

# **TULAFONO A TOKELAU**

**2006 - 2007**

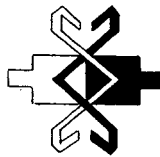
## **LEGISLATION ROLL BOOK**

**A COLLECTION OF THE LEGISLATION OF  
TOKELAU FOR 2006 - 2007**

**MANULELE TOKELAU**  
**Tokelau, 2007**

Compiled and edited in the  
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Printed by Stylex Print, Palmerston North, New Zealand

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## EDITORIAL NOTE

This roll book records laws as passed by the General Fono from 1 September 2005 to 1 August 2007.

It includes for the purpose of the 2007 referendum, a consolidated version of the Referendum Rules 2006. In addition the following documents which would not otherwise be accessible in a public printed form are included: Council Operating Guidelines, Public Service Code of Conduct, and Public Service Human Resources Manual.

This roll book is in 4 parts. **Part 1** contains the legislation tables. The tables are intended to provide a complete list of the laws of Tokelau. **Part 2** contains the Rules of the General Fono as enacted. **Part 3** contains the consolidated documents confirmed by the General Fono. **Part 4** contains other public documents endorsed by the General Fono.

The Rules of the General Fono and other documents endorsed by the General Fono are made in Tokelauan and in English. The Tokelau language versions of the English texts that were available at the time of compiling this roll book are included.

This roll book and the *Tulafono a Tokelau Laws of Tokelau 2005* volume 2 (2nd edition) together form a complete collection of the laws made by Tokelau as at 1 August 2007.

Every effort has been made to ensure the accuracy of these tables and texts. It is nevertheless likely that some errors remain. Please inform the editors of any errors identified so that they may be corrected in future editions of this collection.

T Pasikale  
Wellington  
1 August 2007

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**PART 1**

**TABLES**

**OF**

**LEGISLATION**

## TABLE OF RULES & REGULATIONS IN FORCE

This Table lists the Rules made by the General Fono in force in Tokelau as at 1 July 2007. "T" denotes Rules; "SR" denotes Regulations. Enactments marked with an asterisk are not reproduced in this book.

The General Fono is empowered under the Tokelau Act 1948 (section 3A(2)(d)) to declare that regulations made under the Tokelau Act 1948 before 1 August 1996 shall cease to be in force in Tokelau and that has now been done in respect of all such regulations. Regulations made after that date, over which the General Fono has no power, are listed in italics.

Regulations made under other Acts in force in Tokelau are in force, unless otherwise expressly provided, under the Tokelau Act 1948, section 7. These regulations, of which there are many, are not listed here. For a list as at 1 September 1997, see *Tulafono a Tokelau 1997: Ni Pepa e Aoga mo na Galuega – The Law of Tokelau 1997: A Working Collection* (Tokelau, 1997).

The Letters Patent of 28 October 1983 constituting the Office of Governor-General of New Zealand (SR 1983/225, as amended by Letters Patent of 31 December 1986 (SR 1987/8) are part of the law of Tokelau.

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| Short Title                                       | Number<br>Amendments   |
|---|--|
| <b>Administration Rules 1993</b>                  | <b>SR 1993/257</b><br>T 2003/3<br>T 2004/6<br>T 2004/13  |
| <b>Adoption Rules 1966</b>                        | <b>SR 1966/160</b><br>Act 1974, No 124<br>Act 1976, No 122<br>T 2003/2<br>T 2003/3<br>T 2004/6 |
| <b>Affidavits and Declarations Rules 1986</b>     | <b>SR 1986/322</b><br>SR 1989/266<br>T 2004/6<br>T 2004/13                                     |
| <b>Application of New Zealand Laws Rules 2004</b> | <b>T 2004/4</b>  |

|   |  |
|---|--|
| <b>Banking Rules 2004</b>                               | <b>T 2004/14</b><br>T 2005/1   |
| <b>Biosecurity Rules 2003</b>                           | <b>T 2003/7</b>  |
| <b>Births and Deaths Registration Rules 1969</b>        | <b>SR 1969/131</b><br>Act 1974, No 124<br>Act 1976, No 122<br>SR 1986/321<br>T 2003/2<br>T 2003/3<br>T 2004/6<br>T 2004/13<br>T 2005/3 |
| <b>Business Restriction Rules 1989</b>                  | <b>SR 1989/267</b><br>T 2003/2<br>T 2003/3<br>T 2004/6   |
| <b>Carriage of Goods by Sea Rules 2004</b>              | <b>T 2004/8</b>  |
| <b>Census Rules 1961</b>                                | <b>SR 1961/88</b><br>Act 1964, No 27<br>Act 1974, No 124<br>Act 1976, No 122<br>T 2003/2<br>T 2003/3<br>T 2004/6<br>T 2005/5           |
| <b>Civil Arbitration Rules 2004</b>                     | <b>T 2004/9</b>  |
| <b><i>*Coinage Rules 1978</i></b>                       | <b>SR 1978/323</b><br>SR 1979/255<br>SR 1980/229<br>SR 1981/227<br>SR 1982/205<br>SR 1984/267<br>T 2004/6                              |
| <b><i>*Coinage (Commemorative Coins) Rules 1987</i></b> | <b>SR 1987/388</b><br>T 2004/6   |
| <b><i>*Coinage (Commemorative Coins) Rules 1991</i></b> | <b>SR 1991/232</b><br>T 2004/6   |

Table of legislation

|   |   |
|---|---|
| <i>*Coinage (Commemorative Coins) Rules 1993</i>              | SR 1993/244<br>T 2004/6   |
| <i>*Coinage (Commemorative Coins) Rules 1994</i>              | SR 1994/33<br>T 2004/6  |
| <i>*Coinage (Commemorative Coins) Rules (No 2) 1994</i>       | SR 1994/297<br>T 2004/6   |
| <i>*Coinage (Commemorative Coin) Rules 1996</i>               | SR 1996/61<br>T 2004/6  |
| <i>*Coinage (Commemorative Coins) Regulations (No 2) 1996</i> | SR 1996/25  |
| <i>*Coinage (Commemorative Coin) Regulations 1997</i>         | SR 1997/146   |
| <i>*Coinage (Commemorative Coins) Regulations 1999</i>        | SR 1999/50  |
| <i>*Coinage (Commemorative Coins) Regulations 2003</i>        | SR 2003/370   |
| <b>Commissions of Inquiry Rules 1991</b>                      | SR 1991/118<br>T 1997/5<br>T 2004/6                                   |
| <b>Constitution of Tokelau 2006</b>                           | T 2006/2  |
| <b>Contract Rules 2004</b>                                    | T 2004/7  |
| <b>Crimes, Procedure and Evidence Rules 2003</b>              | T 2003/5<br>T 2004/13<br>T 2005/7<br>T 2005/8<br>T 2006/2             |
| <b>Custom as a Source of Law Rules 2004</b>                   | T 2004/15   |
| <b>Customs Rules 1991</b>                                     | SR 1991/4<br>T 1997/3<br>T 1997/5<br>T 2003/2<br>T 2003/3<br>T 2004/6 |
| <b>Divorce Rules 1987</b>                                     | SR 1987/28<br>T 2003/2<br>T 2003/3<br>T 2004/6                        |

|  |   |
|--|---|
| <b>Electricity, Gas and Dangerous Goods Rules 2003</b> | <b>T 2003/4</b>   |
| <b>Emergency Rules 2003</b>                            | <b>T 2003/8</b>   |
| <b>Exclusive Economic Zone Fishing Rules 1988</b>      | <b>SR 1988/262</b><br><b>SR 1989/268</b><br><b>T 2004/6</b>   |
| <b>Extradition Rules 2005</b>                          | <b>T 2005/9</b>   |
| <b>Finance Rules 1998</b>                              | <b>T 1998/1</b><br><b>T 2004/11</b><br><b>T 2006/1</b>  |
| <b>Health Rules 2003</b>                               | <b>T 2003/9</b>   |
| <b>Immigration Rules 1991</b>                          | <b>SR 1991/117</b><br><b>T 1997/5</b><br><b>T 2003/2</b><br><b>T 2003/3</b><br><b>T 2003/12</b><br><b>T 2004/6</b><br><b>T 2005/3</b> |
| <b>Income Tax Rules 1997</b>                           | <b>T 1997/2</b><br><b>T 1997/7</b><br><b>T 1998/4</b>   |
| <b>Incorporation Rules 2003</b>                        | <b>T 2003/6</b><br><b>T 2004/12</b>   |
| <b>Interpretation Rules 2003</b>                       | <b>T 2003/10</b><br><b>T 2004/10</b><br><b>T 2005/4</b><br><b>T 2005/6</b><br><b>T 2005/11</b>  |
| <b>Marine Pollution Rules 1998</b>                     | <b>T 1998/3</b><br><b>T 2003/3</b>  |
| <b>Marriage Rules 1986</b>                             | <b>SR 1986/320</b><br><b>SR 1988/254</b><br><b>T 1997/5</b><br><b>T 2003/2</b><br><b>T 2003/3</b><br><b>T 2004/6</b>                  |

*Table of legislation*

|   |  |
|---|--|
| <b>Police Rules 1989</b>                                | <b>SR 1989/270</b><br>T 1997/5<br>T 2004/2<br>T 2004/6<br>T 2005/10          |
| <b>Post Office Rules 1991</b>                           | <b>SR 1991/3</b><br>T 1996/2<br>T 1997/5<br>T 2003/2<br>T 2003/3<br>T 2004/6 |
| <b>Public Service Rules 2004</b>                        | <b>T 2004/1</b><br>T 2006/2  |
| <b>Referendum Rules 2006</b>                            | <b>T 2006/3</b><br>T 2007/1  |
| <b>Rhinoceros Beetle Rules 1964</b>                     | <b>SR 1964/57</b><br>T 2003/2<br>T 2004/6                                    |
| <b>Shipping (Salvage) Rules 1992</b>                    | <b>SR 1992/289</b><br>T 2004/6   |
| <b>Succession Rules 2004</b>                            | <b>T 2004/16</b>   |
| <b>Telecommunication Tokelau Corporation Rules 1996</b> | <b>T 1996/1</b><br>T 1997/4<br>T 1998/2<br>T 2003/3<br>T 2007/2              |
| <b>Tokelau Trust Fund Rules 2003</b>                    | <b>T 2003/1</b><br>T 2003/3  |
| <b>Transport Tokelau Corporation Rules 1997</b>         | <b>T 1997/8</b><br>T 1999/1<br>T 2003/3                                      |
| <b>Village Incorporation Rules 1986</b>                 | <b>SR 1986/319</b><br><b>SR 1996/181</b><br>T 2004/6                         |
| <b>Visiting Forces Rules 2004</b>                       | <b>T 2004/3</b>  |

## CHRONOLOGICAL TABLE OF GENERAL FONO RULES

This table lists all Rules made by the General Fono since it gained its legislative power under the Tokelau Amendment Act 1996.

The Standing Orders are created by resolution of the General Fono. They were first enacted in 1992. The Standing Orders have been amended in 1998, 2001, 2003, and 2006.

---

| Year        | No Title   | Status                |
|-------------|--|-----------------------|
| <b>1996</b> |  |                       |
| 1           | Telecommunication Tokelau Corporation            | In force              |
| 2           | Post Office Amendment                            | See SR 1991/3         |
| 3           | Transport Tokelau Corporation (Interim Board)    | Repealed by T 1997/8  |
| <b>1997</b> |  |                       |
| 1           | Copra  | Repealed by T 2004/13 |
| 2           | Income Tax                                       | In force              |
| 3           | Duty   | See SR 1991/4         |
| 4           | Telecommunication Tokelau Corporation Amendment  | See T 1996/1          |
| 5           | Administrative Devolution                        | Spent                 |
| 6           | Repeal of Laws                                   | Spent                 |
| 7           | Income Tax Amendment                             | See T 1997/2          |
| 8           | Transport Tokelau Corporation                    | In force              |
| <b>1998</b> |  |                       |
| 1           | Finance  | In force              |
| 2           | Telecommunications Tokelau Corporation Amendment | See T 1996/1          |
| 3           | Marine Pollution                                 | In force              |
| 4           | Income Tax Amendment                             | See T 1997/2          |
| <b>1999</b> |  |                       |
| 1           | Transport Tokelau Corporation Amendment          | See T 1997/8          |
| <b>2001</b> |  |                       |
| 1           | Tokelau Public Service                           | Repealed by T 2004/1  |

**2003**

|    |                                      |                      |
|----|--------------------------------------|----------------------|
| 1  | Tokelau Trust Fund                   | In force             |
| 2  | Transfer of Powers                   | Spent                |
| 3  | Council for the Ongoing Government   | Spent                |
| 4  | Electricity, Gas and Dangerous Goods | In force             |
| 5  | Crimes, Procedure and Evidence       | In force             |
| 6  | Incorporation                        | In force             |
| 7  | Biosecurity                          | In force             |
| 8  | Emergency                            | In force             |
| 9  | Health                               | In force             |
| 10 | Interpretation                       | In force             |
| 11 | Human Rights                         | Repealed by T 2006/2 |
| 12 | Immigration Amendment                | See SR 1991/117      |

**2004**

|    |  |   |
|----|--|---|
| 1  | Public Service                                 | In force  |
| 2  | Police Amendment                               | See SR 1989/270   |
| 3  | Visiting Forces                                | In force  |
| 4  | Application of New Zealand Laws                | In force  |
| 5  | Tokelau (New Zealand Laws) Repeal              | Spent   |
| 6  | Change of Name                                 | Spent   |
| 7  | Contract                                       | In force  |
| 8  | Carriage of Goods by Sea                       | In force  |
| 9  | Civil Arbitration                              | In force  |
| 10 | Interpretation Amendment<br>[Decimal Currency] | See T 2003/10   |
| 11 | Finance Amendment                              | See T 1998/1  |
| 12 | Incorporation Amendment                        | See T 2003/6  |
| 13 | Minor Amendments                               | See SR 1993/257<br>See SR 1986/322<br>See SR 1969/131<br>See T 2003/5 |
| 14 | Banking  | In force 1/7/05   |
| 15 | Custom as a Source of Law                      | In force  |
| 16 | Succession                                     | In force  |

**2005**

|   |  |                                    |
|---|--|------------------------------------|
| 1 | Banking Amendment                        | See T 2005/7                       |
| 2 | Self-Determination Referendum            | Repealed by T 2006/3               |
| 3 | Identity Amendment                       | See SR 1969/131<br>See SR 1991/117 |
| 4 | Interpretation Amendment [Penalty Units] | See T 2003/10                      |
| 5 | Census Amendment                         | See SR 1961/88                     |
| 6 | Interpretation Amendment[Public Notice]  | See T 2003/10                      |
| 7 | Crimes Amendment[Limitation]             | See T 2003/5                       |
| 8 | Crimes Amendment[Law Commissioner]       | See T 2003/5                       |

## *Chronology of Rules*

|             |  |                 |
|-------------|--|-----------------|
| 9           | Extradition                            | In force        |
| 10          | Police Amendment                       | See SR 1989/270 |
| 11          | Interpretation Amendment [Tokelauan]   | See T 2003/10   |
| <b>2006</b> |  |                 |
| 1           | Finance Amendment [Public Money]       | See T 1998/1    |
| 2           | Constitution of Tokelau                | In force        |
|             |  | See T 2003/5    |
|             |  | See T 2003/11   |
|             |  | See T 2004/1    |
| 3           | Referendum Rules                       | In force        |
| <b>2007</b> |  |                 |
| 1           | Referendum Amendment [October 2007]    | See T 2006/3    |
| 2           | TeleTok Amendment [Board of Directors] | See T 1996/1    |

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## TABLE OF ACTS IN FORCE

This Table lists the New Zealand Acts in force as at 1 August 2007.

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### **New Zealand Acts specific to Tokelau**

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Tokelau Act 1948

Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977

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### **New Zealand Acts extended to Tokelau**

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Anti-Personnel Mines Prohibition Act 1998

Carriage by Air Act 1967

Citizenship Act 1977

Citizenship (Western Samoa) Act 1982

Civil Aviation Act 1990 (except part 8A)

Commonwealth Countries Act 1977

Consular Privileges and Immunities Act 1971

Diplomatic Privileges and Immunities Act 1968

Geneva Conventions Act 1958

International Finance Agreements Act 1961

Nuclear-Test-Ban Act 1999

Royal Titles Act 1974

Seal of New Zealand Act 1977

United Nations Act 1946

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