

TOKELAU — THE VILLAGE RULES OF 1988

By

A.H. Angelo*

1. Introduction

The atoll communities of Atafu, Fakaofu, and Nukunonu together form the territory of Tokelau. Under the auspices of the UN Committee on Decolonisation Tokelau is moving slowly but inexorably towards the exercise of an act of self-determination about its future.¹

With a combined population of approximately 1,700 people, a total land area of 12 square kilometres, and resources limited to the fish and coconut needed for subsistence, the future of the three atolls in any form markedly different from that of their current economic dependence is difficult to foresee. However, in preparation for and pending the exercise of its right to self-determination Tokelau is taking increasing responsibility at a government level for budgetary matters, for its internal and external administration, and for law-making.

In 1986 the Tokelau Village Incorporation Regulations 1986² made by the Governor-General of New Zealand under s.4, Tokelau Act 1948 (New Zealand), granted each village legal personality and extensive powers including the ability to legislate. The regulations acknowledged the practical status quo and legitimised it in legal terms: Whether legal in outsiders' terms or not, the prime governmental authority in Tokelau has always been the council of village elders.³

The interest since 1986 has been to see what use, if any, the villages would make of their law-making power.

The significant legal step was taken by Tokelau in June 1988. On 22 June, 23 June, and 1 July respectively each of the villages of Atafu, Fakaofu and Nukunonu, brought their village rules into force. These rules are the first exercise of the powers granted to the villages of Tokelau by s.18, Tokelau Village Incorporation Regulations 1986. Only once before — in the Native Laws Ordinance 1917⁴ of the Gilbert and Ellice Islands Colony — did Tokelau have such a legal power but there is no evidence of written rules ever having been promulgated under that Ordinance. Therefore the rules promulgated in 1988 are the first documented examples of village rules and the first set of village rules that have the authority of law in Western legal terms. This paper presents the 1988 Rules.

2. Power to make law

(a) The constitutional framework

In 1949 when Tokelau became part of New Zealand⁵ the law-making authorities were established as the New Zealand Parliament, and the Governor-General in Council. Provision was also made for the continuance of existing laws⁶ and that indirectly left some power

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1. *Report of the United Nations Visiting Mission to Tokelau*, 1986, UNGA A/AC 109/877. See the Report also for a general consideration of Tokelau.

2. SR 1986/319.

3. A. Hooper, *Aid and Dependency in a Small Pacific Territory*, Working Paper No. 62, September 1982, Department of Anthropology, University of Auckland.

4. No. 2 of 1917, *Western Pacific High Commission Gazette* 1917, at 39. See rule 15.

5. Section 3, Tokelau Act 1948.

6. Section 5, Tokelau Act 1948.

in the traditional rule-making body of each island — the council of elders. In 1975 legislation⁷ removed the power of the elders to make law. At the same time a Tokelau-wide authority was being established by administrative action in the form of the General Fono.⁸

The power to legislate for Tokelau is exercised primarily by the Parliament of New Zealand by Act. The second level of legislation is typically regulations made by the Governor-General in Council⁹ on the advice of the Minister of Foreign Affairs. At a third level is the power of each village to legislate under the Tokelau Village Incorporation Regulations 1986.¹⁰

Over recent years there has been an increasing desire both in metropolitan New Zealand and in Tokelau, for Tokelau to have greater involvement in its government and among other things in the making and operation of its laws. The result of that interest has been the practice of the General Fono of Tokelau to recommend to the Administrator the various laws that Tokelau would wish to have promulgated for it, and reciprocally for the Administrator, in respect of laws that the Government may wish to promulgate for Tokelau, to take the proposals to the General Fono for its information and, where appropriate, its approval.

By virtue of this developing convention in relation to legislation for Tokelau the General Fono approved the draft regulations on the villages which became the Tokelau Village Incorporation Regulations 1986. The result is interesting in that the General Fono itself has no legislative powers¹¹ though it has well defined conventional powers, in the administrative and financial areas. Each village which makes up the General Fono has power to legislate for itself. What the villages cannot do is legislate for Tokelau as a whole. The villages cannot therefore compete legislatively¹² with the Governor-General in Council. In some subject areas the villages could by village rules achieve almost the same effect as would be achieved by making regulations under s.4, Tokelau Act 1948. This they could do if each village enacted identical rules on the particular topic. However, in matters where there is an external effect as distinct from a village effect, joint action by the villages could not serve the same purpose as regulations under s.4, Tokelau Act 1948.

The powers under the Tokelau Village Incorporation Regulations 1986, albeit very broad, remain more restricted territorially and jurisdictionally than the powers of the Governor-General under s.4 of the Act. Even in those areas where it is possible for village rules to serve the same purposes as s.4 regulations there may, in addition to any political reason or reason of administrative practice, be legal constraints that effectively inhibit village legislative action. First there is the repugnancy test set out in the Tokelau Village Incorporation Regulations.¹³ In many areas where legislative action is needed there are existing regulations which, to avoid repugnancy, would have to be repealed by some body other than the village before the village rules would be fully effective.¹⁴ Secondly, there is the limit set

7. Section 12, Tokelau Amendment Act 1970. (In force 1 December 1975).

8. The term General Fono was first defined in *Tokelau — Report of the Ministry of Foreign Affairs for the year ended 31 March 1980*, Appendix to the Journals of the House of Representatives of New Zealand, E 14, as "... the three island council in joint session (usually convened at least once a year)." The Report was referring back to 1976 when the visiting mission from the United Nations Special Committee on Decolonisation was told by the General Fono that Tokelau wished to retain constitutional links with New Zealand. From 1980 onwards, the General Fono became increasingly prominent in the *Reports* as it assumed greater responsibilities.

9. Section 4, Tokelau Act 1948.

10. Regulation 18.

11. Except in respect of the Community Services Levy. See the Tokelau Amendment Act 1982.

12. Unless the section 4 power was used for village specific legislation.

13. Regulation 18(4).

14. For example, the Post Office laws (see regulation 11 Tokelau (New Zealand Laws) Regulations 1969; Tokelau Crimes Regulations 1975).

for penalties for offences against village rules.¹⁵ One hundred and fifty dollars (\$150.00) may be a sufficient maximum fine at the village level but is derisory in many of the areas where s.4 regulations would operate. Present General Fono practice might suggest that the following will be dealt with by regulations made under s.4 of the Tokelau Act 1948: external relations, post and telecommunication matters, air and sea transport, Tokelau Administration, the Tokelau budget, health services, education services, and the General Fono itself. Other matters will be dealt with in village rules.

(b) The villages and written rules

The approach of each island to law-making has historically been a little different from that of the others¹⁶ and those differences in approach are evidenced, to some degree at least, in these first steps in the exercise of the power given by regulation 18. Atafu has made and recorded written rules for matters which it saw as specific to it and that were beyond the known general body of custom — hence rules about spear guns, the pastor's house, the hospital, and the licensing of drinking parties.

The approach on Nukunonu was similar to that of Atafu, but the village simply administered the specific decisions of the elders without collecting and ordering them as a set of written rules. Thus the licensing of Housie games was current for a number of years. The content of the licensing rules changed from time to time and villagers were informed of the rules, but the rules were not promulgated in a written form.

In Fakaofu the decisions of the elders were simply administered. There is no evidence of rules promulgated to meet specific new challenges, and a good deal of evidence that the community kept close to the traditional patterns on all matters. When the villages each reported on their "rules" in 1984¹⁷ that of Fakaofu was descriptive of tradition rather than regulatory in style. The other two villages' statements were formulated as legislation. Nukunonu dealt with traditional and modern matters. Atafu dealt almost exclusively with modern matters.

The villages express themselves in agreement on the main areas of social regulation:¹⁸ the constitutional role of the elders, the role of males and females in the community, the brother/sister relationship, fishing practices, control of land use, sharing of resources, and sexual morality.

The prescription on sexual intercourse between persons not married to each other is one of the strongest and therefore might have been expected to appear uniformly in these Rules. That it does not may be attributed partly to the confusion about the proper topics for village rules, and partly to the perceived division between what is custom and what is proper material for "government law".

If the exercise in legislation of June and July 1988 is a success and this pattern of rule-making and governing proves acceptable to and convenient for the villages, it may be anticipated that the volume of rules will, in the short term, increase quite substantially and that on basic matters relating to fishing, sexual morality, the curfew, and access to prohibited lands there will in the future be much more uniformity seen in the rules of the islands.

(c) Future directions?

The power granted to the villages under the Tokelau Village Incorporation Regulations

15. Regulation 18(2).

16. Traditional approaches are discussed in A.H. Angelo, H.Kirifi, A. Fong Toy "Law and Custom: Tokelau" (awaiting publication).

17. *Ibid.*

18. For a description of custom in this area see A. Hooper, *supra* n.3.

1986 has high potential. The statement of objects which controls the exercise of the village power is very broadly cast¹⁹ and there is a virtually unlimited capacity to fulfil those objects.²⁰ This power of each village directs attention to the nature of the General Fono and its role in legislative matters. The focusing of this attention becomes even more critical and interesting in the context of the progress of Tokelau towards the exercise of its right to self determination as a dependent territory under the United Nations Charter.²¹

The General Fono is a purely administrative construct which with use and the passage of time is approaching customary status.²² The General Fono is a bringing together of leaders from each of the villages to provide a forum for discussing Tokelau wide issues. The General Fono has grown to be the main governmental body for Tokelau and now has an established role in the allocating of budgetary monies and the oversight of their disbursement. Since 1985 there has also been an annual Law Fono to discuss law matters generally and legislative proposals in particular. Declared government policy in respect of Tokelau has been that Tokelau must make its own decisions, communicate these decisions to the Administrator, and that the Government of New Zealand will act on the decisions. Since 1985 the General Fono, and in particular the Law Fono has been very active in formulating and approving legislative proposals for submission to the Administrator.

From this base the typical colonial models would suggest that any law-making power would be a direct legislative grant and derivation from the administering power and that when the present convention is sufficiently developed the transition will be made to a legal power to legislate. The definition of the General Fono²³ would however support a view that better accords with Tokelau tradition: the villages by their delegates create and make up the General Fono and by their joint action they endow the actions of the General Fono with a Tokelauan legitimacy. This approach is supported by the relatively large size of the delegations that form the General Fono and by the background to the inclusion of the definition of "General Fono" in the Tokelau Act in 1982. That definition was incorporated in the context of the imposition of the community services levy²⁴ which was a matter of particular domestic concern to each of the villages but not a matter of territorial concern to Tokelau as a whole.

The line of development for the future suggested by these thoughts is that any conferral of legislative power at law on the General Fono may be formulated and may best be seen in terms of a recognition of the traditional power of each of the three villages to make rules and the legislative grant to the villages of authority to make, in joint meeting, rules that address matters beyond purely village and domestic concern.

3. The 1988 Rules

The promulgation of the village rules introduced a new category of law to the Tokelau

19. Regulation 4.

20. A restriction is contained in regulation 14(4). The village may not borrow money without the approval of the Administrator.

21. Chapter XI.

22. In 1962, with New Zealand's agreement, Tokelau was placed on the list of territories governed by the Declaration on the Granting of Independence to Colonial Countries and Peoples. See General Assembly Official Records, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev 1), at 288-289.

23. See also *supra* n.8.

24. Section 2 of the Tokelau Amendment Act 1948 as amended by section 2 of the Tokelau Amendment Act 1982.

"General Fono" means the representatives of the people of Tokelau, usually consisting of 15 persons from each island of Tokelau selected in accordance with traditional custom and usage and usually meeting in session at least once each year.

legal spectrum: *tulafono fakanuku*.²⁵ This is in effect a legalising of various customary rules. The first steps in this new legislative realm have been somewhat tentative and confused for two reasons. On the one hand there is the range of existing laws that are felt to exist but which are not well known;²⁶ and on the other hand there is a significant body of law in draft²⁷ which has been approved by the General Fono but which has not yet been promulgated in Wellington by the Governor-General. The question raised for the villages in June 1988 was therefore whether in making the village rules they should ignore the draft rules approved by the General Fono and effectively legislate for some of the matters in those drafts, or whether to legislate only in respect of matters not in the drafts and, as a consequence, leave gaps in the system for an interim period. Equally there was a question of whether to repeat the largely inoperative existing legislative rules or to ignore them. In the result the general approach taken was —

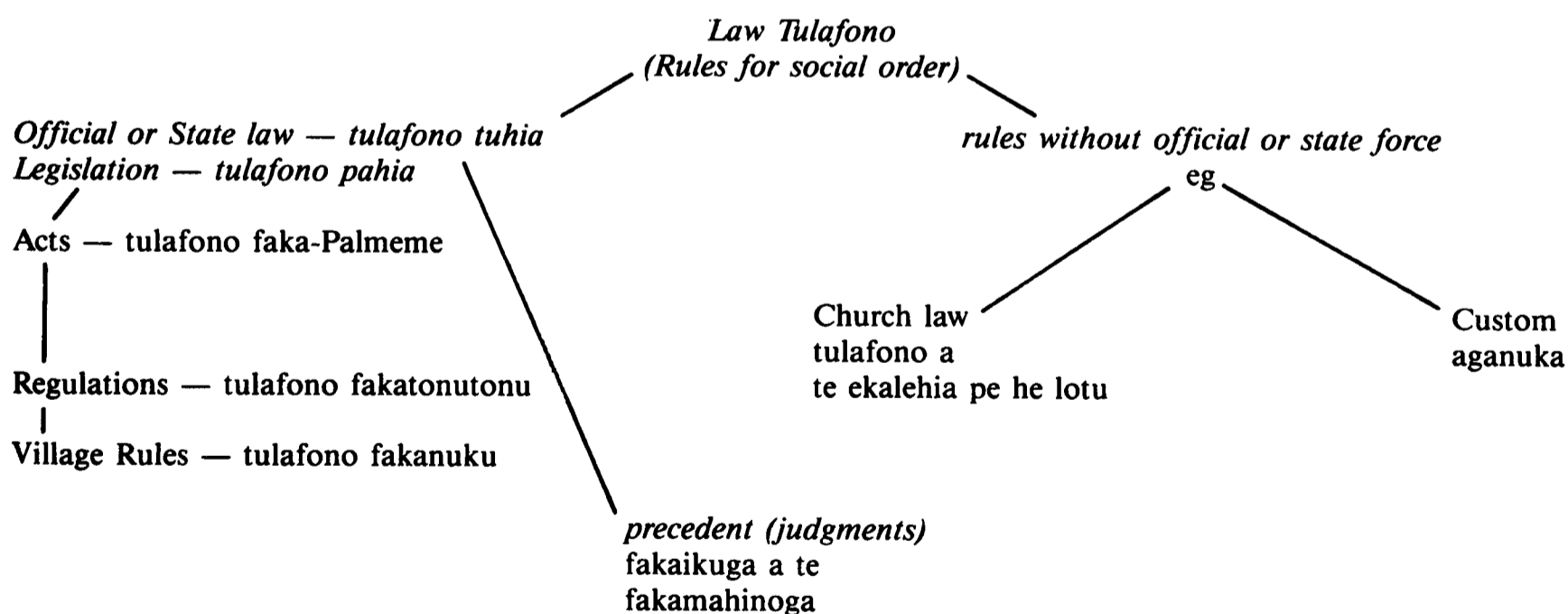
- (i) to legislate for matters not covered by existing regulations but which are covered in the draft proposals;²⁸
- (ii) not to repeat and re-legislate matters which are in both the existing law and in the draft proposals.²⁹

As a consequence the rules show greatest legislative efficiency in areas where regulations are unlikely to be made under s.4 Tokelau Act 1948, for example, in domestic fishing matters, village organisation, curfews, Sunday observance, and the *lafu*.

There is, in substantive terms, nothing particularly remarkable in the rules themselves, given the pattern of village life and the data in the village statements that were written up 1984. What is noteworthy is the promulgation of the rules. Also significant for the future is that the rules are published beyond the village to which they relate³⁰ and that publication

25. Tokelau Amendment Act 1982.

See *Tokelau Law Lexicon*, (Ministry of Foreign Affairs, Wellington, 1986), at 1, from which the following diagram is reproduced —



26. For example, The Tokelau Crimes Regulations 1975, which made Parts V, VI and VII of the Niue Act 1966 applicable to Tokelau.

27. For example, The Tokelau Crimes, Procedure and Evidence Regulations 1987.

28. For example, Adultery in the case of Nukunonu. Adultery is not a criminal offence under the Tokelau Crimes Regulations 1975. It is approved in the Crimes, Procedure and Evidence Regulations as an offence, but Nukunonu did not wish to wait.

29. For example, Theft and assault.

30. Regulation 19(4) of the Tokelau Village Incorporation Regulations.

is to be made in *Te Vakai*,³¹ the equivalent of the government gazette of other jurisdictions. *Te Vakai* is the only form of regular public communication in Tokelau apart from word of mouth.³²

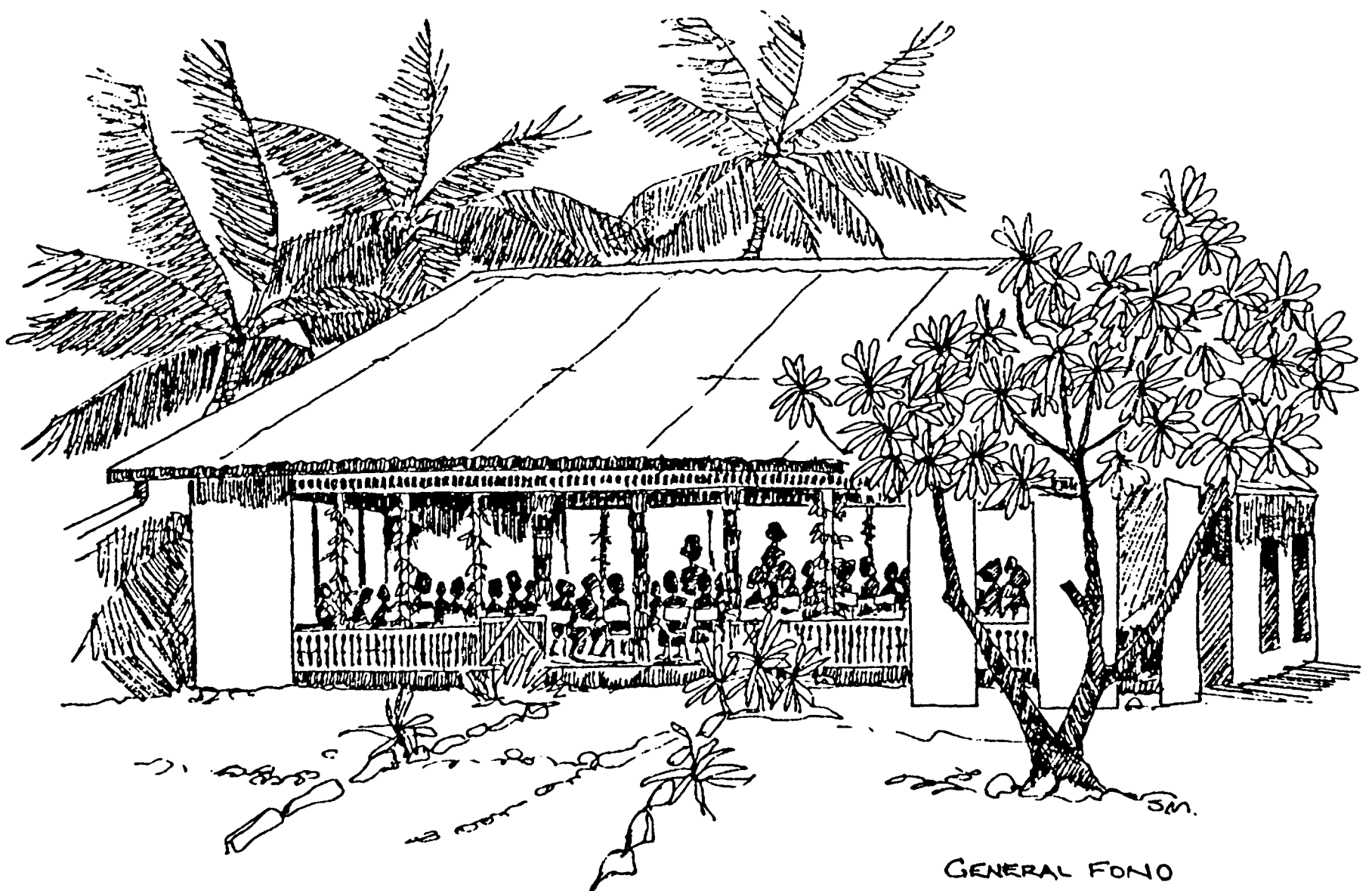
What follows are notes on the content of the village rules and the English translation of the rules promulgated by each of the three islands in June 1988.

(a) Atafu

The strong religious feeling of all of Tokelau is reflected in the protective nature of rule 1 of the village of Atafu. The relationship of the pastor to the village was described by a senior elder as the same as the relationship between the pupil and the eye. Rumour-mongering is a rather common activity in Tokelau and this rule is directed at those people who carry tales either from villagers to the pastor or from the pastor to villagers. The rule affecting matters of sexual morals is reported to relate back to a specific and significant historical incident in Atafu involving a pastor's wife. *Moetolo* is an offence committed at night by entering the dwelling of another person with intent to make sexual advances. Typically what is involved is the touching, or the disturbing of the cloths, of a person sleeping in the house. The offence does not deal with sexual intercourse. The penalty appears heavy but again conforms to customary attitudes and is a considerable mellowing of the traditional practice of casting offenders off the island in an open canoe.

The hospital is the subject of the rule because it is typically under-occupied and is seen as an ideal trysting place and also offers temptation to would-be thieves.

The *Taupulega* is the Council of Elders of the village. The *kaleve* is the sap gathered from the new shoots of the coconut palm. It is syrup-like and can be used as is, or pasteurised



GENERAL FONU
ATAFU 1984

31. *Ibid.*

32. Now being published quarterly by the Office for Tokelau Affairs in Apia, P.O. Box 865, for \$20.00 per year.

and kept and used much as golden syrup might be used, or alternatively it may be left to ferment and then drunk as an alcoholic beverage.

For a long time Atafu had the reputation of being a “dry” island. Certainly no alcohol is sold in the store and there have been customary restrictions imposed on members of the local community returning home with substantial quantities of alcohol. In recent times there have, however, been exceptions for official functions, and visitors to the islands have been unrestricted in the import and consumption of alcoholic beverages. The present rule dates from 1985 and, short of making alcoholic beverages freely available in Atafu, does seek to control their use by those who have imported them privately or to whom they have been given by visitors. This rule is a considerable liberalisation of the practice in place until a few years ago and seeks to balance the practical impossibility of maintaining the island free of alcohol with a commitment to reduce as far as possible the likelihood of serious incident resulting from over-consumption. There have been serious and recent cases of community distress flowing from the excessive use of alcohol. The *Pulenuku* is the village functionary with responsibility for the day to day running of the village.

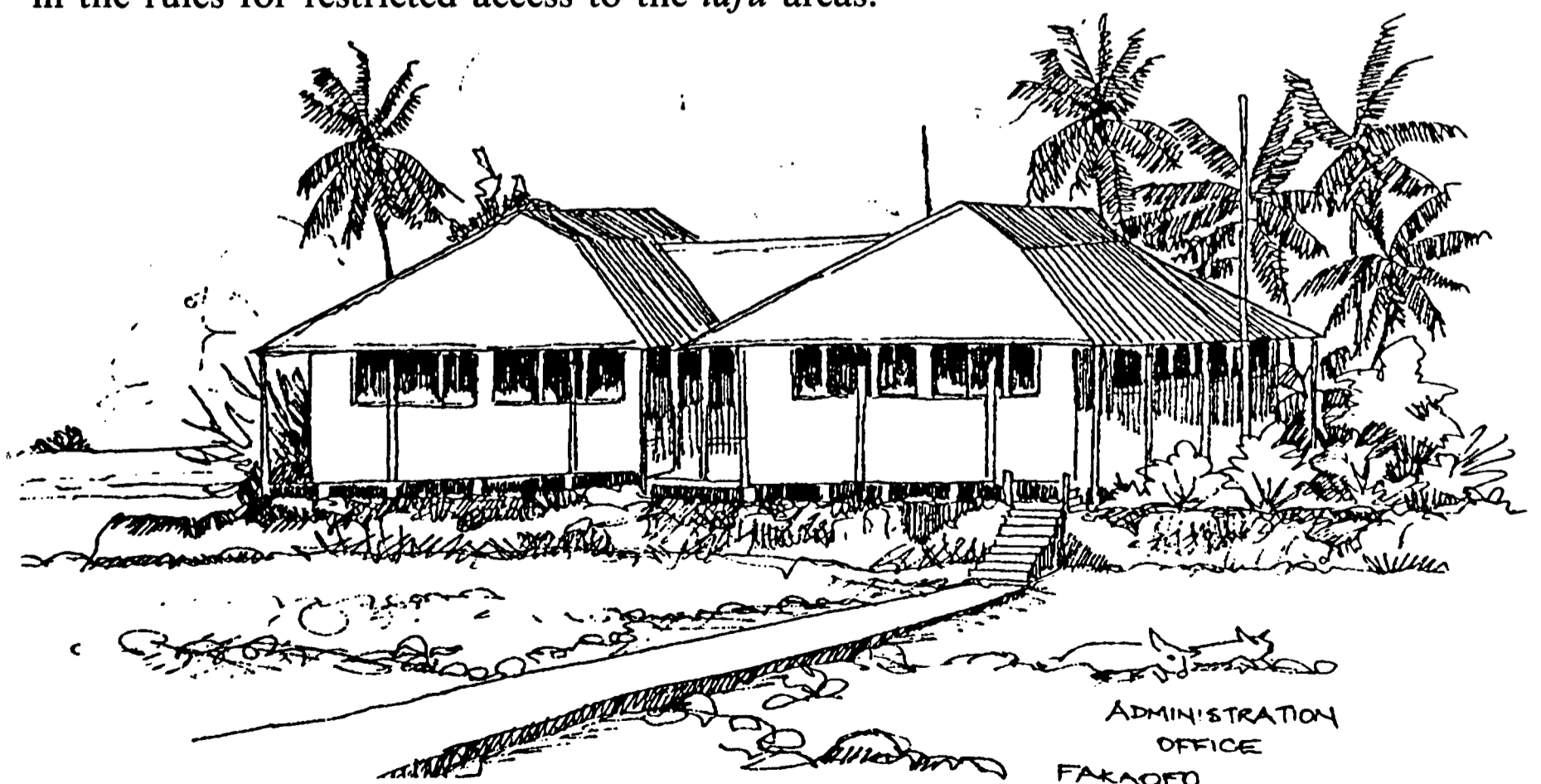
The notion of *lafu* protects both private lands and village lands from wrongful exploitation. The protection includes not only the theft of goods from the land but also controls the use of limited resources, for example, the taking of pandanus leaves by the owners of the land. This rule (and there is evidence of similar control in some of the fishing rules) makes clear the significant limits placed on use of land (even by owners) and the control by the elders of the total resource of the island.

The *matapone* is the name for a nine to twelve foot spear about three-quarters of an inch in diameter used underwater principally for spearing the *pone* fish. The fish that this spear is used for may typically be caught by line as well but is more readily caught by spearing. This rule is therefore a conservation measure. In particular it protects certain prized fish which are easy to spear. Some of these fish are used for feeding sick persons and some are used at special functions for visitors to the island.

The aim of the fire-making rule is to prevent smoke drifting through the village.

(b) Fakaofu

Here, as in the rules of Atafu and Nukunonu, the protection of land rights is very clear in the rules for restricted access to the *lafu* areas.



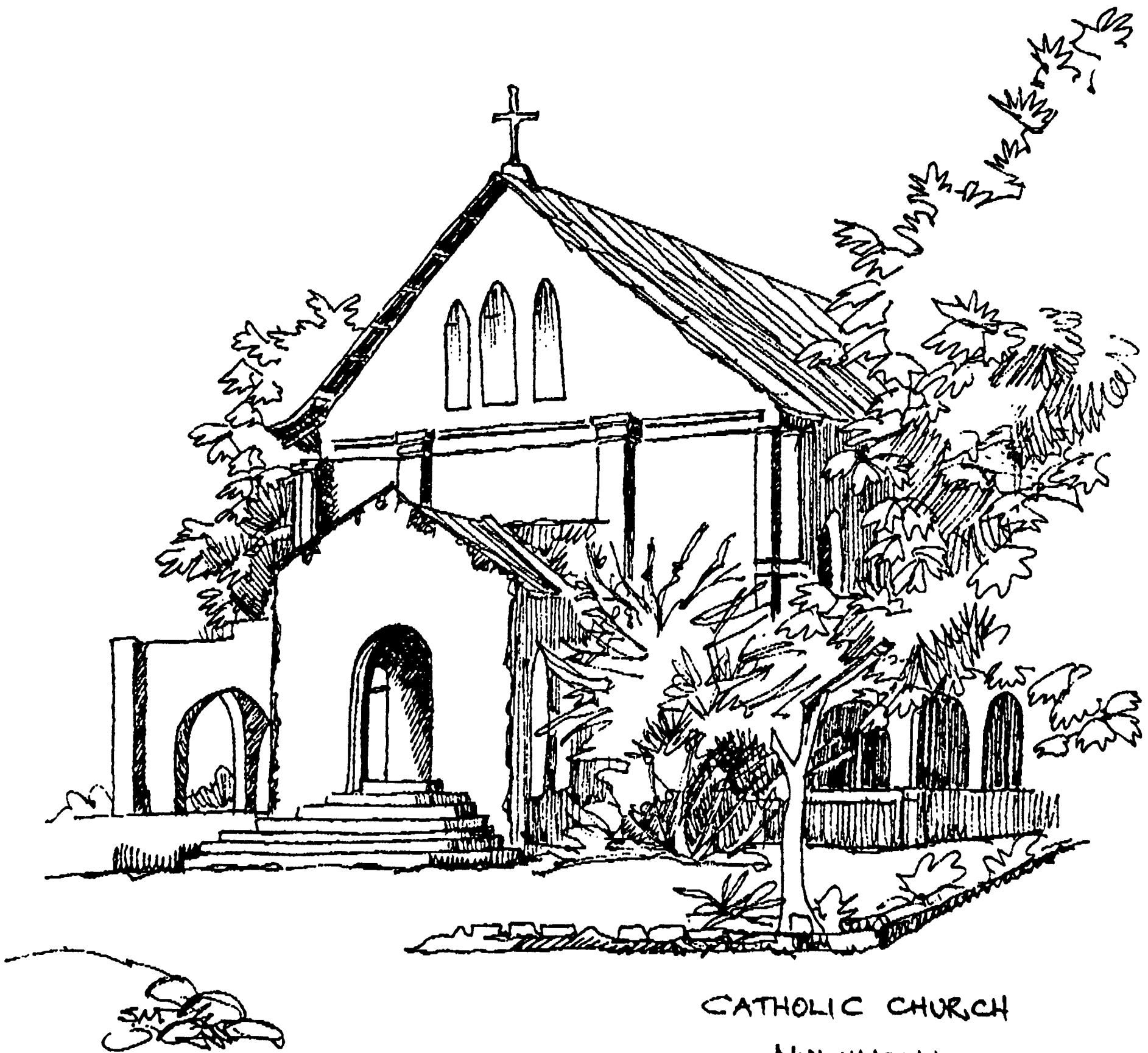
ADMINISTRATION
OFFICE
FAKAOFO

In rule 2 the village is concerned with the special fish which, because of their rarity and food value, belong to the village. There are rules about the capture of the fish (rules which involve safety measures as well as community interest), the preparation of the fish for eating, and the distribution of the catch.

Rule 3 is concerned with particular problems of traditional fishing and safety matters. In fishing from a canoe, because of its lack of speed and manoeuvrability, it is critical to the catch that the canoe be controlled by an experienced fisherman. It is important that responsibility both for a good catch and for the safety of the crew of the boat should lie only with a master fisherman (one who has the *kaukumete*).

(c) **Nukunonu**

The elders (the *Taupulega*) of Nukunonu have dealt with many of the customary topics in the Nukunonu Village Rules 1988. Adultery, fornication, the curfew, the *lafu*, the special fishing norms — they all appear



CATHOLIC CHURCH

NUKUNONU

Also covered are a number of matters which in due course will probably be dealt with in regulations made by the Governor-General: drugs, firearms, safety with electricity, and damage to public property. The action of the village on these matters serves to emphasise the concern about village activities which are not traditional. Rule 10 for instance will enable those who throw stones at village lights to be punished. Rules 11 and 19 are protective in nature. The power is reticulated underground but at certain points on the village paths comes up to seat sized switch-boxes which have some metal parts. The boxes have substantial warnings on them (“Don’t sit here — death”) because of the danger in certain weather conditions. Nevertheless it appears some people still choose to sit on these boxes. Also some villagers do their own electrical work.

Rule 18 evidences the development of a traditon. Traditionally the *ika ha* (special fish) were the village’s fish and were brought to the village for sharing as a basic communal obligation. While that basis remains the change in fishing methods is recognised. Fishermen now have aluminium dingies, powerful outboard motors and use petrol on their fishing expeditions. The custom is not denied but questions have been asked about who should pay for the petrol that enabled the fish to be caught. Rule 18 accepts a community obligation to share in the cost of catching this particular category of the community food resource.

VILLAGE RULES — ATAFU

1. The Church

- (1) Any person who, at night and without good excuse enters or causes trouble in the compound of the church commits an offence and shall on conviction be liable to a fine not exceeding \$10.00.
- (2) Any person who spreads rumours between the pastor and the people of the village commits an offence and shall on conviction be liable to a fine not exceeding \$30.00.
- (3) (i) Any person who goes to the house of the pastor for the purpose of committing moetolo commits an offence and shall on conviction be ordered out of Atafu and forbidden to return for a period of up to 10 years.
 (ii) Where the pastor or his wife is knowingly involved in a romantic relationship with a person other than his or her spouse, the pastor or his wife as the case may be commits an offence and shall be ordered out of Atafu and forbidden to return for a period of up to 10 years.

2. The Hospital

- (1) Any person who is in the hospital premises commits an offence and shall on conviction be liable to a fine not exceeding \$5.00, unless that person is there for hospital business or with the permission of the hospital staff.
- (2) Any person who enters the house of the doctor without the permission of the doctor or without a good reason commits an offence and shall on conviction be liable to a fine not exceeding \$5.00.

3. Sunday rules

- (1) Except with the express permission of the Taupulega, no person shall work on a Sunday.
- (2) No person shall collect kaleve after sunrise on Sunday.
- (3) Except with the permission of the pulenuku, no person shall make a fire on Sunday.
- (4) No person shall fish between 12 midnight on Saturday and 12 midnight on Sunday.
- (5) Any person who contravenes any provision of this rule commits an offence and shall on conviction be liable to a fine not exceeding \$5.00.

4. Alcohol

- (1) Any person who sells alcoholic drinks in Atafu commits an offence and on conviction shall be liable to a fine not exceeding \$100.00.
- (2)
 - (i) No person shall drink alcohol in the house of another.
 - (ii) The owner of a house shall not give alcoholic drink to any visitor to the house.
 - (iii) Any person who contravenes any provision of this rule commits an offence and shall on conviction be liable to a fine not exceeding \$10.00.
- (3)
 - (i) Any person who makes homebrew commits an offence and shall on conviction be liable to a fine not exceeding \$30.00.
 - (ii) Any person who is drunk from drinking homebrew commits an offence and is liable on conviction to a fine not exceeding \$20.00.
- (4) Any person who gives alcoholic drink to a person under the age of 18 years commits an offence and shall on conviction be liable to a fine not exceeding \$50.00.
- (5) Any person who is under the age of 18 years and who drinks any alcoholic drink commits an offence and shall on conviction be liable to a fine not exceeding \$25.00.
- (6)
 - (i) Any person who holds a party without the permission of the pulenuku commits an offence and shall on conviction be liable to a fine not exceeding \$10.00.
 - (ii) Any person who wishes to have the permission of the pulenuku for a party shall apply to pulenuku and pay a fee of \$5.00 for the permission.
 - (iii) Any person who attends a party without an invitation commits an offence and shall on conviction be liable to a fine not exceeding \$10.00.

5. Curfew and family prayers

- (1) A bell will ring at 6.00 p.m. That is the warning bell.
- (2) The second bell is at 6.45 p.m. to advise people to prepare for prayers in their home.
- (3) The third bell announces the beginning of prayer time.
- (4) A fourth bell announces the end of the prayer time.
- (5) Any person not inside for the period between the third and fourth bells commits an offence and shall on conviction be liable to a fine not exceeding 50 cents.
- (6)
 - (i) The curfew warning bell rings at 10.45 p.m. and the curfew bell rings at 11.00 p.m.
 - (ii) Any person who without permission or reasonable excuse makes noise or goes outside the house during the night after the curfew bell commits an offence and shall on conviction be liable to a fine not exceeding 50 cents.

6. The Lafu

Any person who enters any of the Lafu without the permission of the pulenuku or the elder on duty commits an offence and shall on conviction be liable to a fine not exceeding \$1.50.

7. Fishing

- (1) Any person who without permission uses a matapone or speargun outside the reef commits an offence and shall on conviction be liable to a fine not exceeding \$4.00.
- (2) Notwithstanding rule 6, a fisherman may while fishing outside the reef take drink from his own land on the outer motu (*uta*).
- (3)
 - (i) No person who is clam fishing or line fishing in the lagoon shall take drink from land that does not belong to the owner of the canoe.
 - (ii) Any person who contravenes sub-paragraph (i) commits an offence and shall on conviction be liable to a fine not exceeding \$1.00.

8. Travelling on foot

Any person who walks between the village and the outer motu (*uta*) other than for reasons of urgency commits an offence and shall on conviction be liable to a fine not exceeding 40 cents.

9. Fires on the seawall

Any person who makes a fire on the seawall other than with the permission of the Pulenuku commits an offence and shall on conviction be liable to a fine not exceeding \$5.00.

10. Leaving Atafu

- (1) No person who has any unsatisfied judgement or debt shall leave Atafu until appropriate agreement and conditions about the judgement or debt have been made.
- (2) No person against whom court proceedings have begun shall leave Atafu till the end of the case.

11. Moetolo, fornication and adultery

Any person who engages in moetolo, or an act of fornication or adultery commits an offence and is liable on conviction to a fine not exceeding \$150.00.

These rules were made under regulation 18 of the Tokelau Village Incorporation Regulations 1986, by resolution of the Taupulega of Atafu on 23 June 1988 as witnessed by my signature and the seal of the village.

Signed:

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(FAIPULE)

VILLAGE RULES OF FAKAOFO

1. Lafu areas and Motuha

- (1) The lafu areas are:

Mulifenua to Agahala	—	Lalo
Pukaheo to Mulikoko	—	Kogaloto
Motuha to Kauapiki	—	Matagi
Fenuatapu, Palea, Fenualoa and Nukumatau	—	Motuhá
- (2) Any person who is in the *lafu* or motuhá without permission commits an offence, and is liable on conviction to a fine not exceeding \$5.00 or a sentence of community service for a period not exceeding one month.
- * (3) Any person who incites another or conspires with another to break the lafu or motuhá commits an offence, and is liable on conviction to a fine not exceeding \$5.00 or to a sentence of community service for a period not exceeding one month.
- (4) (i) Permission to enter the *lafu* or motuhá is given by the Pulenuku.
 (ii) Any person who enters the *lafu* or motuhá is subject to a search of his boat by the Pulenuka or a police officer.
 (iii) Any person who fails to submit to the search under subparagraph (ii) commits an offence and is liable to a fine not exceeding \$5.00.

2. Special fish (ika ha)

- (1) Any person who catches a turtle, a marlin, a dolphin, or 50 or more bonito in one catch, shall deliver the fish to the village for sharing.
- (2) Any person who contravenes paragraph (1) commits an offence and is liable on conviction to a fine of \$10.00.
- (3) Any person who incites another or conspires with another to contravene paragraph (1) commits an offence and is liable on conviction to a fine not exceeding \$10.00.
- (4) Notwithstanding rule 1, any person who catches a turtle, a marlin, a dolphin, or 50 or more bonito in one catch may on that day enter any of the *motu ha* to get food and drink.
- (5) Notwithstanding rule 1, any master fisherman in a boat that catches a turtle, a marlin, a dolphin, or 50 or more bonito in one catch may on that day enter any of the *motu ha* with his fishing companions to get food and drink.

3. Master fisherman — rules of the sea

- (1) No person shall fish from a canoe outside the reef unless —
 - (i) he has the *kaukumete*, and
 - (ii) he is over the age of 30.
- (2) In the interest of safety, no person shall —
 - (i) fish beyond 8 miles from the reef;
 - (ii) do trolling in the sea after 6 p.m.
- (3) No person shall incite another or conspire with another to contravene any provision of this rule.
- (4) No person shall go fishing beyond the reef without —
 - (i) sufficient petrol;
 - (ii) a motor in good working order;
 - (iii) a bottle of water;
 - (iv) paddles;
 - (v) spare parts; and
 - (vi) food.
- (5) Any person who contravenes a provision of this rule commits an offence and is liable on conviction to a fine not exceeding \$5.00.

4. Education

- (1) (i) Every person between the ages of 5 and 16 years shall attend school.
- (ii) Every school pupil shall go to bed before 9.00 p.m. during the school week.
- (2) Where a breach of paragraph (1) is by a child the child will be reprimanded by the elders.
- (3) Where breach of paragraph (1) is by a teenager, the teenager will be reprimanded before the Council of elders.

These rules were made under regulation 18 of the Tokelau Village Incorporation Regulations 1986, by resolution of the Taupulega of Fakaofu on 22 June 1988 as witnessed by my signature and the seal of the village.

Signed:

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(FAIPULE)

VILLAGE RULES — NUKUNONU

1. Name and commencement

- (1) These rules may be cited as the Nukunonu Village Rules 1988.
- (2) These rules shall come into force on 1 July 1988.

2. Adultery

Any person who engages in adultery or fornication commits an offence and shall on conviction be liable to a fine not exceeding \$20.

3. Curfew

- (1) The curfew is between 12 midnight and 6.00 a.m. on weekdays.
- (2) Any person who during the curfew and without permission moves around the village or meets with others commits an offence and shall on conviction be liable to a fine not exceeding \$20.00.

4. The Lafu

Any person who is in the lafu without the permission of the Taupulega commits an offence and shall on conviction be liable to a fine not exceeding \$20.00.

5. Clams

Any person who sends clams out of Nukunonu commits an offence and shall on conviction be liable to a fine not exceeding \$100.00.

6. Pigs

If a pig roams in a public place, the owner of the pig commits an offence and shall on conviction be liable to a fine not exceeding \$20.00.

7. Drugs

Any person who brings or imports any dangerous drug into Nukunonu commits an offence and shall on conviction be liable to a fine not exceeding \$150.00 or to perform community service for a period not exceeding 3 months.

8. Firearms and ammunition

Any person who brings or imports any firearms or ammunition into Nukunonu without the permission of the Taupulega commits an offence and shall on conviction be liable to a fine not exceeding \$150.00 or to perform community service for a period not exceeding 3 months.

9. Making fires in the village

Any person who lights a fire in the village other than in an area designated by the Taupulega commits an offence and shall on conviction be liable to a fine of \$5.00 or to a period of community service not exceeding 2 weeks.

10. Damage to property

Any person who unlawfully damages or destroys village property or government property in the village commits an offence and shall on conviction be liable to a fine not exceeding \$10.00, and may be ordered to pay compensation for the damage or destruction.

11. Electric switch boxes

- (1) Any person who sits on an electric switch box in a village path commits an offence.
- (2) Where a child under the age of 10 years sits on an electric switch box on a village path the parents of the child commit an offence.
- (3) Any person who commits an offence under this rule shall on conviction be liable to a fine not exceeding \$5.00 or a period of community service not exceeding 2 weeks.

12. Ika ha

Any person who catches a turtle, a marlin, or a groper and who does not share the catch with the village commits an offence and shall on conviction be liable to a fine not exceeding \$150.00 or to a period of community service not exceeding 3 months.

13. Atu

Any person who catches 30 or more bonito and who does not share the catch with the village commits an offence and shall on conviction be liable to a fine not exceeding \$50.00 or to community service for a period not exceeding one month.

14. Aheu and Gutula

Any person who catches 100 or more aheu or gutula and who does not share the catch with the village commits an offence and shall on conviction be liable to a fine not exceeding \$50.00 or to community service for a period not exceeding one month.-

15. Sighting of fish

- (1) Any person who sights a school of fish shall immediately report the matter to the Puleuku.
- (2) Any person who fails to comply with paragraph (1) or who catches the fish for himself commits an offence and shall on conviction be reprimanded.

16. Set Nets

Any person who sets a net in Vaiakau, Malai, Talaloi, Fakatumau, Te Alai, between Vineula and the gutula trap in the lagoon, in Avaloa, Ahaga o Humu, Ava o Niua, Ava o te Aheu, or Ava o te Puka, commits an offence and shall on conviction be reprimanded.

17. Use of explosive and poisons to kill fish

Any person who uses poison or explosives to kill fish commits an offence and shall on conviction be liable to a fine not exceeding \$150.00 or to community service for a period not exceeding 3 months.

18. Reward for fish

The person who brings any of the ika ha to the village for sharing shall receive a reward in the form of petrol of a quantity decided by the Puleuku.

19. Electrical installations

Any person, other than the village electrician, who installs electricity in any building or connects electricity or repairs electrical installations commits an offence and shall on conviction be liable to a fine not exceeding \$150.00 or to community service for a period not exceeding 3 months.

20. Payment of fines

- (1) Fines shall be paid to the Failautuhi within one month of the date of conviction.
- (2) Any person who fails to pay a fine in accordance with para (2) commits an offence and shall on conviction be liable to a further fine not exceeding one dollar for every day during which the fine remains unpaid.

These rules were made under regulation 18 of the Tokelau Village Incorporation Regulations 1986 by resolution of the Taupulega of Nukunonu on 25 June 1988 as witnessed by my signature and the seal of the village.

Signed:

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(FAIPULE)