



## WESTERN SAMOA

## Arrangement of Provisions

Title	
1. Short title and commencement	16. Owner to give information as to insurance
2. Interpretation	17. Public and other buildings to be provided with fire escapes
3. Power to establish Fire Brigade	18. Passages in and exits from public buildings to be kept free from obstruction
4. Fire Service	19. General Penalty
5. Commissioner shall control the Fire Service	20. Appointment Board
6. Chief Fire Officers and other officers	21. Appeal against recommendation for appointment or promotion
7. Powers of Commissioner under this Act	22. Constitution of Board of Appeal
8. Fire Brigade members to be sworn in	23. Jurisdiction of Board of Appeal
9. Duty of Fire Brigade	24. Offence to attempt to influence Appointment Board the Commissioner or Board of Appeal
10. Duties of Chief Fire Officer in case of outbreak of fire	25. Remuneration of Board members
11. Person in charge at site of Fire	26. Consequential Repeal
12. Access to buildings, etc.	27. Transfer of Assets
13. Civil liability excluded	28. Accounts and annual report by the Commissioner
14. Offence to give false fire alarm	
15. Damaging or Concealing fireplug or hydrant	

1994 No. 7

**AN ACT to restructure the Fire Service and provide for fire defense and protection of life and property from fire.**

[14 July 1994]

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

1. **Short title and commencement**—(1) This Act may be cited as the Fire Service Act 1994.

(2) This Act shall come into force on the first day of July 1994.

2. **Interpretation**— In this Act, unless the context otherwise requires, -

"Apia" means the area within the radius of 5 miles from the intersection of Vaitele and Vaea Streets:

"Authority" means any Department or instrument of the Government of Western Samoa or any statutory body responsible for specifying building requirements and/or granting building licenses.

"Brigade" or "Fire Brigade" means a group of persons organised and trained under this Act for the suppression and extinction of fires but does not include any brigade which is established for the protection of one or more specified buildings exclusively:

"Commissioner" means the Commissioner of Police appointed under the Police Service Act 1977 and includes any person acting in the place of the Commissioner where a Commissioner has not been appointed or if the Commissioner is absent from Western Samoa.

"Commissioned Officer" bears the same meaning as that specified under the Police Service Act 1977.

"Controller and Chief Auditor" means the person appointed as such pursuant to Article 97 of the Constitution of Western Samoa; and includes any person authorised to exercise or perform any powers, duties or functions of the Controller and Chief Auditor.

"Fire Service" means the Apia Fire Service established under this Act.

"Government" means the Government of Western Samoa.

"Minister" means the Minister for the Police Service.

"Owner" includes in the case of any land or buildings the person for the time being in receipt of or entitled to receive the rents and profits of such property or who, if such property were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, administrator, mortgagee in possession, or as agent or attorney for any other person.

"Superintendent" means a person appointed as such under the Police Service Act 1977.

3. **Power to establish Fire Brigade**—(1) There may be established in Apia a Fire Brigade under the control of the Commissioner.

(2) All Officers of the Fire Service established by this Act shall be members of the Fire Brigade.

(3) The Commissioner may from time to time enrol such number of auxiliary firemen who shall be known as volunteer firemen as members of the Fire Brigade as he may deem necessary.

(4) All volunteer firemen so enrolled shall be accepted to the Fire Service to carry out duties for such term and paid such allowances and expenses on such conditions determined by the Commissioner from time to time.

4. **Fire Service**—(1) The Fire Service established under the Fire Service Ordinance 1955 is hereby disestablished and re-established under this Act and may be referred to as the "Apia Fire Service".

(2) The Fire Service shall be charged with such functions as may be conferred upon it by this Act or any other Act from time to time.

5. **Commissioner shall control the Fire Service**—(1) The Commissioner shall be the person in charge of and responsible for the control, management and

administration of the Fire Service.

(2) The appointment of the Commissioner as head of the Fire Service shall not affect any other powers, functions or duties of the Commissioner as such under the Police Service Act 1977 or any other law of Western Samoa.

(3) The Commissioner may for managing, controlling and administering the Fire Service be paid out of money appropriated by Parliament such remuneration and allowances determined by the Government.

**6. Chief Fire Officers and other officers--**(1) There shall from time to time be appointed by the Commissioner on the recommendation of the Appointment Board a Chief Fire Officer who shall exercise such powers, duties and functions as may be conferred or imposed upon him by this or any other Act or as directed by the Commissioner.

(2) There may from time to time be appointed in like manner such deputy or deputies to the Chief Fire Officer who shall assist the Chief Fire Officer and shall exercise such powers, duties and functions as may be conferred or imposed upon him.

(3) The Chief Fire Officer appointed under this section may be referred to as the Chief Fire Officer or by such other designation or title determined by the Commissioner from time to time and the deputy or deputies appointed under this section shall be referred to by such designations or titles determined by the Commissioner from time to time.

(4) The Commissioner may from time to time appoint such other officers and employees of the Fire Service as may be necessary and such persons appointed under this subsection may be referred to by such designation or title determined by the Commissioner from time to time.

(5) The persons holding office at the commencement of this Act as Chief Fire Officer and as deputy or deputies to the Chief Fire Officer shall be deemed to have been duly appointed to those offices as such under this Act.

(6) All other officers who at the commencement of this Act are officers or employees of the Fire

Service and have been so appointed shall be deemed to have been duly appointed under this Act.

**7. Powers of Commissioner under this Act--**(1) The Commissioner shall have all the powers that are reasonably necessary or expedient to enable him to carry out his duties and functions under this Act.

(2) Without limiting the generality of subsection (1), the Commissioner shall have power -

- (a) To organise and re-organise the Fire Service.
- (b) To specify ranks, titles, and designation of persons within the Fire Service from time to time.
- (c) To appoint and promote any officer or employee for the Fire Service (other than a Chief Fire Officer or any deputy or deputies to the Chief Fire Officer) in accordance with such terms, conditions requirements and criteria prescribed by the Commissioner from time to time.
- (d) To specify by order the duties, terms, conditions, remuneration, benefits and privileges of employment and conditions on which services of persons employed within the Fire Service may be terminated.
- (e) To establish a committee constituted of persons from within the Fire Service and from outside the Fire Service to give advice to the Commissioner on any matter relating to the Fire Service.
- (f) To pay allowances to members of the committee in accordance with Directives from Cabinet relating to the payment of fees and allowances.
- (g) To direct any member of the Police Service to assist the Fire Service by-
  - (i) undertaking Fire Service training;
  - (ii) providing training and instruction for employees of the Fire Service;
  - (iii) attending with members of the Fire Service to extinguish and prevent the spread of any fire and save lives and

- property endangered by any fire.
- (h) Prescribe charges to be made for the provision of specialist services by the Fire Service in connection with fire prevention or control to persons requiring them.
  - (i) Prescribing the charges to be made for attendance by the Service at hazardous material incidents.
  - (j) Prescribing the code of conduct for the efficiency and discipline of Fire Service employees and volunteer firemen and the punishment of offences against such Fire Service Officers and Volunteer Firemen.

**8. Fire Brigade members to be sworn in-** All members of the Fire Brigade established by this Act shall be sworn in and shall take and subscribe before a Judge of the Supreme Court or a Magistrate of a Magistrate Court an oath for the faithful discharge of their duties.

**9. Duty of Fire Brigade-** Members of the Brigade shall be charged with the duty of attending at fires and saving property as directed by the Commissioner, and the Government of Western Samoa shall furnish such Brigade with all necessary appliances, equipment and plant for the performance of such duties.

**10. Duties of Chief Fire Officer in case of an emergency situation or outbreak of fire-**(1) The Chief Fire Officer or any officer acting by or with his authority shall perform the following duties and may exercise the following powers in the case of any fire happening within Apia:

- (a) He shall upon any alarm of fire proceed with all possible speed to the place where such fire has occurred, and endeavour by all practicable means to extinguish the fire and prevent the spreading thereof, and to save lives and property in danger; Provided that he shall observe all traffic rules which he is not expressly

- excused from observing by some other enactment;
- (b) He shall control and direct the Brigade engaged at the fire and all persons present at the fire who place their services at his disposal;
- (c) He may at his discretion call upon any person to render assistance to the Brigade in extinguishing the fire or preventing the spreading thereof and saving lives and property in danger;
- (d) He may enter upon land, and if necessary, break into any building on fire or any buildings or premises adjacent thereto;
- (e) He may remove from any such land, building, or premises, without responsibility for any consequent loss or damage, any inflammable, explosive, or dangerous material found thereon or therein;
- (f) For the purpose of extinguishing or preventing the spreading of any fire he may cause any building which is on fire or which is adjacent to or in the vicinity of the building on fire to be pulled down wholly or partially or otherwise destroyed or damaged;
- (g) He may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire;
- (h) He may cause any street, private road, right of way, or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of any fire;
- (i) He may shut off, disconnect, or order any person having the control thereof to shut off or disconnect the supply of electricity to any building which is on fire or which is in the vicinity of any building which is on fire;
- (j) He may remove by force, if necessary, any person who by his presence or otherwise howsoever interferes with the operations

of the Brigade;

(k) He may do all other things which are reasonably necessary for the extinguishing of any fire or for the preventing of the spreading thereof.

(1) Provided however that the Chief Fire Officer may with the prior written approval of the Commissioner extend the exercise of the powers contained in this section in the case of any fire happening beyond Apia and that such fire shall be deemed to be a fire happening within Apia.

(2) The Chief Fire Officer or any other officer acting by or with his authority shall attend to any hazardous material incident or any emergency situation which may lead to a fire and take whatever action as is necessary to prevent a fire from starting and to save lives and property in danger.

(3) Every person who without lawful excuse obstructs or hinders the Chief Fire Officer in the performance of any of his duties under this section commits an offence against this Act.

(4) This section shall bind the Government of Western Samoa.

**11. Person in charge at site of a Fire-** During the absence from any fire of the Chief Fire Officer then any deputy to the Chief Fire Officer may take charge and exercise any power or duty of the Chief Fire Officer under this Act. In the absence of both the Chief Fire Officer and any deputy to the Chief Fire Officer then any other officer for the time being in charge of the Fire Brigade at such fire shall have all the powers and duties conferred and imposed on the Chief Fire Officer under this Act.

**12. Access to buildings, etc.**-(1) The Chief Fire Officer and other officers lawfully exercising any functions of the Chief Fire Officer shall have free access at all reasonable times to any building, land or premises or to any part thereof, for the purpose of ascertaining whether the requirements of this Act or any other Act or any regulations or code made

under the authority of such Acts have been duly observed with respect to such buildings, land or premises.

(2) Every person who obstructs or hinders the Chief Fire Officer or other officer as aforesaid in the exercise of the powers conferred by this section commits an offence against this Act.

**13. Civil liability excluded-**(1) Notwithstanding any provisions of this Act no civil action for damages or any other remedy shall lie against the Commissioner or Government, in respect of any loss suffered or damage occasioned by any failure by the Commissioner or Government or any department or officer thereof to perform or carry out any duty imposed by this Act, or arising at Common Law.

(2) Notwithstanding any provision of this Act no civil action for damages or compensation whether at common law or otherwise shall lie against any member of the Fire Brigade or employee of the Fire Service for any damage done by him or for any loss suffered as result of any act done by him or of any failure to do anything required or desirable to be done by him in the course of his duties as a member of the Fire Brigade or as such employee and no civil action whether at common law or otherwise for damages or compensation in respect of any such damage or loss shall lie against the Government or any department or officer thereof.

(3) For the purposes of subsections (1) or (2) of this section "damage" includes (without limiting the generality of that term), loss of or injury to property, personal injury and death.

(4) Nothing in this section shall exclude or modify the entitlement of any person to compensation pursuant to the Accident Compensation Act 1989.

(5) Where any damage to property is occasioned by the Chief Fire Officer or any other officer or employee of the Fire Service or Fire Brigade in the bona fide exercise of his duty at or in connection with any fire such damage shall be deemed to be by fire within the meaning of any policy of insurance against fire covering the damaged property.

14. **Offence to give false fire alarm-**(1) Every person who interferes with any fire alarm without lawful justification, or wilfully gives or causes to be given, or attempts to give or cause to be given to the Fire Brigade any false alarm of fire commits an offence, and shall be liable on conviction to imprisonment for a period not exceeding 3 months or to a fine not exceeding \$1000.

(2) The Chief Fire Officer may, with the approval of the Head of State offer a reward not exceeding \$100 for information leading to the conviction of any person who commits an offence under subsection (1) of this section.

(3) Every constable who, on reasonable and probable grounds, believes that any person has committed an offence against this section may arrest that person without warrant.

15. **Damaging or Concealing fireplug or hydrant-** Every person who wilfully damages a fireplug or fire hydrant or covers up, encloses, or conceals any fireplug or hydrant so as to render its position difficult to ascertain or obliterates or removes any marks, sign or letter used for the purposes of indicating the position of or distinguishing any fireplug or hydrant commits an offence against this Act.

16. **Owner to give information as to insurance-**(1) The owner of any premises in Western Samoa where a fire occurs shall on being requested to do so by the Chief Fire Officer inform such Officer whether the premises are insured or not and at the like request shall furnish such Officer with full particulars of the insurance, if any, thereon including the names of the companies with which the insurance is effected and the amount of insurance.

(2) The owner of any personal property which may be on any premises where a fire occurs and which may be destroyed or damaged by fire shall at the like request give the like information and furnish the like particulars as are required by subsection (1) of this section to be given with respect to the premises.

(3) Every such owner who refuses to comply with any request by the Chief Fire Officer commits an offence against this Act.

(4) Every person who wilfully gives any false information or wilfully gives incorrect particulars with regard to such insurance as aforesaid is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding \$2000.

17. **Public and other buildings to be provided with fire escapes-**(1) It shall not be lawful for the owner or occupier of any building situated in Western Samoa to use the building or any part thereof or to permit the same or any part thereof to be used for public meetings, or as assembly rooms, or as a theatre or music hall, or dancing hall, or for any public performances or public amusements whatsoever, or for the purposes of public worship or as a boarding house, hotel, hospital, school, restaurant, office building, shopping complex or supermarket or for any authority to license any building for any such purpose, unless the same is provided with such sufficient safeguards against fire and means of escape in case of fire as are required by any Act, code or regulations made under this Act or any other Act; or by the conditions of any license in respect of the use of the premises as aforesaid; where no provision is made by any Act, code or regulations or conditions then such building shall not be used for any of the purposes stated above unless the building is provided with such safeguards against and means of escape in case of fire as the Chief Fire Officer or any other officer appointed by him for the purpose shall specify by notice in writing delivered to the owner or occupier or the authority.

(2) Where any such building is used or intended to be used for any of the purposes mentioned in subsection (1) of this section -

(a) The Chief Fire Officer or any officer appointed by him as aforesaid shall at all times have free access to any and every part of the building in order to

- ascertain whether or not such provision exists, and shall report to the Commissioner on the matters specified under subsection (1) in respect of any building to which this section applies;
- (b) The Commissioner on receipt of such report shall in the case of an adverse report direct the owner or occupier in writing of any building adversely reported on to comply with the requirements of this section within the time limit specified in such direction;
- (c) The owner or occupier of any building on whom such a direction has been served may within one month after receipt of the direction appeal to the Supreme Court from any requirement or direction of the Commissioner, and the decision of the Supreme Court on such appeal shall for the purpose of this section take the place of the requirement of the Commissioner;
- (d) The said appeal shall be made in such manner and subject to such conditions as are prescribed.
- (3) Every person who acts in contravention of this section, or who obstructs or hinders the Chief Fire Officer or such other officer as aforesaid in inspecting any building to which this section applies, or who fails to comply with any direction of the Commissioner commits an offence against this Act.

**18. Passages in and exits from public buildings to be kept free from obstruction-**(1) The occupier of any building to which the last preceding section relates shall comply with any direction given while the building is so used, or within a reasonable time before it is so used, by the Chief Fire Officer, or by any officer authorised in that behalf by the Chief Fire Officer, to keep all passages in and exits from such building or any part thereof free from obstruction, and to prevent persons from standing or sitting in the aisles and exits while the building

is being so used and the Chief Fire Officer or such officer as aforesaid may himself remove any such obstruction and direct any such person remaining in such passage to leave the same.

(2) Every person who fails to comply with any such direction of the Chief Fire Officer or other officer as aforesaid or who in any way hinders or prevents the removal of such obstruction commits an offence against this Act.

**19. General Penalty-** Every person who commits an offence against this Act for which no specific penalty is elsewhere provided is liable on conviction to a fine not exceeding \$2000 and if the offence is a continuing one then to a further fine not exceeding \$50 for every day during which the offence continues.

**20. Appointment Board-**(1) There shall be an Appointment Board constituted for the purposes of this Act at such times as the Commissioner thinks fit and comprised of the following members:

- (a) A Superintendent appointed by the Commissioner;
- (b)(i) The Chief Fire Officer where the appointment is for a Deputy to the Chief Fire Officer; or  
(ii) A person with knowledge and experience on fire prevention and extinguishing of fires appointed by the Commissioner where the appointment is for a Chief Fire Officer.
- (c) A Superintendent appointed by the Commissioner on the recommendation of the Commissioned Officers and the Chief Fire Officer and the Deputy or Deputies to the Chief Fire Officer; Except that anyone of the Chief Fire Officer or the Deputy or Deputies to the Chief Fire Officer shall be excluded from the nominating panel if he is an applicant to the post for which an appointment board is constituted.

(2) Every appointment under subsections (1) and (2)

of section 6 of this Act shall be made only on the recommendation of the Board.

(3) Subject to the provisions of this Act and any regulations thereunder the Board shall recommend for appointment or promotion the person who, having regard to the duties of the position to be filled, is in the opinion of the Board the most efficient and suitable for appointment.

**21. Appeal against recommendation for appointment or promotion-**(1) Any applicant or employee of the Fire Service who applied for a post specified under section 6 shall have a right of appeal to the Board of Appeal provided under section 22 of this Act.

(2) Every appeal shall be commenced by a notice of appeal in writing stating the grounds of appeal addressed to the Commissioner and transmitted to him by the appellant within 21 days after the date on which the recommendation for appointment is made known.

**22. Constitution of Board of Appeal-**(1) Every Board of Appeal constituted to hear appeals under section 21 of this Act shall consist of:

(a) A Judge of the Supreme Court of Western Samoa or a Magistrate of the Magistrate Court of Western Samoa who shall be the Chairman of the Board;

(b) A Superintendent of the Police Service nominated by other Commissioned Officers and by the Chief Fire Officer and the Deputy or deputies to the Chief Fire Officer; Except that anyone of the Chief Fire Officer or the Deputy or deputies to the Chief Fire Officer shall be excluded from the nominating panel if he is an appellant to the post for which a Board of Appeal is constituted.

(c) The Secretary of the Public Service Commission or such other person in the Public Service nominated by the Secretary.

(2) All members of the Board of Appeal shall be appointed as such by the Minister and shall be

appointed for the purposes of each particular appeal.

(3) A Commissioned officer of the Police Service who sat on the Appointment Board shall not act as a member of the Board of Appeal if the appeal relates to the appointment in which such commissioned officer sat on the Appointment Board.

**23. Jurisdiction of Board of Appeal-**(1) The Board shall have jurisdiction to hear and determine any appeal against an appointment made under section 6 and for this purpose to summon witnesses, and to examine the witnesses on oath or otherwise. On any such appeal the Board may receive such evidence as it thinks fit, and receive any statement, document, information, or matter which in the opinion of the Board may assist it to deal with the matters before it, whether or not the same would be admissible in a Court of law.

(2) In deciding any appeal against an appointment under section 6 the Board may allow or disallow the appeal, or may hold that the appointment is not sustained and direct that it be reviewed by the Appointment Board, which shall have regard to such matters as the Board specifies in connection with its direction. Where an appointment is directed to be so reviewed the Appointment Board shall cancel the appointment and shall fill the resulting vacancy in the manner authorised by this Act. Where the appeal is allowed, the Appointment Board shall forthwith appoint the successful appellant to the position.

(3) In any appeal the onus of proof shall rest upon the appellant.

(4) At the hearing of an appeal the Appointment Board may be represented by counsel or other advocate.

(5) At the hearing of any appeal the appellant shall be entitled to be present, and may be represented by counsel or such other person authorised by the appellant.

(6) Appeals affecting more than one appellant shall not be heard together, unless the Board so directs.

(7) In matters not expressly provided for in this Act or in any regulations made or continuing in force



thereunder, the procedure of the Board shall be such as the Board may determine.

(8) Proceedings before the Board shall not be held bad for want of form. No appeal shall lie from any decision of the Board and, except on the ground of lack of jurisdiction, no proceeding or decision of the Board shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

(9) The Board shall within the scope of its jurisdiction be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1964, and, subject to the provisions of this Act, all the provisions of that Act shall apply accordingly.

(10) If in the opinion of the Board any appeal under this section is frivolous or vexatious, or one that should not have been made, the appellant shall not be entitled to a refund of expenses and the Board may order him to pay the cost of the appeal in whole or in part, and the sum so ordered to be paid shall be recoverable by deduction from the salary of the appellant.

**24. Offence to attempt to influence Boards and the Commissioner-**(1) Except as provided in subsection (4) of this section, no person shall in any way attempt to influence the Appointment Board the Commissioner or Board of Appeal or any member of such Board or the Commissioner in respect of any appointment or appeal, either directly or indirectly, nor shall any person solicit any other person with a view to influencing the Appointment Board the Commissioner or Board of Appeal.

(2) Any person who acts in contravention of the provisions of this section commits an offence, and is liable on conviction to a fine not exceeding \$500.

(3) A Fire Service Officer, employee or volunteer fireman who is convicted of an offence under this section is liable without further charge or other proceedings to immediate dismissal or to such lesser penalty as the Commissioner may impose.

(4) Nothing in this section shall be so construed as to prohibit any person from giving information or making representations at any appointment interview

or an appeal at the request or invitation of the Appointment Board the Commissioner or the Board of Appeal as an applicant, witness, appellant or representative of an appellant at a hearing before the Board of Appeal or an interview before the Appointment Board or Commissioner whichever the case may be.

**25. Remuneration of Board members-**(1) There shall be paid to members of the Appointment Board and the Board of Appeal such remuneration fees or allowances at such rate as may be specified by the Head of State by order on the advice of Cabinet.

(2) Payments made pursuant to this section shall be paid out of money appropriated by the Legislative Assembly for the purpose.

**26. Consequential Repeal -** The Fire Service Ordinance 1955 is hereby repealed.

**27. Transfer of Assets-** Upon the commencement of this Act all assets owned by the Fire Service as it then was under the Fire Service Ordinance 1955 whether held by the Fire Service or by any other Government Department or Ministry shall be transferred, held and owned by the Apia Fire Service established under this Act.

**28. Accounts and annual report by the Commissioner-**(1) The Commissioner shall keep full and correct accounts and records of all money received and expended and all assets and liabilities of the Fire Service.

(2) The Commissioner shall, as soon as possible after the 30th day of June in each year, cause to be prepared, a balance sheet, together with statements of income and expenditure and net revenue or appropriation and a report on the operations of the Fire Service for the financial year ending with that day, which report shall review all matters relevant to the fire service. The Commissioner shall submit the balance sheet and statements for audit by the Controller and Chief Auditor or such other Auditor

approved by the Controller and Chief Auditor, and shall send a copy of the balance sheet, statements, and annual report to the Minister as soon as practicable after the balance sheet and statements have been audited. A copy of the Commissioner's report, balance sheet, and statements and the Audit Office's report in each year shall be laid before Parliament as soon as practicable after their receipt by the Minister.



## SAMOA I SISIFO

## Faatulagaina o Aaiaga

- | Igoa   |  |
|--|--|
| 1. Igoa puupuu ma le amataga   | 17. Fale e faaoga e tagata lautele ma i si fale e ao ona i ai ni auala e sosola ese ai mai se mu   |
| 2. Faamatalaina o uiga o Upu   | 18. O ala e ulufale ma ulufafo mai ai i fale e faaoga e tagata lautele e ao ona tausia ma faaavanoa pea ia aua nei i ai ni mea e faalavelavea ai le uia o ia ala |
| 3. Pule e faavae ai le Tinei Mu  | 19. Faasalaga aoao   |
| 4. Galuega Tinei Mu  | 20. Komiti Faatino mo tofiga   |
| 5. O le Komesina e tatau ona pulea Galuega Tinei Mu                                | 21. Talosaga faasaga i se fautuaga mo le tofia po o le siitia o tulaga o le afaigaluega  |
| 6. Alii Ofisa Sili ma i si alii ofisa  | 22. Faavaeina o le Komiti Faatino o Talosaga   |
| 7. Pule a le Komesina i lalo o lenji Tulafono                                      | 23. Aia Faale-tulafono a le Komiti Faatino o Talosaga  |
| 8. E tatau ona faatautoina sui o le Tinei Mu                                       | 24. O se solitulafono le tūmāfai ona gauai mai tofiga a le Komiti Faatino, tau tofiga, le Komesina po o le Komiti Faatino o Talosaga                             |
| 9. Tiute a le Tinei Mu   | 25. Totogi o sui o le Komiti Faatino.  |
| 10. Tiute a le Alii Ofisa Sili Tinei Mu pe a oo ina tupu se mu                     | 26. Mea soloia mulimuli mai ai   |
| 11. Tagata o lo o pulea le nofoaga o lo o i ai se Mu                               | 27. Siitiaina atu o Meatotino  |
| 12. Aia e ulufale atu ai i fale ma nisi nofoaga                                    | 28. Faamatalaga tau Tupe ma lipoti faale-tausaga a le Komesina   |
| 13. Noataga tau le va o tagata e le o aofia ai                                     |  |
| 14. O se solitulafono le tuuina atu o se faaaliga faailo sese o se mu              |  |
| 15. Faaleagaina po o le natia o ki po o mea e maua mai ai le suavai mo le tinei mu |  |
| 16. Ia tuuina mai e le e ona mea totino faamatalaga e uiga i le inisiua            |  |

1994 Nu. 7

O SE TULAFONO e toe faatulagaina ai Galuega Tinei Mu ma aiaia ai mo tulaga e tetee atu ai i mu ma tuuina atu ai le puipuiga i ola o tagata ma meatotino mai i mu. [14 July 1994]

UA FAIA e le Fono Aoa Faitulafono o Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea:-

1. Igoa puupuu ma le amataga-(1) E mafai ona taua lenei Tulafono o le Tulafono o Galuega Tinei Mu 1994.

(2) O lenei Tulafono e tataua ona amata faamaluina i le aso muamua o Iulai 1994.

2. Faamatalaina o uiga o upu - I totonu o lenei Tulafono, ae vagana ai ua manaomia e le mataupu se i si uiga e ese mai ai,-

"Apia" o lona uiga o le vaega eleele e i totonu o le lio e 5 maila lona mamao mai le magaala e fetau ai le Auala mai Vaitele ma le Auala i Vaea:

"Pulega" o lona uiga o so o se Matagaluega po o se pepa faale-tulafono a le Malo o Samoa i Sisifo po o so o se faalapopotoga faale-tulafono e avea ma ana matafaioi le faatulagaina o manaoga tau le fausia o fale ma/po o le tuuina atu o laisene mo le fausia o fale:

"Vaega Tinei Afi" po o le "Tinei Mu" o lona uiga o se faapotopotoga ua atiina ae ma aoaoina e tusa ai ma lenei Tulafono mo le taofia ma le tineia o mu, ae le aofia ai so o se vaega tinei-afi ua faavaeina mo le puipuiga faapitoa o se fale e tasi po o le sili atu:

"Komesina" o lona uiga o le Komesina o Leoleo ua tofia i lalo o le Tulafono o Galuega tau Leoleo 1977 ma e aofia ai so o se tagata o lo o galue e sui tulaga i le

Komesina pe a fai e le i tofia se Komesina po o pe a fai o lo o toesea le Komesina mai i Samoa i Sisifo.

"Ofisa Leoleo" e i ai le faauigaina tutusa e pei o faaupuga i lalo o le Tulafono o Galuega tau Leoleo 1977.

"Pule ma Suetusi Sili" o lona uiga o le tagata ua tofia i lea tulaga e tusa ai ma le Mataupu 97 o le Faavae o Samoa i Sisifo; ma e aofia ai so o se tagata ua faatagaina e faatinoina po o le tauaveina o so o se pule, tiute po o matafaioi a le Pule ma Suetusi Sili.

"Galuega Tinei Mu" o lona uiga o Galuega Tinei Mu i Apia ua faavaeina i lalo o lenei Tulafono.

"Malo" o lona uiga o le Malo o Samoa i Sisifo.

"Minisita" o lona uiga o le Minisita o Galuega tau Leoleo.

"Le e Ona" e aofia ai se tagata e umia so o se fanua po o se fale le tagata o lo o mauaina po o le aia i le taimi nei e mauaina totogi faalisi ma tupe polofiti e tusa ai ma ia meatotino po o ia lea, e aia e mauaina totogi faalisi ma polofiti o ia meatotino pe a fai e lisiina atu, pe avea ai o se tagata e umia ma faamanuiaina ai, tausima mavaega, tagata e pulea, umia se mokesi, po o e avea ai o se sui sooupu po o se loia mo so o sea tagata.

"Taitai Sili" o lona uiga o se tagata ua tofia i sea tofiga tusa ai ma le Tulafono o Galuega tau Leoleo 1977.

3. Pule e faavae ai le Tinei Mu-(1) O le a faavaeina i Apia se Tinei Mu i lalo o le pulega a le Komesina.

(2) O tagata ofisa uma o le Tinei Mu ua faavaeina e lenei Tulafono o le a tataua ona avea ma sui o le Tinei Mu.

(3) E mafai e le Komesina mai lea taimi i lea

taimi ona tusia ma faamauina se aofaiga o tagata tinei mu fesoasoani o i latou ia o le a avea o ni tagata tinei mu ofo fua mai e avea o ni sui o le Tinei Mu e pei ona manatu o ia ua talafeagai ai.

(4) O tagata tinei mu uma ofo fua mai e pei ona tusia ma faamauina e tatau ona talia i Galuega Tinei Mu e tauaveina tiute mo se vaitaimi ma totogiina i ai ni alauni ma tupe alu i luga o ni aiaiga e pei ona fuafuaina e le Komesina mai lea taimi i lea taimi.

4. Galuega Tinei Mu-(1) O galuega Tinei Mu ua faavaeina e tusa ai ma le Tulafono o Galuega Tinei Mu 1955 ua faataapeina nei ma ua toe faavaeina i lalo o lenei Tulafono ma e mafai ona faasinomia i ai se "Galuega Tinei Mu i Apia".

(2) O Galuega Tinei Mu o le a tatau ona avea ma ana matafaioi tiute uma e pei ona o le a faaeeina i ai e lenei Tulafono po o so o se i si Tulafono mai lea taimi i lea taimi.

5. O le Komesina e tatau ona pulea Galuega Tinei Mu-(1) O le Komesina o ia lea o le a avea ma ana matafaioi le faafoeina ma le faatonutonuina, pulea ma le faafoeina o Galuega Tinei Mu.

(2) O le tofia o le Komesina e avea ma Ulu o Galuega Tinei Mu o le a le tatau ona aafia i so o se i si pule, matafaioi po o tiute a le Komesina e pei ona tofia ai i lalo o le Tulafono o Galuega tau Leoleo 1977 po o so o se i si tulafono a Samoa i Sisifo.

(3) E mafai e le Komesina i le pulea, faatonutonu ma le faafoeina o Galuega Tinei Mu ona totogiina atu ni tupe ua faatatauina e le Palemene ni totogi ma ni alauni ua fuafuaina e le Malo.

6. Alii Ofisa Sili ma i si alii ofisa-(1) O le a tatau ona tofia mai lea taimi i lea taimi e le Komesina i luga o le fautuaga a le Komiti Faatino tau Tofiga se Ofisa Sili Tinei Mu o ia lea o le a faatinoina ia pule, tiute ma matafaioi e pei ona

o le a faaeeina ia te ia e lenei po o se i si Tulafono po o e pei ona faatonuina e le Komesina.

(2) O le a mafai ona tofia mai lea taimi i lea taimi i le faiga lava lea e tasi se ofisa lagolago po o ni ofisa lagolago i le Ofisa Sili Tinei Mu o ia lea o le a fesoasoani i le Ofisa Sili Tinei Mu ma e tatau ona faatinoina ni pule, tiute ma matafaioi e pei ona o le a faaeeina atu i ai po o ua faaeeina atu ia te ia.

(3) O le Ofisa Sili Tinei Mu ua tofia e tusa ai ma lenei fuaiupu e mafai ona faasinomia i ai o se Ofisa Sili Tinei Mu po o i se i si lava faaupuga tau tofiga po o igoa ua fuafuaina e le Komesina e tusa ai ma lenei fuaiupu ma o le a tatau ona faasinomia i ai i sea faaupuga tau tofiga po o igoa e pei ona fuafuaina e le Komesina mai lea taimi i lea taimi.

(4) E mafai e le Komesina mai lea taimi i lea taimi ona tofia nisi tagata ofisa ma ni tagata faigaluega a le Galuega Tinei Mu e pei ona o le a ono talafeagai ai ma o ia tagata e pei ona tofia i lalo o lenei faafuaiupu e mafai ona faasinomia i e pei o faaupuga o o latou tofiga po o igoa ua fuafuaina e le Komesina mai lea taimi i lea taimi.

(5) O tagata o lo o umia tofi i le amataga o lenei Tulafono e avea ai o le Ofisa Sili Tinei Mu ma se ofisa lagolago po o ni ofisa lagolago i le Ofisa Sili Tinei Mu o le a tatau ona faapea ua tofia loa i ia tofi i lalo o lenei Tulafono.

(6) O i si tagata ofisa uma o i latou ia i le amataga o lenei Tulafono o lo o avea ma tagata ofisa po o tagata faigaluega o Galuega Tinei Mu ma e pei ona tofia ai i latou o le a avea e faapea ua uma ona tofia i lalo o lenei Tulafono.

7. Pule a le Komesina i lalo o lenei Tulafono-

(1) O le Komesina o le a i ai pule uma e faapea e tatau ma talafeagai po o aoga e mafai ai e ia ona tauave ana tiute ma matafaioi e tusa ai ma lenei Tulafono.

(2) E aunoa ma le faatapulaaaina o tulaga aoao o le faafuaiupu (1), o le Komesina o le a i ai pule e -

- (a) Faamaopopo ma toe faamaopoopoina ai Galuega Tinei Mu.
- (b) Faamatalaina o tulaga, igoa, ma tiute tau tofiga o tagata o lo o galulue i totonu o Galuega Tinei Mu mai lea taimi i lea taimi.
- (c) Tofia ma siitia i luga o tulaga o so o se tagata ofisa po o se tagata faigaluega mo Galuega Tinei Mu (e ese ai nai lo se Ofisa Sili Tinei Mu po o so o se Ofisa Tinei Mu Lagolago po o ni ofisa tinei mu lagolago i le Ofisa Sili Tinei Mu) e tusa ai ma ia tuutuuga, aiaiga, manaoga ma tulaga manaomia e pei ona faatonuina e le Komesina mai lea taimi i lea taimi.
- (d) Faamatalaina i luga o se poloaiga ia tiute, tuutuuga, aiaiga, totogi, faamanuiaga ma aia tatau tau galuega ma tuutuuga i luga o galuega a tagata o lo o faigaluega i totonu o Galuega Tinei Mu e mafai ona faamutaina.
- (e) Faavaeina se komiti e aofia ai ni tagata mai i totonu o Galuega Tinei Mu ma mai fafo o Galuega Tinei Mu e tuuina atu ni fautuaga i le Komesina i so o se mataupu faasino i Galuega Tinei Mu.
- (f) Totogi alauni i sui o le Komiti e tusa ai ma Faatonuga mai le Kapeneta faasino i le totogiina atu o totogi fuapauina ma alauni.
- (g) Faatonu so o se sui o Galuega tau Leoleo e fesoasoani i Galuega Tinei Mu i le -
- (i) Faia o aoaoga tau Galuega Tinei Mu;
- (ii) Tuuina atu o aoaoga ma faatonuga i tagata faigaluega o Galuega Tinei Mu;
- (iii) Auai atu ma sui o Galuega Tinei Mu i le tapeina ma le puipuia o le sosolo atu o so o se mu ma faasacina ola ma meatotino e ono lamatia i so o se mu.

- (h) Faatonuina totogi ina ia faia mo le tuuina atu o galuega faapitoa e Galuega Tinei Mu i sootaga ma le puipuia po o le faatonuina o tagata o lo o manaomia ia galuega.
- (i) Faatonuina totogi e ao ona faia mo le auai atu a le Galuega Tinei Mu i faalavelave o lo o aafia ai ni oloa e ono lamatia ai le soifua.
- (j) Faatonuina tulaga aloaia o amio mo le tauaveina lelei o galuega faapea foi ma le pulea lelei o amio o tagata faigaluega a le Galuega Tinei Mu ma tinei mu ofo fua mai ma le faasalaga o solitulafono faasaga i se Ofisa Sili Tinei Mu ma se Tinei Mu Ofo Fua mai.

8. E tatau ona faatautoina sui o le Tinei Mu-O sui uma o le Tinei Mu ua faavaeina i lalo o lenei Tulafono e tatau ona faatautoina ma e tatau ona faia ma tuuina atu i luma o se Faamasino o le Faamasinoga Maua luga po o se Faamasino o se Faamasinoga Maua lalo se tautoga mo le faamaoni i le tauaveina o o latou tiute.

9. Tiute a le Tinei Mu-O sui o le Tinei Mu o le a avea ma a latou matafaioi le auai atu i mu ma le faasacina o meatotino e pei ona faatonuina e le Komesina, ma o le Malo o Samoa i Sisifo e tatau ona tuuina atu sea Tinei Mu mea-faigaluega uma talafeagai, masini ma ni masini tetele mo le faatinoina o ia tiute.

10. Tiute a le Alii Ofisa Sili Tinei Mu pe a oo ina tupu se mu-(1) O le Ofisa Sili Tinei Mu po o so o se tagata ofisa o lo o galue i po o i luga o lana pulega e tatau ona faatino tiute ua taua i lalo ma e mafai ona tauaveina pule e tusa ai i so o se mu e tupu i Apia e faapea:

- (a) O le a tatau ia te ia ina ua maua se faaaliga faailo e uiga i se mu, ona alu i le saosaoa atoatoa na te mafaia i le nofoaga ua tupu ai se mu, ma taumafai

loa i auala uma e mafai ona faia ina ia tineia le mu, ma taofia le sosolo atu o lea mu, ma ia laveaiina ola o tagata ma meatotino ua pagatia; ae vagana ai e faapea e tatau ona ia usitaia tulafono uma tau i taavale feoi i auala tetele lea e le o faatagaina ai o ia mai le tausisia e nisi o isi tulafono;

- (b) O le a tatau ia te ia ona na pulea ma faatonutonuina le tinei mu o lo o feagai ma le tineia o le mu, ma tagata uma lava e auai i lea taimi ma ua malilie ane e galulue i lalo o lana faasinoga;
- (c) E mafai e ia i lana faitalia ona valaauina so o se tagata ina ia fesoasoani atu i le tinei mu i le tineia o le mu po o le taofia o le sosolo o sea mu ma faasaoina ola o tagata ma ni meatotino ua pagatia;
- (d) E mafai e ia ona ulu atu i luga o se fanua, ma, a fai e tatau ai, sofai atu sona auala i totonu o so o se fale ua mu, po o so o se fale po o ni fale e latalata ane i ai;
- (e) E mafai e ia ona aveeseina mai i so o sea fanua, fale, po o ni fale, e aunoa ma lona tauaveina o se mea e tupu mai ai mulimuli ane, talu ai so o se mea e leiloa pe a faatamaia, so o se mea e mu gofie, fanaia, po o se mea e matautia e ono tupu mai ai se faalavelave, na maua i luga ae po o totonu o sea fanua po o se fale;
- (f) Mo le faamoemoe i le tineia po o le taofia o le sosolo o so o se mu, e mafai e ia ona poloaiina so o se fale ua mu, po o se fale e latalata ane i ai, pe tuaoi ma le fale ua mu, ina ia talaiia i lalo le fale atoa po o se vaega o lea fale, po o se tasi lava uiga ua faatamaia ma faaleagaina ai,
- (g) E mafai e ia ona poloaiina ina ia tapu-

nia le suavai mai so o se paipa tele po o paipa ina ia mafai ai ona maua le malosi e sili atu mo le tineia o so o se mu;

- (h) E mafaia e ia ona poloaiina ina ia tapunia so o se alatele, ala faapitoa i se tagata, ala e ui i totonu o le fanua o se tasi tagata, po o se ala mo tagata uma e i totonu o le vaega eleele o lo o tupu ai so o se mu, ma taavale ma tagata feoi ao sasao pea so o se mu;
- (i) E mafai e ia ona motusia ese, po o le faatonutonuina o so o se tagata o lo o ia te ia le pule o lea itu ina ia tapuni ese, po o le motusia o le malosi faa-eletise e tau atu i so o se fale ua mu, po o o lo o i totonu o le vaega eleele e i ai so o se fale ua mu;
- (j) E mafai e ia ona aveeseina faamalosi, pe a fai e tatau ai, so o se tagata o ia lea ua avea lona auai po o so o se tasi lava faiga na te faia, ma faalavelave i galuega a le tinei mu;
- (k) E mafai e ia ona na faia nisi mea uma e tatau ma ua tatau ona faia mo le tineia o so o se mu, po o, mo le taofia o le sosolo o sea mu.
- (1) Ae vagana ai e faapea e mafai e le Ofisa Sili Tinei Mu i le tuuina mai o se uluai faamaoniga tusia a le Komesina ona faalauteleina atu le faatinoina o ana pule o lo o i totonu o lenei fuaiupu e tusa ai i so o se mu e tupu i tua atu o Apia ma o sea mu o le a avea o se mu o lo o tupu i totonu o Apia.
- (2) O le Ofisa Sili Tinei Mu po o so o se i si tagata ofisa o lo o galue e po o i lalo o lana pule e tatau ona auai atu i so o se faalavelave o lo o aafia ai ni oloa e ono lamatia ai po o so o se tulaga faafuasei e ono oo atu ai i se mu ma faia so o se gaoioiga e pei ona o le a talafeagai e puipuia ai se mu mai le amataina ma faasaoina ni ola ma meatotino o lo o ono lamatia i se mu.

(3) O tagata uma o i latou ia e aunoa ma se ala tatau faale-tulafono ua taofia po o le faalavelave i le faatinoina o so o se tiute a le Ofisa Sili Tinei Mu i lalo o lenei fuaiupu ua faia se solitulafono faasaga i lenei Tulafono.

(4) O lenei fuaiupu ua noatia ai le Malo o Samoa i Sisifo.

11. Tagata o lo o pulea se nofoaga o lo o i ai se Mu- A o toesea mai i so o se mu le Ofisa Sili Tinei Mu, o so o se ofisa lagolago i le Ofisa Sili Tinei Mu e mafai ona pulea ma faatinoina so o se pule po o tiute o le Ofisa Sili Tinei Mu e tusa ai ma lenei Tulafono. I le taimi ao toesea uma le Alii Ofisa Sili Tinei Mu ma le Ofisa Lagolago Tinei Mu, o le a i ai loa i so o se tasi alii ofisa o lo o pulea le Tinei Mu i lea vaitaimi i sea mu, pulega uma ma tiute ua faaee atu ma tuuina atu e pei ona faaeeina i le Alii Ofisa Sili Tinei Mu.

12. Aia e ulufale atu ai i fale, ma i si nofoaga-(1) O le Ofisa Sili Tinei Mu ma i si ofisa latou te faataunuuna e tusa ai ma ala o le tulafono so o se galuega a le Ofisa Sili Tinei Mu, o le a ia i latou le aia tatau e ulu atu ai i taimi uma e tatau ai i so o se fale, fanua po o ni fale, mo le sailia ia mautinoa pe mata ua tausisia tuutuuga o lenei Tulafono po o so o se tasi lava tulafono faatonutonu po o se faailoga na faia e tusa ai ma le pule faatagaina a lenei Tulafono i le itu i sea fale, fanua po o nisi lava nofoaga.

(2) O tagata uma o i latou ia e faalavelave po o le taofia o le Ofisa Sili Tinei Mu po o se i si ofisa e pei ona uluai faamatalaina i le faatinoina o ana pule e pei ona faaeeina i ai e lenei fuaiupu ua faia se solitulafono faasaga i lenei Tulafono.

13. Noataga tau i le va o tagata e le o aofia ai-(1) E ese mai ai na i lo so o se aiaiga o lenei Tulafono e leai se gaoioiga tau le va o tagata mo ni mea ua faaleagaina po o se i si fofo e tatau ona faia faasaga i le Komesina po o le Malo, e

tusa ai ma so o se gau ua faamanuaina ai po o le faaleagaina ua mafua mai i so o se le tausisia e le Komesina po o le Malo po o so o se matagaluega po o se alii ofisa o sea matagaluega e faatinoina po o le tauaveina o so o se tiute ua faaeeina atu i ai e lenei Tulafono, po o e mafua mai i se Tulafono Masani.

(2) E ese mai ai na i lo so o se aiaiga o lenei Tulafono e leai se gaoioiga tau le va o tagata mo ni mea ua faaleaga po o se tau pe i tulafono masani po o se i si mea e ese mai ai e tatau ona faia faasaga i so o se sui o le Tinei Mu po o se tagata faigaluega o le Galuega Tinei Mu mo so o se mea ua faaleagaina e ia po o mo so o se gau ua faamanuaina ai ona o se taunuuga o so o se gaoioiga na faia e ia po o o so o se le tausisia o le faia o so o se mea e pei ona manaomia po o o lo o manaomia ina ia faia e ia a o faagasolo ona tiute e avea ai o se sui o le Tinei Mu po o e avea ai o sea tagata faigaluega ma e leai se gaoioiga tau le va o tagata pe i le tulafono masani po o se i si mea e ese mai ai mo ni mea ua faaleagaina po o tau e tusa ai ma so o sea mea ua faaleagaina po o ua leiloa o le a tatau ona faia faasaga i le Malo po o so o se matagaluega po o se alii ofisa o lea matagaluega.

(3) Mo aano moni o le faafuaiupu (1) po o le (2) o lenei fuaiupu "faaleaga" o lo o aofia ai (e aunoa ma le faatapulaaina o tulaga aoao o lena faaupuga), mea ua leiloa o po o faamanuaina o meatotino, manua tau le tagata ma le maliu.

(4) E leai se mea i totonu o lenei fuaiupu o le a tatau ona aveese po o faaleleia ai le aia a so o se tagata i tau e tusa ai ma le Tulafono o Tau mo Faalavelave Faafuasei 1989.

(5) A fai o so o se meatotino ua faaleagaina na faia e le Ofisa Sili Tinei Mu po o so o se i si ofisa po o se tagata faigaluega o le Galuega Tinei Mu i le faatinoina i luga o le agaga lelei o ona tiute i le po o i fesootaiga ma so o se mu o sea leaga o le a avea o se leaga na tupu mai i le mu i totonu o le faauigaina o so o se faiga faavae tau inisia faasaga i ni mu o lo o puipui ai le

faaleagaina o ni meatotino.

14. O se solitulafono le tuuina atu o se faaaliga faailo sese o se mu-(1) So o se tasi e faalavelave i so o se faaaliga faailo e uiga i se mu e aunoa ma se ala tatau faale-tulafono, pe na te tuuina atu ma le loto i ai pe na te poloaiina ina ia tuuina atu, pe taumafai ona na tuuina atu pe na te poloaiina ina ia tuuina atu i le tinei mu so o se faaaliga sese e faailo ai se mu, ua faia e ia se solitulafono ma o le a nofosala o ia ina ua faamaonia lona solitulafono i le nofo i le falepuipui mo se vaiitami e le sili atu i le 3 masina po o i se faasalaga e le sili atu i le \$1000.

(2) E mafai e le Ofisa Sili Tinei Mu, ina ua faamaonia e le Ao o le Malo ona ofoina atu se tau e le sili atu i le \$100 mo se faamatalaga e taunuu atu ai i le faamaonia o le solitulafono o so o se tagata o ia lea ua faia se solitulafono i lalo o le faafuaiupu (1) o lenei fuaiupu.

(3) So o se leoleo o ia lea, ua talitonu i luga o mafuaaga tatau ma le mautu, ua talitonu e faapea o so o se tagata ua faia se solitulafono faasaga i lenei fuaiupu, e mafai ona ia pueina lena tagata e aunoa ma se tusi saisai.

15. Faaleagaina po o le natia o ki po o mea e maua mai ai le suavai mo le tinei mu- O tagata uma o i latou ia ua faaleagaina ma le loto i ai se ki po o se mea e maua mai ai le suavai mo le tinei mu po o le faauiufi, puipuia, po o le natia o so o se ki po o se mea e maua mai ai le suavai mo le tinei mu ina ia faafaigata ai ona mauaina lona tulaga i le sailia po o le faalavelave po o le aveeseina o so o se faailoilo, faailoga po o mataitusi ua faaoga mo faamoemoega e faailoga ai le tulaga o po o e iloagofie ai le tulaga o so o se ki po o se paipa e maua mai ai le suavai ua faia se solitulafono faasaga i lenei Tulafono.

16. Ia tuuina mai e le e ona meatotino faamatalaga e uiga i le inisiua-(1) O le tagata e ona so

o se fale i totonu o Samoa i Sisifo sa tupu ai se mu e tatau i le tuuina atu i ai o se talosaga e le Ofisa Sili Tinei Mu ona logoina sea ofisa pe faamata o ia fale o lo o inisiua pe leqi ma i se talosaga lava faapea e tatau ona tuuina mai i sea ofisa ni auiliiliga atoatoa o le inisiua, pe a fai e i ai, e tusa ai ma ia fale e aofia ai igoa o kamupani lea o lo o faatino ai le inisiua faatasi ai ma le aofai o le inisiua.

(2) O le tagata e ona so o se meatotino tau ia lava lea e ono i ai i luga o so o se fale o lo o tupu ai le mu ma o sea meatotino o le a ono faaleagaina po o ua faaleagaina e le mu e tatau i luga o se talosaga faapea ona tuuina mai ni faamatalaga faapea ma tuuina mai ni auiliiliga faapea e pei ona manaomia e le faafuaiupu (1) o lenei fuaiupu ina ia tuuina atu e tusa ai ma na fale.

(3) O tagata uma e ona sea fale o ia lea ua teena le usitaia e tausisi i so o se talosaga a le Ofisa Sili Tinei Mu ua faia se solitulafono faasaga i lenei Tulafono.

(4) O tagata uma o i latou ia ua tuuina atu ma le loto i ai o so o se faamatalaga sese po o tuuina atu ma le loto i ai o ni auiliiliga le sao e tusa ai ma sea inisiua e pei ona uluai taua, e nofosala o ia ina ua faamaonia lona solitulafono i le nofo i le falepuipui i se vaiitami e le silia le 2 tausaga po o i se faasalaga e le sili atu i le \$2000.

17. Fale e faaoga e tagata lautele ma i si fale e ao ona i ai ni auala e sosola ese ai mai se mu-(1) O le a le tusa ma ala o le tulafono mo le na te nofoia so o se fale e tu i totonu o Samoa i Sisifo lona faaogaina o le fale po o so o se vaega o lea fale, pe na te faatagaina lea lava fale po o so o se vaega o lea fale ina ia faaogaina mo ni fonotaga faitetele, pe avea ma potu fonu, pe avea o se fale tifaga po o se fale musika, po o se falesiva, pe mo so o se tasi lava faiga faitetele po o so o se ituaiga o faafiifiaga faitetele, pe, mo tapuaiga faitetele, po o, e avea o se fale



e mau totogi ai tagata, fale talimalo, po o se faleaoga, pe laiseneina e so o se pulega i totonu o le atunuu so o se fale mo lea mataupu, ae vagana ona ua tuuina atu sea lava fale ni puipuiga ia lava e faasaga i ni mu ma ni auala e sosola ese mai ai tagata pe a tupu se mu e pei ona manaomia e so o se tulafono faatonutonu na faia e tusa ma lenei tulafono, po o, tuutuuga ua faia i sea tulafono faatonutonu po o ni tuutuuga, ae vagana ona ua tuuina atu i le fale puipuiga saogalemu e faatatau i ni mu ma auala e sosola ese ai tagata pe a tupu se mu, e pei ona fuafuaina e le Ofisa Sili Tinei Mu po o so o se tasi ofisa e tofia e ia mo lea itu i se faaaliga tusia na faaoo atu i le e ona po o nofoia po o se pulega i totonu o le atunuu.

(2) A fai ua faaaogaina so o se fale, po ua faamoemoe o le a faaaogaina mo so o se mataupu o lo o taua i faafuaiupu (1) o lenei fuaiupu -

- (a) O le Ofisa Sili Tinei Mu po o so o se alii ofisa na tofia e pei ona taua i luga, o le a ia te ia i taimi uma le aia tatau e ulu atu ai i so o se fale ma vaega taitasi uma o sea fale ina ia sailia ia mautinoa pe faamata o i ai ni tuutuuga pe leai, ma o le a tatau ona lipoti atu i le Komesina i mataupu uma e pei ona faamatalaina i lalo o le faafuaiupu (1) e tusa ai i so o se fale e pei ona faasino i ai lenei fuaiupu;
- (b) O le Komesina i le mauaina o sea lipoti e tatau ona faatonuina pe a fai o sea lipoti o se lipoti faaleolea i luga o se tusi ona faatonuina le e ona po o le o lo o nofoia so o se fale e pei ona tuuina mai ai sea lipoti ina ia usitaia ia manaoga o lenei fuaiupu i totonu o taimi faatapulaaina e pei ona faamatalaina i se faatonuga;
- (c) O le e ona po o le o lo o nofoia so o se fale lea o lo o faasino i ai sea faatonuga ina ua uma ona tuuina atu i ai se poloaiga e mafai i totonu o le tasi

le masina ina ua uma ona mauaina e ia sea faatonuga ona talosaga i le Faamasinoga Sili mai i so o se manaoga po o faatonuga a le Komesina, ma o le faaiuga a le Faamasinoga Sili i sea talosaga o le a mo le faamoemoega o lenei fuaiupu ona avea e sui ai le manaoga a le Komesina;

- (d) O le talosaga e pei ona taua o le a tatau ona faia i se faiga ma i le noatia ma le fai fuafua i ia tuutuuga e pei ona o le a faatonuina.

(3) O tagata uma o i latou ia ua faia ni gaoioiga e solia ai lenei fuaiupu, po o o i latou ia ua faalavelave po o le taofia o le Ofisa Sili Tinei Mu po o se i si alii ofisa e pei ona uluai taua i le asiasia o so o se fale e pei ona faasinomia i ai lenei fuaiupu, po o o ia lea ua le tausisia le usitaia o so o se faatonuga a le Komesina ua faia se solitulafono faasaga i lenei Tulafono.

18. O ala e ulufale ma ulufafo mai ai i fale e faaoga e tagata lautele e ao ona tausia ma faaavanoa pea ia aua nei i ai ni mea e faalavelave ai le uia o ia ala-(1) O le o lo o nofoia so o se fale e pei ona faasino i ai le fuaiupu o lo o muamua i lenei fuaiupu e tatau ona usitaia i so o se faatonuga ua tuuina atu a o lo o faaaogaina sea fale, po o i totonu o se taimi talafeagai a o le i faaaogaina sea fale, e le ofisa Sili Tinei Mu, po o e se i si ofisa ua faatagaina e avea ai ma sui o le ofisa Sili Tinei Mu, e tausia auala uma e ulufale atu ai ma auala e ulufalo mai ai i sea fale po o so o se vaega o sea fale ina ia saoloto mai i so o se mea e ono faalavelave ai, ma puipua ai tagata mai le tutu po o le nonofo i totonu o avanoa ma auala e ulufafo mai a faaogaina sea fale ma o le Ofisa Sili Tinei Mu po o sea alii ofisa e pei ona uluai taua e mafai e ia ona aveese so o se mea o lo o faalavelave ma faatonu so o se tagata o lo o i totonu o sea auala ina ia tuua loa sea nofoaga.

(2) O tagata uma o i latou ia ua le usitai i le tausisia o po o se faatonuga a le Ofisa Sili Tinei Mu po o so o se alii ofisa e pei ona uluai taua po o o ia lea i so o se auala ua na faalavelave po o taofia le aveesea o sea mea o lo o faalavelave ai i auala, ua faia se solitulafono faasaga i lenei Tulafono.

19. Faasalaga Aoa- O tagata uma ua faia se solitulafono faasaga i lenei Tulafono lea e faapea e leai se faasalaga faapitoa o lo o aiaia i so o se mea o lenei Tulafono ua noatia i luga o se moliaga i se faasalaga e le sili atu i le \$2000 ma a fai o le solitulafono o se solitulafono o lo o faaauau pea o le a toe faasala loa i se i si faasalaga e le sili atu i le \$50 mo aso uma o le a faaauau ai pea ona faia sea solitulafono.

20. Komiti Faatino mo Tofiga-(1) O le a i ai se Komiti Faatino tau Tofiga o le a faavaeina mo aano moni o lenei Tulafono i se taimi e pei ona manatu le Komesina ua talafeagai ai ma e aofia ai sui e faapea:

(a) O se Alii Ofisa Fai Pine ua tofia e le Komesina;

(b) (i) O le Ofisa Sili Tinei Mu pe a fai o le tofiga e mo se Ofisa Lagolago i le Ofisa Sili Tinei Mu; po o

(ii) Se tagata o lo o i ai se tomai ma se poto masani i le puipuia o mea tau mu ma le tapeina o mu ua tofia e le Komesina pe a fai o le tofiga e mo se Ofisa Sili Tinei Mu.

(c) Se Leoleo Taitai Sili ua tofia e le Komesina i luga o se fautuaga a ni Ofisa Leoleo taitai ma le Ofisa Sili Tinei Mu ma le Ofisa Lagolago po o ni Ofisa Lagolago i le Ofisa Sili Tinei Mu; Ae vagana ai e faapea so o se tasi o le Ofisa Sili Tinei Mu po o le Ofisa Lagolago po o ni Ofisa Lagolago i le Ofisa Sili Tinei Mu o le a le aofia mai le filifilia e i latou o lo o faia le

filifiliga pe a fai o ia o se tasi o lo o talosaga i le avanoa lea na faavae ai le komiti faatino tau tofiga.

(3) I le noatia ma le fai fuafua i aiaiga o lenei Tulafono ma so o se tulafono faatonutonu ua faia i lalo o lea tulafono o le Komiti Faatino e tataua ona fautuaina mo se tofiga po o siitia i luga o tulaga o le tagata o ia lea, e tusa ai ma tiute o le avanoa o le a faatumuina, ua i ai le manatu o le Komiti Faatino o se tagata e sili ma talafeagai lona agavaa mo lea tofiga.

21. Talosaga faasaga i se fautuaga mo le tofia po o le siitia o tulaga o le afaigaluega-(1) So o se tagata ua talosaga po o se tagata faigaluega o Galuega Tinei Mu o ia lea sa talosaga mo se avanoa e pei ona faamatalaina i lalo o le fuaiupu 6 o le a tataua ona i ai se aia e talosaga ai i le Komiti Faatino o Talosaga e pei ona aiaia i lalo o le fuaiupu 22 o lenei Tulafono.

(2) O talosaga uma o le a tataua ona amata i luga o se faasilasilaga o se talosaga tusia e faamatalaina ai mafuaaga o le talosaga ma faatua-tusi i le Komesina ma auina atu ia te ia e le o lo o talosaga i totonu o le 21 aso ina ua tuanai le aso na faailoa atu ai le fautuaga mo le tofiga.

22. Faavaeina o le Komiti Faatino o Talosaga-(1) O Komiti Faatino uma o Talosaga ua faavaeina e fofogaina talosaga e tusa ai ma le fuaiupu 21 o lenei Tulafono o le a aofia ai:

(a) Se Faamasino o le Faamasinoga Sili o Samoa i Sisifo po o se Faamasino o le Faamasinoga Maualalo o Samoa i Sisifo o ia lea o le a avea ma Taitaifono o le Komiti Faatino;

(b) O se Alii Taitai Sili o Galuega Tau Leoleo e filifilia e i si Ofisa Fai Pine ma e le Ofisa Sili Tinei Mu; ae vagana ai e faapea so o se tasi o le Ofisa Sili Tinei Mu po o le Ofisa Lagolago po o ni ofisa lagolago i le Ofisa Sili Tinei Mu o le a le aofia ai mai

le vaega o lo o faia le filifiliga o se tofi pe a fai o ia o se tagata o lo o talosaga i le avanoa lea na faavae ai le Komiti Faatino o Talosaga.

(c) O le Failautusi o le Komisi o Galuega a le Malo po o se i si tagata i totonu o Galuega a le Malo ua filifilia e le Failautusi.

(2) O sui uma o le Komiti Faatino o Talosaga o le a tofia e avea ma sui o sea Komiti e le Minisita ma e tatau ona tofia mo aano moni o talosaga uma taitasi.

(3) O se Ofisa Fai Pine o Galuega tau Leoleo o ia lea o lo o nofo i totonu o le Komiti Faatino o Talosaga e le tatau ona galue e avea o se sui o le Komiti Faatino o Talosaga pe a fai o le talosaga e faasino i se tofiga lea o lo o nofo ai le Ofisa Fai Pine i totonu o le Komiti Faatino tau Tofiga.

23. Aia faale-tulafono a le Komiti Faatino o Talosaga--(1) O le Komiti Faatino o le a tatau ona i ai aia faale-tulafono e fofoga ma fuafua ai so o se talosaga faasaga i se tofiga ua faia i lalo o le fuaiupu 6 ma mo lenei faamoemoega i le valaauina o molimau, ma le suesueina o molimau i luga o se tautoga po o se i si faiga e ese mai ai. I so o sea talosaga e mafai e le Komiti Faatino ona mauaina sea molimau e pei ua manatu o ia ua talafeagai ai, ma mauaina so o se faamatalaga, pepa aloaia, faaupuga, po o ni mataupu ua i le manatu o le Komiti Faatino e mafai ona fesoasoani ai i le tagofia o le mataupu o lo o i ona luma, e tusa lava pe o sea talosaga e mafai ona faauluina atu i se Faamasinoga tau Tulafono.

(2) I le iloiloina o so o se talosaga faasaga i se tofiga ua faia i lalo o le fuaiupu 6 e mafai e le Komiti Faatino ona talia po o le le taliaina le talosaga, po o e mafai ona faapea o le tofiga e le o tumau ma faatonuina e faapea o le a toe iloiloina e le Komiti tau Tofiga, lea o le a iloiloina ai faatasi ma sea mataupu e pei ona faamatalaina e le Komiti e tusa ai ma ana faatonuga. A fai

o se tofiga ua faatonuina ina ia toe iloiloina o le a tatau i le Komiti Faatino tau Tofiga ona soloia le tofiga ma e tatau ona faatumu le avanoa i le faiga e pei ona o le a faatagaina e lenei Tulafono. A fai o le talosaga ua faatagaina, o le Komiti Faatino tau Tofiga o le a tatau ona ia tofia loa le tagata sa talosaga ua faamanuiaina i lea avanoa.

(3) I so o se talosaga o le tuuina mai o ni faamaoniga o le a pau lea i luga o le o lo o talosaga.

(4) I le fofogaina o se talosaga o le Komiti Faatino tau Tofiga e mafai ona avea ma ona sui se faufautua faale-tulafono po o i si loa.

(5) I le fofogaina o so o se talosaga o le o lo o talosaga o le a aia ina ia auai, ma e mafai ona suia e se faufautua faale-tulafono po o se i si tagata ua faatagaina e le o lo o talosaga.

(6) O talosaga o lo o aafia ai le sili atu na i lo le toatasi se tagata o lo o talosaga, e le tatau ona fofogaina faatasi, ae vagana ai ua faatonuina e le Komiti Faatino ina ia tauaveina faapea.

(7) I ni mataupu e le o faamatalaina lelei i totonu o aiaiga o lenei Tulafono po o i totonu o so o se tulafono faatonutonu ua faia po o faaauau pea ona faamamaluina i lalo o lea tulafono, o taualumaga a le Komiti Faatino o le a faia e pei ona o le a fuafuaina e le Komiti Faatino.

(8) O taualumaga o lo o i luma o le Komiti Faatino o le a le tatau ona taofia ona o le le mauaina o pepa. E leai se talosaga o le a faataatia mai i so o se faaiuga a le Komiti Faatino ma, vagana ai i luga o se mafuaaga o le le lava o ana aia faale-tulafono, e leai se taualumaga po o se faaiuga a le Komiti Faatino o le a noatia ina ia luiina, toe iloiloina, faaleaogaina, po o le fesiligia e so o se Faamasinoga.

(9) O le a tatau i le Komiti Faatino i luga o le lio o ana aia faale-tulafono ona avea o se Komisi Suesue i lalo o le Tulafono o Komisi Suesue 1964, ma, i le noatia ma le fai fuafua i aiaiga o lenei Tulafono, o aiaiga uma o lenei Tulafono, o le a

faaogaina e tusa ai ma lena Tulafono.

(10) A fai i le manatu o le Komiti Faatino o so o se talosaga ua faia i lalo o lenei fuaiupu e le taua po o e faia i luga o se ita, po o se talosaga sa le tatau ona faia, o le ua talosaga o le a le tatau ona aia i se tupe alu ina ia toe totogiina atu ma e mafai e le Komiti Faatino ona poloaiina sea tagata ina ia totogi le tau atoa po o se vaega o le talosaga, ma o le vaega-tupe e pei ona poloaiina ina ia totogiina e tatau ona toe faaolaina mai i le toesea mai le totogi o le o lo o talosaga.

24. O se solitulafono le taumafai ona gauai mai tofiga a le Komiti Faatino, tau tofiga, le Komesina po o le Komiti Faatino o Talosaga-(1) Ae vagana ai e pei ona aiaia, i le faafuaiupu (4) o lenei fuaiupu, e le tatau i so o se tagata i so o se auala ona taumafai e gauai mai le Komiti Faatino tau Tofiga le Komesina po o le Komiti Faatino o Talosaga po o se sui o sea Komiti Faatino po o le Komesina e tusa ai o so o se tofiga po o se talosaga, pe i se faiga tuusao pe faa-alatua, e le tatau foi i so o se tagata ona faa-gauai so o se i si lava tagata i se tulaga e faatosina ai le Komiti Faatino tau Tofiga, le Komesina po o le Komiti Faatino o Talosaga.

(2) So o se tagata o ia lea ua faia se gaoioiga e solia ia aiaiga o lenei fuaiupu ua faia e ia se solitulafono, ma ua noatia i luga o se moliaga i se faasalaga e le sili atu i le \$500.

(3) O se alii ofisa o Galuega Tinei Mu, se tagata faigaluega po o se tagata tinei mu e ofo fua mai o ia lea ua molia i se solitulafono i lalo o lenei fuaiupu o le a noatia loa e aunoa ma se i si faasalaga po o nisi taualumaga i le faateaina loa po o i se i si faasalaga mama e pei ona o le a faaeina i ai e le Komesina.

(4) E leai se mea i totonu o lenei fuaiupu o le a tatau ona aiaia ai le faasaina o so o se tagata mai le tuuina atu o faamatalaga po o le faia o ni faamatalaga i so o se tofiga, faatalanoaga po o se talosaga e faia i luga o se manaoga

po o se valaaulia a le Komiti Faatino tau Tofiga, le Komesina po o se Komiti Faatino o Talosaga, e avea ai o se tasi ua tusi talosaga, molimau, se tagata ua talosaga po o se sui o le ua toe talosaga i le fofogaina i luma o le Komiti Faatino o Talosaga po o se faatalanoaga i luma o le Komiti Faatino tau Tofiga po o le Komesina pe o le a lava le tulaga ua i ai.

25. Totogi o sui o le Komiti Faatino-(1) E tatau ona totogi atu i sui o le Komiti Faatino tau Tofiga ma le Komiti Faatino o Talosaga ni totogi fuapauina po o ni alauni i sea fua faatatau e pei ona o le a faatonuina e le Ao o le Malo i se polo-aiga i luga o le fautuaga a le Kapeneta.

(2) O totogi ua faia e tusa ai o lenei fuaiupu e tatau ona totogiina atu mai i tupe ua faatatauina e le Fono Aoaofaitulafono mo lena faamoemoe.

26. Mea soloia mulimuli mai ai-O le Tulafono o Galuega Tinei Mu 1955 ua soloia nei.

27. Siitiaina atu o Meatotino- I le amataina o lenei Tulafono, o meatotino uma o lo o umia e le Galuega Tinei Mu e pei ona sa i ai i lalo o le Tulafono o Galuega Tinei Mu 1955, pe a umia e le Galuega Tinei Mu po o se tasi lava Matagaluega a le Malo po o le matagaluega e tatau ona siitiaina atu, umia ma avea ma meatotino a le Galuega Tinei Mu ua faavaeina i lalo o lenei Tulafono.

28. Faamatalaga tau Tupe ma lipoti faale-tausaga a le Komesina-(1) O le Komesina e tatau ona tausaga faamatalaga tau tupe uma ma le sao ma o faamau-mauga o tupe uma na maua ma faaaluina faapea foi ma meatotino uma ma noataga o le Galuega Tinei Mu.

(2) O le Komesina e tatau, i se taimi vave e ono mafai ai ina ua tuanai le aso 30 o Iuni i tausaga taitasi, ona ia saunia se faamatalaga o tupe paleni, faatasi ai ma faamatalaga o tupe maua ma tupe alu ma le aofaiga o tupe maua po o le faatatauina ma se lipoti i gaoioiga a le Tinei Mu mo le tausaga faale-tupe e faamautu i lea lava

aso, ma o sea lipoti e tatau ona toe iloiloaina ai mataupu uma e talafeagai ma Galuega Tinei Mu. O le Komesina e tatau ona tuuina atu le faamatalaga o paleni o tupe ma faamatalaga tau tupe mo le sueina e le Pule ma Suetusi Sili po o se i si Suetusi ua faamaonia e le Pule ma Suetusi Sili, ma ia auina atu se kopi o lenei faamatalaga o tupe paleni, faamatalaga tau tupe, ma le lipoti faale-tausaga i le Minisita i se taimi vave e mafai ai ona faatino pe a uma ona sueina. O se kopi o le lipoti a le Komesina, le faamatalaga o tupe paleni ma faamatalaga tau tupe ma le lipoti a le Ofisa Suetusi i tausaga taitasi e tatau ona faataatia i luma o le Palemene i se taimi vave e mafai ai ona faatino ina ua uma ona mauzina e le Minisita.



## WESTERN SAMOA

## Arrangement of Provisions

## Title

1.	Short title and Commencement	122B	Transfer of Liabilities etc.
2.	Amendments to the principal Act	122C	Exclusion of Liability
	122A Minister may privatise the Post Office Savings Bank	122D	Consequential Amendments and Repeals

1994. No. 8

AN ACT to amend the Post Office Act 1972.

[28 July 1994]

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

1. Short title and commencement—(1) This Act may be cited as the Post Office Amendment Act 1994 and shall be read together with and deemed part of the Post Office Act 1972 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the date upon which it is assented to by the Head of State.

2. Amendments to the principal Act—The principal Act is amended by inserting the following sections immediately after section 122.