

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Status of Officers becoming Contract Officers
3. Appeals

1998, No. 21**AN ACT to amend the Public Service Act 1977.***(26 June 1998)*

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:-

1. Short title and commencement-(1) This Act may be cited as the Public Service Amendment Act 1998 and shall be read together with and deemed part of the Public Service Act 1977 (the principal Act).

(2) This Act shall come into force on the day after it is assented to by the Head of State.

2. Status of Officers becoming Contract Officers - The principal Act is amended by inserting section 55A as follows:

“55A. Status of Officers becoming Contract Officers-

(1) In pursuance of any policy of Cabinet relating to the Public Service, the Commission may from time to time determine that

any position or class of positions within the Public Service shall be positions to be filled by Contract Officers.

(2) If a position affected by subsection (1) is vacant the appointment shall be made under section 55.

(3) If a position affected by subsection (1) is currently held by an officer then -

(a) The officer shall be given a written notice of the Commission's Determination and of the change of status to Contract Officer taking effect after the expiration of 1 month from the giving of the notice; and

(b) The Commission shall attempt to come to agreement with the officer for the payment of any entitlements due to him as at the date on which, by operation of this section, he shall cease to be an employee of the Public Service.

(4) If agreement is reached under subsection (3), then upon the satisfaction of the officer's claim to entitlements the officer shall sign the contract and shall thereafter be a contract officer for the purposes of this Act.

(5) If no agreement is reached or no contract has been signed within 1 month from the date that notice was given under subsection (3)(a) then the position shall be deemed to be held by the officer as a contract officer and the officer shall have a right of appeal to the Public Service Board of Appeal with respect only to the amount of his entitlements under subsection (3)(b).

(6) No appeal may be made in respect of any determination made under subsection (1) or against the appointment of an officer or person as a contract officer."

3. Appeals - Section 46 of the principal Act is amended by adding the following subsection:

"2A. Any decision made by the Board and the grounds relied upon shall be reduced to writing and made available to the appellant."
