

### C. Legislative System

5. On the legislative side the New Zealand Parliament has power to pass Acts which have the force of law in the Territory. In addition, by the Samoa Act, the Governor-General in Council is given the power to make "all such regulations as he thinks necessary for the peace, order, and good government" of the Territory. This system of legislating from New Zealand by Order in Council in the form of regulations has been freely used to deal not only with the larger considerations of New Zealand supervision, but also with details of internal administration.

6. The Samoa Act also creates the organs for legislation in Western Samoa. Subject to the limitations set by this wider legislative framework, the Administrator, "acting with the advice and consent of the Legislative Council of Western Samoa," may make laws, to be known as Ordinances, for the "peace, order, and good government of the Territory." The assent of the Administrator is required to such local legislation, and the Governor-General of New Zealand has power to disallow any Ordinance within one year of its enactment.

7. The form of the Legislative Council, which replaced an earlier advisory body of German times, has undergone various modifications. But its basic pattern has remained the same—namely, a majority of official members and a minority of unofficial members. In its present form the Legislative Council is presided over by the Administrator, and comprises (i) the Secretary of the Administration and five senior Department heads as designated by the Governor-General of New Zealand; (ii) four Samoan members formally appointed by the Governor-General, but in practice nominated by the Samoan *Fono* of *Faipule* (below); and (iii) two European members elected as representatives of the European community. The term of office of the members of the Legislative Council is three years.

8. The Legislative Council meets at such times as the Administrator may from time to time determine. Legislative initiative lies with the Administrator, who presents the annual budget, together with other legislation proposed by the Government. Unofficial members have power to propose Ordinances, so far as these do not involve taxation or financial expenditures. But this power has rarely been exercised. Unofficial members also have the right to present petitions, ask questions, and propose motions. Because of the tendency to legislate directly by Order in Council rather than by local Ordinances, the work of the Legislative Council has been light, occupying only a few brief sessions annually. This has also tended to undermine confidence and interest in the Council among the local population.

9. For the European community representation is based on a roll of registered voters holding European status who have been resident for at least one year, and are twenty-one years of age or over. In the earlier years a property qualification was set, so that the electorate was limited to somewhat over one hundred whites and part-Samoans of higher economic status. In 1936 the franchise was extended to all adult members of the European community who cared to register. As of the last election, held on 1 November, 1944, the roll totalled 792, of whom 560 voted. As yet no significant political parties have taken form.