

SAMOA

Arrangement of Provisions

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2003, No. 3**AN ACT to provide for Ministerial portfolios and Departmental arrangements and for related purposes.***[29 January 2003]***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 Ministerial and Departmental Arrangements Act 2003.

(2) This Act shall come into force, in whole or part, on a date or dates nominated by the Prime Minister.

(3) Notice of commencement of the Act, or parts of the Act, shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

(4) As part of the procedure for the commencement of this Act the Prime Minister may, from time to time by notice, determine:

- (a) That one or more of the Ministries and Departments existing at the date of the commencement of this Act be subject to this Act; and
- (b) That one or more Ministries in the Schedule shall commence in accordance with the provisions of this Act,

and the provisions of this Act shall be interpreted and applied, with such amendments and adjustments as necessary, to allow for a transition in stages from such Ministries and Departments existing at the date of the commencement of this Act to the Ministries in the Schedule as the Prime Minister so determines.

2. Interpretation – In this Act unless the context otherwise requires:

“**Head of Department**” and “**Permanent Head**” for the purposes of section 9 includes Secretary, Director, Director- General, Commissioner and any other title or term used to name or describe a Head of Department.

3. Application of Act—(1) Except so far as the contrary intention appears, this Act applies to all Acts, including this Act.

(2) This Act shall bind the Government.

4. Ministries—(1) There shall be the Ministries designated in the Schedule.

(2) Each Ministry shall be a Department of the Government.

(3) Save for the Ministries in the Schedule there shall be no other Ministries or Departments and, despite the provisions of any other law, all other Ministries and Departments, howsoever called, are abolished.

(4) Where the Schedule is amended under section 6, the amendment shall have the effect of abolishing any Ministry or Department deleted from the Schedule.

5. Chief Executive Officers—(1) Subject to subsection 3, each Ministry shall have a Head of Department who shall be called the Chief Executive Officer.

(2) Save for the Chief Executive Officers of the Ministries listed in the Schedule, there shall be no other Heads of Departments or Permanent Heads and, despite the provisions of any other law, the positions of all other Heads of Departments and Permanent Heads, howsoever called, are abolished.

(3)(a) The Chief Executive Officer of the Ministry responsible for Police (howsoever the Ministry is called) may also be called the Commissioner of Police;

(b) The Chief Executive Officer of the Ministry responsible for Customs (howsoever the Ministry is called) may also be called the Comptroller of Customs; and

(c) The Chief Executive Officer of the Ministry responsible for Inland Revenue (howsoever the Ministry is called) may also be called the Commissioner for Inland Revenue.

6. Amendment of Schedule—(1) The Schedule may be amended from time to time by Order of the Head of State acting on the advice of the Prime Minister.

(2) Notice of any order made under subsection (1) shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

7. Assignment of responsibilities to Ministers—(1) The Prime Minister may, by direction in writing under his hand -

- (a) Charge any Minister with the responsibility for any department or subject; and
 - (b) Revoke or vary any direction given under the provisions of this clause.
- (2) The Prime Minister may retain in his charge any department or subject.

8. References to Ministers of abolished Ministries and Departments – A reference in any Act, Ordinance, Regulation, Rule, Proclamation, Order, Notice, Bylaw or other act of authority to a Minister of a Ministry or Department abolished under this Act or by operation of an amendment to the Schedule shall be read for all purposes as referring to the Minister assigned responsibility for the activities or functions of the abolished Ministry or Department.

9. References to Heads of Departments of abolished Ministries and Departments – A reference in any Act, Ordinance, Regulation, Rule, Proclamation, Order, Notice, Bylaw or other act of authority to a Head of Department or Permanent Head (howsoever called) of a Ministry or Department abolished under this Act or by operation of an amendment to the Schedule shall be read for all purposes as referring to the Chief Executive Officer of such Ministry listed in the Schedule which has responsibility for the activities or functions of the abolished Ministry or Department.

10. Order clarifying Ministerial and Chief Executive Officer responsibilities—(1) Where there is uncertainty or doubt as to which Ministry listed in the Schedule has responsibility for the activities or functions of an abolished Ministry or Department, the Head of State, acting on the advice of the Prime Minister, may make such Order as is deemed necessary to assign such responsibility.

(2) For all purposes an Order made under this section shall be regarded as final and conclusive and no Court or person shall have cause to inquire into or question such Order.

11. Saving – The abolition of any Ministry or Department or the office of any Head of Department or Permanent Head by this Act or by operation of an amendment of the Schedule shall not -

- (a) Affect the previous operation of any Ministry or Department so abolished or any Act affected by any such abolition or anything duly done or suffered by any such Ministry or Department under any Act so affected;
- (b) Affect any right, privilege, obligation or liability acquired, accrued or incurred by such Ministry or Department, under any Act so affected;
- (c) Affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so affected; or
- (d) Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment under any Act so affected.

12. Special Posts – The First Schedule of the Public Service (Special Posts) Act 1989 is amended by deleting the list of positions in the schedule and substituting the following:

“Chief Executive Officer, Ministry of the Prime Minister
Chief Executive Officer, Ministry of Finance
Chief Executive Officer, Ministry of Agriculture
Chief Executive Officer, Ministry of Commerce,
Industry and Labour
Chief Executive Officer, Ministry of Communications
and Information Technology
Chief Executive Officer, Ministry of Education, Sports
and Culture

Chief Executive Officer, Ministry of Foreign Affairs and Trade
Chief Executive Officer, Ministry of Health
Chief Executive Officer, Ministry of Justice and Courts Administration
Chief Executive Officer, Ministry of Natural Resources and Environment
Chief Executive Officer, Ministry of Police, Prison and Fire Service
Chief Executive Officer, Ministry for Revenue
Chief Executive Officer, Ministry of Works, Transport and Infrastructure
Chief Executive Officer, Ministry of Women, Community and Social Development
The Public Trustee
The Secretary, Public Service Commission”

13. Repeal of Ministerial Portfolios Act 1976 – The Ministerial Portfolios Act 1976 is repealed.

SCHEDULE

MINISTRIES (Section 3)

1. Ministry of the Prime Minister
2. Ministry of Finance
3. Ministry of Agriculture
4. Ministry of Commerce, Industry and Labour
5. Ministry of Communications and Information Technology
6. Ministry of Education, Sports and Culture
7. Ministry of Foreign Affairs and Trade
8. Ministry of Health
9. Ministry of Justice and Courts Administration
10. Ministry of Natural Resources and Environment

11. Ministry of Police, Prison and Fire Service
 12. Ministry for Revenue
 13. Ministry of Works, Transport and Infrastructure
 14. Ministry of Women, Community and Social
Development
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The Act is administered in the Ministry of the Prime Minister

