

**SAMOA***Arrangement of Provisions*

1. Short title and commencement
2. Grant of telephonic communication services licences

2004, No. 10

**AN ACT to amend the Post Office Act 1972.**

[21<sup>st</sup> June 2004]

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

1. **Short title and commencement**-(1) This Act may be cited as the Post Office Amendment Act 2004 and shall be read with and form part of the Post Office Act 1972 (the Principal Act).
- (2) This Act shall commence on the date of assent by the Head of State.
- (3) Notice of commencement shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**2. Grant of telephonic communication services licences**

- The Principal Act is amended by inserting the following after section 106:

**“106A. Grant of telephonic communication services licences**-(1) For the purposes of:

- (a) improving the quality and range of telephonic communication services available to the people of Samoa; and
  - (b) increasing competition in the Samoan telephonic communication services market with the objective of providing reliable and efficient telephonic communication services at the lowest possible price for the people of Samoa,
- the Minister, acting on the advice of Cabinet, may grant licences to provide and operate telephonic communication services on terms and conditions approved by Cabinet from time to time.
- (2) The Minister's power under subsection (1) applies notwithstanding:

- (a) any law, including but not limited to this Act and the Postal and Telecommunications Services Act 1999; and
- (b) any agreement, contract, arrangement, licence or other provision (howsoever called) in existence at the date of commencement of the Post Office Amendment Act 2004.

(3) **Where:**

- (a) the Minister has granted a licence under subsection (1); and
- (b) the Attorney General and the Chief Executive Officer of the Ministry of Finance have advised Cabinet in writing that the grant of such licence has adversely affected the rights of a party under an existing agreement, contract, arrangement, licence or other provision (howsoever called) to which Samoa is a party also, Cabinet, in its absolute discretion, may authorise the provision of

compensation to such party in the form of money, concessions, benefits or otherwise in such amount and/or form as the Attorney General and the Chief Executive Officer of the Ministry of Finance in writing may recommend.”

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The Post Office Amendment Act 2004 is administered in the  
Ministry of Communications and Information Technology