

# SHARKS MEMORANDUM OF UNDERSTANDING - NATIONAL REPORTING 2018

## FORMAT FOR NATIONAL REPORTS

The purpose of this reporting format is to monitor the implementation of the Conservation Plan. Its structure is therefore based on the five objectives of the Conservation Plan.

The form aims to gather information on a species-specific level to the greatest extent possible. However, should species-specific information not be available, Signatories may provide information on a general level.

## I. General information

Year:

> 2018

Signatory:

> SAMOA

### Report submitted by:

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Date of Submission:

> 2 November 2018

Contributors (if contributions were submitted by multiple entities):

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## II. Objectives of the Conservation Plan

### Objective A: Improving understanding of migratory shark populations through research, monitoring and information exchange

A 1. Which of these Annex I species are found in your waters?

- Alopias superciliosus
- Carcharhinus falciformis
- Alopias pelagicus
- Isurus oxyrinchus
- Manta alfredi
- Mobula japanica
- Mobula kuhlii
- Rhincodon typus
- Sphyrna lewini
- Sphyrna mokarran

A 2. Is your government compiling relevant data for improving understanding of migratory shark populations through research, monitoring and information exchange for species in Annex 1?

- Yes

Please choose all species for which your government is compiling data from the list below:

- Carcharhinus falciformis
- Rhincodon typus

**Carcharhinus falciformis** - please indicate for this species, for which aspects data are compiled and provide details on research, initiatives, programmes and monitoring activities:

- Essential marine habitats
- Provide information about research, initiatives, and programmes etc.:

> As part of the ongoing efforts to protect sharks in Samoa, research into the population status of sharks was conducted for the first time for 2 weeks at 2 identify sites on the southern side of Upolu Island in 2017. The baseline surveys collected data using the Baited Remote Underwater Video System (BRUVS) method for analysis of their abundance and distribution. It ended with a presentation of the preliminary results of the research to interested partners and stakeholders. The research was in collaboration with SPREP, Australia Institute of Marine Science (AIMS) and the Ministry of Agriculture and Fisheries and funded by the Paul G. Allen Foundation and Vulcan Inc, under the Global FinPrint Project.

Of importance, the research was not intended to target specific shark species but for any shark species encountered in order to identify their diversity, abundance and distribution.

All the by-catch data from the Observer Program under the Fisheries Division of the Ministry of Agriculture & Fisheries are reported in the WCPFC Annual Report 2016 (attached)

You have attached the following documents to this answer.

[AR-CCM-21\\_SAMOA\\_PART\\_1.pdf](#) - annual report to the WCPFC

**Rhincodon typus** - please indicate for this species, for which aspects data are compiled and provide details on research, initiatives, programmes and monitoring activities:

- Other
- Provide information about research, initiatives, and programmes etc.:

> These are opportunistic sighting during Whale and Dolphin surveys and are documented for their distribution when they are encountered.

### Objective B:

#### Ensuring that directed and non-directed fisheries for shark are sustainable

B1. Are species listed in Annex I caught in your nation's waters (as target or incidental catch) and in what quantity?

- Yes

Please select from the list below

- Carcharhinus falciformis

#### Carcharhinus falciformis

Please indicate for this species, the amount caught as targeted and/or incidental catch, the unit (e.g. kg,

tons) and specification (e.g. dry, dressed, frozen):

Incidental catch

For incidentally caught specimens, please provide details on their fate:

Safe release alive

Discard dead

B2. What management measures (please be as specific as possible) are in place for species listed on Annex 1 of the MoU, and when were they implemented?

Management measures are in place

Please provide details

> The Marine Wildlife Protection Regulation 2009 (principal Regulation) as well as the the amended Regulation 2018.

B3. Has your country prohibited the taking of species listed in CMS Appendix I?

Yes

Please describe protection measures and reasons for any exceptions made and provide references to policy documents (legislation, management plans etc.).

> Prohibitions:

Any person who:

(a) commercially fishes specifically for sharks within the exclusive economic zone of Samoa; or

(b) has in possession, sells, receives, purchases, trades, import or export sharks, shark parts or products; or

(c) tranships any sharks, shark parts or products; or

(d) has retained any shark by-catch, whether dead or alive; or

(e) uses wire leaders or wire trace and/or shark lines; or

(f) has on-board or stores on-board a fishing vessel any shark or, shark parts/products; or

(g) catches, captures or intentionally engages in fishing for sharks to remove shark fins,

commits an offence and shall be liable upon conviction to a fine and penalty of 500 - 1,000 penalty units or imprisonment of not less than 3 years.

Exemption:

It is not an offence if;

(a) a shark is killed for the purpose of protecting humans; or

(b) a citizen of Samoa takes or catches a shark using non-motorised fishing vessels for non-commercial purposes, unless it is a shark species listed as protected.

Refer to attached Regulations under PART IV SHARKS

You have attached the following documents to this answer.

[Marine\\_Wildlife\\_Protection\\_Amendment\\_Regulations\\_2018\\_\(Signed\).pdf](#) - amendment regulations 2018

### **Objective C:**

#### **Ensuring to the extent practicable the protection of critical habitats and migration corridors and critical life stages of sharks**

C1. Does your country protect habitats of species listed on Annex 1 of the MoU?

Yes

Please describe the measures taken to protect the area, at which time the area was protected and the size of the area.

> Samoa is a Shark Sanctuary that covers the EEZ (128,000 sq.km) established in 2018.

All shark species are protected under the Regulation and within the Shark Sanctuary.

### **Objective D:**

#### **Increasing public awareness of threats to sharks and their habitats, and enhance public participation in conservation activities**

D1. Is your government taking steps to improve public knowledge on migratory sharks?

Yes

Please select from the options below, on which aspects your government is raising awareness and provide further details as appropriate in the text boxes:

A - Sharks importance in the ecosystem

B - Threats to sharks

C - Threats to marine and coastal habitats

- D - This Memorandum of Understanding
- E - International conservation policies regarding sharks

### **III. Please provide any additional information relevant to the Conservation Plan for species listed on Annex 1, or in general, provide any information about what you know about sharks in your waters.**

Please describe:

>  Education and Public Awareness

- Six community consultation workshops on Sharks were completed in March 2017 (report attached).
- Two (2) fact sheets on sharks and one (1) shark children's story book "The Adventures of Shark Stanley & Friends" by the Pew Charitable Trust have been translated into Samoan. The fact sheets are on the importance of sharks, and the need for shark compliance.

The children's story book in Samoan called "O le tafaoga a le malie o Sitū ma ana Uō", was launched during the national commemoration of the International Day for Biological Diversity on 27 June 2018, in partnership with SPREP. The story is about the journey of sharks and the threats they encounter on the way such as plastics, overfishing and how we can help protect sharks from these threats.

- Shark awareness campaign - Two side events were hosted at two different sites in Upolu island during the national Alo Paopao festival in August 2017, to raise awareness of the general public on the importance of sharks. There were interactive activities for both adults and children, to learn more about sharks and why they've become threatened. People were also asked to pledge for the protection of sharks. The campaign was in collaboration with SPREP, Conservation International (CI) and Samoa Conservation Society (SCS).

Link: <https://www.sprep.org/news/150-people-pledge-protect-sharks-alo-paopao-paddling-festival>

- Regular educational presentations were undertaken for science students of the National University of Samoa (NUS) to understand more about one of the most misunderstood species, the sharks. This is a continuous partnership with the Institution to raise the educational capacity and awareness of the students and potentially encourage them towards an environmentalist and conservationist based career path.

- The Ministry of Natural Resources and Environment conducted a total of 11 nationwide district level community awareness on the Marine Wildlife Protection Amendment Regulations 2018 from 30 April to 17 May 2018. The awareness aims to address new and emerging issues and to strengthen conservation and management measures for the protection of whales, dolphins, turtles and sharks. Thus, the community awareness was the opportunity to raise the awareness of the people on the amended regulations currently in place and remind them of the importance of these species to our ecosystem, economy and our culture. This was made possible with the financial support of the UNDP and co-financing from SPREP.

- Awareness and educational videos clips were produced and aired on national television stations on the:

- importance of sharks on the marine ecosystem, and
- the importance of sharks on the economy and Samoa's culture as well as the threats they face (English and Samoan).

> International Cooperation

- Pacific Ministerial Shark Symposium, 1 - 2 March 2018

- The Government of Samoa, with support from the Pew Charitable Trusts, Paul G. Allen Philanthropies and Global FinPrint Project, and SPREP; hosted a Pacific Ministerial Shark Symposium on 1 and 2 March 2018. The meeting was attended by 10 Pacific countries in support of the Blue Pacific concept adopted at the Pacific Islands Forum in 2017. The Ministerial Declaration from the meeting included: a call prohibiting the import and export of shark products, increased collaboration and information sharing to ensure strict compliance with conservation measures, encouragement for the creation of further shark sanctuaries, development of measures to reduce lethal by-catch, development of best practice standards for ecotourism, and encouragement to be more active in the Western and Central Pacific Fisheries Commission.

Link <https://www.sprep.org/news/samoa-hosts-pacific-ministerial-shark-symposium>

> Protection of migratory species, conservation measures

- National Enforcement Workshop

- The Ministry of Natural Resources and Environment facilitated a national enforcement workshop for key stakeholders and representatives of communities on the 27 and 28 February 2018, which highlighted the Marine Wildlife Protection Amendment Regulations 2018. The workshop focused mainly on raising the awareness on provisions for Sharks in order to equip participants with a stronger understanding of the importance of sharks and rays in our marine ecosystems, to our economy, and also our culture but also importantly, are the conservation measures that regulate the commercial fishing and trade of all shark and ray species in Samoa. It was a call for a more holistic approach through joined efforts among various government agencies, key stakeholders and communities in strengthening the implementation, enforcement and compliance of the shark sanctuary provisions at the national level.

Link: <https://www.mnre.gov.ws/enforcing-shark-and-ray-protection-in-samoa/>

- National Shark Sanctuary

- The Government of Samoa hosted a special event on 1 March 2018 during the Pacific Ministerial Shark Symposium in which the Prime Minister of Samoa, officially announced Samoa's national shark sanctuary throughout its EEZ. Links: <https://www.sprep.org/news/samoa-establishes-sanctuary-sharks-and-rays-its-national-waters>

[http://www.samoobserver.ws/en/06\\_03\\_2018/local/30804/Samoa-becomes-eighth-Shark-sanctuary-in-Pacific.htm](http://www.samoobserver.ws/en/06_03_2018/local/30804/Samoa-becomes-eighth-Shark-sanctuary-in-Pacific.htm)

- National Marine Sanctuary

- In March 2018, Samoa joined 16 other countries in establishing a National Marine Sanctuary to protect, conserve and sustainably managed turtles, sharks, whales and dolphins throughout the Exclusive Economic Zone (EEZ).

> Administrative, Institutional and Legislative/Policy measures

The Marine Wildlife Protection Regulation 2009 underwent review and amendment to ensure that it addresses new and emerging issues and to strengthen conservation and management measures for the protection of whales, dolphins, turtles and sharks:

- After much nationwide awareness and consultation with the communities and key stakeholders, the national Marine Wildlife Protection Amendment Regulations 2018 was officially endorsed by the Head of State on 1 March 2018.

You have attached the following documents to this answer.

[Shark-Awareness-Community-Consultation-Report-FINAL.pdf](#) - Shark awareness community consultation report

#### **IV. Have you identified any gaps or needs in the field of research, capacity-building, training, data collection etc. relevant to the conservation of Annex 1 species?**

Please describe:

- > - Fisheries data on sharks are obtained mainly through observer programs, market and port landings and roadside surveys. In mid-2017 for the first time in Samoa, a baseline study on the abundance and diversity of sharks and ray was conducted using baited remote underwater video systems (BRUVS). The research was carried out in only two sites in Upolu Island mainly in the lagoon areas and the reef slopes; thus, the findings are an insignificant representation for Samoa as a whole (full report is yet to be published). There may be plenty research been conducted on sharks in other parts of the world but is not the case for Samoa. There is still very limited research and information on sharks in our waters especially on their abundance and diversity, also on identifying areas of feeding grounds and hotspots as well as refuges so that appropriate protection and conservation measures are prioritized in these areas. There is a need for further research using BRUVS to cover other marine areas of Samoa as well as thorough training on the analysis of data.
- There is a need for thorough training on the identification of shark species which is important for data collection and reporting on species specific cases for sharks listed under Annex 1, but also for ease of compliance and enforcement with national regulations.
- There is a need to continue to raise the awareness of the general public via media outlets such as television ads and notices as well as radio talk back shows. In addition, is the installation of signboard to inform various travelers and the general public to continue to raise the awareness that the waters of Samoa is a sanctuary for sharks.





# SAMOA

## MARINE WILDLIFE PROTECTION REGULATIONS 2009

### Arrangement of Provisions

#### **PART I PRELIMINARY**

1. Short title and commencement
2. Interpretation
3. Application in the Exclusive Economic Zone

#### **PART II MARINE MAMMALS**

4. Reporting incidents involving marine mammals
5. Offences against marine mammals
6. Whale and dolphin watching and eco-tourism activities

#### **PART III TURTLES**

7. Reporting incidents involving turtles
8. Offences against turtles
9. Turtle watching and eco-tourism activities

10. Planning requirements applying to turtle nesting areas

#### **PART IV SHARKS**

11. Offences against sharks

#### **PART V SPECIES WHICH MIGRATE TO SPAWN**

12. Species to which this Part applies
13. Offences against species which migrate to spawn

#### **PART VI SPECIES OF CONSERVATION CONCERN**

14. Designated species of conservation concern

15. Management plans for species of conservation concern

19. General procedures applying to permits and licences
20. Offences in relation to permits and licences

**PART VII  
PERMITS AND SCIENTIFIC  
RESEARCH**

**PART VIII  
MISCELLANEOUS**

16. Requirement to obtain a permit for certain activities
17. Newly discovered species
18. Authorised tagging operations

21. General offence provision
22. Offences in relation to the export of marine wildlife
23. Application of relevant fisheries regulations

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PURSUANT to section 146(2)(s) of the Lands, Surveys and Environment Act 1989, I, TUI ATUA TUPUA TAMASESE EFI, Head of State, acting on the advice of Cabinet **HEREBY MAKE** the following Regulations:

DATED at Apia this .....<sup>16<sup>th</sup></sup>..... day of .....<sup>July</sup>..... 2009.



.....  
(Tui Atua Tupua Tamasese Efi)

**HEAD OF STATE**

**REGULATIONS**

**PART I  
PRELIMINARY**

**1. Short title and commencement-(1)** These Regulations may be cited as the Marine Wildlife Protection Regulations 2009.

(2) These Regulations shall come into effect on the date they are signed by the Head of State.

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

“the Act” means the Lands, Surveys and Environment Act 1989;

“Chief Executive Officer” means the Chief Executive Officer of the Ministry of Natural Resources, Environment and Meteorology;

“the Division of Environment” means the Division of Environment of the Ministry of Natural Resources, Environment and Meteorology;

“the Fisheries Division” means the Fisheries Division of the Ministry of Agriculture;

“harass” includes the doing of any act which:

(a) causes or is likely to cause injury or distress to any marine wildlife; or

(b) disrupts significantly or is likely to disrupt significantly the normal behavioural patterns or movements of any marine wildlife.

“marine mammal” means any member of the species of the class mammalia at any stage of its lifecycle, including:

(a) all baleen whales (mysticetes);

(b) all toothed whales (odontocetes); and

(c) all dolphins,

in Samoan waters, including marine mammals which are migrating through Samoan waters;

“Minister” means the Minister of Natural Resources, Environment and Meteorology;

“Samoa waters” means all areas of Samoa’s internal waters, territorial sea, contiguous zone and exclusive economic zone as defined by the Maritime Zones Act 1999, and includes the seabed and subsoil of the territorial sea.

(2) Where any doubt arises as to whether any particular marine wildlife falls into the scope of term used in these regulations, a determination made by the Chief Executive Officer in this regard shall be conclusive of the matter.

3. **Application in the Exclusive Economic Zone** - These Regulations apply to all relevant activities by persons within the Samoa's exclusive economic zone as defined by the Maritime Zones Act 1999.

## PART II MARINE MAMMALS

4. **Reporting incidents involving marine mammals-(1)** Any person who accidentally captures, injures or kills a marine mammal whilst undertaking any fishing activity in Samoan waters shall report the incident as soon as practicable to:

- (a) the Division of Environment; and
- (b) the Fisheries Division.

(2) A person who is required to report an incident under subregulation (1) shall provide such information and verification of the matters reported as is required by the Division of Environment and the Fisheries Division.

(3) The Pulenuu of any village at which a marine mammal is found stranded or in distress shall report the matter as soon as practicable to the Division of Environment and the Fisheries Division, and shall take all practicable steps to ensure that the marine mammal is protected while it is alive.

5. **Offences against marine mammals-(1)** Any person who kills, injures or harms a marine mammal in Samoa's waters by:

- (a) the use of a harpoon, spear, firearm or any other instrument or thing capable of wounding or killing a marine mammal;
- (b) any deliberate act intended to kill or cause injury to the marine mammal;

- (c) any act done without regard for preserving the life or safety of the marine mammal; or
- (d) any act of whatever nature which is unlawful or in breach of any condition applying by law to the activities of the person,

commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

(2) Any person who harasses a marine mammal which has been stranded or which is found in distress commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

(3) Any person who takes or makes use of any part of a stranded marine mammal without first reporting the matter to the Division of Environment commits an offence and shall be liable upon conviction to a fine not exceeding 10 penalty units.

(4) Any person who:

- (a) keeps a marine mammal in captivity; or
- (b) takes or attempts to take a marine mammal from Samoan waters for the purpose of keeping it in captivity,

without a permit authorising the taking and keeping of the marine mammal issued under these regulations, or any other permit issued for any lawful purpose related to the conservation, health or welfare of the marine mammal, commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

**6. Whale and dolphin watching and eco-tourism activities-**(1) Any tourism or whale watching related activity conducted for commercial, scientific or any other purpose within the vicinity of a marine mammal or a recognised marine mammal habitat must be licensed by the Division of Environment and shall be undertaken:

- (a) in accordance with any condition imposed in relation to the licence;
- (b) in accordance with any Guidelines approved from time to time by the Minister and published by the Division of Environment; and

(c) so as to not affect the natural migration of marine mammals through Samoan waters or interfere with their movement and activities.

(2) A person who does any act in breach of subregulation (1) commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

(3) The Guidelines approved under regulation 6(1)(b) shall be observed by all boat operators when they are in the vicinity of a marine mammal.

### PART III TURTLES

**7. Reporting incidents involving turtles-**(1) Any person who accidentally captures, injures or kills a marine turtle whilst undertaking any fishing activity in Samoan waters shall report the incident as soon as practicable to:

- (a) the Division of Environment; and
- (b) the Fisheries Division.

(2) A person who is required to report an incident under subregulation (1) shall provide such information and verification of the matters reported as is required by the Division of Environment and the Fisheries Division.

(3) The Pulenuu of any village at which a turtle (other than a green turtle or hawksbill turtle taken for subsistence purposes) is killed or held in captivity shall report the matter as soon as possible to the Division of Environment and the Fisheries Division, and shall take all practicable steps to ensure that any such turtle held in captivity is released or kept alive until the arrival of an officer of the Division of Environment or a Fisheries Officer.

**8. Offences against turtles-**(1) Subject to subregulation (3), any person who:

- (a) undertakes any activity related to the commercial fishing of turtles;
- (b) takes, catches or fishes for turtles in the territorial sea or the exclusive economic zone;

(c) takes, catches or fishes for turtles beyond the barrier reefs of any part of Samoa, commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

(2) Subject to subregulation (3), any person who:

- (a) fishes for or deliberately takes any marine turtle;
- (b) fails to release any turtle which is accidentally caught or taken;
- (c) fails to report the accidental capture of a turtle to the Division of Environment or the Fisheries Division;
- (d) keeps a turtle in captivity, except under the authority of a permit for scientific purposes or any other lawful purpose related to the conservation, health or welfare of that turtle;
- (e) takes a female turtle migrating to egg laying grounds between the 1<sup>st</sup> day of November and the last day of February of each year;
- (f) takes a female turtle while laying eggs or which is in an egg laying ground;
- (g) disturbs any turtle eggs;
- (h) takes or has in his or her possession any turtle eggs;
- (i) sells or purchases any turtle eggs;
- (j) interferes with or disturbs any turtle nest; or
- (k) exports any turtle shell or other turtle product,

commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

(3) A person shall not commit an offence against subregulation (1)(b) or (c) or subregulation (2)(a) if the turtle taken, caught or fished for is:

- (a) a green turtle (*Chelonia mydas*); or
- (b) a hawksbill turtle (*Eretmochelys imbricata*),

to be used for subsistence purposes and taken in accordance with any requirement applying under the fisheries legislation in relation to size, closed seasons or any other matter.

9. Turtle watching and eco-tourism activities-(1) Any tourism or turtle watching related activity conducted for commercial, scientific or any other purpose within the vicinity

of turtles and their nesting areas must be licensed by the Division of Environment and shall be undertaken:

- (a) in accordance with any condition imposed in relation to the licence;
- (b) in accordance with any Guidelines approved from time to time by the Minister and published by the Division of Environment; and
- (c) so as to not affect their movement and activities.

(2) A person who does any act or thing in breach of subregulation (1) commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

**10. Planning requirements applying to turtle nesting areas** - Where any development requiring a development approval under any law is proposed in the vicinity of a turtle nesting area, the assessment of the development shall:

- (a) be in accordance with any guidelines relating to the protection of turtles and their nesting areas, approved from time to time by the Minister; and
- (b) otherwise take account of all potential impacts on the turtles and their nesting areas.

#### **PART IV SHARKS**

**11. Offences against sharks-**(1) In this regulation:

“accidentally land” means the act of taking a shark whilst fishing for any other species of fish; and

“proper purpose” means the use of a shark as food for humans or animals, as bait for fishing or the production of any saleable or usable product.

(2) Any person who:

- (a) commercially fishes specifically for sharks;
- (b) fishes for or takes a shark without intending to consume it or use it for any proper purpose;
- (c) lands any shark fin without the associated carcass;



- (d) is not licensed under the fisheries laws to take sharks as a by-catch, and who fails to release any shark accidentally landed, if the shark is alive at the time it is landed; or
  - (e) accidentally lands a shark which dies before its release, and who does not consume it or use it for any other proper purpose,
- commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

(3) It shall not be an offence against subregulation (1) if a shark is killed for the purpose of protecting human life.

## PART V SPECIES WHICH MIGRATE TO SPAWN

12. **Species to which this Part applies-**(1) This Part applies to any species of marine wildlife which migrate in schools to spawn which are determined from time to time by the Minister and notified by the Chief Executive Officer:

- (a) in a newspaper circulating within Samoa;
- (b) by any other appropriate means determined by the Chief Executive Officer; and
- (c) by the giving of notice to all persons licensed to fish in Samoan waters.

(2) The Minister shall ensure that consultations have been held with the Division of Fisheries before making a determination under subregulation (1).

13. **Offences against species which migrate to spawn -**  
Any person who:

- (a) takes or fishes for any species to which this Part applies while they are aggregating to spawn;
- (b) interferes with or disturbs any species to which this Part applies during their spawning or breeding activities;
- (c) takes or fishes for any species to which this Part applies while they are migrating in schools to their spawning or breeding grounds; or

(d) undertakes any scientific research into the aggregating breeding populations of a species to which this Part applies without a licence issued or recognised under these regulations, commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

## PART VI SPECIES OF CONSERVATION CONCERN

14. **Designated species of conservation concern-**(1) All endemic species of marine wildlife are species of conservation concern.

(2) The Minister may, from time to time, designate species of marine wildlife to be species of conservation concern.

(3) A decision made by the Minister under subregulation (1) shall be notified by the Chief Executive Officer:

- (a) in a newspaper circulating within Samoa;
- (b) by any other appropriate means determined by the Chief Executive Officer; and
- (c) by the giving of notice to all persons licensed to fish in Samoan waters.

15. **Management plans for species of conservation concern-**(1) When making a decision to designate a species of marine wildlife to be a species of conservation concern under regulation 14, the Minister shall approve a management plan applying to the protection and conservation of that species.

(2) A management plan approved under subregulation (1) shall make provision for any appropriate aspect of the protection and conservation of the designated species including:

- (a) restrictions or prohibitions on fishing for or taking any wildlife of the designated species, either generally or in particular locations;
- (b) restrictions or prohibitions on the use of any particular device or means of fishing for or taking the designated species;

- (c) restrictions or prohibitions on any development adversely affecting individuals or populations of the designated species, or habitat critical to the survival of the designated species;
- (d) restrictions or prohibitions on any operation adversely affecting individuals or populations of the designated species, or habitat critical to the survival of the designated species;
- (e) the introduction of measures deemed essential to the recovery of populations of the designated species, where that species is identified as being of conservation concern on the grounds of declined or declining population numbers;
- (f) the introduction of measures deemed essential to the restoration of habitat critical to the designated species where that species is identified as being of conservation concern on the grounds of habitat loss or degradation;
- (g) the designation of protected areas or reserves for the designated species;
- (h) any reporting requirement in relation to the designated species; and
- (i) any other matter necessary for or incidental to the protection and conservation of a designated species.

(3) Any person who breaches any requirement, restriction or prohibition in a management plan approved under this regulation commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

## PART VII PERMITS AND SCIENTIFIC RESEARCH

**16. Requirement to obtain a permit for certain activities-**(1) A permit must be obtained prior to any person undertaking any activity involving:

- (a) scientific research into any marine wildlife being -
  - (i) marine mammals;
  - (ii) turtles;

- (iii) sharks;
  - (iv) species which migrate to spawn as designated under Part V;
  - (v) other species of conservation concern as designated under Part VI; and
  - (vi) any newly discovered species of marine wildlife designated under regulation 17;
- (b) keeping in captivity any marine mammal, turtle or species of conservation concern designated under Part VI;
  - (c) the capture and display of any marine wildlife for tourism or scientific purposes;
  - (d) the taking of any part of a stranded marine mammal;
  - (e) the taking of any marine wildlife for the marine aquarium trade;
  - (f) commercial diving tours and other tourism operations affecting marine wildlife and the marine habitat;
  - (g) the export of any marine wildlife, or product of marine wildlife, as provided for by the Convention on International Trade in Endangered Species (CITES) 1973; or
  - (h) the export of any sample of marine wildlife collected during any scientific research,

**PROVIDED THAT** no permit shall authorise the use of methodologies of scientific research into marine mammals or turtles which result in the death of any member of these species.

(2) A permit, licence or authorisation issued or given under the fisheries legislation may be deemed to be sufficient authorisation for any activity under this regulation if the Chief Executive Officer considers that the conditions applying to the permit, licence or authorisation are adequate for the protection of the species of marine wildlife concerned.

(3) Where a permit, licence or authorisation has been issued or given under the fisheries legislation authorising any activity which requires a permit under this Regulation:

- (a) the Chief Executive Officer may request the Division of Fisheries for the imposition of any additional condition on the permit, licence or authorisation

to ensure the protection and conservation of the marine wildlife concerned; or

- (b) require that an additional permit be obtained under these Regulations,

if it is considered that the conditions applying to the permit, licence or authorisation issued or given under the fisheries legislation are not sufficient to ensure the conservation and protection of the relevant marine wildlife.

**17. Newly discovered species-**(1) This regulation applies to any species of marine wildlife which has been recently discovered in Samoan waters and which is designated by the Minister to be a newly discovered species.

(2) A decision made by the Minister under subregulation (1) shall be notified by the Chief Executive Officer:

- (a) in a newspaper circulating within Samoa;
- (b) by any other appropriate means determined by the Chief Executive Officer; and
- (c) by the giving of notice to all persons licensed to fish in Samoan waters.

(3) Any person who:

- (a) harvests or takes any newly discovered species without a permit issued under or recognised by these Regulations; or
- (b) undertakes any scientific research into a newly discovered species without a permit issued under or recognised by these Regulations,

commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

**18. Authorised tagging operations-**(1) This regulation applies to any activity undertaken by the Division of Environment in which marine wildlife are tagged for the purpose of any scientific study.

(2) The Minister may impose any condition applying to tagging operations to which this regulation applies which:

- (a) limit the right to remove tags;
- (b) prohibit the sale of any tagged marine wildlife;

- (c) require the reporting of any matter upon the taking or finding a tagged marine wildlife;
- (d) require the release and reporting of any tagged marine wildlife taken or found; or
- (e) otherwise facilitate the scientific research being undertaken in connection with the tagging operations.

(3) Conditions imposed under subregulation (2) shall be notified by the Chief Executive Officer:

- (a) in a newspaper circulating within Samoa;
- (b) by any other appropriate means determined by the Chief Executive Officer;
- (c) by the giving of notice to all persons licensed to fish in Samoan waters; and
- (d) by the placing of any sign at any place in the vicinity of the tagging operations.

(4) Any person who:

- (a) removes any tag from tagged marine wildlife in breach of a condition imposed under subregulation (2);
- (b) sells any marine wildlife that is or has been tagged, and which may not be sold;
- (c) fails to release any tagged wildlife that is caught and required to be released, if the tagged animal is alive; or
- (d) fails to report the taking of any tagged wildlife, together with the particulars which are required to be given,

commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

(5) The Pulenuu of any village at which a tagged animal is caught, stranded or found shall report the matter to the Division of Environment and the Fisheries Division as soon as practicable.

**19. General procedures applying to permits and licences-**(1) Applications for a permit or licence required under these regulations shall be made to the Chief Executive Officer

and shall contain such information as is required by the Chief Executive Officer.

(2) The fee for all licences and permits shall be \$500 and the Chief Executive officer shall have the power to:

- (a) exempt any licence or permit from the fee if the work to be undertaken is done for or for the benefit of the Division of Environment;
- (b) impose any additional fee set by the Chief Executive Officer for -
  - (i) any necessary inspection;
  - (ii) any monitoring of an approved activity; and
  - (iii) the placing of any observers in relation to an approved activity.

(3) The Minister may:

- (a) refuse an application on any ground associated with the protection and conservation of marine wildlife;
- (b) grant an application and authorise the issue of a permit or licence; and
- (c) impose any conditions on the permit or licence, including those relating to -
  - (i) the duration of a permit or licence;
  - (ii) any matter which shall result in the early termination of the permit or licence;
  - (iii) any aspect of the protection and conservation of the relevant marine wildlife; and
- (d) impose any additional conditions during the currency of a permit or licence so as to ensure the protection and conservation of marine wildlife.

**20. Offences in relation to permits and licences** - Any person who:

- (a) undertakes any activity which is required to have a permit or licence under these regulations, while no such permit has been issued or is in force;
- (b) breaches any condition imposed in relation to a permit or licence issued under these regulations;

(c) breaches any additional condition imposed under regulation 16(3); or

(d) uses any methodology in scientific research or other permitted activity which leads to the death or injury of the marine wildlife,

commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

## PART VIII MISCELLANEOUS

21. **General offence provision** - Any person who breaches any requirement of these regulations for which no penalty is specifically provided commits an offence and shall be liable upon conviction to a fine not exceeding 20 penalty units.

22. **Offences in relation to the export of marine wildlife** - Any person who exports marine wildlife:

(a) without an approval given under these regulations;  
or

(b) in breach of any provision or requirement of the Convention on International Trade in Endangered Species (CITES) 1973,

commits an offence and shall be liable upon conviction to a fine not exceeding 50 penalty units.

23. **Application of relevant fisheries regulations**-(1) These regulations supplement any regulation made under fisheries legislation protecting any part of the fisheries resource of Samoa, and do not affect the validity of any such regulation in any way.

(2) Where any act or activity gives rise to a breach of these regulations and any regulation made under the fisheries legislation, officers of the Division of Environment and the Fisheries Division may determine that proceedings shall be taken under either of the regulations, and shall collaborate in relation to the taking of the proceedings.



(3) Where proceedings have been commenced in relation to breaches arising from an act or activity under both these regulations and a regulation made under fisheries legislation, officers of the Division of Environment and the Fisheries Division shall determine which proceedings shall continue and which shall be withdrawn.

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15. Fuafuaga tau pulega mo  
ituaiiga o meaola ua  
faatatauina e faasaoina

VAEGA VII  
PEMITA MA SUESUEGA  
FAASAIENISI

16. Manaoga ina ia maua se  
pemita mo nisi gaoioiga
17. Ituaiga o meaola fou ua maua
18. Gaoioiga faatagaina mo le  
faailogaina o ituaiiga o  
meaola
19. Taualumaga lautele e  
faaogā i pemita ma laisene

20. Soligatulafono e faasino i  
pemita ma laisene

VAEGA VIII  
AIAIGA ESEESE

21. Aiaiga lautele mo  
soligatulafono
22. Soligatulafono e faasino i le  
auina atu i fafo o meaola o le  
gataifale
23. Faaaogāina o tulafono  
faatonutonu e talafeagai i  
faiga faiva

E TUSA AI o le fuaiupu 146(2)(s) o le Tulafono o Fanua ma  
Siosiomaga 1989, 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 Apia i lenei aso ..... 14 ..... o ..... 2009.

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

**TULAFONO FAATONUTONU**

**VAEGA I  
FAATOMUAGA**

1. Igoa puupuu ma le amataga-(1) E mafai ona taʻua nei  
Tulafono Faatonutonu o Tulafono Faatonutonu o Puipuga o  
Meaola o le Gataifale 2009.

# SAMOA

## TULAFONO FAATONUTONU O PUIPUIGA O MEAOLA O LE GATAIFALE 2009

### Faatulagaina o Aiaiga

#### VAEGA I FAATOMUAGA

1. Igoa puupuu ma le amataga
2. Faamatalaina o uiga o upu
3. Faaagāina i totonu o le Sone  
Faapitoa tau le Tamaoaiga

#### VAEGA II MAMELE O LE GATAIFALE

4. Lipotia o gaioiga e aafia ai  
mamele o le gataifale
5. Soligatulafono e faasaga i  
mamele o le gataifale
6. Gaioiga tau mataaga i tafola  
ma manua ma tafaoga  
maimoa faapitoa i le  
siosiomaga

#### VAEGA III LAUMEI

7. Lipotia o gaioiga e aafia ai  
laumei
8. Soligatulafono e faasaga i  
laumei
9. Gaioiga o mataaga i laumei  
ma tafaoga maimoa faapitoa  
i le siosiomaga

10. Manaoga o fuafuaga e  
faaogā i nofoaga e tautuufua  
ma fananau ai laumei

#### VAEGA IV MALIE

11. Soligatulafono e faasaga i  
malie

#### VAEGA V ITUAIGA O MEAOLA E FEOAI E TAUTUUFUA

12. Ituaiga meaola e faaogā i ai  
lenei Vaega
13. Soligatulafono e faasaga i  
ituaiga o meaola e feoai e  
tautuufua

#### VAEGA VI ITUAIGA O MEAOLA UA FAATATAUINA E FAASAOINA

14. Ituaiga ua faatulagaina mo le  
faatatauina e faasaoina

(2) O nei Tulafono Faatonutonu e tatau ona 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:

“o le Tulafono” o lona uiga o le Tulafono o Fanua ma Siosiomaga 1989;

“Ofisa Sili o Pulega” o lona uiga o le Ofisa Sili o Pulega o le Matagaluega o Punaoa Faalenatura, Siosiomaga ma Vaai Tau;

“o le Vaega o le Siosiomaga” o lona uiga o le Vaega o le Siosiomaga o le Matagaluega o Punaoa Faalenatura, Siosiomaga ma Vaai Tau;

“Vaega o Faiga Faiva” o lona uiga o le Vaega o Faiga Faiva o le Matagaluega o Faatoaga;

“faiga faatautala” e aofia ai le faia o so o se gaioiga e:

(a) faapogai ai po o e faaono faapogai mai ai se manua po o se mafatiaga i so o se meaola o le gataifale;

(b) e faalavelave ai i se tulaga matuia po o e faaono faalavelave ai i se tulaga matuia i le uiga masani o amioga po o gaioiga a so o se meaola o le gataifale.

“mamele o le gataifale” o lona uiga o so o se ituaiga meaola o le vasega o mamele i so o se laasaga o le olaga, e aofia ai:

(a) tafola uma o le ituaiga o le mysticetes;

(b) tafola uma o le ituaiga o le odontocetes; ma

(c) ituaiga uma o manua,

i totonu o sami o Samoa, e aofia ai mamele o le gataifale ia o lo o feoi i totonu o sami o Samoa;

“Minisita” o lona uiga o le Minisita o Punaoa Faalenatura, Siosiomaga ma Vaai Tau;

“sami o Samoa” o lona uiga o vaega uma o ogasami i totonu o Samoa, sami o le atunuu, sone tuaoi ma sone faapitoa tau le tamaoaiga e pei ona faamatala manino

mai e le Tulafono o Sone Tau Folauga i le Sami 1999, ma e aofia ai le alititai ma eleele laualalo o le sami o le atunuu;

(2) Afai ua tulai mai so o se tulaga e masalomia ai pe ua aofia ai so o se meaola o le gataifale ua faamaoti mai i totonu o le aotelega o fuaitau o lo o faaaogā i totonu o nei tulafono faatonutonu, o se fuafuaga ua faia e le Ofisa Sili o Pulega e uiga i lea tulaga, e tatau ona maua ai se faaiuga maumaututu o le mataupu.

3. Faaaogāina i totonu o le Sone Faapitoa tau le Tamaoiga - Ua faaaogāina nei Tulafono Faatonutonu i gaoioga talafeagai uma a tagata i totonu o le sone faapitoa tau le tamaoiga e pei ona faamatala manino mai e le Tulafono o Sone Tau Folauga i le Sami 1999.

## VAEGA II MAMELE O LE GATAIFALE

4. Lipotia o gaoioga e aafia ai mamele o le gataifale-(1) E tatau i so o se tagata ua ia maua, faamanualia po o le fasimateina faafuaseia o se mamele o le gataifale a o faia se gaoioga tau faiga faiva i totonu o sami o Samoa, ona lipotia sea gaoioga i se taimi vave lava e mafai ai i le:

(a) Vaega o le Siosiomaga; ma

(b) le Vaega o Faiga Faiva.

(2) E tatau i se tagata o lo o manaomia ina ia lipotia se gaoioga i lalo o le tulafono faatonutonu laitiiti (1), ona tuuina atu sea faamatalaga ma faamaoniga e uiga i mataupu ua lipotia e pei ona manaomia ai e le Vaega o le Siosiomaga ma le Vaega o Faiga Faiva.

(3) E tatau i le Pulenuu o so o se nuu lea o lo o paulia ai se mamele o le gataifale po o lo o mafatia ai, ona lipotia mai lenei mataupu i se taimi vave lava e mafai ai i le Vaega o le Siosiomaga ma le Vaega o Faiga Faiva, ma e tatau ona faia laasaga uma e mafai ona faatino ina ia faamautuina ai e faapea ua puihua le mamele o le gataifale i le taimi o lo o ola ai.

5. Soligatulafono e faasaga i mamele o le gataifale-(1)  
So o se tagata ua ia fasimateina, faamanualia po o le faaoo o se mafatiaga i se mamele o le gataifale i totonu o sami o Samoa e ala i le:

- (a) faaaogāina o le fana matatao, tao, fana po o so o se isi meafaigaluega po o se mea e mafai ona faamanualia pe fasimateina ai se mamele o le gataifale;
- (b) so o se gaoioiga ua faia ma le loto i ai i le faamoemoe e fasimate po o le faamanualia o se mamele o le gataifale;
- (c) so o se gaoioiga ua faia e aunoa ma se manatu e faasaoina le ola po o le saogalemu o le mamele o le gataifale; po o
- (d) so o se ituaiga o gaoioiga e lē tusa ai ma le tulafono po o ua lē usitaia ai so o se aiaiga e faaaogā i se tulafono i gaoioiga a le tagata,

ua faia e ia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

(2) So o se tagata ua ia faia se faiga faatautala i se mamele o le gataifale lea o lo o paulia po o ua maua o lo o mafatia, ua faia e ia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

(3) So o se tagata ua ia aveina pe faaaogāina so o se vaega o se mamele o le gataifale e paulia e aunoa ma lona lipotiina muamua atu o lea mataupu i le Vaega o le Siosiomaga, ua faia e ia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 10 iunite tau faasalaga.

(4) So o se tagata o ia lea:

- (a) ua ia taofia se mamele o le gataifale i se faiga e saisaitia ai; po o
- (b) aveina po o le taumafai e aveina se mamele o le gataifale mai sami o Samoa mo le faamoemoe e taofia lea meaola i se faiga e saisaitia ai,

e aunoa ma se pemitā e faatagaina ai le aveina po o le taofia o se mamele o le gataifale ua tuuina atu i lalo o nei tulafono

faatonutonu, po o so o se isi pemita ua tuuina atu mo so o se faamoemoega faaletulafono e faasino i le faasaoina, ola maloloina lelei po o le ola o le mamele o le gataifale, ua ia faia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

**6. Gaoioiga tau mataaga i tafola ma manua ma tafaoga maimoa faapitoa i le siosiomaga-(1)** So o se gaoioiga tau tagata tafafao maimoa po o e fesootai i mataaga i tafola ua faafoeina mo se pisinisi, faamoemoega faasaïenisi po o so o se isi faamoemoega i totonu o nofoaga tau lalata i se mamele o le gataifale po o se nofoaga e ono nofo ai se mamele o le gataifale, e ao ona laiseneina e le Vaega o le Siosiomaga ma e tatau ona faia:

- (a) e tusa ai ma so o se tuutuuga ua faaeeina e faasino i le laisene;
- (b) e tusa ai ma so o se Taiala ua faamaonia mai lea taimi i lea taimi e le Minisita ma lomia faasalalau e le Vaega o le Siosiomaga; ma
- (c) ina ia lē aofia ai le feoaiga masani o mamele o le gataifale i totonu o ogasami o Samoa po o le faalavelaveina ai o a latou feoaiga ma gaoioiga.

(2) O se tagata ua faia so o se gaoioiga e solia ai le tulafono faatonutonu laitiiti (1), ua ia faia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

(3) E tatau ona mataituina Taiala ua faamaonia i lalo o le tulafono faatonutonu 6(1)(b), e i latou uma e faafoeina vaa pe a oo atu i nofoaga tau lalata i se mamele o le gataifale.

### VAEGA III LAUMEI

**7. Lipotia o gaoioiga e aafia ai laumei-(1)** So o se tagata ua faafuaseia ona ia pueina, faamanualia pe fasimateina se laumei o le gataifale a o faatinoina so o se gaoioiga tau faiga faiva i totonu o sami o Samoa, e tatau ona ia lipotiina atu lea gaoioiga i se taimi vave lava e mafai ai i:

- (a) le Vaega o le Siosiomaga; ma
- (b) le Vaega o Faiga Faiva.

(2) E tatau i se tagata ua manaomia lona lipotiina atu o se gaoioiga i lalo o le tulafono faatonutonu laitiiti (1) ona ia tuuina atu sea faamatalaga ma faamaoniga o mataupu ua lipotia e pei ona manaomia ai e le Vaega o le Siosiomaga ma le Vaega o Faiga Faiva.

(3) O le Pulenuu o so o se nuu lea ua fasimateina ai se laumei (e ese mai i se laumei ai vaovao po o se laumei faiuga mo le faamoemoega o le tausiga masani o le soifuaga) po o ua ia faia se faiga e saisaitia ai, e tatau ona ia lipotiina le mataupu i se taimi vave lava i le Vaega o le Siosiomaga ma le Vaega o Faiga Faiva, ma e tatau ona faia laasaga uma e mafai ona faatino ina ia mautinoa e faapea ia faasaoloto so o se laumei ua umia i se faiga e saisaitia ai, po o le tausia ina ia ola pea seia taunuu atu se tagata ofisa o le Vaega o le Siosiomaga po o se Tagata Ofisa tau Faiga Faiva.

8. Soligatulafono e faasaga i laumei-(1) I le noatia ma le fai fuafua i le tulafono faatonutonu laitiiti (3), o so o se tagata o ia lea:

- (a) ua faia so o se gaoioiga e fesootai i le fagotaina o laumei;
- (b) aveina, pueina po o le fagotaina o laumei i le sami o le atunuu po o le sone faapitoa tau le tamaoaiga;
- (c) aveina, pueina po o le fagotaina o laumei i tua atu o aa u amu i le sami loloto po o so o se vaega o Samoa,

ua ia faia se soligatulafono ma e tatau ona noatia i se moliaga ua faamaonia faaetulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

(2) I le noatia ma le fai fuafua i le tulafono faatonutonu laitiiti (3) so o se tagata o ia lea:

- (a) ua fagotaina po o ua aveina ma le loto i ai so o se laumei o le gataifale;
- (b) ua lē mafai ona faasaoloto so o se laumei sa pueina pe aveina faafuaseia;



- (c) ua lē mafai ona ia lipotia le pueina faafuaseia o se laumei i le Vaega o le Siosiomaga po o le Vaega o Faiga Faiva;
- (d) ua ia tausia se laumei i se faiga saisaitia, ae vagana ai i lalo o se faatagaga o se pemitā mo faamoemoega faasaienisi po o so o se isi faamoemoega faaletulafono e faasino i le faasaoina, ola maloloina, po o le ola sologa lelei o lena laumei;
- (e) aveina se laumei fafine o lo o feoai i nofoaga e tautuufua ai i le va o le aso 1 o Novema ma le aso mulimuli o Fepuari o tausaga taitasi;
- (f) aveina se laumei fafine a o tautuufua po o lo o i se nofoaga e tautuufua ai;
- (g) faaleagaina so o se fualaumei;
- (h) aveina po o lo o i a umia so o se fualaumei;
- (i) faatau atu po o le faatau mai o so o se fualaumei;
- (j) faalavelave pe faaleaga so o se nofoaga e tautuufua ai laumei; po o
- (k) auina atu i fafō so o se uga o laumei po o isi oloa tau laumei,

ua ia faia se soligatulafono ma e tataua ona noatia i luga o se faasalaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

(3) E le tataua i se tagata ona faia se solitulafono e faasaga i le tulafono faatonutonu laitiiti (1)(b) po o le (c) po o le tulafono faatonutonu laitiiti (2)(a) pe afai o le laumei ua aveina, pueina po o ua fagotaina o:

- (a) se laumei ai vaovao (*Chelonia mydas*); po o
- (b) se laumei faiuga (*Eretmochelys imbricata*),

e faaaogā mo faamoemoega o le tausiga masani o le soifuaga ma ua aveina e tusa ai ma so o se manaoga e faaaogā i lalo o le tulafono o faiga faiva e faasino i le tele, vaitausaga ua tapunia po o so o se isi lava mataupu.

**9. Gaoioiga o mataaga i laumei ma tafaoga maimoa faapitoa i le siosiomaga-(1)** So o se gaoioiga e faasino i tafaoga maimoa ma mataaga i laumei mo faamoemoega tau pisinisi, faasaienisi po o so o se isi faamoemoega i totonu

o nofoaga o laumei ma o latou nofoaga e tautuufua ai, e ao ona laiseneina e le Vaega o le Siosiomaga ma e tatau ona faatinoina:

- (a) e tusa ai ma so o se tuutuuga ua faaee atu e faasino i le laisene;
- (b) e tusa ai ma so o se Taiala ua faamaonia mai lea taimi i lea taimi e le Minisita ma lomia faasalalau e le Vaega o le Siosiomaga; ma
- (c) ia lē aafia ai a latou feoaiga ma gaoioiga.

(2) So o se tagata ua ia faia so o se gaoioiga po o se mea e solia ai le tulafono faatonutonu laitiiti (1) ua ia faia se soligatulafono ma e tatau ona noatia i se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

**10. Manaoga o fuafuaga e faaaogā i nofoaga e tautuufua ma fananau ai laumei - Afai o so o se atinae e manaomia ai se faamaoniga tau atinae i lalo o so o se tulafono ua fuafuaina i totonu o le nofoaga e latalata i nofoaga e tautuufua ai laumei, e tatau i le iloiloga o le atinae:**

- (a) ona tusa ai ma so o se taiala e faasino i le puipuiga o laumei ma o latou nofoaga e tautuufua ai, ua faamaonia mai lea taimi i lea taimi e le Minisita; ma
- (b) amanaia i se isi itu e ese ai aafiaga uma e talafeagai i laumei ma nofoaga e tautuufua ai.

#### VAEGA IV MALIE

**11. Soligatulafono e faasaga i malie-(1) I lenei tulafono faatonutonu:**

“fagotaina faafuaseia” o lona uiga o se gaoioiga o le aveina o se malie a o fagotaina so o se isi ituaiga o ia; ma  
“faamoemoe tatau” o lona uiga o le faaaogāina o se malie e aveia o meaai mo tagata soifua po o manu, e aveia o se maunu mo fagotaga po o le gaosia o so o se oloa e faatau atu po o e faaaogā.

- (2) So o se tagata ua:
  - (a) fagotaina faapisinisi faapitoa malie;

- (b) ua fagota mo po o ua ia aveina se malie e aunoa ma se faamoemoe e taumafaina lea malie po o le faaaogāina o lea malie mo se faamoemoega tatau;
- (c) fagotaina o se apaapa malie e aunoa ma le tino atoa o le malie;
- (d) e le i laiseneina i lalo o le tulafono o faiga faiva e aveina ai malie e ala i le pueina i se faiga faafuaseia, ma ua ia lē mafai ona faasaolotoina so o se malie ua faafuaseia lona aveina, pe afai o lo o ola pea lea malie i le taimi na fagotaina ai; po o
- (e) ua fagotaina faafuaseia se malie ua mate a o le i faasaolotoina, ma e le o taumafaina e ia lea malie po o le faaaogā mo so o se isi faamoemoega tatau,

ua ia faia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

(3) E lē tatau ona aveia o se soligatulafono e faasaga i le tulafono faatonutonu laitiiti (1) pe afai ua fasimatea se malie mo le faamoemoe o le puipuiga o le ola o se tagata.

## VAEGA V

### ITUAIGA O MEAOLA E FEOAI E TAUTUUFUA

12. Ituaiga meaola e faaaogā i ai lenei Vaega-(1) Ua faaaogāina lenei Vaega i so o se ituaiga o meaola o le gataifale e feoai i ni aofaiga toatele e tautuufua, ia e fuafuaina mai lea taimi i lea taimi e le Minisita ma e faasilasila atu e le Ofisa Sili o Pulega:

- (a) i totonu o se nusipepa o lo o faasalalauina i totonu o Samoa;
- (b) e ala i so o se isi faiga e talafeagai ua fuafuaina e le Ofisa Sili o Pulega; ma
- (c) e ala i le tuuina atu o se faasilasilaga i tagata uma ua laiseneina e fagota i sami o Samoa.

(2) E tatau i le Minisita ona mautinoa ua faia feutagaiga ma le Vaega o Faiga Faiva a o lumanai le faia o se faaiuga i lalo o le tulafono faatonutonu laitiiti (1).

**13. Soligatulafono e faasaga i ituaiga o meaola e feoi e tautuufua** - So o se tagata o ia lea:

- (a) ua aveina po o le fagotaina o so o se ituaiga meaola lea ua faasino i ai lenei Vaega o faapotopoto e tautuufua;
- (b) faalavelave i ai po o le faaleagaina o so o se ituaiga meaola lea o lo o faatatau i ai lenei Vaega, a o faagasolo gaoioiga e tautuufua ai po o e fananau ai;
- (c) aveina po o le fagotaina so o se ituaiga o meaola o lo o faatatau i ai lenei Vaega a o feoi atu i ni aofaiga toatele i nofoaga e tautuufua ma fananau ai; po o
- (d) faatinoina o so o se suesuega faasaenisi i le faitau aofai faatupulaia o le fanafanau o se ituaiga meaola lea o lo o faatatau i ai lenei Vaega, e aunoa ma se laisene ua tuuina atu po o ua aloaia i lalo o nei tulafono faatonutonu,

ua faia se soligatulafono ma e tatau ona noatia i se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

## VAEGA VI ITUAIGA O MEAOLA UA FAATATAUINA E FAASAOINA

**14. Ituaiga ua faatulagaina mo le faatatauina e faasaoina**-(1) O ituaiga taatele uma o meaola o le gataifale ua faatatauina ina ia faasaoina.

(2) E mafai e le Minisita, mai lea taimi i lea taimi, ona filifilia ituaiga o meaola o le gataifale ina ia faatatauina o ituaiga meaola e faasaoina.

(3) E tatau i se faaiuga ua faia e le Minisita i lalo o le tulafono faatonutonu laitiiti (1) ona faasilasilaina atu e le Ofisa Sili o Pulega:

- (a) i totonu o se nusipepa ua faasalalauina i totonu o Samoa;
- (b) e ala i se isi faiga talafeagai ua fuafuaina e le Ofisa Sili o Pulega; ma
- (c) e ala i le tuuina atu o se faasilasilaga i tagata uma ua laiseneina e fagotaina sami o Samoa.

15. Fuafuaga tau pulega mo ituaiga o meaola ua faatatauina e faasaoina-(1) I le faia o se faaiuga ina ia filifilia se ituaiga o meaola o le gataifale ina ia avea o se ituaiga ua faatatauina e faasaoina i lalo o le tulafono faatonutonu 14, e tatau i le Minisita ona faamaonia se fuafuaga tau pulega e faaogā i le puipuiga ma le faasaoina o lena ituaiga.

(2) E tatau i se fuafuaga tau pulega ua faamaonia i lalo o le tulafono faatonutonu laitiiti (1) ona faia se aiaiga mo so o se itu talafeagai o le puipuia ma le faasaoina o ituaiga meaola ua filifilia, e aofia ai:

- (a) ni tapulaa po o le faasaina o le fagotaina po o le aveina o so o se meaola o le ituaiga ua filifilia, i nofoaga lautele po o i nofoaga ua faamaotiina;
- (b) tapulaa po o le faasaina o le faaogāina o so o se meafaigaluega fagota po o se auala ua faamaoti i le fagotaina po o le aveina o ituaiga o meaola ua filifilia;
- (c) tapulaa po o le faasaina o so o se atinae e aafia ai i se itu leaga ituaiga o meaola taitasi ua filifilia po o le faitau aofai o ituaiga meaola ua filifilia, po o nofoaga masani e faapitoa le aogā mo le ola o ituaiga meaola ua filifilia;
- (d) tapulaa po o le faasaina o so o se gaioioiga ua aafia ai i se itu leaga ituaiga meaola taitasi ua filifilia po o faitau aofai o ituaiga meaola ua filifilia, po o nofoaga masani e faapitoa le aogā mo le ola o le ituaiga meaola ua filifilia;
- (e) o le faaofiina o ni faiga ua faatatauina e talafeagai lelei i le toe faaolaina o le faitau aofai o ituaiga meaola ua filifilia, pe afai o lea ituaiga meaola ua faailoa mai e faapea ua faatatauina ina ia

faasaoina i luga o le mafuaaga ua faaitiitia po o ua faaitiitia le fuainumera o lona faitau aofai;

- (f) o le faaofiina o ni faiga ua faatatauina e talafeagai lelei i le toefaaaleleia o nofoaga masani e ola ai lea ua faapitoa le aoga i ituaiga o meaola ua filifilia, pe afai ua faailoa mai e faapea ua faatatauina ina ia faasaoina i luga o mafuaaga o le tuutiitia po o ua faaleagaina nofoaga masani e ola ai;
- (g) o le filifilia o nofoaga puipuia po o nofoaga faasao mo ituaiga o meaola ua filifilia;
- (h) so o se manaoga tau lipoti e faasino i ituaiga meaola ua filifilia; ma
- (i) so o se isi mataupu ua talafeagai mo po o e tulai mai i le puipuiga ma le faasaoina o ituaiga o meaola ua filifilia.

(3) So o se tagata na te solia so o se manaoga, tapulaa po o le faasaina o lo o i se fuafuaga tau pulega ua faamaonia i lalo o lenei tulafono faatonutonu, ua ia faia se soligatulafono ma e tataua ona noatia i se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

## VAEGA VII PEMITA MA SUESUEGA FAASAIENISI

16. **Manaoga ina ia maua se pemita mo nisi gaoioiga-(1)**  
E ao ona maua se pemita a o le i faia e so o se tagata so o se gaoioiga e aofia ai:

- (a) suesuega faasaienisi i so o se meaola o le gataifale ia e taua o -
  - (i) mamele o le gataifale;
  - (ii) laumei;
  - (iii) malie;
  - (iv) ituaiga o meaola e feoai e tautuufua e pei ona filifilia i lalo o le Vaega V;
  - (v) isi ituaiga o meaola ua faatatauina ina ia faasaoina e pei ona filifilia i lalo o le Vaega VI; ma

- (vi) so o se ituaiga o meaola fou ua maua o meaola o le gataifale ua filifilia i lalo o le tulafono faatonutonu 17;
- (b) taofia i se faiga e saisaitia ai so o se mamele o le gataifale, laumei po o ituaiga o meaola ua faatatauina ina ia faasaoina lea ua faatulaga mai i lalo o le Vaega VI;
- (c) o le pueina ma le faaaliga o so o se meaola o le gataifale mo tafaoga maimoa po o faamoemoeaga faasaienisi;
- (d) o le aveina o so o se vaega o se meaola o le gataifale ua paulia;
- (e) o le aveina o so o se meaola o le gataifale mo le faaolaina i vai ma pusa tioata;
- (f) tagata tafafao mauu faapisinisi ma isi gaoioiga tau tagata tafafao maimoa e aafia ai meaola o le gataifale ma nofoaga masani e nonofo ai meaola o le gataifale;
- (g) o le auina atu i fafo o so o se meaola o le gataifale, po o se oloa tau meaola o le gataifale, e pei ona aiaia ai e le Feagaiga o Fefaatauaiga Faava o Malo o Ituaiga Meaola ua Lamatia le Ola (CITES) 1973; po o
- (h) o le auina atu i fafo o so o se vaega-mea faataitai o meaola o le gataifale ua aoina a o faia se suesuega faasaienisi.

**AE VAGANA AI E FAAPEA** e leai se pemita e tatau ai ona faatagaina le faaaogāina o auala eseese o suesuega faasaienisi i mamele o le gataifale po o laumei lea e mafua ai le mate o so o se ituaiga o nei meaola.

(2) O se pemita, laisene po o se faatagaga ua tuuina atu po o ua tuuina atu i lalo o le tulafono o faiga faiva, e mafai ona faatatauina o se faatagaga e talafeagai atoatoa mo so o se gaoioiga i lalo o lenei tulafono faatonutonu pe afai ua manatu le Ofisa Sili o Pulega e faapea ua talafeagai tuutuuga e faaaogā i le pemita, laisene po o le faatagaga mo le puipuiga o ituaiga o meaola o le gataifale ua faatatau i ai.

(3) Afai ua tuuina atu se pemita, laisene po o se faatagaga po o ua tuuina atu i lalo o le tulafono o faiga faiva e faatagaina ai so o se gaoioiga e manaomia ai se pemita i lalo o lenei Tulafono Faatonutonu:

(a) e mafai e le Ofisa Sili o Pulega ona talosagaina le Vaega o Faiga Faiva mo le faaeeina atu o so o se tuutuuga faaopoopo i luga o le pemita, laisene po o se faatagaga ina ia mautinoa ai le puipuiga ma le faasaoina o meaola o le gataifale ua faatatau i ai; po o

(b) le manaomia o se pemita faaopoopo e ao ona maua i lalo o nei Tulafono Faatonutonu,

pe afai ua manatu e faapea e le o atoatoa tuutuuga e faaaogā i le pemita, laisene po o le faatagaga sa tuuina atu po o ua tuuina atu i lalo o le tulafono o faiga faiva ina ia faamautu ai le faasaoina ma le puipuiga o meaola talafeagai o le gataifale.

17. Ituaiga o meaola fou ua maua-(1) Ua faaaogāina lenei tulafono faatonutonu i so o se ituaiga meaola o le gataifale lea e faapea sa mauaina i se taimi lata mai i totonu o sami o Samoa ma ua faapea ua filifilia e le Minisita ina ia avea o se ituaiga o meaola fou o le gataifale ua maua.

(2) E tatau ona faasilasila atu e le Ofisa Sili o Pulega se faaiuga ua faia e le Minisita i lalo o le faafuaiupu (1):

(a) i se nusipepa ua faasalalauina i totonu o Samoa;

(b) e ala i so o se isi faiga talafeagai ua fuafuaina e le Ofisa Sili o Pulega; ma

(c) e ala i le tuuina atu o se faasilasilaga i tagata uma ua laiseneina e fagota i sami o Samoa.

(3) So o se tagata ua ia:

(a) fagotaina po o le aveina so o se ituaiga meaola fou ua maua i le gataifale e aunoa ma se pemita ua tuuina atu po o ua aloaia i lalo o nei Tulafono Faatonutonu; po o

(b) ua ia faia so o se suesuega faasaienisi i se ituaiga meaola fou ua maua o le gataifale, e aunoa ma se pemita ua tuuina atu po o ua aloaia i lalo o nei Tulafono Faatonutonu,



ua faia e ia se soligatulafono ma e tatau ona noatia i se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

18. Gaoioiga faatagaina mo le faailogaina o ituaiga o meaola-(1) Ua faaaogāina lenei tulafono faatonutonu i so o se gaoioiga ua faia e le Vaega o le Siosiomaga lea ua faailogaina ai meaola o le gataifale mo le faamoemoe o so o se suesuega faasaienisi.

(2) E mafai e le Minisita ona faaee atu so o se tuutuuga e faatatau i gaoioiga o le faailogaina lea o lo o faaaogāina ai lenei tulafono faatonutonu:

- (a) faatapulaa ai le aia tatau e aveesea ai faailoga;
- (b) faasaina ai le faatau atu o so o se meaola o le gataifale ua faailogaina;
- (c) manaomia ai le lipotia o so o se mataupu i luga o le aveina po o le mauaina o se meaola o le gataifale ua faailogaina;
- (d) manaomia ai le faasaoloto ma le lipotia o so o se meaola o le gataifale ua faailogaina ua aveina po o ua mauaina; po o
- (e) e faafaigofie ai i se isi faiga e ese ai le suesuega faasaienisi ua faia e tusa ai o gaoioiga e faailogaina ai.

(3) E tatau i le Ofisa Sili o Pulega ona faasilasila atu tuutuuga ua faaee atu i lalo o le tulafono laitiiti (2):

- (a) i se nusipepa ua faasalalauina i Samoa;
- (b) e ala i so o se isi faiga talafeagai ua fuafuaina e le Ofisa Sili o Pulega;
- (c) e ala i se tuuina atu o se faasilasilaga i tagata uma ua laiseneina e fagota i sami o Samoa; ma
- (d) e ala i le faia o so o se faailoilo i so o se nofoaga e tulalata i ai i le vaega o lo o faia ai gaoioiga o le faailogaina.

(4) So o se tagata ua ia:

- (a) aveesea o so o se faailoga mai se meaola o le gataifale ua faailogaina e solia ai se tuutuuga ua faaee atu i lalo o le tulafono faatonutonu laitiiti (2);

- (b) faatau atu so o se meaola o le gataifale o lo o faailogaina po o ua uma ona faailoga, ma e faapea e lē mafai ona faatau atu;
- (c) lē mafai ona faasaoloto so o se meaola ua maua ma e manaomia ona faasaoloto, pe afai o lo o ola pea lea meaola faailogaina; po o
- (d) lē mafai ona lipotia le aveina o se meaola o le gataifale ua faailogaina faatasi ai ma faamatalaga maoti ia e manaomia ina ia tuuina atu,

ua faia e ia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faauletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

(5) E tatau i se Pulenuu o so o se nuu lea ua pueina, paulia po o ua maua ai se meaola ua faailoga, ona lipoti atu lea mataupu i le Vaega o le Siosiomaga ma le Vaega o Faiga Faiva i se taimi vave lava e mafai ai.

19. Taualumaga lautele e faaaogā i pemitā ma laisene-(1) E tatau ona faia talosaga mo se pemitā po o se laisene ua manaomia i lalo o nei tulafono faatonutonu, i le Ofisa Sili o Pulega ma e tatau ona aofia ai faamatalaga ua manaomia e le Ofisa Sili o Pulega.

(2) O le totogifuapauina mo laisene ma pemitā uma, e tatau ona \$500 ma ua i ai i le Ofisa Sili o Pulega le malosiaga e:

- (a) tuusaunoa ai so o se laisene po o pemitā mai le totogifuapauina pe afai o le galuega ua faatinoina ua faia mo po o mo le manuia o le Vaega o le Siosiomaga;
- (b) faaee atu so o se totogifuapauina faaopoopo ua faatulaga mai e le Ofisa Sili o Pulega mo -
  - (i) so o se asiasiga talafeagai;
  - (ii) so o se mataituina o so o se gaoioiga ua faamaonia; ma
  - (iii) o le i ai o so o se tagata e mataituina e tusa ai o se gaoioiga ua faamaonia.

(3) E mafai e le Minisita ona:

- (a) teena se talosaga ona o se mafuaaga e fesootei ma le puiipuiga ma le faasaoina o meaola o le gataifale;

- (b) faamatuu atu se talosaga ma faatagaina le tuuina atu o se pemita po o laisene; ma
- (c) faaee atu so o se tuutuuga i le pemita po o laisene, e aofia ai tuutuuga ia e faatatau i -
  - (i) le umi o le vaitaimi o le pemita po o laisene;
  - (ii) so o se mataupu lea e tatau ona faamutaina vave ai le pemita po o se laisene;
  - (iii) so o se itu o le puipuiga ma le faasaoina o le meaola talafeagai o le gataifale; ma
- (d) faaee atu so o se tuutuuga faaopoopo a o faagasolo le taimi e aogā ai se pemita po o se laisene ina ia mautinoa ai le puipuiga ma le faasaoina o meaola o le gataifale.

20. Soligatulafono e faasino i pemita ma laisene - So o se tagata ua ia:

- (a) faatino so o se gaoioiga lea e manaomia ai se pemita po o se laisene i lalo o nei tulafono faatonutonu, ae le o i ai sea pemita po o se laisene ua tuuina atu po o ua faamamaluina;
- (b) solia so o se tuutuuga ua faaee atu e tusa ai o se pemita po o se laisene ua tuuina atu i lalo o nei tulafono faatonutonu;
- (c) solia so o se tuutuuga faaopoopo ua faaee atu i lalo o tulafono faatonutonu 16(3); po o
- (d) faaaogā so o se auala o suesuega faasaienisi po o isi gaoioiga faatagaina lea e mafua ai le mate po o se manuaga i se meaola o le gataifale,

ua faia e ia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

### VAEGA VIII AIAIGA ESEESE

21. Aiaiga lautele mo soligatulafono - So o se tagata ua ia solia so o se manaoga o nei tulafono faatonutonu lea e leai se

faasalaga ua aiaia maoti mai ai, ua faia e ia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 20 iunite tau faasalaga.

22. Soligatulafono e faasino i le auina atu i fafo o meaola o le gataifale - So o se tagata na te auina atu i fafo se meaola o le gataifale:

(a) e aunoa ma se faamaoniga ua tuuina atu i lalo o nei tulafono faatonutonu; po o

(b) ua ia solia so o se aiaiga po o se manaoga o le Feagaiga o Fefaatauaiga Faava o Malo o Ituaiga Meaola ua Lamatia le Ola (CITES) 1973,

ua faia e ia se soligatulafono ma e tatau ona noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 50 iunite tau faasalaga.

23. Faaaogāina o tulafono faatonutonu e talafeagai i faiga faiva-(1) O nei tulafono faatonutonu e faaopoopo atu i so o se tulafono faatonutonu ua faia i lalo o tulafono o faiga faiva e puipuia ai so o se vaega o punaoa tau faiga faiva a Samoa, ma e lē aafia ai le tulaga aloaia o so o se tulafono faatonutonu i so o se auala.

(2) Afai o so o se gaioiga po o galuega ua mafua ai ona solia nei tulafono faatonutonu ma so o se tulafono faatonutonu ua faia i lalo o tulafono o faiga faiva, e mafai e tagata ofisa o le Vaega o le Siosiomaga ma le Vaega o Faiga Faiva ona fuafuaina e faapea e tatau ona faia ni taualumaga i lalo o so o se tulafono faatonutonu, ma e tatau ona galulue faatasi e tusa ai o le faataunuaina o ia taualumaga.

(3) Afai ua amatalia ni taualumaga e faatatau i solitulafono e tulai mai ona o se gaioiga po o galuega i lalo o ni tulafono faatonutonu ma se tulafono ua faia i lalo o tulafono o faiga faiva, e tatau i tagata ofisa o le Vaega o le Siosiomaga ma le Vaega o Faiga Faiva ona fuafuaina po o a ni taualumaga e tatau ona faaauau ma ni taualumaga e tatau ona faaui i tua.