

“contained use” means any operation, undertaken within a facility, installation or other physical structure, which involves living modified organisms that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment;

“District Committee” means a District Biosafety Advisory Committee appointed under section 7;

“environment officer” means an officer appointed under section 24(1) of this Act;

“export” means intentional transboundary movement from the Kingdom to another State;

“exporter” means any person, under the jurisdiction of the State of export, who arranges for a living modified organism to be exported;

“import” means intentional transboundary movement into the Kingdom from another State;

“importer” means any person within the Kingdom who arranges for any living modified organism to be imported;

“living modified organism” means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology;

“living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids;

“Minister” means the Minister of Environment;

“Ministry” means the Ministry of Environment;

“modern biotechnology” means the application of –

- (a) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles;
- (b) fusion of cells beyond taxonomic family, that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection; or
- (c) any other process or technique prescribed by Regulations made under this Act;

“State Party” means a Party to the Cartagena Protocol;

“Secretary” means the Secretary for Environment;

“transboundary movement” means the movement of a living modified organism from the Kingdom to another State Party, or from another State Party to the Kingdom, and where indicated in this Act, it may include the movement to or from non-State Parties.

## BIOSAFETY ACT 2009

### Arrangement of Sections

#### PART I – PRELIMINARY



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2. Interpretation
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#### PART II – ADMINISTRATIVE RESPONSIBILITIES

5. National Biosafety Advisory Committee
6. Functions of the Committee
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#### PART III - IMPORT PROCEDURE

11. Notices of transboundary movements
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13. Scientific risk assessments
14. Confidential information
15. Exemptions from the procedure
16. Review of decisions

#### PART IV - OTHER REGULATORY REQUIREMENTS

17. Exportation of Living Modified Organisms
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19. Use for food, feed and for processing
20. Contained use
21. Unintentional releases and transboundary movements
22. Illegal releases and transboundary movements.

#### PART V - MISCELLANEOUS

23. Offences
24. Designated environment officers
25. Regulations
26. Delegation
27. Indemnities



I assent,

GEORGE TUPOU V,

2nd March, 2010.

## **AN ACT**

### **TO REGULATE LIVING MODIFIED ORGANISMS AND THE APPLICATION OF MODERN BIOTECHNOLOGY**

[29th October, 2009].

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

#### **PART I - PRELIMINARY**

##### **1. Short title**

This Act may be cited as the Biosafety Act 2009.

##### **2. Interpretation**

In this Act, unless the context otherwise requires –

“Advanced Informed Agreement Procedure” means the advanced informed agreement procedure prescribed in the Cartagena Protocol;

“biological diversity” has the same meanings and applications under the Convention;

“Biosafety Clearing-House” means the Biosafety Clearing-House established under the Cartagena Protocol;

“Committee” means the National Biosafety Advisory Committee established under section 5;

“Convention” means the 1992 Convention on Biological Diversity;

“Cartagena Protocol” means the Cartagena Protocol on Biodiversity to the Convention adopted at Montreal in January 2000 and any subsequent amendments thereto;

- (ii) otherwise identified as being or containing living modified organisms as required by any law and by the Cartagena Protocol;
- (i) arranging for certain information to be treated as confidential in accordance with this Act and the Cartagena Protocol;
- (j) facilitating and cooperating in the development and strengthening of human resources and institutional capacities within the Kingdom in the field of biosafety;
- (k) conducting programs of public awareness and education in relation to living modified organisms and applications of modern biotechnology, and facilitating public participation in relation to the processes prescribed by this Act and envisaged by the Cartagena Protocol in relation to their use and development within the Kingdom;
- (l) facilitating bilateral, regional and multilateral agreements and arrangements regarding intentional transboundary movements of living modified organisms, and for the sharing of information and the enhancement of institutional capacities for the purposes of applying the provisions of the Cartagena Protocol;
- (m) ensuring that the customs and traditions of the Kingdom are taken into account when the development and use of living modified organisms and the application of modern biotechnology is under consideration; and
- (n) the proper administration of this Act.

### 9. Powers of the Secretary

- (1) The Secretary shall have the power to:
  - (a) specify the means by which scientifically based risk assessments are to be carried out and reported upon, including:
    - (i) the appropriate bodies to undertake the risk assessments;
    - (ii) the scope of the risk assessments and the methodologies to be applied; and
    - (iii) payment of the cost of risk assessments, and reimbursement to the Government of any costs associated with undertaking the risk assessments.
  - (b) require additional risk assessments to be undertaken when decisions are to be reviewed in accordance with Article 12 of the Cartagena Protocol;
  - (c) require that further information be provided under the Advanced Informed Agreement Procedure, and in relation to any other matter associated with meeting the obligations and exercising the rights of the Kingdom under the Cartagena Protocol;
  - (d) make arrangements for the keeping of certain information confidential in accordance with the provisions of this Act and the Cartagena Protocol;

### 3. Precautionary approach

- (1) All persons and agencies having responsibilities under this Act, or whose functions and powers may relate to any matter or thing involving the development, use, handling and transboundary movement of living modified organisms and the applications of modern biotechnology within the Kingdom, shall apply a precautionary approach when discharging their responsibilities and functions, or exercising their powers.
- (2) For the purposes of this section, a precautionary approach is applied if, in the event of a threat of damage to the environment or a risk to human health in the Kingdom, a lack of scientific certainty regarding the extent of adverse effects is not used to prevent or avoid a decision being made to minimise the potential adverse effects or risks arising from a living modified organism or the application of modern biotechnology within the Kingdom.

### 4. Act binds the Crown

The provisions of this Act shall bind the Crown.

## PART II - ADMINISTRATIVE RESPONSIBILITIES

### 5. National Biosafety Advisory Committee

- (1) The National Biosafety Advisory Committee is hereby established.
- (2) The Committee shall consist of the Minister, who shall be the chairman, and one representative each from:
  - (a) the Ministry responsible for Agriculture, Food, Forestry and Fisheries;
  - (b) the Ministry of Health;
  - (c) the Ministry of Labour, Commerce and Industries;
  - (d) the Customs Division of the Revenue Services Department;
  - (e) each relevant non-government organisation; and
  - (f) the Secretary.
- (3) The Secretary shall be the Acting Chairperson where the Minister is absent.
- (4) The Chairman may co-opt any person to the Committee as appropriate.
- (5) The Ministry shall provide secretariat services to the Committee.
- (6) The Committee shall determine its own procedures.
- (7) The members of the Committee may be remunerated in accordance with current government policies and practices.
- (8) The Committee may authorise the Secretary to exercise a power related to any of its functions in a manner which is consistent with any procedures approved by the Committee.

## 6. Functions of the National Biosafety Advisory Committee

- (1) The Committee shall be the Competent National Authority in the Kingdom for all matters arising from the Cartagena Protocol.
- (2) The functions of the Committee as a competent authority shall be to:
  - (a) oversee the implementation within the Kingdom of all aspects of the Cartagena Protocol, including the Advanced Informed Agreement Procedure;
  - (b) authorise the giving of any notice required by this Act and the Cartagena Protocol to be given by or on behalf of the Kingdom;
  - (c) determine and assess appropriate and cost effective means by which risk assessments are to be undertaken in a scientifically sound manner as required by the Cartagena Protocol;
  - (d) make or endorse decisions consistent with the provisions of the Cartagena Protocol, including:
    - (i) the exemption of certain living modified organisms from the requirements of Part III by the appropriate application of Article 13 of the Cartagena Protocol; and
    - (ii) the review of decisions in accordance with Article 12 of the Cartagena Protocol;
  - (e) monitor the development, use, handling and transboundary movement of living modified organisms within the Kingdom, and all matters related to the application of modern biotechnology, and coordinate responses to unintentional and unlawful transboundary movements;
  - (f) devise and implement policies consistent with this Act and the Cartagena Protocol, and which take account of the particular impacts of living modified organisms on communities and areas within the Kingdom;
  - (g) arrange for the preparation of reports, and authorise the provision of information in accordance with this Act and the Cartagena Protocol; and
  - (h) ensure that Cabinet, and all Ministries and agencies, are fully informed of any unintended release of living modified organisms within the Kingdom, and of any other matter associated with living modified organisms which may affect the well-being of the nation or the health of its people.

## 7. District Biosafety Advisory Committees

- (1) The Minister may appoint District Biosafety Advisory Committees for any of the islands of the Kingdom.

- (2) The members of the District Committees shall include representatives of relevant non-government organisations active within the respective islands.
- (3) The District Committees shall be chaired by the respective Governors or Government representatives.
- (4) The functions of District Committees shall be as determined by the Minister, and may relate to any matter concerning the use and regulation of living modified organisms as provided for by this Act.

## 8. Role of the Ministry

For matters relating to the Cartagena Protocol, the Ministry shall be the designated focal point and shall be responsible for:

- (a) providing secretariat and support services to the Committee and District Committees;
- (b) communicating notices, information and reports to the Biosafety Clearing House, and as otherwise required by the Cartagena Protocol;
- (c) dealing with requests for the review of decisions in accordance with Article 12 of the Cartagena Protocol, and referring such matters to the Committee with such reports and additional information as is required for a decision to be effectively reviewed;
- (d) arranging for and facilitating the review of risk assessments undertaken in accordance with this Act and the Cartagena Protocol;
- (e) establishing and maintaining appropriate mechanisms, measures and strategies for the regulation, management and control of risks associated with living modified organisms and the application of modern biotechnology within the Kingdom;
- (f) implementing measures to control and prevent unintentional and illegal transboundary movements of living modified organisms, and to respond to such movements, including the taking of necessary emergency responses;
- (g) ensuring that living modified organisms which are subject to transboundary movement are handled, packaged and transported under conditions of safety, and that relevant international standards and rules are applied in this regard;
- (h) liaising with and providing assistance to other Ministries and agencies to ensure that living modified organisms within the Kingdom, or proposed to be imported into the Kingdom, are used, handled, stored and transported in accordance with the requirements of this Act and the Cartagena Protocol, and that –
  - (i) they are packaged and labelled so as to disclose their living modified organism content; and

**14. Confidential information**

- (1) When giving notice under section 11 or providing any additional information that is required, the notifier may indicate that certain information is of a confidential nature, if it is information other than:
  - (a) the name and address of the notifier;
  - (b) a general description of the living modified organism or organisms;
  - (c) a summary of the risk assessment undertaken; and
  - (d) any proposed methods and plans for emergency response.
- (2) If the Secretary is satisfied that the nature of the information justifies it being kept confidential, the information may only be provided to members of the Committee, persons undertaking the relevant risk assessment and environment officers.
- (3) No person, to whom the information has been provided under sub-section (2), may disclose it to any other person, and it may not be used for any commercial purpose within the Kingdom, except with the written consent of the notifier.
- (4) If the Secretary is not satisfied that the nature of the information justifies it being kept confidential:
  - (a) the notifier shall be advised of the Secretary's decision;
  - (b) reasons for the decision shall be provided upon request from the notifier;
  - (c) the Secretary shall consult with the notifier if requested; and
  - (d) the decision may be reviewed under section 16.

**15. Exemptions from the procedure**

- (1) The Committee may exempt the importation of a living modified organism from the provisions of this Act where the notice given under section 11 indicates that the living modified organism is:
  - (a) to be in transit through the Kingdom;
  - (b) to be the subject of contained use within the Kingdom;
  - (c) is for direct use as food, feed or for processing;
  - (d) of a type that the State Parties to the Cartagena Protocol have agreed is unlikely to have adverse effects on biological diversity or pose a risk to human health;
  - (e) of a type that the Committee considers to be within the scope of any notice given under Article 13 of the Cartagena Protocol, and if all requirements of other laws are met in relation to its import into the Kingdom; and

- (e) communicate decisions made under this Act and in accordance with the Cartagena Protocol, and provide information and reports required by it;
- (f) arrange for the monitoring and reporting of the effects to the environment arising from living modified organisms and the application of modern biotechnology within the Kingdom;
- (g) approve any appropriate program of public information and education concerning living modified organisms and the implementation of the Cartagena Protocol; and
- (h) do any other act or thing necessary to:
  - (i) manage the risks associated with living modified organisms and the application of modern biotechnology within the Kingdom;
  - (ii) ensure that the Ministry fulfils its role as focal point under Article 19 of the Cartagena Protocol; and
  - (iii) effectively liaise with the Biosafety Clearing-House and the Secretariat and Conference of the Parties to the Convention.
- (2) Where the Committee has exercised a power under section 6(2) which concerns a matter specified in sub-section (1), the Secretary shall exercise the power specified in sub-section (1) in a manner which is consistent with the decision or determination of the Committee.

**10. Other statutory powers not to be affected**

- (1) No power or requirement provided for in any other Act is to be affected by or derogated from, by any provision of this Act, and all approvals, permits and licences required to be obtained in relation to the importation, exportation, development, use, storage, handling or movement of any living modified organism shall be obtained under any applicable Act, notwithstanding that additional provision is made under this Act.
- (2) Without limiting the generality of sub-section (1), any person seeking to import, export, develop, use, store or handle a living modified organism in the Kingdom shall comply with all statutory requirements applying to the particular living modified organism under laws relating to:
  - (a) plant and animal quarantine and disease control;
  - (b) the assessment of impacts on the environment;
  - (c) the use of pesticides;
  - (d) the importation and exportation of fish and the development of aquaculture;
  - (e) the carriage of goods by air or sea; and
  - (f) the development and use of medicinal drugs.

- (3) Nothing in this Act shall affect or derogate from the exercise of any power under any Act, or the obligation to comply with any Act relating to:
- (a) the importation, exportation and transportation of living organisms;
  - (b) the assessment of impacts of activities on the environment;
  - (c) the protection of human health;
  - (d) the development, sale and use of therapeutic goods;
  - (e) the establishment and undertaking of business activities; and
  - (f) consumer protection and the provision of product information to consumers.

### PART III - IMPORT PROCEDURE

#### 11. Notices of transboundary movements

- (1) No living modified organism may be imported into the Kingdom unless notice of the intended transboundary movement has been given to the Secretary by the exporter or the competent authority of the country from where the living modified organism is to be exported.
- (2) A notice given under sub-section (1) shall be:
  - (a) in the prescribed form;
  - (b) accompanied by the prescribed fee; and
  - (c) delivered to the Secretary.
- (3) The Secretary shall acknowledge the receipt of the notice within 90 days of its receipt, and the acknowledgement shall state:
  - (a) the date of receipt of the notice;
  - (b) whether the notice appears to be in compliance with sub-section (2)(a); and
  - (c) whether an approval is required from the Committee under section 12, or that it has determined that the approvals required by other applicable laws in the Kingdom shall be sufficient authorisation for the intended transboundary movement.
- (4) Any failure to acknowledge receipt in accordance with sub-section (3) shall not be deemed to be consent to the importation of the living modified organism.

#### 12. Approvals for imports

- (1) Subject to section 15, this section shall apply to all imports of living modified organisms notified under section 11, unless the Secretary has given notice under section 11(3)(c), that the Committee has determined that other applicable laws shall constitute sufficient authorisation.

- (2) Subject to sub-section (1), no living modified organism may be imported into the Kingdom unless approval for the transboundary movement has been given by the Committee under this section.
- (3) After consideration of the intended transboundary movement of any living modified organism under section 13, the Committee shall, within 270 days of the receipt of the notice relating to it,:
  - (a) approve the import, with or without conditions;
  - (b) prohibit the import;
  - (c) request additional information from the notifier;
  - (d) advise the notifier that the time required for the determination of the matter is to be extended by a stated period; or
  - (e) defer a decision until the costs associated with the required risk assessment have been paid.
- (4) Reasons for any decision shall be provided to the notifier, unless the decision is an unconditional approval for the import.
- (5) Any failure to communicate a decision in accordance with sub-section (3) may not be deemed to be consent to the importation of the living modified organism.

#### 13. Scientific risk assessments

- (1) Decisions made under section 12(3) shall be based upon risk assessments which shall:
  - (a) comply with any general requirements imposed by the Committee;
  - (b) be in accordance with any requirements imposed by the Secretary under this Act;
  - (c) be undertaken in a scientifically sound manner taking into account recognised risk assessment methodologies and techniques;
  - (d) be based upon the information supplied in the notice given under section 11 and other available scientific evidence to identify and evaluate possible adverse effects on biological diversity and risks to human health; and
  - (e) be reviewed and assessed by the Secretary.
- (2) Risk assessments shall be undertaken by the exporter and the cost of them shall be the responsibility of the notifier or the exporter, unless the Secretary determines otherwise.
- (3) Nothing in this Act shall prevent a risk assessment being undertaken in conjunction with any assessment required under any other Act applying to the importation of a living modified organism.

and shall consult with any affected or potentially affected country to enable them to determine appropriate responses, including the taking of emergency measures.

- (4) A notice given under sub-section (3) shall comply with Article 17(3) of the Cartagena Protocol.

## 22. Illegal releases and transboundary movements

- (1) No person may permit, arrange, assist with, counsel, procure, aid or abet a release of a living modified organism within the Kingdom, if the release:
- (a) does not require approval under this Act; or
  - (b) arises from the breach of a condition of any approval given under this Act.
- (2) No person may permit, arrange, assist with, counsel, procure, aid or abet a transboundary movement of a living modified organism from the Kingdom, if the transboundary movement –
- (a) does not require approval consistent with the Cartagena Protocol; or
  - (b) arises from the breach of a condition of any approval given in relation to it.
- (3) In addition to any other penalty imposed for a breach of this section, the person responsible for the breach may be ordered to pay the costs associated with the disposal of the living modified organism, including all costs associated with its repatriation from or destruction in any country to which it has been permitted to move.

## PART V - MISCELLANEOUS

### 23. Offences

- (1) Any person who:
- (a) imports a living modified organism into the Kingdom in respect of which no notice has been given as required under this Act;
  - (b) fails to give any notice required under this Act;
  - (c) fails to fully disclose all information known to be relevant to the living modified organism in a notice or application relating to it;
  - (d) imports a living modified organism into the Kingdom without having an approval required under this Act;
  - (e) fails to comply with any condition or requirement imposed under this Act;
  - (f) fabricates any risk assessment, or misrepresents any matter associated with a risk assessment, undertaken in accordance with this Act;

- (f) a pharmaceutical for human consumption that is addressed by other relevant agreements and subject to the control of other international organisations.
- (2) The Committee may, in granting an exemption under sub-section (1), impose any conditions or requirements relating to the use, storage, handling or movement of the living modified organism to minimise any impact on biological diversity or risk to human health.
- (3) The Committee may, in granting an exemption for living modified organisms intended for direct use as food, feed or for processing, require that the first import of such an organism shall be subject to a risk assessment in accordance with Annex III of the Cartagena Protocol and approval by the Committee, and any decision in relation to that import shall be given not later than 270 days after notice has been given.

Provided that the failure to make or communicate a decision within 270 days may not be deemed to be consent to the importation of the living modified organism.

### 16. Review of decisions

- (1) An exporter or person who has given notice under section 11 may request the Minister to review any decision made by the Committee or the Secretary under this Act, on the grounds that:
- (a) a change in circumstances has occurred that may influence the outcome of the risk assessment upon which a decision has been based; or
  - (b) additional relevant scientific or technical information has become available since the decision was made.
- (2) Upon receipt of a request under sub-section (1), the Minister shall respond in writing to the request within 30 days of its receipt, and shall:
- (a) provide the reasons given for the decision that is the subject of the request for review;
  - (b) indicate whether a further risk assessment is to be undertaken;
  - (c) refer the matter, together with all relevant information that has been provided in support of the request, to the Committee; and
  - (d) otherwise deal with the review of the decision in the manner prescribed by Regulations.
- (3) The Committee may review and change any decision made under this Act on the grounds stated in sub-section (1) on its own motion, and in that event the notifier shall be informed of the change of decision within 30 days.
- (4) No change of decision made under this section shall avoid the requirement to give notices under section 11 for subsequent imports of the living

modified organism to which the change of decision relates, or prevent the Secretary from requiring that risk assessments be undertaken in relation to the subsequent imports.

#### **PART IV - OTHER REGULATORY REQUIREMENTS**

##### **17. Exportation of Living Modified Organisms**

- (1) A person who, exports any living modified organism from the Kingdom to a State Party, shall, prior to the export of the organism, give written notice to:
  - (a) the Secretary; and
  - (b) the competent authority in the country where the organism is being exported to.
- (2) A notice given under sub-section (1) shall:
  - (a) contain the information specified in Annex 1 to the Cartagena Protocol;
  - (b) contain any further information required by the Ministry or the relevant competent authority; or
  - (c) otherwise be in compliance with any Regulation prescribing matters relevant to the export of living modified organisms from the Kingdom.
- (3) No export of a living modified organism may be made from the Kingdom to any State Party unless:
  - (a) it is approved by the competent authority of the State Party;
  - (b) it is in accordance with any conditions imposed by the relevant competent authority; and
  - (c) it has any other approval required under any law.
- (4) No living modified organism may be exported to a non-State Party without the approval of the Committee.

##### **18. Transit of Living Modified Organisms**

No living modified organisms may be brought into the Kingdom in transit to any other country unless:

- (a) notice has been given under section 11;
- (b) any condition imposed under section 15(2) is complied with; and
- (c) the requirements of any law relating to customs and excise, quarantine and any other relevant matter are complied with.

##### **19. Use for food, feed and for processing**

- (1) No person may use any living modified organism as food, feed or for processing in the Kingdom, unless:

- (a) section 15(3) has been complied with, if it is being imported into the Kingdom for the first time; and
  - (b) all relevant laws regulating its use are complied with, in every case.
- (2) The Ministry shall, where approval is given for the direct use of a living modified organism as food, feed or for processing under any relevant law, and the living modified organism may be subject to transboundary movement from the Kingdom:
    - (a) notify the Biosafety Clearing-House in accordance with Annex II of the Cartagena Protocol, within 15 days of an approval for export being given; and
    - (b) give other notices and information in accordance with Article 11(1) and 11(3) of the Cartagena Protocol.

##### **20. Contained use**

Any contained use of a living modified organism within the Kingdom shall be in accordance with any condition, requirement or restriction:

- (a) imposed under any relevant law; and
- (b) prescribed by Regulations, which shall not be inconsistent with the procedures and requirements imposed under any relevant law.

##### **21. Unintentional release and transboundary movements**

- (1) Any person who permits or becomes aware of an unintentional release of a living modified organism into the environment within the Kingdom, or an unintentional transboundary movement of a living modified organism from the Kingdom, shall immediately notify the Ministry and provide such information as the Secretary may require.
- (2) An unintentional release or transboundary movement of a living modified organism for the purposes of this section, is one which –
  - (a) does not require approval under this Act; or
  - (b) arises from the breach of a condition of any approval given under this Act, but which has not been intentionally released or moved by any person having control of it.
- (3) Upon receiving a notice under sub-section (1), the Ministry shall immediately give notice of the unintentional release or transboundary movement to:
  - (a) the members of the Committee;
  - (b) the Biosafety Clearing-House;
  - (c) any affected or potentially affected State Party or non-State Party; and
  - (d) any other international organisation which the Secretary determines,



- (g) fabricates or misrepresents any scientific or technical information relied upon for the purposes of requesting a review of any decision under this Act;
- (h) exports a living modified organism from the Kingdom in respect of which no notice has been given under this Act;
- (i) exports a living modified organism from the Kingdom without having an approval under this Act;
- (j) fails to notify the Ministry of an unintentional release of a living modified organism or an unintentional transboundary movement of a living modified organism; or
- (k) fails to comply with any other obligation or requirement imposed under this Act,

commits an offence and shall be liable upon conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years, or to both.

- (2) Any person who provides false information in or for any notice given under this Act or when required under this Act to provide any information, commits an offence and shall be liable upon conviction to a fine not exceeding \$15,000.
- (3) Any person who divulges or deals with confidential information contrary to section 13(2) or (3) commits an offence and shall be liable upon conviction to a fine not exceeding \$15,000.

#### **24. Designated environment officers**

- (1) The Minister may, by notice in the Gazette, designate any person as an environment officer for purposes of exercising the powers under this Act.
- (2) For the purposes of enforcing the provisions of this Act, all environment officers may exercise the powers relating to investigating, monitoring, prosecuting and preventing the continuation of any breach that are vested in them in any other Act.
- (3) In relation to any living modified organism which has been imported into the Kingdom in contravention of this Act, or which is or remains in the Kingdom in breach of this Act or any condition imposed under it, an environment officer may:
  - (a) seize the living modified organism;
  - (b) destroy the living modified organism as determined by the Committee; or
  - (c) deliver the living modified organism to an officer of another Ministry to be dealt with in accordance with law.

- (4) Nothing in this Act shall affect the powers to search, seize and deal with items under laws relating to plant and animal quarantine, customs and excise and any other law that has application to the development, use, handling, storage or movement of living modified organisms.

## 25. Regulations

- (1) The Minister may, with the consent of Cabinet, make Regulations for the purposes of implementing the provisions of this Act and the Cartagena Protocol, which are not inconsistent with this Act.
- (2) Without limiting the generality of sub-section (1), the Regulations may make provision in relation to:
- any forms or fees relating to any notice, approval or other procedure under this Act;
  - the keeping of information confidential as provided by this Act;
  - any requirements, consistent with laws regulating the carriage of goods by air or sea, relating to the transportation of living modified organisms;
  - emergency responses to any unintentional or unlawful release of a living modified organism, or any other release which has, or may have, an adverse impact on biological diversity or which poses a risk to human health; and
  - the application of agreed rules and procedures relating to liability and redress for damage resulting from transboundary movements of living modified organisms.
- (3) Regulations made under sub-section (1) may prescribe offences and impose penalties of fines not exceeding \$10,000.

## 26. Delegation

The Minister may delegate in writing any of his powers under this Act to designated environment officers.

## 27. Indemnities

No person exercising any power under this Act shall be liable for any loss or damage in relation to any exercise of such power.

Passed by the Legislative Assembly this 29 day of October 2009.

## LAO FAKAANGAANGA KI HE MALU 'O E NGA AHI ME'AMO'UI 2009

### Fokotu'utu'u 'o e Ngaahi Kupu

#### KONGA I-TALATEU

- Hingoa nounou
- 'UHINGA'i lea
- Founga tokanga
- Ha'i 'e he Lao 'a e Kalauni

#### KONGA II – NGA AHI FATONGIA PULE

- Kômiti Fale'i Fakafonua ki he Malu 'o e Me'amo'ui
- Ngaahi fatongia 'o e Kômiti
- Ngaahi Kômiti Fale'i Fakavahe ki he Malu 'o e Me'amo'ui
- Fatongia 'o e Potungâue
- Ngaahi mafai 'o e Sekelitali
- 'Ikai uesia 'a e ngaahi mafai fakalao kehe

#### KONGA III - FOUNGA NGÂUE HÛ MAI

- Fanongonongo 'o e fe'aveaki fakavaha'afonua
- Ngaahi ngofua ke hû mai
- Sivi fakasaïenisi 'o e ala ke hoko
- Fakamatala fakapulipuli
- Faka'atâ mei he founga ngâue
- Vakai'i 'a e ngaahi tu'utu'uni

#### KONGA IV - NGA AHI FIEMA'U PULE'I KEHE

- Hû atu 'o e Me'amo'ui kuo Liliu hono Fa'unga Fakaenatula
- Fakafou 'o e Me'amo'ui kuo Liliu hono Fa'unga Fakaenatula
- Ngâue'aki ki he me'atokoni, fafanga mo e ngaohi'aki
- Ngâue'aki fakangatangata
- Tukuange mo e fe'aveaki fakavaha'afonua 'ikai'ilo ki ai
- Tukuange mo e fea'aveaki fakavaha'afonua ta'efakalao

#### KONGA V - NGA AHI ME'A KEHE

- Ngaahi Hia
- Kau 'ofisa 'ataakai kuo vahe'i
- Ngaahi Tu'utu'uni
- Vahe'i
- Malu'i

- (3) Kuo pau ke hoko 'a e Sekelitali ko e Sea Le'ole'o 'i he taimi 'e 'ikai ma'u fakataha ai 'a e Minisita.
- (4) 'E ngofua ki he Sea ke fakakau ha taha ki he Komiti 'i he'ene taau.
- (5) Kuo pau ki he Potungaue ke fakahoko 'a e ngaahi ngaue fakasekelitali ki he Komiti.
- (6) Kuo pau ke tu'utu'uni 'e he Komiti 'a hono ngaahi founa ngaue.
- (7) 'E ngofua ke totongi 'a e kau memipa 'o e Komiti 'o fakataua ki he ngaahi tu'utu'uni ngaue mo e founa ngaue lolotonga 'a e Pule'anga.
- (8) 'E ngofua ki he Kômiti ke fakamafai'i 'a e Sekelitali ke ne ngâue'aki ha mafai felâve'i mo e ni'ihi 'o hono ngaahi fatongia 'i ha founa 'oku fenapasi mo e ngaahi founa ngaue kuo tali 'e he Kômiti.

#### 6. Ngaahi Fatongia 'o e Kômiti

- (1) Kuo pau ke hoko 'a e Kômiti ko e Mafai Pule Fe'unga Fakafonua 'i he Pule'anga ki he ngaahi me'a kotoa 'oku tupu mei he Lao Fakavaha'a-Pule'anga Katahina.
- (2) Kuo pau ko e ngaahi fatongia 'o e Kômiti ko e ma'u mafai fe'unga, ke:
  - (a) tokanga'i 'a e fakahoko 'i he Pule'anga 'a e ngaahi ngâue kotoa 'a e Lao Fakavaha'a-Pule'anga Katahina, kau ki ai 'a e Founa Aleapau Fakalalaka Fakaha;
  - (b) fakamafai hono 'oatu 'o ha fanongonongo 'oku fiema'u 'i he Lao'ni mo e Lao Fakavaha'a-Pule'anga Katahina, ke 'oatu 'e he pe fakafongia'i 'a e Pule'anga ;
  - (c) tu'utu'uni mo vakai'i 'a e ngaahi founa 'oku taau fakapa'anga 'a ia 'e fakahoko 'aki 'a e ngaahi sivi 'o e 'ala ke hoko, 'i ha founa fakasaenisi lelei 'i hono fiema'u 'e he Lao Fakavaha'a-Pule'anga Katahina;
  - (d) fa'u pe fakapapau'i 'a e ngaahi tu'utu'uni 'oku fenapasi mo e ngaahi tu'utu'uni 'a e Lao Fakavaha'a-Pule'anga Katahina, kau ki ai:
    - (i) 'a e faka'ataa 'o e ngaahi me'amo'ui pau kuo liliu hono fa'unga fakaeatula mei he ngaahi fiema'u 'o e Konga III 'aki hono ngâue'aki taau 'o e 'Atikolo 13 'o e Lao Fakavaha'a-Pule'anga Katahina; mo e
    - (ii) vakai'i 'o e ngaahi tu'utu'uni fakataua ki he 'Atikolo 12 'o e Lao Fakavaha'a-Pule'anga Katahina;
  - (e) siofi 'a e langa fakalalaka, ngâue'aki, fetuku mo e fe'aveaki fakavaha'afonua 'o e ngaahi me'amo'ui kuo liliu hono fa'unga fakaeatula 'i he Pule'anga, mo e ngaahi me'a kotoa felâve'i mo e ngâue'aki 'o e tekinolosioa fakaeonopooni ki he me'amo'ui, mo fokotu'u 'a e ngaahi tali ki ha ngaahi fe'aveaki fakavaha'a fonua ta'e 'ilo ki ai mo ta'efakalao;

## Tonga.

## Fika 19 'o e 2009



'Oku ou loto ki ai,

SIAOSI TUPOU V,

2 'o Ma'asi, 2010.

## KO E LAO

### KE PULE'I 'A E NGAHI ME'AMO'UI KUO LILIU HONO FA'UNGA FAKAENATULA MO E NGAUE'AKI 'O E NGAHI TEKINOLOSIA FAKAEONOPOONI KI HE ME'AMO'UI

[29 'o 'Okatopa, 2009].

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

### KONGAI - TALATEU

#### 1. Hingoa nounou

'E ui 'a e Lao ni ko e Lao ki he Malu 'o e Ngaahi Me'amo'ui 2009.

#### 2. 'UHINGA'I lea

'I he Lao'ni tukukehe ka fiema'u ha toe 'uhinga kehe:

"Founa Aleapau Fakalalaka Fakahâ" 'oku 'uhinga ki he founa aleapau fakalalaka fakaha 'oku tu'utu'uni 'i he Lao Fakavaha'a-Pule'anga Katahina;

"fa'ahinga kehekehe 'o e me'amoui" 'oku 'uhinga mo ngâue'aki tataua mo e 'uhinga 'i he Konivçsio;

"Fale Ma'u'anga Fakamatala ki he Malu 'o e Me'amo'ui" 'oku 'uhinga ki he fale ma'u'anga fakamatala ki he malu 'o e me'amo'ui kuo fokotu'u 'i he Lao Fakavaha'a-Pule'anga Katahina;

"Komiti" 'oku 'uhinga ki he Kômiti Fale'i Fakafonua ki he Malu 'o e Me'amo'ui 'oku fokotu'u 'i he kupu 5;

"Konivçsio" 'oku 'uhinga ki he Konivçsio ki he Fa'ahinga Kehekehe 'o e Me'amo'ui;

"Lao Fakavaha'a-Pule'anga Katahina" 'oku 'uhinga ki he Lao Fakavaha'a-Pule'anga Katahina ki he Fa'ahinga Kehekehe 'o e Me'amo'ui ki he Konivçsio na'e fakahoko 'i Montreal 'i Sanuali 2000 pea mo e ngaahi fakatonutonu ki ai;

“ngâue’aki fakangatangata” ‘oku ‘uhinga ki ha ngâue,’oku fakahoko ‘i loto ‘i ha fale, fa’unga pe ha me’a kehe kuo fa’u, ‘oku kau ai ‘a e ngaahi me’amo’ui kuo liliu hono fa’unga fakaenatula kuo pule’i ‘aki ha ngaahi founa pau te’ne fakangatangata mo’oni ‘enau fetu’utaki mo ‘enau uesia, ‘a e ‘atakai ‘i tu’a;

“Kômiti Fakavahe” ‘oku ‘uhinga ki he Kômiti Fale’i Fakavahe ki he Malu ‘o e Me’amo’ui kuo fokotu’u ‘i he kupu 7;

“ofisa ‘atakai” ‘oku ‘uhinga ki ha ‘ofisa kuo fokotu’u ‘i he kupu 24(1) ‘o e Lao ni;

“hû atu” ‘oku ‘uhinga ki hono ‘ave ‘i he ‘ilo pau mei he Pule’anga ki ha Fonua kehe;

“taha ‘oku ne hû atu” ‘oku ‘uhinga ki ha taha, ‘oku ‘i he mafai ‘o e Fonua ‘oku hû atu, ‘a ia ‘oku ne fokotu’utu’u ke hû atu ki tu’a ha me’amo’ui kuo liliu hono fa’unga fakaenatula;

“hû mai” ‘oku ‘uhinga ki hono ‘omai ‘i he ‘ilo pau ki he Pule’anga mei ha Fonua kehe;

“taha ‘oku ne hû mai” ‘oku ‘uhinga ki ha taha, ‘i loto ‘i he Pule’anga ‘oku hû atu, ‘a ia ‘oku ne fokotu’utu’u ke hû mai ha me’amo’ui kuo liliu hono fa’unga fakaenatula;

“me’amo’ui kuo liliu hono fa’unga fakaenatula” ‘oku ‘uhinga ki ha me’amo’ui ‘oku tuifio ai ‘a e ngaahi fa’unga tupu’anga kuo ma’u mei hono ngâue’aki ‘o e ngaahi tekinolosia fakaeonopooni ki he me’amo’ui;

“me’amo’ui” ‘oku ‘uhinga ki ha me’amo’ui ‘oku malava ke ne fetuku pe hikitatau ha fa’unga tupu’anga, kau ai ‘a e ngaahi me’amo’ui haohaoa, ngaahi vailasi mo e ngaahi vailoiti;

“Minisitâ” ‘oku ‘uhinga ki he Minisitâ ‘o e ‘Atakai;

“Potungâue” ‘oku ‘uhinga ki he Potungâue ‘o e ‘Âtakai;

“tekinolosia fakaeonopooni ki he me’amo’ui” ‘oku ‘uhinga ki hono ngâue’aki ‘o e:

- (a) ngaahi founa ngaahi ‘esiti fa’unga ‘o e me’amo’ui, kau ki ai ‘a e ngaahi ‘esiti fa’unga hokohoko (DNA) mo hono huhu hangatonu ‘o e ngaahi ‘esiti fa’unga ki he ngaahi kupu fa’unga pe ngaahi kongia;
- (b) fakataha’i ‘a e ngaahi kupu fa’unga mei ha ongo famili kehekehe, ‘a ia ‘oku ne lava’i ‘a e ngaahi fakangatangata fakafanau fakaenatula ‘o e sino pe toe fakatahataha’i, ‘oku ‘ikai ko ha ngaahi founa ‘oku angamaheni ki he fakafanau mo e fakafa’ahinga; pe
- (c) ha founa ngaahi pç founa kuo tu’utu’uni ‘e he Ngaahi Tu’utu’uni kuo fakahoko ‘i he Lao’ni.

“Fonua Memipa” ‘oku ‘uhinga ki ha Memipa ki he Lao Fakavaha’a-Pule’anga Katahina;

“Sekelitali” ‘oku ‘uhinga ki he Sekelitali ki he ‘Atakai; mo e

“fe’aveaki fakavaha’afonua” ‘oku ‘uhinga ki he fe’aveaki ‘o ha me’amo’ui kuo liliu hono fa’unga fakaenatula mei he Pule’anga ki ha Fonua Memipa kehe, pe mei ha Fonua Memipa kehe ki he Pule’anga, pea ‘i he feitu’u ‘oku ha ai ‘i he Lao’ni, ‘e kau ai mo e ‘ave ki ha pe mei ha Ngaahi Fonua ‘oku ‘ikai Memipa.

### 3. Founa tokanga

- (1) Ko kinautolu kotoa pea mo e kau fakafongia ‘oku ‘i ai honau ngaahi fatongia ‘i he Lao’ni, pe ko honau ngaahi fatongia mo e mafai ‘e ala fekau’aki mo ha ngâue pe me’a kau ki he langa fakalalakaka, ngâue’aki, fetuku mo e fe’aveaki fakavaha’afonua ‘a e ngaahi me’amo’ui kuo liliu hono fa’unga fakaenatula mo ngâue’aki ‘a e ngaahi tekinolosia fakaeonopooni ki he me’amo’ui ‘i he Pule’anga, kuo pau ke nau ngâue’aki ‘a e founa tokanga ‘i hono fakahoko honau ngaahi fatongia mo e ngaahi ngaue, pe ngâue’aki honau ngaahi mafai.
- (2) Koe’uhi ko e ngaahi taumu’a ‘o e kupu ni, ‘e ngâue’aki ‘a e founa tokanga kapau ‘e ‘i ai ha faka’ilonga ‘o ha maumau ‘e hoko ki he ‘âtakai pe ha me’a ‘e ala hoko ki he mo’ui lelei ‘a e kakai ‘i he Pule’anga, pea ‘ikai ha fakapapai’i fakasaienisi fekau’aki mo e lahi ‘o e ola kovi ‘oku ‘ikai ngâue’aki ke ta’ofi pe faka’ehi’ehi mei ha tu’utu’uni ‘oku fakahoko, ke fakasi’isi’i ‘a e ola kovi ‘e ala hoko pe ngaahi me’a ‘e ala hoko tupu mei he me’amo’ui kuo liliu hono fa’unga fakaenatula pe ko e ngâue’aki ‘o e tekinolosia fakaeonopooni ki he me’amo’ui ‘i he Pule’anga.

### 4. Ha’i ‘e he Lao ‘a e Kalauni

Kuo pau ke ha’iha’i ‘e he Lao’ a e Kalauni.

#### KONGA II - NGAHI FATONGIA PULE

### 5. Kômiti Fale’i Fakafonua ki he Malu ‘o e Me’amo’ui

- (1) ‘Oku fokotu’u heni ‘a e Kômiti Fale’i Fakafonua ki he Malu ‘o e Me’amo’ui.
- (2) Kuo pau ke kau ‘i he Komiti ‘a e Minisita, ‘a ia kuo pau ke ne hoko ko e sea, pea mo e kau fakafongia takitaha mei he;
  - (a) Potungâue ‘oku ne tokanga’i ‘a e Ngoue, Me’atokoni, Vaota mo e Toutai;
  - (b) Potungâue Mo’ui;
  - (c) Potungâue Ngaue ‘a e Kakai, Fefakatau’aki mo e Ngaahi Ngaue’anga;
  - (d) Va’a Kasitomu ‘o e Potungâue Tanaki Pa’anga Hu Mai;
  - (e) kautaha fekau’aki takitaha ‘oku ‘ikai ko ha kautaha Pule’anga; mo e
  - (f) Sekelitali.

- (g) hono tali ha polokalama taau 'o e fakamatala 'oku 'ata ki he kakai mo e ako fekau'aki mo e me'amo'ui kuo liliu hono fa'unga fakaenatula mo hono fakahoko 'a e Lao Fakavaha'a-Pule'anga Katahina; mo
- (h) hono fakahoko ha ngâue pe me'a kehe 'oku fiema'u ki hono:
- (i) pule'i 'a e ala ke hoko fekau'aki mo e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula mo e ngâue'aki 'o e tekinolosia fakaeonopooni ki he me'amo'ui 'i he Pule'anga;
- (ii) fakapapau'i 'oku fakakakato 'e he Potungâue hono fatongia ko e poini tefito 'i he 'Atikolo 19 'o e Lao Fakavaha'a-Pule'anga Katahina; pea
- (iii) fengaue'aki lelei mo e Fale Ma'u'anga Fakamatala ki he Malu 'o e Me'amo'ui mo e Sekelitali mo e Konifelenisi 'o e Ngaahi Fa'ahi ki he Konivçsio.
- (2) Kapau 'e ngaue'aki 'e he Kômiti ha mafai 'i he kupu 6(2) 'oku fekau'aki mo ha me'a kuo fakamahino'i 'i he kupusi'i (1), kuo pau ke ngâue'aki 'e he Sekelitali 'a e mafai kuo fakamahino'i 'i he kupusi'i (1) 'i ha founa 'oku fenapasi mo e tu'utu'uni pe fakakaukau 'a e Kômiti.

#### 10. 'Ikai uesia 'a e ngaahi mafai fakalao kehe

- (1) 'E 'ikai uesia 'e he pe fakahoko 'o kehe mei ha mafai pe fiema'u kuo tu'utu'uni 'i ha Lao kehe, 'e ha tu'utu'uni 'i he Lao'ni, pea ko e ngaahi fakangofua, ngaahi ngofua mo e ngaahi laiseni 'oku fiema'u ke ma'u felâve'i mo e hû mai, hû atu, langa fakalalakaka, ngâue'aki, tauhi, fetuku pe fe'aveaki 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula kuo pau ke ma'u ia 'i he Lao 'oku ngaue'aki ki ai, neongo pe 'a e tu'utu'uni fakalahi kuo fakahoko 'i he Lao'ni.
- (2) 'O 'ikai fakangatangata 'a e fakalukufua 'o e kupusi'i (1), ka 'i ai ha taha te ne feinga ke hû mai, hû atu, langa fakalalakaka, ngâue'aki, tauhi pe fetuku ha me'amo'ui kuo liliu hono fa'unga fakaenatula 'i he Pule'anga, kuo pau ke ne faipau ki he ngaahi fiema'u fakalao 'oku ngâue'aki ki ha me'amo'ui kuo liliu hono fa'unga fakaenatula ko ia 'i he ngaahi lae felâve'i mo e:
- (a) kolonitini 'o e monumanu mo e 'akau mo e pule'i 'o e mahaki;
- (b) fakafuofua'i 'a e uesia 'o e 'âtakai;
- (c) ngâue'aki 'o e me'a tamate manu maumau;
- (d) hû mai mo hû atu 'o e ika mo e langa fakalalakaka 'o e faama'i 'o e me'amo'ui 'o 'ôseni;
- (e) feuta'aki 'o e ngaahi koloa i he 'atâ pç tahi; mo e
- (f) langa fakalalakaka mo ngâue'aki 'o e me'a fakafaito'o.

- (f) fa'u mo fakahoko 'a e ngaahi tu'utu'uni ngâue 'oku fenapasi mo e Lao'ni pea mo e Lao Fakavaha'a-Pule'anga Katahina, 'oku ne fakatokanga'i 'a e ngaahi uesia 'e he ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula 'a e ngaahi kolo mo e ngaahi 'elia 'i he Pule'anga;
- (g) fokotu'utu'u hono teuteu 'o e ngaahi lipooti, mo fakamafai 'a e tuku atu 'o e ngaahi fakamatala 'o fakatatau mo e Lao'ni mo e Lao Fakavaha'a-Pule'anga Katahina; mo
- (h) fakapapau'i 'oku fakaha kakato ki he Kapineti, mo e ngaahi Potungâue mo e kau fakafongongoa kotoa 'a e tukuange ta'e 'ilo ki ai ha me'amo'ui kuo liliu hono fa'unga fakaenatula 'i he Pule'anga, pea mo ha me'a kehe fekau'aki mo e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula 'a ia te ne ala uesia 'a e lelei 'o e fonua pe ko e mo'ui lelei 'o hono kakai.

#### 7. Ngaahi Kômiti Fale'i Fakavahe ki he Malu 'o e Me'amo'ui

- (1) 'E ngofua ki he Minisitâ ke fokotu'u ha Ngaahi Kômiti Fale'i Fakavahe ki he Malu 'o e Me'amo'ui ki ha motu 'i he Pule'anga.
- (2) Kuo pau ke kau atu ki he kau memipa 'o e Ngaahi Komiti Fakavahe 'a e kau fakafongongoa 'o e ngaahi kautaha fekau'aki 'oku 'ikai ko ha kautaha Pule'anga 'oku lolotonga ngâue 'i he ngaahi motu ko ia.
- (3) Kuo pau ke sea 'i he ngaahi Kômiti Fakavahe 'a e Kovana pe fakafongongoa Pule'anga.
- (4) Kuo pau ko e ngaahi fatongia 'o e Ngaahi Kômiti Fakavahe 'i hono tu'utu'uni 'e he Minisitâ, pea 'e ngofua ke felâve'i mo ha me'a kau ki he ngâue'aki mo e pule'i 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula 'o hange ko ia kuo tu'utu'uni 'i he Lao'ni.

#### 8. Fatongia 'o e Potungâue

- 'I he ngaahi me'a felâve'i mo e Lao Fakavaha'a-Pule'anga Katahina, kuo pau ke hoko 'a e Potungâue ko e poini tefito kuo vahe'i pea kuo pau ke ne tokanga'i hono:
- (a) fakahoko 'a e ngaahi ngâue fakasekelitali mo e pou pou ki he Kômiti pea mo e Ngaahi Kômiti Fakavahe;
- (b) fakahoko 'a e ngaahi fanongongongoa, fakamatala mo e ngaahi lipooti ki he Fale Ma'u'anga Fakamatala ki he Malu 'o e Me'amo'ui, pe kehe ange 'e fiema'u 'e he Lao Fakavaha'a-Pule'anga Katahina;
- (c) ngâue ki he ngaahi kole ke vakai'i 'a e ngaahi tu'utu'uni 'o fakatatau ki he 'Atikolo 12 'o e Lao Fakavaha'a-Pule'anga Katahina, pea 'oatu 'a e ngaahi me'a ko ia ki he Kômiti mo e ngaahi lipooti mo e fakamatala fakalahi ko ia 'e fiema'u ki hono toe vakai'i lelei ha tu'utu'uni;

- (d) fokotu'utu'u ki he mo fakafaingofua'i 'a e vakai'i 'o e ngaahi sivi 'o e ala ke hoko kuo fakahoko 'o fakatatau ki he Lao'ni moe Lao Fakavaha'a-Pule'anga Katahina;
- (e) fokotu'u mo tauhi 'a e ngaahi founa, ngaahi founa ngaue mo e ngaahi fokotu'utu'u ngâue taau ki hono tu'utu'uni, pule'i lelei mo pule'i 'a e ngaahi me'a 'e ala hoko kau ki he me'amo'ui kuo liliu hono fa'unga fakaenatula pea mo e ngâue'aki 'a e tekinolosia fakaenopooni ki he me'amo'ui 'i he Pule'anga;
- (f) fakahoko 'a e ngaahi founa ke pule'i mo ta'ofi 'a e ngaahi fe'aveaki fakavaha'afonua 'ikai 'ilo ki ai pe ta'efakalao 'o e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula, pea ke fakahoko ha ngâue ki he ngaahi fe'aveaki ko ia, kau ki ai hono fakahoko ha ngaahi ngâue 'oku fiema'u ke tali 'aki ha ngaahi me'a fakatu'upakç;
- (g) fakapapau'i ko e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatulu 'a ia 'oku taumu'a ke fe'aveaki fakavaha'afonua 'oku fetuku, fa'o mo fe'aveaki 'i he ngaahi tu'unga malu, pea ngâue'aki ki ai 'a e ngaahi tu'unga mo e ngaahi tu'utu'uni Fakavaha'a-Pule'anga fekau'aki;
- (h) fengaue'aki mo e pea 'oatu ha tokoni ki he ngaahi Potungâue mo e kau fakafofonga kehe ke fakapapau'i ko e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula 'i he Pule'anga, pe fakataumu'a ke hu mai ki he Pule'anga, 'oku ngâue'aki, fetuku, tauhi mo fe'aveaki 'o fakatatau mo e ngaahi fiema'u 'o e Lao'ni pea mo e Lao Fakavaha'a-Pule'anga Katahina, pea:
- (i) kuo fa'o mo faka'ilonga'i koe'uhi ke fakahâ 'a e 'i ai 'a e me'amo'ui kuo liliu hono fotunga fakaenatula; mo
- (ii) faka'ilonga'i ha founa kehe 'a ia ko e pe 'oku 'i ai 'a e me'amo'ui kuo liliu hono fa'unga fakaenatula 'a ia 'oku fiema'u 'i ha lao pea 'i he Lao Fakavaha'a-Pule'anga Katahina;
- (i) fokotu'u 'a e ngaahi fakamatala pau ke pehe 'oku fakapulipuli 'o fakatatau mo e Lao ni pea mo e Lao Fakavaha'a-Pule'anga Katahina;
- (j) fakafaingofua'i mo fengaue'aki 'i hono langa fakalalakaka mo fakatokolahi 'o e kau ngâue mo e ngaahi me'a 'e ala fakahoko 'e he ngaahi kautaha 'i he Pule'anga 'i he mala'e 'o e malu 'a e me'amo'ui;
- (k) fakahoko 'a e ngaahi polokalama ki he tokangaekina 'e he kakai mo e ako felâve'i mo e me'amo'ui kuo liliu hono fa'unga fakaenatula mo e ngâue'aki 'o e tekinolosia fakaenopooni ki he me'amo'ui, pea fakafaingofua'i 'a e kakai kenau kau 'o felave'i mo e ngaahi founa kuo tu'utu'uni 'i he Lao'ni pea taumu'a ki ai 'a e Lao Fakavaha'a-Pule'anga Katahina fekau'aki mo hono ngâue'aki mo e langa fakalalakaka 'i he Pule'anga;

- (l) fakafaingofua'i 'a e ngaahi aleapau mo ha ngaahi fokotu'utu'u ha ongo fonua, fakavahefonua mo e ngaahi fonua kau ki he fe'aveaki fakavaha'afonua 'o e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula, pea mo hono vahevahe 'o e fakamatala mo e fakalelei'i 'o e ngaahi tu'unga fakahoko ngaue fakakautaha ki he ngaahi taumu'a ke ngâue'aki 'a e ngaahi tu'utu'uni 'i he Lao Fakavaha'a-Pule'anga Katahina;
- (m) fakapapau'i 'oku fakatokanga'i 'a e ngaahi 'ulungaanga mo e ngaahi me'a tukufakaholo 'o e Pule'anga 'i hono fakakaukau'i 'o e langa fakalalakaka mo ngâue'aki 'a e me'amo'ui kuo liliu hono fa'unga fakaenatula mo e ngâue'aki 'o e tekinolosia fakaenopooni ki he me'amo'ui; mo e
- (n) pule'i totonu 'o e Lao ni.

### 9. Ngaahi mafai 'o e Sekelitali

- (1) Kuo pau ki he Sekelitali ke ne ma'u 'a e mafai ke:
- (a) fakamahino'i 'a e ngaahi founa 'e fakahoko 'aki 'a e ngaahi sivi 'o e ala ke hoko 'o makatu'unga fakasaienisi pea mo hono lipooti, 'o kau ki ai:
- (i) 'a e ngaahi sino taau kenau fakahoko 'a e ngaahi sivi 'o e ala ke hoko;
- (ii) 'a e lahi 'o e ngaahi sivi 'o e ala ke hoko mo e ngaahi founa ke ngaue'aki; mo e
- (iii) totongi 'o e totongi (cost) ki he ngaahi sivi 'o e ala ke hoko, mo totongi fakafoki ki he Pule'anga ha ngaahi totongi fekau'aki mo e fakahoko 'o e ngaahi sivi 'o e ala ke hoko;
- (b) 'a e fiema'u ke toe fakalahi 'a e fakahoko 'o e ngaahi sivi 'o e ala ke hoko 'i hono vakai'i 'o e ngaahi tu'utu'uni 'o fakatatau ki he 'Atikolo 12 'o e Lao Fakavaha'a-Pule'anga Katahina;
- (c) 'a e fiema'u ke tuku atu ha toe fakamatala 'i he Founa Aleapau Fakalalakalaka Fakahâ, pea felâve'i mo ha me'a kehe 'oku fekau'aki mo e fakakakato 'a e ngaahi fatongia mo e ngaue'aki 'o e ngaahi totonu 'a e Pule'anga 'i he Lao Fakavaha'a-Pule'anga Katahina;
- (d) hono fakahoko 'a e ngaahi fokotu'utu'u ki he tauhi 'o e ngaahi fakamatala pau ke fakapulipuli 'o fakatatau mo e ngaahi tu'utu'uni 'o e Lao'ni mo e Lao Fakavaha'a-Pule'anga Katahina;
- (e) hono fakahoko 'a e ngaahi tu'utu'uni kuo fa'u 'i he Lao'ni pea fakatatau mo e Lao Fakavaha'a-Pule'anga Katahina, pea tuku atu 'a e fakamatala mo e ngaahi lipooti 'oku fiema'u 'i ai;
- (f) 'a e fokotu'utu'u ki hono siofi mo e lipooti 'o e ngaahi uesia ki he 'âtakai tupu mei he me'amou'i kuo liliu hono fa'unga fakaenatula pea mo e ngâue'aki 'o e tekinolosia fakaenopooni ki he me'amo'ui 'i he Pule'anga;

- (a) fakafou mai pe 'i he Pule'anga ;
  - (b) taumu'a ke ngâue'aki fakangatangata 'i he Pule'anga;
  - (c) ngâue'aki fakahangatonu ki he me'atokoni, fafanga pe ke ngaohi'aki;
  - (d) 'i ha fa'ahinga kuo felotoi 'a e Ngaahi Fonua Memipa ki he Lao Fakavaha'a-Pule'anga Katahina 'e 'ikai te ne uesia kovi 'a e fa'ahinga kehekehe 'o e me'amo'ui pe fakatupu 'a e ala ke hoko ha me'a ki he mo'ui lelei 'a e tangata;
  - (e) 'i ha fa'ahinga 'oku pehe 'e he Kômiti 'oku kau ki he fa'ahinga 'o ha fanongonongo kuo 'oatu 'i he 'Atikolo 13 'o e Lao Fakavaha'a-Pule'anga Katahina, pea kapau kuo fakakakato 'a e ngaahi fiema'u 'i he ngaahi lao kehe felâve'i mo hono hû mai ki he Pule'anga; pea
  - (f) hoko ko e faito'o ke ngâue'aki 'e he tangata kuo lave ki ai 'a e ngaahi alepau felâve'i mo ia pea fakatatau ki hono pule'i 'e he ngaahi kautaha Fakavaha'a-Pule'anga kehe.
- (2) 'E ngofua ki he Komiti, 'i he foaki ha faka'atâ 'i he kupusi'i (1), ke hilifaki ha ngaahi tu'unga pe ngaahi fiema'u felâve'i mo e ngâue'aki, tauhi, fetuku pe fe'aveaki 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula ke fakasi'isi'i ha uesia 'o e fa'ahinga kehekehe 'o e me'amo'ui pe ala ke hoko ha me'a ki he mo'ui lelei 'a e tangata.
  - (3) 'E ngofua ki he Komiti, 'i hono faka'ata 'o e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula 'oku fakataumu'a fakahangatonu ke ngâue'aki ki he me'atokoni, fafanga pç ke ngaohi'aki, ke fiema'u 'a e fuofua hû mai 'o e me'amo'ui ko ia, kuo pau ke fakahoko 'a e sivi 'o e ala ke hoko 'o fakatatau mo e Fakamatala Fakalahi III ki he Lao Fakavaha'a-Pule'anga Katahina mo hono tali 'e he Kômiti, pea ko ha tu'utu'uni felâve'i mo e hû mai ko ia kuo pau ke tuku atu 'o 'oua 'e tomui ange 'i he 'aho 'e 270 hili hono 'oatu 'a e fanongonongo.

Ka kuo pau ko e 'ikai 'oatu pç 'ikai fakahoko ha tu'utu'uni 'i loto 'i he 'aho 'e 270 'e 'ikai lau ia ko e loto ki hono hû mai 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula.

#### 16. Vakai'i 'o e ngaahi tu'utu'uni

- (1) 'E ngofua ki he taha 'oku ne hû atu pç taha fanongonongo 'i he kupu 11, ke kole ki he Minisita ke toe vakai'i ha tu'utu'uni kuo fakahoko 'e he Komiti pe Sekelitali 'i he Lao ni, 'i he ngaahi 'uhinga ko e:
  - (a) hoko ha liliu 'i he ngaahi tu'unga 'a ia te ne ala uesia 'a e ola 'o e sivi 'o e ala ke hoko 'a ia na'e makatu'unga ai 'a e tu'utu'uni; pe
  - (b) ma'u ha fakamatala fakasaenisi pç fakatekinikale fakalahi fekau'aki hili hono fakahoko 'a e tu'utu'uni.

- (3) Kuo pau 'e 'ikai ha me'a 'i he Lao'ni te ne uesia pe fakahoko 'o kehe 'i hono ngaue'aki 'o ha mafai 'i he Lao'ni, pe fatongia ke faipau ki ha Lao kau ki he:
  - (a) hû mai, hû atu mo e fe'aveaki 'o e ngaahi me'amo'ui;
  - (b) fakafuofua 'i 'a e ngaahi uesia 'e he ngaahi ngâue 'a e 'âtakai;
  - (c) malu'i 'a e mo'ui lelei 'a e tangata;
  - (d) langa fakalakalaka, fakatau atu mo e ngâue'aki 'o e ngaahi koloa fakamo'ui mahaki;
  - (e) fokotu'u mo e fakahoko 'o e ngaahi ngâue fakapisinisi; mo e
  - (f) malu'i 'o e konisiuma mo e 'oatu 'o e ngaahi fakamatala kau ki he koloa ki he kau konisiuma.

#### KONGA III - FOUNGA NGÂUE HÛ MAI

#### 11. Fanongonongo 'o e ngaahi fe'aveaki fakavaha'afonua

- (1) 'E 'ikai ngofua ke hû mai ki he Pule'anga ha me'amo'ui kuo liliu hono fa'unga fakaenatula, tukukehe ka kuo 'oatu ha fanongonongo 'o e taumu'a ke fe'aveaki fakavaha'afonua ki he Sekelitali 'e he taha 'oku ne hû atu pç ko e ma'u mafai fe'unga 'o e fonua 'oku teu ke hû atu ki ai 'a e me'amo'ui kuo liliu hono fa'unga fakaenatula.
- (2) Kuo pau ki ha fanongonongo 'oku 'oatu 'i he kupusi'i (1) ke:
  - (a) 'i he foomu kuo tu'utu'uni'i;
  - (b) 'oatu fakataha mo e totongi kuo tu'utu'uni; pea
  - (c) 'oatu ki he Sekelitali.
- (3) Kuo pau ki he Sekelitali ke fakahâ 'a e ma'u 'o e fanongonongo 'i loto 'i he 'aho 'e 90 mei hono ma'u, pea ko e fakahâ ko ia kuo pau ke hâ ai:
  - (a) 'a e 'aho na'e ma'u ai 'a e fanongonongo;
  - (b) pç 'oku ha 'oku faipau 'a e fanongonongo ki he kupusi'i (2)(a) pe 'ikai; mo e
  - (c) pç 'oku fiema'u ha ngofua mei ha Kômiti 'i he kupu 12 pe 'ikai, pç kuo ne tu'utu'uni ko e ngaahi fakangofua 'oku fiema'u 'i ha Lao kehe 'oku ngâue'aki 'i he Pule'anga kuo pau ko e fakamafai fe'unga ia ki he taumu'a ke fe'aveaki fakavaha'afonua..
- (4) Ka 'ikai 'oatu ha fakahâ kuo ma'u 'a e fanongonongo 'o fakatatau ki he kupusi'i (3) 'e 'ikai lau ia ko ha loto ke hû mai 'a e me'amo'ui kuo liliu hono fa'unga fakaenatula.

**12. Ngaahi ngofua ke hū mai**

- (1) Fakatatau ki he kupu 15, kuo pau ke ngāue'aki 'a e kupu'ni ki he kotoa 'o e ngaahi me'amo'ui kuo liliu hono fa'unga fakaenatula kuo fanongonongo 'i he kupu 11, tukukehe ka kuo 'oatu 'e he Sekelitali ha fanongonongo 'i he kupu 11(3)(c), ha tu'utu'uni 'a e Kōmiti kuo pau ke hoko pç 'a e ngaahi lao kehe 'oku ngāue'aki ko ha fakamafai fe'unga.
- (2) Fakatatau ki he kupusi'i (1), 'e 'ikai ngofua ke hū mai ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki he Pule'anga tukukehe ka kuo 'oatu ha ngofua ki he fe'aveaki fakavaha'afonua 'e he Kōmiti 'i he kupu'ni.
- (3) Hili hono fakakakau 'i 'o e taumu'a ke fe'aveaki fakavaha'afonua 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula 'i he kupu 13, kuo pau ki he Kōmiti, 'i loto 'i he 'aho 'e 270 mei hono ma'u 'o e fanongonongo felāve'i mo ia ke:
  - (a) tali ke hū mai, tatau ai pe pe 'oku 'i ai ha ngaahi tu'unga pe 'ikai;
  - (b) tapui hono hū mai;
  - (c) fiema'u ha fakamatala fakalahi mei he taha fanongonongo;
  - (d) fakaha ki he taha fanongonongo ko e taimi 'oku fiema'u ke fakahoko ai ha tu'utu'uni 'e fakalahi 'aki ha taimi 'e fakaha; pe
  - (e) toloi ha tu'utu'uni kae 'oua kuo totongi 'a e ngaahi totongi felāve'i mo e sivi 'a e ala ke hoko 'oku fiema'u.
- (4) Kuo pau ke 'oatu 'a e ngaahi 'uhinga ki he tu'utu'uni ki he taha fanongonongo, tukukehe kapau ko e tu'utu'uni ko e fakangofua ke hū mai 'oku 'ikai 'i ai hano ngaahi tu'unga.
- (5) Ka 'ikai fakahoko ha tu'utu'uni fakatatau ki he kupusi'i (3) 'e ikai ngofua ke lau ia ko ha loto ke hū mai 'a e me'amo'ui kuo liliu hono fa'unga fakaenatula.

**13. Sivi fakasaienisi 'o e ala ke hoko**

- (1) Kuo pau ke fakatefito 'a e ngaahi tu'utu'uni kuo fakahoko 'i he kupu 12(3) 'i he sivi 'o e ala ke hoko 'a ia kuo pau ke:
  - (a) faipau mo ha ngaahi fiema'u fakalukufua kuo hilifaki 'e he Kōmiti;
  - (b) fakatatau mo ha ngaahi fiema'u kuo hilifaki 'e he Sekelitali 'i he Lao ni;
  - (c) fakahoko 'i ha founa fakasaienisi lelei 'o fakatokanga'i 'a e ngaahi founa mo e ngaahi founa ngaue 'iloa 'o e sivi 'o e ala ke hoko;
  - (d) fakatefito 'i he fakamatala kuo tuku atu 'i he fanongonongo kuo fakahoko 'i he kupu 11 mo e fakamo'oni fakasaienisi kehe 'oku ma'u ke faka'ilonga'i mo fakafuofua'i 'a e ngaahi ola kovi 'e hoko 'i he fa'ahinga kehekehe 'o e me'amo'ui mo e ngaahi me'a 'e ala hoko ki he mo'ui lelei 'a e tangata; pea
  - (e) toe vakai'i mo fakafuofua'i 'e he Sekelitali.

- (2) Kuo pau ke fakahoko 'a e sivi 'o e ala ke hoko 'e he taha 'oku ne hū atu pea ko hono totongi kuo pau ko e fatongia ia 'o e taha fanongonongo pe ko e taha 'oku ne hū atu, tukukehe ka tu'utu'uni kehe 'a e Sekelitali.
- (3) Kuo pau ke 'ikai ha me'a 'i he Lao'ni tene ta'ofi ha sivi 'o e ala ke hoko 'oku fakahoko fakatata mo ha sivi 'oku fiema'u 'i ha Lao kehe 'oku ngaue'aki ki he hū mai 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula.

**14. Fakamatala fakapulipuli**

- (1) 'I he 'oatu ha fanongonongo 'i he kupu 11 pe 'oatu ha fakamatala fakalahi 'oku fiema'u, 'e ngofua ke fakaha 'e he taha fanongonongo ko e ngaahi fakamatala pau 'oku natula fakapulipuli, kapau ko e fakamatala 'oku kehe ange mei:
  - (a) he hingoa mo e tu'asila 'o e taha fanongonongo;
  - (b) ha fakamatala fakalūkufua 'o e ngaahi me'amo'ui pe me'amo'ui kuo liliu hono fa'unga fakaenatula;
  - (c) ha fakamatala nounou 'o e sivi 'o e ala ke hoko kuo fakahoko; mo
  - (d) ha ngaahi founa pe ngaahi palani ki hono tali ha me'a fakatu'upakç.
- (2) Kapau 'e fiemalie 'a e Sekelitali ko e natula 'o e fakamatala 'oku ne fakamo'oni'i 'a e totonu ke tauhi ke fakapulipuli, 'e ngofua pe ke 'oatu 'a e fakamatala ki he kau memipa 'o e Kōmiti, kakai 'oku nau fakahoko 'a e sivi 'o e ala ke hoko felave'i mo e kau 'ofisa 'ataakai.
- (3) 'E 'ikai ngofua ki ha taha kuo 'oatu ki ai 'a e fakamatala 'i he kupusi'i (2), ke ne tukuange atu ki ha taha kehe, pea 'e 'ikai ngofua ke ngāue'aki ki ha taumu'a fakakomçsiale 'i he Pule'anga, tukukehe ka loto ki ai 'a e taha fanongonongo 'i he tohi.
- (4) Kapau 'e 'ikai fiemalie 'a e Sekelitali ko e natula 'o e fakamatala 'oku 'ikai ke ne fakamo'oni'i 'oku totonu hono tauhi ke fakapulipuli:
  - (a) kuo pau ke fakahā ki he taha fanongonongo 'a e tu'utu'uni 'a e Sekelitali;
  - (b) kuo pau ke 'oatu 'o ka fiema'u 'e he taha fanongonongo 'a e ngaahi 'uhinga ki he tu'utu'uni;
  - (c) kuo pau ke fepotalanoa'aki 'a e Sekelitali mo e taha fanongonongo 'o ka fiema'u; pea
  - (d) 'e ngofua ke toe vakai'i 'a e tu'utu'uni 'i he kupu 16.

**15. Faka'atā mei he founa ngāue**

- (1) 'E ngofua ki he Kōmiti ke faka'atā hono hū mai ha me'amo'ui kuo liliu hono fa'unga fakaenatula mei he ngaahi tu'utu'uni 'o e Lao ni kapau 'i hono 'oatu 'o e fanongonongo 'i he kupu 11 'oku fakaha ai ko e me'amo'ui kuo liliu hono fa'unga fakaenatula 'oku:



- (2) 'E 'ikai ngofua ki ha taha ke fakangofua, fokotu'utu'u, tokoni (assist) ki he, fale'i, ma'u mai, tokoni (aid) pç kaunga ki hono fe'aveaki fakavaha'afonua 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga, kapau ko e fe'aveaki fakavaha'afonua:
- (a) 'oku 'ikai fiema'u ha ngofua 'oku fenapasi mo e Lao Fakavaha'a-Pule'anga Katahina; pç
- (b) tupu mei he maumau'i 'o ha tu'unga 'o e ngofua kuo 'oatu felâve'i mo ia'.
- (3) 'O tânaki atu ki ha tautea kehe kuo hilifaki ki he maumau'i 'o e kupu'ni, 'e ngofua ke fekau'i 'a e taha na'ane fakahoko 'a e maumau ke ne totongi 'a e ngaahi totongi fekau'aki mo hono faka'auha 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula, kau ki ai mo e ngaahi totongi kotoa fekau'aki mo hono fakafoki mai pe faka'auha 'i ha fonua 'a ia na'e fakangofua ke 'ave ki ai.

### KONGA V - NGAABI ME'A KEHE

#### 23. Ngaahi Hia

- (1) Ka 'i ai ha taha 'oku ne:
- (a) hû mai ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki he Pule'anga 'a ia na'e 'ikai 'oatu ha fanongonongo 'i hono fiema'u 'i he Lao ni;
- (b) 'ikai te ne 'oatu ha fanongonongo 'oku fiema'u 'i he Lao ni;
- (c) 'ikai te ne fakaha kakato 'a e fakamatala 'oku ne 'ilo 'oku felâve'i mo e me'amo'ui kuo liliu hono fa'unga fakaenatula 'i ha fanongonongo pç kole felâve'i mo ia;
- (d) hû mai ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki he Pule'anga ta'e 'i ai ha ngofua 'oku fiema'u 'i he Lao ni;
- (e) 'ikai faipau ki ha tu'unga pç fiema'u kuo hilifaki 'i he Lao ni;
- (f) fa'u loi ha sivi 'o e ala ke hoko, pe fakafotunga hala'i ha me'a fekau'aki mo ha sivi 'o e ala ke hoko, kuo fakahoko 'o fakatata ki he Lao ni;
- (g) fa'u loi pç fakafotunga hala'i ha fakamatala fakasaienisi pç fakatekinikale kuo fai ha falala ki ai ki he ngaahi taumu'a 'o e kole ke toe vakai'i ha tu'utu'uni 'i he Lao ni;
- (h) hû atu ha me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga 'a ia 'oku 'ikai 'oatu ha fanongonongo ki ai 'i he Lao ni;
- (i) hû atu ha me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga ta'e 'i ai ha ngofua 'i he Lao ni;

- (2) Kuo pau ki he Minisita 'i he ma'u ha kole 'i he kupusi'i (1), ke tali ki he kole 'i ha tohi 'i loto 'i he 'aho 'e 30 mei hono ma'u, pea kuo pau ke:
- (a) tuku atu 'a e ngaahi 'uhinga na'e fakahoko ai 'a e tu'utu'uni 'a ia ko e taumu'a ia 'o e kole ke toe vakai'i;
- (b) fakahâ ai pç 'e toe fakahoko ha sivi 'o e ala ke hoko pe 'ikai;
- (c) tuku atu ki he Kômiti, fakataha mo e fakamatala felave'i kotoa 'a ia kuo tuku atu ke poupou'i 'a e kole; pea
- (d) ngâue ki he vakai'i 'o e tu'utu'uni 'i he founa kuo tu'utu'uni 'i he Ngaahi Tu'utu'uni.'
- (3) 'E ngofua ki he Kômiti ke to e vakai'i mo liliu ha tu'utu'uni kuo fakahoko 'i he Lao ni 'i he ngaahi 'uhinga kuo fakahâ 'i he kupusi'i (1) 'i ha'ane fokotu'u pe, pea 'i he'ene pehe kuo pau ke fakahâ ki he taha fanongonongo 'a e liliu 'o e tu'utu'uni 'i loto 'i he 'aho 'e 30.
- (4) Kuo pau 'i hono liliu 'o e tu'utu'uni kuo fakahoko 'i he kupu ni ke 'oua 'e ta'ofi 'a e fiema'u ke 'oatu 'a e ngaahi fanongonongo 'i he kupu 11 ki ha toe hû mai kimui 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula 'a ia 'oku felave'i mo e liliu 'o e tu'utu'uni, pe ta'ofi 'a e Sekelitali mei hono fiema'u ke fakahoko 'a e ngaahi sivi 'o e ala ke hoko ki he ngaahi hû mai kimui.

### KONGAIV - NGAABI FIEMA'U PULE'I KEHE

#### 17. Hû atu 'o e Me'amo'ui kuo Liliu hono Fa'unga Fakaenatula

- (1) Kuo pau ki ha taha, 'oku'ne hû atu ha me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga ki ha Fonua Memipa, kimu' a ke hû atu 'a e me'amo'ui, ke 'oatu ha fanongonongo tohi ki he:
- (a) Sekelitali; mo e
- (b) ma'u mafai fe'unga 'i he fonua 'oku hû atu ki ai 'a e me'amo'ui.
- (2) Kuo pau ki ha fanongonongo 'oku 'oatu 'i he kupusi'i (1) ke:
- (a) kau ki ai 'a e fakamatala oku fakamahino'i 'i he Fakamatala Fakalahi 1 ki he Lao Fakavaha'a-Pule'anga Katahina;
- (b) kau ai ha toe fakamatala kehe 'oku fiema'u 'e he Potungâue pç ma'u mafai fe'unga felave'i; pea
- (c) faipau mo ha Tu'utu'uni 'oku'ne tu'utu'uni'i 'a e ngaahi me'a felâve'i mo e hû atu 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga.
- (3) 'E 'ikai ngofua ke hû atu ha me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga ki ha Fonua Memipa tukukehe ka:
- (a) kuo tali 'e he ma'u mafai fe'unga 'o e Fonua Memipa;

- (b) 'oku fakatatau mo e ngaahi tu'unga kuo hilifaki 'e he ma'u mafai fe'unga; pea
  - (c) 'oku 'i ai ha ngofua kehe 'oku fiema'u 'i ha lao kehe.
- (4) 'E 'ikai ngofua ke hû atu ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki ha fonua 'oku 'ikai ko ha Fonua Memipa, ka 'ikai ha ngofua mei he Kômiti.

### 18. Fakafou 'o e Me'amo'ui kuo Liliu hono Fa'unga Fakaenatula

'E 'ikai ngofua ke 'omai ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki he Pule'anga ke fakafou atu ki ha fonua kehe tukukehe:

- (a) ka 'oatu ha faonongonongo 'i he kupu 11;
- (b) ka faipau ki ha tu'unga kuo hilifaki 'i he kupu 15(2); pea
- (c) kuo faipau ki he ngaahi fiema'u 'i ha lao fekau'aki mo e tute mo e ekisia, kolonitini mo ha me'a fekau'aki kehe.

### 19. Ngâue'aki ki he me'atokoni, fafanga mo e ngaohi 'aki

- (1) 'E 'ikai ngofua ki ha taha ke ne ngâue'aki ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki he me'atokoni, fafanga pe ngaohi'aki 'i he Pule'anga, tukukehe:
- (a) kuo faipau ki he kupu 15(3), kapau ko hono fuofua hû mai ia ki he Pule'anga; pea
  - (b) kuo faipau ki he ngaahi lao felave'i kotoa 'oku tu'utu'uni ki hono ngâue'aki, 'i he me'a takitaha.
- (2) Kapau ko e ngofua 'oku 'oatu ke ngâue'aki fakahangatonu ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki he me'atokoni, fafanga pe ke ngaohi'aki 'i ha lao felâve'i, pea 'e malava ke fe'aveaki fakavaha'afonua 'a e me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga, kuo pau ki he Potungâue ke:
- (a) fakahâ ki he Fale Ma'u'anga Fakamatala ki he Malu 'o e Me'amo'ui 'o fakatatau mo e Fakamatala Fakalahi II 'o e Lao Fakavaha'a-Pule'anga Katahina, 'i loto 'i he 'aho 'e 15 'o e 'oatu 'a e ngofua ke hû atu; pea
  - (b) 'oatu ha ngaahi fanonongonongo mo e fakamatala kehe 'o fakatatau ki he 'Âtikolo 11(1) mo e (3) 'o e Lao Fakavaha'a-Pule'anga Katahina.

### 20. Ngâue'aki fakangatangata

Ko hono ngâue'aki fakangatangata 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula 'i he Pule'anga, kuo pau ke fakatatau mo ha tu'unga, fiema'u pe fakangatangata:

- (a) kuo hilifaki 'i ha lao felâve'i; pea

- (b) tu'utu'uni' 'i ha Ngaahi Tu'utu'uni, 'a ia kuo pau 'e 'ikai faikehekehe mo e ngaahi founga ngaue mo e ngaahi fiema'u kuo hilifaki 'i ha lao felave'i.

### 21. Tukuange mo e fe'ave'aki fakavaha'afonua 'ikai 'ilo ki ai

- (1) Ka 'i ai ha taha tene fakangofua pç 'oku 'ne 'ilo' 'i ha tukuange 'ikai 'ilo ki ai 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula ki he 'âtakai 'i he Pule'anga, pe ha 'ave fakavaha'afonua 'ikai 'ilo ki ai 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula mei he Pule'anga, kuo pau ke ne fakahâ 'i he vave taha ki he Potungâue pea 'oatu 'a e fakamatala ko ia 'i hono fiema'u 'e he Sekelitali.
- (2) Ko ha tukuange pe fe'aveaki fakavaha'afonua 'ikai 'ilo ki ai 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatulu ki he ngaahi taumu'a 'o e kupu ni, 'a ia 'oku:
- (a) 'ikai fiema'u ha ngofua 'i he Lao'ni: pe
  - (b) tupu mei hono maumau' 'i 'o ha tu'unga 'o e 'oatu 'o e ngofua 'i he Lao'ni
- ka na'e 'ikai 'ilo pau hono tukuange pe fe'ave'aki ko ia 'e he taha 'oku'ne pule'i.
- (3) 'I hono ma'u ha fakaha 'i he kupusi' (1), kuo pau ki he Potungâue 'i he vave taha ke 'oatu ha fanonongonongo 'o e 'ikai 'ilo ki he tukuange pç fe'aveaki fakavaha'afonua ko ia ki he:
- (a) kau memipa 'o e Kômiti;
  - (b) Fale Ma'u'anga Fakamatala ki he Malu 'o e Me'amo'ui;
  - (c) ha Fonua Memipa pe Fonua 'oku 'ikai ko ha Memipa kuo uesia pç ala uesia ; mo
  - (d) ha kautaha fakavaha'a-Pule'anga kehe kuo tu'utu'uni 'e he Sekelitali,
- pea kuo pau ke fepotalanoa'aki mo e fonua kuo uesia pe ala uesia koe'uhi ke fakafaingofua' 'i kenau tu'utu'uni 'a e ngaahi ngaue taau ke fakahoko, kau ai hano fakahoko 'o e ngaahi ngaue fakatu'upake.
- (4) Kuo pau ki ha fanonongonongo kuo 'oatu 'i he kupusi' (3) ke faipau mo e 'Âtikolo 17(3) 'o e Lao Fakavaha'a-Pule'anga Katahina.

### 22. Tukuange mo e fe'aveaki fakavaha'afonua ta'efakalo

- (1) 'E 'ikai ngofua ki ha taha ke fakangofua, fokotu'utu'u, tokoni (assist) ki he, fakaloto'i, ma'u mai, tokoni (aid) pe kaunga ki hono tukuange ha me'amou'i kuo liliu hono fa'unga fakaenatula 'i he Pule'anga, kapau ko e tukuange:
- (a) 'oku 'ikai fiema'u ha ngofua 'i he Lao'ni; pç
  - (b) tupu mei ha maumau' 'i 'o ha tu'unga 'o e ngofua kuo 'oatu 'i he Lao'ni.

- (j) 'ikai fakaha ki he Potungaue 'a e tukuange pç fe'aveaki fakavaha'afonua 'ikai 'ilo ki ai 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula pe ha fe'ave'aki fakavaha'a-Pule'anga 'ikai 'ilo ki ai 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula; pe
- (k) 'ikai faipau ki ha tu'utu'uni pç fiema'u kehe 'oku hilifaki 'i he Lao'ni,

'oku ne fakahoko 'a e hia pea kuo pau 'e ala mo'ua, 'i ha'ane halaia, 'o 'ikai laka hake 'i he \$500,000 pç ke ngâue popula ki he vaha'a taimi 'o 'ikai lahi hake 'i he ta'u 'e 10, pç fakatou'osi.

- (2) Ka 'i ai ha taha te ne 'oatu ha fakamatala hala 'i he pç ki ha fanongonongo 'oku 'oatu 'i he Lao'ni pç 'i hono fiema'u 'i he Lao ke 'oatu ha fakamatala, 'oku'ne fakahoko 'a e hia pea kuo pau 'e ala mo'ua pa'anga, 'i ha'ane halaia, 'o 'ikai laka hake 'i he \$15,000.
- (3) Ka 'i ai ha taha te ne fakahâ pe ngâue'aki ha fakamatala fakapulipuli 'o maumau ai 'a e kupu 13(2) pe (3), 'oku ne fakahoko 'a e hia pea kuo pau 'e ala mo'ua pa'anga, 'i ha'ane halaia, 'o 'ikai laka hake 'i he \$15,000.

#### 24. Kau 'ofisa 'ataakai kuo vahe'i

- (1) 'E ngofua ki he Minista, 'i ha fanongonongo 'i ha Kasete, ke vahe'i ha taha ko ha 'ofisa 'ataakai ki he ngaahi taumu'a ko e ngaue'aki 'o e ngaahi mafai 'i he Lao ni.
- (2) Koe'uhi ko e ngaahi taumu'a ke fakahoko 'a e ngaahi tu'utu'uni 'o e Lao'ni, 'e ngofua ki he kau 'ofisa 'ataakai kotoa ke ngâue'aki 'a e ngaahi mafai kuo foaki kiate kinautolu 'i ha Lao kehe felâve'i mo e fakatotolo, siofi, faka'ilo mo ta'ofi 'a e hokohoko atu 'o ha maumau lao.
- (3) 'I he felâve'i mo ha me'amo'ui kuo liliu hono fa'unga fakaenatula kuo hû mai ki he Pule'anga 'o maumau ai 'a e Lao'ni, pç 'oku 'i he pe lolotonga 'i he Pule'anga 'o maumau 'i 'a e Lao'ni pç ha tu'unga kuo hilifaki 'i ai, 'e ngofua ki ha 'ofisa 'ataakai ke:
  - (a) puke 'a e me'amoui kuo liliu hono fa'unga fakaenatula;
  - (b) faka'auha 'a e me'amo'ui kuo liliu hono fa'unga fakaenatula 'i hano tu'utu'uni 'e he Kômiti; pç
  - (c) 'ave'a e me'amo'ui kuo liliu hono fa'unga fakaenatula ki ha 'ofisa 'i ha Potungâue kehe ke fakahoko ha ngâue ki ai 'o fakatatau mo e Lao'.
- (4) Kuo pau 'e 'ikai ha me'a 'i he Lao'ni te ne uesia 'a e ngaahi mafai ke kumi, puke mo ngâue ki he ngaahi me'a 'i he lao felâve'i mo e kolonitini ki he 'akau mo e fanga monumanu, tute mo e 'ekisia mo ha toe lao kehe 'oku 'aonga ki he langa fakalalakaka, ngâue'aki, tauhi pe fe'aveaki 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula.

**25. Ngaahi Tu'utu'uni**

- (1) 'E ngofua ki he Minisitâ, 'i he loto ki ai 'a e Kapineta, ke fa'u ha Ngaahi Tu'utu'uni ki he ngaahi taumu'a ke fakahoko 'a e ngaahi tu'utu'uni 'o e Lao'ni mo e Lao Fakavaha'a-Pule'anga Katahina, 'a ia 'e 'ikai fepaki mo e Lao'ni.
- (2) 'O 'ikai fakangatangata 'a e fakalûkufua 'o e kupu si'i (1), 'e ngofua ki he Ngaahi Tu'utu'uni ke tu'utu'uni 'o kau ki:
  - (a) ha ngaahi foomu pç ngaahi totongi felâve'i mo ha fanongonongo, ngofua pç ha founga ngaue kehe 'i he Lao'ni;
  - (b) hono tauhi ha fakamatala ke fakapulipuli 'i hono tu'utu'uni 'i he Lao'ni;
  - (c) ha ngaahi fiema'u, 'oku fenapasi mo e ngaahi lao 'oku ne pule'i 'a e feuta'aki koloa 'i he ataa pe 'i tahi, felave'i mo e fe'aveaki 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula;
  - (d) ngaahi ngaue fakatu'upakç ki ha tukuange 'o ha me'amo'ui kuo liliu hono fa'unga fakaenatula 'ikai 'ilo ki ai pe ta'efakalao, pç ha tukuange kehe 'a ia kuo, pç ala hoko, ko ha ola kovi ki he fa'ahinga kehekehe 'o e me'amo'ui pç fakatupu 'a e ala ke hoko ha me'a ki he mo'ui lelei 'a e tangata; mo
  - (e) ngâue'aki 'o e ngaahi tu'utu'uni mo e ngaahi founga ngaue kuo felotoi ki ai kau ki he mo'ua mo e fakatonutonu 'o ha maumau tupu mei he fe'aveaki fakavaha'afonua 'o e me'amo'ui kuo liliu hono fa'unga fakaenatula.
- (3) 'E ngofua ki he Ngaahi Tu'utu'uni kuo fa'u 'i he kupusi'i (1) ke tu'utu'uni'i 'a e ngaahi hia mo hilifaki 'a e ngaahi tautea pa'anga 'o ikai laka hake 'i he \$10,000.

**26. Vahe'i**

'E ngofua ki he Minisita kene vahe'i 'i ha tohi hono ngaahi mafai 'i he Lao ni ki he kau 'ofisa 'atakai kuo vahe'i.

**27. Malu'i**

Kuo pau 'e 'ikai ala mo'ua ha taha 'oku ne ngaue'aki ha mafai 'i he Lao ni ki ha mole pe maumau 'o fekau'aki mo hono ngaue'aki 'o e mafai ko ia.

Na'e tali 'i he Fale Alea 'i he 'aho 29 ni 'o 'Okatopa 2009.