



SAMOA

**MINISTERIAL AND DEPARTMENTAL
ARRANGEMENTS ACT 2003**

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**MINISTERIAL AND DEPARTMENTAL
ARRANGEMENTS ACT 2003**

2003

No. 3

AN ACT to provide for Ministerial portfolios and Departmental arrangements and for related purposes.

[Assent date: 29 January 2003]

[Commencement date: 1 May 2003]

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

Ministerial and Departmental Arrangements Act 2003

1. Short title and commencement – (1) This Act may be cited as the Ministerial and Departmental Arrangements Act 2003.

(2) This Act comes 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 1 other newspaper circulating in Samoa.

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

(a) that 1 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 1 or more Ministries in the Schedule shall commence in accordance with this Act, –

and this Act is to 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 – (1) Except so far as the contrary intention appears, this Act applies to all Acts, including this Act.

(2) This Act binds the Government.

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

(2) Each Ministry is a Department of the Government.

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

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(4) Where the Schedule 1 is amended under section 6, the amendment shall have the effect of abolishing a Ministry or Department deleted from the Schedule 1.

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

(2) Save for the Chief Executive Officers of the Ministries listed in the Schedule 1, there are no other Heads of Departments or Permanent Heads and, despite 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; and
- (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; and
- (d) the Chief Executive Officer of the Ministry responsible for Health (howsoever the Ministry is called) may also be called the Director General of Health.

6. Amendment of Schedules – (1) The Schedules may be amended by Order of the Head of State acting on the advice of the Prime Minister.

(2) Notice of an order made under subsection (1) is to be published in Samoan and English in the Savali and 1 other newspaper circulating in Samoa.

7. Assignment of responsibilities to Ministers – (1) The Prime Minister may, by direction in writing under the Prime Minister's hand:

- (a) charge a Minister with the responsibility for a department or subject; and

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(b) revoke or vary a direction given under this provision.

(2) The Prime Minister may retain in his or her charge a department or subject.

8. References to Ministers of abolished Ministries and Departments – A reference in an 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 Schedule 1 is to be read as referring to the Minister assigned responsibility for the activities or functions of the abolished Ministry or Department.

8A. References to abolished Departments and Ministries – Reference in an Act, Ordinance, Regulation, Rule, Proclamation, Order, Notice, Bylaw or other act of authority to a Department or Ministry (howsoever called) abolished under this Act or by operation of an amendment to Schedule 1 is to be read for all purposes as referring to the Ministry listed in Schedule 1 which has the 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 an 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 Schedule 1 is to be read as referring to the Chief Executive Officer of such Ministry listed in Schedule 1 which has responsibility for the activities or functions of the abolished Ministry or Department.

10. Order clarifying Ministerial and Chief Executive Officers responsibilities – (1) Where there is uncertainty or doubt as to which Ministry listed in Schedule 1 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.

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

11. Saving – The abolition of a Ministry or Department or the office of a Head of Department or Permanent Head by this Act or by operation of an amendment of Schedule 1 does not:

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

12. Schedule of Chief Executive Officers – There shall be the Chief Executive Officers designated in Schedule 2.

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

SCHEDULE 1

(Sections 1, 4, 5, 6, 8, 9, 10 and 11)

MINISTRIES

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

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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
15. Ministry of Public Enterprises

SCHEDULE 2

(Section 12)

CHIEF EXECUTIVE OFFICERS

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
Chief Executive Officer, Ministry of Public Enterprises

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REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 to 2020/3 March 2021 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”
 - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
 - (iii) “shall have” changed to “has”
 - (iv) “shall be guilty” changed to “commits”
 - (v) “notwithstanding” changed to “despite”
 - (vi) “pursuant to” changed to “under”
 - (vii) “it shall be lawful” changed to “may”
 - (viii) “it shall be the duty” changed to “shall”
 - (ix) Numbers in words changed to figures
 - (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed
 - (xi) “under the hand of” changed to “signed by”

The following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the Public Service Act 2004 (No.14) commenced on 2 September 2004:

- Section 4** - Delete the words ‘the Schedule’ from subsection 4(1), and substitute ‘Schedule 1’.
- Delete the words ‘the Schedule’ from subsection 4(4), (twice occurring) and substitute ‘Schedule 1’.
- Section 5** - Delete the words ‘the Schedule’ from subsection 5(2), and substitute ‘Schedule 1’.
- Section 6** - Delete section 6(1) and substitute with the current 6(1).
- Section 8** - Delete the words ‘the Schedule’ from section 8, and substitute ‘Schedule 1’;
- After section 8** - Insert new section 8A.

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- Section 9** - Delete the words ‘the Schedule’ from section 9 (twice occurring) and substitute ‘Schedule 1’;
- Section 10** - Delete the words ‘the Schedule’ from section 10, and substitute ‘Schedule 1’
- Section 11.** - Delete the words ‘the Schedule’ from section 11, and substitute ‘Schedule 1’;
- Section 12** - Delete section 12 and substitute with the current section 12:
- Schedule 2** - Insert a list for Chief Executive Officers:

This Act was amended in 2014 in Schedules 1 & 2 by Order of the Head of State made under section 6 by adding the “Ministry of Public Enterprises” and the “Chief Executive Officer, Ministry of Public Enterprises”.

*The Act is administered by
the Ministry of the Prime Minister and Cabinet.*