—All inspectors, officers, and other employees of the department shall act under the direction of the Director in the exercise and performance of the powers, duties, and functions conferred or imposed upon them by any enactment of which the department or the Director is charged with the administration by this Ordinance or any other enactment.

9. Delegation of powers of Minister—(1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the Director all or any of the powers which are conferred on him as Minister of Agriculture, Forests, and Fisheries by any enactment, including powers delegated to him under any enactment, but not including power to delegate under this section or the power to consent to a delegation under section ten of this Ordinance.

(2) Subject to any general or special directions given or conditions attached by the Minister, the Director may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Where the Director purports to act pursuant to any delegation under this section he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(5) Unless and until such delegation is revoked it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Director to whom such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Director or, if there is no Director in office or if the Director is absent from duty, to the person for the time being lawfully directed to act in the place of the Director.

10. Delegation of powers by Director—(1) The Director may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers or employees of the department as he thinks fit all or any of the powers exercisable by him under any enactment, including any powers delegated to him under any enactment, but not including this present power of delegation:

Provided that the Director shall not delegate any power delegated to him by the Minister without the written consent of the Minister, or any power delegated to him by the Public Service Commissioner without the written consent of such Commissioner.

(2) Subject to any general or special directions given or conditions attached by the Director, the officer or employee to whom any 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 on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable at will and no such delegation shall prevent the exercise of any power by the Director.

(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding that the Director by whom it was made may have ceased to hold office and shall continue to have effect as if made by the successor in office of that Director.

11. Powers of Minister—For the purpose of enabling the Department to carry out its functions the Minister, in addition to exercising all powers heretofore conferred on the Director of Agriculture, may—

- (a) Devise, promote, and carry out experiments, researches, investigations, and measures in relation to the health, and the diagnosis, prevention, and treatment of diseases of stock, poultry, bees, plants, and trees, the management of soils, and the production and improvement of livestock, crops, and pastures and in relation to any other matters affecting the operations of any of the industries which it is the function of the Department to promote and encourage.
- (b) Promote and carry out by publicity or other means the diffusion or dissemination of information relating to or affecting any of those industries for the instruction, guidance, and benefit of persons engaged in those industries; and foster country youth educational organisations.
- (c) Establish and maintain experimental, research, instructional, and demonstration farms, stations, fish pools, and areas for the purpose of acquiring knowledge and imparting practical instruction and advice in modern practices and management in respect of any of the industries which it is the function of the Department to promote and encourage.
- (d) Promote and carry out the testing of agricultural and horticultural seeds, bulbs, and tubers for purity and germination, and the approval by certification or other means of seeds, bulbs, and tubers in respect of their trueness to type and freedom from seed borne diseases.
- (e) Promote and carry out the testing of machinery, appliances, and equipment used in any of the industries which it is the function of the Department to promote and encourage.

To exercise any powers conferred on him by any Ordinance or regulation in relation to importation and quarantine of plants, soil, animal, and fish, and to fumigate or arrange for the fumigation and, if necessary, the destruction of plants, soil, or other material and of animals and fish suspected of being infected with disease or injurious insect or animal life.

- (g) Enter into agreements with owners and occupiers of land or inland waters for the sowing, growing, or breeding for the department of domestic, agricultural, or horticultural seeds, animals, or fish eggs or fish fry from stock seed or animals or fish or fish eggs or fish fry supplied by the department for the purpose of multiplying and distributing selected and improved strains of the seed, animals, fish eggs, or fish fry or for the carrying out on the said land or the said waters of co-operative trials relating to crop, pasture, horticultural, livestock, or fish production and improvement.
- (h) Devise, promote, and carry out investigations and experiments into the harvesting, storage, and transport of the products of the industries which it is the function of the department to promote and encourage.
- (i) Initiate and carry out economic surveys into any aspect of agricultural, pastoral, forestry, or piscicultural production.
- (j) To market bananas.
- (k) Exercise such other powers as are reasonably necessary for the effective performance of the functions of the department, including all powers heretofore exercisable by the High Commissioner by virtue of of any Ordinances, enactments, regulations or rules which, by this Ordinance it is the function of the department to administer:

Provided that the power hereby conferred shall not include the power to make regulations.

12. Special investigations—(1) The Minister may from time to time, as he thinks fit, cause an investigation pursuant to this section to be made into any matter connected with or affecting any of the industries which it is the function of the department to promote and encourage.

(2) For the purposes of any such investigation the Minister may, by order in writing signed by him, require any person, partnership, company, or other corporate body carrying on any business relating to or affecting the subject matter of the investigation to produce for the inspection of any person nominated in that behalf by the Minister any papers, books or documents which are in the possession of the person, partnership, company, or corporate body, or to set down in writing any facts relating to the subject matter of the investigation which are within the knowledge of the person, partnership, company, or corporate body, and to allow copies or extracts from any such papers, books, or documents to be made by the person inspecting them.

(3) Any person who fails to comply with any order of the Minister under this section or who deceives or obstructs or attempts to deceive or obstruct any person nominated by the Minister as aforesaid in the conduct of any such investigation commits an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) All information obtained by the Minister or by any other person by means of any such investigation shall be treated as confidential except for the purposes of this Ordinance.

13. Advisory and technical committees—(1) The Minister may from time to time appoint advisory or technical committees, and define the functions of any such committee.

(2) If the Minister so directs there may be paid out of moneys appropriated by the Legislative Assembly for the purpose to the members of any such committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses.

14. Annual report—(1) The Director shall as soon as practicable after the end of each financial year furnish to the Minister a report on the operations of the department for that year.

(2) A copy of the report shall be laid before the Legislative Assembly within twenty-eight days after it has been furnished to the Minister if the Assembly is then in session, and, if not, shall be laid before the Assembly within twenty-eight days after the commencement of the next ensuing session.

15. Regulations—(1) The Council of State acting by and with the advice and consent of the Executive Council may from time to time make regulations for any purpose for which regulations are contemplated by this Ordinance and all such other regulations as may in its opinion be expedient for giving effect to the provisions of this Ordinance and for the due administration thereof.

(2) Without limiting the general power conferred by subsection one of this section it is hereby declared that regulations may be made under this section for all or any of the following purposes:

- (a) Obtaining any information or particulars that may be required for the effective performance of the functions of the department under this Ordinance.
- (b) Prescribing fines not exceeding fifty pounds for offences against any regulation made under the Ordinance or any Ordinance or regulation specified or referred to in the Schedule to this Ordinance.
- (c) Further defining the functions of the department, and adding to or deleting any Ordinance, regulation, or other matter specified in the Schedule to this Ordinance.

(3) It shall be the responsibility of the Minister to lay all regulations made under this section before the Legislative Assembly within twenty-eight days after the date of the making thereof if the Assembly is then in session, and, if not, to lay such regulations before the Assembly within twenty-eight days after the commencement of the next ensuing session.

SCHEDULE

ENACTMENTS AND MATTERS TO BE ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE, FORESTS, AND FISHERIES

- The Noxious Weeds Ordinance 1926.
- The Cocoa Beans Ordinance 1945.
- The Copra Ordinance 1948.
- The Plants and Soil Importation (Disease Control) Ordinance 1950.
- The Rhinoceros Beetle Ordinance 1954.
- The Bunchytop Ordinance 1959.

All existing enactments, regulations, Orders, and rules made under or relating to the Ordinances specified in this Schedule or conferring powers, duties, or authorities in relation to any matter specified in section four or section eleven of this Ordinance.