

TOKELAU JUDICIAL ANNUAL REPORT  
2015/2016





**TOKELAU  
JUDICIAL  
ANNUAL REPORT  
2015/16**

## Contents

Preface by the Chief Justice of Tokelau.....	3
Preface by the Ulu o Tokelau .....	4
Forewords by the Komehina Tulafono (Law Commissioners) of .....	
1. Fakafo .....	6
2. Nukunonu .....	7
3. Atafu.....	8
1. Organisational Review .....	9
1.1 Overview of the Tokelau Court System and their Jurisdiction/Role and Functions	
1.1.1 Constitutional Framework of Tokelau.....	9
1.1.2 The Government of Tokelau .....	9
1.1.3 Courts System .....	10
1.2 Tokelau National Strategic Plan 2010-15 .....	11
1.3 Justice Sector Guiding Principles .....	12
1.4 Organisational Structure .....	12
2. Improving Access to Justice .....	13
2.1 Nukunonu .....	13
2.2 Fakafo.....	14
2.3 Atafu.....	15
3. Improving Information and Human Resource Management in the courts .....	17
3.1 Court Results.....	17
4. Instituting Principles of Good Governance and Enhancing the Integrity in the Institutions of Law and Justice.....	24
4.1 Tokelau Public Service Code of Conduct.....	24
4.2 Judicial Code of Conduct.....	24
4.3 Complaint Handling Mechanism for Tokelau Judiciary and Police	25
4.4 Management Accountability .....	25
4.5 Training and Development Opportunities for Court Staff .....	25
4.6 Management of Courts .....	27
4.7 Acknowledgements.....	29

## **Preface by the Chief Justice of Tokelau**

It is always a great pleasure to receive the annual Judicial Report for Tokelau. It is a matter of regret to me that I have had only one opportunity to visit Nukunonu, Fafafo, and Atafu and that most of my contact with the people of Tokelau has been from a great distance. So for me the annual Judicial Report is important reference against which to measure the progress in law being undertaken in Tokelau. The 2015-2016 Report contains much helpful information and is a reminder of commitment to the rule of law and to a system of justice that is open and accessible to the people of Tokelau.

This is the fifth report to be published. The reports are not only an important record of the administration of justice and the progress that has been made. They are also a demonstration of accountability which is necessary in any jurisdiction if the legal order is to have the confidence and support of the people it serves. In previous forewords to earlier reports I have pointed out that the biggest threat to the rule of law is that it can be eroded unthinkingly because people do not notice it. One senior British judge once compared law to oxygen – we do not think about it until it is gone. Reporting regularly on the administration of justice keeps us aware of what we have and what we must preserve and build on. This reporting is therefore an initiative that itself promotes the rule of law. And it helps in encouraging the people of Tokelau to voice their expectations for law. As the Ulu o Tokelau and Minister of Justice, Faipule Afega Gualofa says in his preface to this Report, communities and court users need to talk and share concerns regarding judicial services so that the work can improve.

The report enables the people of Tokelau to understand the workings of the justice system. It sets out achievements and shortcomings. The achievements reported for each village show the practical work being done to improve the systems for each community. The report also highlights areas that require improvement. There is no shame in that. All legal orders, including the legal order in New Zealand, are in need of continuous improvement. Identifying shortcomings is the first step in addressing them. Such a forward-looking perspective is necessary in developing an adaptable and effective justice system.

This report also details the Tokelau National Strategic Plan 2016-2020. The Strategic Plan identifies development priorities for the Government which includes improvements to governance and the operation of the rule of law. Such published Plan sets both vision for the future and goals against which progress can be measured. It is in itself important accountability. It is exciting to see that the Strategic Plan looks to notable improvements in the operation of the rule of law for all three villages.

Protecting the rule of law requires ongoing commitment and work. Ultimately, the rule of law cannot be secured without the support of the people it serves. But the annual Tokelau Judicial Report is an important demonstration of the hard work and deep commitment of those who work for justice in Tokelau, often in challenging circumstances. I express my admiration and respect to the Law Commissioners: Penehe Tulafono of Fakaofu; Ioane Nui Tumua of Nukuonu; and Feleti Lopa, of Atafu and to the Court Clerks who support them.

I congratulate all those who have been involved in the production of this valuable report. In particular, I acknowledge the work of the three Law Commissioners, the Court Clerks and the Judicial National Coordinator. I pay my respects especially to the Ulu o Tokelau, the Taupulega, the General Fono and the Council for the Ongoing Government. And through this message I send my respectful and affectionate greetings to the people of Tokelau.

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 5<sup>th</sup> Judicial Annual Report for the reporting period of 1 July 2015 – 30 June 2016. 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 effort to produce judicial annual report for this reporting period.

It is vital that our communities and court users are informed on 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 has 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 nor 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 the efficient legal systems and processes that are being responsive to the judicial 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 their 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 the New Zealand's judiciaries that can support Tokelau. I hope through the Chief Justice of New Zealand there can be support in areas where Tokelau Judicial Officers lack the capacity and skills and New Zealand Judiciaries can step in to support Tokelau - even for secondments of judicial officers or capacity building training for Law Commissioners and Justices of the Peace and also 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 Komehina Tulafono (Law Commissioners) of**

### **1. Fakaofu**

1. 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 capacity building workshop but also for the provision of equipment to carry out this task given.

I would also like to extend my sincere gratitude to the Taupulega 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 services offered during this period was appreciated and of great use to you. We will continue to improve our services 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 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**



## 2. **Nukunonu**

E agina ma lepalepa tumai pea te fuka o te alofa o te Atua ki luga o Tokelau ma ona tagata.

"Te Atua mo Tokelau, Tokelau mo te Atua". Ko te tugaki tena e taki kiei ia atiake a te Malo, Nuku, Mataeke ma tagata tautokatahi o Tokelau. Ko te Tulafono ko he tahi tena o foe uli e fakatonutaonu ait e mua vaka o te Malo o Tokelau ke palepale tonu ki te Tauhunu o te Malama, "Tokelau mo te Atua".

Fakamalo ki Niu Hila, na Taupulega, Fono Fakamua, Polokalame mo te Fakamahekega ona Taumafaiga mo Fakamahinoga (PJSI) teia nae takua ko te Polokalame a te Pahefika mo na Atiakega o Fakamahinoga (PJDP). Fakafetai lahi mo te koutou faufau mai, fulifuli ma akoako mai ke hihiki te mafai ma te iloa kit e fakatinoga o te amiotonu i luga o Tokelau.

Malo! Tutia te po kea o. Tutia te ao ke po. Malo lava te onohai. Ko Roma e heki faufa i he aho e fokotahi.

Fakafetai lahi

Ioane Nui Tumua  
Komehina o te Tulafono  
Nukunonu

**Ioane Nui Tumua**  
**Law Commissioner**  
**Nukunonu**

### **3 Atafu**

Navigate onward

Government of Tokelau.

No doubt we all have our shares harvested not only from our on 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's, public servants, the Men's group, the Women, 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.

We need each other for the task ahead.

**Feleti Lopa**  
**Law Commissioner**  
**Atafu**

## **1. 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. An Administrator 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 of six members, makes the decisions necessary for the administration of Tokelau.

### **1.1.3 Courts 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 of 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 on the decisions of the Law Commissioner. A Law Commissioner has jurisdiction only in respect of the island to which that Law Commissioner is appointed and 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 2015-16: Justice Sector Guiding Principles

The Tokelau National Strategic Plan 2015-16 presents the development aspirations of Tokelau and identifies the medium-term development priorities for the Government of Tokelau for the period of 2015-16. 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-wellbeing

**Goal 4:** Improved economic, cultural, environmental and spiritual sustainability.

For the purposes of this Judicial Annual 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

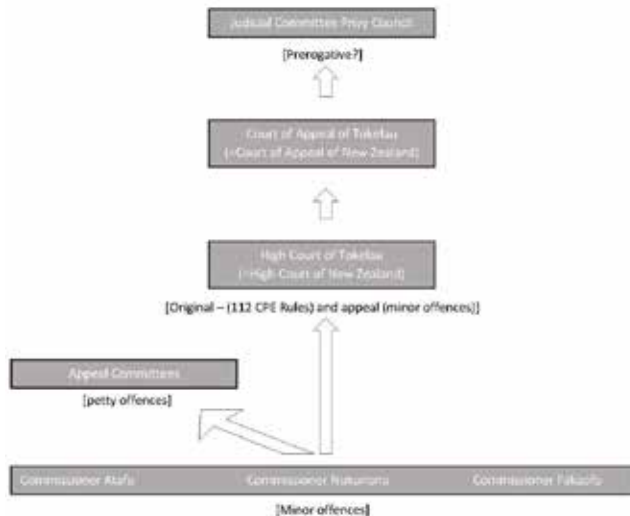
The following principles will guide the Justice Sector of Tokelau:

- Developing and building a robust justice sector in all 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 all 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 court system



## **2. 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 9 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 21 cases adjudicated by the Law Commissioner of Nukunonu compared to the 47 cases for this year.

We believe that all Judiciary officers must provide the delivery of fair legal and justice services to our community. We are responsible in ensuring that the community is well informed at all level of their legal rights, how to lodge a complaint to the police, where to get information on the law and court procedures. In believing so, the court has an ongoing duty of utilising community gatherings, meetings and other opportunities such as talking to individuals to inform and promote law issues.

This year the court was very fortunate to be invited by the University of the South Pacific to participate in their Open Day, followed by another invitation by Matiti School to participate in their Career Open Day. It was an opportunity for our Judiciary officers not only to promote Law and Justice but also to join in this kind of activities to give information and awareness to the community. The Law Commissioner and judiciary officers including the police were well received by the community especially the students who took an interest and may choose to study in Law as a career.

The more involvement of Judiciary officers in community and school activities not only build a good relationship between two parties but also gives a better understanding of the different roles carried out by Judiciary officers. It also strengthens the trust and respect by our community towards our Law team. We now look forward to these annual events.

The court is open to anyone who wants to come and listen to the court hearing during 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 have 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.

## Challenges

There is no formal mechanism in place for the public and court users to file their complaints. Complaints are made verbally direct to the police and at times to the Law Commissioner, Court Clerk, General Manager, Taupulega members. Most complaints are towards Police performance:

Concerns raised:

- Delayed services
- Disappointment with the delay in police investigation;
- All crimes should be investigated whether report or not;
- Police are not doing their work;
- Police are not treating cases fairly;
- Police are not treating people equally;
- Police are not helping law enforcement;
- Poor code of conduct by the Police

Some of the complaints towards the Law Commissioner are matters of misunderstanding and unaware of court procedures such as;

- Delay of cases to hear in court – Law Commissioner cannot fix a date for hearing unless a case is filed and is being forwarded from Police to Court Clerk;
- Why can't the Law Commissioner conduct investigations – Only the Police are responsible to conduct investigations.

## 2.2 Fakaofu

### Improvement:

The management of cases on a daily basis has improved a lot from reporting to the final day of hearing. With the ongoing assistance from PJDP, the training and skills gained has given not only to the Court Staff but also to the Police, more confidence to carry out the required process of Court Hearings. The Police Department and the Courts have been striving to make realized to the Community, that it is important to us to show no favoritisms and biasness.

There is an improvement not only in the Commissioner but also the Hauatea and Offenders attire to the Court House. It is therefore seen that there is great progression in the proceedings of court hearings in Fakaofu.

As the new Law Commissioner had just been appointed, the main goal is to prevent the occurrence of any complications towards decisions



that is made by the Law Commissioner regarding any breaches of the law.

There have been contributing efforts from the Judicial Office as well as the Police in making sure that they equally uphold the law within the community. This enables public confidence and it also makes the people of Fakaofu happy knowing that they are living freely in a community that is safe and sound.

### **Challenges:**

Increase in numbers of Offenders committing offences more than once in a year and also the increase in numbers of Offenders committing the same offences twice or more in a year. This could be the result of inconsistency of penalty/sentence versus repeated offenders.

Offenders need to understand what's in the summons and also to understand what's in their Offence reports. Dates have been set out for more awareness programs within the community for those who are not aware of the judicial processes and their rights to appeal.

It is difficult for people to file complaint and for those who want to observe and sit in the court hearings to do so. There is not much space in the Court House and most people find it hard to get up the stairs. It is important to the Taupulega the progressing of law and justice in Fakaofu. Therefore, they have raised that there should be a proper Court House in Fakaofu.

In terms of fair justice, we in Fakaofu have still a lot adopt and take ownership of our Judicial System. Ongoing support in terms of workshops and judicial review to enhance and improve the quality of our support and work must continue on a regular basis.

## **2.3 Atafu**

It is an obligation for Judiciary Officers and Police to ensure that the People of Tokelau have access to quality justice services. This is the 5th Annual Judiciary Report, this report for the reporting year 1 July 2015 – 30 June 2016. The report allows each Judiciary Office or Nuku to collate and provide information to the Public on court data case management work completed during this period and present to the public annual results on performance, challenges and achievements throughout the financial year as shown in the graphs provided.

### **Improvements:**

The assistance and support with capacity building in terms of Law from Pacific Judicial Strengthening Initiative (PJSI) previously known as

Pacific Judiciary Development Programme (PJDP) has been immensely effective. The training and skills through past workshops and training have given us the knowledge and confidence to implement our roles in the Judiciary system. This training has also given us the knowledge and ability to develop and present Awareness and Capacity Building presentations specifically on Policing and Law to Council of Elders (Taupulega) and to local Community Based Organisations (Aumaga, Fatupae'ape, Youth and Sports).

Discussions with our local Police Office, Judiciary Office and Immigration Office recently to create presentations on each department to update and inform Taupulega of our work we have completed for the financial year was very successful. This was also a great opportunity to remind our Taupulega of amendments on Immigration Laws and the challenges we all have within our individual sectors. In our presentations we also advised on areas we felt needed their attention and put forward recommendations. The feedback we got from Taupulega was very positive and gave them also the opportunity to express ideas of how to improve our services within our individual sectors. Due to village commitments we are still in the process of finding time with other CBO's.

Amendments to Atafu Bylaws have also been endorsed by Taupulega this year. The Taupulega established a Committee which consists of 6 Taupulega members, Police Sergeant, Court Clerk and Policy Advisor. It is the Committees role to advice on Bylaws Taupulega felt needed to be reviewed, and to make sure these do not obstruct with the Tokelau Crimes. This was a great opportunity to go through Atafu Bylaws and review the bylaws on matters that were addressed by the Public during our Fono Tele that is held every year specifically for this reason.

### **Challenges:**

The Clearance rate for cases heard in this Financial Year is 100%, this indicates that we are able to keep up with the cases being filed at Court. Unlike most countries in the Pacific, fortunately Tokelau have no court fees which makes this easier to access justice, however there are potential barriers that may cause a delay in accessibility which would normally be due to;

- ❖ Delay in Police investigations
- ❖ Absence of Accused
- ❖ Absence of Law Commissioner
- ❖ Lack of training for Acting Law Commissioner
- ❖ No Court House

The delay in Police investigation can also be barrier to access justice. Lack of evidence or witnesses can cause a delay for prosecutors to go forward with charges. Past cases where accused have permission from Puluenuku and Faipule (as stated in Atafu Bylaw) to travel overseas before court hearings also creates barriers or delays.

### **3. Improving information and human resource management in the courts**

#### **3.1 Court Results**

##### Background Information

This Tokelau Judicial Annual Report for 2015/16 is the fifth time that case data for the three Tokelau Judiciaries of the three villages of Tokelau has been presented. The inaugural Tokelau Judicial Annual Report is for the reporting period 2011/12.

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

Atafu: 541 people

Fakaofu: 506 people

Nukunonu: 452 people

Whilst the majority of the populations 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 2015/16, from 25 cases in Nukunonu to 57 cases in Atafu, with 53 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.

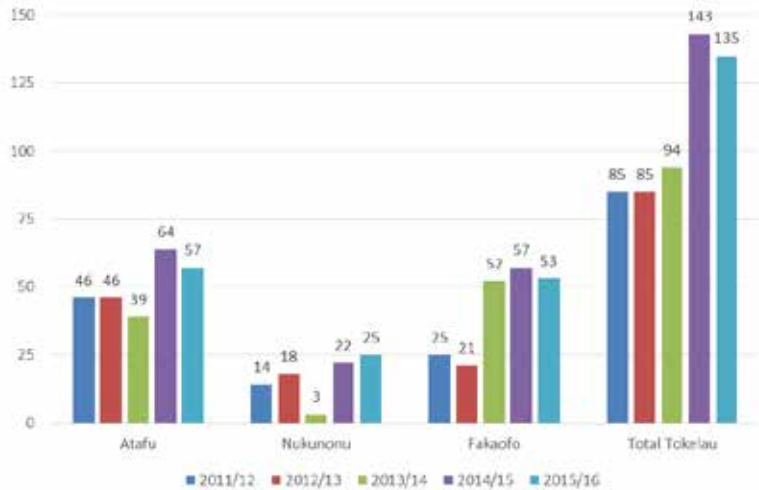
##### **Number of Cases**

**Atafu:** The single Law Commissioner of Atafu heard 57 cases on hearing dates over the year.

**Nukunonu:** The single Law Commissioner of Nukunonu heard 25 cases on hearing dates.

**Fakaofu:** The single Law Commissioner of Fakaofu heard 53 cases on hearing dates.

## Number of cases filed

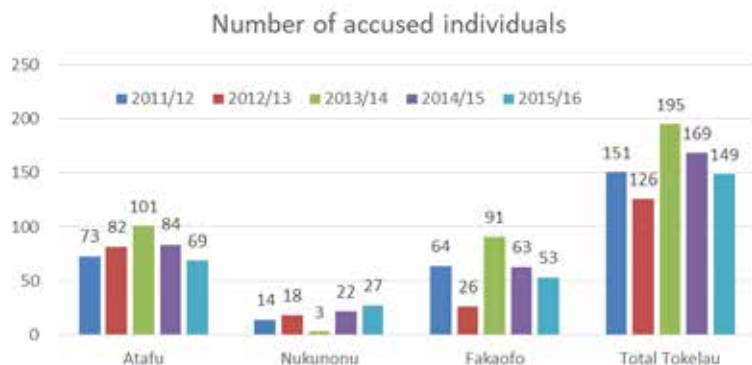


The 135 cases brought before the Law Commissioners on the 3 villages are all criminal cases. There were no appeals from the decisions on the three Law Commissioners in any of these 135 cases. This is the fifth time Tokelau reports there are no appeals. There are reports from the judicial officers from 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 27 accused compared to 69 in Atafu and 53 in Fakaofu.



### Gender of Accused/Age of Accused:

The graph below shows there are more males participating in the breaking of rules. Majority of this seem to derive from drinking any intoxicating liquor and as a result from drunkenness which it creates other opportunities for the accused to reoffend.

The below graph also shows that the highest number of accused are in the adult category, above 25 years of age. Most of these cases are alcohol related.

Data for 2015/16							
Atoll	Atafu		Nukunonu		Fakaofu		Tokelau
Gender	Female	Male	Female	Male	Female	Male	Total
10 years or under	0	0	0	0	0	0	0
11-14 years	0	1	0	0	3	1	5
15-17 years	0	13	1	1	2	3	20
18-25 years	5	9	3	10	4	23	54
Adult above 25	14	27	5	7	10	8	71
<b>Total</b>	<b>19</b>	<b>50</b>	<b>9</b>	<b>18</b>	<b>19</b>	<b>35</b>	<b>150</b>

## Accused in 2015/16

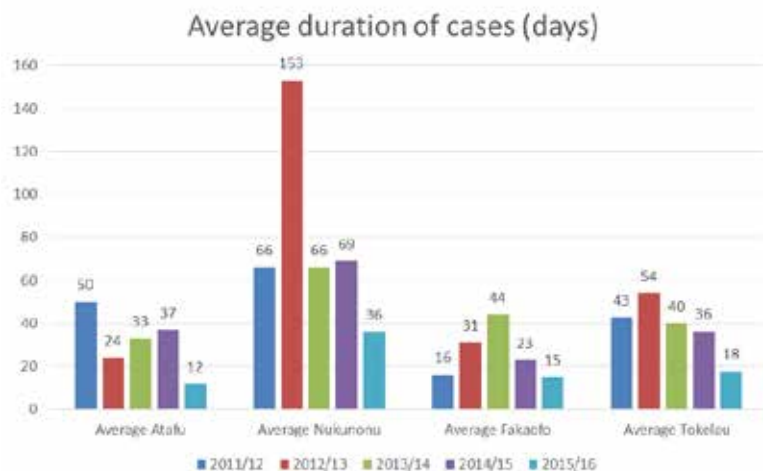


## Clearance Rate of Cases 2015-2016

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 96% clearance rate in the previous year 2014/15. This is still a great improvement as Nukunonu had 100% and had been consistent with the previous years, Atafu has 98% and Fakaofu with 94%.



## Average Duration of Cases



The average duration of a case from filing head by the Law Commissioner in Atafu is 12 days. This is a big improvement from the previous year 2014/15 that had an average duration of 37 days. There is big improvement also in Nukunonu as their average duration of a case is 36 compared to the 69 average duration of a case also in the previous year. Fakaofu has also showed great improvement as their average duration of a case is 15 whereas in the previous year, their average duration of a case was 23 in the previous year. Overall there is great improvement of performance for Judiciary officers. adjust

Duration of Cases 2015/16	Atafu courts		Nukunonu courts		Fakaofu courts	
	"RAW" (individual)	Adjusted (combined)	"RAW" (individual)	Adjusted (combined)	"RAW" (individual)	Adjusted (combined)
Number of cases	98	57	34	25	26	19 (53)*
Average duration (days)	8.7	11.5	31.4	36.1	13.4	15.1
Minimum	0	0	5	5	1	1
Maximum	64	64	217	217	52	52
Median	1	1	24	27	7	7
Mode	1	1	27	18	1	1
1-30 days	84	48	24	15	23	16
31-60 days	13	8	9	9	3	3
61-90 days	1	1	0	0	0	0
91-120 days	0	0	0	0	0	0

121-180 days	0	0	0	0	0	0
181-240 days	0	0	1	1	0	0
UNKNOWN	0	2	0	0	44	44
Number of accused	100	69	34	27	70	53
Age 11-14		1M		0		1M, 3F
Age 15-17		13M		1M, 1F		3M, 2F
Age 18-25		9M, 5F		10M, 3F		23M, 4F
Age 25+		27M, 14F		7M, 5F		8M, 10F
Total offences	145		95		123	
Most common offences	AB16, TC50, TC52+TC15		NB19, NB34, TC52		TC45, TC46, TC50	

While the Law Commissioner of Fakaofu saw high number of accused during this reporting period, the average duration of a case in Fakaofu is 15 days and this is a big improvement from the previous year 2014/15 for an average duration of 23 days. Nukunonu has also improved as the Law Commissioner heard 25 cases and the average duration is 36 days and this has improved from an average duration of days 69 in 2014/15 for hearing 3 cases only. In comparison, Atafu has also shown great improvements, the average duration of a case is 12, which have gone down from an average duration of 37 days from 2014/2015. Overall there are improvements in all the courts.

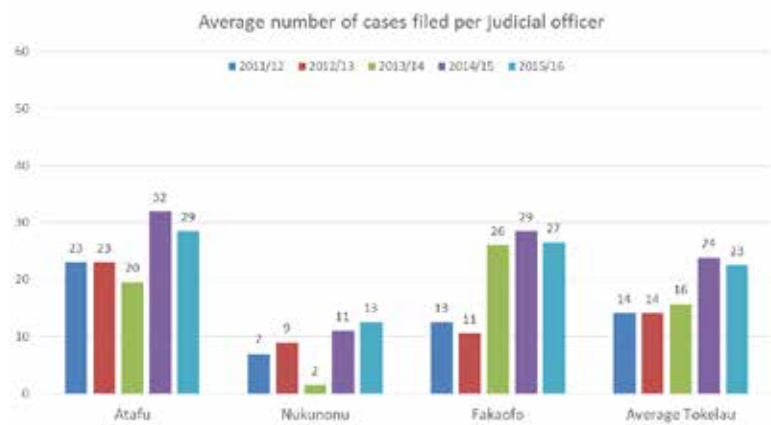
#### **Most Common types of Cases:**

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

- Assault
- Theft
- Fighting in Public Place
- Intoxicating Liquor
- Trespass
- Bodily Harm
- Offensive Behaviour



## Average number of cases per Judicial Officer



The average total number of cases filed per judicial officer is 23, this is a slight difference from the average number of case filed in the previous year 2014/15 per judicial officer which was 24.

## 4. 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 define 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 demeanor:** 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 disappointments 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 verbally 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 realizing 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 to the Taupulega budget. The Office of the Taupulega is responsible for the expenditures and reporting and this is carried out on quarterly basis. The Judiciary has a Bank Book for the depositing of penalty fines.

## **4.5 Training and Development Opportunities for Court Staff**

**Tokelau Judiciary acknowledged 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 the knowledge and provide new skills to the judicial officers.**

### **Nukunonu**

It is critical that the capability, knowledge and skills of the public servants working in the Judiciary. Important to continue to lift up the level of service delivery. The majority of the public servant working in the Judiciary including the police sector were not educated or have some kind of formal legal training. The ongoing assistance through trainings by the Pacific Judicial Development Programme jointly by the Government of Tokelau, Judiciary of Samoa, and Legal Adviser of the Government of Tokelau has 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 trainings:

- I. December 2014, the Law Commissioner and the Court Clerk went to a training 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.

#### **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 Clerks 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 welcome.

#### **Office of the Law Commissioner.**

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

#### **Police**

There is an office of the Police that housed 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 are 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 administrations
- The village plans and those of the governments takes priority and caused disruptions to the court hearings and judicial programmes
- It was impossible to conduct workshops for this reporting period and 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 Trainings to be carried out for Judicial Officers
- Computer lessons/or trainings to be carried out for Judicial Officers
- Ongoing refresher trainings to be carried out for court clerks in data reporting, analysis and report writings

### **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 continuous support to 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, Super Intended 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 Judiciaries.

We acknowledge the Legal Adviser for the Government of Tokelau, Lise Hope Suveinakama for her ongoing commitment and support towards the Tokelau Judiciaries especially every effort 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 2015/2016





**LIPOTI TAUHAGA  
MO  
FAKAMAHI NOGA  
TOKELAU 2015/16**

## LIHI O NA MATAKUPU I LOTO

Kupu a te Fakamahino Hili o Tokelau.....	3
Kupu a te Ulu o Tokelau.....	5
Kupu a na Komehina Tulafono a Tokelau	
1. Fakafo.....	7
2. Nukunonu.....	8
3. Fakafo.....	8
1. Kikilaga Kato ki na Fauhaga o Tulafono ma Fakamahinoga.....	9
1.1 Kikilaga katoa ki na Hihitemi tau Fakamahinoga i Tokelau ma Leoleo.	
1.1.1 Fauhaga Fakatetulafono o Tokelau.....	9
1.1.2 Te Malo o Tokelau.....	9
1.1.3 Hihitemi o Fakamahinoga.....	10
1.2 Peleni Taki mo Atiakega a te Atunuku 2010-15.....	11
1.3 Agagataki e Takiata ai te Heke o Fakamahinoga.....	12
1.4 Fauhaga o te Fakatulagaga o Fakamahinoga.....	12
2. Fakaleleiga Atili na Avanoa kin a Fakamahinoga.....	13
2.1 Nukunonu.....	13
2.2 Aʻatafu.....	14
3. Fakaleleiga o na Fakamahinoga ma te Pulepulega o te Kaufaigaluega o Fakamahinoga.....	17
Ikuga o na Fakamahinoga.....	17
4. Fakatino na Agagtaki o te Pulepule lelei ma Atiake te Amiotonu I loto na Ofiha o te Tulafono ma Fakamahinoga.....	23
4.1 Kaufaigaluega Tautua a Tokelau – Taki o te Amio Pulea.....	23
4.2 Taki o te Pulea o te Amio mo Fakamahinoga.....	23
4.3 Faiga e Fefaiaki ai na Tagi e te Vaega o Fakamahinoga a Tokelau ma Leoleo.....	24
4.4 Tala o te Tupe Tauhaga mo te Piliota o te Lipoti.....	25
4.5 Avanoa mo Koleniga ma te Atiakega o na Kaufaigaluega o Fakamahinoga (i lotofale ma te Itulagi).....	25
4.6 Pulepulega o na Vaega Kautu o te Ofiha o Fakamahinoga ma Leoleo.....	26
Kupu Fakafetai.....	29

## **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 Report 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. Publicizing 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 improvements. 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 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 courts staff to provide some practical capacity building for Law Commissioners and 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 mot e 2016, e lagona te fiasia ke tuku atu ai te Lipoti Tauhaga mo Fakamahinoga a Tokelau to na 5 mo te vaitau lipoti mai tea ho 1 o Iulai 2014 ki tea ho 30 Iuni, 2015. E ui kua tuai malie te taimi tuku aloakia atu ai tenei fakamoemoega kae, e lagona pea lava te lotu fiasia kua mafia pea ke fakaauau te tukuatuga o te lipoti tauhaga mo fakamahinoga.

E kavatu ai he fakamalo ki na Komehina Tulafono, na Failautuhi o Fakamahinoga vena ma Ofiha Hokotaga mo te Tulafono ma Fakamahinoga mo na tautuaga ke fai ai tenei lipoti tauhaga mo fakamahinoga 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 pitihihi ona fakataua ke maua uma e na hitiheni o Tokelau te fehoahoani ma he hapoti malohi e ala ai kit e itu ona galuega a fakamahinoga.

E amanakiga 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 Polokalame mo te Fakamakekega ona Taumafaiga mo Fakamahinoga (PJSI), Dr Livingston Armstrong ma te kau faigaluega mo to latou fehoahoani ma hapoti malohi mai e tuha aim o 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 a te kaufaigaluega o fakamahinoga ma te tulafono.

Ko Tokelau ite taimi nei e amanakia e ia ma manakomia pea lava 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 amiotonu e tagata uma o Tokelau, e momoli atu ai he fakafetai kit e kaufaigaluega mo fakamahinoga mo te tali atu ki na mokomokoga e manakomia lahi e tatou tagata.

E momoli atu foki haku fakafetai lahi lele ki na Taupulega main a motu takitahi mo te hapoti 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 e taukave ko te fakaulutonuga ma fakamutuuga ona tulafono.

Ko te Famahino Hili o Niu Hila, ko te Fakauluuluga o Famahino ia mo Tokelau. Atonu e mainafia lele te kehekehe mmao ona hihitemi o fakamahinoga kae, ko au e amanakia ma fakamoemoe ei iei ni avanoa ite hihitemi o fakamahinoga a Niu Hila e mafia 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 kit e 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 toe kupu e kavatu haku fakamalo ki na Komehina Tulafono ma na Ofiha o Fakamahinoga, malo te tiu, malo te fai nuku maloi te fai atunuku. Ko he tiute e o koulua 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 fakatalanoagia o outou lagona ma ni popolega e tuha ai ko na tautuaga ana famahino. **“Malo te tiu”**.

Faipule Afega Gualofa  
Ulu o Tokelau  
2016

## **Kupu a na Komehina Tulafono a Tokelau (Law Commissioners)**

### **1. Fakaafo**

E kaina ia faiva e fakanau ki Atua.

E fakatulou atu kit e mamalu o Tui o Nuku o Vavau kae maihe ai foki te palega o fenua.

E hiki fakatahi eki tatou ma fakamalo kui atu ite Ulu o Tokelau, te Malo Fakaauau kae maihe te Fono Fakamua e tuha aim o 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 Fakaafo 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 te pui puiga o tatou tagata ini fakafitauli e ono tutupu mai veia kit e fakahauaga ki matua ma a tatou fanau ma na holigatulafono matuia e aliali mai ai ma te tulaga e tatau ke nofo totoka ma malupuipua ia tagata ite tulafono. E fakamoemoe na fakamalie loto 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 kit e Malo o Niu Hila ma te Malo o Ausetalia vena ma te Fakalapopotoga a te Pacific Judicial Development Programme, Leoleo a Niu Hila kae maihe na faufautua tulafono a Tokelau ma kilatou uma e galulue ma taumafai ke tauhi ki te filemu mo te nofo lelei o tagata uma i Tokelau.

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

Ke ola ia Tokelau

**Penehe Tulafono  
Komehina Tulafono  
Fakaafo**



## **2. Nukunonu**

E agina ma lepalepa tumai pea te fuka o te alofa o te Atua ki luga o Tokelau ma ona tagata.

"Te Atua mo Tokelau, Tokelau mo te Atua". Ko te tugaki tena e taki kiei ia atiake a te Malo, Nuku, Mataeke ma tagata tautokatahi o Tokelau.

Ko te Tulafono ko he tahi tena o foe uli e fakatonutaonu ait e mua vaka o te Malo o Tokelau ke palepale tonu ki te Tauhunu o te Malama, "Tokelau mo te Atua".

Fakamalo ki Niu Hila, na Taupulega, Fono Fakamua, Polokalame mo te Fakamakekega ona Taumafaiga mo Fakamahinoga (PJSI) teia nae takua ko te Polokalame a te Pahefika mo na Atiakega o Fakamahinoga (PJDP). Fakafetai lahi mo te koutou faufau mai, fulifuli ma akoako mai ke hikihihi te mafai ma te iloa kit e fakatinoga o te amiotonu i luga o Tokelau. Malo! Tutia te po kea o. Tutia te ao ke po. Malo lava te onohai.

Ko Roma e heki faufa i he aho e fokotahi.

Fakafetai lahi

**Ioane Nui Tumua  
Komehina o te Tulafono  
Nukunonu**

## **3. Atafu**

Kupu a te Komehina 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 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 in a 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  
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 filifiliga 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 Ulu atonu, koi a te Fakaululuga o te Ofiha Hokotaga Fakapitoa (SRU) it e Ofiha fakaminihita tena. E mafia 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 mafia e te Kovana Hili oi fai ni tulafono 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 e te levolo o na nuku e na Taupulega. Ko na Tulafono Nuku foki e fai e te Taupulega. Ni fekehekeheakiga in a nuku e gafa ma te Komehina Tulafono ma na Komiti Apili a na Nuku (Vaegam 10 o te Tulafono Fakapalemene a Tokelau 1986, Tulafono 103 o na Tulafono 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 fofu 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 feta 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 (Vega 3A (4) o Tulafono Fakapalemene mo Tokelau 1948). Kafai e he nofoia te Fono Fakamua, ko te Fono mo te Malo Fakaaauu 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 (koi a 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 taukave 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. Kote 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 tofi 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), koi a e gafa ma ni tagi hivili e gata i te \$1,000 ma na holutulafono ieia ko tona hala e totogi tupe pe 1 tauhaga i te falepuipui. Ko te mafia fai fakahagala o te Komehina Tulafono e fakatapula i te \$150 pe falepuipui mo he tolu 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 Tokelau 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 na atiakega ma e fakamatea ai foki na atiakega fakamuamua mo he vaiataimi 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 ho ko he atiakega e fai i Tokelau e tatau ke aoga ma mafia ke hihiki ai ki luga te tulaga o te olaga o tagata Tokelau kae he 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 koutu 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 koutu

**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 koutu 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 in a 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 falaleleia atili te pulepuleg o te tuakoi o te atunuku.

Ko te hini koutu 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

in a 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

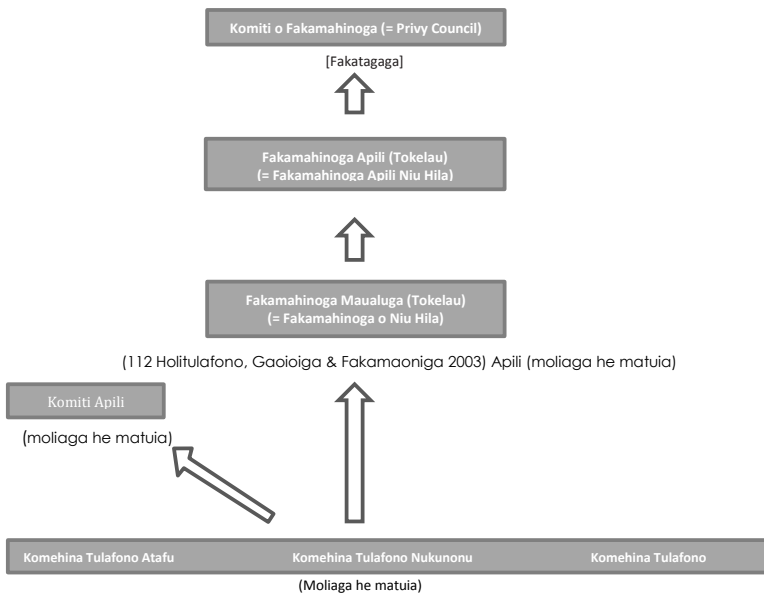
Ko na agagataki e takiala ai te Heke o Fakamahinoga o Tokelau:

- Afiake ma fau he vaega o fakamahinoga e gaoiio 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 i te Ata 1.

Ata 1: Fakatulaga o na 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 e tuku mai lalo o te Hini 1 i loto o te Peleni Taki mo Afiakega a Tokelau (itulau 9 i luga) ko te mea ia e pitohili ona fakataua i loto o tenei lipoti fakamahinoga, kae maihe ai na famahino i loto o na 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 21 ia moliaga na famahino e te Komehina Tulafono o Nukunonu, fakatuhatuha ki te 47 o moliaga na fakafeagai ia kiei i tenei tauhaga.

E talitonu e maua mai pea mai te kaufaigaluega a famahinoga te tautuaga e amiotonu ma lelei mo te tatou nuku. Eo kimatou te tiute ke fakamautinoa e fakailoa ki tagata nuku i o latou hakoga i lalo o te tulafono, vena ma vefea o na fai he moliaga ki leoleo, ma fea foki te maua ai ni fakamatalaga agai ki te tulafono ma te faiga o na galuega i loto o te fakamahinoga. Atonu ko he tiute tumau tenei o fakamahinoga ke fakailoa atu ki tagata nuku kui atu i ni faiga fono ma ho he avanoa lava e mafai ai ke fakailoa ki ho he tino ienei tautuaga e avanoa mo ki latou i lalo o te matata a te tulafono.

I te tauhaga tenei, na fiafia lele te mataeke o Fakamahinoga na valakaulia kilatou e te Univehite a te Pahefika (USP) ke kaufakatahi atu ki te faiga o te latou Open Day, fakatahi ai ma te valakaulia mai te aoga a Matiti ke kaufakatahi atu te Fakamahinoga ki te latou Career Open Day. He avanoa gali tenei mo te tatou kaufaigaluega o Fakamahinoga ke kaufakatahi ki na akoakoga ienei ehe gata ke fokiatu ai ni famatalaga agai ki te tulafono vena foki ke akoako ai kilatou ke nonofo iloa na tagata nuku i ienei tautuaga. Ko te Komehina o Tulafono vena ma te Failautuhi fakatahi ma na leoleo na talia fakaaloakia e te nuku kae maihe ai na tamaiti aoga ie na fakaali to latou initalahi ke hitati kilatou ki te Tulafono ke fai ma o latou takiala mo he galuega i te lumanaki.

Ko te lahi o te taimi na kaufakatahi ai te kaufaigaluega a te Fakamahinoga ki loto o na faigamea a te aoga na kamata faufau ai i kina na va lelei o na tino ma na aoga lele na malamalama atili na tino ma na tamaiti i na tiute kehekehe e fakatino e te kaufaigaluega o Fakamahinoga. E fakamakeke ai foki te talitonugia ma te aava o na tino o te nuku ki te kaufaigaluega a te Tulafono. Nei ko kimatou e fakaatu lele ki ienei polokalame e fai taki tauhaga.

Ko te fale famahino e tatala ki ho he tino e fia fakalogologo ki te faiga ona fakamahinoga ite taimi e fai ai na fakamahinoga a te Komehina Tulafono. E

heahea 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 o te fale famahino. Ei iei foki te avanoa e foki kiei ke fai ai ni o latou lagona. E fakaaoga ai ten a avanoa e na matua ke kave ai ho latou fakamaulaloga, maihe lava kafai te Komehina Tulafono kua iei ha na ikuga ki he fakahalaga.

### **Lukitau**

Ko heki iei lava he auala aloakia ke fakaaoga e na fino ke fai ai a latou moliaga. Ko te lahiga o na moliaga e taku gutu ki na leoleo ma te Komehina Tulafono i ietahi taimi, te Failautuhi, te Fakatonu vena foki ki na hui o te Taupulega. Ko te lahiga o na moliaga e fakatino lava e leoleo:

Ni mea kua fakatalatalanoa:

- Ko te tuai o te tautua a te kaufaigaluega;
- He fialia ki te tuai o te fakatinoga o na galuega hukehukega a leoleo;
- Pe tatau uma na moliaga ke faka-lipoti na hukehukega;
- Ko leoleo e he fakatino lelei te latou galuega;
- E kitea te fakaitukau o na leoleo ki te faiga o na moliaga;
- E kitea te he lelei o te kikilaga o tagata nuku e leoleo, e he tutuha a latou fai mea ki na tino;
- Ko leoleo e he galue fakatahi ma te kaufaigaluega o te tulafono;
- E matuai he lelei te fakatinoga o te galuega a leoleo

Ko ietahi moliaga e fai ki te Komehina Tulafono e mafua ko te he katoatoa lelei te malamalama ma te he iloa o na tautuaga ma na galuega i loto o te Famahinoga, ve la ko te;

- Ko te tuai o te faiga o na fakamahinoga o na moliaga – Ko te Komehina Tulafono e he mafai e ia ke hetu he aho e talafeagai vagana kua faka-faila te moliaga tenei mai na leoleo ki te Failautuhi;
- Pe hea te he mafai ai e te Komehina o Tulafono ke fai e ia na hukehukega – aihea ko leoleo oiti te fakatino e kilatou tenei galuega.

## **2.2. Fakafo**

### **Huiga lelei kua kitea:**

Ko te faiga o na moliaga i na aho takitahi kua lahi lele te huiga lelei kua kitea i loto o te faiga o na lipoti ke pa ki te toe aho e fai ai te fakamahinoga. Mai te fehoahoaniga fakaaauu mai te PJDP, ko na akoakoga ma na hikili kua maua ai ehe gata ko te kaufaigaluega a Famahinoga kae ki leoleo foki te loto naunau ma te mafai atili ke fakatino ai na galuega e tatau ke fai mo te faiga o he fakamahinoga. Na taumafai malohi te Ofiha o Leoleo ma te Famahinoga ke fakailoa atu ki te nuku na afainaga o te fakaitu-kau ma te fai-kaiga.

Kua lahi lele te huiga lelei he gata ki te Komehina o Tulafono kae vena foki ki na Hauatea ma kilatou foki e molia ma fai a latou fakamahinoga. E kitea ai i



kinei te lahi ona huiga lelei ki na galuega e fai ai na fakamahinoga i luga i Fakafo.

Atonu ko te Komehina o Tulafono e fou ki ta na galuega, ko te mea e taua, e fakaitiitia ni fakafitauli e ono afaina ai te faiga ma te fakatinoga o ni tonu ma te Komehina o Tulafono e fai e tuha ai ko te holia o ni tulafono.

Na galulue fakatahi te kaufaigaluega a te Fakamahinoga vena ma leoleo ke fakamautu ai to latou hao tutuha ki loto o te fakatinoga o na galuega a te tulafono i loto o te nuku. E fakatalitonugia ai kilatou e te nuku ma kilatou iloa ai ko kilatou e ola i he hikohikomaga e haogalemu ma fiafia ai kilatou i luga o Fakafo.

### **Lukitau**

Ko te fanofano lava ki luga o te numela o kilatou e holiitulafono ehe fakafokotahi kae holiitulafono i te tulafono lava e tahi ehe fakalua pe hilia atu i loto o te tauhaga. Ko he fakafitauli tenei e kitea i loto o te faiga o na fakahalaga ki te holi fakafia o ienei tulafono.

E taua ke malamalama na tino e molia kafai kilatou kua kakami mai e te tulafono e auala i he tuhi ma malamalama kilatou i na fakamatalaga i loto o na lipoti holigatulafono. Kua uma te hetu o na aho ke fakatino ai ni akoakoga i loto o te nuku mo kilatou ehe malamalama ki te faiga o na galuega i loto o te fakamahinoga vena ma to latou aia ke apili.

E faigata lele ke fai ni moliaga ma ni tino, vena foki kilatou e fia nofo fakalogologo i loto o te faiga o na fakamahinoga. Ona la ko te he lahi o te avanoa i loto o te potu fai fakamahinoga, e faigata foki mo te tokalahiga ke kake ki luga o te kakega e agai atu ki te potu e fai ai na fakamahinoga. E taua ai mo te Taupulega ke fai e kilatou ni huiga lelei i loto o te Tulafono ma Famahinoga i loto o Fakafo. Kua iei ni manatu e fakahula, kua tatau lava ke iei lava he Fale fai Fakamahinoga i luga o Fakafo.

### **2.3 Atafu**

E o te kaufaigaluega o te Ofiha o Fakamahinoga te fiute ke fakamautu te hihitemi a Fakamahinoga ma te atiakega o ana galuega i he tulaga e lelei ma fakamoemoegia. Ko te Lipoti Tauhaga mo Fakamahinoga to na 5 tenei i tenei Lipoti Tauhaga 1 Iulai 2015 – 30 Iuni 2016. Mai te lipoti tenei, kua mafai ai e na Failautuhi pe ko te nuku ke kau fakatahi ma tukufakatahi ni famatalaga ki tagata nuku agai ki na galuega e fai i loto o te famahinoga e takua ai foki na tautuaga, na lukitau vena ma na leleiga kua pa kiei i loto o te tauhaga tupe.

### **Huiga Lelei kua kitea**

Ko te hapoti malohi i te tau atiakega o te iloa ma te mafai i te Tulafono mai te Pacific Judicial Strengthening Initiative (PJSI) nei kua takua ki te Pacific

Judiciary Development Programme (PJDP) lahi ai he huiga lelei. Ko na koleniga ma na hikili mai na koleniga ma akoakoga kua teka na fokimai ai te iloa ma te loto naunau ke fakatino na galuega i loto o te hihitemi a Fakamahinoga. I loto foki o tenei koleniga na maua ai te iloa ma te mafai ke afiake ni Polihi ma Tulafono ki loto o te Taupulega vena foki ma loto o na fakalapopotoga faka loto-i-nuku (Aumaga, Fatupaepae, Tupulaga ma te Kautafafao).

Na fakatalatalanoa e te Ofiha o Leoleo, Failautuhi ma te tino faigaluega mo Femalagakiga ke fai ni lipoti mai na mataeke takitahi ke fakailoa ki te Taupulega na galuega kua fai i loto o te tauhaga ma na lelei te faiga ma te fakaekega o tenei fakamoemoe. Ko he avanoa gali foki tenei ke fakamanatu ki te tatou Taupulega i na huiga e fai ki te Tulafono o Femalagakiga ma na lukitau e fakafeagai ma kitatou i loto o a tatou matata galuega tautokatahi. I loto foki o te faiga o na lipoti, na fautuagia foki e kimatou ni vaega e kikila kimatou e taua ma e tatou ke fakailoa ke fai kiei ni fakatutuga. Na tali fiafia mai lele te Taupulega ki na lipoti ienei ma he avanoa foki tena na mafai ai ke fakaali mai o latou lagona ke fakalelei atili ai na galuega taua e fai i loto o na mataeke. Ona ko te lahi ona tuatua faka loto-i-nuku, ko kimatou koi hakili avanoa lava ke iei he matou taimi ma ietahi fakalapopotoga.

E toka 6 ia hui ma te Taupulega ei loto o te Komiti o Tulafono, ei loto ai foki te Leoleo Hatini, Failautuhi ma te Faufautua o Polihi ki te toe hukehukega pe he toe kikilaga kina tulafono a Atafu. Kua kavea tenei avanoa gali ke iei ai foki he hui ke fai e ia te tiute o te faufautuagia ma fehoahoani ki te toe kikilaga 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. Ko he avanoa gali tenei ke fai lagona foki kiei ia tagata nuku ki loto o te Fono Tele te e fai i tauhaga takitahi mo tenei mafuaaga.

### **Lukitau**

E 100 pahene te fakamaea ai na moliaga i loto o tenei Tauhaga Tupe, e takua ai i kinei te lelei o te fakatinoga o na galuega e fai ki te failaga o na moliaga. Fakatuha ki ietahi nuku o te Pahefika, ko Tokelau tautahi te fenua te e he manakomia ai he tupe ke tofogi ke mafai ai he tino ke maua e ia te ulufale ki loto o te fakamahinoga, kae ei iei lava na lukitau e mafua mai te tuai o te faiga o na galuega e mafua mai la i te;

- Tuai o na hukehukega a Leoleo
- Ko te he fano o te tino molia ki to na fakamahinoga
- Ko te he avanoa o te Komehina Tulafono
- Ko te he faka-kolenia o na hui Komehina Tulafono
- Heai he fale fai fakamahinoga

Ko te tuai o na hukehukega a Leoleo ko he lukitau lahi tena ki te faiga o te galuega. Ko te heai o ni fakamaoniga pe ni tino molimau e mafai ke tuai ai foki te fakatinoga o na galuega a te tino e gafa ma te moliga ki loto o te

fakamahinoga. Ei iei na moliaga kua teka atu kua fakatagagia ai na tino molia mai te Puluenuku ma te Faipule (ona e takua i loto o na Tulafono a Atafu) ke malaga ki fafo, he tahi lukitau tenei e mafua ai te tuai fakatino o na galuega.

## **FAKALELEIGA O NA FAKAMAHINO MA TE PULEPULEGA O TE KAUFAGALUEGA O FAKAMAHINO**

### **Ikuga o na Fakamahinoga**

Ko te Lipoti Tauhaga tenei mo te tauhaga 2015/16 kote faka lima 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 te lipoti o te piliota 2011/2012.

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

Atafu: 482 numela ona tino nofo mau

Fakafo: 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 takua lava ni Tokelau, e iei foki na tino mai Tuvalu, Samoa, Kiribati ma Fiji e nonofo i loto o Tokelau.

### **Tukufakatahiga**

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 vaiata 2015/2016, ma te 25 o moliaga i Nukunonu, ki te 57 o moliaga i Atafu, ma te 53 o moliaga i Fakafo. I na nuku e tolu e fokotahi te Komehina Tulafono ma e fokotahi te Failautuhi o Fakamahinoga, ma ko te aofaki o na moliaga e fakamahino ma vena ona gafa ma kilatou e kehekehe lahi.

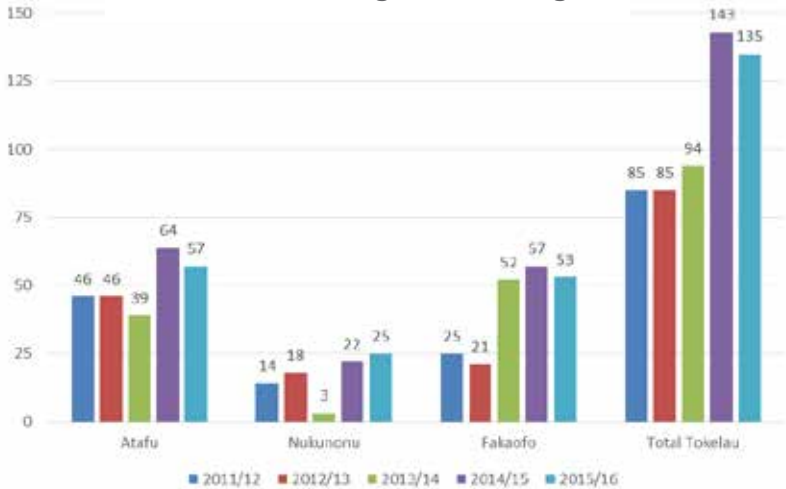
### **Aofaki o na Moliaga**

**Atafu:** E 57 fakatahi ia moliaga kua fakamahino e te Komehina Tulafono e fokotahi i loto o tenei tauhaga.

**Nukunonu:** E 25 fakatahi ia moliaga kua fakamahino e te Komehina Tulafono e fokotahi i loto o tenei tauhaga.

**Fakafo:** E 53 fakatahi ia moliaga kua fakamahino e te Komehina Tulafono e fokotahi i loto o tenei tauhaga.

## Aofaki o na moliaga na Lehitalaga



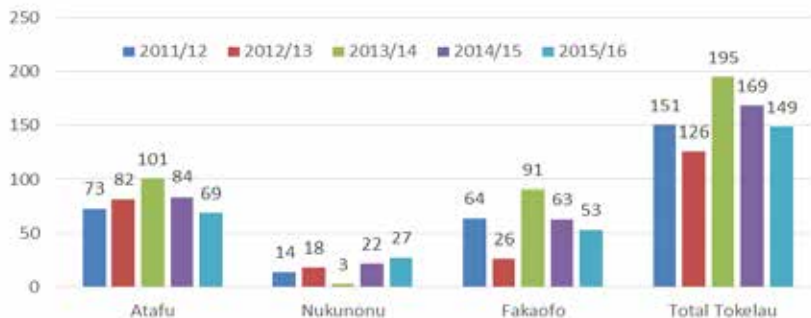
Ko na moliaga e 135 na kave kite Fakamahinoga e na Komehina Tulafono i na nuku ko ni holigatulafono ki na tulafono a te Malo. E heai ni apili ki na ikuga a na Komehina e tolu agai lava ki na moliaga e 135. Ko te faka lima tenei o taimi kua lipoti ai e heai ai ni apili. E heai foki ni ietahi fakamatalagai ni lipoti mai na Failautuhi o Fakamahinoga ki te mafuaaag ae heai ai ni apili. Kae e ui tena atonu ko na mafuaga e tutuha lava ma na mafuaga 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 mafuaga patino lava ia) ko ni moliaga kua talia/pe ioegia e na tino o latou moliaga. I na akoakoga fakailoa kua manino ma matau e na tino na auala e kui ai na tagi ma o latou hakoga ke apili.

Ko na tino e fakaaoga e kilatou na fakamahinoga e manuia ona e manuia ona e heai ni tau mo na fakamahinoga pe he moliaga agai ki na tulafono a te Malo pe he moliaga i te va ona tino e kaumai ki mua ona Fakamahinoga e tolu a Tokelau. Ko na auala pe ni tavale ke olo ai ki na fakamahinoga e he manakomia foki ona pe he 5-10 minute e havalai ai he tino mai to na fale ki te fakamahinoga.

## Aofaki ona Tino Molia

Ko te aofaki ote numera ona tino molia kua kaumai ki luma o te Komehina Tulafono e kehekehe lahi ite va o na nuku e tolu. I Nukunonu e 27 oioti ia tino molia fakatuhatuha ki te toka 69 i Atafu ma te toka 53 i Fakaofu.

Aofaki ona Tino Molia



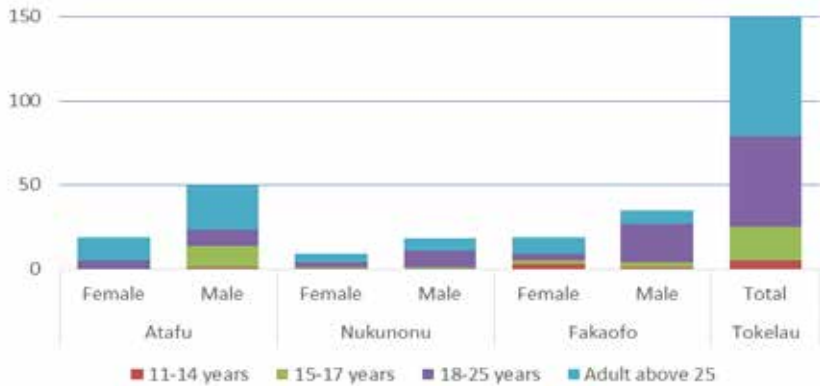
## Tino Molia i na itupa o Fafine/Tamaloa & Tauhaga o na Tino Molia

Ko te kalafa i lalo e takua mai ai te tokalahi o na tino i te itupa o tamaloa e holi e kilatou na tulafono. Ko te lahiga o na moliaga ienei e mafua mai i te ava malohi pe ko pia e mafai ai he tino e kona ke toe holi e ia ni ietahi tulafono ona e kona.

Ko te kalafa la i lalo e taku foki mai ai te tokalahiga o na tino molia e omai i te kauhaga ona tino matutua, i luga ake o te 25 tauhaga. Ko te lahiga foki ona moliaga ienei e mafua mai te ava malohi pe ko te pia.

Fakamatalaga mo te Tauhaga 2015/16							
Fenua	Atafu		Nukunonu		Fakaofu		Tokelau
Fafine/Taane	Fafine	Taane	Fafine	Taane	Fafine	Taane	Aofaki
10 tauhaga pe i lalo ifo	0	0	0	0	0	0	0
11-14 tauhaga	0	1	0	0	3	1	5
15-17 tauhaga	0	13	1	1	2	3	20
18-25 tauhaga	5	9	3	10	4	23	54
Tino matutua i luga o te 25	14	27	5	7	10	8	71
<b>Aofaki</b>	<b>19</b>	<b>50</b>	<b>9</b>	<b>18</b>	<b>19</b>	<b>35</b>	<b>150</b>

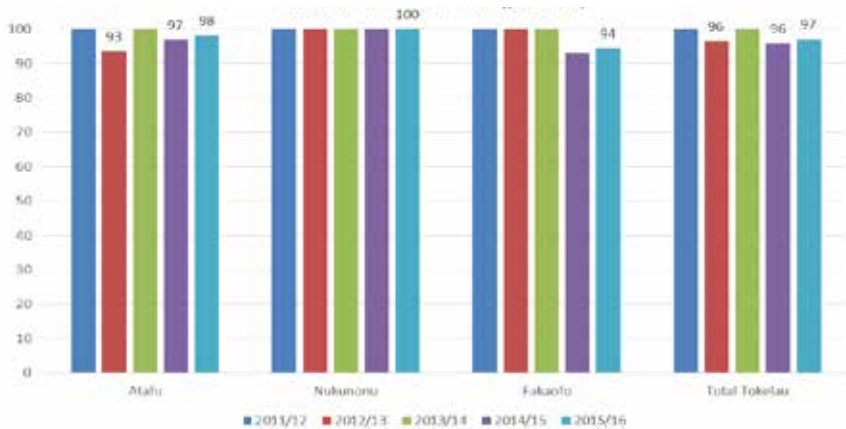
Tino Molia i te 2015/16



**Pahene e Fakamaea ai na Moliaga (percent)**

Ko te kalafa i lalo e takua mai ai te maualuga o te pahene e fakamaea ai na moliaga i luga ona nuku e tolu o Tokelau. E tai 100% te pahene e kilia ai na moliaga mo tenei tauhaga lipoti fakatuha ki te 96% na fakamaea ai na moliaga i te tauhaga kua teka atu 2014/15. He huiga lahi lele tenei kua iei i Nukunonu e 100% na tutuha foki ma te tauhaga i tua atu, ko Atafu e 98% ma ko Fakaofu e 94%.

Pahene e Fakamaea ai na Moliaga (percent)



## Mataloa o te taimi e taukave ai he moliaga



Ko te mataloa o te taimi e taukave ai he moliaga e te Komehina Tulafono i Atafu e 12 ia aho. Ko he huiga lelei lele kua iei ai nei mai te 2014/15 nae katoa ai na aho e 37 ke taukave ai he moliaga. Kua lahi foki te huiga lelei mai Nukunonu ona kua 36 nei ia aho e taukave ai he moliaga fakatuha kite 69 o aho e taukave ai he moliaga i te tauhaga kua teka atu. Ko Fakaofu foki lahi lele te huiga e pa kiei ona kua katoa te 15 o aho e taukave ai he moliaga fakatuha kite 23 aho i te tauhaga kua teka atu. Tukufakatahiga kua lahi lele te huiga ki te faiga o na galuega a na Failautuhi o Fakamahinoga.

Mataloa o te taimi e taukave ai na moliaga	Fakamahinoga Atafu		Fakamahinoga Nukunonu		Fakamahinoga Fakaofu	
	"RAW" (tautokatahi)	Liliu (tukufakahi)	"RAW" (tautokatahi)	Liliu (tukufakatahi)	"RAW" (tautokatahi)	Liliu (tukufakatahi)
Numela o na moliaga	98	57	34	25	26	19 (53)*
Mataloa e taukave ai na moliaga (aho)	8.7	11.5	31.4	36.1	13.4	15.1
Taigole	0	0	5	5	1	1
Lahi	64	64	217	217	52	52
Feoloolo	1	1	24	27	7	7
Faiga/Ala	1	1	27	18	1	1
1-30 aho	84	48	24	15	23	16

31-60 aho	13	8	9	9	3	3
61-90 aho	1	1	0	0	0	0
91-120 aho	0	0	0	0	0	0
121-180 aho	0	0	0	0	0	0
181-240 aho	0	0	1	1	0	0
HE ILOA	0	2	0	0	44	44
Numela o na tino molia	100	69	34	27	70	53
11-14 Tauhaga		1T		0		1T, 3F
15-17 Tauhaga		13T		1T, 1F		3T, 2F
18-25 Tauhaga		9T, 5F		10T, 3F		23T, 4F
25+ Tauhaga		27T, 14F		7T, 5F		8T, 10F
Tukufakatahiga o te aofaki ona molia	145		95		123	
Moliaga takalahi	AB16, TC50, TC52+TC15		NB19, NB34, TC52		TC45, TC46, TC50	

E ui ko te Komehina Tulafono o Atafu ma Fakaofu e mau luga te aofaki o na tino molia i te vai tau o te lipotiga tenei, kote mataloa e fakatino ai he moliaga e 9 ia aho i Atafu kae 15 ia aho i Fakaofu ma ko he tulaga manaia tenei kua fakaleleia atili na tautuaga mai na tauhaga kua teka 2014/15 ko te mataloa i Atafu e 37 ia aho kae 21 ia aho i Fakaofu. Ko Nukunonu e kehe ma na fakamahino e te Komehina Tulafono na moliaga e 25 ma ko te mataloa e 36 ia aho. I he kikilaga katoa kua lahi lele he fakaleleiga ina fakatinoga a Fakamahinoga.

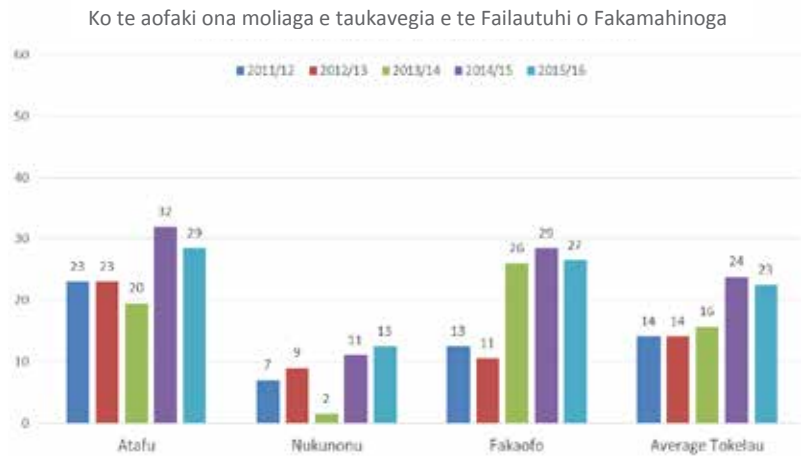
### Ko na Moliaga e takalahi

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

- Fakaokolima
- Kaihohoa
- Miha ina koga lautele
- Kona
- Holituakoi
- Uiga mataga



## Ko te aofaki ona moliaga e taukave e he Ofiha o te Fakamahinoga



Ko te aofaki ona moliaga e taukave e he Ofiha o te Fakamahinoga e 23, ko he tama kehekehega tenei ite numela mai te tauhaga 2014/15 nae 24 ai te numela aofaki ona moliaga e taukave e he Ofiha o Fakamahinoga.

## 4 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 opotiga o ni tulafono ma e fakamatala manino ai na amio tatau ma te tulaga o te amiotonu e tatau ke iei na tino ote kau tautua. Ko te Taki o te Amio Pulea foki e taku mai ai foki na vaega e tatau ke maua e tee fakagaluetino mai te tino galue e vena foki na vaega e tatau ke maua e te fakagaluetino. Ko te fakagaluetino e o ia te tiute ko te fakatonutonuga o te Taki o te Amio Pulea i te fakamautinoa 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 a 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 ke takitaki ia 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, fakaaloalo ki te aia o tagata o te nuku ma o latou hoa tautua;
3. E he takuvaleagia te Kaufaigaluega Tautua 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) **Fakatuatua:** He tiute e o na Fakamahino ke fai a na fakaikuga ma te fakaeteete kae ma, na he fakaitukau.
- (ii) **Amiotonu:** Ko te Fakamahino e tatau ke fai a na fakatinoga uma i te amiotonu kae ke tumau ai pea te talitonu o tagata ki te itu tau fakamahinoga.
- (iii) **Tutuha ia tagata uma:** Ko Fakamahino uma e tatau ke fai a na fakatinoga uma i ni auala e fakamautinoa 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) **He Fakakaukau:** E taua ki Fakamahino ke he fakakaukau pe ve e fakakaukau.
- (vi) **Fakatinoga i loto o te Fale Fakamahino:** Ko na Fakamahino e tatau lava ke makeke ta na kivilaga i loto o te fale fakamahino ma fakamautinoa ko na tino i loto o te fale fakamahino e 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 kiei.
- (viii) **Fehokotakiga i te Fakamahinoga:** E tatau i te Fakamahinoga 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 kua fakatatia ina fakamahino a na nuku takitahi e tolu e mafai ai ho he tino ke fakailoa ho na 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 ki na tautuaga a na ofiha o te fakamahinoga. 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 o he 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 loto o te nuku. E lahi na lagona ke fakahala mamafa na tino e holiitufono, e taofiofi ai kilatou ke he toe fakaauau ni holiitufono.

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 a na tino tautua. He tahi manatu foki na fai agai ki na galuega e fai e te tino mo to na 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. Ko te fakafitauli na kitea mai ina tino o te 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 o te 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 o na 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 ote kikilaga a o latou Taupulega. Ko na fakamaumauga a na famahino ina motu takitahi e i lalo o na fakatupega a na nuku takitahi e tuha ai ma te fakatupega kua uma te talia ite 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 aim o te tau atiakega ona mea e tatau ke fakamuamua mo he vaitau taua.

#### **Nukunonu**

Ko te fakatupega mo Famahino ma Leoleo e opotia ki 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 ta na tuhi tupe e teu kiei na tupe fakahalaga e maua.

## **4.5 Avanoa mo Koleniga i te Atiakega o na Kaufaigaluega o Fakamahinoga (i loto ma te itulagi)**

**E amanakia e Tokelau te polokalame a te Pahefika mo Atiakega o Fakamahinoga (PJDP) kae maihe mo na avano 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 e na 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 aoga ma e heki kavea foki e kilatou ni akoakoga fakapitoa i te tulafono. Koi fakaauau lava te fehoahoaniga mai te Polokalame a te Pahefika mo te Atiakegao Fakamahinoga fakatahi ma te Malo o Tokelau, Famahinoga a Samoa, vena ma ofiha faufautua 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 vaitau lipoti na maua ai e na tino fai famahinoga te avanoa ke fai ni a latou 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 kaufakatahi ai te 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 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 ki he manatu kua uma te kave ki o latou Taupulega ke iei ni fale fakapitoa 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 fakamahinoga i Nukunonu. Ko na famahinoga e fai lava ite St. Maletino Tepola 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 fakapitoa ai he fale famahino i loto o Nukunonu.

#### **Tiute o te Kaufaigaluega 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 aim o 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**

E 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 lihoi 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 lihoi. E kehe lava na galuega a na leoleo e fai mai na galuega a ofiha famahinoga.

E he 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;

- Ko na leoleo e he tauhihi ki te fakamalohiaga ona tulafono;
- E lahi lele te taimi e fakafano e na leoleo e tuha ai ma te faiga o a latou 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 loto o te nuku;
- E he 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 o na 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 fakaako 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;
- Ke iei ni akoakoga ina mea tau fakaleleiga atili o te Malo kina tino fai famahinoga;
- Ke iei ni akoakoga e maua e kilatou ini lehona i na mea tau mahini pe ni 'computing lessons';
- Ke fakaauau pea ni akoakoga mo na tino e galulue mo na fale famahino ite fakaputuga o ni fakamatalaga, 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
- Failautuhi a Famahino - Lepeka Amato Perez

## **Leoleo**

- o Hatini/Tamaloa - Sefo Leo
- o Leoleo/Tamaloa - Aleki Manuele
- o Leoleo/Tamaloa - Patrick Teagai Lui
- o Leoleo/Tamaloa - Viliamu Ioapo
- o Leoleo/Tamaloa - Falaniko Kueva Aleki
- o 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 ma ii te tauatiakega o fakamahinoga i te Pahefika kae maihe ai te hapoti mo Tokelau. Polofeha Tony Angelo (Faufautua Tulafono Hinia a Tokelau e nofomau i Niu Hila), te kauhaga 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 mo te 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 fakaaauu pea o tana lagolago/fehoahoaniga ki na Ofiha o Fakamahinoga a Tokelau kae maihe aim o a na galuega na fai ite tauatiakega o he hihitemi lelei i loto o Tokelau vena ma tona hapoti tumau ki na ofiha o famahinoga.

