

SAMOA

Arrangement of Provisions

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2004, No. 14

AN ACT to modernise the legislative framework for the Samoa Public Service. *[2nd September 2004]*

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

**PART I
PRELIMINARY**

1. Short title and commencement-(1) This Act may be cited as the Public Service Act 2004.

(2) This Act commences on a date nominated by the Prime Minister.

(3) Notice of commencement of this Act must be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

2. Objects - The objects of this Act are to establish a public service:

- (a) That provides high quality advice to the Government; and

- (b) That delivers services to the people of Samoa honestly, fairly, effectively and efficiently; and
 - (c) In which decisions are made on their merits and without discriminations,
- in accordance with the values of the public service and the principles of employment set out in sections 17 and 18.

3. Interpretation - In this Act, unless the context otherwise requires:

- “appointment” means the employment of a person as an officer;
- “assessor” means an assessor appointed under section 64 to assist the Board;
- “Board” means the Public Service Board of Appeal established under Article 89 of the Constitution;
- “Chief Executive Officer” or “CEO” means the Head of Department of a Ministry and includes the head of a Constitutional authority;
- “Circular” means the Public Service Official Circular referred to in section 71;
- “Code of Conduct” means the rules set out in section 19;
- “Commission” means the Public Service Commission constituted under Article 84 of the Constitution;
- “Constitutional authority” means an office comprising the employees carrying out duties for:
 - (a) The Attorney General;
 - (b) The Controller and Chief Auditor; or
 - (c) The Public Service Commission;
- “contract employee” means an employee employed in a contract position under section 30 or 31;
- “contract position” means a position determined to be a contract position under section 29;
- “court” includes the Court of Appeal, the Supreme Court and the District Court;
- “employee” means a person employed in a Ministry but does not include a CEO;

- “gaining Ministry” in relation to the transfer of an officer means the Ministry which is receiving an officer from the losing Ministry;
- “Government” means the Government of the Independent State of Samoa;
- “head of a Constitutional authority” means:
- (a) The Attorney-General;
 - (b) The Controller and Chief Auditor; or
 - (c) The Secretary of the Commission;
- “losing Ministry” in relation to the transfer of an officer means the Ministry which is transferring an officer to the gaining Ministry;
- “Ministry” means a Ministry specified in the Schedule to the Ministerial and Departmental Arrangements Act 2003 (other than the Ministry of Police, Prison and Fire Service) and includes a Constitutional authority;
- “officer” means an employee who is not:
- (a) A contract employee; or
 - (b) A temporary employee;
- “probationer” means an officer who is on probation;
- “promotion” means the movement (other than the temporary movement) of an officer from one position in the public service to another position, where the second position has a higher maximum salary than the first position;
- “public service” means the public service constituted by section 20;
- “relevant CEO” in relation to an employee or a position, means the CEO of the Ministry in which the employee works, or the CEO of the Ministry in which the position is located;
- “Remuneration Tribunal” means the tribunal established by section 4 of the Remuneration Tribunal Act 2003;
- “Responsible Minister” in relation to a Ministry means the Minister for the time being responsible for that Ministry;
- “temporary employee” means an employee employed under section 41 and includes a casual worker;