

TOKELAU JUDICIAL ANNUAL REPORT 2014/2015



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JUDICIAL
ANNUAL REPORT
2014/2015**

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Preface by the Chief Justice of Tokelau

I send warm thanks and congratulations to all who have been involved on the preparation of this Annual Report: especially to the three Law Commissioners, the Court Clerks and the Judicial National Coordinator. I also would like to acknowledge the Ulu o Tokelau, the Taupulega, the General Fono and the Council for the Ongoing Government, whose support and guidance of the justice system is essential.

The continued commitment to transparency and self-reflection that is demonstrated in Tokelau's Annual Reports is to be admired. Open justice is the hallmark of the rule of law. As is noted in this year's Report, the justice system must be understood in order to be accessible. Once someone engages with the justice system, it is important that both they and others in the community see that justice has been done. Publicising the workings of the judiciary is a crucial step towards that worthy goal. More than this, these Reports provide a regular prompt to pause and take stock of the changes and challenges that arise from year to year. The ability to make comparisons across time and villages enables those responsible for providing access to justice to measure areas of success and opportunities for improvement. And the circulation of these Reports furthers the ability of the people of Tokelau to have their voices heard on justice issues.

I am glad that the Pacific Judicial Strengthening Initiative is continuing to assist with training for the judicial officers of Tokelau. Judicial officers in every country are entrusted with a difficult and important task. Often it is a lonely one, given the paramount importance of judicial independence. In that context, support and training are always needed to ensure that we can meet the high standards expected by our communities.

I am grateful to the Ulu o Tokelau for the suggestion in his preface that there may be opportunities for the New Zealand judiciary and court staff to provide some practical capacity building for Law Commissioners and for Court clerks. That seems to me an excellent idea for us to pick up in the year ahead.

I wish to express my admiration and best wishes to all of those who are involved in the administration of justice in Tokelau: police and judiciary, government and people.

Rt Hon Dame Sian Elias
Chief Justice of Tokelau
August 2016

Preface by the Ulu o Tokelau

As the Ulu o Tokelau for 2016, I am very pleased to present the Tokelau 4th Judicial Annual Report for the reporting period of 1 July 2014 – 30 June 2015. Despite the delay in publishing, I am indeed very happy that we can still produce annual judicial reports.

I congratulate the Law Commissioners, Court Clerks and the Judicial National Coordinator for their efforts to produce the judicial annual report for this reporting period.

It is vital that our communities and court users are informed of the work and services provided by our judicial officers. This is, especially important to ensure that all citizens of Tokelau are receiving quality justice services in a timely manner and are satisfied with the judicial servicing they receive.

I would also like to acknowledge the ongoing support from the Pacific Judicial Development Programme (PJDP) which is now known as Pacific Judicial Strengthening Initiative (PJSI). Dr Livingston Armstrong and his team have continued to provide valuable technical and capacity building support through training and workshops that strengthen the judicial competencies of our judicial officers.

Tokelau is now demanding quality services for quality living. I am aware that Tokelau is small and judicial officers are usually appointed without legal experience or qualifications. I am grateful for the ongoing training and workshops that have helped improve the judicial services provided by our judicial officers. The delivery of quality justice systems and processes in all the villages of Tokelau is important for our people. Our people want to live in communities that are safe thanks to efficient legal systems and processes that are responsive to the needs of our people.

I want to thank and acknowledge the Taupulega in their respective villages for supporting our Law Commissioners and Court Clerks. The independence of the court in its work is paramount for the deliverance of a quality justice systems and processes in Tokelau. I must also acknowledge the police in the respective villages for their important role in enforcing the law.

The Chief Justice of New Zealand is the Chief Justice for Tokelau. While I am aware there are major differences in the legal systems, I believe there are opportunities in New Zealand's judiciaries that can support Tokelau. I hope through the Chief Justice of New Zealand that there can be support in areas where Tokelau judicial officers lack the capacity and skills and the New Zealand judiciary can step in to support Tokelau - even for secondments of judicial officers or capacity building training for Law Commissioners and for the Court Clerks.

Once again, to our Law Commissioners and Court Clerks, malo te tiu, malo te fai nuku, malo te fai atunuku. It is your responsibility to provide quality justice systems and services to our people. As the Minister of Justice, I truly hope that the court users and our communities are pleased with the report. At the same time I encourage them to talk and share their concerns regarding judicial services. "**Malo te tiu**".

Faipule Afega Gualofa
Ulu o Tokelau
2016

FOREWORD BY THE LAW COMMISSIONER OF FAKAOFU

Seek God for a successful venture.

We pay and extend our greatest respect to the elders and the village in general. Together we uplift our thanksgiving and all honour to God for the life and blessing He gives to us. Thank you God for your love and kindness.

I would also like to extend my sincere gratitude, through the Ulu o Tokelau, the Council for the Ongoing Government of Tokelau and more so the General Fono for the assistance provided not only for training and capacity building but also for the provision of equipment to carry out the task given.

I would also like to extend my sincere gratitude to the Taupulega of Fakaofu as well as the people of Fakaofu for the tremendous support given on the legal side. We know we all need to work together in our quest to protect our people from the problems that may arise, eg violence against women and children and other harsh offences and crimes as well as being aware and protected under the law. It is with hope that the court service offered during this period were appreciated and of great use to you. We will continue to improve our service delivery in this area.

I cannot overlook my gratitude and appreciation to the Government of New Zealand and Australia as well as the Pacific Judicial Development Programme, the New Zealand Police and especially to the Tokelau Legal Advisors and everybody that in one way or another contributed to the well-being of a crime free Tokelau.

We pray that Tokelau will continue to live happily and in harmony with each other.

May Tokelau live on.

Penehe Tulafono
Law Commissioner
Fakaofu

FOREWORD BY THE LAW COMMISSIONER OF NUKUNONU

We were hesitant as to whether we will be received with gratitude from the village. Our shelter is dependent on you.

To the New Zealand Government, your enthusiasm in this area is evident. To the General Fono, thank you for building the nation; the Taupulega, thank you for your monitoring and directives. The canoe will not be on course if it was not for you.

To the PJDP, thank you very much for your support and especially the workshops for staff to ensure that the services provided are of high quality.

To the public servants, be courageous, be alert in your service provision. Ensure that your fore paddle is God so that the legal work is stable and at the forefront.

Thank you very much.

Thank you for building our nation.

Ioane Nui Tumua
Law Commissioner
Nukunonu

FOREWORD BY THE LAW COMMISSIONER OF ATAFU

Navigate onward

Malo Tokelau.

No doubt we all have our shares harvested not only from our own fishing expedition but also from the true fishermen. Thank you all for the work done collectively for Tokelau as a whole.

Ulu o Tokelau, the Council for the Ongoing Government of Tokelau, the 3 Taupulega, public servants, the Men's group, the Fatupaepae, Youth and our children. More so, the prayers and support of our elderly and fathers. Thank you also to the Pastors who are tasked to spread the gospel in Tokelau.

May all honour and glory be returned to God. Thank you for all your efforts and your patience.

Together, Tokelau will live on.

Feleti Lopa
Law Commissioner
Atafu

ORGANISATIONAL REVIEW

1.1 Overview of the Tokelau Court System and Police and their Jurisdiction, Role and Functions

1.1.1 *Constitutional Framework of Tokelau*

Tokelau is a non-self-governing territory administered by the Government of New Zealand. Tokelau is part of the Realm of New Zealand (Clause 1 (d) of Letters Patent 1989). The people of Tokelau are citizens of New Zealand. The structure of the Government of Tokelau is outlined in the Tokelau Act 1948. The Queen of New Zealand is the Head of State. The Governor-General of New Zealand is the Queen's representative. Tokelau is administered for New Zealand by the Ministry of Foreign Affairs and Trade. The Administrator of Tokelau is the Head of the Special Relations Unit in that Ministry. The Parliament of New Zealand can make law for Tokelau by Acts because Tokelau is part of New Zealand. The Governor-General can make law for Tokelau as regulations (Section 4(1) of the Tokelau Act 1948). The rights and the freedom of the people of Tokelau are contained in Rule 16 of the Constitution of Tokelau.

The main crimes in Tokelau, and the rules of criminal procedure, are set out in the Tokelau Crimes, Procedure and Evidence Rules.

1.1.2 *The Government of Tokelau*

Tokelau has two governance structures:

- (i) village government
- (ii) national government.

For the village government, decisions that relate primarily to village matters are made at village level by the Taupulega (Village Council). Village Rules are also made by the Taupulega. Disputes at the village level are settled by the Law Commissioner and the Village Appeal Committee (Section 10 of the Tokelau Amendment Act 1986, Rule 103 of the Crimes Rules). Land and custom matters are settled by the Taupulega.

At the national government level, decisions that affect the whole of Tokelau are made by the General Fono. The General Fono may make such rules as it thinks necessary for the peace, order and good governance of Tokelau (Section 3A of the Tokelau Act 1948). The General Fono may not make law that contradicts an Act, regulation, or treaty that is in force in Tokelau. The General Fono may not make law that can apply or have effect outside Tokelau (Section 3A (4) of the Tokelau Act 1948). When the General Fono is not in session then the Council for the Ongoing Government, which comprises six members, makes the decisions necessary for the administration of Tokelau.

1.1.3 Court System

Tokelau has the following courts:

- Commissioner's Court and Village Appeal Committee
- High Court of New Zealand (operating as the High Court of Tokelau)
- Court of Appeal of NZ (operating as the Court of Appeal of Tokelau).

The Chief Justice of New Zealand is also the Chief Justice for Tokelau. The Law Commissioners, who are lay judges, are appointed by the Governor-General of New Zealand on the recommendation of the Minister of Foreign Affairs and Trade after consultations with the Taupulega of the relevant village. If the Law Commissioner is incapable by reason of sickness or otherwise of performing the office of the Law Commissioner, or where there is a vacancy in the office of the Law Commissioner, any person performing the functions of the Faipule becomes the default Law Commissioner in the village.

Tokelau has its own first instance courts: the Law Commissioner's Court and Appeal Committee of each village. In each Village Court, there is a Law Commissioner and a Court Clerk. The Appeal Committee comprises 3-4 members designated by the Taupulega, to hear any appeal from the decision of the Law Commissioner.

A Law Commissioner has jurisdiction only in respect of the island to which that Law Commissioner is appointed and for the territorial sea of Tokelau that surrounds that island.

The civil and criminal authority of Law Commissioners is to hear civil claims of up to \$1,000 and deal with criminal offences punishable by a fine or up to one year's imprisonment. The sentencing power of the Commissioners is limited to imposing a fine of up to \$150 and imprisonment of three months.

Serious matters, such as murder, manslaughter and treason, and cases on appeal, are heard by the High Court of New Zealand and the Court of Appeal of New Zealand, operating respectively as the High Court of Tokelau and the Court of Appeal of Tokelau. New Zealand has abolished the right to appeal to the Privy Council but a prerogative right of appeal to the Sovereign continues for Tokelau. No Tokelau case has gone to trial in these external courts.

Civil matters relating to adoption and divorce applications, are dealt by the Council for the Ongoing Government of Tokelau. Decisions of Council on these matters are final.

1.2 Tokelau National Strategic Plan 2010-2015: Justice Sector Guiding Principles

The Tokelau National Strategic Plan 2012-2015 presents the development aspirations of Tokelau and identifies the development priorities for the Government of Tokelau for the period of 2012-2015. Tokelau's strategic vision calls for “**Healthy and Active Communities with Opportunities for All**”. The vision encapsulates the view that while the people of Tokelau aspire to a healthy life and vibrant communities with equal opportunities for all, it is important that any developments undertaken in Tokelau be sustainable and lead to improving the quality of life for the people of Tokelau without compromising their culture, heritage and environment.

There are 4 main strategic development policy goals under the Tokelau Strategic Plan, one for each of the four policy outcome areas of good governance, infrastructure development, human development and sustainability.

The goals are:

- Goal 1:** Improved governance, public sector and financial management, and operation of the rule of law
- Goal 2:** Improved standard of living through adequate, reliable and efficient infrastructure
- Goal 3:** Improved health and education outcomes and social well-being
- Goal 4:** Improved economic, cultural, environmental and spiritual sustainability.

For the purposes of this Report, the focus is on goal 1 and specifically on the rule of law. The key objectives under this goal clearly state:

To enhance community safety; to improve access to justice; to institute principles of good governance and enhance integrity in the institutions of law and justice; to improve information and human resource management in the law and justice sector; and to improve national border management.

The objectives for the operation of rule of law clearly reflect the vision of the National Strategic Plan of Tokelau to ensure that its people continue to live in healthy and safe communities with equal opportunities for all; hence the establishment of laws that ensure there is peace and harmony in the communities, and a judicial system that is responsive to everyone's needs and, more importantly, which provides equal opportunities for all.

1.3 Justice Sector Guiding Principles

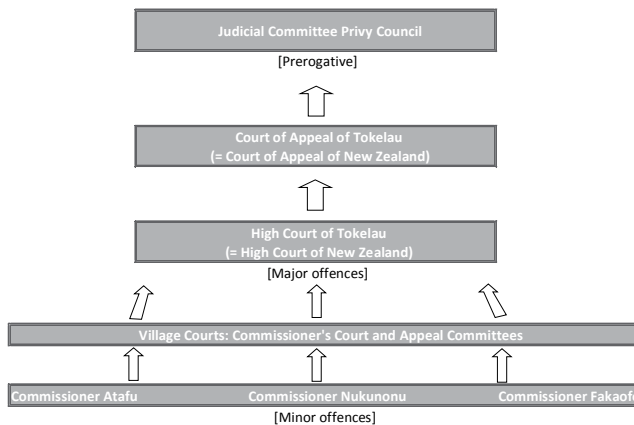
The following principles will guide the justice sector of Tokelau:

- Developing and building a robust justice sector in the villages of Tokelau
- Supporting and building a reliable and accessible justice system in each of the villages of Tokelau that is trusted by the people of Tokelau
- Providing effective and quality services to support independent justice sectors in the villages of Tokelau
- Working closely with communities to enhance safety and wellbeing for all.

1.4 Organisational Structure

The organisational structure of the Tokelau judicial system is illustrated in Figure 1.

Figure 1. Organisational structure of the Tokelau Courts system



IMPROVING ACCESS TO JUSTICE

To ensure there is a constant and improved access to justice in all the three judiciaries of Tokelau, it is crucial to mention here that the key objective outlined under Goal 1 of the Tokelau Strategic Plan (page 13 above) is the main focus of this judicial report, especially the judiciaries in the respective villages.

2.1 Nukunonu

There has been big improvement this year in terms of service delivery. In the previous year there were only 3 cases adjudicated by the Law Commissioner of Nukunonu compared to 33 cases for this year.

For this reporting period, the court utilised community gatherings and meetings of community groups to inform people of their legal rights, where to lodge any complaints to the police should they believe an offence has been committed. Community people were made aware of the role of the police and ways to respond to their request, the police must show no favouritism, neither bias nor being selective when it comes to work. The police are responsible for the investigating of complaints brought to their attention, especially alleged offences, then to prepare a charge and submit it to the Court Clerk.

The court is open to anyone who wants to come and listen during a court hearing of the Law Commissioner. It is very seldom that this opportunity is taken up but very recently there were mothers who came to the court hearings and sat in and were there to support family members. The opportunity is also given to them should they wish to say something. Sometimes mothers used the opportunity to apologise and usually when this happens the Law Commissioner may consider the punishment.

The safety of the people, living happily and in cooperation, living healthy, working together, respecting one another, this is the kind of lifestyle that the people of Nukunonu would like to have.

The Taupulega is the highest authority in the village. It is the responsibility of the Taupulega to make the decisions for Nukunonu on a daily basis to ensure her people are living happily. The authority to make decisions and to make sure the decisions made would bring happiness and peaceful to the people.

The functions of the police are clear. The goals are:

- Restore peace in the community;
- Protect the safety of the people;
- Protect assets;
- Ensure that the decisions and the bylaws made by the Taupulega are respected and adhered to and likewise for the laws of the Government of Tokelau.

The Judicial Officers and the Taupulega work together to ensure the people of Nukunonu live in a safe environment and are free and living accordingly to the laws.

2.3 Atafu

The Judicial Officers that are responsible for ensuring that the system is operating in a proper manner are the Law Commissioner, Deputy Law Commissioner, Court Clerk, Police Sergeant and 7 Police Constables. In the absence of the Law Commissioner the Deputy Law Commissioner will perform any function, duty or power of the Commissioner.

Improvements

Taupulega has recruited more Police Officers to enforce the law in Atafu. These new recruited police officers comprise 2 female officers and 3 male officers. Two of the newly recruited police officers have completed formal police training in Apia in 2015 which has proved to be a major help for the Police Officers in performance and enforcing the Law.

Involvement in school activities has also given the children a better understanding of Police Officers roles in the Community. Syndicate leaders at Matauala School have requested to Judiciary Staff along with Police Officers to present a Workshop on Awareness of the Law and Police's duties in the community. This has proven to be very successful with feedback from the teachers.

Assistance from PJDP in training and skills required to enhance performance has given Judiciary staff more confidence to do this. Although there is a need for ongoing training, we are able to carry out the required procedures of Court hearings and other relevant duties in our individual roles and jurisdictions.

The Law Committee for Taupulega which consists of 6 Taupulega members, the Police Sergeant and the Court Clerk are in the process of reviewing Atafu Bylaws. This has also given us the opportunity in an advisory role and not only in terms of assisting with Bylaws, but also advising on Bylaws Rules that may create conflicts with the Tokelau Crimes and Procedure.

Challenges

- There is a need for a Legal advisor on island, not only to assist the Law Commissioner but also in an advisory role to Taupulega. Understanding the Constitution can be very difficult at times and competent advice has proven to be a needed in terms of the key themes for Judicial Officers and Taupulega discussions regarding the Law/Constitution.
- Ongoing capacity training programmes for Taupulega in terms of justice to enhance their knowledge not only in this area but to understand the importance of the Law Commissioner and his role to work independently and administer the law under the Constitution rather than in a customary manner.
- The interference of Taupulega with Police gathering details before the court has proven the lack of understanding of responsibilities of Police duties and the delegation given to Law Commissioners.
- Motivation is a great need for Judiciary and Police staff when interfered by Council of Elders in trying to performing the proper procedures.
- A mechanism to sound out court users/public view is yet to be implemented. So, unfortunately at this stage we cannot state if our Judiciary services are improving in the view of the public.
- Eligibility of application for the Law Commissioner is limited as one must be a member of Taupulega. This therefore limits applicants; the importance of a capable Law Commissioner to administer the role can be a barrier as there is a large percentage of Taupulega members that have reached the retirement age.

IMPROVING INFORMATION AND HUMAN RESOURCE MANAGEMENT

Court Results

Background Information

This Tokelau Judicial Annual Report for 2014/2015 is the fourth time that case data for the three villages of Tokelau has been presented. The inaugural Tokelau Judicial Annual Report was for the reporting period 2011/2012.

The "usually resident" population of Tokelau was 1,411 people based on the census held on 18 October 2011. The population of the three villages are similar with:

Atafu: 482 people

Fakaofu: 490 people

Nukunonu: 397 people

Whilst the majority of the population in the three villages are mainly Tokelauans there are also people from Tuvalu, Samoa, Kiribati and Fiji.

Overall Summary

The number of the residents in the three villages is very similar, but it is noticeable that the number of the cases brought before the three Law Commissioners of the three villages varies significantly in 2014/2015, from 21 cases in Nukunonu to 66 cases in Atafu, with 61 cases in Fakaofu. Each of the three villages has one Law Commissioner and one Court Clerk; the number of cases they heard and dealt with varies significantly.

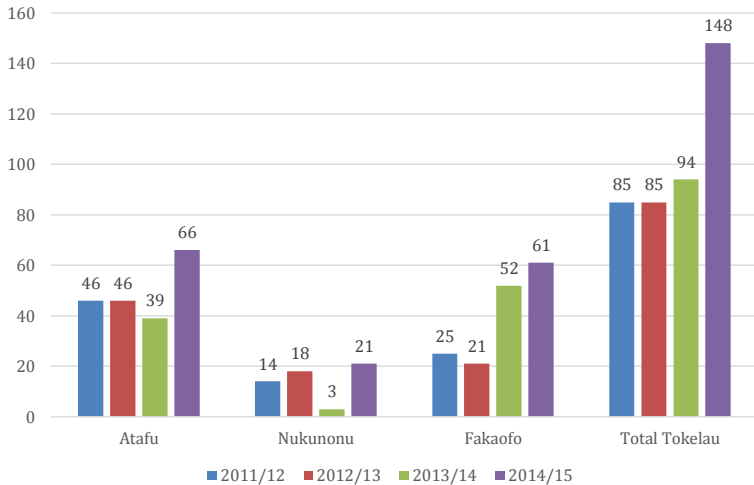
Number of Cases

Atafu: The single Law Commissioner of Atafu heard 66 cases over the year.

Nukunonu: The single Law Commissioner of Nukunonu heard 21 cases over the year.

Fakaofu: The single Law Commissioner of Fakaofu heard 61 cases over the year.

Number of cases filed

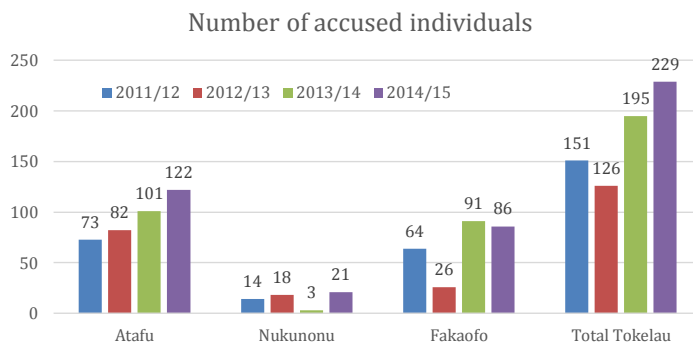


The 148 cases brought before the Law Commissioners on the 3 villages are all criminal cases. There were no appeals from the decisions on the three Law Commissioners in any of these 148 cases. This is the fourth time Tokelau reports there are no appeals. There are reports from the judicial officers from the respective villages as to why there are no appeals. However the reasons as to why there are no appeals could be the same as previously reported - something to do with the culture, people accept the decisions or the obvious reason is that people are not aware of the appeal processes; or people have no confidence in the appeal system. The other reason (this could be the only reason) is that the majority of the hearings are guilty pleas where accused already admitted they committed the offence. With the ongoing awareness programmes people are becoming more aware of the judicial processes and their rights to appeal.

The court users in Tokelau are fortunate as there are no court fees for any cases whether criminal or civil brought are before the three courts of Tokelau. Transport to hearings is also not an issue as court users will only take 5-10 minutes to walk to their hearing.

Number of Accused

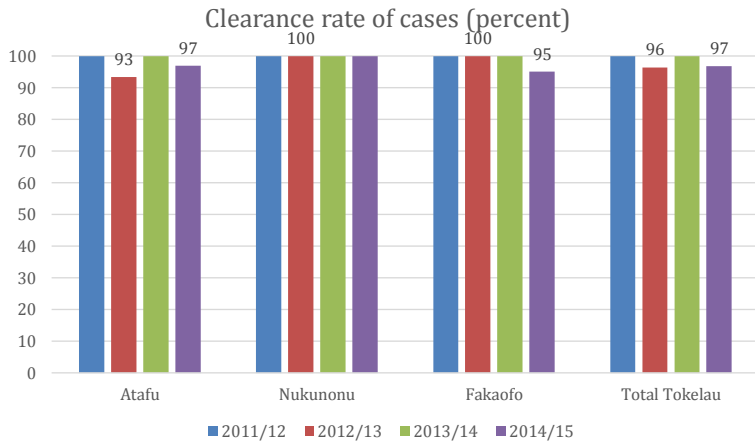
The number of accused brought before the Law Commissioners varies significantly between the three villages. In Nukunonu there are only 21 accused compared to 122 in Atafu and 86 in Fakaofu.



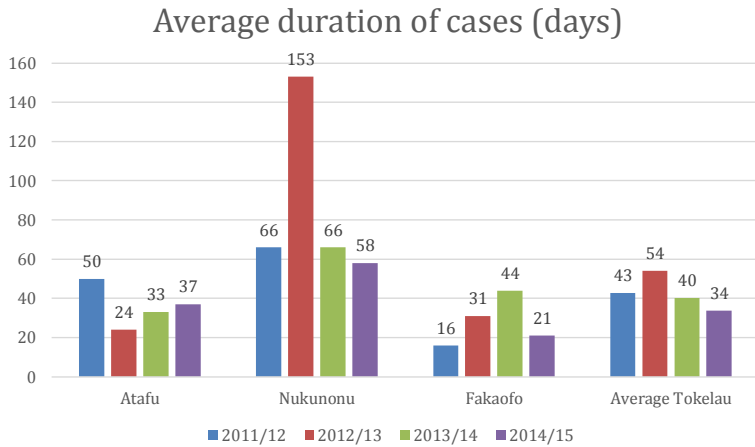
Atoll	Total		Youth (17-25 y)		Minors (16 y and under)	
	male	female	male	female	male	female
Atafu	87	35	(17 were under 18 years old)			
Nukunonu	4	17	11	4	0	0
Fakaofu	69	17	43	9	6	1

Clearance Rate of Cases 2014-2015

The data below show that there is a high clearance rate across the three villages of Tokelau: Almost 100% clearance rate for this reporting period compared to the 100% clearance rate in the previous year 2013/14. Nukunonu had 100% and had been consistent with the previous years; both Atafu and Fakaofu had 97%.



Average Duration of Cases¹



¹ The time between filing of a case and decision.

Duration of cases	Atafu	Nukunonu	Fakaofu
1-30 days	46	9	69
31-60 days	7	12	7
61-90 days		2	14
91-180 days	11	0	4
>180 days		0	0
Number of cases	66	21	61
Average duration	37	58	21
Minimum duration	?	18	1
Maximum duration	?	58	66

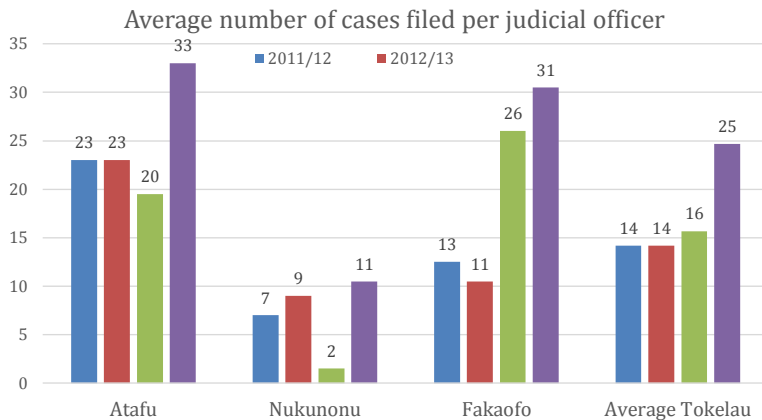
While the Law Commissioner of Fakaofu saw a high number of accused during this reporting period, the average duration of a case in Fakaofu is 21 days and this is a big improvement from the previous year 2013/2014 for an average duration of 44 days. The situation in Nukunonu is different, the Law Commissioner heard 21 cases and the average duration is 58 days and this has improved from an average duration of days 66 in 2013/2014 for hearing 3 cases only. In comparison, in Atafu the average duration of a case is 37, which has gone up from an average duration of 33 days from 2013/2014. Overall there are improvements in all the courts.

Most Common Types of Cases

In all the 3 villages the offences committed are very similar:

- Assault
- Theft
- Fighting in public place
- Intoxicating liquor
- Trespass
- Bodily harm
- Offensive behaviour

Average number of cases per Judicial Officer



INSTITUTING PRINCIPLES OF GOOD GOVERNANCE AND ENHANCING INTEGRITY IN THE INSTITUTIONS OF LAW AND JUSTICE

4.1 Tokelau Public Service Code of Conduct

The Tokelau Public Service Code of Conduct was endorsed by the General Fono in 2004. It is a set of rules which clearly defines expected behaviours and standards of integrity from members of the public service, including members of the police force. The Code of Conduct also outlines expectations of the employer from the employees as well as the expectation of the employees from the employer. The employer has the responsibility to administer the Code of Conduct through ensuring that all public servants follow and abide by all stipulations in it. Unacceptable and inappropriate conduct, and failure to meet required standards of performance, may lead to disciplinary measures. It is a responsibility of all public servants to read and understand the Code of Conduct.

There are three principles under the Tokelau Public Service Code of Conduct. Employees shall:

1. fulfil their lawful obligations to the Tokelau authorities with professionalism and integrity
2. perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and their colleagues
3. not bring the Tokelau public services into disrepute through their private activities.

4.2 Judicial Code of Conduct

The Judicial Code of Conduct provides guidelines and rules to the Law Commissioners of Tokelau on how they should carry out their roles, and also for the members of the community to know and understand the expected behaviours from the Law Commissioners when they carry out their duties. The common principles in practice are:

- (i) **Diligence:** The duty of the Judges to serve diligently when they deliver decisions without any unnecessary delays.
- (ii) **Integrity:** Judges must conduct themselves with utmost integrity to sustain and enhance public confidence in the judiciary.
- (iii) **Equality:** Judges must conduct themselves and proceedings so as to ensure equality according to the law.
- (iv) **Judicial independence:** Judges must make their decisions independently.
- (v) **Impartiality:** It is important for Judges not only to be impartial but also to appear to be impartial in their decision-making.

- (vi) **Judicial demeanour:** Judges must maintain firm control in the court room and ensure people in the Court are treated with courtesy and respect.
- (vii) **Courtroom conduct:** It is important for the Judges to ensure that the people coming to Court are treated with respect and are being served.
- (viii) **Communication in Court:** The Judges should communicate clearly so that the people in Court understand what has been said.

4.3 Complaint-Handling Mechanism for Tokelau Judiciary and Police

The Judicial Officers reported that while there is no formal mechanism set up in the respective judiciaries of Tokelau that allow court users or anyone to come forward to complain or provide any feedback on the services provided by the Law Commissioners and Court Clerks in the three villages, the judicial awareness workshops carried out with the communities provided opportunities for court users and members of the community to share their concerns in relation to judicial services. In most cases, members have used these meetings and have expressed their disappointment with the delayed service, especially for timely decisions or the outcomes of their case. The other common view that came through was the concern about the type of punishment given by the Law Commissioners. Some members complained that the punishments of a fine not more than NZD\$150.00 (3 penalty units) or not more than 3 months community work are far too lenient; heavy penalties should be given to offenders, as these would deter them from any further offending.

The Court Clerks also reported that some court users and members of the community have shared their concerns with them orally and most of them complained about the delayed services. Another comment that came through was the issue of conflict of interest. The Law Commissioners need to declare their conflict of interest more often so members of the community can respond and feel confidence in their work. The issue was that members of the communities sometimes questioned the Law Commissioners when dealing with family members, not realising they have a conflict of interest; and ignoring the views of some members of the community - especially those associated with the case.

4.4 Management Accountability

4.4.1 Annual Accounts for Reporting Period

The three respective judiciaries of Tokelau, in Fakaofu, Nukunonu and Atafu, are under the management of their respective Village Councils. The village judiciary accounts are managed under each village budget

in accordance with the approved funding allocations for judicial services and Police for that particular financial year. In each village, the Financial Manager oversees village funding for this period in partnership with the Tokelau Government Department of Finance. This department has overall responsibility for reporting on village and departmental expenditure for the financial years to the General Fono. The allocation of funding for each judiciary from the overall village funding differs, reflecting their approved budget by the General Fono as well as village development priorities for that particular period.

Nukunonu

The budget for the Judiciary and Police are consolidated into the Taupulega budget. The Office of the Taupulega is responsible for the expenditure and reporting and this is carried out on quarterly basis. The Judiciary has a Bank Book for the depositing of fines.

4.5 Training and Development Opportunities for Court Staff

The Tokelau Judiciary acknowledged the PJDP for the opportunity provided each year for the Law Commissioners and the Court Clerks to attend regional training. For this reporting period, there were regional orientation workshops held and the Law Commissioners of Atafu and Fakaofu and the Court Clerks were able to support the Law Commissioners in that training. These workshops are very important as they enhanced knowledge and provided new skills to the judicial officers.

Nukunonu

It is critical that the capability, knowledge and skills of the public servants working in the Judiciary. Continue to lift the level of service delivery. The majority of the public servants working in the Judiciary including the police sector were not educated nor have any formal legal training. The ongoing assistance through training by the Pacific Judicial Development Programme jointly with the Government of Tokelau, Judiciary of Samoa, Legal Adviser of the Government of Tokelau have helped to boost the developments of judicial officers. Within this reporting period the Judicial Officers received the opportunity to do and to attend to the following:

- (i) December 2014, the Law Commissioner and the Court Clerk went to a training session in Vanuatu;
- (ii) February 2015, the Court Clerks participated in the regional training for Judicial Officers of Tokelau, and the Law Commissioners also attended with the Police and members of Taupulega Appeal Committees in Samoa;
- (iii) March 2015: 2 police from Nukunonu Police participated in the Police Academy in Samoa.

4.6 Management of Courts

4.6.1 Court Houses

The Law Commissioners and Court Clerks have recently reported that they have raised with their Village Councils the need to have an appropriate building for the court and sufficient space for the hearing and members of the community.

4.6.2 Nukunonu

At present there is no court house for Nukunonu. The court hearings are being held at the St Maletino Tepole Talikilagi Hall. Law and Justice is a priority of the Government and also for the Villages. It is important that progressing law and justice is seen as a priority by building a court house administration in Nukunonu.

The Court Clerk is responsible to

- Seek space to the Village Community Hall especially as there are many village activities for the Court Hearings and Judicial Awareness Workshops.
- Make sure the place given for the court hearings is clean and ready for the hearings.
- Make sure the waiting venue for the accused is clean and those who want to observe and sit in the court hearings are warmly welcomed.

Office of the Law Commissioner

There is an office for the Law Commissioner and the Court Clerk. The office is quite spacious and can house all the resources/or equipment of the Judiciary.

Police

There is an office of the Police that houses all their work equipment and resources. The Police operate independently from the Court.

There is no prison house at present in Nukunonu but this matter has been discussed and was considered as an important sector in the development of law and order in Nukunonu.

Challenges

There are many challenges as the people found it difficult to lodge complaints with the Police and below is some feedback from community members.

- The Police are not committed to enforce law and order;
- The Police took too long to investigate cases;
- The Police have provided poor police reports/writings
- The Judicial Officers and Police sometimes are absent from the village
- There is no court house administration
- The village plans and those of the government take priority and caused disruption to the court hearings and judicial programmes
- It was impossible to conduct workshops for this reporting period as planned due to too many activities in the villages.

Judicial Needs of Nukunonu

Ongoing Capacity Building and Enhancement of judicial skills:

- Continue capacity building workshops for Judicial Officers
- Good Governance Training to be carried out for Judicial Officers
- Computer lessons/or training to be carried out for Judicial Officers
- Ongoing refresher trainings to be carried out for Court Clerks in data reporting, analysis and report writing.

Court human resources

- Law Commissioner Ioane Nui Tumua
- Commissioner by Default Faipule Hiopili Perez
- Court Clerk Lepeka Amato-Perez

Police

- Sergeant/male Sefo Leo
- Constable/male Aleki Manuele
- Constable/male Patrick Tegei Lui
- Constable/male Viliamu Ioapo
- Constable/male Falaniko Kueva Aleki
- Constable/female Huliana Pehamino

Acknowledgements

It is appropriate to acknowledge and thank the Pacific Judicial Development Programme (PJDP) for its continuing support for the development of judiciaries in the Pacific especially the support for Tokelau, Professor Tony Angelo (Constitutional Legal Adviser for Tokelau based in New Zealand), New Zealand Police, Superintendent Murray Lewis, Samoa Police, Samoa Judiciary especially for their support through regional trainings held in Samoa. Thank you for the assistance from the PJDP and the Government of Tokelau towards building and strengthening the judiciaries of Tokelau.

We acknowledge the dedication and commitment by the Taupulega of Nukunonu towards the Law Commissioner and the court staff of Nukunonu Judiciary.

We acknowledge the Legal Adviser for the Government of Tokelau, Lise Hope Suveinakama for her ongoing commitment and support towards the Tokelau judiciaries, especially all the efforts made to progress the development of quality justice systems in Tokelau and the ongoing support to the Tokelau Judicial Officers from time to time.

LIPOTI TAUHAGA MO FAKAMAHINOGA A
TOKELAU 2014/2015



**LIPOTI TAUHAGA
MO
FAKAMAHINOGA A
TOKELAU
2014/2015**

Mo ni e tahi fakamatalaga fakafehokotaki te:
Ofiha ote Malo Fakaauau o Tokelau
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Kupu a te Fakamahino Hili o Tokelau

I send warm thanks and congratulations to all who have been involved on the preparation of this Annual Report: especially to the three Law Commissioners, the Court Clerks and the Judicial National Coordinator. I also would like to acknowledge the Ulu o Tokelau, the Taupulega, the General Fono and the Council for the Ongoing Government, whose support and guidance of the justice system is essential.

The continued commitment to transparency and self-reflection that is demonstrated in Tokelau's Annual Reports is to be admired. Open justice is the hallmark of the rule of law. As is noted in this year's Report, the justice system must be understood in order to be accessible. Once someone engages with the justice system, it is important that both they and others in the community see that justice has been done. Publicising the workings of the judiciary is a crucial step towards that worthy goal. More than this, these Reports provide a regular prompt to pause and take stock of the changes and challenges that arise from year to year. The ability to make comparisons across time and villages enables those responsible for providing access to justice to measure areas of success and opportunities for improvement. And the circulation of these Reports furthers the ability of the people of Tokelau to have their voices heard on justice issues.

I am glad that the Pacific Judicial Strengthening Initiative is continuing to assist with training for the judicial officers of Tokelau. Judicial officers in every country are entrusted with a difficult and important task. Often it is a lonely one, given the paramount importance of judicial independence. In that context, support and training are always needed to ensure that we can meet the high standards expected by our communities.

I am grateful to the Ulu o Tokelau for the suggestion in his preface that there may be opportunities for the New Zealand judiciary and court staff to provide some practical capacity building for Law Commissioners and for Court clerks. That seems to me an excellent idea for us to pick up in the year ahead.

I wish to express my admiration and best wishes to all of those who are involved in the administration of justice in Tokelau: police and judiciary, government and people.

Rt Hon Dame Sian Elias
Chief Justice of Tokelau
August 2016

Kupu a te Ulu o Tokelau

I toku tulaga ko te Ulu o Tokelau mo te 2016, e lagona te fiafia ke tuku atu ai te Lipoti Tauhaga mo Fakamahinoga a Tokelau to na 4 mo te vaitau lipoti mai te aho 1 Iulai 2014 ki te aho 30 Iuni, 2015. E ui kua tuai malie te taimi tuku aloakia atu ai tenei fakamoemoega kae, e lagona pea lava te loto fiafia kua mafai pea ke fakaauau te tukuatuga o te lipoti tauhaga mo fakamahinoga.

E kavatu ai he fakamalo ki naKomehina Tulafono, na Failautuhi o Fakamahinoga vena ma Ofiha Hokotaga mo te Tulafono ma Fakamahinoga mo na tautuaga ke fai ai tenei lipoti tauhaga mo fakamahinogai mo tenei vaitau.

E taua lele ke fakailoa atu ki na nuku vena ma na tagata nuku na galuega uma lele vena ma na fehoahoaniga mai ma ofiha o fakamahinoga. Kae e pitohili ona fakataua ke maua uma e na hitiheni o Tokelau te fehoahoani ma he hapoti malohi e ala ai ki te itu ona galuega a fakamahinoga.

E amanakigia ma kavatu he fakamalo kite hapoti fakaauau mai te Polokalame A te Pahefika mo Atiakega o Fakamahinoga (PJDP) eve kua takua ai nei ko te Polokalamae mot e Fakamaakekega ona Taumafaiga mo Fakamahinoga (PJSI), Dr Livingston Armstrong ma te kau faigaluega mo to latou fehoahoani ma hapoti malohi mai e tuha ai mo na tautuaga nae kui atu ai ina akoakoga pe ni koleniga foki, vena ma na fonotaga pe ni fonotaga fakaakoakoga foki nae fai ke fakamalohia ma fakalelei atili ai te atiakega ate kaufaigaluega o fakamahinoga ma te tulafono.

Ko Tokelau ite taimi nei e amanakia e ia ma manakomia pea Iva lele he tautuaga lelei ke fakalelei atili ai ma haogalemu pea na nofonofoga ina nuku. E kitea atu ai lele te tulaga ei iei ai ia Tokelau, ko tana kaufaigaluega foki mo famahinoga ote tulafono kua hikitia e tuha ai ma te tulaga te e he manakomia ke iei ni iloa fakatetulafono pe ko ni tuhi paahi foki. Ko te e kavatu ai haku fakafetai lahi lele mo na akoakoga ma na fonotaga na fehoahoani lahi kiei te kaufaigaluega a te famahinoga ate tulafono atonu nae lahi ai te huiga na maua mai ai, e tuha ai mote tau atiakega o tenei fakamoemoega. E taua lele ai ke lelei te kavatuga o tenei fakamoemoega ma ona fefaiakiga mo tagata uma o Tokelau. Aua e fia maua he olaga filemu ma amio tonu e tagata uma o Tokelau, e momoli atu ai he fakafetai ki te kaufaigaluega mo fakamahinoga mo te tali atu ki na mokomokoga e manakomia lahi e o tatou tagata.

E momoli atu foki haku fakafetai lahi lele ki na Taupulega mai na motu takitahi mo te hapoti malohi nae maua e na Komehina Tulafono vena ma na Hui Famahino. Ko te tutokatahi o te Famahino ki ana galuega e hilia atu kafai e galue malohi mo te tautuaga ote leleiga ote hitihemi a te famahino ma ona fefaiakiga i Tokelau. E kavatu ai foki haku fakafetai ki leoleo uma a Tokelau mo o latou tiute taua e taukave ko te fakaulutonuga ma fakamautuuga ona tulafono.

Ko te Famahino Hili o Niu Hila, ko te Fakaululuga o Famahino ia mo Tokelau. Atonu e mainafia lele te kehekehe mamao ona hihitemi o fakamahinoga kae, ko au e amananaki ma fakamoemoe ei iei ni avanoa ite hihitemi o fakamahinoga a Niu Hila e mafai ai ke fehoahoani ma hapoti mai ai kia Tokelau e tuha ai ki ni vaega e he atafaia pe he maua ai foki ni hikili ke fakatino ai na galuega e manakomia. E maua ai la te fehoahoani ma te hapoti malohi mai a Niu Hila kite tauatiakega o tenei vaega ki te itu ona mea tau fakatetulafono ma famahinoga, e kaumai ai e Niu Hila ni tino faigaluega i tenei itu vena ma kaumai ni akoakoga mo na Komehina Tulafono vena ma kilatou e atiake te Ola haogalemu ma te filemu vena mo na famahino takitahi.

I haku tope kupu e kavatu haku fakamalo ki na Komehina Tulafono ma na Ofiha o Fakamahinoga, malo te tiu, malo te fai nuku, malo te fai atunuku. Ko he tiute e o kolua ke tuku atu ai he hihitemi fakamahinoga e pito hili ona lelei ma amiotonu i te fakatinoga mo o tatou tagata. I toku tulaga ko te Minihita o Fakamahinoga, ko au e momokotia ma amanakia pea ko ki latou e fakaaogagia na fakamahinoga ma vena o tatou nuku kua fakafiafiagia ki latou i te tuku o te lipoti tenei. Ite taimi foki lava tenei e fakamalohia atu foki koutou ke fakaali ma fakatalanogia o outou lagona ma ni popolega e tuha ai ko na tautuaga ana famahino. **"Malo te tiu"**.

Faipule Afega Gavalofa
Ulu o Tokelau
2016

Kupu a na Komehina Tulafono a Tokelau (Law Commissioners)

1. Fakafo

E kaina ia faiva e fakanau ki Atua

E fakatulou atu ki te mamalu o Tui o Nuku o Vavau kae maihe ai foki te paleda o fenua.

E hiki fakatahi eki tatou te fakafetai ma te fakamalo ki to tatou Atua e tuha ai ma te ola ma te malohi e maua pea e ki tatou. T e Atua fakafetai ki to alofa ma to agalelei.

E kavatu haku fakafetai ma fakamalo kui atu ite Ulu o Tokelau, te Malo Fakaauau kae maihe te Fono Fakamua e tuha ai mo na fehoahoaniga tau akoakoga kae vena foki na kope faigaluega ite fakatinoga ona galuega.

E kavatu foki haku fakafetai lahi kite mamalu o te Taupulega a Fakafo ma tagata nuku uma ona ko te lagolago malohi mai kite pito a te tulafono.

Aua e maina ia teki tatou ko tenei galuega he galuega fai fakatahi aua ate puiipuiga o tatou tagata ini fakafitauli e ono tutupu mai veia ki te fakahauaga ki matua ma a tatou fanau ma na holigatulafono matuia e aliali mai ma te tulaga e tatau ke nofo totoka ma malupuipua ia tagata ite tulafono. E fakamoemoe na fakamalie lotu koulua ina tautuaga a Fakamahinoga ite piliota tenei. E fakaauau pea te agai ki luga ona atiakega ke fakalelei pea lava na tautuaga a Fakamahinoga.

E he puli foki ia te au haku fakafetai ki te Malo o Niu Hila ma te Malo o Ausetalia vena ma te Fakalapotopotoga a te Pacific Judicial Development Programme, Leoleo a Niu hila kae maihe na faufautua tulafono a Tokelau ma ki latou uma e galulue ma taumafai ke tauhi kit e filemu mot e nofo lelei o tagata uma l luga o Tokelau.

Ko te tatalo ke kavea pea ia Tokelau ma fenua e ola fialia ma ola fakatahi ona tagata.

Ke ola ia Tokelau.

Penehe Tulafono
Komehina Tulafono
Fakafo

2. **Nukunonu**

Nae nofo ki matou kae tautuku pe alofagia ki matou e te nuku. Ko matou malu ko koulua.

Te Malo o Niu Hila, kua iloga to hogahoga ki au falitega ki te galuega. Te Fono Fakamua, malo te fau Malo, na Taupulega fakamalo te onoono ma fakatonufonu. Ka heai koe ko te vaka e to ki kalo.

Te Polokalame PJDP fakafetai lahi mo tau lagolago, kae maihe te akoakoga o te kaufaigaluega ke maufinoa e fakamalieloto te fakatinoga o na tautuaga.

Te kau tautua, fakamakeke, mata malama ki tau tautua. Malo. Ia Pua te Vaotalua. Fakatu loto ki fenua. Kua pakia koulua ona ko matou ke fakatu ki luga.

Foe mua ko te Atua. E teletonu mau ai te galuega o te Tulafono kia mua.

Fakafetai lahi lele

Malo te Ati fenua.

Ioane Nui Tumua
Komehina o te Tulafono
Nukunonu

3 **Atafu**

Kupu ate Komehina o Tulafono.

Tautai ake.

Malo Tokelau,

E he taumate kua tofu kitatou uma ma te mafua ika mai te tafahiga vena te tiuga o tautai, maihe te fehoahoani mai a te Tautai o Tautai. Fakafetai fakamalo te galulue fakatahi mo Tokelau katoa. Te Ulu o Tokelau, te Malo Fakaauau, Fono Fakamua, na Taupulega, Kaufaigaluega Tautua, te malohi o na Nuku, te Fatupaepae, te Tupulaga ma na fanau. Kae maihe te tapuakiga a tamana ma matua. E fakamalo ki na Kaukauna a te Atua mo te galuega tau logologo ite fakatalaleleiga o agaga o tagata Tokelau. Vikia pea to na igoa i na aho uma kae maihe kia tatou fakatinoga. Malo te taumafai, malo te he fakalogologo tiga.

He hoa lava, ke ola ia Tokelau.

Feleti Lopa
Komehina Tulafono
Fakamahinoga a Atafu

KIKILAGA KATOA KI NA FAUHAGA O TULAFONO MA FAKAMAHINOGA

1.1 Kikilaga Katoa ki na Hihitemi tau Fakamahinoga i Tokelau ma Leoleo

1.1.1 Fauhaga Fakatetulafono o Tokelau

Ko Tokelau he fenua ko heki faia hana filiifliga faiga malo e pulepulea e te Malo o Niu Hila. Ko Tokelau he vaega e o te kaukaiga o Niu Hila (Clause 1 (d) of Letters Patent 1989). Ko tagata Tokelau ni hitiheni e o Niu Hila. Ko te fauhaga o te Malo o Tokelau kua takua i loto o te Tulafono Fakapalemene a Tokelau 1948. Ko te Ulu o te Atunuku ko te Kuini o Niu Hila. Ko te Kovana o Niu Hila ko te hui aloakia ia o te Kuini. Ko Tokelau e pulepulea mai Niu Hila e te Ofiha fakaminihita o te Va-ki-Fafo ma Fefakatauakiga, ma ko te Uluf aatonu, ko ia te Fakauluuluga o te Ofiha Hokotaga Fakapitoa (SRU) i te Ofiha fakaminihita tena. E mafai e te Palemene a Niu Hila oi fai ni tulafono mo Tokelau e auala i ni Tulafono fakapalemene aua ko Tokelau he vaega e o Niu Hila. E mafai e te Kovana Hili oi fai ni tuafono mo Tokelau e auala i ni tulafono fakatonutonu (Vaega 4(1) o te Tulafono Fakapalemene o Tokelau 1948.

Ko na holitulafono lalahi i Tokelau ma na auala e fefaiaki ai na tulafono o holigatulafono Tokelau, kua fakatatia i loto o Tulafono a Tokelau o Holigatulafono, Auala e fai ai ma Fakamaoniga.

1.1.2 Te Malo o Tokelau

E lua ia fauhaga o pulepulega i Tokelau:

- (i) te malo fakalotoifale o na Nuku; ma te
- (ii) te malo fakateAtunuku.

I te malo fakatenuku, ko na tonu e tau ki na matakupu tau te nuku e fai i te levolo o na nuku e na Taupulega. Ko na Tulafono Nuku foki e fai e te Taupulega. Ni fekehekeheakiga i na nuku e gafa ma te Komehina Tulafono ma na Komiti Apili a na Nuku (Vaega 10 o te Tulafono Fakapalemene a Tokelau 1986, Tulafono 103 o na Tulafono o Holigatulafono). Ko na matakupu tau fenua ma te nofonofoga e gafa ma te Taupulega. Ko te Tulafono Toe Teuteu a te Fakapalemene 1986, Tulafono 103 o na Tulafono o Holigatulafono). Ko na matakupu tau fenua ma na nofonofoga aganuku e fofo ma tukutonu e na Taupulega.

I te levolo o te Malo Fakaatunuku, ko na tonu o te malo e afia ai ia Tokelau katoa e fai e te Fono Fakamua. E fai e te Fono Fakamua na tulafono e kikila ia e tatau mo te filemu, nofolelei ma te pulepule lelei o Tokelau (Vaega 3A o na Tulafono Fakapalemene o Tokelau 1948). E he faia e te Fono Fakamua ni tulafono e feti ma he Tulafono Fakapalemene, tulafono fakatonutonu pe he feagaiga kua amanakia i Tokelau. E he faia e te Fono Fakamua ni tulafono e apalai pe iei he malohiaga i fafo atu o Tokelau (Vaega 3A (4) o Tulafono Fakapalemene mo Tokelau 1948). Kafai e he nofoia te Fono Fakamua, ko te Fono mo te Malo Fakaauau te tokaono (6) ona hui e fai e kilatou na tonu e manakomia mo te pulepulega o Tokelau.

1.1.3 Hihitemi o Fakamahinoga

Ko na Fakamahinoga ienei i:

- Te Fakamahinoga a te Komehina Tulafono ma te Komiti Apili a te Nuku
- Fakamahinoga Maualuga a Niu Hila (ko te Fakamahinoga Maualuga foki ia o Tokelau)
- Ko te Fakamahinoga mo Apili o Niu Hila (ko ia foki te Fakamahinoga mo Apili a Tokelau).

Ko te Fakamahino Hili o Niu Hila ko te Fakamahino Hili foki ia mo Tokelau. Ko na Komehina ni fakamahino lagolago e tofia e te Kovana Hili o Niu Hila i he fautuaga a te Minihita o te Va ki Fafu mai luga o ni fakatalatalanoaga ma te Taupulega e a ia te Komehina Tulafono. Kafai lava e iei he taimi kua he nafatia ai e te Komehina Tulafono oi fakatino ona tiute ona kua tauale pe hea lava, pe kafai kua avanoa te tulaga tofi o te Komehina Tulafono, ko ho he tino e ia taukavea na galuega a te Faipule, e kavea ma hui Komehina Tulafono i te nuku tena.

E iei na fale fakamahino a Tokelau lava: Ko te Fakamahinoga a te Komehina Tulafono ma te Komiti Apili a na nuku takitahi. I na Fale Fakamahino a na Nuku, e iei te Komehina Tulafono, ma te Failautuhi a te Fakamahinoga. Ko te Komiti Apili e toka 3 – 4 ia hui e tofia e te Taupulega ke gafa ma ni apili agai ki ni tonu a te Komehina Tulafono.

Ko te malohiaga fakatetulafono o he Komehina Tulafono e gata lava oiote i te fenua na tofia ai te Komehina Tulafono tena ma te Moana Hikotakamilo o Tokelau e hiko ai te fenua tena. Ko te pule a te Komehina Tulafono agai ki na holigatulafono i te va o te tino ma he tahi tino (hivili) pe ko he tino ma te malo (criminal), ko ia e gafa ma ni tagi hivili e gata i te \$1,000 ma na holutulafono ieia ko tona hala e tofogi tupe pe 1 tauhaga i te falepuipui. Ko te mafai fai fakahalaga o te Komehina Tulafono e fakatapula i te \$150 pe falepuipui mo he itu mahina.

Ko ni matakupu tutua e ve ko te finau tino, finau tino pakivalea ma te fakatupu fakalavelave ma na matakupu e apili e gafa ma te Fakamahinoga Maualuga o Niu Hila ma te Fakamahinoga o Apili a Niu Hila e galulue uma kilaua ko te

Fakamahinoga maualuga o Tokelau ma te Fakamahinoga o Apili o Tokelau. Kua he toe fakaaoga e Niu Hila te aia ke apili ai ki te Privy Council kae iei lava te aia o Tokelau ke apili ai ki te kaupule maualuga. Ke pa mai nei ko heki iei lava he matakupu ma Tokeau kua na kua pa ki na fakamahinoga fafo ienei.

Ko na matakupu hivili e ve ko te tama tauhi ma na avaga tatala e gafa ma te Malo Fakaauau o Tokelau. Ko na tonu a te Malo Fakaauau agai ki na matakupu venei ko te tonu lava ia.

1.2. Peleni Taki mo Atiakega a te Atunuku 2010-2015

Ko te Peleni o Galuega a Tokelau 2010-2015, e i loto ai na fakanauga o Tokelau mo an atiakega ma e fakamatea ai foki na atiakega fakamuamua mo he vaitaimi pukupuku a te Malo o Tokelau mo te piliota 2012-2015. Ko te moemitiga a Tokelau kua fakatatia, e fofou ki he "Nuku olamalolo, **hatala ma maua** ai ni avanoa mo tagata Uma". Ko te moemitiga tenei e katoa i loto te lagona veia e ui ko tagata o Tokelau e momoko ki he olaga olamalolo, **hatala ma maua** ai ni avanoa tutuha mo tagata uma, e taua foki ko ho he atiakega e fai i Tokeau e tatau ke taoga ma mafai ke hihiki ai ki luga te tulaga o te olaga o tagata o Tokelau kae h□ fakaafaina ai ta latou aganuku, to latou tofi ma to latou hikomaga.

E 4 ia hini mo atiakega i loto o te Peleni o Galuega a Tokelau, e takitahi lava mo na vaega kautu e fa, ko te pulepule lelei, atiakega o galuega lalahi, atiakega o tagata ma te fakatumaugia.

Lipoti tauhaga mo te tulafono ma na kauhaga o fakamahinoga a Tokelau 2012/13 15 Ko na hini ienei:

Hini 1: Fakaleleia atili te itu ki te pulepulega, heke o tagata lautele ma te pulepulega o te tupe ma te fakatinoga o te pule a te tulafono

Hini 2: Fakaleleia atili te tulaga o te olaga e auala i te lava, fakatuatuagia o na tautuaga kautu

Hini 3: Fakaleleia te tulaga o te olamalolo , na akoakoga a te nofolelei

Hini 4: Fakaleleia atili te itu tau tamaokaiga, itu ki te aganuku, hikomaga ma te olaga fakateagaga. Mo tenei Lipoti Fakatetauhaga a te itu tau Fakamahinoga, e fakapatino te kikila ki te hini 1 ke maihe ki te pule a te tulafono. Ko na hini kautu i lalo o te hini tenei e fakaali manino mai.

Ke atili haogalemu ia loto o na nuku; ke fakaleleia atili na avanoa ki te fakatinoga o te amiotonu e auala i na fakamahinoga; ke fakamautu na agagataki o te pulepule lelei ma atiake te amiotonu i loto o na vaega e gafa ma te tulafono ma na fakamahinoga; ke fakaleleia atili te pulepulega o na fakamatalaga ma tagata faigaluega i loto o na hake o te tulafono ma fakamahinoga ma fakaleleia atili te pulepulega o te tuakoi o te atunuku.

Ko te hini kautu mo te fakatinoga o te pule a te tulafono e atafia manino ai te moemitiga o te Peleni o Galuega a Tokelau ke fakamautinoa e tumau pea te

ola o ona tagata i ni nuku olamalolo ma ni avanoa tutuha mo tagata uma; ko teia kua iei na tulafono ke fakamautinoa ai te filemu ma te nofolelei i na nuku ma he hihitemi fakamahinoga e tali atu ki manakoga o tagata uma kae hili te taua, e maua ai ni avanoa tutuha mo tagata uma.

1.3 Agagataki e Takiala ai te Heke o Fakamahinoga

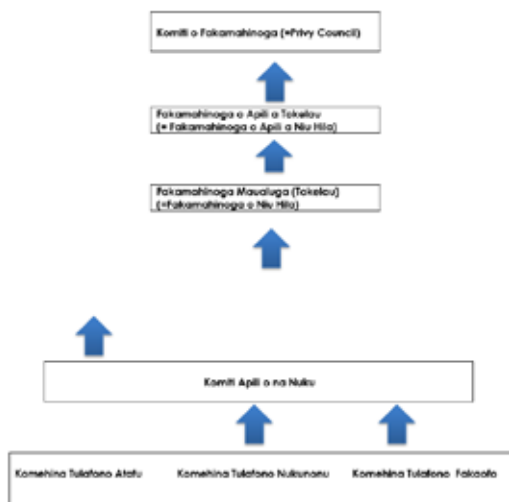
Ko na agagataki e takiala ai te Heke o Fakamahinoga o Tokelau:

- Atiake ma fau he vaega o fakamahinoga e gaoioi ma fakatino a latou galuega i loto o na nuku uma o Tokelau
- Hapoti ma fau he hihitemi fakamahinoga e mautu ma avanoa ma fakatalitonugia e tagata o Tokelau
- Tuku atu ni tautuaga aoga ma lelei ke hapoti ai he heke fakamahinoga tutautahi i loto o na nuku o Tokelau
- Galulue tafapili ma na nuku ke fakamautu te haogalemu ma te nofolelei mo tagata uma.

1.4 Fauhaga o te Fakatulagaga o Fakamahinoga

Ko te fakatulagaga o na fauhaga o fakamahinoga a Tokelau e fakamatea atu ite Ata 1.

Ata 1: Fakatulaga ona Fauhaga o Fakamahinoga a Tokelau



FAKALELEIGA ATILI NA AVANOA KI NA FAKAMAHINOGA

Ke fakamautinoa e tutuha ma e fakaleleia atili na avanoa ki na famahinoga ina nuku e tolu o Tokelau, e taua lahi ke takua i kinei te hini kautu e tuku mai lalo o te Hini 1 i loto o te Peleni Taki mo Atiakega a Tokelau (itulau 9 i luga) ko ffe mea ia e pitohili ona fakataua i loto o tenei lipoti fakamahinoga, kae maihe ai na famahino i loto ona motu takitahi.

2.1. Nukunonu

Kua iei ni huiga lahi e kitea i loto o tenei tauhaga e tuha ai ma na galuega tautua. I te tauhaga I tua atu e 3 oiofi ia moliaga na famahino e te Komehina Tulafono o Nukunonu, fakatuhatuha kite 33 o moliaga na fekafeagai ia kiei I tenei tauhaga.

Mo tenei tauhaga tupe, na fakamaopooopo e na fale famahino ke fono uma na nuku ke fakailoa kina tino tautokatahi o latou aia tatau, ma fakailoa foki kiei pe vefea ona fakaulu he tagi pe he moliaga foki. Na takutino atu kina tagata uma ote nuku ina tiute ona leoleo ma auala e mafai ke tatali atu ai ki o latou moliaga, e taua ai lele te he iei o he leoleo ei manatu fakapito ki ona kaiga, pe fakaali foki ni va e mafai ke lahi ai he afainaga e pa kiei ite faiga o alatou galuega. E o na leoleo te tiute kite hukehukegia o he moliaga maihe ai kihe moliaga ohe tino kua holi tulafono, oi tapenapena ai loa he moliaga fakaaloakia ke kave kite tino famahino. Ko galuega foki a leoleo I na nuku takitahi e foliga tutuha aua ko ki latou te gafa ma na holigatulafono takalahi e mahani tutupu i na nuku takitahi. E taua ke matea na galuega a na heke takitahi o leoleo, fuafua ki te aofaki o na moliaga e gafa ma ki latou kae maihe ait e hikihiki ake o te haogalemu io latou nuku.

Ko te fale famahino e tatala ki ho he tino e fia fakalogologo kite faiga ona fakamahinoga ite taimi e fai ai na fakamahinoga a te Komehina Tulafono. E heaheha maua ni avanoa venei kae I he taimi e heki leva atu na omai ai ni matua hapoti o latou kaiga ma nonofo oi fakalogologo I loto ote fale famahino. E eiei foki te avanoa e foki kiei ke fai ai ni o latou lagona. Ei iei e fakaaoga ai te na avanoa e na matua ke kave ai ho latou fakamaulaloga, maihe lava kafai te Komehina Tulafono kua iei hana ikuga kihe fakahalaga.

Kote ola haogalemu ona tino, ola fiafia ma ola filemu, faifai mea fakatahi, fakaaloalo te tahi ki te tahi, kote itukaiga olaga ia e fia ola ai na tino o Nukunonu.

Ei te Taupulega te pule malohi I loto o te nuku, ma he tiute foki eo te Taupulega ke fai tonu mo Nukunonu ina aho takitahi ke fakamautinoa ai kona tino e ola

fiafia ma te filemu. Kote latou mafai ke fai ni tonu mote nuku e maua ai te ola fiafia mate filemu mo tagata uma.

Kona galuega uma ana leoleo e mainafia lele. Kote kautu o alatou galuega e fai:

- Kote fakaleleiga atili ona va I loto ote nuku;
- Fakamautinoa te haogalemu i loto o na nuku;
- Puipui na mea to fino;
- Fakamautinoa kona tonu uma e fai ma na tulafono e fai e te Taupulega e taliagia ma fakaaloalogaia vena foki kina tulafono ate Malo o Tokelau.

Kote kaufaigaluega ote Ofiha o Fakamahinoga ma te Taupulega e galulue fakatahi kite atiakega ohe hikohikomaga filemu ke ola filemu ma te haogalemu e ala ai ina tulafono mo tagata uma o Nukunonu.

2.2 Atafu

E o te kaifugaluega ote Ofiha o Fakamahinoga te tiute ke fakamautu te hihitemi a Fakamahinoga ma te atiakega o ana galuega ihe tulaga e lelei ma fakamoemoegia, e aofia ait e Komehina Tulafono, Hui Komehina Tulafono, te Famahino, Leoleo Hatini ma te toka 7 o leoleo. Kafai kua he iei te Komehina Tulafono, kote tiute e fano hako kite Hui Tulafono ke fakapatino ai e ia ho he galuega pe kona galuega foki a te Komehina Tulafono.

Huiga Lelei kua kitea

Kua iei na hui leoleo fou kua fakafaigaluega e te Taupulega. Mai na leoleo fou ienei, e tokalua ia leoleo fafine, ma tokatolu ia leoleo taulelea. Ina leoleo fou ienei, e tokalua kua uma te kavea o ala akoakoga faka leoleo na fai I Apia, na kavea ai ienei akoakoga ma fehoahoaniga lahi ai kina leoleo e tuha ai mote fakamautuga malohi ona tulafono. Nae aofia ai foki na polokalame faka te akoga na akoako ai na fanau ina tiute kehekehe e fakafeagai ma he leoleo I loto ote atunuku. Na kalaga mai na takitaki kaufaigaluega o te akoga o Matauata ke fai ko ni polokalame ke fakamainafia atili ai na tulafono vena ma tiute kehekehe ona leoleo I loto ote nuku. Na lelei lele te faiga mate fakaekega o tenei fakamoemoe.

Na iei ai foki na hui mai te PJDP na fehoahoani kite akoakoga ona hikili nae manakomia ke fai ai na galuega ona Fakamahinoga ito latou lotomafai ma te iloa. Atonu e manakomia ke fakaauau pea ienei akoakoga, kae na atafaia lele ke toe fakaauau atu kiei nietahi galuega nae manakomia ke fakamaina

atili ai na tiute ona tino kaufaigaluega takitahi, ma te mea e gata ai to latou tiute.

E toka 6 ia hui mai te Taupulega ei loto ote Komiti o Tulafono, ei loto ai foki te Leoleo Hatini, ma te Famahino kite toe hukehukega pe he toe kikirilaga kina tulafono a Atafu. Kua kavea tenei avanoa gali ke iei ai foki he hui ke fai e ia te tiute ote faufautuagia ma fehoahoani kite toe kikirilaga kina tulafono, vena foki ma te fautua atu ini tulafono e kitea e ono mafua ai pe fakatupu ai ni fakafitauli mai te Tokelau Crimes and Procedures.

Na lukitau e fakafeagai ma te galuega

- E tatau lava ke iei he tino ei iei hona iloa ina matakupu fakatetulafono vena ma na matakupu agai ki fakamahinoga ke fehoahoani ki te Komehina Tulafono, ma iei hona tiute e kavaea ai ia ma tino faufautua ki te Taupulega. E faigata lele ke iei he iloa ma he malamalama ite Tulafono Fakavae, e tatau ai ke iei he tino e lava tona iloa ma tona malamalama ite itu tenei ke fakatalanoagia ai ki na kaufaigaluega a te Fakamahinoga, vena ma te Taupulega e tuha ai ma te fakamalamala atili ma fakamaina kiei te Tulafono Fakavae o Tokelau.
- E tatau ke lava ni polokalame fakate akoakoga mo te Taupulega agai kin a tautuaga a Fakamahinoga, ke maua ai e kilatou ho latou iloa lelei i loto o tenei vaega, ke atili malamalama ai foki kina tiute ma na fekau e fakafeagai ma te Komehina Tulafono, vena foki ki tona tiute kote fakatulakiga ona tulafono e tuha ai e fakatulaki hako mai te Tulafono Fakavae, kae he fakatulaki ihe itu fakate aganuku.
- Kote aia tauanoa ote Taupulega ki na galuega ana leoleo ka ko heki faia he famahinoga i loto ote fale fai famahinoga e kitea ai te he lava ote iloa ma te malamalama ote Taupulega kina tiute e fakafeagai ma leoleo, vena foki ki na tiute o te Komehina Tulafono.
- Ko te loto tauivi e taua lele ke maua pea ena Famahino vena mate kaufaigaluega a leoleo e tuha ai kafai kua kitea kote Taupulega e aia ki alatou galuega e fai ite fakaleleiga o te faiga o ienei galuega.
- Kua iei foki ni fakalapopotoga e tau atiake ai na famahinoga mote nuku. Kae ihe kikirilaga lava mate nuku, koi iei lava ni galuega e tatau ke fai kiei ite tukutonuga o tenei fakalapopotoga fakate fakamahinoga.
- E iei foki he kikirilaga kina tuhi apalai mote Komehina Tulafono e fakaitiitia tona avanoa atonu e fokotahi lava te hui mai te Taupulega e mafai ke apalai kiei. E he mafai ai he tino i tua atu ke apalai mo tenei tulaga aua i he kikirilaga e fetau lava tenei tulaga mo he hui mai te Taupulega kua tali pa ki tona tauhaga litaea. Kohe fakaleleiga tena mona lihohi fakate tagata ma tona fakahoaga i loto ina fale famahino.

FAKALELEIGA O NA FAKAMAHINOGA MA TE PULEPULEGA O TE KAUFAIGALUEGA O FAKAMAHINOGA

Lkuga o na Fakamahinoga

He fakamatalaga ki tenei matakupu

Ko te Lipoti Tauhaga tenei e mo te tauhaga 2014/15 kote faka fa ai te faiga o ienei fakamaumauga pe he lipoti foki mo na Famahino a Tokelau ina nuku e tolu ma mo te fakailoagia. Ko te lipoti muamua lava mo fakamahinoga na fakavae i ite lipoti o te piliota 2011/12.

Kote faitauga ote aofaki o "tagata nonofo mau" i Tokelau nae 1,411 ite faitauga na fai ite aho 18 Oketopa 2011. Ko aofakiga o tagata i na nuku takitahi e tai tutuha lele.:

Atafu: 482 numela ona tino nofo mau

Fakaofu: 490 numela ona tino nofo mau

Nukunonu: 397 numela ona tino nofo mau

E ui ite tokalahi o te fuainumela ona tino i loto ona nuku e tolu e takua lava ni Tokelau, e iei foki na tino mai Tuvalu, Samoa, Kiribati ma Fiji e nonofo i loto o Tokelau.

Tukufakahiga

Ko te aofaki ona tino nofo mau i na nuku e tolu e tai tutuha lele, kae e kitea lele ko te aofaki o na moliaga kua gafa ma na Komehina Tulafono e tolu i na nuku e tolu e kehekehe lahi ite lipoti o te vaitau 2014/15, mai te 21 o moliaga i Nukunonu, ki te 66 o moliaga i Atafu, ma te 61 o moliaga i Fakaofu. I na nuku e tolu e fokotahi te Komehina Tulafono ma e fokotahi te Failautuhi o Fakamahinog, ma ko te aofaki o na moliaga e fakamahino ma vena ona gafa ma ki latou e kehekehe lahi.

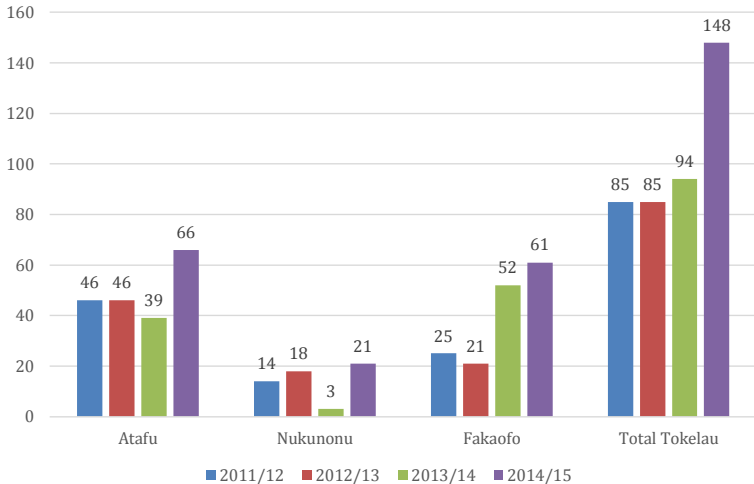
Aofaki o na Moliaga

Atafu: E 66 fakatahi ia moliaga kua fakamahino e te Komehina Tulafono e fokotahi o Atafu i loto o tenei tauhaga.

Nukunonu: E 21 fakatahi ia moliaga kua fakamahino e te Komehina Tulafono e fokotahi o Nukunonu i loto o tenei tauhaga.

Fakaofu: E 61 fakatahi ia moliaga kua fakamahino e te Komehina Tulafono e fokotahi o Fakaofu i loto o tenei tauhaga.

Aofaki o na moliaga na Lehitalagia



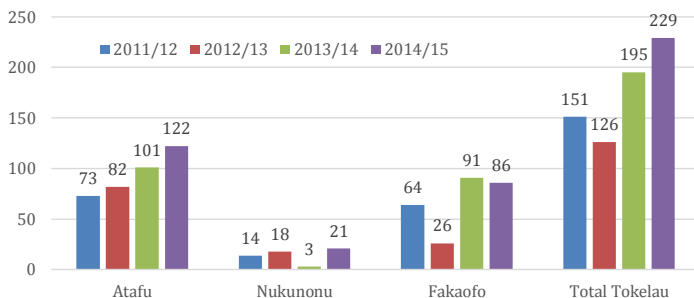
Ko na moliaga e 148 na kave ki te Fakamahinoga a na Komehina Tulafono I na nuku ko ni holigatulafono ki na tulafono a te Malo. E heai ni apili ki na ikuga a na Komehina e tolu agai lava ki na moliaga e 148. Ko te fakafa tenei o taimi kua lipoti ai e heai ni apili ki na ikuga a na Komehina Tulafono. E heai foki nie tahi fakamatalaga ini lipoti mai na Failautuhi o Fakamahinoga ki te mafuaaga e heai ai ni apili. Kae e ui i tena atonu ko na mafuaaga e tutuha lava ma na mafuaaga muamua, ko te aganuku ma na nofonofoga, kua talia e na tino na ikuga pe atonu foki ko na tino e aofia ina moliaga pe he maina atili ki na auala e kui ai na apili. Ko he tahi mafuaaga (ma atonu ko te mafuaaga patino lava ia) ko ni moliaga kua talia/pe ioegia ena tino o latou moliaga. I na akoakoga fakailoa kua manino ma matau e na tino na auala e kui ain a tagi ma o latou hakoga ke apili.

Ko na tino e fakaaogagia ekilatou na fakamahinoga e manuia ona e heai ni tau mo na fakamahinoga pe he moliaga agai kina tulafono a te Mal ope he moliaga ite va ona tino e kaumai ki mua o na Fakamahinoga e tolu a Tokelau. Ko na auala pe ni tavale ke olo ai kin a fakamahinoga e he manakomia foki on ape he 5 – 10 minute e havalai ai he tino mai tona fale kit e fakamahinoga.

Aofaki ona Tino Molia

Ko te aofaki ote numela mo na tino molia kua kaumai ki luma o na Komehina Tulafono e kehekehe lahi ite va o na nuku e tolu. I Nukunonu e toka 21 oi oti ia tino molia fakatuhatuha ki te toka 122 o tino molia liAtafu ma te toka 86 ia tino molia i Fakafo.

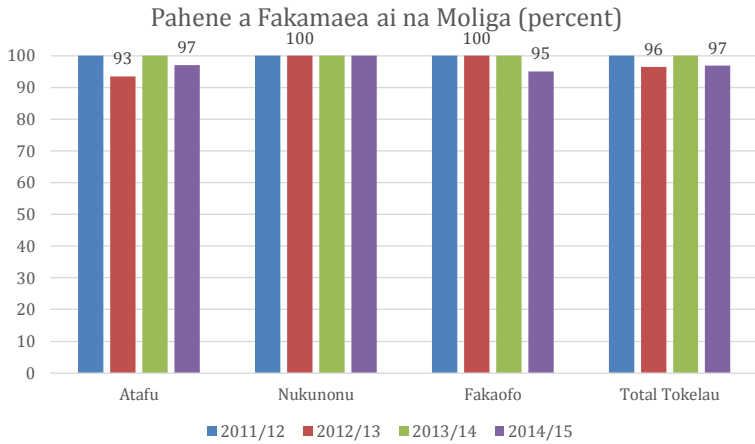
Aofaki ona Tino molia



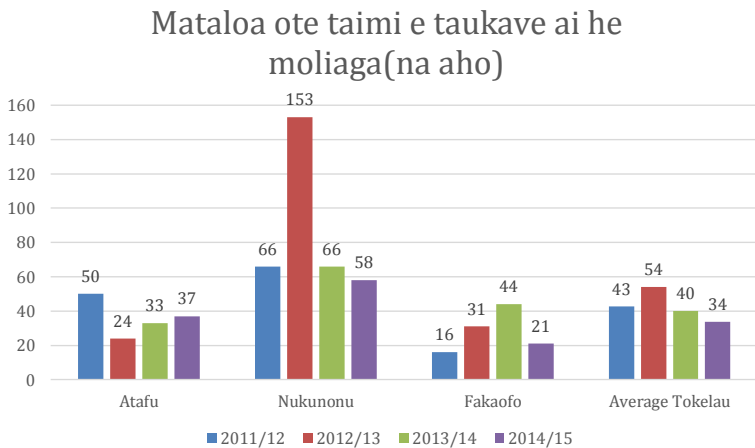
Nuku	Aofaki		Tupulaga (17-25 y)		Tamaii (16 tauhaga ma lalo ifo)	
	tane	fafine	tane	fafine	tane	fafine
Atafu	87	35	(17 nae i lalo ifo 18 te matua)			
Nukunonu	4	17	11	4	0	0

Te mauuluga ote tulaga e fakamaea ai na moliaga

Ko na fakamauga kua takua i lalo e kitea ai te mauuluga o te tulaga ina nuku uma o Tokelau: Atonu e toe titi lava 100% te tulaga e fakamaea ai na moliaga mo te piliota tenei fakatuha kite 100% ite tauhaga kua teka atu 2013/14. Ko te tulaga tenei e manai lele ona foki ko Nukunonu na 100% ma e ologatahi ma na tauhaga kua teka, ko Atafu ma Fakafo na 97%.



Mataloa o te taimi e taukave ai he moliaga



Mataloa ote taimi e taukave ai na moliaga	Atafu	Nukunonu	Fakaafo
1-30 aho	46	9	69
31-60 aho	7	12	7
61-90 aho		2	14
91-180 aho	11	0	4
>180 aho		0	0
Aofaki o na moliaga	66	21	61
Feolo te tulaga ote mataloa e taukavegia o he moliaga	37	58	21
Matauga ote Mataloa	?	18	1
Atonu ko te matauga ite Mataloa	?	58	66

E ui ko te Komehina Tulafono o Fakaafo e maualuga te aofaki o na tino moliaga ite vaiatau ote lipotiga tenei, ko te mataloa e fakatino ai he moliaga i Fakaafo e 21 aho ma ko he tulaga manai tenei kua fakaleleia atili na tautuaga mai na tauhaga kua teka 2013/14 ko te mataloa e 44 ia aho. Ko te tulaga i Nukunonu e kehe ma na fakamahino e te Komehina Tulafono na moliaga e 21 ma ko te mataloa e 66 ia aho ite 2013/4 mo na moliaga e 3 oi oti. Ihe fakatuhatuhaga ki Atafu ko te mataloa e taukave ai he moliaga e nofo mai ite 37 aho ma kua fano malie ki luga main a aho e 33 ite 2013/2014. Ihe kikiilaga katoa kua lahi lele he fakaleleiga ina fakatinoga a Fakamahinoga.

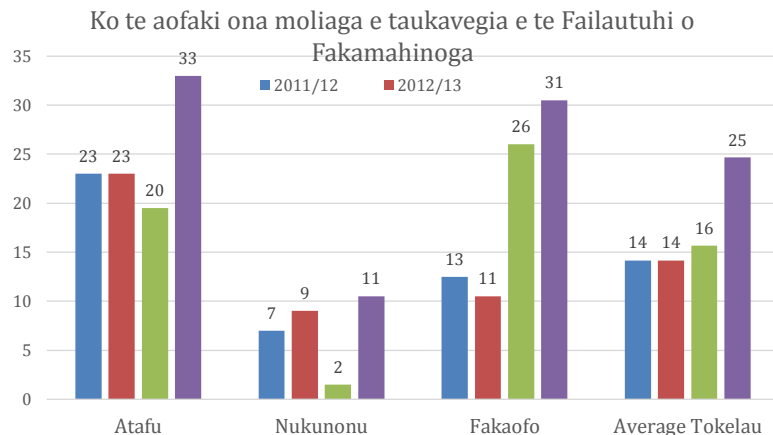
Ko na moliaga e takalahi

Ina nuku uma e tolu ko na holigatulafono e tutuha ma ko ienei:

- Fakaokolima
- Kaihohoa
- Miha ina koga lautele
- Kona

- Holituakoi
- Fakamanuka kite tino
- Uiga mataga

Ko te aofaki ona moliaga e taukave e he ofiha ote Fakamahinoga



FAKATINO NA AGAGATAKI O TE PULEPULE LELEI MA ATIAKE TE AMIOTONU I LOTO NA OFIHA O TE TULAFONO MA FAKAMAHINOGA

4.1 Kaufaigaluega Tautua a Tokelau – Taki o te Amio Pulea

Ko te Amio Pulea a te Kaufaigaluega Tautua a Tokelau na pahia e te Fono Fakamua i te 2004. He opotiaga o ni tulafono ma e fakamatala manino ai na amio tatau ma te tulaga o te amiotonu e tatau ke i ei na tino o te kau tautua. Ko te Taki o te Amio Pulea foki e taku mai ai foki na vaega e tatau ke maua e te fakagaluetino mai te tino galue e vena foki te tino galue mai te fakagaluetino. Ko te fakagaluetino e o ia te tiute ko te fakatonutonuga o te Taki o te Amio Pulea i te fakamaufinoa ko tagata tautua uma e mulimuli ma uhitaki ki na fakatatiaga i loto. Ko na amio he tatau ma he talafeagai, ko te he katoatoa o te fakatinoga o na galuega e ono pa ai ki ni tulaga e akoakia ai. He tiute e o tagata tautua uma lele ke faitau ma malamalama i na Taki o te Amio Pulea.

E tolu ia tulafono i lalo o te Taki o te Amio Pulea a te Kaufaigaluega Fakamua a Tokelau:

1. ko na tino tautua e fakataunuku ma te katoatoa e kilatou o latou tiute ki takitaki o Tokelau i te amiotonu ma te mea e gata ai te iloa
2. ko na tino tautua e fakatino e kilatou o latou tiute i te moni, te fakamaoni, ma te katoatoa, fakaalalo ki te aia o tagata o te nuku ma o latou hoa tautua
3. E he takuvaleagia te Kaufaigaluega Tautua a Tokelau e na tino tautua i a latou gaoioiga/fakatinoga e fai i tua.

4.2 Taki o te Pulea o te Amio mo Fakamahinoga

Ko te Taki o te Amio Pulea o te Vaega o Fakamahinoga e tuku mai ai na takiala ma na tulafono ki na Komehina o Tokelau i te fakatinoga o o latou tiute kae hili te taua, ki tagata o na nuku ke kilatou iloa ma malamalama i na itukaiga amio e tatau ki na Komehina Tulafono ka koi taukave o latou tiute. Ko na faiga takalahi e fai nei ko:

- (i) **Fakautauta:** He tiute e o na Fakamahino ke fai ana fakaikuga ma te fakateete kae ma, na he fakatuaia.
- (ii) **Amiotonu:** Ko te Fakamahino e tatau ke fai ana fakatinoga uma i te amiotonu kae ke tumau ai pea te talifonu o tagata ki te itu tau fakamahinoga.
- (iii) **Tutuha ia tagata:** Ko Fakamahino e tatau ke fai ana fakatinoga uma i ni auala e fakamaufinoa ai te fakatutuha o tagata uma e tuha ai ma te tulafono.
- (iv) **Fakamahinoga Tutautahi:** Ko na tonu a na Fakamahino e tatau ke fai tu tautahi.

- (v) **Hē Fakakaukau:** E taua ki Fakamahino ke hē fakakaukau pe ve e fakakaukau.
- (vi) **Fakafinoga i loto o te Fale Fakamahino:** Ko na Fakamahino e tatau lava ke makeke tana kivilaga i loto o te fale fakamahino ma fakamautinoa ko na tino i loto o te fale fakamahino fai fakalelei ma amanakia.
- (vii) **Uiga i loto o te Potu Fakamahino:** E taua ki na Fakamahino ke fakamautinoa ko na tino e omamai ki te Fakamahinoga e amanakia ma e fehoahoani atu ki ei.
- (viii) **Fehokotakiga i te Fakamahinoga:** E tatau i te Fakamahino ke tautala manino ke malamalama uma na tino i loto o te fale fakamahino i na tala e fai.

4.3 Faiga e Fefaiaki ai na Tagi e te Vaega o Fakamahinoga a Tokelau ma Leoleo

I loto ona lipoti a na Failautuhi o Famahino, na fakamaumau ai e kilatou e ui ko heki iei he auala aloakia kua fakatatia ina fakamahino a na nuku takitahi e tolu e mafai ai ho he tino ke fakailoa homa tauhuai pe he fiafia pe kaumai foki ni lagona ma ni fakamatalaga ki te Komehina Tulafono ma na Failautuhi ina Famahino ina motu e tolu agai ki na tautuaga a na ofiha o fakamahinoga. Ko na polokalame fakailoa i na nuku kua kavea ma avanoa kite nuku ke fakaali ai o latou manatu/lagona agai kina tautuaga a na ofiha o te famahinoga. Na lahi lele he tautali mai kiei a te nuku ite fakaaliga o ni a latou lagona he fiafia kite tuai ona tautuaga, kae maihe ai na taimi e fai ai na tonu ma na fakaikuga ohe moliaga. Ko he tahi kivilaga lahi nae iei ko na itukaiga fakahalaga nae fakaaoga e na Komehina Tulafono. Ko ietahi tino e fakaali to latou he fiafia kite mama atili ona fakahalaga e he hilia atu ite \$150.00 tupe Niu Hila, pe fakahala ite faka faigaluega mamafa I oto o te nuku. E lahi na lagona ke fakahala mamafa na tino e hoolitulafono, e taofiofi ai kilatou ke toe fakaaau ni hoolitulafono.

Na lipoti foki e na failautuhi o famahino te tulaga te e iei na tino o te nuku e fakaali o latou he fiafia pe ni manatu foki i te tuai ona gaoigoiga ana tino tautua. He tahi manatu foki na fai agai ki na galuega e fai e te tino mo tona lelei kae he mo he lelei ote nuku katoa. E tatau ai la ke fakailoa atu e na Komehina Tulafono to latou galue atu mo te lelei ote nuku katoa e kitea ai te fakamoemoegia o te nuku mo kilatou. Kote fakafitauli na kitea mai ina tino ote nuku kafai e fakafehiligia e kilatou te Komehina Tulafono kafai e aofia ai ni o latou kaiga, kae he haofia atu lele ko te mea tonu ia e mafua ai te kikila ote

tino kia te ia lava kae he kikila ki he leleiga mo te nuku katoa, e galo katoa ai foki kilatou e aofia lahi i loto ona moliaga.

4.4 Tauhitonu o te Kaufaigaluega

4.4.1 Tala o te Tupe Tauhaga mo te Piliota o te Lipoti tenei

Ko na lala o na fakamahinoga e tolu ina nuku o Tokelau, Fakaofu, Nukunonu ma Atafu ei lalo uma o te kikilaga a o latou Taupulega. Ko na fakamaumauga a na famahino ina motu takitahi e lalo o na fakatupega ana nuku takitahi e tuha ai ma te fakatupega kua ume te talia i te faiga ona galuega tautua a na ofiha o famahino fakatahi ma leoleo mote tauhaga lava tena. I loto foki ona motu takitahi, e taukikila e te Pule Fakahoa o te Tupe na fakatupega mo te vaitau tenei e galulue fakatahi ai foki kiei te Malo o Tokelau vena ma te Mataeke o te Tupe. Ko te mataeke ia ei te kilatou te tiute ke lipoti ki na nuku vena ma na mataeke kehekehe e tuha ai ko te tala o te tupe ki te Fono Fakamua. E kehekehe mamao foki te aofaki o ienei fakatupega kua talia mai te Fono Fakamua e tuha ai mo te tau atiakega ona mea e tatau ke fakamuamua mo he vaitau taua.

Nukunonu

Ko te fakatupega mo Famahino ma Leoleo ei opotia ki te tupe a te Taupulega. E taukikila foki e te Ofiha o Taupulega na fakatupega mo tautuaga uma ma vena te fakatinoga o na lipoti ma e fai taki kuata. Ko te Famahino e iei lava tana tuhi tupe e teu ki ei na tupe fakahalaga e maua.

4.5 Avanoa mo Koleniga i te Atiakega o na Kaufaigaluega o Fakamahinoga (i loto ma te Itulagi)

E amanakiagia te polokalame ate Pahefika mo Atiakega o Fakamahinoga (PJDP) kae maihe mo na avanoa e maua pea i tauhaga takitahi mo na Komehina Tulafono ma na failautuhi o fakamahinoga ke olo ai kina akoakoga/koleniga e fai ina nuku i fafo o te Pahefika. I te vaitau fai lipoti tenei, na fai ai na polokalame fakate akoakoga na fehoahoani lahi ai kiei te Komehina Tulafono o Atafu ma te Komehina Tulafono o Fakaofu ma na lagolago e na failautuhi o fakamahinoga na Komehina Tulafono ina akoakoga iena. Ko na akoakoga faka-itulagi ienei e taua lele ke maua ai ena ofiha o famahinoga te iloa ma te malamalama ma na hikili e patino lava mo a latou tautuaga.

Nukunonu

E taua lele ke i na ofiha o fakamahinoga te mafai ma te iloa vena ma na hikili ite faiga o a latou galuega. E fakataua lahi ai te fakaauau te hikitia o te fakaleleia atili o tenei levolo o tautuaga. Ko te tokalahiga o te kaufaigaluega mo te Famahino ei loto ai foki te lala a leoleo e heki olo ki loto o ni aooga ma e heki kavea foki e kilatou ni akoakoga fakapitoo I te tulafono. Koi fakaauau lava te fehoahoaniga mai te Polokalame a te Pahefika mot e Atiakega o Fakamahinoga fakatahi ma te Malo o Tokelau, Famahinoga a Samoa, vena ma ofiha faufautu tulafono mo te Malo o Tokelau ite fehoahoaniga ke lahi te atiakega ma te iloa e maua e na ofiha o fakamahinoga. I loto la o tenei vai tau lipoti na maua ai e na tino fai famahinoga te avanoa ke fai ni alatou akoakoga i te fakahologa tenei:

- (i) Ite mahina o Tehema 2014, na olo ai na Komehina Tulafono ma na tino fai fakamahinoga ki Vanuatu oi tau kave ni akoakoga nae fai I Vanuatu;
- (ii) Ite mahina o Fepuali 2015, na kaufatahi ait e failautuhi o fakamahinoga I te akoakoga mo na ofiha o fakamahinoga o Tokelau vena ma na Komehina Tulafono ma leoleo ma na hui mai te Komiti a Apili a te Taupulega na fakatino i Samoa.
- (iii) Ite mahina o Mati 2015 e tokalua ia leoleo mai Nukunonu na kaufakatahi ki te Kohi Leoleo a Samoa.

4.6 Pulepulega o na Vaega Kautu o te Ofiha o Fakamahinoga

4.6.1 Fale Famahino

Na lipoti mulinei e na Komehina Tulafono vena ma na failautuhi o famahinoga agai kihe manatu kua uma te kave ki o latou Taupulega ke iei ni fale fakapitoo lava ke fai mo na famahinoga ma e mafai ai foki ke nonofo ai I loto ni tino mai te nuku e fia fakalogologo.

4.6.2 Nukunonu

Ite taimi nei e hei iei he fale fai famahinoga i Nukunonu. Ko na famahinoga e fai lava ite St. Maletino Tepole Talikilagi Hall. Ko na tulafono ma na famahinoga he mea taua lele ki te Malo vena ma te nuku katoa. E taua ai ke fai fakapitoo ai he fale famahino I loto o Nukunonu.

Tiute o te Kufaigaluega a te Fakamahinoga

- Ke hakili he koga lelei I loto ona fale a te nuku ke fai fakapitoa ai na famahinoga vena ma ni polokalame ma te nuku e tuha ai mo tenei fakamoemoega.
- Ke tukutukutonu fakalelei te fale pe ko te koga e fai ai na famahinoga e pa atu la kua tapenapena lelei mo he fakamahinoga e fia fai.
- Ke fakamautinoa kote mea e haoni e hau kiei te tino eo ia te moliaga ma na tino e fia nofo I loto ma fakalogologo e tumama.

Ofiha o te Komehina Tulafono

Ei iei te ofiha mo te Komehina Tulafono ma na tino e galulue I loto ona fale famahino. E lahi lele te avanoa I loto o te Ofiha ke teu ai na lihohi ma na mea uma e manakomia mo na famahinoga e fai.

Leoleo

Ei iei te ofiha o leoleo e teu uma ai a latou mea faigaluega ma a latou lihohi. E kehe lava na galuega a na leoleo e fai mai na galuega a ofiha famahinoga.

E hei iei he falepuipui i loto o Nukunonu, kae kua uma te fakatalanoagia he mea taua lele ke iei he falepuipui mo te tau atiakega o te tulafono vena ma na fakanofonofoga lelei i loto o Nukunonu.

Na Lukitau

Na lahi lele te faigata na pa kiei mo na tino ke kave ni a latou tagi pe ni moliaga foki ki leoleo, ko ni manatu ienei na kaumai mai te nuku.

- Kona leoleo e he tauhihi ki te fakamalohiga ona tulafono;
- E lahi lele te taimi e fakafano e na leoleo e tuha ai ma te faiga o alatou hakilikiliga;
- E he lelei te tuhiga ona lipoti a na leoleo;
- Te lahiga o taimi e he galulue ai na leoleo ma na tino e galulue ite faiga ona famahinoga I oto ote nuku;
- E hei iei he fale fakapitoa lava ke fai ai na famahinoga;
- E lahi lele te aia ona tino ote nuku vena ma te malo ki loto ona famahinoga ma na polokalame faka te famahino e fai;
- Kua lahi atili na polokalame a te nuku kua fai kua he iei ai he taimi ke fakaoko ai na polokalame ienei.

Vaega e manakomia e te Famahino I Nukunonu

Ke fakaauau lava te tau atiakega o te iloa ma na hikili ina mea tau famahinoga:

- Ke fakaauau te faufauina ona polokalame mo na tino fai famahinoga
- Keiei ni akoakoga ina mea tau fakaleleiga atili o te Malo kina tino fai famahinoga
- Keiei ni akoakoga e mau e kilatou ina mea tau computing lessons
- Ke fakaauau pea ni akoakoga mon a tino e galulue mo na fale famahino ite fakaputuga o ni fakamatatalaga, hitatiga ona moliaga vena ma na tuhituhiga lipoti.

Ko te Kaufaigaluega a te Fakamahinoga

- Komehina Tulafono Ioane Nui Tumua
- Hui Komehina Tulafono Faipule Hiopili Perez
- Tino galue I loto ote fale famahino Lepeka Amato-Perez

Leoleo

- Hatini/Tamaloha Sefo Leo
- Leoleo/Tamaloha Aleki Manuele
- Leoleo/Tamaloha Patrick Tegei Lui
- Leoleo/Tamaloha Viliamu Ioapo
- Leoleo/Tamaloha Falaniko Kueva Aleki
- Leoleo/Fafine Huliana Pehamio

Kupu Fakafetai

E taua lele ke kavatu he fakafetai ki te Polokalame a te Pahefika mo te Atiakega o Fakamahinoga (PJDP) mo to latou hapoti malohi mai i te tauatiakega o fakamahinoga i te Pahefia kae maihe ai te hapoti mo Tokelau, Polofeha Tony Angelo (Faufautua Tulafono Hinia a Tokelau e nofomau i Niu Hila), te kauhagana leoleo a Niu Hila, Super Intended Murray Lewis, te kauhaga o leoleo a Samoa, na tino fai famahino o Samoa mo to latou hapoti malohi kae maihe ai ki loto ina akoakoga e ve nae fakatahi ai i Samoa. Fakafetai lahi lele mo toutou fehoahoani ki te PJDP vena ma te Malo o Tokelau mot e galue malohi ki te tauatiakega ma ke makeke atili na famahino o Tokelau.

E kavatu foki he fakafetai lahi lele ki te Taupulega o Nukunonu mo to latou hapoti malohi ki te Komehina Tulafono vena ma na ofiha o famahinoga i loto ona famahinoga o Nukunonu.

E momoli atu foki he fakafetai ki te Faufautua Tulafono o te Malo o Tokelau, Lise Hope Suveinakama mo te fakaauau pea o tana lagolago/fehoahoaniga ki na Ofiha o Fakamahinoga a Tokelau kae maihe ai mo ana galuega na fai ite tauatiakega ohe hihitemi lelei i loto o Tokelau vena ma tona hapoti tumau ki na ofiha o famahinoga.

