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ELECTORAL AMENDMENT

WESTERN SAMOA

Arrangement of Provisions

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1990 No. 20

AN ACT to amend the Electoral Act 1963

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

1. Short Title and commencement - (1) This Act may be cited as the Electoral Amendment Act 1990 and shall be read together with and deemed part of the Electoral Act 1963 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the 27th day of November 1990.

2. Interpretation - Section 2 of the principal Act is amended by inserting in their proper alphabetical positions the following new definitions:-

"Adult" means a person of or over the age of 21 years; and where public notice has been given in respect of a Polling day includes a person who will have attained the age of 21 years on or before that day;

"Assistant" means a person appointed as an assistant under section 25A of this Act.

3. Chief returning Officer, Registrar and other officers - Section 3 of the principal Act is amended by inserting a new subsection to be known as subsection (2) as follows :-

" (2) The Public Service Commission may appoint the same person to hold office both as Chief Returning Officer and Registrar of electors and voters."

4. Who may be candidates for election as members - Subsection (1) of section 5 of the principal Act is amended by inserting immediately after the word "constituency" where that word first occurs, the words "and is the holder of a Matai title".

5. Qualifications of Electors - Section 16 of the principal Act is repealed and the following section is substituted:-

" 16. Qualifications of Electors - (1) Subject to the provisions of the Constitution and of this Act every adult person shall be qualified to be an elector of a constituency if -

(a) He is a Western Samoan citizen; and

(b) His name does not appear on the individual voters roll.

(2) The constituency in which an elector shall be registered shall be determined according to the following provisions:-

(a) If the elector is the holder of a Matai title he shall be registered in the constituency in respect of which the title exists or, if he is a plural title

title holder, he shall be registered in the constituency in respect of which one of those titles exists, as he may at any time choose.

(b) If the elector is not the holder of a Matai title but his spouse or one of his grandparents, parents, or a brother or sister is (or if that person is dead, was at the time of his or her death) the holder of a Matai title then, subject to paragraph (c) of this subsection, the elector shall be registered -

(i) if there is only one title to which this paragraph applies, in the constituency in respect of which that title exists or existed; or

(ii) if there is more than one title to which this paragraph applies, in such constituency in respect of which one of those title exists or as the case may be existed as the elector may at any time choose;

(c) Paragraph (b) of this subsection shall not apply in respect of any Matai title acquired by a brother or sister of an elector from or through the spouse of such brother or sister;

(d) If the elector is not a person to whom either paragraph (a) or (b) of this subsection applies then the elector shall be registered in either -

(i) the constituency in which it is confirmed to the satisfaction of the Registrar that he is rendering service to a village; or

(ii) the constituency in which that person is a bona fide resident at the time he applies for registration, as that elector may choose;

(e) For the purposes of paragraph (d) of this subsection "service" in relation to a village means service to a Church in that village, or to the Village Council, or to any community project or work related activity in that village;

(f) If the elector is not resident in Western Samoa and is not a person to whom paragraph (a), (b), or (d) of this subsection applies the elector shall be registered

in the constituency in which he last resided in Western Samoa;

(g) If the elector has never resided in Western Samoa and none of paragraphs (a), (b), (d) or (f) apply to that elector then the elector shall be registered in a constituency in which the Registrar is satisfied that he has family ties;

(3) Where a person makes a choice of constituency pursuant to subsection (2)(a) or (2)(b)(ii) of this section he shall notify the Registrar accordingly. Subject to Part V of this Act, a choice made may be revoked, and a fresh choice made and notified to the Registrar at any time.

(4) A person who is registered as an elector may by notification to the Registrar require the Registrar to remove his name from any roll.

(5) Where a person revokes a choice of constituency or requires the Registrar to remove his name from any roll he shall forthwith surrender to the Registrar his Certificate of Identity, and shall not be entitled to be registered on any other roll until he has done so, or until he satisfies the Registrar that his certificate has been lost. "

6. Rules for determining place of residence within Western Samoa - The principal Act is amended by inserting immediately after section 16 the following new section:-

"16A. Rules for determining place of residence within Western Samoa -(1) Subject to the provisions of this section, the place where a person resides within Western Samoa at any material time or during any material period shall be determined for the purpose of this Act by reference to the facts of the case.

(2) For the purposes of this Act a person can reside in one place only.

(3) A person resides at the place where that person chooses to make his home by reason of family or personal relations or for other domestic or personal reasons.

(4) Where the property on which a person's home is located is divided between two or more constituencies, that person shall,-

(a) If his dwelling is located wholly within one of those constituencies, be deemed to reside in that constituency; or

(b) In any other case, be deemed to reside in the constituency in which is located-

(i) The front door or other main entrance of his dwelling; or

(ii) Where his dwelling is an apartment, the front door or other main entrance of the building in which the apartment is situated.

(5) A person who is detained in any penal institution or hospital by virtue of any enactment shall not, by reason only of that detention, be treated for the purpose of subsection (3) of this section as residing there.

(6) The place where, for the purposes of this Act, a person resides shall not change by reason only of the fact that the person-

(a) Is occasionally or temporarily absent from that place; or

(b) Is absent from that place for any period because of his service or that of his spouse as a member of Parliament; or

(c) Is absent from that place for any period because of his occupation or employment or that of his spouse; or

(d) Is absent from that place for any period because he or his spouse, is a student,-

even if such absence involves occasional or regular residence at another place or other places.

(7) Except as provided in subsection (6) of this section, a person who has permanently left his former home shall be deemed not to reside at that place, notwithstanding his home for the time being is temporary only.

(8) A Western Samoan citizen who is outside Western Samoa shall be deemed to reside where he had his last home in Western Samoa; but nothing in this subsection shall affect the application of section 16 of this Act for the purpose of determining the qualification of any person for registration as an elector or section 70B of this Act.

(9) In the case of a person who is appointed to be a member of the Cabinet, or who is the spouse of any person so appointed, the following provisions shall apply notwithstanding anything to the contrary in this section, namely,-

(a) So long as he holds that office he shall be deemed to continue to reside at the place of residence in respect of which he was registered as an elector of a constituency (in this subsection referred to as the original constituency), notwithstanding his absence therefrom at the seat of Government or otherwise, unless and until he duly applies for registration as an elector of another constituency of which he is, apart from the provisions of this paragraph, qualified to be an elector;

(b) Upon being registered as an elector of the other constituency pursuant to an application as aforesaid, the applicant shall cease to be entitled to continue to be registered under this subsection as an elector of the original constituency.

(10) A person whose home is on any ship, boat, or vessel permanently located in any harbour shall be deemed to reside in the electoral district in which the wharf or landing place in the harbour is situated. "

7. **Compilation of electoral rolls** - (1) Subsection (1) of section 17 of the principal Act is amended by omitting the words "from time to time compile" and substituting the words "compile and at all times maintain".

(2) Subsection (2) of section 17 of the principal Act is amended by omitting all of the words after the word "information" and substituting the words "relevant to such roll."

(3) Subsections (3) and (5) of section 17 of the principal Act are repealed.

8. Procedure - Section 18 of the principal Act is repealed and the following section is substituted:-

" 18 Transitional - (1) Every person who is registered as an elector in any constituency on the 27th day of November 1990 shall without further application be registered on the roll compiled pursuant to section 17 of this Act after that date;

(2) Unless the Registrar in any particular case otherwise determines it shall not be necessary for any person whose name appears on the main or supplementary roll prepared for the purposes of the Plebiscite Act 1990 to comply with the provisions of section 25A of this Act for the purposes of enrolment for any election held in 1991.

(3) Any person to whom subsection (2) of this section applies may be registered as an elector or as a voter by:-

(a) Appearing before the Registrar or an assistant for the purpose of obtaining a certificate of identity; and

(b) Satisfying the Registrar as to the constituency in respect of which that person should be registered, or, as the case may be, by satisfying the Registrar that he should be registered on the individual voters' roll.

(4) This section shall apply notwithstanding any provision to the contrary in section 25A of this Act.

9. Qualifications of voters - (1) Subsection (1) of section 19 of the principal Act is amended by omitting the words "a citizen of Western Samoa of or over the age of 21 years" and substituting the words "an adult citizen of Western Samoa".

(2) Subsection (1) of section 19 of the principal Act is further amended by adding at the end of paragraph (d) the word "or" and by adding a new paragraph as follows:-

" (e) His or her spouse is registered as an individual voter."

(3) Subsection (1) of section 19 of the principal Act is further amended by omitting the word "father" wherever that word appears, and substituting in each case the word "parent".

(4) Subsection (2) of Section 19 of the principal Act is amended by adding at the end of paragraph (b) the word "or" and by adding a new paragraph as follows -

" (c) Is registered as an elector."

10. **Registration of voters and electors** - (1) Section 21 of the principal Act is amended by omitting the words "or send by post" and substituting the words "in person to the Registrar or an assistant" and by omitting the words "and declaration".

(2) The principal Act is further amended by inserting in Part V immediately before section 26 the following new section:-

"25A. **Registration of electors** - (1) Every person who wishes to be registered as an elector in any constituency shall unless his name is already on the roll make application in person to the Registrar or to an assistant appointed by the Registrar to receive such application.

(2) The Registrar shall appoint and make available such assistants as he considers necessary for the purposes of subsection (1) of this section or of section 21 of this Act and may appoint and make available assistants in any Embassy or Consulate of Western Samoa in a foreign country.

11. **Retention on the roll** - Section 22 of the principal Act is amended by adding a new subsection as subsection (2) as follows :-

"(2) A person who is registered as a voter may by notification to the Registrar require the Registrar to remove his name from the individual voters' roll in which event he shall forthwith surrender to the Registrar his Certificate of Identity, and shall not be entitled to be registered on any other roll until he has done so, or until he satisfies the Registrar that

his certificate has been lost. "

12. **Signing and witnessing of applications for registration etc.** - The principal Act is further amended by inserting immediately after section 25A (as inserted by this Act) the following new section:-

"25B. Signing and witnessing of applications for registration, etc. - (1) Every person making any application or declaration in respect of registration as an elector or voter shall do so in form 1A or 2 of the Schedule to this Act, as the case may require, and shall either sign or place his mark on the application or declaration and must add to his signature his occupation and address.

(2) Where a person making an application or declaration in respect of registration as an elector or a voter is physically disabled, the application or declaration may be signed on his behalf by a registered elector or voter who signs by direction of the physically disabled person and who indicates on the application or declaration -

(i) That the applicant or declarant is a physically disabled person.

(ii) That the application or declaration is being signed by direction of the applicant or declarant.

(3) The place in respect of which registration is claimed must be specified in such manner as to enable it to be clearly identified.

(4) The Registrar may reject any application or declaration that does not comply with subsection (1) or subsection (3) of this section or fails to supply any of the information required by form 1A or as the case may be, form 2, of the Schedule to this Act.

(5) Every application for registration as an elector shall be witnessed by the Registrar or an assistant.

13. Procedure following application for registration - The principal Act is further amended by inserting immediately after section 25B (as inserted by this Act) the following new section-

"25C Procedure following application for registration - (1) If the Registrar is satisfied that any person who claims to be registered as an elector or a voter (whether by transfer from another territorial constituency or from the individual voters' roll or otherwise) is qualified to be registered he shall within 5 days of the receipt of the claim forthwith enter the name of the applicant on the appropriate roll.

(2) If after making such inquiries as he thinks fit the Registrar has reason to believe that any applicant is not qualified to be registered he shall within five days of receipt of the claim give notice in writing to the claimant setting forth the particulars of which proof is required.

(3) If the applicant fails to furnish proof of his qualifications satisfactorily to the Registrar within ten days after the giving of notice to him under subsection (2) of this section, the Registrar shall refuse the application and forthwith notify the applicant accordingly.

(4) Within fourteen days after the giving to the applicant of a notice of refusal under subsection (3) of this section, the applicant may require the Registrar to refer the claim to a Magistrate's Court.

(5) The Registrar shall notify the applicant of the time and place appointed for the hearing of the application by the Magistrate's Court.

(6) As soon as practicable after the registration of any person on any roll the Registrar shall send or deliver to that person a certificate of identity issued in accordance with section 135A of this Act."

14. Applications received while rolls temporarily closed - The principal Act is further amended by inserting immediately after section 25C (as inserted by this Act) the following new

section:-

"25D. Applications received while rolls temporarily closed. - (1) The Registrar shall not at any time in the period that any roll is temporarily closed, register any application as an elector or voter that the Registrar receives after 4 p.m. on the day before the commencement of that period."

15. Notice to be given when person ceases to be qualified - The principal Act is further amended by inserting immediately after section 25D (as inserted by this Act) the following new section:-

"25E Notice to be given when person ceases to be qualified - (1) Every person who ceases to be qualified to be enrolled as an elector in any constituency or as an individual voter shall give notice of that fact to the registrar within one month of his ceasing to be so qualified.

(2) Every person who fails to comply with this section commits an offence and is liable upon conviction to a fine not exceeding \$100."

16. Time limit for objections and hearings - (1) The heading to section 28 of the principal Act is amended by inserting immediately before the word "closing" the word "temporary".

(2) Section 28 of the principal Act is amended by inserting immediately before the word "closed" the word "temporarily".

17. Removal of names from roll by Registrar - Section 32 is amended by -

(a) Adding in subsection (1) the following new paragraph:-

"(c) The name of any person whom the Registrar upon enquiry is satisfied has ceased to be qualified to be enrolled on that roll if -

(i) The Registrar has notified that person by delivery to him or (if he cannot be found) by leaving at his last known address a notice of the Registrar's

intention to remove the name of that person from the roll and calling upon him to show cause why his name should not be so removed; and

(ii) After twenty one days following the giving of that notice the person has not satisfied the Registrar that he remains qualified to be registered on that roll."

(b) Inserting in subsection (3) after the words "date fixed for the", the word "temporary".

18. **Closing of Rolls** - Subsection (1) of section 34 of the principal Act is amended by inserting after the words "shall be" where they first appear the word "temporarily".

19. **False statements or declarations** - Section 40 of the principal Act is amended by omitting the expression "\$100" and substituting the expression "\$500".

20. **Head of State to give notice to Chief Returning Officer** - Section 44 of the principal Act is amended by omitting the words "50 clear days" and substituting the words "35 clear days".

21. **Chief Returning Officer to give public notice of election and nomination day** - Section 45 of the principal Act is amended by omitting the words "45 clear days" and substituting the words "30 clear days".

22. **Chief Returning Officer to give public notice of by-election and nomination day** - Section 47 of the principal Act is amended by omitting the words "45 clear days" and substituting the words "30 clear days".

23. **Main rolls to be printed** - Section 35 of the principal Act is amended by -

(a) Omitting from subsection (1) the words "As soon as practicable after the closing of all the electoral rolls" and substituting the words "From time to time" and by further omitting the word "Samoaan" and substituting the word "English".

(b) Omitting from subsection (2) the words "As soon as practicable after the closing of the individual voters' roll" and substituting the words "From time to time" and by inserting immediately before the word "roll" where it the first appears the words "individual voters".

24. **Polling Places** - Section 59 of the principal Act is amended by adding the following subsection as subsection (2):-

"(2) No polling place shall be appointed either for the receipt of ordinary or special votes outside the islands of Upolu, Savaii or Manono."

25. **Who may vote** - The principal Act is amended by inserting immediately after section 70 the following new section:-

"70A. **Who may vote**- Subject to section 70B and to the other provisions of this Act any person whose name lawfully appears on the main roll or any supplementary roll for a constituency or on the main or supplementary individual voters' roll as the case may be and who is qualified to be registered as an elector for the constituency or as an individual voter shall be qualified to vote at an election in that constituency or as an individual voter as the case may be."

26. **Who may not vote** - The principal Act is further amended by inserting immediately after section 70A (as inserted by this Act) the following new section:-

"70B. **Who may not vote** - Notwithstanding any other provision of this Act no person shall be entitled to vote at any election except upon production of a valid certificate

(a) Omitting from subsection (1) the words "As soon as practicable after the closing of all the electoral rolls" and substituting the words "From time to time" and by further omitting the word "Samoan" and substituting the word "English".

(b) Omitting from subsection (2) the words "As soon as practicable after the closing of the individual voters' roll" and substituting the words "From time to time" and by inserting immediately before the word "roll" where it first appears the words "individual voters".

24. **Polling Places** - Section 59 of the principal Act is amended by adding the following subsection as subsection (2):-

"(2) No polling place shall be appointed either for the receipt of ordinary or special votes outside the islands of Upolu, Savaii or Manono."

25. **Who may vote** - The principal Act is amended by inserting immediately after section 70 the following new section:-

"70A. **Who may vote**- Subject to section 70B and to the other provisions of this Act any person whose name lawfully appears on the main roll or any supplementary roll for a constituency or on the main or supplementary individual voters' roll as the case may be and who is qualified to be registered as an elector for the constituency or as an individual voter shall be qualified to vote at an election in that constituency or as an individual voter as the case may be."

26. **Who may not vote** - The principal Act is further amended by inserting immediately after section 70A (as inserted by this Act) the following new section:-

"70B. **Who may not vote** - Notwithstanding any other provision of this Act no person shall be entitled to vote at any election except upon production of a valid certificate

of identity issued under section 135A of this Act."

27. **Special voters** - The principal Act is further amended by inserting immediately after section 70B (as inserted by this Act) the following new section:-

"70C. **Special voters** (1) A person who is qualified and registered to vote at any election in any constituency and wishes to cast his vote for that constituency may vote as a special voter at a polling place outside that constituency."

28. **Voting by special voters** - The principal Act is further amended by inserting immediately after section 70C (as inserted by this Act) the following new section:-

"70D. **Voting by special voters** (1) Notwithstanding anything to the contrary in this Act, a special voter may vote at such place within Western Samoa, at such time, in such manner, and upon or subject to such conditions as appear in this Act or are as may be prescribed in that behalf by regulations made under this Act.

(2) Different methods of voting may be prescribed for different classes of special voters.

(3) The ballot papers for use by special voters or by any class of special voters may be in such form as is prescribed by regulations, and the consecutive numbers of the special ballot papers for any district may be in a different series from that used for the ordinary ballot papers.

(4) Each candidate may, by writing under his hand, appoint one scrutineer to be present at the office of the Registrar when he is performing his duties in relation to declarations in respect of special votes.

(5) Every scrutineer shall, before being allowed to act, make a declaration in form I before a Returning Officer or the Deputy Returning Officer or a person authorised to take a statutory declaration by section 21 of the Oaths, Affidavits

and Declarations Act 1963.

(6) No candidate shall act as scrutineer under this section.

(7) Subject to the provisions of this section and section 70C of this Act, and to the provisions of any regulations made for the purposes of this section, all the provisions of this Act shall, as far as applicable and with the necessary modifications, apply with respect to voting by special voters and to their votes."

29. **Time for presentation of Election petition** - Section 106 of the principal Act is amended by omitting from subsections (1) and (2) the words "14 days" wherever those words occur and substituting the words "7 days".

30. **Trial of Petition** - (1) Subsection (1) of section 111 of the principal Act is amended by omitting the words "14 days" and substituting the words "7 days".

(2) Section 111 of the principal Act is amended by adding a new subsection as follows:-

"(3) In allocating a time for hearing an electoral petition the Court shall give priority to that petition over all matters before the Court which are not electoral petitions"

31. **Certificates of Identity** - The principal Act is further amended by inserting immediately after section 135 a new section as follows:-

"135A. **Certificates of Identity** - (1) The Registrar shall in accordance with the provisions of this Act issue to every registered elector or voter a certificate of identity PROVIDED THAT where a person continues to be a registered elector or voter by virtue of section 10 or 22 of this Act the Registrar shall issue such certificate only upon personal application of such elector or voter made to him or to an assistant.

(2) Every certificate of identity shall cease to be valid at the expiry of 10 years from the date upon which it is issued.

(3) Any person who loses his certificate of identity may apply in person to the Registrar or to an assistant for a new certificate of identity and shall upon satisfying the Registrar that the certificate has been lost and that he is the person to whom that certificate applies and upon payment of the reasonable cost thereof be entitled to receive a new certificate of identity.

(4) Where a new certificate of identity is required to be issued to any person as a result of a change of choice pursuant to subsection 3 of section 16 of this Act or as a result of that person ceasing to be a voter and becoming an elector, or ceasing to be an elector and becoming an elector the reasonable cost of a new Certificate of Identity shall be paid by that person, and notwithstanding any other provision of this Act no new Certificate of Identity shall be issued to that person until such cost has been paid.

(5) No person who applies after 4p.m. on the day before any polling day for the issue of a new certificate of identity shall be entitled to obtain a certificate of identity until after that polling day.

(6) Where any certificate of identity has lapsed through effluxion of time the registrar shall upon application made in the prescribed form by the person to whom it relates and upon the surrender by that person of the certificate which has lapsed issue to that person free of charge a new certificate of identity.

(7) Every certificate of identity shall be authenticated by the signature or seal of the Registrar (which the Registrar is authorised to have for the purpose) and shall contain or comprise:

- (a) A photograph of the person identified;
- (b) The full name and identification number of the person identified which number shall be allocated by the Registrar;
- (c) In the case of a voter, that fact;
- (d) In the case of an elector the constituency in which he is registered;

- (e) The date of birth of the person identified;
- (f) The village of the person identified;
- (g) The date of issue of the Certificate."

32. Amendments to First Schedule - (1) The First Schedule to the principal Act is amended by inserting immediately after form 1 a new form as provided in the schedule to this Act.

(2) Form 2 in the First schedule to the principal Act is amended by omitting the words "and I declare" and by omitting at the conclusion of the form all of the words after the words "right or privilege" where they last appear and substituting the following:-

Sign here.....

Signature of Witness.....

Residential address of Witness.....

Qualification of Witness....."

(3) Form 2 in the First Schedule to the principal Act is further amended by adding the following words as a footnote:-

"If you are claiming through your mother and not through your father, questions relating to your father should be read and construed as if they related to your mother and the form altered accordingly."

SCHEDULE

Form 1A

Section 12

To the Registrar of electors and voters for Western Samoa.

I.....of.....

(full residential address, and occupation or description)

hereby claim to have my name entered in the electoral roll for(Territorial Constituency) of Western Samoa; and I declare that the answers to the following questions are true and correct in every particular:

1. Are you a citizen of Western Samoa?

.....

2. Have you attained the age of 21 years?

.....

3. Are you an undischarged bankrupt?

.....

4. Have you been convicted in Western Samoa or in American Samoa of an offence punishable by death or by imprisonment for a term of 2 years or upwards or have you been convicted in Western Samoa of any practice declared to be a corrupt practice by the Electoral Act 1963?

.....

5. If so, have you:

(a) Received a free pardon?.....

(b) Undergone the sentence or
punishment to which you were
adjudged for the offence?.....

6. Are you of sound mind and not subject to an
order of medical custody under the Mental
Health Ordinance 1961?.....

7. What is (or was) the full name of your father?
.....

8. If he is dead, when and where did he die?
.....

9. What is the date of your birth?
.....

10. What is your father's village of origin?
.....

11. What are your grandfathers' villages of origin?
.....

12. Do you hold a Matai title?.....

13. If so, what are the details?

Title	Village
-------	---------

.....

.....

.....

.....

.....

14. If you do not hold a Matai title does or did any of your grandparents or your parents hold a Matai title?

.....

15. If so, supply particulars:

Relationship (e.g. father etc)	Title	Village
-----------------------------------	-------	---------

.....

.....

.....

.....

.....

16. Does or did any of your brothers or sisters hold a Matai title otherwise than through his or her spouse?

.....

17. If so, supply particulars:

Name of	Title	Village
brother or sister		

.....

.....

.....

18. What is the full name of your father?

.....

19. What is the full name of your mother?

.....

20. Are you rendering service to a village?

21. If so, what village?.....

22. What is the nature of the service and who can confirm it ?

.....

.....

Sign here.....

Signature of Witness.....

Residential address of Witness.....

Qualification of Witness.....

TEUTEUGA O LE TULAFONO O FAIGA PALOTA

SAMOA I SISIFO

Faatulagaina o Aiaiga

Igoa

1. Igoa Puupuu ma le amataga
2. Faamatalaina o uiga o upu
3. Ofisa Sili Fai Palota, Resitala ma isi Ofisa
4. O e e mafai ona faatutu mai mo le palotaina e aveva ma Sui Usufono
5. Uiga agavaa o Tagata Palota
6. Tulafono mo le fuafuaina o le mea e nofomau ai i totonu o Samoa i Sisifo
7. Faamaopoopoina o pepa o le faasologa o igoa
8. Taualumaga
9. Uiga Agavaa o Tagata Palota Taitoatasi
10. Faamauina o tagata palota
11. O le tumau ai pea i luga o le pepa o le faasologa o igoa
12. Sainia ma le molimauina o talosaga mo le faamauina ma isi mea
13. Taualumaga e sosoo ma se talosaga mo le faamauina
14. Talosaga ua mauaina ae ua tapunia mo se taimi le tumau le pepa o faasologa o igoa
15. E ao ona tuuina atu se Faasilasilaga pe afai ua faamutaina agavaa o se tagata palota
16. Taimi faatapulaaina mo faatuiese ma suesuega
17. Aveeseina mai o igoa mai le pepa o le faasologa o igoa e le Resitala
18. Tapunia o pepa o faasologa o igoa
19. Faamatalaga po o tautinoga pepelo
20. E tuuina atu e le Ao o le Malo le faaaliga i le Ofisa Sili Fai Palota
21. Ia tuuina atu e le Ofisa Sili Fai Palota se faaaliga mo tagata uma e uiga i le faiga palota ma le aso o filifiliga
22. Ia tuuina atu e le Ofisa Sili Fai Palota se faaaliga mo tagata uma e uiga i se palota laitiiti ma le aso o filifiliga
23. Pepa Autu o le faasologa o igoa ia lolomiina
24. Nofoga e fai ai palota
25. O i latou e mafai ona palota
26. O i latou e le mafai ona palota

- 27 Tagata Palota faapitoa
- 28 Palota a tagata palota faapitoa
- 29 Taimi mo le tuuina mai o se talosaga e uiga i se faiga palota
- 30 Suesuega o Talosaga
- 31 Tusi Faamaonia e Iloagofie ai ma isi mea
- 32 Teuteuga i le Faamatalaga Muamua
Faamatalaga

1990 Nu 20

O SE TULAFONO e teuteu ai le Tulafono o Faiga Palota 1963

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

1. **Igoa Puupuu ma le Amataga** - (1) E mafai ona taua leni Tulafono o le Tulafono o Teuteuga o le Tulafono o Faiga Palota 1990 ma e tatau ona faitauina faatasi ma avea o se vaega o le Tulafono o Faiga Palota 1963 (e pei ona faasinomia mulimuli ane iinei o le Tulafono Autu).

(2) O leni Tulafono e tatau ona avea e faapea na faamamaluina i le aso 27 o Novema 1990.

2. **Faamatalaina o uiga o upu** - O le Fuaiupu 2 o le Tulafono autu ua teuteuina i le faaofiina i ai i o latou tulaga sao e tusa ai ma le faasologa o Mataitusi o le Pi faamatalaga fou e faapea:-

"Tagata Matua" o lona uiga o se tagata ua po o sili atu

tausaga o lona soifuaga i le 21 tausaga;

ma i se tulaga ua tuuina atu ai se faasilasilaga

faalauaitele e tusa ai ma se aso o Faiga Palota e aofia

se tagata o ia lea o le a aulia le 21 tausaga o lona soi-

fuaga i po o a o lei oo atu i lona aso;

"Fesoasoani" o lona uiga o se tagata ua tofia e avea o se

fesoasoani e tusa ai ma le fuaiupu 25A o lenei Tulafono.

3. **Ofisa Sili Fai Palota ma isi Ofisa** - O le Fuaiupu 3 o le Tulafono autu ua teuteuina i le faaofiina i ai o se faafuaiupu fou e ave'a o le faafuaiupu (2) e faapea:-

" (2) E mafai e le Komisi o Galuega o le Malo ona tofia le tagata e toatasi e na te umia tofi e lua o le Ofisa Sili Fai Palota ma le Resitala o tagata palota ma tagata palota taitoatasi."

4. **O e e mafai ona faatutu mai mo le palotaina e ave'a ma Sui Usufono** -

O le Faafuaiupu (1) o le fuaiupu 5 o le Tulafono autu ua teuteuina i le faaofiina ai ina ua tuanai le upu "itumalo" i le mea o lo o aliali muamua ai lea-upu, ia upu "ma o lo o umia se suafa Matai."

5. **Uiga Agavaa o Tagata Palota** - O le Fuaiupu 16 o le Tulafono autu ua soloia ma ua suia i le fuaiupu e faapea:-

" 16. Uiga agavaa o tagata palota - (1) I le noatia ma fai fuafua i aiaiga o le Faavae ma le Tulafono lenei o tagata matutua uma o le a tatau ona agavaa e ave'a ma se tagata palota o se itumalo pe afai -

(a) O ia o se tagatanuu o Samoa i Sisifo; ma

(b) E le o i ai lona igoa i le pepa o faasologa o igoa o tagata palota taitoatasi.

(2) O le itumalo e tatau ona faamauina ai se tagata palota e tatau ona fuafuaina e tusa ai ma aiaiga ua taua :

(a) A fai o le tagata palota o lo o umia se suafa Matai e tatau ona faamauina o ia i le itumalo lea e i ai lona suafa po o, afai o ia o se tagata o lo o umia ni suafa Matai se tele, e tatau ona faamauina o ia i le itumalo lea e i ai se suafa se tasi o ia suafa, e pei ona o le a filifilia e ia i so o se taimi.

(b) a fai o le tagata palota e le o umia e ia se suafa Matai peitai o lona toalua po o se tasi o matua o ona matua, ona matua, po o se uso po o se tuafafine o se (po o pe a fai o lona tagata ua maliu, sa i le taimi o lona maliu) tagata o lo o umia se suafa Matai i lea taimi, i le noatia ma le fai fuafua i le parakalafa (c) o lenei fuaiupu, o le tagata palota e tatau ona faamauina -

- (i) pe afai e na o le tasi se suafa lea o lo o faasino i ai lenei parakalafa, i le itumalo lea o lo o i ai lena suafa po o sa i ai; po o
- (ii) pe afai e sili atu nai lo le tasi le suafa lea o lo o faasino i ai lenei parakalafa, i sea itumalo lea e i ai se tasi o ia suafa po o i se tulaga e ono i ai e pei ona filifilia e le tagata palota i so o se taimi;
- (c) O le Parakalafa (b) o lenei faafuaiupu e le tatau ona faaoga e tusa ai ma so o se suafa Matai ua mauaina e se uso po o se tuafafine o se tagata palota mai po o e ala atu i le toalua o sea uso po o se tuafafine;
- (d) Afai o se tagata palota e le o se tagata o ia lea e faasino i ai le parakalafa (a) po o le (b) o lenei faafuaiupu e tatau loa i le tagata palota ona faamauina i so o se tasi o mea ia e lua -
- (i) le itumalo lea ua faamaonia i luga o le faamalicina o le Resitala e faapea o lo o faia ai e ia le galuega o le tautua i le nuu; po o
- (ii) le itumalo lea o lo o avefa ai lena tagata ma tagata nofomau i le agaga lelei ma le faamaoni i le taimi e talosaga ai o ia mo le faamauina, e pei ona o le a filifilia e lena tagata palota.
- (e) Mo faamoemoega o le parakalafa (d) o lenei faafuaiupu "tautua e faasino i se nuu o lona uiga o le tautua i se Ekalesia i lena nuu, po o i le Fonó a le Nuu, po o i so o se atiina ae fai faatasi po o galuega soo-faatasi i totonu o lena nuu;
- (f) A fai o le tagata palota e le o se tagata nofomau i totonu o Samoa i Sisifo ma e le o se tagata o ia lea e faasino i ai le parakalafa (a), (b), po o le (d) o lenei faafuaiupu o le tagata palota o le a tatau ona faamauina i le itumalo lea sa nofo mulimuli ai i totonu o Samoa i Sisifo;
- (g) A fai o le tagata palota e le i nofomau lava i totonu o Samoa i Sisifo ma e le faasino i ai se parakalafa (a), (b), (d) po o le (f) i lena tagata palota e tatau i lena tagata palota ona faamau lona igoa i le itumalo lea ua faamalicina ai le Resitala e faapea e i ai ona sootaga faale-aiga.
- (3) Afai ua faia e se tagata se filifiliga o le itumalo e tusa ai ma le faafuaiupu (2)(a) po o (2)(b)(ii) o lenei fuaiupu e tatau ia te ia ona logoina le Resitala e tusa ai ma lea filifiliga,

i le noatia ma le fai fuafua i le Vaega V o lenei Tulafono, o se filifiliga fou ma logoina i le Resitala i so o se taimi.

(4) E mafai e se tagata o ia lea ua faamauina e avea ma tagata palota ona tuuina atu se faasilasilaga i le Resitala ia aveesea e le Resitala lona igoa mai so o se pepa o faasologa o igoa.

(5) A fai ua faaleaogaina e se tagata sana filifiliga o se itumalo po ua manaomia e ia le Resitala ia aveesea lona igoa mai so o se pepa o le faasologa o igoa o tagata palota e tatau loa i lea tagata ona ia faafoi atu i le Resitala lana Pepa e Iloagofie ai o ia, ma o le a le toe aia loa e faamauina lona igoa i so o se isi lava pepa o faasologa o igoa scia uma ona faia e ia lena mea, po o scia faamalieina e ia le Resitala e faapea o lana pepa faamaonia ua leiloa".

6. Tulafono mo le fuafuaina o le mea e nofomau ai i totonu o Samoa i Sisifo - O le

Tulafono autu ua teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 16 le fuaiupu fou e faapea:-

"16A Tulafono mo le fuafuaina o le mea e nofomau ai i totonu o Samoa i Sisifo - (1) I le noatia ma le fai fuafua i aiaiga o lenei fuaiupu, o le nofoaga o lo o nofo ai se tagata i totonu o Samoa i Sisifo i so o se taimi umi po o a o faagasolo so o se vaitaimi umi o le a tatau ona fuafuaina mo le faamoemoe o lenei Tulafono i le faasinomia lea i le moni o le mataupu.

(2) Mo faamoemoe o lenei Tulafono e mafai e se tagata ona nofo na o le tasi se nofoaga.

(3) O se tagata ua nofo i le nofoaga ua filifilia e lena tagata e fai ai lona aiga i luga o se mafuaaga tau le aiga po o fesootaiga faale-tagata po o mo nisi mafuaaga faale-aiga po o faale-tagata.

(4) A fai o le fanua o lo o faatu ai le aiga o se tagata ua i le va o ni itumalo se lua po o le sili atu foi, e tatau i lena tagata ona, -

(a) A fai o lona fale o lo o tu atoa i totonu o se tasi o ia itumalo, e ao loa ona avea lena itumalo ma itumalo o lo o nofo ai; po o

(b) I so o se isi lava tulaga, e ao ona avea o lo o nofo i le itumalo o lo o tu ai -

(i) Le faitotoa i luma po o isi faitotoa autu e ulufale atu ai i lona fale; po o

(ii) A fai e nofo i se potu, o le faitotoa i luma po o isi faitotoa autu e ulufale atu ai

i le fale o lo o i ai lona potu.

(5) O se tagata o ia lea o lo o toafia i so o se nofoaga tau faasalaga po o le falemai e tusa ai ma so o se tulafono e le tatau, i le na o le mafuaaga o lona faasalaga, ona ave'a mo le faamoemoe o le faafuaiupu (3) o lenei fuaiupu e faapea e nofo ai iina.

(6) O le nofoaga e faapea, mo faamoemoe o lenei Tulafono, o lo o nofo ai se tagata e le tatau ona suia ona o se mafuaaga e faapea o lona tagata -

(a) E seasea po o toesea mo se vaitaimi e le tumau mai i lona nofoaga; po o

(b) E toesea mai i lona nofoaga mo so o se vaitaimi ona o ana galuega po o ona o lona toalua o lo o ave'a ma Sui Usufono o le Palemene; po o

(c) E toesea mai i lona nofoaga mo so o se vaitaimi ona o lona galuega po o galuega po o ona o lona toalua; po o

(d) E toesea mai i lona nofoaga mo so o se vaitaimi ona o ia po o lona toalua, o se tagata o lo o aoga, tusa lava po o sea toesea o lo o aofia ai le seasea nofo ai po o nofo soo ai i se isi nofoaga po o nisi nofoaga.

(7) Vagana ai e pei ona aiaia i le faafuaiupu (6) o lenei fuaiupu, o se tagata o ia lea ua ia tuua lona aiga muamua i se tulaga tumau e le tatau ona ave'a o lo o nofo ai i lona nofoaga, e ese mai ai na i lo isi mea o lona aiga i le taimi nei e na o se aiga le tumau.

(8) O se tagatanuu o Samoa i Sisifo o ia lea o lo o i fafo atu o Samoa i Sisifo e tatau ona ave'a e nofo i lona aiga mulimuli i totonu o Samoa i Sisifo; peitai e leai se mea i totonu o lenei faafuaiupu e tatau ona aafia ai le faaogaina o le fuaiupu 16 o lenei Tulafono mo le faamoemoe o le fuafuaina o agavaa o so o se tagata mo le faamauiina e ave'a ai o se tagata palota po o le fuaiupu 70B o lenei Tulafono.

(9) I le tulaga o se tagata o ia lea ua tofia e ave'a o se Sui Usufono o le Kapeneta, po o o ia lea o le toalua o se tagata ua tofia, o aiaiga ua taua i lalo e tatau ona faaoga e ese mai ai na i lo so o se isi mea i totonu o lenei fuaiupu, e faapea, -

(a) I le umi e tumau ai pea ia te ia lona tofi e tatau ona ave'a o ia ma tagata o lo o faaauau pea ona nofo i le nofoaga e pei ona sa faamauiina ai o ia e ave'a ma se tagata palota o le itumalo (i totonu o lenei faafuaiupu e faasinomia i ai o le itumalo muamua) e ese mai ai na i lona toesea mai i lona itumalo i le nofoa o le Malo po o se isi lava mea,

vagana ai ma scia oo ina toe talosaga mo le faamauina lona igoa e avea ai o ia ma tagata palota o se isi itumalo lea e agavaa ai o ia e avea ma se tagata palota, e ese mai ai ma aiaiga o lenei parakalafa.

(b) I le faamauina o lona igoa e avea ai o se tagata palota o se tasi itumalo e tusa ai ma se talosaga e pei ona uluai taua, o le tagata ua talosaga o le a tatau loa ona faamutaina ana aia e faaauau ai le faamauina o ia e tusa ai ma lenei faafuaiupu o se tagata palota o le itumalo muamua.

(10) O se tagata o ia lea ua fai ma ona aiga luga o so o se vaa, vaa lau pasese, vaa a lalo e i totonu o se Taulaga i se tulaga tumau e tatau ona avea o se tagata nofomau i le itumalo tau faiga-palota lea o lo o i ai le uafu po o nofoaga e tu-lauelele ai i le Taulaga.

7. Faamaopoopoina o pepa o faasologa o igoa - (1) O le Faafuaiupu (1) o le Fuaiupu 17 o le Tulafono autu ua teuteuina i le aveeseina o upu "faamaopoopoina ma tausia i taimi uma".

(2) O le Faafuaiupu (2) o le Fuaiupu 17 o le Tulafono autu ua teuteuina i le aveeseina o upu ina ua tuana'i le upu "faamatalaga" ma ia suia i upu "mea talafeagai i pepa o faasologa o igoa".

(3) O le Faafuaiupu (3) ma le (5) o le Fuaiupu 17 o le Tulafono autu ua soloia.

8. Taualumaga - o le Fuaiupu 18 o le Tulafono autu ua soloia ma ua suia i le fuaiupu e faapea:-

" 18 **Vaitaimi o fesuiaga** - (1) O tagata uma o i latou ia ua faamauina e avea ma tagata palota i so o se itumalo i le aso 27 o Novema 1990 o le a faamauina i pepa o le faasologa o igoa e aunoa ma se isi toe talosaga e faia e tusa ai ma le fuaiupu 17 o lenei Tulafono ina ua tuana'i lena aso;

(2) Ae vagana ai e ese se fuafuaga e faia e le Resitala i so o se mataupu faapitoa o le a le talafeagai mo so o se tagata o ia lea o lo o i ai lona igoa i pepa autu o le faasologa o igoa ua saunia mo faamoemoega o le Tulafono o le Pelepesite 1990 ona tausisia i aiaiga o le fuaiupu 25A o lenei Tulafono mo faamoemoega o le tusia o lona igoa mo so o se faiga palota e faia i le 1991.

(3) So o se tagata o ia lea e faasino i ai le faafuaiupu (2) o lenei fuaiupu e mafai ona

faamauina e avea o se tagata palota po o se tagata palota i le :-

(a) Faao mai o ia i luma o le Resitala po o se fesoasoani mo le faamoemoe e fia mauaina se Tusi Faamaonia e Iloagofie ai o ia; ma

(b) Faamalieina le Resitala e tusa ai ma le itumalo e tatau ona faamauina ai lena tagata, po o, i se tulaga e ono i ai, i le faamalieina o le Resitala e faapea e tatau ona faamauina o ia i pepa o faasologa o igoa o tagata palota taitoatasi.

(4) O lenei fuaiupu e tatau ona faaoga e ese mai ai na i lo so o se aiaiga e ese ai i totonu o le fuaiupu 25A o lenei Tulafono.

9. Uiga Agavaa i Tagata Palota Taitoatasi - (1) O le faafuaiupu (1) o le Fuaiupu 19 o le Tulafono autu ua teuteuina i le aveeseina o upu "o se tagatanuu o Samoa i Sisifo ua na aulia po ua sili atu i lo le luasefulu-tasi tausaga o lona olaga" ma ia suia i upu "o se tagatanuu matua o Samoa i Sisifo".

(2) o le Faafuaiupu (1) o le Fuaiupu 19 o le Tulafono autu ua teuteuina i le faaopoopoina i ai i le faaiuga o le parakalafa (d) le upu "po o" ma i le faaopoopoina i ai o se parakalafa fou e faapea:-

" (e) O lana ava po o lona toalua ua faamauina e avea o se tagata palota taitoatasi".

(3) O le Faafuaiupu (1) o le Fuaiupu 19 o le Tulafono autu ua toe teuteuina i le aveeseina o le upu "tama" i so o se mea o lo o aliali mai ai lea upu, ma ia suia i tulaga taitasi le upu "matua".

(4) O le Faafuaiupu (2) o le Fuaiupu 19 o le Tulafono autu ua teuteuina i le faaopoopoina i le faaiuga o le parakalafa (b) le upu "poo" ma i le faaopoopoina i ai o se parakalafa fou e faapea -

" (c) Ua faamauina e avea o se tagata palota."

10. Faamauina o Tagata Palota Taitoatasi ma Tagata Palota - (1) O le Fuaiupu 21 o le Tulafono autu ua teuteuina i le aveeseina o upu "auina mai i le meli" ma ia suia i upu "e le tagata lava ia i le Resitala po o se fesoasoani" ma i le aveeseina o upu "tautinoga".

(2) O le Tulafono autu ua toe teuteuina i le faaofiina i ai i le Vaega V i luma mai o le fuaiupu 26 le fuaiupu fou e faapea:-

"25A Faamauina o Tagata Palota - (1) O tagata uma o i latou ia e mananao e

faamauina e avea o se tagata palota i so o se itumalo e tatau ae vagana ai ua uma ona i ai lona igoa i pepa o faasologa o igoa ona faia sana ia lava talosaga i le Resitala po o i se fesoasoani ua tofia e le Resitala e na te taliaina sea talosaga.

(2) E tatau i le Resitala ona tofia ma faaavanoaina ia fesoasoani e pei ona o le a ia manatu ua talafeagai ai mo faamoemoega o le faafuaiupu (1) o lenei fuaiupu po o le fuaiupu 21 o lenei Tulafono ma e mafai ona tofia ma faaavanoaina atu ni fesoasoani i so o se Ofisa Amapasa po o Konesula o Samoa i Sisifo i totonu o se atunuu i fafo atu o Samoa.

11. O le tumau ai pea i luga o le pepa o le faasologa o igoa - (1) O le Fuaiupu 22 o le Tulafono atu ua teuteuina i le faaopoopoina i ai o le faafuaiupu (2) fou e faapea :-

(2) O se tagata o ia lea ua faamauina e avea o se tagata palota e mafai i luga o se faasilasilaga i le Resitala ona manaomia e ia le Resitala ia aveesea lona igoa mai le pepa o le faasologa o igoa o tagata palota taitoatasi ma e tusa ai ma lea tulaga e tatau ona ia faafoi atu i le Resitala lana Pepa Faamaonia e lloagofie ai o ia, ma o le a le toe aia mo le toe faamauina o lona igoa i so o se isi pepa o faasologa o igoa seia maea ona ia faia lena mea, po o se ia faamalieina e ia le Resitala e faapea o lana Pepa Faamaonia ua leiloa.

12. Sainia ma le Molimauina o Talosaga mo le Faamauina ma isi mea - O le Tulafono atu ua toe teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 25A (e pei ona faaofiina i ai e lenei Tulafono) le fuaiupu fou e faapea:-

25B. Sainia ma le molimauina o talosaga mo le faamauina ma isi mea - (1) O tagata uma e faia so o se talosaga po o se tautinoga e tusa ai ma le faamauina e avea o se tagata palota po o se tagata palota taitoatasi e tatau ona faia i totonu o le pepa 1A po o le 2 o le Faamatalaga i lenei Tulafono, i se tulaga ono manaomia, ma e tatau pe saini po o le tuuina o sana faailoga i luga o le talosaga po o tautinoga ma e tatau ona faaopoopo i lana saini lana galuega ma lona tuatusi.

(2) A fai o se tagata ua faia se talosaga po o se tautinoga e tusa ai ma le faamauina e avea o se tagata palota po o tagata palota taitoatasi o se tagata e le o atoatoa lelei lona malosi, o le talosaga po o le tautinoga e mafai ona sainia e se tagata palota faamauina po o se tagata palota taitoatasi ua faamauina e avea ai o ia ma sui o lea tagata ma o le tagata o lo'o saini e tatau ona ia faia i luga o le faatonuga a le tagata e le o atoatoa lelei lona

malosi ma e tatau ona ia faaalii i le talosaga po o le tautinoga

(i) E faapea o le ua talosaga po o le e ana le tautinoga o se tagata e le o atoatoa lelei lona malosi;

(ii) E faapea o le talosaga po o le tautinoga ua sainia i luga o le faatonuga a le o lo o talosaga po o le e ona le tautinoga.

(3) O le nofoaga e pei ona tuuina mai i le talosaga mo le faamauina e tatau ona faamatalaina i se faiga e mafai ai ona faigofie ona iloa.

(4) E mafai e le Resitala ona teena so o se talosaga po o se tautinoga e faapea e le o tausisia le faafuaiupu (1) po o le faafuaiupu (3) o lenei Tulafono po o ua le mafai ona tuuina atu so o se faamatalaga e pei ona manaomia e le Pepa 1A po o i se tulaga e ono manaomia. Pepa 2. o le Faamatalaga i lenei Tulafono.

(5) O talosaga uma mo le faamauina e avea ai o se tagata palota e tatau ona molimauina e le Resitala po o se fesoasoani.

13. **Taualumaga e sosoo ma se talosaga mo le faamauina** - O le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuanai le fuaiupu 25B (e pei ona faaofiina i ai e lenei Tulafono) le fuaiupu fou e faapea -

"25C **Taualumaga e sosoo ma se talosaga mo le faamauina** - A fai ua faamalieina le Resitala e faapea so o se tagata o ia lea ua talosaga ina ia faamauina e avea ma se tagata palota po o se tagata palota taitoatasi (pe i luga o se fesiitaiga mai i le isi itumalo faaalaalafaga po o mai i pepa o le faasologa o igoa o tagata palota taitoatasi po o se isi lava mea) ua agavaa mo le faamauina e tatau i totonu o le 5 aso mai i le aso na ia mauaina ai le talosaga ona tuuina le igoa o le o lo o talosaga i le pepa talafeagai o le faasologa o igoa.

(2) A fai ina ua maea ona faia ia suesuega e pei ona manatu ai o ia ua talafeagai e i ai se mafuaga ua manatu ai le Resitala e faapea so o se tagata talosaga e le o agavaa e faamauina e tatau ia te ia i totonu o le 5 aso o le mauaina o le talosaga ona tuuina atu se faasilasilaga tusia i le o lo o talosaga e faatulagaina ai faamatalaga auliili ia o lo o manaomia ai se faamaoniga.

(3) A fai ua le mafai e le o lo o talosaga ona tuuina atu se faamaoniga o ona agavaa lelei

ma talafeagai i le Resitala i totonu o le sefulu aso ina ua tuana'i le aso na tuuina atu ai le faasilasilaga ia te ia e tusa ai ma le faafuaiupu (2) o lenei fuaiupu, e tatau i le Resitala ona teena le talosaga ma tuuina atu loa se faasilasilaga e tusa ai ma lea tulaga i le o lo o talosaga.

(4) I totonu o le sefulufa aso ina ua tuana'i le aso na tuuina atu ai i le o lo talosaga se faasilasilaga teena e tusa ai ma le faafuaiupu (3) o lenei fuaiupu, e mafai e le o lo o talosaga ona manaomia le Resitala ina ia tuuina atu lana tagi i le Faamasinoga Mauualalo.

(5) E tatau i le Resitala ona logoina le o lo o talosaga e tusa ai ma le taimi ma le nofoaga ua filifilia - mo le fofogaina o lana talosaga e le Faamasinoga Mauualalo.

(6) I se taimi vave lava e mafai ai ina ua uma ona faamauina o so se tagata i so se pepa o faasologa o igoa e tatau i le Resitala ona tuuina atu po o auina atu i lona tagata se tusi faamaonia e iloagofie ai e tusa ma le fuaiupu 135A o lenei Tulafono."

14. Talosaga ua mauaina ae ua tapunia mo se taimi le tumau le pepa o faasologa o igoa - O le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 25C (e pei ona faaofiina i ai e lenei Tulafono) le fuaiupu fou e faapea:-

"25D Talosaga ua mauaina ae ua tapunia mo se taimi le tumau le pepa o faasologa o igoa

- (1) E le tatau i le Resitala i so o se taimi i totonu o le vaitaimi e faapea ua tapunia ai so o se pepa o faasologa o igoa i mo se taimi le tumau, ona faamauina so o se talosaga e avea ai o se tagata palota po o se tagata palota taitoatasi e faapea na mauaina e le Resitala ina ua tea le itula e 4.00 i le afiafi o le aso a o le i amataina lona vaitaimi.

15. E ao ona tuuina atu se faasilasilaga pe a fai ua faamutaina agavaa o se tagata - O le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 25D (e pei ona faaofiina i ai e lenei Tulafono) le fuaiupu fou e faapea:-

"25E E ao ona tuuina atu se faasilasilaga pe a fai ua faamutaina agavaa o se tagata - (1)

O tagata uma o i latou ia ua faamutaina le toe agavaa e tusia ai igoa e avea ai o se tagata palota i so o se itumalo po o e avea ai o se tagata palota taitoatasi e tatau ona tuuina se faasilasilaga e tusa ai ma lona mea moni i le Resitala i totonu o le tasi masina o lona faamutaina e avea ma tagata agavaa.

(2) O tagata uma ua le mafai ona usitaia lenei fuaiupu ua faia se solitulafono ma ua

noatia i luga o se moliaga i se faasalaga e le sili atu i le \$100."

16. **Taimi faatapulaaina mo faatuiese ma suesuega** - (1) O le ulutala i le fuaiupu 28 o le Tulafono autu ua teuteuina i le faaofiina i ai i luma mai o le upu "tapuni" le upu "le tumau".

(2) O le Fuaiupu 28 o le Tulafono autu ua teuteuina i le faaofiina i ai i luma mai o le upu "tapuni" le upu "le tumau".

17. **Aveeseina mai o igoa mai le pepa o le faasologa o igoa e le Resitala** - O le Fuaiupu 32 ua teuteuina i le -

(a) Faaopoopoina i le faafuaiupu (1) le parakalafa fou e faapea:-

"(c) Le igoa o so o se tagata o ia lea ua faamalicina ai le Resitala i luga o suesuega ua faamutaina ona agava e tusia ai lona igoa i lona pepa o faasologa o igoa pe afai -

(i) O le Resitala ua ia logoina lona tagata i le auina atu ia te ia po o (afai o le a le mafai ona mauaina o ia) i le tuuina lea i lona tuatusi lata mai se faasilasilaga o le manao o le Resitala e aveese le igoa o lona tagata mai le pepa o faasologa o igoa ma valaauina lea tagata e tuuina mai se mafuaaga e le tatau ai ona aveese lona igoa mai le faasologa o igoa; ma

(ii) Ina ua tuana'i aso e luasefulu tasi e sosoo ai ma le aso na tuuina atu ai lona faasilasilaga ma e le i faamalicina e lona tagata le Resitala e faapea e faatumauina lona agavaa e faamauina ai i lona pepa o faasologa o igoa."

(b) Faaofiina i totonu o le faafuaiupu (3) ina ua tuana'i ia upu "aso na atofaina mo le," le upu "le tumau".

18. **Tapunia o Pepa o faasologa o igoa** - O le Faafuaiupu (1) o le fuaiupu 34 o le Tulafono autu ua teuteuina i le faaofiina i ai ina ua tuana'i ia upu "o le a" i le mea o lo o aliali muamua mai ai le upu "le tumau".

19. **Faamatalaga po o fautinoga pepelo** - O le Fuaiupu 40 o le Tulafono autu ua teuteuina i le aveeseina o le faamatalaga "\$100" ma ia suia i le faamatalaga "\$500".

20. **E tuuina atu e le Ao o le Malo le faaaliga i le Ofisa Sili Fai Palota** - O le Fuaiupu 44 o le Tulafono autu ua teuteuina i le aveeseina o upu "50 aso atoatoa ma ia suia i upu "35 aso atoatoa."

21. Ia tuuina atu e le Ofisa Sili Fai Palota se faaaliga mo tagata uma e uiga i le faiga palota ma le aso o filifiliga - O le fuaiupu 45 o le Tulafono autu ua teuteuina i le aveescina o upu "45 aso atoatoa" ma ia suia i upu "30 aso atoatoa".

22. Ia tuuina atu e le Ofisa Sili Fai Palota se faaaliga mo tagata uma e uiga i se palota laititi ma le aso o filifiliga - O le Fuaiupu 47 o le Tulafono autu ua teuteuina i le aveescina o upu "45 aso atoatoa" ma suia i upu "30 aso atoatoa".

23. Pepa autu o le faasologa o igoa ia lolomiina - O le fuaiupu 35 o le Tulafono autu ua teuteuina i le -

(a) Aveescina mai le faafuaiupu (1) ia upu "I le taimi vave e ono mafai ai a ua uma ona tapunia pepa uma o faasologa o igoa o tagata palota" ma ia suia i upu "mai lea taimi i lea taimi" ma i le toe aveescina o le upu "Samoa" ma ia suia i le upu "Peretania".

(b) Aveescina mai le faafuiupu (2) ia upu "I le taimi vave e ono mafai ai a ua uma ona tapunia pepa uma e faasologa o igoa o tagata palota taitoatasi" ma ia suia i upu "Mai lea taimi i lea taimi" ma i le faaofiina i ai i luma o le upu "pepa o le faasologa o igoa o tagata palota i le mea o lo o aliali muamua mai ai ia upu "tagata palota taitoatasi".

24. Nofoga e fai ai Palota - O le Fuaiupu 59 o le Tulafono autu ua teuteuina i le faapoopoina i ai o le faafuaiupu e avea ma faafuaiupu (2) e faapea:-

"(2) E leai se Nofoga e fai ai Palota o le a tatau ona tofia pe mo le mauaina o palota masani po o palota faapitoa i fafo atu o motu o Upolu, Savaii po o Manono.

25. O i latou e mafai ona palota - O le Tulafono autu ua teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 70 le fuaiupu fou e faapea:-

"70A O i latou e mafai ona palota - I le noatia ma le fai suafua i le fuaiupu 70B ma i isi aiaiga o lena Tulafono so o se tagata o lo o i ai faale-tulafono lona igoa i totonu o le pepa autu o le faasologa o igoa o tagata palota po o i so o se pepa faapoopo o faasologa o igoa o tagata palota mo se itumalo po o i le pepa autu o le faasologa o igoa o tagata palota po o i pepa faapoopo o faasologa o igoa o tagata palota taitoatasi e tusa ai ma le tulaga e ono i ai ma o ia lea ua agavaa e faamauina

e avea o se tagata palota mo le itumalo po o e avea ai o se tagata palota taitoatasi e tatau ona agavaa e palota i le faiga palota i lena itumalo po o o se tagata palota taitoatasi po o le a lava le tulaga o le a ono i ai."

26. **O i latou e le mafai ona palota** - O le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 70A (e pei ona faaofiina i ai e leni Tulafono) le fuaiupu fou e faapea:-

"70B **O i latou e le mafai ona palota** - E ese mai ai na i lo se isi aiaiga o leni Tulafono e leai se tagata e tatau ona agavaa e palota i so o se faiga palota vagana ai ua ia tuuina atu se tusi faamaonia aloaia e iloagofie ai o ia na tuuina atu e tusa ai ma le fuaiupu 135A o leni Tulafono."

27. **Tagata Palota Faapitoa** - O le Tulafono autu ua teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 70B (e pei ona faaofiina i ai e leni Tulafono) le fuaiupu fou e faapea:

"70C **Tagata palota faapitoa** - (1) O se tagata o ia lea ua agavaa ma ua faamauina e palota i so o se faiga palota i so o se itumalo ma e mana'o e faia lana palota mo lena itumalo e mafai ona faia lana palota e avea ai o se palota faapitoa i se nofoaga fai palota i fafo atu o lena itumalo".

28. **Palota a tagata palota faapitoa** - O le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuana'i le fuaiupu 70C (e pei ona faaofiina i ai e leni Tulafono) le fuaiupu fou.

"70D **Palota a tagata palota faapitoa** - (1) E ese mai ai na i lo so o se mea o lo o i totonu o leni Tulafono, o se tagata palota faapitoa e mafai ona palota i se nofoaga i totonu o Samoa i Sisifo, i se taimi, i se faiga ma i luga po o i le noatia i tuutuuga e pei ona o le a i totonu o leni Tulafono po o e pei ona o le a faatonuina e tusa ai ma lena tulaga i luga o ni tulaga tulafono faatonutonu ua faia e tusa ai ma leni Tulafono.

(2) E ese faiga o le palota e mafai ona faamanino mo vaega eseese o tagata palota faapitoa.

(3) O pepa aloaia e faaoga e tagata palota faapitoa po o se isi vaega o tagata palota faapitoa e mafai ona faatulagaina e pei ona faamanino i tulafono faatonutonu, ma o

fuainumera sosoo o pepa palota faapitoa mo so o se itumalo e ao ona i ai i se faasologa e ese mai ma faasologa e faaoga i pepa palota masani.

(4) E mafai e sui faatutu taitoatasi, e ala i se tusi na te tusia, ona tofia se tagata e vaايا e vaايا fale palota se toatasi e auai atu i le Ofisa o le Resitala i le taimi o lo o ia faataunuina ai ona tiute e faatatau i tautinoga e tusa ai ma palota faapitoa.

(5) E tatau i tagata e vaايا fale palota taitoatasi a o lei faatagaina ona faatino ona tiute ona faia se tautinoga i totonu o le Pepa 1 i luma o le Alii Fai palota po o le Sui Ofisa Fai palota po o se tagata ua faatagaina na te faia tautinoga faale-tulafono i le fuaiupu 21, Faamatalaga tauto ma le Tulafono o Tautinoga 1963.

(6) E leai se sui faatu e tatau ona ave ma tagata e vaايا fale palota i lalo o leni fuaiupu.

(7) I le noatia ma fai fuafua i aiaiga o leni fuaiupu ma le fuaiupu 70C o leni Tulafono, faatasi ai ma aiaiga o so o se tulafono faatonutonu e faia mo le aano moni o leni fuaiupu, o aiaiga uma o leni Tulafono e tatau, i so o se mea e talafeagai ai faatasi ai ma ni suiga talafeagai, e faaoga e tusa ai ma faiga palota e tagata palota faapitoa ma a latou palota.

29. **Taimi mo le tuuina atu o talosaga o Faiga palota** - Fuaiupu 106 o le Tulafono autu ua teuteuina i le aveeseina mai le faafuaiupu (1) ma le (2) ia upu "14 aso" i so o se mea e aliai mai ai na upu ma faaofiina i ai i totonu upu "7 aso".

30. **Faamasinoga o Talosaga** - (1) Faafuaiupu (1) o le fuaiupu 111 o le Tulafono autu ua teuteuina i le aveeseina o upu "14 aso" ma faaofiina i totonu upu "7 aso".

(2) Fuaiupu 111 o le Tulafono autu ua teuteuina i le faaopoopoina i ai se faafuaiupu fou e faapea:-

"(3) I totonu o le faatulagaina o se taimi mo le fofogaina o se talosaga o faiga palota e tatau i le Faamasinoga ona ave le faamuamua i lena talosaga i lo nisi mataupu uma i luma o le Faamasinoga e le o ni talosaga mo faiga palota."

31. **Pepa e Iloagofie ai** - O le Tulafono autu ua toe teuteuina i le faaofiina loa ina ua tuanai le fuaiupu 135 se fuaiupu fou e faapea:-

"135A **Pepa e Iloagofie ai** - (1) E tatau i le Resitala e tusa ai ma aiaiga o leni Tulafono ona tuuina atu i tagata palota faamauina uma po o le tagata palota

taitoatasi se pepa e iloagofie ai PE A FAAPEA o lo o faaauau e sea tagata ona ave'a ma tagata palota faamauina po o se tagata palota taitoatasi e tusa ai ma le fuaiupu 10 po o le 22 o lenei Tulafono e tatau i le Resitala ona tuuina atu sea pepa ua na o tagata talosaga o sea tagata palota po o palota taitoatasi ia te ia po o se Ofisa fesoasoani.

(2) O so o se tusi faamaonia e iloagofie ai e tatau ona muta lona aoga pe a maca le 10 tausaga mai le aso na tuuina atu ai.

(3) O so o se tagata e leiloa lona tusi faamaonia e iloagofie ai e mafai ona talosaga ia i le Resitala po o se Ofisa fesoasoani mo se tusi faamaonia fou e iloagofie ai ma e tatau i luga o le faamalicina o le Resitala e faapea o le pepa ua leiloa ma o ia lea e ana lea pepa o lo o talosaga faatasi ai ma le totogiina o le tau talafeagai o lo o i ai ma agavaa na te mauaina ai se tusi faamaonia fou e iloagofie ai.

(4) O so o se mea o lo o manaomia ai se tusi faamaonia e iloagofie ai e tuuina atu i so o se tagata e mafua mai ona ua sui le filifiliga e tusa ai ma le faafuaiupu 3 o le fuaiupu 16 o lenei Tulafono po o e mafua mai o lona tagata ua faamuta ona ave'a ma tagata palota ae ua ave'a ma tagata palota taitoatasi, e tatau ona totogiina atu se tau talafeagai mo se Pepa fou e Hoa Gofie ai e lona tagata, ma e ese mai na i lo se isi aiaiga o lenei Tulafono e leai se Pepa fou e Hoa Gofie ai e tatau ona tuuina atu i lona tagata seiloga e totogiina mai le tau.

(5) E leai se tagata o ia lea ua talosaga ua tea le 4.00 i le afiafi o le aso e sosoo ai ma le faiga palota mo le tuuina atu o se tusi faamaonia fou e iloagofie ai e tatau ona maua lona tusi faamaonia e iloagofie ai pe uma le aso o faiga palota.

(6) O so o se tusi faamaonia e iloagofie ai ua le aoga ina ua muta le taimi e aoga ai e tatau i le Resitala i luga o se tusi talosaga e faia i le pepa o lo o faamaninoina e le tagata e faatatau i ai ma i luga o le faafoiina atu e lona tagata o le pepa ua le aoga ona tuuina atu i lona tagata e aunoa ma se totogi le tusi faamaonia.

(7) O tusi faamaonia uma e iloa gofie ai e tatau ona faamaonia faale-tulafono i le saina po o se faamau-faailoga a le Resitala (ua faatagaina ai le Resitala na te faia mo le aano moni) ma e tatau ona i ai po o le aofia ai:

- (a) O le ata o le tagata e iloa gofie ai;
- (b) O le igoa atoa ma le numera e iloa gofie ai le tagata
ma o lea numera e tatau ona faatulagaina e le Resitala;
- (c) I le tulaga o le tagata palota, o lena faamaoniga;
- (d) I le tulaga o le tagata palota e faailoa mai ai le
itumalo na faamauina ai lona igoa;
- (e) O le aso fanau o le tagata o lo o faamaninoina;
- (f) O le nuu o le tagata o lo o faamaninoina;
- (g) O le aso na tuuina atu ai lona pepa faamaonia.

32. **Teuteuga i le Faamatalaga Muamua** - (1) O le faamatalaga muamua i le Tulafono autu ua teuteuina i le faaofiina loa ina ua tuanai le Pepa 1 se pepa fou e pei ona aiaia i totonu o le faamatalaga i lenei Tulafono.

(2) Pepa 2 i totonu o le Faamatalaga Muamua i le Tulafono autu ua teuteuina i le aveeseina o upu "ma ou te tautino atu" ma aveeseina i le faaiuga o le pepa ia upu uma ina ua tuanai upu "aia tatau po o tulaga aloaia" i le taimi mulimuli e aliali mai ai ma faaofiina i totonu upu ia.

Saini iinei.....

Saini a le Molimau.....

Tuatusi o le Nuu e nofomau ai le Molimau.....

Agavaa o le Molimau.....

(3) O le Pepa 2 i totonu o le Faamatalaga Muamua i le Tulafono autu ua toe teuteuina i le faaopoopoina i ai o upu nei e avea ai o se faamatalaga faaopoopo mulimuli:-

"Afai o e talosaga e ala atu i lou tina ae e le o lou tama, o ni fesili e faasino i lou tama e tatau ona faitau ma faauigaina e faapei ai o ia fesili e faasino i lou tina ma o le a sua loa le pepa e tusa ai ma le tulaga e ao ona i ai."

FAAMATALAGA

Pepa 1A

Fuaiupu 12

I le Resitala o tagata palota ma tagata palota taitoatasi mo Samoa i Sisifo.

O au.....o.....

(tuatusi atoa o le nuu e nofomau ai, ma le galuega po o faamatalaga)

ua faia le talosaga ina ia tuuina lou igoa i totonu o lisi o le au-palota

mo.....(Itumala-alaalafaga) o Samoa i Sisifo,

ma ou te faasilasila atu e faapea o tali i fesili e pei ona taua e moni

ma sao lelei i vaega uma taitasi:

1. O oe o se tagatanuuu Samoa i Sisifo?

.....

2. Ua atoa le 21 o tausaga o lou soifuaga?

.....

3. O oe o se tagata e le i uma ona totogiina au aitalafu?

.....

4. Na faia se moliaga ia te oe i totonu o Samoa i Sisifo po o

Amerika Samoa i se solitulafono e faasalaina i le oti po o

i le nofo i le falepuipui mo se vaitaimi e 2 tausaga po o

le sili atu foi po o na e faia se moliaga i totonu o Samoa

Sisifo o so o se faiga ua faasalalauina e faapea o se faiga

tauvalca i le Tulafono o Faiga Palota 1963?

.....

5. Afai o lea, na e :

(a) Mauaina se faamagaloga?.....

(b) Tauaveina le faaiuga po o faasalaga e pei ona

tuuina atu mo le solitulafono?

6. O oe o se tagata o lo o atoatoa lelei lou mafaufau ma e le

i noatia i se poloaiga e nofo vaavaaia ai i le falemai i lalo

o le Tulafono o Tagata e le atoatoa lelei le mafaufau 1961?

.....

7. O ai (Po o na i ai) le igoa atoa o lou tama?

.....

8. Afai ua maliu, o anafea ma o fea foi na maliu ai?

.....

9. O le a le aso na e fanau ai?

.....

10. O ai le nuu/na tupu mai ai lou tama?

.....

11. O ai nuu na tutupu mai ai matua o ou matua?

.....

12. O e umia se suafa matai?.....

.....

13. Afai o lea, o a ni faamatalaga auiliili?

Suafa

Nuu

.....

.....

.....

.....

.....

14. Afai e te le o umia se suafa matai o i ai po o

sa i ai so o se isi o matua o ou matua po o ou

matua na umia se suafa matai?

.....

15. Afai e i ai, tuuina mai se auiliiliga.

Sootaga

Suafa

.....

.....

.....
.....
.....

16. E i ai pe sa i ai se isi o ou uso po o ou tuafafine
na suafa matai, i se faapogai e le ala atu i lana tane
po o lona toalua?

.....

17. A fai e i ai, tuu se auiliitiga.

Igoa o le uso Suafa Nu'u

po o le tuafafine

.....
.....
.....

18. O ai le igoa atoa o lou tama?.....

19. O ai le igoa atoa o lou tina?.....

20. O i ai sau tautua o fai i se nuu?.....

21. Afai o fai, o fca le nuu?.....

22. O le a se tautua o lo o e faia ma o ai e mafai ona faamaonia lea mea?

.....

Saini iinei.....

Saini a le Molimau.....

Tuatusi o le nuu o le Molimau.....

Agavaa o le Molimau.....

v
f
v