



TULAFONO O FANUA MA SUAFA 2020

Resitalaina o Suafa Matai

O ai e agava'a e umia se suafa matai?

- ◆ O le tagata e agava'a e umia se suafa matai o:
 1. Se tagata Samoa;
 2. Ua atoa le 21 tausaga;
 3. Ua sauni e faatino matafaioi o lona suafa matai;
 4. Ua fa'amalieina isi tulaga manaomia e le aiga tusa ai ma latou tu ma aga.
- ◆ E lē agava'a pe a fai ua fa'amaonia fa'aletulafono se soligatulafono ma nofo sala i le falepuipui **vagana ai** ua fulisia le aiga..

O a mo'omiaga mo le filifiliga o Matai Sa'o?

- ◆ E lē fa'atapula'aina le aofai o Matai Sa'o e mafai ona filifili e se aiga. O le filifiliga ma le aofa'i o Matai Sa'o o le a lē tatau ona fa'a'itiitia ai le aloaia ma le tāua o le Matai Sa'o.
- ◆ O le fa'ae'eina atu o se suafa Matai Sa'o e tatau ona usitaia le fuaiupu 15 o le *Tulafono o Fanua ma Suafa 2020*.
- ◆ E tatau i le Matai Sa'o ua tu'uina atu ai le matafaioi o le tautuaina o le aiga potopoto ona nofomau i Samoa ma iai i totonu o lona aiga, ma le nu'u aua le tauaveina o ona tiute ma matafaioi.

E mafai ona aveese se Suafa Matai?

- ◆ E mafai e le Fa'amasinoga ona fofogaina se talosaga a se Matai Sa'o po o se Suli (tu'uina mai i luga o le maliega autasi a suli) e ave'ese se suafa matai pe a fai o sē o umia se suafa matai ua:
 1. Faia ni gaoioiga e fa'atula'i mai ai ni fe'ese'eseaiga i le aiga, nu'u po o le fonu a matai;

2. Lē mafai ona faatino ona tiute faa-Matai; pe
3. Fa'amaonia fa'aletulafono i se soligatulafono ma tulia lona fa'asalaga o le nofosala i le falepuipui.

O a tulaga aloaia e tatau ona fa'amalieina mo le faae'e atu o se Suafa Matai?

- ◆ E tusa ai ma le fuaiupu 15 o le Tulafono o Fanua ma Suafa 2020, e tatau ona fa'amalieina vaega nei:
 - ⇒ Tofia le matai tusa ai ma aganu'u ma agaifanua;
 - ⇒ Fa'atino le Saofai i totonu o le nu'u e fitoitonu ai lea suafa matai;
 - ⇒ Tatau ona auai le tagata e fa'ae'e iai le suafa matai;
 - ⇒ Tatau ona auai Fono a matai o le nu'u; ma
 - ⇒ Tatau ona auai le Sui o le Nu'u mo le tauaveina o ona tiute fa'aletulafono.
- ◆ Afai e lē mafai ona auai le Sui o le Nu'u i le saofai e mafai ona faatino ona tiute tauave faatasi ai ma le faamaoniga tusitusia a ni matai se toalima (5) pe sili atu, na auai i le saofai.
- ◆ Afai e vaeluaina le nu'u, e amanaia le faiga-nu'u ua faamauina e tusa ai ma faamaumauga a le Matagaluega o Tina ma Tamaitai, Atinae o Nu'u ma Afioga ma Agafesootai, ae a leai se maopoopoga e faia e le Fa'amasinoga se faaiuga talafeagai.

O a vaega e mo'omia mo se faasalalauga e fa'amoemoe e fa'ae'e se suafa matai?

- ◆ E tusa ai ma le fuaiupu 18 o le Tulafono o Fanua ma Suafa 2020:
 - ⇒ E tatau i le fa'apogai, o ia lea o lo'o faamoemoe e fa'ae'e se suafa matai, ona tu'uina atu se fa'aaliga i le Resitara, fa'atasi ai ma le totogifupauina, i le Ofisa o le Faamasinoga i Savaii po o Upolu;
 - ⇒ E fa'asalalau e le Resitara lenei fa'aaliga i totonu o **lomiga soso'o e tolu (3)** tai masina o le Savali;
 - ⇒ E **fa (4) masina** le taimi e ao ai i se tagata ona fa'aulu se talosaga tete'e i le faamoemoe e fa'ae'eina se suafa matai.
 - ⇒ Afai e leai se fa'alavelave i totonu o le taimi fa'atugaina, e tatau i le Resitara ona fa'atoai se talosaga i le Fa'amasinoga mo le faamaoniga.
 - ⇒ O le totogifupauina e totogi e le itu talosaga.

- ⇒ A mae'a ona fa'amaonia e le Faamasinoga, ona fa'atino lea o le saofa'i.
- ⇒ E resitala le suafa matai pe a maea ona tu'uina mai e le Sui o le Nu'u se fa'amaoniga ma fa'amaumauga mo'omia i le Resitara (Pepa Saofai).

O a vaega e tatau ona fa'amalieina pe afai ua mae'a ona fa'ae'e atu se suafa matai?

- ◆ E tusa ai ma le fuaiupu 22-24 o le *Tulafono o Fanua ma Suafa 2020* e:
 - ⇒ Tu'uina atu e le Sui o le Nu'u fa'amaumauga ma faamatalaga auiliili i le Resitara (Pepa Saofai) i totonu o le **14 aso faigaluega** mai le aso na fai ai le saofai;
 - ⇒ Fa'asalalau e le Resitara fa'amatalaga ua tu'uina mai, i **lomiga sosoo e tolu (3)** o le Savali pe a fai e le'i fa'asalalauina se fa'aaliga mo se fa'amoemoe e fa'ae'e se suafa matai;
 - ⇒ E **fa (4) masina** le taimi faatapulaa e fa'aulu ai se talosaga tete'e, faitau mai le aso o le uluai fa'asalalauga i le Savali.
 - ⇒ Afai e leai se talosaga tete'e i le faasalalauga, e ao i le Resitara ona resitala le suafa matai i le Tusi Resitala.
 - ⇒ Afai e faae'e atu se suafa matai i totonu o se nuu e le o iai se sui o le nuu, e mafai e le faapogai ona talosaga mo le faamaoniga a le Faamasinoga.

O ai e mafai ona molia i le Tulafono?

- ◆ E mafai ona molia i le tulafono se tagata ua tu'uina atu **fa'amatalaga sese** pe na te **taimai seseina** le Resitara, se Sui o le Nu'u po o se Fa'apogai.
- ◆ A fa'amaonia e mafai ona sala tupe, e lē silia i le 50 iunite (\$5,000.00) po o le nofosala i le falepuipui mo se vaitaimi e lē silia i le tolu (3) tausaga.
- ◆ E mafai foi ona molia i le tulafono se tagata e **fa'aaoga sese se suafa matai** ae le i fa'ae'eina iai le suafa. A fa'amaonia e sala tupe e lē silia ma le 10 iunite (\$1,000.00 tala) po o le nofosala i le falepuipui mo se vaitaimi e lē silia ma le 12 masina.



LAND AND TITLES ACT 2020

Registration of Matai Titles

Who is eligible to hold a matai title?

- ◆ A person is not eligible to hold a matai title or be registered as a matai unless he or she meets the following:
 1. The person is a Samoan;
 2. Is at least 21 years of age;
 3. Is prepared to carry out the obligations of his or her matai title; and
 4. Meets any other criteria required by the family in accordance with custom and usage.
- ◆ A person convicted of an offence and who has served a sentence of imprisonment is **not eligible unless** there is **majority support** from that person's *aiga* for bestowment of the matai title.

What are the requirements for appointment of Matai Sa'o?

- ◆ There is no restriction on the number of Matai Sa'o who can be appointed. However, the selection and number of Matai Sao should not diminish the essence and importance of the Matai Sao.
- ◆ Matai Sa'o who are given the responsibility of serving the extended family should be domiciled in Samoa.

In what circumstances can a Matai Title be removed and how?

- ◆ As was the case under the repealed Land and Titles Act 1981, a Sa'o or Suli may petition the Court to remove a matai title where the holder of the title has either:
 - (a) Acted in a manner that brings disrepute to the family, village or community;
 - (b) failed to properly perform the duties of a Matai; or
 - (c) Has been convicted of a crime and served a sentence of imprisonment.

- ◆ The Land and Titles Act 2020 requires that a petition to remove a matai title from a suli may only be made by the Sa'o with pule over that matai title, with the **consensus** of suli; and a petition to remove a matai title of a Sa'o may be made by consensus of suli.

What are the validity requirements for bestowal of a Matai Title?

- ◆ Pursuant to section 15 of the Land and Titles Act 2020, the following requirements must be met before a Matai Title is registered in the Matai Title Register:
 - ⇒The person has been appointed as holder of the Matai Title in accordance with customs and usage;
 - ⇒A 'saofai' has been held in the village to which the Matai Title belongs;
 - ⇒The person being bestowed the title was physically present at the 'saofai';
 - ⇒The village council are present at the 'saofai'.
 - ⇒The Sui o le Nuu must attend the Saofai to carry out duties under the Land and Titles Act 2020.
- ◆ Where the Sui o le Nuu cannot attend, then written endorsement of at least five Matai who attended the Saofai is required.

What are the requirements for publication of an intention to bestow a Matai Title?

- ◆ A *fa'apogai* gives notice of intention to the Registrar accompanied by prescribed fee.
- ◆ The Registrar will publish the Notice of Intention in three consecutive issues of the Savali.
- ◆ A person may file an Objection Petition to the Notice of Intention to bestow a matai title within 4 months from the date of the first publication in the Savali.
- ◆ Where no objection is filed to the Notice of Intention, the Registrar will file a Petition for the confirmation of the Court and upon confirmation of the Court the traditional ceremony bestowing the matai title should be undertaken.
- ◆ The Applicant is responsible for the Petition filing and hearing fee.

Requirements after bestowal of a Matai Title?

- ◆ After bestowment of a Matai Title the Sui o le Nuu must, within **14 days**:
 - ⇒ Enter the full name of the person and particulars of the Saofai in a book approved by the Registrar;
 - ⇒ Forward the original record containing the above particulars to the Registrar;
- ◆ If the village in which a Matai Title was bestowed does not have a Sui o le Nuu, the Faapogai may file a petition for the confirmation of the Court.
- ◆ Upon receipt of original record containing these particulars, the Registrar will:
 1. Where Notice of Intention to Bestow a title has been published and no objections were filed, register the Matai title on to the Register; **OR**
 2. Where No Notice of Intention to Bestow a title was published, publish a Notice of Information in three consecutive issues of the Savali.
- ◆ The Registrar will register the matai title in the Matai Title Register, where there is no objection. If there is an objection, the validity of the bestowment will be determined by the Court.
- ◆ Where the Registrar is not satisfied that the requirements of section 15 are met, the Registrar will not register the matai title.

What are the offences relating to Matai titles?

Offence under the Act	Penalty upon Conviction
False information and misleading (Section 25)	50 Penalty Units (\$5,000.00 tala) or up to 3 years imprisonment.
Wrongful use of a Matai Title (Section 26)	10 Penalty Units (\$1,000.00 tala) or up to 12 months imprisonment

For further information, please contact our Offices in Mulinu'u or Tuasivi or on Telephone: 22671, 22672, 22674, 53514, 53552, 53521.