

WESTERN SAMOA TRUST ESTATES CORPORATION RECONSTRUCTION ACT

WESTERN SAMOA

Arrangement of Provisions

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1990, No. 18

AN ACT to assist the reorganisation of the Western Samoa Trust Estates Corporation and to vest in that Corporation and to divest from it interests in certain lands; to make provision for the reduction of debts due by it to the Government; to provide for the privatisation of its operation; and for objects incidental thereto.

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

1. Short Title - (1) This Act may be cited as the Western

Samoa Trust Estates Corporation Reconstruction Act 1990.

2. Interpretation - In this Act unless the context otherwise requires, -

"Corporation" means the Western Samoa Trust Estates Corporation continued pursuant to the Western Samoa Trust Estates Corporation Act 1977;

"Government" means the Government of the Independent State of Western Samoa;

"Registrar" means the Registrar of Land appointed for the purposes of the Samoa Land Registration Order 1920 (N.Z.);

"Register" means the Land Register kept pursuant to clause 6 of the Samoa Land Registration Order 1920 (N.Z.).

"The Schedule" means the schedule to this Act;

3. Exchange of Land - To give effect to agreements heretofore entered into between the Government and the Corporation -

(a) all the estates and interests of the Corporation in the lands described in the first part of the Schedule shall subject to all existing encumbrances charges or other adverse interests forthwith and without further assurance vest in the Government.

(b) all the estates and interests of the Government in the lands described in the second part of the Schedule shall subject to all existing encumbrances charges or other adverse interests

forthwith and without further assurance vest in the Corporation.

(c) the Government shall from funds appropriated for the purpose pay to the Corporation the sum of \$6,420,000 by way of equality of exchange in respect of the estates and interests referred to in paragraphs (a) and (b) of this section.

(d) the Corporation shall forthwith upon receipt of the payment referred to in paragraph (c) of this section, pay to the Government the sum of \$6,420,000 in partial satisfaction of monies owing by the Corporation to the Government.

4. Interest to be recorded etc. - (1) The Registrar without further warrant and by authority of this Act shall as soon as it is practicable for him to do so, record in the land register and every relevant instrument of title to each piece of land described in the Schedule, the vesting thereof pursuant to this Act in the Government or the Corporation as the case may require; and where there is no instrument of title to any part of such land shall record the same in the register as soon as practicable after there has been deposited a survey plan in respect of the same.

(2) In any case where the description or area of any land described in the schedule does not sufficiently correspond with its description or area in the register or in any instrument of title or pursuant to a survey as the case may be, the Head of State acting on the advice of Cabinet may by Order vary or amend the Schedule to show the correct area or description of any such

land.

5. Subsequent vesting of Corporation lands - (1) Subject to the provisions of subsection (2) of this section on the 1st day of October 1990 all of the estates and interests of the Corporation in all lands in Western Samoa then held by it shall by virtue of this Act and without further assurance vest in such person as shall be determined by the Head of State acting on the advice of Cabinet by Order.

(2) Notwithstanding the provisions of subsection (1) of this section there may be excluded from the vesting directed by this section, the estate and interest of the Corporation in one or more parcels of land to be specified in the Order.

(3) The consideration and terms and conditions upon which the estates and interests shall vest pursuant to subsection (1) of this section shall be such as may be agreed upon by Cabinet.

(4) The provisions of section 4 of this Act shall apply mutatis mutandis to the divesting and vesting which occurs by virtue of this section.

6. Amendment to Western Samoa Trust Estates Corporation Act 1977 - Section 11 of the Western Samoa Trust Estates Corporation Act 1977 is amended by inserting immediately after paragraph (b) which ends with the words "other enterprises" the following new paragraph:-

"(c) From the 1st day of September 1990 to carry on the operations of the Corporation with a view to the privatisation of its enterprise by disposal or otherwise."

SCHEDULE

First Part

Firstly, that parcel of land containing approximately 346 acres situated at Fagalii/Letogo and used by the Government for leasing for private/residential purposes;

Secondly, that parcel of land containing approximately 1,424 acres situated at Laloanea and used by the Government for leasing to Faleata district for plantation development purposes;

Thirdly, that parcel of land containing approximately 2,500 acres situated at Vaipapa/Tanumalala and used by the Government for leasing for private plantation development purposes;

Fourthly, that parcel of land containing approximately 22 acres situated at Mauga ma'a i Olo and used by the Government for a quarry site;

Fifthly, that parcel of land containing approximately 268 acres situated at Faleolo and used by the Government for the purposes of an extension to Faleolo Airport;

Sixthly, that parcel of land containing approximately 1,000 acres situated at Faleolo and used by the Government for the purposes of an extension to Faleolo Airport;

Seventhly, that parcel of land containing approximately 60 acres located adjacent to Satapuala Village and used by the Government for leasing for private plantation development purposes;

Eighthly, that parcel of land containing approximately 17 acres situated at Nuu and used by the Government for the purposes of a telecommunications transmitter installation;

Ninthly, that parcel of land containing approximately 110 acres situated at Nuu and used by the Government for the purposes of a Cocoa Research facility;

Tenth, that parcel of land containing approximately 194 acres situated at Tanumalala and originally used by the Government for a banana plantation development, but latterly for leasing for private plantation development;

Eleventh, that parcel of land containing approximately 100 acres situated at Vaitele and designated or set aside by the Government as an Industrial Free Zone.

#### Second Part

Firstly, that parcel of land containing approximately 239 acres situated at Asau forming part of lands known as the "Cornwall Estate";

Secondly, that parcel of land containing approximately 1,000 acres situated at Falelima forming part of lands known as the "Cornwall Estate";

Thirdly, that parcel of land containing approximately 6,500 acres situated at Lata.

TULAFONO O LE TOE FAATULAGAINA O LE FAALAPOTOPOTOGA O ESETETE

TAUSI O SAMOA I SISIFO

**SAMOA I SISIFO**

**Faatulagaina o Aiaiga**

Igoa

- 1 Igoa Puupuu
- 2 Faamatalaina o uiga o upu
- 3 Fesuiaiga o eleele
- 4 Aia e ao ona faamauina ma isi mea
- 5 Tuuina atu mulimuli o fanua o le Faalapotopotoga
- 6 Teuteuga i le Tulafono o Faalapotopotoga o Esetete

Tausi o Samoa i Sisifo 1977

1990, Nu. 18

**O SE TULAFONO** e fesoasoani ai i le toe faatulagaina o le Faalapotopotoga o Esetete Tausi o Samoa i Sisifo ma tuuina atu i lea Faalapotopotoga ma aveeseina mai ai ana aia i nisi eleele; e faia ai ni aiaiga mo le faaitiitia o aitalafu ua tatau ona totogiina atu i le Malo; ma aiaia ai mo le faatumaotiina o nisi o ana gaioiga; ma mo nisi sini o le a ono aliai mai ai.

**UA FAIA** e le Fono Aoaofaitulafono o Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea:-

1. **Igoa Puupuu** - (1) O lenei Tulafono e mafai ona ta'ua o le Tulafono o le Toe Faatulagaina o le Faalapotopotoga o Esetete Tausi o Samoa i Sisifo 1990.

2. **Faamatalaina o uiga o upu** - I totonu o lenei Tulafono a e vagana ai ona ua manaomia e le faaupuga se isi suiga e ese ai:-

"Faalapotopotoga" o lona uiga o le Faalapotopotoga o Esetete Tausi o Samoa i Sisifo ua faaauau e tusa ai ma le Tulafono o le Faalapotopotoga o Esetete Tausi o Samoa i Sisifo 1977;

"Malo" o lona uiga o le Malo Tutoatasi o Samoa i Sisifo;

"Resitala" o lona uiga o le Resitala o Fanua ua tofia mo le faamoemoe o le Tulafono Faa-Poloaiga o le Faamauina o Fanua Tau Samoa 1920 (Niu Sila);

"Tusi e Faamau ai" o lona uiga o le Tusi o lo o Faamau ai Fanua ua tausia e tusa ai ma le fuaiupu 6 o le Tulafono Faa-Poloaiga o le Faamauina o Fanua Tau Samoa 1920 (Niu Sila);

"O le Faamatalaga" o lona uiga o le faamatalaga i lenei Tulafono.

3. **Fesuiaga o Eleele** - Ina ia tuuina atu ai malosiaga i feagaiga ua ulufale atu i ai i le va o le Malo ma le Faalapotopotoga -

(a) o esetete uma ma aia a le Faalapotopotoga i fanua e pei ona faamatalaina i le vaega muamua o le Faamatalaga o le a tatau ona noatia ma fai fuafua i totogi fuafuaina o aitalafu o lo o i ai po o isi aia e ese mai ai ma e aunoa ma se toe faamaoniga e tuu atu i ai e le Malo.

(b) o esetete uma ma aia a le Malo i fanua e pei ona faamatalaina i le vaega lua o le Faamatalaga o le a tatau ona noatia ma fai fuafua i totogi fuafuaina o aitalafu o lo o i ai po o isi aia e ese mai ai ma e aunoa ma se toe faamaoniga e tuu atu i ai i



le Faalapotopotoga.

(c) o le Malo o le a tatau ona faatatauina mai i faaputuga-tupe mo le faamoemoe e totogi atu e le Faalapotopotoga le aofaiga e \$6,420,000 i luga o se faiga tulaga tutusa ma fesuiaiga e tusa ai ma le esetete ma aia e pei ona faasinomia i ai parakalafa (a) ma le (b) o lenei fuaiupu.

(d) o le Faalapotopotoga o le a tatau i le taimi vave lava o le a ia mauaina ai le totogi e pei ona faasinomia i ai le parakalafa (c) o lenei fuaiupu, ona ia totogiina atu i le Malo le aofaiga e \$6,420,000 i ni vaega e faamalieina ai tupe o lo o nofo aitalafu ai le Faalapotopotoga i le Malo.

4. Aia e ao ona faamauina ma isi mea - (1) O le Resitala e aunoa ma se isi faamaoniga ma i le pule o lenei tulafono o le a tatau i se taimi vave lava o le a mafai ai e ia ona faia, ona faamauina i e tusi o lo o faamau ai fanua ma pepa faale-tulafono uma talafeagai igoa o fasi fanua taitasi e pei ona faamatalaina i lalo o le Faamatalaga, o le tuuina atu o sea mea e tusa ai ma lenei Tulafono i le Malo po o le Faalapotopotoga po o le a lava se tulaga o le a ono manaomia; ma afai e leai se pepa faale-tulafono o le igoa o so o se vaega o sea fanua e tatau ona faamauina lea lava mea i le tusi o lo o fai ai faamaumauga i se taimi vave lava e mafai ai ona fai ina ua maea ona saunia se faafanua e tusa ai ma lea fanua.

(2) I so o se mataupu pe afai o le faamatalaga po o aofaiga o so o se fanua e pei ona faamatalaina i lalo o le faamatalaga e le o lava ma talafeagai ma faamatalaga po o i so o se pepa

faale-tulafono o igoa po o e tusa ai ma se fuaga-fanua pe o le a lava le tulaga e ono manaomia, o le Ao o le Malo i le faia i luga o le fautuaga a le Kapeneta e mafai i luga o se Tulafono Faa-poloaiga ona fetuutuunai po o le teuteu o le Faamatalaga e faaalua ai le aofaiga sao po o le faamatalaga o so o sea fanua.

**5. Tuuina atu mulimuli o fanua o le Faalapotopotoga -**

(1) I le noatia ma le fai fuafua i aiaiga o le faafuaiupu (2) o lenei fuaiupu i le aso 1 o Oketopa 1990 o esetete uma ma aia a le Faalapotopotoga i fanua i Samoa i Sisifo o lo o umia e ia i lea taimi o le a tatau e tusa ai ma lenei Tulafono ma e aunoa ma se isi faamaoniga ona tuuina atu i se tagata e pei ona o le a fuafuaina e le Ao o le Malo i luga o le fautuaga a le Kapeneta i luga o se Tulafono Faa-poloaiga.

(2) E ese ai na i lo aiaiga o le faafuaiupu (1) o lenei Fuaiupu o le a mafai ona aveeseina mai le tuuina atu e pei ona faatonuina e lenei fuaiupu, e esetete ma le aia a le Faalapotopotoga i le tasi po o le sili atu foi o ni fasi fanua e pei ona o le a faatulagaina i lalo o le Tulafono Faa-poloaiga.

(3) O le iloiloga ma tuutuuga ma aiaiga e pei ona tuuina atu ai ni esetete ma aia o le a tatau ona tuuina atu e tusa ai ma le faafuaiupu (1) o lenei fuaiupu o le a faia e pei ona tuuina atu i ai le maliega a le Kapeneta.

(4) O aiaiga o le fuaiupu 4 o lenei Tulafono e tatau ona faa-aogaina faatasi ai ma ni suiga talafeagai i le aveeseina ma le tuuina atu e tusa ai ma lenei fuaiupu.

**6. Teuteuga i le Tulafono o Faalapotopotoga o Esetete Tausi o Samoa i Sisifo 1977 -** O le fuaiupu 11 o le Tulafono o Faalapotopotoga o Esetete Tausi o Samoa i Sisifo 1977 ua teuteuina

i le faaofiina i ai ina ua tuanai le parakalafa (b) o lo o faaiu-  
ina i upu "isi galuega tau atiina ae" le parakalafa fou e  
faapea:-

"(c) Mai le aso 1 o Setema 1990 o le a faaauau ai  
pea gaioiga o le Faalapotopotoga faatasi ai ma  
se manatu i le faatumaotiina o ona alamanuia i le  
tuueseina atu po o nisi lava faiga talafeagai."

### FAAMATALAGA

#### Vaega Muamua

Muamua, o lena vaega eleele o lo o i ai e tusa ma le 346 eka i  
Fagalii/Letogo ma ua faaaogaina e le Malo mo le lisiina atu i  
tagata taitoatasi/fuafuaga e nonofo ai;

Lua, o lena vaega o eleele o lo o i ai e tusa ma le 1,424 eka o  
lo o i Laloanea ma ua faaaogaina e le Malo mo le lisiina atu i  
le i le Itumalo o Faleata mo le fuafuaga i le atiina aeina o  
faatoaga;

Tolu, o lena vaega eleele o lo o i ai e tusa ma le 2,500 eka o  
lo o i Vaipapa/Tanumalala ma ua faaaogaina e le Malo mo le  
lisiina atu i tagata taitoatasi mo le atiina aeina o faatoaga;

Fa, o lena vaega eleele o lo o i ai e tusa ma le 22 eka o lo o  
i Mauga-maa i Olo ma ua faaaogaina e le Malo mo le vili-maa;

Lima, o lena vaega eleele o lo o i ai e tusa ma le 268 eka o lo  
o i Faleolo ma ua faaaogaina e le Malo mo le faalauteleina o le  
Malae Vaalele i Faleolo;

Ono, o lena vaega eleele o lo o i ai e tusa ma le 1,000 eka o lo  
o i Faleolo ma ua faaaogaina e le Malo mo le faalauteleina o le  
Malae Vaalele i Faleolo;

Fitu, o lena vaega eleele o lo o i ai e tusa ma le 60 eka e sosoo ma le nuu o Satapuala ma ua faaaogaina e le Malo mo le lisiina atu i tagata taitoatasi mo le atiina aeina o faatoaga;

Valu, o lena vaega eleele o lo o i ai e tusa ma le 17 eka o lo o i Nuu ma ua faaaogaina e le Malo e faatuina se nofoaga mo fesootaiga faauaealesi;

Iva, o lena vaega eleele o lo o i ai e tusa ma le 110 eka o lo o i Nuu ma ua faaaogaina e le Malo mo se nofoaga suesue o le Koko;

Sefulu, o lena vaega eleele o lo o i ai e tusa ma le 194 eka o lo o i Tanumalala sa faaaoga muamua e le Malo mo le atiina aeina o le Fai, ae mulimuli ane ua lisiina atu i tagata taitoatasi mo le atiina aeina o faatoaga;

Sefulutasi, o lena vaega eleele o lo o i ai e tusa ma le 100 eka o lo o i Vaitele ma faailogaina po o ua tuueseina e le malo o se Sone Saoloto Tau Galuega.

#### **Vaega Lua**

Muamua, o lena vaega eleele o lo o i ai e tusa ma le 239 eka o lo o i Asau o lo o i se vaega o fanua o le "Esetete o Cornwall";

Lua, o lena vaega eleele o lo o i ai e tusa ma le 1,000 eka i Falelima o lo o i se vaega o fanua e pei ona iloa ai "Esetete o Cornwall";

Tolu, o lena vaega eleele o lo o i ai e tusa ma le 6,500 eka i Lata.