

**PUBLIC FINANCE MANAGEMENT (GOVERNMENT  
VEHICLES) AMENDMENT REGULATIONS 2019**

**SAMOA**

Arrangement of Provisions

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| 1. Citation and commencement              | 13. New Part 4 heading inserted          |
| 2. New Part 1 heading inserted            | 14. Regulations 9 and 10 substituted     |
| 3. Regulation 2 amended                   | 15. New Part 5 heading inserted          |
| 4. New Part 2 heading inserted            | 16. Regulations 11 and 12 substituted    |
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| 6. New regulations 3A, 3B and 3C inserted | 18. Regulation 14 amended                |
| 7. Regulation 4 substituted               | 19. Regulation 15 amended                |
| 8. New regulations 4A and 4B inserted     | 20. New regulations 15A and 15B inserted |
| 9. Regulation 5 substituted               | 21. New Part 6 inserted                  |
| 10. Regulation 6 amended                  | 22. Regulations 16 and 17 substituted    |
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**PURSUANT** to section 126 of the Public Finance Management Act 2001 (Act), **I, TUIMALEALIIFANO VAALETOA SUALAUVI II**, Head of State, acting on the advice of Cabinet, **MAKE** these Regulations –

**DATED** this .....<sup>24<sup>th</sup></sup>..... day of **DECEMBER**.....2019.

  
.....  
(Tuimalealiifano Vaaletoa Sualauvi II)  
**HEAD OF STATE**

## **REGULATIONS**

**1. Citation and commencement** – (1) These Regulations may be cited as the Public Finance Management (Government Vehicles) Amendment Regulations 2019.

(2) These Regulations commence on the date they are signed by the Head of State.

**2. New Part 1 heading inserted** – Before regulation 1 of the Public Finance Management (Government Vehicles) Regulations 2015 (principal Regulations), insert:

### **“PART 1 PRELIMINARY”.**

**3. Regulation 2 amended** – (1) In regulation 2 of the principal Regulations:

(a) insert the following definitions in its correct alphabetical order:

““Government agency” has the same meaning in the Act, and includes:

(a) any entity or instrument of Government that is not under the oversight of the Public Service Commission nor subject to the Public Service Act 2004;

(b) a constitutional or statutory body;  
or

(c) an office with employees appointed under the Public Service Act 2004 and the heads of offices are appointed under other legislation;

“necessity” includes a circumstance determined by the Task Force to be critical to an office holder or required by a Ministry or public body given the nature of the work or service provided”;

“office” means a Government post or service;

“official” means duties or activities or any matter relating to the office and approved by the Chief Executive

Officer (or Acting Chief Executive Officer);  
 “overseas travel” means travel overseas for official purpose or personal;  
 “parts” means any part of a vehicle other than parts involving normal maintenance repairs;  
 “person” includes an office holder, employee, a relative or acquaintance or a company or body corporate;”  
 “traffic officer” means a police officer authorised to exercise powers under these Regulations and section 4 of the Road Traffic (Payment of Fines) Act 2009;”;

(b) for the definition of “acquaintance” substitute:

““acquaintance” includes a friend, colleague, an associate (or an individual who has an employment, business, social or professional connection or association with an office holder or public official) or any other person in a similar relationship or a person other than the spouse;”;

- (c) in the definition of “allocated vehicle”, after “vehicle” insert “(including a vehicle hired or rented by a Ministry or public body)”;
- (d) in the definition of “Assistant Chief Executive Officer”, for “in a public body” substitute “or other managerial position (howsoever called or categorised) in the organisational structure of a public body”;
- (e) omit the term and definition of “associate”;
- (f) in the definition of “drive”, for “to authorise” substitute “authorising”;
- (g) in the definition of “employee”, after “public body” insert “, including a person who is employed or engaged under a project, contract or otherwise”;
- (h) for the definition of “exempted services” substitute as follows:

““essential services” means any of the following services provided by a Ministry or public body for which a vehicle is used after hours for a lawful purpose:

- (a) health services (including pharmaceutical services offered at a public hospital);
- (b) fire suppression and prevention, emergency prevention and emergency response services;
- (c) shipping services;
- (d) civil aviation services;
- (e) customs and quarantine services;
- (f) water services;
- (g) electricity services;
- (h) services related to elections carried out by the Electoral Commissioner, his or her staff and such assistants working under his or her direction during elections; or
- (i) road and traffic maintenance works carried out by engineers employed by the Land Transport Authority;
- (j) any other service approved by the Task Force as an essential service;”;

(i) for the definition of “Ministry” substitute:

““Ministry” has the same meaning as “department” as defined in the Act, and includes:

- (a) the members of Judiciary; and
- (b) a Government agency;”;

(j) for the definition of “office holder”, substitute:

““office holder” means a person who holds a public office entitled to a vehicle under regulation 3(2);”;



- (k) in the definition of “prohibited accessory or part”;
- (i) in paragraphs (b) and (f), for “stylish” substitute “sophisticated” wherever appearing;
- (ii) in paragraph (i), for “is” substitute “the Task Force considers”;
- (l) for the definition of “public holiday” substitute:
  - ““public holiday” means a public holiday under the Public Holidays Act 2008 and includes a holiday authorised by the Public Service Commission;”;
- (m) in the definition of “spouse” after “Samoa” insert “or a partner in a *de-facto* relationship”;
- (n) in the definition of “vehicle” after “Development Partners” insert “or funded from any other source or form of public money”.

**4. New Part 2 heading inserted** – After regulation 2 of the principal Regulations, insert a new Part Heading as follows:

**“PART 2  
REQUIREMENTS ON USE OF VEHICLES”.**

**5. Regulation 3 substituted** – For regulation 3 of the principal Regulations, substitute:

**“3. Officials entitled to vehicles** – (1) An office holder specified in this regulation is entitled to be allocated a vehicle each for their office or personal use, or both, except for a Chief Executive Officer who:

- (a) during normal working hours, must use the allocated vehicle for office matters; and
- (b) may, with reasonable regard, use the allocated vehicle for personal matters during after hours or while he or she is taking local leave.

(2) With the exception of the Head of State, a Member of the Council of Deputies and the Prime

Minister, the following office holders are entitled to 1 vehicle each as follows:

- (a) for a Cabinet Minister and the Chief Justice, entitle to a Standard Full-Size Four-Wheel Drive Prado SUV (not fully loaded);
- (b) for the following office holders, entitle to a Standard Double Cab vehicle (not fully loaded):
  - (i) an Associate Minister;
  - (ii) the President of the Land and Titles Court;
  - (iii) the Speaker and the Deputy Speaker of the Legislative Assembly;
  - (iv) the Leader of the Opposition in Parliament;
- (c) for the following office holders, entitle to a Standard Small-Size Four-Wheel Drive SUV (not fully loaded):
  - (i) a Judge of the Supreme Court, the District Court or the Family Court;
  - (ii) a Chief Executive Officer, provided that the cost of his or her vehicle does not exceed \$100,000.

(3) The costs associated with the purchasing of a vehicle allocated to an office holder shall be borne by the relevant Ministry and the Chief Executive Officer of that Ministry is responsible for ensuring that allocation of vehicles in subregulation (2) is complied with.

(4) The number of vehicles for the following office holders are as provided for in accordance with the Head of State Act 1965, and the type of vehicle are as follows:

- (a) the Head of State is entitled to 2 vehicles, one of which is the official vehicle which shall be a Standard Full-Size Four-Wheel Drive SUV (not fully loaded) rated highest than the Prado SUV allocated to a

Cabinet Minister and the Chief Justice; and

- (b) a Member of the Council of Deputies is entitled to 1 vehicle which may be a Standard Full-Size Four-Wheel Drive Prado SUV (not fully loaded) or other type of vehicle as determined by the Cabinet.

(5) The Prime Minister is entitled to a number and type of vehicles as determined by Cabinet, provided that the official vehicle is a Standard Full-Size Four-Wheel Drive SUV (not fully loaded) rated highest than the Prado SUV allocated to a Cabinet Minister and the Chief Justice).

(6) An office holder specified in subregulation (2):

- (a) must hold a valid driver's licence; and
- (b) must return the vehicle to the relevant Ministry or public body, within 1 week of any of the following events occurring:
  - (i) he or she is removed or suspended (except for a Chief Executive Officer when suspended, the vehicle is to be returned after 1 month); or
  - (ii) he or she resigns from office; or
  - (iii) upon the expiry of their term of office, they are not reappointed or re-elected; or
  - (iv) he or she dies; or
  - (v) there is a change in official responsibilities of an office holder.

(7) Before the Cabinet determines the types of vehicles under subregulation (5), the Cabinet must take into account:

- (a) a Treasury Report from the Chief Executive Officer of the Ministry of Finance on the cost-effectiveness and appropriateness of the procurement of any vehicle; and



(b) a report from the Task Force in line with any vehicle or other relevant policy (accompanying the Treasury Report in paragraph (a)).

(8) An office holder (other than a Chief Executive Officer) who cannot or is unable to drive the allocated vehicle:

(a) may authorise, in writing, a relative or other person ("assigned driver") to drive the vehicle for him or her;

(b) must provide notification of the assigned driver to the Task Force for approval; and

(c) is jointly and severally liable with the assigned driver for any matter or act arising out of the authorisation to drive the vehicle.

(9) The office holder is responsible for costs or wages in respect of an assigned driver authorised under subregulation (8).

(10) In considering whether or not to grant approval under subregulation (8)(b), the Task Force may require further information or make inquiries into the matter."

**6. New regulations 3A, 3B and 3C inserted – After regulation 3 of the principal Regulations, insert:**

**"3A. Purchase of allocated vehicle by office holders is prohibited –** A vehicle allocated to an office holder in regulation 3 cannot be purchased by that office holder at any time or upon the occurrence of any of the events specified in regulation 3B(2).

**3B. Dissolution of Parliament and vacancy –**

**(1) Following dissolution of Parliament:**

(a) the following office holders continue to use the allocated vehicle under the same conditions applying prior to dissolution of Parliament until he or she is removed (including suspension) or resigns from office or his or her term of office expires or he or she dies or is not reappointed or re-elected or a change in



official responsibilities of an office holder:

- (i) the Head of State;
  - (ii) a Member of the Council of Deputies;
  - (iii) the Prime Minister;
  - (iv) a Cabinet Minister;
  - (v) the Chief Justice;
  - (vi) a Judge of the Supreme Court, the District Court or the Family Court; and
  - (vii) the President of the Land and Titles Court.
- (b) the following office holders must return the allocated vehicle to the relevant Ministry or public body, within 1 week from the date of dissolution of Parliament:
- (i) an Associate Minister (also known as Parliamentary Under-Secretary); and
  - (ii) the Speaker and Deputy Speaker of Parliament; and
  - (iii) the Leader of Opposition.

(2) Where any of the following events occur in respect of an office holder the allocated vehicle must be returned within 1 week from the date that either event occurs:

- (a) he or she is removed or suspended; or
- (b) he or she resigns from office; or
- (c) his or her term of office expires; or
- (d) he or she is not re-appointed or re-elected; or
- (e) he or she dies; or
- (f) there is a change in official responsibilities or portfolio.

(3) Despite subregulation (2), where a Chief Executive Officer is under investigation and suspended, he or she must return the allocated vehicle after 1 month from the effective date of the suspension.

(4) The requirements under these Regulations (other than those specified in subregulation (1)) continue to apply where relevant.

**3C. Damages to allocated vehicle – (1)** An office holder must report to the relevant Ministry or public body any damage to an allocated vehicle

occurring at any time during his or her terms of office.

(2) Where a report is made by an office holder in subregulation (1), the relevant Ministry or public body must, by way of an irregularity report, refer the matter to the Chief Executive Officer of the Ministry of Finance, within 24 hours of the incident being reported, to be dealt with in accordance with the Act.

(3) An office holder shall, upon return of an allocated vehicle under these Regulations, be responsible for any damages to, or loss of, an allocated vehicle, if the damage or loss is unreported prior to, and only discovered on, the date upon which the allocated vehicle is returned.

(4) Any monies required to be paid by an office holder under this regulation may be recovered:

- (a) as a debt to Government through legal proceedings or other method as agreed by the relevant parties; or
- (b) as directed by the Chief Executive Officer of the Ministry of Finance, by way of deduction from any monies (including monies arising out of his or her employment by the Government) payable to that person by the Government.”.

**7. Regulation 4 substituted** – For regulation 4 of the principal Regulations, substitute:

**“4. Use of vehicle by Chief Executive Officers and Acting Chief Executive Officers – (1)** If a Chief Executive Officer is on overseas travel or taking local leave, an Acting Chief Executive Officer, during the time he or she is acting in that capacity:

- (a) except as provided in subregulation (6), is entitled to access a vehicle to use only for office matters, until the Chief Executive Officer resumes work or is reinstated; and
- (b) must arrange in writing with the relevant personnel of the Ministry or public body concerned, a vehicle appropriate for his or her use.

(2) A vehicle arranged for an Acting Chief Executive Officer in subregulation (1) does not include the vehicle allocated to a Chief Executive Officer:

- (a) even if the Chief Executive Officer is on overseas travel or taking local leave; or
- (b) unless the Chief Executive Officer is no longer entitled to a vehicle for any of the following reasons:
  - (i) he or she has been suspended pending completion of an investigation; or
  - (ii) he or she has not been reinstated or that his or her term of office has expired and he or she is not reappointed or his or her employment has been terminated; or
  - (iii) he or she has resigned from office; or
  - (iv) he or she dies,

and in which case, the Acting Chief Executive Officer may use the vehicle until a successor is appointed.

(3) A Chief Executive Officer who cannot or is unable to drive the allocated vehicle:

- (a) must, during normal working hours, designate, in writing, a driver of the Ministry or public body concerned to drive the vehicle for Chief Executive Officer; and
- (b) may, during after hours, authorise, in writing, the designated driver of the Ministry or public body concerned or a relative ("assigned driver") to drive the vehicle for the Chief Executive Officer, provided that the Chief Executive Officer submits formal notification of such to the Task Force for approval; and
- (c) is jointly and severally liable with the assigned driver for any matter or act arising out of the designation or authorisation to drive the vehicle.

(4) The Chief Executive Officer is responsible for costs or wages in respect of an assigned driver authorised under subregulation (4).



(5) In considering whether or not to grant approval under subregulation (3)(b), the Task Force may require further information or make inquiries into the matter.

(6) An Acting Chief Executive Officer who cannot or is unable to drive a vehicle arranged for his or her use in subregulation (2):

- (a) is not entitled to authorise a relative to drive the vehicle on his or her behalf; and
- (b) must, if he or she requires transportation for any office matter, designate a driver of the Ministry or public body concerned, to drive the vehicle on his or her behalf.”.

**8. New regulations 4A and 4B inserted –** After regulation 4 of the principal Regulations, insert:

**“4A. Use of vehicles by employees –** (1) An employee (other than a Chief Executive Officer or Acting Chief Executive Officer or a designated driver) must not use a vehicle (including a vehicle hired or rented by a Ministry or public body) at any time:

- (a) except for official matters or for the purpose of carrying out an essential service during:
  - (i) normal working hours; or
  - (ii) after hours, with prior written approval of the Chief Executive Officer or Acting Chief Executive Officer; and
- (b) unless the designated driver is unavailable or absent from duty.

(2) An approval in subregulation (1)(a)(ii) must be in the Form set out in Schedule 1 and in accordance with regulation 4B.

(3) An employee authorised to use a vehicle for an essential service:

- (a) must obtain the Chief Executive Officer’s written approval on the appropriate vehicle for the essential service; and
- (b) must comply with the same requirements applying to the use of a vehicle during normal working hours

and after hours, as set out in these Regulations.

(4) An employee or designated driver must, before or after he or she drives a vehicle, complete a running sheet, timesheet or any other form as required by the Task Force.

(5) The Chief Executive Officer must ensure that a list of employees, designated drivers or assigned drivers authorised to drive a vehicle are forwarded, on an annual basis (unless any changes arise which requires an immediate update) to the Task Force for information and record.

(6) A traffic officer may stop a vehicle and request proof of authorisation or any documentation regarding the use of a vehicle, and, if not provided with the required proof or that he or she is not satisfied with the information provided, the traffic officer shall, on the next working day following, report the incident to the Commissioner of Police (who then reports the same matter to the Task Force for referral of the matter to be dealt with by the Ministry or public body concerned).

**4B. After hour use of vehicles –** (1) A designated driver or an employee authorised to use a vehicle after hours must:

- (a) complete the Form in Schedule 1; and
- (b) carry the Form at all times while the vehicle is in use, until the vehicle is parked and garaged at office premises by the end time specified in the Form; and
- (c) ensure that a sign indicating “AUTHORISED VEHICLE” is approved by the Chief Executive Officer and is displayed in accordance with subregulation (3)(a) or (b).

(2) A designated driver or employee authorised to use a private vehicle hired or rented by a Ministry or public body, must ensure that the vehicle displays, during normal working hours and after hours, the sign “AUTHORISED VEHICLE” in accordance with this regulation.

(3) The sign "AUTHORISED VEHICLE" shall:

- (a) be in uppercases, bold and black font and on a white paper or cardboard comprising a width of 210mm and covering the bottom length of the windscreen on the inside; or
- (b) be in any other form and manner approved by the Chief Executive Officer; and
- (c) be arranged at the expense of the Ministry or public body concerned.

(4) A traffic officer may stop a vehicle (including a private vehicle hired or rented by a Ministry or public body) that does not display an "AUTHORISED VEHICLE" sign, request documentation from the driver on the use of the vehicle.

(5) If a traffic officer is not provided with the necessary information or documentation or that he or she is not satisfied with the information provided, the traffic officer must, on the next working day following, report the incident to the Commissioner of Police (who then reports the same matter to the Task Force for referral of the matter to be dealt with by the Ministry or public body concerned).".

**9. Regulations 5 substituted** – For regulation 5 of the principal Regulations, substitute:

**"5. Use of vehicle by relatives or acquaintances** – (1) The relative (other than the spouse) or acquaintance of:

- (a) an Associate Minister or a Chief Executive Officer must not use the vehicle allocated to be used by the Associate Minister or the Chief Executive Officer;
- (b) an office holder (other than an Associate Minister or a Chief Executive Officer) may use the vehicle allocated to the office holder if he or she is accompanied by the office holder and holds a valid driver's license.



(2) Subregulation (1) does not apply to a relative authorised as an “assigned driver” under regulation 4(3)(b).

(3) The spouse of an office holder may use the allocated vehicle at any time on a day that the office holder is taking local leave, or during after-hours only on a day that the office holder is present for work during working hours, provided that the spouse holds a valid driver’s licence.

(4) The relative or acquaintance of:

- (a) an Acting Chief Executive Officer;
- (b) an employee;
- (c) a designated driver; or
- (d) an assigned driver,

is prohibited from using any vehicle.”.

**10. Regulations 6 amended** – In regulation 6(1) of the principal Regulations:

- (a) after “A person” insert “(including an office holder or employee)”;
- (b) for “an activity” substitute “elections or any activity”.

**11. New Part 3 heading inserted** – After regulation 6 of the principal Regulations, insert a new Part Heading as follows:

**“PART 3  
SALE AND PURCHASE OF VEHICLES (OR  
PARTS)”.**

**12. Regulations 7 and 8 substituted** – For regulations 7 and 8 of the principal Regulations, substitute:

**“7. Buying of vehicles (or parts)** – A Ministry or public body seeking to buy a vehicle (or any part or component of a vehicle) must comply with the procedure in Schedule 2.

**8. Sale of vehicles (or parts)** – A Ministry or public body seeking to sell a vehicle (or any part or component of a vehicle) must comply with the procedure in Schedule 3.”.

**13. New Part 4 heading inserted** – After regulation 8 of the principal Regulations, insert a new Part Heading as follows:

**“PART 4  
VEHICLE POLICY TASK FORCE”.**

**14. Regulations 9 and 10 substituted** – For regulations 9 and 10 of the principal Regulations, substitute:

**“9. Establishment of the Task Force– (1)** The Vehicle Policy Task Force is established consisting of the following members:

- (a) the Chief Executive Officer of the Ministry of Finance, as Chairperson;
- (b) the Commissioner of Police;
- (c) the Chairperson of the Public Service Commission (or howsoever called);
- (d) the Chief Executive Officer of the Ministry of Prime Minister and Cabinet;
- (e) the Chief Executive Officer of the Ministry for Public Enterprises.

**(2)** Despite subregulation (1), the Cabinet may approve other members of the Task Force as it sees appropriate.

**(3)** A member who is unable to attend a meeting may send a representative to the meeting and the representative may exercise all the powers and rights of the member in that meeting, except to chair a meeting.

**(4)** A meeting of the Task Force shall be convened by the Chairperson or as requested by another member.

**(5)** In the absence of the Chairperson of the Task Force, any of the Chief Executive Officers or Chairperson of the Public Service Commission, present at a meeting of the Task Force shall agree to act as Deputy Chairperson.

**(6)** The Task Force may invite any person to advise the Task Force on any matter relating to these Regulations.

**(7)** A senior officer of the Ministry of Finance shall be designated by the Chief Executive Officer of the Ministry of Finance as Secretary to the Task Force.

**(8)** The Task Force may set its own procedures.

**10. Duties and functions of the Task Force –**

**(1)** The functions of the Task Force are:

- (a) to supervise the use of vehicles;
- (b) to provide a report to Cabinet (if required or when necessary) on the use of vehicles;
- (c) to develop policies regarding the use of, sale and disposal of, vehicles;
- (d) to set guidelines and procedures relating to the use of vehicles;
- (e) to facilitate any trainings or awareness relating to the use of vehicle; and
- (f) to carry out any other functions assigned to it by the Minister of Finance or Cabinet.

**(2)** The Task Force must submit a report to Cabinet on a breach or penalty in relation to any matter under these Regulations.”.

**15. New Part 5 heading inserted –** After regulation 10 of the principal Regulations, insert a new Part Heading as follows:

**“PART 5  
OTHER REQUIREMENTS”.**

**16. Regulations 11 and 12 substituted –** For regulations 11 and 12 of the principal Regulations, substitute:

**“11. Parking and garaging of vehicles – (1)** A Chief Executive Officer (or a person authorised by the Chief Executive Officer) must ensure that all vehicles (including a vehicle hired or rented by a Ministry or public body) are parked or garaged within office premises or compounds at the end of the normal working hours except for:

- (a) a vehicle approved by the Chief Executive Officer to be used after hours for official duties or essential services; or
- (b) an allocated vehicle.

**(2)** An office holder who intends or is expected to travel overseas shall ensure that his or her



allocated vehicle is parked and garaged at or within office premises or compounds until he or she returns.

(3) A designated driver or an employee authorised to use a vehicle under subregulation (1)(a) must ensure that the vehicle is garaged immediately after the end time specified in a Form completed and approved for after hour use.

(4) A traffic officer may, if he or she sees that the end time specified in the Form has expired, stop a vehicle and direct the designated driver or an employee authorised to use the vehicle:

(a) to have the vehicle parked and garaged immediately within office premises or compounds; or

(b) if the office premises or compounds is closed, to park or cause the vehicle to be parked at the Ministry of Police premises or other premises suitable and secure for parking of Government vehicles as advised by the police officer; or

(c) impound a vehicle under regulation 15E.

(5) A traffic officer must, on the next working day following, report the incident to the Commissioner of Police (who then reports the same matter to the Task Force for referral of the matter to be dealt with by the Ministry or public body concerned).

**12. Accessories and additional parts – (1)** A Chief Executive Officer must ensure that any prohibited accessory or part is not affixed to or displayed on any vehicle.

(2) Subregulation (1) does not prevent the addition or affixing to a vehicle of side steps or other accessory or part as approved by the Task Force on reason of necessity.

(3) An office holder, designated driver or an employee authorised to use a vehicle must carry at all times while the vehicle is in use, a copy of any approval by the Task Force of an accessory or part under subregulation (2).

(4) A traffic officer may stop a vehicle and cause to be removed any prohibited accessory or

part that is affixed or displayed on a vehicle, and any accessory or part removed is to be taken to:

- (a) the Ministry of Finance for storage at Vaimea; or
- (b) the Ministry of Police for storage at the Ministry's premises; or
- (c) any other place suitable for storage of Government assets as advised by the Task Force.

(5) In relation to an incident occurring in subregulation (4), the traffic officer must report on the next working day following, any incident and details relating to any prohibited accessory or part removed and confiscated, to the Commissioner of Police (who then reports the same matter (including details relating to any prohibited accessory or part removed or confiscated) to the Task Force for referral of the matter to be dealt with by the Ministry or public body concerned).

(6) If a prohibited accessory or part cannot be easily removed at the time when a traffic officer instructs the driver of a vehicle to do so, the traffic officer shall:

- (a) instruct the driver of the vehicle to remove, or ensure removal of, the prohibited accessory or part within 2 weeks from the date the instructions are given; and
- (b) report, on the next working day following, any incident and details relating to any prohibited accessory or part removed and confiscated, to the Commissioner of Police (who then reports the same matter (including details relating to any prohibited accessory or part removed or confiscated) to the Task Force for referral of the matter to be dealt with by the Ministry or public body concerned).".

**17. Regulations 13 amended** – In regulation 13 of the principal Regulations:

- (a) in subregulation (2):

- (i) insert “the Chief Executive Officer must ensure that” before “the name of the Ministry”; and
- (ii) for the fullstop at the end of paragraph (b), substitute as follows:

“, and the cost of which is borne by the relevant Ministry or public body.”;

- (b) after subregulation (2), insert:

“(2A) The allocated vehicle of the Chief Executive Officer must indicate the initials of the department in capital letters followed by the digits “01”;

- (c) in subregulation (3)(b), after “otherwise,” insert “in writing,”;
- (d) for subregulation (5), substitute:

“(5) The costs associated with insurance, registration and licensing of:

- (a) a vehicle used by a Ministry; and
- (b) a vehicle used by the Chief Executive Officer of a Ministry; and
- (c) a vehicle allocated to an office holder,

shall be borne by the relevant Ministry.”;

- (e) after subregulation (5), insert:

“(6) A public body is responsible only for costs associated with insurance, registration and licensing of a vehicle used by the public body or the Chief Executive Officer of that public body.”.

**18. Regulations 14 amended** – In regulation 14 of the principal Regulations:

- (a) for subregulation (1), substitute the following:

“(1) The following vehicles are required to be fuelled at a petrol station (leased or owned by the Government) unless otherwise



determined by the Chief Executive Officer of the Ministry of Finance:

- (a) a vehicle with a government registration number plate; and
- (b) any private vehicle rented or hired by a Ministry or public body if the fuelling is approved by the Chief Executive Officer and that vehicle displays the sign "AUTHORISED VEHICLE" approved under regulation 4B; and
- (c) a vehicle with a private registration number approved under regulation 13(3) and verified by the Ministry of Finance.”;

(b) for subregulation (2), substitute:

“(2) The costs associated with fuelling of:

- (a) a vehicle used by a Ministry; and
- (b) a vehicle used by the Chief Executive Officer of that Ministry; and
- (c) a vehicle allocated to an office holder,

shall be borne by the relevant Ministry, and any fuelling allowance provided for in the Ministry’s budget shall not exceed \$5,000.”.

(3) A public body is responsible only for costs associated with fuelling of a vehicle used by the public body or the Chief Executive Officer of that public body.”.

**19. Regulations 15 amended** – In regulation 15 of the principal Regulations:

- (a) for the regulation heading, substitute **“Supervision and maintenance of vehicles”**;
- (b) in subregulation (1), for “its Chief Executive Officer” substitute “the Chief Executive Officer of that public body.”;
- (c) for subregulation (2), substitute:

“(2) The costs associated with supervision and maintenance of:

- (a) a vehicle used by a Ministry;  
and
- (b) a vehicle used by the Chief Executive Officer of that Ministry; and
- (c) a vehicle allocated to an office holder,

shall be borne by the relevant Ministry.”.

(3) A public body is responsible only for costs associated with supervision and maintenance of a vehicle used by the public body or the Chief Executive Officer of that public body.”.

**20. New regulations 15A and 15B inserted** –After regulation 15 of the principal Regulations, insert:

**“15A. Quarterly reports** – A Ministry or public body is required to submit to the Task Force, quarterly reports, in regards the use, and costs associated with the use, of any vehicle funded by, or under the custody of, that Ministry or public body.

**15B. Register** – The Chief Executive Officer of a Ministry or public body must ensure that a register is kept of all vehicles:

- (a) used by the Ministry or public body; or
- (b) for which the Ministry is responsible for;  
or
- (c) under the responsibility of that Chief Executive Officer.”.

**21. New Part 6 inserted** - Before regulation 16 of the principal Regulations, insert a new Part 6 as follows:

## **“PART 6 MISCELLANEOUS**

**15C. Reporting of offences** – (1) Any person who has knowledge of any circumstances which may cause him or her to consider that an offence under these Regulations may have occurred shall report those circumstances to the Chief Executive Officer of the Ministry of Finance or Task Force.

(2) A person who in good faith alleges a breach of these Regulations is immune from civil suit and shall not be penalised in any way (whether the allegation is proved or not) because of his or her actions in reporting the matter.

**15D. Arrests – (1)** Where a police officer finds or believes on reasonable grounds that a person has committed an offence under these Regulations, the police officer may without warrant arrest that person.

(2) The relevant provisions of Part 4 of the Crimes Act 2013 (relating to justification or exercise in the arrest of any person) applies to an arrest made under these Regulations.

**15E. Impounding of vehicles – (1)** Where a traffic officer discovers or has reasonable grounds to believe that a vehicle is used in breach of these Regulations or any other law, he or she may impound or seize any such vehicle and report the incident to the Commissioner of Police (who then reports the same matter to the Task Force for referral of the matter to be dealt with by the Ministry or public body concerned).

(2) Upon receipt of a referral from the Task Force, the Ministry or public body concerned shall liaise directly with the Ministry of Police in regards to the following:

- (a) the party responsible for the breach which resulted in the impoundment; and
- (b) any remedial action to be undertaken by the party responsible; and
- (c) any costs associated with the impoundment; and
- (d) release of the vehicle.”.

**22. Regulations 16 and 17 substituted –** For regulations 16 and 17 of the principal Regulations, substitute as follows:

**“16. Offences and penalties– (1)** It is an offence:

- (a) if an office holder or person authorised to operate a vehicle (including an



- assigned driver) uses or operates an allocated vehicle without a valid driver's licence;
- (b) if an office holder (or if the office holder is deceased, the person who has custody of the vehicle) fails to return the vehicle to the relevant Ministry or public body within the required timeframe as per regulation 3;
  - (c) if an Associate Minister or the Speaker or the Deputy Speaker of Parliament, or Leader of Opposition fail to return the allocated vehicle within the required timeframe as per regulation 3B;
  - (d) if a person uses a vehicle while he or she is neither the Chief Executive Officer (or Acting Chief Executive Officer) nor a designated driver, an assigned driver, or otherwise contrary to the requirements in regulation 4;
  - (e) if an employee uses a vehicle other than for purposes, or at times, permitted in regulation 4A;
  - (f) if a person displays an "AUTHORISED VEHICLE" sign contrary to regulation 4B;
  - (g) if a person uses a vehicle after hours contrary to a written approval or instruction of the Chief Executive Officer (or Acting Chief Executive Officer) set out in the Form for After Hour Use as required under regulation 4B;
  - (h) if a relative or an acquaintance of an Associate Minister or Chief Executive Officer uses a vehicle allocated to the Associate Minister or Chief Executive Officer while he or she is neither a spouse or an assigned driver as per regulations 4 and 5;
  - (i) if a relative or acquaintance of an office holder (other than an Associate

Minister or Chief Executive Officer) uses an allocated vehicle without a valid driver's licence nor accompanied by an office holder as required under regulation 5;

- (j) if a spouse of an office holder uses a vehicle allocated to that office holder contrary to regulation 5;
- (k) if a relative or acquaintance of an Acting Chief Executive Officer, employee, a designated driver or an assigned driver uses (or causes to be used) a vehicle contrary to regulation 5;
- (l) if a person (including an office holder or employee) uses a vehicle contrary to regulation 6;
- (m) if a person sells or buys a vehicle (or parts of a vehicle) contrary to regulations 7 and 8, respectively;
- (n) if a driver of a vehicle fails to comply with a direction issued in regulation 12;
- (o) if any person acts, or causes another person to act, in contravention of these Regulations.

(2) It is a defence for any person if he or she satisfies the Court:

- (a) that there was reasonable attempt by him or her to ensure compliance of any matter required of him or her under these Regulations; or
- (b) that a person authorised to use the vehicle acted in contravention of the Regulations despite lawful instructions issued by him or her regarding the use of the vehicle.

(3) A person who commits an offence under these Regulations is liable upon conviction to a fine not exceeding 100 penalty units or imprisonment for 12 months, or both.

(4) A person shall not be prosecuted for an offence under these Regulations without the leave in writing of the Chairperson of the Task Force, who before giving leave may make any inquiries the Task Force thinks fit.

(5) A breach of these Regulations may also be a ground:

- (a) for disciplinary action under the Public Service Act 2004 (in the case of Ministry) or in accordance with applicable procedures or guidelines developed (in the case of a public body or Government agency not subject to the Public Service Act 2004); or
- (b) a surcharge under the Act for loss or destruction of, or damage to, a vehicle.

(6) For the purpose of subregulation (4), if a public body or Government agency that does not subject to the Public Service Act 2004 have no disciplinary procedures or guidelines in place, they must adopt procedures of the Public Service Commission.

**16A. Surcharge and disciplinary action – (1)**

If, at any time, it appears to the Chief Executive Officer of the Ministry of Finance that the following acts have been committed, he or she may surcharge the person under the Act:

- (a) if an office holder uses (or continues to use) a vehicle other than as permitted or allocated under regulation 3;
- (b) if a Chief Executive Officer fails to ensure compliance, or knowingly authorises allocation of a vehicle contrary to, regulation 3;
- (c) if an office holder fails:
  - (i) to report any loss or damage to a vehicle allocated to him or her in accordance with regulation 3C; or
  - (ii) to pay any costs for damage or loss unreported as per regulation 3C;
- (d) if an employee who is authorised to drive or a designated driver, fails to complete a running sheet, timesheet



- or other required form, as per regulation 4A;
- (e) if a Chief Executive Officer fails to provide the Task Force a list of employees, designated drivers or assigned drivers as per regulation 4A;
  - (f) if a designated driver or an employee who is authorised to drive a vehicle after hours, fails:
    - (i) to complete the Form for After Hour Use and carry the Form at all times while the vehicle is in use until the same is parked and garaged at the end time specified in the Form as required in regulation 4B; and
    - (ii) to ensure that the "AUTHORISED VEHICLE" sign is approved by the Chief Executive Officer (or Acting Chief Executive Officer) and displayed according to regulation 4B;
  - (g) if a designated driver or an employee who is authorised to drive a private vehicle hired or rented by a Ministry or public body concerned, fails to display the "AUTHORISED VEHICLE" sign in accordance with regulation 4B;
  - (h) if an office holder fails to comply with regulation 11;
  - (i) if a designated driver or an employee who is authorised to drive a vehicle after hours fails to comply with regulation 11;
  - (j) if a designated driver or an employee who is authorised to drive fails to comply with the conditions for use of the vehicle as approved by the relevant Chief Executive Officer (or person authorised by the Chief

- Executive Officer) under these Regulations;
- (k) if a Chief Executive Officer fails to comply with a decision of the Task Force to ensure the parking or garaging of a vehicle under the control of that Chief Executive Officer;
  - (l) if a Chief Executive Officer fails to ensure compliance with regulation 12;
  - (m) if an office holder, a designated driver or an employee who is authorised to drive a vehicle, fails:
    - (i) to carry at all times while the vehicle is in use; and
    - (ii) to present when required by a traffic officer,a copy of the Task Force's approval for a prohibited accessory or part to be affixed to the vehicle as per regulation 12;
  - (n) if a Chief Executive Officer fails to comply with a decision of the Task Force to ensure removal of a prohibited accessory or part of a vehicle as per regulation 12.
- (2) Without limiting subregulation (1), the Chief Executive Officer of the Ministry of Finance may refer a matter for disciplinary action:
- (a) to the Public Service Commission (in the case of a person employed under the Public Service Act 2004), or in accordance with applicable procedures or guidelines developed (in the case of a person employed by a public body or Government agency not subject to the Public Service Act 2004); or
  - (b) to the relevant appointing authority by whom an office holder is appointed, or the relevant committee or body responsible for inquiries or findings made into the conduct or ethics of an office holder.”.

**17. Transitional provision – (1)** At the commencement of these Regulations a vehicle that has a prohibited accessory or part, continues to be used until the vehicle or its license or registration is renewed or replaced, or it is removed as directed by the Chief Executive Officer.

**(2)** A person is not liable for any prohibited accessory attached to a vehicle before the commencement of these Regulations.

**23. General amendments –** A reference to:

- (a) “Taskforce” in the Regulations to be substituted with “Task Force”.
- (b) “exempted services” to be substituted with “essential services”.

**24. Saving and transitional –** Any decision by the Task Force approving addition to be affixed to a vehicle of side steps or other accessory or part on reason of necessity made before the commencement of these Regulations are validated and taken to be made under these Regulations.

**25. Schedule substituted –** For the Schedule of the principal Regulations, substitute:

**“SCHEDULE 1  
(Regulation 4B)**

**FORM FOR AFTER HOUR USE OF  
VEHICLES**



**Government of Samoa**



**FORM FOR AFTER HOUR USE OF  
GOVERNMENT VEHICLES**

(Form must be filled out by Divisional  
Head/Manager and Human Resource  
Coordinator (HRC))

**Section 1: Driver Information:**

(Information of the person who will be  
handling the vehicle after hours)

Name:	Designation:	Department /Public Body:	Licence Plate Number:	Driver's License Number and Expiry Date:

**Section 2: Vehicle Information:**

(Vehicle that is to be used after hours)

Licence Plate Number:	Make and Model of vehicle:
Brief Description of vehicle:	

**Section 3: Information on Use of  
Vehicle After Hours**

(To be filled out by Divisional  
Head/Manager)

Date:	Duration:	Start Time:	End Time:
Purpose for after hour use:			
Location or route of vehicle for after hour use:			

**Section 4: Endorsement by the  
Divisional Head/Manager**

Comments:

<input type="checkbox"/> Endorsed	Signature:	Date:
<input type="checkbox"/> Not Endorsed		

**Section 5: Approval of CEO (or Delegate) for After Hour Use**

Comments:		
<input type="checkbox"/> Endorsed	Signature:	Date:
<input type="checkbox"/> Not Endorsed		

**Section 6: Approval of CEO (or Delegate) of "AUTHORISED SIGN"**

Comments (including whether to apply the size, font, appearance and display of the sign as prescribed in the Regulations, or CEO to specify his/her preference of the size, font, appearance and display of the sign):		
<input type="checkbox"/> Endorsed	Signature:	Date:
<input type="checkbox"/> Not Endorsed		

For purpose of Section 6 of this Form, a "Delegate" refers to a person who is Acting in the CEO's capacity or a person at principal or ACEO level authorised by the CEO."

**SCHEDULE 2**  
**(Regulation 7)**

**BUYING OF VEHICLES (OR PARTS)**

1. A Ministry or public body that wishes or intends to buy a vehicle (or any part or component of a vehicle) must:
  - (a) submit a request to the Task Force for a report from the Task Force in regards any vehicle or other relevant policy and requirements under these Regulations; and
  - (b) submit a request (accompanied by a copy of the Task Force's report in paragraph (a)) to the Ministry of Finance for a Treasury Report on:
    - (i) the cost effectiveness and appropriateness of procurement of a vehicle (or a part or component of a vehicle); and
    - (ii) consideration of the Government's Bulk Purchase Policy.
2. Once the reports required under item 1 have been acquired, the Ministry or public body must submit a Paper (accompanied by both reports required in item 1) to Cabinet for final endorsement. A request submitted to Cabinet without the required reports shall not be accepted for Cabinet's discussion, and deferred until the Ministry or public body obtains the required reports.
3. A request in item 1:
  - (a) must be in writing and set out the following:



- (i) a list of current vehicles used by the Ministry or public body; and
  - (ii) reasons why a particular type of vehicle (or part or component) is requested; and
  - (iii) any other matter required by the Chief Executive Officer of the Ministry of Finance; and
- (b) must, in the case of a public body, be accompanied by the relevant approval of the board.
- 4. Upon receipt of a request (and relevant reports) in item 1, the Cabinet shall discuss and deliberate.
- 5. Once a decision is reached, the Cabinet shall issue a Directive to effect its decision.
- 6. If Cabinet declines a request, its decision is final.
- 7. If Cabinet approves a request, the Ministry or public body proceeds (in liaison with the Ministry of Finance) with procurement of the requested vehicle (or part or component of vehicle) through:
  - (a) the Government Procurement Process (Tenders Board) if there are available funds; or
  - (b) a finance lease (arranged between the Ministry of Finance and a financial institution), if funds are unavailable.
- 8. For procurement of any vehicle by a Ministry or public body:
  - (a) the Treasury Instructions shall apply; and
  - (b) despite the threshold requirement in the B4 Schedule of the Treasury Instructions, any procurement by a public body relating to a vehicle (or part or component of a vehicle) must

be in line with the procedure set out in this Schedule.

### **SCHEDULE 3 (Regulation 8)**

#### **SALE OF VEHICLES (OR PARTS)**

##### **A. Request by a Ministry**

1. A Ministry must request to the Chief Executive Officer of the Ministry of Finance for a vehicle (or part of a vehicle) to be written off.
2. Once a vehicle (or any part or component of a vehicle) is written off, the Ministry of Finance submits a request to the Tenders Board regarding a fair and transparent method of disposal of the vehicle (or part or component of a vehicle) that has been written off.
3. A request in item 1 must be in writing and set out the following:
  - (a) reasons the vehicle (or part or component of vehicle) is to be sold;
  - (b) any other matter required by the Chief Executive Officer of the Ministry of Finance;
4. If the Tenders Board approves a vehicle (or part or component of a vehicle) to be disposed, the Ministry of Finance proceeds with the disposal of the vehicle (or part or component of a vehicle) through public auction or public tender, whichever of the two disposal methods is approved by the Tenders Board.
5. If a public auction is approved the Ministry must liaise with the Ministry of Finance:

- (a) to facilitate auctioning of the vehicles (in the case of vehicles in Savaii, the auction shall take place at an appropriate location in Savaii); and
  - (b) to ensure compliance with the procedures in the Government's Auction Framework Policy as determined by the Tenders Board.
- 6. The Ministry of Finance must submit a progress report (on the sale) to the Tenders Board for information and endorsement.
- 7. Before release of a vehicle to a successful bidder, the relevant Ministry and the Ministry Finance must ensure that transfer of ownership is complete, and Government license plate number or any label or thing on the vehicle identifying Government, is removed.

**B. Request by a public body**

- 1. A request by a public body must be submitted to the board of the public body concerned for a vehicle (or part of a vehicle) to be written off, and/or seek the board's approval regarding a fair and transparent disposal of the vehicle (or part or component of a vehicle) that has been written off.
- 2. A request in item 1 must be in writing and accompanied with written confirmation by the chief executive officer of the public body:
  - (a) that the sale is appropriate; and
  - (b) that the relevant process relating to writing off of assets has been followed; and
- 3. If the board approves a vehicle (or part or component of a vehicle) to be



- disposed, the public body proceeds with the disposal of the vehicle (or part or component of a vehicle) through public auction or public tender, whichever of the two disposal methods is approved by the board of the public body.
4. If a public auction is approved the public body must liaise with the Ministry of Finance:
    - (a) to facilitate auctioning of the vehicles (in the case of vehicles in Savaii, the auction shall take place at an appropriate location in Savaii); and
    - (b) to ensure compliance with the procedures in the Government's Auction Framework Policy as determined by the Tenders Board.
  5. The Ministry of Finance may require a fee to be paid by the public body for services rendered by the Ministry of Finance under Item 4.
  6. The Public Body must submit a progress report (on the sale) to the board of the public body for endorsement, and a copy to the Tenders Board for information.
  7. Before release of a vehicle to successful bidder, the public body must ensure that transfer of ownership is complete, and Government license plate number or any label or thing on the vehicle (or part or component of vehicle) identifying Government, is removed.”.