



# WHALE WATCHING REGULATIONS 2016

No. 2016/03

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Pursuant to section 60(1) and (2)(w)(v), and (x) of the Territorial Sea and Exclusive Economic Zone Act 1996, Cabinet makes the following regulations—

- 1 Title**  
These regulations are the Whale Watching Regulations 2016.
- 2 Commencement**  
These regulations come into force on the day after the date on which these regulations are made in accordance with Article 13 of the Constitution.
- 3 Interpretation**
  - (1) In these regulations, unless the context otherwise requires,—
 

**Act** means the Territorial Sea and Exclusive Economic Zone Act 1996

**aircraft** includes any drone that operates in the air

**approved guide** means a person approved by the Director as being sufficiently qualified and experienced to direct and supervise swimming encounters

**Caution Zone** means the area marked Caution Zone in Schedule 1

**commercial operation** means an operation—

    - (a) carried out for hire or reward in any form; and
    - (b) in which people are transported, conveyed, conducted, or guided with a purpose to enable them to view or come into contact with marine mammals

**Director** means the Director for the Department of Agriculture, Forestry and Fisheries



**dolphin—**

- (a) means all species commonly known as dolphins, including spinner dolphins, common dolphins, and bottlenose dolphins; but
- (b) does not include the species known as killer whales or pilot whales

**fono** means a traditional Niuean custom prohibition applicable during a particular fishing season or fishing area

**harass**, in relation to a marine mammal, means any act that—

- (a) causes or is likely to cause injury or distress to a marine mammal; or
- (b) disrupts significantly or is likely to disrupt significantly the normal behavioural patterns of a marine mammal

**licence** means a whale watching licence issued under regulation 24

**licensed operator** means a person who holds a licence or permit

**marine mammal** means any whale or dolphin

**NCT** means Niue consumption tax

**permit** means a special interaction permit issued under regulation 27

**relevant staff member**, in relation to operations under a licence or a permit, means—

- (a) the operator of the vessel or aircraft; and
- (b) any guide who will be in the water

**swimming encounters** means any in water activity (for example, swimming, snorkelling, or free diving) that is conducted for the purpose of enabling a person to view or come into contact with a marine mammal

**vessel** means any boat, ship, or other water-going craft propelled by any means, except for any traditional canoe or vaka, and includes any drone that operates underwater or on the surface of the sea

**whale** means all species commonly known as whales, and includes baleen whales, sperm whales, beaked whales, killer whales, and pilot whales

**whale watching** has the meaning given in regulation 5

**whale watching season** means the period beginning on 1 June and ending with the close of 31 October in any year.

- (2) In these regulations, unless the context otherwise requires, terms not defined in these regulations but defined in the Act or the Whale Sanctuary Regulations 2003 have the meanings given by the Act or those other regulations.

**4 Application**

- (1) These regulations apply throughout Niue and Niue fishery waters.



- (2) These regulations do not apply to a fishing vessel while it is engaged in fishing unless the vessel –
- (a) is also engaged in a commercial operation; or
  - (b) deviates off course to engage in recreational viewing of marine mammals.

## **Part 1**

### **Whale watching and interactions with marine mammals**

#### **5 Whale watching defined**

In these regulations, **whale watching** –

- (a) means being transported, conveyed, conducted, or guided in a vessel or aircraft with a purpose to view or come into contact with marine mammals; and
- (b) includes any swimming encounters; but
- (c) does not include any viewing of a marine mammal from land.

#### **6 Interactions with marine mammals**

- (1) No person may interact with a marine mammal except in accordance with these regulations.
- (2) No person may touch a marine mammal unless authorised under a permit.

#### **7 No person may disturb marine mammals**

- (1) No person or vessel may disturb or harass any marine mammal.
- (2) A person or vessel must immediately abandon contact with a marine mammal if the mammal becomes or shows signs of becoming disturbed or alarmed, for example, if the mammal exhibits prolonged diving or evasive swimming patterns, or rapidly changes direction or speed, or exhibits peduncle tail throwing behaviour.

#### **8 No person may separate marine mammals**

No person or vessel may cause a marine mammal to be separated from a group of marine mammals or cause any members of the group to be scattered.

#### **9 No whale watching on Sundays**

Whale watching as defined in regulation 5 is prohibited on Sundays.

#### **10 Cutting off path of marine mammals prohibited**

No person, vehicle, or vessel may cut off the path of a marine mammal or prevent a marine mammal from leaving the vicinity.

#### **11 No feeding, food, or rubbish near marine mammals**

- (1) No person may feed or attempt to feed a marine mammal.



- (2) No person may throw food or rubbish at, or cause food or rubbish to be near or around, a marine mammal.

## **12 Operation of vessels**

- (1) A person who operates a vessel —
  - (a) must use his or her best endeavours to operate the vessel so as not to disrupt the normal movement or behaviour of a marine mammal;
  - (b) must not make any sudden or repeated change in the speed or direction of the vessel except in an emergency.
- (2) If a vessel stops to enable the passengers to watch a marine mammal, the person operating the vessel must ensure that the engine is placed in neutral.
- (3) If a vessel is less than 200 metres from a marine mammal, the person operating the vessel must, subject to subclause (4), use his or her best endeavours to move the vessel at idle or no wake speed.
- (4) If a vessel is departing from the vicinity of a marine mammal, —
  - (a) the person operating the vessel must proceed slowly at idle or no wake speed until the vessel is at least 200 metres from the nearest marine mammal; but
  - (b) in the case of a dolphin, the vessel may interact with the dolphin in any way that the vessel is permitted to interact with a whale, except that, when a dolphin approaches to bowride, the vessel must maintain its speed and direction.

## **13 Operation of aircraft**

A person who operates an aircraft —

- (a) must not make any sudden or repeated change in the speed or direction of the aircraft except in the case of an emergency;
- (b) must not fly the aircraft below 150 metres above sea level, unless taking off or landing;
- (c) must use his or her best endeavours to operate the aircraft in such a manner that, without compromising safety, the aircraft's shadow is not imposed directly on any marine mammal;
- (d) must ensure, when operating at an altitude of less than 600 metres above sea level, that the aircraft is not —
  - (i) closer than 150 metres horizontally from a point directly above a marine mammal; or
  - (ii) closer than a distance approved by the Director, by public notice, based on the best available scientific evidence.

## **14 Whales**

- (1) No person may make any loud or disturbing noise near whales.
- (2) A vessel —



- (a) may approach a whale only from a direction that is parallel to the whale and slightly to the rear of the whale; and
  - (b) must not approach within 50 metres of a whale, unless authorised by the Director.
- (3) No person or vessel may approach within 100 metres of any female baleen or sperm whale that is accompanied by a calf.
- (4) If a whale approaches a vessel, the master of the vessel must, wherever practical, —
  - (a) manoeuvre the vessel so as to keep out of the path of the whale; and
  - (b) maintain a minimum distance of 50 metres from the whale.
- (5) No vessel or aircraft may approach within 300 metres of any whale for the purpose of enabling passengers to watch the whale, if the number of vessels or aircraft, or both, already positioned to enable passengers to watch the whale is 3 or more.
- (6) If 2 or more vessels or aircraft approach an unaccompanied whale, the masters concerned must co-ordinate their approach and manoeuvres, and the pilots concerned must co-ordinate their approach and manoeuvres.

**15 Swimming encounters**

- (1) This regulation applies to any operators when approaching marine mammals for swimming encounters and to any nearby vessels.
- (2) No more than 2 vessels may be in the Caution Zone at any one time.
- (3) Only 1 vessel at a time may conduct swimming encounters.
- (4) No more than 6 people plus the guide per vessel may swim with any one group of marine mammals at a time.
- (5) All swim-with operations must be accompanied by an approved guide while in the water and on the attending vessel.
- (6) Other vessels must keep at least 100 metres from the swimmers' vessel.
- (7) Vessels must —
  - (a) slow to a no wake speed of 4 knots within a 200 metre Caution Zone; and
  - (b) not exceed 30 minutes when there are 2 boats, and 1 hour if there is 1 boat, conducting a swimming encounter with any one group of marine mammals; and
  - (c) take extra care when observing pods of marine mammals containing calves; and
  - (d) not approach marine mammals from directly behind or head-on in the area marked as the Exclusion Zone in Schedule 1.

**16 Swimmers and vessels**

- (1) A swimmer must not interact with a whale unless the interaction is —



- (a) authorised under a licence or permit; and
    - (b) supervised at all times by an approved guide in the water.
  - (2) A swimmer must not –
    - (a) approach a whale closer than 20 metres; or
    - (b) free dive towards the whale.
  - (3) If a marine mammal approaches a swimmer, the swimmer –
    - (a) must remain still or move away slowly to avoid startling it; and
    - (b) must not try to touch it, free dive, or swim toward it.
  - (4) A swimmer or vessel must not approach within 100 metres of any whale that is accompanied by a calf that –
    - (a) is light grey or silver in colour; and
    - (b) has a foetal fold in the dorsal fin.
  - (5) No person may use SCUBA for swimming with whales.
- 17 Use of flash or artificial light source prohibited**  
No person may use a flash or any form of artificial light source for whale watching.
- 18 No whale watching in places where traditional fishing or fono observed**  
No person may do or facilitate whale watching in any place where –
  - (a) traditional fishing is carried out on a vaka; or
  - (b) fono is observed.
- 19 Prohibited items for whale watching**  
The following items must not be used for whale watching:
  - (a) motorised water craft such as jet skis, motorised swimming aids, and vessel tenders (dinghies);
  - (b) unmotorised water craft such as kayaks and paddleboards.

## **Part 2**

### **Licences and permits**

#### *Whale watching licence*

- 20 Whale watching licence required for commercial operations or interactions with whales**
- (1) No person may carry out a commercial operation unless the person holds a licence (*see* regulation 24).
  - (2) No vessel may interact with any whale unless the interaction is authorised under a licence (*see* regulation 24).



**21 Maximum number of whale watching licences for commercial operations**

- (1) The Director may, by public notice, state the maximum number of licences that will be issued each year.
- (2) Any notice under subclause (1) must be published at the commencement of the whale watching season.

**22 Application for whale watching licence**

An application for a licence must—

- (a) be made in writing to the Director in form 1 of Schedule 2; and
- (b) be accompanied by the appropriate fee in Schedule 3; and
- (c) provide the information required under regulation 23.

**23 Required information**

An applicant for a licence or permit must provide the following details:

- (a) the name of the applicant and of each relevant staff member:
- (b) the proposed base of the operation:
- (c) the type of vessel or aircraft to be used in the operation:
- (d) the proposed area of operation, including a map showing the boundaries of the proposed area and, where appropriate, the locations where contact with marine mammals is proposed:
- (e) the maximum number of licensed vessels or aircraft that the operator proposes to use at any one time:
- (f) the duration of the trips proposed:
- (g) the frequency of the trips proposed:
- (h) the nature and extent of any interaction proposed with any marine mammal:
- (i) the maximum number of passengers to be taken at any one time:
- (j) the species of marine mammals with which the operation will have contact, and the kind of contact proposed (in relation to each species):
- (k) in relation to the applicant and each relevant staff member, details of—
  - (i) experience with marine mammals:
  - (ii) knowledge of the local area and sea conditions:
  - (iii) any convictions for an offence relating to mistreatment of animals or marine life:
- (l) details of any educational material or educational aspects of the proposed operation:
- (m) any other information the Director may reasonably require for the purpose of dealing with the application.



**24 Whale watching licence**

- (1) The Director may issue a whale watching licence if he or she is satisfied that—
  - (a) the commercial operation will not have or is not likely to have any adverse effect on the conservation, protection, or management of marine mammals; and
  - (b) the commercial operation is not contrary to the purposes and provisions of the Whale Sanctuary Regulations 2003; and
  - (c) the applicant and each relevant staff member has sufficient knowledge of the local area and of sea and weather conditions; and
  - (d) neither the applicant nor any relevant staff member has been convicted of any offence involving the mistreatment of animals or marine life; and
  - (e) the proposed operator and any crew who may come into contact with marine mammals have undergone a mandatory training session approved by the Director; and
  - (f) the applicant has paid the appropriate prescribed fee in Schedule 3.
- (2) The Director may impose any additional conditions on the licence.
- (3) The licence must specify—
  - (a) the type of vessel or aircraft to be used by the operator; and
  - (b) the names and position of each relevant staff member; and
  - (c) the area of operation to which it relates; and
  - (d) that the vessel or aircraft is licensed to operate and the operator must meet the statutory requirements relating to vessel or aircraft safety and qualifications and experience of operators.
- (4) A licence may be issued in respect of 1 vessel or aircraft only, but an operator may hold more than 1 licence at any time.
- (5) A licence is not transferable.

**25 Compliance with regulation 8 of Domestic Fishing Regulations 1996**

All vessels engaged in commercial operations must comply with regulation 8 of the Domestic Fishing Regulations 1996.

*Swimming encounter requirements*

**26 Requirements for swimming encounters**

The operator of a commercial operation that conducts swimming encounters must ensure that at each swimming encounter—

- (a) there is a relevant staff member or crew member (including the master of the vessel) present who is certified to an appropriate level of first aid and CPR; and



- (b) there are a sufficient number of flotation devices for swimmer safety; and
- (c) the operator has paid the appropriate prescribed fee in Schedule 3.

*Special interaction permit*

**27 Special interaction permit**

- (1) The Director may, on application, grant a special interaction permit that authorises interaction with marine mammals or a species of marine mammals for 1 or more of the following purposes:
  - (a) educational purposes;
  - (b) scientific research approved under the Act;
  - (c) photography (still and film).
- (2) An application for a permit must—
  - (a) be made to the Director in writing in form 1 of Schedule 2, unless the Director in his or her discretion decides that a form is not required; and
  - (b) be accompanied by the appropriate prescribed fees in Schedule 3 for the application and the permit; and
  - (c) contain the information required under regulation 23.
- (3) The Director may grant the permit if the Director is satisfied that—
  - (a) the proposed interaction with marine mammals will be conducted under the guidance and supervision of an approved guide; and
  - (b) the proposed interaction will not or is not likely to have any adverse effect on the conservation, protection, or management of marine mammals; and
  - (c) the proposed interaction is not contrary to the purposes and provisions of the Whale Sanctuary Regulations 2003; and
  - (d) the applicant and each relevant staff member has sufficient knowledge of the local area and of sea and weather conditions; and
  - (e) neither the applicant nor any relevant staff member has been convicted of any offence involving the mistreatment of animals or marine life.
- (4) The Director must specify the period during which the permit remains in force and may impose any conditions on the permit.
- (5) A permit must be in form 3 of Schedule 2.
- (6) A permit is not transferable.



*Duration of licence*

**28 Duration of licence**

- (1) A licence remains in force for 1 year after the date the licence is issued.
- (2) An application to renew the licence must be made at least 1 month before the licence expires.

*Revocation, suspension, or restriction of licence or permit*

**29 Revocation, suspension, or restriction of licence or permit**

- (1) The Director may at any time suspend or revoke any licence or permit, or restrict the operation authorised by the licence or permit if the holder of the licence or permit—
  - (a) is convicted of any offence under the Whale Sanctuary Regulations 2003; or
  - (b) contravenes or fails to comply with any condition of the licence or permit; or
  - (c) carries out a commercial operation without appropriately qualified crew; or
  - (d) contravenes or fails to comply with these regulations.
- (2) If the Director conducts an investigation because he or she reasonably suspects that the holder of a licence or permit has committed any act referred to in subclause (1)(b) to (d), the Director may, pending the outcome of the investigation, suspend the licence or permit or restrict the operation authorised by the licence or permit.

**Part 3**

**Miscellaneous provisions**

*Offences*

**30 Offences and penalties**

- (1) A person commits an offence who knowingly contravenes or fails to comply with these regulations or a reasonable direction of the Minister, the Director, or an authorised officer given under these regulations.
- (2) A person who commits an offence under subclause (1) is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding 2 500 penalty units, or to imprisonment for a term not exceeding 12 months, or both; or
  - (b) in any other case, to a fine not exceeding 2 500 penalty units.



*Data collection*

**31 Director may require operators to provide data**

The Director may require any operator who holds a licence or permit to provide to the Director any data relating to the activities under the licence or permit that the Director may reasonably require.

*Transitional and savings provision*

**32 Transitional and savings provision**

Any licence, authorisation, or permit to operate or carry out any activity related to whale watching under any arrangement entered into with the Crown before the commencement of these regulations ceases to have effect on the expiry of—

- (a) 2 months after the date of that commencement; or
- (b) a later date specified by the Director by public notice.



**Schedule 1**  
**Diagram showing Exclusion Zone and Caution Zone**





**Schedule 2  
Forms**

**Form 1**



**Application for whale-watching licence/special interaction permit  
(Regulation 24/27)**

1 Name of applicant

Application for the purposes of:

Whale watching licence

Special interaction permit

Special interaction permit

*(Tick appropriate box and briefly describe proposed activities. Explain the purposes and state the name of the organisation or group involved.)*

☐

Educational purposes

☐

Scientific research

☐

Photography

2 Address and location of operation

Place:

PO Box:

3 Contact details:

Phone:

Fax:

Email:

4 Name of each relevant staff member:

*(If you require more space, attach a list.)*

5 Type of vessel or aircraft to be used in the operation



- |    |  |                               |
|----|--|-------------------------------|
| 6  | Area of operation, the location where contact sought with marine mammal  | Attachment #1 map of the area |
| 7  | Number of vessel or aircraft to be used for operation at any one time, and description of vessel or aircraft                     | Photo attached                |
| 8  | The duration of trips  |                               |
| 9  | The frequency of trips   |                               |
| 10 | The nature and extent of any interaction with any marine mammal  |                               |
| 11 | The maximum number of passengers to be taken at any one time   |                               |
| 12 | The species of marine mammals that the operation will seek to contact and the nature and extent of that contact                  |                               |
| 13 | Experience of applicant and each relevant staff member with marine mammals   |                               |
| 14 | Knowledge of applicant and each relevant staff member of local area and sea conditions   |                               |
| 15 | Whether applicant or any relevant staff member has been convicted of an offence related to mistreatment of animal or marine life |                               |
| 16 | Educational material to be used  |                               |

I declare that I have answered all the questions truthfully and to the best of my knowledge and that I am required to report any changes in the information contained in this form to the Director within 7 days of the change.

I understand that the Director may require additional information.

Signature of applicant: ..... Date:.....



## Form 2



GOVERNMENT OF NIUE

### WHALE WATCHING LICENCE

<u>LICENCE NO.</u>	<u>LICENSED OPERATOR</u>											
<u>WWL01-2015</u>	<u>(NAME)</u>	<u>Address:</u>										
		<u>Ph:</u>										
		<u>Fax:</u>										
		<u>Email:</u>										
<p><u>1. The licensed operator named in this licence is authorised to carry out a commercial operation in accordance with the requirements of the Whale Watching Regulations 2015.</u></p> <p><u>2. Vessels engaging in whale watching may interact with a whale.</u></p> <p><u>3. Swimmers under the supervision of the licensed operator's guide may interact with a whale.</u></p> <p><u>4. Vessels or aircraft authorised to be used:</u></p> <table border="1"><thead><tr><th><u>Number of vessels/aircraft</u></th><th><u>Description of vessels (type, length, capacity, etc) or aircraft</u></th></tr></thead><tbody><tr><td><u>1</u></td><td></td></tr><tr><td><u>2</u></td><td></td></tr><tr><td><u>3</u></td><td></td></tr><tr><td></td><td></td></tr></tbody></table>			<u>Number of vessels/aircraft</u>	<u>Description of vessels (type, length, capacity, etc) or aircraft</u>	<u>1</u>		<u>2</u>		<u>3</u>			
<u>Number of vessels/aircraft</u>	<u>Description of vessels (type, length, capacity, etc) or aircraft</u>											
<u>1</u>												
<u>2</u>												
<u>3</u>												
<p><u>5. The area of operation: .....</u></p> <p><u>This licence is subject to the laws and regulations of Niue</u></p> <p><u>Period during which licence is in force</u></p> <p><u>This licence remains in force from .....to .....</u></p> <p><u>Dated: .....</u></p> <p><u>.....</u></p> <p><u>Director</u></p> <p>Department of Agriculture, Forestry and Fisheries</p> <p><u>This licence not transferable.</u></p>												



**SUMMARY OF CONDITIONS OF WHALE WATCHING LICENCE AND SPECIAL  
INTERACTION PERMIT**

1. A licensed operator must comply with the requirements of the Whale Watching Regulations 2015. In summary, the effect of those regulations is that the operator—
  - a. must not disturb or harass marine mammals; and
  - b. must abandon contact with a marine mammal if the mammal becomes or shows signs of becoming disturbed or alarmed; and
  - c. must not cause a marine mammal to be separated from a group of marine mammals, or cause a group to be scattered; and
  - d. must not cut off the path of a marine mammal; and
  - e. must not feed marine mammals or cause food or rubbish to be near or around marine mammals; and
  - f. must ensure that relevant staff members are familiar with the exclusion zone and must observe and comply with the zone at all times; and
  - g. must not use or allow to be used any unmotorised water craft such as kayaks and paddleboards; and
  - h. must not use or allow to be used motorised water craft such as jet skis, motorised swimming aids, and vessel tenders.
2. The licensed operator must ensure swimmers are under the supervision of an approved guide. The licensed operator must ensure that swimmers comply with the Whale Watching Regulations 2015.
3. It is the sole responsibility of the licensed operator to ensure the safety of people whale watching under its supervision.
4. Each guide for the licensed operator must be approved before conducting whale watching.
5. Staff operating the vessels or aircraft for the licensed operator must only use vessels or aircraft listed and authorised under the licence or permit.
6. The licensed operator must, after every trip, provide a report to the Director on the activities undertaken, the number of people whale watching, and the number of marine mammals sighted.
7. The licensed operator must comply with the vessel safety equipment requirements under regulation 8 of the Domestic Fishing Regulations 1996.
8. The licence is subject to the laws of Niue.

***Failure to comply with these conditions, the Whale Watching Regulations 2015, and other laws of Niue may result in the licence or permit being revoked or suspended, or the restriction of the operation carried on under the licence or permit.***

### Form 3



**GOVERNMENT OF NIUE**  
**SPECIAL INTERACTION PERMIT**

<b><u>PERMIT NO.</u></b>	<b>LICENSED OPERATOR</b>	
		ADDRESS:
		<b><u>PH:</u></b>
		<b><u>FAX:</u></b>
		<b><u>EMAIL:</u></b>



**Schedule 3**  
**Fees**

Item	Type of licence or permit	Fee
1	Whale watching licence	\$250.00 plus NCT per year/per vessel
2	Viewing only permit	\$150.00 plus NCT
3	Application fee for special interaction permit	\$50.00 plus NCT
4	Special interaction permit	\$500.00 plus NCT per year/per vessel

Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi, this

31<sup>st</sup> day of May 2016.

**Signed by Hon. Toke Tufukia Talagi**  
**Premier**



**Countersigned by Christine Ioane**  
**Acting Clerk to Cabinet**



These regulations are administered by the Department of Agriculture, Forestry and Fisheries.  
These regulations were made on the 31<sup>st</sup> day of May 2016.



# LĀ FAKATUFONO TOHI MA E MATAGAHUA KITEKITE TAFUĀ 2016

Numela 2016/03

## Tau Matakupu

1	Mataulu Higoa	2
2	Kamataaga	2
3	Fakaliliuaga	2
4	Fakagahuaaga	4

### Vala 1

#### Ko e Matagahua Kitekite Tafuā mo e fakafehagaiaga mo e tau 'manu-tahi'

5	Fakamaamaaga ma e Matagahua Kitekite Tafuā	4
6	Fakafehagaiaga mo e tau 'manu-tahi'	4
7	Nakai maeke e ha tagata ke fakalavelave atu ke he ha 'manu-tahi'	5
8	Nakai maeke e ha tagata ke taute ha mena ke fakamavehehevehe fano aki e tau fuifui 'manu-tahi'	5
9	Nakai maeke ke taute ha Matagahua Kitekite Tafuā he Aho Tapu	5
10	Nakai fakagofua ke hele-koto i mua he puhala ne ō fano ai e tau 'manu-tahi'	5
11	Nakai maeke ke fagai, foaki mena kai, po ke tolo veve fakatata atu ke he nonofoaga he tau 'manu-tahi'	5
12	Fakagahuaga he tau vakatoga	5
13	Fakagahuaga he vakalele	6
14	Tau Tafuā	6
15	Ko e tau magaaho fakafehagai kakau	7
16	Tau tagata kakau mo e tau vakatoga	8
17	Kua fakatapu ai maeke ke fakaaoga e ha hulu kasa po ke ha hulu puho he afi kakā	8
18	Nakai maeke ke fakagofua e ha Matagahua Kitekite Tafuā ke taute ai ke he ha ava-ika kua fakaaoga mau he tau tagata takafaga ika po ke kua fakatapu ai ke he aga mo e mahani fakamotu.	8
19	Ko e tau koloa takafaga kua nakai fakagofua ke fakaaoga ke lata ma e Matagahua Kitekite Tafuā	9

### Vala 2

#### Tau tohi laiseni fakaatā mo e tau tohi pemitā

20	Tohi laiseni fakaatā ke lata ma e Matagahua Kitekite Tafuā, tuga kua taute ai mo puhala moua tupe ( <i>commercial operation</i> ).	9
21	Fakakaupāaga he numela he tau tohi laiseni fakaatā ke lata ma e tau puhala moua tupe	9
22	Ko e tohi ole ke lata ma e mouiaga he tohi laiseni fakaatā ke lata ma e Matagahua Kitekite Tafuā	9
23	Tau fakailoaaga kua lata ke tohi hifo ai	10
24	Tohi laiseni fakaatā ma e Matagahua Kitekite Tafuā	10
25	Ko e mui tua atu ke he tau talahauaga mai he matakupu 8 he tau Lā-fakatufono tohi ma e Tau Puhala Takafaga Ika ma e Tagata ni 1996	12
26	Ko e tau vahega mena kua lata ma e tau magaaho ka fakafehagai ai mo e matagahua kakau	12



	<i>Ko e tohi pemitā kua tohia pauaki ma e tau magaaho kua lata ki ai</i>	
27	Ko e tohi Pemitā ma e tau vahega fakafehagaiaga gahua kua taute pauaki ( <i>Special Interaction Permit</i> )	12
28	Ko e loa he magahala ke fakaaoga ai e tohi laiseni fakaatā	13
29	Tukukeheaga, fakaokioki fakakū, po ke fai hatakiaga mamafa ke lata ma e tohi laiseni fakaatā po ke tohi pemitā	13
	<b>Falu a Fakaholoaga Gahua lafi mai ki luga</b>	
	<i>Ko e tau vahega holifono po ke tau mahani agahala</i>	
30	Tau vahega holifono mo e tau fafatiaga fakahala ke lata ai	14
31	Kua maeke he Ulu Fakatonu ke moua mai he tau tagata fakafehagai gahua ( <i>operators</i> ) e tau fakamauaga he tau gahua kua fakafitā ki ai –	14
	<i>Tau hikihihiaga mo e tau lagomataiaga</i>	
32	Tau hikihihiaga mo e tau lagomataiaga	15
	<b>Fakaholoaga Gahua 2 (Schedule 2)</b>	
	<b>Tau Tohi Fakapuke (Forms)</b>	
	<b>Tohi Fakapuke 1</b>	
	<b>Tohi Fakapuke 2</b>	
	<b>Tohi Fakapuke 3 (Form 3)</b>	
	<b>Fakaholoaga Gahua 3 (Schedule 3)</b>	
	<b>Tau Tupe Totogi (Fees)</b>	

Ha ko e muiuaaga atu ke he matakupu 60 (1) mo e (2) (w) (v) mo e (x) he  
Fakatufono tohi ma e tau Vala-tahi Fakamotu (Territorial Sea) mo e tau Vala-  
tahi i tua atu mo e nakai fai puipuiaga ki ai (Exclusive Economic Zone) 1996,  
kua maeke he Fono Ikipule ke haitia ai e tau Lā- fakatufono tohi tuga a nai -

**1 Mataulu Higoa**

Ko e tau lā fakatufono tohi nai, kua fakahigoa ai ko e tau lā fakatufono tohi ma  
e Matagahua Kitekite Tafuā 2016.

**2 Kamataaga**

To kamata fakagahua ai e tau La-fakatufono tohi oti nai, he magaaho tonu ka  
mole atu ai e aho tuga kua tohia ai mo e mui tua atu ke he Matakupu 13 he  
Tohi Fakavē ha Niue.

**3 Fakaliliuaga**

(1) Ko e hanai e tau fakaliliuaga ke lata ma e falu a kupu i loto he tau la-  
fakatufono tohi nai, ato kehe ai ni kaeke kua fai talahauaga kehe ke lata ai,—

**Fakatufono Tohi** – kua hagaao ia ke he Fakatufono tohi mae tau vala-tahi  
Fakamotu mo e tau vala-tahi i tua atu mai he tau vala-tahi kua fakaaoga mo  
moua tupe 1996

**Vakalele** – kua hagaao ia ke he ha vakalele hala pulagi kua putoia ai foki mo e  
tau faga vakalele ‘tolonu’ (*drone*)

**fakatonutonuaga kua talia ki ai** - kua hagaao ia ke he tagata kua moua e  
taliaaga mai he Ulu Fakatonu ke pehe, ko ia ko e tagata kua ha hā i ai e tau  
lotomatala gahua ke taute e tau fakatonutonuaga mo e takitaki e tau matakau  
kakau i tahi.



**Vala-tahi kua Leveki mau ki ai**— kakano ko e vala-tahi i loto he fakatino Fakatokaaga Gahua 1 tuga kua fakamailoga - Ko e Vala-tahi Leveki mau ki ai “CAUTION ZONE”

**matagahua taute mo moua tupe** - kakano ko e matagahua –

- (a) kua fakaaoga ke nō po ke fakaaoga mo fakapalepale aki e ha gahua tugakua lata ki ai; mo e
- (e) ke uta fano aki e tau tagata, lau aki e tau koloa, taute aki e ha matagahua, po ke fakatonutonu fekau atu ki a lautolu he ha magaaho ka felauaki ai mo e ha vahega ‘manu-tahi’ mo e kitekite atu ki ai.

**Ulu Fakatonu** -kakano ko e Ulu Fakatonu ma e Faahi Gahua Fonua, Tō Akau mo e Futi-Ika

**tūtū / tolofine** -

- (a) kakano ko e tau vahega ika oti kua fakahigoa ko e tau Tūtū / Tolofine, mo e aofia ai foki e tau vahega tolofine tuga kua fakahigoa faka-Peritania ko e tau ‘spinner dolphins’, ‘common dolphins’, mo e ‘bottlenose dolphins’; ka e
- (e) nakai fia ai e tau vahega ‘manu-tahi’ tuga kua fakahigoa ai faka-Peritania ko e tau ‘killer whales’ po ke tau ‘pilot whales’.

**fono** - kakano ko e aga fakamotu ha Niue ke fakatapu e tau ava-ika, mua atu ke he tau magahala he tau ika-heke po ke tau ava ika.

**fakalavelave atu po ke fakatupu lekua** - hagaa ke he tau ‘manu-tah’ , kakano ko e ha gahua kua taute –

- (a) ke fakapakia aki po ke fakamatematekelea aki e ha ‘manu-tahi’; po ke
- (e) ke falalavelave ue atu aki mo e fakamatakutaku po ke fakahehegi aki e tau ‘manu-tahi’

**tohi laiseni fakaatā** - kakano ko e tohi laiseni fakaatā ke lata ma e Matagahua Kitekite Tafuā, tuga ne tohia mai ai he matakupu 24 he La-fakatufono tohi nai.

**tagata kua foaki atu ki ai e tohi laiseni fakaatā** - kakano ko e tagata kua foaki atu ki ai e tohi laiseni fakaatā po ke tohi pemita.

**manu-tahi’** - kakano ko e ha tafuā po ke tūtū / tolofine he tahi

**NCT** – kakano ko e tukuhau ne fakahigoa ko e ‘Tukuhau he tau koloa tamai fafo’

**tohi pemita** kakano ko e tohi pemita kua tohia pauaki ke lata ma e fakaatāaga he matagahua kitekite tafuā tuga kua tohia mai ai he matakupu 27 he Lā-fakatufono tohi nai.

**tagata gahua kua tutonuhia**, hagaa ke he tagata kua foaki ki ai e tohi laiseni fakaatā po ke tohi pemita, kakano–

- (a) ko e tagata kua tonuhia ke fakagahua e ha vakatoga po ke ha vakalele; mo e
- (e) ko e ha tagata fakatonutonu fekau (*guide*) ke lata mo e tau magaaho i loto he puke tahi

**fakafehagaiaga mo e matagahua kakau** - kakano ko e ha matagahua kua taute ai i loto he puke tahi, (fakatai tuga e kakau, ukuuku mo e tau koloa lagomatai fafagu po ke ukuuku noa ke he puhala mahani ai), kua fa taute ai ke lata mo e tau tagata kitekite he tau magaaho kaeke ke fakafehagai ai mo e ha ‘manu-tahi’.



**vakatoga** - kakano ko e ha posi, vakatoga, po ke ha mena ni kua fakaaoga ke holo i tahi ke he malolō he ha enesini, ka e kua kehe mai he vakapaopao fakamotu.

**tafuā** - kakano ko e tau vahega 'manu-tahi' oti kua fakahigoa ko e tafuā, ti aofia ai foki e vahega tafuā kua fakahigoa ko e 'baleen whale' po ke 'sperm whale', 'beaked whale', 'killer whale', mo e 'pilot whale'.

**matagahua kitekite tafuā** - kua ha hā i ai e kakano tuga kua tohia mai ai he matakupu 5 he La-fakatufono tohi nai.

**magahala kitekite tafuā** - kakano ko e magahala ke kamata mai he aho 1 he mahina Iuni ke hoko atu ke he aho 31 he mahina Oketopa he ha tau kua lata ki ai.

- (2) I loto he tau lā fakatufono tohi nai, ato kehe ai ni kaeke kua fai talahauaga kehe foki ke lata ai, ko e tau kupu kua nakai fai fakamaamaaga ki ai, ka kua tighau he fakamaama ai mai he Fakatufono tohi po ke lā-fakatufono tohi ma e tau Ofaga Fakatapu ma e tau Tafuā 2003, pihia foki mo e i loto he falu a Fakatufono tohi po ke falu a lā fakatufono tohi.

#### 4 **Fakagahuaaga**

- (1) Ko e tau lā fakatufono tohi nai kua maeke ke fakagahua ai ke he motu katoa ha Niue mo e tau vala-tahi takafaga ika oti i Niue.
- (2) Ko e tau lā-fakatufono tohi nai, kua nakai fakagahua ai ke lata mo e ha vakatoga futi-ika he tau magaaho ka takafaga ika pauaki ai, ato kehe ai ni, kaeke ko e vakatoga —
- (a) kua fakaaoga pauaki ke lata ma e tau matagahua moua tupe
- (e) kua kehe e fakaaogaaga ke lata ma e matagahua fakafiafia pauaki tugae kitekite atu ke he tau 'manu-tahi' po ke tau tafuā.

### Vala 1

#### **Ko e Matagahua Kitekite Tafuā mo e fakafehagaiaga mo e tau 'manu-tahi'**

#### 5 **Fakamaamaaga ma e Matagahua Kitekite Tafuā**

I loto he tau La-fakatufono tohi nai, ko e Matagahua Kitekite Tafuā —

- (a) kakano ko e puhala ke uta aki, utaaga he tau koloa, tauteaga he tau gahua ke lata ai, mo e fakatonutonu e fanoaga he vakatoga po ke vakalele ke lata ma e matagahua kitekite tafuā po ke fakafehagaiaga mo e tau 'manu-tahi' mo e
- (e) pihia ai foki mo e ha matagahua kakau i tahi; ka e
- (i) nakai aofia ai e kitekite atu ke he tau tafuā mai i uta he motu

#### 6 **Fakafehagaiaga mo e tau 'manu-tahi'**

- (1) Nakai maeke e ha tagata ke taute e ha fakafehagaiaga mo e tau 'manu-tahi' ke he ha puhala kehe, ka e kua lata hokoia ke mui tua fakalahi ke he tau talahauaga mai i loto he tau lā-fakatufono tohi nai.
- (2) Nakai maeke e ha tagata ke hokotia atu mo e aamo lima atu ke he ha 'manu-tahi', ato kehe ai ni kaeke kua fai tauteaga kua taute ai ki lalo hifo he tohi pemita fakaatā.



- 7 Nakai maeke e ha tagata ke fakalavelave atu ke he ha 'manu-tahi'**
- (1) Nakai maeke e ha tagata po ke ha vakatoga ke fakalavelave atu po ke fakatupu lekua atu ke he ha 'manu tahi'
- (2) Kua lata e ha tagata po ke e ha vakatoga ke fano kehe fakamafiti mai he fakafehagaiaga mo e ha 'manu-tahi', kaeke kua mailoga e ia kua fai lekua po ke fakalavelave kua hoko ai ke he ha 'manu-tahi' po ke fakaita atu ki ai, fakatai atu ke he ha magaaho ka uku faka manavaloa hifo e 'manu-tahi' ke he uhotoka po ke kakau fakamafiti atu a ia mo e lali ke hola kehe fakaave, po ke hiki kehe fakaave e haana a fanoaga po ke kutākutā fano ai e haana a hiku.
- 8 Nakai maeke e ha tagata ke taute ha mena ke fakamavehehevehe fano aki e tau fuifui 'manu-tahi'**
- Nakai maeke e ha tagata po ke ha vakatoga ke taute e ha mena ke fakamavehehevehe fano aki e tau fuifui 'manu-tahi'
- 9 Nakai maeke ke taute ha Matagahua Kitekite Tafuā he Aho Tapu**
- Ko e ha Matagahua Kitekite Tafuā tuga kua tohia mai ai i loto he matakupu 5 he La-fakatufono tohi nai, kua Fakatapu mo e nakai maeke ke taute ai he Aho Tapu.
- 10 Nakai fakagofua ke hele-koto i mua he puhala ne ō fano ai e tau 'manu-tahi'**
- Nakai maeke e ha tagata po ke ha vakatoga ke hele-koto atu i mua he puhala ne fa ō fano ai e tau 'manu-tahi'.
- 11 Nakai maeke ke fagai, foaki mena kai, po ke tolo veve fakatata atu ke he nonofoaga he tau 'manu-tahi'**
- (1) Nakai maeke e ha tagata ke fagai, po ke lali ke fagai e ha 'manu-tahi' aki e ha mena kai.
- (2) Nakai maeke e ha tagata ke tolo mena kai atu po ke tolo veve atu po ke taute ha mena kai po ke tau veve fakatata atu po ke viko takai he nonofoaga he tau 'manu-tahi'
- 12 Fakagahuaga he tau vakatoga**
- (1) Ko e tagata kua fakagahua e vakatoga —
- (a) kua lata ki a ia ke lali eketaha mo e fakamalolō ke aua neke fakatauhele po ke fakalavelave atu ke he puhala ne fa mahani ke ō fano ai po ke tau aga mahani mau ai he tau 'manu-tahi'
- (e) kia aua neke taute fakatepe e hikiaga po ke hikihihi fano e mafiti he holo po ke fanoaga he vakatoga, ato kehe ai ni kaeke kua fai lekua kua tupu fakaofo ai.
- (2) Kaeke ke tu ai e vakatoga ke lata ma e kitekite atu he tau pasese ke he tau 'manu-tahi', ko ia ne fakagahua e vakatoga, kua lata ki a ia ke kikite fakatonu kua fakamaoki e holo he vakatoga mo e fakanononono ai.
- (3) Kaeke kua molea atu ki mua e vakatoga mai he 200 mita he mamao mai he tau 'manu-tahi', kua lata ki a ia ne fakagahua e vakatoga, ke mui tua ke he tau talahauaga he matakupu (12.4) i lalo hifo, ke lali fakalahi ke unuunu fakaeneene atu e vakatoga ke he puhala ai fai mafiti (*at idle or no wake speed*) ke lata ia.



- (4) Kaeke kua fano kehe e vakatoga mai he mena kua nonofo ai e tau 'manu-tahi', —
- (a) kua lata ki a ia ne fakagahua e vakatoga, ke unuunu atu fakahaga ke he holo fakaeneene mo e nakai fai mafiti ke lata ai, ato hoko atu e vakatoga ki mua mai he 200 mita he mamao mai he mena ne nonofo ai e tau 'manu-tahi' ka e
  - (e) kaeke kua felauaki mo e tau tūtū / tolofine, kua maeke ke fai fakafehagaiaga a lautolu mo e tau 'manu-tahi', ke he puhala kua fa mahani ke taute ai mo e tau tafuā, ato kehe ai ni, kaeke kua hagam tonu atu e tau tūtū / tolofine ki mua tonu ke he vakatoga, kua lata ke he vakatoga ke tutaki atu e holo fakaeneene mo e holo atu ki mua he haana a fanoaga.

### 13 Fakagahuaga he vakalele

Ko e tagata ka fakagahua e vakalele —

- (a) kua lata ki a ia ke taute fakamafiti po ke hikihihi tumau e mafiti po ke hala ke fano ai haana a vakalele, ato kehe ai ni kaeke kua fai lekua tupu fakafo kua ha hā i ai.
- (e) nakai lata ke lele e vakalele ki lalo hifo he 150 e mita he haana a tokoluga mai he gataaga he puke tahi, ato ke he ai ni he tau magaaho ka kamata lele hake ai e vakalele ke he pulagi po ke ka hifo mai ai ke tu he fuga kelekele.
- (i) kua lata ke lali fakalahi a ia ne fakaholo e vakalele ke uta e vakalele ke ua maeke he ata he vakalele ke maluia ai e ha 'manu-tahi', ha ko e lali ke ua fai pakia ke tupu mai ai ke he tau 'manu-tahi' ia i loto he puke tahi.
- (o) kua lata ke kitia fakatonu he tagata ne fakaholo e vakalele he tau magaaho ka hokotia atu ai e holo tokoluga he vakalele ki lalo hifo he 600 mita mai he gataaga he puke tahi, ha kua lata he vakalele he tau magaaho pihia—
  - (i) ke nakai hoko hifo taha ke molea atu mai he 150 e mita he tokolalo mai he vala-tahi kua ha hā i ai tonu e tau 'manu-tahi', po ke
  - (ii) ke tata atu e mamao mai he fuafuaaga kua fakatoka tuai ai he Ulu Fakatonu ke he haana a tau fakailoaaga laulahi ma e iloaga he tau tagata aulua, tuga kua fakamau ai mo e muitua ai ke he tau fakamooliaga fakalotomatala kumikumi he tau saienetisi.

### 14 Tau Tafuā

- (1) Nakai maeke e ha tagata ke taute e ha leo fakahohā po ke tutala fakaleo lahi he tau magaaho ka tata lahi atu a ia ke he nonofoaga he tau 'manu-tahi', he neke fakamatakutaku e ia e tau 'manu-tahi' kua ha hā i ai.
- (2) Maeke he ha vakatoga —
  - (a) ke holo fakatata atu ke he ha tafuā, ka e kua lata ke holo fakatautau atu ni ke fakatauō fakatatai atu mo e fanoaga he tafuā mo e unuunu fakatote atu ki tua he tafuā.
  - (e) Nakai maeke foki e ha vakatoga ke finatu fakatata ke he ha tafuā, ke he tau vehā mamao kua gata mai he 50 e mita mai he nofoaga he ha



tafuā, ato kehe ai ni kaeke kua fai fakatonuaga kehe mai he Ulu Fakatonu.

- (3) Nakai maeke e ha tagata po ke ha vakatoga ke finatu fakatata atu ke he ha vahega tafuā tuga kua fakahigoa ai - ko e tau 'baleen whale' fífine po ke tau 'sperm whale' mo e haana a punua, ke he tau vehā mamao kua gata mai he 100 mita.
- (4) Kaeke kua fai tafuā kua hagamā atu ke he ha vakatoga, kua lata ke he Ikivaka he vakatoga ia, he ha magāho ni kua lata ai,—
  - (a) ke fakaholo atu e vakatoga ke fakamamāo mai he hala ne hagamā atu ki ai e tafuā; mo e
  - (e) ke fakatūmau ke he vehā mamao mai he fanoaga he tafuā, ke gata mai he 50 e mita he mamao.
- (5) Nakai maeke e ha vakatoga po ke ha vakalele ke hoko atu taha ke he nofoaga he ha tafuā, ke gata mai he 300 mita he mamao, ke lata ai foki mo e kitekite atu he tau pasese ke he tau tafuā tuga kua ha hā i ai, mo e kaeke foki ko e numela he tau vakatoga po ke tau vakalele kua ha hā i ai fakalataha mo e kua hokotia atu ke he 3 po ke loga atu he taha e magāho, tuga kua ha hā i ai foki e tau pasese kua fenoga atu pauaki ke lata ma e Matagahua Kitekite Tafuā.
- (6) Kaeke ke 2 po ke loga atu e tau vakatoga po ke tau vakalele kua felauaki mo e fenoga he taha hokoia ni e tafuā, kua lata ke he tau Ikivaka he tau vakatoga po ke tau tagata fakaholo he tau vakalele, ke mumui tua atu fakaeneene mo e fakatautau e tau holo ha lautou mo e tau mena oti ke taute ai.

**15 Ko e tau magāho fakafehagai kakau**

- (1) Ko e lā-fakatufono tohi nai, kua hagamā ia ke he ha tagata kua kotofa ke taute e tau gahua he tau magāho ka fakafehagai ai mo e tau 'manu-tahi', ke lata ai foki mo e tau fakafehagaiaga kakau, pihia mo e tau vakatoga kaeke kua tata atu ki ai.
- (2) Nakai maeke ke molea atu mai he 2 e vakatoga he taha e magāho ke fakalataha atu ki loto ke tau vala-tahi kua leveki mau atu ki ai.
- (3) Kua lata ke taha ni e vakatoga he magāho ke taute e matagahua fakafehagai kakau.
- (4) Kua nakai lata ke molea atu mai he toko 6 e tagata ke aofia ai foki mo ia e tagata fakatonutonu ma e taha e vakatoga he magāho, ke kakau ai fakalataha mo e ha fuifui 'manu-tahi'.
- (5) Kua lata ke fai tagata fakatonutonu kua kotofa pauaki ke takitaki mo e fakatonutonu atu ke he tau Matakau kakau oti, he tau magāho ka ha hā i ai a lautolu i loto he puke tahi mo e i luga he vakatoga, tuga kua tuku fenoga atu ai a lautolu.
- (6) Ko e falu foki a vakatoga ne tū mamao atu ki ai, ke gata mai he 100 mita he mamao mai he vakatoga kua ha hā i ai e tau tagata kakau
- (7) Kua lata he tau vakatoga—
  - (a) ke holo fakaeneene mo e nakai mafiti ke gata mai he 4 e m'ila tahi (knots) ka hoko atu ke he vala-tahi Fai Fakatapuaga ki ai (Caution Zone).
  - (e) Nakai maeke ke mole atu mai he 30 e tau minisi he tau magāho ka ha hā i ai 2 e vakatoga, mo e 1 e tulā kaeke ko e 1 ni e vakatoga kua ha hā



i ai, mo e taute ai e feua kakau fakalataha ai foki mo e ha fuifui 'manu-tahi'; mo e

- (i) ke fakaeneene fakalahi he tau magaaho ka kitekite atu ai ke he tau fuifui 'manu-tahi' fakalataha foki mo e ha lautolu a tau punua; mo e
- (o) nakai hagaao atu fakahako mai i tua he tau 'manu-tahi' po ke hagaao tonu atu ke he vala-tahi tuga kua fakahigoa ai ko e tau Vala-Tahi Nakai Fai Fakatapuaga (*Exclusive Zone*) tuga kua tohia ai i loto he Fakaholoaga Gahua 1.

**16 Tau tagata kakau mo e tau vakatoga**

- (1) Kua nakai maeke e tagata kakau ke taute e ha fakafehagaiaga mo e ha tafuā, ato kehe ai ni kaeke ko e fakafehagaiaga—
  - (a) kua taute ai ki lalo hifo he malolō tonuhia he tohi laiseni fakaatā po ke tohi pemitā tuga kua foaki atu ai ki a ia.
  - (e) kua maeke ke ha hā i ai mau a ia ki lalo hifo he tagata tuga kua kotofa pauaki ke takitaki e matagahua kakau i loto he tahi.
- (2) Kua nakai lata e tagata kakau—
  - (a) ke finatu fakatata atu ke he nofoaga he ha tafuā, ke gata mai he 20 e mita he mamao; po ke
  - (e) ke uku toka fakatata atu ke he ha tafuā.
- (3) Kaeke kua fai 'manu-tahi' kua hagaao tonu atu ke he mena ne nofo ai e tagata kakau, kua lata ke he tagata kakau ia —
  - (a) ke nofo fakanononono noa po ke hola kehe fakaave mai he mena ia ne nofo ai a ia; mo e
  - (e) aua neke aamo atu e ia e tafuā, uku toka fakatata atu ke he tafuā, po ke kakau fakatata atu ki ai.
- (4) Kua nakai lata ke he tagata kakau po ke vakatoga, ke finatu fakatata atu ke he 100 mita he mamao mai he mena ne nofo ai e tafuā fakalataha mo e haana a punua—
  - (a) tuga kua lanu efuefu po ke lanu sioata haana a tino mai; mo e
  - (e) tuga foki kua fai mafigo he haana a tau tapakau (*foetal fold in the dorsal fin*).
- (5) Kua nakai lata ke fakaaoga he ha tagata kakau e ha koloa lagomatai fafagu fakaukuuku tahi (*SCUBA*) ke lata mo e matagahua ukuuku he tau magaaho ka fakalataha ai foki mo e tau tafuā.

**17 Kua fakatapu ai maeke ke fakaaoga e ha hulu kasa po ke ha hulu puho he afi kakā**

Kua nakai lata he ha tagata ke fakaaoga e ha hulu kasa po ke ha hulu puho he afi kakā ke lata ma e Matagahua Kitekite Tafuā.

**18 Nakai maeke ke fakagofua e ha Matagahua Kitekite Tafuā ke taute ai ke he ha ava-ika kua fakaaoga mau he tau tagata takafaga ika po ke kua fakatapu ai ke he aga mo e mahani fakamotu.**

Kua nakai fakagofua e ha tagata ke taute po ke fakahoko e ha Matagahua Kitekite Tafuā, ke he ha vala-tahi —



- (a) kua fakaaoga mau ke lata mo tau puhala takafaga ika fakamotu i luga he tau vaka hiki; po ke
- (e) kua fakatapu po ke fono ai ke he aga mo e mahani fakamotu.

**19 Ko e tau koloa takafaga kua nakai fakagofua ke fakaaoga ke lata ma e Matagahua Kitekite Tafuā**

The following items must not be used for whale watching:

- (a) ha koloa fakaholo aki e enesini ke fakaaoga ke lata ma e Matagahua Kitekite Tafuā, tuga e 'jet skis', tau vahega koloa lagomatai ne fakaholo aki e tau enesini (*motorised swimming aids*), mo e tau vahega posi tigikī (*dinghies*); po ke
- (e) ha vahega koloa fakaaoga mo e fakaholo he tahi kua nakai fakaholo aki e enesini, tuga e tau vaka 'kayaks' po ke tau lapa fakatū-peau (*paddleboards*).

## Vala 2

Tau tohi laiseni fakaatā mo e tau tohi pemitā

*Tohi laiseni fakaatā ke lata ma e Matagahua Kitekite Tafuā*

**20 Tohi laiseni fakaatā ke lata ma e Matagahua Kitekite Tafuā, tuga kua taute ai mo puhala moua tupe (commercial operation).**

- (1) Nakai maeke ha tagata ke taute e ha matagahua mo moua tupe, ato kehe ai ni kaeke kua moua fakamua he tagata ia e tohi laiseni fakaatā (*kikite ke he matakupu 24 he tau lā-fakatufono tohi nai*).
- (2) Nakai maeke e ha vakatoga ke fakafehagai mo e ha tafuā, ato ke he ai ni kaeke kua taute ai e ia e matagahua ia ha ko e taliaaga ke moua ai e ia e tohi laiseni fakaatā, tuga kua tohia mai ai he matakupu 24 he tau lā-fakatufono toni nai.

**21 Fakakaupāaga he numela he tau tohi laiseni fakaatā ke lata ma e tau puhala moua tupe**

- (1) Kua maeke he Ulu Fakatonu, ha ko e haana a fakailoaga ke lata ma e iloaga he tau tagata aulua, ke fakakite e fakakaupāaga he tau numela tohi laiseni fakaatā tuga kua foaki atu ai ki a ia ke he taha e tau katoa.
- (2) Ko e ha fakailoaga, kaeke kua taute ai ha ko e tau talahauaga mai he la-matakupu (1) i luga hake, kua lata ke tohia mo e fakailoa fakalaulahi ai ke iloaga he tau tagata oti, he kamataaga he tau Matagahua Kitekite Tafuā ma e tau tau takitaha.

**22 Ko e tohi ole ke lata ma e mouiaga he tohi laiseni fakaatā ke lata ma e Matagahua Kitekite Tafuā**

Kua lata e tohi ole ma e mouaaga he tohi laiseni fakaatā ma e Matagahua Kitekite Tafuā —

- (a) kua lata ke he tagata kua taute e tohi ole, ke fakapuke e 'Tohi Fakapuke 1' he 'Fakaholoaga Gahua 2' mo e tuku atu ai ke he Ulu Fakatonu ke lata mo e haana a fīfiliaga ki ai.
- (e) kia tuku atu ai foki mo e tau tupe totogi (*fees*) ke lata ai, tuga ne fakakite mai ai he 'Fakaholoaga Gahua 3'; mo e



- (i) kua lata foki ke taute e tau fakailoaaga oti tuga kua fakakite mai ai i loto he matakupu 23 he La-fakatufono tohi nai.

## 23 **Tau fakailoaaga kua lata ke tohi hifo ai**

Kua lata ke he tau tohi ole oti ke tohia hifo ai e tau fakailoaaga nai:

- (a) Ko e higoa katoa he tagata ne taute e tohi ole:
- (e) Ko e hagamoaaga he matagahua kua fakamatapatu ki ai e tohi ole:
- (i) Ko e vahega vakatoga po ke vakalele kua lata ke fakaaoga ke lata ma e matagahua kua fakamau ki ai:
- (o) Ko e higoa he matakavi ke taute ai e tau fakaholoaga gahua kua fakamau ki ai, mo e ke moua ai foki e fakatino (*map*) ke fakakite fakamahino mai ai e tau tuutaaga mo e tau matakavi tonu ke taute ai e tau fakafehagaiaga mo e tau vahega 'manu-tahi' kua fakamau ki ai:
- (u) Ko e fakakaupāaga he tau numela tohi laiseni fakaatā ke lata ma e fakaaogaaga he tau vakatoga po ke tau vakalele, tuga kua fakamau ai ke fakaaoga ke lata ma e tau Matagahua Kitekite Tafuā, he ha magaaho kua lata ki ai:
- (f) Ko e loa he tau magaaho kua fakatoka pauaki ke taute ai e tau fenoga ke lata ai ma e tau Matagahua Kitekite Tafuā.
- (g) Ko e laga fiha e ō he tau fenoga kitekite tafuā ke lata ma e tau magahala takitaha.
- (h) Ko e tau vahega gahua mo e tau feua kua fakatoka ke hagamoa ki ai e tau fakafehagaiaga mo e ha 'manu-tahi'.
- (k) Ko e tokologa he tau pasese kua lata ke uta he fenoga kitekite tafuā he taha e magaaho
- (l) Ko e vahega 'manu-tahi' tuga kua fa manako e tau tagata ke kitekite atu ki ai mo e tau vahega mena kua fīfīa a lautolu ke mamata atu ki ai. (ke lata ma e tau vahega 'manu-tahi' takitaha)
- (m) hagamoa foki ke he tagata ne taute e tohi ole mo e tau ofisa gahua takitaha kua lata ki ai, pihia foki mo e tau talahauaga hagamoa ia—
  - (i) ke he haana a iloaga po ke haana a mahaniaga mo e tau vahega 'manu-tahi' takitaha:
  - (ii) ke he haana a iloaga mo e haana a mahaniaga mo e tau aga mahani mau he tau takatakai tahi mo e tau peau he tahi. ( pihia foki mo e haana a mahaniaga mo e tau vahega 'manu-tahi' takitaha)
  - (iii) kō e ha vahega agahala kua lagoia ke he haana moui, hagamoa ia ke he tau mahani fakakikiveka he tau manu-hui-fā po ke tau manu momou he tahi.
- (n) ha talahauaga hagamoa ke he tau koloa fakaako po ke tau matakupu fakaako ke lata ma e tau matagahua tuga kua fa taute mau ai
- (p) ha fakamatalaaga tuga kua tutonuhia ke iloa he Ulu Fakatonu hagamoa ia ke he tohi ole kua tuku atu ai ki a ia, ke lata ma e haana a fifiliaga

## 24 **Tohi laiseni fakaatā ma e Matagahua Kitekite Tafuā**

Kua maeke ke he Ulu Fakatonu ke foaki atu e tohi laiseni fakaatā kaeke kua iloa mo e talia tonu e ia—



- (a) ko e matagahua moua tupe tuga kua ole e ha tagata ki ai, kua hahaga mitaki mo e nakai fai mena ke fakatupu lekua po ke fakamatematekelea aki e tau momoui puipui mo e haohao mitaki po ke levekiaga ma e tau 'manu-tahi' oti; mo e
  - (e) ko e matagahua moua tupe tuga kua tohi ole mai ki ai, kua nakai fai mena kua nakai ō tatai mo e tau talahauaga tuga kua tohia ai ki loto he tau Lā-fakatufono tohi ma e tau Fonua Fakatapu ha Niue 2003; mo e
  - (i) ko e tagata ne taute e tohi ole mo e ha ofisa gahua tuga kua ha hā i ai e tau lotomatala gahua, ke lata mo e tau takatakai tahi, pihia mo e tau hahaga he tau matagi mo e tau peau he tahi; mo e
  - (o) ko e tagata ne taute e tohi ole po ke tau ofisa gahua takitaha kua lagoon ki ai e tau matagahua oti nai, kua atāina mo e nakai la auhia ke he tau agahala ha ko e tau mahani fakakikiveka ke lata ma e tau manu-hui-fā oti he fonua po ke tau manu momoui he tahi; mo e
  - (u) ko ia kua lagoon ki ai e tau matagahua oti tuga kua fakamau ki ai (*operator*), po ke ha tagata gahua he vakatoga kua fakafehagai mo e falu he tau matagahua haaao ke he tau 'manu-tahi', kua tighau he moua e lautolu e tau fakaakoaga mo e tau lotomatala gahua tuga kua fakamooli ai he Ulu Fakatonu.
  - (f) ko e tagata ne taute e tohi ole kua totogi e tau tupe totogi (*fees*) kua lata ai tuga kua fakite mai ai he 'Fakaholoaga Gahua 3'
- (2) Kua maeke ke he Ulu Fakatonu ke taute falu a fakatonutonuaga lafi ki luga ke lata ma e tohi laiseni fakaatā.
- (3) Kua lata he tohi laiseni fakaatā ke tohi fakahino mai i ai —
- (a) e vahega vakatoga po ke vakalele kua lata ke fakaaoga ai e ia tuga kua lagoon ki ai e tauteaga he tau matagahua kua lata ki ai; mo e
  - (e) ke tohia hifo ai foki e higoa mo e kotofaaga gahua he tau ofisa gahua takitaha, tuga kua lagoon ki ai e tauteaga he tau matagahua kua lata ki ai; mo e
  - (i) ko e tau vahega matagahua tuga kua lagoon ki luga he tau tagata gahua taki tokotaha; mo e
  - (o) kua lata he vakatoga po ke vakalele ke moua foki e tohi laiseni fakaatā ke lata ai ma e tau matagahua oti kua fakamau ke taute ai mo e ko e tagata kua kotofa ke fakagahua e vakatoga po ke vakalele, kua lata ki ia, ke moua e tau vahega lotomatala kua lata ma e tauteaga he haana a tau gahua ke he tau puhala kua tonu mo e hako ke aua neke tupu mai ai ha lekua fakamui.
- (4) Kua maeke e tohi laiseni fakaatā ke foaki atu ai ke he taha ni e haaaoaga – ke lata ma e vakatoga po ke vakalele hokoia, ka e maeke i ia, moua foki e falu a tohi laiseni fakaatā he ha magaho kua lata ki ai.
- (5) Kua nakai maeke e ha tohi laiseni fakaatā ke hiki atu mo e fakaaoga ai he falu a tagata kehe.



- 25 **Ko e mui tua atu ke he tau talahauaga mai he matakupu 8 he tau La-fakatufono tohi ma e Tau Puhala Takafaga Ika ma e Tagata ni 1996**  
Kua lata e tau vakatoga oti tuga kua fakaaoga ai ma e tau matagahua moua tupe oti, ke mumui tua atu ke he tau fakamauaga mai he matakupu 8 he La-fakatufono tohi ma e Tau Puhala Takafaga Ika ma e Tagata ni 1996

*Ko e tau mena kua lata ma e fakafehagaiaga mo e matagahua kakau*

- 26 **Ko e tau vahega mena kua lata ma e tau magaaho ka fakafehagai ai mo e matagahua kakau**  
Ko e tagata kua kotofa pauaki ke fakagahua e tau matagahua moua tupe (*the operator of commercial operation*) he tau magaaho ka fakafehagai ai mo e tau matagahua kakau—
- (a) kua ha hā i ai foki e ofisa gahua kua fakaako pauaki po ke taha mai he tau kauvaka he vakatoga (fakalataha ai foki mo e Ikivaka he vakatoga) tuga kua hokotia e tau fakaakoaga mo e tau lotomatala gahua ke lata ma e tau puhala laveaki tagata pakia (*first aid and CPR*); mo e
  - (b) kua ha hā i ai foki e falu koloa lagomatai kakau (*flotation devices*) ke lagomatai aki e haohao mitaki he tau tagata kakau (*swimmer safety*).
  - (c) Ko e tagata kua kotofa pauaki ke fakagahua e tau matagahua moua tupe, kua totogi e tau tupe totogi (*fees*) tuga kua fakakite mai ai he 'Fakaholoaga Gahua 3'

*Ko e tohi pemita kua tohia pauaki ma e tau magaaho kua lata ki ai*

- 27 **Ko e tohi Pemita ma e tau vahega fakafehagaiaga gahua kua taute pauaki (*Special Interaction Permit*)**
- (1) Kua maeke ke he Ulu Fakatonu ke foaki atu ai e tohi pemita fakaatā ma e tauteaga he tau vahega fakafehagaiaga gahua kua taute pauaki (*special interaction permit*) tuga kua lata ma e tau fakafehagaiaga mo e tau 'manu-tahi' po ke falu ni a vahega 'manu-tahi' kua lata ki ai, haggaa ai foki ke he 1 po ke loga atu he tau matagahua tuga a nai:
    - (a) ke lata ma e tau matagahua fakaako:
    - (e) ke lata ma e tau kumikumiaga faka-saienetisi ki lalo hifo he Mata-Fakatufono tohi:
    - (i) ke lata ma e tau matagahua pokiata (*tau ata noa po ke tau ata kifaga*)
  - (2) Ko e tohi ole ke moua aki e tohi pemita fakaatā kua lata —
    - (a) ke tuku atu ai e tohi ole ke he Ulu Fakatonu mo e fakapuke ai foki e Tohi Fakapuke 1 he Fakaholoaga Gahua 2 (*Form 1 of Schedule 2*), tuga kua tālaga pauaki ai ke lata ai, ato kehe ai ni kaeke kua fifili ai he Ulu Fakatonu ke nakai fakaaoga e tohi ia; mo e
    - (e) ke tuku atu fakalataha ai foki e tau tupe fafati (*prescribed fee*), tuga kua tohia ai he Fakaholoaga Gahua 3 (*Schedule 3*); mo e
    - (i) tohia ai foki e tau fakamatalaaga tuga kua fakakite mai ai he matakupu 23 he lā-fakatufono tohi nai.
  - (3) Kua maeke ke he Ulu Fakatonu ke foaki atu e tohi pemita fakaatā, kaeke kua fifili mo e talia e ia ke taute pihia ai ha ko e tau kakano nai—



- (a) ko e fakafehagaiaga mo e tau 'manu-tahi', tuga kua fakamau ki ai, to taute ai e tau fekau oti ia, he tagata kua fifili pauaki mo e fai lotomatala tonuhia ke lata ai; mo e
  - (b) ko e fakafehagaiaga mo e tau 'manu-tahi', tuga hua fakamau ki ai, to nakai fai fakalavelave po ke fai mena ke fakalekua aki e tau momoui haohao mitaki po ke nonofo mafola he tau 'manu-tahi'; mo e
  - (c) ko e tau matagahua oti kua fakamau ke taute ai ke he fakafehagaiaga mo e tau 'manu-tahi' oti, to nakai fai mena he tau matagahua oti ia, ke momou aki po ke totoko atu ke he tau talahauaga mai i loto he La-fakatufono tohi ma e tau Nonofoaga Fakatapuina he tau Tafuā 2003 (*Whale Sanctuary Regulation 2003*);
  - (d) Ko e tagata ne taute e tohi ole, ti pihia foki mo ia e tagata ganua kua tutonuhia ma e kotofaaga (*relevant staff member*), kua nakai lata ke lauia he ha fakahala ha ko e haana a tau mahani fakakikiveka atu ke he tau manu-hui-fā he fonua po ke tau manu momoui he tofia.
- (4) Kua lata ke he Ulu Fakatonu, ke fakakite fakamahino e tau magahala tonu kua lata ke fakaaoga ai e tohi pemitā mo e maeke foki i a ia ke lalafi atu ki ai e ha fakatokaaga foki ke lata ma e fakaaogaaga he tohi pemitā.
  - (5) Kua lata e tohi pemitā ke tohia ai ki loto he 'Tohi Fakapuke 3' he 'Fakaholoaga Gahua 2' (form 3 of Schedule 2).
  - (6) Kua nakai maeke e tohi pemitā ke hiki atu mo e fakaaoga ai he ha tagata kehe foki.

*Ko e loa he magahala ke fakaaoga ai e tohi laiseni fakaatā*

**28 Ko e loa he magahala ke fakaaoga ai e tohi laiseni fakaatā**

- (1) To fakatumau e fakaaogaaga he tohi laiseni fakaatā ke he taha e tau katoa, ke kamata mai he aho ne foaki atu ai e tohi laiseni fakaatā ia ki a ia ne taute ai e tohi ole.
- (2) Ko e tohi ole ke lata ma e fakafoouaga he tohi laiseni fakaatā, kua lata ke tuku atu ai ke he Ulu Fakatonu ke 1 e mahina ato hoko e fakaotiaga he fakaaogaaga he Tohi laiseni fakaatā fakamua.

*Tukukeheaga, fakaokioki fakakū, po ke fai hatakiaga mamafa ke lata ma e tohi laiseni fakaatā po ke tohi pemitā*

**29 Tukukeheaga, fakaokioki fakakū, po ke fai hatakiaga mamafa ke lata ma e tohi laiseni fakaatā po ke tohi pemitā**

- (1) Kua maeke ke he Ulu Fakatonu he ha magaaho ni kua lata ki ai, ke fakaokioki fakakū (*suspend*), tuku kehe po ke fakaoti noa (*revoke*) e ha tohi laiseni fakaatā (*licence*) po ke ha tohi pemitā, po ke taute e tau hatakiaga mamafa ke lata ma e tau fakaaogaaga he tohi laiseni fakaatā po ke ha tohi pemitā (*permit*), kaeke ko ia e tagata kua foaki atu ki ai e tau vahega tohi ua nai—
  - (a) kua lago ki luga i a ia e tau fakahala ha ko e haana a tau holifono ki lalo hifo he tau lā-fakatufono tohi ma e tau Nonofoaga Fakatapuina he tau Tafuā 2003 (*Whale Sanctuary Regulation 2003*); po ke
  - (e) kua lagoia ke he tau holifono po ke nakai omaoma ke he tau fakatonutonuaga ke lata ma e foakiaga he tohi laiseni fakaatā po ke tohi pemitā; po ke



- (i) kua taute ai e ia e tau matagahua moua tupe (*commercial operation*) ka e nakai ha hā i ai e ha lotomatala gahua po ke ha tagata gahua (*crew*) kua fai lotomatala gahua pauaki ke lata ai; po ke
  - (o) kua lagoia foki po ke nakai omaoma ke he tau hatakiaga mamafa he tau lā-fakatufono tohi nai.
- (2) Kua maeke he Ulu Fakatonu ke taute ai e ha kumikumiaga ha kua fai manatu tuahā kua lauia ai e moui gahua he tagata tuga kua foaki ki ai e tohi laiseni fakaatā po ke tohi pemitā, ha kua taute e ia e ha mahani holifono ki lalo hifo he tau talahauaga mai i loto he 'lā-matakupu (1)' (e)-(o) i luga hake, kua lata ke he Ulu Fakatonu, ha ko e mui tua atu ke he haana a tau kumikumiaga, ke tuku kehe mo e fakaokioki fakakū mai a ia he fakaaogaaga he haana a tohi laiseni fakaatā, pihia mo e tohi pemitā po ke fai hatakiaga mamafa ke lata ma e tauteaga he tau matagahua kua fakafitā a ia ki ai, ha ko e atāina ne moua e ia ha ko e haana tohi laiseni fakaatā mo e tohi pemitā.

### Vala 3

#### Falu a Fakaholoaga Gahua lafi mai ki luga

*Ko e tau vahega holifono po ke tau mahani agahala*

#### 30 Tau vahega holifono mo e tau fafatiaga fakahala ke lata ai

- (1) Kua taute he tagata e mahani holifono ha kua iloa e ia mo e nakai taumaleku, ka e hoko ni e taute e ia e tau mahani holifono po ke nakai omaoma a ia ke he tau talahauaga tuga kua tohia ai ki loto he tau La-fakatufono tohi nai, po ke nakai omaoma foki ke he tau fakatonutonuaga mai he Ikipule, Ulu Fakatonu, po ke tau Ofisa gahua, tuga kua tohia ai ki loto he tau La-fakatufono tohi nai,
- (2) Ko e tagata kua taute e tau mahani holifono ha ko e tau talahauaga mai i loto he vala-kupu (1) i luga hake, kua lago ki luga i a ia e agahala mo e tau fafati fakahala ke lata ai,—
  - (a) Kaeke ko ia ko e tagata tokotaha tuga kua lagoia ai ke he mahani agahala, to lago ai ki luga i a ia e tau fafati fakahala, ke nakai molea hake mai he 2 500 e tau fafati fakahala po ke tuku ai foki a ia ki loto he fale puipui, ke nakai molea hake mai he 12 e tau mahina, po ke moua ua e ia e tau vahega fakahala ia ne ua; po ke
  - (e) ke lata mo e falu a vahega agahala, to lago ai ki luga i a ia e tau fafati fakahala, ke nakai molea hake mai he 2 500 he tau fafati fakahala ke lata ai.

*Ko e fakamaopoopoaga he tau fakamaumauaga gahua*

#### 31 Kua maeke he Ulu Fakatonu ke moua mai he tau tagata fakafehagai gahua (*operators*) e tau fakamauaga he tau gahua kua fakafitā ki ai —

Kua maeke ke he Ulu Fakatonu ke tuku atu e manako ke he ha tagata fakafehagai gahua, tuga kua tuku atu ki ai e tohi laiseni fakaatā po ke tohi pemitā, ke fakamaopopo mo e tuku atu ki a ia e fakamaumauaga he tau gahua (*data collection*), ke lata ma e tau matagahua takitaha tuga kua fakafitā ki ai, tuga foki mo e tau tohi laiseni fakaatā mo e tau tohi pemitā kua tuku atu ai ke lata ai.

**32    Tau hikihihiaga mo e tau lagomataiaga**

Ko e ha tohi laiseni fakaatā, tau puhala pule tonuhia, po ke ko e tohi pemitā ke tauate aki e ha matagahua kehekehe, hagaao ia ke he Matagahua Kitekite Tafuā, ki lalo hifo he ha fakafehagaiaga mo e pule he Fakatufono, ato hoko atu ai ke he kamataaga he tau La-fakatufono tohi nai,ato hoko atu ke uta kehe ai he ha fakahikuaga—

- (a)    he 2 e mnahina he mole atu e aho ne kamata fakamooli ai; po ke
- (e)    he tau aho fakamui aki tuga kua fakakite ai he Ulu Fakatonu he haana a tau fakailoaaga fakalaulahi.



**Fakaholoaga Gahua 1 (Schedule 1)**

**Ko e fakatino nai ke fakakite aki tau Vala-tahi kua fakahigoa ko e  
Exclusive Zone, pihia foki mo e tau vala tahi kua fakahigoa ko e  
Caution Zone**



## **Fakaholoaga Gahua 2 (Schedule 2)**

### **Tau Tohi Fakapuke (Forms)**

#### **Tohi Fakapuke 1**



**Ko e tohi ole ke lata ma e Matagahua Kitekite Tafuā/ ko e tohi pemitā fakafehagai gahua Lā-fakatufono tohi 24/27**  
**(Regulation 24/27)**

1 Higoa he tagata ne taute e tohi Ole

Tohi Ole ke lata ma e Matagahua:

Laiseni Kitekite Tafuā

Tohi pemitā fakafehagai gahua  
tohia pauaki

Tohi Pemitā Fakafehagai Gahua tohia pauaki  
ma e matagahua fakaako

*(Hihika fakahako e puha he he faahi mo e  
fakamaama fakakū e matagahua kua hagaao  
ki ai. Fakamaama e kakano mo e tohi e higoa  
he Fakapotopotoaga po ke Matakau)*

☐ Tau gahua fakaako

☐ Kumikumiaga  
fakasaientisi

☐ Matagahua pokiaata

2 Matakavi mo e tokaaga he Matagahua

Matakavi:  
Puha Fakahū Tohi:



- |    |   |   |      |
|----|---|---|------|
| 3  | Fakamatutakiaga fekau:  | Telefoni:<br>Emeli:                           | Fax: |
| 4  | Higoa he Ofisa Gahua:<br><i>(Fakamau ke he taha lau kehe ka loga lahi e higoa ke tohi ai, ti pine ke he tohi nei.)</i>  |   |      |
| 5  | Ko e vahega vakatoga po ke vakalele ka fakaaoga ke lata ma e matagahua nai  |   |      |
| 6  | Ko e tokaaga he matagahua nai, ko e matakavi ke fakamatutaki atu ki ai mo e kumi atu ke he tau ‘manu-tahi’  | Fakapiki ke he # 1 fakatino (map) he matakavi |      |
| 7  | Numela he vakatoga po ke vakalele ka fakaaoga ma e matagahua nai he taha e magaaho mo e tau fakamaamaaga haggao ke he vakatoga po ke vakalele   | Fakapiki aki e fakatino                       |      |
| 8  | Ko e loa he magaaho ke lata ma e fenoga nai   |   |      |
| 9  | Ko e lagafiha e taute he tau fenoga pehē nai  |   |      |
| 10 | Ko e hagahaga mo e fuafuaaga he lahi po ke hokulo he matagahua nai ke lata ma e tau ‘manu-tahi’   |   |      |
| 11 | Ko e kaupāaga he tokologa he tau pasese ka uta ai he taha e magaaho   |   |      |
| 12 | Ko e tau vahega ‘manu-tahi’ kua manako e matagahua nai ke kumi atu ki ai mo e hagahaga po ke hokulo he tau kumikumiaga pehē nai.  |   |      |
| 13 | Ko e lotomata mo e mahani gahua he tagata ne taute e tohi ole mo e tau tagata gahua kua fifili pauaki ke taute e tau matagahua pehē nai.  |   |      |
| 14 | Ko e lotomatala he tagata kua taute e tohi ole mo e tau tagata gahua kua fifili pauaki haggao ke he tau matakavi mo e hagahaga he malolō he tau matagi mo e tau peau he tahi  |   |      |
| 15 | Po kua lauia nakai e tagata ne taute e tohi ole po ko lautolu e tau tagata gahua kua fifili pauaki ke he tau mahani holifono ha ko e tau mahani fakakikiveka atu ke he tau manu-hui-fā he fonua po ke tau manu momoui he tofia. |   |      |

16 Ko e tau vahega koloa fakaako kua lata ke  
fakaaoga

Kua talahau e au mo e fakamooli, kua tali e au e tau hūhū oti nai aki e tapunu he  
haaku a lotomatala mo e kua lata foki ki a au ke taute e Hokotaki ke lata ma e falu a  
hikihikiaga he tau fakamatalaaga tuga kua tohia ai ki loto he tohi fakapuke nai mo e  
tuku atu ai ke he Ulu Fakatonu ke gata mai he 7 e aho he taute e tau hikihikiaga ia.

Kua mailoga foki e au, e manako he Ulu Fakatonu ke moua foki falu a fakamatalaaga  
lafi atu ki luga mai he tau fakamatalaaga oti nai

Fakamooli faka-matalima tohi ai e ia kua taute e tohi ole

Higoa: ..... Aho:..... Mahina: ..... 2016



## Tohi Fakapuke 2



### FAKATUFONO NIUE

#### TOHI LAISENI FAKAATĀ MA E MATAGAGHUA KITEKITE TAFUĀ

<u>NUMELA TOHI LAISENI FAKAATĀ</u>	<u>TAGATA NE FAKAGAHUA E TOHI LAISENI</u>											
<u>WWL01-2016</u>	<u>(HIGOA)</u>	<u>Higoa he kaina nofo mau:</u>  <u>Telefoni:</u>  <u>Fax:</u>  <u>Emeli:</u>										
<p><u>1. Ko e Higoa he tagata ke fakagahua e tohi laiseni fakaatā nai, kua tuku atu ai ki a ia e tonuhia ke taute ai e matagahua moua tupe tuga mo e tau talahauaga tuga kua tohia ai i loto he La-fakatufono tohi ma e Matagahua Kitekite Tafuā 2016</u></p> <p><u>2. Ko e tau vakatoga kua fakaaoga ma e Matagahua Kitekite Tafuā kua maeke ke taute e tau fakafehagaiaga mo e ha tafuā.</u></p> <p><u>3. Ko e tau tagata kakau kua ha hā i ai ki lalo hifo he levekiaga he tagata gahua, kua lata ke moua e ia e tohi laiseni fakaatā ke lata ma e Matagahua Kitekite Tafuā.</u></p> <p><u>4. Ko e tau vakatoga po ke tau vakalele kua lata ke moua e tau tonuhiaaga ato fakagahua ai ma e Matagahua Kitekite Tafuā:</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%; text-align: center;"><u>Numela he vakatoga/vakalele</u></th> <th style="text-align: center;"><u>Tau Fakamaamaaga hagaa ke he tau vakatoga po ke tau vakalele</u></th> </tr> <tr> <td style="text-align: center;"><u>1</u></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>2</u></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>3</u></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>			<u>Numela he vakatoga/vakalele</u>	<u>Tau Fakamaamaaga hagaa ke he tau vakatoga po ke tau vakalele</u>	<u>1</u>		<u>2</u>		<u>3</u>			
<u>Numela he vakatoga/vakalele</u>	<u>Tau Fakamaamaaga hagaa ke he tau vakatoga po ke tau vakalele</u>											
<u>1</u>												
<u>2</u>												
<u>3</u>												
<p><u>5. Ko e matakavi ke tute ai e tau matagahua oti nai .....</u></p> <p><u>Ko e tohi laiseni fakaatā nai kua ha hā i ai e tau tonuhia oti ki lalo hifo he tau Mata-fakatufono tohi mo e tau Lā- fakatufono tohi ha Niue</u></p> <p style="text-align: center;"><u>Ko e tau magahala ke fakagahua ai e tohi laiseni fakaatā nai</u></p> <p><u>Kua fakatumau e fakagahuaaga he tohi laiseni fakaatā nai kamata mai he</u>  <u>Aho..... ke hoko ato ke he aho.....</u></p> <p><u>Aho ne fakamooli ai: .....</u></p> <p style="text-align: center;"><u>Ulu Fakatonu</u></p> <p style="text-align: center;">Faahi Gahua Fonua, Tō Aakau mo e Futi Ika</p> <p style="text-align: center;"><u>Nakai maeke e tohi laiseni fakaatā nai ke hiki ke fakaaoga he ha tagata kehe</u></p>												

**KO E FAKAMAPOOPOAGA HE TAU TALAHAUAGA HAGAAO KE HE TOHI**  
**LAISENI FAKAATĀ MA E MATAGAHUA KITEKITE TAFUĀ MO E TOHI**  
**PEMITA**

1. Ko e tagata kua tuku atu ki ai e tohi laiseni fakaatā ma e Matagahua Kitekite Tafuā, kua lata ki a ia ke muihua hokoia mo e omaoma tumau ke he tau talahauaga oti i loto he La-fakatufono tohi ma e Matagahua Kitekite Tafuā 2016. Ke he fakamaopoopoaga he tau talahauaga oti ia, tuga kua lata ke he tagata gahua kua kotofa pauaki ke taute e tau fakaholoaga gahua oti ia, ke muihua hokoia mo e omaoma tumau ke he tau talahauaga i loto he La-fakatufono tohi ma e matagahua Kitekite Tafuā 2016 mo e mailoga ai foki e tau talahauaga nai haggao ia ke he tagata gahua kua fifili pauaki ke taute e tau gahua ke lata ai —
  - a. Kua nakai lata ke fakalavelave atu po ke fakatupu ai ha mena ke fakalekua aki e tau ‘manu-tahi’; mo e must not disturb or harass marine mammals; and
  - e. Kua lata ke hola kehe fakamafiti e fakafehagaiaga mo e tau ‘matu-tahi’, kaeke kua kitia e tau fakamailoga nakai fiafia po ke ita mo e fulukovi he tau ‘manu-tahi’; mo e
  - i. Kua nakai lata ke taute ha mena ke fakamavehevehe aki e ōaga fakalataha he tau fuifui ‘manu-tahi’; mo e
  - o. Kua nakai lata ke pa po ke fakalaia e puhala kua haggao atu ki ai e tau ‘manu-tahi’; mo e
  - u. Kua nakai lata ke kai po ke fagai e tau ‘manu-tahi’ po ke tolo fakatata atu ha mena kai po ke ha veve ke he tau tapa he tau manu-tahi; mo e
  - f. Kua lata ke iloa tonu ko e tau tagata gahua tuga kua kotofa pauaki ke taute e tau gahua kua lata ki ai, kua mahani mo e iloa lahi e lautolu, mo e iloa e tau matakavi he tahi tuga kua fakahigoa ko e – ‘exclusive zone’ mo e iloa tonu e tau vahega mena ke taute i ai he tau magaaho oti; mo e
  - g. Kua nakai lata ke fakaaoga po ke fakagofua ke fakaaoga e ha vahega koloa fakaholo he tahi ne nakai holo he tau enesini (*unmotorised water craft*), ke tuga e tau vaka ‘kayak’ mo e tau lapa ‘paddleboards’; mo e
  - h. Kua nakai lata ke fakaaoga po ke fakagofua ke fakaaoga e tau vahega koloa fakaholo he tahi kua holo he tau enesni (*motorised water crafts*) tuga e tau ‘jet skis’, tau koloa fakaholo he tau enesini ke lagomatai aki e tau tagata kakau (*motorised swimming aids and vessel tenders*)
2. Ko e tagata gahua kua foaki atu ki ai e tohi laiseni fakaatā, kua lata ki a ia ke kitia tonu, kua ha hā i ai mau e tau tagata fakatonutonu ke leveki mo e lagomatai atu ke he tau tagata kakau he tau magaaho oti. Kua lata foki ke he tagata gahua kua foaki atu ki ai e tohi laiseni fakaatā, ke kitia tonu tumau, kua omaoma mo e mumuihua hokoia e tau tagata kakau oti ke he tau talahauaga mai i loto he tau La-fakatufono tohi ma e tau Matagahua Kitekite tafuā 2016;
3. Kua ha hā i ai hokoia ke he tagata gahua kua foaki atu ki ai e tohi laiseni fakaatā, e tau tonuhia katoatoa he tau magaaho oti, ke kitia mau kua haohao mitaki mo e mafola e tau tagata kitekite tafuā oti mo e nakai fai mena ke fakalekua a lautolu he tau magaaho oti.



4. Ko e tau tagata gahua fakatonutonu takitaha kua gahua ki lalo hifo he tagata gahua kua foaki atu ki ai e tohi laiseni fakaatā, kua lata ke moua fakamua e tohi fakamooli gahua ato kamata ha lautolu a tau fekafekauaga ma e Matagahua Kitekite Tafuā.
5. Ko e tau tagata gahua ne gahua mau ki luga he tau vakatoga mo e tau vakalele ki lalo hifo he takitakiaga he tagata gahua kua foaki atu ki ai e tohi laiseni fakaatā, kua lata ki a lautolu ke fakaaoga hokoia ni e tau vahega vakatoga po ke tau vakalele tuga kua fakamau mo e talia ki ai i loto he tau tohi laiseni fakaatā po ke tohi pemita.
6. Ko e tagata gahua kua foaki atu ki ai e tohi laiseni fakaatā, kua lata hokoia ki a ia, ke he tau magaaho ka mole atu ai e tau fenoga kitekite tafuā, ke tuku atu e 'Tohi Hokotaki Gahua' ke he Ulu Fakatonu, haggao ia ke he tau matagahua kua taute ai, numela he tau tagata kitekite tafuā kua fakalataha atu he tau fenoga takitaha, mo e numela katoa he tau 'manu-tahi' kua kitia e lautolu he tau fenoga takitaha ia.
7. Kua lata ke he tagata gahua kua foaki atu ki ai e tohi laiseni fakaatā, ke kitia fakatonu tumau, kua maopoopo e tau vakatoga po ke tau vakalele ka fakaaoga ai ma e tau fenoga kitekite tafuā oti, pihia mo e tau koloa oti kua lata ke fakaaoga mau ai, ha ko e muiuaaga ke he tau talahauaga mai i loto he matakupu 8 ke La-fakatufono tohi ma e Matagahua Futi Ika ma e Tagata ni 1996 (*Domestic Fishing Regulation 1996*).
8. Ko e tohi laiseni fakaatā nai kua ha hā i ai ki lalo hifo he tau Mata-Fakatufono oti ha Niue.

***Kaeke ke nakai muiua hokoia po ke omaoma mau ke he tau talahauaga oti na tuga kua tohia ai i loto he La-fakatufono tohi ma e Matagahua Kitekite Tafuā 2016 po ke ha mata-fakatufono tohi ha Niue, to fakahokotia ai e utakehe mai he tohi laiseni fakaatā, pihia mo e tohi pemita, po ke fai magaaho ke fakaokioki fakakū ai mo e nakai fakagahua, po ke taute ai foki e falu a hatakiaga mamafa ke lata ma fakaaogaaga he tohi laiseni fakaatā po ke tohi pemita.***

### Tohi Fakapuke 3 (Form 3)



FAKATUFONO NIUE

**KO E TOHI PEMITA TOHIA PAUAKI MA E TAU FAKAFEHAGAIAGA  
GAHUA**

<b><u>NUMELA HE TOHI PEMITA</u></b>	<b>TAGATA GAHUA KUA FAKAATĀINA</b>	
		KAINA NOFO:
		<b><u>TELEFONI:</u></b>
		<b><u>FAX:</u></b>
		<b><u>EMELI:</u></b>



### Fakaholoaga Gahua 3 (Schedule 3)

#### Tau Tupe Totogi (Fees)

	Tohi Laiseni Fakaatā	Tau Tupe Totogi
1	Matagahua Kitekite Tafuā	\$250.00 lalafi NCT /taha tau / he taha e vakatoga
2	Tohi Pemitā	\$150.00 lalafi NCT
3	Fakafehagaiaga Gahua Pauaki	\$50.00 lalafi NCT
4	Tohi Olē ma e Tohi Pemitā	\$500.00 lalafi NCT /taha tau / he taha e vakatoga

Fakamooli ai he Fono Ikipule he poko Fono Ikipule, Fale Fono Ekepule, Alofi, he

Aho 31 mahina Me 2016.

**Fakamooli he Lilifu Toke Tufukia Talagi  
Iki Palemia**

  
\_\_\_\_\_

**Fakamooli foki e Christine Ioane  
Hagai Tohi Kupu he Fono Ikipule**

  
\_\_\_\_\_

Ko e tau Lā-fakatufono tohi nai kua fakagahua ai he Faahi Gahua Fonua, Tō Akau mo e Futi  
Ika he Aho 31 mahina Me 2016.