

MISCELLANEOUS (SALARY CONDITIONS UPON SUSPENSION) AMENDMENT BILL 2020

SAMOA

Explanatory Memorandum

Summary:

The Bill seeks to amend various Acts of Parliament to give effect to a Cabinet Directive FK (16) Faapitoa 13, dated 9 December 2016 regarding the conditions to be applied on salary of Government employees when suspended from employment.

The objects of the Bill are to clarify that all employees (“suspended employee”) of the Government are entitled to a salary for a one (1) month period only, if suspended from employment. If the suspension extends beyond one (1) month as a result of ongoing investigative procedures the suspended employee’s salary will cease. If at the completion of suspension procedures a suspended employee is cleared of all allegations that led to the suspension, the suspended employee must be reimbursed the salary owed to him or her commencing from the period the salary ceased to the date the employee is reinstated. If however, the suspended employee is not cleared of the allegations and the decision resulting from procedures during suspension is for that person to be terminated, no further action is to be taken regarding the terminated person’s salary.

Clauses:

- Clause 1:** - provides for the short title and commencement.
- Clause 2:** - provides for amendments to be made to the Airport Authority Act 2012 to align with the objects of the Bill.
- Clause 3:** - amends the Attorney General's Office Act 2013 to align with the objects of the Bill.
- Clause 4:** - amends the Accident Compensation Act 1989 to align with the objects of the Bill.
- Clause 5:** - amends the Broadcasting Act 2010 to align with the objects of the Bill.
- Clause 6:** - amends the Casino and Gambling Control Act 2010 to align with the objects of the Bill.
- Clause 7:** - amends the Central Bank of Samoa Act 2015 to align with the objects of the Bill.
- Clause 8:** - amends the Development Bank of Samoa Act 2010 to align with the objects of the Bill.
- Clause 9:** - amends the Electricity Act 2010 to align with the objects of the Bill.
- Clause 10:** - amends the Electoral Commission Act 2019 to align with the objects of the Bill.
- Clause 11:** - amends the Electric Power Corporation Act 1980 to align with the objects of the Bill.
- Clause 12:** - amends the Fire and Emergency Service Act 2007 to align with the objects of the Bill.
- Clause 13:** - amends the Health Promotion Foundation Act 2015 to align with the objects of the Bill.

- Clause 14:** - amends the Housing Corporation Act 2010 to align with the objects of the Bill.
- Clause 15:** - amends the Life Assurance Corporation Act 1976 to align with the objects of the Bill.
- Clause 16:** - amends the National University of Samoa Act 2006 to align with the objects of the Bill.
- Clause 17:** - amends the National Kidney Foundation of Samoa Act 2005 to align with the objects of the Bill.
- Clause 18:** - amends the National Provident Fund Act 1972 to align with the objects of the Bill.
- Clause 19:** - amends the Oceania University of Medicine (Samoa) Act 2002 to align with the objects of the Bill.
- Clause 20:** - amends the Ombudsman (Komesina o Sulufaiga) Act 2013 to align with the objects of the Bill.
- Clause 21:** - amends the Police Service Act 2009 to align with the objects of the Bill.
- Clause 22:** - amends the Ports Authority Act 1998 to align with the objects of the Bill.
- Clause 23:** - amends the Public Service Act 2004 to align with the objects of the Bill.
- Clause 24:** - amends the Prisons and Corrections Act 2013 to align with the objects of the Bill.
- Clause 25:** - amends the Public Bodies (Performance and Accountability) Act 2001 to align with the objects of the Bill.
- Clause 26:** - amends the Samoa International Finance Authority Act 2005 to align with the objects of the Bill.

- Clause 27:** - amends the Samoa Qualifications Authority Act 2010 to align with the objects of the Bill.
- Clause 28:** - amends the Samoa Sports Facilities Authority Act 2007 to align with the objects of the Bill.
- Clause 29:** - amends the Samoa Trust Estates Corporation Act 1977 to align with the objects of the Bill.
- Clause 30:** - amends the Samoa Water Authority Act 2003 to align with the objects of the Bill.
- Clause 31:** - amends the Scientific Research Organisation of Samoa Act 2006 to align with the objects of the Bill.
- Clause 32:** - amends the Telecommunications Act 2005 to align with the objects of the Bill.
- Clause 33:** - amends the Tourism Development Act 2012 to align with the objects of the Bill.

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PRIME MINISTER AND MINISTER FOR
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