

“interest” means the ownership, or shareholding in a company, entity or ownership of or title to that shareholding which the Government has in a public enterprise;

“Minister” means the Minister of Finance;

“public enterprise” means a statutory board, company or other entity in which the Government holds a controlling interest and is listed in the First or Second Schedule in accordance with section 5;

“subsidiary” means a statutory board, company or other entity in which a public enterprise has an interest and for which the public enterprise shall account for and comply with the provisions of this Act as if that subsidiary were a public enterprise listed in the Schedule.

PART II SCHEME OF ACT

Effect or application

3. (1) This Act shall bind the Crown.
(2) All public enterprises shall be subject to this Act.

Non-commercial activities

4. (1) When the Government requires a public enterprise to provide goods or services to any persons, at a certain price, the Government and the public enterprise shall enter into an agreement under which the public enterprise shall provide the goods or services in return for the payment by the Government of the whole or part of the agreed price.
(2) An agreement under subsection (1) shall be in writing and disclose the parties respective financial accounts and shall comply with any enactment applying to Government contracts and tenders.

Additions and deletions of public enterprises from the Schedule

5. (1) For the purposes of this section “financial assistance” shall exclude a payment made by the Government to a public enterprise under section 4.
(2) Public enterprises that receive financial assistance from the Government or have existed for less than three years shall be listed in the First Schedule.
(3) Public enterprises that do not receive financial assistance from the Government and have existed for three years or more shall be included in the Second Schedule.
(4) Public enterprises listed in the First schedule shall comply with all the provisions of this Act and those listed in the Second Schedule shall be subject only to sections 4, 6, 7, 8, 13, 15, 16, 19, 20, 21, 22, 24, 25, 26, and 27 of this Act.
(5) The Minister may, with the consent of Privy Council delete or add a public enterprise from or to the First or Second Schedule.

PUBLIC ENTERPRISES ACT 2002

ARRANGEMENT OF SECTIONS

SECTION

PART I PRELIMINARY

1. Short title and commencement
2. Interpretation

PART II SCHEME OF THE ACT

3. Effect or application
4. Non-commercial activities
5. Additions and deletions of public enterprises from the Schedule
6. Relationship to the Companies Act

PART III FORMATION AND OWNERSHIP OF PUBLIC ENTERPRISES

7. Transfer of assets
8. Government to hold interest in public enterprise
9. Role of the Minister
10. Minister may subscribe or acquire shares in public enterprises
11. Powers of Minister relating to corporate intent

PART IV DIRECTORS

12. Directors
13. Directors roles
14. Appointment and termination of directors to boards of public enterprises
15. Board meetings and quorum
16. Powers of board

PART V ACCOUNTABILITY

17. Balance sheet
18. Statement of corporate intent
19. Half yearly reports
20. Annual reports and accounts

21. Dividends
22. Information to be presented to the Legislative Assembly
23. Other information
24. Audits and the role of the Auditor General
25. Protection from disclosure of sensitive information

**PART VI
CHIEF EXECUTIVE OFFICER**

26. Chief Executive Officer
27. Support staff

**PART VII
MISCELANEOUS**

28. Transfer of interests
29. Provision of information by subsidiary to public enterprise
30. Appointments in contravention of this Act
31. Regulations

FIRST SCHEDULE

SECOND SCHEDULE

Tonga.

No. 25 of 2002.



I assent,

TAUFA'AHAU TUPOU IV,

23rd December, 2002.

AN ACT

**TO ESTABLISH THE OBJECTIVES, RULES AND PROCUDURES
RELATING TO PUBLIC ENTERPRISES**

[21st of October 2002.]

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

**PART I
PRELIMINARY**

1. (1) This Act may be cited as the Public Enterprises Act 2002. **Short title and commencement**
 (2) This Act shall come into force on a day to be proclaimed by His Majesty in Council.
2. In this Act, unless the context otherwise requires: **Interpretation**
 - “board” means the board of a public enterprise that is subject to this Act;
 - “Chief Executive Officer” means the head of a public enterprise appointed by the board of a public enterprise under this Act;
 - “company” means a company registered under the Companies Act 1995;
 - “dividend” means the payment designated by the board of directors of a public enterprise to be distributed pro rata among the shareholders and in the case of a statutory board the payment designated by a board of directors pro rata to the owners of the enterprise;
 - “generally accepted accounting practice” means standards and practices as prescribed by the Minister by Regulation.

**PART V
ACCOUNTABILITY**

- Balance sheet** 17. (1) The Chairman of the board shall, within 6 months of the coming into force of this Act, deliver to the Minister, in accordance with generally accepted accounting practice, a balance sheet of the public enterprise that shall include its estimated value.
- (2) The Chairman shall provide, where it is not possible to fix an estimated value in the public enterprise –
- (a) a statement explaining why the estimated value cannot be fixed; and
- (b) a statement advising within what period the Chairman expects to be able to provide the estimated value of the public enterprise or Government's interest in the public enterprise.
- (3) The Chairman of the board shall provide a full valuation of the public enterprise within 12 months of the coming into force of this Act.
- (4) The Minister shall within 14 days after the balance sheet is provided, table a copy in Cabinet.
- Statement of corporate intent** 18. (1) The Chairman of the board shall deliver to the Minister a draft statement of corporate intent not later than 1 month before the commencement of each financial year.
- (2) The board shall cause a subsidiary, in which the public enterprise has a controlling interest, to deliver its draft statement of corporate intent to the board in sufficient time to enable the board to consider, review and submit that draft statement together with the public enterprise's draft statement in accordance with subsection (1).
- (3) Where it is not practicable for a board to supply a draft statement in accordance with subsection (1), the Chairman of the board shall provide to the Minister its reasons for not doing so in writing.
- (4) Each statement of corporate intent shall specify, in respect of the next financial year –
- (a) the objectives of the public enterprise;
- (b) the nature and scope of the activity to be undertaken;
- (c) the performance targets and other measures by which the performance of the public enterprise may be judged in relation to its objectives;
- (d) a statement of financial performance;
- (e) a statement of financial position;
- (f) a statement of anticipated borrowing;
- (g) a statement of the principles adopted in determining the annual dividend;

6. (1) Where a public enterprise is registered under the Companies Act 1995 the provisions of this Act shall apply in addition to and not in substitution of the Companies Act. **Relationship to the Companies Act**
- (2) Subject to the Constitution, where the provisions of this Act conflict with the provisions of any other enactment, the provisions of this Act shall prevail.

**PART III
FORMATION AND OWNERSHIP OF PUBLIC ENTERPRISES**

7. Every asset in a public enterprise vested in or held on behalf of the Government shall, on the coming into force of this Act, immediately vest in the public enterprise to which the asset relates and transfer of the asset shall be recorded in accordance with this Act. **Transfer of assets**
8. (1) The interests of the Government in all public enterprises shall be held in the name of the Kingdom of Tonga and documents relating to the title in such interests deposited with the Minister of Finance. **Government to hold interest in public enterprise**
- (2) The Minister shall, with the consent of Privy Council, on behalf of the Government sign all documents relating to the title, transfer, assignment, or change in status, of any interests in a public enterprise.
9. (1) Subject to the provisions of this Act, the Minister shall, with the consent of Privy Council, exercise all of the rights and powers of the shareholder and owner of the Government's interests in public enterprises. **Role of the Minister**
- (2) The Minister shall be responsible for the exercise or performance of the powers, duties and functions conferred or imposed on him by this Act.
10. (1) The Minister may, with the approval of Privy Council, subscribe for or acquire shares in a public enterprise to be formed. **Minister may subscribe or acquire shares in public enterprises**
- (2) All money required to be paid by the Government in subscribing or acquiring shares shall be paid out of money appropriated by the Legislative Assembly for that purpose.
11. (1) Notwithstanding any other provision of this Act, the Minister may, by written notice direct the – **Powers of Minister relating to corporate intent**
- (a) board to include in, or omit from, a statement of corporate intent for that public enterprise any provision or provisions as specified in section 18(4), (a) - (f);
- (b) Chairman of the board to include in the statement of corporate intent for that public enterprise, such provision as the Minister considers necessary –
- (i) to fulfill any obligation or undertaking arising from any international convention, agreement or arrangement to which the Government is a party; or

- (ii) to implement any policy of the Government in respect of the Government's international relations;

and any board to whom such a notice is given shall comply with the notice.

- (2) The Minister shall, before giving any notice under this section, consult the board concerned.

PART IV DIRECTORS

- Directors** 12. (1) A person holding office as a Chairman, Director, Chief Executive Officer or other officer in a public enterprise immediately before the commencement of this Act shall continue to hold that position as if that person had been appointed under this Act subject to termination or confirmation at a date to be fixed by the Minister.
- (2) Where a person has not been appointed to a vacancy created under subsection (1), the Minister may, with the approval of Privy Council, appoint a member to fill that vacancy.
- (3) The Minister shall, with the consent of Privy Council, fix the amount of remuneration directors shall receive.
- (4) There shall be no less than 3 and no more than 7 directors appointed to a board, one of whom shall be appointed as Chairman.
- Directors roles** 13. A director shall act in good faith in the best interests of the public enterprise and shall –
- (a) not act, or agree to the public enterprise acting, in a manner that contravenes the law or the constitution of the public enterprise;
- (b) not agree to, cause or allow the business of the public enterprise to be carried on in a manner likely to create a substantial risk of serious loss to the enterprise's creditors;
- (c) not agree to the enterprise incurring an obligation unless the director believes at the time on reasonable grounds that the enterprise shall be able to perform the obligation when it is required to do so.
- Appointment and termination of directors to boards of public enterprises** 14. (1) The Minister shall, with the consent of Privy Council, appoint directors to the boards.
- (2) The Minister may, with the consent of Privy Council, appoint any person as a director by virtue of his holding a specific public office and where that person ceases to hold such office he shall be replaced by the person assuming that office.
- (3) Each director shall be appointed for a term of 3 years and may be re-appointed.
- (4) A director may be removed from a board by the Minister for incompetence, incapacity, bankruptcy, neglect of duty, or misconduct on the advice of and after investigation by the Attorney General.

- (5) Where a public enterprise fails to comply with its obligations under Part IV and Part V a director, as a member of the board of the enterprise concerned, may be removed from the board by the Minister.

15. (1) A board shall meet at least once every two months and at such other times as the Chairman may require. **Board meetings and quorum**
- (2) A board meeting shall have a quorum of the Chairman and at least half of the other members.
16. (1) A board shall have all of the powers provided for in the public enterprise's governing Act or in its constitution and the Companies Act 1995, which shall include the power: **Powers of board**
- (a) to hold, improve, manage, develop, alter, extend, equip, furnish, repair and maintain that public enterprise;
- (b) to enter into any covenants or agreements in respect of the public enterprise;
- (c) to sell or dispose of, turn to account or otherwise deal with any property vested in the public enterprise;
- (d) to direct the board of a subsidiary where it has a controlling interest, by written notice to amend the statement of corporate intent to be consistent with that of the public enterprise.
- (e) in a subsidiary where the public enterprise has a controlling interest determine by written notice the amount of dividend payable by that subsidiary in respect of any financial year or years and a subsidiary to whom such notice is given shall comply with the notice;
- (f) to exercise any functions or rights and undertake and perform any liability in respect of or in connection with the public enterprise as if the public enterprise were a natural person;
- (g) to borrow money for the purposes of the commercial enterprise; and
- (h) to do all such other things as are incidental or conducive to the exercise of the power of the public enterprise.
- (2) Before giving any notice under subparagraphs (d) and (e) a board shall:
- (a) except in the case of an emergency consult with the board of the subsidiary, if that board has members other than members of the board of the public enterprise as to the matters to be referred to in the notice;
- (b) send a copy within 14 days after it is given to the Minister who shall transmit a copy of the notice to Cabinet within 14 days.

FIRST SCHEDULE**(Section 5(2))****Public enterprises subject to all of the provisions of this Act:**

International Dateline Hotel Ltd.

Royal Tongan Airlines Ltd.

Shipping Corporation of Polynesia Ltd.

Tonga Corporation

Tonga Broadcasting Commission

Tonga Electric Power Board

Ports Authority

Tonga Water Board

Leiola Duty Free Ltd.

Tonga Timber Ltd.

Tonga Investment Ltd.

Tonga Development Bank

- (h) any activity from which the public enterprise seeks compensation from the Government;
 - (i) such other matters as are agreed by the Minister and the board; and
 - (j) a projection of corporate intent for the following two years.
- (5) Each statement of corporate intent shall also include the estimates of the current commercial value of the Government's investment in the public enterprise and a statement of the manner in which the value was assessed.
- (6) A board shall consider any comments made on the draft statements of corporate intent by the Minister no later than 14 days before the commencement of the financial year, and shall deliver the completed statement of corporate intent to the Minister on or before the commencement of the financial year or such later date as the Minister may determine.
- (7) A statement of corporate intent may be modified at any time by the board provided –
- (a) that the Minister has received written notice of the proposed modification; and
 - (b) the Minister's comments made thereon have been conveyed to the board within 1 month of the date from which the notice was given.
19. (1) The Chairman of the board shall deliver to the Minister a report of the operations of the public enterprise within 2 months after the end of the first half of each financial year. **Half yearly reports**
- (2) The report required under subsection (1) shall include the information to be provided in the statement of corporate intent required under this Act.
20. (1) The Chairman of the board shall deliver to the Minister – **Annual report and accounts**
- (a) a report of the operations of the public enterprise and the consolidated financial statements for that financial year consisting of statements of financial position, financial performance, changes in financial position, and any other necessary statements within 3 months of the end of each financial year; and
 - (b) an audit report on the financial statements within 6 months of the end of the financial year.
- (2) The reports under subsection 1(a) shall:
- (a) contain such information as is necessary to enable an informed assessment of the operations of the public enterprise including a comparison of the performance of the public enterprise with the relevant statement of corporate intent; and
 - (b) state the dividend payable to the Government by the public enterprise for the financial year to which the report relates.

- Dividends** 21. (1) A board shall pay dividends to the Government.
- (2) The board shall meet with the Minister six months after the end of each financial year and agree upon the principles upon which the dividend for that year shall be paid.
- (3) The dividend shall be paid into the General Revenue Account.
- Information to be presented to the Legislative Assembly** 22. (1) The Minister shall table in Privy Council and the Legislative Assembly, within 28 days of receiving them and if the Legislative Assembly is not in session forthwith at the next ensuing session, the following documents in respect of each public enterprise –
- (a) the annual report; and
- (b) the half yearly report.
- (2) The Minister shall within 1 week of tabling them before the Legislative Assembly publish a notice in the Gazette where the documents can be inspected and the prescribed fee.
- Other information** 23. (1) Subject to subsection (2), the board shall supply to the Minister or any other person, such information relating to the affairs of the public enterprise as the Minister shall direct.
- (2) The Chairman of any board may direct an officer or employee of a subsidiary over which it holds a controlling interest, or in any other case with the consent of the board of the subsidiary, to comply with a direction under subsection (1).
- (3) No person who acts in accordance with this section shall be liable under any other Act, as a result of complying with a direction under subsection (1).
- Audits and the role of the Auditor General** 24. Every public enterprise shall engage, with the approval of the Minister, an auditor qualified under section 208 of the Companies Act 1995 to audit its financial statements.
- Protection from disclosure of sensitive information** 25. (1) Nothing in this Act shall be construed as requiring any public enterprise or subsidiary of a public enterprise to include in any report required under this Act any information which in the opinion of the board could damage the commercial interests of the public enterprise or its subsidiary and could, except for the provisions of this Act, be properly withheld.
- (2) Should the person requiring the information challenge a refusal by the board to disclose any information, the question may be referred to the Supreme Court by either party.
- (3) On receipt of a question under subsection (2), the judge shall allow the parties 14 days to make submissions in writing and shall give his ruling within 28 days of first receiving the question and such decision shall be final.

- (4) For the determination of any such question, the judge may require the information from the party refusing disclosure but shall not disclose it to the other party.

PART VI CHIEF EXECUTIVE OFFICER

26. (1) The board shall with the approval of the Minister, appoint a Chief Executive Officer who shall be responsible for managing the public enterprise and implementing the decisions of the board. **Chief Executive Officer**
- (2) The Chief Executive Officer shall be employed under a written performance based contract of employment with the public enterprise which shall contain the following minimum provisions:
- (a) the objectives to be achieved by the public enterprise;
- (b) the performance expected of the public enterprise;
- (c) a review of the performance of the Chief Executive Officer;
- (d) adherence by the Chief Executive Officer to the public enterprise statement of corporate intent produced under this Act.
27. The Chief Executive Officer may, with the approval of the board, employ such support staff as are necessary for the effective and efficient administration of the public enterprise. **Support staff**

PART VII MISCELLANEOUS

28. (1) The Minister shall, on behalf of the Government, execute all transfers or assignments to the public enterprise under section 7. **Transfer of interests**
- (2) The transfer or assignment under this section shall not entitle any person to terminate, alter, or in any way affect the rights or liabilities of the public enterprise, the transferee or assignee under any other Act or agreement.
29. Every subsidiary shall supply to the public enterprise holding the controlling interest, such information as is necessary to enable the public enterprise to fulfill and comply with the public enterprise's reporting responsibilities under this Act. **Provision of information by subsidiary to public enterprise**
30. (1) The appointment of a person as director or Chief Executive Officer in contravention of the provisions of this Act shall be void. **Appointments in contravention of this Act**
- (2) A director appointed in good faith in contravention of this Act shall be deemed to have resigned his office from the date that he is advised of that fact by the Minister.
- (3) A Chief Executive Officer appointed in good faith in contravention of this Act shall be deemed to have resigned his office from the date that he is advised of that fact by the Chairman of the board.
31. The Minister may, with the consent of Cabinet, make Regulations for the proper and efficient administration of this Act. **Regulations**

19. Ngaahi lipooti fakavaeua ta'u
20. Lipooti fakata'u mo e ngaahi 'akauni
21. Ngaahi tiviteni
22. Fakamatala ke tuku atu ki he Fale Alea
23. Fakamatala kehe
24. Ngaue faka-'atita mo e fatongia 'o e 'Atita Seniale
25. Malu'i mei hono fakaha 'o ha fakamatala pelepelengesi

**KONGA VI
'OFISA PULE NGAUE**

26. 'Ofisa Pule Ngaue
27. Kau ngaue tokoni

**KONGA VII
NGAAHI ME'A KEHE**

28. Hiki 'o e ngaahi kaunga
29. Fakahu 'o e fakamatala 'e he kautaha fekau'aki ki he Pisinisi 'a e Pule'anga
30. Ngaahi fokotu'u 'oku maumau ai 'a e Lao'ni
31. Ngaahi Tu'utu'uni

TEPILE 'ULUAKI

TEPILE UA

SECOND SCHEDULE

(Section 5(3))

Public enterprises subject to certain provisions of this Act:

Tonga Communications Corporation Ltd.

LAO KI HE NGA AHI PISINISI 'A E PULE'ANGA 2002

FAKAHOKOHOKO 'O E NGA AHI KUPU

KUPU

**KONGA I
TALATEU**

1. Hingoa nounou mo e 'aho kamata
2. 'UHINGA'I LEA

**KONGA II
KO E FOKOTU'UTU'U 'A E LAO'**

3. 'AONGA PE NGAUE'AKI
4. NGA AHI NGAUE 'OKU 'IKAI FAKAKOMESIALE
5. TANAKI ATU MO HONO TO'O 'O E NGA AHI PISINISI 'A E PULE'ANGA MEI HE TEPILE
6. FELAVE'I MO E LAO KI HE NGA AHI KAUTAHA

**KONGA III
FA'U MO HONO MA'U 'O E NGA AHI PISINISI 'A E
PULE'ANGA**

7. HIKI 'O E NGA AHI PA'ANGA MO E KOLOA
8. MA'U KAUNGA 'A E PULE'ANGA 'I HA PISINISI 'A E PULE'ANGA
9. FATONGIA 'O E MINISITĀ
10. NGOFUA KE TOTONGI PE MA'U MAI 'E HE MINISITĀ 'A E NGA AHI 'INASI 'I HA PISINISI 'A E PULE'ANGA
11. NGA AHI MAFAI 'O E MINISITĀ FELAVE'I MO E FAKAMATALA FAKATAUMU'A FAKAKAUTAHA

**KONGA IV
KAU TALEKITA**

12. KAU TALEKITA
13. FATONGIA 'O E KAU TALEKITA
14. FOKOTU'U MO HONO TUKU KI TU'A 'O E KAU TALEKITA KI HE NGA AHI POATE 'O E NGA AHI PISINISI 'A E PULE'ANGA
15. NGA AHI FAKATAHA POATE MO E TOKOLAHĪ 'E LAVA KE FAKAHOKO AI 'A E FAKATAHA
16. NGA AHI MAFAI 'A E POATE

**KONGA V
TALI UI**

17. TOHI FAKAPALANISI
18. FAKAMATALA FAKATAUMU'A FAKAKAUTAHA

Ngofua ke totongi pe ma'u mai 'e he Minisitā 'a e ngaahi 'inasi 'i ha pisinisi 'a e Pule'anga

10. (1) 'E ngofua ki he Minisitā 'i he loto ki ai 'a e Fakataha Tokoni, ke ne totongi pe ke ne ma'u mai ha ngaahi 'inasi 'i ha pisinisi 'a e Pule'anga 'e fa'u.
- (2) Ko e pa'anga kotoa pe 'oku fiema'u ke totongi 'e he Pule'anga ki he 'inasi pe ki hono ma'u mai 'o e ngaahi 'inasi' kuo pau ke totongi ia mei he pa'anga 'e vahe'i 'e he Fale Alea ki he taumu'a ko ia.

Ngaahi mafai 'o e Minisitā felave'i mo e fakamatala fakataumu'a fakakautaha

11. (1) Neongo ha kupu kehe 'o e Lao'ni 'e ngofua ki he Minisitā, 'i ha fanongonongo tohi ke ne fekau 'a e –
- (a) poate ke ne fakakau 'i he, pe to'o mei ha fakamatala fakataumu'a fakakautaha ki he pisinisi 'a e Pule'anga ko ia' ha tu'utu'uni pe ha ngaahi tu'utu'uni 'a ia 'oku fakamahino'i 'i he kupu 18(4), (a) - (f);
- (b) Sea 'o e poate ke ne fakakau 'i he fakamatala fakataumu'a fakakautaha ki he pisinisi 'a e Pule'anga ko ia', ha tu'utu'uni 'oku pehē 'e he Minisitā 'oku fiema'u' –
- (i) ke fakakakato ha fatongia pe tukupā tupu mei ha konivesio fakavaha'apule'anga, aleapau pe fokotu'utu'u 'a ia 'oku kau ki ai 'a e Pule'anga; pe
- (ii) ke fakahoko ha palani ngāue 'a e Pule'anga' 'o felave'i mo e ngaahi vā fakavaha'apule'anga 'o e Pule'anga;

pea kuo pau ke fai pau ha poate 'a ia kuo 'oatu ki ai ha fanongonongo pehē ki he fanongonongo ko ia'.

- (2) Kimu'a pea fai ha fanongonongo tohi 'i he kupu ni, kuo pau ke femahino'aki 'a e Minisitā mo e Poate 'oku felave'i mo e me'a ko ia'.

KONGA IV KAU TALEKITA

- Kau Talekita 12. (1) Ko ha taha 'oku ma'u 'ofisi ko e Sea, Talekita, 'Ofisa Pule Ngaue pe 'ofisa kehe 'i ha Pisinisi 'a e Pule'anga kimu'a pea kamata ngaue'aki 'a e Lao'ni kuo pau ke hokohoko atu ke ne ma'u 'a e tu'unga ko ia 'o hange na'e fokotu'u 'i he Lao'ni 'o a'u ki hano toki fakangata pe fakapapau'i 'i ha 'aho 'e tu'utu'uni 'e he Minisitā.
- (2) 'I he taimi 'oku te'eki ke fokotu'u ai ha taha ki ha lakanga 'atā tupu mei he kupusi'i (1), 'e ngofua ki he Minisitā, 'i he loto ki ai 'a e Fakataha Tokoni, ke ne fokotu'u ha memipa ke ne ma'u 'a e lakanga 'atā ko ia.
- (3) Kuo pau ki he Minisitā, 'i he loto ki ai 'a e Fakataha Tokoni, ke ne fokotu'u 'a e lahi 'o e vahenga 'e ma'u 'e he kau Talekita.
- (4) Kuo pau 'e 'ikai ke toe si'isi'i hifo 'i he toko 3 pea 'ikai toe lahi hake 'i he toko 7 'a e kau talekita 'e fokotu'u ki ha poate, 'a ia ko e taha 'o kinautolu kuo pau ke fokotu'u ko e Sea.

Tonga

Fika 25 'o e 2002.



'Oku ou loto ki ai,

TAUFA'AHAU TUPOU IV,

23 'o Tisema, 2002.

KO E LAO

KE FOKOTU'U 'A E NGAAGHI TAUMU'A, NGAAGHI TU'UTU'UNI MO E NGAAGHI FOUNGA NGAUE FELAVE'I MO E NGAAGHI PISINISI 'A E PULE'ANGA'

[21 'o 'Okatopa, 2002]

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

KONGA I TALATEU

1. (1) 'E ui 'a e Lao'ni ko e Lao ki he Ngaahi Pisinisi 'a e Pule'anga' 2002. Hingoa nounou mo e 'aho kamata
- (2) Kuo pau ke kamata ngaue'aki 'a e Lao'ni 'i ha 'aho 'e tu'utu'uni 'e he 'Ene 'Afio 'i he Fakataha Tokoni.

2. 'I he Lao'ni tukukehe ka 'i ai ha toe 'uhinga kehe 'i hono tu'unga': 'Uhinga'i Lea

"poate" 'oku 'uhinga ki he poate 'o ha pisinisi 'a e Pule'anga 'o fakatatau ki he Lao'ni;

"Ofisa Pule Ngaue" 'oku 'uhinga ki he 'Ofisa Pule pe ko e 'ulu 'o ha pisinisi 'a e Pule'anga kuo fokotu'u 'e he Poate 'o ha pisinisi 'a e Pule'anga 'i he Lao'ni;

"kautaha" 'oku 'uhinga ki ha kautaha 'oku lesisita 'i he Lao ki he Ngaahi Kautaha 1995;

"tiviteni" 'oku 'uhinga ki he totongi 'oku vahe'i 'e he poate 'a e kau talekita 'o ha pisinisi 'a e Pule'anga ke vahevahe tatau 'i he ngaahi 'inasi hulu pea kapau ko ha poate kuo fokotu'u 'e ha lao 'oku 'uhinga ki he totongi 'oku vahe'i vahevahe tatau 'e ha poate 'a e kau talekita ki he ni'ih'i 'oku 'onautolu 'a e pisinisi;

“ngāue faka'akauni 'oku ngaue'aki fakalukufua” 'oku 'uhinga ki he ngaahi tu'unga mo e founga 'oku tu'utu'uni 'e he Minisitā 'i he ngaahi Tu'utu'uni'.

“kaunga” 'oku 'uhinga ki hono ma'u 'e he, pe ki he ma'u 'inasi 'i ha kautaha, sino fakakautaha pe ko e 'i ai ha totonu ki he ma'u 'inasi ko ia' 'a e Pule'anga' 'i ha pisinisi 'a e Pule'anga;

“Minisitā” 'oku 'uhinga ki he Minisitā Pa'anga;

“Pisinisi 'a e Pule'anga” 'oku 'uhinga ki ha poate 'oku fokotu'u 'e ha Lao, kautaha pe ha sino fakakautaha kehe 'a ia 'oku ma'u 'i ai 'e he Pule'anga' 'a e kaunga pule' pea 'oku lisi 'i he Tepile 'Uluaki pe Tepile Ua 'o fakatatau ki he kupu 5;

“kautaha fekau'aki” 'oku 'uhinga ki ha poate kuo fokotu'u 'e ha Lao, kautaha pe sino kehe 'a ia 'oku ma'u ai 'e ha pisinisi 'a e Pule'anga ha kaunga 'a ia kuo pau ke kau mo tokanga' 'i 'e he pisinisi 'a e Pule'anga 'o fakatatau ki he ngaahi tu'utu'uni 'a e Lao' ni 'o hange pē ko e va'a ko ia' ko ha pisinisi ia 'a e Pule'anga' 'oku lisi 'i he Tepile'.

KONGA II

KO E FOKOTU'UTU'U 'A E LAO'

- 'Aonga pe ngaue'aki** 3. (1) Kuo pau 'e ha'i 'e he Lao' ni 'a e Kalauni'.
- (2) Kuo pau ke pule'i 'e he Lao' ni 'a e ngaahi pisinisi kotoa pē 'a e Pule'anga'.
- Ngaahi ngaue 'oku 'ikai fakakomesiale** 4. (1) 'I he taimi 'oku fiema'u ai 'e he Pule'anga ha pisinisi 'a e Pule'anga ke tuku atu ha koloa pe sevesi ki ha taha, 'i ha mahu'inga pau, kuo pau ke felotoi 'a e Pule'anga mo e pisinisi 'a e Pule'anga 'a ia kuo pau ke tuku atu ai 'e he pisinisi 'a e Pule'anga 'a e koloa pe sevesi' kae totongi fakafoki 'e he Pule'anga 'a e kotoa pe kongia 'o e mahu'inga 'oku na felotoi ki ai.
- (2) Ko ha felotoi 'i he kupusi'i (1) kuo pau ke 'i he tohi pea 'e ha ai 'a e ngaahi 'akauni fakapa'anga 'a e ngaahi fa'ahi pea kuo pau ke fakatatau ia ki ha Lao felave'i mo e ngaahi alepau mo e ngaahi tala mahu'inga 'a e Pule'anga.
- Tanaki atu mo hono to'o 'o e ngaahi Pisinisi 'a e Pule'anga mei he Tepile** 5. (1) Ki he ngaahi taumu'a 'o e kupu ni ko e “Tokoni Fakapa'anga” kuo pau 'e 'ikai ke kau ai ha totongi 'e fai 'e he Pule'anga ki ha pisinisi 'a e Pule'anga 'i he kupu 4.
- (2) Ko e ngaahi pisinisi 'a e Pule'anga 'oku tokoni'i fakapa'anga 'e he Pule'anga pe na'e 'osi fakalele 'o 'ikai laka hake 'i he ta'u 'e tolu kuo pau ke lisi 'i he Tepile 'Uluaki.
- (3) Ko e ngaahi pisinisi 'a e Pule'anga 'oku 'ikai tokoni'i fakapa'anga 'e he Pule'anga pea na'e 'osi fakalele 'i ha ta'u 'e tolu pe lahi hake kuo pau ke fakakau ia ki he Tepile Ua.

(4) Ko e ngaahi pisinisi 'a e Pule'anga 'oku lisi 'i he Tepile 'Uluaki kuo pau ke nau fai pau ki he ngaahi kupu kotoa 'o e Lao' ni pea ko kinautolu 'oku lisi 'i he Tepile Ua kuo pau ke fakatatau pe kinautolu ki he kupu 4, 6, 7, 8, 13, 15, 16, 19, 20, 21, 22, 24, 25, 26 mo e 27 'o e Lao' ni.

(5) 'E ngofua ki he Minisitā, 'i he loto ki ai 'a e Fakataha Tokoni ke ne to'o pe tanaki atu ha pisinisi 'a e Pule'anga mei he pe ki he Tepile 'Uluaki pe Ua.

6. (1) Kapau 'oku 'i ai ha pisinisi 'a e Pule'anga kuo lesisita 'i he Lao ki he Ngaahi Kautaha 1995 kuo pau ke ngaue'aki 'a e ngaahi kupu 'o e Lao' ni 'o tanaki atu kae 'ikai ko e fetongi 'o e Lao ki he Ngaahi Kautaha. **Felave'i mo e Lao ki he Ngaahi Kautaha**
- (2) Fakatatau ki he Konisitutone, 'i he taimi 'oku fepaki ai 'a e ngaahi tu'utu'uni 'a e Lao' ni mo e ngaahi kupu 'o ha Lao kehe, kuo pau ke malohi 'a e ngaahi kupu 'o e Lao' ni.

KONGA III

FA'U MO HONO MA'U 'O E NGAHI PISINISI 'A E PULE'ANGA

7. Ko e pa'anga mo e koloa kotoa 'i ha pisinisi 'a e Pule'anga 'oku ma'u pe ma'u ma'ae Pule'anga kuo pau, 'i he taimi 'e kamata ngaue'aki ai 'a e Lao' ni, 'e ma'u ia 'i he taimi pē ko ia' 'e he Pisinisi 'a e Pule'anga 'a ia 'oku fekau'aki mo e pa'anga mo e koloa ko ia' pea ko e hiki ko ia 'o e pa'anga mo e koloa' kuo pau ke lekooti ia 'o fakatatau ki he Lao' ni. **Hiki 'o e ngaahi pa'anga mo e koloa**
8. (1) Ko e ngaahi kaunga 'a e Pule'anga 'i he ngaahi pisinisi kotoa pē 'a e Pule'anga kuo pau ke 'i he hingoa 'o e Pule'anga 'o Tonga pea ko e ngaahi tohi felave'i mo e totonu 'i he ngaahi kaunga pehē kuo pau ke tauhi ia 'e he Minisitā Pa'anga. **Ma'u kaunga 'a e Pule'anga 'i ha Pisinisi 'a e Pule'anga**
- (2) Kuo pau ki he Minisitā, 'i he loto ki ai 'a e Fakataha Tokoni, ke ne fakamo'oni hingoa ma'ae Pule'anga 'i he ngaahi tohi kotoa pē felave'i mo e totonu, hiki, tuku atu, pe liliu 'a e tu'unga, 'o ha fa'ahinga kaunga 'i ha pisinisi 'a e Pule'anga.
9. (1) Fakatatau ki he ngaahi kupu 'o e Lao' ni, kuo pau ki he Minisitā, 'i he loto ki ai 'a e Fakataha Tokoni, ke ne ma'u mo fakahoko 'a e ngaahi totonu mo e ngaahi mafai kotoa pē 'o e taha ma'u 'inasi mo e taha 'oku 'o'ona 'o e ngaahi kaunga 'a e Pule'anga 'i he ngaahi pisinisi 'a e Pule'anga. **Fatongia 'o e Minisitā**
- (2) Kuo pau ki he Minisitā ke ne tokanga' i hono fai pe fakahoko 'o e ngaahi mafai, ngaahi ngaue mo e ngaahi fatongia 'oku 'oange pe hilifaki ki ai 'e he Lao' ni.

- (i) ha ngaahi me'a kehe 'oku felotoi ki ai 'a e Minisitā mo e Poate; mo e
- (j) ha fakafuofua ki he fakamatala fakataumu'a fakakautaha ki he ta'u 'e ua hoko mai.
- (5) Ko e fakamatala fakataumu'a fakakautaha taki taha kuo pau ke kau ki ai 'a e ngaahi 'esitimetī 'o e mahu'inga fakakomesiale lolotonga 'a e pa'anga 'inivesi 'a e Pule'anga 'i he pisinisi 'a e Pule'anga mo ha fakamatala ki he founa 'a ia na'e sivi'i 'aki 'a e mahu'inga.
- (6) Kuo pau ke fakakaukau'i 'e he Poate 'a e ngaahi fakamatala 'oku fai 'e he Minisitā 'i he fakamatala fakataumu'a fakakautaha fakaangaanga 'o 'ikai toe tuai ange he 'aho 'e 14 kimu'a pea kamata 'a e ta'u fakapa'anga, pea kuo pau ke fakahu 'a e fakamatala fakataumu'a fakakautaha kakato ki he Minisitā 'i he pe kimu'a 'i he kamata 'o e ta'u fakapa'anga pe ha 'aho ki mui 'a ia 'e ngofua ke fakapapau'i 'e he Minisitā.
- (7) 'E ngofua ke fakalelei ha fakamatala fakataumu'a fakakautaha 'o ha pisinisi 'a e Pule'anga 'i ha fa'ahinga taimi 'e he Poate 'okapau –
- (a) kuo 'osi ma'u 'e he Minisitā ha fanongonongo tohi 'o e liliu 'oku fokotu'u; pea
- (b) ko e ngaahi fakamatala 'a e Minisitā felave'i mo ia kuo fakahoko ki he Poate 'i loto he mahina 'e 1 mei he 'aho na'e 'ave ai 'a e fanongonongo tohi.

Ngaahi lipooti fakavaeua ta'u

19. (1) Kuo pau ke fakahu 'e he Sea 'o e Poate ki he Minisitā ha lipooti ki hono fakalele 'o e pisinisi 'a e Pule'anga 'i loto he mahina 'e 2 hili 'a e ngata'anga 'o e vaeua 'o e ta'u fakapa'anga taki taha.
- (2) Ko e lipooti 'oku fiema'u 'i he kupu si'i (1) kuo pau ke kau ai 'a e fakamatala ke tuku atu 'i he fakamatala fakataumu'a fakakautaha 'oku fiema'u 'i he Lao' ni.

Lipooti fakata'u mo e ngaahi 'akauni

20. (1) Kuo pau ke fakahu 'e he Sea 'o ha Poate ki he Minisitā –
- (a) ha lipooti ki he fakalele 'o e pisinisi 'a e Pule'anga 'i loto he mahina 'e 3 mei he ngata'anga 'o e ta'u fakapa'anga mo e fakamatala fakapa'anga fakama'opo'opo ki he ta'u fakapa'anga ko ia, kau ki ai 'a e ngaahi fakamatala ki he tu'unga fakapa'anga, ngaue fakapa'anga, ngaahi liliu ki he tu'unga fakapa'anga, mo ha fa'ahinga fakamatala fe'unga kehe 'i loto he mahina 'e 3 mei he ngata'anga 'o e ta'u fakapa'anga; mo
- (b) ha lipooti faka'atita ki he ngaahi fakamatala fakapa'anga 'i loto he mahina 'e 6 mei he ngata'anga 'o e ta'u fakapa'anga.
- (2) Ko e lipooti kotoa 'i he kupu si'i 1(a) kuo pau:

13. Kuo pau ke ngaue ha Talekita 'i he loto ma'a ki he lelei taha ma'ae pisinisi 'a e Pule'anga pea kuo pau – **Fatongia 'o e kau Talekita**
- (a) 'e 'ikai ke ne ngaue, pe tali ke ngaue 'a e pisinisi 'a e Pule'anga, 'i ha founa 'oku maumau ai 'a e lao' pe ko e konisitutone 'o e pisinisi 'a e Pule'anga;
- (b) 'e 'ikai ke ne tali ke, fakatupu pe fakangofua 'a e ngaue 'a e pisinisi 'a e Pule'anga ke fakahoko 'i ha founa 'oku ngalingali 'e tupu mei ai ha mole lahi ki he kakai 'oku mo'ua ki ai 'a e pisinisi;
- (c) 'e 'ikai ke ne tali ke fakatupunga 'e he pisinisi ha mo'ua tukukehe kapau 'oku tui 'a e Talekita 'i he taimi ko ia 'i ha 'uhinga lelei kuo pau 'e ala fakahoko 'e he pisinisi 'a e fatongia ko ia 'i he taimi 'oku fiema'u ai ke fakahoko.
14. (1) Kuo pau ki he Minisitā, 'i he loto ki ai 'a e Fakataha Tokoni, ke ne fokotu'u ha Kau Talekita ki he ngaahi poate. **Fokotu'u mo hono tuku ki tu'a 'o e kau talekita ki he ngaahi poate 'o e ngaahi pisinisi 'a e Pule'anga**
- (2) 'E ngofua ki he Minisitā, 'i he loto ki ai 'a e Fakataha Tokoni, ke fokotu'u ha taha ko e Talekita koe'uhi'ko 'ene ma'u ha lakanga fakapule'anga pau pea ka 'ikai ke ne toe ma'u lakanga ko ia kuo pau ke fetongi ia 'e he taha kuo ne ma'u 'a e lakanga ko ia.
- (3) Kuo pau ke fokotu'u 'a e talekita kotoa ki he vaha'a taimi ko e ta'u 'e 3 pea 'e ngofua ke toe fokotu'u.
- (4) 'E ngofua ke tuku ki tu'a 'e he Minisitā ha talekita tupu mei he 'ikai malava ke ne fakahoko lelei 'a e ngaue, 'ikai ma'u 'a e tu'unga totonu, mo'ua hulu, ta'etokanga ki he fatongia pe anga ta'etaau, mei ha fale'i pea hili hono fakatotolo'i 'e he 'Ateni Seniale.
- (5) Ka 'ikai ke fakahoko 'e ha pisinisi 'a e Pule'anga hono ngaahi fatongia 'i he Konga IV mo e Konga V, 'e ngofua ke tuku ki tu'a 'e he Minisitā ha talekita mei he poate, koe'uhi ko 'ene lakanga ko e memipa 'o e poate.
15. (1) Ko e ngaahi Poate 'o e ngaahi pisinisi 'a e Pule'anga kuo pau ke 'ikai toe si'i hifo 'a 'enau ngaahi fakataha 'i he tu'o taha 'i he mahina 'e ua pea mo ha taimi kehe 'e fiema'u ai 'e he Sea. **Ngaahi fakataha poate mo e tokolahi 'e lava ke fakahoko ai 'a e fakataha (kuolamu)**
- (2) Kuo pau ko e tokolahi 'e lava ai (kuolamu ki) ha fakataha 'a e poate ko e Sea pea mo e 'ikai ke toe si'i hifo 'i he vaeua 'o e toenga 'o e kau memipa kehe.
16. (1) Kuo pau ke ma'u 'e ha poate 'a e ngaahi mafai kotoa pe kuo tu'utu'uni 'i he Lao 'oku ne pule'i 'a e pisinisi 'a e Pule'anga ko ia pe 'i he 'ene konisitutone mo e Lao ki he Ngaahi Kautaha 1995, 'a ia 'oku kau ki ai 'a e mafai: **Ngaahi mafai 'a e Poate**
- (a) ke ma'u, fakalelei'i, fakalele, fakalalaka, liliu, fakalahi, fakame'angaue, fakasanisani, ngaahi mo tauhi 'a e pisinisi 'a e Pule'anga ko ia;

- (b) ke kau ki ha ngaahi aleapau pe ngaahi felotoi felave'i mo e pisinisi 'a e Pule'anga;
- (c) ke fakatau atu pe tuku atu, liliu ki ha 'akauni pe ha ngaue kehe ki ha koloa 'oku ma'u 'e he pisinisi 'a e Pule'anga;
- (d) ke tu'utu'uni ki he poate 'o ha kautaha fekau'aki 'a ia 'oku ne ma'u ai ha kaunga pule 'aki ha fanongonongo tohi ke ne liliu 'a 'ene fakamatala fakataumu'a fakakautaha ke faitatau mo ia 'o e pisinisi 'a e Pule'anga;
- (e) 'i ha kautaha fekau'aki 'a ia 'oku 'i ai ha kaunga pule 'a e pisinisi 'a e Pule'anga fakamahino'i 'i ha tohi 'a e lahi 'o e tiviteni kuo pau ke totongi 'e he kautaha fekau'aki ko ia 'i ha ta'u pe ngaahi ta'u fakapa'anga pea ko ha kautaha fekau'aki 'a ia 'oku 'ave ki ai ha tohi pehe kuo pau ke fai tatau mo e tohi ko ia;
- (f) ke fakahoko ha ngaahi fatongia pe ngaahi totonu mo e fakahoko mo fai ha fa'ahinga mo'ua 'oku felave'i pe fekau'aki mo e pisinisi 'a e Pule'anga 'o hange pe ko e pisinisi 'a e Pule'anga ko ha tokotaha fakanatula;
- (g) ke nō mai ha pa'anga 'o fakataumu'a ki he kautaha fakakomesiale; pea
- (h) ke fakahoko 'a e ngaahi me'a kehe 'oku kau pe tokoni ki hono fakahoko 'o e mafai 'o e pisinisi 'a e Pule'anga.
- (2) Kimu'a pea toki 'ave ha fanongonongo tohi 'i he palakalafi si'i (d) mo e (e) kuo pau ki ha Poate:
- (a) tukukehe ki ha me'a fakavavevave ke femahino'aki mo e poate 'o e kautaha fekau'aki, 'okapau ko e kau memipa 'o e poate ko ia 'oku makehe mei he kau memipa 'o e poate 'a e pisinisi 'a e Pule'anga ki he ngaahi me'a 'e lave ki ai 'a e fanongonongo;
- (b) 'ave ha tatau 'i loto he 'aho 'e 14 hili hono 'ave ki he Minisitā 'a ia kuo pau ke ne fakahu ha tatau 'o e fanongonongo ki he Kapineti 'i loto 'i he 'aho 'e 14.

**KONGA V
TALI UI**

Tohi
fakapalanisi

17. (1) Kuo pau ki he Sea 'o e poate, 'i loto he mahina 'e 6 mei hono kamata ngaue'aki 'o e Lao'ni, ke ne fakahu ki he Minisitā fakatatau ki he ngaue faka'akauni 'oku ngaue'aki fakalukufua, ha tohi fakapalanisi 'o e pisinisi 'a e Pule'anga 'a ia kuo pau ke kau ki ai 'a e 'esitimeti ki hono mahu'inga.
- (2) Kuo pau ke tuku atu 'e he Sea, 'o kapau 'oku 'ikai malava ke fakapapau'i ha 'esitimeti ki he mahu'inga 'o ha pisinisi 'a e Pule'anga –

- (a) ha fakamatala 'o fakamatala'i ai 'a e 'uhinga 'oku 'ikai malava ai ke fakapapau'i 'a e 'esitimeti ki he mahu'inga; mo
- (b) ha fakamatala fale'i ki he vaha'a taimi 'oku pehe 'e he Sea 'e ala tuku atu ai ha 'esitimeti ki he mahu'inga 'o e pisinisi 'a e Pule'anga pe kaunga 'a e Pule'anga 'i he pisinisi 'a e Pule'anga.
- (3) Kuo pau ki he Sea 'o e Poate ke ne tuku atu ha fakamahu'inga kakato 'o e pisinisi 'a e Pule'anga 'i loto 'i he mahina 'e 12 mei hono kamata ngaue'aki 'o e Lao'ni.
- (4) Kuo pau ki he Minisitā 'i loto he 'aho 'e 14 hili hono tuku atu 'o e tohi fakapalanisi, tuku atu ha tatau ki he Kapineti.
18. (1) Kuo pau ke fakahu 'e he Sea 'o e Poate ki he Minisitā ha Fakamatala fakataumu'a fakakautaha fakaangaanga 'o 'ikai ke toe tomui ange he mahina 'e 1 kimu'a 'i he kamata'anga 'o e ta'u fakapa'anga takitaha. **Fakamatala fakataumu'a fakakautaha**
- (2) Kuo pau ki he Poate, ke kouna ha kautaha fekau'aki 'a ia 'oku ma'u ai 'e he pisinisi 'a e Pule'anga 'a e kaunga pule, ke fakahu ki he poate ha fakamatala fakataumu'a fakakautaha fakaangaanga 'i ha taimi fe'unga ke malava 'e he poate 'o fakakaukau'i, toe vakai'i, mo fakahu 'a e fakamatala fakaangaanga ko ia fakataha mo e fakamatala fakaangaanga 'a e pisinisi 'a e Pule'anga 'o fakatatau mo e kupu si'i (1).
- (3) 'I he taimi 'oku 'ikai lava ai he Poate ke tuku mai ha fakamatala fakatatau mo e kupu si'i (1), kuo pau ke tuku atu 'e he Sea 'a e Poate 'i ha tohi ki he Minisitā fekau'aki mo e ngaahi 'uhinga 'oku 'ikai malava ai.
- (4) Ko e fakamatala fakataumu'a fakakautaha takitaha kuo pau ke ne fakamahino'i, 'o felave'i mo e ta'u fakapa'anga hono hoko –
- (a) 'a e ngaahi taumu'a 'a e pisinisi 'a e Pule'anga;
- (b) 'a e natula mo e lahi 'o e ngaue ke fakahoko;
- (c) 'a e ngaahi ola fakangaue 'oku feinga ki ai mo e ngaahi me'afua kehe 'a ia 'e ala sivi'i 'aki 'a e ngaue 'a e pisinisi 'a e Pule'anga felave'i mo 'ene ngaahi taumu'a;
- (d) ha fakamatala ngaue fakapa'anga;
- (e) fakamatala tu'unga fakapa'anga;
- (f) ha fakamatala ki he nō 'oku 'amanaki ke fakahoko;
- (g) ha fakamatala ki he ngaahi tefito'i me'a 'oku ngaue'aki ki hono fakapapau'i 'a e tiviteni fakata'u;
- (h) ha fa'ahinga ngaue 'a ia 'oku kumi totongi huhu'i ai 'a e pisinisi 'a e Pule'anga mei he Pule'anga;

TEPILE 'ULUAKI

(Kupu 5(2))

Ngaahi Pisinisi 'a e Pule'anga 'o fakatatau ki he ngaahi tu'utu'uni kotoa pē 'o e Lao' ni:

International Dateline Hotel Ltd.

Royal Tongan Airlines Ltd.

Shipping Corporation of Polynesia Ltd.

Tonga Corporation

Komisoni Fakamafolalea 'o Tonga

Komiti 'Uhila 'o Tonga

Ma'u Mafai ki he Taulanga

Poate Vai 'o Tonga

Leiola Duty Free Ltd.

Tonga Timber Ltd.

Tonga Investment Ltd.

Pangike Langa Fakalalakala 'o Tonga

- (a) ke kau ki ai 'a e fakamatala 'oku fe'unga ke malava ai ha sivi fakapapau'i 'a e fakalele 'o e pisinisi 'a e Pule'anga 'o kau ki ai ha fakafehoanaki 'a e ngaue 'o e pisinisi 'a e Pule'anga mo e fakamatala fakataumu'a fakakautaha 'oku kau ki ai; pea
- (b) fokotu'u 'a e ngaahi tiviteni 'oku fiema'u ke totongi ki he Pule'anga 'e he pisinisi 'a e Pule'anga ki he ta'u fakapa'anga 'a ia 'oku felave'i mo e lipooti.
21. (1) Kuo pau ke totongi 'e ha poate ha ngaahi tiviteni ki he Pule'anga. **Ngaahi tiviteni**
- (2) Kuo pau ke fakataha 'a e poate mo e Minisitā 'i he hili 'a e mahina 'e ono mei he ngata'anga 'o e ta'u fakapa'anga mo felotoi ki he ngaahi tu'unga 'a ia 'e makatu'unga ai 'a hono totongi 'o e ngaahi tiviteni ki he ta'u ko ia.
- (3) Ko e tiviteni kuo pau ke totongi ia ki he 'Akauni Pa'anga Hu Mai Fakalukufua.
22. (1) Kuo pau ke fakahu 'e he Minisitā ki he Fakataha Tokoni mo e Fale Alea, 'i loto he 'aho 'e 28 mei hono ma'u mai pea 'okapau 'oku 'ikai ke ngaue 'a e Fale Alea pea toki fakahu 'i he to'u Fale Alea hono hoko, 'a e ngaahi fakamatala ko 'eni 'o felave'i mo e pisinisi 'a e Pule'anga taki taha:
- (a) ko e lipooti fakata'u; mo e
- (b) lipooti vaeua ta'u.
- (2) Kuo pau ki he Minisitā 'i loto 'i he uike 'e 1 mei hono fakahu ki Fale Alea ke ne pulusi ha tohi 'i he Kasete 'o fakamatala ai 'a e feitu'u 'e ala vakai'i ai 'a e ngaahi tohi ni mo hono totongi.
23. (1) Faitatau ki he kupu si'i (2), kuo pau ke fakahu 'e he poate ki he Minisitā pe ha taha kehe, 'a e fakamatala 'oku felave'i mo e ngaahi ngaue 'a e pisinisi 'a e Pule'anga 'a ia 'e tu'utu'uni 'e he Minisitā. **Fakamatala kehe**
- (2) 'E ngofua ki he Sea 'o e poate ke ne fekau ha 'ofisa pe taha ngaue 'o ha kautaha fekau'aki 'a ia 'oku ke 'i ai ha kaunga pule, pe 'i ha 'uhinga kehe'i he loto ki ai 'a e poate 'o e kautaha fekau'aki ke faitatau mo ha tu'utu'uni 'i he kupusi'i (1).
- (3) Kuo pau 'e 'ikai ke mo'ua ha taha 'i ha Lao kehe, koe'uhi ko 'ene faitatau ki ha tu'utu'uni 'i he kupusi'i (1).
24. Kuo pau 'i hano fakangofua 'e he Minisitā, ke fakangaue'i 'e he pisinisi kotoa 'a e Pule'anga ha 'atita kuo taukei 'o fakatatau ki he kupu 208 'o e Lao ki he Ngaahi Kautaha ke ne fai 'a e ngaue faka-'atita ki he'ene ngaahi fakamatala fakapa'anga. **Ngaue faka-'Atita mo e fatongia 'o e 'Atita Seniale**
25. (1) Kuo pau ke 'ikai ha me'a 'i he Lao'ni ke faka'uhinga'i 'oku fiema'u ke kau 'i ha lipooti 'oku fiema'u 'i he Lao'ni, ha fakamatala, 'i he fakakaukau 'a e poate, 'e ala maumau ai 'a e ngaahi kaunga fakakomesiale 'o e pisinisi 'a e Pule'anga pe ko hano kautaha fekau'aki pea 'e lava ke malu'i, tuku kehe 'a e ngaahi tu'utu'uni 'a e Lao'ni. **Malu'i mei hono fakaha 'o ha fakamatala pelepelengesi**

- (2) 'Okapau 'e fakafepaki'i 'e he tokotaha 'oku ne fiema'u 'a e fakamatala 'a e tu'utu'uni 'a e poate ke 'oua e fakahā 'e lava ke 'ave 'a e 'eke ko ia ki he Fakamaau'anga Lahi 'e ha taha pe 'o e ongo fa'ahi.
- (3) 'I hono ma'u 'o ha 'eke 'i he kupusi'i (2), kuo pau ke fakangofua 'e he fakamaau ha 'aho 'e 14 ki he ongo fa'ahi ke 'oatu ha'ana fakamatala tohi pea kuo pau ke ne fai 'ene tu'utu'uni 'i loto 'i he 'aho 'e 28 mei he'ene ma'u 'a e 'eke pea 'e aofangatuku 'a 'ene tu'utu'uni.
- (4) 'I hono fakapapau'i 'o ha 'eke pehē 'e ala fiema'u 'e he fakamaau 'a e fakamatala mei he fa'ahi 'oku ne ta'ofi 'a hono fakahā 'o e fakamatala ka 'e 'ikai ngofua ke ne tukuange ia ki he fa'ahi 'e taha.

**KONGA VI
'OFISA PULE NGAUE**

- 'Ofisa Pule Ngaue** 26. (1) Ko e poate 'o e pisinisi 'a e Pule'anga, 'i hono fakangofua 'e he Minisitā, kuo pau ke ne fokotu'u ha 'Ofisa Pule Ngaue 'a ia kuo pau ke ne tokanga'i hono fakalele 'a e pisinisi 'a e Pule'anga mo e fakahoko 'a e ngaahi tu'utu'uni 'a e Poate.
- (2) Ko e 'Ofisa Pule Ngaue kuo pau ke fakangaue'i ia 'o fakatata ki ha tohi alepau ngaue makatu'unga 'i he'ene fakahoko ngaue 'a ia 'e kau 'i he tohi'ni 'a e ngaahi me'a ko eni:
- (a) 'a e ngaahi taumu'a ke a'usia 'e he pisinisi 'a e Pule'anga;
- (b) 'a e ngaue 'oku fiema'u ke fakakakato 'e he pisinisi 'a e Pule'anga;
- (c) 'a hono vakai'i 'a e fakahoko ngaue 'a e 'Ofisa Pule Ngaue;
- (d) 'a e faitatau 'a e 'Ofisa Pule Ngaue ki he fakamatala fakataumu'a fakakautaha 'a e pisinisi 'a e Pule'anga 'oku fa'u 'i he Lao'ni.
- Kau ngaue tokoni** 27. 'E ngofua ki he 'Ofisa Pule Ngaue, 'i ha fakangofua 'e he poate, ke ne fakangaue'i 'a e kau ngaue tokoni 'oku fe'unga ki he fakalele fakalelei 'o e pisinisi 'a e Pule'anga.

**KONGA VII
NGAAHI ME'A KEHE**

- Hiki 'o e ngaahi kaunga** 28. (1) Ko e Minisitā, ma'ae Pule'anga kuo pau ke ne fakahoko 'a e hiki kotoa pe ngaahi faka'inasi ki he pisinisi 'a e Pule'anga fakatata ki he kupu 7.
- (2) Ko e hiki pe faka'inasi 'i he kupu ni kuo pau ke 'ikai te ne faka'ata ha taha ke tamate'i, liliu, pe uesia 'i ha fa'ahinga founa 'a e ngaahi totonu pe ngaahi mo'ua 'o e pisinisi 'a e Pule'anga, taha 'oku hiki ki ai pe taha 'oku faka'inasi 'i ha Lao pe felotoi kehe.

29. Kuo pau ke fakahu 'e he kautaha fekau'aki kotoa ki he Pisinisi 'a e Pule'anga 'oku ma'u kaunga pule 'i ai, 'a e fakamatala 'oku fe'unga ke malava ai 'a e pisinisi 'a e Pule'anga ke fakakakato mo fakahoko 'a e ngaahi fatongia lipooti 'a e Pisinisi 'a e Pule'anga 'i he Lao'ni. **Fakahu 'o e fakamatala 'e he kautaha fekau'aki ki he Pisinisi 'a e Pule'anga**
30. (1) Ko hono fokotu'u 'o ha taha ko e Talekita pe 'Ofisa Pule Ngaue 'oku maumu ai 'a e Lao'ni kuo pau ke ta'e fakalao. **Ngaahi fokotu'u 'oku maumu ai 'a e Lao'ni**
- (2) Ko ha Talekita 'oku fokotu'u 'i he loto ma'a 'o maumu ai 'a e Lao'ni kuo pau ke lau ia kuo 'osi fakafisi mei he ma'u lakanga mei he 'aho na'e fakaha ki ai 'e he Minisitā 'a e me'a ko ia.
- (3) Ko ha 'Ofisa Pule Ngaue 'oku fokotu'u 'i he loto ma'a 'o maumu ai 'a e Lao'ni kuo pau ke lau ia kuo 'osi fakafisi mei hono lakanga mei he 'aho na'e fakaha ki ai 'e he Sea 'a e poate 'a e me'a ko ia.
31. 'E ngofua ki he Minisitā, 'i he loto ki ai 'a e Kapineti, ke ne fa'u ha Ngaahi Tu'utu'uni ki hono fakahoko lelei 'o e Lao'ni. **Ngaahi Tu'utu'uni**
- Na'e tali 'e he Fale Alea 'i he 'aho ni 21 'o 'Okatopa, 2002.

TEPILE UA

(Kupu 5(3))

**Ngaahi Pisinisi 'a e Pule'anga 'o fakatatau ki he ngaahi kupu pau
'o e Lao'ni:**

Tonga Communications Corporation Ltd.