

**WESTERN SAMOA**

## Arrangement of Provisions

## Title

- |                                   |                      |
|-----------------------------------|----------------------|
| 1. Short title                    | 3. Surcharge on late |
| 2. Payment of Levies by Employers | payment              |

**1995, No.9**

**AN ACT to amend the Accident Compensation Act 1989.**  
*[30 June 1995]*

**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 Accident Compensation Amendment Act 1995 and shall be read together with and deemed part of the Accident Compensation Act 1989 (hereinafter called the principal Act).

**2. Payment of Levies by Employers-** The principal Act is amended by repealing section 52 and substituting the following therefore:-

**"52. Payment of levies by Employers-(1)** Every employer shall by way of his contribution to the funds of the Board pay a levy of one (1) sene for every complete tala of wages paid by him to his workers.

(2) The manner and time of payment of such levy may be prescribed by regulations and unless and

until such regulations are made payment shall be made at the times and in the manner as the Board may from time to time determine.

(3) The Board may from time to time by notice publish in the Western Samoa Gazette or the Savali specify all or any of the matters

determined by it pursuant to subsection (2) of this section.

(4) Where notice has been given by publication in the Western Samoa Gazette or the Savali pursuant to subsection (3) of this section any person who fails to comply with the requirements of the Board as set out in such notice commits an offence and is liable upon conviction to a fine not exceeding two thousand tala (\$2000.00).

(5) In any case and whether or not notice has been given pursuant to subsection (3) of this section the Board may by written notice directed to any person inform that person of its requirements under subsection (1) of this section and call upon that person on or before any date specified in the notice (being a date not less than twenty one (21) days after the receipt of the notice by that person) to satisfy those requirements.

(6) Any person who fails to comply with a notice given under subsection (5) of this section commits an offence and is liable upon conviction to a fine not exceeding two thousand tala (\$2000.00)."

**3. Surcharge on late payment-** The principal Act is amended by inserting the following new section after section 52 in Part VI:-

**"52A. Surcharge on late payment-(1)** Where any levies which an employer is liable to pay under the provisions of subsection (1) of section 52 of this Act are not paid within fourteen (14) days from and after the date on which such levies are payable the employer shall be liable to pay a surcharge on any levy not so paid to the Board by him at the rate of one twentieth per cent (1/20%) in respect of each day or part of a day after the expiration of seven (7) days from and after the date on which the wage to which that levy relates was paid:

Provided that -

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(a) If the amount of surcharge so

calculated is less than one tala (\$1.00) the surcharge payable shall be one tala (\$1.00):

(b) If the amount of surcharge exceeds one tala (\$1.00) the surcharge payable shall be calculated to the next highest multiple of one tala (\$1.00); and

(c) The Board may in any case in which it thinks fit remit in whole or in part the payment of any surcharge due under the provisions of this section.

(2) Any sum due to the Board by way of surcharge under the provisions of this section shall be paid to the Board within fourteen (14) days of a demand for such payment signed by the manager or other authorised officer of the Board being sent to the employer."

**SAMOA I SISIFO**

Faatulagaina o Aiaiga

Igoa

- |                               |                              |
|-------------------------------|------------------------------|
| 1. Igoa puupuu                | 3. Totogi faaopoopo ona o le |
| 2. Totogi o Lafoga a Tagata e | tuai ona totogi              |
| ona Galuega                   |                              |

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**O SE TULAFONO TAU FAAOFI e teuteu ai le Tulafono o  
Tau'i mo Faalavelave Faafuasei 1989.**

[30 Iuni 1995]

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

**1. Igoa puupuu-** E mafai ona taua lenei Tulafono  
o  
le Tulafono o Teuteuga o le Tulafono o Tau'i mo  
Faalavelave Faafuasei 1995 ma e tatau ona faitauina  
faatasi ma avea ai o se vaega o le Tulafono o Tau'i  
mo Faalavelave Faafuasei 1989 (e pei ona faasinomia  
mulimuli ane i inei o le Tulafono autu).

**2. Totogi o Lafoga a Tagata e ona Galuega-** O le

Tulafono autu ua teuteuina nei i le soloia o le fuaiupu 52 ma suia e faapea:-

**"52. Totogi o lafoga a Tagata e ona Galuega-(1)**  
O tagata uma e ona galuega e tatau i le faia o lana saofaga i totonu o le faaputugatupe a le Komiti Faatino ona totogiina se lafoga e tasi (1) le sene

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mo tala atoatoa taitasi ua totogiina atu e ia i ana tagata faigaluega.

(2) O le faiga ma le taimi e totogi atu ai sea lafoga e ono mafai ona fuafuaina i luga o ni tulafono faatonutonu ma vagana ai ma seia oo i le taimi e faia ai ia tulafono faatonutonu e tatau ona totogiina atu ia tupe i taimi ma i ni faiga e pei ona o le a fuafuaina e le Komiti Faatino mai i lea taimi i lea taimi.

(3) E mafai e le Komiti Faatino mai i lea taimi i lea taimi ona faia se faasilasilaga i totonu o le Kaseti a Samoa i sisifo po o le Savali e faamatalaina ai mataupu uma po o so o se mataupu ua fuafuaina e ia e tusa ai ma le faafuaiupu (2) o lenei fuaiupu.

(4) A fai o se faasilasilaga ua tuuina atu ma lolomiina i totonu o le Kaseti a Samoa i Sisifo po o le Savali e tusa ai ma le faafuaiupu (3) o lenei fuaiupu o so o se tagata o ia lea ua le tausisia o le usitaia o manaoga o le Komiti Faatino e pei ona faatulaga atu i totonu o sea faasilasilaga ua faia se solitulafono ma ua noatia i luga o se moliaga ina ua faamaonia i se faasalaga e le sili atu i le lua afe tala (\$2,000.00).

(5) I so o se tulaga ma pe ua tuuina atu se faasilasilaga po o le leai foi e tusa ai ma le faafuaiupu (3) o lenei fuaiupu e mafai e le Komiti Faatino i luga o se faasilasilaga tusia tuusao i so o se tagata e logoina ai lena tagata e tusa ai ma ona manaoga i lalo o le faafuaiupu

(1) o lenei fuaiupu ma logoina lena tagata i le aso po o i luma mai o so o se aso ua faamatalaina i totonu o le faasilasilaga (o se aso e le itiiti mai nai lo le luasefulutasi (21) aso ina ua tuanai le mauaina o le faasilasilaga e lena tagata) e faamalieina ai ia manaoga.

(6) So o se tagata o ia lea ua le tausisia le usitaia i se faasilasilaga ua tuuina atu i lalo o le faafuaiupu (5) o lenei fuaiupu ua faia se solitulafono ma ua noatia i luga o se moliaga i se faasalaga e le sili atu i le lua afe tala (\$2,000.00).

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**3. Totogi faaopoopo ona o le tuai ona totogi-** O le Tulafono autu ua teuteuina i le faaofiina i ai o le fuaiupu fou ina ua tuanai le fuaiupu 52 i le Vaega VI e faapea:-

**"52A. Totogi faaopoopo ona o le tuai ona totogi-**

(1) A fai o so o se lafoga ua noatia ai le tagata e ona le galuega ina ia totogiina e tusa ai ma aiaiga o le faafuaiupu (1) o le fuaiupu 52 o lenei Tulafono ua le totogiina i totonu o le sefulufa (14) aso mai le aso ma, ina ua tuanai le aso e tatau ona totogiina ai ia lafoga, o le tagata e ona le galuega o le a tatau ona noatia e totogiina se tupe faaopoopo i luga o so o se lafoga e lei totogiina atu e ia i le Komiti Faatino i le fua faatatau e tasi-vae-luasefulu pasene (1/20%) i aso taitasi po o vaega o se aso ina ua tuanai le faamutaina o aso e fitu (7) mai le aso, ma, ina ua tuanai le aso e pei ona faasinomia i ai le totogi o le lafoga sa tatau ona totogiina:

Ae vagana ai e faapea -

(a) A fai o le aofai o totogi faaopoopo e pei ona faatatauina e itiiti ifo nai lo le tasi le tala (\$1.00) o le totogi faaopoopo e tatau ona totogiina e tasi le tala (\$1.00);

(b) A fai o le aofai o totogi faaopoopo e sili atu i lo le tasi le tala (\$1.00) o le tupe faaopoopo e totogiina o le a tatau ona faatatauina i le i si fuainumerra vaega aupito sili ona maualuga o le tala e tasi (\$1.00); ma

(c) E mafai e le Komiti Faatino i so o se itu ua ia manatu ua talafeagai ai ona totogi-ina atoa po o se vaega o le totogi o so o se totogi faaopoopo ua tatau ona totogiina e tusa ai ma aiaiga o lenei fuaiupu.

(2) So o se vaega tupe ua tatau ona totogiina i le Komiti Faatino e tusa ai ma totogi faaopoopo i lalo o aiaiga o lenei fuaiupu o le a tatau ona totogiina i le Komiti Faatino i totonu o le sefulufa (14) aso i luga o se poloaiga ua sainia e le pule po o se i si ofisa faatagaina a le Komiti

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Faatino ua tuuina atu i le tagata e ona le galuega mo ia totogi faaopoopo ina ia totogiina mai."

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