

SAMOA CLIMATE RESILIENT TRANSPORT PROJECT (SCRTP)

TERMS OF REFERENCE (TOR)

Project Title: Land Transport Legislative Review
Position: Legal Consultant – Individual Consulting Service
Hiring Agency: Ministry of Works, Transport & Infrastructure (MWTI) - Land Transport Division (LTD)
Expected Start Date: April 2026

A. PROJECT BACKGROUND

The Government of Samoa (GoS), in its commitment to consistently improving its governance framework, is seeking a Legal Consultant (consultant) to provide the following services. This consultant is required to draft new legislation and supporting regulations to reform and strengthen the legal framework governing land transport in Samoa. The objective is to establish a comprehensible, enforceable, and sustainable regulatory environment that enhances safety, efficiency, and resilience of the transport sector.

The assignment will focus on the review of current Land Transport Legislation and regulations and identify gaps, propose amendments to align with both national and international standards, and provide clear governance structures for land transport operations and asset management. The Consultant is also required to explicitly validate, follow, and operationalize all recommendations endorsed in Stage 1 Outputs – 1). Revenue Generation Position paper, 2) Roles and Requirements Position Paper and Policy Statement, Enviro and Legal 2025. Deliverables will include draft legislation, subordinate regulations, and guidance materials to support implementation.

This Terms of Reference (TOR) is undertaken within the framework of the Samoa Climate Resilient Transport Project (SCRTP), a World Bank-funded project and implemented in partnership with the Government of Samoa (GoS) through the Ministry of Works, Transport and Infrastructure (MWTI). This consultancy review of legislative frameworks for land transport falls under Component 3 of SCRTP, a description of the component is provided below

Component 3: Strengthening the Enabling Environment. This component of SCRTP will support institutional and regulatory reforms for road sector asset management and maintenance, including measures to strengthen local capacity, and to increase the sustainability of sector investments. In addition, this component will help to strengthen coordination among relevant institutions, will look at ways in which road sector management can be improved, and will address any emerging priority issues that can help support the Government in addressing climate change risks

B. OBJECTIVE

The objectives on this assignment include:

- To review current legislation and draft new land transport legislation with reference to principles discussed upon in Stage 1 outputs to improve land transport governance and operations whilst ensuring alignment with Samoa’s national transport policy;
- Develop supporting regulations to operationalize the new legislative framework taking into account climate resilience for Samoa’s land transport sector; and
- Clarify institutional roles and functions of MWTI and Land Transport Authority (LTA) and other key relevant stakeholders.

C. SCOPE OF WORK

The purpose of this activity is to provide advisory support and facilitation services to the GoS to improve the regulatory framework supporting the land transport in Samoa. The main focus of work that the consultant will be tasked to look into, is the specific roles and functions of MWTI and LTA (including the relevant key stakeholders) relative to land transport, which needs to be clearly defined and supported with an enabling legislative framework.

These activities will include but not be limited to the following tasks:

a. Document Review and Recommendation Report

- Conduct a literature review of all relevant documents as directed by the Ministry including the documents listed below;
 - Revenue Generation Position Paper, Enviro and Legal 2025
 - Roles and Requirement Position paper, Enviro and Legal 2025
 - Policy Statement, Enviro and Legal 2025
 - Comparative Review and Gap Analysis of Samoa's Laws and Regulations Related to Land Transport and Traffic, Stantec NZ, March 2020
 - Road Safety Management Capacity Assessment for Samoa, GDSF, WBG, UKAID 2020
 - Land Transport Authority Renewals and Depreciation Funding Gap Assessment DFAT, Aug 2018
 - Review of Land Transport Sector, Graham Powell, May 2015
 - Review of the Land Transport Sector: Comparison Report (Report No. 2)
 - Report on the Legislative Framework (Report No. 3)
- Prepare a recommendation report highlighting gaps, overlaps, and areas requiring legislative reform to strengthen the land transport governance framework based on the findings from the literature review; and
- In addition, prepare an inventory of all relevant laws and regulations presented as a legal mapping matrix showing overlaps, conflicts, potential impacts and gaps.

b. Consultation with MWTI to:

- Review the Ministry's existing organizational structure for the Land Transport Division and legislative responsibilities particularly the functions and roles of the Land Transport Division;
- Capture the Ministry's perspective on its governance structure, including the Ministry's vision of how its governance framework should evolve to better support land transport; and ensure horizontal consistency across transport modes by aligning land transport governance with existing arrangements in civil aviation and maritime. For instance, functions of these two transport modes are clearly defined in the Civil Aviation Act 1998 and the Shipping Act 1998 (together with Regulations and Rules/Codes); and
- Summarize the findings and perspectives in a memorandum for reference and further policy development.

c. Consultation with LTA to:

- Identify and document current functions and responsibilities of LTA, including overlaps and interfaces with MWTI, framework and operational inefficiencies and opportunities for improvement, taking into account LTA's position paper;
- Identify areas where legislative or regulatory support is weak, unclear, outdated, or absent;
- Discuss and provide a detailed assessment of legal and political sensitivities associated with defining responsibilities for national vs local roads, including implications for funding, operations, maintenance, and institutional accountability (collaboration with relevant stakeholders such as MLS, NPF etc.); and
- Summarize the findings and perspectives in a memorandum for reference and further policy development.

d. Develop preliminary proposals and recommendations for legislative provisions in response to the above findings from the consultations with both MWTI and LTA coupled with findings from the literature review, highlighting priority areas for further consultation and policy development as well as any proposed changes to current legislations in a report, including analysis of implementation feasibility such as:

- Mapping of existing and proposed reform roles pertaining to each relevant stakeholder;
- identification of mandates lacking clear legal authority;

- diagnosis of missing/weak enforcement powers;
- assessment of whether penalties are proportionate and enforceable;
- whether agencies (including other stakeholders such as MLS, MOPP, MOH, ACC, SFESA) can legally share data;
- environmental and social safeguard obligations; and
- whether inspection and seizure of powers are lawful.

The consultant shall identify any proposed legislative provisions that exceed existing statutory authority, or that may require Cabinet level or constitutional approval, and shall provide clear justification and analysis for such provisions.

- e. Facilitation of Combined Workshop with relevant Stakeholders
 - Present and discuss findings and recommendations summarized in the Legislative Proposals and Recommendation Report, Memorandum 1 and Memorandum 1 from the previous tasks;
 - Facilitate discussions on all functions and responsibilities pertaining to each stakeholder;
 - Collect feedback and consensus on proposed legislative reforms and proposed changes;
 - Consolidate possible recommendations into a draft framework for consideration by MWTI, LTA and OAG; and
 - Prepare a memorandum capturing the jointly agreed roles, functions, and responsibilities of each stakeholder, to formally reflect areas of consensus.

- f. Use the memorandum from the above tasks to assist with the Legislative Drafting and Enactment Process
 - Draft a new 'Land Transport Bill' that reflects the principles and recommendations and ensure alignment with the Office of the Attorney General's legislative drafting criteria;
 - Draft amendment bill to revise existing legislation to support the new Act(s) as required, and prepared revised regulations as may be required to support the draft Bill;
 - Draft any supporting Regulations as may be required pursuant to the new Bill;
 - Ensure consistency between the Bill, existing laws to be amended or repealed and new regulations;
 - Ensure that environmental and social safeguard obligations shall be operationalized through clear institutional responsibilities, compliance mechanisms, monitoring requirements, and enforcement provisions within the draft legislation;
 - Legislative Workshop to present the draft Bill and supporting regulations to relevant stakeholders, facilitate discussion and feedback, and incorporate necessary amendments to build consensus and secure support for enactment; Draft Bills and Regulations must be near final, legally vetted, and accompanied by concise explanatory notes suitable for Cabinet and Legislative Assembly consideration; and
 - Provide on-call technical support (flexible) to relevant Stakeholders as the draft Bill and draft amendment Bill are presented to and considered by the Legislative Assembly.

D. QUALIFICATION AND REQUIRED EXPERTISE

The Legal Consultant will be expected to possess the following qualifications, experience and skills:

- Bachelor of Laws or Legislative Draft qualification from a recognized Tertiary Institute;
- Minimum 15 years' experience in legislative drafting, developments of regulations, policy, and ordinance in the government sector, with experience in transport or infrastructure regulation;
- Current and sound knowledge of international best practice around legislative frameworks governing land transport, ideally in the Pacific Region, particularly as they pertain to land transport governance and responsibilities;
- Demonstrated knowledge of Samoa's legal processes and judicial system is essential;

- Demonstrated strong communication skills and persuasiveness in presenting, negotiating and resolving highly complex issues, both orally and in writing;
- Ability to deal sensitively in diverse environments and build effective working relations with the client and colleagues; and
- Fluency in written and verbal for both Samoan and English is essential.

E. DELIVERABLES AND TIMELINE

The Consultant will be required to deliver the following outputs / deliverables, with all activities anticipated to commence in April 2026 and reach completion by September 2026

OUTPUT	DELIVERABLES	CONTENT	TIMING	WEEK
1	Document Review / Recommendation Report	Review documents as instructed by MWTI and provide a recommendation report; validate, and operationalize all recommendations endorsed in Stage 1 Output; provide a legal mapping matrix of all relevant laws/regulations showing overlaps, conflicts, and gaps.	2 weeks after commencement	2
	Progress Reports	Monthly progress reports (1-page maximum).	End of month submission	
2	Consultation with MWTI – Memorandum 1	Review MWTI’s (LTD) current structure and roles, and capture its vision for evolving land transport governance.	1 week after completion of Output 1	3
3	Consultation with LTA – Memorandum 2	Assess LTA’s roles, overlaps with MWTI, operational inefficiencies, and gaps in legislative or regulatory support.	2 weeks after completion of Output 2	5
4	Development of Legislative Proposals and Recommendations Report	Develop preliminary legislative proposals and recommendations, highlighting priority reforms and changes in a report; including feasibility and authority checks covering mandates, enforcement powers, environmental and social safeguards, proportional penalties, data-sharing and inspection/seizure powers.	2 weeks after completion of Output 3	7
5	Combined Workshop with relevant stakeholders, Collective Feedback and Consensus, Draft Framework, Memorandum 3	Facilitate combined Workshop with relevant Stakeholders. Consolidation of possible recommendations into a draft framework. Provide memorandum capturing the jointly agreed functions, and roles of each stakeholder, to formally reflect areas of consensus	2 weeks after completion of Output 4	9
6	Draft new bill(s) and amendment bill(s)	Draft new Land Transport Bill along with associated amendment bills for current acts as required	4 weeks after completion of Output 5	13
7	Draft new Regulations	Draft new regulations required to support the bill(s)	2 weeks after completion of Output 6	15

8	Legislative Workshop, Explanatory Note	Workshop to present and seek agreement on draft bills and regulations from relevant Stakeholders (MWTI, LTA & OAG). Draft Bills and Regulations presented at the Legislative Workshop must be near final, legally vetted, and accompanied by concise explanatory notes suitable for Cabinet and Legislative Assembly consideration.	2 weeks after submission of Output 7	17
9	Final draft Bill(s) and amendment bill(s) Explanatory Note	Address and incorporate agreed comments/changes to the draft bills immediately following the workshop and finalize to facilitate OAG Review and Clearance and for the Consultant to prepare to deliver the final draft bill(s) and any amendment bill(s), Explanatory notes/Memo ready for submission to the Cabinet for endorsement before referral to OCLA	2 weeks after submission of Output 8	19
10	Support Submission to and review by the Legislative Assembly	As needed technical support during submission process	To be aligned with OCLA schedule	

All activities and outputs under this assignment shall be fully consistent with the Government of Samoa’s environmental and social laws and the World Bank’s applicable environmental and social safeguard requirements ensuring that proposed legal reforms integrate climate resilience, environmental protection, social inclusion, land and resettlement safeguards, and institutional responsibilities necessary for compliant and sustainable implementation

F. COORDINATION AND REPORTING

The Consultant shall report directly to MWTI, through the designated Project Coordinator (Land Transport Division) and coordinate regularly with the ACEO Legal for MWTI).

Primary Oversight:

- MWTI will provide overall supervision and guidance throughout the assignment.
- The OAG will provide final technical oversight on legislative drafting conventions, format, and compliance requirements.

Progress Reporting:

- The Consultant shall submit written progress reports and updates at agreed timeframes to MWTI to ensure alignment with project objectives
- Updates shall include a summary of activities undertaken, issues/challenges encountered, and proposed next steps

Deliverable Review:

- Drafts Outputs/deliverables will be reviewed by MWTI, LTA, OAG and World Bank Group
- Feedback will be provided within a reasonable timeframe to ensure timely revisions and finalization
- Deliverable revisions will have a limit of 3 versions including the final review.

Consultation/Workshop Reporting:

- Following each consultation/ workshop, the Consultant shall prepare a consultation memorandum summarizing discussions, findings, and recommendations.
- These memorandums shall be submitted to MWTI within five (5) working days of consultation/workshop completion.

Final Submission:

- The Consultant shall deliver the final legislative documentation and consolidated report to MWTI, with digital and hard copy formats provided to MWTI, LTA, OAG and the World Bank Group