



SAMOA

PARLIAMENTARY UNDER-SECRETARIES ACT 1988

Arrangement of Provisions

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PARLIAMENTARY UNDER-SECRETARIES ACT 1988 1988 No.12

AN ACT to establish and make provision for Parliamentary Under-Secretaries.

[Assent and commencement date: 18 July 1988]

1. Short title – This Act may be cited as the Parliamentary Under-Secretaries Act 1988.

2. Appointment – (1) The Head of State shall, acting on advice of the Prime Minister, by warrant under the Head of States' hand appoint a member of the Legislative Assembly to be a Parliamentary Under-Secretary.

(2) The Office of Parliamentary Under-Secretary shall be held in relation to 1 or more Ministerial offices, to be specified in that behalf in the warrant of appointment.

(3) A holder of the office of Parliamentary Under-Secretary may be referred to as an Associate Minister.

3. Term of office – A person appointed as a Parliamentary Under-Secretary shall vacate his or her office:

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- (a) if the person ceases to be a Member of Parliament;
- (b) if the person's appointment as a Parliamentary Under-Secretary is terminated by the Head of State acting on the advice of the Prime Minister; or
- (c) if the person resigns the office in writing signed by him or her and addressed to the Head of State:

PROVIDED THAT no person who is in office as a Parliamentary Under-Secretary immediately before the dissolution of Parliament is taken on that dissolution to have vacated his or her office by the operation of this section.

4. Notice of appointment and vacation of office – Notice of the appointment of a person as a Parliamentary Under-Secretary and of the vacation of his or her office by resignation or otherwise, shall be published in the *Gazette* or *Savali* forthwith after the appointment or vacation of office, as the case may be.

5. Oath – The Parliamentary Under-Secretary's Oath shall be in the form following, that is to say:

“I, swear by Almighty God that I will well and truly serve the Independent State of Samoa according to law, in the office of Parliamentary Under-Secretary. So help me God.”

6. By whom oath to be taken – (1) The Parliamentary Under-Secretary's Oath shall be taken by a person appointed to the office of Parliamentary Under-Secretary as soon as may be after his or her acceptance of office.

(2) The Parliamentary Under-Secretary's Oath shall be administered by the Member of the Executive Council.

7. Salaries, allowances and other benefits – The salaries, allowances and other benefits for each Parliamentary Under-Secretary shall be determined under the Remuneration Tribunal Act 2003.

8. Functions – (1) A Parliamentary Under-Secretary holding office as such in respect of a Ministerial office shall have and may exercise under the direction of the Minister concerned:

- (a) such powers, duties, and functions of the Minister for the time being holding that office as may be assigned to him or her by that Minister; and
- (b) such powers, duties, and functions of the Minister for the time being holding any other Ministerial office as may be assigned to him or her by the Prime Minister.

(2) No Minister shall be debarred from personally exercising a power, duty, or functions by reason of the fact that a power, duty, or function has been assigned to a Parliamentary Under-Secretary.

(3) The fact that a person holding office as a Parliamentary Under-Secretary purports to exercise a power, duty or function of a Minister shall be conclusive evidence of his or her authority to do so.

9. Execution of Instruments – (1) An instrument that is executed by a Parliamentary Under-Secretary on behalf of a Minister shall be signed by the Parliamentary Under-Secretary with a personal signature to which shall be added the words “*Parliamentary Under-Secretary, for the Minister of ...*” or “*Associate Minister to the Minister of ...*” or words to like effect.

(2) An instrument executed by a Parliamentary Under-Secretary on behalf of a Minister is valid as if it had been executed by that Minister.

(3) Despite subsections (1) and (2), a Parliamentary Under-Secretaries shall not execute a document on behalf of a Minister without the prior approval of the Minister.

(4) A document executed contrary to subsection (3) is void.

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) Insertion of the commencement date
- (b) Other minor editing has been done in accordance with the lawful

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powers of the Attorney General, where appropriate:

- (i) “Every” and “any” changed to “a/an”
- (ii) Present tense drafting style:
 - “shall be” changed to “is/are”
 - “from time to time” removed
- (iii) Use of plain language: “notwithstanding” changed to “despite”, “deemed” changed to “taken”
- (iv) Removal of superfluous terms: “and effective” and “provisions of”
- (v) Numbers in words changed to figures
- (vi) “the foregoing provisions of this section”, “the preceding subsection” and similar wording changed to the actual section/subsections.

There were no amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

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