



WESTERN SAMOA

Arrangement of Provisions

Title	
1.	Short Title
2.	Interpretation
3.	Administration of Act
4.	Conferring of awards
5.	General qualification for awards
6.	Description of awards
7.	Malietao T. II Distinguished Service Order
8.	Western Samoa Order of Tiafau
9.	Western Samoa Order of Merit
10.	Western Samoa Certificate of Excellence
11.	Meaning of "Field of endeavour"
12.	Privileges attaching to awards
13.	Merit Board
14.	Recommendations for awards
15.	Style and cost of awards
16.	Monetary payments
17.	Honorary awards
18.	Lost awards
19.	Offence wrongfully to wear medal, etc.
20.	Regulations

1992/1993, No. 3.

AN ACT to provide for the conferring or granting of awards in recognition of acts of heroism or meritorious service to Western Samoa. [28 May 1992]

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

1. **Short Title** - This Act may be cited as the Merit Act 1992/1993.

2. **Interpretation** - In this Act, unless the context

"Award" means an award described in section 6 of this Act;

"Board" means the Merit Board established under section 13 of this Act;

"Department" means the Prime Minister's Department.

3. **Administration of Act** - This Act shall be administered in the Prime Minister's Department and that Department shall provide the administrative executive and secretarial services for the Board.

4. **Conferring of Awards** - The Head of State acting on the advice of Cabinet may by Order confer or grant awards in accordance with the provisions of this Act.

5. **General qualification for awards** - (1) Subject to subsection (2) of this section, no person shall be eligible to receive an award unless at the time of the conferring of that award he is a citizen of Western Samoa.

(2) Subsection (1) of this section shall not apply to honorary awards.

6. **Description of awards** - (1) The awards authorised by this Act are:-

- (a) Malietoa T.II Distinguished Service Order (M.T.II.D.S.O.)
- (b) Western Samoa Order of Tiafau (W.S.O.T.)
- (c) Western Samoa Order of Merit (W.S.O.M.)
- (d) Western Samoa Certificate of Excellence (W.S.C.E.).

(2) The letters in parentheses in subsection (1) of this section do not form part of the names of the awards but where an award is expressed in written form it may be described by the appropriate letters appearing in that subsection.

7. **Malietoa T.II Distinguished Service Order** - (1) The Malietoa T.II Distinguished Service Order may be

conferred for an act or acts of exceptional bravery or heroism in the protection of life, the preservation of order, or the preservation in the face of any disaster or emergency of any property or thing needed or desired to be preserved for the national welfare.

(2) The Malietoa T.II Distinguished Service Order but no other award authorised by this Act may be conferred posthumously.

(3) Subject to section 17 of this Act, at no time shall more than 15 living persons be holders of the Malietoa T.II Distinguished Service Order.

8. **Western Samoa Order of Tiafau-** (1) The Western Samoa Order of Tiafau may be conferred upon persons

(a) Who have given long and outstanding service to Western Samoa, whether in or out of Government; or

(b) Who are or have been leaders of Corporations (whether foreign or domestic), or who are or have been leaders of foreign states or organisations, in recognition of lengthy and valuable service help and friendship afforded to Western Samoa by those corporations, states or organisations or by those leaders.

(2) For the purposes of this section a leader of a foreign state is a person who is or was a Head of State, Provincial or other Governor, Prime Minister, Cabinet Minister, or the holder of any equivalent office, in that foreign state.

(3) At no time shall more than 20 living persons be holders of the Western Samoa Order of Tiafau.

9. **Western Samoa Order of Merit** (1) The Western Samoa Order of Merit may be conferred in recognition of outstanding achievement in any field of endeavour which is of benefit, whether directly or indirectly, to Western Samoa or which brings credit to Western Samoa.

(2) Subject to section 17 of this Act, at no time shall more than 20 living persons be holders of the Western Samoa Order of Merit.

10. **Western Samoa Certificate of Excellence** - The Western Samoa Certificate of Excellence may be granted in recognition of exceptionally high achievement in any field of endeavour which is of benefit, whether directly or indirectly, to Western Samoa or which brings credit to Western Samoa.

(2) No more than 20 Western Samoa Certificates of Excellence may be awarded in any calendar year.

11. **Meaning of "Field of endeavour"** - For the purposes of sections 9 and 10 of this Act, "Field of endeavour" includes

- (a) work in the service of Western Samoa;
- (b) service as a Member of Parliament or as a Minister of State;
- (c) service as a member of an organisation dedicated to the welfare of Samoa or Samoans;
- (d) work as a self employed person;
- (e) work as an employee;
- (f) work as a volunteer;
- (g) participation in any academic activity;
- (h) engaging in any literary activity;
- (i) participation in fine arts, visual arts or performing arts;
- (j) engaging in any craft;
- (k) performance as a sportsperson;
- (l) any other activity prescribed by regulation as a field

12. **Privileges attaching to awards** (1) Every holder of an award (other than a Certificate of Excellence) shall have the right to be invited to attend all Government functions, and to wear his ribbon and medal on every such occasion and may at any other time wear a miniature replica of the medal or ribbon.

(2) Every holder of an award may, after any printed or written form of his name, add the appropriate letters denoting the award which he holds.

(3) Holders of awards shall have such other privileges as may be prescribed by regulation.

(4) For the purposes of this section "award" includes an honorary award.

13. **Merit Board** - (1) There is hereby constituted a Board to be known as the Merit Board.

(2) The functions of the Board shall be to consider persons who may be eligible for awards or honorary awards and to recommend to Cabinet the granting of an award to any of such persons where it considers that an award is justified.

(3) The Board shall consist of three persons who in the opinion of the Prime Minister have the respect of the community.

(4) Members of the Board shall be appointed by the Head of State acting on the advice of Cabinet by Order, and shall hold office at the pleasure of the Head of State.

(5) The Board shall elect its own Chairman and determine its own procedure in all matters.

(6) Members of the Board may be paid such remuneration and other allowances as Cabinet may from time to time determine.

14. **Recommendations for awards**- Recommendations for awards shall be made in writing by the Board to Cabinet.

15. **Style and cost of awards** - (1) Each award shall comprise a certificate given under the hand of the Head of State and sealed with the Public Seal of Western Samoa; and in the case of an award described in paragraphs (a) (b) and (c) of section 10 of this Act shall also comprise a medal attached to a ribbon.

(2) Medals, ribbons and certificates shall be of such design as shall be approved by the Head of State acting on the advice of Cabinet, by Order.

(3) The cost of the design, fabrication and conferring of the awards and all costs incidental thereto (including remuneration and allowances made pursuant to section 13 of this Act) together with the monetary payments made in accordance with section 16 of this Act shall be statutory expenditure and shall be paid out of the Treasury Fund without further appropriation.

16. **Monetary Payments** - (1) The following monetary payments shall accompany the conferring or granting of an award:-

- (a) To a person upon whom is conferred the Malietoa T.II Distinguished Service Order the sum of \$1500.
- (b) To a person upon whom is conferred the Western Samoa Order of Tiafau the sum of \$1,000.
- (c) To a person upon whom is conferred the Western Samoa Order of Merit the sum of \$1,000.
- (d) To a person to whom is granted a Western Samoa Certificate of Excellence the sum of \$500.

(2) Payments made under this section shall be exempt from income tax.

17. **Honorary awards** - (1) Where the Head of State acting on the advice of Cabinet is satisfied that a person merits the receipt of an award under this Act and that person is not a citizen of Western Samoa, he may by Order confer an honorary award on that person.

(2) The limitations imposed by sections 7 and 9 of this Act shall not apply to the grant of honorary awards nor shall the holders of honorary awards be taken into account for the purposes of those sections.

18. **Lost awards** - Where the holder of an award has lost his medal, ribbon or certificate, he may obtain a duplicate from the department upon paying the reasonable cost thereof, which cost shall be fixed by the Secretary to the Government.

19. **Offence wrongfully to wear medal etc.** - Any person who wears any medal or ribbon to which he is not entitled or who in any way holds himself out or permits or suffers himself to be held out as the holder of an award which he does not hold, commits an offence and upon conviction is liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

20. **Regulations** - The Head of State, acting on the advice of Cabinet, may make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration and control thereof.