

**WESTERN SAMOA**

## Arrangement of Provisions

## Title

- |                                 |                             |
|---------------------------------|-----------------------------|
| 1. Short title                  | 3. Consequential Amendments |
| 2. Controller and Chief Auditor |                             |

---

1997, No.3

**AN ACT to amend the Constitution to make provision for new conditions for the office of Controller and Chief Auditor.** (14 March 1997)

**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 Constitution Amendment Act 1997 and shall be read together with and deemed part of the Constitution of the Independent State of Western Samoa (hereinafter referred to as the Constitution).

**2. Controller and Chief Auditor** - The Constitution is hereby amended by repealing Article 97 and substituting it with the following Article:

**"97. Controller and Chief Auditor-(1)** There shall be a Controller and Chief Auditor, who shall be appointed by

the Head of State, acting on the advice of the Prime Minister.

(2) Except as otherwise provided in this Article, the Controller and Chief Auditor shall hold office for a term of three years, but shall be eligible for reappointment.

(3) The Controller and Chief Auditor shall not be a member of the Legislative Assembly and shall not hold any office for profit or engage in any occupation for reward outside the duties of his office.

(4) The Controller and Chief Auditor may at any time resign his office by writing under his hand addressed to the Prime Minister.

(5) The Controller and Chief Auditor may be suspended from office by the Head of State on the advice of the Prime Minister but shall not be removed from office except in accordance with this Article.

(6) The Prime Minister shall cause to be laid before the Legislative Assembly a full statement of the grounds of any suspension of the Controller and Chief Auditor within seven sitting days of the Legislative Assembly.

(7) The Controller and Chief Auditor so suspended shall be restored to office by the Head of State unless the Legislative Assembly, within forty-two days after the day on which the statement is laid before it, and in the same session, declares by resolution, that the Controller and Chief Auditor ought to be removed from office and, if the Legislative Assembly within that time so declares, the Controller and Chief Auditor shall be removed from office by the Head of State.

(8) This Article shall apply to the holder of the office of Controller and Chief Auditor at the commencement of this Article as if this Article had been in force at the time of this appointment and he had been appointed pursuant to it, except that the term of office shall commence on the day on which this Article came into force.

(9) Where the term for which a person who has been appointed as Controller and Chief Auditor expires, that person, unless sooner vacating or removed from office under the provision of this Article, shall continue to hold office until that person is re-appointed or a successor to that person is appointed.

**3. Consequential Amendments** - The Audit Office Ordinance 1961 is hereby consequentially amended by repealing Sections 5,6, and 7.