

27 July 2023

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proactive release

Tēnā koe <sup>Personal details removed
for proactive release</sup>

I refer to your email of 3 July 2023 in which you request the following under the Official Information Act 1982 (OIA):

*Can I please request the following documents under the OIA:
Tokelau General Fono Decisions, 1-3 November 2022;
MFA submission: Amendment of Tokelau Fishing Regulations.*

The information relevant to your request is attached. We have withheld some information under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(b)(ii): to avoid prejudice to the commercial position of another party;
- 9(2)(f)(iv): to protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- 9(2)(h): to maintain legal professional privilege.

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

Please note that we may publish this letter (with your personal details redacted) and enclosed documents on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett
for Secretary of Foreign Affairs and Trade



DECISIONS

GENERAL FONO
1 – 3 November 2022
NUKUNONU

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Released under the Official Information Act

1. TOKELAU NATIONAL ELECTION RULES 2022

The General Fono:

noted:

- i. the information provided in the paper;
- ii. the query whether the Constitution Committee should have considered this proposed law before coming to the General Fono;
- iii. the response that in 2013 [for the amendments then], the Constitution Committee did not discuss and these rules have followed the same process;
- iv. the need to ensure the presence of Legal Advisors to assist and advice on matters of the law;
- v. that this is not a new law but rather amendments to existing Rules;
- vi. the apology conveyed by the Council for the current gaps in service delivery and that developing and reestablishing of the Legal Unit is work in progress;
- vii. that while it is the role of the General Fono to endorse rules, this is based on input from the Taupulega;
- viii. differences in implementation of Rules among the villages arises due to differences in social norms;
- ix. the Nukunonu system recognises the unsuccessful candidates for higher offices;
- x. there is Guidelines for Elections should there be candidates with equal number of votes;
- xi. that it is not appropriate to select a winner by means of a lottery should there be candidates with equal votes or to eliminate a candidate with the least number of vote;
- xii. that it is the prerogative of the Taupulega in terms of the village specific social norms.

endorsed:

- i. the Tokelau National Election Rules 2022.

Tokelau National Election Rules 2022 (Final)

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1. Name

These are the Tokelau National Election Rules 2022.

2. Purpose

The purpose of these Rules is to provide for the consistent conduct of elections in Tokelau for membership of the General Fono.

3. Interpretation

In these Rules: -

“absolute majority” means more than 50% of the valid votes cast.

“Constitution” means the Constitution of Tokelau.

“election venue” means any venue designated for Tokelau national elections.

“Law Commissioner” means a Judicial Commissioner appointed in accordance with article 9 of the Constitution.

“one penalty unit” is equivalent to \$50 and as stipulated in the Crimes, Procedure & Evidence Rules 2003 or its successors.

“Tokelauan” means a person belonging to the Polynesian race of Tokelau, and includes a person descended from a Tokelauan, as defined under section 2(3) of the Tokelau Act 1948.

4. National Elections

1. At least every 3 years there will be a national activity of a ‘national election’ for all the members of the General Fono, with a consistent approach and procedures.
2. The date set for the National Election Day (for all Villages) will be declared as a public holiday, except in the event of a natural disaster or emergency declared by the Ulu o Tokelau.

5. Role in the National Elections

1. The General Fono (or when the Fono is not in session, the Council for the Ongoing Government): -

- (a) Appoints the Chief Electoral Officer.
 - (b) Determines and announces the National Election Day on the advice of the Chief Electoral Officer and after consultation with the Taupulega, and receives the election results from the Chief Electoral Officer as soon as practicable after the elections.
 - (c) Receives the report from the Chief Electoral Officer on the conduct of the national elections.
2. Each Taupulega: -
- (a) Is consulted on the date for the National Election Day.
 - (b) Appoints one Village Election Committee for their village- including a Leader for the Committee – in consultation with the Chief Electoral Officer.
 - (c) Determines the nominations process for the elections in their village, in accordance with the village's custom, and advises the Chief Electoral Officer of the process.
 - (d) Confirms candidates after the nomination process.
 - (e) Appoints a Taupulega representative to observe the counting of votes.
 - (f) Determines whether any by-election will be held in their village to fill a vacant seat for that village in the General Fono, and determines the date for any such by-election in consultation with the Chief Electoral Officer.
 - (g) Determines, in consultation with the Chief Electoral Officer, the date and time for any re-election required in the village as a result of the votes for two or more candidates being equal at the final count of votes for a seat.
3. Each Village Election Committee: -
- (a) Is appointed to carry out electoral functions in the village of the appointing Taupulega.
 - (b) Assists the Village Electoral Officer with the nomination process.
 - (c) Conducts the election in the village including the counting of votes, on the advice of the Tokelau Elections Office.
 - (d) Presents the election results for that village to the Village Electoral Officer, and publicly announces and displays the results in the village.
 - (e) May engage additional people to assist with the election preparations and conduct in the village.
 - (f) Provides a report to the Chief Electoral Officer on the conduct of the elections in the village.
4. The Chief Electoral Officer: -
- (a) Leads an independent national institution: the Tokelau Elections Office.
 - (b) Supervises the conduct of national elections – including by-elections – and compliance with these Rules and the National Elections Procedural Instructions.
 - (c) Advises on the date for elections, and publicises the date once determined.
 - (d) Obtains population data from the Tokelau National Statistics Office for national elections, and determines (in accordance with article 3 of the Constitution) the number of seats for each village and notifies the Taupulega accordingly.
 - (e) Issues National Election Procedural Instructions for each election, which may supplement these Rules but must not be inconsistent with these Rules.

- (f) Co-ordinates national electoral matters, including communication channels, and out of country voter registration and voting.
- (g) Appoints at least one electoral officer (Village Electoral Officer) for each village and for any other voting location, and engages other electoral officials as required, all of whom work under the instruction of the Chief Electoral Officer.
- (h) Provides relevant training and development opportunities for Village Electoral Officers and other electoral officials.
- (i) Maintains and issues the National Electoral Roll.
- (j) Prepares ballot papers, and co-ordinates and distributes nationally supplied materials.
- (k) Declares the national election results.
- (l) Provides a report on the national elections to the second General Fono session following the national elections.

5. Each Village Electoral Officer: -

- (a) Reports to and is directed by the Chief Electoral Officer, and carries out the functions of the Tokelau Elections Office in the village or other area they are appointed for.
- (b) Conducts voter registration, and prints and displays the electoral rolls.
- (c) Publicises the nominations process and criteria
- (d) Supports the candidate nominations process, including advising any candidates and their nominators if there is any change required to their nomination to meet the criteria and nominations process set out in these Rules, and records the nominated candidates.
- (e) Provides training and advice to the Village Election Committee for conducting the elections, including the qualification of voters and the counting of votes.
- (f) Observes the counting of votes and determines the validity of any votes queried or disputed during the counting process, in consultation with the Leader of the Village Election Committee.
- (g) Conveys the election results to the Chief Electoral Officer.
- (h) Carries out any other electoral duties which are delegated by the Chief Electoral Officer.
- (i) May temporarily fill the role of Village Electoral Officer for an additional village, at the discretion of the Chief Electoral Officer.

6. Preferential Voting System

1. The national elections, including any by-election, will be conducted using a preferential voting system and associated counting process.
2. To be elected to a seat, a candidate must receive an absolute majority of the valid votes cast.
3. The first candidate to achieve an absolute majority of valid votes, whether by first preference or by the counting of subsequent preferences, is elected to the seat.

7. Compulsory Registration and Voting

1. Registration for voting is compulsory for all persons who qualify as voters under Rule 9 and are residing in Tokelau or Samoa.

- (a) Registration is optional for other qualifying voters residing outside of Tokelau.
- 2. Voting is compulsory for all registered voters who are in Tokelau or Samoa on National Election Day.
 - (a) Voting is optional for other registered voters who are outside of Tokelau on National Election Day.

8. Register of Voters and National Voter Roll

1. Only voters who qualify under Rule 9 may register to vote, and they may only register to vote for the village in which they reside or would habitually reside when they are in Tokelau.
2. The national voter roll is established and maintained by the Tokelau Elections Office, with the Village Electoral Officer undertaking voter registration in the village.
3. The Chief Electoral Officer may approve the use of an electronic voter registration system to assist in establishing and maintaining an accurate national voter roll.
4. The Chief Electoral Officer arranges for the display of the preliminary voter roll at least 20 working days before National Election Day: -
 - (a) in each village; and
 - (b) in locations outside Tokelau determined by the Chief Electoral Officer, with at least one location in Apia.
5. The voter roll finally closes 10 working days before National Election Day, and at least 5 working days before National Election Day the Chief Electoral Officer arranges for it to be displayed in the villages and the locations outside Tokelau.

9. Qualification of Voters

A person is qualified to be a voter if they are registered to vote and on 31 December of the year preceding the relevant election that person: -

- (a) is a Tokelauan and at least 18 years of age; and
 - (i) is a resident of Tokelau, and was present in Tokelau for at least 180 days in the 12 months immediately preceding the election; or
 - (ii) is a resident of Tokelau, who in the 3 years immediately preceding the election has been absent from Tokelau only for necessary health, or education, cultural or family reasons; or
 - (iii) was resident in Tokelau until they became an employee working at the Tokelau Apia Liaison Office in Apia, or is an immediate family member of that employee who resides with that employee; or
 - (iv) regardless of whether they have resided in Tokelau, is an employee working at the Tokelau Apia Liaison Office in Apia and has worked at that office for at least one year immediately preceding the election.

OR

- (b) is a non-Tokelauan and at least 18 years of age; and
 - (i) is married to a Tokelauan; and
 - (ii) has resided in Tokelau for at least 2 years immediately preceding the election, or has a Tokelau permanent residence permit, or resides with an employee to whom Rule 9(a)(iii) applies.

10. Minimum Requirements for Candidates

A candidate for election as a Faipule, Pulenuku or a delegate to the General Fono must on 31 December of the year preceding the election: -

- (a) be a Tokelauan who has resided in Tokelau for at least the 2 years immediately preceding the election, or be a Tokelauan who is a member of the Tokelau Public Service (village or national) and so employed for at least the 2 years immediately preceding the election; and
- (b) be eligible to hold a New Zealand passport; and
- (c) be at least 35 years of age; and
- (d) not have been convicted in Tokelau or elsewhere in the last five (5) years immediately preceding the election of any serious offence: -
 - (i) involving dishonesty; or
 - (ii) for which the maximum penalty is a term of imprisonment or house arrest of more than 1 year, or a fine of more than 10 penalty units, or community service for a term exceeding 80 hours; or
 - (iii) in respect of which a compensation or restitution order of \$1,000 or more was made.

11. Candidate Nominations

1. The period for candidate nominations is determined by the Chief Electoral Officer in consultation with the Taupulega.
2. The candidate nomination process follows the customs of the respective villages as determined by the Taupulega, which must be advised to the Chief Electoral Officer prior to the period for nominations.
 - (a) The Tokelau Elections Office then arranges for the compilation and display of the respective processes in the villages
3. Where the customs of a village permit a person to contest in more than one category of seat, there must be a separate nomination of the candidate for each category of seat they are contesting in (to inform the preparation of ballot papers and other relevant electoral preparations).
4. The nominations process is supported by the Village Electoral Officer with the assistance of the Village Election Committee, and: -
 - (a) a list of candidates for each village will be compiled by the Village Electoral Officer and confirmed by the Taupulega;
 - (b) each final confirmed list of candidates will be provided to the Chief Electoral Officer; and
 - (c) the Tokelau Elections Office will arrange for the display of candidate lists in the villages.
5. No person who is a candidate for election may be a member of the Village Election Committee or an employee of the Tokelau Elections Office.

12. Voting Venues and Hours

1. One voting venue will be designated in each village, with the venue determined by the Taupulega on the advice of the Chief Electoral Officer.

2. The Chief Electoral Officer must designate at least one voting venue in Apia, and may at his or her discretion designate other venues for voting outside of Tokelau.
3. Voting venues must open at 9am and close at 2pm, but a venue may close earlier if the Village Election Committee and the Village Electoral Officer can confirm that all qualified voters on the village roll and other qualified voters who are in the village have voted.
4. At the close of the voting venue, only voters who are already in the queue may vote.

13. Voting

1. Voting for the Faipule, Pulemuku, Taupulega, Taulelea, and Fafine General Fono seats will be all conducted at the same time.
2. Only voters who appear on the national voter roll may vote, and upon being issued with the ballot papers for the election their name must be marked off the roll.
3. Voters may vote at any designated voting venue, but may only vote once in an election.
4. Voters must be issued a ballot paper for each category of seats at the same time: Faipule, Pulemuku, Taupulega, Taulelea and Fafine.
 - (a) Voters must mark each ballot paper with their choices of candidates in preferential order, commencing with the number 1 (one) for their first preference and concluding with the number equal to the number of candidates on the ballot paper
5. Voters cast their votes in secret, depositing their completed ballot papers into a sealed ballot box, and the secrecy of the vote must be maintained at all times.
6. Voters may, but are not required to, remain outside the voting venue after they have cast their votes.
7. An eligible voter who is unable to cast their votes by themselves (whether due to disability, literacy, or any other reason) may nominate another person of their choice to assist them.
 - (a) The nominated person must assist the voter to complete their votes in accordance with the voter's own choices.
8. Mobile voting will be provided for those in hospitals, and those who have advised the Village Election Committee prior to the election that they are unable to attend the voting venue due to health or disability reasons.
9. Ballot boxes must be locked or appropriately sealed before the commencement of voting, and must not be opened until the counting process commences.

14. Counting of Votes

1. Before commencing the counting of votes for that village, each Village Election Committee and voting venue outside Tokelau must sort and send by email (or other electronic means) to each other Village Election Committee: -
 - (a) The number of votes they have collected for that village; and
 - (b) A copy of those votes.
2. The counting may commence as soon after voting closes as a Village Election Committee confirms to the Chief Electoral Officer: -
 - (a) it has received from all other voting venues the number of votes each venue has collected for that village;

- (b) it has received a scanned copy of all those votes, has printed the votes and deposited them in the ballot box; and
 - (c) the Law Commissioner and Taupulega representative are present to observe the count.
3. Despite sub-rules 1 and 2, if for any reason one or more voting venues is temporarily unable to send or receive a scanned copy of the votes, they may instead dictate the votes by telephone and the receiving venue will complete the ballot papers accordingly and deposit those ballot papers in the ballot box.
 4. During the counting of votes, only the following people may be inside the venue: The Village Election Committee, the Village Electoral Officer, Law Commissioner and a Taupulega representative as observers of the count, and any other person approved by the Village Election Committee or Chief Electoral Officer.
 5. The counting will continue uninterrupted until all the votes for all categories of seats has been completed.

15. Counting Process

1. The counting of votes for the various categories of seats will be conducted in the order of: -
 - (a) Faipule; then
 - (b) Pulenuku; then
 - (c) Taupulega; then
 - (d) Taulelea; then
 - (e) Fafine.
2. The total number of ballot papers must be counted and recorded on a results sheet, and any invalid ballot papers counted and recorded on the results sheet and then set aside.
3. The absolute majority required to be elected must be calculated and entered on the results sheet.
4. The name of each candidate must be recorded on the results sheet.
5. Valid ballot papers must be sorted into candidate piles according to the voter's first preference, then counted and the number of first preference votes for each candidate recorded on the results sheet.
6. If after counting the first preference no candidate has reached an absolute majority of votes, the candidate with the lowest number of votes is excluded.
 - (a) The votes for the excluded candidate are then transferred to the remaining candidates according to the voters' second preference.
 - (b) The transferred votes must then be counted and recorded on the results sheet, and added to the totals for the first preference count to calculate the total for the second count.
7. If no candidate has achieved an absolute majority, the process of excluding the candidate with the lowest number of votes, and transferring the votes of the excluded candidate to the remaining candidates according to the marked preferences, must continue until a candidate has achieved an absolute majority of votes.
8. Where there is more than one seat to be filled in a category of seats, the subsequent candidate is elected by conducting a subsequent count of all valid votes in accordance with this Rule; and: -

- (a) After repeating the process at sub-rule 5, the candidate who was elected at the conclusion of the first count is excluded and the votes for that candidate are transferred to the remaining candidates in accordance with sub-rule 6.
 - (b) The process at sub-rule 7 must then be repeated until a subsequent candidate has received an absolute majority of votes.
 - (c) The process set out in this sub-rule 8 is repeated until the number of candidates equal to the number of seats in that category have been elected.
9. Where a candidate has contested in more than one category of seat in accordance with Rule 10.3 is successfully elected to a seat, then during the counting of votes in the subsequent categories of seats they contested any votes for that candidate are excluded and transferred in the same manner as set out in this Rule.

16. Results

1. Once the counting for all seats is complete: - -
 - (a) the Village Elections Committee must immediately publicly announce and display the results in the village; and
 - (b) the Village Electoral Officer must immediately convey the results to the Chief Electoral Officer who will: -
 - (i) publicly declare the national election results;
 - (ii) notify the national election results to the General Fono;
 - (iii) publish the national election results; and
 - (iv) respond to queries about the national election results.

17. Dispute Resolution

1. Any person may object to the Law Commissioner about any decision of the Tokelau Elections Office regarding the inclusion or exclusion of a prospective voter from the roll.
 - (a) The objection must be filed within 5 working days from the date the preliminary voter roll was displayed.
 - (b) The Law Commissioner must determine the objection before the final voter roll closes.
2. Any candidate or qualified voter may lodge a petition with the Law Commissioner to question the lawfulness of an election conducted in the village where they are registered to vote or were nominated as a candidate. The Chief Electoral Officer may lodge such petition in respect to any election.
 - (a) The petition must be lodged within 5 working days of the Chief Electoral Officer publicly announcing the results of the election.
 - (b) The Law Commissioner must determine the petition as soon as practicable.
3. Decisions of a Law Commissioner may be appealed to the relevant Appeals Committee, whose decision is final.
 - (a) The appeal must be lodged within 20 working days of the Law Commissioner issuing the relevant decision.

4. Despite anything in this Rule, where the subject of an objection or petition, or proposed objection or petition, pertains to matters that affect the national elections beyond the relevant village then the objection or petition must be filed in or removed to the High Court of New Zealand.
5. The Chief Electoral Officer is entitled to be joined as a party in any proceedings brought under this Rule before a Law Commissioner, an Appeals Committee, or the High Court of New Zealand.

18. By-elections

1. These Rules apply to by-elections, appropriately modified.
2. By-elections for village seats will be held as determined by the Taupulega of the relevant village, subject to Rule 18(4).
3. The date for a by-election will be set by the relevant Taupulega, on the advice of the Chief Electoral Officer.
 - (a) The day for the by-election will be a holiday specific to the village holding the by-election.
4. A by-election will not be held within 6 months of the 31st day of January in the year of the national election. Instead, the Taupulega of the relevant village may nominate a member of the Taupulega to fill any vacant seat for the remainder of the term of the General Fono.

19. Offences

Any person who: -

- (a) provides false or misleading information for the purpose of registration under these Rules; or
- (b) is registered to vote in the national elections and is in Tokelau or Samoa on election day, and fails to vote without any reasonable excuse; or
- (c) votes more than once at an election; or
- (d) unlawfully removes ballot papers from a voting venue; or
- (e) being an employee of the Tokelau Elections Office or a member of a Village Election Committee, persuades or attempts to persuade a voter how to exercise their preferences in completing their ballot paper; or
- (f) fails, without any reasonable excuse, to adhere to the instructions of the Village Election Committee or Tokelau Elections Office on Election Day;

commits an offence and is liable to a fine not exceeding two (2) penalty units or not more than ten (10) hours community service.

20. Repeal and Saving

The National Election Amendment Rules 2019 are repealed, except that the amendments to articles 3 and 6 of the Constitution made by the National Elections Rules 2013 remain in force.

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

3. FINANCE RULES AMENDMENT 2022

The General Fono:

noted:

- i. the paper;
- ii. that Rule 5(3) of the proposed amended rules addresses the requirement that the rules reflect authorisation for the Department of Finance to reject any unapproved spending.

agreed:

- i. for the Department of Finance to highlight the amendments being made and refer to the Taupulega for further discussions;
- ii. for views of the Taupulega to be provided to the next General Fono.

DRAFT FINANCE RULES 2022

- 1 Name
- 2 Interpretation
- 3 Approved banks
- 4 Estimates
- 5 General Fono to approve budget
- 6 Investment
- 7 Restriction on borrowing
- 8 Expenditure approval
- 9 Preparation of annual consolidated financial statements
- 10 Timing of financial reporting and audit
- 11 Functions and Powers of the Auditor-General
- 12 Reporting by the Auditor-General
- 13 Tokelau corporations

1. Name

These are the Finance Rules 1998.

2. Interpretation

In these Rules —

"financial year" means the period of 12 months ending with 30 June in each year;
"public money" means all money received by the Tokelau Administration and any other money directed to be paid into a bank account of the Tokelau Administration by the General Fono.

3. Approved banks

All public money shall be kept with a bank approved for the purposes by the General Fono.

4. Estimates

- (1) For each financial year, and at such other times as it thinks fit, the General Fono shall cause a statement of estimated receipts and payments of public money to be prepared.
- (2) The estimates shall include —
 - (i) a capital works programme; and
 - (ii) such details as the General Fono requests.

5. General Fono to approve budget

- (1) The General Fono shall no later than 1 July of each financial year —
 - (i) consider the estimates for that year; and
 - (ii) approve a budget for the income and expenditure of public money in that financial year.

- (2) The General Fono may approve supplementary budgets where necessary.
- (3) There shall be no expenditure of public money except as approved by the General Fono in a budget or supplementary budget or in case of an emergency in accordance with paragraph (5).
- (4) Within the budget the General Fono may reallocate funds, including the transfer of funds between budget items, where it considers it appropriate to do so.
- (5) In anticipation of budget approval, expenditure may be approved in respect of any item up to an amount which does not exceed 15% of the amount budgeted for that item in the preceding financial year.

6. Investment

All Tokelau public money shall be invested by the General Fono in such places and on such terms as the General Fono thinks fit.

7. Restriction on borrowing

- (1) No loan shall be raised by the Tokelau Administration.
- (2) No money shall be borrowed by the Tokelau Administration except by way of current overdraft on such terms as the General Fono authorises.
- (3) No guarantees or indemnities shall be entered into by the Tokelau Administration.

8. Expenditure Approval

- (1) No payment of public money shall be valid unless the payment document —
 - (i) identifies the budgeted expenditure item to which it relates; and
 - (ii) is authorised in writing by —
 - (I) the relevant Faipule; or
 - (II) a person authorised by the relevant Faipule for that purpose; or
 - (III) a person authorised by the Director, where power is delegated for the purpose to a Director by the General Fono.
- (2) In every case where the authorisation is from a person with power delegated by a Director, the Director shall indicate —
 - (i) the budgeted items to which the delegation relates and the limits for the amount that may be approved; and
 - (ii) the manner in which signing authority must be used.
- (3) Unless the specific transaction has first been approved by the General Fono, either express or implied, no person has the capacity to bind Tokelau in a transaction which —
 - (i) involves a sum of \$50,000 or more; or

- (ii) involves a commitment or potential or actual liability of Tokelau for a sum of \$50,000 or more; or
- (iii) would exceed budgeted expenditure by 5%.

(4) Any transaction that does not comply with paragraph (3) is void.

9. Preparation of annual consolidated financial statements

- (1) The Tokelau Administration shall prepare annual consolidated financial statements covering all aspects of its operations, including the;
 - Government departments
 - Villages of Tokelau
 - Transport Tokelau Corporation
 - Tokelau Government Property Corporation
 - Telecommunications Tokelau Corporation; and
 - Any other agency or body corporate that needs to be consolidated to comply with generally accepted accounting practice.
- (2) The financial statements must be prepared in accordance with generally accepted accounting practice.
- (3) The statements must also include information on the following entities whose funds are managed as trust funds by the Tokelau Administration:
 - The Tokelau Savings Bank; and
 - The Tokelau Development Bank

10. Timing of financial reporting and audit

- (1) The financial statements must be submitted to the auditor no later than 31 October following the end of the financial year.
- (2) The auditor must audit the financial statements and provide an audit report on them to the Tokelau Administration no later than 31 January following the end of the financial year. (3) The Tokelau Administration must submit the financial statements and the audit report to the General Fono as soon as practicable after the audit report has been received.

11. Functions and powers of the Auditor

- (1) The Auditor-General of New Zealand shall be the auditor of the Tokelau Administration and, unless legislation otherwise directs, every body corporate in Tokelau.
- (2) All expenses in connection with or incidental to an audit under these Rules shall be paid out of public money or by the body corporate as the case may be.

- (3) The Tokelau Administration and its employees must ensure that the Auditor-General has access at all reasonable times to the information it holds relating to the performance of the Auditor-General's functions.
- (4) For the purpose of performing the Auditor-General's functions, the Auditor-General may require the Tokelau Administration, any part of it or any person to:
 - (a) produce to the Auditor-General any information in the Administration's or persons custody, care or control:
 - (b) provide the Auditor-General with information or an explanation about any information.

12 Reporting by the Auditor

The Auditor General may report to the General Fono from time to time on any matter arising from its audit work in Tokelau.

13 Tokelau corporations

- (1) Unless otherwise expressly stated in law, every body corporate of Tokelau shall follow the financial accounting practices and auditing requirements provided in these Rules for the Tokelau Administration and its agencies in accordance with s9.
- (2) In the case of a body corporate the reporting by the auditor shall be to the governing body of the body corporate.

4. AMENDMENTS TO GOVERNMENT PROPERTY CORPORATION RULES AND BANKING RULES

The General Fono:

noted:

- i. the paper;
- ii. the need to amend Rules to ensure that ensure uniformity with current practise.

agreed:

- i. for the Department of Finance to provide to the Taupulega the current rules together with the proposed amendments by highlighting those amendments;
- ii. for the Taupulega to discuss proposed amendments further and provide their views to the next General Fono.

5. DRAFT PUBLIC SERVICE RULES 2022

The General Fono:

noted:

- i. the purpose of the proposed rules is to provide clarity of roles under the Public Service Rules and the Tokelau Employment Commissioners Rules.

agreed:

- i. to refer the Draft Public Service Rules for consultations with the Taupulega with their views to be provided to the next General Fono for endorsement.

Draft Public Service Rules 2020

1. Name

These are the Public Service Rules 2020.

2. Interpretation

In these Rules –

“Commissioner” means the Tokelau Employment Commissioner appointed under the Tokelau Employment Commissioner Rules 2016;

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

“village” means a village incorporated under the Village Incorporation Rules.

3. National and Village Public Service

(1) (i) The employer for the National Public Service is the Tokelau Administration.

(ii) The employer for a Village Public Service is the Village.

(2) Decisions on the range of positions in the National Public Service and the Village Public Services, and the salary levels and other payments within these services shall be established by the General Fono and expressly stated in the Public Service Manual.

(3) Every person employed in the National Public Service or in a Village Public Service shall, unless otherwise expressly provided in the employment contract, be employed in accordance with the conditions set out in these Rules and in the Public Service Manual.

(4) All decisions which relate to employment in a public service must be made in accordance with these Rules and with the Public Service Manual.

(5) Amendments to the Public Service Manual may be made by resolution of the General Fono.

4. The National Public Service

(1) The Council shall, informed by the recommendation of the Commissioner, appoint a General Manager National and Directors and be responsible for their discipline, and termination of employment.

(2) (i) The General Manager National and the Directors in the national public service shall be appointed for a term not exceeding 3 years.

(ii) An appointment may be renewed.

(3) (i) The General Manager National and the Directors shall be responsible for the appointment, discipline and termination of employment of members of the national public service in their respective departments.

(ii) The rules that apply to the General Manager National and to Directors in respect of the employees in their departments apply equally in respect of the employees in the office of the Commissioner.

(4) The General Manager National shall coordinate the activities of Directors pertaining to the work of the ongoing government of Tokelau and shall monitor these activities and report to the Council .

(5) The General Manager National, the Commissioner and each Director may delegate authority in writing to any person in the national public service in the respective department.

(6) The General Manager National and each Director shall before 1 April each year, and at any time requested in writing by the Minister responsible for public service matters, report on the activities of the National Public Service for which that person is responsible.

5. Village Public Service

(1) (i) Each village shall appoint the Directors for its Village Public Service in accordance with these Rules.

(ii) The Directors shall be appointed for a term not exceeding 3 years.

(iii) An appointment may be renewed.

(2) The Taupulega shall be responsible for the appointment, discipline and termination of employments of the Directors of its Village Public Service.

6. Employment in the National and Village Public Service

(1) No person other than the Commissioner shall be employed in the national or a village public service unless appointed to that employment in accordance with these Rules.

(2) Paragraph (1) does not apply to the appointments of members of the General Fono, the Chairperson of the General Fono or the Law Commissioners.

(3) The General Fono, the Council, the Taupulega of each village, the Commissioner, the General Manager National and Directors at national and village level may consult and take advice about public service matters, but shall at all times

respect the privacy and personal information of individuals, and all decisions shall be taken in the exercise of independent judgment.

7. Appeals

(1) An employee in the national public service or a village public service who is dissatisfied with the decision of the General Manager National or a Director of the national or village public service, or the Commissioner, as the case may be, in a matter affecting that employee has a right of appeal against that decision to the Council or a Taupulega as appropriate.

(2) The right of appeal under these Rules must –

- (i) be exercised no later than 30 days after communication of the decision appealed,
- (ii) be in writing, and
- (iii) set out succinctly the grounds of the appeal.

(3) The decision of the Council or of a Taupulega on any appeal is final.

8. Amendment

The Tokelau Employment Commissioner Rules 2016 are amended in Rule 8 by deleting “2004” and inserting “2020”.

9. Repeal

The Public Service Rules 2004 are repealed.

10. Transition

Every person who immediately before the commencement of these Rules, was employed in the National Public Service or a village public service of Tokelau shall, from the date of commencement of these Rules, continue in that service under that employment contract but otherwise be deemed to have been employed in accordance with these Rules.

6. ALLOWANCE COMMITTEE REPORT & RECOMMENDATIONS

The General Fono:

noted:

- i. the Report of the Allowance Committee [as appended];
- ii. there are allowances which are missing from the Committee's report eg:
 1. Chairperson of the General Fono/Deputy Chairperson
 2. Hauatea to the General Fono;
 3. Energy Steering Committee s9(2)(f)(iv)
 4. Disability;
- iii. there are some allowances with differences in implementation among the villages eg: old age pension;
- iv. report to be consulted on again to ensure uniformity in implementation in the villages;
- v. there's confusion with the situation of the Council for the Ongoing Government as they are members of various Committees eg: Transtok, Teletok & Tokelau Lands in Samoa; what's the difference between Board of Directors and Committee;
- vi. consideration to be given for an opportunity for members of the Public Service or the Taupulega with appropriate skills to be Board members or members of General Fono established committees.

agreed:

- i. for the Allowance Committee to include in their report all allowances and to collate views of the Taupulega in preparation for the next General Fono.
- ii. for the Allowance Committee to provide an updated report to the next General Fono.
- iii. to review Guidelines for all Allowances.

Appendix 1 – Previously Approved Recommendations

The Allowance Committee **agreed** on 5 April 2019 to recommend the following guidelines for further consultations with the three Taupulega and for submission to the General Fono. The recommendations were considered and endorsed by the General Fono on 4 July 2019.

1. OLD AGE PENSION (OAP)

Purpose: This allowance provides for financial security upon retirement.	Pogai: Ko te alauni tenei e maua ai he fehoahoaniga kafai kua litaea.
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RECOMMENDATIONS	TAKI
Paid upon reaching the age of 60 regardless of whether still working	Totogi kafai kua auhia te 60 tauhaga te matua e tuha pe koi galue
Give the opportunity to the person when reaching 60 years to decide whether to continue working (given he/she is medically fit) or not. If opted to continue working, then that person may decide whether to receive OAP or normal pay. Whichever is higher. He/she cannot receive both.	Tuku te avanoa ki te tino kua auhia te 60 tauhaga ke filifili pe fakaaauau oi galue (kafai e ola malolo elei) pe heai. Kafai e fakaaauau ke galue, e filifili foki e te tino tenei pe totogi ki ei te Penihiona Tino Matua pe ko te totogi mahani. Ko hea lava te maualuga. E he mafai ke totogi ki ei na vaega uma ienei.
Absence from Tokelau allowed for a period of up to 3 months only after which the allowance stops	Tokehea ma Tokelau mo he mataloa e he hilia atu i te 3 mahina. E taofi kafai kua mataloa atu i he 3 mahina
Tokelau residents* are only eligible	E totogi oioti ki na tino e nonofo i Tokelau*
Payment of OAP entitlements is done nationally through the payroll system	Ko te totogiga o te Alauni Tino Matua e totogi faka-te-atunuku ma kui atu i te hihitemi e fai ai na totogi o te kaufaigaluega (<i>payroll</i>)
National OAP costs are budgeted for on a National basis	
Due to the difficulties in knowing who is away and for how long the Village remains responsible for monitoring and advising Finance and the Allowances Committee of any movements of those entitled to the pension.	Ona ko te faigata ke iloa tonu pe ko ai te i fafo ma pe fia foki te mataloa ei fafo ai ke gafa pea ma na nuku te onoonoga ma te fautuagia ote Mataeake ote Tupe ma te Komiti Alauni na femalagakiga a ho te tino e mafai ke totogi ki ei te penihiona.
This allowance takes over from all other previous “Retirement” allowances	Ko te alauni tenei e hui ai ietahi alauni “Litaea” muamua
Payments are made fortnightly and are tax exempt	E totogi taki lua vaiaho ma e he totogia he lafoga

Tokelauans traveling from New Zealand/Australia and who are receiving the NZ/Australia Superannuation do not qualify for the Tokelau OAP allowance	Ko na tino Tokelau e malaga mai Niuhihila ma e tofogi ki ei ni tupe mai te Hupa a Niuhihila/Auhetalia e he mafai ke tofogi ki ei te alauni a Tokelau mo Tagata Matua (OAP)
Tokelauans traveling from NZ/Australia but who are not in receipt of NZ/Australia Superannuation do not qualify until that person meeting the 3 months stand-down requirement period in Tokelau.	Ko na tino Tokelau e malaga mai Niuhihila/Auhetalia kae e he tofogia ki ei he tupe mai te Hupa a Niuhihila/Auhetalia e he fakataga vagana kua katoa te 3 mahina hohoko e nofo ai i luga o Tokelau.
The Committee noted that in instances of multiple unofficial absences within a year, continuation of the allowance may be reviewed by the Taupulega.	E matau e te Komiti e lahi na taimi ite tauhaga e malaga ai ki fafo he tino mo ni mafuaaga e he patino ki ni tulaga fakatemalo, ko te fakaauga ote alauni tenei e mafai ke iloilo e te Taupulega.
<i>*The term "Tokelau resident" is defined as a "Tokelau national or a person who has been officially granted a permanent residency status"</i>	<i>*Ko te "tino e nofo i Tokelau" e fakauiga veia ko he "tagatanuku Tokelau pe ko he tino kua tuku aloakia ki ei tona pepa nofo-tumau i Tokelau"</i>

2. CHILD ALLOWANCE

Purpose: This allowance is to assist with the costs associated with maintaining an appropriate standard of care for children	Pogai: Ko te alauni tenei e fehoahoani ki te tau fakatatau ki te fakatumaugia pea o he tulaga talafeagai mo te tauhiga o fanau
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RECOMMENDATIONS	TAKI
Paid to the parents/caregivers of all children up to the age of 16	E tofogi ki na matua/tauhi ona tamaiti uma e pa ki te 16 tauhaga te matua
Paid in the amount of \$25 per week per child and paid on a fortnightly basis and are tax exempt	E tofogi ite aofaki e \$25 ite vaiaho kae e tofogi taki lua vaiaho ma e he tofogia he lafoga
Tokelau residents* are only eligible	E tofogi oioti ki na tino e nonofo i Tokelau*
A Tokelauan child traveling from NZ/Australia do not qualify until meeting the 1 month stand-down requirement period in Tokelau	Ko na tamaiti Tokelau e malaga mai Niuhihila/Auhetalia e he fakataga vagana kua katoa te 1 mahina hohoko e nofo ai i luga o Tokelau.
Not applicable to a child (or children) of contracted employee from other countries working in Tokelau unless	E he apalaia ki na fanau a na tino mai ietahi atunuku e faigaluega faka-

they have been officially granted permanent residency status in Tokelau.	konekalate i Tokelau vagana kua kavea ma tagata nofo-tumau i Tokelau.
Where the child is absent from Tokelau for longer than 1 month the payment ceases but can be reinstated upon the child returning.	Kafai te tamaiti ei fafo o Tokelau mo he mataloa e hilia atu ite 1 mahina, ko te tupe tenei e taofi kae e mafai ke toe fakaaauau ite taimi e toe foki mai ai
The Village remains responsible for the monitoring and payment of all Child Allowances	E gafa pea ma te nuku te onoonoga ma te totogiga ona Alauni Tamaiti uma
The Committee noted that in instances of multiple unofficial absences within a year, continuation of the allowance may be reviewed by the Taupulega.	E matau e te Komiti e lahi na taimi ite tauhaga e malaga ai ki fafo he tino mo ni mafuaaga e he patino ki ni tulaga fakatemalo, ko te fakaaauuga ote alauni tenei e mafai ke iloilo e te Taupulega.
Replaces all previous child allowances or child benefits excluding special need allowance and is applied consistently within Tokelau.	E hui ai na alauni tamaiti uma muamua pe ni penefiti tamaiti ma e tutuha te apalaiga i luga o Tokelau.
<i>*The term "Tokelau resident" is defined as a "Tokelau national or a person who has been officially granted a permanent residency status"</i>	<i>*Ko te "tino e nofo i Tokelau" e fakauiga veia ko he "tagatanuku Tokelau pe ko he tino kua tuku aloakia ki ei tona pepa nofo-tumau i Tokelau"</i>

3. SOCIAL BENEFITS

Purpose: This allowance is to assist with living costs for individuals not working or unable to work and not yet having reached the age of 60 where the OAP allowance would become applicable.	Pogai: Ko te alauni tenei e fehoahoani ki te tau ote olaga mo na fafine e he galulue pe he mafai ke galulue kae ko heki auhia te 60 tauhaga te matutua e mafai ai ke totogi ki ei te alauni Tino Matua.
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RECOMMENDATIONS	TAKI
Paid to individuals between the age of 18 and 59 and who are neither working or studying (USP) or receiving any other benefit	E totogi ki te fafine ite va o te 18 ki te 59 tauhaga ma e he galue pe aoga (USP) pe maua e ia he tahi penefiti kehe
Paid in the amount of \$100 per fortnight through the payroll system and is non-taxable	E totogi ite aofaki e \$100 ite lua vaiaho e kui ite hihitemi totogi ma e he tipia he lafoga.
Tokelau residents* are only eligible	E totogi oioti ki na tino e nonofo i Tokelau*
Where the individual is absent from Tokelau for longer than 1 month the	Kafai te tino ei fafo o Tokelau mo he mataloa e hilia atu ite 1 mahina, ko te

payment stops but can be reinstated upon the individual returning.	tupe tenei e taofi kae e mafai ke toe fakaauau ite taimi e toe foki mai ai
The Village remains responsible for the monitoring and payment of all Social Benefit Allowances	E gafa pea ma te nuku te onoono ma te totogiga ona Penefiti Fehoahoani
Replaces all previous social benefit allowances or Fatupaepae allowances and is applied consistently within Tokelau.	E hui ai na penefiti fehoahoaniga uma muamua pe ni alauni Fatupaepae ma e tutuha te apalaiga i luga o Tokelau.
The Committee noted that in instances of multiple unofficial absences within a year, continuation of the allowance may be reviewed by the Taupulega.	E matau e te Komiti e lahi na taimi ite tauhaga e malaga ai ki fafo he tino mo ni mafuaaga e he patino ki ni tulaga fakatemalo, ko te fakaauauga ote alauni tenei e mafai ke iloilo e te Taupulega.
<i>*The term "Tokelau resident" is defined as a "Tokelau national or a person who has been officially granted a permanent residency status"</i>	<i>*Ko te "tino e nofo i Tokelau" e fakauiga veia ko he "tagatanuku Tokelau pe ko he tino kua tuku aloakia ki ei tona pepa nofo-tumau i Tokelau"</i>

4. TAUPULEGA HONORARIUM

Purpose: This allowance was changed some years ago to provide for a standard minimum level of income and was to compensate those no longer in the workforce and at a time when there were no pension payments available	Pogai: Ko te alauni tenei na hui ini tauhaga kua teka ke maua ai he tahi mo te levolo pito maualalo ote tupe maua ma ke tau ai kilatou kua he toe ite kau faigaluega tautua ma kafai foki kua heai he tahi vaegatupe penihiona e maua.
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RECOMMENDATIONS	TAKI
The Taupulega meeting allowances should continue at the rate of \$20 per meeting per day	Ko te alauni fono ote Taupulega e fakaauau pea ite \$20 ite fono ite aho
The Taupulega payments should continue to be regarded as an honorarium and therefore not taxed	Ko na totogiga tupe ki na Taupulega e tatau ke fakaauau pea ke mataugia ko ni alauni tautuaga fakapitoa ko tona uiga e heai ni lafoga e tipia.
The level of Taupulega Honorarium paid should be adjusted for a member who is working with the maximum level of allowance paid being reduced by any earnings that exceed the \$423 per fortnight e.g if the member is working and a salary is being paid that exceeds \$423 per	Ko te levolo ona alauni tautuaga fakapitoa mo na hui ote Taupulega e faigaluega e tatau ke toe fakatulaga e kui ite tipi ki lalo ote alauni e toto ki ei kafai e hilia atu ite \$423 ite lua vaiaho Fakatakitakiga: kafai ko he hui e faigaluega kae ko tona toto ki ei hilia atu ite \$423 ite lua vaiaho ko tona uiga ko te alauni fono oiti te toto ki ei

fortnight then only the sitting allowance would be paid	
Acknowledging the differences in the composition of each Taupulega consideration is required in noting these differences when applying the criteria to assess applicable rates	E tuha ai ma te mataugia ote kehekehega ona fauhaga ona Taupulega takitahi, e manakomia ai he kikilaga ke mataugia ai na kehekehega ienei ite taimi e apalai ai na taki ienei ite iloilogaga ona levolo
The Village remains responsible for the monitoring and payment of all Taupulega Honorarium and allowances	E gafa pea ma te nuku te onoono ma te totogiga ona tau uma mo na Taupulega ma na alauni
The Taupulega Honorarium criteria also applies to those members of the Taupulega who are members by virtue of being GF delegates	Ko na taki mo te Alauni Tautuaga Fakapitoa mo na Taupulega e apalai foki kia te kilatou e kavea ma hui ona Taupulega ona ko ni hui ki te Fono Fakamua

5. COMMITTEE ALLOWANCES

<p>There are a number of different Committee allowances that are being paid such as Scholarship Committee, Land Lease Committee, Allowance Committee, Transtok Board, Teletok Board or other GF Committees</p> <p>This Committee recommends a review of all Committee allowances in order to address any issues of inconsistency</p>	<p>E lahi na alauni Komiti kehekehe e totogi ite taimi nei e ve ko te Komiti Hikolahipi, Komiti fenua Lihi, Komiti Transtok, Komiti Teletok ma ietahi.</p> <p>E fautuagia e te Komiti tenei he iloilogaga ona alauni Komiti uma kae ke foia ai te tulaga kehekehe e iei ai nei</p>
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RECOMMENDATIONS	TAKI
Committee allowances should be reviewed by the Allowances Committee for the purpose of addressing any issues of inconsistency.	Ko na alauni ona Komiti uma e tatau ke iloilo e te Komiti Alauni mo te pogai ke foia ai na kehekehega e iei ai nei.
Terms of References ("TOR") should be in place for the operation of all committees.	E tatau ke iei ni Pepa Galue (Terms of References -"TOR") mo te fakatinoga ona tiute ona Komiti.

7. POSITIONS TO BE INCLUDED IN THE REMUNERATION FRAMEWORK

The General Fono:

noted:

- i. the purpose of the paper;
- ii. that issue relates to existing positions eg: Deputy Manager Co-Op Store and other positions within the Co-Op Store, unless they're new positions then approval of the General Fono is required.

agreed:

- i. for the Office of the Public Service Commissioner to work closely together with Taupulega offices and Departments to include these positions [Deputy Manager Co-Op Store, Reconciliation Officer Co-Op & Bulk Store, Freezer House Attendant – Co-Op Store & Petrol Station Attendant] within the Remuneration Framework together with any other existing positions that are not yet reflected in the framework.
- ii. that a Progress Report on this work be provided to the next General Fono.

8. OLD AGE PENSION

The General Fono:

Noted:

- i. the paper and the information therein;
- ii. the confusion as to why implementation differs among the villages given that it's a decision of the General Fono.

Agreed:

- i. to review the related policy for consideration of the General Fono as per its resolution of July 2019;
- ii. for the Department of Finance and the Allowance Committee to take the lead on this Review.

9. REMUNERATION FRAMEWORK COST OF LIVING ADJUSTMENT

The General Fono:

noted:

- i. the paper;
- ii. the next session of General Fono is for the mid-term budget review where discussion will be had in regards to any increases including any increase there maybe in prices of goods, duty and budget support;
- iii. that reason for proposed increase is due to the increasing cost of living;
- iv. that performance review is the responsibility of the employer.

Agreed:

- i. to an increase of 10% to wage and salary levels;
- ii. that this increase be effective from October 1st, 2022;
- iii. increases is applicable only to levels within the remuneration framework and do not impact on the overall remuneration of those with employment contracts outside of scale;
- iv. to an annual review for cost of living impacts.

10. BUDGET ALLOCATION FOR THE MV FETU O TE MOANA TO CATER FOR THE DELEGATES TRAVELLING TO GENERAL FONO SESSIONS

The General Fono:

noted:

- i. the paper;
- ii. it has been a collective decision of Tokelau that the Taupulega is responsible for the travelling costs to the General Fono.

agreed:

- i. that there be additional funding under the Department of Transport for these sailings;
- ii. that for now, villages absorb the costs into their existing operating budget pending Mid-Term Budget Review in the new year financial year 2023/2024.

11. WORK PERMITS FOR CONTRACTED EMPLOYEES

The General Fono:

noted

- i. the paper;
- ii. to ensure that these changes to apply to any employee contracted from overseas;
- iii. the need to include this decision in the rules to strengthen status of the decision.

agreed

- i. to the request in the paper that Departments / Taupulega, to include the following clause in all contracts for those employees requiring a work permit:
"In granting a work permit, agreement of the Taupulega is on the condition that contractor cannot apply for any other employment in Tokelau unless he or she travels out of Tokelau and apply for new employment".
- ii. that the Council for Ongoing Government that responsibility for implementing this decision and for preparing formal notification to the Taupulega and the Departments.

12. STRENGTHENING POLICING IN TOKELAU

The General Fono:

noted:

- i. the paper to establish a national police service;
- ii. the offer of support from New Zealand police to enhance policing activities in Tokelau to give a higher level of accountability, response and training across the three atolls on approval of a national policing model;
- iii. there should be some other areas where this position could be strengthened, to ensure that its clearly explained to the Taupulega and how this role will interact with theirs;
- iv. an issue to address is whether this role will have a permanent base or rotate as the uluship does.

approved

- i. the position description [as appended] for a national Chief of Police in Tokelau; and
- ii. the appointment of a single officer to the role of Inspector of Police in Tokelau with oversight of the Tokelau Police.



Inspector of Police – Tokelau

Position Details

Reports to: Minister of Police

Group: Enforcement

Location: Not a rotating position

Shift work/non shift work: As required

Remuneration range: TBC

Employee Type: Five year renewable contract

Context

Tokelau is a dependant territory of New Zealand. Tokelau's approach to governance is underpinned by the primacy of atoll villages and is characterised by devolved decision-making and localised provision of core public services. Administrative and legislative powers of the Administrator of Tokelau are formally delegated to the three Taupulega (Village Council of Elders) of Tokelau as the highest authority.

Purpose

The purpose of the Police Inspector role is to ensure the delivery of core police services across the three villages of Tokelau and to support the police sergeants on each atoll in the delivery of all policing services

To support the delivery of these outcomes the Police Inspector will lead an independent department that reports directly to the Minister of Police.

The purpose of leadership in this role is to build a nationalised police department that is responsive to international requirements and the needs of the people of Tokelau

Accountabilities

1. Look after the people of Tokelau

- Understand the risks faced by the team and help them to remove or minimise the associated risk.
- Ensure all team accidents, incidents and near misses are reported and investigated.
- Actively encourage and enable Wellness and Safety initiatives and training.
- Exercise due diligence as an Officer of Tokelau Police, and lead by positive example.

2. Service delivery

- Take overall responsibility for the efficient functioning and administration of the Tokelau Police, including asset management and the annual budget.
- Take command of incidents or situations requiring senior supervision and advise others as required.
- Ensure that appropriate action is taken to resolve any such incidents or situations and monitor results.
- Monitor current and emerging crime trends, enforcement problems and potential major policing requirements.

- Prepare the Tokelau Police Annual report and oversee the implementation of the Department annual work plan
- Direct activities to support the day to day delivery of effective prevention strategies.
- Support short and long term problem solving intervention focused on crime prevention.
- Build a performance culture where staff understand their role in prevention and embrace day to day tasks which support crime prevention and reduction.
- Take overall responsibility for producing policy and standard operating procedures.
- Manage the core training for all Tokelau Police staff.
- Implement non-operational directives from the Government of Tokelau

3. Representation

- Provide a role model consistent with organisational culture, Tokelau Police image and strategic direction.
- Ensure that the Tokelau Police perspective is represented throughout the Taupulega in conjunction with the village leaders.
- Protect and promote the Tokelau Police image in the community.
- Maintain a public profile sufficient to provide the community with confidence in Tokelau Police management.
- Intervene when necessary to uphold standards of integrity and ethics.
- Demonstrate ability to work in partnership with others, including Village Council, Civil Society Organisations, Media, Donors and NGOs

4. Public Service

- Ensure all service requests and complaints are met with a professional, customer focused and timely response.
- Adopt an atmosphere where responsiveness to the public is recognised and rewarded.
- Establish systems, standards and strategies with stakeholders for delivery of service and continually identify opportunities for improved effectiveness.

Communicate the strategic Policing and Law and Order message to all levels within the Government, Government Departments, private enterprise and to the wider Tokelau community, including expatriates

5. Team leadership and management

- Provide leadership and direction for atoll staff and the wider community to ensure they understand the importance and relevance of their work to crime prevention and reduction.
- Provide a strong sense of vision and purpose to the team, and motivate others to reach goals.
- Build support within the team and wider Police community to maintain high levels of confidence, trust and respect.
- Communicate accountabilities and manage the performance of staff through performance appraisal meetings and ensure that appropriate career development and training opportunities are available.
- Ensure organisational values and ethics are promoted amongst staff, and display professionalism and integrity at all times.
- Provide advice on all Policing and Disaster Management matters (where police are involved) to relevant to the Government, to other Government Departments and entities and the Minister of Police

6. Relationship management

- Establish and maintain appropriate working relationships and effective channels of communication with the Taupulega, the Administrator through the National General Manager and New Zealand Police.

- Establish and maintain effective relationships with key individuals and agencies at the appropriate level, inside and outside the organisation.
- Develop and foster an understanding of roles and responsibilities of key stakeholders.
- Provides pro-active, timely, accurate advice and shares information with appropriate stakeholders.

Additional Requirements

For selection purposes, candidate suitability will be considered in relation to:

1. Potential to perform well in the position, given a reasonable period of time for familiarisation and/or training.
2. Personal attributes and temperament relevant to the position.
3. General health which will allow for the performance of all duties and functions of the position
4. Considerable experience as Police Officer, preferably with the rank of Sergeant, Senior Sergeant or Inspector in the Tokelau Police or other Pacific policing institution
5. At least 5 years broad practical experience in policing, police administration and supervision.
6. Proven previous leadership experience with the ability to induce co-operation and effective team work within a multidiscipline team environment
7. Demonstrated experience and understanding of the Pacific islands policing and security environment
8. A high degree of personal commitment, self-motivation, self-discipline, integrity, initiative, innovation and practical judgment in problem solving and development of policies to meet changing needs.
9. The ability to set and work towards effective objectives; to see beyond immediate problems to underlying issues.
10. A wide range of skills including ability to provide innovative solutions and master new concepts quickly, strong interpersonal skills, communication skills and the ability to work with a local and international media.
11. Cultural sensitivity

Qualifications

Have had attended a basic police training course

Demonstrated a willingness to take on further police management studies at a recognised educational institution.

13. HEALTH SYSTEM STRENGTHENING PROJECT

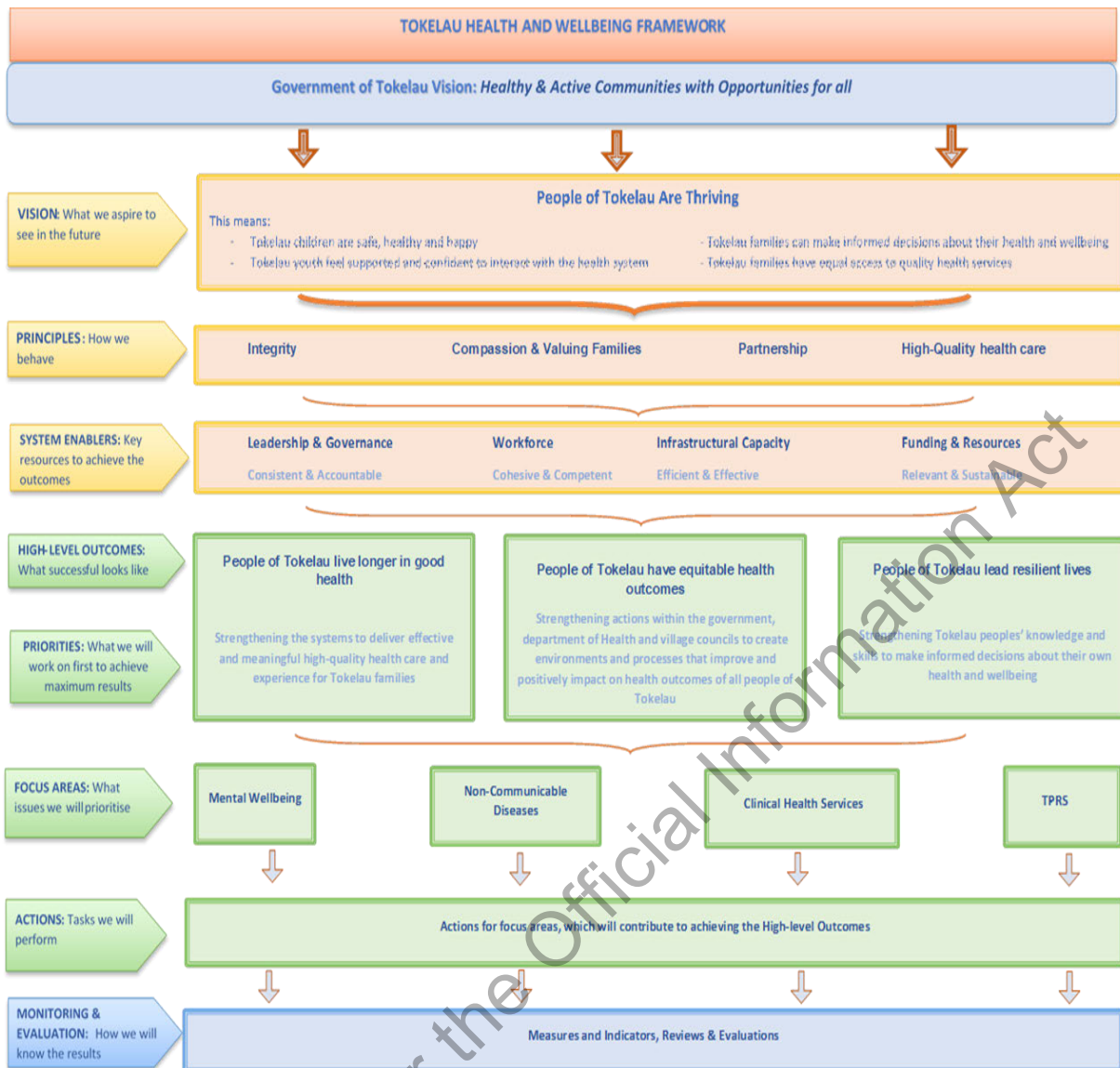
The General Fono:

noted:

- i. the information provided in the paper;
- ii. the additional information provided in the supporting appendices;
- iii. the support of the Administrator for the paper;
- iv. the words of gratitude expressed to New Zealand for the financial support towards health of people in Tokelau.
- v. the gratitude expressed by the Fatupaepae representatives in noting that some initiatives under the proposed project prioritises the health needs of the Fatupaepae as reflected in their report;
- vi. the query as to the status of the Fatupaepae report from its summit of 2019 in Atafu as this has not been discussed.

endorsed:

- i. recommendations of the Review of the Health Services in Tokelau;
- ii. the Business Plan to guide implementation of programme;
- iii. the funding from New Zealand for the programme;
- iv. the paper and to for implementation to commence.



REVIEW
RECOMMENDATIONS

DESIGN SYSTEM

Ni Fakafitauli/ma tākupu	Fautuaga	#		Some activities to implement recommendations		SCOPE to implement aligned to Action Plan	Core Function
Ko na avanoa taua uma i te kaufaigaluega i Tokelau e manakomia ke tofi loa kiei he tino kae ke katoatoa ai te fakatinoga o na tautuaga	Fakatumu na avanoa i te kaufaigaluega i Tokelau	1	Fill gaps in health workforce in Tokelau	a) Recruit a pharmacist, laboratory technician, dentist and radiographer to be based at St Josephs b) Complete the MoU with Samoa and explore MoUs with other neighbouring countries (Tonga, Fiji) for South-South Cooperation to provide 'locums' for the above positions and to mentor local recruits trained in pharmacy, laboratory and radiology services c) Strengthen human resources practice for health services	a) Hakili he tino talava, tui toto, heki nifo ma he tino fakaata ki St Josephs. b) Fakatotoka he māliiega (MoU) ma Samoa ma hiaki ki iētahi atunuku i te Pahefika (Tonga, Fiji) ke i ei ni fōmai (locums) ke fakatumu na avanoa e tākua, kae hapoti te kaufaigaluega a Tokelau ke i ei ni hikili ke taukave ai nā galuega i te lumanaki c) Fakamākeke te fakatinoga o nā galuega fakataui ki nā vāega fakafaigaluega tino	Clinical Services	Capacity Development
Heai ni tautuaga tau hukehukega (screening)	Fakatino ni polokalame mo hukehukega	2	Implement more screening programmes	d) Establish a cervical screening programme e) Establish a prostate screening programme f) Explore portable screening devices g) Explore and establish a bowel screening programme h) Explore and establish a breast screening programme i) Negotiate to deliver annual screening services	d) Fai he polokalame hukehuke o te gutu o te ala fānau e) Fai he polokalame hukehuke o te itūhā o taumalo f) Hakilikili pe i ei ni meafaigaluega e mafai ke fakaeva ke fai ai ni hukehukega g) Fai he polokalame hukehuke o te puta e i ei ai te fekau lahi h) Fai he polokalame hukehuke ki nā huhu i) Fakatino nā polokalame taki tauhaga kāfai e talafeagai ai	Population/Public Health	Preventative Intervention

Fakafitauli ki te ola malolo o te tupulaga e ve o na fakamatea i te Global School Health Survey (13- 17 tauhaga te matua) ma ko heki iei he tali aloakia kiei	Fakamautinoa ko na tautuaga tau ola malolo e fakaohofia ai ho he tino o te tupulaga ke hakili fehoahoani	3	Ensure health services are youth friendly	<p>a) Seek advice on the design of youth friendly services NZMoH</p> <p>b) Discuss the possibility of a VSA placement to support the roll out youth friendly services and visit perhaps annually</p> <p>c) Establish a mechanism for ongoing youth feedback on health services in each village</p>	<p>a) Hakili fautuaga ki te fakatūga o ni tautuaga e talafeagai ma amanakia te talavou</p> <p>b) Hakilikili pe mafai ke i ei he VSA ke fehoahoani ki te fakatinoga o nā tautuaga e patino lava ki te talavou - pe fai taki tauhaga</p> <p>c) Ke i ei he auala i nā tuku takitahi ke tuku mai ai ni lagonā mo te kautalavou</p>	Population/Public Health	Capacity Development
E hē katoa na meafaigaluega , e hē taukikila fakaleleia na meafaigaluega e iei nei pe hē fetui foki na meafaigaluega e iei nei, kae maihe i Fakafo ma Atafu	Fakalelei atili te faiga o na ota, hapalai ma te tauhiga o na meafaigaluega a i te falemai	4	Improve ordering, supply and maintenance of hospital equipment	<p>a) Establish a hospital equipment management policy</p> <p>b) Establish an Essential Emergency Equipment List that covers the minimum requirements for emergency procedures appropriate for a primary health hospital and referral hospital in the context of Tokelau</p> <p>c) Review current arrangement/contract with EBOS International (Fiji Office) for servicing of hospital equipment</p> <p>d) Replace and upgrade hospital equipment identified in the DoH Inventory Asset of February 2019 (Appendix K)</p> <p>e) Monitor medical and surgical maintenance and orders annually</p> <p>f) Engage with MFAT and CCDHB to secure equipment maintenance training</p> <p>g) Recruit a Biomedical Technician</p> <p>h) Establish a scholarship for a Biomedical Technician</p>	<p>a) Fai he polihiki ke kikila ai nā meafaigaluega a te falemai</p> <p>b) Fai he lihi o nā meafaigaluega fakapatino mo nā fakalavelave tutupu fakafuaheki e talafeagai lava ki Tokelau</p> <p>c) Hiaki ma fakafōu te malilie ma EBOS ki te hiakiga o nā meafaigaluega a te falemai</p> <p>d) Fakafōu ma fakalelei nā meafaigaluega a te falemai na lihi i te 2019</p> <p>e) Tautuku na meafaigaluega e fai ai nā takotoga ma nā togafitiga, ma fai ni ota taki tauhaga</p> <p>f) Hokotaki ma CCDHB ma MFAT ke fai ni koleniga ki te kikilagia o nā meafaigaluega</p> <p>g) Hakili he Biomedical Technician</p> <p>h) Tapena he hikolahipi mō he Biomedical Technician</p>	Clinical Services	Capacity Development

Ko na vailakau / fualakau ietahi taimi e kaumai kua teka te aho e aogā ai ma e hē lava	Fakalelei atili te faiga ma te fakahoaga o na ota	5	Improve pharmaceutical supply and management	<p>a) Establish a Drug and Therapeutic Committee (DTC) to support the officer responsible to oversee all pharmaceutical processes and purchasing of medical drugs</p> <p>b) Review the Tokelau Essential Medicine List aligned with New Zealand funded pharmaceuticals and other PICS where appropriate</p> <p>c) Follow up with MFAT on the potential for partnering with NZMoH or relevant DHB on Pharmaceutical procurement through the health corridors initiative</p> <p>d) Recruit a Pharmacy 'technician'</p> <p>e) Establish a scholarship for a Pharmacy 'technician'</p> <p>f) Re-establish and upgrade the electronic system (M-Supply) used in the local hospitals for pharmaceutical supplies</p> <p>g) Continuous training of local clinical staff to use the system effectively</p>	<p>a)Fakatū he Komiti Vailākau ke fehoahoani ki te kauaigālua e kikelagia te otaga o nā vailākau uma</p> <p>b)Hiaki te lihi a Tokelau ki nā vailākau e tataua lava ke ei Fakafetaui ki nā vailākau e fotogi e te Mālō o NZ ma iētahi atunuku o te Pahefika kāfai e talafeagai ai</p> <p>c)Talanoa ma te MFAT ke fakapāga ma te Matāeke Ola Mālōlō NZ pe ko he DHB i luga o na tautuaga a te Health Corridors</p> <p>d) Hakili he tino talavai</p> <p>e)Fai he hikolahipi mo he tino talavai</p> <p>f)Toe fakalelei ma fakamakeke te M-Supply</p> <p>g)Fakaauau nā koleniga a te kauaigālua i na falemai ke fakaaoga fakalelei te hihitemi.</p>	Clinical Services	Capacity Development
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<p>E hē lava ni fakamatalaga mo te peleniga o na hihitemi tau ola malolo; ko te hē lava o na fakamatalaga e hē katoatoa ai foki te tuliloaga o na matakupu kae maihe na tauale kafai o toe foki mai ki luga o fenua mai te TPRS</p>	<p>Fakalelei atili te fakamaopoop oga o na fakamatalaga, te fakahoaga ma te hukehukega auiliili kiei ma te mafai ke fakaaoga</p>	<p>6</p>	<p>Improve data collection, management, analysis and knowledge translation capacity</p>	<p>a) Adopt the NHI, aligned with the New Zealand health system, ensuring that each person in Tokelau has only one unique individual identifier which is accurately recorded on all of their health records b) Negotiate agreements between Teletok and Health to support full implementation of Medtech c) Establish a robust manual filing system to complement Medtech d) DoH to coordinate, collate and share an annual report with Taupulega and national Government e) Hospitals, Taugulega and DoH collaborate more intentionally with the Planning and Monitoring Unit and Tokelau Statistics Office to strengthen Information Systems and capacity build health staff f) Establish a Mortality and 'Near Misses' Review Committee with appropriate Terms of Reference g) Audit health information system on a two yearly basis, to ensure continuing high-quality data collection, analysis and valid interpretation h) Establish a five-yearly National Health Survey in collaboration with established surveys such as STEPS</p>	<p>a)Fakaaoga te hihitemi NHI, fakafetaui ki te hihitemi NZ, ke mautinoa e fokotahi lava te numela e fakaaoga ke iloa ai nā tauale tautokahi ma faigofie ai ke hakili na fakamatalaga b)E i ei na taki ke fakaaogāga nā mau pe ko ni fakamaoniga e talafeagai ki Tokelau c) Maliliega ma Teletok ke fakalelei nā tautuaga a te MedTech Kua i ei te numela falemai fakapitoa o tagata tautokatahi d) E āvanoa nā lipoti taki 6 mahina/tauhaga ki te tulaga o te ola mālōlō e) E iloilo taki vaitaimi te hihitemi o nā fakamatalaga f)Fakatū he Komiti ke iloilo nā mafuaga kua gālo ai he tino pe ko ni tulaga na laki ai he g)fai he iloiloga o te hihitemi fakamatalaga tau te ola mālōlō' taki lua tauhaga, ke fakamautinoa ai lava te lelei o nā fakamatalaga e mafai ke fakaputu</p>	<p>Specialist Services</p>	<p>Capacity Development</p>
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E heai ni hoa mo na fomai ma na tauhi tauale ma e hē katoatoa he latou hokotaga ki te neti ma te fakaaauaga o te latou iloa ma na taki mo fakamaoniaga	Fakalelei atili te fehoahoani ki faiga tonu kui i te telemedicine ma ni taki mo fakamaoniaga	7	Improve clinical support through telemedicine and evidence-based guidelines	<p>a) Create a telemedicine plan including technical, training and management requirements with associated costings</p> <p>b) Engage the scholarships and short term training awards for telemedicine preparedness</p> <p>c) Improve networking with specialists</p> <p>d) Develop a suite of evidence-based guidelines for the Tokelau context and ensure these are included in staff training and orientation</p> <p>e) Consider adapting New Zealand's 'health pathways' system to support various aspects of clinical practice</p>	<p>a)Fai he peleni mo te fakatinoga o te Telemedicine - e aofia ai nā vaega e patine ki ei te polokalame, na koleni e tataua ke fai fakatahi ai ma te heleni e ōno manakomia</p> <p>b)Talanoa ki nā hikolahipi mā nā koleniga e manakomia auā te tāpena ki te telemedicines</p> <p>c)Fakalelei nā hokotaga ma nā fōmai fakapitoa</p> <p>d) Fatu ni taki e fakamaonia e talafeagai ki Tokelau, ma mautinoa e opotia ki nā koleniga a te kaufaigāluega venā na fakamatalaga a nā tino fatoā faigāluega</p> <p>e)Mafaufau ke fakaaogā te hihitemi a Niu Hila ke fehoahoani ki nā vāega e talafeagai ki ei i te fakatinoga o nā tautuaga i nā falemai.</p>	Specialist Services	Capacity Development
Ko te agai ki luga o na NCDs ma te manakoga mo tauale ma o latou kaiga ke taukikila ma tautuku lava e latou te tulaga o te latou hē malohi; lahi te fakamoemoe ki na fofa fakafalemai	Fakalelei atili te fehoahoani ke taukikila ma tautuku e te tino lava ia te tulaga o te latou hē malohi ma fakaaoga ni vai fakaaaganuku kafai e talafeagai	8	Improve self-management support and use of holistic/traditional health care where appropriate	<p>a) Develop and implement a self-management support practice guideline for the Tokelau context</p> <p>b) Train health professionals in self-management support</p> <p>c) Investigate how traditional medicine and home remedies can be integrated into health planning and programming</p>	<p>a)Fatu ma fakatino he taki ke fehoahoani ki te tauakiga ma te kikilaga o te ola mālōlō o te tino lava ia</p> <p>b)Koleni te kaufaigāluega ke iloa hapoti na tino i nā tauakiga faka te tino lava ia</p> <p>c)Hakilikili ke gālulue fakatahi nā vaiao ma nā fofa ki te peleniga ma te fakapolokalamegia o nā tautuaga tau ola mālōlō</p>	Population/Public Health	Capacity Development

E lahi heai he hokotaga o na galuega fakatino i te va o te falemai ma te pulepuelga, kae maihe i Nukunonu; manakoga ke fakamaeke te fakakaigaga o te ola malolo lautele ki loto o na tautuaga	Fakalelei atili te hokotaga, peleniga ma te fakahoaga o na fakamatalaga i te va o na nuku ma na falemai	9	Improve coordination, planning and information sharing between villages and hospitals	a) Review and refresh Terms of Reference and plans for each Village Health Committee b) Ensure hospital MO and Nurse Manager are part of Village Health Committee in Nukunonu c) Engage Fatupaepae and nurses in public health initiatives	a)Iloilo ma fakafōu nā taki ma nā peleni a nā Komiti Ola Mālōlō a nā nuku b) Fakamautinoa ko te fōmai ma te Takitaki Tauhitauale e i loto o te Komiti Ola Mālōlō a te nuku c)Ke auai ma opotia te Fatupaepae ma na tauhitauale i nā polokalame ola māōlō mō tagata lautele	Govenance and Administration	Capacity Development
Popolega o na nuku ki te pulepulega o na manu fakalafua e ono agai lava ki hē tulaga pito hili o na fakahetonu o na ko na huiga ki te tau	Fakamaeke ma opotia te ola malolo o te hikohikomaga ki te fakatinoga o te ola malolo lautele	10	Strengthen environmental health as part of public health delivery	a) Review the number of public health assistants and their job descriptions b) Strengthen the working relationship between Fatupaepae and hospitals in relation to environmental health, such as mosquito control	a)Iloilo te numela o te kaufaigāluega tautua ma ō lātou tiute b)Fakamāeke te gālulue fakatatahi o te Fatupaepae ma nā falemai āgai ki nā polokalame haogalēmū o te hikomanga, vēia ko te namu	Population/Public Health	Capacity Development
Te heai o he talitonu ma te fakamoemoegi a o tetahi ki tetahi i na takitaki mo te ola malolo	Fakalelei atili te hokotaga galue i te va o te Mataeke o te Ola Malolo ma te Taupulega	11	Improve working relationship between the Health Department and Taupulega	a) Bridge divides and foster healing in village and national health leadership relationships b) Taupulega and Director of Health along with Senior Clinical plan for quarterly village visits including dialogue and planning with Taupulega, and consultation with Hospital staff c) Conduct an annual national health review/planning workshop involving all health sectors and key stakeholders including Taupulega representatives	a)Fakalelei nā nofonofoga ma fakatutupu te gālulue fakatatahi o nā nuku ma te Matāeke b)Ke i ei ni talanoaga ma ni ahiahiga fai tumau ma te Fakatonu venā te kaufaigāluega hīnia fakatahi ma te Taupulega ma te kaufaigāluega a te falemai, taki kuata tauhaga c)Fakatino ni fakatalanoaga tau iloiloga/peleni, e auai ai te kaufaigāluega ola māōlō iētahi matāeke ma nā fakalāpotopotoga a te nuku e aofia ai ni hui mai te Taupulega	Govenance and Administration	Capacity Development

Na faitioga a tagata ki te tulaga o na tautuaga ma te heai o he auala ke maua mai ai ni akoakoga	Fatu ni fakaleleiga fakaauau, he aganuku akoakogia ma te tautali ki te tulaga o te fakatinoga o na tautuaga	12	Develop ongoing quality improvement, a learning culture and better performance accountability	<p>a) Establish a complaints and grievance process that is fair, and maximises learning and system improvement.</p> <p>b) Appoint an independent health commissioner to receive and manage complaints and grievances that have not reached resolution (explore whether the NZ Health and Disability Commission could support this role through the health corridors initiative)</p> <p>c) Devise a mechanism for learning from complaints to be reported back to the health system in a way that supports systemic quality improvements</p>	<p>a)Fai he auala e hē fakapito ke fakailoa ma fofu ai ni fakafitāuli/hē fiafia o tagata nuku, ke fakaaogā ai foki nā āvaoa ke ako ma fakalelei atili ai te hihitemi.</p> <p>b)Piki he tino ke tūtokatahi hana iloologa ke talia ma tautali e ia ni hē fiafia pe o ni fakafitāuli o tagata, iēia e heki fofōgia (hiaki pe mafai te NZ Health and Disability Commission ke fehoahoani ki te tiute tēnei kui i nā polokalame a te health corridors)</p> <p>c)Fai he auala ke akoako ai mai nā fakafitāuli pe ko nā hē fiafia, kae ke lipoti mai ki te hihitemi ola mālōlō ke fakaaogā ke maua ai ni akoakoga ke fakalelei atili ai nā tautuaga</p>	Population/Public Health	Capacity Development
E hē lahi ni avaoa mo na famai ma na tauhi tauale ke ako ai ni etahi hikili ma atiake o latou hikili i te hē tokalahi o te aofaki o tagata e fakaaoga e latou te tautuaga	Fakamakeke atili te kauaigaluega kui i ni koleniga faigaluega i hetahi falemai, koleniga ma te fai hao ki ni ahohi fakapitoa mo a latou tautuaga	13	Strengthen the health workforce through professional development including internships, training and professional associations	<p>a) Create rotational internships (for example, at least one health profession annually) in an area identified as needing development within specific Tokelau hospitals</p> <p>b) Utilise short term training awards to fund health internship</p> <p>c) Support health workers to join Professional Associations</p> <p>d) Provide payment of professional association membership fees for health workers (medical officers, nurses, public health assistants) with a relevant professional association within the region, where there is no equivalent Tokelau association</p> <p>e) Support the establishment of Tokelau Nurses Association as</p>	<p>a)Fatu he polokalame ke mafai ai te kauaigaluega ke olo ai ke akotau ni hikili ma ni iloa fōu (internship - fakatakitakiga āvaoa ke olo tautokatahi i he vaitaimi e maua ai ni avaoa), i ni vāega e kitea ma manakomia ai ni hikili ma ni iloa, pe fia fakamakeke atili.</p> <p>b)Ke i ei ni fakatupega e maua ke fakatino ai te polokalame i luga</p> <p>c)Hapoti te kauaigaluega ke i loto o ni Ahohi Fakapitoa</p> <p>d)Fehoahoani ke fakatupe na pili e tatau ke totoi ai nā lehitale ki nā ahohi</p> <p>e)Hapoti ke fakatū he ahohi mā nā Tauhitauale a Tokelau (Tokelau Nurses Association) ke fai foki ma auala ke fakalelei atili ai nā iloa ma nā hikili venā na hokotaga</p>	Clinical Services Governance & Administration	Capacity Development

				an avenue for professional development and networking			
E heai he fakakaigaga o te pulepulega o na galuega i te falemai ma na tautuaga kehekehe uma	Fakalelei atili te pulepulega o na tautuaga ma na fehoahoaniga fakapitoa kui i te fakatuuga o he Komiti Fauautua mo te Ola Malolo	14	Improve clinical governance and clinical specialist support through establishing a Health Advisory Committee	a) Establish a Health Action Committee to provide clinical governance advice and monitoring b) Map and tap into specialist services from the Pacific region that Tokelau could access (eg visiting teams to Samoa) c) Once established, ask the Health Action Committee to review the DoH organisational structure d) Establish a Regulatory Body for Health e) Develop and implement a Nursing Competency Framework	a)Fakatū he Komiti iloilo ke fai ni fautuaga patino ki nā tautaga l na falemai venā te matauga o nā gāluega b)Fuafua ma hakili nā fehoahoaniga fakapitoa ki nā togafitiga o tauale, l nā atunuku l te Pahefika e mafai ke hokotaga ma Tokelau (ft, ni hui o te kaufalgāluega ahiahi ki Samoa) c)E fakatū loa e mafai ke hiaki ma iloilo e ki lātou te fakatūlagaga o te Matāeke tau Ola Mālōlō d)Fakatū he Komiti Lehitala ma nā tulaga tau puipuiga i luga o te tulafono - mo te kaufalgāluega ola mālōlō. e)Fau ma fakatino he Taki mō nā hikili ma nā mafai o nā Tauhitauale	Governance & Administration	Capacity Development
Mauuluga o te tupe fakafano mo te ola malolo; agai ki luga o te kavega puna mai i na NCDs	Fatu he fakavae mo te fakatupega o te ola malolo e atafia ai te agai ki luga o te kavega puna mai i na NCDs	15	Develop a health financing platform to reflect the growing burden of NCDs	a) Consider developing Terms of Reference for a Medium Term Expenditure Framework for health	a)Hakilikili ke i ei he Taki mo he taimi pukupuku, ke fakahoa ma mātau ai te fakafanoga o nā tupe fakatatau mō te ola mālōlō	Specialist Services	Assesment & Surveillance Health Promotion Capacity Development Preventative Intervention Health Protection
Manakoga mo he hokotaga i na tautauga / mataeke uma ma ko ai te gafa ma na vaega kehekehe ke	Fakalelei atili na hokotaga ma te fakahoaga o na fakamatalaga agai ki na NCDs ma	16	Improve collaboration and information sharing on NCDs and ensure policy coherence	a) Establish an interdepartmental NCD Committee b) Legislate proper nutrition information requirements of food items, including beverages c) Review, strengthen and support anti-alcohol and antismoking policies and implementation	a) Fakatū ke komiti ei loto ai ni hui mai nā matāeke valevale b)Fakatulafono nā fakamatalaga e manakomia ke l ei āgai ki nā meakai ma nā koloa e āfāina ai te ola mālōlō c)Iloilo, fakamāekeke ma hapoti na polihi fakapatino ki te inu kava	Population/Public Health	Assesment & Surveillance Health Promotion Capacity Development Preventative Intervention Health Protection

tautali ai he NCD	fakamautinoa e kaiga na polihi				mālohi ma te ulaula, venā ma te fakatinoga o nā polihi iēnei		
Fakamaopoop oga ma te hukehuke auiliili o na fakamatalaga o te pulepulega o na NCD e manakomia ke tulaga lelei ai na togafitiga ma na tautali e fakahino kiei	Fakafaigofie te togafitiga mo na tauale e maua i he NCD kui i ni lehitale mo na NCD	17	Streamline treatment of patients with NCDs through NCD registries	a) Conduct a review, audit and strengthen existing NCD registries which keep record of key steps in management of patients with NCDs b) Train staff to sustain, manage and monitor individual registries	a)Iloilo, hukehuke ma fakamākeke nā fakamaumau o nā tauale hē pipihi (NCD), iēia e fakamaumau ai nā tautuaga e fakafino ki nā tauale e maua i nā tauale NCD b)Koleni te kaufalgāuega ke fakatumaui, faifakalele ma tautuku nā fakamaumaua	Population/Public Health	Capacity Development Assessment & Surveillance
Kua iei ni polokalame i na nuku mo na NCDs kae e heki fakaauau i te lahi o na tuatuaia ma te hē fetau o ietahi polokalame ma na nofonofoga	Fakalelei atili te hao ki na polokalame mo te NCD ma e fetau ma na nofonofoga, e taoga ma olatia i te tulaga o Tokelau	18	Improve access to NCD programmes and initiatives which are culturally relevant, effective and sustainable in the Tokelau context	a) Develop innovative NCD programmes aligned with the culture and context of Tokelau b) Develop guidelines for Taupulega to inform decision making on food items inventory for stores c) Develop food security policy including identifying agricultural products that can be grown in Tokelauan environment d)employ NCD leads within the Fatupaepae	a)Fai ni polokalame NCD e talafeagai ma fetau ki nā nofonofoga ma te olaga i Tokelau b)Fau ni taki ke fehoahoani ki te Taupule ki ana tonu ma ana peleni ki nā meakai ma nā kolua e kaumai ki luga o fenua c)Fau ni polihi ke puipui ai nā meakai a Tokelau, e aofia ai ke iloa nā lakau kaina e mafai ke ola i Tokelau d)fakafaigāuega ni takitaki mai te Fatupaepae	Population/Public Health	Health Promotion
Manakoga ke fakatutuhia ia tagata uma, manino ma e tautali	Fakatu he auala ke iloilo taki tauhaga ai e te Komiti Faufautua o te Ola Malolo na tonu fai i te TPRS	19	Establish an annual review mechanism of TPRS decision to be undertaken by the Health Action Committee	a) Once established, Health Action Committee to review current cases under TPRS and then an annual audit of TPRS clinical decisions and processes	a)Kāfai e fakatu te Komiti iloilo, ke hukehuke e ia nā tauale i te hikimi TPRS ma fai ni hukehukega taki tauhaga ki nā tonu fai a te hikimi ma te faiga o nā tonu.	Governance Administration &	Capacity Development

Ko te hē lelei o na hokotaga ma na fakamatalaga i te TPRS kua iei ai ni mama	Fakalelei atili te malamalamag a i te va o te Taupulega, te Mataeke o te Ola Malolo ma te tagata lautele agai ki te TPRS	20	Improve understanding between the Taupulegal, Department of Health and broader community about TPRS	<p>a) Review TPRS information booklet to include more information such as a checklist of documents patients should take when they depart and what documents they need to bring back to Tokelau, information about health advocacy and translation, and, information on the process for making complaints</p> <p>b) Provide training to health professionals on TPRS processes and the implications for their roles</p> <p>a) Upload the TPRS policy and information booklet to the Tokelau government website and social media pages</p> <p>b) Deliver whole of community information sessions and consultations</p> <p>c) DoH to report to Taupulega (as governance bodies) on trends, processes, developments and issues related to TPRS in appropriate platforms such as the Annual National Health review/Planning workshop</p>	<p>a) Toe iloilo te tuhi fakamatalaga a te TPRS kae ke tuku ki ei na fakamatalaga uma e tata ke i ei, vēia ko he lihi o nā pepa e manakomia e te tauale kāfai e olo kehe ma toe foki mai ki Tokelau. Ni fakamatalaga ki nā fehoahoaniga e āvanoa mō ki lātou, ma vēhea o nā kāumai ni lagona hē fiafia</p> <p>b) Fai ni koleni mā te kauaigāluaga āgai ki nā polihi ma nā taki o te hikimi TPRS ma te tāua o ō lātou tiute i te hikimi</p> <p>c) Fakaāvanoa nā polihi a te hikimi ki luga o te neti a te Mālō o Tokelau mā iētahi kupega talafeagai i luga o te neti</p> <p>d) Fai ni talanoaga ma nā tagatānuku ki nā fakamatalaga o te hikimi</p> <p>e) Ke i ei ni lipoti ki te Taupulega ki te tulaga ma ni matākupu āgai ki te hikimi TPRS - e mafai ke tuku mai te lipoti i ni auala kehekeh</p>	Governance Administration &	Capacity Development Health Promotion
Lukitau o te faiga malaga i te vaka e ve ko te mama o te vaka ma na meafaigaluega e iei	Fakalelei atili te tulaga o faiga malaga a te tauale ma te tino faigaluega	21	Improve patient and nurse experience of boat transfers	<p>a) Plan developed between transport and health departments to improve transfers for patients and for medical staff</p>	<p>a) Ke i ei he peleni ma nā matāeke Ola Mālōlō ma na Femalagākiga ke fakalelei nā tautuaga ki nā tauale ma nā tauhi i luga o nā vaka</p>	Governance Administration &	Capacity Development Health Promotion

Ke iei he fehoahoaniga ki na tauale e kave ki Niuhiia e tuha ai ko he fale ke nonofo ai	Kavega ki kaiga Tokelau i Niuhiia e gafa foki ma ni fakafitauli i te tulaga o te hē lava foki o na fale i Niuhiia ke nonofo ai	22	Burden on Tokelau host families in NZ who are already bearing the brunt of a NZ housing crisis	a) Negotiate housing on CCDHB grounds that can be used by TPRS patients and attendants	a) Talanoa ma hakili ni auala ke i ei ai he fale fakapitoa e pili ki nā falemai e olo ki ei na tauale a Tokelau.	Governance & Administration	Capacity Development
Hē lava he malamalama ki na fehoahoaniga i niuhila ki te tauale ma te te tauhi; maualuga o te fehoahoaniga e manakomia kafai ko te tauale e hē taofi i te falemai	Fakafaigofie na fehoahoaniga i Niuhiia mo latou e taofi i te fale ma latou e tauhavalu ki te falemai	23	Confusion about clinical/pastoral in NZ; high pastoral support needs of TPRS patients, their attendants and host families	a) Review MoU with CCDHB including a provision to manage TPRS patients and pastoral needs	a) Iloilo te mālilega (MoU) ma te CCDHB ke i loto ai ke mafai ke taukikila e ia nā tauale i te hikimi	Governance & Administration	Capacity Development Health Promotion
Fekuikuiakiga a te Forum (kauhaga e fakatalanoa e latou pe hikitia he tauale pe heai) e tuai o na ko te hē katoatoa o te tukuatuga kiei o na fakamatalaga e te fōmai ea ia te tauale; faigata ke fai he tonu o na ko te hē mafai o ni	Fakafaigofie na hihitemi a te forum mo te TPRS	24	Forum processes delayed due to quality of MO referrals to the Forum; difficulties in making clinical decisions due to unavailability of diagnostics	a) Review clinical criteria and revise if necessary b) Ensure MO accountability for quality and completeness of referral information to Forum c) Hold monthly meetings of the Forum via telephone as well as email, and hold face-to-face quarterly meetings	a) Iloilo nā taki o nā tonu a nā fōmai ma fai ni hūiga kāfai e talafeagai ai b) Fakamautinoā e ō te fōmai te tiute ke lelei ma katoa nā fakamatalaga e tuku atu ki te Komiti a Fōmai (Forum) mō te tauale e manakomia ke hakili malohi i te hikimi c) Fai ni fono taki māhina ma te Forum, ma ni fono kikila mata taki kuata tauhaga	Specialist Services & Governance Administration	Capacity Development

hukehukega fakapitoa							
Ko te tuai o na hukehukega ma na togafitiga i Samoa e lahi ai te tupe fakafano	Fakalelei atili te aogā ma te lelei o na togafitiga i Samoa	25	Improve efficiency and effectiveness of treatment in Samoa	a) Finalise MoU between Samoa Ministry of Health and Tokelau DoH to include; (i) clinical referral point within Samoa Ministry of Health; (ii) performance measures and expectations for both parties including treatment timeframes; and (iii) provision for annual sector talks between Tokelau and Samoa b) Gradually increase the capacity of all three health facilities on Tokelau to undertake basic diagnostic testing thus reducing the need to travel to Samoa for these services	a) Fakatotoka te MoU i te vā o te Matāeke Ola Mālōlō a Samoa ma te Mataeke e aofia ai: i)he tino ke tau atu ki ei na tauale i Samoa, ii)Na fakailo e fofou ki ei ke fakatino ai nā tautuaga iii)ni avanoa ke talanoa ai ia Samoa ma Tokelau b) Fano lava e fano ki luga te mafai e nā falemai e tolu ke fai ni hukehukega veia ni fakaata, e he fano hō ai ki Samoa mo ni vaega faigōfie vānei	Specialist Services Governance & Administration	Capacity Development
E lahi na lukitau ki te pulepulega ma te fakatinoga o na galuega i na levolo uma o te TPRS	Fakalelei atili te aogā o te TPRS i te kave haoko o na tauale i Niuhila ma ke taukikila e hetahi fakalapopotoga / tino ka totoka he tonu a Tokelau	26	Improve TPRS efficiency by sending patients direct to NZ and management by a third party following referral decisions by Tokelau`	a) Consider, over time, sending all non-emergency complex secondary and tertiary cases directly to New Zealand with Samoa used primarily as a treatment hub for visiting medical and surgical specialists b) Consider funding a third party to help facilitate the TPRS referral process to Samoa (for visiting specialists or	a) Mafaufau, e hau nā aho, uga hako ai nā tauale iēia e hē fakapokepokegia ki NZ. Kae fakaaogā oioti ia Samoa ke fai ai nā togafitiga a nā fomai fakapitoa e ahiahi mai	Specialist Services Governance & Administration	Capacity Development

				emergency treatment) and New Zealand			
Agai ki luga o te tupe fakafano; na manakoga mo te tauhiga ma te tauale ma te tauhi	Malilie ki he fauhaga talafeagai mo na alauni ma na fehoahoaniga e maua i te WINZ	27	Agree reasonable allowance structure and improve support to access WINZ	a) Agree formula to revise and set allowances b) Negotiate a WINZ Tokelau liaison position c) Negotiate removal of stand down period for patients accessing the emergency benefit in NZ	a) Malilie ki he muna ke iloilo ma hetu ai na alauni b) Malilie ke i ei he Tokelau fakapitoa lava ke galue i te WINZ c) Fakatalanoa ke kavekehe te piliota e tata ke fakatali ai he tino ki na penefit i NZ	Specialist Services Governance & Administration	Capacity Development

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14. HEALTH IMPLEMENTATION PLAN 2023

The General Fono **noted** and **agreed** to defer consideration of paper until the Department [of Health] has had the opportunity to consult and ensure understanding of the Taupulega on the proposal.

15. LANGUAGE COMMISSION: ASSISTANCE FROM NEW ZEALAND

The General Fono:

noted:

- i. the paper and the information contained therein;
- ii. the importance of Tokelau and New Zealand working together in developing [retention] of the Tokelau language rather than independently of each other;
- iii. the steps already taken to contract a person leading up to consultation in the villages for a suitable and most appropriate structure for the programme;
- iv. that responsibility for this programme is with the Office of the Council while the teaching of the language is the responsibility of the Department of Education.

agreed:

- i. to the Option 3: A Language Commission comprised of representatives from Tokelau and New Zealand, head quartered and led by Tokelau.

16. TELECOMMUNICATION SERVICES: GENERAL FONO DECISION REGARDING COST OF SERVICES & TELECOMMUNICATION SERVICES IN TOKELAU

The General Fono:

noted:

- i. the papers and the concerns raised exists in each of the villages;
- ii. high cost of service and structure for the service are issues that have been discussed by the General Fono on numerous occasions;
- iii. that Teletok continues to be non-responsive to the General Fono with a recommended structure;
- iv. the Board of Teletok has yet to consider these issues although the General Manager of Teletok does have a response to these issues;
- v. the reason for the high cost of service is the small size of the market and whether the government could subsidize and thus reduce cost to customers;
- vi. that border restrictions as protective measure against Covid, overseas contractors have not been able to travel to complete the required work on this development initiative [submarine cable];

- vii. the request to the Administrator for assistance for more information to enable decision making and for any assistance that New Zealand may be able to extend to address these concerns;
- viii. that decisions be implemented once made and to take this situation as a lesson in moving forward by ensuring that it doesn't happen again;
- ix. that advice be given to the NZ Government for a technically qualified persons to come and review Teletok in light of the concerns raised;
- x. to discuss with Teletok as to the type of technical assistance required;
- xi. that landline services are useful particularly when mobile service is down;
- xii. the decision of the General Fono of July 2022 that Teletok provide a financial report to this session of the General Fono has not been complied with;
- xiii. that it is the General Fono who has the authority to make any amendments, if any, to the Telecommunication Tokelau Corporation Rules;
- xiv. for the Administration to note the high cost of living at this time due to global events;
- xv. that Teletok has their own Auditor;
- xvi. the difficulties for the General Fono in holding informed discussions and decisions when some Directors do not attend to provide support to the Minister and the General Fono;
- xvii. the apology by the Council for Ongoing Government for the absence of some of the Directors however a few did seek permission [from Council as employer] for being absent.
- xviii. that there a numerous outstanding issues primarily due to staff not implementing decisions of the General Fono.

agreed:

- i. to refer issues below to the Teletok Board of Directors for a response to be provided to the next General Fono:
 - 1. Cost of Internet Services
 - 2. Structure: State Owned Enterprise / Department
 - 3. Structure / composition of the Board of Directors
 - 4. Dot.tk
 - 5. Update on the Submarine Cable
 - 6. Annual Financial Statemens
- ii. to a Technical Advisor who will be responsible to the Council for the Ongoing Government and in working closely with the General Manager of Teletok consult the Taupulega on issues regarding telecommunication services [and address].

17. MANAGEMENT OF BULK STORES TO BE RESPONSIBILITY OF GOVERNMENT

The General Fono:

noted:

- i. the paper;
- ii. the suggestion to establish a Committee to review concerns with Bulk Stores;
- iii. that in 2004 was devolution to the Taupulega but in now appears that services are being returned under responsibility of Government. Efforts should be focused on building capacity of Tapulega in line with the aspirations of our elders.

agreed:

- i. for the Office [Taupulega Atafu] to work closely with the Department of Finance and that of Support Services in exploring how best to address the concerns with the Bulk Store, build capacity to improve skills and thus the service, and report back to the General Fono.

18. COST OF ARCHITECT FOR THE HOUSING SCHEME

The General Fono:

noted:

- i. the paper;
- ii. Taupulega efforts to comply with with the Tokelau Building Codes 2008 as endorsed by the General Fono;
- iii. that Taupulega uses ^{s9(2)(a), s9(2)(b)(ii)} as Architect for the Housing Scheme as appointed by the General Fono
- iv. that the Taupulega has not yet looked at an Inspector for the Housing Scheme
- v. the costs for the Architect and the Inspector is not included in the Housing Scheme subsidy of \$56,000, approved by the General Fono
- vi. the cost for ^{s9(2)(a), s9(2)(b)(ii)} is 6-8% of the cost for the work;
- vii. that this cost [architect] is being absorbed by the village operating budget;
- viii. that Architect should be independent of the Building Inspector;
- ix. that Taupulega will explore alternatives rather than having the one person carrying both of these roles;
- x. that it was by decision of the General Fono that ^{s9(2)(a), s9(2)(b)(ii)} carry out these roles;
- xi. the need to be mindful of impact of the cost of living on the cost of supplies to be considered in the information to be provided to the next General Fono.

endorsed:

- i. an increase to the housing scheme subsidy for the Architect and the Building Inspector and that related costs of this type of services be provided to the next General Fono;
- ii. that Budget 2023/2024 be inclusive of remuneration for ^{s9(2)(a), s9(2)(b)(ii)} at National level.

19. REVIEW OF FREIGHT AND DUTY PERCENTAGES ON CO-OP STORE SUPPLIES

The General Fono:

noted:

- i. the paper.

agreed:

- i. that this matter be included in the list of issues for consultations by the Department of Finance; to note all added costs by Government, the impact on revenue and report back to the next General Fono.

20. DUTY DRAW BACK

The General Fono:

noted:

- i. the paper;
- ii. that customs and revenue policies of the Government of Samoa change from time and there should be a response from the Government of Samoa on this issue.

agreed:

- i. for this matter to be added to the list of issues for the Department of Finance consultations with the Taupulega;
- ii. for any further information to be provided [to the General Fono] as to progress in implementing the decision.

21. CARGO SENT FROM APIA

The General Fono:

noted:

- i. the paper.

resolved:

- i. to strongly recommend for the Department responsible for this service to establish a system that ensures cargo safety and with an opportunity for reimbursement of damaged or lost goods;
- ii. for the Department [of Transport & Support Services] to:
 - i. prepare an information paper for the Taupulega detailing process for movement of cargo to and from Samoa;
 - ii. provide this information paper to the next General Fono.

22. OUTSTANDING GENERAL FONO MATTERS

The General Fono:

noted:

- i. the purpose of the paper;
- ii. the concerns of the Taupulega that Tokelau's journey forward in decision making is guided by the principles of good governance and accountability;
- iii. the list of matters for the General Fono outstanding from its first meeting of 2020;
- iv. that restrictions due to Covid is the primary cause for delay in implementing some of these issues;
- v. that some of the issues referred to in the paper has been addressed.

agreed:

- i. that all matters referred to be carried forward and to ensure that the General Fono does address them;
- ii. that the Council for the Ongoing Government is responsible for monitoring implementation of General Fono decisions.

23. BUDGET ALLOCATION METHODOLOGY [paper from the Taupulega of Fakaofu]

The General Fono:

noted:

- i. the purpose of this paper;
- ii. the concerns of the Taupulega on the method with which Recurrent Budget is allocated among the Vilages.

agreed:

- i. to give Taupulega of Fakaofu to discuss advice from the Department of Finance.

**24. METHODOLOGY FOR ALLOCATING BUDGET TO THE VILLAGES:
Advice following consultations with the Taupulega, August 2022 [paper
from the Department of Finance]**

The General Fono **noted** and **agreed** that this matter be included in the list of issues for the Department of Finance consultations with the Taupulega and to report back to the next General Fono.

**25. CLASSIFICATION OF PROGRAMME / ACTIVITIES BETWEEN
RECURRENT & DEVELOPMENT FUNDING**

The General Fono:

noted:

- i. the purpose of the paper;
- ii. the Taupulega concerns with the lack of clarity in classification of programmes and related activities between recurrent and development funding;
- iii. that review of Cost of Government has already been carried out as a response to this issue;
- iv. that the Department of Finance is working on a written response to be provided at an upcoming meeting.

resolved:

- i. for work to be carried out on classification of programmes and activities between Recurrent and Development funding;
- ii. to refer this work to the Review Committee for Cost of Government;
- iii. for all needs to be provided to the General Fono for discussion and resolution, and convey as a package to the Government of New Zealand if needed.

**26. PRIORITISATION PROCESS AND FUNDING OF VILLAGE
DEVELOPMENT**

The General Fono:

noted:

- i. the purpose of the paper;
- ii. that this issue has been addressed;
- iii. for Tokelau to remain peaceful, work together and decisions to be based on the “fakatokelau” (Tokelau way) for the good of Tokelau;
- iv. the priorities highlighted by the team that came to review the impact on Tokelau;
- v. s9(2)(f)(iv)

- vi. s9(2)(f)(iv)
- vii. Assistance from NZ remains for any important needs of Tokelau and the NZ assistance is based on the priority needs of the vilalges.

Agreed:

- i. that General Fono note the issue.

27. TOKELAU LANDS IN SAMOA

The General Fono:

noted:

- i. the paper;
- ii. the decision of the General Fono to equally divide the land in Lelata among the villages;
- iii. s6(a)

Agreed:

- i. that Government put in place a plan for utilisation of Tokelau Lands in Samoa.

s9(2)(h)

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Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

29. COMMERCIAL FISHING BUSINESS

The General Fono:

noted:

- i. the paper in particular the request for the 13 nautical miles buffer zone for this type of fisheries;
- ii. the need for further information to better understanding as well as advice from the Fisheries Management Agency in terms of implementation and related costs;
- iii. the query as to whether there are any direct costs;
- iv. this is a national initiative to be in the Administrator's plan;
- v. that there are some concerns eg: licensing;
- vi. that the Tokelau [Exclusive Economic] zone which is beyond 12 nautical miles is under New Zealand and therefore the General Fono cannot make any decisions relating to it;
- vii. that discussions should be had between the Officials and New Zealand.

Agreed:

- i. to give Taupulega of Atafu an opportunity to revisit their paper and resubmit to the next General Fono.

30. MAINTENANCE FOR THE WALKWAY FOR THE ATAFU CHANNEL

The General Fono:

noted:

- i. the paper;
- ii. the upcoming visit of the Administrator to the Taupulega is an opportunity for the Administrator to observe whether he can assist Atafu;
- iii. the General Fono decision of July 2022, *"To use the available balance under Ship-to-Shore project to repair and maintain village barges and wharfs;"*

accepted:

- i. the request by the Taupulega of Atafu for maintenance of their walkway for the channel.

agreed:

- i. for the Taupulega of Atfu to work closely with the Department of Finance and the Department of Transport [& Support Services] towards implementation of the General Fono decision, ke galulue fakatahi te Taupulega Atafu ma na Mataeke o te Tupe ma te Mataeke o Femalagaakiga ki te fakatinoga o te tonu a te Fono Fakamua, *"To use the available balance under Ship-to-Shore project to repair and maintain village barges and wharfs;"*

- ii. for the General Fono to have a common understanding in regards to the concerns in the Villages.

31. s9(2)(f)(iv)

s9(2)(f)(iv)

32. ADMINISTRATOR'S REPORT ON THE NEW ZEALAND FUNDED INFRASTRUCTURE PROJECTS

The General Fono:

noted:

- i. the information provided in the report and the request to advise the Office of the Administrator of the any views, questions or comments from the General Fono;
- ii. what can be done on atoll in preparation for the arrival of supplies for these programmes;
- iii. the words of gratitude expressed for New Zealand's assistance to Tokelau;
- iv. the words of gratitude expressed by the Administrator for the progress in the development initiatives in Tokelau;
- v. for the government to consider opening the border as this is holding up implementation of projects;
- vi. that Council will keep the Taupulega informed on progress of these ongoing development initiatives;
- vii. the request for the Administrator for assistance in addressing issues with the internet.

agreed:

- i. s9(2)(f)(iv)

33. REPORT OF ONGOING BUSINESS OF GOVERNMENT

The General Fono:

noted:

- i. that Council continues to comply with the decisions made by providing to the Taupulega a report following each of the Council meetings; however, concern is noted and staff will address;

- ii. the difficulties in delivering the generators as the country where they're sourced from is very far away as well as the related costs; however, it is anticipated that generators will arrive in Samoa on November 12th;
- iii. that the \$300,000; \$100,000 per village, funding from the PDF has been received;
- iv. that 3 different proposals cannot be submitted to the administering agency, as proposal needs to be in Tokelau's name. Once received, it is at the prerogative of the Tapulega as which development initiative to fund;
- v. the query whether scientific research vessels within the Tokelau Exclusive Economic Zone provides any reports to Tokelau from their research for Tokelau's information;
- vi. the response from the Administrator that he has not received any reports from the RV Bluefin, however, reports from this type of research is provided directly to Tokelau and not New Zealand;
- vii. that it's unclear as to what is involved in this type of research in the EEZ, as the only means of significant local revenue is the EEZ, what exactly is the purpose of these researches;
- viii. the need for information in regards to the state of the Covid pandemic.

endorsed:

- i. the Report of Ongoing Business of Government.

34. UPDATE ON ANNUAL AUDITS

The General Fono:

noted:

- i. the paper;
- ii. the ongoing delays and that these are outside of Tokelau's control. NZ MFAT is in agreement with the approach being taken;
- iii. due to delays, audit will now be conducted on the 5 year [ending 30 June 2022] accounts and a report will be available at the beginning of 2023;
- iv. that Tokelau is not at fault for the delays but rather it's the NZ end [auditor].

35. COST OF GOVERNMENT REVIEW: UPDATE AS AT OCTOBER 2022

The General Fono:

noted:

- i. the paper.

Agreed:

- i. that the review recommendations be implemented;
- ii. that the Report from this review be updated and provided to the first General Fono of 2023 allowing sufficient preparations for the Budget 2023/2024.

36. DESIGN FOR THE NEW INTER-ATOLL VESSEL

The General Fono **noted** and **endorsed** the design for the new inter-atoll vessel subject to input from the Taupulega on the design to ensure safety of.

37. REMUNERATION FOR THE TAUPULEGA, GENERAL DELEGATES AND LAW COMMISSIONERS

The General Fono:

noted:

- i. the information contained in the paper;
- ii. to proceed with remuneration for the Law Commissioners for now pending endorsement of the Sir Ronald Report and will then review remuneration.

endorsed:

- i. the recommendation for the remuneration for Law Commissioners to be at 80% = \$26,136 to 110% = \$35,937 [of the Remuneration Framework];
- ii. that starting date for this level of remuneration for Law Commissioners be backdated to 1st August 2019;

agreed:

- i. to refer remuneration for General Fono delegates and Taupulega for further discussions by the Taupulega;
- ii. for views of the Taupulega to be provided to the next General Fono.

38. NUKUNONU HOSPITAL & REPORT OF THE PUBLIC SERVICE COMMISSIONER IN RELATION TO THE HOSPITAL IN NUKUNONU, ST JOSEPH

The General Fono **noted** and agreed for the Public Service Commissioner to travel to each of the villages and consult the Taupulega to ensure a clear understanding of the issue and report back to the next General Fono.

39. DECISIONS OF THE GENERAL FONO

The General Fono:

noted:

- i. that there are decisions of the General Fono in July 2022 that have not been implemented eg: Teletok Financial Statements and other issues;
- ii. that the Report on the \$3m for COVID-19 and the report as provided to New Zealand were noted by the Budget Meeting of July 2022;
- iii. that if there is any decision of the General Fono that cannot be implemented for the General Fono to be informed of this and the reason why it cannot be implemented.

Decisions of the General Fono are confirmed as being correct and are a record of the decisions taken by the Tokelau General Fono, dated 7th November 2022 in Nukunonu.

Confirmed by:

Chairperson:


Afioga Falaniko Aloisio

Date: 21 November 2022

Deputy Chairperson:


Afioga Tumua Pasilio

Date: 21 November 2022.

ATTENDEES

<i>General Fono Delegates</i>		
<i>Nukunonu</i>	<i>Atafu</i>	<i>Fakaofo</i>
1. Ulu o Tokelau, Afioga Faipule Sio Perez 2. Afioga Pulemuku Lino Isaia 3. Afioga Alapati Tavite 4. Afioga Peato Pelenato 5. Afioga Pita Fala Patelesio 6. Afioga Save Tumua 7. Afioga Lepeka Tovio	1. Afioga Faipule Kelihiano Kalolo 2. Afioga Hui Pulemuku Nofu Iupati 3. Afioga Dr. Seluka Enosa 4. Afioga Amusia Hakai 5. Afioga Stanley Lopa 6. Afioga Teloloma Paulo 7. Afioga Latu Lopa	1. Afioga Faipule Fofu Esera Tuisano 2. Afioga Pulemuku O'Tinielu Tu'umuli 3. Afioga Puka Solomona 4. Afioga Kaio Isaako 5. Afioga Aokuso Vavega 6. Afioga Fa'amatala Palelei Sili 7. Afioga Lolo Teao 8. Afioga Sela Sophie Tyrell Saumani
<i>Hauatea</i>		
Afioga Ioane Tumua Afioga Iaseto Lui	Afioga Liutu Panapa Gawalofa Afioga Tiu Kalolo	Afioga Sio Sio Afioga Kasimilo Niko
<i>Administrator of Tokelau</i>		
<i>Don Higgins</i>		
<i>Chairperson & Deputy Chairperson</i>		
<i>Afioga Falaniko Aloisio Afioga Tumua Pasilio</i>		
<i>Support in Person</i>		
<u>Office of the Taupulega, Nukunonu</u> Ari Pasilio, General Manager Pafelio Tumua Selina Falaniko Lui Tumua Ta'ase Sio Sefo Leo Tegei Lui Suliana Pahina Fale Pauga Afono Tionisio	<u>Office of the Taupulega, Atafu</u> Hana Kalolo, Acting Director Poasi Tuilotolava Atene Kelihiano Naniheni Taupau <u>Department of Health</u> Rosa Tulano, Director <u>Department of Education</u> Elaine Lameta, Director <u>Department of EONRE</u> Mika Perez, Director	<u>Office of the Taupulega, Fakaofo</u> Hina Kele, Coordinator Peta Hemo Tealofi Paua <u>Office of the Council</u> Tino Vitale, General Manager National <u>Department of Energy</u> Alfred Kaukinayau, Director
<i>Virtual Support from Tokelau Apia Liaison Office</i>		
<u>Department of Finance</u> Rosita Mauai, Director Alan Shaw <u>Department for Climate Change Resilience</u> Paula Faiva, Director	<u>Department of Transport & Support Services</u> Simona Mei, Director <u>Office of the Council</u> Kele Lui Yahn Pedro Ake Puka-Mauga	<u>Fisheries Management Agency</u> Feleti Tulafono, Director



9 May 2023

Minister of Foreign Affairs

For approval by

16 May 2023

Amendment of Tokelau Fishing Regulations

BRIEFING Decision Submission

PURPOSE This paper seeks your agreement to issue drafting instructions to the Parliamentary Counsel Office to amend the Tokelau (Exclusive Economic Zone) Fishing Regulations 2012 (the 'Regulations'), to give effect to new measures agreed to improve the collective management of tuna purse seine fisheries in the western Pacific.

Tukunga tūtohua – Recommended referrals

Minister for Oceans and Fisheries

For information by

23 May 2023

Associate Minister of Foreign Affairs

For information by

23 May 2023

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Sarah Ireland	Unit Manager	Legal Division	s9(2)(a)
Julia Wiener	Legal Adviser	Legal Division	

Mā te Tari Minita e whakakī – Minister's Office to complete

☒ Approved☐ Noted☐ Referred☐ Needs amendment☐ Declined☐ Withdrawn☐ Overtaken by events☐ See Minister's notes**Comments**

Amendment of Tokelau Fisheries Regulations

Pito matua – Key points

- Tokelau is a non-self-governing territory of New Zealand. Tokelau's offshore fisheries are managed under the Tokelau (Exclusive Economic Zone) Fishing Regulations 2012 (the Regulations), made under sections 8 and 11 of the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977.
- Offshore fisheries revenues are very important for Tokelau, and make up over 70% of its non-aid revenue. To maximise the value of its offshore fisheries Tokelau participates in the Palau Arrangement established by the Parties to the Nauru Agreement (PNA) for the collective management of the Western Pacific tuna fishery. Participation in the Palau Arrangement has increased Tokelau's annual offshore fisheries revenue from about US\$1 million to about US\$12 million (averaged over the last 5 years).
- Tokelau is not a member of the PNA, as it does not have sufficient international personality to enter into treaties. However, under the 2012 Tokelau Participation Arrangement in the Palau Arrangement, Tokelau is entitled to participate in PNA management meetings on the same basis as PNA members and has committed to implementing conservation and management measures agreed by the PNA.
- The Regulations require amendments to implement new measures agreed at a 2020 meeting of PNA Ministers (in which the Tokelau Minister of Fisheries participated). The new measures regulate the use of tracking devices on Fish Aggregating Devices (FAD buoys) used in the tuna fisheries of the Western Pacific.
- Amendments are needed to:
 - prohibit the deployment of, or fishing on, unregistered FAD buoys; and
 - require all FAD buoy operators to ensure their buoys are registered and transmitting specified data regularly to the PNA Office.
- Paragraph 7.95(d) of the Cabinet Manual 2023 provides that where regulations are entirely routine and do not require a new policy decision, the Minister may authorise drafting without reference to Cabinet. This is one such case. We seek your agreement to issue the drafting instructions accordingly.
- Tokelau requested these amendments and has been involved in their development.



Anthony Simpson
for Secretary of Foreign Affairs and Trade

Amendment of Tokelau Fisheries Regulations

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Note that amendments are needed to the Tokelau (Exclusive Economic Zone) Fishing Regulations 2012 (the Regulations) to improve the control of Fish Aggregating Devices; | Yes / No |
| 2 | Note that these amendments seek to implement Tokelau's responsibilities under the Palau Arrangement; | Yes / No |
| 3 | Note that Tokelau requested these amendments and has been consulted on the proposed drafting instructions; | Yes / No |
| 4 | Agree that drafting instructions be issued to the Parliamentary Counsel Office; and | Yes / No |
| 5 | Refer a copy of this submission to the Minister for Oceans and Fisheries and Associate Minister of Foreign Affairs. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Amendment of Tokelau Fisheries Regulations

Pūrongo – Report

1. This paper seeks your agreement to issue drafting instructions to the Parliamentary Counsel Office to amend the Tokelau (Exclusive Economic Zone) Fishing Regulations 2012 (the Regulations). The Regulations are made under sections 8 and 11 of the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977, administered by the Ministry of Foreign Affairs and Trade.
2. Amendments to the Regulations are needed to improve the conservation and management of tuna purse seine fisheries by regulating the use of Fish Aggregating Devices (FADs). Tokelau requested these amendments, and has been involved in their development.

Background

3. Tokelau has no domestic offshore fishing fleet and no port facilities, so all fishing in the Tokelau exclusive economic zone (EEZ) is carried out by foreign fishing boats. Under the Regulations, the Administrator of Tokelau is the Licensing Authority for Tokelau's offshore fisheries and acts in consultation with Tokelau. The Administrator delegates some of these responsibilities to the Director of the Tokelau Fisheries Management Agency.
4. Tokelau participates in the Palau Arrangement for the Management of the Western Pacific Fishery (the Palau Arrangement) established by the Parties to the Nauru Agreement (PNA)¹ for the collective management of the tuna fishery. Since joining the Palau Arrangement in May 2012, Tokelau's annual fisheries revenue has increased from about US\$1million to about US\$12 million (averaged over the last 5 years).
5. Tokelau is not a member of the PNA as it does not have sufficient international personality to enter into treaties. However, under the Tokelau Participation Arrangement, Tokelau is entitled to take part in fisheries management meetings on the same basis as full PNA members and has committed to implement conservation and management measures agreed by the PNA. The amendments seek to ensure Tokelau upholds this commitment.

The FAD Buoy Arrangement

6. In 2020, the PNA agreed to improve the control of fishing on FADs by regulating the use of electronic buoys that enable FAD tracking and monitoring (FAD buoys) (the FAD Buoy Arrangement).² The Tokelau Minister of Fisheries participated in this meeting. Tracking and monitoring of FADs is an important tool for maintaining the healthy status of Pacific tuna stocks and understanding the impacts of FADs on tuna and bycatch species.
7. The FAD Buoy Arrangement prohibits deploying, or fishing on, unregistered FAD buoys and requires all FAD buoy operators to ensure that the buoys are registered and operating to specified reporting standards.³ The new measures must be in place by 1 January 2024.
8. The FAD Buoy Arrangement applies to the fisheries waters of the PNA as well as the high seas of the Western and Central Pacific Fisheries Convention Area east of 130 degrees East and between 20 degrees North and 20 degrees South (the Arrangement Area). Extending

¹ The PNA Parties are Papua New Guinea, Solomon Islands, Kiribati, Nauru, Palau, Marshall Islands, Tuvalu and Federated States of Micronesia (FSM).

² Fourth Implementing Arrangement relating to Fish Aggregating Device (FAD) Tracking and FAD Buoy Registration.

³ The FAD Buoy Register is maintained by the PNA Office.

Amendment of Tokelau Fisheries Regulations

into the high seas areas enables more effective collective management of tuna, which is a highly migratory species.

9. In May 2022, the Tokelau Fisheries Management Agency requested that the Administrator seek amendments to the Regulations to give effect to the FAD Buoy Arrangement, noting that they are required to ensure Tokelau's compliance with, and ongoing participation in, the Palau Arrangement. In October 2022, the Administrator directed the Ministry of Foreign Affairs and Trade to progress the necessary amendments.

10. ^{s9(2)(f)(iv), s9(2)(h)}

This Act empowers New Zealand to make regulations for the conservation and management of fisheries resources within the Tokelau territorial sea and EEZ (Section 11(f)), and for the licensing of fishing in the Tokelau EEZ (section 8(d)). ^{s9(2)(f)(iv), s9(2)(h)}

Regulatory amendments needed

11. Amendments to the Regulations are needed to:

- Prohibit the presence of FAD buoys in Tokelau's exclusive economic zone, unless the buoy is registered with the PNA FAD Buoy Register;
- Prohibit the deployment of FAD buoys by any person unless the buoy is registered;
- Prohibit fishing on FAD buoys by any fishing vessel unless the buoy is registered;
- Restrict licensing of any fishing vessel whose activities are in breach of the FAD Buoy Tracking Arrangement; and
- Require FAD buoy operators to ensure that all FAD buoys are registered prior to deployment and transmitting specified data regularly to the PNA Office.

Drafting Instructions

12. Paragraph 7.95(d) of the Cabinet Manual 2023 provides that where regulations are entirely routine and do not require a new policy decision, the Minister may authorise drafting without reference to Cabinet.
13. The proposed amendments to the Regulations are necessary to implement policy decisions that have been taken regarding the management of Tokelau's fisheries. Tokelau's participation in the Palau Arrangement was authorised in 2012. That authorisation encompasses regulatory amendments required to ensure that Tokelau remains compliant with its commitments under the Palau Arrangement.
14. Accordingly we seek your agreement to issue the drafting instructions. Tokelau will commence negotiations for selling fishing days for 2024 in September 2023 and officials aim to have these regulations in place by then.