



Western Samoa

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1975, No. 15

AN ACT to consolidate and otherwise amend the law relating to medical practitioners, to establish the Medical Council, to prescribe the qualifications required by per-

sons for the practice of medicine and surgery in Western Samoa and to provide for the registration and disciplinary control of such persons. [23 December 1975]

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

PART I

PRELIMINARY AND ADMINISTRATION

1. Short title—This Act may be cited as the Medical Practitioners Act 1975.

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

“Council” means the Medical Council as established by this Act:

“Department” means the Department of Health:

“Director” means the Director of Health:

“Hospital” means a hospital or other institution controlled or maintained by the Department:

“Judge” means a Judge of the Supreme Court:

“Medical Practitioner” means a medical practitioner qualified and registered under this Act:

“Minister” means the Minister of Health:

“Prescribed” means prescribed by regulations:

“Registration” includes provisional registration:

“Regulations” means regulations made under this Act.

3. Dissolution of Medical and Dental Council—The Council called the Medical and Dental Council, which was established by section 3 of the Medical and Dental Practitioners Act 1966, is hereby dissolved.

4. Establishment of Medical Council—(1) There is hereby established a Council to be called the Medical Council.

(2) The following persons shall be members of the Medical Council for all its business —

(a) The Director, who shall be Chairman of the Council;

- (b) A medical practitioner to be appointed by the Head of State, acting on the advice of Cabinet, who shall be Deputy Chairman of the Council;
 - (c) A medical practitioner to be appointed by the Head of State, acting on the advice of Cabinet, who is in private practice as a medical practitioner in Western Samoa or who is a retired medical practitioner ordinarily resident in Western Samoa;
 - (d) Two medical practitioners to be appointed by the Head of State acting on the advice of Cabinet; being persons who have been nominated for such appointment by the Western Samoa Medical Association Incorporated; and
 - (e) A Barrister or Solicitor in the office of the Attorney-General who is for the time being nominated in writing for the purpose by the Attorney-General.
- (3) No vacancy in the membership of the Council shall affect its powers.

5. Terms of office of appointed members—(1) Subject to the other provisions of this Act, the appointed members of the Council shall be appointed for a term of three years, but may from time to time be re-appointed.

(2) Every appointed member, unless he sooner vacates his office otherwise than by effluxion of time, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

6. Extraordinary vacancies—(1) Any appointed member may at any time be removed from office by the Head of State, acting on the advice of Cabinet, for disability, inefficiency, bankruptcy, neglect of duty, misconduct or permanent departure from Western Samoa proved to the satisfaction of Cabinet, or may at any time resign his office by written notice addressed to the Secretary.

(2) The office of any appointed member shall become vacant if he dies or resigns or is removed from office, and thereupon the vacancy shall be treated as an extraordinary vacancy and shall be filled in the manner in which the original appointment to the vacant office was made.

(3) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.

7. Meetings—(1) Meetings of the Council shall be called by the Secretary, on a requisition in writing from at least three members or from the Chairman.

(2) The quorum for any meeting of the Council shall be four members.

(3) Every question before a meeting of the Council shall be determined by a majority of the votes of the members present at that meeting but the chairman of that meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(4) Except as otherwise provided in this Act or in any regulations, the Council may regulate its procedure as it thinks fit.

8. Secretary—(1) There shall be a Secretary to the Council who is a Registered Medical Practitioner.

(2) The office of Secretary to the Council may be held in conjunction with any other office in the Department.

9. Remuneration and allowances of Council members—There may be paid, out of the funds of the Council —

(a) To each member of the Council, at a rate to be approved by Cabinet, travelling expense reasonably incurred by him in the performance of his duties as a member of the Council; and

(b) To each member of the Council so long as he is not a full time salaried officer or employee of the Government, such sum as may from time to time be approved by Cabinet in respect of each day or part of a day that he spends on the business of the Council.

PART II

QUALIFICATIONS AND REGISTRATION

10. Registers to be kept by Secretary—(1) The Secretary shall set up and keep the following registers, namely:

(a) A register of medical practitioners;

(b) A register of provisionally registered medical practitioners.

(c) A register of persons who ~~(are temporarily registered under section 16;]~~

(d) A register of persons who are appointed by the Public Service Commission in accordance with section 26 to the Staff of any hospital to carry out duties for which registration is required under this Act.

(2) The Secretary shall enter in each appropriate register the full names, addresses and professional qualification of every person registered under this Act, together with such other particulars as may from time to time be prescribed, or be directed by the Council

11. Qualification and registration of medical practitioners—(1) After the expiration of the period of 3 months following the commencement of this Act, no person shall practise medicine or surgery in Western Samoa unless —

(a) He is registered as a medical practitioner under this Act and is the holder of a current practising certificate issued under section 17; or

(b) Being provisionally registered under this Act and being the holder of a current practising certificate issued under section 17, he practises medicine or surgery in accordance with subsection (2) of section 12; or

(c) He practises medicine or surgery in accordance with a current temporary practising certificate issued to him under section 16; or

(d) He practises medicine or surgery in a hospital in accordance with subsection (1) of section 26.

(2) Every person shall be entitled to registration as a medical practitioner under this Act who satisfies the Council —

(a) That he is of good character and reputation;

(b) That he has such qualifications and practical experience as are for the time being prescribed by the Council by notice published in the Gazette and in the Savali.

(3) Every person, who immediately prior to the commencement of this Act was the holder of a practising certificate under subsection (1) or subsection (2) of section 10 of the Medical and Dental Practitioners Act 1966 shall ipso facto be entitled to be registered as a medical practitioner under this Act.

12. Provisional registration—(1) Any person who lacks practical experience in medicine or surgery but who otherwise would be qualified for registration under the preceding section hereof, may be granted provisional registration by the Council under this section.

(2) Any person registered as a medical practitioner provisionally under this section may be employed or permitted to practise medicine or surgery in an approved hospital for such period as the Council shall consider necessary to enable such person to acquire the practical experience requisite for registration under the preceding section of this Act.

13. Applications for registration—(1) Every application under this Act for registration or provisional registration shall be made in writing to the Secretary in the prescribed form and shall be accompanied by —

- (a) Two current references as to the applicant's good character and reputation, given by medical practitioners of good standing (whether in Western Samoa or elsewhere) and
- (b) Evidence to the satisfaction of the Council of the applicant's qualifications and practical experience; and
- (c) The prescribed fee.

(2) No entry of the name of any person shall be made in any register kept under this Act except pursuant to a direction of the Council.

14. Applications to be considered by Council—(1) At its first meeting after any application for registration has been submitted to the Secretary, or as soon thereafter as may be practicable, the Council shall consider the application and shall give such directions to the Secretary in respect thereof as it thinks fit and as is by this Act authorised.

(2) Before giving any such direction the Council may if it thinks fit examine on oath the person making the application or any person objecting to the application or any other person, with respect to the application, and for the purposes of any such examination the Chairman may administer an oath to any person appearing before a meeting of the Council.

(3) The Council may if it thinks fit require any person to verify by statutory declaration any statement made by him with respect to any application before the Council or with respect to any objection thereto.

15. Decisions of Council—(1) If the Council after considering any such application is of the opinion that the applicant is entitled to be registered in the manner specified in the application or in any other manner it shall so direct and the Secretary shall thereupon register the applicant in the manner directed and shall notify him accordingly in writing.

(2) If the council after considering any such application is of opinion that the applicant is not entitled to be registered in the manner specified in the application or in any other manner it shall so direct and the Secretary shall thereupon refuse to register the applicant in any manner and shall notify him accordingly in writing.

16. Temporary practising certificates—(1) Notwithstanding anything to the contrary in this Act, the Council or the Director of Health, acting with the written concurrence of any two members of the council may issue to a person who has applied for registration under this Act a temporary certificate of permission to practise medicine or surgery or both, as the case may be, which shall entitle that person, pending the consideration of his application by the Council, to practise in accordance with the certificate, to the extent to which he would be entitled if he had been registered in the manner specified in the certificate, and, while the certificate remains in force, he shall be deemed to be so registered.

(2) No such certificate shall in any case remain in force for a longer period than three months from the date of issue.

(3) The Council may at any time cancel any temporary certificate granted under this section and the certificate shall thereupon lapse, and there shall be no appeal from any such cancellation.

17. Certificates of practise—(1) Every person who is registered or provisionally registered under this Act shall be entitled to receive a certificate of such registration in the prescribed form under the hand of the Secretary.

(2) Every person who is registered or provisionally registered under this Act, and whose registration is not for the time being suspended, shall in every year on payment of the prescribed fee be entitled to receive a practising certificate for that year under the hand of the Secretary.

(3) Every practising certificate shall be in the prescribed form and shall expire with the 31st day of December in the year for which it is issued.

(4) The Council may prescribe by notice published in the Gazette and in the Savali the length of practical experience that is necessary before a registered medical practitioner may set up practice in a private capacity.

(5) No person shall practise medicine or surgery in a private capacity in Western Samoa unless -

- (a) He is registered as a medical practitioner under this Act; and
- (b) He is the holder of a current practising certificate under this section; and
- (c) He has the necessary practical experience required by subsection (4) of this section; and
- (d) The practising certificate is endorsed on its face by the Council that the holder is entitled to practise medicine or surgery in Western Samoa in a private capacity.

18. Additional degrees, etc., to be entered in register—

(1) Any person registered under this Act who obtains any approved degree, diploma, certificate or licence other than that by virtue of which he is registered may apply to the Secretary to amend the register so far as it relates to the qualifications of that person; and on any such application the Council, if satisfied that the applicant is entitled to the degree, diploma, certificate or licence in respect of which the application is made and that it is one of a kind approved by the Council for the purposes of this section, shall direct the Secretary to amend the register accordingly, and the Secretary shall thereupon insert in the register particulars of the degree, diploma certificate or licence.

(2) It may be a condition of the approval by the Council for the purpose of this section of any degree, diploma, certificate or licence that the course of education or examination therefor shall be such as is approved or required by the Council.

(3) Any approval or requirement for the purposes of this section may at any time be revoked by the Council.

19. Person registered to notify change of name or address

—(1) Every person registered under this Act who at any time changes his name or address as appearing on any register shall, within three months thereafter, send to the Secretary a notice of his new name or address.

(2) Thereupon the Secretary shall alter the register accordingly.

20. Correction of registers—(1) If any person has been registered under this Act by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered under this Act has been so registered, the Council shall cause the name of that person to be removed from the register.

(2) Where it appears to the Council that the name of any person is incorrectly stated in, or has been incorrectly removed from, any register kept under this Act, the Council may correct the register accordingly.

(3) Upon receiving creditable notice of the death of any person registered under this Act, the Secretary shall remove the name of that person from the register.

(4) If any person registered under this Act applies to the Secretary to have his name removed from the register, the Secretary shall, if the Council so directs, remove the name from the register accordingly.

(5) On the coming into effect of any decision of the Council or a Judge under section 22, 23 or 24 of this Act respectively, to remove the name of a person from the appropriate register or suspend his registration under this Act, the Secretary shall take action in accordance therewith.

21. Inspection of registers—Every register kept under this Act shall at all reasonable times be open to the public for inspection at the office of the Secretary at Apia, subject to payment of any prescribed fee.

(3) Any approval or requirement for the purposes of this section may at any time be revoked by the Council.

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(2) Where it appears to the Council that the name of any person is incorrectly stated in, or has been incorrectly removed from, any register kept under this Act, the Council may correct the register accordingly.

(3) Upon receiving creditable notice of the death of any person registered under this Act, the Secretary shall remove the name of that person from the register.

(4) If any person registered under this Act applies to the Secretary to have his name removed from the register, the Secretary shall, if the Council so directs, remove the name from the register accordingly.

(5) On the coming into effect of any decision of the Council or a Judge under section 22, 23 or 24 of this Act respectively, to remove the name of a person from the appropriate register or suspend his registration under this Act, the Secretary shall take action in accordance therewith.

21. Inspection of registers—Every register kept under this Act shall at all reasonable times be open to the public for inspection at the office of the Secretary at Apia, subject to payment of any prescribed fee.

PART III

SUSPENSION, DISCIPLINE, APPEALS AND RE-REGISTRATION

22. Suspension of registration for disability—(1) If the Council at any time is satisfied that any person who is registered in any register required to be kept by this Act is unable, owing to mental or physical disability, to perform his professional duties satisfactorily, and that because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the Council may direct that the registration of that person be forthwith suspended.

(2) The Council may at any time, either on application by or on behalf of that person or its own motion, revoke any such suspension.

(3) The Secretary, after noting each such suspension and revocation of suspension of a person in the appropriate register, shall notify him accordingly in writing.

23. Disciplinary powers of Council—(1) If the Council is satisfied in respect of any person registered under this Act that that person, whether before or after he became registered, -

- (a) Has been guilty of disgraceful conduct in a professional respect; or
- (b) Has been guilty of professional misconduct as a medical practitioner -”.

it may, in its discretion, either cause that person's name to be removed from the appropriate register, or suspend his registration under this Act for a period not exceeding twelve months, or impose a fine of such amount as it thinks fit not exceeding one hundred tālā.

(2) The Council may, if it thinks fit, determine that the decision of the Council under this section in relation to any person shall not come into effect until a notice of appeal is given under section 24 of this Act or if no such notice is given until the period within which such a notice may be given has expired. If within that period such a notice is given, the decision of the Council shall not take effect unless and until it is confirmed by a Judge or the appeal is for any reason dismissed by a Judge:

Provided that in any such case the decision shall take effect from the date of the decision of the Judge hearing the appeal or from such other date as the Judge may fix.

(3) Before exercising its powers under subsections (1) and (2), the Council shall cause to be served on the person concerned a notice -

- (a) Specifying the allegations against that person in sufficient detail to enable him to prepare adequately any defence that he may have to such allegations: and
- (b) Specifying a time and place at which he may appear before the Council to answer the allegations being such as will give the person reasonable opportunity to prepare any defence that he may have;
- (c) Informing him that he may appear before the Council at the time and place appointed, either personally or by his legal adviser or other representative, and cross examine any witnesses called against him, and call evidence and make submissions on his own behalf.

(4) Before exercising its powers under subsections (1) and (2), the Council shall hold a hearing in accordance with the terms of the notice referred to in subsection (3).

(5) For the purposes of the hearing, the Council shall have the same powers and privileges as are conferred on a Commission of Inquiry by the Commissions of Inquiry Act 1964.

(6) Any hearing of any matter under this section may be adjourned by the Council from time to time and from place to place.

(7) Every monetary penalty imposed by the Council under this section shall be recoverable by the Council as a debt due to the council. If any such penalty is not paid within the time specified by the Council in that behalf, or within such extended time as the Council may allow, the Council may suspend the registration of the person liable for the payment of the penalty until the penalty is paid.

(8) Whenever the Council shall exercise any authority under this section in the case of any employee of the Public Service, the Secretary shall forthwith in writing notify the Public Service Commission of the determination or decision of the Council.

24. Appeals from decisions of Council—(1) Every person who is dissatisfied with any determination or decision of the Council relating to an application by him for registration or to authorise him to practise in a private capacity or to the removal of his name from any register, or to the suspension of his registration, or to the refusal to revoke any such suspension, or to the imposition on him of any fine, may, within twentyeight days after notice of the decision has been communicated to him by the Secretary, give a notice of appeal to the Secretary, and to the Registrar of the Supreme Court.

(2) A Judge shall hear the appeal as soon as practicable, and may confirm, reverse or modify the decision of the Council, including the giving of any decision which the Council could have given under this Act. The Judge's decision shall be final.

(3) On any appeal under this section, the Judge may make such order as to costs as he shall think fit.

25. Re-registration—(1) Where the registration of any person is refused or revoked by the Council or, on appeal, by a Judge, the Council shall not be obliged to consider any further application by that person for registration under this Act for a period of 2 years following such refusal or revocation or, subject to subsection (2), for such further period as the Council thinks fit; and in allowing such subsequent application, the Council may impose conditions precedent to registration to be undergone by the applicant.

(2) Any person aggrieved by a refusal of the Council to consider any such further application during such period may, within twenty-eight days after notice of the refusal

(3) A Judge shall hear any such appeal as soon as practicable, and may make such order on the application (including any order as to costs) as he thinks fit. The Judge's decision shall be final.

PART IV

EMPLOYMENT, PRACTICE AND OFFENCES

26. Only registered persons to be employed—Except with the approval of the Minister, given on a recommendation made by the Council on special grounds to be specified in

the recommendation, the Public Service Commission shall not appoint any person to the staff of any hospital to carry out the duties of any class for which registration is provided under this Act unless the person is registered or provisionally registered under this Act in that class or is the holder of a temporary practising certificate for that class:

Provided that nothing in this section shall be construed to restrict the employment in any hospital of persons undergoing a course of education in medicine or surgery.

27. Penalty for wrongfully procuring registration—Every person who wilfully makes or causes to be made any false entry in or falsification of any register kept under this Act, or procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaraton, either orally or in writing, commits an offence and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred tālā.

28. Penalty for wrongfully using title of medical practitioner—(1) Every person commits an offence against this Act who contravenes subsection (1) of section 11 or subsection (5) of section 17.

(2) Every person commits an offence against this Act who, not being qualified to be a medical practitioner by virtue of this Act or by virtue of any degree, diploma, licence, qualification, or registration obtained outside Western Samoa, describes himself or otherwise holds himself out as a medical practitioner.

(3) Nothing in subsection (2) shall be construed so as to entitle any person to practise medicine or surgery in Western Samoa in contravention of subsection (1) of section 11.

(4) Every person who commits an offence specified in subsection (1) or (2) shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$200, and to a further fine not exceeding \$20 for every day on which the offence has continued.

29. Right of persons to sue for fees—Every person who is registered and authorised under this Act to practise medicine or surgery in a private capacity shall be entitled to

sue in any Court for the recovery for any fee or other remuneration for professional service rendered by him.

30. Other persons not to sue for fees—No person shall be entitled to recover any fee or other remuneration in any Court of law in Western Samoa for any medical or surgical advice or attendance or treatment, or for the performance of any operation, or for any medicine which he has both prescribed and supplied, unless, at the time when the fee or other remuneration in respect of which the action is brought was incurred, he was a registered medical practitioner.

31. Act not to affect Government claims, chemists, etc.—(1) Nothing in this Act shall affect any right of the Government to charge fees or other remuneration for any medical or surgical advice or attendance or treatment, or for the performance of any operation, or for any medicine supplied, or for any care and nursing supplies, in or from any hospital.

(2) Nothing in this Act shall affect the lawful occupation, trade or business of any pharmaceutical chemist, or registered midwife, maternity nurse or nurse.

PART V

MISCELLANEOUS

32. Certificate of Secretary to be evidence—A certificate under the hand of the Secretary to the effect that any person was or was not registered under this Act in any specified time or during any specified period, or as to any entry in any register kept under this Act, or as to any act or proceeding of the Council, shall until the contrary is proved, be sufficient evidence of the matters therein certified.

33. Funds of Council—(1) The funds of the Council shall comprise -

- (a) Such money as may from time to time be appropriated by the Legislative Assembly for the purpose; and
- (b) Fees payable under this Act for registration, provisional registration, practising certificates, and temporary practising certificates; and
- (c) All other money payable to the Council under this Act or otherwise.

(2) The funds of the Council shall be administered in the Department of Health.

34. Regulations—(1) The Head of State, acting on the advice of Cabinet, may from time to time, 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 thereof.

(2) Without limiting the general power conferred by subsection (1) of this section, regulations may be made for all or any of the following purposes:

- (a) Prescribing the form and contents of and the method of keeping the registers under this Act;
- (b) Prescribing the subject matter of examinations to be conducted by the Council;
- (c) Prescribing the forms of applications, certificates, and other documents required under this Act, what notice (if any) shall be given of applications, the manner in which notices may be served, and the times when they shall be deemed to have been served;
- (d) Prescribing the fees payable in respect of education, examination, applications for registration, registration and giving of certificates under this Act, in respect of any alteration of or addition to any register kept under this Act, in respect of inspections of any such register, and in respect of any other matters under this Act;
- (e) Prescribing the procedure of the Council;
- (f) ~~Prescribing fines, not exceeding fifty tālā, for the breach of any regulations.~~

- (a) Such money as may from time to time be appropriated by the Legislative Assembly for the purpose; and
- (b) Fees payable under this Act for registration, provisional registration, practising certificates, and temporary practising certificates; and
- (c) All other money payable to the Council under this Act or otherwise.

(2) The funds of the Council shall be administered in the Department of Health.

34. Regulations—(1) The Head of State, acting on the advice of Cabinet, may from time to time, 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 thereof.

(2) Without limiting the general power conferred by subsection (1) of this section, regulations may be made for all or any of the following purposes:

- (a) Prescribing the form and contents of and the method of keeping the registers under this Act;
- (b) Prescribing the subject matter of examinations to be conducted by the Council;
- (c) Prescribing the forms of applications, certificates, and other documents required under this Act, what notice (if any) shall be given of applications, the manner in which notices may be served, and the times when they shall be deemed to have been served;
- (d) Prescribing the fees payable in respect of education, examination, applications for registration, registration and giving of certificates under this Act, in respect of any alteration of or addition to any register kept under this Act, in respect of inspections of any such register, and in respect of any other matters under this Act;
- (e) Prescribing the procedure of the Council;
- (f) ~~Prescribing fines; not exceeding fifty tālā, for the breach of any regulations.]~~

(3) No regulations made under this section shall be deemed to be invalid on the ground that it delegates to or confers on the Council or any other person or body any discretionary authority.

35. Repeal and Savings—(1) The Medical and Dental Practitioners Act 1966 is hereby repealed.



SAMOA I SISIFO

Vaevaeina

Igoa

VAEGA I

UPU TOMUA MA LE PULEA

1. Igoa puupuu L
2. Faamatalaina o upu
3. Faataapeina o le Fono a Foma'i ma Fa'nifo
4. Faavaeina o le Fono a Foma'i
5. Vaitaimi i le tofi o sui usufono tofia
6. Avanoa tulaga ese
7. Fonotaga ..
8. Failautusi
9. Totogi ma alauni o sui usufono o le Fono

VAEGA II

UIGA AGAVAA FAAMAONIA MA LE FAAMAUINA

10. Tusi e faamau ai e ao ina tautasia e le Failautusi
11. Uiga agavaa faamaonia ma le faamauina o Foma'i
12. Faamau'ina lē tumau
13. Talosaga mo le faamauina
14. Talosaga e ao ina iloiloina e le Fono
15. Faaiuga a le Fono
16. Tusi faamaoni lē tumau e galue ai ..
17. Pepa Faamaoni e galue ai
18. Tikeri faapoopo, ma isi mea e ao ina faamauina i le tusi e faamau ai
19. Ia logo mai e se tagata ua faamauina se suiga o lona igoa po o le tuatusi
20. Faasa'oina o tusi e faamau ai
21. Asiasia o tusi e faamau ai

VAEGA III

FAATAATIAESEINA, AMIOGA PULEA MA LE TOE-FAAMAUINA

22. Faataatiaeseina o le faamauina ona ua le mafai ona toe galue
23. Pule a le Fono e faafoe a'i amioga pulea
24. Talosaga ona o ni faaiuga a le Fono
25. Toe-faamauina

VAEGA IV

FAAFAIGALUEGAINA, FAIGA O GALUEGA MA SOLITULAFONO

26. Na o tagata ua faamauina e ao ina faafaigaluega
27. Faasalaga ona ua maua atu le faamauina i se faiga sese
28. Faasalaga mo le faaagaina i se faiga sese o le igoa po o le ta'u o se Foma'i
29. Aia tataua a tagata e fai ai se tagi mo ni totogi fuapau'ina
30. Ia le faia e isi tagata se tagi mo ni totogi fuapau'ina
31. E le aafia i le Tulafono mea e tapaina e le Malo, tagata palu-vailaau, ma isi

VAEGA V

MEA ESESE

32. Ia avea se tusi faamaoni a le failautusi ma molimau
33. Faaagaina o totogi fuapau'ina
34. Tulafono faatonutonu
35. Mea ua soloia ma mea ua faasa'oina

O SE TULAFONO e faamautu ma toe teuteu a'i i se tasi faiga e ese ai le tulafono e faasino i Foma'i, ia faavaeina ai le Fono a Foma'i, ia fuafuaina ai uiga agavaa faamaonia e manaomia e tagata mo le faiga o galuega tau vailaau ma tipiga i totonu o Samoa i Sisifo, ma ia faia ai tuutuuga mo le faamauina ma le faafoeina o amioga pulea a ia tagata.
[23 Tesema 1975]

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

VAEGA I

UPU TOMUA MA LE PULEA

1. Igoa puupuu--E mafai ona ta'ua le Tulafono lenei o le Tulafono a Foma'i 1975.

2. Faamatalaina o Upu--I totonu o le Tulafono lenei, a e vagana ai ona ua manaomia e le faaupuga nisi uiga e ese ai, -

"Fono" o lona uiga o le Fono a Foma'i e pei ona faavaeina e le Tulafono lenei.

"Matagaluega" o lona uiga o le Matagaluega o le Soifua Maloloina.

"Faatonu Sili" o lona uiga o le Faatonu Sili o le Soifua Maloloina.

"Falema'i" o lona uiga o se falema'i po o se tasi lava nofoaga ua faatuina, e pulea, poo, e tausia e le Matagaluega.

"Alii Faamasino" o lona uiga o se Alii Faamasino o le Faamasinoga Sili.

"Foma'i" o lona uiga o se Foma'i ua na maua uiga agavaa faamaonia ma ua faamauina i lalo o lenei Tulafono.

"Minisita" o lona uiga o le Minisita o le Soifua Maloloina.

"Fuafuaina" o lona uiga ua fuafuaina e tulafono faatonu-tonu.

"Resitaraina" e aofia ai le Resitaraina lē tumau.

“Tulafono Faatonutonu” o lona uiga o tulafono faatonutonu ua faia i lalo o lenei Tulafono.

3. Faataapeina o le Fono a Foma'i ma Fa'inifo—O le Fono sa ta'ua o le Fono a Foma'i ma Fa'inifo, lea na faavaeina e le fuaiupu e 3 o le Tulafono o Foma'i ma Foma'i Nifo 1966, ua soloia nei.

4. Faavaeina o le Fono a Foma'i—(1) Ua faavaeina nei se Fono o le a ta'ua o le Fono a Foma'i.

(2) O tagata ia ua ta'ua i lalo o le a tatau ona avea ma sui usufono o le Fono a Foma'i mo ana galuega uma -

(a) O le Faatonu Sili, o ia lea o le a tatau ona avea ma Taitaifono o le Fono;

(b) O se foma'i o le a tofia e le Ao o le Malo, i luga o le fautuaga a le Kapeneta, o ia lea o le a avea ma Sui Taitaifono o le Fono;

(c) O se foma'i o le a tofia e le Ao o le Malo, i luga o le fautuaga a le Kapeneta o ia lea ua na faia i le tulaga taitoatasi le galuega e avea o se foma'i i totonu o Samoa i Sisifo po o ia lea o se foma'i ua malolo litaea e masani ona mau i totonu o Samoa i Sisifo;

(d) Toalua ni alii foma'i o le a tofia e le Ao o le Malo i luga o le fautuaga a le Kapeneta; o ni tagata ia ua filifilia mo le tofia e le Sosaiete a Foma'i o Samoa i Sisifo ua Faamauina faale-Tulafono; ma

(e) Se Loia po o se loia faufautua o i totonu o le Ofisa o le Loia Sili o ia lea ua filifilia i lea taimi i se faiga tusia mo lea itu e le Loia Sili.

(3) E leai se avanoa i sui auai o le Fono o le a tatau ona afaina ai ana pule.

5. Vaitaimi i le tofi o sui usufono tofia—(1) I le noatia ma fai fuafua i nisi tuutuuga o le Tulafono lenei, o le a tatau ona tofia sui usufono tofia o le Fono mo se vaitaimi e tolu tausaga peitai e mafai ona toe tofia mai lea taimi i lea taimi.

(2) O le a tatau i sui usufono tofia taitasi uma, a e vagana ia ona ua na vave tuua lona tofi i se faiga e ese ai na i lo le faaiuina o lona taimi, ona faauau pea lona i ai i le tofi seia vagana ai ona ua oo mai i le tofi le ua soloa'i ane e suitulaga ia te ia, tusa lava po o ua faaiuina le vaitaimi na tofia ai o ia i le tofi.

6. Avanoa tulaga ese—(1) E mafai ona aveeseina mai le tofi so o se sui usufono tofia, i so o se taimi, e le Ao o le Malo, i luga o le fautuaga a le Kapeneta ona ua le mafai ona toe galue, ua le alualu lelei ana galuega, gau-mativa, ua faatamala i ona tiute, se amioga ua le tatau ai, po ua malaga ese atu i se uiga tumau mai Samoa i Sisifo ma ua faamaonia sea itu e tusa ai ma le maliega o le Kapeneta, po o, e mafai i so o se taimi ona faamavae o ia mai lona tofi i se faaaliga tusia e faatuatusi atu i le Failautusi.

(2) O le a tatau ona avanoa le tofi o so o se sui usufono tofia, pe afai ua maliu o ia, po o ua faamavae, po o ua aveeseina mai le tofi, ma o le a faapea loa lava ona faatatauina le avanoa e avee o se avanoa tulaga ese, ma o le a tatau lava ona faatumuina i le faiga lea na fai a'i le ulua'i tofiga i le tofi ua avanoa.

(3) O tagata taitasi uma ua tofia e faatumu a'i se avanoa tulaga ese o le a tatau lava ona tofia mo le vaega o loo totoe o le vaitaimi-galue na tofia i ai le sui usufono ua na tuua le tofi.

7. Fonotaga—(1) O le a tatau ona valaauina fonotaga a le Fono e le Failautusi, i luga o se faaaliga tusia ma ni sui usufono e le itiiti ifo na i lo le toatolu, po o, mai le Taitaifono.

(2) O le aofaiga o sui usufono e tatau ona auai ona mafai lea ona fai so o se fonotaga a le Fono, o le a tatau ona to'afa sui usufono.

(3) O mataupu taitasi uma ua i luma o se fonotaga a le Fono, o le a tatau lava ona fai i ai se faaiuga e tusa ai ma le mea ua mafuli i ai le tele o palota a sui usufono o loo auai i lea fonotaga, a o le a i ai i le taitaifono o lea fonotaga se palota tau faiga-filifiliga, ma, afai e tutusa le aofa'i o palota, o le a tatau foi ona ia te ia se palota e fai a'i le faaiuga.

(4) Seia vagana ona ua aiaia se tasi faiga e ese ai i totonu o le Tulafono lenei po o totonu o so o se Tulafono faatonutonu, e mafai e le Fono ona faatonutonu lana taualuga e pei ona ua manatu o ia e tatau ai.

8. Failautusi—(1) O le a tatau ona i ai se Failautusi i le Fono o ia lea o se Foma'i ua Faamauina.

(2) E mafai ona umia faatasi le tofi o le Failautusi i le Fono ma so o se tasi lava tofi i totonu o e Matagaluega.

9. Totogi ma alauni o sui usufono o le Fono—E mafai ona totogi atu, mai faaputuga-tupe a le Fono -

- (a) I sui usufono taitasi o le Fono, i se fua faatatau o le a faamaonia e le Kapeneta, tupe alu i malaga na faaaluina ma le tatau e ia i le faataunuaina o ona tiute a o avea o ia ma se sui usufono o le Fono; ma
- (b) I so o se sui usufono o le Fono i taimi uma lava e lē o avea ai o ia o se tagata ofisa po o se tagata faigaluega o le Malo e maua le totogi ma e galue i le taimi atoa, se vaega-tupe e ono mafai ona faamonia mai lea taimi i lea taimi e le Kapeneta i le itu i aso taitasi po o le vaega o se aso e faaaluina e ia i le galuega a le Fono.

VAEGA II

UIGA AGAVAA FAAMAONIA MA LE FAAMAUINA

10. Tusi e Faamau ai e ao ina tausia e le Failautusi—O le a tatau i le Failautusi ona na faia ma tausia tusi e faamau ua ta'ua i lalo, e faapea:

- (a) O se tusi e faamau ai foma'i;
- (b) O se tusi e faamau ai foma'i ua faamauina i luga o ni tuutuuga;
- (c) O se tusi e faamau ai tagata o i latou ia ua faamauina lē tumau i lalo o le fuaiupu e 16;
- (d) O se tusi e faamau ai tagata o i latou ia na tofia e le Komisi o Galuega a le Malo e tusa ai ma le fuaiupu e 26 i le aufaigaluega a so o se falema'i e tauaveina tiute ia e manaomia ai le resitaraina i lalo o le Tulafono lenei.

(2) O le a tatau i le Failautusi ona tusia i totonu o tusi tonu e tatau ona faamau ai suafa atoatoa, tuatusi ma tusipasi tau le galuega a tagata taitasi uma ua faamauina i lalo o lenei Tulafono; faatasi ai ma nisi lava faamatalaga e ono mafai ona fuafuaina mai lea taimi i lea taimi, po o, e pei ona faatonuina e le Fono.

11. Uiga agavaa faamaonia ma le faamauina o foma'i—

(1) A tuanai le vaitaimi e 3 masina talu mai le amataga o lenei Tulafono e leai se tagata o le a tatau ona galue i ga-

luega tau vailaau po o tipiga i totonu o Samoa i Sisifo se'ia vagana ai ona -

- (a) Ua faamauina o ia e avea o se alii foma'i e tusa ai ma lenei Tulafono ma o loo umia e ia se pepa faamaoni e galue ai i lea lava vaitaimi na tuuina atu e tusa ai ma le fuaiupu e 17; po o
 - (b) Ua faamauina i luga o ni tuutuuga e tusa ai ma lenei Tulafono ma ona o loo umia e ia se pepa faamaoni e galue ai i lea lava vaitaimi na tuuina atu e tusa ai ma le fuaiupu e 17, ua galue ai o ia i galuega tau vailaau po o tipiga e tusa ai ma le faafuaiupu (2) o le fuaiupu e 12; po o
 - (c) O loo galue o ia i galuega tau vailaau po o tipiga e tusa ai ma se pepa faamaoni lē tumau e galue ai i lea lava vaitaimi na tuuina atu ia te ia e tusa ai ma le fuaiupu e 16; po o
 - (d) O loo galue o ia i galuega tau vailaau po o tipiga i totonu o se falema'i e tusa ai ma le faafuaiupu (1) o le fuaiupu e 26.
- (2) O le a avanoa tagata taitasi uma mo le faamauina e avea o se foma'i i lalo o lenei Tulafono, o ia lea ua na faamalieina le Fono e faapea:-
- (a) O ia o se tagata amio lelei ma ta'uleleia lona igoa;
 - (b) Ua ia te ia ni uiga agavaa faamaonia ma le poto masani faatino e pei ona aiaia manino i le taimi nei e le Fono i se faasilasilaga e faasalalauina i le Gazette ma le Savali.
 - (3) O tagata taitasi uma o ia lea, i le taimi lava a o lumanai ai le amataga o lenei Tulafono, sa ia umia ai se tusi faamaoni e galue ai i le galuega i lalo o le faafuaiupu (1) po o le faafuaiupu (2) o le fuaiupu e 10 o le Tulafono o Foma'i ma Fa'inifo 1966, o le a tatau ai ona o lea lava mea moni ona avanoa ina ia faamauina e avea o se foma'i i lalo o lenei Tulafono.

12. Faamauina le tumau—(1) So o se tagata o ia lea e le lava lona poto-masani faatino i galuega tau vailaau po o tipiga a e o ia lea ua ono faamaonia i se tasi faiga e ese ai mo le faamauina i lalo o le fuaiupu talu ai, e mafai ona faatagaina i ai le faamauina i luga o ni tuutuuga e le fonc e tusa ai ma lenei fuaiupu.

(2) So o se tagata ua faamauina e avea o se foma'i i luga o ni tuutuuga e tusa ai ma lenei fuaiupu, e mafai ona faa-faigaluega po o le faatagaina na te faia galuega tau vai-

laau po o tipiga i totonu o se falema'i ua faamaonia mo se vaitaimi pei ona o le a manatu le Fono e tatau ai mo le faamauina i lalo o le fuaiupu talu ai o lenei Tulafono.

13. Talosaga mo le faamauina—(1) O talosaga taitasi uma i lalo o lenei Tulafono mo le faamauina po o le faamauina le tumau o le a tatau lava ona faia i se faiga tusia i le Failautusi i totonu o le pepa ua fuafuaina ma o le a tatau ona auina atu faatasi ai ma -

(a) Ni tusi faamaoni se lua o loo aloaia i lea taimi e faasino i le amio lelei ma le igoa ta'uleleia o lē ua talosaga, na tuuina atu e ni foma'i e tulaga lelei (tusa lava po o i totonu o Samoa i Sisifo po o i se tasi lava atunuu); ma

(b) Se molimau e tusa ai ma le maliega o le Fono e faasino i uiga agavaa faamaonia ma le potomanasani i le faatinoga o galuega a lē ua talosaga; ma

(c) Le totogi ua fuafuaina.

(2) E leai se igoa o so o se tagata o le a tatau ona tusia i totonu o so o se tusi e faamau ai o loo tausia e tusa ai ma lenei Tulafono ae vagana ai ona ua faia e tusa ai ma se faatonuga a le Fono.

14. Talosaga e ao ina iloiloina e le Fono—(1) I lana ulua'i fonotaga talu ona tuuina atu so o se talosaga mo le faamauina i le Failautusi i se taimi aupito vave mulimuli ane ai e ono mafai ai, o le a tatau i le Fono ona iloiloina ai le talosaga ma o le a tatau ona tuuina atu ni faatonuga i le Failautusi e faasino i lea lava talosaga e pei ona faatagaina e lenei Tulafono.

(2) A o le'i tuuina atu so o sea faatonuga, e mafai e le Fono pe afai ua manatu o ia e tatau ai ona suesueina i luga o le tautoga le tagata ua faia le talosaga po o so o se tagata e tetee i le talosaga po o so o se tasi lava tagata, i le itu i le talosaga, ma, mo le aano moni, o so o sea suesuega, e mafai e le Taitaifono ona na tuuina atu se tautoga i so o se tagata ua oo atu i luma o se fonotaga a le Fono.

(3) E mafai e le Fono, pe afai ua manatu o ia e tatau ai ona tapaina so o se tagata na te faamaonia i se tautinoga faale-tulafono a so o se faamatalaga na faia e ia e faataatau i so o se talosaga i luma o le Fono po o, e faataatau i so o se tetee e faasaga i ai.

15. Faaiuga a le Fono—(1) Afai ua manatu le Fono, ina ua uma ona iloiloina so o sea talosaga e faapea, e tatau ona avanoa le ua talosaga ina ia faamauina i le faiga o loo faaaliamanino i le talosaga po o so o se tasi lava faiga, o le a tatau lava ona faatonuina faapena ma o le a tatau loa lava i le Failautusi ona faamauina le ua talosaga i le faiga ua faatonuina ma o le a tatau lava ona logoina faapena o ia i se faaaliga tusia.

(2) Afai ua manatu le Fono, ina ua uma ona iloiloina so o sea talosaga, e faapea, e le tatau ona avanoa le na talosagaina ia faamauina i le faiga ua faaaliamanino i le talopo o so o se tasi lava faiga, o le a tatau lava ona faatonuina faapena, ma o le a tatau loa lava i le Failautusi ona taina le faamauina o le na talosaga i so o se faiga, ma o le a tatau lava ona logoina faapena o ia i se faaaliga tusia.

16. Tusi faamaoni le tumau e galue ai—(1) E ui lava i so se mea e ese ai o i totonu o lenei Tulafono, a e mafai e le Fono po o le Faatonu Sili o le Soifua Maloloina, i luga o le maliega tusia o so o se toalua o Sui auai o le Fono ona tuuina atu i se tagata o ia lea ua talosaga mai mo le faamauina i lalo o lenei Tulafono se tusi faamaoni le tumau e faatagaina ai o ia e galue i galuega tau vilavila po o tipiga, po o ia galuega uma e lua, so o se tasi o ia itu e ono aafia ai, lea o le a avanoa ai lea tagata a o tatali le iloiloiga o lana talosaga e le Fono, e galue i le galuega e tusa ai ma le tusi faamaoni, e oo atu i le tulaga lea semanu e avanoa ai o ia pe a na fai ua faamauina o ia i le faiga o loo faaaliamanino i le tusi faamaoni ma, a e tumau pea ona faamamaluina le tusi faamaoni, o le a faatatauina lava e faapea ua uma ona faamauina faapea o ia.

(2) E leai se tusi faamaoni faapena o le a tatau, i so o se itu, ona tumau pea lona faamamaluina mo se vaitaimi e sili atu ona umi na i lo le tolu masina mai le aso na tuuina atu ai.

(3) E mafai e le Fono i so o se taimi ona soloia so o se tusi faamaoni le tumau na faataga atu i lalo o lenei fuaiupu, ma o le a tatau ai loa lava ona faaleaogaina le tusi faamaoni, ma o le a leai se talosaga e tatau ona faia ona o so o sea soloiga.

17. Pepa faamaoni e galue ai—(1) O tagata taitasi uma o ia lea ua faamauina po o ua faamauina le tumau e tusa ai ma lenei Tulafono o le a tatau lava ona maua e ia se pepa

faamaoni o sea faamauga i le pepa ua fuafuaina e saini ai le aao o le Failautusi.

(2) O tagata taitasi uma o ia lea ua faamauina po o ua faamauina le tumau e tusa ai ma lenei Tulafono, ma o le faamauina o lea tagata e lē o taofia i lea taimi, o le a tatau lava ona maua e ia i tausaga taitasi uma ina ua mae'a ona totogi le totogi ua fuafuaina se pepa faamaoni e galue ai mo lea tausaga ua sainia ai le aao o le Failautusi.

(3) O pepa faamaoni taitasi uma e galue ai o le a tatau lava ona faia i le pepa ua fuafuaina ma o le a faamutaina lona aoga i le aso 31 o Tesema i totonu o le tausaga e faasino i ai le pepa faamaoni na tuuina atu.

(4) E mafai e le Fono ona fuafuaina i se faaaliga e faasalalauina i totonu o le Gazette ma le Savali le umi o le potomasani i le faatinoga o galuega lea e tatau ona maua a e le'i mafai ona faatuina e se alii foma'i ua faamauina se galuega faafoma'i i se tulaga e galue toatasi ai o ia i tua.

(5) E leai se tagata o le a tatau ona galue i se galuega faafoma'i po o tipiga i se tulaga e galue toatasi ai o ia i tua i totonu o Samoa i Sisifo a e se'ia vagana ai ona —

- (a) Ua faamauina o ia e avea o se foma'i i lalo o lenei Tulafono; ma
- (b) O loo umia e ia se pepa faamaoni e galue ai o loo aloaia i lea lava taimi e tusa ai ma lenei fuaiupu; ma
- (c) Ua maua e ia le potomasani tau le faatinoga o galuega e tatau ai e manaomia e le faafuaiupu (4); ma
- (d) O le pepa faamaoni e galue ai ua faamaonia i lona itu i luga e le Fono e faapea ua tatau ona avanoa lē o loo umia lea pepa na te faia galuega tau vai laau po o tipiga i totonu o Samoa i Sisifo i se tulaga e galue toatasi ai o ia i tua.

18. Tikeri faaopoopo, ma isi mea e ao ina faamauina i le tusi e faamau ai,—(1) So o se tagata ua faamauina i lalo o lenei Tulafono o ia lea ua na maua so o se tikeri, faamaonia, tipoloma, tusi faamaoni po o se laisene e ese ai na i lo se mea ona o le aloaia o lea itu na faamauina ai, o ia, e mafai e ia ona talosaga atu i le Failautusi ina ia toe teuteuina faapena le tusi e faamau ai. I le itu e faasino i uiga agavaa o lea tagata, ma i luga o so o sea talosaga, e mafai e le Fono, pe afai ua malie o ia e faapea o le Tagata ua talosaga e aia i le tikeri, tipoloma, tusi faamaoni po o le laisene lea ua faatatau i ai le talosaga, ma

e faapea o le tasi lea o ituaiga ua faamaonia e le Fono mo le aano moni o le Fuaiupu, ona faatonuina le Failautusi ina ia suia faapea le tusi e faamau ai, ma o le a tatau i le Failautusi ona na faaofiina loa lava i totonu o le tusi e faamau ai, faamatalaga auiliili o le tikeri, tipoloma, tusi faamaoni po o se laisene.

(2) E mafai ona avea o se tuutuuga tau le faamaonia e le Fono, mo le aano moni o lenei fuaiupu, o so o se tikeri, tipoloma, tusi faamaoni po o se laisene e faapea o le faagasologa o aoaoga po o suega mo sea tusi-pasi o e a tatau lava ona ia pei o mea ua faamaonia po o e manaomia e le Fono.

(3) So o se faamaoniga po o se aiaiga mo le aano moni o lenei fuaiupu, e mafai i so o se taimi ona toe soloia e le Fono.

19. Ia logo mai e se tagata ua faamauina se suiga o lona igoa po o le tuatusi—(1) O tagata taitasi uma ua faamauina i lalo o lenei Tulafono, o ia lea ua na suia i so o se taimi lona igoa po o le tuatusi e pei ona faaaliga i luga o so o se tusi e faamau ai o le a tatau lava, i totonu o le tolu masina mulimuli ane ai, ona auina atu i le Failautusi se faaaliga e uiga i lona igoa po o le tuatusi fou.

(2) O le a tatau loa lava i le Failautusi ona na suia faapena le tusi e faamau ai.

20. Faasa'oina o tusi e faamau ai—(1) Afai ua faamauina so o se tagata i lalo o lenei Tulafono ona o so o se faaaliga sese po o se faamatalaga po o se tautinoga tau-faa-sese, na faia tusa pe fai-fofoga pe na tusia, po o pe afai ina ia faamauina i lalo o lenei Tulafono a e ua faapea ona faamauina, o le a tatau i le Fono ona poloaiina le igoa o lea tagata ina ia aveese mai le tusi e faamau ai.

(2) Afai ua aliali atu i le Fono e faapea ua le sa'o ona faaaliga le igoa o so o se tagata i totonu, po o ua le sao le aveeseina mai, so o se tusi e faamau ai o loo tausia e tusa ai ma lenei Tulafono, e mafai e le Fono ona na faasa'oina loa faapena le tusi e faamau ai.

(3) Ina ua maua mai se faasilasilaga aloaia e uiga i le maliu o so o se tagata na faamauina i lalo o lenei Tulafono, o le a tatau i le Failautusi ona aveeseina le igoa o lea tagata mai le tusi e faamau ai.

(4) Afai e talosaga so o se tagata na faamauina i lalo o lenei Tulafono i le Failautusi ina ia aveeseina lona igoa mai le tusi e faamau ai, o le a tatau i le Failautusi pe afai e faapea ona faatonuina e le Fono, ona aveeseina loa le igoa mai le tusi e faamau ai.

(5) A oo ina ua faamamaluina so o se faaiuga a le Fono po o se Faamasino i lalo o le fuaiupu e 22, 23 po o le 24 o lenei Tulafono i le faasologa o loo tutu mai ai, ina ia aveeseina le suafa o se tagata mai le tusi tonu e faamau ai po o le faataatiaeseina o lona faamauina i lalo o lenei Tulafono, o le a tatau i le Failautusi ona faia loa lava le gaioiga e tusa ai ma lea faaiuga.

21. Asiasia o tusi e faamau ai—O tusi taitasi uma e faamau ai e tusa ai ma lenei Tulafono i taimi o le a tatau lava i taimi uma e ono tatau ai ona avanoa i tagata uma mo le asiasiga i le ofisa o le Failautusi i Apia, a e noatia ma fai fuafua i le totogiina o so o se totogi fuafuaina.

VAEGA III

FAATAATIAESEINA, AMIOGA PULEA, TOE-TALOSAGA MA LE TOE-FAAMAUINA

22. Faataatiaeseina o le faamauina ona ua le mafai ona toe galue—(1) Afai ua malie le Fono i so o se taimi e faapea e i ai so o se tagata o ia lea ua faamauina i totonu o so o se tusi e faamau ai na aiaia ina ia tausia e lenei Tulafono, ua le mafai, ona o se gasegase tau le mafaufau po o le tino, ona na faataunuina lelei ona tiute tau le galuega, ma e faapea, ona e ono mafai e ia ona taumafai e faataunuina ia tiute, ua tatau ai mo le lelei ma le manuia o tagata uma ina ia taofia ai o ia mai le faia o lea itu, e mafai e le Fono ona faatonuina e faapea ua tatau ona faataatiaeseina loa lava le faamauina o lea tagata.

(2) E mafai e le Fono i so o se taimi, i luga o se talosaga e faia, po o, e avea ma su'i o lea tagata, po o luga o sana lava fuafuaga, ona toe soloia so o sea faataatiaeseina.

(3) O le Failautusi, ina ua uma ona faamauina faataatiaeseega taitasi faapena ma le toe soloia o le faataatiaeseina o se tagata i totonu o le tusi tonu e faamau ai, o le a tatau ona logoina loa o ia faapena i se faaaliga tusia.

23. Pule a le Fono e faafoe a'i amioga pulea—(1) Afai ua malie le Fono i le itu i so o se tagata ua faamauina i lalo o lenei Tulafono e faapea o lea tagata, i le taimi a o lumanai ai po o ua tuanai ai le faamauina o ia:

(a) Ua nofosala i se amioga ta'uvalea i se itu tau le galuega; po o

(b) Ua nofosala i se amioga e lē tusa ma tatau ai tau le galuega e avea o se alii foma'i -

e mafai e ia, i lana faitalia, ona tusa pe poloaiina le igoa o lea tagata ina ia aveeseina mai le tusi tonu o loo faamau ai, po o le faataatiaeseina o lona faamauga i lalo o lenei Tulafono mo se vaitaimi e le silia le sefulu-lua masina, po o le tuuina atu o se sala o se vaega-tupe lea e pei ona ua manatu o ia e tatau ai e le silia le tasi le selau tala.

(2) E mafai e le Fono, pe afai e manatu o ia ua tatau ai, ona faia se tonu e faapea o le faaiuga a le Fono i lalo o lenei fuaiupu e faasino i so o se tagata o le a le tatau ona faamamaluina se'ia oo ina ua tuuina mai se faaaliga o se talosaga e tusa ai ma le fuaiupu e 24 o lenei Tulafono, po o, pe afai e leai se faaaliga faapena ua tuuina mai, seia oo ina ua faaiuina le vaitaimi lea sa ono mafai ona tuuina mai ai se faaaliga faapena. Afai ua tuuina mai se faaaliga faapena i totonu o lea vaitaimi, o le a le tatau ona faamamaluina le faaiuga a le Fono seia oo ina ua faamaonia e se Alii Faamasino, po o, ua faaleaogaina le talosaga ona o so o se mafuaga o se Alii Faamasino. A e vagona ai ona o se mataupu faapena, o le a tatau ona faamamaluina ai le faaiuga mai le aso o le faaiuga a le Alii Faamasino na ia faafogaina le talosaga, po o, mai se tasi lava aso e pei ona mafai ona atofaina e le Alii Faamasino.

(3) A o le'i faataunuuna ana pule e tusa ai ma faafuaiupu (1) ma le (2), o le a tatau i le Fono ona na faia laasaga ina ia faaoo atu i le tagata e aafia ai se faaaliga -

(a) O loo faaaliga ai tuuaiina e faasaga i lea tagata i ni faamatalaga auiliili e lava ina ia mafai ai e ia ona na saunia so o se tetee e lava atonu o loo ia te ia e faasaga i ni tuua'iina faapena; ma

(b) O loo faaaliga ai se taimi ma se nofoaga lea e mafai e ia ona oo atu ai i luma o le Fono ina ia tali i mea ua tuua'iina ai; o lea faiga o le a tuuina atu ai i le tagata se avanoa e tatau ai na te saunia ai so o se tetee atonu o loo ia te ia;

(c) E logoina ai o ia e faapea e mafai e ia ona oo atu i luma o le Fono i le taimi ma le nofoaga ua atofaina, tusa po o ia lava po o sana alii faufautua faale-tulafono po o se tasi lava sui, ma e toe suesueina e ia i ni fesili so o se tagata molimau na valaauina e faasaga ia te ia, ma valaauina ni faamatalaga molimau ma tuuina atu e ia ni faamatalaga mo ia lava.

(4) A o le'i faataunuaina ana pule e tusa ai ma faafuaiupu (1) ma le (2), o le a tatau i le Fono ona na faia se suesueina e tusa ai ma tuutuuga o le faaaliga o loo ta'ua i totonu o le faafuaiupu (3).

(5) Mo itu tau le suesuega, o le a i ai i le Fono pule ma tulaga aloaia lava e tasi e pei ona ua faaee atu i luga o se Komisi Suesue e le Tulafono o Komisi Suesue 1964.

(6) So o se suesuega o so o se mataupu e tusa ai ma lenei mataupu, e mafai ona tolopoina e le Fono mai lea taimi i lea taimi ma mai lea nofoaga i lea nofoaga.

(7) O faasalaga tau tupe taitasi uma na tuuina atu e le Fono i lalo o le fuaiupu lenei, o le a tatau lava ona mafai ona maua mai e le Fono e avea o se aitalafu e tatau ona totogi atu i le Fono. Afai e i ai so o se faasalaga faapena ua le totogiina i totonu o le taimi na faaalua manino e le Fono mo lea itu, po o totonu o se taimi faapoopoina e ono mafai ona faatagaina e le Fono, e mafai e le Fono ona faataatiaese le faamauga o le tagata e noatia ai mo le totogiina o le faasalaga seia oo ina ua uma ona totogi le faasalaga.

(8) I so o se taimi o le a faataunuaina ai e le Fono so o se pule-faataga i lalo o lenei fuaiupu i le itu i so o se tagata faigaluega o le aufaigaluega o Galuega a le Malo, o le a tatau loa lava i le Failautusi ona na logoina le Komisi o Galuega a le Malo e uiga i le i'uga po o le faaiuga a le Fono.

24. Talosaga ona o ni faaiuga a le Fono—(1) So o se tagata o ia lea ua le malie i so o se iuga po o se faaiuga a le Fono, e faasino i se talosaga na faia e ia mo le faamauina po o ina ia faatagaina ai o ia e galue i se tulaga tu-toatasi i tua, po o i le aveeseina o lona igoa mai so o se tusi e faamau ai, po o i le faataatiaeseina o lona faamauina, po

o i le le finagalo e toe soloia so o se faataatiesega, po o i le tuuina atu ia te ia o so o se sala-tupe, e mafai e ia, i totonu o le luasefuluvalu aso talu ona faaoo atu se faaaliga o le faaiuga ia te ia e le Failautusi, ona tuuina mai se faaaliga o le talosaga i le Failautusi, ma i le Resitara o le Faamasinoga Sili.

(2) O le a tatau i se Alii Faamasino ona na faafogaina le talosaga i se taimi aupito vave e ono mafai ai, ma e mafai e ia ona faamaonia, toe feliu'a'i po o le fetuutuuna'i o le faaiuga a le Fono, e aofia ai le tuuina atu o so o se faaiuga lea e ono mafai ona tuuina atu e le Fono e tusa ai ma lenei Tulafono. O le faaiuga a le Alii Faamasino o le a tatau ona mausali.

(3) I luga o so o se talosaga e tusa ai ma lenei fuaiupu, e mafai e le Alii Faamasino ona faia se poloaiga e faasino i totogi e pei o le a manatu o ia e tatau ai.

25. Toe-faamauina—(1) Afai ua teena po o ua toe soloia le faamauina o so o se tagata e le Fono po o, i luga o se talosaga faafinau, e se Alii Faamasino, o le a le noatia le Fono na te iloiloia so o se tasi talosaga a lea tagata mo le faamauina i lalo o lenei Tulafono mo se vaitaimi e 2 tausaga a ua tuana'i sea teena po o le toe soloiga po o, i le noatia ma fai fuafua i le faafuaiupu (2), mo se tasi vaitaimi e pei ona ua manatu le Fono e tatau ai; ma i le faaavanoaina o se talosaga mulimuli ane, e mafai e le Fono ona na tuuina atu ni tuutuuga e ao ina uia e lē na talosaga a o le'i faamauina.

(2) So o se tagata ua mafatia ona ua teena e le Fono le iloiloia o so o se tasi talosaga faapena a o faagasolo so o sea vaitaimi, e mafai e ia, i totonu o aso e luasefuluvalu ona faaoo atu le faaaliga e uiga i le teena ia te ia e le Failautusi, ona na tuuina atu se faaaliga o se talosaga i le Failautusi, ma i le Resitara o le Faamasinoga Sili.

(3) O le a tatau i se Alii Faamasino ona na faafogaina so o sea talosaga i le taimi aupito vave e ono mafai ai, ma e mafai ona na faia se poloaiga i luga o le talosaga (e aofia ai so o se poloaiga e faasino i totogi) e pei ona ua manatu o ia e tatau ai. O le faaiuga a le Alii Faamasino o le a tatau ona mausali.

VAEGA IV

FAAFAIGALUEGAINA, FAIGA O GALUEGA MA
SOLITULAFONO

26. Na o tagata ua famauina e ao ina faafaigaluega— Se'ia vagana ai ona ua i ai faatasi ma le faamaoniga a le Minisita, e tuuina atu i luga i se fautuaga na faia e le Fono e faatatau i ni mafuaga faapitoa o le a faaaliga manino i totonu o le fautuaga, o le a le tatau i le Komisi o Galuega a le Malo ona na tofia so o se tagata i le aufaigaluega a so o se falemai na te tauaveina tiute o so o se vaega e faasino i ai le faamauga ua tuuina atu i lalo o lenei Tulafono, a e seia vagana ai ona ua faamauina po o, ua faamauina i se faiga le tumau lea tagata i lalo o lenei Tulafono i totonu o lea vaega, po o ua avea o le na te umia se tusi faamaoni le tumau e galue ai mo lea vaega.

A e vagana ai ona e leai se mea o i totonu o lenei fuaiupu o le a tatau ona faauigaina e faapea ua faasaina ai le faafaigaluegaina i totonu o so o se falema'i o ni tagata o loo latou faia se faagasologa tau aoaoga i galuega tau vailaau po o le taotoga o gasegase.

27. Faasalaga ona ua maua atu le faamauina i se faiga sese—O tagata taitasi uma o ia lea ua na faia ma le loto i ai, po o ua pogai mai ona o ia le faia o so o se tusitusiga sese totonu, po le faaseseina o so se tusi e faamau ai na tausia e tusa ai ma lenei Tulafono, po o ua na maua mai, po o ua taumafai ina ia maua mai e ia lava, po o so o se tasi lava tagata ina ia faamauina i lalo o lenei Tulafono, i le faia po o le tuuina mai, po o ua na poloiaina ina ia faia pe tuuina mai so o se faamatalaga sese po o se faaaliga tau faasese po o se tautinoga, tusa pe fai-fofoga pe tusia, ua faia e ia se solitulafono ma e mafai ona faasalaina ai i le nofo i le falepuipui mo se vaitaimi e le silia le ono masina po o i se sala-tupe e le silia le lima selau tala.

28. Faasalaga mo le faaaogaina i se faiga sese o le igoa po o le ta'u o se foma'i—(1) Ua faia e tagata taitasi uma se solitulafono e faasaga i lenei Tulafono o ia lea ua na solia le faafuaiupu (1) o le fuaiupu e 11 po o le faafuaiupu (5) o le fuaiupu e 17.

(2) Ua faia e tagata taitasi uma se solitulafono e faasaga i lenei Tulafono o ia lea, ona e le'i faamaonia ua pasi e avea o se alii foma'i e tusa ai ma le tulaga aloa'ia o lenei Tulafono po o e tusa ai ma le tulaga aloaia o so o se tikeri, tipoloma, laisene, tusi faamaonia o le agavaa, po o le resitaraina na maua i fafo atu o Samoa i Sisifo, ua na faamatalaina o ia lava po o ua na faaalai o ia lava i se tasi lava faiga e ese ai e avea o se alii foma'i.

(3) E leai se mea o i totonu o le faafuaiupu (2) o le a tau ona faauigaina ina ia mafai ai e so o se tagata ona galue i galuega tau vailaau po o tipiga i totonu o Samoa i Sisifo i se faiga e lē talafeagai ai ma le faafuaiupu (1) o le fuaiupu e 11.

(4) O tagata taitasi uma o ia lea ua na faia se solitulafono o loo faaalai maoti i totonu o le faafuaiupu (1) po o o le (2) o le a mafai ona faasalaina ina ua faamaonia e nofosala i le nofo i le falepuipui mo se vaitaimi e le silia le 3 masina, po o i se sala-tupe e le silia le \$200, ma i se tasi sala-tupe faapoopo e le silia le \$20 mo aso taitasi uma e faamauina ai le solitulafono.

29. Aiā a Tagata e faia moliga mo Totogi—O tagata taitasi uma o ia lea ua faamauina ma ua faatagaina i lalo o lenei Tulafono e galue i galuega tau vailaau po o tipiga i se tulaga e galue toatasi ai i tua o le a tatau lava ona avanoa na te faia se moliga i totonu o so o se Faamasinoga mo le toe maua mai o so o se totogi fuapauina po o se tasi lava totogi mo ni galuega tau le poto faapitoa na tuuina atu e ia.

30. Ia le faia e isi tagata se tagi mo ni totogi fuapauina—E leai se tagata o le a tatau ona avanoa na te toe maua so o se totogi fuapauina po o se tasi lava totogi i totonu o so o se Faamasinoga tau le tulafono i totonu o Samoa i Sisifo mo so o se fautuaga faa-foma'i po o se fautuaga tau tipiga po o le auai atu e vaaia se gasegase po o se toga-fitiga, po o mo le faiga o so o se taotoga, po o mo so o se vailaau lea na faatonuina ma tuuina atu e ia, a e seia vagona ai, ona o le taimi na pogai mai ai le totogi fuapauina po o se tasi lava totogi lea e faasino i ai le tagi ua au-mai, sa avea ai o ia o se foma'i faamauina.

31. E le aafia i le Tulafono mea e tapaina e le Malo, tagata palu vailaau ma isi—(1) E leai se mea o i totonu o lenei Tulafono o le a tatau ona faia ai so o se aia tatau a le Malo na te faia ai ni totogi fuapauina po o nisi lava totogi mo so o se fautuaga tau vailaau po o tipiga, po o le auai atu e vaia se gasegase po o se togafitiga, po o mo le faiga o so o se taotoga, po o mo so o se vailaau na tuuina atu, i totonu po o mai so o se falema'i.

(2) E leai se mea o i totonu o lenei Tulafono o le a tatau ona aafia ai le galuega e tusa ai ma le tulafono, galuega faapitoa po o le pisinisi a so o se tagata palu-vailaau po o se faatosaga ua faamauina, tausima'i tau failele po o se tausima'i.

VAEGA V

MEA ESEESE

32. Ia avea se tusi faamaoni a le Failautusi ma molimau—O se tusi faamaoni ua saina ai le aao o le Failautusi e faapea sa faamauina, pe sa le'i faamauina so o se tagata i lalo o lenei Tulafono i totonu o so o se tusi e faamau ai ua faaalia, po o, e faasino i so o se mea ua tusia i totonu o so o se tusi e faamau ai na tausia e tusa ai ma lenei Tulafono, po o, e faasino i so o se gaoioiga po o se taualumaga a le Fono, o le a tatau, a e seia vagana ai ona ua faamaonia se tasi uiga e ese ai, ona avea lea ma molimau e lava o mataupu o loo faamaonia ai i totonu.

33. Faaputuga-Tupe a le Fono—(1) O le faaputuga-tupe a le Fono o le a aofia ai -

- (a) Se tupe e ono mafai ona faatatauina mai lea taimi i lea taimi e le Fono Aoaofaitulafono mo lea itu; ma
- (b) Totogi fuapauina e tatau ona totogi e tusa ai ma lenei Tulafono mo le faamauina, pepa faamaoni e galue ai, ma pepa faamaoni le tumau e galue ai; ma

(c) Isi lava tupe uma e tatau ona totogi atu i le Fono e tusa ai ma lenei Tulafono po o se tasi lava faiga e ese ai.

(2) O le faaputuga-tupe a le Fono o le a tatau lava ona pulea ma faafoeina i totonu o le Matagaluega o le Soifua Maloloina.

34. Tulafono faatonutonu—(1) E mafai e le Ao o le Malo, i le faia i luga o le fautuuga a le Kapeneta, mai lea taimi i lea taimi, ona faia ni tulafono faatonutonu uma e pei ona ua finagalo o ia e tatau ai po o ua talafeagai ai mo le tuuina atu o le faamamaluga atoatoa i tuutuuga o lenei Tulafono, ma, mo le pulea e tatau ai o lea lava tulafono.

(2) E aunoa ma le faatapulaaina ai o le pule aoao ua faaee atu e le faafuaiupu (1) o lenei fuaiupu, e mafai ona faia ni tulafono faatonutonu mo mea uma po o so o se tasi o mea ua ta'ua i lalo:

- (a) Fuafuaina o le tulaga tino mai ma mea e aofia ai i, ma le faiga tau le tausiga o tusi e faamau ai i lalo o lenei Tulafono;
- (b) Fuafuaina mataupu o suega e ao ina faia e le Fono;
- (c) Fuafuaina o pepa o talosaga, tusi faamaoni, ma isi lava pepa e manaomia e tusa ai ma lenei Tulafono, ituaiga o faaaliga (pe afai e i ai) o le a tatau ona tuuina atu o talosaga, le faiga e mafai ona faaoo atu ai faaaliga, ma taimi o le faatatauina e faapea ua uma ona faaoo atu i ai latou;
- (d) Fuafuaina o totogi fuapauina e tatau ona totogi i le itu tau aoaoga, suega, talosaga mo le faamauina, faamauina ma le tuuina atu o tusi faamaoni i lalo o lenei Tulafono, i le itu e faasino i so o se suiga o, po o se faaopoopoga i so o se tusi e faamau ai na tausia e tusa ai ma lenei Tulafono, i le itu i asiasiga o so o sea tusi e faamau ai, ma i le itu i so o se tasi lava mataupu e tusa ai ma lenei Tulafono;
- (e) Fuafuaina o le taulumaga a le Fono;
- (f) Fuafuaina o sala-tupe, e le silia le limasefulu tala, mo le soliga o so o se tulafono faatonutonu.

(3) E leai se tulafono faatonutonu na faia i lalo o lenei fuaiupu o le a tatau ona faatatauina e faapea ua faaleaogaina ona o le mafuaaga e faapea, ua na tuuina atu oe pule i, po ua na faaeina atu i luga o le Fono po o so o se tasi lava tagata po o se faalapotopotoga so o se pule faitalia.

35. Mea ua Soloia ma Mea ua Faasaoina—O le Tulafono o Foma'i ma Fa'inifo 1966 ua soloia nei.

