

EDUCATION AMENDMENT

WESTERN SAMOA

Arrangement of Provisions

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1992/1993, No. 14

AN ACT to amend the Education Ordinance 1959 to make provision for compulsory primary education for children in Western Samoa and for matters incidental thereto

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 Education Amendment Act 1992/1993 and shall be read together with and deemed part of the Education Ordinance 1959 (hereinafter referred to as the principal Ordinance).

(2) This Act shall come into force on a date to be fixed by the Head of State acting on the advice of Cabinet, by Order.

2. **Division of principal Ordinance into Parts** - The principal Ordinance is amended as follows-

(a) By inserting as a subheading immediately before section 1, the words:

" **PART I**

INTRODUCTION

(b) By inserting as a subheading immediately after section 2, the words:

" **PART II**

ADMINISTRATION

(c) By inserting as a subheading immediately before section 13, (which relates to offences) the words:

" **PART IV**

GENERAL

(d) By renumbering sections 13 to 16 as sections 33 to 36.

3. **Interpretation** - (1) Section 2 of the principal Ordinance is amended by inserting in their proper alphabetical positions the following definitions :-

"Head Teacher" in relation to a school, means the person who is the administrative head

of the school, by whatever title that person is described, and whether or not that person is himself engaged in teaching duties:

"Inspector" means a person appointed pursuant to section 6 of this Ordinance to be an inspector of schools:

"Parent", in relation to any child, includes the child's guardian, any person who has the actual custody of the child, and the head of any family in whose house the child resides.

"Primary education" means any and all education for pupils between year one level and the end of year eight level, as the levels for those years are determined from time to time by the Minister:

"Primary school" means a school providing a course of primary education for pupils whether or not it provides for primary education to year eight level and whether or not it also provides any secondary education and also has the extended meaning required by subsection (2) of this section:

"Registered school" means a school registered under the provisions of section 14 of this Ordinance:

"School age" in relation to any child means any age between the age of 5 years and 14 years or any age earlier than 14 at which the child ceases to be required to have his name enrolled on the register of a school in accordance with Part III of this Ordinance:

"Special class" means a class in a school which is intended to provide tuition for children who for any reason require special attention or assistance in their education:

"Special school" means a school which specialises in the provision of education for children suffering from any physical or mental handicap: "

(2) Section 2 of the principal Ordinance is further amended by adding the following new subsections-

" (2) Where a school which except for this subsection would not be a primary school engages in any primary education, the primary classes conducted by that school shall be deemed for the purposes of this act to constitute a primary school.

(3) The Head Teacher of any school to which subsection (2) of this section applies shall in the absence of evidence to the contrary be deemed to be the Head Teacher of that part of the school which by virtue of that subsection is deemed to be a primary school."

4. **Compulsory primary education** - The principal Ordinance is further amended by inserting immediately after section 12 the following new Part and sections :-

PART III

COMPULSORY PRIMARY EDUCATION

13. **Register of non-Government schools** - The Director shall keep and maintain a register of all schools which are registered pursuant to section 14 of this Ordinance, and every school described in that register shall be a registered school for the purposes of this Ordinance.

14. **Registration of non-Government schools** - (1) The controlling Authorities of any primary school or intended primary school which is not a Government school may apply to the Minister for registration under this Ordinance, and the Minister if he is satisfied that-

- (a) the school curriculum will provide suitable tuition in such subjects as are required to be provided in a Government school; and
- (b) the standard of general education and discipline to be provided by that school will be sufficiently high; and
- (c) it is not contrary to the public interest so to do,

shall grant such application and the school shall be registered accordingly.

(2) The primary schools described in the First and Second parts of the Schedule

to this Ordinance shall be deemed from the date of the commencement of the Education Amendment Act 1992/1993 to be registered under this Section.

(3) Where the Minister believes on reasonable grounds that any registered school does not satisfy or has ceased to satisfy the criteria set out in subsection (1) of this section, the Minister may, after giving the controlling authorities of that school a reasonable opportunity to be heard by him, instruct the Director to remove that school from the register kept pursuant to Section 13 of this Act and the Director shall act accordingly.

15. Primary schools to keep and maintain roll - (1) There shall be kept and maintained at every Government primary school and at every registered school, a roll, upon which shall be inscribed the names and addresses of all of the children from time to time enrolled at that school.

(2) The responsibility for keeping and maintaining the roll of a school shall rest with the Head Teacher of that school.

16. Primary school children to be enrolled - (1) Subject to the provisions of this Ordinance, every child is hereby required to have his name enrolled on the register of some Government or registered school from the time when he attains the age of 5 years until either he attains the age of 14 years or sooner completes the work of year 8.

(2) Notwithstanding anything in subsection (1) of this section, no child shall be required to be enrolled on the register of a school in accordance with that subsection during any period before the child attains the age of 7 years when the total distance that the child would be required to walk from his place of residence to the school, or from his place of residence or to a public conveyance or from a public conveyance to the school, is more than 2 miles, the distance being estimated by the nearest road.

(3) It shall be the duty of every Pulenu'u at all times-

(i) to satisfy himself that every child residing in every village in respect

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of which he has authority who is required by subsection (1) of this section to be enrolled, is so enrolled; and

(ii) if he is not so satisfied, promptly to inform the Director and keep the Director informed of such particulars of every child who is required to be enrolled and who is not so enrolled as the Director may require.

(4) It shall be the duty of the Director to take all necessary steps to ensure that all children who are required to be enrolled at a Government or registered school in accordance with subsection (1) of this section are so enrolled unless they are exempted in accordance with this Ordinance.

17. Certificate of exemption from enrolment - (1) The parent or guardian of any child who has not completed his primary education may apply for and receive from the Head Teacher of the Government primary school nearest to the place of residence of that child, a certificate of exemption under this section.

(2) Every such certificate of exemption shall exempt the child from the obligation to have his name enrolled on the register of a school.

(3) No certificate of exemption shall be granted under this section, except upon the ground -

(a) That the child is elsewhere under instruction as regular and as efficient as in a Government or registered school; or

(b) That the child is unable to attend school regularly or is unable to be educated by reason of physical or mental handicap.

(4) Any parent who is dissatisfied with any refusal to grant a certificate of exemption under the foregoing provisions of this section may appeal to the Director against such refusal and the decision of the Director shall be final.

(5) The Director may confirm or overrule the refusal, and his decision shall be final.

(6) Every certificate of exemption given under this section shall, unless and until it is revoked, exempt the parent and any other person or persons from the obligation to have the child enrolled as a pupil of any school.

(7) Every certificate of exemption given under this section shall state the ground of exemption; and a copy of every such certificate shall be forwarded by the Head Teacher to the Director within 14 days after its issue.

(8) The Director may at any time, on the advice of an Inspector of Primary Schools, cancel any certificate of exemption from enrolment granted under this section if it considers that the ground on which the certificate of exemption was granted no longer exists or has become in the particular case no longer such as to warrant the continuance of the exemption.

(9) Where any certificate of exemption from enrolment is granted on the ground specified in paragraph (b) of subsection (3) of this section, the Director may, if he considers that the child would benefit from special education, revoke the certificate of exemption and, by notice in writing, call upon the parent of the child to have the name of the child enrolled on the register of any special school, or special class established under this Ordinance, or of any recognised occupational group providing special facilities for the education of such children.

18. **Ascertainment of suitability of education of certain children** - The Director may provide such means as he thinks fit to satisfy himself that every child of school age who is suffering from disability of body or mind of such magnitude as to require special education, and is receiving tuition privately, is receiving efficient and suitable education.

19. **Compulsory enrolment in special school, etc., of certain children** - (1) Subject to the provisions of this Ordinance, the parent of any child of school age who, after such special or medical examination as the Director may obtain, is deemed by the Director

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to require special education, may be required by the Director to enrol the child in any special school or special class, or in any recognised occupational group providing special facilities for the education of such children.

(2) If the parent of any such child fails to enrol that child in a special school, special class, or recognised occupational group as aforesaid, if and when required by the Director so to do, he commits an offence and is liable on conviction to the penalty prescribed by section 21 of this Ordinance as for failure under that section to enrol the child on the register of a school:

Provided however that it shall be defence to any prosecution under this section that the parent charged would have suffered substantial financial hardship if he had complied with the requirement of the Director and that he would have been unable to alleviate that hardship. The onus of proof of any such defence shall rest with the defendant.

20. Director may in certain circumstances direct that a child be sent to special school, etc. - (1) It shall be the duty of the parent of every child who has attained the age of 7 years and is of school age and is suffering from disability of body or mind of such magnitude as to require special education to take steps to provide efficient and suitable education for the child.

(2) In any case where the parent of the child fails to provide that education for the child, or is deemed by the Director to be unable to provide that education, the Director may direct that the child be sent to such special school or other institution providing special education as he thinks fit.

(3) Where any such direction is given by the Director in respect of any child, the parent of the child may, within 28 days after the date on which a parent of the child has been informed of the direction, appeal to a District Court Judge against the direction, and the District Court Judge may suspend or vary or rescind or confirm the

direction.

(4) Where a direction is so given in respect of any child, the parent to whom subsection (2) of this section applies shall contribute to the cost of the maintenance of the child as may be agreed upon between that parent and the Director:

Provided that, if the agreement so made provides for payment at a rate that will not meet the full cost of the maintenance and education of the child at the special school or institution, a further agreement or agreements may be made between the Director and any person who is a parent within the meaning of this Ordinance to meet the balance unpaid for the maintenance and education of the child at the school or institution.

(5) If no such agreement is made, and the direction of the Director that the child be sent to the special school or institution is not complied with by the parent of the child, or where any payment agreed to be made is in arrear for one month, then a District Court Judge may, on application in that behalf, make an order for the admission of the child to such special school or institution as he as he deems fit, and may make a further order or orders directing any parent to contribute towards the maintenance and education of the child at that special school or institution to which the child may thereafter be sent by direction of the Director, and any such Order may be enforced by the Director as if it were a judgment in respect of a civil debt due to the Director.

(6) Without limiting the power of the Court to enforce an Order made under subsection (5) of this section, proceedings for enforcement of any Order made under that subsection may be taken as if every default under that Order were a failure by the defendant to pay an instalment of a judgment debt.

(7) Any child who has been admitted to a special school or institution may, by direction of the Director, be transferred to any other school or institution.

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(8) If the person by whom money is payable under any agreement does not pay it at the times stated in the agreement, the money may be recovered as a debt in any Court of competent jurisdiction by the persons entitled thereto.

(9) Amounts payable by any parent under any agreement or Order entered into or made pursuant to the provisions of this section shall be paid to the Director who shall be responsible for payment to the special school or institution to which the child is directed or ordered to be sent of all proper charges made by that school or institution for the maintenance and education of the child.

21. Penalty for failure to enrol child - (1) Where a child who is required to be enrolled on the register of some Government school, or other registered school is not so enrolled, the parent of the child commits an offence and is liable on summary conviction to a fine not exceeding \$100.

(2) The payment of any such fine shall not be a bar to further proceedings in case of further default.

22. Primary schools to keep attendance register - (1) There shall be kept at every Government primary school and at every registered school an attendance register in which there shall be recorded daily the fact of the attendance or absence of every pupil enrolled at that school on that day.

(2) The attendance register shall be marked daily at a time fixed by the Head Teacher of that school (being a time not later than one hour after the commencement of the school day) and every pupil not present at that time shall be marked as absent:

Provided however that where a pupil reports at the school after the register for that day has been marked, the Head Teacher, if he is satisfied that the lateness of the child was occasioned by the child's sickness or by unforeseen or exceptional circumstances, may amend the register for that day to record the presence of that child and shall note in the register the reasons for such amendment, and that child shall for

the purposes of section 23 of this Ordinance be deemed to have been present at the time of the marking of the register.

(3) The responsibility for keeping the attendance register of a school shall rest with the Head Teacher of that school.

(4) Where in any school any of the provisions of this section are not complied with the Head Teacher of that school, commits an offence and is liable upon conviction to a fine not exceeding \$100.

(5) For the purposes of this section "daily", in relation to a school means every day that the school is open.

23. **Every child required to be enrolled must attend school** - (1) Subject to the provisions of this Ordinance, every child required to be enrolled in accordance with section 16 of this Ordinance on the register of some school, is required to attend the school whenever it is open; and at all times when the school is open the attendance register of the school shall be available for inspection by the Attendance Officer or other person appointed by the Director for the purpose of ensuring the attendance of children at school.

(2) A child shall be deemed to be attending any such school, and an attendance may be counted to him, if he is present or is deemed to have been present at the time fixed for marking the register and remains present until the closing of the school, unless he is compelled to leave earlier in order to return home by public conveyance.

(3) A child who has attended for 4 hours in any school day may, under special circumstances, be allowed by the Head Teacher to leave before the close of the school.

24. **Certificate of exemption from attendance** - (1) The parent of any child may apply for and receive a certificate of exemption from attendance from the person entitled under section 17 of this Ordinance to grant a certificate of exemption from enrolment.

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(2) Every such certificate of exemption from attendance shall exempt the child to whom it relates from attendance in whole or part at school.

(3) No certificate of exemption from attendance shall be granted under this section, except upon the ground -

- (a) That the total distance that the child would be required to walk from his place of residence to the school, or from his place of residence to a public conveyance and from the public conveyance to the school, is more than 2 miles in the case of a child under 10 years of age, or more than 3 miles in any other case, the distance being estimated by the nearest road; or
- (b) That the child is unable to attend school by reason of sickness, danger of infection, infirmity, severe stress of weather, sudden and serious illness of a parent, or other sufficient cause; or
- (c) That the road by which the child has to travel to school is not sufficiently passable.

(4) Any parent who is dissatisfied with any refusal to grant a certificate of exemption from attendance may appeal to the Director who may confirm or overrule the refusal; and his decision shall be final.

(5) Every certificate of exemption from attendance shall state the grounds of the exemption and shall be for such period only as the circumstances may require; and no such certificate of exemption shall be granted on the grounds specified in paragraph (a) of subsection (3) of this section for a longer period than one year nor on any other grounds specified in that subsection for a longer period than 7 school days, but any such certificate may be from time to time renewed for a like period during the continuance of the conditions for which the exemption has been granted:

Provided that the Director may at any time, on the advice of an Inspector, cancel any such certificate of exemption.

(6) Where any certificate of exemption from attendance is granted on the grounds specified in paragraph (a) of subsection (3) of this section, the person granting the same shall forthwith report the name, address, and age of the child to the Director.

(7) A child may be exempted from attendance for a period not exceeding 5 school days notwithstanding that no certificate exempting him from attendance has been granted under this section, if the Head Teacher of the school attended by him is satisfied that the child has been absent for good and sufficient reason. A certificate signed by the Head Teacher of the school attended by a child certifying that he has not been so satisfied shall be sufficient proof of that fact in the absence of evidence to the contrary. In connection with any such certificate, notice shall be taken judicially without further proof of the appointment and signature of every such Head Teacher.

25. **Penalty for irregular attendance at school** - (1) Where any child required by this Ordinance to attend school has been enrolled on the register of a school as required by this Ordinance and does not attend as provided in section 22 of this Ordinance, the parent of the child commits an offence and is liable on conviction to a fine not exceeding \$4 for every day on which the child fails to attend school as required by this Ordinance; but no parent shall be liable to a fine exceeding \$40 on conviction for a first offence against this section, nor to a fine exceeding \$100 on conviction for a second or subsequent offence against this section.

(2) It shall be a defence to any prosecution under this section that the parent charged was, by reason of substantial financial hardship which he was unable to alleviate, unable to ensure that his child attended school during any of the period of the failure which is the subject of the prosecution. The onus of proof of any such defence shall rest with the defendant.

26. **Employment of children of school age** - No person shall, after the commencement of this Ordinance, employ or continue to employ any child of school age

at any time within school hours or at any other time if the employment of the child would prevent or interfere with his attendance at school, unless there is produced to that person a certificate of exemption or other satisfactory evidence that the child is exempted (otherwise than on the ground that he is under suitable instruction elsewhere than at school) from the obligation to be enrolled as a pupil at any school.

27. **Parents not to permit employment of children of school age** - The parent of any child of school age who permits that child to be employed contrary to the provisions of section 26 of this Ordinance, and any person who so employs any such child commits an offence and is liable on conviction to a fine not exceeding \$100.

28. **Appointment of Attendance Officers** - (1) The Director may appoint primary school inspectors or other officers of the Education Department to be Attendance Officers for the purposes of this section.

(2) It shall be the duty of the Director, by the appointment of Attendance Officers or by such other means as he deems sufficient, to take steps to ensure that all children enrolled as pupils of any government primary school or registered school are regular in their attendance at school.

(3) Any Attendance Officer appointed under this section, on production of a distinctive badge or other evidence of his appointment, may at any time during school hours detain any child who appears to him to be of school age and is not then present at school, and may question him as to his age, name, and address, the school at which he is enrolled, and the reason of his absence from school. If in any such case the child fails to give a satisfactory reason for his absence from school, the Attendance Officer may take the child to the place of residence of that child or to the school at which the Attendance Officer believes that he is or should be enrolled, and shall report the matter to the director.

(4) Any person who, after production by the Attendance Officer of evidence of

his appointment, obstructs or interferes with him in the exercise of his powers under this Ordinance commits an offence and is liable upon conviction to a fine not exceeding \$100.

(5) Any Attendance Officer appointed under this section, or the Director, may lay informations, conduct prosecutions, and take all other proceedings under this Part of this Ordinance.

(6) A certificate under the hand of the Director showing that the person named in the certificate has been duly appointed for any of the purposes mentioned in this section shall be sufficient evidence of his appointment, and the signature to any such certificate shall not in any proceedings be inquired into or disputed.

29. **Hearing of proceedings** - Any proceedings under this Part of this Ordinance shall, if the Court so orders, be heard with closed doors.

30. **Evidence of school roll, etc.** - (1) For the purpose of any proceedings under this Part of this Ordinance, a certificate by the Head Teacher as to the enrolment of any child, the number of times the school was open during any period, the number of attendances made by any child during that period, the age of any pupil, and the name and address of any parent of a pupil shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

(2) Notice shall be taken judicially without further proof of the signature of the Head Teacher on any such certificate and of his appointment.

31 **Onus of proof on parents** - In any proceedings under this Part of this Ordinance, the onus shall be on the parent of any child of showing that the child has enrolled at or is enrolled at, or (as the case may be) has attended or is attending a school in accordance with the requirements of this Ordinance, or that the child is exempted from enrolment or attendance at a school.

32 **Suspension of children in certain cases** - (1) It shall be lawful for the Head

Teacher of any Government primary school or registered school, to suspend from attendance any child who, from gross misconduct or incorrigible disobedience, may be considered an injurious or dangerous example to other pupils, or whose attendance at school is likely for any serious cause to have a detrimental effect upon himself or upon the other pupils.

Provided that no such suspension from a Government school of a pupil under 14 years of age shall be for a period exceeding one week, except where extended as hereafter provided in this section.

(2) Where any pupil under the age of 14 years is suspended from attendance under subsection (1) of this section, the following provisions shall apply:

- (a) The Head Teacher shall immediately notify the parents of the pupil and the Director of the suspension and the reasons therefor, and shall forward forthwith to the Director a full report of the suspension:
- (b) The Director on receiving the report may, after such inquiry as he considers necessary, where the pupil is enrolled in a Government school either reinstate the pupil conditionally or unconditionally, or extend the term of the suspension for such period as he deems fit:
- (c) The Director may depute any one or more of the officers of the Department to receive reports of suspensions on his behalf; and any officer or officers so deputed may reinstate a pupil or extend the term of a suspension as if the officer or officers were the Director himself, but any action so taken shall be subject to confirmation by the Director.
- (d) In any case where the Director (or any person deputed to act on his behalf) extends the term of suspension of a pupil for any reason, other than to allow time to complete inquiries in the matter, he shall immediately advise the appropriate Inspector of the suspension and the

reasons for its extension:

- (e) In any case where the provisions of clause (d) of this subsection apply and in any case where a pupil is suspended from a registered school for a period greater than one week an Inspector shall first endeavour to have the suspended pupil re-established in some suitable school, which school may be the school from which the pupil was suspended, or it may be some other school providing education of the same kind which the pupil can conveniently attend.
- (f) The Inspector, in any case where he is unable to make suitable arrangements in accordance with paragraph (e) of this subsection for the education of a suspended pupil, shall notify the Director to that effect, and the Director may then report the matter to the Pulenu'u of the village in which the child resides and request that the matter be referred to the Village Fono for its attention, and for the purposes of the Village Fono Act 1990 the behaviour of the child which brought about his suspension may be treated as if it were village misconduct and that child and his parents were the persons misconducting themselves.
- (g) The name of every suspended pupil shall remain on the register of the school from which he is suspended until he has been placed at some other school, or has been granted by the Director exemption from the obligation to be enrolled as a pupil of any school, and the suspended pupil shall not be entitled to attend the school from which he is suspended while the suspension continues.

5. Schedule - The principal Ordinance is further amended by adding thereto the following schedule:-

SCHEDULE

FIRST PART

Private Primary Schools

Robert Louis Stevenson
Vaiala Beach School

Mission Primary Schools

Latter Day Saints

- Pesega Primary School
- Sauniatu Primary School
- Vailuutai Primary School
- Fusi Primary School
- Faala Primary School

Seventh Day Adventist

- Lalovaea Primary School
- Siufaga Primary School

Methodist

- Sione Uesile Primary School

Catholic

- St. Theresa's Primary School (Fusi)
- Sacred Heart Primary School (Safotu)
- St. Josephs Primary School (Leauvaa)
- St. Francis Primary School (Vaiusu)
- St. Theresa's Primary School (Lepea)
- St. Joan of Arc's Primary School (Leulumoega)
- St. Mary's Primary School (Savalalo)
- St. Peter's Primary School (Falefa)
- Marist Brother's Primary School (Mulivai)

SECOND PART

Those classes of the following school which are deemed by Subsection (2) of section 2 of this Ordinance to be primary schools-

Ulimasao College (Palauli)

TEUTEUGA O LE TULAFONO

O AOGA

SAMOA I SISIFO

Faatulagaina o aiaiga

Igoa

1. Igoa Puupuu ma le Amataga
2. Vaevaega o le Tulafono Autu i ni vaega
3. Faamatalaina o uiga o upu
4. Faamalositia o le aoga o tamaiti i Vasega Mauualalo

VAEGA III

FAAMALOSIA O LE AOOGA O TAMAITI I VASEGA MAUALALO

13. Tusi Resitala o Aoga e le ni Aoga a le Malo
14. Faamauiina o Aoga e le o ni Aoga a le Malo
15. Aoga Mauualalo ina ia teuina ma tausia lisi aloaia o igoa o tamaiti Aoga
16. Tamaiti aoga i Vasega Mauualalo ina ia faamauiina
17. Tusi Faamaonia o le tuusaunoaina mai le faamauiina
18. Sailia o itu talafeagai e aoga ai isi tamaiti
19. Faamalositia o le faamauiina i aoga faapitoa, ma isi mea faapena mo isi tamaiti
20. E mafai e le Faatonu Sili i ni tulaga faapitoa ona faatonuina e faapea e ao ona tuuina atu se tamaitiiti i se aoga faapitoa, ma isi tulaga faapea
21. Faasalaga mo le le tausisia e faamauiina se tamaitiiti
22. Aoga Mauualalo ina ia tausia tusi resitala o aso e aoga ai tamaiti
23. O tamaiti uma e manaomia ina ia faamauiina e tatau ona auai atu i aoga
24. Tusi Faamaonia e tuusaunua ai mai le le auai atu i le aoga
25. Faasalaga mo le tiai soo o le aoga
26. Faafaigaluegaina o tamaiti e le i uma o latou tausaga aoga
27. E le faatagaina ni Matua e faafaigaluegaina tamaiti e le i uma o latou tausaga aoga
28. Tofia o Ofisa mo tulaga tau i le auai atu o tamaiti i aoga
29. Fofogaina o Taulumaga
30. Lisi o le faasologa o igoa o tamaiti aoga ina ia avea ma Molimau, ma isi
31. Matafaioi o faamaoniga e pau i luga o Matua
32. Faamalolo mo se vaitaimi o tamaiti i nisi tulaga -

5. Faamatalaga

1992/1993, Nu.14

O SE TULAFONO e teuteu ai le Tulafono o Aoga 1959 ina ia faia ai se aiaiga mo le faamalositia o aoga i vasega mauualalo mo tamaiti i Samoa i Sisifo ma mo mataupu e ono aliai mai e faasino i ai

UA FAIA e le Fono Aoaio 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 Teuteuga o le Tulafono o Aoga 1992/1993 ma e tatau ona faitauina faatasi ma avea o se vaega o le Tulafono o Aoga 1959 (e pei ona faasinomia mulimuli ane iinei o le Tulafono autu).

(2) O leni Tulafono e tatau ona faamamaluina i se aso o le a faatulagaina e le Ao o le Malo e faia i luga o le fautuaga a le Kapeneta, i se Poloaiga.

2. Vaevaega o le Tulafono autu i ni Vaega - O le Tulafono autu ua teuteuina e faapea-

(a) I le faaofiina i ai e avea o se ulutala laitiiti i luma mai o le fuaiupu 1, ia upu:

VAEGA 1

FAATOMUAGA

(b) I le faaofiina i ai e avea o se ulutala laitiiti ina ua tuanai le fuaiupu 2, ia upu:

VAEGA II

PULEGA

(c) I le faaofiina i ai e avea ai ma ulutala laitiiti i luma mai o le fuaiupu 13,

(faasino i solitulafono) ia upu:

VAEGA IV

TULAGA AOA

(d) I le toe faanumeraina o fuaiupu 13 e oo atu i le 16 e avea ai ma fuaiupu 33 e oo atu i le 36.

3. Faamatalaina o uiga o upu - (1) O le Fuaiupu 2 o le Tulafono autu ua teuteuina i le faaofiina i ai i o latou tulaga talafeagai i le faasologa o le PI ia faamatalaga e faapea:-

"Faiaoga Ulu" e faasino i se aoga, o lona uiga o le tagata o ia lea o le ulu tau pulega o le aoga, i so o se igoa o lo o faaigoaina ai lena tagata, ma pe faamata o lea tagata o lo o ia faia ni tiute tau le aoao atu po o le leai foi.

"Asiasi Aoga" o lona uiga o se tagata ua tofia e tusa ai ma le fuaiupu 6 o leni Tulafono e avea ma asiasi o aoga.

"Matua" i sootaga i so o se tamaitiiti, e aofia ai tagata o lo o va'ia ia tamaiti, so o se

tagata o ia lea o lo o patino i ai le vaaiia o lea tamaitiiti, ma le ulu o so o se aiga o ia lea e ona le fale o lo o nofo ai lea tamaitiiti.

"Aoaoga Mauualalo" o lona uiga o so o se aoga ma aoaoga uma mo tamaiti aoga e amata mai i le tausaga muamua e oo atu i le tausaga valu, ma o le maualuga mo na tausaga o le a fuafuaina mai i lea taimi i lea taimi e le Minisita.

"Aoga Mauualalo" o lona uiga o se aoga o lo o aoaoina atu ni mataupu faatulagaina mo vasega mauualalo mo tamaiti aoga e ulufale i aoga pe ua aiaia ai ni mataupu mo aoga mauualalo e oo atu i le tausaga valu ma pe o lo o aiaia ai foi so o se aoga maualuga po o le le lei foi ma o lo o i ai foi lona faauigaina lautele e pei ona manaomia e le faafuaiupu (2) o lenei fuaiupu.

"Aoga Faamauina" o lona uiga o se aoga ua faamauina e tusa ai ma le fuaiupu 14 o lenei Tulafono:

"Tausaga aoga" e faasino i so o se tamaitiiti o lona uiga so o se tausaga i le va o le 5 ma le 14 tausaga po o so o se tausaga e i luma mai o le 14 o le a faamutaina ai ona toe manaomia sea tamaitiiti e faamauina lona igoa i le tusi resitala o se aoga e tusa ai ma le Vaega III o lenei Tulafono:

"Vasega faapitoa" o lona uiga o se vasega i totonu o se aoga o lo o faamoemoe e tuuina atu ni aoaoga faapitoa mo tamaiti o i latou ia, ona o so o se mafuaaga, e manaomia ai ni faiga po o ni fesoasoani faapitoa i lo latou aoaoina:

"Aoga Faapitoa" o lona uiga o se aoga e faapitoa ana galuega i le tuuina atu o aoaoga mo tamaiti o lo o mafatia i so o se tulaga tau i le le atoatoa lelei o le malosi po o le mafaufau: "

(2) O le Fuaiupu 2 o le tulafono autu ua teuteuina i le faaopoopoina i ai o faafuaiupu fou e faapea"

" (2) A fai o se aoga ua tuusaunoa mai i lenei faafuaiupu o le a le avea o se aoga mauualalo ae o lo o galue i le faia o so o se aoaoga mo aoga mauualalo, o vasega mauualalo o lo o faatinoina e lena aoga e tatau ona avea mo faamoemoega o lenei tulafono o se aoga mauualalo.

(3) O le Faiaoga Ulu o so o se aoga o lo o faasinomia i ai le faafuaiupu (2) o leni fuaiupu e tatau i le leai o se molimau e ese mai ai ona avea o le Faiaoga Ulu o lena vaega o le aoga e tusa ai ma lena faafuaiupu e avea ai o se aoga maualalo."

4. Faamalositia o le aoga o tamaiti i Vasega Maualalo - O le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuanai le fuaiupu 12 le Vaega ma fuaiupu fou e faapea:-

VAEGA III

FAAMALOSIA O LE AOOGA O TAMAITI I VASEGA MAUALALO

13. Tusi Resitala a Aoga e le ni Aoga a le Malo - O le a tatau ona teuina ma tausia e le Faatonu Sili o Aoga se tusi resitala o aoga uma e faapea ua faamauina e tusa ai ma le fuaiupu 14 o leni Tulafono, ma o aoga uma o lo o faamatalaina i totonu o lena tusi resitala o le a tatau ona avea o se aoga ua faamauina mo faamoemoega o leni Tulafono.

14. Faamauina o Aoga e le ni Aoga a le Malo - (1) O Pulega e pulea so o se aoga maualalo po o aoga maualalo o lo o fuafua e faatuina e faapea e le se aoga a le Malo e mafai ona talosaga atu i le Minisita mo le faamauina e tusa ai ma leni Tulafono, ma o le Minisita a fai ua faamalieina o ia e faapea -

(a) o mataupu e aoaoina atu e le aoga o le a maua ai ni aoaoga talafeagai i ni mataupu e pei ona o lo o manaomia ina ia faia i totonu o se aoga a le Malo; ma

(b) o le tulaga aoao tau aoaoga ma le amio pulea o le a maua i lena aoga o le a lava ma maualuga; ma

(c) o le a le ese mai ai i manaoga o le malo i le faia o lea mea, e tatau ona faatagaina sea talosaga ma e tatauloa ona faamauina le aoga e tusa ai ma ia tuutuuga.

(2) O aoga maualalo ua faamatalaina i le vaega Muamua ma le vaega Lua o le Faamatalaga i leni Tulafono o le a tatau o na avea mai le aso e amata faamamalu ai le Tulafono o Teuteuga o le Tulafono o Aoga 1992/1993 ua faamauina e tusa ai ma leni fuaiupu.

(3) A fai ua talitonu le Minisita i luga o ni mafuaaga talafeagai e faapea o so o se aoga faamauina e le o faamalieina manaoga e pei ona faatulagaina i totonu o le faafuaiupu

(1) o leni fuaiupu, e mafai e le Minisita, ina ua uma ona tuuina atu se avanoa talafeagai

(1) E Pulega e pulea lea aoga e feutagai ai ma ia, ona faatonuina le Faatonu Sili e aveesea lona aoga mai i le tusi resitala o lo o tausia e tusa ai ma le fuaiupu 13 o lenei Tulafono ma e tatau loa i le Faatonu Sili ona faataunuu lea tulaga.

15. Aoga Maualalo ina ia teuina ma tausia lisi aloaia o igoa o tamaiti aoga - (1) O le a tatau ona teuina ma tausia e aoga maualalo uma a le Malo ma aoga uma ua faamauina, se lisi aloaia o igoa o tamaiti aoga, e tatau ona tuuina i ai igoa ma tuatusi o tamaiti uma ua faamauina i lona aoga mai lea taimi i lea taimi.

(2) O le matafaioi mo le teuina ma le tausia o le lisi aloaia o igoa o tamaiti aoga o le a faaecina i luga o le Faiagoa Ulu o lona aoga.

16. Tamaiti aoga i vasega maualalo ina ia faamauina - (1) I le noatia ma le fai fuafua i aiaiga o lenei Tulafono, o tamaiti uma o le a manaomia e tuuina atu lona igoa mo le faamauina i le tusi resitala o nisi o aoga a le Malo po o aoga ua faamauina mai le taimi o le a oo ai ona tausaga i le 5 seia oo ina aulia e ia tausaga e 14 o lona soifuaga po o pe a vave ona faaumaina e ia galuega tau aoga a le tausaga 8.

(2) E ese mai ai na i lo so o se mea i totonu o le faafuaiupu (1) o lenei fuaiupu, e leai se tamaitiiti o le a manaomia e faamauina i le tusi resitala o se aoga e tusa ai ma lona faafuaiupu a o faagasolo so o se vaitaimi a o le i oo atu tausaga o se tamaitiiti i le 7 tausaga pe a fai o le aofai o le mamao e faapea o le a manaomia ai lona tamaitiiti e savali ai mai i lona aiga i le aoga, po o mai i lona nofoaga e nofomau ai po o le agai atu i se mea e pue ai se taavale o lo o faaoga i femalagaiga a le atunuu po o le savali mai foi mai le mea e tuu ai o ia e se taavale agai atu i le aoga, e sili atu na i lo le 2 maila, o le mamao ua fuafuaina i le auala e aupito i latalata.

(3) O le a tatau ona avea ma tiute o Pulenuu taitasi i taimi uma-

(i) ina ia faamalieina o ia e faapea o tamaiti uma o lo o nonofo i nuu taitasi o lo o i lalo o lona puleaga ma o ia lea ua manaomia e tusa ai ma le faafuaiupu

(1) o lenei fuaiupu ina ia faamauina, ua maea ona faamauina; ma

(ii) a fai e le o faamalieina o ia, e tatau o na ia vave logoina le Faatonu Sili ma saga logoina pea le Faatonu sili e tusa ai ma ia auiliiliga faasino i

tamaiti uma o ia lea o lo o manaomia ina ia faamauina ma o ia lea e le i faamauina e pei ona o le a manaomia ai o ia e le Faatonu Sili.

(4) O le a tatau o na avea ma tiute o le Faatonu Sili ina ia faia laasaga talafeagai uma ina ia maunoaina ai e faapea o tamaiti uma o i latou ia o lo o manaomia ina ia faamauina faaoga a le Malo po o aoga ua faamauina e tusa ai ma le faafuaiupu (1) o lenei fuaiupu ua uma ona faamauina vagana ai ua tuusaunoaina i latou e tusa ai ma lenei Tulafono.

17. Tusi Faamaonia o le Tuusaunoaina mai le Faamauina - (1) O matua po o tagata o lo o vaaia so o se tamaitiiti o ia lea e le i uma ana aoga maualalo e mafai ona talosaga mo ma mauaina mai le Faiaoga Ulu o le aoga maualalo a le Malo latalata ane i le nofoaga o lo o nofomau ai lea tamaitiiti, se tusi faamaonia o le tuusaunoaga e tusa ai ma lenei fuaiupu.

(2) O tusi faamaonia uma o tuusaunoaga o le a tuusaunoa ai le tamaitiiti mai le faamauina o lona igoa i le tusi resitala a le aoga.

(3) E leai se tusi faamaonia o tuusaunoaga e tatau ona tuuina atu e tusa ai ma lenei fuaiupu, vagana ai i luga o mafuaaga e faapea -

(a) O le tamaitiiti o lo o i se isi mea e tusa ai ma faatonuga e pei ona masani ai ma i se tulaga aupito i sili ona manaomia e pei o aoga a le Malo po o se aoga ua faamauina; po o

(b) Ua le mafai ona auai atu lea tamaitiiti i aso uma i le aoga po o ua le mafai ona aoaoina i luga o se mafuaaga o le le malosi atoatoa o lona tino po o lona mafaufau.

(4) So o se matua o ia lea ua le faamalieina i so o se teena e tuuina atu se tusi faamaonia mo le tuusaunoaina e tusa ai ma aiaiga e pei ona uluai taua o lenei fuaiupu e mafai ona faia se talosaga apili i le Faatonu Sili faasaga i lena teena ma o le faaiuga o le a faia e le Faatonu Sili o le a avea ma faaiuga mausali.

(5) E mafai e le Faatonu Sili ona faamaonia po o le faaleaogaina o le teena o se talosaga ma o lana faaiuga o le a avea ma faaiuga mausali.

(6) O tusi faamaonia uma o tuusaunoaga e tuuina mai e tusa ai ma lenei fuaiupu e tatau, ae vagana ai seia oo ina faaleaogaina, tuusaunoa matua ma so o se isi tagata po o ni tagata mai le noataga ina ia faamauina le tamaitiiti e avea ai o se tamaitiiti aoga o so o

se aoga.

(7) O tusi faamaonia uma o tuusaunoaga ua tuuina atu e tusa ai ma lenei fuaiupu e tatau ona faamatalaina ai le mafuaaga o le tuusaunoaga; ma o se ata o ia tusi faamaonia uma o le a tatau ona auina atu e le Faiaoga Ulu i le Faatonu Sili i totonu o le 14 aso ina ua tuanai lona tuuina atu.

(8) E mafai e le Faatonu Sili i so o se taimi, i luga o le fautuaga a se Asiasi o Aoga Mauualalo, ona faaleaogaina so o se tusi faamaonia o tuusaunoaga mai le faamauga na tuuina ma e tusa ai ma lenei fuaiupu pe a fai ua ia manatu e faapea o le mafuaaga na tuuina atu ai le tusi faamaonia o le tuusaunoaga e le o toe i ai po o ua avea i se tulaga faapitoa ua le toe o i ai e talafeagai ai le toe faaauuina o le tuusaunoaga.

(9) A fai o so o se tusi faamaonia o se tuusaunoaga mai i le faamauina ua tuuina atu i luga o se mafuaaga e pei ona faamatalaina i totonu o le parakalafa (b) o le faafuaiupu (3) o lenei fuaiupu, e mafai e le Faatonu Sili, pe a fai ua ia manatu e faapea o le a faamanuiaina ai le tamaitiiti mai se aoaoga faapitoa, ona faaleaogaina le tusi faamaonia o le tuusaunoaga ma, i luga o se faasilasilaga tusia, ona logoina atu i matua o le tamaitiiti ina ia faamauina le igoa o le tamaitiiti i le tusi resitala a so o se aoga faapitoa, po o se vasega faapitoa ua faavaeina e tusa ai ma lenei Tulafono, po o so o se isi vasega aloaia e fesootai i ai o lo o tuuina atu ni nofoaga faapitoa mo le aoaoina o ia ituaiga tamaiti.

18. Sallia o itu talafeagai e aoga ai isi tamaiti - E mafai e le Faatonu Sili ona tuuina atu nisi auala e pei ona ia manatu ua talafeagai ai ina ia faamalieina ai o ia e faapea o tamaiti uma ua aulia tausaga aoga o ia lea o lo o mafatia mai se tulaga le malosi o le tino po o le mafaufau o sea vaega tele e manaomia ai se aoaoga faapitoa, ma o lo o mauaina ni aoaoga faapitoa tumaoti, o lo o mauaina se tulaga aupito i sili ona manaomia ma talafeagai lelei tau aoaoga.

19. Faamalositia o le faamauina i aoga faapitoa, ma isi mea faapena mo isi tamaiti - (1) I le noatia ma le fai fuafua i aiaiga o lenei Tulafono, o matua o so o se tamaitiiti ua aulia tausaga aoga o ia lea, ina ua maea ona faia i ai ni suesuega faapitoa po o ni suesuega faafomai e pei ona o le a mauaina e le Faatonu Sili, ua talitonuina e le Faatonu Sili ina ia

manaomia aoga faapitoa, e ono manaomia ina ia faamauina le tamaitiiti i so o se aoga faapitoa po o se vasega faapitoa, po o i totonu o so o se vaega aloaia e fesootai i ai o lo o latou tuuina atu ni nofoaga faapitoa mo le aoaoina o ia ituaiga tamaiti.

(2) A fai o matua o so o se tamaitiiti ua le tausisia ina ia faamauina lena tamaitiiti se aoga faapitoa, vasega faapitoa, po o se vaega aloaia e fesootai i ai e pei ona uluai taua, pe a fai ma i le taimi e manaomia ai e le Faatonu Sili ua tatau ona faia, ua ia faia se solitulafono ma ua noatia i se moliaga tau faasalaga e pei ona faatonuina e le fuaiupu 21 o lenei Tulafono ona o le le tausisia o lena fuaiupu ina ia faamauina le tamaitiiti i le tusi resitala o se aoga.

Ae vagana ai e faapea e tatau ona tetee atu i so o se moliaga e tusa ai ma lenei fuaiupu e faapea o matua ua molia o le a mafatia tele i ni tulaga pagatia tau tupe pe a na fai e usitaia manaoga o le Faatonu Sili ma e faapea e le mafai ona ia foia lena mafatiaga. O le matafaioi o le faamaoniga o so o se tetee faapea o le a tatau ona faaee atu i luga o le o lo o tetee.

20. E mafai e le Faatonu Sili i ni tulaga faapitoa ona faatonuina e faapea e ao ona tuuina atu se tamaitiiti i se aoga faapitoa, ma isi tulaga faapena - (1) O le a tatau ona avea ma tiute a matua o tamaiti uma o ia lea ua aulia ona tausaga e 7 ma ua oo atu ai i tausaga aoga ma o lo o mafatia i tulaga le malosi lelei o le tino po o le mafaufau i se tulaga e ono manaomia ai aoaoga faapitoa ina ia faia ni laasaga ina ia maua ai le tulaga aupito i sili ona manaomia ma aoaoga talafeagai mo lea tamaitiiti.

(2) I so o se mataupu e faapea o matua o le tamaitiiti ua le tausisia ina ia tuuina lena aoga mo le tamaitiiti, po o ua talitonuina e le Faatonu Sili ua le mafai ona mauaina lena aoga, e mafai e le Faatonu Sili ona faatonuina e faapea e ao ona auina atu le tamaitiiti i se aoga faapitoa po o se isi faalapotopotoga o lo o maua ai ni aoaoga faapitoa ua ia manatu ua talafeagai ai.

(3) I se tulaga ua tuuina atu ai se faatonuga e le Faatonu Sili e tusa ai ma so o se tamaitiiti, e mafai e matua o le tamaitiiti, i totonu o aso e 28 ina ua tuanai le aso na logoina ai matua o le tamaitiiti e tusa ai ma le faatonuga, ona faia se talosaga apili i le

Faamasino o le Faamasinoga Faa-Itumalo faasaga i lea faatonuga, ma e mafai e le Faamasino o le Faamasinoga Faa-Itumalo ona taofia pe fetuutuunai pe faaleaogaina pe faamaonia le faatonuga.

(4) A fai o se faatonuga ua tuuina atu e tusa ai ma so o se tamaitiiti, o matua e pei ona faasinomia i ai le faafuaiupu (2) o lenei fuaiupu e tatau ona fesoasoani i tau o le tausiga o le tamaitiiti e pei ona o le a malilie i ai i le va o ia matua ma le Faatonu Sili:

Vagana ai e faapea, pe a fai o le feagaiga e pei ona ua faia o lo o aiaia ai mo totogi i se fua faatatau e faapea o le a le mafai ona faafetaiai ai tau atoa o le tausiga ma aoga a le tamaitiiti i se aoga faapitoa po o se faalapotopotoga, o se isi feagaiga po o ni feagaiga e mafai ona faia i le va o le Faatonu Sili ma so o se tagata o ia lea o se matua i totonu o le faauigaina o lenei Tulafono ina ia faafetaui ai paleni e le i totogiina mo le tausiga ma aoga a le tamaitiiti i le aoga po o le faalapotopotoga.

(5) A fai e leai se feagaiga faapea ua faia, ma o le faatonuga a le Faatonu Sili e faapea e ao ona auina atu le tamaitiiti i le aoga faapitoa po o se faalapotopotoga ua le usitaia e matua o le tamaitiiti, po o a fai o so o se totogi ua malilie i ai ina ia faia ua le totogiina mo se masina se tasi, o le a mafai loa e le Faamasino o le Faamasinoga Faa-Itumalo i luga o se talosaga e tusa ai ma lena tulaga, ona faia se poloaiga mo le faaulufaleina atu o le tamaitiiti i se aoga faapitoa po o se faalapotopotoga e pei ona ua manatu o ia ua talafeagai ai, ma e mafai ona toe faia se isi poloaiga po o ni poloaiga e faatonuina ai so o se matua ina ia fesoasoani i le tausiga ma le aoga a le tamaitiiti i lena aoga faapitoa po o faalapotopotoga lea o le a toe tuuina atu mulimuli i ai le tamaitiiti i luga o le faatonuga a le Faatonu Sili, ma o so o se poloaiga faapea e ono mafai ona faamalosia e le Faatonu Sili e avea ai e pei o se iuga o se faamasinoga e tusa ai ma se aitalafu i le va o tagata e tatau ona totogina atu i le Faatonu Sili.

(6) E aunoa ma le faatapulaaina o le pule a le Faamasinoga e faamalosia ai se Poloaiga ua faia e tusa ai ma le faafuaiupu (5) o lenei fuaiupu, o taualumaga mo le faamalosia o so o se Poloaiga ua faia e tusa ai ma lena faafuaiupu e mafai ona faia e avea ai e faapei ai o so o se aitalafu ua le totogiina e tusa ai ma lena Poloaiga o se le tausisia lea e le ua tetee ona

totogiina se vaega i se faiga auauai o se aitalafu ua faatonuina e le Faamasinoga.

(7) So o se tamaitiiti o ia lea ua faauluina i totonu o se aoga faapitoa po o se faalapotopotoga e mafai, i luga o se faatonuga a le Faatonu Sili, ona siitia atu i so o se isi aoga po o se faalapotopotoga.

(8) A fai o le tagata o ia lea e tatau ona ia totogiina ni tupe e tusa ai ma le feagaiga ua ia le toe totogiina ia tupe i vaitaimi e pei ona faamatalaina i totonu o le feagaiga, e mafai ona toe faaolaina mai ia tupe e avea ai o se aitalafu i so o se Faamasinoga iloga faale-tulafono e se tagata o ia lea e aia i ai i ia tupe.

(9) O aofaiga e totogiina e ni matua e tusa ai ma so o se feagaiga po o se poloaiga ua tulufale i ai po o ua faia e tusa ai ma aiaiga o lenei fuaiupu e tatau ona totogiina atu i le Faatonu Sili o ia lea o le a avea ma ana matafaioti mo le totogiina atu o ia tupe i le aoga faapitoa po o se faalapotopotoga e pei ona poloaia ai le tamaitiiti po o le faatonuina foi ina ia auina atu i ai totogi uma talafeagai ua faia e lena aoga po o se faalapotopotoga mo le tausiga ma le faaaogaina o le tamaitiiti.

21. Faasalaga mo le le tausisia e faamauina se tamaitiiti - (1) A fai o se tamaitiiti o ia lea ua manaomia ina ia faamauina i le tusi resitala o ni aoga a le Malo, po o i nisi aoga faamauina ua le faamauina, o matua o lena tamaitiiti ua faia se solitulafono ma ua noatia i se faasalaga faale-tulafono i se sala e le sili atu i le \$100.

(2) O le totogiina o lea faasalaga o le a le faagataina ai le toe faia o se isi taualumaga i se tulaga o le a le totogiina ai sea faasalaga.

22. Aoga Maualalo ina ia tausia tusi resitala o aso e aoga ai tamaiti - (1) O le a tatau ona tausia i aoga maualalo uma a le Malo faapea foi ma aoga uma ua faamauina se tusi resitala e tatau ona faia ai faamaumauga o aso taitasi o le tulaga moni o tamaiti na auai i aoga po o le toesea o soo se tamaitiiti ua faamauina i lena aoga i lena aso.

(2) O le tusi resitala e faamau ai aso e aoga ai tamaiti e tatau ona makaina i aso taitasi i le taimi ua faatulagaina e le Faiaoga Ulu o lena aoga (o se taimi e le sili atu nai lo le 1 le itula ina ua amataina le aoga o le aso) faapea foi ma tamaiti aoga e le o aoga i lena taimi e tatau ona makaina ua toesea po o ua le auai ai i le aoga mo lena aso.

Ae vagana ai e faapea a fai o se tamaitiiti ua lipoti atu i le aoga ina ua uma ona makaina le tusi resitala mo lena aso, o le Faiaoga Ulu, pe a fai ua faamalieina o ia e faapea o le tuai atu o le tamaitiiti na mafua ona sa ma'i le tamaitiiti po o se isi tulaga talafeagai e le i fuafuaina, e mafai ona ia toe suia le tusi resitala mo lena aso ina ia faamauina ai le auai ai o lena tamaitiiti i le aoga ma e tatau ona faamauina i le tusi resitala mafuaaga mo sea suiga, ma o lena tamaitiiti e tatau mo faamoemoega o le fuaiupu 23 o lena Tulafono ona avea e faapea ai o lena tamaitiiti sa auai i le taimi na makaina ai le tusi resitala.

(3) O le matafaioi mo le tausia o le resitala o aso aoga o tamaiti o le a pau lea i luga o le Faiaoga Ulu.

(4) A fai o so o se aoga ua le tausisia so o se aiaiga o lena fuaiupu o le Faiaoga Ulu o lena aoga, ua ia faia se solitulafono ma ua nmoatia i luga o se moliaga i se sala e le sili atu i le \$100.

(5) Mo faamoemoega o lena fuaiupu "aso taitasi", i fesootaiga ma aoga o lona uiga o aso taitasi uma o lo o tatala ai lena aoga.

23. O tamaiti uma e manaomia ina ia faamauina e tatau ona auai atu i aoga - (1) I le noatia ma fai fuafua i aiaiga o lena Tulafono, o tamaiti uma e manaomia ina ia faamauina e tusa ai ma le fuaiupu 16 o lena Tulafono i le tusi resitala o ni aoga, e manaomia ina ia auai i le aoga i taimi uma lava o le a tatalaina ai; ma i taimi uma lava e tatala ai le aoga o le tusi resitala e faamau ai aso e aoga ai tamaiti o le a avanoa mo suesuega a Ofisa e suesueina tamaiti aoga po o se isi tagata ua tofia e le Faatonu Sili mo le faamoemoe ina ia mautinoaina ai le auai atu o tamaiti i aoga.

(2) O le a tatau ona avea se tamaitiiti ua auai ai i so o se aoga, ma o se auai i se aoga e mafai ona faitau ia te ia, pe a fai sa auai o ia po o e faapea sa auai ai i le taimi na makaina ai le tusi resitala ma sa i ai pea i totonu o le aoga seia oo ina tuua le aoga, ae vagana ai e tatau ona tuua e ia le aoga ae lei oo i le taimi e tuua ai ina ia mafai ai ona maua se taavale e toe foi atu ai i lona aiga.

(3) O se tamaitiiti o ia lea na auai mo ni tula se 4 i so o se aso aoga e mafai, i lalo o ni tulaga faapitoa, o na faatagaina e le Faiaoga Ulu ina ia tuua le aoga a o le i tapunia le aoga.

24. Tusi Faamaonia e tuusaunoa ai mai le le auai atu i le aoga - (1) O matua o so o se tamaitiiti e mafai ona talosaga mo ma mauaina se tusi faamaonia o le tuusaunoaga mai le le auai ai i se aoga mai i le tagata ua aia e tusa ai ma le fuaiupu 17 o lenei Tulafono ina ia tuuina atu se tusi faamaonia o tuusaunoaga mai le faamauina o se tamaitiiti i se aoga.

(2) O tusi faamaonia uma faapea o tuusaunoaga mai le le auai atu i se aoga e tatau ona tuusaunoa ai le tamaitiiti o lo o faasino i ai lea tusi mai le auai ai i se tulaga atoa po o se vaega i le aoga.

(3) E leai se tusi faamaonia mai le le auai e tatau ona tuuina atu e tusa ai ma lenei fuaiupu, vagana ai i luga o mafuaaga e faapea -

(a) o le aofai o le mamao e manaomia ai lena tamaitiiti e savali ai mai i lona aiga o lo o nofomau ai i le aoga, po o mai i lona nofoaga o lo o nofomau ai i se taavale lau pasese ma mai le auala e feoai ai tagata o le atunuu i le aoga, e sili atu na i lo le 2 maila i le tulaga o se tamaitiiti e i lalo ifo o le 10 tausaga o lona soifuaga, po o le sili atu na i lo le 3 maila i so o se isi tulaga, o le mamao e pei ona faatatauina i se auala latalata ane i le aoga; po o

(b) o le tamaitiiti ua le mafai ona auai atu i le aoga i luga o se mafuaaga ua gasegase, tulaga e lamatia ai i se faamai pipisi, tulaga mafatia o le tau, gasegase faafuasei ma le tigaina o se matua, po o isi lava mafuaaga tatau; po o

(c) o le auala o le a savalia e lea tamaitiiti e lau leaga ma e le o tulaga lelei e mafai ai ona sopoia.

(4) So o se matua o ia lea ua le faamalieina i so o se tulaga ua teena ai le tuuina mai o se tusi faamaonia o tuusaunoaga mai le auai ai i le aoga e mafai ona talosaga i le Faatonu Sili o ia lea o le a faamaonia po o le faaleaogaina foi o le teena; ma o lana faaiuga o le a mausali.

(5) O tusi faamaonia uma o tuusaunoaga mai le auai ai i le aoga e tatau ona faamatalaina ai mafuaaga o le tuusaunoaga ma e tatau ona mo na o se vaitiimi e pei ona o le a ono manaomia ai lea tulaga; ma e leai se tusi faamaonia o tuusaunoaga e tatau ona tuuina atu i luga o ni mafuaaga e pei ona faatulagaina i totonu o le parakalafa (a) o le faafuaiupu (3) o lenei fuaiupu mo se vaitiimi umi na i lo le tasi le tausaga po o i luga o so o se isi lava

mafuaaga ua faatulagaina i totonu o lena faafuaiupu mo se vaitaimi umi na i lo le 7 aso aoga, peitai o so o se tusi faamaonia e mafai ona faafouina mai lea taimi i lea taimi mo se vaitaimi faapea a o faagasolo ona faaauau tuutuuga e pei ona tuuina atu ai sea tuusaunoaga:

Ae vagana ai e faapea e mafai e le Faatonu Sili i so o se taimi, i luga o le fautuaga a se Ofisa Asiati, ona faaleaogaina so o sea tusi faamaonia o tuusaunoaga.

(6) A fai o so o se tusi faamaonia o tuusaunoaga ua tuuina atu i luga o ni mafuaaga e pei ona faatulagaina i totonu o le parakalafa (a) o le faafuaiupu (3) o lena fuaiupu, o le tagata ua ia tuuina atu sea tusi faamaonia e tatau ona ia lipotia loa le igoa, tuatusi, ma tausaga o le tamaitiiti i le Faatonu Sili.

(7) E mafai ona tuusaunoaina se tamaitiiti mai le auai atu i le aoga mo se vaitaimi e sili atu i le 5 aso aoga e tusa lava pe leai se tusi faamaonia e tuusaunoa ai o ia mai le auai atu i le aoga ua tuuina atu e tusa ai ma lena fuaiupu, pe a fai ua faamalieina le Faiaoga Ulu o le aoga o lo o aoga ai lena tamaitiiti e faapea na toesea le tamaitiiti ona o ni mafuaaga tatau ma talafeagai. O se Tusi Faamaonia e sainia e le Faiaoga Ulu o le aoga o lo o aoga ai le tamaitiiti e faamaonia ai e faapea e le i faamalieina o ia i le le lava o faamaoniga o lena mataupu e tusa ai ma le leai o se molimau e ese mai ai i lena mataupu. I fesootaiga ma so o sea tusi faamaonia, e tatau ona tuuina atu se faasilasilaga e avea ai o se faasilasilaga faale-faamasinoga e aunoa ma se isi faamaoniga o le tofiga ma le saina a so o se Faiaoga Ulu uma faapea.

25. Faasalaga mo le tiai soo o le aoga (1) A fai o so o se tamaitiiti ua manaomia e lena Tulafono ina ia auai i le aoga ua maea ona faamauina i le tusi resitala a se aoga e pei ona manaomia ai e lena Tulafono ma ua ia le auai atu e pei ona aiaia i totonu o le fuaiupu 22 o lena Tulafono, o matua o le tamaitiiti ua faia se solitulafono ma ua noatia i se moliaga i se faasalaga e le sili atu i le \$4 mo aso taitasi uma o le a le aoga ai le tamaitiiti e pei ona manaomia ai e lena Tulafono; peitai e leai se matua e tatau ona noatia i se i se faasalaga e sili atu i le \$40 i luga o se moliaga mo se uluai solitulafono faasaga i lena fuaiupu, e faapea foi i se faasalaga e sili atu i le \$100 i luga o se moliaga mo le solia faalua po o

moliaga e mulimuli mai ai faasaga i leni fuaiupu.

(2) E tatau ona avea o se tetee i so o se taualumaga faale-tulafono e tusa ai ma leni fuaiupu e faapea o matua na molia sa, i luga o se mafuaaga o se tulaga pagatia taule le lava o mea tau tupe na le mafai e ia ona foia, ma ua le mafai ai ona auina atu lona alo i le aoga o faagasolo so o se vaitaimi o lona le usitaia o le poloaiga ma ua avea ai nei ma mataupu o lona moliaga. O le matafaioi e tusa ai ma le faamaonia o so o sea tetee o le a tatau ona pau i luga o le o lo o tetee.

26. Faafaigaluegaina o tamaiti e le i uma o latou tausaga aoga - E leai se tagata e tatau, ina ua tuanai le aso e amata ai leni Tulafono, ona faafaigaluegaina po o le faaauau pea ona faafaigaluegaina so o se tamaitiiti e le i uma o latou tausaga aoga i so o se taimi i totonu o itula aoga po o i so o se isi lava taimi pe a fai o le faafaigaluegaina o le tamaitiiti o le a tofia ai po o e faalavelave ai i le auai atu o le tamaitiiti i le aoga, ae vagana ai o le a tuuina ane e lena tagata se tusi faamaonia o le tuusaunoaga po o se isi molimau talafeagai e faapea o le tamaitiiti ua tuusaunoa (e ese mai ai na i lo le mafuaaga e faapea o lo o i ai lea tamaitiiti i lalo o ni faatonuga talafeagai i se isi nofoaga na i lo le aoga) mai le noataga ina ia faamauina e avea ai o se tamaitiiti aoga i so o se aoga.

27. E le faatagaina matua e faafaigaluegaina tamaiti e le i uma o latou tausaga aoga - O matua o so o se tamaitiiti e le i uma ona tausaga aoga o ia lea ua faatagaina lena tamaitiiti ina ia faafaigaluegaina e ese mai ai ma aiaiga o le fuaiupu 26 o leni Tulafono, ma so o se tagata o ia lea ua ia faafaigaluegaina so o se tamaitiiti ua ia faia se solitulafono ma ua noatia i luga o se moliaga faale-tulafono i se faasalaga e le sili atu i le \$100.

28. Tofia o Ofisa mo tulaga tau i le auai atu o tamaiti i aoga - (1) E mafai e le Faatonu Sili ona tofia ni asiase aoga o aoga maualalo po o isi tagata ofisa o le Matagaluega o Aoga e avea ma Ofisa mo tulaga tau i le auai atu o tamaiti i aoga mo faamoemoega o leni fuaiupu.

(2) O le a tatau ona avea ma tiute o le Faatonu Sili, i le tofiaina o Ofisa mo tulaga tau i le auai atu o tamaiti i aoga po o i se isi lava faiga ua ia manatu ua lava ma talafeagai, ina ia faia ni laasaga e mautinoaina ai e faapea o tamaiti uma ua faamauina e avea ma tamaiti

aoga i so o se aoga maualalo a le malo po o aoga ua faamauina o lo o lelei pea le tulaga o tamaiti o lo o auai atu i ai i ia aoga.

(3) So o se Ofisa mo le tulaga tau i le auai atu i aoga ua tofia e tusa ai ma lenei fuaiupu; ni le faaali atu o se pine iloga po o se faamaoniga o lona tofiga, e mafai i so o se taimi a o faagasolo taimi aoga ona ia taofia so o se tamaitiiti e foliga mai o lo o i ai pea ona tausaga ni tausaga aoga ma e le o i ai i lea lava taimi i totonu o le aoga, e mafai ona ia fesiligia lea tamaitiiti e tusa ai ma ona tausaga, igoa, ma le tuatusi, le aoga o lo o faamauina ai lona igoa, faapea foi ma le mafuaaga ua toesea ai mai le aoga. A fai i so o se tulaga faapea, ua le mafai ai e le tamaitiiti ona tuuina atu se mafuaaga lelei ma talafeagai mo lona le auai atu i le aoga, e mafai e le Ofisa mo le tulaga tau i le auai atu i aoga, ona aveina lea tamaitiiti i le mea e nofomau ai lena tamaitiiti po o i le aoga ua i ai le talitonuga a le Ofisa o lo o i ai po o e tatau ona faamauina ai lea tamaitiiti ma e tatau loa ona lipotia lenei mataupu i le Faatonu Sili.

(4) So o se tagata o ia lea, ina ua maea ona faaali atu i ai e le Ofisa mo le tulaga tau i le auai ai i aoga, faamaoniga e tusa ai ma lona tofiga, taofia po o le faalavelave i le Ofisa mai le faatinoina o ana pule e tusa ai ma lenei Tulafono ua ia faia se solitulafono ma ua noatia i luga o se moliaga i se faasalaga e le sili atu i le \$100.

(5) So o se Ofisa mo le tulaga tau i le auai ai i aoga, ua tofia e tusa ai ma lenei fuaiupu, po o le Faatonu Sili, e mafai ona faataatia ni faamatalaga, faia ni moliaga, ma faia nisi taualumaga uma e tusa ai ma lenei Vaega o lenei Tulafono.

(6) O se tusi faamaonia i lalo o le lima o le Faatonu Sili o lo o faaalia ai e faapea o le tagata o lo o faaigoaina i totonu o le tusi faamaonia ua uma ona tofia mo so o se faamoemoega e pei ona taua i totonu o lenei fuaiupu o le a avea ma molimau ua lava ma totoa o lona tofiga, ma o le saina o lo o i ai i totonu o so o se tusi faamaonia e le tatau i so o se taualumaga ona suesueina po o e faatupuina ai se feeseeseaiga.

29. **Fofogaina o Tausalumaga** - So o se taualumaga e tusa ai ma lenei Vaega o lenei Tulafono e tatau, pe a fai ua poloaia e le Faamasinoga, ona fofogaina i se tulaga faalilolilo.

30. Lisi o le Faasologa o igoa o tamaiti aoga ina ia avea ma Molimau, ma isi - (1) Mo le faamoemoega o so o se tualumaga e tusa ai ma lenei Vaega o lenei Tulafono, o se tusi faamaonia a le Faiaoga Ulu e tusa ai ma le faamauina o so o se tamaitiiti, le fuainumera o taimi na tatalaina ai le aoga a o faagasolo so o se vaitaimi, le fuainumera o aso na aoga ai so o se tamaitiiti a o faagasolo lena vaitaimi, tausaga o so o se tamaitiiti aoga, ma le igoa ma le tuatusi o so o se matua o se tamaitiiti e tatau, i le leai o se faamaoniga e ese mai ai, ona lava ma totoe e avea ma molimau o le mataupu e pei ona faamatalaina i totonu o le tusi faamaonia.

(2) O le Faasilasilaga e tatau ona avea faale-tulafono e aunoa ma se isi faamaoniga o le saina a le Faiaoga Ulu i luga o so o sea tusi faamaonia ma o lona tofiga.

31 Matafaioi o faamaoniga e pau i luga o matua - I so o se tualumaga e tusa ai ma lenei Vaega o lenei Tulafono, o le matafaioi e tatau ona pau i luga o matua o so o se tamaitiiti e faaalua ai e faapea o le tamaitiiti ua maea ona faamauina i le po o ua faamaina i, po o (i se tulaga e ono i ai) ua auai po o o lo o auai i se aoga e tusa ai ma manaoga o lenei Tulafono, po o o lena tamaitiiti ua tuusaunoa mai le faamauina po o le auai ai i se aoga.

32 Faamalolo mo se vaitaimi o tamaiti i nisi tulaga - (1) O le a aloaia faale-tulafono mo se Faiaoga Ulu o so o se aoga maualalo a le Malo po o se aoga ua faamauina, e faamalolo mo se vaitaimi mai le auai o so o se tamaitiiti o ia lea, ua faia se amio le taupulea po o faia pea o le le usiusitai, e ono mafai ona faapea e faamanuaina ai po o le avea ai ma se faataitaiga matuia i nisi tamaiti aoga, po o lona auai i le aoga o le a ono avea ma mafuaaga ogaoga e ono aafia ai o ia poo isi tamaiti aoga.

Ae vagana ai e faapea e leai se faamalologa mo se vaitaimi e tuuina atu i se tamaitiiti aoga e i lalo o le 14 tausaga mai se aoga a le Malo, e le tatau ona sili atu mo se vaitaimi e tasi le vaiaso, vagana ai pe a fai ua toe faaopoopoina e pei ona aiaia mulimuli ane i totonu o lenei fuaiupu.

(2) Afai o so o se tamaitiiti aoga e i lalo o le 14 ona tausaga ua faamalolo mo se vaitaimi mai le auai atu i se aoga e tusa ai ma le Faafuaiupu (1) o lenei fuaiupu, o aiaiga ua taua e tatau ona faaoga:

(a) E tatau i le Faiaoga Ulu ona logoina i se taimi vave matua o le tamaitiiti aoga faapea foi ma le Faatonu Sili e tusa ai ma le faamaloloina mo se vaitaimi faatasi ai ma mafuaaga o lea faamalologa, ma e tatau ona tuuina atu loa i le Faatonu Sili se lipoti atoatoa o le faamalologa mo se vaitaimi:

(b) E mafai e le Faatonu Sili i le mauaina o le lipoti, ina ua maea le suesuega ua manatu o ia ua talafeagai, pe a fai o le tamaitiiti aoga o lo o faamauina i se aoga a le Malo, ona toe taliaina le tamaitiiti aoga i luga o ni tuutuuga po o le leai foi, po o le faaopoopo o le taimi e faamalolo ai mo se vaitaimi ua manatu o ia ua talafeagai.

(c) E mafai e le Faatonu Sili ona tofia so o se tasi po le sili atu foi o ofisa o le Matagaluega e avea ma ona sui e faaooina mai ia lipoti o tamaiti aoga ua faasala faamalolo mo se vaitaimi, ma o so o se ofisa po o ni ofisa e pei ona tofia e mafai ona toe faafoi se tamaitiiti i le aoga po o le toe faaopoopo o le taimi o se faasalaga faamalolo mo se vaitaimi e avea ai e faapea o le ofisa po o ni ofisa ua avea latou faapei o le Faatonu Sili, ae peitai so o se gaioiga ua faia o le a tatau ona noatia i se faamaoniga a le Faatonu Sili.

(d) I so o se tulaga pe a fai o le Faatonu Sili (po o so o se tagata ua tofia e galue e avea ma ona sui) ua faaopoopoina le vaitaimi o le faamalologa o se tamaitiiti aoga mo so o se mafuaaga, e ese mai ai na i lo le taimi na faatagaina e faamaea ai suesuega i le mataupu, e tatau ona ia logoina i se taimi vave lava le Asiasi Aoga e tusa ai ma le faamalologa faapea foi ma le mafuaaga ua toe faaopoopoina ai aso o lea faasalaga.

(e) I so o se tulaga pe a fai e faaoga ia i aiaiga o le fuaiupu (d) o leni faafuaiupu ma i so o se mataupu e faapea o se tamaitiiti aoga ua faamalolo mai se aoga faamauina mo se vaitaimi e sili atu na i lo le vaiaso e tatau i se Asiasi Aoga ona faia se uluai taumafaiga e toe faafoi mai ai le tamaitiiti aoga ua faamalolo i se isi aoga talafeagai, ma o lea aoga e mafai, ona faapea o le aoga lea na faamalolo mai ai lea tamaitiiti, po o se isi aoga o lo o maua ai aoaoga tali tutusa e mafai ma faigofie ona faaulu atu i ai lea tamaitiiti.

(f) O le Asiasi Aoga, i so o se mataupu pe a fai ua le mafai e ia ona faia ni fuafuaga talafeagai e tusa ai ma le parakalafa (e) o leni faa-fuaiupu mo le aoaoga o se tamaitiiti aoga ua faamalolo, e tatau ona logoina le Faatonu Sili e tusa ai ma lea tulaga, ma o le

Faatonu Sili e mafai ona ia lipoti atu le mataupu i le Pulenuu o le nuu o lo o nofomau ailea tamaitiiti ma talosagaina e faapea e ao ona tuuina atu lenei mataupu i luma o le Fono a le Nuu mo lona silafia, ma mo le faataunuaina o le Tulafono o Fono a Nuu 1990 e tusa ai ma le amio a le tamaitiiti ua mafua ai ona faamalolo mai le aoga ma e ono mafai ona avea ai e faapea o se amio le taupulea ua faia i totonu o le nuu e lena tamaitiiti ma o ona matua o ni tagata ua amio le taupulea foi i laua.

(g) O igoa o tamaiti taitasi uma ua faamalolo mai le aoga e tataua ona tumau pea i totonu o le tusi resitala o le aoga o lo o faamalolo mai ai seia toe faauluina o ia i se aoga, po o ua tuuina atu i ai e le Faatonu Sili se tuusaunoaga mai lona noataga e toe faamau ai lona igoa e avea ai o se tamaitiiti o se isi aoga, ma o le tamaitiiti ua faamalolo e le tataua ona aia e toe ulufale atu i le aoga o lo o faamalolo mai ai a o lo o faaauau pea lana faamalologa mai lea aoga.

5. Faamatalaga - O le Tulafono autu ua toe teuteuina i le faaopoopoina i ai o le faamatalaga e faapea:-

FAAMATALAGA

(Fuaiupu 14)

VAEGA MUAMUA

Aoga Maulalo Tumaoti

Robert Louis Stevenson
Vaiala Beach School

Aoga Maulalo a Ekalesia

Ekalesia Mamona
- Pesega Primary School
- Sauniatu Primary School
- Vailuutai Primary School
- Fusi Primary School
- Faala Primary School

Ekalesia Aso Fitu
- Lalovaea Primary School
- Siufaga Primary School

Ekalesia Metotisi
- Sione Uesile Primary School

Ekalesia Katoliko Roma

- St. Theresa's Primary School (Fusi)
- Sacred Heart Primary School (Safotu)
- St. Josephs Primary School (Leauvaa)
- St. Francis Primary School (Vaiusu)
- St. Theresa's Primary School (Lepea)
- St. Joan of Arc's Primary School (Leulumoega)
- St. Mary's Primary School (Savalalo)
- St. Peter's Primary School (Falefa)
- Marist Brother's Primary School (Mulivai).

VAEGA LUA

O vasega o aoga ua taua ua avea i lalo o le Faafuaiupu (2) o le fuaiupu 2 o lenei Tulafono o ni aoga maualalo:-

- Ulimasao College (Palauli)