

# POLICE SERVICE AMENDMENT BILL 2017

## SAMOA


### Explanatory Memorandum

#### Introduction

The Bill seeks to amend section 6 of the Police Service Act 2009 (Principal Act) by re-inserting the Deputy Commissioner as part of the organizational structure of the Samoa Police Service. The Bill will also amend Part III of the Principal Act to insert a new Division 4 to regulate the appointment, eligibility requirements, terms and conditions and also the duties and powers of the Deputy Commissioner.

#### Clauses:

- Clause 1: - provides for the short title and commencement provisions.
- Clause 2: - section 6(2) of the Principal Act is amended by inserting a new paragraph "(b) which refers to the Deputy Commissioner being appointed under section 18 of the Act".
- Clause 3: - Part III of the Principal Act is amended to insert a new Division 4. This new Division will regulate the appointment, eligibility requirements, terms and conditions and also the duties and powers of the Deputy Commissioner.



(Hon TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele  
Neioti Aiono Galumalemana Dr. Sailele Malielegaoi)

**PRIME MINISTER**

**POLICE SERVICE AMENDMENT BILL 2017**

**SAMOA**

**Arrangement of Provisions**

1. Short title and commencement
2. Section 6(2) amended
3. Part III amended

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**2017, No.**

**A BILL INTITULED**

**AN ACT to amend the Police Service Act 2009 (“Principal Act”).**

**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 Police Service Amendment Act 2017.
- (2) This Act commences on the date of its assent by the Head of State.

**2. Section 6(2) amended:**

Section 6(2) of the Principal Act is amended by inserting after paragraph (a) the following new paragraph (b):

“(b) the Deputy Commissioner appointed under section 18;”.

**3. Part III amended:**

Part III of the Principal Act is amended by inserting a new Division 4 as follows:

**“Division 4 - Deputy Commissioner**

**18. Appointment of a Deputy Commissioner:**

- (1) The Head of State, acting on the advice of Cabinet, may appoint a fit and proper person who is qualified to hold the office under section 19, to be a Deputy Commissioner of the Samoa Police Service.
- (2) The period of an appointment of a Deputy Commissioner is for three (3) years.
- (3) The Minister shall ensure that a public advertisement is made and that a transparent selection process in accordance with General Instructions on recruitment and selection is applied whenever an appointment to the position of Deputy Commissioner is being considered.
- (4) The Deputy Commissioner is eligible for reappointment to the Office of Deputy Commissioner after the expiry of any term of appointment.

**19. Eligibility for appointment as the Deputy Commissioner:**

No person may be appointed to be a Deputy Commissioner under section 18 unless the person:

- (a) was or is at the time of application a member of a Police Service in Samoa or overseas; and
- (b) has been a member of a Police Service for a period of not less than 10 years; and
- (c) satisfies all other prerequisite criteria which may be prescribed by regulations made or instructions issued under this Act.

**20. Terms and conditions of appointment of the Deputy Commissioner:**

- (1) The salary and allowances of a Deputy Commissioner are to be determined by Cabinet, having regard to the advice of the Remuneration Tribunal.
- (2) All other terms and conditions applying to a Deputy Commissioner are to be stated in a contract of appointment which has effect according to its terms, but subject to the provisions of this Act.
- (3) Regulations made under this Act may prescribe terms and conditions relating to the appointment of a Deputy Commissioner or in relation to the Deputy Commissioner's employment in that Office.

**21. Duties and Powers of the Deputy Commissioner:**

- (1) The Deputy Commissioner shall assist the Commissioner in the exercise of the Commissioner's powers and functions relating to the effective and efficient management of the Service.
- (2) The Deputy Commissioner must exercise the powers that are delegated to him or her under section 17 and perform all the duties and functions that are vested in him or her by the Commissioner.

- (3) All powers, duties and functions performed by a Deputy Commissioner are to be done in accordance with any condition, limitation or requirements imposed or required by the Commissioner.”.

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