

TULAFONO FAKAVAE A TOKELAU

FAKATOMUAGA

Ko kimatou, ia tagata o Tokelau, e takutino,

Ko Tokelau e fakavae tumau i te Atua. Ko te fakavae tenei e matea i nā nuku ma kafai ona tagata e faifaima fakatahi, ma nonofo fakatahi i te filemu ma te fiafia,

Mai te kāloā, ko nā tālaaga ki nā fenua o Atafu, Nukunonu, Fakaofu, ma Olohega na fauhia kē fai ma o matou kāiga. Talu mai nā aho o Maui, ma Tui Tokelau ko te laukelekele, te tai, ma te ea nae fakaolaola ai o matou tagata ma ko te Atua e ia poupouakia kimatou,

E tāua lahi kia te kimatou i te taimi nei, ke haoloto kimatou i te faiga o a matou tonu. E fakatāua ia leo o ō matou tagata uma ia matou faigātonu uma. Ko kimatou e tu tautahi, i te fakaaogāga o a matou koa,

I te fakatinoga o aho takitahi o ō matou olaga, e fakamuamua ma fakatāua pea e kimatou a matou aganuku ma a matou tū ma nā aga, ma e fakaaauu pea to latou fakatāuagia. Ko nā fakanauga a o matou tagata e tatau ke atafia ia matou nofonofoga,

Ko te kāiga, ko te fatu ia o to matou atunuku, ma ko nā faiga gali e atiake ai o matou kāiga, e fakaaogā e kimatou kē fatu ai nā faigātonu a te atunuku,

Ko nā nuku e puna mai ai te pule katoatoa i loto o Tokelau.

Ko kimatou, ia tagata o Tokelau, e talitonu,

I te faka-Tokelau, e aofia ai te taofi mau ki te ōlaga fakalagolago o te tahi ki te tahi e tauhi ai nā tagata fakaalofa, te tāinatiga ma te fakahoahoaga o nā koa, te tutuha o nā avanoa ke auai ai ki nā faifaiga a nā nuku, ma te āiātatau ke ola fiafia,

Ko nā galuega uma e fai i loto o Tokelau e fuafua fakalelei ke fetau ma nā fakanauga a tagata kua fakaali, ma e galulue mālohi ki ei kimatou ke fakataunuku ai iena fakanauga,

I te tāua o te ola mālōlō lelei, akoakogia, ma he tulaga o te ōlaga lelei, tauhihi ki nā tulafono, talia ni huiga e kui mai ai ni fakamanuiaga mo Tokelau, aloakia o te āiātatau a tagata tautokatahi, e hē fakailoga tagata, ma ni takitaki fakamaoni,

Ko a matou fakalapopotoga i loto o nā nuku, e manino a latou hini ma a latou tulafono fakavae, ma e i ei o latou hao ki te atiakega o Tokelau,

Ko a matou akoakoga e tatau lava ke falite lelei ke fakafetaui ki nā manakoga ma nā fakanauga a o matou tagata, ma e tatau kē tuku he fakatāuaga ki nā iloa faka-Tokelau fakatahi ai ma nā iloa fou e manuia ai ia Tokelau.

Ko kimatou, ia tagata o Tokelau, nei kua hokotakuau

Mo te puipuiga o o matou kāiga ma te aganuku, ma mo te puipuiga o te tutokatahi o nā nuku i nā matakupu e patino ki a te kilatou, ma ko nā mafuaaga ia kua fakavae ai nā takiala ienei, mo te Tulafono Fakavae o Tokelau.

1 Tokelau

Ko Tokelau ko nā fenua uma, te kogātai fakalotoifale, tai hiko takamilo, ma ietahi koga e āiā ki ei ia Tokelau, i nā Tulafono Fakavāomālō.

[see Tokelau Act 1948 and Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977]

2 Ko nā Nuku

(1) Ko nā nuku kua fakanofu tonu fakatatau ki nā tulafono.

(2) E filifili e nā nuku he Faipule ma he Pulenuku fakatatau ki te tulafono.

[see Tokelau Village Incorporation Rules 2004]

3 Fono Fakamua

(1) Ko te Fono Fakamua e aofia ai nā hui ienei —

(i) Te Faipule ma te Pulenuku o nā nuku takitahi, ma

(ii) E fokotahi te hui mai nā nuku takitahi, mo te toka 100 o tagata e nonofo i te nuku tēnā, fuafua ki te faitauga mulimuli o te aofaki o tagata, e tafapili ki te numela e lata ki te 100 o te aofaki o tagatānuku.

(2) Ko nā hui e tofia e nā nuku takitahi fakatatau ki nā tulafono fakatātia a te nuku tēnā.

- (3) Ko te mataloa o te nofoakiga a nā hui ki te Fono Fakamua ke tāga tutuha ma te nofoakiga a nā Faipule.
- (4) Kafai e i ei he mafuaga e tatau ke huia ai he hui i loto o te taimi o te nofoakiga, e tofia hona hui e te nuku fakatatau ki nā tulafono fakatātia a te nuku tēnā.

[from General Fono Standing Orders]

4 Fonotaga a te Fono Fakamua

- (1) Ko nā fonotaga a te Fono Fakamua e uhuia, kafai e mafai, nāhe i lalo ifo i te fakalua i te tauhaga.
- (2) Ko te Fono a te Mālō Fakaauau ka fakatātia e ia nā aho o nā fonotaga takitahi a te Fono Fakamua.
- (3) E heai he tonu e tatau kē fai e te Fono Fakamua vāganā ko he lua vae tolu te numela o nā hui e i ei, fakatahi ai, e hē i lalo ifo o he tokafā o ni hui mai nā nuku takitahi.
- (4)
 - (i) Ko nā matakupu uma e tuku ki te Fono Fakamua ke fai ki ei he tonu, kafai e fai he palota, e tatau ke fakaiku e te tokalahiga o nā palota a nā uhufono o te Fono Fakamua.
 - (ii) Kafai he matakupu e tutuha nā palota, ko te matakupu e hēki pāhia.
- (5) Ko nā fonotaga a te Fono Fakamua e tatau ke fakaavanoa ki tagata uma, e tuha ai ma nā Tulafono Fakatonutonu o te Fono Fakamua.
- (6) Ko te Fono Fakamua e fai ana galuega i tana kikilaga e talafeagai ma fakatatau ki nā tulafono ma ana Tulafono Fakatonutonu.
- (7) E heai he fakamahinoga e i ei hona mafai-fakamahino ki te fakatinoga o nā galuega a te Fono Fakamua, pe ko te tauhiga o te mamalu i te Fono Fakamua e hō he tino kua ia te ia te mālohiaga ke fakatino ai te vāega tena.
- (8) Ko te aloakia o hō he fonotaga a te Fono Fakamua, ma te aloakia o he pepa fakamaonia e fai e te Takitakifono o te Fono Fakamua i te fakatinoga o nā tiute o te Takitakifono, e hē fakafehiligia e hō he fakamahinoga.

[from General Fono Standing Orders]

5 Ko nā mafai faitonu o te Fono Fakamua

- (1) E ō te Fono Fakamua te tiute ke pulepule nā matakupu ienei mo te manuia o te atunuku—
- (i) Fakahoahoaga o te tupe a te atunuku ma te pulepulega o te tupe a te atunuku;
 - (ii) Kaufaigaluega Tautua a te Atunuku;
 - (iii) Ko te hokotaga a Tokelau ma Niuhila;
 - (iv) Hokotaga Fakavāomālō;
 - (v) Mamalu o te Atunuku;
 - (vi) Koa a te atunuku;
 - (vii) Felakuakiga a te Atunuku;
 - (viii) Fehokotakiga;
 - (ix) Tautuaga tau meli;
 - (x) Taki aloakia ma nā fauhaga mo te ola mālōlō ma akoakoga a te atunuku;
 - (xi) Tupe Tokelau mo nā tino ao tupefakamanatu; ma
 - (xii) Hō he matakupu e kāiga ki hō he matakupu o nā matakupu ienei, ma hō he matakupu e kaumai mai nā Taupulega o nā nuku takitahi ki te Fono Fakamua mo hana onoonoga, pe ni fakatinoga fakatetulafono e fia fai.
- (2)-(3) [Free Association rules only]
- (4) Ko nā pepa uma e tatau ke haini ki ei ia Tokelau e mafai ke hainia mo Tokelau e nā Faipule e tokatolu, pe ko te Ulu, e tuha ai ma he latou maliliegi ki ei.

[from General Fono Standing Orders]

6 Fono a te Mālō Fakaauau

- (1) Kafai te Fono Fakamua e hē nofoia, ko nā galuega e fakatino ai te pule a te Fono Fakamua, e tatau ke fakataunuku e te Fono a te Mālō Fakaauau, e tatau ai, ka uma nā fakatalanoaga ieia e kikila ia e talafeagai, ke fai nā tonu e fetau mo te lelei o te pulepulega o nā matakupu a Tokelau.
- (2) Ko te Mālō Fakaauau, e i loto ai nā Faipule e tokatolu, ma nā Pulenuku e tokatolu, ma ko nā tiute fakaminihita e tatau ke tufatufa ki nā hui takitahi o te Mālō Fakaauau.

- (3) Ko te Ulu o Tokelau ko te Takitakifono ia o te Mālō Fakaauau, ma, e hui e ia te Mālō Fakaauau, te Fono Fakamua, ma te atunuku, e veia ona fuafuagia e te Mālō Fakaauau.
- (4) Ko te Ulu e tatau ke filifilia e te Mālō Fakaauau mai ona hui.
- (5) E ō te Mālō Fakaauau te tiute ke —
 - (i) Fakatino nā galuega fakaauau a te mālō o Tokelau fakatatau ki nā tonu a te Fono Fakamua;
 - (ii) Fakatino nā tonu a te Fono Fakamua;
 - (iii) Onoono nā fakafanogātupe a nā nuku i nā fakatupega mō nā galuega e tuku ki ei e te Fono Fakamua;
 - (iv) Tautali atu ki nā fakalavelave fakafuaheki i te atunuku;
 - (v) Mulimuli ki nā tonu a te Fono Fakamua, vāganā e i ei he mafuaga tatau ke fai ai he tahi tonu, ma e fakataunuku oioti kafai kua fakatalanoa muamua ma nā hui uhufono o te Fono Fakamua.
- (6) Ko te Mālō Fakaauau e heai hona mafai kē fatu ai ni tulafono.
- (7) Ko te Mālō Fakaauau e lipoti ki te Fono Fakamua i tana fonotaga ka hohoko, ana fakatinoga ki nā galuega e fakatino ai te pule a te Fono Fakamua.

[from General Fono Standing Orders]

7 Fatuga o nā tulafono

- (1) Ko nā Tulafono fakaataata e mafai kē tuku atu ki te Fono Fakamua e hō he hui o te Fono a te Mālō Fakaauau i hō he taimi.
- (2) Ko te Fono Fakamua e tuku atu e ia nā Tulafono fakaataata ki te Taupulega mo hana onoonoga, kafai e hēki fakatalanoa ki te Taupulega muamua.
- (3) I te tukuatuga o nā Tulafono fakaataata ki te Taupulega mo ni onoonoga, ko te Taupulega e tuku atu o latou manatu ka ko heki nofoia te Fono Fakamua e hohoko.
- (4) Ko te Fono Fakamua e ia onoono hō he manatu, pe ni fakaaliga kua maua mai te Taupulega, ma e mafai ke pāhia, teuteu, pe teteke nā Tulafono fakaataata, i hana kikilaga e talafeagai ai.
- (5) I he tūlaga fakavave, pe onoono e te Fono Fakamua e talafeagai te fakavave, e mafai e te Fono Fakamua oi pāhia ni Tulafono ko hēki onoono i ni fakaataataga e te Taupulega.

- (6) Ko nā Tulafono e fatu ka ko hēki tuku atua ki te Taupulega mo ni onoonoga, e hē toe aloakia i te aho mulimuli o te Fono Fakamua ka hohoko, kafai e fokotahi te Taupulega, pe lahi atu, e hē taliagia e kilatou nā Tulafono, ma tuku atu ni fakaaliga tuhituhia o te hē taliagia, ki te Fono a te Mālō Fakaauau i loto o he mahina e fokotahi, mai te aho na pāhia ai e te Fono Fakamua.
- (7) Ko te hē toe aloakia o nā Tulafono i lalo o te puipui (6), e tatau ke fakailoa ki tagata uma o nā nuku takitahi, e te Fono a te Mālō Fakaauau.

[from General Fono Standing Orders]

8 Fakamahinoga a Tokelau

- (1) Ko nā Fakamahinoga a Tokelau ko—
- (i) Te Fakamahinoga a te Komehina Tulafono ma te Komiti Apili o nā nuku takitahi;
 - (ii) Te Fakamahinoga Maualuga;
 - (iii) Te Fakamahinoga mo nā Apili.
- (2)-(4) [Free Association rules only]

9–11 [see Tokelau Act 1948 and Crimes, Procedure and Evidence Rules 2003]

12 Punaaga o nā Tulafono

- (1)-(2) [Free Association rules only]
- (3) Ko nā agaga taki kua fakatātia i te Fakatomuaga e tatau ke fakafetaui i te fakauigaga o te Tulafono Fakavae tenei ma ietahi tulafono.
- (4) Ko nā punaaga o nā tulafono [na fai i loto o Tokelau] ko tenei te fakahologa i to latou fakatāuaga, ko te Tulafono Fakavae tenei, nā Tulafono a te Fono Fakamua, nā Tulafono a nā Nuku, nā tu ma nā aga a Tokelau.
- (5) I te tūlaga e heai ai ni punaaga fakatetulafono, ko te Fakamahinoga e ia fakaikua, fakatatau ki te tulafono teia e fai e ve he fakatinoga na fai e te Fono Fakamua.

13 Kaufaigaluega Tautua

- (1) Ko nā tofiaga ki te Kaufaigaluega Tautua a te Atunuku, ma, ki te Kaufaigaluega Tautua a he Nuku, e tatau ke tofia fakatatau ki te tūlaga kua i ei te iloa ma te agavaka.

- (2) Ko te fakafaigaluega i nā tautuaga a te Kaufaigaluega Tautua a te Atunuku, pe, i te Kaufaigaluega Tautua a he Nuku, e tatau ke fakatatau ki nā Tulafono a te Fono Fakamua.

[from Public Service Rules 2004]

14 Tupe

- (1) Ko nā tupehau uma e maua mai e fakaagaaga mo te Mālō o Tokelau ko ni tupe fakamua, ma e tatau kē teu ki te teugātupe a te Mālō o Tokelau.
- (2) E heai ni lāfoga e tatau ke fakamalohia ke fai vāganā e fakataga i he Tulafono a te Fono Fakamua.
- (3) E heai he tupe e tatau ke kave kehe mai te teugātupe a te Mālō o Tokelau vāganā—
 - (i) E totogi ai ni tupefano na fakataga mai i te fakatupega o te tauhaga tupe tena, pāhia e te Fono Fakamua; pe
 - (ii) Fakatatau ki he tulafono a te Fono Fakamua.

[from Finance Rules 1998]

15 Fenua

- (1) E tuha ai ma te Tulafono Fakavae tenei, pe hō he Tulafono a te Fono Fakamua, ko nā fenua uma e i lalo o te kikilaga a te Taupulega.
- (2) Ko nā fenua fakateaganuku, e taupau fakatatau ki nā tu ma nā aga mahani a te nuku tena.
- (3) Ko nā fenua fakapitoa, e hē ni fenua fakateaganuku.
- (4) Ko nā matakupu uma e kāiga ki nā fenua fakapitoa pe ō ai, e tatau ke fakaiku e te Fakamahinoga Mauuluga ke talafeagai ma te Tulafono mahani a Egelani.
- (5) E heai he fenua pe hō he āiā tau fenua e tatau ke fakaheke ki he tino e hē he Tokelau.
- (6) Kafai he fenua e manakomia mo he fakaaogaga fakateatunuku, e tatau lava lā ke i ei he maliliega i te va o te Mālō o Tokelau, ma te nuku e i ei ai te fenua tena.
- (7) Kafai he fenua e manakomia mo he fuafuaga fakateatunuku pe fakatenuku, e fai nā fetukunakiga a te nuku ma nā tino e ō kilatou te fenua, ki te fakatauga pe ko te fakaaogāga o te fenua, mo ni fuafuaga fakateatunuku pe fakatenuku.

- (8) Kafai e hē maua e te nuku he maliliea mai nā tino e ō kilatou te fenua, ko te fenua e ono fakaaogā mo hō he fuafuaga fakateatunuku pe fakatenuku i te tukutukuga, ko nā tino e ō kilatou te fenua, kua maua muamua e kilatou ni fakamanuiaga talafeagai mai te nuku.

[from Land Rules]

16 Ko nā Āiātatau o Tagata

- (1) Ko nā āiātatau tautokatahi o tagata uma i Tokelau, ko ieia e takua i te Takutinoga a te Lalolagi mo Āiātatau a Tagata, ma, e kitea ki loto o te Feagaiga Fakavāomālō mo nā Āiā o Tagatānuku ma Fakanofonofoga Fakafaigāmālō.
- (2) Ko nā āiātatau o tagata tautokatahi i Tokelau, e fakaaogā kae amanakia foki nā āiātatau a ietahi tino ma te nuku e nofo ai te tino tena.
- (3) Kafai he tino kua mafaufau ko he tahi o ona āiātatau e ve ona takua i te Tulafono Fakavae kua fakahēaogā pe ka fakahēaogā, e ono mafai te tino tena ke tuhi talohaga ki te Fono a te Mālō Fakaauau mo he puipuiga o te āiātatau tena
- (4) Kafai te Fono mo te Mālō Fakaauau e malie e tuha ai ma te talohaga, e ono mafai ke fai hō hana fakatonuga i tana kikila e talafeagai mo te puipuiga o tena āiātatau.
- (5) Ko he fakatonuga e fai i lalo o te palakalafa (4) e ono mafai ke fakamalohia veia lava ko he fakaikuga e a te Fakamahinoga Maualuga.
- (6) Ko te Fono a te Mālō Fakaauau, ko kinā tē fai ai te fakaikuga mulimuli ki te fuafuaga o nā matakupu uma e tau ki nā āiātatau o tagata.

[from Human Rights Rules 2003]

17–19 [Free Association rules only]

MATAKUPU FAKAOPOOPO

1 – 4 [Free Association rules only]

5 Ko nā mea e tutupu ona ko nā huiga

(1) ...ko nā fakatātiaga mo he tulafono e i ei nei, ieia kua opotia i loto o te Tulafono Fakavae tenei, e fakahēaogā e te Tulafono Fakavae tenei.

(2) Ona ko te puipui (1), ko te mea ia kua fakahēai ai nā vāega ienei—

(i) Nā Tulafono Fakatonutonu a te Fono Fakamua 1(1), 1(3), 1(4), 1(15), 3(1), 3(2), 4, 5(3), 5(5), 9, 11, 12 ma te 13;

(ii) Nā Tulafono o Āiātatau o Tagata 2003;

(iii) Nā Tulafono o te Kaufaigaluega Tautua 2004, vāega 3(3);

(iv) Nā Tulafono o nā Holigātulafono, Faiga e fai ai ma nā Fakamaoniaga 2003, vāega 112(1).

(3)-(4) [Free Association rules only]
