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FISHERIES MANAGEMENT ACT 2002

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“fishing gear” means any equipment, implement or other thing including any net, rope, trap, pole, line, float, hook, winch or power block, boat, dinghy, helicopter or aeroplane that may be used for fishing;

“fisheries management agreement” means any agreement or arrangement in force to which the Kingdom is party which has as its purpose cooperation in or coordination of fisheries conservation and management or implementation of a multilateral access agreement, including but not limited to fisheries monitoring, control and surveillance and establishment criteria or requirements for fishing and fisheries access but which does not include an access agreement;

“fishing vessel” means any vessel used for fishing or related activities;

“foreign fishing vessel” means any fishing vessel other than a local fishing vessel;

“good standing” means the original status accorded to a vessel on inclusion in the Regional Register of Foreign Fishing Vessels maintained by the South Pacific Forum Fisheries Agency;

“international conservation and management measures” means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention of the Law of the Sea, and that are recognised by Tonga as notified in the Gazette in accordance with section 44;

“local fishing vessel” means any fishing vessel –

- (a) wholly owned by the Government of Tonga or by any statutory body established under any law of Tonga;
- (b) wholly owned by one or more natural persons who are Tongan subjects; or
- (c) wholly owned by any company, society or other association or persons incorporated or established under the laws of Tonga;

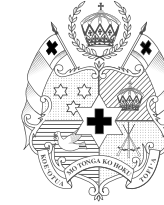
“locally based foreign fishing vessel” means any foreign fishing vessel which –

- (a) is based in and fully controlled or operated from Tonga;
- (b) fishes exclusively in the fisheries waters;
- (c) lands all of its catch or a substantial part of its catch in Tonga;

“master” means the person or persons having control of a fishing vessel and includes a fishing master, fleet commander or pilot having control of such vessel;

Tonga.

No. 26 of 2002.



I assent,

TAUFA'AHAU TUPOU IV,
12th February, 2004.

AN ACT

TO PROVIDE FOR THE CONSERVATION, MANAGEMENT AND SUSTAINABLE UTILISATION AND DEVELOPMENT OF FISHERIES RESOURCES IN THE KINGDOM AND OTHER MATTERS INCIDENTAL THERETO

[22nd of October 2002.]

BE IT ENACTED by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

PART I PRELIMINARY

1. (1) This Act may be cited as the Fisheries Management Act 2002. **Short title and commencement**
- (2) This Act shall come into force on a date to be proclaimed by His Majesty in Council.
2. (1) In this Act, unless the context otherwise requires: **Interpretation and application**
 - “access agreement or arrangement” means an agreement or arrangement referred to in section 36;
 - “Administrator” means a Pacific Island State, a competent regional fisheries agency, or an official of such Pacific Island State or competent regional fisheries agency designated to administer a multilateral access agreement under an agreement entered into under section 39;
 - “agent” means a person appointed or designated by a foreign fishing company or other entity or person to act as its legal representative within the Kingdom, pursuant to section 37(7);

“aquaculture” means the cultivation, propagation or farming of aquatic organisms from eggs, spawn, spat or seed or by rearing aquatic organisms lawfully taken from the wild or lawfully imported into the country, or by other similar process;

“authorised officer” means any fisheries officer, any member of the police force, any member of the Tonga Defence Services, or any person designated by the Minister under section 70;

“automatic location communicator” means a device approved by the Secretary, and placed on a fishing vessel that transmits, whether independently or in conjunction with another device or devices, information concerning position, fishing and such other information relating to the vessel and its activities;

“coastal community” is a community designated by the Minister as a coastal community for the purposes of community based fisheries management under section 14;

“commercial sport fishing vessel licence” means a licence issued under section 30;

“Committee” means the Fisheries Management Advisory Committee established under section 8 of this Act;

“Compliance Agreement” means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organisation of the United Nations on 24 November 1993;

“Court” means the Supreme Court of Tonga;

“document”, in relation to a vessel includes any ship’s charts, logbooks, certificate of registry or registration, licence, permit, official paper, article of agreement and other documents or records, including electronically generated or stored records which are used in the operation of the boat or for the purposes of fishing by the vessel, or which relates to the vessel and to the crew or to any person on board the boat;

“driftnet” means a gillnet or other net or a combination of nets which is more than one kilometre in length, the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface of or in the water, irrespective of whether the net is used or intended to be used while attached to a boat, but does not include a net attached to a point of land or to the seabed;

“driftnet fishing” means any fishing involving the use of driftnets;

“fish” means any aquatic animal, whether piscine or not and includes any cetacean, mollusc, crustacean, coral (living or dead) and other coelenterates, sponge, aquatic plants, holothurian (beche-de-mer) or other echinoderm, and turtle, and their young and eggs;

“fish aggregating device” means a man-made or partly man made floating or semi-submerged device, whether anchored or not, intended for the purpose of aggregating fish, and includes a natural floating object on which a device has been attached to facilitate its location;

“fisheries officer” means the Secretary or any fisheries officer in the employment of the Ministry;

“fish processing establishment” means any land, premises or other place on or in which fish are processed or stored for the purposes of processing for sale outside Tonga or for sale primarily by wholesale in Tonga;

“Fish Stocks Agreement” means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks done at New York on 4 December 1995 (a copy of the English text of which is set out in Schedule 1) and includes amendments to the Fish Stocks Agreement that are, or will become, binding on the Kingdom from time to time;

“fisheries waters” means the territorial waters of the Kingdom, internal waters including lagoons, and such other waters over which the Kingdom of Tonga from time to time claims sovereign rights or jurisdiction with respect to the marine living resources by legislative enactment or by Royal Proclamation;

“fishery” means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation, development and management, taking into account geographical, scientific, technical, recreational, economic and other relevant characteristics;

“fishery plan” means a plan for the management and development of a fishery prepared under section 7;

“fishing” means –

- (a) searching for, catching, taking or harvesting fish;
- (b) attempting to search for, catch, take or harvest fish;
- (c) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting fish;
- (d) placing, searching for or recovering fish aggregating device or associated electronic equipment including radio beacons;
- (e) any operations at sea directly in support of, or in preparation for any activity described in this paragraph; or
- (f) the use of any other vehicle, air or sea borne, including aircraft or helicopter use, in relation to any activity described in this paragraph except for emergencies involving the health or safety of crew members or the safety of the vessel;

- (b) may include restrictions as to vessel type, gear type, seasons of operations, areas in which the fishing can take place and any other restriction relevant to fisheries conservation and management;
- (c) may include such other term or condition as the Minister may prescribe.
- (2) The Minister shall, by Notice in the Gazette, designate a fishery or fisheries which shall be subject to determinations and allocations of participatory rights under subsection (1).
- (3) A fishery that is not subject of a fishery management plan made in accordance with section 7 shall not be designated as a fishery which shall be subject to the determination of participatory rights under subsection (1).
- (4) The Minister may prescribe the procedures necessary for any requirements of any application, consideration of application, grant of allocation and refusal from allocation, cancellation, suspension or withdrawal of participatory rights, and appeal from refusal of allocation, cancellation, suspension or withdrawal of participatory rights shall be made in accordance with prescribed requirements.
- Fishery management and development plans**
7. (1) The Secretary shall progressively prepare and keep under review plans for the conservation, management, sustainable utilisation and development of fisheries in the fisheries waters and ensure the implementation of such fishery plans.
- (2) Each fishery plan shall indicate the present state of exploitation of the fishery, the objectives to be achieved in the management and development of the fishery, the management, licensing, permitting or other authorisation and development of measures to be applied, the statistical and other information to be gathered on the fishery and the amount of fishing, if any, to be allowed to foreign fishing vessels and such other detail as may be prescribed by the Secretary.
- (3) The Secretary shall, in the preparation and review of each fishery plan, consult as appropriate with-
- (a) other government departments and agencies, including any District, Town or local government body or authority concerned or affected by the fishery plan;
- (b) any entity, person or group of persons, coastal community, private organisation or similar body who has an interest in the fishery concerned or is affected by the plan;
- (c) fisheries management authorities of other states in the region, with a view to ensuring the harmonisation of their respective fisheries management and development plans; and
- (d) such other person or groups of person as may be required under this Act or any other law.

“Minister” means the Minister responsible for fisheries;

“multilateral access agreement” means an agreement between a number of Pacific Island States, including Tonga and an association representing foreign fishing vessel owners or charterers or a state other than a Pacific Island State providing for fishing by vessels of that association or State within the fisheries waters or agreement between a number of Pacific Island States including Tonga providing for fishing by vessels of those States in the fisheries waters;

“Multilateral Fisheries Treaty” means the Treaty on Fisheries between the Governments of certain Pacific Island States and the Government of the United States of America done at Port Moresby on 2 April 1987;

“operator” means any person who is in charge of, directs or controls any vessel, including the master, owner and charterer,

“Pacific Island State” means a party to the South Pacific Forum Fisheries Agency Convention 1979;

“Participating state” means a foreign state or an organisation of foreign states that is a party to the Fish Stocks Agreement;

“regional fishing licence” means a licence issued by an administrator under a multilateral access agreement in respect of a foreign fishing vessel which authorises fishing in the exclusive economic zones or such other waters of the Pacific Island States as may be specified under the multilateral access agreement;

“Regional Register” means the Regional Register of Foreign Fishing Vessels maintained by the South Pacific Forum Fisheries Agency or any other register designated by the Secretary;

“Regional Vessel Monitoring System” means the vessel monitoring system accepted for use in the region by the South Pacific Forum Fisheries Agency member countries, or any other substituted vessel monitoring system accepted for use by the Kingdom;

“related activity” means:

- (a) trans-shipping fish to or from any vessel;
- (b) storing, processing or transporting fish taken from the fisheries waters up to the time it is first landed;
- (c) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or
- (d) attempting or preparing to do any of the above;

“Secretary” means the Secretary for Fisheries;

“serious violation” has the meaning given to it by the Fish Stocks Agreement;

“subsistence fishing” means fishing for the primary purpose of providing food for domestic consumption but does not include the sale, exposure for sale or barter of the fish caught unless wholly incidental to the primary purpose of subsistence fishing;

“test fishing operation” means any fishing operation undertaken over a limited period of time with the approval of the Secretary for the purpose of testing the feasibility of commercial fishing operations with a view to the establishment of fishery operations based locally or in the region;

“Tongan ship” means a ship registered or licenced, or lawfully exempted from the requirement to be registered or licenced under Part III of the Shipping Act (Cap. 136) or the regulations made under the Shipping Act (Cap. 136);

“vessel monitoring system” means a reporting system capable of monitoring fishing and related activities of fishing vessels, including, but not limited to, the determination of a vessel’s identity, position, course and speed, and special codes and may include the use of an automatic location communicator.

- (2) This Act has extra-territorial application and any court of Tonga in which an offence under this Act, or any regulation made under it, is tried, shall have jurisdiction for the purpose of this Act.
- (3) This Act does not apply to aquaculture.

PART II

FISHERIES CONSERVATION, MANAGEMENT, SUSTAINABLE UTILISATION AND DEVELOPMENT

Responsibility of the Minister

3. The Minister shall, subject to this Act, be responsible for conservation, management, sustainable utilisation and development of fisheries resources in the Kingdom and the fisheries waters.

Considerations in the exercise of powers

4. In any exercise of powers under this Act, the Minister shall ensure that the following are considered:
 - (a) the need to ensure the long term conservation and sustainable use of fishery resources, and to this end adopt management measures which promote the objective of optimum utilisation and to achieve economic growth, human resource development, employment creation and sound ecological balance;
 - (b) the need to ensure that management measures are based on the best scientific evidence available;
 - (c) the application of the precautionary approach at no less standard than set by criteria in the Fish Stocks Agreement or any other fisheries management agreement;
 - (d) the need to conserve aquatic living resources and protect biodiversity in the marine environment for present and future generations;

- (e) the need to protect the ecosystem as a whole and the general aquatic environment and adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or associated with or dependent upon target stocks;
 - (f) the need to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species and impacts on associated or dependent species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost effective fishing gear and techniques;
 - (g) the need to take measures to prevent or eliminate over-fishing and access fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with sustainable use of fishery resources;
 - (h) the interests of artisanal and subsistence fishers;
 - (i) the need to collect and share in a timely manner and in accordance with fisheries management agreements and international law, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non target species and fishing effort, as well as information from national and international research programmes;
 - (j) the need to promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management;
 - (k) the need to implement and enforce conservation and management measures through effective monitoring, control and surveillance;
 - (l) the need to promote, to the extent practicable, broad and accountable participation in the management and conservation of fisheries resources and understanding for the need for conservation and sustainable development of aquatic living resources;
 - (m) any relevant obligations of Tonga under applicable rules of international law and international agreements.
5. The Minister shall, in consultation with the Fisheries Advisory Committee, determine the total allowable catch or total allowable level of fishing with respect to any stock of fish subject to the provisions of this Act or as provided in a fisheries management agreement. **Determination of total allowable level of fishing**
 6. (1) The Minister may determine and allocate participatory rights in a fishery. Allocations of such participatory rights- **Determination of participatory rights**
 - (a) may favour Tongan subjects, locally based fishing vessels and locally based foreign fishing vessels in that order;

- (4) The Minister may make regulations for the management of any protected species.

PART III
OFFENCES

Fishing with poisons or explosives prohibited.

17. (1) Any person who -
- (a) uses, permits to be used or attempts to use any -
 - (i) chemical, poison or noxious substance or material whether of manufactured or natural origin; or
 - (ii) explosive or explosive substance or device,
 for the purpose of killing, taking stunning, stupefying or disabling fish or in any way rendering fish more easily caught; or
 - (b) carries, permits to be carried, possesses or controls any -
 - (i) chemical, poison or noxious substance or material whether of manufactured or natural origin; or
 - (ii) explosive or explosive substance or device,
 in circumstances which indicates an intention to use it for any of the purposes referred to in paragraph (a),
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or imprisonment not exceeding 2 years.
- (2) Any person who -
- (a) knowingly lands, displays for sale, sells, deals in, transport, receives or has in his possession any fish or fish product taken in contravention of subsection (1)(a); or
 - (b) knowing or having reasonable cause to believe that any fish or fish product has been taken in contravention of subsection (1)(a) fails or refuses to give, on request, to any authorised officer information regarding;
 - (i) any activity described in subsection (1); or
 - (ii) the source of his supply of any fish or fish product referred to in paragraph (a) of this subsection;
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.
- (3) For the purposes of this section, a certificate signed, stamped and sealed by the Secretary or by any person authorised by him in writing as to the cause and manner of death or injury of any fish shall be accepted as prima facie evidence of the facts averred in the certificate in a court without proof of the signature of the person appearing to have signed the certificate or of his official position.

- (4) There may be established under a fishery plan, a management committee that shall be-
- (a) constituted as the Secretary deems appropriate or as specified under the management plan; and
 - (b) primarily responsible for the implementation and review of the fishery plan or otherwise to monitor the performance of the fishery subject of the fishery plan or perform such other duties and responsibilities as are given it under the fishery plan consistent with this Act.
- (5) Each fishery plan and each review thereof shall be submitted to the Minister for approval.
8. (1) The Minister shall establish a Fisheries Management Advisory Committee which shall advise him on such matters relating to the conservation, management, sustainable utilization and development of fisheries in the Kingdom. **Fisheries Management Advisory Committee**
- (2) The Committee shall comprise the following members-
- (a) the Secretary as the Chairman;
 - (b) the Secretary for Lands or his nominee;
 - (c) the Secretary for Labour Commerce and Industries or his nominee;
 - (d) one member representing commercial fisheries interests nominated by the Tongan Fish Exports Association;
 - (e) one member representing women's interests nominated by the Minister;
 - (f) two members representing local fishermen nominated by the Minister;
 - (g) one member representing Coastal communities nominated by the Prime Minister;
 - (h) such other persons not exceeding two whom the Secretary may think fit to appoint.
- (3) The members other than ex officio members shall be appointed for a period of 3 years.
9. (1) Where the Secretary refers a matter relating to an application for a licence, permit or authorisation or renewal thereof to the Committee for review, the Committee shall co-opt any person from the community that has responsibility for the subject of the application. **Co-opting members**
- (2) The Committee may co-opt any person representing commercial fisheries interests, women's interests, local fisherman, coastal communities or other such persons as they think fit by reason of any particular expert knowledge or skill, to be a member to assist it for a specific purpose.

- (3) A person co-opted shall not be entitled to vote on any question before the Committee.
- Conduct of meetings** 10. (1) The Committee may regulate and establish procedures for the conduct of its meeting.
- (2) At any meeting of the Committee a quorum shall consist of the Chairman and 2 members excluding the co-opted members.
- Voting** 11. (1) All acts of the Committee and all questions coming before the Committee may be decided by open voting and by the majority of the members present and voting.
- (2) In the event in which the votes are equal, the Chairman shall also have a casting vote.
- Sub-Committees of the Committee** 12. (1) The Committee may establish sub-committees for members of the Committee.
- (2) A sub-committee established under this section shall be established for a specified term and responsibilities.
- (3) The sub-committee shall make recommendations to the Committee.
- Special Management Areas** 13. (1) The Minister may by Order published in the Gazette, declare any area of the fisheries waters and corresponding subjacent area to be a Special Management Area for purposes of coastal community management, application of certain conservation and management measures, subsistence fishing operations or other specified purpose.
- (2) Any Order made pursuant to subsection (1) shall specify -
- the persons or groups of persons or types or classes of vessels that may be allowed to fish or carry out a related activity;
 - the methods of fishing that may be used;
 - the terms and conditions of fishing or a related activity;
 - any activity that may be prohibited, regulated, exempted from regulation, subject to specified terms and conditions;
 - any other necessary conservation or management measure that apply;
 - any other matter that may be prescribed;
- in the specified Special Management Area.
- (3) Any person who fishes or carries out a related activity in any Special Management Area in contravention of any Order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.
- Designation of coastal communities** 14. (1) The Minister may, in consultation with the Committee, designate any local community in Tonga to be a coastal community for the purposes of community based fisheries management and may -

- allocate any Special Management Areas or parts thereof for which such coastal community shall be responsible under this Act;
 - prescribe the rights and responsibilities of such coastal community in respect of the Special Management Areas or part thereof.
- (2) The Minister shall, in designating a community to be a coastal community pursuant to subsection (1), take into account -
- concerns of communities living adjacent to the Special Management Area;
 - organisation of communities, towns, districts or other institutions;
 - any other matter that the Minister deems appropriate for effective conservation and management of fisheries resources.
- (3) The Secretary shall be responsible under this Act for any Special Management Areas or parts thereof which are not allocated to a coastal community under subsection (1).
- (4) The Secretary shall maintain a record of Special Management Area and any coastal community responsible for such Special Management Area or parts thereof.
- (5) A coastal community shall organise itself and its operations or administration in a manner that is conducive to the effective conservation and management of fisheries resources in the Special Management Area.
- Regulation of fisheries in Special Management Areas**
15. (1) The Minister may, in consultation with the Fisheries Management Advisory Committee and the coastal community responsible for a Special Management Area, make regulations in respect of that Special Management Area, relating to or for the implementation of a fishery plan for the conservation, management, sustainable utilization and development of fisheries resources in such Special Management Area.
- (2) A licence, permit or authorisation issued by the Minister under this Act for fishing or related activity in a Special Management Area or part thereof or any other activity in the Special Management Area or part thereof, shall not be issued under this Act without prior consultation with the coastal community with responsibility for that Special Management Area or part thereof.
- Protection of certain species**
16. (1) The Minister may, by Notice in the Gazette, declare a fish as protected species.
- (2) No person shall catch, land, display for sale, sell, deal in, transport, receive, buy or have in his possession any fish declared a protected species.
- (3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$250,000 and in addition an amount equivalent to the current retail value of the fish or fish product in the market for which it was destined.

Fishing and related activity to be conducted in accordance with this Act.

21. (1) Unless otherwise provided for under this Act, fishing, related activity or other activity requiring authorisation under this Act shall not be conducted by any subject, permanent residents and local fishing vessel in the Kingdom and in or beyond the fisheries waters, or by any other person or fishing vessel in the fisheries waters -
- (a) without a licence, permit or other authorisation required under this Act;
 - (b) contrary to the terms and conditions of a licence, permit or other authorisation issued under this Act;
 - (c) contrary to the requirements of this Act.
- (2) Subject to sections 7 and 15, subsection (1) shall not apply to any person or groups of persons who undertake subsistence fishing or any local fishing vessel or non-motorised canoe used only for subsistence fishing.
- (3) Subject to subsection (2) and unless otherwise provided under this Act, a person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding -
- (a) \$250,000 in the case of a natural person; or
 - (b) \$1,000,000 in the case of a body corporate or other legal entity.

Applications for licences, permits or authorisations

22. Unless otherwise provided, an application for a licence, permit or authorisation under this Act shall be made in the Form prescribed in the Schedule to the Secretary.

Conditions of fishing licences

23. (1) Every fishing licence shall be subject to such conditions as provided under this Act or as may be prescribed.
- (2) The Minister may, by Order published in the Gazette, specify general or special conditions additional to those prescribed to which all fishing licences or any category of fishing licences shall be subject including conditions relating to open and closed seasons, prohibited fishing areas, minimum mesh sizes and minimum species sizes.
- (3) The Secretary, or in the case of a foreign fishing vessel licence, the Minister may, at any time, where he is satisfied that it is expedient for the proper management of fisheries waters, vary or delete any special conditions attached to any fishing licence.
- (4) Where the Minister or the Secretary varies or deletes any special conditions attached to any fishing licence it shall not take effect until the licence holder has been notified in writing.

Monitoring, control and surveillance requirements

24. (1) The operator of each foreign fishing vessel issued a fishing licence under this Act and such other fishing vessels or persons the Secretary may require shall;

- (4) In any proceedings for an offence against this section, the provisions of sections 92 and 94, shall apply to a certificate issued under this subsection save that the words “section 17 (3)” shall be inserted in place of the words “section 92” in section 92 (3) and section 94 (1) and (5).
- (5) Any chemical, poison or noxious substance, explosive, explosive substance or device found on board any fishing vessel shall be presumed, unless the contrary is proved, to intended for the purpose referred to in subsection (1) (a).
- (6) All fish or fish products subject to offences under this section shall be confiscated, and any vessel or vehicle used to transport such fish or fish products may be confiscated and disposed of in such manner as the Secretary shall order.
18. Any person who within any area of the fisheries waters, uses for fishing or has on board any fishing vessel in circumstances which indicate an intention to use for fishing in fisheries waters:
- (a) any net the mesh size of which does not conform to the prescribed minimum mesh size for that type of net in that area;
 - (b) any fishing gear which does not conform to any standards prescribed for that type of fishing gear; or
 - (c) any fishing gear which is prohibited by this Act or any regulations made under this Act,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.
19. (1) The Minister may, the consent of Cabinet, by Notice in the Gazette -
- (a) prohibit fishing or related activity in relation to -
 - (i) any species, subspecies, class or type of fish;
 - (ii) any size, weight or dimension of fish or parts of fish;
 - (iii) age, growth stage or state of fish;
 - (iv) limits set on catches, fishing effort, the number of persons who may engage in the fishing or related activity;
 - (v) any specified area of water or specified place;
 - (vi) any class or type of vessel;
 - (vii) any fishing method;
 - (viii) the use, carrying on board a vessel or possession of a class, type, size or quantity of fishing gear, navigational or safety equipment used in connection with fishing or related activity;

Use and possession of prohibited fishing gear

Fishing and related activities subject to prohibition

- (ix) the failure to use, carry on board a vessel or possess a class, type, size, or quantity of fishing gear, navigational or safety equipment used in connection with fishing or related activity;
 - (x) any class, type, category or manner of conduct of fishing or related activity;
 - (xi) any time, date or season or indefinite or absolute period;
 - (xii) any class or category of persons;
 - (xiii) the fact that a species, subspecies, class or type of fish is protected or endangered;
- (b) prohibit any other activities as he deems necessary.
- (2) A Notice under this section may provide for exemptions.
- (3) No exemption under subsection (2) shall exceed three months.
- (4) A person who -
- (a) on his own account or as the partner, agent or employee of another person, uses; or
 - (b) causes or permits a person acting on his behalf to use, a vessel to do an act prohibited by a notice unless exempted under subsection (2), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$250,000.
- (5) A person, who in an area of the fisheries waters, has any fish in his possession or under his control in a vessel at a time when fishing of such fish in any area is prohibited by a notice under subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000.
- (6) It shall be a defence to a prosecution for an offence under subsection (5) if the person charged satisfies the court -
- (a) that the fish was not taken in the prohibited area of waters referred to in that subsection; or
 - (b) that the taking of the fish was not in contravention of this Act.
- (7) A person who lands, displays for sale, sells, receives, deals in, transports or has in his possession any fish taken in contravention of subsection (1) knowingly or has reasonable cause to believe were so taken shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.
- (8) Where a person is charged under this section for an act or omission done as an employee or other agent, his employer or principal may also be prosecuted for that offence.

PART IV

GENERAL REQUIREMENTS FOR FISHING
AND RELATED ACTIVITIES

20. (1) The Secretary shall maintain or cause to be maintained a Fishing Vessels Register. Registration of fishing vessels
- (2) Subject to subsection (3) no fishing vessel shall be operated in the fisheries waters and no Tongan ship shall be used in or outside the fisheries waters for fishing unless such vessel or ship has been registered on the Fishing Vessels Register.
- (3) The Minister may, by Notice in the Gazette, exempt any local fishing vessel used only for sport fishing other than for reward or profit, or any local fishing vessel or non-motorised canoe used only for subsistence fishing, or a foreign fishing vessel registered on the Regional Register or any other regional register of fishing vessels maintained under a regional fisheries management agreement or arrangement, from the requirements of subsection (2).
- (4) An application to the Secretary for registration of a fishing vessel in the Fishing Vessel Register shall be made in the prescribed form.
- (5) On receipt of an application to register on the Fishing Vessel Register, the Secretary shall cause the vessel to be inspected.
- (6) The Secretary may, where he is satisfied that a fishing vessel inspected under this section is fit for fishing and meets any prescribed safety and hygiene standards, on payment of the prescribed fee, issue a certificate of registration in respect of that vessel.
- (7) Any change of ownership of or addition or modification to, any vessel registered in the Fishing Vessel Register shall be notified to the Secretary by the new owner or by the owner as the case may be within 30 days of the change of ownership or addition or modification and the Secretary may withdraw the certificate of registration if such addition or modification results in the vessel failing to comply with any of the requirements set out in subsection (6).
- (8) In any court proceedings brought under this Act, the entry in respect of a vessel in the Fishing Vessel Register, the High Seas Fishing Permit Register or any other register maintained by the Secretary under this section shall be prima facie evidence of the ownership of the vessel.
- (9) Where a fishing vessel is operated in contravention of sub-section (2), the master, owner and charterer of the vessel shall each be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$250,000.
- (10) The requirements under this section are in addition to and not in derogation of any requirement for registration under any other law relating to registration of ships.

- (4) A locally based foreign fishing vessel licence shall be valid only for such areas, fisheries or methods of fishing, and type and quantity of fishing gear as shall be endorsed on the licence.
- (5) Where a vessel licensed as a locally based foreign fishing vessel becomes a foreign fishing vessel, the locally based foreign fishing vessel licence shall be automatically terminated.
- (6) Where a locally based foreign fishing vessel is used in contravention of sub-section (1) the master, owner and charterer of the vessel shall be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$500,000.
- (7) Where a locally based foreign fishing vessel is used in contravention of any condition of licence issued under this section the master, owner and charterer of that vessel shall be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$250,000.
- (8) The Minister may, by regulation, prescribe different classes of locally based foreign fishing vessel, and the areas or distances from the shore within which each class of locally based foreign fishing vessel shall fish or operate.

**Fishery
Scientific
Research and
test fishing
operations or
surveys**

32. (1) The Minister may, on the submission of an application accompanied by a satisfactory research or test fishing operations or survey plan as the case may be, and subject to such other requirements as may be prescribed, authorise any vessel or person to undertake;
 - (a) fishery scientific research; or
 - (b) test fishing operations or surveys, in the fisheries waters.
- (2) The Minister may impose such conditions as he deems fit to any authorisation granted under subsection (1).
- (3) Any person who undertakes or assists in any fishery scientific research or test fishing operations or surveys in the fisheries waters:
 - (a) without authorisation under subsection (1); or
 - (b) in contravention of any requirements or any conditions or conditions attached to the authorisation under subsection (2), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.
- (4) Any authorisation granted under this section shall be in writing and shall state all the terms and conditions of the authorisation.

PART VI

FISH PROCESSING AND EXPORTS

**Fish
processing
establishments**

33. (1) The Secretary may grant to any person a licence to operate a fish processing establishment on payment of such fees and subject to such conditions as may be prescribed.

- (a) comply with monitoring, control and surveillance requirements for the operation of a vessel monitoring system in respect of the vessel and ensure that any information or data which may be required to be transmitted by an automatic location communicator is transmitted continuously, accurately and effectively to the designated receiver;
 - (b) provide such information relating to fishing or related activity, and to comply with the form, manner of reporting, time or frequency of reporting or other related requirement, pursuant to any fisheries management agreement or arrangement and to cooperate in the conservation, management and sustainable utilisation and development of fisheries resources;
 - (c) comply with such other requirements as may be prescribed;
 - (d) certify that information provided pursuant to subparagraphs (a), (b) and (c) is true, complete and accurate;
- (2) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.

25. There shall be payable in respect of every licence, permit or authorisation that may be issued under this Act such fees as may be prescribed in regulations and in the case of foreign fishing vessels such other charges as may be provided in any access agreement entered into under section 36 or as the Minister may otherwise determine in relation to an access agreement or arrangement.

**Fees and
other charges**

26. (1) Unless otherwise provided under this Act, any licence, permit or authorisation issued under this Act shall, unless earlier cancelled or suspended in accordance with section 27, be valid for the period stated on the licence, permit or authorisation.
- (2) Except as may be prescribed in connection with any scheme for limiting fishing effort in any fishery or for the purposes of participatory rights, no licence issued in respect of any fishing vessel under this Act shall be transferable to any other vessel except with the written permission of the Secretary or, in the case of a foreign fishing licence the Minister.

**Validity of
fishing
licences,
permits or
authorisations**

27. (1) A fishing licence, permit or authorisation may be cancelled or suspended where the Secretary, or in the case of a foreign fishing vessel licence issued by the Minister, the Minister is satisfied that:
 - (a) it is necessary to do so in order to give effect to any licensing programme, or participatory right scheme or other effort control programme specified in the fishery plan; or
 - (b) the vessel in respect of which the licence, permit or authorisation has been issued has been used in contravention of this Act of any regulations made thereunder, or of any condition of the licence, permit or authorisation or in breach of any applicable access agreement or arrangement, except where the licence, permit or authorisation is issued by an administrator under a multilateral access agreement.

**Cancellation or
suspension of
fishing
licences**

- (2) A foreign fishing vessel licence may be cancelled or suspended if it is in breach of the terms of any applicable multilateral agreement or arrangement entered into under sections 36 and 37.
- (3) Where a fishing licence, permit or authorisation has been cancelled or suspended under subsection (1), it shall not take effect until the licensee, permit holder or person holding an authorisation has been notified.
- (4) Where fishing licence, permit or authorisation has been suspended or cancelled on the grounds specified in subsection (1) (a), a proportion of any fees paid for the fishing licence, permit or authorisation representing any unexpired period of that licence or period of suspension, shall be reimbursed to the licensee, permit holder or person holding an authorisation.
- (5) Any notification given under subsection (3) shall be in writing, except that in the case of a foreign fishing vessel, it may be in writing, radio or such other form as the Minister directs.

Appeals on
cancellation or
suspension

28. (1) Any person aggrieved by -
- (a) the refusal of the Secretary to issue or renew a licence in respect of a local fishing vessel; or
 - (b) the cancellation or suspension of a licence issued in respect of a local fishing vessel,
- may within 30 days of the receipt of notification appeal to the Minister.
- (2) Any person aggrieved by the refusal of the Minister of a foreign fishing vessel may within 30 days of the receipt of notification appeal to Cabinet.

PART V

FISHING LICENCES, RESEARCH AND TEST FISHING OPERATIONS

Local fishing
vessel licences

29. (1) No local fishing vessel shall be used for fishing or related activity in the fisheries waters without a local fishing vessel licence unless used solely for subsistence fishing.
- (2) A local fishing vessel licence shall be valid only for such areas, fisheries or methods of fishing and type and quantity of fishing gear as shall be endorsed on the licence.
 - (3) A local fishing vessel licence, unless earlier cancelled or suspended in accordance with section 27, shall be valid for the period stated thereon.
 - (4) Where a vessel licensed as a local fishing vessel becomes a foreign fishing vessel, the local fishing vessel licence shall be automatically terminated.

- (5) Where a local fishing vessel is used in contravention of subsection (1) the master, owner and charterer of that vessel shall be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$250,000.
- (6) Where a local fishing vessel is used in contravention of any condition of licence issued under this section the master, owner and charterer of that vessel each shall be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$100,000.
- (7) The Minister may, by regulation, prescribe different classes of local fishing vessel, and the areas or distances from the shore within which each class of local fishing vessel shall fish or operate.

30. (1) No fishing vessel shall be used for reward or hire for sport fishing in the fisheries waters without a commercial sport fishing vessel licence issued by the Secretary. **Commercial sport fishing licences**
- (2) The Secretary may issue a commercial sport fishing vessel licence to any vessel described in sub-section (1).
 - (3) A commercial sport fishing vessel licence shall be valid only for such areas, methods of sport fishing, and type and quantity of sport fishing gear as shall be endorsed on the licence.
 - (4) A commercial sport fishing vessel licence, unless earlier cancelled or suspended in accordance with section 27, shall be valid for the period stated thereon.
 - (5) Where a fishing vessel is used in contravention of sub-section (1) the master, owner and charterer of that vessel shall be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$100,000.
 - (6) Where a fishing vessel is used in contravention of any condition of licence issued under this section the master, owner and charterer of that vessel shall be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$50,000.
 - (7) The Minister may, by regulation, prescribe different classes of commercial sport fishing vessels, and the areas or distances from the shore within which each class of commercial sport fishing vessel shall fish or operate.
31. (1) No locally based foreign fishing vessel shall be used for fishing or related activities in the fisheries waters without a locally based foreign fishing vessel licence issued by the Secretary. **Locally based foreign fishing vessel licence**
- (2) An application for a locally based foreign fishing vessel licence shall be made only in respect of a foreign fishing vessel which has been registered on the Fishing Vessel Register.
 - (3) The Secretary may issue a licence to any locally based foreign fishing vessel.

- (9) Fishing under any access agreement or arrangement may be suspended by the Minister if he determines that continued fishing at current levels would seriously threaten the fish stocks, or on any other ground for suspension as may be included in the access agreement or arrangement, the Minister may direct the reimbursement of such portion of the fees as he deems appropriate.
- (10) Any access agreement or arrangement may be terminated by the Minister according to its terms or upon substantial non-compliance by the other party with any requirement of the access agreement or arrangement or this Act.
- Foreign fishing vessel licence** 38. (1) No foreign fishing vessel shall be used for fishing or related activities in the fisheries waters except:
- under a commercial sport fishing vessel licence issued under section 30;
 - under an authorisation to carry out fishery scientific research or test fishing operations or surveys; or
 - under a current foreign fishing licence issued under a bilateral or multilateral access agreement or arrangement described under sections 36 and 37 and in accordance with its provisions and any related agreement or arrangement described in section 39.
- (2) An application for a foreign fishing vessel licence shall be made, in the prescribed form, to the Minister or, in the case of a multilateral agreement or arrangement, such authority as may be designated.
- (3) Subject to subsection (4), the Minister may, pursuant to a bilateral or multilateral agreement or arrangement, issue a foreign fishing vessel licence in respect of any foreign fishing vessel authorising that vessel to be used in such areas of the fisheries waters for such fishing or related activities as may be specified in the licence.
- (4) Subject to subsection (5), no foreign fishing vessel licence shall be issued in respect of any foreign fishing vessel unless there is in force with the Government of the flag state of the vessel or with an association representing foreign fishing vessel owners or charterers of which the owner or charterer of the vessel is a member, an access agreement or arrangement entered into under sections 36 and 37, to which the Kingdom is a party.
- (5) Subsection (4) shall not apply to a licence issued in respect of fishery scientific research or test fishing operations or survey.
- (6) Where a foreign fishing vessel is used in contravention of this section, the master, owner and charterer shall be guilty of an offence and shall each be liable upon conviction to a fine not exceeding \$500,000.
- Fisheries management agreements and arrangements** 39. (1) The Kingdom may enter into agreements or arrangements providing for -

- (2) An application for a fish processing establishment licence or renewal thereof shall be made in the prescribed form to the Secretary.
- (3) The Secretary may request the applicant to provide additional information or undertake such specified action as he deems necessary before granting and renewing a fish processing establishment licence.
- (4) Any person who-
- operates or allows to be operated any fish processing establishment without a licence granted under this section;
 - under a licence issued under this section, operates or allows to be operated any fish processing establishment contrary to the conditions of such licence;
 - operates or allows to be operated any fish processing establishment contrary to the safety and quality standards for fish or fish product establishment under this Act;
 - exports, allows the export, attempts to export, assists in the export or attempt at export, of any fish or fish product without a licence to operate a fish processing establishment; or
 - being the holder of a licence to operate a fish processing establishment, processes, exports, allows the export, attempts to export, assists in the export or attempt at export of any fish or fish products from an unregistered fish processing establishment, or any other place or premises;
- shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding \$500,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment and shall be liable to a fine not exceeding \$5,000 for every day the offence for which he is convicted continues.
- Registration of Fish processing establishment** 34. (1) The Secretary shall register the fish processing establishment in respect of which a licence to operate a fish processing establishment is issued.
- (2) The Secretary shall charge a fee and shall specify other conditions for the registration of a fish processing establishment in respect of which a licence to operate a fish processing establishment is issued.
- (3) Any person who contravenes a condition of registration specified under subsection (2) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding \$100,000.
- Export of fish** 35. (1) No person shall export any fish or fish product without a fish export licence issued in accordance with this Act.
- (2) An application for a fish export licence or renewal thereof shall be made in the prescribed form to the Secretary.

- (3) The Secretary may request the applicant for a fish export licence or renewal thereof to provide additional information or undertake such specified action as he deems necessary before granting or renewing a fish export licence.
- (4) The Secretary may issue or renew a fish export licence on the payment of such fees and subject to such conditions of licence as may be prescribed or specified on the licence.
- (5) Any person who:
- exports, allows the export, attempts to export, assists in the export or attempt at export, of any fish or fish product without a fish export licence; or
 - being the holder of a fish export licence, exports, allows the export, attempts to export, assists in the export or attempt at export of any fish or fish product contrary to any condition of the fish export licence,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.
- (6) The Minister may make regulations prohibiting, restricting or controlling the export from Tonga of any species, type or size of fish or fish product where in his opinion, such action is required-
- to ensure the quality and safety of fish and fish products that are exported by-
 - setting seafood safety standards;
 - licensing of export or exporters of fish or fish products;
 - to protect the supply of fish to the domestic markets of Tonga; or
 - for the proper management of a fishery.

PART VII

FOREIGN FISHING IN FISHERIES WATERS

Access
agreements or
arrangements

36. (1) The Kingdom may enter into bilateral or multilateral agreements or arrangements with other States or with associations representing foreign fishing vessel owners or charterers, providing for the allocation of fishing rights in fisheries waters to vessels from those States or associations, and such agreements or arrangements shall be known as access agreements or arrangements.
- (2) The fishing rights allocated under agreements or arrangements in this section shall not exceed the total resources or the amount of fishing allowed to the appropriate category of foreign fishing vessels under the fishery plans.

- (3) For the purposes of this section and section 37 the term “State” all include any regional organisation to which the power to negotiate access agreements has been delegated by the member countries of that regional organisation.
37. (1) Any access agreement or arrangement referred to in this section shall include a provision, in relation to a State, that such State shall assume flag state responsibility, and otherwise establish the responsibility of the foreign party or parties to ensure compliance by its vessels with the terms and conditions of the agreement, international conservation and management measures, international law and with the laws relating to fishing in the fisheries waters.
- (2) The term of an access agreement or arrangement for foreign fishing vessels shall not exceed one year.
- (3) The licence fees and other fees payable under an access agreement or arrangement concluded under sections 36 and 37 shall be related exclusively to fisheries access in accordance with this Act, and shall not take into account any developmental assistance benefits provided by the other party to the Kingdom which are unrelated to the value of the fisheries access as determined by the Kingdom.
- (4) Where the party to an agreement or arrangement concluded under this section is an association or other entity or person representing or otherwise acting on behalf of its members or other person, such association, entity or person shall be liable for the fees and any undischarged liabilities of its members or other persons arising out of operations in the fisheries waters under the access agreement or arrangement.
- (5) There shall be in respect of each vessel licensed to fish under a bilateral access agreement or arrangement, an agent appointed by the vessel owner or operator and maintained within the Kingdom with authority to receive and respond to process and official communications under this Act on behalf of the owner or operator of the vessel, and such agent shall be a resident in the Kingdom.
- (6) The owner or operator of the vessel shall notify the Secretary in writing at the time of application for a fishing vessel licence of the appointment of an agent made under subsection (5), together with his name and address, and thereafter of any subsequent change of agent or address.
- (7) Service upon an agent appointed under this section shall be deemed to be service upon the owner or operator as the case may be.
- (8) An agent appointed under this section shall not, by virtue only of being appointed an agent, incur any further liability in relation to the vessel or its owner or operator other than that expressly provided for by this section or by agreement between the owner or operator and the agent.

Terms and
conditions of
access
agreements

- (a) Tonga is not a participant in, or a member of, or has not accepted the obligations of a global, regional, or subregional fisheries management organisation or arrangement that covers the area of the high seas in which the applicant proposes to undertake fishing or related activity;
 - (b) the applicant has not engaged in fishing or related activity-
 - (i) in a manner that undermined the effectiveness of conservation and management measures; and
 - (ii) that has resulted in a high seas permit, or an equivalent authorisation granted by a participating State or a party to the Compliance Agreement, being suspended or revoked during the 3 years immediately preceding the application (the 3 year period); and
 - (c) The applicant has not engaged in fishing or related activity on the high seas during the 3 year period-
 - (i) without a high seas fishing permit (or equivalent authorisation granted by a participating state) if a high seas fishing permit was required for that fishing or related activity; and
 - (ii) in a manner that undermined the effectiveness of international conservation and management measures.
- (2) An exemption granted by the Secretary shall be limited to one or more of the following, as specified in the exemption:
- (a) an area or areas of high seas;
 - (b) a species of fish;
 - (c) a period of time.
- (3) The Secretary may, by notice in writing to the holder of an exemption granted under subsection (1), amend or revoke the exemption.

Application of high seas fishing permit

48. An application for a high seas fishing permit in respect of a fishing vessel may be made only by the master, owner or charterer of a fishing vessel that is registered in the Fishing Vessel Register in a form approved by the Secretary.

Refusal or issuance of high seas fishing permit

- 49.** (1) The Secretary shall not issue a high seas fishing permit in respect of a vessel unless he is satisfied that Tonga is able to ensure the effective implementation of the Compliance Agreement, the Fish Stocks Agreement and international conservation and management measures with respect to that vessel.
- (2) The Minister shall prescribe the level of fees payable for a high seas fishing permit.
- (3) No high seas fishing permit shall be issued in respect of any fishing vessel which is entitled to fly the flag, or flies the flag, of another State.

- (a) the administration of any multilateral access agreement or arrangement, including the authorisation of the Administrator or such other person, body or organisation to perform functions required by a multilateral access agreement or arrangement, including but not limited to the allocation, issuance and denial of fishing licences valid in the region or part thereof, including the fisheries waters;
 - (b) the harmonisation of terms and conditions of access and licensing procedures in respect of foreign fishing vessels;
 - (c) the taking of joint reciprocal or harmonised surveillance and enforcement measures in respect of foreign fishing vessels;
 - (d) fisheries conservation and management and any other matter relating thereto.
- (2) For the purpose of giving effect to any fisheries management agreement or arrangement entered into under this section and to any multilateral access agreement entered into under sections 36 and 37, the Minister may, with the consent of Cabinet, by Order published in the Gazette:
- (a) exempt any foreign fishing vessel holding a valid foreign fishing licence issued under a multilateral agreement or arrangement from the requirements of such provisions of this Act and any regulations made under this Act as may be inconsistent with the requirements also imposed by such agreement or arrangement except that such vessels shall not be exempt from the application of section 37(3), (4), (5), (6) and (7);
 - (b) prescribe the conditions to be observed in the fisheries waters by operators of foreign fishing vessels holding valid fishing licences issued pursuant to a multilateral agreement or arrangement, provided such conditions are consistent with such agreement or arrangement.
- (3) Conservation and management measures or requirements adopted under an agreement or arrangement entered into under this section in respect of subsection (1)(d) shall apply in the fisheries waters or part thereof as if they were made in accordance with this Act.
- 40.** (1) Any person who contravenes any conservation and management measure or requirement that applies in the fisheries waters under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.
- (2) Any person who contravenes any conditions prescribed under section 39(2)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.
- (3) Where any fishing vessel is used in contravention of any conservation and management measure or requirement that applies in the fisheries waters under section 39(3), the master, owner and charterer shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000,000.

Offences regarding Fisheries Management agreements and arrangements

- (4) Where any foreign fishing vessel is used in contravention of any of the conditions prescribed under section 39(2)(b), the master, owner, and charterer shall each be guilty of an offence and shall each be liable to a fine not exceeding \$1,000,000.

Foreign Fishing licences issued by administrator

41. Where the terms of an access agreement or arrangement authorise an administrator to issue a licence for fishing in accordance with its terms in the fisheries waters, or a part of the fisheries waters, and a valid and applicable licence has been duly issued by such administrator, the vessel is deemed to be licensed under this Act and according to the terms of the access agreement or arrangement and the licence.

Validity of foreign fishing licence

42. The validity of a foreign fishing vessel licence shall not extend beyond the term of validity of the applicable access agreement.

Stowage of fishing Gear

43. (1) All fishing gear on board a foreign fishing vessel in the fisheries waters shall be stowed in such a manner that it is not readily available for use for fishing except where the foreign fishing vessel is in an area of the fisheries waters in which it is authorised to fish under section 38 or under a fishing licence issued under sections 30 or 32.

- (2) Where any foreign fishing vessel is used in contravention of subsection (1), the master, owner and charterer of that vessel shall be guilty of an offence and each shall be liable on conviction to a fine not exceeding \$500,000 and all fishing gear of the vessel may be forfeited.

PART VIII

HIGH SEAS FISHING

Notification and certification by the Secretary

44. (1) The Secretary may give notice in the Gazette of the following-
- a global, regional, or subregional fisheries management organisation or arrangement; or
 - international conservation and management measures; recognised by the Kingdom for the purposes of this Part.
- (2) A notice given under subsection (1) shall specify where the copy of the constitution of the organisation or a copy of the arrangement or international conservation and management measure, as the case may be, may be obtained.
- (3) The Secretary may issue a certificate stating that a State is-
- a party to the Fish Stocks Agreement;
 - a party to the Compliance Agreement;
 - a participant in, is a member of, or has accepted the obligations of, a global, regional, or subregional fisheries management organisation or arrangement; or
 - a signatory to the Fish Stocks Agreement or to the Compliance Agreement;

and has legislative and administrative mechanisms to control its vessels on the high seas in accordance with those agreements.

- (4) A certificate referred to in subsection (3) is for all purposes, conclusive evidence of its contents.

45. (1) No person may use a local fishing vessel or a Tongan ship for fishing or any related activity on the high seas unless-

Use of Tongan ships for fishing on the high seas

- that person does so under the authority of, and in accordance with, a current high seas fishing permit issued in respect of that vessel in accordance with this Act;
- the ship or local fishing vessel is registered under the Shipping Act and the Fishing Vessel Register as a fishing vessel; and
- the holder of the high seas fishing permit is named in the Fishing Vessel Register as the master, owner or charterer of that vessel.

- (2) Subsection (1) does not apply to the transport of fish that has previously been landed in Tonga or any other country.

- (3) Where a Tongan ship or a local fishing vessel is used in contravention of sub-section (1) the master, owner and charterer of the vessel shall be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$200,000.

46. (1) No Tongan subject may use a foreign fishing vessel, locally based foreign fishing vessel, or a vessel that is not registered under the Shipping Act for fishing or any related activity on the high seas except in accordance with an authorisation issued by a State specified in subsection (2).

Tongan subjects fishing on the high seas

- (2) An authorisation referred to in subsection (1) may be issued by a State that-

- is a party to the Fish Stocks Agreement;
- is a party to the Compliance Agreement;
- is a party to or has accepted the obligations of a global, regional, or subregional fisheries management organisation or arrangement to which the authorisation relates; or
- is a signatory to the Fish Stocks Agreement,

and has legislative and administrative mechanisms to control its vessels on the high seas in accordance with that agreement.

- (3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000.

47. (1) The Secretary may on receipt of an application in the approved form accompanied by the prescribed fee (if any) exempt a Tongan subject from section 46 if he is satisfied that-

Exemption from section 46

Boarding and Inspection Procedures in relation to foreign vessels

- 59.** (1) A high seas fisheries inspector who boards a vessel under section 58 (1) shall -
- (a) give the master of the vessel evidence of his identity and that he is a high seas fisheries inspector;
 - (b) provide to the master of the vessel the inspector's copy of a report on the boarding and inspection, including any objection or statement that the master wishes to have included; and
 - (c) promptly leave the vessel after completing the inspection unless he finds evidence that the vessel has committed a serious violation.
- (2) The Secretary shall provide a copy of the report referred to in subsection (1)(b) to the authorities of the Flag State of the vessel.
- (3) As soon as practicable after boarding and inspection under section 58 (1), the Secretary shall give notice of the boarding and inspection to the authorities of the Flag State of the vessel.
- (4) A high seas fisheries inspector shall not interfere with any attempt by the master of the vessel to communicate with the authorities of the Flag State of the vessel.
- (5) When undertaking a boarding and inspection under section 58 (1), a high seas fisheries inspector shall be authorised, in order to verify compliance by the vessel with the relevant international conservation and management measures, to inspect -
- (a) the vessel;
 - (b) the vessel's authorisation to fish, or transport fish, in the relevant area of the high seas;
 - (c) the vessel's fishing gear and equipment;
 - (d) facilities;
 - (e) fish and fish products; and
 - (f) records and other relevant documents.

Investigation of serious violations

- 60.** (1) If a high seas fisheries inspector believes that the vessel he has boarded has been used to commit a serious violation -
- (a) he shall notify the Secretary as soon as practicable; and
 - (b) the Secretary shall advise the authorities of the Flag State of the vessel as soon as practicable.
- (2) A high seas fisheries inspector may remain on board the vessel and require the master to assist in further investigations until the Flag State -
- (a) responds to a notification under subsection (1); or
 - (b) takes action under its own law in respect of the serious violation.
- (3) The high seas fisheries inspector may require the master to bring the vessel without delay to a port specified by the high seas fishery inspector if the Flag State fails, within 3 working days after receipt of the notification under subsection (2) -

- 50.** (1) When issuing a high seas fishing permit under this Act the Secretary shall impose the following conditions:
- (a) the vessel to which the high seas fishing permit relates shall be marked in accordance with Regulations issued under this Act;
 - (b) the vessel shall not engage in any activities which undermine the effectiveness of international conservation and management measures recognised by Tonga; and
 - (c) the high seas fishing permit holder shall report such information as the Secretary requires, including the area of fishing operations, vessel position and catch statistics.
- (2) When issuing a high seas fishing permit under this Act the Secretary shall impose such other conditions as he thinks fit or as may be prescribed.
- (3) The Secretary may vary any conditions attached to a high seas fishing permit where he is satisfied that this is necessary to ensure the effective implementation of the Compliance Agreement or the Fish Stocks Agreement.
- (4) Where the Secretary varies any conditions attached to a high seas fishing permit the Secretary shall notify the permit holder of such variation as soon as practicable and such variation shall not take effect until the master, owner or character has been notified.
- (5) Where a Tongan fishing vessel is used in contravention of any condition or restriction contained in the high seas fishing permit the master, owner, charterer or operator of the vessel shall be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$250,000.
- 51.** (1) A high seas fishing permit issued under this Act shall, unless suspended or cancelled or unless otherwise specified in such permit, be valid for a period of not more than one year from the date of issuance of such permit.
- (2) A high seas fishing permit shall be void if the vessel in respect of which it was granted is no longer entitled to fly the Tongan flag.
- 52.** (1) Any person who is fishing under the authority of a high seas fishing permit shall -
- (a) carry the permit or a certified copy on board the vessel to which it relates at all times;
 - (b) show the permit or a certified copy of the permit to an authorised officer or high seas fishery inspector on demand.
- (2) For the purposes of this section, "certified copy" means a copy of the original high seas fishing permit endorsed by the Secretary.

Terms and conditions of high seas fishing permit

Validity of high seas fishing permit

Permit to be carried on vessel

- (3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.
- Notification of change of ownership of vessel** 53. (1) The holder of a high seas permit must notify the Secretary within 5 working days of any change of master, owner or charterer of the fishing vessel to which the permit relates.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.
- Cancellation and suspension of high seas fishing permit** 54. (1) The Secretary may cancel or suspend a high seas fishing permit where he is satisfied that:
- (a) the vessel in respect of which the permit was granted has been used in contravention of this Act or any regulations made pursuant to this Act or in breach of any conditions or restrictions in the permit; or
- (b) the vessel in respect of which the permit was granted has engaged in activities undermining the effectiveness of international conservation and management measures; or
- (c) it is necessary to ensure the effectiveness implementation of the Compliance Agreement, the Fish Stocks Agreement or international conservation and management measures.
- (2) When cancelling or suspending a high seas fishing permit, the Secretary may also direct that the vessel in respect of which the permit was granted shall return immediately to port.
- (3) If a high seas fishing permit is cancelled or suspended the Secretary may, taking into account the circumstances of the case, refund the whole or part of any fee charged for the permit.
- High Seas fishing permit record** 55. (1) The Secretary shall maintain a record of Tongan fishing vessels in respect of which high seas fishing permits have been issued including all information relating to the vessel as may be required under this Act.
- (2) The Secretary shall provide to the Forum Fisheries Agency such information as may be prescribed and any amendments to the record of fishing vessels.
- (3) The Secretary may make available on request the information maintained under sub-section (1) to any directly interested foreign State which is a party to the Compliance Agreement or the Fish Stocks Agreement and to any subregional fisheries management organisation or arrangement.
- High seas fisheries inspector** 56. (1) The Minister may, by Notice in the Gazette, designate any authorised officer to be a high seas fisheries inspector for the purposes of this Act.

- (2) The Minister may, by Notice in the Gazette, designate any person or class of persons who is a member of the enforcement authority of a foreign State or of any regional or subregional fisheries management organisation arrangement, to be a high seas fisheries inspector for the purposes of this Act.
- (3) A high seas fisheries inspector may, during the exercise of powers under this section, direct a person under his command to carry out such duties of an authorised officer as he specifies, for such period as he thinks necessary.
- (4) A person who receives a direction under subsection (3) shall have, for the purpose of carrying out the specified duties, all powers and protection accorded to a high seas fisheries inspector under this Part.
57. For the purposes of administration and enforcement of this Part, a high seas fisheries inspector shall have all powers of an authorised officer in relation to a vessel on the high seas that is registered under the Shipping Act, flies the Tongan Flag or is a local fishing vessel. **Powers of high seas fishery inspector in relation to Tongan ships**
58. (1) A high seas fisheries inspector may, for the purposes of ensuring compliance with international conservation and management measures adopted by a global, regional or subregional fisheries management organisation or arrangement of which Tonga is a member or in which Tonga is a participant, board and inspect a vessel in an area of the high seas that is covered by that fisheries management organisation or arrangement, or in the fisheries water, if - **Powers of high seas fisheries inspectors in relation to foreign vessels**
- (a) the vessel is not registered under the Shipping Act;
- (b) the Flag State of the vessel is -
- (i) a party to the Fish Stocks Agreement whether or not the Flag State is a member of, or a participant in, that fisheries management organisation or arrangement; or
- (ii) a member of, or a participant in, a global, regional, or subregional fisheries management organisation or arrangement that has established boarding and inspection procedures as provided in Article 21.2 of the Fish Stocks Agreement.
- (2) If the Flag State in relation to a vessel to which sub-section (1) applies authorises the Secretary in accordance with Article 21.6 (b) of the Fish Stocks Agreement to investigate whether the vessel has engaged in an activity contrary to the conservation and management measures described in subsection (1), a high seas fisheries inspector shall have, in relation to the vessel -
- (a) all the powers of an authorised officer, or
- (b) if the Flag State specifies the powers of an authorised officer, the powers so specified.

- (8) The Secretary may, by notice to the master of the ship, suspend the high seas fishing permit under which the ship is taking or transporting fish if he receives a report from a foreign high seas fisheries inspector that any person on that ship is failing to comply with section 62.

PART IX

GENERAL PROVISIONS

- Illegal importation of fish** 65. (1) Subject to subsection (3), any person who -
- on his own account, or as partner, agent or employee of another person, lands, imports or otherwise brings into Tonga; or
 - causes or permits a person acting on his behalf, or uses a vessel, to land, import or otherwise bring into Tonga,
- any fish taken, possessed, transported or sold contrary to the law of another State shall be guilty of an offence and shall be liable to a fine not exceeding \$1,000,000 or imprisonment not exceeding 4 years or to both.
- This section shall not apply to fish taken on the high seas contrary to the laws of another State where Tonga does not recognize the jurisdiction of that State over the high seas.
 - Where there is an agreement with another State relating to offences under subsection (1), the penalty, or any portion of it according to the terms of the agreement, shall, after all costs and expenses have been deducted, be remitted to that State.
- Foreign fishing to be authorised** 66. (1) No Tongan subject or person using a ship that is registered under the Shipping Act or flies the Tongan Flag or that is entitled to fly the Tongan flag, may fish or undertake a related activity in the national fisheries jurisdiction of a foreign country unless the fishing or related activity is done in accordance with the laws of that country.
- Any person who contravenes subsection (1) shall be guilty of an offence and is liable on conviction to a fine not exceeding \$500,000.
- Driftnet fishing** 67. (1) Any person who within the fisheries waters engages or attempts to engage in any driftnet fishing activities shall be guilty of an offence and liable on conviction to a fine not exceeding \$100,000.
- Where any foreign or local fishing vessel within the fisheries waters engages or attempts to engage in any driftnet fishing activities the master, owner or charterer, if any, of such vessel shall be guilty of an offence and liable on conviction to fine not exceeding \$1,500,000.
 - No foreign or local fishing vessel which engages in any driftnet fishing activities shall be permitted to tranship, land or process any fish or have access to ports and facilities in the fisheries waters or in Tonga.

- responds to the notification, or
 - takes action under its own law in respect of the serious violation.
- (4) In this section 'working day' in relation to a Flag State, means any day of the week other than -
- Saturday or Sunday; or
 - a public holiday in that State.

- 61. (1) This section applies where -**
- a global, regional, or sub-regional fisheries organisation or arrangement of which Tonga is a member, or in which Tonga is a participant, establishes procedures for boarding and inspection of vessels as provided in the Fish Stocks Agreement; and
 - A high seas fishery inspector boards and inspects a foreign vessel under section 54 (1) for the purpose of ensuring compliance with international conservation and management measures established by that fisheries management organisation or arrangement.
- (2) To the extent that the procedures established by the fisheries management organisation or arrangement are different from the requirements of sections 59 or 60, the high seas fisheries inspector and the Secretary shall comply with the procedures established by the fisheries management organisation or arrangement.
- 62. (1) The master of a ship shall co-operate with a foreign high seas inspector appointed by a state that is a member of or participant in a global, regional, or subregional fisheries management organisation or arrangement where the ship -**
- is registered under the Shipping Act; or
 - flies the Tonga flag; and
 - is on the high seas in an area covered by that fisheries management organisation or arrangement;
- and the fisheries management organisation or arrangement has established procedures for boarding and inspecting vessels as provided in the Fish Stocks Agreement.
- (2) The master of a ship shall cooperate with a foreign high seas inspector appointed in relation to an area covered by a global, regional, or subregional fisheries management organisation or arrangement where the ship -
- is registered under the Shipping Act; or
 - flies the Tonga flag; and

Boarding and inspection procedures modified by global, regional or sub-regional fisheries management organisation or arrangement

Persons on Tongan ships to co-operate with foreign high seas inspectors

- (c) is on the high seas in an area covered by that fisheries management organisation or arrangement,
and the fisheries management organisation or arrangement has established procedures for boarding and inspecting vessels as provided in the Fish Stocks Agreement.
- (3) Every person on a ship to which subsection (1) or (2) applies shall -
- (a) accept and facilitate prompt and safe boarding of the ship by the foreign high seas inspector;
 - (b) co-operate with and assist in his inspection of the vessel;
 - (c) not obstruct, intimidate, or interfere with him in the performance of his duties;
 - (d) allow him to communicate with the authorities of Tonga and of the state that appointed him;
 - (e) provide reasonable facilities to including food and accommodation; and
 - (f) facilitate his safe disembarkation from the ship.
- (4) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.
- 63.** (1) The Secretary may authorise a foreign high seas fisheries inspector to investigate a ship that is registered under the Shipping Act or that flies the Tongan flag, as provided under the Fish Stocks Agreement, if -
- (a) the foreign high seas fisheries inspector has boarded the ship under -
 - (i) the Fish Stocks Agreement; or
 - (ii) boarding and inspection procedures established under the Fish Stocks Agreement; and
 - (b) the Secretary has received the report from the foreign inspector stating that there is evidence that the ship has taken or transported fish in contravention of an international conservation and management measure.
- (2) Where the Secretary authorises the foreign inspector to investigate under the Fish Stocks Agreement, -
- (a) the foreign inspector shall have the powers of a fisheries officer in relation to that ship; and
 - (b) the Secretary shall advise the master of the ship as soon as practicable.

**Powers of
foreign high
seas fisheries
inspector**

- 64.** (1) Any person who -
- (a) contravenes an international conservation and management measure;
 - (b) uses a local fishing vessel or a ship that is registered under the Shipping Act or which flies the Tongan flag to contravene an international conservation and management measure; or
 - (c) uses a vessel that bears the nationality of a participating state to contravene an international conservation and management measure;
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000,000.
- (2) Any person who -
- (a) is guilty of a serious violation;
 - (b) uses a local fishing vessel or a ship that is registered under the Shipping Act or flies the Tongan flag to commit a serious violation; or
 - (c) uses a vessel that bears the nationality of a participating state to commit a serious violation,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500,000.
- (3) Where an information or charge against a person under this Part relates to an offence involving a boat that bears the nationality of a participating state, such information or charge shall not proceed to hearing or determination without the written consent of the Attorney General.
- (4) Before granting consent under subsection (3), the Attorney-General shall seek the views of the government of the participating state.
- (5) The consent of the Attorney-General shall not be required for:
- (a) the arrest of a suspected offender or proceedings relating to that arrest;
 - (b) the laying of a charge against the suspected offender;
 - (c) proceedings for the extradition to Tonga of the suspected offender, or
 - (d) proceedings for remanding the suspected offender in custody or on bail.
- (6) If the Attorney-General declines to grant consent, the relevant court shall stay proceedings on the charge.
- (7) A certified copy of the written consent granted by the Attorney-General, in the absence of proof to the contrary, shall be proof of such consent.

**Offences
relating to
high seas
fishing**

- (g) seize -
- (i) any vessel together with its fishing gear, equipment, stores and cargo, and any vehicle, aircraft or hovercraft which he believes has been or is being used in the commission of an offence, or which he knows or believes has been forfeited in accordance with any provision of this Act;
 - (ii) any explosive, poison or other noxious substance which he believes has been used or is being possessed or controlled in contravention of this Act;
 - (iii) any logs, charts or other documents required to be maintained by this Act or under the terms of any licence or authorisation or which he believes show or tend to show the commission of an offence against this Act; and
 - (iv) anything which he has reasonable grounds to believe might be used as an exhibit in any proceedings under this Act;
- (h) arrest any person whom he has reasonable grounds to believe has committed an offence against this Act and, where it is impracticable immediately to bring that person before a magistrate or court of competent jurisdiction without unnecessary delay, detain him; and
- (i) arrest any person who assaults, obstructs, resists, delays, refuses boarding or entry, intimidates or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an authorised officer in the performance of his duties or fails to comply with any lawful order, requirement or request of an authorised officer or otherwise contravenes this section or section 75 and, where it is impracticable immediately to bring that person before a magistrate or court of competent jurisdiction without unnecessary delay, detain him.
- (3) (a) Where any vessel is seized under this Act the master and crew shall take it to the nearest or the most convenient port that the authorised officer shall designate and the vessel may there be detained pending the outcome of any legal proceedings under this Act or until its lawful release, or until it is decided not to lay an information or charge.
- (b) The master shall be responsible for the safety of the crew, vessel, himself and any other person on board while bringing the vessel to the designated port.
- (c) If the master fails or refuses to take the seized vessel to the designated port and authorised officer may do so.
- (d) When the vessel is brought to the designated port under the provisions of paragraph (c), no action shall lie against the authorised officer or the Government of Tonga for any death,

- (4) It shall be an offence for any fishing vessel to possess driftnets in the fisheries water. A master, owner or charterer of any fishing vessel in possession of driftnets in the fisheries waters shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000,000.
68. (1) The master of a fishing vessel or fish carrier that is not a Tongan ship, local fishing vessel or locally based foreign fishing vessel, who intends to bring the vessel into the fisheries water, shall give the Secretary at least 72 hours' notice of his intention to do so. **Visits by foreign ships**
- (2) If the Secretary is satisfied that the vessel to which subsection (1) applies has contravened international conservation and management measures, he may, by notice to the master of that vessel, order that the vessel shall -
- (a) not enter the internal waters; or
 - (b) if it has entered the internal waters, leave those waters.
- (3) If the Minister is satisfied on reasonable grounds that it is necessary for the purpose of the conservation and management of fish, he may, publishing the Gazette, direct any class or classes of fishing vessel or fish carrier not to enter the fisheries waters.
- (4) The master of a vessel to which a notice under subsection (2) or (3) applies, who brings the vessel into the fisheries waters knowing of such notice, and shall be guilty of an offence and is liable on conviction to a fine not exceeding \$500,000 or imprisonment not exceeding 3 years or to both such fine and imprisonment.
- (5) This section shall not prevent a vessel from entering or remaining in the fisheries waters for such period as is necessary if the vessel is involved in a search and rescue operation or emergency or for the purposes of obtaining food, fuel, and other goods and services necessary to enable the vessel to proceed safely and directly to a port outside Tonga.
69. (1) Any person engaged in fishing, fish processing, fish marketing or the export of fish or fish products may be required to provide such information relating to such fishing, processing, marketing or export activities as the Minister may by Regulations require. **Information**
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.

PART X

POWERS OF AUTHORISED OFFICERS

70. (1) The Minister may, by Notice in the Gazette, designate any Government officer or any category of Government officers or any person who the Minister considers suitable to be authorised officers for the purposes of this Act. **Designation of authorised officers**

- (2) A Pacific Island State Officer who has been authorised under a treaty to which Tonga is a party to enforce the fisheries laws of Tonga shall be deemed to have been appointed as an authorised officer in accordance with subsection (1).
- (3) For the purposes of a multilateral access agreement or arrangement entered into under sections 39 and 40 or a fisheries management agreement or arrangement entered into under section 39, an authorised officer appointed in accordance with such agreements or arrangements shall be deemed to be an authorised officer appointed under this section and this Part shall apply to such authorised officer as if he were so appointed but subject to such terms, conditions or limitations as may be imposed by the Secretary by Notice in the Gazette or as may be prescribed.

Powers of authorised officers

- 71.** (1) Any authorised officer, without a warrant -
- (a) stop, board and search any foreign fishing vessel in the fisheries waters and any locally based foreign vessel or local fishing vessel within or outside the fisheries waters;
 - (b) require the master, fishing master or any crew member or other person aboard to inform him of the name, call sign and country of registration of the vessel and the name of the master, owner, charterer, fishing master or any crew member;
 - (c) question the master, fishing master or any crew member or other person aboard about the cargo, contents of holds and storage spaces, voyage and activities of the vessel, vehicle or aircraft;
 - (d) require to be produced, examine and take copies of any licence, logbook, record or other document required under this Act or concerning the operation of any vessel;
 - (e) make an entry dated and signed by him in any vessel's log;
 - (f) give directions to the master and any crew member of any vessel stopped, boarded or searched as may be necessary or expedient for any purpose specified in this Act or to provide for the compliance of the vessel or master or any crew member with the conditions of any licence;
 - (g) within the fisheries limits stop, enter and search any vessel, vehicle or aircraft which, on reasonable grounds, he suspects is transporting fish or fish products or is being or has been used or involved in the commission of an offence against this Act or its regulations;
 - (h) make such inspection and inquiry as may appear necessary to him concerning any place, premises, vessel, vehicle or aircraft in relation to which any of the powers conferred by this subsection have been or may be exercised and take samples of any fish or fish product found therein;

- (i) require to be produced and examine any fish, fishing net, fishing gear or explosive or other noxious thing whether on sea or on land;
 - (j) at all reasonable times enter and inspect any fish processing establishment for which a licence is held or required or any other place or premises where a related activity is authorised or conducted or in respect of which a licence or other authorisation is issued or required under this Act; and
 - (k) require to shown or produced and examine any fish, fish product, fish processing device or equipment, or other thing used in fish processing or for or in connection with a related activity or such other activity for which a licence is issued or required under this Act.
- (2) Any authorised officer, where he has reasonable grounds to believe that an offence under this Act has been committed may, without a warrant -
- (a) enter and search any vessel, vehicle, aircraft, place or premises, other than a place or premises used exclusively as a dwelling house, in which he believes the offence has been committed or where he believes that fish illegally taken or explosives for use contrary to section 17 are being stored;
 - (b) take samples of any fish found in any vessel, vehicle, aircraft, place or premises searched under this section;
 - (c) give directions to the person in charge of or otherwise responsible for operation of a place or premises and any persons in the place or premises entered under subsection (1) (j), as may be necessary or expedient for any purpose specified in this Act or to provide for the compliance by such person with the conditions of any licence or authorisation;
 - (d) order the destruction of any fish or fish product kept in a fish processing establishment or a place or premises where a related activity is conducted or in relation to which a licence or other authorisation is issued or required under this Act which the officer believes are processed or kept contrary to the requirements of this Act or are diseased;
 - (e) order, in relation to a fish processing establishment or a place or premises in which a related activity or other activity for which a licence or authorisation is issued or required under this Act, the cessation of activities, which the officer believes are being undertaken contrary to the provisions of this Act;
 - (f) order the suspension or cessation of fishing, related activity or any other activity that the officer believes is being conducted in contravention of the provisions of this Act;

throws overboard, discards and destroys any fish, fish products, fishing gear, explosive, poison, noxious substance, chart, log, document or other thing with intent to avoid the seizure thereof or the detection of any offence against this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000 or imprisonment not exceeding 3 years or to both such fine and imprisonment.

PART XI

AUTHORISED OBSERVERS

Appointment of authorised observers

78. (1) The Minister may appoint any person he considers suitable to be an authorised observer.
- (2) For the purposes of a multilateral access agreement or arrangement entered into under sections 39 and 40 or a fisheries management agreement or arrangement entered into under section 39, an observer appointed in accordance with such agreement or arrangement shall be deemed to be an observer appointed in accordance with this section and this Part shall apply to such observer in the performance of his duties as if he were so appointed but subject to such terms, conditions or limitations as may be imposed by the Secretary by Notice in the Gazette or as may be prescribed.

Duties of authorised observers

79. (1) Any person on board any vessel in respect of which a licence or other authorisation has been issued or recognised under this Act shall permit an authorised observer to board and remain on such vessel for the purposes of carrying out his duties.
- (2) The master and each member of the crew of such vessel shall allow and assist any observer to carry out his duties.
- (3) The master and each member of the crew shall meet such other requirements in relation to the observer as may be prescribed.
- (4) The master and each member of the crew of any fishing vessel shall immediately comply with every lawful instruction or direction given by an observer and facilitate safe boarding and inspection of the vessel, its fishing gear, equipment, records, fish and fish products, and shall take all measures to ensure the safety of an observer in the performance of his duties.
- (5) Any person who -
- assaults, obstructs, resists, delays, refuses boarding or entry, intimidates or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an observer in the performance of his duty;
 - fails to comply with any lawful instruction or direction given by an observer;
 - uses threatening language or behaves in a threatening manner or uses abusive language towards any observer while in the execution of his duties, or any person acting under the lawful instruction or direction of the observer or in his aid;

injury, loss or damage occurring while the vessel is being so brought unless it arose from an act of the authorised officer that was outside his duties under this Act or was done maliciously.

- (4) (a) Where any vehicle or aircraft is seized under this Act the driver or pilot shall take it to the nearest or most convenient place for the holding of such vehicle or aircraft that the authorised officer shall designate and the vehicle or aircraft may there be detained pending the outcome of any legal proceedings under this Act or until its lawful release, or until it is decided not to lay an information or charge.
- (b) The driver of the vehicle or pilot of the aircraft shall be responsible for the safety of the vehicle or aircraft and for any crew, himself and any other person thereon or in while bringing the vehicle or aircraft to the designated place.
- (c) If the driver or pilot fails or refuses to take the seized vehicle or aircraft to the designated place then an authorised officer may do so.
- (d) When a vehicle or aircraft is brought to the designated place under the provisions of paragraph (c), no action shall lie against the authorised officer or the Government of Tonga for any death, injury, loss or damage occurring while the vehicle or aircraft is being so brought unless it arose from an act of the authorised officer that was outside his duties under this Act or was done maliciously.
- (5) (a) An authorised officer may remove any part or parts of any vessel, vehicle or aircraft detained under the provisions of this Act for the purpose of immobilizing that vessel, vehicle or aircraft.
- (b) Any part or parts removed under paragraph (a) shall be kept safely and returned to the vessel, vehicle or aircraft immediately upon any lawful release thereof from custody.
- (c) Any person who possesses or arranges to obtain any part or parts removed under paragraph (a) or who possesses or arranges to obtain or make any replacement or substitute part or parts for those removed under paragraph (a) or who fits or attempts to fit any part or parts or any replacement or substitute part or parts to a vessel, vehicle or aircraft detained under the provisions of this Act with the intention of mobilizing the vessel, vehicle or aircraft shall be guilty of an offence and is liable to a fine not exceeding \$500,000 or imprisonment not exceeding 3 years or to both such fine and imprisonment.
- (6) An authorised officer may when exercising his powers under subsection (2) (a), (b), (h) and (i), use such force as is reasonably necessary in the circumstances.

- (7) An authorised officer may, during the exercise of powers under this section, direct a person under his command to carry out such duties of an authorised officer and for such period as he specifies.
- (8) A person who receives a direction under subsection (7) has, for the purpose of carrying out the specified duties, all powers and protection accorded to an authorised officer under this Act.
- (9) A written receipt shall be given for any article or thing seized under this section and the grounds for such seizure shall be stated in the receipt.

Duty to comply with instructions

- 72.** (1) The master and all members of the crew of any fishing vessel, the driver and any passenger of any vehicle and the pilot and each member of the crew of any aircraft shall immediately comply with every lawful instruction or direction given by an authorised officer and facilitate safe boarding, entry and inspection of the vessel, vehicle or aircraft and of any fishing gear, equipment, records, fish and fish products and shall take all measures to ensure the safety of an authorised officer in the performance of his duties.
- (2) The holder of a fish processing establishment licence or the holder of any licence or other authorisation issued under this Act to conduct a related activity or other activity required to be licensed or authorised under this Act, and all persons at the establishment or place where the related activity or licensed or authorised activity is conducted, shall immediately comply with every instruction or direction given by an authorised officer and facilitate his safe entry and inspection of the establishment or place and take all measures to ensure the safety of any authorised officer in the performance of his duties.

Powers beyond fisheries waters

- 73.** (1) Where, following the commission of an offence under this Act by any person or vessel, the person or vessel is pursued to a place at sea beyond the limits of the fisheries water, or if the person or vessel is otherwise pursued to a place at sea beyond the limits of the fisheries waters in circumstances and to the extent recognised by international law, any power conferred on an authorised officer under this Act shall be exercisable at such a place beyond the limits of the fisheries waters provided that the pursuit was not terminated or interrupted at any time before the authorised officer or officers concerned arrived at such a place with a view to exercising that power.
- (2) For the purposes of subsection (1), a pursuit of a person or vessel is not taken to be terminated or interrupted only because the authorised officer or officers concerned lose sight of the person or vessel.
- (3) A reference in subsection (2) to losing sight of a person or vessel includes a reference to output from a radar or other sensing device.

- 74.** An authorised officer in exercising any of the powers conferred on him by this Act shall on demand produce identification to show he is an authorised officer under this Act. **Identification of authorised officer**

75. Any person who - **Offences committed against an authorised officer**

- (a) assaults, obstructs, resists, delays, refuses boarding or entry, intimidates or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an authorised officer in the performance of his duties, or any person lawfully acting under the order of the authorised officer or in his aid;
- (b) fail to comply with any lawful order, requirement or request of an authorised officer or otherwise contravenes section 71 or section 72;
- (c) uses threatening language or behaves in a threatening manner or uses abusive language towards an authorised officer while in the execution of his duties, or any person lawfully acting under the order of the authorised officer or in his aid;
- (d) incites or encourages any other person to assault, obstruct, resist, delay, refuse boarding or entry, intimidate or otherwise interfere with an authorised officer while carrying out his duties, or any person lawfully acting under the order of the authorised officer or in his aid;
- (e) knowingly furnishes to an authorised officer any particulars which are false or misleading in any respect;
- (f) impersonates or falsely represents himself to be the master or other officer of a fishing vessel;
- (g) resists lawful arrest;
- (h) interferes with, delays or prevents by any means, the lawful apprehension or arrest of another person under this Act; or
- (i) is a breach of any duty to the authorised officer required under this Act,

shall be guilty of an offence and shall be liable to a fine not exceeding \$500,000 or imprisonment not exceeding 3 years or both.

- 76.** Any person who impersonates or falsely represents himself to be an authorised officer shall be guilty of an offence and shall be liable to a fine not exceeding \$250,000 or imprisonment not exceeding 2 years or to both. **Impersonating an authorised officer**

77. Any person who - **Destruction of evidence and avoidance of seizure**

- (a) being on board any vessel being pursued, about to be boarded or notified it will be boarded by any authorised officer, or
- (b) being in a fish processing establishment or a place or premises where a related activity is conducted or in relation to which a licence, permit or other authorisation is issued or required under this Act,

PART XIII**JURISDICTION, PROSECUTION AND EVIDENCE**

- Jurisdiction of the courts** 90. (1) Notwithstanding subsection (2) and (3), any act or omission in contravention of any of the provisions of this Act which takes place within or outside the fisheries waters shall be dealt with and judicial proceedings taken as if such act or omission had taken place in Tonga within the local limits of the jurisdiction of the court in which proceedings are taken.
- (2) Any contravention of section 62 whether or not the high seas inspector is a Tongan subject which takes place on board a vessel on the high seas may be dealt with and judicial proceedings taken as if such contravention had taken place in Tonga within the local limits of the jurisdiction of the court in which proceedings are taken.
- (3) Any contravention of section 79(5) whether or not the observer is a Tongan subject which takes place on board a vessel on the high seas may be dealt with and judicial proceedings taken as if such contravention had taken place in Tonga within the local limits of the jurisdiction of the court in which proceedings are taken.
- (4) Where any regulation or licence condition requires specifically or incidentally the reporting of any fact while a vessel is or is alleged to be on the high seas, proceedings may be taken in respect of any failure to report as if it had occurred within the fisheries waters.
- Onus of proof for licence and information** 91. (1) Where a person is charged with having committed an offence involving an act for which a licence, permit or authorisation is required under this Act, the onus shall be on that person to prove that at the relevant time the requisite licence, permit or authorisation was held by that person.
- (2) Where a person is charged with the contravention of section 99, the onus shall be on that person to prove that the information given was true, complete and accurate.
- Certificate of evidence** 92. (1) The Secretary may give a certificate stating:
- (a) that an appended document is a true copy of the licence, permit, authorisation or certificate of registration issued to a vessel or person;
- (b) that a particular location or area of water was within the fisheries waters or within any other controlled area of the fisheries waters subject to specified conditions;
- (c) that an appended chart shows the boundaries of the fisheries waters, territorial seas, or other areas delineated for any specified purpose;
- (d) that particular item or piece of equipment is fishing gear;

- (d) incites or encourages any other person to assault, obstruct, resist, delay, refuse boarding or entry, intimidate or otherwise interfere with any observer while carrying out his duties, or any person acting under the lawful instruction or direction of an observer or in his aid;
- (e) knowingly furnishes to any observer any particulars which are false or misleading in any respect;
- (f) impersonates or falsely represents himself to be the master or other officer of a fishing vessel;
- (g) impersonates or falsely represents himself to be an observer, or
- (h) is in breach of any duty to the observer required under this Act,

shall be guilty, of an offence and shall be liable to a fine not exceeding \$500,000 or imprisonment not exceeding 3 years or to both.

PART XII**RELEASE, SALE AND FORFEITURE OF DETAINED PROPERTY**

- 80.** (1) Subject to subsection (3) the court may, and in the case of a foreign vessel, vehicle or aircraft shall, on application order the release of any fishing vessel together with its fishing gear, equipment, stores and cargo, and any vehicle, aircraft or other item or items seized under this Act on receipt of a bond or other form of security acceptable to the court from the owner or other person claiming such property for the aggregate value of the property to be released, the total maximum fine or fines provided for the offences charged or likely to be charged and the costs the prosecution would be likely to recover if a conviction were entered. **Release of seized vessel**
- (2) Where any vessel, vehicle, aircraft or other item seized is released upon the lodging of a bond or other form of security under subsection (1) or (3), the court shall in the order state separately the sums which are attributable to the property to be released, the total fine or fines and the likely costs and, in the case of a release under subsection (3), the full value of the property released.
- (3) The Court may, in such special circumstances as it considers fit and taking into account the gravity of the offence alleged, release any fishing vessel, vehicle, aircraft or other item seized for a bond of an amount less than that prescribed by subsection (1).
- (4) Nothing in subsection (1) or (3) shall require a Court to release any vessel, vehicle, aircraft or other thing if it may be required as an exhibit in court proceedings or is reasonably required under the Act.

- Disposal of perishable goods seized**
- 81.** (1) The Secretary may direct that any fish or other article of a perishable nature seized under this Act be sold and the proceeds of sale shall be held and dealt with in accordance with the provisions of this Act.
- (2) Where the Secretary is unable to sell the fish or other articles referred to in subsection (1), or where such fish or other articles are unfit for sale, they may be disposed of in such manner as he directs.
- Seized vessel to be held by Government**
- 82.** Any vessel, vehicle, aircraft or other item seized under this Act or any bond or other security or proceeds of any sale in respect thereof shall be held by the Government of Tonga pending the outcome of any legal proceedings under this Act or until is decided not to lay any information or charge and any monies due in respect of a compounding under section 95 have been paid.
- Orders of forfeiture and return of seized property**
- 83.** (1) Where any person is convicted of an offence against this Act, the court -
- (a) may order that any fishing vessel together with any fish, fishing gear, equipment, stores and cargo and any vehicle or aircraft used or involved in the commission of the offence be forfeited; and
- (b) shall order that any fish caught unlawfully or the proceeds of sale of such fish and any explosive, poison or other noxious substance used or involved in the commission of the offence be forfeited.
- (2) Where any vessel including its fishing gear, equipment, stores and cargo, vehicle, aircraft or other item seized under this Act or any bond or other security or proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or compounding under section 95-
- (a) such vessel together with its fishing gear, equipment, stores and cargo shall be released or returned to the operator, or such vehicle, aircraft or other item shall be released or returned to the owner or his agent; or
- (b) such bond or other security shall be returned to the person who posted or paid the bond or security in respect of the vessel, vehicle, aircraft or other item seized under this Act.
- Operation of order of forfeiture**
- 84.** (1) Where any vessel, vehicle, aircraft or other item has been released upon the lodging of a bond or security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the bond or security to the full value of the item forfeited as stated under section 80(2) or where a smaller sum is ordered in accordance with section 80(3) that smaller sum, or failing such determination the value of the item forfeited.

- (2) Where any vessel, vehicle, aircraft or other item has been released upon the lodging of a bond or security under section 80(3), the Court may order any convicted person and the owner of the vessel, vehicle, aircraft or other item concerned, to pay the difference between the bond or amount lodged in respect of the forfeited property and the full value of the forfeited property as stated under section 80(2).
- 85.** Any bond, security or proceeds of sale held in respect of any vessel, vehicle or aircraft or other items shall be applied in the following order to- **Application of bond**
- (a) the expenses of any sale under this Part;
- (b) the discharge of any forfeiture;
- (c) the payment of all fines for offences under this Act or monies due in respect of a compounding under section 95 arising out of the use of or in connection with the vessel, vehicle, aircraft or other item;
- (d) the discharge of all orders for costs in legal proceedings arising out of the use of or in connection with the vessel, vehicle, aircraft or other item; and
- (e) the person entitled under section 83(2).
- 86.** Any vessel, vehicle, aircraft or other item ordered to be forfeited under this Act shall be forfeited to the Crown and may, at the expiry of the time limited for appeal if no appeal is lodged, or after the determination of any appeal, be disposed of in such manner as the Secretary, or in the case of a foreign fishing vessel or aircraft, the Minister may direct. **Disposal of vessel forfeited**
- 87.** Any vessel, vehicle, aircraft or other item seized under this Act but not forfeited in any legal proceeding may be held by the Government of Tonga until all fines, orders for costs and monies due in respect of a compounding under section 95 have been paid and, failing payment within the time allowed, be sold and the balance of the proceeds returned to the person who appears to be entitled thereto after deduction of all fines, orders for costs, monies due in respect of a compounding under section 95 and costs of sale in that order. **Sale of seized vessel**
- 88.** The Government of Tonga shall not be liable to any person for any loss, damage to or deterioration in the condition of any vessel, vehicle, aircraft or other item while in the custody of the Government under this Act unless such loss, damage or deterioration is the result of wilful default or gross negligence by the Government. **Liability of Government**
- 89.** Any person who removes any vessel, vehicle, aircraft or other item held in the custody of the Government of Tonga under this Act shall be guilty of an offence whether or not he knew the vessel, vehicle, aircraft or other item was so held and shall be liable to a fine not exceeding \$500,000 or to imprisonment not exceeding 3 years or to both such fine and imprisonment. **Offence to remove vessel from custody of Government**

- Confidentiality 100.** (1) Any person carrying out duties or responsibilities under this Act shall not, unless authorised in accordance with this Act, reveal information or other data of a confidential nature acquired by virtue of their said authority, duties and responsibilities to any person not having authority to receive it.
- (2) The Secretary may designate any information as confidential and may authorise in writing any person to receive confidential information.
- (3) The Secretary may authorise the release of any information supplied by a vessel monitoring system relating to the position of any vessel at the request of the responsible authority for purpose of surveillance, search, rescue and other emergency operations.
- (4) Any person who violates the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or to both such fine and imprisonment.
- Regulations 101.** (1) The Minister may make regulations for the implementation of this Act.
- (2) Without limiting the generality of subsection (1) the Minister may in such regulations provide for all or any of the following:
- the licensing and management of any particular fishery;
 - the organisation and administration of Coastal Communities and the conservation and management measures that may be applied in Special Management Areas designated to such coastal communities;
 - prescribing fisheries management and conservation measures, gear standards, minimum and a maximum species sizes, closed seasons, closed areas, prohibited methods of fishing gear and schemes for limiting entry into all or any specified fisheries;
 - providing for the registration and licensing of fishing gear and other fishing appliances;
 - sport or recreational fishing in the fisheries waters and requiring the holding of licences for persons engaging in sport or recreational fishing;
 - the use of underwater breathing apparatus and under water torches for night fishing and regulating the use of spear guns and other similar devices;
 - local fishing vessels or Tonga ships to ensure that such vessels or ships do not conduct unauthorised fishing in the territorial sea or exclusive economic zone or other zone of extended fisheries jurisdiction of any foreign State, including:

- that an appended document is a true copy of an access agreement or arrangement or fisheries management agreement or arrangement;
 - the cause or manner of death of or injury to any fish;
 - that a call sign, name or number and the system under which they are allotted are that of a particular vessel; or
 - whether a vessel is entered upon and has good standing in the Regional Register of Foreign Fishing Vessels maintained by the Forum Fisheries Agency.
- (2) A certificate given under subsection (1) shall state the name of the person making the certificate and -
- his address, official position, country of appointment and authority under which he is appointed;
 - the name and call sign, if known, of the fishing vessel concerned;
 - the place or area in which the vessel was located;
 - the date and time or period of time the vessel was in the place or area stated in (c);
 - a declaration that he checked the position fixing instruments used to fix the place or area stated in (c) and their accuracy within the internationally accepted margin of errors or standards relating to such instruments.
- (3) Any certificate given under this section shall be headed “Certificate Made Under section 92 of the Fisheries Management Act”.
- 93.** (1) Where a photograph is taken of any fish, fishing or related activity and simultaneously the date, time and position from which the photograph is taken are superimposed upon the photograph, or the date, time and position are certified on the photograph by an authorised officer and observer, it shall be presumed unless the contrary is proved that the photograph was taken on the date, at the time and in the position so appearing. **Photographic Evidence**
- (2) The presumption under subsection (1) shall arise only if -
- the camera taking the photograph is connected directly to the instruments which provide the date, time and position concerned; and
 - the photograph was taken by an authorised officer or an authorised observer.
- (3) Any authorised officer or authorised observer who takes a photograph described in subsection (1) may give a certificate appending the photograph, stating -

- (a) his name and his address, official position, country of appointment and authority under which he is appointed;
- (b) the name and call sign, if known, of any fishing vessel appearing in the photograph;
- (c) the name of the camera, watch or clock or other instruments supplying the date and time and the position fixing instrument and a declaration that he checked those instruments at a reasonable time before and after the taking of the photograph and that they all appeared to be working correctly;
- (d) the matters set out in subsection (2) (a);
- (e) the accuracy of the position fixing instrument used within the internationally accepted margin of error or standards relating to such instrument; and
- (f) the maximum possible distance and the bearing of the subject of the photograph from the camera at the time the photograph was taken.

Procedure for certificates

- 94.** (1) Subject to subsection (2) any certificate given under sections 92 or 94 served on a defendant seven or more days before its production in court in any proceedings under this Act shall, unless the contrary is proved, be evidence of all the facts stated therein.
- (2) Where a certificate given under sections 92 and 94 is served on a defendant fourteen or more days before its production in court in any proceedings under this Act and no objection is notified in writing within seven days of service, it shall be conclusive proof of all the facts contained therein unless the court considers that the defendant is prejudiced by any failure to object.

PART XIV**MISCELLANEOUS****Compounding offences**

- 95.** (1) Subject to subsection (3) the Minister may, where he is satisfied that any person has committed an offence against this Act involving a foreign fishing vessel, compound such offence by accepting on behalf of the Government from such person a sum of money not exceeding the maximum fine specified for that offence.
- (2) Where the Minister has compounded an offence under this section he may order the release of any article seized under section 71 or the proceeds of sale of such article under section 81 on such conditions including the payment of such additional sums of money not exceeding the value of the article seized, as he may think fit.
- (3) Where a person who has committed an offence is no longer within Tonga, the Minister may send written notice of his intention to compound the offence to any known address of the person outside Tonga, or to the address of his agent in Tonga where such an agent has been appointed.

- (4) No offence shall be compounded under this section unless the person who has committed the offence has expressed his willingness in writing that the offence be so dealt with or, where notification has been given under subsection (3), notifies the Minister in writing that he does not wish the offence to be compounded, and that he submits to the jurisdiction of the Court and, where so required by the Court, files a bond or other form of security in accordance with section 80.
- (5) In any proceedings brought against any person for an offence against this Act or any regulation made under this Act, it shall be a defence if such person proves that the offence with which he is charged has been compounded under this section.

96. (1) The Minister may-**Inspectors**

- (a) designate in writing any authorised officer as an inspector to promote and monitor compliance with the Act or Regulations made under the Act in relation to fish and fish products safety and quality;
- (b) prescribe the qualifications and such other requirements for the appointment of such inspectors; and
- (c) prescribe such duties and responsibilities of such inspectors.

- (2) The inspector may request returns and other information as authorised under the Act.
- (3) Persons designated as inspector under this section have, for the purpose of carrying out their duties and responsibilities, all powers and protection accorded to an authorised officer under this Act.

97. Any person who does any act in pursuance of any power conferred on him under this Act or omits to do any act required of him under any power conferred on him under this Act shall not be liable unless such act or omission was committed in bad faith.**Immunity****98.** Where an offence against this Act has been committed by any person on board or employed on a fishing vessel, the master, owner and charterer of such vessel shall also be guilty of the offence.**Liability of Master**

- 99.** (1) Any information required to be recorded, or to be provided, notified, communicated or reported pursuant to a requirement of this Act or a requirement under any access agreement or arrangement entered into under this Act shall be true, complete and accurate.
- (2) Any person who is required to provide information in accordance with subsection (1) shall report any changes in circumstances immediately.
- (3) Any person who contravenes subsections (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$250,000.

Correct information

- (i) requiring the recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other fisheries data;
- (ii) requiring the owners, operators, charterers, or masters of such vessels to provide copies of licences and evidence that such operations are authorised;
- (iii) authorising and establishing procedures for the provision of evidence to a foreign State which alleges that such a vessel has engaged in such unauthorised fishing;
- (iv) any other matter relating thereto;
- (h) the amount of fish to be harvested, and the landing, marketing and distribution of fish;
- (i) the transiting of foreign fishing vessels through the fisheries waters, including the manner in which fishing gear is to stowed;
- (j) making provision for rewards to be paid to any person providing information on the operations of foreign fishing vessels leading to a conviction for, or the compounding of an offence or the payment of an administrative penalty under this Act;
- (k) prescribing the form of foreign fishing licences;
- (l) providing for the licensing and control of fish aggregating devices and for rights to fish aggregated by such devices;
- (m) providing for –
 - (i) the taking of coelenterates and shells;
 - (ii) the setting of fishing fences;
 - (iii) the taking of fish and invertebrates for use in aquaria or for ornamental or other recreational purposes;
- (n) regulating the import and export of fish or fish products;
- (o) prescribing standards and other measures for the safety of local fishing vessels and fisherman;
- (p) providing for monitoring, control and surveillance including reporting requirements and the application and use of vessel monitoring systems;
- (q) prescribing the requirements for research, collection, provision and dissemination of scientific data and such other information as may be required for the conservation and management of fisheries resources of the Kingdom;
- (r) regulating the entry into special management areas and reserve areas;

- (s) providing for vessel and gear marking, enhancing of Flag State control or for the implementation of Flag State rights and responsibilities;
- (t) providing for Port State control or powers or measures that may be exercised by the Kingdom to give effect to Port State rights and responsibilities;
- (u) providing for the management and control of fishing vessels of Tonga operating in areas within or beyond national jurisdiction;
- (v) prescribing different classes or types of licences, permits or authorisations for fishing or related activity and the type of fishing or related activity that may be conducted under such licences, permits or authorisations;
- (w) prescribing any other matter which is required or authorised to be prescribed;
- (x) prescribing conditions in relation to section 26 (1);
- (y) setting out the circumstances in which the readings, printouts, displays and pictures produced by a designated device may be admissible in evidence and the evidential value that can be accorded to such designated device and procedure for the production thereof.

Breach of Regulations 102. Every person that contravenes any regulation made under this section comits an offence and shall be liable upon conviction to a fine not exceeding \$250,00.

PART XV

DELEGATION, REPEAL, SAVING AND TRANSITIONAL

Delegation of powers 103. The Minister and the Secretary may, in writing, delegate the powers conferred on them under this Act, with the exception of this power of delegation and the powers conferred by sections 28 (1) and 95.

Continuation of agreements 104. Any agreement or arrangement entered into or authorisation given under the Fisheries Act 1989, shall, except in so far as it is inconsistent with this Act, continue to have effect as though entered into or, given under this Act unless such agrrement or arrangement expires or is terminated in accordance with the terms of such agreement or arrangement.

Repeal and saving 105. (1) The Fisheries Act 1989 is hereby repealed.
 (2) Notwithstanding such repeal from and after the date the of coming into operation of this Act -
 (a) any licence granted under the Fisheries Act 1989 shall continue to be valid on such terms and conditions of approval for the period stipulated therein; and

- (b) all regulations and orders made under the Fisheries Act 1989 and in force at the date of commencement of this Act shall subject to such modifications and adaptations as may be necessary to bring them into conformity with this Act continue until such time as new regulations or orders are made under this Act.

Passed in the Legislative Assembly this 22 day of October, 2002.

KONGA XII: TUKUANGE, FAKATAU ATU MO FA'AO 'O E KOLOA KUO PUKE

80. Tukuange ha vaka kuo puke
81. Tuku atu 'o e ngaahi koloa maumaungofua kuo puke
82. Ke tauhi 'e he Pule'anga 'a e vaka kuo puke
83. Ngaahi tu'utu'uni ke fa'ao mo hono fakafoki 'o e koloa kuo puke
84. Ngāue 'a e tu'utu'uni fa'ao'
85. Ngaue'aki 'o e ponite
86. Tuku atu 'o e vaka kuo fa'ao
87. Fakatau atu 'o e vaka kuo puke
88. Mo'ua 'a e Pule'anga
89. Hia ke 'ave 'a e vaka mei hono tauhi 'e he Pule'anga

KONGA XIII: MAFAI, FAKA'ILO MO E FAKAMO'ONI

90. Mafai 'o e ngaahi fakamaau'anga
91. Ngafa ke fakamo'oni'i 'a e laiseni mo e fakamatala
92. Tohi fakamo'oni 'o e fakamo'oni
93. Fakamo'oni faitaa
94. Founga ngaue ki he ngaahi tohi fakamo'oni

KONGA XIV: NGAahi ME'A KEHEKEHE

95. Ngaahi tautea liliu pa'anga
96. Kau 'inisipekita
97. 'Ikai mo'ua
98. Mo'ua 'a e 'eikivaka
99. Fakamatala totonu
100. Tauhi malu
101. Ngaahi Tu'utu'uni
102. Maumau'i 'o e tu'utu'uni

KONGA XV: TUKU ATU 'O E MAFAI, FAKAPEKIA, TU'UTU'UNI 'OKU KEI TU'U MO E TU'UTU'UNI FAKATAIMI

103. Foaki 'o e ngaahi mafai
104. Hokohoko 'a e 'aonga 'o e ngaahi aleapau
105. Fakapekia mo e hoko atu

**LAO KI HE PULE'I 'O E TOUTAI 2002
FAKAHOKOHOKO 'O E NGAahi KUPU**

KONGA I: TALATEU

1. Hingoa nounou mo e kamata'anga
2. 'UHINGA'i lea mo e ngaue'aki

KONGA II: FAKATOLONGA, PULE'I, FAKA'AONGA'I MO FAKALAKALAKA TOLONGA 'A E NGAUE TOUTAI

3. Fatongia 'o e Minisitā
4. Ngaahi me'a ke fakakaukau'i 'i he fakahoko 'o e ngaahi mafai
5. Tu'utu'uni ki he lēvolo toutai fakakātoa 'oku ngofua
6. Tu'utu'uni 'o e ngaahi totonu ke kau
7. Ngaahi Palani pule'i mo fakalalakaka 'a e toutai
8. Komiti Fale'i Pule Toutai
9. Kau mēmipa faka-kau mai
10. Fakahoko 'o e ngaahi fakataha
11. Fakahā loto
12. Ngaahi komiti-si'i 'o e Komiti'
13. Ngaahi Feitu'u Pule'i Makehe
14. Vahe'i 'o e Ngaahi Komuniti Nofo Matātahi
15. Pule'i 'o e koloa 'o ngātai 'i he Ngaahi Feitu'u Pule'i Makehe
16. Malu'i 'o e Fa'ahinga Ika ni'ihī

KONGA III: KO E NGAahi HIA

17. Tapu ke toutai 'aki 'a e me'akona pe 'one
18. Ngaue'aki mo tauhi 'a e naunau toutai tapu
19. Toutai mo e ngaahi ngaue felave'i 'oku tapui

KONGA IV: NGAahi FIEMA'U FAKALUKUFUA KI HE TOUTAI MO E NGAUE FELAVE'I

20. Lesisita 'o e ngaahi vaka toutai
21. Ke fai 'a e toutai mo e ngāue felave'i 'o fakatatau ki he Lao ni
22. Kole laiseni, ngofua pe fakamafai
23. Ngaahi tu'unga 'o e laiseni toutai
24. Ngaahi fiema'u ki hono muimui'i, pule'i mo le'ohi
25. Ngaahi totongi (fees) mo e ngaahi totongi (charges) kehe

26. 'Aonga fakalao 'o e ngaahi laiseni, ngaahi ngofua pe ngaahi fakamafai toutai
 27. Kaniseli pe to'o fakataimi 'o e ngaahi laiseni toutai
 28. Ngaahi tangi 'i hono kaniseli pe to'o fakataimi

KONGA V: NGA AHI LAISENI TOUTAI, FEKUMI MO E NGA AHI TOUTAI 'AHI' AHI

29. Ngaahi Laiseni vaka toutai fakalotofonua
 30. Ngaahi Laiseni toutai sipoti fakakomesiale
 31. Laiseni vaka toutai muli ngaue fakalotofonua
 32. Toutai pe ngaahi savea fekumi fakasaienisi mo e toutai 'ahi'ahi

KONGA VI: NGA OHI 'O E IKA MO HONO HŪ KI TU'APULE'ANGA

33. Ngaahi ngaohi'anga ika
 34. Lesisita 'o e ngaohi'anga ika
 35. Hu atu 'o e ika

KONGA VII: TOUTAI MULI 'I HE NGA AHI TAHI TOUTAI'ANGA

36. Ngaahi aleapau pe fokotu'utu'u faka'atā
 37. Ko e ngaahi tu'utu'uni mo e tu'unga 'o e ngaahi aleapau faka'atā
 38. Laiseni vaka toutai muli
 39. Ngaahi aleapau mo e ngaahi fokotu'utu'u pule'i Toutai
 40. Ngaahi hia fekau'aki mo e aleapau mo e fokotu'utu'u pule'i toutai
 41. Foaki 'e he pule 'a e ngaahi laiseni toutai muli
 42. Taimi 'aonga 'o e laiseni toutai muli
 43. Tauhi 'o e naunau toutai

KONGA VIII: TOUTAI 'I HE NGA AHI TAHI 'ATAA

44. Fanongonongo mo fakamo'oni'i 'e he Sekelitali
 45. Ngaue'aki 'o e ngaahi Vaka Tonga ke toutai 'i he ngaahi tahi 'ataa
 46. Kakai Tonga toutai 'i he ngaahi tahi 'ataa
 47. Faka'atā mei he kupu 46
 48. Kole ngofua toutai tahi 'ataa
 49. Ta'etali pe foaki ha ngofua toutai tahi 'ataa
 50. Ngaahi tu'utu'uni mo e ngaahi tu'unga 'o e ngofua toutai tahi 'ataa
 51. Taimi 'aonga 'o e ngofua toutai tahi 'ataa
 52. Ke 'i he vaka 'a e ngofua

53. Fakahā 'a e liliu 'o e vaka
 54. Kaniseli mo to'o fakataimi 'o e ngofua toutai tahi 'ataa
 55. Lekooti 'o e ngofua toutai tahi 'ataa
 56. 'Inisipekita toutai tahi 'ataa
 57. Ngaahi mafai 'o e kau 'inisipekita toutai tahi 'ataa felave'i mo e ngaahi vaka Tonga
 58. Ngaahi mafai 'o e kau 'inisipekita toutai tahi 'ataa felave'i mo e ngaahi vaka muli
 59. Ngaahi ngaue ki he heka mo e sivi felave'i mo e ngaahi vaka muli
 60. Fakatotolo'i 'o e ngaahi maumau lahi
 61. Ngaue ki he heka mo e sivi kuo liliu 'e he aleapau mo fokotu'utu'u pule'i toutai fakamamani lahi, fakafeitu'u pe fakafeitu'u si'i
 62. Ke fengau'e'aki kinautolu 'i he ngaahi vaka Tonga mo e kau 'inisipekita toutai tahi 'ataa muli
 63. Ngaahi mafai 'o e kau 'inisipekita toutai tahi 'ataa muli
 64. Ngaahi hia felave'i mo e toutai tahi 'ataa

KONGA IX: NGA AHI TU'UTU'UNI FAKALUKUFUA

65. Hū mai ta'efakalao 'o e ika mei tu'apule'anga
 66. Ke fakamafai 'a e toutai 'i muli
 67. Toutai Kupenga holisi 'o e mate
 68. Ngaahi vaka muli 'a'ahi
 69. Ngaahi Fakamatala

KONGA X: NGA AHI MAFAI 'O E KAU 'OFISA KUO FAKAMAFAI

70. Vahe'i 'o e kau 'ofisa fakamafai
 71. Mafai 'o e kau 'ofisa kuo fakamafai
 72. Fatongia faipau ki he fakahinohino
 73. Ngaahi mafai 'i tu'a mei he ngaahi tahi toutai'anga
 74. Faka'ilonga 'o e kau 'ofisa kuo fakamafai
 75. Ngaahi hia ki he kau 'ofisa kuo fakamafai
 76. Fakapuli ke pehē ko ha 'ofisa kuo fakamafai
 77. Faka'auha 'o e fakamo'oni mo kalofi hono puke

KONGA XI: KAU TAULAMA FAKAMAFAI

78. Fokotu'u 'o e kau taulama fakamafai
 79. Ngaahi fatongia 'o e kau taulama

- (c) fai ha fa'ahinga ngaue kehe 'a ia 'oku fakapotopoto ke pehē 'e tupu mei ai 'a hono kumi, ma'u, 'ave pe toutai'i 'o e ika';
- (d) tuku, kumi pe ko hono ma'u mai ha me'a tohoaki ika pe ha me'angāue 'elekitulōnika 'oku kau ki ai' 'o kau ai ha ngaahi me'a 'oku tuku atu ke faka'ilonga fakalētio;
- (e) ha ngaahi ngaue 'i tahi 'oku ne pou pou'i fakahangatonu 'a e, pe ko e teuteu ki ha ngāue 'oku fakamatala'i 'i he palakalafi ni; pe
- (f) ngaue'aki ha me'a uta kehe, 'i he 'atā pe tahi 'o kau ai 'a e vakapuna pe helikopeta 'oku ngaue'aki felāve'i mo ha ngaue 'oku fakamatala'i 'i he palakalafi ni tukukehe 'a e ngaahi fiema'u tokoni fakavavevave 'o kau ai 'a e mo'ui' mo e malu 'a e kau kauvaka pe ko e malu 'a e vaka';

“naunau toutai” 'oku 'uhinga ki ha me'angāue, naunau pe ha me'a kehe kau ai ha kupenga, maea, tauhele, 'akau, afo, mata'u, mata'u uinisi, pe vaka, velovelo, helikopeta pe vakapuna 'e lava ke ngaue'aki ki he toutai;

“aleapau pule'i 'o e toutai” 'oku 'uhinga ki ha aleapau pe fokotu'utu'u 'oku lolotonga ngaue'aki 'a ia 'oku kau ki ai 'a e Pule'anga 'a ia ko 'ene taumu'a' ko e fetokoni'aki pe ngaue fakataha 'i he fakatolonga mo pule'i 'o e ngaahi ngaue toutai' pe ko hono fakahoko 'o ha aleapau faka'atā fakatokolahi, 'o kau heni ka 'oku 'ikai ke fakangatangata pē ki hono muimui'i, pule'i mo le'ohi mo hono fokotu'u 'a e ngaahi tu'unga pe ngaahi fiema'u ki he toutai' mo e faka'atā 'o e ngaahi ngāue toutai' ka 'oku 'ikai ke kau heni ha aleapau faka'atā;

“vaka toutai” 'oku 'uhinga ki ha vaka 'oku ngaue'aki ki he toutai pe ngaahi ngaue felave'i;

“vaka toutai muli” 'oku 'uhinga ki ha vaka toutai 'oku 'ikai ko ha vaka toutai fakalotofonua;

“tu'unga falala'anga” 'oku 'uhinga ki he 'uluaki tu'unga ke ma'u 'e he vaka 'i hono fakahū ki he Lesisita Fakafeitu'u 'o e Ngaahi Vaka Toutai Muli 'oku tauhi 'e he Fakafofonga Toutai 'o e Alea'anga 'o e Pasifiki Tonga' (South Pacific Forum Fisheries Agency);

“ngaahi ngaue fakatolonga mo pule'i fakavaha'apule'anga” 'oku 'uhinga ki he ngaahi ngaue ke fakatolonga pe pule'i ha fa'ahinga 'e taha pe lahi ange 'o e ngaahi koloa me'amo'ui 'o tahi 'a ia kuo ohi mo ngaue'aki 'o fakatatau ki he lao fakavaha'apule'anga 'a ia 'oku hā 'i he Konivesio 'a e Ngaahi Pule'anga Fakatahataha ki he Lao 'o e Tahi 1982, pea 'a ia kuo tali 'e Tonga 'a ia 'e fanongonongo 'i he Kasete 'o fakatatau ki he kupu 44;

Tonga.

Fika 26 'o e 2002.



'Oku ou loto ki ai,

TAUFA'AHAU TUPOU IV,

12 'o Fepueli, 2004.

KO E LAO

KE TU'UTU'UNI KI HONO MALU'I, PULE'I MO NGAUE'AKI FAKAPOTOPOTO MO FAKALAKALAKA 'A E KOLOA 'O NGĀTAI 'I HE PULE'ANGA' NI MO E NGAHI ME'A KEHE FEKAU'AKI MO IA

[22 'Okatopa, 2002.]

'OKU TU'UTU'UNI 'e he Tu'i' mo e Fale Alea 'o Tonga' 'i he Fakataha Alea 'o e Pule'anga' 'o pehē:

Konga I: Talateu

1. (1) 'E ui 'a e Lao ni ko e Lao ki he Pule'i 'o e Toutai' 2002. Hingoa nounou
mo e
kamata'anga.
- (2) 'E kamata ngaue'aki 'a e Lao ni 'i he 'aho 'e fakahā 'e he 'Ene 'Afio 'i he Fakataha Tokoni.
2. (1) 'I he Lao ni, tukukehe 'oka hā atu ha toe 'uhinga kehe 'i hono tu'unga'- 'Uhinga'i lea
mo e ngaue'aki

“aleapau pe fokotu'utu'u faka'atā” 'oku 'uhinga ki ha aleapau pe fokotu'utu'u 'oku lau ki ai 'i he kupu 36;

“Pule” 'oku 'uhinga ki ha Fonua Motu Pasifiki, fakafofonga toutai fe'unga fakafeitu'u pe ha 'ofisa mei he Fonua Motu Pasifiki ko ia' pe ko ha fakafofonga toutai fe'unga fakafeitu'u kuo vahe'i ke ne pule'i ha aleapau faka'atā fakatokolahi 'i ha aleapau kuo fai 'i he kupu 39;

“fakafofonga” 'oku 'uhinga ki ha taha kuo fokotu'u pe kuo vahe'i 'e ha kautaha toutai muli pe ha sino pe tokotaha kehe ke hoko ko hono fakafofonga fakalao 'i he Pule'anga' ni, 'o fakatatau ki he kupu 37 (7);

“faama ika (aquaculture)” ‘oku ‘uhinga ki hono fakaili, fakafanau pe faama'i 'o e me'a mo'ui 'o e vai' mei he fua, fua'i ika, fua'i fingota pe huhu'a fakafanau 'o e ika pe 'aki hono pusiaki'i 'o ha me'amo'ui 'i he vai' kuo to'o fakalao mai mei he 'ātakai fakanatula pe kuo hū mai fakalao ki he fonua' ni pe ko ha founa kehe tatau mo ia;

“ofisa kuo fakamafai” ‘oku ‘uhinga ki ha 'ofisa toutai, ha memipa 'o e kau polisi', ha memipa 'o e Tau Malu'i Fonua 'a Tonga' pe ha taha kuo vahe'i 'e he Minisitā 'o fakatatau ki he kupu 70;

“misini tala tu'u'anga” ‘oku ‘uhinga ki ha misini kuo fakangofua 'e he Sekelitali, pea fokotu'u 'i ha vaka toutai 'a ia 'oku ne tala, 'iate ia pē pe 'i ha'ane fengāue'aki mo ha me'a pe ngaahi me'a kehe, ha fakamatala fekau'aki mo e tu'u'anga, toutai' mo ha fakamatala kehe pehē 'o fekau'aki mo e vaka mo 'ene ngaahi ngaue;

“kolo matātahi” ‘oku ‘uhinga ki ha kolo kuo vahe'i 'e he Minisitā ko e kolo matātahi koe'uhi ko e ngaahi taumu'a pule'i fakakolo 'o e toutai 'o fakatatau ki he kupu 14;

“laiseni vaka toutai sipoti fakakomesiale” ‘oku ‘uhinga ki he laiseni kuo foaki 'i he kupu 30;

“Komiti” ‘oku ‘uhinga ki he Komiti Pule'i mo Fale'i ki he Toutai kuo fokotu'u 'i he kupu 8 'o e Lao ni;

“Aleapau Faipau” ‘oku ‘uhinga ki he Aleapau ke Faka'ai'ai 'a e Faipau 'a e ngaahi vaka toutai 'i he Tahī 'Atā ki he Ngaahi Founa Malu'i mo Pule'i Fakavaha'apule'anga, na'e ohi 'e he Konifelenisi 'a e Kautaha ki he Ngoue mo e Me'atokoni 'a e Pule'anga Fakatahataha 'i Novema 24, 1993;

“Fakamaau'anga” ‘oku ‘uhinga ki he Fakamaau'anga Lahi 'o Tonga;

“tohi” 'i he fekau'aki mo ha vaka 'oku kau ai 'a e ngaahi mape 'a e vaka, ngaahi tohi loka, tohi fakamo'oni lesisita pe feitu'u lesisita, laiseni, ngofua, pepa faka'ofisi, tohi aleapau mo e ngaahi pepa ngaue pe ngaahi lekooti kehe, 'o kau ai 'a e ngaahi lekooti kuo fa'u pe tauhi faka'elekitonika 'a ia 'oku faka'aonga'i 'i hono fakalele 'o e vaka pe ki he ngaahi taumu'a toutai 'a e vaka, pe felave'i mo e vaka pea mo e kau kauvaka pe ki ha taha pē 'i he loto vaka';

“kupenga holisi 'o e mate” ‘oku ‘uhinga ki he kupenga kaponga pe kupenga kehe pe fakataha'i 'o e ngaahi kupenga 'o laka hake hono loloa 'i he kilomita 'e taha, 'o taumu'a ke kupenga'i, ma'u pe faka'efihia'i 'a e ika 'aki hono fakaholisi 'o e mate 'i he fukahi vai pe 'i he vai 'o tatau ai pē pe na'e ngaue'aki pe teu ke ngaue'aki lolotonga hono fakama'u ki ha vaka, ka 'oku 'ikai kau heni ha kupenga kuo fakama'u ki ha feitu'u 'i he fonua pe 'i he kilisitahi';

“toutai kupenga holisi 'o e mate” ‘oku ‘uhinga ki he fa'ahinga toutai 'oku ngaue'aki 'a e kupenga holisi 'o e mate;

“ika” ‘oku ‘uhinga ki ha fa'ahinga manu 'i he vai, tatau ai pē pe ko e fa'ahinga 'o e ika' pe 'ikai pea kau heni 'a e fa'ahinga 'o e tofua'a mo e pele, fingota, famili 'o e paka mo e 'uo, feo (mo'ui pe mate) pea mo e fa'ahinga 'o e kolukalu, kana mo e oma, 'akau 'i he vai, famili 'o e lomu mo e loli pe fa'ahinga kehe 'o e alamea mo e mangamanga'ātai, mo e fonu mo honau 'uhiki mo e fua;

“me'a tohoaki ika” ‘oku ‘uhinga ki ha me'a holisi 'o e mate pe holisi 'o e mate fakakonga kuo ngaohi kotoa pe hano kongā 'e he tangata, tatau pe 'oku taula pe 'ikai, 'o taumu'a ke tohoaki 'a e ika pea kau ai mo ha me'a holisi 'o e mate fakaenatula 'a ia 'oku fakapipiki ki ai ha me'a ke faka'ilonga'i 'a hono tu'u'anga';

“ofisa toutai” ‘oku ‘uhinga ki he Sekelitali pe 'ofisa toutai 'oku ngaue 'i he Potungāue';

“fale ngaohi'anga ika” ‘oku ‘uhinga ki ha kekelele, fale pe feitu'u kehe 'a ia 'oku fakahoko ai hono ngaohi pe tauhi 'o e ika 'o fakataumu'a ke ngaohi ke fakatau atu ki tu'a Pule'anga pe tautefito ke fakatau holoseila 'i Tonga ni;

“Aleapau Fa'ahinga Ika” ‘oku ‘uhinga ki he Aleapau ki hono Fakahoko 'a e Ngaahi Tu'utu'uni 'i he Konivesio 'a e Ngaahi Pule'anga Fakatahataha fekau'aki mo e Lao 'o e Tahī 'i he 'aho 10 'o Tisema, 1982 ki hono malu'i mo pule'i 'a e fa'ahinga ika fefononga'aki ofi mo e fa'ahinga ika 'oku fefononga'aki mama'o 'a ia na'e fakahoko 'i Niu 'Ioke 'i he 'aho 4 'o Tisema, 1995 (ko e tatau faka-Pilitania 'oku 'i he Tepile 1) pea 'oku kau ai 'a e ngaahi fakatonotonu ki he Aleapau Fa'ahinga Ika 'a ia 'oku ne ha'i pe te ne ha'i 'a e Pule'anga mei he taimi ki he taimi;

“ngaahi tahi toutai'anga” ‘oku ‘uhinga ki he ngaahi kongā tahi fakafeitu'u 'o e Pule'anga', ngaahi tahi fakalotofonua, kau ai 'a e ngaahi tahi fanga'uta, mo e ngaahi tahi kehe 'a ia kuo fakahā 'e he Pule'anga 'ene ngaahi totonu pe ngaahi mafai fakalao ki ai' mei he taimi ki he taimi 'o felave'i mo e ngaahi koloa me'a mo'ui 'i tahi' 'aki ha lao faka-Fale Alea pe 'aki ha Fanongonongo faka-Tu'i;

“ngaue toutai” ‘oku ‘uhinga ki he fa'ahinga ika 'e taha pe lahi ange pe ngaahi ngaue felave'i mo e fa'ahinga ika pehē 'a ia e lava ke ngaue'aki ko ha 'iuniti ki he taumu'a ke malu'i, fakalalakala mo pule'i 'o makatu'unga 'i he ngaahi 'ulungaanga fakasiokalafi, fakasaienisi, fakatekinikale, fakasosiale, faka'ekonomika mo e ngaahi 'ulungaanga kehe 'oku felāve'i mo ia;

“palani toutai” ‘oku ‘uhinga ki he palani ki hono pule'i mo fakalalakala 'o ha toutai kuo teuteu'i 'i he kupu 7.

“toutai” ‘oku ‘uhinga ki he-

(a) kumi, ma'u, 'ave pe toutai'i 'o e ika;

(b) feinga ke kumi, ma'u, 'ave pe toutai'i 'o e ika;

- (f) 'a e fiema'u hono 'ai ke si'isi'i taha 'a e 'uli, veve, ngaahi me'a li'aki, ma'u 'i he naunau mole pe li'aki, ma'u 'o e fa'ahinga 'ikai fakataumu'a ki ai mo e uesia 'o e fa'ahinga me'amo'ui fakafalala, 'aki hano ngau'aki ha ngaahi founa 'o kau ai, ki he lahi 'e ala lava, 'a hono fakalalaka mo ngaue'aki 'a e naunau mo e ngaahi founa toutai filifili, malu faka'ataakai mo totongi lelei kae 'aonga;
- (g) 'a e fiema'u ke fakahoko ha ngaahi ngaue ke ta'ofi pe fakangata 'a e toutai hulu mo totu'a pea ke fakapapau'i 'oku 'ikai laka hake 'a e ngaahi ngaue toutai 'i he ngaahi tu'unga 'oku taau mo e faka'aonga'i tolonga 'o e ngaahi koloa 'o ngatai;
- (h) 'a e totonu 'a e kau toutai tukufakaholo mo e kau toutai ki he me'atokoni;
- (i) 'a e fiema'u ke tanaki mo vahevahe taimi lelei mo fakatata ki he ngaahi aleapau pule'i 'o e toutai mo e lao fakavaha'a pule'anga, 'a e ngaahi fakamatala kakato mo tonu 'o fekau'aki mo e ngaahi ngaue toutai ki he, fakataha mo e ngaahi me'a kehe, tu'unga 'o e vaka, lahi 'o e ma'u 'o e fa'ahinga me'a mo'ui na'e fakataumu'a ki ai mo ia na'e 'ikai fakataumu'a ki ai mo e ngaue toutai, mo ha fakamatala mei he ngaahi polokalama fekumi fakafonua pe fakavaha'apule'anga;
- (j) 'a e fiema'u ke faka'ai'ai mo fakahoko 'a e fekumi mo e fakalalaka fakasaienisi 'o e ngaahi founa fakatekinolosia 'oku fe'unga ke poupu'i'aki 'a e fakatolonga mo pule'i 'o e ika;
- (k) 'a e fiema'u ke fakahoko mo fakamalohi'i 'a e ngaahi ngaue fakatolonga mo pule'i'aki hono muimui'i, pule'i mo le'ohi lelei;
- (l) 'a e fiema'u ke faka'ai'ai, ki he lahi 'e ala lava, 'a e kau tokolahi 'i hono pule'i mo fakatolonga fakalelei 'o e ngaahi koloa 'o ngatai mo mahino 'a hono fiema'u ke fakatolonga mo fakalalaka tolonga 'a e ngaahi me'amo'ui 'i he vai;
- (m) ha ngaahi fatongia kaunga totonu 'o Tonga 'i he ngaahi tu'utu'uni 'o e lao fakavaha'a Pule'anga mo e ngaahi aleapau fakavaha'a Pule'anga 'oku kau ki ai.

Tu'utu'uni ki he levolo toutai fakakatoa 'oku ngofua

5. Kuo pau ki he Minisita, 'i ha'ane fealea'aki mo e Komiti Fale'i ki he Toutai, ke ne tu'utu'uni 'a e lahi fakakatoa 'oku ngofua ke ma'u pe levolo toutai fakakatoa 'oku ngofua 'o fakatatau ki ha fa'ahinga ika 'oku tu'utu'uni ki ai 'a e Lao ni pe 'oku tu'utu'uni ki ai ha aleapau pule'i 'o e toutai.

Tu'utu'uni 'o e ngaahi totonu ke kau

6. (1) 'E ngofua ke tu'utu'uni mo vahe'i 'e he Minisita ha ngaahi totonu ke kau 'i ha fa'ahinga ngaue toutai. Ko hono vahe 'o e ngaahi totonu ke kau ko ia -

“vaka toutai fakalotofonua” 'oku 'uhinga ki ha vaka toutai 'oku-

- (a) ma'u kakato 'e he Pule'anga 'o Tonga pe 'e ha sino fakalao kuo fokotu'u 'i ha lao 'o Tonga ni;
- (b) ma'u kakato 'e ha taha fakanatula 'e tokotaha pe tokolahi ange 'a ia ko e tangata'i fonua Tonga; pe
- (c) ma'u kakato 'e ha kautaha, sosaieti pe kautaha pe ni'ihhi kehe kuo lesisita fakakautaha pe kuo fokotu'u 'i he ngaahi lao 'o Tonga;

“vaka toutai muli 'oku ngaue fakalotofonua” 'oku 'uhinga ki ha vaka toutai muli 'oku-

- (a) ngaue mo pule'i kakato pe fakalele mei Tonga ni;
- (b) toutai 'ata'ata' pe 'i he ngaahi tahi toutai'anga;
- (c) fakahifo kotoa 'e ne toutai' pe ha kongalahi 'o 'ene toutai' 'i Tonga;

“eiki vaka” 'oku 'uhinga ki ha taha pe kakai 'oku nau pule'i ha vaka toutai pea kau ki ai ha pule toutai, pule pe pailate 'o e ngaahi vaka 'oku ne pule'i ha vaka pehē;

“Minisitā” 'oku 'uhinga ki he Minisitā 'oku ne tokanga'i 'a e toutai;

“aleapau faka'atā fakatokolahi” 'oku 'uhinga ki ha aleapau 'i he vaha'a 'o ha Ngaahi Fonua Motu Pasifiki', kau ai 'a Tonga mo ha kautaha 'oku ne fakafongia'i 'a e kau ma'u vaka pe kau nō vaka toutai muli pe ha fonua kehe mei ha Fonua Motu Pasifiki 'oku tu'utu'uni ai fekau'aki mo e toutai 'a e ngaahi vaka 'o e kautaha pe Pule'anga ko ia' 'i loto 'i he ngaahi tahi toutai'anga pe ko ha aleapau 'i he vaha'a 'o ha Ngaahi Fonua Motu Pasifiki kau ai 'a Tonga ni 'oku tu'utu'uni ai ki he toutai 'a e ngaahi vaka 'o e ngaahi Pule'anga ko ia' 'i he ngaahi tahi toutai'anga ko ia';

“Talite Fakatokolahi ki he Toutai” 'oku 'uhinga ki he Talite ki he Toutai 'i he vaha'a 'o e Pule'anga 'o e Ngaahi Fonua 'o e Motu Pasifiki 'e ni'ihhi mo e Pule'anga 'Amelika na'e fai 'i Port Moresby 'i he 'aho 2 'o 'Epeleli 1987;

“taha fakalele vaka” 'oku 'uhinga ki he taha 'oku ne tokanga'i, tu'utu'uni pe pule'i 'a e vaka, kau ai 'a e 'eiki vaka, taha 'oku 'o'ona mo e taha nō vaka;

“Fonua Motu Pasifiki” 'oku 'uhinga ki he ngaahi fonua 'oku kau ki he Konivesio 1979 'o e Fakafongia Toutai 'o e Alea'anga 'o e Pasifiki Tonga (South Pacific Forum Fisheries Agency);

“Fonua Kaunga” 'oku 'uhinga ki ha fonua muli pe ha kautaha 'o ha ngaahi fonua muli 'a ia 'oku kau ki he Aleapau Fa'ahinga Ika;

“laiseni toutai fakafeitu'u” ‘oku ‘uhinga ki he laiseni toutai fakafeitu'u kuo foaki ‘e ha pule aleapau faka'atā 'i ha aleapau faka'atā fakatokolahi fekau'aki mo ha vaka toutai muli 'oku fakamafai 'i ai ke fai ha toutai 'i he ngaahi konga tahi faka'ekonomika mavahe pe 'i ha ngaahi tahi kehe pehē 'o e Ngaahi Fonua Motu Pasifiki 'a ia pe 'e tuhu'i pau 'i he aleapau faka'atā fakatokolahi;

“Lesisita Fakafeitu'u” ‘oku ‘uhinga ki he Lesisita Fakafeitu'u 'o e Ngaahi Vaka Toutai Muli 'oku tauhi 'e he Fakafofonga Toutai 'o e Alea'anga 'o e Pasifiki Tonga' (South Pacific Forum Fisheries Agency) pe ha failesisita kehe kuo vahe'i 'e he Sekelitali;

“Founga Muimui'i Vaka Fakafeitu'u” ‘oku ‘uhinga ki he sisitemi ke muimui'i 'o e vaka kuo tali ke ngaue'aki 'i he feitu'u ni 'e he ngaahi fonua memipa 'o e Fakafofonga Toutai 'o e Alea'anga 'o e Pasifiki Tonga (South Pacific Forum Fisheries Agency), pe ha sisitemi kehe ki hono vakai'i 'o e vaka' 'a ia kuo tali ke ngaue'aki 'e he Pule'anga' ni;

“ngaue felave'i” ‘oku ‘uhinga ki he:

- (a) fetuku 'o e ika' ki ha vaka pe mei ha vaka;
- (b) tauhi, ngaohi pe fetuku 'o e ika kuo ma'u mei he ngaahi tahi toutai'anga 'o a'u ki he taimi hono 'uluaki a'utaki ki 'uta';
- (c) 'utu pe ko e fai 'o e ngaahi tokonaki ki he ngaahi vaka toutai' pe ko hono fakahoko 'o ha ngaahi ngaue kehe ke tokoni'i 'a e ngaahi ngāue fakatoutai';
- (d) feinga pe ko e teuteu ke fakahoko ha ni'ihi 'o e ngaahi me'a 'oku hā 'i 'olunga';

“Sekelitali” ‘oku ‘uhinga ki he Sekelitali ki he Toutai';

“maumau lahi” ko e 'uhinga ki ai' 'oku 'oatu 'e he Aleapau Fa'ahinga Ika;

“toutai ki he me'atokoni” ‘oku ‘uhinga ki he toutai fakatefito ki he ma'u me'atokoni 'a e famili'ka 'oku 'ikai kau heni 'a hono fakatau atu, faka'ali'ali ke fakatau pe ke fakafetongi koloa 'aki 'a e ika kuo ma'u' tukukehe ka 'oku fekau'aki tefito pē mo e taumu'a toutai ki he me'atokoni;

“ngāue toutai 'ahi'ahi” ‘oku ‘uhinga ki he fa'ahinga ngāue fakatoutai 'oku fakahoko 'i ha vaha'a taimi fakangatangata 'a ia kuo tali 'e he Sekelitali 'o fakataumu'a ke 'ahi'ahi' 'a e ola 'o e ngaahi ngāue fakatoutai fakakomesiale 'o fakahangahanga ke fokotu'u ha ngaahi ngaue fakatoutai ke fai fakalotofonua pe 'i he feitu'u' ni;

“vaka Tonga” ‘oku ‘uhinga ki ha vaka kuo lesisita pe laiseni pe faka'atā fakalao mei he fiema'u ke lesisita pe laiseni 'i he Konga III 'o e Lao Folautahi (Vahe 136) pe ko e ngaahi tu'utu'uni kuo fa'u 'i he Lao ki he Folau Tahī (Vahe 136).

“founga muimui'i vaka” ‘oku ‘uhinga ki ha sisitemi lipooti 'oku malava ke ne muimui'i 'a e toutai' mo e ngaahi ngaue felave'i 'o e ngaahi vaka toutai', kau ai, ka 'oku 'ikai ke fakangatangata pē ki hono, fakapapau'i 'a e hingoa 'o e vaka', tu'u'anga', halanga folau' mo e veve', mo e ngaahi faka'ilonga makehe pea 'e ngofua ke kau heni 'a hono ngaue'aki 'o e me'a tala tu'u'anga.

- (2) 'Oku malava ke pule'i 'e he Lao ni ha me'a 'oku hoko 'i tu'apule'anga pea ka 'i ai ha Fakamaau'anga 'i Tonga ni 'oku fai ai ha hopo hia 'i he Lao ni, pe ko ha tu'utu'uni kuo fa'u 'i ai, kuo pau ke ne ma'u 'a e mafai ki he taumu'a 'o e Lao ni.
- (3) 'Oku 'ikai ngaue'aki 'a e Lao ni ki he faama ika (aquaculture).

KONGA II

FAKATOLONGA, PULE'I, FAKA'AONGA'I MO FAKALAKALAKA TOLONGA 'A E NGAUE TOUTAI

3. Kuo pau ki he Minisitā, fakatatau ki he Lao ni, ke ne fatongia 'aki 'a hono fakatolonga, pule'i, faka'aonga'i mo fakalalakaka tolonga 'a e ngaahi koloa ngaue toutai 'i he Pule'anga' mo e ngaahi tahi toutai'anga. Fatongia 'o e Minisitā.
4. 'I hono ngaue'aki 'o e ngaahi mafai 'i he Lao ni, kuo pau ke fakapapau'i 'e he Minisitā 'oku fakakauaku'i 'a e ngaahi me'a ko 'eni': Ngaahi me'a ke fakakauaku'i 'i he fakahoko 'o e ngaahi mafai.
 - (a) 'a e fiema'u ke fakapapau'i 'a e fakatolonga mo e faka'aonga'i tolonga 'o e ngaahi koloa ngaue toutai, pea ki he taumu'a ni ke ne ohi mai ha ngaahi founga pule'i te ne faka'ai'ai 'a e kaveinga ko e faka'aonga'i lahi taha pea ke ne a'usia 'a e tupu faka'ekonomika, fakalalakaka 'a e ivi ngaue 'o e tangata, fakatupu 'a e ngaahi ma'u'anga ngaue mo e palanisi fakame'amo'ui lelei;
 - (b) 'a e fiema'u ke fakapapau'i 'oku makatu'unga 'a e ngaahi founga pule'i 'i he ngaahi fakamo'oni fakasaienisi lelei taha 'oku ala ma'u;
 - (c) 'a e ngaue'aki 'o e founga fakaalalaa 'i ha tu'unga 'e 'ikai to e ma'ulalo ange 'i he ngaahi tu'unga ko ia kuo tu'utu'uni 'e he Aleapau Fa'ahinga Ika pe ha aleapau pule'i 'o e tuoutai kehe;
 - (d) 'a e fiema'u ke fakatolonga 'a e ngaahi koloa me'amo'ui 'i he vai mo malu'i 'a e me'amo'ui kehekehe 'i he 'ataakai 'o tahi ma'ae ngaahi to'utangata 'o e lolotonga mo e kaha'u;
 - (e) 'a e fiema'u ke malu'i fakakatoa 'a e founga mo'ui fekau'aki mo e 'ataakai 'o e vai fakalukufua pea ke ohi, 'oka fiema'u, ha ngaahi founga fakatolonga mo pule'i 'o e fa'ahinga me'a mo'ui 'oku kau 'i ha founga mo'ui fekau'aki tatau pe fekau'aki pe fakafalala 'i he fa'ahinga 'oku fakataumu'a ki ai;

- (b) 'a e ngaahi founa toutai 'e ala ngaue'aki;
- (c) 'a e ngaahi tu'utu'uni mo e ngaahi tu'unga 'o e toutai pe ngaue felave'i;
- (d) ha ngaue 'e ala tapui, pule'i, pe faka'ata mei hono pule'i, fakatatau ki he ngaahi tu'utu'uni mo e ngaahi tu'unga pau;
- (e) ha founa fakatolonga mo pule'i taau kehe 'oku ngaue'aki;
- (f) ha me'a kehe pe 'e ala tu'utu'uni;
- 'i he Feitu'u Pule'i Makehe kuo fakamahino'i.
- (3) Ko ha taha 'oku ne toutai pe fakahoko ha ngaue felave'i 'i ha Feitu'u Pule'i Makehe 'o maumau ai ha Tu'utu'uni kuo fai 'i he kupu ni kuo pau ke halaia ki ha hia pea kuo pau ke ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$50,000.
- 14.** (1) 'E ngofua ki he Minisita, 'i ha'ane alea mo e Komiti, ke ne vahe'i ha kolo 'i Tonga ni ke hoko ko ha Kolo Matatahi ki he ngaahi taumu'a 'o e pule'i 'o e toutai fakakolo pea 'e ngofua ke ne -
- (a) vahe'i ha ngaahi Feitu'u Pule'i Makehe pe ha ngaahi konga 'o ia 'a ia 'e tokanga'i 'e he Kolo Matatahi 'i he Lao ni;
- (b) tu'utu'uni 'a e ngaahi totonu mo e ngaahi fatongia 'o e Kolo Matatahi fekau'aki mo e ngaahi Feitu'u Pule'i Makehe pe konga 'o ia.
- (2) Kuo pau ki he Minisita, 'i he'ene vahe'i ha kolo ke hoko ko ha Kolo Matatahi fakatatau ki he kupusi'i (1), ke ne fakakaukau'i -
- (a) 'a e ngaahi me'a 'oku tokanga ki ai 'a e ngaahi kolo 'oku nofo hoko atu ki he Feitu'u Pule'i Makehe;
- (b) 'a e anga 'o e nofo 'a kainga, ngaahi kolo, ngaahi vahe pe ha ngaahi nofo'anga kehe;
- (c) ha toe me'a kehe 'oku pehe 'e he Minisita 'oku taau ki hono fakatolonga mo pule'i lelei 'a e ika.
- (3) Kuo pau ke tokanga'i 'e he Sekelitali 'i he Lao ni ha Feitu'u Pule'i Makehe pe ha ngaahi konga 'o ia 'a ia kuo te'eki ai ke vahe'i ki ha Kolo Matatahi 'i he kupusi'i (1).
- (4) Kuo pau ke tauhi 'e he Sekelitali' ha lekooti 'o e ngaahi feitu'u Pule'i Makehe mo ha Kolo Matatahi 'oku ne tokanga'i 'a e Feitu'u Pule'i Makehe ko ia' pe ko ha konga 'o ia.
- (5) Kuo pau ke fokotu'utu'u 'e ha Kolo Matatahi ia mo 'ene ngaahi ngaue pe ko e anga hono pule'i' 'i ha founa 'e lelei ai 'a hono fakatolonga mo pule'i 'o e ngaahi koloa toutai 'i he Feitu'u Pule'i Makehe ko ia'.

Vahe'i 'o e
Ngaahi Komiuniti
Nofo Matatahi

- (a) 'e ngofua ke fili pe 'a e kakai Tonga, ngaahi vaka toutai ngaue fakalotofonua mo e ngaahi vaka toutai muli 'oku ngaue fakalotofonua 'i he fakahokohoko ko ia;
- (b) 'e ngofua ke 'i ai ha ngaahi fakangatangata ki he kalasi 'o e vaka, kalasi naunau toutai, ngaahi fa'ahi ta'u toutai, ngaahi feitu'u 'e lava 'o fakahoko ai 'a e toutai mo ha fakangatangata kehe 'oku kaunga totonu ki hono pule'i mo fakatolonga 'o e ngaue toutai;
- (c) 'e ngofua ke kau ai ha tu'utu'uni pe tu'unga kehe 'e ala tu'utu'uni 'e he Minisita.
- (2) Kuo pau ki he Minisita, 'i ha Fanongonongo 'i he Kasete, ke ne vahe'i ha ngaue toutai pe ngaahi ngaue toutai fakatatau ki he tu'utu'uni mo e vahevahe 'o e ngaahi totonu ke kau 'i he kupusi'i (1).
- (3) Ko ha ngaue toutai 'oku 'ikai ke pule'i 'e ha palani toutai kuo fai 'o fakatatau ki he kupu 7 kuo pau 'e 'ikai 'e vahe'i ia ko ha ngaue toutai ke pule'i 'e ha tu'utu'uni ki ha totonu ke kau 'i he kupusi'i (1).
- (4) 'E ngofua ki he Minisita ke ne tu'utu'uni 'a e ngaahi founa 'oku 'aonga ki ha fa'ahinga fiema'u 'o ha kole, fakakaukau'i 'o e kole, foaki 'o e vahe mo e 'ikai ke foaki 'o e vahe, kaniseli, ta'ofi fakataimi pe to'o 'o e ngaahi totonu ke kau, mo e ngaahi tangi mei he 'ikai ke foaki 'o e vahe, kaniseli, ta'ofi fakataimi pe to'o 'o e ngaahi totonu ke kau, kuo pau ke fakahoko ia 'o fakatatau ki he ngaahi fiema'u kuo tu'utu'uni.
- 7.** (1) Kuo pau ki he Sekelitali ke ne toutou teuteu mo vakai'i 'a e ngaahi palani ki hono fakatolonga, pule'i, faka'aonga'i mo fakalalakala tolonga 'a e ngaahi ngaue toutai 'i he ngaahi tahi toutai mo fakapapu'i 'oku fakahoko 'a e ngaahi palani ngaue toutai ko ia.
- (2) Kuo pau ke fakaha 'e he palani ngaue toutai taki taha 'a e tu'unga lolotonga 'o e lahi hono toutai'i 'o e ika, 'a e ngaahi taumu'a ke a'usia 'i hono pule'i mo fakalalakala 'o e ngaue toutai, 'a hono pule'i, laiseni, fakangofua pe fakamafai kehe mo hono fakalalakala 'o e ngaahi founa ke fakahoko, 'a e fakamatala 'o e ngaahi fika mo e fakamatala kehe ke tatanaki fekau'aki mo e ika mo e lahi 'o e toutai, kapau 'oku 'i ai, 'a ia 'e fakangofua ki he ngaahi vaka toutai muli mo ha fakakiiki kehe pehe 'e ala tu'utu'uni 'e he Sekelitali.
- (3) Kuopau ki he Sekelitali, 'i hono teuteu mo vakai'i 'o e palani toutai takitaha, ke ne alea 'o taau mo e -
- (a) ngaahi potungau mo e ngaahi fakafofonga fakapule'anga kehe, kau ai ha, sino fakapule'anga Fakavahe Fonua, Kolo pe fakafeitu'u pe ha ma'u mafai 'oku kaunga ki he pe 'oku uesia 'e he palani toutai ko ia;
- (b) sino, taha pe ha falukunga kakai, Kolo matatahi, kautaha taautaha pe sino tatau mo ia 'a ia 'oku 'i ai ha'ane kaunga ki he fa'ahinga toutai ko ia pe 'oku uesia 'e he palani ko ia;

Ngaahi palani
pule'i mo
fakalalakala 'a e
toutai

- (c) ngaahi ma'u mafai pule'i toutai 'o ha ngaahi fonua 'i he feitu'u ko ia, 'i he taumu'a ke fakapapau'i 'oku fetaiaki 'a 'enua ngaahi palani pule'i mo fakalalakaka toutai takitaha; mo
- (d) ha taha pe falukunga kakai kehe 'a ia 'e fiema'u 'i he Lao ni pe ha lao kehe.
- (4) 'E ngofua ke fokotu'u 'i ha palani toutai, ha komiti pule 'a ia kuo pau -
- (a) ke fokotu'u 'o hange ko ia 'e pehe 'e he Sekelitali 'oku taau pe hange ko ia 'e fakamahino'i 'i he palani pule; pea
- (b) ko hono tefito'i fatongia ko e fakahoko mo vakai'i 'o e palani toutai pe ko e fakahoko 'o e taumu'a toutai 'o e palani toutai pe ko e muimui'i hono fakahoko 'o e taumu'a toutai 'i he palani toutai pe fakahoko ha ngaahi ngafa mo e ngaahi fatongia kehe 'e 'oange ki ai 'i he palani toutai 'oku fakatatau ki he Lao ni.
- (5) Kuo pau ke 'oatu ki he Minisita 'a e palani toutai mo hono vakai'i ke ne fakangofua.
- Komiti Fale'i Pule Toutai** 8. (1) Kuo pau ke fokotu'u 'e he Minisita ha Komiti Fale'i Pule Toutai 'a ia kuo pau ke ne fale'i 'a e Minisita 'i he ngaahi me'a fekau'aki mo hono fakatolonga, pule'i, faka'aonga'i mo fakalalakaka tolonga ai 'a e ngaue toutai 'i he Pule'anga.
- (2) Kuo pau ko e Komiti 'a e kau memipa ko 'eni;
- (a) Ko e Sekelitali 'a ia ko e Sea;
- (b) ko e Sekelitali ki he Potungaue Fonua pe ko hono fakafongia;
- (c) ko e Sekelitali ki he Ngaue 'a e Kakai Fefakatau'aki mo e Ngaahi Ngaue'anga pe ko hono fakafongia;
- (d) memipa 'e taha ke ne fakafongia 'a e ngaahi fiema'u 'a e kau toutai fakakomesiale 'e fili 'e he Kautaha Uta Ika ki Tu'apule'anga 'a Tonga;
- (e) memipa 'e taha ke fakafongia 'a e ngaahi fiema'u 'a e kakai fefine 'e fili 'e he Minisita;
- (f) memipa 'e toko ua ke fakafongia 'a e kau toutai fakalotofonua kuo fili 'e he Minisita;
- (g) memipa 'e taha ke fakafongia 'a e ngaahi kolo tu'u matatahi 'a ia 'e fili 'e he Palemia;
- (h) mo ha fa'ahinga 'o 'ikai laka he toko ua 'oku fakakaukau 'a e Sekelitali 'oku taau ke fokotu'u.
- (3) Ko e kau memipa tukukehe 'a e kau memipa tu'uma'u kuo pau ke fokotu'u kinautolu ki ha ta'u 'e 3.

9. (1) Kapau 'e 'oatu 'e he Sekelitali ki he Komiti ke vakai'i ha me'a fekau'aki mo ha tohi kole laiseni, ngofua pe fakamafai pe ha fakafou 'o ia, kuo pau ke fakakau mai 'e he Komiti ha taha mei he kakai 'o e fonua 'oku nau tokanga'i 'a e kaveinga 'oku 'uhinga ai 'a e kole. **Kau memipa faka-kau mai**
- (2) 'E ngofua ke fakakau mai 'e he Komiti ha toko taha ke ne fakafongia 'a e ngaahi kaunga 'a e toutai fakakomesiale, toko taha ke ne fakafongia 'a e ngaahi kaunga 'a e kakai fefine, toko ua ke na fakafongia 'a e ngaahi kaunga 'a e kau toutai fakalotofonua pe ha toko taha ke ne fakafongia 'a e Kolo Matatahi mo ha ni'ihiki kehe pe te ne pehe 'oku fe'unga koe'uhi ko ha'ane 'ilo mataotao pe potoi makehe, ke hoko ko ha memipa ke ne tokoni kiate ia 'i ha kaveinga pau.
- (3) Ko ha taha kuo fakakau mai kuo pau 'e 'ikai ke ne fakaha loto ki ha fehu'i 'oku 'i he 'ao 'o e Komiti.
10. (1) Kuo pau ke pule'i 'e he Komiti' mo fokotu'u ha'ane ngaahi founa ngaue ki hono fakahoko 'ene ngaahi fakataha'. **Fakahoko 'o e ngaahi fakataha**
- (2) 'I ha fakataha 'a e Komiti' kuo pau ko e tokolahi kae lava ha fakataha ko e Sea' mo ha memipa 'e toko ua kae 'ikai kau heni ha kau memipa kuo fakakau mai.
11. (1) Ko e ngaahi ngaue kotoa pe 'a e Komiti mo e ngaahi fehu'i kotoa pe 'oku 'i he 'ao 'o e Komiti 'e ngofua ke ne tu'utu'uni ki ai 'aki ha fakaha loto hiki nima 'a e tokolahi taha 'o e kau memipa 'oku ma'u fakataha mo fakaha loto. **Fakaha loto**
- (2) Kapau 'e tatau 'a e ngaahi fakaha loto, kuo pau ke fakapapau'i 'aki ha fakaha loto 'a e Sea.
12. (1) 'E ngofua ke fokotu'u 'e he Komiti' ha ngaahi komiti-si'i ma'ae kau memipa 'o e Komiti'. **Ngaahi komiti-si'i 'o e Komiti**
- (2) Ko ha Komiti-si'i kuo fokotu'u 'i he kupu ni kuo pau ke fokotu'u ia ki ha vaha'a taimi pau mo ha ngaahi fatongia pau.
- (3) Kuo pau ke fai 'e he komiti-si'i ha ngaahi fokotu'u ki he Komiti'.
13. (1) 'E ngofua ki he Minisita 'aki ha Tu'utu'uni kuo paaki 'i he Kasete, ke ne fakaha ha feitu'u 'o e ngaahi tahi toutai'anga mo hono kilisitahi ko ha Feitu'u Pule'i Makehe ki he ngaahi taumu'a ke pule'i 'e ha Kolo Matatahi, ke ngaue'aki ki ai ha ngaahi founa fakatolonga mo pule'i pau, ke fai'anga toutai ki he me'atokoni pe ha taumu'a pau kehe. **Ngaahi Feitu'u Pule'i Makehe**
- (2) Ko ha Tu'utu'uni kuo fai 'o fakatatau ki he kupu si'i (1) kuo pau ke fakamahino'i ai:
- (a) 'a e ni'ihiki pe falukunga kakai pe fa'ahinga pe ngaahi kalasi 'o e ngaahi vaka 'e ngofua ke nau toutai pe fakahoko ha ngaue felave'i;

- (ix) 'ikai ke ngaue'aki, uta 'i ha vaka pe 'ikai ke ma'u ha kalasi, fa'ahinga, lalahi pe lahi 'o e naunau toutai, naunau fai folau pe naunau fakahaofi mo'ui ke ngaue'aki ki he toutai pe ngaue felave'i;
- (x) kalasi, fa'ahinga, felanga pe founa 'o e fakahoko 'o e toutai pe ngaue felave'i;
- (xi) taimi, 'aho pe fa'ahi ta'u pe ha vaha'a taimi ta'efakangatangata pe vaha'a taimi pau;
- (xii) ha kalasi pe falanga kakai;
- (xiii) ki ha fa'ahinga ika, famili 'o ha fa'ahinga ika, kalasi pe fa'ahinga ika 'oku malu'i pe 'oku faka'au ke mole;
- (b) tapui ha ngaahi ngaue kehe 'oku ne pehe 'oku taau.
- (2) 'E ngofua ke tu'utu'uni 'i ha Fanongonongo 'i he kupu ni ha ngaahi faka'ata.
- (3) Kuo pau 'e 'ikai laka hake ha faka'ata 'i he kupusi'i (2) 'i he mahina 'e tolu.
- (4) Ka 'i ai ha taha 'oku ne -
- (a) ngaue'aki ma'ana pe ko ha hoa ngaue, fakafofonga pe taha ngaue 'a ha taha kehe; pe
- (b) fakatupu pe fakangofua ha taha 'oku ne ngaue ma'ana ke ne ngaue'aki,
- ha vaka ke fakahoko'aki ha ngaue 'oku tapui 'i ha fanongonongo tukukehe ka 'oku faka'ata 'i he kupusi'i (2), kuo pau 'e halaia ia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$250,000.
- (5) Ka 'i ai ha taha, 'oku ne 'i ha faitu'u 'o e ngaahi tahi toutai'anga, 'oku ne ma'u pe 'oku ne pule'i ha ika 'i ha vaka 'i ha taimi 'oku tapui ai hono toutai'i 'o ha ika pehe 'e ha fanongonongo 'i he kupusi'i (1) 'i ha faitu'u pe, kuo pau 'e halaia ia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$25,000.
- (6) Kuo pau ko ha taukapo ki ha faka'ilo 'i ha hia 'i ha kupusi'i (5) kapau 'e fakamo'oni'i 'e he taha kuo faka'ilo 'o fiemalie ki ai 'a e fakamaau'anga -
- (a) na'e 'ikai 'ave 'a e ika ko ia mei he faitu'u 'i tahi 'oku tapui 'i he kupusi'i ko ia; pe
- (b) ko hono 'ave 'o e ika ko ia na'e 'ikai ke maumau ai 'a e Lao ni.

15. (1) 'E ngofua ki he Minisitā, 'i ha'ane alea mo e Komiti Fale'i Pule'i Toutai mo e Kolo Matātahi 'oku ne tokanga'i ha Feitu'u Pule'i Makehe ko ia, ke ne fa'u ha ngaahi tu'utu'uni 'o fekau'aki mo e faitu'u Pule'i Makehe ko ia', kau ki hono fakahoko 'o ha palani toutai ki hono fakatolonga, pule'i, faka'aonga'i mo fakalakalaka tolona 'a e ngaahi koloa 'o ngātai' 'i ha Feitu'u Pule'i Makehe ko ia'.
- (2) Ko ha laiseni, ngofua pe fakamafai 'e 'oatu 'e he Minisitā 'i he Lao'ni ki he toutai pe ngaue felave'i 'i ha faitu'u Pule'i Makehe pe ha kongā 'o ia pe ha fa'ahinga ngāue kehe pē 'i he Feitu'u Pule'i Makehe pe ha kongā 'o ia, kuo pau 'e 'ikai ke 'oatu ia 'i he Lao ni ta'e tomu'a fai ha alea mo e Kolo Matātahi 'a ia 'oku nau tokanga'i 'a e Feitu'u Pule'i Makehe ko ia' pe ko ha kongā 'o ia.
16. (1) 'E ngofua ki he Minisitā, i he Fanongonongo 'i he Kasete', ke ne fakahā ha ika ko ha fa'ahinga ika malu'i.
- (2) Kuo pau 'e 'ikai ke ma'u, fakahake ki 'uta, faka'ali'ali ke fakatau atu, pe ngaue ki ai, fetuku, ma'u mai, fakatau mai pe ma'u 'e ha taha ha ika kuo fakaha ko ha fa'ahinga ika malu'i.
- (3) Ko ha taha 'oku ne maumau'i 'a e kupusi'i (2) kuo pau ke halaia ia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$250,000 pea tanaki atu mo ha pa'anga 'oku tatau mo e mahu'inga fakamovetevete lolotonga 'o e ika pe koloa ika ko ia 'i he maketi na'e taumu'a ke 'ave ki ai.
- (4) 'E ngofua ke fa'u 'e he Minisitā ha ngaahi tu'utu'uni ki hono pule'i 'o ha fa'ahinga ika malu'i.

KONGA III

KO E NGAHI HIA

17. (1) Ka 'i ai ha taha te ne:
- (a) ngaue'aki, fakangofua ke ngaue'aki pe feinga ke ngaue'aki ha fa'ahinga -
- (i) kemikale, me'a kona, pe me'a fakatu'utamaki pe me'a 'o tatau ai pe pe ko e me'a ngaohi pe tupu fakaenatula; pe ha
- (ii) 'one pe ha me'a 'oku ngaohi'aki 'a e 'one pe ha me'a fana'one,
- 'i he taumu'a ke tamate'i, ma'u, fakaninimo'i, fakamohe'i pe fakamamatea'i 'a e ika pe 'i ha fa'ahinga founa pe ke fakafaingofua'i ange ai hono ma'u 'o e ika;
- (b) 'ave, fakangofua ke 'ave, ma'u pe pule'i ha -

Pule'i 'o e koloa
'o ngatai 'i he
Ngaahi Feitu'u
Pule'i Makehe

Malu'i 'o e
Fa'ahinga Ika
n'ihi

Tapu ke toutai
'aki 'a e
me'akona pe
'one

- (i) kemikale, me'a kona, pe ha me'a fakatu'utamaki 'o tatau ai pe pe ko e me'a kuo ngaohi pe tupu fakaenatula; pe
- (ii) 'one pe ha me'a 'oku ngaohi'aki 'a e 'one pe ha me'a fana'one,
- 'i he ngaahi 'ataakai 'oku ha mahino mei ai 'a e taumu'a ke ngaue'aki ki ha ni'ihi 'o e ngaahi taumu'a 'oku lau ki ai 'i he palakalafi (a),
- kuo pau ke halaia ia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai to e laka hake 'i he \$100,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 2.
- (2) Ka 'i ai ha taha 'oku ne -
- (a) fakahake ki 'uta, faka'ali'ali ke fakatau atu, fakatau atu, ngaue ki ai, uta, ma'u mai pe ma'u 'iate ia 'i he 'ilo pau ko e ngaue ko ia ki ha ika pe ha me'a mei ha ika 'oku fepaki mo e kupu-si'i (1)(a); pe
- (b) 'ilo'i pe 'oku 'i ai ha 'uhinga fakapotopoto ke ne tui ko hono 'ave ha ika pe ha me'a mei he ika 'oku fepaki mo e kupu-si'i (1) (a) 'oku 'ikai pe 'oku ne fakafisi ke ne 'oatu, ki ha 'ofisa ma'u mafai, 'i ha'ane kole, ha fakamatala fekau'aki:
- (i) mo ha ngaue 'a ia kuo fakamatala'i 'i he kupusi'i (1); pe
- (ii) mo e feitu'u na'a ne ma'u mei ai ha ika pe ha me'a mei he ika 'i he palakalafi (a) 'o e kupusi'i ni;
- kuo pau 'e halaia ia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$100,000.
- (3) Ki he ngaahi taumu'a 'o e kupu ni, ko ha tohi fakamo'oni, kuo fakamo'oni'i sitapa'i mo sila'i 'e he Sekelitali pe ha taha kuo ne fakamafai 'i he tohi 'o fekau'aki mo e tupu'anga mo e founa 'o e mate pe lavea 'a ha ika kuo pau ke tali ia ko e fakamo'oni mahino 'o e ngaahi tefito'i mo'oni 'oku fakapapau'i 'i he tohi fakamo'oni 'i ha fakamaau'anga ta'e to e fiema'u ke fakamo'oni'i 'a e fakamo'oni hingoa 'a e taha 'oku ha na'a ne fakamo'oni hingoa 'i he tohi fakamo'oni ko ia pe ko hono tu'unga fakangaue.
- (4) Ka fai ha hopo koe'uhi ko ha maumu'i 'o e kupu ni, kuo pau ke ngaue'aki 'a e ngaahi tu'utu'uni 'i he kupu 92 mo e kupu 94, ki ha tohi fakamo'oni kuo 'oatu 'o fakatatau ki he kupusi'i (4) 'o e kupu ni ka kuo pau ke fakahu atu ai 'a e fo'i lea "kupu 17 (3)" ke fetongi'aki 'a e ongo fo'i lea "kupu 92" 'i he kupu 92(3) mo e kupu 94(1) mo (5).

- (5) Ko ha kemikale, me'a kona pe me'a fakatu'utamaki, 'one, mahafu 'o e 'one pe ha me'a fana 'one 'e 'ilo 'i ha vaka kuo pau ke lau ia, tukukehe 'oka fakamo'oni'i, 'oku 'ikai mo'oni, 'oku fakataumu'a ia ki he taumu'a 'oku lau ki ai 'a e kupu si'i (1)(a).
- (6) Ko e ika kotoa pe pe ko ha me'a mei he ika kuo hoko ai ha hia 'i he kupu ni kuo pau ke puke ia, pea ko ha vaka pe me'auta'anga na'e ngaue'aki ki hono fetuku 'o e ika pe me'a mei he ika ko ia 'e ngofua ke puke pea mo tuku atu ia 'i ha founa 'e tu'utu'uni ki ai 'e he Sekelitali
18. Ka 'i ai ha taha 'i loto 'i ha feitu'u 'o e ngaahi tahi toutai'anga 'oku ne ngaue'aki ki he toutai pe tauhi 'i he vaka 'i he ngaahi tu'unga 'oku ha mei ai 'a e taumu'a ke ngaue'aki ki he toutai 'i he ngaahi tahi toutai 'anga:
- (a) ha kupenga 'a ia ko hono matasia 'oku 'ikai muimui pau ki he matasia si'isi'i taha kuo tu'utu'uni ki he fa'ahinga kupenga 'i he feitu'u ko ia;
- (b) ha naunau toutai 'a ia 'oku 'ikai fai pau ki he tu'unga kuo tu'utu'uni ki he fa'ahinga naunau toutai ko ia; pe
- (c) ha naunau toutai 'a ia 'oku tapui 'e he Lao ni pe ha ngaahi tu'utu'uni kuo fa'u 'o fakatatau ki he Lao ni,
- kuo pau ke ne halaia ia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$100,000.
19. (1) 'E ngofua ki he Minisita 'i he loto ki ai 'a e Kapineti, 'i ha fanongonongo 'i he Kasete, ke ne -
- (a) tapui 'a e toutai pe ko ha ngaue felave'i 'o fekau'aki mo ha:
- (i) ngaahi fa'ahinga ika, famili 'o ha fa'ahinga ika, kalasi pe ha fa'ahinga pe 'o e ika;
- (ii) lahi, mamafa pe fotunga 'o e ika pe ngaahi konga 'o e ika;
- (iii) ta'u motu'a, fotunga tupu, pe tu'unga 'o e ika;
- (iv) ngaahi fakangatangata ki he lahi hono ma'u, lahi 'o e toutai, tokolahi 'o kinautolu 'oku ala kau 'i he toutai pe ngaue felave'i;
- (v) feitu'u pau 'i tahi pe ha feitu'u pau;
- (vi) kalasi pe fa'ahinga 'o e vaka;
- (vii) founa toutai;
- (viii) ngaue'aki, uta 'i ha vaka pe ko hono ma'u 'o ha kalasi, fa'ahinga pe lalahi pe lahi 'o ha naunau toutai, naunau folau tahi pe fakahaofi mo'ui 'oku ngaue'aki ki he toutai pe ngaue felave'i;

Ngaue'aki mo tauhi 'a e naunau toutai tapu

Toutai mo e ngaahi ngaue felave'i 'oku tapui

'Aonga fakalao
'o e ngaahi
laiseni, ngaahi
ngofua pe
ngaahi fakamafai
toutai

26. (1) Tukukehe ka 'i ai ha tu'utu'uni kehe 'i he Lao ni, ko ha laiseni, ngofua pe fakamafai kuo 'oatu 'i he Lao ni, tukukehe ka kuo 'osi kaniseli pe to'o fakataimi kimu'a 'o fakataata ki he kupu 27, kuo pau ke fakalao ia ki he vaha'a taimi kuo fakaha 'i he laiseni, ngofua pe fakamafai.
- (2) Tukukehe 'o ka 'i ai ha tu'utu'uni 'o fekau'aki mo ha palani ke fakasi'isi'i 'a e lahi 'o e toutai 'i ha fa'ahinga ngaue toutai pe 'i he ngaahi taumu'a fekau'aki mo e ngaahi totonu ke kau, kuo pau 'e 'ikai lava ke hiki ha laiseni kuo foaki ki ha vaka toutai 'i he Lao ni ki ha vaka kehe tukukehe ha fakangofua tohi mei he Sekelitali, pea mei he Minisita kapau ko ha laiseni toutai muli.

Kaneseli pe to'o
fakataimi 'o e
ngaahi laiseni
toutai

27. (1) 'E ngofua ke kaniseli pe ta'ofi fakataimi 'e he Sekelitali ha laiseni, ngofua pe fakamafai toutai, pe 'e he Minisita kapau ko ha laiseni vaka toutai muli na'e ne foaki, kapau 'oku ne fiemalie -
- (a) 'oku fiema'u ke fakahoko ia koe'uhi ke fakahoko ha polokalama laiseni, pe ko ha palani totonu ke kau pe ko ha polokalama pule'i ngaue makehe 'oku fakamahino'i 'i he palani toutai; pe
- (b) ko e vaka 'a ia kuo 'oatu ki ai 'a e laiseni, ngofua pe fakamafai kuo ngaue'aki 'o fepaki mo e Lao ni pe ha ngaahi tu'utu'uni kuo fa'u fakataata ki ai, pe ha tu'unga 'o e laiseni, ngofua pe fakamafai pe maumau ai ha aleapau pe fokotu'utu'u faka'ata, tukukehe kapau ko e 'oatu 'a e laiseni, ngofua pe fakamafai ko ia 'e ha pule 'i ha aleapau faka'ata fakatokolahi.
- (2) 'E ngofua ke kaniseli pe ta'ofi fakataimi ha laiseni vaka toutai muli kapau 'oku ne maumau'i 'a e ngaahi tu'utu'uni 'o ha aleapau faka'ata fakatokolahi na'e kau ki ai 'i he kupu 36 mo e 37.
- (3) Kapau kuo kaniseli pe ta'ofi fakataimi ha laiseni, ngofua pe fakamafai toutai 'o fakataata ki he kupu si'i (1), kuo pau 'e 'ikai ke ngaue'aki ia kae'oua kuo fanongonongo ki he taha ma'u laiseni, ngofua pe taha ma'u fakamafai.
- (4) Kapau kuo ta'ofi fakataimi pe kaniseli ha laiseni, ngofua pe fakamafai toutai 'i he ngaahi 'uhinga 'oku fakamahino'i 'i he kupu si'i (1)(a), kuo pau ke totongi fakafoki ki he taha ma'u laiseni, taha ma'u ngofua, taha ma'u fakamafai, ha ngaahi totongi kuo totongi ki he laiseni, ngofua pe fakamafai toutai ko ia ki he toenga taimi na'e te'eki ke ngaue'aki ki ai 'a e laiseni, ngofua pe fakamafai toutai ko ia.
- (5) Ko ha fanongonongo 'i he kupu si'i (3) kuo pau ke fai i he tohi, tukukehe kapau ko e vaka toutai muli, ke fai 'i he tohi, letio pe ha founga kehe 'e tu'utu'uni 'e he Minisita.

- (7) Kuo pau ko ha taha te ne fakahake ki 'uta, faka'ali'ali ke fakataata, pe ngaue ki ai, fetuku pe 'oku ne ma'u ha fa'ahinga ika 'oku fepaki mo e kupusi'i (1) 'i he 'ilo pau pe 'oku 'i ai ha 'uhinga fakapotopoto ke fai ha tui na'e ma'u pehe 'a e ika ko ia kuo pau 'e halaia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$100,000.
- (8) Ka 'i ai ha taha 'e faka'ilo 'i he kupu ni ki ha ngaue pe ta'e fai ha ngaue 'i hono lakanga ko e taha ngaue pe ha fakafongonga kehe, 'e ngofua ke faka'ilo foki hono pule pe ko hono angi (principal) ki he hia tatau.

KONGA IV

NGAAHI FIEMA'U FAKALUKUFUA KI HE TOUTAI MO E NGAUE FELAVE'I.

20. (1) Kuo pau ke tauhi 'e he Sekelitali pe te ne kouna ke tauhi ha Lesisita 'o e Ngaahi Vaka Toutai.
- (2) Fakataata ki he kupusi'i (3) kuo pau 'e 'ikai ke toutai ha vaka toutai 'i he ngaahi tahi toutai'anga pea kuo pau 'e 'ikai ke ngaue'aki ha Vaka Tonga 'i loto pe 'i tu'a 'i he ngaahi tahi toutai'anga ki he toutai kae'oua kuo lesisita 'a e vaka ko ia 'i he Lesisita 'o e Ngaahi Vaka Toutai.
- (3) 'E ngofua ki he Minisita, 'i ha Fanongonongo 'i he Kasete, ke ne faka'ata ha vaka toutai fakalotofonua 'a ia 'oku faka'aonga'i 'ata'ata pe ki he toutai sipoti 'o 'ikai ki ha totongi pe tupu, pe ha vaka toutai fakalotofonua pe popao ta'e misini 'oku faka'aonga'i 'ata'ata pe ki he toutai me'atokoni, pe ha vaka toutai muli kuo lesisita 'i he Lesisita Fakafeitu'u pe ko ha lesisita kehe fakafeitu'u 'o e ngaahi vaka toutai 'a ia 'oku tauhi 'o fakataata ki ha aleapau pule'i 'o e toutai pe fokotu'utu'u fakafeitu'u, mei he ngaahi fiema'u 'a e kupusi'i (2).
- (4) Ko ha kole ki he Sekelitali ke lesisita ha vaka toutai 'i he Lesisita 'o e Ngaahi Vaka Toutai kuo pau ke fai ia 'i he foomu kuo tu'utu'uni.
- (5) 'I ha'ane ma'u ha kole ke lesisita 'i he Lesisita 'o e Ngaahi Vaka Toutai kuo pau ke kouna 'e he Sekelitali ke sivi 'a e vaka.
- (6) 'E ngofua ki he Sekelitali, kapau 'oku ne fiemalie 'oku fe'unga 'a e vaka toutai kuo sivi 'i he kupu ni ki he toutai pea 'oku ne muimui ki ha ngaahi tu'unga fakahaofi mo'ui pe fakahaisini kuo tu'utu'uni, ke ne 'oatu ha tohi fakamo'oni 'o e lesisita 'o e vaka ko ia, 'i hano totongi 'a e totongi kuo tu'utu'uni.
- (7) Ko ha liliu 'i he taha 'oku 'o'ona pe ha fakalahi pe ha liliu ki ha vaka kuo lesisita 'i he Lesisita 'o e Ngaahi Vaka Toutai kuo pau ke fakaha ia ki he Sekelitali 'e he taha 'o'ona fo'ou pe ko e taha 'oku 'o'ona 'o hange ko ia 'e hoko 'i loto 'i he 'aho 'e 30 mei

Lesisita 'o e
ngaahi vaka
toutai

hono liliu 'o e taha 'oku 'o'ona pe fakalahi pe liliu pea 'e ngofua ke to'o 'e he Sekelitali 'a e tohi fakamo'oni 'o e lesisita kapau 'e hoko 'a e fakalahi pe liliu ko ia ke 'ikai ke toe muimui pau ai 'a e vaka ki ha ngaahi fiema'u 'i he kupusi'i (6)

- (8) 'I ha fa'ahinga hopo 'e fakahoko 'i he Lao ni, ko hono fakahu 'o ha vaka ki he Lesisita 'o e Ngaahi Vaka Toutai, Lesisita Ngofua Toutai 'i he Tahī 'Ata pe ko ha lesisita kehe 'oku tauhi 'e he Sekelitali 'i he kupu ni kuo pau ko e fakamo'oni mahino ia 'o e taha 'oku 'o'ona 'o e vaka.
- (9) Ka 'i ai ha vaka toutai 'e fakalele 'o fepaki mo e kupu si'i (2), kuo pau 'e halaia 'a e 'eikivaka, taha 'oku 'o'ona mo e taha no 'o e vaka ko ia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai toe laka hake 'i he \$250,000.
- (10) Ko e ngaahi fiema'u 'i he kupu ni 'e fakalahi atu ia ka 'oku 'ikai ko hono fakasi'isi'i 'o ha fiema'u ki ha lesisita 'i ha to e lao kehe 'o fekau'aki mo e lesisita 'o e ngaahi vaka.

Ke fai 'a e toutai mo e ngaue felave'i 'o fakatatau ki he Lao ni

21. (1) Tukukehe ka 'i ai ha tu'utu'uni kehe 'i he Lao ni, ko ha toutai, ngaue felave'i pe ha ngaue kehe 'oku fiema'u ki ia ha fakamafai 'i he Lao ni kuo pau 'e 'ikai ke fakahoko ia 'e ha taha, kakai nofo fonua mo ha vaka toutai fakalotofonua 'i he Pule'anga ni 'i loto pe 'i tu'a 'i he ngaahi tahi toutai'anga, pe 'e ha taha kehe pe 'e ha vaka toutai 'i he ngaahi tahi toutai'anga -
- (a) ta'e 'i ai ha laiseni, ngofua pe ha fakamafai kehe 'oku fiema'u 'e he Lao ni;
- (b) 'oku fepaki mo e ngaahi 'uhinga mo e ngaahi tu'unga 'o ha laiseni, ngofua pe ha fakamafai kehe kuo foaki 'i he Lao ni;
- (c) 'oku fepaki mo e ngaahi fiema'u 'a e Lao ni.
- (2) Fakatatau ki he kupu 7 mo e 15, kuo pau 'e 'ikai ke ngaue'aki 'a e kupusi'i (1) ki ha taha pe ha ngaahi kulupu 'o ha kakai 'oku nau toutai ki he me'atokoni pe ha vaka toutai fakalotofonua pe popao ta'e fakamisini 'a ia 'oku faka'aonga'i 'ata'ata pe ki he toutai ki he me'atokoni.
- (3) Fakatatau ki he kupusi'i (2) pea tukukehe ka 'i ai ha tu'utu'uni kehe 'i he Lao ni, ko ha taha 'oku ne maumau'i 'a e kupusi'i (1) kuo pau ke ne halaia ki ha hia pea kuo pau ke ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he -
- (a) \$250,000 kapau ko ha taha fakaenatula; pe
- (b) \$1,000,000 kapau ko ha sino fakakautaha pe ha sino fakalao kehe.

Kole laiseni, ngofua pe fakamafai

22. Tuku kehe ka 'i ai ha tu'utu'uni kehe, ko ha kole laiseni, ngofua pe fakamafai 'i he Lao ni kuo pau ke fai ki he Sekelitali 'i he Foomu kuo tu'utu'uni.

23. (1) Ko e laiseni toutai kotoa pe kuo pau ke muimui ki he ngaahi tu'unga 'a ia kuo tu'utu'uni 'e he Lao ni pe ko ha tu'utu'uni.
- (2) 'E ngofua ki he Minisita, 'i ha Tu'utu'uni 'e 'i he Kasete, ke ne fakamahino'i 'a e ngaahi tu'unga fakalukufua pe ngaahi tu'unga fakalahi makehe ki he ngaahi tu'unga kuo 'osi tu'utu'uni 'a ia kuo pau ke muimui ki ai 'a e ngaahi laiseni toutai kotoa pe ha falenga laiseni toutai, kau ai 'a e ngaahi tu'unga fekau'aki mo e ngaahi fa'ahita'u 'ata mo tapu, ngaahi feitu'u 'oku tapu ke fai ai ha toutai, matasia si'isi'itaha mo e fua si'isi'itaha 'o e fa'ahinga ika.
- (3) 'E ngofua ki he Sekelitali, pea kapau ko ha laiseni vaka toutai muli, ki he Minisita, 'i ha taimi pe, ke ne liliu pe tamate'i ha ngaahi tu'unga makehe 'oku kau ki ha laiseni toutai 'o ka 'oku ne fiemalie 'e kau lelei ki hono pule'i lelei 'o e ngaahi tahi toutai'anga.
- (4) Ka liliu pe tamate'i 'e he Minisita pe ko e Sekelitali ha ngaahi tu'unga makehe 'oku kau ki he laiseni toutai kuo pau 'e 'ikai ke hoko leva ia kae'oua ke fakaha ki he taha ma'u laiseni 'i he tohi.

Ngaahi tu'unga 'o e laiseni toutai

24. (1) Ko e taha 'oku ne fakalele ha vaka toutai muli 'a ia kuo 'oatu ki ai ha laiseni toutai 'i he Lao ni mo ha toe 'u vaka toutai kehe pe ha ni'ihī pehe 'e fiema'u 'e he Sekelitali kuo pau ke nau -
- (a) muimui pau ki he ngaahi fiema'u ki hono muimui'i, pule'i mo le'ohi 'a hono fakalele 'o e founa muimui'i vaka 'o e vaka pea ke fakapapau'i 'oku tuku atu hokohoko, totonu pea ke a'u lelei ha fakamatala pe fika 'oku fiema'u ke tuku atu 'e ha me'a tala tu'u'anga, ki he taha 'oku fakataumu'a ke ne ma'u;
- (b) 'oatu ha fakamatala fekau'aki mo e toutai pe ngaue felave'i, pea ke nau muimui pau ki he founa, anga hono lipooti, taimi pe tu'o lahi 'o e lipooti pe ha ngaahi fiema'u felave'i, 'o fakatatau ki ha aleapau pule'i 'o e toutai pe fokotu'utu'u pea ke nau fekau'aki 'i hono fakatolonga, pule'i, mo faka'aonga'i mo fakalalaka tolona 'o e ngaahi koloa 'o ngatai;
- (c) muimui pau ki ha ngaahi fiema'u kehe 'e tu'utu'uni;
- (d) fakamo'oni'i ko e fakamatala 'oku 'oatu fakatatau ki he ngaahi palakalafi si'i (a), (b) mo e (c) 'oku mo'oni, kakato mo tonu.
- (2) Ka 'i ai ha taha te ne maumau'i 'a e kupu ni kuo pau 'e halaia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$100,000.
25. Kuo pau ke totongi 'a e laiseni, ngofua pe fakamafai kotoa pe 'e ala foaki 'i he Lao ni ha ngaahi totongi 'e ala tu'utu'uni 'i he ngaahi tu'utu'uni pea kapau ko ha ngaahi vaka toutai muli ha ngaahi totongi kehe 'e tu'utu'uni 'i ha aleapau pe fokotu'utu'u faka'ataa 'oku kau ki ai 'i he kupu 36 pe 'a ia 'e fai ki ai 'e he Minisita ha tu'utu'uni kehe 'o felave'i mo ha aleapau pe fokotu'utu'u faka'ata.

Ngaahi fiema'u ki hono muimui'i, pule'i mo le'ohi

Ngaahi totongi (fees) mo e ngaahi totongi (charges) kehe

KONGA VI

NGAOHI 'O E IKA MO HONO HU KI TU'APULE'ANGA

Ngaahi
ngaohi'anga ika

33. (1) 'E ngofua ke foaki 'e he Sekelitali ki ha taha ha laiseni ke fakalele ha ngaohi'anga ika 'i hano totongi 'o e ngaahi totongi pea fakatatau ki he ngaahi tu'unga 'e tu'utu'uni.
- (2) Kuo pau ke fai 'a e kole laiseni fale ngaohi'anga ika pe ko e kole fakafou 'o ia ki he Sekelitali 'i he foomu kuo tu'utu'uni.
- (3) 'E ngofua ke kole 'e he Sekelitali ke 'omai 'e he tokotaha kole ha to e fakamatala fakalahi pe ke ne fakahoko ha fo'i ngaue pau te ne pehe 'oku taau kimu'a pea foaki pe fakafou ha laiseni fale ngaohi'anga ika.
- (4) Ko ha taha te ne -
- (a) fakalele pe fakangofua ke fakalele ha ngaohi'anga ika te'eki ke 'oatu ki ai ha laiseni 'i he kupu ni;
- (b) fakalele pe fakangofua ke fakalele ha fale ngaohi'anga ika 'i ha laiseni kuo 'oatu 'i he kupu ni, 'o fepaki mo e ngaahi tu'unga 'o e laiseni ko ia;
- (c) fakahoko pe fakangofua ke fakahoko ha ngaohi'anga ika 'o faikehekehe mo e ngaahi tu'unga malu mo e lelei 'a e ika pe ngaahi me'a 'oku ngaohi mei he ika kuo fokotu'u 'i he Lao ni;
- (d) fakahu atu, fakangofua ke fakahu atu, feinga ke fakahu atu, tokoni 'i hono fakahu atu pe feinga ke fakahu atu, ha ika pe ha me'a ngaohi mei he ika kae 'ikai ha laiseni ke fakahoko ha ngaohi'anga ika; pe
- (e) ko ha taha, 'a ia 'oku ne ma'u ha laiseni ke fakalele ha ngaohi'anga ika, 'oku ne ngaohi, hu atu, feinga ke hu atu, tokoni ki hono hu atu pe feinga ke hu atu ha ika pe ngaahi me'a mei ha ngaohi'anga ika 'oku 'ikai lesisita, pe ha feitu'u pe ngaahi fale kehe;

kuo pau ke halaia ki he hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia, ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$500,000 pe ki he ngaue popula ki he vaha'a taimi 'e 'ikai laka hake 'i he ta'u 'e 1 pe fakatou'osi pea ke mo'ua ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$5000 ki he 'aho taki taha 'e hokohoko atu ai 'a e hia kuo halaia ki ai.

Lesisita 'o e
ngaohi'anga ika

34. (1) Kuo pau ke lesisita 'e he Sekelitali 'a e ngaohi'anga ika 'o hange ko ia kuo 'oatu ki ai ha laiseni ke fakalele ha ngaohi'anga ika.
- (2) 'E ngofua ki he Sekelitali ke hilifaki ha totongi pea fakapapau'i mo ha ngaahi tu'unga kehe ki hono lesisita ha ngaohi'anga ika 'o hange ko ia kuo 'oatu ki ai ha laiseni ke fakalele ha ngaohi'anga ika.
- (3) Ko ha taha kuo ne maumau'i ha tu'unga 'o ha lesisita kuo fakamahino'i 'i he kupu si'i (2) kuo pau ke halaia ki ha hia pea 'i ha'ane halaia kuo pau ke tautea pa'anga 'o 'ikai laka hake 'i he \$100,000.

28. (1) Ko ha taha 'oku ne ta'efiemalie koe'uhi -

Ngaahi tangi 'i
hono kaniseli pe
to'o fakataimi

- (a) ko e fakafisi 'a e Sekelitali ke 'oatu pe fakafou ha laiseni 'a ha vaka toutai fakalotofonua; pe
- (b) ko e kaniseli pe to'o fakataimi 'o ha laiseni kuo 'oatu felave'i mo ha vaka toutai fakalotofonua;

'e ngofua 'i loto 'i he 'aho 'e 30 mei he'ene ma'u 'a e fanongonongo ke ne tangi ki he Minisita.

- (2) Ko ha taha 'oku ne ta'efiemalie ki he fakafisi 'a e Minisita ke 'oatu ha laiseni vaka toutai muli 'e ngofua ke ne tangi ki he Kapineti 'i loto 'i he 'aho 'e 30 mei he'ene ma'u 'a e fanongonongo.

KONGA V

NGAAHI LAISENI TOUTAI, FEKUMI MO E NGAAHI
TOUTAI 'AHI' AHI

29. (1) Kuo pau 'e 'ikai ke ngaue'aki ha vaka toutai fakalotofonua ki he toutai pe ngaai ngaue felave'i 'i he ngaahi tahi toutai'anga ta'e 'i ai ha'ane laiseni vaka toutai fakalotofonua tukukehe ka 'oku ngaue'aki 'ata'ata pe ki he toutai me'atokoni.
- (2) Ko ha laiseni vaka toutai fakalotofonua kuo pau ke 'aonga pe ia ki he ngaahi feitu'u, ngaue toutai pe ngaahi founa 'o e toutai, fa'ahinga mo e lahi 'o e naunau toutai 'a ia 'oku fakapapau'i 'i he laiseni.
- (3) Kuo pau ke 'aonga ha laiseni vaka toutai fakalotofonua ki he vaha'a taimi 'oku ha 'i ai, tukukehe 'o ka kaniseli pe fakata'e'aonga'i fakataimi kimu'a 'o fakatatau ki he kupu 27.
- (4) Ka hoko ha vaka 'a ia na'e laiseni ko ha vaka toutai fakalotofonua ko ha vaka toutai muli kuo pau ke ngata 'i he taimi pe ko ia 'a e laiseni toutai vaka fakalotofonua.
- (5) Ka ngaue'aki ha vaka toutai fakalotofonua 'o maumau ai 'a e kupu si'i (1), ko e 'eiki vaka, taha 'oku 'o'ona mo e taha 'oku ne no 'a e vaka ko ia kuo pau ke halaia ki he hia pea kuo pau 'i ha'anau halaia ke tautea pa'anga takitaha kinautolu 'o 'ikai to e laka hake 'i he \$250,000.
- (6) Ka ngaue'aki ha vaka toutai fakalotofonua 'o maumau ai ha tu'unga 'o e laiseni kuo 'oatu 'o fakatatau ki he kupu ni, ko e 'eikivaka, taha 'oku 'o'ona mo e taha 'oku ne no 'a e vaka ko ia kuo pau ke nau halaia ki he hia pea kuo pau 'i ha'anau halaia ke tautea pa'anga taki taha kinautolu 'o 'ikai to e laka hake 'i he \$100,000.
- (7) 'E ngofua ki he Minisita, 'i ha tu'utu'uni, ke ne tu'utu'uni 'a e ngaahi kalasi kehekehe 'o e vaka toutai fakalotofonua, mo e ngaahi feitu'u pe ngaahi mama'o mei he matatahi 'a ia 'e ngofua ke toutai pe ngaue ai 'a e kalasi vaka toutai fakalotofonua takitaha.

Ngaahi Laiseni
vaka toutai
fakalotofonua

Ngaahi laiseni
toutai sipoti
fakakomesiale

30. (1) Kuo pau 'e 'ikai ke ngaue'aki ha vaka toutai ke ma'u mei ai ha totongi pe no atu ki he taumu'a toutai sipoti 'i he ngaahi tahi toutai'anga ta'e tomu'a 'oatu 'e he Sekelitali ki he vaka ko ia ha laiseni vaka toutai sipoti fakakomesiale.
- (2) 'E ngofua ki he Sekelitali, ke ne 'oatu ha laiseni vaka toutai sipoti fakakomesiale ki ha vaka 'oku fakamatala'i he kupu si'i (1).
- (3) Ko ha laiseni vaka toutai sipoti fakakomesiale kuo pau ke 'aonga pe ki he ngaahi feitu'u, ngaahi founa toutai sipoti, mo e fa'ahinga mo e lahi 'o e naunau toutai sipoti 'a ia kuo pau ke fakapapau'i 'i he laiseni.
- (4) Ko ha laiseni vaka toutai sipoti fakakomesiale, kuo pau ke 'aonga he vaha'a taimi kuo fakaha 'i ai tukukehe kapau 'e kaniseli pe ta'ofi fakataimi kimu'a 'o fakatatau ki he kupu 27.
- (5) Ka ngaue'aki ha vaka toutai 'o fepaki mo e kupu si'i (1), kuo pau ke halaia 'a e 'eikivaka', taha 'oku 'o'ona' mo e taha nō vaka' ki ha hia pea kuo pau ke nau ala mo'ua takitaha ki ha tautea pa'anga 'i ha'anau halaia 'o 'ikai toe laka hake 'i he \$100,000.
- (6) Ka ngaue'aki ha vaka toutai 'o fepaki mo ha tu'unga 'o e laiseni kuo 'oatu 'o fakatatau ki he kupu ni, kuo pau ke halaia 'a e 'eikivaka', taha 'oku 'o'ona' mo e taha nō vaka' ki ha hia pea kuo pau ke nau ala mo'ua takitaha ki ha tautea pa'anga 'i ha'anau halaia 'o 'ikai toe laka hake 'i he \$50,000.0
- (7) 'E ngofua ki he Minisitā, 'i ha tu'utu'uni, ke ne tu'utu'uni, 'a e ngaahi kalasi kehekehe 'o e vaka toutai sipoti fakakomesiale, mo e ngaahi feitu'u pe ngaahi mama'o mei he matātahi 'a ia 'e ngofua ki he kalasi vaka toutai sipoti fakakomesiale takitaha ke ne toutai pe ngāue ai.

Laiseni vaka
toutai muli
ngaue
fakalotofonua

31. (1) Kuo pau 'e 'ikai ke ngaue'aki ki he toutai pe ngaahi ngaue felave'i ha vaka toutai muli 'oku toutai fakalotofonua 'i he ngaahi tahi toutai'anga ta'e tomu'a 'oatu 'e he Sekelitali' ha laiseni vaka toutai muli ngāue fakalotofonua ki he vaka ko ia'.
- (2) Kuo pau 'e fai ha kole laiseni vaka toutai muli 'oku toutai fakalotofonua ki ha vaka toutai muli pē ko ia kuo 'osi lesisita 'i he Lesisita Vaka Toutai'.
- (3) 'E ngofua ki he Sekelitali ke ne 'oatu ha laiseni ki ha vaka toutai muli 'oku ngaue fakalotofonua.
- (4) Ko ha laiseni vaka toutai muli 'oku toutai fakalotofonua kuo pau ke 'aonga pe ki he ngaahi feitu'u, ngaue toutai, ngaahi founa toutai, mo e fa'ahinga mo e lahi 'o e naunau toutai 'a ia 'oku tu'u 'i he laiseni.
- (5) Ka 'i ai ha vaka na'e laiseni ko e vaka toutai muli 'oku toutai fakalotofonua 'e hoko ko ha vaka toutai muli, kuo pau ke ngata leva 'a e laiseni vaka toutai muli 'oku ngaue fakalotofonua.

- (6) Ka ngaue'aki ha vaka toutai muli 'oku ngaue fakalotofonua 'o maumau ai 'a e kupu si'i (1), ko e 'eikivaka, taha 'oku 'o'ona mo e taha no vaka ko ia kuo pau ke nau halaia ki ha hia pea kuo pau te nau ala mo'ua taki taha 'i ha'anau halaia, ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.
- (7) Ka ngaue'aki ha vaka toutai muli 'oku ngaue fakalotofonua 'o maumau ai ha tu'unga 'o e laiseni kuo 'oatu 'o fakatatau ki he kupu ni ko e 'eikivaka, taha 'oku 'o'ona mo e taha no 'o e vaka ko ia kuo pau ke nau halaia ki ha hia pea kuo pau te nau takitaha mo'ua 'i ha'anau halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$250,000.
- (8) 'E ngofua ki he Minisita, 'i ha tu'utu'uni, ke ne tu'utu'uni 'a e ngaahi kalasi kehekehe 'o e vaka toutai muli 'oku ngaue fakalotofonua, mo e ngaahi feitu'u pe ngaahi mama'o mei he matātahi 'a ia 'e ngofua ki he kalasi vaka toutai muli fakalotofonua takitaha ke toutai pe ngaue ai.

32. (1) 'E ngofua ki he Minisita, 'i hono 'oatu ki ai ha kole fakataha mo ha fekumi fe'unga pe ngaahi toutai 'ahi'ahi pe palani savea 'a ia 'e hoko, pea fakatatau ki he ngaahi fiema'u 'e tu'utu'uni, ke ne fakamafai'i ha vaka pe ha taha ke ne fakahoko ha:

Toutai pe ngaahi
savea fekumi
fakasaienisi
mo e toutai
'ahi'ahi

- (a) fekumi fakasaienisi 'i tahi; pe
(b) ngaahi toutai 'ahi'ahi pe ha ngaahi savea,
'i he ngaahi tahi toutai'anga.

- (2) 'E ngofua ki he Minisita ke hilifaki atu ha ngaahi tu'utu'uni 'oku ne pehe 'oku fe'unga ki ha fakamafai kuo ne 'oatu 'i he kupu si'i (1).
- (3) Ka 'i ai ha taha te ne fakahoko pe tokoni ki ha toutai fekumi fakasaienisi pe ngaahi toutai 'ahi'ahi pe ha ngaahi savea 'i he ngaahi tahi toutai'anga:

- (a) ta'e ha fakamafai 'o fakatatau ki he kupu si'i (1); pe
(b) 'o maumau ai ha ngaahi fiema'u pe ha tu'utu'uni pe ngaahi tu'utu'uni 'oku 'i he fakamafai ko ia 'o fakatatau ki he kupu si'i (2);

kuo pau ke halaia ia ki ha hia pea 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.

- (4) Ko ha fakamafai kuo 'oatu 'i he kupu ni kuo pau ke fai 'i he tohi pea kuo pau ke fakaha ai 'a e ngaahi 'uhinga mo e ngaahi tu'utu'uni kotoa pe 'o e fakamafai.

- (2) Kuo pau ke fai ha kole ki ha laiseni vaka toutai muli, 'i he foomu kuo tu'utu'uni, ki he Minisita pe, kapau ko ha aleapau pe fokotu'utu'u faka'ata fakatokolahi, ki he ma'umafai 'a ia 'e ala vahe'i.
- (3) Fakatatau ki he kupu si'i (4), 'e ngofua ki he Minisita, 'o fakatatau ki ha aleapau pe fokotu'utu'u faka'ata fakatokoua pe fakatokolahi, ke ne foaki ha laiseni vaka toutai muli ki ha vaka toutai muli 'o fakamafai'i ke ngaue'aki 'a e vaka ko ia 'i ha ngaahi feitu'u 'i he ngaahi tahi toutai'anga ki he ngaahi toutai pe ngaahi ngaue felave'i 'a ia 'e fakamahino 'i he laiseni.
- (4) Fakatatau ki he kupu si'i (5), kuo pau 'e 'ikai ke foaki ha laiseni vaka toutai muli ki ha vaka toutai muli tuku kehe kapau 'oku ngaue'aki 'i he Pule'anga 'o e fonua 'oku 'o'ona 'a e fuka 'o e vaka pe 'e ha kautaha 'oku ne fakafofonga'i kinautolu 'oku 'o nautolu mo e kau no vaka 'a ia 'oku memipa ai 'a e taha 'oku 'o'ona pe taha no 'o e vaka, ha aleapau mo fokotu'utu'u kuo ne kau ki ai 'o fakatatau ki he kupu 36 mo e 37, 'a ia 'oku kau ki ai 'a e Pule'anga.
- (5) Kuo pau 'e 'ikai ke ngaue'aki 'a e kupu si'i (4) ki ha laiseni kuo foaki ki ha toutai fekumi fakasaienisi pe ngaahi ngaue toutai 'ahi'ahi pe savea.
- (6) Kapau 'oku ngaue'aki ha vaka toutai muli 'o maumau ai 'a e kupu ni, ko e 'eikivaka, taha 'oku 'o'ona mo e taha no vaka kuo pau ke nau halaia takitaha ki ha hia pea kuo pau ke nau ala mo'ua 'i ha'anau halaia ki ha tautea pa'anga takitaha 'e 'ikai laka hake 'i he \$500,000.

Ngaahi aleapau
mo e ngaahi
fokotu'utu'u
pule'i Toutai

39. (1) 'E ngofua ke kau 'a e Pule'anga ki he ngaahi aleapau pe ngaahi fokotu'utu'u 'oku tu'utu'uni ai -
- (a) ki hono pule'i 'o ha aleapau pe fokotu'utu'u faka'ata fakatokolahi, kau ai hono fakamafai'i 'o e Pule pe ko ha taha kehe, sino pe kautaha ke fakahoko 'a e ngaahi fatongia kuo fiema'u 'e he aleapau mo fokotu'utu'u faka'ata fakatokolahi, kau ai kae 'ikai fakangatangata pe ki hono vahevahe, 'oatu pe 'ikai tali ha ngaahi laiseni toutai 'oku ngofua 'i he ngaahi fonua 'i he feitu'u ni pe ko ha konga 'o ia, kau ai 'a e ngaahi tahi toutai'anga;
 - (b) ki hono fetaiaki 'a e ngaahi tu'utu'uni mo e ngaahi tu'unga 'o e founga ngaue ki he ngofua mo e laiseni felave'i mo e ngaahi vaka toutai muli;
 - (c) ki he ngaahi ngaue fakataha ki he fele'ohi'aki mo e fefakahoko'aki 'o e ngaahi ngaue fekau'aki mo e ngaahi vaka toutai muli ke fetaiaki;
 - (d) ki he fakatolonga mo pule'i 'o e toutai mo ha me'a kehe fekau'aki mo ia.

35. (1) Kuo pau 'e 'ikai ngofua ki ha taha ke ne hu atu ki tu'apule'anga ha ika pe koloa ngaohi mei he ika ka ta'e 'i ai ha laiseni hu atu 'o e ika 'o fakatatau ki he Lao ni. Hu atu 'o e ika
- (2) Kuo pau ke fai 'a e kole ki ha laiseni hu atu 'o e ika pe ko hano fakafou 'o e laiseni ko ia ki he Sekelitali 'i he foomu kuo tu'utu'uni.
 - (3) 'E ngofua ki he Sekelitali ke ne kole ki he taha kole laiseni hu atu 'o e ika pe fakafou 'o ia ke ne 'omi ha to e fakamatala pe fakahoko 'a e ngaue ko ia kuo tuhu'i pau 'a ia te ne pehe 'oku fiema'u kimu'a hono foaki pe fakafou 'o e laiseni hu atu ika ki tu'a pule'anga.
 - (4) 'E ngofua ki he Sekelitali ke foaki pe fakafou 'a e laiseni hu atu 'o e ika 'i hano totongi 'o e ngaahi totongi (fees) 'o e laiseni ko ia 'o fakatatau ki ngaahi tu'utu'uni 'oku fakaha 'i he laiseni.
 - (5) Ka 'i ai ha taha 'oku ne;
 - (a) hu atu, fakangofua ke hu atu ki tu'apule'anga, feinga ke hu atu, tokoni'i hono hu atu ki tu'apule'anga, ha ika pe ngaahi me'a ngaohi mei he ika ta'e 'i ai ha laiseni hu ika ki tu'apule'anga; pe
 - (b) lolotonga ma'u ha laiseni hu ika ki tu'apule'anga, te ne hu atu, fakangofua ke hu atu, feinga ke hu atu, tokoni ki hono hu atu pe feinga 'i hono hu atu ha ika pe ngaahi me'a ngaohi mei he ika 'o maumau ha tu'utu'uni 'o e laiseni ke hu ika ki tu'a pule'anga,
 kuo pau ke ne halaia ki ha hia pea 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$500,000.
 - (6) 'E ngofua ki he Minisita ke ne fa'u ha ngaahi tu'utu'uni 'o tapui, fakangatangata pe pule'i hono hu atu ki tu'apule'anga mei Tonga ni ha fa'ahinga ika, fa'ahinga pe lalahi 'o e ika pe me'a ngaohi mei he ika kapau 'oku ne fakakaukau ko e ngaue ko ia 'oku fiema'u -
 - (a) ke fakapapau 'a e tu'unga lelei mo malu 'a e ika pe ngaahi me'a ngaohi mei he ika 'oku hu atu ki tu'apule'anga 'aki;
 - (i) hono fokotu'u ha ngaahi tu'unga malu 'o e ngaahi me'atokoni mei he tahi;
 - (ii) hono laiseni hu atu ki tu'apule'anga pe 'o e kau hu atu 'o e ika pe ko e ngaahi me'a ngaohi mei he ika ki tu'apule'anga;
 - (b) ke malu'i 'a e ma'u'anga ika ki he ngaahi maketi fakalotofonua 'o Tonga; pe
 - (c) ki hono pule'i lelei 'o ha fa'ahinga toutai.

KONGA VII

TOUTAI MULI 'I HE NGAahi TAHI TOUTAI'ANGA

Ngaahi aleapau
pe fokotu'utu'u
faka'ata

36. (1) 'E ngofua ki he Pule'anga ke fai ha ngaahi aleapau, pe ngaahi fokotu'utu'u fakatokoua pe fakatokolahi mo ha ngaahi Fonua kehe, pe ngaahi kautaha 'oku nau fakafongonga'i kinautolu 'oku 'onautolu ha ngaahi vaka pe kau no vaka, ke tu'utu'uni ai ki hono vahevahe 'o e ngaahi totonu toutai 'i he ngaahi tahi toutai'anga ki he ngaahi vaka mei he ngaahi Fonua pe ngaahi kautaha ko ia pea kuo pau ke 'iloa 'a e ngaahi aleapau pe fokotu'utu'u ko ia ko ha ngaahi aleapau pe fokotu'utu'u faka'ata.
- (2) Ko e ngaahi totonu ke toutai 'a ia kuo vahevahe 'o fakatatau ki he aleapau pe ngaahi fokotu'utu'u 'i he kupu ni kuo pau 'e 'ikai laka hake ia 'i he ngaahi koloa fakakatoa, pe 'i he lahi 'o e toutai 'e fakangofua ki he falenga vaka toutai muli 'oku fe'unga fakatatau ki he ngaahi palani toutai.
- (3) Ki he ngaahi taumu'a 'o e kupu ni mo e kupu 37 ko e "Fonua" kuo pau ke kau ki ai ha kautaha fakafeitu'u kuo foaki ki ai ha mafai mei he ngaahi fonua memipa 'o e ngaahi kautaha fakafeitu'u ko ia, ke nau alea'i ha ngaahi aleapau faka'ata.

Ko e ngaahi
tu'utu'uni mo e
tu'unga 'o e
ngaahi aleapau
faka'ata

37. (1) Ko ha aleapau pe fokotu'utu'u faka'ata 'i he kupu ni, kuo pau ke kau ai ha tu'utu'uni fekau'aki mo ha fonua, kuo pau ke ma'u 'e he fonua ko ia 'a e fatongia 'o e fonua 'oku 'o'ona 'a e fuka 'i he vaka, pea ke ne fokotu'u 'a e fatongia 'i he fa'ahi pe ngaahi fa'ahi muli ke fakapapau'i 'oku fai pau honau ngaahi vaka ki he ngaahi tu'utu'uni mo e ngaahi tu'unga 'o e aleapau, ngaahi ngaue pule'i mo fakatolonga fakavaha'apule'anga, lao fakavaha'apule'anga mo e ngaahi lao fekau'aki mo e toutai 'i he ngaahi tahi toutai'anga.
- (2) Kuo pau 'e 'ikai laka hake 'i he ta'u 'e taha 'a e loloa 'o ha aleapau pe fokotu'utu'u faka'ata ki ha ngaahi vaka toutai muli.
- (3) Ko e ngaahi totongi (fees) laiseni mo ha ngaahi totongi (fees) kehe 'oku tonu ke totongi 'i ha aleapau pe fokotu'utu'u faka'ata kuo fakakakato fakatatau ki he kupu 36 mo e 37 kuo pau ke fekau'aki 'ata'ataa pe ia mo e faka'ataa toutai fakatatau ki he Lao ni, pea kuo pau 'e 'ikai ke kau ai ha ngaahi monu'ia tokoni fakalalaka kuo 'oatu 'e he fa'ahi 'e taha ki he Pule'anga 'a ia 'oku 'ikai ke felave'i mo e mahu'inga 'o e faka'ata toutai 'e tu'utu'uni 'e he Pule'anga.
- (4) Kapau ko e fa'ahi ki ha aleapau pe fokotu'utu'u faka'ata kuo fakangata 'i he kupu ni ko ha kautaha pe ha sino pe ha taha 'oku ne fakafongonga'i pe ngaue ma'a hono kau memipa ha taha kehe, kuo pau ke totongi 'e he kautaha, sino pe taha ko ia 'a e ngaahi totongi (fees) mo ha ngaahi mo'ua te'eki totongi 'e hono kau memipa pe ha ni'ihiki kehe kuo tupu mei ha ngaahi ngaue 'i he tahi toutai'anga 'i he aleapau pe fokotu'utu'u faka'ata.

- (5) Kuo pau ke 'i ai ha fakafongonga ki ha vaka taki taha kuo laiseni ke toutai fakatatau ki ha aleapau pe fokotu'utu'u pule'i fakatokoua, fokotu'u 'e he taha 'oku 'o'ona 'a e vaka pe taha fakalele vaka pea ke nofo 'i he Pule'anga ni mo e mafai ke ne ma'u mai mo tali 'a e ngaahi tohi ngaue mo e ngaahi fetu'utaki fakangaue 'i he Lao ni ma'ae taha 'oku 'o'ona pe taha 'oku ne fakalele 'a e vaka, pea kuo pau ko e fakafongonga ko ia ko ha taha nofo fonua 'i he Pule'anga.
- (6) Kuo pau ke fakaha 'e he taha 'oku 'o'ona pe taha 'oku ne fakalele 'a e vaka ki he Sekelitali 'i he tohi 'i he taimi 'o 'ene kole laiseni vaka toutai fekau'aki mo hono fokotu'u ha fakafongonga 'o fakatatau ki he kupu si'i (5), fakataha mo hono hingoa mo e tu'asila, pea hili ia fekau'aki mo ha liliu 'amuiange 'o e fakafongonga pe ko e tu'asila.
- (7) Ko e tufa ki ha fakafongonga kuo fokotu'u 'i he kupu ni kuo pau ke lau ia ko e tufa ki he taha 'oku 'o'ona pe taha fakalele vaka 'a ia 'e hoko.
- (8) Ko ha fakafongonga kuo fokotu'u 'i he kupu ni kuo pau 'e 'ikai, koe'uhi pe ko hono fokotu'u ko ha fakafongonga, ke ne fakatupu ha toe mo'ua kehe fekau'aki mo e vaka pe ko e taha 'oku 'o'ona pe taha fakalele vaka kehe mei he mo'ua kuo tu'utu'uni mahino ki ai 'e he kupu ni pe 'e ha aleapau 'i he vaha'a 'o e taha 'oku 'o'ona pe taha fakalele vaka mo e fakafongonga ko ia.
- (9) 'E ngofua ke ta'ofi fakataimi 'e he Minisita 'a e toutai fakatatau ki ha aleapau pe fokotu'utu'u faka'ata kapau 'oku ne fakapapau'i 'e fakatu'utamaki lahi ki he ngaahi fa'ahinga ika 'o ka hokohoko atu 'a e toutai 'i he ngaahi tu'unga lolotonga, pe ha tu'unga kehe ki hano ta'ofi fakataimi 'a ia 'e kau 'i he aleapau pe fokotu'utu'u faka'ata, 'e ngofua ke fekau 'e he Minisita hano totongi fakafoki ha kong'a 'o e ngaahi totongi (fees) 'oku ne pehe 'oku fe'unga.
- (10) 'E ngofua ke fakangata 'e he Minisita ha aleapau pe fokotu'utu'u faka'ata 'o fakatatau ki hono ngaahi tu'utu'uni pe 'i ha talangata'a lahi 'a e fa'ahi 'e taha ki ha fiema'u 'a e aleapau mo fokotu'utu'u faka'ata pe 'a e Lao ni.
38. (1) Kuo pau 'e 'ikai ke ngaue'aki ki he toutai ha vaka toutai muli pe ha ngaahi ngaue felave'i 'i he ngaahi tahi toutai'anga tukukehe 'o fakatatau ki ha: Laiseni vaka
toutai muli
- (a) laiseni vaka toutai sipoti fakakomesiale kuo foaki 'i he kupu 30;
- (b) fakamafai ke fakahoko ha toutai fekumi fakasaenisi pe ha ngaahi ngaue toutai 'ahi'ahi pe ngaahi savea; pe
- (c) laiseni toutai muli lolotonga kuo foaki 'o fakatatau ki ha aleapau mo fokotu'utu'u faka'ata fakatokoua pe fakatokolahi 'a ia kuo fakamatala'i 'i he kupu 36 mo e 37 mo fakatatau mo hono ngaahi tu'utu'uni mo ha aleapau pe fokotu'utu'u faka'ata fekau'aki mo ia 'i he kupu 39.

Faka'atā mei he kupu 46

- (3) Ko ha taha 'oku ne maumau'i 'a e kupu si'i (1) kuo pau ke ne halaia ki ha hia pea kuo pau 'i ha'ane halaia ke mo'ua ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$200,000.
47. (1) 'E ngofua ki he Sekelitali 'i he'ene ma'u ha kole 'i he foomu kuo fakangofua kuo 'oatu fakataha mo e totongi kuo tu'utu'uni (kapau 'oku 'i ai) ke faka'ata ha taha Tonga mei he kupu 46 kapau 'oku ne fiemalie -
- (a) 'oku 'ikai kau 'a Tonga, pe memipa, kuo 'ikai ke ne tali 'a e ngaahi fatongia 'o ha kautaha pe fokotu'utu'u pule'i toutai fakamamani lahi, fakafeitu'u, pe fakafeitu'u si'i pe ha aleapau 'oku ne kapui 'a e feitu'u 'o e ngaahi tahi 'ata 'a ia 'oku kole 'e he taha kole ke fakahoko ai 'a e toutai pe ngaahi ngaue felave'i;
- (b) na'e te'eki ke fakahoko 'e he taha kole ha toutai pe ngaahi ngaue felave'i;
- (i) 'i ha founga 'oku kaunga kovi ki he ola lelei 'o e ngaue fakatolonga mo pule'i; pea
- (ii) na'e tupu ai hano to'o fakataimi pe fakata'e'aonga'i ha ngofua toutai tahi 'ataa, pe ha fakamafai tatau kuo foaki 'e ha Fonua pe ha fa'ahi ki he Aleapau Faipau, lolotonga 'a e ta'u 'e 3 kimu'a pe 'i he taimi kole (vaha'a ta'u 'e 3); pea
- (c) ko e tokotaha kole kuo te'eki te ne fakahoko ha toutai pe ngaahi ngaue felave'i 'i he ngaahi tahi 'ata lolotonga 'a e vaha'a ta'u 'e 3 -
- (i) ta'e ma'u ha ngofua toutai tahi 'ata (pe fakamafai tatau mo ia kuo 'oatu 'e ha Fonua 'oku kau) kapau na'e fiema'u ha ngofua toutai tahi 'ata ki he ngaahi toutai pe ngaahi ngaue felave'i ko ia; pea
- (ii) 'i ha founga 'oku kaunga kovi ki he ola lelei 'o e ngaue fakatolonga mo pule'i fakavaha'apule'anga.
- (2) Ko ha faka'ata kuo foaki 'e he Sekelitali kuo pau ke fakangatangata pe ki he taha pe lahi ange 'o e ngaahi me'a ko 'eni 'o hange kuo fakamahino'i 'i he faka'ata ko ia:
- (a) ha feitu'u pe ngaahi feitu'u tahi 'ata;
- (b) ha fa'ahinga 'o e ika;
- (c) ha vaha'a taimi.
- (3) 'E ngofua ki he Sekelitali 'i ha fakaha tohi ki he taha ma'u faka'atā kuo foaki 'i he kupu si'i (1) ke ne to'o pe fakafoki 'a e faka'atā ko ia.

- (2) 'I he taumu'a ke fakahoko ha aleapau pe fokotu'utu'u pule'i toutai kuo kau ki ai 'i he kupu ni pea ki ha aleapau faka'ataa fakatokolahi kuo kau ki ai 'i he kupu 36 mo e 37, 'e ngofua ki he Minisita, 'i he loto ki ai 'a e Kapineta, 'i ha Tu'utu'uni 'i he Kasete ke ne:
- (a) faka'ata ha vaka toutai muli 'oku ne ma'u ha laiseni toutai muli kei 'aonga kuo foaki 'o fakataa ki ha aleapau pe fokotu'utu'u fakatokolahi mei he ngaahi fema'u 'a e ngaahi tu'utu'uni 'o e Lao ni mo ha ngaahi tu'utu'uni kuo fa'u 'i he Lao ni 'a ia 'oku 'ikai tatau mo e ngaahi fiema'u kuo tu'utu'uni 'e he aleapau pe fokotu'utu'u pehe ka kuo pau 'e 'ikai ke faka'ata ha ngaahi vaka pehe mei he ngaue'aki 'o e kupu 37 (3), (4), (5), (6) mo e (7);
- (b) tu'utu'uni 'a e ngaahi tu'unga ke fakahoko 'i he ngaahi tahi toutai'anga 'e kinautolu 'oku fakalele ha ngaahi vaka toutai muli 'oku ma'u ha'anau ngaahi laiseni toutai 'oku 'aonga na'e foaki fakataa ki ha aleapau pe fokotu'utu'u faka'ata fakatokolahi, ka 'oku pau ke fakataa 'a e ngaahi tu'unga pehe ki he aleapau pe fokotu'utu'u faka'ata ko ia.
- (3) Ko e ngaahi ngaue mo e ngaahi fiema'u fakatolonga mo pule'i kuo ohi 'i ha aleapau pe fokotu'utu'u faka'ata kuo fai ha kau ki ai 'i he kupu ni 'o fakataa ki he kupusi'i (1)(d) kuo pau ke ngaue'aki ia 'i he ngaahi tahi toutai'anga pe ha konga 'o ia 'o hange pe na'e fai kinautolu 'o fakataa ki he Lao ni.
40. (1) Ko ha taha 'oku ne maumau'i ha ngaahi ngaue mo e ngaahi fiema'u fakatolonga mo pule'i 'oku ngaue'aki 'i he ngaahi tahi toutai'anga kuo pau ke halaia ki ha hia pea kuo pua ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.
- (2) Ko ha taha 'oku ne maumau'i ha ngaahi tu'unga kuo tu'utu'uni 'i he kupu 39(2)(b) kuo pau ke ne halaia ki ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.
- (3) Ka ngaue'aki ha vaka toutai 'o maumau ai ha ngaue mo e ngaahi fiema'u fakatolonga mo pule'i 'oku ngaue'aki 'i he ngaahi tahi toutai'anga 'o fakataa ki he kupu 39(3), kuo pau ke halaia taki taha 'a e 'eikivaka, taha 'oku 'o'ona mo e taha no vaka ki ha hia pea kuo pau ke nau ala mo'ua taki taha 'i ha'anau halaia ki he tautea pa'anga 'e 'ikai to e laka hake 'i he \$1,000,000.
- (4) Kapau 'oku ngaue'aki ha vaka toutai muli 'o maumau ai ha ni'ihii 'o e ngaahi tu'unga kuo tu'utu'uni 'i he 39(2)(b), kuo pau ke halaia takitaha 'a e 'eikivaha, taha 'oku 'o'ona mo e taha no vaka ki ha hia pea kuo pau ke ala mo'ua pa'anga taki taha 'o 'ikai laka hake 'i he \$1,000,000.

Ngaahi hia fekau'aki mo e aleapau mo e fokotu'utu'u pule'i toutai

- Foaki 'e he pule 'a e ngaahi laiseni toutai muli** 41. Kapau 'oku fakamafai'i 'e he ngaahi tu'utu'uni 'o ha aleapau pe fokotu'utu'u faka'ata ha pule ke ne foaki ha laiseni toutai 'o fakatatau mo 'ene ngaahi tu'utu'uni 'i he ngaahi tahi toutai'anga, pe kongā 'o e ngaahi tahi toutai'anga, pea kuo foaki 'e he pule ha laiseni kei 'aonga mo ala ngaue'aki, 'oku lau kuo laiseni 'a e vaka ko ia 'i he Lao ni pea mo fakatatau ki he ngaahi tu'utu'uni 'o e aleapau pe fokotu'utu'u faka'ata mo e laiseni ko ia.
- Taimi 'aonga 'o e laiseni toutai muli** 42. Kuo pau 'e 'ikai ke fuoloa ange 'a e taimi 'aonga 'o ha laiseni vaka toutai muli 'i he vaha'a taimi 'aonga 'o e aleapau faka'ata.
- Tauhi 'o e naunau toutai** 43. (1) Kuo pau ke tauhi 'a e naunau toutai kotoa pe 'i he loto vaka toutai muli 'i he ngaahi tahi toutai'anga 'i ha founa 'oku 'ikai faingofua ke faka'aonga'i vave ki he toutai tukukehe kapau ko e vaka ko ia 'oku 'i ha feitu'u 'i he ngaahi tahi toutai'anga 'a ia 'oku fakamafai'i ke toutai ai 'o fakatatau ki he kupu 38 pe fakatatau ki ha laiseni toutai kuo foaki 'i he kupu 30 pe 32.
- (2) Kapau 'oku ngaue'aki ha vaka toutai muli 'o maumau ai 'a e kupu si'i (1), kuo pau ke halaia taki taha 'a e 'eiki vaka, taha 'oku 'o'ona mo e taha no 'o e vaka ko ia ki ha hia pea kuo pau ke nau ala mo'ua pa'anga taki taha 'o 'ikai laka hake 'i he \$500,000 pea 'e ngofua ke fa'ao 'a e naunau toutai kotoa pe 'o e vaka ko ia.

KONGA VIII

TOUTAI 'I HE NGAHI TAHI 'ATA

- Fanongonongo mo fakamo'oni 'e he Sekelitali** 44. (1) 'E ngofua ki he Sekelitali ke ne fanongonongo 'i he Kasete 'a e ngaahi me'a ko 'eni -
- (a) ha kautaha pe fokotu'utu'u pule'i toutai, fakamamani lahi, fakafeitu'u pe fakafeitu'u si'i; pe
- (b) ngaahi ngaue fakatolonga mo pule'i fakavaha'apule'anga; kuo tali 'e he Pule'anga ni ki he ngaahi taumu'a 'o e Konga ni.
- (2) Kuo pau ke fakamahino'i 'e ha fanongonongo kuo 'oatu 'i he kupu si'i (1) 'a e feitu'u 'e ala ma'u mei ai 'a e tatau 'o e konisitutone 'o e kautaha pe ha tatau 'o e fokotu'utu'u pe ngaue fakatolonga mo pule'i fakavaha'apule'anga.
- (3) 'E ngofua ke 'oatu 'e he Sekelitali ha tohi fakamo'oni 'o ha fonua 'o fakaha ai -
- (a) ko ha fa'ahi ki he Aleapau Fa'ahinga Ika;
- (b) ko ha fa'ahi ki ha Aleapau Faipau;
- (c) 'oku kau 'i ha, ko ha memipa 'i he, pe tali 'a e ngaahi fatongia 'o e, ha kautaha pe fokotu'utu'u pule'i toutai fakamamani lahi, fakafeitu'u, pe fakafeitu'u si'i; pe
- (d) 'oku fakamo'oni hingoa ki he Aleapau Fa'ahinga Ika pe ki he Aleapau Faipau;

- pea 'oku 'i ai 'ene ngaahi founa fakalao mo e fakangaue ke pule'i'aki 'ene ngaahi vaka 'i he ngaahi tahi 'ata 'o fakatatau ki he ngaahi aleapau ko ia.
- (4) Ko ha tohi fakamo'oni 'i he kupu si'i (3) ko e fakamo'oni aofangatuku ia, ki he ngaahi taumu'a kotoa pe 'o e ngaahi me'a 'oku tu'u 'i ai.
45. (1) 'E 'ikai ngofua ke ngaue'aki 'e ha taha ha vaka toutai fakalotofonua pe ha vaka Tonga ki he toutai pe ha ngaue felave'i 'i he ngaahi tahi 'ata ngata pe kapau -
- (a) ko e tokotaha ko ia 'oku ne fai ia 'i he malumalu 'o e, pea fakatatau ki he, ngofua toutai tahi 'ata kuo 'oatu ki he vaka ko ia fakatatau ki he Lao ni;
- (b) ko e vaka pe vaka toutai fakalotofonua ko ia 'oku lesisita ko ha vaka toutai 'i he Lao ki he Folau Vaka mo e Lesisita Vaka Toutai; pea
- (c) 'oku ha 'a e hingoa 'o e taha 'oku ne ma'u 'a e ngofua toutai tahi 'ata 'i he Lesisita Vaka Toutai ko e taha 'eikivaka, taha 'oku 'o'ona pe taha no ia 'o e vaka ko ia.
- (2) 'Oku 'ikai ke ngaue'aki 'a e kupu si'i (1) ki hono fetuku holo 'o e ika kuo fakahifo kimu'a 'i Tonga ni pe 'i ha fonua kehe.
- (3) Kapau 'oku ngaue'aki ha vaka Tonga pe ha vaka toutai fakalotofonua 'o maumau ai 'a e kupu si'i (1) kuo pau ke halaia 'a e 'eiki vakaa pe taha 'oku 'o'ona mo e taha no 'o e vaka ko ia ki ha hia pea kuo pau ke nau halaia taki taha ki ha hia pea 'i ha'anau halaia ki he tautea pa'anga taki taha 'o 'ikai laka 'i he \$200,000.
46. (1) Kuo pau 'e 'ikai ngofua ki ha taha Tonga ke ngaue'aki ha vaka toutai muli, vaka muli 'oku ngaue fakalotofonua, pe ha vaka 'oku 'ikai ke lesisita 'i he Lao ki he Folau Vaka ki he toutai pe ha ngaahi ngaue felave'i 'i he ngaahi tahi 'ata tuku kehe ka 'oku fakatatau ki he fakamafai kuo 'oatu 'e ha Fonua kuo fakamahino'i 'i he kupu si'i (2).
- (2) Ko ha fakamafai 'oku lau ki ai 'i he kupu si'i (1) 'e ngofua ke foaki ia 'e ha Fonua 'a ia -
- (a) ko ha fa'ahi ki he Aleapau Fa'ahinga Ika;
- (b) ko ha fa'ahi ki ha Aleapau Faipau;
- (c) 'oku kau 'i ha, ko ha memipa 'i he, pe tali 'a e ngaahi fatongia 'o e, ha kautaha pe fokotu'utu'u pule'i toutai fakamamani lahi, fakafeitu'u, pe fakafeitu'u si'i; pe
- (d) fakamo'oni hingoa ki he Aleapau Fa'ahinga Ika;
- pea 'oku 'i ai 'ene ngaahi founa fakalao mo fakangaue ke pule'i'aki 'e ne ngaahi vaka 'i he ngaahi tahi 'ata 'o fakatatau ki he ngaahi aleapau ko ia.

Ngaue'aki 'o e ngaahi Vaka Tonga ke toutai 'i he ngaahi tahi 'ata

Kakai Tonga toutai 'i he ngaahi tahi 'ata

fakafeitu'u pe fakafeitu'u si'i 'a ia 'oku memipa ai 'a Tonga pe 'oku kau ki ai 'a Tonga, ke ne heka mo sivi'i ha vaka toutai 'i ha feitu'u 'i he tahi 'ataa 'oku kapui 'e he kautaha pe fokotu'utu'u pule'i toutai ko ia, pe 'i he ngaahi tahi toutai'anga, kapau;

- (a) 'oku 'ikai ke lesisita 'a e vaka ko ia 'i he Lao ki he Folau Vaka;
- (b) ko e Pule'anga 'o e fuka 'o e vaka ko ia -
- (i) ko ha fa'ahi ki he Aleapau Fa'ahinga Ika 'o tatau ai pe 'oku memipa, pe 'oku kau pe 'ikai 'a e Pule'anga ha'ana 'a e fuka ki ha kautaha pe fokotu'utu'u pule'i toutai;
- (ii) ko ha memipa 'o e, pe kau 'i ha kautaha pe fokotu'utu'u pule'i toutai fakamamani lahi, fakafeitu'u pe fakaeitu'u si'i 'a ia kuo nau fokotu'u ha ngaahi founa ki he heka mo e sivi 'a ia 'oku tu'utu'uni 'i he Aleapau Fa'ahinga Ika.
- (2) Kapau 'oku fakamafai'i 'a e Sekelitali 'e he Fonua ha'ana 'a e Fuka 'o ha vaka 'oku kau ki ai 'a e kupusi'i (1) 'o fakatatau ki he Aleapau Fa'ahinga Ika ke ne fakatoto'i pe na'e kau 'a e vaka 'i ha ngaue 'oku maumau ai 'a e ngaahi ngaue fakatolonga mo pule'i kuo fakamatala'i 'i he kupu si'i (1), kuo pau ke ma'u 'e he 'inisipekita toutai tahi 'ataa, fekau'aki mo e vaka ko ia -
- (a) 'a e ngaahi mafai kotoa pe 'a ha 'ofisa kuo fakamafai; pe
- (b) kapau 'oku fakamahino'i 'e he Fonua ha'ana 'a e Fuka 'a e ngaahi mafai 'o ha 'ofisa kuo fakamafai, 'a e ngaahi mafai kuo fakamahino'i ko ia.
- 59.** (1) Ko ha 'inisipekita toutai tahi 'ataa 'oku ne heka ki ha vaka toutai fakatatau ki he kupu 58 (1) kuo pau ke ne -
- (a) fakaha ki he 'eikivaka 'o e vaka ko ia ha fakamo'oni 'o 'ene inisipekita toutai tahi 'ataa ia;
- (b) 'oange ki he 'eikivaka 'o e vaka ko ia ha tatau 'o e lipooti felave'i mo e heka mo e sivi na'e fakahoko, kau ai mo ha ta'efiemalie pe ha fakamatala na'e faka'amu 'a e 'eikivaka ke fakakau ki ai; pea
- (c) mavahe leva mei he vaka 'oku lava 'a e sivi na'e fakahoko tukukehe kapau kuo ne ma'u ha fakamo'oni na'e fakahoko 'e he vaka ha maumau lahi.
- (2) Kuo pau ke 'oatu 'e he Sekelitali ha tatau 'o e lipooti 'i he kupu si'i (1)(b) ki he kau ma'umafai 'o e Fonua ha'ana 'a e Fuka 'o e vaka.
- (3) 'I he vave taha 'e ala lava hili 'a e heka mo e sivi 'i he kupu si'i 58 (1), kuo pau ke fakaha 'e he Sekelitali 'a e heka mo e sivi ko ia ki he kau ma'u mafai 'o e Fonua ha'ana 'a e Fuka 'o e vaka.

Ngaahi ngaue ki he heka mo e sivi felave'i mo e ngaahi vaka muli

- 48.** Ko ha kole ngofua toutai tahi 'ata ki ha vaka toutai 'e ala fai pe ia 'e he 'eikivaka, taha 'oku 'o'ona, pe taha no vaka toutai kuo 'osi lesisita 'i he Lesisita Vaka Toutai 'i ha foomu kuo fakangofua 'e he Sekelitali. Kole ngofua toutai tahi 'atā
- 49.** (1) Kuo pau 'e 'ikai foaki 'e he Sekelitali ki ha vaka toutai ha ngofua toutai tahi 'ata tukukehe kapau kuo fiemalie 'a e Sekelitali 'oku lava 'e Tonga 'o fakapapau'i 'oku fakahoko lelei 'a e Aleapau Faipau, Aleapau Fa'ahinga Ika mo e ngaahi ngaue fakatolonga mo pule'i fakavaha'apule'anga fekau'aki mo e vaka ko ia. Ta'etali pe foaki ha ngofua toutai tahi 'atā
- (2) Kuo pau ki he Minisitā ke tu'utu'uni 'a e tu'unga 'o e ngaahi totongi ki ha laiseni toutai tahi 'atā.
- (3) Kuo pau 'e 'ikai 'oatu ha laiseni toutai tahi 'atā ki ha vaka toutai 'a ia 'oku 'i ai ha'ane totonu ke ne fusi, pe 'oku ne fusi ha fuka 'o ha Fonua kehe.
- 50.** (1) Kuo pau ki he Sekelitali 'i hono 'oatu ha ngofua 'o fakatatau ki he Lao ni ke fokotu'u ha ngaahi tu'unga 'oku ne fakakaukau 'oku fe'unga pea kuo pau ke kau ki ai 'a e ngaahi me'a ni; Ngaahi tu'utu'uni mo e ngaahi tu'unga 'o e ngofua toutai tahi 'atā
- (a) kuo pau ke faka'ilonga'i 'a e vaka 'oku kau ki ai 'a e ngofua toutai tahi 'ata 'o fakatatau ki he ngaahi Tu'utu'uni kuo 'oatu 'i he Lao ni;
- (b) kuo pau 'e 'ikai ke ngaue'aki 'a e vaka ko ia ki ha ngaahi ngaue 'oku kau kovi ki he ola lelei 'o e ngaue fakatolonga mo pule'i fakavaha'apule'anga kuo tali 'e Tonga; pea
- (c) kuo pau ke lipooti 'e he taha ma'u ngofua toutai tahi 'ataa ha fakamatala 'oku fiema'u 'e he Sekelitali, kau ai 'a e ngaahi feitu'u toutai, tu'unga 'o e vaka mo e ngaahi sitetisitika 'o e lahi 'o e ika kuo ma'u.
- (2) Kuo pau ki he Sekelitali 'i hono 'oatu ha ngofua toutai tahi 'ataa 'o fakatatau ki he Lao ni ke ne fokotu'u ha ngaahi tu'unga kehe te ne fakakaukau 'oku fe'unga pe 'o hange ko ia 'e ala tu'utu'uni;
- (3) 'E ngofua ki he Sekelitali ke liliu ha ngaahi tu'unga kuo fokotu'u ki ha ngofua toutai tahi 'ataa kapau 'oku ne fiemalie 'oku fe'unga ke fakahoko 'eni ke fakapapau'i hono fakahoko lelei 'o e aleapau Faipau pe Aleapau Fa'ahinga Ika.
- (4) Kapau 'oku liliu 'e he Sekelitali ha ngaahi tu'unga 'i he ngofua toutai tahi 'ataa kuo pau ke fakaha 'e he Sekelitali ki he taha ma'u ngofua 'a e liliu ko ia 'i he vave taha 'e ala lava pea kuo pau 'e 'ikai ke kamata ngaue'aki 'a e liliu ko ia kae'oua kuo fakaha ki he 'eikivaka, taha 'oku 'o'ona pe taha no vaka.
- (5) Ka 'oku ngaue'aki ha vaka toutai Tonga 'o maumau ai ha tu'unga pe ha fakatapui 'oku ha 'i he ngofua toutai tahi 'ataa kuo pau ke halaia 'a e 'eikivaka, taha 'oku 'o'ona, taha no pe taha fakalele 'o e vaka ko ia ki ha hia pea kuo pau ke nau ala mo'ua 'i ha'anau halaia ki ha tautea pa'anga takitaha 'o 'ikai laka hake 'i he \$250,000.

- Taimi 'aonga 'o e ngofua toutai tahi 'atā**
- 51.** (1) Fakatatau ki he Lao ni, kuo pau ke 'aonga 'a e ngofua toutai tahi 'ata kotoa pe, tukukehe kapau kuo to'o fakataimi pe kaniseli pe tukukehe kapau kuo fakapapau'i 'i he ngofua ko ia, ki ha vaha'a taimi 'e 'ikai laka hake 'i he ta'u 'e taha 'o kamata mei he 'aho na'e 'oatu ai 'a e ngofua ko ia.
- (2) Kuo pau ke lau kuo tae'aonga ha ngofua toutai tahi 'ataa kapau 'oku 'ikai ke to e 'i ai ha totonu 'a e vaka na'e foaki ki ai ke ne fusi fuka Tonga.
- Ke 'i he vaka 'a e ngofua**
- 52.** (1) Kuo pau ki ha taha 'oku toutai fakatatau ki he mafai 'o ha ngofua toutai tahi 'ataa ke ne:
- (a) tauhi 'i he taimi kotoa pe 'a e ngofua pe ha tatau kuo fakamo'oni'i 'i he vaka na'e foaki ki ai; mo
- (b) fakaha 'a e ngofua pe ha tatau kuo fakamo'oni'i ki ha 'ofisa kuo fakamafai pe ha 'inisipekita toutai tahi 'ataa 'o kapau 'e fiema'u.
- (2) Ki he ngaahi taumu'a 'o e kupu ni, "tatau kuo fakamo'oni'i" 'oku 'uhinga ki ha tatau 'o e ngofua toutai tahi 'ataa kuo fakamo'oni'i 'e he Sekelitali.
- (3) Ko ha taha 'oku ne maumau'i 'a e kupu si'i (1) kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.
- Fakahā 'a e liliu 'o e vaka**
- 53.** (1) Kuo pau ki he tokotaha ma'u ngofua toutai ke ne fakaha ki he Sekelitali 'i loto 'i he 'aho ngaue 'e 5 ha liliu 'a e 'eikivaka, taha 'oku 'o'ona pe taha no vaka 'o e vaka 'oku kau ki ai 'a e ngofua ko ia.
- (2) Kuo pau ke halaia ha taha 'oku ne maumau'i 'a e kupu si'i (1) ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.
- Kaniseli mo to'o fakataimi 'o e ngofua toutai tahi 'atā**
- 54.** (1) 'E ngofua ki he Sekelitali ke ne kaniseli pe to'o fakataimi ha ngofua toutai tahi 'ataa kuo 'oatu fakatatau ki he Lao ni 'o ka fakapapau'i 'e he Sekelitali:
- (a) ko e vaka na'e 'oatu ki ai 'a e ngofua ko ia na'e ngaue'aki 'i hono maumau'i 'o e Lao ni pe ha tu'utu'uni kuo fa'u 'i he Lao ni pe kuo ne maumau'i ha tu'unga pe fakangatanga 'i he ngofua ko ia;
- (b) ko e vaka na'e foaki ki ai 'a e ngofua na'e ngaue'aki 'i ha ngaahi ngaue 'oku kau kovi ki he ola lelei 'o e ngaahi ngaue fakatolonga mo pule'i fakavaha'apule'anga; pe
- (c) 'oku fiema'u ke fakapapau'i 'a e ola lelei hono fakahoko 'o e Aleapau Faipau, Aleapau Fa'ahinga Ika pe ngaahi ngaue fakatolonga mo pule'i fakavaha'apule'anga.
- (2) 'E ngofua ki he Sekelitali 'i he taimi 'oku kaniseli pe to'o fakataimi ai ha ngofua toutai tahi 'ata, ke tu'utu'uni ki he vaka ko ia ke ne foki leva ki taulanga.

- (3) 'I hano kaniseli pe to'o fakataimi ha ngofua toutai tahi 'ataa 'e ngofua ki he Sekelitali, ke fakakaukau'i 'a e ngaahi tukunga 'o e me'a kuo hoko, totongi fakafoki 'a e kotoa pe ha konga 'o ha fa'ahinga totongi na'e 'eke ki he ngofua ko ia.
- 55.** (1) Kuo pau ke tauhi 'e he Sekelitali ha lekooti 'o e ngaahi vaka toutai Tonga 'a ia kuo foaki ki ai ha ngofua toutai tahi 'ataa kau ai 'a e ngaahi fakamatala kotoa pe fakau'aki mo e vaka 'a ia 'e fiema'u 'e he Lao ni. **Lekooti 'o e ngofua toutai tahi 'atā**
- (2) Kuo pau ke 'oatu 'e he Sekelitali ki he Alea'anga Fakafofonga Toutai (Forum Fisheries Agency) ha fakamatala 'a ia 'e tu'utu'uni pe ha ngaahi fakatonotonu ki he lekooti 'o e ngaahi vaka toutai.
- (3) 'E ngofua ki he Sekelitali ke faka'ata hano fiema'u 'a e fakamatala kuo tauhi fakatatau ki he kupu si'i (1) ki ha Fonua muli 'oku 'i ia ha'ane kaunga fakahangatonu 'a ia ko ha fa'ahi ki he Aleapau Faipau pe Aleapau Fa'ahinga Ika pea ki ha kautaha pe fokotu'utu'u pule'i toutai fakafeitu'u pe fakafeitu'u si'i.
- 56.** (1) 'E ngofua ki he Minisita, 'i ha fanongonongo 'i he Kasete, ke ne vahe'i ha 'ofisa kuo fakamafai ke hoko ko e 'inisipekita tahi 'ataa ki he ngaahi taumu'a 'o e Lao ni. **'Inisipekita toutai tahi 'atā**
- (2) 'E ngofua ki he Minisitā, 'i ha fanongonongo 'i he Kasete, ke vahe'i atu ha taha pe ha ni'ihī 'oku memipa 'i ha ma'u mafai fakahoko ngaue 'o ha Fonua muli pe 'o ha kautaha pe fokotu'utu'u pule'i toutai fakafeitu'u pe fakafeitu'u si'i ke hoko ko ha 'inisipekita toutai tahi 'atā ki he ngaahi taumu'a 'o e Lao ni.
- (3) 'E ngofua ki he 'inisipekita toutai tahi 'ataa lolotonga 'ene fakahoko 'a e ngaahi mafai kuo foaki 'e he kupu ni, ke ne fekau ki ha taha 'oku ne pule'i ke fakahoko 'a e ngaahi fatongia 'o ha 'ofisa kuo fakamafai 'a ia te ne fakamahino'i, ki he vaha'a taimi 'a ia te ne fakakaukau 'oku fe'unga.
- (4) Ko ha taha kuo fekau'i 'i he kupu si'i (3) kuo pau, 'i he taumu'a ke fakahoko 'a e ngaahi fatongia kuo fakamahino'i, ke ne ma'u 'a e mafai mo e malu'i kotoa pe 'oku ma'u 'e he 'inisipekita toutai tahi 'ataa 'i he Konga ni.
- 57.** Koe'uhi ko e ngaahi taumu'a ki hono pule'i mo fakahoko 'a e Konga ni, 'oku ma'u kotoa 'e ha 'inisipekita toutai tahi 'ataa 'a e ngaahi mafai 'o ha 'ofisa kuo fakamafai 'o felave'i mo ha vaka 'i he ngaahi tahi 'ataa 'a ia kuo lesisita 'i he Lao ki he Folau Vaka, 'oku ne fusi 'a e fuka Tonga pe ko ha vaka toutai fakalotofonua. **Ngaahi mafai 'o e kau 'inisipekita toutai tahi 'ataa felave'i mo e ngaahi vaka Tonga**
- 58.** (1) 'E ngofua ki ha 'inisipekita toutai tahi 'ataa 'i he ngaahi taumu'a hono fakapapau'i 'o e faipau ki he ngaahi ngaue fakatolonga mo pule'i fakavaha'apule'anga kuo ohi 'e ha kautaha fakamamani lahi, fakafeitu'u pe fakafeitu'u si'i 'a ia 'oku memipa ai 'a Tonga pe 'oku kau ki ai 'a Tonga, ke ne heka mo sivi'i ha vaka toutai 'i ha feitu'u 'i he tahi 'ataa 'oku kapui 'e he kautaha pe fokotu'utu'u pule'i toutai ko ia, pe 'i he ngaahi tahi toutai'anga, kapau **Ngaahi mafai 'o e kau 'inisipekita toutai tahi 'atā felave'i mo e ngaahi vaka muli**

- (b) 'oku ne ngaue'aki ha vaka toutai fakalotofonua pe ha vaka kuo lesisita 'i he Lao ki he Folau Vaka pe 'oku ne fusi ha fuka Tonga ke maumau ai ha ngaue fakatolonga mo pule'i fakavaha'apule'anga; pe
- (c) 'oku ne ngaue'aki ha vaka 'a ha fonua 'oku 'i he malumalu 'o ha fonua 'oku kau ke maumau ai ha ngaue fakatolonga mo pule'i fakavaha'apule'anga;
- kuo pau ke halaia ki ha hia pea 'e ala mo'ua 'i ha'ane halaia ki he tautea pa'anga 'e ikai laka hake 'i he \$1,000,000.
- (2) Ko ha taha 'a ia -
- (a) 'oku ne halaia 'i ha maumau lahi;
- (b) 'oku ne ngaue'aki ha vaka toutai fakalotofonua kuo lesisita 'i he Lao ki he Folau Vaka pe 'oku ne fusi ha fuka Tonga ke fakahoko 'aki ha maumau lahi; pe
- (c) 'oku ne ngaue'aki ha vaka 'a ha fonua 'oku malumalu 'i ha fonua 'oku kau ki he aleapau ke fakahoko ha maumau lahi, kuo pau ke halaia ki ha hia pea 'e kuo pau ke ne ala mo'ua 'i ha'ane halaia 'o 'ikai to e laka hake 'i he \$1,500,000.
- (3) Ka 'i ai ha fakamatala pe faka'ilo kuo fai ki ha taha 'i he Konga ko 'eni felave'i mo ha maumau lao kau ki ha vaka malumalu 'i ha pule'anga 'o ha fonua kaunga, 'e fiema'u ha tohi 'a e 'Ateni Seniale 'oku loto ke 'oatu 'a e fakamatala pe faka'ilo ko ia ke fai hano hopo'i pe fakamaau'i.
- (4) Kimu'a pea toki 'oatu 'a e fakangofua ko ia 'i he kupu si'i (3), kuo pau ke kumi 'e he 'Ateni Seniale 'a e ngaahi fale'i 'a e pule'anga 'o e fonua kaunga.
- (5) Kuo pau 'e 'ikai ke fiema'u ha fakangofua mei he 'Ateni Seniale ki:
- (a) hono puke 'o e taha maumau lao 'oku mahalo'i pe ko e ngaahi ngaue felave'i mo e puke ko ia;
- (b) hono faka'ilo 'a e taha maumau lao 'oku mahalo'i;
- (c) ha hopo ki hono fakafoki mai ki Tonga 'a e taha maumau lao 'oku mahalo'i; pe
- (d) ha hopo ki hono tauhi fakalao 'o e taha maumau lao 'oku mahalo'i pe ko hono malu'i.
- (6) Kapau 'oku 'ikai ke foaki ha ngofua 'e he 'Ateni Seniale, kuo pau ke ta'ofi 'e he Fakamaau'anga ko ia na'e faka'ilo ai 'a e tokotaha maumau lao 'oku mahalo'i, 'a e faka'ilo ko ia.
- (7) Ko ha tatau kuo fakamo'oni 'i 'o ha tohi fakangofua kuo foaki 'e he 'Ateni Seniale, 'oka 'ikai ha fakamo'oni fakafepaki, kuo pau ko e fakamo'oni ia 'o e fakangofua ko ia.
- (8) 'E ngofua ki he Sekelitali, 'aki ha fanongonongo ki he 'eiki vaka, 'o e vaka, ke ne to'o fakataimi ha ngofua toutai tahi 'ataa 'a ia 'oku toutai pe fetuku ika 'aki 'e he vaka, kapau te ne ma'u ha lipooti mei ha 'inisipekita toutai tahi 'ataa muli 'oku 'i ai ha taha 'i he vaka 'oku 'ikai te ne fai pau ki he kupu 62.

- (4) Kuo pau 'e 'ikai ke kaunoa 'a e 'inisipekita toutai tahi 'ataa 'i ha feinga 'a e 'eikivaka 'o e vaka ke fetu'utaki mo e kau ma'u mafai 'o e Fonua ha'ana 'a e Fuka 'o e vaka.
- (5) 'I he taimi 'oku fakahoko ai ha heka mo ha sivi 'o fakatatau ki he kupu 58 (1), koe'uhi ke fakapapau'i pe 'oku faipau 'a e vaka toutai ki he ngaahi ngaue fakatolonga mo pule'i fakavaha'apule'anga, kuo pau ke ma'u 'e he 'inisipekita toutai tahi 'ataa 'a e mafai ke ne sivi -
- (a) 'a e vaka;
- (b) 'a e ngofua 'a e vaka ke toutai, pe fetuku holo 'a e ika, 'i he fetu'u totonu 'i he ngaahi tahi 'ataa;
- (c) ngaahi naunau toutai 'a e vaka mo e ngaahi me'a ngaue;
- (d) ngaahi ngaue'anga;
- (e) ika mo e ngaahi me'a ngaohi mei he ika; mo e
- (f) ngaahi lekooti mo e ngaahi tohi felave'i kehe.
60. (1) Kapau 'oku tui 'a e 'inisipekita toutai tahi 'ataa kuo ngaue'aki 'a e vaka kuo ne heka ki ai ke fakahoko ha maumau lahi - **Fakatotolo'i 'o e ngaahi maumau lahi**
- (a) kuo pau ke ne fakaha ki he Sekelitali 'i he vave taha 'e ala lava; pea
- (b) kuo pau ke fale'i 'e he Sekelitali 'a e ngaahi ma'u mafai 'o e Fonua ha'ana 'a e Fuka 'o e vaka 'i he vave taha 'e ala lava.
- (2) 'E ngofua ke nofo atu ha 'inisipekita toutai tahi 'ataa 'i he vaka pea ke ne fekau 'a e 'eikivaka ke ne tokoni ki ha to e ngaahi fakatotolo kae'oua kuo hanga 'e he Fonua ha'ana 'a e Fuka 'o e vaka 'o -
- (a) tali mai 'a e fanongonongo 'i he kupusi'i (1); pe
- (b) fai ha ngaue fakatatau mo 'enau lao 'o fekau'aki mo e maumau lahi ko ia.
- (3) 'E ngofua ke fiema'u 'e he 'inisipekita toutai tahi 'ataa 'a e 'eikivaka ke ne 'omi 'a e vaka 'o 'oua 'e to e toloi ki ha taulanga 'e fakamahino 'e he 'inisipekita toutai tahi 'ataa kapau 'oku te'eki ai hanga 'e he Fonua ha'ana Fuka 'o e vaka, 'i loto 'i he 'aho ngaue 'e 3 hili hono ma'u 'o e fanongonongo 'i he kupu si'i (2) 'o -
- (a) tali mai 'a e fanongonongo; pe
- (b) fai ha ngaue fakatatau mo 'enau lao 'o fekau'aki mo e maumau lahi ko ia.

- (4) 'I he kupu ni "'aho ngaue" fekau'aki mo ha Fonua ha'ana 'a e Fuka, 'oku 'uhinga ia ki ha 'aho 'o e uike 'o 'ikai ko ha -
- (a) 'aho Tokonaki pe Sapate; pe
- (b) 'aho malolo fakapule'anga 'i he Fonua ko ia.

Ngaue ki he heka mo e sivi kuo liliu 'e he aleapau mo fokotu'utu'u pule'i toutai fakamamani lahi, fakafeitu'u pe fakafeitu'u si'i

61. (1) 'Oku ngaue'aki 'a e kupu ni kapau -
- (a) 'oku fokotu'u 'e ha kautaha mo fokotu'utu'u fakamamani lahi, fakafeitu'u, pe fakafeitu'u si'i 'a ia 'oku memipa ki ai 'a Tonga, pe 'a ia 'oku kau ki ai 'a Tonga, ha ngaahi founa ki he heka mo e sivi 'o e ngaahi vaka 'a ia 'oku tu'utu'uni 'i he Aleapau Fa'ahinga Ika; pea
- (b) 'oku heka mo sivi 'e ha 'inisipekita toutai tahi 'ataa 'i ha vaka muli 'i he kupu 58(1) 'i he taumu'a ke fakapapau'i 'oku faipau ki he ngaue fakatolonga mo pule'i fakavaha'apule'anga kuo fokotu'u 'e he kautaha pe fokotu'utu'u pule'i toutai ko ia.
- (2) Kuo pau ke faipau 'a e 'inisipekita toutai tahi 'ataa mo e Sekelitali ki he ngaahi tu'utu'uni kuo fokotu'u 'e he kautaha pule'i pe fokotu'utu'u toutai, 'i ha taimi 'e kehekehe ai 'a e ngaahi tu'utu'uni ko ia mei he ngaahi fiema'u 'o e kupu 59 pe 60.

Ke fengae'aki kinautolu 'i he ngaahi vaka Tonga mo e kau 'inisipekita toutai tahi 'ataa muli

62. (1) Kuo pau ke fengae'aki 'a e 'eikivaka 'o ha vaka mo ha 'inisipekita toutai tahi 'ataa muli kuo fokotu'u 'e ha fonua 'oku memipa pe kau 'i ha kautaha mo fokotu'utu'u fakamamani lahi, fakafeitu'u, pe fakafeitu'u si'i kapau ko e vaka ko ia -
- (a) 'oku lesisita 'i he Lao ki he Folau Vaka; pe
- (b) 'oku ne fusi 'a e fuka Tonga; pea
- (c) 'oku ne 'i he ngaahi tahi 'ataa 'i ha feitu'u 'oku kapui 'e he kautaha pe fokotu'utu'u pule'i toutai ko ia;
- pea kuo fokotu'u 'e he kautaha pe fokotu'utu'u pule'i toutai ko ia ha ngaahi founa ki he heka mo e sivi 'o e ngaahi vaka 'a ia 'oku tu'utu'uni 'i he Aleapau Fa'ahinga Ika.
- (2) Kuo pau ke fengae'aki 'a e 'eikivaka 'o ha vaka mo ha 'inisipekita toutai tahi 'ataa kuo fokotu'u 'o fekau'aki mo ha feitu'u 'oku kapui 'e he kautaha pule'i pe fokotu'utu'u toutai fakamamani lahi, fakafeitu'u pe fakafeitu'u si'i kapau ko e vaka ko ia -
- (a) 'oku lesisita 'i he Lao ki he folau Vaka; pe
- (b) 'oku ne fusi 'a e fuka Tonga; pea
- (c) 'oku ne 'i he ngaahi tahi 'ataa 'i ha feitu'u 'oku kapui 'e he kautaha pe fokotu'utu'u pule'i toutai ko ia;

pea kuo fokotu'u 'e he kautaha pule'i pe fokotu'utu'u toutai ko ia ha ngaahi founa ki he heka mo e sivi 'o e ngaahi vaka 'a ia 'oku tu'utu'uni 'i he Aleapau Fa'ahinga Ika.

- (3) Ko e taha kotoa pe 'i ha vaka 'oku kau ki ai 'a e kupu si'i (1) mo e (2) kuo pau-
- (a) ke ne tali mo tokoni'i ke vave 'a e heka malu ki he vaka 'a e 'inisipekita toutai tahi 'ataa muli;
- (b) ke ne fengae'aki mo pou pou 'ene sivi 'a e vaka;
- (c) 'e 'ikai ke ne fakafaingata'a'ia'i, fakailifia'i, pe kaunoa 'i he fakahoko 'ene ngaahi ngaue;
- (d) ke ne fakangofua ia ke ne fetu'utaki mo e kau ma'u mafai 'o Tonga mo e fonua na'a ne fokotu'u ia;
- (e) 'oange ki ai 'a e ngaahi naunau fakapotopoto kau ai 'a e me'atokoni mo e nofo'anga; mo
- (f) tokoni'i ke ne hifo lelei mei e vaka.
- (4) Ko ha taha 'oku ne maumau'i 'a e kupu ni kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.

63. (1) 'E ngofua ki he Sekelitali ke ne fakamafai'i ha 'inisipekita toutai tahi 'ataa ke ne sivi ha vaka 'oku lesisita 'i he Lao ki he Folau Vaka pe 'oku ne fusi 'a e fuka Tonga 'o hange 'oku tu'utu'uni 'e he Aleapau Fa'ahinga Ika kapau -
- (a) kuo heka 'a e 'inisipekita toutai tahi 'ataa muli ki he vaka fakatatau ki he -
- (i) Aleapau Fa'ahinga Ika; pe
- (ii) ngaahi founa heka mo sivi kuo fokotu'u fakatatau ki he Aleapau Fa'ahinga Ika; pea
- (b) kuo ma'u 'e he Sekelitali 'a e lipooti mei he 'inisipekita muli 'o ha ai 'oku 'i ai 'a e fakamo'oni kuo 'ave pe fetuku 'e he vaka ha ika 'o maumau ai 'a e ngaue fakatolonga mo pule'i fakavaha'apule'anga.
- (2) Kapau 'oku fakamafai'i 'e he Sekelitali 'a e 'inisipekita muli ke ne fai ha fakatolonga 'o fakatatau ki he Aleapau Fa'ahinga Ika -
- (a) kuo pau ke ma'u 'e he 'inisipekita muli 'a e ngaahi mafai 'o ha 'ofisa toutai 'o fekau'aki mo e vaka ko ia; pea
- (b) kuo pau ke fakaha 'e he Sekelitali ki he 'eikivaka 'o e vaka ko ia 'i he vave taha 'e ala lava.
64. (1) Ko ha taha 'a ia -
- (a) te ne maumau'i ha ngaue fakatolonga mo pule'i fakavaha'a-pule'anga;

Ngaahi mafai 'o e kau 'inisipekita toutai tahi 'ataa muli

Ngaahi hia felave'i mo e toutai tahi 'ataa muli

- (d) ke tu'utu'uni ke 'omai, sivi pea 'ave ha ngaahi tatau 'o ha laiseni, tohi loka, lekooti pe ha tohi ngaue kehe 'oku fiema'u 'e he Lao ni pe felave'i mo hono fakalele 'o ha vaka;
- (e) ke ne tohi ha fakamatala, faka'aho pea ne fakamo'oni hingoa ki ai 'i he tohi loka 'o ha vaka;
- (f) ke ne fakahinohino'i 'a e 'eikivaka mo ha kauvaka 'o ha vaka kuo ta'ofi, heka ki ai pe kuo hua 'o hange ko ia 'e fiema'u 'i he 'uhinga 'e kau lelei ki ha taumu'a kuo fakamahino 'i he Lao ni pe ke tu'utu'uni ke faipau 'a e vaka pe 'eikivaka pe ha memipa 'o e kauvaka ki he ngaahi tu'unga 'o ha laiseni;
- (g) 'i loto 'i he ngaahi ngata'anga 'o e tahi toutai'anga ke ne ta'ofi, hu mo hua ha vaka, me'a uta'anga pe vakapuna 'a ia 'oku 'i ai 'a e 'uhinga fakapotopoto ke ne mahalo 'oku fetuku ika pe ngaahi me'a ngaohi mei he ika pe 'oku ngaue'aki pe kuo ngaue'aki pe kuo kau 'i hono fakahoko ha hia 'i he Lao ni pe ko e ngaahi tu'utu'uni;
- (h) ke ne fai ha sivi pe ha faka'eke'eke 'oku ne pehē 'oku fe'unga fekau'aki mo ha feitu'u, ngaahi fale, vaka, me'a uta'anga pe vakapuna 'a ia kuo fakahoko pe 'e ala fakahoko ki ai ha ngaahi mafai kuo foaki 'i he kupu si'i ni pea ke ne 'ave ha ngaahi kongā 'i ha ika pe me'a mei he ika kuo ma'u 'i ai;
- (i) ke ne tu'utu'uni ke 'omai mo sivi ha ika, kupenga toutai, naunau toutai pe 'one pe ha me'a fakatu'utamaki kehe 'i tahi pe 'i 'uta;
- (j) 'i he ngaahi taimi fakapotopoto kotoa pē ke ne hū mo sivi ha ngaohi'anga ika 'a ia 'oku ma'u pe fiema'u ke laiseni, pe ha fietu'u kehe pe 'u fale kuo fakamafai'i pe fakahoko ai ha ngaue felave'i mo ia pe fekau'aki mo ha laiseni pe ha fakamafai'i kuo 'oatu pe fiema'u 'e he Lao ni; pea
- (k) ke ne tu'utu'uni ke fakahā pe 'omai mo sivi ha ika, me'a ngaohi mei he ika, me'a ngaue ki he ngaohi 'o e ika pe naunau, pe ha me'a kehe 'oku ngaue'aki ki he ngaohi ika pe fekau'aki mo ha ngaue felave'i pe ha ngaue kehe pehē kuo 'oatu pe fiema'u ki ai ha laiseni 'i he Lao ni.
- (2) 'E ngofua ki ha 'ofisa kuo fakamafai, 'o ka 'i ai ha ngaahi 'uhinga fakapotopoto ke tui ai kuo fai ha maumaulao 'i he Lao ni, ka 'oku 'ikai ha'ane tohi fakamafai ke ne-
- (a) hū mo hua ha vaka, me'a uta'anga, vakapuna pe ngaahi fale pe feitu'u kehe mei ha feitu'u pe ngaahi fale 'oku ngaue'aki 'ata'atā pē ki he fale nofo'anga, 'a ia 'oku ne tui na'e fai ai ha hia pe 'oku 'i ai 'a e ngaahi 'uhinga fakapotopoto ke ne tui 'oku tauhi ai ha ika na'e 'ave ta'efakalao pe ha 'one ke ngaue'aki ke maumau 'a e kupu 17;

KONGA IX

NGAAHI TU'UTU'UNI FAKALUKUFUA

65. (1) Fakatatau ki he kupu si'i (3), ko ha taha 'a ia - Hū mai
ta'efakalao 'o e
ika mei
tu'apule'anga
- (a) 'iate ia pe, pe ko e kaunga ngaue, fakafofonga pe tokotaha ngaue ki ha taha kehe, 'oku ne fakahifo, fakahu pe 'omai 'i he founga kehe ki Tonga; pe
- (b) 'oku ne fakatupu pe fakangofua ha taha 'oku ngaue ma'ana, ke fakahifo, fakahu mai pe 'omai 'i ha founga kehe ki Tonga, ha ika kuo 'ave, ma'u, fetuku pe fakatau atu 'o maumau ai ha lao 'a ha Pule'anga kehe kuo pau ke halaia ki ha hia pea 'e ala mo'ua ki he tautea pa'anga 'o 'ikai laka hake 'i he \$1,000,000 pe ki he ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 4 pe fakatou'osi.
- (2) 'Oku 'ikai ke ngaue'aki 'a e kupu ni ki ha ika kuo 'ave mei he ngaahi tahi 'ataa 'o fepaki mo ha lao 'o ha Fonua kehe 'a ia 'oku 'ikai lau 'e Tonga 'oku a'u 'a e mafai 'o e Pule'anga ko ia ki he ngaahi tahi 'ataa.
- (3) Ka kuo 'i ai ha aleapau mo ha Fonua kehe felave'i mo ha ngaahi hia 'i he kupu si'i (1), ko e tautea pe ko ha kongā 'o ia 'o fakatatau ki he ngaahi tu'unga 'o e aleapau, kuo pau 'i he hili hono to'o kotoa 'o e ngaahi totongi mo e ngaahi fakamole, ke fakafoki ki he Fonua ko ia.
66. (1) 'E 'ikai ngofua ki ha taha Tonga pe ha taha 'oku ne ngaue'aki ha vaka kuo lesisita'i he Lao ki he Folau Vaka pe 'oku ne fusi 'a e Fuka Tonga pe 'oku 'i ai 'ene totonu ke fusi 'a e Fuka Tonga, ke ne toutai pe fakahoko ha ngaue felave'i 'i he ngaahi tahi toutai fakafonua 'oku pule'i 'e ha fonua muli tukukehe kapau ko e toutai pe ngaue felave'i ko ia 'oku fakatatau ki he ngaahi lao 'o e fonua ko ia. Ke fakamafai
'a e toutai 'i
muli
- (2) Ko ha taha 'oku ne maumau'i 'a e kupu si'i (1), kuo pau ke halaia ki ha hia pea 'oku ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000.
67. (1) Ko ha taha 'oku ne kau pe feinga ke kau 'i ha ngaahi ngaue toutai kupenga holisi 'o e mate 'i loto 'i he ngaahi tahi toutai'anga kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki he tautea pa'anga 'e 'ikai laka hake 'i he \$100,000. Toutai Kupenga
holisi 'o e mate
- (2) Ka 'i ai ha vaka toutai muli pe vaka toutai fakalotofonua 'oku ne kau pe feinga ke kau 'i ha ngaahi ngaue toutai kupenga holisi 'o e mate, 'i loto 'i he ngaahi tahi toutai'anga, kuo pau 'e halaia ki ha hia 'a e 'eikivaka, taha 'oku 'o'ona, mo e taha no vaka, kapau 'oku 'i ai, pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$1,500,000.

- (3) Kuo pau 'e 'ikai ngofua ki ha vaka toutai muli pe vaka toutai fakalotofonua kuo kau 'i he toutai kupenga holisi 'o e mate, ke ne fetuku, fakahake ki 'uta pe ngaohi ha ika pe faka'ata ki ha ngaahi taulanga pe ngaahi naunau taulanga 'i he ngaahi tahi toutai'anga pe 'i Tonga.
- (4) Kuo pau ko e hia ke ma'u mo tauhi ha ngaahi kupenga holisi 'o e mate 'i he ngaahi tahi toutai'anga. Ko ha 'eikivaka, taha 'oku 'o'ona pe taha no 'o ha vaka 'oku ma'u mo tauhi ai ha kupenga holisi 'o e mate 'i he ngaahi tahi toutai'anga kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki he tautea pa'anga 'e 'ikai laka hake 'i he \$1,000,000.
- 68.** (1) Kuo pau ki he 'eikivaka 'o ha vaka toutai pe vaka uta ika 'oku 'ikai ko ha vaka Tonga, vaka toutai fakalotofonua pe ha vaka toutai muli ngaue fakalotofonua 'a ia 'oku 'amanaki ke ne 'omai 'a e vaka ki he ngaahi tahi toutai'anga, ke ne fakaha ki he Sekelitali 'o 'oua 'e to e si'i hifo 'i he houa 'e 72 mei he te u 'omai ko ia'.
- (2) Kapau 'oku fiemalie 'a e Sekelitali kuo maumau'i 'e he vaka 'i he kupu si'i (1), 'a e ngaahi ngaue fakatolonga mo pule'i fakavaha'a-pule'anga, 'e ngofua 'aki ha fakaha ki he 'eikivaka 'o e vaka ko ia, ke ne tu'utu'uni kuo pau –
- (a) 'e 'ikai ke hu mai ki he ngaahi tahi fakalotofonua; pe
- (b) kapau kuo 'osi hu mai ki he ngaahi tahi fakalotofonua, ke mavahe leva mei he ngaahi potu tahi ko ia.
- (3) Kapau 'oku fiemalie 'a e Minisita 'i ha ngaahi tu'unga fakapotopoto koe'uhi ko e taumu'a ke takatolonga mo pule'i 'a e ika, 'e ngofua, 'i ha fanongonongo 'i he Kasete ke ne fekau ke 'oua 'e hu mai ki he ngaahi tahi fakalotofonua ha fa'ahinga pe ngaahi fa'ahinga vaka toutai pe vaka uta ika.
- (4) Ko e 'eikivaka 'o ha vaka kuo 'oatu ki ai ha fonongonongo 'i he kupu si'i (2) pe kupu si'i (3), 'oku ne 'omai 'a e vaka ki he ngaahi tahi toutai'anga ka 'oku ne 'ilo'i ha fanongonongo pehe, kuo pau ke halaia ki ha hia pe te ne ala mo'ua 'i ha'ane halaia ki he tautea pa'anga 'o 'ikai laka hake 'i he \$500,000 pe ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 3 pe fakatou'osi.
- (5) Kuo pau 'e 'ikai ke ta'ofi 'e he kupu ni ha vaka mei ha'ane hu pe nofo ma'u 'i he ngaahi tahi toutai'anga ki ha vaha'a taimi 'oku fiema'u kapau 'oku kau 'a e vaka 'i he ngaue kumi mo fakahaofi mo'ui pe ha ngaue fakavavevave pe ki he ngaahi taumu'a ke ma'u ha'ane me'akai, lolo, mo ha ngaahi koloa mo e ngaahi ngaue kehe 'oku fiema'u ke lava 'o hoko atu 'a e folau hao mo taloa ki ha taulanga 'i tu'a 'i Tonga.

Ngaahi vaka
muli 'a'ahi

- 69.** (1) 'E ngofua ke fiema'u ha taha kuo ne kau 'i he toutai, ngaohi ika, fakamaketi 'o e ika pe hu ki tu'apule'anga 'o e ika pe ngaahi me'a mei ika ke ne 'oatu ha fakamatala fekau'aki mo e toutai, ngaohi ika, fakamaketi pe hu ki tu'apule'anga 'a e ika 'a ia 'e ala fiema'u 'e he Minisita 'aki ha Ngaahi Tu'utu'uni. Ngaahi
Fakamatala
- (2) Ko ha taha 'oku ne maumau'i 'a e kupu si'i (1) kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$100,000.

KONGA X

NGAAHI MAFAI 'O E KAU 'OFISA KUO FAKAMAFAI

- 70.** (1) 'E ngofua ki he Minisita, 'i ha fanongonongo 'i he Kasete, ke ne vahe'i ha 'ofisa pe ha falenga 'ofisa fakapule'anga pe ha taha 'oku fakaka'au 'a e Minisita 'oku fe'unga ke hoko ko ha kau 'ofisa kuo fakamafai ki he ngaahi taumu'a 'o e Lao ni. Vahe'i 'o e kau
'ofisa kuo
fakamafai
- (2) Ko ha 'Ofisa Fonua Motu Pasifiki kuo fakamafai 'i ha talite 'oku kau ki ai 'a Tonga ke ne fakahoko 'a e ngaahi lao 'a Tonga fekau'aki mo e toutai, kuo pau 'e lau kuo fokotu'u ia ko ha 'ofisa kuo fakamafai 'o fakatatau ki he kupu si'i (1).
- (3) Koe'uhi ko e ngaahi taumu'a 'o ha aleapau pe fokotu'utu'u faka'ata fakatokolahi kuo kau ki ai 'i he kupu 39 mo e 40 pe ha aleapau pe fokotu'utu'u pule'i toutai kuo kau ki ai 'i he kupu 39, ko ha 'ofisa kuo fakamafai kuo fokotu'u 'o fakatatau ki he aleapau pe fokotu'utu'u ko ia kuo pau 'e lau ia ko e 'ofisa kuo fakamafai kuo fokotu'u 'i he kupu ni pea kuo pau ke ngaue'aki 'a e Konga ni ki he 'ofisa kuo fakamafai pehe 'i hono fakahoko hono ngaahi fatongia 'o hange pe na'e fokotu'u ia ki ai kae fakatatau ki he ngaahi tu'utu'uni mo e ngaahi tu'unga pe ngaahi fakangatanga 'e ala hilifaki 'e he Sekelitali 'aki ha Fanongonongo 'i he Kasete pe 'a ia 'e tu'utu'uni.
- 71.** (1) 'E ngofua ki ha 'ofisa kuo fakamafai, 'oku 'ikai ha'ane tohi fakamafai: Mafai 'o e kau
'ofisa kuo
fakamafai
- (a) ke ne ta'ofi, heka mo hua ha vaka toutai muli 'i he ngaahi tahi toutai'anga mo ha vaka toutai muli ngaue fakalotofonua pe ha vaka toutai fakalotofonua 'i loto pe 'i tu'a 'i he ngaahi tahi toutai'anga;
- (b) ke ne tu'utu'uni ki he 'eikivaka, taki toutai pe ha kau vaka pe taha kehe 'i vaka ke fakaha ki ai 'a e hingoa, faka'ilonga ui mo e fonua 'oku lesisita ai 'a e vaka pea mo e hingoa 'o e 'eikivaka, taha 'oku 'o'ona, taha 'oku no vaka', taki toutai pe ha memipa kehe 'o e kauvaka;
- (c) ke ne faka'eke 'a e 'eikivaka, taki toutai pe ha memipa 'o e kauvaka pe taha kehe 'i vaka fekau'aki mo e uta, ngaahi me'a 'oku tauhi mo e lahi 'o e ngaahi feitu'u tuku'anga, folau mo e ngaahi ngaue 'a e vaka, me'a uta'anga pe vakapuna';

- (9) Kuo pau ke 'oatu ha tohi fakamo'oni ma'u ki ha me'a pe ha me'a kuo fa'ao 'i he kupu ni pea kuo pau ke fakahā 'i he tohi ko ia' 'a e ngaahi 'uhinga 'o hono fa'ao'.

Fatongia faipau
ki he
fakahinohino

72. (1) Kuo pau ke fai pau leva 'e he 'eikivaka mo e kauvaka kotoa 'o ha vaka toutai, mo e pasese 'o ha me'a uta'anga mo e pailate mo e kauvaka kotoa 'o ha vakapuna 'i he vave taha ki he fakahinohino pe fekau fakalao kotoa pe, kuo 'oatu 'e ha 'ofisa kuo fakamafai pea ke tokoni'i 'a e fakaheka, hao, hū mo sivi 'o e vaka, me'a uta'anga pe vakapuna mo ha naunau toutai, me'a ngaue, ngaahi lekooti, ika mo e ngaahi me'a kuo ngaohi mei ha ika pea kuo pau ke ne fakahoko 'a e ngaahi ngaue kotoa pe fakapapau'i 'a e malu ha 'ofisa kuo fakamafai 'i hono fakahoko hono ngaahi fatongia.
- (2) Ko e taha ma'u laiseni ngaohi'anga ika pe ko e taha 'oku ne ma'u ha laiseni pe fakamafai kuo 'oatu 'i he Lao ni ke fakalele ha ngaue felave'i pe ha ngaue kehe 'oku fiema'u ke laiseni pe fakamafai 'i he Lao ni, mo e taha kotoa pe 'i he ngaohi'anga ika pe ha feitu'u 'oku fakahoko ai 'a e ngaue felave'i pe ha ngaue kuo laiseni pe fakamafai, kuo pau ke ne fai pau 'i he vave taha ki he fakahinohino pe fekau kuo 'oatu 'e ha 'ofisa kuo fakamafai mo tokoni'i ke malu 'e ne hū mo sivi 'a e ngaohi'anga ika pe feitu'u ko ia pea ke ne fakahoko 'a e ngaahi ngaue kotoa pe ke fakapapau'i 'a e malu 'a ha 'ofisa kuo fakamafai 'i he'ene fakahoko hono ngaahi fatongia.

Ngaahi mafai 'i
tu'a mei he
ngaahi tahi
toutai'anga

73. (1) Ka 'osi hono fai 'e ha taha pe ha vaka ha hia 'i he Lao ni, pea tuli 'a e taha pe vaka 'o a'u ki ha feitu'u 'i tahi 'i tu'a mei he ngaahi ngata'anga 'o e ngaahi tahi toutai'anga, pe kapau 'oku tuli 'a e taha pe vaka 'o a'u ki ha feitu'u 'i tahi 'i tu'a mei he ngaahi tahi toutai'anga 'o a'u ki ha ngaahi tu'unga mo e ngaahi me'a 'oku tali 'e he lao fakavaha'apule'anga, kuo pau ke ala fakahoko ha mafai kuo foaki ki ha 'ofisa kuo fakamafai 'i he Lao ni 'i ha feitu'u pehē kitu'a mei he ngaahi ngatangata'anga 'o e ngaahi tahi toutai'anga ka kuo pau na'e 'ikai ke fakangata pe motuhia 'a e tuli' 'i ha taimi kimu'a pea a'u 'a e 'ofisa pe kau 'ofisa kuo fakamafai ki ha feitu'u pehē 'i he taumu'a ke fakahoko 'a e mafai ko ia'.
- (2) Ki he ngaahi taumu'a 'o e kupu si'i (1), 'oku 'ikai lau 'oku fakangata pe motuhia ha tuli 'o ha taha pe ha vaka 'aki pe 'a e 'uhinga na'e pulia 'a e taha pe vaka mei he 'ofisa pe kau 'ofisa kuo fakamafai.
- (3) Ko ha lau 'i he kupu si'i (2) ki he pulia ha taha pe ha vaka 'oku kau ai 'a e lau ki he ola 'oku hā mei he me'a tala tu'anga mo vave (radar) pe ha me'a fakaongo kehe.

Faka'longa 'o e
kau 'ofisa kuo
fakamafai

74. Kuo pau ke 'oatu 'e he 'ofisa kuo fakamafai 'i he'ene ngaue'aki 'a e ngaahi mafai kuo foaki kiate ia 'e he Lao ni 'i hano fekau ha fakamo'oni ke fakahaa'i ko e 'ofisa ia kuo fakamafai 'i he Lao ni.

- (b) 'ave ha ngaahi kongā 'o ha ika kuo ma'u 'i ha vaka, me'a uta'anga vakapuna, feitu'u pe 'u fale na'e hua fakatatau ki he kupu ni;
- (c) 'oatu ha ngaahi fakahinohino ki he tokotaha 'oku ne pule'i hono fakalele 'o ha feitu'u pe ngaahi fale mo ha taha 'i he feitu'u pe 'u fale ko ia kuo fai ha hū ki ai 'i he kupu si'i (1), 'a ia 'e fiema'u pe 'e mahu'inga ki he taumu'a kuo fakamahino'i 'i he Lao ni pe ke tu'utu'uni ke fai pau 'a e tokotaha ko ia ki he ngaahi tu'unga 'o ha laiseni pe fakamafai;
- (d) tu'utu'uni ke faka'auha ha ika pe me'a ngaohi mei he ika kuo tauhi 'i he ngaohi'anga ika pe ha feitu'u pe ngaahi fale 'oku fakahoko ai 'a e ngaahi ngaue felave'i kuo foaki pe fiema'u ki ai ha laiseni pe ha fakamafai kehe 'i he Lao ni 'a ia 'oku 'i ai 'a e ngaahi 'uhinga fakapotopoto ke tui 'a e 'ofisa 'a ia 'oku ngaohi pe tauhi ai 'o fepaki mo e ngaahi fiema'u 'a e Lao ni pe kuo kovi;
- (e) fekau, felave'i mo ha ngaohi'anga ika pe ha feitu'u pe ngaahi fale 'oku fakahoko ai ha ngaue felave'i pe ha ngaue kehe 'a ia kuo 'oatu pe fiema'u ki ai ha laiseni pe fakamafai 'i he Lao ni, ke ta'ofi 'a e fa'ahinga ngaue ko ia, 'a ia 'oku tui 'a e 'ofisa 'oku fepaki mo e ngaahi tu'utu'uni 'o e Lao ni;
- (f) fekau ke to'o fakataimi pe ta'ofi 'a e toutai, ngaue felave'i pe ha ngaue kehe 'oku tui 'a e 'ofisa' 'oku fakahoko 'o fepaki mo e ngaahi tu'utu'uni 'a e Lao' ni;
- (g) puke-
- (i) ha vaka (fakataha mo 'ene naunau toutai, me'angaue, ngaahi koloa mo e uta), me'a uta'anga, vakapuna pe vakamālofa 'oku ne tui kuo ngaue'aki pe 'oku ngaue'aki 'i hono fai 'o ha hia pe 'oku ne 'ilo pe 'oku ne tui kuo 'osi fa'ao 'o fakatatau ki ha tu'utu'uni 'a e Lao ni;
- (ii) ha 'one, me'a kona pe me'a fakatu'utamaki kehe 'a ia 'oku ne tui kuo ngaue'aki pe 'oku ma'u pe pule'i 'o maumau ai 'a e Lao ni;
- (iii) ha ngaahi tohi loka, siate pe ngaahi tohi ngaue kehe 'oku fiema'u ke tauhi 'i he lao ni 'o fakatatau ki ha tu'utu'uni 'o ha laiseni pe fakamafai pe 'oku ne tui 'oku hā 'i ai pe ngalingali 'e hā mei ai 'a e fakahoko 'o ha hia 'i he Lao ni; mo
- (iv) ha me'a 'oku 'i ai ha ngaahi 'uhinga fakapotopoto ke ne tui 'e ala ngaue'aki ko ha fakamo'oni fakahāhā 'i ha hopo 'i he Lao' ni;

- (h) puke, ha taha 'oku 'i ai ha ngaahi 'uhinga fakapotopoto ke ne tui kuo ne fai ha hia 'i he Lao'ni, pea kapau 'e 'ikai malava ke 'oatu leva 'a e taha ko ia'ki ha fakamaau polisi pe ki ha fakamaau'anga ma'u mafai fe'unga 'o 'oua 'e toe toloi, ke ne tauhi ia; pea
- (i) puke ha taha 'oku ne taa'i, fakafe'atungia'i, fakafepaki'i, tautoloi, 'ikai tali ke heka pe hū, fakailifia'i pe 'oku 'ikai ke ne fakahoko 'a e ngaahi ngaue fakapotopoto kotoa pē ke fakapapau'i 'a e malu 'a e 'ofisa pe kaunoa 'i he'ene fakahoko hono ngaahi fatongia pe 'ikai fai pau ki ha tu'utu'uni fakalao, fiema'u pe kole 'a ha taha kuo fakamafai pe 'oku ne maumau'i 'a e kupu ni pe kupu 75 pea, kapau 'oku 'ikai malava ke 'ave 'a e tokotaha ko ia ki ha fakamaau polisi pe ha fakamaau'anga ma'u mafai totonu 'o 'oua 'e toe tatali, ke ne ta'ofi ia.
- (3) (a) Ka 'i ai ha vaka kuo puke 'o fakatatau ki he Lao ni, kuo pau ke 'ave ia 'e he 'eikivaka mo e kauvaka 'o e vaka ko ia ki he taulanga ofi taha pe faingamalie taha 'e fekau 'e he 'ofisa kuo fakamafai'pea 'e ngofua ke ta'ofi ai 'a e vaka' 'o fakatatali ki he ola 'o ha ngaahi faka'ilo fakalao 'i he Lao ni pe ko hano tukuange fakalao, pe kae 'oua leva ke fai ha tu'utu'uni ke 'oua 'e fai ha fakamatata pe faka'ilo.
- (b) Kuo pau ke tokanga'i 'e he 'eikivaka' 'a e malu 'a e kauvaka, vaka, mo ia mo ha taha kehe 'i he vaka' 'i hono 'omai ki he taulanga kuo fekau'.
- (c) Kapau 'e 'ikai lava pe fakafisi 'a e 'eikivaka ke ne 'ave 'a e vaka kuo puke ki he taulanga kuo fekau' 'e ngofua ki he 'ofisa kuo fakamafai ke ne 'ave 'e ia.
- (d) Kapau 'e 'omai 'a e vaka ki he taulanga 'i he ngaahi founa 'oku fakamatata'i 'i he palakalafi (c) 'e 'ikai ngofua ke fai ha 'eke ki ha 'ofisa kuo fakamafai pe ko e Pule'anga 'o Tonga ki ha mate, lavea, mole pe maumau 'e hoko lolotonga hono 'omai ko ia 'o e vaka tukukehe kapau na'e hoko ia mei ha ngaue 'a e 'ofisa fakamafai 'i tu'a mei hono ngaahi fatongia 'i he Lao ni pe na'e fakahoko 'i he loto kovi.
- (4) (a) Ka 'i ai ha me'a uta'anga pe vakapuna 'oku puke 'o fakatatau ki he Lao ni, kuo pau ke 'ave ia 'e he faka'uli' pe pailate 'o e me'a uta'anga pe vakapuna ko ia'ki he taulanga ofi taha pe faingamalie taha 'e fekau 'e he 'ofisa kuo fakamafai'pea 'e ngofua ke ta'ofi ai 'a e me'a uta'anga pe vakapuna' 'o fakatatali ki he ola 'o ha ngaahi faka'ilo fakalo 'i he Lao ni pe ko hano tukuange fakalao, pe kae 'oua leva ke fai ha tu'utu'uni ke 'oua 'e fai ha fakamatata pe faka'ilo.
- (b) Kuo pau ke tokanga'i 'e he faka'uli' 'o e me'a uta'anga pe pailate 'o e vakapuna ke malu 'a e me'a uta'anga pe vakapuna mo e kau kauvaka, mo ia mo ha taha kehe 'i he loto 'i ai lolotonga hono 'omai ai 'a e me'a uta'anga pe vakapuna ki he feitu'u kuo fekau'.

- (c) Kapau 'e fakafisi 'a e faka'uli pe pailate ke 'ave 'a e me'a uta'anga pe vakapuna kuo puke ki he feitu'u kuo fekau'i' 'e ngofua ke fai ia 'e he 'ofisa kuo fakamafai.
- (d) Kapau 'oku 'omai ha me'a uta'anga pe vakapuna ki he feitu'u kuo fekau'i fakatatau ki he palakalafi (c), kuo pau 'e 'ikai ke faka'ilo ha 'ofisa kuo fakamafai pe ko e Pule'anga 'o Tonga' felave'i mo ha mate, lavea, mole pe maumau 'e hoko lolotonga hono 'omai 'o e me'a uta'anga pe vakapuna tukukehe kapau na'e hoko ia mei ha ngaue 'a e 'ofisa fakamafai' 'i tu'a mei hono ngaahi fatongia 'i he Lao'ni pe na'e fakahoko 'i he loto kovi.
- (5) (a) 'E ngofua ki ha 'ofisa kuo fakamafai ke ne to'o ha kongia pe ngaahi kongia 'o ha vaka, me'a uta'anga pe vakapuna kuo tauhi pe puke 'o tauhi pe puke 'o tauhi 'e he Pule'anga 'o Tonga 'i he taumu'a ke 'oua 'e toe lava 'o ngaue'aki 'a e vaka, me'a uta'anga pe vakapuna ko ia'.
- (b) Ko ha kongia pe ngaahi kongia kuo to'o 'i he palakalafi (a) kuo pau ke tauhi malu pea fakafoki ki he vaka, me'a uta'anga pe vakapuna 'i he hili pe hano tukuange fakalao ia mei hono tauhi fakapule'anga.
- (c) Ka 'i ai ha taha 'oku ne ma'u pe teuteu ke ne ma'u ha kongia pe ngaahi kongia kuo to'o 'o fakatatau ki he palakalafi (a) pe ko ha taha 'oku ne ma'u pe teuteu ke ne ma'u pe fetongi pe fakafetongi ha kongia pe ngaahi kongia ki he kongia pe ngaahi kongia kuo to'o 'i he palakalafi (a) pe ha taha 'oku ne fokotu'u pe feinga ke fokotu'u ha kongia pe ngaahi kongia pe ha kongia pe ngaahi kongia kuo fetongi pe fakafetongi ki ha vaka, me'a uta'anga pe vakapuna kuo tauhi pe puke 'o tauhi 'e he Pule'anga 'o Tonga 'oku ne halaia ki he hia pea kuo pau ke ne ala mou'a 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000 pe ko e ngaue popula ki ha taimi 'e 'ikai laka hake 'i he ta'u 'e 5 pe fakatou'osi.
- (6) 'E ngofua ki he 'ofisa kuo fakamafai, lolotonga 'ene fakahoko 'a e puke mo e ta'ofi ko ia 'i he kupu si'i (2)(a), (b), (h) mo (i), ke ne ngaue'aki 'a e fakamālohi ko ia 'e ala fe'unga koe'uhi ke fakahoko 'a e puke pe ta'ofi ko ia'.
- (7) 'E ngofua ki he 'ofisa kuo fakamafai, lolotonga hono fakahoko 'o e ngaahi mafai 'i he kupu ni, ke ne tu'utu'uni ki ha taha 'oku 'i hono mafai ke fakahoko 'a e ngaahi fatongia 'o e 'ofisa kuo fakamafai 'a ia te ne fakamahino'i ki he vaha'a taimi 'e fe'unga mo ia.
- (8) Ko ha taha kuo ne ma'u ha tu'utu'uni 'i he kupu si'i (7) koe'uhi ko e taumu'a 'o hono ngaahi fatongia kuo fakamahino'i, 'oku ne ma'u 'a e ngaahi mafai mo e malu'i tatau 'oku foaki ki ha 'ofisa kuo fakamafai 'i he Lao ni.

malu'i kehe 'oku tali 'e he Fakamaau'anga' mei he taha 'oku 'o'ona pe ha taha kehe 'oku ne 'eke ha koloa pehē 'o a'u ki he mahu'inga fakakātoa 'o e koloa ke tukuange', tautea pa'anga pe ngaahi tautea pa'anga lahi taha ki he ngaahi hia kuo faka'ilo pe ngalingali 'e faka'ilo ki ai'mo e ngaahi fakamole na'e mei ala totongi kapau na'e halaia.

- (2) Ka 'i ai ha vaka, me'a uta'anga, vakapuna pe me'a kehe na'e puke, 'e tukuange atu hili hono 'oatu ha ponite pe ha founa malu'i kehe 'i he kupu si'i (1) pe (3) kuo pau ke fakahaa'i mavahevahe 'i he tu'utu'uni 'a e Fakamaau'anga 'a e lahi 'o e pa'anga ki he koloa 'e tukuange', tautea pa'anga pe ngaahi tautea pa'anga fakakatoa mo e ngaahi fakamole na'e mei hoko' pea, kapau ko ha tukuange 'i he kupu si'i (3) 'a e mahu'inga fakakātoa 'o e koloa kuo tukuange'.
- (3) 'E ngofua ki he Fakamaau'anga', 'i ha ngaahi tukunga makehe te ne fakakaukau 'oku taau pea fakakaukau'i foki 'a e mamafa 'o e hia kuo tukuaki'i', ke ne tukuange ha vaka toutai, me'a uta'anga, vakapuna pe me'a kehe kuo puke 'aki ha ponite ki he mahu'inga si'isi'i ange 'i he lahi kuo tu'utu'uni 'i he kupu si'i (1).
- (4) Kuo pau 'e 'ikai ha me'a 'i he kupu si'i (1) pe (3) 'e fiema'u ai ki he Fakamaau'anga ke ne tukuange ha vaka, me'a uta'anga vakapuna pe me'a kehe kapau 'oku fiema'u ia ko ha fakamo'oni fakahāhā 'i ha ngaahi hopo, pe 'oku fiema'u 'i ha 'uhinga fakapotopoto 'i he Lao ni.

Tuku atu 'o e ngaahi koloa maumaungofua kuo puke

81. (1) 'E ngofua ke fekau 'e he Sekelitali' ke fakatau atu ha ika pe ha me'a kehe 'oku natula maumau vave 'a ia kuo puke 'i he Lao'ni pea ke puke mo tuku atu 'a e pa'anga mei hono fakatau atu' 'o fakatatau ki he ngaahi tu'utu'uni 'a e Lao ni.
- (2) Kapau 'oku 'ikai ke lava 'e he Sekelitali' 'o fakatau atu 'a e ika pe ha ngaahi me'a kehe 'oku lau ki ai 'i he kupu si'i (1), pe kapau 'oku 'ikai taau ke fakatau atu 'a e ika pe ngaahi me'a kehe ko ia', kuo pau ke faka'auha ia fakatatau ki ha founa te ne fekau.

Ke tauhi 'e he Pule'anga 'a e vaka kuo puke

82. Ko ha vaka, me'a uta'anga, vakapuna pe ha me'a kehe kuo puke 'i he Lao ni pe ha ponite pe ha malu'i kehe pe pa'anga na'e ma'u mei hono fakatau atu 'o ia' kuo pau ke puke ia 'e he Pule'anga 'o Tonga' 'o fakatatali ki ha ola ha hopo fakalao 'i he Lao'ni pe kae'oua ke tu'utu'uni 'e 'ikai ke 'oatu ha fakamatala pe ha faka'ilo, pea ko ha ngaahi pa'anga 'oku totonu ke totongi fekau'aki mo ha tautea kuo liliu pa'anga 'i he kupu 95 kuo 'osi totongi.

Ngaahi tu'utu'uni ki he fa'ao mo hono fakafoki 'o e koloa kuo puke

83. (1) Ka 'i ai ha taha kuo halaia 'i ha hia 'i he Lao ni, ko e fakamaau'anga':
- (a) 'e ngofua ke ne tu'utu'uni ke fa'ao ha vaka toutai fakataha mo ha'ane ika mo 'ene naunau toutai, me'angaue, ngaahi tokenaki mo e uta mo ha me'a uta'anga pe vakapuna kuo ngaue'aki pe na'e kau 'i hono fakahoko 'o e hia'; pea

75. Ko ha taha 'oku-

Ngaahi hia ki he kau 'ofisa kuo fakamafai

- (a) ne ta, fakafe'atungia'i, fakafepaki'i, tautoloi, ta'e tali ke heka pe hū, fakailifia'i pe 'ikai ke ne fakahoko 'a e ngaahi ngaue fakapotopoto kotoa pe ke fakapapau'i 'a e malu 'a e pe te ne kaunoa 'i ha 'ofisa kuo fakamafai 'i he'ene fakahoko hono ngaahi fatongia, pe ha taha 'oku ne ngaue fakalao 'i hano fekau'i 'e he pe ko 'ene tokoni'i 'a e 'ofisa kuo fakamafai;
- (b) 'ikai ke ne fai pau ki ha tu'utu'uni, fiema'u pe kole fakalao mei he 'ofisa kuo fakamafai pe 'oku ne maumau'i 'a e kupu 71 mo e 72;
- (c) ne ngaue'aki ha lea fakamanamana pe ha to'onga fakamanamana pe lea kovi ki ha 'ofisa kuo fakamafai lolotonga 'ene fakahoko hono ngaahi fatongia, pe ha taha 'oku ne ngaue fakalao fakatatau ki ha tu'utu'uni 'a e pe 'oku ne tokoni'i 'a e 'ofisa kuo fakamafai;
- (d) ne faka'ai'ai kovi pe faka'ai'ai ha taha kehe ke ne taa'i, fakafe'atungia'i, fakafepaki'i, tautoloi, ta'e tali 'a e heka pe hu, fakailifia'i pe kaunoa 'i ha 'ofisa kuo fakamafai lolotonga 'ene fakahoko hono ngaahi fatongia, pe ha taha 'oku ne ngaue fakalao fakatatau ki ha tu'utu'uni 'a e pe tokoni'i 'a e 'ofisa kuo fakamafai;
- (e) ne 'oatu 'i he 'ilo pau ki ha 'ofisa kuo fakamafai ha ngaahi fakaikiiki 'oku loi pe taki hala 'i ha me'a;
- (f) ne fakakehe pe fakahā loi ke pehē ko e 'eikivaka ia 'o e vaka' pe ha 'ofisa kehe 'o ha vaka toutai;
- (g) ne fakafepaki 'a e puke fakalao;
- (h) kaunoa, tautoloi pe ta'ofi 'i ha fa'ahinga founa pe, hono ma'u pe puke fakalao 'o ha taha kehe 'i he Lao ni; pe
- (i) 'oku ne maumau'i ha fatongia ke fai ki he 'ofisa kuo fakamafai 'i he Lao ni,

kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai toe laka hake 'i he \$500,000 pe ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 3 pe fakatou'osi.

76. Ko ha taha 'oku ne fakakehe pe fakahaa'i loi ia ke pehē ko ha 'ofisa kuo fakamafai kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki he tautea pa'anga 'e 'ikai laka hake 'i he \$250,000 pe ki he ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 2 pe fakatou'osi.

Fakapuli ke pehē ko ha 'ofisa kuo fakamafai

Faka'auha 'o e fakamo'oni mo kalofi hono puke

77. Ko ha taha-

- (a) lolotonga 'ene 'i ha vaka 'oku lolotonga tuli, teu fai ki ai ha heka pe kuo fakatokanga 'e heka ki ai ha 'ofisa kuo fakamafai; pe
- (b) lolotonga 'ene 'i ha ngaohi'anga ika pe ha feitu'u pe fale 'oku fakahoko ai ha ngaue felave'i pe 'a ia 'oku foaki pe 'oku fiema'u ki ai ha laiseni, ngofua pe ha fakamafai kehe 'i he Lao ni,

te ne li ki tahi, li'aki pe faka'auha ha ika, me'a ngaohi mei he ika, naunau toutai, 'one, me'a kona, me'a fakatu'utamaki, mape folau vaka, tohi loka, tohi pe ha me'a kehe 'i he loto ke 'oua 'e kalofi hono puke 'a e me'a ko ia pe ke 'ilo ha hia 'i he Lao ni kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000 pe ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 3 pe fakatou'osi 'a e tautea pa'anga mo e ngaue popula.

KONGA XI

KAU TAULAMA FAKAMAFAI

Fokotu'u 'o e kau taulama fakamafai

78. (1) 'E ngofua ke fokotu'u 'e he Minisitā ha taha 'oku ne fakakaukau 'oku taau' ke hoko ko ha taha taulama fakamafai.
- (2) Ki he ngaahi taumu'a 'o e aleapau pe fokotu'utu'u fakatokolahi kuo hū 'o kau ai 'i he kupu 39 mo e 40 pe ha aleapau pe fokotu'utu'u fakatokolahi kuo hū 'o kau ai 'i he kupu 39, kuo pau 'e lau ha taulama kuo fokotu'u fakatatau ki ha aleapau pe fokotu'utu'u pehē ko ha taulama ia kuo fokotu'u 'o fakatatau ki he kupu ni pea kuo pau ke ngaue'aki 'a e Konga'ni ki ha taulama pehē 'i he'ene fakahoko 'ene ngaahi ngāue' 'o hangē pē na'e fokotu'u ia 'o fakatatau ki ha ngaahi tu'utu'uni, ngaahi tu'unga pe ngaahi fakangatanga 'e ala hilifaki 'e he Sekelitali' 'i ha fanongonongo 'i he Kasete' pe 'a ia 'e ala tu'utu'uni'.

Ngaahi fatongia 'o e kau taulama

79. (1) Kuo pau ki ha taha 'i ha loto vaka 'a ia kuo foaki pe kuo tali ki ai ha laiseni pe ha fakamafai kehe 'i he Lao'ni ke ne fakangofua ha taulama kuo fakamafai ke ne heka mo nofo 'i he vaka ko ia' 'i he taumu'a ke fakahoko 'ene ngaahi ngāue'.
- (2) Kuo pau ki he 'eikivaka mo e memipa takitaha 'o e kauvaka 'o ha vaka pehē ke ne faka'atā mo tokoni ki ha taulama 'i he'ene fakahoko 'ene ngaahi ngāue'.
- (3) Kuo pau ke fakahoko 'e he 'eikivaka' mo e memipa takitaha 'o e kauvaka ha ngaahi fiema'u kehe fekau'aki mo e taulama' 'a ia 'e ala tu'utu'uni.
- (4) Kuo pau ke fai pau leva 'a e 'eikivaka' mo e kauvaka takitaha 'o ha vaka toutai ki he fakahinohino pe fekau fakalao kotoa pē 'oku 'oatu 'e he taulama' mo tokoni ki he heka hao mo hono sivi 'o e

vaka', ko hono ngaahi naunau toutai', me'a ngaue, ngaahi lekooti', ika' mo e ngaahi me'a ngaohi mei he ika', pea ke ne fakahoko 'a e ngaahi ngāue kotoa pē ke fakapapau' 'a e malu 'a e taulama' 'i he'ene fakahoko hono ngaahi fatongia.

(5) Ko ha taha 'oku-

- (a) ne ta, fakafe'atungia'i, fakafepaki'i, tautoloi, 'ikai tali ke heka pe hū, fakailifia'i pe 'ikai ke ne fakahoko 'a e ngaahi ngaue fakapotopoto kotoa pe ke fakapapau' 'a e malu 'a e pe te ne kaunoa 'i ha taulama' 'i he'ene fakahoko hono ngaahi fatongia;
- (b) 'ikai ke ne fai pau ki ha tu'utu'uni, fiema'u pe ko e fakalao mei he taulama;
- (c) ne ngaue'aki ha lea fakamanamana pe fai ha to'onga fakamana pe lea kovi ki ha taulama lolotonga 'ene fakahoko hono ngaahi fatongia, pe ha taha 'oku ne ngaue fakatatau ki ha tu'utu'uni fakalao pe ki he tu'utu'uni 'a e taulama' pe ko hono tokoni;
- (d) 'oku ne faka'ai'ai kovi pe faka'ai'ai ha taha kehe ke ne taa'i, fakafe'atungia'i, fakafepaki'i, tautoloi, 'ikai tali ke heka pe hū, fakailifia'i pe kaunoa 'i ha taulama lolotonga 'ene fakahoko hono ngaahi fatongia, pe ha taha 'oku ne ngaue fakatatau ki ha tu'utu'uni fakalao pe ki he tu'utu'uni 'a e taulama' pe ko hono tokoni;
- (e) ne 'oatu 'i he 'ilo pau ki ha taulama ha ngaahi fakaikiiki 'oku loi pe taki hala 'i ha me'a;
- (f) ne fakakehe pe fakahaa'i loi ia ke pehē ko e 'eikivaka ia 'o e vaka pe ha 'ofisa kehe 'o ha vaka toutai;
- (g) ne fakakehe pe fakahaa'i loi ko ha taulama ia; pe
- (h) 'oku ne maumau' i ha fatongia ke fai ki he taulama 'i he Lao ni,

kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai toe laka hake 'i he \$500,000 pe ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 3 pe fakatou'osi.

KONGA XII

TUKUANGE, FAKATAU ATU MO FA'AO 'O E KOLOA KUO PUKE

80. (1) Fakatatau ki he kupu si'i (3) 'e ngofua ki he fakamaau'anga', pea kapau ko ha vaka toutai muli, me'a uta'anga pe ha vakapuna, kuo pau 'i ha kole, ke ne tu'utu'uni 'a hono tukuange ha vaka toutai fakataha mo hono naunau toutai', me'angāue, ngaahi tokonaki mo 'ene uta' mo ha me'a uta'anga, vakapuna pe ha me'a pe ngaahi me'a kehe kuo puke 'i he Lao'ni 'i ha ma'u ha ponite pe ha fa'ahinga

Tukuange ha vaka kuo puke

- (c) ha mape fai folau 'oku fakapipiki ki ai 'oku ha ai 'a e ngaahi ngata'anga 'o e ngaahi tahi toutai'anga, ngaahi tahi fakafonua, pe ngaahi feitu'u kehe kuo faka'ilonga'i ki ha taumu'a pau;
- (d) ha me'a makehe pe ha kongā 'o ha me'angaue ko e naunau toutai;
- (e) ha tohi ngaue kuo fakapipiki ki ai ko e tatau mo'oni ia 'o ha aleapau pe fokotu'utu'u faka'atā pe aleapau pe fokotu'utu'u pule'i toutai;
- (f) 'a e tupu'anga pe founa 'o e mate pe lavea 'a ha ika;
- (g) ha faka'ilonga ui, hingoa pe fika mo e founa 'oku vahe'i atu ai 'oku 'a e vaka ko ia; pe
- (h) pe kuo fakahū atu ha vaka pea 'oku tu'unga lelei 'i he Lesisita Fakafeitu'u 'o e Ngaahi Vaka Toutai Muli 'oku tauhi 'e he Fakafofonga Alea'anga Toutai.
- (2) Ko ha tohi fakamo'oni kuo fai 'i he kupu si'i (1) kuo pau ke fakaha ai 'a e hingoa 'o e tokotaha 'oku ne fai 'a e tohi fakamo'oni mo -
- (a) hono tu'asila, lakanga fakangaue, fonua 'oku fokotu'u ai' mo e tu'unga 'oku fokotu'u ia ki ai';
- (b) 'a e hingoa, faka'ilonga ui kapau 'oku 'ilo'i, 'o e vaka toutai 'oku felave'i mo ia';
- (c) 'a e feitu'u pe feitu'u 'a ia na'e 'i ai 'a e vaka;
- (d) 'a e 'aho mo e taimi pe vaha'a taimi na'e 'i he feitu'u kuo fakahā 'i he (c) 'a e vaka;
- (e) ha fakahā na'a ne 'osi fakapapau'i 'a e me'angaue tala tu'unga 'a ia na'e ngaue'aki ke fakapapau'i 'aki 'a e feitu'u kuo fakahā 'i he (c) mo 'ene tonu' 'i he fakangatangata kuo tali fakavaha'apule'anga fekau'aki mo ha fa'ahinga me'angāue pehē.
- (3) Ko ha tohi fakamo'oni kuo 'oatu 'i he kupu ni kuo pau ke kamata'aki 'a e "Ko e Tohi Fakamo'oni kuo fakahoko fakatatau ki he kupu 92 'o e Lao ki he Pule'i 'o e Toutai".
- Fakamo'oni faitaa** 93. (1) Ka faitaa'i ha ika toutai pe ha ngaue felave'i pea 'i he taimi tatau 'oku hiki 'i he lau'i tā ko ia' 'a e 'aho, taimi mo e tu'unga na'e faitā mei ai pe kuo fakamo'oni'i 'e ha 'ofisa kuo fakamafai mo e taulama' 'i he lau'i tā ko ia' 'a e 'aho, taimi mo e feitu'u na'e fakahoko ai', kuo pau ke lau na'e faitaa'i 'a e lau'i tā ko ia' 'i he 'aho, taimi mo e feitu'u 'oku hā 'i ai' tukukehe ka fakamo'oni'i 'oku 'ikai.
- (2) Ko e tomu'a mahalo ko ia 'i he kupu si'i (1) kuo pau ke hoko pe ia kapau-
- (a) ko e me'a faitā fakahoko 'aki 'a e faitā 'oku fakahoko fakahangatonu ki he ngaahi me'a ngaue 'oku ne tala totonu 'a e 'aho, taimi mo hono tu'unga; pea

- (b) kuo pau ke ne tu'utu'uni ke fa'ao ha ika kuo ma'u ta'efakalao pe ko e pa'anga kuo ma'u mei hono fakatau atu 'o e ika ko ia' mo ha 'one, me'a kona pe me'a fakatu'utamaki kehe na'e ngaue'aki pe na'e kau ki hono fakahoko 'o e hia.
- (2) Ka 'i ai ha vaka fakataha mo 'ene naunau toutai, me'angaue, ngaahi tokonaki mo e uta, me'a uta'anga, vakapuna pe me'a kehe kuo puke fakatatau ki he Lao ni pe ha ponite pe malu'i kehe pe ha pa'anga kuo ma'u mei hono fakatau atu', kuo 'ikai fa'ao pe kuo 'ikai ke totongi 'aki ha tautea pa'anga tu'utu'uni ke totongi 'a e ngaahi fakamole pe liliu pa'anga ha tautea 'i he kupu 95-
- (a) ko e vaka ko ia' fakataha mo e naunau toutai, me'angaue, ngaahi tokonaki mo e uta' kuo pau ke tukuange pe fakafoki ia ki he taha 'oku ne fakalele 'a e vaka', pe ko e me'alele ko ia, vakapuna pe ha me'a kehe kuo pau ke tukuange ki he taha 'oku 'o'ona pe ko hono fakafofonga'; pe
- (b) ko e ponite pe malu'i kehe ko ia' kuo pau ke tukuange ia ki he taha na'a ne li atu pe na'a ne totongi 'a e ponite' pe malu'i ko ia' fekau'aki mo e vaka, me'a uta'anga, vakapuna pe me'a kuo puke ko ia' 'i he Lao ni.
84. (1) Ka 'i ai ha vaka, me'a uta'anga, vakapuna pe me'a kehe kuo tukuange 'i hano 'oatu ha ponite pe malu'i, ha tu'utu'uni fa'ao, tukukehe 'o ka tu'utu'uni 'e he fakamaau'anga 'i ha ngaahi 'uhinga makehe ha mahu'inga si'isi'i ange, kuo pau 'e ngāue 'o hangē pē ko ha tu'utu'uni ke fa'ao 'a e ponite pe malu'i ko ia' ki he mahu'inga kakato 'o e me'a kuo fa'ao' 'a ia 'oku hā 'i he kupu 80(2) pe kapau kuo tu'utu'uni ha mahu'inga si'isi'i ange 'i he kupu 80(3) ki he mahu'inga si'isi'i ange ko ia', pe kapau 'e 'ikai ke lava 'o fakamahu'inga pehē, ki he mahu'inga 'o e me'a ko ia kuo fa'ao'.
- (2) Kapau kuo tukuange ha vaka, me'a uta'anga, vakapuna pe me'a kehe 'i hano 'oatu ponite pe malu'i 'o fakatatau ki he kupu 80(3), 'e ngofua ke tu'utu'uni 'e he Fakamaau'anga ki ha taha kuo halaia mo e taha 'oku 'o'ona 'a e vaka', me'a uta'anga, vakapuna pe me'a kehe 'oku felave'i mo ia', ke ne totongi 'a e faikehekehe 'i he vaha'a 'o e ponite' pe ko e pa'anga kuo fakahū atu ki he koloa kuo fa'ao' mo e mahu'inga fakakātoa 'o e koloa kuo fa'ao' 'a ia 'oku hā 'i he kupu 80(2).
85. Kuo pau ke fakahoko ha ponite, malu'i pe pa'anga kuo ma'u mei hono fakatau atu 'o ha vaka, me'a uta'anga pe vakapuna pe ngaahi me'a kehe 'o fakatatau ki he fakahokohoko ko 'eni':
- (a) fakamole 'o ha fakatau atu 'i he Konga ko 'eni';
- (b) fai 'o ha fa'ao';

Ngaue 'a e tu'utu'uni fa'ao

Ngaue'aki 'o e ponite

- (c) totongi 'o e ngaahi tautea pa'anga kotoa pe ki ha ngaahi hia 'i he Lao ni pe ngaahi pa'anga na'e totonu ke totongi felave'i mo hano liliu pa'anga ha tautea 'o fakatatau ki he kupu 95 tupu mei hono ngaue'aki pe fekau'aki mo e vaka, me'a uta'anga, vakapuna pe me'a kehe;
- (d) fakahoko 'o e ngaahi tu'utu'uni kotoa pē fekau'aki mo e ngaahi fakamole 'o ha hopo fakalao tupu mei hono ngaue'aki pe fekau'aki mo e vaka', me'a uta'anga', vakapuna' pe ha me'a kehe; pea
- (e) ko e taha 'oku 'i ai 'ene totonu ki ai 'o fakatatau ki he kupu 83(2).

Tuku atu 'o e vaka kuo fa'ao 86. Ko ha vaka, me'a uta'anga, vakapuna pe me'a kehe kuo tu'utu'uni ke fa'ao 'i he Lao ni kuo pau ke ma'u fakalao ia 'e he Pule'anga' pea 'e ngofua, kapau 'oku 'ikai ha tangi 'i loto 'i he taimi fakangatangata 'o e tangi', pe hili ha tu'utu'uni ki ha tangi', ke tuku atu ia 'i he founda 'e fekau 'e he Sekelitali' pe 'e he Minisitā kapau ko ha vaka toutai pe vakapuna muli.

Fakatau atu 'o e vaka kuo puke 87. Ko ha vaka, me'a uta'anga, vakapuna pe me'a kehe kuo puke 'o fakatatau ki he Lao ni ka 'oku 'ikai fa'ao 'i ha hopo fakalao, 'e ngofua ke ma'u fakalao ia 'e he Pule'anga 'o Tonga' kae 'oua kuo totongi kotoa 'a e ngaahi tautea pa'anga, ngaahi tu'utu'uni ki he totongi mo e ngaahi pa'anga kotoa pē 'oku totonu ke totongi felave'i mo hano liliu pa'anga ha tautea fakatatau ki he kupu 95, pea ka 'ikai ke totongi 'i loto 'i he taimi kuo fakangofua, ke fakatau atu ia pea ke fakafoki 'a e toenga pa'anga mei hono fakatau atu' ki he taha 'oku hā 'oku 'i ai 'ene totonu ki ai' hili hono to'o 'o e ngaahi tautea pa'anga, ngaahi tu'utu'uni ki he fakamole, ngaahi pa'anga kotoa pē 'oku totonu ke totongi ki ha liliu pa'anga ha tautea 'i he kupu 95 mo e ngaahi fakamole ki he fakatau' 'i he fakahokohoko ko ia'.

Mo'ua 'a e Pule'anga 88. Kuo pau 'e 'ikai ke mo'ua 'a e Pule'anga 'o Tonga ki ha taha koe'uhi ko ha mole, maumau pe faka'au ke holo 'a e tukunga 'o e vaka, me'a uta'anga, vakapuna pe me'a kehe lolotonga 'a hono tauhi 'e he Pule'anga 'o fakatatau ki he Lao ni, tukukehe kapau ko e tupu ha mole, maumau pe holo pehē mei ha ta'efakahoko fakalotokovi ha fatongia fakalao pe ha ta'etokanga lahi 'a e Pule'anga'.

Hia ke 'ave 'a e vaka mei hono tauhi 'e he Pule'anga 89. Ko ha taha te ne 'ave ha vaka, me'a uta'anga, vakapuna pe me'a kehe kuo puke 'o tauhi 'e he Pule'anga 'o Tonga 'o fakatatau ki he Lao ni kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$500,000 pe ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 3 pe fakatou'osi.

KONGA XIII

MAFAI, FAKA'ILO MO E FAKAMO'ONI

90. (1) Neongo pe 'a e kupu si'i (2) mo (3), ko ha ngāue pe ko e 'ikai fai ha ngāue 'o maumau ai ha ngaahi tu'utu'uni 'a e Lao 'i loto pe 'i tu'a 'i he ngaahi tahi toutai'anga kuo pau ke fai ki ai mo fakahoko ha ngaahi hopo 'i he fakamaau'anga' 'o hangē pe na'e hoko 'a e ngaue pe 'ikai fai 'a e ngāue ko ia' 'i Tonga ni 'i loto 'i he ngaahi ngata'anga 'o e mafai 'o e fakamaau'anga 'oku fai ai 'a e hopo. **Mafai 'o e ngaahi fakamaau'anga**
- (2) Ko ha maumau 'a e kupu 62 'o tatau ai pē pe ko e 'inisipēkita tahi 'atā ko ha Tonga pe 'ikai 'a ia 'oku hoko 'i ha vaka 'i he ngaahi tahi 'atā 'e fai ki ai mo fakahoko ha ngaahi hopo 'i he fakamaau'anga' 'o hangē pē na'e hoko 'a e maumau lao' 'i Tonga ni 'i loto 'i he ngaahi ngatangata'anga fakalotofonua 'o e mafai 'o e fakamaau'anga 'oku fai ai 'a e hopo.
- (3) Ko ha maumau' 'a e kupu 79 (5) 'o tatau ai pē pe ko e taulama ko ha Tonga pe 'ikai 'a ia 'oku hoko 'i ha vaka 'i he ngaahi tahi 'atā 'e fai ki ai mo fakahoko ha ngaahi hopo 'i he fakamaau'anga 'o hangē pē na'e hoko 'a e maumau lao' 'i Tonga ni 'i loto 'i he ngaahi ngatangata'anga fakalotofonua 'o e mafai 'o e fakamaau'anga 'oku fai ai 'a e hopo.
- (4) Ka 'oku feima'u 'e ha tu'utu'uni pe ha tu'unga laiseni ke lipooti ha me'a 'oku hoko 'i ha taimi pau pe 'i ha taimi 'e toki hoko ai' lolotonga 'oku 'i he pe 'oku tukuaki' 'oku 'i he tahi 'atā ha vaka, 'e ngofua ke fai ha faka'ilo felave'i mo e 'ikai ke lipooti 'o hangē pe na'e hoko 'a e me'a ko ia' 'i loto 'i he ngaahi tahi toutai'anga.
91. (1) 'O kapau 'oku faka'ilo ha taha kuo ne fai ha hia 'oku kau ai ha ngaue 'a ia 'oku fiema'u ki ai ha laiseni, mafai pe ko e ngofua 'oku 'oatu 'e he Lao ni ke fai 'a e ngaue ko ia kuopau ko e laiseni mo e ngafa 'o e taha ko ia ke ne fakamo'oni' na'a e lolotonga ma'u 'i he taimi ko ia 'a e tohi laiseni, mafai pe ngofua na'e fiema'u. **Ngafa ke fakamo'oni' 'a e laiseni mo e fakamatala**
- (2) Ka 'i ai ha taha 'e faka'ilo ki hono maumau' 'i 'o e kupu 99, ko e ngafa ia 'o e tokotaha ko ia ke ne fakamo'oni' ko e fakamatala kuo 'oatu na'e mo'oni, kakato mo totonu.
92. (1) 'E ngofua ki he Sekelitali ke 'oatu ha tohi fakamo'oni 'o fakahā ai - **Tohi fakamo'oni 'o e fakamo'oni**
- (a) ko ha tohi kuo fakapipiki ko e tatau mo'oni ia 'o e laiseni, fakangofua, fakamafai pe tohi fakamo'oni lesisita kuo foaki ki ha vaka pe ha taha;
- (b) ha feitu'u pau pe konga tahi 'i loto 'i he ngaahi tahi toutai'anga pe 'i loto 'i ha feitu'u pule'i kehe 'i he ngaahi tahi toutai'anga 'o fakatatau ki he ngaahi tu'unga kuo fakamahino'i;

- (a) laiseni mo pule'i ha fa'ahinga toutai;
- (b) ngaue fakataha mo pule'i 'o e Ngaahi Kolo Matātahi mo e ngaahi ngaue fakatolonga mo pule'i 'e ala ngaue'aki 'i ha Ngaahi Feitu'u Pule'i Makehe kuo vahe'i ki he ngaahi kolo matātahi ko ia';
- (c) ngaahi ngaue pule'i mo fakatolonga 'o e toutai, ngaahi tu'unga 'o e naunau toutai', lalahi taha mo e iiki taha 'o ha ngaahi fa'ahinga ika, ngaahi fa'ahi ta'u tapu toutai, ngaahi feitu'u tapui ke toutai'i, ngaahi founa toutai 'oku tapu mo e ngaahi palani ke fakangatangata 'aki 'a e hū ki he ngaahi ngaue toutai kotoa pē pe ha ngaahi fa'ahinga ngaue toutai pau;
- (d) lesisita mo laiseni 'o e naunau toutai mo e me'angaue toutai kehe;
- (e) toutai sipoti pe va'inga 'i he ngaahi tahi toutai'anga mo tu'utu'uni ke 'i ai ha laiseni 'a e ni'ihī 'oku nau kau ki he toutai sipoti pe va'inga;
- (f) ngaue'aki 'o e me'a mānava kasa mo e ngaahi kasa uku ki he toutai po'uli' mo tu'utu'uni ki hono ngaue'aki 'o e tao fana ika' mo e ngaahi me'a kehe pehē;
- (g) ngaahi vaka toutai fakalotofonua pe ngaahi vaka Tonga ke fakapapau'i 'oku 'ikai ke fakahoko 'e he ngaahi vaka ko ia' ha toutai 'oku 'ikai fakamafai 'i he tahi fakafeitu'u pe sone 'e he ngaahi vaka ko ia' ha toutai 'oku 'ikai fakamafai 'i he tahi fakafeitu'u pe sone 'ekonomika mavahe pe ha sone kehe 'oku a'u ki ai 'a e mafai toutai 'a ha Fonua muli, kau ai;
- (i) lekooti mo lipooti taimi totonu 'a e tu'u'anga 'o e vaka, lahi 'o e ika taketi'i pe ta'e taketi'i kuo ma'u', ivi toutai mo e ngaahi fika toutai kehe;
- (ii) 'oatu 'e kinautolu 'oku 'onautolu 'a e vaka', kau fakalele vaka', kau nō vaka' mo e kau 'eikivaka 'o e ngaahi vaka ko ia' ha ngaahi tatau 'o e ngaahi laiseni mo ha fakamo'oni 'oku fakamafai 'a e ngaahi ngāue toutai ko ia';
- (iii) fakamafai'i mo fokotu'u ha ngaahi founa ki hono 'oatu ha fakamatala ki he Fonua muli 'oku ne tukuaki'i na'e kau 'a e vaka ko ia' 'i ha toutai 'oku 'ikai fakamafai;
- (iv) ha me'a kehe kau ki ai;
- (h) tu'utu'uni ki he lahi 'o e ika ke to'o', pea ki hono fakahake ki 'uta, maketi'i mo tufaki 'o e ika';
- (i) tu'utu'uni ki he fou mai 'a e ngaahi vaka toutai muli 'i he ngaahi tahi toutai'anga' kau ai 'a e founa hono tauhi 'o e naunau toutai';

- (b) ko e tā ko ia na'e fai 'e ha 'ofisa kuo fakamafai pe ha taulama.
- (3) 'E ngofua ke 'oatu 'e he 'ofisa kuo fakamafai pe taulama na'a ne fakahoko 'a e faitā 'i he kupu si'i (1) ha tohi fakamo'oni kuo fakapipiki ki he la'i tā 'o fakahā ai-
- (a) hono hingoa, tu'asila, tu'unga fakangaue, fonua 'oku fokotu'u ai ia pea mo e mafai 'oku fokotu'u ia ki ai;
- (b) 'a e hingoa mo e faka'ilonga ui, kapau 'oku 'ilo'i, 'o ha vaka toutai 'oku ha he ta;
- (c) 'a e hingoa 'o e me'a faitā, uasi pe taimi pe ha me'a ngaue 'oku ne tala 'a e 'aho mo e taimi mo e me'angaue tala tu'u'anga mo ha tohi fakahā kuo ne 'osi fakapapau'i 'a e ngaahi me'a ngaue 'i ha taimi fe'unga kimu'a mo hili 'a e faitā pea na'e hā 'oku nau ngaue lelei;
- (d) 'a e ngaahi me'a ko ia 'oku hā atu 'i he kupu si'i (2)(a);
- (e) 'a e tonu 'a e me'angaue tala tu'u'anga fakatatau ki he ngaahi fakangatangata fakapule'anga kuo fakamahino'i pe ngaahi tu'unga felave'i mo e me'angaue ko ia; mo e
- (f) mama'o taha 'e ala lava mo e fua 'o e tu'u'anga 'o e me'a 'oku hā 'i he lau'i tā mei he me'a faitā 'i he taimi na'e faitā ai.
94. (1) Fakatatau ki he kupu si'i (2) ko ha tohi fakamo'oni kuo foaki 'i he kupu 92 pe 94 kuo tufa ki ha faka'iloa 'i he 'aho 'e fitu pe lahi ange kimu'a hano 'omai ki ha hopo 'i he fakamaau'anga fakatatau ki he Lao ni, kuo pau ko e fakamo'oni ia 'o e ngaahi tefito'i mo'oni 'oku hā 'i ai' tukukehe ka fakamo'oni'i 'oku 'ikai.
- (2) Ka 'i ai ha tohi fakamo'oni kuo tufa 'i he kupu 92 pe 94 ki ha faka'iloa 'i he 'aho 'e hongofulu mā fā pe lahi ange kimu'a hono fakahū ki he fakamaau'anga 'i ha hopo fakatatau ki he Lao ni pea na'e 'ikai ke fakahā ha fakafepaki ki ai 'i he tohi 'i loto 'i he 'aho 'e fitu mei hono tufa' kuo pau ko e fakamo'oni aofangatuku ia 'o e ngaahi mo'oni'i me'a kotoa pē 'oku hā 'i ai' tukukehe ka fakakaukau 'a e fakamaau'anga 'oku kaunga kovi ki he faka'iloa' 'a e 'ikai ke fakahā ha fakafepaki.
- KONGA XIV**
- NGAAHI ME'A KEHEKEHE**
95. (1) Fakatatau ki he kupu si'i (3), 'e ngofua ki he Minisitā, 'i ha'ane fiemālie kuo fai 'e ha taha ha hia 'i he Lao ni 'o kau ai ha vaka toutai muli, ke ne liliu pa'anga 'a e hia ko ia' 'i he'ene tali mei he taha ko ia' ma'ae Pule'anga' ha pa'anga 'o 'ikai laka hake 'i he tautea pa'anga lahi taha kuo fakamahino'i ki he hia ko ia'.

Founa ngaue
ki he ngaahi
tohi fakamo'oni

Ngaahi tautea
liliu pa'anga

- (2) 'I hano liliu pa'anga 'e he Minisitā ha hia 'i he kupu ni, 'e ngofua ki he Minisitā ke ne fekau ke tukuange ha me'a kuo puke fakatatau ki he kupu 71 pe ha pa'anga kuo ma'u mei hano fakatau atu 'o e me'a ko ia' fakatatau ki he kupu 81 'i he ngaahi tu'unga kau ai 'a hono totongi ha pa'anga fakalahi 'o 'ikai toe laka hake 'i he mahu'inga 'o e koloa kuo puke', 'a ia te ne ala fakakaukau 'oku fe'unga'.
- (3) Ka 'oku 'ikai ke kei 'i Tonga ni ha taha kuo ne fai ha hia, 'e ngofua ke 'oatu 'e he Minisitā ha fanongonongo 'i he tohi 'a 'ene fakakaukau liliu pa'anga 'a e hia ki he tu'asila 'oku 'ilo'i 'o e taha ko ia' 'i tu'a 'i Tonga ni, pe ki he tu'asila 'o hono fakafongonga 'i Tonga ni kapau kuo fokotu'u ha fakafongonga pehē.
- (4) Kuo pau 'e 'ikai liliu pa'anga ha tautea 'i he kupu ni tukukehe kapau kuo fakahā 'e he taha kuo ne fai 'a e hia' 'oku ne loto ke fai pehē ki he hia, pe kapau kuo 'oatu ha fanongonongo 'i he kupu si'i (3), ke ne fakahā ki he Minisitā 'i he tohi 'oku 'ikai ke ne loto ke liliu pa'anga 'a e hia', pea 'oku ne tukulolo ki he mafai 'o e Fakamaau'anga, kapau 'e fiema'u 'e he Fakamaau'anga ke ne faile ha ponite pe ha founa malu'i kehe 'o fakatatau ki he kupu 80.
- (5) Kuo pau ke ko e taukapo ia 'i hano faka'ilo 'o ha taha kuo ne fai ha hia 'i he Lao'ni pe tu'utu'uni kuo fa'u 'i he Lao'ni, kapau 'e fakamo'oni'i 'e he taha ko ia' kuo 'osi liliu pa'anga ha hia kuo faka'ilo ia ki ai 'i he kupu' ni.

Kau 'inisipekita

96. (1) 'E ngofua ki he Minisitā ke ne-
- (a) vahe'i 'i he tohi ha 'ofisa kuo fakamafai ke hoko ko ha 'inisipekita ke ne faka'ai'ai mo muimui'i 'a e fai pau ki he Lao' mo e Ngaahi Tu'utu'uni kuo fa'u 'i he Lao' 'o fekau'aki mo e malu mo e tu'unga lelei 'o e ika' mo e ngaahi me'a ngaohi mei he ika';
- (b) tu'utu'uni 'a e ngaahi tu'unga poto mo taukei mo ha ngaahi fiema'u kehe pehē ki hono fokotu'u 'o ha kau 'inisipekita pehē; pea
- (c) tu'utu'uni ha ngaahi ngāue mo e ngaahi fatongia 'o e kau 'inisipekita ko ia'.
- (2) 'E ngofua ke tu'utu'uni 'e he 'inisipekita ke 'oatu ha ngaahi fakamatala pa'anga pe ha fakamatala kehe kuo fakamafai'i 'i he Lao'.
- (3) Ko e ni'ihī kuo vahe'i ko ha kau 'inisipekita 'i he kupu ni, ki he taumu'a 'o hono fakahoko 'o 'enau ngaahi ngaue mo honau ngaahi fatongia, 'oku nau ma'u 'a e ngaahi mafai kotoa pē mo e malu'i 'oku ma'u 'e ha 'ofisa kuo fakamafai 'i he Lao ni.

97. Ko ha taha 'oku 'ikai ke ne ngāue fakatatau ki he mafai kuo foaki kiate 'ikai mo'ua ia 'i he Lao'ni pe 'ikai ke ne fakahoko ha ngāue 'oku fiema'u ke ne fakahoko 'i he mafai kuo foaki kiate ia 'i he Lao ni kuo pau 'e 'ikai ala mo'ua tukukehe kapau na'e fakahoko 'a e ngaue ko ia' pe 'ikai fakahoko 'i ha loto kovi.
98. Kapau 'e fai ha hia 'i he Lao'ni 'e ha taha 'oku ne 'i loto vaka pe 'oku ne ngāue 'i ha vaka toutai, kuo pau foki ke halaia 'a e 'eikivaka, taha 'oku 'o'ona mo e taha nō 'o e vaka ko ia' ki he hia ko ia'.
99. (1) Ko ha fakamatala 'oku fiema'u ke lekooti, pe ke 'oatu, fakafanongonongo, fakafetu'utaki pe lipooti fakatatau ki ha tu'utu'uni 'a e Lao'ni pe ha tu'utu'uni 'i ha alepau pe fokotu'utu'u faka'atā kuo kau ki ai 'i he Lao'ni kuo pau ke mo'oni, kakato mo totonu.
- (2) Kuo pau ki ha taha 'oku fiema'u ke ne 'oatu ha fakamatala 'i he kupusi'i (1) ke ne lipooti 'i he vave taha' ha ngaahi liliu 'i he ngaahi tūkunga'.
- (3) Ko ha taha 'oku ne maumau'i 'a e kupu si'i (1) pe (2) kuo pau ke ne halaia ki ha hia pea kuo pau ke ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$250,000.
100. (1) Ko ha taha 'oku ne fakahoko ha ngaahi ngaue pe ngaahi fatongia 'i he Lao ni, tukukehe ka 'oku fakamafai'i 'o fakatatau ki he Lao ni, kuo pau 'e 'ikai ke ne fakahā ha fakamatala pe ha ngaahi fika kehe 'oku natula ke tauhi malu 'a ia kuo ne ma'u mai 'i hono mafai', ngaahi ngāue pe ngaahi fatongia', ki ha taha 'oku 'ikai ke 'i ai hano mafai ke ne ma'u ia.
- (2) 'E ngofua ke vahe'i 'e he Sekelitali ha fakamatala ke tauhi malu, pea 'e ngofua ke ne fakamafai 'i he tohi ha taha ke ne ma'u pe ke 'atā ke ne ma'u ha fakamatala tauhi malu.
- (3) 'E ngofua ki he Sekelitali' ke ne fakamafai hono tukuange ha fakamatala kuo 'oatu 'e ha founa muimui'i vaka fekau'aki mo e tu'u'anga 'o ha vaka 'i ha kole 'e ha ma'umafai 'oku fekau'aki mo ia' 'i he ngaahi taumu'a ki he le'ohi, kumi, fakahaofi mo'ui mo ha ngaahi ngaue fakavavevave kehe.
- (4) Ko ha taha 'oku ne maumau'i 'a e ngaahi tu'utu'uni 'a e kupu ni kuo pau ke ne halaia ki ha hia pea kuo pau ke ne ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$25,000 pe ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 3 pe fakatou'osi.
101. (1) 'E ngofua ke fa'u 'e he Minisitā ha ngaahi tu'utu'uni ki hono fakahoko 'o e Lao'ni.
- (2) 'E ngofua ki he Minisitā ke ne tu'utu'uni 'i ha Ngaahi Tu'utu'uni kae 'ikai fakangatangata 'a e fakalūkufua 'o e kupusi'i (1) fekau'aki mo e ngaahi me'a ko 'eni':

Ngaahi
Tu'utu'uni

- (j) tu'utu'uni ki he ngaahi fakapale ke totongi ki ha taha 'oku ne 'omai ha fakamatala fekau'aki mo ha ngaahi ngaue 'a ha ngaahi vaka toutai muli 'o a'u ki hano fakahalaia, pe liliu pa'anga hano tautea ki ha hia pe ki hono totongi ha tautea fakangaue 'i he Lao ni;
- (k) tu'utu'uni ki he foomu laiseni vaka toutai muli;
- (l) laiseni mo pule'i 'o e ngaahi me'a tohoaki ika mo e totonu ki he ika kuo ma'u mai 'e he ngaahi me'a tohoaki ika ko ia';
- (m) ki he-
- (i) toutai'i 'o e fa'ahinga 'o e kolukalu' mo e fingota';
- (ii) fokotu'u 'o e ngaahi pa' ika;
- (iii) 'ave 'o e ika mo e ngaahi me'a mo'ui ta'ehuitu'a ki he ngaahi tauhi'anga ika mo'ui pe ke faka'ali'ali pe ha ngaahi taumu'a fakafiefia;
- (n) hū mai mo hū atu ki tu'apule'anga 'o e ika pe me'a ngaohi mei he ika;
- (o) ngaahi tu'unga mo e ngaahi ngaue kehe ki he malu 'a e ngaahi vaka toutai fakalotofonua mo e kau toutai;
- (p) muimui'i, pule'i mo le'ohi kau ai 'a e ngaahi tu'utu'uni ki hono lipooti mo hono ngaue'aki 'o e ngaahi founa muimui'i vaka;
- (q) ngaahi fiema'u ki he kumi, tanaki, 'oatu mo tufaki 'o e ngaahi fakamatala fakasaienisi mo ha fakamatala kehe pehē 'e fiema'u ki hono fakatolonga mo pule'i 'a e ngaahi koloa 'o e ngātai' 'i he Pule'anga' ni;
- (r) hū ki ha ngaahi feitu'u pule'i makehe' mo e ngaahi feitu'u tauhi'anga ika;
- (s) faka'ilonga'i 'o e vaka mo e naunau toutai', fakaa'u 'a e pule 'a e Fonua 'a'ana 'a e Fuka 'o e vaka' pe ko e fakahoko 'a e ngaahi totonu mo e ngaahi fatongia 'a e Fonua 'a'ana 'a e Fuka;
- (t) pule pe ngaahi mafai pe ngaahi ngāue 'a e Fonua Taulanga' 'a ia 'e ala ngaue'aki 'e he Pule'anga' ke fakaa'u 'a e ngaahi totonu mo e ngaahi fatongia 'o e Fonua Taulanga;
- (u) pule'i 'o e ngaahi vaka Tonga 'oku nau ngāue 'i ha ngaahi feitu'u 'i loto pe 'i tu'a 'i he mafai fakafonua';
- (v) ngaahi kalasi pe ngaahi fa'ahinga laiseni, ngaahi ngofua pe ngaahi fakamafai kehekehe ki he toutai' pe ngaue felave'i mo e fa'ahinga ika mo e ngāue felave'i 'e ala fakahoko 'i ha ngaahi laiseni, ngaahi ngofua pe ngaahi fakamafai pehē;

- (w) me'a kehe 'oku fiema'u pe fakamafai ke tu'utu'uni;
- (x) ngaahi tu'unga fekau'aki mo e kupu 26(1);
- (y) tu'utu'uni ki he taimi 'a ia 'e ngaue'aki ai ko e fakamo'oni 'a e ngaahi tohi (readings), tohi (printouts), me'a 'oku fakaha mo e ngaahi fakatātā kuo fa'u 'e ha fa'ahinga misini pau mo e mahu'inga fakamo'oni 'oku 'oatu ki he misini ko ia mo e founa ki he fa'u 'o e ngaahi me'a ko ia.

Maumau'i 'o e tu'utu'uni 102. Ko e taha kotoa pe 'oku ne maumau'i ha tu'utu'uni 'oku ne fai ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$250,000.

KONGA XV

TUKU ATU 'O E MAFAI, FAKAPEKIA, TU'UTU'UNI 'OKU KEI TU'U MO E TU'UTU'UNI FAKATAIMI

Foaki 'o e ngaahi mafai 103. 'E ngofua ki he Minisitā mo e Sekelitali, 'aki ha tohi, ke na tuku atu 'a e ngaahi mafai kuo foaki kiate kinaua 'i he Lao ni, tukukehe 'a e mafai tuku atu mafai ko 'eni' mo e ngaahi mafai kuo foaki 'e he kupu 28(1) mo e 95.

Hokohoko 'a e 'aonga 'o e ngaahi aleapau 104. Ko ha aleapau pe fokotu'utu'u kuo kau ki ai pe ha fakamafai kuo foaki 'i he Lao ki he Toutai 1989 kuo pau ke hokohoko atu hono mafai 'o hangē pē na'e kau ki ai pe na'e foaki ia ia 'i he Lao ni, tukukehe ka 'i ai ha me'a 'e fepaki mo e Lao ni, tukukehe ka kuo 'osi pe ngata 'a e aleapau pe fokotu'utu'u ko ia' 'o fakatatau ki he ngaahi tu'unga 'o e aleapau pe fokotu'utu'u ko ia'.

Fakapekia mo e hoko atu 105. (1) 'Oku fakapekia heni 'a e Lao ki he Toutai 1989.

(2) Neongo 'a e fakapekia pehē 'o kamata mei he pea hili 'a e 'aho 'o e kamata ngaue'aki 'o e Lao ni-

- (a) ko ha laiseni ne foaki 'i he Lao ki he Toutai 1989, kuo pau ke kei hokohoko atu hono ngaue'aki 'o fakatatau ki he ngaahi tu'unga mo e ngaahi fiema'u ne tali ki he vaha'a taimi na'e tu'utu'uni ki ai; pea
- (b) ko e ngaahi tu'utu'uni mo e ngaahi tu'utu'uni faka-fakamaau'anga kotoa pē na'e fai 'i he Lao ki he Toutai' 1989 mo kei ngaue'aki 'i he 'aho kamata'anga 'o e Lao' ni, kuo pau ke hokohoko atu pē hono mafai', fakatatau ki ha ngaahi fakalelei mo ha ngaahi liliu 'e ala fiema'u ke fai ki ai ke tatau mo e Lao' ni kae'oua ke a'u ki ha taimi kuo fa'u ha ngaahi tu'utu'uni pe ngaahi tu'utu'uni faka-fakamaau'anga fo'ou 'i he Lao' ni.

Na'e tali 'i he Fale Alea 'i he 'aho ni 22 'o 'Okatopa 2002.