



Office of the Council for the Ongoing Government of Tokelau
Tokelau National Statistics Office

Statistics Rules 2013

Background and the Rules



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1.0 Purpose

On Wednesday, 23 October 2013, the General Fono endorsed the *Statistics Rules 2013 (Rules)* in their final reading.

The *Rules* govern the operation of the Tokelau National Statistics Office (TNSO). They outline how the TNSO should collect information from the public, and engage with other areas of government.

This document has been prepared to provide sufficient information for the public, nuku and government departments to engage with the Rules.

The document provides:

- information on best practice in statistics legislation
- the *Statistics Rules 2013* in English, and Tokelauan.

2.0 General themes in statistics legislation

2.1 Functions of the statistics system

The *Statistics Rules* describe the responsibilities and functions of the TNSO, and the wider official statistical system.

These functions include the:

- collection, processing, analysis, publication, and dissemination of statistical information on social, demographic, economic, and financial activities in Tokelau
- coordination and integration of statistical activities across government, in accordance with recognised international statistical standards
- responsibility of the TNSO to coordinate statistical activities.

The *Rules* allocate these functions to the National Statistician, and allow them to delegate responsibility for these functions to staff in the TNSO.

2.2 The power to collect statistical information

The *Rules* empower the National Statistician to collect all the data required to fulfil the responsibilities of the TNSO.

This can include:

- census, survey, and administrative information
- the power to ask for information (either voluntarily, or compelled)
- penalties for non-compliance
- the power to inspect books, records, premises, and stocks in order to obtain required information.

While statistics legislation needs to include the power to collect information, statistical offices rely heavily on a respondent's goodwill rather than legal force. Protecting and developing a respondent's goodwill generally provides better results and better statistics than using legal compulsion to get information.

2.3 Independence of the national statistician and their office

The *Rules* provide the National Statistician with the autonomy to decide the processes of collection and publication of information. This ensures that the information produced by the TNSO is free from political interference, and maintains the trust of the public and information users.

2.4 Confidentiality of information

The *Rules* ensure that those collecting official statistics have the power, and are required, to protect the confidentiality of respondents' information. This is central to ensuring respondents feel safe in providing information, and to protecting the goodwill statistical collection relies on.

2.5 Coordination of statistical work across government

The *Rules* provide for inter-agency cooperation and coordination. It is useful for the National Statistician to have access to information collected by other government agencies. This ensures that the statistical office is able to produce statistical information at low cost to the government, and minimise any burden on respondents.

2.6 Census of population and dwellings

The *Rules* require the TNSO to undertake a census of population and dwellings in Tokelau in 2016, and every five years after that.

3.0 Statistics Rules 2013

This section includes the English, and Tokelauan version of the Statistics Rules 2013.

Statistics Rules 2013

1 Name

These are the Statistics Rules 2013.

2 Interpretation

In these Rules –

“administrative source” means a register of data, which could be viewed as a source of information for official statistics;

“Council” means the Council for the Ongoing Government of Tokelau;

“dwelling” means any building or erection, whether permanent or temporary, which is wholly or partly used for human habitation; and includes a vessel or aircraft at any island of Tokelau, or on a passage between any of those islands;

“form” means any book, document, form, card, tape, disc, or storage media on which the information required is entered or recorded, or is required to be entered or recorded for statistical purposes under these Rules;

“government department” means any department, agency, or division of the Government of Tokelau and includes any village;

“Minister” means the Minister responsible for Statistics;

“Office” means the Tokelau National Statistics Office;

“official statistics” means statistics derived from statistical surveys under these Rules, and administrative and registration records and other forms, the statistical analysis of which is published regularly by a government department or could reasonably be published regularly by a government department;

“statistical survey” means a survey of undertakings or of the public in Tokelau, whereby information is collected from all persons in a field of enquiry or from a sample of them, by a government department under these Rules, wholly or primarily for the purpose of processing and summarising by appropriate statistical procedures and publishing the results in statistical form;

“undertaking” means any business enterprise operating in Tokelau whether publicly or privately owned and any institution operating in Tokelau whether church, community organisation, school, or hospital.

3 The role of the National Statistician

- (1) (i) The Council must appoint a National Statistician.
- (ii) The National Statistician will be the administrative head of the Office and have the functions, duties, and powers imposed on the National Statistician by this or any other Rule.

- (2) The National Statistician has responsibility for deciding the procedures and methods employed in the provision of any statistical survey undertaken by the Office, and deciding the extent, form, and timing of publications of those surveys.
- (3)
 - (i) Notwithstanding para (2), the Council may direct the National Statistician to either collect or cease collection of a specific statistic.
 - (ii) The National Statistician can publicly state that he or she was directed to either collect or cease collection of a statistic, if he or she chooses to do so.

4 Interaction with other government departments

- (1)
 - (i) The National Statistician can ask government departments for information regarding the concepts, classifications, forms, methods, and procedures used in official statistics.
 - (ii) The head of each government department must advise the National Statistician of any new official statistics or substantial alteration to existing official statistics in relation to their department.
- (2)
 - (i) The National Statistician is authorised to access administrative sources kept by other government departments for the purpose of producing official statistics by the Office.
 - (ii) Data from administrative sources used by the Office in official statistics must be kept separately from the administrative source and be considered as data collected under these Rules.

5 Employment in the Office

Anyone employed in the Office can perform such functions, exercise such powers, and is subject to the duties of the National Statistician as directed by the National Statistician.

6 Duties of the National Statistician

The National Statistician shall -

- (i) collect, compile, analyse, publish, and disseminate, with or without comment, official statistics; and
- (ii) advise the Minister on statistical matters and confer with other government departments in forming the advice; and
- (iii) keep the Minister informed of the statistical projects of other government departments and where appropriate after consulting the government department provide a report to the Minister on the purpose, methodology, and usefulness of any existing or proposed official statistics; and
- (iv) provide advice to government departments on their statistical projects and promote the observance of statistical standards by those government departments; and
- (v) consult with government departments on the need for, scope, procedure, and form of any official statistics to be carried out by the government departments and provide a report to the Minister on the necessity for, scope, and method of the official statistics, and the responsible government department; and
- (vi) define and promote standards for use in official statistics; and
- (vii) examine and comment on the validity or interpretation of any official statistic as the National Statistician deems necessary.

7 Census of population and dwellings and the population count

- (1) The National Statistician must:
 - (i) arrange for the taking of a census of the population and dwellings of Tokelau in 2016 and every fifth year afterwards; and
 - (ii) arrange for the taking of a count of the population of Tokelau before 31 December in the year prior to a national election for the purposes of meeting the electoral requirements of the Tokelau Election Rules.

- (2) The date for taking of the Tokelau Census of Population and Dwellings must be set by public notice by the National Statistician after consultation with the Council.

8 Declaration of secrecy

- (1) Anyone undertaking work for, or on behalf of the National Statistician, whether employed in the Office or other government department must, before commencing work, make a declaration of secrecy for life in the form set out in the schedule to these Rules.
- (2) Any person, whether a Tokelau public servant or not, who is likely in the course of carrying out their terms of work with Tokelau to have access to information collected under these Rules must make a declaration of secrecy for life in the form set out in the schedule to these Rules.
- (3) Anyone who makes a declaration under para (1) or para (2) shall be deemed to be an employee in the Office for the purposes of Rules 11(2), 11(3), 13, 16, and 19(1) in relation to the statistical collection with which they are associated.
- (4) Every declaration made for the purposes of these Rules must be archived by the National Statistician.

9 Official statistics and coordination

- (1) Official statistics can be collected to provide information required by the General Fono, Council, government departments, village councils, undertakings, and the general public for the purpose of making policy decisions and to facilitate the appreciation of economic, social, demographic, and other matters of interest.
- (2) In order to coordinate as effectively as possible and to make the best use of the official statistics produced and also to avoid unnecessary duplication of requests for information, all official statistics are subject to these Rules.

10 Statistical surveys and censuses

- (1) A statistical survey or census by the Office can be made only with the written approval of the Council unless otherwise allowed under these Rules.
- (2) The National Statistician can design and designate appropriate forms for collection of statistics by the Office and state the instructions and procedures necessary for the proper distribution, filling in, and return of the forms.

11 Security of information

- (1) Information provided to the National Statistician under these Rules must be used by the National Statistician only for statistical purposes.
- (2) No person, except those considered employees in the Office under these Rules, shall be permitted to see any individual form or any answer to any question collected under these Rules except for the purpose of prosecution under these Rules.
- (3) Other than for the purpose mentioned para (2) no information contained in any individual form and no answer to any question collected under these Rules can be published or disclosed to any undertaking or person other than under these Rules, nor to a person who has not signed a declaration under these Rules.
- (4) All official statistics must be published in a manner as to prevent any information published from being identifiable by any person as particulars relating to any one person or undertaking unless:

- (i) that person, or person or body responsible for the undertaking, has consented to their publication in that manner or has already permitted their publication in that manner or
 - (ii) their publication in that manner could not reasonably have been foreseen by the National Statistician.
- (5) No information provided under these Rules can be disclosed or used as evidence in any proceedings except under para (2).
- (6) No person who has made a declaration under Rule 8 can be compellable in any proceedings to give evidence regarding information returned under these Rules except under para (2).

12 National Statistician can disclose some information

Notwithstanding Rule 11 the National Statistician may disclose:

- (i) information supplied by a person or undertaking in respect of which disclosure is consented to in writing by the person, or person or body in charge of the undertaking;
- (iii) details of external trade, movement of ships and aircraft, and cargo handled at ports;
- (iv) individual forms from the census of population and dwellings 80 years after the census took place;
- (v) unit record information to other government departments or international statistical organisations for demonstrable statistical purposes, if –
 - (a) disclosure of information satisfies the requirements of these Rules; and
 - (b) the information published does not disclose more than the National Statistician would disclose; and
 - (c) proper security and privacy measures are in place as decided by any policy set down by the National Statistician and the National Statistician is satisfied with the purpose for which the information is requested; and
 - (d) custodianship of the information remains with the National Statistician.

13 Breach of the declaration of secrecy, or privacy of information

Any person who in the execution of any duty, exercise, power, or function under these Rules commits an offence and is liable on conviction to a fine not exceeding three penalty units, or community service not exceeding 3 months, who:

- (i) after having made the declaration described in Rule 8 fails without lawful excuse to carry out the duties under these Rules, or knowingly makes any false declaration, statement, or return; or
- (ii) in the performance of his/her duties obtains or seeks to obtain information which they are not authorised to obtain; or
- (iii) knowingly fails to keep the secrecy of the information gathered or entered on the forms collected by the National Statistician under these Rules; or
- (iv) divulges the contents of any form filled in or any information given to the National Statistician under these Rules.

14 Persons to fill in forms

Every person from whom information is requested for the purposes of any statistical survey made under these Rules must to the best of their knowledge and truthfully, when required to do so by the National Statistician, fill in and supply information in accordance with the instructions provided by the National Statistician.

15 Neglect or refusal to supply information

- (1) Any person who neglects or refuses to fill in and supply information on, or required by, a form sent or given to them by the National Statistician under these Rules is liable on conviction to a fine not exceeding two penalty units, or, in the case of an undertaking to a fine not exceeding three penalty units.

- (2) Any person convicted under para (1) shall still be required to fill in and supply information on, or required by, the form sent or given to them by the National Statistician under these Rules.
- (3) If after 15 working days, a person convicted under para (1) has failed to fill in and supply information on, or required by, the form sent or given to them by the National Statistician, that person commits a further offence under para (1)
- (4) Where the National Statistician requests information on a voluntary basis, a person who fails to provide the information commits no offence under para (1).

16 False statement

Any person who knowingly makes a false statement or provides false information required on, or by a form, sent to them by the National Statistician under these Rules is liable on conviction to a fine not exceeding two penalty units, or, in the case of an undertaking to a fine not exceeding three penalty units.

17 Mutilation or defacement of forms

Any person without lawful excuse who destroys, defaces, removes or mutilates a form, or information on, or required, by a form sent to them by the National Statistician under these Rules is liable on conviction to a fine not exceeding two penalty units.

18 Obstruction of the National Statistician

- (1) Any person who interferes with, hinders, or obstructs the National Statistician, or any employee of the Office in the exercise of the powers under these Rules commits an offence.
- (2) Any person who commits an offence under para (1) is liable on conviction to a fine not exceeding three penalty units.

19 Impersonation

- (1) Any person who is not employed by the National Statistician under these Rules and by words, conduct, deed, or demeanour pretends that they are employed by the National Statistician under these Rules or assumes the name, designation, or description of someone who is employed by the National Statistician under these Rules commits an offence.
- (2) Every person who commits an offence under para (1) is liable on conviction to a fine not exceeding three penalty units, or community service not exceeding 3 months.

20 Limitations of prosecution

No prosecution in relation to an offence under these Rules can be commenced later than 12 months from the time the National Statistician becomes aware of the offence.

21 Repeal

The Census Rules 1961 are repealed.

Schedule 1

Declaration of secrecy

To be declared by all those employed in the Tokelau National Statistics Office under Rule 5 of the Statistics Rules 2013, or working for or on behalf of the National Statistician under Rule 8 of the Statistics Rules 2013 and to whom information about individuals, families, dwellings, business, or institutions may be disclosed in the collection, processing, or tabulation of information collected under the Statistics Rules 2013.

I,.....
(Full name)

Of.....
(Village/City, Country)

Sincerely declare that I will not disclose any information about individuals, families, dwellings, businesses, or institutions, or any information that may identify individuals, families, dwellings, businesses, or institutions that I obtain in my role or work with the Tokelau National Statistics Office, except as authorised by the National Statistician.

I recognise that the privacy and security of individuals, families, dwellings, businesses, and institutions are protected under the Statistics Rules 2013, and I will ensure that no one not authorised by the National Statistician will be allowed to view private information.

I recognise that this declaration of secrecy is binding for my entire life, as required by the Statistics Rules 2013.

Signature

Declared at (village / city) this..... day of..... 20.....

Tulafono mo Fuainumela Fakamaumau 2013

1 Igoa

Ko na Tulafono ienei mo Fuainumela Fakamaumau 2013.

2 Fakauigaga

I loto o na Tulafono ienei –

“fakamaumauga tau galuega” ko tona uiga ko he lihi o ni fuainumela fakamaumau, e mafai ke kikila ki ei ko ni fakamatalaga e maua ai ni fuainumela fakamaumau aloakia;

“Malo Fakaauau” ko tona uiga ko te Malo Fakaauau o Tokelau;

“fale” ko tona uiga ko he fale pe he fakatoho, e tuha pe tumau pe fakavaitaimi, e fakaaoga katoa pe he vaega ke nonofo ai ni tino; e aofia ai he vaka pe he vakalele i ho he fenua o Tokelau, pe i he vaega i te va o na fenua iena;

“pepa fakatumu” ko tona uiga ko ho he tuhi, tuhituhiga, pepa fakatumu, pepa fakamatalaga, lipine, papehe e teu ni fakamatalaga, pe he mea faigaluega fakaonopo nei e teu fakamatalaga ko na fakamatalaga e fakaulu pe puke pe manakomia ke fakaulu pe puke mo te mafuaga tau fuainumela fakamaumau i lalo o na Tulafono ienei;

“mataeke a te malo” ko tona uiga ko ho he mataeke, fakalapotopotoga, pe he lala o te Malo o Tokelau e aofia ai ho he nuku;

“Minihita” ko tona uiga ko te Minihita mo Fuainumela Fakamaumau;

“Ofiha” ko tona uiga ko te Ofiha o Fuainumela Fakamaumau a Tokelau;

“fuainumela fakamaumau aloakia” ko tona uiga ko na fuainumela fakamaumau na tuku fakatahi mai he hakilikiliga tau fuainumela fakamaumau i lalo o na Tulafono ienei, ma na fakamaumauga tau galuega ma na fakamaumauga tau lehitara ma ietahi fakatulagaga, na iloiloga o na fuainumela fakamaumau e fakalauiloa mahani e na mataeke a te malo, pe mafai ke fakalauiloa mahani e he mataeke a te malo;

“hakilikiliga tau fuainumela fakamaumau” ko tona uiga ko ni hakilikiliga o ni fakatinoga, pe o tagata i Tokelau, e taku mai ai ko na fakamatalaga e fakamaopopo mai tagata uma i loto o he malae na fai ai he hakilikiliga, pe ko he vaega o kilatou, e fakatino e he mataeke o te malo i lalo o na tulafono ienei, katoa pe mo te pogai oioti ke fakagaoioiga ma te kotokotoga e ni fakatinoga talafeagai tau fuainumela fakamaumau ma fakalauiloa na ola i ni auala tau fuainumela fakamaumau;

“fakalapotopotoga” ko tona uiga ko ho ni fakalapotopotoga tau pihinihi i Tokelau pe lautele pe tutautahi, pe ho he fakalapotopotoga e fakatino i Tokelau, pe he lotu, fakalapotopotoga a te nuku, akoga pe falemai.

3 Te tulaga o te Tino Fakauluulu O Fuainumela Fakamaumau

- (1)
 - (i) E tatau ke tofia e te Malo Fakaauau te Tino Fakauluulu o Fuainumela Fakamaumau
 - (ii) Ko te Tino Fakauluulu o Fuainumela Fakamaumau ko te fakauluuluga ia o te Ofiha ma e ia te ia na tulaga, tiute ma na mafai e tuku atu ki luga o te Tino Fakauluulu o Fuainumela Fakamaumau e te Tulafono tenei pe ko he tahi tulafono lava.
- (2) Ko te Tino Fakauluulu o Fuainumela Fakamaumau e ia te ia te tiute o te faiga o he tonu agai ki na fekuikuifakiga pe ni metotia e fakaaoga i te fakatinoga o ho he hakilikiliga tau

fuainumela e fakatino e te Ofiha, ma fai he tonu i te lahi, auala ma te taimi e fakalauiloa ai na hakilikiliga ienei.

- (3) (i) E kehe ai i te palakalafa (2) e mafai e te Malo Fakaauau ke fakatonu te Tino Fakauluulu o Fuainumela Fakamaumau ke fakamaopoopo pe taofi te fakamaopoopoga o ni fuainumela fakamaumau patino.
- (ii) E mafai e te Tino Fakauluulu o Fuainumela Fakamaumau ke fakailoa lautele ko ia na fakatonu ke fakamaopoopo pe taofi te fakamaopoopoga o ni fuainumela fakamaumau kafai e fofou ia ke fai.

4 Hokotaga ma ietahi mataeke a te malo

- (1) (i) E mafai e te Tino Fakauluulu o Fuainumela Fakamaumau ke fehili ki na mataeke a te malo mo ni fakamatalaga e uiga ki ni aitia, fakatulagaga, pepa fakatumu, metotia ma ni fekuikuifakiga na fakaaoga i ni fuainumela fakamaumau aloakia.
 - (ii) Ko te fakaululuuluga o na mataeke takitahi a te malo e tatau ke fakailoa atu e ia ki te Tino Fakauluulu o Fuainumela Fakamaumau ho ni fuainumela fakamaumau aloakia fou, pe ni huiga lalahi ki ni fuainumela fakamaumau aloakia agai ki a latou mataeke.
- (2) (i) Ko te Tino Fakauluulu o Fuainumela Fakamaumau e fakataga ke kikila ki ho ni fakamaumauga tau fuainumela e teu e ietahi mataeke mo te pogai ke tuku fakatahi ai ni fuainumela fakamaumau aloakia e te Ofiha.
 - (ii) Ko na fuainumela fakamaumau mai na fakamaumauga tau galuega e fakaaoga e te Ofiha i na fuainumela aloakia e tatau ke teu kehe mai na fakamaumauga tau galuega ma ke amanakia ko ni fuainumela fakamaumau na fakamaopoopo i lalo o na Tulafono ienei.

5 Galuega i loto o te Ofiha

Ko ho he tino e faigaluega i loto o te Ofiha e ia mafaia oi fakatino na galuega; fakatino na mafai, ma i lalo o na tiute o te Tino Fakauluulu o Fuainumela Fakamaumau e ve o na fakatonu ai e te Tino Fakauluulu o Fuainumela Fakamaumau.

6 Tiute o te Tino Fakauluulu o Fuainumela Fakamaumau

Ko te Tino Fakauluulu o Fuainumela Fakamaumau e tatau ke -

- (i) Fakamaopoopo, tuku fakatahi, iloilo, fakalauiloa ma tufatufa, fakatahi ma ni fakamainaga pe heai foki, na fuainumela fakamaumau aloakia; ma
- (ii) Fautua te Minihita e uiga ki ni matakupu tau fuainumela fakamaumau, ma galulue fakatahi ma ietahi mataeke a te malo i te tuku fakatahiga o te fautuaga; ma
- (iii) Taulogologo te Minihita e uiga ki na polokalame tau fuainumela fakamaumau a ietahi mataeke a te malo, ma pe ko fea lava e talafeagai ai kafai e uma te talanoa ma te mataeke a te malo ke tuku atu he lipoti ki te Minihita i te pogai, metotia, ma te taua o ho ni fuainumela fakamaumau e iei i te taimi nei pe ni fuainumela fakamaumau aloakia e tau fakatu; ma
- (iv) Tuku atu ni fautuaga ki na mataeke a te malo agai kia latou polokalame tau fuainumela fakamaumau ma fakalauiloa te amanakia o na taki tau fuainumela fakamaumau e na mataeke iena a te malo; ma
- (v) Fakatalanoa ma ietahi mataeke a te malo te taua, te lautele ma na fekuikuiakiga, ma na tulaga o ho ni fuainumela fakamaumau ma tuku atu he lipoti ki te Minihita i te manakoga ke, lahi, ma te metotia o na fuainumela fakamaumau aloakia ma te tiute o te mataeke a te malo; ma
- (vi) Fakamatala te uiga, ma fakalauiloa na taki mo te fakaaogaga o na fuainumela fakamaumau aloakia; ma
- (vii) Iloilo ma tuku atu ni lagona ki te aoga pe ki te fakauigaga o ho ni fuainumela fakamaumau e kikila te Tino Fakauluulu o Fuainumela Fakamaumau e talafeagai.

7 Tuhiga Igoa o te aofaki o tagata ma na fale e nonofo ai ma te faitauga o te aofaki o tagata

- (1) Ko te Tino Fakauluulu o Fuainumela Fakamaumau e tatau ke:
 - (i) Fakatulaga e ia mo te fakatinoga o te tuhiga igoa o te aofaki o tagata ma na fale e nonofo ai a Tokelau i te 2016 ma te taki lima tauhaga uma i tua mai; ma
 - (ii) Fakatulaga e ia te faitauga o te aofaki o tagata o Tokelau ki mua i te aho 31 Tehema i te tauhaga ki mua o he faiga palota a he nuku mo te pogai o te fakamaliega o na manakoga tau faiga palota o te Tulafono Faiga Palota a Tokelau
- (2) Ko te aho e fakatino ai te Tuhiga Igoa o te Aofaki o Tagata ma na Fale e Nonofo ai ia Tagata a Tokelau e tatau ke fakatulaga fakalautele e te Tino Fakauluulu o Fuainumela Fakamaumau ka maea ai na talanoaga ma te Malo Fakaauau.

8 Takutinoga o te puipuia

- (1) Ko ho he tino e fakatino ni galuega mo, pe ni galuega mo te Tino Fakauluulu o Fuainumela Fakamaumau, pe faigaluega i te Ofiha pe ko he mataeke a te malo e tatau ki mua kae ko heki fakatino na galuega ke fai hana takutinoga o te puipuia mo te olaga katoa e fakaaoga ai te pepa e tuku atu i na fakatulagaga i na Tulafono ienei.
- (2) Ko ho he tino, pe he tino faigaluega tautua a Tokelau pe heai, e ono fakataga i te fakatinoga o ona tiute mo Tokelau ke kikila ki ni fakamatalaga na fakamaopoopo i lalo o na Tulafono ienei e tatau ke fai hana takutinoga o te puipuia mo te olaga katoa fakaaoga ai te pepa e tuku atu i na fakatulagaga i na Tulafono ienei.
- (3) Ko ho he tino e fai hana takutinoga i lalo o te palakalafa (1) pe ko te palakalafa (2) e mafai ke taku ko he tino e faigaluega i te Ofiha mo te pogai o na Tulafono 11(2), 11(3), 16, ma te 19(1) fakatatau ki te fakamaopoopoga tau fuainumela na galue ai.
- (4) Ko na takutinoga uma na fai mo te pogai o na Tulafono ienei e tatau ke teu fakalelei e te Tino Fakauluulu o Fuainumela Fakamaumau.

9 Fuainumela Fakamaumau Aloakia ma te Fakafoga

- (1) Ko na fuainumela fakamaumau aloakia e mafai ke fakamaopoopo kae ke tuku atu ai ni fakamatalaga ki te Fono Fakamua, Malo Fakaauau, mataeke a te malo, Taupulega, fakalapotopotoga ma tagata lautele mo te mafuaaga ke fai ai ni tonu ma ke fakafaigofie ai te taliagia o na matakupu tau atiakega, va feiloaki, tau ki tagata ma ietahi vaega taua.
- (2) Kae ke mafai ai ke fakafoga i te tulaga pito lelei, ma ke mafai ke fakaaoga fakalelei na fuainumela fakamaumau aloakia, ma ke nahe toe fakamaopopoa na fakamatalaga tutuha, ko na fuainumela fakamaumau aloakia uma e taukikila i lalo o na Tulafono ienei.

10 Hakilikiliga tau fuainumela fakamaumau ma na tuhiga igoa

- (1) Ko he hakilikiliga tau fuainumela fakamaumau pe he tuhiga igoa e fakatino e te Ofiha e mafai ke fakatino oioti i lalo o he fakatagaga tuhituhiga a te Malo Fakaauau, vagana ai e fakataga i lalo o na Tulafono ienei.
- (2) E mafai e te Tino Fakauluulu o Fuainumela Fakamaumau ke tuhia ma fakatulaga he pepa mo te fakamaopoopoga o ni fuainumela fakamaumau e te Ofiha, ma takua ai na fakatonuga ma na fekuiakiga talafeagai ke lelei ai te tufatufaga, fakatumuga ma te toe fakafoki maiga o na pepa.

11 Malu puipuia o na fakamatalaga

- (1) Ko na fakamatalaga e tuku atu ki te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei e tatau ke fakaaoga oioti e te Tino Fakauluulu o Fuainumela Fakamaumau mo na mafuaga tau fuainumela.
- (2) E heai he tino, vagana ai kilatou e talitonugia ko ni tino faigaluega i te Ofiha i lalo o na Tulafono ienei, e fakamafai ke kikila ki ni pepa mo ni tagata tautokatahi pe ho he tali ki he fehili na fakamaopoopo i lalo o na Tulafono ienei, vagana ai mo te pogai o he fakahalaga i lalo o na Tulafono ienei.
- (3) E kehe ai ma te pogai e takua i te palakalafa (2) e heai ni fakamatalaga i loto o he pepa mo ni tagata tautokatahi ma e heai he tali ki ho he fehili na fakamaopoopo i lalo o na Tulafono ienei e mafai ke fakalauiloa pe fakailoa ki ho he fakalapotopotoga pe he tino e kehe ai i lalo o na Tulafono ienei, pe he tino e heki hainia e ia te takutinoga i lalo o na Tulafono ienei.
- (4) Ko na fuainumela fakamaumau aloakia uma e tatau ke fakalauiloa i ni faiga e puipuia ai te matea e ho he tino ni fakamatalaga e patino ki he tino pe he fakalapotopotoga vagana ai:
 - (i) Ko te tino tena, pe he tino e gafa ma te fakalapotopotoga, kua malie ki te fakalauiloaga i te auala tena, pe kua uma te tuku atu o te fakatagaga ke fakalauiloa i te auala tena, pe
 - (ii) Ko te fakalauiloaga i te auala tena e heki kitea muamua e te Tino Fakauluulu o Fuainumela Fakamaumau.
- (5) E heai ni fakamatalaga e tuku atu i lalo o na Tulafono ienei e mafai ke fakaaoga ma fakamaoniaga i ho he fakamahinoga, vagana ai i lalo o te palakalafa (2).
- (6) E heai he tino na hainia ha na takutinoga i lalo o te Tulafono 8 e mafai ke fakamalohia i ho he fakamahinoga ke tuku atu ni fakamaoniaga agai ki ni fakamatalaga na tuku atu i lalo o na Tulafono ienei, vagana i lalo o te palakalafa (2).

12 E mafai e te Tino Fakauluulu o Fuainumela Fakamaumau ke fakailoa ni fakamatalaga

E kehe ai ma te Tulafono 11 e mafai e te Tino Fakauluulu o Fuainumela Fakamaumau oi fakailoa ni:

- (i) Fakamatalaga na tuku atu e he tino pe he fakalapotopotoga e iei ai he maliega tuhituhia ke fakailoa, pe he tino pe he vaega e ia taunikila te fakalapotopotoga;
- (iii) Fakamatalaga o na fakafetauakiga o koloa ma fafo, gaoioiga o na vaka ma na vakalele, ma na koloa e fefaiaki i na uafu;
- (iv) Pepa mo tagata tautokatahi mai na tuhiga igoa a Tokelau o te aofaki o tagata na fale i te 80 tauhaga i tua mai o te taimi na fai ai te tuhiga igoa;
- (v) Fakamatalaga maualalo ki ietahi mataeake a te malo, pe fakalapotopotoga tau fuainumela fakamaumau fakavaomalo mo te pogai tau fuainumela, kafai -
 - (a) Ko te fakailoa atu o na fakamatalaga e fakamaliegia ai na manakoga o na Tulafono ienei, ma
 - (b) Ko na fakamatalaga kua fakalauiloa e he fakailoa ai ni fakamatalaga e lahi atu nai lo na fakamatalaga e fakailoa e te Tino Fakauluulu o Fuainumela Fakamaumau, ma
 - (c) E fakatulaga ni fakatatitiaga talafeagai mo te puipuia ma te haogalemu e tuku atu e ho he taki e fakatatia e te Tino Fakauluulu o Fuainumela Fakamaumau ma e malie te Tino Fakauluulu o Fuainumela Fakamaumau i te pogai e talohagagia ai na fakamatalaga, ma
 - (d) Ko te taunikilaga o na fakamatalaga e gafa ma te Tino Fakauluulu o Fuainumela Fakamaumau.

- 13 Holi o te takutinoga mo te puipuia, pe haogalemu o na fakamatalaga**
Ko ho he tino i te fakataunukuga o ona tiute, fakatinoga, mafai, pe he tulaga i lalo o na Tulafono ienei e holiitulafono ma e mafai ke fakahala i he fakahalaga e he ova atu i ni iunite e tolu, pe faigaluega mo te nuku mo he piliota e he ova atu i te 3 mahina, e:
- (i) I te maea ai o te fakatino o te takutinoga e takua i te Tulafono 8, e heki fakatinoa e aunoa ma he fakamatalaga fakatetulafono, ke fakatino ni tiute i lalo o na Tulafono ienei, pe fai he takutinoga hehe ma te mautinoa, fakakupuga, pe ni hakiliga, pe
 - (ii) I te fakatinoga o ona tiute, e maua pe hakili ke maua ni fakamatalaga e he fakataga ke kilatou maua, pe
 - (iii) E heki mafaia ma te mautinoa ke puipuia na fakamatalaga na fakamaopopo pe na fakaulu ki loto o he pepa na tuku fakatahi e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei, pe
 - (iv) Fakailoa ni fakamatalaga i loto o he pepa fakatumu na fakatumu, pe ho ni fakamatalaga na tuku atu ki te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei.
- 14 Na tino e fakatumua na pepa fakatumu**
Ko tagata uma e tuku atu ki ei he talohaga mo ni fakamatalaga mo te pogai o ho he hakilikiliga tau fuainumela fakamaumau e fai i lalo o na Tulafono ienei e tatau i to latou iloa pito lelei ma te fakamaoni, kafai e manakomia e te Tino Fakauluulu o Fuainumela Fakamaumau, fakatumu ma tuku atu na fakamatalaga e tuha ai ma na fakatonuga e tuku atu e te tino Fakauluulu o Fuainumela Fakamaumau.
- 15 He amanakia pe he talia ke tuku atu na fakamatalaga**
- (1) Ko ho he tino e he ia amanakia pe he ia talia ke fakatumu ma tuku atu na fakamatalaga agai pe manakomia e he pepa fakatumu na lafo atu, pe tuku kia te kilatou e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei e holiitulafono i he fakahalaga e he ova atu i te lua iunite, pe, i he tulaga o he fakalapopotoga e holiitulafono mo he fakahalaga e he ova atu i te tolu iunite.
 - (2) Ko ho he tino e fakahala i lalo o te palakalafa (1) e manakomia lava ke fakatumu ma tuku atu na fakamatalaga agai pe e manakomia e te pepa fakatumu na lafo atu, pe na tuku atu kia te kilatou e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei.
 - (3) Kafai i tua mai o te 15 aho faigaluega, ko he tino na fakahala i lalo o te palakalafa (1) e heki ia fakatumua pe tuku atua na fakamatalaga agai pe manakomia e he pepa fakatumu na lafo ki ei, pe na tuku ki ei e te Tino Fakauluulu o Fuainumela Fakamaumau kua toe holiitulafono i lalo o te palakalafa (1).
 - (4) Ko fea lava e talohagagia ai e te Tino Fakauluulu o Fuainumela Fakamaumau ni fakamatalaga e ofo tauanoa, ko he tino e he ia tuku atua na fakamatalaga ienei e he ko he holiitulafono i lalo o te palakalafa (1).
- 16 Fakakupuga hehe**
Ko ho he tino e faia ma te mautinoa he fakakupuga hehe, pe tuku atu ni fakamatalaga hehe e manakomia agai, pe i he pepa fakatumu na lafo ki ei e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei e mafai ke fakahala i he fakahalaga e he ova atu i te lua iunite, pe, i te tulaga o he fakalapopotoga i he fakahalaga e he ova atu i te tolu iunite.
- 17 Fakakino pe fakaheaoga o he pepa fakatumu**
Ko ho he tino e aunoa ma he fakamatalaga fakatetulafono na ia fakakinoa, huia, kavekehe pe fakaheaoga he pepa fakatumu, pe ni fakamatalaga agai pe manakomia e he pepa fakatumu na lafo ki ei e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei e mafai ke fakahala i he fakahalaga e he ova atu i te lua iunite.

18 Fakalavelave ki te Tino Fakauluulu o Fuainumela Fakamaumau

- (1) Ko ho he tino e fakalavelave, taofiofi, pe poloka e ia te Tino Fakauluulu o Fuainumela Fakamaumau i te fakataunukuga o te mafai i lalo o na Tulafono ienei kua holitulafono.
- (2) Ko ho he tino e holitulafono i lalo o te palakalafa (1) e mafai ke fakahala i he fakahalaga e he ova atu i te tolu iunite.

19 Fakafoliga

- (1) Ko ho he tino e he fakagalue e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei ma i ni fakakupuga, uiga, fakatinoga, pe amio e fakafoliga ko kilatou e fakagalue e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei, pe fakaaoga e ia he igoa, tulaga, pe fakamatalaga o he tino e fakagalue e te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o na Tulafono ienei e holitulafono.
- (2) Ko tagata uma e holitulafono i lalo o te palakalafa (1) e mafai ke fakahala i he fakahalaga e he ova atu i te tolu iunite pe faigaluega mo te nuku mo he piliota e he ova atu i te 3 mahina.

20 Gataaga o te fakahalaga

E heai he fakahalaga e tuha ai ma he holigatulafono i lalo o na Tulafono ienei e mafai ke kamata i tua mai o te 12 mahina mai te taimi na kamata iloa ai e te Tino Fakauluulu o Fuainumela Fakamaumau te holigatulafono.

21 Holoia

Ko na Tulafono o Tuhiga Igoa 1961 kua holoia.

Fakatulagaga 1

Takutinoga o te puipuia

E takutino e kilatou uma e galulue i te Ofiha o Fuainumela Fakamaumau o te Malo o Tokelau i lalo o te Tulafono 5 o te Tulafono mo Fuainumela Fakamaumau 2013, pe galulue mo pe mo te Tino Fakauluulu o Fuainumela Fakamaumau i lalo o te Tulafono 8 o te Tulafono mo Fuainumela Fakamaumau 2013 ma mo kilatou e fakailoa ki ei na fakamatalaga agai ki tagata tautokatahi, kaiga, fale, pihinihi, pe fakalapotopotoga i te fakamaopoopoga, fakagaoioiga pe ko te fakatulagaga o na fakamatalaga ki loto o ni laulau na fakamaopopo i lalo o te Tulafono o Fuainumela Fakamaumau 2013.

Ko au,.....
(Igoa katoa)

O.....
(Nuku/Taulaga, Atunuku)

E takutino ma te fakamaoni ko au e he ko fakailoa ni fakamatalaga e uiga ki he tagata tautokatahi, kaiga, fale, pihinihi pe he fakalapotopotoga, pe ho ni fakamatalaga e mafai ke matea ai he tagata, kaiga, fale, pihinihi, pe fakalapotopotoga na mafai ke tuku fakatahi i toku tulaga pe galuega i te Ofiha o Fuainumela Fakamaumau o te Malo o Tokelau, vagana ai kafai e fakataga e te Tino Fakauluulu o Fuainumela Fakamaumau.

E ko iloa ko te haogalemu ma te puipuia o tagata tautokatahi, kaiga, fale, pihinihi, ma na fakalapotopotoga e puipui i lalo o te Tulafono mo Fuainumela Fakamaumau 2013, ma e fakamautinoa e au e heai he tino e heki fakataga e te Tino Fakauluulu o Fuainumela Fakamaumau ke fakataga ke kikila ki na fakamatalaga puipuia.

E ko iloa ko te takutinoga o te puipuia tenei e hafua ai toku olaga katoa, e ve ona manakomia e te Tulafono mo Fuainumela Fakamaumau 2013.

Haini

Takutino i te (nuku/taulaga) i te aho o..... 20.....

