



Western Samoa

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1975, No. 16

AN ACT to consolidate and otherwise amend the law relating to dental practitioners, to establish the Dental Council, to prescribe the qualifications required by persons for the practice of dentistry in Western Samoa and to provide for 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 Dental Practitioners Act 1975.

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

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

“Dental practitioner” means a dental practitioner qualified and registered under this Act:

“Department” means the Department of Health:

“Director” means the Director of Health:

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

“Judge” means a Judge of the Supreme Court:

“Minister” means the Minister of Health:

“Prescribed” means prescribed by regulations:

“Registration” includes provisional registration:

“Regulations” means regulations made under this Act.

3. Application of Act—(1) This Act shall apply to the practice of dentistry including the performance of any operation and treatment of any diseases, deficiencies, or lesions on or of the teeth or jaw and the correction of malpositions thereof, and the fabrication of dentures and dental appliances.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall affect the following lawful occupations—

(a) School dental nurses employed in the Dental Division of the Department of Health to carry out dental health education and to undertake normal dental procedures in the capacity for which they have been training, but excluding complicated surgical extractions which properly require the supervision or services of a registered dental practitioner;

(b) Dental hygienists employed in the Dental Division of the Department of Health to carry out the scaling, cleaning and polishing of teeth and the application of appropriate medicaments for that purpose, as well as the exposing and developing of X-rays of patient's teeth and mouth, under the supervision of a registered dental practitioner;

(c) Dental technicians employed in the Dental Division of the Department of Health to fabricate dentures and dental appliances according to the prescription and under the supervision of a registered dental practitioner.

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

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

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

(b) Two dental practitioners to be appointed by the Head of State, acting on the advice of Cabinet;

(c) Two dental practitioners to be appointed by the Head of State, acting on the advice of Cabinet, being persons who have nominated for such appointment by the Western Samoa Dental Association Incorporated; and

(d) 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 power.

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 reappointed.

(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 per-

manent 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) The Council shall appoint a dental practitioner to be the Secretary to the Council.

(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 expenses reasonably incurred by him in the performance of his duties as a member of the Council; and

(b) To any 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 spend 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 dental practitioners;
- (b) A register of provisionally registered dental 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 qualifications 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. Qualifications and registration of dental practitioners .

(1) After the expiration of the period of 3 months following the commencement of this Act, no person shall practise dentistry in Western Samoa unless -

(a) He is registered as a dental 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 dentistry in accordance with subsection (2) of section 12; or

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

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

(2) Every person shall be entitled to registration as a dental 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 section 12 of the Medical and Dental Practitioners Act 1966 shall ipso facto be entitled to be registered forthwith as a dental practitioner under this Act.

12. Provisional registration—(1) Any person who lacks practical experience in dentistry 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 dental practitioner provisionally under this section may be employed or permitted to practise dentistry 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 dental 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;

(d) A current certificate of registration as evidence of current practice in the country in which his qualifications were granted, or as evidence of current practice in any other Commonwealth country;

(e) The full remittance for the prescribed fee. Where provisional registration has been granted, the fee shall be half 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— 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 2 members of the Council, may issue to a person who has applied for registration under this Act a temporary certificate of permission to practise dentistry 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 practice—(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 prescribed by notice published in the Gazette and in the Savali the length of practical experience that is necessary before a registered dental practitioner may set up practice in a private capacity.

(5) No person shall practise dentistry in a private capacity in Western Samoa unless -

(a) He is registered as a dental 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); and

(d) The practising certificate is endorsed on its face by the Council that the holder is entitled to practise dentistry 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 purposes of this section of any degree, diploma, certificate or licence that the course of education or examination therefore 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 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.

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 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 of 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) Is guilty of disgraceful conduct in a professional respect, or

(b) Is guilty of professional misconduct as a dental 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 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 subsection (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 subsection (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 Commission 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.

42. 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 twenty-eight 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 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, to, 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 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 has been communicated to him by the Secretary, give a notice of appeal to the Secretary, and to the Registrar of the Supreme Court.

(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 practice of dentistry in such hospital 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 dental practice.

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 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 declaration, 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 dental 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 dental 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 dental practitioner.

(3) Nothing in subsection (2) shall be construed so as to entitle any person to practise dentistry 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 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 practice dentistry in private capacity, shall be entitled to sue in any Court for the recovery of any fee or other remuneration for professional services 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 services rendered in the practice of dentistry, unless at the time when the fee or other remuneration in respect of which the action is brought was incurred, he was a registered dental practitioner.

31. Act not to affect Government claims—Nothing in this Act shall affect any right of the Government to charge fees or other remuneration for any dental treatment, or for the performance of any operation, or for any dentures, materials or medicine supplied, or for any care and nursing supplied, in or from any hospital.

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 register at 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, to 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.
- (3) No regulation 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.
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SAMOA I SISIFO

VAEVAEINA

Igoa

VAEGA I

UPU TOMUA MA LE PULEA

1. Igoa puupuu
2. Faamatalaina o Upu
3. Faaaogaina o le Tulafono
4. Faavaeina o le Fono a Foma'i Fa'i-nifo
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 FAAMA-
ONIA MA FAAMAUINA

10. Tusi e faamau ai e ao ina tausia e le Failautusi
11. Uiga agavaa faamaonia ma le faamauina o Foma'i Nifo
12. Faamauina 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. O tikeri faaopopo ma nisi mea e tatau ona tusia i totonu o le tusi e faamau ai
19. O se tagata ua faamauina, ia na logoina mai se suiga o le igoa po o le tuatusi

20. Faasaoga o tusi e faamau ai
21. Asiasia o le tusi e faamau ai

VAEGA III

FAATAATIAESEINA, AMIOGA PULEA
TALOSAGA MA LE
TOE-FAAMAUINA

22. Faataatiaeseina o le faamauina ona ua lē 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 mo le maua atu o le faamauga i se faiga sese
28. Faasalaga mo le faaaogaina i se faiga sese le ta'u o se Foma'i-Nifo
29. Aiā tatau a tagata e fai se tagi mo ni totogi fuapauina
30. O isi tagata e lē tatau ona tagi mo ni totogi fuapauina
31. Ia lē afaina i le Tulafono mea e tapaina e le Malo

VAEGA V

MEA ESESE

32. Ia ave a se tusi faamaoni a le Failautusi ma faamatalaga molimau
33. Faaputuga Tupe a le Fono
34. Tulafono Faatonutonu

1975, Nu. 16

O SE TULAFONO ina ia faamautu ma toe teuteu a'i i se tasi lava faiga e ese ai le tulafono e faasino i Foma'i Nifo ia faavaeina ai le Fono a Foma'i Nifo, ina ia faaalua manino

ai uiga agavaa faamaoni e manaomia e tagata mo le faatino-ina o galuega faa—fa'inifo 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 Aoaō Faitulafono a Samoa i Sisifo i totonu o le Palemene ua potopoto

VAEGA I

UPU TOMUA MA LE PULEA

1. Igoa Puupuu—E mafai ona ta'ua le Tulafono lenei o le Tulafono o Foma'i

2. Faamatalaga 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 Nifo e pei ona faavaeina e lenei Tulafono:

“Foma'i Nifo” o lona uiga o se Foma'i Nifo ua pasi, ma ua faamauina e tusa ai ma lenei Tulafono:

“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 po o, e tausia e le Matagaluega:

“Alii Faamasino” o lona uiga o se Alii Faamasino o le Faamasinoga Sili:

“Minisita” o lona uiga o le Minisita o le Soifua Maloloina

“Fuafuaina” o lona uiga ua fuafuaina e tulafono faatonutonu:

“Resitaraina” e aofia ai le resitaraina le tumau:

“Tulafono Faatonutonu” o lona uiga o ni tulafono faatonutonu ua faia e tusa ai ma lenei Tulafono:

3. Faaagaina o le Tulafono—(1) O lenei Tulafono o le a tatau ona faaaogaina i le faatinoina o galuega faa—fa'inifo e aofia ai le faiga o so o se taotoga ma le togafitia o so o se faama'i, uiga faaletonu o nifo, po o ni manu'a i luga po o ni

nifo faama'ia po o le auvae ma le faasaoina o tulaga sesē o ia lava nifo, ma le gaosia o tainifo ma mea faigaluega faa—fa'inifo.

(2) E ui lava i tuutuuga o le faafuaiupu (1) o lenei fuaiupu, a e leai se mea o i totonu o lenei Tulafono o le a tatau ona aiāina ai galuega e tusa ai ma'ala o le tulafono ua faalia i lalo —

(a) Tamaiti tausima'i fa'inifo ua faafaigaluegaina i totonu o le Vaega Fa'inifo a le Matagaluega o le Soifua Maloloina e tauaveina aoaoga tau le soifua maloloina o nifo, ma le faataunuaina o taualumaga masani tau fa'inifo i le tulaga lea ua uma ona a'oa'oina ai i latou, a e peita'i e lē aofia ai ni tipiga faigata mo le aveeseina o ni mea, ia e tatau ona manaomia ai le vaavaaia po o galuega a se Foma'i Nifo ua faamauina faale—tulafono;

(b) Tagata ua aoaoina i uiga maloloina o nifo ua faafaigaluega i totonu o le Vaega Fa'inifo o le Matagaluega o le Soifua Maloloina e faia le vaneina fufuluina ma le faaiilaina o nifo ma le faaogaina o mea tau vailaau mo lea itu faapea foi ma le pu'eina ma le faa—vailaauina o ata o le Faaata o nifo ma fofoga o tagata mama'i, i lalo o le vaavaaiga a se Foma'i Nifo ua faamauina;

(c) Inisiua tau nifo ua faafaigaluega i totonu o le Vaega Fa'inifo o le Matagaluega o le Soifua Maloloina e gaosia tainifo faapipii ma mea tau nifo e tusa ai ma fuafuaga faatonuina ma i lalo ifo o le vaavaaiga a se Foma'i Nifo ua faamauina.

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

(2) O tagata ua ta'ua i lalo o le a avea ma sui usufono o le Fono a Foma'i Nifo ma ana galuega uma:

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

(b) E to'alu Foma'i Nifo o le a tofia e le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta;

(c) Toalua ni Foma'i Nifo 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 Nifo a Samoa i Sisifi ua faamauina faale—Tulafono; ma

(d) Se Loia po o se Loia faufautua i totonu o le Ofisa o le Loia Sili o ia lea ua filifilia mo lea vaiataimi i se faiga tusitusia mo lea faamoemoe e le Loia Sili.

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

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

(2) O sui usufono tofia taitasi uma, a e vagana ai ona ua na vave tuua le tofi i se tasi faiga e ese ai na i lo le muta'aga o le taimi, o le a faaauau pea lava ona i ai i le tofi se'ia oo ina ua oo mai lē o le a suitulaga ia te ia i le tofi, e ui lava ina atonu ua faaiuina le vaitaimi na tofia i ai o ia.

6. Avanoa tulaga ese—(1) So o se sui usufono tofia, e mafai i so o se taimi ona aveeseina mai le tofi e le Ao o le Malo, i le faia i luga o le fautuuga a le Kapeneta, ona ua lē mafai ona toe galue, ua lē lelei ona fai ana galuega, gau—mativa, ua faatalalē i ona tiute, ua na faia se amioga e lē tusa ma tatau ai po o ua alu ese 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 mai lona tofi i se faaaliga tusia e faatuatusi atu i le Failautusi.

(2) O le tofi o so se sui usufono tofia o le a oo ina avanoa pe afai ua maliu o ia, po o ua faamavae po o ua aveeseina mai lona tofi, ma o le a faatatauina lava lea avanoa o se avanoa tulaga ese, ma o le a tatau lava ona faatumuina i le faiga 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 totee o le vaitaimi lea na tofia i ai le sui usufono ua na tofia i ai le sui usufono ua na tuua le tofi.

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

(2) O le aofa'i o sui usufono e tatau ona auai mo so se fonotaga a le Fono o le e tatau ona toafa sui usufono.

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

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

8. Failautusi—(1) O le a tatau i le Fono ona tofia se Foma'i Nifo e avea ma Failautusi o le Fono.

(2) O le tofi o le Failautusi a le Fono, e mafai ona umia i se faiga soofaatasi ma so o se tasi lava tofi i totonu o le Mata-galuega.

9. Totogi ma alauni o sui Usufono o le Fono—E mfaai 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 faataunuina 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 le o avea ai o ia o se tagata ofisa poo se tagata faigaluega o le Malo e maua le totogi ma e galue i le taimi atoa, se vaega tupe e ono mafai ona faamaonia 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—(1) O le a tatau i le Failautusi ona saunia ma tausia tusi e faamau ai ua taua i lalo, e pei:

(a) O se tusi e faamau ai Foma'i Fa'inifo;

(b) O se tusi e faamau ai Foma'i Fa'inifo ua faamauina lē tumau;

(c) O se tusi e faamau ai tagata i latou ia ua faamauina lē tumau i lalo o le fuaiupu e 16;

(d) O se tusi faamau ai tagata o i latou ia na tofia e le Komisi o Galuega a le Malo e tusa ai ma le fuaiupu 26 i le afaigaluega a so o se falema'i e tauaveina tiute ia e manao-mia ai le resitaraina i lalo o le Tulafono lenei.

(2) O le a tatau i le Failautusi ona na tusia i totonu o tusi taitasi e faamau ai e tatau ai le igoa atoa, tuatusi ma uiga agavaa tau le potu faapitoa o tagata taitasi uma ua faamauina e

tusa ai ma lenei Tulafono, faatasi ai ma nisi lava faamatalaga e pei ona fuafuaina mai lea taimi, po o e pei ona faatonuina e le Fono.

11. Uiga agavaa faamaonia ma le faamauina o Foma'i Nifo—(1) A tuana'i le vaitaimi e 3 msaina talu le amataga o lenei Tulafono e leai se tagata o le a tatau ona galue i galuega tau Foma'i—Nifo i totonu o Samoa i Sisifo se'ia vagona ai ona—

(a) Ua faamauina o ia e avea o se Foma'i—Nifo i lalo o le Tulafono lenei ma o loo umia e ia se pepa faamaoni e galue ai i lea lava vaitaimi na tuuina atu i lalo o le fuaiupu 17; po o

(b) Ua faamauina i luga o ni tuutuuga i lalo o le Tulafono lenei ma ona o loo umia e ia se pepa faamaoni e galue ai i lea lava vaitaimi na tuuina atu i lalo o le fuaiupu 17, ua galue ai o ia i galuega tau Foma'i—Nifo ina ia tusa ai ma le faafuaiupu (2) o le fuaiupu 12; po o

(c) O loo galue o ia i galuega tau Foma'i—Nifo ina ia tusa ai ma se pepa faamaoni lē tumau e galue ai i lea lava vaitaimi na tuuina atu ia te ia i lalo o le fuaiupu 16; po o

(d) O loo galue o ia i galuega tau Foma'i—Nifo i totonu o se falema'i ina ia tusa ai ma le faafuaiupu (1) o le fuaiupu 26.

(2) O le a tatau ona avanoa tagata taitasi uma ina ia faamauina e avea ma Foma'i Nifo i lalo o lenei Tulafono, o ia lea ua na faamalieina le Fono faapea —

(a) O ia o se tagata amio lelei ma tauleleia le igoa;

(b) Ua ia te ia ni uiga agavaa faamaonia ma le potu 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 sa ia umia, i luma atu tonu o le amataga o lenei Tulafono se tusi faamaoni e galue ai e tusa ai ma le fuaiupu e 12 o le Tulafono o Foma'i ma Foma'i Nifo 1966, o le a tatau lava ona o lea lava mea moni ona avanoa ina ia faamauina loa lava e avea o se Foma'i Nifo i lalo o lenei Tulafono.

12. Faamauina lē tumau—(1) So o se tagata o ia lea e lē lava lona potu masani i galuega faa—Foma'i—Nifo, a e o ia lea ua ono agavaa i se tasi lava faiga e ese ai mo le faamauina i lalo o le fuaiupu talu ai o lenei lava tulafono, e mafai ona faatagaina i ai le faamauina lē tumau e le Fono i lalo lenei fuaiupu.

(2) So o se tagata ua faamauina lē tumau e avea o se Foma'i Nifo i lalo o lenei fuaiupu, e mafai ona faafaigaluega po o le faatagaina ina ia galue faa—Foma'i—Nifo i totonu o se falemai ua faamaonia mo se vaitaimi e pei ona o le a manatu le Fono e tatau ai, ina ia mafai ai e sea tagata ona na maua le poto masani e manaomia mo le faamauina i lalo o le fuaiupu talu ai ona o lenei Tulafono.

13. Talosaga mo le faamauina—(1) O talosaga taitasi uma i lalo o le Tulafono lenei mo le faamauina po o le faamauina i lalo o ni tuutuuga 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 au ina 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-Nifo 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 ma le maliega o le Fono e faasino i uiga agavaa faamaonia ma le poto masani i le faatinoga o galuega a lē ua talosaga; ma
- (c) Le totogi ua fuafuaina.

(2) O le a lē tatau ona tusia le igoa o so o se tagata i totonu o so o se tusi e faamau ai na tausia e tusa ai ma lenei Tulafono, a e vagana ai ona ua faia e tusa ai ma se faatonuga a le Fono.

14. Talosaga e ao ina iloiloaina e le Fono—(1) I lana ulua'i fonotaga a ua uma ona tuuina atu so o se talosaga mo le faamauina i le Failautusi, po o, i se taimi vave mulimuli ane ai e ono mafai ona faia, o le a tatau i le Fono ona na iloiloaina ai le talosaga, ma o le a tatau ona tuuina atu ni faatonuga i le Failautusi e faasino i lea talosaga e pei ona ua manatu o ia e tatau ai ma e pei ona faatagaina e lenei Tulafono.

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

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

15. Iugafono a le Fono—(1) Afai ua i ai le taofi o le Fono ina ua uma ona iloiloina so o sea talosaga e faapea e tatau ona avanoa le tagata ua talosaga ina ia faamauina i le faiga ua faaalua maoti i totonu o le talosaga po o i se tasi lava faiga, o le a faapea lava ona faatonuina ma o le a tatau loa lava i le Failautusi ona faamauina le tagata ua talosaga i le faiga ua faatonuina, ma o le a faapea lava ona logoina faapena o ia i se tusi.

(2) Afai ua i ai i le taofi o le Fono ina ua uma ona iloiloina so o sea talosaga e faapea e lē tatau ona avanoa lē ua talosaga ina ia faamauina i le faiga ua faaalua maoti i totonu o le talosaga, po o so o se tasi lava faiga, o le a tatau ia te ia ona faatonuina faapena, ma o le a tatau loa lava i le Failautusi i luga o lea faatonuga ona teena le faamauina o le tagata ua talosaga i so o se faiga ma o le a tatau lava ona logoina faapena o ia i se tusi.

16. Tusi faamaoni lē tumau e galue ai—(1) E ui lava i so o 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 Maloiloina i le faia faatasi ma le maliega tusia o ni Sui usufono se to'alua o le Fono ona tuuina atu i se tagata o ia lea ua talosaga mo le faamauina i lalo o lenei Tulafono se tusi faamaoni lē tumau o le faatagaina e galue ai i le galuega faa—fa'inifo, lea o le a avanoa ai lea tagata, a o tatali le iloiloiga o lana talosaga e le Fono, e galue e tusa ai ma le tusi faamaoni, e oo atu i le tulaga lēa semanū e ono tatau ona maua e ia pe ana fai ua faamauina o ia i le faiga ua faaalua maoti i totonu o le tusi faamaoni, ma, a o tumau pea ona faamamaluina le tusi faamaoni, o le a faatatauina lava o ia e faapea ua faamauina faapena.

(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 le umi i lo le tolu masina mai le aso e tuuina atu ai.

(3) E mafai e le Fono i so o se taimi ona soloia so o se tusi faamaoni lē tumau na tuuina atu i lalo o lenei fuaiupu ma o le a faapea lava ona faamutaina ai le aogā o le tusi faamaoni, ma o le a leai se toe talosaga 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 i luga o ni tuutuuga 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 saini ai le aao o le Failautusi.

(2) O tagata taitasi uma o ia lea ua faamauina po o ua faamauina i luga o ni tuutuuga e tusa ai ma lenei Tulafono, ma o le faamauina o lea tagata e le 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 potō masani i le faatinoga o galuega lea e tatau ona maua a o le'i mafai ona faatuina e se Foma'i Nifo ua faamauina i se galuega faa—foma'i—nifo 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 faa—foma'i nifo 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—Nifo i lalo o le Tulafono lenei; 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 potō masani 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 Foma'i—Nifo i totonu o Samoa i Sisifo i se tulaga e galue toatasi ai o ia i tua.

18. Tikeri faaopopo, ma isi mea, e ao ina tusia i totonu o se tusi e faamau ai—(1) So o se tagata ua faamauina i lalo o tusi ina ia toe teuteuina le tusi e faamau ai e oo atu i le tulaga e faasino i uiga agavaa faamaoni o lea tagata, ma i luga o so o sea talosaga o le a tatau i le Fono, pe afai ua malie o ia e faapea ua tatau ona maua e le tagata ua talosaga le tikeri, tipoloma, tusipasi po o le laisene i le itu lea ue faia ai le talosaga, ma, e faapea o se tasi lea o ituaiga o mea ua

faamaonia e le Fono mo le aano moni o lenei fuaiupu o le a tatau ona faatonuina le Failautusi ina ia faapea ona toe teu-teu le tusi e faamau ai, ma o le a tatau ai loa lava i le Failautusi ona faaofi i totonu o le tusi o faamau ai, faamatalaga o le tikeri, tipoloma, tusipasi po o o le laisene.

(2) E mafai ona avea o se tuutuuga tau le faamaoniga e le Fono, mo le aano moni o lenei fuaiupu o so o se tikeri, tipoloma, tusi-pasi po o se laisene le faapea o le faagasologa o aoga po o suega, o le a tatau lava ona i se tulaga e pei ona faamaonia po o, e manaonia e le Fono.

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

19. O tagata ua faamauina ia na faailoa mai so o se suiga o le igoa po o le tuatusi—(1) O tagata taitasi uma ua faamauina e tusa ai ma lenei tulafono, o ia lea ua na suia i so o se taimi lona igoa po o lona 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 na auina atu i le Failautusi se faaaliga e uiga i lona igoa fou po o le tuatusi fou.

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

20. Faasaoina o tusi e faamau ai—(1) Afai ua faamauina so o se tagata e tusa ai ma lenei Tulafono ona o so o se faamatalaga sesē po o se faiga tau faasesē po o se tautinoga, tusa lava pe na faifofoga pe na faia i se faiga tusia, po o, pe afai o so o se tagata e lē tatau ona faamauina e tusa ai ma lenei Tulafono a e ua faapea ona faamauina, o le a tatau i le Fono ona poloaina 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 lē sa'o ona faaaliga ai i totonu, po o ua lē sa'o le aveeseina o le igoa o so o se tagata mai, so o se tusi e faamau ai o loo tausia e tusa ai ma lenei Tulafono, e mafai e le Fono ona na faasaoina faapena le tusi e faamau ai.

(3) O le a tatau i le Failautusi, ina ua maua mai se faaaliga aloaia o le maliu o so o se tagata ua faamauina e tusa ai ma lenei Tulafono, ona aveeseina le igoa o lea tagata mai le tusi e faamau ai.

(4) A oo ina ua faamamaluina so o se faaiuga a le Fono po o se Alii Faamasino e tusa ai ma le fuaiupu e 22, 23 po o le 24 o lenei Tulafono i le tulaga e faasino tonu i ai ina ia aveese-

ina le igoa o se tagata mai le tusi tonu e faamau ai, po o le faataatiaese o lona faamauina e tusa ai ma lenei Tulafono, o le a tatau i le Failautusi ona faia se gaoioiga e tusa ai ma sea faaiuga.

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

VAEGA III

FAATAATIAESEINA AMIOGA PULEA, TALOSAGA MA LE TOE FAAMAUINA

22. Faataatiaeseina o le Faamauina ona ua lē mafai ona toe galue—(1) Afai ua malie le Fono i so o se taimi e faapea ua le mafaia e so o se tagata ua faamauina i totonu o so o se tusi e faamauina i totonu o so o se tusi e faamau ai na aiaia e ao ina tausia e lenei Tulafono, ona toe galue ona o se gasegase tau le mafaufau po o le tino, i le faataunuina lelei o ona tiute tau le poto faapitoa, ma, ona atonu e taumafai o ia na te faatinoina ia tiute tauave, o lea ua tatau ai mo le lelei ma le manuia o tagata uma ona taofia o ia mai lona 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, tusa lava po o se talosaga ua faia e, po o, e avea ma sui o lea tagata, po o le ua faia i lana lava faitalia, ona toe soloia so o sea faataatiaeseina.

(3) O le Failautusi, ina ua uma ona faamauina faataatiaeseina 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 lava ona logoina faapena o ia i se tusi.

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 e tusa ai ma lenei Tulafono e faapea o lea tagata, tusa lava po o a o lumanai ai po o ua tuanai ai le faamauina o ia, -

(a) Ua nofosala i se amioga tauvaley i se itu tau le galuega; po o

(b) Ua nofosala i se amioga e le tusa ma tatau ai tau le galuga e aveva o se Foma'i-Nifo e mafai e ia, i lana lava faitalia, ona faatonuina ina ia aveeseina le igoa o lea tagata mai le tusi tonu e faamau ai, po o le faataatiaese o lona faamauina e tusa ai ma lenei Tulafono ma se vaitaimi e le silia le sefulu ma le lua masina, po o le tuuina atu o se sala—tupe, o le aofaiga o sea sala e pei ona ua manatu o ia e tatau ai, e lē sili atu i lo le tasi le selau tala.

(2) E mafai e le Fono, pe afai e manatu o ia e tatau ai, ona faatatauina e faapea o le faaiuga a le Fono e tusa ai ma lenei fuaiupu i le itu i so o se tagata o le a lē tatau ona faamamaluina seia oo ina ua tuuina mai se faaaliga o se talosaga i lalo o le fuaiupu e 24 o lenei Tulafono, po o, pe afai e leai se faaliga faapena ua tuuina mai seia oo ina ua faamutaina le vaitaimi lea sa ono mafai ona tuuina mai ai. Afai o sea faaaliga po o pe afai e leai se faaaliga faapena ua tuuina mai, ma tuuina mai se faaaliga faapena i totonu o lea vaitaimi, o le a tatau ona lē faamamaluina le faaiuga a le Fono seia vagana ai ma seia oo ina ua faamaonia lea faaiuga e se Alii Faamasino, po o ua faaleaogaina le talosaga e se Alii Faamasino, ona o so o se mafuaaga;

A e vagana ai ona o so o se itu faapena, o le a tatau ona faamamaluina ai le faaiuga mai le aso o le finauga a le Alii Faamasino na suesueina le talosaga, po o, mai so o se tasi lava aso e ese ai e pei ona o le a faatulagaina e le Alii Faamasino.

(3) A o lei faataunuina ana pule i lalo o 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 tuua'iga 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'iga 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 tuuaina ai; o lea faiga o le a tuuina atu ai 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 lava 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 faataunuuina 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 fuaiupu, 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 ua tuuina atu e le Fono i lalo o lenei fuaiupu, o le a tatau lava ona toe maua mai e le Fono e avea o se aitalafu e tatau ona totogi atu i le Fono, Afai e le'i totogiina so o sea faasalaga i totonu o le vai-taimi ua faaalua maoti e le Fono mo lea itu, po o totonu o se taimi faaopoopoina e ono mafai ona faatagaina e le Fono, e mafai e le Fono ona faataatiaese le faamauina o le tagata ua 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 tatau ona faataunuuina so o se pulefaataga e tusa ai ma lenei fuaiupu, i le itu i so o se tagata faigaluega o Galuega a le Malo, o le a tatau loa lava i le Failautusi ona faailoa atu i se tusi i le Komisi o Galuega a le Malo le fuafuaga po o le faaiuga a le Fono.

24. Talosaga ona o ni faaiuga a le Fono—(1) O tagata taitasi uma o ia lea ua lē malie i so o se fuafuaga po o se faaiuga a le Fono e faasino i sana talosaga mo le faamauina po o ina ia faatagaina ai o o ia e galue i se tulaga tutoatasi 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 mumusu i toe soloia so o sea faataatiaeseina, po o i le tuuina atu i ona luga o so o se sala-tupe, e mafai e ia i totonu o aso e luasefulu valu talu ona faaoo atu ia te ia se faaaliga o le faaiuga e le Failautusi, ona na tuuina mai se faaaliga o se toe talosaga i le Failautusi, ma i le Resitara o le Faamasinoga Sili.

(2) O le a tatau i se Alii Faamasino ona na suesueina le talosaga i se taimi aupito vave e ono mafai ai, ma e mafai e ia ona faamaonia, toe felua'i po o le le toe fetuutuuna'i o le faaiuga a le Fono, e aofia ai le tuuina atu o so o se faaiuga

lea sa 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 mausalī.

(3) E mafai e le Alii Faamasino i luga o so o se talosaga e tusa ai ma lenei fuaiupu, ona faia se poloaiga e uiga i totogi e pei ona 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 faafinai, e se 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 fuaiupu (2), mo se tasi vaitaimi e pei ona ua manatu le Fono ua 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 le 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 a o faagasolo sea vaitaimi, e mafai e ia i totonu o aso e luasefulu valu a ua uma ona faao atu le faaaliga o le teena ia te ia e le Failautusi, ona tuuina atu se faaaliga o le toe 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 toe talosaga i se taimi aupito vave e ono mafai ai, ma e mafai ai, ma e mafai ona 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 mausalī

VAEGA IV

FAAFAIGALUEGAINA, FAIGA O GALUEGA MA SOLITULAFONO

26. Na o tagata ua faamauina e ao ina faafaigaluega—Seia vagana ai ona ua i ai faatasi ma le faamaoniga a le Minisita, e tuuina atu i luga o se fautuaga na faia e le Fono i luga o ni mafuaga faapitoa e ao ina faaalua manino i totogi o le fautuaga, o le a le tatau i le Komisi o Galuega a le Malo ona tofia so o se tagata i le afaigaluega a so o se falema'i na te faataunuaina le faiga o galuega faa—fa'inifo i totonu o sea falemai seia vagana ai ona ua faamauina lea tagata, po o ua

faamauina lē tumau e tusa ai ina lenei Tulafono i totonu o lea vaega, po o se tasi o loo ia umia se tusi faamaoni lē tumau e galue ai mo lea vasega :

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 falemai o ni tagata o loo aoaoina i se faagasologa tau aoaoga i galuega faa— fa'inifo.

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

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

(2) Ua faia e tagata taitasi uma se solitulafono e faasaga i le Tulafono lenei o ia lea, ona e lei faamaonia ua pasi e avea o se Foma'i Nifo e tusa ai ma le tulaga aloaia o le Tulafono lenei po o e tusa ai ma le tulaga aloa'ia 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 faaalua o ia lava i se tasi lava faiga e ese ai e avea o se Foma'i—Nifo.

(3) E leai se mea o i totonu o le faafuaiupu (2) o le a tatau ona faauigaina ina ia mafai ai e so o se tagata ona galue i galuega tau Foma'i—Nifo i totonu o Samoa i Sisifo i se faiga e le 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 faaalua maoti i totonu o le faafuaiupu (1) po 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 i se sala tupe e le silia le \$200, ma i so tasi sala tupe faaopopo e le silia le \$20 po o mo aso taitasi uma e faaauauina ai le solitulafono.

29. Aiā tatau a tagata e fai ai se tagi mo ni totogi fuapauina—(1) O tagata taitasi uma o ia lea ua faamauina ma ua faatagaina i lalo o le Tulafono lenei e galue i galuega tau Foma'i—Nifo 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 tuuin atu e ia.

(2) O le a tusa ai ma ala o le tulafono mo so o se foma'i fa'inifo ua faamauina ona avanoa e galue faa—fa'inifo i se tulaga taitoatasi tau le poto faapitoa, a e noatia ma fai fuafua i lona maua atu mai so o se Matagaluega, Komisi po o se tasi lava pulega e tatau ai se laisene, maliega, faatagaina po o le faaavanoaina e pei ona atonu e tatau ona manaomia i lalo o so o se tulafono e puipei a'i le tulafono e ono mafai ona faaoga i lana mataupu.

30. O isi tagata e le tatau ona 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 nisi lava totogi i totonu o so o se Faamasinoga tau le Tulafono i totonu o Samoa i Sisifo mo so o se galuega na tuuina atu i le faiga o galuega faa-fa'inifo, seia vagana ai ona o le taimi na alia'i mai totogi fuapauina po o se tasi lava totogi faale-tofi lea e faasino i ai le tagi ua aumai, sa avea o ia o se foma'i fa'inifo ua faamauina.

31. Ia le afaina i le Tulafono mea e tapaina e le Malo—E leai se mea o i totonu o lenei Tulafono o le a tatau ona afaina ai so o se aia tatau a le Malo na te faia ai ni totogi fuapauina po o isi lava totogi mo so o se togafitiga faa-fa'inifo, po o, mo le faiga o so o se taotoga, po o mo so o se fainifo, mea e fai a'i galuega po o vailaau na tuuina atu, po o mo so o se tausiga ma galuega faa-tausima'i na tuuina atu, i totonu, po o, mai so o se falema'i.

VAEGA V

MEA ESEESE

32. Ia avea se tusi faamaoni a le Failautusi ma faamatalaga molimau—O se tusi faamaoni e saina ai le aao o le Failutusi e tusa ai ma le tulaga 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 faaalua manino i so o se taimi faapitoa

po o, a o faagasolo so o se vaitaimi faapitoa, po o, e faasino i so o se mea ua tusia i totonu o so o se tusi e faamau ai o loo 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 lava, a e seia vagana ai ona ua faamaonia se uiga e ese ai ona avea lea ma faamatalaga molimau ua 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 lē 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 e 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 fautuaga a le Kapeneta, mai lea taimi i lea taimi ona faia ni tulafono faatonutonu uma faapena e pei ona ua i ai i lona finagalo e tatau ai po o e talafeagai ai mo le tuuina atu o le faamamaluga atoatoa i tuutuuga o lenei Tulafono, ma, mo le pulea i ala e tatau ai o lea lava tulafono.

(2) E aunoa ma le faatapulaaina ai o le pule faasalalau ua fae'e atu e le faafuuiupu (1) o lenei fuaiupu, e mafai ona faia ni tulafono faatonutonu mo mataupu uma po o so o se tasi o mataupu ua faaaliga i lalo;

- (a) Fuafuaina o le tulaga tino mai ma mea e aofia ai, ma le faiga e tausia ai ma lenei Tulafono;
- (b) Fuafuaina o le mataupu autu o se suesuega e ao ina faia e le Fono;
- (c) Fuafuaina o foliga tino mai o talosaga, tusi faamaoni, ma isi lava pepa teu-mau e manaomia e tusa ai ma lenei Tulafono, le faaaliga lea (pe afai e i ai) o le a tatau ona tuuina atu e uiga i talosaga, le faiga e mafai ona faaoo atu ai faaaliga ma taimi o le a faatatauina e faapea ua uma ona faaoo atu i latou;
- (d) Fuafuaina o totogi fuapauina e tatau ona totogi i le itu i aoaoga, suega, talosaga mo le faamauina, faamauina ma le tuuina atu o tusi faamaoni i lalo o lenei Tulafono, i le itu i so o se suiga o, po o se faa-

opoopoga i so o se tusi e faamau ai ua tausia e tusa ai ma lenei Tulafono, i le itu i ni asiasiga o so o sea tusi e faamau ai, ma, i le itu i so o se tasi lava mata-upu e tusa ai ma lenei Tulafono;

(c) Fuafuaina o le taulumaga a le Fono;

(f) Fuafuaina o sala-tupe, e lē sili atu i lo le limasefulu tālā, mo le solia o so o se tulafono faatonutonu.

(3) E leai se tulafono faatonutonu ua faia i lalo o lenei fuaiupu o le a tatau ona faatatauina e faapea ua lē aloaia faale-tulafono i luga o le mafuaga e faapea, ua na tuuina atu i, po o ua na faaeeina atu i luga o le Fono po o so o se tasi lava tagata po o se faalapotopotoga so o se pule faitalia.



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