



# DECISIONS

FONO FAKAMUA  
27 – 29 JULY 2016  
FAKAOFO

## FONO FAKAMUA

27 – 29 JULY 2016

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## 1. TOKELAU NATIONAL STRATEGIC PLAN 2016 – 2020

Having discussed the Tokelau National Strategic Plan 2016 – 2020, the General Fono:

- i) **noted** the explanation provided of the Tokelau National Strategic Plan 2016 – 2020;
- ii) made the following **amendments**:
  - to carry out good governance training for the General Fono and Council for the Ongoing Government;
  - to include in the Strategic Plan this wording ‘Tokelau is founded on God, is a living community and places importance in its culture’;
  - Climate Change to be one of the Policy Outcome Areas / Strategic Goals of the Plan;
  - Infrastructure – improve and complete the office spaces in the villages to be used by relocated services and not just the offices in Apia;
  - Sustainability – to increase the opportunities for Tokelau to generate revenue from its own resources and thus reduce reliance on New Zealand. To correct this wording to read, ‘to increase opportunities for Tokelau to generate further revenue from its own resources’ (in noting, New Zealand has a constitutional responsibility to look after Tokelau)
- iii) **directed** staff to ensure that the Plan clearly reflects the need to strongly support the pillars of the Constitution, Church and Culture;
- iv) **endorsed** the Tokelau National Strategic Plan 2016 – 2020, with the amendments above;
- v) **reminded** the Departments of the General Fono decision that there be quarterly departmental visits to the Taupulega and that this is an opportunity for departments and villages to ensure that services continue to improve;
- vi) **agreed** that by end of September, all departmental and village plans, including costs, are finalised.

## 2. BUDGET CONCEPT POLICY 2016 – 2020 & BUDGET 2016/17

In noting the key component of the new budget concept of separating capital development funds from recurrent budget allows for a more strategic approach towards Tokelau's investments in infrastructure and development as articulated in the National Strategic Plan 2016-2020; and

In noting further that the new budget structure 2016-2020 provides a platform for a clear alignment between budgeting and planning with the inclusion of a multi-year framework showing indicative expenditure and revenue forecasts, the General Fono:

- i) **agreed** that current decision of General Fono in regards to reinvestment of income from the Tokelau International Trust Fund be retained; and
- ii) subject to (i), **agreed** to the Tokelau Budget Policy Concept and the Tokelau Budget Structure 2016-2020.

In noting it's above decision and in considering the recommendations of the Budget Committee for Budget 2016/2017, the General Fono **agreed**:

- i) to a Total Revenue Budget of \$35.9m as **appended**
- ii) to the following allocations for Recurrent Budgets:

Budget for	Amount
ATAFU	\$2,700,000
FAKAOFO	\$2,800,000
NUKUNONU	\$2,600,000
EDNRE	\$1,250,000
EDUCATION	\$2,630,000
ENERGY	\$500,000
FINANCE	\$1,090,000
HEALTH	\$1,800,000
OCOG	\$2,300,000
SUPPORT SERVICES	\$633,000
TRANSPORT	\$5,038,000
Payments on behalf of Government:	
- Regional Organisations	\$150,000
- Apia Office Rental	\$150,000
- Contingency	\$400,000
- Audit Fees	\$140,000
- Repairs & Maintenance of National Assets	\$1,000,000
<b>TOTAL</b>	<b>\$25,181,000</b>

- iii) to the following levels for Capital Development Projects:
 

ATAFU	\$1,400,000
FAKAOFO	\$1,400,000
NUKUNONU	\$1,400,000
NATIONAL	\$10,000,000

- iv) that management and coordination of the National Capital Development Projects and related provision be with Council with regular reporting;
- v) to the guidelines as **appended**, for the facilitation and oversight of the Capital Development funding
- vi) that all Sectors provide detailed budgets to Finance for budget management and reporting requirements by the **25th August**;
- vii) that overspending of 2015/2016, as reflected in the draft results for 30 June 2016 and as provided below, will not be deducted from 2016/2017 recurrent budget levels for relevant sector:

Department / Village	Overspending
EDNRE	\$23,424
EDUCATION	\$355,849
ENERGY	\$99,411
FINANCE	\$142,856
OCOG	\$212,122
SUPPORT SERVICES	\$53,695
TRANSPORT	\$463,083
ATAFU	\$124,843
FAKAOFO	\$65,410
<b>Total</b>	<b>\$1,540,693</b>

- viii) that underspending of 2015/2016, as reflected in the draft results for 30 June 2016 and as provided below, be carried forward to 2016/2017 for relevant sector:

Department / Village	Underspending
HEALTH	\$25,866
NUKUNONU	\$79,631
<b>Total</b>	<b>\$105,497</b>

- ix) to carry forward to the next financial year the following projects and remaining funds as reflected in the draft results for 30 June 2016:

Project	Responsible Sector	Balance
Education Incentivization Fund	Education	\$1,500,000
Minister of Education Office Atafu	Education	\$12,170
Energy Improvement Project	Energy	\$125,186
Patient Referral Scheme	Health	\$160,616
Census 2016	OCOG	\$80,000
Financial Assistance – Villages	Finance	\$14,286
Administration Building	Atafu	\$830,856
Fatupaepae Centre	Atafu	\$60,000
Seawall	Atafu	\$43,125
Incinerator	Atafu	\$25,000
Fenuafala Hospital	Fakaofu	\$79,964

Fatupaepae Centre	Fakaofu	\$1,322
Seawall	Fakaofu	\$82,509
Matiti School Building	Nukunonu	\$804,224
Fatupaepae Centre	Nukunonu	\$60,000
Seawall	Nukunonu	\$80,593
2015/2016 Underspending	Health	\$25,866
2015/2016 Underspending	Nukunonu	\$79,631
<b>Total</b>		<b>\$4,065,349</b>

Further, in recognising that the Tokelau International Trust Fund allows for long term financial savings with the Tokelau Operating Accounts addressing annual operating needs, medium term financing requires addressing, the General Fono:

- i) **agreed** to the establishment of a Tokelau Buffer account to accommodate fiscal surplus for the purpose of financing future fiscal deficits and capital development efforts.

Further, the General Fono:

- i) **directed** that Council continue to engage development partners and the Government of New Zealand for assistance; and
- ii) **agreed** that a letter under the Ulu o Tokelau signature be sent to New Zealand informing that any development assistance for Tokelau will be conveyed through Council and that any opportunity for development assistance be conveyed to Tokelau through Council.

### 3. INTERNET COSTS SUBSIDY

The General Fono:

- i. **noted** the challenges due to high internet costs in comparison to when the sonic wall login was used
- ii. **noted** further that service provider is an independent corporation and is not reliant on government to provide services;
- iii. **agreed** to refer the issue to the Board of Teletok for a recommendation to the next General Fono; and
- iv. **agreed** further that should the General Fono decide on a subsidy, this be referred to the Mid-Term Budget Review.

### 4. OLD AGE PENSION

The General Fono:

- i. **noted** the intention of the paper;

- ii. **agreed** to raise the old age pension to \$350.00 fortnightly;
- iii. **noted** that the entitlement age for the old age pension is 60 years of age while the retirement age in accordance with the Human Resource Manual is 65;
- iv. **agreed** to continue with the entitlement age of 60 years of age for the old age pension;
- v. **noted** the need to address those with special needs due to medical reasons;
- vi. **noted** there's a need to have a policy in place to guide administering of the benefit to ensure uniformity among the three atolls;
- vii. **agreed** for the Department of Finance to provide to the next General Fono a recommendation as to an appropriate level for those with special needs due to medical reasons, including a policy to guide administering of benefit to ensure uniformity among the three atolls;
- viii. **agreed** that should the General Fono make a decision on a benefit for those with special needs requiring financing, this be referred to the Mid-Term Budget review for funding however, effective date is 1 July 2016.

## 5. STUDENT LOANS

The General Fono:

- i. **noted** the paper and the need to provide assistance to those included in this issue especially those who have returned to serve Tokelau;
- ii. **advised** the Department of Education to explore ways that would allow assistance from the NZ Government towards student loans of Tokelauans particularly those attending or had attended schooling in New Zealand privately especially those who have returned to serve Tokelau;
- iii. **noted** the concerns in moving forward and the need to develop a clear policy to guide this issue in the future;
- iv. **noted** that staff had taken initiative last year to explore a solution to this issue;
- v. **agreed** for the Department of Education to put forward advice to the next General Fono; and
- vi. **referred** any funding requirements arising from any decision to be made on this matter to the Mid-Term Budget review.

## 6. VILLAGE SHARE OF INCOME FROM THE EEZ

The General Fono:

- i. **noted** the paper;
- ii. **agreed** that there be a share for the villages of the income from the EEZ;
- iii. **agreed** to refer to the Mid-Term Budget review;
- iv. **agreed** for the level of funding and distribution of among the villages to be considered at the next General Fono;

## 7. HOUSING SCHEME

The General Fono:

- i. **noted** the intention of the paper;
- ii. **agreed** that effective 1 July 2016 to increase the level of funding for the housing scheme by 75%, amending levels within package as follows:

- Water Tank	\$19,250
- Sanitation	\$12,250
- House	\$24,500
TOTAL	\$56,000
- iii. **agreed** to review rates every 5 years;
- iv. **agreed** to enforce implementation and compliance with the Tokelau Building Codes 2008; and

## 8. LAW PROPOSAL: TOKELAU EMPLOYMENT COMMISSIONER RULES 2016

The General Fono:

- i. **noted** and **discussed** the area where there are differences in interpretation as to the powers of the Commissioner – whether s/he appoint employees, or recommends to the Council for appointment;
- ii. with the understanding that the Commissioner carries out the recruitment process, does the selection and put forward to the Council to formalise without amending selection of the Commissioner; **endorsed** the Tokelau Employment Commissioner Rules 2016 with amendment to 5(l) to read as follows:



**‘to recommend to the relevant employer the appointment, promotion, confirmation, discipline and dismissal of employees, and resolve employment disputes’**

- iii. **agreed** that 5(l), applies only to employees at national level;
- iv. **agreed** that 5(l) do not apply to the villages; and
- v. **referred** 5(l) to the Taupulega for their views in regards to the relationship between the position of Commissioner and the Taupulega , and advise the General Fono in its next meeting.

## **9. SCHOLARSHIP SCHEME: LEVEL OF ALLOWANCES FOR STUDENTS**

The General Fono:

- i. **noted** the purpose of the paper;
- ii. **noted** the correction by the Department of Education in relation to the level of allowance for a student with accompanying spouse and with three children or over, in Fiji is \$33,220 and not \$38,040;
- iii. **noted** the level of allowances for the students including amendment above.

*[Attached as appendix 4 is a list of allowances]*

## **10 . STUDENTS IN FIJI: CONCERN AND PROPOSED SOLUTION**

The General Fono:

- i. **noted** the intention of the paper;
- ii. **agreed** that there be a Tokelau Student Liaison Officer in Fiji for all Tokelau students schooling in Fiji regardless of sponsor;
- iii. **noted** the advise by the Ulu o Tokelau that the USP campus in Fiji has agreed for a Liaison Officer to be based on campus and responsible for pastoral care for students from Tokelau;
- iv. **agreed** that the key responsibility of this Officer is all Tokelauan students schooling in Fiji and is inclusive of any and all assistance required by the student from the start to the end of their schooling life in Fiji and where possible students schooling in other countries;
- v. **agreed** that this position is the first port of call for any of Tokelau’s students requiring assistance in Fiji;

- vi. **agreed** that this position is the link with Tokelau, the Department and the Taupulega (where the Taupulega is the sponsor for a student), and the institution in Fiji where the student is attending school;
- vii. **agreed** that this position provides assistance to all Tokelauan students in Fiji regardless of sponsor;
- viii. **agreed** that this new position be added to the established positions within the Department of Education;
- ix. **agreed** to the immediate recruitment and commencement of this person to ensure concerns are addressed in a timely manner;
- x. **agreed** that facilitation and costs of a passport is the responsibility of the family in the first year of schooling in Fiji, however any renewal while still schooling Fiji, this will be the responsibility of the Department.

#### 11. NEW ESTABLISHED POSITION: STUDENT LIAISON OFFICER

The General Fono, having discussed and agreed to the various aspects of the issue just addressed (Students in Fiji: Concern and Proposed Solution), the following outcomes were added to further strengthen the response to the concerns in regards to the students in Fiji:

- i. **noted** the intention of the paper;
- ii. **directed** the Department of Education to implement decisions in a timely manner;
- iii. **warn** the officer within the Department who is currently responsible for our scholarship students, to be alert and respond in a timely manner to concerns of our students

#### 12. NZ SHORT TERM TRAINING AWARDS (STTA) PROGRAMME: ASSISTANCE FOR ACCOMPANYING FAMILY

The General Fono:

- i. **noted** the intention of the paper;
- ii. **accepted** the paper;
- iii. **agreed** for the Ulu o Tokelau to discuss with New Zealand whether assistance is possible for accompanying family members under their Short Term Training Awards (STTA) programme.
- iv. **agreed** to explore the New Zealand benefit system whether there's an option of available assistance;

- v. **agreed** that should assistance from the New Zealand STTA programme not be forthcoming, to consider funding at Mid-Term Budget review.

### 13. SPORTS CONSTITUTION

The General Fono:

- i. **noted** the intention of the paper;
- ii. **agreed** for the Coordinator for Non-Government Organisations (NGOs) to consult the Taupulega for their views and report back to the next General Fono.

### 14. REVIEW OF TOKELAU IMMIGRATION RULES 1991

The General Fono:

- i. **noted** the papers from Nukunonu and Atafu recommending that there be a review of the Tokelau Immigration Rules 1991;
- ii. **noted** that one of the main cause of the challenges now is non-compliance with the current rules;
- iii. **agreed** to review the Tokelau Immigration Rules 1991;
- iv. **agreed** to defer to the Office of the Council for Ongoing Government and the Department of Transport & Support Services to carry out the review and report back to the next General Fono.

### 15. PATIENT REFERRAL SCHEME

The General Fono:

- i. **noted** the intention of the paper;
- ii. **noted** the explanation from the Director of Health that:
  - the last time that the Policy for the Patient Referral Scheme was reviewed was 2009;
  - the review carried out in 2014 was incomplete and had not been endorsed;
  - there is only one Patient Referral Scheme, there is no other for the Council as referred by delegate;
  - any other assistance in regards to health that's being provided to the elected leaders of Tokelau, at this time is the responsibility of the Office of the Council.

- iii. **agreed** that the Minister and his departmental staff will travel around the villages and consult for improvements to the Patient Referral Scheme for consideration at the next General Fono;
- iv. **agreed** for the Office of the Council to put forward to the next General Fono guidelines in regards to additional assistance being provided to Council in terms of health, including a recommendation as to a way forward.

## 16 TOKELAU FLAG DAY

The General Fono:

- i. **noted** the intention of the paper;
- ii. **agreed** that October 22<sup>nd</sup> be a public holiday in celebration of the Tokelau flag;
- iii. **noted** that this day is additional to the 6 already in place for national services, resulting in 7 days as national public holidays, and with the 6 for the villages this makes a total of 13 public holidays for the villages.

## 17. SUPERANNUATION SCHEME

The General Fono:

- i. **noted** the intention of the paper;
- ii. **agreed** to establish a Committee for the Tokelau Superannuation Scheme;
- iii. **agreed** that the Committee comprise of the Director of Finance, the three village General Managers and HR Advisor; and
- iv. **agreed** for the HR Advisor to be in the Committee for the time being until such a time that the Public Service Commissioner commences who will then replace the HR Advisor.

## 18. REPORT OF THE LANDLEASE COMMITTEE

The General Fono:

- i. **noted** the report of the Landlease Committee;
- ii. **agreed** to refer the report to the Taupulega for any corrections before consideration by the next General Fono;

- iii. **agreed** to continue with the current leases for now;
- iv. **agreed** that any additional funds required for any amendments arising from corrections by the Taupulega to be referred to the Mid-Term Budget review.

## 19 DUTY DRAWBACK & VAGST

The General Fono:

- i. **noted** the intention of the paper;
- ii. **noted** the information below as provided by the Director of Finance:
  - Samoa VAGST is currently at 15% and this cost is paid for by the Government;
  - At the end of the year, a claim is sent to the Ministry of Revenue for Samoa for VAGST;
  - The amount that government paid for VAGST is the same amount that's returned;
  - This means that the amount received is not exactly additional funds for Tokelau;
  - The duty on goods is different from VAGST;
  - The only way that Tokelau can avoid paying duty on goods bought in Samoa is to build a warehouse for storing all goods to be imported. The warehouse is a means of verifying that the goods will not be used in Samoa but are instead exported to Tokelau;
- iii. **encouraged** to speed up the building of a warehouse for Tokelau in Samoa to reduce cost of imported goods.

## 20. M.V MATALIKI CARGO

The General Fono:

- i. **noted** the intention of the paper;
- ii. **noted** there were changes made to the design of the MV Mataliki to prioritise safety and comfort of passengers;
- iii. **noted** that included in options being explored for improving transport is the possibility of a cargo vessel;
- iv. **noted** the opportunity to use chartered cargo vessels from the Samoa Shipping Corporation;
- v. **noted** that addressing waste management is included in the work plan for the Department of EDNRE and opportunity is there to work closely

with the villages on building or securing appropriate containers for shipping of waste;

- vi. **noted** that costs in Samoa related to exporting of waste (eg quarantine, etc) is the responsibility of each village.

## 21. TOKELAU ANTHEM

The General Fono:

- i. **noted** the intention of the paper;
- ii. **agreed** to confirm amendments to the Tokelau Anthem;
- iii. **agreed** to invite the winner of the competition for the anthem to tidy up the notes for the music to include the changes; and to record the Anthem once improvements are completed.

## 22. CEMETERIES TO BE INCLUDED IN THE LIST FOR LANDLEASE

The General Fono:

- i. **noted** the intention of the paper;
- ii. **noted** the need to have a specific government programme to recognise the maintenance, protection and repairing of the cemeteries where our ancestors are resting;
- iii. **agreed** to include cemeteries in the seawall programme for the villages;
- iv. **agreed** to include cemeteries in the list for landlease

## 23. TOBACCO POLICY

The General Fono:

- i. **noted** the proposed policy;
- ii. **noted** that there are areas of the policy that requires detailed information from the department to assist the Taupulega better understand the policy; and
- iii. **agreed** to include discussions on this policy during the planned visits to all three atolls by the Minister and his staff for consultations on the Patient Referral Scheme.

## 24. REPORT OF ONGOING BUSINESS OF GOVERNMENT

The General Fono **noted** the Report of Ongoing Business of Government and in seeking clarifications in regards to Teletok, the General Fono:

- i) **directed** the Board of Directors of Teletok to ensure that the Taupulega receives a report in regards to dot.tk and the management letter arising from recently completed audits of the corporation and for the same to be provided to the next General Fono;
- ii) **directed** to ensure that the report of ongoing business of government complies with the General Fono Standing Order in regards to the 10days to allow the Taupulega sufficient time to go through the report before consideration by the General Fono
- iii) **noted** the words of gratitude as expressed by a representative of the Fatupaepae to the Council for their proactiveness which allowed several representatives of the Fatupaepae to participate in a Ministeral, Women in Leadership workshop in Samoa in April 2016.

## 25. APPOINTMENT OF A PUBLIC SERVICE COMMISSIONER

Having received the report of the Panel for the selection of a Commissioner, the General Fono **agreed** to:

- i) **appoint** Casimilo Perez to the position of Tokelau Public Service Commissioner;
- ii) should for any reason he is not able to take up the position, then **appoint** Aleki Silao; and
- iii) if for any reason he is not able to take up the position, then **appoint** Kele Lui.

In noting that your decision above provides an arrangement for appointing someone to the position, the General Fono:

- i) **agreed** to defer to the Council for Ongoing Government to complete recruitment process including negotiations with appointee;
- ii) **noted** that in following process that none of the appointee nor subsequent alternatives take up the post, the matter will be referred back to the General Fono; and
- iii) **noted** that the terms and conditions for this position eg: retirement age, etc will be in line with the current Human Resource Manual.

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Confirmed by:



Samu Pili

Takitaki Fono



**APPENDIX 1: REVENUE FY2016/17**

	2016/2017 Budget
Change on previous year (%)	-11.7%
Taxes	2.500
Grant: Budget Support	12.000
Fishing Revenue	17.245
Trust Fund Distributions	2.938
Interest (Excl Trust Fund)	0.250
Trading Revenue	0.950
Miscellaneous	0.001
Total	35.883

## **APPENDIX 2: GUIDELINES FOR THE FACILITATION AND OVERSIGHT OF THE CAPITAL DEVELOPMENT BUDGET**

- 1 The Budget Committee and General Fono will endorse the budget structure including the funding facility for national capital development, with its blessing for the Council of Ongoing Government or an extension of to oversee this fund and manage national capital development projects. Each Taupulega will be responsible for the Capital Development for each village.
- 2 The Budget Committee and General Fono will endorse a range of development initiatives for Tokelau to focus on for the period 2016-2020. These should be linked to the development plan 2016-2020 and the national strategic plan.
- 3 The General Fono will direct the department of finance and the Office of the Council of Ongoing Government to develop a national capital development plan(NCDP1620) with indicative funding for the period 2016-2020 in consultation with departments and under the auspices of the Council of Ongoing Government.
- 4 The General Fono will direct the department of finance and the Office of the Council of Ongoing Government to work together with villages to develop village capital development plans(AACDP1620, NNCDP1620 and FFCDP1620) with indicative funding for the period 2016-2020.
- 5 The General Fono will endorse all CDP1620 as beginning and aspirational documents, subject to annual adjustments depending on the funding available and progress. This means that endorsed projects are likely to range from conceptual, planning, allocation to implementation.
- 6 Each village will provide quarterly progress reports to the General Fono. Progress reports will include financial statements with expenditure forecasts.
- 7 The Council of Ongoing Government or an extension thereof will provide quarterly progress reports to the General Fono. Progress reports will include financial statements with expenditure forecasts. These reports will be made available to villages.
- 8 The Council of Ongoing Government or extension thereof may select a team or individual to execute a development project.

Malo o Tokelau  
Poloketi Fakaataata ate Malo o Tokelau  
2016 - 2020

<b>DEVELOPMENT ACTIVITIES</b>		<b>Indicative Costs (est. at 30 June 2016)</b>	<b>2016/2017 FY</b>	<b>2017/2018 FY</b>	<b>2018/2019 FY</b>	<b>2019/2020 FY</b>
<b>1</b>	SNPF Property (Marina Hotel)					
<b>2</b>	Cargo Vessel					
<b>3</b>	New Office/CCA Warehouse					
<b>4</b>	Air Services : Interim (Seaplane)					
<b>5</b>	Air Services : Longterm (Airstrips)					
<b>6</b>	Energy : Solar Grid Development					
<b>7</b>	Telecommunications (Sattelite)					
<b>8</b>	Telecommunications: Submar-cable					
<b>9</b>	Ship to Shore					
<b>10</b>	Central Water Scheme					
<b>11</b>	Waste Management					
<b>12</b>	Contingency and Operations					

**1 SNPF Property**

\* GF directive to explore this property in line with its decision on the GIG property acquisition for the new TALO complex

\* good investment opportunity for providing motel accommodation - providing some cost efficiencies around Apia transit costs and potential economic and business opportunities

## **2 Cargo Vessel**

\* urgently required to effectively address Tokelau's increasing cargo supply needs safely and on a timely basis from Apia

\* reduce shipping recurrent costs in the immediate and long run

\* critical to addressing waste management strategies esp the old vehicles etc..

\* vital to mobilising heavy machineries and risk construction materials and supplies onto the village sites

## **3 New Office - APIA**

\* as approved and endorsed by General Fono (design plans pending)

## **4 Air Services: Interim (Seaplane)**

\* initial subsidy and construction costs of docking / landing pads, fuel supply requirements, other general requirements for getting service up and running soonest

## **5 Air Services: Longterm (Airstrips)**

\* Construction costs of village airstrips

## **6 Energy: Solar Grid Development Upgrades**

\* as per General Fono approvals and implementation timelines

## **7 Telecommunications: Satellite**

\* may become our main or back up system alongside current system

## **8 Telecommunications: Sub-marine cable**

\* as per the latest Hawaiki proposal

## **9 Ship to Shore**

\* currently awaiting confirmation of NZ's funding commitment on this project

## **10 Village Centralised Water Systems**

\* yet to be consulted with villages on the need for a centralised processing plant for purified and de-salinated water including a reticulation system

## **11 Waste Management**

\* a longterm strategic approach to waste management / processing plants

## **12 Contingency Fund**

- \* a provision / percentage reserved for project management assistance to GM / Council
- \* also to accommodate various small development initiatives / applications to Council from Departments

## APPENDIX 3

### Tokelau Employment Commissioner Rules 2016

1. These are the Tokelau Employment Commissioner Rules 2016.
  2. In these Rules –

“Commissioner” means the Tokelau Employment Commissioner appointed under these Rules;

“public service” means employment in the service of a village of Tokelau or in the Tokelau National Public Service.
  3. (1) The Commissioner shall be appointed by the General Fono.
    - (2) The appointment shall be for a term not exceeding 3 years and, subject to paragraph (3), may be renewed.
    - (3) The Commissioner must be a person who –
      - i) Is of proven integrity and impartiality and
      - ii) by virtue of qualification, knowledge of Tokelau, and demonstrated competence and experience shows he or she will be able to effectively discharge the functions of Commissioner.
  4. The salary of the Tokelau Employment Commissioner shall be that fixed by the General Fono.
5. (1) The role of the Commissioner is -
  - (a) to develop systems, standards and procedures and to implement them for the continual performance improvement and performance management of the public service;
  - (b) to assist as appropriate national and village Directors and General Managers in evaluating the performance of employees employed by their departments and villages;
  - (c) to undertake, in consultation with the relevant department and village, an annual performance review of the Directors and General Managers;
  - (d) to assist as appropriate national and village Directors and General Managers in the performance of their functions relating to the management of their departments and villages;
  - (e) to consult with the Minister for Public Services on a regular basis regarding the performance of the public service;
  - (f) to act as the adviser to Government on the management of the Public Service;

- (g) to advise the Minister for Public Services on, and monitor the implementation of, public service policies;
- (h) to review the Human Resources Manual for endorsement of the General Fono, and monitor and promote the manual to ensure strict adherence by all departments and villages;
- (i) to consult with and advise national and village Directors and General Managers in relation to the development and application of appropriate human resource practices and procedures in their respective departments and villages;
- (j) to consult with national and village Directors and General Managers in relation to the application of public employment policies and rules in their respective departments and villages;
- (k) to ensure the members of the public service uphold the Public Service Code of Conduct;
- (l) to recommend to the relevant employer the appointment, promotion, confirmation, discipline and dismissal of employees, and resolve employment disputes;
- (m) to recommend the designations and other terms and conditions, including the remuneration, for employment for employees to the General Fono;
- (n) to promote, uphold and ensure adherence to the merit principle in the selection of persons as, and the promotion and transfer of, employees in accordance with the Public Service Rules;
- (o) to determine practices and procedures relating to the recruitment and appointment of persons as employees, the promotion of employees and the employment, transfer, secondment, redeployment, discipline and termination of employment of employees and other matters relating to human resource management;
- (p) to co-ordinate and conduct training, education and development programmes regarding the public service in conjunction with national and village Directors and General Managers;
- (q) to consult as appropriate with national and village Directors and General Managers on the development of appropriate standards and programmes of occupational health and safety;
- (r) to conduct or cause to be conducted inquiries and investigations into, and reviews of, the management practices of departments and villages and as instructed by the General Fono;
- (s) to manage and mitigate disputes and grievances between employees and employers;
- (t) to regularly consult relevant stakeholders on matters regarding the interests of the employees; and

(u) to perform such other functions as are imposed by any other Rules, or as directed by the Minister for Public Services or the General Fono.

(2) The Tokelau Employment Commissioner must -

- (a) Report to the General Fono through the Minister for Public Services before 1 April every year on the establishment and activities of the public service;
- (b) Conduct performance reviews for national and village General Managers and Directors before 1 April every year;
- (c) Develop systems, policies and procedures for the effective and efficient management of the public service;
- (d) Review and implement an effective performance management system for the public service as soon as practical;
- (e) Coordinate and assist departments and villages undertake their annual staff performance reviews by March every year;
- (f) Review the Tokelau Public Service Manual according to the Tokelau public service laws and the Constitution;
- (g) Review and consult all Taupulega on the current public service organisational structure, and propose a clear and effective structure to the General Fono for endorsement;
- (h) Develop the Human Resource Capacity Development Plan to ensure its alignment with all village and department needs;
- (i) Collaborate with national and village Directors and General Managers in implementing the General Fono decision to relocate relevant Apia based staff to Tokelau; and
- (j) Implement other activities instructed by the General Fono, and, or the Minister for Public Services.

6. The Council for the Ongoing Government must propose with full documentation to the General Fono, a short list of at least one and not more than three of the applicants for the post of Commissioner.

7. The General Fono will, as it thinks fit, appoint a suitable applicant.

8. Subject to these Rules, the employment of the Commissioner and of any persons assisting the Commissioner is governed by the Public Service Rules 2004.



9. Performance review of the Commissioner will be conducted once each twelve months by the Council for the Ongoing Government which will report to the General Fono on the performance review.
10. (1) No person shall be employed in the service of the Government of Tokelau or in the service of a village of Tokelau except in accordance with these Rules, the Village Incorporation Rules 1986, or the Public Service Rules 2004.  
(2) By way of exception, paragraph (1) shall not apply to service for the Government of Tokelau or a village which is remunerated by way of fees or commission only, is honorary service, or is service as a Commissioner of Tokelau or as a member of the General Fono or of the Council for the Ongoing Government.

By way of exception, paragraph (1) shall not apply to service for the Government of Tokelau or a village which is remunerated by way of fees or commission only, is honorary service, or is service as a Commissioner of Tokelau or as a member of the General Fono or of the Council for the Ongoing Government.

**APPENDIX 4: Level of Allowancs for Students on Scholarhsip through the Tokelau Scholarship Scheme**

<b>USP/FNU</b>	<b>Allowance per year NZ\$ (includes all other related costs eg: medical, etc</b>	<b>Allowance fortnightly\ NZ\$</b>	<b>NZAid Allowance levels</b>
<b>Laucala Campus-Suva Fiji/Samabula Campus Fiji</b>			
Student	\$11,960/\$18,000	\$570/FJ\$800	FJ\$586
With family (1 child or spouse and 1 child)	\$24,500.00/\$36,000	\$942.31/FJ\$1,326	FJ\$1,071
Student (spouse and 2 students)	\$26,500.00/\$36,000	\$1,019.00	
Student (spouse and 3 above children)	\$33,220	\$1,463	
<b>Emalus Campus-Vanuatu</b>			
Student	\$12,500/\$21000	\$595/43,805 vatu	40,628 vatu
With family (1 baby or the spouse and baby	\$29,900	\$1,150/84,875vatu	84,875 vatu
<b>Alafua Campus(Samoa)</b>			
Student	\$7,035/\$11,000	\$335/ST603	ST623
Student (with a child or with spouse and a child)	\$14,667/\$19,000	\$564/ST1,015	ST1,055
<b>Massey University(NZ) ma ho he lunivehite i NZ</b>			
Student	\$17,040	\$810	\$810
With family (1 child or spouse with 1 child)	\$28,420	\$1,093	\$1,093
Student (spouse and 2 children)	\$33,220	\$1,277	\$1,277
Student (spouse with 3 or more kids)	\$33,220	\$1,463	\$1,463