



DECISIONS

GENERAL FONO
10 – 11 March 2016
FAKAOFO

GENERAL FONO

10 – 11 March 2016

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1. APPOINTMENT OF CHAIR AND DEPUTY CHAIR OF GENERAL FONO 2016

In recognising nominations by the Taupulega of Fakaofu, the General Fono **appointed** and **observed** the taking of oath for:

- i) Samu Pili, Chairperson
- ii) Hela Saumani, Deputy Chairperson

2. ACKNOWLEDGEMENT OF REPLACING DELEGATE

Fakaofu delegation sought acknowledgement of the General Fono of Iona Teata replacing their elected official, Tinielu Tumuli.

In noting that replacement had previously taken the oath within the term of the current General Fono, clarification was sought as to rules on taking oath.

In noting that rules are silent, the General Fono:

- i) **acknowledged** and **observed** the taking of oath by Iona Teata, Fakaofu delegate, as replacement for its elected official Tinielu Tumuli; and
- ii) **directed** Office of the Council to develop guidelines for the future for consideration of the General Fono.

3. GOOD GOVERNANCE WORKSHOP

The General Fono took the opportunity, as part of the ongoing Good Governance Programme (GGP), to be reminded of its responsibilities under the Tokelau Constitution and the General Fono Standing Orders.

The General Fono:

- i) **expressed** appreciation to the GGP Team; and
- ii) **directed** that opportunities be explored to ensure that this continues with due consideration to having sufficient time for the delegates to fully absorb and engage with the training.

4. TOKELAU POLICE OATH OF ALLEGIANCE

Recognising that all three Taupulega is fully supportive of the Tokelau Police Oath of Allegiance, the General Fono:

- i) **endorsed** the Tokelau Police Oath of Allegiance [**appendix 1**]; and
- ii) **witnessed** the taking oath for the following officers:
 - a. Sgt. Safiti Gaualofa, Fakaofu
 - b. Sgt. Sefo Leo, Nukunonu
 - c. Constable Faamaoni Iosua, Atafu
 - d. Constable Hegalo Taumanu, Atafu
 - e. Constable Ioane Levi, Atafu
 - f. Constable Kovati Gasologa, Fakaofu
 - g. Constable Tavita Pue, Fakaofu
 - h. Constable Heo Peleni, Fakaofu
 - i. Constable Gaualofa Gaualofa, Fakaofu
 - j. Constable Aleki Manuele, Nukunonu
 - k. Constable Tegei Lui, Nukunonu
 - l. Constable Viliamu Ioapo, Nukunonu

5. AGENDA

The General Fono **endorsed** the agenda [**appendix 2**].

6. MID TERM BUDGET 2015/2016 REVIEW

Acknowledging that detailed discussion of the mid term budget review had taken place at Budget Committee level, the General Fono:

- i) **noted** that the:
 - a. actual revenue is ahead of budget by \$2,961,579; and
 - b. actual expenditure is under budget by \$4,923,66.
- ii) **agreed**
 - a. to the following supplementary allocations:

Education: Scholarship Scheme	\$100,000
Transport: Charters Allocation	\$1,600,000
OCOG: Census 2016	\$80,000
TeleTOK: Mobile Network	\$450,000
TeleTOK: Solar Upgrades	\$300,000
Department of EDNRE – operational budget	\$90,000
Department of Education – operational budget	\$130,000
Department of Transport – operational budget	\$40,000
OCOG: Short-Term Technical Assistance	\$100,000
OCOG: Purchase or GIG Property	\$2,500,000
AA: incinerator	25,000
Reimburse FF for battery house	103,000
TOTAL	\$5,518,000

b. to fund above supplementary allocations as follows:

Tokelau Development Fund	\$118,000
EEZ Revenues (increases)	\$5,400,000
TOTAL	\$5,518,000

c. that should there be any further EEZ revenue in excess of increase stated above, this be added to the Tokelau Development Fund for GF allocation in the new financial year.

Further, to assist with implementation and ongoing improvement in future budget deliberations, the General Fono **agreed** to:

- a. Re-enforce its rule that all issues for consideration, including proposals for funding, be in writing;
- b. Direct EDNRE and Health to assist Atafu with procuring of an appropriate incinerator;
- c. Direct Department of Health to address capacity building in the use of mobile morgues as well as an appropriate room for storage of mobile morgues
- d. Encourage the CBOs to work closely with respective Taupulega to ensure their needs are reflected in the Taupulega bids;
- e. Direct the Department of Transport to work closely with the villages to ensure improvement and efficiency of scheduling charters
- f. Note that the Department of Finance will confirm that reimbursement to Fakaofu for the battery house has not been previously made before effecting transaction.

- g. Teletok to submit to next session of GF up to date audited financial accounts including dot.tk

*[Refer **appendix 3 & 3A** for approved revised Budget 2015/2016]*

7. PLANNING 2016 – 2020

The General Fono:

- i) **noted:**
 - a. that discussions are underway identifying Air Service, ICT, Governance and Infrastructure as key enablers for the first implementation period (Tokelau Development Platform for Growth 2016 – 2020: the “Plan”) of the Tokelau Long Term Strategic Plan;
 - b. that discussions are also underway with NZ to explore available options for resourcing and that further work is required to enable the Ulu o Tokelau and Minister McCully to continue discussions on how best to achieve a better quality of life in Tokelau; and
 - c. the need to ensure that a draft Plan is in place for consideration of the General Fono
- ii) **reiterated** the importance of ensuring that the needs and views of the communities and the Taupulega are reflected in the Plan as much as the importance of working together in implementation;
- iii) **acknowledged** the many issues required to be addressed such as benchmarking quality of life and service delivery, revenue sources, and level of subsidisation to ensure a well considered Plan;
- iv) **agreed:**
 - a. to establish a Working Group to address how best outstanding issues are reflected in a draft Plan; and
 - b. that consultations with the communities and Taupulega on the Plan takes place as soon as practical
- v) **directed** the SMT to provide a recommendation as to the composition of the Working Group.

Further, the General Fono **noted** Minister McCully's keenness to visit Tokelau.

8. HEALTH REVIEW RECOMMENDATIONS: WAY FORWARD

In noting that the last General Fono referred the issue for further discussion by the Taupulega and in acknowledging the wishes of respective Taupulega, the General Fono:

- i) in reference to Recommendation 1 of the Health Review, **agreed** for the Department of Health to be responsible for the management of health workers for Atafu and Nukunonu while those in Fakaofu remain the responsibility of the Taupulega Fakaofu; and
- ii) in reference to Recommendation 6, **agreed** that for the time being the St Joseph Hospital, Nukunonu be upgraded, equipped and resourced to become the National Referral Hospital for Tokelau while work continues to ensure that hospitals in Atafu and Fakaofu are resourced to provide the same services in future.

9. EDUCATION 4 – 7YR PLAN

In acknowledging that the proposed plan for transforming basic education in Tokelau is responding to the concerns raised by the communities through the ERO Report, the General Fono:

- i) **noted** the estimated annual cost of \$4m for implementation;
- ii) **noted** further the level of funding required by the department and the villages to resource the plan;
- iii) **approved** the Education Plan [**appendix 4**]; and
- iv) **directed** the Department of Education to:
 - a. provide to each of the villages a summary of their financial responsibilities arising from the Education Plan; and
 - b. ensure that each Taupulega fully understands the plan and their responsibilities arising.

10. PUBLIC SERVICE COMMISSIONER

Recognising the task of the Special Committee as established at the last General Fono session was to develop a Terms of Reference (ToR) for the Public Service Commissioner, the General Fono:

- i) **commended** the Committee for the work carried out in developing the ToR;
- ii) **supported** the ToR with amendments to reflect the following:
 - a. clear delineation of responsibility of Taupulega and Council as employer and those of the Commissioner;
 - b. clear policies and guidelines, while responsibility of the Commissioner, applies to all employees regardless of employer;
 - c. make clear as to the role of the Commissioner in the recruitment process
 - d. more clarity on Commissioner maintaining independence and the need to work closely with respective employers

Further, in acknowledging the need to have the Commission operational as soon as possible, the General Fono:

- iii) **directed** the Committee to make the required amendments to the ToR for consideration for General Fono approval tomorrow [Friday, 11th March]; and
- iv) **agreed** to consider selection process and required skill sets on approval of ToR.

On Friday, 11th March on having received a revised ToR from the Committee, and in noting that further improvement can be made when the need arises, the General Fono:

- v) **endorsed** the ToR [**appendix 5**] with the inclusion of the following responsibility:
 - a. implementation of General Fono decision to relocate Apia based services to Tokelau; and

- b. safe-keeping and maintenance of personnel file for every employee.
- c. Development of the Human Resource Capacity Plan and to ensure to align with all village and department needs

In regards to the questions as to when and who appoints and criteria for selection, the General Fono:

- vi) **agreed:**
 - a. to put in place all that is required, including amendments to rules for General Fono endorsement at its next session;
 - b. to follow existing recruitment process at national level with one representative from each village as selected by respective Taupulega to be in the panel to facilitate selection process with a recommendation to the next General Fono for an appointment
 - c. that appointee must be a Tokelauan with the capacity to carry out the responsibilities as reflected in the agreed ToR
 - d. appointee to be between the age of 40-60 years
 - e. to follow the Human Resource Manual in terms of retirement age and to avoid any breach.
- vii) **directed** the Committee to:
 - a. develop and provide to the Council and Taupulega for their information a timeline for the recruitment process that would allow appointment by the end of this financial year; and
 - b. draft an advertisement for the position and provide to the Taupulega for comments before finalising.

11. REMUNERATION FRAMEWORK

In noting that the framework has been revised to reflect the 10% increase to salary and wages approved in the last General Fono session, and noting further that the revised framework has recently been consulted with Taupulega, and in recognising the support, with concerns, raised by the Taupulega, the General Fono:

- i) **endorsed** the Remuneration Framework [**appendix 6**] for implementation;
- ii) **agreed**:
 - a. that effective date be 1 March 2016;
 - b. that contracted employees outside of the framework will be brought within the framework on renewal of contracts; and
 - c. all new contracts to be within the framework.
- iii) **directed** that HR work closely with Finance to determine annual financial impact and inform the General Fono/Council/Taupulega.

12. PROGRAMMING AND SETTING THE AGENDA FOR GENERAL FONO

In noting the need for General Fono to have ample time to discuss and decide on all agenda items, the General Fono:

- i. directed Council to factor this concern into programming dates for next General Fono;
- ii. in noting that Tokelau has her own vessel, will ensure General Fono has ample time to discuss and decide on General agenda.

13. FRAMEWORK AND PROCESS FOR IMPLEMENTATION OF TOKELAU FISHERIES REFORMS

The General Fono:

- i. endorsed the framework and process for implementation (appendix 7) of Tokelau Fisheries Reform;
- ii. endorsed the implementation for the Tokelau Fisheries Reforms to be carried out in collaboration with the Human Resource Manager to ensure alignment to the Tokelau Public Service Structure and Remuneration Framework endorsed by the General Fono
- iii. **endorsed** the implementation of the Tokelau Fisheries Reforms to be carried out in collaboration with the Human Resource Manager to ensure alignment to the Tokelau Public Service Structure and Remuneration Framework endorsed by the General Fono.
- iv. **directed** the Department of EDNRE to ensure the following:

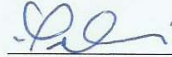
- a. structure addresses scientific data collection to facilitate compliance with reporting obligations as well as inshore fisheries management; and
- b. capacity building of inshore fisheries officers takes place before transferring responsibility to the Taupulega and that the transfer to fully include salary and baseline cost.

14. LAND LEASES

In noting the importance of issue to all three atolls and the need to address before the next budget meeting, the General Fono:

- i) **directed** the Land Committee to revise land lease list by carrying out a survey of lands in Tokelau as soon as possible; and
- ii) **agreed** that the Department of Support Services be responsible for providing support to the Committee in implementing this decision.

Confirmed by:



Samu Pili
Chairperson

on _____

Date 23/03/2016



Sela Sophie Tyrell-Saumani
Deputy Chairperson

on _____

Date 23/03/2016

LIST OF DELEGATES AND PUBLIC SERVANTS

Atafu Delegation

Faipule Kuresa
Minihita Haili Peau
Pulenuku Faafetai
Stan Lopa
Mika Kalolo
Tanu Filo

Nukunonu Delegation

Faipule Siopili Perez

Pulenuku Panapa Sakaria
Salesio Lui
Lino Isaia
Sakalia Patelesio
Lepeka Amato-Perez

Fakaofu Delegation

Faipule Afega Gualofa
Pulenuku Mose Pelasio
Gau Gualofa
Pale Sosene
Iona Teata
Fofu Tuisano
Malia Pue

Kau Hauatea

Elia Mamoe- Atafu
Filo Filo- Atafu
Ioane Nui Tumua- Nukunonu
Atonio Egeliko- Nukunonu
Penehe Tulafono- Fakaofu
Safiti Vavega- Fakaofu

Special Relations Unit

Linda Te Puni- Acting Administrator
Maria Reynen-Clayton
Anna Robinson
Scott David Bickerton
Maxwell Taylor

Public Service

OCOG

Jovilisi Suveinakama
Ake Puka-Mauga
Kele Lui
Lise Suveinakama
Tiso Fiaola
Paula Faiva
Manuele Puka
Whelma Villar-Kennedy

Sefo Tuia
Regina Pasilio

Finance

Heto Puka
Ioane Puka

Health

Dr Silvia Tavite
Rosa Toloa
Barbra Levi

Transport and Support Services

Simona Mei

Education

Aleta Aleta

TeleTok

Tealofi Enosa
Pafelio Tumua

EDNRE

Mika Perez
Peteleema
Tiga Galo
Luisa Naseri

Energy

Robin Pene

Atafu Police

Leoleo Faamaoni Iosua, Atafu
Leoleo Hegalo Taumanu, Atafu
Leoleo Ioane Levi, Atafu

Nukunonu Police

Hatini Sefo Leo, Nukunonu
Leoleo Aleki Manuele, Nukunonu
Leoleo Tegei Salesio, Nukunonu
Leoleo Viliamu Ioapo, Nukunonu

Fakaofu Police

Hatini Safiti Gauvalofa, Fakaofu
Leoleo Kovati Gasologa, Fakaofu
Leoleo Tavita Pue, Fakaofu
Leoleo Heo Peleni, Fakaofu
Leoleo Gauvalofa Gauvalofa, Fakaofu

Taupulega Office Atafu

Sefo Vulu
Poasi Tuilotolava
Faleika Aleta

Taupulega Office Nukunonu

Tino Vitale
Taase Perez

Taupulega Office Fakaofu

Ianeta Tofiga
Mete Lui
Hina Kele

APPENDIX 1



TOKELAU POLICE OATH



I do swear that I will faithfully serve the people and the Government of Tokelau. That I will discharge the duties of Constable, without favour or affection, malice or ill will until I am legally discharged, that I will prevent to the best of my power all offences against the peace, and that while I continue to hold office I will, to the best of my knowledge discharge all the duties there faithfully according to the law, so help me God.

APPENDIX 2

GENERAL FONO

8 - 10 March 2016

PROVISIONAL AGENDA

1. Police Oath - *Council*
2. Budget 2015/2016 Mid-Term Review – *Budget Committee*
3. Development Platform 2016-2020 and Resourcing of - *Council*
4. Health Review: Way Forward - *Council*
 - 4.1 Additional views from Taupulega of Fakaofu
5. Education Reforms: Education Plan - *Council*
6. Public Service Commission – *Special Committee*
 - 6.1 Views from Taupulega of Nukunonu
7. Remuneration Framework - *Council*
 - 7.1 Views from Taupulega of Nukunonu
8. Fisheries Reforms: Implementation Plan – *Council*
9. Scholarship Scheme
 - 9.1 Information on Level of allowances for students - *Council*
 - 9.2 Scholarship Policy Review – *Nukunonu*
 - 9.3 Liaison for students in Fiji: Concerns and Proposed Solution - *Fakaofu*
10. NZAID Short Term Training Awards: Assistance for Accompanying dependents – *Fakaofu*
11. Tokelau Sports Constitution – *Council*
 - 11.1 Views of the Taupulega – *Nukunonu*
12. Review of Immigration Rules 1991
 - 12.1 Proposal for a Review – *Nukunonu*
 - 12.2 Proposal for a Review – *Atafu*
13. Patient Referral Scheme (TPRS) - *Fakaofu*
14. Tokelau Flag Day - *Atafu*
15. Land Leases - *Nukunonu*
16. Superannuation Scheme - *Council*

17. Report of Ongoing Business - Council

APPENDIX 3

TOKELAU GOVERNMENT FINANCIAL BUDGET 2015/2016FY

NAME	REREVENUE RESULTS		
	INITIAL APPROVED BUDGET FOR 2015/2016FY	MTR 2016 ADJUSTMENTS (MARCH '16)	TOTAL REVISED BUDGET 2015/2016FY
REVENUE ITEMS			
EEZ FEES - 15%	-2,750,000		(2,750,000)
EEZ FEES - 85%	-10,000,000	(5,400,000)	(15,400,000)
FISHING LICENSES : TOKELAU EEZ	-2,500,000		(2,500,000)
COMMEMORATIVE COINS	-60,000		(60,000)
STAMP SALES	0		0
TRANSPORT - BOATFARES	-120,000		(120,000)
TRANSPORT - FREIGHTS PAYMENTS	-400,000		(400,000)
ID CARDS	0		0
DUTY ON TOBACCO	-500,000		(500,000)
DUTY ON LIQUOR	-300,000		(300,000)
DUTY ON GENERAL GOODS : RESALE	-200,000		(200,000)
POSTAGE	0		0
BANK INTERESTS	-230,000		(230,000)
REGISTRY CERTIFICATES: BIRTH,...	0		0
SERVICE FEES	-25,000		(25,000)
COMMUNITY SERVICES LEVY	-1,100,000		(1,100,000)
MISCELLANEOUS REVENUE	-10,000		(10,000)
DEBT RECOVERY	0		0
PERMITS	0		0
SALES OF POSTCARDS ETC.	0		0
HOUSE RENTAL SUBSIDIES	-55,000		(55,000)
TSB PASSBOOK FEES	0		0
NEW ZEALAND BUDGETARY GRANTS	-12,000,000		(12,000,000)
TRUST FUND	-2,500,000		(2,500,000)
TOKELAU HIGANO : ACCOMODATIONS	0		0
FFA - PDF SEAWALL PROJECT	-300,000		(300,000)
PACC+ - WATER PROJECT	0		0
MFAT - TAGGED TO SHIP TO SHORE	-695,354		(695,354)
MFAT - TAGGED TO EDUCATION INCENTIVIZATION PROJ	-1,500,000		(1,500,000)
MFAT - TAGGED TO MATALIKI EQUIPMENT FITOUT	-136,370		(136,370)
PRIOR YEAR ADJUSTMENT	-3,058,245		(0)
TOTAL FOR REVENUE ITEMS	-38,439,969	-5,400,000	-43,839,969

TOKELAU GOVERNMENT FINANCIAL BUDGET 2015/2016FY

NAME	CONSOLIDATED		
	INITIAL APPROVED BUDGET FOR 2015/2016FY	MTR 2016 ADJUSTMENTS (MARCH '16)	TOTAL REVISED BUDGET 2015/2016FY
PRIORITY FUNDED ITEMS			
TALO OFFICE RENTAL	134,541		134,541
NEW TOKELAU APIA OFFICE	1,000,000		1,000,000
QUALITY OF LIFE REVIEW	84,268		84,268
MINI GAMES & INTER-ATOLL SPORTS	0		0
TOKELAU CONTINGENCY FUND	764,126		764,126
SCHOOL & HOSPITAL FITOUT COST	406,225		406,225
DISASTER MANAGEMENT PROGRAMME	13,211		13,211
SIDS	0		0
CONTRIBUTION TO INT'L AND REGIONAL ORGS	175,891		175,891
TOKELAU DEVELOPMENT FUND	1,210,000	(118,000)	1,092,000
IDP PHASE 3 ATAFU ADMIN OFFICVE	850,000		850,000
IDP PHASE 3 FAKAOFO HOSPITAL	705,889		705,889
IDP PHASE 3 NUKUNONU SCHOOL	986,397		986,397
IDP PHASE 2 SHIP TO SHORE	695,354		695,354
MV MATALIKI PLANT FITOUT	886,370		886,370
CHARTER ALLOCATION	1,900,000	1,600,000	3,500,000
PB MATUA (SERVICE EXTENSION)	0		0
MOORING	9,814		9,814
SATELITES - USP	162,303		162,303
SECONDARY SCHOOL TEACHER FUNDING	394,000		394,000
EDUCATION INCENTIVAIZATION PROJECT	1,500,000		1,500,000
MINISTER OF EDUCATION OFFICE (ATAFU)	14,000		14,000
TOKELAU SCHOLARSHIP FUND	840,000	100,000	940,000
ENERGY IMPROVEMENT PROJECT	748,000		748,000
REPAIRS & MAINTENANCE FUND	250,000		250,000
AUDIT FEES	150,000		150,000
FINANCIAL ASSISTANCE - VILLAGE	100,000		100,000
TOKELAUSUPERANNUATION SCHEME	300,000		300,000
INFRASTRUCTURE REPLACEMENT FUND (DEPRECIATION)	250,000		250,000
TPS GENERAL WAGE / SALARY INCREASE	500,000		500,000
TRUST FUND RE-INVESTMENT	2,500,000		2,500,000
HEALTH REVIEW	152,912		152,912
TPRS	500,000		500,000
PACC+ WATER PROGRAMME	160,000		160,000
FATUPAEPAE CENTRE - ATAFU	60,000		60,000
SEAWALL INFRASTRUCTURE PROJ - ATAFU	100,000		100,000
FATUPAEPAE CENTRE - FAKAOFO	60,000		60,000
SEAWALL INFRASTRUCTURE PROJ - FAKAOFO	100,000		100,000
FATUPAEPAE CENTRE - NUKUNONU	60,000		60,000
FESTIVAL OF PACIFIC ARTS - MAY 2016	180,000		180,000
SEAWALL INFRASTRUCTURE PROJ - NUKUNONU	100,000		100,000
MOBILE NETWORK	300,000	450,000	750,000
TELETOK: SOLAR BACKUP		300,000	300,000
OCOG : CENSUS 2016		80,000	80,000
OCOG: SHORT-TERM CONTRACTS		100,000	100,000
ATAFU: INCINERATOR		25,000	25,000
FAKAOFO: POWER HOUSE REIMBURSEMENT		103,000	103,000
OCOG: PURCHASE OF THE GIG PROPERTY		2,500,000	2,500,000
TOTAL FOR PRIORITY ITEMS	19,303,301	5,140,000	24,443,301

APPENDIX 3A Continued

DEPARTMENTS & VILLAGES			
EDNRE	1,100,000	90,000	1,190,000
EDUCATION	900,000	130,000	1,030,000
ENERGY & POWER	500,000		500,000
FINANCE	867,354		867,354
HEALTH	1,000,000		1,000,000
OCOG	2,250,000		2,250,000
SUPPORT SERVICES	600,000		600,000
TRANSPORT	2,200,000	40,000	2,240,000
ATAFU	3,353,352		3,353,352
FAKAOFO	3,304,635		3,304,635
NUKUNONU	3,061,327		3,061,327
TOTAL FOR DEPARTMENTS & VILLAGES	19,136,668	260,000	19,396,668
TOTAL EXPENDITURE	38,439,969	5,400,000	43,839,969

APPENDIX 4

Tokelau Education Plan 2016-2022

Introduction

Tokelau's development aspirations for its people are clearly espoused under the Tokelau National Strategic Plan for "*Healthy and Active Communities for All*". Realising this vision is contingent on the clear articulation of the development of education in Tokelau as a vehicle for economic, social and cultural improvement and sustainability. As Tokelau moves into the future, improving the quality of life for all is very much the focus and hence the expectations is clearly on improving the quality of service delivery at all levels.

Since the last TNSP period and the Department of Education Sector Plan 2010-2015, some improvements in the education sector have been the development of the National Curriculum Policy Framework 2006-2010, the implementation of the senior secondary school programme through the establishment of the USP centres, and the professional development of teachers.

In 2013, Tokelau invited the Education Review Office to review and evaluate the quality of education provision in Tokelau. ERO's review of education services in the country recommended significant improvements around governance and management of the schools, specifically focusing on the roles of the Taupulega and the Tokelau Department of Education (TDoE), principal leadership, quality of teachers, curriculum and assessment, as well as the role of the community in providing support for teachers and students. Acknowledging the need to urgently address these issues and to support the schools and the Department, assistance from New Zealand through a contracted educational institution was finalised at the end of 2014.

Massey University was contracted to provide support to the Department and schools through the transformation of basic education in Tokelau. Massey was tasked to address the ERO recommendations through direct professional support and mentoring to school principals, teachers, education committees and the three Taupulega and to work closely with the Department and other stakeholders to co-construct and develop an education plan for the next 4-7 years.

Articulating a clear pathway for education in Tokelau will rely on a focus on strategic educational planning that encapsulates the current development needs of Tokelau. As such the education plan takes a holistic approach in terms of improving all aspects of the education system. It provides a clear mandate for educational reforms that is aligned and informed by modern educational research and best practice, and understanding of Tokelau's context and development aspirations for the future in terms of meeting Tokelau's human resource needs to support its development to improve the quality of life through improved service delivery.

The education plan provides a clear pathway for development and is specific around short, medium and long terms goals and outcomes. The plan is informed by the current support structures provided to the schools through the professional learning and development programmes to support principals

and staff. There is a strong focus on improving the calibre of principals and teachers and support for teacher aides through ongoing professional development and mentoring for improving student achievement and outcomes. It is also focused on developing effective and sustainable systems and processes that will lead to positive education outcomes.

The success of the Education Plan is dependent on the close collaboration of all stakeholders, from General Fono delegates, Council, the three Taupulega, the schools, villages, the TDoE and support from Massey and New Zealand. Commitment from all stakeholders will contribute to the sustainability of educational reforms to improve the quality of education outcomes in Tokelau. It is about shared responsibilities and accountability as well as being proactive in providing a sound basis for the development of an education system that will inform Tokelau's clear aspirations for a better quality of life.

The Multi-Year Education Plan for Tokelau

The Education Plan is focused on building the capacity and capability of Tokelau people. By mid-2019, the aim is that leadership and governance practice, TDoE official, principal and teacher performance, and TDoE and school systems and policies will have reached the stage where they are supporting sustained learning outcomes for students. During the following year, support from Massey University will decrease. Personnel employed by Massey to provide ongoing support in each school will be transferred to the Department, with the creation of two new roles: primary and secondary coordinator and early childhood coordinator.

The scope of the plan has been restricted to school-based early childhood, primary and secondary education. It is acknowledged that other important work to support education in Tokelau needs to occur, particularly around scholarship provision, technical and vocational education and training (TVET), and education's links to a Tokelau Language Commission and a national Human Resource plan. Specific detail around each of these activities will be developed more slowly under the leadership of the Tokelau Department of Education, in consultation with other stakeholders in Tokelau. Please also note that some parts of the existing plan are dependent on the work of other parts of the Tokelau Public Service.

Activities specified in the Education Plan have been costed for the next four-year period. These costings do not include other education expenditure such as infrastructure, the scholarship programme or TVET. A new budget will need to be negotiated to support continuing educational improvement in Tokelau for 2020 and beyond. A significant risk to the success of educational improvement in Tokelau is the availability of regular transport between atolls and between Tokelau and Samoa. In light of this, two costing scenarios have been provided: one where inter-atoll transport will facilitate workshops being held in Tokelau and support personnel being able to move easily between atolls, and a second where it is more feasible to hold workshops in Apia, Samoa.

APPENDIX 5

TERMS OF REFERENCE FOR THE TOKELAU PUBLIC SERVICE COMMISSION, 2016

Background

The Tokelau Public Service was managed by the New Zealand State Service Commission prior to its formal delegation to the Tokelau Government in 1992. This delegation saw the establishment of the Tokelau Employment Commission (TEC) under the Tokelau Employment Commission Rules 2001. The TEC consisted of three (3) Commissioners one designated by each village and appointed by the National Fono (or General Fono) on such terms and conditions as the National Fono decides.

In 2004, the General Fono disestablished the TEC following a Commission of Inquiry commissioned by the Administrator of Tokelau to review the Tokelau Public Service. The review focussed on determining whether the structures, working environments and capability of the Tokelau public service at both village and the national level is able to deliver the best services for the people of Tokelau. Following the disestablishment of the TEC all their roles and responsibilities as the Employer were resumed by Council for the national public service, and the three Taupulega for their respective village public services.

The Devolution Review conducted in 2010 and the formulation of the Change Plan (later known as the Quality of Life Document) in 2014 both recommended the establishment of an independent body to manage the affairs of the Public Service. These recommendations were provided to the Taupulega of the three villages for views before a decision is made by the General Fono.

In November 2015, the General Fono decided to establish a Tokelau Public Service Commission with only one Commissioner. A committee consisting of one representative from each village, the Legal Adviser and the National Human Resource Manager was tasked by the General Fono to develop the Terms of Reference for the Tokelau Public Service Commission.

Purpose

This document outline the functions of the Tokelau Public Service Commission, and the key deliverables mandated for the effective and efficient undertaking of its role. The Tokelau Public Service Commission is an independent body; however, the Taupulega and Minister concerned shall be consulted before a decision is implemented.

Functions of the Public Service Commission

The roles and functions of the Public Service Commission are to:

- (a) develop systems, standards and procedures and implement for the continual performance improvement and performance management of the Public Service;
- (b) assist as appropriate national and village Directors and General Managers in evaluating the performance of employees employed by their departments and villages;
- (c) undertake, in consultation with the relevant department and village, an annual performance review of the Directors and General Managers;
- (d) 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) consult with the Minister for Public Service on a regular basis regarding the performance of the Public Service
- (f) act as the adviser to Government on the management of the Public Service;
- (g) advise the Minister for Public Service on, and monitor the implementation of, public service policies;
- (h) review the Human Resource Manual for endorsement of the General Fono, and monitor and promote the manual to ensure strict adherence by all departments and villages;
- (i) 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) 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) ensure the Public Service national and village Director and General Managers upholds the Public Service Code of Conduct;
- (l) Recommend to appoint, promote, confirm, discipline and dismiss employees and resolve employment disputes;
- (m) determine the respective designations and other terms and conditions, including the remuneration, for employment for employees subject to the approval of the General Fono;
- (n) promote, uphold and ensure adherence to the merit principle in the selection of person as, and the promotion and transfer of, employees in accordance to the Public Service Rules;

- (o) 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 any other matters relating to human resource management;
- (p) co-ordinate and conduct training, education and development programmes regarding the Public Service in conjunction with national and village Directors and General Managers;
- (q) 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) 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) manage and mitigate disputes and grievances between employees and employers;
- (t) regularly consult relevant stakeholders on matters regarding the interests of the employees; and
- (u) such other functions as are imposed by or under this or any other Rules, or as directed by the Minister for Public Service or General Fono.

Key Deliverables of the Tokelau Public Service Commission

- (a) Report to the General Fono through the Minister for Public Services before the 1st April every year on the establishment and activities of the Public Service;
- (b) Conduct performance reviews for national and village General Managers and Directors by end of March every year;
- (c) Develop systems, policies and procedures for the effective and efficient management of the Tokelau Public Service;
- (d) Review and implement an effective performance management system for the Tokelau Public Service as soon as practical;
- (e) Coordinate and assist departments and villages undertake their annual staff performance review by March every year;
- (f) Approve all public service appointments at national and villages;
- (g) Review the Tokelau Public Service Manual according to the Tokelau Public Service Laws and Constitution;
- (h) Review and consult all three Taupulega on the current Tokelau Public Service Organisational Structure, and propose a more clear and effective structure to the General Fono for endorsement;
- (i) Develop the Human Resource Capacity Development Plan and to ensure to align with all villages and departments needs;

- (j) Collaborate with national and village Directors and General Managers in implementing the General Fono decision to relocate relevant Apia based staff to Tokelau; and
- (k) Implement other activities instructed by the General Fono, and, or the Minister for the Tokelau Public Service from time to time.

APPENDIX 7

APPENDIX 1: STRUCTURE AND PROCESS FOR ESTABLISHING THE FISHERIES MANAGEMENT AUTHORITY

The Fisheries Management Authority (FMA) structure is to be established using the following process.

1. The name of the new entity is to be determined by the General Fono (recommendation g³)
2. General Fono to confirm nuku location of the FMA (rec k & l)
3. The FMA reports directly to the Minister responsible for fisheries (recommendation f). Note the Tokelau Minister of Fisheries retains all the current role and responsibilities, these reforms are a step towards better supporting the Minister in his/her role.
4. FMA to have a budget appropriated by General Fono (rec j) – Note the budget for the FMA to be developed and provided for approval through the annual process.
5. The FMA is to be made up of 4 staff:
 - a. Director
 - b. Offshore Officer MCS and Licensing
 - c. Offshore Officer Policy and Planning
 - d. Fisheries Officer, Vessel Day Manager
6. Job descriptions and contracts – The Change Manager will develop job descriptions for approval by the Steering Committee, specifying the services required to undertake the roles. Note that the Administrator is ultimately accountable for the management of the Tokelau EEZ; however the staff are to be employed as Tokelau public servants.
7. Management arrangements and capacity development and performance management for the FMA.
 - a. recruit FMA staff by way of open advertisement in Tokelau and New Zealand - noting that there is to be no expectation that current EDNRE staff will be transferred and appointed in the new roles. FMA staff will be appointed based on technical skills and ability to deliver on the job descriptions developed.
 - i. recruitment panel for the Director role to include:
 - a. Jovilisi Suveinakama: the General Manager of the Apia Office
 - b. Stan Crothers – for relevant experience in governance, senior public sector management, and fisheries technical skills and experience.
 - c. 1-2 representatives appointed by the Administrator – for technical expertise and to provide input as the Administrator is ultimately accountable for the management of the Tokelau EEZ.
 - ii. Recruitment panel provide recommendation to Council regarding the appointments, and concurrence sought for appointments from the Administrator.
 - b. An ongoing fisheries capacity development and performance management plan for the FMA is to be developed and implemented – note, the new Director needs the confidence of the Administrator so that technical and administrative powers and authorities can be delegated.
8. Council to request the Administrator investigate ability to provide the FMA staff a 3-6 month immersion training programme at MPI in New Zealand – relationship and new systems and

³ Note: the recommendations refer to those agreed to by Council and General Fono in the previous paper “Offshore Fisheries Governance, Management and Technical Capacity” Pahina 62

processes between the FMA and MPI to be specified and agreed. The Change manager to develop an instrument for engagement between FMA and MPI.

9. FMA to engage regularly with the Taupulega and the Nuku regarding progress and outcomes from offshore fisheries, including considered annual consultation on the Offshore Fisheries Management Plan.

APPENDIX 2: REPORTING AND COMMUNICATION DIAGRAM FOR REFORM IMPLEMENTATION

