

“aquaculture products” means live or dead fish which have been reared or raised or otherwise cultivated as a result of aquaculture or related activity under an aquaculture development licence or other authorisation issued under this Act, and products derived from them, whether intended for use in aquaculture or related activity, for human consumption or for sale;

“environmental impact assessment” means the assessment provided for under Part IV of this Act;

“fish” means any fish and includes any aquatic animal or plant, mollusc, crustacean, coral (living or dead) and other coelenterates, sponge, holothurian (beche-de-mer) or other echinoderm, and turtle, and their young and eggs;

“fish farmer” means a person who conducts aquaculture or any related activity under an aquaculture development licence;

“genetically modified organism” means an organism in which the genetic material has been altered;

“marine area” means the fisheries waters and the subjacent areas;

“Minister” means the Minister for Fisheries;

“pollution” means the introduction through human activities, directly or indirectly, of substances or energy into the aquatic environment resulting in deleterious effects;

“related activity” means any activity connected to or in support of aquaculture;

“Secretary” means the Secretary for Fisheries.

- (2) The terms and phrases defined in the Fisheries Management Act 2003 shall be given the same meaning in this Act, unless otherwise specified under this Act.

PART II GENERAL AQUACULTURE MANAGEMENT

Responsibility of the Minister

3. The Minister shall be responsible for the control, management and development of aquaculture and any related activity, whether on land or in any aquatic area including marine areas.

Aquaculture management and development plan

4. The Minister shall prepare and keep under regular review a plan for the management and development of aquaculture which shall be published in the Gazette.

Aquaculture areas

5. The Minister may, with the consent of Cabinet, declare any area to be an aquaculture area by Notice in the Gazette, identifying and describing the area declared.

Buffer zones

6. The Minister may, with the consent of Cabinet, declare any area to be a buffer zone by Notice in the Gazette identifying and describing that area.

AQUACULTURE MANAGEMENT ACT 2003

Arrangement of sections

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Tonga.**No. 15 of 2003.**

I assent,

TAUFA'AHAU TUPOU IV,

18th November, 2003.

AN ACT**TO PROVIDE FOR THE MANAGEMENT AND DEVELOPMENT OF AQUACULTURE IN THE KINGDOM AND OTHER MATTERS INCIDENTAL THERETO**

[9th of September 2003.]

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

**PART I
PRELIMINARY**

1. This Act may be cited as the Aquaculture Management Act, 2003. **Short Title**
2. (1) In this Act, unless the context otherwise requires – **Interpretation and application**
 - “aquaculture” means any operation involving the husbandry, cultivation, propagation or farming of fish, during the whole or part of its life cycle and includes any operation in preparation for any aquaculture or other related activity;
 - “aquaculture development licence” means a licence, issued by the Secretary under this Act or any regulations made under this Act, for the purposes of aquaculture;
 - “aquaculture officer” means a person designated by the Minister under section 31;
 - “aquaculture premises” means the area, whether aquatic or not, used for aquaculture or related activity and in respect of which an aquaculture development licence is issued under this Act and includes any equipment, infrastructure, construction or enclosure;

- Issue or refusal**
15. (1) The Minister shall decide whether to grant or refuse an application for an aquaculture development licence or other authorisation within 3 months of submission of the application or 1 month from the last date on which additional information was submitted under section 13(6), whichever is the later date.
- (2) In determining the application for an aquaculture development licence or other authorisation, the Minister shall consider –
- whether the site for which the licence or authorisation is applied is located in an aquaculture area;
 - the impact of aquaculture on the general environment;
 - the impact on communities, if any, located in the vicinity of the aquaculture area in respect of which an aquaculture development licence or authorisation is to be issued and the fishing practices of these communities;
 - the effect of proposed aquaculture development on fish species located in the area;
 - any relevant fishery or aquaculture management and development plan;
 - the advice of the Designated Communities, if any, as referred to in section 8 of this Act responsible for an aquaculture area or part thereof; and
 - any other appropriate matter.
- (3) The Minister shall refuse to issue an aquaculture development licence or authorisation under this Act if:
- the site where the applicant proposes to undertake aquaculture or a related activity is not available under the law relating to land matters or under this Act or is not suitable for that purpose having regard to other laws, the local environment, the character of the general area and other activities being undertaken in the area;
 - the application was not made in accordance with this Act or any information furnished or any representation made in the application is false in a material respect;
 - the applicant is an individual disqualified under section 25(1)(a) from holding an aquaculture development licence or other authorisation;
 - the applicant is a corporation which is disqualified under section 25(1)(b) from holding an aquaculture development licence or any director or manager of the corporation is an individual disqualified under section 25(1)(c) from holding an aquaculture development licence or other authorisation.

7. The Secretary may use any method of identification, demarcation and marking of aquaculture areas or buffer zones. **Identification and demarcation**
8. (1) The Minister may, designate any local community or a community which has been designated as a coastal community under the Fisheries Management Act 2002, to be a Designated Community for the purposes of this Act and may:
- allocate such aquaculture areas, buffer zones, or parts thereof for which such Designated Community shall be responsible under this Act;
 - describe such rights and responsibilities of such Designated Community in respect of the aquaculture area, or buffer zone.
- (2) The Ministry shall be responsible for the aquaculture area, buffer zones, which are not allocated to a Designated Community under subsection (1).
- (3) The Ministry shall maintain a record of aquaculture areas and buffer zones, and where an aquaculture area or buffer zone, has been allocated to a Designated Community under subsection (1), the name of such Designated Community responsible for such aquaculture area or buffer zone. **Designated Communities responsible for aquaculture areas and buffer zones**
9. (1) No person shall undertake any activity which is listed in a notice issued under sections 5 or 6 as a restricted activity within a buffer zone or an aquaculture area without the prior written consent of the Minister. **Authorisation of potentially harmful activities**
- (2) The Minister shall not give the consent required under subsection (1) unless he considers that it is in the public interest for the proposed activity to be authorised and that he is satisfied that appropriate measures will be taken to prevent harm to aquaculture activities in the aquaculture area or to compensate fish farmers, holder of an aquaculture development licence or other authorisation under this Act, for any losses which they may suffer as a consequence of the authorised activity.
10. (1) The Minister may, in consultation with the Aquaculture Advisory Committee, issue and publish codes of practice. **Codes of practice**
- (2) The Minister shall ensure that a copy of every code of practice is available for inspection by the public during business hours and copies of the whole or any part of that code shall be provided, upon payment of the prescribed fee.
- (3) The failure to comply with a code of practice shall be taken into consideration in the grant or disqualification of any authorisation under this Act.
11. (1) There shall be established an Aquaculture Advisory Committee to advise the Minister in relation to – **Aquaculture Advisory Committee**
- any matter on which the Minister or the Secretary is required to consult the Advisory Committee under this Act;

- (b) policy, planning and guidelines for the regulation, management and development of aquaculture;
 - (c) the elaboration or review of the aquaculture plan referred to in section 4 and codes of practices referred to in section 10;
 - (d) the approval of plans for collaboration on aquaculture management with other foreign or local institutions;
 - (e) co-operation on the management and development of aquaculture among relevant government agencies and local communities;
 - (f) appropriate public awareness programmes on the need for proper management and development of aquaculture;
 - (g) the establishment of aquaculture areas and buffer zones;
 - (h) any matter relating to aquaculture which the Minister refers to the Advisory Committee for investigation, deliberation and advice.
- (2) The Advisory Committee shall comprise the following members:
- (a) the Secretary who shall be Chairman;
 - (b) an officer of the Department of the Environment;
 - (c) an officer of the Ministry of Labour, Commerce and Industries;
 - (d) an officer of the Ministry of Marine and Ports; and
 - (e) three representatives of the aquaculture industry appointed by the Secretary in consultation with fish farmers associations and organisations involved in aquaculture affairs.
- (3) The Advisory Committee may co-opt any person with particular expert knowledge or skill but such co-opted person shall not be entitled to vote.
- (4) The Advisory Committee shall determine its procedures.

PART III

AUTHORISATIONS FOR AQUACULTURE

Aquaculture to be conducted in accordance with this Act.

12. Aquaculture and related activities shall only be conducted:
- (a) by persons who hold an aquaculture development licence or other authorisation issued in accordance with this Act;
 - (b) within aquaculture areas; and
 - (c) in accordance with this Act and any regulations or orders made under this Act.

Application for licence or authorisation

13. (1) Applications for an aquaculture development licence or other authorisation, shall be made to the Minister in the prescribed Form.

- (2) All applications for an aquaculture development licence or other authorisation shall be assessed by the Minister who may submit the application to the Aquaculture Advisory Committee for review with an assessment report of the application.
 - (3) Any proposal to undertake aquaculture on Crown land shall be accompanied by a copy of the applicant's lease of the said land or a statement from the Ministry of Lands confirming the availability of the land for aquaculture.
 - (4) Every application made under this section shall be submitted to the Minister together with an environment impact assessment report, and the recommendations of the person or authority responsible for reviewing the environmental impact assessment report.
 - (5) The Minister may require an applicant to provide any additional information in relation to the application which the Minister reasonably considers necessary and may, notwithstanding subsection (2), refuse to consider the application further until such additional information is provided.
 - (6) Where, prior to the issue of an aquaculture development licence or other authorisation, any information contained in an application changes or if there is any material change in the information on which an environmental impact assessment report submitted with the application was based, the applicant shall notify the Minister in writing within 7 days of the information coming to the knowledge of the applicant.
14. (1) An application for a renewal of an aquaculture development licence or other authorisation under this Act shall be made to the Minister in accordance with such requirements as the Minister considers appropriate or as may be prescribed by regulations. **Renewal of a licence or authorisation**
- (2) All applications for renewal of an aquaculture development licence or other authorisation shall be received and assessed by the Minister who may submit the application to the Aquaculture advisory Committee for review with an assessment report of the application.
 - (3) Any proposal to undertake aquaculture on Crown land shall be accompanied by a copy of the applicant's lease of the said land or a statement from the Ministry of Lands confirming the availability of the land for aquaculture.
 - (4) Where an applicant is required to undertake an environmental impact assessment under this section, the application shall be accompanied by a copy of the said environmental impact assessment report, and the recommendations of the person or authority responsible for reviewing the environmental impact assessment report.
 - (5) The Minister may require an applicant to provide any additional information in relation to the application which the Minister reasonably considers necessary and may, notwithstanding subsection (2), refuse to consider the renewal of the application further until such additional information is provided.

- (b) the licence or authorisation holder has not complied with any term or condition of his licence or authorisation;
 - (c) aquaculture products have been seized under section 23 and it is unlikely that aquaculture or related activity shall continue in the foreseeable future; or
 - (d) the Secretary considers that the continuation of the aquaculture or related activity is not in the public interest.
- (2) The Secretary shall before cancelling or refusing to renew a licence or any other authorisation issued under this Act –
- (a) advise the holder of the reasons for cancellation or non-renewal; and
 - (b) give the holder an opportunity to make written or oral representations.

Disqualification of persons from holding an aquaculture development licence or authorisation

25. (1) The Secretary may serve a notice in writing –
- (a) on a person or group of persons who held an aquaculture development licence or other authorisation which has been cancelled other than at the request of the holder of the aquaculture development licence or other authorisation;
 - (b) on a legal entity which held an aquaculture development licence or other authorisation which has been cancelled other than at the request of the holder of the licence or other authorisation; or
 - (c) on any director or other person involved in the management of a legal entity referred to in paragraph (b);
- declaring that person, group of persons or legal entity to be a disqualified person, group of persons or entity and giving reasons for the disqualification.
- (2) Before disqualifying a person under subsection (1), the Secretary shall advise that person, group of persons or legal entity in writing of the reasons why the Secretary intends to disqualify such persons or entity and shall give such persons or entity an opportunity to make written or oral representations.
- (3) The period of any disqualification under subsection (1) shall not exceed 2 years but a person, group of persons or legal entity may be disqualified for a further period if this is justified on the basis of events since the previous disqualification.
- (4) A person, group of persons or legal entity disqualified under this section may appeal within 30 days of receipt of the notice of disqualification to the Minister.

- (e) the issuance of an aquaculture development licence or other authorisation under this Act is not consistent with the relevant aquaculture management and development plan; or
 - (f) the issuance of an aquaculture licence is not consistent with a fisheries plan made under the Fisheries Management Act 2002.
- (4) Before refusing to issue or renew an aquaculture development licence or other authorisation, the Minister shall advise the applicant in writing of the reasons why he intends to refuse the application and shall give the applicant an opportunity to amend the application, and to make written or oral representations within 30 days from the date of the written advice given by the Minister.
- (5) The Minister shall give reasons in writing for refusing an application for or refusal of an aquaculture development licence or other authorisation and the applicant may appeal the decision to the Minister within 30 days of the making of the decision of the Minister.
16. (1) An aquaculture development licence shall be in the Form prescribed. **Aquaculture development licences**
- (2) If an aquaculture development licence holder is a natural person who holds the licence on his own behalf and that person dies, the heirs of the licence holder may apply to the Minister for a new aquaculture development licence to continue the aquaculture established by the licence holder and the Minister shall decide whether to grant the application in accordance with section 15.
- (3) The existing aquaculture development licence shall be deemed to be surrendered to the Ministry –
- (a) one year after the death of the licence holder;
 - (b) on the date the Minister issues a new aquaculture development licence on the application of an heir in accordance with subsection (2); or
 - (c) on the date the application for an aquaculture development licence is finally refused under section 15, whichever is the latest date.
17. An aquaculture development licence – **Licence conditions**
- (a) shall be valid for the period stated in the licence which shall not exceed 10 years;
 - (b) shall not be used for any purpose other than those purposes specified in the licence; and
 - (c) shall be subject to –
 - (i) any general terms and conditions which may be prescribed generally or in respect of the relevant type of aquaculture by Regulations;

- (ii) any special terms and conditions specified in the licence; and
- (iii) any additional terms or conditions which the Minister may notify to the licence holder in writing while the licence is in force under section 18.

Variation of licences

- 18.** (1) The Minister may by written notice to the holder of an aquaculture development licence or other authorisation, vary a condition of an aquaculture development licence or other authorisation if the Minister considers that the variation is desirable in order to –
- (a) reduce the risk of disease spreading among fish;
 - (b) to prevent or reduce the risk of damage to the environment; or
 - (c) to deal with any circumstances which were not foreseen at the time the licence was issued to ensure safe and responsible aquaculture practice.
- (2) The holder of an aquaculture development licence or other authorisation which is varied may appeal against the variation to the Minister within 30 days of receiving the notice issued under subsection (1).
- (3) The holder of an aquaculture development licence or authorisation under this Act shall by written notice inform the Minister of any material changes made to the aquaculture premises, including any changes to the information which such licence or authorisation may contain.
- (4) Following receipt of such notice, the Minister may require the holder of an aquaculture development licence or authorisation to provide any additional information which the Minister reasonably considers necessary in relation to the changes.

Payment of a fee

- 19.** The Minister may set fees for licences or other authorisations by Notice in the Gazette.

Register of licences and authorisations

- 20.** The Secretary shall maintain a register of aquaculture development licences or other authorisations issued under this Act which may be inspected by any member of the public during office hours by prior arrangement.

Record keeping and provision of information by licence holders

- 21.** (1) The Secretary may, by written notice to the holder of an aquaculture development licence or other authorisation, require the holder to keep accurate records of the matters specified in the notice and shall allow an aquaculture officer access to these records.
- (2) The Secretary may require the holder of an aquaculture development licence or other authorisation at any time to provide an aquaculture officer or the Secretary with any information concerning aquaculture and any related activity undertaken by the holder.

- (3) The holder of an aquaculture development licence or other authorisation shall provide to the Secretary not later than the last day of January each year the information required under this section.

22. (1) A holder of an aquaculture development licence or other authorisation who intends to cease the aquaculture or related activity authorised under his aquaculture development licence or authorisation shall inform the Secretary at least 30 days prior to ceasing the aquaculture or related activity. **Cessation of Aquaculture**

- (2) The Secretary may require by written notice the holder of an aquaculture development licence or other authorisation who has ceased aquaculture or related activity or a person whose aquaculture development licence or other authorisation has been cancelled, to remove any aquaculture premises or installation, building or equipment and to restore the site to the standard and within the period specified in the notice.

- (3) If a holder of an aquaculture development licence or other authorisation or person whose aquaculture development licence has been cancelled fails to comply with a notice under subsection (2), the Secretary may cause the aquaculture premises or installations, buildings or equipment to be removed and the site restored.

- (4) Any expenses incurred by the Secretary under subsection (3) shall be recoverable from the person to whom the notice has been issued under subsection (2).

23. The Secretary may by written notice to a holder of an aquaculture development licence or other authorisation, order such person to comply with instructions stated in the notice or to have the aquaculture products seized under section 31 or – **Seizure for non-compliance**

- (a) if the Secretary has reason to believe that the holder of the aquaculture development licence or other authorisation has not complied with any term or condition of the aquaculture development licence or authorisation;

- (b) if the holder of an aquaculture development licence or other authorisation fails to comply with a notice issued by the Minister under section 26(4);

- (c) if the Secretary has reason to believe that the order or seizure is desirable in order to reduce the risk of disease spreading among fish; or

- (d) to prevent or reduce the risk of damage to the environment.

24. (1) The Secretary may, by written notice to a holder of any licence or other authorisation under this Act, cancel or refuse to renew such licence or authorisation if – **Cancellation and non-renewal**

- (a) the licence or authorisation holder has not commenced aquaculture or any related activity within twelve months of the date of issue of such licence or authorisation;

- (4) An aquaculture officer may, during the exercise of his powers under this section, direct any person to assist him in his duties and such person shall have all powers and protection accorded to an aquaculture officer under this Act.

Disposal of perishable aquaculture products and other goods seized

- 32.** (1) Any aquaculture product seized under this Act which is liable to deteriorate may be sold by the Minister and the proceeds of such sale shall be held by him pending the outcome of any enforcement proceedings.
- (2) Where the products cannot be sold or are unfit for sale, the Minister may dispose of them in such manner as he thinks fit, and any expense incurred shall be borne by the holder of an aquaculture development licence or other authorisation from whom the products were seized.
- (3) The Minister shall hold any vessel, vehicle, aircraft, equipment or thing seized under this Act pending the outcome of any enforcement proceedings.

Offences and penalties

- 33.** (1) Any person who –
- (a) assaults, obstructs, resists, delays, hinders, refuses entry, intimidates or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an aquaculture officer in the performance of his duties;
- (b) uses threatening language or behaves in a threatening or insulting manner or uses abusive language towards any aquaculture officer while in the execution of his duties;
- (c) incites or encourages any other person to assault, resist, obstruct, delay, hinder or intimidate any aquaculture officer while carrying his duties;
- (d) furnishes to any aquaculture officer any particulars which to his knowledge are false or misleading in any respect;
- (e) impersonates or falsely represents himself to be the person in charge of an aquaculture premise;
- (f) resists arrest under this Act;
- (g) interferes with, delays or prevents by any means, the apprehension or arrest of any person under this Act;
- (h) fails to comply with any instruction or order, requirement or request of an aquaculture officer under this Act;
- (i) engages in aquaculture or related activity while disqualified;
- (j) undertakes aquaculture or related activity or establishes an aquaculture premises without an aquaculture development licence or other authorisation issued under this Act;

PART IV

PROTECTION OF THE ENVIRONMENT

- 26.** (1) Holders of an aquaculture development licence or other authorisation shall take all reasonably practical measures to avoid or minimise pollution and any harmful environmental impact caused by aquaculture or related activity, including the discharge of effluent and the disposal of sludge. **Licence holders to minimise environmental impacts**
- (2) For the purposes of subsection (1), “effluent” means any liquid waste produced by aquaculture or related activity including emulsions, solids in suspension and unwanted water which has been used for aquaculture or related activity; and “sludge” means any solid or semi-solid, organic waste from aquaculture or related activity, whether or not it also contains non-organic substances.
- (3) In determining what measures are reasonably practical, the Minister or a court shall take into consideration any code of practice, standards or guidelines issued under this Act.
- (4) If the Minister has reason to believe that a holder of an aquaculture development licence or other authorisation issued under this Act has contravened subsection (1), the Minister may serve a notice requiring the holder of the licence or authorisation to take specified measures within a specified period, failing which aquaculture or related activity shall be suspended until the Minister is satisfied that the holder of the licence or authorisation is complying with subsection (1).
- 27.** (1) The Minister, may by notice in writing if he has reason to believe that any activity at any aquaculture premises may have a detrimental impact on the environment, require the holder of a licence or other authorisation issued under this Act to – **Environmental impact assessment**
- (a) commission an assessment of the environmental impact of the existing aquaculture or related activities by an appropriately qualified independent person; and
- (b) submit a report of the assessment to the Minister within the period specified in the notice and in accordance with the prescribed guidelines.
- (2) The Minister may exempt an aquaculture development or related activity from the provisions of subsection (1).
- 28.** (1) For the purposes of this section – **Exotic fish**
- (a) “exotic fish” means a species of fish that is not native to Tonga and includes a genetically modified organism; and
- (b) “facility” means any part of or any equipment on an aquaculture premises or any other equipment, place or thing on or in which exotic fish are present.

- (2) The Secretary may by Notice in the Gazette designate any species of exotic fish and such designation of exotic fish shall be published.
- (3) No person shall introduce or import, possess, culture, sell or export any exotic fish without the written authorisation of the Secretary.
- (4) An aquaculture officer may seize or destroy any exotic fish and he may seize any fish he suspects to be exotic fish to determine whether or not they are exotic.
- (5) The Secretary may serve the written notice on the owner or occupier of a facility on which exotic fish are present requiring that specified steps be taken to destroy the exotic fish within a specified period.

Provided that where such owner or occupier fails to comply with the notice, an aquaculture officer may enter the facility and destroy the fish, and any expense shall be borne by the owner or occupier.

Genetically modified fish

29. (1) No person shall import, possess, sell or culture any genetically modified fish or use any genetically modified fish in aquaculture or related activity without the written authorisation of the Secretary.
- (2) An aquaculture officer may seize and destroy any genetically modified fish and may take possession of such fish in order to determine whether it is genetically modified and any expense shall be borne by the person who is in possession of such fish in contravention of subsection (1).

Movement of live fish and aquaculture products

30. (1) No person shall import or introduce into the Kingdom, or the marine area, a live fish without the written authorisation of the Minister.
- (2) Any expense associated with the introduction or import of any live fish into the Kingdom, or the marine area without authorisation under subsection (1), shall be borne by the person who introduces such fish.
- (3) No person shall release or cause the release of any aquaculture product from any aquaculture premises into the waters of the Kingdom without the written authorisation of the Minister.
- (4) The Minister may require the holder of a licence or authorisation at any time to provide an aquaculture officer or the Minister with any information concerning movement of any aquaculture products in the Kingdom.
- (5) The Minister may prescribe in relation to any authorisation under this section –
 - (a) procedures, forms, fees and any other requirements or conditions for the application and the authorisation;
 - (b) matters to be considered in the grant or refusal of such authorisation; and
 - (c) any other matters concerning the movement and release of fish and live aquaculture products in the Kingdom.

PART V ENFORCEMENT

31. (1) The Minister may designate any officer of the Ministry of Fisheries or Police Officer to be an aquaculture officer for the purpose of this Act. **Aquaculture officers**
- (2) An aquaculture officer may, without a warrant –
 - (a) enter, inspect and search any aquaculture place;
 - (b) inspect, seize and take copies of any documents relating to aquaculture from an aquaculture premises;
 - (c) stop, enter, search and seize any vehicle, vessel, aircraft or equipment;
 - (d) order the cessation of any aquaculture or related activity;
 - (e) order the destruction of any fish, whether or not captured in the wild, intended for aquaculture premises or aquaculture products;

where he has reason to believe the provisions of this Act are being contravened; and

 - (f) seize any fish or aquaculture product or take samples of any fish or aquaculture product found in any vessel, vehicle, aircraft, place or premises searched under this section or which the officer has reasonable grounds to believe has not been cultured in accordance with an aquaculture development licence or other authorisation issued under this Act;
 - (g) give directions to the person in charge of or otherwise responsible for operations of a place or premises and any persons in the place or premises entered under paragraph (a) of this subsection, as may be necessary or reasonably 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; and
 - (h) order the cessation of any activity within an aquaculture area or a buffer zone which the officer has reasonable grounds to believe contravenes the provisions of the decision which established that aquaculture area or buffer zone.
- (3) An aquaculture officer may, where he has reasonable grounds to believe an offence has been committed against this Act arrest, detain and bring any person before a magistrate within 24 hours and 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 aquaculture officer in the performance of his duties.

- Three months to apply for licence** 39. Any person who undertakes aquaculture or related activity prior to the date this Act comes into force shall apply within three months of that date for an aquaculture development licence or such other authorisation in accordance with the provision of this Act.
- Use of pharmaceutical drugs** 40. (1) Any person intending to use any chemical, piscicide, pharmaceutical, bio-remediation product, or its derivative, for aquaculture shall inform the Secretary in advance and shall provide any information as the Secretary may require.
- (2) The Secretary may by written notice to an aquaculture licence holder, restrict or prohibit the use of any substance referred to in subsection (1), on any aquaculture premises or for the purposes of aquaculture.
- (3) The Secretary or aquaculture officer may take samples of fish or aquaculture products from time to time to measure the residue levels of any chemical, piscicide, pharmaceutical, bio-remediation product or their derivatives.
- Regulations** 41. (1) The Minister may, with the consent of Cabinet, make regulations for the proper and efficient administration 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:
- (a) the conduct, management, licensing or other authorisation of aquaculture and related activity including the class or types of licences or other authorisation for the conduct of an aquaculture or related activity that may be issued and the fees and other requirements related thereto;
- (b) the identification and participation of local communities in the management and development of aquaculture and related activities including the organisation of such communities and their relationship and interaction between the Ministry and Department or other government authorities responsible for aquaculture, allocation of property rights or access and access allocation rights and other rights and responsibilities in relation to aquaculture management, to such communities;
- (c) the structure, equipment and operation of aquaculture or related activity;
- (d) the manner and method of marking the boundaries of aquaculture areas, buffer zones and aquaculture premises;
- (e) the control of any discharge from aquaculture premises;
- (f) the collection of data including business data concerning aquaculture and related activities;
- (g) the establishment of safety zones and the provision of navigational warnings with respect to aquaculture in marine areas;

- (k) while holding an aquaculture development licence or other authorisation issued under this Act, conducts aquaculture or related activity in contravention of the conditions of such aquaculture development licence or authorisation;
- (l) contravenes the terms and conditions made by the Minister pursuant to sections 13 or 14;
- (m) undertakes an activity that is prohibited or restricted under section 5 or 6 without the prior written consent of the Secretary;
- (n) imports, introduces or releases a fish or aquaculture product in contravention of section 30 or causes the import, introduction, or release of any fish or aquaculture product without lawful authority;
- (o) interferes with any aquaculture activity, including its operation and equipment on aquaculture premises without the permission of the aquaculture licence holder or without lawful authority; or
- (p) deals with exotic fish in the manner prohibited under section 28 without the written authorisation of the Secretary;
- commits an offence and is liable upon conviction to a fine not exceeding \$100,000 or imprisonment for a period not exceeding 1 year or both and on any subsequent conviction for the same offence to a fine not exceeding \$150,000, or to imprisonment for a period not exceeding 2 years or both.
- (2) Any person who –
- (a) fails to provide information lawfully required under this Act or to keep, record or report anything which must be kept, recorded or reported under this Act;
- (b) gives false information in an application for an aquaculture licence or other authorisation under this Act, or in a report or record required under this Act.
- (c) fails to comply with a written notice given by the Secretary under this Act;
- (d) establishes aquaculture premises in contravention of the terms or conditions of the aquaculture development licence or other authorisation issued under this Act;
- (e) fails to take all reasonably practical measures to avoid and minimise any harmful environmental impact caused by aquaculture, in contravention of section 26(1);
- (f) deals with genetically modified organism in contravention of section 29;

- (g) undertakes fishing in an area in respect of which an aquaculture development licence has been issued without the permission of the licence holder or without lawful authority;
- (h) uses a pharmaceutical or other substance in contravention of section 42; or
- (i) impairs the quality of the water required for the operation of any aquaculture premises established pursuant to this Act;

commits an offence and is liable upon conviction to a fine not exceeding \$50,000 or imprisonment for a period not exceeding 6 months, or both and on any subsequent conviction for the same offence to a fine not exceeding \$100,000, or to imprisonment for a period not exceeding 1 year or both.

PART VI

MISCELLANEOUS

- Administrative penalties for fisheries offences**
34. (1) This section –
- (a) applies in respect of an offence against this Act that carries a fine not exceeding \$100,000; but
 - (b) does not apply in respect of an alleged offence if criminal proceedings have been initiated in respect of that offence; and
 - (c) does not apply in respect of an alleged offence under sections 33(1)(a) to (h), 33(1)(j), 33(2)(e) and 33(2)(f).
- (2) If the Secretary has reasonable cause to believe that an offence to which this section applies may have been committed by any person and having regard to all the circumstances relating to the alleged offence, and to the previous conduct of that person, it would be appropriate to impose a penalty under this section, he may serve notice in writing on that person.
- (3) A notice given under subsection (2) shall contain –
- (a) the date and nature of the alleged offence;
 - (b) a summary of the facts on which the allegation is based, which is sufficient to inform the person of the allegation against him; and
 - (c) any other matters that the Secretary considers relevant to the imposition of a penalty;
- and be accompanied by a copy of this section and sections 35 to 37.

- Right to require that offence be dealt with by court**
35. (1) A person served with a notice under section 34 may give notice in writing within 28 days that he –

- (a) requires any proceedings in respect of the alleged offence be dealt with before the court; or
 - (b) admits the offence in accordance with section 36.
- (2) No further proceedings may be taken under section 34 by the Secretary if –
- (a) the person gives notice he requires a court hearing; or
 - (b) the person does not admit the offence.
- (3) Nothing in this section prevents –
- (a) the subsequent laying of a charge in respect of the alleged offence;
 - (b) the conviction of the person of the offence by a court; and
 - (c) the imposition of a penalty or forfeiture under this Act, upon such a conviction.

36. A person on whom a notice under section 34 is served and who admits the offence may make submissions to the Secretary as to the matters the person wishes the Secretary to take into account in imposing a penalty under section 37. **Admission of an offence**
37. (1) When a person admits an offence under section 36, the Secretary may impose on that person a monetary penalty not exceeding one half of the maximum monetary penalty to which the person would be liable if the person were convicted of the offence by a court. **Amount of administrative penalty**
- (2) If the Secretary imposes a penalty on a person under this section in respect of an offence, the Secretary shall serve a notice in writing, of the penalty on the person.
- (3) A person on whom a penalty is imposed under this section shall pay the penalty within 28 days after the notice of the penalty is served.
- (4) A penalty that has been imposed under this section is recoverable in the same manner as a fine is recoverable on conviction for an offence.
- (5) Where a person admits an offence under section 36, no information or charge may be laid against that person in respect of the offence.
38. Any person who does any act in pursuance or intended pursuance of any power or function conferred on him by or under this Act or omits to do any act required of him by or under any power or function conferred on him by or under this Act shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction or mistake of law or fact or any other grounds unless such act or omission was committed in bad faith. **Immunity of person acting in pursuance of powers**

KONGA IV – MALU'I 'O E 'ATAKAI

26. Ke fakasi'isi'i 'e he kau ma'u laiseni 'a e uesia ki he 'ataakai
27. Fakafuofua uesia 'o e 'ataakai
28. Ika muli
29. Ika kuo liliu hono fa'unga
30. Fetuku holo 'o e ika mo'ui mo e ngaahi me'a kuo fakatupu mei he faama ika

KONGA V – FAKAHOKO

31. Kau 'ofisa faama ika
32. Tuku atu 'o e ngaahi me'a ngaahi 'i he faama ika 'oku maumau ngofua mo e ngaahi koloa kehe kuo puke
33. Ngaahi hia mo e ngaahi tautea

KONGA VI – NGAahi ME'A KEHE

34. Ngaahi tautea fakangaue ki he ngaahi hia fekau'aki mo e toutai
35. Totonu ke fili ke 'ave 'a e hia ki he fakamaau'anga
36. Vetehia
37. Lahi 'o e tautea fakangaue
38. 'Ikai mo'ua 'a e ni'ihii 'oku ngaue fakatatau ki he mafai
39. Mahina 'e tolu ke kole ha laiseni
40. Ngaue'aki 'o e faito'o fakahu'ivai
41. Ngaahi Tu'utu'uni

- (h) the location of aquaculture premises;
- (i) control over the quantity and quality of feed used in aquaculture including the imposition of a levy or levies;
- (j) the procedures for and the content of environment impact assessments for aquaculture;
- (k) the monitoring and control of aquaculture including the recovery of costs incurred;
- (l) fish health management including the control of fish diseases, zoning, certification and quarantine procedures;
- (m) quality control for aquaculture products;
- (n) the removal, transportation, sale, marketing, import or export of fish or aquaculture products and the movement of fish or aquaculture products within Tonga;
- (o) the manner and method of identifying ownership of aquaculture products that have escaped or have been released in the marine area of Tonga;
- (p) the criteria to be used in determining preference when granting a licence in relation to an area for which more than one licence is sought;
- (q) the procedures and requirements for review and appeals of any decisions made in accordance with this Act or the regulations or orders made in accordance with this Act;
- (r) prescribe that an aquaculture development licence or other authorisation may contain conditions relating to –
 - (i) the siting, design and materials used in the construction of the aquaculture premises and to the equipment that is used therein;
 - (ii) control of the species of fish that may be introduced into any aquaculture premises;
 - (iii) sanitary conditions of fish and fish products;
 - (iv) measures for the prevention of the escape of fish from the aquaculture premises;
 - (v) measures for the prevention and control of the spread of fish diseases;
 - (vi) measures to be taken to minimise the escape of waste products and the pollution of land and water;
 - (vii) control and monitoring of water quality;
 - (viii) prohibition or control of the use of any chemical, pharmaceutical preparation, drug or antibiotic;

- (ix) disposal of dead fish material or waste from any aquaculture premises operated by the licensee including consents and notifications required in respect thereof; or
 - (x) any other conditions as may be prescribed;
 - (s) prescribe any other matter which is required to be prescribed or authorised to be prescribed.
- (3) The regulations made under this section may prescribe penalties for any contravention of or failure to comply with their provisions not exceeding the penalties mentioned in section 33(1).

Passed in the Legislative Assembly this 9 day of September, 2003.

**LAO KE TU'UTU'UNI KI HONO PULE'I 'O E
FAAMA IKA 'I HE PULE'ANGA' NI
MO E NGAahi ME'A KEHE FEKAU'AKI MO IA**

Fakahokohoko 'o e Ngaahi Kupu

KONGA I – TALATEU

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

KONGA II – PULE'I FAKALUKUFUA 'O E FAAMA IKA

3. Fatongia 'o e Minisita
4. Palani pule'i mo fakalalaka faama ika
5. Ngaahi feitu'u faama ika
6. Ngaahi sone tuku 'ataa
7. Founga ke tala'aki faka'ilonga'i 'o e ngata'anga
8. Ngaahi kolo ke nau tokanga'i 'a e faama ika mo e ngaahi sone tuku 'ataa
9. Fakamafai 'o e ngaahi ngaue fakatu'utamaki
10. Ngaahi tu'utu'uni ngaue
11. Komiti Fale'i ki he Faama Ika

KONGA III – NGAahi FAKAMAFAI KI HE FAAMA IKA

12. Fakahoko 'a e faama ika 'o fakatatau ki he Lao ni
13. Kole laiseni pe fakamafai
14. Fakafo'ou 'o e laiseni pe fakamafai
15. Foaki pe ta'etali
16. Ngaahi laiseni fakalalaka faama ika
17. Ngaahi tu'unga 'o e laiseni
18. Liliu 'o e ngaahi laiseni
19. Totongi 'o ha totongi (fee)
20. Lesisita 'o e ngaahi laiseni mo e ngaahi fakamafai
21. Tauhi lekooti mo e 'oatu 'o e fakamatala 'e he kau ma'u laiseni
22. Fakangata 'a e faama ika
23. Fa'ao fakamalohi ki he ta'efakahoko tu'utu'uni
24. Kaniseli mo e 'ikai to e fakafo'ou
25. Fakata'e'aonga'i 'o e ni'ihhi mei he ma'u laiseni fakalalaka faama ika pe fakamafai

- (2) Kuo pau ke fakapapau'i 'e he Minisitā 'oku faka'atā ha tatau 'o e tu'utu'uni ngāue takitaha, ke vakai ki ai 'a e kakai lolotonga 'a e ngaahi houa ngāue' pea kuo pau ke 'oatu ha ngaahi tatau 'o e kotoa 'o e tu'utu'uni ngāue pe ha kongā 'o ia 'i ha totongi 'o e totongi kuo tu'utu'uni.
- (3) Ko e ta'e fakahoko ha tu'utu'uni ngāue kuo pau ke kau 'i hono sivi'i' hano foaki pe fakata'e'aonga'i 'o ha fa'ahinga fakamafai 'i he Lao' ni.

Komiti Fale'i
ki he Faama
Ika

11. (1) Kuo pau ke fokotu'u ha Komiti Fale'i ki he faama ika ke nau fale'i 'a e Minisitā 'o fekau'aki –
- (a) mo ha me'a 'oku fiema'u ai ke fale'i 'e he Minisitā pe ko e Sekelitali' 'a e Komiti Fale'i 'i he Lao' ni;
- (b) mo ha taumu'a ngaue, ko hono palani mo e ngaahi fakahinohino ki hono pule'i, fakalele mo fakalalaka 'o e faama ika;
- (c) mo hono fakama'ala'ala pe ko hono fakalelei'i 'o e palani faama ika 'oku lau ki ai 'i he kupu 4 mo e ngaahi tu'utu'uni fakangāue 'oku lau ki ai 'i he kupu 10;
- (d) mo hono fakangofua 'o e ngaahi palani mo e fengāue'aki 'i hono pule'i 'o e faama ika fakataha mo ha ngaahi kautaha muli pe fakalotofonua;
- (e) mo e fetokoni'aki ki hono pule'i mo fakalalaka faama ika 'i he vā 'o e ngaahi fakafofonga 'o e pule'anga' mo e ngaahi kolo' 'oku felave'i mo ia;
- (f) mo e ngaahi polokalama fakama'ala'ala ki he kakai' 'oku taau fekau'aki mo e fiema'u ki hono pule'i lelei mo hono fakalalaka faama ika;
- (g) mo hono fokotu'u 'o e ngaahi feitu'u faama ika mo e ngaahi sone tuku 'atā;
- (h) mo ha me'a fekau'aki mo e faama ika 'a ia 'oku 'oatu 'e he Minisitā ki he Komiti Fale'i ke fakatotolo'i, alea'i mo fai ki ai ha fale'i.
- (2) Kuo pau ke kau 'i he Komiti Fale'i 'a e kau memipa ko 'eni':
- (a) ko e Sekelitali' 'a ia kuo pau ke Sea;
- (b) ha 'ofisa 'o e Potungāue ki he 'Atakai;
- (c) ha 'ofisa 'o e Potungāue ki he Ngāue 'a e Kakai', Fefakatau'aki mo e Ngaahi Ngaue'anga;
- (d) ha 'ofisa 'o e Potungāue Malini mo e Ngaahi Taulanga; mo

Tonga.

Fika 15 'o e 2003.



'Oku ou loto ki ai,

TAUFA'AHAU TUPOU IV,

18 'o Novema, 2003.

KO E LAO

KE TU'UTU'UNI KI HONO PULE'I 'O E FAAMA IKA 'I HE PULE'ANGA' NI MO E NGAHI ME'A KEHE FEKAU'AKI MO IA

[9 'o Sepitema, 2003.]

'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. 'E ui 'a e Lao ni ko e Lao ki hono Pule'i 'o e Faama Ika, 2003. **Hingoa Nounou**
2. (1) 'I he Lao ni, tukukehe ka fiema'u ha to e 'uhinga kehe 'i hono 'Uhinga' i lea tu'unga' –

“faama ika” 'oku 'uhinga ki ha ngāue 'oku kau ai hono tauhi, fakatupu, fakafanau pe faama'i 'o e ika', lolotonga 'a e kotoa pe ko ha kongā 'o 'ene siakale mo'ui' pea kau heni ha ngāue ki hono teuteu'i ha faama ika pe ha ngāue felave'i kehe;

“laiseni fakalalaka faama ika” 'oku 'uhinga ki ha laiseni kuo foaki 'e he Sekelitali 'o fakatatu ki he Lao ni pe ha ngaahi tu'utu'uni kuo fa'u 'i he Lao ni, 'o fakataumu'a ki he faama ika;

“'ofisa faama ika” 'oku 'uhinga ki ha taha kuo vahe'i 'e he Minisitā 'i he kupu 31;

“feitu'u faama ika” 'oku 'uhinga ki he feitu'u 'i he vai' pe 'ikai, 'oku ngaue'aki ki he faama ika pe ha ngāue felave'i 'a ia kuo foaki ki ai ha laiseni fakalalaka faama ika 'i he Lao' ni pea 'oku kau heni ha me'angāue, naunau, fale pe ha feitu'u aa'i;

“ngaahi me'a kuo fakatupu mei he faama ika” ‘oku ‘uhinga ki he ika mo'ui pe mate ‘a ia kuo tauhi pe pusiaki'i pe kuo fakatupu mei ha faama ika pe ha ngaue felave'i ‘aki ha laiseni fakalalakala faama ika pe ha fakamafai kehe kuo foaki 'i he Lao ni, mo e ngaahi koloa kuo ma'u meiate kinautolu, 'o tatau ai pē pe 'oku taumu'a ke ngaue'aki 'i he faama ika pe 'i ha ngāue felave'i, ki he ma'u me'atokoni 'a e tangata' pe ke fakatau atu;

“fakafuofua uesia 'o e 'ataakai” ‘oku ‘uhinga ki he palani 'oku tu'utu'uni 'i he Konga IV 'o e Lao ni;

“ika” ‘oku ‘uhinga ki ha ika pea 'oku kau heni ha fa'ahinga manu pe 'akau 'o e vai, fingota, famili 'o e paka mo e 'uo, feo (mo'ui pe mate), fa'ahinga 'o e 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;

“taha faama ika” ‘oku ‘uhinga ki ha taha 'oku ne fakalele ha faama ika pe ha ngāue felave'i 'aki ha laiseni fakalalakala faama ika;

“me'amo'ui kuo liliu hono fa'unga fakanatula” ‘oku ‘uhinga ki ha me'amo'ui kuo liliu hono fa'unga fakanatula;

“feitu'u 'i tahi” ‘oku ‘uhinga ki he ngaahi tahi toutai'anga' mo e kilisitahi 'o e tahi ko ia;

“Minisitā” ‘oku ‘uhinga ki he Minisitā ki he Toutai'.

“uli'i” ‘oku ‘uhinga ki hono tukuange 'o ha ngaahi me'a pe ha ivi ki he tahi mo hono 'ātakai 'o fou fakahangatonu pe ta'efakahangatonu 'i he ngaahi ngāue 'a e tangata' 'o tupu ai ha ngaahi ola kovi;

“ngāue felave'i” ‘oku ‘uhinga ki ha ngāue 'oku fekau'aki pe 'oku ne poupou'i 'a e faama ika;

“Sekelitali” ‘oku ‘uhinga ki he Sekelitali 'o e Toutai.

- (2) Kuo pau ke faka'uhinga'i tatau pē 'a e ngaahi fo'i lea 'oku fakamatala'i 'i he Lao ki hono Pule'i 'o e Toutai' 2002 mo e ngaahi fo'i lea 'i he Lao'ni, tukukehe ka fakamahino'i ha 'uhinga kehe 'i he Lao'ni.

KONGA II

PULE'I FAKALUKUFUA 'O E FAAMA IKA

Fatongia 'o e Minisitā

3. Kuo pau ko e fatongia 'o e Minisitā ko e pule'i, fakalele mo fakalalakala 'o e faama ika mo ha ngāue felave'i, 'o tatau ai pē pe 'i he fonua'pe 'i ha feitu'u vai' 'o kau ai 'a e ngaahi potu tahi.

Palani pule'i mo fakalalakala faama ika

4. Kuo pau ke teuteu'i 'e he Minisitā mo tauhi 'o toutou vakai'i ha palani ki he pule'i mo fakalalakala faama ika' 'a ia kuo pau ke pulusi 'i he Kasete'.

5. 'E ngofua ki he Minisitā, 'i he fakangofua 'e he Kapineti', ke ne fakahā ha feitu'u ko ha feitu'u faama ika 'i ha Fanongonongo 'i he Kasete' 'o fakamahino'i mo fakamatala'i 'a e feitu'u kuo fakahā. **Ngaahi feitu'u faama ika**
6. 'E ngofua ki he Minisitā, 'i he fakangofua 'e he Kapineti', ke ne fakahā ha feitu'u ko ha sone tuku 'atā' 'i ha Fanongonongo 'i he Kasete' 'o fakamahino'i mo fakamatala'i 'a e feitu'u ko ia. **Ngaahi sone tuku 'atā**
7. 'E ngofua ke ngaue'aki 'e he Sekelitali' ha fa'ahinga founa pē ke tala'aki, faka'ilonga'i 'o e ngata'anga mo hono maaka'i 'o e ngaahi feitu'u faama ika pe ngaahi sone tuku 'atā. **Founga ke tala'aki, faka'ilonga'i 'o e ngata'anga**
8. (1) 'E ngofua ke vahe'i 'e he Minisitā, ha kolo pe ha kolo kuo 'osi vahe'i ko ha kolo matātahi 'o fakatau ki he Lao ki hono Pule'i 'o e Toutai' 2002, ke hoko ko ha Kolo kuo Vahe'i ki he ngaahi taumu'a 'o e Lao'ni pea 'e ngofua ke ne; **Ngaahi Kolo ke nau tokanga'i 'a e faama ika mo e ngaahi sone tuku 'atā**
- (a) vahe'i ha ngaahi feitu'u faama ika, ngaahi sone tuku 'atā, pe ha ngaahi kongā 'o kinautolu ke tokanga'i 'e he Kolo kuo Vahe'i 'i he Lao ni;
- (b) fakamatala'i 'a e ngaahi totonu mo e ngaahi fatongia 'o e Kolo kuo Vahe'i ko ia' ki he feitu'u faama ika, sone tuku 'atā.
- (2) Kuo pau ke tokanga'i 'e he Potungaue 'i he Lao'ni 'a e feitu'u faama ika, ngaahi sone tuku 'atā, 'a ia kuo te'eki ai ke vahe'i ki ha Kolo kuo Vahe'i 'i he kupusi'i (1).
- (3) Kuo pau ke tauhi 'e he Potungaue' ha lekooti 'o e ngaahi feitu'u faama ika mo e ngaahi sone tuku 'atā, pea kapau kuo 'osi vahe'i ha feitu'u faama ika pe ha sone tuku 'atā, ki ha Kolo kuo Vahe'i 'i he kupusi'i (1), 'o e hingoa 'o e Kolo kuo Vahe'i 'oku ne tokanga'i 'a e feitu'u faama ika pe sone tuku 'atā ko ia'.
9. (1) Kuo pau 'e 'ikai ke fakahoko 'e ha taha ha ngāue 'a ia kuo lisi ko ha ngāue fakangatanga 'i ha fanongonongo kuo 'oatu fakatau ki he kupu 5 pe 6 'i ha loto sone tuku 'atā pe ha feitu'u faama ika ta'e tomu'a loto ki ai 'i he tohi 'a e Minisitā. **Fakamafai 'o e ngāahi ngaue ngali fakatu'utāmaki**
- (2) Kuo pau 'e 'ikai ke loto 'a e Minisitā 'o fakatau ki he kupusi'i (1) kae'oua kuo ne fakakaukau 'oku kau lelei ki he kakai' ke fakangofua 'a e ngāue fakaanga' pea 'oku ne fiemālie 'e fakahoko 'a e ngaahi ngāue 'oku taau' ke ta'ofi ha maumu ki he ngaahi ngāue faama ika 'i he feitu'u faama ika pe ke fai ha totongi huhu'i ki he kau faama ika', taha ma'u laiseni fakalalakala faama ika pe ko ha fakamafai kehe 'i he Lao'ni, ki ha ngaahi fakamole te nau ala fuesia tupu mei he ngāue kuo fakamafai'i.
10. (1) 'E ngofua ki he Minisitā, 'i ha'ane fealea'aki mo e Komiti Fale'i ki he Faama Ika, ke ne 'oatu mo pulusi ha ngaahi tu'utu'uni ngāue ki he faama ika. **Ngaahi tu'utu'uni ngāue**

- Ngaahi laiseni fakalalalaka faama ika**
16. (1) Ko ha laiseni fakalalalaka faama ika kuo pau ke 'i ha Foomu 'e tu'utu'uni.
- (2) Kapau ko e taha ma'u laiseni fakalalalaka faama ika ko ha taha fakanatula 'oku ne ma'u 'a e laiseni' ma'ana pē pea pekia 'a e taha ko ia', 'e ngofua ke kole 'a e ngaahi 'ea 'o e taha ma'u laiseni' ki he Minisita' ki ha laiseni fakalalalaka faama ika fo'ou ke hoko atu 'aki 'a e faama ika kuo fokotu'u 'e he taha ma'u laiseni' pea kuo pau ke fakakaukau'i 'e he Minisita' pe 'e tali 'a e kole' 'o fakatatau ki he kupu 15.
- (3) Kuo pau 'e lau kuo fakafoki 'a e laiseni fakalalalaka faama ika lolotonga' ki he Potungāue –
- (a) 'i ha 'osi 'a e ta'u 'e taha mei he pekia 'a e taha ma'u laiseni';
- (b) 'i he 'aho 'e foaki ai 'e he Minisitā' ha laiseni fakalalalaka faama ika fo'ou 'i ha kole ha 'ea 'o fakatatau ki he kupusi'i (2); pe
- (c) 'i he 'aho 'oku fakapapau'i ai hono ta'etali 'a e kole laiseni fakalalalaka faama ika 'o fakatatau ki he kupu 15, ko fē pē 'oku hoko fakamuimui taha'.

- Ngaahi tu'unga 'o e laiseni**
17. Ko ha laiseni fakalalalaka faama ika kuo pau –

- (a) ke fakalao ia ki he vaha'a taimi 'oku fakahā 'i he laiseni' 'a ia kuo pau 'e 'ikai ke to e lōlōa ange 'i he ta'u 'e 10;
- (b) 'e 'ikai ke faka'aonga'i ia ki ha taumu'a kehe mei he ngaahi taumu'a ko ia kuo fakamahino'i 'i he laiseni ko ia'; pea
- (c) ke fakatatau ia –
- (i) ki ha ngaahi tu'utu'uni mo ha ngaahi tu'unga fakalukufua 'a ia 'e ngofua ke tu'utu'uni fakalukufua pe fekau'aki mo ha fa'ahinga faama ika pau 'oku felave'i mo ia 'i he Ngaahi Tu'utu'uni';
- (ii) ki ha ngaahi tu'utu'uni mo ha ngaahi tu'unga makehe 'e fakamahino'i 'i he laiseni ko ia'; pea
- (iii) ki ha ngaahi tu'utu'uni pe ngaahi tu'unga fakalahi 'e ngofua ke fakahā 'e he Minisita' ki he ma'u laiseni' 'i he tohi lolotonga 'a e kei 'aonga 'a e laiseni' 'o fakatatau ki he kupu 18.

- Liliu 'o e ngaahi laiseni**
18. (1) 'E ngofua ki he Minisitā' 'i ha tohi ke ne fakahā ki he taha ma'u laiseni' fakalalalaka faama ika pe ha fakamafai kehe, ke ne liliu ha tu'unga 'o ha laiseni fakalalalaka faama ika pe ha fakamafai kehe kapau 'oku pehē 'e he Minisitā' 'oku fiema'u 'a e liliu ko ia' koe'uhi' ke –
- (a) fakasi'isi'i 'a e ala mafola 'a e mahaki' 'i he fanga ika';
- (b) ta'ofi pe fakasi'isi'i ha maumu ki he 'ātakai'; pe

- (e) ha kau fakafongua 'e toko tolu 'o e ngaue'anga faama ika kuo fokotu'u 'e he Sekelitali' 'i ha fealea'aki mo e ngaahi kautaha 'a e kau faama ika' mo e ngaahi kautaha fekau'aki mo e ngaahi me'a fakafaama ika.
- (3) 'E ngofua ke fakakau mai 'e he Komiti Fale'i' ha taha 'oku 'i ai ha'ane 'ilo pe taukei makehe, ke hoko ko ha memipa pe kau memipa ki ha fo'i kaveinga pau ka kuo pau ke 'ikai ke 'i ai ha totonu 'a e taha kuo fakakau mai ke ne paloti.
- (4) Kuo pau ke tu'utu'uni 'e he Komiti Fale'i' ki he'ene ngaahi founa ngāue.

KONGA III

NGAAHI FAKAMAFAI KI HE FAAMA IKA

12. Kuo pau ke fakahoko 'a e ngaahi ngaue faama ika mo e ngaahi ngāue felave'i':
- (a) 'e ha ni'ihī 'oku 'i ai ha'anau laiseni fakalalalaka faama ika pe ko ha fakamafai kehe kuo foaki 'o fakatatau ki he Lao' ni;
- (b) 'i loto 'i he ngaahi feitu'u faama ika; pea
- (c) fakatatau ki he Lao' ni mo ha ngaahi tu'utu'uni pe ngaahi fekau 'i he Lao' ni.
13. (1) Kuo pau ke fai 'a e ngaahi kole laiseni fakalalalaka faama ika pe ha fakamafai kehe, ki he Minisitā 'i he Foomu kuo tu'utu'uni. **Fakahoko 'a e faama ika 'o fakatatau ki he Lao' ni**
- (2) Kuo pau ke sivi'i 'a e ngaahi kole kotoa pē ki ha laiseni fakalalalaka faama ika pe ha fakamafai kehe 'e he Minisitā 'a ia 'e ngofua ke ne 'oatu 'a e kole' ki he Komiti Fale'i ki he faama ika ke ne vakai'i fakataha mo ha lipooti fakafuofua 'o e kole'.
- (3) Ko ha kole ke fakahoko ha faama ika 'i he kelekele 'o e Kalauni' kuo pau ke 'oatu fakataha 'a e kole' mo ha tatau 'o e lisi 'e he taha kole' 'a e kelekele ko ia' pe ha fakahā mei he Potungāue Fonua 'o fakapapau'i ai 'oku 'atā 'a e kelekele ko ia ki he faama ika.
- (4) Ko e kole kotoa pe 'e fai 'i he Lao ni kuopau ke 'oatu ia ki he Minisitā fakataha mo ha fakafuofua uesia 'o e 'ataakai, mo e ngaahi fokotu'u mei he taha pe ma'u mafai 'oku ne tokanga'i 'a hono sivi'i 'o e lipooti 'o ha fakafuofua uesia 'o e 'ataakai.
- (5) 'E ngofua ke fekau 'e he Minisitā ki ha taha kole ke ne 'oatu ha fakamatala fakalahi 'o fekau'aki mo e kole' 'a ia 'oku pehē 'e he Minisitā 'oku fakapotopoto pea 'e ngofua, ke 'oua te ne to e sivi'i 'a e kole', neongo 'a e kupusi'i (2), kae'oua ke 'oatu 'a e fakamatala fakalahi ko ia'.
- (6) Kapau, kimu'a 'i hono foaki atu ha laiseni fakalalalaka faama ika pe ha fakamafai kehe, kuo liliu ha fakamatala ia na'e hā 'i he kole' pe 'e 'i ai ha liliu lahi 'i he fakamatala na'e makatu'unga ai ha fakafuofua uesia 'o e 'ataakai kuo fakahū atu, kuo pau ke fakahā ia 'e he taha kole' ki he Minisitā 'i he tohi 'i loto 'i he 'aho 'e 7 mei he 'ilo 'e he taha kole' 'a e fakamatala'.

- Fakafo'ou 'o e laiseni pe fakamafai**
14. (1) Kuo pau ke 'oatu ki he Minisitā ha kole fakafo'ou 'o e laiseni fakalalakala faama ika pe ha fakamafai kehe 'i he Lao'ni 'o fakatatau ki he ngaahi fiema'u 'a e Minisitā te ne fakakaukau 'oku taau'pe 'a ia kuo tu'utu'uni 'i he ngaahi tu'utu'uni'.
- (2) Kuo pau ke ma'u mo sivi'i 'e he Minisitā 'a e ngaahi kole fakafo'ou laiseni fakalalakala faama ika kotoa pē pe ha fakamafai kehe 'a ia 'e ngofua ke ne fakahā atu 'a e kole ko ia'ki he Komiti Fale'i ki he Faama Ika ke ne fakalelei'i fakataha mo ha lipooti sivi'i 'o e tohi kole ko ia'.
- (3) Ko ha kole ke fakahoko ha faama ika 'i he kekeleke 'o e Kalauni' kuo pau ke 'oatu fakataha 'a e kole' mo ha tatau 'o e lisi 'e he taha kole' 'a e kekeleke ko ia'pe ha fakahā mei he Potungae Fonua 'o fakapapau'i ai 'oku 'atā 'a e kekeleke ko ia ki he faama ika.
- (4) Kapau 'oku fiema'u ke fai 'e he taha kole' ha palani uesia faka'ātakai 'i he Lao ni, kuo pau ke 'oatu fakataha 'a e kole mo ha tatau 'o e lipooti palani uesia faka'atakai ko ia', mo e ngaahi fokotu'u mei he taha pe ma'u mafai 'oku ne tokanga'i 'a hono sivi'i 'o e lipooti 'o ha fakafuofua uesia 'o e 'ātakai.
- (5) 'E ngofua ke fekau 'e he Minisitā' ki ha taha kole ke ne 'oatu ha fakamatala fakalahi 'o fekau'aki mo e kole' 'a ia 'oku pehē 'e he Minisitā' 'oku fakapotopoto pea 'e ngofua, ke 'oua te ne to e sivi'i 'a e kole', neongo 'a e kupusi'i (2), kae'oua ke 'oatu 'a e fakamatala fakalahi ko ia'.
- Foaki pe ta'etali**
15. (1) Kuo pau ke fakapapau'i 'e he Minisitā pe te ne foaki pe ta'etali ha kole laiseni fakalalakala faama ika pe ha fakamafai kehe 'i loto 'i he mahina 'e 3 mei hono fakahū atu 'o e kole'pe mahina 'e 1 mei he 'aho fakamuimui taha na'e fakahū atu 'a e fakamatala fakalahi 'i he kupu 13(6), pe ko fē 'e hoko fakamuimui'.
- (2) 'I he'ene fai tu'utu'uni fekau'aki mo ha kole laiseni fakalalakala faama ika pe ha fakamafai kehe, kuo pau ke kau 'i hono sivi'i 'e he Minisitā –
- (a) pe 'oku tu'u 'a e feitu'u 'e ngaue'aki ki ai 'a e laiseni pe fakamafai ko ia' 'i ha feitu'u faama ika;
- (b) 'a e uesia 'e he faama ika 'a e 'ātakai fakalukufua';
- (c) 'a e uesia ki he ngaahi kolo, kapau 'oku 'i ai, 'oku tu'u 'i he feitu'u faama ika 'e ngaue'aki ki ai 'a e laiseni pe fakamafai laiseni fakalalakala faama ika 'e foaki atu'pea ki he ngaahi founa toutai 'a e ngaahi kolo ko 'eni';
- (d) 'a e uesia 'e he ngāue fakalalakala faama ika 'a e ngaahi fa'ahinga ika 'i he feitu'u ko ia';
- (e) ha fa'ahinga palani toutai pe pule'i mo fakalalakala faama ika 'oku fekau'aki tonu mo ia;

- (f) 'a e fale'i mei he ngaahi Kolo kuo Vahe'i, kapau 'oku 'i ai, 'a ia 'oku lau ki ai 'i he kupu 8 'o e Lao'ni 'a ia 'oku nau tokanga'i ha feitu'u faama ika pe ha kongā 'o ia; pea
- (g) mo ha ngaahi me'a kehe 'oku taau.
- (3) Kuo pau ke 'ikai tali 'e he Minisitā ke foaki ha laiseni fakalalakala faama ika pe ha fakamafai kehe 'i he Lao'ni kapau:
- (a) 'oku 'ikai ke ngofua 'a e feitu'u 'oku fakaangaanga 'a e taha kole' ke ne fakahoko ai 'a e faama ika pe ha ngaue felave'i 'o fakatatau ki he lao fekau'aki mo e kekeleke'pe fakatatau ki he Lao'ni pe 'oku 'ikai ke fe'unga ia mo e taumu'a ko ia' 'o fakatatau ki ha ngaahi lao kehe, 'ātakai fakalotofonua', ko e anga 'o e feitu'u fakalukufua' mo e ngaahi ngāue kehe 'oku lolotonga fakahoko 'i he feitu'u ko ia';
- (b) na'e 'ikai ke fai 'a e kole' 'o fakatatau ki he Lao'ni pe 'oku loi ha fa'ahinga fakamatala mahu'inga kuo 'oatu pe fai 'i he kole';
- (c) ko e taha kole' ko ha taha fakafo'ituitui ia kuo fakata'e'aonga'i 'i he kupu 25(1)(a) mei ha'ane ma'u ha laiseni fakalalakala faama ika pe ha fakamafai kehe;
- (d) ko e taha kole' ko ha kautaha kuo fakata'e'aonga'i 'i he kupu 25(1)(b) mei ha'ane ma'u ha laiseni fakalalakala faama ika pe ko ha talekita pe ha pule 'o ha kautaha 'a ia ko ha taha fakafo'ituitui kuo fakata'e'aonga'i 'i he kupu 25(1)(c) mei ha'ane ma'u ha laiseni fakalalakala faama ika pe ha fakamafai kehe;
- (e) 'oku 'ikai fakatatau hono foaki ha laiseni fakalalakala faama ika pe ha fakamafai kehe 'i he Lao ni mo e palani pule'i mo fakalalakala fe'unga ki he faama ika; pe
- (f) 'oku 'ikai fakatatau hono foaki ha laiseni fakalalakala mo ha palani toutai kuo fa'u 'i he Lao ki hono Pule'i 'o e Toutai'2002.
- (4) Kimu'a 'ene ta'etali ke foaki pe te ne fakafo'ou ha laiseni fakalalakala faama ika pe ha fakamafai kehe, kuo pau ke fale'i 'e he Minisitā 'a e taha kole' 'i he tohi fekau'aki mo e ngaahi 'uhinga 'o 'ene ta'etali 'a e kole'pea kuo pau ke ne 'oange ki he taha kole' ha faingamālie ke ne fakatonotonu 'a e kole', pea ke ne fai ha fakamatala tohi pe fakamatala ngutu 'i loto 'i he 'aho 'e 30 mei he 'aho 'o e fale'i tohi 'a e Minisitā.
- (5) Kuo pau ke 'oatu 'e he Minisitā 'a e ngaahi 'uhinga 'i he tohi ki he'ene ta'etali 'a e kole pe ta'etali ke foaki ha laiseni fakalalakala faama ika pe ha fakamafai kehe pea 'e ngofua ke tangi 'a e taha kole' ki he Minisitā fekau'aki mo e tu'utu'uni 'i loto 'i he 'aho 'e 30 mei he 'aho 'o e tu'utu'uni 'a e Minisitā.

KONGA IV
MALU'I 'O E 'ATAKAI

- Ke fakasi'isi'i 'e he kau ma'u laiseni 'a e uesia ki he 'ataakai**
- 26.** (1) Ko e kau ma'u laiseni faama ika pe fakamafai kehe kuo pau ke nau fai 'a e ngaahi ngaue fakapotopoto kotoa pe 'e ala fai ke ta'ofi pe fakasi'isi'i 'a e 'uli pea mo ha fa'ahinga liliu 'e kovi ki he 'ataakai tupu mei he faama ika pe ha ngaue felave'i, 'o kau ki ai 'a hono fakatafe atu mo tukuange 'o e vai 'uli mo e 'uli fatu.
- (2) Ki he ngaahi taumu'a 'o e kupusi'i (1), 'oku 'uhinga 'a e vai 'uli ki ha fa'ahinga veve pe 'oku ma'u mei he faama ika pe ngaue felave'i 'o kau ki ai ha ngaahi faito'o fatu, veve li'aki mo e vai li'aki 'a ia na'e ngaue'aki ki he faama ika, pea ko e "uli fatu" 'oku 'uhinga ki ha me'a fefeka pe meimei fefeka, veve fakanatula mei he faama ika pe ngaue felave'i, pe 'oku fio mo ha veve ta'e-fakanatula pe 'ikai.
- (3) 'I hono fakapapau'i pe 'oku fakapotopoto 'a e ngaahi ngaue 'oku fai, kuo pau ke kau ha fa'ahinga founga ngaue, tu'unga fakangaue pe ko ha fakahinohino 'oku tuku atu 'e he Lao ni 'i hono fakakaukau'i 'e he Minisitā pe ko ha fakamaau'anga.
- (4) 'O kapau 'oku pehe 'e he Minisitā 'oku maumau'i 'e ha taha ma'u laiseni pe ha fakamafai kehe 'a e kupusi'i (1) 'e ngofua ki he Minisitā ke ne 'oatu ha fakatokanga ki he taha ma'u laiseni pe fakamafai kehe ke ne fakahoko ha ngaahi ngaue pau 'i ha fo'i taimi pau, ka 'ikai fakahoko kuo pau ke ta'ofi fakataimi 'a e faama ika pe ngaue felave'i kae'oua kuo fiemalie 'a e Minisitā 'oku fai pau 'a e taha ma'u laiseni pe fakamafai kehe ki he kupusi'i (1).
- Fakafuofua uesia 'o e 'atakai**
- 27.** (1) 'E ngofua ki he Minisitā 'i ha tohi fakatokanga kapau 'oku 'i ai ha 'uhinga ke ne tui ai 'oku ala hoko ha uesia kovi ki he 'ataakai mei ha fa'ahinga ngaue 'i ha feitu'u faama ika, ke ne fekau ki he taha ma'u laiseni pe fakamafai kehe kuo foaki 'i he Lao'ni ke –
- (a) fakahoko ha fakafuofua ki he uesia 'o e 'ataakai mei he ngaue faama ika pe ngaue felave'i lolotonga 'e he taha tau'ataina mo taukei fe'unga; pe
- (b) ke ne fakahu atu ha lipooti 'o e fakafuofua ki he Minisitā 'i loto 'i he vaha'a taimi kuo fakamahino'i 'i he fakatokanga pea fakatautu ki he ngaahi tu'utu'uni.
- (2) 'E ngofua ke faka'atā 'e he Minisitā ha ngaue fakalalalaka faama ika pe ha ngaue felave'i, mei he ngaahi fiema'u 'a e kupusi'i (1).
- Ika muli**
- 28.** (1) Ki he ngaahi taumu'a 'o e kupu ni –
- (a) "ika muli" 'oku 'uhinga ki ha fa'ahinga ika 'oku 'ikai ko ha ika tu'ufonua 'i Tonga pea 'oku kau heni ha me'amo'ui kuo liliu ta'efakanatula hono fa'unga; mo e
- (c) ngaue'aki ki ha ngaahi me'a 'e hoko 'a ia na'e 'ikai ala 'ilo'i 'i he taimi na'e foaki ai 'a e laiseni'ke fakapapau'i 'oku malu mo fakapotopoto 'a e ngāue fakafaama ika.
- (2) 'E ngofua ke tangi ha taha ma'u laiseni fakalalalaka faama ika pe ha fakamafai kehe 'oku liliu fekau'aki mo e liliu ko ia' ki he Minisitā 'i loto 'i he 'aho 'e 30 mei hono ma'u 'o e fakahā kuo 'oatu 'i he kupusi'i (1).
- (3) Kuo pau ki he taha ma'u laiseni fakalalalaka faama ika pe ha fakamafai kehe 'i he Lao ni ke ne fakahā ki he Minisitā 'i he tohi ha ngaahi liliu lahi kuo fai ki he ngaahi feitu'u faama ika, kau ai ha ngaahi liliu ki he fakamatala 'oku ala ma'u 'i he laiseni pe fakamafai ko ia'.
- (4) Hili hono ma'u 'o e fakahā ko ia', 'e ngofua ke fekau 'e he Minisitā' ki he taha ma'u laiseni fakalalalaka faama ika pe ha fakamafai kehe ke ne 'oatu ha fakamatala fakalahi 'a ia 'i he fakakaukau fakapotopoto 'a e Minisitā' 'oku taau 'o fekau'aki mo e ngaahi liliu ko ia'.
- 19.** 'E ngofua ke fokotu'u 'e he Minisitā ha ngaahi totongi (fees) ki he ngaahi laiseni pe ngaahi fakamafai kehe 'i he Fanongonongo 'i he Kasete'. **Totongi 'o ha totongi (fee)**
- 20.** Kuo pau ke tauhi 'e he Sekelitali' ha lesisita 'o e ngaahi laiseni fakalalalaka faama ika pe ngaahi fakamafai kehe kuo foaki 'i he Lao'ni 'a ia 'e ngofua ke vakai'i 'e he kakai'lolotonga 'a e ngaahi houa ngāue'aki ha fokotu'utu'u 'e fai kimu'a. **Lesisita 'o e ngaahi laiseni mo e ngaahi fakamafai**
- 21.** (1) 'E ngofua ki he Sekelitali', 'i he tohi ke ne fakahā ki he taha ma'u laiseni fakalalalaka faama ika pe ha fakamafai kehe, ke ne fekau ki he taha ma'u laiseni'ke ne tauhi ha ngaahi lekooti tonu 'o e ngaahi me'a 'oku fakamahino'i 'i he fakahā ko ia' pea kuo pau ke ne faka'atā 'a e ngaahi lekooti ko ia' ki ha 'ofisa faama ika. **Tauhi lekooti mo e 'oatu 'o e fakamatala 'e he kau ma'u laiseni**
- (2) 'E ngofua ke fekau 'e he Sekelitali' 'a e taha ma'u laiseni fakalalalaka faama ika pe ha fakamafai kehe 'i ha taimi pē ke ne 'oatu ki he 'ofisa faama ika pe ko e Sekelitali' ha fakamatala fekau'aki mo e faama ika mo ha ngāue felave'i kuo fakahoko 'e he taha ma'u laiseni'.
- (3) Kuo pau ke 'oatu 'e he taha ma'u laiseni fakalalalaka faama ika pe ha fakamafai kehe ki he Sekelitali' 'o 'oua 'e to e tomui ange 'i he 'aho faka'osi 'o Sanuali 'o e ta'u taki taha 'a e fakamatala 'oku fiema'u 'i he kupu'ni.
- 22.** (1) Ka 'i ai ha taha ma'u laiseni fakalalalaka faama ika pe ha fakamafai kehe 'oku loto ke fakangata 'a e faama ika pe ko ha ngaue felave'i kuo fakamafai 'i he'ene laiseni fakalalalaka faama ika pe fakamafai', kuo pau ke ne fakahā ki he Sekelitali 'o 'oua 'e to e si'i ange 'i he 'aho 'e 30 kimu'a pea fakangata 'a e faama ika pe ngaue felave'i ko ia. **Fakangata 'a e faama ika**

- (2) 'E ngofua ke fekau 'e he Sekelitali 'i ha fakatokanga ki he taha ma'u laiseni fakalalakalaka faama ika pe ha fakamafai kehe 'a ia kuo fakangata 'ene faama ika pe ngaue felave'i pe ki ha taha 'a ia kuo 'osi kaniseli 'ene laiseni fakalalakalaka faama ika pe fakamafai kehe, ke ne to'o ha ngaahi feitu'u faama ika pe ha langa, fale pe naunau pea ke fakafoki 'a e feitu'u ko ia ki hono tu'unga totonu 'i lotu 'i he vaha'a taimi 'e fakamahino'i he fakatokanga ko ia.
- (3) Ka 'i ai ha taha ma'u laiseni fakalalakalaka faama ika pe ha fakamafai kehe pe ha taha 'a ia kuo 'osi kaniseli 'ene laiseni 'e 'ikai ke ne fai pau ki he fakatokanga 'i he kupusi'i (2), 'e ngofua ke fekau 'e he Sekelitali ke to'o 'a e ngaahi feitu'u faama ika pe ngaahi me'a kuo langa pe ko e ngaahi fale pe naunau pea ke fakafoki 'a e feitu'u ki hono tu'unga totonu.
- (4) Ka 'i ai ha ngaahi fakamole na'e fakahoko 'e he Sekelitali 'i he kupusi'i (3) kuo pau ke totongi ia mei he taha na'e 'ave ki ai 'a e fakatokanga 'i he kupusi'i (2).

Fa'ao
fakamalohi
ki he ta'efaka-
hoko tu'utu'uni

23. 'E ngofua ke 'oatu 'e he Sekelitali ha tohi fakatokanga ki he ma'u laiseni fakalalakalaka faama ika pe ha fakamafai kehe, 'o tu'utu'uni ki he taha ko ia ke ne fai pau ki he ngaahi tu'utu'uni 'oku fakaha 'i he tohi fakatokanga ko ia pe 'e fa'ao fakamalohi 'a e ngaahi me'a kuo fakatupu mei he faama ika 'o fakatatau ki he kupu 31 pe –

- (a) kapau 'oku 'i ai ha 'uhinga ke tui ai 'a e Sekelitali kuo 'ikai fai pau 'a e ma'u laiseni fakalalakalaka faama ika pe fakamafai kehe ki ha tu'utu'uni pe ha tu'unga 'o e laiseni fakalalakalaka faama ika pe ko e fakamafai;
- (b) kapau 'oku 'ikai ke fai pau 'a e ma'u laiseni fakalalakalaka faama ika pe fakamafai kehe ki ha fakatokanga kuo 'oatu mei he Minisitā 'i he kupu 26(4);
- (c) kapau 'oku 'i ai ha 'uhinga ke tui ai 'a e Sekelitali 'oku lelei ke fakahoko 'a e tu'utu'uni pe fa'ao fakamalohi koe'uhi ke fakasi'isi'i ha mafola 'a e mahaki 'i he fanga ika; pe
- (d) ke ta'ofi pe fakasi'isi'i ha fakatu'utamaki ki he 'ataakai.

Kaniseli mo
'ikai to e
fakafo'ou

24. (1) 'Oku ngofua ki he Sekelitali 'i ha tohi fakahā ki ha ma'u laiseni pe ha fakamafai kehe 'i he Lao'ni, ke ne kaniseli pe te ne ta'e tali ke to e fakafo'ou 'a e laiseni pe fakamafai ko ia kapau –

- (a) 'oku te'eki ai ke kamata 'a e faama ika pe ha ngaue felave'i 'a e ma'u laiseni pe fakamafai 'i lotu 'i he mahina 'e hongofulu ma ua mei he 'aho na'e foaki ai 'a e laiseni pe fakamafai;
- (b) 'oku 'ikai fai pau 'a e taha ma'u laiseni pe fakamafai ki he ngaahi tu'utu'uni pe ha tu'unga 'o 'ene laiseni pe fakamafai;
- (c) kuo 'osi fa'ao fakamalohi 'a e ngaahi me'a kuo fakatupu mei he faama ika 'o fakatau ki he kupu 23 pea 'oku ngalingali kuo pau 'e 'ikai ke to e hoko atu 'a e faama ika pe ngaue felave'i ko ia 'i he kaha'u vave mai; pe

(d) 'oku fakakaukau 'a e Sekelitali 'oku 'ikai ke kaunga lelei ki he kakai 'a hono to e hoko atu 'o e faama ika pe ko e ngaue felave'i ko ia.

(2) Kuo pau ki he Sekelitali kimu'a hono kaniseli pe ta'e tali ke fakafo'ou ha laiseni pe ha fakamafai kehe 'i he Lao ni ke ne –

- (a) fakahā ki he ma'u laiseni pe fakamafai 'a e ngaahi 'uhinga ki hono kaniseli pe ta'e tali; pea
- (b) 'oange ki he taha ma'u laiseni pe fakamafai ha faingamalie ke ne fai ha fakamatala pe fakamatala tohi.

25. (1) 'E ngofua ke 'oatu 'e he Sekelitali ha tohi fakatokanga –

(a) ki ha taha pe ko ha falukunga kakai na'e 'i ai ha'anau laiseni fakalalakalaka faama ika pe ha fakamafai kehe 'a ia kuo 'osi kaniseli 'o 'ikai 'i he kole 'a e ma'u laiseni fakalalakalaka faama ika pe fakamafai kehe ko ia;

Fakata'e'aonga'i
'o e ni'ihī mei
he ma'u
laiseni faka-
lalakalaka faama
ika pe
fakamafai

(b) ki ha sino fakalao na'e 'i ai ha'ane laiseni fakalalakalaka faama ika pe ha fakamafai kehe 'a ia na'e kaniseli 'o 'ikai 'i he kole 'a e ma'u laiseni fakalalakalaka faama ika pe fakamafai kehe ko ia; pe

(c) ki ha talekita pe ha taha kehe 'oku kau 'i he kau pule 'o ha sino fakalao 'oku lau ki ai 'i he palakalafi (b);

'o fakaha ai ko e taha, falukunga kakai pe sino fakalao ko ia ko ha taha, falukunga kakai pe sino fakalao ko ia kuo 'osi fakata'e-aonga'i pea ke ne 'oatu 'a e ngaahi 'uhinga ki hono fakata'e-aonga'i.

(2) Kimu'a pea fakata'e'aonga'i ha taha 'i he kupusi'i (1), kuo pau ke fale'i 'e he Sekelitali 'a e taha, falukunga kakai pe sino fakalao ko ia 'i he tohi fekau'aki mo e ngaahi 'uhinga 'oku lotu ai 'a e Sekelitali ke fakata'e'aonga'i 'a e ni'ihī pe sino ko ia pea ke ne 'oatu ki he ni'ihī pe sino ko ia ha faingamalie ke fai ha'anau fakamatala tohi pe fakamatala.

(3) Ko e vaha'a taimi 'o ha fakata'e'aonga'i 'i he kupusi'i (1) kuo pau 'e 'ikai to e laka hake 'i he ta'u 'e 2 ka 'e ngofua ke fakata'e'aonga'i ha taha, falukunga kakai pe ha sino fakalao ki ha to e vaha'a taimi kapau 'e fakatonuhia'i 'eni 'o makatu'unga 'i ha ngaahi me'a kuo hoko hili 'a e 'uluaki fakata'e'aonga'i.

(4) 'E ngofua ki ha taha, falukunga pe ha sino fakalao kuo fakata'e'aonga'i 'i he kupu ni ke ne tangi ki he Minisitā 'i lotu 'i he 'aho 'e 30 mei he'ene ma'u 'a e fakatokanga fekau'aki mo e fakata'e'aonga.

- (c) fakatupunga pe faka'ai'ai ha taha kehe ke ne taa'i, ta'ofi, fakafe'atungia'i, fakatuai'i, ta'ofi pe fakailifia'i ha 'ofisa faama ika lolotonga 'ene fakahoko hono ngaahi fatongia;
- (d) 'oatu ki ha 'ofisa faama ika ha ngaahi fakaiiki 'oku ne 'ilo 'oku loi pe takihala 'i ha me'a;
- (e) 'ai ke pehee ko e taha kehe ia pe te ne lohiaki'i ko e pule ia 'i he feitu'u faama ika;
- (f) fakafepaki'i 'a hono puke 'i he Lao'ni;
- (g) kaunoa, tautoloi pe ta'ofi 'i ha founa pe, 'a hono ta'ofi pe puke 'o ha taha kehe 'i he Lao'ni;
- (h) ta'e fai pau ki ha fakahinohino pe tu'utu'uni, fekau pe kole 'a ha 'ofisa faama ika 'i he Lao'ni;
- (i) kau 'i ha faama ika pe ha ngaue felave'i lolotonga 'oku fakata'e'aonga'i ia;
- (j) kau 'i ha faama ika pe ha ngaue felave'i pe te ne fokotu'u ha feitu'u faama ika ta'e 'i ai ha laiseni fakalalakala faama ika pe ha fakamafai kehe kuo foaki 'i he Lao ni;
- (k) fakahoko ha faama ika pe he ngaue felave'i lolotonga 'oku ne ma'u ha laiseni fakalalakala faama ika pe he fakamafai kehe kuo 'oatu 'i he Lao ni 'o maumau ai 'a e ngaahi tu'unga 'o e laiseni fakalalakala faama ika pe fakamafai ko ia;
- (l) maumau'i 'a e ngaahi tu'utu'uni mo e ngaahi tu'unga kuo fa'u 'e he Minisitā 'o fakatautu ki he kupu 13 pe 14;
- (m) kau 'i ha ngaue 'oku tapu pe 'oku fakangatangata 'i he kupu 5 pe 6 ta'e 'i ai ha tohi faka'ata mei he Sekelitali;
- (n) hu atu ki tu'apule'anga, 'omai pe tukuange ha ika pe ha koloa faama ika 'o maumau ai 'a e kupu 30 pe te ne 'ai ke hu mau, 'omai pe tukuange ha ika pe he koloa faama ika ta'e ha fakamafai fakalao;
- (o) kaunoa 'i ha ngaue faama ika, kau ai hono fakalele mo e me'angaue 'i he feitu'u faama ika ta'e fakangofua 'e he ma'u laiseni fakalalakala faama ika pe ta'e 'i ai ha fakamafai fakalao; pe
- (p) ngaue fekau'aki mo ha ika muli 'i he founa 'oku tapui 'i he kupu 28 ta'e ha tohi fakamafai mei he Sekelitali;
- 'oku ne fai ha hia pea 'oku ala mo'ua 'i ha'ane halaia ki ha tautea pa'anga 'e 'ikai laka hake 'i he \$100,000 pe ngaue popula ki ha vaha'a taimi 'e 'ikai laka hake 'i he ta'u 'e 1 pe fakatou'osi pea ka 'i ai ha'ane to e halaia 'amuiange ki he hia tatau ki he tautea pa'anga 'e 'ikai laka hake 'i he \$150,000 pe ko e ngaue popula ki ha vaha'a taimi 'e 'ikai laka hake 'i he ta'u 'e 2 pe fakatou'osi.

- (b) "me'angaue" 'oku 'uhinga ki ha kongā 'o ha me'angaue 'i he feitu'u faama ika pe ha me'angaue kehe, feitu'u pe ha me'a 'oku 'i ai ha ika muli.
- (2) 'E ngofua ki he Sekelitali 'o fakafou atu 'i ha tohi fakatokanga 'i he Kasete 'o vahe'i ha fa'ahinga kehekehe pe 'o e ika ko ha ika muli pea kuo pau ke pulusi 'a e fa'ahinga ika kehekehe ko ia kuo vahe'i.
- (3) 'Oku 'ikai ngofua ki ha taha ke ne hu mai mei muli, tauhi, fakaili, pe fakatau atu ha ika muli ka 'ikai ma'u mai ha tohi ngofua mei he Sekelitali.
- (4) 'E ngofua ki ha 'ofisa faama ika ke ne puke pe faka'auha ha fa'ahinga ika muli pea 'e ngofua ke ne fa'oa ha fa'ahinga ika pe 'oku mahalo'i ko e ika muli ke fakapapau'i pe ko e ika muli pe 'ikai.
- (5) 'E ngofua ki he Sekelitali 'o fakafou atu 'i ha tohi fakatokanga ki he taha 'oku ha'ana pe nofo 'i ha fale 'a ia 'oku 'i ai ha ika muli ke ne fiema'u mei he taha ko ia ke fakahoko ha ngaahi ngaue pau ke faka'auha 'a e ika muli 'i loto ha fo'i taimi pau.
- Kapau ko e taha 'oku ha'ana pe nofo 'i ha fale 'a ia 'oku 'ikai faitatau mo e tohi fakatokanga, 'e ngofua ki ha 'ofisa faama ika ke hu ki he fale ko ia 'o fakahoko ha ngaue ke faka'auha 'a e ika muli, pea ko e ngaahi fakamole 'e fua 'e he taha 'oku 'a'ana pe nofo 'i he fale.
29. (1) 'Oku 'ikai ke ngofua ki ha taha ke hu mai mei tu'apule'anga, tauhi, fakatautu pe fakaili ha me'amo'ui kuo liliu hono fa'unga pe ngaue'aki ha me'amo'ui kuo liliu ta'efakanatula hono fa'unga 'i ha faama ika ta'e ma'u ha tohi ngofua mei he Sekelitali. **Ika kuo liliu hono fa'unga**
- (2) 'E ngofua ke puke mo faka'auha 'e ha 'ofisa faama ika ha ika kuo liliu hono fa'unga pea ke ne ma'u mo tauhi 'a e ika ko ia koe'uhi ke fakapapau'i pe kuo liliu hono fa'unga' pea kuo pau ke fua 'e he taha na'a ne tauhi 'a e ika ko ia ha fakamole 'i hono maumau'i 'o e kupusi'i (1).
30. (1) Kuo pau 'e 'ikai ke hu mei tu'apule'anga pe 'omai ki he Pule'anga ni, pe ki ha feitu'u 'o e tahi, 'e ha taha ha ika mo'ui ta'e tomu'a ma'u ha tohi fakamafai mei he Minisitā. **Fetuku holo 'o e ika mo'ui mo e ngaahi me'a kuo fakatupu mei he faama ika**
- (2) Ko ha fakamole kuo hoko tupu mei hono 'omai mei tu'apule'anga ha ika mo'ui ki he Pule'anga ni, pe ki ha feitu'u 'i tahi ta'e fakamafai fakatautu ki he kupusi'i (1), kuo pau ke fua ia 'e he taha 'oku ne 'omai 'a e ika ko ia'.
- (3) Kuo pau 'e 'ikai ke tukuange 'e ha taha pe te ne fekau ke tukuange ha me'a kuo fakatupu 'i he faama ika mei ha feitu'u faama ika ki he ngaahi tahi 'o e Pule'anga ta'e 'i ai ha tohi fakamafai mei he Minisitā.

- (4) 'E ngofua ke fekau 'e he Minisitā ki he ma'u laiseni fakalalakala faama ika pe ha fakamafai 'i ha taimi pe ke ne 'oange ki ha 'ofisa faama ika pe ki he Minisitā ha fakamatala fekau'aki mo hono fetuku holo 'o e ngaahi me'a kuo fakatupu mei he faama ika 'i he Pule'anga ni.
- (5) 'E ngofua ke tu'utu'uni 'e he Minisitā fekau'aki mo ha fakamafai 'i he kupu'ni –
- (a) 'a e ngaahi founa, ngaahi foomu, ngaahi totongi pe ngaahi fiema'u pe ngaahi tu'unga kehe ki he kole mo e fakamafai;
- (b) ki he ngaahi me'a ke kau 'i hono fakakaukau'i 'a hono foaki pe 'ikai foaki ha fakamafai pehe; pea
- (c) ki ha ngaahi me'a kehe fekau'aki mo hono fetuku holo mo hono tukuange 'o e ika mo e ngaahi me'a mo'ui kuo fakatupu mei he faama ika 'i he Pule'anga ni.

KONGA V

FAKAHOKO

Kau 'ofisa
faama ika

31. (1) 'E ngofua ke vahe'i 'e he Minisitā ha 'ofisa mei he Potungaue Toutai pe ko ha 'ofisa Polisi ke hoko ko ha 'ofisa faama ika ki he taumu'a 'o e Lao ni.
- (2) 'E ngofua ki ha 'ofisa faama ika, ta'e ha tohi fakamafai ke ne –
- (a) hu, sivi mo hua ha ngaahi feitu'u faama ika;
- (b) sivi, fa'ao fakamalohi mo 'ai ha ngaahi tatau 'o ha ngaahi tohi fekau'aki mo e faama ika mei ha feitu'u faama ika;
- (c) ta'ofi, hu, hua mo fa'ao fakamalohi ha fa'ahinga saliate misini, vaka, vakapuna pe me'angaue;
- (d) fekau ke ta'ofi ha fa'ahinga faama ika pe ngaue felave'i;
- (e) fekau ke faka'auha ha fa'ahinga ika neongo pe na'e puke mei he tahi taumu'a ki he faama ika pe ngaahi me'a kuo ngaahi mei he faama ika;
- 'a ia 'oku 'i ai 'a 'ene 'uhinga lelei ke mahalo'i 'oku fakahoko 'o maumau'i 'a e ngaahi kupu 'o e Lao ni;
- (f) puke ha fa'ahinga ika pe me'a kuo fakatupu mei ha faama ika pe ha sipinga 'o ha fa'ahinga ika pe me'a kuo fakatupu mei ha faama ika 'a ia kuo ma'u 'i ha vaka, me'alele, vakapuna, feitu'u pe fale na'e hua 'i he kupu ni pe kuo pehe 'e he 'ofisa koe'uhi ko ha ngaahi 'uhinga fakapotopoto, na'e 'ikai ke fakatupu fakatatau ki ha laiseni fakalalakala faama ika pe fakamafai kehe 'i he Lao ni;
- (g) 'oatu ha ngaahi fakahinohino ki ha taha 'oku ne pule pe 'oku ne tokanga'i 'a e ngaahi ngaue 'i ha feitu'u pe ha fale pea ki ha taha 'i he feitu'u pe fale kuo fai ki ai ha hu

- 'i he palakalafi (a) 'o e kupusi'i ni, 'o hange ko ia 'oku fe'unga pe fakapotopoto ki ha taumu'a kuo fakamahino'i 'i he Lao ni pe ke fai pau 'a e taha ko ia ki he ngaahi tu'unga 'o ha laiseni pe ha fakamafai; mo
- (h) tu'utu'uni ke fakangata ha ngaue 'i he loto feitu'u faama ika pe ha sone tuku 'ata 'a ia 'oku 'i ai ha ngaahi 'uhinga fakapotopoto ke fai ha tui 'oku ne maumau'i 'a e tu'utu'uni na'e fokotu'u 'aki 'a e feitu'u faama ika pe sone tuku 'ata ko ia.
- (3) 'E ngofua ki ha 'ofisa faama ika, 'i he 'i ai ha ngaahi 'uhinga fakapotopoto ke ne pehe kuo fakahoko ha hia 'i he Lao ni ke ne puke, ta'ofi pea 'omai ha taha ki ha fakamaa polisi 'i loto 'i he houa 'e 24 pea ko ha taha te ne, fakatanga'i, ta'ofi, fakatolo pe ta'ofi ke heka pe hu, fakailifia'i pe 'ikai te ne fakahoko 'a e ngaahi me'a fe'unga ke fakapapai'i 'a e malu 'o e pe fakatanga'i 'i ha fa'ahinga founa kehe ha 'ofisa faama ika 'i he fakahoko hono fatongia.
- (4) 'E ngofua ki ha 'ofisa faama ika, lolotonga 'ene fakahoko hono ngaahi mafai 'i he kupu ni, ke ne tu'utu'uni ki ha taha ke tokoni'i ia 'i hono ngaahi fatongia pea ko e tokotaha ko ia kuo pau ke ne ma'u 'a e ngaahi mafai mo e ngaahi malu'i 'oku ma'u 'e ha 'ofisa faama ika 'i he Lao ni.
32. (1) Ko ha fa'ahinga me'a pe 'oku ma'u mei he faama ika 'oku puke 'i he Lao ni 'a ia 'e lava ke 'au'aunga 'e ngofua ke fakatau atu 'e he Minisitā pea ko e ola 'o ha fakatau pehe ni kuo pau ke ne puke ma'u 'o tali ki he ola 'o ha hopo felave'i mo e ngaahi me'a ni.
- (2) Hili hono fai ha ngaahi ngaue fe'unga ke fakatau atu 'a e ngaahi me'a 'oku lave ki ai 'a e kupusi'i (1), pe 'ikai fe'unga 'a e ngaahi me'a ni ke fakatau atu, 'e ngofua ki he Minisitā ke ne faka'auha 'a e ngaahi me'a ni 'i he founa 'oku ne pehe 'oku fe'unga, pea ko e ngaahi fakamole kotoa kuo ma'u mai mei he ngaue ni kuo pau ke hilifaki ki he taha ma'u laiseni.
- (3) Kuo pau ke pukepuke 'e he Minisitā ha fa'ahinga vaka, saliate misini, vakapuna pe me'angaue kuo puke 'i he Lao ni 'o tali ki he ola 'o ha fa'ahinga hopo 'oku felave'i mo e ngaahi me'a ni.
33. (1) Ka 'i ai ha taha te ne –
- (a) taa'i, fakafe'atungia'i, ta'ofi, fakatuai'i, fakafaingata'a'ia'i, ta'e tali ke hu, fakailifia'i pe 'ikai ke ne fakahoko 'a e ngaahi ngaue fakapotopoto kotoa pe ke fakapapai'i 'a e malu pe te ne kaunoa 'i ha 'ofisa faama ika 'i he'ene fakahoko hono ngaahi fatongia;
- (b) ngaue'aki ha lea fakamanamana pe fai ha to'onga fakamanamana pe te ne lea kovi ki ha 'ofisa faama ika lolotonga 'ene fakahoko hono ngaahi fatongia;

Tuku atu 'o e
ngaahi me'a
ngaahi 'i he
faama ika 'oku
maumau
ngofua mo e
ngaahi koloa
kehe kuo puke

Ngaahi hia
mo e ngaahi
tautea

- (a) fakahoko, fakalele, laiseni pe fakangofua 'o e faama ika pe ha ngaue felave'i 'o kau ki ai 'a e kalasi pe ngaahi fa'ahinga 'o e laiseni pe fakangofua ki hono fakahoko 'o ha faama ika pe ngaue felave'i 'e tuku mai mo e ngaahi totongi mo e ngaahi fiema'u kehe fekau'aki mo ia;
- (b) fakapapau'i mo e kau mai 'o e ngaahi kolo 'i hono fakalele mo e fakalalakala 'a e faama ika mo e ngaahi ngaue felave'i, 'o kau ki ai 'a hono fokotu'utu'u 'o e ngaahi kolo pehe mo honau vā mo e fengaue'aki mo e ngaahi potungau pe ha taha pe kuo fakamafai'i 'e he pule'anga ki he faama ika, vahevahe 'o e ngaahi totonu ki he kongatahi pe ngofua ke hu mo e vahevahe 'a e ngaahi ngofua ke hu, mo e ngaahi totonu mo e ngaahi fatongia kehe fekau'aki mo hono pule'i 'o e faama ika ki he ngaahi kolo ko ia;
- (c) ko e fa'unga, me'angaue mo hono fakalele 'o e faama ika, pe ngāue felave'i;
- (d) to'onga mo e founa hono faka'ilonga'i 'a e ngaahi ngatangata-'anga 'o e feitu'u faama ika, feitu'u ngofua mo e ngaahi feitu'u faama ika;
- (e) pule'i 'o ha me'a 'oku tukuange mai mei he ngaahi feitu'u faama ika;
- (f) tanaki fakamatala 'o kau ai ha fakamatala fakapisinisi fekau'aki mo e faama ika mo e ngaahi ngaue felave'i;
- (g) fokotu'u ha ngaahi sone malu'i mo e ngaahi fakatokanga ki he folau vaka felave'i mo e faama ika 'i he ngaahi feitu'u tahi;
- (h) tu'u'anga 'o e ngaahi feitu'u faama ika;
- (i) pule'i hono lahi mo e tu'unga lelei 'o e fafanga 'oku ngaue 'aki 'i he faama ika 'o kau ai 'a e tukuha pe ngaahi tukuha;
- (j) ngaahi founa mo e me'a 'e ha 'i he fakafuofua uesia 'o e 'ataakai ki he faama ika;
- (k) tokanga'i mo hono pule'i 'o e faama ika 'o kau ai mo e to e ma'u mai 'a e ngaahi fakamole kuo hoko;
- (l) pule'i 'a e mo'ui lelei 'a e ika 'o kau ai hono ta'ofi 'o e ngaahi mahaki 'o e ika, fakafeitu'u, fai 'o e ngaahi tohi fakamo'oni 'o e ngaahi ngaue fakakolonitini;
- (m) pule'i e tu'unga lelei 'o e ngaahi koloa mei he faama ika;
- (n) 'ave, fetuku holo, fakatau, fakamaketi'i, hu mai pe hu atu 'o e ika pe ngaahi koloa faama ika pea mo hono fe'ave'aki holo 'o e ika pe ngaahi koloa mei he faama ika 'i Tonga ni;

- (2) Ka 'i ai ha taha –
 - (a) 'e 'ikai ke ne 'oatu 'a e fakamatala 'oku fiema'u fakalao 'i he Lao ni pe 'ikai ke ne tauhi, lekooti pe lipooti ha me'a 'oku pau ke tauhi, lekooti pe lipooti 'i he Lao ni;
 - (b) 'oku ne 'oatu ha fakamatala loi 'i he tohi kole laiseni fakalalakala faama ika pe ha fakamafai kehe 'i he Lao ni, pe 'i ha lipooti pe ha lekooti 'oku fiema'u 'i he Lao ni;
 - (c) 'oku 'ikai ke ne fai pau ki ha tohi fakatokanga kuo 'oatu 'e he Sekelitali 'i he Lao ni;
 - (d) 'oku ne fokotu'u ha feitu'u faama ika 'o maumau ai 'a e ngaahi tu'utu'uni pe ngaahi tu'unga 'o e laiseni fakalalakala faama ika pe ha fakamafai kehe kuo 'oatu 'i he Lao ni;
 - (e) 'oku 'ikai ke ne fakahoko 'a e ngaahi ngaue fakapotopoto kotoa pe ke ta'ofi pe ke fakasi'isi'i ha uesia kovi ki he 'ataakai mei he faama ika, 'o maumau ai 'a e kupu 26(1);
 - (f) 'oku ne ngaue fekau'aki mo ha me'amo'ui kuo liliu ta'efakanatula hono fa'unga 'o maumau ai 'a e kupu 29;
 - (g) 'oku ne fakahoko ha toutai 'i ha feitu'u kuo foaki ki ai ha laiseni fakalalakala faama ika ta'e fakangofua 'e he taha ma'u laiseni pe ta'e ha fakamafai fakalao;
 - (h) 'oku ne ngaue'aki ha me'a fakahu'i faito'o pe ha me'a kehe 'o maumau ai 'a e kupu 42; pe
 - (i) 'oku ne maumau'i 'a e tu'unga lelei 'o e vai 'oku fiema'u ki hono fakalele 'o ha ngaahi feitu'u faama ika kuo fokotu'u 'i he Lao ni;

'oku ne fai ha hia pea kuo pau 'e ala mo'ua 'i ha'ane halaia ki he tautea pa'anga 'e 'ikai laka hake 'i he \$50,000 pe ko e ngaue popula 'o 'ikai laka hake 'i he mahina 'e 6, pe fakatou'osi pea ka halaia 'amuiange ki he hia tatau ki he tautea pa'anga 'e 'ikai laka hake 'i he \$100,000, pe ko e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 1 pe fakatou'osi.

KONGA VI

NGAAHI ME'A KEHE

- 34. (1) Ko e kupu ni –
 - (a) 'oku ngaue'aki ia ki ha hia 'i he Lao ni 'oku 'ikai lahi hake hono tautea pa'anga 'i he \$100,000; ka
 - (b) 'oku 'ikai ke ngaue'aki 'eni ki ha hia kuo tukuaki'i kapau kuo fai ha faka'ilo 'o e hia ko ia; pea
 - (c) 'oku 'ikai ke ngaue'aki 'eni fekau'aki mo ha hia kuo tukuaki'i 'i he kupu 33(1)(a) ki he (h), 33(1)(j), 33(2)(e) mo e 33(2)(f).

Ngaahi tautea fakangaue ki he ngaahi hia fekau'aki mo e toutai

- (2) Kapau 'oku 'i ai ha 'uhinga ke tui ai 'a e Sekelitali kuo fai 'e ha taha ha hia 'oku kau ki ai 'a e kupu ni hili hono vakai'i 'a e ngaahi me'a kotoa pe fekau'aki mo e hia kuo tukuaki'i, pea mo e to'onga kimu'a 'o e taha ko ia, 'oku taau ke hilifaki ha tautea 'i he kupu ni, 'e ngofua ke ne 'oatu ha tohi fakahā ki he taha ko ia.
- (3) Ko ha tohi fakahā 'e 'oatu 'i he kupusi'i (2) kuo pau ke ha ai –
- (a) 'a e 'aho mo e natula 'o e hia kuo tukuaki'i;
- (b) ha fakamatala nounou 'o e ngaahi mo'oni'i me'a 'oku makatu'unga ai 'a e tukuaki, 'a ia 'oku fe'unga'ke 'ilo 'e he taha ko ia 'a e tukuaki kuo fai kiate ia; pea mo ha
- (c) ngaahi me'a kehe 'oku pehe 'e he Sekelitali 'oku fe'unga ki hono hilifaki ha tautea;
- pea ke 'oatu fakataha ia mo ha tatau 'o e kupu ni mo e ngaahi kupu 35 ki he 37.

Totonu ke fili ke 'ave 'a e hia' ki he fakamaau'anga

35. (1) 'E ngofua ki ha taha kuo 'oatu ki ai ha tohi fakahā 'i he kupu 34 ke ne fakaha 'i he tohi 'i loto 'i he 'aho 'e 28 'oku ne –
- (a) fiema'u ke fai 'i he fakamaau'anga ha hopo fekau'aki mo e hia kuo tukuaki'i; pe
- (b) vetehia 'o fakatatau ki he kupu 36.
- (2) 'E 'ikai ke to e fakamaau'i 'e he Sekelitali ha me'a 'i he kupu 34 kapau –
- (a) 'oku fakaha 'e he taha ko ia 'oku ne fiema'u ke hopo'i 'i he fakamaau'anga; pe
- (b) 'oku 'ikai ke vetehia 'a e taha ko ia ki he hia.
- (3) 'Oku 'ikai ke ta'ofi 'e ha me'a 'i he kupu ni –
- (a) hano faka'ilo 'amu'ange 'aki 'a e hia kuo tukuaki'i;
- (b) 'a e fakahalaia'i 'o e taha 'aki 'a e hia ko ia 'e ha fakamaau'anga; mo hono
- (c) hilifaki ha tautea pe fa'ao fakamalohi 'i he Lao ni, 'oka halaia pehē.

Vetehia

36. 'E ngofua ki ha taha kuo 'oatu ki ai ha tohi fakahā 'i he kupu 34 pea 'oku ne vetehia ke ne 'oatu ha'ane fakamatala ki he Sekelitali fekau'aki mo e ngaahi me'a 'oku faka'amu 'a e taha ko ia ke kau 'i hono fakakaukau'i 'e he Sekelitali 'i ha'ane hilifaki ha tautea 'i he kupu 37.

Lahi 'o e tautea fakangaue

37. (1) Ka kuo vetehia ha taha ki ha hia 'i he kupu 36, 'e ngofua ki he Sekelitali ke ne hilifaki ki he taha ko ia ha tautea pa'anga 'o 'ikai to e laka hake 'i he vaeua 'o e tautea pa'anga lahi taha na'e mei totongi mo'ua ai 'a e taha ko ia kapau na'a ne halaia ki he hia ko ia 'i ha fakamaau'anga.

- (2) Kapau 'oku hilifaki 'e he Sekelitali ha tautea ki ha taha 'i he kupu ni 'o fekau'aki mo ha hia, kuo pau ke 'oatu 'e he Sekelitali ha tohi fakahā 'o e tautea ki he taha ko ia.
- (3) Ko ha taha kuo hilifaki ki ai ha tautea 'i he kupu ni kuo pau ke ne totongi 'a e tautea 'i loto 'i he 'aho 'e 28 hili hono 'oatu 'o e tohi fakahā 'o e tautea.
- (4) 'E lava ke 'ai ke ma'u mai 'aki ha totongi tautea kuo hilifaki 'i he kupu ni 'i he founga tatau 'oku 'ai ke totongi mai ai ha tautea ki ha hia.
- (5) Kapau 'oku vetehia ha taha ki ha hia 'i he kupu 36, 'e 'ikai ke to e fai ha fakamatala pe ha faka'ilo 'o e taha ko ia fekau'aki mo e hia ko ia.

38. Ka 'i ai ha taha 'oku ne fakahoko ha ngaue 'o fakatatau pe koe'uhi ke fakatatau ki ha mafai pe ha fatongia kuo foaki kiate ia 'i he Lao ni pe 'ikai ke ne fai ha ngaue 'oku fiema'u ke ne fai 'i ha mafai pe ha fatongia kuo foaki kiate ia 'i ha Lao ni kuo pau 'e 'ikai ala mo'ua hia pe sivile ia ki ai, 'o tatau ai pe pe ko e 'uhinga ko e ta'e 'i ai ha mafai pe ha fehalaaki fakalao pe mo'oni'i me'a pe ha ngaahi 'uhinga kehe tukukehe kapau na'e fakahoko 'a e ngaue pe ta'e ngaue ko ia 'i he loto kovi.

'ikai mo'ua 'a e ni'ih'i 'oku ngaue fakatatau ki he mafai

39. Ka 'i ai ha taha te ne fakalele ha faama ika pe ha ngaue felave'i kimu'a 'i he 'aho 'e ngaue'aki ai 'a e Lao ni kuo pau ke ne kole 'i loto 'i he mahina 'e tolu mei he 'aho ko ia ki ha laiseni fakalalaka faama ika pe ha fakamafai kehe 'o fakatatau ki he tu'utu'uni 'a e Lao ni.

Mahina 'e tolu ke kole ha laiseni

40. (1) Ko ha taha 'oku ne taumu'a ke ngaue'aki ha fa'ahinga me'a 'oku ngaohi mei ha kemikale, faito'o fakakona ika, faito'o fakahu'ivai, ngaahi me'a fakalelei fakaenatula, pe tupu mai mei ai, ki he faama ika kuo pau ke ne fakaha ki he Sekelitali kimu'a pea kuo pau ke tuku atu ha fakamatala pe 'o fekau'aki mo hono ngaue'aki 'a e kemikale ko ia 'o ka fiema'u 'e he Sekelitali.

Ngaue'aki 'o e faito'o fakahu'ivai

- (2) 'E ngofua ki he Sekelitali 'i ha tohi fakahā ki ha toko taha ma'u laiseni, 'o fakangatangata pe tapui hono ngaue 'aki 'o ha kemikale 'oku lau ki ai 'a e kupusi'i (1), 'i ha ngaue'anga faama ika pe ngaahi taumu'a ki ha faama ika.
- (3) 'E ngofua ki he Sekelitali pe ko ha 'ofisa faama ika ke ne 'ave ha ika pe ha ngaahi koloa faama ika mei he taimi ki he taimi ke sivi 'a e lahi 'o ha toetoenga kemikale, me'a fakakona ika, faito'o fakahu'i vai, me'a fakalelei fakanatula pe ko e ngaahi me'a tupu mei ai.

41. (1) 'E ngofua ki he Minisitā, 'i he loto ki ai 'a e Kapineti, ke ne fa'u ha ngaahi tu'utu'uni ki hono fakahoko lelei 'o e Lao ni.
- (2) 'O 'ikai fakangatangata 'a e mafai 'o e kupusi'i (1), 'e ngofua ki he Minisitā, 'i he ngaahi tu'utu'uni ko ia, ke ne tu'utu'uni ki he kotoa pe ni'ih'i 'o e ngaahi me'a ni:

Ngaahi Tu'utu'uni

- (o) anga mo e founa hono fakapapau'i 'o e taha 'oku 'a'ana 'a e ngaahi koloa mei he faama ika na'e hola pe na'e tukuange ki he feitu'u tahi 'o Tonga;
- (p) ngaahi makatu'unga ke ngaue'aki ki hono fakapapau'i pe ko hai 'e foaki atu ha laiseni fekau'aki mo ha feitu'u 'a ia kuo fai ki ai ha kole laiseni 'e ua pe lahi hake;
- (q) ngaahi founa mo e ngaahi fiema'u ki hono to e vakai'i mo e ngaahi tangi ki ha fa'ahinga tu'utu'uni na'e fai 'o fakatatau ki he Lao ni pe ngaahi tu'utu'uni pe ngaahi fekau na'e fai 'o fakatatau ki he Lao ni;
- (r) tu'utu'uni ke kau 'i ha laiseni fakalalakaka faama ika pe ha fakamafai kehe ha ngaahi tu'unga kau ki he –
- (i) tu'u'anga, fōtunga mo e ngaahi naunau 'e ngaue'aki ki hono fo'u 'o ha feitu'u tauhi'anga ika mo e naunau 'e ngaue'aki 'i ai';
 - (ii) pule'i 'o e ngaahi fa'ahinga ika 'e ala faama'i 'i ha feitu'u tauhi'anga ika;
 - (iii) ngaahi tu'unga haisini ki he ika mo e ngaahi koloa mei he ika';
 - (iv) ngaahi tu'utu'uni ki hono ta'ofi 'a e hola 'a e ika mei he feitu'u tauhi'anga ika;
 - (v) ngaahi tu'utu'uni ki hono ta'ofi mo pule'i 'a e mafola 'a e ngaahi mahaki 'o e ika;
 - (vi) ngaahi tu'utu'uni ke fakahoko ke fakasi'isi'i 'aki 'a e tafe atu 'o e ngaahi me'a kovi mo hono 'uli'i 'o e kekelele' mo e vai';
 - (vii) pule'i mo vakai'i 'o e tu'unga lelei 'o e vai;
 - (viii) tapui pe pule'i 'a e ngaue'aki 'o e kemikale, hu'i vai faito'o pe faito'o tamate siemu;
 - (ix) faka'auha 'o e ngaahi me'a mei he ika mate pe me'a kovi mei he ngaahi feitu'u tauhi'anga ika 'a ia 'oku fakalele 'i he ma'u laiseni 'o kau ai 'a e ngaahi fakangofua mo e ngaahi fakatokanga 'oku fiema'u ki ai'; pe
 - (x) ngaahi tu'unga kehe 'e ala tu'utu'uni;
- (s) tu'utu'uni ki ha fa'ahinga me'a kehe 'e fiema'u ke tu'utu'uni pe fakamafai'i ke tu'utu'uni.