

MERIT

WESTERN SAMOA

Arrangement of Provisions

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1992/1993, No. 3.

AN ACT to provide for the conferring or granting of awards in recognition of acts of heroism or meritorious service to Western Samoa.

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

- 1. **Short Title** - This Act may be cited as the Merit Act 1992/1993.
- 2. **Interpretation** - In this Act, unless the context otherwise requires:-
 - "Award" means an award described in section 6 of this Act;
 - "Board" means the Merit Board established under section 13 of this Act;
 - "Department" means the Prime Minister's Department.

3. **Administration of Act** - This Act shall be administered in the Prime Minister's Department and that Department shall provide the administrative executive and secretarial services for the Board.

4. **Conferring of Awards** - The Head of State acting on the advice of Cabinet may by Order confer or grant awards in accordance with the provisions of this Act.

5. **General qualification for awards** - (1) Subject to subsection (2) of this section, no person shall be eligible to receive an award unless at the time of the conferring of that award he is a citizen of Western Samoa.

(2) Subsection (1) of this section shall not apply to honorary awards.

6. **Description of awards** - (1) The awards authorised by this Act are:-

(a) Malietoa T.II Distinguished Service Order (M.T.II.D.S.O.)

(b) Western Samoa Order of Tiafau (W.S.O.T.)

(c) Western Samoa Order of Merit (W.S.O.M.)

(d) Western Samoa Certificate of Excellence (W.S.C.E.).

(2) The letters in parentheses in subsection (1) of this section do not form part of the names of the awards but where an award is expressed in written form it may be described by the appropriate letters appearing in that subsection.

7. **Malietoa T.II Distinguished Service Order** - (1) The Malietoa T.II Distinguished Service Order may be conferred for an act or acts of exceptional bravery or heroism in the protection of life, the preservation of order, or the preservation in the face of any disaster or emergency of any property or thing needed or desired to be preserved for the national welfare.

(2) The Malietoa T.II Distinguished Service Order but no other award authorised by this Act may be conferred posthumously.

(3) Subject to section 17 of this Act, at no time shall more than 15 living persons be holders of the Malietoa T.II Distinguished Service Order.

8. **Western Samoa Order of Tiafau** - (1) The Western Samoa Order of Tiafau may be conferred upon persons -

(a) Who have given long and outstanding service to Western Samoa, whether in or out of Government; or

(b) Who are or have been leaders of Corporations (whether foreign or domestic), or who are or have been leaders of foreign states or organisations, in recognition of lengthy and valuable service help and friendship afforded to Western Samoa by those corporations, states or organisations or by those leaders.

(2) For the purposes of this section a leader of a foreign state is a person who is or was a Head of State, Provincial or other Governor, Prime Minister, Cabinet Minister, or the holder of any equivalent office, in that foreign state.

(3) At no time shall more than 20 living persons be holders of the Western Samoa Order of Tiafau.

9. **Western Samoa Order of Merit** - (1) The Western Samoa Order of Merit may be conferred in recognition of outstanding achievement in any field of endeavour which is of benefit, whether directly or indirectly, to Western Samoa or which brings credit to Western Samoa.

(2) Subject to section 17 of this Act, at no time shall more than 20 living persons be holders of the Western Samoa Order of Merit.

10. **Western Samoa Certificate of Excellence** - The Western Samoa Certificate of Excellence may be granted in recognition of exceptionally high achievement in any field of endeavour which is of benefit, whether directly or indirectly, to Western Samoa or which brings credit to Western Samoa.

(2) No more than 20 Western Samoa Certificates of Excellence may be awarded in any calendar year.

11. **Meaning of "Field of endeavour"** - For the purposes of sections 9 and 10 of this Act, "Field of endeavour" includes -

- (a) work in the service of Western Samoa;
- (b) service as a Member of Parliament or as a Minister of State;
- (c) service as a member of an organisation dedicated to the welfare of Samoa or Samoans;
- (d) work as a self employed person;
- (e) work as an employee;
- (f) work as a volunteer;
- (g) participation in any academic activity;
- (h) engaging in any literary activity;
- (i) participation in fine arts, visual arts or performing arts;
- (j) engaging in any craft;
- (k) performance as a sportsperson;
- (l) any other activity prescribed by regulation as a field of endeavour.

12. **Privileges attaching to awards** (1) Every holder of an award (other than a Certificate of Excellence) shall have the right to be invited to attend all Government functions,

and to wear his ribbon and medal on every such occasion and may at any other time wear a miniature replica of the medal or ribbon.

(2) Every holder of an award may, after any printed or written form of his name, add the appropriate letters denoting the award which he holds.

(3) Holders of awards shall have such other privileges as may be prescribed by regulation.

(4) For the purposes of this section "award" includes an honorary award.

13. **Merit Board** - (1) There is hereby constituted a Board to be known as the Merit Board.

(2) The functions of the Board shall be to consider persons who may be eligible for awards or honorary awards and to recommend to Cabinet the granting of an award to any of such persons where it considers that an award is justified.

(3) The Board shall consist of three persons who in the opinion of the Prime Minister have the respect of the community.

(4) Members of the Board shall be appointed by the Head of State acting on the advice of Cabinet by Order, and shall hold office at the pleasure of the Head of State.

(5) The Board shall elect its own Chairman and determine its own procedure in all matters.

(6) Members of the Board may be paid such remuneration and other allowances as Cabinet may from time to time determine.

14. **Recommendations for awards** - Recommendations for awards shall be made in writing by the Board to Cabinet.

15. **Style and cost of awards** - (1) Each award shall comprise a certificate given under the hand of the Head of State and sealed with the Public Seal of Western Samoa; and in the case of an award described in paragraphs (a) (b) and (c) of section 10 of this Act shall also comprise a medal attached to a ribbon.

(2) Medals, ribbons and certificates shall be of such design as shall be approved by the Head of State acting on the advice of Cabinet, by Order.

(3) The cost of the design, fabrication and conferring of the awards and all costs incidental thereto (including remuneration and allowances made pursuant to section 13 of this Act) together with the monetary payments made in accordance with section 16 of this Act shall be statutory expenditure and shall be paid out of the Treasury Fund without further appropriation.

16. **Monetary Payments** - (1) The following monetary payments shall accompany the conferring or granting of an award:-

(a) To a person upon whom is conferred the Malietoa T.II Distinguished Service Order the sum of \$1500.

(b) To a person upon whom is conferred the Western Samoa Order of Tiafau the sum of \$1,000.

(c) To a person upon whom is conferred the Western Samoa Order of Merit the sum of \$1,000.

(d) To a person to whom is granted a Western Samoa Certificate of Excellence the sum of \$500.

(2) Payments made under this section shall be exempt from income tax.

17. **Honorary awards** - (1) Where the Head of State acting on the advice of Cabinet is

satisfied that a person merits the receipt of an award under this Act and that person is not a citizen of Western Samoa, he may by Order confer an honorary award on that person.

(2) The limitations imposed by sections 7 and 9 of this Act shall not apply to the grant of honorary awards nor shall the holders of honorary awards be taken into account for the purposes of those sections.

18. **Lost awards** - Where the holder of an award has lost his medal, ribbon or certificate, he may obtain a duplicate from the department upon paying the reasonable cost thereof, which cost shall be fixed by the Secretary to the Government.

19. **Offence wrongfully to wear medal etc.** - Any person who wears any medal or ribbon to which he is not entitled or who in any way holds himself out or permits or suffers himself to be held out as the holder of an award which he does not hold, commits an offence and upon conviction is liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

20. **Regulations** - The Head of State, acting on the advice of Cabinet, may make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration and control thereof.

FAAILOGA TAUALOA MO GALUEGA MAOAE MA LE TAULELEIA

SAMOA I SISIFO

Faatulagaina o Aiaiga

Igoa

1. Igoa Puupuu
2. Faamatalaina o uiga o Upu
3. Faafocina o le Tulafono
4. Faaecina atu o faailoga Taualoa mo Galuega Maoae ma le Tauleleia
5. Agavaa Aoa mo le mauaina o faailoga
6. Faamatalaga o faailoga
7. Pine Taualoa a le Susuga Malietoa Tanumafili II mo Galuega Maoae ma le Tauleleia
8. Pine Taualoa o Tiafau
9. Pine Taualoa o le Tautua Maoae i tomai faapitoa
10. Tusi Taualoa Faamaonia o se Galuega ua maualuga lona Tauleleia
11. Faauigaina o "Ituaiga o taumafaiga"
12. Tulaga Aloaia e tuuina atu i faailoga
13. Komiti Faatino o Faailoga Taualoa mo Galuega Maoae ma le Tauleleia
14. Fautuaga mo le tuuina atu o faailoga
15. Foliga o faailoga ma tau
16. Totogi tau tupe
17. Faailoga Taualoa e le aofia ai manaoga uma ua aiaia
18. Faailoga leiloa
19. O le Solitulafono le faaogaina i se faiga taufaasese se pine, ma isi faiga faapena
20. Tulafono Faatonutonu

1992/1993, Nu 3

O SE TULAFONO e aiaia ai mo le faaecina atu po o le tuuina atu o ni faailoga e aloaia ai gaoioiga o le lototele ma le toa po o galuega maoae ma le tauleleia ua faia mo Samoa i Sisifo.

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

1. Igoa Puupuu - E mafai ona taua lena Tulafono o le Tulafono o Faailoga Taualoa mo Galuega Maoae ma le Tauleleia 1992/1993

2. Faamatalaina o uiga o Upu - I totonu o lenei Tulafono, ae vagana ai ua manaomia e le mataupu se isi faaupuga e ese mai ai:-

"Faailoga" o lona uiga o se faailoga e pei ona faamatalaina i totonu o le fuaiupu 6 o lenei Tulafono;

"Komiti Faatino" o lona uiga o le Komiti Faatino o Faailoga Taualoa mo Galuega Maoae ma le Tauleleia ua faavaeina e tusa ai ma le fuaiupu 13 o lenei Tulafono;

"Matagaluega" o lona uiga o le Matagaluega a le Palemia.

3. Faafoeina o le Tulafono - O lenei Tulafono o le a faafoeina i totonu o le Matagaluega a le Palemia ma o lenei Matagaluega o le a tatau ona ia tuuina atu ni galuega tau pulega faa-Ofisa ma ni galuega faa-failautusi mo le Komiti Faatino.

4. Faaeeina atu o tau - O le Ao o le Malo i le faia i luga o le fautuaga a le Kapeneta e mafai i luga o se Poloaiga ona faaeeina atu po o le tuuina atu o ni faailoga e tusa ai ma aiaiga o lenei Tulafono.

5. Agavaa aoao mo le mauaina o faailoga - (1) I le noatia ma fai fuafua i le faafuaiupu (2) o lenei fuaiupu, e leai se tagata o le a agavaa i le mauaina o se faailoga vagana ai o ia o se tagatanuu o Samoa i Sisifo i le taimi e faaeeina atu ai lena faailoga.

(2) O le Faafuaiupu (1) o lenei fuaiupu o le a le tatau ona faaogaina i ni faailoga taualoa e le aofia ai manaoga uma ua aiaia e ese mai ai i manaoga masani e tuuina atu faailoga.

6. Faamatalaga o faailoga - (1) O faailoga ua faatagaina e tusa ai ma lenei Tulafono e faapea:-

(a) Pine Taualoa a le Susuga Malietoa Tanumafili II (M.T.II.D.S.O)

(b) Pine Taualoa o Tiafau a Samoa i Sisifo (W.S.O.T)

(c) Pine Taualoa o le Tautua Maoae i tomai faapitoa (W.S.O.M)

(d) Tusi Taualoa Faamaonia o se Galuega ua maualuga lona Tauleleia (W.S.C.E)

(2) O mataitusi i faapuupuuga o faamatalaga o lo o i totonu o le faafuaiupu (1) o lenei fuaiupu e le avea o se vaega o igoa o faailoga peitai a fai o se faailoga e faamatalaina i se faiga tusitusia e mafai ona faamatalaina e matatusi talafeagai e pei ona aliali ai i totonu

o lena faafuaiupu.

7. Pine Taualoa a le Susuga Malietoa Tanumafili II - (1) O le Faailoga a le Susuga Malietoa Tanumafili II mo Galuega Maoae ma le Taulelei e mafai ona faaeeina atu mo se galuega po o ni galuega maoae taule lototele po o le lototoa i le faasaoina o se ola o se tagata soifua, faatumauina o le filemu, po o le faasaoina o so o se meatotino po o se mea e tatau po o e manaomia ona faasaoina mo le soifua lelei o le atunuu i taimi o so o se faalavelave matuia.

(2) E le mafai ona tuuina atu i so o se isi Faailoga Taualoa o lo o faatagaina i lalo o lenei Tulafono i se tagata ua maliu ae vagana ai le Pine Taualoa a le Susuga a Malietoa Tanumafili II.

(3) I le noatia ma le fai fuafua i le fuaiupu 17 o lenei Tulafono, e le tatau i so o se taimi ona sili atu na i lo le 15 ni tagata soifua e umia le Faailoga a le Susuga Malietoa Tanumafili II.

8. Pine Taualoa o Tiafau - (1) O le Pine Taualoa o Tiafau e mafai ona faaeeina atu i luga o ni tagata -

(a) o i latou ia ua leva ona galulue ma faia ni galuega lelei mo Samoa i Sisifo, pe i totonu o galuega a le Malo po o fafo atu o le Malo. po o

(b) o i latou ia o lo o avea po o sa avea ma taitai o Faalapotopotoga (pe i fafo po o i totonu o le atunuu), po o i latou ia o lo o avea po o sa avea ma taitai o Malo ese po o faalapotopotoga, e aloaia ai le umi ona galue faapea foi ma galuega aoga tau fesoasoani ma faiga faa-paaga na tuuina mai ia Samoa i Sisifo e ia faalapotopotoga, Malo po o ia taitai.

(2) Mo faamoemoe o lenei fuaiupu o se taitai o se Malo i fafo o ia lea o se tagata o lo o po o sa avea ma Ao o le Malo, Taitai Faa-itumalo po o isi Kovana, Palemia, Minisita o le Kapeneta, po o le o lo o umiaina se tofi tali tutusa, i lena Malo ese.

(3) E le tatau ona umia e ni tagata soifua e sili atu na i lo le toa 20 Pine Taualoa o Tiafau.

9. Pine Taualoa o le Tautua Maoae i tomai faapitoa - (1) E mafai ona faaeeina atu le Pine Taualoa o le Tautua Maoae i tomai faapitoa e aloaia ai se taunuuga

maoae ua ausia i so o se ituaiga o taumafaiga e faamanuiaina ai, pe tuusao po o faaalatua, ia Samoa i Sisifo po o e maua ai se tulaga tauleleia o Samoa i Sisifo.

(2) I le noatia ma le fai fuafua i le fuaiupu 17 o lenei Tulafono, e le tatau ona umia e ni tagata soifua e sili atu na i lo le toa 20 Pine Taualoa o le Tautua maoae i tomai faapitoa.

10 Tusi Taualoa Faamaonia o se Galuega ua Maualuga lona Tauleleia - (1) O le Tusi Taualoa Faamaonia o se Galuega ua maualuga lona tauleleia o le a mafai ona tuuina atu e aloaia ai se taunuuga maoae ua ausia i so o se ituaiga o taumafaiga e faamanuiaina ai, pe tuusao po o faaalatua, ia Samoa i Sisifo po o e maua ai se tulaga tauleleia o Samoa i Sisifo.

(2) Ia le sili atu na i lo le 20 Tusi Taualoa Faamaonia mo Galuega ua maualuga lona Tauleleia e mafai ona tuuina atu i totonu o so o se tausaga faale-kalena.

11. Faaugaina o "ituaiga o taumafaiga" - Mo faamoemoega o fuaiupu 9 ma le 10 o lenei Tulafono, "Ituaiga o Taumafaiga" e aofia ai -

- (a) galue i totonu o galuega a Samoa i Sisifo;
- (b) galue e avea ai o se Sui Usufono o le Palemene po o se Minisita o le Malo;
- (c) galue e avea ai o se Sui o se faalapotopotoga e galue faapitoa mo le soifua lelei o Samoa po o tagata o Samoa;
- (d) galue e avea ai o se tagata e galue mo ia lava;
- (e) galue e avea ai o se tagata faigaluega;
- (f) galue e avea ai o se tagata faigaluega ofo fua mai;
- (g) auai ai i so o se gaoioiga taule aaoaina o le poto ma tomai faapitoa;
- (h) galue i so o se gaoioiga tau tusitusiga po o tusiga-tala;
- (i) auai ai i mataupu taule poto salalau; tusiga-ata ma le faatinoina o so o se taleni vaai;
- (j) galue i so o se galuega taulima e pei o le taina o faatagata, fausia o mea mai le ele;
- (k) gaoioiga iloga e pei o se tagata taalo;
- (l) so o se isi lava gaoioiga e pei ona faatonuina e se tulafono faatonutonu e avea ai o se tasi o ituaiga o taumafaiga.

12. Tulaga Aloaia e Tuuina atu i Faailoga - (1) O i latou uma e umia se faailoga taualoa (e ese mai ai na i lo le Tusi Taualoa o se Galuega ua maualuga lona Tauleleia) o le a i ai le

aia ina ia valaaulia e auai atu ai i sauniga uma faale-Malo, ma ia asoaina lana lipine faatasi ai ma le pine i so o sea faatasiga ma e mafai i so o se taimi ona faaaogaina se ata moni ua faaitiitia o sea pine po o le lipine.

(2) O i latou uma e umia se faailoga e mafai, ina ua maea so o se lolomiina po o le tusiina o lona igoa, ona faaopoopo i ai ni mataitusi talafeagai e faamatalaina ai le faailoga o lo o umia e ia.

(3) O i latou o lo o umia Faailoga o le a tuuina atu i ai nisi tulaga aloaia e pei ona o le a faatonuina e tulafono faatonutonu.

(4) Mo faamoemoega o lenei fuaiupu "faailoga" e aofia ai se faailoga taualoa e le o aofia ai manaoga uma ua aiaia e lenei Tulafono (Honorary Award).

13. Komiti Faatino mo Faailoga Taualoa mo Galuega Maoae ma le Tauleleia

(1) O le a faavaeina se Komiti Faatino e avea o se Komiti Faatino mo Faailoga Taualoa mo Galuega Maoae ma le Tauleleia.

(2) O le a avea ma matafaioi a le Komiti Faatino le iloiloina o ni tagata o i latou ia e ono mafai ona agavaa mo faailoga po o faailoga taualoa e le aofia ai manaoga uma ua aiaia (Honorary Awards) ma ia fautuaina le Kapeneta i le tuuina atu o se faailoga i so o se tasi o ia tagata pe a fai ua ia manatu e faapea o sea faailoga ua tatau ma talafeagai ai.

(3) O le Komiti Faatino e tatau ona avea ma ona sui usufono ni tagata se toatolu o i latou ia ua manatu le Palemia ua i ai le faatuatuaga o tagata lautele.

(4) O Sui usufono o lenei Komiti Faatino o le a tofia e le Ao o le Malo i luga o le fautuaga a le Kapeneta i se Poloaiga, ma e tatau ona umia ia tofi i luga o le agaga faitalia o le Ao o le Malo.

(5) O le a tatau i le Komiti Faatino ona filifilia e ia lava sona sui usufono e avea ma Taitaifono faapea foi ma le fuafuaina o ana taualumaga e tusa ai ma mataupu uma o le a ia tauaveina.

(6) O le a totogiina atu i Sui usufono o le Komiti Faatino ni totogi ma isi alauni e pei ona o le a fuafuaina e le Kapeneta mai i lea taimi i lea taimi.

14. Fautuaga mo le tuuina atu o Faailoga - O Fautuaga mo le tuuina atu o faailoga e tatau

ona faia i luga o se tusitusiga mai le Komiti Faatino i le Kapeneta.

15. Foliga o Faailoga ma Tau - (1) O Faailoga taitasi o le a aofia ai se tusi faamaonia e tuuina atu i lalo o le lima o le Ao o le Malo ma faaamauina i le faamau faailoga a le Malo o Samoa i Sisifo; ma i le tulaga o se faailoga e pei ona faamatalaina i totonu o parakalafa (a) (b) ma le (c) o le fuaiupu 10 o lenei Tulafono o le a tatau foi ona aofia ai ma se pine e faapipiina i se lipine.

(2) O Pine, Lipine ma Tusi Faamaonia o le a tatau ona fausia i se faiga e faamaonia e le Ao o le Malo i luga o le fautuaga a le Kapeneta, i se Poloaiaga.

(3) O le tau o le tusia o le ata, gaosia ma le faaeeina atu o faailoga ma tau uma e ono aliai mai i ia mea (e aofia ai totonu ma alauni ua faia e tusa ai ma le fuaiupu 13 o lenei Tulafono) faatasi ai ma totonu tau tupe ua faia e tusa ai ma le fuaiupu 16 o lenei Tulafono o le a avea ma tupe alu faale-tulafono ma e tatau ona totogiina atu mai i Faaputuga-tupe a le Matagaluega o Tupe e aunoa ma nisi tupe e toe faatatauina i ai.

16. Totogi Tau Tupe - O totogi tau tupe e pei ona taua e tatau ona tuuina atu faatasi ma le faaeeina atu po o le tuuina atu o se faailoga:-

(a) I se tagata o ia lea o le a faaeeina i ai le Pine Taualoa a le Susuga a Malietoa Tanumafili 11 mo Galuega Maoae ma le Tauleleia le vaega-tupe e \$1,500. (M.T.II D.S.O)

(b) I se tagata o ia lea o le a faaeeina i ai le Pine Taualoa o Tiafau le vaega-tupe e \$1,000. (W.S.O.T).

(c) I se tagata o ia lea o le a faaeeina i ai le Pine Taualoa o le Tautua Maoae i tomai faapitoa le vaega-tupe e \$1000. (W.S.O.M).

(d) I se tagata o ia lea o le a faaeeina i ai le Tusi Taualoa Faamaonia o se Galuega ua maualuga lona Tauleleia le vaega-tupe e \$500. (W.S.C.E).

(2) O tupe totonu ua faia e tusa ai ma lenei fuaiupu o le a tuusaunoaina mai i lafoga o tupe maua.

17. Faailoga Taualoa e le aofia ai manaoga uma ua aiaia (Honorary Awards) - (1) A fai o le Ao o le Malo i le faia i luga o le fautuaga a le Kapeneta ua faamalieina e faapea o se tagata ua ono tatau ona ia mauaina se faailoga e tusa ai ma lenei Tulafono ma e faapea o

lena tagata e le o se tagatanuu o Samoa i Sisifo, e mafai ai i luga o se Poloaiiga ona faaeeina i ai se faailoga taualoa i lena tagata.

(2) O tapulaa e pei ona faaccina i ai e fuaiupu 7 ma le 9 o lenei Tulafono e le tatau ona faaaogaina i le tuuina atu o faailoga taualoa (Honorary Awards) e faapea foi ona le faaaogaina ia i latou e umia ia ituaiga faailoga faamoemoega e tusa ai ma ia fuaiupu.

18. Faailoga Leiloa - A fai o le e umia se faailoga ua leiloa lana pine, lipine po o se tusi faamaonia, e mafai ona ia mauaina se ata o ia mea mai le Matagaluega i le totogi o le tau talafeagai, ma o lea tau o le a faatulagaina e le Failautusi o le Malo.

19. O le Solitulafono le faaaogaina i se faiga taufaasese se pine ma isi faiga faapena - So o se tagata o ia lea o le a faaaogaina so o se pine po o se lipine e le aia i ai po o le taumafai i se faiga tau faasese e faapea ai o ia lea o lo o umia sea faailoga taualoa, ua ia faia se solitulafono ma i luga o se moliaga o le a noatia o ia i se sala e le sili atu i le \$1,000 po o le nofosala i le falepuipui mo se vaitaimi e le sili atu i le 12 masina.

20. Tulafono Faatonutonu - O le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta, e mafai ona ia faia tulafono faatonutonu uma e pei ona o le a manatu ai o ia ua talafeagai po o e fesoasoani mo le tuuina atu atoatoa o le malosiaga i aiaiga o lenei Tulafono ma mo le faafoeina ma le pulea o lenei Tulafono.