

Fisheries (Vessel Monitoring System) Regulations 2009

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TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 2

Tuesday 19 January

2010

FISHERIES MANAGEMENT ACT 2002 (Section 101)

FISHERIES (VESSEL MONITORING SYSTEM) REGULATIONS 2009

IN EXERCISE of the powers conferred by section 101 of the Fisheries Management Act 2002, the Minister responsible for Fisheries makes the following Regulations:

1. Short title

These Regulations may be cited as the Fisheries (Vessel Monitoring System) Regulations 2009.

2. Interpretation

In these Regulations, unless the context otherwise requires –

“Act” means the Fisheries Management Act 2002;

“Commission” means the Commission established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

“FFA” means the South Pacific Islands Forum Fisheries Agency;

“Ministry” means the Ministry responsible for fisheries;

“VMS” means Vessel Monitoring System;

“Vessel Monitoring System information” means all information generated and collected in respect of the operation of the Vessel Monitoring System.

3. Fees and forms

- (1) The fees set out in Schedule I are hereby prescribed for the purposes of the Act and these Regulations.
- (2) The forms set out in Schedule II with such modifications as the circumstances require, are hereby prescribed for the purposes of the Act and these Regulations.

4. Designated Vessel Monitoring System

- (1) Subject to sub-regulations (2), (3) and (4), the ARGOS VMS is the designated VMS for the purposes of these Regulations.
- (2) These Regulations do not apply to:
 - (a) local fishing vessels that are used solely for subsistence fishing; and
 - (b) fishing vessels licenced under the Multilateral Fisheries Treaty with the United States which operate under the alternate VMS adopted by the FFA, as agreed by the Parties to that Treaty, which include the Kingdom.
- (3) Upon written request, the Minister may grant an exemption to the designated VMS for vessels other than those covered in sub-regulation (2), if the alternate VMS is that adopted by the FFA provided that the
 - (a) alternate VMS is switched on at all times while in the fisheries waters;
 - (b) required entry and exit reports are submitted to the Ministry; and
 - (c) owner or operator shall be responsible for the cost of polling communications for that vessel while fishing in the fishery waters.

5. Register

The Secretary shall maintain a VMS Register of Fishing Vessels.

6. Registration of an automatic location communicator

- (1) An application to register an automatic location communicator shall be in the form set out in Form 1 and accompanied by the prescribed fee.
- (2) A notice of registration of an automatic location communicator shall be in the form set out in Form 2 and be valid for 12 months.
- (3)
 - (a) Any information required to be recorded, notified, communicated or reported shall be true, complete and correct.
 - (b) Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Secretary in writing immediately.
- (4)
 - (a) Applicants wishing to maintain their registration shall, where there has been no material change in the information provided in the original application, and unless otherwise required by the Secretary, submit an application for renewal in the form set out in Form 3 and accompanied by the prescribed fee, at least 2 weeks before the expiry date.

- (b) An application for renewal that is not received at least 2 weeks before the expiry date shall be dealt with for all purposes as applications for first registration under sub-regulation (1).
- (5) The Secretary may require, prior to registration or renewal of registration under sub-regulations (3) and (4) that an automatic location communicator be inspected by an authorised officer.

7. Implementation of the requirement for registration

No licence shall be issued under the Act unless:

- (a) a foreign fishing vessel, locally-based foreign fishing vessel, or their support vessels unless such vessel is registered as a vessel in good standing on the Fishing Vessel Register, VMS Register of Fishing Vessels, FFA Regional Fishing Vessel Register and the FFA VMS Register; or
- (b) a local fishing vessel designated to carry the ARGOS VMS to be permitted to fish exclusively in the fisheries waters unless that vessel is registered on the Fishing Vessels Register and the VMS Register of Fishing Vessels.

8. Requirements for registration

The Secretary shall register the status on the VMS Register of Fishing Vessels to a fishing vessel that meets the following requirements –

- (a) duly completed application form has been received;
- (b) the prescribed fee has been paid;
- (c) the VMS Section of the Ministry confirms to the Secretary that an approved operational automatic location communicator has been installed in accordance with the approval and installation instructions;
- (d) the vessel is in good standing on the Fishing Vessels Register, the VMS Register of Fishing Vessels and, as appropriate, the FFA Regional Fishing Vessel Register and FFA VMS Register; and
- (e) automatic position reports are being received from the vessel by the VMS Section.

9. Automatic location communicator

- (1) No fishing vessel shall be licenced to fish in the fisheries waters unless the operator installs and operates a registered automatic location communicator in accordance with such specifications as prescribed by the Minister.

- (2) It shall be a condition of every fishing licence that the operator –
- (a) maintains the automatic location communicator in good working order;
 - (b) does not interfere, tamper, alter, damage or disable the automatic location communicator, or impede the operation of the automatic location communicator;
 - (c) does not move or remove the automatic location communicator from the agreed installed position without the prior permission of the Secretary;
 - (d) ensures that upon notification by the Secretary that the vessel's automatic location communicator has failed to transmit, complies with the directives of the Secretary, including manual reporting of positions, possible cessation of fishing, stowage of fishing gear, and return to the nearest port for a technical inspection, until such time that the vessel's automatic location communicator is functioning properly.
- (3) If it is not possible to make position reports, or if the Secretary so directs, the master of the vessel shall immediately stow their fishing gear and take the vessel directly to a port nominated by the Secretary.
- (4) It shall be a condition of a foreign fishing licence for the operator to ensure that at least 24 hours prior to entry into the fisheries waters that the vessel's automatic location communicator is switched on and is operating properly at all times when the vessel is in the fisheries waters, including in port.
- (5) It shall be a condition of all licences, other than foreign fishing licences, for the operator to ensure that the vessel's automatic location communicator is switched on and is operating properly at all times when the vessel is in the fisheries waters, in port, or, where authorised, outside the fisheries waters, unless the operator has been authorised by the Secretary in writing to switch off the automatic location communicator for a stipulated period while in port.
- (6) Any person that fails to comply with the conditions in this regulation commits an offence and shall be liable upon conviction to the fine provided in section 102 of the Act and the vessel's fishing licence may be suspended or cancelled.

10. Criteria for withdrawal or suspension

A fishing licence may be suspended or withdrawn if the operator violates terms and conditions of access, including but not limited to :

- (a) failure to activate the automatic location communicator upon entry into the fisheries waters;
- (b) failure to provide manual reports when so directed by the Secretary while in the fisheries waters in the event of an automatic location communicator breakdown;
- (c) failure to stow fishing gear and follow the Secretary's direction to proceed directly to port in the event that manual reports cannot be provided;
- (d) failure to take the vessel to a nominated port for automatic location communicator repair when so directed by the Secretary;
- (e) interfering with, tampering with, altering, damaging, or disabling the automatic location communicator; and
- (f) there is no access agreement or authorisation to fish, in force relating to the vessel in question and evidence exists that gives reasonable cause to believe that the operator has committed a serious violation against the fisheries laws or regulations, and it has not been possible to bring the operator to trial.

11. Withdrawal of licence

- (1) The Minister in the case of a foreign vessel, and the Secretary in the case of all other vessels, including a locally-based foreign fishing vessel, shall notify the operator of the intention to withdraw the VMS registration of the vessel in question and give seven days for the latter to show cause as to why the Ministry should not proceed accordingly.
- (2) On the expiration of the seven days if no satisfactory explanation has been received, the Minister in the case of a foreign vessel, and the Secretary in the case of all other vessels, shall withdraw the vessel's VMS registration and notify the operator of this action and that the vessel is no longer permitted to fish in the fisheries waters, until the VMS registration is re-instated.
- (3) The Secretary shall notify the FFA Director of the withdrawal of the VMS registration of the vessel.

12. Suspension of licence

- (1) The Minister in the case of a foreign vessel, and the Secretary in the case of all other vessels, shall suspend the licence of a fishing vessel that has not complied with regulation 6.
- (2) The Minister in the case of a foreign vessel, and the Secretary in the case of all other vessels, may suspend the licence of a fishing vessel on one or more of the grounds set out in regulation 10.

- (3) The Minister in the case of a foreign vessel, and the Secretary in the case of all other vessels, shall apply the procedures in regulation 11 when suspending a vessel's licence.

13. Reinstatement

- (1) Following withdrawal, a licence shall be reinstated upon the satisfaction of all outstanding requests, and the completion of the requirements in regulation 6.
- (2) Following suspension, a licence shall be reinstated upon completing the required corrective action to the satisfaction of the Minister.
- (3) Where the licence of a vessel has been suspended and the suspension has remained in effect for a period of 12 months the licence of that vessel shall automatically be withdrawn and licence shall be reinstated only when the requirements under sub-regulation (1) are satisfied.
- (4) The Secretary shall notify the FFA Director and the vessel operator of the reinstatement of the licence for a vessel.

14. Destruction, damage of automatic location communicator

Any person who intentionally, recklessly or negligently destroys, damages, renders inoperative or otherwise interferes with any part of the automatic location communicator, or attachments necessary to make it operate, commits an offence and shall be liable upon conviction, to the fine provided for by section 102 of the Act and the vessels fishing licence may be suspended or cancelled.

15. Ownership of vessel monitoring information

Ownership of all VMS information generated in the fisheries waters is hereby vested in the Ministry.

16. Confidentiality of vessel monitoring system information

- (1) All VMS information shall be classified as confidential information.
- (2) Any person who intentionally, recklessly or negligently divulges information from a VMS, to any person or persons not authorised to receive such information commits an offence and shall be liable upon conviction to the fine provided for by section 102 of the Act.

17. Authorised release of VMS information

Notwithstanding regulation 16, the Minister may authorise the release of VMS information in the following circumstances:

- (a) to discharge of international obligations assumed by the Kingdom;
- (b) to maintain law and order;
- (c) for safety of life and property; and
- (d) any other purpose deemed by the Minister to be in the national interest.

18. Guidelines for the collection and release of VMS information

The Minister may develop guidelines in relation to –

- (a) the collection of VMS information; and
- (b) the authorised release of VMS information.

Made in Nuku'alofa this 27th day of May, 2009.

**Minister responsible for Fisheries
HSH. Prince Tu'ipelehake**

SCHEDULE I

FEES

1. Fee for application for registration and renewal of an automatic location communicator \$10.00

2. Fee for registration and renewal of an automatic location communicator \$2,100.00

**SCHEDULE II
FORM 1**

KINGDOM OF TONGA



THE FISHERIES MANAGEMENT ACT 2002

**APPLICATION FOR REGISTRATION OF THE
AUTOMATIC LOCATION COMMUNICATOR**

(Fisheries (Vessel Monitoring Regulations) 2009 - Regulation 6(1))

This is an application for the purchase, installation and operation of an ARGOS Transmitter for the Vessel Monitoring System. You are required to complete all the information below. The application form needs to be signed and delivered to the Secretary of the Ministry accompanied by the requisite fee. Applications will be approved or rejected within 5 working days. The Applicants' contributions will be refunded in full if the application is rejected.

Please note: you must fill in a separate application form for each vessel.

Name of applicant (vessel's legal owner):

Vessel name:

International radio call sign of vessel:

Licences held by the vessel:
.....
.....
.....

Vessel LOA: **Vessel GRT:**

Electrical supply available on the vessel:

I **being/on behalf of, the legal owner of the vessel.**
..... **International radio call sign**
hereby apply for the purchase, installation and operation of an ARGOS transmitter

in compliance with Tonga’s Fishing Vessel Monitoring System. I understand that the care, maintenance and operations of this AUTOMATIC LOCATION COMMUNICATOR must be in accordance and compliance with my licence conditions and the VMS Regulations under the Fisheries Management Act 2002. I accept that once the unit has been activated that I am responsible for any maintenance cost associated with the operation of the unit. I further accept to pay an annual communications fee for the continued operation of the transmitter unit. I accept that upon receipt of payment by the Ministry for the second year’s communication costs the unit’s ownership will officially become mine.

SIGNED on the **day of** **200**....

BY
Name (OPERATOR) **Signature**

IN THE PRESENCE OF:

.....
Name (Position) **Signature**

OFFICIAL USE ONLY	
ARGOS SERIAL NUMBER	
MODEL IDENTIFICATION	
NAME OF INSTALLING AGENT	
ADDRESS, PHONE, FAX, E-MAIL OF INSTALLING AGENT	
.....	
NAME OF INSPECTING OFFICER (Optional on decision of Secretary)	
.....
NAME	DATE

FORM 2

KINGDOM OF TONGA



THE FISHERIES MANAGEMENT ACT 2002

NOTICE OF REGISTRATION

(Fisheries (Vessel Monitoring Regulations) 2009 - Regulation 6(2))

ARGOS SERIAL
NUMBER

MODEL
IDENTIFICATION
NUMBER

The following vessel is registered on the Kingdom of Tonga's Vessel
Monitoring System Register of Fishing Vessels.

A. DETAILS OF VESSEL

Name of vessel:

Flag:

Vessel type:

International Radio call sign:

Licences held by the vessel:

.....
.....
.....

Vessel LOA: Vessel GRT:

Electrical supply available on the vessel:

B. DETAILS OF OWNERSHIP

Name of vessel's legal owner:

Address:

.....

Telephone:

Fax:

.....
Signature of Secretary of Fisheries

.....
Date of registration

FORM 3

KINGDOM OF TONGA



FISHERIES MANAGEMENT ACT 2002

**APPLICATION FOR RENEWAL OF REGISTRATION OF THE
AUTOMATIC LOCATION COMMUNICATOR
(Fisheries (Vessel Monitoring System) Regulations 2009 – Regulation 6(4))**

This is an application for the renewal of an ARGOS AUTOMATIC LOCATION COMMUNICATOR for Tonga’s Fishing Vessel Monitoring System. You are required to complete all the information below. The renewal application form needs to be signed and delivered to the Secretary of the Ministry at least 2 weeks prior to expiration of the former VMS Registration, and shall be accompanied by the requisite fee. Applications will be approved or rejected within 5 working days. The Applicants’ contributions will be refunded in full if the application is rejected.

Please note: you must fill in a separate application form for each vessel.

CURRENT AUTOMATIC LOCATION COMMUNICATOR NUMBER:
.....

Name of applicant (vessel’s legal owner):
Vessel name:
International radio call sign of vessel:

Licences held by the vessel:
.....
.....
.....

Vessel LOA: **Vessel GRT:**

Electrical supply available on the vessel:

I **being/on behalf of, the legal owner of the vessel.**
..... hereby apply for RENEWAL for an ARGOS transmitter in compliance with Tonga’s Fishing VMS Regulations. I understand that the care, maintenance and operations of this AUTOMATIC LOCATION COMMUNICATOR must be in accordance with my licence conditions and the VMS Regulations under the Fisheries Management Act 2002. The unit will, on acceptance of this application, become the sole property of this applicant. I accept that once the unit has been activated that I am responsible for any

maintenance cost associated with the operation of the unit. I further accept to pay an annual communications fee for the continued operation of the transmitter unit.

SIGNED on the**day** of**200**....

BY
Name (OPERATOR) **Signature**

IN THE PRESENCE OF:

.....
Name (Position) **Signature**

OFFICIAL USE ONLY	
ARGOS SERIAL NUMBER	
MODEL IDENTIFICATION	
NAME OF INSTALLING AGENT	
ADDRESS, PHONE, FAX, E-MAIL OF INSTALLING AGENT	
.....	
NAME OF INSPECTING OFFICER (Optional on decision of Secretary)	
.....
NAME	DATE

**NGAAHI TU'UTU'UNI KI HE TOUTAI (FOUNGA MUIMUI'I VAKA) 2009
FOKOTU'UTU'U 'O E NGAahi TU'UTU'UNI**

1. Hingoa nounou
2. 'UHINGA'i Lea
3. Ngaahi totongi mo e ngaahi foomu
4. FOUNGA Muimui'i Vaka kuo vahe'i
5. Vaka
6. Lesisita 'o ha misini tala tu'u'anga
7. FOUNGA fakahoko 'o e ngaahi fiema'u ki he lesisita
8. Lesisita
9. Misini tala tu'u'anga
10. Ngaahi makatu'unga ke to'o pe to'o fakataimi
11. To'o 'o e laiseni
12. To'o fakataimi
13. Fokotu'u
14. Faka'auha, maumau'i 'o e misini tala tu'u'anga
15. Taha 'oku 'a'ana 'a e ngaahi fakamatala mei he VMS
16. Malu 'o e ngaahi fakamatala mei he VMS
17. Fakamafai ki hono tuku atu 'o e ngaahi fakamatala mei he VMS
18. Ngaahi fakahinohino ki hono tanaki mo tuku atu 'o e ngaahi fakamatala mei he VMS

NGAAHI TEPILE

Tepile 1 NGAahi TOTONGI

Tepile 2 NGAahi FOOMU

FAKALAHĪ KI HE KASETE ‘A E PULE‘ANGA TONGA KASETE MAKEHE

Fika 2

Tusite, 19 Sanuali

2010

LAO KI HE PULE‘I ‘O E TOUTAI 2002 (Kupu 101)

NGAAHI TU‘UTU‘UNI KI HE TOUTAI (FOUNGA MUIMUI‘I VAKA) 2009

‘**IHONO NGAUE‘AKI** ‘o e ngaahi mafai ‘oku tu‘utu‘uni ‘e he kupu 101 ‘o e Lao ki he Pule‘i ‘o e Toutai 2002, ‘oku fakahoko ai ‘e he Minisita ‘oku ne tokanga‘i ‘a e Toutai ‘a e Ngaahi Tu‘utu‘uni ni:

1. **Hingoa nounou**

‘E ui ‘a e Ngaahi Tu‘utu‘uni ni ko e Ngaahi Tu‘utu‘uni ki he Toutai (Founga Muimui‘i Vaka) 2009.

2. **‘Uhinga‘i lea**

‘I he ngaahi Tu‘utu‘uni ni –

“Lao” ‘oku ‘uhinga ia ki he Lao ki he Pule‘i ‘o e Toutai 2002;

“Komisoni” ‘oku ‘uhinga ia ki he Komisoni ‘oku fokotu‘u ‘i he Konivesio ki he Pule‘i mo hono Fakatolonga ‘oe Fa‘ahinga ‘o e Valu ‘i he Potu Tahī Hihifo ‘o e ‘Oseni Pasifiki;

“FFA” ‘oku ‘uhinga ki he Kautaha Toutai ‘a e Fakafofonga Toutai ‘o e Alea‘anga ‘o e Pasifiki Tonga;

“VMS” ‘oku ‘uhinga ia ki he Founga Muimui‘i Vaka;

“Ngaahi fakamatala mei he Founga Muimu‘i Vaka” ‘oku ‘uhinga ki he ngaahi fakamatala kotoa ‘oku tuku mai mo tanaki mei hono fakalele ‘o e Founga Muimui‘i Vaka.

3. **Ngaahi totongi mo e ngaahi foomu**

- (1) Ko e ngaahi totongi ‘oku fokotu‘u atu ‘i he Tepile I, ‘oku fokotu‘u atu heni ‘o fakataumu‘a ki he Lao mo e Ngaahi Tu‘utu‘uni ni.
- (2) Ko e ngaahi foomu ‘oku ha atu ‘i he Tepile II mo e ngaahi liliu ‘a ia ‘e fiema‘u, ‘oku fokotu‘u atu heni ‘o fakataumu‘a ki he Lao mo e Ngaahi Tu‘utu‘uni ni.

4. VMS kuo Vahe'i

- (1) Fakatatau ki he tu'utu'uni si'i (2), (3) mo e (4), ko e VMS ARGOS ko e VMS ia 'e ngaue'aki ki he ngaahi taumu'a 'a e Ngaahi Tu'utu'uni ni.
- (2) Kuo pau 'e 'ikai ngaue'aki 'a e Ngaahi Tu'utu'uni ni ki he:
 - (a) ngaahi vaka toutai fakalotofonua 'oku ngaue'aki 'ata'ata pe 'o fakataumu'a ki he toutai ki he me'atokoni; mo e
 - (b) ngaahi vaka toutai 'oku laiseni 'i he malumalu 'o e Talite Fakatokolahi ki he Toutai pea mo e Pule'anga 'Amelika 'a ia 'oku ne ngaue'aki 'a e VMS kehe 'oku ngaue'aki 'e he FFA, 'o fakatatau ki he felotoi 'a e ngaahi Fonua Memipa 'o e talite ko ia, 'o kau ki ai 'a e Pule'anga ni.
- (3) 'E ngofua ki he Minisita 'i hono ma'u ha tohi kole, ke faka'ata mei he VMS kuo vahe'i 'a e ngaahi vaka, tukukehe 'a e ngaahi vaka 'oku ha 'i he tu'utu'uni si'i (2), kapau ko e VMS kehe ko ia 'oku ngaue'aki ko e VMS 'oku ngaue'aki 'e he FFA, ka kuo pau -
 - (a) ko e VMS kehe, 'oku fakamo'ui ma'u pe lolotonga 'ene 'i he ngaahi tahi toutai'anga;
 - (b) ke fakahu ki he Potungae Toutai 'a e lipooti hu mai mo hu atu 'a e vaka ki he ngaahi tahi toutai'anga;
 - (c) ke totongi 'e he taha 'a'ana pe taha ngaue'aki 'a e ngaahi fakamole ki hono ma'u 'a e ngaahi fetu'utaki tu'u'anga fekau'aki mo e vaka ko ia lolotonga 'ene toutai 'i he ngaahi tahi toutai'anga.

5. Lesisita Vaka

Kuo pau ki he Sekelitali ke ne tauhi 'a e Tohi Lesisita Vaka ki he VMS.

6. Lesisita 'o ha misini tala tu'u'anga

- (1) Kuo pau ki ha kole lesisita 'o ha misini tala tu'u'anga ke fakahoko ia 'i he Foomu 1, pea 'oatu fakataha mo e totongi kuo tu'utu'uni.
- (2) Kou pau ke fakahoko ha fanongonongo kuo lesisita ha misini tala tu'u'anga, 'i he foomu 'oku ha 'i he Foomu 2 pea ke ngaue'aki ia 'i he mahina 'e 12.
- (3) (a) Kuo pau ko e fakamatala kotoa pe 'oku fiema'u ke lekooti, fakafanongonongo, fakafetu'utaki pe lipooti ke mo'oni, kakato pea mo tonu.

- (b) Kuo pau ke fanongonongo ki he Sekelitali 'i ha tohi 'i he taimi pe ko ia, ka 'i ai ha liliu 'i he ngaahi tu'unga ko ia 'oku ne fakatupu ai ke 'ikai mo'oni, ta'ekakato pe takihala'i 'a e ngaahi fakamatala.
- (4) (a) Kuo pau ki ha taha 'oku ne faka'amu ke hoko atu 'ene lesisita, kapau 'oku 'ikai ke 'i ai ha liliu mahu'inga ki he ngaahi fakamatala na'e fakaha 'i he fuofua tohi kole lesisita, pea tukukehe kapau 'oka fiema'u 'e he Sekelitali, ke fakahu ha tohi kole fakafo'ou lesisita 'i he foomu 'oku ha 'i he Foomu 3 pea 'oatu fakataha mo e totongi kuo tu'utu'uni 'i he uike 'e ua kimu'a mei he 'aho 'e ngata ai.
- (b) Ko ha tohi kole fakafo'ou lesisita 'oku 'ikai ke ma'u 'i he uike 'e ua ki mu'a pea ngata 'a e lesisita lolotonga, kuo pau ke lau ia ko e fuofua lesisita 'i he tu'utu'uni si'i (1).
- (5) 'E ngofua ki he Sekelitali ke ne fekau ha 'ofisa fakamafai ke sivi 'a e misini tala tu'unga kimu'a pea lesisita pe fakafo'ou ha lesisita fakatatau ki he tu'utu'uni si'i (3) mo e (4).

7. Founga fakahoko 'o e ngaahi fiema'u ki he lesisita

Kuo pau ke 'ikai foaki ha laiseni 'i he Lao tukukehe -

- (a) kapau ko ha vaka toutai muli, vaka toutai muli 'oku ngaue fakalotofonua pe ko ha ngaahi vaka tokoni ki he ngaahi vaka ko ia, tukukehe ko e ngaahi vaka ko ia 'oku lesisita ko ha vaka tu'unga falala'anga 'i he Lesisita 'o e ngaahi vaka toutai, 'i he Lesisita 'o e VMS 'o e ngaahi vaka toutai, Lesisita 'a e FFA ki he ngaahi vaka toutai fakafeitu'u mo e Lesisita 'a e FFA ki he VMS; pe
- (b) ha vaka toutai fakalotofonua kuo vahe'i ke ne ngaue'aki 'a e VMS ARGOS ke fakangofua'i ke toutai pe 'i he ngaahi tahi toutai'anga tukukehe ka kuo lesisita 'a e vaka 'i he Lesisita 'o e Ngaahi Vaka Toutai mo e Lesisita VMS ki he Ngaahi Vaka Toutai.

8. Lesisita

Kuo pau ki he Sekelitali ke lesisita 'a e tu'unga 'o ha vaka toutai, 'i he Lesisita VMS ki he ngaahi vaka toutai, 'oku ne ma'u 'a e ngaahi me'a ni -

- (a) kuo ma'u mai ha foomu tohi kole kuo fakakakato;
- (b) totongi 'a e totongi kuo tu'utu'uni;
- (c) fakapapu'i 'e he Va'a VMS 'a e Potungaue ki he Sekelitali kuo fokotu'u ha misini tala tu'u'anga kuo tali 'a ia 'oku ngaue, 'o fakatatau mo e tali mo e ngaahi fakahinohino ki hono fokotu'u;

- (d) ko e vaka 'oku 'i he tu'unga falala'anga 'i he Lesisita 'o e ngaahi vaka toutai, Lesisita 'o e VMS 'o e ngaahi vaka toutai pea, ka taau, 'i he Lesisita 'a e FFA ki he ngaahi vaka toutai fakafeitu'u mo e Lesisita 'a e FFA ki he VMS; pea
- (e) 'oku ma'u 'e he Va'a VMS 'a e ngaahi fakamatala lipooti tu'u'anga mei he vaka.

9. Misini tala tu'u'anga

- (1) Kuo pau 'e 'ikai ngofua ke laiseni ha vaka toutai ke toutai 'i he ngaahi tahi toutai'anga tukukehe kapau kuo fokotu'u 'e he taha ngaue'aki ha misini tala tu'u'anga kuo lesisita pea ne ngaue'aki, 'o fakatatau ki he ngaahi fakahinohino 'a e Minisita.
- (2) Kuo pau ko e tu'utu'uni 'o e laiseni toutai kotoa, ki he taha ngaue'aki ke -
- (a) tauhi 'a e misini tala tu'u'anga ke 'i he tu'unga ngaue lelei;
- (b) 'ikai ke kaunoa, alasi, liliu, maumau'i pe tamate'i 'a e misini tala tu'u'anga pe fakafaingata'a'ia'i 'a e ngaue 'a e misini tala tu'u'anga;
- (c) 'ikai hiki pe to'o 'a e misini tala tu'u'anga mei he feitu'u na'e felotoi ke tu'u ai, 'o 'ikai tomu'a fakangofua 'e he Sekelitali;
- (d) fakapapau'i 'i hono ma'u ha fanongonongo mei he Sekelitali kuo maumau 'a e misini tala tu'u'anga, ke ne faipau ki he ngaahi fekau 'a e Sekelitali, kau ai 'a e lipooti fetu'utaki 'o e tu'u'anga 'o e vaka, tu'unga 'e malava ai ke ta'ofi 'a e toutai, fakaheka ki vaka 'a e ngaahi naunau toutai, pea foki ki he taulanga ofi taha ke fai hano sivi fakatekinikale, ka e 'oua kuo ngaue lelei 'a e misini tala tu'u'anga 'o e vaka.
- (3) Kapau 'e 'ikai malava ke fakahoko 'a e ngaahi lipooti fetu'utaki 'o e tu'u'anga, pe kapau 'oku fekau'i 'e he Sekelitali ke fai pehe, kuo pau ki he 'eiki vaka ke ne fakaheka 'i he taimi pe ko ia 'a e naunau toutai pea 'ave leva 'a e vaka ki ha taulanga 'e tu'utu'uni'i 'e he Sekelitali.
- (4) Kuo pau ko ha tu'utu'uni 'o e laiseni vaka toutai muli, ki he taha ngaue'aki ke ne fakapapau'i 'oku fakamo'ui 'a e misini tala tu'u'anga 'o 'ikai to e si'i hifo 'i he houa 'e 24 kimu'a pea hu 'a e vaka ki he ngaahi tahi toutai'anga, pea 'oku ngaue lelei 'i he taimi kotoa pe 'oku 'i he ngaahi tahi toutai'anga, kau ai mo 'ene 'i taulanga.
- (5) Kuo pau ko e tu'utu'uni 'o e ngaahi lasieni kotoa, tukukehe 'a e laiseni vaka toutai muli, ki he taha ngaue'aki ke ne fakapapau'i ko e misini tala tu'u'anga 'oku fakamo'ui ma'u pe pea 'oku ngaue lelei 'a e misini tala tu'u'anga 'i he taimi kotoa 'oku 'i he ngaahi tahi toutai'anga ai 'a e

vaka, 'i taulanga, pe 'i he feitu'u kuo fakamafai'i, 'i tu'a 'i he ngaahi tahi toutai'anga, tukukehe kapau kuo fakamafai'i 'e he Sekelitali 'i he tohi 'a e taha ngaue'aki, ke tamate'i 'a e misini tala tu'u'anga 'i taulanga 'i he vaha'a taimi 'e fakaha .

- (6) Ka 'i ai ha taha 'oku 'ikai te ne faipau ki he ngaahi tu'utu'uni 'i he tu'utu'uni ni, 'oku ne fakahoko ha hia pea kuo pau 'e ala tautea mo'ua 'i ha'ane halaia, 'o fakatautu ki he kupu 102 'o e Lao pea 'e ngofua ke to'o fakataimi pe kaniseli 'a e laiseni toutai 'a e vaka.

10. Ngaahi makatu'unga ki he to'o pe to'o fakataimi

'E ngofua ke to'o fakataimi pe to'o ha laiseni kapau 'e maumau'i 'e he taha ngaue'aki 'a e ngaahi fiema'u mo e ngaahi tu'utu'uni faka'aonga'i, kau ai kae ikai fakangatangata ki he -

- (a) 'ikai ke fakamo'ui 'a e misini tala tu'u'anga 'i he hu ki he ngaahi tahi toutai'anga;
- (b) 'ikai ke lipooti fetu'utaki lolotonga 'oku 'i he ngaahi tahi toutai'anga, 'i hono fekau'i 'e he Sekelitali, kapau 'e maumau 'a e misini tala tu'u'anga;
- (c) 'ikai ke fakaheka 'a e ngaahi naunau toutai mo faitatau ki he fekau 'a e Sekelitali ke foki hangatonu ki taulanga kapau 'e 'ikai malava ke fakahoko 'a e ngaahi lipooti fetu'utaki;
- (d) 'ikai ke 'ave 'a e vaka ki he taulanga kuo fokotu'u 'i he fekau 'a e Sekelitali ke ngaahi ai 'a e misini tala tu'u'anga;
- (e) kaunoa, alasi, liliu, maumau'i pe tamate'i 'a e misini tala tu'u'anga; pea
- (f) 'oku 'ikai ke 'i ai ha aleapau faka'aonga'i pe fakamafai ke toutai 'oku ngaue'aki felave'i mo e vaka ko ia pea 'oku 'i ai 'a e fakamo'oni ke 'i ai ha 'uhinga fakapotopoto ke tui kuo maumau'i lahi 'e he taha ngaue'aki ha ngaahi lao ki he toutai pe ngaahi tu'utu'uni, pea na'e 'ikai malava ke 'omai 'a e taha ngaue'aki ke hopo'i.

11. To'o 'o e laiseni

- (1) Kuo pau ki he Minisita kapau ko ha vaka muli, pea ki he Sekelitali kapau ko ha vaka kehe, kau ai 'a e vaka toutai muli 'oku ngaue fakalotofonua, ke fakaha ki he taha ngaue'aki 'a e taumu'a ke to'o 'a e lesisita VMS 'o e vaka ko ia pea 'oange mo e 'aho 'e fitu ki he taha ngaue'aki ke ne fakaha 'a e 'uhinga 'oku 'ikai totonu ki he Minisita ke fakahoko pehe.
- (2) 'I he 'osi 'a e 'aho 'e fitu, kapau 'oku te'eki ke ma'u ha fakamatala fakafiemalie, kuo pau ki he Minisita kapau ko e vaka muli, pea ki he Sekelitali ki he ngaahi vaka kehe kotoa pe, ke to'o 'a e vaka mei he lesisita VMS pea fakaha ki he taha ngaue'aki 'a e ngaue kuo fai pea mo e 'ikai ke to e ngofua ki he vaka ke toutai 'i he ngaahi tahi toutai'anga, ka e 'oua kuo to e fokotu'u 'a e tu'unga lesisita VMS.

- (3) Kuo pau ki he Sekelitali ke ne fakaha ki he Talekita 'o e FFA 'a e to'o 'a e lesisita VMS 'o e vaka.

12. To'o fakataimi 'o ha lesisita

- (1) Kuo pau ki he Minisita kapau ko ha vaka muli, pea ki he Sekelitali kapau ko ha vaka kehe, ke to'o fakataimi 'a e laiseni 'o ha vaka toutai 'oku 'ikai faipau mo e tu'utu'uni 6.
- (2) Kuo pau ki he Minisita kapau ko ha vaka muli, pea ki he Sekelitali kapau ko ha vaka kehe, ke to'o fakataimi 'a e laiseni 'o ha vaka toutai 'o makatu'unga 'i he taha pe lahi hake 'o e ngaahi 'uhinga 'oku ha 'i he tu'utu'uni 10.
- (3) Kuo pau ki he Minisita kapau ko ha vaka muli, pea ki he Sekelitali kapau ko ha vaka kehe, ke ngaue'aki 'a e ngaahi founga ngaue 'i he tu'utu'uni 11 'i hono to'o fakataimi ha lesisita 'o ha vaka.

13. Fokotu'u

- (1) Hili hono to'o, kuo pau ke toki fokotu'u pe ha laiseni 'i hono fakakakato 'a e ngaahi fiema'u te'eki fakakakato, pea mo hono fakakakato 'o e ngaahi fiema'u 'i he tu'utu'uni 6.
- (2) Hili ha to'o fakataimi, kuo pau ke toki fokotu'u pe 'a e laiseni 'i hono fakakakato 'a e ngaahi ngaue fakatonutonu 'oku fiema'u pea fiamalie ki ai 'a e Minisita.
- (3) 'I hono to'o fakataimi ha laiseni 'o ha vaka pea kuo to'o fakataimi 'i he mahina 'e 12, kuo pau ke to'o 'a e laiseni 'o e vaka 'i he taimi ko ia, pea kuo pau ke toki fakafoki pe 'a e laiseni 'i hono fakakakato 'o e ngaahi fiema'u 'i he tu'utu'uni si'i (1).
- (4) Kuo pau ki he Sekelitali ke fakaha ki he Talekita 'o e FFA mo e taha ngaue'aki 'a e toe fokotu'u 'a e laiseni 'o ha vaka.

14. Faka'auha, maumau'i 'o e misini tala tu'u'anga

Ko ha taha 'oku ne fai 'i he 'ilo pau, ta'etokanga (recklessly) pe ta'etokanga (negligently) hono faka'auha, maumau'i, fakatupu 'a e mate pe kaunoa 'i ha konga 'o e misini tala tu'u'anga, pe ki ha me'a 'oku fakapipiki ki ai ke ngaue, 'oku ne fakahoko 'a e hia pea kuo pau 'e ala tautea mo'ua 'i ha'ane halaia, fakatatau ki he kupu 102 'o e Lao pea 'e ngofua ke to'o fakataimi pe kaniseli 'a e laiseni toutai 'o e vaka.

15. Taha 'oku 'a'ana 'a e ngaahi fakamatala mei he VMS

Kuo pau ko e ngaahi fakamatala VMS kotoa 'oku fakatupu 'i he ngaahi tahi toutai'anga, ko e koloa kotoa ia 'a e Potungaue.

16. Malu pe fakapulipuli 'o e ngaahi fakamatala mei he VMS

- (1) Kuo pau ko e ngaahi fakamatala VMS kotoa pe 'e vahe' i ia ko e ngaahi fakamatala fakapulipuli.
- (2) Ko ha taha 'oku ne fai 'i he 'ilo pau, ta'etokanga (recklessly) pe ta'etokanga (negligently), hono tuku atu ha fakamatala VMS, ki ha taha pe kakai 'oku 'ikai fakamafai' i ke ma'u ha fakamatala pehe, 'oku ne fakahoko 'a e hia pea kuo pau ke ala tautea mo'ua 'i ha'ane halaia, fakatatau ki he kupu 102 'o e Lao.

17. Founa fakamafai ki hono tukuatu 'o e ngaahi fakamatala mei he VMS

Neongo 'a e tu'utu'uni 16, 'e ngofua ki he Minisita ke fakamafai' i hono tuku atu 'a e ngaahi fakamatala VMS 'i he hoko 'a e ngaahi me'a ni -

- (a) ke fakahoko ha ngaahi fatongia fakavaha'apule'anga 'oku kau ki ai 'a e Pule'anga ni;
- (b) ke tauhi 'a e lao mo e melino;
- (c) ki he malu 'o e mo'ui mo e koloa; pea
- (d) mo ha to e 'uHINGA pe 'oku pehe 'e he Minisita 'oku kau ki he lelei fakalukufua 'a e fonua.

18. Ngaahi fakahinohino ki hono tanaki mo tuku atu 'o e ngaahi fakamatala mei he VMS

'E ngofua ki he Minista ke ne fa'u ha ngaahi fakahinohino fekau'aki mo -

- (a) hono tanaki 'o e ngaahi fakamatala VMS; pea
- (b) fakamafai' i hono tuku atu 'o e ngaahi fakamatala VMS.

Na'e fakahoko 'i Nuku'alofa 'i he 'aho 27 'o Me, 2009.

**Minisita 'oku ne tokanga' i 'a e Toutai.
HSH. Pilinisi Tu'ipelehake**

TEPILE 1

NGAAHI TOTONGI

Totongi ki he tohi kole lesisita mo fakafo'ou 'o ha misini tala tu'u'anga - \$10.00

Totongi ki he lesisita mo fakafo'ou 'o ha misini tala tu'u'anga - \$2,100.00

**TEPILE II
FOOMU 1
PULE'ANGA TONGA**



LAO KI HE PULE'I 'O E TOUTAI 2002

KOLE LESISITA 'O HA MISINI TALA TU'U'ANGA
(Ngaahi Tu'utu'uni ki he Toutai (Founga Muimui'i Vaka) 2009 –
Tu'utu'uni 6(1))

Ko e kole 'eni ki hono fakatau, fokotu'u mo ngaue'aki 'a e misini tala tu'u'anga ARGOS ki he founga muimui'i vaka. 'Oku fiema'u ke ke fakakakato mai 'a e ngaahi fakamatata 'oku fiema'u atu 'i lalo. Ko e foomu kole kuo pau ke ke fakamo'oni ai pea 'ave ki he Sekelitali 'o e Potungaue Toutai fakataha mo e totongi totonu. Ko e ngaahi kole 'e tali pe ta'e tali 'i loto 'i he 'aho ngaue 'e 5. 'E fakafoki kakato atu 'a e totongi 'o kapau 'e 'ikai ke tali ho'o kole.

Kataki 'o fakatokanga'i ange kuo pau ke ke fakafonu 'a e foomu kehe ki he vaka takitaha kotoa pe.

Hingoa 'o e tokotaha kole (tokotaha 'oku ne ma'u fakalao 'a e vaka):
.....

Hingoa 'o e vaka:

Hingoa fakaletio fakavaha'a pule'anga:.....

Ngaahi laiseni 'oku ma'u 'e he vaka:

.....
.....

Loloa 'o e vaka:..... **Mamafa 'o e vaka:**

Ngaahi me'a ngaue faka'uhila 'i vaka:.....

Ko au **ko e tokotaha 'oku 'a'ana 'a e vaka/ko e fakafounga 'o e vaka**.....**hingoa fakaletio fakavaha'a pule'anga**, 'oku ou kole heni keu fakatau, fokotu'u mo ngaue'aki 'a e me'a tala tu'u'anga ARGOS 'o fakatatau ki he Founga Muimui'i Vaka Toutai 'a Tonga. 'Oku mahino kiate au, ko hono tokanga'i, tauhi mo hono monomono mo ngaue'aki 'a e misini tala tu'u'anga, kuo pau ke fai ia 'o fakatatau ki he ngaahi tu'utu'uni 'o e laiseni pea mo e ngaahi tu'utu'uni ki he founga muimui'i vaka, 'i he malumalu 'o e Lao ki he Pule'i 'o e Toutai 2002. Ko

e misini tala tu'u'anga, ko e koloa ia 'a e Potungaue Toutai 'i he ta'u 'uluaki 'o 'ene ngaue. 'Oku ou loto fiemalie ko hono fakamo'ui pe 'a e misini tala tu'u'anga, 'oku ou fatongia'aki 'a hono totongi 'o e tauhi mo monomono 'o e ngaue'aki 'o e misni tala tu'u'anga. 'Oku ou toe loto fiemalie foki ke totongi 'a e totongi fakata'u ki he fetu'utaki ki he taimi lolotonga 'a e ngaue'aki 'o e misini tala tu'u'anga. 'Oku ou fiemalie foki, ko e ma'u pe 'e he Potungaue Toutai 'a e totongi fetu'utaki ki he ta'u hono ua, 'e hoko leva 'a e misini tala tu'u tu'u'anga ko e koloa ia 'a'aku.

FAKAMO'ONI 'i he 'aho 'o e mahina 200...

.....

HingoaFakamo'oni

FAKAMO'ONI KI AI 'A :

.....
Hingoa (Tu'unga) Fakamo'oni

KE FAKAFONU 'E HE POTUNGAUE TOUTAI

FIKA ARGOS

MOTOLO

HINGOA 'O E TOKOTAHA KE NE FOKOTU'U

TU'ASILA, TELEFONI 'O E TOKOTAHA FOKOTU'U

.....

.....

HINGOA 'O E 'OFISA NA'A NE SIVI (Fakatatau ki he tu'utu'uni 'a e Sekelitali)

.....

HINGOA

.....

'AHO

FOOMU 2

PULE'ANGA TONGA



LAO KI HE PULE'I 'O E TOUTAI 2002

**KOLE FAKAFO'OU 'O HA LESISITA 'O HA MISINI TALA
TU'U'ANGA**

**(Ngaahi Tu'utu'uni Toutai ki he Founa Muimui'i Vaka 2009 –
Tu'utu'uni 6(2))**

FIKA ARGOS

FIKA MOTOLO

'Oku lesisita 'a e vaka ni 'i he lesisita 'o e Founa Muimui'i Vaka ki he Ngaahi
Vaka Toutai

A. FAKAIKIKI 'O E VAKA

Hingoa 'o e Vaka:

Fuka:

Fa'ahinga Vaka:

Fika ui teleletio fakavaha'apule'anga:

Ngaahi Laiseni 'o e Vaka:
.....
.....

Loloa 'o e vaka: **Mamafa 'o e vaka:**

Ma'u'anga Ivi Faka'uhila 'i he Vaka:

B. FAKAIKIKI 'O E TAHA 'OKU 'A'ANA

Hingoa 'o e taha 'oku 'a'ana fakalao 'a e Vaka:

Tu'asila:

.....

.....

Telefoni:

Fekisi:

.....
Fakamo'oni 'a e Sekelitali ki he Toutai

.....
'Aho Lesisita

**FOOMU 3
PULE'ANGA TONGA**



LAO KI HE PULE'I 'O E TOUTAI 2002

**KOLE FAKAFO'OU 'O HA LESISITA 'O HA MISINI TALA
TU'U'ANGA**

**(Ngaahi Tu'utu'uni Toutai ki he Founa Muimui'i Vaka 2009 –
Tu'utu'uni 6(4))**

Ko e kole 'eni ke fakafo'ou 'a e lesisita 'o e misini tala tu'u'anga ARGOS ma'ae founa muimui'i vaka 'a Tonga. 'Oku fiema'u ke ke fakakakato mai 'a e ngaahi fiema'u kotoa 'oku ha atu 'i lalo. Ko e foomu kole fakafo'ou kuo pau ke ke fakamo'oni ai pea 'ave ki he Sekelitali 'o e Potungae Toutai 'i mu'a 'i he uike 'e 2 kimu'a pea 'osi 'a e lesisita founa muimui'i vaka lolotonga, pea kuo pau ke 'omai fakataha ia mo e totongi totonu. Ko e kole fai 'a e ngaue ki ai ke tali pe ta'e tali 'i loto 'i he 'aho ngaue 'e 5. Ko e totongi 'e 'omai 'e he tokotaha kole 'e fakafoki kotoa atu ia 'o kapau 'e 'ikai ke tali 'a ho'o kole lesisita.

Kataki 'o fakatokanga'i ange kuo pau ke ke fakafonu 'a e foomu kehekehe ki he vaka takitaha kotoa pe.

FIKA MISINI TALA TU'U'ANGA LOLOTONGA:

Hingoa 'o e tokotaha kole (tokotaha 'oku ne ma'u fakalao 'a e vaka):

Hingoa 'o e vaka:

Hingoa fakaletio fakavaha'a pule'anga:.....

Ngaahi laiseni 'oku ma'u 'e he vaka:

.....
.....
.....

Loloa 'o e vaka:..... Mamafa 'o e vaka:

Ngaahi me'a ngaue faka'uhila 'i vaka:.....

**Ko au ko e tokotaha 'oku 'a'ana
'a e vaka/ko e fakafofonga 'o e vaka.....hingoa
fakaletio fakavaha'a pule'anga**

'oku ou kole heni keu fakafo'ou 'a e misini tala tu'u'anga ARGOS 'o fakatatau ki he Founa Muimui'i Vaka Toutai 'a Tonga. 'Oku mahino kiate au, ko hono tokanga'i, tauhi mo hono monomono mo ngaue'aki 'a e misini tala tu'u'anga, kuo pau ke fai ia 'o fakatatau ki he ngaahi tu'utu'uni 'o e laiseni pea mo e ngaahi tu'utu'uni ki he founa muimui'i vaka, 'i he malumalu 'o e Lao ki he Pule'i 'o e Toutai 2002. Ko hono tali pe 'a e kole ni, 'e hoko leva 'a e misini tala tu'u'anga ko e koloa 'o e tokotaha kole. 'Oku ou loto fiemalie ko hono fakamo'ui pe 'a e misini tala tu'u'anga, 'oku ou fatongia'aki 'a hono totongi 'o e tauhi mo monomono 'o e ngaue'aki 'o e misni tala tu'u'anga. 'Oku ou to e loto fiemalie foki ke totongi 'a e totongi fakata'u ki he fetu'utaki ki he taimi lolotonga 'a e ngaue'aki 'o e misini tala tu'u'anga.

FAKAMO'ONI 'i he 'aho 'o e mahina 200_

Hingoa Fakamo'oni

FAKAMO'ONI KI AI 'A :

.....
Hingoa (Tu'unga) Fakamo'oni

KE FAKAFONU 'E HE POTUNGAUE TOUTAI

FIKA ARGOS
MOTOLO
HINGOA 'O E TOKOTAHA KE NE FOKOTU'U
TU'ASILA, TELEFONI 'O E TOKOTAHA FOKOTU'U

.....
HINGOA 'O E 'OFISA NA'A NE SIVI (Fakatatau ki he tu'utu'uni 'a e Sekelitali)

.....
HINGOA

.....
'AHO