

## SAMOA

### OMBUDSMAN (SPECIAL INVESTIGATION UNIT) REGULATIONS 2016

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**PURSUANT** to section 67 of the Ombudsman (*Komesina o Sulufaiga*) Act 2013 (“the Act”), **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** these Regulations:

DATED this 11<sup>th</sup> day of May 2016.

Tui Atua Tupua Tamasese Efi

(Tui Atua Tupua Tamasese Efi)

HEAD OF STATE

## REGULATIONS

### PART 1 PRELIMINARY

**1. Citation and commencement** - These Regulations may be cited as the Ombudsman (Special Investigation Unit) Regulations 2016, and commence on the date they are signed by the Head of State.

**2. Interpretation-(1)** In these Regulations, unless the context otherwise requires:

“complaint” means a complaint made under regulation 5 or referred under regulation 7;

“disciplined officer”:

(a) means a police officer appointed under the Police Service Act 2009 or a prison officer appointed under the Prisons and Corrections Act 2013; and

(b) includes an officer of a disciplined force prescribed under the Act.

“discipline force” means the Samoa Police Service, the Prisons Service or a discipline force prescribed under the Act;

“professional standard unit” means the unit within a disciplinary force responsible for dealing with public complaints on the exercise of powers of the disciplinary force by its members;

“Tribunal” means a Tribunal established under regulation 8;

“Unit” means the Special Investigations Unit established under section 41 of the Act.

(2) Anything required to be done in writing under these Regulations may be done by email or other forms of electronic written communication.

## **PART 2**

### **FUNCTIONS AND POWERS OF THE UNIT**

**3. Functions of the Unit-**(1) The Unit has the following functions:

- (a) to receive, investigate and monitor any complaint;
- (b) to monitor the progress of complaints made directly to a discipline force;
- (c) to advise and make recommendations to a discipline force on how to efficiently dispose of complaints made directly to the discipline force;
- (d) to consult and engage with a discipline force relating to complaints to that force, as the Ombudsman considers appropriate.

(2) The Head of a disciplinary force must, within five (5) working days after 31 March, 30 June, 30 September and 31 December each year, provide to the Ombudsman a list of all complaints (“List”) received by the disciplinary force during each of those periods.

(3) The List must set out the following:

- (a) the name, address and contact of the complainant;
- (b) the names of the officer who is subject to the complaint;
- (c) the nature and summary of the complaints; and
- (d) the status of complaints.

(4) However, subregulation (2) does not prevent the Ombudsman from requesting the Head of a disciplinary force:

- (a) to provide the status of any particular complaint;
- (b) to submit a list before the List is due under subregulation (1); or
- (c) any other information as the Ombudsman sees fit of any particular complaint.

(5) The Unit must inform the professional standard unit of any complaint received under regulation 5 setting out the matters listed in subregulation (3).

**4. Powers of investigation-(1) The Unit may:**

- (a) investigate a complaint;
- (b) obtain from the disciplined force or any other person any information relevant to the complaint;
- (c) undertake interviews;
- (d) for the purpose of obtaining any information relevant to the complaint, enter and search any public premises or with the consent of the occupier, enter and search any private premises for the purpose of investigation.

(2) If consent is not given under subregulation (1)(d) or in the opinion of the Ombudsman consent will not be given, the Ombudsman may under section 48(3) of the Act apply to a District Court Judge for a warrant to enter and search the premises for the purpose of obtaining any information.

**PART 3  
COMPLAINTS**

**5. Complaints made directly to the Ombudsman-(1)**

A person may, in writing or orally, make a complaint against a disciplined officer to the Ombudsman.

(2) Any oral complaint:

- (a) may be made in person or by telephone or in any other verbal form of communication; and
- (b) must be recorded in writing, as soon as practicable, by the Unit and signed by the complainant.

(3) A written complaint may be made on behalf of the person by:

- (a) the parent or other blood relative of the person if the person is under the age of 18 years or is unable to make the complaint because of any physical or mental incapacity; or
- (b) any other person approved by the Ombudsman.

(4) A complaint may be made under this regulation even if the complainant has lodged a complaint with the professional standard unit.

(5) If a complaint is made under subregulation (4), and the Ombudsman is satisfied that section 41(3)(b) of the Act applies, thereafter section 41(4) of the Act applies.

**6. Assessing of complaints-(1) The Ombudsman:**

- (a) must assess any complaint received under regulation 5; and
- (b) may, after assessing a complaint under subregulation (1) -
  - (i) dismiss the complaint if the complaint is frivolous or vexatious;
  - (ii) dismiss the complaint for any other good reason, such as inordinate delay in making the complaint;
  - (iii) refer the complaint to the relevant disciplined force to be dealt with by that force under its disciplinary rules;
  - (iv) deal with complaint if it is in the public interest to so or the complainant has requested that it be dealt with by the Ombudsman and the Ombudsman is satisfied that section 41(3)(b) of the Act applies;
  - (v) if the Ombudsman is of the opinion that an offence has been committed, refer the complaint to the Police for investigation.

(2) The Unit must, in writing, inform the complainant on any of its decision under subregulation (1)(b) within five (5) working days of making the decision.

**7. Ombudsman may require disciplined forces to transfer complaints-(1)** If the Ombudsman requires a complaint under section 41(3)(b) of the Act to be referred to the Unit, the Ombudsman must, in writing, ("written request") require the head of the disciplined force to transfer to the Unit any documents and any other information relating to the complaint.

(2) When the written request is received, the head of the disciplined force must ensure that any document or other information relating to the complaint is sent to the Unit within:

(a) a time of not more than five (5) working days, for urgent request; and

(b) a time of not more than 15 working days, in any other case,

as specified by the Ombudsman in the written request (but the Ombudsman may, in writing, extend the time in paragraph (a) or (b)).

(3) The Ombudsman may exercise the powers under regulation 6(1)(b) to carry out a preliminary assessment of the complaint, subject to regulation 6(2).

#### **PART 4 TRIBUNAL**

**8. Establishment-**(1) The Tribunal is established consisting of:

(a) the Ombudsman, as chairperson; and

(b) two (2) other members appointed by the Head of State may, acting on the advice of Cabinet.

(2) The Tribunal may be constituted by:

(a) the Ombudsman, sitting alone, for any preliminary matters; or

(b) the Ombudsman and at least one (1) other member to hear and determine any complaint.

(3) If:

(a) a complaint is made directly to the Ombudsman and it is to be dealt with under regulation 6(b)(iv); or

(b) there is an allegation of bias made against the Ombudsman if he or she chairs the Tribunal, the Ombudsman must appoint a lawyer who is qualified for appointment as a Judge of the Supreme Court to be the chairperson of the Tribunal.

(4) A member appointed under subregulation (1)(b) or (3)(b):

(a) is appointed for a term of three (3) years;

(b) is eligible to be re-appointed;

(c) is entitled to remunerations approved by Cabinet;

(d) upon expiry of term, continues until re-appointed or a successor is appointed;

(e) may, in writing addressed to the chairperson, resign from office;

- (f) may be removed from office if the member is unable to carry out the duties or powers of the office for any good reason, including by reason of physical or mental incapacity.

**9. Powers** - The Tribunal may:

- (a) hear and determine any complaint investigated by the Unit;
- (b) impose the penalties provided under the disciplinary rules of the disciplinary force; and
- (c) make any other order as it thinks fit.

**10. Procedures**-(1) The Tribunal may:

- (a) inspect and examine any papers, documents, records, or things;
- (b) summon any person to appear and give evidence before it;
- (c) administer oaths for the purpose of its hearing;
- (d) require any person to produce for examination any papers, documents, records, or things in that person's possession or under that person's control, and to allow copies of or extracts from any such papers, documents, or records to be made;
- (e) require any person to provide, in a form approved by the Tribunal, any information that may be required by it, and any copies of or extracts from any such papers, documents, or records;
- (f) require that any written information or any copies or extracts provided under this regulation be verified by statutory declaration;
- (g) on its own initiative or on the application of any party to the proceedings, order that any document or information, or a copy of the document or information produced to it be supplied to any person appearing before the Tribunal, and in the order impose any terms and conditions that it thinks fit for the supply or use of the document or information or its copy; and
- (h) regulate its procedure in any manner it thinks fit.

(2) The Tribunal must observe the rules of natural justice when hearing and determining a complaint.

**11. Hearing-**(1) A hearing of the Tribunal must be held at the times and places appointed by the chairperson.

(2) A hearing of the Tribunal may be adjourned by the Tribunal or the chairperson.

(3) The decision of the majority, for the purpose of the hearing is the decision of the Tribunal.

(4) The Tribunal may adopt any other hearing procedures at it thinks fit.

## **PART 5 MISCELLANEOUS**

**12. Protection from personal liability** - Section 65 of the Act applies to a person required to carry out any function, duty or powers under these Regulations.

**13. Protection and release of information-**(1) Any report, findings and recommendations of the Tribunal:

(a) are not admissible in any proceedings in Court, tribunal or other body; and

(b) must not be disclosed to any other person (other than to the relevant disciplinary force) except with the approval of the Ombudsman.

(2) Any document or other information given or provided to the Ombudsman or the Tribunal under these Regulations:

(a) may, if requested, be returned to the person who gave or provided the document or information; and

(b) subject to paragraph (a), must not be disclosed to any other person except with the approval of the Ombudsman.

(3) A person who contravenes subregulation (1)(b) or (2)(b) commits an offence and is liable on conviction to a fine not exceeding 10 penalty units.

**14. Offences-**(1) A person commits an offence if the person:



- (a) does an act during the hearing of a matter before the Tribunal that amounts to a contempt of court;
  - (b) interferes with any investigation conducted under these Regulations;
  - (c) provides or gives any document, information or evidence that the person knew to be false or misleading;
  - (d) is summoned by and fails, without any reasonable excuse, to appear before the Tribunal; or
  - (e) obstructs any person carrying any functions, duties or powers under these Regulations.
- (2) A person convicted of an offence under subregulation (1) is liable to a fine not exceeding 10 penalty units.
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## **SAMOA**

### **TULAFONO FAATONUTONU O LE KOMESINA O SULUFAIGA (OMBUDSMAN) (VAEGA O SUESUEGA FAAPITOA) 2016**

Faatulagaina o Aiaiga

#### **VAEGA 1 FAATOMUAGA**

1. Igoa puupuu ma le amataga
2. Faamatalaina o uiga o upu

#### **VAEGA 2 GALUEGA TAUAVE MA MALOSIAGA O LE VAEGA O SUESUEGA FAAPITOA**

3. Galuega tauave a le Vaega
4. Malosiaga tau suesuega

#### **VAEGA 3 FAASEA**

5. Faasea ua faia tuusao i le Komesina o Sulufaiga
6. Iloiloga o faasea
7. E mafai ona manaomia e le Komesina o Sulufaiga le

faasee atu o faasea i le  
vaega e puipuia amioga  
tatau

#### **VAEGA 4 KOMITI FAUFAUTUA**

8. Faavaeina
9. Malosiaga
10. Taualumaga
11. Sueseuga

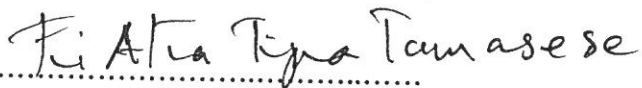
#### **VAEGA 5 AIAIGA ESEESE**

12. Puipuiga mai noataga e patino i le tagata lava ia
13. Puipuiga ma le faamatuuina atu o faamatalaga
14. Soligatulafono

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E TUSA AI ma le fuaiupu 67 o le Tulafono o le Komesina o Sulufaiga (*Ombudsman*) 2013 (“o le Tulafono”), O AU, TUI ATUA TUPUA TAMASESE EFI, o Le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta, UA OU FAIA AI Tulafono Faatonutonu nei:

FAIA i lenei aso ..... 11 ..... o ..... Me ..... 2016.

  
.....  
(Tui Atua Tupua Tamasese Efi)  
O LE AO O LE MALO

## TULAFONO FAATONUTONU

### VAEGA 1 FAATOMUAGA

1. Igoa puupuu ma le amataga - E mafai ona taua nei Tulafono Faatonutonu o Tulafono Faatonutonu o le Komesina o Sulufaiga (*Ombudsman*) (Vaega o Suesuega Faapitoa) 2016, ma e amata faamamaluina i le aso e sainia ai e Le Ao o le Malo.

2. Faamatalaina o uiga o upu-(1) I totonu o nei Tulafono Faatonutonu, ae vagana ai ua manaomia e le mataupu se isi uiga e ese ai:

“faasea” o lona uiga o se faasea ua faia i lalo o le tulafono faatonutonu 5 po o ua tuuina atu i lalo o le tulafono faatonutonu 7;

“tagata ofisa e puipuia amioga tatau”:

(a) o lona uiga o se leoleo ua tofia i lalo o le Tulafono o Galuega tau Leoleo 2009 po o se tagata ofisa o le falepuipui ua tofia i lalo o le Tulafono o Falepuipui ma le Toefuataiga 2013; ma

(b) e aofia ai se tagata ofisa o se vaega e puipuia amioga tatau, ua faatonuina i lalo o le Tulafono.

“vaega e puipuia amioga tatau” o lona uiga o Galuega Tau Leoleo a Samoa, o Galuega Tau Falepuipui po o se vaega e puipuia amioga tatau ua faatonuina i lalo o le Tulafono;

“vaega autu tau tomai faapitoa” o lona uiga o le vaega autu o lo o i ai i se vaega e puipuia amioga tatau, e fitoitonu mo le tagofiaina o faasea a tagata lautele e uiga i le faatinoina o malosiaga o le vaega e puipuia amioga tatau e ona sui;

“Komiti Faufautua” o lona uiga o se Komiti Faufautua ua faavaeina i lalo o le tulafono faatonutonu 8;

“Vaega” o lona uiga o se Vaega o Suesuega Faapitoa ua faavaeina i lalo o le fuaiupu 41 o le Tulafono.

(2) So o se mea ua manaomia le faia i se faiga tusinga i lalo o nei Tulafono Faatonutonu, e mafai ona faia e ala i le imeli po o isi faiga tau fesootaiga tusinga faaeletoroni.

## VAEGA 2 GALUEGA TAUAVE MA MALOSIAGA O LE VAEGA O SUESUEGA FAAPITOA

**3. Galuega tauave a le Vaega-(1)** E i ai i le Vaega galuega tauave nei:

(a) e taliaina, suesue ma mataitu so o se faasea;

(b) e mataitu le faagasologa o faasea ua faia tuusao i se vaega e puipuia amioga tatau;

(c) e fautua ma tuuina atu fautuaga i se vaega e puipuia amioga tatau i se faiga e ao ona faamatu ese atoatoa ai faasea ua faia tuusao i le vaega e puipuia amioga tatau;

(d) e feutagai ma galulue faatasi ma se vaega e puipuia amioga tatau e faasino i faasea ua tuuina atu i lea vaega, e pei ona manatu le Komesina o Sulufaiga ua talafeagai ai.

(2) E ao i le Faauluuluga o se vaega e puipuia amioga tatau, i totonu o le lima (5) aso faigaluega i le tuanai ai o le aso 31 Mati, 30 Iuni, 30 Setema ma le 31 Tesema i tausaga taitasi, ona tuuina atu i le Komesina o Sulufaiga se lisi o faasea uma (“Lisi”) ua mauaina e le vaega e puipuia amioga tatau a o faagasolo ia vaitaimi taitasi.

- (3) E ao ona faatulaga i le Lisi itu nei:
- (a) o le igoa, tuatusi ma faiga e fesootai ai ma lē ua faasea;
  - (b) o igoa o tagata ofisa o i latou ia ua noatia i le faasea;
  - (c) o le uiga ma le otootoga o faasea; ma
  - (d) le tulaga o faasea.
- (4) E ui i lea, e lē taofia e le tulafono faatonutonu laitiiti
- (2) le Komesina o Sulufaiga mai le talosagaina o le Faauluuluga o le vaega e puipuia amioga tatau:
- (a) e tuuina atu le tulaga o so o se faasea faapitoa;
  - (b) e faaoo atu se lisi a o le i faamutaina le Lisi i lalo o le tulafono faatonutonu laitiiti (1); po o
  - (c) so o se tasi lava faamatalaga e pei ona manatu le Komesina o Sulufaiga ua talafeagai ai i so o se faasea faapitoa.
- (5) E ao i le Vaega ona logoina le vaega autu tau tomai faapitoa e uiga i so o se faasea ua mauaina i lalo o le tulafono faatonutonu 5, o faatulaga ai mataupu ua taua i le tulafono faatonutonu laitiiti (3).

**4. Malosiaga o suesuega-(1) E mafai e le Vaega ona:**

- (a) suesue se faasea;
  - (b) maua mai le vaega e puipuia amioga tatau po o so o se tasi lava tagata so o se faamatalaga e talafeagai i le faasea;
  - (c) faatino faatalatalanoaga;
  - (d) ulufale ma suesue so o se nofoaga ma fale o tagata lautele mo le faamoemoe o le maua mai o so o se faamatalaga e talafeagai i le faasea, po o i le i ai o le maliega a le tagata o nofoia, ona ulufale ma sueina so o se nofoaga ma fale tumaoti mo le faamoemoe o le suesuega.
- (2) Afai ua lē tuuina mai se maliega i lalo o le tulafono faatonutonu laitiiti (1)(d) po o i le manatu o le Komesina o Sulufaiga o le a lē tuuina mai se maliega, e mafai e le Komesina o Sulufaiga, i lalo o le fuaiupu 48(3) o le Tulafono, ona talosaga i se Faamasino o le Faamasinoga Faaaitumalo mo se tusi faapoloaiga e ulufale ai ma suesue nofoaga mo le faamoemoe o le mauaina mai o so o se faamatalaga.

**VAEGA 3**  
**FAASEA**

**5. Faasea ua faia tuusao i le Komesina o Sulufaiga-(1)**

E mafai e se tagata i se faiga tusitusia po o i se faiga tuufofoga, ona tuuina atu se faasea e faasaga i se tagata ofisa e puipuia amioga tataui, i le Komesina o Sulufaiga.

(2) So o se faasea e tuufofoga:

(a) e mafai ona faia e le tagata lava ia po o e ala i se telefoni po o i so o se tasi lava faiga tau fesootaiga e tuufofoga; ma

(b) e ao ona faamauina i se faiga tusitusia i se taimi vave lava e mafai ai ona faatino, e le Vaega ma sainia e le tagata faasea.

(3) I le aveai ai ma sui o se tagata e mafai ona faia se faasea tusitusia e:

(a) matua po o isi tagata e aiga i sootaga tau toto pe afai o le tagata e i lalo ifo o le 18 tausaga le matua po o ua lē mafai ona faia se faasea ona o so o se tulaga lē atoatoa o le malosi o le tino ma le mafauafau; po o

(b) so o se isi lava tagata ua faamaonia e le Komesina o Sulufaiga.

(4) E mafai ona faia se faasea i lalo o lenei tulafono faatonutonu e ui lava ua faatoai atu e le tagata faasea se faasea i le vaega autu tau tomai faapitoa.

(5) Afai ua faia se faasea i lalo o le tulafono faatonutonu laitiiti (4), ma ua faamalieina le Komesina o Sulufaiga e faapea e faaogā le fuaiupu 41(3)(b) o le Tulafono, e faaogā foi le fuaiupu 41(4) o le Tulafono, i lea taimi.

**6. Iloiloga o faasea-(1)** E ao i le Komesina o Sulufaiga ona:

(a) iloilo so o se faasea ua mauaina i lalo o le tulafono faatonutonu 5; ma

(b) e mafai, i le tuanai ai ona iloiloaina o se faasea i lalo o le tulafono faatonutonu laitiiti (1) ona -

(i) faalēaogā le faasea pe afai o le faasea e faamaimau taimi po o e leai ni mafuaaga o ni uiga faasoesa;

(ii) faalēaogā le faasea mo so o se isi lava mafuaaga lelei, e pei o le leai o se mafuaaga tatau na faatuai ai ona faia le faasea;

(iii) tuuina atu le faasea i le vaega talafeagai e puipuia amioga tatau ina ia tagofia ai e lea vaega i lalo o ana tulafono faafoe e puipuia ai amioga tatau;

(iv) tagofia le faasea pe afai e tusa ai ma manaoga o tagata lautele le faia faapena po o ua talosagaina e le tagata faasea le tagofiaina e le Komesina o Sulufaiga ma ua faamalieina le Komesina o Sulufaiga e faapea e faaaogā le fuaiupu 41(3)(b) o le Tulafono;

(v) tuuina atu le faasea i Leoleo mo le suesuega, pe afai ua manatu le Komesina o Sulufaiga ua faapea ona faia se soligatulafono.

(2) E ao i le Vaega, i se faiga tusitusia ona logoina le tagata faasea e uiga i so o sana faaiuga i lalo o le tulafono faatonutonu laitiiti (1)(b), i totonu o le lima (5) aso faigaluega talu ona faia le faaiuga.

**7. E mafai ona manaomia e le Komesina o Sulufaiga le faasee atu o faasea i le vaega e puipuia amioga tatau-**

(1) Afai ua manaomia e le Komesina o Sulufaiga le tuuina atu o se faasea o i lalo o le fuaiupu 41(3)(b) o le Tulafono i le Vaega, e ao i le Komesina o Sulufaiga, i se faiga tusitusia (“talosaga tusitusia”) ona manaomia le faauluuluga o le vaega e puipuia amioga tatau, e faasee atu i le Vaega so o se pepa aloaia ma so o se isi lava faamatalaga e faasino i le faasea.

(2) Afai ua mauaina se talosaga tusitusia, e ao i le faauluuluga o le vaega e puipuia amioga tatau ona faamautinoa ua faapea ona auina atu i le Vaega so o se pepa aloaia po o nisi faamatalaga e faasino i le faasea i totonu:

(a) o se taimi e lē sili atu i lo le lima (5) aso faigaluega, mo se talosaga faanatinati; ma

(b) se taimi e lē sili atu i lo le 15 aso faigaluega, i so o se isi lava mataupu,

e pei ona faamaotiina e le Komesina o Sulufaiga i totonu o le talosaga tusitusia (ae peitai e mafai e le Komesina o Sulufaiga, i se faiga tusitusia ona toe faaopoopo le taimi o i le parakalafa (a) po o le (b)).

(3) E mafai e le Komesina o Sulufaiga ona faatino malosiaga o i lalo o le tulafono faatonutonu 6(1)(b) e faatino ai se iloiloga amata o le faasea, i le noatia ma le fai fuafua i le tulafono faatonutonu 6(2).

#### VAEGA 4 KOMITI FAUFAUTUA

**8. Faavaeina-**(1) Ua faavaeina le Komiti Faufautua e aofia ai:

(a) le Komesina o Sulufaiga, ua avea ma taitaifono; ma

(b) isi sui e toalua (2) ua mafai ona tofia e Le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta.

(2) E mafai ona faavaeina se Komiti Faufautua e:

(a) le Komesina o Sulufaiga, na o ia e seei ai, mo so o se uluai mataupu; po o

(b) le Komesina o Sulufaiga ma a itiiti mai o se isi sui e toatasi (1) e suesueina ma faia se faaiuga o so o se faasea.

(3) Afai:

(a) ua faia tuusao atu se faasea i le Komesina o Sulufaiga ma ua faapea ona tagofiaina i lalo o le tulafono faatonutonu 6(b)(iv); po o

(b) o lo o i ai se tuuaiga o se faiga faaituau ua faia e faasaga i le Komesina o Sulufaiga pe afai ua ia taitaia le Komiti Faufautua,

e ao i le Komesina o Sulufaiga ona tofia se loia o ia lea ua agavaa mo le tofia e avea ma Faamasino o le Faamasinoga Sili ina ia avea ma taitaifono o le Komiti Faufautua.

(4) O se sui ua tofia i lalo o le tulafono faatonutonu laitiiti (1)(b) po o le (3)(b):

(a) ua tofia mo se vaitaimi e tolu (3) tausaga;

(b) ua agavaa e toe tofiaina;

(c) ua agavaa i totogi ua faamaonia e le Kapeneta;

(d) e faaauau pea ona galue seia oo ina toe tofiaina po o le tofia o se isi e soloai ane i ai, i le faamutaina ai o le vaitaimi e galue ai;



- (e) e mafai, ona faamavae mai le tofi, i se faiga tusitusia e faatuatusi atu i le taitaifono;
- (f) e mafai ona aveesea mai le tofi pe afai ua lē mafai e le sui ona faatinoina tiute tauave ma malosia o le tofi mo so o se mafuaaga lelei, e aofia ai le lē atoatoa o le malosi o le tino ma le mafaufau.

**9. Malosiaga** - E mafai e le Komiti Fauautua ona:

- (a) faafofogaina ma faia se faaiuga o so o se faasea ua suesueina e le Vaega;
- (b) faaee atu ni faasalaga ua aiaia i lalo o tulafono faafoe tau le puipuia o amioga tatau a le vaega e puipuia amioga tatau; ma
- (c) faia so o se isi lava poloaiga e pei ona ia manatu ua talafeagai ai.

**10. Taualumaga**-(1) E mafai e le Komiti Fauautua ona:

- (a) asiasia ma suesueina so o se pepa, pepa aloaia, faamaumauga po o ni mea;
- (b) samania so o se tagata ina ia oo atu ma tuuina atu se faamatalaga molimau i ona luma;
- (c) faia tautoga mo le faamoemoe o ana suesuega;
- (d) manaomia so o se tagata e tuuina atu mo le suesueina o so o se pepa, pepa aloaia, faamaumauga, po o ni mea o umia e lea tagata, po o i lalo o lana vaavaaiga, ma ia faatagaina ata o po o otootoga mai so o se tasi o ia pepa, pepa aloaia, po o faamaumauga e ao ona faia;
- (e) manaomia so o se tagata e tuuina atu, i totonu o se pepa faatumu faamaonia e le Komiti Fauautua, so o se faamatalaga lea e mafai ona ia manaomia, ma so o se ata o po o otootoga mai so o se pepa, pepa aloaia, po o faamaumauga;
- (f) manaomia e faapea o so o se faamatalaga tusitusia po o so o se ata po o otootoga ua tuuina atu i lalo o lenei tulafono faatonutonu e ao ona faamaonia i se faaaliga manino faaletulafono;

(g) i luga o lana lava fuafuaga po o i luga o le talosaga a so o se vaega auai i taualumaga, ona poloaia e faapea o so o se pepa aloaia po o faamatalaga, po o se ata o le pepa aloaia po o faamatalaga ua faia, e ao ona tuuina atu i so o se tagata o tulai i luma o le Komiti Faufautua, ma i le faasologa ua faace atu ai so o se tuutuuga ma aiaiga lea ua ia manatu ua talafeagai ai mo le tuuina atu po o le faaaogāina o pepa aloaia po o faamatalaga po o ona ata; ma

(h) faatonutonu faaletulafono ana taualumaga i so o se faiga ua ia manatu ua talafeagai ai.

(2) E ao i le Komiti Faufautua ona mataitu tulafono faafoe o faamasinoga masani pe afai e suesueina ma faia le faaiuga o se faasea.

**11. Suesuega-**(1) E ao ona faia se suesuega a le Komiti Faufautua i taimi ma nofoaga ua filifilia e le taitaifono.

(2) E mafai ona tolopoina se suesuega a le Komiti Faufautua e ia lava po o e le taitaifono.

(3) O le faaiuga e fulisia i ai le vaega toatele, mo le faamoemoe o le suesuega o le faaiuga lea a le Komiti Faufautua.

(4) E mafai ona faaaogā e le Komiti Faufautua so o se isi lava taualumaga tau suesuega e pei ona ia manatu ua talafeagai ai.

## **VAEGA 5 AIAIGA ESEESE**

**12. Puipuiga mai noataga e patino i le tagata lava ia -**  
E faaaogā le fuaiupu 65 o le Tulafono i se tagata ua manaomia e faatino so o se galuega tauave, tiute po o malosiaga i lalo o nei Tulafono Faatonutonu.

**13. Puipuiga ma le faamatuuina atu o faamatalaga-**  
(1) So o se lipoti, sailiiliga ma fautuaga a le Komiti Faufautua:

(a) e lē taliaina i totonu o so o se taualumaga i totonu o le Faamasinoga, komisi suesue po o isi faalapopotoga; ma

- (b) e lē tatau ona faailoaina atu i so o se isi lava tagata (e ese ai na i lo le vaega talafeagai e puipuia amioga tatau) seia vagana ai ua i ai le faatagaga a le Komesina o Sulufaiga.
- (2) So o se pepa aloaia po o isi faamatalaga ua tuuina atu po o ua faaoo atu i le Komesina o Sulufaiga po o le Komiti Faufautua i lalo o nei Tulafono Faatonutonu:
  - (a) e mafai, pe afai e talosagaina, ona toe faafoi atu i le tagata o ia lea na tuuina mai pe na faaooina mai le pepa aloaia po o le faamatalaga; ma
  - (b) i le noatia ma le fai fuafua i le parakalafa (a), e lē tatau ona faailoaina atu i so o se isi lava tagata seia vagana ai ua i ai le faatagaga a le Komesina o Sulufaiga.
- (3) O se tagata o ia lea ua solia le tulafono faatonutonu laitiiti (1)(b) po o le (2)(b), ua ia faia se soligatulafono ma e noatia i se moliaga ua faamaonia faaetulafono i se sala tupe e lē silia le 10 iunite tau faasalaga.

**14. Soligatulafono-(1)** Ua faia e se tagata se soligatulafono pe afai o lea tagata:

- (a) ua faia se gaoioiga a o faagasolo le suesuega o se mataupu i luma o le Komiti Faufautua, lea e tulai mai ai se tulaga faalēmigao i le faamasinoga;
  - (b) ua faalavelave i so o se suesuega ua faia i lalo o nei Tulafono Faatonutonu;
  - (c) ua faia po o ua tuuina atu so o se pepa aloaia, faamatalaga po o se faamatalaga molimau lea ua ia iloa e sese po o e tau faasese;
  - (d) ua samania e ma ua lē mafai ona tulai i luma o le Komiti Faufautua, e aunoa ma se mafuaaga tatau; po o
  - (e) ua faalavelave i so o se tagata o faatinoina so o se galuega tauave, tiute po o malosiaga i lalo o nei Tulafono Faatonutonu.
- (2) O se tagata ua faamaonia moliaga i se soligatulafono i lalo o le tulafono faatonutonu laitiiti (1), e noatia i se sala tupe e lē silia le 10 iunite tau faasalaga.
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